

Risk Audit - Case File

The debt crisis and the need to make significant cuts in the public sector have led to Chadwick Valley MDC having to examine the delivery of all of its services. Central to this has been the more efficient occupation of its different council buildings around the Borough, and the focus has fallen on the 'Old Town Hall', a late 19th Century building in the centre of town. Originally constructed as a Hotel, 'The Dorsetshire', as it was then known, only remained as such until the outbreak of the 1st World War, when it was requisitioned by the War Office as a military hospital, and it was only with the peace, that it became the home of Chadwick Urban District Council, and subsequently, CVMDC following reorganisation in 1974.

The Council's policy-makers have identified several out-lying buildings (especially those set in grounds with potential as development land) for sale, and the transfer of the services and staff to the Old Town Hall will need to be completed by the end of the year. Needless to say, there is much unhappiness amongst staff and the trades unions about this, but it is accepted that 'extreme times require extreme measures' and there is a determination on the part of CVMDC to see these through, though only after careful consultation.

Learning from the experience of other local authorities, CVMDC is demonstrating its commitment to the interests of staff by engaging in an extensive programme of consultation, and have drawn up plans to effect the changes as painlessly as possible. Accordingly, the Cabinet has invited the Chief Executive to convene a series of ad hoc sub-committees for this purpose, instructing a firm of management consultants to examine the best use of the space available. Central to the success of this project is the Head of Administrative Services, who in tandem with the Director of Human Resources, is looking into the managerial and personal implications for the staff affected.

It is an enlightened move that finds you representing the Environmental Health Department on the 'Logistics' sub-committee, and you have been invited to attend the next meeting, with a wide brief to advise on the health impacts that the move might have, both during the physical transfer, and in the early months of occupation of the Old Town Hall. In order that you should not be side-tracked or diverted from your task, it has been decided that you should be seconded to the Department of Administrative Services for 3 months.

Although you are a fully-qualified EHP, you have only been at CVMDC for about a year. Even before you attend the first meeting you voice your concerns about not having sufficient detailed knowledge of the Council and its systems. However, neither your line manager nor the Chief Executive think that this is in any way a problem; indeed, both think that it will give you an advantage as you will look at the issues more objectively and dispassionately. The first technical meeting of the 'Logistics' sub-committee is scheduled for 26th July, so it is clear that, before then, you will need to survey the Old Town Hall, consider how it might be once new forms of work activity have transferred across, and then bring this all together into a report. In advance of this you decide to undertake a brief 'tour' of the building with one of the managers who knows it well.

However, before even this takes place you decide to consult with some of the longer-serving members of staff about the occupation of the building. From this it is clear that one of the more difficult areas of the building to consider for intensive occupation is the basement, as it currently only serves to house the boiler-room and the Council's Technical Services Department's 'stores', where orders for such things as paint, tools, protective clothing etc. are supplied to operatives. As it is pointed out to you, when space was abundant there was never any real need to consider the basement for any other purpose than as a store, though, in 1975, the 'Emergency Plan' drawn up by councils in the region, resulted in the construction of the 'nuclear shelter' (known universally as 'the bunker') in the basement. Built in steel with massive hinged doors and at very considerable expense, 'the bunker' was designed to protect key politicians and technical staff in the event of nuclear attack. However, with the end of the 'Cold War' the structure became a repository for documents, traffic signals, old desks and the like.

Although clearly with very limited natural lighting and ventilation, the basement provides a significant space. The plan that the management consultants have come up with, sees 'the bunker' mainly used for storage purposes, with two open-plan areas either side to accommodate a newly-amalgamated Planning / Building Control Department. A detailed plan is still awaited, but you are told that both spaces will have 'work stations' for 12 office-based, administrative and managerial staff, and 8 'hot desks' for the field officers and technical inspectors to use when not out on the district

Hot water for sinks and space heating in the building is currently supplied by a boiler burning 'medium' fuel oil, with a tank located in the 'courtyard' - an open area at the centre of the building. However, a greater occupation of the building is inevitably going to have implications for heating and hot-water demand, and the Council are keen to see their 'green credentials' recognised. As a consequence, there is pressure being brought to bear in some quarters for any supplementary boiler system to use biomass fuel.

In addition to the offices, the Council is keen to maintain 'space' for staff to use for rest-breaks, lunch and unofficial meetings. Accordingly, a lounge with access to 'the courtyard' and a 'galley kitchen' is planned where staff can obtain hot drinks from a machine and boxed 'ready-meals' from vending machines for heating up in a micro-wave oven. Otherwise, there is a need to consider sanitary facilities for staff, given that there is only one WC, 2 urinal stalls and one wash-hand basin in the 'Mens' compartment, and one WC and one wash-hand basin in the 'Ladies'. On current thinking there will be around 50 people working in the basement, and one can expect a comparable number of men to women. The only other thing you note is that there is a service lift (marked: 'For Goods Only') measuring 1.5m square and 2.5m high. It has a maximum weight limit of 250kg.

Your 'quick tour' of the building with your 'guide' reveals a number of features that will need to be investigated further. The most significant is uncovered when you finally manage to gain entry to a room adjacent to the relatively new boiler-room, the door of which bears a chalked warning 'Keep Out'. Even your colleague cannot recall what is contained within, and when a

key cannot be located, you call for a member of the Estates Department to make forced entry. The door is duly opened to reveal a long-since disused boiler of 1930s vintage, and some old, and very dusty theatre seats, Edwardian chandeliers and boxes of council minutes, the last dating from the early 1960s. Using torch light you train the beam on an area of damaged ceiling plaster from which you notice a grey, fibrous material exposed. Your colleague is already raking around in the boxes of documents looking for items of interest, but you insist that you should leave the room immediately, securing the door after you.

The discovery of a suspicious material in the old boiler-room focuses your attention on the insulation behind the walls and ceilings elsewhere in the basement, and it is a relief to find that the major refurbishments made at the time of the construction of 'the bunker', 35 years ago, involved a renewal of all surfaces, in some places requiring the imposition of steel and lead cladding. What is apparent in these places is just how low the ceiling is, especially as in one of the areas destined to be used as an office, the ceiling height is only 2.2m. In this area it will be impossible to suspend the ceiling and install concealed lighting and so it has been suggested that the strip fluorescent tubes should be retained.

