

Comment on HSE statements given in interviews to ITN's Teachers TV on 14th November 2008 and to Radio 4's Today programme on 30th October 2008

Extract of a transcript from a Teachers TV interview with Steve Coldrick, HSE Head of Disease Reduction Programme. 14th November 2008:

Reporter Charlotte Hume: *HSE is responsible for monitoring the level of asbestos exposure in schools. Our correspondent Estelle Curry spoke to HSE's Steve Coldrick, director of its Disease Reduction programme, and asked why no audit had been done.*

HSE Steve Coldrick : *"I think that what we have to do is distinguish between a concern and the likelihood of a problem. Very often people offer a solution but they don't actually define what the problem is and we have to look at the risk of ill health and not the concern about ill health, and therefore define what we consider is an appropriate response.*

Reporter Estelle Curry : *"One campaigner who's wife was a teacher and died of mesothelioma has alleged that there has not been an investigation because of cost. Is cost an issue?"*

HSE Steve Coldrick: *"I think that statement is a misleading statement. What actually happened was that we did conduct a survey in schools to find out what the issues were, and there were two elements: First of all when we looked at actual exposures that were arising out of the scenarios that the individual posed, we found the exposures were actually very low. Secondly in checking the way in which schools manage their duty generally it was good, though it is true to say that in a couple of education authorities the standards were not as good and we took enforcement action. But otherwise they were generally sound.*

Extract from a Radio 4 Today programme report on asbestos in schools and hospitals. 30th October 2008:

Reporter Andrew Hosken: *"The government and the Health and safety Executive (HSE) have resisted calls for a national register, saying much of the information is already publicly available and that the vast majority of cases, the material is well-monitored and maintained."*

Comment. Surveys, audit and risk assessment. Cost.

The whole Teachers' TV report had an underlying theme concerning the fact that a national audit of asbestos had not been carried out in schools. This aspect was also highlighted in the Today programme report. The fact that one has not taken place is despite calls over the last twenty five years from MPs, teaching unions and others who have asked successive governments to carry out an audit of asbestos in schools to establish the extent of the problem and the consequent risks, for only then can resources be allocated in proportion to the risk. Teachers TV Estelle Curry asked the senior HSE official, Steve Coldrick, why an audit had not been done. His reply does not answer the question, but instead criticises those who have for decades warned the government that there is a serious problem. His reply is somewhat ironic for it epitomises the government's policy, for they have refused to assess the scale of the problem by carrying out an audit or risk assessment and yet, contrary to all the evidence, they state that there is no problem. Consequently they can erroneously claim that that their policy of minimum intervention is appropriate.

There are many other flaws in the HSE statements, this paper addresses their denial that cost was an issue:

In the interview the HSE Head of the Disease Reduction programme was specifically asked whether the reason for failing to investigate the problem of asbestos in schools was cost, and he claimed that

it was not, emphasising that it was misleading to say that it was. Regrettably what he says is not borne out by official documents obtained under the Freedom of Information Act from the Department for Education (DFE, DfEE, DfES, DCSF). It must be questioned who is being misleading, for the documents repeatedly show that an audit, asbestos surveys and even a risk assessment have not been carried out because of the costs involved.

The following are a few extracts from documents copied from confidential DfES asbestos files.

In 1993 the DFE wrote a Ministerial briefing for the Under Secretary of State for Schools concerning meetings with the General Secretary of the NUT. Mr McAvoy had requested that a national audit be carried out of asbestos in schools, however the DFE advice was to turn down the request as they claimed that such an audit was not central government's responsibility. They also highlighted the fact for the Minister that such an audit would lead to calls for further capital expenditure:

[asbestos.dft]

From: J C Hedger

[November 1993]

PS/MR FORTH

ASBESTOS IN SCHOOLS

1. As the Minister is aware, I took a meeting on 5 November with NUT officers led by Mr McAvoy, the General Secretary. This
- iii. we would not be in favour of a national audit in which returns would be made to DFE. These matters are entrusted to LEAs and governors and they should be fully responsible. (In any case, a nationwide DFE-organised audit would be bound to lead to further demands for additional public expenditure on schools buildings, at a time of increased resource squeeze.)
8. We shall let the Minister have a full brief nearer the time;

