

Exclusion of asbestos from the audit of schools

This paper gives the reasons that Ministers and DfE have given for their decision to exclude asbestos from the audit of the condition of school buildings. It includes examples where other countries and expert organisations specifically advocate the audit of asbestos in schools.

Asbestos is widespread in schools. Staff and pupils have been exposed to asbestos and increasing numbers are dying. If the number of deaths is to be brought under control then the basic principle of risk management has to be followed and an assessment made of the scale of the problem and the risks. However successive Governments have refused to do either.

Finally in 2011 the Government commissioned an assessment of the risks to children and the Committee on Carcinogenicity will report by the end of the year. When they do the Government has stated that they will review their policy on asbestos in schools. If that review is to have any substance then it is essential that the scale of the asbestos problem in schools is determined so that accurate financial estimates can be made of the costs of maintaining, refurbishing or rebuilding schools. Those schools most at risk can also be identified and the limited resources targeted at those most in need.

Asbestos audit refused. Asbestos specifically excluded

- In 1984 the NUT called for an audit of asbestos in schools. Since then other unions, organisations and individuals have pressed successive governments to undertake an audit. All requests have been refused.
- In 1993 a DfE internal Ministerial briefing gave advice on why the Minister should refuse NUT's request for an audit:
*"We would not be in favour of a national audit in which returns are made to DFE. These matters are trusted 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 expenditure on school buildings, at a time of increased resource squeeze.)"*¹
- In 1994 The NUT continued pressing the Government to undertake an audit. Another DfE internal Ministerial briefing gave the reason for refusing the request:
*"Commissioning a nationwide survey might provoke unnecessary panic."*²
- By 2009 an audit had still not been carried out and one of the key proposals by AiS at the meeting between themselves and the PM was for a national audit of the extent, type and condition of asbestos in schools.
- In 2009 at two meetings between AiS and Nick Gibb MP, the Shadow Schools Minister, AiS stressed the necessity of an audit of asbestos in schools. Nick Gibb appeared to agree and stated that *"One cannot shut one's eyes to the problem.... one cannot sweep the problem under the carpet"*
- In Apr 2010 at the first DfE Asbestos Steering Group meeting, and at each meeting since then, AiS has put forward the case for an audit.

¹ Ministerial briefing Asbestos in schools DFE Hedger/PS MR Forth 12 Nov 1993

² Briefing. PS/Mr Squire. Asbestos in schools ; meeting with Doug McAvoy 14 December 1994 . Follow link for extracts
<http://www.asbestosexposureschools.co.uk/Teachers%20TV.%20Today%20HSE%20flaws%20Nov%2008.pdf>

- In Apr 2011 the Capital Spending Review criticised the Government for being unaware of the condition of its £110billion school estate. As part of that it was critical of the poor quality of previous assessments and concluded that the reason was “no good quality data is collected on the condition of the estate.”³
- The Review therefore recommended: “The Department urgently needs to build up a better picture of the condition of the educational estate that it funds. Therefore, the Review suggests an on ongoing schools’ survey, with clear goals over a reasonable time, should be started soon.... The first step should be **to collate all existing information sources** and to establish a simple, well-designed database to manage this information.”⁴
- On 5 Aug 2011 DfE submitted an internal document to the Secretary of State which included proposals for the Property Data Survey Programme. DfE stated: “As part of the development of a detailed brief for the Asset Management Software we may want to consider the facility for schools to upload asbestos surveys into the software thus enabling to store all key property information in one place.”⁵

It is clear from this document that in August 2011 DfE were considering including asbestos in the AMS. Schools hold data on asbestos and therefore it was a logical proposal that it should be transferred to the AMS.

- On 12 Oct 2011 the consultation on the Capital Spending Review closed. The review had recommended an audit of the condition of school buildings. AiS agreed and put the case why asbestos should be central to the audit. (Follow the link to AiS’ response⁶)
- On 17 Oct 2011 the Government published the details of the Property Data Survey Programme (PDSP). Surprisingly, given that only five days had passed since the close of the consultation, it stated that responses to the consultation had been considered.⁷ It also stated: “Property Data Surveys will not include an assessment of asbestos.”⁸

Not only is asbestos specifically excluded from the Property Data Surveys, data on asbestos will not be collated in the DfE central data bank Asset Management Software (AMS). This is not only illogical it is also contrary to the recommendations of the Capital Spending Review.