You next turn your attention to the area earmarked for the rest-room / kitchen. Sensibly, the area chosen for this is pretty much the kitchen / dining room of 'the bunker', so taking advantage of the sophisticated, filtered ventilation system that had to be installed during its construction. You have been given an inventory of the fixtures and fittings for the new facility, which includes a small work-top, double-sink and drainer, two food vending machines and two microwave ovens. Although much is made in the management consultants' report about the cost-savings of using chilled, pre-packaged foods, this will almost certainly mean constructing a storage facility in 'the courtyard', so being close to the service lift.

As you are concluding your 'tour', and trying to visualise how to make the best use of 'the courtyard', it is questionable whether you or your colleague is more startled by the encounter with a large brown rat (*Rattus norvegicus*) as it emerges from an old vent pipe. This prompts you to ask the Estates person who is still with what he knows about arrangements for pest control at the Old Town Hall. He replies that he believes the Council has a contract with a local company, 'PestDead', who provides its standard 'Business' treatment service, involving a quarterly inspection for rodents, birds and cockroaches. Not surprisingly, you learn that their next visit is 'about due'.

Risk Audit - Case file on day

Although the brief tour of the basement at the Old Town Hall was useful, your subsequent inspection is made with rather more information to hand about the move and the subsequent occupation of the building. One thing that keeps cropping up in e-mail traffic between members and the senior officers is just how quickly the Council wants to see the staff transferred, and since there are a number of things that you will need to explore, it's vital that you act ahead of the Logistics sub-committee meeting on 26th July.

Accordingly, you carry out an inspection with a representative of the Planning & Building Control Department (she is also a shop steward for the trades union representing the bulk of the staff to be transferred) and a junior member of staff from the Estates Department to assist in gaining access the different parts of the building. In no particular order the different things you see and do are recorded, and these are detailed below, together with an e-mail message, with occasional observations representing your thoughts as you reflect upon the inspection. Also detailed below are some documents that you have assembled, and these may prove useful in any correspondence you have ahead of the meeting on 26th July, and at the meeting itself.

The first thing to consider is the plan of the basement which you have sketched and is provided to you for consideration. You may recall that you requested the Council to furnish a detailed plan, but it seems that the one that accompanied the construction of 'The Bunker' back in 1975 has been 'lost', along with just about every other record of the basement as a working area. The only thing of any value is an old 'black and white' photograph of the basement as it was in 1940 when it provided an air-raid shelter for dancers using the 'grand hall' at the Old Town Hall (later converted into the Council Chamber and Mayor's Parlour).

The areas assigned for office space are, as has been identified already, lacking in natural light and ventilation, although, as it turns out, only relatively small areas in each have ceiling heights as low as 2.2 metres, and these can be used for housing filing cabinets, plan drawers and cupboards for surveying equipment. Of rather greater concern now is the fact that the management consultants want to put more workstations into the two spaces assigned for officers – Space A and Space B on the plan – than they had previously indicated, that they want to achieve this by supplying smaller desks and having 16 of these facing outwards and against the walls together with a central 'island' of 8 desks facing each other, thus providing accommodation for 32 staff in each 'Space'. Taking out columns and the areas of very low ceiling height, this means each area measures 17m x 8m, with a nominal ceiling height of 2.5m

When you request sight of what these desks will look like you are sent a page out of a well-known discount retailer's catalogue that confirm their dimensions (in mm) as 900(W) x 600(D)x760(H) . You have already obtained the dimensions of the computers being transferred with the staff and with the display screen 50mm away from the wall, the keyboard will need to be almost against the stand of the display screen. You reckon that the free space available either side of the screen and keyboard will measure no more than 250mm. Currently, with the fluorescent tubes as they are arranged you think it likely that a VDU operator will have two or three tubes reflected off of their screens, depending upon their location within the space.

You previously noted that they intend to recommend high gloss paint for use on the walls and ceiling to increase the illumination. Voicing your concerns about the space available to the

office staff, you are slightly taken aback when you receive a telephone call from one of the consultants that includes the line: "*Look, these people are lucky to have a job given the state of things, so I can't see them complaining about it being a bit cosy down there*".

This sense of a lack of care about the staff is further borne out when you mention the sanitary accommodation and other things to do with staff welfare. You recall that initially you were told there were going to be 50 staff transferred across, but now it appears that there are going to be 64 in the basement at any one time (the Technical Services Department stores are to move out to one of its depots before the migration of staff to the Old Town Hall begins), and as things presently stand, this will comprise of 42 women and 22 men. Again, the management consultants are the source of 'bad news' when they indicate that the space that might have been made available for additional toilet accommodation will need to be allocated for 'secure storage' of important documents, including contracts, mortgages and bonds. Although you note that there are no plans to increase the sanitary accommodation beyond its present capacity, your measurements suggest that with some suitable alterations to layout, that two further WCs and 2 wash-hand basins could be installed.

Turning to the suggested lounge/rest area with integral 'galley kitchen', it was indicated previously that this would be created in an area of 'The Bunker', with the 'lounge' extending out to the 'courtyard' via a set of French windows. The management consultants tell you that this has had to be slightly modified because of cost, and though they will be recommending the installation of a vending machine dispensing chilled food for cooking in the micro-wave oven, they see no reason to install a sink (as shown on your sketch plan), or indeed to have any food preparation facilities available, save for a melamine worktop. The idea of installing a chiller unit in 'the courtyard' has been rejected; instead, the vending machine will be serviced on a daily basis by an outside contractor. Two stools will be provided for staff waiting for their meals to cook. Disposable plates and cutlery will be available (thus, no need to provide a sink) and as the rather insensitive management consultant puts it "*...they can eat at their desks like we have to*".

Turning to the problems encountered previously, you recall the e-mail response to the questions you put to the Estates' Manager, Mr Fred Quigley after your tour of the basement and addressing each point in turn:

RE: The Basement, Old Town Hall
Quigley, Fred
Sent: 22nd June 2010: 15.35
To: Candidate, A

Dear A,

Further to our telephone conversation yesterday, I'd like to confirm some of the things I said to you yesterday and provide clarification on several other matters that might help you put together your report.