1

¹ Letter DFE Hedger/ PS;Mr Forth Ministerial briefing Asbestos in Schools. 12 November 1993

In February 1994 the DFE wrote a background Ministerial briefing for an imminent parliamentary adjournment debate on asbestos called by John Battle MP and answered by the Minister, Anne Widdecombe MP. Amongst other matters, he was concerned about the asbestos contamination of a primary school in Leeds and the exposure of the occupants. The confidential Ministerial briefing gives two reasons for not undertaking an audit; one being the fact that DFE consider that an audit "could lead to a panic reaction," and the other that "a national audit could have significant cost implications." The extracts from the Ministerial brief are follows:

FROM: Wilson J J /PS
TO: DESNET/MH/ChipperDM
DATE: 14/02/94
TIME: 15:22
CC: Wilson J J /PS
DESNET/S1/Chamberlin
DESNET/MH/WrightSJ
SUBJECT: ASBESTOS IN SCHOOLS
PRIORITY: 5
ATTACHMENTS: DEBATE.CAP
DEBATE.JB

DEBATE: JOHN BATTLE

How is DFE responding to the NUT call for a survey of all schools?

Mr Forth (DFE PUS) met Doug McAVoy (NUT) on 1 December 1993. At the meeting Mr Forth agreed that it might be timely for the Department to remind LEAs and school governors of their responsibilities on health and safety relating to asbestos. He felt more comfortable with this course of action than initiating a national audit which could lead to a panic reaction. He highlighted the recent scare over asbestos in schools in New York which had led to major disruption. [We are still awaiting advice from New York on this]. A national audit would also have significant cost implications. Mr Forth will be writing to Mr McAVoy in due course.

[debate.jb]

2

Not only was DfEE concerned about the costs of a national audit, they were also concerned about the cost of undertaking asbestos surveys in schools, which would be a very necessary and integral part of the audit. The following extract is from a letter written by the DfEE official with responsibility for asbestos in schools to a senior HSE official. The letter was part of the consultation for the 2002 Control of Asbestos at Work regulations where inter-departmental discussions were taking place over the Minister for the Environment's wish that asbestos surveys should be made compulsory. The DfEE argued strongly and successfully against the proposal. As can be seen the underlying reason was one of cost, for DfEE considered that the "cost of surveys and removal and reinstatement would be prohibitively expensive." They stated:

² DfEE memo Asbestos in schools briefing for Parliamentary debate Wilson/ DESNET Chipperfield 14 Feb 94



**Department for
Education and Employment**

Caxton House
6-12 Tothill Street
London SW1H 9NF

21 August 1997

ASBESTOS SUBMISSION

Thank you for the sight of the above.

I must admit, like you, we would not be very keen on the idea of surveying all the schools. The cost of survey and removal and reinstatement would be prohibitive and probably much higher than the estimates in your report. As far as the schools and Local Education Authorities are concerned this would be a 'new burden', as such we would look for an appropriate PES transfer increase in funding to meet the cost of this 'new burden'. It may be helpful to bring out this point in the submission.

Head of Architects & Building Branch
Capital & Buildings Division

3

Soon after this letter was written laying out the DfEE's arguments against schools carrying out asbestos surveys, a meeting took place at the HSE where various Government Departments attended to discuss whether asbestos surveys would be made compulsory. Again DfEE argued against the proposal, and the underlying reason was cost. The first extracts are from an internal DfEE briefing paper for their representatives attending the meeting giving them the "line to take", the second is an extract from the HSE minutes of the meeting:

LINE TO TAKE

- **A regulatory requirement to inspect 24,000 schools would:**
 - (a) **represent a costly new burden. We would look for a PES transfer from the sponsoring Department;**
 - (b) **alarm people (the New York experience);**
 - (c) **where asbestos is found, lead to calls for its removal even where it is better left in place;**

A blanket inspection in advance of need could be a costly and unnecessary exercise.

4

³ DfEE letter Asbestos submission. Patel Head of Architects and Building Branch /HSE Andrews 21 Aug 1997

⁴ DfEE Asbestos Briefing Pack for meeting at the HSE 1030 On Thursday 18 Jun 1998

The HSE minutes of this crucial meeting record the arguments against mandatory surveys put forward by the DfEE and also the Local Authority representatives. The minutes also record that the main reason was cost:



Asbestos guidelines etc.

