



# EMPLOYEES' CONSULTATIVE FORUM (SPECIAL)

**MONDAY 8 SEPTEMBER 2008  
6.30 PM**

**COMMITTEE ROOM 5,  
HARROW CIVIC CENTRE**

**MEMBERSHIP** (Quorum: 3 from the Council Side and 3 from the Employees' Side of the permanent membership)

**Chair:** Ms L Ahmad

**Councillors:**

David Ashton  
Mrs Camilla Bath  
Susan Hall  
Paul Osborn (VC)

Bob Currie  
Graham Henson  
Phillip O'Dell

**Employee Representatives**

Representatives of HTCC: (To be advised)

Representatives of UNISON: Ms M Cawley Mr G Martin  
Ms A Jackson Mr R Thomas

Representative of GMB: Mr J Dunbar

**Reserve Council Side Members:**

- |                   |                    |
|-------------------|--------------------|
| 1. Joyce Nickolay | 1. B E Gate        |
| 2. Don Billson    | 2. Keith Ferry     |
| 3. Julia Merison  | 3. Navin Shah      |
| 4. Tony Ferrari   | 4. Mrs Sasi Suresh |

**Issued by the Democratic Services Section,  
Legal and Governance Services Department**

**Contact: Pauline Ferris, Senior Professional - Democratic Services (Council)  
Tel: 020 8424 1269 E-mail: pauline.ferris@harrow.gov.uk**

**HARROW COUNCIL**

**EMPLOYEES' CONSULTATIVE FORUM (SPECIAL)**

**MONDAY 8 SEPTEMBER 2008**

**AGENDA - PART I**

1. **Attendance by Reserve Members:**

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2. **Declarations of Interest:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Forum;
- (b) all other Members present in any part of the room or chamber.

3. **Arrangement of Agenda:**

To consider whether any of the items listed on the agenda should be considered with the press and public excluded on the grounds that it is thought likely, in view of the nature of the business to be transacted, that there would be disclosure of confidential information in breach of an obligation of confidence or of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972.

4. **Deputations:**

To receive deputations (if any) under the provisions of Advisory Panel and Consultative Forum Procedure Rule 15 (Part 4E of the Constitution).

**AGENDA - PART II**

5. **Asbestos - Recommendations from Health & Safety meeting:** (Pages 1 - 16)

Report of the Director of Human Resources & Development and originating letter received from Unison, Harrow L.G. Branch attached.



Cabinet/Committee:	Special Employees' Consultative Forum
Date:	8 September 2008
Subject:	Recommendations from health & safety meeting held 11 April 2008
Responsible Officer:	Mike Brown
Portfolio Holder:	Cllr Susan Hall, Deputy Leader, Environment and Community Safety Portfolio Holder
Exempt:	<b>Yes.</b> Exempt information under paragraph 5 of Part II Schedule 12A of the Local Government Act 2972. This report contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
Enclosures:	<b>Appendix 1</b> Agreed notes of the meeting held on 11 April 2008  <b>Appendix 2</b> Advice from Legal & Governance Services  <b>Appendix 3</b> Advice from Occupational Health Service  <b>Appendix 4</b> Report from Divisional Director of Human Resources & Development

## Section 1 – Summary and Recommendations

This report has been prepared in response to the ECF decision at the meeting held on 31<sup>st</sup> July 2008 at which the following minute is recorded:

### 23 **UNISON Report on Asbestos**

The Forum received a report from UNISON, asking that a written statement be provided on the removal of asbestos during construction work on the Access Harrow project in 2006. Representatives of UNISON were disappointed and concerned that notes of a meeting held between Members, officers and the trade unions on 11 April 2008, and containing recommendations to the Forum, had not been placed on the agenda for this meeting. The Divisional Director, Human Resources and Development, agreed to establish why this had not happened. An officer tabled the notes of the 11 April 2008 meeting, with six recommendations for the Forum to consider. After discussion, agreement was noted on five (1–4 and 6) of the six recommendations. Nevertheless, the Forum

**RESOLVED:** That (1) a special meeting of the Forum be convened to discuss this issue as soon as possible;

(2) all six recommendations be the subject of discussion at that meeting.