'Old' boiler-room - unidentified fibrous material

We wondered whether you'd stumble across this room! Had we'd known you were going on the tour of the building the other day, would have told you about it. I'm afraid there's nothing on file about this (actually, we can't seem to find the file!) but what I heard when I came to Chadwick Valley MDC in 1990 was that the room was 'missed' when 'The Bunker' was constructed and the sprayed asbestos insulation to the ceiling, and cladding to pipe-work, was stripped out in the 70s. Apparently, the then Town Clerk (he's long since deceased) on hearing that the room was 'riddled' with the stuff suggested that rather than cause any further disruption it would be enough to lock the room up and literally 'throw away the key'. Until now, even the HSE inspectors have accepted that the room was nothing to be too concerned about and it had been customary to put something in front of the door when a health and safety inspection is due (I'd rather you didn't make too much of this, for obvious reasons). I can assure you that otherwise the rest of the basement is asbestos-free. Clearly if we are going to follow the instruction 'to use every square inch of space' we're going to have to look at doing something more imaginative now, though I have to admit to not being terribly up-to-date on asbestos, so we'd appreciate your advice on this matter.

Service Lift

I'm afraid that we can't find any record of when this was first installed, though suspect that it may have originally been a dumb-waiter from the brief time that the building was a hotel, and the basement was the kitchen. According to the insurance record, the present lift was installed in 1975 (again, at the time that 'The Bunker' was constructed) but it has been out of action for months on end in recent years, and we are forever having it repaired. I'm afraid that you might well hear about an 'incident' about five years ago when a storeman from the Technical Services department stores 'accompanied' a delivery of stock and was stuck in the lift when it stopped between floors. Unfortunately, he was unable to raise the alarm and so spent an uncomfortable night in the lift. His mother reported the incident to the HSE and the Council received a considerable 'ticking off' for not doing more to warn staff not to ride in the lift. Certainly we'd like to see something done with it, and this would seem to be the time to do it. We might need to think about disabled access at some time, though there's no plan to invite the public down to see officers in the basement as they will be seen in the foyer on the ground floor. Still, the stairs are a bit steep.

Pest Control

Council policy currently states that in buildings where food is not stored or prepared, or putrescible waste is not held before collection, Estates can negotiate a minimum contract with 'Pestdead'. However, I've got to admit that they're not a particularly good firm, and word has it that they got the contract way back when because their MD was a golfing chum of the former chair of the Estates and Amenities Committee. I have to say that my staff have described the Old Town Hall as a 'zoo' at times, with a variety of pest infestations arising over the last few years, but with no-one (other than the stores staff) working down there it has been a case, again, of 'fire-fighting' problems, as and when. However, I've got to admit that the pigeon problem has got so bad in the last couple of years, with dozens roosting in 'the courtyard' every night, that I have to send a junior member of staff down there every few months to shovel out the droppings. Someone upstairs in the Recreations department' is constantly complaining that

the droppings are a threat to human health, but I'm not sure as my father kept pigeons and he was never ill.

Please let me know if you need anything more from Estates on the matters detailed above. I can't say I'm too happy with the way things are in the basement, and I dare say someone will want to bring me to book on the asbestos, but until this crisis no-one paid the slightest interest in the basement, and the old adage 'out of sight is out of mind' has applied for so long that the basement has rather fallen off my radar. Anyway, I'm due to retire next April so it will probably be someone else who has to pick up the pieces, but I'm pleased that there's someone overseeing this from within the Council, as I don't think the consultants care much for the welfare of the Council staff so long as they can meet their quotas, but don't quote me on that!

Wishing you well,

Fred Quigley
Building Estates Manager,
Estates Department,
CVMDC

Document 1 - selected Information on VDUs / DSEs based on the HSE Guidance and adapted by the University of Leeds, reproduced here with thanks.

Requirements for an office 'Work-station'.

Work-stations must meet minimum specified requirements as described in the schedule to the Display Screen Equipment Regulations. The environment in which the workstation is located should not contribute to the risks to which the *User* may be exposed. The requirements relate to the individual components of a workstation, and they should have the effect of securing the health, safety and welfare of the person at work. All equipment must satisfy the relevant safety standards in force at the time of purchase, *Users/Operators* must be protected from the risk of electric shock, and DSE should be maintained and inspected when required.

There are a number of factors which must be considered when ensuring the workstation meets the minimum specified requirements and these are:-

Equipment

Workstation components must have certain features which allow them to be adjusted so that the *User* can maintain a satisfactory posture and workstation layout. The use of this equipment should not be a source of risk for the *User*.

Display screen.

The screen should be of a sufficient size and clarity to facilitate easy reading.

Characters must be well defined, clearly formed, of adequate size and with adequate spacing between the characters and lines to facilitate easy reading.

The image on the screen should be stable and free from flicker. The refresh rate should provide flicker-free images. Characters should not remain superimposed on the screen creating confusing displays.

- Brightness and contrast should be easily adjustable, and adjustable to the working environment.
- The screen should swivel and tilt easily and freely to suit the *User's* needs. All controls should be within easy reach, and all display and indicator lights should be readily visible from the normal operating position.
- It should be possible to use a separate base for the screen, or have an adjustable table.
- The screen should be free from reflected glare and reflections.

Keyboard

- It should be tiltable and separate from the screen to allow a comfortable working position to be achieved.
- The space in front of the keyboard should be sufficient to provide support for the hands or arms of the *User*.
- The keyboard should have a matt surface to prevent glare.

- The symbols on the keys should be legible from the working position and not worn away. The keys should be sufficient in size to minimise the possibility of error during use.

Work desk or work surface

- Shall provide a sufficiently large, low reflective surface (matt finish) and allow a flexible arrangement of the screen, keyboard, documents and related equipment.
- Document holders if used, should be stable, adjustable and positioned to avoid uncomfortable head and eye movements.
- There should be adequate space available to allow *Users* to find a comfortable position i.e. provide enough leg clearance and be at a working height which is comfortable.

Work Chair

- Shall be stable (e.g. 5 castor) and allow the *User* easy freedom of movement. It should allow the *User* to achieve a comfortable position.
- The seat back rest shall be adjustable in height.
- The seat shall be adjustable in both height and tilt.
- Arm rests may be preferred by some operators.
- A footrest must be made available to any *User* who requests one. However, footrests should not be used when they are not necessary as this can result in poor posture.

