

## **AiS and JUAC Recommendations**

### **DfE review of asbestos policy in schools**

The following are recommendations from the Asbestos in Schools Group and the Joint Union Asbestos Committee. The background for the recommendations is given in their submissions to the DfE asbestos policy review<sup>1</sup>:

#### **Long term strategic policies**

- It is recommended that DfE adopts long term strategic policies for asbestos in schools.
- It is recommended that all political parties work together to achieve the aim of making schools safe from the dangers of asbestos.

#### **Increased risks to children**

- It is recommended that the conclusion of the CoC that children are more vulnerable to asbestos exposure than adults should underlie all Government decisions and policy for asbestos in schools.
- It is recommended that DfE and HSE should no longer categorise schools as 'low' risk, 'low' hazard environments.

#### **Training**

- It is recommended that, for practical and legal reasons, mandatory asbestos training is introduced for governors, headteachers, teachers and support staff with the training tailored to the role of the individual.

#### **Manage or remove**

- It is recommended that the review examines HSE's assumption that teachers and support staff do not disturb asbestos.
- It is recommended that the policy review examines the evidence whether it is safer for children leaving asbestos in place in schools than removing it, and then reconsiders DfE policy.
- It is recommended that a long term policy is adopted for the progressive removal of asbestos from schools, identifying and then prioritising those schools with the most dangerous asbestos.

#### **Assessment of scale of problem and costs**

- It is recommended that data is collated on DfE's Asset Management Software on asbestos in schools, so that the overall scale of the problem is known and those schools and local authorities with the worst asbestos problems can be identified. This would allow the government to make sound, long term financial forecasts. It would enable them to allocate proportionate resources so that the limited funds are targeted for maintenance, refurbishment or replacement at those schools in the greatest need and those that present the greatest risk.

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<sup>1</sup> AiS response to the DfE Asbestos policy 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)

JUAC response: [http://juac.org.uk/?page\\_id=458](http://juac.org.uk/?page_id=458)

- It is recommended that in addition:
  - A calculation is made of the costs of leaving asbestos in place and managing it for the remaining life of the buildings.
  - An assessment is made of the likely number of staff and pupils who will die from mesothelioma from their asbestos exposure in schools.
  - An estimate is made of the cost of a policy of progressive removal.
- A cost benefit analysis should be carried out once the estimates and sufficient data is available. This should support the allocation of funding and the development of a strategic plan. The analysis should be open to parliamentary and public scrutiny.
- It is recommended that DfE builds up a data bank of typical costs incurred during building maintenance and refurbishment work because of the presence of asbestos. This will enable more accurate financial forecasts to be made for future projects.
- It is recommended that the review examines the evidence of risk from asbestos and advises the Minister that funding is needed so that DfE are able to provide the right level of support to ensure that schools are made safe.

#### **Policies of other countries and the EU**

- It is recommended that the review compares Britain's policies in schools against worldwide best practice including:
  - The Australian National Strategic Plan for asbestos that gives priority to schools and establishes systems, timelines and processes for the safe removal of asbestos materials.
  - The strategic policies and practice in the USA.
- It is recommended that the DfE policy review notes the strong support for the 2013 EU asbestos bill in the European Parliament. It is further recommended that the UK Government gives the bill its backing.

#### **Fibre levels and Air sampling**

- It is recommended that workplace fibre control levels are not applied to children in schools.
- It is recommended that an environmental level is introduced for schools.
- It is recommended that further trials are carried out to perfect the methodology for widespread air sampling in schools.

#### **Proactive inspections**

- As schools are expected to manage their asbestos then inspections are a proven means of ensuring they do. It is recommended that pro-active inspections should be reinstated in all schools to determine the standards of asbestos management. This would identify those schools where asbestos is not being effectively managed, and allow advice to be given to bring them up to satisfactory standards.

## **DfE Asbestos Steering Group**

- It is recommended that the DfE Asbestos Steering Group continues so long as asbestos remains in schools.