### **Recommendations to the Portfolio Holder or Cabinet:**

In respect of the recommendations to the Employees' Consultative Forum from the health & safety meeting on 11 April 2008, the Forum is requested to:

1. Note the action taken and officers' response to recommendations 1 to 4.
2. Not agree UNISON's request in recommendation 5.
3. Note the officer's response to recommendation 6.

### **Reason: (For recommendations)**

To respond to the recommendations from the meeting on 11 April 2008

## **Section 2 – Report**

### **Background**

The report sets out officers' comments and advice in respect of six recommendations to the Forum arising from a meeting between Councillors, officers and trade union representatives held on 11 April 2008 to consider health and safety issues relating to asbestos. Agreed notes of the 11 April meeting are attached at Appendix 1

A report by the Divisional Director of Human Resources & Development on his investigation into why officers from Human Resources & Development had not submitted a report to the Forum held on 31 July 2008 is attached at Appendix 4.

### **Officers' comments and advice**

The agreed notes of the 11 April meeting were circulated to the Councillors, officers and trade union representatives who had attended the health & safety meeting. The officers' comments and advice in respect of the six recommendations to the Forum are set out below and in Appendices 2 and 3 to this report:

**1) All asbestos removal from Council buildings to be signed off by a Council authorised person.**

**Comment:**

Agreed and this requirement is already in place.

Currently the project officer is responsible for management of all works undertaken on site.

The Construction Design and Management Co-ordinator will, as part of the Health and Safety Plan, ensure that the requirements of the Control of Asbestos Regulations 2006 are fully endorsed within this process.

All work involving asbestos material is reported to the Health and Safety Team in Harrow Council. The Council's Asbestos Officer carries out the monitoring.

**2) The Council's Asbestos Officer to be responsible for monitoring asbestos disposal paperwork.**

**Comment:**

Agreed and this requirement is already in place.

All work involving asbestos material is monitored by the Council's Asbestos Officer including maintaining all relevant paperwork.

**3) The Council's Asbestos Policy to be reviewed jointly with the trade unions and to take account the views of Legal Services relating to the paperwork trail required to ensure the safe removal of asbestos waste from Council buildings.**

**Comment:**

The Health and Safety Code of Practice (HSCOP 13-00) dated Jan 2007 is a document issued for guidance and forms an essential part of the pre-construction information provided on all contracts.

This document has a review date of 06.10.09 and can form part of any future dialogue between officers and Unions

**4) A Council Officer to be made responsible for the monitoring of health and safety issues specific to Contractors working on Council sites.**

**Comment:**

Agreed and this requirement is already in place.

Currently the project officer is responsible for management of all works undertaken on site.

The Construction Design and Management Co-ordinator will, as part of the Health and Safety Plan, ensure that the requirements of Health and Safety Legislation are fully incorporated into the project.

**5) UNISON request that all Councillors and Council employees (including any employees TUPE transferred since November 2005) are advised of an asbestos risk related to work carried out in the former print room area and that a note of this be placed on each employee file.**

**Comment:**

Advice was sought from colleagues within the Council to provide a comprehensive response to this request and this is detailed below and in Appendix 2 and Appendix 3 of this report.

**Response provided by Community and Environment Services Directorate**

One major factor of evidence during this investigation has been with the letter dated 23 November 2006 submitted to UNISON by HM Inspector of Health and Safety.

The Inspector's response following his visit stated:

- 'I can find no evidence to suggest that anyone was put at increased risk through exposure to asbestos fibres resulting from this work.'

This correspondence clearly shows that the HSE have no concerns regarding the project and there is nothing further that officers are able to add to the comments of the Inspector.