Environment

Space requirements

- The workstation should be of a size that allows the *User* enough space to change position and vary movements. There should be sufficient space to allow the *User* to get in and out of the workstation.
- The space made available to a *User / Operator* must comply with The Workplace (Health, Safety and Welfare) Regulations 1992, and provide a minimum volume per person of 11m³.

Lighting, reflection and glare

Lighting (natural or artificial) should provide sufficient contrast between the screen and background environment, taking into account the visual requirements of the *User*.

- Possible disturbing glare and reflections should be prevented by co-ordination of workstation layout with the positioning of artificial light sources.
- Workstations should be designed to prevent windows, other openings and brightly coloured fixtures on walls to cause no direct glare or direct reflections on the screen.
- Blinds or other adjustable coverings should be fitted to windows to reduce daylight falling directly onto the screen.

Noise, heat and humidity

- Noise levels from equipment belonging to workstations, or other ancillary equipment should be such that attention is not distracted, or disturb normal conversation.

- Electronic equipment can be a source of dry heat that may affect the thermal environment around the workstation. Ventilation, heating and humidity should be maintained at levels that prevent discomfort for the *User/Operator*.

Daily work routine

It is important to vary the work routine and allow *Users* to take a few minutes off every hour or so to alter the activity, e.g. filing, organising other work, delivering completed work and so on. Short, frequent breaks are more beneficial than occasional, longer breaks. Breaks should allow the *User* to vary their posture, and could include exercise routines including blinking, stretching, and focussing the eyes on distant objects.

- Breaks should be taken before the onset of fatigue, and not used in order to recover from it.
- Breaks or changes of activity should be included as part of the working period.
- Short frequent breaks are more beneficial than longer less frequent ones e.g. 5 – 10 minutes every 50 – 60 minutes rather than 15 minutes every 2 hours.
- Where possible, breaks should be taken away from the screen.

For some DSE work, e.g. clerical work requiring continuous and sustained attention and concentration, together with high data entry rates, such natural breaks are possibly less frequent. Where work of this nature takes place and natural rest breaks do not occur, rest breaks must be introduced which should help maintain attention and concentration.

It is not appropriate to lay down requirements for breaks which apply to all types of work; it is the nature of the work that determines the length of break necessary to prevent fatigue. *Users* should be given some discretion over when to take breaks. However, if *Users* forego breaks, it may be necessary for employers to lay down minimum requirements for the frequency of breaks e.g. where a *User* doesn't take breaks in order to use the time to leave work early.

Document 2 – Taken from the HSE guidance on the sanitary requirements under the Workplace (Health, Safety and Welfare) Regulations 1992 entitled: ‘How many toilets should a workplace have?’

The relevant legislation is the Workplace (Health, Safety and Welfare) Regulations 1992. Regulation 20 (Sanitary conveniences), states:

- Suitable and sufficient sanitary conveniences shall be provided at readily accessible places.
- Without prejudice to the generality of paragraph (1), sanitary conveniences shall not be suitable unless –
 - o the rooms containing them are adequately ventilated and lit;
 - o they and the rooms containing them are kept in a clean and orderly condition; and
 - o separate rooms containing conveniences are provided for men and women except where and so far as each convenience is in a separate room the door of which is capable of being secured from inside.

The Approved code of practice goes on to give minimum numbers of facilities: (The number of people at work shown in column 1 refers to the maximum number likely to be in the workplace at any one time)

Number of toilets and washbasins for mixed use (or women only):

Number of people at work	Number of toilets	Number of washbasins
1-5	1	1
6-25	2	2
26-50	3	3
51-75	4	4
76-100	5	5

Toilets used by men only:

Number of men at work	Number of toilets	Number of urinals
1-15	1	1
16-30	2	1
31-45	2	2
46-60	3	2
61-75	3	3
76-90	4	3
91-100	4	4

References

L24, Workplace health, safety and welfare, approved code of practice and guidance, (ISBN 0717604136 - available from HSE Books).

Document 3 - Abridged text taken from the HSE document: 'A short guide to managing asbestos in premises' [INDG223(rev4 – 11/09)]

Presume the material is asbestos

You should always presume any material contains asbestos unless there is strong evidence to suggest it does not. Some material obviously does not contain asbestos such as glass, solid wooden doors, floorboards, bricks and stone. The building plans may provide evidence that non-ACMs were used. If you have any doubts about any of the materials on your premises you must presume contains asbestos.

Survey and sample for asbestos

In some cases, where you have no maintenance work planned and/or the premises are small, it may be appropriate for you to carry out your own assessment inspection. However, you may choose to employ a suitably trained person to do a survey of the premises to identify ACMs, particularly if you are planning maintenance or refurbishment of the premises or installing wiring or pipework/ ducting. They may also be able to advise you on what you need to do and what to include in your management plan. You should ask the person or organisation:

- if they are accredited or certificated for asbestos survey work;
- for evidence of their training and experience in such work; and
- for evidence that they have suitable liability insurance.

If you suspect materials contain asbestos, you may need to have samples analysed. Often, this is the only certain way of identifying if a material does contain asbestos. Samples should only be taken by suitably trained people. Do not break or damage any material which may contain asbestos to try to identify it.

The United Kingdom Accreditation Service (UKAS) has developed an accreditation scheme for organisations which do asbestos surveys. UKAS already has a separate accreditation scheme for sampling and analysis of asbestos in materials. An accredited company is likely to employ suitably trained people for these types of work. But you should check what the firm is accredited for, as some will only be qualified to do surveys and take samples and others only to analyse samples (the UKAS website address is: www.ukas.com). Individuals may also be certificated as technically competent to carry out asbestos surveys. They can be certificated under the Asbestos Building Inspectors Certification Scheme. Personnel certification schemes do not necessarily look at the quality of the procedures and systems used by the whole organisation, whereas the UKAS accreditation scheme will have assessed these. Surveys may also be undertaken by other competent surveyors who have the appropriate combination of qualifications and experience. Firms are generally listed in Yellow Pages and other business directories. Organisations that carry out asbestos analysis and identification are listed under 'laboratories' or 'asbestos analysts'. Alternatively, you can ring UKAS on 020 8917 8400 or e-mail them at info@ukas.com for information on accredited organisations.

The survey should have identified what type of ACMs are present and where they are. There are two further stages to consider before you can fully develop your risk assessment - what condition are the ACMs in and are they being disturbed or likely to be disturbed?

