

Title:

Asbestos Management and Control Policy

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Author/s:	Estates and Facilities Assurance Officer		
Policy Owner:	Head of Operations Hard FM		
Executive Lead:	Deputy Chief Executive		
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Version Control

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July 2017	Asbestos Consultant	6.0	Review
Aug 2018	Estates Sector Assurance Manager, REH	6.1	Review
Jan 2020	Estates Sector Assurance Manager, REH	7.0	Approved by PAG
Oct 2022	Estates & Facilities Assurance Officer	7.1	Under review
Dec 2022	Estates & Facilities Assurance Officer	8.0	Approved by PAG

Executive Summary

NHS Lothian recognises and accepts its responsibility as an employer for providing a safe and healthy work environment for its employees and others including patients, contractors, visitors, and other users who may be affected by its work.

NHS Lothian will ensure that measures are in place to:

- comply with current legislation ([The Control of Asbestos Regulations 2012](#)) concerning the management of asbestos and control of exposure by preventing or reducing exposure to asbestos as far as is reasonably practicable
- maintain an Asbestos Register for the premises under its control
- implement management procedures to monitor the condition of any asbestos-containing materials (ACM's) to maintain the ACM's in a good condition by labelling and minor remedial work, as and when/where required. ACM's in a poor condition may be removed or the area isolated, depending on the location, risks and cost/benefit in the specific situation. Materials in a good condition will not be removed unless they are within a location where there is refurbishment and their presence impacts on the work
- provide asbestos awareness information and training to staff who have been deemed to be likely to encounter ACM's within their normal work. Additional training will be provided for managers and supervisors relevant to their responsibilities
- review this policy in line with NHS Lothian policy review guidelines or in the event of a change to related legislation

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1.0 Purpose

Asbestos must be properly managed to prevent people contracting asbestos related diseases in the future. Workers who carry out building maintenance and repair are particularly at risk.

The organisation has a number of buildings that contain asbestos and is committed to ensuring these buildings are managed, maintained and repaired appropriately, whilst managing any asbestos in them as well as protecting people from exposure to asbestos fibres, in accordance with its legal duty to manage asbestos under Regulation 4 of the [Control of Asbestos Regulations 2012](#).

This policy sets out how NHS Lothian will ensure that such risks are eliminated or reduced so far as is reasonably practicable and should be read in conjunction with the associated Operational Procedures for Managing Asbestos-Containing Materials.

2.0 Policy statement

The [Control of Asbestos Regulations 2012](#), and Approved Code of Practice and guidance, requires employers to ensure that they:

- prevent exposure to asbestos, or where that is not possible, to reduce exposure so far as is reasonably practicable;
- take reasonable steps to identify and confirm via testing, materials in premises likely to contain asbestos and to check their condition;
- use signs/markers/codes to identify areas where asbestos is present where deemed appropriate.
- presume that materials contain asbestos unless there is strong evidence to suppose they do not;
- make a written record of the location and condition of asbestos and presumed asbestos-containing materials (ACMs) and keep the record up to date;
- assess the risk of the likelihood and consider the possible consequences of anyone being exposed to these materials; and
- prepare a plan to manage that risk and put it into effect to ensure that:
 - (i) any material known or presumed to contain asbestos is kept in a good state of repair;
 - (ii) any material that contains or is presumed to contain asbestos is, because of the risks associated with its location or condition, repaired or if necessary removed; and
 - (iii) information on the location and condition of the material is given to anyone potentially at risk.

3.0 Scope

This policy relates to the identification, management and control of asbestos containing materials in premises under the ownership or management of NHS Lothian.

This policy applies to all NHS Lothian managed and controlled premises where patients, staff, visitors, contractors and other users have access.

Where premises are leased to NHS Lothian and occupied by NHS staff, the landlord will bear responsibility for managing the risks associated with asbestos containing materials. Where NHS Lothian leases premises to others, it will have the responsibility of managing the asbestos therein, where present. In both these circumstances, it has been assumed that the landlord is the duty holder in respect of maintenance within the respective building(s).

Staff in the following departments, whose work activities may involve work with asbestos, would include but are not restricted to:

- Facilities Hard FM (Estates)
- Facilities Soft FM (Domestic Service & Portering)
- Information Technology
- Capital Projects
- Laboratory Services
- Clinical
- Telecomms
- Fire Officers

The use of contractors by these departments is also included. For further information, see [Asbestos Management and Control – Organisational Roles and Responsibilities](#).

4.0 Definitions

ACMs - Asbestos containing materials.

5.0 Implementation roles and responsibilities

The organisational roles, and a summary of associated responsibilities, are given below. For more detailed information on these roles, staff must refer to the document [Asbestos Management and Control – Organisational Roles and Responsibilities](#). Please also see the [Asbestos Management and Control – Organisational Chart](#) for the main post-holders with responsibilities mentioned below.

5.1 Chief Executive

Ultimate accountability for this policy lies with the Chief Executive who, on behalf of NHS Lothian Board recognises and accepts its responsibility as an employer for providing a safe

and healthy work environment for its employees and others including patients, contractors, visitors, and other users who may be affected by its work.

