

## **Comment by AiS and JUAC on the DfE Report on their Review of Asbestos Policy for Schools.**

1. The report on the DfE review of policy for the management of asbestos in schools was published on 12<sup>th</sup> March 2015 and is at:  
<http://www.asbestosexposureschools.co.uk/pdfnewslinks/The%20management%20of%20asbestos%20in%20schools.pdf> )
2. This paper comments on the report and makes a number of recommendations. The recommendations should be considered alongside those made in AiS and JUAC's responses to the DfE asbestos policy review.<sup>1</sup>

### **General comment**

3. The Asbestos in Schools Group welcomes the review. It is a positive step forward and makes a number of constructive proposals and concessions that previously had not been publicly made. It provides a firm foundation on which to build future policy.
4. Although the review and its report are positive steps in the right direction, there is a lack of vision and the Government have failed to introduce the fundamental long term strategies that are needed to eventually eradicate the problem of asbestos from our schools.
5. The report acknowledges there is a problem of asbestos in schools, but it has been selective in its choice of evidence and has failed to acknowledge the extensive and authoritative evidence spanning some fifty years that proves there is a serious problem. At times the report is not impartial and conceals difficult issues rather than addressing them. As a result present policies have been tweaked but only a few concrete proposals made.

### **Transparency.**

6. It has to be applauded that the review encourages transparency so that parents will be aware whether the measures that are being taken to manage asbestos in their children's school are effective.<sup>2</sup>
7. Such a policy was introduced by law in the USA in 1986 where each year parents and teachers have to be informed of the measures being taken to manage their asbestos.<sup>3</sup>
8. As the review acknowledges this is an effective means to ensure that schools do manage their asbestos safely as their policies and actions are open to public scrutiny.

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<sup>1</sup> AiS and JUAC Recommendations. DfE review of asbestos policy for schools.  
<http://www.asbestosexposureschools.co.uk/pdfnewslinks/RECOMMENDATIONS%20%20AiS%20and%20JUAC%20%20DfE%20Policy%20Review%20%20Updated%207%20May%2014.pdf>

AiS response to the review:

[http://www.asbestosexposureschools.co.uk/pdfnewslinks/AiS%20RESPONSE%20TO%20THE%20DFE%20POLICY%20REVIEW.%20Asbestos%20management%20in%20schools%2030%20Mar%2014%20\(Final\).pdf](http://www.asbestosexposureschools.co.uk/pdfnewslinks/AiS%20RESPONSE%20TO%20THE%20DFE%20POLICY%20REVIEW.%20Asbestos%20management%20in%20schools%2030%20Mar%2014%20(Final).pdf)

<sup>2</sup> Review page 19

<sup>3</sup> AHERA US code: title 15,2643. EPA regulations Chapter 53. EPA Fact sheet AHERA 1986 Statement EPA Administrator 23 Oct 1986

## Cost benefit analysis

9. As the review would be the basis for future DfE asbestos policy in schools, it was a reasonable expectation that a cost benefit analysis would be carried out. But this did not happen.
10. A cost benefit analysis would have included an audit of the extent, type and condition of asbestos in schools, an estimate of the cost of leaving it in place and managing it compared to the cost of phased removal. This could then have been weighed against the numbers of staff and former pupils who have already died of mesothelioma, the numbers who are likely to die if the asbestos remains in place and the number of deaths that could be prevented if a policy of progressive removal is adopted.
11. Instead DfE specifically excluded asbestos from their audit of the condition of school buildings. They also failed to estimate the number of children who have been exposed to asbestos at school and who are likely to subsequently die. Consequently DfE cannot complete a cost benefit analysis and are unable to say what the cost is for managing or removing asbestos weighed against the benefit of the number of lives saved.
12. At the Education Select Committee hearing on asbestos in schools the chairman summed up the need for a cost benefit analysis when he stated: *“Squeamishness about cost benefit leads to a misallocation of funding, which costs lives, because people get carried away on one particular fashionable thing. It is important to be rational with the limited resource that we have.”*<sup>4</sup>
13. Although there are no statistics for the number of children who have subsequently died there are for the number of school teachers, school secretaries, teaching assistants and nursery nurses who have died. These are just the tip of the ice-berg as the vast majority of people in schools are children.

## Recommendation

14. It is recommended that:
  - A cost benefit analysis is carried out.

## Teachers, support staff and former pupils dying.

15. The review acknowledges that teachers, teaching assistants, nursery nurses, school secretaries, caretakers, cleaners, maintenance staff<sup>5</sup> and former pupils are dying of mesothelioma.<sup>6</sup>
16. The report states that *“Between 2003 and 2012 there were 224 mesothelioma deaths where the deceased last occupation was recorded as ‘Teaching professionals’.”* This figure includes teachers and lecturers in higher and further education as well as school teachers. Unsound conclusions can be drawn from combining the occupations as the career patterns, buildings and activity can be very different and this is reflected in the mesothelioma deaths. The

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<sup>4</sup> Education Select Committee hearing on asbestos in schools. 13 Mar 2013

<sup>5</sup> Review page 11

<sup>6</sup> Review page 11

mesothelioma deaths amongst higher and further education have been relatively stable since 1990 as opposed to school teachers' deaths which have increased year on year.<sup>7</sup>

17. The relevant figure is that 158 school teachers have died of mesothelioma in the last ten years and there was a particularly high incidence (Proportional Mortality Ratio (PMR) amongst female primary school teachers. More than 291 school teachers have died of mesothelioma since 1980. They were dying at a rate of 3 a year in 1980 and the numbers have increased each year and they are now dying at a rate of 19 a year.<sup>8</sup>
18. The DfE report states "...where the deceased last occupation was recorded as 'Teaching professionals..... We cannot establish a direct link between a death from an asbestos-related disease and exposure in a specific occupation because of the long period it takes for a disease to develop. The long delay between first exposure to asbestos fibres and the onset of mesothelioma means that the occupation at time of death may not necessarily have been that associated with exposure to asbestos."<sup>9</sup>
19. This reflects the evidence HSE gave to the Education Select Committee hearing on asbestos in schools where they argued that teachers have been exposed to asbestos anywhere other than at school.<sup>10</sup> Perhaps some school teachers have, but many are known to have been exposed at school and, because of their career pattern, the occupation recorded on their death certificate is likely to be the occupation in which the exposure occurred.<sup>11</sup>
20. There is significant evidence that many school teachers have been exposed to asbestos at school, and some over a prolonged period of time. Coroner's courts examine the evidence when people die of mesothelioma and the coroners have concluded in a significant number of cases of teachers and support staff that they died from their asbestos exposure at school.
21. The DfE report acknowledges that caretakers, cleaners, maintenance staff<sup>12</sup> and children<sup>13</sup> are known to be at a greater risk. However statistics do not show how many have died and the report fails to include an estimate of the subsequent deaths of former pupils, which should be at the centre of any cost benefit analysis.

