

Appendix 4

**Asbestos Management Arrangements
in Schools, following the Asbestos
Incident at Norbury First & Middle
School on the 19th June 2010**

Executive Summary

The decision was taken to close Norbury First and Middle School on the 20th June 2010 after asbestos debris was noticed on the floor of the boiler room at the school by a representative of European Asbestos Services (EAS).

The EAS employee was attending the site to carry out remedial works to encapsulate the ceiling in the boiler room. He was joined by a representative from Asbestos Solutions, who was there to provide background air testing during the remedial works and re-assurance air testing on completion of the works.

At this time, in preparation for the remedial works and to facilitate access for EAS, the Norbury School Caretaker and the Caretaker from Marlborough First and Middle School were clearing the boiler room of materials and equipment (paint, ladders etc).

It was at this point that the EAS representative noticed asbestos debris; it appeared to have originated from the door surround at the entrance to the boiler room. The decision was taken to stop the clearance of the boiler room and the planned work was cancelled.

Static air monitoring was carried out in the boiler room, the readings were acceptable and below the permitted thresholds. To seal the boiler room, tape and warning notices were erected and it was locked shut.

The asbestos debris from the door surround appears to have been damaged between the 15th and the 20th June 2010, as this damage was not detected in the entrance when the need to encapsulate the ceiling was identified. It is possible that the damage occurred when the Caretakers were clearing the boiler room in preparation for the remedial works, although this cannot be confirmed.

When clearing the boiler room, the two Caretakers had been walking across the asbestos debris as they removed the materials and equipment. They may well therefore have disturbed the asbestos containing debris and been potentially exposed to asbestos fibres.

On the 23rd June 2010, the Council made an application to the HSE for a waiver to perform asbestos removal in the boiler room at Norbury First and Middle School. The HSE granted this waiver on the 24th/25th June and the remedial work to remove the asbestos was carried out.

On the 23rd June 2010, Vintec Ltd carried out re-assurance monitoring in 70 rooms at the school. This was done as a precautionary measure to ensure that there had been no accidental release of asbestos fibres and the readings were below the permitted threshold.

On the 23rd June 2010 HSE Inspector _____ visited the Civic Centre to express concerns about asbestos management within the Council.

Norbury First and Middle School re-opened on the 28th June 2010.

On the 30th June 2010, HSE Inspector

served 3 Improvement Notices on Harrow Council as follows:

The first Notice was served on Norbury First and Middle School, stating that Harrow Council had failed to:

- Carry out a suitable and sufficient assessment of the presence of asbestos containing materials in the premises
- Monitor the condition of any asbestos containing materials
- Ensure that asbestos containing materials are properly maintained or where necessary safely removed.

The deadline for completion of the required improvements is the 19th November 2010.

The second and third Notices related to Vaughan First and Middle School, stating that Harrow Council had failed to:

- Provide adequate information, instruction and training about the risks and precautions associated with working with asbestos containing materials
- Ensure that the plan to manage asbestos, included suitable measures regarding information about the location and condition of any asbestos-containing material was provided to every person liable to disturb them.

The initial date for the required improvements to be implemented was the 17th September 2010, but an extension has been granted in relation to training until the 5th October 2010.

Prior to these events, in March 2009 there was an incident involving Harrow Council. This took place at Heathlands School, where a contractor may have been exposed to asbestos.

On the 22nd July 2009 HSE Inspector visited the Civic Centre to investigate the Heathlands School incident. Clear breaches of health and safety legislation were identified, but no Improvement Notices were issued.

Over the following months after the Heathlands School incident, dialogue and correspondence took place with the HSE Inspector. An action plan for Heathlands School was agreed with the Inspector in January 2010.

However, progress against the agreed action plan was limited, there was poor progress with training, policies and procedures were not updated and there was no improvement in the collection, recording and communication of asbestos data.

This was due to a lack of formal monitoring of the action plan by services involved and hence the lack of progress was neither identified nor escalated up through the organisation.

On the 14th July 2010 the HSE Inspector visited the Civic Centre to agree an action plan with Council Management, this being in relation to responding to the Improvement Notices served on the Council on the 30th June 2010.

The scope of works for Norbury School was agreed with the HSE Inspector. This included the encapsulation and labelling of material above the suspended ceilings and other high level areas, clearing of loose debris and other materials such as floor tiles.

After the agreement of the action plan, an order was placed with Kier to organise the necessary plant, labour and materials to execute and complete the works at Norbury School.

