Cascading messages through others
The effect on awareness of, and compliance with the Duty to Manage Asbestos Regulations

Prepared by the Institute for Employment Studies and Loughborough University for the Health and Safety Executive 2007
Asbestos was widely used as a building material in the UK from the 1950s through to the mid 1980s, and it is estimated that many tonnes of it are still present in buildings today. When disturbed or damaged these materials can release dangerous fibres which when breathed in can lead to a number of serious diseases. At least 3,500 people in Great Britain die every year from these diseases, making asbestos the single greatest cause of work related fatalities.

This report presents the findings of a research project aimed at exploring the impact of the Health and Safety Executive's (HSE) Cascading Messages Through Others Campaign. This initiative was launched in 2002, and is designed to educate and inform dutyholders and responsible others regarding the Duty to Manage Asbestos Regulations (regulation four of the ‘Control of Asbestos at Work Regulations (CAWR) 2002’) in non-domestic premises. The campaign aims to pass on information to organisations via HSE partners, who have been encouraged to put on training events for dutyholders with the support of HSE-designed training materials and activities.

The report discusses the findings of the research.

This report and the work it describes were funded by the Health and Safety Executive (HSE). Its contents, including any opinions and/or conclusions expressed, are those of the authors alone and do not necessarily reflect HSE policy.
## CONTENTS

### Executive Summary

1. **Details of the Research**
   - 1.1 Introduction
   - 1.2 Background
   - 1.3 Previous research with partners

2. **Research Methodology**
   - 2.1 Recruitment of participants
   - 2.2 Interviews with partners
   - 2.3 Interviews with dutyholders
   - 2.4 Site visits
   - 2.5 Sample profile
   - 2.6 Report structure

3. **Research Issues**
   - 3.1 Evaluation conducted too late?
   - 3.2 Extent of reach
   - 3.3 Other areas of impact

4. **Awareness**
   - 4.1 Understanding the remit of the duty
   - 4.2 Understanding of what the duty involves
   - 4.3 Understanding the term ‘dutyholder’
   - 4.4 Summary

5. **Drivers to Asbestos Management**
   - 5.1 Legal drivers
   - 5.2 Moral drivers
   - 5.3 Summary

6. **Compliance**
   - 6.1 How the duty is organised
   - 6.2 Compliance with the duty
   - 6.3 Confidence in approach to managing asbestos
   - 6.4 Summary

7. **Barriers to Compliance**
   - 7.1 Financial cost
   - 7.2 Lack of time
   - 7.3 Lack of organisational and individual commitment
   - 7.4 Summary

8. **Event Details**
   - 8.1 Hearing about the event
   - 8.2 When training was completed
8.3 Who the event was for 53  
8.4 Motivations for taking part 55  
8.5 Length of training 56  
8.6 Training materials 58  
8.7 Summary 66  

9. Event Impact 68  
9.1 Learning / awareness 68  
9.2 Practice 70  
9.3 Impact of training provided to others 73  
9.4 Limitations in impact 74  
9.5 Summary 78  

10. Future Support 80  
10.1 More financial support and regulation of the asbestos industry 81  
10.2 Clearer legislation 81  
10.3 More supportive approach to organisations 82  
10.4 Increasing enforcement 83  
10.5 Improving publicity 84  
10.6 Summary 85  

11. Conclusion 87  
11.1 Summary of findings 87  
11.2 Recommendations 92  

APPENDIX 1: Recruitment of Participants 94  
APPENDIX 2: Sample Profile 96  
APPENDIX 3: Site Visits Report 101  
APPENDIX 3A: Checklist for Visits 114
EXECUTIVE SUMMARY

INTRODUCTION

This report presents the findings of a research project aimed at exploring the impact the Health and Safety Executive’s (HSE) Cascading Messages Through Others Campaign. This initiative was launched in 2002, and is designed to educate and inform dutyholders and responsible others regarding the Duty to Manage Asbestos Regulations (regulation four of the ‘Control of Asbestos at Work Regulations (CAWR) 2002’) in non-domestic premises. The campaign works through cascading the message to organisations via HSE partners, who have been encouraged to put on training events for dutyholders with the support of HSE-designed training materials and activities.

The findings are based on 29 in-depth interviews and 10 objective site visits with dutyholders (or their representatives) who had attended the training course. The report also presents findings from 32 telephone interviews with partners of the campaign who have put on such events.

BACKGROUND

Exposure to asbestos materials is one of the major causes of occupationally related death from ill-health. As a result of their exposure to asbestos materials, at least 3,500 people in Great Britain die each year from mesothelioma and asbestos-related lung cancer. These figures have been rising steadily since the 1970s and predictions estimate that they will continue to do so.

Asbestos was used extensively as a building material in the UK from the 1950s through to the mid 1980s and is still present within many buildings, despite ongoing repair and removal work. The HSE estimates that over half a million non-domestic premises currently have some form of asbestos in them’. As such, many workers within the construction or installation industries will come into contact with asbestos material during their day-to-day work and it remains a real hazard for these workers. The HSE seeks to prevent further unknowing exposure to asbestos by building and maintenance workers in the non-domestic sector with the aim of saving 5,000 lives over the next 50 years.

The primary initiative for reducing the exposure of maintenance workers to asbestos fibres has been the Duty to Manage Asbestos Regulations, which came into force in May 2004. The regulation covers all non-domestic premises, regardless of what type of business is carried out in them. It also covers the common areas of domestic premises (eg halls, stair wells, lift shafts, roof spaces). The extent of the legal duty varies according to tenancy agreements of the degree of control held over premises, so there are a range of individuals who could be dutyholders within the context of the duty. Typically the dutyholder can be the landlord, tenant or a managing agent, depending on the circumstances of the case, but in some situations, responsibility could be shared between more than one body.

In addition to a series of enforcement and licensing activities, the HSE has sought to enable organisations better to comply with the regulations through facilitating training events as part of the Cascading Messages Through Others Campaign.

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1 See www.hse.gov.uk for further details.
THE CASCADING MESSAGES CAMPAIGN

The Cascading Messages Through Others Campaign was launched in 2002, before the regulations came into effect, and aims specifically to raise awareness among these dutyholders through a range of intermediaries, known as ‘partners’. Anyone from any organisation can sign up to become a partner and will be supported by HSE activities and materials to facilitate training and awareness raising activities with dutyholders. There are over 3,000 registered partners currently involved.

The information packs provided by the HSE provide detailed resources including a video, leaflets, slides and scripts for a presentation, and delegate packs. Materials for two sets of events are provided, a shorter awareness-raising event which introduces the regulations, the implications, and signposts to other areas of support, and a longer more in-depth course which describes the steps involved in complying with the regulations. The HSE has anticipated and encouraged some flexibility among partners in how they use the materials in order to tailor the training to their particular audience, so while they can be used on their own they may also be supplemented with other material.

Previous research with partners has shown a positive uptake of the materials and positive views on their design. This project is the first study to look at the impact of the campaign on those on the receiving end of training, the dutyholders.

ABOUT THIS RESEARCH

For a thorough evaluation of the partner training events, the research consisted of three stages: understanding the learning activities; examining the impact of those activities; and validating that impact. This was conducted through a three-stage, multi-method approach consisting of:

- telephone interviews with partners
- face-to-face interviews with dutyholders
- site visits with dutyholders.

Telephone interviews were conducted with 32 partners of the campaign, all of whom had been putting on training events. Partners were recruited via two independent screening surveys and email, using the HSE database of partner contacts, and were required to have put on some external training (or internal if very large and decentralised, eg a county council) in the past two years using materials from the presenter’s pack. The interviews were conducted primarily to facilitate access to the dutyholders, as no record of the dutyholders who have attended training was available, but the discussions also looked at: why partners had become involved in the campaign; activities to date; views on how training has gone; and barriers to or issues facing organisations in complying with the regulations.

Face-to-face interviews were conducted with 29 dutyholders or responsible individuals (hereafter referred to as ‘dutyholders’ for consistency) who had received training/support from partners. These were recruited via opt-in letters sent by partners. The aim of the interviews was to look at levels of awareness of, and compliance with the duty to manage and gather views on the training/support dutyholders received from partners. They were also asked to report what they believed the impact of the training had been on themselves and their organisation.

Site visits were conducted independently with a subsample of ten dutyholders using experts from Loughborough University. The primary aim of the visits was to check the validity of the self-report, which may be biased because of the fact that the research is focused on compliance with HSE regulations. Objective data was sought through an investigation of the physical aspects (buildings and documents) relating to the dutyholders’ compliance with the regulations.
During the visits all available documents were examined for their adequacy in assisting the dutyholder with locating, inspecting, monitoring, controlling and reviewing asbestos-containing materials (ACMs).

At the outset, it is important to note that it proved difficult to obtain a large sample for this study. The discussions with partners suggested that this was either because the evaluation of the campaign has come too late or because the reach of the campaign has not been as high as hoped. Recruitment difficulties led to an opportunistic sample, but nonetheless the dutyholder sample was mixed in terms of sector, size, types of building and usage, and extent to which ACMs are present. However, it is important to recognise that these results are limited to a small sample of dutyholders who had taken part in training which is not representative of those across the UK.

**AWARENESS AND COMPLIANCE**

Levels of awareness of, and compliance with the regulations were generally high with all dutyholders understanding that they had a duty to manage asbestos on their premises and implementing measures in order to reduce the risks presented by ACMs.

Dutyholders understood the remit of the duty, were able to detail what it involves and understood what was meant by the term ‘dutyholder’. The vast majority had completed the various stages involved in setting up a system for managing asbestos including: assessing the content and condition of ACMs; conducting reviews; setting up a register and management plan; taking steps to reduce or minimise the risks posed by any ACMs found; and informing maintenance workers. Most were taking the approach of managing asbestos in their premises, as opposed to full scale removal, although some had been required to get some asbestos removed.

The main driver for dutyholders’ management of asbestos, in addition to wider moral considerations about people’s health, was concern over legal responsibilities, in particular a fear of prosecution for failing to comply and a fear of litigation if persons became ill from exposure to asbestos fibres on their properties.

Actual methods of compliance varied substantially: in some organisations the systems were thorough and complex while in others they were much simpler and more informal. Examples of procedures which varied included the types of survey conducted, the format of the risk assessments, the formality and content of documentation and the procedures for informing maintenance workers and employees. Broadly speaking larger organisations, or those attached to umbrella organisations, tended to have more sophisticated systems in place, although it was difficult to distinguish the impact of size given the limited sample size.

Dutyholders tended to be pleased with their performance and were confident in their approach. However, while they were efficient at conducting or organising surveys/removal they were often less systematic in the more regular ongoing tasks such conducting reviews and updating documentation. Some also found it difficult to ensure that all maintenance workers were informed of the risks, particularly on sites where many maintenance workers could be working, where it was difficult for dutyholders to be abstracted from other tasks or where more than one individual was involved in organising maintenance jobs. There were also weaknesses in the reporting with a lack of written documentation on management plans and/or registers, with some simply relying on their survey reports. For those with domestic properties there were some misconceptions over the precise remit of the duty and whether these premises are included.

**BARRIERS TO COMPLIANCE**

Some dutyholders and partners believed that their organisations and others faced barriers to complying with the duty. Some of these related to the individual stages of the duty, including
informing employees sufficiently for them to comply with company procedures without raising unnecessary alarm and removing asbestos from premises where it would require ceasing operations. In addition, dutyholders reported difficulties selecting good asbestos removal and surveying specialists, because of concerns about being overcharged and receiving a low quality of service, and in persuading maintenance workers to take procedures seriously where they lack awareness of, or have a blase attitude to the risks or dislike the formality of the management systems. In some organisations, responsibility for the duty was shared between various bodies, eg tenant and owner, which occasionally led to complications including conflicting views on whether and how to inform employees, in how much is reasonable to pay and, in particular, in ensuring that maintenance workers are informed when jobs were arranged by one or other of the parties.

Some dutyholders also reported more general barriers, including the cost of managing asbestos, in particular the expense of surveys and removal, and a lack of time to set up the necessary systems and manage day-to-day. It was felt that these barriers were more likely to present issues to small organisations, where resources are generally lower and dutyholders have to fit the management of asbestos in among a number of other tasks. Another barrier was lack of organisational and individual support, which is needed to garner support, financial and otherwise, for making any necessary changes to comply with the law, and to ensure that staff stick to any rules and procedures in place.

**VIEWS ON THE EVENTS**

Partners tended to be very flexible in their use of materials, cherry-picking parts of the presenter’s pack to suit their audience and often incorporating their own material. Often the training was delivered to non-dutyholders including other employees and, particularly, maintenance workers. Partners and dutyholders were very favourable about the training, which they saw as comprehensive and thorough without being too dry or technical. The most useful element of the training was considered to be the visual aids identifying where ACMs can be found, often because dutyholders are not aware of the extent to which they are used. A few were in favour of the video, which they thought had a strong impact but there was concern among some that it was a scare-mongering exercise which could turn people off the subject rather than engage them.

The partners were critical of the lack of practical guidance, and thought the materials were too focused on the legislation. Some had added some practical examples of their own, including draft management plans or risk assessment forms, which dutyholders found very useful. Some partners thought there was insufficient information about the consequences of not complying and added case law to act as an incentive to organisations. However, dutyholders were put off by this part of the training and thought that there were more effective ways of encouraging employers to comply.

Some dutyholders and partners thought that certain aspects of the materials needed to be adjusted for different work environments, such as the video and the information on the uses of asbestos, and there was concern that on the whole the materials were too technical for dutyholders from smaller organisations, who may have no previous experience of the topic. However, in many cases the partner was the dutyholder’s regular health and safety consultant so was able to tailor specifically to their organisation by including elements such as photos from the site and, where possible, survey outputs and company policies. Dutyholders particularly valued this feature of the training, which made it feel more practical and made the issues appear more real.
EVENT IMPACT

The dutyholders were at different stages of compliance before they took up training, but nonetheless all found it beneficial and reported impacts on both awareness and practice. The benefits tended to be greater in smaller organisations where dutyholders were less likely to have previous knowledge or experience of managing asbestos. Some gained knowledge about the legislation and their responsibilities, and learned more about where asbestos can be found. For some organisations the training was the initial step to managing asbestos, which led to the necessary systems for asbestos management being implemented. For others the training was useful in improving an existing approach to management and/or giving them confidence that they were doing things correctly. A number reported changes to practice concerning maintenance workers and said they were much stricter in ensuring that maintenance workers were not put at risk following training.

On the whole it was possible to keep up with these changes post training but the usual barriers of cost and lack of resources made it difficult at times. Some thought that more regular training would help to ensure that asbestos management does not go off the agenda, and to keep dutyholders up to date with the legislation.

Often the training was delivered to one organisation, and a range of people were invited on to the course, including other staff and maintenance workers, even at times contractors. Partners and dutyholders reported some benefit to these audiences, including maintenance workers being more cautious post-training and a general improvement in the health and safety culture of the organisation and hence overall approach to managing asbestos.

NEED FOR EXPERT HELP

The role of the partner appeared to be key to the successful compliance of several of these organisations, both large and small. Often the partner was the dutyholder’s regular health and safety consultant, or someone external to the establishment who had already carried out some work in this area, such as a survey. In the first case this helped persuade them to get involved in the training, as they trusted the partner to deliver a good service. Secondly it was beneficial to training as it meant the partners were aware of the organisation’s specific issues and were able to tailor the training accordingly.

Moreover partners (or in the case of a few organisations, other health and safety consultants) often played a key role in dealing with asbestos management, being employed to help with all the different stages of compliance, in particular conducting surveys and putting together the documentation. Often consultants were used simply to save time, but they were also used because dutyholders did not feel comfortable dealing with asbestos management on their own, and preferred to cover their back by using an expert.

Few dutyholders, including those from smaller organisations with less ACMs present, were taking the easier and less expensive option of conducting type one surveys themselves. They expressed a lack in confidence in doing so and felt that type one surveys do not provide sufficient information on the presence of asbestos. Some even paid for consultants to carry out relatively easy tasks on their behalf such as organising asbestos removal, partly because they felt that there was insufficient guidance on this from the HSE.

CONCLUSIONS AND RECOMMENDATIONS

The findings of this research, while limited to a small sample, have implications for the HSE and how it should support organisations in their management of asbestos. Dutyholders and partners suggested a number of methods through which the HSE could provide more support to
organisations, but thought that other agencies needed to also take more responsibility, including umbrella organisations, local authorities and the environment agency. The HSE is already taking steps to address many of the recommendations raised in this report.

While it is not clear how widely the Cascading Messages campaign has been used, the appreciation attached to training which is practical and tailored to the environment shows the value of a campaign such as this, which is not cascaded direct from the HSE in a ‘one size fits all’ manner but which allows intermediaries to use the training materials with some degree of flexibility. As such the HSE should continue to encourage organisations to work at cascading messages to their clients or those in the supply chain, and should consider adopting such an approach to other HSE campaigns. However, the research showed a strong reliance on consultants to help with managing asbestos, even after training and even where little asbestos was present. While resultant compliance levels were still generally high, this meant that some dutyholders failed to fully recognise the need to manage ACMs on a day-to-day basis once a consultant’s work is done. While the use of consultants may suggest that this sample in unrepresentative, it is unclear how many dutyholders who do not already seek help in this area will have attended training, as a number of partners reported difficulties trying to get new businesses interested in the training. It is possible that other methods are needed to inform hard-to-reach groups of their responsibilities. Moreover this level of support is not affordable to all, so some way of easing the burden on dutyholders is required.

In future campaigns, the HSE needs to be mindful of providing more practical guidance and examples to allow dutyholders to get started, eg draft risk assessments sheets and management plans. The guidance could include more information on how to conduct a type one survey and when it may be valuable, and suggest systems for formalising the process of informing maintenance workers. The guidance could also emphasise that the management of asbestos is an ongoing process, and that there is a need to review ACMs found in premises using a procedure which is formal and systematic. Any campaign should stress the importance of documentation, including management plans and registers which are ‘live’, subject to review and accessible. It may be useful for dutyholders to receive refresher training on the regulations and how to comply with them in order to ensure that they keep up to date with the issues. This message should be relayed to partners, who will need to either design a shorter refresher course themselves using the current materials or be provided with more support from the HSE in this area.

Better publicity of the duty is required. A lack of awareness of the duty is a barrier to getting organisations involved in training to begin with, so the current campaign needs to be combined with some more widespread awareness-raising activities. It would help if the legislation was made clearer and easier to understand. There also needs to be more and higher profile enforcement to act as an incentive to organisations, but this should be coupled with a more employer-friendly approach which encourages organisations to seek support from the HSE.

There was considerable desire for better regulation of the vast numbers of companies in this field vying for business, both consultants and asbestos removal firms, some of whom appear to be taking a scare-mongering approach or are over charging for their services. One possible way to deal with this is to provide more guidance to organisations on who to use and when and how much they should expect to pay.

Some of the dutyholders noted the importance of raising the profile of the issue among employees and maintenance workers in order to get compliance with company procedures around the management of asbestos. Some partners had been using the pack specifically for these groups, which is a welcome finding. The HSE should encourage more training of these groups, and consider re-designing their training materials to suit them, particularly maintenance workers.
Considering the limitations of this research, it would be helpful to look at the extent of the reach of the Cascading Messages Through Others Campaign. Future research, similar to the baseline dutyholder survey conducted in 2002, could be conducted to ascertain current levels of awareness and compliance among dutyholders in the UK post campaign. Finally, given the varying ways in which the materials have been used by partners, it is recommended that research be widened beyond dutyholders trained by external partners to those who have been trained in-house, maintenance staff and other employees who have attended training, in order to fully ascertain the wider impact of the HSE’s campaign.
1. DETAILS OF THE RESEARCH

1.1 INTRODUCTION

The Health and Safety Commission (HSC) and the Health and Safety Executive (HSE) are responsible for the regulation of all risks to health and safety arising from work activity in Britain. Their mission is to ensure that risks to people’s health and safety from work activities are properly controlled. The HSC/E has developed a number of programmes to contribute to reducing the incidence of work-related ill health and injury. The Disease Reduction Programme includes work to reduce the likelihood of maintenance workers’ exposure to asbestos fibres.

One element of the programme of work in this area is the ‘Cascading Messages Through Others’ campaign. This is a HSE initiative, launched in 2002, designed to educate and inform dutyholders and responsible others regarding the Duty to Manage Asbestos Regulations (regulation four of the ‘Control of Asbestos at Work Regulations (CAWR) 2002’) in non-domestic premises. The campaign works through cascading the message to organisations via HSE partners, who have been encouraged to put on training events for dutyholders with the support of HSE-designed training materials and activities.

This report presents the findings of a research project aimed at exploring the impact of this campaign on organisations, through in-depth interviews and objective site visits with dutyholders (or their representatives) who have attended the training course. The report also presents findings from telephone interviews with partners of the campaign who have put on such events.

1.2 BACKGROUND

1.2.1 Asbestos as a specific hazard

Exposure to asbestos materials is one of the major causes of occupationally related death from ill-health. Asbestos was used extensively as a building material in the UK from the 1950s through to the mid 1980s and is still present within many buildings, despite ongoing repair and removal work. The HSE estimates that over half a million non-domestic premises currently have some form of asbestos in them\(^2\). As such, many workers within the construction or installation industries will come into contact with asbestos material during their day-to-day work and it remains a real hazard for a range of individuals within construction. This is largely because of the difficulties in establishing the location and nature of asbestos in existing buildings, exacerbated by the informal nature of much of the construction sector which leads to poor awareness and training on many issues, not least occupational health risks.

1.2.2 Combating asbestos related ill-health

In 2001/02 it was calculated that 2.3 million people in Great Britain were suffering from an illness believed to be caused or made worse by current or past work\(^3\). Revitalising Health and Safety targets include a reduction in new incidences of work-related ill-health by ten per cent by 2004/05, and by 20 per cent by 2009/10. However, the HSE’s statistical report released in

\(^2\) See www.hse.gov.uk for further details.

November 2003 indicated that the overall incidence of work-related ill-health was likely to have risen since 1999/2000.

As a result of their exposure to asbestos materials, at least 3,500 people in Great Britain die each year from mesothelioma and asbestos-related lung cancer. These figures have been rising steadily since the 1970s and predictions estimate that they will continue to do so. There are occupations and geographical areas where the exposure to asbestos materials is the most direct, including shipbuilding, railway engineering and asbestos product manufacture. However, those involved with the refurbishment, repair or maintenance of buildings, are those now more commonly at risk from the ill health consequences of poorly controlled work with asbestos materials.

The HSE seeks to prevent further unknowing exposure to asbestos by building and maintenance workers in the non-domestic sector with the aim of saving 5,000 lives over the next 50 years.

### 1.2.3 Enforcement

The primary initiative for reducing the exposure of maintenance workers has been the Duty to Manage Asbestos Regulations. In May 2004, the Control of Asbestos at Work Regulations 2002 Duty to Manage Regulations came into force. The regulation covers all non-domestic premises, regardless of what type of business is carried out in them. It also covers the common areas of domestic premises (eg halls, stair wells, lift shafts, roof spaces).

The **duty to manage** requires those in control of premises to:

- take reasonable steps to determine the location and condition of materials likely to contain asbestos
- presume materials contain asbestos unless there is strong evidence that they do not
- make and keep an up to date record of the location and condition of the asbestos-containing materials (ACMs) or presumed ACMs in the premises
- assess the risk of the likelihood of anyone being exposed to fibres from these materials
- prepare a plan setting out how the risks from the materials are to be managed
- take the necessary steps to put the plan into action
- review and monitor the plan periodically
- provide information on the location and condition of the materials to anyone who is liable to work on or disturb them.

There is a rigorous set of enforcement activities and a licensing scheme to control the risks of asbestos activities. The main focus of the activities of the Field Operations Directorate during 2002/03 was to proactively look at asbestos licence holders undertaking removal and repair work by targeting notifiable asbestos jobs and also carrying out *ad hoc* site inspections. Other work within the industry is designed to ensure that work involving asbestos is carried out in accordance with strict health and safety standards according to specific asbestos-related regulations and other applicable legislation.

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1.2.4 Enabling

However, in addition to enforcement, the HSE is also interested in other ways of helping promote safe and healthy working through enabling industries, sectors and individuals to become more aware and compliant through a range of support activities. The publication in July 2000 of Securing Health Together was the catalyst for a series of activities and projects designed to identify and build the infrastructure necessary for expanding occupational health and safety support. The HSC also introduced a seven point strategy which set out the desired framework for providing national coverage of an active ill health prevention and rehabilitation system across all types of ill-health.

The Cascading Messages Campaign

A telephone survey of 500 dutyholders carried out in 2002 found that they tended to have limited knowledge about the materials likely to contain asbestos, risk assessment or appropriate controls, and recommended raising awareness and educating employers of the risks of asbestos, where asbestos can be located, and the various aspects involved in managing asbestos in work premises7.

However, informing this group is complicated by the fact that there are a range of individuals who could be dutyholders within the context of CAWR. The extent of the legal duty varies according to tenancy agreements of the degree of control held over premises. Typically the dutyholder can be the landlord, tenant or a managing agent, depending on the circumstances of the case. In some situations, responsibility could be shared. As such, identifying dutyholders can be complex and a range of different organisations or individuals can be involved.

Acknowledging these complexities, the HSE’s Cascading Messages Campaign aims specifically to raise awareness among these dutyholders through a range of intermediaries, known as ‘partners’. Anyone from any organisation can sign up to become a partner and will be supported by HSE activities and materials to facilitate training and awareness raising activities with dutyholders. There are over 3,000 registered partners currently involved. The information packs provided by the HSE provide detailed resources including a video, leaflets, slides and scripts for a presentation, and delegate packs. Materials for two sets of events are provided, a shorter awareness-raising event which introduces the duty to manage regulations, the implications, and signposts to other areas of support, and a longer more in-depth course which describes the steps involved in complying with the regulations. The HSE has anticipated some flexibility among partners in the way that they use the materials, so while they can be used on their own they may also be supplemented with other material. As such, partners are likely to have used a range of interventions, rather than a single intervention, to cascade the messages to dutyholders.

1.3 PREVIOUS RESEARCH WITH PARTNERS

In 2004/5 research was undertaken by Continental for the HSE to understand how the packs have been used and how they have been received by the partners8. Through a telephone survey of 303 partners and in-depth interviews with 12 partners, they found that all respondents had used the pack, to some extent, with most having shared the information, but not necessarily externally (as not everyone saw this as their role). Of the total sample, 80 per cent were potential dutyholders, suggesting that the materials had been used for their own purposes.

The materials were well rated, with over three-quarters of respondents rating the leaflets, video and presentation as “good” or “very good”. The pack was thought to cover issues in the right

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amount of detail, although a minority would have liked more on how to manage asbestos and how to assess the risk from asbestos. The survey by Continental showed that the materials had been used flexibly. Some had conducted one-day courses, while others had circulated information. The survey also suggested that some partners have added their own material to the event, since 37 per cent thought that they needed to add to the presentation.

The partners who responded to the survey were using the packs in a variety of ways, both internally and externally. While 55 per cent said that they intended to use the pack to provide the advice to clients, and 38 per cent said they would use it to provide advice to businesses, at the time of the survey 24 per cent had not provided any training at all.

While the previous research shows a positive uptake by partners of the campaign, the research reported here is the first study to look at the impact on dutyholders. This project focused on the views of those who have received training from partners to see which features of the campaign they found most useful and how they have been influenced.
2. RESEARCH METHODOLOGY

For a thorough evaluation of the partner learning activities, the research consisted of three stages: understanding the learning activities; examining the impact of those activities; and validating that impact. This was conducted through a three-stage, multi-method approach consisting of:

- telephone interviews with partners
- face-to-face interviews with dutyholders
- site visits with dutyholders.

2.1 RECRUITMENT OF PARTICIPANTS

The aim of the research was to examine the impact of the campaign on dutyholders who had received training/support from the partners. The HSE does not hold records of individuals or organisations who have attended campaign events but does have a database on companies that signed up to become a partner. As such, partners were used as intermediaries to recruit dutyholders for the research. Through the use of emails (sent to 722 partners) and two screening surveys (conducted with 233 partners), 47 partners were recruited who stated that they were willing and able to help with recruitment of dutyholders. During the process of recruitment, telephone interviews were carried out with 32 partners. Partners were asked to send on letters/emails to their delegates inviting them to take part in the research and to indicate consent by filling in a reply-paid form. Interviews were carried out with 29 dutyholders in total, who were sourced by 13 partners. Of those dutyholders who were interviewed, 23 stated that they were willing to take part in a site visit. A subsample of ten of these was selected for participation in this stage of the research.

The initial target was to recruit 60 dutyholders for the research but this proved difficult for a number of reasons, including problems relating to attrition from the intervention. These issues are explored further in the following chapter and full details on the recruitment process can be found in Appendix 1.

2.2 INTERVIEWS WITH PARTNERS

As noted, telephone interviews were conducted with 32 partners of the campaign, all of whom had been putting on training events. The interviews were conducted primarily to facilitate access to the dutyholders, as no record of the dutyholders who have attended training was available. However, the interviews were also used to gather information on the following:

- background, including role and responsibilities
- why they became involved in the campaign
- activities to date in ‘cascading the message’
- materials used, including whether used any materials in addition to the pack
- format of training/event (presentation, video, etc.)
- underlying aims and objectives of the training/event
• Views on the materials provided
• How they felt the training/event was received, including any evaluation of the training/event
• Views on barriers to compliance and future support required.

2.3 INTERVIEWS WITH DUTYHOLDERS

Face-to-face interviews were conducted with 29 dutyholders or responsible individuals (hereafter referred to as ‘dutyholders’ for consistency) who had received training/support from partners. These were recruited via 13 partners through the telephone interviews and screening surveys. The aims of the interviews were to look at levels of awareness of, and compliance with the duty to manage and gather views on the training/support they received from partners. Dutyholders were also asked to report what they believed the impact of the training had been on them and their organisation. The discussion guide covered the following topics:

• background, including role, type of business, types of buildings on premises
• understanding of the duty to manage and the term ‘dutyholder’
• specific activities undertaken in relation to each step of the regulations (taking steps to determine location/condition of materials likely to contain asbestos, keeping records, conducting risk assessments and preparing plans for managing risks, acting on risk assessments, reviewing/monitoring risk assessments, providing information to those liable to work with materials likely to contain asbestos)
• drivers/influences for managing asbestos
• event background (when attended/who attended etc.)
• views on the event (format, delivery, what worked well/less well)
• perceptions of impact of the event (on learning, practice etc.)
• other support used in dealing with asbestos
• views on the barriers to the compliance and future support required.

The interviews with dutyholders were transcribed and content analysed using ATLAS coding software.

2.4 SITE VISITS

Site visits were conducted with a subsample of ten dutyholders. The aim of the visits was to check the validity of the self-report data obtained from the face-to-face interviews with dutyholders and to supplement the findings with additional information relating to documentation. Issues with self-report data owe to the fact that the research is focused on compliance with HSE regulations. There was concern that dutyholders might not feel comfortable about revealing any shortfalls in their approach. In addition, there is evidence that dutyholders are over-confident in their assumptions about their management of asbestos, according to a baseline survey of dutyholders conducted in 2002, so an objective assessment of their compliance was required.* In reality the site visits tended to confirm what had been described in the interviews with dutyholders, but the examination of the documentation and

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other evidence provided some supplementary material on dutyholders’ approach to asbestos management.

The site visits were conducted by an independent team of researchers at Loughborough University, with a strong background in the area of construction and with knowledge of asbestos regulations. The visits primarily involved an investigation of the physical aspects (buildings and documents) relating to the dutyholders’ compliance with the regulations. The age and type of building were checked for the likely presence of ACMs. An initial assessment of the buildings was made upon arrival and confirmed with the dutyholder later and where practicable a walk-through of the building stock was carried out to check the location of ACMs against that indicated in the register.

During the visits all available documents were examined for their adequacy in assisting the dutyholder with locating, inspecting, monitoring, controlling and reviewing ACMs. Dutyholders were questioned on the practicality of their management using scenarios (how did they proceed when external contractors arrived to carry out work) to test their procedures. In the event that it was thought the procedures were found wanting, feedback based on HSE guidance documents (primarily MDHS 100) was given.

A proforma of checklist-guided questions was designed for use by Loughborough University which included the following elements:

- an assessment of whether the property is likely to contain ACMs (eg type/age of property, whether contains a boiler house/insulated panels etc.)
- consideration of whether the condition of ACMs on premises is assessed, and how
- an examination of any register prepared (including whether it contains, drawings, assessment of material type/condition, etc.)
- an assessment of the likelihood of ACMs being disturbed
- an examination of the management plan (including whether present, what contains, procedures for informing others)
- an assessment of the upkeep of all the above procedures
- checks of certification for any inspections/samples conducted by others.

A scoring system was also used during the visits, which incorporated an objective and subjective scoring system for the presence and suitability of documentation available to indicate the level of compliance at each site. The full site visits report can be found in Appendix 3.

### 2.5 Sample Profile

The initial aim of the study was to obtain a mix of partner and dutyholder organisations in order to ascertain ‘what works best for whom’. The difficulties in recruiting participants from either of these groups resulted in opportunistic rather than stratified samples. Nonetheless the samples achieved included a mix of partner organisations in terms of size and sector, and a mix of dutyholders along a number of dimensions, including: size, sector, region, interviewee role, number of sites and types of premises.

Some of the dutyholder organisations included in this research use public premises, including schools, churches and hospitals. The schools provide an interesting group for research given recent initiatives focused on the education sector and publicity over asbestos-related illnesses among some school staff. Early in 2006 the HSE issued guidance specifically for schools on
their responsibility for managing asbestos in premises and the role of the LEA\(^ {10} \), which has been backed up by other guidance from the Department for Education and Skills\(^ {11} \). In addition there has been recent guidance from the HSE’s Working Group on Action to Control Chemicals (WATCH committee) asking schools to cease from pinning, stapling and tacking display work on ACMs within school buildings. The two church parishes in this sample also provide an interesting group which is atypical in that they do not have commercial premises, are managed by a small number of individuals, most of whom will be volunteers, and tend to have an unusual building stock.

Some of the dutyholder organisations came from the same partner. For example five schools were interviewed which came from the same county council, and two reverends were interviewed from the same diocese who had used the same partner for training. Please refer to Appendix 2 for a detailed breakdown of the samples.

In the rest of this report reference is often made to the size of the organisation as follows:

- ‘Small’ is organisations with less than 50 employees.
- ‘Medium’ is organisations with between 50 and 249 employees.
- ‘Large’ is organisations with over 250 employees.

Please note that the size description used always refers to the number of employees rather than some other feature (such as number of pupils in the schools or number of properties owned by the housing associations).