### **Children are more at risk.**

22. The review accepts the Committee on Carcinogenicity (CoC) conclusion that children are more vulnerable to asbestos exposure than adults.<sup>14</sup>

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<sup>7</sup> See 'Increasing mesothelioma deaths amongst school staff and former pupils.' Annex 3 <http://www.asbestosexposureschools.co.uk/pdfnewslinks/INCREASING%20MESOTHELIOMA%20DEATHS%20AMONGST%20SCHOOL%20STAFF%20AND%20FORMER%20PUPILS%20%2017%20JAN%2015.pdf>

<sup>8</sup> See 'Increasing mesothelioma deaths amongst school staff and former pupils.'

<sup>9</sup> Review page 11

<sup>10</sup> Education Select Committee hearing Asbestos in Schools 13<sup>th</sup> March 2013 The transcript of the oral evidence [is at this link](#). Q51, 52

<sup>11</sup> E-mail DCSF Workforce Group /Lees 27 January 2010 15:47 Case Reference 2010/0004693 "The average length of service for full-time teachers is about 30 years". And Scottish Parliamentary written answer S2W-15080 18 Mar 2005

<http://www.theyworkforyou.com/spwrans/?id=2005-03-18.S2W-15080.h> Death certificate is based on last occupation. Therefore occupation on retirement or death. Average length of service at retiring age, early retirement or because of ill health is about 33 years.

<sup>12</sup> Review page 11

<sup>13</sup> Review page 7

<sup>14</sup> Review page 7. See: COMMITTEE ON CARCINOGENICITY OF CHEMICALS IN FOOD, CONSUMER PRODUCTS AND THE ENVIRONMENT STATEMENT ON THE RELATIVE VULNERABILITY OF CHILDREN TO ASBESTOS COMPARED TO ADULTS. CC/13/S1 7 Jun 2013

23. AiS and JUAC are pleased that the Minister honoured the pledge of his predecessor Nick Gibb MP that this review would take place once the CoC had reached its conclusion.<sup>15</sup>
24. The increased risks to children must now underlie all future asbestos policy for schools.
25. With asbestos the risk is quantified by the number of deaths that have and will occur. However the report did not include an estimate of the numbers of children who have been, and are likely to be, exposed to asbestos at school and could die, even though such an estimate is possible.
26. The Minister gave evidence at the same Education Select Committee hearing as the leading epidemiologist, Professor Peto. He is therefore aware that Professor Peto estimated that there could be 200-300 deaths each year from asbestos exposure as a child at school in the 1960s and 1970s.<sup>16</sup> This estimate should have been central to the review.
27. In 1982 an estimate was made in the USA of the number of pupils and school staff who would be likely to die. They carried out an audit of the extent of the friable asbestos in their schools and assessed that for every teacher and support staff death from mesothelioma that nine children would subsequently die from their asbestos exposure at school as a child.<sup>17</sup> Because they acknowledged the significant risk to children they introduced asbestos laws specifically for schools and provided the resources so that they could effectively manage their asbestos.
28. In Britain we have by far the worst mesothelioma incidence in the world. It is presently 39.2 per million of the population per annum and rising,<sup>18</sup> whereas in comparison the USA has gradually decreased since 1999 from 14 per million to less than 13 per million per annum.<sup>19</sup>
29. Exposing a large number of children to asbestos over a prolonged period at school must contribute to the appalling death toll in Britain. But the Government have failed to undertake an audit of the scale of the problem and have failed to assess how many former pupils will subsequently die.

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[http://webarchive.nationalarchives.gov.uk/20140722183324/https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/315919/vulnerability\\_of\\_children\\_to\\_asbestos.pdf](http://webarchive.nationalarchives.gov.uk/20140722183324/https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315919/vulnerability_of_children_to_asbestos.pdf)

<sup>15</sup> Parliamentary debate Asbestos in schools. Minister of State for Schools Nick Gibb MP Column 283. 7 Feb 2012

<http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120207/debtext/120207-0004.htm>

<sup>16</sup> Education Select Committee hearing Asbestos in Schools 13<sup>th</sup> March 2013 The transcript of the oral evidence [is at this link](#). Q 13. E-mail Professor Peto/Lees 'Presumably men had more or less the same environmental exposure and resulting risk.' 1 May 2013

<sup>17</sup> American Academy of Pediatrics Asbestos Exposure in schools Pediatrics vol 79, no 2 Feb 1987 p301- 305 Reaffirmed May 1994 . EPA Support document for the proposed rule on friable asbestos-containing materials in school buildings EPA report 560/12-80-003 p92

<sup>18</sup> HSE Mesothelioma Number of deaths and average rate per million MESO04

<http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=2&ved=0CCcQFjAB&url=http%3A%2F%2Fwww.hse.gov.uk%2Fstatistics%2Ftables%2Fmeso04.xls&ei=dbhEVZKqOZLuaPT0gZgD&usg=AFQjCNGVW4-qQBdKwUBCoURI8WzVnU5RVA>

<sup>19</sup> See Malignant mesothelioma mortality USA Statistics to 2010: <http://www.asbestos.com/mesothelioma/death-rate.php>. Malignant Mesothelioma Mortality --- United States, 1999—2005. Reported by: *KM Bang, PhD, JM Mazurek, MD, E Storey, MD, MD Attfield, PhD, PL Schleiff, MS, JM Wood, MS, Div of Respiratory Disease Studies, JT Wassell, PhD, Div of Safety Research, National Institute for Occupational Safety and Health, CDC.*

