



Public Petitions Committee Minutes of Proceedings

PE/S3/09/12/M

12th Meeting, 2009 (Session 3)

Tuesday 8 September 2009

Present:

Bill Butler

Marlyn Glen

Mr Frank McAveety (Convener) Anne
McLaughlin

John Wilson

Nigel Don

Robin Harper

Jamie McGrigor (Committee Substitute)

John Farquhar Munro (Deputy Convener)

Public Petitions Committee, TG.01, The Scottish Parliament, Edinburgh, EH99 1SP

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www.scottish.parliament.uk/s3/committees/petitions/index.htm

<http://scottishparliamentpetitions.blogspot.com/>

Also present: Jackie Baillie, Bob Doris, Willie Coffey, Christine Grahame, Paul Martin, Margaret Mitchell and Dr Richard Simpson.

Apologies were received from Nanette Milne.

The meeting opened at 2.00 pm.

1. Consideration of new petitions: The Committee considered the following new petitions—

[PE1268](#) Petition by Catherine Mitchell on behalf of St. Gilbert primary school and all schools in the west of Scotland, calling on the Scottish Parliament to urge the Scottish Government to take action against those local authorities who have failed to implement a robust asbestos management plan and procedures for school buildings containing asbestos and ensure that parents and teachers who require data about asbestos in school buildings held by local authorities have full access to this.

The Committee agreed to write to the Scottish Government, Health and Safety Executive and a selection of local authorities seeking responses to the points raised in the petition.

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Public Petitions Committee Official Report 8 September 2009

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Scottish Parliament

Public Petitions Committee

Tuesday 8 September 2009

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

New Petitions

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**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

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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.

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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.

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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.

<http://www.scottish.parliament.uk/s3/committees/petitions/or-09/pu09-1202.htm#Col1925>

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PUBLIC PETITIONS COMMITTEE
12th Meeting 2009, Session 3

CONVENER

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

DEPUTY CONVENER

*John Farquhar Munro (Ross, Skye and Inverness West) (LD)

COMMITTEE MEMBERS

*Bill Butler (Glasgow Anniesland) (Lab)

*Nigel Don (North East Scotland) (SNP)

*Marlyn Glen (North East Scotland) (Lab)

*Robin Harper (Lothians) (Green)

*Anne McLaughlin (Glasgow) (SNP)

Nanette Milne (North East Scotland) (Con)

*John Wilson (Central Scotland) (SNP)

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COMMITTEE SUBSTITUTES

Claire Baker (Mid Scotland and Fife) (Lab)
*Jamie McGrigor (Highlands and Islands) (Con)
Christina McKelvie (Central Scotland) (SNP)
Nicol Stephen (Aberdeen South) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Jackie Baillie (Dumbarton) (Lab)
Linda Burke (PAMIS)
Joyce Burns (PAMIS)
Willie Coffey (Kilmarnock and Loudoun) (SNP)
Bob Doris (Glasgow) (SNP)
Christine Grahame (South of Scotland) (SNP)
Ian Hood (Learning Disability Alliance Scotland)
Paul Martin (Glasgow Springburn) (Lab)
Margaret Mitchell (Central Scotland) (Con)
Dr Richard Simpson (Mid Scotland and Fife) (Lab)

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERKS

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Franck David
Linda Smith

LOCATION

Committee Room 1



The Scottish Parliament
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PUBLIC PETITIONS COMMITTEE

Catherine Mitchell

By email

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9 September 2008

Dear Ms Mitchell

CONSIDERATION OF PETITION PE1268

The Public Petitions Committee considered the above petition at its meeting on Tuesday 8 September.

The attached Petition Action Sheet has been updated to show questions which the Committee has raised with appropriate organisations as a result of their discussion at that meeting. These organisations have been asked to respond by 23 October and, when their responses have been received, I will forward them to you for your comments before the petition is brought back before the Committee.

For your information, a copy of the Official Report of the meeting will be available on the [Committee's webpage](#) on 16 September.

Please contact me should you have any queries.