DATE: 6 JULY 1998

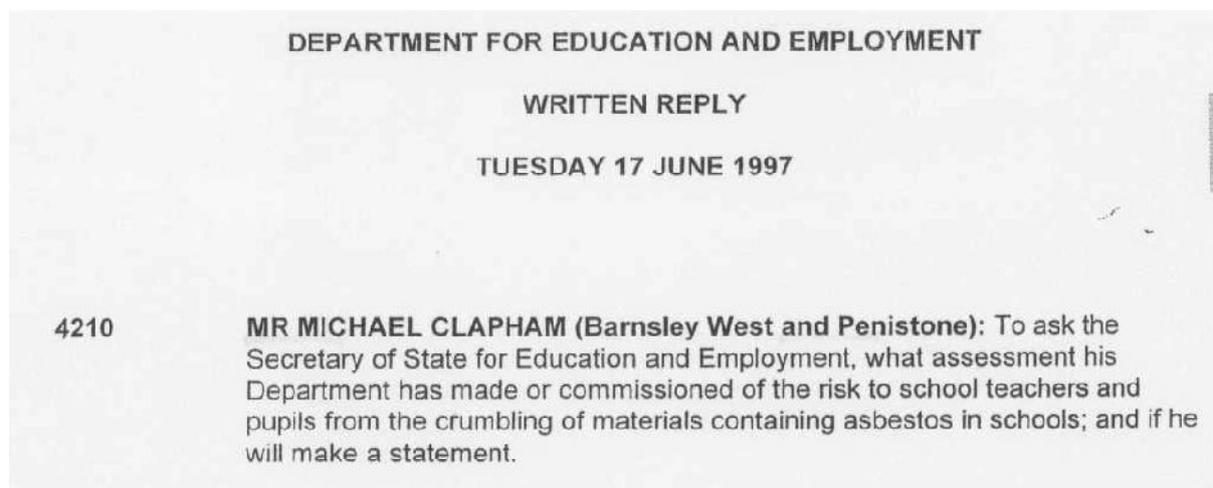
RE: MINUTES; ASBESTOS IN NON DOMESTIC PREMISES MEETING

Schools and Local Authorities

- The main concern here was over the cost of carrying out building surveys and who would accept responsibility for this cost.

5

As well as cost being DfEE's underlying reason for not carrying out asbestos surveys or an audit in schools, it is also their underlying reason for not undertaking an assessment of the risk to the occupants of schools. In 1997 Michael Clapham MP, the present chairman of the Parliamentary Asbestos sub-Committee, asked a parliamentary question about the risk from asbestos to the occupants of schools. The following is the Parliamentary question and the written reply from the Minister for School Standards, which once again abdicates central Government's responsibility for the health and safety of staff and pupils in schools, and it even abdicates responsibility for assessing the risk. The parliamentary question and written answer was part of the DfEE asbestos files, as was the Ministerial background briefing which gives the actual reason why a risk assessment has never been carried out:



⁵ HSE Minutes, Asbestos in Non Domestic Premises Meeting 6 July 1998

MR BYERS:

Local education authorities and school governors in voluntary aided and grant maintained schools have the statutory responsibility for the fabric of their buildings and the health and safety of pupils and employees while they are on the premises.

My Department's Architects and Building Branch, the Department of the Environment and the Health and Safety Executive provide them with detailed guidance on asbestos, including advice on how to assess risks, and on other building-related issues.

6

Despite what was stated in the parliamentary written reply, the DfES's background briefing for the Minister gives the real reasons behind the bland statement that avoids addressing the issue of why the Department for Education has not carried out a risk assessment, and has instead abdicated the responsibility to others. It makes it very clear that the main reason is because of the resultant cost. It will be noted that the Department's overriding concern is to avoid calls for the removal of asbestos which "*would be extremely expensive:*"

Background

1. We are not aware of any specific local issue in Mr Clapham's constituency that might have led to the present question.

