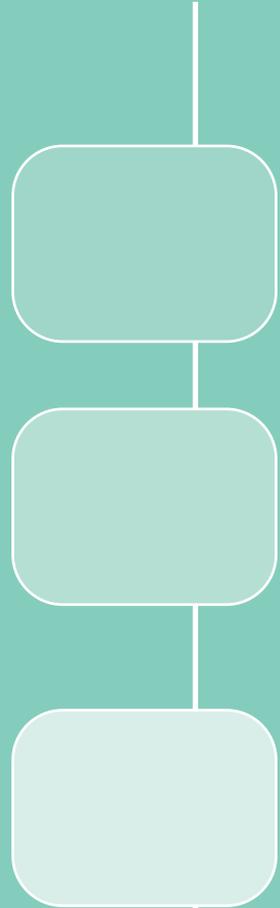


NASUWT

The Teachers' Union

ASBESTOS: Advice for NASUWT Representatives



health&safety
at work

the largest UK-wide teachers' union

This leaflet provides information and advice for NASUWT Representatives on the issue of asbestos in schools, colleges and other buildings in which NASUWT members work that were built or refurbished between 1945 and 2000.

It aims to enable NASUWT Representatives to ensure that schools, colleges and other educational settings properly manage the problem of asbestos in buildings on a strategic level and comply with their statutory obligations.

Advice from the Union in this leaflet should be read in conjunction with that provided to members in the NASUWT health and safety at work leaflet *Asbestos in the Workplace*.

The NASUWT position

The NASUWT is backing the proposals of the Health and Safety Executive (HSE) Asbestos in Schools 'CLASP' Working Group (ASCWP) to achieve the safe management of asbestos and asbestos containing materials (ACMs) within all school, college and other buildings used for educational purposes. The Union believes that a long-term strategy is required to ensure the complete removal of asbestos and ACMs from all buildings used for educational purposes.

The duty holder

In England, Scotland and Wales, the Control of Asbestos Regulations 2006 and in Northern Ireland, the Control of Asbestos Regulations (Northern Ireland) 2007 state that whoever has control of a building has a duty to manage the asbestos in it.

Employers should identify who this is. The duty holder must take reasonable steps to find out if there are materials containing asbestos on the premises and, if so, how much, where it is and what condition it is in. Employers are required to complete five stages to comply with the law.

1. Check for asbestos on the premises or appoint someone else competent to do so;
2. Inspect the workplace to determine whether asbestos is present;
3. Assess the risks from any asbestos;
4. Manage the risk and prepare and plan; and
5. Monitor arrangements.

A survey should be carried out as detailed on the HSE website at www.hse.gov.uk/asbestos/campaign/duty.htm.

Health and Safety Representatives' asbestos checklist

Health and Safety Representatives are requested to take the following action.

- Request a copy of the asbestos register and asbestos management plan.** If either, or both, are not available or forthcoming, request in writing that they are provided within ten working days and state that you will need to refer the matter to the NASUWT Local Secretary if they are not provided within that time. If the documents are not provided, inform the internal NASUWT Representative immediately and refer the matter to the NASUWT Local Secretary.
- Undertake regular workplace inspections and use the asbestos register and asbestos management plan to visually check asbestos and ACMs for flaking caused by ageing and wear and tear and damage, but without taking samples.** This is commonly known as a Type 1 visual survey to locate areas in which there may be asbestos and noting what condition it is in. The HSE advise that in this type of survey

it should be presumed that material, that can reasonably be expected to contain asbestos, does so. It is only reasonable to exclude materials where it is possible to be completely confident that they do not contain asbestos i.e. glass, metal or wood (although asbestos may be hidden by them). A copy of the Type 1 survey should be sent to the NASUWT Local Secretary.

- If exposed asbestos is identified** in a deteriorated or damaged condition, the area should be sealed off immediately and an air test should be conducted by a UKAS accredited expert. A licence must be obtained from the HSE/HSENI before any work is undertaken where there is a danger of high levels of asbestos fibre being released.
- Report any concerns** about asbestos to the headteacher/principal in order that checks can be made by a competent person on the condition of the material. If asbestos is found, the Health and Safety Representative should ascertain via the headteacher/principal what action the employer intends to take. If there is either resistance to carrying out checks or an unsatisfactory response to the carrying out of the necessary action, the internal NASUWT Representative should be alerted and the matter referred immediately to the NASUWT Local Secretary.
- Check whenever work is due to take place within the school/college that may disturb asbestos that the asbestos register is provided** to whoever is going to be doing the work whether it will be done by the school caretaker, other support staff, or by external contractors. Ideally asbestos and ACMs should be clearly marked.
- Seek to secure agreement from the employer for the labelling of asbestos in the premises and the frequent monitoring of asbestos containing materials**, which must be undertaken by a competent person for the school/college.

