

Update Asbestos in Schools 5th July 2009

Summary

The last three months have seen significant advances in the asbestos in schools campaign. Support for the campaign is increasing with the six teaching unions, MPs, support staff unions, safety professionals, asbestos consultants, the medical profession, members of the legal profession, parents, teachers, school staff and others united in the aim of making schools safe from the dangers of asbestos. The issue has moved forward politically, and there has been increasing public awareness because of widespread press interest with both local and national coverage.¹

On 25th March 2009 there was a Parliamentary debate on Asbestos in schools which was led by Paul Rowen MP who raised the important issues and was answered by the DCSF Minister Sarah McCarthy-Fry. The full debate and a summary can be seen at this link.² The Minister highlighted the need for training and emphasised that asbestos will normally be removed from secondary schools during major refurbishments under BSF, but did not mention the policy for primary schools.

However on 30th April 2009 a letter from the Schools Minister confirmed the Government's policy that when schools are refurbished the asbestos can be left in situ for the remaining life of the school, which clearly was a reference to the policy in primary schools.

On 13th May 2009 a delegation from the asbestos in schools campaign had a meeting with the Prime Minister. A paper was presented to him with four key points, which are requests for practical measure to be taken so that schools can be made safe from the dangers of asbestos.³ He acknowledged that there is a serious problem of asbestos in schools and that it is one that has to be addressed. He asked his Minister Sarah McCarthy-Fry to arrange a meeting. This was a significant step forward as it was an acknowledgement that there is a problem and that by implication past and present policies have not adequately addressed it, and it was apparent that as a consequence the Prime Minister expected steps to be taken so that it would be in the future.

On 28th May 2009 in response to a formal complaint concerning the conduct of DCSF and HSE in connection with system built schools, the Minister for Work and Pension's refuted all the criticisms, refused to release critical information for public and peer review, and refused to convene an independent panel to look into the issue. This lack of acknowledgement by the Minister that the past policies and actions of his Department had failed to adequately address the problems of asbestos in system built schools put a very different light on what had been understood at the meeting with the Prime Minister.

The meeting with Sarah McCarthy-Fry took place on 3rd June 2009 where regrettably the impression was given that despite the Prime Minister's instructions, his Minister and her Department seemed content with their present policies and that the status quo would be maintained. The Minister emphasised that although Government policy was normally to remove asbestos during secondary school refurbishments, there is insufficient central or local funding to remove, or even identify asbestos during primary school refurbishment. Government policy is therefore to leave the asbestos in situ for the remaining life of the school, although they have delegated the final decision to local authorities and school governors.

¹ Follow this link for [Reports of incidents and media articles](#)

² [Analysis and Hansard script of the debate is at this link.](#)

³ [The paper presented to the Prime Minister is at this link.](#) [The full list of the organisations who support the paper is here](#)

On 3rd July 2009 The Chief Executive of the British Safety Council stated:

“It is unacceptable that the UK, in 2009, has not yet undertaken a national audit of asbestos in schools; has not comprehensively assessed the risks that teachers and pupils in each and every school face; and has not allocated resources to take urgent remedial actions.

Without these actions the tragedy of asbestos in schools will be left to fester and continue to kill the lifeblood of our society. Teachers and pupils continue to live with the deadly legacy of having once worked or studied in a school containing asbestos.”⁴

This paper gives an update on the events since the Parliamentary debate.

Prime Minister Meeting Four Key Points 13th May 2009

All six teaching unions, MPs, support staff unions, the British Safety Council, asbestos consultants, the medical profession, members of the legal profession, parents, teachers, school staff and others are deeply concerned at the increasing numbers of teachers and support staff who are dying from mesothelioma. They are also concerned about the lack of effective asbestos management which all too often is reflected in the frequent asbestos incidents in schools. They are therefore united in their determination to make schools safe from the dangers of asbestos.

On 13th May 2009 the six teaching unions, ATaC, NCARD, the Asbestos Victims Forum and others agreed on a paper that was presented to the Prime Minister.⁵ The ultimate aim is the complete removal of all asbestos from schools, and the unions are mandated by their members to achieve that. The Government were asked to address four key points which are practical, achievable steps on the way to achieving the ultimate aim. The key points are:

1. A comprehensive audit of the extent, type and condition of asbestos in schools, and the standards of management.
2. An assessment to be made of the risk to the occupants of schools, with particular emphasis on children.
3. The asbestos in schools campaign to be reinstated.
4. All the asbestos is to be identified and removed in a phased programme when schools are refurbished under BSF and PCP.

The Prime Minister acknowledged that there is a serious problem with asbestos in schools and that it has to be addressed. He then instructed the DCSF Minister Sarah McCarthy-Fry to arrange a meeting to discuss our concerns.

The meeting took place on 3rd June with the Minister. Regrettably, despite the Prime Minister’s wish that the issue has to be addressed, the Minister and her Department appeared satisfied with their present policies and actions, and during discussion it was increasingly apparent that they were not willing to address our concerns, rather they intend to maintain the present status quo.