5. 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. That would be extremely expensive, as well as risky and disruptive for the schools concerned. The schools capital budget is already overstretched and the baseline falls over the next three years on present expenditure plans. Asbestos removal undertaken at the initiative of an LEA

Presentation

6. We do not recommend issuing a Press Notice. Asbestos in schools is an emotive issue. Any press coverage could lead to renewed calls to remove all asbestos, which would be very expensive and could actually increase risks in some cases - see 3 above.

7

For almost twenty five years successive governments have refused to assess the extent of asbestos in the nation's schools and have persistently avoided answering questions that attempt to determine the extent of the problem and the associated risks. As has been seen documents show the reason for refusal is a concern that people might "*panic*" and demand the removal of asbestos, the underlying reason always being one of cost. It is also apparent that the Department for

⁶ DfEE written reply Michael Clapham MP 17 June 1997

⁷ DfEE written reply Michael Clapham MP Background briefing 17 June 1997

Education will not accept that the protection of the occupants of schools from the dangers of asbestos is ultimately their responsibility, but instead they consider that it is that of the local authorities, school governors and head teachers. In addition they consider the lead in all matters to do with asbestos should be given by the HSE and not them. This is despite the fact that their own Minister acknowledges that some schools are not attaining the required safety standards. In 2004 after a series of serious asbestos incidents in schools that had led to widespread contamination, asbestos exposures, disruption and expense, the Schools Minister David Miliband MP stated:

We also accept that asbestos found in schools has not always been dealt with in a professional manner. ⁸

HSE also acknowledged that a significant minority of authorities were not managing their asbestos effectively:

Whilst many authorities have been managing asbestos risks effectively for many years, HSE believes a significant minority have still not established complete control of asbestos on their premises. Therefore, HSE intends to launch an initiative to highlight the issue of asbestos in schools and to encourage LAs and others to manage these risks correctly.

9

A campaign was set up to improve the asbestos management in schools and to dramatically reduce the asbestos exposures of the occupants:

HSE has set up a project team, which will prepare a series of initiatives designed to promote the effective management of asbestos in schools. Although the project will be aiming to reduce exposure dramatically over the next few years, initially we will be concentrating on achieving a 20% reduction in current exposure levels.

10

One of the initial tasks was to assess whether schools were managing their asbestos:

One important early task of the project team will be to establish the extent of current compliance levels, to see where the weaknesses lie, and what barriers there are to compliance.

11

And yet within a year the campaign was dropped so that HSE could reallocate their resources to reduce the asbestos exposures of the building maintenance trades. They attempted to pass the leadership of the “*important campaign*” to the DfES who refused to accept that it is their responsibility, and continue to do so despite pressure from the unions, MPs and from the Parliamentary Asbestos sub-Committee. The campaign therefore has dropped down a large hole in the middle between two government departments, with no one accepting responsibility for it. Because it was scrapped and has not been reinstated no proper assessment has been made whether

⁸ Letter Under Secretary of State for Schools David Miliband MP/ General Secretary NUT Steve Sinnott 2004/0043423PODM Aug 2004

⁹ HSE Head of Asbestos Policy Briefing for the Local Authority Forum 23 Nov 2004

¹⁰ HSE Head of Asbestos Policy Briefing for the Local Authority Forum 23 Nov 2004

¹¹ HSE Head of Asbestos Policy Briefing for the Local Authority Forum 23 Nov 2004

or not schools are managing their asbestos, and because nothing has changed and no one has taken a grip of the situation, the asbestos incidences in schools continue unabated.

There are some local authorities who are very good at managing their asbestos, but by the Government's own admission others are not. The HSE are underfunded and therefore can only concentrate on industry and occupations where the risks are highest, with schools being low down on their list of priorities. Despite knowing all of this, the DCSF refuse to accept that the health and safety of the occupants of schools and their protection from the dangers of asbestos is their ultimate responsibility. Instead they fail to give any leadership, and for the last twenty five years as the situation has gradually worsened they have refused to assess the scale of the problem or the risks and instead abdicate their responsibilities to others.

The annex to this paper gives a list of requests that have been made to determine the extent of asbestos in the nation's schools.