30. Most of the asbestos remains in schools because of Government policy. It is all old and there is ample evidence of continued damage and disturbance. A policy of management can do no more than reduce the death rate, but it will not eliminate it.
31. However, rather than including the estimate of the number of children's deaths which would give a true picture of the scale of the problem, the DfE report gives a very different impression by playing down the risks.
32. DfE emphasise that their review and the resultant policy have been based on HSE's advice. The report states that *"In our assessment of the evidence about the risks posed by asbestos in schools the Department has been led by HSE."*<sup>20</sup>
33. The report then summarises HSE's advice. It states: *"The HSE's view is that schools, overall, are low risk health and safety environments, similar to offices and retail premises."* This view that the risks are low has been used as the basis for the review and future asbestos policy for schools – despite the fact that it is profoundly flawed.
34. HSE is responsible for all workplaces and has therefore compared the overall risks in schools with the high risk industries and occupations, and in comparative terms they might be correct but in absolute terms they are wrong.
35. Most people would not agree with HSE that the risks are low when some 4,000 to 6,000 people could die over a twenty year period from the simple act of attending school.
36. There are also fundamental differences between offices, retail premises and schools that HSE does not acknowledge. Schools contain large numbers of children so the fabric of school buildings suffers considerably more disturbance and damage than most offices and retail premises.
37. In addition children are more vulnerable to exposure to asbestos than adults and are less likely to obey or understand precautionary warnings. They spend eleven or more years at school and there is evidence that the system of asbestos management is not always effective so that many children have been, and continue to be, exposed to low levels of exposure to asbestos fibres from normal classroom activities. Those exposures are often to amosite, they can be frequent and, as all exposures are cumulative, each exposure increases the likelihood of mesothelioma developing.
38. DfE has a specific responsibility for children's safety which HSE do not have, and DfE cannot abdicate that responsibility. They should not be using HSE's 'low risk' comparator with adult workers in industrial, commercial and office workplaces as an excuse for not analysing, acknowledging or addressing the scale of the asbestos problem in schools and the subsequent deaths. Until DfE determines the scale of the asbestos problem in schools and

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<sup>20</sup> Review page 10

properly analyses the deaths of those they are responsible for they will be unable to allocate proportionate resources to deal with the problem.

39. HSE role is to advise DfE, and for the last forty years DfE's asbestos policy for schools has been based on that advice. But those policies have failed to prevent the release of asbestos fibres in schools and the exposure of the occupants. The evidence is the increasing numbers of former pupils, teachers and support staff who are dying of mesothelioma, many of whom have been exposed on HSE's watch.
40. HSE's advice and assurances have proved to be wrong in the past, but they continue to deny the overwhelming evidence of deaths, flawed management and asbestos exposure in schools is a problem and to compound it they have treated schools no differently from other workplaces. This approach prevents the open and objective addressing of core issues that are specific to schools. It has also provided the justification for DfE making minor changes in the review rather than the fundamental changes that are desperately required and long overdue.

### **Recommendation**

41. It is recommended that:
  - An estimate is made of how many children have subsequently died from their asbestos exposure at school.
  - An estimate is made of how many could die in the future. This would have to be based on the extent, type and condition of asbestos in schools and typical fibre levels.

### **Lack of data on past and present asbestos fibre levels**

42. The estimate of 200-300 deaths a year from former pupils is based on the number of females who have died from mesothelioma, and is therefore based on good epidemiological evidence.
43. But assumptions on the deaths that could occur from the present asbestos exposures in schools have been made which are not based on sound evidence. For instance the DfE report acknowledges that there is little data on current fibre levels:

*"We have very little contemporary evidence on the levels of asbestos fibres found in the air in schools today, and therefore the risks of exposure and harm to school staff and pupils today. Requirements for managing asbestos in buildings are much more rigorous than in the past and the asbestos levels found in the ambient air of schools during normal occupation are likely to be lower than in the past. A recent study of the number of asbestos fibres found in lung samples suggests overall levels of asbestos exposure are decreasing in the general population."*

44. There is also insufficient evidence on the asbestos fibres levels in UK schools in the 1960s and 1970s so any assessment based on a comparison of fibre levels then and now will be unsound.

45. The danger is that basing policy on what fibre levels might have been and then comparing them with uncertain data on what present fibre levels are is that the optimistic assumptions may be wrong, and there is evidence that is the situation.
46. The only positive proof will be in fifty years time when statistics will show to what extent the deaths have decreased. Assurances have been given over the last fifty years that children and staff are safe from the dangers of asbestos in schools so long the guidance is followed and the asbestos is 'managed.' But the deaths occurring now are proof that those assurances were unjustified and that the systems of asbestos management did not prevent people being exposed.
47. We must learn from lessons of the past and cannot afford to wait for another fifty years to find out once again that the predictions and assurances that are now being given are equally wrong.
48. There is evidence that management procedures are weaker than HSE claim and that asbestos exposures can occur frequently in some schools where the systems of asbestos management are ineffective in preventing disturbance and damage from normal everyday activities.<sup>21</sup>
49. There is the possibility that the background fibre levels in many schools are not in fact much lower than they were in the 1960s and 1970s. The reason is that when the asbestos materials were installed fibre levels would have been high as few precautions were taken in cutting and drilling the materials. But over time the fibres generated during the construction of the schools would have dispersed and, because the materials were new, they would almost certainly have released fewer fibres than they do now.
50. All those asbestos materials are now old and materials that are accessible to children have suffered fifty years of disturbance. Over time the propensity of the materials to release fibres is increased when they contain amosite or crocidolite, such as sprayed asbestos and asbestos insulating board, as they become more friable with age and so when they are disturbed the fibre releases are greater now than they were in the past.<sup>22</sup>
51. An additional reason for increased fibre release is that many schools containing asbestos have not been well maintained, and this is particularly the case with the many thousands of system built schools that have reached or exceeded their design life. So as the fabric of the buildings deteriorates over time the asbestos also deteriorates and releases more fibres than when the buildings were new.
52. Professor Peto surmised that the current asbestos exposures in schools are perhaps ten times less than they were in the 1960s and 1970s and therefore the deaths will be proportionately less. That is supposition and should not be used as a basis for policy

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<sup>21</sup> See Asbestos incidents and management failings in schools. 14 Dec 2009

<http://www.asbestosexposureschools.co.uk/pdfnewlinks/Asbestos%20Incident%20&%20Management%20Failings%20in%20Schools.pdf>

<sup>22</sup> Department of the Environment Asbestos materials in buildings 1986 para 3.2. 3.11, 4.9. 7.9

decisions as there is insufficient evidence of asbestos fibres levels in UK schools in the 1960s and 1970s and the DfE report acknowledges that there is little data on current fibre levels.

53. The study of lung samples might give an indication of past and current asbestos exposures across the general population. But the study can only provide a general picture of a person's total exposure and cannot identify exposures at school as a child. It is therefore of interest but there must be caution in extrapolating too much from the study in relation to exposures at school.
54. The estimate of 200-300 deaths is therefore based on sound evidence of actual deaths but there is little evidence on which to conclude the deaths will be proportionately less based on the supposition that airborne fibre levels now are ten times less than they were in the 1960s and 1970s.

