

DATA LABEL: PUBLIC



**COUNCIL EXECUTIVE**

**ASBESTOS, FIRE SAFETY AND LEGIONELLA POLICIES AND MANAGEMENT PLANS**

**REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

**A. PURPOSE OF REPORT**

To provide details of proposed amendments to the Asbestos, Fire Safety and Legionella Policies and Management Plans in relation to the council's statutory obligations in respect of property assets.

**B. RECOMMENDATION**

It is recommended that Council Executive:

1. Approves the revised statutory compliance Policies and Management Plans.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable;
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Amend existing policy for Asbestos Management, Fire Safety and Legionella Management  Health and Safety at Work Act 1974; The Control of Substance Hazardous to Health Regulations 2002; The Management of Health and Safety at Work Regulations 1999; Fire (Scotland) Act 2005; Fire Safety (Scotland) Regulations 2006; Practical Fire Safety Guidance; HSE Approved Code of Practice L8 – Control of Legionella in Water Systems; Control of Asbestos Regulations 2012; The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR); Construction Design and Management Regulations 2015.
<b>III Implications for Scheme of Delegations to Officers</b>	The Scheme of Delegation to officers will be amended to reflect the revised policies.
<b>IV Impact on performance and performance Indicators</b>	None

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	We live in resilient, cohesive and safe communities.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The Capital budget contains an allocation for Asbestos, Fire Safety and Legionella within the council.
<b>VII</b>	<b>Consideration at PDSP</b>	Revised Policies and Management Plans were considered at the Partnership and Resource PDSP on 20 <sup>th</sup> August 2021 with no adverse comments received.
<b>VIII</b>	<b>Other consultations</b>	Consultation has taken place with the recognised trade unions.  Consultation has also taken place with council services through the Property Compliance Working Group including: Health and Safety; Education; Social Policy; Housing Customer and Building Services.

## **D. TERMS OF REPORT**

### **D.1 Introduction**

The Council has a duty of care to ensure employees and other parties entering council premises are not at risk of the dangers associated with Asbestos, Fire and Legionella. The existing policies have been reviewed to ensure they reflect the requirements of existing legislation and best practice guidance.

The revised policies and management plans are located in appendices to this report.

### **D.2 Legislative Context**

The council's duties and obligations for Asbestos management; Fire safety and Legionella management are detailed within the following legislative frameworks:

Health and Safety at Work Act 1974; The Control of Substance Hazardous to Health Regulations 2002; The Management of Health and Safety at Work Regulations 1999; Fire (Scotland) Act 2005; Fire Safety (Scotland) Regulations 2006; Practical Fire Safety Guidance; HSE Approved Code of Practice L8 – Control of Legionella in Water Systems; Control of Asbestos Regulations 2012; The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR); Construction Design and Management Regulations 2015.

The exposure to risks associated with Asbestos; Fire Safety and Legionella and how to control and minimise those risks to comply with legislation has formed the basis of the Councils approach and are detailed within each of the revised policy and management plans.

### **D.3 Asbestos Policy & Management Plan**

The amended Asbestos Management Policy and Management Plan has been developed and reviewed in line with current legislation and guidance.

The main changes to the proposed policy include:

- Additional reference to provide clarity between the relationship of the Council Health and Safety Policy and the Asbestos Policy.
- The addition and clarification of responsibilities concerning the role of Council employees and in particular persons in control of works and persons in control of property including Responsible Persons; standby duty officers and Property Services staff
- Updating of Officer Roles and Titles to reflect current circumstances.
- Addition and clarification of the roles and responsibility of contractors.
- Clarification the policy applies to all council premises (including PPP).

The main changes to the proposed Management Plan include:

- Additional reference to provide clarity between the relationship of the Council Health and Safety Policy and the Asbestos Policy.
- Clarification of roles including persons in control of work; persons in control of property; Property Services staff.
- Clarification of changes for Asbestos awareness training.
- Inclusion of contractor competence; training and their obligations in relation to asbestos compliance and employer requirements.
- Inclusion of additional measures taken to remind contractors of the risks associated with asbestos.
- Further detail provided in relation to Asbestos survey types and sampling.
- Clarification of process and procedure regarding incidents and near misses including an annual performance report and analysis.
- Clarification of service specific arrangements and reference to those supplementary procedures.
- Confirmed and clarified the position on programming of minor works (including asbestos surveys) being undertaken in operational premises and phasing of enabling works in parallel with asbestos surveying activities.
- The introduction of four new appendixes including Asbestos awareness training Guidance; Mandatory Requirements & Specification for Removal & Disposal of ACMs – Employer requirements; Asbestos work request form guidance and Process for repair and maintenance within restricted areas.

#### **D.4 Fire Safety Policy & Management Plan**

The amended Fire Safety Policy and Management Plan has been developed and reviewed in line with current legislation and guidance.

The main changes to the proposed policy include:

- Addition of responsibilities for the Head of Service for Finance and Property Services, Capital Programme and Projects team managers and Persons in Control of Maintenance Work.

The main changes to the proposed Management Plan include:

- Amended list of supporting documents in Premises Management to reflect those applicable.
- Amended terminology to provide greater clarity in relation to the review of risks to include significant change in use or design.
- Inclusion of list of Performance Measures.

## **D.5 Legionella Policy & Management Plan**

The amended Legionella Management Policy and Management Plan has been developed and reviewed in line with current legislation and guidance.

The main changes to the proposed policy include:

- Amended wording of the Chief Executive responsibilities to align with other policies
- The addition and clarification of responsibilities concerning the role of duty holders between Property Services (Operational Property) and Housing, Customer and Building Services (Domestic)
- The addition and clarification of responsibilities concerning the role of the Legionella Responsible Persons including the role of Health & Safety Advisers.
- Clarification the policy applies to all council premises (including PPP).

The main changes to the Management Plan include:

- The development and addition of the Domestic Property Management Plan
- The Operational Property plan has been revised, with the main changes as follows:
  - removal of references to housing now included in the domestic plan,
  - The frequency of risk assessments has been aligned with Performance Measures.
  - Clarification on what is included in Written Scheme,
  - Clarification of what are considered Prohibited Items that require Depute Chief Executive approval,
  - details of Planned Preventative Maintenance schedules added,
  - control parameters stated and improved contractor management requirements.
  - Clarification on compliance monitoring of the policy and management plan for all council premises.

## **E. CONCLUSION**

The Policies and Management plans contained in this report will ensure ongoing compliance with legislation.

These policies set out key responsibilities and accountabilities consistent with other council policies.

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments:

- Appendix 1: Asbestos Management Policy
- Appendix 2: Asbestos Risk Management Plan
- Appendix 3: Fire Safety Policy
- Appendix 4: Fire Safety Management Plan
- Appendix 5: Legionella Management Policy
- Appendix 6: Legionella Management Plan (Operational property)
- Appendix 7: Legionella Management Plan (Domestic Property)

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**Head of Finance and Property Services**

Date of meeting: 7<sup>th</sup> September 2021

Appendix 1



## Asbestos Management Policy

<b>Document title</b>	<b>Issuing Department</b>	<b>Issue Date</b>	<b>Author(s)</b>	<b>Next review date</b>
Asbestos Policy	Health and Safety	June 2012	Marion Johnstone	June 2015
Asbestos Management Policy	Construction & Design Services	February 2016	Lauren McGuinness	February 2019
Asbestos Management Policy	Property Services	June 2021	Lauren McGuinness	June 2024

## **1. Policy Statement**

The council has a duty of care to ensure those employees and other parties who use and have access to all council premises and properties are not exposed to the harmful effects of asbestos. The council will take all necessary steps to discharge this duty under the Control of Asbestos Regulations 2012, and any future amendments made to the Regulations.

## **2. Policy Objectives**

The objectives of the Policy are to:

- Set clear responsibilities for ensuring employees and other parties who have access to council premises and properties are not exposed to the harmful effects of Asbestos Containing Materials (ACMs).
- Set clear responsibilities for communicating and promoting the council's commitment to prevent exposure to asbestos fibres through adequate information, instruction and training.
- Ensure strict compliance with the council's Asbestos Management Plan.

## **3. West Lothian Council Health and Safety Policy**

The Health and Safety Policy is a requirement under the Health and Safety at Work Act and details how West Lothian Council will manage Health and Safety. It is the principle Policy on Health and Safety. Corporate Health and Safety provide topic specific information in the form of procedural documents which supplement the Health and Safety Policy. Services will then formulate service specific guidance and procedures commensurate with their activities. The Asbestos Policy and the Asbestos Risk Management Plan form part of those supplementary documents.

## **4. Policy Implementation**

The objectives of this Policy will be implemented through the council's Asbestos Management Plan

## **5. Asbestos Work Undertaken by Council Employees**

- Only suitably trained and authorised employees of Building Services may undertake work on non-licensed ACMs as defined in the Control of Asbestos Regulations.
- The nature and scope of the non-licensed work to be undertaken will be agreed by the Depute Chief Executive for Corporate, Operational and Housing Services and the Head of Service for Housing, Customer and Building Services in conjunction with the HR Manager (Health and Safety) and with reference to the Health and Safety Executive (HSE) Asbestos Essentials Booklet.
- Non-licensed work will only be undertaken where it is clear from a suitable and sufficient risk assessment that the exposure of an employee to ACMs will not exceed the control limit set out in the Control of Asbestos Regulations.
- Work on licensed asbestos materials and notifiable non-licensed material is not permitted by any council employee.

## **6. Asbestos Work Undertaken by Contractors**

- Contractors may undertake work on licensed ACMs only if they hold an HSE asbestos license.

- Work on non-licensed and notifiable non-licensed ACMs may be undertaken by contractors only if the persons undertaking the work are suitably trained, all requirements of the Control of Asbestos Regulations are complied with and the work is authorised by the council. The contractor undertaking the work will be responsible for notifying licensed and notifiable non-licensed work to the HSE.
- The council will ensure that adequate information is made available to those contractors regarding the presence and type of known or presumed ACMs which may be encountered during the work and ensure that contractors engaged in work with ACMs have conducted their own risk assessment prior to work starting.

## **7. Responsibilities**

In accordance with the council's Scheme of Delegation to Officers, the Chief Executive is responsible for ensuring that there are appropriate policy, management plan and procedures in place for management of asbestos.

### Depute Chief Executives

Depute Chief Executives are accountable and responsible to the Chief Executive for ensuring the implementation of this Policy within their portfolio of services.

### Head of Finance and Property Services

The Head of Finance and Property Services is responsible to the Chief Executive for ensuring the implementation of this Policy.

### Heads of Service

Heads of Service are responsible to the appropriate Depute Chief Executive for implementing this Policy by ensuring that all employees and others who may be affected within their service are protected from the hazards associated with ACMs.

### Service Managers/Head Teachers

Service Managers are responsible to the appropriate Head of Service for ensuring strict controls are maintained where the presence of ACMs is established and that employees receive asbestos training as necessary in relation to the risks and the procedures to be adopted in those circumstances. Implementing their service communication plans and where necessary developing Emergency Communication Process Maps and Works Process Maps for their service areas.

### Property Services Manager

The Property Services Manager is responsible to the Head of Finance and Property Services for implementing this policy by ensuring that all employees and others who may be affected within their service are protected from the hazards associated with ACMs.



### Statutory Compliance Manager

The Statutory Compliance Manager is responsible to the Property Services Manager for managing asbestos across the council in line with the following key responsibilities.

- Ensuring the management of projects and programmes for the removal or management of ACM's are in accordance with the Asbestos Management Plan and procedures.
- Ensuring services comply with the Policy, management plan and procedures.
- Providing guidance and advice on asbestos management and risk assessments.
- Ensuring adequate asbestos databases for non-domestic council properties and domestic council properties are in place and maintained.
- Determining the frequency for monitoring the condition of all identified ACMs and presumed ACMs and ensuring this is undertaken.
- Monitoring the performance of contractors and consultants engaged in asbestos work.
- Ensuring suitable asbestos work is undertaken by competent contractors
- Monitoring the provision of appropriate information, instruction, training and record keeping.
- Developing and publishing the council's Asbestos Management Plan.
- Liaising with the HR Manager (Health and Safety) on all aspects of asbestos management.
- Developing systems to ensure contractors have sufficient information on ACMs prior to work commencing

### Persons in Control of Construction or Maintenance Work

Persons in control or managing construction or maintenance work are responsible for ensuring that work will be carried out safely. They shall ensure that prior to commencing any work that will disturb the fabric of the building the Asbestos Register and associated supporting documents are checked and a risk assessment for asbestos is completed. They shall also ensure that where required, all asbestos surveys, asbestos removal or remediation work is requested via the Statutory Compliance Manager and all relevant asbestos information passed to the persons, tradespersons or contractors carrying out the work. They shall also ensure that the contractor is aware of their obligations under the West Lothian Council Asbestos Policy.

They shall also be responsible for ensuring that no goods/materials are purchased that contain ACMs.

### Stand-By Duty Officers

All stand by duty officers and allocated operatives shall comply with the out of hours procedure as noted in the Risk Management Plan and Health and Safety HR toolkit.

### Property Management and Development Staff

Individual employees within Property Services who have responsibility for the management of Tenanted Non-Residential Properties will ensure that tenants receive information regarding asbestos that may be present in their property, and are advised of their obligations in relation to asbestos on the date of entry. This may include updated information which the property manager can pass to the tenant in electronic or hard copy format.

Property Services staff are also responsible for ensuring the outgoing tenant provides the updated asbestos register (including annual re-inspection updates) and any other asbestos related documentation (surveys, air testing reports etc) as part of the pre-termination

checks.

### Persons in Control of Property (Head Teachers, Building Managers and Persons or groups in control of building lets)

Responsible persons in control of each property are responsible for ensuring that contractors engaged to undertake work in their premises check and review the asbestos register and any other supporting documents (asbestos hand book) prior to commencing work.

Responsible persons shall also ensure that all contractors to attend their premises sign into the contractors log within the compliance log book.

Responsible persons shall allow access to the Statutory Compliance Manager or their delegate for the purposes of fulfilling the obligations under this policy and the supporting asbestos risk management plan.

Any person or third party in control of a let of a building or any part thereof, shall ensure that those lets or any of their activities do not interfere with, disturb or alter the fabric of the building or known asbestos materials recorded in the site asbestos register.

### HR Manager (Health and Safety)

The Health and Safety Manager is responsible to the Head of Corporate Services for reporting asbestos incidents to HSE, leading and co-ordinating investigations in line with the Health and Safety policy and incident investigation procedures. The Health and Safety manager will appoint an appropriate officer to carry out asbestos related incident investigations as required.

Whilst, the development, publishing and maintenance of the Asbestos Management Policy and Asbestos Risk Management Plan will be undertaken by the Statutory Compliance Manager these will be undertaken in consultation with the Health and Safety Manager.

### Health and Safety Advisers

Health and Safety Advisers will have the following responsibilities.

