

ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance Committee
DATE	1 October 2019
REPORT TITLE	Bridge of Don Academy Asbestos Incident Update and Beachview Court Update
EXEMPT	No
CONFIDENTIAL	No
REPORT NUMBER	RES/19/386
DIRECTORS	Steve Whyte
CHIEF OFFICERS	Mark Reilly/Stephen Booth/John Wilson
REPORT AUTHOR	Stephen Booth
TERMS OF REFERENCE	Purpose 8

1. PURPOSE OF REPORT

- 1.1 The report provides an update on actions taken following an accidental uncontrolled release of asbestos fibres at Bridge of Don Academy during July 2018. In accordance with the instructions of Committee it also provides a background to a separate incident at Beachview Court.

2. RECOMMENDATION

- 2.1 That the Committee note the report.

3. BACKGROUND

- 3.1 On the 31 January 2019 a report was presented to this Committee regarding an asbestos incident at Bridge of Don Academy in July 2018. A link to this report is attached.

- 3.2 The Committee resolved:-

(ii) to instruct the Chief Officer – Corporate Landlord to (a) provide a service update on the actions taken, and implemented, since this incident and further to the action plan reported to this Committee in January 2019; and (b) to report back to Committee in June 2019 on actions taken to ensure the safety, in so far as is reasonably practicable, of all Council personnel, contractors and members of the public when work involving asbestos is carried out on any Council property.

- 3.3 A verbal update was provided to the Committee and the Committee resolved:-
(i) in respect of item 5 (Asbestos Incident – Bridge of Don Academy), to note the update from the Chief Officer – Corporate Landlord and to request that a service update be circulated within the next few weeks to provide an update on progress to date; with a full report to Committee at its meeting in October 2019.

Then, there was further discussion of asbestos under the health and safety report which was later on the agenda (due to an incident at Beachview Court) and the Committee resolved:-

(i) in respect of the incident at Beachview Court, to note that an update on this would be included in the asbestos report to Committee in October 2019.

Bridge of Don Academy

- 3.4 The action plan in the appendices updates the remedial actions being undertaken by the Council to satisfy the requirements within HSE's notification of contravention. This is updated in Appendix A.

Beachview Court

- 3.5 In November 2018 a near miss asbestos incident was reported within a plant room at Beachview Court. A fire door which contained asbestos was found in a bad state of repair, removed from its hinges presenting a possible risk. An internal investigation was undertaken into the incident to establish why the door was off its hinges, why it was in a state of disrepair and why it had not been removed from the property when it was removed from its hinges.

- 3.6 An internal investigation was undertaken with recommendations noted below. The incidence was also reported to the Health and Safety Executive who advised that whilst no breach was found they made some recommendations which were consistent with the Council's own findings. The following remedial actions have been or are in the process of being undertaken. **(subsequent actions in bold)**

- a) *A process should be put in place by the Asbestos Team to ensure that their instructions are closed out effectively. This should include a method of escalation where instructions are not followed.*

A schedule of work required to multi-storeys, derived from 6 monthly inspections, Fire Risk Assessment and inspections by Scottish Fire and Rescue are now centrally collated and actions reviewed on a monthly basis.

- b) *Any available asbestos survey should be provided electronically to all relevant contractors on site. This provides evidence that the required health and safety information has been provided. This should include an interpretation of the asbestos information to allow it to be easily comprehended by the contractors.*

The team are now using a central database (MODUS) which holds all asbestos information and is accessible remotely. Information will now be available to design teams and building services and can be shared with contractors.

- c) *The process requires that asbestos containing materials are removed by ACC prior to contractors starting. Where this is not possible a method of documenting this should be in place which will include the contractors' methods of dealing with this. These methods should be reviewed by the asbestos team to ensure they are compliant.*

Method statements are submitted to the design team and advice is sought from the asbestos surveyor as required depending on the complexity of the work.

- d) *If the process to make asbestos containing materials is to encapsulate rather than remove, then the method chosen should be reviewed and approved by the asbestos team. This should all be documented as part of the project paperwork to evidence correct procedures are followed.*

The decisions around this are now recorded in the MODUS system.