⁴ British Safety Council press release Government failing to tackle asbestos in schools. 3 Jul 2009
www.britsafe.org/feedcontents.aspx?id=100261

⁵ [The paper presented to the Prime Minister is at this link.](#) [The full list of the organisations who support the paper is here](#)

Meeting with the DCSF Minister

Audit

Following the meeting with the Prime Minister the General Secretary of the NUT welcomed his acknowledgement that action has to be taken and she underlined the inadequate standards of asbestos management in schools, stating:

“While I am pleased that Gordon Brown has said that more needs to be done to solve this very serious problem, the present asbestos management policies are woefully inadequate”⁶

One of the four key points presented to the Prime Minister asked for a comprehensive audit of the extent, type and condition of asbestos in schools, and the standards of management. As a first step we proposed an assessment of the standards of asbestos management in 100 schools. This will involve on the ground inspections by experienced personnel from the asbestos consultants association, ATaC. It is intended that the project will then be extended to look at a large number of schools. On 3rd June at the meeting with the Minister she and her officials dismissed the project as being *“far too far down the line.”*⁷

As well as assessing the standards of asbestos management, the project will trial and perfect systems of sampling airborne asbestos fibres, so that widespread testing can be carried out in schools. This would identify any hidden asbestos, as it is rare that this is done in standard surveys however thorough they may be. It would also allow a data bank to be built up so that typical airborne asbestos fibre levels could be determined so that a realistic risk assessment could be carried out. This was also dismissed by the Minister and DCSF.

More than twenty five years ago the Americans assessed the scale of the problem in their schools and as a direct result introduced stringent laws specifically for schools, whereas in comparison for the last twenty five years the UK teaching unions and MPs have asked successive Governments to carry out an audit, and on all occasions the requests have been refused.⁸ In 2004 one of the initial steps in the HSE asbestos in schools campaign was to assess the standards of asbestos management, but the campaign was dropped before any action had been taken. Instead in 2006 an HSE/LGE *“straw poll”* in the form of a questionnaire asked if local authorities were obeying the law. Not surprisingly the 33 who replied said that they were, and as a consequence the HSE declared the results encouraging and nothing was therefore done to rectify the flaws that were actually there.⁹

A similar questionnaire a couple of years later elicited similar positive replies, but it was only when on the ground inspections were carried out that it was found that a significant proportion of schools were not managing their asbestos safely. On 29th January 2009 DCSF issued a tick box questionnaire to all local authorities and dioceses in an attempt to establish the number and type of system built schools. It is also meant to establish the level of compliance with the CLASP Working Group guidance. DCSF informed the meeting with the Minister that those authorities who have replied to this latest questionnaire have once again given positive results. This is the third time that because of

⁶ BBC “Call for “urgent asbestos audit” General Secretary NUT Christine Blower 3 Jul 2009.

⁷ Contemporaneous notes M.Lees meeting McCarthy-Fry 3rd July 2009

⁸ Follow this link to see extracts from FOI documents showing why the Government have refused an [Audit](#)

⁹ HSE Education sector briefing 13th December 2006

the manner the assessment has been carried out, the schools with ineffective systems of asbestos management had not been identified, rather the questionnaire has only added to the many years of prevarication and delays in establishing the scale of the problem. For rather than relying on these misleading questionnaires it has been proved that only on the ground inspections are able to identify those schools that are endangering the occupants with ineffective, flawed systems of asbestos management.

At the meeting on 3rd June the Minister informed us that DCSF would wait for the replies from the latest questionnaire before any further action was taken. Returns were meant to have been made by April 3rd, but only 30 had been received by that date, a two month extension had been given and the deadline has now been extended to 16th July. As at 30th June a total of 69 responses have been received, which is out of a total of approximately 250. DCSF stated that inspections will be carried out in those dioceses and authorities where the returns indicate an unsatisfactory standard of asbestos management and where necessary, enforcement action will be taken. When questioned DCSF were equally adamant that nil returns will be treated in a similar manner to unsatisfactory returns. If there have been no more replies by the deadline then it will be interesting to see quite how they envisage inspecting and carrying out enforcement action in 181 dioceses and local authorities. Our request to have sight of the returns as they came in was turned down and instead we were told we would be informed of the conclusions in September.

The whole concept of assessing compliance and standards of asbestos management by a tick box questionnaire is flawed, and inevitably the results will give a misleading impression. If it is similar to the last two questionnaires then no doubt those dioceses and authorities who have replied are those who are complying with the guidance and therefore their replies are positive, and DCSF and HSE will once again assure people that schools are managing their asbestos effectively, when evidence from teachers, asbestos consultants and the frequent asbestos incidents prove that the very opposite is true.

All this information should have been at the local authorities and dioceses finger tips, it is therefore most telling that at the initial deadline of 3rd April 88% had failed to reply. Now five months after the questionnaire was issued and despite enforcement action being threatened, 70% have still failed to reply. The Government claim that it is not their responsibility to know the extent of asbestos in schools or the standards of management, for that they claim is the responsibility of the local authorities and dioceses. And yet what this failure to reply to the most basic questions proves is that their light touch policy has failed, for as well as the Government being unaware of the scale of the problem, neither are the majority of dioceses and local authorities. This is but further evidence that on the ground inspections are essential, and it reinforces the necessity for the national audit.

So the end result is that the years drift by while the Government sticks its head in the sand with no idea of the true scale of the problem, and no intention of carrying out a proper assessment to establish what it is. Consequently it is an easy step for them to even deny that there is a problem.

