

UKATA

Newsletter

ISSUE No.8 October 2010

Claims delayed

Asbestos victims face more delays after appeal judges referred their claims for compensation to the Supreme Courts. Judges could not agree on a High Court ruling that insurers are liable for damages from when the victims were exposed to asbestos.

Insurers argued it should be from the onset of symptoms, while lawyers for victims and their families said it should be from the time of exposure. The lawyers said their clients faced "more confusion and uncertainty".

The 2008 High Court verdict was hailed as a victory for the victims. It stated employers' insurers at the time of exposure were liable to pay out on claims for Mesothelioma caused by exposure to lethal asbestos in the workplace.

On Friday, three Court of Appeal judges found that in some of the 6,000 cases the money should be awarded to victims - although whether they will receive the money is not clear. But the judges said in other cases the responsibility lay with the employers' insurers at the onset of symptoms of the cancer, which in some cases can take 50 to 60 years to develop.

The full story: http://www.bbc.co.uk/news/uk-11500155#story_continues_1

Why we do what we do!

A Local Council has been fined after sending an employee to deal with a water leak in a housing complex without warning him asbestos was present.

The Health and Safety Executive (HSE) prosecuted the council after it failed to warn the trained plumber that asbestos was present at a sheltered accommodation complex, despite possessing a survey detailing where it was.

Nuneaton Magistrates Court heard that on 17 August 2009 the employee was sent to Craddock Court in the town after a leak was reported. He found the faulty pipe in a ceiling void on the first floor of the building after removing an asbestos insulation board (AIB) ceiling sheet.

As the worker was unaware he was dealing with asbestos, he used a hand saw to cut part of the AIB sheet to gain access to the leaking pipe. He stood directly underneath the tile while sawing the material for around 20 minutes and though covered in dust was not wearing any personal protective clothing.

The Council pleaded guilty to a breach of Regulation 4(9)(c) and Regulation 11(1) of the Control of Asbestos Regulations 2006. They were fined £5,000 and ordered to pay costs of £2,140.

HSE inspector Mike Ford said:

"This case is particularly disappointing as we expect more from local authorities who actually have a duty to enforce the law concerning asbestos, and should be setting a good example.

"The council had in its possession an asbestos survey for Craddock Court which included the details of the AIB above the first floor corridor.

"It is equally distressing that the work was being carried out in a public area of a sheltered accommodation complex. We can't stress enough how important it is for anyone carrying out building work to obtain the proper asbestos surveys and then act upon them."

**UKATA, Markham Vale Environment Centre, Markham Vale Lane,
Markham Vale, Chesterfield, Derbyshire S44 5HY**

Tel: 01246 824437 Fax: 01246 828541

info@ukata.org.uk www.ukata.org.uk



BRIAN COATES & Co. (GENERAL) Ltd.

INDEPENDENT INSURANCE SPECIALISTS

www.briancoates.co.uk

25 West Auckland Road, Darlington, DL3 9EL

Telephone: 01268 745000 Fax: 01268 745400

email: t.key_bcoates@btconnect.com

A word from the Chairman

Coming to the end of 2010 I feel that UKATA has developed a momentum that has been unheard of for many years. Having been involved in UKATA from its inception, with a handful of members, we are now approaching hundred members. To me this shows the level of commitment and dedication from the industry in setting and continually raising standards.

Having recently been placed in the position of UKATA Chairman, I can assure members present and new that we will not rest. We have the planned Regional Meetings ahead of us along with our AGM in the New Year. I am hoping for a good attendance at all of these events, as it will be a valuable opportunity for the Executive to be able to provide information and news on future developments.

I would like to thank the Sub Committees, working parties and the unquestioning back up of the Admin staff for their continual and tireless efforts in helping drive UKATA forward as an industry leader.

We are about continual improvement in standards of training, it is an uphill struggle, but rest assured, we are getting there. And with your continued support, we will be there in force!

October 2010 – Mike Smith – UKATA Chairman.