- e) *The process of 6 monthly inspections as part of the property factors duties should be in a documented and diarised plan which would allow reporting of compliance and assurance to be given to the organisation.*

A programme of inspections is currently being developed by the factor. This will be in place by the end of 2019.

- f) *The project process requires that there are sufficient site inspections, dependent on the risk; also, that regular project meetings are held with contractors. These visits should be recorded and documented to evidence compliance.*

Site inspections are recorded by clerk of works and site progress meetings with the design team and contractor are formally recorded

- g) *Checks on this compliance should be undertaken by line managers during 1-2-1s.*

This is ongoing.

- h) *All employees who are at risk of being exposed to substances hazardous to health, including asbestos should be provided with the correct standard of RPE and face-fitted to ensure that there is a proper seal achieved when used.*

Asbestos team have necessary RPE.

- i) *Where the risk exists, all employees should carry this RPE with them to jobs. This RPE is required to be stored in a manner which prevents it from being damaged and allows it to be used when required.*

This is not yet in place but being developed by operational teams with expectation that this will be complete during 2019.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no current financial implication based on the content of this report.
- 4.2 The bespoke asbestos training provided to frontline services was estimated at a total cost of £23,000 which will be met from existing training budgets. Ongoing refresher training will be required, and a plan will be developed during 2019 to identify future budget requirements.
- 4.3 Service redesigns are currently being considered in all areas of the council. Within the Corporate Landlord Structure the level of resources around asbestos surveyors and inspectors is being reviewed.

5. LEGAL IMPLICATIONS

- 5.1 The Health and Safety Executive has identified contraventions of health and safety legislation. Aberdeen City Council must now seek to implement the recommendations across all relevant service areas to help ensure full compliance with the relevant legislation.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	Punitive costs	M	Ensure compliance with statutory requirements and internal processes and procedures. Review of the policies and procedures in place, implementation of the proposed action plan, develop accessible single asbestos register and bespoke asbestos training.
Legal	Prosecution	H	Ensure compliance with statutory requirements and internal processes and procedures. Review of the policies and procedures in place, implementation of the proposed action plan, develop accessible single

			asbestos register and bespoke asbestos training.
Employee	Civil claims if industrial disease diagnosed in future	M	Ensure compliance with statutory requirements and internal processes and procedures. Review of the policies and procedures in place, implementation of the proposed action plan, develop accessible single asbestos register and bespoke asbestos training.
Customer	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Technology	N/A	N/A	N/A
Reputational	Loss of good reputation	M	Ensure compliance with statutory requirements and internal processes and procedures. Review of the policies and procedures in place, implementation of the proposed action plan, develop accessible single asbestos register and bespoke asbestos training.

7. OUTCOMES

Design Principles of Target Operating Model	
	Impact of Report
Governance	The changes required from both the HSE and internal ACC investigations will result in the organisation meeting the required statutory requirements by developing and improving the internal processes and procedures of the Clusters who face the risk of exposure to asbestos.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	N/A
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	N/A

9. BACKGROUND PAPERS

None

10. APPENDICES

Appendix A: Action Plan

11. REPORT AUTHOR CONTACT DETAILS

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APPENDIX A

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
You should review the arrangements for commissioning refurbishment surveys to ensure that the survey is suitable and sufficient for the work to be carried out and for ensuring that there is adequate review if the scope of work changes.	Review process to ensure refurbishment surveys reflect the scope of works to be carried out.	Ian Cowling/Ian Perry (Client Function)	Prior to the incident occurring, procedures were being revisited. Design Function to provide detailed scope of work to allow relevant survey information to be obtained. Should scope of works change, Design Function to seek additional information from Asbestos Management Team. Asbestos Management Team to review asbestos report prior to issuing to Design Function.	Complete – Jan 19	Within the Non-Housing projects we now receive requests for surveys via the 'Modus AIMs 5' database system where all correspondence is noted and held for any future audits or inspections. All Architects requesting an asbestos survey use this requesting method.
		Neil Esslemont/John Buthlay (Design Function)	Procedures have been reviewed. The asbestos and issuing of variations procedures have been amended to highlight to the Contract Administrator and Contractor the need to refer	Complete – Jan 19	