#### **Audit of asbestos in schools.**

55. A cost benefit analysis also needs to know the scale of the problem, and yet the Government has never undertaken an audit to determine the extent, type and condition of asbestos in the nation's schools.
56. Asbestos can be one of the most expensive items when maintaining, refurbishing or demolishing a school. And yet asbestos was specifically excluded from this Government's Property Data Survey Programme, the recently completed two year audit of the condition of school buildings. Therefore any financial forecasts will be unsound.
57. The USA carried out such an audit in 1982 when they determined the extent of asbestos in their schools. Having assessed the scale of the problem and the risk, they introduced asbestos laws in 1986 specifically for schools – and yet more than thirty years later the Westminster Government has intentionally excluded asbestos from their audit.
58. The review makes a vague statement that *"Based on the age of the school estate, we can estimate that a majority of schools in England contain some asbestos, although the exact amount is unknown."*<sup>23</sup> That is an astonishing remark after a £20 million pound audit of the condition of school buildings and underlines why it was a bad decision of the Government to exclude asbestos from the audit of the condition of school buildings.
59. The draft DfE report stated *"We estimate that up to 75% of schools in England contain some asbestos, though the exact amount is unknown."*<sup>24</sup> However the final report was even less precise. This lack of even the most basic data is irresponsible. AiS and others have asked a series of Freedom of Information requests to establish how many schools contain asbestos and local authorities responded with data on 76% of schools in the United Kingdom. Of

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<sup>23</sup> Review Page 6

<sup>24</sup> DfE draft report on review of asbestos policy for schools 2 Mar 15

those schools 86% contain asbestos.<sup>25</sup> Some returns included details such as the number of schools that contain amosite, crocidolite and chrysotile.

60. The data is available in each local authority and school on the extent, type and condition of the asbestos in each school and invariably it is stored electronically so that it is easy to access, analyse and update. It is inexcusable that the Property Data Survey Programme failed to centrally collate the data.
61. The report says that the Department will keep the decision to exclude asbestos from the Property Data Survey Programme under review.<sup>26</sup>

### **Recommendation**

62. It is recommended that:
- DfE includes asbestos in future audits of the condition of school buildings.
  - DfE collates data on the extent, type and condition of asbestos in the nation's schools.

### **Removal of asbestos.**

63. AiS and JUAC welcome the policy decision that all schools buildings that will be refurbished under the Priority Schools Building Programme (PSBP) will have their asbestos removed when it is considered safe and appropriate.
64. The Priority Schools Building Programme will refurbish or replace schools in England in the worst condition. It is welcomed that in the second phase asbestos is one of the factors taken into consideration when bids are considered.
65. The PSBP is over-subscribed. In the first phase there were 580 eligible applications but just 260 schools were successful. Out of those just 19 are open and 82 have had the contracts signed the remainder are not even that advanced. In the second phase 1,299 schools applied but just 277 will receive funding.<sup>27</sup>
66. Therefore only a fraction of the schools in need will have their asbestos removed and even then that will take many years.
67. The review says that it will continue to fund the removal of asbestos where appropriate directly or indirectly through their funding agreement.<sup>28</sup> A significant number of respondents to the consultation would have liked to progressively remove all their asbestos, but were unable to achieve this because of the cost which their funding agreements would not meet.

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<sup>25</sup> See: Percentage of schools in the UK that contain asbestos [list collated by Freedom of Information \(FOI\) requests submitted by individuals and the media to Local Authorities from 2009 to 2014](#)

<sup>26</sup> Review page 22

<sup>27</sup> Adjournment debate Todmorden and Calder High Schools 9 Mar 2015

[http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm150309/debtext/150309-0004.htm#150309-0004.htm\\_para6](http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm150309/debtext/150309-0004.htm#150309-0004.htm_para6)

<sup>28</sup> Review Page 4.

68. A number of responses expressed concern about the costs incurred in managing asbestos and the extra costs in maintaining their buildings because of the presence of asbestos where once again their present funding agreements do not meet those costs.
69. The Shadow Minister of State for Employment, Stephen Timms MP, argues passionately that the next government should introduce and establish a strategy for the removal of asbestos from the built environment. *“That is not going to happen in the course of one parliament but we think it is time for a strategy with a timetable for removing the asbestos”*.<sup>29</sup>
70. The Shadow Secretary of State for Education, Tristram Hunt MP, acknowledged that asbestos in schools is a serious problem and has pledged to introduce long term strategic policies.<sup>30</sup>
71. In 2013 Australia passed into law the ‘Asbestos Safety and Eradication Act’ that has introduced a National Strategic Plan which *‘Aims to prevent exposure to asbestos fibres in order to eliminate asbestos-related disease in Australia’* and will introduce *‘Systems, timelines and processes for the prioritised safe removal of material containing asbestos from public and commercial buildings’*.<sup>31</sup>
72. But this policy review by the Westminster Government has had no such vision and has failed to introduce a long term strategy that will eventually eradicate the problem of asbestos from our schools. Instead minor changes have been made to the present policy of managing asbestos and no evidence has been provided to support the decision to maintain the status quo.
73. In February 2015, just before publication of the review, the Minister of State for School Reform was asked if he would adopt long term strategic measures for the removal of asbestos from schools. In reply he referred to his Government’s policy:
- “The cost of removing asbestos from schools would be prohibitive and would involve far greater risk to children, staff and contractors than managing the asbestos containing materials (ACMs) in place until the eventual demolition of the building. Where asbestos is deteriorating or poses a high risk of disturbance or deterioration, it may need to be removed.”*<sup>32</sup>
74. It is accepted that there can be a risk to removal contractors, but that risk is similar whether the asbestos is removed now or whether it is removed when the building is finally demolished. The claim that removal would present a greater risk to children and staff might have had some credence twenty years ago, however the systems and checks on asbestos removal have markedly improved so that when asbestos removal is carried out correctly it is significantly safer for the occupants after the removal than it was before. The evidence is

<sup>29</sup> SHP ‘Banging the Health and Safety drum’ 12 Jan 2015 <http://www.shponline.co.uk/banging-health-safety-drum/>

<sup>30</sup> Meeting Tristram Hunt MP, Jim Sheridan MP, M. Lees, J Winn. 19 Mar 2014

<sup>31</sup> Asbestos Safety and Eradication Agency Act 2013

<sup>32</sup> E-mail Office of Minister of State for School Reform Nick Gibb MP/Lees 6 Feb 2015

that asbestos has been safely removed from many commercial buildings, public buildings, university and some schools. Caerphilly Council for instance has adopted a policy of removal of all AIB that is accessible to children from its schools, and to ensure the removal has been performed correctly the threshold for Clearance air sampling is 0.0005f/ml, some twenty times less than the level recommended by HSE.