UKATA Committees/Groups

Executive Committee

- Mr Mike Smith Cape Ltd
- Mr Peter Robinson Bradley Environmental Ltd
- Mr Jim Caldwell Circa Consultants Ltd
- Mr David Stanley DS Environmental Ltd
- Mr Bruce Sutherland Noble
- Mr Eddie Strong Ferncroft Environmental Ltd
- Mr Les Lowe Northern Safety Ltd
- Mr Steve Watkins Hertel Ltd
- Dr Roger Willey ACS Physical Risk Control
- Mr Terry Barker TASC
- Mr Andrew Cottrell Life Environmental Ltd
- Mr John Corr ACAD
- Mrs Tina Ward Prime Safety Ltd
- Chris Bishop AC&T LLP

Technical & Training

Chairman Mr Steve Watkins
Satish Patel (ARCA) Mike Smith
Peter Austin (REC Ltd)

Membership

Chairman Mr Eddie Strong
Jim Caldwell Tina Ward

E-learning Working Group – Peter Robinson, Roger Willey, Eddie Strong, Andrew Cottrell, Bruce Sutherland, & Max Lopacki (National Asbestos Training and Accreditation Scheme Ltd)

Administration – Gill Lewis, Debbie Nixon, and Jackie Peat

Development and Marketing – Paul Beaumont



HSE Web Communities

When people mention Social Networking, Facebook, MySpace, Bebo etc all spring to mind, however the HSE have a free and easy way to communicate with anyone interested in keeping up to date with current ideas, and keeping yourself informed and discussing current topics regarding a range of health and safety issues, it is called the HSE Web Community.

Here you will find forums of like minded people where open discussion can be held, and where the HSE can post updates that are delivered straight to your in box.

Forums vary in topic and are there for your free use, topics such as: The Stress Solutions Discussion Group, The Better Backs forum, Silica Exposure and of course, the Asbestos Forum.

In the forums you can start discussions, comment on other people's posts and more importantly, receive updates direct from the HSE as they happen.

The forum has the ability of allowing instant emails to be delivered when a message is posted or for a summary of posted messages to be sent as a digest on a weekly basis.

For further information, or to join this growing community of professional, visit:

<http://webcommunities.hse.gov.uk/connect.ti/system/home>



ABICS closes

News has been released through the British Occupational Hygiene Society, (BOHS) stating that the ABICS, Asbestos Building Inspectors Certification Scheme has now had to close after 8 years of hard work due to the low number of applicants taking up the scheme.

Even with the support of the HSE and UKAS, and initial high interest, the scheme was voluntary and take up has declined resulting in it not being viable to run.

The close of ABICS now leaves individual surveyors with little chance of properly demonstrating competence and experience unless they decide to go down the UKAS route.

Concern still remains in the quality of asbestos surveys being produced; this places a greater emphasis on the dire need for Asbestos Awareness Training for the trades and people who may be exposed to asbestos. For the full story, visit:

<http://www.bohs.org/BOHS-announces-the-closure-of-ABICS/>

Follow us on:



BT Tradespace

Nationwide Recruitment

Natas seeks competent trainers for categories 1, 2 & 3 and BOHS P modules, UK & Ireland.

Experienced Asbestos surveyors & analysts also required. Please e-mail CV to

info@natas.co.uk



Low cost advertising

Advertise your company and services here!

This Newsletter has a distribution list covers countless readers, it is freely available on line and is of interest to your target market. To advertise in this Newsletter, please contact:

Paul Beaumont, Development and Marketing Director UKATA
marketing@ukata.org.uk 07949498404

3



BRIAN COATES & Co. (GENERAL) Ltd.
INDEPENDENT INSURANCE SPECIALISTS
www.briancoates.co.uk

25 West Auckland Road, Darlington, DL3 9EL
Telephone : 01268 745000 Fax: 01268 745400
email: t.key_bcoates@btconnect.com

Asbestos in Schools

Over 75% of the schools in the UK still contain asbestos. It remains in situ as successive Governments have had a policy of managing asbestos rather than removing it. Unfortunately, however this policy has not been backed up with proportionate resources with the consequence that a significant number of schools have neither safe nor workable systems of asbestos management. Frequent unplanned asbestos exposure incidents are the inevitable result. Over time this has led to an increasing number of Mesothelioma deaths amongst school staff and, one must also presume, former pupils.