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
			to the asbestos report where the scope of the works changes, and to obtain from the Client (Asbestos Management Teams) further information if required.		
		Graham Williamson (Contractor Function)	The pre-construction information provided by the client/design team is reviewed and incorporated within the Construction Phase Plan (CPP) to ensure safe working practices are identified and carried out on site. Any amendment to the design during the construction phase, will require the CPP to be reviewed and updated as necessary.	Complete – Jan 19	
	Review how refurbishment survey information is presented to those attending site to ensure understanding before commencement of works.	Ian Cowling/Ian Perry (Client function)	Believed to be Contractor Function and therefore no action considered necessary.	No action required	On receipt of the survey undertaken by external surveyors they are checked prior to being forwarded the architect staff.

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					Only if requested will the asbestos officer be in attendance at any prestart meeting.
		Neil Esslemont/ John Buthlay (Design Function)	Believed to be Contractor Function and therefore no action considered necessary	No action required	As above
		Graham Williamson (Contractor Function)	Information is presented to those on site during the induction process and within the Risk Assessment/Method Statement (RAMS).	Complete – Jan 19	
	Review risk assessments and method statements.	Ian Cowling/Ian Perry (Client Function)	Believed to be Design Function therefore no Action required. If required contract administrator can request assistance from Asbestos Management Team.	No action required	In practise the asbestos surveyor is regularly supporting the Design team in this area.
		Neil Esslemont/	There is already a requirement for the Principal Designer/Contract Administrator to review the	No action required	See above

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
		John Buthlay (Design Function)	contractor's method statements and where considered appropriate consult with the Asbestos Management Team within Housing Assets, therefore no action required.		
		Graham Williamson (Contractor Function)	RAMS are written in the first instance to be site specific for the contract and are reviewed if the scope of work changes, a change to materials used or working practices and when a design change occurs during the construction process.	Complete - Jan 19	
	Competent asbestos officer (advisor) to be included at design stage of project.	Ian Cowling/Ian Perry (Client Function)	The Asbestos Management Team is commissioned at the outset of every project and the scope of works is discussed at this stage and the relevant survey information is made available.	No action required	When an asbestos survey is requested this is made via the Modus system. Prior to employing the services of the asbestos surveyor, the request is checked that it

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					contains all required information and design drawings etc. Any issues noted and referred back to the project architect and are recorded of the Modus system. This ensures we have a complete overview of the survey request
		Neil Esslemont/ John Buthlay (Design Function)	The Asbestos Management Team is commissioned at the outset of every project. No additional action is considered necessary.	No action required	
		Graham Williamson (Contractor Function)	Function of design team	No action required	
	Competent asbestos advisor to be at pre-site meeting to discuss	Ian Cowling/Ian	Asbestos Officers are available to attend as	No action required	In practise this requirement will depend on the

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
	scope of works and available when required through the life cycle of the project.	Perry (Client Function)	requested by the project administrator.		project and the risks associated.
		Neil Esslemont/ John Buthlay (Design Function)	An Asbestos Officer does not currently attend pre-start meetings. These meetings follow a formal structure dealing with contractual issues and therefore it is not considered necessary for an asbestos officer to attend these meetings, therefore no action required. The Asbestos Management Team is available throughout the life of the project and currently provide support and advice to the Principal Designer/Contract Administrator and Contractor.	No action required	If the project involves works to asbestos containing materials, i.e. encapsulation or removal, then a separate dedicated technical meeting is held with the Contractor, Contract Administrator and Asbestos Management Team to review the works.
		Graham Williamson (Contractor Function)	Believed to be Client/Design Function and therefore no action considered necessary	No action required	
	Consideration to be given on implementing a checklist for work	Ian Cowling/Ian	Believed to be Contractor Function and therefore no action considered necessary	No action required.	

