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Why we do what we do

In June 2008, a mother and her son were exposed to asbestos over a period of 3 days following works carried out by the local council at her home in Lincolnshire.

Miss Hall and her son Michael, who suffers from cerebral palsy and other disabilities, were informed 3 days after improvement works to their home were carried out, that a material that was removed was asbestos.

A "Communications breakdown" meant that council contractors went to her address to dispose of asbestos that had previously been removed; however it was found that the material was still in place when the contractors arrived.

At this point, an employee broke out the asbestos boarding with a hammer. The employee had not undertaken the required training.

3 days after the incident had happened, a specialist contractor informed her of the danger, following advice, the property was vacated while a cleanup operation was carried out.

The City of Lincoln Council were prosecuted and fined by the HSE

- Fined £2,000 for breaching Regulation 8(1)(a) of the Management of Health & Safety at Work Regulations 1999, which states "Every employer shall establish and where necessary give effect to appropriate procedures to be followed in the event of serious and imminent danger to persons at work in his undertaking."
- Fined £8,000 for breaching Section 3(1) of the Health and Safety at Work etc Act 1974, which states "It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety"

County Waste (Lincs) Ltd

- Fined £1,500 for breaching Regulation 10(1) of the Control of Asbestos Regulations 2006, which states "Every employer shall ensure that adequate information, instruction and training is given to those of his employees who are or who are liable to be exposed to asbestos, or who supervise such employees in order to safeguard themselves and other employees."
- Fined £1,000 for breaching Regulation 16 of the same regulations, which states: "Every employer shall prevent or, where this is not reasonably practicable, reduce to the lowest level reasonably practicable the spread of asbestos from any place where work under his control is carried out."
- Fined £1,750 for breaching Regulation 24(1)(b) of the same regulations, which states: Every employer who undertakes work with asbestos shall ensure that waste which contains asbestos is not

received into or dispatched from any place of work unless it is in a sealed receptacle or sealed wrapping that is clearly marked."

HSE inspector Martin Giles said:

"The Council failed to ensure the contractor was competent to carry out the work and had no procedures in place to be followed in the event of serious and imminent danger to its employees. It failed to protect its tenants and ensure that they were not exposed to risks to their health following the release of asbestos fibres.

"Not informing the family about the seriousness of the problem and leaving them in the property for three days before rehousing them was an irresponsible and unacceptable act for a landlord.

"Because County Waste (Lincs) Ltd failed to provide adequate information, instruction and training to ensure employees liable to be exposed to asbestos were able to safeguard themselves and others, it did nothing to prevent the spread of asbestos from the bathroom and removed the material from the property without being in an appropriately sealed receptacle or wrapping.

(Excerpt above taken from: <http://www.hse.gov.uk/press/2010/coi-em-02610.htm>)

Miss Hall went through a very distressing time, she had numerous personal and sentimental items disposed of due the problem with decontamination, this included things such as her computer, on which she had images of her son Mickey that can never be replaced.

We must not forget that what we do at UKATA is alert, inform and train people to the dangers relating to a substance that Kills! This could have been prevented.

Miss Hall and her son were potentially exposed to levels of asbestos that should now be unheard of over a period of 3 days, she slept, ate and lived in an environment where she was exposed to a killer mineral, an environment where she should have been safe.

Had this employee had Asbestos Awareness training, had the council had supervision, communication and policy in place, the likelihood is, is that it wouldn't have happened. What about the employees future?

Further information on this can be viewed at:

<http://www.hse.gov.uk/press/2010/coi-em-02610.htm>

<http://www.thisislincolnshire.co.uk/news/Council-fined-163-22-000-mum-son-exposed-asbestos/article-2263878-detail/article.html>

<http://www.thisislincolnshire.co.uk/news/Mum-speaks-council-blunder-exposes-disabled-son-asbestos/article-2271360-detail/article.html>

Finally, Miss Hall wrote to me recently to explain the case, this is a part of her email, having asked if she minded me making people aware of her case:

"I would be more than happy to do whatever raises awareness as I would hate to think that others have to go through such stuff... sadly I suspect many could and those causing it get away with it because authorities are not informed. The only reason HSE got involved with my case was because I wanted to talk to someone in the know about the real risks and if supposedly decontaminated stuff really would be decontaminated so it

went from there... just goes to show if the council had provided me with adequate information in the first place (and in my opinion provided adequate decontamination thereafter... the Hoover I used to try and clean up and Mikeys oxygen concentrator amongst other electrical items were supposedly ok for me to use after decontamination, but I had the sense to refuse them!) then they would have avoided prosecution.”

Hopefully people will read this story and believe and understand why we do what we do, and understand that health and safety hasn't gone mad.

Paul Beaumont
Development and Marketing Director
UKATA