

Open Agenda



Cabinet

Tuesday 16 July 2013
4.00 pm

Ground Floor Meeting Room GO2A, 160 Tooley Street, London
SE1 2QH

Supplemental Agenda No. 2

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Contact

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Webpage: <http://www.southwark.gov.uk>

Date: 12 July 2013

Agenda Item 7

Item No. 7.	Classification: Open	Date: 16 July 2013	Meeting Name: Cabinet
Report title:		Deputation Requests	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATION

1. That the cabinet consider whether to hear a deputation from the Futures Steering Board (FSB), a resident steering group made up of Southwark tenants and leaseholders.

BACKGROUND INFORMATION

2. When considering whether to hear the deputation request, cabinet can decide
 - To receive the deputation at this meeting or a future meeting; or
 - That the deputation not be received; or
 - To refer the deputation to the most appropriate committee/sub-committee.
3. A deputation shall consist of no more than six people, including its spokesperson. Only one member of the deputation shall be allowed to address the meeting for no longer than five minutes. After this time cabinet members may ask questions of the deputation for up to five minutes. At the conclusion of the questions, the deputation will be shown to the public area where they may listen to the remainder of the open section of the meeting.

KEY ISSUES FOR CONSIDERATION

Futures Steering Board (FSB)

4. A deputation request has been submitted by the Futures Steering Board which has been meeting to look at some of the key strategic challenges facing council housing in Southwark at the moment. The group has produced a report summarising its findings and recommendations and wish to make a deputation to present a summary of its work and findings.

Community impact statement

5. The Southwark Constitution allows for delegations to be made by groups of people resident or working in the borough.

REASONS FOR URGENCY

6. The deputation request was received in line with the constitutional deadline for the receipt of deputation requests and is therefore eligible for consideration by cabinet as to whether or not to hear the deputation at this meeting.

REASONS FOR LATENESS

7. The deadline for the receipt of deputation requests was 11 July 2013, after the main cabinet agenda despatch on 8 July 2013. It has therefore not been possible to send out this report five clear days in advance of the meeting because of the need to ensure that all deputation requests received by the deadline were included in this report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet procedure rule 2.11 on deputations (page 163): http://www.southwark.gov.uk/downloads/download/133/councils_constitution	160 Tooley Street, London SE1 2QH	Everton Roberts 020 7525 7221 or Paula Thornton 020 7525 4395

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Everton Roberts, Constitutional Officer	
Version	Final	
Dated	12 July 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	12 July 2013	

Agenda Item 24

Item No. 24.	Classification: Open	Date: 16 July 2013	Meeting Name: Cabinet
Report title:		Investigation into asbestos incident – Westonbirt Court	
Ward(s) or groups affected:		Peckham	
Cabinet Member:		Councillor Ian Wingfield, Deputy Leader and Cabinet Member for Housing Management	

FOREWORD – COUNCILLOR IAN WINGFIELD, DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT

This report sets out the background and subsequent investigation into an asbestos incident at Westonbirt Court, which came about during a repair to a leak. Incidents of this kind are unusual but when they arise are always a concern. A thorough investigation into the incident has now taken place. It found that the right systems and processes were in place but clearly not followed by the operatives involved.

The first and most important priority is the health and safety of the residents involved, who have been supported through the investigation by council staff and thankfully have now been able to return to their homes.

The council demands the very highest standards of health and safety from its contractors and it is important that lessons are learned from this incident and the necessary steps are taken by all contractors working in the council's stock to avoid any future recurrence.

RECOMMENDATIONS

1. That the Cabinet note the contents of the two investigation reports into the asbestos incident at Westonbirt Court included as appendices to this report.
2. That the Cabinet agree to receive a further report at a Special Cabinet meeting regarding the award of the repairs and maintenance contract for the south of the borough.
3. That the Cabinet note officers' recommendations in the internal investigation report at Appendix 1 and the Leader of the Council delegate the monitoring of the implementation of these to the Deputy Leader and Cabinet Member for Housing Management

BACKGROUND INFORMATION

4. Following the termination of the repairs and maintenance contract with Morrison Facilities Services Limited on 2 October 2012, the council put in place interim arrangements to deliver the service for 12 months from 3 October 2012. Following competition, Mears Ltd were appointed from the Watford Community Housing Trust repairs and maintenance framework.

5. Putting in place this 12 month interim contract provided the council with the space and time it required to work through the options available for the long-term delivery of the repairs service. The procurement strategy for the long-term repairs and maintenance contract was approved by Cabinet on 17 July 2012.
6. The Gateway 2 report recommending the award of the long term contract for Repairs and Maintenance was due to be considered by Cabinet at their meeting on 14 May and subsequently on 26 June 2013. This report was to recommend the contract be awarded to Mears Ltd.
7. On 19 June 2013, a Mears Ltd operative (working under the interim contract) displaced some asbestos at two leasehold properties in Peckham while trying to trace the source of a leak. This meant that eight adults living in the two properties were exposed to asbestos, although the exposure in one of the properties was limited to one unoccupied bedroom.
8. Although the incident occurred on 19 June, it took six days for the asbestos exposure to be confirmed, initially because the Mears Ltd operative did not identify the material as asbestos. The council's heating contractor, T. Brown, attended on 20 June to remedy the cause of the water penetration and did correctly identify the damaged panel as being asbestos. However, the T. Brown operative advised the resident and his own back-office, who failed to notify the council immediately.
9. Staff at the customer service centre (CSC) took at least three calls from the concerned resident on 20 June but did not alert the council's asbestos team immediately, nor seem to appreciate the urgency and priority required. Three service requests were raised at the CSC on 20 June but only the last one translated into a request for an asbestos survey to the asbestos team.
10. On 21 June the asbestos team raised an order for the asbestos bulk sample consultant, Pennington Choices, to undertake a management survey, but because the resident's phone number was not passed to the consultant on the works order, a letter was sent to the resident requesting an appointment. This was subsequently agreed by telephone with the resident for 25 June. Pennington Choices attended on 25 June and the incident was confirmed.
11. Once the possible asbestos exposure was confirmed, the Council immediately took steps to protect the welfare of the residents at the two properties and elsewhere in the building. The residents directly affected were immediately moved to temporary accommodation where they were housed and provided with clothes and food while their homes were made safe. The two bedrooms were sealed and satisfactory air tests taken throughout the rest of the dwellings and the common area corridor. On Friday 5 July, the residents were able to return to their homes following remedial works by Franklyn Shaw, one of the Council's asbestos contractors, and satisfactory air test results carried out by Armstrong York, the Council's air test and monitoring consultant.
12. The decision on the award of the long-term repairs and maintenance contract was deferred from 26 June Cabinet meeting in order to allow officers to fully investigate the incident and establish whether there were any issues which might affect the recommendation to award the contract to Mears Ltd.
13. This report sets out the events surrounding the incident.

KEY ISSUES FOR CONSIDERATION

The investigation

14. Consistent with incidents of this nature an internal specialist manager from the Council's Compliance Operations Team was asked to undertake an investigation into the full circumstances surrounding this incident. The investigation commenced on 26 June 2013 and has been completed.
15. The investigation included interviews with the plumbing operative who had attended the leak and had removed and damaged the panels, and his supervisor, who attended the properties following the removal and damage. The residents of the two flats in Westonbirt Court were also interviewed. Pertinent organisational information has been obtained from Mears Ltd, along with some training records, the Riddor report submitted to the Health and Safety Executive, and procedural information, all of which have been reviewed. The final report from the Compliance Operations Team's investigation is attached at Appendix 1.
16. Mears Ltd have undertaken their own internal investigation into the incident. They have also taken action to suspend the two members of staff involved while the investigation was undertaken. The final report from Mears Ltd's investigation is attached at Appendix 2.

The findings of the investigation

17. The investigation carried out by the Compliance Operations Team has found that the Mears Ltd plumbing operative failed to properly identify the material of the panel as asbestos insulating board, and did not give adequate consideration to possible presence of asbestos within the dwellings, despite council generated asbestos warning flags on the works order and the operative's handheld computer.
18. The supervisor who attended subsequent to the removal and damage of the panels also failed to identify or consider the material as asbestos.
19. Mears Ltd has clear organisational Health and Safety policies and procedures in place, and while there is no evidence of poor organisation or cultural issues in relation to the application of Health and Safety standards and practices, it is considered that the organisation must ensure that all operatives, supervisors and managers are fully and properly trained in asbestos awareness and that annual refresher training is undertaken.
20. Given the aforementioned, it remains inexplicable that the operatives involved failed to recognise the material as asbestos. It does, however, seem to point to individual incompetence rather than corporate or structural failings within Mears Ltd. It is worth saying again that the investigation found that the right policies, procedures and systems were in place (including warning flags on the operative's handheld computer).
21. The investigation identifies four immediate and two medium/long-term recommendations for Mears Ltd in relation to asbestos awareness training. This report seeks Cabinet's approval to delegate responsibility for the monitoring of the implementation of these recommendations to the Deputy Leader and Cabinet Member for Housing Management.