Officers recognise the trade unions' rights and best intentions in raising these concerns and the involvement of various council officers over a two-year period has attempted to resolve all the issues raised by the

unions. The officer's conclusion is the same as the Inspectors that there is no evidence to support the trade unions view that anyone was placed at risk and therefore no justification to include staff on a list.

### **Response provided by Health and Safety Services**

This matter has been the subject of exhaustive investigations and at no time was any evidence found that anyone was put at increased risk, and the criticism from the HSE inspector that "this complaint has been made concerning an issue involving practically no real risk to health and safety of an individual", there is a continuing risk that any further escalation of this matter could damage the HSE's perception of the Council and damage the good working relationship currently enjoyed.

### **Response provided by Occupational Health Service**

Advice from Occupational Health Service is attached in Appendix 3

### **Response provided by Risk Management**

The Council's strategic risk register monitors the risk of a health and safety incident on a quarterly basis. The potential consequences would affect the Council's reputation, have a social impact within the borough and could lead to external intervention as well as sustained media attention. The proposal to create a register of people at risk, when the evidence from the investigation was that there was no risk, could actually create a high profile incident which otherwise would not have existed.

### **Response provided by Human Resources & Development**

The HSE Inspector's findings were that he could find 'no evidence that anyone was put at increased risk through exposure to asbestos fibres resulting from this work.' This view is supported by the Council's technical officers and health & safety services.

If the findings were different, the Council would follow and act in accordance with the requirements of the HSE and advice from the council's health and safety, occupational health and insurance services. It would seem logical for the Council to follow the same course in respect of the actual findings.

In the event that the Council chooses to take a different course, consideration will also need to be given as to the potential liabilities that may be created in respect of agency workers, contractors and other workers and members of the public as UNISON's current request is limited to Councillors and Council employees.

### **Response provided by Insurance Services**

In summary, the Council's liability insurance policies will indemnify the Council against its legal liability to pay compensation (to employees or third parties) in respect of injury, illness or property damage arising out of the Council's activities. Invariably legal liability attaches as a result of negligence.

Insurance policies have conditions which, if not complied with, could invalidate the policy cover.

An overarching condition of all liability policies is that the insured will not create, admit or imply a legal liability where such a liability would otherwise not exist.

Based on the evidence available from the asbestos investigation the Council was neither negligent nor caused any person to be at risk. Therefore any recognition or acknowledgement to the contrary, for example by informing staff that they were possibly at risk, could be deemed as an admission of liability in breach of policy conditions. This could invalidate the Council's cover.

In addition, independent contractors carried out this work on behalf of the Council who carry their own insurance against similar liabilities. If the Council, by way of admitting liability, invalidated the contractor's insurance policies, the Council could be faced with a damages claim from the contractors.

The ability of individuals to obtain a host of financial products such as health or life insurance would be severely restricted. An individual who has been deemed at risk from asbestos exposure would need to declare this as a material fact when applying for any insurance or insurance related product, otherwise the policy would be void. Clearly this would not be in the best interests of the individuals, and could lead to challenges that the Council had prejudiced their position without justification, i.e. there was no risk.

### **Summary**

The officers consulted came to the same conclusion as the HSE Inspectors i.e. that there is no evidence to indicate that anyone was placed at risk.

On the basis that there is no evidence that any individual was put at risk, the advice from legal, risk management, health & safety, HR, insurance and the occupational health service, is that the Council should not agree with this recommendation.

- 6) Legal Services view to be sought in terms of the risk to the Council relating to the current paperwork available documenting the removal of asbestos waste from the former Print Room area.**

#### **Comment from Legal Services:**

Legal Services' advice, which includes advice on this point, is attached at Appendix 2



## Responding to the Recommendations

Attempts were made to meet with the trade unions prior to the Employees Consultative Forum on 31 July, however this proved unsuccessful. The following chronology tracks the recent events and helps clarify the situation:

- 18 June, UNISON submitted an undated letter/report for consideration by the Employees' Consultative Forum scheduled for 1 July
- 20 June, the Employees' Consultative Forum scheduled for 1 July was cancelled
- 18 July, following discussions with officers regarding the potential libellous nature of their letter/report, UNISON withdrew their original letter/report and submitted an amended letter/report.
- 23 July, a meeting with UNISON arranged by officers from Health and Safety Services, to discuss specific issues regarding UNISON requests within their letter/report, was cancelled by UNISON at short notice due to 'commitments within the UNISON office'

Following receipt of the UNISON report, officers made the assumption that the only outstanding recommendation from the meeting on 11th April was recommendation 5, on the basis that this was the only recommendation from that meeting that Unison raised within their letter/report to the Forum, and all the other recommendations had been actioned.

Consequently, officers prepared a short verbal response specifically addressing recommendation 5 for presentation to the Forum's meeting on 31 July 2008. The Forum decided not to consider the response and took the decision recorded at minute 23 above.

## Section 4 - Contact Details and Background Papers

Contact: Mike Brown, Service Manager (Asset Management and Facilities)  
020 8420 9234

### Background Papers:

- Letter to Unison response to ECF meeting – Request for Information  
*15 February 2008*
- Information Report – response to request from Unison Employees Consultative Forum  
*30 January 2008*
- Letter to Unison response to ECF meeting (29.08.07) – Request for Information  
*4 October 2007*
- Letter from Unison response to ECF meeting (29.08.07) dated  
*19 September 2007*
- Information Item – The Management of Asbestos in Council Property  
Agenda Item 7 - Consultative Forum (Special)  
*29 August 2007*
- Minutes of Employees Consultative Forum (Item 62)  
*3 July 2007*
- Information Report – Asbestos Response to Report from Unison - Agenda Item 12 - Employees Consultative Forum  
*3 July 2007*

**Health and Safety Meeting 11 April 2008**

In attendance:

Chair Cllr Camilla Bath, Cllr Susan Hall, Cllr Graham Henson, Cllr Bob Currie, Cllr Keith Ferry, Gary Martin UNISON, Mary Cawley UNISON, Varsha Patel UNISON, Brenda Goring Interim Health and Safety Manager, Mike Brown Service Manager Asset Management & Facilities, Paul Unsworth, Head of Project Management Capita Symonds, Paul D Turner Snr Professional HR.

Apologies from Cllr Paul Osborn and Eddie Collier, Head of Service Property and Infrastructure.

The meeting concluded that the following recommendations be made to the Employee Consultative Forum:-

1. All asbestos removal from Council buildings to be signed off by a Council authorised person.
2. The Council's Asbestos Officer to be responsible for monitoring asbestos disposal paperwork.
3. The Council's Asbestos Policy to be reviewed jointly with the trade unions and to take account the views of Legal Services relating to the paperwork trail required to ensure the safe removal of asbestos waste from Council buildings.
4. A Council Officer to be made responsible for the monitoring of health and safety issues specific to Contractors working on Council sites.
5. UNISON request that all Councillors and Council employees (including any employees TUPE transferred since November 2005) are advised of an asbestos risk related to work carried out in the former print room area and that a note of this be placed on each employee file.
6. Legal Services view to be sought in terms of the risk to the Council relating to the current paperwork available documenting the removal of asbestos waste from the former Print Room area.

## Advice from Legal and Governance Services

### Asbestos removal from former print room area

This advice is in relation to two of the recommendations arising out of a meeting between the council officers, trade unions and members on 11 April 2008 which are:

- a. UNISON request that all Councillors and Council employees (including any employees TUPE transferred since November 2005) are advised of an asbestos risk related to work carried out in the former print room area and that a note of this be placed on each employee file.
- b. Legal Services view to be sought in terms of the risk to the council relating to the current paperwork available documenting the removal of asbestos waste from the former print room area.

In formulating my opinion I have reviewed the relevant paperwork.

#### *Advice*

The paperwork that I have reviewed shows the council complied with regulatory framework for asbestos removal at the time. Indeed, the higher test set out in the Control of Asbestos Regulations 2006 (in force from 1.11.06) would also be satisfied.