Management of Asbestos

A combined action plan has been developed after the identification of the following shortcomings in the current asbestos management arrangements: See Appendix

- The Council's Asbestos Policy and Asbestos Code of Practice are out of date and do not reflect recent changes, including the introduction of HSG 264
- A number of schools premises do not have Headteachers or nominated deputies of sufficient seniority who have attended premises management training.
- Asbestos Management Plans require revision to reflect work that has been undertaken at schools since their issue dates and there is a need for improved storage and communication of data
- The recording of the periodic monitoring of asbestos containing materials requires improvement and a formal process is necessary to demonstrate routine inspection within the school
- The relationship between the Children's Services Directorate and schools with respect to premises is defined by Statute, but subject to local agreements defining responsibilities. There does not appear to be a recent document outlining this relationship. Schools have an option to purchase a Service Level Agreement form the Local Authority but can choose to organise maintenance themselves using their devolved budget.

In addition when schools organise maintenance / project work independently there is an onus on the Premises Manager to ensure that the work is performed safely and that corporate records are updated where necessary. Current governance arrangements for the management of asbestos responsibilities require a review.

- Permit to Work forms appear to be used within schools. However, there is a danger that contractors are not being supplied with the correct information relating to asbestos, due to the failure to maintain asbestos records
- These records need to be collated in line with the current Asset Portfolio. Data is currently stored in a combination of paper and database records. A review is required in order to improve records management
- Health and safety governance requires revitalisation, notably the schools health and safety forum, which has not met for some time.

ACTION PLAN ON THE IMPLICATIONS OF THE IMPROVEMENT NOTICES ISSUED BY HSE

Improvement Notice 302693082

Requirement of HSE:

VAUGHAN FIRST AND MIDDLE SCHOOL

- Harrow Council has failed to provide employees that are liable to be exposed to asbestos, or who supervise such employees, with adequate information, instruction and training about the risks and precautions associated with working with asbestos-containing materials

Action: Improvement Notice complete

Improvement Notice 302693082 contd

	Action
<p>Improvement Notice 302693121</p> <p>Requirement of HSE:</p> <p>VAUGHAN FIRST AND MIDDLE SCHOOL</p> <ul style="list-style-type: none">• Harrow Council's plan to manage asbestos does not include suitable measures to ensure that information about the location and condition of any asbestos-containing materials is provided to every person liable to disturb them.	<p>Action: Improvement Notice complete</p>

Improvement Notice 302693121 contd

	Action		
Recommendation	Action owner & Target Date for Completion	Comments as at 29.07.2010	Follow-on Actions
Improvement Notice 302693121: Notice Complete Additional issues identified for Harrow Council			
6. Provide a revised and updated asbestos management plan and drawings to 4 CLASP schools.	17 November 2010.	Letter to all school head teachers sent out 15/07/2010	July/August 2010 Progress report from
7. Provide a revised and updated asbestos management plan and drawings for all Harrow schools.	End of February 2011	Work programmed as Priority 2 upon completion of CLASP schools.	December 2010 Progress report from

Improvement Notice 302693121 contd

Action			
Recommendation	Action owner & Target Date for Completion	Comments as at 29.07.2010	Follow-on Actions
Improvement Notice 302693137 Requirement of HSE: NORBURY FIRST AND MIDDLE SCHOOL • Carry out a suitable and sufficient assessment of the presence of ACMs in the premises Harrow Council has failed to : • Monitor the condition of any ACMs • Ensure that ACMs are properly maintained or, where necessary, safely removed.			Action: Improvement Notice complete

Improvement Notice 302693137 contd

Recommendation	Action		
	Action owner & Target Date for Completion	Comments as at 29.07.2010	Follow-on Actions
10. Newly appointed Head Teacher due to start January 2011 will attend training during Autumn Term.	Early 2011	Summary of key points from meeting of 14/07/2010	November 2010 Check that training was carried out.
11. For projects in which a building is not handed over as a self-contained construction site, Property Services to introduce a FastTrack Procedure to ensure any issues raised, while the contractor is in possession of the site, are responded to with urgency and priority.	December 2010	Initiative to improve reporting by CDM co-ordinator and client representative.	January 2011 Review FastTrack procedures
12. On projects over one month, ensure improved priority is given within a Major Works project, rather than when CDM file is provided at the end of the project.	December 2010	Improved project monitoring and co-ordinating of CDM issues.	January 2011 Review alongside FastTrack Procedure

ACTION PLAN ON GENERAL ISSUES AND CORPORATE PROPERTY

Action			
Recommendation	Action owner & Target Date for Completion	Comments as at 29.07.2010	Follow-on Actions
3. Develop a procedure for self-assessment on site by specifically trained premises managers.	December 2010	To be introduced as part of improved joint support in premises development between Property Team and Premises Managers.	Progress on development to be closely monitored.
3.A Monitor effectiveness of procedure for self assessment.	January 2011	Ongoing QA assessment.	Progress monitoring and reporting.
4. Harrow's Corporate Property portfolio to include Estates and Valuers (where Harrow is the landlord) be incorporated into future asbestos management policy review.	End November 2010	Extend existing contractors' brief to incorporate Corporate Premises upon completion of school property.	List of property to be prepared and reviewed.

