

**Asbestos incidents  
and failures of asbestos management in schools**  
**Updated March 2014**

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***"We are the inheritors of history and our children are the inheritors of our mistakes and our failures. We have failed in the past. The result of our collective failure is reflected in the fact that asbestos is widespread in schools and other buildings today.***

***Our task now is to do what we can to blunt the third wave of asbestos disease, which already is beginning and which inevitably will be much worse if exposure to asbestos in schools and other buildings is not reduced."***<sup>1</sup>

*Professor Philip Landrigan, Chairman of US Committee on Environmental Hazards*

## **SUMMARY**

For decades successive Governments' have had a policy of asbestos management in schools rather than removal, for they claim that so long as the asbestos is not disturbed then it is safer to manage it

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<sup>1</sup> Landrigan A population of Children at Risk of Exposure to Asbestos in Place. Annals of New York Academy of Sciences 1991 p283 - 286

rather than remove it. On numerous occasions that policy has failed to prevent asbestos being disturbed.

This paper gives examples of failures in asbestos management in schools that have resulted in the release of asbestos fibres, contamination of the schools and all too often the exposures of the occupants. Many of the incidents have taken place during building maintenance or refurbishment where asbestos materials have been disturbed. All too often the asbestos had not been identified beforehand as much of it is hidden and not detected on normal asbestos surveys. In some cases the asbestos surveys have been superficial which has led to a false sense of security and the inevitable disturbance of unidentified asbestos material. In many cases the hidden asbestos has deteriorated with asbestos debris and fibres lying in the wall, ceiling and columns voids, and whenever disturbed has released fibres into the rooms for many years.

All the asbestos in schools is old and much of it is deteriorating but there has not been the money to maintain schools in good condition, so as the fabric of the schools have deteriorated then so has the asbestos. There are cases of schools containing large amounts of asbestos with flat roofs being damaged, water running down walls, rotten windows and badly damaged ceiling tiles with nothing being done for months and even years to rectify the situation. All of which potentially allows the release of asbestos fibres.

In addition the vast bulk of asbestos fibre releases in schools pass unnoticed when asbestos fibres are released from normal everyday classroom activity such as taking a book out of a stationary cupboard or sticking a drawing pin in a wall.

Examples are given of widespread amosite fibre release in System built schools, and it is shown how the authorities have been aware for more than twenty years of a serious problem with this type of school building. System built schools represent about half the schools in the country and in many thousands asbestos fibres can be released from just slamming a door or sitting on a window sill.

Other examples are given of friable, damaged, deteriorating asbestos lagging that has lain hidden beneath the floor boards or in the attics of Victorian schools, where the fibres have filtered into the classrooms. For wherever air can pass then asbestos fibres can pass just as readily.

Most schools in the country contain asbestos with much of it being chrysotile, which is capable of causing mesothelioma, but many schools contain large quantities of amosite which is 100 times more likely to cause mesothelioma, and some contain crocidolite which is 500 times more likely.

In some incidents the asbestos fibre releases have been considerable with widespread contamination and the exposure of the occupants, however in most cases the asbestos fibre release has been small but frequent. With asbestos the effect is cumulative for each exposure, however small, adds to the possibility of a tumour developing. The end result is that some of those who have been exposed develop the asbestos related cancer mesothelioma and die as a result.

The paper includes accounts of a few of their deaths, they are mainly caretakers, cleaners and teachers but they represent the tip of the iceberg. That is because the children have been exposed at the same time, and for every teacher there are twenty to thirty children and it is known that they are more vulnerable to the dangers of asbestos.

The incidents listed in this paper are but a tiny fraction of those that take place in schools throughout the country. The vast bulk of asbestos fibre releases take place without anyone being aware they have happened, and without staff and pupils being aware that they have inhaled the fibres – naturally none of those have been included in this list. Most incidents are not reported in the local press and it is rare that an asbestos incident is reported in the national press. The incidents in this chronological list are just some of those that have been reported in the press, the result of enforcement action or have come to light only after a person has died of asbestos related disease many years later.

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## CHRONOLOGICAL LIST

1. **February 2014. Window removal exposed workers, caused widespread contamination.** HSE. Bury Free Press

A Suffolk window replacement company has been fined after it [exposed workers to potentially fatal asbestos material during work to replace window units at a school in Bury St Edmunds....](#) Frames Conservatories Direct Ltd (FCDL) informed Westley Middle school that asbestos panels would be removed by registered contractors and disposed of in the correct manner over the school summer holidays in 2012. However, Bury St Edmunds Magistrates' Court was told the company was not licensed to work with asbestos. Furthermore, employees undertaking the work were not told they would be handling asbestos, nor did they use any control measures to prevent the spread of fibres.

... A licensed contractor undertook an extensive programme of cleaning under strictly controlled conditions in all affected areas of the school. Once completed, air tests were carried out and the areas certified safe for re-occupation... The school spent some £111,495 on environmental cleaning and replacement of teaching aids and other items that had to be destroyed because of contamination.....

Speaking after the hearing, HSE Inspector Elizabeth Fowle said:

"This incident has been extremely stressful for those affected and has also been disruptive and costly for the school. All of this could have been avoided if the company had simply asked, 'Should we be doing this work with asbestos?'

"Frames Conservatories Direct Ltd knew the window panels they planned to remove contained asbestos but wrongly decided they would work with the material. They did not tell their employees about the presence of asbestos or specify any safety measures.

"As a result, they exposed workers to asbestos levels many times in excess of the Control Limit. The long term health risks associated with inhalation of asbestos fibres include lung cancer and mesothelioma

"As a result, they exposed workers to asbestos levels many times in excess of the Control Limit. The long term health risks associated with inhalation of asbestos fibres include lung cancer and mesothelioma... It was extremely fortunate that this work took place during the school holiday which meant that there were no pupils on site and few school staff"

<http://press.hse.gov.uk/2014/suffolk-firm-in-court-after-workers-exposed-to-asbestos/?ebul=hsegen&cr=13/17-feb-14>

## 2. **January 2014. Burst pipe. Asbestos lagging. Classrooms closed.** Halesowen News

[ASBESTOS has been found at Earls High School in Halesowen.](#) Three classrooms were cordoned off and the the school closed for two days earlier this month after pipes had burst causing flooding. Principal Tom Johnston said: "Burst pipes from older pipe work buried in the floor of the school caused us to lose heating in A Block and also caused some flood damage in the lowest lying area of the school by our drama studios. "The pipe work below the drama area was tested as soon as the leak occurred and was found to contain asbestos. This is why we closed off this

area of the school on the advice of the experts from Dudley Building Services, Health and Safety Hazards.

Express and Starr. Demands were today being made for all [public buildings to be inspected for asbestos after the discovery of the substance led to the closure of classrooms at a Halesowen school](#). .... A small amount of asbestos was discovered in a heating supply pipe at Earls High School. Three classrooms and a girls' toilet have been sealed off while work is carried out to remove the material.... The school was passed from Halesowen Borough Council to Dudley Metropolitan Council in 1974. It replaced Halesowen Grammar School in 1972. ..Councillor Turner..... said: "Additional work has been done for new buildings at the site. It would have thought the council could have looked for and identified the asbestos then. It should have been found and removed a long time ago."

3. **January 2014. Inquest of Primary School Teacher exposed to asbestos at school.** BBC News

The family of a teacher who died from asbestos-related cancer is planning legal action against Luton Council. Ian MacDonald said: "I now want to take the matter to court to reverse the council's decision to leave asbestos in place in schools." His wife Hazel was exposed to asbestos fibres while teaching at Denbigh Primary School in the town. Her inquest concluded she died as a result of inhaling airborne fibres..... A council spokesman said "All asbestos-based products are safe unless they are damaged or liable to damage, and in many instances it is safer to leave asbestos in place and not remove it."

<http://www.bbc.co.uk/news/uk-england-beds-bucks-herts-25876410>

4. **January 2014. Former pupil dies of mesothelioma. Exposed during construction of school.** Bath Chronicle

[A Bath accountant who lost his battle with a form of cancer linked to asbestos could have been exposed to the substance during his school days in the late 60s](#). Jeremy Salter, 58, who worked for magazine and internet firm Future died from mesothelioma in July. The only time Mr Salter had been exposed to asbestos was during building work at a school in Hampshire which he attended from 1967 to 1969.... Mr Salter, who lived in Somerton, remembers walking past the area where materials containing asbestos minerals and fibres were being used, before occupying the new buildings.

5. **January 2014. £50,000 fine. Ignored survey. Broke through ceiling.** HSE. The Construction Index.

A building contractor has been fined £50,000 for [ignoring asbestos safety rules after discovering the lethal material in the basement of Surrey school](#)... Buxton Building Contractors Ltd was carrying out refurbishment work at the independent Woldingham girls' school in Caterham in 2011. It had commissioned a specialist survey to identify the presence of asbestos in the undercroft part of the building, but then failed to act when the results were positive. The firm allowed a number of different contractors to work in the area until one worker raised the alarm himself when he broke through the ceiling and exposed asbestos insulation boarding.

**Comment:** If this work had been carried out while the school was occupied then staff and pupils could have been exposed to asbestos. This, and many other cases, underline why it is important that, wherever possible, any work that may disturb asbestos is carried out when the school is not occupied.

6. **January 2014. Damning report on asbestos management in Glasgow.** Glasgow Evening Times.

The local authority's own internal auditors have warned that failure to keep comprehensive records means they can't be sure all premises have been checked for the material. In what opposition leaders said was a "damning report", the watchdogs also revealed that policy on how asbestos is managed in Glasgow is more than a decade out of date..... the auditor cannot be assured that all properties have received an asbestos survey. ..."City Property does not receive notification of all asbestos works. ... "The Modus system information is incomplete and out-of-date (for example, demolished schools are recorded as 'in use'), increasing the risk that not all relevant properties are covered by the asbestos review process." The auditors, who were reporting to a meeting of the council's Finance and Audit Scrutiny Committee this week, also found that the city's policy on asbestos management had not been updated since 2003.

**Comment:** In 2010 Glasgow City Council had enforcement action taken against them by HSE for failing to manage asbestos in their buildings, and in particular in their primary schools.

7. **January 2014. Lancashire teacher's mesothelioma. Never warned of dangers.** Lancashire Telegraph.

Janet Gent, 65, was diagnosed with mesothelioma in 2012 and believes it is linked to her career teaching in East Lancashire schools. She spent eight years teaching home economics at the former Walton High School in Nelson and then, after the birth of her son Douglas, returned to supply teaching at high schools and special schools in Burnley, Pendle and Rossendale. .... "I just feel that someone needs doing about getting the county council to acknowledge their responsibilities. We were never warned that there was any danger — there was never any advice or guidance given to teachers, pupils or parents." Her solicitor said: *"We are seeing more and more schoolteachers, support staff and even former pupils diagnosed with devastating asbestos-related conditions caused by being exposed in our schools."*

8. **January 2014. Asbestos found during heating repair. School closed.** Sutton Coalfield Observer. Asbestos has been found at Holland House Infant School and Nursery in Sutton Coldfield during work to repair the heating system during the Christmas break.... The school will remain closed until 'at least Monday, January 13<sup>th</sup>.'
9. **December 2013. Member of support staff neither trained nor warned of dangers developed mesothelioma.** Central Somerset Gazette. A former member of non-teaching staff at Millfield, Shapwick and Edington schools is seeking damages for personal injury. The ex-school employee, who does not wish to be named, has issued High Court proceedings claiming she contracted the fatal lung disease mesothelioma ... as a result of being exposed to harmful levels

of asbestos and its dust while carrying out her duties at the schools.... According to the claim, the former school employee "was not warned about the dangers of exposure to asbestos dust and fibre" and not provided with or trained in the use of any protective breathing equipment.

The claim accuses the schools of negligence and failure to comply with the Asbestos Regulations (1969).

Read more: <http://www.centraisomersetgazette.co.uk/Schools-sued-asbestos-poisoning/story-20315797-detail/story.html#ixzz2ucCMSVEb>

10. **December 2013. Council probe discovers health and safety failings in schools.**  
Yorkshire Post. HEADTEACHERS across Calderdale have been warned about the dangers of uncovering asbestos in school buildings following a council probe which discovered health and safety failings..... "Calderdale Council has a very proactive approach to asbestos management in line with the regulations. We work closely with schools, [and have an ongoing training programme for school staff – who would contact us about any concerns, however minor](#)
  
11. **November 2013. Verdict of 'Death from industrial disease' for primary school teacher.**  
Daily Mail. Daily Mirror. Daily Echo [Teacher Marion Potts killed by asbestos she inhaled in classrooms](#) (28 Nov). Southampton Coroner's Court heard that the only place Mrs Potts could have come in contact with asbestos was in school walls, where it can be released by something as simple as putting up a display with drawing pins... Coroner Keith Wiseman said: "... but I understand it's turning into a matter of major concern. ... I hope all the necessary steps are taken in the future to ensure the elimination of this substance ... Mrs Potts particularly mentioned a variety of occasions such as basic matters like putting up a display with drawing pins where this material would come out of the walls or when they were damaged by pupils. . This is the only possible asbestos exposure identified." He recorded a verdict of death from an industrial disease. ...
  
12. **November 2013. WWII gas masks used in lessons. Test show dangerous levels of crocidolite released.** BBC News. BBC Look North explored the dangers of World War 2 gas masks and their dangerous asbestos content which are advertised on e-bay and bought by those re-enacting and researching the past. The risk to children in schools studying the past. [Schools, history societies and individuals who own World War II gas masks are warned not to handle them or put them over their faces](#) after tests show that asbestos fibres can be released and pose a health risk... Jane Ellison, MP for Wandsworth and Battersea, said: "The Department of Education has received an alert about the danger of handling these old gas masks, filters and carrying bags, none of which should be handled." JUAC and AiS warning <http://www.asbestosexposureschools.co.uk/pdfnewslinks/gas%20masks%20warning%2022%20Oct.pdf>
  
13. **November. Academy Failed to train or manage asbestos. Widespread contamination Prosecuted.** HSE. Birmingham Mail. A Birmingham academy and a glass company have been fined for failing to properly manage refurbishment works and exposing workers to asbestos..... Equitas Academies Trust, the owner and operator of Aston Manor Academy, and Birmingham Glass Services Ltd were jointly prosecuted by the Health and Safety Executive (HSE)..... HSE

found that along with not receiving information on where asbestos could be found in the building, ..... They were therefore exposed to loose asbestos fibres.... The incident cost the school £20,000 through decontamination and replacement of floor coverings. Soft furnishings and children's work had to be disposed of and parts of the school could not be used for the second part of the summer term

HSE Inspector said: "This incident would have been avoided had the academy put procedures in place to ensure that relevant parties understood their duties around minimising the risk of asbestos exposure inside the school... "Although the school had not been under local authority control since 2011, it failed to ensure employees and management received adequate training to make up for the loss of local authority support and ensure that a suitable asbestos management plan was in place. <http://press.hse.gov.uk/2013/school-and-glass-contractor-fined-for-asbestos-failings/>

**14. November. Justice for teacher's death. Exposed by removing books from cupboard.**

2013. ITV. The widow of a teacher who died after being exposed to asbestos during 26 years of work at an Eastbourne school has spoken of her relief after securing justice from the local council over his illness. ..Clive Beck, who was Head of History at Ratton School between 1972 and 1998, died ..... around 18 months after he was diagnosed with the incurable cancer of the lining of the lung...

Mr Beck did most of his teaching in his own classroom. In the classroom there was a large floor to ceiling cupboard for his use and which contained shelves which were made of asbestos. He kept his books and teaching equipment in the cupboard on the shelves. He placed items in and took items out of the cupboard from the shelves several times each day, every day that he was teaching. The cupboard was locked out side of lessons so the cleaners did not access it. There was asbestos dust in the cupboard and in particular on the shelves. He had to wipe the dust off the books and other items when these were taken out.

He was neither provided with any respiratory protection nor warned about the risks of asbestos inhalation. His widow Susan Beck successfully pursued a personal injury claim against East Sussex County Council for negligently exposing her late husband to asbestos dust and fibres, thereby causing his development and subsequent death from mesothelioma. The case was settled in June 2013.<sup>2</sup>

**15. October 2013. Workmen drilled into asbestos. School closed.** Lancashire Evening Post. St Joseph's Catholic Primary in Preston was closed for the day before the start of half term amid fears of an asbestos leak. It is understood that the problem arose when a workman putting up a smoke alarm in the school kitchen is believed to have drilled into the material..... "The issue was quickly resolved with the support of the county council and the building was made completely safe for pupils to return..... "Lancashire County Council was able to issue an asbestos safety

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<sup>2</sup> Summary of the case of the late Neville Clive Beck. Irwin Mitchells LLP 19 Mar 14

certificate once the necessary checks had been completed. The Rigby Street premises is one of many schools across Lancashire which were built using asbestos.... The majority of schools which were built before 2000 have asbestos in them but although carcinogenic, it is deemed safe if contained.

16. **October 2013. Workers contaminated by asbestos in college. Firm prosecuted.** HSE. Workers exposed to asbestos fibres at college. An asbestos expert has been fined after workers under his supervision were exposed to potentially-deadly fibres at a college in Greater Manchester. [Steven Kelly was prosecuted by the Health and Safety Executive \(HSE\) after three men were spotted without suitable protective clothing in an area of Trafford College in Stretford where asbestos was being removed.](#)

17. **September 2013. Second former Birmingham University student used tunnels with asbestos. Died of mesothelioma.**

Birmingham Mail. Short cut 'exposed student doctor to killer asbestos' Birmingham widow claims basement route between University of Birmingham and old Queen Elizabeth Hospital was contaminated..... Ian Pardoe said he had been exposed to asbestos dust as he walked basement routes between the University of Birmingham, where he studied medicine, and the old Queen Elizabeth Hospital. The doctor, a father-of-three and stepfather-of-two, made the link [before he died at the QE of mesothelioma, caused by inhaling asbestos dust, aged just 51 in February last year.](#)

**Comment:** [This is the second person who has died of mesothelioma where they consider that they were exposed to asbestos from the asbestos lagging in the basement tunnels of Birmingham University.](#) In 2006 Michael Williams died of mesothelioma. *"In Mr Williams' final year at the University he undertook speed of light experiments as part of his degree course. Those experiments were carried out in a service tunnel, some 90 feet long... The University carried out asbestos dust tests in 2004, 2006 and 2007 on dust residues taken from the tunnel and adjacent basement areas. The tests found all forms of asbestos in the dust: in particular, crocidolite (blue asbestos), amosite (brown asbestos) and chrysotile (white asbestos)."*

18. **August 2013. Second teacher at school died of mesothelioma. Inquest verdicts 'Death from industrial disease'.** North Devon Journal. [23 Aug ..... A former teacher died following exposure to asbestos while he was working at a Bideford school.](#) Christopher Charlton, 62, worked at Grenville College ... between 1980 and 2008. He was diagnosed with a malignant tumour in December 2011 for which there was no treatment. An inquest heard he was exposed to asbestos contained in book cupboards and a store room at the college. Coroner Dr Elizabeth Earland concluded Mr Charlton died of industrial disease: "I am satisfied he was exposed to asbestos and that caused the illness which killed him."

Comment: This is the second teacher to have died of mesothelioma who worked in the same school. Mrs Gina Lees, an infant teacher, died in 2000, the verdict at her inquest was also 'Death from industrial disease.' (See the final entry in this list)

19. **August 2013. Asbestos find delays school opening.** Northampton News.

[Asbestos has been discovered at the Good Shepherd Catholic Primary School in Northampton...](#)

The school was due to open after the summer holidays next Thursday but will instead re-open the following Monday.

20. **August 2013. School cleaner and caretaker died of mesothelioma.** South Wales Argus. Mrs Butcher, who died on April 28, 2011, of mesothelioma, worked as a cleaner then as a caretaker at Pengam Primary School, Commercial Street, Pengam, where she was responsible for the heating, which at the time existed as two sites..... on one site sat [Pengam Welsh School where it is alleged the gas fire boiler and surrounding pipes were, "lagged with asbestos". The other site was the primary school, where the surrounding pipework of the coal fired boiler was also allegedly lagged with asbestos.](#)..... the majority of Mrs Butcher's time, who was described as a "very proud and efficient cleaner," was spent cleaning which included the cleaning of both boiler rooms and pipes..... Mrs Butcher's boiler rooms were "hot and dusty" and her cleaning and sweeping up of asbestos dust and debris, which would be left on the floor after maintenance works were carried out, would have, "raised substantial amounts of asbestos dust and fibre in the confined spaces of the boiler room."

21. **Dilapidated school buildings**

Fury as council admits there is no money for Helston College Development... Twelve months ago cabinet members agreed in principle that the scheme would be built, subject to appropriate funding being approved. This would come from the council's capital programme and officers were told to find the money. ....The promise came after the members acknowledged [the school was falling into increasing disrepair, with a leaking roof, asbestos](#) and windows screwed down to stop the glass from falling out.

[Lack of investment is delaying vital repairs to crumbling schools...](#) The Department for Education unveiled its Priority Schools Building programme last May as a scaled-down version of the Building Schools for the Future rebuild programme, which was axed after it was deemed too expensive. ... However it has now been revealed the department has yet to secure private investment to help fund work in 219 of the 261 projects in the five-year programme.... schools did not yet know if they would have enough money for a full rebuild or 'just a lick of paint' – 10 months after the programme was unveiled.

[Meanwhile, the school's condition is deteriorating rapidly. In one block the classrooms are dark as the windows have been boarded up to support the roof. Some classrooms have holes in the ceiling. Further patching-up work is not economical or feasible because of asbestos....](#)

**Comment:** These schools, and thousands of others, are in a dilapidated condition. As the condition of the buildings deteriorate then so does their asbestos. They are unsafe. However the funds are not available to bring them up to an acceptable or safe standard.

22. **June 2013. Committee on Carcinogenicity conclude children are more vulnerable to the dangers of asbestos, the younger the child the greater the risk.** [Government advisory committee on cancer conclude: Children are more at risk from exposure to asbestos](#) On 7th June the Government's advisory Committee on Carcinogenicity (COC) publish their [final statement](#) that concludes children are more vulnerable to exposure to asbestos than adults - the younger

the child the greater the risk. [At this link is a newsletter that describes the findings and the implications for schools policy.](#) It describes the Minister's promises of a review of school asbestos policy and the flaws in that promise. It describes the expert assessment of death rates and the action that other countries are taking now over asbestos strategy and the priority they are giving to schools.

**23. April 2013. Tests confirm asbestos fibres released from warm air cabinet heaters.**

[Asbestos in Warm Air Cabinet Heaters – A Warning for Schools - ...](#) Schools are today being sent an urgent warning by JUAC to check whether they have warm air cabinet heaters that might contain asbestos fibres. This warning is essential to protect the health and safety of pupils and staff. The warning follows asbestos fibres being found in warm air cabinet heaters in Cwmcarn High School in Wales in October 2012, which led to the school being closed in October 2012 - and it still remains closed. When tests were carried out at the school by HSL - asbestos experts appointed by the Health & Safety Executive (HSE) – they found that asbestos fibres were being released from the school's heaters into the classrooms. The tests on the school carried out by HSL in 2012 confirmed that asbestos fibres were being released at levels of 1,700 to 4,300 amosite (brown asbestos) fibres per cubic metre of air when the heaters were running and were knocked , as would happen if the classroom were occupied. At this level anyone in the room would inhale up to 4,000 fibres an hour. ...

[For the warning from JUAC and AiS see this link](#)

**24. April 2013. Former pupil suffering from mesothelioma. Sandra Naylor has mesothelioma,**

[an aggressive form of lung cancer, which she thinks is because she was exposed to asbestos whilst a pupil at Caldervale High in Airdrie....](#) The 50-year-old, whose maiden name is Turner, was at Caldervale High School, Airdrie in the 70s, shortly after the building was constructed.... Sandra attended the school between 1974 and 1979 from the ages of 12 to 17. The average time from exposure to contraction of the cancer is 35 years.... "It is believed her exposure to the asbestos dust came from the work being undertaken in the school while she was there as a pupil." "She has no knowledge of any other asbestos exposure in her life. "The timing of the contracting of lung cancer by our client fits the model case of a lung cancer victim from asbestos who is suffering from mesothelioma." ...

**25. March 2013. Education Select Committee informed between 200 and 300 people could die a year because of their asbestos exposure at school as a child.**

SHP. The Government has confirmed it will review its policies on asbestos in schools once an independent advisory committee has issued its findings on the relative vulnerability of children to the substance. ... <http://www.shponline.co.uk/news-content/full/government-to-review-policies-on-asbestos-in-schools>

**Comment:** At the Select Committee hearing in March 2013 Professor Peto, a leading epidemiologist and member of the COC, gave evidence. He confirmed that children are more vulnerable to asbestos exposure.<sup>3</sup> He also estimated that between 200 and 300 people could die

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<sup>3</sup> Education Select Committee hearing asbestos in schools 13 Mar 2013Q20

each year of mesothelioma because of their asbestos exposure as children at school.<sup>4</sup> That would equate to up to 6,000 mesothelioma deaths over a twenty year period because of asbestos exposure as a child at school. That is clearly a matter of national importance, but it has never been properly addressed.

Newsletter summarises the Parliamentary Select Committee evidence on asbestos in schools <http://www.asbestosexposureschools.co.uk/npaper%20links/128.htm> [Official video of the Education Select Committee taking evidence on Asbestos in Schools](#) (Asbestos session starts 40.05 minutes after the start of the Parliament Channel video. *Parliament Channel Archive 13 March 9.31am to 11.36am*). The written evidence submitted to the committee by each witness [is at this link](#). The final parliamentary transcript of the oral evidence [is at this link](#).

26. **March 2013. Gales dislodge tiles, asbestos disturbed. Part of school closed.** Sunderland Echo. [Concern over asbestos in Sunderland schools..... Part of Hetton School is closed off due to asbestos, disturbed when recent high winds disrupted tiles on the deteriorating building.....](#) Concerns over levels of asbestos in schools have been highlighted days before a Wearside MP meets the Education Minister to discuss the problem.

16<sup>th</sup> March. Lancashire Evening Post. The sister of a former college lecturer who died from an industrial lung disease, has warned that thousands of other students and staff may have been put at risk. Cynthia Clarke of Fulwood taught in the English Department of Preston College for nearly 25 years, having joined the staff in 1971 when it was known as Tuson College. In July 2008 she was diagnosed with mesothelioma, a form of cancer that is almost exclusively caused by exposure to asbestos. Despite chemotherapy treatment, she died in April 2010 aged 66. While she was alive, Ms Clarke began legal proceedings against Lancashire County Council (LCC), which were settled out of court for a “substantial figure” last summer.....

Mrs Smith added: “My sister wanted to warn people who had worked and been students of Preston College.” Ms Clarke’s solicitor, Ruth Davies, said: “[.My client’s case revolved around ceiling tiles in Preston College that contained asbestos](#).” “Quite a lot of these were removed during the 1980s, but my client had already been there over a decade by that point, and there had been people going up into the ceiling space, disturbing the asbestos by fitting cables.”

27. **March 2013. Thurrock Council prosecuted for failing to manage asbestos. Failed to remove debris for seven years.** HSE. [Thurrock Council has been fined after admitting to failures in how it managed asbestos across its schools....](#) After the hearing HSE inspector Samantha Thomson, said: “This was a clear example of a local Authority failing to manage asbestos across its schools for a number of years. The HSE stated: Stifford Clays Junior School is operated by Thurrock Council, and it employs the staff at this school. In 2003/4 a Type 2 Asbestos survey was carried out at the school and asbestos fibres found in the boiler house dust / debris. The report recommended that this dust / debris was immediately removed by a

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<sup>4</sup> Education Select Committee hearing asbestos in schools 13 Mar 2013 Q 13

<sup>4</sup>Personal correspondence Professor Peto/Lees 3 May 2013

licensed contractor, however this did not happen. On inspection of the school on 20 April 2010, it was clear that this dust had still not been removed. On 22 April HSL took samples from the boiler house, following which, a Prohibition Notice was served prohibiting entry until the area had been assessed and remedial action taken.

28. **February 2013. Teacher dismissed after complaint about asbestos management at school.** Teacher claiming for unfair dismissal following a complaint against asbestos management *“Teacher Kike Gbinigie is bringing a claim for unfair dismissal and racial discrimination against Birmingham City Council, [as she claims she was sacked from her job after complaining about asbestos management at the school.](#)”*... There have been a number of cases where school teachers and support staff have complained about unsafe asbestos management and their professional lives have subsequently been made uncomfortable and in some cases impossible.

**Comment:** Following the termination of HSE proactive inspections to assess the standards of asbestos management in LA schools, AiS asked HSE how they would determine if a school had an unsafe system of management. HSE responded that they would rely on school staff reporting such failures. AiS argued that such a system would not work, and this latest case adds to the evidence that it does not.

29. **January 2013. Repairs to burst pipes delayed because of asbestos. Pupils sent home.** Enfield Advertiser. Broomfield school remains shut after asbestos discovered on site. The secondary school, in Wilmer Way, Palmers Green, has been closed to most students since January 21 when pupils were sent home after one of the heating pipes burst during last week’s freezing temperatures. [Repair work on the damaged pipe took place over the weekend, but instead of fixing the problem, suspected asbestos was discovered.](#)
30. **December 2012. Staffordshire Council prosecuted. Infants exposed to asbestos when cupboard removed.** HSE. [Council fined for asbestos exposure at school](#) “Staffordshire County Council and a refurbishment firm have landed penalties totalling £27,000 for exposing a nursery class, school staff and two joiners to asbestos fibres... Two joiners were cutting through a large built-in cupboard in the nursery class when they noticed unidentified material nailed to the back of it, Stafford Crown Court was told. They showed this to their site manager, who allowed them to carry on dismantling the cupboard and detach the material. However, the material was asbestos insulating board, which should only be moved by a licensed asbestos removal contractor. The court heard the joiners used an ordinary vacuum cleaner to clear up dust and debris, which would also have spread asbestos fibres in the air. On the day the work was done, 17 children aged between three and four, were in the classroom for half-day sessions, together with a teacher and teaching assistant. A school cleaner was also exposed to the potentially dangerous substance. An HSE investigation into the 13 February 2009 incident found the council had failed to do a pre-refurbishment asbestos survey before work started.”
31. **December 2012. Chair of Governors states school unsafe. “This is going to become a serious health risk.”** Harrow Times. [Vaughan School governor expresses concerns about asbestos in school building.](#) The chair of governors at a West Harrow school has said that it is

unsafe and has “issues with asbestos” ... Ms Lee told councillors that the governors are also concerned about asbestos in the building... She wrote: “The structure of the building is not fit for purpose... “The Junior School was built over forty years ago as a temporary measure and was not expected to last for more than 20 years... “There are also issues with asbestos and as time goes by this is going to become a serious health risk.”