Despite the poor response to the questionnaires, and the obvious failure of most Dioceses and LA's to know the extent of their asbestos problem, the DCSF persist in their policy that an audit is not necessary. Two weeks before our meeting with the Prime Minister the Schools Minister made his position clear:

“We do not think that a national audit of the extent and condition of asbestos in schools would be useful..... There is no evidence to suggest that the introduction of a register would bring any further benefit to those at risk..... We believe that the cost of a register would be disproportionate to the benefit....”¹⁰

The Minister perhaps touched on the real reason for their refusal, for Freedom of Information documents show that the overriding concern of the Government is that:

“A national audit could lead to a panic reaction....a national audit would also have significant cost implications.”¹¹

“In any case a nationwide DFE organised audit would be bound to lead to further demands for additional public expenditure on school buildings, at a time of increased resource squeeze.”¹²

Although those statements were made some years ago, nothing has changed and all the evidence points towards the fact that the Government’s policy remains the same, as do their finances. No doubt that is why our request was turned down and why the Government have no intention of carrying out a proper assessment of the scale of the problem. For the sake of our teachers, support staff and children a national audit must take place.

On 3rd July 2009 the necessity for an audit and a risk assessment was strongly reinforced by the Chief Executive of the British Safety Council. He gave a presentation entitled *“Directors’ duties, corporate manslaughter and health and safety enforcement”* at a conference organised by the Centre for Corporate Accountability. The British Safety Council press release stated:

“Brian Nimick, Chief Executive of the British Safety Council, today called on the government to take urgent action to implement a programme for the management and removal of asbestos in schools.

In calling for a national comprehensive register of asbestos in schools he said “It is unacceptable that the UK, in 2009, has not yet undertaken a national audit of asbestos in schools; has not comprehensively assessed the risks that teachers and pupils in each and every school face; and has not allocated resources to take urgent remedial actions.

Without these actions the tragedy of asbestos in schools will be left to fester and continue to kill the lifeblood of our society. Teachers and pupils continue to live with the deadly legacy of having once worked or studied in a school containing asbestos.

In the short term school heads and chairs of Governors may want to ask themselves this question: “Would you allow members of your family to attend a school or college where the asbestos risk had not been assessed?”¹³

The project to assess the standards of asbestos management in 100 schools is an important project and it is going ahead. Schools are beginning to volunteer but more schools are needed, so we ask that they step forward and volunteer to take part in the project. There are many advantages in being involved in this first phase of the project:

¹⁰ Letter Minister of State for Schools Rt Hon Jim Knight MP 30 Apr 2009

¹¹ DfEE memo Asbestos in schools briefing for Parliamentary debate Wilson/ DESNET Chipperfield 14 Feb 94

¹² Letter DFE Hedger/ PS Mr Forth Ministerial briefing Asbestos in Schools. 12 November 1993

¹³ British Safety Council press release Government failing to tackle asbestos in schools. 3 Jul 2009

www.britsafe.org/feedcontents.aspx?id=100261

- The assessment will take place with no charge to the school.
- Senior experienced consultants will carry out the assessments.
- Where necessary, guidance will be given on any improvements that should be made.
- The names of the schools will remain anonymous.
- Please put your names forward to either your union safety reps or direct to the ATaC project leader John Richards John@thameslabs.co.uk 01480 891800 or Neil Peacock neil.peacock@atac.org.uk +44 (0) 1283 531 126

The teaching unions are requesting their members to take part in the 100 schools project. As an example the teaching union Voice's request to its members is at this link.¹⁴

Risk

Another key point is for an assessment to be made of the risk to the occupants of schools, with particular emphasis on children. It was asked that the Government apply basic health and safety risk assessment principles, starting with the audit to determine the extent of asbestos in schools, its condition, the airborne fibre levels and the standards in asbestos management. Having established these facts then a realistic risk assessment can be carried out.

Almost thirty years ago an audit and a risk assessment was carried out in the USA, which resulted in stringent Federal laws being passed specifically for schools. However successive UK Governments have refused to carry out such an assessment, and instead they deny that there is a risk.

The risk from asbestos is measured in the numbers of deaths it causes, with the numbers of school teachers dying in the UK of the asbestos related cancer mesothelioma increasing year on year. 178 have died of mesothelioma since 1980, with 64 of those being in the last five years, if teachers and lecturers in higher and further education are included then the total is 272 with 92 of those being in the last five years. What makes the teaching profession unique is that the teachers' deaths are just an indication of a far greater number of deaths amongst their pupils, that is because for every teacher there are 20-30 children, and the children are more at risk from the dangers of asbestos. The teachers' deaths therefore are but the tip of an iceberg.¹⁵

In the USA they estimated that over a thirty year period 1,000 teachers and pupils would die from mesothelioma as a result of asbestos exposure in their schools and 90% would be the children. The estimate was based on 8,500 schools and subsequently the audit found that there was asbestos in four times more schools,¹⁶ however in the USA the predominant type of asbestos in public buildings is chrysotile. The number of deaths are greater in the UK as more than 80% of our 26,000 schools contain asbestos with the predominant type being amosite which is 100 times more dangerous than chrysotile.