Assess the condition of any ACMs

The type of ACM, the amount of it and its condition will determine its potential to release asbestos fibres into the air, if disturbed. The condition of ACMs can be considered by addressing a series of questions:

- Is the surface of the material damaged, frayed or scratched?
- Are the surface sealants peeling or breaking off?
- Is the material becoming detached from its base? (This is a particular problem with pipe and boiler lagging and sprayed coatings.)
- Are protective coverings, designed to protect the material, missing or damaged?
- Is there asbestos dust or debris from damage near the material?

If the asbestos-containing materials in your premises are in poor condition you will have to arrange repairs or have them sealed, enclosed or removed.

Record where the asbestos or presumed asbestos is and its condition

You need to prepare a drawing or some other record which shows where the asbestos or presumed asbestos is, the type if known, its form, and what condition it is in. The drawing should be simple, clear and always available at the premises so that you, or any other person that needs to know where the ACMs are, can easily find them. If it is stored electronically via the Internet or on a PC database, it can be easier to update.

There may be some areas of the premises which you cannot look at, such as in roofs and heating ducts and behind wall partitions. You should note these on your drawing and presume ACMs may be present, unless you have strong evidence for thinking this is highly unlikely.

Assess the potential risk from the ACMs

You must assess whether the ACMs are being or are likely to be disturbed. Usually disturbance is created by people working on or near the ACMs. You will then need to assess the likelihood of each ACM being disturbed to decide what action to take to manage and control the potential risks. To do this you will need to consider the following factors:

- the information gathered on the location, amount and condition of the ACM;
- if the ACM is in a position where it is likely to be disturbed;
- how much ACM is present;
- whether there is easy access to the ACM;
- whether people work near the ACM in a way that is liable to disturb it;
- if it is close to areas in which people normally work when it is disturbed;
- the numbers of people who use the area where the ACM is; and if maintenance work, refurbishment or other work on the premises is likely to be carried out where the ACM is.

You will need to prepare and implement a plan to manage these risks.

Decide what to do

Asbestos in good condition

If the asbestos is:

- in good condition; and
- is not likely to be damaged; and
- is not likely to be worked on or disturbed;

it is usually safer to leave it in place and manage it.

Asbestos in poor condition

If the asbestos is in poor condition or is likely to be damaged or disturbed you will need to decide whether it should be repaired, sealed, enclosed or removed. If you are unsure of the condition of the asbestos and cannot decide what action to take, seek specialist advice from an asbestos surveyor, a laboratory or a licensed contractor.

Take appropriate action

Managing asbestos left in place

If you decide to leave in place ACMs or presumed ACMs that are in good condition, make a note of where they are on your drawing or other records and keep this information up to date. Setting up a register of the location and condition of ACMs in buildings is a good idea, but be aware that some hidden asbestos may also be present.

You must make sure that everyone who needs to know about the asbestos is effectively alerted to its presence. You can label ACMs clearly with the asbestos warning sign (above left), or use some other warning system (for example colour coding). If you decide not to label the asbestos, you need to make sure that those who might work on the material know that it contains or may contain asbestos. You will need to introduce a method that will ensure anyone in-house or who comes to carry out work on the premises does not start before they are given the relevant information on any asbestos present. For example, a permit-to-work system, where you control access to the premises and only allow people in with a permit, would be one suitable method. This means that no one is allowed to work on the premises, unless they have a permit from you or a nominated employee, so you know what they are working on and where, to prevent asbestos being accidentally disturbed. The information should be supplied well before work is intended to start so that the correct precautions can be implemented.

It can save time and prevent confusion if you make a note of the location of non-asbestos material which could be mistaken for asbestos.

Repair and removal

Some damaged asbestos can be made safe by repairing it and either sealing or enclosing it to prevent further damage. If this can be done safely, mark the area after it has been repaired and make sure it is on your list of asbestos locations (see 'Record where the asbestos or presumed asbestos is and its condition').

If asbestos is likely to be disturbed during routine maintenance work or daily use of the building it will release fibres. If it cannot be easily repaired and protected, you should have it removed. This work must be carried out by someone trained and competent to carry out the task. Remember most work on asbestos insulation, asbestos insulating board and lagging, including sealing and removal, should normally be done by a contractor licensed by HSE.

Check what you've done

Make sure that you have an effective plan for inspecting ACMs left in place, including those you have sealed or enclosed, to make sure that the condition has not changed. The time between inspections will depend on the type of material, where it is and its condition, but it should be at least every six to 12 months.

Monitor and review the effectiveness of the plan

You will need to check that the arrangements to control the risk, set out in your plan, have been put in place and are working effectively. You must also review the plan if there are significant changes that will affect these arrangements, for example if you do different sorts of work on the premises, or if any of the ACMs are removed.

What should you tell your workers/ contractors?

The duty requires that you make information on the location and condition of the asbestos available to anyone liable to work on it or disturb it. Make sure that employees involved in building maintenance work and any contractors working on the premises know that the building contains or may contain asbestos. You should also tell them where it is and make sure they know there are potential risks to their health if they disturb it. You may also need to tell anyone installing telephones, computers or any electrical equipment, as they also may disturb asbestos. Make them all aware of the drawing or record showing where the ACM is and the possibility of coming across hidden ACMs which might not be recorded. If workers/contractors do have to work on materials containing asbestos you must make sure that they know they are working with asbestos and what precautions they should take.

Make sure that they **do**:

- keep everyone out of the work area who does not need to be there;
- take care not to create dust;
- keep the material wet, whenever possible;
- wear a suitable respirator and protective clothing;
- clean up with a vacuum cleaner which complies with BS EN 60335 (Class 'H').

Make sure they **don't**:

- break up large pieces of asbestos materials;
- use high-speed power tools - they create high levels of dust;
- expose other workers who are not protected;
- take protective clothing home to wash.

HSE's guidance *Asbestos essentials task manual* provides advice on working safely with asbestos for people carrying out maintenance or similar work. Make sure building workers and contractors know when they need to can a specialist contractor licensed by HSE.

Safety representatives

It is your duty to ensure the health and safety at work of your employees. Safety representatives will often be able and willing to help you develop measures to do this. So it makes sense to consult them and find ways you can both co-operate on health and safety. If safety representatives have been appointed under the Safety Representatives and Safety Committee Regulations 1977 (as amended), you must consult them on health and safety matters. The Regulations also require you to give them access to information relevant to the health and safety of the workers they represent, including any relating to potentially hazardous conditions.

