

**Asbestos Licensing Unit (ALU)
Asbestos Liaison Group (ALG)
ALG Memo 04/09**

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Subject: Supervision of licensed asbestos work

Applicable to all licensed activities, including the work of supervisory licence holders.

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Introduction

This memo aims to clarify what is meant by supervision in the context of licensed asbestos works. Supervision is crucial for effective health and safety management: this memo will be of interest to **all** licence holders / applicants.

Supervisors engaged in any licensed activity are, by definition, responsible for directing the work and ensuring the appropriate behaviour of others on site. This is as true for supervisory licence holders as it is for “full” licence holders. The guidance in this memo therefore replaces the previous ALG memos on “Supervisory Licence Holders”, which should now be destroyed.

In brief, a supervisor provides direct and immediate control over the licensed activity: s/he must be present on site to ensure that activities are conducted in accordance with a (suitable and sufficient) plan of work and in compliance with all legal requirements.

Effective supervision goes beyond simply issuing instructions or, for example, asking staff to sign to say that a plan of work has been read and understood. Similarly, effective supervision requires more than the provision of workers who have attended a supervisor’s training course. The provision of effective supervision is a basic legal requirement under the Health and Safety at Work etc Act 1974. Please see “Legal References” below for more detail on the legal basis of this guidance.

An employer’s duty is to provide the right kind of equipment, safe systems of work, training, information, supervision AND to take steps to ensure that these things are actually being

used / followed in practice. Effective supervision clearly requires significant input from contract managers and other senior managers. Detailed guidance on general expectations with regard to health and safety management is beyond the scope of this memo and should be found elsewhere. See below for sources of further guidance.

Supervisor - person specification

- 1) The supervisor will be the licence holder's, full or supervisory, representative on site. S/he will be employed by (and answerable to) that licence holder. Training for those fulfilling the function of a supervisor (including those working under a supervisory licence) should cover all the subjects, at an appropriate level, in training modules 1-19 and 24 - 27 listed in Chapter 4 of HSG 247, *Asbestos: The licensed contractors' guide* (see [below](#) for sources of further information). Modules 24-27 include practising full decontamination procedures.
- 2) The Contractors' guide concentrates on asbestos-specific requirements. In addition, training needs analyses are likely to identify the need for training / support / coaching in relation to man-management, leadership, record-keeping and other organisational or management issues. A supervisor is not simply an operative who has completed supervisor training. As the following guidance suggests, effective supervision places a great deal of responsibility on individuals and will require a range of personal qualities (such as experience, leadership, organisational skills, honesty, reliability, integrity and confidence). Such individuals can only achieve the required standards when working within a management system that provides the necessary support. See "[The role of senior managers](#)", below.
- 3) Training on its own is not sufficient to ensure that the supervisor is capable of supervising the job effectively. Once training has been carried out the employer will need to ensure that it has resulted in producing a competent and able supervisor. All licence holders must have effective measures in place to establish and monitor the competency of their employees. Established competency assessment schemes, such as the Construction Skills Certification Scheme (CSCS), may be of use.

"Direct supervisory control"

- 4) This is taken to mean a direct and immediate influence over current site activities: the supervisor is directly in control over the way the work is done, including the actual removal process. Effective supervision aims to prevent problems occurring, rather than simply react to problems after the event. "Direct supervisory control" goes beyond the level of control typical of project management or quality assurance roles.
- 5) A supervisor's attendance on site must be sufficient to maintain immediate and direct control. In practice, there will always need to be a supervisor on site to direct operations. It is, however, difficult to be entirely prescriptive about the nature of attendance reasonable for any particular job. It is most likely to include attendance at ALL key stages of the work. See below for further comments about [key stages](#).
- 6) In order to prevent exposure (and spread), access to live asbestos enclosures should always be minimised so far as is reasonably practicable. Whilst there may be aspects of a supervisor's role that can be achieved without enclosure entry, "direct control" will, inevitably incorporate a need to enter live enclosures to a greater or lesser extent. Supervisors will need appropriate training and equipment to enable them to do this. Viewing panels and / or CCTV do not replace the need for enclosure entry but they may help to reduce the frequency of entry. The frequency will be affected by the nature of the work and the operatives being employed – for example, supervisors are much more

likely to be needed in the enclosure where new operatives (or agency staff) are being employed, or where the nature of the proposed work is unusual or awkward.

