

The asbestos crisis
**Why Britain needs an
eradication law**

**All-Party Parliamentary
Group on Occupational
Safety and Health**

The All-Party Parliamentary Group on Occupational Safety and Health believes that the time has come to put in place regulations requiring the safe, phased and planned removal of all the asbestos that still remains in place across Britain. Only that way can we ensure that future generations will not have to experience the same deadly epidemic from asbestos-related diseases that we suffer today.

Background

This year, according to official figures, 5,000 people in Britain are likely to die prematurely as a result of asbestos exposure. This is around three times the number of road accident deaths.

Almost all the people who are dying now were exposed to asbestos decades ago. Asbestos is now often wrongly seen as being a problem of the past as its importation and use has been banned since 1999.

However, asbestos is still with us and it is still as dangerous as ever. Asbestos- containing materials can be found in around half a million non-domestic premises (and probably around a million domestic ones). It is present in a range of different forms including lagging on pipes and boilers; sprayed asbestos on pipes and in voids; asbestos cement in the form of roofing, wall cladding, guttering, pipes, water tanks and corrugated sheets; insulating boards; tiling; textured wall coatings; and asbestos ropes and cloth. Often it is either hidden or has not been identified as asbestos.

This means that people are still being exposed to asbestos. It is often people who are working in maintenance, refurbishment or demolition, but people can, and do, become exposed simply by working in a building with asbestos, as fibres can become dislodged and breathed in.

Levels of mortality

There are several different fatal diseases that result from asbestos exposure. The main ones are lung cancer, mesothelioma (which is a cancer of the lining of the lung or the abdominal cavity) and asbestosis, a long-term lung condition.

It is estimated there are around 2,000 lung cancer deaths a year caused by asbestos exposureⁱ, although many campaigners believe that this is an underestimate. These deaths are considered to be a result primarily of the very high levels of exposure involved in activities such as asbestos spraying, lagging, etc. However, most of this kind of work was stopped in Britain by the 1980s, and the figures from lung cancer are slowly decreasing.

Yet deaths from mesothelioma, which can result from much lower exposure, continue to increase and in 2013 there were 2,538 deaths.ⁱⁱ Fatalities from asbestosis are also increasing. In 2012 there were 464 deaths where asbestosis was likely to have been contributory and in 2013 there were 900 newly assessed cases for Industrial Injuries Disablement Benefit.ⁱⁱⁱ

An analysis of mesothelioma deaths shows that they are far more common amongst occupations such as carpenters, plumbers and electricians, but also occur amongst other workers with no history of work in the construction-related sector but who are likely to be affected through exposure in their workplace. This includes shopworkers, healthcare workers, telephone engineers, teachers and finance workers.^{iv}

Around 85 per cent of mesothelioma deaths are a result of exposure at work, but some are due to exposure in the home. An unknown number of people may have developed mesothelioma as a result of exposure while at school. This is because asbestos is present in around 75 per cent of schools.^v

There is no safe threshold of exposure to asbestos fibres. This means that the inhalation of small quantities, even over a short period, can lead to mesothelioma decades after exposure.^{vi}

The Health and Safety Executive estimates that the number of deaths from mesothelioma is likely to continue to increase until around 2020 and then decline. This is because mesothelioma normally has a latency period of around 30–40 years and most exposure would have happened prior to the introduction of regulations restricting asbestos exposure and use in the 1970s and 1980s.^{vii}

Before the death rate declines in 2020, around a quarter of a million people in Britain will have died as a result of asbestos exposure. How many will die after that is dependent on what we do now. The estimates of a decline after 2020 depend on presumptions of exposure which, the HSE admits, “are particularly dependent on assumptions about certain model parameters for which there is no strong empirical basis – and in particular, the extent of population asbestos exposure after 1980.”

Yet, there are no accurate figures for the levels of asbestos exposure since 1980, or any reason to believe that exposure will decline considerably over the coming decades unless action is taken to remove the cause of asbestos-related diseases, which is the presence of asbestos-containing materials.

Legal position

The first major controls of asbestos were introduced in 1931, but only covered the asbestos manufacturing processes. In 1970 new regulations came into effect that covered other factories that used asbestos, including power stations and warehouses. Those regulations required better cleaning and the use of protective clothing. In 1985 some types of asbestos were banned from importation or use and further regulations were introduced two years later. By 1988 most of the processes that led to very heavy exposure, such as spraying, were banned, and the use of asbestos as a major building material ceased. The import, supply and use of almost all asbestos was not banned until 1999. However, there were still considerable amounts of asbestos to which people were being regularly exposed. From 2004 there was a specific duty on employers to manage existing asbestos, and in 2006 all the existing regulations were brought together into one single regulation that, with the addition of a few changes in 2012, applies today. This states that:

- If existing asbestos containing materials are in good condition and are not likely to be damaged, they may be left in place; their condition monitored and managed to ensure they are not disturbed.
- Those responsible for maintenance of non-domestic premises have a duty to manage the asbestos in them, to protect anyone using or working in the premises from the risks to health that exposure to asbestos causes.
- Before doing any building or maintenance work in premises that might contain asbestos, you need to identify where it is and its type and condition; assess the risks, and manage and control these risks.

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- In most cases, work with asbestos needs to be done by a licensed contractor, but even non-licensed asbestos work requires effective controls.
- The control limit for asbestos is 0.1 asbestos fibres per cubic centimetre of air (0.1 f/cm³). The control limit is not a 'safe' level and exposure from work activities involving asbestos must be reduced to as far below the control limit as possible.
- Training is required for anyone liable to be exposed to asbestos fibres at work. This includes maintenance workers and others who may come into contact with or disturb asbestos (e.g. cable installers), as well as those involved in asbestos removal work.

Levels of current exposure

It is impossible to give a clear figure for the number of people who are exposed to asbestos today, or the levels they are exposed to. Although high exposure is now rare, the lower levels of exposure, which can lead to mesothelioma, are still happening on a daily basis. The HSE estimates that 1.3 million tradespeople are at risk of exposure, and they could come into contact with deadly asbestos on average more than 100 times a year.^{viii}

Between 1950 and 1985 asbestos was used in millions of homes, workplaces and public buildings. It is estimated that as late as 1997 there were over 3,000 asbestos products on the market, ranging from paints and tiles to brake pads and resin toilet cisterns, but the main use was either as insulation or in the form of concrete cement, which was made into products such as corrugated roofing sheets and pipes. As a result it can be found in factories, homes, schools, shops, hospitals, offices, restaurants, etc.

It is estimated that over six million tonnes of asbestos fibres were imported into Britain during the last century. The peak was in 1973 when 195,000 tonnes were imported.^{ix} Most of this asbestos

is still there and it is likely that at least half a million commercial properties and a million domestic properties contain some form of the asbestos-containing material.

Provided the asbestos containing products are in good condition and are not likely to be disturbed during the normal use of the building, the current recommended action is to leave the material as it is and manage it in place. This has been the generally accepted practice in the past, but was always seen as a temporary measure. Yet 15 years after the introduction of a ban on its use, the vast majority of asbestos is still in place and poses a major hazard to both workers and the wider public. It is the view of the All-Party Parliamentary Group that retaining a policy of managing asbestos in place is no longer appropriate and must be changed.

It is extremely unlikely that asbestos is never going to be disturbed if it is left in place for decades. There can be few cupboards, boilers, wall panels and pipes that have had no work done on them since the 1970s, when asbestos use was at its peak. So it is very doubtful that most of the asbestos in buildings is going to lie undisturbed for the next twenty years, let alone the next hundred.

Despite the regulations calling for all premises to be surveyed and asbestos- containing materials to be regularly inspected and labelled, we know that this is not happening. A 2010 survey of 600 schools showed that only 28 per cent of respondents said the presence of asbestos-containing materials was clearly marked in the workplace. Where there was an asbestos-register, only one third of respondents were aware of its existence and only 20 per cent of the total sample confirmed that the register was shown to contractors before they commenced work.^x

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This is particularly worrying because the Committee on Carcinogenicity has concluded that children may be more susceptible to develop mesothelioma as a result of exposure.^{xi}

However, exposure to asbestos is not just a problem in schools as can be shown by the number of prosecutions of shops, local authorities, factories and others for allowing workers to become exposed. Yet these prosecuted are only a tiny proportion of the employers who put the lives of their workers at risk by exposing them to asbestos. The asbestos regulations, however good they are, simply are not being complied with. In workplaces across Britain, most asbestos-containing material remains unrecognised and even where it has been identified, accidental disturbances by contractors and others are commonplace. Asbestos can also be dislodged by everyday activities such as vibration.