### 2.6 REPORT STRUCTURE

This report begins by highlighting some of the limitations of this research which set the context for the findings that follow (Chapter 3). Drawing on the findings from the interviews and site visits it then considers the levels of awareness and understanding of the duty to manage regulations (Chapter 4) before looking at drivers and motivators to asbestos management (Chapter 5) and actual levels of compliance (Chapter 6). The last of these chapters includes some information faced in conducting specific aspects of the duty, while Chapter 7 looks at the general organisational barriers that organisations face in their management of asbestos. The report then looks at the events, starting with information from partners and dutyholders on the event background (how, why and for whom they got involved) before looking at the event details in terms of what was provided and how this was viewed (Chapter 8). Finally the report looks at the impact of the events on dutyholders (Chapter 9) and details their views on the necessary direction of future research (Chapter 10). A summary of findings and recommendations for the HSE can be found in Chapter 11.

\(^{10}\) Asbestos: An Important Message for Schools (HSE) available at [http://www.hse.gov.uk/asbestos/schools.pdf](http://www.hse.gov.uk/asbestos/schools.pdf)

\(^{11}\) Administrative Memorandum 3/86 (DfES), [http://www.teachernet.gov.uk/](http://www.teachernet.gov.uk/)
3. RESEARCH ISSUES

The remit of this research was to identify the impact of the HSE’s Cascading Messages Campaign on dutyholders who have received training/support from HSE partners. The remit was not to determine the reach of the campaign to dutyholders and businesses across the UK. Previous research with partners had suggested that the materials were being used and that some external training had been conducted, or was planned.

However, this research experienced difficulties in identifying partners who were eligible (ie who had put on training for external dutyholders) because of ‘churn’ in the contacts list and lower levels of activity than anticipated. This suggested two things: either that this stage of the evaluation has been conducted later than ideal, and/or that the materials have not been as widely used for ‘cascading messages’ to dutyholders as anticipated. In essence the difficulties experienced in the recruitment stage of this research are indicative of the difficulties in reaching participants for the intervention, and in sustaining levels of activity in the campaign. It is important to be aware of these limitations in both the evaluation and the campaign as they set the context for the findings that follow, which are limited to a small unrepresentative sample of dutyholders.

3.1 EVALUATION CONDUCTED TOO LATE?

The recruitment phase of the project revealed that many of the contact details for partners currently held by the HSE are out of date. Of the 557 organisations which were approached, attempted phone calls revealed that telephone numbers were unavailable for nearly one-quarter (23 per cent), and for a further 11 per cent the named contact was no longer working for the organisation. Of the 800 plus emails that were sent to partners, 108 bounced back. It would appear that a number of the partners who signed up to the campaign initially have moved on in the time that has elapsed since the campaign began, indicating some natural attrition from the intervention.

In addition, a number of comments were received from partners regarding the timing of this research. Some of those who were contacted during the recruitment phase expressed their surprise that this piece of research was being conducted so ‘late in the day’. While the majority had not put on any training, a few described how they had tried to do so in the beginning but had since given up, in some cases a few years before this research was conducted. A number of partners described how the interest in the courses had been greater in the run up to the legislation coming into effect in May 2004, but had since waned. One partner from a large insurance firm described how they started attracting around 16-18 delegates to their training courses but over time the numbers dwindled and they occasionally had to cancel training. At the time of the interview they had no further plans to put on training because of a lack of interest. Perhaps a more timely evaluation with dutyholders would have been able to capture the impact of these early partner events.

3.2 EXTENT OF REACH

The major reason it was difficult to recruit participants for the study appeared to be a lack of partners who have put on external training events for dutyholders. Over three-quarters of those surveyed were screened out because they had not put on any such events. While a population survey is required to calculate the exact reach of the campaign, the conversations with partners suggested that the campaign penetration has been low. Some partners told how they had been
put off by the cost of hiring a venue, advertising the events and distributing the HSE training materials (it is unfortunate that they seemed to be unaware of the free event advertising service the HSE provides as part of the partner package). A few had also been put off by the cost of insurance for doing work related to the area of asbestos (even just training) and therefore had opted out of delivering training.

However, many said that they had tried to get interest in the training by dutyholders and failed. While the training was generally seen as useful, the main difficulty had been encouraging people to attend the courses.

“It doesn’t appear to be a top priority for any of them. They’re just not tuned in to it.”

Partners found it particularly difficult to attract those who lack an awareness of the existence of the duty, which are arguably those who need the training most. A partner from a telecommunications company believed that the campaign had failed to reach this group.

“We’re always talking to those who want to learn. It is those that don’t want to listen that disregard everything.”

Another partner agreed:

“They don’t know about it, and unless I can get in the door and tell them about it they’re unlikely to know about it in the future.”

All in all these findings suggest that the penetration of the campaign has been low, particularly among ‘hard to reach’ organisations.

In the rest of the report it is important to bear in mind that the findings relate to a small self-selecting sample of dutyholders which cannot be said to be representative of dutyholders across the UK. While it is possible to ascertain the impact of the training on these few, it is not possible to know the magnitude of the impact of the campaign on dutyholders as a whole.

**3.3 OTHER AREAS OF IMPACT**

Another issue to emerge from the recruitment phase is that the focus of this research is fairly narrow. The earlier research with partners found that the partner materials were being used in a number of ways, with many using the materials for their own purposes. During the recruitment phase of this research and in the interviews, a number of partners told how they had used the materials fairly flexibly, suggesting that the impact of the campaign had been diverse.

Many of those who were not eligible for the research had been putting on training events in-house, cascading the message of the duty within their organisation rather than outside. Around one-third of the partners interviewed and many others surveyed, described how they had put on training for maintenance workers, sometimes after struggling to get interest from dutyholders. One partner from a health and safety consultancy described how attendees at their events include all sorts of staff from an organisation, at all levels from directors to trades personnel. While the maintenance staff do not have dutyholder responsibilities, these people “further down the line” benefit from learning what information they should receive from the dutyholder. A large council which had received the materials told how it had put on two or three specific events for contractors that work in their establishments.

Some thought it imperative that a range of people be trained. One partner, who worked with a large national client, told how they were providing the training to as many of the client’s employees as possible. They described how it can be very difficult for dutyholders to be fully aware of the maintenance work that is going on, or the state of an entire premises. By raising awareness among everyone, employees are equipped to feed information to dutyholders as and when required. A partner from a large risk management firm stated that it was important to try to cascade the message to a range of key people, not just dutyholders:
“There is no point in any asbestos management if people don’t know about it at grassroots level.”

Other partners had used the materials to inform people in more ways than through training. For example, one partner, who is a member of a local occupational health and safety group, described how the group had been disappointed by poor attendance at their events and had therefore decided to put more information about the duty on their website and in the newsletter, to try to cascade the message that way.
4. AWARENESS

This chapter of the report looks at levels of awareness and understanding of the duty to manage regulations among the sample of dutyholders interviewed for this research. Respondents were asked what they understood about the regulations and the term ‘dutyholder’. As might be expected responses to these questions varied in the level of detail that people could recall. However, it should be noted that the answers may only represent how well respondents could articulate the duty as, in some cases, where responses suggested only cursory understanding of the legislation, actual management practices in the organisation showed a deeper level of understanding.

4.1 UNDERSTANDING THE REMIT OF THE DUTY

The HSE guidance on regulation four of the CAWR 2002 clearly states that the duty to manage only extends to non-domestic premises, such as workplaces, and communal areas of domestic properties (eg communal corridors and stairways in blocks of flats). In most cases in our sample only the non-domestic category applied to their premises. Where this was the case interviewees invariably understood that the duty extended to all of the buildings and premises that they were responsible for.

Within the four housing associations in the sample it was clearly understood that the duty covered all of their non-domestic buildings, and also covered communal areas in their domestic stock. However, there was confusion over the extent to which to duty to manage covered domestic areas. At the smallest of the four housing associations the interviewees were under the impression that the duty also extended to their domestic stock. At another housing association, although it was understood that the duty only applied to non-domestic stock and communal areas, the dutyholder felt that they were obliged to manage asbestos in their domestic stock because of requirements from other legislation, including health and safety at work legislation.

“So we saw the non-domestic one as a place to start because that would seem to be the regulation that was coming, attracting most people’s attention, but still bearing in mind that there are other properties we’ve got which you can’t avoid doing because of the other legislation that catches that.”

The asset maintenance manager of a large housing association also felt that the duty extended to their domestic stock, where any maintenance work was planned. It would appear that there remains some ambiguity concerning the full remit of the legislation.

4.2 UNDERSTANDING OF WHAT THE DUTY INVOLVES

The legal requirements for dutyholders under regulation four of CAWR 2002, as outlined in the HSE guidance (‘A comprehensive guide to managing asbestos, 2002) can broadly be seen as:

• **Find** – take reasonable steps to find any ACMs

• **Presume** – presume materials contain asbestos unless there is strong evidence to suppose otherwise

• **Assess risk** – assess the risk of anyone being exposed to asbestos from these materials

• **Record** – make a written record of the location and condition of any ACMs and presumed ACMs and keep it up to date
• **Repair or remove** – repair or remove any ACMs or presumed ACMs, if they poses a risk, because of likelihood of disturbance, and location or condition

• **Manage** – prepare and put into effect a plan to manage any risk posed, to ensure that: information on the location and condition of ACMs is given to people who may disturb them during work activities, and any known or presumed ACMs are kept in a good state of repair

• **Monitor** – monitor the condition of any known or presumed ACMs

• **Review** – monitor and review the management plan and any arrangements made to put it in place.

In some cases interviewees showed a relatively good understanding of the range of duties involved in the management of asbestos. For example the dutyholder at a small rural parish recognised his responsibility to know the whereabouts, condition, and type of asbestos in the parish buildings, and also the responsibility to record, mark up, inform maintenance workers, and manage or remove where necessary. Similarly at a large building materials manufacturer there was an understanding that the duty required them to document any asbestos on site, make anybody whose job or work might “entail coming into contact with any asbestos”, and manage or remove ACMs as necessary.

Generally the level to which interviewees showed an understanding of all of the above requirements varied. Although nearly all understood that there was a need to find asbestos, there was a tendency for interviewees to focus on just some of the requirements proposed by the duty, in particular those relating to the physical management of ACMs. For example a small engineering and consultancy firm saw the duty as mainly comprising of the find, assess and monitor aspects of the requirements:

“Well first of all to know what you’ve got in the building as far as asbestos is concerned. That it is surveyed on a regular basis and whether any changes are occurring.”

Similarly at a medium-sized munitions factory the duty was seen as relating to finding, monitoring, and repairing or removing ACMs:

“What we basically do is we make sure that it stays in condition. Where it’s been damaged, it’s either repaired, covered up or removed and replaced. And basically that’s about it really.”

Unprompted, few dutyholders mentioned the need to inform maintenance workers. However, as noted later in the report in Chapter 6, this did not necessarily translate into practice as the vast majority of organisations had a procedure for informing maintenance workers.

### 4.3 UNDERSTANDING THE TERM ‘DUTYHOLDER’

Under CAWR 2002 the ‘dutyholder’ is defined as the person who, through a contract or tenancy has a responsibility for the maintenance or repair of the property, or alternatively where there is no contract or tenancy it is the person (or persons) who have control of the property. In practice the ‘dutyholder’ will tend to be either the owner or landlord of the property or their managing agent, the tenant or employer of the property, or in some cases the duty may be shared among some combination of parties depending on who has responsibility for maintaining different aspects of the property. The degree to which interviewees showed an understanding of what the term ‘dutyholder’ actually means and to whom the term applies is explored briefly here, before the actual arrangements for managing asbestos are considered in Chapter 6.

In many cases the dutyholder was rightly understood to be the person who had responsibility for the building. For example the reverend of a small rural parish understood that he was the dutyholder at the parish as he was the person responsible for the buildings and for organising
any maintenance. Similarly, the health and safety officer in a central heating installation company saw himself as the dutyholder as he was the person responsible for arranging any maintenance on site:

“The asbestos dutyholder in my mind is the man, or the person, who actually makes sure that they are aware of what’s going on in the building and that they are the people that, if anybody comes here to work, the electrician for example, he will come and see me. If there was anything untoward I will actually brief them on what they can and cannot do.”

Many were aware that they were not the ‘legal’ dutyholder, as the task had been delegated to them by someone else, but most could pinpoint who this was in the organisation. However, there was uncertainty in a couple of organisations as to who held the ultimate legal responsibilities under the new regulations. For example, in a medium-sized munitions factory, the interviewee told how he looked after the physical aspects of the management only, and thought that the overall dutyholder did the clerical side:

“I’ve no idea whether I would be the dutyholder for this premises because the role’s changed. Perhaps not, no, maybe the environmental officer is. Because it’s all to do with paperwork but I would say all the physical work involved in looking after it would be down to me, but anything clerical I wouldn’t do, no.”

There was just one case in our sample where the interviewee reported that he was unfamiliar with term ‘dutyholder’ altogether. This was the project manager of a large food manufacturing operation, and his response was interesting given that he had been on the asbestos training event and had set up a well-developed management plan.

4.4 SUMMARY

As might be expected given the fact that respondents were self-selecting and had all taken part in a training course, levels of awareness and understanding of the duty were generally high in this sample. Many understood the remit of the duty, were able to detail what it involves and understood what was meant by the term ‘dutyholder’ and whether it applied to them. However, there were some common misconceptions around whether the duty extends to domestic properties, particularly among housing associations, and who in the organisation is ‘legally’ the dutyholder, even if the actual management is delegated to someone else. It was also common for dutyholders to focus on the physical responsibilities around assessing and monitoring ACMs rather than the key issue of informing maintenance workers, although answers may only represent how well respondents could articulate the duty as in some cases. Chapter 6 considers the full depth of understanding by describing how asbestos is managed in practice.
5. DRIVERS TO ASBESTOS MANAGEMENT

Before looking at how asbestos is managed on premises it is useful to consider why organisations take the approach that they do. Such information may give some indication of the weight of HSE activities such as enforcement.

The dutyholders were all asked what had been the main influencing factors in their management of asbestos. In the vast majority of cases responses related to the organisation’s legal responsibilities and/or its moral responsibilities.

5.1 LEGAL DRIVERS

Legal concerns were the most commonly cited drivers reported by dutyholders, with only a minority of interviewees not reporting legal issues as a primary motivation in their management of asbestos. The legal motivations reported can be seen as related to three main, not unrelated, concerns:

- wanting to be compliant with the new regulations
- fear of prosecution or enforcement
- fear of litigation.

5.1.1 Wanting to be compliant with the regulations

For some organisations a significant motivating factor was merely wanting to conform with the legislation. A small sheet metal and ventilation manufacturing company reported that the primary influence on their organisation had been knowing that it was “a legal requirement”, while for a small estates management company it was “a matter of knowing what the requirements are, to meet the regulations”. Being mindful of the regulations was also a concern for the reverend of a rural parish:

“Right, well I suppose the legislation that’s come in, we all have to be that much more mindful and aware and you know, we have a legal responsibility.”

The dutyholder of a medium-sized munitions factory believed that the legislation was the key driver in most organisations and speculated that little would be done if it was not in place:

“In all honesty it’s the law really. I mean, we have the duty of care to look after people, have to maintain the site and we have to make sure the structures are in good order. So I would think that’s it. That’s being very honest with you sort of thing, because you know how life is, if there were no laws, nobody would do anything, you know. So that’s basically why.”

Dutyholders in some of the larger organisations talked about how the introduction of the new legislation had improved their approach to asbestos management. For example, while the estates manager of a large university had been keeping an asbestos register for some time, the introduction of the new legislation motivated the organisation to focus more attention on how they manage asbestos. A similar story was reported by the asset maintenance manager of a large housing association, for whom the introduction of the duty forced them to manage asbestos in a more structured way:

“I think the main influence is the legislation that came into force. We were aware of asbestos products as I mentioned, we’ve already removed some about 15-20 years ago, we were moving asbestos ceilings in properties. But I think really it’s the legislation that came round. So unfortunately, you know there’s a minimum amount of money available and I suppose good
housekeeping would have been to do this a long time ago but we’ve waited till the legislation, like most people, you’re forced into it and you’ve got to do it.”

Similarly, the health and safety officer of a large defence estate suggested that the legal requirement to manage asbestos had given an impetus for the organisation to release funds for the purpose:

“The main motivation I guess is that it’s a legal requirement to do it, so that is the major driver to have the funds released and the management plan put in place.”

5.1.2 Fear of enforcement and prosecution

The need to be compliant with the legislation was clearly linked to the fear of enforcement, which was particularly motivating factor for a number of organisations of all sizes. Even where not the major concern, fear of prosecution was often cited as a driver to compliance. At a medium-sized housing association there was a concern that it was necessary to show that you were doing your best to manage asbestos in order to avoid enforcement.

“The other aspect is non-compliance. If you just sit on your hands and don’t do anything about it you’re going to find yourself in bother. The world is not a perfect place so I doubt if everybody has got it all boxed off, but at least you can have a good go at trying and show you’re trying.”

A director at a large plant hire company reported that the legislation had forced them to focus more effort on their management of asbestos, as when asked if the fear of enforcement was a factor, said:

“Well clearly there has to be. I mean no one wants to be hung out to dry.”

A number of the dutyholders worried about the consequences of being prosecuted for not complying. In one extreme example, the estate manager of a large company managing the premises of a hospital told how it was the new legislation and the “threat of prison that it brings” that had been the main influence on their approach. Similarly, at a medium-sized secondary school (a medium-sized employer) the location manager felt that the fear of prosecution had been a strong influencing factor in the schools management of asbestos and was concerned that he personally could be held responsible if anything went wrong.

“Alright, there is fear of prosecution because when the Head gave me the responsibility that he did, we actually rang the County Hall and said ‘Look, if I’m sued, do they back me up?’ I didn’t get an answer for that, by the way, I really did not get an answer. So yes it worries me that I personally, and I think it’s true, I personally could be held responsible for that, and that’s a very onerous task as far as I’m concerned.”

In a small rural parish the reverend suggested that they were worried about facing fines if they did not manage asbestos appropriately.

“I suppose the other thing that drives us is financial in a sense that we don’t want to be prosecuted if we don’t do it properly.”

5.1.3 Fear of litigation

In some cases, fear of litigation was a concern that was highlighted as a significant driver in the organisation’s management of asbestos. Although relatively few organisations reported litigation as one of the primary drivers in their management of asbestos, the few that did tended to be larger or more public sector organisations. For example a borough council and a large building materials manufacturer both suggested that fear of litigation or the wish to avoid future litigation in years to come had been a major contributor in their management of asbestos. The dutyholder at a large food manufacturer thought this was probably reflective of many large businesses:
“The main problems with asbestos, or the big issue - as with most big companies - is tremendous claims if somebody files a claim against them for asbestosis in years to come.”

This fear was mirrored in a small housing association where the wish to avoid litigation led to a decision to roll out inspections to their housing stock as well as their non-domestic properties:

“Other people might view this differently but we were actually quite scared by the legislation… It’s a very difficult time that we live in with litigation all over the place and I am absolutely clear that this would be the same if one of our tenants became ill or one of our workers or one of our staff in this building.”

5.2 MORAL DRIVERS

The moral considerations reported by dutyholders were related to concerns about safety and protecting others. The groups considered to be at risk depended on those using the premises in question but were primarily:

- employees
- maintenance workers or contractors
- members of the public (eg pupils, tenants, congregation).

Some dutyholders, despite being concerned about enforcement or litigation, made a point that people’s health was the major driving force in their management of asbestos. For example, the assistant head teacher at a small middle school said:

“Yeah, you do worry a bit about missing something and being prosecuted but, okay, you do your best, but you’ve just got to protect the people who are in the building.”

A small construction company suggested that although the main business concern was to be compliant with the law, employee health was another concern.

“Paramount, we have got the welfare of our employees at heart.”

Similarly, the reverend of a small rural parish felt that a major priority at the church was making sure that volunteers and paid maintenance workers were not ill affected by exposure to asbestos, particularly as they represent a Christian organisation:

“We’ve learnt more about the dangers of asbestos and so there’s a duty, what drives us in a sense is that what we don’t want to do is put people at risk. And so if our volunteers who are working in the building or we bring in paid contractors, we don’t want to put them at risk, we want to maintain their safety… I think as responsible people and as a Christian organisation, we wouldn’t want to be putting people at risk and so we need to maintain safety. And we do rely a lot on the goodwill of people, volunteers and particularly if they’re giving their goodwill we have a duty to make sure that their environment is safe that they’re doing things in.”

In public buildings, the health and safety of the public was also a major driving factor. At a horseracing course, although the health of employees was a concern, of equal importance was the welfare of the public and the environment. This was also a business decision, as appropriate steps needed to be taken to look after paying customers and ensure that they return. At one of the schools there was an understanding of the seriousness of the potential danger posed by asbestos and therefore much concern about employees and pupils safety:

“Well because obviously we don’t want anybody getting asbestosis do we? I mean when you know you’ve got something lethal, I mean he realises that he obviously doesn’t want the kids to be anywhere near any of it, or his workers.”
5.3 SUMMARY

The main drivers for dutyholders’ management of asbestos were related to their legal responsibilities and/or wider moral considerations. Some organisations simply wanted to comply with the legislation, which was often related to a fear of enforcement and potential prosecution for not complying, including facing large fines and even, in one case, fear of receiving a prison sentence. Some organisations, particularly the larger ones, were concerned about facing litigation if someone became ill from exposure to asbestos fibres on their properties. Another motivating factor was the desire to protect people, although legal drivers tended to be more common. There was concern to protect not only maintenance workers but also employees and members of the public using the properties, such as pupils, congregations and hospital patients.
6. COMPLIANCE

This chapter looks at levels of compliance with the regulations among the sample of organisations interviewed for this research. It draws on the self-report data obtained from the interviews and more objective data taken from the site visits, which in the majority of cases confirmed what the dutyholder had stated.

Perhaps unsurprisingly, because of the opt-in design of the study, and the fact that all of the dutyholders had attended a training session on the subject, levels of awareness and compliance were generally high in the sample. This was confirmed by the site visits, which found that the majority of organisations visited had the necessary documentation and procedures in place. However, the study revealed some areas of weakness in conducting certain aspects of the duty, which in many cases were common to more than one organisation. It is important to be aware of these areas of weakness in order to determine how any future support, including any re-design of the training materials, should be directed.

6.1 HOW THE DUTY IS ORGANISED

Before looking at the specific duties in the regulations it is important to set the context by explaining how the responsibilities for managing asbestos have been managed.

Despite clear guidance from the HSE on who is the dutyholder, it is well recognised that in practice the arrangements for managing asbestos in premises may be complex, with the day-to-day management delegated to one or more individuals and sometimes involving very little input from the legal dutyholder. Interviewees were asked to describe the responsibilities and the people involved in managing asbestos on their sites.

6.1.1 The legal dutyholder?

Interviewees were recruited who had attended the partner training and had ‘any responsibility for managing asbestos on their premises’. In only a handful of cases were these individuals the ultimate dutyholder as defined by law. Nonetheless many referred to themselves as ‘dutyholders’ and took their responsibilities very seriously. In many cases the ultimate dutyholder was someone in a more senior position who had delegated most, if not all, of the responsibility to those that we spoke to. This was particularly the case in the larger organisations, but was also true in some of the smaller organisations.

Often the downward delegation was a deliberate move to ensure that responsibility was held by the relevant person on site, particularly in the multi-site organisations. Using the example of the schools, the overall dutyholder in this case was the Chief Executive of the County Council. However, the council had made a decision a few years ago to hand over some responsibility to people on each site. While the council had organised the site inspections and put together the management plans, it was up to those in each building to monitor the condition of asbestos and inform maintenance workers of the risks. The head teacher of a medium-sized secondary school understood why this was necessary:

“I would imagine, unless it’s the person on site, the dutyholder won’t know what’s going on. If I decide to put a shelf up on that wall, nobody at the council is going to know, are they? Whereas somebody in the school will know and can say ‘Whoops, we don’t do that’.”

In a large plant and pump hire firm, which has over 32 depots across the UK, the interview was held with the property director, who works at headquarters. He told how the responsibility had been cascaded down the organisation to include those in the different depots:
“It’s gone from me, the operational director, to the local managers to ensure that there is total compliance. So although I put my hand up and say ‘Yes I’m the dutyholder for the company’, there will be any number of people that are responsible in their various branches for their own particular locations... If you take the view that I am the dutyholder, as a representative of the company, then I think it’s physically impossible for me to say categorically what’s happening on this site, that site, that site, all over the place. I don’t visit every site every year, some of them I visit every week, which is difficult to say the least. So you’re therefore reliant on other managers and area managers and the like.”

The director thus considered that ‘asbestos dutyholder’ was “an unfortunate term … because the buck stops here”. He felt that at present, too much emphasis was placed on the dutyholder’s role and that the responsibility should be spread more.

6.1.2 Number of people involved

Even on single sites, often a number of people would be involved in the day-to-day management of asbestos. This helped to ensure that compliance could be met even if an individual was away. For example, in a large brick manufacturing firm the interviewee told how he had put an engineer through the training and involved him in the six-monthly audits to ensure that someone has a handle on the issues in his absence.

Often the interviewees sought a lot of help in their management from professional services, such as health and safety consultants, so while they held some responsibility officially, in practice they carried out very few of the tasks. In many cases this additional help was sought from the partner who had delivered the training. For example, in the churches, the reverends employed the partner to carry out the inspections after receiving some training from him. At the time of the interview they were planning on calling on him to arrange some asbestos removal.

6.1.3 Resources

The power and support provided to dutyholders varied substantially. In a large food manufacturing company, the interviewee’s sole remit was to carry out a programme of asbestos removal from the various sites, which had been ongoing for a number of years. Before this the issue was dealt with in a piecemeal fashion by a number of different people, but the company decided to dedicate a single role and substantial resources to ensure that the programme was delivered effectively. This was an extreme version which contrasted sharply with the majority of the other organisations.

In most cases the interviewees carried out their duties alongside a number of other responsibilities, and in a few cases it was essentially an add-on for which no more resources were provided. This was particularly the case in the schools, where often teachers were responsible for managing asbestos. The new dutyholder role was not well received by all. The interviewee from a school told how teachers from other schools at the training event were upset to learn about their new role:

“There were one or two people there who got really upset about it and said ‘Why are you passing this on to us, we’re not qualified? This isn’t our responsibility’, but the guy quietly explained that it was our responsibility because we’re here all the time.”

In a medium-sized housing association, the interviewee told how he wished they were able to dedicate more resources to the role, which he saw as essentially full-time, and how he struggled to raise the profile of the work within the organisation.

“Our weakness is getting the dedicated commitment and resource to deal with the topic. I could use the word full-time but it’s certainly a job in itself to pull it together and it’s trying to push that through and raise the profile in the organisation… Some organisations are ideally placed and they’re able to pull a team together as an asbestos team and off it goes and they don’t deal with other things. The job and the activities of the association are fairly wide-ranging.”
6.1.4 Leased properties

According to the legislation, in the case of properties that are leased, the determination of the responsibility will depend on the specifics of the contract and may fall to either the owner or lessee. In some of the organisations interviewed for this research, some or all of the property profile was leased, but the way the responsibilities were managed varied; in some cases responsibility lay with the owner, in others with the occupier and in other cases it was shared by both. In a small construction firm, the interviewee told how the owner was responsible for managing asbestos on their leased work premises, and how their responsibility only came into play on sites that they bought to develop. When they renovate another property they may work together with the owner to ensure that the necessary checks and inspections have been made before commencing work. Similarly, in a small engineering and technology consultancy, the dutyholder told how the landlord was responsible for their leased premises, but how they organised all maintenance work on the properties that they owned.

In contrast the dutyholder of a large plant and pump hire operation told how they dealt with asbestos management in their leased properties in exactly the same as in their owned properties, with the only difference being that they were less prepared to spend money on them so opted to control rather than remove any asbestos found. He did not believe it was possible to arrange it any other way:

“It would be a wonderful idea to say that the responsibility for the control of asbestos rests with the owner of the building. It will not work. It has to be the occupier of the building. If you said to me we are renting that building, most of the leases will say that you have to comply with whatever legislation happens to be in place at the time and you have to ensure that there’s a full repairing covenant in place.”

In a few cases the responsibility was split between the owner and the leaseholder and in a hospital the responsibility was shared by the hospital trust and the company managing the property. In some cases shared responsibility led to problems in the management of asbestos, which are addressed fully later in the report.

6.2 COMPLIANCE WITH THE DUTY

This section of the report looks at the levels of compliance among the sample of organisations by focusing on their practice in carrying out the following aspects of the duty:

- assessing the content and condition of ACMs
- reviewing
- putting together the documentation, including a register and management plan
- reducing or removing the risks caused by ACMs
- managing maintenance work and asbestos.

The section incorporates the findings from the interviews and site visits to assess how well these stages are carried out, why certain choices were made. It focuses on some of the difficulties that organisations faced in dealing with these specific aspects, while more general barriers to compliance are addressed later in the following chapter.

6.2.1 Assessing content and condition of ACMs

The HSE recommends three approaches to assessing the presence of asbestos in buildings. These three approaches can be summarised as:

- Type One: Location and assessment survey (presumptive survey)
• Type Two: Standard sampling, identification and assessment survey (sampling survey)
• Type Three: Full access sampling and identification survey (pre-demolition and major refurbishment survey).

Nearly all of the dutyholders interviewed had conducted a survey of some type. However, the level of detail that the surveys covered and the reasons for choosing a particular survey type varied between the organisations.

**Desktop surveys**

The guidance from the HSE suggests that plans should be used where possible to assess the location of ACMs and guide the survey process. Plans were incorporated into the surveys conducted at a number of the organisations included in this research.

In some organisations desktop surveys were considered sufficient to assess the content of any ACMs in the premises. For example, at a small sheet metal and ventilation manufacturer the factory building was relatively new (circa 1980s) so building plans and ‘bills of quantity’ were used to produce a document stating that there was no asbestos present on the site. Similarly the larger of the housing associations was able to use plans with its newest office building.

Most organisations used plans in combination with an inspection. This was even the case for some newer properties. For example, in a small church parish, although the hall had been built in the mid 1990s and plans were available stating that no asbestos was present, the building was still inspected just to make sure. Similarly, at a large brick manufacturer plans and records of materials used in the construction of their new offices showed that there was no asbestos present, but surveys were still undertaken to rule it out for certain. Other examples where plans had been used include a large housing association. As the housing association previously carried out architectural and technical work in-house the dutyholder was able to provide building plans and drawings to their consultant to incorporate into their type two surveys. At one of the large military defence bases the dutyholders provided plans and historical data for their buildings to their consultants, and even managed to consult the architects who built the buildings, some of whom had retired.

In some cases it was difficult to get hold of building plans and information for properties. This was obviously a problem for those with older buildings where no such plans existed. However, the dutyholder at a borough council reported how they had not been able to provide building information to their survey consultants as these records had been lost when responsibility for their buildings was handed over by a previous local authority.

**Inspections**

Almost all of the organisations interviewed had carried out an inspection of some sort. In only a minority of cases was this a type one survey. Often dutyholders felt that these were not thorough enough and that the presumptive aspect left uncertainty about the presence of asbestos, which could lead to problems when arranging maintenance work. For this reason the dutyholder from a borough council, a large employer, commented that a type one survey was not “worth the paper it is written on”, and the dutyholder at a military base felt these were a “waste of money and time”. This was also the reason that a university chose to opt for a type two survey over a type one survey:

“You just go round and you presume, and I think there are pictures… Anybody that doesn’t know must presume that everything does contain asbestos, because knowing what we know now, you find it in floor tiles, you find it in artex. People wouldn’t think that it was in there, so presumably the presumption is that everything does unless you test it to prove it’s not. But we haven’t gone there and so we did a type two survey with a consultant.”
However, in some cases a type one survey was conducted as a way of saving money. For example, the dutyholder at the large estates management company responsible for managing a hospital premises due for demolition reported that he had personally conducted a presumptive desktop survey on behalf of the trust. Although this approach was not considered ideal, it was the only option available as the trust would not pay for a more in-depth survey until the hospital was demolished (planned to take place in four years), at which point they planned to conduct a type three survey. In the meantime, however, maintenance work was still being carried out on the building.

Type two surveys were the most frequently reported inspections employed by the sample of dutyholders. The organisations that opted for type two surveys varied considerably in terms of their size, sector and the age and number of their buildings. The dutyholder at a racecourse felt that only a type two survey, conducted by an independent surveyor, would provide a “true” and “independent” statement of where there was and was not asbestos that he could show to contractors. Both at a borough council and at an agricultural research company it was felt that, because of the age and number of buildings that they owned, only a type two survey would be appropriate. Finally, at a military base a type two survey was chosen as it was felt to be the industry standard.

Type three surveys were carried out by a handful of the organisations, usually on an ad hoc basis where work was planned that would involve demolition or some kind of invasive work. For example, in an agricultural research company the dutyholder explained the use of type three surveys:

“Well my understanding of type three is it’s used for demolition. We do have a demolition programme underway and those buildings have received, or will receive a type three survey.”

Other examples include a medium-sized school, which ordered a type three survey to be conducted before repairs were carried out on a leaking water pipe contained in a duct, and a borough council which conducted type three surveys to check whether there was asbestos present behind a wall through which they wanted to route a pipe.

In many cases a general type three survey across the whole site was not deemed necessary as this was felt that this would be “overkill”. There was only one example where a type three survey had been carried out across the whole site, in a large packaging manufacturer, but it was not clear why this type of survey was chosen over any other type. However, at one school where a type two survey had been carried out, the site supervisor thought a type three survey would have been preferable. The school had a lot of ducts and hidden areas, which, as a result of the type two survey, are recorded as ‘not known’, and the dutyholder was aware that extra surveys would need to be done if they required some maintenance work in these areas.

A minority of the companies had not conducted adequate assessments of their properties. For example, a small construction company felt that it was not necessary to have an asbestos survey carried out on the premises, as the building was a newly converted barn and they believed it contained no asbestos. However, no plans were checked to verify this and a document stating that there was no asbestos on site was not produced. An example of a perhaps less than fully compliant approach was at a central heating installation company. As the company’s building was ‘relatively new’ and quite small the health and safety manager had decided to inspect the building himself. He felt that he knew what all the materials in the building were and that there was no asbestos present (which is difficult to verify). It was not considered necessary to keep a record, apart from a mental record, as any of the few maintenance jobs needed on the property would have to go through the health and safety manager first. There was no recognition that some asbestos is difficult to identify or that documentation is required.
Risk assessments

Once ACMs have been identified in premises, it is necessary to assess their condition and the likelihood of their posing a risk, so that a decision can be made on whether they can be retained and managed or need to be removed. The HSE recommends that this be conducted through a process of risk assessment. While all dutyholders had made some decision about how to deal with the risk of any ACMs, the process by which these decisions were made varied substantially, from cursory examinations to complex risk assessment scoring methodologies.