75. Many thousands of schools have asbestos insulating board in walls, ceilings, heaters, window and door surrounds and much of it is in places vulnerable to damage to children. There is evidence of it being regularly disturbed in many schools by common classroom activities, just slamming a door, knocking into a wall or kicking a football into a ceiling can release significant levels of asbestos fibres. But, because of government policy, it is left in place in most schools and 'managed.' It would be far safer for the children and staff if it was removed.
76. One of the reasons is that there are dangers inherent in even the best system of asbestos management. The risks were summed up by the business manager of a secondary school who responded to the consultation. He said that there are over a thousand teenagers in his school who sometimes struggle to contain their emotions, so it is inevitable asbestos is disturbed. A system of asbestos management that might work in a building used by adults will not be suitable for young people.
77. A DfE Ministerial briefing obtained under the FOI shows a different stance from the publicly stated one. It acknowledges that, so long as removal is done correctly, the risk is to the contractors rather than the occupants. It also acknowledged that asbestos materials that are accessible to children in schools can be disturbed and damaged and that the advised method of management, encapsulation, may not prevent damage by children. The briefing stated:
- "The use of crocidolite and amosite tends to make products more friable with age than similar products made with chrysotile alone..."*
- The position of the material. Readily accessible material is likely to be vulnerable to damage arising from vandalism, impact, abrasion, vermin etc. For schools, the location and accessibility of the material to children is significant.*
- In general, fibres are not released unless asbestos materials are disturbed or damaged, and undisturbed materials in good condition present little or no risk. The balance of risk points to leaving in place sound asbestos materials not liable to damage. This is because the process of asbestos removal, however carefully undertaken, will present a degree of risk to the operatives, who tend to be young and therefore at risk despite the latency periods for asbestos related diseases.*
- It may also - although the evidence is limited - give rise to higher asbestos fibre levels in the atmosphere for some months after, despite stringent precautions. This is not undisputed territory, however, nor is it helpful as a public position, because there will still be cases where asbestos removal is appropriate, and yet the premises need to be reoccupied soon afterwards. HSE consider this to be acceptable, provided the work is properly done....*

*The NUT claim that any asbestos materials that are accessible to pupils should be regarded as being prone to damage and, therefore, fibre release. This argument carries some weight. Techniques of asbestos encapsulation (ie sealing the surface with a specialist membrane coating) may not provide sufficient resistance to accidental or mischievous damage from children...*<sup>33</sup>

78. Another system of asbestos management advised by HSE is to enclose the material. This is the method employed on the columns of many thousands of steel framed system built schools and because the AIB and sprayed asbestos were enclosed an assumption was made that the material could not be disturbed. But the assumption was wrong and it was only discovered by chance after fifty years that, rather than protecting the asbestos material from disturbance, the metal casing that enclosed it was acting as a bellows and ejecting amosite fibres into the classrooms. An HSL document stated:

*“The failure of the enclosure to prevent airborne fibre release into the classroom when the column casings were subjected to impacts was a source of concern, as it would increase the asbestos exposure and risk to the occupants and maintenance personnel. Also as enclosing asbestos is one of the remediation methods recommended in HSE guidance...”*<sup>34</sup>

79. Once the problem was discovered the system of asbestos management advised by HSE to prevent the further release of amosite fibres is not to remove the damaged and deteriorating asbestos material, debris and fibres but it is to leave it in place and seal every crack and gap with silicone sealant. But that is a temporary expedient and tests have shown that it can fail, curious children have removed the sealant and it is impossible to seal every crack and gap throughout the school. But despite the likelihood that amosite fibres will continue to be released assurances are given that schools are ‘managing’ their asbestos because they are following the guidance - however flawed it may be.

80. The DfE report is entitled *“The management of asbestos in schools, a review of Department for Education Policy.”* In the vast majority of schools the practical application of that policy is to leave asbestos in place and manage it for the remaining life of the building, as the Government publicly claim it is safer for the children and staff. But there is no evidence given in the DfE report that supports this claim.

81. HSE have been asked on a number of occasions at the DfE Asbestos Steering Group to provide the evidence behind their advice that management rather than removal is safer for the occupants, but they have refused, because they say the evidence *“is in the public domain.”*<sup>35</sup> The Minister claims that the review and policy are evidence based, but he has failed to provide the evidence to support this main plank of Government policy for asbestos in schools.

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<sup>33</sup> DfES Background note on asbestos in school buildings. Mr Forth’s meeting with NUT 1 Dec 1993

<sup>34</sup> Airborne Fibre and Asbestos Concentrations in System Built Schools HSL Garry Burdett, Steve Cottrell and Catherine Taylor Inhaled ParticlesX,(23–25September2008,Manchester)

<sup>35</sup> DfE Asbestos Steering Group Meeting, AiS note of meeting 20 Jun 2013

82. Rather the evidence that is available is that certain critical systems of management that are recommended by HSE are known to fail so that asbestos materials that are accessible to children are disturbed and amosite fibres released. Consequently it is safer for the occupants to remove the material so long as it is done correctly.

83. The Minister states that the cost of removing asbestos would be prohibitive. No doubt it would be if it was done over a short period of time, but that is not what AiS and JUAC have proposed. Instead their proposal is that those schools that contain the most dangerous asbestos are identified and that asbestos is removed, with particular priority being given to AIB that is in places accessible to children. This would be a progressive programme over a number of years, and indeed was the policy recommended by the Association of Metropolitan Authorities (AMA) in the 1980s. The AMA policy document states:

*"A policy of progressive removal should be adopted. This does not, and cannot, imply the immediate removal of all asbestos materials, and will be dictated by the availability of financial resources and priority assessment. It may be many years before such materials are removed. Other treatment, to make safe in the interim, will often be necessary. Nevertheless, progressive removal is thought to be both the safest and most cost effective solution, given that any asbestos is a hazard, however slight, and that buildings will be occupied and have to be maintained, and inadvertent disturbance is a continuing risk. Further, asbestos will have to be removed separately at some stage, even if this is immediately prior to demolition.*

*Implementation of the removal and treatment policy should be based on a priority assessment....*<sup>36</sup>

84. The recently completed Property Data Survey Programme, the audit of the condition of school buildings, specifically excluded asbestos and therefore those schools with the most dangerous asbestos have not been identified. In addition the policy review failed to carry out a cost benefit analysis that would have assessed the cost of managing asbestos, the extra costs incurred in maintaining school buildings because of the presence of asbestos and the eventual cost of removing asbestos before demolition takes place. This would have been compared with the cost of progressive removal and the benefit in the lives saved.