In addition there is a clear lack of awareness amongst those most at risk. In 2014, when asked by the HSE, only 30 per cent of 500 tradespeople who were asked were able to identify all the correct measures for working safely with asbestos.^{xii}

Plumbers, carpenters, electricians and builders can also be exposed by working in domestic premises as there is no requirement for homeowners to survey for asbestos.

One trade union alone, Unite, has a register of around 15,000 of its members who have reported being exposed to asbestos, and that is likely to be only the tip of the iceberg, as most workers who are exposed will not have been aware of it or have reported it.

Need for an eradication programme

Simple regulations for managing asbestos in the workplace, however good, will never protect workers from risk. So long as asbestos is found in any place where someone could be exposed there will be a danger. The only way we will eradicate mesothelioma in Britain is by removing asbestos. That will not be

easy and there is a need for a realistic timetable, but work towards that should start now.

Other countries are already developing eradication plans. In 2013, Australia set up an Asbestos Safety and Eradication Agency with the specific goal of removing asbestos from public and commercial buildings with a view to eliminating asbestos-related disease in the country.^{xiii} Poland, which has 13 million tonnes of asbestos in place, has also made a commitment to remove all asbestos by 2032. The European Parliament has called for the removal of asbestos from all European public buildings by 2028.^{xiv}

If we are to protect future generations from the risk of exposure to this deadly fibre, the All-Party Parliamentary Group believes that we need a new law on asbestos with a clear timetable for the eradication of asbestos in every single workplace in Britain.

It should include provisions to ensure that:

- All commercial, public, and rented domestic premises have to conduct, and register with the HSE, a survey done by a registered consultant which indicates whether asbestos-containing material is present, and, if so, where it is and in what condition. The survey is to be completed no later than 2022.
- Where asbestos is identified in any premises, all refurbishment, repair or remedial work done in the vicinity of the asbestos-containing material should include the removal of the asbestos. Where no such work takes place, or is planned within the foreseeable future, the duty holder must develop and implement a plan for the removal of all asbestos which ensures that removal is completed as soon as is reasonably practical, but certainly no later than 2035. In the case of public buildings and educational establishments, such as schools, this should be done by 2028.

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- The HSE, local authorities and other enforcing agencies must develop a programme of workplace inspections to verify that all asbestos-containing material identified is properly marked and managed, and that asbestos eradication plans are in place and include, as part of the plan, an acceptable timeframe for the eradication. Resources should be made available to the enforcing agencies to ensure that they can ensure that all workplaces and public places are complying with the regulation relating to management and removal, and that disposal is being done responsibly and safely.
- Before any house sale is completed, a survey should be done which includes a survey of the presence of asbestos. Any asbestos-containing material should be labelled. Information on the presence of asbestos should be given to any contractor working on the house.

References

- ⁱ <http://www.hse.gov.uk/Statistics/causdis/lungcancer/index.htm>
- ⁱⁱ <http://www.hse.gov.uk/Statistics/causdis/mesothelioma/index.htm>
- ⁱⁱⁱ <http://www.hse.gov.uk/Statistics/causdis/asbestos.htm>
- ^{iv} <http://www.hse.gov.uk/statistics/causdis/mesothelioma/mortality-by-occupation-2002-2010.pdf>
- ^v <http://www.asbestosexposureschools.co.uk/pdfnewslinks/AiSreportonASBESTOSINSCHOOLS.pdf>
- ^{vi} http://www.who.int/occupational_health/publications/draft.WHO.policy.paper.on.asbestos.related.diseases.pdf
- ^{vii} <http://www.hse.gov.uk/Statistics/causdis/mesothelioma/mesothelioma.pdf>
- ^{viii} <http://press.hse.gov.uk/2014/1-3-million-tradespeople-at-risk-from-dangers-of-asbestos/>
- ^{ix} <http://www.nationalasbestossurveys.com/history-and-facts/>
- ^x <http://www.asbestosexposureschools.co.uk/pdfnewslinks/APPG%20booklet%2017%20Mar%202014%20Asbestos%20in%20schools.pdf>
- ^{xi} <http://www.asbestosexposureschools.co.uk/pdfnewslinks/INCREASING%20MESOTHELIOMA%20DEATHS%20AMONGST%20SCHOOL%20STAFF%20AND%20FORMER%20PUPILS%20%2017%20JAN%2015.pdf>
- ^{xii} <http://press.hse.gov.uk/2014/1-3-million-tradespeople-at-risk-from-dangers-of-asbestos/>
- ^{xiii} <http://www.comlaw.gov.au/Details/C2013A00058>
- ^{xiv} <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2013-0025+0+DOC+XML+V0//EN>

Eluned Parrott

Aelod Cynulliad dros
Ganol De Cymru

Assembly Member for
South Wales Central

Huw Lewis
Minister for Education
Welsh Government

Our Ref: 110709/SWC/Education

Date: 1st February 2016

Dear Huw

ASBESTOS IN SCHOOLS WALES

As you know, I have raised this issue in the Chamber and remain concerned about the presence of asbestos in the fabric of our school (and college) buildings and the operating assumption that it is safe if it is contained and undisturbed.

You will, of course, be aware of the recent fire at Coed Eva Primary in Cwmbran and the ever increasing incidents of flooding and I am concerned about how these major events can impact on the presence, disturbance and release of asbestos fibres.

Unfortunately, despite estimations that 85% of our school buildings contain asbestos, I understand the presence and exact location of asbestos in buildings is not made publically available online, although it is made available to local authorities, as duty holders, and on individual demand. Such information is, of course, vital for the safety and well-being of our emergency service personnel, such as the fire service and hazard area response teams (HART) and, of course, other operatives and the public at large.

However, I understand that the strategic direction for the management and removal of asbestos in schools is for the HSE, which is a non-devolved UK Government function, and the Welsh Government undertakes an “enabling role” and ensuring that available information is up-to-date, although you have resisted calls for information on asbestos to be made available on line.

Whilst Eluned Parrott AM will treat as confidential any personal information which you pass on, she will normally allow staff and authorised volunteers to see if this is needed to help and advise you. The AM may pass on all or some of this information to agencies, such as the DWP, the Inland Revenue or the local Council if this is necessary to help with your case.

Eluned Parrott AM may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let her know if you do not wish to be contacted for this purpose.

Cynulliad Cenedlaethol Cymru
38 Y Parêd, Y Rhath,
Caerdydd, CF24 3AD
Eluned.Parrott@cymru.gov.uk
www.ElunedParrott.com
T +44 (0)29 2046 2326



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

National Assembly for Wales
38 The Parade, Roath,
Cardiff, CF24 3AD
Eluned.Parrott@wales.gov.uk
www.ElunedParrott.com
T +44 (0)29 2046 2326

Eluned Parrott

Aelod Cynulliad dros
Ganol De Cymru

Assembly Member for
South Wales Central



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

I am, therefore, writing to ask whether

- (1) an assessment been made of the increased potential for the deterioration and release of asbestos fibres following major events such as fire and flooding and how this can impact on members of the emergency services and members of the public;
- (2) the publication of up-to-date information online would help reduce the potential health implications of such events.

I am also copying this letter to the Health Minister because of the obvious health ramifications and look forward to hearing from you.

Yours sincerely,

ELUNED PARROTT AM

Welsh Liberal Democrat Assembly Member for South Wales Central

Cc: Mark Drakeford, Health Minister.

Whilst Eluned Parrott AM will treat as confidential any personal information which you pass on, she will normally allow staff and authorised volunteers to see if this is needed to help and advise you. The AM may pass on all or some of this information to agencies, such as the DWP, the Inland Revenue or the local Council if this is necessary to help with your case.

Eluned Parrott AM may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let her know if you do not wish to be contacted for this purpose.