In addition the Government's advisory committee on science, WATCH, have recently accepted HSE's Hodgson and Darnton estimates for the increased risks to children because of the long latency of mesothelioma. They estimate that with a five year exposure a child of 5 is 5.2 times more likely to develop mesothelioma by the age of 80 than their teacher of 30.¹⁷ That is purely based on the

¹⁴ [Project to Improve the Asbestos Management in Schools and Colleges](#)

¹⁵ See analysis of [Deaths in the Education Sector from Mesothelioma](#)

¹⁶ EPA report Health effects and magnitude of exposure of Asbestos containing materials in school buildings. 560/12-80-003

¹⁷ [The quantitative risks of mesothelioma in relation to low-level asbestos exposure, Andy Darnton](#) Nov 2007.

latency and does not factor in the additional risk as a child's physiology is developing which makes them more vulnerable to the effects of asbestos.¹⁸

Because of the very long latency, particularly with low level exposure, a child exposed to asbestos at school will not develop mesothelioma until decades later and therefore their deaths will be recorded under whatever occupation they had at the time and not as the result of exposure as a child at school. The very sad statistic is that every month a school teacher dies of mesothelioma, and therefore it is certainly possible that every single month at least 20, perhaps 40 or even more children subsequently die from their asbestos exposure in schools in our country.

Documents show the numbers of teachers dying of mesothelioma is significant. The incidence is also at the very least three times higher than it should be had they had no asbestos exposure. When a comparison is made with comparable occupations the teachers' deaths are far too high, with 1980-2000 statistics giving an incidence of mesothelioma amongst female school teachers as twice that of female nurses, thus indicating twice the asbestos exposure amongst female teachers.¹⁹ This is recognised by HSE who acknowledge that the number of deaths amongst teachers is too high:

*"The PMR of 100 (average, expected) does not indicate that there is no risk.....Even if the proportion of mesothelioma deaths among teachers was in line with the proportion of females that are teachers, one could still draw the conclusion that there are too many deaths among a group which are supposed to have had very little asbestos exposure."*²⁰

Despite the overwhelming evidence of asbestos fibre release in schools and subsequent deaths amongst the occupants, the Schools Minister made a number of misleading remarks concerning the risks from asbestos in schools in a letter dated 30th April 2009²¹. He referred to the latest case control study carried out by HSE,²² and in an attempt to play down the significance of the teachers' deaths he stated that they are no different from office workers. This is not only misleading as it implies that neither are of concern, when indeed they are as both have unacceptably high numbers of deaths, but it is also inexcusable as he has chosen to misquote the research. The incidence of the male teachers' deaths is in fact almost twice that of the office workers, in addition he failed to mention that the study uses data of "teachers & other school workers" which by definition includes people other than purely teachers.

The Minister also avoids mentioning that the study highlights that the UK has the highest incidence of mesothelioma in the world and that is because we were the main importer of amosite, which was used in large quantities in schools. The study also highlights that amongst people in the UK who are not aware of their asbestos exposure, the risk of mesothelioma is four times greater than in the remainder of the world. These exposures are precisely those that staff and children are subjected to in many thousands of schools throughout the country.

A basic health and safety principle is that a risk assessment is carried out, and yet when it has come to assessing the scale of the asbestos problem in schools and the consequent risks, successive Governments have refused to apply this basic principle. Documents obtained from DCSF under the FOI show what the real reason is. The following is an extract from a DfES Ministerial briefing about a

¹⁸ HSE Head of Asbestos Policy Briefing 23 Nov 2004

¹⁹ For an analysis of mesothelioma [deaths in the Education Sector from Mesothelioma](#) follow this link

²⁰ HSE Statistics Branch/Lees 22 Oct 04

²¹ Letter Minister of State for Schools Rt Hon Jim Knight MP 30 Apr 2009

²² HSE RR696 Occupational, domestic and environmental mesothelioma risks in Britain Mar 2009

Parliamentary question which asked the Government what assessment they had made of the risks to teachers and pupils from asbestos in schools:

“A central Government initiative to assess the risk to teachers and pupils would not only be inappropriate, given where the statutory responsibility lies, but would also lead to pressure for centrally funded initiatives to remove all asbestos and for other aspects of building work. This would be extremely expensive, as well as risky and disruptive for all the schools concerned. The schools capital budget is already overstretched”²³

The Government therefore refused to carry out a risk assessment, because if it was carried out then the scale of the problem would be known and they would be compelled to take appropriate action. Another basic principle of risk management is that resources should be allocated in proportion to the risk, however if one does not assess the risk in the first place then one can avoid having to give a proportionate response. In this case the Government is fully aware that if they carried out a risk assessment the enormity of the problem would be realised and they could not afford the proportionate response. Therefore, as with the audit, they have stuck their heads in the sand in the hope that nobody will notice and this rather awkward problem will just go away.

Despite risk being at the very centre of the argument it was placed last on the agenda for the 3rd June meeting with the Minister. The meeting had started late and there was only very few minutes remaining to discuss the topic, the occupational hygienist Robin Howie pointed out that there is a particular risk to children and the younger they are then the greater the risk. There was no time for further discussion although a DCSF official mentioned that HSE had suggested the Children's Environment and Health Action Plan for Europe (CEHAPE) could be asked if they would consider carrying out an assessment of the risks to children from asbestos in UK schools. As the problem of asbestos exposures in schools is also a European problem we are following up this suggestion.

