

Field Operations
Directorate

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Date : 06/06/2018

Our Ref: FOI/06/06/18 LH

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Dear Mr Adrian Hearle

Freedom of Information Request Reference No: FOI/06/06/18 LH

Thank you for your email dated 30th April 2018

Your request was received on the 30th of April 2018 and I am dealing with it under the terms of the Freedom of Information Act 2000 (the Act).

I can confirm that the Health and Safety Executive holds the requested report

1. Investigation Report

Information numbered 1 can be disclosed and copies are enclosed.

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Some of the information within the attached documents has been redacted (blacked out). This refers to personal information relating to third parties. Section 40 (Personal Information) of the Freedom of Information Act applies in this case. Disclosure of this information would amount to unlawful processing under the Data Protection Act. This section is an absolute exemption and is not subject to the public interest test.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the decisions made by HSE you may ask for an internal review within two calendar months of the date of this letter by writing to me.

If you are not content with the outcome of the internal review you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

The Information Commissioner's Office.

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 01625 545700

Fax: 01625 524510

Email: mail@ico.gsi.gov.uk

Website: <http://www.informationcommissioner.gov.uk>

Yours sincerely,

Linda Hart

FOI Officer

Annex

Exemption in full: Section 40 (personal information)

Factors for disclosure:

Factors for withholding: *Personal information about other individuals, the disclosure of which would amount to unlawful processing under the Data Protection Act.*

Reasons why public interest favors withholding information: This is an absolute exemption and is not subject to the public interest test.

1. Background to the events leading to the incident – (exhibit AH6)

1998 – Type 2 asbestos report carried out at St Cuthmans school, which was then run by West Sussex CC. This identified asbestos, including AIB in several locations throughout the various buildings

2003 – school closed

May 2010 – Durand Academy bought the site containing the school. [REDACTED] (notifier) bought the other part of the site that includes private dwellings

It is alleged that lead from the roof of Building 2 was stolen by thieves and made the building structurally unsound – so a decision was made to demolish the roof.

4 or 5 June 2011– [REDACTED], aka [REDACTED] (site caretaker employed by the school) plus [REDACTED] (also employed by Durand Academy) where seen by [REDACTED] demolishing the roof to one of the school buildings (Building 2). [REDACTED] stated that he was not aware of any asbestos. [REDACTED] advised that he should stop and check. At some stage [REDACTED] spoke with [REDACTED]

6 June 2011– [REDACTED] sent a copy of the asbestos report (exhibit AH1) to Mr [REDACTED]

[REDACTED] arranged to have two samples taken from the 1st floor corridor, ceiling tile and the gym hall, roofing material – (EXHIBIT AH5). The samples were sent to [REDACTED] and came back as NAD. (no asbestos detected)

[REDACTED]
[REDACTED]
[REDACTED]
Lived in one of the cottages between approx. 2009 and Oct 2014. She would often speak to [REDACTED] who was the live in caretaker.

She recalls [REDACTED] and another man removing material from inside building 2 and knocking down ceilings before starting on the roof. She only ever saw two men working on the roof. They were using sledge hammers to knock down the roof. There was no scaffolding and they were not wearing masks or any safety equipment (according to [REDACTED] they wore half masks and overalls).

It took several weeks to take down the roof as they were doing other jobs in-between times – and normally carried out the work when it wasn't raining

HSE VISIT -

7 July 2014 – Visit to the school by HSE following complaint of unsafe roof work on the main school building. At the time Building 2 was partially demolished and I was advised that this part of the site was going to be sold to a large property developer – at the time there was no work taking place on this part of the site and it was not inspected.

I sent a NOC letter re various issues, including the need for the operatives carrying out refurbishment work to the main part of the school to have asbestos awareness training and for there to be an R & D survey in place. A letter was received from [REDACTED], the schools health and safety consultants, confirming action would be taken

November 2014 – boarding school is opened to approx. 45 pupils.

21 October 2015 – complainant received from Dr Adrian Hearle, that potential asbestos in the rubble of the partially demolished building 2.

Between 27 October 2015 and 15 Dec 2015 – sent numerous e mails requiring that the school investigate the matter. ([REDACTED] [REDACTED])

30.10.15 – school forwarded bulk sample certificate showing NAD (exhibit AH5)

11.11.15 – HSE received a copy of the type two survey carried out by [REDACTED] in 1998 (exhibit AH1) This showed that in 1998 that there was AIB ceiling panels in several rooms of building 2. (Samples 3,7,8, and 14 to 19)

15 Dec 2015 – On going enquires letter sent requiring action by the 11 Jan 2016

Despite reassurances that the school were looking into the matter, no positive action had been taken so an IN was issued on the 14.1.2016 requiring that the asbestos survey carried out in 1998 was updated.(exhibit AH7)

21.1.16 – A visual inspection was carried out by [REDACTED] group of the rubble and two samples were taken (exhibit AH/15) both of which were found to contain amosite and chrysotile (exhibit AH/16).

4.2.16 and 5.2.16 air monitoring was carried out at the demolition site, the main school building and the school entrance –(Exhibits AH/9 and AH/12). Results were below 0.01.

Potential persons at Risk

[REDACTED] and [REDACTED] demolishing the roof are likely to have been exposed to high level of asbestos, exceeding the control limit. According [REDACTED] wearing either disposable or half masks – this is not considered suitable and sufficient when removing AIB.

2.

Preventative measures taken by duty holder(s) AFTER incident

Describe measures taken by the duty holder(s) post incident to manage risks. Use the list above as a guide. State which, if any, measures were identified by HSE as being required.

3. I was originally told that the school were arranging for the rubble to be removed by a licenced contractor either in the Easter holidays 2016 or May / June half term – but to date have no evidence of this and they have not replied to requests for information regarding this matter