

ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance Committee
DATE	18 March 2019
REPORT TITLE	HSE visit update: Bridge of Don Academy Asbestos Incident
REPORT NUMBER	GOV/19/211
DIRECTORS	Rob Polkinghorne/Steve Whyte
CHIEF OFFICERS	Mark Reilly/Stephen Booth/John Wilson
REPORT AUTHOR	Colin Leaver
TERMS OF REFERENCE	Purpose 8

1. PURPOSE OF REPORT

- 1.1 The report is to deliver the requested update on the re-visit by the Health and Safety Executive and provide further assurance to committee on the sufficiency of the remedial actions undertaken by Aberdeen City Council following an incident at Bridge of Don Academy on Thursday 12 July 2018.

2. RECOMMENDATION

- 2.1 That the Committee note the assurance provided in 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 Building Services.
- 3.2 The incident was reportable to the Health and Safety Executive (HSE) and HSE undertook an investigation following which the Council received a letter (dated 28 November 2018), which detailed the contraventions discovered during their investigation.
- 3.3 A further meeting was held on Wednesday 13 February 2018 at which Aberdeen City Council officers met with the investigating HSE inspector to detail and discuss the remedial actions undertaken by each responsible officer to meet the requirements detailed in HSE's letter, which would ensure legal compliance
- 3.4 HSE had reviewed ACC's procedures during their investigation; the remedial actions HSE identified, which would be considered to make our procedures more robust were discussed at the meeting to ensure that these were sufficient to satisfy Aberdeen City Council's legal duties and met the required actions in the HSE letter.

- 3.5 The HSE inspector reported that they were satisfied with the procedures which Aberdeen City Council had in place and any remedial actions taken during their review to prevent a re-occurrence of a similar Bridge of Don-type incident.
- 3.6 They were also satisfied that the remedial training which had been rolled out to front line staff was suitable and sufficient to allow staff to have the knowledge to be able to respond correctly in cases where asbestos is discovered or disturbed during their work.
- 3.7 HSE were also content that the processes to follow in these circumstances were in a step-by-step document, which allowed reference if such an incident occurs.
- 3.8 HSE were also advised of a programme of 9 staff meetings on the culture of the organisation where 500 front-line staff within Building Services met; amongst other initiatives at these events they were briefed on what was required during asbestos work. These meetings also required front line staff to work through examples of where asbestos containing materials were located and what actions to take in these circumstances.
- 3.9 During the meeting with HSE the remedial actions undertaken by responsible officers were discussed and HSE reported that no further action will be required or taken as a result of this incident.
- 3.10 Additional to completing the HSE requirements a new procedure for managing asbestos damage in schools has been prepared and issued to schools which details guidance for all staff working in schools, on the action to be taken in the event of potential accidental release of asbestos.

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

5. LEGAL IMPLICATIONS

- 5.1 Following the HSE re-visit the Health and Safety Executive are now satisfied that Aberdeen City Council have implemented the required remedial actions to satisfy their legal duties.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	Punitive costs	H	The actions taken will ensure compliance with statutory requirements and internal processes and procedures.
Legal	Prosecution	H	The actions taken will ensure compliance with statutory requirements and internal processes and procedures.
Employee	Civil claims if industrial disease diagnosed in future	L	The actions taken will ensure compliance with statutory requirements and internal processes and procedures.
Reputational	Loss of good reputation	M	The actions taken will ensure compliance with statutory requirements and internal processes and procedures.

7. OUTCOMES

Design Principles of Target Operating Model	
	Impact of Report
Governance	The changes required by the HSE and subsequently implemented by ACC have resulted in the organisation meeting the required statutory requirements.

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

None.

11. REPORT AUTHOR CONTACT DETAILS

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