In July 2009 the General Secretary of the NUT stressed the need for an assessment of the asbestos risks in schools and emphasised the particular risks to children. She stated:

“Teachers, school staff and children need to be in a safe learning environment, with no risk to their health and safety... in particular the risk assessment needs to focus on children, who are particularly vulnerable.”²⁴

As has been seen on 3rd July 2009 the Chief Executive of the British Safety Council stressed the need for a national audit of asbestos in schools and an assessment of the risks to the teachers and pupils. He stated:

“It is unacceptable that the UK, in 2009,..... has not yet not comprehensively assessed the risks that teachers and pupils in each and every school face.....”²⁵

It is unacceptable that senior officials and Government Ministers attempt to mislead and put spin on the very real risks from asbestos in schools and dismiss the deaths amongst teachers. For the numbers of teachers dying are considerable and increasing and therefore cannot be dismissed as they are the result of known and increasing exposure to asbestos. If the teachers, other staff and

²³ DfEE written reply Michael Clapham MP Background briefing 17 June 1997.

²⁴ BBC. “Call for urgent asbestos audit” Christine Blower General Secretary NUT 3 Jul 2009. <http://news.bbc.co.uk/1/hi/education/8133497.stm>

²⁵ British Safety Council press release Government failing to tackle asbestos in schools. 3 Jul 2009 www.britsafe.org/feedcontents.aspx?id=100261

children died of mesothelioma within a short time of being exposed to asbestos in their schools, then there would be a public outcry. However because they die many years later the Ministers and their officials feel able to dismiss the deaths, and by refusing to carry out a proper risk assessment they can even deny that there is a risk from asbestos in schools. When all the evidence is that there is a very real risk which sadly is killing a large number of staff and inevitably an even greater number of pupils.

We will continue pressing for an assessment to be made of the risk to the occupants of schools, with particular emphasis on children.

We are looking into the practical ways of carrying out the risk assessment, they are:

- A national audit of the extent, type and condition of asbestos in UK schools is an essential ingredient of a risk assessment.
- It is equally essential that comprehensive, realistic air sampling is carried out in schools to establish typical airborne asbestos fibre levels, so that the numbers and type of asbestos fibres inhaled by the occupants can be determined.
- The particular risk to children has to be assessed.
- The assessment should be carried out by an independent body, the following are options:
 - DCSF to contact CEHAPE to determine if they will carry out the risk assessment.
 - The Government to commission the WATCH committee to make an assessment of the risks.
 - Other countries to be contacted to determine what assessments they have made of the particular risks to children.

Campaign

Another key point is that the asbestos in schools campaign is reinstated.

It is essential that there is an official campaign to address the issue of asbestos in schools. The campaign would coordinate the various aspects and draw together expertise to assess the scale of the problem, work out practical solutions then put them into practice to ensure that the occupants of schools are made safe from the dangers of asbestos.

In 2004 following a whole series of serious asbestos incidents in schools the HSE acknowledged that some schools were not managing their asbestos effectively and therefore set up a campaign to improve the asbestos management in schools throughout the country, with the aim of “*dramatically*” reducing the exposures of teachers and children.²⁶ Despite HSE and DfES stating the project was an important one it was dropped a year later so that the funds could be reallocated to achieving more tangible targets for reducing the exposures of carpenters, plumbers, painters and electricians, the present HSE campaign being a result of that. At the time HSE requested that DfES take over the lead of the schools campaign, but they declined.²⁷ Consequently the asbestos incidents in schools have continued unabated. Both campaigns are essential, but one should not be at the expense of the other and DCSF should accept that it is their responsibility and take the lead.

In 2004 the schools education sector health and safety forum, SEAC, was also disbanded and in 2006 a “*strategic partnership*” was set up between HSE and DfES, however in March 2009 the NUT stated:

²⁶ HSE Head of Asbestos Policy briefing to the Local authorities Forum 23 Nov 2004

²⁷ E-mail HSE Head of Disease reduction programme. Asbestos in schools Exit strategy 23 Aug 2005

“Meanwhile, there is currently no framework within which education employers, unions and government can work together towards resolving the problem of asbestos in schools. SEAC, the education sector health and safety forum, was disbanded in 2004; efforts to re-constitute it on a permanent basis have so far been unsuccessful. The HSE asbestos in schools campaign was axed in 2005 before work had even begun.

Tackling asbestos in schools once and for all will require stakeholders to put their differences aside, and work together for the good of present and future generations.”²⁸

In 2006 the problem of asbestos fibre release was re-identified in system built schools. The HSE set up the CLASP Working Group to look into the specific problem of asbestos fibre release in System built schools. But more than half of schools are not system built and the majority of those contain asbestos, much of which is deteriorating and in some schools, and perhaps many, it is not being effectively managed. Yet the terms of reference of the CLASP Working Group do not include these schools, and yet they have been the only HSE/DCSF committee that addresses the issue of asbestos in schools, which means that a whole plethora of other asbestos related matters in schools have been left unattended, from awareness, training, guidance, management, and regulation. In addition there has been serious criticism of the conclusion reached by the CLASP Working Group and the guidance it issued, which at times gave dangerous advice that would have exposed the people carrying out the work and contaminated the schools.

