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<http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120207/debtext/120207-0004.htm>

## Asbestos in Schools

*Motion made, and Question proposed, That this House do now adjourn.—(Mr Newmark.)*

10.4 pm

**Ian Lavery (Wansbeck) (Lab):** I sought this Adjournment debate in an attempt to highlight a most serious situation facing the nation's schools—the presence of asbestos in many school buildings and the risk of exposure to it among pupils and workers alike. I say at the outset that in no way am I looking to score political points. I hope that my views, comments and questions in this debate will attract cross-party support.

Of the 33,600 schools in Britain, the Department for Education has estimated that more than 75% contain asbestos. Some 14,000 schools were built after the second world war, and almost all those built before 1975 contain asbestos. Schools refurbished during that period are also likely to contain it.

Exposure to asbestos fibres, even at low levels, can cause lung cancer and mesothelioma, which is a cancer affecting the lining of the lung. We should not be complacent about the presence of those dust fibres and the effects that it can have on an individual's life. It is estimated that more than 4,000 people a year die as a result of exposure to asbestos. Mesothelioma has a lengthy latency period, which simply means that the condition may not surface for perhaps 20, 30 or even 40 or 50 years following exposure. However, once the disease is diagnosed, it is largely fatal, with most victims dying within 18 months of diagnosis.

Does the Minister agree that the Government's policy should be the phased removal of all asbestos from schools, with priority being given to those schools where the asbestos is in the worst condition or considered to be the most dangerous or damaged?

Exposure to asbestos in schools is endangering the lives of tens of thousands of schoolchildren and teachers, many of whom are completely unaware of their daily exposure. It has continued for generations, and year after year, individuals diagnosed with lung cancer, mesothelioma and other asbestos-related diseases are puzzled about the whereabouts of their exposure. In many cases, it happened while they were at school.

More than 140 school teachers have died from mesothelioma in the past 10 years. Disturbingly, figures relating to other school workers, such as cleaners and administration staff, and relating to the number of children who have died as a result of exposure, are unknown. Children are likely to be particularly vulnerable to asbestos exposure, because their lungs are still developing. If we use the ratio calculation used in the US, which is that for every teacher who dies nine children will die, that translates into the alarming statistic of 100 people dying each year here in the UK as a result of exposure at school.

The materials of greatest concern are those that readily release asbestos fibres into the environment. Many people mistakenly believe that those fibres are confined to asbestos lagging, sprayed asbestos and asbestos insulating boards, but that is not the case. Asbestos was commonly used to spray ceilings and structural beams,

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and extensively used in wall constructions and many other areas that are vulnerable to damage and disturbance by the school population on a daily basis.

Does the Minister agree that by law, all schools should be required to carry out a thorough asbestos survey, which should include air tests and detailed independent inspections? Will immediate consideration be given to that?

**Jim Shannon (Strangford) (DUP):** I fully endorse the hon. Gentleman's comments. In 2004, the Northern Ireland Assembly took a decision to undertake asbestos tests in all schools and to have it removed, and such decisions have been taken in other regions of the UK. Does that not reinforce his point that it is now up to England to follow suit?

**Ian Lavery:** That is the very reason for this debate. I want a survey to be carried out, followed by the phased removal of asbestos in a strategic manner between now and a given date. The hon. Gentleman's comment adds strength to my argument.

**Mr David Hamilton (Midlothian) (Lab):** I congratulate my hon. Friend on obtaining this debate. If we can identify where the asbestos is within each school, that stops repairs being done when the people doing them do not know that there is asbestos in there. It is important that that identification is done as quickly as possible.

**Ian Lavery:** My hon. Friend makes a very important point. One of the big problems—I will come on to this—is that many different types of asbestos are unidentified in the school buildings. People are very unaware of where and what it is. If we are not going to remove the asbestos immediately, how we manage it over that period is very important.

A report commissioned by the Medical Research Council concluded:

“It is not unreasonable to assume...that the entire school population has been exposed to asbestos in school buildings”.

Furthermore, the MRC report assessed lifetime asbestos exposure levels and it concluded that even in schools where the asbestos is in a good condition, the everyday background asbestos fibre levels are five to 500 times greater than outdoor levels. To try and put that into some context, the Industrial Injuries Advisory Council defines “significant exposure” as

“a level above that commonly found in the air in buildings and the general outdoor environment”

and states that that an exposure above that level would materially increase the risk of mesothelioma developing.