Cynulliad Cenedlaethol Cymru
38 Y Parêd, Y Rhath,
Caerdydd, CF24 3AD
Eluned.Parrott@cymru.gov.uk
www.ElunedParrott.com
T +44 (0)29 2046 2326

National Assembly for Wales
38 The Parade, Roath,
Cardiff, CF24 3AD
Eluned.Parrott@wales.gov.uk
www.ElunedParrott.com
T +44 (0)29 2046 2326

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref HL/00202/16

Eluned Parrott AM
National Assembly for Wales
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

17 February 2016

Dear Eluned,

Thank you for your letter of the 1 February, in which you raised concerns about recording the presence and state of asbestos in schools specifically after major events, such as fire and flooding, and the publication of this information online to reduce the potential of health implications.

Duty holders, whether local authorities or governing bodies, have the responsibility for keeping records of the presence and location of asbestos within their school buildings. Under regulations, this information should be used to inform anyone whose work could foreseeably expose them to asbestos, and those who supervise them. Additionally, all schools are also required to have an asbestos management plan in place.

We do support the duty holder with appropriate and up to date guidance to help them fulfil their responsibilities of managing, monitoring and, if necessary, removing asbestos from their buildings. My officers also regularly remind those in education of their duties with regard to the management of asbestos and will continue to do so.

Easy access to information around asbestos in schools is paramount. However, I do not intend to impose a duty on duty holders to provide online information about the presence of asbestos throughout their school buildings. The continual refurbishment and rebuilding of our school estate would mean an increasing administration burden on duty holders to ensure that information remains current and accurate.

I hope this addresses your concerns.

A handwritten signature in black ink, appearing to read 'Huw Lewis'.

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

English Enquiry Line 0300 0603300
Llinell Ymholiadau Cymraeg 0300 0604400
Correspondence.Huw.Lewis@wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Cross Party Group on Asbestos
Date: 27th January 2016 - 17:30 to 19:15

Attendees:

Nick Ramsay AM (Chair) (NR)
Aled Roberts AM (AR)
Cenric Clement-Evans, NewLaw Solicitors (Secretary) (CCE)
John McClean, Asbestos in Schools Group (JMc)
Joseph Carter, British Lung Foundation (JC)
Rex Phillips, NASUWT (RP)
Julie Cook, Wales TUC (JCo)
Simon Fleming FBU (SF)
Jon Antoniazzi, Tenovus Cancer Care (JA)
Mike Payne, GMB (MP)
Nick Blundell UCATT (NB)
Joanne Barnes-Mannings, Asbestos Awareness Support Cymru (JBM)
Julian Cason, Slater and Gordon Solicitors (JCa)
Philip Gower, Simpson Millar Solicitors (PG)
Kim Barrett, Irwin Mitchell Solicitors (KB)
Charlotte Perkins Hugh James Solicitors (CP)
Michael Imperato, Watkins & Gunn Solicitors (MI)
Lowri Morgan, NewLaw Solicitors (Minute Taker) (LM)

1. Welcome and Introductions

The meeting commenced without NR as he had been held up in the plenary session. All attendees introduced themselves and it was noted the minutes of the meeting would subsequently be recorded on the Welsh Assembly website. CCE explained the vision for the group, i.e. to raise awareness of asbestos related diseases, treatment and research and to be a voice for those affected by asbestos illnesses.

2. Apologies:

Mick Antoniw AM, Dr Fouad Alchami Velindre Hospital, Louise Lidbury RCN, Lee Campbell Cancer Research Wales, Dawn Casey Macmillan, Liz Darlison Mesothelioma UK, Jeff Parson Solicitor Eamonn McDonough Thompsons Solicitors, Dr Ian Williamson Aneurin Bevan UHB, Jessica Blair IWA, Dr Richard Attanoos Cardiff and Vale UHB

3. Minutes and Actions

The minutes from the inaugural meeting are available on the Welsh Assembly website – there were no actions to carry forward.

4. John McClean – Secretary of the Asbestos in Schools Group (AiS) – An update from the Asbestos in Schools and Joint Union Asbestos Committee Campaign

JM explained that the campaign was started 16 years ago by Michael Lees, whose wife Gina died from mesothelioma having been exposed to asbestos as a school teacher. Traditionally the focus has been on industrial workers, but the focus has shifted to building workers and now to those who are inadvertently exposed to asbestos, e.g. school workers. The ideal outcome would be the immediate removal of all asbestos in buildings but this is not going to happen - it would cost billions. The political parties seem to want as little publicity as possible which means the issue gets pushed aside.

JM referred to the booklet “**Asbestos in schools The need for action**”

http://www.ucu.org.uk/media/4999/Asbestos-in-schools---all-party-parliamentary-report-Feb-2012/pdf/asbestos_in_schools_booklet_lo_res.pdf published by All Party Parliamentary Group On

Occupational Health Asbestos Sub Group which outlines the aims of the Asbestos in Schools Group. These include data collection and implementing training standards for all those who could be exposed to asbestos. The UK Government argues that if a building with asbestos is in good condition it should not be disturbed. AiS disagree - schools are unique environments which are filled with the hustle and bustle of school life. They are special areas and asbestos testing should be carried out in the proper environment to reflect this. Children are more vulnerable because of the increased latency exposure. In America schools must give all staff, parents and pupils an annual asbestos update. This is something which should be replicated here. The government argue this is scaremongering but it is about providing information and knowledge. The law provides that records must be kept about

asbestos in buildings; it should not be too onerous for this information to be passed on to those who face the risk of exposure.

There should also be pro-active HSE inspections but this doesn't happen because asbestos in buildings is classified as low risk. Currently education is devolved to the Welsh Government but not health and safety or the HSE. If HSE were to become devolved there is an opportunity to push for pro-active inspections. Currently HSE is only devolved in Northern Ireland. JCo asked whether the system in Northern Ireland is effective. JM noted that in theory it works well but he's not sure about in practice. This is something JM is researching further. It's more in word than deed but at least they have a policy which can be leaned on. JCo will talk to ICTU because if it is working in Northern Ireland it could work here. JM noted asbestos in schools is a UK wide issue but it seems the other UK nations are more progressive than England. If the HSE was devolved in Wales and pro-active inspections were put into place here, it could trigger wider change across the UK.

JM noted they had recently appointed a new chair in Rachel Reeve MP and the first meeting took place yesterday (26.01.16) . Having an MP involved means the campaign is given a bit of clout. They can ask parliamentary questions and there's the potential for Prime Minister's questions.

TUC had put forward an eradication policy for asbestos which contains aspirations from around the world. This has now been adopted as an APPG policy. The proposal is for every building to be surveyed and all asbestos to be removed within 20 years. It gives some clout but has no legal status; it's a benchmark but something people take note of. CCE asked whether this was something we could adopt and take up with the Welsh Government. MP agreed we definitely should and this should be done both privately and formally by asking for meetings as soon as possible. MP would be happy to help but suggested that JCo might be best placed to do this. Ministers will look at resource issues and will argue it's not within their powers but it needs to be pushed forward. This is something we could flag up prior to the elections for inclusion in party manifestos. Possible names of Ministers to speak to included Carl Sergeant AM and Huw Lewis AM. There has been recognition by the Minister that asbestos in buildings is an issue but the attitude seems to be that it's too big an issue - where do we start? We need to break through the circular argument and get things moving. Perhaps Huw Lewis is someone who could give guidance on how to do this. CCE mentioned the JUAC manifesto and how this could be amended to suit our purposes and be shared with the group.

MI noted that we're looking at the art of the possible - the trick is getting into discussions with people in the know and obtaining guidance on how far we could take this. We shouldn't be asking for perfection, we need to ask for progress so that we have something to build on. We can't present something that's just too big a challenge. JM advised that when they started they did look into the UK manifesto but in England it's more of an issue due to the fracturisation of education. In Wales it's something we can use as we don't have that problem. What we need is a manifesto committing to tackling the issue by implementing data collections and surveys. Mike Green Chair of the Department for Education Asbestos in Schools Steering Group has acknowledged that children are vulnerable. There are safe levels of exposure which are set based on exposure by workers who test or remove asbestos but not for those who are inadvertently exposed on a more regular basis – the safe levels need to be lowered to reflect the reality of the environment.

