Written evidence from UKNAR CIC (ASB0023)

UKNAR CIC is delighted that the Work and Pensions Committee are conducting this inquiry and grateful for the opportunity to contribute.

UKNAR CIC is a new community interest company set up as social enterprise in January 2020 with the stated aims of working collaboratively across a wide range of stakeholders and using today's technology to help stop public exposures to asbestos. We are not an asbestos consultancy or asbestos removals company. We fervently and simply believe that there are significant unresolved issues with regards to people being exposed to asbestos unwittingly that today's technology can help us all address much better and inexpensively: with better data and sharing of information -especially, if the different stakeholders, including the HSE, are willing to work collaboratively.

We are also aware that there is an absence or paucity of data for much of what we mention below. However, absence of evidence is not the same as evidence of absence. As far as we are aware attempts to gather data systematically on any scale have been very limited in terms of levels of compliance or failures of compliance with regulations. Even the AMAP surveys by the DfE were very limited in their scope and were a snapshot in time which do not reflect the practice on the ground, the quality of the management and the deficiencies which so many observe. We were at a recent event for asbestos professionals where an HSE inspector stated that "he found that the majority of schools he visited had significant asbestos management issues" and that "teachers were good at teaching but not at managing asbestos" (polite version).

We attempt to give our viewpoint and general experience for the following questions that were posed plus a short section on our most recent findings among schools and multi-academy trusts (MATs)

What are the current risks posed by asbestos in the workplace? Which groups of workers are most at risk?

- Our observations and experience have shown that people doing minor unsupervised or unregulated works are far less likely to see an asbestos register than those doing supervised work under CAR 2012 part 4 and CDM regulations. This makes them much more vulnerable to accidental asbestos disturbances. The IOSH survey in 2018 showed 1 in 3 construction workers have never seen an asbestos register and 1 in 4 believe they have been exposed to asbestos fibres. This is backed up anecdotally by stories of contractors who have given up asking for asbestos registers because they are unavailable or unreadable. Given there are 3 million construction workers that suggests very many thousands of exposures are likely, probably across many trades, mostly going unreported.

- We also believe that those working in tens of thousands of large public buildings such as schools and hospitals which often have aging and underinvested buildings in relatively poor and deteriorating condition containing many people for many years are likely to be at higher risk than many privately owned buildings which are more likely to have been refurbished or redeveloped and generally contain smaller numbers of people.

- Vacant properties and smaller properties without trained knowledgeable site management and available documents are also more vulnerable to accidental disturbances by the unaware and underinformed.

- **How effective is the current legislative and regulatory framework for the management of asbestos?**

    - Despite the requirement to define and report significant asbestos exposures as a RIDDOR event we do not believe this happens in practice.
    - Despite the requirement to inform those at risk of asbestos disturbances of its location so that it won't be accidentally disturbed this often doesn't happen.
    - Despite the requirement for asbestos awareness training and provision of information to occupants on site such as teachers in schools this also doesn't happen easily and consistently – unsurprisingly given the large and changing numbers of people involved.
    - There is also no record of how up to date people asbestos management plans are or how frequently re inspections are undertaken.
    - Many people have inadequate and very old surveys – some with significant amounts of uninspected areas that are never inspected and may be more likely to get disturbed because of the workers failing to presume asbestos may be present.
    - Despite the requirement to produce asbestos registers few consultancies or organisations produce them in an accessible, legible or meaningful format, that the average non-professional can understand. Moreover, they are often too long or contained within a hundred-page document, not even all in one place.
    - Thus, the most vital information of knowing/establishing where the ACMs are located before doing any activity that might disturb, them is in effect, lost.
    - There should be a standard simple format for this key information made easily understandable and accessible online as well as paper, ideally 24/7 via a QR code on site in building receptions in our view.

- **How does HSE measure and report its progress in mitigating the risks of asbestos?**
- **Does HSE keep adequate records of asbestos in public buildings?**

    - As far as we are aware and especially from our dealings with schools, multi academy trusts, local authorities and hospitals, the vast majority of which contain some asbestos, there is no centralised available record of which schools or other buildings contain asbestos.
    - There seems to be no indication of how much asbestos or data on how many ACMs are present, nor what type and condition they are in, nor where they are located in the buildings.
    - Since not all buildings, locations and asbestos are equal risk, this means there is no clear or informed basis to prioritise risk mitigations and appropriate remedial measure and expenditures, especially for those with responsibility for large property estates as are found in the public sector e.g. NHS, DfE, Local Authorities etc. See also comments re AMAP report in previous section.

- **Is HSE making best use of available technology and systems to monitor the safety of asbestos which remains in buildings?**

    - Is it using any?
    - It should know which buildings contain high levels of asbestos and which the highest risk buildings are (e.g. CLASP School buildings) and it should understand and monitor on a prioritised basis where it is appropriate to take additional measures for monitoring "ambient asbestos levels" in higher risk properties.
    - At the very least it should have a database of which buildings are known to contain ACM's and establish they have an asbestos register in a legible format and a proof of reinspection.