85. Because the evidence had not been collated during the PDSP, and the policy review failed to carry out a cost benefit analysis, any financial forecasts, policy and Minister's statement are based on supposition rather than the evidence. The evidence is there and it should be collated.

### **Recommendation**

86. It is recommended that:

- HSE provides evidence to support their claim that so long as asbestos is not disturbed or damaged that it is safer for staff and pupils to leave asbestos in place for the remaining life of the building than it is removing it.

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<sup>36</sup> Association of Metropolitan Authorities Asbestos Part 1: Policy and practice in local authorities Sep 1985 page 2 para 2.2.8, 2.2.9

- Evidence is collated from councils, commercial organisations, universities, ATAC, ACAD and others of the safe removal of asbestos from buildings.
- Evidence is collated from schools and councils on the cost of managing asbestos, the extra costs incurred in maintaining buildings because of the presence of asbestos and the eventual cost of removal.
- Data is collated from local authorities and schools who have already removed asbestos on the cost of that removal. An assessment is then made of the cost of a policy of progressive removal.

### **Risk Assessment.**

87. The review states that HSE advice is that ‘low risk’ materials should be managed in situ. An asbestos management plan in a school is based on the risk posed to the occupants from each piece of asbestos material, and that assessment is made using an HSE ‘risk algorithm.’ There is evidence that the algorithm has not worked in many schools with the result that high risk materials, such as asbestos insulating board, that are accessible to children have been incorrectly classed as low risk. This has meant that it has not been managed safely and inevitably children and staff have been put at risk.

The policy advocated by HSE of managing ‘low risk’ materials is therefore unsound as it is based on a flawed risk assessment.

88. As well as being used as the basis for asbestos management plans for schools, the algorithm is also used as the basis for asbestos policy in local authorities and nationally. For instance local authorities have given assurances that that they have removed all ‘high’ risk asbestos materials from their schools.<sup>37</sup> In addition statistical returns have been made that include tables listing the numbers of schools that contain high, medium, low and very low risk asbestos materials.<sup>38</sup> Therefore policy is based on the risk algorithm, and when that is flawed then so is the policy.

89. AiS and JUAC submitted a proposal to the DfE in July 2014, some eight months before the review was published, that the algorithm should be reviewed and revised so that it is suitable for schools,<sup>39</sup> the proposal was also included in their response to the consultation for the review. Because the algorithm lies in HSE’s area of responsibility<sup>40</sup> DfE were unable to include it in the review or act as they awaited HSE’s response. HSE finally responded after the review had been published and claimed that “*HSE believes that it remains fit-for-purpose and so does not merit a fundamental revision.*” They did however suggest that DfE could consider introducing an additional risk parameter specific to schools. HSE’s response states:

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<sup>37</sup> Lancashire County Council Corporate Policy statement & arrangements for the control and management of asbestos within LCC buildings. Jan 00 reviewed Jan 2014 para 5.1 . Londonderry Sentinel 88% of WELB schools contain asbestos 26 March 2012. <http://www.londonderrysentinel.co.uk/news/local/88-of-welb-schools-contain-asbestos-1-3644965> . Letter Minister for Education Northern Ireland/ Julie Winn 16 Jan 2014.

<sup>38</sup> RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL CABINET 21ST CENTURY SCHOOLS – SUBMISSION OF REVISED STRATEGIC OUTLINE PROGRAMME 19TH DECEMBER 2011 p247

<sup>39</sup> Proposal for an asbestos risk algorithm for schools 17 Jul 2014 [http://www.asbestosexposureschools.co.uk/pdfnewslinks/paper%20risk%20Algorithm%20\(draft%207\)%2017%20Jul%2014.pdf?zoom\\_highlight=algorithm#search="algorithm"](http://www.asbestosexposureschools.co.uk/pdfnewslinks/paper%20risk%20Algorithm%20(draft%207)%2017%20Jul%2014.pdf?zoom_highlight=algorithm#search=)

<sup>40</sup> Review Page 17.

*“Whilst further discussion, expert input and significant testing would be required, the Group may wish to consider developing a supplementary school-specific algorithm to complement the current HSG 227 algorithm, along the lines of: Overall ranking = current Material Assessment + current Priority Assessment + additional risk parameter(s) specific to the building use...”<sup>41</sup>*

90. The safety of children and staff depends on a sound assessment of the risks posed by asbestos materials, in addition policy is based on whether asbestos is high or low risk. The basis for the assessment has been proved to be unsuitable for schools therefore a fail safe, reliable means of assessing the risks from asbestos materials needs to be developed that is suitable for schools.

### **Recommendation**

91. It is recommended that:
- DfE sets up an expert group to design, test and implement an additional parameter for the risk algorithm that will make it suitable for schools.

### **Environmental level.**

92. Because of the increased vulnerability of children a number of responses to the consultation considered that workplace fibre level should not be applied to schools. AiS and JUAC recommended that in their place an ‘environmental’ asbestos fibre level should be adopted specifically for schools. The level should be considerably lower than present levels.
93. The present level is 0.01 fibres per millilitre of air, which is 10,000 fibres in every cubic metre of air, which HSE acknowledge is unsafe. However following an asbestos incident or asbestos removal in a school children and staff are allowed to return to their classrooms if the level is beneath this threshold – even though it is known to be unsafe.
94. AiS and JUAC submitted a proposal to DfE in June 2013,<sup>42</sup> and DfE asked HSE to respond to the proposal. HSE finally responded some twenty one months later after the review had been published. They claim that the introduction of an environmental level is not their responsibility and that more research is needed before the matter can be considered further.<sup>43</sup> AiS strongly disagrees that more research is needed as there is ample evidence already that the present levels that are used in practice are unsafe and HSE’s proposal would impose an unjustified and unnecessary further delay in introducing a safer level.

### **Recommendation**

95. It is recommended that without further delay DfE takes the lead and forms an expert group to consider:
- The introduction of a lower and safer asbestos fibre level below which children and staff can return to classrooms following an asbestos incident or work on asbestos in a school.

