

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Staff Governance Committee
<b>DATE</b>	31 January 2019
<b>REPORT TITLE</b>	Bridge of Don Academy Asbestos Incident
<b>REPORT NUMBER</b>	RES/19/162
<b>DIRECTORS</b>	Rob Polkinghorne/Steve Whyte
<b>CHIEF OFFICERS</b>	Mark Reilly/Stephen Booth/John Wilson
<b>REPORT AUTHOR</b>	Stephen Booth
<b>TERMS OF REFERENCE</b>	Purpose 8

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### **1. PURPOSE OF REPORT**

- 1.1 The report provides information on an accidental uncontrolled release of asbestos fibres at Bridge of Don Academy on Thursday 12 July 2018, the resulting investigation by the Health and Safety Executive and actions implemented to ensure future compliance.

### **2. RECOMMENDATION**

- 2.1 That the Committee note the report.

### **3. BACKGROUND**

- 3.1 On the 12 July 2018 there was an accidental uncontrolled release of asbestos fibres at Bridge of Don Academy during work carried out by the Council's Building Services cluster. The laboratory report confirmed that the materials sampled contained asbestos.
- 3.2 The incident was reportable to the Health and Safety Executive (HSE) as a dangerous occurrence as required by The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR). The HSE completed an investigation and the Council has now received a letter (dated 28 November 2018) from the HSE, which details the contraventions discovered during their investigation.
- 3.3 An internal Aberdeen City Council investigation was carried out in line with the organisation's incident and near miss investigation procedure. This was completed on 9 August 2018 and the remedial actions identified within this investigation are listed in the middle column of Appendix A and are matched against those which were identified by HSE.

3.4 The action plan in the appendices outlines remedial actions being undertaken by the Council to satisfy the requirements within HSE's notification of contravention.

#### 4. FINANCIAL IMPLICATIONS

4.1 Aberdeen City Council have received and settled invoices for payment of fees set out in the Health and Safety and Nuclear (Fees) Regulations 2016, Regulations 22 and 23.

4.2 There have been two invoices received to date totalling £838.50, which is equivalent to 6.5 hours HSE time spent on the investigation.

4.3 The HSE inspector has advised that further invoices will be raised in respect of this incident investigation, but the exact amounts were not available to them at this time.

4.4 The bespoke asbestos training provided to frontline services will cost £23,000 which will be met from existing training budgets

4.5 Many organisations as part of their tendering process require an answer to be provided on recent HSE interventions and the letter of enforcement action served by Health and Safety Executive could have a bearing on procurement where Aberdeen City Council services have tendered for external business.

#### 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
<b>Financial</b>	Punitive costs	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.
<b>Legal</b>	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.
<b>Employee</b>	Civil claims if industrial disease diagnosed in future	L	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.
<b>Customer</b>	N/A	N/A	N/A
<b>Environment</b>	N/A	N/A	N/A
<b>Technology</b>	N/A	N/A	N/A
<b>Reputational</b>	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

Local Outcome Improvement Plan Themes	
	Impact of Report
<b>Prosperous Economy</b>	N/A

<b>Prosperous People</b>	N/A
<b>Prosperous Place</b>	N/A
<b>Enabling Technology</b>	N/A

<b>Design Principles of Target Operating Model</b>	
	<b>Impact of Report</b>
<b>Customer Service Design</b>	N/A
<b>Organisational Design</b>	N/A
<b>Governance</b>	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.
<b>Workforce</b>	N/A
<b>Process Design</b>	N/A
<b>Technology</b>	N/A
<b>Partnerships and Alliances</b>	N/A

## **8. IMPACT ASSESSMENTS**

<b>Assessment</b>	<b>Outcome</b>
<b>Equality &amp; Human Rights Impact Assessment</b>	N/A
<b>Privacy Impact Assessment</b>	Not required
<b>Duty of Due Regard / Fairer Scotland Duty</b>	N/A