Action Plan on General Issues and Corporate Property contd

Action			
Recommendation	Action owner & Target Date for Completion	Comments as at 29.07.2010	Follow-on Actions
9. Inspection of Corporate premises at Harrow Arts Centre, Hatch End for management of asbestos, management of legionella and contractors on site.	28/07/2010	Meeting with and for site inspection.	<ul style="list-style-type: none"> ○ Premises Manager training need identified in line with responsibility. ○ Improved and updated asbestos management plan. ○ Clarity on recording and registering legionella testing. ○ Clear and precise site information and log system.
10. Inspection of Corporate premises at Harrow Teachers' Centre, Tudor Road for management of asbestos, management of legionella and contractors on site.	28/07/2010	Meeting with and for site inspection.	<ul style="list-style-type: none"> ○ Premises Manager training need identified in line with responsibility. ○ Improved and updated asbestos management plan. ○ Clarity on recording and registering legionella testing. ○ Clear and precise site information and log system.

Action Plan on General Issues and Corporate Property contd

Action			
Recommendation	Action owner & Target Date for Completion	Comments as at 29.07.2010	Follow-on Actions
11. Inspection of Corporate Premises at Kenton Library for management of asbestos, management of legionella and contractors on site.	29/07/2010	Meeting with for site discussion.	<ul style="list-style-type: none"> ○ Premises Manager training need identified in line with responsibility. ○ Improved and updated asbestos management plan (Note: no known asbestos on site). ○ Legionella sampling and testing in place. ○ Improved site information required.
12. Evidence at Corporate premises inspected, of similar need, for quality information and premises manager training to be improved in line with agreement for school property.	December 2010	Agreement that Harrow Council will extend the action under existing Improvement Notices for school premises to incorporate all Corporate property.	Review progress monthly, and update HSE Inspector.
13. Premises Manager training (comparable with responsibility) to be undertaken for all staff managing Corporate property.	January 2011	Agreed on 28/29 July 2010 with HSE Inspector to undertake appropriate training for premises managers.	Closely monitor attendance and content of training programme..

Action Plan on General Issues and Corporate Property contd

Action			
Recommendation	Action owner & Target Date for Completion	Comments as at 29.07.2010	Follow-on Actions
14. Improved and updated Asbestos Management Plans for all Corporate property.	March 2011	Agreed on 28/29 July with HSE Inspector to extend existing survey of school property to incorporate all Corporate premises.	Programme of inspections to be developed.
15. Review routine of legionella testing and monitoring in line with agreed Risk Assessment and Action Plan to incorporate Cyclical Maintenance and regular site management actions.	March 2011	Ensure safe working policies are in place for recording/testing (routine and cyclical) and responsive action in maintenance follow-up.	Improve sharing data on cyclical work in association with regular temperature checks.
16. Review, update and re-issue to all Corporate and school premises managers detailed Site Building Services Handbook.	March 2011	Handbook to include Site Management Plan for prevention of Legionella and Asbestos Management.	Update regularly on progress to ensure timely editing and re-issue.

Action Plan on Harrow Health and Safety Team's Recommendations

Action			
Recommendation	Follow-on Actions	Action Owner	Completion Date
1. Internal policies and procedures require review.	Update the policies and procedures.		September 2010
2. There are gaps in the information, instruction and training provided to duty holders.	To review and provide the necessary training to all duty holders with responsibility for asbestos management.		December 2010
3. Some asbestos management plans are not site specific or are out of date.	Update the asbestos management plans, where required, ensure they are site specific and issued to schools.		January 2011
4. The record keeping for the monitoring of asbestos in schools is inadequate.	Introduce systems to ensure effective record keeping across all schools. This to include investigating the merits of web-based systems and the resources allocated to asbestos management generally.		January 2011
5. There are issues regarding the safe control of maintenance and project work where schools organise work autonomously.	To develop and communicate a protocol for schools to follow when commissioning maintenance and project work autonomously.		September 2010

Action

Recommendation	Follow-on Actions	Action Owner	Completion Date
6. Contractors have not always been supplied with the relevant asbestos information prior to commencing work.	Parts 2, 3, 4 & 5 above.		January 2011
7. Monitoring systems for safety and performance have not effectively escalated this risk to the relevant management tiers.	i) Review health and safety governance structures within the schools and the Council, including performance reporting. ii) Introduce systems of audit and review to monitor and measure performance.	(i) (ii)	(i) November 2010 (ii) January 2011
8. Senior Management Review of controls in place including governance and responsibility at corporate level.	Investigation into competency of staff in complying with their responsibilities leading to disciplinary action if appropriate.		January 2011