- Supporting services with advice and guidance in relation to the implementation of requirements of this policy.
- Carrying out investigations into asbestos related incidents as directed by the Health and Safety Manager.
- Provide support and carry out training in accordance with the asbestos training program for West Lothian Council.

### Employees

All employees shall comply with this policy, the asbestos risk management plan and service specific asbestos procedures. Including complying with any information instruction and training that is provided, reporting near misses and incidents and following service specific communication/ emergency procedures,

### Contractors

All contractors shall comply with the councils asbestos policy and risk management plan. Including ensuring that they have a safe systems of work in place to avoid the risks from

asbestos, ensure that they have suitable and sufficient asbestos training and that emergency procedures are in place and up to date.

## **8. Business Continuity**

Services should include appropriate procedures in their Business Continuity Plan to deal with an unplanned disturbance of ACMs.

## **9. Review of Policy**

The Statutory Compliance Manager will review the Policy as appropriate in conjunction with the HR Manager (Health and Safety), and in consultation with recognised Trade Unions and other relevant parties.

- Full reviews of this policy shall be carried out at least once every 3 years;
- Interim reviews will be carried out when appropriate and, in particular, when there are:
  - changes to the underlying legislation or, supporting guidance or documents.
  - significant changes in the awareness of risk.

Appendix 2



## West Lothian Council Asbestos Management Plan

<b>Document title</b>	<b>Issuing Department</b>	<b>Issue Date</b>	<b>Author(s)</b>	<b>Next review date</b>
Asbestos Management Plan	Health and Safety	June 2012	Marion Johnstone	June 2015
Asbestos Risk Management Plan	Construction & Design Services	February 2016	Lauren McGuinness	February 2019
Asbestos Risk Management Plan	Property Services	June 2021	Lauren McGuinness	June 2024

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## **1 Purpose**

The Asbestos Management Plan describes how the Council will effectively manage asbestos in all council premises and the actions that will be taken to prevent council employees, contractors and other persons from being exposed to asbestos fibres.

The council has a legal duty of care to prevent or avoid the risk of exposure to asbestos to employees and all other relevant parties as defined in the Asbestos Management Policy.

The council's failure to comply with this duty could result in serious illness and death of anyone exposed to asbestos fibres. It may also result in criminal prosecution and civil claims against those held to be responsible.

## **2 West Lothian Council Health and Safety Policy**

The Health and Safety Policy is a requirement under the Health and Safety at Work Act and details how West Lothian Council will manage Health and Safety. It is the principle Policy on Health and Safety. Corporate Health and Safety provide topic specific information in the form of procedural documents which supplement the Health and Safety Policy. Services will then formulate service specific guidance and procedures commensurate with their activities. The Asbestos Policy and the Asbestos Risk Management Plan form part of those supplementary documents.

## **3 Background**

Asbestos is the common name used for a number of naturally occurring inorganic silicates. It is an internationally recognised hazard to health. Its fibres, when released to atmosphere and inhaled, can accumulate in the lung and may cause severe irritation leading to serious illness and death.

Asbestos was a useful product due to its durability, chemical, sound and heat resistance and consequently it is found in a range of construction materials. It can be found in diverse materials from floor tiles to roof boards and from storage heaters to ironing boards. Construction materials containing asbestos are referred to as Asbestos Containing Materials (ACMs). Where ACMs are damaged or their condition deteriorates they are liable to release asbestos fibres into the environment. Some ACMs will release fibres more readily than others.

## **4 Roles & Responsibilities**

Those with responsibilities under the Asbestos Management Policy should note the dangers associated with asbestos and must not in any way underestimate the fact that exposure to ACMs can be fatal.

Every reasonable precaution must be taken to ensure that exposure to asbestos fibres is prevented or, where prevention is not possible, controlled using suitable and sufficient measures. Work with ACMs, even under controlled conditions, is still considered to be exposure to asbestos fibres to those undertaking the works.

Risks must be adequately controlled when work is carried out on or near ACMs. All employees who are liable to be exposed to ACMs, or who supervise such employees, must be given adequate information, instruction and training regarding the precautions to be taken.

#### 4.1 Chief Executive

The Chief Executive is responsible for ensuring the council has an appropriate policy, management plan and procedures in place for management of asbestos..

#### 4.2 Depute Chief Executives

Depute Chief Executives are accountable and responsible to the Chief Executive for ensuring the implementation of the Policy within their portfolio of services.

#### 4.3 Head of Finance and Property Services

The Head of Finance and Property Services is responsible to the Chief Executive for ensuring the implementation of the Policy in relation to the responsibilities of that area.

#### 4.4 Heads of Service

Heads of Service are responsible to the appropriate Depute Chief Executive for implementing the Policy by ensuring that all employees and others who may be affected within their service are protected from the hazards associated with asbestos, reviewing their service's compliance with the corporate Health and Safety Policy and where appropriate developing service procedures, emergency communication process and a communications plan.

#### 4.5 Service Managers/Head Teachers

Service Managers/Head Teachers are responsible to the appropriate Head of Service for ensuring strict controls are maintained where the presence of asbestos is established and that employees receive asbestos training as necessary in relation to the risks and the procedures to be adopted in those circumstances and for the implementation of the service communication plan. They are also responsible for developing, where necessary service procedures, emergency communication process maps and works process maps.

#### 4.6 Property Services Manager

The Property Services Manager is responsible to the Head of Finance and Property Services for implementing this policy by ensuring that all employees and others who may be affected within their service are protected from the hazards associated with ACMs.

#### 4.7 Statutory Compliance Manager

The Statutory Compliance Manager is responsible to the Property Services Manager for ensuring that the relevant Asbestos Policy, Management Plan and associated are current and that their requirements are met by the Council. The postholder will lead the team responsible for the corporate management of Asbestos.

The Statutory Compliance Manager has the following key responsibilities for managing asbestos:

- Ensuring the management of projects and programmes for the removal or management of ACM's are in accordance with the Asbestos Management Plan and procedures.
- Ensuring services comply with the Policy, management plan and service procedures.
- Providing guidance and advice on asbestos management and risk assessment.
- Ensuring adequate up-to-date asbestos databases for non-domestic council properties and domestic council properties are in place and maintained.
- Determining the frequency for monitoring the condition of all identified ACMs and presumed ACMs and ensuring this is undertaken.

- Monitoring the performance of contractors and consultants engaged in asbestos work.
- Ensuring suitable asbestos work is undertaken by competent contractors.
- Monitoring the provision of appropriate information, instruction, training and record keeping. Developing and publishing the council's asbestos management policy and management plan.
- Liaising with the HR Manager (Health and Safety) on all aspects of asbestos management.
- Developing systems to ensure work orders and instructions warn contractors in writing if asbestos is liable to be present in the premises where work is to take place and ensure that relevant asbestos information held is passed to the contractor prior to carrying out any works.

The Statutory Compliance Manager will have a unique email account: [asbestos@westlothian.gov.uk](mailto:asbestos@westlothian.gov.uk) to ensure that urgent contact can be responded to. The Statutory Compliance Team Manager's telephone number during normal working hours will be found in the staff telephone directory. The out-with working hours telephone number is (01506) 280000.

#### 4.8 Persons in Control of Construction or Maintenance Work

Persons in control or managing construction or maintenance work are responsible for ensuring that work will be carried out safely and that prior to commencing any work that will disturb the fabric of the building the Asbestos Register and associated supporting documents are checked and a risk assessment for asbestos is completed. They shall also ensure that where required, all asbestos surveys, asbestos removal or remediation work is requested via the Statutory Compliance Manager and all relevant asbestos information passed to the persons, tradespersons or contractors carrying out the work. They shall also ensure that the contractor is aware of their obligations under the West Lothian Council Asbestos Policy.

They shall also be responsible for ensuring that no goods/ materials are purchased that contain ACMs.

#### 4.9 Stand By Duty Officers

All stand by duty officers and allocated operatives shall comply with the out of hours procedure as noted in the Risk Management Plan and Health and Safety HR toolkit.

#### 4.10 Property Services Staff

Individual employees within Property Services who have responsibility for the management of Tenanted Non-Residential Properties will ensure that tenants receive information regarding asbestos that may be present in their property, and are advised of their obligations in relation to asbestos on the date of entry. This may include updated information which the property manager can pass to the tenant in electronic or hard copy format.

Property Services staff are also responsible for also ensuring the outgoing tenant provides the updated asbestos register (including annual re-inspection updates) and any other asbestos related documentation (surveys, air testing reports etc) as part of the pre-termination checks.



#### 4.11 Persons in Control of Property (Head Teachers, Building Managers and Persons or groups in control of building lets)

Responsible persons in Control of each property are responsible for ensuring that contractors engaged to undertake work in their premises check and review the asbestos register and any other supporting documents (asbestos hand book) prior to commencing work.

Responsible persons shall also ensure that all contractors to attend their premises sign into the contractors log within the compliance log book.

Responsible persons shall allow access to the Statutory Compliance Manager or their delegate for the purposes of fulfilling their councils obligations under this policy and the supporting asbestos risk management plan.

Any person or third party in control of a let of a building or any part thereof, shall ensure that those lets or any of their activities do not interfere with, disturb or alter the fabric of the building or known asbestos materials recorded in the site asbestos register.

#### 4.12 HR Manager (Health & Safety)

The HR Manager (Health and Safety) is responsible to the Head of Corporate Services for reporting asbestos incidents to HSE, leading and co-ordinating investigations in line with the Health and Safety policy and incident investigation procedures.

The Health and Safety manager will appoint an appropriate officer to carry out asbestos related incident investigations as required. The development, publishing and maintenance of the Asbestos Management Policy and Asbestos Risk Management Plan will be undertaken by the Statutory Compliance Team Manager in consultation with the Health and Safety Manager.

#### 4.13 Health and Safety Advisers

Health and Safety Advisers will have the following responsibilities.

- Supporting services with advice and guidance in relation to the implementation of requirements of this policy.
- Carrying out investigations into asbestos related incidents as directed by the Health and Safety Manager.
- Provide support and carry out training in accordance with the asbestos training program for West Lothian Council.

#### 4.14 Employees

All employees shall comply with this policy, the asbestos risk management plan and service specific asbestos procedures. Including complying with any information instruction and training that is provided, reporting near misses and incidents and following service specific communication/ emergency procedures.

#### 4.15 Contractors

All contractors shall comply with the councils asbestos policy and risk management plan. Including ensuring that they have a safe system of work in place to avoid the risks from asbestos, ensure that they have suitable and sufficient asbestos training and that emergency procedures are in place and up to date.

## 5 Asbestos Awareness Training

### 5.1 Provision of Training

The council will provide training on Asbestos Awareness and/or Management to all necessary employees. Refresher training will be provided and the frequency will follow HSE guidelines. Services should identify those people who are potentially at risk from exposure to ACMs or as being key in the management of asbestos and provide them with information, instruction and training in line with the requirements of the Control of Asbestos Regulations 2012. Services can find guidance on this in Appendix 14. In addition the following areas of awareness and management will be covered:

- The council's Asbestos Management Policy and Risk Management Plan including service specific procedures.
- The council's Asbestos Register; its accessibility, use and limitations.
- The types of asbestos surveys and the scope/ limitations of each.
- Hard copy and electronic location of asbestos related information (i.e. site management plans, asbestos survey reports, removal certification, air test reports
- Requesting asbestos related works.
- Current asbestos works provision within West Lothian Council.

Training for those who are liable to directly encounter ACM's in the workplace will additionally cover:

- Refresh training in all of the above areas as per HSE guideline frequencies or service training needs analysis.
- Regular re-enforcement of training through toolbox talks, group site and depot seminars including the sharing of good and bad practices and any near misses/ incident investigations.
- Changes in asbestos regulations and other health and safety regulations.

Services shall be responsible for retaining up to date records on those employees who have attended asbestos awareness training as well as supporting the Statutory Compliance Manager in the reporting of performance information in relation to those annual training targets.

All existing Managers will be trained in their responsibilities to ensure that no staff member is put at risk through ignorance or duress. It will stress:

- Manager responsibility for taking appropriate action to prevent risks.
- Manager responsibility for producing and implementing the Health and Safety - Safety Arrangements Booklet and to ensure that the delegated responsibilities for ACMs in their area are written into it and communicated to those with responsibilities.
- Managers should ensure that those employees with delegated responsibilities have access and are made aware of the content of the Safety Arrangements Booklet.

All existing staff out-with identified risk groups will be directed by their line manager, in relation to asbestos procedures and any delegated tasks they have been asked to carry out.

## 6 Contractor Competence, Training and Obligations

- 6.1 All contractors shall comply with the councils asbestos policy and risk management plan. Including ensuring that they have a safe system of work in place to avoid the risks from asbestos, ensure that they have suitable and sufficient asbestos training and that emergency procedures are in place and up to date.
- 6.2 All contractors shall ensure that they have developed a clear communication plan and procedures in relation to asbestos. Contractors shall ensure that they communicate effectively with West Lothian Council regarding asbestos.
- 6.3 Persons in control or managing construction or maintenance work shall ensure that competency checks are carried out of all contractors (including all construction/non asbestos contractors). Evidence of suitable asbestos training (including asbestos awareness and refresher) shall be obtained from all prospective contractors who are engaged by WLC in construction, repair, maintenance work and are potentially at risk from exposure to ACMs as part of their works. Guidance on asbestos awareness training can be found in Approved Code of Practice (ACOP) L143 Work with Materials Containing Asbestos. Guidance on the competence of contractors managing asbestos works can be found in Appendix 15- Asbestos Management in Construction Works – Employer requirements.

Property Services shall write to all relevant term maintenance contractors and framework consultants on a 6 monthly basis to remind them of the risks associated with asbestos, remind them of their obligations in terms of asbestos when working in West Lothian Council Operational Premises. This written reminder shall include as a minimum:

- All contractors must review the asbestos register prior to undertaking any work.
- To reinforce the importance and legal requirement to have a safe system of work and risk assessment in place.
- All contractors must have asbestos emergency procedures in place including communication strategy.
- All contractors must have appropriate asbestos awareness training.

Property Services shall provide all relevant contractors with the “Asbestos – What you need to know” induction to working in West Lothian Council premises. This induction includes:

- the councils duty to manage asbestos,
- safe systems of works and avoiding the risk from asbestos,
- a summary of the premises asbestos handbook,
- a summary of the asbestos register and
- the importance of having asbestos emergency procedures.

This induction shall be provided on an annual basis to all term maintenance contractors for them to include in their own company training regime with a compliance declaration sought from each that they have incorporated this.

This induction may also be provided ahead of appointment of a contractor as part of tender documentation, it may be provided in support of the Property Services Employer Design Requirements document or it may be provided at pre-start phase and minuted to ensure that all newly appointed contractors are captured.

Property Services shall have asbestos compliance as a standing item on all relevant contractor pre start and progress meeting agenda's.