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
	arrangements before intrusive works is to be carried out.	Perry (Client Function)			
		Neil Esslemont/ John Buthlay (Design Function)	Believed to be Contractor Function and therefore no action considered necessary	No action required	
		Graham Williamson (Contractor Function)	Checklist to be developed.	Completed	
The procedures for dealing with accidental disturbance and damage to asbestos are not sufficiently robust to be effective. The level of training provided to managers and supervisors is not adequate to ensure that the correct procedures are followed. The level of training and information provided should be improved to ensure there is a robust system for	Review all existing procedures for dealing with potential asbestos-containing materials – disturbed and undisturbed.	(Client Function)	Procedures are in place but, require to be formalised to outline to end users actions to be taken in the event of a potential accidental disturbance and or damage to asbestos.	February 2019 To be changed to November 2019	New draft procedures are now in place and are being consulted on with unions and practitioners. These were discussed at a meeting in September 2019 and it is planned that they will be formally signed off in October 2019.

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
dealing with such occurrences. A more robust system with a means of ensuring that all the relevant action is taken should be implemented.					
		Neil Esslemont/ John Buthlay (Design Function)	An additional procedure relating to the potential accidental disturbance of asbestos has been drafted and implemented. All members of the Design Team have previously attended an asbestos awareness course. All will attend refresher training.	Procedure Implemented. Refresher training arranged for April 2019.	All members of the Design Teams have now attended asbestos awareness refresher training. Arrangements are made to ensure that all new members of the Design Teams also attend this training.
		Graham Williamson (Contractor Function)	Existing procedures have been reviewed and agreement reached with EIS/GMB/Unison/Unite unions. Initial Building Services asbestos process reminder delivered to front line staff.	Complete Complete	New procedure delivered initially during team meetings. Follow up delivery via external training provider 98.5%

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			Agreed process to be delivered to staff at team meetings	Original date January/ February 19	complete by 13 th September 2019. Procedure embedded in Small task Risk Assessment Notebook 90.32% completed to date.
	Ensure correct level of training on the management of asbestos is delivered to responsible persons involved in the client, design and contract sides of projects.	Ian Cowling/Ian Perry (Client Function)	No action required as Asbestos team are adequately trained and refresher training is carried out at appropriate intervals.	No Action Required.	
		Neil Esslemont/ John Buthlay (Design Function)	All members of the Design Team have previously attended an asbestos awareness course. All will attend refresher training.	Complete	All members of the Design Teams have now attended asbestos awareness refresher training. Arrangements are made to ensure that all

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
					new members of the Design Teams also attend this training.
		Graham Williamson (Contractor Function)	Bespoke Asbestos Awareness training in place and being delivered to Building Services frontline staff, union and others services.	Almost Complete	98.5% Building Services employees will have attended external Asbestos training provider by 13 th September 2019. Total 473, Booked 466. 36 Design team, 5 Corporate H&S and 7 union work colleagues have also attended.
	Refresher training for all line management on compliance with the CDM2015 regulations to ensure that all tasks,	Ian Cowling/Ian Perry (Client Function)	All relevant officers to attend appropriate CDM training/ refresher training.	Outstanding	Still to be actioned by end 2019

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	regardless of size, are planned correctly.				
		Neil Esslemont/ John Buthlay (Design Function)	All members of the team have received APS accredited training on CDM 2015, but a refresher course should be arranged to further enhance the knowledge base.	Outstanding	Still to be actioned.
		Graham Williamson (Contractor Function)	All Building Services supervisory staff hold a current Site Management Supervisory Training Scheme (SMSTS) qualification, and specific staff hold a Principal Designer qualification.	Complete. Refresher training for Principal Designer to be arranged for April 2019, incorporated with Design Team	All required supervisory employees, currently hold SMSTS qualification
	Ensure all information is provided to frontline employees / sub-contractors to ensure that the task is carried out safely.	Ian Cowling/Ian Perry (Client Function)	Believed to be Contractor Function and therefore no action considered necessary	No action required	Within the individual contractors access to the Modus Data Base we have updated the information as follows;

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					When a contractor views the individual property asbestos information they are automatically allowed access to a front page 'dashboard' that indicates where asbestos has been found or is presumed to be located.
		Neil Esslemont/ John Buthlay (Design Function)	Contractor Function and therefore no action considered necessary	No action required	
		Graham Williamson (Contractor Function)	Information is presented, for planned work, to those on site during the induction process and within the Risk Assessment/Method Statement (RAMS).	Complete	

