

Agenda Item No.	
Report No.	

**Management of Asbestos Update**

**Report by the Director of Housing and Property**

**Summary**

This report provides Members with an update on the outcome of the HSE Improvement Notice relating to addressing improvements in Highland Council's asbestos management arrangements in schools. HSE has advised that the Council has now complied with the Notice and that it will be lifted.

**1. Introduction**

- 1.1 A report to Resources Committee on 2<sup>nd</sup> December 2009 outlined progress in relation to a Health and Safety Executive (HSE) Improvement Notice issued on 7<sup>th</sup> May 2009 requiring improvements to be made to the Council's Asbestos Management Planning arrangements for all schools. This was first outlined in a report to the Central Safety Committee on 26<sup>th</sup> June 2009.
- 1.2 The actions necessary to ensure compliance by the required date of 28<sup>th</sup> February 2011 comprised:
  - Survey of all schools for the presence of Asbestos Containing Materials (ACMs) to supplement existing records
  - Create Asbestos Management Plans (AMPs) for each school setting out how asbestos is to be managed
  - Provide asbestos awareness training for all Head Teachers
  - Define organisational arrangements for Asbestos Management
  - Develop a sustainable process to support Asbestos Management in the long term
- 1.3 These actions have been achieved and the Notice is to be lifted.
- 1.4 In order to demonstrate that arrangements would ensure ongoing compliance it was also necessary to develop and implement improved contractor access and control arrangements in schools.
- 1.5 The HSE were specific in the Notice that they expect this work to be followed up with arrangements for Asbestos Management Planning in other property types.

**2. Actions to date**

- 2.1 The following actions have been progressed by the Project Team in compliance with the requirements of the HSE:

- Completion of asbestos surveys, measured building plans, and asbestos management plans at 194 schools comprising 714 individual buildings.
- Training of all Responsible Premises Officers (RPOs) in schools on asbestos awareness and their responsibilities in relation to their specific Asbestos Management Plan
- the delivery of asbestos awareness training to leisure centre managers where their facilities are associated with schools.
- The development of an on-line asbestos “portal” through which staff in schools, contractors and others with the proper authority can access full information on asbestos in Council schools
- The development and implementation of improved asbestos management procedures and ECS asbestos management arrangements.

2.2 There are five schools where actions are not yet completed:

- Eigg, Canna, Muck and Rum, where delays are due to arrangements to visit these properties having been cancelled or postponed due to weather and accommodation availability. Surveys at these properties are now scheduled to commence on 6<sup>th</sup> April.
- Lochaber High School, where ongoing refurbishment and extension works mean that asbestos has been managed and removed for most of the building through these contracts. All remaining areas will be the subject of a new asbestos management plan, currently under preparation.

2.3 The HSE were aware of these ongoing matters and given the low risk at the island properties, temporary asbestos management arrangements being in place, and planned actions for them already being programmed had confirmed previously that these would not affect their decision regarding compliance with the Notice.

2.4 The asbestos portal is currently hosted by AssistFM, the contractor who carried out the surveys and measured drawings, developed the asbestos management plans and provided training. AssistFM have responsibility to update the records on the Council’s behalf for a period of 6 months after the completion of survey work.

### **3. Verification of Compliance**

3.1 Regular meetings have been held with the HSE to ensure that they have been fully aware of actions and progress at all stages of the project. These meetings have included at various times representatives from Housing and Property Service, Education Culture and Sport, and Corporate Health, Safety and Well-being.

3.2 A member of staff from Housing and Property has been carrying out audits on asbestos management arrangements at schools for some months, and the results of these audits were made available to the HSE.

3.3 To ensure that the implementation of the revised asbestos management arrangements is robust, the HSE also carried out inspections at a number of schools, some at very short notice. These were attended by the RPO and the Housing and Property Maintenance Officer (MO), and included dialogue with Deputes and other staff in order that the HSE could be reassured that all staff are aware of their responsibilities under the asbestos management arrangements in their schools.