- 22. The Mears Investigation is attached at Appendix 2. In essence it arrives at the same conclusions as the officer investigation.
- 23. Following receipt of both investigation reports, the Strategic Director of Housing and Community Services and the Head of Maintenance and Compliance met with the Managing Director of Mears Ltd on Monday 8 July 2013. Mears Ltd were open, honest and apologetic about the incident and set out their determination to avoid any future repeat. Mears Ltd have agreed to fully compensate and fully indemnify the council against any claims from the residents. Mears Ltd have confirmed that further asbestos awareness training will commence shortly.
- 24. On this basis, officers are satisfied that there are no systematic failings within Mears Ltd and they continue to adhere to high standards of health and safety.
- 25. The investigation also identified a number of failings in relation to the time it took for the asbestos exposure to be reported and dealt with appropriately once the T Brown operative identified the material as asbestos on 20 June and includes a recommendation to investigate this further. The six day gap between the incident occurring and Pennington Choices confirming that asbestos had been exposed was caused by delays in T Brown and Southwark Council reporting and responding to the incident in the correct way. Further investigations are being carried out to establish how such a delay can be prevented in future. Recommendations for further action will be made to the Strategic Director for Housing and Community Services and the Cabinet Member for Housing Management once these investigations have been completed.

The contract award

- 26. With the investigation in to the incident now complete, the decision to award the long-term repairs and maintenance contract can now be considered. In order to allow time for Cabinet to fully consider the findings of the investigation, a Special Cabinet will be arranged for later in July for this report to be presented.

Policy implications

- 27. The Council's Policy for the Management of Asbestos in the Workplace and the departmental Asbestos Management Plan provide detailed processes for the effective management of asbestos, ensuring the requirements of the Control of Asbestos Regulations 2012 are adhered to. Both are regularly reviewed and shared with the Council's contractors.

Community impact statement

- 28. As stated in paragraph 11 of this report, once informed of the possible asbestos exposure, the Council immediately took steps to protect the welfare of the local community. Specialist contractors were brought in to make the properties safe and prevent the risk of exposure elsewhere in the building.
- 29. The decision on the contract award for the long-term repairs and maintenance contract for the south of the borough has been deferred to allow Cabinet the opportunity to consider the outcomes of the investigation and any implications for the future of delivery of the service.

Financial implications

- 30. The Council's response to the incident has had short-term financial implications, but all costs will be reclaimed from Mears Ltd. This includes the cost of the temporary accommodation for the affected residents, the replacement of personal effects damaged as a result of the incident, and comprehensive health screening for the affected residents. Officer time for the investigation of the incident has been contained within existing budgets.
- 31. The Council has liability insurance in place subject to a self-insured excess. If a claim was to arise as a result of this incident then the Council would seek to redirect any claim to Mears in line with normal practice.

Legal implications

- 32. Please see concurrent from the director of legal services

Consultation and communication

- 33. Since being alerted to the incident, council staff have communicated daily with the residents to offer support and advise them as to when they can move back to their properties.
- 34. Local ward councillors were also advised of the situation and a statement released to the press.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

- 35. The interim contract provides that the parties must notify each other of any incident affecting the delivery of the service, and make proposals for remedying the position. This has led to dialogue between the Council and Mears Ltd following their internal investigations, and the meeting on 8 July 2013 between representatives of Mears Ltd and the Council at which this issue was discussed.
- 36. The council has also written formally to Mears Ltd to notify them of the results of our investigations. The council also reserves all of its rights under the contract, including under the indemnity for all loss and damage caused to the Council as a result of Mears' negligence or breach of contract.

Strategic Director of Finance and Corporate Services

- 37. The Director of Finance and Corporate Services notes the costs arising from this incident, which are related to the comprehensive health screening of the affected residents, replacement of personal effects and costs of temporary accommodation. The Director of Finance and Corporate Services also notes that these costs will be reclaimed from the contractor and the overall impact on the HRA Repairs and Maintenance will be neutral.

REASONS FOR URGENCY

- 38. The interim contract for repairs and maintenance for the south of the borough expires on 2 October 2013. A decision to award a long-term contract, or to pursue an alternative option, is required as soon as possible in order to allow a

smooth transition and continuity of service to tenants and residents. The decision to award the contract was deferred from 26 June 2013 in order to allow a full investigation in to the asbestos incident. A Special Cabinet meeting will be arranged for later in July to allow Cabinet time to consider the findings of the investigation before considering a report on the long-term contract award. Delaying a decision on the future of the repairs and maintenance contract beyond July 2013 would seriously jeopardise the Council's ability to deliver the service to local residents, resulting in significant operational, financial and legal implications.

REASONS FOR LATENESS

39. The report was not available for circulation five clear days before the meeting of Cabinet because the Compliance Operations Team investigation was not completed until Tuesday 9 July. The report has been dispatched at the earliest available opportunity.

BACKGROUND DOCUMENTS

Background documents	Held At	Contact
Gateway 1 Long-term Repairs and Maintenance Contract http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4245&Ver=4	Maintenance and Compliance, 160 Tooley Street	David Lewis 0207 525 7836

APPENDICES

No	Title
Appendix 1	Compliance Operations Team investigation report
Appendix 2	Mears Ltd investigation report

AUDIT TRAIL

Cabinet Member	Councillor Ian Wingfield, Deputy Leader and Cabinet Member for Housing Management	
Lead Officer	Gerri Scott, Strategic Director of Housing and Community Services	
Report Author	David Lewis, Head of Maintenance and Compliance	
Version	Final	
Dated	16 July 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	11 July 2013	



**SOUTHWARK COUNCIL
HOUSING AND COMMUNITY SERVICES
COMPLIANCE OPERATIONS TEAM**

Report into asbestos exposure incident – Westonbirt Court

Date: 09 July 2013

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- 2. IMMEDIATE CAUSE/S**
- 3. UNDERLYING CAUSE/S**
- 4. OTHER ISSUES**
- 5. CONCLUSION**
- 6. RECOMMENDATIONS**

APPENDICES

1. Extract from Mears Group SHE policy
2. Mears Group asbestos process flow chart
3. Mears Group asbestos awareness powerpoint presentation from Courage for Safety day 03 October 2012
4. Chronology (redacted)

Photographs:

- Fig 1. Damaged panel in flat
- Fig 2. Damaged panel in flat
- Fig 3. Asbestos debris on floor in flat
- Fig 4. Damaged panel in flat showing asbestos fibres

1.0 Background

- 1.1 On the 25 June 2013, our asbestos sample analysis consultant, Pennington Choices, contacted Engineering and Compliance with information of a potential asbestos release at Westonbirt Court on the Gloucester Grove estate. The property is sold leasehold and had 5 adults living in the property.
- 1.2 The departmental emergency manager and asbestos manager attended site to gain a fuller understanding of the issue and discuss further action with the contractor and the leaseholder.
- 1.3 An air test was also arranged with the air monitoring consultant, Armstrong York.
- 1.4 The site visit revealed that an asbestos panel had been damaged and removed from the bedroom wall. The resident advised that the panel had been disturbed by a plumber who was attempting to trace a leak on Wednesday 19 June. iWorld confirms that an emergency plumbing job was raised to Mears Ltd on this date.
- 1.5 Results from the samples confirmed the panelling as asbestos insulation board containing the asbestos Amosite.
- 1.6 Results from the air test confirmed that the property had high levels of asbestos fibres within the bedroom. The maximum safe level of fibres within the atmosphere should be 0.01 fibres per cubic cm. Within the bedroom the analysis measured 0.06 fibres per cubic cm.
- 1.7 Further information was provided by the leaseholder that the plumber had also attended an adjacent dwelling on the same day to trace the leak. A subsequent inspection revealed that an identical panel in an unoccupied bedroom of the adjacent dwelling had also been damaged. Debris from the panel was collected and sent for analysis.
- 1.8 The adjacent dwelling is also sold leasehold with each room sublet and 3 individuals resided within the property.
- 1.9 Because the sample analysis and air testing had confirmed asbestos in the first dwelling, and the panel to the same ductwork in the adjacent dwelling had been damaged in a similar way, the bedrooms in both dwellings were immediately sealed off by the asbestos consultant at the doorways to prevent access and further contamination of other parts.
- 1.10 Air tests were undertaken in the hallways of both dwellings, and in the communal corridor and these all passed as satisfactory.
- 1.11 Considering the contamination in both properties, all the occupants were provided with temporary accommodation, pending decontamination, remedial work and because of the exposure, the disposal of some resident belongings.
- 1.12 The regulations for the removal of asbestos insulating board require a 14 day notification to the HSE. This meant the residents may have been in temporary accommodation for up to three weeks. However a waiver was obtained from the HSE and the decontamination and remedial works were completed on Friday 05 July and the residents were able to return home on that day.
- 1.14 The day to day repairs and maintenance contractor involved in this work, Mears Ltd, submitted a RIDDOR notice (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) to the HSE on 26 June 2013.

1.15 The compliance operations team began an investigation into the incident on 26 June, and between then and 05 July the investigation included interviewing the plumbing operative and his supervisor, interviewing the residents involved, the gathering of data and other information relating to the Mears Ltd organisational approach to works and health and safety at work, call centre records, liaison with other contractors and in-house staff.