Checklist

- Find** You must check if materials containing asbestos are present or are liable to be present
- Condition** You must check what condition the material is in
- Presume** You must assume the material contains asbestos unless you have strong evidence that it does not
- Identify** If you are planning to have maintenance or refurbishment of the building carried out or the material is in poor condition, you may wish to arrange for the material to be sampled and identified by a specialist Record the location and condition of the material on a plan or drawing
- Assess** You must decide if the condition or the location means the material is likely to be disturbed
- Plan** Prepare and implement a plan to manage these risks

Minor damage	Good condition
The material should be repaired and/or encapsulated; The condition of the material should be monitored at regular intervals; Where practical the material should be labeled; Inform the contractor and any other worker likely to work on or disturb the material	The condition of the material should be monitored at regular intervals; Where practical the material should be labeled; Inform the contractor and any other worker likely to work on or disturb the material
Poor condition	Asbestos disturbed
Asbestos in poor condition should be removed	Asbestos likely to be disturbed should be removed

Risk Audit - Tasks

Task 1

Given the importance of the physical environment and the size, design and location of the work-stations in the proposed offices to the health, safety and welfare of staff as 'users' of display screen equipment, write a memorandum (copied to the Head of Administrative Services - Gill Uttley - and the officer representing the Planning & Building Control Department - Sharron Beaumont) briefly setting out the legal requirements under the relevant legislation, but saying what needs to be done to safeguard 'users', and how the arrangements suggested by the management consultants might compromise the health and well-being of staff.

(30 marks)

Task 2

As a means of reporting on several matters arising from your inspections and contact with the management consultants and Building Estates Manager, you have decided to present officers attending the meeting of the Logistics sub-committee with a report dealing with each of the matters detailed below, in which you describe 1) the hazard associated, and any risk factors (3 marks); 2) issues of legal compliance (including legislation and guidance), if applicable (2 marks); 3) possible legal consequences if no action is forthcoming (2 marks); and, 4) the means by which the problem or issue might be resolved or the risk minimized (3 marks). The matters you are addressing are:

- a) the provision of sanitary accommodation given the likely occupancy of the basement area;
- b) the acceptability of the arrangement (suggested by the management consultants) for storing, preparing and cooking food;
- c) the implications of a grossly unreliable service lift, given the lack of access to the basement by means other than the stairs; and,
- d) the arrangement for pest control, both now and in the future, given the evidence of an active rat infestation and serious pigeon problem.

Draft these items for the report under the headings: 'Sanitary Accommodation'; 'Food Hygiene & Safety'; 'Lift arrangements' and 'Pest Control'.

(40 marks)

Task 3

Following an urgent telephone conversation with the Chair of the Logistics sub-committee regarding the possible presence of asbestos in the 'old' boiler-room, you are told to issue an immediate instruction to the Building Estates Manager to fulfill the requirements of the legislation and HSE guidance on dealing with this problem. Since this officer has indicated that he might not be especially well informed on the subject, present this instruction in the form of 'bullet-points', ensuring that he is left in no doubt the seriousness of the situation. The cost is not an issue here, as it is acknowledged that the whole project will founder if this situation is allowed to continue, especially if the Press is 'tipped off' about a possible story of negligence, dating back many years. Draft these instructions to the Building Estates Manager as a '10-point plan for dealing with the discovery of a suspect material in the 'old' boiler-room'.

(30 marks)

For the purpose of this examination you should justify any assumptions you have made within the answers given

Risk Audit Marking Advice

Task 1

Given the importance of the physical environment and the size, design and location of the work-stations in the proposed offices to the health, safety and welfare of staff as 'users' of display screen equipment, write a memorandum (copied to the Head of Administrative Services - Gill Uttley - and the officer representing the Planning & Building Control Department - Sharron Beaumont) briefly setting out the legal requirements under the relevant legislation, but saying what needs to be done to safeguard 'users', and how the arrangements suggested by the management consultants might compromise the health and well-being of staff.

(30 marks)

Before detailing the technical details, it's important that the candidate attempts to establish a rapport with the two recipients of the memorandum by explaining the context of the issue under discussion, and indicating that the situation encountered in the basement is such that special consideration should be given to the creation of offices there, given the limit on space and other issues relevant to the safe operation of display screen equipment.

The memo might begin with an up-date on what had been found at the latest, and more detailed, inspection, when it was recognized that the areas which have especially low ceiling heights might be used for files and storage. However, what might have heralded an improvement to the space limitations previously encountered has been the increased occupation recommended by the management consultants and the procurement of smaller desks. You might remind them of the fact that there are legal requirements governing work-stations under the Display Screen Equipment Regulations 1992 and that these relate to the environment in which the workstation is located and the individual components of a workstation, and they should have the effect of securing the health, safety and welfare of the person at work.

You might begin by looking at the space available for the two offices. Whilst it might be acknowledged that it is quite possible to have 32 staff assigned to both Space A and Space B according to the arrangement suggested by the consultants, it provides a nominal volume per capita (based on a cubic capacity of 17m x 8m x 2.5m of 320m³ shared by 32 people) of 10m³ when the space required to be made available to a User / Operator under The Workplace (Health, Safety and Welfare) Regulations 1992 is 11m³. By reducing the occupation of the offices by 3 people to provide the necessary space by volume, the work-stations could be increased to a size that would allow the User / Operator enough space to change position and vary movements, and there should be sufficient space to allow the user / operator to get in and out of the workstation.

On the basis of the size of the DSE in relation to that of the desk it is clear that the limited depth means that the keyboard and display screen cannot be positioned in a way that will allow the flexibility indicated in the regulations (*'provide a sufficiently large, low reflective surface (matt finish) and allow a flexible arrangement of the screen, keyboard, documents and related equipment'*). In addition, there will not be enough room at the front of the desk to provide the means of tilting the keyboard whilst remaining separate from the screen to allow a comfortable working position to be achieved and having the hands and arms supported. Hopefully, with the small reduction in occupation, the work-stations / desks provided will be correspondingly larger, so allowing the user / operator to adopt a safe and comfortable posture, whilst having the space at the work-station to operate the key-board and scrutinize documents.