Yours sincerely

Eileen Martin

Eileen Martin
Public Petitions Committee Assistant

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Petition 1268 (pdf size 34 KB posted 05.09.2009)

Petition by Catherine Mitchell

Open Petitions - Petition PE1268

Petition by Catherine Mitchell on behalf of St. Gilbert primary school and all schools in the west of Scotland calling on the Scottish Parliament to urge the Scottish Government to take action against

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those local authorities who have failed to implement a robust asbestos management plan and procedures for school buildings containing asbestos and ensure that parents and teachers who require data about asbestos in school buildings held by local authorities have full access to this.

Petitioner: Catherine Mitchell

On behalf of: St Gilbert Primary School and all schools in the west of Scotland

Number of signatures: 5425

Date lodged: 28 August 2009

SPICe Briefing: [Briefing for PE1268](#)

Summary:

8 September 2009 : The Committee agreed to write to the Scottish Government, Health and Safety Executive and a selection of local authorities seeking responses to the points raised in the petition.<[Link to Official Report 8 September 2009](#)

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[Public Petitions Committee Home Page](#)

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SPICE

Briefing for the Public Petitions Committee

Petition Number: PE1268

Main Petitioner: Catherine Mitchell

Subject: Asbestos in Schools

Calls on the Parliament to urge the Scottish Government to take action against those local authorities who have failed to implement robust asbestos management plans and procedures for school buildings containing asbestos and ensure that parents and teachers who require data about asbestos in school buildings held by local authorities have access to this.

Background

The Control of Asbestos at Work Regulations 2006 place a duty on those who have responsibility for building maintenance and repair to manage the risk from asbestos. The regulations include a requirement to prepare a plan setting out in detail how the risks from these materials will be managed; take the necessary steps to put the plan into action; periodically review and monitor the plan and provide information on the location and condition of the materials to anyone who is liable to work on or disturb them. In the case of school buildings the relevant local authority has these responsibilities.

The Health and Safety Executive

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The Health and Safety Executive (HSE) enforces health and safety legislation. HSE inspectors normally enforce health and safety standards by giving advice on how to comply with the law.

According to the Health and Safety Executive website¹ the HSE is trying to encourage compliance with the 'duty to manage' asbestos by:

- raising awareness among those that have the duty to manage asbestos - the people or organisations that have responsibility for the

¹ <http://www.hse.gov.uk/asbestos/campaign/duty.htm>

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- repair and maintenance of non-domestic premises and/or control of those premises; and
- promoting practical advice and guidance on how they might comply with it.

The HSE have the power to prosecute those responsible in order to make the improvements necessary.

Access to Information

The petitioner expresses her dissatisfaction over the way that Glasgow City Council has responded to information requests made under the Freedom of Information (Scotland) Act 2002. Under this Act anyone not satisfied with the way in which information requests are handled can request the organisation to review the case. If an individual does not receive a response, or is still not satisfied with any response received, they can appeal to the Scottish Information Commissioner for a decision.

Kate Berry

Senior Research Specialist

20 May 2009

SPICE research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However if you have any comments on any petitions briefing you can email us at spice@scottish.parliament.uk

Every effort is made to ensure that the information contained in petitions briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent

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Public Petitions Committee

Tuesday 8 September 2009

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12th Meeting 2009, Session 3

CONVENER

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DEPUTY CONVENER

*John Farquhar Munro (Ross, Skye and Inverness West) (LD)

COMMITTEE MEMBERS

*Bill Butler (Glasgow Anniesland) (Lab)

*Nigel Don (North East Scotland) (SNP)

*Marlyn Glen (North East Scotland) (Lab)

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*Anne McLaughlin (Glasgow) (SNP)

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COMMITTEE SUBSTITUTES

Claire Baker (Mid Scotland and Fife) (Lab)
*Jamie McGrigor (Highlands and Islands) (Con)
Christina McKelvie (Central Scotland) (SNP)
Nicol Stephen (Aberdeen South) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Jackie Baillie (Dumbarton) (Lab)
Linda Burke (PAMIS)
Joyce Burns (PAMIS)
Willie Coffey (Kilmarnock and Loudoun) (SNP)
Bob Doris (Glasgow) (SNP)
Christine Grahame (South of Scotland) (SNP)
Ian Hood (Learning Disability Alliance Scotland)
Paul Martin (Glasgow Springburn) (Lab)
Margaret Mitchell (Central Scotland) (Con)
Dr Richard Simpson (Mid Scotland and Fife) (Lab)

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERKS

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