On 30th November 2008 the Minister, Sarah McCarthy Fry MP, replied to a request from the NUT to reinstate the asbestos in schools campaign, her answer was unambiguous, stating that:

Neither DCSF nor HSE feel that a campaign on asbestos in schools is appropriate, indeed we feel that it may alarm people unnecessarily. We believe that the majority of school employers and particularly local authorities are managing their asbestos responsibly.”²⁹

A central theme underlies the Government’s refusal to assess the scale of the problem, to assess the risks, to update guidance, to inform parents and in this case to improve asbestos management. That theme is that they are concerned that people will be alarmed, will panic, and will over react by demanding the removal of all asbestos. The preferred Government policy is therefore to pretend that there is no problem and do nothing.

The refusal of the junior Minister was reiterated in a similar letter on 27th November 2008 from the Schools Minister the Rt Hon Jim Knight MP in reply to the All Party Parliamentary Group on Safety and Health who had also requested that the campaign be reinstated. His reply was remarkable, it shows where his priorities lie and really underlines his lack of understanding of the increased risks to children. There is also a certain irony when one considers that when HSE dropped the asbestos in schools campaign they asked his Department to take the lead,³⁰ but they refused. The Minister stated :

“...It is also important that we do not divert attention away from HSE's current efforts to target trades people who are at much greater risk from asbestos than those working in schools.”³¹

²⁸ NUT Asbestos in schools the background 19 Mar 2009

²⁹ Letter Under Secretary of State for Schools and Learners Sarah McCarthy–Fry 9 Nov 2008.

³⁰ E-mail HSE Asbestos in schools campaign Exit strategy. 23 Aug 2005

³¹ Letter Minister of State for Schools Rt Hon Jim Knight MP 27 Nov 2008

His statement highlights the fact that DCSF will not accept that the safety of the occupants of schools from the dangers of asbestos is their responsibility, and because HSE do not have the resources to run the two campaigns the end result is that the schools campaign has dropped down a large hole in the middle between the two of them.

At the meeting with the Minister on 3rd June DCSF suggested that rather than reinstating the campaign they would consider “*involving stakeholders in the ongoing work.*” They put forward two options; one would have a “*wider steering group*” involved in the ongoing work of the CLASP Working Group. The other tentative proposal was whether a separate group should be set up by DCSF to include the HSE and other interested parties. The second option is clearly preferable as DCSF’s priority should be for schools, whereas HSE’s priority is for building maintenance workers. In addition the CLASP Working Group has a very limited remit whereas the DCSF group should encompass every aspect of asbestos in all schools. Nothing definite was decided at the meeting, and from past experience such proposals involving stakeholders must be treated with caution as all too often they prove to be no more than a tick in a box. Unless of course there really has been a step change in policy since the Ministers’ letters of 27th and 30th November.

The frequent and continuing asbestos incidents in schools demonstrates that the campaign is as essential now as it was in 2004, and if it had gone ahead as planned would have prevented thousands of teachers and children being exposed to asbestos.

Whether the HSE or DCSF officially reinstate their campaign or not, the asbestos in schools campaign will continue as a coalition of the teaching unions, asbestos experts and others. The precise format of the campaign committee is being discussed and will shortly be finalised, but at the moment it is proposed that there will be two committees.

- One committee will formulate ideas and strategy and put pressure on the Government to make effective strategic asbestos policy for schools.
- The other committee would work with DCSF and HSE to put the policies into action. This would be part of the proposed DCSF steering group.
- The asbestos in schools campaign committee will remain as the main committee.
- It should be under the auspices of the All Party Parliamentary Group on Safety and Health (APPG)
- It will comprise the powerful coalition of the unions, parents, politicians, medical, asbestos and legal experts.
- The asbestos in schools campaign already has a very strong mandate, and will be held accountable, not only to its direct members, but also to every teacher, member of the school support staff and parent in the land.
- This committee would set policy for the asbestos in schools campaign and work out practical means to ensure that they are achievable.
- It will ensure that by its composition, expertise and profile that the Government DCSF and HSE are compelled to listen and act on what it says.

- Its aim will be to strongly influence the Government's strategic policy.
- It will campaign on the issue and keep it high on the political agenda.
- It will raise awareness amongst the public through the press, TV and radio.
- The other smaller group would be chosen from amongst the members of the asbestos in schools campaign and would represent them on the DCSF "steering group."
- With the authority of the wider group of the asbestos in schools campaign it would be unwise of a Minister or civil servant to ignore what they were being told and to refuse to act upon it.
- Constitutionally the DCSF steering group would have to act within the bounds of Government strategic policy, and would have the executive powers to make decisions and put them into action.
- One group in effect sets Government policy, the other ensures that it is put into action.

Training

There appears to be mutual agreement that the standards in asbestos training in schools should be improved. The training should include teachers, support staff, building managers, school governors and headteachers, with courses tailored to their needs. This was acknowledged by the Minister, Sarah McCarthy-Fry MP in the Parliamentary debate on 25th March 2009 who stated:

"The hon. Gentleman's suggestion of including training for head teachers in the national professional qualification for headship is a good one. Training already includes a module on estate management, and we will undertake to work with the National College for School Leadership to see whether we can further embed the management of asbestos and wider health and safety issues into the training. It would also be appropriate to look at the content of the diploma course for school business managers, which is also run by the NCSL."

The issue of training was also raised at the meeting with the Minister. DCSF have been asked what progress they have made in their approaches to NCSL, however as at 30th June no response has been received.