The UK's government policy is in stark contrast to that in other countries. In the early 1980s America assessed the risks, carried out an audit and then, because of this, was able to implement a proportionate response. In 1980 the American Environmental Protection Agency estimated the risk to teachers and children and gave a best estimate of 1,000 asbestos related from school exposures, of which they considered 90% would be amongst children.¹² In 1982 a nationwide audit of every school was carried out in the USA, where every school was required to carry out an asbestos survey.¹³ The surveys found that four times as many schools contained asbestos that had previously been thought and five times more pupils were at risk.¹⁴ Because they had assessed the scale of the problem stringent asbestos laws were introduced specifically for schools. Funding, guidance and training were provided, all schools had to carry out an asbestos survey every three years and regularly carry out condition checks on the asbestos. A policy of openness was adopted where by law teachers and parents have to be annually updated on their school's asbestos management.¹⁵

In 2000 Southern Ireland carried out a national audit of asbestos by surveying all of their schools. Their Parliament considered that schools should be considered as a special case because of the particular vulnerability of children and the proximity of asbestos, as a consequence they took the decision to remove asbestos where it would not normally be considered necessary.¹⁶ Coincidentally there is one part of the United Kingdom that has carried out a national audit of asbestos in their schools, and that is Northern Ireland. In 2003 Northern Ireland undertook an audit of asbestos in schools when the Department for Education instructed all schools to undertake asbestos surveys.¹⁷ The results were centrally collated and "*all top priority*" asbestos was removed.¹⁸

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

¹³ EPA report Health effects and magnitude of exposure of asbestos containing material in school buildings 560/12 –80-003

¹⁴ EPA fact sheet AHERA 1986 statement EPA Administrator 23 Oct 1986.

¹⁵ US Government Asbestos Hazard Emergency Response Act 1986 (AHERA) H.R.5073 US General Accounting Officer's report RCED-85-91B-20367 School District Officials Face Problems in Dealing with Asbestos in their schools 19 Mar 1985

¹⁶ Parliament of Ireland Seanad Debate official report Minister of State at the Department of Education and Science 1 Mar 2000. European agency for Safety and Health at Work – Ireland 11 Apr 05. Republic of Ireland. Department of Education and Science. 11 Apr 2005 Asbestos Remedial Programme. School Building Projects.

¹⁷ Hansard Written answer Robinson/Secretary of State for Northern Ireland 2 Dec 2002 : Column 543W

¹⁸ Secretary of State for Northern Ireland written reply 198298 Lady Hermon / 17 Nov 2004

More than twenty years ago the USA assessed the scale of the problem, then ten years ago Southern Ireland did, and more recently Northern Ireland has followed suit, with the consequence that they have all been able to take proportionate remedial action.

The HSE Head of the Disease Reduction programme denied that cost was the reason behind the failure to carry out an investigation into the extent of asbestos in the nation's schools. All the documents show that his statement is incorrect. The cost of surveys, an audit, a risk assessment and the resultant cost of remedial actions has been the overriding reason that successive governments have undertaken none of them. It is inexcusable that the Department for Education refuses to accept that protecting the occupants in schools from the dangers of asbestos is their ultimate responsibility. It demonstrates an unacceptable failure on the part of successive Governments and the Department for Education to protect the most vulnerable people in our society, our children. The fact that a senior HSE official should deny that cost is a factor is misleading to the extreme.

Michael Lees

23rd November 2008

NB: Other statements made by HSE in the Today programme, and the Teachers TV interviews were equally flawed. They will be examined separately.

Annex: List of requests to determine the extent of asbestos in UK schools :

- In 1984 the National Union of Teachers called for: *“ Immediate and thorough surveys of all educational premises to determine the precise location, nature and condition of any asbestos present. ...”*¹⁹
- In 1984 the Department of Education and Science was asked if it intended to follow the US lead and make substantial funds available for asbestos remediation and removal in schools. The department replied that: *“it is considered that present legislation in relation to asbestos is adequate to deal with the situation.”* When the Department was asked how much asbestos actually was present in Britain’s schools, it stated that *“Statistics are not available.”*²⁰
- In 1989 the NUT stated :
*“The Union, at national level, is seeking the following: Identification of the volume and condition of asbestos in school buildings in England and Wales. ”*²¹
- In 1990 Frank Dobson MP asked the Secretary of State for Education:
“How many schools have asbestos in them and where they are located.”

