

Asbestos Survey Reports: The Importance of Caveats

nps group



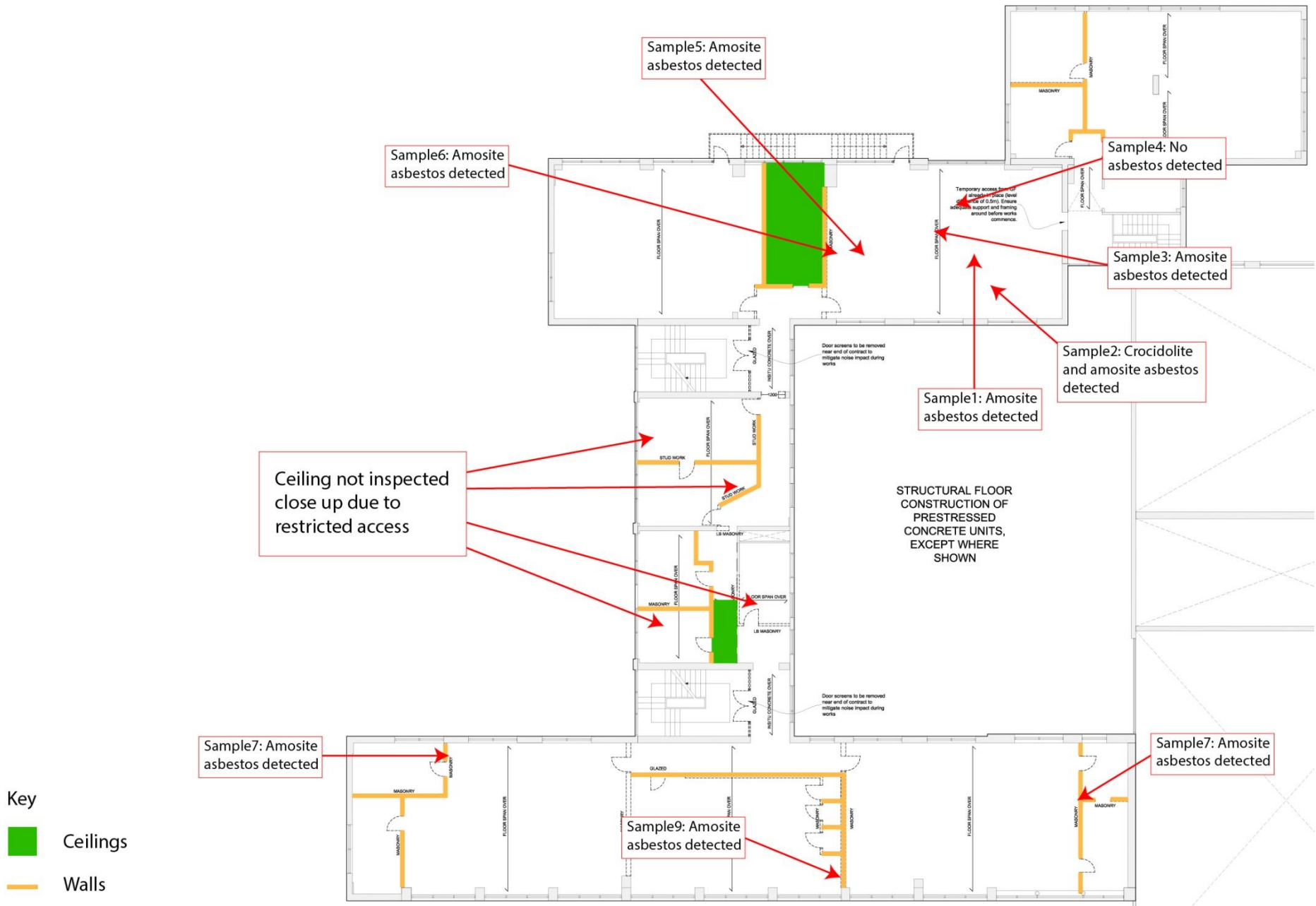
Mansell
Balfour Beatty







1



FIRST FLOOR PLAN

IN THE CROWN COURT AT SOUTHWARK
T20160038

INDICTMENT NO:

REGINA

-v-

SQUIBB GROUP LIMITED

INDICTMENT

SQUIBB GROUP LIMITED is charged as follows:

COUNT 1

STATEMENT OF OFFENCE

FAILURE TO DISCHARGE THE DUTY PURSUANT TO SECTION 2(1) (HEALTH AND SAFETY AT WORK ETC. ACT 1974 contrary to Section 33(1)(Health and Safety at Work etc. Act 1974.