When he was Prime Minister Gordon Brown acknowledged to the Asbestos in Schools (AiS) group that there remains a serious problem of asbestos in schools. Further he stated it was one that his Government would address. In response, AiS reaffirmed that the basic principles of risk management must be followed. In reality, however, progress was very slow hence it was just two weeks before the General Election in May that action was finally taken and a committee formed to seek to improve the asbestos management in schools.

Despite the obvious and urgent need to improve standards five months after the Election the new Coalition Government has still not confirmed whether the committee will continue.

During the interaction with the Government, the AiS asked for an audit of the standards of asbestos management in schools so clear standards could be established that would allow for the worst schools to be brought up to the standards of the best. In response to this in January 2009 a questionnaire was issued to all local authorities and diocese in England.

A year later the Department for Education erroneously claimed *"The HSE and DCSF have surveyed every single local authority over the last year to assess their asbestos management and ensure that they are fulfilling their legal duties – the first ever such national audit."*

Unfortunately, the questionnaire was no such audit, it was merely a tick box questionnaire to assess compliance with asbestos guidance for sealing gaps in columns in system built schools, ignoring all other asbestos problems, in both system built schools and every other type of school in the country.

As one local authority summed it up *"I'm concerned about the quality of this questionnaire and the potential for misinterpretation when the contents are analysed. It does not show the full picture of asbestos management and only concentrates on a very small area. The questions are confusing and potentially misleading (far too open to interpretation)."*

On a positive note, the questionnaires did show weaknesses in various areas particularly including a lack of training amongst those expected to supervise and manage the asbestos. But by its very nature it is inevitable that this questionnaire will give a more positive picture than actually exists. If you ask someone if they are complying with the law it is unlikely that they will tick the box that says no.

In September 2010, a year and eight months after it was issued the HSE published the results and the follow up inspections, claiming that *"The majority of local authorities in England with 'system build' schools have procedures and precautions in place to manage asbestos safely."* Their claim cannot be substantiated as 110 of the 152 LAs were not inspected; instead their standards were purely assessed by their responses to the questionnaire. Of the 42 that were inspected, 32 required advice and 10 had enforcement action taken. Only a handful of responses were received from the 95 expected from the dioceses. No independent schools were checked and neither were any local authorities in Scotland, Ireland or Wales. 18 Improvement Notices and 1 Prohibition Notice issued were on top of the 20 Improvement Notices issued in 2007 following similar physical inspections.



Continued on Page 6





INDEPENDENT LEASE LINE *A New Style of Broker*

For all your commercial finance needs.

With high level contacts in the asbestos industry we understand your business needs.
With access to over 12 funding lines we can secure all your assets at the best possible rate.

Decontamination Units, Injection systems, Computer systems, Vehicles

Leases are available from 3 years to 7 years over £1500.

Telephone: 01484 604289 mobile: 07854 023850

roz@indeleaseline.co.uk www.indeleaseline.co.uk

National Core Competence Benchmark (NCCB) aims to fight health and safety training confusion



The Royal Society for the Prevention of Accidents is leading a new initiative which aims to fight the widespread confusion that exists around health and safety training. The National Core Competence Benchmark (NCCB) is a collaborative initiative supported by a wide range of trade association which aims to:

1. Publish (online) details of health & training related qualifications for use as a freely available benchmark / reference tool
2. Promote and facilitate the sharing of training records via web / chip card technology

Employers have a legal duty, under criminal health & safety law, to judge whether each worker is competent – in simple terms to look at training and experience and judge whether it is adequate for the task in hand. This should be a simple process but is actually fraught with difficulty and often leads to unnecessary costs, bureaucracy and duplication of training. The problems faced by employers fall in to four main areas:

- 1. What training have you received?** Sounds obvious – but its often difficult to simply get copies of certificates for each worker. For many employers this is a major administrative burden. There is also a significant number of counterfeit certificates and training passports in circulation.
- 2. Is the training recognised / of a reasonable standard?** There are literally tens of thousands of training courses provided by an unregulated market. Quality standards vary significantly. It is not uncommon for workers to be asked to re-take training because their qualifications are not recognised – even though they may well be reputable courses. This is a particular problem in contractor supply chains.
- 3. What does the training cover?** Even if the course is reputable – it is often difficult to judge its content and extent – for example there is a big difference between a course that last 1 hour as opposed to 3 weeks.
- 4. What training do I need to provide?** Even if all the certificates are available and its clear what the courses cover, employers must still judge if the training fits task in hand. For example, is a half day introductory course sufficient training for working at height on a mobile scaffolding platform, or, is a more extensive course required?