By excluding asbestos it will mean that any financial forecasts will be meaningless. It is therefore contrary to the aim of the project which is: *The PDSP outputs will enable a clear picture of the condition for the entire estate to inform future capital allocations.*⁹

The Minister has stated in a Parliamentary written answer “The data collected will be used to provide evidence of the current condition of schools, and enable future maintenance

³ Capital Spending Review Para v . 8 Apr 2011

⁴ Capital Spending Review Para 2.25 . 8 Apr 2011

⁵ FOI Case Reference 2012/0014921 10 Apr 2012

⁶ AiS response to consultation on the Capital Spending Review 10 Oct 2012

⁷ http://www.asbestosexposureschools.co.uk/npaper%20links/AiS%20response%20capital%20funding%20review.html?zoom_highlight=capital+spending+review

⁸ Property data survey programme memorandum of supplementary information 17 Oct 2011 p5

⁹ Property data survey programme memorandum of supplementary information 17 Oct 2011 p8

⁹ Letter EFA. Davis Langdon Property Data survey: Proposed school appointment 8 Jun 2012

*funding allocations to be focused on the buildings with the greatest need. Property data surveys will not include an assessment of asbestos.”*¹⁰

If asbestos is present in a school then its very presence adds enormously to the cost of any maintenance, refurbishment or demolition. But by excluding it from the PDSP the overall cost of bringing the estate up to a satisfactory standard will not be known, priorities cannot be set and any allocation of future funding will be guess work. Making financial estimates on poor quality data is precisely what the Capital Review had criticised and yet DfE have intentionally embarked on the same flawed exercise once again.

- At the last three DfE Steering Group meetings AiS, ATAC and the LA representative have strongly put the case for including asbestos in the PDSP. DfE have been unable to justify the decision to exclude asbestos but stated that it was made by “Ministers and management.”¹¹ FOI requests for the relevant documentation have been refused under section 35(1a) “the formulation and development of government policy.”¹²

Excuses for excluding asbestos

The reasons given by Ministers and DfE for excluding asbestos are as follows:

- In June 2011 DfE were asked whether asbestos would be included in the audit of the condition of school buildings recommended by the Capital Spending Review. DfE responded that it would not as: *“This programme would be relatively light-touch and is not intended to identify the location of ACMs.”*¹³
- On 22 Nov 11 the Minister, Nick Gibb MP, stated in his written Parliamentary answer: *“Property data surveys will not include an assessment of asbestos, the responsibility for which currently lies and will remain with local authorities and schools under the Control of Asbestos Regulations.”*¹⁴

Their response is illogical and inconsistent when compared to every other item in school buildings that have been included in PDSP. The responsibility, for instance, for the safety of car parks lies with the LA and school authorities and that does not exclude the item from the PDSP.

- On 4 Apr 12 the Minister Lord Hill gave as a reason: *“Asbestos has not been included in the condition surveys as it would duplicate records which local authorities and other employers are required to keep by the Control of Asbestos Regulations 2006. Maintaining two sets of identical data would increase bureaucracy.”*¹⁵

This is an invalid reason as local authorities and schools have data on many other aspects of their school buildings and yet they are not barred from the PDSP. Indeed precisely the opposite is true. The PDSP covering document states:

*“Validation of Existing Local Authority Data:
The DfE acknowledges that many local authorities will have existing condition data and is keen to use this data wherever possible.”*¹⁶

¹⁰ Parliamentary written answer Nick Gibb MP 22 Nov 2011 [PQ2 Asbestos excluded from the audit of the condition of school buildings](#)

¹¹ DfE Asbestos Steering Group AiS Note 14 Jun 2012

¹² FOI Case Reference 2012/0014921 10 Apr 2012

¹³ E-mail DfE 20 Jun 2011

¹⁴ Parliamentary written answer Nick Gibb MP. Annette Brooke MP 22 Nov 2011

¹⁵ Letter Lord Hill/ Annette Brooke MP 4 Apr 2012

- On 14 Jun 12 at the DfE Steering Group meeting DfE officials gave the following reason: *“The software systems local authorities have might not be compatible with the DfE Asset Management System (AMS), and therefore data on asbestos could not be included.”*¹⁷

A software specialist disagreed. He considered that *“extending the Property Data Survey Programme to include asbestos data would seem to present few difficulties from a technical or practical perspective.”*¹⁸ Annette Brooke MP’s copied the paper to Lord Hill in her response of 16 May 2012.¹⁹

- The second reason DfE gave was that: *“The surveyor only has a short time during the survey and cannot include a survey of asbestos.”*

This second reason is also not valid. AiS is not asking for asbestos surveys to be carried out during the school visits, as it is agreed that would be impractical. However they do advocate that data on asbestos should be included in the AMS. Annette Brooke laid out the reasons in her letter of 16 May 2012 to the Minister.²⁰

- On 2 Jul 12 the Minister replied and again gave reasons why the PDSP will not include asbestos: *“The aim of the property data survey is to collect up-to-date information on the building condition of the education estate. The surveys are not full condition surveys. To assess asbestos, intrusive surveys are required. These are disruptive and risk disturbing the asbestos.”*²¹

Again it is not proposed that an asbestos survey should be part of the PDS school visit, but it is proposed that data on asbestos that is held by schools is collated in the AMS.