#### 6.4 Asbestos Contractors Requirements

The council will put in place robust selection, monitoring and management of all contractors employed to carry out work with asbestos materials. This includes surveys, sampling & analysis and asbestos removal. Guidance on minimum competence requirements on each of these areas can be found in Appendix 15.

##### Asbestos Contractor Requirements

Services will ensure that all contractors engaged to work with asbestos are from those recognised by the Statutory Compliance Team as competent and, where necessary, appropriately licensed to do so. Where applicable, each Service area will ensure documented procedures are in place to select, monitor and manage contractors who work with asbestos. In general, this will include:

- The Statutory Compliance Manager being responsible for the selection of competent contractors
- Guidance on minimum competence requirements can be found in Appendix 15
- Only competent removal contractors, and who hold an HSE asbestos license and have adequate insurance will be employed to undertake licensed asbestos work.
- Performance and quality monitoring of contractors will be undertaken by the Statutory Compliance Team who will develop an audit system covering tendering, operation, health and safety and quality control.
- Contract monitoring will be done in conjunction with the Corporate Procurement Unit.
- Contractor's training records must be available on request.
- Risk assessments and safe systems of work must be assessed as adequate by the Statutory Compliance Team or by the main contractor (where applicable) and in place prior to any works taking place. Where these are part of larger construction works the Corporate Health and Safety Team should also be consulted on the adequacy of the risk assessment and method statement.
- Contractors who undertake asbestos sampling or surveying must conform to the requirements in ISO17020. The council will ensure all contractors engaged for this purpose are fully accredited by UKAS and compliant with all legislation.
- Contractors who undertake air testing as part of the Certificate for Re-occupation must conform to the requirements in ISO17025. The council will ensure all contractors engaged for this purpose are fully accredited by UKAS and compliant with all legislation.
- Contractors who undertake air measurements and employee exposure monitoring must conform to the requirements of ISO17025. The council will ensure all contractors engaged for this purpose are fully accredited by UKAS and compliant with all legislation.
- Contractors will conform to the CDM Regulations 2015 and any versions thereafter. Where these are part of larger construction works the Corporate Health and Safety Team should also be consulted.
- The Statutory Compliance Team will ensure that whenever two or more contractors work with ACMs or could come into contact with ACMs at the same time or are working in the same premises that they co-operate with each other and those they could affect.

#### 6.5 Asbestos surveyors/ analysts/ removal contractors role and responsibilities

All asbestos contractors general roles and responsibilities are included but not limited to those set out in Appendix 15

## 6.6 Provision of asbestos information to contractors

All third-party contractors and West Lothian Councils Building Services will be alerted to the presence of ACMs and the controls being used to prevent exposure to asbestos, by the person(s) in control of construction or maintenance work, including emergency and standby operations AND by reviewing the site specific asbestos management plan or available asbestos information (applies to domestic premises only).

Contractors must be advised of the standards expected and procedures to be followed prior to carrying out any asbestos works. This will be done by the 'person(s) in control of or key in the management / instruction of construction or maintenance work'.

The Statutory Compliance Team will implement systems to ensure work orders and instructions warn contractors in writing if ACMs are liable to be present in the premises where work is to take place. Please refer to the work order example on the intranet – Health and Safety HR toolkit.

Every WLC operational site has an Asbestos Management Handbook.

- This is for use by WLC staff and external contractors.
- It is located at the front desk/ reception/ main office.
- It is coupled with the compliance log book and contractor sign in.
- It is the Responsible Persons responsibility to keep in good order.

The site specific asbestos handbook will contain the asbestos management plan (register) and other asbestos related documents as noted below:

### Section 1 - Site specific management plan and asbestos register

- Summary of known asbestos in the building
- Condition of asbestos
- Controls in place
- Layout plans

### Section 2 - Asbestos survey reports

- Technical reports (Management survey- baseline) for normal occupation
- Technical reports ( targeted intrusive refurbishment survey) for specific projects
- Scope of survey, non asbestos data and negative samples within report

### Section 3 - Air analytical reports ( following asbestos removal/ remediation)

- Technical report following asbestos work confirming area fit for re-occupation.

Services should ensure that contractors who are engaged in work with ACMs have conducted their own risk assessments prior to work starting. Guidance, support and training on managing contractors and evaluating risk assessments are available from the Statutory Compliance Team.

## 7 Service Communication Plan

The council will ensure that all council employees receive the asbestos information they require to carry out their tasks safely to prevent exposure to asbestos fibres.

### 7.1 Service Communication Plan

Each service will develop a communication plan and procedures for those at risk and those who could create a risk covering the following areas:

- Awareness of the council's policy, risk management plan and service procedures.
- Awareness of issues regarding contact with ACMs.
- General information on asbestos in domestic premises for housing tenants
- Specific asbestos information for premises requested by housing tenants,
- Information for lessees (where required).
- Work process maps for staff and contractors.
- Emergency communication and incident/ near miss process maps (please refer to the HR toolkit for current service communication process). Services shall consider the minimum steps for inclusion in their emergency process which are noted in section 14 – managing asbestos incidents and near misses,

Services are required to provide the Statutory Compliance Manager and HR Manager (Health and Safety) with up to date copies of their service procedures, emergency communication and incident/ near miss process map and general work process maps.

These service procedures should be reviewed annually as minimum, when there is a change in legislation or any asbestos incidents.

The communication plan will deliver key clear messages about asbestos without causing unwarranted alarm while still ensuring that care is always taken and everybody has the information they need to do their job safely, manage the safety of others.

These key messages are:

- Safety and Statutory Compliance is the main priority of the council.
- The council will act in an open and honest way.
- Asbestos was widely used in the construction industry and is present in many homes, factories and other buildings.
- Asbestos is not a risk if left in situ, in satisfactory condition.
- Asbestos may pose a risk if disturbed.
- All WLC staff who might come into contact with asbestos as part of their normal work will receive appropriate asbestos awareness training on how to recognise it and the steps they should take.
- The council takes the issue of asbestos extremely seriously and will act immediately if concern is expressed about suspect or known asbestos materials.
- Identification, removal and disposal of asbestos requires specialist contractors.
- The council will update, review and carry out a programme of asbestos re-inspection surveys in line with the purpose for which the properties are held and in accordance with the survey strategy/programme.
- Asbestos registers and survey information will be accessible to all relevant persons.
- The council will provide accurate and useful information on asbestos to tenants and lessees.
- The council will ensure that a risk assessment for asbestos is carried out prior to all works,
- The council is a responsible landlord and has a comprehensive system to identify risks and measures required to protect tenants against exposure to asbestos whilst

carrying out work in their home whilst ensuring work complies with the requirements of health and safety legislation.

- The council works within the guidelines set out by the Health and Safety at Work Act and the Control of Asbestos Regulations and all other health and safety Regulations, Approved Codes of Practice, guidance etc.

## 7.2 Service specific procedures

Each service, where appropriate, will develop, implement and revise service specific asbestos procedures to take cognisance of the updated Asbestos Management Policy and Management Plan and will provide a copy to the Statutory Compliance Manager and HR Manager (Health and Safety).

## 8 Asbestos Surveys and Sampling

Asbestos surveys and sampling will be carried out in line with the latest guidance from HSE, HSG264 Asbestos – The Survey Guide and WLC asbestos surveying criteria and surveying strategies. The types of surveys undertaken will include anything from management, specified refurbishment, full refurbishment or demolition surveys in non-domestic and domestic properties. The requirement for, the type and scale of survey will be determined by the person in control or key in the management of the proposed work. The Statutory Compliance Manager will ensure competent contractors undertake these surveys and the correct survey is undertaken.

### Management Surveys

Please refer to HSG 264 ( Asbestos – the survey guide) for a full definition of an asbestos management survey.

This is a baseline survey which has been conducted to cover normal occupancy of the building or minor non-intrusive maintenance work.

A management survey shall typically include a room by room inspection of the premises including the externals. This will include immediate surfaces and accessible void spaces only that may be affected by normal occupancy or minor maintenance only. Therefore restricted void spaces, confined spaces, live plant and equipment are not subject to inspection under the remit of an asbestos management survey.

All operational non domestic premises (including domestic communal areas) shall have a management survey undertaken on them to comply with the Asbestos Policy and risk management plan.

### Refurbishment Surveys

Please refer to HSG 264 ( Asbestos – the survey guide) for a full definition of an asbestos refurbishment survey.

This can be a targeted or premises wide survey which has been conducted to fulfil a specific scope of works. It includes destructive and intrusive inspections into the building fabric to allow inspection for concealed asbestos materials.

For all construction, repair or maintenance work that may disturb the fabric of the building a Refurbishment survey is likely to be essential. This would include the site investigation of proposed new builds i.e. soil and contaminated land investigations.

Construction, refurbishment and maintenance work may require investigation of the whole building or be restricted to the area of the building work and, where necessary, adjacent areas.

The Statutory Compliance Team shall arrange the correct level of survey to be carried out and report findings to be released to the person in control of the works. The person in control or key in the management of the works is also responsible for disseminating the relevant asbestos information on to those conducting the works prior to works commencing.

#### Demolition surveys

Please refer to HSG 264 ( Asbestos – the survey guide) for a full definition of an asbestos demolition survey.

This is a premises wide survey which has been conducted to fulfil the demolition of a premises inclusive of the grounds and boundaries. It includes fully destructive and intrusive inspections into the building fabric to allow inspection for concealed asbestos materials.

All demolition work will require a demolition asbestos survey. Demolition work shall require investigation of the whole premises or be restricted to a defined area of the premises and, where necessary, adjacent areas.

For work involving any construction, repair, alteration or maintenance where the Construction Design and Management Regulations (CDM 2015) apply, the pre-construction information shall identify whether ACMs are present or not and will provide details of ACM locations.

The Construction, Designer and Management (CDM) Procedural Guidance for each service can be made available on request to Property Services.

Those responsible for the maintenance or any asbestos information will make arrangements for access to be given to those who require it through council systems.

## **9 Duty to Manage**

The duty to manage applies to all non-domestic properties and communal parts of domestic properties.

Under the Control of Asbestos Regulations 2012, anyone who is a 'duty-holder' is required to ensure that steps are taken to identify asbestos that may be present within premises and to ensure that it is adequately managed.

A duty holder is anyone who, by virtue of contract or tenancy, has a responsibility for the maintenance of non-domestic premises or, where no contract exists, anyone who is in control of premises and/or controls access to premises, or has control of the common parts of domestic premises.

The council will comply with the duty to manage asbestos by:

- Identifying asbestos within our non-domestic and the common parts of domestic premises and adequately managing it.
- Creating a property Asbestos Register and site-specific asbestos management plan for all premises to which the duty to manage applies, record and assess the condition of the ACMs and record the management actions to be taken for each ACM identified or presumed along with the priority, frequency and target date for completion of action.
- Ongoing monitoring to check for damage or deterioration in condition of ACMs by competent persons.



Where an ACM exists in council property under our control, and the ACM is in satisfactory condition and unlikely to be damaged or disturbed the council will leave the asbestos in place and maintain it in a satisfactory condition.

## 10 Asbestos Register

Where asbestos has been identified, a record will be created in the Asbestos Register for all premises to which the duty to manage applies. An example of a register is available on the intranet -Health and Safety HR toolkit.

This will record, by each ACM found or presumed, the location, nature and type of ACM along with its condition and assessed risk of asbestos fibre release. The condition of each ACM will be assessed as part of the material and priority risk assessment score. This score is taken from HSE guidance ( HSG 227) and applied by the surveying contractor or competent person. The contractor or competent person will also give a recommended action plan :

Database Code	Action Plan
1	Monitor
4	Encapsulate
9	Enclose
3	Remove
5	ACM Removed
2	Remedial
7	Prohibited Access
6	Management arrangement
10	Alert – Prohibited Access
8	Access and survey

The date of next re-inspection will be recorded in the Asbestos Register and, where the material risk, priority risk or action plan of an ACM has changed the Asbestos Register will be updated as appropriate.

At the time of any asbestos assessment preventative or risk reducing action plans will be identified, prioritised and recorded in the Asbestos Register and site specific Management Plan. These action plans will be implemented in order of priority.

The Asbestos Register and its Site-Specific Management Plan will be reviewed a minimum of every 12 months.

## 11 Asbestos Risk Assessments

No construction or maintenance work will proceed without a suitable and sufficient risk assessment to determine if the work is liable to disturb ACMs that may be present. This includes asbestos surveys and inspections. Due consideration shall be given to avoiding ACMs where possible during construction works which may include altering the works accordingly.

The risk assessment will address the following points:

- Is asbestos liable to be present?
- Is the proposed work liable to disturb any asbestos that may be present?
- Are suitable control measures in place to allow work to proceed safely?
- If not, then the works must not proceed.

and include the following key aspects:

- A determination of the age of the premises where work is to take place( i.e. post 2000 and / or does not fall within conditions for post 2000 premises set by HSE) ;
- An appraisal of the proposed work and identification of parts of premises likely to be disturbed;
- An appraisal of any existing asbestos information held e.g. Asbestos Register and/or survey; and
- Where it is determined that asbestos is liable to be present in areas that are likely to be disturbed by the work AND whether the existing information available is insufficient to confirm or refute this determination, if so, then a Refurbishment OR Demolition Survey must be carried out.

A check of the current Asbestos Register and available survey reports MUST be made prior to undertaking / instructing construction or maintenance works.

An example of Building Services Health and Safety Risk Assessment can be made available on request from Building Services.

As part of a suitable and sufficient assessment the existing asbestos register, survey reports and any other relevant asbestos information shall be checked by at least one of the following:

- The person issuing the work instruction / order.
- Person(s) in control or key in the management/ instruction of construction or maintenance work, including emergency and standby operations,
- Persons in control of premises
- The contractor carrying out the proposed work.

If insufficient information is available or if asbestos is required to be removed a request for a survey/ removal shall be made by completing the form AWR01 available on the intranet – Health and Safety HR toolkit and also the Property Services (Statutory Compliance team) page.

Those in control of the work shall give due consideration to the guidance around completion of the AWR01 (Appendix 16 ) and specifically the scale, complexity, programme and scope of the proposed construction work. A detailed scope of works shall be provided on the AWR01.

Arrangements will be made to allow access to all asbestos related documentation ( Asbestos Registers, survey reports, air testing reports etc) for domestic and non-domestic properties to those who require it.

## **12 Works – Preventing Exposure to Asbestos**

The council operates a number of in-house services. Each service that requires to prevent exposure to asbestos will develop detailed procedures making clear the roles, responsibilities, processes and precautions, communication plan to be followed covering those who could be at risk, those who could create the risk, avoiding the risk from asbestos as well as the action to be taken on discovering or disturbing asbestos. The following types of work should be covered:

- Work during planned work/maintenance work.
- Construction projects.
- Standby / out of hours.
- Work following incidents or emergencies.

Minor works including asbestos surveys may only be being undertaken within buildings that are operational with the consent of the responsible person and authorisation by Property Services. Surveying activities that may result in the identification of asbestos containing materials or any other deleterious materials is prohibited within buildings that are operational and must be undertaken either at weekends, evenings, holidays or other periods where there is no immediate operational use (i.e. through relocation of operational activity).