1.16 The findings of the investigation are set out below.

2.0 Immediate cause/s

2.1 The exposure to airborne asbestos fibres is wholly attributable to the plumbing operative who damaged and subsequently removed the asbestos insulating boards that made up the construction of the service riser ductwork in the bedrooms of the dwellings involved.

2.2 Warning flags generated from the councils asbestos register that alert to the presence of asbestos, or presume it, were raised on the job ticket and the operative's PDA, however were ignored.

2.3 Despite being required by the Control of Asbestos Regulations 2012, and as part of embedded company and council processes, the operative did not identify or presume the material to be asbestos and therefore stop work.

2.4 Despite clear signs of fibres the operative and supervisor incorrectly assessed the material to be plasterboard. It is reasonable to expect that considering the experience and knowledge of both the plumbing operative and supervisor that they knew the difference between asbestos material and plasterboard.

3.0 Underlying cause/s

3.1 In considering the underlying causes of an accident/incident, the following factors have been considered:

- The place where the incident happened
- The equipment being used
- The procedures in place
- Training

Place

3.2 Westonbirt Court was constructed in 1976 and is of standard construction. While it does not exhibit the need for any unique requirement in terms of repair and maintenance, it is commonly known that asbestos was used in construction right up until the 1990's, and is particularly common in the construction of service riser ductwork.

Equipment being used

3.3 According to interviews with the plumbing operative and his supervisor, care was taken in the removal of the panel in the first dwelling, using a screwdriver to take out the fixing screws and a claw hammer to prise the panel open. If the panel had been plasterboard this would have been an appropriate method and the correct tools used.

3.4 Although the plumbing operative claimed the same tools and method was used in the adjacent dwelling the photograph (fig. 2) suggests the panel was impacted using a heavy tool, most likely a hammer. This was also confirmed by one of the residents who witnessed the panel being damaged.

Procedures in place

- 3.5 Mears Ltd have demonstrated a sound policy in relation to the management of asbestos, particularly that it must not be disturbed under any circumstances.
- 3.6 Mears Ltd have demonstrated a company process by which works should be undertaken safely, taking into account known, unknown or discovered asbestos.
- 3.7 In this instance neither the company policy or process were followed or applied by the plumbing operative or supervisor.
- 3.8 In line with the Control of Asbestos Regulations 2012 (CAR 2012), the council manages and maintains an asbestos register. This interfaces with the departmental core management system, iworld, and flags up all known and presumed asbestos data on works orders, works order tickets and hand held PDA's.
- 3.9 The Housing and Community Services department has also implemented a departmental asbestos management plan which provides detailed processes for the effective management of asbestos and further ensures compliance with CAR 2012.

Training

- 3.10 Although Mears Ltd have a training programme in place, that includes asbestos awareness training, it did not validate previous training for staff that had transferred from Morrisons as part of interim contract and as part of recent buy-out of Morrisons.

4.0 Other issues

- 4.1 Although the incident occurred on 19 June, it wasn't until six days later that the asbestos exposure was confirmed.
- 4.2 The councils heating contractor, T. Brown, who attended on 20 June 2013 to remedy the cause of the water penetration and who correctly identified the damaged panel as being asbestos and advised the resident, failed to notify the council immediately.
- 4.3 Staff at the customer service centre (CSC) took at least three calls from the concerned resident on 20 June but did not alert the asbestos team immediately, nor seem to understand the urgency and priority required. Three service requests were raised at the CSC on 20 June but only the last one translated into a request for an asbestos survey to the asbestos team.
- 4.4 On 21 June the asbestos team raised an order for the asbestos bulk sample consultant, Pennington Choices, to undertake a management survey.
- 4.5 Because the residents phone number was not passed to the consultant on the works order, a letter was sent to the resident requesting an appointment. This was subsequently agreed with the resident for 25 June 2013.
- 4.6 Pennington Choices attended on 25 June and the incident as described in paragraphs 1 and 2 was confirmed.

5.0 Conclusion

- 5.1 This was a serious incident which was wholly avoidable. The immediate cause was the plumbing operative's failure to identify the material being worked on, and subsequently damaged, as asbestos insulating board.
- 5.2 The same failure was repeated by the supervisor who attended following the damage.

- 5.3 There were also clear failures in applying organisational and council processes.
- 5.4 Asbestos warning flags transferred from the asbestos register to the operatives job ticket and PDA were ignored.

6.0 Recommendations

6.1 Immediate

- Full training needs analysis is undertaken of all Mears Ltd staff who may come into contact with asbestos.
- Asbestos awareness training is delivered by competent trainers for any Mears Ltd staff who have not had it previously, can't remember having it previously, or if there is any doubt that had previously.
- Asbestos refresher training is provided for any Mears Ltd staff that have had asbestos awareness training previously.
- Further investigation of the plumbing operative and supervisor to establish how and why they failed to identify the material as asbestos. This could lead to further training, guidance or discipline.
- Further investigation into the delays described in paragraphs 4.2 to 4.5 to identify the causes and any procedural changes or actions that may be required in order to ensure no further repeat.

6.2 Medium/long term

- Ensure monitoring/recording system is in place for all existing staff to ensure asbestos awareness training is/has been delivered, along with refresher training annually (following above).
- Ensure same system is capable of inclusion of new starters.

APPENDIX I

Extract from Mears Group SHE Policy**10.4 Investigation**

- 10.4.1 Minor accidents/incidents are to be Investigated by the Branch Managers and Supervisors and where necessary the SHE Managers/Advisors will assist and review the findings.
- 10.4.2 The Company's SHEQ Department, with the assistance of branch managers, supervisors and employees, will carry out an Independent Investigation of all serious injuries, asbestos exposure incidents, electric shock, dangerous occurrences, any accident/Incident of special interest where corrective action taken is seen to be ineffective and/or inadequate and all Incident/accident reported to the HSE.

14.10 Asbestos

- 14.10.1 Asbestos is the major cause of industrial diseases in industry today causing approximately 4000 deaths per year from asbestos related diseases.
- 14.10.2 Due to the nature of the work undertaken by The Company there is a strong likelihood that employees will at some time come across asbestos. It is Mears policy that all employees who may be affected are trained and asbestos aware. Under no circumstances should we work with or near asbestos if we are likely to disturb it. To avoid exposure the asbestos register must always be checked prior to work starting. Any Incidence involving asbestos must be reported to the Regional SHE Manager.
- 14.10.3 The company's policy on asbestos is clear, with the exception of an emergency; *under no circumstances, whatever the size or quantity*, does any employee of The Company knowingly:
 - 14.10.3.1 Remove or attempt to remove any asbestos product.
 - 14.10.3.2 Clean or sweep any asbestos product.
 - 14.10.3.3 Drill or saw any asbestos product.
 - 14.10.3.4 Rub down or scrape any asbestos product.
 - 14.10.3.5 Disturb any asbestos product.
 - 14.10.3.6 "dry sweep" areas where there may be asbestos dust
- 14.10.4 An emergency is defined as: "an unforeseen or sudden dangerous occurrence/incident, which required immediate/urgently attention that could result in loss of life, serious injury, severe damage to property, etc if not addressed". Emergencies must be agreed with the Branch Manager or SHE Manager/Advisor to ensure the correct procedures are adopted.
- 14.10.5 Asbestos Register: As a result of recent legislation all premises containing asbestos must have an Asbestos Management Plan. In order for this information to be collated a survey must be carried out and a Register compiled. The location and information contained in the Register should be the first port of call for all engineers who work in buildings containing asbestos. All employees shall familiarise themselves with and adhere to the Company Asbestos at Work Procedure¹.

