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Quick Search

Search

**Parliamentary
Business**

Visit, Learn,
Interact

MSPs

News, Media
& Events

About the
Parliament

[Home](#) > [Parliamentary Business](#) > [Committees](#) > [Public Petitions](#) > [Meeting Papers](#)
> [Contents](#) > [..back](#)

Public Petitions Committee Official Report 8 September 2009

Col 1901

Scottish Parliament

Public Petitions Committee

Tuesday 8 September 2009

[THE CONVENER *opened the meeting at 14:00*]

New Petitions

Col 1925

School Buildings (Asbestos Management Plan) (PE1268)

The Convener: The final petition that is concerned with this broad theme of schools is PE1268, by Catherine Mitchell on behalf of St Gilbert's primary school and all schools in the west of Scotland. It calls on the Scottish Parliament to urge the Scottish Government to take action against local authorities that have failed to implement a robust asbestos management plan and procedures for school buildings that contain asbestos and to ensure that parents and teachers who require information that is held by local authorities about asbestos in school buildings have full access to it.

The petition is broadly related to the previous two petitions, but it concerns a specific issue about asbestos in a school that pupils were sent to after they left a school that was closing.

I invite Paul Martin, the petitioner's local MSP, and Bob Doris to speak to the committee on the matter.

Paul Martin: I agree with Catherine Mitchell's sentiments. During the process of the closure of St Gilbert's school, she became a serial maker of requests under the Freedom of Information (Scotland) Act 2000—the legislation enabled parents to submit such requests, and she was entitled to the information that she gained access to.

During the process, Catherine Mitchell identified some deficiencies in the provision of information to parents. For example, she was denied information on air quality tests when she sought access to it. Local authorities need to learn that, the more information that is withheld from parents during such a process, the more concerned parents become about that information. One purpose behind the freedom of information legislation was to ensure that the public have free access to information so that they do not believe that some sort of conspiracy is going on.

I do not think that the local authority had any ill will towards anyone—although Catherine Mitchell would probably disagree with me. I think that the local authority was sometimes unclear about what information it could release. From the outset, I took the view that parents should be provided with whatever information they need to enable them to feel reassured. Parents should have access to the information that the local authority has access to.

We have to realise that there is asbestos in a number of our public buildings and that, as Catherine Mitchell says, there should be a regime in place to ensure that people can get access to information on it. That is particularly important with regard to school buildings. Parents have

Col 1926

unprecedented access to information through the internet, and they are more aware of issues relating to asbestos, which means that they can become more alarmed. They become concerned when they are not provided with detailed or even basic information, and we need to proceed with caution in that respect.

Catherine Mitchell was concerned about asbestos in the receiving school. As I said to her, I respect her right to request information about asbestos—and I certainly think that she should have got it—but the asbestos situation in St Philomena's is no different from that in a number of schools and, indeed, public buildings throughout Glasgow. It is not that the school, which is a good one, has a specific problem with asbestos; the issue was about the removal of asbestos, which as I say is no different from the situation in any other school that requires modification.

Bob Doris: You will be glad to hear that on this occasion I do not have a lengthy prepared statement—although if you want one, I am sure that I can provide it. I, too, know Catherine Mitchell very well and pay tribute to her hard work. She has her own folder in my inbox for all the e-mails that she sent me during her months of campaigning.

Local authorities do not do themselves any favours by keeping secret information that does not need to be kept secret. They should have everything organised. I am not clear about the seriousness of the asbestos issue in this case, but I know that when we cannot reassure parents they get worried and start to lose trust. If local authorities need to build up anything, it is trust with regard to children's safety. In that respect, I certainly endorse Catherine Mitchell's suggestion to the committee.

John Wilson: Catherine Mitchell must be commended. It seems to me that, in campaigning against the closure of St Gilbert's primary school, she identified an issue at St Philomena's. However, she has not targeted that school in the petition, which simply calls for an investigation into the level of asbestos in the school estate in the west of Scotland. As Paul Martin has pointed out, that is a much wider issue that involves not only the school estate but public buildings throughout Scotland.

It would therefore be remiss of us not to ask the Scottish Government about what local authorities—and indeed the Government itself—have done to identify primary and secondary school buildings in the west of Scotland whose fabric might still contain asbestos. As Paul Martin made clear, a lot of concern has been expressed about the amount of asbestos in such buildings, particularly primary schools where young children are in their developmental stage. Any teacher or

Col 1927

worker in a school could cause asbestos dust to be released simply because the proper assessments have not been carried out and the appropriate responses have not been made. It is incumbent on the Government to urge local authorities to carry out such reviews urgently.

We should also write to the Health and Safety Executive. After all, given its statutory role of ensuring that schools and buildings are safe and fit for purpose, it should be carrying out its own investigations into buildings that contain asbestos and whether there is any danger of such material being released.

The Convener: I am conscious of the time. As everyone agrees that we want to explore the issues raised in this petition, I think that, unless anyone else has a pressing point, we should simply agree to take the petition forward.

Anne McLaughlin: I will be quick, convener. I echo what everyone has said, but the fact is that Catherine Mitchell would not be happy if I did not put on record my absolute support for her. Like some modern-day Erin Brockovich, she became a serial e-mailer and FOI requester. She has done what she has done not for the good of her own health but for the good of the health of the children going to that school. I simply want to congratulate her and support everything that she is asking for.

The Convener: John Wilson has usefully set out the core suggestion. We will also ask a selection of local authorities about the robust management or assessment plans they have in place to deal with asbestos.

Do you want to make a final point, John?

John Wilson: I am sorry, convener. I assure you that this will be my final point.

As it has been suggested that we contact certain local authorities with regard to the two previous petitions, I wonder whether we should spread things out a bit with this petition and target other local authorities instead of simply hitting the same local authorities with several requests for information.

The Convener: Okay. I thank the two parliamentarians who have expressed interest in these petitions for attending this afternoon. We will see what journey the petitions take through the process.

We will have a brief comfort break and reconvene in about five or six minutes.

15:25

Meeting suspended.

Col 1928

15:34