

# NASUWT

The Teachers' Union

## ASBESTOS: Advice for NASUWT Representatives

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This leaflet provides information and advice on asbestos in the workplace. The buildings affected are normally those built or refurbished between 1945 and 2000.

Asbestos should be properly managed by employers to comply with their statutory obligations.

## **The NASUWT position**

The NASUWT is campaigning to achieve the safe management of asbestos and asbestos containing materials (ACMs) within all educational establishments. The Union believes that a long-term strategy is required to ensure the complete removal of asbestos and ACMs from all buildings used for educational purposes.

All staff working in a school should be informed of the location of any asbestos in a building and, if the asbestos is accessible, awareness training should be provided.

## **The duty holder**

In England, the Control of Asbestos Regulations 2012 state that whoever has the responsibility for the maintenance and repair of a building has a duty to manage the asbestos in it. In virtually all educational settings, the duty holder will be the employer, e.g. local authority, governing body or academy trust.

Employers should identify who this is. The duty holder must take reasonable steps to find out if there are materials containing asbestos on the premises and, if so, how much, where it is and what condition it is in. Employers are required to complete five stages to comply with the law.

1. Check for asbestos on the premises or appoint someone else competent to do so;
2. Inspect the workplace to determine whether asbestos is present;
3. Assess the risks from any asbestos;
4. Manage the risk and prepare and plan; and
5. Monitor arrangements.

A survey should be carried out as detailed on the Health and Safety Executive (HSE) website at [www.hse.gov.uk/asbestos/campaign/duty.htm](http://www.hse.gov.uk/asbestos/campaign/duty.htm).

## **Health and Safety Representatives' asbestos checklist**

Health and Safety Representatives are requested to take the following action.

- **Request a copy of the asbestos register and asbestos management plan.** If either, or both, are not available or forthcoming, request in writing that they are provided within ten working days and state that you will need to refer the matter to the NASUWT if they are not provided within that time. If the documents are not provided, inform the NASUWT Workplace Representative immediately and refer the matter to the NASUWT Local Association Secretary.
- **Undertake regular workplace inspections and use the asbestos register and asbestos management plan to visually check asbestos and ACMs for flaking caused by ageing, wear and tear and damage, but without taking samples or interfering with the ACMs in any other way.** This is commonly known as a Type 1 visual survey to locate areas in which there may be asbestos and noting what condition it is in. The HSE advises that in this type of survey it should be presumed that material that can reasonably be expected to contain asbestos does so. It is only reasonable to exclude

materials where it is possible to be completely confident that they do not contain asbestos, i.e. glass, metal or wood (although asbestos may be hidden by them). A copy of the Type 1 survey should be sent to the NASUWT Local Association Secretary.

- **If exposed asbestos is identified** in a deteriorated or damaged condition, the area should be sealed off immediately and an air test should be conducted by an expert accredited by the United Kingdom Accreditation Service (UKAS). A licence must be obtained from the HSE before any work is undertaken where there is a danger of high levels of asbestos fibre being released. Work which releases small amounts of asbestos dust will not normally require a licence, but will still be notifiable to the HSE. This work still needs to be done by competent, trained workers in accordance with a plan of work, using appropriate control measures.
- **Report any concerns** about asbestos to the headteacher in order that checks can be made by a competent person on the condition of the material. If asbestos is found, the Health and Safety Representative should ascertain via the headteacher what action the employer intends to take. If there is either resistance to carrying out checks or an unsatisfactory response to the carrying out of the necessary action, the NASUWT Workplace Representative should be alerted and the matter referred immediately to the NASUWT Local Association Secretary.
- **Check whenever work is due to take place within the school/college that may disturb asbestos that the asbestos register is provided to whoever is going to be doing the work**, whether it will be done by the school caretaker, other support staff, or by external contractors. Ideally, asbestos and ACMs should be clearly marked.
- **Seek to secure agreement from the employer for the labelling of asbestos in the premises and the frequent monitoring of ACMs**, which must be undertaken by a competent person for the school/college.