- However the Minister also dismissed the proposal to include asbestos in the AMS and gave as a reason: *“The asset management computer system, the software used to house the survey details. will only import information that has been recorded, checked and validated by the surveyors as part of their school visit, or by the Education Funding Agency as part of their information validation exercise. To record information that is not subject to the same stringent checks and validation exercises, which asbestos is not, could bring into question the validity of the information stored.”*

This is not a valid reason for excluding asbestos from the PDSP, it is purely a reflection of the flawed decision taken by DfE to exclude asbestos from the PDSP.

The EFA validation checks took place between January and March 2012²² and the decision had already been taken to exclude asbestos. The checks examined the validity of information on all other aspects of the condition of school buildings that is held by LAs and schools. In addition the surveyor can also carry out validation checks on documentation during the school visit, but once again asbestos has been specifically excluded: *“Asbestos: No detailed assessment of the documents will be carried out by the surveyor.”*²³

¹⁶ Property data survey programme memorandum of supplementary information 17 Oct 2011 p6

¹⁷ DfE Asbestos Steering Group contemporaneous notes Lees 14 Jun 2012

¹⁸ Property Data Survey Programme asbestos data from an IT perspective Seamus Quinn Cue Communications 01 May 2012

¹⁹ Letter Annette Brooke /Lord Hill 16 May 2012

²⁰ Letter Annette Brooke /Lord Hill 16 May 2012

²¹ Letter Lord Hill/ Annette Brooke MP 2 Jul 2012

²² PDSP: Educational Establishment information note COM 2 31 0512

²³ Property Data Survey Programme Memorandum of supplementary information. 17 Oct2011 revised 9 Nov 2011 p8

- In his letter of 2 Jul 2012 the Minister added that during the school visits the surveyor would check whether the school has a record of the location and condition of asbestos and a management plan, and if they did not have the relevant documentation then he would refer them to the relevant guidance.

However the data won't be checked, analysed, recorded or entered into the AMS. Although the exercise has some benefit it is totally irrelevant to the whole purpose of the PDSP which is to collate information so that priorities can be set and financial estimates made.

- In his letter of 4 Apr 2012 Lord Hill stated: *"We have not yet decided how the condition data collected would inform the allocation methodology; we will consider how to take the presence of asbestos into account alongside other factors, such as the recommendations of the James Review."*

The Minister does not explain how this would be achieved as he has intentionally excluded the collection of any data on asbestos which could have been used as a basis for his "allocation methodology." The Chairman of the DfE Steering Group was asked how asbestos would be taken into account. He stated: *"Ministers could consider an uplift of funding based on the probabilities of asbestos been based in the building (taking factors such as age and construction type into account.)"*

*No firm guarantees can be given about future funding methodology at present; as the James review has not yet been finalised, very different funding allocation scenarios could be developed. However DfE has passed this on to the team working on methodology."*²⁴

DfE's ideas have not been thought through and are flawed. Previous estimates of the extent of asbestos in schools have been based on the age of buildings, but that only gives a broad brush idea, and it has been proved in the past that it is not a sound or accurate basis for financial planning. The type of the building is relevant, but it only provides an idea on what asbestos was present when the school was constructed, not what is there now or what condition it is in. In addition as the 2010 DCSF/HSE system built school questionnaire proved a significant number of local authorities have little idea of the age or type of their school buildings. The resultant data would again be inaccurate and provide a very poor basis for financial planning.

The Capital Spending Review criticised the fact that poor quality data was the reason for previous inaccurate financial estimates on the cost of maintaining the school estate, and yet once again DfE are knowingly building a data bank that will be of very poor quality as it will not include any information on one of the most expensive items – asbestos.

The Government's policy is illogical, financially irresponsible and contrary to the recommendations of the Capital Spending Review. If priorities are to be set and proper financial estimates made then it is essential that data on asbestos is collated and entered into the AMS.

Audits in other countries

While successive Westminster governments have refused to audit the extent of asbestos in the school estate other countries and expert organisations consider that it is essential to do so if the epidemic of mesothelioma is to be brought under control.

²⁴ DfE Asbestos Steering Group meeting AiS Note 14 Jun 2012

In the UK a Medical Research Council (MRC) report examined the extent, type and location of asbestos in schools and concluded: *“It is not unreasonable to assume, therefore, that the entire school population has been exposed to asbestos in school buildings.”*²⁵

It is equally reasonable to assume that by exposing a large number of the population to asbestos at a very young age has in part contributed to the fact that the British mesothelioma death-rate is now the highest in the world and increasing.²⁶ In 2009 it was 37.8 per million per annum. Asbestos policies for schools in this country have so far failed and therefore Ministers and civil servants should take heed of the policies in other countries and the recommendations of experts. The following are examples of other countries and expert organisations:

USA

In 1980 the USA undertook an audit of the friable asbestos in their schools, they also carried out a risk assessment.²⁷ Consequently the US government were aware of the scale of the problem and the risks and as a direct consequence in 1986 they introduced stringent asbestos regulations specifically for schools. The incidence of mesothelioma in the USA has stabilised at about 14 per million per annum since 1999.