**Further Information:** Two years ago HSE carried out enforcement action on the London Borough of Harrow for failing to train people, inform them and to manage the asbestos in Vaughan Primary School. HSE [Notice 302693121 served against London Borough of Harrow on 30/06/2010](#) and HSE [Notice 302693082 served against London Borough of Harrow on 30/06/2010](#)

32. **November 2012. Parents lost confidence in Council for handling of asbestos in school.** Waltham Forest Guardian. [Calls for public inquiry over further school asbestos revelations in Walthamstow.](#) ...Rules designed to ensure councils get value for taxpayers' money were broken twice during the hiring of contractors to deal with asbestos at a school, it has emerged. ...The council has already come under criticism from parents after the toxic fibre was discovered at the former Warwick School for Boys site in Brooke Road, Walthamstow, just weeks before hundreds of children from St Mary's Primary were due to be relocated there in September.

13<sup>th</sup> November. MORE than 170 parents and family members have signed a petition saying they have [lost confidence in the council over its handling of an asbestos discovery at a school](#).... It came after three classes and 18 staff from St Mary's had already relocated to the site early in September 2011,

The petition by parents alleges that the council ignored independent advice in April 2011 to put an asbestos management plan in place for the site. It claims the council failed to do so prior to the discovery of the toxic fibre exactly a year later in April 2012. Campaigners also claim the fiasco has cost the council at least £70,000 - just for transporting children from The Drive site to Edinburgh Primary. The council says it does not know when children will be able to move into the Brooke Road site.

33. **November 2012. School bags, coats, PE kit destroyed after asbestos contamination at junior school.** ITV. This is Leicester. [Asbestos found at Catherine Junior School, in Leicester, after roof fire.](#) . *“A massive asbestos decontamination project will have to take place at Catherine Junior School, in Belgrave, Leicester, following a fire this week. School bags, coats, PE kits and other items left behind during the evacuation by the 380 children will have to be destroyed because of the asbestos contamination.”* *Workmen were repairing the roof of the gymnasium using a heat gun to melt bitumen to seal the roof. “A stray spark ignited material in the roof space and the roof subsequently caught fire.”* *The gymnasium has been completely destroyed by the fire and the surrounding classrooms have also sustained fire and smoke damage.”*

Comment: The asbestos contamination was mainly caused by the fire and the efforts of the fire brigade to extinguish it. However the work on the roof in its own right could also have released

asbestos fibres. Any maintenance work that could disturb asbestos should not be carried out when a school is occupied. But work did take place, even though the school is known to contain significant amounts of asbestos. [Details of a current court case and similar incidents are at this link](#)

The school is a class Mark 4b constructed in 1970. The design of this, and other system built schools, has been criticised by fire authorities as unsafe following previous incidents in similar buildings. The history, dangers and earlier major incidents [are at this link](#).

34. **October 2012. School shut after asbestos report finds it is unsafe.** BBC NEWS. Caerphilly Observer. This is South Wales. Parents of more than 900 pupils at a school closed because of asbestos are waiting to hear when their children can return to lessons. [Cwmcarn High School in Caerphilly county was shut late on Friday after a structural report identified asbestos](#). Education officials, teaching staff and engineers discussed the situation on Monday. Caerphilly council said public health officials were due to offer their views in the next 24 hours. "[The] council is working with the public health service to analyse the findings of the structural report received by the authority on Friday afternoon," Caerphilly council said in a statement. [The local authority said the decision to shut the premises was taken for the safety of staff and pupils](#).

Update at 2028 hours: ["They found.. high levels of asbestos right throughout the building,"](#) Mr Phillips said. 'Airborne particles' .... He said the asbestos was found to be in airborne particles, with two-thirds of the school "inoperable".

Caerphilly Observer: "As a parent of two children at Cwmcarn High School, I am disgusted at the way this has been handled. [A part of the school has been closed off for weeks because of dust in the area,....](#)

[A Caerphilly comprehensive school has been forced to close after a report found the building contains asbestos](#). Further investigations are to be carried at Cwmcarn High School in the Ebbw Valley. Caerphilly council does not yet have a plan for alternative premises for the school's 900 pupils..... The local authority said the decision to shut the premises was taken for the safety of staff and pupils

35. **October HSE. Contractors drilled through sprayed asbestos in university. [Two subcontractors were unwittingly exposed to asbestos fibres at Reading University](#)**. Reading Magistrates court heard today (8 October) that on 2 September 2009 the two men drilled through a sprayed asbestos ceiling coating. They had not been made aware that asbestos was in the room and thought all asbestos material had been removed by specialist contractors prior to their work starting. Gardner Mechanical Services had a clear duty of care to relay important information to its subcontractors in order to prevent their exposure to asbestos, but this simply did not happen. "As a result of poor planning on the part of GMS, two men were exposed to high levels of asbestos fibres, leaving them at risk of contracting serious diseases such as lung cancer, mesothelioma and asbestosis of the lungs." The firm was fined a total of £28,000 and ordered to pay £22,631 in costs.

36. **September 2012. Asbestos find closes reception class for a month.** Express and Star. [Sedgley school asbestos discovery](#) holds up lessons. Reception pupils will not be able to start lessons at a Sedgley school for another month after asbestos was discovered. The ceilings were being refurbished at Cotwall End Primary when the material was found.
37. **September 2012. Clean up after asbestos damaged in primary school cost £246,000, school closed for four months.** Express and Star. Staffordshire County Council is facing a hefty fine after admitting liability when [dangerous asbestos fibres were released into a primary school](#). Glenthorne Primary School in Cheslyn Hay was closed for four months as a result in 2009, costing taxpayers £246,000. Lawyers for the local authority yesterday entered a guilty plea to a health and safety charge brought over the asbestos alert. It is believed asbestos board, used as thermal insulation in construction between the 1950s and 1970s, was disturbed during months of ongoing building works at the school. Parents were assured at the time that there was only limited risk to the children's health. 3 April 2012 Express and Star: "*Glenthorne Primary School, Cheslyn Hay, has been closed since February after it emerged workers [disturbed asbestos insulation board fibres while removing a book cupboard in the nursery where children were present](#). It happened the day before half-term but parents were not told until a week later.*"
38. **September 2012. Workmen disturbed asbestos in school.** Express and Star. Tradesmen working at Ryders Hayes School, in Pelsall, [disturbed the potentially-harmful asbestos during the school holidays](#). Parts of the Gilpin Crescent school have been quarantined following surveys by asbestos specialists, who were called in immediately.
39. **August 2012. Fraudulent clearance certificate put people at risk.** Cabinet Office. BBC News. [Fraudulent Asbestos clearance certificates in a school](#) Two men colluded with each other to commit fraud by falsifying a record stating that a school in Abingdon had been properly cleaned of asbestos. The "unusual fraud" was confirmed by detective work by one of the men's employers using GPS tracking technology on the employee's company van. The deception by the two men was uncovered after an engineer went to [Our Lady's Abingdon school to start plumbing work but could see that asbestos material had been left, putting him and others at risk of exposure to dangerous fibres](#). He reported it to the Health and Safety Executive (HSE), which investigated and brought a prosecution against both men.
40. **June 2012. Damaged asbestos remained in school cupboards for more than ten years. Tests showed raised levels. Former pupils contacted.** "*Asbestos containing materials were identified in a number of locations with some damage in foyer cupboards.... Two rooms in the building were currently being rented out to a private day care nursery.... The HSENI and the PHA have been working closely with the school to interpret the differing test results....It has been established that electrical and computer cable installation in 2001 caused the damage to the cupboards in question, and when the HSENI carried out their tests, they opened these cupboards and removed materials. It is believed that the tests detected the concerning amounts of airborne asbestos because of the disturbance caused by opening and collecting material from within these larger cupboards...The HSENI carried out air tests in two of the classrooms. [The levels revealed in these tests carried out by HSENI were deemed a risk](#)..The school has made every effort to contact past Prep pupils from 2001 and is also writing to advise past Senior School pupils from*

*this time, who may have carried out some school activities in the Prep building....Two subsequent tests carried out independently by the school did not show unacceptable levels of air fibres."*

**Comment:** The school have published the details of the subsequent tests on the schools website, but not the results of the elevated HSENI tests. (2) The subsequent tests were carried out in the classrooms once some of the cupboards had been sealed with duct tape (3), and therefore they were carried out after the source of the asbestos fibres had been isolated and the levels would predictably be lower.

The school has also made an unjustifiable statement about the subsequent tests as they claim that they *"did not show unacceptable levels of air fibres."* "Reassurance" tests are not sufficiently accurate to determine unsafe asbestos fibre levels. They are only used by default and were never designed for this purpose. Also the level of 0.01f/ml is not a safe level, and it has been set purely because of the limitations of optical microscopes.

All the tests showed that fibres were present and one test showed fibre levels just below 0.01 f/ml. HSE acknowledge that 0.01f/ml is not an acceptable level, and state: *"The threshold of less than 0.01 f/ml should be taken only as a transient indication of site cleanliness... and is not an acceptable permanent level."* (4) Indeed it is not as a person would inhale 6,000 fibres an hour.

Details of the elevated HSENI tests have been requested.

(1) [Bloomfield Collegiate School Asbestos update 29 Jun 12.](#)

(2) [Asbestos Factsheet](#) ; [Map Of Preparatory Building](#) ;[Resource & Environmental Consultants – Dust Disturbance Test Results](#) ;[Resource & Environmental Consultants – Background Air Test Results](#); [Resource & Environmental Consultants – Equipment Test Results\(Static & Disturbed\)](#); [CGC Laboratory Ltd – Full Report And Test Results](#)

(3) CCC Laboratory Ltd asbestos monitoring report Bloomfield collegiate 1 Jun 2012

(4) HSC CAWR 2006 Work with materials containing asbestos ACOP para 17 p68

41. **13th July 2012. Independent School fined £60,000 for exposing people to asbestos.**

HSE. The unsafe removal of asbestos insulation boards at a large independent school in Dorset led to several people being exposed to asbestos fibres, Dorchester Crown Court heard today (13 July). Asbestos insulation boards were removed in an unsafe way, [exposing building contractors and a teenage work experience student to asbestos fibres, and leaving them at risk of developing serious and potentially fatal diseases later in life](#)..... Exposure to asbestos fibres is the single greatest cause of work-related deaths in the UK; it is responsible for around 4,000 deaths a year... Sherborne School was found guilty of breaching Regulation 4(8) of the Control of Asbestos Regulations 2006 and Regulation 14 of the Construction (Design and Management) Regulations 2007. The school was fined a total of £60,000 and ordered to pay £13,000 in costs.

[Sherborne School admits asbestos breach](#), A representative for the school accepted the charges that between July 2008 and July 2009, asbestos was found in the school house on Abbey Road, and the school failed to ensure a determination of the risk from the incident.

**Comment:** Sherborne School has pleaded guilty to breaching the Control of Asbestos Regulations. They admit that *“Unfortunately the incident did create a risk of exposure to asbestos fibres for a number of individuals.”* This was a serious failure in asbestos management that put people at risk. The school says that it *“has updated its asbestos register to reflect ongoing surveys....”* and has *“a written and revised asbestos statement policy to include a modified set of general requirements for building contractors and their subcontractors.”*... Now that an incident has occurred and people have been put at risk, the HSE have inspected the school and measures are being taken to implement a proper and safe system of asbestos management. The HSE are no longer allowed to carry out proactive inspections in schools, if they had, then this incident could have been prevented.

42. **July 2012. Dilapidated school fails to obtain maintenance funding.** BBC News. Katharine Lady Berkeley's School in Wotton-under-Edge has failed in its bid to secure maintenance funding..... The 1960s buildings need repairs to electrical wiring, wooden window frames and leaking flat roofs. [Asbestos also needs to be removed.](#) .... annual funding of about £300,000 has fallen to below £30,000
43. **July 2012. Fire at former primary school contaminates surrounding area with asbestos.** BBC News. The former St Mark's Primary School, in Muiryfauld Drive, Shettleston, is being demolished following the deliberate blaze on 22 May.... . [Asbestos fibres were later identified in the surrounding area.](#).. "Breathing in just a small amount of asbestos dust can put your health at serious risk."It's a silent killer - it can be in your system for many years before symptoms show. ... The council has confirmed that work is being carried out. A spokesman said: "We expect the work to clean gutters, which is currently ongoing."
44. **June 2012. Pupils not insured.** *SECED. Fear that academies are not insured for asbestos exposure risks Academy and free school governors have been warned that they are legally and financially liable for cases of asbestos exposure in their schools.... In its responses, the government has confirmed that, in general, schools cannot obtain public liability insurance that will cover them for pupil asbestos exposure risks.... .... “This is potentially a very serious loophole for mesothelioma victims. Things can and do go wrong when it comes to asbestos management even with good systems in place. [Employers must provide protection for their employees, in case things go wrong, by way of employer’s liability insurance. Surely children learning in our nation’s schools should also be afforded this fundamental protection?](#) This issue must be properly investigated and, if necessary, remedied.”*
45. **June 2012. Caretaker in Lancashire school died of mesothelioma.** Bolton News. [Asbestos hazard flagged up in rundown schools...](#) Mesothelioma is caused by exposure to asbestos. ... The father-of-two died in March 2012 this year... He was exposed to asbestos whilst working for Lancashire County Council as a caretaker at two primary schools during the 1980s..... Schools built before 2000 are assumed to have asbestos in them.... Under BSF, seven schools would have been rebuilt or undergone extensive refurbishment with similar plans for other schools in subsequent years. Bolton also lost out on a slice of £2 billion put forward by the Government to rebuild and improve school buildings. .... UNISON Branch Secretary says: “Labour’s

Building Schools for the Future (BSF) programme was intended to rebuild or renew nearly every secondary school in England. This programme would have got rid of a lot of the asbestos present in schools at the moment, but the Government has scrapped these plans, leaving many at potential risk ."

**46. June 2012. Survey had failed to identify asbestos.**

Coleg Llandrillo bosses have issued a number of instructions to staff working in its Cinmel block on its Rhos on Sea campus after the toxic material was discovered during a routine survey. Tests have since indicated that there is no safety risk in the building, which had been cleared of containing asbestos in a previous report, though a seven-point health and safety guideline has been issued to increase safety. Guidelines include ensuring chairs, desks and filing cabinets do not touch the walls and coats and other articles are not hung on doors in the block's first floor, with the asbestos expected to be safely removed over the coming months.

However one staff member... remained concerned at the discovery. .... They say it's safe, how can it be safe? According to the letter they gave us it isn't, as we can't touch the walls or doors anymore, I can't even hang my coat up ."

**47. April 2012. Asbestos discovered on corroded pipes. Area sealed.** Portadown Times.

Asbestos was found in during refurbishment work being carried out by contractors. The area was sealed off... One source at the school said the discovery underlined the extent of the problems facing staff and pupils in a building that should have been replaced. "The contractors were doing some work when the asbestos was discovered. Ultimately, pupils and staff weren't at risk but it shows once again the conditions that we are having to work in," he said.

Alderman Sam Gardiner, the Upper Bann MLA, said the discovery was deeply worrying. He said, "I will be contacting the Southern Education Board in Armagh to find out if an audit of all school buildings has been carried out with a view to detecting asbestos. I was under the impression that an asbestos audit had been carried out across all schools and I want to establish the truth of this." <http://www.portadowntimes.co.uk/news/local-news/asbestos-is-found-in-staff-toilet-block-at-college-1-3728085>

**48. March 2012. Workmen drilled through AIB. Primary school evacuated.** BBC. [An Edinburgh Primary school has been evacuated after workmen drilled into AIB](#). Flora Stevenson Primary school evacuated after asbestos exposed..... asbestos was disturbed during work to upgrade the building. Flora Stevenson Primary school, in the city's Comely Bank, evacuated all 447 pupils and teachers at about noon following the incident

**Comment** This is the third incident in the last few days and reinforces the principle that any work that could potentially disturb asbestos should only be carried out when the school is not occupied. Also staff and pupils must not return until tests have proved that the contamination has been removed.

Also detailed comments from a legal firm that represents victims: [Asbestos Discovery In Two Northern Primary Schools Highlights 'Urgent Need' .....](#)

49. **March 2012. Teacher died of mesothelioma. Removed books from asbestos shelves.** [Eastbourne teacher "killed by lethal book dust"](#) "According to the claim, Mr Beck was exposed to asbestos in a cupboard where he stored his books during more than 20 years of teaching... "In the classroom, there was a large floor-to-ceiling cupboard which contained two shelves which were made of asbestos. The deceased kept his books and equipment in the cupboard. He placed items in and took items out of the cupboard several times every day."

**Comment:** See Page 18 of this link [Asbestos in Schools \(report from the Asbestos in Schools Group\)](#), which summarises the problem of asbestos fibre release from classroom cupboards. Although each exposure is small, if the cupboard is regularly used the cumulative asbestos exposure can be significant

50. **March 2012. Refurbishment uncovered asbestos, School closed.** Rotherham school closed after asbestos find. A South Yorkshire primary school has been closed temporarily after asbestos was found in part of the building. [The asbestos was found at Whiston Junior School, Rotherham, on Thursday](#) as work was carried out before refurbishment over the Easter holidays.

**Comment:** Whiston Primary School appears to be CLASP Mk 2 1959/60 type of school. If you feed CLASP into 'Search' on this site many references and papers can be found covering asbestos in CLASP schools

51. **March 2012. Hidden asbestos identified. School closed.** BBC. [Hartlepool school closes after asbestos find](#). A school in Hartlepool has been closed temporarily after asbestos was found in an internal wall. Parents have been reassured there was no risk to the children following the discovery at St Peter's Elwick Church of England Primary School. The material was found encased between wood, plasterboard and tiles during improvement work to the 51-year-old building.

52. **March 2012. Teacher. Inquest verdict 'Death from Industrial disease.'** **Coventry Telegraph.** An inquest after the teacher's death in December recorded an verdict of death from an industrial disease.

The teacher, who was in her 50s, had worked at North Leamington School. The union said she did most of her teaching at the school's former buildings which were demolished in 2009 to make way for a new building on the same site. ..There is only a small chance of contracting a disease but the consequences are devastating" ..... "Asbestos does not just harm, it kills, which makes it quite unbelievable that as a country we allow children and staff to be exposed to it."

<http://www.coventrytelegraph.net/news/coventry-news/remove-asbestos-schools-call-after-3027346>

53. **February 2012. School re-opens three months after asbestos discovery.** Students at a Belvedere school [returned to their classrooms last week for the first time since asbestos was discovered](#).

PARENTS have been left angry after a Belvedere school was closed due to asbestos. Traces of asbestos were discovered in the hall at Belvedere Infant School, in Mitchell Close, on November 17. The school has been closed as a safety precaution since November 18. All lessons have been

suspended until at least December 1, when pupils will be taught elsewhere. The school itself is not expected to open again until February next year.

54. **February 2012. Hundreds of examples of management controls broken down or not present.** ATAC statement *"We are in agreement with the statement that properly-managed asbestos presents little risk. However, we can provide literally hundreds of examples each year that we personally have first-hand knowledge of, where effective management controls have either broken down, or were not present at all."*

**SECED.** "You will often see a Department for Education spokesman quoted as saying something like: "It is unacceptable for schools not to comply with the statutory guidance for asbestos management – no ifs or buts." This quote is reeled out everytime they are asked about this vital issue. It was used this week in various media and has been sent to SecEd more than once in the past as well. This tired response is unacceptable. The problem is that "management" concentrates on preventing maintenance work disturbing asbestos. But asbestos is commonly found in partition walls, window surrounds, lagging and ceiling panels and tests have shown that common everyday classroom activities such as the slamming of a door can release dangerous levels of fibres.

Furthermore, schools are under no obligation to inform teachers and parents about the location and condition of asbestos. Quite often it can be like getting blood from a stone for teachers who want to know if their classroom walls or ceilings contain the material.

It is also the truth that governments have simply been unwilling to spend the money that would be needed to remove all asbestos from schools.

Another common quote from the DfE, also seen this week, reads something like: "If asbestos is not disturbed or damaged then it is safer to leave it in situ with systems in place to contain and monitor it." For "safer", you should read "cheaper". It is as simple and cold-hearted as that.

Also, a key problem with mesothelioma is that it can take years to present in victims and when people die of the disease, the subsequent inquests do not really consider whether their schools contained asbestos materials." <http://www.sec-ed.co.uk/blog/asbestos-our-biggest-shame>

55. **January 2012. Charges brought against Council for exposing infants to asbestos.** [Charges have been brought against Staffordshire County Council after dangerous asbestos fibres were released into a primary school.](#) The alert, believed to have been sparked when contractors dismantling a cupboard accidentally disturbed the fibres, shut Glenthorne Primary in Cheslyn Hay for four months and cost taxpayers £246,000. Other parts of the building were also affected.... Parents were assured that there was only "limited risk" to the children's health.
56. **October 2011. Former Woodwork and Metal work teachers dies of mesothelioma.** [AN ASBESTOS victim's son has called on council chiefs to warn his late father's former colleagues and pupils at a Teesside school.](#) Nick Teasdale believes others who were at the same school may have contracted the deadly disease which killed his dad. His father Norman Teasdale, a former Stockton councillor, worked at the then Billingham Campus School in Marsh House Avenue ..Mr

Teasdale was exposed to asbestos from 1962 to 1975, while working as a woodwork and metalwork teacher.

**57. November 2011. School cleaner verdict of death from industrial disease.**

Recording a verdict of industrial-related death, district coroner Paul Kelly said mesothelioma was "nearly always associated with exposure to asbestos" and Waddell's case was "no different".

"Between 1984 and 2007 in various occasions while working as a cleaner at Grimsby College she was exposed to asbestos that led to the disease causing her death.

"It is on this basic, primary fact that I am satisfied Mrs Waddell died as a result of an industrial-related disease."

[http://www.huffingtonpost.co.uk/2011/11/18/asbestos-poisoning\\_n\\_1101545.html](http://www.huffingtonpost.co.uk/2011/11/18/asbestos-poisoning_n_1101545.html)

**58. November 2011 : University fined. Failed to manage asbestos. Put staff and students at risk.**

[University of Lincoln was fined £10,000 for not dealing with asbestos](#) on its campus and ordered to pay £12,760 in costs to the Health and Safety Executive. The failings came to light in February 2010, when a lecturer became trapped in a room after a door lock broke. Once she was freed, debris around the door handle was noticed. It was revealed that the university didn't act on two reports about asbestos (in 2006 and 2007) in several of its buildings, including Chad Varah House off Drury Lane. Inspector for the HSE, Edward Walker, explained members of staff as well as students and contractors were put at risk. "The university clearly failed to manage the risks associated with these materials, they had a plan in place but failed to implement that plan."

**59. October 2011. Enforcement action taken against secondary school for failing to train staff or manage asbestos.**

[A SECONDARY school has been served with two improvement notices](#) following random asbestos management checks by the Health and Safety Executive (HSE). Nicholas Breakspear School in Colney Heath Lane, St Albans, Nicholas Breakspear School in Colney Heath Lane, St Albans, was one of 164 non-local authority controlled schools to be inspected between November 2010 and June this year. The school was one of 28 to have enforcement action taken against it, being served with improvement notices for failure to provide adequate training and failure to implement a suitable system to manage the risks from asbestos.

**60. October 2011. One in six private schools fails compliance check.**

Some 17% of private schools do not have adequate arrangements in place for management of asbestos, following a survey by the Health and Safety Executive (HSE).

The HSE inspected a random sample of 164 independent, voluntary aided and foundation schools and academies between November 2010 and June 2011.

It served notices on 28 schools requiring them to improve arrangements for managing asbestos, and provided informal advice to a further 110.

Enforcement action was taken over failures such as training staff and producing written management plans, rather than because staff or pupils were considered at significant risk of exposure.

<http://www.theconstructionindex.co.uk/news/view/one-in-six-private-schools-fail-asbestos-compliance-checks>

TUC Risks bulletin: [The Health and Safety Executive \(HSE\) has been criticised for putting a positive spin on the 'devastating' findings of its investigation into asbestos management in independent, voluntary aided and foundation schools and academics.](#) An analysis by the Asbestos in Schools campaign of survey data released by HSE concluded almost a third of independent schools inspected by HSE had enforcement action taken for criminal breaches relating to asbestos management.

#### **61. October 2011. School failed to manage asbestos.**

Highfields School in Cornwall ..... was .... served with an improvement notice following a recent inspection by the HSE officials. The school, in Redruth, which caters for infant, junior, and secondary school children had "fallen below acceptable standards" when it came to dealing with the substance..... [We took action where schools had fallen below acceptable standards](#) and we are working across the education sector to raise awareness and find ways to make it clearer for schools to understand their legal responsibilities. Inspectors found the school had failed to carry out a suitable and sufficient assessment of the presence of asbestos containing materials (ACMs). It also failed to monitor the condition of ACMs and failed to make sure they were properly maintained or safely removed from the premises.

#### **62. AN ASBESTOS victim's son has called on council chiefs to warn his late father's former colleagues and pupils at a Teesside school.**

Nick Teasdale believes others who were at the same school may have contracted the deadly disease which killed his dad..... He said: "Dad knew of at least one other colleague from Billingham Campus who had died of mesothelioma two years after he was diagnosed. I will bet there are others. And not just the teachers either. The students, who might only be in their fifties and sixties, were also exposed to asbestos."

"Stockton Council should let these people know what's going on."

#### **63. September 2011. Asbestos damaged during repair work.**

[Asbestos scare resolved at Northolt High School.](#) Students have been forced to study in temporary buildings as a school rushed to clear a small amount of asbestos disturbed during repair work..... The school was unaware of the asbestos, and brought in specialists immediately to safely remove the deadly material from the site in Eastcote Lane.

**Comment** The article states that "The fibre, which can lead to fatal lung diseases only when exposed and inhaled in large quantities". This is incorrect. [Expert medical and epidemiological opinion is that there is no threshold level of exposure to asbestos below which there is no risk.](#) (see page 8) This is accepted by the Courts, as is the benchmark for a "Significant" exposure which is defined by the Industrial Injury Advisory Council as being above normal background levels.

**64. September 2014. School shut over asbestos fears after water leak.**

[Concern over asbestos shuts Inverness Royal Academy.....](#)A school in the Highlands has been shut temporarily following concerns about a water leak in part of the building where there is asbestos.

**65. September 2011. Inquest verdict Death from industrial disease for laboratory technician.**

A KIRKBY man who worked as a welding technician and was exposed to asbestos and died of malignant mesothelioma, an inquest was told. Kirkby man died of asbestos exposure... Mr Seagrave (73) had said in a statement in November last year that [he came into contact with the deadly substance while working at Nottingham Trent Polytechnic](#) through his protective gloves and the bricks in a kiln which also contained asbestos... Nottinghamshire coroner Mairin Casey recorded a verdict of death by industrial disease.

**66. September 2011. Parts of primary school closed after workmen discover asbestos.**

[Parents remove their children from Neasden primary school over asbestos concerns.](#) .... The potentially lethal material was found by workmen in Brentfield Primary School, in Meadow Garth, Neasden, over the summer holidays. Parts of the building have been cordoned off and parents say their children have been forced to use toilets in nearby Neasden Temple. They also say hot food is off the menu and children are being forced to eat their lunches in classrooms. A worried mother, who wished not to be named, said: "The school should be closed until all the work is carried out but the council doesn't want to do this..."

**67. September 2011. Teachers inquest verdict 'Death from industrial disease'. Laid computer cables.**

[Graham Butterfield died in January this year at a Marie Curie Hospice. He had worked as a geography teacher at Hutton Middle School and Tong Comprehensive School between 1967 and 1996 and while at Hutton,](#) had helped with the cabling of computers which involved being exposed to asbestos lagging dust. At an inquest this week Acting Coroner Professor Paul Marks recorded a verdict of death due to industrial disease. Mr Butterfield's widow Marilyn Butterfield told the Telegraph & Argus: "You often hear about workers in heavy industry becoming ill in later life but Graham was a teacher and we were shocked when Graham was told that he had an asbestos disease. "I call upon politicians of all parties to look seriously at the problem of asbestos in schools and plan properly how to ensure the safety of teachers and pupils in the future....."

Christine Blower, general secretary of the National Union of Teachers, said: "The NUT is saddened to learn of the death of Mr Butterfield, another victim of mesothelioma. "The disease has claimed the lives of so many people, including 92 teachers and lecturers between 2001 and 2005. "The NUT will continue to campaign for the improved management and ultimate removal of asbestos from all schools. A national audit of asbestos management in educational establishments has been long-called for and is both urgent and vital."

**68. September 2011 Birmingham City Council prosecuted for allowing uncontrolled removal of AIB ceiling tiles**

Birmingham City Council ..... have been sentenced for [exposing three men to asbestos during work on a school..](#) Solihull Supplies Ltd, of Lodge Road, Knowle, was contracted by the council to

refurbish the reception area at William Cowper Community Primary School, Newtown, Birmingham.

**Comment:** Birmingham City council have been prosecuted for the allowing the removal of AIB ceiling tiles from a school contrary to the Regulations. "A Health and Safety Executive (HSE) investigation found the tiles contained brown asbestos and the work lasted several hours, exposing both workers and the school caretaker to asbestos. Also, rather than use a cleaner with a specialised filter, an ordinary vacuum cleaner was used which would have spread fibres into the air."

**69. September 2011. Dilapidated school riddled with asbestos.**

But perhaps the most worrying of situations is at Wood Green Academy, Wednesbury, [where asbestos-riddled buildings with narrow corridors and rickety old windows](#) are just some of the problems. .... "We've got lots of aged buildings, 1960s windows, asbestos-riddled buildings, narrow corridors and the site is split by a road – it's just not fit for purpose in the 21st century," he said.

**70. September 2011. College block cordoned off after maintenance and cleaning work discovered asbestos.**

[A YALE COLLEGE block was cordoned off after asbestos was found.....](#) A block at Yale College's Bersham Road site in Wrexham was taped off after the potentially toxic substance was discovered during maintenance and cleaning work..... If the fibres are inhaled they can cause diseases, which are responsible for around 4,000 deaths a year across the UK.

**71. August 2011. Builder died of mesothelioma. Used to remove asbestos from school ceilings and partitions and sweep up.**

[School asbestos caused death of retired builder.](#) John Partridge was a builder and has sadly died of mesothelioma. At his inquest the Coroner gave a verdict of death from industrial disease and ruled that "*Removing asbestos from school buildings in Cheltenham during the 1970s resulted in the death of a retired builder.*" The inquest had been given evidence that: "*In the late 1970s and early 1980s he worked for Cheltenham Borough Council...He would often say he had removed asbestos from ceilings and partitions in schools. He had taken down schools which contained asbestos parts...The parts would be swept up and put in trucks, which he drove.*"

**Comment:** The uncontrolled removal of AIB would have contaminated the school and inevitably exposed the occupants.

In 2006 South Gloucester Council was [prosecuted and fined £25,000](#) for allowing an unlicensed contractor to remove AIB ceiling tiles. The resultant asbestos contamination cost £300,000 in clean up costs. In 2006 all councils were instructed to seal the columns in system built schools to prevent the release of asbestos fibres. [In 2010 Gloucester County Council had failed to follow the instruction and had enforcement action taken against them.](#)

**72. August 2011. School caretaker suspended after accusing council of ignoring asbestos problems.**

A school caretaker who was suspended over an asbestos scare says Medway Council made him a scapegoat. Tony Riddington, 52, former caretaker at Woodlands Primary School, Gillingham, [accused officers of ignoring asbestos problems since a 2002 fire, and trying to pin the full blame for a 2009 scare on him. .... "I believe they are trying to prevent potential future litigation regarding asbestos."](#)

The council's principal auditor Graham Matthews admitted the fiasco had caused "considerable embarrassment" and the council's handling had been "inadequate". (See next but one incident. "Widespread contamination in primary school...")