MP and RP noted we need to look at how to get the ball rolling. There's a social partnership arrangement in place with Wales TUC which gives the opportunity for us to raise the issue through the Education Workforce Partnerships Council. This will be raised through the trade unions with civil servants at a local level in the first instance but they're likely to want to escalate it to the Workforce Council, which could lead to a major discussion by politicians. JCo confirmed this was a good idea and they could conduct a meeting between the trade unions and the government group on how to take the matter forward. They will then report back to the rest of the group.

JM said what's needed is a planned phased removal and the need to resource it but in order to do this we need the data. JM said he was happy to offer help, guidance and his experience where possible.

5. Right to Know

CCE explained the campaign looks at what we can do in Wales. A petition was started on the National Assembly website <http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?IId=8437&Opt=0> calling for parents and guardians to be provided with information on asbestos in their child's school, how it is managed

and access to the information online. There were only a small number of signatories but the Petitions Committee has considered it on many occasions and it is seen as an important issue. All correspondence between the Petitions Committee and the Minister, and with CCE is available on the National Assembly website. CCE gave evidence on 20th October. The Minister gave his evidence on 24th November. CCE mentioned an email exchange with Mike Green the Chair of the DfE Asbestos in Schools Steering Group. Unfortunately the content of the e-mail wasn't put to the Minister. The evidence given was that the Department of Education's remit covers schools in England only but they are happy to help Wales. The Minister said a working group met in the summer of 2014 which included the Welsh Government, the NHS in Wales, Public Health Wales and the HSE. Where were the TU representatives? Where were the minutes? Apparently the next meeting is in January or February, after the next DfE Steering Group meeting which hasn't taken place yet. CCE has written to the committee calling for a steering group in Wales to mirror that in England which should include the trade unions, Governors Wales, Welsh Local Government Authorities, medical professionals, asbestos consultants and the HSE. It should be a wide group of properly informed people. Where is the transparency, accountability and representation? CCE has since met with various AM's and is due to meet with others.

JM said the Minister implied that Wales has an observer status on the English steering group but what does that mean, do they just read the minutes? You could argue the Welsh steering group is a duplication but schools in Wales are not being considered - there is a devolution gap. The Minister says theirs is an enabling role to provide up to date information and guidance. CCE noted there is a lack of complaints being raised about asbestos in schools but this is down to a lack of awareness - people won't ask if they don't know. CCE asked what will happen to online data if the number of local authorities is reduced. More and more is being done online and it should not be too onerous to utilise this. It needs to be costed up but this is a question for local government.

It was noted that CG in the previous meeting had indicated that the fire service would benefit from access to online data. There's a computer on each fire engine that will identify asbestos if it has been picked up in risk visits, for example, but there are many buildings that we don't know either way. SF noted that normally asbestos is an after-thought, perhaps due to the nature and immediacy of the line of work we are in but it shouldn't be this way - Breathing apparatus will protect firefighters against contamination, but the hazards maybe greater for those further away without adequate RPE. The managers say they are at a low risk but if a firefighter is in service for 30-40 years and is breathing in small fibres over that time period he is at risk. RP noted there was a short period where stickers were placed in buildings which contained asbestos but this seems to have stopped. CCE also mentioned the risks posed by flooding, e.g. if there is a flood through an asbestos ceiling. JC asked whether this meant that water leaving the building would be contaminated with asbestos. SF confirmed that the national risk assessment states run off water could be contaminated and should be contained.

CCE noted that teachers don't consider the risk to asbestos but why would they - they're not told how important it is. He referred to the school that had burnt down on New Year's Day and queried whether the issue of asbestos had been considered after the fire and before the children were allowed back into the school. CCE then showed the group an image created initially by Michael Lees which is being developed by the Derbyshire Asbestos Support Team depicting a school and where asbestos will be found. There are plans to have this available electronically to raise awareness. They are currently looking for money to fund this with a number of unions having contributed.

MP said we expect firefighters and children to go into these buildings but there should be risk assessments carried out before anyone goes anywhere near them. There are already buildings plans so why can't they be updated to show areas of asbestos? We need to be more robust in pushing the Government and asking backbench AMs for private members debates, it's possible to sponsor a debate, e.g. on a petition. He noted we could ask questions of the Welsh Affairs Select Committee which could lead to a Westminster hall debate. CCE noted he'd met with Craig Williams MP who had agreed to write to the Secretary of State for Wales on the issue. MP noted this is likely to get a private response rather than a formal one. The more requests we can put from AMs the more likely the issue will be given time. We need a cross party consensus. The Welsh Government needs to stop avoiding the issue. All members of the table should be asking for debate. AR noted that they have had the debate but they're told it is a HSE issue and not for them to deal with. He noted the next ballot is tomorrow so the next opportunity to try this would be for the 5th assembly. Ministers are taking their steer from the civil servants and saying this is a Westminster issue. It's interesting to see whether this stance changes when the Minister changes.

JC asked whether it was an idea for the lawyers present to draft a private members bill within the assembly's competencies which could then be put to assembly lawyers. CCE noted he would discuss this with the Association of Personal Injury Lawyers so see if there is any interest and will report back. MI noted that we need to drum up cross party support first and then go from there but again counselled as to the art of the possible. AR said it's likely you could take the bill to 1st and 2nd reading but in stage 3 the party whip would be imposed. You need a Government Minister who'll discuss how to take it forward.

6. Joseph Carter, BLF Cymru – The Mesothelioma Bill

JC explained there are two separate bills currently going through Westminster; one in the House of Lords and one in the House of Commons. He anticipates the House of Commons bill will die out this week but the House of Lords bill is doing better and has support. It has gone through its second reading and is now at the committee stage and will have to be dealt with prior to the Queen's speech. The bill calls for a levy on insurers to fund research into mesothelioma. JC distributed a leaflet summarising the position with the bill. He said the charity is focusing on research and is highly supportive of the bill. Voluntary funding of research just isn't happening. When people are given a diagnosis of mesothelioma it's a hopeless situation. The worse the diagnosis, the less treatment options there are available. It will be challenging to get the Bill through when it goes back to the House of Commons and even if the Bill does make it through we still need the Government to put it into action. In the meantime the charity is working behind the scenes to get support – if the Bill isn't passed there needs to be greater investment. CCE mentioned he had briefed both Lord Alton and Baroness Finlay on the matter prior to the debate and Baroness Finlay did mention the issue of asbestos in schools in Wales into the debate.

JCo mentioned that the reduction in the current levy scheme was very disappointing considering asbestos is the biggest killer. Much is said about the cost of data collection but what about the cost to people's lives and those caring for them. MP agreed it was short sighted to look solely at the cost of data collection. The other costs aren't quantified yet, it's just assumed that it's too big a job but we need to consider the cost to humans and the community. We need to stop saying it's too big an issue.

Research into treatment could make a huge difference. There is research carried out in other cancers so why not mesothelioma? JA noted the research opportunities and the anxiety of civil servants and ministers around this issue. We need to find out if there has been any work carried out into cost projections – are the responses we're given evidence based? AR noted you need the political will to make a difference, he referred to a matter he was involved with in Wrexham where the impact of an outbreak of illness was projected to cost £20million but in the end it cost them about £20,000. The projection was panic based. There needs to be proper work carried out which look into costings properly. It's frightening how little is being done in terms of keeping records etc.

7. Dr Alchami – Consultant Pathologist – University Hospital of Wales – 'The Use of Genetic Markers in Mesothelioma in Wales'

CCE explained that Dr Alchami sends his apologies but he could no longer attend due to clinical pressures and illness in his department. CCE noted that he knows Dr Attanoos is also keen to be part of the group.

8. May Elections

CCE asked what we should call for if we're trying to inform any party manifestos prior to the elections. MP said we need to put our objectives to all parties, i.e. we want collection of data by a certain date and a step by step plan to achieve the eradication of asbestos in Wales. We need a bitesize approach to achieving the aim and we need commitment from the parties that they will develop the plan. Our proposal needs to be realistic. CCE noted there's a meeting on 3rd March with an NUT education spokesperson and the 4 political parties which could be an opportunity to put forward questions. CCE noted he will look into this. RP said they will be putting questions to parties and pressing for commitment at all conferences in the run up to the elections. He asked about timescales in terms of taking things forward. MP noted that we have from now until 5th May so we're not constrained by a tight deadline. NR noted that the assembly will be dissolving at the beginning of April so that shortens the timescale slightly. MP recommends we wait for JM's response from the asbestos in schools group and then publicise our recommendations to the parties. This can be put forward through NR as the Chair. MP and CCE agreed to work on the wording of the recommendation together and will then obtain the group's sign off on the final version.