PARTICULARS OF OFFENCE

SQUIBB GROUP LIMITED, between the 4 April 2012 and 24 July 2012, at St Church of England Primary School, Brooke Road, London E17 3ND, being a (within the meaning of the Health & Safety at Work etc. Act 1974 ("the Act")) discharge the duty imposed on it by virtue of Section 2(1) of the Act in that it ensure, so far as is reasonably practicable, the health, safety and welfare at work employees, including Lee Dempsey and Craig White, in relation to the risk of ex asbestos

1

Balfour Beatty

Ms Eileen Gascoigne
Field Operations Directorate
Construction Division
Health & Safety Executive
Rose Court
2 Southwark Bridge
London SE1 9HS

26 September 2013

POLICE AND CRIMINAL EVIDENCE ACT 1984 (PACE) Re: St Ma Road Walthamstow, London E17 3ND

Dear Ms Gascoigne

Further to our letter to you dated 23 August 2013 and your response of 28 August, we now provide our short statement as follows:-

Contract Arrangements

Mansell were engaged by the London Borough of Waltham Forest 2012 to complete a number of school refurbishment projects in the London Borough, including the works to St. Mary's Primary School, Barrat 3ND. LBWF employed Norfolk Property Services (NPS) to serve including Contract Administrator and CDM Coordinator. With asbestos; all asbestos within the existing building was to be removed (or managed) by NPS (where reasonably practicable), and removed (or managed) by NPS in possession of any of the sites and/or commenced any site works known to Mansell, seems not to have been met in regard to St Ma

Timeline Event:

February/March 2012 – Mansell tender bid submission and tender interview with LBWF and NPS.

12/03/12 - Initial e-mail reference to the award of the Contract to Mansell from Adam Dean (LBWF).

Documents, Pre Construction Information reviews and site visits

On being awarded the Contract, the Mansell Delivery Team completed a series of reviews on the tender and contract documents including the contents of the Pre-Construction Information (PCI), the Asbestos Survey Reports and Asbestos Management Plan Inspection Records in particular. A number of meetings and site visits was also undertaken with Mansell, LBWF, and/or NPS in attendance, and

Balfour Beatty Group Limited
Registered Office: 130 Wilton Road, London, SW1V 3JG
Registered in England number 1010779

Frisby & Co
solicitors

Criminal Defence Conveyancing Confiscation & Restraints
Regulatory & Business Personal Injury

URGENT

FAO: Mr Jon Cooper
Bond Dickinson LLP
Ballard House
West Hoe Road
Plymouth
PL1 3AE

Via Email Only

Our ref: NC/MM/MF – Squibb Group Ltd
Date: 9th March 2017

Dear Sirs,

Re: HSE v Squibb Group Ltd – T2016/0083
Trial – 13th March 2017
Updated Schedule of Non-sensitive Unused Material [3] & Disclosure

We continue to prosecute this matter as Solicitor Agent on behalf of the Health & Safety Executive.

In accordance with our continuing duty of disclosure, we enclose herein an Updated Schedule of Non-sensitive Unused Material [3] dated 9th March 2017.

You will see from this schedule that we have deemed the following items to be disclosable:

1. Item 92 in part
2. Item 94 in its entirety

These items are duly enclosed.