As currently configured, with fluorescent tubes as they are arranged, and with the prospect of gloss-painted walls, it seems inevitable that users / operators will experience glare or some sort of reflection on to their screens, when it is expressly required that the screen should be free from reflected glare and reflections. Possible disturbing glare and reflections should be prevented by co-ordination of work-station layout with the positioning of artificial light sources and brightly-coloured fixtures on walls to cause no direct glare or direct reflections on the screen.

Finally, you might want to make a comment on the suggestion that office staff should remain at their work-stations at break times and to take their lunch there. You might wish to make the point that internal management might want to exercise discretion over the daily work routine and not to have this dictated by management contractors employed for this exercise only. In this regard employees and workplace unions might usefully be involved in planning breaks and, where possible, breaks should be taken away from the screen.

Task 2

As a means of reporting on several matters arising from your inspections and contact with the management consultants and Building Estates Manager, you have decided to present officers attending the meeting of the Logistics sub-committee with a report dealing with each of the matters detailed below, in which you describe 1) the hazard associated, and any risk factors (3 marks); 2) issues of legal compliance (including legislation and guidance), if applicable (2 marks); 3) possible legal consequences if no action is forthcoming (2 marks); and, 4) the means by which the problem or issue might be resolved or the risk minimized (3 marks). The matters you are addressing are:

- a) the provision of sanitary accommodation given the likely occupancy of the basement area;*
- b) the acceptability of the arrangement (suggested by the management consultants) for storing, preparing and cooking food;*

c) *the implications of a grossly unreliable service lift, given the lack of access to the basement by means other than the stairs; and,*

d) *the arrangement for pest control, both now and in the future, given the evidence of an active rat infestation and serious pigeon problem.*

Draft these items for the report under the headings: 'Sanitary Accommodation'; 'Food Hygiene & Safety'; 'Lift arrangements' and 'Pest Control'.

(40 marks)

'Sanitary accommodation'

Hazard associated / risk factors (3 marks)

Although there might be no direct health reasons why men and women should not share sanitary accommodation, the sensibilities of both sexes might be affected by the prospect of sharing WCs in terms of stress and self-consciousness. There is also the immediate prospect of having too greater demand on the facilities and making it difficult to maintain them in a clean and hygienic state. However, the issue of greatest immediacy is the fact that there may be disabled persons employed, and so the need for a disabled toilet.

Issues of legal compliance (including legislation and guidance), if applicable (2 marks)

The relevant legislation is Regulation 20, Workplace (Health, Safety and Welfare) Regulations 1992, which states that suitable and sufficient sanitary conveniences shall be provided at readily accessible places, in rooms that are clean adequately ventilated and lit, and separate rooms containing conveniences are provided for men and women, though they may be in the same room if each cubicle can be secured from inside.

The Approved code of practice goes on to give minimum numbers of facilities which in this case will require 3 WCs and 3 wash-hand basins for women, and 1 WC, 1 urinal stall and 2 wash-hand basins for men.

Possible legal consequences if no action is forthcoming (2 marks)

As things currently stand there would be insufficient / inadequate sanitary accommodation and with so many staff in prospect, especially women, one might expect that the HSE would consider taking enforcement action under the general provisions of the HASAWA 1974, citing the additional requirements under the Workplace (Health, Safety & Welfare) Regulations 1992 if it was decided to increase the number of staff to 64, whilst making no additional provision for sanitary accommodation.

Means by which the problem or issue might be resolved or the risk minimized (3 marks)

One option is to give up on the idea of accommodating so many staff in the basement, and make the number of staff 'fit' the facilities available, though this seems highly unlikely. However, your measurements suggest space for the necessary number of sanitary conveniences, and with the old boiler-room' space coming available, there is now an ideal space for the installation of a facility for the disabled.

'Food Hygiene & Safety'

Hazard associated / risk factors (3 marks)

Although this is not a food business for the purposes of the Food Safety Act 1990, there is the suggestion that staff will seek to regularly and routinely eat meals at work, and in so doing may bring food into the building with no prospect of keeping under refrigerated storage and so must consider the prospect of bacterial growth during the summer as high-risk food may be left for 5 hours before the lunch break. With no sink or wash-hand basin in situ in the 'kitchen' there is no means of drawing hot water for cleaning (so raising the risk of cross-contamination); boiling water for hot drinks (this is a requirement of the regulations, though it might be provided through a drinks machine) and cold water for drinking.

Issues of legal compliance (including legislation and guidance), if applicable (2 marks)

The Workplace (Health, Safety & Welfare) Regulations 1992 require that where employees might expect to have to prepare food to eat at work then facilities for doing so must be provided. In such circumstances it is expected that these facilities would be adequate and suitable for the purpose, and whilst a vending machine with provision to cook the food would be seen to be quite acceptable, the absence of a sink with potable water supply and a refrigerator might be seen to be unacceptable.

Possible legal consequences if no action is forthcoming (2 marks)

As with other things contained within guidance to the Workplace Regs, a failure to act upon this guidance might indicate that the HSE would see this in a dim light, especially with so many people affected, and the expectation that they take meals at their desks. In such a case action under the HASAWA might be forthcoming.

Means by which the problem or issue might be resolved or the risk minimized (3 marks)

It would seem a relatively small financial outlay to install a double sink and drainer, with hot and cold running water, though the Council might be reluctant to install a wash-hand basin as

well. The involvement of the relevant safety representative / committee to canvass for these things would likely be a means of securing these facilities at first instance.

'Lift arrangements'

Hazard associated, and any risk factors (3 marks)

The value of maintaining an old and obsolete goods lift in the face of likely demand for a passenger lift, and especially one suitable for use by a disabled person, seems dubious, and the case for using the shaft for a new facility, overwhelming. As it currently stands, the goods lift is poorly-maintained and may present a significant hazard to someone using it lawfully for the purpose of lifting goods, and unlawfully for moving people. Although lifts seldom fail catastrophically, they can be responsible for crush injuries and other dangerous occurrences.

Issues of legal compliance (including legislation and guidance), if applicable (2 marks)

Existing lifts are subject to the requirements of the Lifting Operations & Lifting Equipment Regulations 1998 (LOLER) and Approved Code of Practice L113, and Regulation 9 places a duty on 'duty-holders' for lifts to be thorough examined (by this it means a 'systematic and detailed' examination) by a competent person at regular intervals, which in the case of a goods lift is every 12 months, and for passenger lifts is every 6 months.

