



Rupert Anderson joined the company a year ago as a Trainee Analyst, after passing

all his BOHS Proficiency exams whilst working with Noble. He is now a fully qualified Asbestos Analyst.

He has grown to be an essential cog in the Noble machine. Afraid of nothing he will confidently tackle the smallest air testing job through to assisting in large Asbestos Project Management work, as far afield as London and Wales.



Congratulations to **Andy Ellis (Director)** who after many a long period of study and

hard work has gained the BOHS Certificate of Competence in Asbestos and was successful in the oral exam. The exam covers all aspects of asbestos work, and is considered to be the highest qualification that BOHS offer in Asbestos.

Andy joins a small band of elite people who hold the qualification and was very pleased to have achieved a pass due to the very high failure rate.

Another successful conference Asbestos & Construction

As the sun rose over the picturesque grounds of Rookery Manor delegates were travelling from near and far to enjoy the days events at the 9th Annual Asbestos Conference held by Noble.

We would like to extend our grateful thanks on behalf of Noble to everyone who attended and participated in our 9th annual asbestos conference, making it another resounding success.

We hope you agree our speakers provided interesting updates and an insights to topics not covered in our previous conferences. The day was packed with vital information that will help you our clients, move forward, and address any queries you had.



Speakers for the day were the very influential:

- **Mr Andrew Kingscott** of HSE
- **Dr Martin Gibson** of HSE
- **Mr Jeremy Lenton** of Knowles
- **Mr John Morgan** of Kier Group
- **Mr Jon Cooper** of Bond Pearce
- **Mr Jon Hales** of Bond Pearce
- **Mr Neil Peacock** of ATAC
- **Mr John Murthy** of UKAS



If you didn't attend this year make a diary note for **March 2010**, it will be the 10th anniversary of Nobles annual conferences and we may have some surprises! Also it is well worth it just to see the Noble staff dressed smartly!

We look forward to seeing you there next year!

Inside April's News Letter:

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MDHS100 revisions continue at pace.

The Health and Safety Executive (HSE's) revisions to MDHS100 the guide to asbestos surveying continue at pace. Dr Martin Gibson, HSE's principal author took the opportunity to explain the main changes at Noble's conference.

A small but noticeable step will be a name change from the MDHS series to the general guidance publications HSG, which will take a lot of getting use to. As far as the content goes the main changes are likely to be as follows:

- **Type 1 and Type 2 surveys** become "management surveys" with an increase in access required so that they provide sufficient information to the client to manage the building in normal use. This will include maintenance tasks such as cabling.
- **Type 3 surveys** to be called pre demolition / refurbishment surveys.

The driving force behind the changes is set to be what UKAS term "client review" and is an individually negotiated contract / specification as to what is wanted by the client versus what will be delivered by the surveying organisation. There should be no surprises such as no access over 3m in the finished product.

Undoubtedly there are some areas which will need more clarification, the document is trying to address many of the issues that arise.

We will keep you updated!

Who to use for asbestos surveying.

The Health and Safety Executive (HSE's) guidance on this subject strongly recommends the use of either UKAS inspection bodies or individually accredited surveyors.

Whilst the NIACS scheme for individual accreditation which is run by ARCA is closed to new entrants, BOHS has just announced that ABICS has been accredited by UKAS.

If you are buying an asbestos survey and you do not follow this guidance then you are not complying with MDHS100 or the guidance within the Approved Code of Practice on The Duty to Manage Asbestos

Company fined after inaccurate asbestos survey leads to exposure.

The Health and Safety Executive (HSE) is reminding companies of the importance of the accuracy of asbestos surveys after two workers were unwittingly exposed to asbestos, whilst carrying out refurbishment work.

The call comes after the prosecution of Bestoff Services Ltd on the 23 March 2009, at **Didcot Magistrates' Court** following a breach of health and safety legislation at a construction site in **Abingdon, Oxford** between 01 and 05 February 2008.

Bestoff Services Ltd of Chorleywood, Hertfordshire pleaded guilty to breaching section 3(1) of the Health and Safety at Work etc Act 1974. They were fined £3,000, ordered to pay costs of £2091.70 and a victim surcharge of £15.

The company carried out an asbestos survey on a site at Abingdon in February 2008 and reported that the site contained **no** asbestos. Two members of staff began work on the site the following month and part of their job involved removing panels of fibrous board.

Several days later the site manager became suspicious about the pieces of fibrous panels that had been removed and they were analysed. The results showed they **did** in fact contain asbestos.

On 27 March 2008 an additional survey was carried out which identified asbestos-containing materials in several areas in the building, including areas where the two men had been working. HSE Inspector, Karen Morris, said: "This incident shows the importance of carrying out an asbestos survey **before** work starts. In this case, the main contractor did the right thing by engaging a specialist asbestos surveying company, but was let down by them. It is vital that asbestos surveys are accurate and can be relied upon, in order to prevent this kind of inadvertent exposure. Had it not been for the vigilance of the site manager, many more people on site would have been put at risk of exposure."

Peak incidence of Mesothelioma put back.

Two research papers have been published recently which are suggesting rather than peaking around 2015, the peak for Mesothelioma will not now occur until 2025.