To begin to tackle these problems NCCB will provide a free to access website (www.nccb.info) that has a large database of health and safety courses. This database holds details about the curriculum of each course and provides a ranking against the National Qualifications Framework to enable easy comparison of different courses i.e. is it a 1 hour course as opposed to one lasting 3 weeks? The database is open to any training course provider who can demonstrate minimum quality standards, e.g. the course must be recognized or approved by a trade association, safety organization, and examination body or government agency.

This website offers for the first time a single portal that employers can use to check what courses are available and to judge their extent and content. It is also hoped that the benchmark will promote cross recognition of comparable courses and reduce the amount of training duplication – a major source of unnecessary cost and frustration to many employers.

NCCB is also seeking to coordinate the sharing of training records via the web between a wide range of training providers – including trade associations. Increasingly, training records are held on web-enabled databases but which are not currently capable of sharing data. A trainee might go to multiple training providers and so their records can be scattered in many locations. At present the only means of collating this information is via paper certificates or plastic training passports. This creates significant administrative costs and problems and is also open to fraud. NCCB is a forum that will coordinate the online sharing of training records via an NCCB trainee identification number.

NCCB will provide a wide range of users a number of significant benefits that include:

1. Reduction in training administrative costs
2. Avoidance of duplication of training effort / costs - E.g. "I don't recognise your training - do it again"
3. Greater security against fraud / counterfeit certificates via online verification and sharing of training records
4. Promotion of standards of competency by helping employers understand where training gaps exist and Signposting to suitable training courses



www.nccb.info



BRIAN COATES & Co. (GENERAL) Ltd.
INDEPENDENT INSURANCE SPECIALISTS
www.briancoates.co.uk

25 West Auckland Road, Darlington, DL3 9EL
Telephone : 01268 745000 Fax: 01268 745400
email: t.key_bcoates@btconnect.com

- Training Manuals
- Wiro Binding
- Photocopying
- Poster Printing
- CD & DVD Printing

We offer a One-Stop Shop for all your needs.

Email us today:

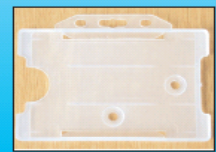
info@directcds.co.uk

www.directcds.co.uk

tel: 01920 465023

fax: 01920 468387

We specialise in short-run Photo I.D. cards and I.D. Card holders, Lanyards and Badge Reels.



sales@custom-card.co.uk
www.custom-id-cards.co.uk
tel: 01920 460555
fax: 01920 460888

Continued from page 4 - Asbestos in Schools

These findings not only illustrates that a significant proportion of schools inspected have unacceptable standards of asbestos management, but emphasises that the only effective way to assess the standards in schools is by 'on the ground' inspections.

The Coalition Government has scrapped the Building Schools for the Future

Initiative (BSF) and put some 700 projects on hold. It is known that many of these schools have serious asbestos problems and are in urgent need of refurbishment. The chairman of Partnership for Schools acknowledged "80% of schools were beyond their shelf life..." and a recent study of school buildings by the Local Government Association and the Association of Directors of Children's Services states "it shows that £15bn in the period leading up to 2015 is the minimum investment considered essential by local authorities, to ensure that every child can be taught in a classroom which is safe and structurally sound." The AiS has asked the Schools Minister to identify the schools with the most dangerous asbestos risks and to prioritise them for replacement or refurbishment.

In the interim it is essential that there is mandatory asbestos training for governors, headteachers and staff so that every school can have a workable and safe system of asbestos management.

Michael Lees
26th September 2010

Asbestos Questionnaire	
<i>Which would you tick?</i>	
Q.1 Are you complying with the Law?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (tick one box)

For further information see: www.asbestosexposureschools.co.uk



SpanSet®

I was recently invited by the HVCA to attend an open day as their guest at the SpanSet training and manufacturing facility in Middlewich, Cheshire.

SpanSet are an International organisation who manufacture a large range of equipment and provide training for those working at heights.