For some organisations the risk assessment took the form of a simple assessment of material factors, such as type of ACM and condition, and likelihood of exposure. In such cases a decision on what action to take was based on the dutyholder’s subjective assessment of risk. This kind of approach was taken at a medium-sized munitions factory, where a decision was made to manage the roof cladding on the basis that it was in good condition and was unlikely to be disturbed. The dutyholder stated that he simply checked whether the roof was ok and found it an easy procedure to go through.

Other organisations, such as the schools and some of the housing associations, took a much more sophisticated approach to the risk assessments, drawing on a number of factors in order to estimate potential risk to people’s health, including:

- material/asbestos type
- product type
- condition
- surface treatment
- occupancy/frequency of use of area
- activity/use of area
- exposure potential/accessibility
- maintenance – any planned or future maintenance.

In the assessments, each factor would receive a score and the combination of scores was used to determine one or more of the following:

- risk weighting/priority score
- suggested actions/recommendations for managing
- timescale for review/monitoring.

For example, in all five of the schools included in this research, the process of assessing any risks posed by ACMs on site was split between the survey company contracted by the council and the dutyholder or person delegated responsibility within the school. The survey reports produced by the survey company would include the first part of the risk assessment in the shape of a material assessment including: material, product type, treatment, and condition. It was then the responsibility of each dutyholder on site to complete the remaining part of the risk assessment, including: likelihood of disturbance, exposure potential, and planned maintenance activity. The resultant scoring would then guide the organisation on any necessary action or review procedures. This process was confirmed during the site visits carried out by our partners from Loughborough University.
Who conducted?

A minority of dutyholders carried out their own desktop or type one surveys. For example, in a large company managing the premises of a hospital, the estates officer carried out the presumptive survey himself, although he planned to get in specialists to conduct confirmatory surveys at a future date. At one of the military bases the dutyholder was also a qualified surveyor and so was able to conduct a type two survey at the site without any support.

In the majority of cases consultants or surveying companies were contracted to carry out the inspections on behalf of the dutyholder. In the case of type two or type three surveys, experts are certainly required to conduct the testing of substances. However, consultants were often used even for type one and desktop surveys, which could arguably be carried out by dutyholders themselves. Dutyholders did not feel they had the confidence or the expertise in-house to carry out a survey satisfactorily. For example, the reverend of a small rural parish felt that he did not have the expertise to know what he was looking for and lacked confidence in his ability to carry out a survey competently, even though his property stock was small and unlikely to contain many ACMs:

“I think the problem is that you’re not quite sure what you’re looking for… I don’t think I’d be as confident as I ought to be or as I’d like to be, if I was going to do it all myself.”

Furthermore, some dutyholders felt that they could be held liable if they conducted their own surveys incorrectly and someone was subsequently contracted an asbestos-related illness. The dutyholder from a small housing association explained:

“Other people might view this differently but we were actually quite scared by the legislation and very concerned that if we tried to do it ourselves we would expose ourselves to some fairly swingeing retribution if we were found not to have done it correctly or somebody got asbestosis because we had done a survey internally and we had got it wrong.”

As a result the dutyholder thought it necessary to pay a consultant to carry out a survey on their behalf.

In many cases the assessments were conducted by the partner, who was often the organisation’s external health and safety consultant, either before or shortly after the training. The partners were often responsible for organising testing if not qualified to carry it out themselves. For example, the sheet metal and ventilation manufacturer had an ongoing relationship with their partner who was seen as their “competent person” when it came to health and safety. The partner helped the dutyholder look through the bill of quantities and put together a document stating that no ACMs were found. The dutyholder of a university found it useful to get their regular consultant to carry out their survey as he was very familiar with the campus, which increased their confidence in the survey process.

Similarly a number of organisations chose to leave the risk assessment process down to consultants or survey companies. Often assessing the location and condition and conducting the risk assessments came as part of the consultancy package. This was the case at a university, where the consultant, who was familiar with the premises, carried out the survey and risk assessment aspect without much input from the dutyholder. In many cases, however, dutyholders assisted consultants in conducting the risk assessments. For example, in both of the rural parishes and the building materials manufacturers, the dutyholders went around the premises with the consultant to add some commentary on the building’s usage. Similarly, in the case of the schools, while the first part of the risk assessment, of materials, was conducted by the surveying company, the on-site dutyholders were required to score areas for factors such as likelihood of damage. The council thought that this was necessary given that those on site have a much better appreciation of how specific parts of buildings are used.
Selecting a consultant to do this type of work was not always easy. The dutyholder at the racecourse reported that he had been “bombarded with flyers” and approached by a number of survey companies canvassing for business. When he questioned them, none could show that the laboratories they used had proper accreditation. In the end the dutyholder asked a contact at IOSH for a recommendation.

In a number of cases it appeared that dutyholders were not checking the accreditation of the companies they used. In the site visits with schools and the small housing association, although the organisations received test results on samples taken, the names of the testing companies were not provided on the survey reports and the dutyholders were themselves not aware of who the testing companies were or if they had proper accreditation.

Although dutyholder views on the service provided by survey companies were generally positive, in some cases there were misgivings. For example, in a medium-sized secondary school, the dutyholder reported problems with their survey company. As the school were thinking about making some alterations involving a wall that could potentially contain asbestos, it was decided a type three survey needed to be commissioned. However, the survey company made so many large holes in the wall in the process of doing this that the wall had to be demolished anyway. The school was so unhappy with the situation that they took photographs of the damage and were considering taking legal action. In another school, instead of using classroom numbers when carrying out the survey, the consultancy devised its own numbering system, pinning numbers to the door of each room as they went along in order to relate them back to a report for each room. During this process the pinned numbers either fell off or were removed by someone unbeknownst to the survey company. This resulted in a situation whereby the dutyholder could not be positive about the location of any ACMs and so was forced to carry out further surveys with testing when maintenance work was required. Furthermore, the dutyholder reported that the company had missed some ACMs that the dutyholder already knew contained asbestos:

“The survey that was done, at great expense to the local authority, is in my opinion a total waste of time and I cannot make head nor tail of it. And we knew of more asbestos than what the survey has found.”

A couple of other organisations, the housing association and one of the schools, were also sceptical of the quality of their reports, having found ACMs in their premises themselves that had been missed by their survey companies.

### 6.2.2 Reviewing

There was recognition among most dutyholders that any ACMs that had been identified and were being kept in place and managed required some form of reviewing. The dutyholder of a large housing association recognised how it is insufficient to check the ACMs once and then forget about them.

“It’s alright doing a long survey, but if this is just left now, in five years time somebody comes and says ‘Well why haven’t we been inspecting, why haven’t we been maintaining our asbestos?’ and we could have a fatality or anything, you know. So the key is for us to update this, keep this up to date, and look at our stock, our domestic stock.”

However, the extent and manner in which reviewing was carried out varied between the organisations.

Some conducted reviews on an annual or biannual basis. For example, the dutyholder at a small estates management company reviewed the condition of the roof cladding over the nine buildings that he leases out around once every two years in order to update his asbestos “ledger”: 
“Every two years we have a systematic review of all the things, so they’re just doing one now and one at a different time. It’s better to do the whole lot at once… It’s just to see if there’s any difference in the condition of the cladding, that’s all. It’s quite a simple thing to do. It means getting a ladder, going up on the roof and looking at the roof.”

At some organisations the reviewing process was substantially more complex. For example, in the schools the results of the risk assessments determined when and how ACMs should be reviewed, so areas were reviewed with different frequency. The dutyholder from a medium-sized secondary school told how in his case there was one ACM in particular that needed to be risk assessed every week. In some schools, hundreds of assessments were conducted at different time intervals. Another more sophisticated review system was seen at a large brick manufacturer, where a biannual assessment of the condition of ACMs was conducted using photographic evidence to check for any deterioration of the materials. On top of this, they conducted monthly ‘safety tours’ looking at the general integrity of the structure of the building and were audited by their consultant twice a year.

While most dutyholders reported that monitoring occurred, it was difficult to verify how often and how systematic this was in practice. The site visits revealed that in a number of organisations there were no reviewing procedures in place. Four of the ten organisations had nothing formal in place, and these came from a range of organisations across all three size groups. Moreover, there was little mention in the interviews of any reviews of the management plan, in addition to ACMs.

6.2.3 Documentation - management plans and registers

The HSE guidance recommends that a management plan be constructed “which is clear and unambiguous. It should set out the aims of the plan, what is going to be done, when it is going to be done and how it is going to be done. There needs to be clear lines of responsibility, with each person involved understanding their role, and a mechanism for regular monitoring and an annual review of the management plan to ensure that it is working properly.”

While in the vast majority of organisations it was clear who was responsible and how asbestos was managed (ie there was a plan), the site visits revealed that in several cases this had not been formalised into a document. In some organisations there was confusion over whether a documented ‘management plan’ is necessary or what it should include. At a large plant and pump hire company the dutyholder stated:

“I don’t quite know what you mean by management plans. I’ve already told that we’ve had the surveys done, they’ve all gone out, we review them, we review each branch, not just for asbestos but for that and other things. As I go out to the branches, I go through and have a look. I regard that as being completely satisfactory… But there is no formal plan you will see that says that I must visit this depot, that depot, every so often.”

One dutyholder, from a medium-sized housing association, expressed cynicism over the use of formal plans. Although they had one, he felt that this was little more than a piece of paper and thought the important thing was being able to point to the relevant register for a given building to show the location of asbestos. In his experience many organisations had a ‘management plan’ in order to meet requirements but were not able to back this up by providing information about the whereabouts and condition of any ACMs.

Most of the organisations stated that they had a documented asbestos register which located the presence and condition of asbestos in the premises. For a few, this was considered sufficient to meet the duty, and was believed to make up the management plan. However, the registers varied substantially in terms of their format and the details contained, from very sophisticated all-inclusive electronic systems to the very basic paper documents. One example of where the register had been more sophisticated was at a large housing association where a sophisticated computer system was used to link the following:

27
drawings of each building surveyed with the location of any ACMs clearly marked
photographs of the condition of any ACMs
certificates of any testing
catalogue of any samples taken
risk assessment of any ACMs.

These electronic registers were then linked to the housing association’s property management database, so that when any maintenance requests were raised the system would flag up the presence of any ACMs and set into motion a procedure to ensure information was passed to the relevant maintenance workers. At a large agricultural research company the register was also provided in electronic format, which the dutyholder saw as particularly useful as it meant the information “could be shared easily” with maintenance workers. A number of organisations were using the MASTEC software system for their asbestos registers, while in a housing association the information had been incorporated into their existing Orchard Housing Management system. For other organisations, the registers were much more simple. For example, at a large plant and pump hire company the register consisted more simply of drawings or plans of each of the buildings with the location of ACMs marked on them with photographs of the condition.

Some dutyholders did not keep a management plan at all, or even a document stating that asbestos was not present in the building. This was true in a small central heating installation company, where the dutyholder felt that no such document was needed as, in his opinion, there were no ACMs in the building and any maintenance work would go through him. The site visits revealed that at a large cardboard box company, the dutyholder thought a register was not required as only one ACM had been identified. However, he was unable to produce the survey results when requested, as these had been misplaced. The site visits also revealed that the company managing the hospital did not have a formal plan. Instead, the dutyholder of this premises told all maintenance workers to expect to find asbestos as it had been used in construction throughout the hospital.

In some cases the documents were ‘live’ systems which were regularly updated if any changes occurred to the ACMs on premises. For example, at a large food manufacturing company, the dutyholder told how the results of any reviews were recorded on their MASTEC asbestos location software. In a number of cases, however, registers tended not to be updated. A handful of organisations used their survey report, rather than translating these findings into a separate register which can be amended when necessary. A site visit to a medium-sized munitions factory found that the only documentation on the premises was the survey results report, which reflected the location of asbestos at the time of the survey but had not been updated following the removal of some ACMs. Similarly, a small engineering and technology consultancy used the report from their survey as a register, and the basis of their management plan. Although the dutyholder claimed that they conducted annual reviews, this was not reflected in the documentation shown during the site visit, which was three to four years old.

The site visits report concluded that dutyholders “were aware of the risks that the ACMs posed and had put in place procedures to inform and guide their employees, members of the public and any workers who might come into contact with the materials”. However, “these procedures were not always in written form and in some instances the documentation was poor with an over reliance on the asbestos survey information provided by external consultants”.

28
Who conducted?

Just as in the case of the assessments, for some dutyholders a lack of confidence in knowing exactly what a management plan or register should contain for their organisation led them to contract a consultant to set these up on their behalf.

The dutyholder at a medium sized housing association felt that they did not have the experience or capability in-house to incorporate all the information from their surveys that was held on a database into their current housing management and maintenance systems. He also reported that, because of the potential complexity, he was unsure what their management plan should involve and needed more guidance on this specifically tailored to his sector. At the time of the interview the housing association was in the process of tendering for a consultant to set up their management plan for them.

In one of the church parishes, the partner provided the reverend with a management plan of sorts instructing the dutyholder on how to manage the asbestos contained in the organ blower:

“And then the management plan you see. The cabinet must be sealed - which it is. A warning sign attached - which it is. A scheme must be drawn up to carry out a risk assessment and method statement for removal of this cabinet, which is what the next stage is. Working on the organ blower cabinet must be forbidden or be at the own risk to the person opening the cabinet.”

The partner had been brought in to conduct the survey and to set up the management plan as the dutyholder did not have the confidence to set one up himself, despite the fact that the establishment was small and there was little asbestos present. Reducing the risks

Once the risk posed by any confirmed or presumed ACMs is assessed there are a number of options available to dutyholders for reducing the risk of people being exposed to asbestos. Depending on the condition of ACMs and on the likelihood of disturbance, the HSE guidance on the management of asbestos in non-domestic premises suggests that there are two main options for reducing risks:

- Management – where ACMs are in good condition and are unlikely to be disturbed, or where it can be repaired, encapsulated or enclosed, the risks can be managed by ensuring that people are not exposed to potential release of fibres
- Removal – where ACMs are in poor condition or are likely to be disturbed by major building work, maintenance or normal working activities, removal of ACMs should be seriously considered.

This section of the report looks at the actions taken by the sample of dutyholders interviewed for this research.

Managing the risk

Among the organisations interviewed for this research the measures used in order to manage the risk from their ACMs, where removal was not seen as necessary or possible, fell into four main categories:

- informing others and labelling
- sealing, encapsulating and enclosing ACMs
- avoiding or ‘working around’ ACMs
- monitoring and maintaining ACMs.

Often successful management of ACMs within an organisation involved some combination of these measures, which together were seen as a more cost-effective way of dealing with asbestos.
Informing others and labelling

One of the simplest and most effective ways to ensure that people are not exposed to risks presented by any ACMs on site is to inform relevant parties as to the location of ACMs and what they need to do in order to avoid exposing themselves to any unnecessary risk. In most cases the organisations interviewed for this research had procedures in place to inform maintenance workers of the location of ACMs. Since this is a key area of the duty, it is dealt with more fully in the next section. Many were also informing other people who came to be in the premises, although practice is this respect was more variable.

Some organisations preferred to inform all employees working on the site of the presence of asbestos as it was felt that this would help minimise the chances of any ACMs being disturbed inadvertently. For example at a small engineering and technology consultancy employees were informed of the company’s management plan and of the risks associated through circulation of the company risk assessments.

Alternatively, some dutyholders felt that it was only necessary to inform employees about the location of ACMs on a kind of ‘need to know’ basis. For example, at a large agricultural research company it was reported that:

“Anybody who has the potential to come into contact with asbestos is informed of the whereabouts of ACMs, along with the risks and how they are managed, through awareness training sessions.”

Some organisations made access to management plans and registers easy through using company computer systems. The large agricultural research company were planning to put their ‘statement of policy’, which included their asbestos register and management plan, onto a shared drive on the company’s computer system. At a large university, although it was recognised that there were people who needed to know about any ACMs, such as maintenance contractors, estates management, technicians, heads of school, and some academics, there were plans to post the management plan and register on the intranet for a wider university community. However, it was considered that the system might include levels of clearance so that, while university staff would have clearance to view the relevant files, access would be denied to students, for whom the information was considered inappropriate.

At some organisations there was a concern that informing employees about the presence of asbestos in the workplace might cause them alarm unnecessarily. In fact, for some dutyholders who felt their management of asbestos was under control, avoiding a climate of fear was one of the largest problems they faced in managing asbestos. As the dutyholder of a medium-sized munitions factory explained:

“There’s a lot of politics involved in asbestos… It scares people to death, they all think they’re going to get asbestosis or something like that.”

As such, the approach was to provide information to employees only if requested. For example, at a large brick manufacturer a file containing the company’s asbestos management policy, asbestos register, results of surveys and tests, and any other records relating to asbestos management, although kept in the health and safety management office was made available to employees on request. This approach was taken as so not to alarm employees while still maintaining a responsible strategy.

The dutyholder at a large food manufacturing company felt it was important not to publicise the information widely among their employees, and thought that he had picked up advice to this effect from the HSE:

“I’ll tell you now, when I’ve been to some HSE meetings, they say asbestos is such an emotive subject that the least people know about the asbestos in the buildings is better for their own comfort and well-being, and I’ve found this to be relevant, especially when we had one fitter there
who was convinced, because there was some asbestos pipes miles away from where he was working, that he was going to die from asbestosis and I sat down and talked with him... Asbestos is such an emotive subject, that area managers ought to know what's in their area, and I talk to them from time to time. But in general, with the troops, we don't necessarily tell all the troops and all the employees that there's asbestos in the area, not because we're blind to them and we think they're idiots. It's just the fact that it's managed well, it's not a problem to them and if it is a problem I just sort it out okay."

Area managers in the company were made aware of the location of ACMs and warning stickers were put in place. If other workers needed to be informed the project engineer/dutyholder would attempt to get a group of such people together and give them a “lecture” about asbestos and the ACMs present. This was done because there was concern that if only one person was told about ACMs they might tell someone else, who would pass on the information again, and in the end the information would be taken out of context and potentially cause widespread alarm:

“I’m quite conversant with explaining to people what we’re doing at a time and place where I would arrange a lecture. If several people came to me and started asking me bits and pieces about it, I’d say ‘Look, go and see your site manager or works manager, you set up a course and I’ll come and talk to you for an hour’, but I don’t really want people sniping around for a little bit here, a little bit here. I tell Tommy something, he goes back and tells his work mates something, but he’s forgot something that I told him, and then they pass it on to somebody else and before long it’s started to spread all round the place. ‘Oh my God, we’ve got asbestos all over the factory here, and we’re all going to die’... do you know what I mean?”

Some organisations had an interest in informing a number of key stakeholders about the presence of asbestos on their premises. The dutyholder at a racecourse management company felt that, in addition to maintenance workers, it was necessary to pass information on to all the main organisations using the premises on a regular basis, including television companies and caterers. This was to make sure that everyone using the site for their business was aware of any dangers posed by any ACMs present and that they must not disturb them:

“We make a great play of it, the asbestos. We also sent the register out to all the outside organisations, they cannot say we did not know, we were not aware.”

For the dutyholder at a small estates management company it was especially important to inform those in the units he was responsible for about the presence of ACMs, which he did through passing on registers and survey results. The reason for this was that although most maintenance work was the responsibility of the interviewee, some minor maintenance work might from time to time be organised by the tenant.

One way of informing others on the location of ACMs suggested in HSE guidance is through the use of labelling. Some dutyholders felt that it was part of their duty to use labels so that people would be aware of the potential danger posed by ACMs. At a small rural parish the dutyholder had labelled the organ blower cabinet, which contained an ACM sealed inside. Although no-one was allowed to open the cabinet apart from organ tuner, who already knew about the risk, it was felt that a label was needed in case for some unforeseen reason another worker or a replacement organ tuner was brought in.

However, some dutyholders raised concerns about alarming employees and other users of the premises unnecessarily through the use of labels. At a medium-sized secondary school there was a reluctance to mark any ACMs with asbestos warning stickers in case it caused alarm to children or parents. There was also concern that if pupils were made aware of the presence of asbestos they might deliberately damage it in order to get “two or three days off” of school, as had been reported by a colleague at another school. Similarly at another school, the bursar reported how they had talked about labelling the ACMs on site but decided not to do so as it was felt that:
“It would worry the parents and may lead to some kids trying to play with the staff. The school thought informing them would have more negative effects than positive.”

However, the backlash of this cautious measure was that some staff and teachers were not obeying the rules in relation to asbestos. Although teachers had been told not to put drawing pins or staples into some surfaces for fear of disturbing asbestos, the school had not been able to stop the practice. The dutyholder felt that if they were better informed of the risks posed by asbestos then more care might be taken not to do anything that might disturb ACMs.

The dutyholder at a large estates management firm managing a hospital property told that the hospital trust did not want employees or patients to be informed about the whereabouts of ACMs to avoid panic. Labels were used on ACMs in plant rooms within the hospital, but the company was not allowed to put them in the parts of the hospital where patients would see them. However, again it was felt that there was backlash to not informing people properly. The dutyholder’s concern was that if, for example, a tile containing asbestos was damaged, it would not be recognised as an emergency job and reported as such; rather, employees would deal with the situation just like any other maintenance job. This could prevent the appropriate precautions being taken and lead to people being exposed to unnecessary risk.

“All we would know is that a job would be phoned through. ‘Can someone come and repair so-and-so?’… One of our lads will go and look and they know what’s asbestos and what’s not asbestos down there, and if it is then we’ll take the appropriate action… These jobs get reported eventually, but not always at the time. A common attitude is that, ‘Oh, someone else will do that… Not just on that, on all sorts of jobs. A light bulb can be out and a hundred people could walk by that light bulb and nobody will report that it’s not working, because it’s somebody else’s job, you know. That’s what happens. And also, they don’t like to report it because they’re frightened they’re going to get into trouble for doing the damage.”

Seal, encapsulate or enclose

One way to ensure that people are not exposed to the release of asbestos fibres contained in ACMs is to seal them or completely enclose them within another material. This method was used by many of the organisations included in this research.

For example, the dutyholder at a large plant hire company encapsulated a wall containing asbestos behind a plastic membrane and plasterboard. As long as the relevant people were “made fully aware” that asbestos was there and that they must not to disturb it, he felt the risk could be managed. Similarly, at a medium-sized secondary school the asbestos fire protection on the metal columns in the building was enclosed by gluing ply-wood to it, to prevent it being damaged by pupils. The location manager at the school then monitored the ply-wood and informed the relevant teachers not to disturb the columns or stick drawing pins into them.

Cost was often a consideration for dutyholders when deciding whether to enclose any ACMs or remove them completely. For example, at the large plant hire company the decision to seal the wall rather than remove it was made on the basis that the former option was cheaper, and the site was leased anyway. If the company had owned the property, the dutyholder believed they would have opted to remove it. At one of their own sites, ACMs had been removed from the boiler house as the building was theirs and they intended to stay for a long time:

“If it had been a leased property we would have said, ‘Rhubarb you know, why should we add value for the landlord’s benefit?’”

Cost was also a consideration that led the dutyholder at a medium-sized munitions factory to cap some damaged asbestos cement cladding, using PVA glue to seal the cladding and then a metal cap to protect the damaged part. This was considered to be:

“The most economical and most sensible way of doing it really.”
More drastic action could have been taken but this was felt not to be necessary:

“We could go more extreme but I don’t know, how far do you go? I think there’s a rule of life don’t you?”

Avoiding or ‘working around’ ACMs

In some cases it was considered better to leave ACMs in place and either avoid the area or work around it. For example, the senior site supervisor at one of the schools reported that in one case a teacher had been using drawing pins to attach decorations to a ceiling that contained asbestos. Once this was detected an asbestos specialist was brought in to take everything down from the ceiling and seal it, but later beams were put up so that the teacher could attach decorations to these rather than directly to the ceiling.

Some organisations were able to give examples of instances when maintenance work had been prevented in an area where ACMs were present. For example, in a large district council a type three survey carried out on one of their buildings revealed that there was asbestos in a wall they were planning to put a central heating pipe through. As a result it was decided that it would be safer and more cost-effective to route the piping over the roof rather than drilling into the wall. A similar situation occurred at a medium-sized secondary school where it was decided to re-route some IT cabling rather than go through an area that was suspected to contain asbestos.

Monitoring

Monitoring the condition of ACMs was often one part of an organisation’s management strategy and has been discussed earlier in the report. However, there were some cases where, because of the condition and location of ACMs, it was deemed that monitoring the condition would be enough to ensure that people were not exposed to any risks posed.

For example, at a small engineering and consultancy firm, apart from where asbestos had been encapsulated behind a wall, the only ACM in the building was in a boiler room. As no-one other than the dutyholder had access to the boiler room and the ACMs were considered to be in a good condition it was decided that they could be left in place and monitored to make sure they did not deteriorate. In such cases dutyholders often felt that ACMs could be kept and monitored until they had come to the end of their “working life”, at which point the opportunity would be taken to replace them with alternatives.

Removing the risks

One option to reduce risks posed by ACMs is to remove them altogether. This may be particularly desirable where they are in poor condition or if they are likely to be disturbed by any planned work, or by activities in the course of a normal working day. This measure had been employed by dutyholders at a number of organisations included in this research, however, the circumstances in which ACMs were removed and the reasons for removing them varied between those sampled.

Many dutyholders had removed ACMs as it was felt that the condition posed particular risks that could not be reduced by managing them alone. Usually removal was only conducted if necessary. The dutyholder of a medium-sized removal firm described how they had only removed the ACMs which posed a danger in their premises:

“We did find, we did have insulation on the tanks and the treatment end you know, that’s all been removed, but that was just lifted off and placed into sacks and what have you. There is a point where someone said ‘Oh remove everything in sight’. But, I think that was a little bit over the top, I think if you did, half the world would collapse you know, there’s just too much about. We just removed the potential dangers, yeah, which I class as managing.”
In a number of cases the decision to have ACMs removed was based on the priority assessments made in the risk assessment process. At a large agricultural research company a system had been introduced whereby ACMs of a certain risk priority level were removed as a point of urgency. Similarly, at a large housing association priority for removal was based on scorings from their risk assessments, taking into account condition, type, and chances of humans being exposed to ACMs. A programme had recently been started by the housing association for the removal of those ACMs that “in the surveyors’ and the consultants’ opinion scores highly on risk”. The consultants contract out any work to removal companies on the housing associations behalf.

In some cases, although it was recognised that ACMs in a reasonable condition could be managed, some dutyholders had implemented a programme of removal anyway. For example at a large food manufacturing company it was company policy to have all ACMs in their premises removed by a certain date, through a staggered programme of removal. A budget of £90,000 was set aside by the company every year to carry out this work. The main reason that the company had taken this approach was to pre-empt any future changes in the law and thereby avoid the cost of having to remove a lot of ACMs in one go. A large military defence base had also initiated a programme of complete removal throughout the site. However, because of the costs involved, only high priority ACMs were removed as a matter of urgency, whereas lower risk ACMs were removed as and when the budget allowed.

Who conducted?

In most cases, because of the extent and nature of the ACMs that had been found, it was felt necessary to bring in the experts, and specialist asbestos removal contractors were employed to carry out the removal process. Where contractors had been engaged to remove asbestos, some dutyholders described the measures taken to ensure that this was done in a safe fashion. The dutyholder at the small middle school described getting “the martians” in to remove some pipework in the boiler room that had asbestos lagging, referring to the protective clothing that the removers wore:

“The biggest job we’ve had during the time I’ve been here is we’re replacing the pipe work and the pipe work is lagged with asbestos, it was wrapped in tape, so we had the Martians in for a week to take all the asbestos away and that was all set up by them.”

The dutyholder at the large food manufacturing company also gave a full account of the process used by their regular removal company. They went to great lengths to ensure that they contracted in a professional removal company with particularly good safety standards.

“I have confidence with the company I have selected. They’re top class guys. They have all their certification up to date. They have to have medicals every two years. They have face-fit checks for their masks annually to see if their faces have got fatter or thinner. I check them when they first come on site to make sure they’ve shaved and they’re clean-shaven. They’re never allowed in the enclosures if they have stubble on their face or their mask won’t seal.”

They opted to use the same company where possible to prevent raising alarm among employees:

“I need to be confident with the guys are going to work with me, but also by using one company for a long period of time, different area managers - which is almost more important - get used to seeing these guys with all their kit on, their face masks, their overalls, and they’re not so nervous. If you bring three different companies in, the area manager and the people working in that area would not be used to seeing these guys. Asbestos is a very emotive subject.”

In the case of a large estates management company looking after a hospital premises, the visibility of removers was also a consideration when choosing a removal company. When the organisation needed some sills removed, the dutyholder decided to employ a removal contractor
that he knew would be discrete and “not make a fuss”. The main reason for this was to prevent raising alarm among patients or interest from the local media.

A number of the organisations were employing air testers during periods of removal to ensure that asbestos fibres were not being released. At the estates management firm above, they ensured that these technicians were independent of the removers so that “there isn’t a conflict of interests”.

There were cases where the dutyholder felt that it was appropriate to remove some ACMs themselves without employing a contractor. At a medium-sized munitions factory, most of the ACMs on site were in the form of asbestos cement cladding sheets. It was reported that during their survey some of these sheets were found lying around. As removing them was not going to involve cutting them or breaking them up in any way, after seeking some HSE guidance, it was decided that the company could bag the sheets up ready for removal by specialists themselves.

Issues related to removal

Some dutyholders reported issues related to the removal of ACMs on their premises. In the hospital and the cardboard box manufacturing company, they had not been able to remove some asbestos because it would involve closing down the buildings and thereby heavily affecting their operations.

There were also issues relating to asbestos removal companies. At a small rural parish the reverend felt that there was not enough guidance on who to employ to remove asbestos. He worried that, as they were not experts, rogue contractors might try to take advantage of their naivety. He was not aware of a system for registering removal companies, but felt that there should be one as well as some guidance on the likely costs of removal jobs of differing sizes.

The dutyholder at racecourse management company also felt that there was a lack of guidance on licensed removal companies and disposal procedures. The dutyholder had approached a number of agencies in order to get clarification of what was required, including the HSE, the local authority, and the Environment Agency, but felt that he was “sent round the houses” and failed to receive the information he needed. He felt that the upshot of this lack of information was that companies would cut corners when it came to removal and disposal, by employing contractors who might not carry out the process properly or by doing it themselves.

The dutyholder at a large plant and pump hire operation was critical of removal companies, which he felt took advantage of companies trying to do the right thing:

“Appallingly expensive. I think the whole thing, in many cases, is an absolute farce. If there is a risk of powder, or asbestos flakes or whatever, permeating the atmosphere, then I can understand it being done in an encapsulated environment, a pressurised environment. If it’s a question of removing a couple of corrugated sections or broken corrugated sections, I think some companies are going over the top and milking the system for all they can get.”

A dutyholder from a medium-sized housing association thought that the very fact that asbestos removal and surveying had become a profit-making industry skewed the priorities of some licensed contractors.

“They are selling a service and I think a lot of companies have, I wouldn’t say jumped on the bandwagon particularly, but recognised that the legislation created a need for a level of work that wasn’t there before and there was money to be made. The less marketing buoyant companies were more reasonable in their costings and their proposals were probably more professional in their efficiency of operation, which is where the costs became lower.”

There were also occasions when the interviewees had not been pleased with the service they received. For example, the dutyholder of an SME installing boilers and central heating was surprised at the lackadaisical approach of those they had used:
“Surprisingly enough some of these licensed contractors, their method of operation leaves a great deal to be desired. We tell our guys that they need to be wearing this and that and respirators, and these guys come waltzing in in shorts, no respirator, drill a hole straight through an artex ceiling leaving dust everywhere and then just walk out again.”

At a university, asbestos lagging had supposedly been removed by experts from the boiler room pipes in the past, but the dutyholder told that a survey found that there was still asbestos residue present under the new lagging.

The dutyholder at a medium-sized munitions factory felt there should be more guidance for companies on how to remove ACMs safely themselves. He thought it should be possible to do this, so long as the proper precautions are taken. Similarly the dutyholder at the pump hire operation felt that there needed to be some differentiation when it came to removal:

“And I think one criticism has to be levied at the HSE if you want to put it there, that there should be a differentiation. At the moment they’re saying all asbestos is contaminated. ‘Don’t you touch it, get the experts in. Don’t take it to a tip, ooh, can’t possibly do that. Don’t do this (expression of shock)’. And they’ve gone overboard big time and there are companies around, not gonna call them cowboys because I’m sure they’re very good, but they just see, because the government have now latched on to this requirement and said ‘thou shalt do’, people like ourselves are going and saying ‘please help’. And it starts with you know, mega mega invoices. And I think it’s wrong. It’s unnecessary you know if you see a bit of asbestos, perforated asbestos sheet on a floor, so long as it’s double bagged, there is no risk, there is no problem. So why pretend it needs a pressurised environment to remove it?”

6.2.4 Managing asbestos and maintenance work

One of the overarching aims of the duty to manage legislation is to reduce the risks to maintenance workers when conducting work on commercial properties. The reason for conducting surveys to identify where asbestos is and whether it needs to be removed is to ensure that maintenance workers, or any other individuals, do not inadvertently disturb it. One key element to the duty is therefore to inform maintenance workers of the presence and location of asbestos in the premises. In the interviews with dutyholders they were asked to explain how maintenance is organised on the site and how this process of communication is made.

Most of the organisations used contractors to carry out their maintenance work, but a number of organisations, particularly the larger ones, also had in-house maintenance staff. In the majority of cases, any contracting companies tended to be used regularly, and so were fairly familiar with the premises.

All of the organisations were taking steps to ensure that these workers did not disturb any ACMs in their premises. In some cases this involved physically putting up barriers so that workers could not enter these premises, putting up labels to clearly signal the presence of ACMs, or physically removing asbestos using specialist contractors (see previous section).

In terms of informing maintenance workers of the risks of working in a premises, the vast majority of dutyholders had a procedure in place but practice varied. For any large jobs, which were often tasked to contractors, the issue of asbestos tended to be raised early on in the tendering process, forming part of the risk assessment process. As the dutyholder at a large university explained, the location of any asbestos is a standard question asked during pre-tender health and safety and CDM planning, as the outcome ultimately affects the final quote for the work. Many of the dutyholders were able to give examples of times when maintenance work had been prevented or changed as a result of this check.

All of the dutyholders interviewed appeared to also have a procedure for ensuring that individual maintenance workers who came to do a job were themselves informed of the risks. As the dutyholder at a medium-sized secondary school stated, this is particularly important for contractual workers since often the contracting firm and the operative will not have talked about
the issue. He noted that even if a contracted organisation appeared to have a good awareness of asbestos, that is no guarantee that the workers doing the building or maintenance job would be similarly aware.