### 73. **July 2011. Ceiling tiles dislodged in special school.**

It could be several weeks before pupils at a Derbyshire special school are able to use their hall again after asbestos was discovered.... Up to 70 pupils at Alfreton Park Community Special School were sent home on Friday, two days after ceiling tiles worked loose in the main hall. Now asbestos has been found in the girders holding the tiles in place

[" It has now been possible to create a sealed tunnel through the hall to make life easier. ....](#) .The school was due to be rebuilt before the Government pulled the plug on the national Building Schools for the Future programme a year ago. Mrs McKenzie (headteacher) said: "Money will be spent repairing the hall ceiling but there are other huge problems around the school that need addressing."

**Comment:** The school appears to be a CLASP System Build School. For problems with this type of school see ["Release of asbestos fibres in System Build Schools part 1"](#) and ["Release of asbestos fibres in System Build Schools part 2"](#).

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BBC Derby: Alfreton Park Community Special School. [Ceiling tiles surrounded by asbestos collapse in hallway](#). School closed for a day. School known to contain asbestos and a new school was to be built but was cancelled by the government. (the item is 16 minutes into the programme). [Also at this link](#) "Our biggest problem was we were unable to make the hall safe because the ceiling tiles were falling out on both sides of the lower part of the hall. "So we were unable to secure the ceiling tiles because we were unable to disturb the asbestos."

### 74. **July 2011. Widespread contamination in primary school. Cleaners. Caretaker and contractors exposed.**

Unauthorised £1 million project at Woodlands Primary School in Gillingham. A 106 page report states that: .... "Asbestos safety actions were not complied with.... There were no procedures in place to ensure that the construction works could be separated from children/staff."

<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=7930>

Diary note appendix 2:

"The incident was briefed by ... as a release of asbestos following refurbishment and removal of the substance from a roof void. Medway Insulations who had been instructed on site on Saturday morning of the 7th November 2009 detected the release in the adjacent corridor. Medway Insulations carried out air quality tests and surface swab tests identifying high levels of ACM's on floors and surfaces. 8 out of 16 tests were confirmed high risk. Medway Insulations then cleaned up the corridor and reported back to MC.

... Caretaker stated that the loft space has been accessible since 2002 when school had a fire. MC had allegedly cleaned up the debris and signed it as safe at the time. Requires clarification...

The spray foam, which trapped asbestos fibres on ceiling beams, was dispersed as debris when beams were disturbed and removed, leaving asbestos dust on floor and surfaces. Some spray foam and fibres were still seen on high wall areas.

ACM dust was found in adjacent corridor to refurbishment work, which leads to the dining hall at one end, and corridor to school building at the other end. No doors to refurbished classrooms, dining hall or school building were adequately sealed.

It was identified that on his own submission, the Site Manager had entered the contaminated area several times and swept some areas. The Site manager was unaware that this act was notifiable to the HSE....

The asbestos identified was brown amosite (80%) content.

DU challenged whether the incident was in fact a dangerous occurrence as she had been advised that to be this, the release levels had to be enough to mame or cause loss of life. I confirmed that some of the swab levels were deemed very high risk and that the incident would have been reportable anyway as any hazardous substance release is notifiable.”

#### AUDIT COMMITTEE

5 JULY 2011 WOODLANDS SCHOOL UPDATE

“The report of Mace shows that asbestos duties were not complied with in that the Health & Safety Executive were not informed that works were being undertaken... there were no procedures in place to ensure that the construction works could be separated from children/staff....

A “type 3” asbestos survey was not carried out prior to the first phase of works in the school which significantly disturbed the fabric of the building. This is a requirement of the HSE....

Asbestos exposure was found within the construction area of the school...

The Council holds a legal duty to effectively manage asbestos in schools, and this duty cannot be delegated to others i.e. the Council ultimately retains responsibility. However Health & Safety training and briefings are available to all schools to ensure that they know what their responsibilities are in respect of asbestos, and the Council has a Health & Safety officer dedicated to schools. I am not satisfied that any enquiries were made of the School, or that proper procedures were put in place to ensure that the school appropriately met its health & safety responsibilities for asbestos, fire or other health & safety matters in relation to the building works. Due to the seriousness of any risk, the resultant bad publicity and distress to the public, I consider written documentation should exist to show how the school would deal with any asbestos management as a result of these building works.

Schools are made aware of their responsibilities in respect of working with asbestos by the corporate Health & Safety team. However the failure to ensure the project was correctly managed meant that there were no effective plans in place by either the school or the Council to ensure that health & safety legislation was complied with....

The poor management of this project, whether by the School or the Council, has led to the Council not achieving value for money and having to find additional funding for capital works and remediation to be carried out, which amount to a loss to the Council totalling £527,000.

The Council cannot delegate its responsibility for asbestos, health & safety and building regulations, and no checks or questions were asked of the School to ensure that they were carrying out the works properly to ensure the Council met its statutory obligations. Despite schools being given extensive information and access to health and safety advice, I consider that there was a clear breach of health and safety regulations by the School. Where schools are carrying out work for the future, there should always been written undertaking in place in respect of any works impacting on health & safety to ensure that the Council does not breach its statutory duties...

Asbestos removal works did not get carried out adequately and certain emergency remedial works had to take place.

A copy of the school's asbestos register was obtained and it is noted that there were no signature from any contractor who visited the school during the project. This questions whether appropriate briefing about the presence and location of asbestos containing material was given to tradesmen working at the site....

All Headmasters have been offered mandatory training on asbestos management by the Council...."

75. **July 2011. Teacher for 35 years developed mesothelioma "I had not imagined teaching to have such deadly potential."** " An ex-teacher, Carole Hagedorn, from Chelmsford, [was diagnosed with mesothelioma after a 35-year career in teaching...](#) She commented: "Needless to say, I had not imagined teaching to have such deadly potential. It is shameful that some schools are failing to protect children and staff in them. We must get a grip of this problem."

76. **July 2011. [THE widow of a teacher who died of asbestos-related cancer](#)** has called for the Government to do more to protect pupils and staff from the deadly dust... Carol Anthony's husband, Alan, died of mesothelioma after he was believed to have been exposed to asbestos while working in a London comprehensive school. Mrs Anthony, 65, of Woodlands Lane, Quarndon, said: "We can not be certain of where in schools there is asbestos because inadequate records were kept in the past and it can be unwittingly disturbed during a building programme. In the case of my husband the solicitors tried to track down the source of asbestos in the London school where he worked but there was only a very scanty record, and by that I mean scrappy notes on a sheet of A4 paper."

Read more: <http://legacy.thisisderbyshire.co.uk/Bring-Hidden-Killer-campaign-protect-schools/story-12861682-detail/story.html#ixzz2ue8y8Yst>

**Comment:** Alan Anthony's case is typical of many teachers, support staff and former pupils who develop mesothelioma. Because the asbestos exposures are low level and often from common classroom activities such as slamming a door or taking books out of a cupboard, they pass unnoticed. Such exposures are often frequent, sometimes happening many times a day, the

cumulative exposure therefore builds up over time and many years later mesothelioma develops.

When enquiries are made with the school the records are often scant and in some cases non-existent. Enquiries are often met with obscurations and unjustified denials that exposure could ever have happened. To compound the problem it is a common practice that if a school building is demolished then within a short time all records of the existence of asbestos are intentionally destroyed. Although it is legal it is unethical. Almost all cases are fought hard by the school, local authority and their insurers. The result is that in many cases justice for the victim and their family is never achieved.

77. **14 June 2011. Extremely hazardous asbestos identified only before school demolished.** [Deadly asbestos at Hugh Christie Technology College](#). The court had been told an asbestos survey showed "extremely hazardous material" throughout the building. ....

**Comment** Over 1,000 pupils aged 11-18 are taught at the college. The old buildings were occupied until 2007. In 2009 contractors removed asbestos which led to their prosecution by HSE. At the trial "the court had been told an asbestos survey showed "**extremely hazardous material**" throughout the building". It is concerning that this asbestos was present when the buildings were occupied by staff and pupils.

(The article describes the trial, which collapsed, of the firm responsible for removing the asbestos. The reason for the collapse was, according to the HSE, "procedural issues.")

78. **June 2011. No cash to fix rotting primary school with asbestos ceilings.** [No cash to fix rotting primary school](#). Children at a Weston school are being taught in crumbling, rotting buildings with asbestos ceilings, 'ancient' electrics and gaping holes.

79. **April 2011. Union survey finds woeful lack of training and asbestos awareness among school staff.** JUAC's survey found that 80 per cent of safety reps had not been trained in asbestos awareness, or did not know if they had, and 70 per cent had not been consulted on asbestos management.

..... The Asbestos in Schools group ..... called on the Department of Health to commission a full study. The group's chair, Annette Brooke MP, commented: "Despite the dilapidated state of the school stock and an estimated £8.5bn backlog of repairs, the Government has recently confirmed that its policy for schools is to leave the asbestos in place and manage it for the remaining life of the buildings.

"If people are expected to manage the asbestos they have to be trained, and yet the results of the JUAC survey add to all the other evidence, including recent HSE enforcement action, that there is a woeful lack of training and asbestos awareness among school staff."

**Local Government chronicle:** [Survey raises schools asbestos fear](#) Survey by Joint Union Asbestos Campaign reveals 'worrying shortcomings' in way asbestos is monitored and dealt with. (this is a paid subscription only site)

<http://www.shponline.co.uk/news-content/full/schools-asbestos-survey-challenges-official-line>

80. **April 2011. Fire at former school. Residents evacuated.** Fire at a former Nottinghamshire school is being treated as arson by police. About 60 firefighters tackled the blaze at the Sherwood Hall School in Forest Town, Mansfield, on Monday. **Police have said there will be no further examinations of the scene due to concerns about officers being exposed to asbestos.** Mansfield District Council is in the process of clearing and securing the building's remains. ... Anyone with information about the cause of the fire has been asked to contact police. A number of residents were evacuated from the area between 1100 BST and 1600 BST and were advised to keep windows closed.

81. **April 2011. Highland Council put staff and pupils at risk from asbestos in the majority of their schools.** HSE have lifted an improvement notice 22 months after Enforcement action was taken on the Highland Council for putting staff and pupils at risk from asbestos in the majority of their schools. On 28th March 2011 the HSE finally lifted the improvement notice they had served on the Highland Council in May 2009 for a *“Failure to prepare and implement written plans that identify those parts of school premises in which asbestos is, or is liable to be present and that specify the measures necessary for adequately managing the risk.”* The Council were unaware where the asbestos was in 123 of their 197 schools, and had failed to manage the asbestos.

There were two breaches under the Health and Safety at Work Act for failing to ensure the health and safety of their employees at their schools and for exposing the parents and children to a risk to their health and safety. There were three further breaches under the Control of Asbestos Regulations for failures in asbestos management and a failure to train their employees.

- [BBC report](#) Highlands Schools’ asbestos Improvement notice lifted. 1st April 2011
- [HSE Enforcement action 8th May 2009](#)
- [Highland Council report about the lifting of the Improvement order](#) 6th April 2011
- [Article about the failure of the Highland Council to survey 123 schools](#) 22nd October 2009

82. **March 2011. 70 primary school children exposed to asbestos in science lesson.** [Seventy Berkshire children in science blast asbestos scare.](#) About 70 primary school children have been exposed to asbestos when a science lesson explosion lifted ceiling tiles in a Berkshire school hall. Pupils were evacuated from the hall at St Mary's in Kintbery, Hungerford, when a chemical test involving a hydrogen balloon caused a "sonic reaction". Dust that fell from the ceiling tested positive for a small level of asbestos. Health and safety officers kept the children's uniforms for testing and the pupils were sent home in their PE kits. The hall has been sealed off and all parents have been informed.

[PARENTS of pupils at a West Berkshire school that had a recent asbestos scare will now have to wait until after Easter to discover the final test results.](#) Last week, West Berkshire Council spokesman, Phil Spray, said the council was awaiting final results from swab tests, which he said would be provided to parents first.. And this week, he added: “As explained previously, parents will be the first to be informed about test results. A full report from an independent expert will be made available to parents as soon as possible following the Easter holidays.”

83. **Dire condition of school estate source of panic. Financial Times.** [The dire condition of large parts of the £110bn school estate has become a source of panic](#), according to officials at the Department for Education, which accepted a 60 per cent cut to its capital budget. It has only

£16bn to last the rest of the parliament..... Officials estimate that half of England's schools were constructed between the second world war and the mid-1970s. Many of these schools are asbestos-riddled, flat-roofed and a long way beyond their intended lifespans.

84. **Former pupil regularly exposed to asbestos as a child at school develops mesothelioma.** [Sarah Bowman, 41 was diagnosed with the deadly cancer, mesothelioma, in August 2009](#). She said: "The school officially opened in November 1975, which I've since learned was a time when asbestos was still being used in the construction of education buildings. We regularly saw walls and partitions in classrooms broken through general day-to-day wear. You don't realise at the time what the consequences will be in the future. Investigations following an arson attack on William Gladstone High School in 1992 led to the discovery of asbestos. Dust fibres released in the air following wall and ceiling damage are believed by Miss Bowman to have been the direct cause of her illness. ....

"When the doctor told me I cried my eyes out. I asked him if I was dying and he just put his head down. "Telling my two children was the worst part."

85. **March 2011. Nursery nurse worked in school while asbestos removed died of mesothelioma. "One nurse called it the teachers' disease."** MacMillan Cancer Support . My mum was diagnosed with pleural mesothelioma in Feb 2010, ..but sadly this awful disease took her in November 2010. She worked in schools since 1976 as a nursery nurse and in one of the nurseries she worked in she remembers them removing asbestos..... . My mum spoke to a solicitor in the early days who were not prepared to take her case on because she had not worked directly with asbestos and they say it is more difficult to prepare a case. I personally think this is the tip of the ice-berg, what about all the children who were in the schools that contained asbestos??

[http://community.macmillan.org.uk/cancer\\_types/mesothelioma/f/118/p/36136/408742.aspx#408742](http://community.macmillan.org.uk/cancer_types/mesothelioma/f/118/p/36136/408742.aspx#408742)

One nurse who visited my mum in the very late stages of the disease said to my dad [they call it the teachers disease](#) as more and more people who worked in education are now showing symptoms of meso.

86. **March 2011. Supreme Court ruling.**

The Supreme Court upheld a ruling that Dianne Wilmore had been negligently exposed to asbestos at school as a pupil. AIB ceiling tiles had been disturbed by workmen in corridors and AIB tiles had been left in places where they were disturbed by the pupils.<sup>5</sup>

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<sup>5</sup>

ITN: [The mother-of-two contracted the cancer after apparently being exposed to asbestos dust while a pupil at Bowring School in Huyton, in the 1970s](#);  
[The asbestos time bomb in our schools](#) Like so many wise monkeys, successive education ministers have long kept their eyes, ears and mouths shut over the hazards of asbestos in schools. Now they may be forced to open them.....  
Ministers have long resisted the pressure even to assess the risk from asbestos in schools, insisting only last December that they had "no plans" to do so. This week's ruling suggests that they need to make such plans – and soon.  
[ITV Granada report landmark ruling](#);  
The Guardian: [School asbestos compensation puts councils under pressure](#);  
Education Executive: [Woman who died from being exposed to asbestos while at school wins compensation in first case of its kind](#);  
Daily Post: [Mrs Willmore, from north Wales, died in October 2009 aged 49, the day after a judge said she was entitled to £240,000 compensation](#);  
BBC: [Unanimously dismissed](#);  
Solicitors Journal: ["This judgment gives the unsuspecting victim who has worked in an environment where they have been exposed to asbestos a chance to be compensated for an illness they have developed through no fault of their own."](#)  
ITN: [The mother-of-two contracted the cancer after apparently being exposed to asbestos dust while a pupil at Bowring School in Huyton, in the 1970s](#);  
VOICE the Union for Education Professionals: [many school staff are not aware of the dangers of asbestos; they do not know where it is and are not involved in its management](#);  
Liverpool Daily Post: [Asbestos exposure Families of ex-Huyton pupil and Ellesmere Port secretary win groundbreaking compensation claims](#);  
The UK's Construction Directory: ["This judgement should be welcomed. The Courts have upheld the right of asbestos victims to claim compensation. Sadly, this is just the latest in a long line of attempts by the insurance industry to deny compensation to people dying an agonising death."](#)  
Belfast Telegraph: [The Court of Appeal ruled compensation should be paid in both cases, but Knowsley Council and Greif UK fought the rulings in the Supreme](#)

## 87. 2011 and 2010 to be included

### 88. October 2009. Former pupil dies of mesothelioma

In October 2009 the Appeal Court upheld a previous ruling of the High Court that Dianne Willmore had been negligently exposed to asbestos while a pupil at a school in Knowsley. Very sadly Diane died the morning after the Appeal Court ruling<sup>6</sup>.

*A CANCER victim died hours after being told council officials were considering a third court bid to claw back her £240,000 asbestos compensation payout.*

*Dianne Willmore, 49, was awarded the damages after convincing a High Court judge in July that her time as a pupil at the former Bowring Comprehensive School, in Huyton, caused her incurable lung cancer.*

*The mother-of-two claimed the slow developing cancer – notorious for the agonising pain it causes – was caused due to exposure to asbestos dust released during school building work and from chipped tiles in its toilets.*

*But Knowsley Council refused to accept the ruling and took the terminally-ill former supermarket worker to London's Civil Appeal Court, arguing it had not breached its duty of care and it was not "reasonably practicable" to protect her from asbestos exposure.*

*On Wednesday, Mrs Willmore, who was too ill to attend the appeal, finally looked to have won her battle when Lord Justice Sedley backed the original decision.*

*But within hours, Knowsley Council released a bullish statement stressing it was "extremely surprised and disappointed by this decision" and confirmed "we have requested leave to appeal this decision to the Supreme Court".*

*Yesterday morning, Mrs Willmore, who was diagnosed with her mesothelioma in spring 2007, died.<sup>7</sup>*

### 89. October 2009. Pupils damage door panel containing ACMs and ceiling tiles.

In October 2009 Norfolk County Council issued a warning to headteachers and governors about two recent asbestos incidences in schools. Both incidents were reported as dangerous incidents to the HSE and had been caused by pupils damaging asbestos materials. It is not known how long the damage had passed unnoticed, which underlines the necessity for constant vigilance and checks on the condition of all asbestos materials in schools. The Norfolk CC management information warning stated:

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[Court - where seven justices have now unanimously dismissed their appeals](#)

[Liverpool Echo](#) Mr Budgen said: "This ruling is a positive step towards proper acknowledgement of the risks that asbestos can pose in schools and other public buildings, even if the amount of fibres which pupils, teachers and others come into contact with is relatively small. ....

"The risks posed by the toxic fibres have been shown to be far greater in children's lungs rather than those which are fully-developed, meaning school pupils are more susceptible to the dangers of asbestos....."

<sup>6</sup> England and Wales Court of Appeal (Civil Division) Decisions Willmore v Knowsley Metropolitan Borough Council [2009] EWCA Civ 1211 (19 November 2009) Hearing date: Wednesday 14 October 2009 <http://www.bailii.org/ew/cases/EWCA/Civ/2009/1211.html>

<sup>7</sup> <http://www.liverpooldailypost.co.uk/liverpool-news/regional-news/2009/10/16/knowsley-cancer-victim-dies-hours-after-fresh-bid-to-clawback-her-asbestos-payout-launched-92534-24943586/>

*“Damaged asbestos containing materials (ACMs) were recently discovered in two Norfolk schools and had to be reported to the HSE as Dangerous Occurrences under RIDDOR.*

*In both cases asbestos was released as a result of materials being damaged by pupils - by kicking a ball against ceiling panels that contained asbestos; and by damage to a door panel containing ACMs.*

*In each case local defect reporting procedures failed to identify the damage and routine inspections of ACMs had not been carried out by the premises manager. As a result there was no way of knowing when the damage had occurred and how many people had been exposed.*

#### **Actions**

*These two incidents highlight the need for all premises to:*

- *have in place effective defect reporting procedures*
- *carry out local inspections of ACMs*
- *create a local Asbestos Management Plan*

*Although NPS Property Consultants Ltd (NPS) carry out annual checks on ACMs, it is essential that premises managers carry out local checks so that damaged ACMs can be identified promptly and suitable remedial action taken.”<sup>8</sup>*

#### **90. October 2009. Former school cleaner dies of mesothelioma. Family awarded damages**

In October 2009 the family of a former school cleaner who died of mesothelioma were awarded damages from Kent County Council. She was never warned of the dangers of asbestos and was exposed to asbestos fibres during the course of her work.

*“The family of a school cleaner who died from asbestos-related cancer last year after prolonged exposure to the carcinogen has been awarded £110,000 in compensation...*

*She was exposed to asbestos whilst working as a cleaner at Welling Secondary School in Kent between 1972 and 1988. The building where she cleaned had asbestos in the internal partition walls that had been disturbed by drawing pins and general wear and tear.*

*At no point was the deceased cleaner warned of the dangers of her working environment and nothing was done by her employer to protect her from exposure.*

*The woman’s daughter, who pursued the compensation claim on her mother’s behalf, said: “It is terrifying to think that my mum was exposed to asbestos while working in a school. You expect*

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<sup>8</sup> Norfolk County Council Asbestos Releases in Norfolk schools Management information MI 192/09 10 October 2009  
<http://www.esinet.norfolk.gov.uk/cadmin/misheet/display04.asp?ID=1262>

*classrooms to be a safe haven for children but working there caused mum to suffer a painful illness and death many years later.”<sup>9</sup>*

#### **91. October 2009. Primary school closed after raised asbestos fibre levels found**

In October 2009 a primary school in Lancashire was closed and staff and pupils sent home after raised airborne asbestos fibre levels were found during air sampling.

*“Regular tests have been carried out at the school for some time after it was discovered that asbestos materials were used to build the school. But air samples taken on Tuesday gave readings higher than expected, although still within accepted risk levels.... A team of specialists is now conducting further tests at the school to ensure it is safe for the 190 pupils, as well as teachers and other members of staff. ...A Bury Council spokesman said: “Earlier this week a regular air test was conducted and the asbestos readings from this test are higher than expected, but still within accepted risk levels. Council officials have investigated the situation and repeat tests have shown concern in other areas. After discussions, we felt it was appropriate to close the school whilst investigative work takes place.”<sup>10</sup>*

#### **92. October 2009. School teacher dies of mesothelioma. Council apologises for exposure at school**

In October 2009 a council apologised to the family of a school teacher who had been exposed to asbestos in two of their schools over the course of a thirty year teaching career and who had subsequently died of mesothelioma.

*“Havering council have apologised to Stephen Henry for the death of his wife...*

*A council spokesman said: “We profoundly regret that Mrs Henry was exposed to asbestos through her employment at Chase Cross School and our deepest sympathy is extended to her husband, friends and family “It is believed Joan, who taught drama at the school between 1976-2004, as well as briefly in a school in Poplar, contracted the disease from asbestos released from ceilings of both schools.*

*Joan's solicitor stated: “When Bower Park was Chase Cross there wasn't a significant incident of disturbance to the asbestos that was raised during the case.*

*“Frighteningly, the disturbance was what could be described as natural 'wear and tear' - pupils disturbing it with bags, rulers etc.”*

*“An £85million asbestos compensation fund has been set up in the public sector, amid warnings that medical claims will double in the next decade.*

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<sup>9</sup> <http://www.fm-world.co.uk/news/fm-industry-news/six-figure-asbestos-payout-for-cleaners-family/>

<sup>10</sup> Springside Primary School shut over asbestos worries. Bury Times 8 Oct 2009  
[http://www.burytimes.co.uk/news/4671793.Springside\\_Primary\\_School\\_shut\\_over\\_asbestos\\_worries/](http://www.burytimes.co.uk/news/4671793.Springside_Primary_School_shut_over_asbestos_worries/)

*The London Pensions Fund Authority is putting aside the cash following estimates that the number of cases will rise to 25 a year and total more than 400 by 2035.*

*The organisation deals with about 12 claims a year over asbestos-related illness. But a landmark legal case has led to the authority paying out over a teacher who was not shown to have had direct contact with the substance<sup>11</sup>*

### **93. September 2009. Water released through asbestos ceiling tiles in a Derby infant school.**

In September 2009 a pipe in the ceiling void leaked water through an AIB ceiling into a kitchen storage room in a school in Derby. The council gave assurances that the incident had posed no risk to the occupants. This incident is just the latest of a whole series of asbestos incidents in schools in Derby. Following all of them parents, staff and children have been reassured by the council that there is no risk, the risks are beneath the level of concern or the risks are minimal and negligible. Regrettably evidence is such that these assurances are invariably not justified.

*"Fears that water-logged ceiling tiles could have released asbestos fibres at a Derby school have been allayed by council officials.*

*Water leaked into the roof space at Redwood Infant School in mid-September.*

*The damaged ceiling area was in a walk-in store adjacent to the kitchen at the Sinfin school.*

*Once the damaged tiles were discovered, supplies were removed from the room and it was sealed off. The tiles were removed and the storeroom will be permanently sealed.*

*Derby City Council is anxious to tell parents and staff that "there was no detectable release of asbestos fibres".*

*But some kitchen staff are concerned. One, who did not wish to be named, said: "The store cupboard may have been sorted but the rest of the kitchen ceiling is covered in the same tiles. What if we have another water leak that affects them or brings them down? I didn't realise that there is any asbestos in the school."*

*A city council spokesman said: "The Redwood incident was triggered by a pipe leak above a kitchen storage area which has a tiled ceiling.*

*"In order to repair the ceiling, the tiles had to be removed, and this work was carried out by an expert asbestos removal contractor.*

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<http://www.romfordrecorder.co.uk/content/havering/recorder/news/story.aspx?brand=RECOline&category=newsRomford&tBrand=rothlondon24&tCategory=newsromford&itemid=WeED30%20Oct%202009%2011%3A53%3A12%3A863>  
<http://www.thisislondon.co.uk/standard/article-23761094-pound-85m-fund-set-up-for-soaring-asbestos-claims.do>  
the importance of identifying whether school buildings contain asbestos and the necessity of keeping it properly maintained if is not going to be removed".

*"This incident has not caused any risk to the health of children, staff or parents at the school..."*

*There have been several incidents involving the release of asbestos fibres into schools in the past five years.*

*These include Silverhill Primary School, Mickleover, where the pupils had to go to alternative schools for eight weeks after workmen disturbed asbestos panels during window replacement. A report ruled that the risk to pupils' health from the exposure was "negligible" but slightly higher for the workmen and cleaning staff.*

*An incident at Lees Brook Community Sports College, Chaddesden, where asbestos fibres were leaking from a damaged wall in a cupboard, also necessitated a clean-up and a report.*

*This also stated minimal risk to health.*

*There have also been incidents at both Nightingale Junior School and St James' C of E Junior School when asbestos fibres found their way from the roof space into classrooms.*

*The problem was discovered quickly and no long-term health risks were anticipated.<sup>12</sup>*

Sinfin school is a CLASP Mk5. Water ingress also occurred in the same Mk of CLASP building in a school in South Lanarkshire. The council had undertaken air test and given similar reassurances as the results had shown that fibre levels were within limits. However HSE wrote a letter to the council severely criticising the standards and methodology employed for the air sampling and instructing that the school could not be considered safe until tests had been carried out using the correct methodology, as asbestos fibres are carried in water and precipitate out once the water dries.<sup>13</sup> (See March 2008)

At Sinfin the council stated that *"there was no detectable release of asbestos fibres."* Clearly their tests did not detect any asbestos fibres, but in the circumstances it is probable that asbestos fibres were released, the fact that no asbestos fibres were detected makes one question the methodology employed for the tests.

#### **94. September 2009. Asbestos exposure from stationary cupboards**

In September 2009 an inquest concluded that a former Sussex School teacher had died of cancer likely to have been caused by asbestos in the school, the coroner gave a verdict of death from industrial disease. Mr Beck had given a witness statement while he was ill which was read out at the inquest, explaining how he was exposed to asbestos from a store cupboard:

*"In a witness statement he gave while he was ill which was read out at the inquest, Mr Beck explained there was a store cupboard with shelves made of asbestos in the classroom where he was based for the majority of the 25 years he worked at the school.*

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<sup>12</sup> <http://www.thisisderbyshire.co.uk/education/Staff-parents-reassured-asbestos-Derby-school/article-1425134-detail/article.html>

<sup>13</sup> HSE Field Operations Directorate K.Thompson / Director of Housing and Technical Services of South Lanarkshire Council 14 Mar 2008

*He used the cupboard daily, picking up and putting down books and paperwork on the asbestos shelves.”<sup>14</sup>*

A similar occurrence had also been identified in a school in Derby in October 2007 where classroom stationary cupboards had been daily releasing amosite fibres over the course of many years. See October 2007<sup>15</sup>

In December 2008 damaged AIB and amosite fibres were found at the back of classroom cupboards in a school in Kent where heavy metal stands were stored.<sup>16</sup>

#### **95. September 2009. Asbestos found when windows removed**

September 2009. Asbestos was found during window removal in a Scottish school, the classroom was sealed off and asbestos contractors called in to complete the work. According to the article the asbestos is in the window sealant mastic, and the workers staff and parents have been assured that there is no risk.<sup>17</sup>

In this particular case if the only asbestos is that identified in the mastic then the assurances of the council are justified. This does go to prove however that whatever asbestos exists in a school it always poses a potential problem, which in this case will lead to additional costs and disruption to all involved.

#### **96. September 2009. Roofing work contaminates classrooms**

In September 2009 contractors were carrying out roofing work at a primary school in York, the activity on the roof disturbed asbestos materials within the building, contaminating several rooms with asbestos fibres:

*“City of York Council said today that a light covering of dust had recently been discovered in several rooms at the school. A spokeswoman said that some of the ceilings in the affected areas were known to contain asbestos, so air-monitoring was carried out in these rooms to determine if there was a problem. She said air test results were “satisfactory,” but some of the original dust samples did contain traces of asbestos, although others did not. “Although all air-test results were satisfactory, as a precaution, a specialist contractor was employed to thoroughly clean all the affected areas and to remove all residual dust”<sup>18</sup>*

This incident is very similar to an incident that occurred in a Highland school in March 2009 when work on the roof once again disturbed asbestos materials in the classrooms beneath.<sup>19</sup> This shows that even if the maintenance or building work does not directly involve disturbing

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<sup>14</sup> [Deadly asbestos lurked in teacher's cupboard.....](#)

<sup>15</sup> Derby City Council Lees Brook Press release October 11 2007

<http://www.derby.gov.uk/EducationLearning/AssetManagementPlanning/LeesBrook.htm> Derby CC press release 13 Jul 09 Lees Brook . school asbestos information. <http://www.derby.gov.uk/PressReleases/LatestInfo/asbestos.htm> Lees Brook community school asbestos fibre release Paper15 August 2009 Michael Lees

<sup>16</sup> [BBC Inside Out report Asbestos in schools](#). 28<sup>th</sup> January 2009

<sup>17</sup> [Asbestos menace found in school](#)

<sup>18</sup> [York primary school after traces of asbestos dust were found in classrooms](#).