Yours faithfully,

FRISBY & CO SOLICITORS

Contact: Registered & Principal Office Frisby & Co Solicitors, Dunston Business Village,

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CROWN COURT SOUTHWARK

The image shows the exterior of the Crown Court Southwark. The building is constructed from light-colored bricks. A prominent feature is a dark brown, cantilevered canopy over the entrance, supported by two brick pillars. The name 'CROWN COURT SOUTHWARK' is displayed in large, gold, three-dimensional letters on the front edge of the canopy. The ground in front of the building is paved with red bricks. There are several windows visible on the upper and lower floors of the building.

Warwick School - South

Refurbishment and Demolition Survey Asbestos Report – Copy 1

April 2011

S-48378 / B120411PM1



Address of Site: Barrett Road, London, E17 3ND

Date(s) of Survey: 12 Apr 2011, 13 Apr 2011, 14 Apr 2011

Lead Surveyor(s) Phil Murden

Assistant Surveyor(s) Chris Knight

Report Prepared by: Phil Murden

Quality Control by: Shirley Lawrence

Project Manager: Richard Meehan

**Redhill Analysts
Project No:** S-48378

18 May 2011

20 May 2011

It should be noted that this survey was conducted whilst the building was partially occupied and all of the buildings services were live. As a result this has put limitations on the areas that could be accessed.

Although every care has been taken to identify all asbestos bearing products within this area, this survey does not include those areas where obtaining a sample would have caused undue damage to the building, risk the safety of our operatives or where access could not be gained. Asbestos should be assumed to be present within any areas not surveyed until a further assessment can be carried out.

Unless specifically identified within the report, no responsibility can be accepted by Redhill Analysts Ltd, for non-systematic use of asbestos within the property.

Initial Observations

Sprayed asbestos insulation has been identified in one location within the property. The insulation is sprayed directly onto the concrete ceiling presumably for fire protection. A number of concrete ceilings throughout the property have been painted and show signs of asbestos remediation works taking place. As the ceilings have been encapsulated it would be prudent to assume that the sprayed insulation was removed as far as reasonably practicable and then the surface was encapsulated. If penetrations are to be made to the ceilings and no historical data regarding asbestos removal works is available then further investigation may be required.

Where partition walls have been identified they have been penetrated using hole-saws to identify any fillet layers or decorative coatings present within. Without the removal of the entire partition it cannot be guaranteed that no ACM's are present within the void.

The inspection and testing was conducted during normal working hours of operation minimising any disruption to the occupiers as far as practical. It should be noted that occupied buildings place certain restrictions on the scope of the survey in respect of access and sampling strategy.

Refurbishment & Demolition Survey Requirements - Any areas not accessed are highlighted below and presumed to contain asbestos.		
Investigative Requirement – Based on Scope detailed in Section 3	Access Required?	Comment
Cavity walls	No	N/A
Partition Walls	Yes	All partition walls to be investigated
Glazing	Yes	Glazing to be inspected
Frames	Yes	Frames to be inspected
Floor boards	Yes	Investigate floor voids
Floor ducts – (specific details / layout needed) requiring specialist lifting equipment. (Specify if Covered floor ducts or known concealed floor ducts?)	Yes	Floor ducts to be inspected
Slab - Core drilling required? (specify depth / diameter)	No	Slab to be retained
Lift Shafts	N/A	N/A
Concealed Risers	Yes	Any possible risers identified on plans to be inspected
Ventilation trunking (Fume trunking should be specifically identified and assessed?)	Yes	Ventilation trunking to be inspected
Confined Spaces	No	No confined spaces identified
High level elevations up to 6 metres – Tower scaffold	Yes	Short duration ladder access
Access required above 6 metres – MEWP / fixed scaffold	Yes	Tower access required for Ground Floor gym and hall
Loft spaces – Access required (Note access will only be made where safe access and sufficient walkways are available)	Yes	Any loft spaces are to be accessed
Electrical Switchgear	No	N/A
Plant / Equipment	Yes	Inspection of plant required
Access required beyond known Asbestos installations	No	N/A
Access required beyond Asbestos installations identified during the survey (If yes a separate quote will be provided and may require an additional visits)	No	N/A
Roof access requiring specialist equipment / training	No	N/A
Other	None	

Note: If any activities are to be undertaken within the above areas then a further survey and assessment should be carried out prior to these works.