ATaC are the experts in asbestos management and are therefore eminently qualified in designing training courses that will result in schools implementing effective systems of asbestos management. They have in conjunction with the Royal Institution of Chartered Surveyors and the Royal Society for Public Health developed asbestos awareness training courses for property professionals. They have held discussions and put forward the suggestion that a similar training course is designed to deal with the specific requirements of managing asbestos in schools.

As well as training those people entering the profession it is also important that training is given to those already in the profession. ATaC have therefore designed a half day course which would be given by their members to improve asbestos awareness and the standards in asbestos management. Ideally the training would be carried out in secondary schools with the primary schools also attending.

These are all practical ideas and ones that the asbestos in schools campaign will pursue with DCSF to ensure that courses are designed and implemented as soon as possible.

Removal of asbestos during BSF and PCP refurbishment

We asked that all the asbestos is identified and removed in a phased programme when schools are refurbished under BSF and PCP.

In June 2007 the Schools Minister was asked in a Parliamentary question :

“If he will require all asbestos to be removed from school buildings during refurbishment projects undertaken as part of the Building Schools for the Future programme?”

He replied that *“There is no requirement to remove asbestos from buildings during refurbishment”*³²

However during the Parliamentary debate on 25th March 2009 the DCSF Minister stated that the Government’s policy for secondary schools is that :

*“Major refurbishments undertaken under BSF would normally include the removal of all asbestos.....”*³³ But she failed to mention primary school policy.

On 30th April 2009 a letter from the Schools Minister reinforced what he had said two years earlier by stating:

*“It is usually safer to leave the asbestos in place and manage it until the building has reached the end of its useful life.”*³⁴

At the meeting on 3rd June 2009 the DCSF Minister and her officials were asked to clarify the Government’s policy of asbestos removal from primary schools during refurbishment. She outlined the policy of removing asbestos from secondary schools but considered that it was not the Government’s responsibility to decide whether it would be removed from primary schools. Instead, she explained the Government consider that the decision rests with the local authorities and school authorities. It was also emphasised by DCSF officials that the primary school programme was less well funded and consequently refurbishment would often be no more than *“decoration.”*

When asked if all the asbestos would be identified before refurbishment, DCSF stressed that there would be insufficient funds to identify all the asbestos when primary schools are refurbished. ATaC pointed out that as present asbestos surveys do not identify hidden asbestos, this policy means that the schools are therefore expected to continue managing the asbestos without even knowing where it is or whether it is damaged and deteriorating, which clearly is an unsatisfactory situation.

It is known that some local authorities have looked after their schools and are on top of asbestos management, whereas other authorities have given less priority to maintaining their school buildings so that they have deteriorated over the years through underfunding, and as the fabric of the school has deteriorated then so has the asbestos material used in the construction. Invariably the problem is compounded as the standards of asbestos management are ineffective and evidence shows that in

³² Minister of State for Schools, Rt Hon Jim Knight MP, Parliamentary answer 142291 25 Jun 07

³³ The Parliamentary Under-Secretary of State for DCSF Sarah McCarthy-Fry Asbestos (Schools) Debate 25 Mar 2009

³⁴ Letter Secretary of State for Schools Rt Hon Jim Knight MP 30 Apr 09

some schools they are dangerous. Therefore this situation will no doubt continue with those authorities and schools at the greatest need being given no more priority than those whose schools are comparatively safe, a recent DCSF statement even stating that it would be “*bizarre*” to prioritise schools for refurbishment because of the presence of asbestos.³⁵

A national audit would identify those schools most at risk and prioritise them for refurbishment in terms of need regardless of which authority owns them.

Evidence shows that more than 80% of schools in the country contain asbestos. About half the 3,400 secondary schools are going to be replaced, and a third will have major refurbishments. Therefore the majority of secondary schools will eventually be asbestos free. However out of more than 20,000 primary schools only 5% will be replaced and therefore once they have been refurbished the asbestos will remain in the overwhelming majority of them.

The occupational hygienist Mr Howie pointed out that if priorities were made based on risk then the younger children are more vulnerable to the dangers of asbestos and are therefore more likely to develop mesothelioma, consequently the primary schools should have the asbestos removed first.

Once the schools have been refurbished with huge amounts of money, there will not be a second chance to remove the asbestos, instead most will remain in place and it will have to be managed long into the future. Future generations will therefore remain at risk for one failure in asbestos management, one accident or just a child running into a wall and the deadly asbestos fibres will be released once again.

The Government’s policy of managing the asbestos rather than removing it is not based on evidence, for that evidence is that a significant number of schools are not effectively managing their asbestos. Their policy of removing asbestos from secondary schools must be applauded, but the fact that their policy is to leave it in place in primary schools is not based on the relative risks, it is based instead on insufficient funds being made available to make the 20,000 primary schools safe. Young children are the most vulnerable people in our society and therefore it is unacceptable that the asbestos is being left in the primary schools. The Government has to change its policy so that in future all the asbestos is identified and removed in a phased programme when both primary and secondary schools are refurbished under BSF and PCP.

Controversial 2nd HSL tests used to justify leaving asbestos in thousands of primary schools.

