

### Transport & Public Services UNIT; Work Plan 2019-20: Proactive inspections to assess the management of asbestos in buildings.

**Open Government status:** Open

**Audience:** FOD Inspectors, Occupational Hygiene Inspectors, Visiting Officers.

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## 1. Inspection programme

### 1.1 What are we inspecting and why?

This inspection programme seeks to build on the inspections undertaken in 2018/19 which sought to test the effectiveness of the management arrangements and controls in respect of the duty to manage asbestos in schools. The programme has been extended into the 2019/20 workplan to include a larger sample of schools alongside a smaller number of universities, colleges and healthcare premises.

Asbestos Containing Materials (ACMs) were used extensively in the construction of schools, hospitals and other facilities from the 1950s through until its use was prohibited in 1999. A significant number of buildings constructed within this period still

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contain an extensive profile of ACMs. These include a range of “system built” structures which due to their construction method contain large quantities of ACMs.

Mesothelioma due to exposure to asbestos remains a significant cause of fatalities. There were 2,595 mesothelioma deaths in Great Britain in 2016, (broadly similar to the previous four years). There continues to be significant public concern associated with the potential for exposure to asbestos of those using and working within these buildings. Incidents involving asbestos exposure, mesothelioma diagnoses and subsequent deaths are regularly reported in the media.

The 2018/19 inspection programme visited a range of schools and governance arrangements. Although some schools were broadly compliant, the inspections identified premises where the risks associated with ACMs were not being managed effectively and where improvement was required.

The interventions planned for universities, colleges and healthcare premises will provide us with a wider picture of the level of compliance. This year’s school visits in England follow on from the Department for Education Asbestos Management Assurance Process (AMAP) designed to provide confidence that state funded schools in England have developed procedures to comply with the Control of Asbestos Regulations 2012 (CAR).

### **1.2 What is the extent of the problem?**

Exposure to asbestos is a substantial contributor to Occupational Lung Disease (OLD). The proposed inspections support the wider HSE Health Priority Plan.

The failure to manage ACMs may result in them becoming disturbed or damaged. This can lead to potential exposure to respirable asbestos fibres. Those most at risk are individuals undertaking uncontrolled construction and maintenance activities. However, the disturbance of ACMs can lead to wider exposures including to the normal occupants of the buildings and the public.

Findings from previous interventions have identified that a number of the premises visited did not have fully documented plans, arrangements and controls in respect of asbestos. Given the nature of schools and healthcare premises, most surveys are “management” surveys and therefore only identify accessible ACMs. Many of the reported incidents of exposure occur during work which disturbs ACMs which had not been identified within a management survey but could have been foreseen or would have been identified by a further refurbishment or demolition survey.

ACMs in schools can also be disturbed through vandalism, accidental damage and boisterous behaviour. Robust and effective management asbestos arrangements are therefore essential to ensure ACMs within schools remain in sound condition and are not disturbed or damaged during normal activities or due to maintenance or building work.

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### 1.3 What must be covered at the inspections?

Inspectors should recognise that the duty to manage asbestos has been in place since 2004 and many dutyholders have been given significant support and advice to understand compliance standards.

The dutyholder should explain and evidence how their management arrangements and procedures ensure risks are controlled. This will include demonstrating that there are clearly identified and understood roles and responsibilities associated with the management plan, and that there are evidenced, active arrangements to manage and monitor the condition of ACMs within buildings. The visit should also seek to ensure that the arrangements are robust enough to control the risks associated with the foreseeable disturbance of presumed or concealed ACMs.

In most cases the dutyholder is the employer. For schools the employer will be determined by school type (e.g. Academy, Foundation, Independent, community). <http://www.hse.gov.uk/services/education/faqs.htm> . In other buildings the duty holder may be the person or organisation with responsibility for the maintenance and repair of the premises. Inspectors should ensure they have identified the correct duty holder as property control arrangements will vary and can be complex.

The inspections should be a detailed assessment and validation of the effectiveness of the arrangements to assess compliance with the duty to manage asbestos. Each visit may involve up to a day on site and approximately half a day to record.