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<sup>41</sup> Proposal for developing a revised algorithm for assessing asbestos in schools. HSE Response. Undated, received 27 Mar 2015

<sup>42</sup> The case for an environmental level for the occupants of schools . AiS 14 Jun 2013  
<http://www.asbestosexposureschools.co.uk/pdf/newslinks/Environmental%20asbestos%20fibre%20level%20for%20schools%2014%20Jun%202013.pdf>

<sup>43</sup> Proposal for an environmental level for asbestos exposure in schools HSE Comments Dated Feb 15 copied to DfE Steering Group members 27 Mar 2015

- The introduction of an environmental asbestos fibre level for schools.

### **Managing asbestos safely**

96. Even if a policy is introduced to progressively remove the most dangerous asbestos from schools it will take many years. Consequently most schools will have to manage their asbestos for the foreseeable future. The review has improved or implemented a number of measures that will assist schools to effectively manage their asbestos.
97. Amongst which is a revision of the asbestos guidance for schools, a clear statement that asbestos training is by law mandatory for teachers and support staff and a proposal to introduce a new system of assessing whether schools are managing their asbestos effectively. The following comments on those measures:

### **Asbestos Guidance for Schools.**

98. It was a significant step forward when in 2012 DfE introduced asbestos guidance specifically for schools. The review highlights that the guidance is now being revised. The revised guidance was published on 7<sup>th</sup> April 2015 and is targeted at ‘employers and leaders.’<sup>44</sup>  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/417033/asbestos\\_management\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417033/asbestos_management_guidance.pdf)

99. The revised guidance is aimed at school leaders, governors, local authorities and academy trusts. It is essential that guidance is also aimed at teachers and support staff. The guidance this replaces was also aimed at teachers and support staff, and AiS and JUAC asked DfE to ensure the secondary guidance does the same. DfE responded:

*“Please be assured that we do intend to make that more detailed information, with pictures and examples, available to schools by publishing a secondary reference document that will be clearly signposted and linked to in the attached document. This decision has been taken so that we can produce a brief, more approachable primary guidance document that can have the widest possible audience in schools but also includes links to where those who need more information can find it.”*

100. DfE also stated that they would include a warning about warm air cabinet heaters in their revised guidance. It is not in this revised guidance and so AiS and JUAC have sought confirmation that it will be included in the secondary reference document.

101. On page 9 of the guidance there is a link to [an example asbestos management plan](#). It is not suitable for schools and will promote bad practice.

### **Recommendation**

102. It is recommended that:
- The DfE supplementary asbestos guidance is also targeted at teachers and support staff.
  - DfE re-issues a warning about the dangers of warm air cabinet heaters.

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<sup>44</sup> Managing asbestos in your school Departmental advice for school leaders, governors, local authorities and academy trusts March 2015

- The present example of an asbestos management plan is withdrawn from the DfE guidance and it is replaced with an exemplary one that is suitable for schools.

## Training.

103. It is to be welcomed that the DfE report acknowledges that training is mandatory for all teachers and support staff as they are liable to disturb asbestos<sup>45</sup> – which has not previously been publicly acknowledged. HSE had previously stated that teachers and support staff do not need training as they are not liable to disturb asbestos,<sup>46</sup> which is incorrect as there is plenty of evidence that teachers and support staff do disturb asbestos. They also have to be trained as they supervise children and need to ensure they do not disturb or damage asbestos.

104. A number of responses to the consultation recommended that governors are also trained in asbestos awareness, and this is particularly important in the ever growing numbers of academies. They need to be aware of the dangers of asbestos and the measures that have to be implemented to effectively manage it so that they can set priorities and allocate funds proportionate to the risks.

105. In July 2013 HSE released a report that summarised the findings of a seconded senior teacher who had carried out an investigation on behalf of HSE into ‘The leadership of health and safety in schools.’ He concluded that school leaders including headteachers and governors were often not aware of their duties concerned with health and safety and he proposed mandatory training.<sup>47</sup>

106. In 2013 the Education Select Committee took evidence on the role of school governing bodies. Their findings reflect those of the seconded senior teacher. Although they did not specifically look at health and safety training they did examine the general issue of training of governors and concluded that *“Too many governors have not received suitable training and we recommend that the Government require all schools to offer training to new governors.”*<sup>48</sup> The review did not address the various recommendations that governors should be trained.

## Recommendation

107. It is recommended that:

- DfE examines the need for school governors to be trained in asbestos awareness and reports their findings to the DfE Asbestos Steering Group.

## Inspection

108. If schools are expected to manage their asbestos then there has to be a system in place to ensure they are. The review concludes that strong and clear incentives should be put in place for schools to comply with asbestos regulations, and to achieve this they propose that

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<sup>45</sup> Review Page 8

<sup>46</sup> HSE Asbestos in system buildings Control of Asbestos Regulations 2006 Guidance for duty holders Updated 18 September 2008 page 8

<sup>47</sup> HSE Leadership of Health and Safety in Schools A summary of the findings and recommendations made following the secondment of a headteacher into HSE’s Public Services Sector Mar 2012

<sup>48</sup> Parliamentary Education Select Committee. The Role of School Governing bodies 4 Jul 2013  
<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmeduc/365/36506.htm#a8>

dutyholders provide a regular report to the Education Funding Agency about their management of asbestos.<sup>49</sup>

109. It is agreed that this will increase the authorities' awareness of the need to manage their asbestos, but unless there are on the ground inspections to assess the viability of the returns, this system could give a rosier picture than the one that actually exists.

110. There was a system in place to ensure that schools were complying with the asbestos regulations, and that was a system of proactive inspections carried out by HSE. As the regulators, it is HSE's statutory function to *"propose and set necessary standards for health and safety performance and to secure compliance with those standards."*<sup>50</sup>

111. However in 2012 DWP classified schools as 'low risk' and because of that HSE ceased proactive inspections in local authority schools.<sup>51</sup> Then, in July 2014 after a round of inspections of schools outside local authority control had been completed, the Minister responsible for the HSE confirmed in a Commons written answer that the HSE *"has no specific system in place to inspect schools to assess their standard of asbestos management."*<sup>52</sup>

112. Consequently HSE no longer carries out proactive inspections in either local authority schools or in schools outside local authority control. There are now 4,580 academies and 255 free schools, and most of them can no longer rely on the expertise of their local authorities. Concerns were expressed in the consultation about the skills and ability of these schools to safely manage their asbestos.

113. Now, more than ever before, is it essential to have a rigorous system of inspection in place to ensure that schools are effectively managing their asbestos, and if they are not then advice can be given to ensure they do.