Testing and survey activities following any enabling works that may identify asbestos or any other deleterious materials must be undertaken immediately after or in parallel to the enabling works. Areas where such works are undertaken should have access prohibited until the surveying activities or testing has confirmed areas are safe to be re-occupied.

### 13 Emergency Services – Preventing Exposure to Asbestos

The emergency services may need access during an emergency situation and in these instances the person in control of the premises should be contacted immediately.

Scottish Fire and Rescue Service are aware that the council have an Asbestos Register for all their non-domestic properties and common parts of domestic properties. The emergency services should not be delayed from entering the building/room if there is risk to life.

An updated emergency asbestos register is also issued at the same stage as the updated asbestos management plan and the responsible person is instructed to insert this as part of the property emergency response pack. The emergency services shall also be provided with the emergency response pack which includes a copy of the up to date asbestos register and layout plans for the property.

#### Stand by / Out of Hours

All stand by operatives and duty officers shall comply with the out of hours procedures and refer to the emergency out of hour's procedure on the intranet Health and Safety HR toolkit <https://intranet.westlothian.gov.uk/article/27167/Asbestos-Management-in-Buildings>

Advice shall be sought from the out of hours suppliers and this advice shall include how to protect the person(s) or employees, whether background monitoring is required, what remediation or make safe arrangements are required and if decontamination procedures are necessary.

### 14 Work With Asbestos

All decisions, activities and work involving asbestos surveys, asbestos removal/remediation and asbestos analytical work must be taken by the Statutory Compliance Manager. Asbestos work will be managed and monitored in accordance with current regulations, codes of practice and HSE guidance.

#### 14.1 Management of Asbestos Work

The Statutory Compliance Manager shall have systems in place for managing asbestos work (surveys, removal and analytical). This will include:

- Suitable and sufficient contractual arrangements are in place for the procurement and management of asbestos related services/ works,
- Representative desk top review and authorisation of asbestos survey related documentation (e.g. survey plans, survey reports).
- Desk top review and authorisation of all asbestos removal/ analytical documentation (e.g. risk assessment, method statement, programme),
- Site scoping prior to asbestos survey works where deemed appropriate,
- Representative site audits during asbestos work to monitor compliance of contractors with the instructed work and in accordance with compliant risk assessment and method statement,
- Provision of satisfactory completion paperwork following asbestos removal/ remediation work and permission to re-occupy the former work areas.

- Provision of compliance advice to all staff.

Further construction works or re-occupation following asbestos works must not be authorised until such time as the Statutory Compliance Manager has given such authorisation to the appropriate person(s).

## **15 Managing Asbestos Incidents and near misses**

The Health and Safety Manager is responsible to the Head of Corporate Services for reporting asbestos incidents to HSE, leading and co-ordinating investigations in line with the Health and Safety policy and incident investigation procedures.

The Health and Safety manager in consultation with the Statutory Compliance Manager will appoint an appropriate officer to carry out asbestos related incident investigations as required.

The Health and Safety manager in conjunction with the Statutory Compliance Manager will determine the requirement to report any incident to the Health and Safety Executive under the requirements of the RIDDOR regulations.

Managers will ensure that all asbestos incidents and near misses are recorded on Sphera in line with timescales outlined in the incident recording procedures.

An investigation will be undertaken and reports distributed to Heads of Service and Managers as agreed by the HR Manager (Health and Safety) and Statutory Compliance Manager.

An annual performance report on all asbestos related incidents and near misses shall be produced and distributed with an analysis for the previous financial year. This report should include a narrative on root cause of the incident, any trends, action taken and lessons learned.

### **15.1 Suspected Asbestos Discovered During Work**

Where a material suspected to contain asbestos is discovered during any work the service specific emergency procedure MUST be followed:

- The service specific Asbestos Emergency Communication Process will be activated.
- All persons must cease any activity that may disturb the material found.
- All external trades persons and contractors shall immediately implement their own emergency procedure for dealing with asbestos.
- As a minimum the emergency process shall include:
  - Restrict access to the area and leave all equipment and material in situ.
  - Inform your own line manager.
  - Inform the corporate health and safety team and your service health and safety adviser.
  - Inform WLC instructing officer or the Statutory Compliance Team where appropriate – as a minimum provide the following information:
    - Property name
    - Location reference/ room use
    - Material type discovered/ disturbed
    - How was the suspect material discovered?
    - What activity caused the discovery? Power tools/ manual tools etc?

- Confirmation that company own emergency procedure is being implemented and followed.
  - Stay on site – do not enter site vehicles or site accommodation.
- The Statutory Compliance Manager shall be contacted and will provide any relevant advice and arrange for the relevant checks and surveys to be carried out to confirm if asbestos is present
- The Statutory Compliance Team shall provide support and assistance to assess the suspect material prior to work re-commencing.
- No work may re-commence work until the contractor has been instructed to do so by the Statutory Compliance Manager or a delegate of theirs. This may include an asbestos compliance officer, asbestos surveyor, analyst, asbestos removal contractor or a designated WLC officer. This will be following confirmation that the material is non asbestos or it has been removed/ remediated.
- If it is a domestic property then the Community Housing Manager/ Officer and the local Housing Investment Officer (HIO – where capital works) should also be advised. It will be the duty of the Community Housing Officer/ Manager to liaise with the affected tenant and arrange alternative accommodation, if applicable. The tenant will be informed in line with the services communication plan. .

## 15.2 Suspected or known Asbestos Disturbed During Work

Where a material suspected or known to contain asbestos is disturbed during any work the service specific emergency procedure MUST be followed:

- The service specific Asbestos Emergency Communication Process will be activated.
- All persons must cease all activity that may cause further damage to the material.
- All external trades persons and contractors shall immediately implement their own emergency procedure for dealing with asbestos.
- As a minimum the emergency process shall include:
  - Restrict access to the area and leave all equipment and material in situ.
  - Inform your own line manager.
  - Inform the corporate health and safety team and your service health and safety adviser.
  - Inform WLC instructing officer or the Statutory Compliance Team where appropriate – as a minimum provide the following information:
    - Property name
    - Location reference/ room use
    - Material type discovered/ disturbed
    - Was it damaged and was any debris generated as a result of the action?
    - What activity caused the damage? Power tools/ manual tools etc?
    - Confirmation if there is any contamination of operatives.
    - Confirmation that company own emergency procedure is being implemented and followed.
  - Stay on site – do not enter site vehicles or site accommodation.
- The Statutory Compliance Manager shall be contacted and will provide relevant advice and arrange for the appropriate checks and surveys to be carried out to confirm if asbestos is present.
- The Statutory Compliance Team shall provide support and assistance to assess the suspect material prior to work re-commencing.
- Do not re-commence work until you have been instructed to do so by the Statutory Compliance Manager or a delegate of theirs This may include an asbestos compliance officer, asbestos surveyor, analyst, asbestos removal contractor or a designated WLC officer. This will be following confirmation that the material is non asbestos or it has been removed/ remediated.

- In non-domestic premises the person in control of the building must be advised of the incident.
- If it is a domestic property then the Community Housing Manager/ Officer and the local Housing Investment Officer (HIO – where capital works) should also be advised. It will be the duty of the Community Housing Officer/ Manager to liaise with the affected tenant and arrange alternative accommodation, if applicable. The tenant will be informed in line with the services communication plan. .
- All operatives will leave the work area and proceed to another agreed location to be decontaminated. Preferably this will be an external area, with a view to minimising the spread of asbestos fibres. Potential exposure of persons in adjoining areas should be considered and avoided.
- Operatives should begin decontamination procedures described in the HSE Guidance Task Manual - HSG210 Asbestos Essentials – (EM8 personal decontamination) without waiting for confirmation of asbestos being present. The work area should be considered contaminated and, where possible, access restricted to reduce the chance of asbestos fibres spreading and to ensure that no one else can enter.
- All routes and areas used by operatives who are potentially contaminated with asbestos should also be considered contaminated and access restricted accordingly.
- Warning signs should be deployed indicating there is a restriction in place and the area is not to be entered by unauthorised personnel until advised by the Statutory Compliance Manager.

#### 15.3 Record incident / near miss in incident reporting system

**All asbestos incidents or near misses shall be recorded by the service via the councils incident reporting system.**

**Services shall follow the incident reporting and investigation procedure and support the HR Manager (Health and Safety) and the Statutory Compliance Manager during incidents and comply with guidance for investigating incidents and near misses.**

#### 15.4 Asbestos Confirmed

Where ACMs are confirmed to be present in the material discovered or disturbed the Statutory Compliance Manager will decide on any further actions required such as:

- Confirming / Extending the restricted area.
- Issuing alert email on restricted status and controls in place,
- Confirming removal of personnel working nearby and other occupants.
- Arranging for the area/materials to be made safe by the term removal contractor.
- Arranging for any contaminated personnel to be decontaminated.
- Background air monitoring and remediation work.
- Updating the Asbestos Register as necessary.

#### 15.5 Employees Exposed to Asbestos

Where ACMs are confirmed a list of those persons exposed (as defined by the Property Service procedure note 4.06 RIDDOR – Criteria for reporting an asbestos incident) will be recorded by Health & Safety. Health and Safety will complete an “Employee Record Form for Contact with Asbestos” for each employee and file accordingly. The employee is to be given Part 1 of the Form as a record of exposure with instructions that the note should be kept indefinitely. This form can be found on the intranet – Health and Safety HR toolkit.

#### 15.6 Contaminated Areas or designated respirator zone

A 'Contaminated Area' or designated respirator zone contains either respirable asbestos fibres or asbestos which has been deemed in poor condition that may lead to the exposure or spread of asbestos. It will be deemed as prohibited access and no one shall be permitted to enter/re-enter until remediation / removal undertaken by a suitably qualified asbestos removal contractor. And an Asbestos Analyst has issued a Certificate of Re-occupation or air test report relevant to the works . This will be agreed with the Statutory Compliance Manager.

#### 15.7 Restricted areas or Safe Access routes

A 'restricted area' is an area which may be under restriction following discovery of a suspect ACM or the disturbance of a known / suspect ACM which may lead to the exposure to or spread of asbestos. It will be deemed as restricted access and no one shall be permitted to enter/ re-enter until remediation/ removal is undertaken by a suitably qualified asbestos removal contractor. And an Asbestos Analyst has issued a Certificate of Re-occupation or air test report relevant to the works .The extent of the restricted area will be determined by the Statutory Compliance Manager. This may be a full, partial room or area of a premises.

A 'safe access route' is an area which has been designed and constructed by a licensed asbestos removal contractor to provide safe access for essential repair and maintenance only in an area which has a temporary restriction. It will be determined by the Statutory Compliance Team Manager and appropriate service area.

Please refer to 'Appendix 17 – Asbestos – Repair and Maintenance within restricted areas' for guidance on this.

#### 15.8 Incidents/ Near Misses involving external contractors

All contractors must ensure that their own asbestos awareness training shall include the general procedures to deal with an asbestos emergency:

- Discovery of previously unknown suspected asbestos materials
- Uncontrolled release or disturbance of known or suspected asbestos
- All near misses shall be reported to the Statutory Compliance Manager in the first instance who will determine the need for any further action in consultation with the HR (Health and Safety) Manager.

### **16 Housing Customer and Building Services – Asbestos Operational Procedure**

Housing Customer and Building Services is committed to providing employees with a safe working environment and protection of other parties who may be affected by works undertaken by them. The service has developed and implemented operational procedures to support the service in ensuring compliance with the Asbestos Policy and Risk Management Plan. This will ensure a strategic approach is applied to asbestos compliance across the service, that asbestos procedures and work practices are satisfactory and provide staff with operational information and guidance.

[Housing, Customer and Building Services Asbestos Operational Procedure](#)



## **17 Operational Services – Asbestos Operational Procedure**

Operational Services has developed and implemented operational procedures to support the service ensuring compliance with the Asbestos Policy and Risk Management Plan. This will also provide guidance to all functional areas within Operational Services ensure reasonable steps are taken to avoid the risks from asbestos, all employees have the appropriate information, instruction and training and that work activities are risk assessed.

[Operational Services Control of Asbestos Procedure](#)

## **18 Tenanted Non-Residential Property (TNRP)**

Property Services manage and let a large portfolio of commercial premises including shops, industrial units , work shops and offices. The lease arrangements and use of these premises is managed in line with the standard terms and conditions of lease. Asbestos compliance is included within these arrangements and the services has developed and implemented operational procedures to support this.

These procedures are available on request from Property Services.

## **19 Compliance Auditing**

The Statutory Compliance Manager reserves the right and authority to interrogate systems, processes, actions and locally produced documentation in any part of the council or outside contractor to ensure compliance with CAR and with this Asbestos Management Policy, Risk Management Plan and Procedures.

Copies of the asbestos audit documentation can be found on the intranet – Health and Safety HR toolkit <https://intranet.westlothian.gov.uk/article/27167/Asbestos-Management-in-Buildings>.

### **19.1 Health & Safety Publications**

Information is available on <http://www.hse.gov.uk/asbestos/index.htm>

Appendix 3



# Fire Safety Policy

<b>Document title</b>	<b>Issuing Department</b>	<b>Issue Date</b>	<b>Author(s)/Reviewers</b>	<b>Next review date</b>
Fire Safety Policy	Construction and Design Services	June 2014	Iain Dunbar	June 2017
Fire Safety Policy	Property Services	June 2021	Derek Hume	June 2024

## **Introduction**

The council has general responsibilities for overseeing aspects of fire safety within the community ie the regulation of building design and construction provided by Building Standards and authority for enforcement with regard to fire safety under the Fire (Scotland) Act 2005 ie for particular sports stadia.

This policy document however is primarily concerned with the management of safety in buildings where the council has direct responsibilities as owners, occupiers or managers.

### **1. Policy Statement**

This Policy shall allocate legal and functional responsibility for compliance under the Fire (Scotland) Act 2005 in the provision of safety in case of fire for persons employed by the council and for other persons using premises owned, occupied or managed by the council.

### **2. Policy Aims**

The aims of the Policy are:

- To ensure safety by the provision of an effective system of management control in the identification of risk and the provision of safety control measures for the reduction of risk from fire within the estate, and other premises, owned, occupied or managed by the council.
- To support the safety and health of the local communities, and protect the environment, by the avoidance or reduction of fire incidents.

### **3. Policy Objectives**

The Objectives of this Policy are to provide systematic management control that will:

- allow demonstration of compliance to the Fire (Scotland) Act 2005
- allow external audit by the enforcing authorities
- allow internal audit of fire safety performance
- provide organisational accountability
- allow the allocation of resources proportionate to risk throughout the council estate
- enable the programming of improvements in the provision of fire safety.