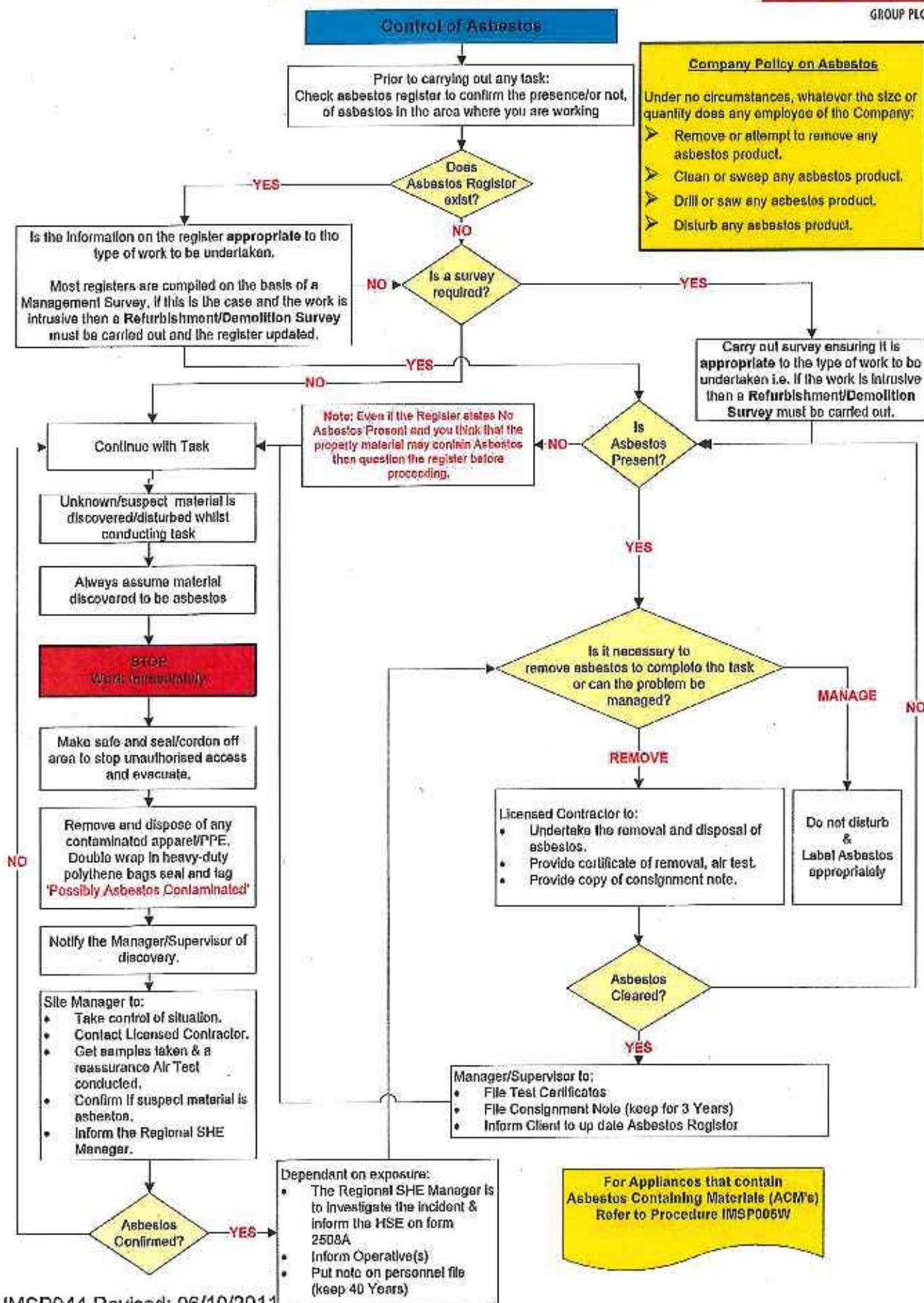
¹ Asbestos at Work – IMSP044

14.10.6 **Asbestosis and Mesothelioma** are diseases caused by the inhalation of asbestos dust, which can kill by causing irreversible lung damage and/or cancer. The dust particles which cause the damage and diseases are extremely small and cannot be seen by the naked eye and as such making this problem difficult to detect. Although dependant on the exposure and dose, inhalation of asbestos fibres/dust must be avoided by wearing as a minimum a face fitted FFP3 mask.

APPENDIX 2

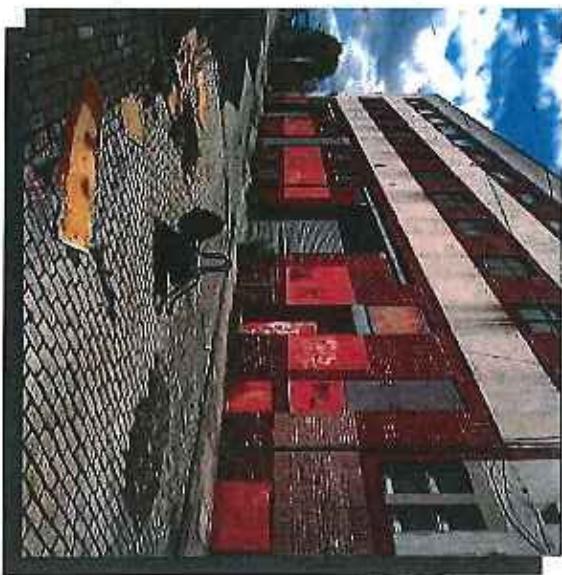
MEARS

GROUP PLC



Asbestos – responsible for an estimated 4000 deaths a year.

Each week, approximately eight joiners, six electricians and four plumbers die from asbestos-related diseases.



Asbestos must be properly managed to prevent people from dying from asbestos diseases in the future.

You have a legal duty to manage the risk of asbestos





7 February 2012

A building company in Bradford-on-Avon has been fined after it removed an asbestos insulation board (AIB) ceiling in an unsafe manner, leaving workers and residents at risk of exposure to asbestos fibres.

The company was fined £7,000 with £3,617.50 in costs.

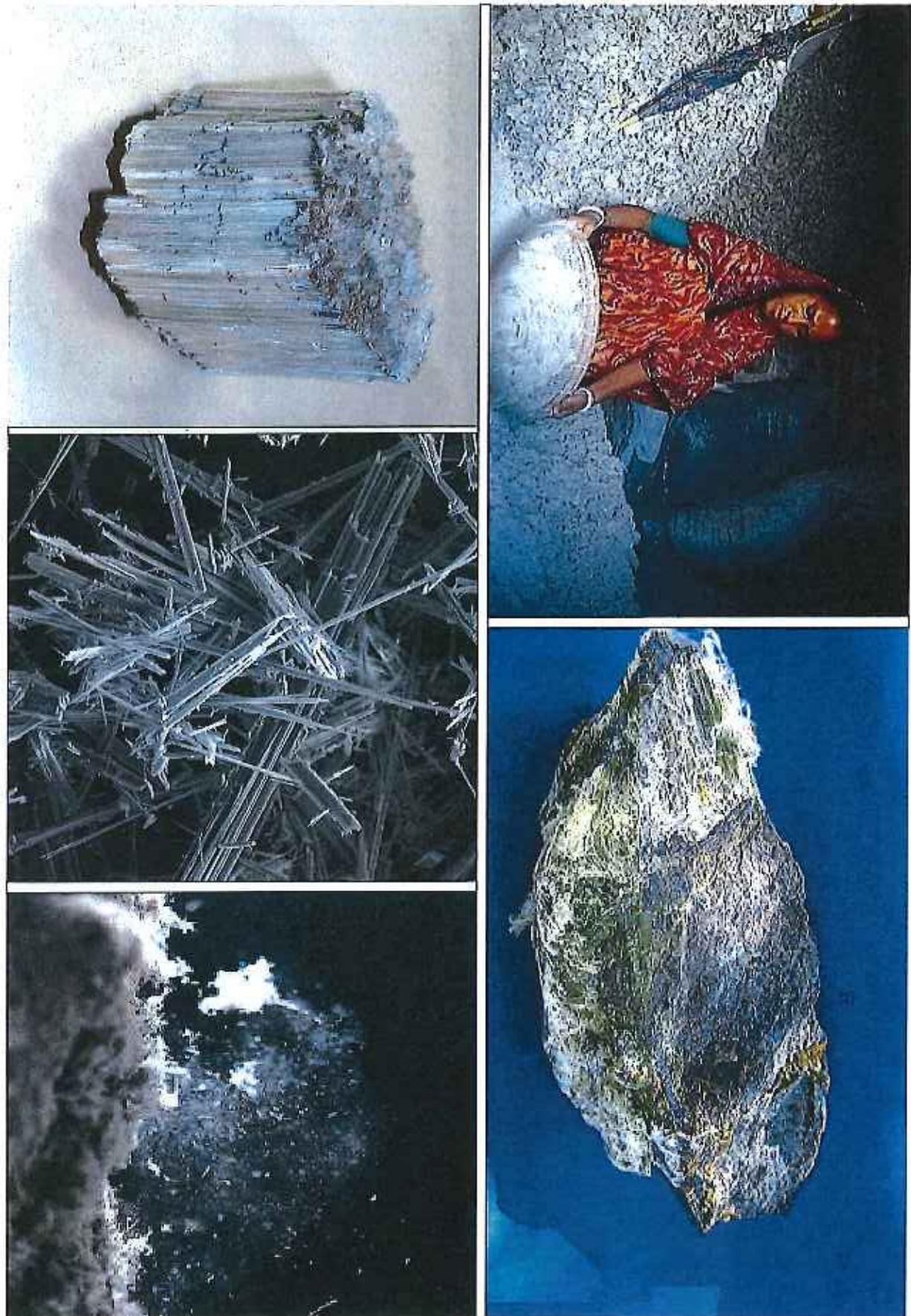
31 January 2012

A Kent-based partner of a development company has been prosecuted after dangerous conditions were found at a demolition site in Dover.

Partner was fined £7,000 and ordered to pay costs of £7,000.