The HSE is the responsible body to investigate breaches of the Regulations that may place individuals at risk through control of asbestos. I note that a HM Inspector of Health & Safety investigated the complaint and reported that there was no evidence to suggest that asbestos containing materials were improperly removed or that any persons were put at risk through inappropriate storage of same. He concludes in his letter of 23.11.08 that there is 'practically no real risk to the health and safety of any individual.'

Officers have accepted that paperwork in relation to the consignment note does not equate to good practice in relation to multiple collection of asbestos containing materials. I have not seen any evidence of how this could place an individual at risk of exposure.

The Regulations set out a framework for registration if identified employees have been exposed over the control limit of 0.1 fibres per millilitre of air measured over four hours. There is no evidence that any employee or councillor has an increased asbestos risk arising out of the work in the former print room area that would require registration under the Regulations.

Registration, amongst other things, requires records to be kept for 40 years which will be available in the event that an individual develops any disease as a result of exposure to asbestos. This will assist the individual should liability need to be established at a later date. It also affords a level of medical monitoring paid for by the employer.

If the Secretary of State had meant that a lower threshold was necessary for registration, he would have said so. The evidence provided does not satisfy the standards required for registration.

I advise against a) above as there is no need, nor benefit, in acceding to the request. There are also serious disadvantages to the council, its employees and its residents if the request was met. It would not only invalidate the council's insurance, but also place the individual's own policies at risk. Legal causes of action may arise against the council in that scenario. It may also cause a level of distress in some employees which could lead to a cause of action in its own right. In addition, assuming that such an action would attract attention from the public, it could also cause distress to those who have and continue to use council services on the site. This may also lead to legal proceedings.

Such an action would create in law a *prima facie* liability against the council at a later date should an employee develop symptoms of an identifiable disease, even though exposure may have happened in the employee's own home or at another place of employment.

The costs of such legal actions and without the benefit of any insurance would be astronomical and likely to require government intervention.

To place the council in this position of legal liability when there is no evidence is likely to be considered by the High Court to be irrational and disproportionate. Such a decision, in my view, would be quashed in the event of judicial review proceedings.

I understand that the trade unions consider that there is a real risk to employees on the Civic Centre site. If the trade unions would furnish direct evidence to support their concerns, I would be pleased to reconsider my opinion.

**Helen White**

Principal Lawyer – Litigation  
Harrow Council

## Advice from Occupational Health Service



## Occupational Health Service

Chief Executive  
Michael Lockwood

Brenda Goring  
Service Manager  
Harrow Health and Safety Services

18<sup>th</sup> August 2008

Dear Brenda,

Request for medical opinion on asbestos issue

Thank you for asking me to give an opinion on the above. In particular you asked whether there are any medical grounds for advising employees about the alleged asbestos risk related to work carried out in the former print room area and that a note of this be placed on each employee file.

I have looked at the reports that you provided to me. They were as follows: -

- Timeline for management of asbestos from Paragon Interiors Group plc dated 6/11/2006.
- Emailed summary of the events and areas where materials were present by Kash Harbham to Paul Williams dated 16/11/2006.
- Report from John Crookes HM Inspector of Health and Safety at the HSE dated 23/11/2006.
- Investigation report from Helen Marshall dated 26/6/2007.
- Minutes of Health & Safety meeting 11<sup>th</sup> April 2008.
- Unison comments on the meeting of the 21/1/2007.

I am struck by the fact that there is no evidence at all of any employees having been exposed to any significant amount of asbestos. It is interesting looking at the HSE report which failed to find anything wrong with the process that was followed although it did make some recommendations about the paperwork which did not cover the whole process according to the council's procedures. The HSE have concluded that there was "no real risk to the health and safety of any individual".

Having reviewed all these documents I cannot see that there was any exposure caused by the work that was carried out that would give rise to any concern. It would seem to me to be both unnecessary and inadvisable to tell any employees that they have been exposed to a risk when this is patently not so. This could only do harm in potentially producing anxiety and this could be more harmful than the theoretical risk which is being alleged.

