

Guidance Note

Asbestos



Asbestos is a naturally occurring, fibrous material which if inhaled can cause serious diseases. These include cancers of the lungs and chest linings which can take many years to develop following exposure.

There are three main types of asbestos that can still be found in buildings today. These are 'blue asbestos' (crocidolite), 'brown asbestos' (amosite) and 'white asbestos' (chrysotile). All are dangerous carcinogens.

The use of asbestos in construction or refurbishment was banned in 2000. However, prior to this asbestos was widely used, so can potentially be found in any premises, particularly if they were built, refurbished, altered or extended during the twentieth century. Even with new buildings caution is still required where these have been built on existing basements or linked to adjoining structures.

Asbestos can be typically found in heating systems, flooring or ceiling tiles, roofing materials and so on. More often than not, it may have been painted over or mixed with another material.

Where asbestos is present, exposure can generally result when it is disturbed, damaged or is just in a poor condition. Therefore, those people who are most at risk are those carrying out maintenance and repair jobs. This could be builders, roofers, electricians, painters, decorators, joiners, plumbers, gas fitters, plasterers, heating engineers or surveyors. Those installing telephone, alarm or IT equipment can also be at risk, as well as those carrying out general maintenance or other work on the fabric of the premises.

It is also important to note that where asbestos is disturbed or in a poor condition, those using the building may also be at risk of exposure.

Risk advice line

Having read this guidance should you have any additional questions on this topic or other risk related matters, as a valued Ecclesiastical customer you can contact us through our 'Risk Advice Line' on

0345 600 7531

(Monday to Friday 9am - 5pm, excluding bank holidays)

and one of our in-house risk professionals will be able to assist.

Alternatively you can email us at

risk.advice@ecclesiastical.com

and one of our experts will call you back within 24 hours.

For queries about your policy cover or claims please contact your insurance broker.

Legal requirements

Those responsible for the maintenance or repair of non-domestic premises have a statutory duty to manage the risk from any asbestos that might be present. This duty is set out in the Control of Asbestos Regulations. You must comply with these if you:

- own a building
- are responsible for it through a contract or tenancy agreement
- have control of a building but have no formal contract or agreement in place
- are the owner and have taken responsibility in a multi-occupancy building for maintenance and repairs for the whole building.

To meet the duty, you must take reasonable steps to:

- find out if asbestos is present and assess the risk of anyone being exposed to fibres, making and keeping suitable records
- prepare a plan that sets out in detail how the risks from these materials will be managed, taking the necessary steps to put the plan into action and reviewing it periodically
- provide information on the location and condition of the materials to anyone who is liable to work on or disturb them.

Where employers intend to carry out work on or around asbestos containing materials (usually referred to as ACMs), they need to meet more extensive requirements. This will need special consideration and more information on what is required is available at www.hse.gov.uk/asbestos/index.htm.

In addition to this, you may also have responsibilities where construction work is carried out on your premises. This would be as a 'client' under the Construction (Design and Management) Regulations.

Hazards to look out for

- Loose asbestos used as loft insulation
- Sprayed asbestos for fire protection in ducts and to structural steel work, fire breaks in ceiling voids etc.
- Lagging as thermal insulation for pipes and boilers
- Asbestos insulating boards (AIB) used for fire protection, as thermal insulation or as wall partitions and in ducts, soffits, ceiling and wall panels
- Asbestos cement products (including flat or corrugated sheets) used as roofing and wall cladding, gutters, rainwater pipes, water tanks etc.
- Certain textured coatings such as decorative plasters and paints
- Bitumen or vinyl materials used as roofing felt, floor and ceiling tiles etc.*

Precautions you can take

Typical precautions include:

- removing ACMs, particularly where they are in poor condition or likely to be disturbed
- Repairing or encapsulating damaged ACMs if they are to be left in situ
- Monitoring the condition of the material at regular intervals
- Providing relevant information to anyone (e.g. builder, painter etc.) who may work on or disturb ACMs (e.g. their location, the precautions taken etc.)
- Labelling ACMs where practical.*

*This list is not exhaustive

Action

1. Identify what asbestos containing materials (ACMs) are present at your premises, their location and condition

Retain a written record of this.

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You must do this by:

- identifying any information or documents you may already have about asbestos in your premises
- checking any building plans or other relevant information (such as builders' invoices) which may tell you if asbestos is present
- consulting others (such as, architects, surveyors etc.) who may be able to provide you with this information
- seeing if any previous assessments or surveys have been completed in the past
- carrying out a thorough inspection of your premises both inside and out to identify any ACMs (or those suspected of being ACMs). Depending on your circumstances, you may need specialist assistance to do this.

Any information obtained or provided should be checked for accuracy.

You should always presume any material contains asbestos unless there is strong evidence to suggest it does not. Some materials obviously do not contain asbestos such as glass, solid wooden doors, floorboards, bricks and stone.

The thorough inspection of your premises will usually take the form of a survey. This should locate and record details of any known or presumed ACMs for you, assessing its condition.

There are two types of survey available. For normal, day-to-day occupation and maintenance of your premises, a **management survey** will be appropriate. A **refurbishment and demolition survey** will be required where this work is planned.

It will need to be completed by someone who is competent. You should ask the person or organisation:

- if they are accredited or certificated for asbestos survey work
- for evidence of their training and experience in such work
- for evidence that they have suitable liability insurance.