## **What to do if work is taking place on site**

The NASUWT Representative should be consulted at all stages. If work is planned in areas where asbestos is or could be present, then the NASUWT Workplace Representative should approach the employer to ensure that:

- **a Type 2 survey is undertaken**. This involves sample analysis and should only be carried out by a specially trained competent person, who has personnel certification for asbestos surveys from a certification body that has been approved by the UKAS;
- **a risk assessment is carried out by a competent person** and that a copy of that risk assessment has been provided to the appropriate NASUWT Workplace Representative;
- **a licence is obtained from the HSE** before any work is undertaken where there is a danger of high levels of asbestos fibres being released. Only specially licensed contractors should be brought in to either seal off or remove asbestos;
- **detailed work plans are made before any work begins that is likely to involve asbestos**. These plans should be made available to all staff and to the NASUWT Workplace Representative, especially before any major renovation or demolition work is undertaken;
- **an effective health and safety plan has been drawn up** which takes all reasonable steps to ensure the health, safety and welfare at work of all employees, pupils, volunteers and visitors to the site;

- all asbestos is removed from the premises in a safe manner. Removal is generally to be preferred but carries its own risk of disturbing fibres. The headteacher should be asked what action s/he intends to take. If there are concerns about the response that relates to the carrying out of the action necessary to ensure the safety of NASUWT members, the matter should immediately be referred to the NASUWT Local Association Secretary;

**Confirm with the headteacher that:**

- steps will be taken to prevent the creation of dust (e.g. by damping down the work);
- asbestos material will not be broken up and will be properly double bagged, labelled and removed for disposal at a licensed site;
- the site will be cleaned with suitable equipment (technically a type H vacuum cleaner complying with BS 5415); and
- all unnecessary personnel will be kept out of the area of work and that the area will be appropriately sealed.

Unless the work is of an urgent nature, asbestos removal works, or works involving large amounts of asbestos, should only be undertaken during closure periods, e.g. school holidays.

If work is to be undertaken and there have been no previous checks for asbestos, the concerns must be raised immediately with the headteacher and advice sought from the NASUWT Local Association Secretary if the response is unsatisfactory.

Anyone undertaking any sort of work on ACMs must be competent, adequately trained and use safe working methods. Licensed contractors must be used for most work with asbestos insulation, asbestos insulating boards and asbestos coatings. Asbestos waste, whether in small or large amounts, needs to be properly contained and disposed of in accordance with the Hazardous Waste Regulations 2005, the Waste (England and Wales) Regulations 2011, and the Special Waste Regulations 1996, as amended.

**Once work is completed**

At the end of the work, air tests should be conducted to ensure it is safe to return to work in these areas. The Control of Asbestos Regulations require that specially licensed experts are commissioned to undertake the air test. The Regulations provide a ‘control limit’ for exposure to asbestos fibres that should not be exceeded. This limit is set at 0.1 fibres per millilitre of air over a four-hour period for any form of asbestos. Both the employer and the NASUWT Health and Safety Representative should be satisfied that the area is safe before renewed occupancy is agreed to. All air testing, sampling of asbestos and clearance certification must be carried out by someone who is accredited by the UKAS.

**Exposure to asbestos fibres**

The NASUWT Health and Safety Representative should advise any NASUWT member who suspects that they have been exposed to asbestos fibres to contact their doctor. This will ensure that the incident will be recorded in their medical file. Members should make an entry in the school/college accident book and submit a BI95 form to the local Benefits/Social Security/Jobcentre Plus office to ensure that it is recorded as an industrial disease. It can also be done via [www.dwp.gov.uk](http://www.dwp.gov.uk). Any member wishing to pursue a legal claim for an employment-related industrial disease should telephone the Union’s free legal advice line on **0808 100 2221**.

## **For further information**

The following are all available at [www.legislation.gov.uk](http://www.legislation.gov.uk).

The Control of Asbestos Regulations 2012.

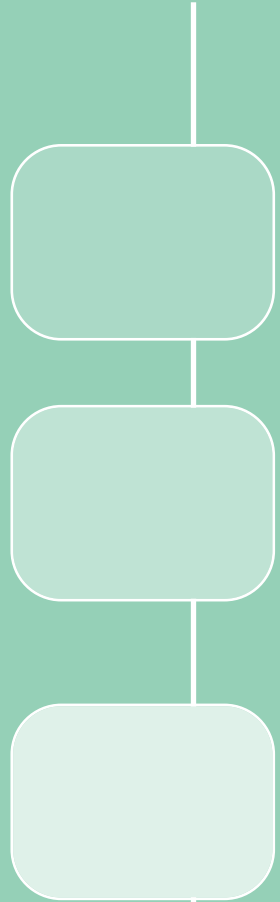
The Hazardous Waste Regulations 2005 and the Waste (England and Wales) Regulations 2011.

For a list of accredited asbestos-testing laboratories throughout the UK, visit the UKAS website [www.ukas.org.uk](http://www.ukas.org.uk).

HSE asbestos website [www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos).

HSE notice to governors, proprietors and headteachers of schools in England and Wales about the duty to manage the risk from asbestos in buildings [www.hse.gov.uk/services/education](http://www.hse.gov.uk/services/education).

DfE Guidance on [gov.uk](http://gov.uk) – Managing asbestos in your school.



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