



## **SUBJECT: Asbestos - School Prosecuted**

**RECIPIENTS:** LCC Schools

**ISSUE DATE:** Aug 2016 **REF:** HSB64

### **DO NOT DISTURB!**

An Essex school has been fined after poorly-planned and managed refurbishment and maintenance activities exposed school staff and others to asbestos. The court heard that managers at The School decided to convert an old boiler room at the school into a cleaning store. During the course of this work, asbestos residue on the walls was disturbed and caretakers swept contaminated debris from floors. Their exposure to risk only came to light after a later asbestos survey was completed in the area.

The Health and Safety Executive (HSE) investigated this incident and learned that asbestos containing materials (ACM's) were also present in other areas. School staff and contractors disturbed the fabric of school buildings over many years without being alerted to the presence of ACM's. Persons who entered potentially contaminated areas were placed at risk of developing serious ill health conditions arising from exposure to asbestos fibres. The school also failed to ensure that spread of asbestos was prevented or reduced. The Academy Trust who managed the school pleaded guilty to breaching the Health and Safety at Work etc. Act 1974 – Sections 2(1) & 3(1). The trust was fined £26,000 and ordered to pay costs of £20,000.

*HSE Inspector said after the hearing: "The Academy Trust should have controlled this potentially lethal risk by identifying the type, location and condition of any asbestos-containing-materials within the fabric of the school, and by implementing suitable precautions to prevent its disturbance. It should then have ensured that such information was shared with anyone liable to disturb this fabric. It may also have arranged for a licensed asbestos contractor to remove any dangerous asbestos safely before commencement of any work. This prosecution should act as a reminder, not just to schools but to all persons in control of the repair and maintenance of non-domestic premises, of the need to ensure that a suitable and sufficient assessment of risk from asbestos is carried out, and that correct control measures are put in place to ensure that exposure to asbestos is prevented, so far as is reasonably practicable."*

For further information on asbestos visit: <http://www.hse.gov.uk/asbestos/>