JC noted there's a lot we can do under the name of the group if there's a consensus of AM's signed up. We have the ability to produce reports which we can put out on Nick's behalf with the group's buy in. JC has experience of this and many experts thought the report he was previously involved in was a professional document. It is a useful and effective tool as it gives credibility. CCE mentioned we should mirror the APPG in Westminster – their booklet has raised attention. CCE recommended we draw on JC's experience once the 5th assembly is in place. It would be a good time to get it in, particularly if there's a coalition, which is looking likely.

9. Future of the Group

NR noted that the next meeting would have to be arranged post-election and that the group will then need to be re-constituted.

10. AOB

None

Cenric Clement-Evans

From: Emma.HESS@education.gsi.gov.uk on behalf of Mike.GREEN@education.gsi.gov.uk
Sent: 19 October 2015 17:17
To: Cenric Clement-Evans
Subject: RE: Asbestos in Schools Wales

Dear Mr Clement-Evans

Thank you for your query and I apologise for the delay in getting back to you. Please see below answers to the questions you posed in your email.

I can confirm that the work of the Asbestos in Schools Steering Group is ongoing.

The Department for Education's remit is for schools in England. As such, the Asbestos in Schools Steering Group, which was set up by the department in 2012, only covers the issue of asbestos management in schools in England.

The remit of the committee means it has not received specific representations on behalf of schools in Wales, though as you suggest references to schools in Wales will have been made in the course of its discussions.

Focussing on schools in England enables the group to consider the specific issues faced by English schools, which exist in a different policy framework to those in Wales. I would therefore suggest it is right that the remit of the Steering Group is to consider schools in England.

Clearly, however, many of the issues that schools encounter with regard to asbestos management in Wales will be similar as those faced by schools in England. We are therefore happy to work with the Welsh Government to share the findings of the group as their work continues.

Kind regards,

Mike Green

Director of Capital
Education Funding Agency
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Tel: 020-7340 8208 Ext: 308208 Mobile: 07867 469 608

APS: Emma Hess Tel: 0207 783 8128 Ext: 338128 email: emma.hess@education.gsi.gov.uk

Head of Director's Office: Catherine MacGruer Tel: 0207 3407381 Ext: 307381 email:

Catherine.macgruer@education.gsi.gov.uk



Education
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From: Cenric Clement-Evans [<mailto:cenric.clement-evans@new-law.co.uk>]

Sent: 07 October 2015 19:38

To: GREEN, Mike

Cc: Michael Lees (michael@lees1262.fsworld.co.uk); DANIELS, Richard

Subject: RE: Asbestos in Schools Wales

Dear Mr Green

I refer to my earlier emails. I have now heard from the Petitions Committee of the National Assembly for Wales that they are likely to seek oral evidence from me on the 20th October. They are also asking the Minister for Education and Skills to give evidence.

I refer to the decision with regards to the

Minister (<http://www.senedd.assembly.wales/ieListDocuments.aspx?CId=218&MId=3228&Ver=4>) please also see video <http://senedd.tv/Meeting/Archive/63d1511e-47ff-4cf0-9519-a16781928620?autostart=True#> 1 hr 07:18- which illustrates how seriously the issue is being taken.

I do hope that you are able to reply to me prior to the 20th October

Kind regards

Cenric

PS Michael Lees being appreciative of how busy you are suggested that I should copy in Mr Richard Daniels to the email

Cenric Clement-Evans

Senior Solicitor

D 0333 321 7959 Ext 4337

F 0845 521 0946

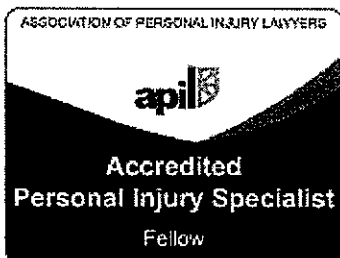
E cenric.clement-evans@new-law.co.uk

Helmont House, Churchill Way, Cardiff, CF10 2HE

www.new-law.co.uk

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From: Cenric Clement-Evans

Sent: 20 September 2015 21:23

To: 'Mike.GREEN@education.gsi.gov.uk'

Subject: RE: Asbestos in Schools Wales

Dear Mr Green

I refer to my email below. I felt it proper and in the interests of transparency to advise that I have forwarded a copy of the email to the Petitions Committee for the National Assembly. I have also invited the Chair of the Committee to write to you on the issue.

All this will be a matter of public record as the correspondence and minutes of the meeting of the Petitions Committee are posted in due course on the National Assembly Website. Indeed the meeting is broadcast live on the Assembly's website/

I am sorry to trouble you but felt I should update you appropriately.

Kind regards

Cenric

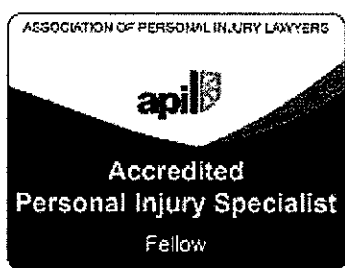
Cenric Clement-Evans
Senior Solicitor

D 0333 321 7959 Ext 4337
F 0845 521 0946
E cenric.clement-evans@new-law.co.uk

Helmont House, Churchill Way, Cardiff, CF10 2HE
www.new-law.co.uk

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From: Cenric Clement-Evans
Sent: 15 September 2015 18:59
To: 'Mike.GREEN@education.gsi.gov.uk'
Subject: Asbestos in Schools Wales

Dear Mr Green

It was good to meet you and hear you speak at last week at Michael Lees' retirement do. It was clear how important the issue of asbestos in schools is to you.

I am a spokesperson for the Right to Know Asbestos in Schools in Wales Campaign. (I am also a member of the Asbestos in Schools Group and attend Joint Union Asbestos Committee Meetings as an observer.)

The National Assembly for Wales Petitions Committee is presently considering my petition on the issue of asbestos in schools <http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lid=8437> You will see from the link that the Committee has considered the Petition and matters arising therefrom on a number of occasions. The Committee, which is made up of Assembly Members from all 4 political parties in the National Assembly accepts that asbestos in schools is an important issue. The Petitions Committee next meets on the 22nd September 2015.

An issue has arisen as to who is responsible for the issue of asbestos in schools in Wales. As you will know Health and Education are two areas where powers are devolved whilst Health and Safety remains an area for UK Government.

I will not trouble you with much detail, save to say that my concern is that someone should take responsibility for schools in Wales, whether that be UK Government or Welsh Government.

On the 6th May 2015 I wrote to the Petitions Committee referring to the Department for Education Asbestos in Schools Steering Group and I attach a copy of that letter. You will see that I urged that there be a similar Asbestos in Schools Steering Group set up by the Department for Education and Skills here in Wales.

You will see the Minister's response dated 16th July 2015, which I have only very recently received.

I am providing this information by way of background with a view to raising the following questions with you.

- Can you confirm for avoidance of doubt that the work of the Steering Group is ongoing?
- Have there been representations been to the Steering Group on behalf of schools in Wales (other than of course reference to issues arising from Cwmcarn High School)
- Does the remit of the Department for Education Asbestos in Schools Steering Group include schools throughout the UK or is it limited to schools in England only?
- If the remit of the group is limited to schools in England, could that be broadened to include schools in Wales?
- If so what would be required to enable this to happen, including presumably specific input from those with specific knowledge of the education system in Wales.

Please be assured that my requests are aimed at ensuring that the issue of asbestos in schools in Wales receives the same attention as those in England.

I look forward to hearing from you.