British Safety Council

On 3rd July 2009 the Chief Executive of the British Safety Council called for a national comprehensive register of asbestos in schools and 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 appropriate resources to take urgent remedial action.”*²⁸

Australia

In 2010 The Australian Government commissioned a review into their asbestos problem and policies. On 16th August 2012 their report was published that made a number of recommendations for future government policy. It recommended a rigorous database of asbestos, and the removal of asbestos from government and commercial buildings. It stated: *“To deal effectively with all of the complex asbestos management issues in Australia, it is essential to have a rigorous, comprehensive, reliable, up to-date and accessible database of asbestos locations.”*²⁹

The Workplace Relations Minister stated in Parliament that: *“This report demonstrates how critical and urgent the issue is. It is an issue for all levels of government. It is an issue that is affecting people at work, in schools, in hospitals and at home.”*³⁰

On 4th September 2012 the Minister announced that the government would set up a new office of asbestos safety which would in turn create a national anti-asbestos agency to co-ordinate removal of asbestos from buildings.

He agreed in principle that removal of asbestos from schools will be prioritised, adding that *“Obviously, exposure to children is particularly repugnant...”*³¹

²⁵ Fibrous Materials in the Environment Institute for Environment and Health. P72 and p75 . 1997

²⁶ HSE Occupational, domestic and environmental mesothelioma risks in Britain. 2009 . IMIG Congress Abstract 25-27 Sep 2008

²⁷ US Congressional statement of findings and purpose. Title 20> Chapter 49> 3601 14 Jun 1980. American Academy of Pediatrics Asbestos Exposure in schools. Pediatrics Vol 79 no 2 Feb 87 p304.

US Asbestos Hazard Emergency Response act (AHERA) 1986. EPA Asbestos in schools Rule (40 CFR Part 763 subpart E)

²⁸ British Safety Council press release Government failing to tackle asbestos in schools. 3 Jul 2009

²⁹ [Australian government asbestos review recommends the prioritised removal of all asbestos from government and commercial buildings by 2030.](#)

³⁰ [Australian Ministerial statement 16th August 2012](#)

The mesothelioma death rate in Australia is significantly less than in Britain at 28.4 per million per annum, and yet their government has carried out a comprehensive review of their policies and will be taking urgent action to bring the problem under control with priority being given to schools.

International Societies of Epidemiologists

In June 2012 the Joint Policy Committee of the Societies of Epidemiology produced a “Position statement on asbestos”. One of their recommendations: *“Urges all countries that have used asbestos to inform their citizens and their healthcare professionals of the hazards of asbestos and to implement safety measures to monitor the health of exposed citizens.*

To facilitate this an inventory of asbestos already in place is needed, particularly in schools and places where children are present.”³²

The Union for the International Control of Cancer

The Union for the International Control of Cancer (UICC) is an international professional non-government organization dedicated to the global control of cancer. UICC membership comprises more than 700 member organisations in 155 countries. In August 2012 the UICC adopted a Position Statement on Asbestos which includes recommendations to governments around the world.

They reiterated and fully support the recommendations of the Joint Policy Committee of the Societies of Epidemiology.³³

Conclusion

In 1980 the USA commissioned a risk assessment and an audit of the extent of asbestos in their schools. Almost a third of a century later the British Government refuses to undertake an audit, and for no viable reason it has specifically excluded asbestos from the audit of the condition of school buildings. Their policy is also contrary to that in Australia and the policy advocated by international cancer and epidemiologist organisations.

If asbestos is not included in the audit then the scale of the problem in schools cannot be determined and the limited resources cannot be targeted at those schools where staff and pupils are most at risk. The DfE decision therefore appears dangerously irresponsible. It is also illogical as any financial forecasts based on the audit of the condition of school buildings will be meaningless.

*Asbestos in Schools Group
11th September 2012*

³¹ The Australian. Schools first in asbestos removal plan 4 Sep 2012

³² Position statement on asbestos Joint Policy Committee of the Societies of Epidemiology 4 Jun 2012 p3 and 20
http://www.asbestosexposureschools.co.uk/pdfnewslinks/03%20JPC-SE-Position_Statement_on_Asbestos-June_4_2012-Full_Statement_and_Appendix_A.pdf

³³ Position statement on asbestos UICC World Cancer Congress 27-30 Aug 2012 <http://www.uicc.org/advocacy/position-papers/uicc-position-statement-abestos>