It is intended that those inspectors leading the interventions will have attended one of the asbestos briefing events run by EPD to ensure a consistent approach to any compliance gaps identified.

The events aim to provide individuals with a wider understanding of the background to these targeted interventions. They aim to equip Inspectors with specific knowledge, understanding and additional guidance material to undertake an in-depth management intervention to assess and validate compliance with the duty to manage asbestos.

Where inspectors have not attended a relevant briefing, supplementary guidance material is available from the Public Administration, Educations and Volunteers Sector contact.

### 1.4 When are the inspections to be undertaken?

The inspections are planned during quarter 1 across all FOD Units.

The aim is to undertake targeted interventions to a representative sample of a broad range of dutyholders. The schools and other educational establishments to be inspected will be identified by the PAEV Sector lead working with FOD. Inspectors are not restricted to these premises and may use relevant local knowledge / intelligence to identify appropriate alternative premises. For healthcare premises Health and Social Care Services Sector will provide some intelligence however FOD will need to use local intelligence to select relevant premises.

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## 1.5 Application of the Enforcement Management Model (EMM)

Exposure to asbestos can lead to a number of diseases, including asbestosis or fibrosis (scarring) of the lungs; lung cancer and mesothelioma. These diseases are irreversible, disabling and in most cases eventually fatal, and therefore come into the descriptor 'serious health effect'.

The duty to manage asbestos seeks to minimise any future exposures to respirable asbestos fibres. Inspectors are unlikely to encounter activity likely to disturb the ACMs during the visit. As such they will need to assess the management arrangements and validate control measures designed to prevent the deterioration, damage or disturbance of the ACMs associated with routine and foreseeable activities.

## 2. Guidance and support available

Specialist Support type	Relevant specialist
Standards & enforcement	Schools / Education - Andrew Kingscott x1782 Health Care – Emmie Galilee x 2876
Specialist support	Lead Sam Lord x 1821 Occupational Hygiene Inspector

### Guidance

Other Important Guidance for Inspections	Guidance location
The duty to manage asbestos	<a href="http://www.hse.gov.uk/asbestos/duty.htm">http://www.hse.gov.uk/asbestos/duty.htm</a>
Asbestos in schools	<a href="http://www.hse.gov.uk/services/education/asbestos.htm">http://www.hse.gov.uk/services/education/asbestos.htm</a>
Education and Skills Funding Agency (ESFA)– Managing Asbestos in your School -	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/650935/Managing_asbestos_in_your_school.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/650935/Managing_asbestos_in_your_school.pdf</a>
ESFA Asbestos in schools: Where it may be located	<a href="https://www.gov.uk/government/publications/asbestos-management-in-schools--2">https://www.gov.uk/government/publications/asbestos-management-in-schools--2</a>

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### 3. Recording the inspections

Answers to the following six questions must be recorded in the text area of the Asbestos 'risk area' under DO-IT. Answers should be kept short and succinct but include sufficient information to give a clear understanding of the issues and action taken.

Capturing this information is essential to enable us to effectively analyse the inspection outcomes and impact.

#### Questions

1. What type of premises is it? (For Schools differentiate between LA maintained / Academy / Independent etc.). Briefly outline the risk profile of the ACMs within the premises. (e.g.– Refurbished CLASP type buildings; key ACMs include AIB within columns and ceiling voids. Asbestos-containing flooring materials.)
2. Are relevant effective active control measures in place to manage the risks associated with ACMs and are they being adhered to?
3. What are the specific control failings?
4. Are there any wider management failings such as training, instruction, provision of information etc.?
5. Was there any specialist involvement?
6. Was there a Material Breach(es) or Enforcement action taken?

The following structure should be used (including the question number):

- Q1: [answer]  
Q2: [answer]  
Q3: [answer]  
Q4: [answer]  
Q5: [answer]  
Q6: [answer]

### 4.0 Your health and safety

The site visits will include a targeted observation of the priority risk ACMs. In most cases these will be in areas of the building under normal occupation. Given the nature of the premises it is likely that Inspectors will be accompanied during the visits.

