



ISLE *of*
WIGHT
COUNCIL

Asbestos
IWC-2122-041

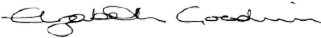
Limited Assurance

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Executive Summary

This audit reviewed the Council's arrangements to ensure the safety of its properties in relation to Asbestos. Most importantly that it has current surveys showing where asbestos is and is managing the risk appropriately.

Achievement of the Council's Strategic Objectives

Reasonable Assurance

Asbestos Policy (medium risk): while the Council's Asbestos Policy dates from 2011 (predating the latest 2012 legislation) this is substantively still fit for purpose. However, it does need to be updated, both to reflect the current legislation and to ensure that operational arrangements are realistic and accurate, for example regarding Property Liaison Officer (PLO) responsibilities (see below).

Safeguarding of Assets

Reasonable Assurance

Property Liaison Officers (PLOs) (high risk): PLOs are identified as responsible for elements of asbestos management in the Asbestos Management Policy identified above. However, there are gaps in the Council's PLO register, both in terms of having officers in place and these being 'appropriate'. A survey of PLOs carried out by Internal Audit confirms that the expectations of the Asbestos Management Policy are not being consistently met by PLOs. Regarding the Council's let property portfolio (as covered below) no guidance has been shared with lessees (effectively fulfilling the PLO role), nor is there any oversight, to confirm that lessees have appropriate arrangements in place.

Effectiveness and Efficiency of Operations

Limited Assurance

Asbestos Surveys (high risk): the register provided to Internal Audit lists 95 pre 2000 properties, which may contain asbestos. While the majority of surveys are over 15 years old (mostly carried out in 2004/05) additional surveys are commissioned when any works which may disturb undocumented asbestos are proposed. Sample testing of 25 pre 2000 properties and 10 properties where work has been proposed in the preceding 12 months confirmed that all required surveys had been carried out.

However, it is not completely clear who is responsible for asbestos management for the Council's wider property estate, both the properties on the register provided for this audit (applicable to the 51 properties not identified as current, operational buildings) and the let portfolio (managed by staff within Regeneration and Neighborhoods). For clarity these are largely but not wholly let on a 'full repairing basis'. This is understood by the Council to include asbestos management but this is not explicitly identified in leases and may not be known to lessees.

Operational Arrangements/Site Monitoring (high risk): while the Asbestos Management Policy identifies that PLOs are responsible for site management plans, including monitoring asbestos, effectively this is covered by staff within Property Services. Internal Audit checked 25 of the properties known to contain asbestos and all but three had been inspected within the last 12 months (three were inspected in 2019). Where issues were identified through

inspections Internal Audit also confirmed that appropriate remedial actions had been carried out in all instances. However, Property Services' approach (effectively site management plans) is not documented, nor is there a documented schedule of upcoming monitoring visits.

Oversight (medium risk): while registers and supporting documentation (substantively documenting the current position regarding asbestos management for the Council's property portfolio) are available to senior management no formal reporting/oversight is in place. For context examples were given during this review where issues regarding senior management support had been escalated during the preceding 12 months.

Completion of the audit

Limited Assurance

Three high and two medium risk findings have been raised as a result of audit testing. While at the 'operational' level the Council is monitoring the asbestos in the buildings it occupies and addressing any deterioration identified there is significant ambiguity as to where responsibilities lie. This is applicable across the areas reviewed, from the responsibilities identified for the PLOs in the overarching Policy, to the assumptions made as to what lessees are responsible for. This increases the risk that there will be gaps in arrangements. This area is consequently rated limited assurance.

Internal Audit is aware that asbestos management and a number of other areas covered in the 2021/22 audit plan have a key dependency on a single long serving and highly experienced member of staff. For context historically the areas now covered by this single staff member were devolved across a number of teams, subsequent to several restructures over the last 10 years no longer in place. While capacity is not routinely included in audit scopes there is sufficient evidence from in year fieldwork to flag this as a concern, cutting across both reactive maintenance and planned property work. A review to evaluate the individual's role may provide guidance and direction to resolving the capacity issue.

Please be aware that summaries of all exceptions are routinely reported to the Audit Committee who may call in any Audit report they wish. Where any critical exceptions are found and/or the audit receives an overall level of 'no assurance' these will be reported in their entirety to the Audit Committee along with the director's comments. These exceptions may also be reported to the relevant portfolio holder.

Assurance Levels

The overall assurance is given on the activity that has been audited.

These levels are based on the areas tested within the audit as noted with the Objectives & Scope.