5.2 Director of Estates & Facilities

The Director of Operations Estates & Facilities has the devolved specific responsibility for the implementation of this policy. In their absence, the Associate Director of Estates & Facilities will deputise.

5.3 Head of Operations Hard FM

The Head of Operations Hard FM has the overall delegated management responsibility for operational procedures within premises owned by NHS Lothian.

5.4 Area Manager Hard FM

The Area Manager Hard FM has the overall responsibility for the implementation of this policy within their area and the premises therein, including premises leased to and occupied by NHS Lothian, except those leased through a Public-Private Partnership contract.

With regards to our PPP/PFI Partners we will always seek assurance that they are also complying with the appropriate statutory requirements.

5.5 Estates Sector Managers and/or Operational Officers

The Estates Sector Managers and/or Operational Officers have the day-to-day responsibility for ensuring compliance with the NHS Lothian Operational Procedure for Managing Asbestos-Containing Materials and this policy.

5.6 Capital Projects Manager and Capital Planning

The Capital Projects Manager and Capital Planning have overall responsibility for the implementation of this policy within their area.

5.7 Project Team Officers

The Project Team Officers have the responsibility for ensuring compliance with the NHS Lothian Operational Procedure for Managing Asbestos-Containing Materials.

5.8 Project Manager (Asbestos)

The Project Manager (Asbestos) will be responsible for the overall management of the arrangements contained within this policy and the preparation of the Asbestos Management Plan in conjunction with the Head of Operations Hard FM to whom they will also report.

The Project Manager (Asbestos) will have sufficient authority to undertake their role and work in partnership with the post-holder(s) to ensure that the ACM's within NHS Lothian premises are maintained and that exposure to asbestos is prevented or reduced as far as is reasonably practicable.

5.9 Asbestos Co-ordinators

The Asbestos Co-ordinators shall review recommendations made in survey reports, comment on the appropriateness of risk assessments, provide a point-of-contact for licensed asbestos removal contractors and provide support to local operational teams and projects.

5.10 Assurance Officers

The Assurance Officers will assist the Area Managers Hard FM with the implementation of this policy.

5.11 Employees

Employees who have the potential to encounter asbestos-containing material during the course of their work will report any suspected or damaged ACM's to their line manager, Asbestos Co-ordinator or Area Manager Hard FM. They must refrain from any activity, or activities, which may disturb known or suspected ACM's. If in any doubt, ASK.

5.12 Other Departmental Managers and Officers

Other managers and officers of NHS Lothian, who instruct work on NHS Lothian premises which affects the fabric or surface coatings of the premises, MUST contact the relevant Area Estates office for information regarding ACM's within the relevant building(s).

The Area Manager Hard FM will provide advice regarding locations of known or suspect ACM's within their area and assess the need for an asbestos survey prior to this work proceeding.

5.13 Contractors and non-NHS Lothian Organisations

Contractors and non-NHS Lothian organisations will have their own health and safety arrangements including asbestos which they must follow in conjunction with the requirements of this policy. In addition, they must adhere to the NHS Lothian Control of Contractors Policy.

6.0 Associated materials

- [NHS Lothian Operational Procedures for Management and Control of Asbestos-Containing Materials](#) – Approved by Facilities Policy Review Group
- [NHS Lothian Control of Contractors Policy](#) – Approved by the Policy Approval Group
- [NHS Lothian Adverse Event Management Policy](#) – Approved by the Policy Approval Group
- [NHS Lothian Adverse Event Management Operational Procedure](#) – Approved by the Policy Approval Group
- [Asbestos Management and Control – Organisational Roles and Responsibilities](#) – Approved by the Estates and Facilities Policy Group

- [Asbestos Management and Control – Organisational Chart](#) – Approved by the Estates and Facilities Policy Group
- [NHS Lothian Asbestos Management Plan](#) – Approved by the Estates and Facilities Policy Review Group

7.0 Evidence base

Legislation:

- [The Health and Safety at Work Act 1974](#)
- [The Control of Asbestos Regulations 2012](#)
- [Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 \(2012 as amended\)](#)

Health and Safety Executive Guidance and Procedures:

- [L143 – Managing and working with asbestos](#)
- [HSG227 – Management of Asbestos: A Complete Guide](#)
- [INDG223 - Managing Asbestos in Buildings: a brief guide](#)

8.0 Stakeholder consultation

As per the NHS Lothian Development of NHS Lothian Policies and Procedures – Policies and Guidance for all Employees, an Integrated Impact Assessment has been undertaken, in line with the requirements of the Equality and Diversity Policy and the report is available upon request. This policy has undergone further consultation via the NHSL Consultation Zone and was reviewed with input from NHS Lothian Hard FM staff and the Risk, Quality & Assurance Department.

9.0 Monitoring and review

This policy may be appropriately audited due to risk profile by NHS Lothian Occupational Health & Safety Department. The policy will be reviewed, as a minimum, every 3 years, or sooner as a result of any changes in legislation and healthcare facilities guidance or following an adverse incident.