<sup>19</sup> [The BBC report](#) that the clean-up at Nairn academy will take until Easter. -5 March

asbestos materials they can be disturbed indirectly. Quite simply if a school contains asbestos materials then fibres can be released, in both these cases causing widespread asbestos contamination.

As increasing numbers of schools are being refurbished under BSF, PCP and PPP schemes incidents like this are likely to occur, for rather than removing the asbestos during the refurbishments Government policy is that *“If the asbestos is in good condition and is not likely to be damaged or disturbed, it is usually safer to leave it in place and manage it until the building has reached the end of its useful life.”*<sup>20</sup> This policy particularly applies to primary schools.<sup>21</sup>

#### **97. September 2009. Asbestos lagging discovered under floor**

In September 2009 asbestos lagging was discovered beneath the floorboards in a Doncaster primary school while heating engineers were carrying out work to improve the heating system. A series of fun sports days were cancelled because of the discovery of the asbestos and the school was likely to remain shut for two weeks at the beginning of term *“As there is still some essential safety work to be carried out before pupils and staff can access the building.”*<sup>22</sup>

This discovery in heating ducts highlights the flaws in standard school asbestos surveys as this asbestos lagging had not been previously identified and therefore had not been managed. Asbestos lagging can be very friable so that it readily releases fibres, although it was beneath the floors any vibration or pressure changes could disturb the fibres which could potentially enter the rooms.

#### **98. September 2009. Asbestos disturbed in boiler house**

In September 2009 asbestos was disturbed in a primary school in Teddington which delayed the start of the school term while an environmental clean was carried out. Although the asbestos was in the boiler house it further proves that the presence of any asbestos in a school can result in its disturbance and disruption to all involved.<sup>23</sup>

#### **99. September 2009. AIB ceiling tiles removed by unlicensed contractors, contaminated school exposed builders**

In September 2009 three building contractors were fined for removing AIB ceiling tiles without a licence, the work led to contamination of the special school in Rotherham in 2006 and the exposure of building contractors:

*“Mansell Build Ltd, the principal contractor, was employed to carry out work to remove asbestos insulating board ceilings at the school. The work should have been carried out by a contractor licensed by HSE, but the company contracted to carry out the work, ARB Agriplant Ltd, did not have a licence.*

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<sup>20</sup>Letter Rt Hon Jim Knight MP Minister of State for Schools and Learners 30 Apr 09

<sup>21</sup> Meeting Under Secretary of State for Schools Sarah McCarthy-Fry 3 Jun 2009

<sup>22</sup> [School stays shut as asbestos found. Detailed comment at this link.](#)

<sup>23</sup> [Teddington Primary School closed after asbestos discovery](#)

*Now in administration, ARB Agriplant Ltd then subcontracted the work to Gary Cusack, another unlicensed contractor.*

*All contractors failed to implement basic requirements to prevent the spread and exposure to asbestos to both those removing the materials and to others working at the school at the time. After the removal work had been completed, Mansell Build Ltd allowed other contractors to work in those areas without verifying which areas were free from asbestos. It was then found that these areas were contaminated with asbestos.*

*Following the incident ARB Agriplant Ltd provided a forged asbestos licence and a falsified clearance certificate to Mansell Build Ltd, claiming that the work had been undertaken by a licensed contractor and that the area was free from asbestos.*

*Speaking after the case, HSE inspector David Bradley said:*

*"Those responsible for employees have a legal duty to protect their health and safety and in the case of asbestos they should know that any disturbance of such a dangerous material should only be tackled by licensed workers.*

*"In this case, the contractors responsible put others in a dangerous situation, which could have been avoided had the work been carried out by a licensed contractor."*

#### **100. August 2009. Asbestos found during school refurbishment delays reopening by months**

In August 2009 the opening of two multimillion-pound primary schools in Aberdeen was expected to be delayed by eight weeks after asbestos was found. Work on the new Manor Park Primary, at Middlefield, and the renovation of Seaton Primary, had run into problems after significantly higher amounts of asbestos was found than had been expected.<sup>24</sup> It is a common occurrence that refurbishment projects are delayed with cost overruns when asbestos materials are found in greater amounts than the asbestos surveys had determined. (See December 2003)

This not only underlines the deficiencies of asbestos surveys but also demonstrates that the presence, extent and condition of this asbestos was not known about and therefore it had not been managed throughout the life of the school.

#### **101. August 2009. Children playing with asbestos contaminated overalls**

In August 2009 a primary school in Cornwall was being refurbished and asbestos contractors had been removing asbestos. *"An investigation has been launched by the Health and Safety Executive (HSE) following reports of children playing with asbestos-covered overalls in a Helston school."* The asbestos removal contractors protective suits had been disposed of in an unsecured skip so that children had removed them. Police issued a warning to parents.<sup>25</sup>

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<sup>24</sup> "Significantly higher" amounts of asbestos was found than had been expected

<sup>25</sup> <http://www.devon-cornwall.police.uk/NewsAppeals/Pages/NewsItem.aspx?Release=9317> This is Cornwall children playing with asbestos at school 6 Aug 2009

### **102. August 2009. Council fined for failure in asbestos management that contaminated school**

In August 2009 Magistrates fined a building consultancy and North Somerset Council for breaches in the asbestos regulations and failures in asbestos management which caused widespread contamination and resultant expense following the disturbance of AIB ceiling tiles in a school. The counsel prosecuting for the HSE, said the consultancy *'failed completely'* to address the potential risk posed by asbestos. *"North Somerset Council was under the obligation as owner of the premises to assess the risk."* He added that the unitary authority did not have an adequate process by which buildings were assessed before work was carried out. In addition the consultancy failed completely to address the potential risk posed by asbestos.<sup>26</sup>

This disturbance was caused by a failure in asbestos management where the council had failed to identify asbestos even before work was carried out and had failed to give sufficient warning about the possible presence of asbestos in the school.

### **103. July 2009. Court rules mesothelioma caused by asbestos exposure at school as a pupil**

In July 2009 Liverpool High Court found Knowsley Metropolitan Borough Council liable for damages for negligent exposure of Dianne Willmore to asbestos fibres while she was a pupil at her secondary school in Huyton, she joined the school in 1972 at the age of 11 and left in 1979. Dianne Willmore was diagnosed in March 2007 as suffering from mesothelioma.

The school was opened in 1972 when asbestos was widely used so that asbestos materials were prevalent throughout the building. The court accepted evidence of possible asbestos exposure from: work on the AIB ceiling tiles in a corridor while the Claimant and other pupils walked through the corridor. The disturbance of ceiling tiles by pupils' misbehaviour. Ceiling tiles in the girls' toilets being damaged. Dianne Willmore gave evidence and stated:

*"I remember by the Sports Hall, tradesmen routing wires through the ceiling, they stood on step ladders to do it. ...Routing of cables went on right across the school. They had to take the ceiling tiles down to do this.... she remembered the ceiling tiles being stacked in the corridor while the workmen were on the ladders and working in the ceiling void."*

*.... some of the boys in the school would seize the blazers, coats or briefcases of others whom they wished to victimise. They would push up the loose ceiling tiles and conceal these items in the ceiling void. The tiles would get broken or damaged*

*A lot of the bullying [in the school] took place in the toilets. There would be smoking in the toilets and vandalism of the toilets frequently. The toilets, sinks, walls and ceilings were damaged or defaced, some of the toilet blocks had fires set in them too."*

One of the country's leading mesothelioma consultants, Dr Rudd, gave evidence that:

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<sup>26</sup> [School asbestos scare - council and consultants fined](#)

*“Mesothelioma can occur after low level exposure and there is no known threshold dose below which there is no risk”.*

*“...‘significant’ is defined in accordance with the definition adopted in relation to mesothelioma causation by the Industrial Injuries Advisory Council in their 1996 report (Cm 3467): ‘a level above that commonly found in the air in buildings and the general outdoor environment.’ It would be appropriate for the Court to conclude that each such exposure materially increased the risk that she would develop mesothelioma.’*

The Judge, The Hon Justice Nicol, accepted that the exposure had occurred and that to be causative it had to be above de minimis, he summarised:

*“I have looked at the evidence regarding each of those situations. I could not find that any of them created a risk which was only de minimis. However, even if I am wrong about that, I must consider their collective effect. I am clear that when viewed together the risk was not minimal and that they materially increased the risk to the Claimant that she would develop mesothelioma much later in her life.”*

He concluded that negligence had occurred and stated:

*“The Amended Defence admits that the Defendant knew or ought to have known that any more than minimal exposure to asbestos dust was foreseeably hazardous. In the course of the hearing Mr Feeny did not dispute that if there was a reasonably practicable alternative that did not expose the pupils to such dust, it ought to have been used....*

*There was little evidence as to what precise work had led to a need for the ceiling panels to be removed. There was no evidence that it was of such urgency that it could not be done during the school holiday, or at weekends, or even at night when the school would have been empty....*

*....There must also have been reasonably alternative places to store the ceiling tiles rather than leaving them stacked in a busy corridor along which pupils were passing back and forth. If tiles were left there, the risk of them being knocked and damaged should have been obvious. Second, the pupil misbehaviour in hiding belongings above the ceiling tiles ....As time passed, it becomes harder to accept that no word of it reached the staff. In any case, the damage to the ceiling panels would have been visible to the school authorities. Had they been alive to the risks from disturbed asbestos, they should have realised that the panels needed replacing and with a material which would not expose pupils to danger if they were damaged again.*

*For the same reasons, the damage to the ceiling tiles in the girls' toilets should have been detected and led to their replacement with a non-asbestos product. It would have been readily foreseeable that ceiling tiles stacked in the toilets might be knocked and broken.*

*In short, I conclude that all three of the situations which I have found exposed the Claimant to a material risk, amounted to a breach of duty on the part of the Defendant.”<sup>27</sup>*

This judgment is most relevant to many of the other incidents that have happened over the years in schools throughout the country, where asbestos has been disturbed, contamination taken place and where exposures of individuals is likely. The court accepted that the authorities were aware of the dangers and yet because they failed to prevent the exposures they had been negligent, they had breached their duty of care. This judgement was upheld by the Appeal Court in October 2009.<sup>28</sup>

#### **104. July 2009. Lack of asbestos awareness in Welsh schools**

In July 2009 the Western Mail published an article that showed that in 1669 schools in Wales 1476, or 88%, contain asbestos in one form or another. An asbestos consultant who had earlier in the year organised a briefing to the Welsh Assembly stated :

*“Local authorities understanding of asbestos regulations and management of the risks appears to be patchy at the best. Some of the authorities don’t seem to realise the difference between an asbestos register (the location of everything) and a management plan which, like a health and safety policy, sets out roles and responsibilities, how the risk is communicated to staff and when it is going to be audited and reviewed.”*

The Member of the Welsh Assembly who had sponsored the briefing stated:

*“I have recently tabled a Statement of Opinion in the Welsh Assembly, calling on Assembly Members to support immediate action to increase the awareness of this problem amongst education staff, which has been met with cross-party support.”<sup>29</sup>*

#### **105. July 2009. Asbestos found under school stage**

In July 2009 teachers only found out that the storage area under the stage in the school hall contained asbestos when they were asked to hand out letters informing parents and pupils about the problem. An improvement notice for failures in asbestos management had previously been issued to Denbighshire by the Health and Safety Executive.<sup>30</sup>

Although it was intended to remove the asbestos during the school holidays one must ask just how long have staff and pupils being storing props and equipment under the stage and presumably disturbing the asbestos. As none of them were aware of the presence of asbestos it demonstrates a serious failure in informing the staff and preventing their exposures.

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27 Case No: 8LV90020 HIGH COURT QUEEN'S BENCH DIVISION Liverpool District Registry Hon Justice Nicol 24 Jul 2009  
28 England and Wales Court of Appeal (Civil Division) Decisions Willmore v Knowsley Metropolitan Borough Council [2009] EWCA Civ 1211 (19 November 2009) Hearing date: Wednesday 14 October 2009 <http://www.bailii.org/ew/cases/EWCA/Civ/2009/1211.html>

<sup>29</sup> ["local authorities' understanding of asbestos regulations and management of the risks appears to be "patchy at best"](#)

<sup>30</sup> [Teachers only found out a school hall was covered in asbestos](#)

## 106. July 2009. A third of Highland schools likely to contain asbestos do not have surveys

In July 2009 the Highland Council issued a contract notice for consultants to undertake surveys in 197 of their 218 schools, create asbestos management plans and to train the school staff in their implementation. The contract notice gave details of the number of schools that had and had not been surveyed, it stated:

*Total quantity or scope: Existing asbestos surveys are available in the following categories:*

*(i) full asbestos surveys are available for 74 schools;*

*(ii) 58 schools have partial surveys (i.e. covering part of the campus);*

*(iii) no survey records have been found for 65 schools.*<sup>31</sup>

This is a very positive step and must be applauded but one must question why no records exist of asbestos surveys in a third of the schools. Without knowing what asbestos the schools contain the authorities will not have been able to effectively manage their asbestos over the years. The situation is exacerbated as most schools in the Highland Council have not been maintained in a good condition, consequently as the condition of the schools have deteriorated then it is inevitable so has the asbestos. In 2008 in the Highland Council 115 primary schools were in a "Poor" condition, with 5 in a "Bad" condition, in addition 9 of the secondary schools were in a "Poor" condition and 2 were in a "Bad" condition.<sup>32</sup>

It is inexcusable for schools not to be aware what asbestos they contain, but then asbestos surveys are not mandatory, and that is because in the consultation for the 2002 CAWR the Department for Education argued strongly and successfully against them being made mandatory, and the reason was cost.<sup>33</sup>

It will be seen many of the asbestos incidences that have occurred could have been avoided had the presence of asbestos been known. Since 1983 local authorities and schools have been told to identify their asbestos and manage it, but because the guidance was not mandatory many authorities and schools ignored the guidance.<sup>34</sup> In 1983 an HSE paper on asbestos in educational establishments referred to guidance given by the Government's Advisory Committee on Asbestos on the particular vulnerability to children and stressed the importance of identifying asbestos in buildings occupied by children. They stated:

*"... It is therefore especially important that the presence of asbestos containing materials in any environment to which children are exposed should be identified so that steps can be taken where necessary to prevent dust release."*<sup>35</sup>

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<sup>31</sup> UK-Inverness: architectural, engineering and surveying services Contract Notice OJEU Ref.:(09/S 148-216867/EN) 31 July 2009

<sup>32</sup> The Scottish Government statistical bulletin education series School estate statistics 2008 School condition

<sup>33</sup> DfEE Head of Architects and Building Branch Capital and Buildings Division, Patel/HSE Head of Asbestos Policy Andrews Asbestos Submission 21 August 1997 [An analysis](#) of statements made by the HSE using confidential documents that show that cost is the reason the Government has never carried out an audit or risk assessment of asbestos in schools and why DfES lobbied against asbestos surveys being made mandatory.

<sup>34</sup> Department of the Environment Asbestos materials in buildings 1983, 1986, 1991

<sup>35</sup> HSE Asbestos in Educational Establishments ESAC/WG3/2C 1983. 1979 Government Advisory Committee on Asbestos.

But a quarter of a century later many schools are not aware whether or not asbestos is actually present and this is acknowledged by DCSF's present guidance which states:

*"In many cases only visual surveys will have been completed and intrusive surveys will not have been done. This is sufficient to comply with the duty to manage regulations (so long as any asbestos present is in good condition and unlikely to be disturbed or damaged) but will not provide a definite identification of asbestos.*

***Therefore in most cases it will not be known whether or not asbestos is actually present and in these cases the duty holder should always presume that any material contains asbestos unless there is strong evidence to suggest it does not. Before extensive refurbishment or demolition takes place it may well be necessary to conduct intrusive surveys to ascertain for sure whether ACMs are present or not.***<sup>36</sup>

It is unacceptable that schools are not aware of the extent, type and condition of their asbestos. Thorough asbestos surveys should be made mandatory for only then can schools manage their asbestos.

**107. July 2009. Schools Minister "Teachers and pupils are not likely to be at risk in the course of their normal activities...Providing asbestos materials are maintained in good condition they can normally be left in situ and managed until the building reaches the end of its life"**

In July 2009 The Schools Minister reiterated the Government's policy on asbestos schools in a Parliamentary written answer.

**Mr. Gibb:** *To ask the Secretary of State for Children, Schools and Families (1) what recent assessment he has made of the implications for his Department's policy on the wellbeing of children of the presence of asbestos in schools; and if he would make a statement; [288695]*

*(2) what measures are in place to (a) identify and (b) remove asbestos in schools being refurbished under (i) Building Schools for the Future and (ii) the Primary Capital Programme. [288725]*

**Mr. Coaker:** *Asbestos in schools should be managed in accordance with the Control of Asbestos Regulations 2006. The legal requirements and associated guidance provides a framework that enables those responsible for schools to manage the risks from asbestos within school buildings.*

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<sup>36</sup> DCSF teachernet, Asbestos, how do you know if your school contains asbestos . 22 Sep 2009  
<http://www.teachernet.gov.uk/management/resourcesfinanceandbuilding/schoolbuildings/legislation/asbestos/>

*Asbestos is identified by surveys and removed where necessary in accordance with HSE guidance. Partnerships for Schools has included requirements for asbestos surveys in its standard contract documentation for Building Schools for the Future.*

*Work carried out under the Primary Capital programme is subject to local procurement and asbestos management procedures which must comply with the Control of Asbestos Regulations 2006.*

*It is DCSF and HSE's assessment that where asbestos is managed in accordance with the Control of Asbestos Regulations teachers and pupils are not likely to be at risk in the course of their normal activities.*

*Providing asbestos materials are maintained in good condition they can normally be left in situ and managed until the building reaches the end of its life when the asbestos containing materials can be removed without risk of exposing building users to risks arising from significant disturbance.<sup>37</sup>*

The Minister advocates that teachers and children are not likely to be at risk, however the evidence is that the statement cannot be justified as common everyday classroom activities have been shown to release significant levels of asbestos fibres, and indeed many of the asbestos incidents outlined in this paper prove that on many occasions the teachers and pupils have been placed at significant risk.

His answer about the Primary Capital Programme confirms in writing what was stated at a meeting on 3<sup>rd</sup> June between representatives from the asbestos in schools campaign and the Schools Minister Sarah McCarthy Fry.<sup>38</sup> At the meeting DCSF officials stated that it is for local authorities and school governors to decide whether or not to remove asbestos from primary schools when they are refurbished.

The Minister also confirmed that it is Government policy that asbestos can be left in situ until the building reaches the end of its life. At the meeting DCSF also stated that there is not enough money to even identify all the asbestos when the primary schools are refurbished, and because PCP is less well funded than BSF most primary school refurbishments are just “*decoration.*” All the evidence is that unless it is likely to be disturbed during the refurbishment, the bulk of asbestos material will be left in the majority of primary schools and will have to be managed until the building reaches the end of its life - and once the refurbishment has taken place that is likely to be many years in the future.

The Minister's argument for leaving the asbestos in situ does not hold water:

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<sup>37</sup> Hansard Parliamentary written answer 21 July 2009 : Column 1431W Nick Gibb MP/ Vernon Coaker MP  
<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090721/text/90721w0071.htm#0907235000124>

<sup>38</sup> Meeting Parliamentary Under Secretary for Schools Sarah McCarthy-Fry/ Asbestos in schools group. Contemporaneous notes Lees 3 Jun 2009

He states that *“Providing asbestos materials are maintained in good condition they can normally be left in situ.”* Indeed he is pedantically correct for if the asbestos is maintained in good condition then it can be left in situ, the problem is that, as many incidents in this paper prove, it is not known whether or not the asbestos is present, let alone whether it is in good condition. Other examples prove that the fabric of the buildings have deteriorated and the systems of asbestos management have not ensured that the asbestos is maintained in good condition. When the hidden asbestos is discovered it is frequently not in good condition, consequently it is inevitable that it has been releasing asbestos fibres for a prolonged period of time which has contaminated the rooms and exposed the occupants.

If the asbestos is left in situ then it will have to be managed, however the evidence is that many schools do not have effective or safe systems of asbestos management - as the incidents in this paper prove.

The Minister further justifies his argument by claiming that removing the asbestos would risk exposing the occupants. This argument can only be justified if the work is carried out incorrectly, however if carried out correctly then it does not expose the occupants and there are many thousands of successful removals that prove that is so.

The Minister’s arguments are political ones to avoid the considerable expense of removing asbestos from schools. The same arguments have been used to publicly justify the policy for many years, however in private the Government and its Departments acknowledge that if asbestos removal is carried out correctly then it does not put the occupants at risk. The following is an extract from a confidential Department for Education document that gives a briefing on an imminent meeting between the Minister and the General Secretary of the NUT. The briefing states:

*“You will note that some kind of argument might be mounted concerning the increased levels of inhalation by pupils occupying school buildings following asbestos removal, even when the work has been properly done. This would strengthen the argument to leave sound asbestos in place. However, the evidence seems limited and the conclusions very two edged: there will be cases where asbestos needs to be removed, and the buildings then reoccupied as soon as possible.*

*HSE consider it safe to reoccupy buildings after asbestos has been properly removed (although monitoring is needed)*

*I suggest therefore, we do not raise this issue tomorrow.”<sup>39</sup>*

Other documents show that the HSE consider that the risk is not necessarily to the occupants of the building, but rather the risk is to the removal contractors.<sup>40</sup> The above extract was from a

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<sup>39</sup> Department of Education Wilson A&B Branch/ Mr Hedger Asbestos 18 Oct 93

<sup>40</sup> Ministerial Briefing Department of Education Mr Forth’s meeting with NUT Background note on asbestos in school buildings 1 Dec 1993.  
HSE Paper LAForum/04 23 Nov 2009

Department of Education briefing in 1993, but the case is essentially the same today. It must also be borne in mind that in the sixteen years since this statement was made the methods and techniques of removing asbestos have improved considerably.

Once the asbestos is removed correctly and meticulous checks have been carried out to ensure that it has been, then the ever present potential risk of asbestos exposure is removed for ever.

#### **108. June 2009. Fire damages asbestos in school. Headteachers highlight problems caused by the presence of asbestos**

In June 2009 a fire damaged an arts storeroom in a secondary school in Basingstoke. Because asbestos had been disturbed, students were not allowed near the building. This incident led the headteacher to express her concerns that because asbestos is present in her school any maintenance work is much more expensive and takes a lot more time to complete. A neighbouring headteacher expressed the same concern and stated that he believed passionately that the health of the children should be paramount.

*"Cranbourne Business and Enterprise College, in Wessex Close, Basingstoke, contains amosite and chrysotile. It was the scene of a fire in an arts storeroom on June 11 and head teacher Betty Elkins said the blaze had disturbed asbestos. Mrs Elkins said: "The first thing that happened after the fire was we checked the asbestos register, found out it was in that block and stopped pupils going near it.*

*"We've had to install bits of false ceilings in many of the classrooms because we use electronic whiteboards. We needed blinds to keep the light out but we weren't allowed to drill into the ceiling.*

*"Having the substance present can be very obstructive and it also means that any work we want done is much more expensive and takes much more time."*

*Brighton Hill Community College, in Brighton Way – Basingstoke's largest secondary school with about 1,300 pupils – has all three forms of asbestos present – crocidolite, amosite and chrysotile. Head teacher David Eyre told The Gazette he believes asbestos should be removed from all Hampshire schools.*

*He said: "Having asbestos at the school makes life very difficult in terms of drilling holes into the walls and moving things around because it might be disturbed. These are schools full of children and I believe passionately that their health should be put before money and that all school buildings should be stripped of asbestos. I think it's a nonsense that Hampshire County Council does not remove the substance from school buildings. They should at least be on a par safety-wise with office buildings." <sup>41</sup>*

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[http://www.dailyecho.co.uk/archive/2009/06/25/News+Headlines+%28bg\\_news\\_headlines%29/4458502.Asbestos\\_Remove\\_it\\_from\\_our\\_schools/](http://www.dailyecho.co.uk/archive/2009/06/25/News+Headlines+%28bg_news_headlines%29/4458502.Asbestos_Remove_it_from_our_schools/)

### **109. July 2009. Chief Executive of BSC states unacceptable not to undertake audit and risk assessment.**

On 3<sup>rd</sup> July 2009 the Chief Executive of the British Safety Council made a strong public statement criticising the Government's policy on asbestos in schools and their failure to take the necessary actions to make schools safe. The statements were part of a presentation to a conference "Directors' duties, corporate manslaughter and health and safety enforcement" 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?"<sup>42</sup>*

### **110. May 2009. Headmaster told contractors to carry on after asbestos disturbed. Environmental clean costs £190,000**

In May 2009 Taunton Crown Court fined a building company £1,100 for carrying out work on asbestos in a school despite being unqualified to do so. The contract had been supervised by the the headmaster and school governors, who told the builder to carry on with the work after asbestos was discovered because it was deemed to be of low risk. The judge informed the court that ;

*"I consider the responsibility for the danger has been passed down to the defendant."*

The HSE stated "People in charge of buildings also need to know if they contain asbestos." The environmental clean of the school cost £190,000. <sup>43</sup> The charges against the headmaster had previously been dropped although he had lived under the threat of prosecution since 2007 since the incident took place. This incident caused widespread contamination and the exposure of the workmen, and but for a failure in asbestos management could have been prevented. Clearly

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<sup>42</sup> British Safety Council press release Government failing to tackle asbestos in schools. 3 Jul 2009  
[www.britsafe.org/feedcontents.aspx?id=100261](http://www.britsafe.org/feedcontents.aspx?id=100261)

<sup>43</sup> Responsibility passed down to the builder

neither the headmaster nor the school governors were aware of the dangers of asbestos and none of them were trained in asbestos management.

#### **111. May 2009. A Secondary school teacher dies of mesothelioma.**

In May 2009 a secondary school teacher died of mesothelioma at the age of 53. He had been a teacher for 33 years and had taught in two schools, both of which contain large amounts of asbestos.<sup>44</sup>

#### **112. May 2009. Extensive, damaged crocidolite lagging found in service tunnels beneath school.**

In May 2009 extensive quantities of damaged crocidolite asbestos lagging was found in the undercroft, sub-terranean service tunnels and service riser ducts in a school in Kent. This had not been identified on a previous type 2 asbestos survey and was only identified in a type 3 survey carried out prior to a BSF rebuild and refurbishment. The type 3 survey reported *“Due to the natural airflow that exists within these areas it must be presumed that all sub-terranean tunnel networks and service risers are contaminated with asbestos based materials.”* Because of the risk that the airflow could force the crocidolite fibres through seams in the ducting the air flow in the undercroft was sealed off. Smoke testing was intended to check the efficacy of the seals.<sup>45</sup>

Crocidolite is 500 times more dangerous than chrysotile, and it has been identified in 60 schools in Kent.<sup>46</sup> Until the type 3 survey was carried out the authorities were not aware of this extensive quantity of damaged friable crocidolite lagging in tunnels and risers beneath the school which potentially could have been contaminating the rooms for many years. This highlights the inadequacy of the manner in which many type 2 surveys are carried out. Both a type 1 and type 2 survey should investigate accessible areas such as ceiling voids and service ducts and should certainly have looked in the service tunnels, the fact that they had not means that for decades this particularly dangerous asbestos had not been managed. The current HSE document on surveying stresses that in both Type 1 and 2 surveys:

*“All areas should be accessed and inspected as far as reasonably practicable (eg above false ceilings and inside risers, service ducts, lift shafts, etc) or must be presumed to contain asbestos.”<sup>47</sup>*

#### **113. May 2009. Secondary school teacher with mesothelioma tells Parliamentary asbestos seminar “Long latency means it is always someone else’s problem Governments do what is urgent rather than what is important”**

In May 2009 Carole Hagedorn, a secondary school teacher who is suffering from mesothelioma gave a speech to the Parliamentary asbestos seminar, and said:

*“Long latency means it is always someone else’s problem Governments do what is urgent rather than what is important. I would argue that ridding our schools of asbestos is both urgent and*

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<sup>44</sup> The name of the teacher has been withheld, but is available 6 May 2009

<sup>45</sup> Name of school withheld but available. 10 May 2009

<sup>46</sup> BBC Inside Out Asbestos in majority of schools 27 Jan 2009

<sup>47</sup> HSE MDHS100 Surveying, sampling and assessment of asbestos –containing materials. Jul 2001 para 13 p4

*important. It is the primary duty of government to protect the health and safety of its citizens, particularly its children, and it cannot escape full responsibility for this.... It is a devastating indictment of our society that a country which is so technologically advanced in some ways can be so primitive when it comes to ensuring the basic health and safety of its citizens.*

*...The response from government has rested on two tenets. Firstly, that if asbestos is in good condition and not likely to be disturbed, then it is usually safer to manage it than it is to remove it. The problem is that the asbestos is often not in good condition. Much asbestos is old, deteriorating and disintegrating. Normal surveys do not assess the condition of asbestos hidden for example in wall or ceiling voids which may be less accessible. Many schools contain large amounts of hidden asbestos and only air tests with disturbance testing can establish its condition by checking whether dangerous fibres are being released into the air during everyday school activities.*

*The government says that it has “very robust” processes in place to ensure that asbestos management is sound. But systems of management are mainly designed for maintenance work, not for everyday occupation. They do not take account of one Head who said, “don’t worry, this is safe asbestos” to one parent who picked some up in a playground. Local Authorities have not been allotted the funding necessary for the thorough training of Heads in every school. There is no compulsory training in asbestos management for those who are responsible for it on a day to day basis in our schools. Systems are always going to be ineffective when it takes only one boisterous act to release the fibres. A tick box approach to health and safety is inappropriate.*

*Removal is undoubtedly the only safe option for the school community. Secondly they say that major refurbishments undertaken under Building Schools for the Future would normally include the removal of all asbestos. The evidence is that most schools will not have their asbestos removed unless the refurbishment is likely to disturb it. What is more, this is a programme taking many years to complete. It appears that primary schools are least likely to benefit from asbestos removal, leaving our very youngest at risk. Once schools have been refurbished, there will be no second chance.*

*Do you really want not just your grandchildren, but your grandchildren’s grandchildren to run the risk of contracting a terminal disease just by running into a wall? I ask you to consider not me, but those children without a voice, who deserve the chance to learn and flourish in a safe environment.<sup>48</sup>*

In April 2009 Mrs Hagedorn told the NASUWT conference:

*“I have lost my teaching career and my pupils their teacher. I am understandably unhappy that the lack of proper asbestos control will end my life prematurely, like some sort of collateral damage or natural wastage in the education game.”<sup>49</sup>*

Mrs Hagedorn is typical of many other teachers suffering from mesothelioma in as much as she knows of no other asbestos exposure other than in the schools she taught in. She is very bravely using her case to bring home to people the dangers of asbestos in schools, and to persuade the Government to implement measures to make schools safe.