- Ideally, they would go further and the database would contain records of all asbestos management plans and surveys and reports which would be made easily accessible to those that need to see them.
- As little as 5-10 years ago it might all have been very difficult and very expensive to build such a database and potentially difficult and expensive to maintain.
- We do not believe this is the case now. In fact, we think as little as a million pounds would be required to commission and build something fit for purpose which could then be paid for by duty holders with ACMs in their buildings paying an annual licence fee for £100 - £200/yr per building. This is less than they pay for annual fire risk assessments. The taxpayer doesn't pay but the dutyholder does which is only right.
- The use of QR technology can make this information instantly accessible to all those on site when they need it 24/7, including the emergency services.
- Updated information can easily be uploaded into systems online by dutyholders or their consultants while API's (Application Programming Interfaces) can now be developed and used to ensure this happens seamlessly between large systems.
- UKNAR CIC has already developed both a working prototype system (which we call Asbestos SMART) plus a basic spec that will allow this to happen on a national scale
- We are already working with the some of the key IT system providers in the asbestos industry so that this can happen across hundreds of thousands of records.
- The HSE has previously stated: *'It is not clear what additional benefits a national database would have over [existing practice]. Given the number of buildings in Great Britain that contain asbestos; the amount of maintenance and refurbishment work that is done on buildings; and the degree of detail on each building required to make the data accurate; any such national system would be hard to achieve and very difficult to maintain.'* HSE for the Shelagh Fogarty Show on LBC radio, here
- We believe this viewpoint is completely out of date given the massive improvements in technology, huge reductions in cost and increased widespread usage.
- If worked through with the right stakeholders, key data can be extracted from this information provided by the dutyholders, the asbestos consultancies and the key asbestos management IT systems to give a really good picture of how much asbestos in what types of properties and how well it is being managed on an ongoing basis.

- **Does HSE commit adequate resources to asbestos management in line with the level of risk?**

  - We would imagine this is real challenge: for example, we know that hundreds of schools with hundreds of thousands of pupils, teachers and support staff, were referred to the HSE following the AMAP surveys but we see little evidence of the HSE in schools in practice, presumably because of staff cutbacks.
  - If the HSE were on the ground even in those schools that are supposedly adequately managed, we believe it would understand more - see comments below.
  - We would argue that better live data would help the HSE use and target its scarce resources more effectively.

UKNAR's experience of Asbestos Management in Schools and Multi Academy Trusts

In the last nine months UKNAR has reviewed the asbestos information from many Multi Academy Trusts with responsibility for managing asbestos in hundreds of schools and we can report that:

i) only a small minority were actually able to collate all the relevant information easily
ii) only a minority were up to date with all their re-inspections
iii) only a small minority presented their asbestos registers clearly

iv) many duty holders and site managers did not understand the difference between asbestos registers and asbestos management surveys
v) the majority of multi academy trusts have inherited varying ages, quality of asbestos information in many different formats from different schools and different local authorities
vi) some of this was information was obviously inadequate and incomprehensible to them
vii) when they realised this, the majority realised that they needed to reprocure some new management surveys and would do well to consolidate under single contractor with standard simple formats for presenting the registers where possible
viii) when asked, the majority of them also thought that it was unlikely that most of the teaching staff knew where there was asbestos in their schools. (They also said that as they were the estates team this element was not their responsibility but that of the individual schools.)

- This on the ground evidence, although limited in its nature, would suggest that the responses to the DfE AMAP survey are putting an artificial gloss on what is actually quite a serious challenge that schools and MATs in particular appear to be facing – not necessarily through any fault of their own.

- MATs account for c.6,000 schools (almost 20% of the 32,000 UK schools) and are growing fast. They are a significant part of the public estate affecting over 2 million pupils, teachers, support staff and contractors.

- We would argue that more data, better data and live data would help address some of these issues and also help the HSE (and other large public bodies such as DfE, local authorities, NHS etc) target their scarce resources more effectively.

- **How effectively does HSE engage with external stakeholders and experts about its approach to the regulation of asbestos?**

  We are delighted to see this happening but as stated before the absence of evidence is not evidence of absence! Everyone who knows anything about asbestos on the ground knows that asbestos management is prone to thousands of unreported failures and exposures – it's just that no one has got or sought the data in such a way to prove it! And unlike public health catastrophes such as Grenfell Tower, this one takes several decades to quietly materialise… but it will continue to cost taxpayers many hundreds of millions even many billions of pounds more than it needs or ever needed to!

  In today's world of increasing public health and environmental awareness, post Grenfell and post Covid, surely, we need to take an updated approach to what can only really be called a public health disaster, especially if the government really does mean to "build back better".

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