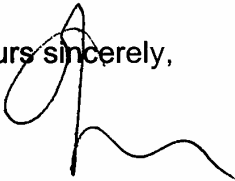
I would strongly recommend this is not done as it is not going to be helpful. Similarly there would seem to be no point in making a note in the employee's files.

There is no way that any monitoring should be carried out because the risk of carrying out chest x-rays (as an example) would outweigh the very minute risk that these employees have been exposed to.

I am surprised that this issue seems to have continued to rumble on in view of a very clear statement from the Health and Safety Executive. I hope that this deals with the issue and that everybody can be reassured that they have not been exposed to a significant health hazard.

Please let me know if I can be of any further help.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ian Chait', with a stylized flourish at the end.

Dr. Ian Chait  
MB. ChB., MRCP, MRCP (UK), DOccMed  
Occupational Health Physician

## **Investigation in to the reporting of the meeting on 11 April 2008**

### **Background**

On 11 April 2008, Cllr Camilla Bath chaired a meeting of councillors, officers and trade union representatives to further consider Health & Safety issues relating to asbestos that had been discussed at the ECF meeting on 30 January 08. The meeting concluded that a series of recommendations be made to the Employees Consultative Forum – Agreed notes of the meeting are attached at Appendix 1.

At the Employees Consultative Forum on 31 July 2008, members of the Forum asked for an explanation from the Divisional Director of Human Resources and Development as to why Human Resources & Development had not prepared a written report on the recommendations of the meeting of 11 April 2008 for the Employees Consultative Forum to consider.

### **Findings**

The officers attending the meeting on 11 April were:

- Mike Brown – Service Manager Asset Management and facilities
- Brenda Goring – Health & Safety Manager
- Paul D Turner – Senior Professional HR

At the Chairman's request Paul D Turner agreed to take notes of the meeting and to circulate, to those who had attended, draft notes of the recommendations that were to be made to the ECF. This he did via email on 15 April 2008. In response to comments he received Paul D Turner circulated an amended draft by email on 13 May and following further comments from UNISON a final draft by email on the 30 May 2008. In his covering email with the final draft Paul D Turner stated 'I am on leave from Monday 2 June followed by Jury Service. Please would you send any further comments etc directly to Cllr Bath.'

All previous officer reports on this matter had been prepared and presented by officers from Community & Environment (Urban Living) and Health & Safety Services. The recommendations from the meeting on 11 March primarily related to actions that would be taken by officers from those Departments and who had also attended the meeting on 11 March 2008.

### **Conclusion**

In these circumstances and in the absence of any direct instruction/request, there was no basis for officers from Human Resources & Development to believe that they were expected to prepare a written report for the Employees Consultative Forum on the recommendations of the meeting of 11 April 2008.

The subsequent report from UNISON to the Forum and the officers' response are covered in the main report.

Jon Turner  
Divisional Director, Human Resources & Development

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*Harrow L.G. Branch  
UNISON Office  
Central Depot, Forward Drive  
Harrow, Middlesex  
HA3 8NT  
Tel: 020 8424 1795  
Fax: 020 8424 1835*

*Email: [info@harrow-unison.org.uk](mailto:info@harrow-unison.org.uk)*

*Branch Secretary: Gary Martin*

### **To The Forum of the ECF**

UNISON would like to thank the Forum of the ECF, the Administration and the Councillors for bringing this matter to a conclusion. Also thanks to Officers of the Council in taking this matter seriously.

UNISON request that a written statement is provided stating why the previous participants took so long to resolve the issues and for providing conflicting evidence during the investigation.