3.4 The following schools were visited by the HSE as part of their testing of the arrangements:

- Fortrose Academy
- Invergordon Academy
- Inverness High School
- Plockton High School
- Beaully Primary School
- Dalneigh primary School
- Lochardil Primary School
- Lybster Primary School
- Raigmore Primary School
- Tarradale Primary School

3.5 While there have been a few very minor issues picked up by the HSE in some schools, which have led to improvements in the information held or practices in place in specific properties, nothing of significance was encountered during these visits. The HSE commented that staff in schools were mostly very knowledgeable about their responsibilities and seemed to be managing them very effectively. They also commented that any minor issues raised by them should not detract from what has been achieved.

#### **4. Improvement Notice Outcome**

4.1 Following a meeting with the HSE on 25<sup>th</sup> March, 2011, it was confirmed that the Council now has satisfactory asbestos management arrangements in place in its schools and the Improvement Notice has been complied with. A letter will be issued by the HSE to the Chief Executive confirming the compliance date as 28<sup>th</sup> February 2011.

4.2 The HSE letter will make reference to issues identified during their visits to schools which are still relevant, including:

- Information transfer from RPOs to staff needs to be consistently robust
- It is necessary to further review the frequency of the management inspections to better reflect the local risk. This involves RPOs and MOs considering the type, condition and exposure of asbestos along with the function within the space and determining an appropriate inspection regime for each locus.
- Clarification of how AMPs will be audited to ensure that they remain fit for purpose and relevant.
- Consideration needs to be given to carrying out technical inspections of CLASP structures and not just visual inspections.
- ECS procedures need to better reflect the role of the janitor, which is seen as key to successful delivery.

4.3 Responses were given by the team to each of these issues but further consideration will need to take place.

4.4 The HSE now consider the Council's arrangements to represent best practice, and are seeking support from Council staff in presenting our procedures to other authorities and agencies.

4.5 A member of staff was recently invited to present the Council's arrangements at the Highlands and Islands Construction Health and Safety Forum, attended by the HSE and local contractors, at which the access to asbestos information through the portal was demonstrated on a live basis.

## **5. Remaining Actions**

5.1 While a significant amount of work has been undertaken to ensure compliance, the next step is to ensure that arrangements are sustainable in the long term. This will be managed through the implementation of the following actions:

- Housing and Property are currently arranging a programme of asbestos removal/encapsulation where surveys identify higher risk elements.
- Support will be provided to RPOs in high priority properties on an ongoing basis.
- The Convening of an Asbestos Management Monitoring Group involving HaPS, ECS and CHS&W to oversee Information Management and updating of Asbestos Portal. This group will present progress on a quarterly basis to the Central Health and Safety Committee.
- Ensuring that arrangements are in place for asbestos awareness training to be made available to new staff within the ECS Service through the Head Teacher induction programme, general staff induction and through the Monitoring and Mentoring process.
- An Asbestos Coordination Group has been formed within Housing and Property which will monitor ongoing management of asbestos and develop any improvements.
- Arrangements will need to be made for the ongoing management of the asbestos portal, whether hosted externally or internally.
- Meetings have taken place with key servicing contractors to ensure they are fully aware of the revised arrangements and information available to them on the portal.

5.2 Whilst the Improvement Notice relates to schools premises it is recognised that the programmes and work undertaken to date will need to be rolled out to all Highland Council properties. A prioritised schedule of all CLL buildings has been formed into a contract currently being progressed as the next stage in the roll out across the Council's estate. A budget of £450k has been approved to take this contract forward during 2011/12.

## **6. Implications Arising from the Report**

### **6.1 Resource Implications**

The revised asbestos management arrangements have been implemented using existing resources and within allocated budgets. The next phase of works has approved funding and will also be managed within existing resources.

### **6.2 Legal Implications**

Compliance with the HSE Improvement Notice means that there are no legal implications relating to this report.

### **6.3 Equality Implications**

There are no equality implications arising as a direct result of this report.

#### 6.4 **Climate Change Implications**

There are no climate change implications relating to this report.

#### 6.5 **Risk Implications**

The risk remains that until equivalent arrangements are in place in all Council properties an asbestos incident could lead to further action by the HSE. The team continue therefore to progress development of asbestos procedures to mitigate this risk.

### **7. Recommendations**

- 7.1 It is recommended that Members note the outcome in relation to the HSE Improvement Notice and the actions being taken to extend improved asbestos management arrangements to all Council properties.

Signature:

Designation: **Director of Housing and Property**

Date: 28th March 2011

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