The sad facts which will stem from this means the end of asbestos disease will also be pushed back ten years. This really does make the 'Duty to Manage' even more important as the end of asbestos related disease is now likely to last until the year 2060, which means that fatal exposures are likely to be happening now.

It is still very disappointing to see how few building owners really do have an effective asbestos management plan. They may have had a survey, but the missing piece is how they control working with asbestos containing materials.



Health & Safety

Living with Corporate Killing.

Whilst a number of organisations are under investigation, to date there have been no prosecutions.



One of the key things that will make or break such a prosecution is the company's health and safety culture. Whilst this is quite difficult to measure, the adage of "how we do things round here" is perhaps the simplest way to understand it. That means if people

only used necessary PPE some of the time and no one says anything then this would reflect badly as a culture.

What it means is quite simply, you need to go and look at your health and safety policy and see what it says and see how much of it you are actually doing. By "walking the walk" you are likely to reduce the likelihood of accidents happening but, increasing the chance of being able to defend them if they occur.

It has proven from past experience to produce an emergency plan for staff, should an incident such as fatality occur, then staff are better prepared. The police have a quicker response compared with the HSE's measured approach, and will knock on doors out of normal working hours. How would your staff respond? Are they aware of their rights or how to contact the company's solicitor?



Scaffolds... Are we safe?

Are you at risk on your sites?

Scaffolder's dropped a tube which hit a passer by. They had a grounds man in place to secure against unauthorised access but he could not keep all pedestrians out of harms way.



The scaffolders were prosecuted under the Work at Height Regulations (2005) for "failing to stop things falling" and "failing to keep people out of the drop zone". They had started work when it was quiet, and ironically had stopped erection as, there were too many people and were just tidying up.

Talking of Scaffolds....

There seems to be a number of recent incidents across the country of collapses which have been simply due to a lack of ties to the building. If you are a main contractor, ask your scaffolders about how they have tied the scaffold in. If in doubt check it, as it is very time consuming and embarrassing when scaffolds fall over.



Human Resources. Holiday Entitlement Update

Since **1st October 2007** an increase in the minimum statutory holiday to which workers are entitled has been being phased in. The phasing in ends on 1st April 2009.

In general terms, a full time worker working 5 days a week was entitled to a minimum of 20 days paid holiday before October 2007. Since 1st October 2007 he or she has been entitled to a minimum of 24 days and as from 1st April 2009 will be entitled to 28 days.

The precise position in any particular case is more complicated than the above simple outline suggests, for example, account has to be taken of when the individual's leave year starts and of any

position is that the minimum statutory entitlement to paid holiday is 5.6 weeks from 1 April 2009 (which works out at 28 days for a full time employee, this includes all bank and public holidays).

Important detail points to note include that it is possible, if the employer and worker agree, for any unused part of the new additional holiday to be carried forward. Carry-forward in respect of any untaken part of the basic 20 days annual holiday is not permitted as that is a minimum health and safety requirement imposed by the EC Working Time Directive .

Those staff who had the minimum 20 days annual paid holiday plus 8 bank holidays as paid holiday may see no difference. There is a useful Holiday Entitlement "calculator" available on the government's Business Link website.

Another point to bear in mind is, a worker must normally give their employer notice of intention to take holiday which must be at least twice as long as the amount of holiday to be taken. Similarly an employer can require a worker to take the holiday to which the worker is entitled, again by giving notice which must be at least twice as long as the amount of holiday to be taken.

This can be relevant on dismissal, an employee who has not used their holiday entitlement when given notice of dismissal may prefer to work through his notice period and take cash in lieu of holiday when the job ends.

This may not suit the employer who may prefer the worker to take their holiday rather than pay extra for it. In that situation the employer can require the employee to take their holiday, provided of course he gives him the appropriate notice.



6th April 09 New Employment Act

Now that the New Employment Act has become law in April 2009 if you are an employer you should:

- review your disciplinary and grievance procedures so they are compatible with the new law, remembering that the three-stage statutory procedure must still be followed in disciplinary or grievances cases **started before 06 April 2009** (visit the BERR website for more information on the **transitional arrangements**)
- identify where a more relaxed and informal approach to dealing with problems at work may be appropriate
- consider including a mediation stage in your internal processes



- train your managers in how to deal with problems at an early stage to stop them from escalating where possible.
- For assistance or advice on updating your policies or any other HR matter give our **HR Manager Julie Rae** a call on **0844 561 6735**



Training Courses April 09

Construction Courses

Site Managers Safety Training Scheme (SMSTS) Refresher 15 & 16 April

Asbestos Courses

New Asbestos Supervisors 30,31 March & 01 April

Managers of Licensed Asbestos Contractors Refresher 03 April

BOHS P405 06,07,08 & 09 April

Asbestos Awareness Refresher 17 April

HSG210 Working with Asbestos Products Refresher 17 April

Managers of Licensed Asbestos Contractors 20 & 21 April

Asbestos Awareness 23 April

Working with Asbestos Products 23 April

New Asbestos Operatives 27,28 & 29 April

Asbestos Operatives Refresher 30 April

NB All courses will be held in Plymouth unless otherwise stated

To book a place on any of the above courses or for further information on our in house or bespoke courses please contact Rebecca Huddy on 0844 561 6735 or e-mail rebecca.h@noble.uk.net