Inspectors should adopt a precautionary approach in areas such as boiler rooms. Although unlikely, these areas could be contaminated due to the poor condition of existing asbestos lagging. Inspectors should enter progressively and withdrawal where there are any signs that the ACMs are in a poor condition.

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Issues to address personal safety associated with ACMs will be covered in the inspector briefing.

HSE's approach to ensuring your health and safety in relation to potential exposure to asbestos covering both planned and unexpected encounters is addressed in <http://intranet.hse.int/yourhealthsafety/health/asbestos/index.htm>

### 5.0 Appendices

#### Appendix 5.1 Asbestos in buildings

<b>Introduction</b>
<ul style="list-style-type: none"><li>• Exposure to asbestos is a substantial contributor to Occupational Lung Diseases including mesothelioma.</li><li>• Asbestos was extensively used as a building material in the UK from the 1950s through to the mid-1980s. It was used for a variety of purposes, typically fireproofing and insulation. Any building built before 2000 can contain asbestos.</li><li>• If managed carefully, the presence of asbestos in buildings will not pose a risk. Undamaged, sealed materials will not release fibres. However, if ACMs are disturbed or damaged, asbestos fibres can be released into the air and become respirable.</li><li>• The activities most likely to lead to the disturbance of ACMs are building and maintenance work. However, ACMs can also be disturbed through vandalism, accidental damage and boisterous behaviour.</li><li>• The potential for the release of fibres is proportionate to the density of the ACM and the level of damage/disturbance.</li><li>• The risks associated with contracting asbestos related diseases are linked to the cumulative exposure to airborne asbestos fibres over time. Ensuring that schools and other premises remain compliant with the requirements of the Control of Asbestos Regulations 2012 will assist in minimising the asbestos lung burden for those who undertake work and use these buildings.</li><li>• Particular focus should be on "System Buildings" (often referred to as CLASP, SCOLA, SEAC, MACE, ONWARD). These were used widely in the construction of school premises during the period 1945 -1980. These buildings can have structural columns fire proofed with ACMs.</li></ul>
<b>Health and safety</b>
There are no specific additional requirements associated with these visits. Issues to address personal safety associated with ACMs will be covered in the inspector briefings.
<b>Inspection</b>

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Inspection will focus on validating that effective controls are in place to ensure that ACMs are **actively managed** to ensure that asbestos fibres are not released through disturbance or damage.

### Priorities

If managed carefully, the presence of asbestos in buildings will not pose a risk. However, where controls are not effective the factors that will determine potential exposure are the friability/condition of the ACM and the likelihood of disturbance

#### Higher risk:

- Loose fill asbestos found between cavity walls, under floorboards and in loft spaces.
- Asbestos lagging used to insulate pipework
- Sprayed coatings used on the underside of roofs and as fire protection on steel and reinforced concrete beams/columns
- Asbestos materials in poor condition or in vulnerable locations including Asbestos Insulating Board (AIB)
- Uncontrolled maintenance activities within premises where ACMs are present

#### Lower risk:

- ACMs in good condition which are safe by position and are unlikely to be disturbed through normal occupant activity and routine maintenance.
- Asbestos cement / floor tiles / textured coatings

### Guidance

- Managing and working with asbestos - Control of Asbestos Regulations 2012 - Approved Code of Practice and guidance  
<http://www.hse.gov.uk/pubns/priced/l143.pdf>
- HSG 227 A comprehensive guide to managing asbestos in premises  
<http://www.hse.gov.uk/pubns/books/hsg227.htm>
- Asbestos: The survey guide <http://www.hse.gov.uk/pubns/priced/hsg264.pdf>
- Managing asbestos in buildings: A brief guide.  
<http://www.hse.gov.uk/pubns/indg223.pdf>
- Education and Skills Funding Agency – Asbestos management in schools guidance  
<https://www.gov.uk/government/publications/asbestos-management-in-schools--2>
- HSE - Asbestos health and safety <http://www.hse.gov.uk/asbestos/index.htm>
- HSE – Asbestos in Schools -  
<http://www.hse.gov.uk/services/education/asbestos.htm>
- Asbestos in system buildings Control of Asbestos Regulations 2006 - Guidance for duty holders - Updated 18 September 2008:  
<http://www.hse.gov.uk/services/education/asbestos-system-buildings.pdf>
- Asbestos management – checklist for schools:  
<http://www.hse.gov.uk/services/education/asbestos-checklist.pdf>