### **4. Policy Responsibilities**

In accordance with the council's Scheme of Delegation to Officers, the Chief Executive is responsible for ensuring the council has in place a policy, management plan and procedures to manage compliance with the Fire (Scotland) Act 2005 and Fire Safety (Scotland) Regulations 2006.

### Depute Chief Executives

Depute Chief Executives are accountable and responsible to the Chief Executive for ensuring the implementation of this Policy within their portfolio of services.

### Head of Finance and Property Services

The Head of Finance and Property Services is responsible to the Chief Executive for ensuring the implementation of this Policy.

### Heads of Service

Heads of Service are responsible to the appropriate Depute Chief Executive for implementing this Policy by ensuring that all employees and others who may have duties and responsibilities under the policy are appropriately enabled to fulfil their duties and responsibilities.

### Property Services Manager (Designated Person)

The Property Services Manager is responsible to the Head of Finance and Property Services for ensuring the implementation of this Policy by ensuring that risk, associated with responsibilities and duties under the Fire (Scotland) Act 2005 on the council are discharged and prioritised for appropriate action. They will ensure there is a recognised authorised person to undertake the management of fire safety and that duties relating to compliance with the Fire (Scotland) Act 2005 are undertaken.

### Statutory Compliance Manager (Authorised Person)

The Statutory Compliance Team Leader is responsible to the Property Services Manager for ensuring and managing the identification of risk in line with the following key responsibilities:

- Monitoring Service Areas compliance
- Providing guidance and advice on the identification and management of risk from fire
- Monitoring the performance of contractors and consultants engaged in fire risk assessment and related activities
- Ensuring suitable fire risk assessments are undertaken by appropriate persons or competent contractors
- Monitoring progress and completion of remedial works
- Monitoring the provision of appropriate information, instruction and training
- record keeping
- Developing and publishing the council's Fire Safety Risk Management Plan
- Liaising, cooperating and coordinating with other persons as required to ensure the identification and reduction of risk from fire in all properties owned, occupied or managed by the council
- Liaising with the HR Manager (Health and Safety) on all aspects of fire safety risk management.

### Fire Officer, WLC

The Fire Officer, WLC, is responsible to the Statutory Compliance Manager for ensuring the implementation of this policy and provides support and guidance in all aspects of fire safety to Service Users and Maintenance Inspectors. The Fire Officer shall:

- Provide guidance and advice on the identification and management of risk from fire.
- Undertake fire risk assessments for the identification of risk from fire

- Undertake interim fire safety risk assessments where required
- Where appropriate, make arrangements for and monitor the provision of appropriate information, instruction and training
- Liaise with Health and Safety on all aspects of fire safety risk management
- Liaise, cooperate and coordinate with other persons as required to ensure the identification and reduction of risk from fire in all properties owned, occupied or managed by the council.

#### Maintenance Inspectors

Maintenance Inspectors shall:

- Undertake fire risk assessments for the identification of risk from fire
- Respond appropriately where informed of risk
- Prioritise works and actions required for the reduction of risk
- Allocate works or actions to relevant Service Areas and Responsible Persons
- Implement works as directed in accordance with the management of risk
- Where appropriate, inform relevant 3<sup>rd</sup> parties of the identification of risk
- Monitor the delivery of Action Plan remedial works or actions
- Monitor progress and completion of remedial works identified through fire risk assessments.

#### Capital Programme & Projects Principle

Capital Programme & Projects Principle are responsible to the Property Services Manager for ensuring that construction projects are designed to meet the requirements of the Building Standards as described in the Technical Handbook

#### Persons in Control of Construction or Maintenance Work

Persons in control of construction or maintenance work are responsible for ensuring that work carried out in accordance with Building Standards as described in the Technical Handbook

#### Persons in Control of Property (Responsible Persons)

Persons in control of premises are responsible for:

- Ensuring that a fire log book is present on site and available to contractors.
- Ensuring a copy of the most recent Fire Safety Risk Assessment is available for inspection.
- Undertaking annual fire risk assessments for the identification of risk from fire
- Ensuring that allocated Action Plan recommendations are implemented and completed as directed
- Respond appropriately where informed of risk.

#### Commercial Portfolio Manager

The Commercial Portfolio Manager shall ensure that relevant fire safety information is provided to TNRP tenants in accordance with their duties as landlord.

### HR Manager (Health and Safety)

The HR Manager (Health and Safety) is responsible to the Head of Corporate Services for:

- Reporting fire safety incidents to HSE
- Leading and co-ordinating investigations in line with the Health and Safety Policy and incident investigation procedures
- Where appropriate, ensuring the provision of training for compliance to the Fire (Scotland) Act 2005
- Ensuring, where appropriate, the production and dissemination of relevant staff safety information
- Developing and coordinating an appropriate Unwanted Fire Alarm Signals reduction programme
- Liaising with the Scottish Fire and Rescue Service where appropriate.

The development, publishing and maintenance of the Fire Safety Policy and Fire Safety Risk Management Plan will be undertaken by the Statutory Compliance Manager in consultation with the HR Manager (Health and Safety) and the Fire Safety Officer.

### Health and Safety Advisers

Health and Safety Advisers will have the following responsibilities.

- Supporting services with advice and guidance in relation to the implementation of requirements of this policy.
- Carrying out investigations into fire related incidents as directed by the Health and Safety Manager.
- Provide support and carry out training where appropriate.

## **5. Business Continuity**

Services should include appropriate procedures in their Business Continuity Plan to deal with a range of fire incidents of all sizes including room size fires, wing/dept closure, and total building shutdown.

All fire incidents occur without warning or notice and continuity arrangements must be sufficiently robust to allow rapid deployment of response measures.

## **6. Review of Policy**

The Statutory Compliance Manger will review the Policy as appropriate in conjunction with the Maintenance and Planned Improvements Manager, HR Manager (Health & Safety) and in consultation with recognised trade unions and other relevant parties.

- Full reviews of this policy shall be carried out at least once every 3 years;
- Interim reviews will be carried out when appropriate and, in particular, when there are:
  - changes to the underlying legislation or, supporting guidance or documents.
  - significant changes in the awareness of risk.
  - Legislative changes.

Appendix 4



# Fire Safety Risk Management Plan

<b>Document title</b>	<b>Issuing Department</b>	<b>Issue Date</b>	<b>Author(s)/Reviewers</b>	<b>Next review date</b>
Fire Safety Policy	Property and Design Services	June 2014	Iain Dunbar	June 2017
Fire Safety Policy	Property Services	June 2021	Derek Hume	June 2024

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## (i) **Introduction**

Safety from fire is the responsibility of the owners, occupiers, and managers of a premises.

Maintenance of appropriate standards of safety may be demonstrated by compliance with the Fire (Scotland) Act 2005 and Fire Safety (Scotland) Regulations 2006. The Act and associated regulations outline the duties, responsibilities and measures to be taken for compliance with the Act.

## (ii) **Scope**

The council has general responsibilities for the control of fire safety within the community e.g. Building Standards, however, fire safety for the West Lothian Council (WLC) estate is provided by Property Services.

This document is primarily concerned with the management of safety in existing premises within the council estate but also in other premises where the council has direct responsibilities as owners, occupier or managers.

## **1.0 Enforcement Authorities**

### **1.1 Building Standards**

Newbuild design, and alterations of existing buildings, are provided through WLC Property Services in compliance with:

- the Building (Scotland) Act 2003, and
- the Building (Scotland) Regulations 2004

Building Standards are described in the Technical Handbook which recognises that, for the provision of fire safety, building users may require to adhere to 'other' legislative standards.

It should be noted by building users that building works, including the erection or dismantling of partitions, may require appropriate approval prior to the commencement of works. Where necessary appropriate advice as to intended works may be gained from the premises Maintenance Inspector.

### **1.2 The Fire (Scotland) Act 2005**

The properties owned, occupied or managed by the council may feature a varied range of responsibilities under the 2005 Act. Some building use may have overlapping or multiple responsibilities ie a school may have a clear defined role during normal operating hours but have separate control arrangements for 'out of hours' lets.

All persons with responsibilities or duties under the Fire (Scotland) Act 2005 ie all persons with control of buildings, or persons within buildings, require to coordinate and cooperate in the identification and reduction of risk from fire.

The assessment of risk from fire is generally enforced by the Scottish Fire and Rescue Service using the Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006; however there are other enforcing authorities with regard to fire, explosion or injury eg the Health and Safety Executive are the enforcing authority for fires in buildings under Property or major refurbishment. Formal advice and guidance is available from the Scottish Government and the HSE.

### 1.3 Risk Awareness

For clarity, there is a general duty of all staff in relation to any concerns regarding risk of fire, or safety in the event of fire, to advise the relevant Responsible Officer for the building, health and safety, or Property Services Statutory Compliance Team. Members of staff should consult their line manager or supervisor. Members of the public or other visitors may request assistance from any member of staff.

### 1.4 Contact with Enforcing Authorities

All direct contact to building users (occupiers) from the Fire Service, or other authorities, that is directly related to fire safety enforcement activities eg letters regarding intended fire service audit, deficiencies notices, and similar, should be reported immediately to the HR Manager (Health and Safety) and Property Services Statutory Compliance Manager.

## 2.0 WLC Suite of Fire Documents

The current documents listed below are provided within WLC to support the identification and reduction of risks from fire.

See - WLC intranet homepage/ Service Areas/ Corporate Services/ HR services/ Health Safety and Welfare.

### Emergency Procedures – Fire and Security

WLC intranet homepage/ Service Areas/ Corporate Services/ HR services/ Health Safety + Welfare/ Emergency Procedures – Fire and Security

- Emergency Evacuation Guidance
- Personal Emergency Evacuation Plan (PEEP) template
- Annual Fire Safety Risk Assessment
- Fire Safety Policy
- Fire Risk Management Plan
- Responsible Person Checklist
- Fire Awareness (Preventative Measures) Guidance
- Fire Alarm Test Procedures
- Fire Alarm Weekly Test Procedure
- Fire Alarm Receiving Centre (ARC) Process
- Fire Alarm Impairment Procedure

### Premises Management

WLC intranet homepage/ Service Areas/ Corporate Services/ HR services/ Health Safety and Welfare/ Premises Management

- Fire Safety Policy
- Fire Safety Risk Management Plan
- Premises Management Handbook
  - Supporting Documentation
    - Contact List Key Holders
    - Property Services Staff Register
    - Contractor Visitor Register
    - Emergency Lighting System Maintenance record sheet
    - Fire Alarm Activations and Events record sheet
    - Smoke Ventilation Checks

- Fire Alarm System Maintenance record sheet
- Fire Hydrant Maintenance record sheet
- Fire Equipment Checks
- Weekly Fire Alarm Checks
- Fire Marshalls and Warders record sheet
- FSRA and Drills record sheet
- Fuel and Oil storage record sheet
- Weekly Checks for Building Closed to the Public
- Gas Boiler & Gas Equipment Maintenance
- Lift maintenance record sheet
- Maintenance request sheet
- Fire Refresher Training record sheet
- Emergency Incident Response Pack
- Emergency Shut Down Procedures
- New Start Building Induction Health and Safety checklist
- Key Holder Form template
- Security Control Room Evacuation
- FMA Work Task Sheet

### **3.0 Fire Procedure**

A Fire Procedure or Emergency Action Plan should be formulated by the building occupier or Responsible Person to ensure that all persons are able to escape in the event of fire.

Where the council is the owner or manager for common areas, or the building fabric, a Fire Procedure shall be supplied to the occupier(s) outlining the Designated Escape Routes, and where appropriate, the relevant escape strategy for the building.

Where the property is in sole occupation by a tenant, the tenant should produce a Fire Procedure for the premises consistent with information supplied by the owner.

Where a multi occupied premises is owned or managed by the council, the council shall provide a Fire Procedure for the building and coordinate with occupiers / tenants to ensure effectiveness of the Procedure.

All persons producing a Fire Procedure should include details of functional limits ie restrictions of the building access, support required by the occupier that is necessary for effective performance of the Procedure, limits on building use with regard to flammable materials, ignition sources, user group profile, occupant numbers, support necessary for disabled persons, and effectiveness of building systems for non-standard use e.g. lone workers.

The Fire Procedure or Emergency Action Plan should ensure that all persons are able to escape in the event of fire. Where appropriate, or in case of doubt, further assistance may be obtained from the relevant Maintenance Inspector.

## **4.0 Responsibilities**

In addition to the organisational responsibilities and duties outlined in the Policy document, the following responsibilities and duties should be noted:

### **4.1 Employees, Indirect Employees, & Contractors**

Employees, Indirect Employees, & Contractors resorting to, using, or carrying out works in buildings owned, occupied or managed by WLC shall:

- in the event of fire follow directions as outlined in the Fire Action Notices, Emergency Action Plan, and Fire Procedures
- inform a member of staff or supervisor where risk of fire, or harm from fire, or potential risk of harm, is identified
- ensure that their actions, or omissions, do not put other persons at risk of harm from fire or place a building at risk from fire.

### **4.2 All Building Users including Visitors, Industrial Visitors and the Public**

Persons using any building owned, occupied or managed by WLC shall:

- in the event of fire follow directions as outlined in the Fire Action Notices, Emergency Action Plan, and Fire Procedures
- inform a member of staff where risk of fire, or harm from fire, or potential risk of harm, is identified.

## **5.0 Fire Risk Assessment and Reviews**

### **5.1 5 Year Fire Safety Risk Assessment (FSRA)**

A Fire Safety Risk Assessment shall be carried out, where relevant, by Property Services for buildings within the council estate.

### **5.2 Annual FSRA review**

A Fire Safety Risk Assessment shall be carried out each year by the appropriate Responsible Officer or Nominated Person for each building.

### **5.3 Review of Risk**

A Review of Risk may be carried out by Property Services where it is considered appropriate; where there has been a significant change in the use or design of the building or following a fire incident or changes in legislation.

## **5. Action Plan / Remedial Works**

A fire risk assessment may identify areas of risk and the appropriate works or actions required to reduce or remove the risk. Remedial works or actions may be delegated to Responsible Persons, or other 'assigned' persons, with a suitable timetable for completion. The Heads of Service shall be responsible for ensuring the completion of actions. Any person with responsibilities for works or actions who feels they may be unable to complete assigned actions should contact Property Services as soon as possible (not waiting until

the timetable suggested has expired). They can do this either through the Property Helpdesk, the building Maintenance Officer or the Statutory Compliance Team in Property Services.

## 5.5 Performance Indicators

Performance indicators are required for the following:

- P:CSg 430\_9b.1a. Percentage of Properties with a Five Yearly Fire Safety Risk Assessment (FSRA) updated within required timescales.
- P:CSg 431\_9b.1a. Percentage of Properties where an annual review of the Fire Safety Risk Assessment (FSRA) has taken place within the last 12 months
- P:CSg 432\_9b.1a. Percentage of Properties where an annual review of the Fire Safety Risk Assessment (FSRA) has taken place within reporting month.