Many thanks

Cenric

Cenric Clement-Evans

Senior Solicitor

D 0333 321 7959 Ext 4337

F 0845 521 0946

E cenric.clement-evans@new-law.co.uk

Helmont House, Churchill Way, Cardiff, CF10 2HE

www.new-law.co.uk



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Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref HL/00117/16

Julie Morgan AM
Assembly Member for Cardiff North
National Assembly for Wales
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

julie.morgan@assembly.wales

1 February 2016

Dear Julie

Thank you for your email of 22 January in which you asked for more details about the working group, its terms of reference and links with the Department of Education Asbestos in Schools Steering Group.

The Asbestos Management in Schools Working Group met on 25 January, and I can confirm that at present the group comprises representatives from HSE Wales, Public Health/NHS Wales and the Welsh Government. Following group discussions it was agreed that at guidance and policy decision stages additional key stakeholder groups should be consulted, including the teaching unions.

With respect to the terms of reference for the Working Group, these are to review the current guidance for Asbestos Management in Schools and update when and if required; review and discuss the ongoing work of the English government on asbestos in schools; and make recommendations where appropriate for new policy strands in this field.

I have instructed my officials to continue to liaise with colleagues in England so that we are informed of developments in their on going work, which will include attending the Asbestos in School Steering Group meetings.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

English Enquiry Line 0300 0603300
Llinell Ymholiadau Cymraeg 0300 0604400
Correspondence.Huw.Lewis@wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I hope this clarifies the situation for you and your constituent.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Huw Lewis'.

Huw Lewis AC / AM

Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

DfE Terms of Reference for Steering Group on Asbestos in Schools

22 February 2011

1. Aims

- 1.1. To promote the effective management, by schools and by local authorities, of asbestos in schools and other children's settings.
- 1.2. To raise awareness of and promote the need to ensure proper management of asbestos in schools and other children's settings.
- 1.3. To contribute to the development of guidance and targeted training materials on asbestos management for school and Local Authority staff.

2. Terms of Reference

- 2.1. To consider the risks posed by asbestos in schools and other children's settings
- 2.2. To contribute to the development of the DfE/HSE/Partnerships for Schools (PfS) plans to ensure that asbestos is competently managed in schools.
- 2.3. To review progress against DfE/HSE/PfS plans to promote the effective management of asbestos in schools.
- 2.4. To ensure that key stakeholders are informed of relevant work that is undertaken to ensure that asbestos is managed effectively in schools.
- 2.5. To provide input to DfE, PfS and HSE in the preparation of any asbestos guidance that may be drafted specifically for schools and children's settings.
- 2.6. To promote good practice in asbestos management in schools by local authorities, dioceses, school governors, bursars and school business managers, parents' groups and the teaching and support staff unions – in the independent and maintained sectors.
- 2.7. To share good practice in documentation and systems in place to effectively record and manage the risks from asbestos in schools.
- 2.8. To provide an input into the development of any common standards, tools or documentation for schools, governors, dioceses and local authorities on asbestos management.

3. Membership

- 3.1. The group is convened by DfE and chaired by a senior civil servant from DfE. The group will report to ministers and make recommendations about ongoing activities, as necessary.
- 3.2. Membership of the steering group is made up of the following key representatives of organisations and invited stakeholders.

- 3.3. Annette Brooke, MP for Mid Dorset and Poole, Chair of Asbestos in Schools sub-Committee of The All-Party Parliamentary Group on Occupational Safety and Health
- 3.4. Teaching union representative, rotated between the unions
- 3.5. Non teaching union representative, rotated between the unions
- 3.6. Employers' representative, nominated by Local Government Employers (LGE)
- 3.7. Asbestos management representative - Chair of Asbestos Testing and Consultants Association (AtaC)
- 3.8. A local authority officer with relevant responsibilities, for asbestos management in schools
- 3.9. Jim Sheridan, Chair of the All-Party Parliamentary Group on Safety and Health
- 3.10. Michael Lees (representing asbestos victims)
- 3.11. Representative from the Independent Schools Bursars Association
- 3.12. Representative from the National Association of Head Teachers
- 3.13. Representative from the National Governors Association has been invited
- 3.14. Co-opted expert members if and when required
- 3.15. DfE, HSE and PfS will be invited to meetings as policy leads and technical experts, to update the project board on progress and to respond to issues raised.
- 3.16. Representative from the National College for Leadership in Schools and Children's Services when its role as trainer of headteachers and school business managers is on the agenda.

4. Meetings and Procedures

- 4.1. PfS will provide secretarial support.
- 4.2. Meetings to be arranged as required. Initially two quarterly meetings and then 6 monthly or as required.
- 4.3. Members of the Steering Group may send deputies with agreement of the chair.



Education
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Asbestos in schools data collection

Guidance on completing the online form

January 2016

Summary

About this guidance note

This guidance is to support the '[Asbestos in schools – data collection exercise](#)'. It aims to support headteachers in completing the online form. This guidance has been produced by the Department for Education and is non-statutory.

Expiry or review date

This advice will be withdrawn following the end of the data collection exercise in March 2016.

Who is this advice for?

This guidance is for headteachers (or their equivalent) in all maintained schools, academies, university technical colleges, studio schools, sixth-form colleges and free schools.

Background

In March 2015 the department published a [review of its policy on asbestos management in schools](#). This survey follows on from an action in the review to collect more data about how asbestos is managed in schools. This will help to raise awareness in schools of the importance of asbestos management and help us to understand how we can support schools better in the future.

As a result of the review, the department also published advice for school leaders, governors, local authorities and academy trusts on how to manage any asbestos they had within their buildings, entitled '[Managing asbestos in your school](#)'. The guidance built upon the work done by the Health and Safety Executive (HSE) and the explanatory memorandum and other supporting documents relating to the [Control of Asbestos Regulations 2012](#).

Data collection survey questions

The survey questions have been designed to be as clear as possible. This guidance note is to help you understand the reason we are asking the question, where the information can be found and where to look in existing guidance for further information. You may find it helpful to have a copy of your asbestos management documentation survey in front of you.

Your responses should reflect the position at your school on the day you submit the survey using the [online form](#). The closing date is 29 February 2016.

Question 1a - Do your school premises contain asbestos?

and

Question 1b - How do you know your school premises do not contain any asbestos?

The majority of schools built before 2000 used asbestos in their construction. Where the asbestos is clearly identified and appropriate plans are in place, this need not present any difficulties for the school or those who work within the building.

If you have been informed that the school was constructed without asbestos, you should hold written evidence to this effect. If you are in any doubt then an appropriate survey (most likely a 'management' type survey as described in the HSE guidance, '[Asbestos management survey](#)'), should be carried out to determine if there are (or is a risk of) any asbestos containing materials within any of the buildings.

More information can be found on page 7 of '[Managing asbestos in your school](#)'. Useful information can also be found on the [HSE website](#).

Question 2 - Who is responsible for managing asbestos in your school?

Legislation defines the duty holder responsible for managing asbestos. This is typically the employer. Page 6 of the '[Managing asbestos in your school](#)' guidance helps to clarify this for different types of schools. For this question we are asking you to identify who has responsibility for day to day management of the risks associated with any asbestos present in your building(s).

Question 3 – Has your school had an asbestos management survey carried out for all buildings which may contain asbestos (ie a nonintrusive survey to inform your day to day management of asbestos)? Please provide the date of the last 'management' survey for the school.

The asbestos management survey is the main tool by which schools identify any asbestos containing materials during the normal occupation and use of the school premises. The survey should be conducted in accordance with HSE guidance. Page 7 of the '[Managing asbestos in your school](#)' guidance provides some additional detail and the HSE publication '[Asbestos: the survey guide](#)' contains guidance about the requirements of asbestos surveys.

If your school has a more recent refurbishment or demolition survey, you should indicate the date in your answer.

Question 4 - Do you have an asbestos register for your school? Please provide the date it was last reviewed and/or updated.

One of the outputs of the management survey is a register which records the location and condition of the asbestos in your building. The register should be reviewed regularly (annually is recommended). It should be updated whenever work is carried out which affects its contents.

Question 5 - Do you have a written asbestos management plan for your school? Please provide the date it was last reviewed and/or updated.

Your asbestos management plan (AMP) is made up of;

- the information in your up to date asbestos register
- your rating of the risk of any identified asbestos, given the location and context
- your plan to manage the presence of asbestos and activities which happen near it to ensure the safety of building occupants.