Their product range includes Harnesses for fall arrest, fall prevention and safe work at height, safety lanyards, inertia reels, anchor fixings and the very impressive and aptly named rescue kit, the 'Gotcha'. I feel it must also be mentioned that SpanSet distribute the well known car immobilising system, the 'Stinger' for those of us who have troublesome neighbours.

The day started with a warm welcome and introduction in their training room facility where an explanation of the company and product range was provided. We were then all taken out side to their impressive, working at heights training area. This consisted of a bespoke 3 storey metal framed building designed to include all common and some not so common working at height situations and scenarios. Included in the training area were a 27 metre communications mast and 25 metre pylon along with a confined spaces training area all used in training practice.

On the 3 storey structure, we were given a demonstration of rescue recovery using a number of varying types of equipment, including the 'Gotcha'. To raise the stakes even higher, we were all asked if one of us would like to volunteer to be rescued, unfortunately, and before I could raise my hand, Mr Russell Mott, the Health and Safety Officer for the HVCA was "volunteered" and accepted the challenge.

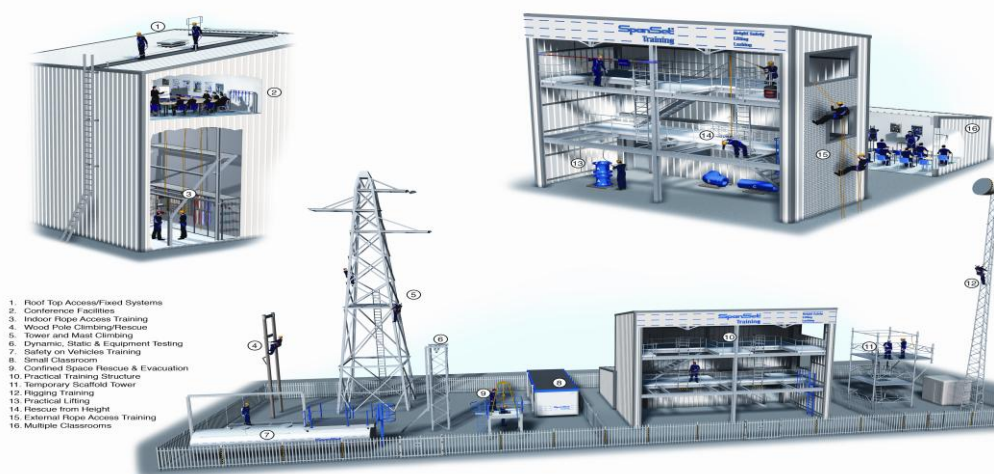
Having viewed and discussed the training area and training methods, we were invited to walk around the manufacturing facility, here we were shown the various steps and processes used to make harnesses and other various pieces of safety equipment. This very informative tour culminated in a demonstration of their test facility, where a safety lanyard was tested to destruction.

Finally, back to the classroom for a Buffett lunch and drinks followed by a Q&A session and a detailed explanation of types of equipment used in heights works. I found the day to be very enlightening, our guide for the day; James, was an experienced trainer with many years under his belt at working at heights. The day was not hosted as a hard sell session, it was provided as an informative and interactive day of learning and, of course, as an introduction to SpanSet, their equipment and training ability.

As more and more of our members are being presented with requests for asbestos training sessions for people whose work involves working at heights, for example, asbestos cement roof removal, gutters, soffits etc. it makes sense to understand what is involved. The SpanSet day certainly did this.

I have approached SpanSet and requested information on the possibility of presenting a similar day for the UKATA members, should any of you wish to accept an invitation to attend, could you make it known by sending me an email or giving me a call. Numbers for the day will be limited to around 15, so first come, first served. Oh, and I forgot to mention, it's free to attend.

I would formerly like to thank the HVCA for the invitation and SpanSet for an excellent day and to Jim for putting up with me and my questions.