The systems used to inform individual workers tended to be more informal for regular maintenance workers, either in-house or external, who dutyholders felt were well versed in the fabric of their buildings and already aware of the register. For example, the dutyholder of an SME estates management company said that he tended to inform contractors he knew well only verbally of the risks but would take new workers through the necessary documentation. In most cases the procedure involved showing the worker the register, and sometimes taking them around the site to see which areas to avoid.

A few of the organisations were using a ‘permit to work’ systems with external maintenance workers, which meant that individual workers were required to sign documentation to show that they had seen and understood the risks before they could undertake any work. This was more likely to be present in the larger organisations than the smaller ones, but was also used in the schools interviewed. The dutyholder of an SME installing boilers and central heating explained the procedure in his organisation:

“I would take them round and actually show it [ACMs] to them and we would actually have a written procedure which says this is what we expect you to be doing and we’d get them to sign for it. So we have proof that you’ve actually seen it and we’d have proof that they know what we want them to do or what we don’t want them to do.”

Similarly in a large hospital, workers received information on the location of asbestos when they went on site and were made to sign a tick sheet before starting work to show that they had received key information on asbestos and other areas of health and safety. In a large university contractors who completed the log would receive a badge with a few ‘dos and don’ts’ written on the back.

While it was difficult to decipher what happens in reality from self-report data, it appeared that informing maintenance workers tended only to take place if asbestos was present. In a number of cases, asbestos would not be mentioned by a dutyholder if it was not present in the designated area for work. The maintenance manager at the medium-sized munitions factory said:

“I won’t give them the register over there in that building and it’s brand new and there’s nothing in it, unless they specifically ask.”

Only a minority of dutyholders were sharing their survey reports with their regular maintenance contractors as a matter of course, even those reports which show an absence of asbestos.

While all of the organisations interviewed had procedures in place for informing maintenance workers, there was a suggestion that this was not always happening in practice. During the interview, one of the dutyholders from the school admitted after talking about the permit to work system that he had a worker doing two plumbing jobs the same day who he had not taken through the procedure. The interviews revealed a number of difficulties in dealing with maintenance workers which are discussed below.

**Difficulties communicating to maintenance workers**

Several dutyholders mentioned that it is not always easy to communicate the risks to maintenance workers because the dutyholder is not always available to speak to the worker or contracting firm, or informed that a worker is coming. On some occasions it was felt that workers could slip through the net. The dutyholder of a medium-sized housing association told how it can be difficult to guarantee that a responsible person is there on site when a maintenance person arrives.
“It feels quite simplistic in how you go about it, but the practicalities are quite immense. You can’t guarantee that every site will have somebody there when a contractor is going to arrive.”

In some schools, complications relating to the joint responsibility of the buildings compounded the difficulty of informing maintenance workers. Specifically, in two cases there was ongoing confusion about the relationships between the dutyholders at the schools and the local council’s Building Design Management departments, who were also responsible for the buildings. Many maintenance jobs would be funded and arranged by the local council, rather than the schools; while technically, this should not pose a problem, some dutyholders felt that in practice, there was often a lack of liaison between their council and their school. While there were clear policies for announcing arrival at reception in the schools interviewed, some found that maintenance workers sent by the council were not abiding by these rules.

“There are still some who come into the building, do what they’re supposed to do and slip away with no-one even knowing… There are occasions when somebody will motor in their van, particularly if they’re working in the boiler room which is near where they park, just go in and then clear off.”

The same teacher told how it was also often impractical for him to meet maintenance workers as it meant having to leave class.

“Nine times out of ten for me it’s a problem because if I’m teaching I’ve got to go down and sort it out, I’ve got to leave that class, somebody has to cover it, I take the contractor round, show him where it is, ask him what he’s doing, how he’s going to do it, so in that respect it’s an absolute pain but it’s got to be done.”

This proved particularly difficult when different maintenance workers arrived to do the same job:

“You can talk to the building firm and you’re talking to one man who gives you the quotes and so on, but it’s the operatives who you’ve got to get to. I think most could recognise when there is a possibility of asbestos… As far as the permits to work and trying to get in to see every operative, that’s hard, because… one day you could go in, and you’ve been through it, but the next day it’s a different operative even though it is the same job.”

Similarly, the dutyholder at a large national defence base explained that he was responsible for a very large site and this included a large number of contract staff. Thus, his main difficulty was “to keep on top of them and make sure they are getting up to speed” with asbestos management.

These weaknesses in practice were highlighted in one of the site visits, with the medium-sized munitions factory. While the maintenance manager believed there was a register and a management plan for the premises, these were kept by another member of staff who happened to be absent on the day of the visit. The interviewee was unable to locate any of the relevant documents during that visit, but tended not to refer to these anyway as they were based on survey outputs and were not kept up to date. The dutyholder was well versed in the location of asbestos, which came from one source of external cladding, and was able to point ACMs out to the researcher when shown around. While it would appear that maintenance workers were informed about ACMs most of the time, it is unclear how easily this communication would be made in certain situations, such as in an emergency situation if the maintenance manager was absent.

Some organisations had tried to deal with this issue by ensuring that more than one member of staff is available to access the necessary information. A few organisations had two or more members of staff who knew about the register and how to inform maintenance workers so that if any one of them was absent, the procedure could still be used. In a large housing association, which owned a number of commercial and residential properties, access to the register had been made widespread across the company so that information about asbestos could be better
communicated to contractors at the tendering phase. The dutyholder recognised the challenges in ensuring that the information got through to maintenance workers in an organisation that size.

“Quite a big challenge is trying to link the day-to-day business with the surveys – because you’ve got the survey information over here and you’ve got repair orders going out on properties over there, so there is a definite need to square that off in some shape… It’s the bit when somebody goes through the building, or in preparation of going through the building, that they’ve got the information. That’s the hard thing of having the information there and dealing with the day-to-day aspect of the thing and linking the two things together so that it gets to the right place. That’s the most challenging thing in practical terms.”

The system, which is used by a range of staff when ordering work requests, automatically locates whether asbestos is present and the procedure to be used. The information is printed out on the order, so any contractor will be informed.

“Yes, it’s not reliant on anybody remembering there was asbestos in the building. The whole system, the whole Orchard system feeds back, so it’s hyperlinked… Whatever you do on that property, if you go in to raise an order, that information will automatically come up, there’s no way around it.”

**Difficulties keeping track of maintenance jobs**

A number of dutyholders told how one of the challenges they faced was keeping track of all the maintenance jobs being done in the premises and making sure that staff did not organise maintenance work without them knowing. The dutyholder at a secondary school told how:

“The difficulty is getting the message across to all users of the premises, that these rules are serious rules, because with the best rules in the world there is always somebody who thinks ‘Well, I’ll just do this, I don’t need to get it through the system, I’ll just do it’.”

Similarly, the dutyholder of a large university explained that it was difficult to keep control of all the maintenance work being commissioned:

“We do try to control our contractors and operatives, but because we’re a big organisation, I’m not aware of everything that goes on here, so there could be departments and schools that commission work that could potentially have a consequence…It’s not a particularly difficult thing to do, to actually have a management plan: the difficult thing is controlling the people, and sometimes the things that are outside…As a dutyholder, it’s sometimes difficult to control what goes on outside your own authority really.”

The bursar at another medium-sized secondary school had devised a system to tackle this by centralising all requests for maintenance work. If a teacher wanted some work to be done in their classroom they needed to complete a form for her stating what they wanted doing and where. This helped her to keep a handle on what was being done and ensure that the register was referred to when organising work.

**Attitude of maintenance workers**

Levels of awareness of the risks of asbestos among maintenance workers were felt to be mixed, with “some very good, some not bothered” and a few still holding the cavalier attitude “oh it won’t hurt me”. The dutyholder at a medium-sized secondary school told how:

“I’m quite surprised that operatives don’t usually worry about it. They don’t worry about it like I worry about it.”

The dutyholder of a secondary school thought that this attitude came from having worked with asbestos for so many years.

“I think most of them are aware but not bothered… I suppose the trouble with a lot of them is they work so long in places that it’s hard to change your ways, isn’t it?”
Levels of awareness were felt to be particularly low among smaller contracting firms, but in general it was felt that awareness among operatives was improving, particularly among the younger ones. Some were able to give examples where their maintenance workers had informed them that there were possible risks, showing some co-operation between client and contractor.

A few dutyholders thought poor awareness among maintenance workers presented a barrier to effective compliance, and wanted to see them better informed of the risks. In very few cases had dutyholders been asked by maintenance workers to see a register. In addition, some thought that maintenance workers had a blasé attitude to asbestos and, rather than taking the procedures seriously, found them to be overly formal and a nuisance. For example, the teacher of a small middle school told how:

“They’re probably aware of the procedure but they’re not prepared to go through with it. I imagine some of them have been doing it for so long and there’s a bit of complacency and an element of ‘What the hell is a teacher doing telling me how to drill a hole through a wall?’”

Another dutyholder at a medium-sized secondary school found experienced the same response:

“I’ll be honest they find it a nuisance, they really do… We’re trying to protect them, they’re not too worried.”

Many mentioned how they choose to work only with reputable firms and maintenance workers that they can trust, and a few gave examples of times when they had sacked maintenance workers or asked them to leave because they did not take the procedures seriously enough.

In addition there was concern that the lack of concern or awareness among maintenance workers meant that they failed to inform dutyholders of any ACMs that they came across. A typical example was the dutyholder at a large national defence base, who was concerned that when contractors found suspected asbestos on site that was not already in the register, this information did not always get back to him so that he could behave accordingly.

**Training maintenance workers**

Some organisations had taken it upon themselves to better inform their maintenance workers by putting them on training courses. The dutyholder of a medium-sized housing association thought it important that the operators are themselves aware of the issues:

“For me, it has a lot to do with the training of the operators, because if they go and they know, they can take a step back. You can have all the paperwork in the world ready and in different places, but if the guy going in there, if he’s got half a clue about what’s happening in his mind through training and knows that there are certain problem areas, products or whatever, it would help.”

In the large university, a new contractor induction programme had been introduced which involved informing workers about ‘dos and don’ts’ and the legislation on asbestos and other areas of health and safety. The dutyholder from a large brick manufacturer told how they put all their in-house maintenance staff through an induction programme which included information on the management plan, and an HSE video on asbestos. Many had used the partner events to inform their maintenance staff, in some cases even their contractors. The dutyholder of a small housing association found this useful:

“Our key contractors attended the same course as we did… So immediately most of the work that we ask people to do, they are aware of the background to asbestos, and they are also aware of the properties we have asbestos in as the surveys have identified.”

More details of the type of partner events given to maintenance workers and their impact are discussed in the following two chapters.
6.3 CONFIDENCE IN APPROACH TO MANAGING ASBESTOS

As well as looking at what is being carried out in practice, it is revealing to look at dutyholders’ confidence in their approach to the management of asbestos as this indicates the likelihood of any changes in practice. In most cases dutyholders felt that their asbestos management was probably enough to comply with the regulations, and were pleased with what had been achieved.

Some dutyholders had good reason to be confident in their asbestos management systems. For example, the dutyholder at a large military defence base rated their management as “9.9 out of 10”. This was born out by the report from the site visits, which did not find any shortcomings in their asbestos management. Similarly, the asbestos management approach of the large university was given a clean bill of health by the site visits report.

At some organisations, although the dutyholders felt confident in their management of asbestos, evidence from the interviews and the site visits seemed to suggest that this was not wholly warranted. In most cases the weaknesses centred around an absence of formal documentation, as already described. For example, the production manager at a large cardboard box manufacturing company had a lot of confidence in the company’s asbestos management policy. As policy on the management of asbestos was disseminated down by a health and safety specialist, the production manager reported that he felt that he was “looked after” in terms of health and safety. However, evidence from the site visits highlighted some shortcomings in the company’s procedures, namely the lack of a register, written management plan or programme of review. It turned out that the production manager did not realise these steps were necessary since the only ACM was the asbestos roof. Similarly, the maintenance manager at a medium-sized munitions factory felt that the organisation’s management of asbestos was very good and could not be any better. However, the report from the site visits found that there was no formal asbestos register, and that survey results were used in its place. This resulted in a situation whereby removal of ACMs was not properly accounted for in a register.

A few of the dutyholders were fully aware of shortcomings in their management of asbestos. For example, two of the schools that we spoke to had concerns about the lack of communication from the parent organisation. At one of the secondary schools, although asbestos management was seen as “fairly decent”, the dutyholder at the school complained that maintenance workers would sometimes carry out work at the school on behalf of the local authority without his knowledge. Similarly, at a medium-sized middle school, although the overall approach of the county council was considered good, the communication from the local authority was seen to be wanting. The dutyholder felt they needed to “sharpen up a bit by making contractors more aware of what the policies are” and of the procedures for reporting to the dutyholder at the school when conducting work.

There were other dutyholders that admitted that while they had made inroads to achieving full compliance with the legislation, they still had some way to go. A reverend at a small rural parish felt that they had taken a successful “first step” towards managing asbestos and that they were “hopefully on track”. The property services manager at a medium-sized housing association also felt that they had “made a lot of progress” but was conscious that the organisation had “more to do”. Although the risk presented by ACMs had been assessed and the company was active in informing the relevant stakeholders, they admitted that they were struggling somewhat with the task of setting up an adequate system to ensure that a comprehensive management plan was maintained.

Some organisations, while confident in the current approach nonetheless saw some scope for improvement. The dutyholder at a large military defence base rated their compliance as good, but added “there is always room for improvement” despite having a fairly comprehensive system in place. At a large district council the property services manager felt that the authority’s
asbestos management was pretty good considering the responsibility was spread among different parts of the organisation. However, one way he thought it could be improved was through the use of a web-based register that could be easily updated and made easily accessible to everyone who required the information.

6.4 SUMMARY

Dutyholders’ compliance with the regulations as set out in the CAW 2002 regulations varied considerably among the organisations that were interviewed. However, all dutyholders and their representatives understood that they had a duty to manage asbestos on their premises and had implemented some measures in order to reduce the risks presented by ACMs. Overall the dutyholders were confident with the approach adopted and felt that they were complying with the regulations. In the majority of cases this was well founded, but the interviews and site visits revealed some areas of weakness in the approaches used.

One way in which organisations varied in their management of asbestos was in how the duty was organised within the organisation. In many cases the dutyholder in the organisation was not the person who managed the duty from day-to-day, but had delegated this responsibility down to one or more others. This was true particularly of larger organisations, but was also the case in some smaller ones. Often, however, the person actively involved in the management of asbestos referred to themselves as the ‘dutyholder’ and took the responsibility very seriously. In some cases the duty was shared between different bodies/organisations, which occasionally led to complications in the management of asbestos, including how to inform employees and informing maintenance workers when jobs were arranged by one or other of the parties.

Nearly all of the organisations had conducted a survey of some kind, often incorporating some form of risk assessment. In most cases this tended to be a type two survey carried out by an external survey contractor. Type one surveys carried out by the dutyholders themselves were very uncommon among the limited number of organisations interviewed. This was true even in smaller organisations, despite guidance in the HSE literature that this can be simple and easy to achieve. The main reasons that dutyholders chose not to conduct their own surveys was that they lacked the confidence and felt they did not have the expertise, but in a number of organisations type one surveys were felt to be “not worth the paper they are written on” as they did not provide concrete information on the presence of asbestos.

Although for many dutyholders, monitoring of the condition of ACMs was a significant part of their management strategy, and some organisations had very thorough reviewing procedures, some organisations failed to implement a formal and effective review programme.

There was some confusion among dutyholders as to what a management plan should entail and how it should be documented. In a number of cases, although it was clear from the discussions how ACMs were managed in the property and who was involved, this was often not formalised into a document. Some dutyholders felt that it was enough just to keep a register and to inform maintenance workers without a documented plan. However, some of the registers were not ‘live’ documents as in many cases organisations simply referred to the survey results report.

Effective management of ACMs in organisations necessitated dutyholders employing a range of measures including informing others, encapsulating or enclosing ACMs, working around ACMs, and monitoring. In some organisations cautious measures were taken to inform only those that needed to know, and it was difficult to balance providing enough information for employees to be compliant with raising alarm. A number of organisations had also removed ACMs from their premises and some had initiated a programme of removing all the asbestos on their premises in order to stay one step ahead of potential legislation. Asbestos removal had in most cases been carried out by external contractors, but there were concerns that these were
overpriced, that there was little guidance on who to use, and that sometimes the service was of low quality.

Nearly all dutyholders had systems in place to inform maintenance workers of the location of ACMs. In some cases this involved communicating the presence during the tendering phase and using a ‘permit to work’ system with workers. However, this was probably the single biggest area of weakness in the management of asbestos. The procedures used were not always formalised and information tended to only be passed when asbestos was present, rather than registers being shown as a standard procedure when maintenance work starts. There was also evidence of occasions when organisations failed to inform workers. Dutyholders described logistical difficulties around getting to see individual workers face to face, especially in large premises where many jobs are organised, where there is a high turnover of workers, or where it requires abstracting the dutyholder from other tasks.

It was felt that these difficulties were sometimes compounded by the low levels of awareness of the risks among maintenance workers or blasé attitude to asbestos, particularly those from smaller contracting firms, which meant that that they did not always comply with the procedures enforced by the company or update the dutyholder if they came across any ACMs. Some organisations had taken it upon themselves to provide training for regular maintenance workers in order to help increase awareness of the risks related to asbestos, and some thought that the HSE needs to do more to inform this group.

Many used external professionals, often the partner, to help conduct various tasks in order to set up a system for managing asbestos. This included conducting surveys and risk assessments, drafting up management plans and other documentation and even conducting reviews. Expert help was even sought for seeking other sources of expert help, such as removers or surveyors, for which dutyholders felt there was a lack of guidance. However, it appeared that in some cases there was an over-reliance on the work of consultants. Many dutyholders were able to state confidently that surveys had been completed and that from this they had a record of ACMs in the premises, but a few did not recognise that management of asbestos was an ongoing issue and that they themselves needed to ensure that reviews were conducted of ACMs and the relevant documentation was kept up to date.
7. BARRIERS TO COMPLIANCE

This chapter considers some of the general problems dutyholders encountered in complying with the regulations and what they viewed as barriers to compliance. The two were by no means synonymous, as a number of interviewees felt that, while they experienced inconveniences and problems as a result of the duty to manage, these did not prevent them from complying.

Such a view was common for dutyholders across different sizes of organisations, although larger organisations were more likely to express such views. One third of the dutyholders from small enterprises, about half of the medium-sized organisations and the great majority of the large organisations felt that they did not face any barriers to complying with legislation and received the support they needed from their organisations. As the dutyholder of a small manufacturer and installer of metal products stated, it is often a case of weighing up the barriers against the costs.

“I don’t think that there are any barriers to complying. I think quite possibly there could be, depending on the age, size of the building, there could be quite some severe implications, time implications. But again it comes down to the old chestnut you know, cost versus risk.”

The general perspective of these organisations was that asbestos was too dangerous to do anything but comply fully with the legislation. One dutyholder, from a medium-sized school, described the organisational changes that the legislation required as:

“Inconvenient, but compared with somebody dying of asbestosis, they pale to insignificance, don’t they?”

However, it should be noted that, having attended the asbestos events, the organisations interviewed were likely to be more compliant than comparable UK organisations as a whole. Thus, what may have been described as a relatively minor and non-obstructive problem by some organisations might be seen as an real barrier to compliance by others. A number of interviewees were aware of such a difference and touched upon what they thought were barriers in general as well as what they experienced as barriers themselves.

Specific difficulties to do with the different aspects of the regulations have been covered in the previous chapter, so this chapter looks more closely at some of the more organisational factors which can make compliance difficult which include:

- cost
- lack of time
- lack of organisational commitment.

7.1 FINANCIAL COST

The most common problem that dutyholders cited of managing asbestos was the financial cost that it incurred to the organisation. Dutyholders invariably mentioned that the cost of compliance was at the very least substantial, if not seriously problematic.

Interviewees from organisations of various sizes and sectors described asbestos management, surveying and removal as a complex and extremely costly business. For example, a dutyholder for a construction company noted the high cost of getting surveys done and asbestos removed:

“It costs a lot of money to have someone to survey it, to identify whether and what sort of asbestos it is. It’s got to go to labs, and then the removal of you know depending on what sort of asbestos it is, it can be very very expensive. And actually then disposing of the asbestos to
certified tips, again it’s an expensive thing and potentially you might have to move people out of offices, etc.”

A dutyholder at a large plant and pump hire operation told how his organisation had spent vast sums of money on removal:

“We’ve had a lot of our switchgear changed because of asbestos round some of the fuse holders for example. So it’s - it just goes on and on and on. I can’t tell you how much we’ve spent but it will have been thousands.”

A dutyholder from a large estates management firm told how the cost extended beyond removal, as often areas containing ACMs had to be replaced:

“It’s not just removing it, you have to then deal with… like if you’ve got an asbestos ceiling you have to take the ceiling down and then you have to put a new ceiling up, so it’s all the cost… There’s a lot of money involved in doing an intrusive survey too.”

A number of the organisations interviewed for this research, particularly the larger organisations, felt that cost was not an issue for them as they got reasonable financial backing from their organisation. In the case of a large food manufacturer, the dutyholder told how he received a budget of £90,000 per year to deal with asbestos removal. The dutyholder from a large university similarly told how cost had not been a barrier to him:

“But in terms of what we do, it’s not that difficult provided you’re committed to doing it really, and certainly as an organisation it’s never been difficult for me to deal with asbestos. It’s always… the money has been found, so to speak. It has a cost, but as an organisation that has not been a barrier to me, as a dutyholder.”

While lack of funds could delay work being done, it usually did not present an insurmountable problem, as in the meantime dutyholders felt that they were able to manage any ACMs in the premises. The dutyholder of a large national defence base told how the hardest aspect was working out which projects to put on hold:

“As we discover asbestos, it often puts a project on hold until the funding can be found or the funds within the site are manipulated to release funds to get that competent contractor in to do the asbestos removal prior to the project actually starting. So that’s probably our hardest task, is to actually identify what project won’t be done or will be delayed so that we’ve got the money then to get the asbestos removed correctly.”

Nonetheless a number of organisations felt sure that the cost would be prohibitive for other, particularly small organisations, and could lead to non-compliance. The dutyholder of a small housing association felt sure that the costs involved “puts people off doing it” which the dutyholder from the large manufacturer doubted that small companies could afford some of the costs involved, and suspected that they cut corners.

“To take out a length of asbestos now, to do it properly, you have to pay your removal guys, the chemist - as I told you £500 a day - what small company can afford that? Our organisation can afford it but £500 a day for a chemist to be there all the time. The scaffolders you have to pay special rates because they have to go on asbestos training. I think that cost would be a great inhibitor to a small company who would then probably try and cut corners, which we don’t do.”

A number of the partners similarly thought that cost was a major issue for some employers, particularly those from smaller organisations. One partner from a property management firm thought that cost was also more of a barrier for private- rather than public-sector organisations “as there is always the bottom line to be looked at”. They believed that cost prevented many from doing anything about asbestos, especially those who are fully aware of the duty who do not appreciate that often asbestos can be managed rather than removed. Some thought that the construction industry was partly to blame, as there are still a number of companies who charge less for not doing it properly.

“I don’t know anyone who is doing it by the proper method.”
One of the dutyholder organisations, which installed and maintained heating and other gas products, told how it struggled to compete with other construction firms doing just that. The dutyholder said that they consistently worked to a high standard of health and safety and respected asbestos equally wherever they came across it. However, he explained that by doing so, they lost a competitive edge, as there were plenty of other contractors who took a more relaxed approach to working with or around asbestos, especially in domestic properties. The organisation thus felt pressure to lower its standards in order to undertake work quickly and cheaply for organisations that did not adhere to legislative requirements.

Three of the dutyholders noted problems in funding asbestos surveying and removal that were owing to the relationships between their organisations and the other organisations also responsible for the buildings. The root of the problem lay in the differing priorities of the organisations that would fund asbestos-related work and the dutyholders. One example was a dutyholder from an estates management company that worked with a hospital. The main factor guiding the approach of the trust governing the hospital was that the hospital was going to be moved to another site:

“The buildings are really old and really deteriorating... but we do what we have to do to get by, because this hospital closes in four years time, when the new one opens, so they're just walking away from the site.”

The dutyholder felt compromised in his role, because of the difference in standards between his employer and the hospital trust. Whereas the estates management company went to great lengths and spared no cost to ensure that it managed asbestos proactively and to best of its ability, the trust took a much more relaxed and reactive approach. He explained the situation:

“The problem on this site is we are only managing the site for the trust, so the trust ultimately do work on their own department... The trust will not pay for an intrusive survey. They will not pay for it, so no intrusive survey has been done... I don’t think that’s sufficient, but it’s down to finance, costing; and also, if you find asbestos, you're obliged to do something about it, aren’t you? I think they think that, if I put my head in this bucket and I don’t see nothing, I’m okay.”

Similarly, a dutyholder at a secondary school explained that paying for the removal of asbestos was particularly contentious for them because of their relationship with the Building Design and Management department of their local council. She explained that the school had recently needed to replace a heating system that ran through underground ducts that contained asbestos. The council’s policy was to fund asbestos removal only in emergency cases and not to fund what it considered part of the school’s planned maintenance. As the school could not afford the cost of removing the underground asbestos cladding, it decided instead to install the new heating pipes above ground. However, she thought this was ‘ludicrous’ as the water pipes were prone to leaking which would mean that asbestos would have to be removed in the end, and the consequences would be much more severe:

“I understand there’s probably loads of schools in the area with similar problems and county can’t afford to pay for it all to be removed. But to me, what’s going to happen now is that there’ll be a water leak and when that happens, we won’t be able to shut it off, well we will, we’ll have to shut it off at the main boiler house and the school will close. So I mean potentially we could be closed for, I don’t know, a couple of months.”

### 7.2 LACK OF TIME

A number of dutyholders mentioned that complying with the legislation was resource intensive, both in terms of setting up the management systems to begin with and ensuring that these are kept up to date.

Typically, larger organisations reported that they had no problems in finding the time to deal with asbestos. For example, the dutyholder at a medium-sized defence equipment manufacturer
said, “Everything’s given the time it needs, there’s never a shortage of time to do anything”. The main reason for this appears to be that the people charged with managing the duty on a daily basis would already be employed in a similar capacity. For example, the dutyholder at a large university was the Estates Manager, who had found it relatively easy to incorporate the duty onto his role. He said:

“And the time element I think is the other thing, it’s keeping the management of asbestos in mind when there’s everything else that you have to do… But it’s just doing the job, and that’s why you have to try as best you can to make it intrinsic in what you do so that it’s just a natural thing.”

Similarly, the dutyholder at a large factory said that although managing asbestos was time consuming, this was not a problem. For example, he explained that, because of the nature of certain equipment, particular care needed to be taken with some of their asbestos but that regularly checking the condition of such asbestos came under his general remit as Project Engineer.

Lack of time to manage asbestos properly tended to be a greater issue in smaller organisations, where the dutyholders were more likely to have a wide range of responsibilities. In this case, tasks relating to the management of asbestos did not always fit easily into the dutyholder’s schedule. For example, a dutyholder from a small housing association said of the duty to manage asbestos:

“There is the additional workload put onto an existing operation. That would be a cost, but it’s more than just pound notes costs. It’s the fact that a percentage of Dave’s working day is no longer available because he is worried about asbestos.”

For some dutyholders it was difficult to keep up the momentum because of other demands, so practice could slip. For example, the reverend of a rural parish admitted that since getting the survey done they had been slow to organise the asbestos removal as other commitments had got in the way.

Several dutyholders noted that making the necessary changes in their organisations to comply with asbestos legislation was a slow process. For example, the dutyholder of an SME installing boilers and central heating described how he found his company’s management of asbestos when he started his job as health and safety manager, and how it felt like a never-ending task:

“It was rather like the wagon train, the head had got so far and the tail was back over here, and my job was to pick the tail end up and catch up with the rest of the wagon train. To a certain extent that’s still the case simply because legislation coming out of government is never ending. You just do not have a chance to actually think, “Well now, have I covered everything?”, because it’s a case of when you have a lull they give you something else to worry about.”

Some were still in the process of setting up their systems at the time of the interview. While in a medium-sized housing association the surveys had been completed and people had been trained, the dutyholder thought they were only at the start of their journey:

“We haven’t formally appointed a dutyholder and that’s where we are. It’s almost by stealth that we’ve got to where we are and we’re there… From my perspective, we’ve come on this journey in such a way where we know we’ve got pockets of things that we need to do and we’ve looked at …training, …we’ve looked at our property profile, we’ve looked at how we would record the information … It certainly a job in itself to pull it together.”

The partners agreed that often a lack of resources is the major barrier faced by dutyholders, particularly those from small organisations:

“In many cases dutyholders are given the responsibility but then not the resources to do it.”
7.3 LACK OF ORGANISATIONAL AND INDIVIDUAL COMMITMENT

Some of the interviewees told how while they were up to speed on the issues that needed to be done, they sometimes lacked organisational commitment from others, including decision-makers, which had implications for how much they were able to implement themselves.

The dutyholder at a medium-sized housing association told how they had struggled to raise the profile of asbestos management in their establishment:

“If there is a weakness in what we have done so far, it’s getting that dedicated commitment resource… It’s certainly a job in itself to pull it together; and it’s trying to push that through within the organisation and raise the profile. And we are succeeding in doing that… Not that it needs a huge amount of resource, but it needs somebody peddling every day …to keep it all ticking along.”

He thought it important that all the people concerned, those in the organisation, the tenants, and contractors appreciate how important the subject matter is:

“This is an issue for all of our business, the finance, the cost of the work to the letting of our properties, the well-being of our tenants, the contractors, it’s all in there and I think it’s about raising that profile to a place where that appreciation is within the whole of the organisation.”

Another dutyholder, from a medium-sized secondary school, similarly felt that the management of asbestos did not have the profile that it warranted, which in turn meant that the support he received was lacking.

“The headmaster’s priorities are not necessarily the same as ours. Although they should be, but until some big issue, till somebody starts singing and dancing…”

One of the implications of a lack of commitment among the organisation as a whole was a lack of compliance among other staff. One dutyholder, from another secondary school, noted that “we had to stop a teacher from sticking up posters on the artex ceiling”. Other dutyholders of secondary schools included commented:

“It's the usual thing of getting people to obey the rules and regulations. That is the difficult thing. To make sure that teachers stick stuff on notice boards and don’t put pins in where they shouldn’t do… I’ve read the [HSE] booklets and all the literature as much as I can but, in the end, whatever you put on a piece of paper, it still depends on the people on the ground as to how that’s administered. You can push as much paperwork as you like, but it’s not done on the ground, then the whole thing falls down.”

“I think the difficulty is getting the message across to all users of the premises, that these rules are serious rules, because with the best rules in the world, there is always somebody who thinks, ‘Well, I’ll just do this, I don’t need to get it through the system, I’ll just do it.’ But I think we’ve been reasonably successful in keeping the message fairly high profile.”

Similarly, the dutyholder of a large plant and pump hire operation that owned over 30 sites said:

“With the best will in the world, while you can lay down procedures, guidelines, and do whatever risk assessments you need to or think appropriate, it’s always left to Johnnie in the particular unit to comply with those requirements. And while… people’s intentions will always be honourable and good, I suspect there will always be the instances when people don’t comply. And if you say to me, ‘Does everyone comply?’; there’s no way of me knowing…”

Some of the organisations included in this research had attempted to raise the profile of the issue by providing training to these employees, often through the partner events, but for others this was costly and difficult to arrange. In a hospital, a barrier to raising awareness of asbestos among employees was the ‘massive turnover in staff’ and the large number of agency staff that the hospital used. The dutyholder of this premises thought that briefing all on the whereabouts of exposed ACMs would be quite time consuming. In addition, there is the added complication
of balancing the provision of enough information to others and avoiding raising too much alarm, as discussed in the previous chapter.

7.4 SUMMARY

A number of dutyholders (in particular those from large organisations) reported that, while they faced difficulties in managing asbestos, these did not impede their compliance with the legislation. However, other dutyholders admitted facing very real barriers to complying with the duty.

Problems and barriers came from a variety of sources, although the single largest was the financial cost. In particular, the cost of surveying and removing asbestos, variously described as ‘extortionate’ and ‘appallingly expensive’, was commonly thought to be too much for many small organisations to bear. Several dutyholders believed that, for many organisations, this would be a substantial barrier to compliance.

Another problem area related to the time needed to manage the duty on a day-to-day basis. While this was seen by some dutyholders as a simple question of human resources and thus cost, the duty to manage was also seen as a group of tasks that did not conveniently fit into the working day. This was particularly the case in small organisations, where dutyholders tended to have very heterogeneous remits; and less so in larger organisations, where the person charged with the management of asbestos normally worked in a role, such as estates manager, that could easily incorporate the duty. Furthermore, several dutyholders felt that getting up to scratch with the duty was a timely process. Firstly, drawing up a management plan was felt to be an involved task that involved required a substantial amount of information; and secondly, putting it into practice was felt to need the support of extensive systems and procedures.

Related to this, some dutyholders experienced problems in raising the profile of the duty within their organisations, so that they could garner support for making the necessary changes for compliance. Other dutyholders saw a major challenge as propagating a culture of health and safety throughout the organisation that would allow for the management of asbestos to be internalised. Enforcing compliance among other staff was also thought to pose a challenge, especially for dutyholders who felt that their behaviour and awareness of asbestos could not be effectively monitored.

For some organisations, these barriers were compounded by the fact that responsibility for the buildings was shared between more than one body. These were two schools that shared the responsibility of the buildings with the local council, and an estates management firm that shared the responsibility for hospital buildings with the hospital trust. In particular, the dutyholders found the problems exacerbated of funding the cost of asbestos surveying and removal; and of collating and managing information on asbestos.
8. EVENT DETAILS

The remainder of the report focuses on the HSE cascading messages campaign and views on how the HSE can improve the support it provides to organisations.

This chapter begins by considering the background to the training events, in terms of how the partners advertised the events and how the dutyholders came to be involved, the relationship between partners and dutyholders, who the events were for and the organisations’ motivations for taking up training. It then moves on to look at the events in detail, in terms of what dutyholders received and what they thought of it. The idea behind the partner presentation pack was that the training materials could be used flexibly, with partners adapting the materials to suit their audiences. It is therefore useful to know which aspects work well for dutyholders and which less so. It is also important to know what additional information partners are typically introducing into their events and why, in order to determine whether the packs need to be redesigned.

The section incorporates findings from both the interviews with partners and dutyholders, and some feedback from the screening survey with partners. It must be borne in mind that the partners spoke in generalities about the training events they had put on, and did not discuss the exact events given to the dutyholders subsequently interviewed. Many said that they tailored their events for their different audiences, so their general descriptions may not best describe the actual events attended by the dutyholders. It must also be noted that in a minority of the organisations, the training had been designed either in part or totally for maintenance workers/operatives. In these cases partners may have selected materials which were particularly relevant to this group.