## **Guidance and Regulations**

- Some guidance and regulations designed for adult workplaces can place the occupants of schools at risk. It is recommended that guidance and regulations are drafted specifically for schools taking into account the increased risk to children.

## **Risk assessment for asbestos materials**

- It is recommended that asbestos insulation board in places that are vulnerable to damage from children should not be classed as low or medium risk. The end result is that schools are considered to have good asbestos management, when in reality the management is unsafe.
- It is therefore recommended that AIB accessible to pupils should be classed as 'High' risk.
- All AIB in places accessible to children in schools should be either enclosed or preferably removed.
- The risk algorithms carried out after an asbestos survey fails to take account of the increased risks to children, fails to give sufficient weight to the increased risk from amosite and crocidolite and fails to give sufficient weight to AIB in locations vulnerable to damage from children. It is recommended that a review should be undertaken of Material, Priority and Total Risk Assessments for schools.
- Clear guidance should be included on the DfE web-site about how to calculate the risk assessments.
- The guidance should include scores for Total risk assessments for High, Medium and Low risks.

## **System built schools**

- Guidance on the measures to be taken to inhibit the release of amosite fibres in system built schools is flawed. The present measures for managing asbestos are unsafe. It is recommended that the guidance is reviewed and revised.
- It is recommended that the review examines the long term strategic proposal of Nottinghamshire County Council that in the long run it is more cost effective, and safer, to demolish CLASP buildings than refurbish them. The review should also consider the proposal with other types of system built buildings.

## **Areas of responsibility**

- There is a role for a number of government departments in helping support schools in managing asbestos effectively. It is recommended that DfE positively takes the lead and coordinates the other departments.
- It is also recommended that each of the government departments that have a part to play puts in writing a clear statement that shows which department is responsible for each of the many facets involved in ensuring that children and staff are safe from the dangers of asbestos in schools. It should show who has the lead, who makes policy, who advises, who regulates, who carries out inspections and who is responsible for funding.

- It is recommended that the disagreement over responsibility for asbestos policy and management in Welsh Schools is urgently resolved.
- It is further recommended that a clear statement is made in each of the UK countries which Government and which government departments are responsible for asbestos policy, the safety of staff and pupils and the management of asbestos in schools.

### **Insurance and Retention of documents**

*(Note: Since this paper was written we are pleased to say that the Government have announced that they are introducing a central fund that will provide asbestos risk cover for pupils and non-employees in academies and free schools. Therefore the following recommendations on insurance have now been met for academies and free schools, which were the main concern:*

- *In general, asbestos risk public liability insurance is not available for pupils and non-employees in schools. If asbestos management is to be a viable option then there is a practical and moral obligation on the Government to ensure that there are means in place to meet any future claims. It is recommended that the policy review examines the problems associated with asbestos risk insurance cover and resolves the following issues:*
  - *The Government's stated policy is transparency, so it has a duty to inform governors of academies and free schools that they could be legally and financially liable for future asbestos related claims.*
  - *Parents should also be told when their children are in a building that contains asbestos but there is no insurance cover for their children.*
  - *The laws on asbestos risk public liability insurance should be brought into line with the laws on employers' liability insurance so that for insurance purposes the injury occurred at the time of exposure.*
  - *DfE should liaise with the insurance industry to ensure that all policies are worded so that it is clear whether or not future asbestos related claims from pupils and non employees will be met.)*
- Due to the long latency of asbestos diseases it is at times only apparent that exposure has occurred many years later, however it is often found that local authorities and schools have destroyed asbestos surveys, registers and management plans. It is recommended that a mandatory time period is set for schools and local authorities to maintain asbestos documents. It is suggested that for schools the minimum time period should be greater than the present 40 year retention period for asbestos medical records.

### **Openness**

- There is a lack of openness over asbestos in schools. Because of it there has been insufficient Parliamentary and public scrutiny of policy on asbestos in schools. If schools are to be made safe from the dangers of asbestos, it is recommended that the policy review impartially considers all the evidence and allows its conclusions be open to public and Parliamentary scrutiny.