According to leading experts, the frightening reality of asbestos exposure is that there is no known threshold below which there is no risk. Even the most common of classroom activities can release dangerous fibres. That can be something as simple as slamming the door five times, which could release levels of amosite fibres more than 600 times greater than outdoor levels. That action routinely occurs in Britain's schools on a daily basis. There are even simpler reasons for fibre release in classrooms, such as placing drawing pins in the wall and removing books from the book shelf. They are daily occurrences, too, in every school in the UK, and that is why I sought this important debate.

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If the respected experts are correct—as of yet, there has been little opposition to their findings—children and school staff are being exposed considerably day in, day out, which is deeply concerning. Will the Minister consider the introduction of a national audit of the extent and condition of asbestos in schools, in which the data should be centrally collated and open to public scrutiny?

The exposure to the lethal fibres on such a scale means that people are dying from the asbestos-related disease mesothelioma. We all agree that to do nothing is not an option—or should I say that I hope that we all agree? Fresh action is needed urgently.

**Annette Brooke (Mid Dorset and North Poole) (LD):** I thank the hon. Gentleman and congratulate him on securing this very important debate. Will he join me in congratulating the Department for Education for making movements on training packages for staff? I hope that he will agree that we must go much further to ensure that staff are trained to cover the problems caused by drawing pins in walls. Does he further agree that if parents have any inkling that the age of the building is such that it might contain asbestos, when they visit the school they should ask where its asbestos management plan is?

**Ian Lavery:** The hon. Lady makes a number of very important points, which I hope to clarify in my speech.

The current system is difficult to remedy and, as such, Government policy is to manage the asbestos in schools and try to reduce the exposure incidence. So long as the asbestos is in good condition and is unlikely to be disturbed, it is thought that managing the asbestos in a prescribed manner is preferential to its removal.

**Tom Blenkinsop (Middlesbrough South and East Cleveland) (Lab):** I congratulate my hon. Friend on securing this important debate. Laurence Jackson school in Guisborough in my constituency, built at the time of the Macmillan Government, has about six or seven boilers whose piping is lagged with asbestos. Due to the antiquated boiler system, constant work is needed, meaning that the pipes are constantly being interfered with, increasing the likelihood of asbestos contamination. The school has a plan, but its capital requirement for dealing with the ongoing situation is only about £25,000. The likelihood of asbestos contamination increases every time the system is tampered with. Would he not say that even schools that have a plan can get into tricky situations like that?

**Ian Lavery:** My hon. Friend makes an important point. That is one reason why we can no longer agree to leave asbestos in schools virtually until they are knocked down. We need a

strategy in place for the immediate phased removal of asbestos. Yes, it will take time, but we need a strategy.

**Mr Richard Bacon (South Norfolk) (Con):** I am delighted to hear the hon. Gentleman say that phased removal is the right strategy for the long term. Does he agree that most parents understand that it cannot all be done at once, but that there is nothing to fear from sharing information more publicly so that there is more pressure from parents and more knowledge from schools

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about what they need to do in the meantime to mitigate the problem properly rather than to deal with it inadequately until phased removal is possible?

**Ian Lavery:** I accept that point, and I will come to it in my contribution. It is extremely important that parents and everyone involved in schools understand exactly what the management plans are, and understand everything relating to asbestos presence in the school building.

The problem at the moment is that we have the worst of both worlds. Asbestos is not being removed due to cuts to the schools refurbishment programme, but at the same time, it is not being managed properly. Effective asbestos management systems must be put in place and registered and monitored accurately, asbestos-containing materials must be clearly identified and marked, regular independent inspections must take place and defects must be repaired immediately.

Does the Minister agree that children should have the same rights as adults in an asbestos environment? Those rights could reasonably be exercised through parents, guardians and teachers. In addition, does he agree that schools should be treated as special places, as they are in other countries? Children's special vulnerability to asbestos should be recognised in asbestos management procedures. Most importantly, does the Minister accept that the details of asbestos incidents in schools need to be collated centrally and open to public and internal scrutiny, so that the effectiveness of Health and Safety Executive, Department for Education and local authority asbestos management policies can be assessed?

A recent report by the Asbestos Testing and Consultancy Association was critical of many schools. The report criticised ineffective and at times dangerous asbestos management systems. ATAC expressed the view that school systems' failures are not minor in the main, but fundamental, serious and endemic in schools across the UK.