## 6.0 Training

The training of council employees in fire safety shall be carried out in accordance with the documents below:

- Fire Awareness (Preventative measures)
- Evacuation Procedures (Fire and Security)

Health and Safety provide a range of suitable fire safety training courses. If necessary advice may be obtained from the Health and Safety advisers.

Fire-fighting equipment training can be provided in house through contacting Operational Services.

Persons with direct responsibilities for management, supervision, or employment of non-council employees, indirect employees, self-employed persons and contractors should ensure that appropriate training is provided to ensure the safety of all persons within the building.

Information, and where appropriate training, may be supplied by West Lothian Council to support the safety of indirect employees and other persons in the event of fire within the building.

All persons utilising council property shall follow appropriate direction or instruction to ensure safety in the event of fire.

## 7.0 Drills

A scheduled drill should be carried out in West Lothian Council buildings at least once every six months and in schools at least once every term.

Drills shall be carried out for buildings where the rehearsal of evacuation and consolidation of training can support safe evacuation of the building.

## 8.0 Records

### 8.1 Records to be Kept

The following records shall be kept:

- Staff Training
- Drills
- Fire Safety Risk Assessments

The Responsible Person will ensure that these records are kept

Test, Maintenance and Repair Records related to the following areas shall be retained:

- Emergency Lighting
- PAT tests
- Periodic Electrical Circuit Testing
- Automatic Fire Alarm
- Fire Alarm actuated equipment
- Fire Operated Vents
- Equipment required to support escape (eg Evac Chairs)
- Lifts, where appropriate
- Suppression Systems
- Fixed Systems eg Wet / Dry Risers, Foam Inlets,
- Hydrants, where relevant
- Portable Fire Fighting Equipment

The Statutory Compliance Manager and Team will ensure that these records are kept.

### 8.2 Records Retention

Retention of records should reflect the cycle of relevance ie:

- Short term: records of for example drills, training, weekly or daily checks, fire extinguisher maintenance, should be kept for at least 3 years.
- Medium term: where the cycle of examination is extended, or occurring only at a period of three years or more eg some PAT tests, periodic electrical mains testing records, should be kept for at least ten years or three times the interval of inspection, whichever is greater.
- Long term: records of adjustment to electrical main circuits, emergency lighting, fire alarm systems, ducting systems, compartmentation and non-standard compliance of FSRA should, where feasible, be kept for the life of the building.

### 8.3 Record Repositories

Copies of reports and certificates will be:

- Kept on site in the Compliance Logbook; or,
- Stored electronically in the electronic record management system.

## **9.0 Business Continuity**

Services should include appropriate procedures in their Business Continuity Plan to deal with a range of fire incidents from room size fires, wing/dept closure, to total building shutdown. An assessment of impact of fire damage may include identification of critical features within dept or building use.

All fire incidents occur without warning or notice and continuity arrangements must be sufficiently robust to allow rapid deployment of services.

## **10.0 Compliance Performance Monitoring**

### **10.1 External Audit**

The Scottish Fire and Rescue Service may audit fire safety risk assessments as part of a programmed schedule of inspections, or following a fire incident.

### **10.2 Internal Audit of Fire Safety Risk Assessments**

Monitoring of the consistency of fire risk assessments and of delivery of the Action Plan recommendations and any associated works shall be carried out by Property Services.

The Statutory Compliance Manager will put systems in place to ensure fire risk assessments are reviewed when necessary and that fire risk assessment records are kept.

## **11 Policy Review**

The Fire Safety Policy and Risk Management Plan will be reviewed as necessary by the Authorizing Person in consultation with the recognized trade unions and other relevant parties as determined by the Council.

- Full reviews of this policy shall be carried out at least once every 3 years;
- Interim reviews will be carried out when appropriate and, in particular, when there are:
  - changes to the underlying legislation or, supporting guidance or documents.
  - significant changes in the awareness of risk.
  - Legislative changes

Appendix 5



## Legionella Management Policy

<b>Document title</b>	<b>Issuing Department</b>	<b>Issue Date</b>	<b>Author(s)/Reviewers</b>	<b>Next review date</b>
Legionella Management Policy	Construction and Design Services	Sept 2013	Colin McConville	Oct 2016
Legionella Management Policy	Construction and Design Services	July 2016	Colin McConville Reviewed	Oct 2019
Legionella Management Policy	Property Services	June 2021	Ross Macdonald	June 2024



## **1. Policy Statement**

The council has a duty of care to ensure employees and other parties accessing or in the vicinity of all council premises are not exposed to legionella bacteria. The council will take all necessary steps to discharge this duty by complying with Health & Safety Executive Approved Code of Practice L8: The control of legionella bacteria in water systems

## **2. Policy Aims**

The aims of the Policy are to prevent the exposure to legionella bacteria by:

- Setting clear responsibilities for ensuring those employees and other parties accessing or in the vicinity of council premises, are not exposed to legionella bacteria in a breathable form.
- Setting clear responsibilities for communicating and promoting the council's commitment to prevent exposure to legionella bacteria through adequate information, instruction and training.
- Ensuring strict compliance with the council's Legionella Management Plans.

## **3. West Lothian Council Health & Safety Policy**

The councils Health & Safety Policy is the overarching policy for the management of health and safety. This Legionella Policy supplements the councils Health & Safety Policy.

## **4. Policy Implementation**

The aims of this Policy will be implemented through the council's Legionella Management Plans

## **5. Responsibilities**

### Chief Executive

In accordance with the council's Scheme of Delegation to Officers, the Chief Executive is responsible for ensuring that there is the appropriate policy and management plan for the control of legionella.

### Depute Chief Executives

Depute Chief Executives are accountable and responsible to the Chief Executive for ensuring the implementation of this Policy within their portfolio of services.

### Head of Finance and Property Services

The Head of Finance and Property Services is responsible to the Chief Executive for ensuring the implementation of this Policy which seeks to establish the framework to ensure that all employees and others who may be affected within their service are protected from the hazards associated with legionella bacteria.

### Property Services Manager (Duty Holder – Operational Property)

The Property Services Manager is responsible to the Head of Finance and Property Services for implementing this Policy by ensuring that there is a Legionella Responsible Person for operational property to develop, implement, manage and monitor the appropriate Legionella Policy and associated Management Plan. The aim of the Legionella Policy and Management Plan is to ensure that all employees and building users together with others who may be affected within their service are protected from the hazards associated with legionella bacteria in line with the following key responsibilities:

### Head of Housing, Customer and Building Services (Duty Holder – Housing & Domestic)

The Head of Housing, Customer and Building Services is responsible for managing legionella safety in the council's domestic properties in line with the following key responsibilities:

- Ensuring there is a Legionella Responsible Person for housing and domestic properties.
- Ensuring Housing, Customer and Building Services staff comply with the Legionella Management Policy and the Legionella Management Plan (Housing & Domestic).
- Ensuring suitable legionella risk assessments are undertaken
- Ensuring that a suitable water monitoring regime is in place for Housing and Domestic properties
- Ensuring appropriate records of testing and works are kept.
- Ensuring that processes are in place to report legionella concerns
- Monitoring the performance of contractors and consultants engaged in water services installation and design activities for housing and other domestic properties.

### Statutory Compliance Manager (Legionella Responsible Person – Operational Property)

The Statutory Compliance Manager (supported by the Maintenance and Planned Improvements Manager) is responsible to the Property Services Manager for managing legionella in operational properties in line with the following key responsibilities:

- Ensuring legionella management is part of the councils' corporate risk governance regime.
- Ensuring services comply with the Legionella Management Policy and the Legionella Management Plan (Operational Property).
- Ensuring suitable legionella risk assessments are undertaken
- Ensuring that a suitable water monitoring regime is in place
- Record keeping.
- Ensuring that processes are in place to report legionella concerns
- Monitoring the performance of contractors and consultants engaged in water services installation and design activities for operational properties.
- Providing guidance and advice on legionella management and risk assessment.
- Monitoring the provision of appropriate information, instruction and training.
- Ensuring that contractors employed to carry out water monitoring are competent and suitably trained to carry out their duties in a safe and proper manner.
- Developing and publishing the council's Legionella Management Plan (Operational Property).
- Liaising with the HR Manager (Health and Safety) on all aspects of legionella management.

Whilst the Statutory Compliance Manager will have the responsibility for corporate oversight, policy development and performance reporting the implementation of works and

the management of specialist legionella contractors will be the responsibility of the Property Maintenance and Planned Improvements Manager.

#### Housing Investment Manager (Legionella Responsible Person – Housing & Domestic)

The Housing Investment Manager is responsible to the Housing Strategy & Development Manager for managing legionella in housing and domestic properties in line with the following key responsibilities:

- Providing guidance and advice on legionella management and risk assessment.
- Monitoring the provision of appropriate information, instruction and training.
- Ensuring that contractors employed to carry out water monitoring are competent and suitably trained to carry out their duties in a safe and proper manner.
- Developing and publishing the council's Legionella Management Plan (Housing & Domestic Property).
- Liaising with the HR Manager (Health and Safety) on all aspects of legionella management.

#### Capital Programme & Projects Principal (Depute Legionella Responsible Person – Operational Property)

The Capital Programme & Projects Principal is responsible to the Property Services Manager for ensuring that construction projects are designed to meet the requirements of HSE ACOP L8.

#### Persons in Control of Construction or Maintenance Work

Persons in control of construction or maintenance work are responsible for ensuring that work carried out to water systems is in accordance with HSE ACOP L8.

#### Persons in Control of Premises (Responsible Officers)

Persons in control of premises are responsible for ensuring that a Water Log Book is present on site and made available to legionella control contractors who visit the premises to carry out monitoring and testing of water systems. Persons in control of premises are also responsible for identifying little used water outlets, carrying out regular flushing of these outlets and recording the action in the appropriate section of the Water Log Book.

#### HR Manager (Health and Safety)

The HR Manager (Health and Safety) is responsible to the Head of Corporate Services for reporting legionella incidents to HSE, leading and co-ordinating investigations. This will include appointing an officer to lead the investigation in agreement with the Statutory Compliance Manager. The development, publishing and maintenance of the Legionella Management Policy and Legionella Management Plans will be undertaken by Statutory Compliance Manager in consultation with the HR Manager (Health and Safety).

#### Health and Safety Advisers

Health and Safety Advisers shall be responsible for carrying out investigations as required by the Health and Safety Manager and Statutory Compliance Manager .

## **6. Business Continuity**

Services should include appropriate procedures in their Business Continuity Plan to deal with an unplanned legionella incident.

## **7. Review of Policy**

The HR Manager (Health and Safety) will review the Policy as appropriate in conjunction with the Statutory Compliance Manager, and in consultation with recognised trade unions and other relevant parties.

Appendix 6



## Legionella Management Plan (Operational Property)

Document title	Issuing Department	Issue Date	Author(s)/Reviewers	Next review date
Legionella Management Plan	Construction and Design Services	Oct 2013	Colin McConville	Oct 2016
Legionella Management Plan	Construction and Design Services	July 2016	Colin McConville Reviewed	Oct 2016
Legionella Management Plan	Construction and Design Services	Oct 2016	Colin McConville Reviewed	Oct 2019
Legionella Management Plan	Property Services	June 2021	Ross Macdonald	June 2024

## **INTRODUCTION**

Legionellosis is a collective term for diseases caused by legionella bacteria including the most serious Legionnaires' disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever. Legionnaires' disease is a potentially fatal form of pneumonia and everyone is susceptible to infection. The risk increases with age but some people are at higher risk including:

- people over 45 years of age
- smokers and heavy drinkers
- people suffering from chronic respiratory or kidney disease
- diabetes, lung and heart disease
- anyone with an impaired immune system

Any water system that has the right environmental conditions could potentially be a source for legionella bacteria growth.

The councils Water Safety Plan has been prepared prevent or control the risk of exposure to legionella. It includes the following:

- The Legionella Management Policy
- Legionella Management Plan (Operational Property)
- Legionella Management Plan (Housing & Domestic)

## **1.0 RISK ASSESSMENT**

### **1.1 Identifying the Risk**

West Lothian Council have reviewed the potential sources of legionella bacteria based on the following:

- Is it known already that legionella bacteria are present?
- Is water held between 20-45°C?
- Is there a means of creating and disseminating breathable water droplets?
- Will there be people present who may be exposed, especially in premises where occupants are particularly vulnerable?

The following have been identified as potential risks:

- Hot & cold-water systems within operational property used by the council
- Swimming Pools and Spa baths

All water systems with potential to cause infection will be subject to ongoing risk assessment and legionella control regimes.

## 1.2 Assessing the Risk

Legionella risk assessments for hot and cold-water systems will be carried out in accordance with HSG 274: Control of legionella bacteria in water systems.

Legionella risk assessments for swimming pools and spa pools will be carried out in accordance with HSG284: Control of legionella and other infectious agents in spa-pool systems.

The risk assessment will be carried out by a competent, appointed specialist legionella contractor.

## 1.3 Review of Risk Assessments

Risk assessments will be reviewed every 30 months or at any time it is known or suspected that they are no longer valid. A risk assessment may no longer be valid where:

- There are changes to the water system or its use;
- There are changes in the use of the building in which the water system is installed;
- New information is available about risks or control measures;
- The results of checks indicate that control measures are no longer effective;
- A case of Legionnaires' disease/legionellosis is associated with the system.

The Statutory Compliance Manager will put systems in place to ensure that risk assessments are reviewed as and when necessary and that risk assessment records are kept.

Performance measure P:CSG450\_9B.1a is used to record the percentage of operational properties with a legionella risk assessment that is less than 30 months old.

## 1.4 Written Scheme

The Approved Code of Practice requires that each water system has a Written Scheme for controlling the risk. The Written Scheme for each site contains the following:

### Schematic Plan of the Water System

An up-to-date schematic plan must be included showing the layout of the water. This plan should indicate any parts temporarily out of use.

### Operation and Management of the Water System

A description will be given of how to correctly and safely operate the water system to which the written scheme refers.

### Risk Assessment and Recommendations

The risk assessment should identify potential colonisation of the water system and identify the remedial actions required.

## **1.5 Remedial Actions Identified in Risk Assessments**

The Property Maintenance & Planned Improvements Manager shall ensure that a risk minimization plan is developed to record the recommendations identified in the risk assessments and the remedial actions or works as appropriate are undertaken.

## **1.6 Location of Risk Assessments on Concerto**

Risk Assessments are stored electronically. Detail so how to find copies of the risk assessment are contained within the site Water Log Book.

## **2.0 PROHIBITED ITEMS**

The following are deemed Prohibited Items:

- Room humidifiers
- Hose reel systems
- Cooling towers
- Spa baths
- Ornamental Water Features

Use of the above items is prohibited unless there has been approval from the Depute Chief Executive on submission of a Business Case Exemption.

A central record of approved Business Case Exemptions will be held by the Statutory Compliance Team.

## **3.0 MONITORING & TESTING**

All water systems will be subject to ongoing monitoring and testing to ensure preventive and precautionary measures are effective.