GUILTY



	Fines	Costs Awarded
Mansell / Balfour Beatty	£500 k	£32.5 k
Squibb	£400 k	£175 k
NPS London	£370 k	£32.5 k
TOTAL	£1.27 million	£240 k

Health [B](#)

Safety [B](#)

Professional Skills [B](#)

Industries [B](#)

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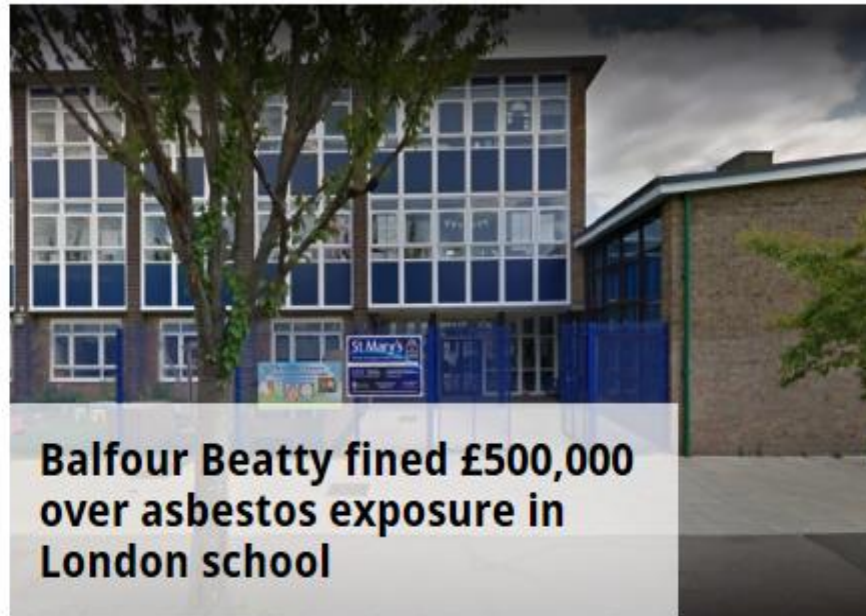
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Balfour Beatty fined £500,000 over asbestos exposure in London school

Elaine Knutt

26 July 2017

Health, Asbestos, Safety, Asbestos, Risk assessment



A former trading division of contractor Balfour Beatty, its client and its demolition contractor have together been fined £1.27m after exposing workers to asbestos during a project to create a new home for an expanding primary school.

The exposure took place in July 2012 at the site of the former Warwick School in Walthamstow, east London, which was being converted for St Mary's Primary School in a £3m project.

The school was partially occupied at the time, with pupils later having to be bussed to another site during remedial works.

Recommended articles:

[£750,000 asbestos fine for office-to-resi contractor Barroerock](#)

[Surprise HSE inspection caught hostel firms without asbestos survey](#)

[HSE reboots tripartite asbestos group](#)



Read the latest issue



PEOPLE
MATTER.

- SAFETY
- SECURITY
- HEALTH AT WORK



**Health and Safety
Offences, Corporate
Manslaughter and
Food Safety and
Hygiene Offences**
Definitive Guideline

The Nine Steps

1. Determine offence category using culpability and harm factors
2. Using offence category identify the relevant table (related to size of company determined by turnover) to determine the starting point for the fine. Then consider adjustment for aggravating and mitigating features.
3. “Step Back”
4. Consider other factors that may warrant adjustment of the fine.
5. Reduction for assistance to the prosecution
6. Reduction for guilty plea
7. Compensation and ancillary orders
8. Totality principle
9. Reasons