- 7) Prior to work on site, risk assessments will have been carried out and a suitable and sufficient plan of work will have been developed. The plan of work will provide detail on the nature of the work and how it is to proceed. This will be a key document and should be used when measuring the performance of individual supervisors. Roles and responsibilities with respect to drawing up / amending plans should be clear to all parties.
- 8) Employers have a legal duty to consult with employees on matters of health and safety (see legal references). As the supervisor plays such an important role in ensuring satisfactory standards are met and given that the plan of work is considered such a critical document for licensed asbestos work, it is desirable that supervisors should have some degree of input into the process for drawing up plans. In any case, as suggested above, there should be clearly defined mechanisms in place to deal with situations where amendments are required.

“Key stages”



- 9) Effective supervision requires attendance at key stages of the work. In almost all circumstances, this will mean a continuous site presence.
- 10) **Initial set up**

Those acting in a supervisory capacity will ensure that

 - a) A suitable pre-clean has taken place (with reference to the analyst contracted to carry out 4-stage clearance as and when necessary);
 - b) Appropriate lines of communication are in place and all parties are sufficiently aware of the extent of works planned (e.g. clients, other contractors etc.);
 - c) Documentation and equipment specified in the plan of work is available, in good working order and located correctly (for example NPUs, bag-locks, air-locks, H-vacs, “killer sprays”, wet strip equipment etc.).
- 11) **Smoke test**
 - a) The supervisor must be satisfied that the enclosure is sound and that the extraction units are providing a sufficient number of air changes.
- 12) **Removal**
 - a) During the removal phase, the supervisor will be the principal means of ensuring that work continues in accordance with the plan of work. S/He will also be the obvious point of contact for clients, other contractors etc.
 - b) In most situations, it is unlikely that a supervisor will be able to directly control works without being on site throughout the removal phase.
- 13) **Final clean / 4 stage clearance**
 - a) A well managed site will be kept clean and orderly, but before an analyst arrives to carry out a 4-stage clearance, the supervisor will be responsible for ensuring that a final clean of work areas has been completed.
 - b) The supervisor will be on hand to deal with any unexpected problems during the clearance process.

- 14) There may be a very limited range of circumstances where it is not reasonable for “direct supervisory control” to mean attendance at **all** key stages. By way of example, there may be occasions (as agreed with the enforcing authority), where notifications are accepted for repetitive, short duration jobs covering a number of identical properties. In such cases, it might be reasonable for supervisors to visit a representative sample of key stages. This should be made clear in any notification (and corresponding plan of work).

The role of senior managers

- 15) The supervisor has a crucial role in ensuring that works are carried out in an appropriate manner: quality supervision is a pre-requisite for high standards and the status of any licence is vulnerable where sub-standard levels of supervision are not challenged.
- 16) The importance of supervisors should be reflected in a licence holder’s management arrangements, particularly with regard to systems for measuring performance and ensuring competence. As previously stated, supervisor training, in accordance with Chapter 4 of the Contractors’ Guide does not, in itself guarantee competence or effective supervision. Senior managers **must** have methods for selecting suitable supervisors, supporting them on-site, monitoring on site performance and auditing licensed work.

Supervision and Supervisory Licence holders (SLH)

SLH and ‘full’ licences – roles, responsibilities and communication

- 17) Where a SLH and full licence holder submit notifications for the same work, there will be potential for confusion regarding ultimate responsibility for the work. Whenever a SLH is notifying the work, the terms and references, roles and responsibilities and lines of communication will have to be very clearly defined and understood by all relevant parties. There should be no confusion on site about who is in control.
- 18) ALU’s role is to ensure that licences are granted to (and held by) those who intend to carry out licensable work. Licences can only be granted to organisations that require them to carry out their business. Licences will not be granted if they are not required by Regulation 8 of the Control of asbestos Regulations 2006. In the case of SLH, this means that applicants must intend to have a direct and immediate influence over asbestos removal activities. Applications have been received by organisations wanting a licence for commercial reasons – for example, where clients have insisted on licensed status, but where a licence is not required to carry out the work. In such situations applications will be refused and no licence will be granted.
- 19) It is apparent that many applicants for supervisory licences, at the time of writing, are engaged in project management or analytical work and do not need a supervisory licence to work with asbestos. Consequently, many applications for SLs have been refused. Project managers can play a vital role in improving the health and safety of workers and ensuring that clients get best value when appointing licensed contractors. Effective project management can greatly improve the overall performance of an asbestos contract. A SL is not required in order to carry out such functions and such organisations will not be issued with a licence.
- 20) A supervisory licence is **not** required if you are:
- a) the client who has engaged the contractor doing the work;
 - b) the principal contractor and the work with asbestos is being done by a sub contractor;
 - c) an analyst checking that the area is clear of asbestos at the end of the job;
 - d) carrying out quality control work e.g. monitoring outside enclosures or checking that the work has been carried out to the agreed standard;
 - e) a consultant or other reviewing tender submissions on behalf of the client; OR

f) where the work done is exempt from licensing requirements by virtue of regulation 3(2).