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	Build on existing asbestos training to increase knowledge and understanding	Ian Cowling/Ian Perry (Client Function)	Agree. Additional Training to be arranged as and when considered necessary.	Ongoing.	Training requirements continue to be reviewed.
		Neil Esslemont/John Buthlay (Design Function)	Agree. Additional Training to be arranged as and when considered necessary.	Ongoing.	All members of the Design Teams have now attended asbestos awareness refresher training. Arrangements are made to ensure that all new members of the Design Teams also attend this training.
		Graham Williamson (Contractor Function)	Third party accredited bespoke asbestos training being delivered.	June 19	Training now delivered to...514 employees.
Prior to construction activity beginning a clear plan to segregate the construction work from other activities should have been	Review all asbestos procedures in each Service Area to ensure that coordination planning is included. This should have a	Ian Cowling/Ian Perry (Client Function)	Design Function and therefore no action considered necessary	No action required	

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drawn up. There should not have been unauthorised access inside the work area and if necessary alternative security arrangements should have been implemented to avoid the need for Facilities staff to access the area. Effective arrangements to co-ordinate the various parties with an interest in the project should have been put in place.	method to ensure that the identified issues have been closed out.				
		Neil Esslemont/ John Buthlay (Design Function)	Procedure relating to the Design Team's evaluation and monitoring of the Contractor's measures to prevent unauthorised access has been made more robust.	Complete.	
		Graham Williamson (Contractor Function)	System in place for Building Services.	Complete	

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
In reviewing your procedures following an incident you should also consider the arrangements for communicating information to the relevant parts of the organisation to ensure that the information reaches those who may be affected.	Toolbox talk to improve line management incident/near miss recording and reporting.	(Client Function)	Procedures are in place but, require to be formalised to outline to end users actions to be taken in the event of a potential accidental disturbance and or damage to asbestos.	Outstanding – was February 2019	Covered in new combined procedure
		Neil Esslemont/ John Buthlay (Design Function)	A procedure detailing the action required by the Design Team when we are advised that there could potentially have been a disturbance of asbestos has been drafted and implemented.	Complete	
		Graham Williamson (Contractor Function)	Toolbox talks have been delivered and will be repeated on a regular basis.	Complete - June 19	Building Services Small Task Risk Assessment Notebook containing Generic Emergency Procedure for incidents and

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
					Asbestos Disturbance Emergency Procedure delivered to 90.32% of frontline employees
	Introduce an emergency sequential checklist to be completed to ensure correct procedures are complied with.	Ian Cowling/Ian Perry (Client Function)	Believed to be a Design/Contractor Function and therefore no action considered necessary.	No action required.	
		Neil Esslemont/John Buthlay (Design Function)	Not considered necessary as new procedure to be adopted has been issued.	No action required.	
		Graham Williamson (Contractor Function)	Has been developed.	Completed	
	Ensure strong communication links are maintained between the Client, Principal Designer and Principal Contractor and facilitate	Ian Cowling/Ian Perry (Client Function)	Agree. Asbestos Management Team are available to assist.	Ongoing.	In practise Asbestos surveyor is regularly advising design team

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	frontline employees/ sub-contractor's awareness of where it is known or strongly suspected that asbestos-containing materials are present.				
		Neil Esslemont/ John Buthlay (Design Function)	CDM 2015 was introduced with an aim to improve liaison between Client, Principal Designer, Designer, Principal Contractor, Contractor and to enhance communication between all parties to ensure health and safety. This is currently carried out by way of meetings at various stages of the design and construction process and is imbedded in existing procedures. It places a duty on Principal Contractors/ Contractors to consult and engage with workers, front line employees and sub-contractors so that construction work can be carried out without risks to health and safety.	Ongoing	

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
		Graham Williamson (Contractor Function)	Communication links are in place and are being strengthened and developed.	Complete	Asbestos working group meetings are being refocussed to create overview of activities and identify future improvements or gaps.