

Briefing Note - February 2024

MANAGEMENT OF ASBESTOS



Danger
Asbestos



Do not disturb
material



Report accidental
damage immediately



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Consultancy



Meridian

1 – Overview

This Briefing Note has been produced to remind clients of their responsibilities with regards to their legal duty to manage asbestos in buildings and to further explain the different types of asbestos surveys that may be commissioned.

William Martin is UKAS accredited to deliver comprehensive asbestos surveying and consultancy services, including Asbestos Reinspections, Management Surveys, Refurbishment Surveys and Demolition Surveys in domestic, commercial, and industrial properties.



Our team of qualified experts and surveyors are able to support you in meeting all your duties, as explained below in this Briefing Note.

2 - Background

The Control of Asbestos Regulations 2012 detail the duties that the dutyholder must comply with. The dutyholder is defined as either being the:

- Building owner.
- Landlord for the premises.
- Person or organisation with clear responsibility for the building's maintenance or repair.

The legislation requires the dutyholder to protect people from the risks of exposure to asbestos and includes people who:

- Work in their buildings.
- Use them in other ways.

The duty to manage asbestos in buildings covers:

- All non-domestic premises, like offices, shopping centres, and retail premises.
- 'Common parts' of multi-occupancy domestic premises, like purpose-built flats

The duty requires the dutyholder to:

1. Assess if there are asbestos-containing materials (ACMs) present, the amount, where they are, and their condition (by arranging an asbestos survey).
2. Presume materials contain asbestos unless there is strong evidence that they do not.
3. Make and keep up-to-date a record or register of the location and condition of the ACMs or presumed ACMs.
4. Assess the risk of anyone being exposed to airborne fibres from the ACMs.
5. Write an asbestos management plan to manage the risk, put the plan into action, monitor it, and review it every 12 months or sooner if necessary.
6. Routinely monitor the condition of any ACMs or suspected ACMs.
7. Provide information on the location and condition of the ACMs to anyone who may work on or disturb them, including the emergency services.

Training for Duty to Manage

To make sure that ACMs within your premises are properly managed, you must identify the person within your organisation who will be responsible for that management.

The responsible or appointed person should be competent to do this work. This means they should have the resources, skills, training, and authority to ensure the ACMs are managed effectively.

The right person for this role will vary:

- For small companies, it is likely to be the owner.
- For larger organisations, where the role will be more involved, the Safety, Health, and Environment Manager may be the appropriate person.
- For others, it may be the Maintenance or Estates Manager or the Building or Facilities Manager.

3 – Asbestos Surveys

The purpose of an asbestos survey is to:

- Provide accurate information on the location, amount, and condition of ACMs.
- Assess the level of any damage to the ACMs and whether remedial action is required.
- Provide information to produce an asbestos register and management plan for the premises.
- Identify hidden ACMs to be removed before refurbishment work or demolition.

There are 4 types of asbestos surveys/inspections:

- Asbestos Management Survey.
- Asbestos Refurbishment Survey.
- Asbestos Demolition Survey.
- Asbestos Reinspection Survey.

It is important to understand which type of survey is required:

Asbestos Management Surveys

This type of survey should be carried out on all non-domestic properties that were constructed prior to the year 2000.

The main aim of a management survey is to produce an asbestos register and provide the dutyholder with relevant information to be included in the asbestos management plan, which is a legal requirement.

An asbestos management survey will locate, as far as reasonably practicable, the presence of ACMs within the relevant parts of the building. The condition of the asbestos will also be assessed in line with Health and Safety Executive (HSE) guidance, and recommendations will be provided on how to effectively manage these ACMs.

An asbestos management survey should include the inspection of all rooms and areas for which the dutyholder is responsible, including all areas that may be disturbed during normal occupancy and maintenance activities.

Note: The value and usefulness of the survey can be seriously undermined if you or the surveyor impose restrictions on the survey scope; for example, areas that are not inspected due to there being no access at the time of the survey. These areas will need to be presumed to contain asbestos and managed accordingly until they can be inspected.