What to do if work is taking place on site

The NASUWT Health and Safety Representative or, in their absence, the NASUWT Representative, should be consulted at all stages. If work is planned in areas where asbestos is known to be present, then the NASUWT Representative should approach the employer to ensure that:

- a Type 2 survey is undertaken.** This involves sample analysis and should only be carried out by a specially trained competent person, who has personnel certification for asbestos surveys from a certification body that has been approved by the United Kingdom Accreditation Service (UKAS);
- a risk assessment is carried out by a competent person** and that a copy of that risk assessment has been provided to the appropriate NASUWT Representative in the workplace;
- a licence is obtained from the HSE/HSENI** before any work is undertaken where there is a danger of high levels of asbestos fibres being released. Only specially licensed contractors should be brought in to either seal off or remove asbestos;
- detailed work plans are made before any work begins that is likely to involve asbestos.** These plans should be made available to all staff and to the NASUWT Representative, especially before any major renovation or demolition work is undertaken;
- an effective health and safety plan has been drawn up**, which takes all reasonable steps to ensure the health, safety and welfare at work of all employees, pupils, volunteers and visitors to the site;

- Check all asbestos is removed from the premises in a safe manner. Removal is generally to be preferred but carries its own risk of disturbing fibres. The NASUWT Representative should ask the headteacher/principal what action the school/college intends to take. If there are concerns about the school/college response that relate to the carrying out of the action necessary to ensure the safety of NASUWT members, the NASUWT Representative should immediately refer the matter to the NASUWT Local Secretary;

Confirm with the headteacher/principal that:

- steps will be taken to prevent the creation of dust (e.g. by damping down the work);
- asbestos material will not be broken up and will be properly double bagged, labelled and removed for disposal at a licensed site;
- the site will be cleaned with suitable equipment (technically a type H vacuum cleaner complying with BS 5415); and
- all unnecessary personnel will be kept out of the area of work and that the area will be appropriately sealed.

If work is to be undertaken and there have been no previous checks for asbestos, the NASUWT Representative must raise the concerns immediately with the headteacher/principal and seek advice from the NASUWT Local Secretary if the response is unsatisfactory.

Anyone undertaking any sort of work on ACMs must be competent, adequately trained and use safe working methods. Licensed contractors must be used for most work with asbestos insulation, asbestos insulating board and asbestos coatings. Asbestos waste, whether in small or large amounts, needs to be properly contained and disposed of in accordance with the Hazardous Waste Regulations 2005 in England and Wales, the Special Waste Regulations 1996, as amended, in Scotland, or in Northern Ireland, the Hazardous Waste Regulations (Northern Ireland) 2005.

Once work is completed

At the end of the work air tests should be conducted to ensure it is safe to return to work in these areas. The Control of Asbestos Regulations require that specially licensed experts are commissioned to undertake the air test. The Regulations provide a 'control limit' for exposure to asbestos fibres that should not be exceeded. This limit is set at 0.1 fibres per millilitre of air over a four-hour period for any form of asbestos. Both the employer and the NASUWT Health and Safety Representative should be satisfied that the area is safe before renewed occupancy is agreed to. All air testing, sampling of asbestos and clearance certification must be carried out by someone who is accredited by the United Kingdom Accreditation Service (UKAS).

Exposure to asbestos fibres

The NASUWT Representative should advise any NASUWT member who suspects that they have been exposed to asbestos fibres to contact their doctor. This will ensure that the incident will be recorded in their medical file. Members should make an entry in the school/college accident book and submit a BI95 form to the local Benefits/Social Security/Jobcentre Plus office in England, Scotland or Wales or Industrial Injuries Branch of the Department for Social Development in Northern Ireland to ensure that it is recorded as an industrial disease. It can also be done via www.dwp.gov.uk in England, Scotland or

Wales or from www.dsdni.gov.uk/eservice in Northern Ireland (see the NASUWT health and safety at work leaflet *Reporting Accidents* for more details). Any member wishing to pursue a legal claim for an employment-related industrial disease should telephone the Union's expert solicitors on **0808 100 2221**.

Legislation

The following are all available at www.opsi.gov.uk.

England, Scotland and Wales

The Control of Asbestos Regulations 2006

England and Wales

The Hazardous Waste Regulations 2005

Scotland

The Special Waste Regulations 1996, as amended

Northern Ireland

The Control of Asbestos Regulations (Northern Ireland) 2007

Hazardous Waste Regulations (Northern Ireland) 2005

Further information

Further guidance is available in the NASUWT *Health and Safety Representatives' Handbook* (pages 23-25) and from the HSE and TUC in the booklet entitled *The Control of Asbestos Regulations 2006 A guide for safety representatives*, which is available at www.hse.gov.uk/asbestos/index.htm.

For a list of accredited asbestos testing laboratories throughout the UK, visit the United Kingdom Accreditation Service (UKAS) website www.ukas.org.uk.

HSE Books www.hse.gov.uk – *Manage Buildings? You must manage asbestos*.

HSE asbestos website www.hse.gov.uk/asbestos/.

HSE notice to governors, proprietors and headteachers of schools in England and Wales about the new duty to manage the risk from asbestos in buildings www.hse.gov.uk/asbestos/schools.pdf.

Northern Ireland

In Northern Ireland, the HSENI Asbestos Advisory Service (AAS) can be contacted via the HSENI One-2-One Helpline on 0800 0320 121 or an adviser can be e-mailed at asbestos@detini.gov.uk or written to at HSENI, 83 Ladas Drive, Belfast, BT6 9FR.

HSENI website www.hseni.gov.uk.