An appointed specialist legionella contractor will carry out regular monitoring and testing of each water system in accordance with the PPM Schedule below. This is currently undertaken using the Legionella Monitoring App.

The Legionella Monitoring App contains a list of all the sites that are part of the monitoring and testing programme. The contractor completes the information on the PPM Schedule on the app and the results are e-mailed to West Lothian Council for review.

## **3.1 Planned Preventative Maintenance (PPM) Schedule**

### Hot & Cold-Water Systems

HSG 274: Part 2 The control of legionella bacteria in hot and cold-water systems provides details of the actions and frequencies that should form the PPM Schedule. Full details can be found in Table 2.1

### Swimming Pools & Spa Pools

The PPM Schedule can be found in Appendix 1



### **3.2 Water Sampling for Total Viable Count of Bacteria**

Water sampling for total viable count of bacteria is undertaken on a monthly basis at the following site:

- Swimming Pools and Spa Pools
- Sites without a direct water supply (e. Beecraigs Country Park)

### **3.3 Water Sampling for Legionella**

Water sampling for the presence of legionella is undertaken on a quarterly basis at the following sites:

- Spa Pools

### **3.4 Location of Water Monitoring Records**

Water monitoring results are stored electronically. Detail so how to find copies of the water monitoring results are contained within the site Water Log Book.

### **3.5 Control Parameters**

Control parameters are currently:

- Hot water stored at 60°C and distributed at 50°C
- Cold water distributed at 20°C.

Monitoring and testing results out-with these control parameters will be considered unsatisfactory and appropriate remediation actions will be undertaken.

### **3.6 Unsatisfactory Results**

Unsatisfactory results of monitoring and testing are reported by the contractor using the Legionella Monitoring App.

#### Corrective action

When unsatisfactory monitoring and testing results have been identified, immediate remedial action is necessary to ensure that the risk of exposure to legionella is reduced.

A record of the remedial action undertaken will be stored.

### **3.7 Reporting Faults and Repairs**

All faults and requests for repair works should be raised through the Property Helpdesk

## **4.0 CONTRACTOR MANAGEMENT**

### **4.1 Contractor Competency**

All contractors carrying out risk assessments or monitoring and testing will be assessed as part of the procurement process prior to appointment.

Contractors shall be:

- A member of the Contractors Health and Safety Assessment Scheme [CHAS] or equivalent.
- Able to demonstrate their experience within their field and details of the training and competence of individual employees.
- Members of trade associations, for example, the Legionella Control Association or equivalent.

Ongoing monitoring, contract management and performance controls will be undertaken during the terms of contractors appointment.

### **4.2 Specialist Legionella Contractor**

The current contractor employed to carry out risk assessments and monitoring and testing is:

SPIE  
1 Rutherglen Links  
Rutherglen Links Business Park  
Glasgow  
G73 1DF

The Operations Manager is:

Steve Austin  
Tel: 0141 613 7400

### **4.3 Specialist Pool Plant Contractor**

The current contractor employed to carry out maintain pool plant and equipment is:

CMM Pools  
Unit 7E Bandeath Industrial Estate  
Throsk  
Stirlingshire  
FK7 7NP

The Operations Manager is:

Glenn Reid  
Tel: 01786 613618

### **4.4 Risk Assessments & Method Statements for PPM Schedule**

The contractor carrying monitoring and testing must have risk assessments and method statements for carrying these tasks. These are reviewed by West Lothian Council on an annual basis.

#### **4.5 Specialist Contractor Training Records**

The contractor carrying monitoring and testing must provide details of staff training and qualifications to ensure they have the necessary competencies to carry out the works. These will be reviewed by West Lothian Council on an annual basis.

#### **4.6 Test Equipment Calibration Results**

The contractor carrying monitoring and testing must have risk assessments and method statements for carrying out these tasks. These will be reviewed by West Lothian Council on an annual basis.

#### **4.7 Site Audits**

Regular site audits will be carried out to ensure that the contractor is carrying out the PPM Schedule correctly and that risks are being managed.

Site audits will be carried out using the HSE Control of legionella bacteria in water systems – Audit Checklist No3 hot and cold-water services.

#### **4.8 Performance Indicators**

Performance indicators are required for the following:

- Number of instances where Total Viable Count of Bacteria readings have been recorded above safe levels in water (monthly)
- Percentage of remedial works identified in monitoring & testing that have been completed on time. (monthly)
- Number of site audits carried out.

### **5.0 MANAGEMENT**

#### **5.1 Procedure Notes**

The following procedure notes have been developed and form part of the Property Services Toolkit:

- Legionella Risk Assessments
- Legionella Monitoring
- Legionella Emergency Shutdown
- Commissioning & Handover

#### **5.2 Alteration to Existing Water Systems**

In order to avoid expensive remedial works, it is vitally important that there is design control in order to build in best practice when altering existing water systems.

#### **5.3 New Water Systems**

In order to avoid expensive remedial works, it is vitally important that there is design control in order to build in best practice when designing water systems.

Water system design should seek to eliminate the storage of water. If elimination is impossible then careful design and selection of water systems is required.

## **5.4 Commissioning Procedures**

On completion of new water installations (both hot and cold) the installing contractor, or suitably qualified Water Hygiene Contractor, must chemically disinfect the systems in accordance with BS 6700:2006.

On completion of the disinfection, a Certificate of Chlorination must be provided by the contractor and kept in the Water Log Book.

## **6.0 RECORDS**

### **6.1 Records to be Kept**

The following records shall be kept:

- Written Scheme for each site
- Legionella risk assessments
- Details of remedial works identified in risk assessments
- Plans or schematics of water systems
- Results of monitoring and testing
- Details of any remedial action taken in response to unsatisfactory monitoring & testing results
- Flushing little used outlets.
- Results of chemical analysis of the water.
- Cleaning and disinfection certificates.
- Details of any potential human exposure to legionella
- Details of actual exposure to legionella of identifiable Council employees
- Details of actual exposure to legionella of non-employees
- Minutes of meetings between WLC and the appointed contractor
- Information on other hazards e.g. treatment chemicals
- Training records for Duty Holder, Responsible Person and Authorised Person

### **6.2 Record Retention Periods**

West Lothian Council has adopted the policy that all records relating to legionella control will be retained whilst they are current plus 5 years thereafter.

Records relating to actual exposure to legionella shall be retained for at least 40 years

### **6.4 Water Log Books**

All premises subject to legionella controls will have a Water Log Book.

The site Water Log Book will contain the following:

- Details of how to access the electronic copy of the legionella risk assessment
- Details of how to access the water monitoring records carried out by the term maintenance contractor.
- Location of little used outlets and a record of when they have been flushed.
- Details of any changes to the water system carried out
- Certificate of Chlorination

## **7.0 EXPOSURE TO LEGIONELLA BACTERIA**

### **7.1 Action on Becoming Aware of Human Exposure to Legionella Bacteria**

#### How might a failure be discovered?

In Scotland, a doctor making a diagnosis of legionnaires disease is required to notify the local health board's Consultant in Public Health Medicine (CPHM). The CPHM will decide if a legionella outbreak is to be declared or an investigation launched to establish the source of infection.

If an investigation is launched it will be a joint operation that may include representatives from the local health board, WLC Environmental Health and/or the Health & Safety Executive [the enforcing authorities]. As its purpose is to try and discover the source of infection it may result in testing of water systems operated by West Lothian Council.

#### Investigation by enforcing authorities

In the event of an investigation, West Lothian Council and all employees must cooperate with the enforcing authorities.

As part of the outbreak investigation and control, the following requests and recommendations may be made by the enforcing authority:

- To shut down any processes that are capable of generating and disseminating airborne water droplets and keep them shut down until sampling procedures and any remedial cleaning or other work has been done. Final clearance to restart the system may be required.
- To take water samples from the system before any emergency disinfection is undertaken. This will help the investigation of the cause of the illness. The investigating officers may take water samples themselves or require them to be taken by the owner of the water system.
- To request access to employee health records to discern whether there are any further undiagnosed cases of illness, and to help prepare case histories of the people affected.
- To co-operate fully in an investigation of any plant that may be suspected of being involved in the cause of the outbreak. This may involve, for example:
  - Tracing of all pipework runs;
  - Detailed scrutiny of all operational records;
  - Statements from plant operatives and managers;
  - Statements from water treatment contractors or consultants

Any infringements of relevant legislation may be subject to a formal investigation by the appropriate enforcing authority, which could result in prosecution.

#### Shut down procedures

Water systems suspected as being the source of infection will need to be shut down. The appointed specialist legionella contractor will ensure that the water systems are isolated. The Person in Control of the Premises must ensure that the area/system/equipment is not used.

The appointed specialist legionella contractor will take samples of the potential source and carry out clean/chlorination of the system.

## Business Continuity

Shutting down water systems in operational premises may disrupt their use as a workplace or disrupt the ability to continue to provide services. Property Services will be able to provide advice on the consequences and duration of shutdowns. Dependent upon the severity of disruption, unit / service managers will require to judge whether they should invoke Business Continuity Plan Procedures or if local arrangements will suffice.

Services must ensure that as part of their Business Continuity planning that appropriate contingency plans are in place that can be implemented to mitigate the impact on service delivery of a loss of water systems in an operational property.

## **8.0 TRAINING**

### Duty Holder

The Duty Holder should ensure they have the necessary understanding of Legionella Management and the risks associated to fulfil the role.

### Legionella Responsible Person/Deputy Responsible Person

The Responsible Person should undertake regular training to ensure they have the necessary skills and knowledge to fulfil the role.

### Statutory Compliance Officers and Maintenance Inspectors

Statutory Compliance Officers and Maintenance Inspectors should undertake regular training equivalent to the role of the Authorised Person.

### Persons in Control of Construction or Maintenance Works

All persons in control of Construction or Maintenance Works should receive regular awareness training

### Staff Carrying Out Flushing Regimes

Nominated staff at each property with responsibility for carrying out flushing regimes should receive basic legionella awareness training and, in particular, must be aware of the risk to them when carrying out their duties and what precautions are to be taken. Regular refresher training will be required.

### Persons in Control of Premises

All persons in control of Construction or Maintenance Works should receive regular awareness training

## **9.0 AUDIT & REVIEW**

### **9.1 Compliance Audit**

The Statutory Compliance Manager reserves the right and authority to interrogate systems, processes, actions and locally produced documentation in any part of the council or outside contractor to ensure compliance with the Legionella Policy and Management Plan.

The policy and management plan for Legionella will be subject to audit in accordance with the level of risk associated with the volume of result failures or any incidents occurring. This audit will inform the review of any alterations required to the Management Policy and Management Plan.

### **9.2 Policy and Management Plan Review**

This policy and management plan will be reviewed as necessary by the Legionella Responsible Person in consultation with the recognised trade unions and other relevant parties as determined by the Council.

- Full reviews of this policy shall be carried out at least once every 3 years.
- Interim reviews will be carried out when appropriate and, in particular, when there are:
  - Changes to the underlying legislation;
  - Changes to the Approved Code of Practice;
  - Significant change in the use of premises; and
  - Significant changes in the design, use and demand on water systems.

## APPENDIX 1: SWIMMING POOL & SPA POOL PPM SCHEDULE

Each Swimming Pool and Spa Pool will receive an annual visit in September and six-monthly visit in March

### 1. FILTRATION SYSTEM

#### Annually

- Inspect the external and internal surfaces of the filter vessels for corrosion or issues.
- Carry out a backwash and check fluidisation of the filter media bed.
- Each filter vessel will be opened and the media bed inspected for problems with the filter media, eg mud balling, fissures, uneven bed. (Media should go no longer than 5 years before replacement)
- The depth of the filter media bed will be taken and a filter vessel written report produced with photographic evidence on the condition of the filter vessels. Examine and check all instrumentation, flowmeters and pressure/temperature gauges for correct operation and accuracy.
- Balance tank will be inspected, cleaned and debris removed. Inner surfaces brushed down 10mg/l of chlorinated water. The surfaces will be flushed and all remaining water pumped out before the system is put online.

#### Six Monthly

- Inspect the main circulating pumps with particular regard being given to the state of the seals and bearings.
- Check the strainer body, baskets and joint rings.
- Check air scour blower system and clean air filter.
- Inspect all external pipework which is exposed in the filtration system.
- Check operation of all valves in the filtration system.
- Inspect all instruments, flow meters and pressure gauges
- Check all pool fittings, i.e., grilles, diffusers, inlets and outlets etc.
- Check the bottom and the corners of the pool for filter media.
- Inspect probes and/or floats from level control system/s. Simulate operation and check action of actuated level control valves.
- Inspect all pool fittings
- Open & Close all valves to check they are operating correctly
- Check operation of automatic/manual air release systems.

### 2. CHEMICAL DOSING EQUIPMENT

#### Six Monthly

- Flush out chemical dosing lines with low pressure warm water.
- Flush out pump heads and check diaphragms
- Strip and clean chemical dosing pumps and check operation and action of pressure relief valves.
- Check all instruments including all alarm functions
- Remove, inspect and clean all injection fittings.
- Remove, inspect and clean suction foot valves / tablet hoppers (reservoir).
- Inspect chemical bulk storage vessels, bunds and fittings.
- Inspect chemical day tanks, bunds and fittings
- Recalibrate controllers
- Clean and check all sample cartridge filters & any probes or cells.



- Automatic chemical dosing control equipment and monitoring equipment maintained and calibrated in accordance with manufactures recommendations using simulators and buffer solutions.
- Check all instrumentation and telemetry pertaining to the chemical control system.
- Check all alarm functions including high and low chemical levels, flow and power.
- Carry out full pool water test including and water balance test, record readings on the facilities pool test sheet and advise adjustments as necessary.
- Carry out turbidity and aluminium test, record readings on the facilities pool test sheet and advise adjustments as necessary.
- Remove all inline strainers, inspect, clean and refit.
- Check water chemical balance

Annually

- Clean chemical solution tank

Every two years

- Replace all chemical dosing lines.

3. JACUZZI / SPA POOLS (In addition to Filtration and Chemical Dosing Equipment Servicing)

Six Monthly

- Check performance of whirlpool pumps.
- Check performance of jet pumps.
- Check all thermostatic cut-outs.
- Check booster pump

4. SAUNA & STEAM ROOM ASSOCIATED PLANT

Six Monthly

Sauna

- Check cabin internal surface's for splintering or any other hazards that may result in personal injury
- Check the support system for all benches and sauna heater
- Check sauna heater
- Check electrical connections for overheating in cable insulation & contactor condition
- Inspect element condition for signs of deterioration
- Check element guards for collection of loose and damaged coals, remove if required
- Check condition of sauna coals.