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<sup>48</sup> Carole Hagedorn extract from speech to the Parliamentary asbestos seminar 13<sup>th</sup> May 2009

<sup>49</sup> Carole Hagedorn extract from speech to the NASUWT conference 15 April 2009

#### 114. April 2009. Damaged asbestos ceiling tile led to environmental clean.

In April 2009 a routine inspection found a fractured asbestos ceiling tile in one of the sixth-form common rooms in a secondary school in Norfolk. The room had been sealed off and an environmental clean took place.

*"A Norfolk school has closed off a room in its sixth-form after a fractured ceiling tile containing asbestos was discovered during a routine inspection.*

*The potentially lethal building material has to be removed by specialist contractors because it is such a hazardous substance.*

*But experts have told Attleborough High School, following the discovery last week, that there has been a "minor" release of asbestos and the level of exposure would have been "exceedingly low".*

*Parents, staff and children have been informed of the situation, and given a helpline number should they feel in need of further support.*

*The incident happened within days of teachers, union leaders and politicians calling for asbestos to be removed from Norfolk's classrooms, as an EDP investigation showed 390 of Norfolk's 438 schools had asbestos on their premises.*

*Neil McShane, acting headteacher at Attleborough High, said: "Our priority, as always, is the health and safety of our students and staff and we carry out regular inspections of our buildings.*

*"During a routine inspection, asbestos was found in a fractured ceiling tile in one of the sixth-form common rooms. The room has been sealed off as a precautionary measure due to the inspector identifying a small area of asbestos-containing material being disturbed.*

*"A specialist consultant has carried out tests and found that there has been a minor release of asbestos due to the fracture in a ceiling tile. Professional advice suggests that the levels of exposure would have been 'exceedingly low, almost nil'. In fact, the perceived risk was considered to be so low that it did not justify carrying out air-sampling tests."*

*Mr McShane said the affected room will remain closed until specialist contractors have dealt with the asbestos-containing material and undertaken an environmental clean-up of the area. Air monitoring will also take place to ensure the area is safe before it is reopened.*

*Norfolk County Council spokesman Steve Reilly said it was a "one-off incident". The council had been advising the school on what action to take, in line with its procedures for the management of asbestos. The education authority would also manage the removal of the material."<sup>50</sup>*

Ceiling tiles are a known risk. They are specifically covered in HSE guidance. It is known that this

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<sup>50</sup> EDP Norfolk school at centre of asbestos scare 29 Apr 09 [Norfolk School cracked ceiling tile.](http://www.edp24.co.uk/content/edp24/news/story.aspx?brand=EDPOnline&category=News&tBrand=EDPOnline&tCategory=xDefault&itemid=NOED28%20Apr%202009%2020%3A32%3A46%3A003)  
<http://www.edp24.co.uk/content/edp24/news/story.aspx?brand=EDPOnline&category=News&tBrand=EDPOnline&tCategory=xDefault&itemid=NOED28%20Apr%202009%2020%3A32%3A46%3A003>

ceiling tile contained asbestos and it is likely that it is asbestos insulating board, which normally contains amosite, and must be handled with great care so as not to release the fibres. Also asbestos fibres and debris can rest on the top surface of the tile so that when it is disturbed the fibres filter down through the smallest crack or gap. Asbestos fibres can readily pass wherever air can pass.

It is known that hitting an AIB panel can release significant levels of asbestos fibres, with tests giving levels more than forty times greater than the clearance indicator. In this case the ceiling tile was fractured so it must be assumed that considerable force was used. This would inevitably have released a considerable number of asbestos fibres that would have filtered down into the room below. As the material is friable it also releases asbestos debris when it is broken, which, if crushed underfoot, releases even more asbestos fibres. One must ask:

- Why the perceived risk was considered so low that it did not justify carrying out air tests.
- What tests and test conditions identified the fibre release as “*minor*” and the levels of exposure of the occupants as “*exceedingly low, almost nil.*”
- If that is the case why it is considered necessary to seal the room and carry out an environmental clean of the area, which is a disruptive and most expensive exercise.

There is a natural temptation for authorities to be very reassuring after an incident when the reassurances cannot always be justified. The problem with this is that future cases of damaged ceiling tiles may be assumed by school staff to be a minor problem – not worth reporting – when HSE guidance is that teachers, other staff and pupils should be instructed to report such damage immediately so that it can be repaired and any contamination dealt with. This does not appear to have happened.

One wonders how long it was before the damaged tile was spotted as it was apparently only reported and dealt with following an inspection. This would appear to be the same incident that was reported by Norfolk CC to HSE as a dangerous occurrence. (See October 2009 “Pupils damage door panel containing ACMs and ceiling tiles.”) If so the County Council admit that it was a failure in asbestos management that allowed this damage to occur and then pass unnoticed for an unknown length of time. They acknowledge that because it is not known when the incident occurred it is also not known how many people have been exposed to asbestos fibres since the incident.

This also highlights the fact that where there are children there always is the potential that an accident, vandalism or boisterous behaviour will damage asbestos and release the fibres.

#### **115. April 2009. Sixteen classrooms closed when window removal disturbed asbestos**

In April 2009 sixteen classrooms at a Swansea school were closed when asbestos was disturbed during work to replace the windows. The Council claimed that asbestos had not been disturbed and so is “not a health risk”, but windows vibrating, slamming and opening are known to disturb hidden asbestos as does water damage. According to a local councillor the building was in a poor state of repair and known to contain asbestos and therefore the presence of asbestos around

the windows should not have come as a surprise.<sup>51</sup> This asbestos should have been identified long before work began and the fact that it was not indicates a failure in asbestos management.

#### **116. March 2009. Science teacher dies of mesothelioma following exposure to asbestos in the school chemistry laboratory**

In March 2009 the widow of a science teacher who died of mesothelioma was awarded damages against East Sussex Council. The former chemistry teacher, who taught at the same school in East Sussex for 34 years, died from mesothelioma in September 2007, aged 61, just a year after retirement. He was exposed to asbestos in equipment used for science experiments.

*“As a chemistry teacher he was exposed to asbestos in protective mats for work benches (many of which were in disrepair), asbestos gauzes (on the top of tripods), asbestos wool (used for experiments), platinised asbestos (used for regular demonstrations in class), asbestos bungs, paper and string (used for experiments) and fire blankets. These were used until sometime between 1979 and 1984 when the LA instructed that asbestos was to be removed from all its schools. Until 2000 there was asbestos inlay in the gas blowing bench in the preparation room.”<sup>52</sup>*

See also: January 2009 where a former chemistry teacher was diagnosed with pleural plaques, over a number of years she had been exposed to asbestos in the school chemistry laboratory.<sup>53</sup>

December 2008 a former science teacher was diagnosed with mesothelioma.<sup>54</sup>

In July 2007 a retired science teacher with mesothelioma was awarded damages against her former employer. She handled asbestos bunsen burner mats on a daily basis, with some mats being broken and crumbly and releasing a lot of dust.<sup>55</sup>

In 1966 the Department for Education had been advised not to use asbestos materials in school science laboratories and in particular they had been warned against the use of asbestos wool. A confidential internal Departmental memorandum stated:

*“Dr Lloyd Davies advocated the total prohibition of the use of asbestos wool in schools because he considered it impossible to use it in such a way as to avoid creating airborne asbestos dust, even if great care were exercised.*

*We, however, appear to take a quite different line to this in our recommendations to those to whom the A.M is to go. Are we sure that this is right? The Medical Inspectorate of Factories of*

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<sup>51</sup> [Classrooms closed after window replacement.](#)

<sup>52</sup> [Science teacher died from asbestos exposure](#) TES 27 Mar 2009. ATL 27 Mar 2009

<sup>53</sup> Name withheld but available e-mail Lees 27 Jan 2009

<sup>54</sup> Name withheld but available 7 January 2009

<sup>55</sup> Name withheld but available 27 January 2009 Case studies mesothelioma caused by previous asbestos exposure Irwin Mitchell 2007

*which Dr. Lloyd Davies is the Head are, I should have thought, the principal experts in the country about the dangers from asbestos and I should have thought we ought to be very careful before taking a different line in this matter than they recommend.”<sup>56</sup>*

These cases are not unique for despite this warning there is evidence that use of asbestos materials including asbestos wool continued for at least another twenty years in school science laboratories.

#### **117. March 2009. Council to be prosecuted over asbestos disturbance during school refurbishment**

In March 2009 the HSE wrote to North Somerset Council saying it intended to prosecute over an asbestos incident in a community school in August 2007. The school was closed during refurbishment works when contractors disturbed asbestos materials and discovered ceiling tiles in the school gym and sports hall changing rooms, it cost £135,000 to remove the material.<sup>57</sup>

#### **118. March 2009. Caretaker swept up asbestos debris as warning were not passed on**

In March 2009 North Tyneside Council were prosecuted and fined over a failure in asbestos management that exposed a school caretaker to asbestos fibres. He was exposed when he swept out the boiler room on two occasions. Because of the presence of asbestos, access to the boiler room was restricted but the headteacher failed to pass on warnings.<sup>58</sup> School caretakers are particularly at risk from asbestos exposure and this failure in asbestos management clearly demonstrates why. The asbestos problems in the boiler house were known by the school authorities and yet this essential safety information was not passed on to the very person who was likely to disturb the asbestos – the caretaker. See also December 2008, November 2007, April 2006, April 2006 and October 2004.

#### **119. March 2009. Widespread asbestos contamination when work on roof disturbs artex.**

In March 2009 work was carried out installing solar panels on the roof of a Highland secondary school. The work disturbed asbestos materials in the ceilings that allowed asbestos debris and fibres to contaminate the classrooms. The school was closed for a day, and the contaminated classrooms remained closed while and environmental clean took place.<sup>59</sup>

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<sup>56</sup> Department for Education Rossetti 6 Feb 67. / Howlett. Head Medical Officer Factories inspectorate 6 Mar 1967

<sup>57</sup> <http://www.thisisbristol.co.uk/news/North-Somerset-council-awaits-summons-handling-school-asbestos/article-788741-detail/article.html> School faces fines over asbestos? Weston & Somerset Mercury 14 Feb 2008

<sup>58</sup> [North Tyneside council have been fined £17,000 for a failure in asbestos management](#)

<sup>59</sup> [Parents fearful of health risks at school after asbestos scare](#) - 6 March

[School asbestos find causes chaos](#) 5 March

[The BBC report](#) that the clean-up at Nairn academy will take until Easter. -5 March

[Nairn Academy pupils sent home after asbestos dust scare](#) also \_ 4 March: [Asbestos found in flakes of debris on classroom floor](#)

The Nairn academy was opened in 1976 and within weeks the flat roof was leaking. A year ago water was running down the walls into the classrooms with staff and parents expressing fears about asbestos contamination. The year before a warning had been given that drawing pins must not be inserted in the walls because of the presence of chrysotile in the wall coverings. As asbestos problems were known about in the school it was a failure in asbestos management and judgement that the work on installing the solar panels was carried out without proper precautions to prevent the asbestos material being disturbed.

#### **120. February 2009. School littered in asbestos debris as unlicensed contractors given out of date asbestos survey**

In February 2009 Edinburgh city council were fined for breaching the asbestos regulations, which resulted in unlicensed contractors littering a school in asbestos debris. The council gave the builder an out-of date asbestos survey and it was only when work began that they found a substance they believed was asbestos. The council then hired a demolition firm that were not licensed to remove asbestos. CCTV showed workers littering the building with asbestos debris.<sup>60</sup> The HSE Principal inspector stated:

*"The City of Edinburgh Council failed to keep an understandable register of asbestos and failed to ensure that a full survey for asbestos was carried out prior to any work starting so the information available was not sufficient to alert persons to the immediate danger from the asbestos..."*

*The Council initially failed to identify that asbestos was present and then when it was established that asbestos had been disturbed, they did not ensure that a competent, licensed contractor undertook the work in a satisfactory manner."<sup>61</sup>*

#### **121. February 2009. Infants exposed to amosite when cupboard removed from AIB classroom wall.**

In February 2009 a book cupboard was removed from a wall in a Staffordshire primary school damaging AIB while the classroom was occupied by nursery children. The children were exposed to asbestos and the school closed. The incident occurred the day before half-term but parents were not told until a week later and the school remained closed until after the Easter holidays. An environmental clean took place with children's coats, books, computers and equipment being removed.<sup>62</sup>

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<sup>60</sup> [Edinburgh city council fined](#)

<sup>61</sup> [Employer fined for exposing workers to asbestos Safety Media 5 Mar 2009](#)

<sup>62</sup> AIB damaged in [nursery when children present. release of dangerous asbestos fibres into a nursery](#) .  
<http://www.expressandstar.com/2009/03/23/no-date-for-opening-of-asbestos-school/>  
[http://www.thisislichfield.co.uk/cannocknews/Fears-asbestos-exposure-school/article-729022-](http://www.thisislichfield.co.uk/cannocknews/Fears-asbestos-exposure-school/article-729022-detail/article.html)  
[http://icwalsall.icnetwork.co.uk/news/localnews/tm\\_headline=parish-kept-in-dark-over-asbestos-](http://icwalsall.icnetwork.co.uk/news/localnews/tm_headline=parish-kept-in-dark-over-asbestos-scare&method=full&objectid=23101445&siteid=60240-name_page.html)  
[scare&method=full&objectid=23101445&siteid=60240-name\\_page.html](http://icwalsall.icnetwork.co.uk/news/localnews/tm_headline=parish-kept-in-dark-over-asbestos-scare&method=full&objectid=23101445&siteid=60240-name_page.html)

*“A Staffordshire school closed after pupils were exposed to dangerous asbestos fibres will stay closed until after next month’s Sats exams after Staffordshire County Council education bosses refused to give a specific reopening date.*

*Glenthorne Primary School, Cheslyn Hay, has been closed since February after it emerged workers disturbed asbestos insulation board fibres while removing a book cupboard in the nursery where children were present. It happened the day before half-term but parents were not told until a week later.*

*A Health and Safety Executive (HSE) investigation has been launched and the council could be prosecuted under the Health and Safety at Work Act or the Control of Asbestos Regulations. A letter has gone to parents of 178 pupils saying the school will stay closed until after the Easter holidays and is unlikely to re-open until after the Sats exams at the start of May. The closure has been caused because the council has had to spend thousands of pounds stripping the school of any materials or objects which could harbour the asbestos fibres.<sup>63</sup>*

An incident where very young children are involved is even more poignant as we expect an infant classroom to be a safe place. But that was not the case and a serious failure in asbestos management led to this incident. The financial cost would be considerable, as would the disruption the incident has caused but the anxiety to staff, parents and children is unquantifiable.

## **122. February 2009. Asbestos ceiling tiles removed with no precautions**

In February 2009 following work that caused widespread asbestos contamination in a school, a building firm was prosecuted and fined for failing to properly assess the asbestos risk before work began, failing to take steps to stop employees being exposed, and carrying out licensable work without holding a licence. A Manchester junior school had hired the firm of building contractors to carry out extensive refurbishment work. The contractors were informed that the ceiling tiles contained asbestos but they proceeded to remove them without any precautions. The firm were not licensed to carry out work on asbestos and they failed to call in a firm of licensed contractors.<sup>64</sup> This demonstrates that although the school authorities informed the building contractors of the presence of asbestos that an asbestos incident occurred. It underlines the fact that any building and maintenance work has to be closely monitored to ensure that the correct procedures are followed and that where asbestos is present then licensed contractors are employed to undertake the work.

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<sup>63</sup> April 3, 2009 <http://www.expressandstar.com/2009/04/03/asbestos-hit-school-closure-to-continue/>

<sup>64</sup> [Contractors fined for refurbishment work](#)

### **123. February 2009. Asbestos disturbed in pottery kiln. Environmental clean undertaken.**

In February 2009 work was being done during half-term to decommission a kiln in the art department of a prep school in Johnshaven. Asbestos was found in the lining of the kiln which was disturbed. An area of the school was closed and the room in which the kiln was housed and the adjoining classroom were cleaned.<sup>65</sup>

In 1986 all schools, including independent ones, were warned of the dangers of asbestos by the Department for Education and specifically instructed to check their kilns to determine if any *“asbestos was properly sealed, where this is possible. Where equipment cannot be treated, it will be necessary to assess the likelihood of fibre release into the air to decide whether replacement is necessary”*<sup>66</sup>

It is unacceptable that 23 years after this guidance was issued the asbestos was “found,” for it should have been identified long before this and measures taken to make it safe. The fact that the asbestos was damaged and rooms contaminated while the kiln was being decommissioned indicates that proper control measures were not in force. Clearly over the years the school had not heeded the 1986 guidance and it would appear that they had also infringed the 2006 CAR.

### **124. February 2009. Asbestos lagging removed to allow water leak repair.**

In February 2009 there was a major leak in heating pipes in a Bromley Cross school. Areas of the school were closed as the pipes in under floor ducts were lagged with asbestos which was removed so that the pipes could be replaced.<sup>67</sup> This raises questions about the condition of the lagging before the leak occurred, for unless it is hermetically sealed asbestos fibres can escape from floor ducting for wherever air can pass then asbestos fibres can just as readily.

### **125. January 2009. Chemistry teacher used asbestos tape and wool. Diagnosed with pleural plaques.**

In January 2009 a former chemistry teacher was diagnosed with pleural plaques, over a number of years she had been exposed to asbestos in the school chemistry laboratory.

*“In common with many science teachers she was exposed to asbestos, present in fume cupboard linings and on tripod stands. She also took part in a pilot for the Nuffield Chemistry course from 1967 through which she used asbestos paper tape and asbestos wool until she received advice that these should no longer be used. We are not certain when that was but it was after a period of years.”*<sup>68</sup>

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<sup>65</sup> [Asbestos found in private school](#)

<sup>66</sup> Department of Education and Science AM3/86 and Welsh Office AM 1/86 The Use of asbestos in Educational establishments. 15Aug 1986

<sup>67</sup> [Heating fails in school, pipes lagged with asbestos](#)

<sup>68</sup> Name withheld but available e-mail Lees 27 Jan 2009

### **126. January 2009. Junior school teacher dies of mesothelioma. Crocidolite lagging on pipes in passageway. Writ claims pupils swung on pipes.**

In January 2009 David Kitchen, a junior school teacher died of mesothelioma. His widow is suing his former school for causing his death from asbestos exposure.

*“David Kitchin, aged 60, died from malignant mesothelioma after being exposed to asbestos at Farleigh School near Andover, it is claimed....*

*Mr Kitchin worked at the school between 1966 and 1969, and 1974 and 1986, when he was exposed to deadly asbestos dust and fibres in the Stone Passageway, the route into the main school – according to a High Court writ.*

*Overhead central heating and hot water pipes lagged with blue asbestos ran in the passageway, and the lagging was friable, making the atmosphere contaminated with asbestos, the writ says. It is claimed that pupils also disturbed the lagging by jumping up to swing on the pipes.*

*Mr Kitchin used the passageway until it was made out of bounds because of the asbestos, the court will hear. He also visited the boiler house, which contained asbestos lagged pipes, from time to time.”<sup>69</sup>*

If the lagging contained crocidolite one can only surmise how many other staff and children have been exposed to the asbestos fibres over the years. In 1967 the Department for Education were warned that low level exposures can cause mesothelioma, that children are more at risk than adults, and they were specifically told about the dangers of crocidolite and that asbestos lagging can release fibres.<sup>70</sup> DFE issued a warning to all schools, including independent schools,<sup>71</sup> but it would appear that the warning was not heeded.

### **127. January 2009. Nursery furniture and sports equipment destroyed after asbestos found in under stage storage.**

In January 2009 asbestos was discovered under the stage in a primary school in South Lanarkshire where nursery furniture, sports goods and a whole host of other equipment were stored and regularly accessed. The area was sealed off the contaminated equipment destroyed and an environmental clean undertaken.

*Writing in the December school newsletter, headteacher Marjorie Maule stated: "Air tests have been conducted and have confirmed that the school is safe for both pupils and staff.*

*"This is part of the asbestos management process which is implemented across the authority”<sup>72</sup>*

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<sup>69</sup> This is Hampshire asbestos widow to sue school for £200k 12 Dec 2009

[http://www.thisishampshire.net/news/andoveradvertisernews/4790939.Asbestos\\_widow\\_to\\_sue\\_school\\_for\\_200k/](http://www.thisishampshire.net/news/andoveradvertisernews/4790939.Asbestos_widow_to_sue_school_for_200k/)

<sup>70</sup> Letter Dr Lloyd-Davies Chief Medical Officer Factories inspectorate /DFE Dr Simpson Use of asbestos products in schools 6 Mar 1967

<sup>71</sup> DFE AM20/67 inhalation of asbestos dust 18July 1967

<sup>72</sup> [Asbestos under the stage of a primary school.](#)

One must question whether the air tests were carried out with realistic disturbance, for the claim that the school is safe was based purely on the air tests. The statement from the headteacher makes it sound as if the asbestos was discovered because of the commendable systems of asbestos management that were in place, whereas it should have been discovered in 1986 when schools were first told to identify all of their asbestos, implement management systems and then regularly check on the state of the asbestos material. The 2004 Regulation 4 put this into law, and yet this readily accessible asbestos material was only identified and managed in 2009, some twenty three years after it should have been.

#### **128. January 2009. AIB ceiling tiles damaged in primary school.**

In January 2009 emergency repairs were carried out at a primary school in Gunthorpe after an asbestos incident.

*“A classroom at Norwood Primary School, in Gunthorpe, was closed off last week after a hole was found in the ceiling – exposing insulation boards which contained asbestos – during routine health and safety work.*

*The hole, about the size of a 10 pence piece, was found during a routine health and safety walk, and the room was immediately sealed off and classes moved to one of the IT rooms.*

*Specially trained inspectors from Peterborough City Council were called in the next morning to assess the danger posed by the hole.*

*Headteacher Deborah Reynolds said: “The surveyors ruled there was no significant immediate risk to health, as upon inspection there were no loose fibres. Asbestos is only hazardous to health when fibres are disturbed and then inhaled.”*

*It is believed the damage was caused when filling material used in the original construction fell through, exposing the asbestos-insulation boards in the ceiling.*

*Contractors repaired the cavity after the inspectors left, and a final inspection was made before classes resumed....*

*Council spokeswoman Rachael Gordon said: “The school closed the classroom in line with our property guidelines. The classroom was not opened again until a repair had been completed and it had been fully inspected and deemed safe for use.”<sup>73</sup>*

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<sup>73</sup> [Norwood School](#)

**129. December 2008. Infant school teacher dies of mesothelioma. Taught in temporary classroom. Put drawing pins in walls.**

In December 2008 Elizabeth Bradford, an infant school teacher died of mesothelioma. Mrs Bradford had taught for 34 years, six of which had been in a temporary classroom that contained asbestos. She had displayed the children's work by inserting drawing pins.

*"Between 1979 and 1985 Mrs Bradford worked in a prefabricated building, situated in the school playground, that was used as a classroom for infant children. The building was fabricated from asbestos-containing materials. Unaware of any risks to her health, Mrs Bradford pinned the children's work to the walls using drawing pins, throughout this period. She was not exposed to asbestos anywhere else."*<sup>74</sup>

**130. December 2008. AIB cupboard backs damaged. Extensive holes drilled in AIB**

In December 2008 the BBC commissioned senior asbestos consultants to examine the asbestos management in a secondary school in Kent. The school had been chosen at random. There was extensive AIB in the school and an inadequate system of asbestos management, with staff being unaware of the presence of asbestos or the controls that should have been in place to manage the asbestos. Heavy iron stands were stored in fitted cupboard with an AIB back. The AIB was damaged with visible debris which contained amosite fibres. Another room also with AIB walls had extensively and recently been drilled to fit electrical wiring and stands for video conferencing screens. There was debris on the floor from the drilling.<sup>75</sup>

**131. December 2008. Science teacher diagnosed with mesothelioma.**

December 2008 a former science teacher was diagnosed with mesothelioma.<sup>76</sup>

**132. December 2008. Asbestos damaged in school kitchen. School closed.**

In December 2008 Asbestos-containing material was damaged during maintenance work in the kitchen of a primary school. The school was closed and pupils dispersed to other schools. *The Worple Street school was immediately closed that evening following an inspection of the site by Richmond Council's health and safety officers and independent asbestos surveyors. A statement on the school's website read: "We would like to take this opportunity to reassure parents that no children were present on site at the time and no access has been allowed since." A council spokesman added the contamination was contained to the kitchen and posed "no risk to the neighbouring community".*

*At a public meeting on Tuesday parents were told by the governing body and a panel of council and Diocesan officers of contingency plans that would take effect from January 5.*

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<sup>74</sup> Field Fisher Waterhouse Personal injury cases Elizabeth Bradford. January 2008

<sup>75</sup> [BBC Inside Out report Asbestos in schools](#). 28<sup>th</sup> January 2009

<sup>76</sup> Name withheld but available 7 January 2009

*The council spokesman explained: "All pupils will be accommodated at four neighbouring schools to enable them to continue their education until a time at which their school can be safely reopened."*

*Pupils will be spread among East Sheen Primary, Sheen Mount Primary, Barnes Primary and Holy Trinity C of E Primary.*

*Headteacher, Helen Frostick said: "Our main priority remains the safety and welfare of our children and staff.*

*"On behalf of the governing body we would like to thank everyone for their understanding and co-operation through this challenging time for our school community.*

*"We are satisfied because of the swift action taken in response to the contamination no staff or pupils's health has been put at risk."*<sup>77</sup>

### **133. December 2008. School closed for environmental clean following asbestos incident.**

In December 2008 there was an unspecified asbestos incident at a school in Newport.

*"Following a check by the Newport Council asbestos team and on the advice of the Health and Safety Executive, Alway Primary School will be closed tomorrow (Wednesday) and on Thursday December for precautionary cleaning.*

*It is anticipated that the school will reopen on Friday."*<sup>78</sup>

### **134. December 2008. School caretaker "caked in dust" after sweeping up asbestos debris.**

In December 2008 North Tyneside Council has pleaded guilty to five breaches of the Control of Asbestos at Work Regulations 2002 after a school caretaker swept an asbestos contaminated boiler house.

*The caretaker at Wallsend Jubilee Primary School swept the boiler house on two occasions, unaware that it was contaminated with asbestos and had been quarantined.*

*HSE inspector Stephen Britton told HSP that a survey had identified asbestos in the boiler room and specialists had been hired to remove it. When the surveyor came back to issue a clearance certificate, they found more asbestos that had been missed in the original survey, which was "botched".*

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<sup>77</sup> [Asbestos closes Mortlake School](#)

<sup>78</sup> [Asbestos closes Newport School](#)

*The surveyor informed North Tyneside Council in its report that there was still asbestos in the boiler room, but the revised report never made it to the school.*

*The caretaker was new to the school, and the first he knew of the contamination was when asbestos removal contractors arrived to quote for the additional work and he saw them putting on protective clothing before going into the boiler room.*

*Britton said the caretaker had thoroughly swept the room, including the walls, and had been "completely caked in dust".*

*North Tyneside Council admitted breaching Regulations 4, 6, 9, 10 and 13 of the Control of Asbestos at Work Regulations 2002 (since replaced by the Control of Asbestos Regulations 2006), which relate to the duty to manage asbestos; assessing the risks of work that could expose employees to asbestos; providing information, instruction and training; preventing or reducing exposure; and providing and cleaning protective clothing.*

*On 5 September, North Tyneside magistrates fined the council £17,005 with £3911 costs.<sup>79</sup>*

**135. November 2008. Schools Minister: "Neither DCSF nor HSE feel that a campaign on asbestos in schools is appropriate, indeed we feel it may alarm people unnecessarily."**

In November 2008 the Schools Minister once again turned down a request to reinstate the campaign to improve the asbestos management in schools. The request had been made by the Chairman of the All Party Parliamentary Group on Safety and Health. The Minister wrote:

*"DCSF is committed to do what is necessary to keep staff and pupils safe, by promoting and taking appropriate actions to prevent asbestos exposure in schools. However, neither DCSF nor HSE feel that a campaign on asbestos in schools is appropriate."<sup>80</sup>*

There is a certain irony when one considers that when HSE dropped the asbestos in schools campaign they asked his Department to take the lead,<sup>81</sup> but they refused. His reply also shows where his priorities lie and really underlines his lack of understanding of the increased risks to children. The Minister continued :

*"...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."<sup>82</sup>*

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

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<sup>79</sup> [School caretaker exposed to asbestos](#)

<sup>80</sup> Letter Minister of State for Schools and Learners , Rt Hon Jim Knight MP/ Michael Clapham MP 27<sup>th</sup> November 2008

<sup>81</sup> E-mail HSE Asbestos in schools campaign Exit strategy. 23 Aug 2005

<sup>82</sup> Letter Minister of State for Schools Rt Hon Jim Knight MP 27 Nov 2008

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.

His answer was reiterated in a similar letter written at the same time by the Junior Schools Minister, Sarah McCarthy Fry MP, in reply to a request from the NUT to reinstate the asbestos in schools campaign, her answer gave part of the reason why the campaign has not taken place. She stated:

*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.*<sup>83</sup>

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 if they are made aware that there is a problem, and then demand the removal of all asbestos. The preferred Government policy is therefore to pretend that there is no problem and do nothing.

One of the first tasks of the abortive asbestos in schools campaign was to assess the standards of asbestos management in schools, but that assessment never took place as the campaign was dropped. Consequently the Minister is making a supposition without having the facts to justify her statement. Rather all the evidence is that a significant number of school employers and local authorities are not managing their asbestos responsibly. The DCSF/HSE questionnaire response, and lack of response, from November 2009 is ample proof of that.

### **136. October 2008. Survey failed to identify asbestos. Builders exposed.**

In October 2008 a firm of asbestos consultants were fined £18,000 and ordered to pay £21,000 in costs for failing to identify AIB in two schools in the Rhondda Cynon Taf. The survey was conducted prior to building work taking place and the failure to identify the material resulted in construction workers disturbing the asbestos. In this case the Council had taken all necessary measures to identify the asbestos but company carrying out the surveys had failed.<sup>84</sup>

*"Normandie Analytical Services Ltd ("The Company") carried out the surveys at Cardinal Newman Comprehensive School in Pontypridd, and Aberdare Boys School, Aberdare. Both surveys were inadequate in that the Company failed to identify the presence of asbestos in a number of areas within the schools.*

*HSE's investigation followed an incident at Cardinal Newman Comprehensive School when*

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<sup>83</sup> Letter Under Secretary of State for Schools and Learners Sarah McCarthy-Fry 9 Nov 2008.

<sup>84</sup> BBC news Fine over school asbestos surveys 18 Oct 2008

*asbestos insulation board was unintentionally disturbed by construction workers. This resulted in the construction workers being exposed to a potential risk to their health*<sup>85</sup>.

### **137. October 2008. Air thick with dust as asbestos floor tiles ripped out while school occupied.**

In October 2008 60 m<sup>2</sup> of damaged floor tiles containing chrysotile in a ground floor classroom in a school in South Wales were forcibly removed by contractors without any controls being in place. During the work the corridors were “thick” with airborne dust. The corridor opens onto the stairs, with sacks of debris being carried along the corridor. Teachers were present on a training day as were about 60 ten year old children on an induction day. The children were in an upstairs classroom although they had to use the corridors and stairs. Two of the teachers entered the ground floor corridor to collect equipment from their classrooms while the “*air was thick with dust.*” “*There was dust in the corridor the children were using.*” Boxes on window sills were covered in dust, although some of the contents have subsequently been thrown out most have not, the curtains remain.