21) HSE's view is that carrying out quality control work as described above does not require a supervisory licence because this work is not concerned with the actual methods, techniques etc of the work taking place, but instead deals with outcomes i.e. what has been done; what has been removed from where; whether timescales have been met; monitoring progress; costs etc. It is part of the wider picture looking at the overall work and is not concerned with the technical aspects of the actual work in hand.

22) Licensing is an addition to the general framework of health and safety law. It builds on the fact that the legal duty to manage risk lies with the organisations that create them. In order to be granted a SL an applicant will need to demonstrate that they have the necessary skills, expertise, knowledge and experience of work with asbestos, together with excellent health and safety management systems. Applicants must be able to ensure that work is done to an appropriate standard and they should be clear about the liabilities associated with notifying work. As the legal duty to manage risks rests with the organisations that create them, a supervisory licence holder will have ownership of risk associated with any job they notify. Where problems are found regarding the way a job is supervised (or with any aspect of general standards found on site) the SLH will have liabilities under Health and Safety law.

23) All licence holders are required to have exemplary management systems as well as highly competent methods of work with asbestos. The SLH must be at least as competent as the "full" licence holder in all areas. This competence must incorporate practical and technical matters, but it also requires enhanced management and supervisory skills as the applicant would, by definition, need to supervise another company's staff, as well as their own. Being granted a supervisory licence requires the applicant to demonstrate the capability to carry out this function, in addition to those required by a standard licence.

Respiratory Protective Equipment, Health Surveillance and Training

24) The SLH's staff are expected to adhere to the same standards as those expected of "full" licence holders, see "[person specification](#)" above. Any employees fulfilling the supervisor role will be subject to health surveillance by an Appointed Doctor, have appropriate RPE (with face-fit test and maintenance regime) and receive adequate training / refresher training as described above.

SLH, "full" licence holders and analysts – conflicts of interest

25) HSE strongly recommends that analysts engaged to carry out site clearance certification are engaged by the building owner or occupier. Licence holders should bring this to the attention of clients. As supervisory licence holders directly supervise the work this applies to them as it does to a full licence holder. Arrangements in place for each contract should ensure that conflicts of interest, real or perceived, are avoided. Guidance in paragraph 296 of the Approved Code of Practice to the Regulations (L143) refers.

Legal References / Further Guidance

26) Health and Safety at Work etc. Act 1974, Section 2

- a) The provision of such supervision as necessary to ensure health and safety (so far as reasonably practicable) is one of the general duties of the Act. **It is not sufficient to give health and safety instructions to employees – an employer must also ensure that those instructions are carried out.** Supervision is a key requirement to ensure that this is achieved.

- b) Paying for staff to complete “supervisor” training courses will not, in itself, ensure adequate supervision.
 - c) Adequate supervision is a fundamental provision of Health and Safety legislation and applies to **all** work activities. It is taken for granted that compliance with these provisions will always be expected of those operating within a licensing regime.
- 27) Management of Health and Safety at Work Regulations 1999
- a) Regulation 5 explicitly refers to the need to “make and give effect to ... arrangements ... for the effective planning, organisation, control, monitoring and review” of the measures employers put in place to protect health and safety.
 - b) The HSE publication “Management of health and safety at work” (L21) outlines the regulations in full, with accompanying Approved Code of Practice and guidance.
 - c) HSE publication “Successful health and safety management” (HSG65) provides further general guidance on health and safety management. A free HSE leaflet is available here: <http://www.hse.gov.uk/pubns/indg275.pdf>.
- 28) Safety Representatives and Safety Committee Regulations 1977 (as amended)
Health and Safety (Consultation with employees) Regulations 1996
- a) All employers are required to consult employees on health and safety matters. HSE’s free leaflet (INDG232) provides more information and can be downloaded here: <http://www.hse.gov.uk/pubns/indg232.pdf>.
- 29) Control of Asbestos Regulations 2006 (Approved Code of Practice - L143)
- 30) “Leading Health and Safety at Work” (IoD / HSC free leaflet - INDG417)
<http://www.hse.gov.uk/pubns/indg417.pdf>
- 31) Asbestos: The Licensed Contractors’ Guide (HSG247)
- 32) Asbestos License Assessment Guide and ALG memos are freely available online:
<http://www.hse.gov.uk/asbestos/information.htm>

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