Therefore, it is essential that adequate planning of the asbestos management survey be undertaken to ensure all in-scope areas can be accessed.

Asbestos Refurbishment Surveys

This type of survey must be carried out prior to the commencement of any refurbishment or renovation work.

This includes (but is not limited to) works such as:

- Structural alterations.
- Rewiring works.
- The removal or replacement of plant and equipment.
- The removal of false finishes (such as doors, partition walls, ceilings, claddings, floor coverings etc).

Note: Any works that are 'intrusive' will require an asbestos refurbishment survey to be carried out beforehand.

Asbestos Demolition Surveys

An asbestos demolition survey is the most comprehensive type of survey, and is required prior to the demolition of a building or structure.

All areas requiring demolition must be fully inspected as part of the survey. The survey will identify any ACMs present within the relevant parts of the property to ensure removal and compliance with regulations during the demolition process.

Refurbishment surveys and demolition surveys aim to ensure that:

- ACMs are removed, where required, before the work starts.
- Nobody will be harmed by work on ACMs in the premises or equipment.
- Such work will be done safely by an appropriate contractor.

Note: There is a legal requirement for all ACMs to be removed, as far as reasonably practicable, before the commencement of any refurbishment or demolition works.

Asbestos Reinspection Survey

An asbestos reinspection survey is designed to allow the dutyholder to monitor and record the condition of any previously identified asbestos products within a building.

Like any building material, asbestos-containing materials are also subject to potential damage and degradation. As an asbestos product degrades, it can become a hazard to health, and therefore, ACMs should be inspected at regular intervals to ensure its condition has not deteriorated.

Note: The HSE recommends that all ACMs are inspected at least annually, however, more regular inspections may be required where higher risk asbestos has been identified.

For this type of inspection to be undertaken, an existing asbestos survey or asbestos register should be in place.

The competent surveyor will:

- Assess your current asbestos documentation and identify potential issues with the data or gaps.
- Re-inspect your site and update your asbestos records, and identify any changes to your asbestos containing materials.
- Review your current control measures, documentation, and asbestos management plan.

Should your existing ACMs be identified and deemed unsafe due to deterioration, remediation will be required. Our asbestos project management team can help you choose and plan your next course of action to achieve compliance (see 6. below).

4 – Selecting A Competent Surveyor

Asbestos surveys and inspections must only be carried out by competent surveyors. Competent surveyors:

- Have survey knowledge and know the risks in surveying.
- Have training, experience, and recognise their limitations.
- Use an effective quality management system.
- Should be able to demonstrate independence, impartiality, and integrity.
- Undertake their work strictly in accordance with Asbestos: The survey guide (HSG264).

The HSE strongly recommends using accredited asbestos surveying organisations.

The United Kingdom Accreditation Service (UKAS) is currently the sole recognised accreditation body in Great Britain for asbestos inspection bodies carrying out surveys.

As the dutyholder, you should be satisfied that the surveyor is technically competent to carry out the survey adequately, safely and can allocate adequate resources to individual projects.

Sampling and analysis of asbestos materials

The only way to confirm if a suspect material contains asbestos fibres is to obtain and analyse a sample of it. Sampling asbestos materials must only be carried out by a suitably trained person and must be analysed by a UKAS accredited laboratory.

5 – Asbestos Management Plan

An asbestos management plan sets out the procedures and arrangements to manage the risk from ACMs in your premises.

Your plan should include:

- Who is responsible for managing asbestos, including deputies.
- Your asbestos register, including the site plan showing the location of ACMs and areas not inspected.
- The schedule for monitoring the condition of ACMs.
- How you will share your asbestos register with workers or contractors doing maintenance work.
- Control arrangements to ensure that ACMs are not disturbed.
- Emergency procedures if ACMs are disturbed.

The plan should be site-specific and say who is responsible for each element of the plan. It can be written or electronic and must detail a priority plan for action, giving high priority to damaged ACMs and those likely to be disturbed.