Reassurance air tests were carried out some hours after the work had finished when apparently the dust had been dampened down with a PVA spray, the result was <0.01 f/ml. Swab tests were taken and no asbestos fibres identified. On the strength of this the local authority and headmaster allowed the school to be reoccupied without an environmental clean taking place. The school cleaners cleaned the classroom, corridors and the remainder of the school in the course of their normal duties. The Headmaster refused to enter the incident in the accident book, he was finally persuaded otherwise in January, however although the teachers names have been entered, the children’s names have not.<sup>86</sup>

This incident infringes the 2006 CAR and the Health and Safety at Work act. It is unacceptable that the school authorities allowed work on asbestos to take place while the school was occupied. No measures were taken to restrict the creation of dust, and nothing was done to prevent the dust in the room entering the remainder of the school, widespread contamination of the school took place, and exposure of staff and children. The measures that were carried out following this incident have been seriously inadequate, and the fact that parents were not informed is unacceptable.

In addition the floor tiles throughout the school were old, deteriorating and generally in a bad condition. This in itself can generate significant asbestos fibre release, a recent report from the French Agency for Environmental and Occupational Health Safety, Afsset, highlighted the fact that in particular short asbestos fibres are released:

*Afsset suggests creating a new specific statutory threshold for short asbestos fibres, applicable in indoor environments (establishments open to the public, etc.). This threshold will concern*

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<sup>85</sup>Survey Company Prosecuted As HSE Campaign To Raise Awareness Of Asbestos Danger Begins, UK 23 Oct 2008  
<http://www.medicalnewstoday.com/articles/126445.php>

<sup>86</sup> Name of school withheld but available.

*situations of serious deterioration of asbestos materials (vinyl asbestos tiles used in busy corridors, etc.) that almost only generate short fibres, sometimes in large quantities. These situations are not covered by current legislation which only counts long fibres.*<sup>87</sup>

In a separate incident in January 2009 an asbestos surveyor noted that the floors of his children's school contained asbestos and were breaking up. He notified the governors, headteacher and local authorities and was told that he was scaremongering.<sup>88</sup> In the USA and France asbestos containing floor tiles are treated as potentially dangerous, however in the UK there is a cavalier attitude towards managing their potential to release asbestos fibres. And regrettably this attitude has been encouraged by the HSE.

### **138. June 2008. Council to face prosecution if asbestos not removed.**

In June 2008 Denbigh Council were issued with an improvement notice and warned that they would face prosecution if they failed to remove asbestos by the end of September from one of their high schools. The notice was issued because of unsatisfactory work in removing asbestos pipe cladding. A member of staff had been suspended over the incident pending an internal investigation<sup>89</sup>

### **139. June 2008. School cleaner dies of mesothelioma. Asbestos damaged. Not warned.**

In June 2008 a former school cleaner died of mesothelioma. In October 2009 her family were awarded damages against for her asbestos exposure in a school in Kent.

*"She was exposed to asbestos whilst working as a cleaner at Welling Secondary School in Kent between 1972 and 1988. The building where she cleaned had asbestos in the internal partition walls that had been disturbed by drawing pins and general wear and tear.*

*At no point was the deceased cleaner warned of the dangers of her working environment and nothing was done by her employer to protect her from exposure.*

*The woman's daughter, who pursued the compensation claim on her mother's behalf, said: "It is terrifying to think that my mum was exposed to asbestos while working in a school. You expect classrooms to be a safe haven for children but working there caused mum to suffer a painful illness and death many years later."*<sup>90</sup>

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<sup>87</sup> Press release Asbestos Afsset recommends revising regulations to strengthen protection for workers and the general population 17 February 2009

<sup>88</sup> Name withheld but available 9 Jan 2009

<sup>89</sup> BBC News 19 Aug 2008. Daily Post Denbighshire council botched asbestos work 19 Aug 2008

<sup>90</sup> BIFM news 12 Oct 2009 <http://www.fm-world.co.uk/news/fm-industry-news/six-figure-asbestos-payout-for-cleaners-family/>

**140. June 2008. Primary school closed after unidentified asbestos found during refurbishment.**

In June 2008 a primary school in Bootle was closed and the children transferred to other schools when construction workers found asbestos that had not been identified in the asbestos survey that had been carried out before the work had begun.<sup>91</sup> This asbestos had remained unidentified since the school had been built, even the survey had failed to identify it, so clearly it had not been managed throughout the life of the school.

**141. May 2008. Pupil damages an asbestos wall. School closed.**

In May 2008 a junior school in Warwickshire was temporarily closed when a pupil damaged a wall in a corridor known to contain asbestos.<sup>92</sup> The school is a CLASP Mk5.

**142. April 2008. Course work, clothes and bags destroyed following damaged to AIB ceiling**

In April 2008 broken AIB ceiling tiles were found in the boys changing rooms of a Norfolk Secondary school. Potentially contaminated clothes, bags and even GCSE course work and revision notes were destroyed with course work having to be scanned onto memory sticks. The council director of children's services assured staff and parents that:

*"We would like to reassure them that a specialist consultant has carried out tests at the school since Monday and the level of asbestos fibres in the air were found to be below statutory levels.... In many cases, exposures will have been low, with little likelihood of any long term side effects."*<sup>93</sup>

The air tests only prove what the levels are at an appreciable time after the incident and are not a measure of the levels that would have been present when the ceiling tiles were broken, the reassuring statement are therefore somewhat misleading. It would seem likely that the tiles were broken because of boisterous behaviour of the pupils, which just goes to prove that if asbestos is present in a school, however good the systems of asbestos management might be, there is always the potential that the asbestos will be damaged, the rooms will be contaminated, work and equipment will be destroyed, school life will be disrupted and the occupants will be exposed.

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<sup>91</sup> Temporary classes for pupils at asbestos school Liverpool Daily Post 31 Jul 2008

<sup>92</sup> Junior school evacuated after asbestos scare Thames Laboratories 26 May 2008 asbestos scare closes Exhall junior school 15 May 2008

<sup>93</sup> Downham pupils asbestos scare 26 Apr 2008 . asbestos found in Norfolk school EDP 26 Apr 2008

**143. April 2008. DfES “We do not agree with you that asbestos is not well managed in schools”**

In April 2008 the official with responsibility for asbestos in schools in the Department for Children, Schools and Families again, contrary to the evidence, denied that schools were failing to manage their asbestos effectively. He stated:

*“ We do not agree with you that asbestos is not well managed in schools. On the contrary we believe that the evidence is that the majority of school employers and particularly Local Authorities are managing their asbestos responsibly...”<sup>94</sup>*

**144. March 2008. Secondary school in disgraceful state. Rotten windows. Gaping holes in ceilings. CLASP building. Previous asbestos incident. Classed as “Bad condition.”**

In March 2008 the parent council of a secondary school in the Highlands gave a presentation about the disgraceful state of their children’s school. There are numerous missing and badly damaged ceiling tiles in the school. Parts of the school are CLASP buildings. The 1998 asbestos survey is superficial but states that there are amosite ceiling tiles and an undated entry states *“Suspected asbestos in column casings above ceiling tiles.”*<sup>95</sup> This is highly likely and it is equally likely that the window heads are also AIB.<sup>96</sup> A photograph accompanying the article shows badly damaged and missing ceiling tiles adjacent to the window head and the top of the column casing, if the column contains AIB cladding, as the survey indicates, then tests have proved in similar buildings that significant levels of amosite can be ejected into the ceiling void when the column is hit.<sup>97</sup> The school had to be closed in January when ceiling tiles had been removed that had “covered” asbestos material during work to replace windows.

*“Wick High School's parent council is to invite First Minister Alex Salmond north to see the building it claims is so run down it is not fit for 21st-century education.*

*The parent council mounted a campaign this week after spotlighting the lamentable state of the school and condemning it as "shocking", "appalling" and "disgraceful".*

*.....maintenance was a constant drain on the rector's budget.*

*...Speakers declared that the situation was so desperate that emergency funding must be made available now for major refurbishment of the school or a completely new building constructed.*

*...Mrs Richards reviewed a dossier of dilapidation which painted a dismal picture: rusted radiators and rotten window frames; peeling paintwork and damp patches on walls; cramped*

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<sup>94</sup> Letter DCSF Schools Capital Division (Assets- School Design) Environmental Engineer / R.Lees 24 Apr 2008

<sup>95</sup> Caithness asbestos surveys Property services register Jan 2008 HC 00020 Wick High School 2975

<sup>96</sup> Scape CLASP Asbestos handbook Section 7 asbestos in CLASP standard details. Mar 2003

<sup>97</sup> 15 February 2008 [ITN News report](#) [Release of Asbestos Fibres in System built schools \(Part 2\)](#) p51-55

*classrooms with no storage space or provision for modern equipment; an antiquated boiler which causes repeated disruption; inadequate changing facilities; a swimming pool which is almost unusable; damaged ceilings throughout; water leaks in many areas; external cladding falling off buildings; persistent diesel fumes; poor decorative state; inadequate storage; an "alarming" crack underneath a stairwell...*

*Mrs Richards said that the school had been decaying since the 1970s and revealed that in recent months they had had to contend with a heating failure had lasted for 10 days, burst pipes and an asbestos scare which closed the new block.*

*She said that following the latest reorganisation of the Highland Council, the parents had decided that it was high time action was taken and an assessment of the state of the school was carried out by the building subcommittee.*

*Mrs Richards said some of the parents who had not attended the school for their secondary education were "shocked" and "appalled" at what greeted them during the tour, comments echoed by former pupils who could not credit the deterioration in the school since they had attended it.*

*The school had a "D" rating (Bad condition) from the Highland Council which, said Mrs Richards, made it unfit for the delivery of education in the 21st century. Some of the repairs highlighted in inspections by the Highland Council had either not been carried out or had been attended to but had given further trouble.*

*...The new block was something of a contradiction as it had been erected in the 1960s. It was closed for a few weeks following an asbestos scare recently. No relevant check on the building had been carried out since 1998.*

*Mrs Richards commented: "I know that asbestos is supposed to be okay if you don't touch it, but this is a building where the ceilings are open. It may not be a health risk but, as an outsider, it looks pretty scary to me.*

*"We don't know whether this building, which alternates between being very hot or very cold, is safe, and would like an assurance that it is and that we don't need to worry about the asbestos."*

*Mrs Richards said that a practice had been adopted of painting unsafe external areas a warning yellow, but she added: "They are going to have to come up with another colour because there are so many yellow parts already."*

*...First to respond was Landward Caithness councillor Robert Coghill, who suggested that the First Minister or minister for education be invited north.*

*He said: "The school is not fit for purpose – I would not blame the teachers if they walked out."*

*Caithness, Sutherland and Easter Ross MSP Jamie Stone pledged to raise the issue with First Minister Alex Salmond.*

*Mr Stone described Wick High as "the worst school in my constituency", adding: "There is no doubt about that."*

*Mr Stone agreed with an earlier speaker that it was crucial that they solicit the support of the Highland Council, even though the authority was not able to provide funding.*

*...Professor Iain Baikie, who chaired the proceedings, said that they had to be the voice of their children. The situation was so urgent that it could not wait for capital to become available in five or 10 years' time but had to be remedied now.*

*Landward Caithness councillor David Flear said he thought that Thurso High School was in a poor state, but added: "This school is worse."*

*He felt that although the Highland Council's budget was set for the next five years, the Wick High situation warranted an urgent review....<sup>98</sup>*

A letter from a parent stated:

*The new block (built in the 1960s), which incorporates the special needs education unit, has a large portion of ceiling tiles missing, exposing cables and pipe work. Is there asbestos in this building? During days of rain the pupils have to negotiate a series of buckets placed to catch the water coming down inside the building.<sup>99</sup>*

Despite the obvious potential for asbestos fibre release, and a recent asbestos incident in the school, council officials gave reassuring statement, which in the circumstances cannot be justified:

*The Highland Council's area education, culture and sport manager, Graham Nichols, maintained that unless asbestos is damaged it poses "no hazard whatsoever".*

*"There is no cause for panic in the fact that it exists – it only presents a problem if it is broken up or fragmented," he told the Courier.*

*"Essentially asbestos is perfectly safe until it's damaged. The (Highland Council's) housing and property services have established measures in place to deal with it."*

*David Goldie, acting head of housing and property services, said: "We do not believe that any asbestos in schools or care homes presents an immediate risk."*

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<sup>98</sup> John O'Groats Journal [Wick High slammed as 'depressing dump'](#) 05 March, 2008

<sup>99</sup> John O'Groats Journal letter Alastair Ferrier 25 Apr 2008

*"The council has management arrangements and controls in place to ensure that asbestos is recorded, that the presence of asbestos is taken into account in any building maintenance work being undertaken, and that any work to buildings containing asbestos is managed within the relevant regulatory framework."<sup>100</sup>*

In September 2009 the Scottish Parliament announced that it would fund two thirds of the cost of either rebuilding or refurbishing Wick High School. But the work would not be complete until sometime between 2013 and 2016.<sup>101</sup> Meanwhile the staff and pupils will have to continue their studies in this disgraceful school.

The list of Caithness asbestos surveys had been supplied by Property Services in 2008 and yet a number of the surveys were superficial and a number had been carried out in 1998, some ten years previously, both of which is unacceptable practice. Many of the surveys listed every room with asbestos containing floor tiles but had failed to look above the ceiling void to identify the far more dangerous AIB that was likely to be present.

It is appalling that this school has been allowed to fall into such a bad state of repair. From all the evidence it must be questioned to what extent the health and safety of the occupants has been put at risk, and remains at risk, from the asbestos within its structure.

#### **145. March 2008. Roof torn off. Water damages asbestos. Fibres dispersed. Tests flawed. HSE Formal Caution**

In March 2008 HSE formally cautioned the Director of Housing and Technical Services of South Lanarkshire Council and instructed him to take immediate action to ensure the health and safety of staff and pupils. The letter stated:

*"The concerns were brought to my attention by a member of the public immediately after extreme weather which led to part of a roof being torn off the school in high winds. Although Crosshouse has had problems with water ingress in the past it was noted that the removal of the roof resulted in water ingress on an unprecedented scale...*

*In places, it appears that water ingress has had and continues to have an effect on the integrity of asbestos containing materials throughout the fabric of the building, In some cases, this occurs where materials are known to contain asbestos....*

*While I agree that the systems currently in place are fit for purpose under normal circumstances, I am of the opinion that they are not suitable and sufficient given the absence of roofing on parts of the building, the increased frequency of water ingress and the apparent continuing deterioration of the remaining roof within areas of the school....*

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<sup>100</sup> John O'Groats Journal 23 Jan 2008

<sup>101</sup> The Press and Journal 29 Sep 2009 Cash pledge offers breakthrough in Wick's long school campaign

*I also contend that the reassurance air testing which is carried out on behalf of the council prior to re-occupying areas where ACMs have been potentially affected by water ingress (or by wind movement for that matter) under current conditions within the school, is not sufficient to ensure that the area is fit for reoccupation.*

*The testing regime currently used to determine whether an area is clear or not does not incorporate any element of disturbance (ie; brushing or wafting with a clipboard). Disturbance would sufficiently simulate conditions arising from the normal day to day usage of school buildings where movement of pupils from place to place at the same time is commonplace. Adding a disturbance component to testing would ensure that your data was more robust and would give a realistic measurement of airborne fibres given the use of the school. In light of the current conditions within the school I advise you to introduce a disturbance component into your systems for reoccupying affected areas with immediate effect....*

*At present, the content of water entering rooms and corridors is not known. Given that Crosshouse is a building of CLASP MarkV construction, it is not known to what extent that water entering the building has affected asbestos within the structure which has not been identified by either type 2 or type 3 surveys. To this extent, any material entering the building carried in water should be treated as an asbestos containing material and the area sealed off and access prohibited in order to prevent exposure to and the spread of asbestos.”<sup>102</sup>*

This is a well written, powerful letter from an HSE inspector which raises many points that are equally pertinent to other asbestos incidents, particularly the comments about Reassurance testing not being sufficient to ensure that the area is fit for reoccupation. It also highlights the particular problems of water ingress onto asbestos materials where the asbestos fibres become waterborne and precipitate out when the water eventually dries.

**146. March 2008. Damaged Crocidolite panels in rotting primary school temporary classrooms.**

In March 2008 a North London Council were contacted by a NUT safety representative about concerns of damaged crocidolite panelling in a block of temporary classrooms. Potentially crocidolite fibres were being released, and it must be presumed had been over a prolonged period of time. No doubt the classrooms are typical of many others which over the years have suffered from lack of maintenance and inadequate asbestos management . This quote shows how an inadequate survey is counterproductive as it lulls people into a sense that all is well. It is also apparent that there was no system of asbestos management. Temporary classrooms by their very nature are more prone to vibration and movement than permanent buildings, consequently any asbestos they contain will release asbestos fibres more readily. The quote is as follows :

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<sup>102</sup> HSE Field Operations Directorate K.Thompson / Director of Housing and Technical Services of South Lanarkshire Council 14 Mar 2008

*Primary school*

*"The mobile hut contained two classrooms separated by a small lobby. They were in poor condition with evidence of weathering, leaks and gaps in ceiling tiles (not asbestos)... the survey described condition/surface treatment of asbestos (crocidolite) panels in classroom walls as minor damage, sealed. Recommendation "manage."*

*I noted an interactive whiteboard equipment had been fixed into these asbestos panels in each classroom indicating that there was no effective school asbestos management plan. Each classroom contained 30 pupils and was used for wet play where activities can be boisterous and potentially lead to scuffing and vandalism of asbestos panels. Chairs could also be located close to walls leading to scuffs and vandalism during lessons. In one of these classrooms the teacher had pinned displays to ACM wall panels. HSE/NUT advice had evidently not been heard or otherwise it was not heeded.*

*The lobby contained asbestos panels in the partition walls to classrooms. ...The required encapsulation had been completed before I inspected. The lobby was used for storing coats and at the beginning and end of lessons could be crowded theoretically with up to 60 pupils. There was evidence of serious wear and tear with scuff marks and scrape marks near pegs. In one wall I saw fibrous material protruding out of the wall. Evidently contractors had ripped out piping some years earlier leaving exposed asbestos fibres wherever they had been screwed into the asbestos panels. E...E....in their Type 2 survey in 2007 had tested the ones they could see and then encapsulated them. The exposed asbestos that I saw had been hidden by a small 2-drawer filing cabinet and so had not been noticed."<sup>103</sup>*

The Council acknowledged that there was a problem when the NUT confronted them. Although measures were put in place, the council did not immediately close the classrooms instead they just suggested restricting the numbers of children using them. From this incident and others the council demonstrate a casual disregard of the dangers from asbestos, particularly in this case where primary children were potentially being exposed to crocidolite. Staff and pupils had been taught in these huts over a prolonged period, during which time the release of crocidolite fibres would have been inevitable. A site visit report by the council stated:

*" Of the three huts ....one is currently being used as a double classroom, one is used for small groups and one is used for storage.*

*All are suffering from years of neglect and lack of effective maintenance resulting in the storage hut being in a state of near collapse. The remaining two huts are not much better.*

*All three huts leak water and are draughty. There are signs of movement within the huts, indicated by gaps in door frames and window frames, gaps between wall panels and evidence or*

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<sup>103</sup> Name of school withheld but available 28 Apr 2008

*roof leaks at joints. Given the known asbestos content of the huts, effective sealing and control is not possible and the release of fibres cannot be adequately eliminated.....*

*Further encapsulation would have limited effect as gaps between AIB wall panels combined with the draughts caused by the condition of the huts allows any fibres from wall cavities to be released into the classrooms.*

*The Headteacher and Caretaker have been advised to obtain some silicon sealant and attempt to fill and seal gaps between panels in the huts still in use. This would only be a temporary measure given the amount of movement from huts 'panting' and vibration from people moving from normal use.*

*On close examination of the condition of the hut currently being used as two classrooms, the outer shell of the building is rotten to the point where little force is required to allow a finger to penetrate into the wood of window frames and other areas. This is resulting in window panels becoming unseated and gaps forming allowing wind and water penetration into the wall and ceiling voids. This is resulting in weather disturbance to the back of the AIBs and fibre release into the wall and ceiling void areas.*

*Any further damage to internal walls poses such a risk of asbestos being released into the environment that the building would have to be closed, isolated and specialist contractors engaged to repairs and provide reassurance air testing. Given the sensitivity the NUT have at this time, persuading teachers to return to 'normal' teaching in these huts following such an incident, would be difficult.*

*Further deterioration in the condition of the huts is inevitable. This will bring an unacceptable and avoidable risk of asbestos fibre release not only into the classrooms but also the environment.*

*The Author recommended the Headteacher explore possibility of rearranging classrooms to enable just small groups to use the huts until their replacement.<sup>104</sup>*

This council demonstrated a negligent failure to manage the asbestos in these huts, for they were in a dangerous condition and had potentially been releasing crocidolite fibres over a prolonged period of time. All the occupants would have been at risk, including the teachers, the caretakers the cleaners and the children, but these were primary school children and therefore are most vulnerable to the dangers of asbestos. However if asbestos exposure did take place any disease will not develop for many years later, therefore the occupational statistics will not show their death as the result of asbestos exposure at school as a child.

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<sup>104</sup> Site visit report Local authority name withheld but available 18 March 2008

#### 147. March 2008. DCSF refuses to reinstate campaign to improve the asbestos management in schools.

In March 2008 DCSF again refused to reinstate the campaign to improve the asbestos management in schools, and instead supported HSE's decision to allocate the resources to reduce the exposures of maintenance contractors instead of the occupants of schools. DCSF stated:

*"Schools are not the only buildings where asbestos is present and HSE is committed to preventing exposure to all those people who may be at risk. Analysis of mortality data based on last occupation has directed HSE's current effort towards maintenance trades..."*

*The HSE does not propose to have an "asbestos in schools" campaign."*<sup>105</sup>

The campaign to reduce the asbestos exposures of the building maintenance trades is much needed, but it should not be at the expense of the campaign in schools that was intended to reduce the asbestos exposures of the staff and pupils.

HSE have used "mortality data" as the criteria for undertaking the campaign for tradesmen, but what they fail to acknowledge is that there is no "mortality data" for children who were exposed to asbestos at school. Because of the long latency of mesothelioma their deaths are recorded under whatever occupation they had at the time and not as the result of asbestos exposure as a child at school.

In the high risk industries only a small percentage of people die of mesothelioma,<sup>106</sup> and the same applies to schools, the problem is that nobody knows who is susceptible to the dangers of asbestos and who is not. Therefore although we all attend school only a relatively small number will develop the disease, but it could be anyone. The average latency of mesothelioma is about 35-40 years, large exposures can have a shorter latency and there is evidence that environmental exposures can have a longer latency, with two studies showing that those exposed to low levels from birth on average develop the disease some 50-56 years later,<sup>107</sup> and another study shows the latency for domestic exposure was 52 years.<sup>108</sup> Consequently many of the deaths from asbestos exposure at school are likely to have the longer latencies with their deaths on average occurring more than fifty years after the first exposure, which if that started at the age of five, the mesothelioma deaths would occur from the age of fifty five. Statistics show that in Britain the mesothelioma deaths from this age and higher are inexorably rising.

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<sup>105</sup> Letter DCSF Public Communications Unit/ R. Lees 27 March 2008

<sup>106</sup> Malignant mesotheliomas diagnosed in Lower Normandy between 1980 and 1990 Letourneux et al Eur Respir Rev 1993 3:87-88. Mesothelioma: cases associated with non-occupational and low dose exposures Hillerdal Occup Environ Med 1999;56:505-513

<sup>107</sup> Asbestos exposures in malignant mesothelioma of pleura; a survey of 557 cases Bianchi Industrial health 2001,39, 161-167. Malignant mesothelioma due to environmental exposure to asbestos: follow up of a Turkish cohort living in a rural area. Chestp2228. Metintas

<sup>108</sup> Mesothelioma: cases associated with non-occupational and low dose exposures Hillerdal Occup Environ Med 1999;56:505-513

The teachers' deaths are recorded and must therefore be considered as an indication of the far greater number of deaths amongst former pupils. For statistics and comment see "Deaths in the education sector from mesothelioma."<sup>109</sup>

See the reasons for setting up the campaign at November 2004 and why HSE dropped it in August 2005.

#### **148. January 2008. Window removal reveals unidentified asbestos. Asbestos should have been identified before work began.**

In January 2008 the special education unit of a secondary school in the Highlands was closed when local contractors removed ceiling tiles covering asbestos material during work to replace windows.

*A building at a local secondary school which was closed amid concerns over asbestos contamination is expected to reopen today (Friday). Action was taken to shut down a block at Wick High on Tuesday night when it was feared that fibres of the cancer-causing material had become airborne. Local contractors had been carrying out work to replace windows in the building, which also houses the school's special education unit, when it emerged ceiling tiles covering the insulating material had been removed.*

*Yesterday, the school's rector Alister Traill said the safety of pupils and staff had remained the top priority throughout the scare. He said: "We agreed that the best decision would be to close the building and have it tested, because we take absolutely no chances with the health of the pupils or staff." A letter from Mr Traill was sent to parents informing them of the problem and stating that a temporary closure had been imposed. Pupils from the special education unit were asked to remain at home while the situation was assessed.*

*Pupils and staff were today expected to be allowed back into the unit which has 16 classrooms used mainly for practical subjects, including art and biology. Mr Traill said: "We managed to minimise disruption to pupils' education on this occasion. If it had been a prolonged closure there's no doubt it would have had an impact." Last night a Highland Council spokesman said: "The school was closed on a precautionary basis on Tuesday as the result of health-and-safety concerns that asbestos fibres may have been released into the air during works going on within the building. Tests were carried out... and they have shown no presence of airborne fibres."<sup>110</sup>*

The "new" part of the school was built in the 1960's when asbestos use was at its height. The condition of the school is classed as "D Bad condition," ceiling tiles throughout the school are missing or damaged with water leaks in many areas. The area manager for education stated "The bottom line is that the council simply does not have enough money to address the

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<sup>109</sup> [Statistics - Deaths in the Education Sector from Mesothelioma](#)

<sup>110</sup> John O'Groats Journal 24 Jan 2008

problems.”<sup>111</sup> In February 2009 the Scottish Parliament debated the dilapidated state of Scottish schools and again highlighted the continued disgraceful state of Wick High school.<sup>112</sup> (See March 2008.)

If an effective system of asbestos management had been in force this incident would have been avoided. The asbestos material should have been identified long before work began and it certainly should have been identified when it was known that work was about to take place.

This part of the school comprises a number of System built buildings built at a time when the use of asbestos was at its height. The survey classifies the school as a CLASP building<sup>113</sup> (although there are a number of system buildings in the school and they could be different types, it has to be confirmed but this building is possibly a CLASP Mk4<sup>114</sup>, in which case it will contain significant amounts of asbestos.<sup>115</sup>) The survey mentions AIB cladding in the columns, and if it is a CLASP Mk4 it is also likely to have AIB in the window reveals, heads and infill panels which according to the CLASP handbook “*Backings to pressed metal sheet casings to columns and window heads... Window replacement work could disturb window head casing. A licensed specialist should therefore remove this prior to the work.*”<sup>116</sup>

The window head AIB is concealed by the ceiling tiles, but is clearly listed in the CLASP Asbestos handbook as being liable to disturbance during window replacement. One must hope that the tests that were carried out after this incident were undertaken in such a manner that the council are correct that there was no asbestos fibre release.

#### **149. January 2008. Inspection reveals asbestos problem. School close for two weeks for asbestos removal.**

In January 2008 during a structural inspection conducted of a primary school in York engineers discovered that there was an asbestos problem in the building. The affected part of the school was shut for two weeks and the children decanted to other schools while decontamination and asbestos removal took place.

*Pupils at a York primary school hit by an asbestos scare are facing an 11-day wait before returning to school. Wiggington Primary School will not fully reopen until January 21 while safety workers remove the asbestos. Some pupils were returning to classes today while others are being taught in makeshift classrooms set up in alternative accommodations.*

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<sup>111</sup> Asbestos scare sees school block shut John O’Groats Journal 25 Jan 2008. 5 Mar 2008 Wick slammed as depressing dump.

<sup>112</sup> <http://www.theyworkforyou.com/sp/?id=2009-02-05.14871.0>

<sup>113</sup> Caithness asbestos surveys Property services register Jan 2008 HC 00020 Wick High School 2975

<sup>114</sup> CLASP buildings by owner 12 Sep 2007

<sup>115</sup> Scape CLASP Asbestos handbook Section 7 asbestos in CLASP standard details. Mar 2003

<sup>116</sup> Scape CLASP Asbestos handbook Section 7 asbestos in CLASP standard details. Mar 2003

*The school, in Westfield Lane, has been closed since Monday, following the discovery of asbestos during a structural inspection. The Health and Safety Executive has given City of York Council the go-ahead to start decontamination work, and head teacher Pat Boyle has now written to parents advising them of temporary arrangements.*<sup>117</sup>

**150. December 2007. Council ignores asbestos guidance. Significant levels of amosite fibres release in Special school. HSE issues Improvement notices for failing to manage asbestos.**

In December 2007 as part of an investigation into the problem of asbestos in system built schools, ITN carried out air sampling in a CLASP Mk 4 school in Brent. In October 2006 HSE, DfES, the LGE and Scape System build Ltd had issued guidance on actions to be taken to prevent the release of amosite fibres in system built schools, however none of the guidance had been followed and the asbestos management in the school was non-existent.

The school had been badly maintained with ill fitting, badly damaged and missing ceiling tiles. An AIB tile in a classroom was broken. A child had knocked a hole in the library wall, there were other holes in a corridor ceiling and a toilet ceiling. Some of the columns were badly scuffed. At least one column had no skirting board thus allowing fibre release into the classroom, the ground floor and first floor column cladding contained AIB, both the ground floor and first floor column cladding vented freely into the ceiling void. Christmas decorations had been hung from the ceiling tile grid. Many columns had visible gaps in the casing. Many columns had fittings and fixtures screwed onto the casing into the AIB cladding. Doors were hung from AIB clad columns. The AIB cladding was fastened to the casing. A column in the centre of the main hall contained AIB, had cracks in the casing and was used as a goal post. Although one column was identified as containing chrysotile in asbestos cement, the other columns were identified as being AIB containing amosite and chrysotile.<sup>118</sup> No attempt had been made by the local authority to inspect the school or to seal any of the gaps.

A free standing column with AIB cladding in a classroom was tested under controlled conditions for fibre release. There was a gap in the cladding, otherwise it appeared to be in reasonable condition. When the columns were hit the levels in the classroom were 0.49f/ml and the levels in the ceiling void 0.72f/ml of mainly amosite fibres, thus demonstrating a serious asbestos fibre release which no doubt had occurred whenever the columns were disturbed. The levels were very much on par with previous levels in other air tests.