If, as is likely, Government policy is to be maintained—that is to say, if the problem of asbestos is to be managed—then managed it must be. A well-trained work force are essential, as is a culture of openness with parents, pupils and teachers. Quality training of head teachers, teachers, school governors and others expected to manage asbestos is a must. All staff should be adequately trained in asbestos awareness so that any actions that might disturb asbestos fibres can be prevented. Also, instructions should be given to children to ensure that any disturbance is avoided.

If any management system is to work efficiently, individuals must be up to the job. Those tasked with managing the system must clearly understand their role and responsibilities under

the current law. That is not happening at the moment, although some local authorities are better than others. However, the Secretary of State for Education recently announced that he proposes to move responsibility for health and safety in schools away from local authorities and give it to individual schools. That will make good and effective management even more unlikely. Will the Minister confirm that such training is adequately funded and will continue as long as management systems are in place? Furthermore, will he comment on the notion that standards in asbestos training should be set and that training should be mandatory? Will he recommend that the Department

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for Education and the HSE jointly develop asbestos guidance specifically for schools and that current standards be reviewed?

We have a huge problem with openness. The presence and incidence of asbestos fibre release is often played down. It is accurate to suggest that many parents are wholly unaware and not informed of the presence of asbestos in their children's place of education. A recent survey showed that at least half of school staff were not informed of the problem either. Will the Minister demand a policy of openness and complete transparency about asbestos in schools? Does he agree that parents and teachers should have a right to know what asbestos is present in their and their children's school, and does he accept that parents, teachers and support staff should be annually updated on the presence of asbestos in their schools and on the measures being taken to manage it?

In conclusion, this issue has often been seen by successive Governments as too big to handle. It is crystal clear that there are serious concerns about how asbestos is managed in schools. The longer the issue remains unaddressed, the more people will be exposed, increasing the cost to be picked up by future generations, as has happened in past decades. The Government and other interested experts should work together to ensure greater co-ordination, aiming at the complete eradication of asbestos fibres in our schools. Children, parents and staff should feel totally comfortable in the school environment and free from potential harm. Will the Minister agree to revisit this issue as a matter of great urgency, and take up the cudgels and introduce a detailed programme to secure our nation's prized assets—our children—from this killer fibre?

**10.22 pm**

**The Minister of State, Department for Education (Mr Nick Gibb):** I congratulate the hon. Member for Wansbeck (Ian Lavery) on securing this important debate. I know that he is passionate about this subject, having campaigned for victims of asbestos-related lung conditions and pleural plaques in the north-east and in his role as secretary of the all-party parliamentary group on health and safety. I have read its report, "Asbestos in Schools: the need for action", very carefully.

The priority for this Government, as for the previous Government, is to ensure the safety of staff and pupils in schools. The report is welcome in raising awareness of the asbestos issue and makes several important recommendations, which I will address, as I will the hon. Gentleman's questions. The Government's policy remains consistent with that of the previous Administration. The Health and Safety Executive advice is clear. If asbestos is in good condition and not disturbed or damaged, it is safer to leave and manage it in place than to

remove it. In the view of the HSE, removing it would involve a far greater risk to school children, staff and contractors than managing it until the eventual demolition of the building.

The Department for Education and the HSE are proactive in promoting good asbestos management in schools. To oversee this important work, my noble Friend Lord Hill, the Under-Secretary of State with responsibility for schools, established the asbestos in

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schools steering group, which is chaired by the Department and has a membership that includes my hon. Friend the Member for Mid Dorset and North Poole (Annette Brooke), trade unions, campaigners, the HSE and Partnership for Schools.

Under the Control of Asbestos Regulations 2006, responsibility for complying with asbestos legislation lies with those responsible for the maintenance or repair of non-domestic premises. For most state schools that will be the local authority, not the school itself, but where budgets for building management are delegated to schools by the local authority, the duty—as it is called—to manage asbestos will be shared between schools and the local authority.

**Ian Lavery:** Will the hon. Gentleman explain what would happen with the newly introduced free schools? Who would be responsible for the management plan and for ridding those schools of asbestos?

**Mr Gibb:** The duty to manage is the duty of the employer. In academies and free schools, that would be either the governing body or the academy trust. However, I will write to the hon. Gentleman shortly to ensure that I am correct on the technical question of who, precisely, is the employer in those circumstances.

