

Annex 3

SUMMARY OF SUTTON COLDFIELD ASBESTOS INCIDENT

Please see attached from my colleague which relates to the Asbestos exposure incident, as discussed at the National Health and Safety Committee.

In particular, the notes from my colleague highlight the failure of Birmingham City Council to operate an effective Asbestos Management Policy, specifically around the employment of contractors and the use of the Asbestos Register. Clearly, there should have been adequate checks on the appropriateness of the contractors that were employed to carry out these works and a regime for checking works upon completion. Neither of these seem to have been considered important at the time and we are now left with a major legacy. A large scale population exposure to asbestos particles at a level we can safely assume to be considerably in excess of normal background levels will have occurred in a library that has a catchment area in the tens if not hundreds of thousands. School children, including my own, will have used this library on a regular basis, as well as every other age group.

The cost of checking the asbestos register in the first instance, ensuring the contractor was familiar with the building layout and the location of any dangerous materials must now be weighed against the costs stored up for the future in terms of the potential damage to the health of many individuals? These costs will be borne by the individuals and their families through lost income, but also by the state in terms of benefits that may be payable, lost work days and production, NHS treatment costs etc etc. Compensation may be payable. These costs however take no account what so ever of the personal suffering and trauma that may be suffered by anyone contracting this most destructive of diseases.

There can be no reasonable argument to defend the events outlined and no logic would suggest it is more cost effective and more efficient to just get on with the job and pay no proper attention to health and safety as occurred. There is no evidence here of an over burdensome health and safety culture creating over compliance. A library is not a construction site or a factory, but this case never the less highlights the fact that other workplaces carry substantial risks too.

Birmingham City Council, Sutton Coldfield Library, Sainsbury's Centre, 31-57, Lower Parade, Sutton Coldfield, West Midlands, B72 1XX

Sutton Coldfield Library is a two story building which also houses the Neighbourhood Office. Other departments of Birmingham City Council (BCC) have occupied parts of the building at various points. Various community groups and mother and toddler groups have used the building as a meeting point on a long term basis.

On 15th April 2010 Unison invoked a stage 1 grievance against BCC for notifying staff of work due to commence on 1st May 2010 without consulting Unison or providing risk assessments for asbestos or fire (fire exits were due to be closed during the work period). This was despite numerous requests for the information. We also contacted

the HSE who said they were happy with the way BCC were working and would not support Unison. The work commenced on approximately 14th May 2010.

On 19th May staff advised the local Rep that the library had been shut down as contractors had found asbestos debris in the **air conditioning unit**. Management confirmed that this was so and that the Asbestos Insulation Board (AIB) that formed part of the duct above the ceiling void on the 1st floor had been smashed by contractors undertaking cabling work, at some point in the past (**initially thought to be 2005 but now revised to 1998**). The debris had contaminated the air duct and had been spewing out with an initial spike when the work was carried out, ever since.

Two meetings have taken place with management and staff. At the first on 20th May 2010 management confirmed that the asbestos that had been damaged was both Crocidolite (blue) and Amosite (brown) and tests were already underway to see what was there now. It was agreed that they would do a bulk dust analysis, air sampling tests and smoke tests and that the results would be confirmed to Unison. No records had been kept of the contractor who had damaged the AIB although it was not an internal BCC department such as Urban Design, and there was no date for work taking place. However it was presumed to be a point prior to 2005 (now considered to be before 1998). The Project manager said the public would be notified via the press when all details were known. Councillors were already aware of the situation and the Occupational Health dept was being contacted to see what they could do for staff. Unison also advised staff to complete an accident report, and lodge the exposure with their own GP.

The test results were sent to us approx 1 week later and included dust sampling to book shelves in various sections of the building, 5 books, an analytical report, a smoke test report (which said on the front that it could not actually be carried out because the fire alarms were not disabled) and air tests. All showed clear but the tests were carried out without the air conditioning on and the laboratory carrying out the tests was a BCC laboratory.

Unison spoke to the person who carried out the tests and he advised us that the HSE were controlling all procedures and he had conducted all the tests he had been asked to. All tests in his opinion were valid.

On 25th May 2010 at the second meeting managers advised staff they could now enter the building (based on the tests which we had not received at that point) and remove personal items. Unison advised that they do not enter the building or collect anything until we were happy the tests were clear. We insisted accident reports were completed on the day as many of the staff had no access to the electronic accident report and managers in the buildings to which they had been sent would not assist as they said

they knew nothing of the situation. All accident reports were handed directly to BCC safety manager. When the Project manager was questioned she said that the plan to advise the public further (there had been a leak into local press) was not going ahead as there was no need. Staff were also not going to be referred to Occupational Health as it was not necessary. They could however self refer to BCC counselling service.

Staff advised us they were unhappy and believed that management had not exercised their duty of care to them. At this point (4th June 2010) we contacted the HSE again and was advised by the asbestos officer that although an asbestos register/records should have been kept even in 1998 because BCC is a large organisation and it would “open up a political can of worms” they would not get involved in this or comment on a failure of a duty of care. They confirmed that they believed all the tests to be appropriate and said that BCC had done all that they could under the circumstances.

This case is ongoing and we are trying to arrange for a doctor to come and speak to staff with the grateful assistance of Asbestos Support W/Mids.