8.1 HEARING ABOUT THE EVENT

In the interviews with partners, they were asked how they had gone about creating interest in their training events. None mentioned using the HSE events calendar, which provides free advertising of such events. Many of the partners contacted were health and safety consultants, or some other form of service provider, who provided training to their pre-existing client base.

Generally trying to get people on the training was seen as the most difficult part of being a partner of the HSE campaign. The partners believed that this is in part because of a lack of awareness of the duty, and therefore the need for any training on this topic. One partner, from a property services company, said that they struggled to attract companies from their property stock to the training, particularly those who do not deal with asbestos in their line of work, who thought the event was not applicable to them. Some reported that they found it harder to attract SMEs because they do not have the time to send people on to training, while one partner said that private companies tend to be less interested, which he believed was because they worry about the cost implications of managing asbestos and “prefer not to know”. Partners had even found it hard to get maintenance workers interested in asbestos awareness training. One partner told how the large training organisation to which he is associated sent out 5,000 mailshots on asbestos awareness training to construction firms last year but the response was zero, even though they are “swamped” with other types of health and safety training work for this sector.

The way in which dutyholders heard about the training and came to get involved varied substantially. Many of the dutyholders interviewed had a pre-existing relationship with the partner, who may have already provided training to the organisation, or worked as their regular health and safety consultant (please see following section for more information on the partner-
dutyholder relationships). Often in these cases the partner had alerted the dutyholder to the legislation and offered training to help them understand it. Some organisations had received the training by their parent organisation, eg the schools had received it from the council, and the armed forces had received it from their central base.

Some of the organisations had heard about the legislation by receiving mailshots from independent consultants vying for business. However, in some cases the messages given out by these consultants had been confusing or worrying for dutyholders. For example, a small housing association told how they had received a number of phone calls from consultants after the legislation came in trying to sell their services. What they heard were conflicting messages about whether the duty applies just to the common areas of their domestic properties or to the domestic areas as well, so they sought training from a partner to get some clarity on the issues.

“We got slightly contradictory messages at first along the lines of well, all you need to bother about is common areas, forget the rest. Oh that’s simple, that’s a big relief, but we’d better just check that. So we spoke to someone else who said no, it’s more than that, you’ve got to survey every single property that you’ve got, and we swung from one extreme to the other. And so in the end we wanted to get some clarity.”

The vicar of a small diocese described how they had originally received training from a consultant who tried to scare them into taking action. They had felt uncomfortable with the company’s approach, which they thought was “opportunistic”, and so invited the partner, who was a local man recommended by one of their clergy, to come and help.

A minority of companies had taken a proactive approach to getting involved in the training. For example, the owner of a small rental estates management company decided he needed some support in 2004 after hearing about the new legislation coming in. He knew the partner through a friend and asked him to come and advise him on what he needed to do in order to comply. Similarly within a medium-sized housing association, the interviewee had built up some awareness of the issues himself but had invited a partner to get involved to help him cascade the message to others within his company:

“I asked if they could do it for us... because I was becoming aware that we needed something to share the information that I was beginning to build up, not that I couldn’t go round and talk to people, but it was better to put it into context and go away from the building for half a day.”

One of the dutyholders we interviewed, from a large brick manufacturer, was actually a partner of the campaign himself, and had received the presenter’s pack. It was after looking through the training materials that he quickly realised they needed an accredited company to help put on some training. They were very keen to handle it sensibly and get the specialists in, given the headlines at the time and the fact that many of their staff would have been working with asbestos in the past, making it “an emotive subject”.

8.1.1 Partner-dutyholder relationships

As described in the section on compliance, many of the dutyholders had used the services of the partners on a number of occasions, not just for the training. It is important to be aware of the extent of the partner-dutyholder relationship in order to know how much support dutyholders have received from partners, in addition to training, to help them meet the requirements of the regulations. This has implications for the impact of the training and the suitability of a one-off training session, which is considered later in the report.

In the interviews with partners, training was described as often being a part of a much bigger package for clients. Partners told how their events for clients would regularly lead to further support in terms of help with conducting surveys, creating the management plan and even helping with asbestos removal. In some cases the partner had completed surveys for clients
before conducting the training. Only in a few cases were the events essentially ‘one-offs’, as
many found that their clients looked to them to do more work in this area.

Around half of the organisations interviewed that had been provided training by an external
organisation had a pre-existing relationship with their partner. Around half of the organisations
interviewed that had been provided training by an external organisation had a pre-existing
relationship with their partner. In many cases, for both the small and large organisations, the
partner was their regular health and safety consultant. For example, a small manufacturer and
installer of metal products described the relationship with their partner as follows:

“We have a rolling contract with the partner, he’s in one day a month. And he keeps us abreast of
what’s changing within health and safety, what legislation is forthcoming, what changes in
legislation.”

A few of the dutyholders found it beneficial receiving training from someone who is familiar
with the organisation as it meant the partners knew their issues already and were able to draw on
these in the course. For example, the dutyholder from a university described how:

“Our partner has been with us a long time, and the benefit of that is that he has a very detailed
knowledge of the site and that’s very useful.”

In many cases, the dutyholders had used the partners to conduct the surveys before the training,
and so they were able to include the outcome of these on the course. This was the case for a
housing association, which told how:

“We could relate the training to our properties that he’d been to, and he could say such and such
a building and okay, they’d know what that is. So we had some relevance to some of the stuff he
was saying…to the in that so people could relate to it, so that the next time they went for
it, that’s what it is, I’ll have a look.”

Given the continued use of partners in many aspects of asbestos management, trust made up a
very important component of the relationship. For some this was particularly so given the high
numbers of “rogue” companies vying for work in this area. The reverend told how it was
important for him to know that the partner was trustworthy:

“But we just felt comfortable with him, I think we felt he was someone we could trust in a sense.
Because we’re not necessarily scientists, I was a scientist but the clergy are a varied bunch really
and we do rely on advisors… He spoke to us in terms that we could understand and allayed all of
our fears about inspections and what would happen.”

The same partner was praised by another dutyholder, from a racecourse management company:

“If anything comes along on the asbestos side of things I tend to go and have a chat with him
because I get an unbiased view. Because a lot of these commercial companies are saying get this,
and these flyers are coming through and land up on my desk, we can do this, we can do that.”

8.2 WHEN TRAINING WAS COMPLETED

Before looking at partner and dutyholder views, it is necessary to consider when the training
was conducted in order to appreciate how well interviewees can remember the specifics of the
course and how much time has been available for it to impact on work practices. Our sample of
dutyholders had been on a range of courses at different periods over the past three years, but
most had attended training since the regulations had come into play. Many did not recall when
exactly the training had been done, but one-third of the dutyholders said it was in the past six
months, the most recent being around four months before the research was conducted. Over
one-third of the sample estimated that the course had been between one and two years ago and a
handful of the dutyholders had actually been on the training before the duty was implemented,
with five believing it had been between two and three years before the research was conducted.
8.3 WHO THE EVENT WAS FOR

In most cases the training had been put on specifically for dutyholders, as intended by the HSE. However, as described earlier, in a number of cases training was provided to a range of other key individuals in organisations, particularly maintenance workers.

8.3.1 Other employees

Some of the dutyholders interviewed told how they had taken a number of individuals onto the training course with them, in addition to those with dutyholder responsibilities. For example, a racecourse management company decided to put most staff through the course so that staff would not have to rely on the knowledge of one individual:

“So it was important, from my side, that I actually get all the racecourse managers and the head groundsman… and put them through a proper training package, an awareness package. It’s fine people talk about asbestos. So now we’ve got to say what is asbestos and it’s one of the reasons that we got everyone together, including the chief executive, and we put them on the training package. Right, so you all now know the same information… And it is important that they are up to speed. Or at least the managers and supervisors are and able to advise them because its not possible for me to advise everyone, everyday on every aspect.”

In a large food manufacturing firm, the dutyholder for one of the sites had attended the partner training himself and then helped organise another training event for other supervisors who had expressed an interest in the subject. He sat in on this second course and used it as a refresher.

Other companies stated that they would have liked to have had more people attend the course but could not afford to. For example, among the schools that were interviewed, some told how they had attended the training and then fed back to the other key individuals, which tended to include the head teacher and/or caretaker. One individual told how their school had been unable to send more than one person on the course put on by the council:

“It was just myself who went. We’re a very small school. There’s only 18 staff here. We take one out and it has a massive impact on the school. Take two out and 12 per cent of the school’s staff is out so we can’t do it. We only had one person go and we cascaded it back to whoever needs to know.”

8.3.2 Maintenance workers

Around one-third of the dutyholders we interviewed told how training on asbestos and the duty had been provided to maintenance workers. For some of the organisations, in particular the construction and engineering firms, this was because their main workforce was made up of these workers and they were concerned about letting them know the issues for times when they work on other sites. It was not necessarily about working with asbestos, but about understanding the clients’ responsibilities in this area and what they should ask to see, as well as the risks. As the dutyholder from a small manufacturer and installer of metal products explained, there was a need to inform their workers because while people have responsibilities “nothing’s foolproof”.

Often in these cases the training was specifically delivered for maintenance workers, but the dutyholder attended it as a refresher or to check the quality of the training. One dutyholder, from a small manufacturer and installer of metal products, had been notified of the legislation by the partner, and after some initial support in this area, had used the materials to design a training course for their operatives who install products on site.

“Initially it was just a discussion. Then some literature with regard to the forthcoming regulations, followed by a discussion of how to ascertain if we have asbestos or not… And from there we took it a stage further and tried to get some information, instruction, training to our men who may come across this on site.”
Other larger firms, such as a large housing association and a university, had provided training for their in-house maintenance workforce. The asset maintenance manager of a large housing association told how they had put their in-house surveyors through the course:

“We’ve only had the one awareness training, that was attended by all surveyors, maintenance surveyors and programme surveyors who actually go into properties. Just to make them aware of the dangers of asbestos and whether they might look for asbestos.”

In most of these cases, the training was only provided to maintenance employees of the organisation. However, a few companies told how they had also invited some of their contractors onto the training to help cascade the message to others that they work with. A small construction firm explained how they felt it was their responsibility to ensure that these people are safe too:

“Yes we did invite sort of our strategic subcontractors to come along. Because you know we obviously are indirectly responsible, well no directly responsible I suppose to ensure they have their health and safety systems in place as well. And we’re actually helping some of them in doing that, whether it’s health and safety policies or health and safety training. Just to obviously share the cost of doing that.”

Similarly, a small housing association, which did not have any in-house maintenance staff, had decided to bring their contractors on the same course as themselves:

“We don’t have our own direct labour force, but we tend to use a general builder for all the odd jobs and then an electrician and both of those guys came to the course with us. So immediately most of the work that we ask people to do, they are aware of the background to asbestos, if they weren’t before, but they have been on the course, and they are also aware of the properties we have asbestos in, as the surveys have been identified.”

As such, it would appear that the training materials have been used in a range of ways, and have been well used for cascading the messages to maintenance workers. A few partners felt that better materials were required for this audience, and felt that the HSE should design a separate training package for this group. Some saw that the current materials are directed more at management level and therefore had used some of their own materials to make it more applicable to maintenance workers. One partner, from a large retail firm, which had tried to cascade the message across its various sites and to advise maintenance staff and contractors, said they had struggled to bring in guidance on working with low levels of asbestos.

8.3.3 Single organisation or mixed audience

In most cases the training had been put on specifically for the company in question, and only staff from that company had attended. This suggests that most people received some instruction that had been tailored to a certain extent.

A few attended events where other organisations were present, and some thought that this provided them with greater insight into the workings of the duty. For example, the Estates Officer from a property management and construction firm told how it was valuable to get another perspective.

“If we had had enough they’d have put it on just for us but I don’t like going to things like that anyway, I prefer going to it where there’s other firms because you talk to them, ‘what are you doing?’ And you get the feedback. Half the time your coffee break is the most productive time because you’re sitting there and chatting to whoever and you hear all the different things they get up to.”

Similarly a plant hire operation recalled the benefits of being in a mixed group.

“I always think you know, I think that very often these group formats are useful because it actually forces you to participate and focus the mind and hopefully four or five people around the table have a better approach, or they all have a view on it. And some people that were on the
course were, I think there were a couple of surveyors, a couple of property people, and they all approached it from a different way. And to that extent it’s beneficial because everyone has a chance to have an interchange of ideas.”

8.4 MOTIVATIONS FOR TAKING PART

The partners were asked why they had signed up to the HSE campaign and delivered training events, and the dutyholders were asked why they had taken up training.

8.4.1 Partner motivations

Many of the partners had been advising and putting on training on this subject before the legislation came into effect. However, they thought the new materials improved these sessions by providing the extra information on the new regulations, and a few mentioned that it was useful to say that they were working in partnership with the HSE. A partner from a large HR consultancy told how having the HSE logo on training materials usually meant that delegates would take the training more seriously.

While the partners tended to know a lot on the subject area before signing up to the campaign, some saw the benefits of taking a fresh look at it. For example, a council partner told how they had been dealing with asbestos for a number of years but that the benefit from receiving the HSE materials was that it gave them another way of looking at it.

“You have to keep people entertained. It’s a performance.”

Another council partner reported that the training had been a very useful means of informing others in house. They had had some policy in place since 1984 but it was hard to implement because the council is so large, with around 36,000 employees. They had found from past experience that sending emails and mailshots was not enough – a presentation is needed to make it real and to make people listen.

8.4.2 Dutyholder motivations

The dutyholders interviewed had a range of reasons for getting involved in the training. These were as follows:

- to raise awareness
- to ensure they are complying properly
- to inform others in the organisation (including maintenance workers)
- to raise the profile of the issue.

The major motivation for undertaking training was to raise awareness of the duty. As stated in Chapter 5, one of the major reasons that dutyholders manage asbestos in premises is to comply with the legislation, so training was undertaken to understand how this could be done. For some organisations, training was their first introduction to the subject matter, while for others who had been managing asbestos for some time the aim of training was to ensure that they were doing this correctly. A medium-sized munitions company described how he had been managing asbestos for sometime but had been asked by management to attend the training to ensure they were complying as stated by the regulations:

“The main reason was basically for the legislation, to make sure we were totally up to date, we’ve had someone trained for it and we had all the paperwork in place, that's basically it.”

However, he was a little cynical of the motivation, and wondered whether it had been done more as a tick-box exercise:
“I always looked on the course, not so much as making me aware but just to put another tick in the box for them, that you’ve actually been on the training course you know.”

A few of the dutyholders had already completed some of the aspects of the duty, such as a survey, but wanted training for their organisation to inform all the people that needed to know about it. For example, in the schools, full type two surveys had been completed by the council’s central properties department, and this was incorporated into the training for school staff who would need to refer to it in their day-to-day management on the premises. A dutyholder from a housing association said that the training was a useful way of ensuring that everyone in the company was “singing from the same hymn sheet”. They already had a policy on asbestos management underway but this ensured that others were aware of exactly why things were being done this way, as many staff were involved in arranging maintenance work.

“We certainly needed to have some training and an awareness so it was pointless going down a journey and everybody couldn’t see why we were doing it. Okay, they were picking up snippets of information but this half-day session that we had was an opportunity to see why we were doing it, the practical things that were involved.”

Those who were training maintenance workers or other operatives to work on other sites were keen to improve their workers’ awareness of the risks of asbestos. A boiler installation company described their motivation as follows:

“Our main thrust was that we needed to give our workforce information which would enable them to protect themselves when they were out there because we had no control over where they went.”

For a minority of dutyholders, the major motivation for getting training for their organisation was to raise the profile of the issue. As one dutyholder told, the reason for putting on training and inviting a number of employees along was as follows:

“The aim was equally for the Director to see the progress that we had made and the further work that we needed to do, so it was to raise that profile of it to make sure that we were represented in the right places when it came to deciding on priorities and the money to support the survey work and other aspects of work around this.”

A dutyholder from an SME installing boilers and central heating told how simply having training provided by an external body was a useful way of getting raising the profile and getting people to take notice:

“I think that was good, and I think it was good that it came from somebody else. It didn’t come from anyone in the company where it may be seen as being ‘something the company wants us to do’. This was actually someone who’s totally independent and has come along and said this is the situation, and has actually shown practical examples of where this problem arises. And there were examples that people could recognised. You could see that they weren’t stage managed. These were examples that have actually happened for real.”

It is worth noting that dutyholders tended not to see the events as part of an HSE-led initiative. However, where the HSE logo was used, they appreciated that the materials had been approved by the HSE, which gave them more confidence in what was being said.

8.5 LENGTH OF TRAINING

Over half of the partners who completed the screening survey indicated that they had conducted “short events to raise awareness about asbestos and the Duty (asbestos awareness events, approximately two hours in length, looking at providing an overview of the Duty, background information on asbestos and signposting to further guidance)”. Around one-fifth had conducted “longer sessions that look at how to manage asbestos in premises (asbestos management events, approximately four hours/one day with more practical help in complying with the Duty
including how to assess the presence of asbestos, determine its condition, record findings, assess the risks, develop management plans, implement and review). Many partners were doing both, and a handful were cascading in other ways such as through leaflets. In reality however, it appeared from the telephone interviews that partners did not stick closely to either the short or long materials from the presenter’s pack, but adapted the training to suit their audience. The length of time taken for training varied substantially, from ten minute presentations to courses spread over three days.

Partners said that they preferred to keep the training short because they felt this was more appropriate for their audience. For example, a partner from a military organisation believed the shorter, more awareness-raising events were more appropriate to the low level of knowledge and understanding of his audience, and had not considered using the longer events because the numbers were too small to warrant it. A partner from a local occupational health and safety group told how their events for members, who include a range of large organisations and SMEs, tend to last around two hours because they are only a small group and need to keep it “low key”. Like other partners, he also mentioned that they have an attendance problem, and that keeping training short encourages people to attend. In particular it was seen to be difficult to attract SMEs if events are too long, as these companies are faced by budget and time constraints.

Some partners felt that the longer set of materials contained too much information for dutyholders to take on board, and complained that they could lead to “death by slides” or “death by powerpoint”. However, other partners were in favour of including materials from both the short and long events to adapt the training to different audiences. For example, one partner from a health and safety consultancy explained that his audience varied from those who work with asbestos one minute, to those who work in a call centre the next, and found the materials very useful because they cover the broad spectrum.

Most partners varied the length of their events depending on who they were training. A health and safety consultant told how he used the shorter event on basic awareness for maintenance personnel, who only need an awareness of the duty, and the longer more advanced course for dutyholders who need to know how to comply. An independent health and safety consultant told how he would run both very short “tool box talks” for shop-floor workers, which were only around ten minutes long and slightly longer sessions around two hours in duration for technical people. However, he believed that putting on the shorter events could act as a “double-edged sword” as while they raised awareness of the issues, individuals were left with lots of questions around the practice of their own organisations.

Similarly, some of the dutyholders interviewed for this research stressed that they preferred the events to be short. Some had directly specified to partners that it not be too long. For example, a medium-sized housing association told how they had asked that the training, which was intended for their maintenance staff, be fairly short:

“It was a morning session and we deliberately chose half a day because we thought that a whole day would just be too much.”

Most were happy with the length of the training they had attended. A dutyholder from a large food manufacturer, thought the duration of three hours was just right:

“I think that in a three hour course you can make an intelligent person aware of the problems of asbestos and how to manage it... Too long, you’ve lost it. Too short, you haven’t got a hold over it.”

However, a few thought that their courses could have been shorter. A head teacher from a medium-sized secondary school who attended two parts of a three day course thought the training was too long, especially given that they are abstracted from lessons during this time.

“It was a nine-thirty to four o’clock course and I think we could have been away at two o’clock. Especially from a school point of view because we’re pulling people out of lessons. You aren’t
8.6 TRAINING MATERIALS

Most partners were using the materials extensively and were generally very positive about the pack:

“It’s a good training aid and it’s easy to pick up and use”.

“For once they have got it right. It is very practical and down to earth.”

They complimented the materials for being comprehensive and thorough. For example, a partner from a health and safety consultancy said that he was very impressed with the pack, 95 per cent of which he thought was “excellent”. Another partner told how the materials had helped him to cascade the message to employees within his council, and wished that the HSE could provide similar material on other campaigns, such as working at height.

A minority of the partners were sticking closely to the materials in the pack, deciding there was no point in “reinventing the wheel” and as such only changing the company name on the powerpoint presentation. Most were using elements of the training, in particular the video and the photos, and supplementing them with their own materials. The four common elements that partners were adding to their training included:

• more practical examples of compliance
• relevant documentation to the company in question (policies, plans, survey results etc)
• new photos (sometimes from the company in question)
• samples of asbestos
• more information on the law, including case histories

The different elements of the training and views on these are discussed in turn below.

8.6.1 Background information on asbestos

The most common element of training which dutyholders reported receiving was the background knowledge on asbestos – where it is from, what it is and the dangers it can cause to health. A number of dutyholders remembered some of the details from this aspect well, such as the differences between brown, blue and white asbestos, often because it was new information that they had been previously unaware of.

Most thought that this information was useful in setting the context to the rest of the training, which focuses more on the legislation and how to comply. The dutyholder from a university thought that all of the information was good at setting the context to the management of asbestos:

“I think it’s useful information and it’s all part of the greater understanding, but what the picture of somebody’s lungs looks like when they’ve got this disease is not really relevant to managing the situation in this organisation, but it does help you better have a more complete understanding of why you’re doing it I would say.”

Similarly, a reverend of a small parish thought that while the background information was not entirely necessary it formed a good introduction to the material that came later:

“I think the background about where it came from and how much, where it’s used and how it’s used, and how long it’s been around, perhaps that was interesting, and it wasn’t totally useful, but it was a good introduction I think. I found it quite interesting, probably wasn’t necessary but I
think it just helped us, helped me understand a bit more about this material. There’s nothing else I don’t think he should have done, I think his introduction was fairly steady to get us, to set the scene really.”

However, a few others were less sure. For example, the head teacher of a medium-sized secondary school felt that this background information was unnecessary and caused the course to be too long.

“I think it could have been shorter I don’t think I need to watch a film about somebody dying of asbestosis, I think somebody could make three or four statements because we’ve all come across it, it’s been on the news and I don’t see that it is of any value for me or, indeed, the site manager to know whether there is blue or brown or white asbestos and what the differences are, because I’ve forgotten the differences because they are not important to me. It’s asbestos; treat it all as highly dangerous. I can appreciate that a chemist or whatever would want to know the differences and I can appreciate that whoever are coming to move it need to know what it is and so on. I don’t.”

He found the second phase of the training, in which they dealt with the practical aspects of managing asbestos, and went through the risk assessment sheets, the most useful part.

8.6.2 The visual aids

The visual aids in the presenter’s pack, which include a number of photos and the ‘asbestos house’ showing what asbestos looks like and can be found, were widely used in the events. The partners were particularly keen on these, which one described as “perfect for training”. They thought that the recognition of asbestos tends to be an area of weakness for most people which is why it is so important to include these in any training.

Most of the dutyholders agreed that the visual depictions were the most useful elements of the training, partly because this information was so new to them. An asset maintenance manager from a large housing association explained why this was the best part of the course for him:

“Because there are some that we know, like floor tiles contain a bit of asbestos, artex, and then you get the more dangerous substances like the blue asbestos in… So it made me aware of that, and simple things like gaskets on boilers you don’t think contain asbestos. So I think that was probably the best part and most informative part.”

Some partners felt that some of the HSE photos were now out of date, or had been too widely used, so had incorporated their own. To make the training more relevant to the dutyholder, if possible partners would try to use photos from the dutyholder’s premises. For example, a city council told how they supplemented their training with photos showing good and bad examples from their own establishments, while a partner from a health and safety consultancy used video clips and photos from previous work to make the training more real.

A few partners had even gone so far as to show real examples of asbestos (double bagged) in their events. A county council had used asbestos removal specialists to create an “asbestos bingo” game, where they put lots of samples in bags on a board and asked delegates to state which were asbestos. The idea was to highlight the difficulty in identifying asbestos and thereby emphasise the need to sample any materials that dutyholders are unsure of, or assume that they are ACMs. The desired effect was certainly had on a dutyholder from a large agricultural research company, who received something similar in his training course:

“One thing that struck me was when we looked at 20 or so examples was how impossible it was to tell by looking what the sample contained. It was purely guesswork certainly on my part as to what I was looking at. I think other people in the training session felt the same.”

One of the dutyholders interviewed had seen samples, but felt this was unhelpful because it is difficult to relate to a real work-based situation.
“It’s very difficult with something in a double sealed laboratory container, to actually identify what it is. It’s just a little tiny bit of something that’s a lot bigger, so it’s very difficult to imagine that this little tiny speck in this dish may be in something we’ll come across. That’s difficult.”

8.6.3 The video

Most partners were using the video, in particular the first half which includes the story of a builder who dies from asbestosis. Most dutyholders could clearly recall watching this part, but there was little mention of the second part of the video, about the duty to manage.

On the whole partners were very positive about the video. They thought that it was very sobering but good for “packing a punch” and “bringing the issues home”. A few partners had deliberately chosen to show the video at the beginning of the training session in order to highlight the seriousness of the issue.

Some partners recalled mixed receptions from their delegates to the video, including occasions where delegates had become upset. This was usually because the video reminded them of either a friend or relative who had suffered an asbestos-related disease. One partner, an independent health and safety consultant, had a delegate who cried after watching the video, but like others he thought this was useful in highlighting the seriousness of the issue. Another partner, however, told how a strong emotional reaction from the audience could lead to different outcomes, in some cases a positive discussion, but in other cases a situation where delegates simply “closed down”. Another partner found that the latter situation tended to happen a lot with maintenance workers.

“It has the reverse effect on workmen. They don’t want to see it… It was a real turn off for classes.”

Some partners believed the video was “scaremongering” and as such had opted not to use it. One partner watched it himself and simply thought it was too upsetting to show, as much for himself as anyone else. Instead he would mention that there is a video which is very depressing, which he felt usually provided a strong enough message to his delegates.

Most of the dutyholders who had seen the video were positive about it, even though they found the subject matter unsettling. For example, the senior site supervisor from a medium-sized secondary school told how:

“The video was very good. It was quite horrific really.”

Similarly a dutyholder from a large brick manufacturer thought the video had been a good way of presenting the seriousness of the issue:

“It drives home the seriousness of the topic, in a way that possibly looking at a few slides wouldn’t necessarily do.”

Other dutyholders, however, were critical of this part of the training. For example, the bursar of a secondary school thought it was scare-mongering and neither realistic nor relevant to the audience of head teachers and school site managers. Echoing the experience of one of the partners, the health and safety officer of an SME installing boilers and central heating told how their operatives, for whom training had been organised, had the attitude that “it’s just a film, it’s not real.” He thought it would have been more useful if the video had been based on real-life cases rather than acted by actors:

“I mean it would have been very distressing, but it would have really focused the mind if you had somebody there who was actually suffering from the disease. I think we need to go that far. I don’t think that depictions of actors…especially when you look at them and think ‘oh yes, I saw them in Coronation Street’ and now I’ve seen them in this. Somehow it reduces an edge, but if you’ve got somebody sitting there wheezing away in front of you who is actually suffering from this, you know it suddenly becomes real. I suppose it must be the same for people who are affected by road driving accidents. We see that on the television and you think ‘oh yes I can
understand why you are upset’, but we don’t really understand until it happens to us. Then it’s too late isn’t it?”

8.6.4 Specifics aspects of the duty

A few of the dutyholders did not recall much information from the event which looked specifically at how to comply with the duty to manage regulations. This had been deliberately avoided by some organisations, who thought that it was important to start with an awareness course and therefore not overload the audience. For example, the dutyholder of a housing association told how they had simply wanted it to be about raising awareness to begin with:

“We deliberately set it around the agenda that we had at the time and thought that there was more relevance in perhaps coming back around on the management plan when we’ve got a bit further down the road.”

Some of those who were using the training to inform operatives or maintenance workers had also deliberately avoided covering this part in too much detail.

However, the majority of dutyholders interviewed had received training in this area and could recall parts of it. Some mentioned how the course had emphasised that ACMs can be managed and do not have to be removed if they are in good condition and unlikely to be disturbed. They found this useful as it helped reduce the panic. The reverend of a church parish had particularly valued this message:

“He was saying you know if you discover it in a church you’re not going to be sort of nailing the door shut and refusing access to anybody. We manage it once we’re aware it needs managing. I think that was quite useful I think to know that it is dangerous but it’s not, it’s not something that you sort of have to panic about. It’s something you deal with and manage rather than sort of start ripping everything out. And also if it’s out of the way, it’s safe, if it’s stable then perhaps leave it alone until we have to do. So I think he was realistic I think.”

Some also recalled learning how to reduce the risks from ACMs. For example, one dutyholder from a medium-sized secondary school told how he remembered being instructed on how to seal any ACMs.

“The one in memory, remembering the most, is our responsibilities. So, for instance, I would have painted, if I saw raw asbestos, I would have painted it with a brush and you know they’ve said no, you spray it first, then you paint it.”

However, a maintenance manager for a medium-sized munitions factory told how he had “closed his mind” to the specifics of the duty, emphasising how difficult training on this topic can be. He felt that he did not need to know any more on the details of compliance since the company was already complying well and since other departments in the company would typically get involved in the documentation. He would have liked those members of staff to have gone on the training. He admitted that he could be hard to teach given his previous experience of working with asbestos:

“But maybe, you know, it’s harder to teach an older person sort of thing, it is isn’t it because we know it already.”

8.6.5 Practical guidance on how to comply

Some partners used the case study examples from the pack, but a few thought that the training needed to include more practical guidance.

“It sounds technical and theoretical so it is useful to demonstrate how it works in practice.”

“The legal aspect doesn’t tend to excite people, but once you get through to the practical examples of how to deal with and manage the product, participants become more engaged.”
They complained that the pack talks in theoretical language too much, the result being that people think all they need to do is get a survey done, when in actual fact putting these into practice can be quite difficult. One partner, from a large insurance firm, collected feedback on the course through follow-up telephone calls to delegates, and found that the major issue was lacking tools to equip them to go and do something practical. He saw that getting started can be as big a job for SMEs as for large companies so it is important to help them out as much as possible:

“Keeping it simplistic is key.”

Similarly a partner from a health and safety consultancy reduced the amount of legislation in the training on the basis of some early feedback from delegates:

“People do not want vast amounts of information on the legislation, they want the basics and they want to know what they need to do.”

A number of partners had included more tools into their training events to improve the balance between legislation and practical guidance, such as draft documentation on the management plan and risk assessments. Many of the school dutyholders included in the research had been to a special session where they went through the necessary documentation involved in complying, including the register and the risk assessment sheets. A head teacher of a medium-sized secondary school told how this was the most useful to him as it meant they were able to start complying there and then.

“The most useful part of the day but probably it was only useful because we had the first bit, was the afternoon part where we looked at our own site information, went through it and did the priorities and risk assessment and decided what needed looking at … So that was very useful and very practical, because we came back having done the job, as it were and could just then implement it.”

Some had even gone so far as to incorporate site visits into their training. For example, in a large brick manufacturing firm, the partner had taken the designated dutyholders around their respective sites to look at the various areas of concern. The overall health and safety manager for the company thought it had helped the organisation to think in terms of the reality and to truly understand what needed to be done and why. The senior site manager from a school said she would have found something similar useful for herself:

“Maybe a site visit somewhere to actually show you a place with lots of asbestos… So if you’ve gone round to a site and they show you the worst case scenario and also to see it in different places you know. I mean, like I said, they showed us a video and slides of it and they passed stuff round but there’s nothing like going to a building, is there?, and seeing it.”

Most of the dutyholders were satisfied with the resultant amount of practical guidance in their training, which they saw as better than in most other courses. For example, the dutyholder for an SME installing boilers and central heating told how the mix of legislation and practical guidance was just right:

“The fact that not only having that bit of legislation which is very difficult - most people don’t bother reading it - it indicated some practical pointers to actually saying well this is what you need to be looking at, this is what you need to do.

However, one dutyholder, from a medium-sized munitions factory, was unique in thinking that the training could have gone further in providing practical advice on how to remove small amounts of asbestos.

“Yeah, they could have shown us how to remove it. What is the point in showing you… sort of ‘oh god, it’s asbestos!’ And then leaving you out on a limb. What you really need to do, you need to be able to sensibly remove things like asbestos sheet and minor pieces of works. And you need to be shown how to do this sensibly you know. What you should wear, precautions, what to look for, you need all that information you know and it doesn’t seem to be apparent.”
Without this he thought there could be the “cowboy effect” whereby people try to do it themselves without letting others know.

8.6.6 Information about enforcement

Some of the dutyholders interviewed appreciated the fact that the training had been delivered in partnership with the HSE, which gave them more “confidence” in what was being said. At the same time they mostly praised the training for not being too frightening, and not focusing too much on enforcement. A dutyholder of a racecourse management company told how:

“Basically what I remember of it was giving us the sensible, practical way of looking after things without trying to scare anyone.”

A reverend was particularly praising of his partner for “allaying all of our fears about inspections and what would happen.” Instead the partner had emphasised how the health and safety legislation could be used as a “tool rather than weapon” which he had found very encouraging.

However, a few of the partners felt that the presenters pack lacked information on enforcement, which they saw as an important incentive to compliance. They made up for this by adding case law in to their events, to show the consequences of non-compliance. A partner from a county council told how they added a bit to their training to deliberately make it more “frightening”, by mentioning how individuals can go to prison if they do not comply.

However, a balance in the amount of information about enforcement clearly needs to be made, since some dutyholders told how they had been scared by the event of their own responsibilities.

A location manager from a medium-sized secondary school told how the course:

“Gave me the horrifying idea that I’m responsible for maintenance workers drilling into a wall when some of them could be actually quite blasé.”

Similarly, the assistant head teacher of a small middle school had been put off by the mention of enforcement early on, which did not help with the rest of the course.

“We’d been sold this business about being prosecuted if you didn’t get it sorted so it puts you on a back foot to start with.”

He also thought that it was unhelpful, since it can cause dutyholders to panic, particularly in smaller schools where there are fewer resources, and can make people reluctant to seek help from the HSE:

“I don’t think it is helpful. Yeah, you’ve got to explain to people the seriousness and the levy of the tasks that you undertake by looking after buildings and people in those buildings, but I don’t honestly see the value of keep worrying and scaring them because you’re dealing with people, to all intents and purposes, the people who have been on the course are good citizens who probably wouldn’t do too much to break the law. Now, you’re suddenly putting them in the position where they’re not as well qualified as they’d like to be and, to an extent, you’re playing on their fears by saying, well, you could possibly be prosecuted if you miss this or you didn’t do this right, you missed that bit and somebody got injured or exposed to these materials, and the consequence of that is I don’t think I would use the HSE at all as part of my support. That’s a terrible thing to say because they’re the responsible agency, they police, you see, you’re using the word again; they police it, don’t they?”