Our customers can access this assistance through our Preferred Supplier Facility. More information is available at: <http://www.ecclesiastical.com/fororganisations/riskmanagement/preferred-suppliers/index.aspx>

If the building's age or the information you obtain provides strong evidence that no ACMs are present, then you do not need to do anything further other than record why this evidence indicates there is no asbestos present.

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2. Assess the risk from any ACMs that might be present.

Retain a written record of this.

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Those completing the survey can do this for you. An assessment will consider:

- the information gathered about the location, amount and condition of any ACMs present
- the likelihood of it being disturbed by activities or movements of people n the number of people who use areas where ACMs are present
- any maintenance, repair or refurbishment work or other activity likely to be carried out where ACMs are present.

It will also identify how any ACMs or work which may disturb them is to be managed. It will highlight ACMs that:

- are in good condition and can be left in place and managed n are in vulnerable locations and need to be protected or removed
- are in poor condition and need repair or removal
- will need to be removed where maintenance, refurbishment work or demolition is planned.

The assessment must be recorded (in written or electronic form) and dated. It will need to contain specific information (e.g. an accurate drawing of the premises showing where ACMs are present and in what extent/form).

This formal record is frequently referred to as an asbestos register. All the information gathered from the assessment should be used to form the management plan.

3. Ensure that a written plan to manage the risk from any ACMs is prepared.

Implement the requirements of the plan to make sure that any ACMs are kept in good condition and are removed, repaired or protected where necessary.

Provide information on the location and condition of the material to anyone who is liable to disturb it or is otherwise potentially at risk (e.g. emergency services).

Again, those completing the survey should be able to develop this for you. Either in an electronic or paper form, the written plan must set out how the risk from any ACMs will be managed. Details should include:

- the identity of the person(s) responsible for managing the asbestos risk
- a copy of the asbestos record or register (including how to access it if it is kept electronically)
- instructions that any work on the fabric of the building cannot start without the relevant parts of the record/register being checked and how this is to be achieved
- plans for any repair, protection or removal of ACMs where this is necessary n the schedule for monitoring the condition of any ACMs (at least every 6 to 12 months)
- how to communicate the content of the management plan
- contingency arrangements if the main contact person for asbestos risk management is not available.

You will need to take steps to ensure that the plan is implemented, making periodic checks as specified. If you are unsure how to do this, you will need to seek advice from someone who is competent.

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Any work on or removal of ACMs should be left to the specialists. In many cases, they may need to be licensed and you will need to check that they are competent to do this work for you. More information is available at: www.hse.gov.uk/asbestos/detail.htm.

You should only let work start once you are satisfied that information in the asbestos record/register is known and understood by those who are doing the work, with this being easily accessible for anyone who needs to inspect it.

4. Ensure that employees and volunteers know what arrangements are in place and what to do if they come across or disturb asbestos

The level of information and training required will vary depending on the presence of ACMs.

If they are in your premises, you may need to share some of the detail in your management plan (e.g. the location of these). You will also need to advise what to do where employees and volunteers suspect that they have disturbed it (e.g. to stop what they doing immediately, reporting what has happened etc.).

You should keep records of any information or training you provide. These should contain detail relating to the persons who were trained (including their signatures to say that they have received and understood the training); when they were trained and by whom; an overview of the training that was provided etc.

5. Keep records of what you have done, making sure that they are kept up to date.

Review these if you suspect that they are no longer valid or there has been a significant change.

Depending upon your circumstances, you will need to keep records of:

- why any evidence indicates there is no asbestos present in your building
- any surveys, assessments and management plans that have been prepared where ACMs are present.

As a minimum, the management plan (including records and drawings) should be reviewed every 12 months. It should also be reviewed and updated if circumstances change (e.g. where ACMs are removed or repaired etc.).

The asbestos register (including drawings) should be kept available at your premises.

In the event of a claim, paperwork will be important. So, where you are managing ACMs, you should retain the records mentioned.

6. Provide relevant information to those that need it where you are planning construction work.

'Construction work' includes the alteration, renovation, repair, upkeep, redecoration or other maintenance of a structure of a premises.

You will have specific responsibilities here – as a 'client'. This is under the requirements of the Construction (Design and Management) Regulations (commonly known as CDM). A 'client' is someone for whom construction work is carried out. This would include any planning, design, management or other work associated with it until that work is complete.

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CDM is intended to protect the health and safety of those carrying out the work and others who may be affected by it (e.g. members of the public).

As far as asbestos is concerned, you will have to provide project-specific information about the presence of asbestos to designers and contractors who are bidding for the work (or who you intend to engage). You may need to have a **refurbishment and demolition survey** completed for this purpose.

7. Document your arrangements and responsibilities for managing asbestos.

Review these where necessary, particularly if you suspect that they are no longer valid

If you need to prepare a health and safety policy, you could record your arrangements as part of it.

Want to know more?

We have produced other useful resources to help you get started or to simply check the adequacy of what you have already done. All are available at:

<https://www.ecclesiastical.com/risk-management/>

Further guidance and resources are also available at:

www.hse.gov.uk/asbestos/index.htm

Note: if you are in Ireland, Northern Ireland, Jersey, Guernsey or the Isle of Man, then regional variations might apply. In this instance, you should check the guidance provided by the Enforcing Agency for your region. This will be freely available on their website.

This guidance is provided for information purposes and is general and educational in nature. It should not be used as a substitute for taking professional advice on specific issues and should not be taken as providing legal advice on any of the topics addressed.



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