Levels	Description / Examples
Assurance	No issues or minor improvements noted within the audit but based on the testing conducted, assurance can be placed that the activity is of low risk to the Authority.
Reasonable Assurance	Control weaknesses or risks were identified but overall the activities do not pose significant risks to the Authority.
Limited Assurance	Control weaknesses or risks were identified which pose a more significant risk to the Authority.
No Assurance	Major individual issues identified or collectively a number of issues raised which could significantly impact the overall objectives of the activity that was subject to the Audit.

Objectives and Scope

Achievement of organisation's Strategic Objectives

- An appropriate Policy is in place, clearly identifying the Council's responsibilities.

Compliance with Policies, Laws and Regulations

- The Council's Policy is regularly reviewed and references the most recent legislation.
- Prior to any work being carried out on Council buildings additional asbestos surveys are carried out, as necessary. Where asbestos requires removal appropriate, licensed contractors are used.

Safeguarding of Assets

- The Council has a list of all properties where it is responsible for asbestos safety (whether occupied by the Council or third parties), including who is responsible for each property.

Effectiveness and Efficiency of Operations

- The Council has implemented operational arrangements to meet its obligations, as identified in Policy, including:
 - Appropriate records covering the compliance levels for each property, including recent Asbestos Surveys.
 - Risk assessments and management plans for each property based on Asbestos Surveys.
 - A regime of regular checks, to ensure that appropriate arrangements are in place for each property.
- The Council has a clear 'response' process in place, which has been shared with those responsible for the safety of individual buildings/tenants.
- Any issues identified at individual properties are used to inform management of the wider portfolio, to minimise the likelihood of issues reoccurring.
- Appropriate reporting and oversight are in place.

Exceptions

IWC-2122-041-001 Asbestos Policy

Medium

Achievement of the Council's strategic objectives

Exception

Strategic level expectations/arrangements regarding Asbestos Management are set out in the Council's Management of Asbestos Policy. While this substantively in line with current 'duty holder' responsibilities as set out by the Health and Safety Executive (HSE) it was last reviewed in 2011, predating the last revision to the Control of Asbestos Regulations in 2012.

For context this is known to the Council and revision of the Policy is planned. Associated with this the expectations of Property Liaison Officers (PLOs) may not be realistic in all instances; this is covered more fully in a separate finding, specific to PLOs.

Risks and Consequences

Specific responsibilities identified within the Policy are neither accurate nor being complied with. Potentially this could lead to assumptions being made regarding who is doing what, with consequent gaps in mechanisms being operated effectively.

Agreed Action

Review and revise Asbestos Policy as planned.

Person Responsible / Action by Date

Nick Wright, Health and Safety Adviser,
October 2022

IWC-2122-041-002

Asbestos Surveys

High

Effectiveness and Efficiency of Operations

Exception

In the Property Register provided to Internal Audit there are 95 properties, identified as requiring asbestos surveys (buildings built prior to 2000).

The biggest 'category' on the Register is buildings occupied/used by the Council (44 currently occupied, operational buildings) but the wider portfolio is complex, with some sites subdivided and let to different organisations on different terms. For many of these it is not clear exactly who is responsible for asbestos safety and it is possible that the Council is responsible for some elements, for example having surveys in place but that building occupants are responsible for others, for example local monitoring.

The second largest 'category' is properties let on 'full repairing leases' (17 properties). While this is understood by the Council to include responsibility for asbestos safety this requirement is not explicitly identified in lease terms. This lease type is also used to lease the Council's wider portfolio, both by the Regeneration and Neighborhoods directorates. This wider portfolio is diverse, including everything from grazing land to beach huts, the vast majority of which will not require any asbestos safety arrangements. For context 'full repairing leases' may even increase the risk of unknown asbestos being disturbed, if building occupants were to carry out their own repairs, without prior surveys being carried out.

A sample of 25 buildings from the Property Register was reviewed (selected from the 95 pre 2000 properties, where surveys are required; including all care homes and leisure centres), confirming that asbestos surveys are in place. While the majority of surveys were carried out in 2004/05 Internal Audit notes that further surveys are commissioned when any changes are proposed to individual buildings.

A separate list of ten buildings where works have either been carried out in the preceding 12 months, or where works have been proposed in the last 12 months was also reviewed. In all instances surveys have been carried out, although in the majority of instances work on site has yet to start. Surveys are provided to contractors engaged by the Council to carry out works and standard terms were reviewed, confirming that they are responsible for asbestos removal and are required to use approved contractors.

Risks and Consequences

Where it is not clear who is responsible for asbestos safety it is possible that assumptions are made and that there are gaps in asbestos strategy arrangements; this also applies to properties let on a full repairing lease basis.