The director of a large plant and pump hire organisation felt that it was very important to teach by example rather than by cracking the whip “because people just get turned off.” He thought that there were much better approaches to making people aware of the benefits of compliance, by focusing on the negative effects of non-compliance on the business rather than the fines that could be faced:
“I think if you said to me you’ve got to do this and it’s gonna cost you £50,000 a year or an unlimited fine if you don’t, it’s the big fist sort of saying thou shalt do. If you say to me look, carry on doing that if you want, you’ll suffer, your health will suffer, the probability is the employees will suffer, your insurance premiums will go through the roof because you’re not doing this, that and whatever else, call it good practice, call it whatever you want. If your employees take you to court, you know, the consequences are gonna be this, this, this and that. And then go down the chain of events where people actually buy in to the fact that actually this is a blooming good law and it’s very sensible.”

8.6.7 Tailored training

As described above, a number of partners thought that the benefit of the campaign was that aspects of the materials could be “cherry picked” to suit the needs of the audience. Often events were held for employees from a single organisation, and most partners told how they tailored their training to the organisation in question.

Tailoring the training was seen as one way of improving the practical side of it. Those partners conducting training in-house for their large organisations would typically add in the relevant company information on policies and procedures. For example, a county council used the training to introduce their dutyholders to the survey information and go through the company risk assessment procedures. Similarly those partners who had already been involved in supporting a dutyholder in managing asbestos would often include as much relevant information as possible such as the company’s management plan and survey data. Some of the dutyholders interviewed had been involved in designing the training alongside their partners, particularly where it was intended for a number of employees, which allowed them to explain the needs of the group.

Most dutyholders felt that the training they received was sufficiently tailored to meet their needs. One dutyholder from a medium-sized housing association found this the most useful part of the training.

“I’ve been to various training sessions predating that one, and I wouldn’t say it’s more academic but it is certainly more of the regulations and, yes, you cover the ground but this felt as though it was more real and more practical, more relevant. We could relate it to our properties that he’d been to, and somebody could say, ‘Avon Court’, and okay, I know where that is. So we had some relevance to the stuff he was saying.”

Another dutyholder, from a large brick manufacturer, told how he had appreciated the fact that the partner had put the training into context, by explaining what had happened to date in the company, how the surveys had been conducted, what the findings were, the layout of the report, and what needed to be done from now on, including how to do the internal inspections. A dutyholder from a university mentioned that the training had incorporated information and photos from their own premises:

“I’ll tell you the other thing we did specifically to here, probably is they took some samples off of our asbestos register, so we were talking about something that was related to the University. So the pictures they saw of asbestos material or, you know, where it is, where actual pictures that they recognised the locations of.”

In a minority of cases, however, partners and dutyholders thought the training materials were not suitable to all. One partner, for example, felt that the presenter’s pack was brilliant for training those who are technically minded, such as facilities managers, but not for those without a health and safety or property background, which includes most smaller dutyholders. Those who had received the training with other organisations also complained that it was not relevant enough to their work settings. For example, a recipient of the training from a large plant and pump hire organisation thought it was too focused on large organisations with a lot of resources for this area:
“I think it was tailored to the large organisations where they’ve got a special team in place rather than , there was one company that attended had about four attendees, and they were all from just one factory, or one single site. Now it may well have been a large site, but then this one is, this was ten and a half acres. So you know, yes you can say it’s still a big site, and you say well, how many more people like me should have attended that course? Well the answer is can’t afford it.”

The maintenance manager of a medium-sized defence equipment manufacturer thought the event he had attended was too focused on the asbestos likely to be found in an office setting and did not detail the places likely to contain asbestos in a factory like his. He recommended that the HSE do some training that is more linked to this environment:

“If you could maybe, if you could suggest it to them that they do one more for industry you know, our oven seals, our gaskets and all that sort of thing… Well it’s not always stuck on the wall. We have asbestos string, we have asbestos wadding, we have asbestos packing.”

He also recommended that the HSE provide more guidance on what they can use to replace these ACMs if they are removed. Similarly, the dutyholder from a housing association thought it would be useful to have a video that was specific to their sector, rather than one which focused on what he recalled as a warehouse environment.

8.6.8 Interactive sessions

Most dutyholders felt that the training had been relatively interactive and were pleased about this. While few had taken part in group exercises, most had found the training informal and had been given the opportunity to ask questions as they went along. The location manager from a medium-sized secondary school told how the most useful aspect of the training for him was the ‘question and answer’ session, which helped delegates to relate the training to their own sites. He had also enjoyed being able to mix with people from different schools:

“The people’s questions were really about their own sites, it was also quite interesting talking to people with different sites and different problems. And it gave me a bit more of a feel and made me realise that our school is by no means the worst for asbestos, the amount of asbestos that’s there.”

Similarly a dutyholder from a large cardboard box manufacturer liked the interactive side of the course, which allowed people to hear about real-life examples:

“It was relaxed, it encouraged people to talk. It encouraged you to, shall we say, be involved in the training as opposed to just sitting there listening to something that could be boring, might not be the most interesting subject in the world. But I think it wasn’t done in such a way that it was more of a relaxed atmosphere and it was a communication, it was two way, it wasn’t simply, it wasn’t just some sort of spiel coming out of somebody who’s basically monotone and boring. They involved you in the discussions with examples as both given examples and asking you for examples as well. Because it’s, I think it’s just slightly easier for everyone to perceive if they’ve, what the problem is and where the problem can be found, if you are given examples, real life.”

A dutyholder from a small boiler and central heating installation company told how it was important that the partner took questions and answers as the course went along to reassure delegates, since the subject matter can be very emotive.

“And obviously the partner allowed questions to be asked during the course, because all of a sudden people are waking up to the fact that ‘oh I did that’, and ‘I’ve come across this’, and obviously rather than wait to the end when they’ve forgotten or get agitated in between, he allowed them to ask questions.”
8.7 SUMMARY

This chapter considers some of the background to the training in terms of how, when and why dutyholders got involved. It is interesting to see that in this limited sample of dutyholders, few had been proactive in seeking out training themselves, with most being invited to take part by third parties, often their regular health and safety consultant. This suggests that general publicity around the training has not been high. Where marketing material had been received from individual consultants, sometimes this was considered alarming and the message confusing. Moreover, some of the partners stated that they struggled to get new clients interested, which highlights the difficulty involved in informing those who need the information most. Together these findings stress the importance of getting the marketing of a campaign such as this just right, and suggest that the HSE could be more involved in providing some centralised publicity for the events.

Often the partner was the dutyholder’s regular health and safety consultant, or was someone who had already carried out work for them in this area, such as a survey. A number of dutyholders found this beneficial to their training, as it meant the partners were aware of their specific issues, as well as finding that this gave them confidence in the service they were receiving. It would appear that there is some concern about companies being ripped off by consultants, again suggesting the need for more regulated and controlled marketing.

Most dutyholders had undertaken training in the past two years. Often the training was delivered to one organisation, and a range of people were invited on to the course including other staff and maintenance workers. Some organisations had even invited their maintenance contractors onto the training with them. The major motivations for training were to raise awareness. However, many of the dutyholders already had a background or some experience in this area so used the training to help inform others and raise the profile of the issue in their organisation. It was thought that this would ease their task as a dutyholder and hence improve general levels of compliance in the organisation. In looking at the events in more detail, it is hence important to consider whether the training met some of these wider objectives, which may not have been fully anticipated either by the partners or by the HSE.

On the whole the partners and the dutyholders were very favourable about the training, which they saw as comprehensive and thorough without being too dry or technical. The training delivered to the dutyholders included in this research varied substantially. This has been useful in helping to identify what works well and what less well, and possible ways in which materials could be re-designed.

The length of training was clearly an issue for some. While most dutyholders were pleased with the length of the course they received, and stated that it was not too long, partners told how they deliberately tried to keep it short to encourage participation. In some cases this meant that the training they delivered was more focused on raising awareness of the duty rather than explaining how to comply, although most of the dutyholders felt they had received something relatively in-depth.

Many of the partners cherry-picked from the slides to suit the needs of their audience and added some of their own material. The most useful element of the training was considered to be the visual aids identifying where ACMs can be found, often because dutyholders are not aware of the extent to which they are used. The background information on asbestos – where it comes from, the history of its use, and the health effects – was generally considered useful for setting the context and highlighting the importance of the issue. The same was said of the video, which was seen to have a strong impact, although some believed that this was a scare-mongering exercise and in some cases there was genuine concern that it could turn people off the subject rather than bring them in.
For some of the dutyholders, the training was more of an awareness-raising session and did not include much information on the specifics of the duty. However, some dutyholders remembered receiving good information about the duty, in particular the message that asbestos can be managed rather than removed, and some of the ways in which this can be done. Most of the partners were critical of the lack of practical guidance, and thought the materials were too focused on the legislation. A few partners had added their own guidance in, including draft management plans or risk assessment forms, and the majority of the dutyholders interviewed valued these additions and found the training much more practical than most. However, some partners thought there was insufficient information about the consequences of not complying and added some case law to act as an incentive to organisations. It was clear that any information on enforcement needs to be handled carefully, as some dutyholders told how they were put off by this part of the training and thought that there were more effective ways of encouraging employers to comply.

Where possible partners had tried to tailor the training to suit their audience. This was fairly easy to do when training was provided to employees from one audience. Where the partner was the company’s regular health and safety consultant, usually they would incorporate information about the organisation into the training, including photos from the site and, where possible, survey outputs and company policies. Dutyholders appeared to particularly value this aspect, which helped the training to feel more practical and for the issues to appear more real. However, some dutyholders and partners still thought that certain aspects of the materials needed to be redone for different environments, such as the video and the information on the uses of asbestos, and there was some concern that on the whole the materials are a bit technical for dutyholders from smaller organisations, who may have no previous experience of the topic.
9. EVENT IMPACT

This chapter looks at the impact of the campaign on dutyholders, before considering some of the limitations to the campaign.

It is important to note that the data presented is self-report and therefore the precise cause of the impact is hard to disentangle. Nonetheless, the vast majority of the dutyholders felt that the training had had some impact or another. As the interviewee from a small construction firm noted:

“Certainly it had an impact that I can remember it nine months later.”

In the interviews with partners, they were asked whether they had conducted any evaluations of their own events. Few were doing any formal evaluation, but a minority were collecting ‘happy sheets’, either using the appraisal forms provided in the pack or others, such as IOSH appraisal forms. One partner, from a large insurance firm, was combining happy sheets with a follow-up telephone call to a subsample of delegates. Most were simply asking for verbal feedback from their delegates after the training session had finished. This level of evaluation provides comments on the training only and is insufficient to see whether events have had any impact on work practices and behaviour.

A few partners believed they had anecdotal evidence to suggest that their events were making a difference. Some of those who kept regular contact with their clients said that they were receiving more queries in this area since training, suggesting that clients are trying to get to grips with the issue. A partner within a county council believed that their training to dutyholders had had an impact. He found that they had received more calls from surveyors asking for advice, and in their yearly audits they have seen that information about asbestos is being communicated better.

“It is not perfect yet, but it is improving.”

Another council, this time from a city, reported more calls on asbestos issues, in particular maintenance queries, after the training had been delivered.

In addition to looking at an improvement in learning and awareness, it is important to consider whether the training has led to any improvements in compliance with the duty to manage regulations, as highlighted by one of the interviewees:

“Like most training, if you just do it, in itself it's an informative exercise but you need to come away from that and start to implement what you've learnt and that's the hard bit.”

Improvements in learning awareness and practice are considered in turn below.

Please note that the time elapsed since training varied somewhat between dutyholders, from only four months to around three years. This could be expected to influence the degree to which training impacts on work practices, given that a longer time period will allow more opportunities for making changes. In this research, the effect of time was difficult to examine in part because of the small sample and also owing to the fact that the dutyholders were at different stages when they attended training in terms both of awareness and of practice.

9.1 LEARNING / AWARENESS

The extent to which the training can lead to an increase in awareness clearly depends on levels of knowledge before attending a course. Many of the dutyholders, particularly those in larger organisations, did have prior awareness of asbestos and the issues. Many of them worked in
either health and safety or estates managements roles, which had given them a prior insight into the substance. A few had even worked in maintenance yourselves, so had come face to face with the material in the past. The maintenance manager for a medium-sized munitions factory told how he thought the training would have been more useful for those starting up in his line of work than for himself:

“If you don’t mind my saying, if you were to actually become a maintenance person, you would find it very informative. But, I’ve worked with people who knew it before me and my trainers were the ones who knew it and you lived with it. You grew up with it, you know roughly what it is.”

Those who learned the most from the event were clearly those from smaller organisations without a background in this area, such as the reverends and the school dutyholders, many of whom stated that they had “no idea” about asbestos before going on the course. However, even for those with relevant experience, the training highlighted that there were gaps in their knowledge and therefore turned out to be beneficial.

9.1.1 Learning about the legislation

Despite the previous experience of many of the dutyholders, a number of the interviewees did not know much about the legislation before going on the course. They knew that there was legislation in place but they did not appreciate the implications of the duty and what it meant for them in reality. The dutyholder of a small manufacturer and installer of metal products, who had received one to one support from a partner and attended a course designed for his operatives, stated:

“The learning part was more to do with the legislation surrounding the duty to manage. As I said, I’ve got a history in industry so I knew I was well aware of the dangers of asbestos. So the learning, as far as I was concerned, came from the rules and regulations surrounding the duty to manage and thereafter, how I would carry out a survey should I, if I had had a problem how was I going to tackle that. So yeah, it was more centring around the logistics of the thing.”

Some became a lot more aware through the training of their own responsibilities, and what the role of a dutyholder involves. For example, the interviewee from a small engineering and technology consultancy who had attended training in the past year felt he was now more aware of his role as a dutyholder as a consequence of the training he had undertaken:

“Yes, we did learn about the duty, the dutyholder’s responsibilities, so I’m aware of the situation I’m in now.”

Similarly an interviewee from a small construction firm, who organised and attended training for his workers, felt that the training had highlighted their duties:

“As a company now we do understand our responsibilities fully and that, you know, that has sort of helped us managing the potential of having asbestos.”

One key area of learning appeared to be around the ability to manage rather than remove asbestos in certain circumstance. The reverend of a small parish told how:

“I learnt that it is dangerous and that we’ve got to treat it with respect but it’s not something that we have to sort of panic about if we discover it’s there. We can live with it, so to be sensible I think and obviously we don’t want to have it around but if it is there we can live alongside it while we respect it, I think that’s what I learnt from it probably.”

For some delegates, particularly those from small non-technical sectors with no previous experience in premises management, this new awareness of their responsibilities was alarming and caused some fear. In the schools, the legal implications of the duty came as somewhat of a shock to some.

“I would imagine that some people that I know who are responsible would just go into a blind panic if they found any, in a little primary school with a little head mistress, I don’t know what
they’d do. You’ve got this sword of Damocles hanging over your head, they might prosecute me if I don’t do it right.”

However, for others, the course had been particularly useful in explaining the responsibilities without causing too much concern. The reverend, for example, told how he had become concerned about their responsibilities after speaking to a consultant, but how the partner event had been very important at “allaying fears” about the legislation. The health and safety officer of a racecourse management company found the information about the legal implications particularly useful:

“I think it also allayed a lot of fears, because there were all these threatening letters going around. It was a case of well, okay we’ve got this problem but to actually manage the problem and deal with it we just need to do the basics and use the appropriate people.”

It would appear, therefore, that any training for dutyholders needs to address the legal aspects of the duty appropriately and sensitively.

9.1.2 Learning about the substance

Despite almost all having an awareness of the substance, many dutyholders admitted that they were not previously aware of the extent to which asbestos has been used or how it is present in so many materials. This was true in both large and small organisations. As the health and safety officer for a small company installing boilers and central heating explained:

“Certainly I didn’t appreciate - and I know the guys didn’t - that loo seats for instance have asbestos. Black toilet cisterns have asbestos. The silencing pads on the underneath of stainless steel wash basins can contain asbestos. Tiles can contain asbestos. Linoleum contains asbestos. You know, things that everybody has grown up with and really not given much thought to. That was very useful.”

It is interesting that this dutyholder had retained this detailed information, even though he had completed training over two years ago. In addition the course highlighted how dangerous asbestos really is and the seriousness of the issue. The production manager of a large cardboard box manufacturer told how:

“Without attending this course for example I wouldn’t have understood just how hazardous it really is. You hear snippets that the amount of people that suffer from asbestos related problems, they have a tendency to be, I don’t know, one a million, one in two million, whatever it is these days. It’s not advertised as such, you don’t know, you don’t hear about it, it’s not until somebody, of a younger age group, contracts it that you would hear about it.”

9.1.3 Confidence to teach others

A further impact of this new learning was that it allowed individuals to cascade the message to others within their organisation with confidence, particularly to those in decision-making roles. For some the impact was about having enough knowledge and confidence to explain to others what needs to be done and why. As the reverend of a small parish explained,

“I think we came away knowing more about the issues and had a better grasp of it so we could then go back to our church councils and say look, there is a problem, there is an issue to do with asbestos, we’ve got to know where it is and got to know what to do about it and to help us know where it is, this man will do an inspection for us, if want him to… So yeah, I think it certainly gave us some confidence I think to talk to others about what we do about it.”

9.2 PRACTICE

Any changes in practice that come about as a result of training similarly depend on the extent of compliance in an organisation before going on a course. Many of the organisations included in
this research were part-way through complying before taking up the training. Some dutyholders felt up to scratch themselves but had organised training to inform others and help to cascade the message and the responsibility within the organisation.

It is difficult to ascertain the impact of a one-off training course on organisational practices through a self-report interview conducted after the event, without any measure of prior performance or influence of other activities. Nonetheless, some of the dutyholders interviewed felt that the training had led to changes in how they manage asbestos on their premises, and some were able to give specific examples of these.

9.2.1 Getting started

For a number of dutyholders, the training was the first step towards compliance, and led to the implementation of a system to manage asbestos. As the reverend of a small parish explained:

“I think it got us moving. I think, it pushed us to do something or even it pushed us to think about it if nothing else and to, if we hadn’t had him come along, we probably wouldn’t have had a conversation about it among ourselves I don’t think.”

Similarly, the health and safety officer for a racecourse management company told how the event had helped spur them on to deal with asbestos, and that, although getting a survey done had been in the pipeline for some time, the event led to it actually happening.

The schools appeared to gain the most from the training in terms of the changes to practice, and those interviewed were all very clear about the impact in their premises. They were very quick to get started after the training, which was helped by the fact that the course had included prescriptive details on how to manage asbestos in the schools and the surveys had already been completed:

“Yeah, well, the training has changed practice, and with the best will in the world nothing goes on in this place unless we’ve actually sorted out how they’re going to do it, what they’re going disturb doing it and whether it’s likely to contain this stuff. And anybody that comes on this site to work has got to be made aware of that and got to work out how I want them to work. All right, I’m a teacher, they’re builders, they’ve been doing it for a hundreds of years but that’s irrelevant.”

Some of the schools were able to give solid examples of changes that had happened since the training. For example, the locations manager for a medium-sized secondary school told how he had closed down two rooms on the premises when he discovered that the asbestos removals company had forgotten to deal with them, something which he did not believe would have happened before going on the course. A senior site manager from a different school told how she too had been able to identify asbestos in a part of the school while doing the risk assessments, which had led to her involving the council to deal with it. She did not think she would have been able to do this without the course:

“I wouldn’t have known, I wouldn’t have thought anything about it. I’d have been, well I have been down there rummaging in it.”

9.2.2 Improving current management

For some of the organisations already managing asbestos, the event helped them to do it better by giving them more specific information on different aspects. For example, the dutyholder of a medium-sized munitions factory, who had attended training one year before the interview, told how after learning about the range of products that contain asbestos he had known to consider other parts of the building, which led to them putting up more signs around the factory. Similarly, others told how after the training they had checked previous surveys done by consultants, and in some cases it emerged that an area had been missed.
For others, the training stressed the importance of keeping the management “live”. The service manager of a large agricultural research company, who had attended training in the past year, said the course had “galvanised” him to review and update their policies by stressing how important this area of work is:

“The overall lesson for me was that it’s a serious topic and we need to address it and resolve our deficiencies in it.”

However, in some organisations the interviews and site visits found that there was no formal system for conducting reviews, so it is likely that this aspect of the duty needs to be emphasised further.

For others it enhanced the need to make management a more formal process and stressed the importance of documentation. For example, the dutyholder of a large estates management firm which is currently managing a hospital property told how:

“I learnt that it’s not just good enough to know there’s a bit of asbestos there. It’s got to be more formal. You’ve got to keep these notes. That’s the most important thing. The actual formal side of it more.”

In the year since he took part in the training he has updated the records that they have and ensured that all the necessary people are informed. Again, it is arguable that this aspect of the duty was not emphasised sufficiently in the training event as an assessment of compliance showed that a number of dutyholders were not documenting the procedures that they had in place.

9.2.3 Confidence of complying correctly

For those who felt that their systems for managing asbestos were already sufficient, the training was still beneficial as it gave them the confidence to know that what they were doing was correct. For example, the same estates manager of a large hospital told how the training:

“Just let us know we are getting it right.”

The health and safety officer of a large national defence base told that while they had already set up the compliance programme and the management plan, the training:

“gave us belief in the programme that what we’ve got is adequate.”

Moreover, the training reinforced to a few dutyholders why management of this issue is important. As the production manager of a large cardboard box manufacturer told:

“But they just reinforced, I say ‘just’ reinforced, but they actually to me reinforced the route that we were on. We hadn’t had to deviate from that route, but the information that I got on the course and the awareness that I’ve received really has just kept me on the straight and narrow, has just made me constantly aware of the process and why we’re doing it. Without that I’d probably just think ‘There’s nothing wrong with it, why do we get it checked you know, why are we doing this?’ And start fretting about money and that’s what manufacturers do, but if you give us all the right information yeah it makes us think, makes us think on the right lines I think really.”

9.2.4 Approach to maintenance work

It would appear that for some, the training had a clear impact on how they dealt with maintenance. As such, in addition to helping improve the systems for asbestos management, the training had helped some to actually reduce the risk to maintenance workers. For example, the bursar in a school who attended training six months before the interview told how if in the past someone had wanted a white board put up and did not know whether there was asbestos in the area, they would assume it was ok. Now they assume that there is asbestos if they do not know, and she felt that this distinction had really come through in the training. The director of a large
plant and pump hire operation told how the training had made them much more strict in their approach to dealing with maintenance workers:

“I suppose also, as opposed to comments that would have been made before about I wouldn’t do that if I were you, now it’s thou shalt not do it or be it on your head. It’s an edict, you do not do it, you will not do it. So, whereas I’m sure managers in days gone by didn’t think about it, if it was a question of drilling a hole, they’d have drilled the hole in the thing, they’d have done it. Now they won’t.”

However, although the training increased awareness of the risk to maintenance workers and the need to communicate these risks to them, the procedures for informing maintenance workers of the presence of ATMs were often not documented or systematic.

9.3 IMPACT OF TRAINING PROVIDED TO OTHERS

Partners who had used the materials to train maintenance workers believed that the training had had an impact on these people, although it was not possible to speak to these individuals to confirm this as part of the research. A health and safety consultant, for example, told how his tradesmen delegates tended to be pleased with the course:

“They go back happy and jolly about being given valuable information that they can put into practice.”

However, he was unsure how bosses reacted when tradesmen came back and was cynical about the impact on the general system of working, because of a general lack of interest.

Some of the dutyholders who had arranged training for maintenance work and other staff also believed the training had affected these groups. A few said their workers had made more queries and questioned some work situations since the training. One dutyholder, whose workers installed metal products, told how in the nine months since attending training, some of his staff had enquired about asbestos on sites where they were not sure, which is not something they would have done previously:

“So yeah, I think they’ve all got presence of mind as far as it’s concerned, yeah. I don’t think any of them would just go blindly ahead where there was something in question, I think it’s worked well.”

Similarly the duty manager of a district council told how, since the training, he had received a lot more calls from building managers about asbestos-related issues in their work.

For some dutyholders, informing others in the organisation was considered part of the overall process of managing asbestos so training others was seen as a useful means of improving the organisation’s compliance. In a university, which had organised training for its in-house maintenance staff and some contractors on two occasions, once three years ago and again just 12 months ago, the dutyholder felt that their maintenance staff had played an active role in compliance on site since the training as they were able to report concerns about areas that may have otherwise been missed. Moreover, he felt that the training had strengthened the health and safety culture of the organisation as a whole:

“What you find is that my knowing about it is one thing. The trick is to get everybody else on the same wavelength and you can see it changing and I think that’s true of the health and safety culture in general really. It’s a very slow process, but we’re certainly in a better position now generally from the health and safety awareness, that we were say ten years ago. People do talk about it and it is becoming what I call intrinsic in what you do and there’s a tendency for health and safety to be done over here, you do that and then you get on with the job, and it shouldn’t be like that. It should be intrinsic in what you do, and asbestos is one of those things.”

The property services manager of a medium-sized housing association, told how training their employees nine months previously had helped to bring cohesiveness to a lot of their systems:
“We are doing things differently, whether it’s solely because of the event or the event was just an opportunity to bring others up to speed, bring together what we’re doing, so I wouldn’t say necessarily the event has been the catalyst for all the other bits of progress we’ve made, but it certainly was somewhere where we all got onto another platform and we’re working together. I think it gave a bit more cohesiveness to things.”

9.4 LIMITATIONS IN IMPACT

Most dutyholders had been able to stay on top of any changes they had made since the training. Some, however, thought that there were barriers that made it difficult to keep the momentum going, because of some of the organisational barriers mentioned in Chapter 7.

Some of the schools told how the training allowed them to comply with the duty on a day-to-day basis but how this was sometimes compromised by the council, who were at times slow to organise asbestos removal, and often arranged maintenance jobs on the school without prior consultation with the staff there.

Another barrier commonly referred to was cost. This had been frustrating for the estates manager of a large estates management firm currently looking after a hospital:

“The problem is you come back from training full of enthusiasm, you think oh we’ll do this - ‘yes all right, we haven’t got the money for that’. It just puts a damper on it and then you just carry on in your own sweet way like you did before.”

Some admitted that despite having taken part in the training some months ago, they had not been able to deal with every aspect of compliance. For example, the reverend of a small parish told how he had learned that he needed to devise a system of showing records to maintenance staff but then confessed “we have got to develop that better I think”, even though the training had been completed a year ago. The training had been more awareness raising, and he felt they still needed to “do a bit more work on how we manage it now we know we’ve got it.” The difficulty for them, as for others, was finding the time to do the work, given the range of other tasks they have to do.

As well as these general barriers, there were issues to do with the campaign itself which suggest the impact of the training is limited.

9.4.1 Need for regular training?

When asked what would improve the training they had received, dutyholders were unable to suggest specific changes to the materials but felt it was important to receive regular training in order to keep up to date with the issue. While some of the knowledge gained appeared to have been retained for some time, a number felt that it was important to have their knowledge and awareness refreshed. The dutyholder from a university thought that refresher training would be useful:

“What I think would be more effective is reviewing training, refresher training… Doing it once and not doing it for two years, people tend to fall back to old habits. That’s changing your culture. Just keeping it on the boil.”

Similarly, the estates officer from a large estates management firm managing a hospital thought that a second training course would have been a good idea:

“Possibly what would have been good is if we’d have gone back in six months time…it could have been like a two day thing, one now and one in six months’ time, so you can go back to an update course, sort of thing, and say, ‘Oh I tried that but I couldn’t manage that, what about, you know…’, sort of thing. That would have been nice. You did the course and then that was it.”

Some dutyholders thought it important to have courses at regular intervals to ensure that new staff are kept in the loop. The health and safety officer for a large national defence base, where
training had been provided mainly for maintenance staff, said that he would like his organisation to receive training annually or biannually to ensure that new staff receive it. Echoing this sentiment, some of the partners stated their concern about the duration of any impact from the training. For example, a partner from a military organisation which provided some in-house training to staff believed the training had “hit the spot at the time” but worried that bad habits would inevitably start creeping back in.

Some thought it important to put more people through training, but found the cost of training prohibitive. The chief executive of a small housing association thought that providing free training would help to cascade the message further:

“It might reach a wider target if it didn’t cost so much. That didn’t put us off though because we’re in a position to pay for it, but there might be others who think £300 is a bit much. If the government were moved to present free courses to people that might spread the message more effectively.”

### 9.4.2 Is training sufficient on its own?

Levels of compliance in our sample of dutyholders were generally fairly high, with just a few areas of weakness apparent. While it was clear from dutyholders’ reports that in most cases the training had had some impact on awareness and compliance, can these high levels be attributed to the training alone? Given the fact that the data is self-report and there is no baseline measure it is very difficult to single out the contribution of the training alone. However, some dutyholders were using other forms of support which may have also impacted on their current levels of awareness and compliance. The dutyholders were asked what other sources of support they used to help them manage asbestos in their premises, and overall what they found most useful.

**Other sources of support**

The vast majority had not been on any training courses, but a few had used other sources of guidance from the HSE, including leaflets and the website. There were mixed views on the usefulness of these, although dutyholders were not specific about what precisely they had used. The dutyholder from a borough council liked the literature as it provided a reference which he could refer to time and time again and, like others, he thought the literature was easy to read and clear. A dutyholder from a small construction firm told how they used the HSE website regularly, and said that “nine times out of ten” he was able to find the information that he needed. Another dutyholder, however, thought that the website could go further in giving advice.

“The HSE website is not particularly useful… It doesn’t give you advice as such it just reiterates what’s in the regulations.”

Some were in favour of training because they saw it as consolidating all the necessary information in a less time-consuming format. The director of a large plant and pump hire operation described how:

“Virtually everything you learn on these courses, would be attainable somewhere on the web. But here it will have all been condensed down and will have saved an awful lot of time rummaging and looking for it elsewhere.”

However, in many cases dutyholders were seeking support from other professionals in their management of asbestos. Those from larger organisations were able to use in-house health and safety specialists or departments and many were using health and safety consultants.
Support from experts

For most dutyholders the major source of support was their regular consultant, who in many cases was also the partner who had provided training. Partners felt it was important to have an ongoing relationship with their clients in relation to the management of asbestos and as such many provided support on a regular basis. A partner from a multifunctional design practice told how support in this area:

“has to be an ongoing process, and it always will be.”

A large HR services company provided 24 hour support to clients through a help desk, which clients could call for advice on any issue, including asbestos management. They also carried out regular audits for clients to check that they were dealing with asbestos correctly. An independent health and safety consultant told how he often helped those he had trained to set up the systems for managing asbestos, and reminded clients annually that they needed to review their plans. While the aim of his training was to make dutyholders self-sufficient, his clients tended to assume that he would be there for support. In his opinion this “continuity of support” is often absent from other providers, many of whom are “cowboys” who charge a high fee for type one assessments and then abandon their clients.

While it could be argued that these sentiments are to be expected from companies which profit from continued client involvement, the same feelings were echoed by the sample of dutyholders. Some of the dutyholders interviewed valued having a consultant there to call on for support if need be, and some told how their consultants or partners were willing to take questions at any time. Again the reverend was pleased that there was a source of support there for them at all times:

“He offered support to us after the training and one of the nice things he said was that he wouldn’t just dump us once he’d done the inspection, he’d be around… I think that’s quite important that you have a relationship with someone who you know that you can perhaps talk to and say, ‘Oh I’m a bit concerned about this’, or whatever, and they come and have a look.”

The dutyholder from the housing association described how he had called on the help of the partner at various points:

“I’ve certainly used the opportunities to get some direction from the partner. We paid them for them for the surveys but in between that sort of thing, if we want to know something or if I want some advice on whatever… So I use them as a bit of a touchstone, and that’s quite helpful, so I’m getting a bit of consultancy and advice through there.”

The dutyholder of a small metal manufacturer found it particularly useful having someone to keep them informed on a regular basis, as it can be hard to access the information at times:

“For a lot of companies, a lot of business owners, it would probably make life a whole lot simpler for them if they did, as we did, and employed a consultant you know, one day a month. You know, it would ease some of the pressure from them and they would get good advice, in advance and maybe that would make life simpler for them.”

In many cases, even where the partner was new to the organisation, the dutyholder had paid for additional services from the partner, usually in the form of a survey. This is interesting given that the training emphasises the ease with which a type one inspection can be conducted, even by an individual without any previous experience. The reverend of the church told how after the training they had asked the partner to do a type two survey for them, and planned to get him involved in the removal stage.

A few felt that they needed support not only in conducting the various tasks involved in complying but in finding the relevant companies to help them do so, in particular asbestos removal companies. Some dutyholders were not clear about how to select an appropriate surveyor or remover and what qualifications to look for. A large housing association told how
they had asked their consultant to organise the surveys and asbestos removal on their behalf, from tendering the work to receiving and filing the certificates of the work. Similarly both of the reverends interviewed were planning to ask their partner to look for an asbestos removal company to take out the small amount of asbestos in their premises.

“Well I think we’ll be looking to our partner for the next stage which is, now we know where it is, how we get rid of it. And I think that’s the big job I think, big issue. It’s alright knowing where it is and living with it, but if you want to get rid of it, how do we do that?”

Combination of support important

Given the high use of health and safety consultants in the sample, is it clear whether the training event would have been sufficient on its own?

Some partners felt that a single training event was insufficient to provide a dutyholder with the knowledge to manage asbestos on their own. One partner felt it was only sufficient for those with prior knowledge, and therefore signposted his clients to other areas of support and training. Another partner from a safety consultancy believed his clients had learned a great deal in the area, but that this had in part been owing to his “badgering” them about it day to day rather than the single training course.

This was echoed by some of the dutyholders who had attended the training. They professed that they did not feel like experts now that they had attended a course and felt that the various aspects of the management, in some cases even putting together a management plan, needed the input of a professional. Asbestos was recognised as a very emotive subject so some were keen to use experts to ensure they did not make mistakes. For the dutyholder from a small housing association, the training had highlighted the need to use experienced individuals:

“It was clear the importance of correct identification and knowing where to look was not something that could be picked up in a sort of three week course, which is why we picked experienced chartered surveyors in the end, with many years experience in the field. But the training course to me was very clear that it was an awareness of what we needed to do to manage the system rather than to train us to do the work ourselves... I think we got the message that little knowledge is a dangerous thing in this game and we want people advising us who know what they are talking about.”

The reverend of a small parish also felt it was important to get some expert help, and even after the training did not feel confident enough to do some aspects on his own.