Details of how to make an assessment of risk, including the factors you should take into account, can be found on page 8 of the '[Managing asbestos in your school](#)' guidance. An example scoring system, created by the HSE, can be found on their [website](#). An example AMP can be found on the [HSE website](#).

Question 6 - Are there processes and procedures in place detailing the control measures to prevent disturbance of any known asbestos containing materials?

Generally speaking, if asbestos in your school building is in good condition and is unlikely to be damaged or disturbed, then it is usually safer to leave it in place and regularly monitor its condition.

For this reason, it is essential that plans are in place to avoid disturbance and this should be an important part of the school's AMP. Information on this and the other main elements can be found on page 9 of the '[Managing asbestos in your school](#)' guidance.

Question 7 - Do you have a process to ensure that anyone who may disturb asbestos in the school, including building contractors and those performing activities such as IT installations, has received information regarding the presence (or potential presence) of asbestos?

Precautions should be put in place to ensure anyone employed by the school, or who comes to carry out any work on the premises, does not start before they are given the information about any asbestos present. The information should be supplied well in

advance of work starting so that the correct precautions can be implemented. Detail on the factors that need to be taken into account are given on page 11 of the '[Managing asbestos in your school](#)' guidance.

Question 8 – Does your school have a caretaker or facilities manager?

and

Question 9 - Which school staff have you made aware of the asbestos risks identified in the asbestos register?

Most teachers and school staff are not directly involved in managing the buildings or carrying out repair or maintenance work. Where staff may be at risk of exposure to asbestos, they will need to know the location of any asbestos containing materials (ACMs) and how they can be damaged or disturbed. For example, by pupil's work being pinned to walls or through unruly behaviour of pupils. You must instruct all staff to report damage or deterioration of school fixtures or fittings that could lead to the release of asbestos fibres.

Question 10 - Which members of school staff, if any, have undertaken asbestos awareness training?

It is essential that you make sure all relevant staff and other workers in your school receive the right information, instruction and training and are clear what precautions they should follow. This will include caretakers and maintenance staff, and could include any member of the school staff that may damage ACMs. The level of training/information given will vary depending on the level of work to be undertaken. Appropriate plans for communicating the risk should form part of any AMP:

Awareness training – this is for staff whose work could expose them to asbestos while carrying out their everyday tasks. Awareness training is not sufficient for staff planning to carry out any work on ACMs.

Training for work with asbestos that does not require a licence from HSE – this is for staff who plan to carry out any work on ACMs where the likelihood of exposure is much higher, eg installing cables in areas containing undamaged asbestos materials.

Training for asbestos work that does require a licence from HSE – this includes most work on asbestos insulation, asbestos insulating board and lagging, including sealing and removal. Licensed contractors must carry out most work with these higher risk ACMs.

All responses should be made via the [online form](#). The closing date is 29 February 2016.

Further information

Useful resources and external organisations

[HSE guidance on asbestos in schools](#)

[HSE asbestos management checklist for schools](#)

[Department for Education 'Managing asbestos in your school'](#)

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Department
for Education

Managing asbestos in your school

**Departmental advice for school leaders,
governors, local authorities and academy
trusts**

March 2015

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Summary

About this departmental advice

This is advice from the Department for Education. This advice is non-statutory, and has been produced to help readers understand their obligations and duties in relation to asbestos management in schools. This advice is intended to provide an accessible overview of asbestos management. It is intended to complement rather than replace more detailed or tailored technical or specialist advice which you may need in order to ensure asbestos is being managed properly in your school.

Expiry or review date

This advice will next be reviewed before March 2016.

Who is this advice for?

This advice is for school leaders, staff and governing bodies working in schools that contain asbestos.

Main points

Your school buildings may contain asbestos if any part of them was built before 2000. It is extremely important that any asbestos present in your school is managed properly. If you do not follow the steps set out in this advice, you may put the future health of your staff and pupils at risk. You could also face prosecution, by failing to comply with the [Control of Asbestos Regulations 2012](#).

You should take the following steps to manage the asbestos in your school:

1. Have a 'management survey' of asbestos-containing materials (ACMs) in your school
2. Assess the risks associated with ACMs in your school
3. Devise a plan for managing asbestos in your school
4. Make sure staff and visitors know the risks and precautions they need to take
5. Keep the management of asbestos in your school under review

If you need to undertake any refurbishment work in a building that contains asbestos you may need to commission a 'refurbishment and demolition survey' which will give you a more detailed understanding of the asbestos present in the building.

If there is an incident of asbestos exposure at your school you should take the necessary steps to ensure that everyone is safe and, unless the incident is very minor, you will need to report it to the Health and Safety Executive.

Asbestos in your school can put staff, pupils and visitors at risk

The majority of school buildings contain asbestos. If managed carefully, the presence of asbestos in your school will not pose a risk to your staff and pupils. However, poor management of asbestos in your school could endanger lives.

If materials containing asbestos are disturbed or damaged, asbestos fibres can be released into the air and breathed in by staff and children. This puts them at risk of contracting a number of serious diseases in later life, including mesothelioma and lung cancer.

The activities most likely to lead to the disturbance of asbestos-containing materials (ACMs) in schools are building and maintenance work. However, ACMs can also be disturbed through vandalism, accidental damage and boisterous behaviour.

The relative risks of asbestos exposure in a school setting and the question of whether children are intrinsically at greater risk than adults are not fully understood. However, the Department of Health's Committee on Carcinogenicity concluded that, due to their increased life expectancy compared to adults and the long latency period for the disease to develop, children have an increased lifetime risk of developing mesothelioma if exposed to a given dose of asbestos.

Key Resources:

[HSE website asbestos pages](#)

[HSE video: an asbestos victim's story](#)

Responsibility for the safe management of asbestos in your school

The legal responsibility for the safe management of asbestos lies with the 'duty holder'. The duty holder is the person responsible for maintenance and/or repair of the school – typically the employer. For community schools, community special schools, voluntary-controlled schools, maintained nursery schools and pupil referral units, the employer is the local authority. For academies, free schools, voluntary-aided and foundation schools, it will be the school governors. For independent schools, it may be the proprietor, governors or trustees.

In situations where budgets for building management are delegated to schools by the local authority, the duty to manage asbestos will be shared between schools and the local authority.

Even if you are not the legal 'duty holder' in your school, it is still your responsibility to play your part in the safe management of asbestos, just as head teachers and school leaders support the employer in a large number of other statutory responsibilities.

The law requires the employer to consult with employees on matters that affect their health and safety, including asbestos management. Union safety representatives can use their regular health and safety inspections to raise awareness of asbestos and discuss concerns with their members and management.

If you do not follow the steps set out in this advice, you may put the future health of your staff and pupils at risk. You could also face prosecution, by failing to comply with the Control of Asbestos Regulations 2012.

Key Resources:

[Who is the duty holder for your school?](#)

[The Control of Asbestos Regulations 2012](#)

[HSE enforcement policy](#)

[Advice on health and safety for schools](#)

[Consulting workers on health and safety](#)

Day-to-day management of asbestos in your school

Step 1: Conduct a management survey of asbestos-containing materials in your school

You will need to carry out an asbestos 'management survey' to identify those ACMs in your school which may be disturbed in the course of routine maintenance or everyday activities. You need to do this for all buildings constructed before 2000, including new buildings with residual elements of pre-2000 buildings. This survey must be comprehensive and systematic, establishing the location, type and condition of ACMs. The aim of the survey is to produce an asbestos register, which records the location and condition of the asbestos in your building. It should be conducted in accordance with HSE guidance and undertaken by a United Kingdom Accreditation Service (UKAS) accredited surveying organisation.

The survey will look in all accessible places, including above the ceilings and in floor ducting. This may require some minor intrusion into the fabric of the building and the taking of samples to identify if materials contain asbestos. However, to avoid the spread of any asbestos fibres, disturbance should be kept to the minimum level necessary to undertake the survey. This means your management survey will only tell you about ACMs that are easily accessible. It is only suitable for managing asbestos during the normal occupation and use of your school. If you undertake any building works in your school, you may need a 'refurbishment and demolition' survey of the areas where the work is to take place in order to identify the presence of less easily accessible asbestos (see pages 11-12).