This was first brought to UNISON attention in June 2006. Initially meetings were held with Access Harrow Managers to seek a solution however confusion arose as they were unable to resolve the problems and then maintained that we should deal with Facilities Management. There was an impasse between the two departments which caused an undue delay of some months. A meeting was then arranged with the Building Services / Facilities Management and an Access Harrow Manager in July 2006. This meeting proved to be non productive. A Hazard Notice was issued by Unison to the Director responsible for Access Harrow in 25<sup>th</sup> August 2006. Further meetings then took place on the 22<sup>nd</sup> August 2006 and 29<sup>th</sup> August 2006.

On 10<sup>th</sup> October 2006 a meeting with the Director Environment and Community and a Manager from the lead Consultants was followed by a walk around the project site. Once again UNISON requested and was promised that all relevant documentation relating to the asbestos would be provided; once again there was a failure to supply all the relevant documents to the Unions. A briefing Note by the Manager Building Services/ Facilities Management was presented to the ECF on the 1<sup>st</sup> November 2006.

A Health & Safety Department Audit Protocol carried out on the Access Harrow project in Jan 2006 was handed to UNISON in Oct 2006. This report was also distributed to Managers in Building Services / Facilities Management, Access Harrow and the Manager Health and Safety Department. The report highlighted anomalies which were not subsequently addressed and it was not given sufficient priority or importance. Facilities Management provided a letter from an Officer which raised various points relating to asbestos issues but did not address the fundamental issue of documentation and control of the asbestos removal process.

The HSE was called in by Unison and GMB and after the investigation a letter was submitted by the Inspector of the HSE saying that insufficient evidence was found to justify further action. To this day we have not been informed how this conclusion came about. We submit that the investigation was flawed possibly in part due to evidence or lack of evidence provided by Council Officers / Managers.

This matter was then reported by UNISON to the Health and Safety Partnership Board in Nov 2006, this was chaired by the Director Environment and Community and in attendance was the Manager Health and Safety Department. Once again it was referred to The Manager Building Services /

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Facilities Management for a resolution by Jan 2007. The Manager held a series of meetings on Mondays in the month of Jan 2007. These meetings were attended by UNISON, another Manager from Building Services /Facilities Management and on occasions the Manager Health and Safety Dpt. Once again the meetings proved to be unsuccessful with a management statement (against Unison objections) that all the issues were concluded. The Chair of the HSPB was then informed by Management that the matter was resolved even after Unison had challenged this arbitrary view in writing. Unison referred the matter back to the ECF on 30 Jan 07 however much time had been lost due to the issues having been incorrectly signed off.

There was additional correspondence between Unison and Council Officers / Managers and a report by an Officer from Health and Safety Dep't. was provided with speculation on possible scenarios as conclusive evidence was not available how the asbestos was removed and subsequently dealt with.

Further meetings were held with Members and Council Officers where no proper evidence was provided that the asbestos removal was undertaken under controlled conditions - according to legislation and Council safety procedures.

Unison was dissatisfied with the lack of information provided and the inability or reluctance of Council Officers / Managers to further the investigation. Unison therefore started its own investigation which found evidence that some of the documentation presented did not relate to the asbestos removed from the Civic Centre.

We still do not know whether the asbestos was removed legally due to a deficiency or lack of managerial control by Council Officers/ Managers, Contractors and Consultants. We maintain that Council Officers / Managers have not been proactive in seeking a quick resolution of these safety problems and have contributed to the delay and confusion. The Council safety regulations have not been followed in the management and control of a major project. We expect that accountability and sufficient resources will be pivotal in future contracts.

We await the written response from Council Officers / Managers explaining the causes of the delay and failure to resolve the safety issues. We are concerned about the costs incurred by the extended investigation and wish to see an estimate of these costs.

The Consultancy with the responsibility for control of the project appeared to take little part in the investigation. Failure to involve the Consultancy initially and more fundamentally in the investigation needs to be explained. Future business relationships with the Consultancy Company or Group should depend on answers received about their duty of care in control of the Access Harrow project.

Since Management have failed to verify that safe asbestos removal has taken place all those who could have been affected during the period of the project should be notified that they are possibly at risk.

**Harrow Unison Local Government Branch**

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