“He was doing this everyday. If I’d had to do it, this would have been the first time I’ve ever done anything like this, whereas someone like our partner it’s almost second nature to them and I think you gain a lot by having someone who understands what they’re doing, knows where to look for information on how to recognise what they’re looking for…. I don’t think I’d be as confident as I ought to be, as I’d like to be, if I was going to do it all myself.”

While levels of compliance did appear to have been improved by the training, in some cases it looks like this was partly down to the subsequent support from the partner. The reverend of the small parish told how the training had “kick started” them into taking action. However, it is doubtful whether they would have really got started if the partner had not been willing and available to do some of the tasks for them there and then.

“It kick started and I think you know to have someone that’s pushing you saying, you know, ‘When can I come and do this work?’ and ‘You’ve asked me to come in and do an inspection, when can I come?’ I think that was useful to have someone from outside rather than just ourselves. I think that’s probably the diocese saying this company will do them if you want them to do it. I don’t think we would have bothered I don’t think, we probably would but not quite so regularly. Whereas having someone coming along and meeting us face to face and saying look you really need to do something about this. So I think it got us going. Now that he’s done the inspections in a sense we’ve slowed down a bit.”
Since the consultant had completed the survey nothing had been done, and they did not plan to arrange any asbestos removal without seeking his input first. Similarly in the schools, it is not clear how useful the training had been if it had not included the council’s predetermined system for managing asbestos in school premises, and details on how to do this.

Some of the dutyholders had received further support from their consultant in this area at around the time of the training and some believed it was the combination of support that had been most useful. For example, in a large brick manufacturing firm, the partner had taken the designated dutyholders around their respective sites to look at the various areas of concern and had carried out the inspections. The site manager stated that it was the inclusion of these different elements, the perspective of the company, the training and the inspection, that really allowed them to get going:

“The whole introduction of the policy, the course, getting an external inspection by the asbestos professionals, was a three-pronged approach really. None of them were any good on their own, but all three together raised awareness, implemented a policy for the long term, and identified and, in this case, removed an amount of asbestos, and then gave us a system that could then manage what we had left, to ensure that there were no health issues going forward.”

The training had simply “kick-started” the process, whereas the other elements “put the flesh on the bones”. It is also unclear how many organisations would have heard about the duty to manage and the training had they not had this pre-existing relationship with a consultant.

9.5 SUMMARY

The levels of awareness of, and compliance with the duty to manage regulations were fairly high among the dutyholders interviewed for this research. Given that there was no baseline measure of performance it was difficult to determine precisely how much these had been influenced by the training event. Nonetheless, both partners and dutyholders reported that the events were having an impact on both awareness and practice.

Although many of the dutyholders were previously aware of the regulations, some gained knowledge about the legislation and their responsibilities, and some learned more about where asbestos can be found. For some organisations the training was the initial step to managing asbestos, and it was only after training that they started to set up some systems. Other organisations were already some way there when they got involved in training, but nonetheless found it useful in improving their approach to management and giving them confidence that they were doing things correctly. In particular a number reported changes to practice concerning maintenance workers and how following training they were much more strict in ensuring that maintenance workers were not put at risk.

In many of the organisations, training had been delivered to other workers, including maintenance workers. While it was not possible to ask these people of the impact, partners and dutyholders reported maintenance workers being more cautious post-training. Some saw that training employees had helped improve the general health and safety culture of the organisation, and as such believed that the organisational approach to managing asbestos had improved.

In most cases it was possible to keep up with these changes but the usual barriers of cost and lack of resources made it difficult at times. Some thought that more regular training would help to ensure that asbestos management does not go off the agenda, and to keep dutyholders up to speed and up to date.

While the training was seen as a huge source of support, it needs to be recognised that it was usually used in conjunction with other sources. Some had used literature from the HSE and the website, but there were mixed views on how useful these were, partly because accessing them was considered time-consuming and laborious. Many were using the support of health and
safety experts in dealing with asbestos management, both large and small organisations, in some cases during all the different stages of compliance including conducting surveys and putting together the documentation. Support was often needed to deal with some of the arguably easier tasks of compliance, such conducting a type one survey and organising removal. Some admitted that after the training they did not feel comfortable dealing with asbestos management on their own, and wanted input from an expert, partly as a way to cover their own back. The partners agreed that one training session was not enough for many to be able to manage asbestos on their own, and offered “ongoing support” to their clients in this area. Where the training had most impact, it was often owing to a combination of support – training to help raise awareness and understand the need for compliance and the use of a health and safety expert to help set up the necessary systems.
10. FUTURE SUPPORT

Overall, the desire for further support from the HSE was not overwhelming. Almost half of the dutyholders expressed the opinion that the HSE broadly did a good job with regards to asbestos, or said that they felt they received all the support and guidance from the HSE that they needed. It should be noted that dutyholders tended not think of the partner events as being an HSE-driven initiative, but as a service offered by the partner. Thus, in discussing the way in which the HSE could provide future support, they tended to focus on the services that the HSE provided directly. Views on how the training can be improved have been dealt with in Chapter 8.

A number of dutyholders were unsure of the HSE’s remit and what they could expect from it. Some were aware that the HSE was limited in the resources it could dedicate to advice and support services. For example, the dutyholder from a racecourse management company said:

“I’m acutely aware that the HSE inspectors are a dying breed at the moment, so therefore there are various core things that they have to act upon.”

He went on to say that the HSE should not be expected to do everything, and that other agencies need to be more involved in helping organisations:

“I know that they are making a great play about being in partnership with the business and everything else, but the HSE is only one small part of it and until we get local authorities and the environment agency involved… it’s got to be a co-ordinated approach and at the moment its not, it’s very disjointed.”

However, a number of the dutyholders who initially reported general satisfaction with the HSE nonetheless were able to suggest changes that could help to improve awareness and compliance among UK dutyholders. In particular many were able to make suggestions that would benefit other, possibly less compliant, organisations who may need more support in this area. Several dutyholders recognised that smaller organisations would need more support from the HSE than larger ones. For example, the dutyholder at a large brick manufacturer, who did not feel the need for further support from the HSE himself, said:

“I don’t know how far their reach has got into smaller businesses, into self-employed people who are not necessarily as aware or haven’t got somebody in the position of health and safety manager who is dedicated solely to health and safety. It’s getting to those people (that it likely to pose the largest problem).”

The major areas in which support could be improved were around:

• providing more financial support
• making the legislation clearer
• improving the advice and approach from the HSE
• increasing enforcement
• improving publicity.

Of these five areas, the latter two of improving publicity and increasing enforcement were those most likely to be mentioned by dutyholders and partners as areas where future HSE activities needed to be focused.
10.1 MORE FINANCIAL SUPPORT AND REGULATION OF THE ASBESTOS INDUSTRY

A minority of dutyholders felt that the HSE should do more to subsidise the large costs involved with managing asbestos. For example, the dutyholder of a small housing association said:

“It is a legal requirement so I would have liked to have seen more financial support from the government maybe in terms of subsidies, grants or whatever.”

Others thought that the HSE could do more to regulate the costs of asbestos specialist companies, such as surveyors and removal companies, as using these tends to be the biggest expense for employers. This was seen as particularly relevant for smaller organisations, which were generally recognised to face larger problems in funding asbestos surveys and removals and resourcing the day-to-day management of asbestos. Given the varying costs of asbestos specialists and concerns that a number of rogue traders existed, some dutyholders and partners thought that the HSE could provide more guidance on who to use and when and what the expected costs would be.

One dutyholder, from a large plant and pump hire operation, was angry with the government for enforcing such an expensive procedure.

“This government… has imposed so many additional rules and regulations that it becomes virtually impossible to manage the underlying business of the company as profitably as we did. Because you’re just employing more and more people, you have more and more consultants coming in, you have more and more people checking up on this, compliance with this, red tape for that… I think this government is singularly responsible for seriously damaging the profitability of companies in this country.”

Other organisations suggested that insurance companies could play a part in reducing costs by rewarding companies for being compliant.

10.2 CLEARER LEGISLATION

Several dutyholders thought that the HSE could improve the legislation to make it easier to understand. Some told how they had found it difficult to make sense of it all. For example the dutyholder of a small housing association told how:

“I would have liked the legislation to have been much clearer because I get really nervous when requirements are open to interpretation.”

In this particular case it had been difficult ascertaining the precise responsibility of the housing association in relation to its domestic stock. Most of these dutyholders thought that the HSE should do more to explain the legislation in a way that was accessible to the average layperson. The dutyholder from a large agricultural research company thought the information needed to be clearer and more accessible.

“It’s a difficult piece of work to get your head round – to start with, at least – and I think the HSE could have done more certainly at the time of the implementation to explain it… I don’t believe there’s a document from the HSE that says which documents you should refer to; you stumble across them and then you go and find that and read it and see whether it’s relevant or not… And it would be nice to have one document that tells you everything rather than you know, we stumble across the documents as we’ve delved into the intricacies of managing it.”

It is also worthy of note that the dutyholder from an SME employing operatives felt that changes in legislation had led to a general lack of clarity about what the most recent legislation proposed. He explained that this made it more difficult for him to ensure the health and safety of his employees working off site:
thought the business”.

Some dutyholders felt that the HSE should send a clearer message about the legislation on asbestos and avoid changes to the legislation where possible.

10.3 MORE SUPPORTIVE APPROACH TO ORGANISATIONS

Many of the dutyholders were able to make suggestions about the type of advice that the HSE needs to provide through discussing the training. Most of this has been covered earlier but included suggestions to tailor the advice to specific work situations and provide more practical tools. For example, the dutyholder of a medium-sized housing association stated that they would like to see examples of a management plan.

“I don’t know if I’ve missed anything but I would have liked to have seen something in terms of a management plan. People talk about it, it’s there within the conversation, it’s there within the books you can read on the subject, but if the HSE would just give some general pointers to the sorts of things that should be in that plan.”

The dutyholder of a group of parish churches thought that the HSE could provide more detailed information on how the legislation in general applies to different settings. He explained his own case:

“Because of the nature of the buildings and the medieval building and all the rest of it, you’re fairly sure that there’s not going to be much around… A tiny little rural church might need the same professional firm to come along and do the job as some other companies, as you know, the likelihood is minute of anything really being around… If you’ve got a medieval building, built in the 1300s or something like this, it’s not going to need quite the same approach.”

In addition to changing the type of advice given to organisations, a number of organisations thought it key that the HSE change its approach to dealing with organisations and make it clear that it is a supporting and enabling organisation as much as an enforcer.

A number of dutyholders said they felt apprehensive of the HSE and would be unlikely to approach them out of the fear that action would be taken against them. For example, the dutyholder at a small middle school told of his reluctance to seek help from the HSE:

“I would be very reluctant to use the HSE… they scare me witless… At the moment, I see the HSE as somebody who could be potentially dangerous, more powerful than the police force, who could, if I make a mistake, could slap me in prison. So they’re an organisation to be avoided at all costs. If an HSE inspector came into this school, I think I would probably be very, very worried, but I don’t know whether it should be like that or not. I think there are times when you do need a little bit of fear but I don’t know how much. In this case it’s probably too much.”

The dutyholder from an SME installing boilers and central heating believed the common view of the HSE was that they are “to be kept at length at all costs because they interfere with your business”. He thought that the HSE were still regarded by many as:

“The Gestapo, the police force who are basically only interested if something goes wrong.”

Some dutyholders held this view even though few had sought advice direct from the HSE. One dutyholder who had, from a racecourse management company was extremely impressed with the advice and support he had received, both on a specific matter and in general.

“Where I wanted clarification on a point in direction, they’ve been in to give me that information. Where it’s something that’s been difficult, it might not be in relation to asbestos, I’ve gone to them, spoken to them, put a case to them, they’ve gone, ‘Oh, we need to look at this’, and they’ve come back. And [they are] proactive. A lot of people still see the HSE as the sheriff – the only
time they come knocking on the door is when they’re going to prosecute you — and it’s not the case.”

Some thought they would be more likely to seek advice if the HSE changed its image. A dutyholder from a large cardboard box manufacturer thought that the HSE needed to try to improve the way they come across to employers.

“Fear factor one is if you call an inspector in to help you with a problem that you think you’ve got: human nature, you think ‘He’s looking elsewhere, he’s listing you for something’. And that’s historical, that’s what happens… so I reckon that the best thing the HSE could do is lighten up and learn to communicate… come and talk to us. Because without us, they won’t have a job and without them we won’t have a job… We really need to connect together head on and say, ‘Look, this is where we want to go’ and not be scared of stepping over the line, of going the wrong route. We need someone to come along and just talk rather than just the heavy handed stuff. Because all we read about is heavy handed.”

A number of the partners interviewed for this research similarly thought that the HSE needed to make it clear that organisations would not necessarily face prosecution if they admitted they needed help. Specifically, some felt that the HSE should do more to balance their threats of legal action with practical advice and tools. One partner lamented that the HSE approach was more often to:

“Tell you when you’ve got it wrong, not how to get it right.”

Some other dutyholders were clearer that they did not expect the HSE to provide an advisory service on asbestos. For example, a dutyholder from a small housing association noted that more ad hoc advice from the HSE would be helpful, but questioned the practicality of it:

“We’ve got 250 houses that have to be looked at, we couldn’t be calling out people from the HSE, unless they’ve got a very large workforce that would be available.”

Instead of using the HSE, some instead looked to their health and safety consultants (often the event partner) for advice on how to deal with asbestos. As a dutyholder from a secondary school put it, “I think if you’ve got the general picture, you bring the experts in”. A dutyholder from a large housing association told how with advice from a consultant he had not needed to seek help from the HSE:

“I’ve never contacted the HSE, I’ve never felt a need to and I suppose I see our consultant as our contact and the font of all knowledge and it’s up to him where he gets that from and whether he accesses the HSE I don’t know. I would imagine he does.”

Some thought that use of a regular consultant was the best way to get proper tailored advice. A dutyholder from a large university thought it would be difficult for the HSE to provide this level of support.

“What I’d like… I’m not quite sure who would tell me this, is for somebody to come in and have a look at what we do and say, ‘Yes, but you could do this, or you could do that, or that’s not enough…. A critical friend perhaps might help. Not necessarily from the HSE – as I say, I don’t think the HSE has the resources to do that, I mean it’s not something that’s likely to happen – but perhaps from a consultancy or something like that.”

10.4 INCREASING ENFORCEMENT

Several of the partners believed that the lack of any real threat of enforcement was one reason why levels of compliance across the UK tend to be low. Many thought that there was a need for the HSE to police the management of asbestos better and were concerned that it looked like it was not high on the HSE’s priorities. Some comments from partners include:

“Companies need to be kicked up the backside either by the HSE or insurers.”
“Unless people are pushed into doing this it won’t happen.”

While the dutyholders in this research often stated that fear of prosecution was a motivating factor in their asbestos management, and that the HSE needs to put more emphasis on its non-enforcing role, some believed that the HSE could do more to enforce the regulations.

The dutyholder at a large national defence base thought that the best way the HSE could help the asbestos situation was by carrying our more checks on organisations. He said he would have liked to see the HSE carrying out on-site spot visits to “keep people on their toes”, but recognised that this could only be achieved if the HSE had more staff. Furthermore, the dutyholder at a medium-sized housing association thought that the HSE should check that the systems and procedures organisations claim to have for managing asbestos are actually there. He felt that many organisations might have an asbestos management plan, but did not put this into practice. For example, his previous employer had an asbestos register, this was not made available and the overall practice in this organisation was bad.

“The reality of it was that there wasn’t a single bit of information available to anybody in the organisation about the asbestos in the properties. They tick the box, in terms of ‘Have you got an asbestos register and an action plan?’ – ‘Yes’; the next question, if asked, ‘Can you tell me what’s in that property?’; the answer would be ‘No’. And I think there’s probably a lot of organisations just ticking the box so they have a piece of paper saying we’re going to do, but putting it into practice is something else.”

However, some thought that the responsibilities should extend to the maintenance workers too. Several dutyholders suggested that the HSE could do more to guarantee that contractors had sufficient knowledge of asbestos, for example by requiring them to attend an asbestos training course. The dutyholder at a medium-sized secondary school believed the current weight of responsibility was unreasonable.

“The HSE should ensure that all the contractors who work on public buildings should have had competence certificates that say they have been on a training course for asbestos...The main thing is to ensure that all the contractors who work in public buildings have to state that they’ve been on an asbestos course and they’re aware of the various types of asbestos. That would relieve a lot of the paperwork, to a certain degree. The onus at the moment, if a mistake is made, is on the head teacher.”

10.5 IMPROVING PUBLICITY

While all of the dutyholders interviewed in this research were clearly aware of the duty to manage regulations, having opted and then taken part in a training programme on the subject, it was nonetheless recognised that more publicity is needed in this area.

Several partners thought that lack of awareness was the major barrier facing a lot of organisations, as evidenced by the fact that they struggled to get dutyholders interested in their training. In their opinion, part of the problem facing the HSE was ‘keeping the issue alive’ and keeping it on the agenda. Partners told how there had been a lot of interest from organisations when the legislation first came in to force, when the HSE provided a lot of accompanying publicity on the issue, but how this had died down in recent times. Some recommended that the HSE regenerate the campaign and ‘spark a bit of life into it’. One partner explained:

“There often tends to be a big purge with the HSE towards one topic, then they move on to something else. They need to make sure they revisit and remind people about this.”

Another partner suggested that the HSE could publicise the duty in better ways, for example through relevant property or other trades magazines.
A number of dutyholders noted that keeping up to date with the different regulations could be difficult, both for themselves and for other organisations. For example, a dutyholder from a small manufacturer and installer of metal products said:

“If memory serves, there was a time when … if there was any forthcoming legislation or if there was going to be changes in legislation, any new legislation, the HSE took it upon themselves to publicise this, and to make everybody aware… Nowadays, obviously you have access to the website, etc. but as a general rule, unless you’re prepared to go looking, you won’t necessarily be aware of any new legislation or change in legislation etc.”

Some dutyholders found, from their own experience, that they needed to rely on independent experts in order to keep informed about any new legislation or changes in regulations. The dutyholder from a small manufacturer and installer of metal products, whose organisation employed a health and safety consultant for one day a month, thought that many other organisations would likewise benefit from doing so. Nonetheless, he could understand that many organisations would not be able to afford this and felt that this was somewhere the HSE could step in.

“There has to be a way of getting that information to the right people, come what may. And it has to be, it has to be in such a way that they don’t have to go digging for it, because that again is a restriction on compliance, I think.”

Several dutyholders thought that the primary responsibility for informing organisations should rest with the HSE. They thus felt that it could do a significant amount more to raise awareness of asbestos and the duty to manage. Included in this was not only explaining the dangers and responsibilities, but also reinforcing the seriousness of the obligation. For example, the dutyholder from a large estates management firm said:

“I think they need to give it a lot more publicity and keep sending to people, you know, people to be warned that, ‘We will come along, we will prosecute’.”

However, a number of dutyholders thought that raising awareness was not primarily the HSE’s responsibility. Some emphasised the role that umbrella organisations, such as district councils and diocesan authorities, should play. For example, the dutyholder of a group of parish churches said that in his case:

“I think the publicity needs to come through the church system probably because there’s 16,000 churches in England; it’s a major task to get hold of everybody. So I think it probably… needs the diocese to push it from their side and through their structures.”

10.6 SUMMARY

Although many dutyholders were content with the level of support they received from the HSE, others felt that the HSE could do more to help improve levels of compliance in the UK. Some felt that they could begin by giving some financial support, either through subsidies and grants or by regulating the fees charged by asbestos specialists, surveyors and removers and providing better guidance on who to use. There was also the desire for clearer, more accessible legislation as some said that they struggled to get their heads around what the law states.

A more general comment was that the HSE could improve its approach to dealing with organisations by emphasising its supporting remit alongside its enforcement role. Some admitted that they were frightened to ask the HSE for help for fear of being prosecuted. At the same time some thought that compliance would improve if the HSE was more active in its enforcement role. Without any evidence of many cases being taken against businesses, it was felt that dutyholders lacked the incentive to comply properly. Finally, while all were clearly aware of the legislation, they thought that the duty should be better publicised, and that the
campaign needed to be revisited. At present many rely on others to keep up to date with health and safety legislation, so better publicity about any changes is required.

It should be noted that not all dutyholders thought that improving support for organisations was solely the remit of the HSE. Some were happy to rely on their health and safety consultants to provide the right advice at the right time, although it is doubtful that this privilege is available to all. Others thought that other agencies needed to take more responsibility to improve levels of compliance alongside the HSE, including umbrella organisations, local authorities and the environment agency.
11. CONCLUSION

This study looked at the impact of the HSE’s cascading messages campaign on dutyholders’ awareness of and compliance with the Duty to Manage Asbestos regulations.

At the outset, it is important to note that it proved difficult to obtain a large sample for this study. The discussions with partners suggested that this was either because the evaluation of the campaign has come too late or because that the reach of the campaign has not been as high as hoped. It is important to recognise that these results are limited to a small sample of dutyholders who had taken part in training which is not representative of those across the UK.

11.1 SUMMARY OF FINDINGS

The main findings from the research – concerning, first, levels of awareness and compliance, and second, the partner events – are noted below.

11.1.1 Compliance

As might be expected given the fact that respondents were self-selecting and had all taken part in a training course, levels of awareness of and compliance with the duty to manage regulations were generally high in this sample. All dutyholders understood that they had a duty to manage asbestos on their premises and had implemented some measures in order to reduce the risks presented by ACMs. Many understood the remit of the duty, were able to detail what it involves and understood what was meant by the term ‘dutyholder’. The vast majority had completed the various stages involved in setting up a system for managing asbestos including: assessing the content and condition of ACMs; conducting reviews; setting up a register and management plan; taking steps to reduce or minimise the risks posed by any ACMs found; and informing maintenance workers. Most were taking the approach of managing asbestos in their premises, as opposed to full scale removal although many had been required to get some asbestos removed.

Nonetheless, actual practices varied substantially. In some organisations the systems were thorough and complex while in others they were much simpler and more informal. Broadly speaking larger organisations, or those attached to umbrella organisations, tended to have more sophisticated systems in place, although it was difficult to distinguish the impact of size given the limited sample. The variations included the following:

• types of surveys conducted (although type two surveys were the most popular)
• complexity of risk assessment procedures, from matrix-based scoring methods to cursory examinations
• sophistication of documentation, from electronic registers to paper-based documents
• formality of procedures for managing and informing maintenance workers, from permit to work systems to simple verbal communication
• extent to which reviews are systematic or ad hoc
• extent to which the company’s policy is to retain and manage ACMs or have them removed.

In many cases the person responsible for managing asbestos day to day was not the legal dutyholder, but had been delegated the responsibility by someone more senior. This was true of many larger organisations, but was also common in some smaller ones. The main driver for dutyholders’ management of asbestos, in addition to wider moral considerations about people’s
health, was concern over legal responsibilities, in particular a fear of prosecution for failing to comply and a fear of litigation if persons became ill from exposure to asbestos fibres on their properties.

Most were pleased with their performance and confident of their approach. However, the interviews and site visits revealed some areas of weakness which were common to a number of organisations:

- A minority of organisation had misconceptions regarding the remit of the duty and whether it extends to domestic properties, particularly among those responsible for such properties, such as housing associations, and who in the organisation is ‘legally’ the dutyholder.

- Although for many dutyholders monitoring of the condition of ACMs was a significant part of their management strategy, and some organisations had very thorough reviewing procedures, a number of organisations failed to implement a formal and effective review programme.

- There was some confusion among dutyholders about what a management plan should entail and how it should be documented. In a number of cases, although it was clear from the discussions how ACMs were managed in the property and who was involved, this was not formalised into a document. Some dutyholders felt that it was sufficient to keep a register and to inform maintenance workers without a documented plan. However, some of the registers were not ‘live’ documents, as in many cases dutyholders simply referred to the survey results report.

- The procedures for informing maintenance workers were not always formalised. In some organisations it appeared that this key feature of the duty was missed owing to difficulties with arranging to see individual workers face to face, particularly in large premises where many jobs are organised or where the dutyholder was not always available, eg in the schools. Also, often no information was passed if no ACMs were present, rather than there being an automatic procedure to show all maintenance workers the register.

A number of dutyholders, in particular those from large organisations, reported that, while they faced difficulties in managing asbestos, these did not impede their compliance with the legislation. However, other dutyholders admitted facing very real barriers to complying with the duty. Some of these related to the individual stages of the duty, including the following:

- In some cases responsibility for the duty was shared between various bodies or organisations, which occasionally led to complications in: the management of asbestos (including conflicting views on whether and how to inform employees), in carrying out tasks which are expensive and, in particular, in ensuring that maintenance workers are informed when jobs were arranged by one or other of the parties.

- Some organisations chose to limit the amount of information given to employees to avoid causing unnecessary alarm but found that then it was difficult to ensure levels of compliance among staff with the procedures in place, such as reporting damage.

- A couple of companies found it impossible to remove asbestos because it would involve closing down their buildings, and as such their operations which would be too expensive.

- Some found it difficult dealing with asbestos specialists, particularly removers but also surveyors, and had concerns that they were often overpriced, that there was little guidance on who to use and when, and that sometimes the service was of low quality.

- Some organisations reported low levels of awareness of risks among maintenance workers or a blasé attitude to the risks, which meant that that they did not always comply with the
procedures enforced by the company or update the dutyholder if they came across any ACMs.

Some dutyholders also reported more general barriers that affected their whole approach to asbestos management and made it difficult to comply. It was felt that some of these were more likely to present issues to small organisations, where resources are generally lower and dutyholders have to fit the management of asbestos in among a number of other tasks. That said, the smaller organisations in this sample had managed to overcome most of these issues. The barriers reported included:

• cost, in particular, the cost of surveying and removing asbestos
• lack of time to set up the necessary procedures, eg to organise the surveying, draw up the management plan, and then manage asbestos on a day-to-day basis
• lack of organisational and individual commitment, which is needed to garner support, financial and otherwise, for making any necessary changes to comply with the law, and to ensure that staff stick to any rules and procedures in place.

11.1.2 Partner events

On the whole the partners and dutyholders were very favourable about the training, which they saw as comprehensive and thorough without being too dry or technical. The training delivered to the dutyholders included in this research varied substantially, as many partners had cherry picked parts of the presenters pack and incorporated their own material. Comments regarding the training included the following:

• The most useful element of the training was considered to be the visual aids identifying where ACMs can be found, often because dutyholders are not aware of the extent to which they are used.

• There were mixed views of the video. Several thought it had a strong impact, although some believed that it was a scare-mongering exercise and in some cases there was genuine concern that the video could turn people off the subject rather than engage them.

• Most of the partners were critical of the lack of practical guidance, and thought the materials were too focused on the legislation. Many had added some practical examples of their own, including draft management plans or risk assessment forms. Dutyholders valued these additions and found the training much more practical than events they had previously been on.

• Some partners thought there was insufficient information about the consequences of not complying and added some case law to act as an incentive to organisations. On the whole dutyholders found the training allayed fears about prosecution. However, it is clear that any information on enforcement needs to be handled carefully, as some dutyholders told how they were put off by this part of the training and thought that there were more effective ways of encouraging employers to comply.

• Some dutyholders and partners thought that certain aspects of the materials needed to be adjusted for different work environments, such as the video and the information on the uses of asbestos, and there was some concern that on the whole the materials were too technical for dutyholders from smaller organisations, who may have no previous experience of the topic.

• For many of the dutyholders interviewed, the partner was their regular health and safety consultant so was able to tailor specifically to their organisation by including elements such as photos from the site and, where possible, survey outputs and company policies.
Dutyholders particularly valued this feature of the training, which made it feel more practical and made the issues appear more real.

Given that there was no baseline measure of performance it was difficult to determine precisely how the training had affected levels of awareness of, and compliance with the duty to manage in the organisations. In some organisations dutyholders were already conversant with the duty before having training and were already complying with it, while in others the training was the dutyholder’s first introduction to the subject matter. Nonetheless, in both cases dutyholders reported there being some form of impact. This tended to be greater in smaller organisations where dutyholders were less likely to have previous knowledge or experience of managing asbestos.

- Although most of the dutyholders were previously aware of the regulations, some gained knowledge about the legislation and their responsibilities, and learned more about where asbestos can be found.
- For some organisations the training was the initial step to managing asbestos, and it was only after training that they started to set up the necessary systems to comply with the duty.
- Other organisations were already some way forward in terms of their approach to asbestos when they became involved in the training, but nonetheless found it useful in improving their approach to management and giving them confidence that they were doing things correctly.
- Some reported changes to practice concerning maintenance workers and said they were much stricter in ensuring that maintenance workers were not put at risk following training.

In most cases it was possible to keep up with these changes but the usual barriers of cost and lack of resources made it difficult at times. Some thought that more regular training would help to ensure that asbestos management did not go off the agenda, and to keep dutyholders up to speed and up to date with the legislation.

Many dutyholders already had good levels of knowledge and awareness and used the training to help inform others and raise the profile of the issue in their organisation. Often the training was delivered to one organisation, and a range of people were invited on to the course including other staff and maintenance workers, even at times contractors. While it was not possible to ask such attendees directly about the impact of the training on them, partners and dutyholders reported some changes. In particular they believed that maintenance workers were more cautious post-training and that training employees had improved both the general health and safety culture of the organisation and the overall organisational approach to managing asbestos.

11.1.3 Use of expert help

However, it was clear from the interviews that the role of the partner was key to the successful compliance of many of these organisations, both large and small. Often the partner was the dutyholder’s regular health and safety consultant, or someone external to the establishment who had already carried out some work for them in this area, such as a survey. In the first case this helped persuade them to get involved in the training, as they trusted the partner. Some dutyholders were clearly wary of consultants in this area and were concerned about being ripped off. A number of dutyholders found using their regular consultant/expert beneficial to training, as it meant the partners were aware of their specific issues and were able to tailor the training accordingly, as well as finding that this gave them confidence in the service they were receiving.

Moreover partners (or in the case of a few organisations, other health and safety consultants) often played a key role in dealing with asbestos management, both in large and small organisations. In some cases they were involved during all the different stages of compliance
including conducting surveys, putting together the documentation and even arranging removal. Often consultants were used simply to save time, but they were also often used because dutyholders felt that they lacked expertise in this area. Some dutyholders admitted that even after the training they did not feel comfortable dealing with asbestos management on their own, and wanted input from an expert. The partners agreed that one training session was not enough, especially for those from small organisations with less prior technical knowledge, and thought that “ongoing support” to their clients was necessary in this area.

The HSE anticipates that many dutyholders will be able to carry out tasks related to the duty on their own, and that these should be relatively easy and straightforward. It is worth noting that many of the dutyholders, even those from smaller organisations with less ACMs present were not taking the easier, and less expensive option of conducting type one surveys themselves as suggested by the HSE guidelines. They expressed a lack in confidence in doing so and some felt that type one surveys do not provide sufficient information on the presence of asbestos. In addition, a number of dutyholders paid for consultants to carry out relatively easy tasks on their behalf such as organising asbestos removal, partly because they felt that there was insufficient guidance from the HSE on who to use or how much to pay. As such, some of the easier tasks may be more challenging to dutyholders than originally anticipated by the HSE. It would appear that the HSE needs to accept some of these difficulties involved and the reservations held in undertaking some of these easier tasks, and consider what more can be done to ease the burden on organisations.

While health and safety consultants were used by a range of organisations in this sample, it is arguable that this is a luxury only affordable to a few. In this aspect our sample may be unrepresentative, so it is difficult to say what the impact of the campaign has been on micro-organisations or those that cannot afford expert help in this area. A number of partners reported difficulties trying to get new clients interested in the training, it is therefore questionable how many dutyholders who do not already have expert help in this area will have attended training. It is possible that other methods are needed to inform hard-to-reach groups of their responsibilities.

### 11.1.4 Further support

Although dutyholders appeared to be content with the level of support they received from the HSE, others felt that the HSE could do more to help improve levels of compliance in the UK. It should be noted, however, that not all dutyholders thought that improving support for organisations was solely the remit of the HSE and some thought that other agencies needed to take more responsibility, including umbrella organisations, local authorities and the environment agency. The ways in which they thought that support could be improved included the following:

- Providing financial support, either through subsidies and grants or by regulating the fees charged by asbestos specialists, surveyors and removers and providing better guidance on which specialists to use and when.
- Better publicity of the duty. While all were clearly aware of the legislation, they thought that nonetheless the campaign needed to be revisited. At present some rely on others to keep up to date with health and safety legislation, so better publicity about any changes is required.
- Clearer, more accessible legislation as some dutyholders said that they struggled to get their heads around what the law states.
- Adopting a more employer-friendly approach, whereby the HSE emphasises its supporting role alongside its enforcement role and thereby encourages organisations to seek support.
• More and higher profile enforcement. While legal responsibilities was a motivating factor for the sample used here, there was belief that for other organisations, without any evidence of cases being taken against businesses, dutyholders would lack the incentive to comply properly.

11.2 RECOMMENDATIONS

The findings of this research, while limited to a small sample, have implications for the HSE and how it should support organisations in their management of asbestos. It is not clear how widely the Cascading Messages campaign has been used. However, the appreciation attached to training which is practical and tailored to the environment shows the value of a campaign such as this, which is not cascaded direct from the HSE in a ‘one size fits all’ manner but which allows intermediaries to use the training materials with some degree of flexibility. It may be worthwhile considering how this approach can be adopted for use in other HSE campaigns. However, in any future campaigns on the duty to manage, be they through partner events or other means, the HSE needs to be mindful of a number of key issues concerning both the materials and how dutyholders manage asbestos. Many of the recommendations that follow have already been, or are currently being, acted upon by the HSE, which has undertaken a series of new activities in this area. Nonetheless it is important that the recommendations be recorded here as the outcome of this research:

• Barriers of cost and time play a part and therefore the value of easing the process for dutyholders and reducing the need to pay for expert help. This can be done by ensuring that there is sufficient practical guidance and practical examples to allow dutyholders to get started, eg draft risk assessments sheets and management plans.

• There are concerns over the value of a type one survey and the ease with which it can be conducted by a dutyholder. This could be helped perhaps by providing more instructions on how to complete one, giving examples, and providing information on when and where it can be useful.

• Stress the importance of documentation, including management plans and registers which are ‘live’, subject to review and accessible.

• Emphasise the fact that the management of asbestos is an ongoing process, and that there is a need to review ACMs found in a premises using a procedure which is formal and systematic.

• There are difficulties in managing maintenance in organisations. The HSE should recommend policies for centralising maintenance requests in addition to setting up procedures for informing workers. Suggest examples of procedures which do not allow workers to slip through the net and which become a standard part of any maintenance set up meeting, irrespective of the levels of ACMs in the premises would be very helpful.