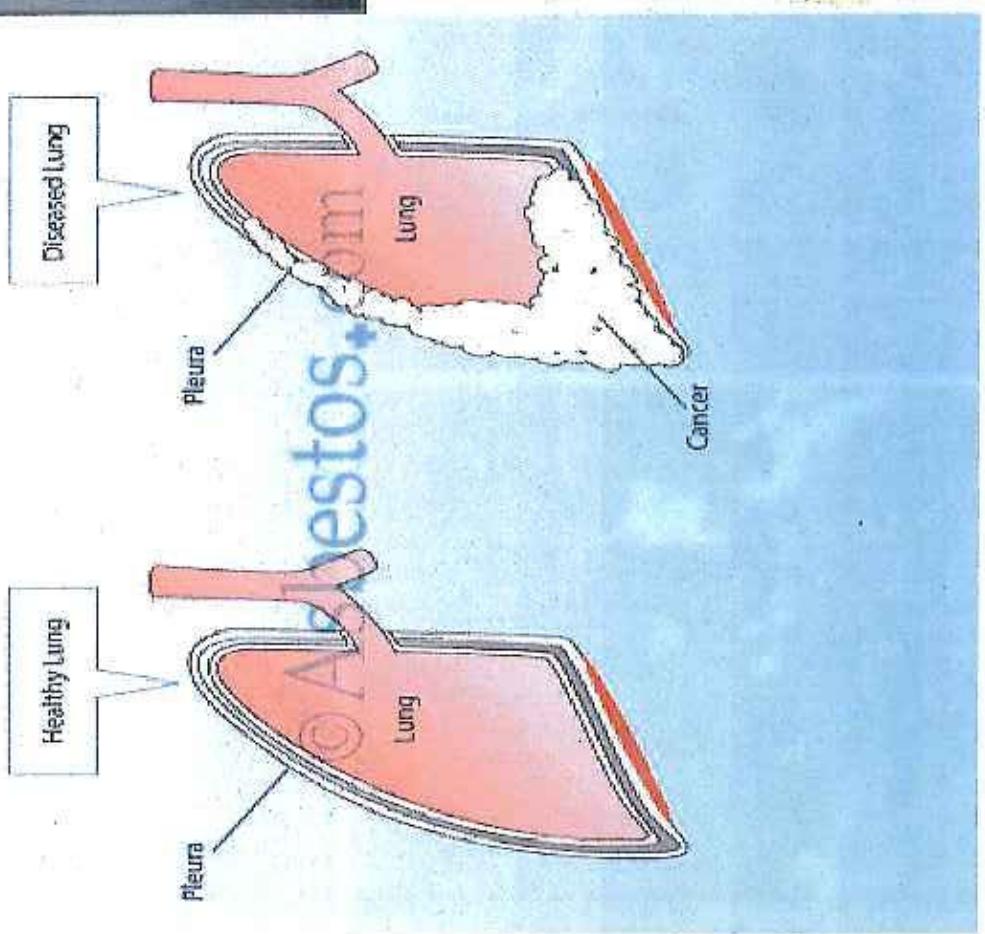
7 November 2011

A Birmingham handyman has been prosecuted after releasing asbestos fibres while refurbishing a kitchen at a flat in Solihull. He was fined £600 and ordered to pay £1,799 costs.

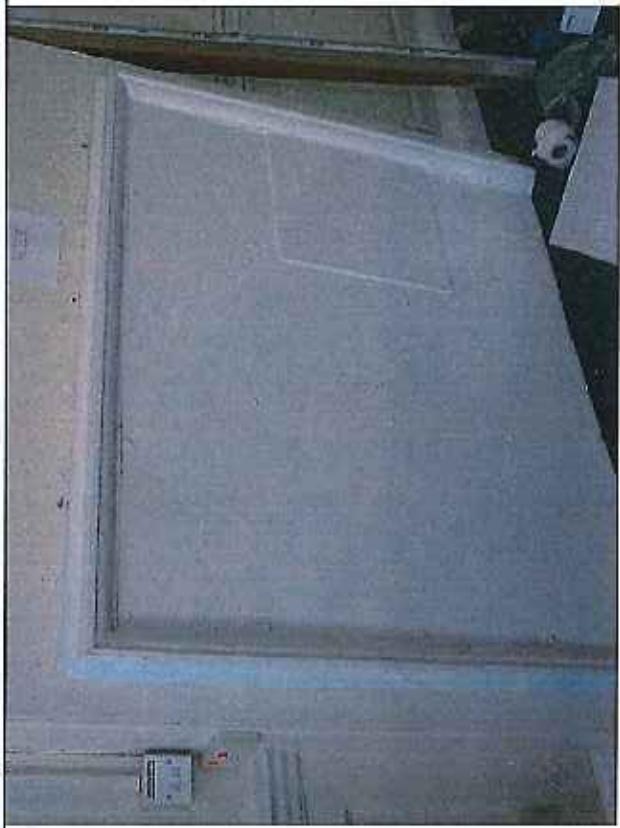




Pleural Mesothelioma

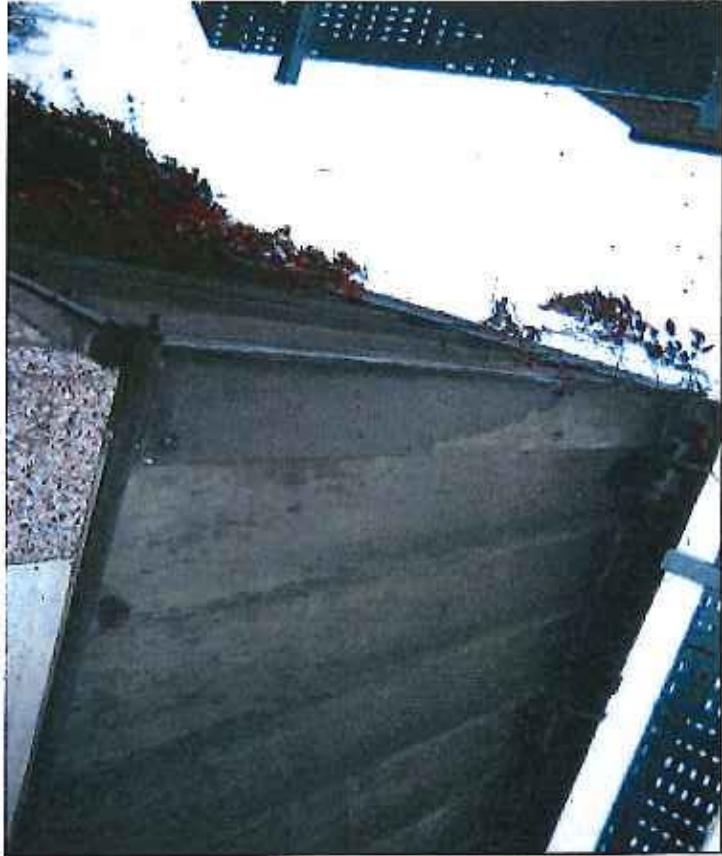


Christopher
Morgan











- Asbestos is dangerous, especially to young people.
- If in doubt, stop working and check.
- Don't put yourself at risk – asbestos is a hidden killer.

KNOW YOUR BUILDING

KNOW YOUR RESPONSIBILITIES

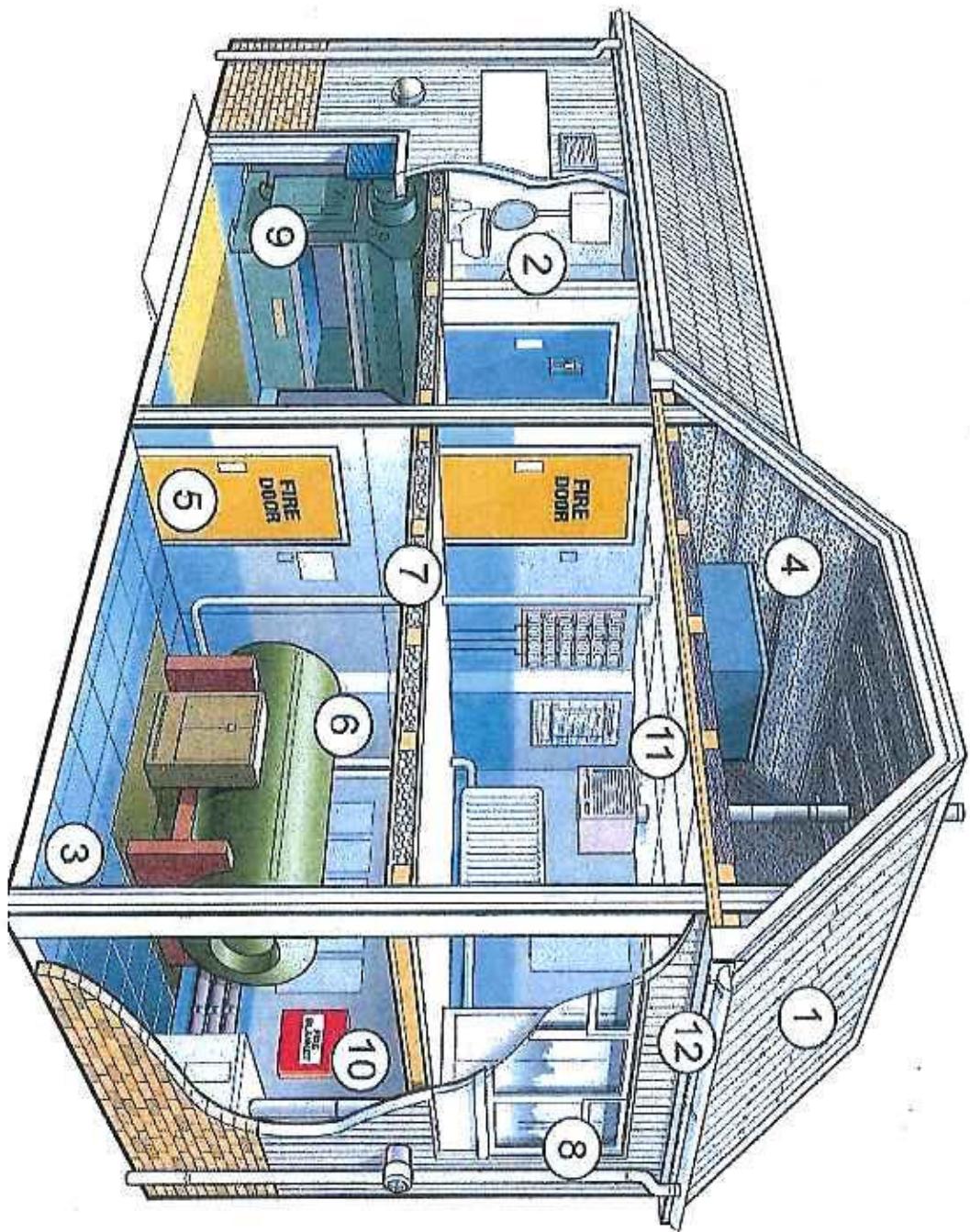
Activity

The Hunt for Asbestos

A11

Task sheet – The hunt for asbestos

Answer sheet



Asbestos incident chronology

■ Westonbirt Court, Ebley Close, Gloucester Grove Estate, London, SE15 6BH

Wednesday 19 June 2013:

■ Westonbirt:

- Leak coming from above flat was reported by the leaseholder at ■ Westonbirt, ■
Leak to sidewall of bedroom 1. MWorld job number 5849821 raised at 07:06:00
- Works issued to MEARS at 07:12:15 Job Number 584982/1 07:12:15
Mr. ■ called to say no one has attended (time?)
Point 4. On notepad for this job states "Work commenced; Resource confirmed all Health and Safety aspects of the Job have passed before Work Commenced".
Point 6. Works completed 12:01:00
Point 7. Work Completed: Complete - Correct Description: attend with ■ found leak in flat ■ on radiator in bedroom called ■ to explain to no ■ who is leaseholder told tnt in flat no ■ to call council when leak is repaired to get plasterboard repaired.
- Mears operative attended site and whilst in ■ and ■ Westonbirt looking for source of a leak damaged Asbestos Insulation Board (AIB) riser panels and boxing in both properties. Mears supervisor attends to diffuse situation between residents and operative and clears up asbestos panel debris with residents present.
- Job raised to fix leak 5851590 11:25:00

■ Westonbirt:

- 5850439 12:09 Radiator or heating pipe is leaking (containable) - Leak from flat ■ radiator affecting flat ■. Please remedy leak. - Bedroom 1
- 5850439/1 12:13:19 Radiator or heating pipe is leaking (containable) - Leak from flat ■ radiator affecting flat ■. Please remedy leak. - Bedroom 1
- 5850509 13:08:00 Gutter is blocked - 2nd floor balcony is blocked pls call resident to book appt in no availability in diary ■
- Mears operative also entered ■ Westonbirt to investigate leak into ■ Westonbirt

Thursday 20 June

■ Westonbirt:

- 5851590 11:25:00 5851575/1 raised on flat ■. EC1 stop leak into ■.
- 5851929 14:20:00 Leak coming from above – Recall on 584982/1 leak coming from above mears attended but the problem still persists tel ■ - dwelling
- 5851929/1 14:23:51 Leak coming from above – Recall on 584982/1 leak coming from above mears attended but the problem still persists tel ■ - dwelling
- 5851943 14:25:00 Tenant reports asbestos in flat can we inspect and advise
Notes:
1.can we inspect tenant says asbestos in the bedroom
2.contacted tnt gave him the call centre number to report the asbestos

- 5852001 15:49:00 *Urgent* Lsh reports that there was leak from above into bedroom. Contractor attended advised that parnceling on bedroom wall should be inspected as possiblly contains asbestos and was disturbed by leak (1.5 meter square). This is also raised on Task Manager for the attention of the Asbestos Compliance Team

■ Westonbirt:

- 585175 11:19:00 Radiator or heating pipe is leaking (uncontainable) - Lsh at ■ reports leak into ■ from bedroom rad damaging property. Please attend and remedy rad. **Access is from ■ who has been given the key.** - Bedroom 1
- 585176 11:22:46 Radiator or heating pipe is leaking (uncontainable) - Lsh at ■ reports leak into ■ from bedroom rad damaging property. Please attend and remedy rad. **Access is from ■ who has been given the key.** - Bedroom 1

Notes

EC1 TO BE RAISED FOR REQUIRED PARTS PASSED TO BREAKDOWN TEAM TO RAISED

- A T Brown operative came to ■ Westonbirt and removed the radiator in the bedroom. He told ■ he had other jobs to do and could not come back to replace the radiator with a new one. Whilst in ■ Westonbirt he told resident damaged panels in bedroom maybe asbestos. Resident then phoned the call centre about asbestos.

Friday 21 June

■ Westonbirt:

- Task manager accessed by Asbestos Compliance Team Admin. ■ Westonbirt request below actioned with order to Pennington Choices Service Request 5852907/1 11:24:48. Pennington Management Survey to be carried out. Atten to panel in bedroom. There is a leak from above property.
- As there was no contact telephone number Pennington sent a letter requesting access to ■ Westonbirt to undertake the asbestos survey.
- 5853649 15:49:00 (JG) Engineer to attend to investigate possible leak on heating pipe
Notes - 1.Cancelled, raised in error as wrong priority
- 5853677 15:51:26 (JG) engineer to attend to investigate possible leak on pipework
Notes - 1.contractor did not carry out job as asbestos in property
2.ALL WORKS COMPLETE ASBESTOS TO ATTEND

■ Westonbirt:

- 5852800 10:44:00 Leak coming from above - Trace and remedy leak from above flat affecting main bedroom. (Rad has been isolated so this cannot be the cause) - Bathroom
- 5852800/1 10:47:28 Leak coming from above - Trace and remedy leak from above flat affecting main bedroom. (Rad has been isolated so this cannot be the cause) - Bathroom

Notes

- 1.AppointmentDate: Changed From NULL to 21 Jun 2013 12:00:00
- 2.General: Job moved to status 1 because it has an appointment
- 3.Work Commenced: Resource confirmed all Health And Safety aspects of the job have passed before Work Commenced
- 4.Other Trade Required: Heating Engineer, t.browns have removed rad and cap of pipe waiting for new rad to be fit no leaks found

- 5853607 15:30:00 (JG) as per previous engineer, new radiator 450x800k1 and valves required
- 5853607/1 15:30:53 (JG) as per previous engineer, new radiator 450x800k1 and valves required

Notes

1.replaced rad 450x800 l/s and wh bled rads no strainer to clean left working order
 2.Job completed

- Two T Brown operatives came and installed a new radiator in the bedroom at [REDACTED] Westonbirt. Whilst working they ignored the damaged boxing panels

Monday 24 June

[REDACTED] Westonbirt

- Leaseholder phones Pennington Choices and it is arranged to do the asbestos survey the next day 25 June.
- Leaseholder phones call centre 585122 12:17:00
- Leaseholder chasing replacement bath panel after a previous leak from the above flat. Email was sent to [REDACTED] is await a response from Mears
- I think either leaseholder or call centre member of staff is mistaken here. I am sure they mean bedroom panel after leak from above. Not bath panel.

Tuesday 25 June

[REDACTED] Westonbirt:

- Pennington Choices asbestos surveyor [REDACTED] phoned at approximately 13:30 from site at [REDACTED] Westonbirt to say he had discovered badly damaged AIB in the bedroom at the property. I asked for photos to be emailed to me.
- I arrange for urgent Asbestos works to make safe the area concerned. The Asbestos removal contractor Franklyn Shaw phoned to say damage is very bad and cannot clean up area. Door to bedroom is sealed with polythene sheeting. 5857006 14:49:00
- Armstrong York the asbestos air testing contractor are instructed to undertake air tests in [REDACTED] Westonbirt to establish asbestos fibre levels 5856952 14:41:00
- Armstrong York analyst [REDACTED] phones me to say Mears operative has also caused damage to Asbestos boards in [REDACTED] Westonbirt
- [REDACTED] and I attend site around 16:00 to manage situation. Armstrong York analyst shows us photos of damage and confirms air test in bedroom of [REDACTED] Westonbirt has failed with very high levels of asbestos fibres present.
- It is feared asbestos contamination maybe present in other rooms so air tests are done in Hallway at [REDACTED] Westonbirt, in the communal corridor between [REDACTED] and [REDACTED] Westonbirt and in the Hallway/Stairwell of [REDACTED] Westonbirt
- The air tests results from the Hallway at [REDACTED] Westonbirt, the Hallway at [REDACTED] Westonbirt and the communal corridor all passed but it was suspected that seeing as the damaged had occurred six days before it was possible that there was AIB debris throughout the properties. I therefore took samples in each room in both properties using duct tape to pick up any debris present.