Your risk assessment in the asbestos register will help you identify these ACMs and should be kept up to date.

You should also consider any planned work on the building, such as:

- Service installations.
- Net zero improvements.

If the ACMs are in good condition and unlikely to be worked on or disturbed, it is usually safer to leave them in place and manage them.

It is important to review and update your plan:

- Whenever work takes place that affects ACMs.
- Where staff with management responsibilities have changed.
- Where ACMs have been inadvertently disturbed.
- Following scheduled condition checks of ACMs.

Deciding on what actions to take to manage risk

All surveys and inspections should include clear and precise recommendations to help you manage risks effectively.

ACMs in good condition can usually remain in situ and be inspected on an annual basis.

ACMs that are damaged must be repaired, protected, sealed, or removed. The recommended action will largely depend on the extent of the damage and the likelihood of further damage.

6 – Asbestos Project Management

Once it has been determined that asbestos needs to be removed, and before appointing an asbestos removal contractor, there are several things the dutyholder has to consider before works commence. For example:

- Is the work licensable, non-licensable, or notifiable non-licensable?
- What is the timeline for removal?
- What documentation do you need to ensure the works have been carried out correctly (including waste disposal checks)?



Consultancy

William Martin has the resources and expertise to provide the following comprehensive asbestos removal project management service to clients.

Tendering

We manage the tendering process and select a suitable contractor to carry out the works, with your approval. Our team prepares, circulates, and reviews Pre-Qualification Questionnaires (PQQs) and Invitations to Tender (ITTs). We advise you on identifying the most suitable contractor. Note: We remain independent of all contractors in full compliance with clients' tendering procedures.

Specifications

We prepare specifications that explain in detail the quantity and location of the ACMs and the methodology to be used in removing it.

Supervision

We supervise the removal process itself. This involves:

- Liaising with the Facilities/Building Manager.
- Scheduling and managing individual works packages, including arranging third party services (e.g. air testing).
- Supervising the works.
- Collating the documentation.
- Attending progress meetings.

Documentation

When the removal work has been finished, we will complete all relevant documentation encompassing all elements of the project, which will be held in the site Operations and Maintenance Manuals; we will also update the building's asbestos management plan, including the asbestos register.

7 – William Martin Asbestos Services

We work with you to provide comprehensive asbestos surveying and consultancy services. Our team of qualified experts and surveyors are here to improve your compliance.

Survey Programmes

- UKAS accredited surveys.
- Asbestos management surveys and registers.
- Asbestos refurbishment surveys.
- Asbestos demolition surveys.
- Asbestos re-inspection surveys.

Consultancy Services

- Pre-acquisition assessments.
- Asbestos management plans.

Asbestos Project Management

- Project scoping and technical specifications.
- Tendering and contract management.
- Method statement review and validation.
- On-site auditing.
- Provision of UKAS accredited on-site monitoring.
- Contractor assessment.
- Completion packs and updated asbestos registers.

Competent Support

- Strategic asbestos management reviews.
- Policies, procedures and safe working practices.
- Consultancy and advice.
- Management information reporting.
- Coaching and mentoring.
- Emergency incident advice.
- Liaison with enforcement bodies.

Meridian

Meridian is William Martin's health and safety compliance platform, which enables you to easily track vast amounts of data from your surveys, audits, and risk assessments—all in one secure location.

With regards to the management of asbestos, Meridian allows you to conveniently:

- Host all your property survey reports in one location.
- Track and report on remedial action compliance.
- Locate and update property asbestos registers and asbestos management plans.



Meridian



Compliance without compromise

We create next-generation property compliance by fusing clever consultancy with cutting-edge technology, so our clients can grow. Our products include:




Unparalleled expertise to safeguard your people and property.



Our online compliance and risk management platform gives you total visibility.



Take control of your supply chain, confidently and efficiently.

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William Martin is part of Marlowe Software, Risk & Compliance. Our other brands are Elogs and Barbour EHS.