Agreed Action

Person Responsible / Action by Date

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Confirm who is responsible for asbestos safety for all properties requiring asbestos safety arrangements and what each party is responsible for. Ensure this is documented for each property, with all parties in agreement.* | <ol style="list-style-type: none"> 1. Graeme Haigh, Senior Property Manager, October 2022 for higher risk; ongoing for lower. |
|--|--|

2. Where leases are let on a full repairing basis carry out a one-off exercise to ensure that all lessees of buildings built prior to 2000 are aware of their responsibilities, where applicable.
3. Where buildings are let on a full repairing basis in future ensure that this requirement is highlighted to lessees when leases are entered into.

** This is an ongoing and significant task. Done on a risk basis, focusing on confirming where higher risk asbestos is present and ensuring suitable arrangements are in place for these sites within 12 months.*

2. Graeme Haigh, Senior Property Manager, Tricia Stillman, Commercial Activities Manager, October 2022.
3. Graeme Haigh, Senior Property Manager, October 2022.

Safeguarding of Assets
Exception

A list of 140 properties for which the Council is responsible was provided to Internal Audit (this list is longer than the 95 properties identified under finding two, as only properties built prior to 2000 have any asbestos related responsibilities associated with them). There are a number of properties on this list where who is responsible 'onsite' is unclear, in part duplicating the gaps identified under finding two regarding asbestos responsibilities (only properties built prior to 2000 have any asbestos related responsibilities associated with them). As set out in finding two, where this is the case, the Council needs to confirm if it has asbestos related responsibilities. Once confirmed that the Council is responsible gaps, as set out below, need to be addressed.

For properties directly occupied by the Council each property has a Property Liaison Officer (PLO). For County Hall there is a specific Premises Team and for sites such as care homes and leisure centres there are specific officers who have property management as part of their core jobs. However, for other sites the PLO defaults to other officers onsite, on top of their existing responsibilities; this is unlikely to be realistic. It is also likely that arrangements have deteriorated during the widespread homeworking linked to COVID19, with PLOs not being recently 'onsite'.

For properties the Council does not directly occupy but where it has some responsibility for asbestos management the 'local' person responsible implicitly defaults to the contact held by the Council for the property. No specific guidance has been shared by the Council with these individuals nor is there any oversight of their local operation of asbestos safety arrangements by the Council.

For context PLO responsibilities regarding asbestos are set out in the Asbestos Management Policy identified in finding one and all PLOs have access to an MS Teams share, with asbestos related documentation for each property. However, this has not been promoted/highlighted to them nor have they been provided with training.

Note: the above needs to be read in conjunction with the subsequent finding, on operational arrangements/site monitoring.

Risks and Consequences

If it is not clear who is responsible for asbestos safety arrangements at each site it is likely that these will not be consistently and correctly carried out. This is equally true if the Council has unrealistic expectations of officers without the time or skillset to satisfy the PLO job role.

Agreed Action
Person Responsible / Action by Date

- | | |
|--|--|
| 1. Where required identify appropriate PLOs for all properties directly occupied by the Council. | 1. Kieran Tarrant, Facilities & Fleet Manager October 2022 |
| 2. For non-Council occupied buildings (once the Council's actual responsibilities are confirmed, as covered in finding two) ensure that the Council meets its requirements, for example ensuring surveys are in place and implement oversight, to ensure that any local responsibilities are being met (see finding five). | 2. David Watts, Principal Officer, December 2022, (dependent on finding two) |
| 3. Share generic operational plan once finalised and subset of responsibilities to sit with PLOs (see finding four). | |

4. Provide and require appropriate asbestos training for PLOs. For context there is an 'awareness' course available in the Council' online training system, however this is not currently visible to staff.
 5. Schedule quarterly Teams Calls for PLOs (forum to share Isle of Wight Council specific requirement, i.e., not covered by generic training identified in four, above).
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3/4/5. David Watts, Principal Officer,
October 2022

IWC-2122-041-004

Operational Arrangements/Site Monitoring

High

Effectiveness and Efficiency of Operations

Exception

The majority of buildings built prior to 1990 will have at least some asbestos present, with lower levels possible for buildings built up to 2000. However, in most instances this is at a very low level, most commonly asbestos mixed with other materials in floor tiles, acoustic pads under sinks and mixed in with cement, for example in roofing. If undisturbed these are considered low risk.

Higher risk presence of asbestos, for example insulation containing a high proportion of asbestos, is known to be present in a small number of buildings but has largely been removed, most recently as part of the County Hall refurbishment. Again, if undisturbed these are considered low risk.