The local authority and the school had not only failed to follow the guidance for system built schools but they had also failed to adequately manage their asbestos, with the inevitable consequence that staff and pupils had been exposed to asbestos fibres over a prolonged period of time. On receiving the evidence from ITN the HSE issued improvement notices to the local

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<sup>117</sup> The Press 9 Jan 2009. 7 Jan 2009 [HTTP://NEWS.BBC.CO.UK/1/HI/ENGLAND/NORTH\\_YORKSHIRE/7176612.STM](http://NEWS.BBC.CO.UK/1/HI/ENGLAND/NORTH_YORKSHIRE/7176612.STM)  
<http://www.mesotheliomaweb.org/yorkschooldclosure.htm>  
<http://www.mesotheliomaweb.org/jan20081218.htm> [HTTP://NEWS.BBC.CO.UK/1/HI/ENGLAND/NORTH\\_YORKSHIRE/7199872.STM](http://NEWS.BBC.CO.UK/1/HI/ENGLAND/NORTH_YORKSHIRE/7199872.STM)

<sup>118</sup> Asbestos surveys Environmental Evaluation 1 September 2004, and 25 July 2006

authority for failing to check on the condition of asbestos materials and for failures in asbestos management, both at the school and at other schools in the Council's area of responsibility.<sup>119</sup>  
The notices stated:

*"Location of premises: All school in the London Borough of Brent where you are the employer. You as an employer are contravening the following statutory provisions: Health and Safety at Work Act 1974, Section 2(1) and 3(1)*

*The reason for my said opinion are : It was not possible to ascertain that asbestos containing materials (acms), identified or suspected, had been inspected for condition, and therefore the possibility exists that acms could be in a condition which could cause exposure"*<sup>120</sup>

*Health and Safety at work Act 1974 Section Section 2(1) and 3(1). The Control of Asbestos Regulations 2006, Regulation 4*

*"You are not effectively managing asbestos containing materials"*<sup>121</sup>

See also September 2007 when Walsall Borough council were issued with 12 improvement notices for failing to comply with the guidance. During 2007/2008 HSE carried out 130 visits to System buildings of which 120 were to schools, out of those a total of 20 improvement notices were served because of a failure to assess the condition of asbestos in their System buildings, failure to manage the asbestos and a failure to implement a reasonable plan of action. That equates to 17% of the schools that had been visited had failed to implement the guidance a year after it had been issued. Scape System Build Ltd state that 46% of schools in the UK are system built, which equates to almost 12,000, therefore if the percentage of non compliance was constant throughout the country it would mean that almost 2,000 System built schools were failing to manage their asbestos to the extent that they merited improvement notices. That is a very significant minority.

#### **151. December 2007. Raised asbestos fibre level in special school. School closed. Ceiling removed.**

In December 2007 damage was found to an asbestos tile in the kitchen of a special needs school in Chislehurst. Air sampling was carried out in the kitchen and two adjacent areas which found raised asbestos fibre levels. The school was closed nine days before the end of term and *"when the school reopens for the new term, the kitchen will remain closed while appliances are cleaned and the ceiling replaced."*<sup>122</sup>

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<sup>119</sup> 15 February 2008 [ITN News report](#) [Release of Asbestos Fibres in System built schools \(Part 2\)](#) p51-55

<sup>120</sup> HSE Improvement Notice 4099016 9 Jan 2008

<sup>121</sup> HSE Improvement Notice 4099017 9 Jan 2008

<sup>122</sup> [http://www.thisisbromley.co.uk/mostpopular.var.1903273.mostviewed.asbestos\\_fibres\\_found\\_in\\_school\\_kitchen.php?act=login](http://www.thisisbromley.co.uk/mostpopular.var.1903273.mostviewed.asbestos_fibres_found_in_school_kitchen.php?act=login)  
Asbestos fibres found in school kitchen. Thames laboratories 18 Dec 2007

**152. November 2007. School teacher dies of mesothelioma. Coroner considers death was from asbestos exposure in school.**

In November 2007 Renee Eden died of mesothelioma. Renee was 69 and had taught art in four schools in Cheshire and Flintshire. The reports of Mrs Eden's inquest state:

*"A coroner in North Wales says asbestos in Flintshire's schools was the likely cause of the death of art teacher Renee Blodwen Eden*

*A coroner is writing to a local authority after an ex-teacher died from exposure to asbestos.*

*North west Wales coroner Dewi Pritchard Jones said he would write to Flintshire County Council about the dangers of asbestos in schools following the death of former art teacher Renee Blodwen Eden, aged 69.*

*During an inquest he said Eden had died of mesothelioma and it was "more than likely" she contracted it after exposure to asbestos in Flintshire's schools."<sup>123</sup>*

**153. November 2007. School caretaker exposed to asbestos develops lung cancer.**

In November 2007 a former secondary school caretaker from Tyne and Wear made a successful claim against his former employer for lung cancer caused by exposure to asbestos. It was known that the school contained asbestos and "He had worked as a secondary school caretaker more than 20 years ago where he carried out general maintenance work for a period of around 6 years. ..."<sup>124</sup>

**154. October 2007. Building work disturbs asbestos in ceiling void. School contaminated . children sent home.**

In October 2007 a primary school in Haverhill Suffolk was closed and children sent home because asbestos was found while building work was taking place in the school. A spokesman for the Council stated " A programme of refurbishment was going on which revealed the presence of asbestos in the roof void. Ongoing test are currently taking place to reveal the likely extent of contamination."<sup>125</sup> The decision was taken to remove the asbestos.

The asbestos had not been identified by the school and so had not been managed, and clearly a type 3 survey had either not been carried out before the refurbishment work was carried out, or a survey had taken place and it had failed to identify the asbestos. The asbestos should have been identified and because it was not the staff and pupils were put at risk as building work was allowed to take place while the school was occupied.

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<sup>123</sup> Building. Asbestos likely cause of teacher's death. 17 March, 2008

<sup>124</sup> A successful claim for asbestos related lung cancer You Claim 2 Nov 2007.

<sup>125</sup> CEN News asbestos school to stay shut 17 Oct 2007 .BBC News 11 Oct 2007<http://news.bbc.co.uk/1/hi/england/suffolk/7039721.stm>  
<http://news.bbc.co.uk/1/hi/england/suffolk/7044515.stm>

### 155. **October 2007. Significant amosite fibres released from classroom stationary cupboards. Classrooms contaminated staff and pupils exposed over decades.**

In October 2007 contractors were sealing the AIB backs of classroom stationary cupboards at a secondary school in Derby when they found raised levels of airborne asbestos fibres. The school was temporarily closed and further tests carried out simulating removing stationary from the cupboards, the tests measured up to 1f/ml which is up to ten times greater than the Control limit, and on average levels were 0.5f/ml. The Council gave assurances in a press release and stated the “*asbestos fibres are localised within the cupboards,*” which is not correct as the fibres would not remain in the cupboards, but would readily enter the rooms, as later tests proved. They also arbitrarily stated that they considered that the risk of anyone developing an asbestos related disease because of their exposure was low.<sup>126</sup> Regrettably on the result of these tests the Council’s statement concerning risk cannot be justified. The council then declared the classrooms and other affected areas “*Safe for occupation.*”<sup>127</sup>

Further air tests were carried out where levels of amosite fibres at 0.02f/ml and 0.05f/ml were obtained when stationary was taken out of the cupboard. The cupboards were then cleaned with the personal sampler of the person carrying out the cleaning giving a level of 0.29f/ml and samplers in the classroom showing levels of 0.12f/ml to 0.84 f/ml, once again the fibres being just amosite fibres.

The risk assessment presumed that the release of asbestos fibres had taken place for decades, with some staff accessing the cupboards up to six times a day for twenty years. A presumption was made that the pupils had been exposed each time they were taught in the classrooms throughout their five years at the school. On the evidence available the cumulative exposures over the years was significant. However that is not the conclusion reached by Derby City Council.

Derby Council commissioned a risk assessment from the same commercial organisation who had assessed the risks at Silverhill school in 2004. In that incident the use of data and the conclusions drawn from them were most controversial and were criticised by HSE and others for underestimating the risks, in some cases by a considerable amount. The results of the assessment for this latest incident were equally controversial, but were not released until July 2009<sup>128</sup> at which point Derby Council issued a press release where they stated: *The very low risks here are many times lower than risks associated with road accidents, homicide and smoking* <sup>129</sup>

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<sup>126</sup> Derby City Council Lees Brook Press release October 11 2007

<sup>127</sup> Derby City Council Lees Brook Press release October 11 2007

<http://www.derby.gov.uk/EducationLearning/AssetManagementPlanning/LeesBrook.htm>

<sup>128</sup> IOM An assessment of the past exposure and estimation of consequent risks to health of staff that may have arisen from asbestos-containing material in cupboards at Lees Brook Community Sports College, Derby April 2009 (Pupils report May 2009 )

<http://www.derby.gov.uk/PressReleases/LatestInfo/asbestos.htm>

<sup>129</sup> Derby CC press release 13 Jul 09 Lees Brook school asbestos information.

<http://www.derby.gov.uk/PressReleases/LatestInfo/asbestos.htm>

Regrettably their statement is misleading and in some cases wrong. A full analysis of the risk assessments is available on request.

**156. October 2007. Major water leak leads to asbestos removal.**

In October 2007 a major water leak at a High school in Welbourne:

*“led to the discovery of asbestos on Friday, forcing the school to stay closed this week. The asbestos cement was found in the school’s foundations, as workers tried to stem the leak..specialists are now working fast to remove the dangerous substance...”<sup>130</sup>*

**157. October 2007. Asbestos debris found in special school garden.**

In October 2007 asbestos was discovered in the grounds of a Walsall special school.

*“Work to create a much-anticipated £20,000 sensory garden for students at Old Hall School has now been halted while bosses join forces with council chiefs to get the material removed. Pupils at the special school have been banned from going anywhere near the substance and workmen creating the colourful new garden have been ordered to put down their tools until it is cleared.”<sup>131</sup>*

The school was built in 1972/73 and is a CLASP Mk5, which contains considerable amounts of asbestos.

**158. September 2007. HSE issue 12 Improvement Notices for failures in asbestos management in Council CLASP schools. Remedial action estimated £2million.**

In September 2007 HSE issued twelve improvement notices to Walsall Metropolitan Borough council for failures in asbestos management in their CLASP schools. The breaches were in both the Health and Safety at Work Act and also the Asbestos Regulations. 10 of the notices were issued to primary schools and another 2 to secondary schools who had failed to comply with the HSE guidance issued in October 2006 which instructed local authorities and schools to inspect their CLASP schools to determine if there was a potential for amosite fibre release, and then to implement a system of management. The notices stated:

*“Improvement notice 300915746 requiring suitable and sufficient assessment as to the likely presence and condition of asbestos containing materials associated with the building’s columns and the preparation and implementation of a written plan for managing the risk by maintaining or removing any asbestos containing materials. Compliance date 12.12.07”*

*“Improvement notice requiring suitable & sufficient assessment and management of potential asbestos containing materials arising from CLASP intervention project.”*

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<sup>130</sup> School closed after asbestos discovery Grantham journal 31Oct 2007

<sup>131</sup> Asbestos found in school. Express and star. 8 Oct 2007

Health and Safety at Work Act 1974/2/  
Health and Safety at Work Act 1974/3/  
The Control of Asbestos Regulations 2006/4/0<sup>132</sup>

The financial cost were summarised as *"surveys and any clean-up cost costing £2million- will now be carried out at all affected schools."*<sup>133</sup> This however is only part of the cost, the main cost has been to the health of the occupants of these schools, for the potential to release asbestos fibres into the rooms has been present since the schools were built. Tests have shown that because of this problem common everyday classroom activities can release cumulatively significant levels of amosite fibres. If the staff and the children have been exposed on a regular basis then the levels are such that they have the potential to cause mesothelioma. See the following links for a detailed analysis of the problem.<sup>134</sup>

See also December 2007 when two further improvement notices were issued over a failure to follow asbestos guidance for system built schools.

#### **159. September 2007. A primary school teacher dies of mesothelioma**

In September 2007 Gordon Gomersall, a primary school teacher, died of mesothelioma. Mr Gomersall had worked at a primary school in Leeds for 20 years. The school buildings are both traditionally and System built and contains asbestos. The coroner recorded an open verdict as no evidence was given of asbestos exposure.

*"A letter from Leeds City council read out to Leeds Coroner's Court said that some asbestos removal at Templenewsam Halton Primary school, where Mr Gomersall taught for 20 years, took place in 1970's.*

*But a safety survey in June 2005 said there was still asbestos in the school built in 1944 including toilet seats, cisterns, ceiling and floor tiles. These were deemed "low risk" and not removed but asbestos found in the boiler house and caretaker's store were "medium risk" and the areas cleaned.*

*Mrs Gomersall, who was a infant teacher at the school, told the court that her husband worked there most of his career before taking early retirement. She added that before his death the couple went through his life and couldn't think of anywhere else that the 77 year old, who had*

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<sup>132</sup> HSE improvement notices 12 Sep 2009 [300915118](#) [300915580](#) [300915746](#) [300915802](#) [300915845](#) [300915917](#) [300915957](#) [300915985](#) [300916173](#) [300916188](#) [300916208](#) [300916219](#)  
[http://www.hse.gov.uk/notices/breach/breach\\_list.asp?ST=B&SN=F&EO=%3D&SF=NN&SV=300915580](http://www.hse.gov.uk/notices/breach/breach_list.asp?ST=B&SN=F&EO=%3D&SF=NN&SV=300915580)

<sup>133</sup> Asbestos fear at schools Express and Star 20 Oct 2007

<sup>134</sup> [Release of Asbestos Fibres in System built schools \(Part 1\)](#) [Release of Asbestos Fibres in System built schools \(Part 2\)](#) [www.asbestosexposureschools.co.uk](http://www.asbestosexposureschools.co.uk)

*taught general studies from 1960 to 1979, might have come into contact with the deadly dust.*<sup>135</sup>

It is perhaps understandable that because of the lack of evidence of asbestos exposure that the coroner came to the verdict that he did. However the fact that neither Mr nor Mrs Gomersall could find evidence of asbestos exposure is not proof that he wasn't exposed to cumulatively significant levels over the course of many years in his school, it is only proof of the fact that he wasn't aware of his exposure. Regrettably this is typical of so many teachers who die of mesothelioma. Most classroom asbestos fibre releases would pass unnoticed for there are many common classroom activities that can release significant levels of asbestos fibres that unless the air was being sampled nobody would be aware that it had happened. Just slamming a door can release significant levels of asbestos fibres, as can taking a book out of a classroom stationary cupboard, a child running into a wall or a teacher displaying the children's work with drawing pins. See cupboards October 2007.<sup>136</sup> Slamming doors and hitting walls July 2006.<sup>137</sup> Drawing pins February 2006.<sup>138</sup>

#### **160. September 2007. Holes drilled in asbestos walls. Occupants evacuated. School closed.**

In September 2007 contractors were replacing a primary school's heating system when they damaged asbestos. *"Schools still out for pupils at a Cornish primary after asbestos was discovered. A contractor working there accidentally drilled into the substance... the area was immediately evacuated."* The school was closed and remained so for six days while air sampling and remedial work was carried out.<sup>139</sup>

There is considerable disturbance to the fabric of a building when a heating system is replaced and consequently the likelihood of disturbing asbestos materials is high, therefore the school authorities should have warned the contractors of the location of this asbestos before any work began. If the normal asbestos survey had not identified it then a more intrusive survey should have been carried out so that all asbestos that could potentially be disturbed was identified.

Once again it highlights the dangers of undertaking any maintenance or building work in a school when the school is occupied, as there is always the potential that asbestos might be disturbed.

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<sup>135</sup> Yorkshire Evening Post. "Get rid of school asbestos" 12 Apr 2008

<sup>136</sup> Derby City Council Lees Brook Press release October 11 2007  
<http://www.derby.gov.uk/EducationLearning/AssetManagementPlanning/LeesBrook.htm> Derby CC press release 13 Jul 09 Lees Brook . school asbestos information. <http://www.derby.gov.uk/PressReleases/LatestInfo/asbestos.htm> Lees Brook community school asbestos fibre release Paper15 August 2009 Michael Lees

<sup>137</sup> [Release of Asbestos Fibres in System built schools \(Part 1\)](#) [Release of Asbestos Fibres in System built schools \(Part 2\)](#)

<sup>138</sup> WATCH committee minutes 6<sup>th</sup> February 2006 para 3.62

<sup>139</sup> ITV Westcountry news Sep 5 2007 This is Cornwall School shut in asbestos scare 7 Sep 2007

**161. September 2007. Asbestos discovered under floorboards in school. School closed. Children dispersed.**

In September 2007 workmen were carrying out repairs and renovations in a school in Rotherham when they discovered asbestos under the floorboards. The school was unable to open at the beginning of term and the children were dispersed to other schools. Specialist asbestos contractors were called in to remove the asbestos material with the work expected to take several weeks to complete.<sup>140</sup>

Again it is the hidden asbestos that had not been identified and only when maintenance or building work was carried out was it found. Clearly it was in a condition that warranted weeks of work to remove it. The maintenance work was delayed and that and the expense of the remedial actions would have been considerable, as would the disruption to the school staff and the pupils.

**162. August 2007. Asbestos found in under floor ducting. Council state “Exposure negligible.”**

In August 2007 refurbishment work was taking place to in a primary school in Knaresborough which potentially put staff and children at risk. A parent stated;

*“The asbestos was found underneath the school in a cellar and children were exposed to it from a cupboard being used at the back of a classroom. This was lethal asbestos in an area that had clear and unobstructed contact with children. It’s very dangerous. Why was it left to a parent to contact officials about this? I’m appalled not that they found asbestos but that when they did, the work should have stopped immediately and not allowed to continue as it did.”*

The council stated *“We are satisfied that this incident did not pose a risk to pupils or staff in the school. The incident occurred during construction work in some ducting below ground, well away from school staff or pupils...It is considered any exposure is negligible.”*<sup>141</sup>

**163. Summer 2007. Widespread flooding damages asbestos in schools.**

In the Summer of 2007 widespread flooding took place across the country, many schools were flooded with 300 being forced to close in the North and Midlands , with 24 left unusable some months later, with further damage in the West of England. The floods caused many problems but the problems and dangers were exacerbated by the presence of asbestos in the schools. Any asbestos fibres would be carried by the water and precipitated out once dry, thus causing unknown but potentially widespread contamination.<sup>142</sup> The problems and expense of repairing

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<sup>140</sup> School shut after asbestos discovery. Sheffield The Star 5 September 2007

<sup>141</sup> Asbestos at primary school causes concern. Knaresborough Post 17 Aug 2007

<sup>142</sup> See March 2008 and an HSE letter explaining the problems of water borne asbestos fibres causing contamination.

the schools were also greatly increased by the presence of asbestos in the fabric of the buildings, in the walls, in the window panels and in ducting beneath the floors, for any repair work could potentially damage these materials.

An example of the flooding, the damage and the asbestos problems are illustrated in just one school in Derby where:

*“Every single ground floor room was under water to a depth of two or three feet- some had four feet of water. We had 104 classrooms affected as well as the sports hall...We moved everything we could save and then we started ripping out the carpets and taking up the floors, which had all buckled... at one point there were 200 workers on site.”*

A huge and commendable effort went into getting the school ready for the beginning of the autumn term *“However the unexpected discovery of large quantities of asbestos and the longer drying times have meant it will not be able to accommodate all its pupils in the first week.”*<sup>143</sup>

Government policy allows asbestos to be left in schools when they are refurbished particularly with primary schools under PCP. Therefore whenever flooding occurs in the future there will continue to be the potential for widespread asbestos contamination and the added expense and delays because the asbestos remains in the fabric of the schools. See March 2008 for HSE’s informed opinion of the spread of asbestos fibres from water damage to asbestos materials.

#### **164. July 2007. Science teacher exposed to asbestos in school awarded damages for mesothelioma**

In July 2007 a science teacher suffering from mesothelioma was awarded damages against her former employer:

*“She recalled handling asbestos bunsen burner mats on a daily basis for demonstration of experiments and in her second school she recalled regularly collecting up the classes’ bench mats to take them to a storeroom. The bench mats were often broken and crumbly and released a lot of dust and fibres. She recalled there were asbestos fume cupboards in her second school but she had very limited contact with them. In the third school where she worked she remembered using mats for demonstration purposes but not collecting them up. In the third school however she had further exposure to asbestos from lagged pipes in the 1980’s. The lagging was removed from a ceiling void in the corridor outside the classroom where she taught. There was dust in the classroom and the work took several weeks.”*<sup>144</sup>

See also: January 2009, March 2009 and December 2008 for other cases of science teachers exposed to asbestos.

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<sup>143</sup> BBC News Back to school in flood-hit Hull 4 Sep 2007 BBC News Flood schools remain unusable 26 Jul 2007

<sup>144</sup> Name withheld but available 27 January 2009 Case studies mesothelioma caused by previous asbestos exposure Irwin Mitchell 2007

**165. July 2007. Roofing contractors discover previously unidentified asbestos in ceiling void. School closed for remainder of term.**

In July 2007 contractors were preparing to undertake roofing in two primary schools in Lewisham when they unexpectedly found asbestos in the loft spaces. Both schools were occupied at the time but one was subsequently closed for the remainder of term while the council drew up proposals for the removal of the asbestos. 400 nursery and primary children were dispersed to other schools in the area. Parents were quite justifiably concerned about the possible asbestos exposures of their children, and why they were allowed to remain at the school for the remainder of the day and the schools had not been closed immediately.<sup>145</sup>

Again this highlights how normal asbestos surveys had not identified asbestos that was out of sight in the loft of the schools. It is not known if type 3 surveys had been carried out before work began, but if they had then the asbestos had not been identified. If a type 3 survey had not been carried out it makes a mockery of the Department for Education argument that asbestos surveys are only necessary before building or maintenance work takes place, if school authorities even then fail to carry out a survey.

**166. July 2007. Previously unidentified asbestos found in school basement. School closed immediately.**

In July 2007 asbestos was discovered in the basement in a school in Ulster, the school was closed immediately with staff and pupils being sent home. Tests were conducted within the remainder of the building and staff and parents assured that:

*“Results would indicate there is no cause for alarm. The whole building will be checked thoroughly during the summer break.”<sup>146</sup>*

This was three years after the duty to manage asbestos had come into force and duty holders were meant to have identified their asbestos, and it is 24 years after guidance instructed them to do so, and yet the asbestos in the basement had passed unnoticed and the remainder of the building was only going to be checked for asbestos because of this incident.

**167. June 2007. School staff exposed to asbestos released by contractors drilling through asbestos material. Failure to identify material and inform contractors.**

In June 2007 work was being carried out in a school in Cornwall that damaged asbestos materials, contaminated the building and exposed four members of staff.

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<sup>145</sup> Pupils moved after deadly asbestos scare News shopper 10 Jul 2007

<sup>146</sup> School closes after asbestos find Ulster Herald 5 Jul 2007

*“A village school yesterday was at the centre of a top-level investigation after up to four members of its staff were contaminated by asbestos dust. .... Yesterday , two classrooms remained sealed off to protect the health of children, staff and parents.*

The county councillor for the mining villages wrote to the Cornwall’s Director of children, young people and families expressing his concerns, saying :

*“It has been brought to my attention that during the recent half term period at St Days and Carharrack School , contractors drilled into some asbestos which contaminated at least one room, the equipment and clothing. I am told that some teaching staff had not been made aware of this and entered the room. They themselves had then become contaminated and were ordered to remove their clothing and place all items into black bags.”*

The council head of health and safety stated “ *The organisation must accept that a number of individuals have been exposed to raised levels of asbestos fibres following the failure of procedures which should have highlighted the presence of any asbestos containing materials in the school to any person likely to disturb them; in this case the visiting contractor. It would appear that once the incident had occurred and the error recognised, steps were taken to limit the extent of exposure. But until that time, it is conceivable that staff members could, and subsequently did, enter the contaminated areas.”*

This incident would not have happened had the school informed the contractors of the presence of asbestos, but for whatever reason they failed to do so.

**168. June 2007. Schools Minister: “We consider that asbestos in schools is being adequately handled by the Department for Education and the HSE.”**

In June 2007 a request had been made by John Denham MP for a Parliamentary debate to discuss the overall problem of asbestos in schools. The Schools Minister Jim Knight refused the request and stated:

*“We do not intend to hold a debate as we consider that asbestos in schools is being adequately handled by the Department for Education and the HSE.”<sup>147</sup>*

**169. May 2007. Liverpool Council issued Improvement notice for failing to train staff**

In May 2007 HSE issued Liverpool City Council an improvement notice for failing to train its staff in asbestos management:

*“The HSE issued the authority an improvement notice because the council was providing “inadequate” information and training regarding the management of asbestos to staff...The HSE issued the asbestos warning in May and since then the council identified 778 employees who*

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<sup>147</sup> Letter Minister of State for Schools Jim Knight MP/ Rt Hon John Denham MP 25 Jun 2007

*needed the asbestos training. The staff manage around 500 buildings across the city including leisure centres, libraries and schools.*<sup>148</sup>

The council opposition leader stated;

*"It is important people are properly trained to deal with dangerous substances like asbestos. This is simply not acceptable. Reassurances need to be given to the workforce that they have not been left in danger. All employers have a duty of care and it seems that Liverpool City council is failing in that duty and responsibility to adequately protect its staff."*<sup>149</sup>

#### **170. May 2007. Wall removed. Contravenes Asbestos regulations. Parents not informed.**

In May 2007 a headteacher in a school in Caerphilly decided to remove a partition wall in the infant block despite it having stickers either side warning the ceiling above was covered in asbestos containing Artex. Caerphilly council decided the work had contravened the asbestos regulations and a meeting of the governors found the headteacher guilty of misconduct and issued a written warning. But the governors decided not to inform parents of the incident or the subsequent disciplinary enquiry, they only discovered that anything had occurred in March 2008 when the details were leaked on the internet.

This is a classic example of a lack of openness with school authorities keeping the facts of a potential asbestos incident from parents.

#### **171. May 2007. Fire alarm installation disturbs asbestos. Council refuse to confirm whether within safe limits.**

In May 2007 contractors disturbed asbestos while installing a fire alarm system in a school in Argyll and Bute. A report stated:

*"Council chiefs have been forced to close part of a Helensburg school after a dangerous substance was found during routine testing..."*

*Contractors installing a new fire alarm system at the school are thought to have disturbed the substance...*

*Council bosses have refused to confirm if the levels of asbestos found were within "safe" guidelines.. but they insist that the location of the incident means that children and staff were not at risk.*<sup>150</sup>

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<sup>148</sup> Council failing in duty of care to staff over hazardous asbestos. Liverpool Daily Post 13 Nov 2007.

<sup>149</sup> Liverpool Council sends hundreds of staff on asbestos training course. Thames labs 30 Nov 2007

<sup>150</sup> Helensburgh Advertiser Asbestos scare at school 10 May 2007

**172. May 2007. Unable to repair roof until £500,000 asbestos removal takes place. Asbestos fibres had previously been released into classroom from deteriorated lagging in loft space.**

In May 2007 it was decided to remove all the asbestos from Nightingale Junior school in Derby following an asbestos incident that had exposed staff and pupils. The damaged friable asbestos had been found in the roof void in February 2006, then in December 2006 the fibres had filtered through a ceiling hatch onto the children in a classroom. Action was then taken. (See February 2006) The May 2007 report states:

*"Months of disruption lie ahead for Derby junior school pupils as potentially dangerous asbestos is removed from the building at a cost of at least £500,000..."*

*The roof itself is not in good condition to withstand winter storms and we cannot gain safe access to properly repair it because of the asbestos...*

*The chairman of the school governing body said the disruption would be worthwhile to sort the asbestos problem once and for all."<sup>151</sup>*

**173. May 2007. Asbestos identified during maintenance work. School closed for removal.**

In May 2007 a school in Croydon closed because asbestos was found during maintenance:

*"The asbestos is thought to have been identified last week during a period of maintenance work at the school... the reopening of Selsdon High school has been delayed until the removal of the carcinogenic substance..."<sup>152</sup>*

**174. May 2007. Headmaster tells court "Asbestos is a foreign language." Council fined.**

In May 2007 Derby City council was fined £50,000 after the failure to manage the asbestos at Silverhill Primary school had caused widespread exposure of staff and children. (See February 2004) The Headmaster, Derby City council and the window contractor were prosecuted:

*The Headmaster told the court that:*

*"I knew you shouldn't take chunks of it and bite it, but I had no knowledge of asbestos, its capabilities or where it is found. It was a complete foreign language to me."<sup>153</sup>*

*Former headteacher Phil Robinson has been cleared of endangering people by failing to warn them about asbestos at Silverhill primary school."*

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<sup>151</sup> This is Derbyshire Asbestos action at city school 17 May 2007

<sup>152</sup> ATL Croydon school remains closed after asbestos discovery 2 May 2007

<sup>153</sup> Newspaper Court report Bolitho 25 Nov 2006

*Mr Robinson said that he did not know its exact location or how dangerous it was.*

*The council were also criticised for not providing training to its staff, including teachers, with regard to asbestos.*"<sup>154</sup>

Following the sentencing of Derby City Council the HSE Principal Inspector of Construction Wales, Midlands and South West stated :

*"Asbestos can be a killer if disturbed, but if contained and well managed it poses no health risk.*

*This is why it is vital that proper records are kept, showing where asbestos may be found and the condition of these materials. This information must be given to anyone likely to disturb it.*"<sup>155</sup>

*"The court heard that, although an "asbestos manager" was employed at the city council and work to contain the threat of the substance was being carried out in the background, adequate checks were not being made to ensure that head teachers and staff were fully aware of the dangers.*

*Passing sentence, Judge Milmo QC said; "Procedures in place are all very well; if they are not adequately maintained they are doomed to fail.*"<sup>156</sup>

#### **175. Spring2007. Teachers exposed to asbestos while demolishing wall. Unaware that asbestos present.**

In the Spring of 2007 Leeds City council published their Governors bulletin and highlighted a serious asbestos incident that had exposed teachers:

*"A Leeds school recently had a serious incident involving asbestos, when teaching staff allowed to carry out the dismantling of a wall were exposed to asbestos, with potential negative long term health implications. Although a system was in place to inform visiting contractors of the possibility that the building contained asbestos, the staff remained unaware of this fact despite an asbestos register with detailed plans being held on site.*

*....Details of the asbestos surveys should be made available to all staff that may come into contact with it so that they understand the implications of drilling, stapling or disturbing it in any way.*"<sup>157</sup>

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<sup>154</sup> News paper Ex-Head thanks for public support. 30 Nov 2006

<sup>155</sup> eGov monitor Local authorities, schools and contractors warned about the risks from asbestos and reminded about their responsibilities." 16 May 2007 ATL Asbestos warning to schools 16 May 2007

<sup>156</sup> 24dash.com Derby City Council fined £50,000 after school asbestos scare. 16 May 2007

This incident highlights the fact that however good an asbestos management plan might be, if asbestos is present in a school, then it can fail. For in this case there was a system in place to inform visiting contractors about the presence of asbestos and this particular material was noted on the plans, however the authorities had not considered it necessary to inform the teachers who worked in the schools about the presence of asbestos. It would also appear that the teachers had not been trained in asbestos awareness or else they would have realised that building work such as this can potentially damage asbestos and the asbestos survey should be consulted first. Indeed if a wall was being removed then a type 3 survey should have been carried out first to identify any hidden asbestos that might be present.