### **Recommendation**

114. It is recommended that:

- In addition to the DfE questionnaire DWP reintroduces proactive inspections carried out by HSE to determine whether schools are effectively managing their asbestos.

### **Air sampling**

115. The review concluded that it needed to establish a better evidence base, and to achieve this it proposes a project to carry out air sampling in fifty schools.

116. It is agreed that this will increase knowledge of the asbestos exposures experienced by children and staff. But there is ample evidence already that asbestos is being disturbed in schools and asbestos fibres released. There have also been sufficient tests carried out over

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<sup>49</sup> Review Page 19

<sup>50</sup> DWP / HSE Framework document Jul 2009

<sup>51</sup> HSE Intervention plan: Education draft 29 April 2012

<sup>52</sup> Parliamentary written answer Annette Brooke MP/ Mark Harper MP: Column 718W Schools: Asbestos 16 July 2014

the last thirty years to the present that show significant levels of asbestos fibres can be released in schools. They show there is a very real risk and give a reasonable idea of the asbestos exposure of the occupants of schools.

117. In 2009 AiS proposed a trial to perfect the methodology of widespread air sampling for schools.<sup>53</sup> Those schools and rooms where asbestos fibres were being released could then be identified and remedial action could be taken. As a secondary benefit a significant amount of data would also be gathered on the airborne fibre levels in schools so that present and future risks could be accurately assessed.

118. The DfE review has proposed the study of fibre levels in fifty schools rather than the trial to perfect a system of widespread air sampling in schools. Admittedly if asbestos fibres are being released in those fifty schools then remedial actions can be taken. However the main purpose of the study is to collate data on 'typical' fibre levels in schools so that an assessment can be made of the risks. A small sample of this type can only provide limited background information for future policy, and although it might help with forecasting future deaths it does not provide a means for all school to identify if their system of asbestos management is working or whether asbestos fibres are being released.

119. In contrast the AiS proposal is for ongoing, active prevention and identification of problems in schools. It would provide authoritative material which would be regularly updated so that it could be assessed whether the policy of asbestos management was working. It would also enable the development of asbestos policies for schools based on comprehensive data of the actual asbestos fibre levels in a large number of schools.

120. There are concerns about the study of fifty schools as it depends on the selection of the schools and the methodology of the air sampling, and it has been shown in previous studies that because of that there can be a large variation between fibre levels even in schools of a similar design – so false lessons can be learnt. The 50 schools represent just 0.17% of schools in the country and therefore it is statistically a very small sample and could give misleading results, and yet it is reasonable to assume the results will be used as the basis for future policy decisions.

121. The proposed study will begin in 2016 and take 3 years to complete. There is therefore the potential that it will be used as an excuse to delay taking the long overdue measures to prevent the further release of asbestos fibres in schools.

122. It is important that the necessary measures to make schools safe will not be delayed until the results of these tests are eventually completed.

### ***Recommendation***

123. It is recommended that:

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<sup>53</sup> Letter ATAC/ Shadow Minister for Schools Nick Gibb MP 21 Jul 2009. Letter Annette Brooke MP/ Minister of State Nick Gibb MP 30 Mar 2011 Widespread air sampling trial to detect airborne asbestos fibres in schools

- Either a stand-alone study is undertaken to perfect a system of widespread air sampling in schools, or such a study is incorporated in the 50 school study.
- Measures to make schools safe are not delayed until the studies are complete.
- The prompt setting of a lower and safer level of asbestos fibres for pupils and teachers to return to a classroom after an asbestos incident or remedial action is not delayed by the study. The study is irrelevant to that issue.

### **Risk Protection Agreement**

124. The review summarised how the Risk Protection Agreement provides a central fund that will meet any future asbestos claims from staff and pupils in academies and free schools.<sup>54</sup>

125. The scheme is to be applauded as it was introduced by DfE to cover any future asbestos related claims because commercial asbestos risks insurance cover is generally not available for pupils and non-employees. Local authorities self insure but the problem was that academies and free schools do not necessarily have the resources to do so. Any subsequent claims would consequently have to met out of their own resources and the governors could be legally and financially liable.<sup>55</sup>

126. However amongst the 4,580 academies and 255 free schools just 768 academies had joined the scheme (17%). This is possibly because some are unaware that their commercial policy excludes third party asbestos risk claims and it is also likely that some academies are locked into long term policy agreements.

127. Subsequently the Fire Brigades Union have expressed concern about the RPA. That is because insurance companies insist on certain standards before cover is provided, whereas there are no such standards required for the RPA.

128. The review proposes to encourage more academies to join the scheme. It must be asked how this will be achieved?

### **Recommendation**

129. It is recommended that:

- DfE talks to the Fire Brigades Union about their concerns.

### **DfE Asbestos Steering Group**

130. Many of the improvements in the management of asbestos in schools, and indeed this very review, have been brought about by the DfE Asbestos Steering Group.

131. The Shadow Secretary of State for Education, Tristram Hunt MP, has given a commitment to continue the Steering Group if Labour form the next Government.<sup>56</sup> A similar commitment was not given by the Minister or the Secretary of State for Education. If there is a

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<sup>54</sup> Review page 21

<sup>55</sup> See: AiS. In general asbestos risk insurance is not available for school children 4 Dec 2013 <http://www.asbestosexposureschools.co.uk/pdfnewslinks/INSURANCE%20Schools.%20lack%20of%20asbestos%20risk%20public%20liability%20insurance%204%20Dec%2013.pdf>

<sup>56</sup> Meeting Tristram Hunt MP, Jim Sheridan MP, M. Lees, J Winn. 19 Mar 2014

Conservative, or coalition Government formed after the election it is vitally important that confirmation is given that the DfE Asbestos Steering Group will continue.

### ***Recommendation***

132. It is recommended that:

- The DfE Asbestos Steering Group continues under the next government.

### **Conclusion**

133. The DfE asbestos policy review was a step in the right direction and can be used as a basis to build future policy. There were a number of critically important issues that were omitted from the review that need to be addressed. They include the collation of data on the scale of the asbestos problem in schools and an assessment of the number of people who have and will die from asbestos exposure at school. An open and independent cost benefit analysis is also essential so that resources can be allocated that are proportionate to the risk.

134. If such an analysis is completed then sound financial forecasts can be made and it would provide the basis for a long term strategy for the eventual eradication of asbestos from schools.

*Asbestos in Schools Group  
Joint Union Asbestos Committee  
5<sup>th</sup> May 2015*