All buildings containing asbestos are required to have 'site management plans' in place. In main these consist of signage and periodic monitoring, to confirm that any asbestos present has not been disturbed (as above, most sites where asbestos is present are considered low risk). The Council does not have documented asbestos management plans in place for any of its buildings, although a generic operational plan is planned. This is planned to identify the 'risk' associated with different types of asbestos and document appropriate arrangements, based on the associated risk.

Linked to the above a sample of 25 properties known to contain asbestos was reviewed and all bar three had been inspected by the central property team (based on the asbestos surveys identified in finding two), to check the condition of known asbestos (the three sites not visited in the last 12 months were all visited in 2019). Of these seven identified some degradation of known asbestos, for example broken floor tiles. In all instances the Council was able to provide evidence that remedial work had been carried out.

For context local asbestos arrangements are also covered by periodic checks by the Health and Safety Team. However, this Team has been heavily involved in the Council's COVID19 response and no site inspections have been carried out in the preceding 12 months.

Risks and Consequences

At a granular level issues with asbestos/release of fibers, may not be detected and remediated at the earliest opportunity. As with other areas covered within this report the lack of clarity regarding who is responsible for what increases the risk that assumptions will be made and makes it more difficult for the Council to assert that it has clear and robust arrangements in place.

Agreed Action

Person Responsible / Action by Date

- Finalise generic site management plans and implement these, appropriate to the risk level of the asbestos present in different properties. As part of this identify a realistic set of limited responsibilities, to sit with PLOs. David Watts, Principal Officer, October 2022
- Supporting generic management plans schedule reviews in advance (an extra column in the property management spreadsheet), ensuring all sites are visited at least annually.

IWC-2122-041-005 | Oversight

Medium

Effectiveness and Efficiency of Operations

Exception

The Property Register identifies the asbestos related status of properties, although there are gaps which need to be addressed, as covered in finding two. This is on the property network share and is available to senior management, as are the individual folders for each property.

However, in terms of ‘oversight’ this is by exception only, with issues only escalated when deemed necessary by the core team substantively responsible for asbestos safety. No minutes were available for management meetings, evidencing oversight of asbestos arrangements.

Ultimately senior management is responsible for ensuring the asbestos safety of the Council’s building portfolio. At a minimum they need to be provided with sufficient, concise reporting to enable them to be confident that:

1. Asbestos surveys are carried out, in advance of any works which could potentially disturb asbestos.
2. Appropriate asbestos management plans are in place and operating correctly, primarily periodic monitoring; any issues identified through monitoring have been addressed.
3. Staff (PLOs) charged with asbestos related responsibilities have the correct skillset, evidence through completion of training.
4. Any potential exposure to asbestos has been correctly responded to (set out in the Council’s Health and Safety Manual (under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)).

Risks and Consequences

Senior management making incorrect assumptions regarding the asbestos compliance status of the Council’s buildings. Potentially serious issues remaining unaddressed, senior management unaware of associated risk and unable to intervene to expediate timely remediation.

Agreed Action

Person Responsible / Action by Date

Implement periodic, concise reporting (quarterly), confirming that one to four in the finding body above are fully compliant, with a list of exceptions where these are not the case, with planned remediations and completion dates. David Watts, Principal Officer, October 2022

Exception Ratings

The following tables outline the exceptions from the recent audit and are reported in priority order. Internal Audit report regularly to the Audit Committee on findings and management actions. However, in accordance with agreed protocols, all critical exceptions are brought to the attention of the Committee.

Priority Level	Description
Critical Risk	<p>Control weakness that could have a significant impact upon not only the system function or process objectives but also the achievement of the organisation’s objectives in relation to:</p> <ul style="list-style-type: none"> • The efficient and effective use of resources. • The safeguarding of assets. • The preparation of reliable financial and operational information. • Compliance with laws and regulations. <p>And corrective action needs to be taken immediately.</p>
High Risk	<p>Action needs to be taken to address significant control weaknesses but over a reasonable timeframe rather than immediately. These issues are not ‘show stopping’ but are still important to ensure that controls can be relied upon for the effective performance of the service or function. If not addressed, they can, over time, become critical. An example of an important exception would be the introduction of controls to detect and prevent fraud.</p>
Medium Risk	<p>These are control weaknesses that may expose the system function or process to a key risk but the likelihood of the risk occurring is low.</p>
Low Risk (improvement)	<p>Very low risk exceptions or recommendations that are classed as improvements that are intended to help the service fine tune its control framework or improve service effectiveness and efficiency. An example of an improvement recommendation would be making changes to a filing system to improve the quality of the management trail.</p>