## **9. BACKGROUND PAPERS**

None

## **10. APPENDICES**

Appendix A: Action Plan  
Exempt Appendix B

## **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	
		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 to the asbestos report where the scope of the works changes, and to obtain from the Client (Asbestos Management Teams) further information if required.	Complete	
		Graham Williamson (Contractor Function)	The pre-construction information provided by the client/design team is reviewed and incorporated within the Construction Phase Plan	Complete	

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
			(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.		
	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	
		Neil Esslemont/ John Buthlay (Design Function)	Believed to be Contractor Function and therefore no action considered necessary	No action required	
		Graham Williamson (Contractor Function)	Information is presented to those on site during the induction process and within the Risk Assessment/Method Statement (RAMS).	Complete	

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
	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	
		Neil Esslemont/John Buthlay (Design Function)	There is already a requirement for the Principal Designer/Contract Administrator to review the contractor's method statements and where considered appropriate consult with the Asbestos Management Team within Housing Assets, therefore no action required.	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	
	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 ever project and the scope of works is discussed at this stage and the relevant survey information is made available.	No action required	



HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
		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 scope of works and available when required through the life cycle of the project.	Ian Cowling/Ian Perry (Client Function)	Asbestos Officers are available to attend as requested by the project administrator.	No action required	
		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 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	

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
		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 arrangements before intrusive works is to be carried out.	Ian Cowling/Ian Perry (Client Function)	Believed to be Contractor Function and therefore no action considered necessary	No action required.	
		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.	March 19	
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	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	

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
followed. The level of training and information provided should be improved to ensure there is a robust system for 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.	
		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. Agreed process to be delivered to staff at team meetings	Complete  Complete  January/ February 19	

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
	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.	Refresher training arranged for March 2019.	
		Graham Williamson (Contractor Function)	Bespoke Asbestos Awareness training in place and being delivered to Building Services frontline staff, union and others services.	June 19	
	Refresher training for all line management on compliance with the CDM2015 regulations to ensure that all tasks, regardless of size, are planned correctly.	Ian Cowling/Ian Perry (Client Function)	All relevant officers to attend appropriate CDM training.	April 2019	
		Neil Esslemont/	All members of the team have received APS accredited training on CDM 2015, but a refresher	Refresher training to be	

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
		John Buthlay (Design Function)	course should be arranged to further enhance the knowledge base.	arranged for April 2019.	
		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.	Refresher training for Principal Designer to be arranged for April 2019	
	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	
		Neil Esslemont/ John Buthlay (Design Function)	Believed to be Contractor Function and therefore no action considered necessary	No action required	
		Graham Williamson (Contractor Function)	Information is presented to those on site during the induction process and within the Risk Assessment/Method Statement (RAMS).	Complete	
	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.	

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
		Neil Esslemont/ John Buthlay (Design Function)	Agree. Additional Training to be arranged as and when considered necessary.	Ongoing.	
		Graham Williamson (Contractor Function)	Third party accredited bespoke asbestos training being delivered.	June 19	
Prior to construction activity beginning a clear plan to segregate the construction work from other activities should have been 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	Review all asbestos procedures in each Service Area to ensure that coordination planning is included. This should have a method to ensure that the identified issues have been closed out.	Ian Cowling/Ian Perry (Client Function)	Believed to be Design Function and therefore no action considered necessary	No action required	

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
have been put in place.					
		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)	Existing system in place for Building Services, to be reviewed.	Complete	
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.	February 2019	
		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	

HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
		Graham Williamson (Contractor Function)	Toolbox talks have been delivered and will be repeated on a regular basis.	June 19	
	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)	To be developed.	April 19	
	Ensure strong communication links are maintained between the Client, Principal Designer and Principal Contractor and facilitate frontline employees/ sub-contractor's awareness of where it is known or strongly suspected that asbestos-containing materials are present.	Ian Cowling/Ian Perry (Client Function)	Agree. Asbestos Management Team are available to assist.	Ongoing.	



HSE contravention	ACC Investigation Recommendation	Responsible officer	Remedial Actions	Completion date	Update
		Neil Esslemont/ John Buthlay (Design Function)	<p>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.</p> <p>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.</p>	Ongoing	
		Graham Williamson (Contractor Function)	Communication links are in place and are being strengthened and developed.	Complete	