The Minister, Alan Howarth MP replied :

*The Department does not keep records of how many individual schools contain asbestos.*²²

- In 1991 Derek Fatchett asked the Secretary of State for Education:
“Whether his Department will undertake a survey on the levels of asbestos in schools ; and if he will make a statement.”

The Minister Michael Fallon replied ;

*“... It is for local education authorities and other responsible bodies to judge the need for surveys in schools..”*²³

- In 1993 the NUT requested that a national audit be made of the extent of asbestos in schools. The Ministerial Q&A briefing for the meeting prepared by the DFE stated:
*“We see no need for such an audit.”*²⁴
- The November 1993 report on the meeting records that:
*“The Minister argued that there was no need for a nationwide audit. It was the responsibility of LEAs and school governors to ensure that pupils and staff were not at risk. Commissioning a nationwide survey might provoke panic.”*²⁵

¹⁹ (NUT Asbestos in schools a continuing threat 1989)

²⁰ Healthmatters The time bomb ticking away in our schools Issue 3 Spring 1990 p8-7

²¹ (NUT Asbestos in schools a continuing threat 1989)

²² Hansard Asbestos (Schools) Mr Dobson/ Mr Alan Howarth Written answers 20 Apr 1990

²³ Hansard Schools Asbestos Fatchett/Fallon Column 439 24 April 1991

²⁴ Ministerial Q& A briefing for meeting 5 Nov 1993.

²⁵ DFE meeting with General Secretary NUT 5 Nov 1993 S. MacMahon

- The Minister, Mr Forth, wrote to the General Secretary of the NUT in March 1994, he went further than purely rejecting a nationwide audit by stating that he did not even agree with the union's suggestion that Local Authorities should carry out audits of asbestos in their schools. He stated:
*"I am afraid I cannot agree with the NUT's suggestion that Local Authorities should be required to carry out an audit of asbestos in school buildings."*²⁶
- In December 1994 a revised Ministerial Q&A briefing was drafted for a second meeting between the Minister and the NUT, it reiterated the NUT's request that:
*"There should be a national audit of asbestos in schools."*²⁷

The Department advised the Minister that:

*"We see no need for such an audit. Local Authorities and schools are aware of their responsibilities for monitoring asbestos."*²⁸

- In 1995 David Chidgey MP asked a parliamentary question :
"What consideration her Department has given to encouraging local education authorities to survey school buildings so as to create detailed registers of school buildings that contain asbestos"

The Minister Robin Squire MP replied:

*Responsibility for the condition of school buildings and the health and safety of pupils and staff lies with local education authorities and school governors. Although the Department would suggest that in all cases the presence of asbestos in school buildings should be recorded and its condition monitored, how local education authorities and schools exercise their responsibilities for health and safety must be for them to decide.*²⁹

- Under-funding over many years had led to the fabric of many school buildings deteriorating through lack of maintenance. The scale of the problem was summed up in January 1999 by the Schools Minister, Charles Clarke, who stated:
*"Our current buildings are below the standard we have a right to expect. Many are at or near the end of their expected life. Many others are in poor condition; others still are not suitable for the needs of the modern curriculum. Simply to tackle the most urgent priorities requires a huge increase in the resources devoted to school capital"*³⁰
- In December 2003 Jarvis Plc, a main PFI contractor rebuilding schools, stated to a parliamentary select committee:
"So far PFI has replaced only 2% of all new schools. Some 85% of schools pre-date 1976. The government is to be applauded for sanctioning a substantial increase in the schools capital

²⁶ Parliamentary Under Secretary of State for Schools Eric Forth/Mr D. McAvoy 7 Mar 1994

²⁷ DFE . MacMahon/ PS Mr Squire asbestos in schools: meeting with Doug McAvoy 14 Dec 1994

²⁸ DFE . MacMahon/ PS Mr Squire asbestos in schools: meeting with Doug McAvoy 14 Dec 1994

²⁹ Parliamentary written question/answer Mr Chidgey/Mr Squire 23 Mar 1995 15150

³⁰ Charles Clarke, Parliamentary under Secretary of State for School Standards, foreword to Schools Capital Strategy, January 1999.