There is a need for head teachers and governors to be aware of their responsibilities when commissioning building or maintenance work. Duty holders should have already taken steps to identify whether asbestos is present in their buildings and assessed the condition of the asbestos, and should have access to records of that information. The duty holder also needs to assess and manage risks to ensure that people are not exposed to asbestos fibres. If the asbestos-containing material is deteriorating or subject to damage, remedial measures will be required. The HSE guidance on the 2006 regulations gives schools clear procedures to follow in assessing the risk from asbestos. The guidance requires assessment of the location, type and condition of the asbestos-containing material, and it is the duty of schools and local authorities to take the appropriate measures.

The Minister of State, Department for Work and Pensions, my right hon. Friend the Member for Epsom and Ewell (Chris Grayling), who has responsibility for employment, has set out the Government's plans for reform of the health and safety system in Britain in the document "Good Health and Safety, Good for Everyone". The proposals make it clear that there is a need to focus attention on the highest risks. As a result, the HSE will not routinely inspect local authority-maintained schools. However, managing asbestos needs effective and ongoing attention from duty holders. The HSE's recent inspection initiatives of schools under local authority control and those outside it, to which the hon. Gentleman referred, found that the majority were adequately managing asbestos, but a proportion fell below acceptable standards. The findings of those inspections have been published, so that all schools can

review their asbestos management in areas where common weaknesses were identified. The HSE is also gathering intelligence to see whether further inspections of schools are necessary. If so, the HSE will monitor the duty to manage asbestos requirements through a series of inspections in 2013-14 to ensure that the HSE's guidance and the findings of its recent inspection initiatives are properly implemented.

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**Jim Sheridan (Paisley and Renfrewshire North) (Lab):** Very briefly, what proportion of schools fell below the standards?

**Mr Gibb:** I do not know the proportion that fell below the acceptable standards, but I will write to the hon. Gentleman shortly with the precise figure from the HSE.

Everyone in the education sector has a role to play in raising and maintaining awareness. Where duty holders fall below acceptable standards, HSE inspectors will continue to take action, and they have robust procedures in place to enforce regulations. The Department and the HSE have put in place clear guidance for schools and local authorities to help them identify and manage the risks posed by asbestos. We are currently producing an asbestos awareness training website, containing online training packages for head teachers and governors, and teaching and support staff, as well as premises and caretaking staff. In addition to training, the website will allow schools and local authorities to share good practice and documentation on asbestos management. The head teacher's course is undergoing trials and will be released later this year. We do not propose to make the training mandatory, as we do not want to impose one particular model where good practice may already be in place.

Another recommendation in the report, to which the hon. Gentleman referred, was that data about the extent, type and condition of asbestos should be collected by central Government. There is a need to maintain a register of asbestos surveys at local authority level, but we do not see the need for a national register of asbestos surveys of public buildings in England and Wales. It would result in the unnecessary duplication of the records that local authorities and other employers are required by law to keep, and the need to maintain two sets of identical data would increase bureaucracy.

Another recommendation in the report was that a system should be introduced so that parents and school staff could be regularly informed about the presence of asbestos and how it was being managed. A similar

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system is in place in the United States. We encourage a policy of openness, but it is for duty holders to determine which information to share with parents.

On the issue of proactively removing all asbestos, the HSE's advice is clear. Removing all asbestos when a risk assessment has determined that that is not necessary is considered more dangerous to those removing it and to the building's occupants than leaving it undisturbed. If the control of asbestos regulations are followed and asbestos surveys and management plans are put into effect, with periodic checks on the condition of any asbestos, the expert advice is that this will result in no significant exposure to asbestos.

The Government take very seriously the issue of managing the problem of asbestos in our schools. As the all-party group's report makes clear, the majority of schools contain asbestos-containing materials, as do many other buildings, both domestic and non-domestic. The asbestos in schools steering group, established by my noble Friend Lord Hill, has asked the committee on carcinogenicity of chemicals in food, consumer products and the environment to look into the relative vulnerability of children to even low-level exposure to asbestos fibres. I have taken on board the hon. Gentleman's point about the exposure of children to asbestos. This will be the first such assessment, as previous assessments have been for adults exposed to high exposure levels. We will review our policy on asbestos management and our advice to schools when we receive the committee's report later this year.

I thank the hon. Gentleman for raising this issue. I hope that he will be reassured that the Government are taking it very seriously. As previous Governments have done, we are following the expert advice of the Health and Safety Executive in formulating policy and managing safely the asbestos in school buildings.

*Question put and agreed to.*

**10.32 pm**

*House adjourned.*