Schools may find it helpful to arrange for the surveyor to meet with school staff, for example the headteacher, to brief them on the survey once it is completed and advise them on the risks presented by the materials and how they should be managed. You can have these meetings included within the surveyor's terms of appointment.

Key Resources:

[HSE guidance on management surveys](#)

[Asbestos: the survey guide](#)

[The United Kingdom Accreditation Service \(UKAS\)](#)

Step 2: Assess the risks associated with asbestos-containing materials in your school

Once the management survey is complete, you must assess the risk associated with each identified occurrence of asbestos in the school as part of the Asbestos Management Plan (AMP, see page 9).

The assessment has three parts:

- i. **'Material' assessment** – this is usually provided within the survey and is an assessment of each item of asbestos material identified based upon the type of material, the type of asbestos it contains, its surface treatment and the extent of damage.
- ii. **'Priority' assessment** – this is your assessment of the likelihood of someone disturbing the material based upon factors such as the number and type (e.g. children) of people using the room, the time they spend in the room, the location, accessibility and extent of the asbestos and the frequency and type of activity that might disturb it.
- iii. **'Total' assessment** – the assessment from the Material and Priority assessment are combined to give the total risk assessment. This allows a comparison to be made of the risk presented by each item of ACMs in the building so that priorities can be set and plans made for managing the materials.

The HSE offers an example scoring system for the risk assessment (see 'Key Resources' box, below).

It is important that you – as the head teacher or leader of your school – work with your asbestos surveyor to establish the risk that ACMs will be disturbed. When considering the likelihood of disturbance it is important to recognise the use of the location and the people who may be present. Children may be more likely than adults to engage in activities that may disturb or damage ACMs – for example playing football in a corridor with asbestos ceiling tiles during unsupervised or unruly activities.

Key Resources:

[Example scoring system](#)

['Managing my Asbestos'](#) A step by step guide produced by HSE

['The comprehensive guide to managing asbestos in premises'](#) – A worked example of a priority assessment for a primary school can be found on pages 55 – 58 of this document.

Step 3: Devise a plan for managing asbestos in your school

Once you have established where in your school there are ACMs and assessed the associated 'Total' risk, you must plan how you will manage the risks and put those plans into action. The plans should include how you will communicate with and train relevant staff members regarding the risks. Your completed register with the risk rating of identified asbestos types and locations plus risk assessments and action plans will be your Asbestos Management Plan (AMP).

If asbestos in your school building is in good condition and is unlikely to be damaged or disturbed then it is usually safer to leave it in place and regularly monitor its condition. A change of circumstances (such as change of building use) will require a review of the AMP. If any ACM is in bad condition or at risk of being damaged or disturbed, professional advice should be sought regarding necessary remedial works, which may include encapsulating or removing the asbestos.

Your AMP will include details of:

- your plans to manage the risks from ACMs in the school on a day-to-day basis;
- arrangements to inform all staff and contractors about the location of ACMs;
- measures that need to be taken to prevent disturbing them;
- your plans to check for less easily accessible ACMs where intrusive work is planned; and
- the schedule for monitoring the condition of ACMs.

The AMP will need regular reviews and updates (see page 10).

Your management arrangements must also be effective during school closure periods when school staff presence is minimal.

Key Resources:

[An example AMP](#)

Step 4: Make sure staff and visitors know the risks and precautions they need to take

Everyone in your school management chain will have a part to play in making sure asbestos is managed effectively on your school premises. It is essential that you make

sure all relevant staff and other workers in your school receive the right information, instruction and training and are clear what precautions to follow. This will include caretakers and maintenance staff, and could include any member of the school staff that may damage ACMs. The level of information, instruction and training required will depend on the type of work being done.

Most teachers and school staff are not directly involved in managing the buildings or in carrying out repair or maintenance work. However, they will need to know the location of any ACMs and how they can be damaged or disturbed – for example, by work being pinned to walls or through unruly behaviour of pupils. You must instruct all staff to report damage or deterioration of school fixtures or fittings that could lead to the release of asbestos fibres.

You will also need to inform visitors to the school, for example contractors, of areas they should avoid or any other instructions they should follow.

Key Resources:

You can review how your school is performing on asbestos management by using the [Health and Safety Executive \(HSE\) checklist](#)

[Advice on information, instruction and training](#) is also available on the HSE website

Step 5: Keep the management of asbestos in your school under review

You will need to keep your Asbestos Management Plan under review. You must update it if:

- you get new information, for example from 'refurbishment and demolition' surveys;
- work is undertaken on ACMs;
- damage occurs; or
- ACMs are removed.

Your asbestos register should be used to record the regular inspections carried out by school personnel to check on the condition of ACMs. You should ensure that your register is reviewed at least annually. Any changes to the asbestos register or your Asbestos Management Plan will need to be communicated to all relevant staff.

Managing asbestos when building or maintenance work needs to be done

There are specific actions you must take where work is carried out on the premises which might disturb ACMs (including upgrading, refurbishing or demolishing). This includes any work that intrudes on the fabric of your building, whether it is small-scale repair work carried out by your own staff or a large-scale project that is being contracted out.

As your management survey will only have covered readily accessible areas, it may not have identified all of the ACMs that could be present. You will need to determine whether there is a risk that the work might disturb hidden ACMs. If so you may need to arrange for a 'refurbishment and demolition' survey to be carried out in the area where the work is to be done. This is a more intrusive type of survey which should be done under controlled conditions. It is unlikely to be appropriate for it to be done in occupied areas.

You must pass on the findings of both types of survey to those who will eventually be doing the work. You should also make sure that they understand and will take the information into account so that they use the correct risk control measures throughout the work.

Some small, short duration tasks can be carried out by non-licensed workers provided they have received appropriate information, instruction and training and the correct risk control measures are used. However, you must ensure that higher risk work, such as removal of asbestos lagging and loose insulation, is done by a contractor licensed by the HSE. You may need to notify the HSE of some types of non-licensed work. Advice on the types of work considered to be licensable and non-licensable, notifiable and non-notifiable is available on the HSE website (see key resources, below).

Waste materials containing asbestos must be disposed of as hazardous waste. If you have contracted the work out disposal is the responsibility of the contractor, although you will have responsibility for obtaining a waste consignment note to confirm that the asbestos was appropriately disposed of. If the work is carried out by in-house staff you will be responsible for ensuring any waste is disposed of safely.

Key Resources:

[Advice on licensable work with asbestos](#)

[Advice on non-licensed work with asbestos](#)

[Information on disposing of asbestos waste](#)

Key Resources:

Funding for the repair or maintenance of school buildings

Depending on the status of your school, the Government allocates funding for maintenance works, including work on asbestos, differently.

If your school is local authority maintained, a voluntary aided school or in a larger multi-academy trust, money is allocated to the body responsible for maintaining the school. More information about these allocations can be found on [GOV.UK](https://www.gov.uk).

Smaller or standalone academy trusts and sixth-form colleges bid for capital funding through the [Condition Improvement Fund](#).

What to do if things go wrong

If something goes wrong and you find that there has been or may have been an unplanned disturbance of asbestos in the school you should:

- stop any activity in the affected area immediately;
- remove everyone from the affected area;
- Ensure that staff and pupils are not able to access the area and do not remove any items including equipment, books or personal possessions from the area;
- Get advice from an asbestos expert regarding any necessary remedial action; and
- Prevent access to the area until any necessary remedial action has been taken.

Unless the incident is very minor, notify the HSE. This is a legal requirement under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

Contractors carrying out work in the school should have procedures in place to deal with an unintended or unexpected release of asbestos. You should be advised of any such release, so that appropriate measures (including those set out above) can be taken as necessary.

People who have been exposed to asbestos are understandably anxious about the possible effects on their health. If staff, pupils, or their parents, are concerned about their exposure they should consult their GP.

Your school's asbestos management plan should detail the procedures for staff to follow in the event of an asbestos incident, and you must communicate this clearly to all staff.

Key Resources

[HSE asbestos checklist](#)

[HSE asbestos checklist frequently asked questions](#)

[HSE asbestos advice](#)

[HSE RIDDOR webpages](#)

[National Association of School Business Management](#)

[Joint Union Asbestos Committee](#)

[United Kingdom Accreditation Service](#)



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