Steamroom

- Check steam generator controls
- Check operation of temperature control
- Check operation of high temperature cut-out if fitted

## 5. ULTRA VIOLET PLANT

### Six Monthly

- Check and inspect UV chamber, in/out connections, drains, valves and connecting pipework for any issues.
- Check and inspect all the electrical system for any issues.
- Check Physical damage / corrosion
- Check O rings seals, termination points
- Check wiper mechanism, motor, limit switches.
- UV lamps to be fitted every 4000 hrs or in accordance with manufactures recommendations Using only genuine manufacturers spares when servicing this equipment. Intensity recalibrated two hours after new lamp fitted.
- Remove inline strainers, inspect, clean and refit.
- Check the performance and operation of the UV monitor and system.
- Check all electrical interlocks and alarms.

### Annually

- A new quartz sleeve, wiper mechanism and seals to be fitted. Using only genuine manufacturers spares when servicing this equipment
- Inspect the internal surfaces of the chamber for wear and tear.



# Housing Customer and Building Services (HCBS)

## Control of Legionella Management Plan

**July 2021**



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## 1.0 INTRODUCTION

Legionella is a naturally occurring bacteria and is common within environmental water sources such as rivers, lakes and reservoirs, usually in low numbers. These bacteria can survive under a wide variety of environmental conditions, but growth is more prolific between temperatures of 20°C and 45°C. Due to the fact that the bacteria are common within the environment, it is almost certain that at some time they will enter the majority of manufactured systems, such as water distribution pipe work. In order to reduce the possibility of creating conditions in which the risk of exposure to Legionella bacteria is increased, it is important to control the risk by introducing measures which do not allow the bacteria to breed.

This document sets out procedures for West Lothian Council Housing stock in relation to the control of Legionella bacteria in water systems within property owned by West Lothian Council Housing Service.

## 2.0 BACKGROUND

Legionnaire's disease is a potentially fatal form of pneumonia which can affect anybody, but which principally affects those who are susceptible because of age, illness, or have a pre-existing lung condition. Contracting Legionella can be fatal or cause serious illness.

The disease is normally contracted by inhaling deep into the lungs, the Legionella bacteria, either in tiny droplets of water in the form of aerosols, or in droplet nuclei which are particles left after water containing the Legionella bacteria has evaporated. Not everyone who is exposed will develop symptoms of the disease.

The incubation period is between 2 – 10 days.

## 3.0 LEGAL AND REGULATORY REQUIREMENTS

HCBS has responsibilities under the Health and Safety at Work act 1974, The Control of Substances Hazardous to Health Regulations 2002, The Management of Health and Safety at Work Regulations 1999 and the practical advice and guidance given in The Approved Code of Practice (L8)

To comply with its legal duties HCBS will:

- Identify and assess sources of risk
- Implement a programme of regular checks and monitoring of its water systems
- Ensure suitable and sufficient resources are available
- Implement, monitor and manage all control measures identified
- Keep records of all such measures
- Nominate employees and others with responsibility for implementing this procedure
- Review this procedure at least every two years

HCBS will take all reasonably practical steps to ensure the risk of Legionella contaminating water systems under its ownership is minimised. However, should a situation arise where Legionella bacteria are detected within these systems, and the potential for an outbreak exists, then the remedial measures outlined in this document will be implemented?

This procedures will apply to all buildings and individuals employed or engaged by West Lothian Council's Housing Customer and Building Services (HCBS) department.

## 4.0 PROCEDURE

### 4.1 Risk Assessment and Treatment

HCBS will carry out risk assessments of water systems in order to categorise the level of risk to residents, staff and visitors, from Legionella bacteria in water systems, in domestic properties owned and managed by HCBS. These risk assessments will be reviewed every two years or following significant changes of occupancy and/or services installation that could affect the risk rating of the property.

The risk assessment process map is set out in Appendix B

Risk Level	Definition	Control Measure
High	This generally applies to hospitals or buildings with cooling towers.	N/A
Medium	Communal parts of sheltered housing schemes and hostel accommodation with cold water storage, and hot water supplied via a separate cylinder	<ul style="list-style-type: none"> <li>Review Risk assessments every two years.</li> <li>Chlorination to be carried out by a specialist water quality consultants</li> <li>Monthly temperature monitoring to be undertaken by individual site managers</li> <li>Inspections of stored water tanks every six months to be carried out by a water quality specialist.</li> <li>A log to be kept on site for recording results of temperature monitoring and inspections. The log will be validated during each inspection by the specialist water quality consultant</li> </ul>
Low	Low Risk: Domestic premises including blocks of flats with self - contained living units. Typically the water systems are of the domestic type with high turnover, i.e. with a cold water gravity-feed tank to a conventional copper storage cylinder or mains water system with a combination boiler.	<ul style="list-style-type: none"> <li>Generally these systems will only be dealt with when they become void.</li> <li>Renew or sterilize shower heads prior to re occupation</li> <li>Drain down and flush stored water systems</li> </ul> <p>A Temperature monitoring process map is shown in Appendix C</p>

#### **4.2 Actions in the event of a positive result for Legionella**

A water quality consultant will notify the relevant duty holder at HCBS as soon as the test results are known. The Duty Holder at HCBS will notify the Services Health & Safety Officer and the Council's Environmental Health Department, and then, dependent on the magnitude of the results, the following actions should be taken:

Legionella Bacteria More than 100 but Less than 1000 cfu/litre

##### **Action Required**

1. If only one or two samples are positive, the system will be re sampled. If a similar count is found, a full Review of the control measures and risk assessment will be carried out to identify any remedial actions.
2. If the majority of samples are positive, the system may be colonized, albeit at a low level, with Legionella. Disinfection of the system will be considered and an immediate review of control measures and risk assessment will be carried out to identify any other remedial measures to be carried out.

More than 1000

1. The systems will be re-sampled and an immediate Review of control measures and risk assessment will Be carried out to identify remedial actions including Possible disinfection of the system

#### **4.3 Action to be taken in the event of a Legionella outbreak**

An outbreak is defined by the Public Health Laboratory Services as two or more confirmed cases of Legionellosis occurring in the same locality within a six month period.

In the event of a suspected outbreak within the HCBS's premises, the following procedure will be followed:

The HCBS duty holder will immediately arrange for the premises to be sampled as per the procedure above, and an urgent review of control measures and risk assessment will be carried out to identify any other remedial action required.

### **5.0 MANAGING, MONITORING AND REVIEW**

This procedure will be reviewed every two years.

A report will be presented to HCBS annually indicating compliance with this policy and procedures document.

Details of the HCBS organisational structure is given in Appendix A, showing the duty holders with delegated operational responsibility

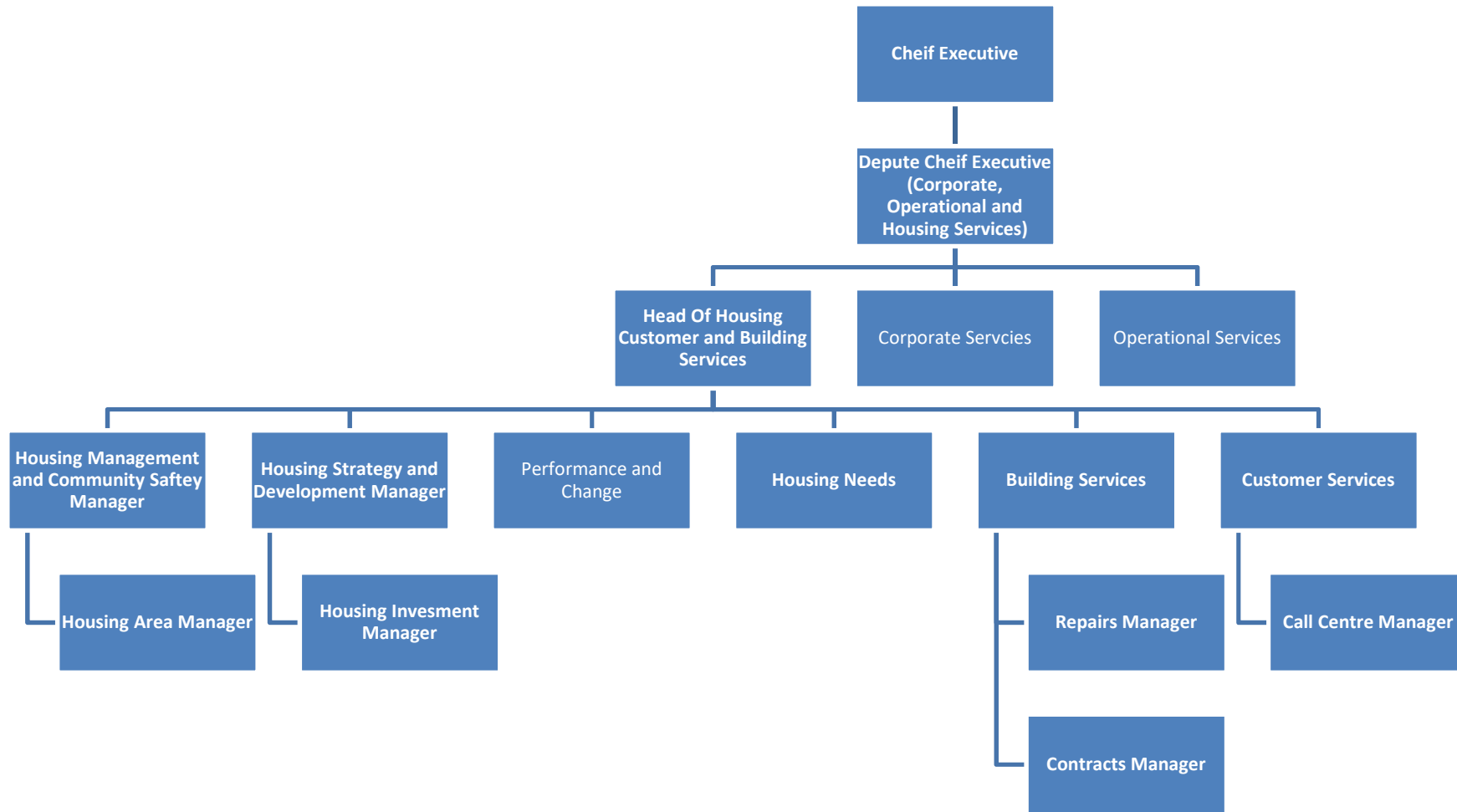
### **6.0 SUMMARY**

As per the Risk Assessment information above all WLC HCBS Housing stock is deemed to be of low risk and the 3 control measures should be implementing only when properties become void.



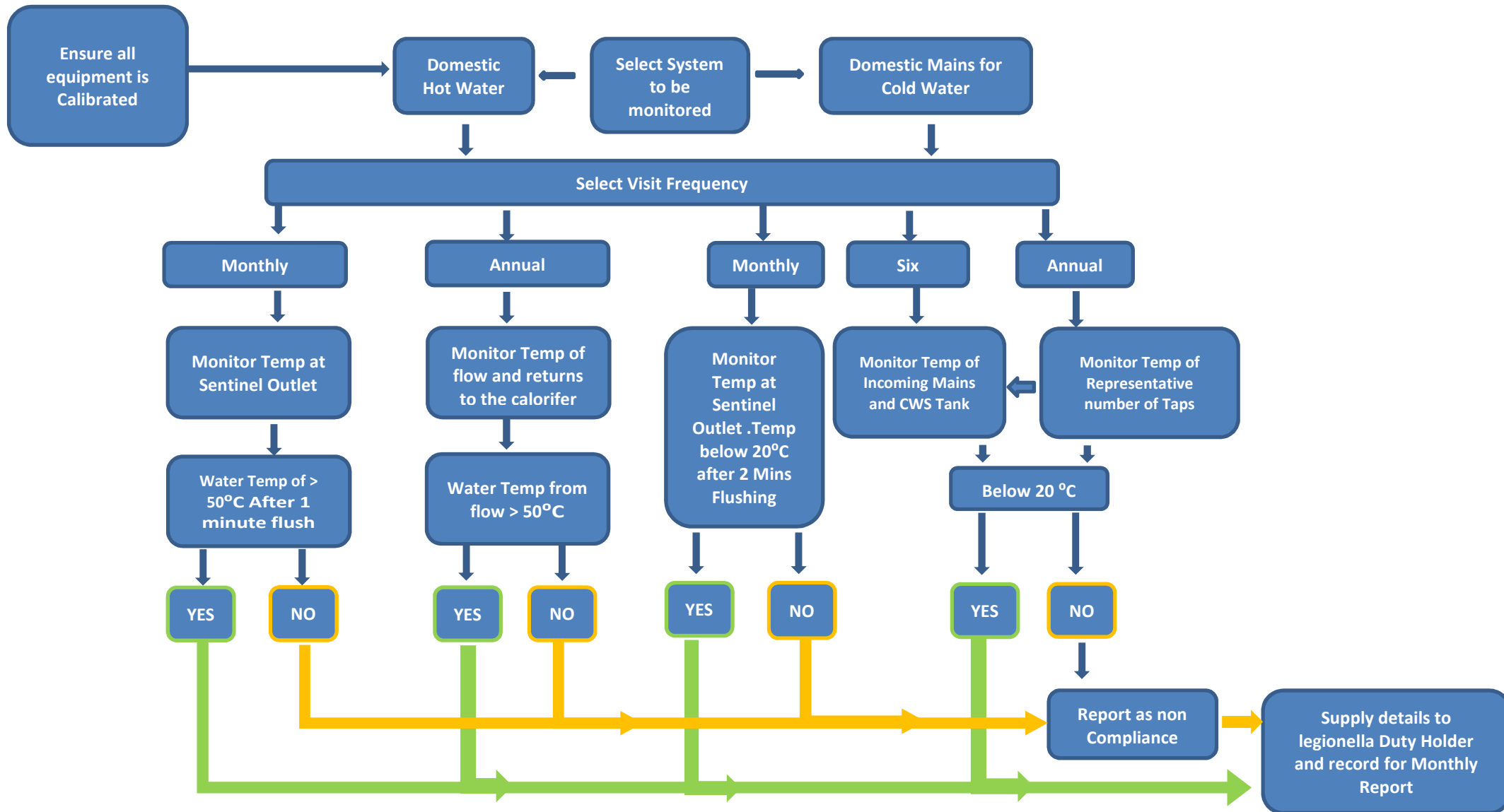


Organizational Structure





Temperature Monitoring Process Map



Appendix D

Legionella Risk Control Action Plan

No	Description	Deadline	Lead Officer
1.	Clarify Duty Holders and training to ensure that they are aware of their duties, and have suitable competence and training.	Oct 2018	R. Smith
2.	Agree information to be sent out to the most vulnerable Tenants regarding the risks of Legionella		
3.	Agree general information to be sent out to all Tenants regarding the risks of Legionella		
4.	Establish a comprehensive list of all properties where risk assessments are required		
5.	Establish a programme for regular analysis of stored water systems.		
6	Establish a programme of training for Handymen and Supported Housing workers to carry out regular checks for record purposes.		
7.	Implementation of a programme of carrying out regular checks		
8	Review Void Management Policy to include Legionella risk control		
9.	Establish a procedure for maintaining records of actions taken to mitigate risk of Legionella		