- [REDACTED] was dealing with the leaseholders with a view to arranging a hotel for them all for the night.
- At around 18:00 a manager from Mears called [REDACTED] turned up with a Mears supervisor
- Residents at both [REDACTED] and [REDACTED] Westonbirt confirm damage to panels was done by a Mears operative.
- I left [REDACTED] at site with [REDACTED] around 19:30
- Leaseholders from [REDACTED] Westonbirt and the private tenants of [REDACTED] Westonbirt are placed in hotel accommodation for the night

Wednesday 26 June

- Early in the morning I delivered the samples I had taken to Pennington Choices offices in Bromley and asked for them to be analysed as soon as possible.
- Later in the morning Pennington emailed the results confirming the broken board in the bedroom at [REDACTED] Westonbirt was AIB and results of my samples showing the Hallway and Stairs In [REDACTED] Westonbirt contained AIB debris. Board Debris in the bedroom at [REDACTED] Westonbirt was also confirmed as AIB.
- Order raised to the asbestos removal contractor Franklyn Shaw to remove the damaged asbestos insulation board in both properties. 585605
- Confirmed that occupants of both will need to stay in temporary accommodation until asbestos works are completed

Thursday 27 June

- [REDACTED] a Supervisor from asbestos removal contractor Franklyn Shaw attends site to make sure polythene sheeting on doors of bedrooms in both properties are intact. I am present as is [REDACTED] a Customer Liaison Officer.
- Supervisor removed some personal items from uncontaminated rooms in [REDACTED] Westonbirt that occupants urgently need. This is done in a safe manner with only the Supervisor entering the property wearing correct RPE and PPE
- Private tenants are allowed in [REDACTED] Westonbirt to retrieved personal items. I make sure no one disturbs polythene sheeting over door to contaminated bedroom.
- Franklyn Shaw is asked to prepare their Plan of Works and submit notification to the Health and Safety Executive (HSE) as soon as possible.
- It is decided to ask the HSE for a waiver on the normal 14 days notification required before the works can start so we can get the occupants back in their homes as soon as possible.
- Letters from the client (Southwark Council) to be submitted with the notification from asbestos removal contractor to the HSE requesting the waiver.

Saturday 29 June

■ Westonbirt

- Franklyn Shaw do an environmental clean in the Hallway and Stairs to remove the asbestos debris present there so they can have the hallway clear and clean to construct their enclosures and airlocks ready for the asbestos removal works in the bedroom. Air tests undertaken by Armstrong York to give all clear to area.

Monday 01 July

- Asbestos removal contractor Franklyn Shaw submit notification of works to the Health and Safety Executive (HSE) together with letters from Asbestos Coordinator requesting a waiver on the normal 14 days notification period before works can start at ■ and ■ Westonbirt.

Tuesday 02 July

- HSE granted the waiver in the afternoon. Franklyn Shaw informed us asbestos removal works would start next day in the morning
- Franklyn Shaw informed of urgency of completing the works and agree to complete by Friday
-

Wednesday 03 July

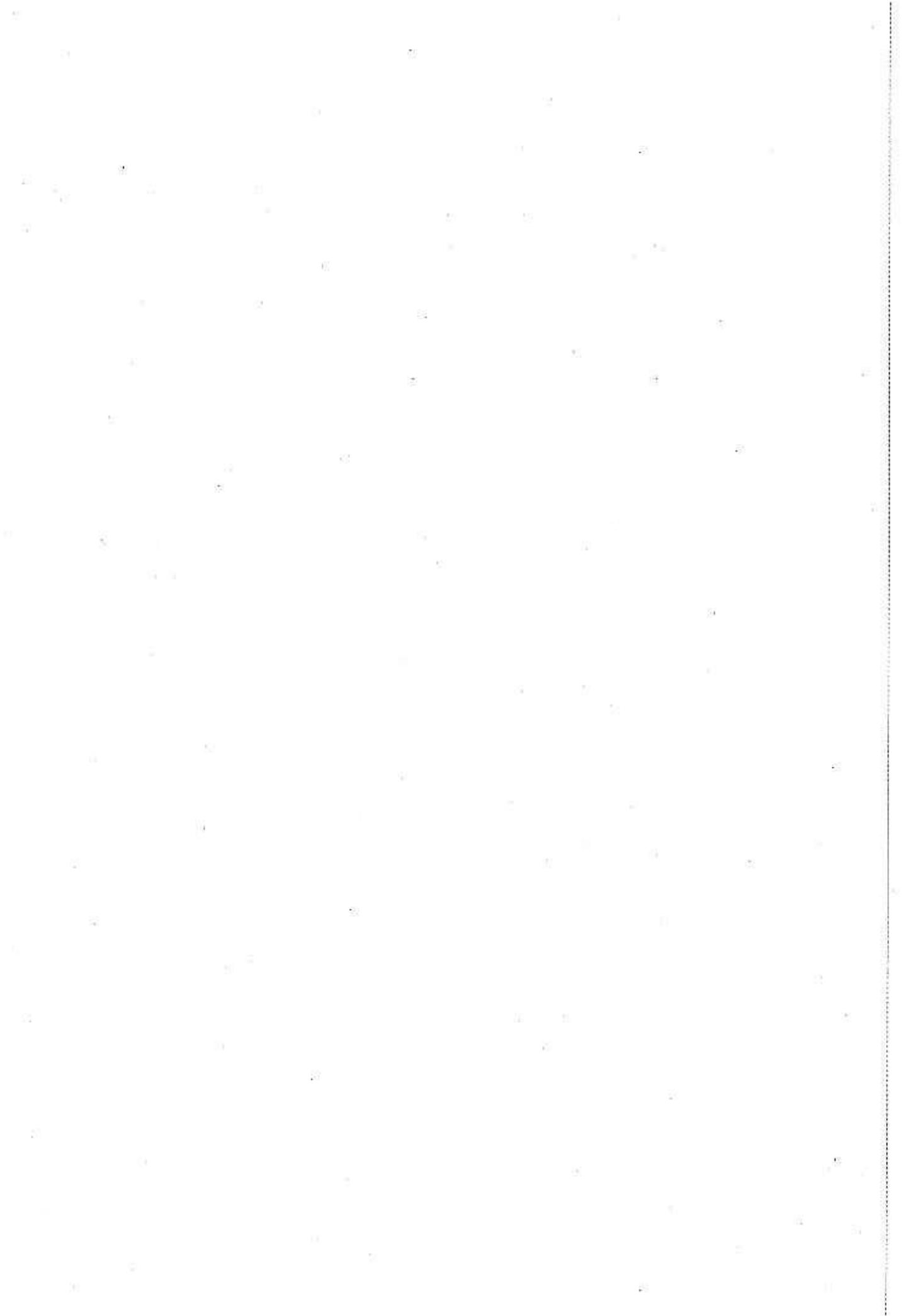
- Asbestos removal works start firstly in ■ Westonbirt and are completed the same day. Items removed from room include Divan bed, wardrobe and carpet underlay. Works slightly delayed as asbestos contractor could not open balcony door in bedroom required for venting of enclosure. Landlady kindly brings key to the door from Kennington to give to contractors on site.

Thursday 04 July

- Asbestos removal works start in ■ Westonbirt together with the disposal of contaminated items in the bedroom. Multiple contaminated items removed.

Friday 05 July

- Reinstatement works of riser panels and boxing in both ■ and ■ Westonbirt completed.
- Interview of ■ a private tenant at ■ Westonbirt by Asbestos Coordinator ■ regarding events of 19 June.
- Leaseholders at ■ Westonbirt move back into their property.