• It may be useful for dutyholders to receive refresher training on the regulations and how to comply with them in order to ensure that they keep up to date with the issues. This message should be relayed to partners, who will need to either design a shorter refresher course themselves using the current materials or be provided with more support from the HSE in this area.

11.2.1 Further recommendations

• There would be value in stepping up levels of enforcement or better publicising enforcement that takes place to ensure that there is an incentive for dutyholders to comply, particularly for those who are unlikely to access training. However, the HSE needs to
balance this with a more employer-friendly outlook to ensure that dutyholders feel able to approach them for help. They will need to emphasise both sides of their remit more clearly in the messages that they send out.

- There is a need for better regulation of the vast numbers of companies in this field vying for business, both consultants and asbestos removal firms, some of whom appear to be taking a scare-mongering approach or are over charging for their services. One possible way to deal with this is to provide more guidance to organisations on who to use and when and how much they should expect to pay.

- Some of the dutyholders noted the importance of raising the profile of the issue among employees and maintenance workers in order to get compliance with company procedures around the management of asbestos. The HSE should encourage more training of these groups, and consider re-designing their training materials to suit them, particularly maintenance workers.

- The training tends to be more highly valued where it is tailored to the organisation, so the HSE should consider encouraging organisations to work at cascading messages to their clients or those in the supply chain, or to focus their training on particular sectors/work environments they are familiar with.

- Finally, the research suggests that the publicity around the duty to manage could be stepped up to ensure that all dutyholders have the necessary management systems set up and are continuing to review these. It was felt that lack of awareness of the duty is a barrier to getting organisations involved in training to begin with, so the cascading messages campaign needs to be combined with some more widespread awareness-raising activities. General publicity is needed to alert organisations to the duty and the need for training, while training provides more in-depth information on what the duty means to them.

We have been clear that this research cannot be considered representative and therefore it might be helpful to look at the extent of the reach of the campaign, which would add weight to the impact described here. Future research, similar to the baseline dutyholder survey conducted in 2002, could be conducted to ascertain current levels of awareness and compliance among dutyholders in the UK post campaign. In addition, given the varying ways in which the materials have been used by partners, it is recommended that research be widened beyond dutyholders trained by external partner to those who have been trained in-house, maintenance staff and other employees who have attended training, in order to ascertain the wider impact of the HSE’s campaign.
APPENDIX 1: RECRUITMENT OF PARTICIPANTS

Recruitment of partners

Previous research has shown that partners are using the materials in a variety of ways, with a number of partners using them for their own purposes rather than to put on training events for others. Given that the aim of the campaign was to ‘cascade the message’ about the duty, partners were screened so that the sample only included those who:

- had put on external training events in the past two years, some of which were for dutyholders\(^\text{12}\)
- had used the HSE materials in these events (at least in part)
- had contact details for their dutyholders, in particular addresses or email addresses (for sending invites)
- were willing to help with the recruitment of their dutyholder delegates.

The initial intention was to recruit 20 partners to facilitate the recruitment of dutyholders. However, difficulties recruiting sufficient numbers of dutyholders meant that it was necessary to recruit more partners than originally anticipated. This was carried out through three processes on three separate occasions:

- **An initial screening survey**, conducted by an external subcontractor, with 146 partners who had taken part in the Continental partner research and stated that they would be willing to be re-contacted about future research (selected randomly from a sample of 222). Of the 146 partners who were called, 23 partners stated they were eligible and willing to take part in this research. Interviews were conducted with 20 of these partners. After the telephone interviews, it was discovered that only 15 were fully eligible and able to send information on to their delegates.

- **Emails** were sent successfully to a further 722 partners on the HSE database requesting participation. This round of recruitment yielded an additional 12 partners who were eligible for the research and willing to help facilitate contact with dutyholders. All 12 partners were interviewed, but further conversation revealed that three were unwilling/unable to help (one had been unable to acquire permission, one did not have a list of dutyholders, one had not trained dutyholders), so only nine of these partners were able to help with the recruitment of dutyholders.

- **A second screening survey** was conducted using contacts from the HSE database (excluding those who had already stated that they were willing to help with this research). Partners were selected randomly from a sample of 1,799, initially taking from different sectors and then focusing on consultants, who were most likely to be eligible. Successful calls were made with 87 partners, which yielded an additional 23 partners for the research. Interviews were not conducted from this sample but instead sufficient information was obtained via the screening survey, and information for dutyholders was sent following the screening call.

The major reasons why partners were screened out of the two surveys was for not putting on any external events for dutyholders, with 77 per cent stating this. Other reasons, only applicable

\(^{12}\) It was decided to include internal training if this had been conducted by a very large public sector organisation, such as a council, where the dutyholder responsibilities are in part decentralised.
to a few, included not having put on any events in the past two years, and not having the right contact details or being able to help with contacting dutyholders (see below).

- In the **first screening survey** a number of partners were not eligible for the following reasons: 83 had not put on any external events, nine had not put on the right sort of events (ie not used the HSE materials or just had informal discussions with clients), nine did not believe they had provided training to dutyholders (only to other workers such as maintenance workers), 13 did not have contact details/the right contact details for their delegates (with three having telephone numbers and not addresses), four had not put on events in the past two years and three did not want to help with the next stages of research. Only two refused to take part in the survey.

- In the **second screening survey**, partners were eliminated for the following reasons: 50 had not put on any external events for dutyholders (with 21 of these stating unprompted that instead they were putting on internal events), two had put on training but it was over two years ago, and nine were not able to or did not want to help with the next stages.

The partner recruitment hence provided 47 partners in total who were eligible for the research and able to help with the recruitment of dutyholders.

**Recruitment of dutyholders**

For data protection reasons, an opt-in approach was taken to the recruitment of dutyholders so that contact details were only made available to the research team from consenting participants. Dutyholders were sent an invitation to take part in the research via the partners, and were requested to make contact using the reply-paid form.

All 47 partners were sent invites to forward to dutyholders on our behalf either as an email or hard copy, and were reminded to do so on more than one occasion. Where possible, partners were also encouraged to call their training delegates to request participation that way. Invitation replies were received from individuals from 43 organisations. Of these, interviews were conducted with 29, who had been sourced by 13 partners. The remainder were screened out because: four turned out not to be dutyholders or have dutyholder responsibilities, two were later not available for interview and seven were respondents from one council (which had already been included).

Given that the recruitment was conducted via a third party it is not possible to know how many invites were sent. In addition, of those that were sent an invite, it is not clear how many of these would have been eligible, as often partners did not know whether their delegates held any responsibility for managing asbestos management in their premises. Only 13 of the partners indicated how many they would be sending. This varied enormously, from just six to 260. As such it is impossible to ascertain the response rate of the research. Nonetheless it is likely to be very low, which may be in part owing to the use of an opt-in approach.

The initial target was to interview dutyholders from 60 organisations, but this was difficult to achieve so after some months the decision was made to the halt at 29.
APPENDIX 2: SAMPLE PROFILE

While it is not the aim of qualitative research to provide representative samples, the small samples achieved for this study provided a mix of organisations.

The intention was to stratify the partner sample to include a range of partner ‘types’ (dutyholders, training companies, providers of asbestos services, contractors) and to select partners on the basis of the partner activities undertaken, so that the sample included those using a range of training events, presentations, seminars etc. In respect of the dutyholder sample, the intention was to interview a mix of organisations in terms of size and sector. The poor response from both partners and dutyholders led to opportunistic rather than stratified samples, but nonetheless in both cases a good mix was achieved.

PARTNERS

In-depth interviews were conducted with 32 partners, 11 of whom succeeded in recruiting dutyholders for the research (in addition to two partners recruited from the second screening survey).

Types of partner organisations

Within the sample of partners interviewed for this research, a range of sectors were represented, but the majority came from the service industry. Around half were consultants and/or training providers in health and safety, two were from insurance firms, three worked in surveying and one was an asbestos removal company. Some of these companies specialised in the area of asbestos. A group of the partners came from large organisations and had used the materials to deliver events in-house to their own staff. This included three councils, a large food retail and manufacturing firm, a defence organisation and a large FE college which used the training to inform its maintenance workers (but was not included in the subsequent phase of the research). Please note that while the initial remit of the study was only to include those who had put on external training events, these organisations were sufficiently large and the responsibilities to manage were sufficiently decentralised for this training to be worthy of attention. Three of the partners were from property management companies, some of whom had jointly delivered events with health and safety consultancies. Two of the partners had used the materials outside their day-to-day jobs, with one putting on events in his local occupational health and safety group and another during some associate work he did for a large training provider.

The sample was also varied in terms of size. Five of the partners interviewed for the research were sole traders (all of whom were health and safety consultants), while over one-third were from large organisations with over 250 employees.

Relationships with event attendees

It was common for partners with external clients to have ongoing relationships with the organisations for whom they ran events, the partner events being just one of a range of services they provided. Many of the consultants also carried out asbestos surveys and one carried out asbestos removal; and most of the trainers provided their clients with a broader range of health and safety training (see Chapter 8 for further information on the partner-dutyholder relationship).
Partners who successfully recruited dutyholders for the research

Of the 13 partners who were successful in recruiting dutyholders for interviews, a mix of sectors was represented, but the vast majority were again service providers; four were health and safety consultancies, two were from environmental consultancies, one was from an insurance firm, two were from training provider organisations and one was from a large asbestos removal firm. The remaining sample included one partner from a defence organisation, one from a local health and safety forum, and one from a county council.

The subsample also varied by size: four were sole traders, and five of these organisations were large with over 250 employees. The remainder were small or medium (one was unknown).

DUTYHOLDER ORGANISATIONS

A total of 32 dutyholder interviewees from 29 organisations took part in this research, all of whom had been recruited through the partners.

Types of organisation

The dutyholder organisations included a mixture of independent organisations, subsidiaries of large UK and multinational corporations, and public-sector organisations. Dutyholder organisations came from a range of different sectors, as can be seen in Table 1.

Table 1: Sector of dutyholder organisations

<table>
<thead>
<tr>
<th>Sector</th>
<th>%</th>
<th>Total (N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>3.4</td>
<td>1</td>
</tr>
<tr>
<td>Construction</td>
<td>10.3</td>
<td>3</td>
</tr>
<tr>
<td>Education</td>
<td>24.1</td>
<td>7</td>
</tr>
<tr>
<td>Health and social work</td>
<td>6.9</td>
<td>2</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>17.2</td>
<td>5</td>
</tr>
<tr>
<td>Other social / personal services</td>
<td>13.8</td>
<td>4</td>
</tr>
<tr>
<td>Public administration / defence</td>
<td>6.9</td>
<td>2</td>
</tr>
<tr>
<td>Real estate/renting</td>
<td>17.2</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
<td><strong>29</strong></td>
</tr>
</tbody>
</table>

Source: IES, 2006

The most common sectors were education (seven organisations), manufacturing (five organisations) and real estate (five organisations). Within the education sector, dutyholders were interviewed from five secondary schools (all from the same county council), one middle school and one university. The manufacturing organisations included: a brick manufacturer; a cardboard box manufacturer; a food manufacturer; a munitions manufacturer; and a metal fabricator that specialised in sheet metal products. The real estate organisations included three housing associations, one housing association group (comprising three housing associations) and one company that leased office, warehouse, factory and retail buildings.

The other twelve organisations worked in a variety of industries and services. The organisation in the agriculture sector was a research and development company specialising in seeds and crop protection. The organisations in the construction sector included: a company that installed and serviced central heating and other gas fire appliances; a building contractor and developer in
the residential market; and a plant and pump hire operation. Within the health sector, dutyholder organisations included two hospitals, one of which contracted an estates management company for all its buildings. The four organisations that came under ‘other’ social services were two churches, a marine consultancy and a company that managed racecourses. Two defence bases were also included in this research.

Organisation sizes
As shown in Table 2, the sample of dutyholders represented organisations across an even range of sizes, about a third being from small organisations (employing less than fifty staff), about a third from medium-sized organisations (employing between 50 and 249 staff) and just over a third from large organisations (employing 250 or more staff).

Table 2: Size of dutyholder organisations

<table>
<thead>
<tr>
<th>Size</th>
<th>%</th>
<th>Total (N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 50 employees</td>
<td>31.0</td>
<td>9</td>
</tr>
<tr>
<td>50 to 249 employees</td>
<td>24.1</td>
<td>7</td>
</tr>
<tr>
<td>250 or more employees</td>
<td>41.4</td>
<td>12</td>
</tr>
<tr>
<td>Unknown</td>
<td>3.4</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
<td>29</td>
</tr>
</tbody>
</table>

*Source: IES 2006*

Regions
The dutyholder organisations came from a range of regions across England and Wales (see Table 3), with a particular clustering in two counties: Yorkshire, where a number of schools from the same county council were interviewed, and Hampshire. It is worth noting that seven of the organisations were from counties in the top five counties worst for asbestos-related deaths, Hampshire and Tyne & Wear††.

Table 3: Region of dutyholder organisations

<table>
<thead>
<tr>
<th>Region</th>
<th>%</th>
<th>Total (N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yorkshire</td>
<td>27.6</td>
<td>8</td>
</tr>
<tr>
<td>Hampshire</td>
<td>20.7</td>
<td>6</td>
</tr>
<tr>
<td>Lincolnshire</td>
<td>10.3</td>
<td>3</td>
</tr>
<tr>
<td>Cheshire</td>
<td>6.9</td>
<td>2</td>
</tr>
<tr>
<td>Oxfordshire</td>
<td>6.9</td>
<td>2</td>
</tr>
<tr>
<td>Dorset</td>
<td>3.4</td>
<td>1</td>
</tr>
<tr>
<td>Buckinghamshire</td>
<td>3.4</td>
<td>1</td>
</tr>
<tr>
<td>Berkshire</td>
<td>3.4</td>
<td>1</td>
</tr>
<tr>
<td>Staffordshire</td>
<td>3.4</td>
<td>1</td>
</tr>
<tr>
<td>Northamptonshire</td>
<td>3.4</td>
<td>1</td>
</tr>
</tbody>
</table>

†† TUC Figures for Asbestos Related Deaths
Sites and buildings

Many of the organisations had more than one site, particularly the large employers. However, in many cases the interviewee was not responsible for all of these. Around half of the dutyholders were responsible for only one site and most of the remainder had three or more sites. Some dutyholders held some responsibility for a large number of properties, in some cases over 100, particularly in the housing associations and the borough council, although often responsibility was shared between a number of parties.

Table 4: Number of sites interviewees responsible for

<table>
<thead>
<tr>
<th>Region</th>
<th>%</th>
<th>Total (N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One site</td>
<td>55.2</td>
<td>16</td>
</tr>
<tr>
<td>Two sites</td>
<td>6.9</td>
<td>2</td>
</tr>
<tr>
<td>Three or more sites</td>
<td>37.9</td>
<td>11</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>29</td>
</tr>
</tbody>
</table>

Source: IES, 2006

The buildings that dutyholders managed were used for a variety of purposes, as the different sectors of their organisations would suggest. They mainly covered office and administration spaces, but also a number of factory warehouses and workshops. Many of the dutyholders were responsible for publicly used buildings including schools, churches, a racecourse stadium, and hospitals. In the case of the military base, the dutyholder described his premises, which include over 800 buildings as:

“More like a small town really, with about three to five thousand people on site.”

In the vast majority of cases the responsibility was for commercially used properties, but four of the dutyholders were from housing associations which had responsibility for the communal areas of their domestic properties (and in some cases actually took responsibility for the whole of their property stock) and one organisation was involved in property development and took responsibility for the premises of any development projects. In most cases these buildings were owned, but dutyholders were also interviewed who had leased some or all of their properties. A minority of the organisations owned the properties and leased them out to others.

The age of the properties varied substantially, and many dutyholders looked after buildings built in different periods. The range included Norman churches to brand new workshop spaces. The vast majority of those interviewed had buildings that had been either constructed or renovated during the 1960s and 1970s. The extent of asbestos on the premises therefore varied a great deal. Two of the interviewees believed that there was no asbestos on their premises while around half felt that there was a substantial amount. Where it was present it was usually found in locations such as the roof, encasing structural steel or in boiler rooms. In other organisations
ACMs were present in the premises but only in a very small manageable amount, such as in the churches which contained asbestos in the organ blowers only.

**Interviewee roles**

In the majority of organisations just one individual was interviewed for the research. However, in three organisations two individuals were interviewed, both of whom had attended the training and had some responsibility for managing asbestos in premises.

It is important to note that in many cases the individual managing asbestos on a premises was not in actual fact the ‘dutyholder’ as defined by law. However, for consistency the term has been used to describe them all.

The individuals interviewed came from a range of full-time roles. Around half (15) of the interviewees were responsible for building and maintenance in their organisation, with many taking the job title of ‘maintenance manager’ or ‘estates manager’. Most of those from the larger organisations held this role. One third (ten) of the individuals were designated responsibility for health and safety in the organisation, and these were evenly spread across the small, medium and large organisations. Six of these individuals were health and safety officers, so their sole remit was to look after this part of the business.

A minority were in roles completely unrelated to health and safety and maintenance, such as teachers, reverends, and managing directors, and were required to take on the dutyholder responsibilities in addition to their full-time tasks.

Some of the dutyholders held mixed roles. For example the production manager of a large cardboard box manufacturer told how:

> “You’ve got ten titles really, I’m production manager so I’m responsible for everything. The fabric of the building, as well as the production as well as the machines, the personnel, the works.”

**Dutyholders selected for the site visits**

Efforts were made to make the sample of dutyholders selected for site visits as varied as possible, given the limitations on the study. The ten case studies comprised more than 400 individual buildings, varying from domestic, through industrial and multi-storey commercial to a Norman Church. Building users/owners included a university, schools, hospital, industrial manufacturer and service provider, housing association, research centre and a church. Six of the sites visited were part of larger organisations, three were independently run and one rented the premises from a larger organisation. The site visits were clustered around two main areas – the North East and the South of England. Many of the dutyholders were estates or maintenance staff, but some, such as the reverend, teacher, production manager were in roles unrelated to maintenance and health and safety.
APPENDIX 3: SITE VISITS REPORT

Awareness of and Compliance With the Duty to Manage Asbestos

Compliance Survey

Visits Undertaken between
22nd May 2006
and the
23rd June 2006

Phil Bust & Alistair Gibb
Department of Civil and Building Engineering
Loughborough University

p.d.bust@lboro.ac.uk
1.0 Forward

The Institute of Employment Studies commissioned Loughborough University to visit ten organisations and examine their asbestos management documents (register, management plan, survey and testing reports) for their buildings which numbered more than 400.

This report is primarily an investigation of the physical aspects (buildings and documents) relating to the Duty Holders understanding, awareness of and compliance with the duty to manage asbestos. It forms part of the Health and Safety Executive (HSE) funded research project by the Institute of Employment Studies looking at the effect of their Duty to Manage Asbestos Campaign. This was launched in 2002 in support of the introduction of regulation 4 of the Control of Asbestos at Work Regulations 2002 with the aim of encouraging an awareness of, and compliance with, the requirements of the duty that came into force in May 2004.

2.0 Method

Duty Holders’ premises were visited and Duty Holders or their representatives were interviewed using a number of checklist-guided questions. The checklist, see appendix A, was developed at Loughborough University and revised following feedback from the steering group.

A visit typically took one and a half hours to complete (time usually dependent upon the availability of the Duty Holder). The extent of the building stock for each visit varied considerably (Church, Hospital, University etc) and the visit time limited so the interviewer had to rely upon information provided by the Duty Holder to some extent.

The age and type of building were checked for the likely presence of asbestos containing materials (ACMs). An initial assessment of the buildings was made upon arrival and confirmed with the Duty Holder later. Where practicable a walk-through of the building stock was carried out to check the location of ACMs against that indicated in the register.

During the visits all available documents were examined for their adequacy in assisting the Duty Holders with locating, inspecting, monitoring, control and review of the ACMs. Having been shown the available documents and discussed with the Duty Holders its application the presence of these documents required an their suitability were rated objectively and subjectively after the visits.

Duty Holders were questioned on the practicality of their management using scenarios (how did they proceed when external contractors arrived to carry out work) to test their procedures. In the event that it was thought the procedures were found wanting, feedback based on HSE guidance documents (primarily MDHS 100) was given.
<table>
<thead>
<tr>
<th>Institute of Employment Studies Ref.</th>
<th>Organisation</th>
<th>Buildings</th>
<th>ACMs</th>
</tr>
</thead>
<tbody>
<tr>
<td>30a</td>
<td>Church parish</td>
<td>Stone Norman Church</td>
<td>Asbestos lining in wind blower of organ</td>
</tr>
<tr>
<td>27c</td>
<td>University</td>
<td>40+ buildings on two campuses. Mix of multi-storey and low rise 1930s brick and 1970s and recent framed construction</td>
<td>Present in many locations and including roof tiles and flues</td>
</tr>
<tr>
<td>49a</td>
<td>School</td>
<td>1960s framed construction some of which uses the CLASP system</td>
<td>Present in many locations including ceiling tiles and wall panels</td>
</tr>
<tr>
<td>49b</td>
<td>School</td>
<td>1950s brick buildings up to 3 stories high</td>
<td>Present in many locations including boiler room, down pipes and shelving</td>
</tr>
<tr>
<td>4c</td>
<td>Military base</td>
<td>Approximately 55 low rise brick buildings circa 50s/60s</td>
<td>Present in many locations including ceiling tiles and wall panels</td>
</tr>
<tr>
<td>57b</td>
<td>Hospital</td>
<td>40 – 50 buildings. Mix of Victorian brick and 70s &amp; 80s framed multi-storey</td>
<td>Can be located throughout the hospital especially around heating pipes, ceiling tiles and wall panels</td>
</tr>
<tr>
<td>57c</td>
<td>Munitions factory</td>
<td>Approximately 10 World War II industrial sheds</td>
<td>Remaining asbestos located on external cladding to roofs and walls</td>
</tr>
<tr>
<td>53b</td>
<td>Housing association</td>
<td>250 Domestic Premises varying from single flat to block of flats. Mostly mid 1900s onwards</td>
<td>6 of the dwellings have a limited amount of low risk ACMs</td>
</tr>
<tr>
<td></td>
<td>Small engineering and technology consultancy</td>
<td>Steel frame brick clad MOD building</td>
<td>Floor tiles and internal wall cladding</td>
</tr>
<tr>
<td>----</td>
<td>----------------------------------------------</td>
<td>-----------------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>28a</td>
<td>Packaging Factory</td>
<td>Three industrial Sheds</td>
<td>Asbestos cement roof sheeting to one of the sheds</td>
</tr>
<tr>
<td>57a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institute of Employment Studies Ref.</td>
<td>Register</td>
<td>Management Plan</td>
<td>Included as a University policy</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>----------</td>
<td>-----------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>30a</td>
<td>No Register</td>
<td>Computerised System – MASTEC asbestos location software</td>
<td>Included on the computerised system</td>
</tr>
<tr>
<td>49a</td>
<td>Paper system developed by North Yorkshire County Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49b</td>
<td>Paper system developed by North Yorkshire County Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4c</td>
<td>Computerised System</td>
<td></td>
<td>No separate document</td>
</tr>
<tr>
<td>57b</td>
<td>No Register</td>
<td></td>
<td>No separate document</td>
</tr>
<tr>
<td>57c</td>
<td>No Separate Document</td>
<td></td>
<td>No separate document</td>
</tr>
<tr>
<td>53b</td>
<td>Paper system developed from asbestos survey</td>
<td></td>
<td>Still being formulated</td>
</tr>
<tr>
<td>54b</td>
<td>Paper system developed from asbestos survey</td>
<td></td>
<td>Still being formulated</td>
</tr>
<tr>
<td>28a</td>
<td>Computerised info not available to tenant</td>
<td></td>
<td>Management plan held by Qinetiq</td>
</tr>
<tr>
<td>57a</td>
<td>No Register – didn’t think it was required for one item</td>
<td>No plan – didn’t appreciate that it was required</td>
<td></td>
</tr>
<tr>
<td>Institute of Employment Studies Ref.</td>
<td>Organisation</td>
<td>Register in place</td>
<td>Condition of ACMs monitored</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------------------------</td>
<td>-------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>30a</td>
<td>Church Council</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>27c</td>
<td>University</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>49a</td>
<td>School</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>49b</td>
<td>School</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>4c</td>
<td>Military Base</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>57b</td>
<td>Hospital</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>57c</td>
<td>Munitions Factory</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>53b</td>
<td>Housing Association</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>28a</td>
<td>Marine Research</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>57a</td>
<td>Packaging Factory</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

| 6 | 6 | 6 | 6 | 9 | 9 | 10 | 9 | 6 | 5 |

Table Three - Document Compliance
<table>
<thead>
<tr>
<th>SCORING</th>
<th>Register in place</th>
<th>Condition of ACMs monitored</th>
<th>Risk assessment carried out</th>
<th>Contractors informed of risk</th>
<th>Review carried out</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective Score</strong></td>
<td>Score one if there is a register of ACMs</td>
<td>Score one if the condition of the ACMs is monitored</td>
<td>Score one if the likelihood of the ACMs being disturbed has been assessed</td>
<td>Score one if procedures are in place to inform those likely to disturb the ACMs</td>
<td>Score one if there is a system to review the above</td>
</tr>
<tr>
<td><strong>Subjective Score</strong></td>
<td>Score one if this can be followed</td>
<td>Score one if this is practical</td>
<td>Score one if in agreement with the overall assessment</td>
<td>Score one if these can be understood</td>
<td>Score one if review procedure is likely to work</td>
</tr>
</tbody>
</table>
3.0 Findings

BUILDINGS

Information regarding the type of organisation, age and extent of the building stock and ACMs present can be seen in Table One.

Buildings were not inspected on the Housing Association visit. They had around 250 social housing properties spread over a large area and it was not possible to look at these as part of the visit. An asbestos survey carried out for the Housing Association indicated that only six had ACMs and these were low risk.

DOCUMENTS

Information regarding the Duty Holder, register, management plan, surveys and testing can be seen in Table Two.

Six out of the ten Duty Holders produced a register. The registers varied, with the amount (number of different ACMs and number of locations where ACMs found) of asbestos found, from large computerised data-bases to a few sheets of paper. Some of the registers were base on documents form an ‘external’ body (e.g. County Council.

PROCEDURES

The subjective and objective scoring of the procedures is shown in Table Three. It should be noted that the subjective comments and scores are solely the opinion of the researcher and should only be used as an indication of the effectiveness of these documents.

MANAGEMENT OF ACMs

Awareness training

The training has been used in some cases, such as the University, to update the Duty Holders on the latest regulations.

One Duty Holder, the munitions factory, wanted to be able to control the asbestos physically themselves and another, the Housing Association, wanted more guidance on the choice of external consultants and use of the management plan and register

Consultants

Around half of the Duty Holders indicated that trust was an important factor when engaging a consultant to carry out an asbestos survey.

Labelling of ACMs

There was a general reluctance to label ACMs in order to prevent members of the public (patients in the case of the hospital and parents in the case of the schools) from unnecessary concern.

Removal of ACMs

Most of the Duty Holders have been removing ACMs whenever they are encountered during maintenance and building works.

Two of the Duty Holders, packaging manufacturer and hospital, wished to remove ACMs from above their operations. In each case this was not practicable because it would require those operations to closed for long periods.
At the University some ACMs, pipe lagging, had been replaced but an asbestos survey reported that residue from the original lagging was still present under the new lagging.

Management in Practice

The schools used a priority inspection log as part of their review process. ACMs were inspected weekly, monthly or yearly dependent upon their condition and location. The older school had sealed their asbestos cement rainwater down pipes by painting them but this seal had failed in several places.

Workers at the Military Base held up work to check the Asbestos register when water leaked through ceiling tiles. The base also had measures to deal with asbestos in the procedures for work in three departments, Environmental, Health and Safety and Estates. A burst heating pipe at the University required precautions to be taken regarding ACMs because the construction of the concrete walled duct that contained the pipe had included asbestos sheets. On breaking out the concrete the area was flooded with water to stop dust being created by the work.

External asbestos cement panels at the munitions factory when broken were sealed, as recommended, with PVA and Silver tape. The organisation found this to be unsightly and would replace the sheets altogether where possible.

4.0 Discussion

SAMPLE

The small sample size prevents any meaningful statistical analysis. However, efforts were made to make the sample as varied as possible, given the limitations on the study. The ten case studies comprised more than 400 individual buildings, varying from domestic, through industrial and multi-storey commercial to a Norman Church. The location represents a reasonable geographical spread.

Building users/owners included Universities, schools, NATO, Hospital, industrial manufacturer and service provider, Housing Association, research centre and a church. Building management organisation was therefore very varied across the sample.

Many of the Duty Holders were estates or maintenance staff who could be expected to have had a good understanding of relevant legislation. However, some, such as the Church minister, Head Master, production manager or even Health and Safety officer may not have had the relevant training or background knowledge to such facilities management issues. Perhaps surprisingly, there does not appear to be any correlation between the Duty Holder’s background and the extent to which they complied with the regulations.

ORGANISATION

Six of the sites visited were part of larger organisations, three were independently run and one rented the premises from a larger organisation.

The organisations could loosely be divided into two sections. Large organisations with numerous buildings and multiple ACMs present (University, Hospital, Schools and Military Base) and smaller organisations with single or low number of buildings and ACMs.
Some of the large organisations (University, Military Base and Hospital) have been managing their ACMs some years before the awareness training. They have in most cases already located ACMs and carried out risk assessments and therefore were able to easily meet the needs of the new Duty to Manage regulations with what appeared to be comprehensive registers and management plans (Hospital excluded).

The smaller organisations may have become aware of the need to manage the ACMs more recently. They had little or no existing systems and were in the process of developing the documentation now required. Their management of the risk to maintenance workers required methods that were simple and effective, such as using survey reports as register (munitions factory) or management plan (church).

DUTY HOLDER
The Duty Holder had usually delegated responsibilities to a person whose responsibilities were related to the management of ACMs (Estates, Environmental and Health and Safety Managers).

REGISTER
The content of the registers was generally based on information provided from asbestos surveys carried out by external consultants. In some cases such as the munitions factory, the survey document for each building were being used in place of a register with the result that when ACMs were removed this was not recorded.

At the schools the register has been developed from the asbestos survey and the risk assessment was carried out by both the consultant and the Duty Holder. The surveyor would put a score against the type of material and it’s condition while the Duty Holder would put a score against the location and likelihood of it being disturbed.

At the packaging factory the Duty Holder thought that a register was not required because only one ACM was present.

MANAGEMENT PLAN
All of the Duty Holders had a system in place to provide workers, whose work was likely to disturb any ACMs present, with guidance on the whereabouts of ACMs and the safety precautions to take. This, however, was not always formalised in a written document.

SURVEY
Only one case, the hospital, had not completed an asbestos survey. This was because the buildings were due for demolition and a survey would be carried out prior to the demolition in any case.

Where the surveys had been carried out one organisation, packaging factory, was not able to find the survey document.

Two of the Duty Holders, Housing Association and the older of the two schools, found ACMs that original surveys did not identify.

Some confusion was apparent with the designated ‘type’ of survey required. The Duty Holders tendered to confuse type one with type three surveys.

TESTING
As asbestos was present in all of the premises visited, testing had been done in all of the buildings where surveys had been carried out. However, the details of the testing agencies were not always available with the survey reports.
One of the Duty Holders, the older school, had cleared a presumed ACM by having tests carried out but labels still remained saying that it was to be treated as an ACM.

SUBJECTIVE SCORING

Of all the documents checked only two organisations failed to get a subjective positive score. The newer school had a remote chance that external contractors were at risk if working on small work items, at short notice, and with essential staff, Bursar and Caretaker, being away. The Marine Researcher was not provided with the latest register information and I was shown a 2002/3 document. This was being addresses following discussions with the Duty Holder.
Conclusions

All of the premises visited had asbestos containing materials present in the building fabric. The Duty Holders were aware of the risks that the asbestos containing materials (ACMs) posed and had put in place procedures to inform and guide their employees, members of the public and any workers that may come into contact with the materials.

These procedures were not always in a written form and in some instances the documentation was poor with an over reliance on the asbestos survey information provided by external consultants.

Some of the Duty Holders asked for more guidance on managing the asbestos both physically (so that industrial companies could control the asbestos and dispose of it themselves) and through the selection of consultants and management of the register and management plan.
Appendix 3A – Checklist for visits

Duty to manage risk from asbestos – Compliance Survey

1. Duty Holder details

2. Is the property likely to contain asbestos containing materials (ACMs). If so are they included on the register?
   a. What is the type of property (i.e. Church, factory, how many buildings)
   b. What age is the property (Built before 1950, 1950-1980 or after 1980)
   c. Are there any Insulated panels
   d. Does the property have a steel frame
   e. Is there fire protection to the steel frame
   f. Is there a boiler house
   g. Check for Obvious signs of Asbestos containing materials (ACMs) as listed in HSE document MDHS 100

3. If ACMs are present has a register been prepared?
   a. Record drawings?
   b. Material type
   c. Condition
   d. Surface treatment
   e. Asbestos type
   f. Extent of material
   g. Location
   h. Accessibility

4. Condition of the ACMs
   a. Is this being monitored
   b. How is this done

5. Likelihood of ACMs being disturbed
   a. Has this been assessed
   b. What was the outcome

6. Management Plan
   a. Personnel responsible named
   b. Procedure for maintenance work laid out
   c. Workers informed
   d. Information given on condition of materials
   e. Plan provided to workers with information
   f. Workers given assessment training

7. Upkeep
   a. Reviews at regular intervals
   b. Spot checks
   c. Records kept
8. If any surveys, testing or work to ACMs has been carried out who carried out the work and is there any certification available to inspect.

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Cascading messages through others
The effect on awareness of, and compliance with the Duty to Manage Asbestos Regulations

Asbestos was widely used as a building material in the UK from the 1950s through to the mid 1980s, and it is estimated that many tonnes of it are still present in buildings today. When disturbed or damaged these materials can release dangerous fibres which when breathed in can lead to a number of serious diseases. At least 3,500 people in Great Britain die every year from these diseases, making asbestos the single greatest cause of work related fatalities.

This report presents the findings of a research project aimed at exploring the impact of the Health and Safety Executive’s (HSE) Cascading Messages Through Others Campaign. This initiative was launched in 2002, and is designed to educate and inform dutyholders and responsible others regarding the Duty to Manage Asbestos Regulations (regulation four of the ‘Control of Asbestos at Work Regulations (CAWR) 2002’) in non-domestic premises. The campaign aims to pass on information to organisations via HSE partners, who have been encouraged to put on training events for dutyholders with the support of HSE-designed training materials and activities.

The report discusses the findings of the research.

This report and the work it describes were funded by the Health and Safety Executive (HSE). Its contents, including any opinions and/or conclusions expressed, are those of the authors alone and do not necessarily reflect HSE policy.