Step One – Culpability

Very high	<ul style="list-style-type: none">• Deliberate breach of or flagrant disregard for the law
High	<ul style="list-style-type: none">• Offender fell far short of the appropriate standard; for example, by<ul style="list-style-type: none">○ failing to put in place measures that are recognised standards in the industry○ ignoring concerns raised by employees or others○ failing to make appropriate changes following prior incident(s) exposing risks to health and safety○ allowing breaches to subsist over a long period of time• Evidence of serious and/or systemic failings within the organisation to address risks to health and safety
Medium	<ul style="list-style-type: none">• Offender fell short of the appropriate standard in a manner that falls between descriptions in “high” and “low” culpability categories• Systems were in place but these were not sufficiently adhered to or implemented
Low	<ul style="list-style-type: none">• Offender did not fall far short of appropriate standard; for example, because<ul style="list-style-type: none">○ significant efforts were made to address the risk although they were inadequate on this occasion○ there was no warning indicating a risk to health and safety• Failings were minor and occurred as an isolated incident

Step One – Harm Squibb

Seriousness of harm risked			
	Level A	Level B	Level C
	<ul style="list-style-type: none"> • Death • Physical or mental impairment resulting in lifelong dependency on third party care for basic needs • Significantly reduced life expectancy 	<ul style="list-style-type: none"> • Physical or mental impairment, not amounting to Level A, which has a substantial and long-term effect on the sufferer's ability to carry out normal day-to-day activities or on their ability to return to work • A progressive, permanent or irreversible condition 	<ul style="list-style-type: none"> • All other cases not falling within Level A or Level B
High Likelihood of harm	Harm category 1	Harm category 2	Harm category 3
Medium Likelihood of harm	Harm category 2	Harm category 3	Harm category 4
Low Likelihood of harm	Harm category 3	Harm category 4	Harm category 4 (start towards bottom of range)

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Step two – medium company (turnover £10 to £50 million)

	Starting point	Category range
Very high culpability		
Harm category 1	£1,600,000	£1,000,000 - £4,000,000
Harm category 2	£800,000	£400,000 - £2,000,000
Harm category 3	£400,000	£180,000 - £1,000,000
Harm category 4	£190,000	£90,000 - £500,000
High culpability		
Harm category 1	£950,000	£600,000 - £2,500,000
Harm category 2	£450,000	£220,000 - £1,200,000
Harm category 3	£210,000	£100,000 - £550,000
Harm category 4	£100,000	£50,000 - £250,000
Medium culpability		
Harm category 1	£540,000	£300,000 - £1,300,000
Harm category 2	£240,000	£100,000 - £600,000
Harm category 3	£100,000	£50,000 - £300,000
Harm category 4	£50,000	£20,000 - £130,000
Low culpability		
Harm category 1	£130,000	£75,000 - £300,000
Harm category 2	£40,000	£14,000 - £100,000
Harm category 3	£14,000	£3,000 - £60,000
Harm category 4	£3,000	£1,000 - £10,000

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Summary

- Culpability = HIGH
- Harm Category = 2
- Fine Starting Point = £450,000

- Mitigation = no previous convictions
- Mitigation = improved procedures since incident

- **£400 k FINE**

Battleground



Step One – Harm Squibb

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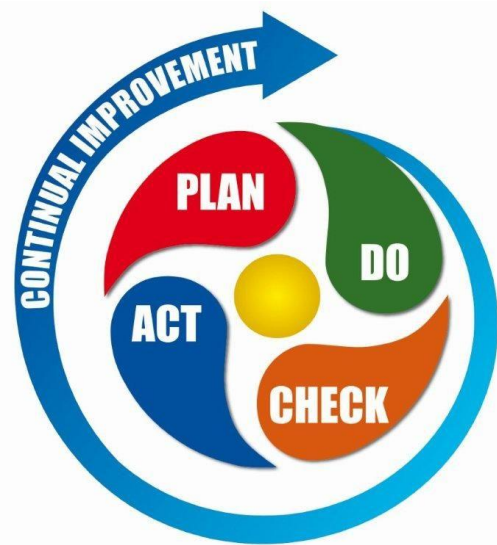
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And finally.....

- Monitor
- Review
- Revise / Act





robert.williams@hse.gov.uk