The SpanSet outdoor training facility

Image courtesy of SPANSET©

SpanSet (UK) Limited
Telford Way
MIDDLEWICH
Cheshire CW10 0HX
United Kingdom
Telephone: 01606 737494
Facsimile: 01606 737502

E-mail :
customerservices@spanset.co.uk



BRIAN COATES & Co. (GENERAL) Ltd.
INDEPENDENT INSURANCE SPECIALISTS
www.briancoates.co.uk

25 West Auckland Road, Darlington, DL3 9EL
Telephone : 01268 745000 Fax: 01268 745400
email: t.key_bcoates@btconnect.com

Membership List*

KEY - **Category 1,2 &3** - **Category 2&3** - **Category 3 only**

A H Allen Ltd
ABP Associates Ltd
AC&T
ACAD
Acer Safety Services Ltd
ACS Physical Risk Control Ltd
Airborne Environmental Consultants
Allied West Environmental Consultants Ltd
Asbestos Building Surveys Ltd
Asbestos Business Contractors Ltd
Asbestos Consultants to the Environment Ltd
Asbestos Removal Contractors Association (ARCA)
Asbestos Training & Surveying Ltd
Asbestos Training Providers
ASM Compliance Ltd
Aspect Contracts Ltd
Award Health and Safety Ltd
Bardon Environmental Ltd
Boss Training Ltd
Bradley Environmental Consultants Limited - West Mids
Bradley Environmental Consultants Limited - West Yorks
Broadland Group Limited
BTAL (UK) Ltd
C & C Training Ltd
C & D Industrial Services Ltd
Cape Industrial Services Ltd
CBES Ltd
Chorus Group Ltd
Circa Consultants
City Environmental Services (Wales) Ltd
ClearView Safety
Coal Consultants Ltd
Connaught Compliance Services Ltd
CWE Training Ltd
DMW Environmental Safety Ltd
DS Environmental Ltd
Ductclean (UK) Ltd
EBSG Ltd
Encompassed Ltd
Enquin Environmental Ltd
Environmental Essentials Ltd
Envrontec Ltd
Ferncroft Environmental Ltd
Global Environmental Consultancy Ltd
HCS Safety
Hertel
IASS - Independent Asbestos Surveys and Services
Independent Environmental

Industrial Training Services Ltd
Inti Services Ltd
JB Monitor Ltd
KAD Environmental Consultancy Ltd
Life Environmental Services Ltd
Lincsafe (H & S) Ltd
M3 Associates
MacBrac Business Safety
Medway Safety Ltd
Middleton Group Services
MIS Environmental Ltd
Morris and Spottiswood Ltd
National Asbestos Training and Accreditation Scheme Ltd
NDTG
Nichol Associates Ltd
Noble Health & Safety Consultancy Ltd
Northern Safety Ltd
OHS Ltd
Oracle Solutions (UK) Ltd
Partners in Safety Ltd
Plansafe Solutions Ltd
Prime Safety (Europe) Ltd
PTS Ltd
R B Asbestos Consultants
R B H & S Safety Service Ltd
R G Wilbrey Consultants Ltd
RPS Consultants Ltd
Safety and Access Ltd
Setter and Associates Ltd
Shield Environmental Services Ltd
Silverdell Academy for Excellence - SAFE
SMTS Ltd
South Wales Safety Consultancy Ltd
SSG Training & Consultancy
Tersus Consultancy Ltd
The Building Safety Group
The Health and Safety People Ltd
The Wrekin Housing Trust
Training and Safety Consultants Ltd (TASC)
UK Asbestos Specialists Ltd
Wayne Bagnall Ltd
Yani Montoya Consultants Ltd

*List current at time of publishing.

To find our most current membership, visit www.ukata.org.uk

Associate Members

The FMB (The Federation of Master Builders)
Brian Coates & Co. (General) Ltd

This newsletter is published by UKATA, the United Kingdom Asbestos Training Association.

Views expressed in published articles are not necessarily those expressed by UKATA, its members, committees or employees. Every effort is made to ensure that any article, item or image presented is free from errors and mistakes and that, so far as is reasonably practicable, that it is factual and free from copyright, however, the publishers cannot accept responsibility for any error made or inferred.

If you have an article that you feel is worthy of publishing, please submit it, along with any images for review. No guarantee can be made that any such submission will be printed.



BRIAN COATES & Co. (GENERAL) Ltd.
INDEPENDENT INSURANCE SPECIALISTS
www.briancoates.co.uk

25 West Auckland Road, Darlington, DL3 9EL
Telephone : 01268 745000 Fax: 01268 745400
email: t.key_bcoates@btconnect.com