The decision that asbestos can be left in schools once they have been refurbished is in part based on some most controversial air tests carried out by HSL. The problem of the release of asbestos fibres in system built schools is very serious, it affects thousands of schools and millions of staff and children, it has been known about for more than twenty years, and is ongoing with staff and children remaining at risk.³⁶ It appears that nothing was done to remedy the problem when it was first discovered, and action was only taken when it was rediscovered in 2006 in the Rhondda. Tests carried out confirmed the results from twenty years before showing that there is a significant and cumulatively dangerous release of amosite fibres into the rooms of the schools.

HSE then commissioned a second series of tests which gave levels lower than normal everyday background levels, and indeed fresher than fresh air. These are most controversial tests and have been criticised by senior asbestos consultants. The selection of schools was crucial and it was

³⁵ E-mail DCSF spokesman 4 Feb 2009

³⁶ [Release of Asbestos Fibres in System built schools \(Part 1\)](#) p40 [Release of Asbestos Fibres in System built schools \(Part 2\)](#) p 34

apparent that some of the tests had been carried out in buildings owned and selected by one of the shareholders of a commercial company who have a commercial interest in their outcome. In December 2007 HSE were asked to confirm this and it was only in March 2009, a couple of months into an Information Commissioner's enquiry, that HSE finally released the information which confirms that certain critical tests were carried out in buildings owned by one of the six shareholders. There are other serious questions over the selection of the schools and the methodology of the tests, and because of that and the serious questions about the independence and impartiality of the tests, the Minister was asked to release the information for public scrutiny and peer review. On 28th May 2009 in response to a formal complaint concerning the conduct of DCSF and HSE in connection with system built schools, the Minister with responsibility for the HSE refuted all the criticisms, refused to disclose the information and refused to convene a panel to look into the issue.

The controversial tests and the conclusions drawn from them have profound implications: One reason is that the guidance issued by the HSE CLASP Working Group was in part based on them and at time advises dangerous practice, which if followed will have contaminated schools and exposed the occupants.

The other reason is that the tests have been used to justify the Government's policy that asbestos can be left in situ when schools are refurbished. As has been seen in the Parliamentary debate of 25th March 2009 the Minister stated that asbestos would normally be removed from secondary schools during major BSF refurbishments. However the policy is very different for the 20,000 primary schools.

On 30th April 2009 the Schools Minister stressed that the Government's policy is to leave asbestos in place and manage it until the building has reached the end of its useful life.

On 3rd June 2009 in the meeting with the Minister she and her officials stated that the decision whether asbestos is removed from primary schools during refurbishment under PCP rests entirely with the local authorities or school governors, and not central government. Increasingly the evidence is that local authorities are following Government policy, for unless the asbestos is disturbed during refurbishment then it will be left in place.

For the last twenty years tests have shown that hidden asbestos in system built schools can release cumulatively dangerous levels of amosite fibres. Despite this overwhelming evidence the Government have accepted the evidence of the controversial 2nd HSL tests that gave levels less than fresh air, and have based their policy on that.

Major decisions have been made as the result of these tests. The implications are profound for the occupants of thousands of primary schools as the majority contain asbestos, all of it is old, much is deteriorating and most of it will be left hidden in the structure of the building when they are refurbished. It will remain there for the extended life of the school and will have to be managed. Just one failure in asbestos management, one accident or a child running into a wall and the deadly fibres will be released once again. Because of these tests the very lives of generations of teachers and children will potentially remain at risk. If these tests were carried out correctly and the selection of the buildings was above reproach, then one must question why the Minister refuses to allow scrutiny of all the information.

Too much time has passed already with delays, secrecy and obscurity, if the Government wants us, the public, to be assured that our schools are safe then all the information must be released for public and peer review without any further delays.

A detailed analysis is given at the following link.³⁷

Conclusion

Successive Government have failed to address the problem of asbestos in schools. Frequent asbestos incidents in schools, failures of asbestos management, the contamination of classrooms and the exposures of staff and pupils have resulted in an increasing number of them dying from asbestos related disease. Rather than taking positive action to sort out the problem, successive Governments have refused to even assess the scale of the problem or the risks, and instead have played down the risks and have hidden behind a policy of secrecy and scientific spin.

In contrast to previous Government policy and statements, the Prime Minister acknowledged that there is a serious problem and that it has to be addressed. Despite that the Minister made it perfectly clear that DCSF have no wish to take the first step in agreeing to our four key points. For that would open a Pandora's box, as their overriding concern is that if people knew the extent of the problem they would demand the removal of all asbestos. As well as the Prime Minister acknowledging the fact, there is increasing political, press and public awareness that this is a very serious problem that has to be addressed. The Government are therefore fighting a rising tide of opinion that no longer will accept policies in schools that result in the deaths of our teachers, support staff and children.

There is already an unstoppable momentum in the asbestos in schools campaign, they have the support of the combined teaching unions, support staff unions, politicians, asbestos experts, the medical profession, safety professionals, solicitors, teachers, school staff and parents. The asbestos in schools campaign put four key points to the Prime Minister which when implemented will assess the scale of the problem and the risks and then put in place practical measures to remove those risks. Too much time has passed already, so it is now essential that the Government takes those first steps towards addressing the problem, for only then will our teachers, support staff and children be made safe from the dangers of asbestos in schools.

Michael Lees
5th July 2009

³⁷ [Release of Asbestos Fibres in System built schools \(Part 1\)](#) [Release of Asbestos Fibres in System built schools \(Part 2\)](#)