*programme since 1997. However we would agree with the Minister David Miliband who says that we have only been "digging ourselves out of a hole."*³¹

- In February 2004 in answer to a Minister's query, DfES e-mails admit that they do not know how many schools contain asbestos:
"Have left your Minister's query [answer needed by 1200] re how many schools have asbestos in them, with Sue...took the call but is going to a meeting at 10.

The reply from DfES was:

*"We do not know how many schools have asbestos."*³²

- In March 2004 Malcolm Bruce MP asked a parliamentary question:
"If he will list the (a) schools and (b) other education facilities which have been identified as containing asbestos; what proportion of (i) schools and (ii) other education facilities have been surveyed for the purpose of identifying the presence of asbestos;

The Schools Minister Mr Miliband replied :

*The Department does not hold information on which schools and other education facilities contain asbestos, nor on the proportion that has been surveyed for asbestos....."*³³

- In November 2004 Lady Hermon MP asked a parliamentary question about how many primary and secondary schools in Northern Ireland contained asbestos. The reply gave a comprehensive list of schools already surveyed where asbestos had been identified:

"To ask the Secretary of State for Northern Ireland how many primary schools in each education and library board area in Northern Ireland have been identified as having classrooms and other public areas containing asbestos; and what steps he is taking to ensure it is removed. [198298]

Mr. Gardiner: The table shows the number of primary schools in each Board area where asbestos in classrooms and other public areas has been identified to date. The programme of surveys has yet to be completed in Belfast, North Eastern and South Eastern Education and Library Boards. The Boards should have completed their asbestos management plans by 21 May 2004.

All Boards have to put in place asbestos management arrangements to ensure compliance with the Control of Asbestos at Work regulations. These arrangements include the setting up of an asbestos register and carrying out surveys at all Board properties.

*The Department of Education made £4.5 million available in 2003-04 and £3.8 million available to Boards in the 2004-05 financial year towards the cost of surveys, preparatory works, removal, decontamination work or repair/remedial work identified.*³⁴

³¹ Parliamentary Select Committee on Education and Skills written evidence. Memorandum submitted by Jarvis Plc 18 Dec 2003

³² E-mail DfES Schools Building and Design Unit/ ? 23 Feb 2004 (Note DfES have removed names and posts from FOI documents)

³³ Hansard Secretary of State for Education and Employment written reply 159656 Mr Bruce / 5 Mar 2004

- In comparison in December 2004 Lady Hermon MP asked a parliamentary question about how many primary schools in England contained asbestos:

“ To ask the Secretary of State for Education and Skills how many (a) primary and (b) secondary schools in each local education authority in England have been identified as having classrooms and other public areas containing asbestos; and what steps he is taking to ensure it is removed.

The Minister for School Standards, Stephen Twigg MP replied:

There are no central records of the numbers of schools containing asbestos in England.... Where asbestos-containing materials are in good condition and are unlikely to be damaged, HSE advice is that, it is safer to leave the materials in place and manage them than to remove them.³⁵

- In December 2004 the Northern Ireland Standing Committee discussed the problem of asbestos in their schools. The Minister was clear that money had been allocated for all schools to carry out asbestos surveys and that further funds were being allocated for a staged programme of removal, or if the surveyor thought fit the asbestos would be removed in a phased programme during future major work. The debate was as follows:

Lady Hermon (North Down) (UUP):

The Minister will be aware that 79 primary schools in the catchment area of the South Eastern education and library board have been found to have asbestos in them—a very serious matter.

Will he clarify who has responsibility for funding the removal of that asbestos? Is it the Department of Education or does the statutory responsibility lie with the board?

Mr. Gardiner:

....The hon. Lady is right to highlight—the press have failed to pick up on this—that the Department has already made available to the education and library boards more than £3.5 million for surveying asbestos on all their school properties and more than £4 million for getting the work done and the problem resolved.

I am happy to say that most boards have done that survey work and embarked on either a staged programme of remedial work to take the asbestos out or a phased programme, if the surveyor has deemed it better to leave the asbestos in place until major works are done and it can be removed.