Possible legal consequences if no action is forthcoming (2 marks)

If an injury or dangerous occurrence results, and this is held to be attributable to inadequate or poor maintenance then prosecution could follow, but in any event action, if the HSE adjudged that the Council had failed to discharge its general duty of care, action under section 2, HASAWA 1974.

Means by which the problem or issue might be resolved or the risk minimized (3 marks)

Of course one option is to have the goods lift removed altogether, but this may be a problem in terms of moving materials, and if the Council is obliged (as it is likely to be) to consider disabled access then this might be seen to be counter-productive; indeed, to be seen to be removing a potential source of access to a disabled person might attract adverse publicity. Thus, recognizing the importance in terms of equality of the Disability Discrimination Act 1995 (as amended), and the fact that newly-installed lifts are subject to the requirements of the Lifts Regulations 1997 and therefore not required to undergo routine regular examination, a case might be made for the installation of a new passenger lift, with adaptations for disabled users.

'Pest Control'Hazard associated, and any risk factors (3 marks)

Aside from the alarm that 'sightings' of rats may cause once the basement is in occupation, there is the hazard of contact with rats' urine (Weil's Disease or leptospirosis), through bites and through rodent activity in the food store, where health might be put at further risk. In addition, an uncontrolled pigeon population roosting in 'the courtyard' might pose a risk of someone contracting ornithosis or salmonellosis. Certainly, the likely use of 'the courtyard' for rest-breaks, and the possibility, especially in summer, that this is likely to lead to food waste being discarded, would suggest that the problem will likely worsen unless measures are taken to control pests to a higher standard than they are at present.

Issues of legal compliance (including legislation and guidance), if applicable (2 marks)

As the Council is responsible for enforcing the Prevention of Damage by Pests Act 1949 it would look especially poor if it failed to uphold the responsibility to deal with a rodent infestation of its own making.

Possible legal consequences if no action is forthcoming (2 marks)

Whilst it is highly unlikely that any statutory action could be initiated, civil action arising from negligence on the part of CVMDC might follow an incident involving rats or pigeons.

Means by which the problem or issue might be resolved or the risk minimized (3 marks)

The up-grading of the pest control service contract to one that is appropriate for a building coming into greater use, and where food waste is likely to be generated, is essential. It would be important that the contract was awarded to a BPCA-accredited contractor and so one would be looking to put the contract out to restricted tender. It would be especially important to begin active pest control work before building works began and, thereafter, subject the whole building to regular, close inspection.

Task 3

Following an urgent telephone conversation with the Chair of the Logistics sub-committee regarding the possible presence of asbestos in the 'old' boiler-room, you are told to issue an immediate instruction to the Building Estates Manager to fulfill the requirements of the legislation and HSE guidance on dealing with this problem. Since this officer has indicated that he might not be especially well informed on the subject, present this instruction in the form of 'bullet-points', ensuring that he is left in no doubt the seriousness of the situation. The cost is not an issue here, as it is acknowledged that the whole project will founder if this situation is allowed to continue, especially if the Press is 'tipped off' about a possible story of negligence,

dating back many years. Draft these instructions to the Building Estates Manager as a '10-point plan for dealing with the discovery of a suspect material in the 'old' boiler-room'.

(30 marks)

Although the candidate is at liberty to compose a 10-point 'plan' of their own devising, one might be drafted using the material supplied with the case file. It is important that the 'plan' should be applicable to the circumstances found in the 'old boiler-room' where the management would be dealing with the discovery of a suspect material:

1. Presume the material is asbestos - unless there is strong evidence to suggest that the premises does not contain asbestos, and building plans can provide that non-ACMs were used, if in doubt presume contains asbestos.
2. Undertake or organize a survey – whilst it might be possible in very small premises to conduct one's own assessment inspection, where, like here, extensive refurbishment work is scheduled, you are advised to employ a suitably trained person to do a survey of the premises to identify ACMs, ensuring they accredited or certificated for asbestos survey work; can provide evidence of their training and experience in such work; and, present evidence that they have suitable liability insurance.
3. Arrange for sample to be analysed for asbestos - if you suspect materials contain asbestos, you may need to have samples analysed. Often, this is the only certain way of identifying if a material does contain asbestos. Samples should only be taken by suitably trained people. Do not break or damage any material which may contain asbestos to try to identify it.
4. Assess the condition of any ACMs and its destiny - the type of ACM, the amount of it and its condition will determine its potential to release asbestos fibres into the air, if disturbed.
5. Record where the asbestos or presumed asbestos is and its condition - you need to prepare a drawing or some other record which shows where the asbestos or presumed asbestos is, the type if known, its form, and what condition it is in, and make this available at the premises so that you, or any other person that needs to know where the ACMs are, can easily find them.
6. Assess the potential risk from the ACMs - you must assess whether the ACMs are being or are likely to be disturbed. Usually disturbance is created by people working on or near the ACMs. You will then need to assess the likelihood of each ACM being disturbed (against a list of factors) to decide what action to take to manage and control the potential risks.
7. Prepare and implement a plan to manage these risks – decide what to do if the asbestos is in good or poor condition, and if in the latter decide whether it should be repaired,

sealed, enclosed or removed, seeking specialist advice from an asbestos surveyor, a laboratory or a licensed contractor, if need be.

8. Initiate appropriate action (whether to be left in place, repaired or removed) - useful to set up a register of the location and condition of ACMs, so that everyone who needs to know about the asbestos is effectively alerted to its presence. You will need to introduce a method that will ensure anyone in-house or who comes to carry out work on the premises does not start before they are given the relevant information on any asbestos present. If asbestos is likely to be disturbed during routine maintenance work or daily use of the building it will release fibres. If it cannot be easily repaired and protected, you should have it removed by an authorized contractor.
9. Check what you've done - make sure that you have an effective plan for inspecting ACMs left in place, including those you have sealed or enclosed, to make sure that the condition has not changed. The time between inspections will depend on the type of material, where it is and its condition, but it should be at least every six to 12 months.
10. Monitor and review the effectiveness of the plan - you will need to check that the arrangements to control the risk, set out in your plan, have been put in place and are working effectively. You must also review the plan if there are significant changes that will affect these arrangements, for example if you do different sorts of work on the premises, or if any of the ACMs are removed.