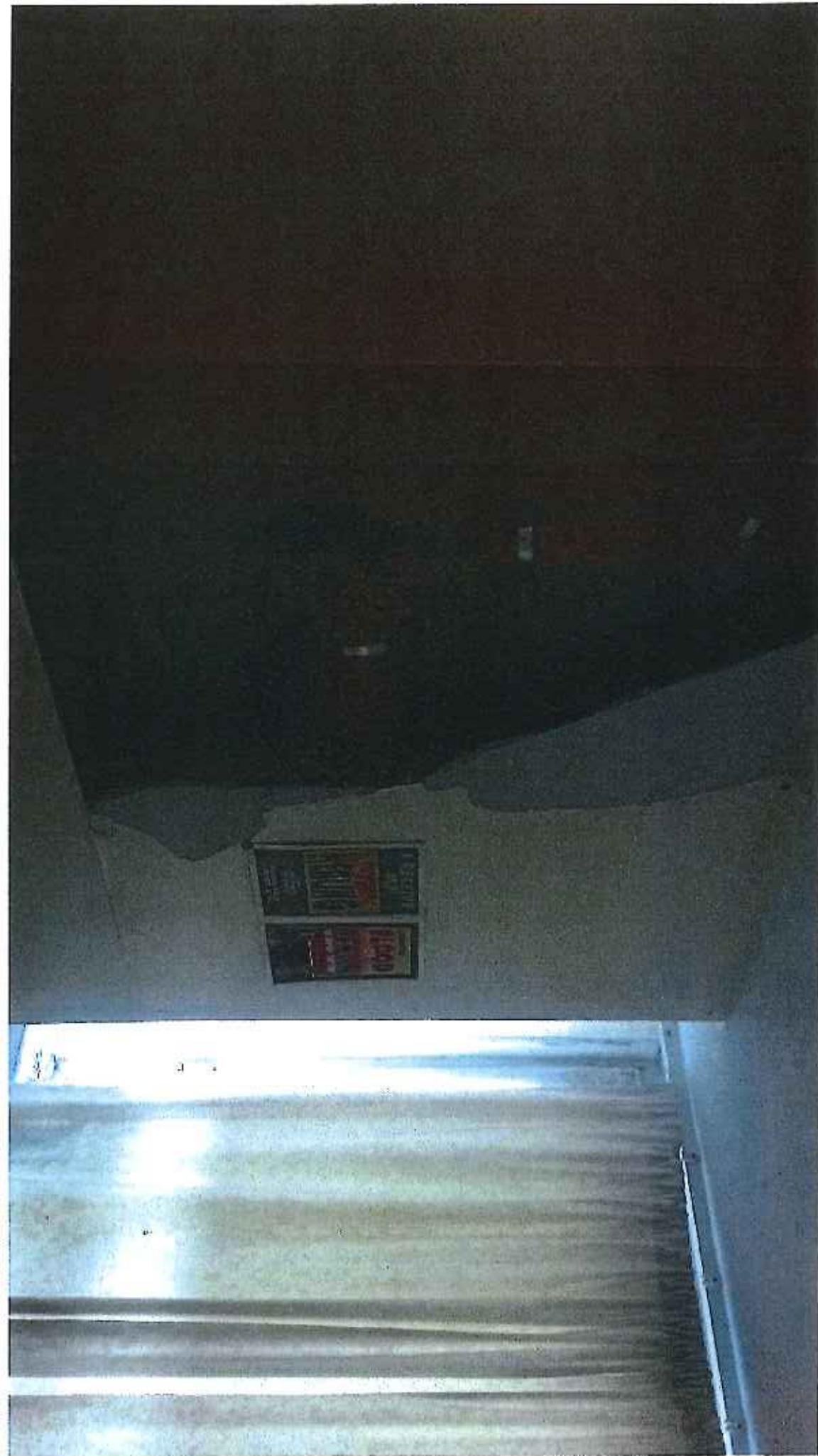


Fig. 1



Fig 2



FIG. 3



FIG. 4



Investigation Report

Westonbirt Court, Southwark – Asbestos Incident

Introduction

1. Mears Limited carries out a Responsive Repairs and Maintenance for London Borough of Southwark (LBS). On the 19th of June 2013, an operative (plumber) was sent out to trace and repair a “Leak coming from above - Resident reported a leak to side wall of bedroom 1” in a dwelling at Westonbirt Court, Ebley Close, London 6BH SE15. In conducting the repair the operative had to open up the boxing and in doing so he accidentally disturbed an asbestos containing material (ACM).

Information and Training

2. Mears Corporate policy states that we do not touch any ACM and always use a Licensed Asbestos Contractor to remove and dispose of asbestos. All our operatives are asbestos aware and aware of the Company policy.
3. Both, the operative and the supervisor had been trained in Asbestos Awareness. The operative on the 12th of October 2012 and the supervisor on the 12th of December 2012.
4. In addition to the training, asbestos information is communicated to the operatives via their PDA's. When the job is opened on the PDA the operative will see an alert against the property on the job ticket which states “Dwelling ASBESTOS PRESUMED. ELECINTKRM. Category: Interior Walls and Panels (INTERIOR WALL F DOO). Door ASBESTOS PRESUMED. ENTRLOBBY. Category: Interior Walls and Panels (INTERIOR WALL F DOOR). Door Caution no asbestos data available for property Caution a” This alert is generated from an interface between Mears Contract Management software (MCM) and Southwark's housing management system (i World) through a link to the asbestos data base.

Sequence of events

5. On Wednesday 19th of June 2013 at approx.11:00hrs, our plumber was sent out to trace and repair a water leak at a dwelling in Westonbirt Court. The plumber thought that the leak may be coming in from some pipework that was boxed in. He removed the top and bottom screws at the top of the panel, which he considered to be plasterboard and pulled back the panel. He noticed that the back of the panel was extremely wet and the leak looked to be coming from another flat upstairs. He gained access to flat above and asked the resident of the flat below to tap on the pipe, so that he could locate the pipe upstairs.
6. Having located the pipe in an unused bedroom, he once again broke into the boxing at low level, using a screwdriver and hammer and then he heard a drip sound. This allowed him to ascertain that the leak was actually coming from the radiator adjacent to the boxing. He isolated the radiator.

7. As the property was a lease hold, the residents of both flats were asking him what would happen next. He didn't have the answers and felt under pressure, so he called his supervisor, to ask for his assistance on site to speak to the residents.
8. When the supervisor arrived the plumber escorted him into the property. Our plumber showed the supervisor the exposed pipework with the panel still in place, but according our supervisor it was cracked/creased where it had been pulled back
9. The area behind the damaged panel was very wet, so our supervisor explained to the tenants that the leak had to be reported back to Southwark Council, for their heating contractor to attend. He further explained, having discussing the issue with his line manager, that Mears would replace the panel once the area was dry.
10. Our supervisor told the plumber to remove the broken wet panel and clear up. He cleared up, removed the rubbish from the properties and left site.
11. On Tuesday 25th June 2013, after the panel had been disturbed LBS informed Mears that the panels that had been removed were AIB. LBS arranged for Armstrong York to attend the properties and carry out a reassurance air test. Pennington's were also called to take samples and confirmed the panels to be AIB, as the works ticket only showed it as presumed asbestos.
12. Four air tests were carried out, three areas were found to be satisfactory 0.01 f/cm³, but bedroom 1, of the flat showed a reading of 0.06 f/cm³. We are currently unsure why it took 6 days for this information to be brought to our attention, considering a heating engineer had also visited the property. Due to the high reading this incident was reported to the HSE.
13. Both bedrooms were sealed and the residents of both flats were decanted to hotels on the advice of the asbestos company. LBS took control of the situation from then and have been conducting their own investigation.
14. As 6 days had lapsed following our plumber placing the rubbish in our skip, the waste skips had already been changed, however the skip company was informed of potential contamination. They immediately carried out an investigation and stated that there was no asbestos found in the waste delivered to them.
15. It was felt that as the operative had blatantly failed to follow his training and company procedures and put himself and the residents at risk of exposure to asbestos fibres. He has been suspended, pending the results of the investigations. The supervisor was also subsequently suspended, as he also visited the site and on seeing the broken panels, it should have triggered the question about asbestos.

Investigation findings

16. The plumber was fully aware of company policy and was also asbestos aware, having attended training in October 12th 2012. He should have questioned the risks associated with this type of work and questioned the information on his PDA requesting confirmation whether the material was an ACM, as ACM's. These types of materials are often used for boxing in pipework and the like. (This is covered in the training).
17. The supervisor is also aware of company policy and also asbestos aware, having attended training in December 12th 2012. He should have questioned the plumber and checked to ensure the material was not an ACM. He should have taken action to highlight the issue as per the Company Procedures.

Conclusions

18. Our operative blatantly breached company procedures by ignoring the warning on his PDA and the training he had been afforded, especially as ACM's are often used for boxing in pipework and the like, which is fully covered in our training. He should never have assumed the panel to have been plasterboard and should have instigated the Company Procedures.
19. His supervisor should have also checked that the plumber had confirmation on the material type. Had he of done this he should have then instigated the Company Procedures.
20. Operatives are aware that the information on PDA's sometimes requires further verification and should have raised a query, especially when working on or near materials where asbestos was commonly used such as boxing/ducting, textured coatings, floor tiles, etc.
21. It was a totally regrettable and unfortunate incident undertaken by a member of staff with many years of experience who had received asbestos awareness training in the recent past and had a presumed asbestos warning flag on his PDA.

Recommendations:

22. Asbestos Awareness refresher training was already scheduled in the branch and it is common place for refresher courses in Mears Branches. During the training our company policy and procedures will be reiterated, especially "to treat all materials as asbestos unless told otherwise", "Do not touch or work with asbestos", and question PDA information especially when working on or near materials where asbestos was commonly used such as boxing/ducting, textured coatings, floor tiles, etc. The training will also refer to this incident and emphasised that operatives should NEVER assume, but if in doubt to Stop and Ask.
23. Mears and all others other parties who require asbestos information should be provided with additional training and further access to the register arranged.
24. Mears and LBS should liaise and work towards maintaining the asbestos register and improve communication, ensuring that all those who require asbestos information can obtain it easily and in a timely manner.

25. Inform HR to log possible asbestos exposure on the plumber and supervisors personal files.
26. Removal of the operative and supervisor from the Southwark Contract and complete the disciplinary procedure already started. In addition to this the Regional MD has also committed that whatever the outcome, the operative will not be working on the Southwark contract again and if reinstated, will be fully trained again in asbestos awareness and relocated once completed.



Paddy Allum CMIOSH, RMaPS

Head of SHEQ London and South

The following supporting evidence is available on request:

- A. Reassurance Air Test Results
- B. Asbestos Analysis Report
- C. Mears Asbestos Procedure
- D. Mears Asbestos Risk Assessment
- E. Plumber – Statement
- F. Supervisor - Statement
- G. Work Ticket
- H. Copy of HSE F2508 Dangerous Occurrence
- I. Mears One Day BSC Course - Asbestos Element
- J. Plumber – Training Attendance Sheet
- K. Plumber – Training Matrix
- L. Supervisor – Training Matrix
- M. Photographs – No 11 & 12 Boxing

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