Unfortunately, some boards have not yet fulfilled their obligation to conduct a survey or put through their remedial work to take out the asbestos where necessary. Only last week, my Department wrote to those boards to ask them why they had not yet done so, even though

³⁴ Secretary of State for Northern Ireland written reply 198298 Lady Hermon / 17 Nov 2004

³⁵ Secretary of State for Education and Employment written reply 204663 column 1369W Lady Hermon /Steven Twigg 14 Dec 2004

*the money has been made available to them, and for a plan of work to show when it will be done.*³⁶

- In September 2005 Iris Robinson MP asked the Secretary of State for Northern Ireland for a statement on the progress of the asbestos removal in schools in Northern Ireland. *“If he will make a statement on progress with the Department of Education's asbestos survey; in which schools asbestos remains; and what the timescale is for the removal of asbestos from all buildings used by the Department. “*

The Minister, Angela E. Smith MP replied:

All the Education and Library Boards have now completed asbestos surveys of schools.

Where necessary, work on the removal of asbestos is taking place over the summer period and I am advised by the Education and Library Boards that by the end of September 2005, all top priority asbestos will have been removed.

Where it is not necessary to remove the asbestos immediately, the Boards and other school authorities are responsible for managing the asbestos safely.

*I will write to the hon. Member as soon as possible regarding the buildings where asbestos remains and the timescale for removal.*³⁷

- In September 2006 James Douglas-Hamilton MSP asked the Scottish Executive whether Scottish schools still contain large amounts of asbestos. The answer was identical to that given by Ministers at the Westminster Parliament and abdicated responsibility for assessing the problem. The reply is no more acceptable in the Scottish Parliament than it is in Westminster. The question and answer were as follows:

“To ask the Scottish Executive whether reports that some schools still contain large amounts of asbestos are correct and, if so, what urgent remedial measures will be taken.

The Minister Peter Peacock MSP replied:

*“ Information about the incidence of asbestos in schools is not collected centrally. Local authorities are responsible for school buildings under their management....”*³⁸

- On 3rd May 2007 Andrew Rosindell MP asked the Secretary of State for Schools:

“How many school buildings in (a) England, (b) Greater London, (c) the London Borough of Havering and (d) Romford contain asbestos; and what steps are being taken (i) to remove the asbestos and (ii) to ensure the safety of students and staff.”

The Schools Minister, Jim Knight replied:

³⁶ Hansard Northern Ireland Grand Committee. Columns 11 and 12. 9 Dec 2004

³⁷ Hansard Secretary of State for Northern Ireland/ Mrs Iris Robinson written reply 11952 12 Sep 2005

³⁸ S2W-28619 - James Douglas-Hamilton (Lothians) (Con) (Date Lodged 25 September 2006. Answered by Peter Peacock (26 October 2006

We do not keep information on which schools contain asbestos.....”³⁹

- On 7th July 2008 the Liberal Democrat Shadow Secretary of State for Children, Schools and Families, David Laws asked the Minister for Schools, Jim Knight MP, how many schools contain asbestos:

“How many and what proportion of schools have had asbestos in their buildings in each year since 1997, broken down by local authority area... “

The Schools Minister Jim Knight gave the same reply that Ministers responsible for the health and safety of staff and pupils have given over the last twenty five years:

“.....Detailed information about the incidence of asbestos in schools is not collected centrally. Local authorities are responsible for school buildings under their management.....”⁴⁰

Twenty five years have passed with successive governments refusing to assess the scale of the asbestos problem in schools. They are sticking their heads in the sand while teachers, teaching unions, asbestos surveyors, asbestos consultants, doctors, solicitors, coroners, MPs and others tell them there is a serious problem. An audit and a risk assessment are an essential first step in tackling the problem, it cannot be put off any longer. The Government must take that first step now and carry out a complete audit of all the asbestos in the nation’s schools, and then assess the risk to the occupants. Until that first step is taken our teachers and children will never be safe from the dangers of asbestos in schools.

Michael Lees

23rd November 2008

³⁹ Hansard Parliamentary question Andrew Rosindell MP/ Jim Knight MP Schools Minister 3 May 2007 : Column 1861W

⁴⁰ Hansard Parliamentary written answers David Laws MP/ Jim Knight MP, Minister of State Schools and Learners 7 July 2008 column 1411W