### Contacts

Schools / Education - Andrew Kingscott x1782 - Health Care – Emmie Galilee x 2876

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<b>Appendix 5.2. Industry specific information, Initial Enforcement Expectation (IEE) table</b>			
<b>Asbestos in buildings - IEEs</b>			
<b>Task</b>	<b>Situation</b>	<b>IEE / PN</b>	<b>Comment</b>
Location of ACMs	No/inadequate survey information to identify the ACM location and type	IN	The dutyholder is required to ensure that a suitable survey is undertaken to identify the location and type of ACMs within school buildings – (Asbestos register). This will usually be undertaken a competent asbestos surveyor.
Risk from asbestos	No assessment of the risks posed by ACMs / assessment inadequate	IN	The dutyholder is required to assess the risks associated with the ACMs identified within the survey and identify the measures which are to be taken to manage the risks (priority risk assessment).
Asbestos Register	No/inadequate record of the location of ACMs	IN	The survey information and the priority risk assessment should be used to produce a concise, user focussed asbestos register, suitable for the occupier and relevant contractors. It should provide a clear indication as to the location, amount and what the ACM looks like. It should also clearly indicate the limitations of the survey information and the areas where ACMs are assumed. It should identify any survey limitations or areas where work should not be undertaken unless a further survey is undertaken.
Asbestos Management Plan	No/Inadequate written plan	IN	The dutyholder is required to prepare a written plan which sets out the management arrangements to eliminate or reduce the exposure to asbestos to the lowest level reasonably practicable.
Roles / Responsibilities	Unclear roles and responsibilities	IN	The plan should clearly identify the relevant dutyholders and the roles and responsibilities of the key individuals/organisations associated with the management of asbestos. They should have sufficient knowledge and training to allow them to carry out their role. There should be suitable monitoring to ensure that the management arrangements are being followed and remain effective.
Active management of ACMs	No/ Inadequate arrangements to review the conditions of ACMs	IN	The plan should outline the arrangements to actively monitor and record the condition of the ACMs to recognise any deterioration, damage or other factors (such as change of use) which would impact on the priority risk assessment. Condition monitoring should be recorded.
Training/ Information	No/Inadequate training/understanding of caretaking, maintenances and building management staff	IN	Staff working in buildings containing ACMs should be suitably informed as to the location, risks and controls associated with the materials within the buildings.
Review of arrangements	No/inadequate review of arrangements	IN	There should be clear arrangements to review the controls to ensure that the risks remain effectively controlled and for the written plan to be updated accordingly
Maintenance work	No/inadequate arrangements to ensure those likely to disturb ACMs are provided with relevant information.	IN	Maintenance work should be controlled to ensure that ACMs are not disturbed. Information as to the location and condition should be provided to those undertaking the work. This should offer sufficient detail and be provided in good time to ensure that the risks associated with ACMs are considered and controlled during both proactive and reactive maintenance activity. Consideration should be given to the wider duties to manage contactors particularly when working in occupied areas..

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Building / Refurbishment works	Building work planned	Letter	There should be suitable arrangements in place to ensure that relevant steps are taken to control the risks associated with ACMs during any planned building or refurbishment work. This may include additional and more intrusive asbestos surveys ahead of the work to assess the risks and identify relevant further controls. As with maintenance consideration should be given to the wider duties to manage contactors particularly when working in occupied areas
Damaged / exposed ACMs	Concerns that ACMs have been / are likely to be disturbed by ongoing activities	PN/IN	There should be clearly communicated procedures for dealing with incidents where asbestos is disturbed. Where (during an inspection) ACMs are noted which are in poor condition and have been or are likely to be disturbed such that asbestos fibres will be released by ongoing activities, consideration should be given to proportionate action to prevent such disturbance. This may include prohibiting the activity or access to a specific area. Discuss with Occupational Hygiene.

Further guidance in respect of the IEE will be provided during the briefing events