**176. April 2007. AIB ripped from kitchen. School contaminated. £40,000 clean up.**

In April 2007 a works foreman was fined after causing widespread asbestos contamination in a Durham school kitchen and dining room:

*"A works foreman has been fined after he allowed deadly asbestos dust to seep around a school during the summer holiday.*

*Kevin Proctor and two others ripped asbestos insulation boards from a stainless steel kitchen steriliser at Framwellgate school Durham..*

*..the workers got around £140 from the scrapyard. But Durham County Council estimated it cost around £40,000 to replace contaminated equipment and to make the kitchen and dining area of the school safe before staff and pupils returned.*

*Proctor was site manager for Vest Construction which had the contract to refurbish the kitchen...*

*Proctor said "I have had no training in asbestos, despite asking for it several times."<sup>158</sup>*

**177. April 2007. Asbestos found in grounds of primary school.**

In April 2007 asbestos was found in the grounds of a school in Kirklees. The Local Authority assured parents that there was no risk to children:

*"Asbestos was discovered by contractors at Moorlands Primary school...*

*One parent who contacted the Examiner said that despite the reassurances parents were worried:*

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<sup>157</sup> Leeds Governors bulletin Spring 2007 Managing asbestos in schools. March 2007 Education Leeds Report to Education Leeds board HSE involvement. Accidents Mar 2007

<sup>158</sup> Today's Chronicle Worker fined for asbestos 3 Apr 2007

*We have been informed that there is no danger to the children. But the majority of parents I've spoken to feel unsure whether any level of asbestos is safe.*<sup>159</sup>

### **178. April 2007. NASUWT survey of 5,000 members. "Many schools not tackling asbestos" "Catastrophic failures waiting to happen."**

In April 2007 the NASUWT published the results of a health and safety survey amongst its members. The results showed that staff and pupils were potentially being put at risk from a failure to effectively manage the asbestos in their schools.

*"Pupils and teachers are being placed at risk because proper health and safety rules are not being followed in schools, a survey suggests.*

*Four out of 10 of the 5,000 heads and teachers polled said their employers did not carry out regular checks.*

*The survey for the NASUWT union found many schools were not tackling asbestos ...*

*General secretary Chris Keates said the results revealed a disturbing picture of "catastrophic failures waiting to happen".*

*Teachers and pupils were being put at risk, she said, adding that far more stringent sanctions needed to be put in place to ensure guidelines were properly followed.*

*She added: "It's a growing concern that some schools seem to think that they are immune from implementing the law of the land.*

*"This is not just a workforce issue - it's an issue for the welfare of pupils as well."*

*Some 73% of teachers polled said an asbestos hazard was not properly marked, 51% said it was not properly contained and 79% said there was no proper plan in place for its removal.*<sup>160</sup>

### **179. April 2007. School Hall rotting, not fit for use. Asbestos ceilings. £1.25million to rebuild.**

In April 2007 a 1970s school hall in Wales was in a rotting state with insufficient funds for repairs and maintenance. There is asbestos in the ceilings that will have to be managed until the school is rebuilt. A report stated:

*Parents, pupils and staff have teamed up to raise £1.25m to rebuild a rotting, damp school hall ...Staff and parents at Roath Park Primary agree the hall, which also has asbestos in its ceiling, has a poor heating system and is no longer fit for use.*

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<sup>159</sup> The Huddersfield Daily Examiner Quick action over school asbestos 2 Apr 2007

<sup>160</sup> BBC News Schools shun "health and safety" 11 Apr 2007

[http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/uk\\_news/education/6544119.stm](http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/uk_news/education/6544119.stm)

*PE lessons have had to be cancelled because when it rains, a layer of condensation builds up on the floor, making it slippery.*

*But while money from school funds will kick-start the fundraising, it is unlikely the school will get extra cash from Cardiff council for the rebuild and it is applying for grants or lobbying businesses to reach their target.*

*Roath Park Primary is just one of dozens in the capital which is in need of repair. The backlog of work is estimated to total more than £50m.*<sup>161</sup>

**180. April 2007. AIB ceiling tiles removed and broken. Widespread contamination of school. Computers and work destroyed. Refit cost £6.5 million. Contractors fined.**

In April 2007 an electrical contractor and an asbestos contractor were fined for causing widespread asbestos contamination of a school in Kettering:

*"Southfield school for girls in Kettering had to close and send its 1,000 pupils to sites around the town for seven months because lethal asbestos was disturbed during refurbishment work at the school.*

*Pupils lost course work, teachers had their notes destroyed and all the school's computers were ruined because of the work that took place in the summer holidays in 2003. The refit eventually cost £6.5million.*

*Asbestos ceiling tiles were removed as part of work to upgrade the school's electrical system.*

*The court heard B&W failed to make sure the area was sealed off correctly and tiles were broken and dust spread into corridors and classrooms.*

*Asbestos dust was released into the air, posing a danger to workers and cleaners at the school.*

*HSE principal Inspector Richard Lockwood said: "Asbestos can be a killer if disturbed, but if contained and well managed poses minimal risk.*

*A former student said "I was doing my GCSEs at the time and it had a big impact on us...*

*The Chairman of Governors said "It was very traumatic for the school.."*<sup>162</sup>

*"Electrical contractors, Briggs & Forrester contracted to undertake relatively modest electrical works over the Summer holidays of 2003. The architect advising the school, PHP were aware*

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<sup>161</sup> South Wales Echo .Parents bid for £1.25m new hall 24 Apr 2007

<sup>162</sup> Northants Evening Telegraph. £100,000 fine for asbestos blunder 6 Apr 2007

*that Asbestos ceiling tiles would have to be removed for cables to be laid and as a result Briggs & Forrester engaged the services of specialist Asbestos sub-contractor B&W. The latter contracted to remove the tiles for the princely sum of £725. Regrettably, the Judge held that removing the tiles resulted in widespread contamination of the school with Asbestos fibres caused by the reckless and irresponsible actions of the sub-contractor. As a result Briggs & Forrester was sued as main contractor by the school for nearly £7m inclusive of damages, interests and costs.*<sup>163</sup>

*The school ... is still recovering from an extremely difficult period just over three years ago when all the student data and school resources were lost because of an enforced move due to asbestos contamination.*<sup>164</sup>

**181. March 2007. Ceiling void asbestos firebreaks damaged in school. Widespread contamination. School closed, equipment and books destroyed. Contractors fined.**

In March 2007 a firm was fined for damaging asbestos in a ceiling void in a Sheffield primary school. The incident had taken place in July 2003 when widespread asbestos contamination occurred:

*"A Sheffield primary school was forced to close, and books and equipment were destroyed, after workmen disturbed asbestos leading to widespread contamination of the buildings.*

*Two workmen damaged asbestos firebreaks above a ceiling, and deadly asbestos dust and debris fell on to ceiling tiles, which they then moved, causing widespread asbestos contamination in the school, it is alleged*

*Children from St Catherine's school in Pitsmoor had to change schools while a specialist asbestos removal contractor was called in to decontaminate the buildings."*<sup>165</sup>

**182. March 2007. Headmaster dies of mesothelioma. Regularly called to boiler room with asbestos lagging. Ceiling collapsed exposing asbestos lagging.**

In March 2007 Robert Fleming, a secondary school headmaster died of mesothelioma. He regularly used to enter the boiler house where there was asbestos lagging and on another occasion a ceiling collapsed exposing asbestos lagged pipes.

*"Robert Fleming believes he caught the fatal condition mesothelioma through exposure to asbestos during his 14 years in charge of a County Durham school....during his time at Tudhoe*

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<sup>163</sup> Cyde and Co 30 November 2007 <http://www.clydeco.com/knowledge/articles/how-a-contract-for-725-can-transform-into-a-7m-loss-for-underwriters.cfm> ance

<sup>164</sup> Ofsted report 20 Feb 2008 <http://www.southfield.northants.sch.uk/pdf/published%20ofsted%20report%20Feb08.pdf>

<sup>165</sup> Evening Telegraph School asbestos scare 3 Mar 2007

*Grange, the heating system used to break down and he was regularly called to the boiler room, where asbestos was present in lagging. On another occasion, he said leaking rainwater caused ceiling tiles to collapse, exposing asbestos –coated pipes.*

*Mr Fleming added: "I was in the school a long time and there were no asbestos awareness policies" <sup>166</sup>*

*He told The Northern Echo: "I was certainly taken aback when it was made known to me that I'd been working in those conditions. You don't tend to think of people involved in teaching being stricken, rather than people working in industry such as mines and shipyards or construction." <sup>167</sup>*

### **183. March 2007. Botched asbestos lagging removal led to potential exposure of contractors.**

In March 2007 an asbestos analyst was fined for issuing a clearance certificate when asbestos debris remained after a botched removal of asbestos lagging from a boiler in a school in Prescott:

*"Contractors started work in the boiler room and became concerned about asbestos material left in the room...*

*Kevin Breithaupt pleaded guilty to a breach of section 7 of the Health and Safety Act in that he produced a four stage clearance certificate following removal of asbestos, when asbestos was still present in the boiler room of Maryville Primary school in Prescott.*

*An HSE inspector who managed the case says:*

*The risk to health from asbestos is well known and others may have been put at risk as they worked in the room following the issue of the certificate. "<sup>168</sup>*

### **184. March 2007. Asbestos and structural surveys reveal deteriorating school needs £2 million- £6million spent on repairs.**

In March 2007 surveys were carried out in a school in Derby. The school is due to be rebuilt in 2011 but in the interim the asbestos remains in situ and has to be managed. A report states:

*"The government is under pressure to bring forward the rebuilding of a Derby school - because it needs millions spending on repairs now.*

*Educationalists want Whitehall to release cash for Lees Brook Community Sports College which is due to be demolished and rebuilt in five years time.*

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<sup>166</sup> TES Ex-teacher's asbestos fight 14 September 2006

<sup>167</sup> Northern Echo A man who made molehills out of mountains. 7 Mar 2007

<sup>168</sup> HSE Wigan asbestos analyst fined £2,500 for issuing clearance certificate at Knowsley school 23 Mar 2007

*Condition, structural and asbestos surveys carried out at the school have revealed that between £2m and £6m has to be spent urgently...*

*Inspectors from the Office for standards in education have mentioned the poor condition of the buildings, which were built in the 1960s, in every report they have compiled since 1990...*

*The headteacher said that she was anxious to reassure parents that the school was safe for their children to attend, but that another five years of use could mean another situation.*<sup>169</sup>

See September 2009 risk assessment on asbestos exposure of staff and pupils from amosite fibre release from classroom stationary cupboards in Lees Brook school.

#### **185. March 2007. Work on cables in ceiling void potentially disturbs asbestos.**

In March 2007 a school in Wales was partially shut because asbestos was found by workmen laying cables in the roof void:

*"Pupils were unable to use the canteen and kitchen areas of Dinas Bran school in Llangollen, following fears that asbestos had been found...*

*Contractors working on lighting cables above the stage in the hall today moved cabling covered with a material that might contain asbestos.*

*Because serving hatches in the hall were open through to the kitchen, Denbighshire's corporate health and safety officers took the precaution of closing off the area for air monitoring to be carried out.*<sup>170</sup>

#### **186. February 2007. Primary school teacher suffering from mesothelioma taught in old temporary classroom.**

In February 2007 Ann Weaver, a former primary school teacher was suffering from mesothelioma. She thought that she had been exposed while teaching in a temporary classroom.

*"I taught at Aslacton School until 1989. For the last four years before I retired I taught from an old mobile classroom which was suspected of being made of asbestos. I was always pinning up the children's work onto the walls of the classroom and this could very easily have released the asbestos fibres which lead to this terrible disease."*<sup>171</sup>

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<sup>169</sup> This is Derbyshire Government is pressed to free cash for new school 26 Mar 2007

<sup>170</sup> Evening Leader Asbestos alert at high school 9 Mar 2007

<sup>171</sup> Norwich Evening News School caused my cancer 28 Feb 2007

It is most concerning how often teachers with mesothelioma have taught in temporary classrooms. Those manufactured before 1980 are likely to contain considerable amounts of asbestos, with some having AIB walls and ceilings. It is estimated that there were about 100,000 in England and Wales in 1980.<sup>172</sup> Because of their temporary structure there is an element of movement that is not present to the same extent in a permanent building, consequently any asbestos material they contain is likely to be disturbed. This is exacerbated by the fact that all too often the temporary classrooms have been allowed to slip into a state of disrepair so that the asbestos material is even more likely to be damaged. See March 2008.

#### **187. February 2007. Pipe lagging cut through. Contractors exposed. Incident kept secret for 5 years.**

In February 2007 it came to light that a serious asbestos incident in a Wallsend school had occurred in 2002, and yet the facts and the report had not been made public:

*Workers were exposed to asbestos at a North-East school -because they were not given a report warning of the danger.*

*The incident, at Wallsend Jubilee First School, Mullen Road, Wallsend, led to workers cutting through asbestos covered pipes in the roof of the building.*

*A North Tyneside Council report later blamed the incident on the "poor quality" of a health and safety plan which did not mention hazards specific to the project.*

*Liberal Democrat councillor Graeme Brett, whose Northumberland ward includes the school, said: "I'm horrified that such an incident could have happened in our ward without us being made aware of it."*

*Last night North Tyneside council said parents and the HSE had been informed. But it refused to release full details of the incident and subsequent investigation - except under the terms of the terms of the Freedom of Information Act.*

*One source close to the incident said: "It doesn't get any worse than this. Things like that just shouldn't happen. It's inexcusable."*

*The document makes reference to the "seriousness" of the incident, which occurred on September 11, 2002. It refers to "employees being potentially exposed to asbestos fibres at Jubilee".<sup>173</sup>*

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<sup>172</sup> Building systems and Portable Buildings Education p1.241 1980

<sup>173</sup> Journal Live Exposed to asbestos at school 22 Feb 2007

### **188. February 2007. Secondary school teacher dies of mesothelioma. Inquest open verdict.**

In February 2007 Gwen Valentin a former secondary school teacher died of mesothelioma. Although evidence was presented of major building work that had created dust the coroner gave an open verdict as there was no conclusive proof of asbestos exposure in the school. Mrs Valentin had 91,304 asbestos fibres per gram of lung tissue.

*"An open verdict has been recorded on the death of a retired teacher from the asbestos-related cancer mesothelioma.*

*Deputy Gloucestershire coroner David Dooley ruled there was no conclusive proof that Gwen Valentin, 63, of Uley, had ever come into contact with the deadly mineral in her working environment.*

*The inquest in Gloucester heard that in 1968/69 she was working as a French teacher in a Leicester school, where major building works were being carried out and staff and pupils were exposed to dust from it.*

*But the coroner said the evidence did not show whether any of the dust was from asbestos.*

*"There is no definite confirmation that asbestos was part of the material being used in that particular school at that time," he said.*

*"And even if it was there is no proof that it was released into the atmosphere and breathed in by Mrs Valentin.*

*"Clearly, there has been some asbestos exposure but when and where this occurred or whether it came from ordinary background levels I don't know."*

*Thanking Mrs Valentin's husband, David, for his own exhaustive researches into his wife's working history and her exposure to building dust in the late Sixties, the deputy coroner said he was forced to record an open verdict.<sup>174</sup>*

The open verdict is perhaps understandable as conclusive proof of asbestos exposure was not provided to the coroner. However the lack of evidence is not proof that there wasn't asbestos exposure in the school, it is only proof that the evidence could not be found. Regrettably this is typical of many teachers who have been exposed to asbestos in their schools but are unaware of the fact. See September 2007 for comments on an open verdict on a primary school teacher.

### **189. January 2007. Asbestos door surrounds damaged. Widespread contamination. Computers, books, children's work destroyed. School closed for a month.**

In January 2007 contractors carrying out maintenance work at a school in Droitwich damaged asbestos, releasing fibres. The school was closed for a month although some pupils were unable to return to the school for two months.:

*"The damage happened when contractors carrying out maintenance work broke through asbestos seals around classroom doors...*

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<sup>174</sup> Gazette Open verdict on asbestos death 20 Jul 2007

*A major clean up operation is underway at Westacre Middle school...school equipment including computers, books and children's school work will have to be destroyed..<sup>175</sup>*

#### **190. January 2007. Pupil punches hole in asbestos ceiling tiles. Pupils showered with dust.**

In January 2007 pupils and staff were showered with asbestos fibres when ceiling tiles were dislodged in a Harrogate school :

*"Pupils at Harrogate High school required decontamination treatment this week after being showered by asbestos fibres.*

*Pupils at a North Yorkshire school were contaminated by asbestos when they were showered by a cloud of dust after a student punched a hole in a ceiling...*

*A roof tile at the school fell into a corridor, leaving six students, one member of staff and an ambulance crew member needing medical attention..*

*The school's consultant headteacher described the asbestos as "low grade" and added that nobody had been put in danger.<sup>176</sup>*

#### **191. January 2007. Leaking roof. Deteriorating asbestos in roof void removed.**

In January 2007 a school in Derby with a leaking roof was having its asbestos removed. A report stated:

*" Work on removing asbestos from the roof space of a Derby junior school will begin on Monday.*

*Last week, the Evening Telegraph revealed that St James' C of E Junior School had become the second school in as many months to have deteriorating asbestos in its roof.*

*The Head teacher said that the roof of the school hall had been leaking and to enable repairs to take place, the roof windows and their surrounds, containing asbestos, had to be taken out.*

*He added: "Asbestos is not a danger to health if it is not disturbed, but the leaks to the roof have now made that repair urgent, and, therefore the asbestos must be removed first."<sup>177</sup>*

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<sup>175</sup> Worcester News Last pupils return to asbestos school 27 Feb 2007. Pupils' work binned at asbestos scare school 26 Jan 2007 Asbestos scare closes school 16 Jan 2007

<sup>176</sup> Harrogate Today Pupils hit by asbestos alert 2 Feb 2007 BBC news Youngsters showered with asbestos 31 Jan 2007

<sup>177</sup> This is Derbyshire. Work starts on school roof 17 Jan 2007

**192. January 2007. School in bad condition. No money. Fears over asbestos safety.**

In January 2007 parents expressed their concerns over the dilapidated state of a school in Scotland. Madras College had an asbestos incident in September 2004, in 2006 it had been given the lowest rating possible for accommodation by HMI inspectors and in 2007 but had been told that no money would be available for a further five years to carry out the essential improvements. The report stated:

*"Parents of children at Madras College are so concerned over the state of the buildings on the school's split-site campus that they have set up a web-site warning of "the shameful and totally unacceptable conditions children and staff are forced to endure."*

*As reported in the Citizen last week, Fife councillors are to be given an update on the situation at the school, given the lowest rating possible on accommodation by HMI inspectors last year.*

*In a report to come before the children's services committee next Thursday, Fife's education boss Ken Greer has outlined five options for the school's future.*

*He also said there was no money available in the next five years, unless the Scottish Executive could come up with the cash...*

*Among the concerns over accommodation cited by the inspectors was the fact that asbestos in the Kilrymont Road building has to be carefully monitored during ongoing maintenance.*

*The parents are particularly worried about that. "Although assurances have been given by Fife Council regarding the safe containment of this potentially fatal substance, the continuing deterioration of the Kilrymont building gives cause for concern as to how much longer the asbestos can continue to be safely managed," they warn.<sup>178</sup>*

**193. January 2007. Secondary school potential death trap. Repairs not possible because of asbestos. Outstanding maintenance £13.9million. Decision to close.**

In January 2007 the decision was taken by South Ayrshire Council to close one of its schools permanently. The Council stated:

*"Mainholm Academy will close at the end of June 2007..<sup>179</sup>*

*Inspectors say the school is in urgent need of repair and they have serious concerns about its safety...*

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<sup>178</sup> Fife Today Assurance given over school asbestos fears

<sup>179</sup> South Ayrshire Council news. Mainholm Academy to close April 2007

*A Council source said yesterday... "It is a potential death trap"...*<sup>180</sup>

*"It was reported to the committee that the combination of the ages of all the buildings, including construction materials at the time they were built, and a sustained lack of maintenance, partly due to access problems because of asbestos, had given rise to major concerns relating to water, gas and electrical supplies, fire safety and general repair."*<sup>181</sup>

*The consultant Quantity surveyor who carried out the condition survey indicated that the cost of the work required to address the outstanding maintenance issues across the campus would be approximately £13.9m.*<sup>182</sup>

The report stated that in South Ayrshire:

*The Schools Estate management plan highlighted that £26m would be needed to be invested over the next three years in order to address outstanding maintenance issues...*<sup>183</sup>

#### **194. January 2007. Staff not warned of presence of asbestos. Children picked at damaged asbestos in classroom . Notice boards contain asbestos.**

In January 2007 a student teacher was most concerned about the way a primary school treated their asbestos. Her father had died of mesothelioma so she was most aware of the risks and how any asbestos should be managed. She wrote a diary of the events that took place, which describes a situation in which asbestos was not properly identified or managed, in addition it demonstrates a dangerous ignorance of the dangers of asbestos by those in authority. These are extracts from her diary:

##### Asbestos Diary –.....<sup>184</sup>

*24.11 .06 polythene sheet taped to damaged wall in classroom – class teacher told me that wall contained asbestos - until this time not made aware of any asbestos in school*

*as far as I can recall, wall had been damaged since my first day in classroom; children often leaned against wall & picked at damaged area.*

*Asked teacher what would be done about wall teacher had been told by head that asbestos in wall was low-grade and therefore did not pose much risk.*

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<sup>180</sup> The Daily Record. Exclusive: School branded death trap for kids 19 Apr 2006

<sup>181</sup> South Ayrshire Council news. Action being taken to ensure health and safety is maintained at Mainholm 7 Nov 2006

<sup>182</sup> South Ayrshire Council Consultative document Proposed closure of Mainholm Academy Jan 2007 p4

<sup>183</sup> South Ayrshire Council Consultative document Proposed closure of Mainholm Academy Jan 2007 p5

<sup>184</sup> Asbestos Diary – H.....Primary School, Name withheld but available. 28 Sep 2006 to 22 Jan 2007

*She had been told that wall would be covered with boards during Christmas holidays. Towards end of 3 week placement noticed stickers stating 'Asbestos danger' on wall above door of upstairs hall.*

*04.01.07 -- 1<sup>st</sup> day of term, wall in classroom not been boarded up, plastic sheet still taped to wall. During lessons a council employee comes into room to take pictures of wall*

*05.01.07 –children & I moved to another classroom while bottom half of walls (including damaged area) covered with plasterboard in morning; children and I returned to classroom in afternoon after work completed.*

*15.01.07 children & I moved to another classroom while top half of wall in classroom boarded with plasterboard in the morning – lessons taught in classroom in afternoon*

*19.01.07 Staff meeting with. Mr M. T... (corporate services) & NUT rep to discuss asbestos in school*

*Summary of meeting:*

*Mr M. T... not aware that work to contain asbestos is still on-going believed it to have been completed.*

*.Mr.M T... not aware that work has been carried out incorrectly – Mr M T... told all in meeting that the procedure with the notice boards containing asbestos was to spray affected area to hold/contain asbestos before board is disturbed teachers confirm this has not been the case with all boards – the boards had been removed without being sprayed. Mr M T... responded saying that this was probably the joiners thinking they were showing initiative by starting work quicker than anticipated.*

*- Also, in meeting some confusion over which walls/boards contain asbestos –previously walls/boards believed to contain asbestos had been marked with post-it notes with an X on – as is the nature in schools, these post-it notes had been moved/fallen off before workmen came in – meaning some teachers unsure which walls/boards contained asbestos in their classroom*

*From meeting became aware that there had been several occasions of damage to asbestos-containing materials over recent years ceiling tiles containing asbestos had fallen down -- one in my classroom & several in hall – at the time staff/children not made aware that tiles contained asbestos – the damage & debris of ceiling tiles was cleared away by the cleaners*

*teaching assistants who normally put up/take down displays had not been made aware that notice boards contained asbestos – only since new head (Ms J...) that they had been told not to use staples on these notice boards and why*

22.01.07 -- Informed coordinator of PGCE course at University about asbestos school. As advised by Mr. M T.... I requested that risk of exposure of asbestos was documented on my university record.

26.01,07 Spoke to head regarding my concerns about the children in the classroom I had been working in -- in particular with regard to the times I had witnessed them picking at damaged area of wall (when I was unaware of the asbestos on the wall). Head informed me that wall had previously been covered with a cupboard so would have prevented any risk - am unsure when this is the case as from my first day visit (28.09.06) there had not been any furniture in front of the damaged area of the wall, Head informed me that, there would have been a risk only at the time of damage to the wall.

Asked the head if she was happy to say there was no risk at all to the children?  
She replied that she couldn't say there hadn't ever been a risk.

I asked if she intended to inform the parents of this risk.

Her response was that she had as much legal responsibility to inform parents of this risk as she had to inform them that coming to school was dangerous.

Her analogy was that children could break their leg in the playground she didn't have to inform parents/carers of this risk - the same she surmised of the risks of asbestos.

She concluded that should they need to, the children would be able to trace their risk of exposure to their school. She intended to put the risk of exposure to asbestos on the employees files of her staff. She asked me if I required a letter from her to state the dates I had worked at the school and to state that during that time work to contain asbestos was on-going. I replied that I did require such a letter -- this has yet to be received.

### **195. October 2006. Headmaster dies of mesothelioma. Coroner rules that asbestos exposure at school caused his death.**

An inquest heard how a headmaster had been exposed to asbestos while undertaking maintenance in his school. The coroner ruled that Mr White's death had been caused by asbestos exposure in his school.

*THE widow of a headteacher may sue Cumbria County Council after an inquest ruled that his death was linked to asbestos exposure at his school.*

*Eileen White, whose husband was head of St Cuthbert's RC school in Botcherby, Carlisle, between 1982 and 2001, will make a decision after her legal team has received a full transcript of the hearing.*

*Coroner David Osborne recorded a verdict that John James White...died of an industrial disease on Christmas Day last year. He was 65.*

*Mr Osborne ruled that was as a consequence of asbestos exposure during his employment at the school and raised concerns about its presence in other school buildings across the county.*

*He heard that Mr White involved himself in the maintenance of the school along with the caretakers. It was in these circumstances that he may have come into contact with asbestos dust and fibres.*

*Mr White had also informed his wife that concerns about asbestos ceiling tiles and even asbestos dust blowing in the school yard had been voiced by his colleagues.*

*His widow..., said after the hearing: "Ian was a dedicated teacher, committed to the health and safety of his pupils and staff. He had checked if there was asbestos in the school and had been reassured by the local education authority that the school was safe. However the inquest verdict now calls that into question."*

*.....Health and safety manager Kym Allan has said there is no danger to children, parents and staff in any of the schools, adding that asbestos only becomes dangerous once it is damaged."<sup>185</sup>*

*"A Cumbrian coroner has called for asbestos to be removed from all schools to protect pupils and staff from a killer industrial disease.*

*Coroner Mr Osborne said "Whilst I appreciate the enormous cost that might be involved in removing all the asbestos in schools, the problem needs to be addressed and dealt with – even if it might mean demolishing some schools and rebuilding them."<sup>186</sup>*

#### **196. September 2006. Electricians drill asbestos ceiling tiles. Had been told no asbestos. School contaminated . School shut.**

In September 2006 a further incident took place in a primary school when electricians were rewiring a primary school and drilled into a ceiling. The contractors had been incorrectly told that there was no asbestos in the school:

*"Asbestos has been found at a primary school by electricians rewiring the building.*

*They were drilling into the kitchen ceiling at St Edward's Primary, Castleton, when the discovery was made. The site has since been cleared of workers and the area sealed off until the asbestos is removed...*

*One workman, who did not want to be identified, said: "The school is shut down and there are no builders there at the moment.*

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<sup>185</sup> News and Star. Asbestos did kill Carlisle Headmaster 25 October 2006

<sup>186</sup> The Cumberland News 27 Oct 2006

*"It was definitely asked at a meeting whether there was asbestos and we were told no."*

*"We weren't wearing masks, not for that type of protection. It is worrying because you know about asbestos and what it can do."<sup>187</sup>*

This is another incident that should, and could, have been avoided if the school had carried out a thorough asbestos survey and identified all of their asbestos, and then informed the contractors who were about to carry out the extensive wiring scheme.

#### **197. September 2006. Asbestos debris disturbed in ceiling void. School contaminated. Three week environmental clean.**

In September 2006 contractors disturbed asbestos debris in the ceiling void of a primary school in Herefordshire. The school was shut for three weeks as a clean up operation took place.

*"Pupils at Burley Gate Primary School could not start back for the new term because of an asbestos threat in the building.*

*The school will remain closed for the rest of this week but from Monday pupils will be taught in temporary locations until Burley Gate is cleaned up, which could take three weeks.*

*The problem has arisen because contractors replacing ceiling tiles in the school hall disturbed asbestos debris in the roof cavity.*

*"Specialist contractors have been engaged to carry out a full environmental clean of areas that may have become affected during the works."*

*Headteacher ... said: "From my point of view the most important thing is to get the children back to school as soon as possible to alleviate disruption to their education and we have been working flat out to make sure that happens."<sup>188</sup>*

Once again by chance asbestos debris was found in a ceiling void and widespread contamination occurred during maintenance work. If the 1986 guidance had been followed then the asbestos would have been found and removed twenty years before.

Asbestos debris would be liable to release asbestos fibres, therefore one must presume that the fibres filtered down into the classrooms and corridors whenever they were disturbed.

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<sup>187</sup> Rochdale Observer school sealed off after discovery of asbestos 1 Sep 2006.

<sup>188</sup> Ledbury Reporter. School start is postponed 8 Sep 2006

This asbestos was damaged and had not been identified until this incident, therefore, once again it shows the flawed reasoning behind the HSE policy of "so long as asbestos is not damaged and unlikely to be disturbed, it is normally safer to manage it than remove it."

**198. July 2006. Wales. Minister: 2010 target to make school buildings fit for purpose will be missed because of "Asbestos riddled buildings". Crumbling classrooms. Repairs £620million.**

In July 2006 the Welsh Assembly conceded that they would miss their target of 2010 to make their school buildings fit for purpose with one of the main reason being asbestos riddled buildings. It was estimated it would cost £620 million in repair bills.

*"The official cost of repairing Wales's crumbling classrooms has been put at a staggering £620.6 million. And a 2010 target of making all school buildings "fit for purpose" is no longer realistic, The Assembly government conceded this week.*

*Jane Davidson, Minister for Education... said a "range of unforeseen factors" would make the government goal difficult to achieve – including asbestos –riddled buildings.....*

*The money spent on school repairs and maintenance backlogs would need to double to meet the 2010 target, according to Peter Black, Lib Dem chair of the Assembly's education committee.... Without more money we face another decade of children being taught in damp and draughty classrooms, teachers struggling to cope with unsafe playgrounds, outside toilets, dry rot, falling masonry and varying classroom temperatures.<sup>189</sup>*

**199. July 2006. Hitting classroom walls and columns ejects significant levels of amosite fibres into rooms. Thousands of schools affected. Problem identified in 1987.**

In July 2006 following the removal of the AIB ceiling tiles in a special school in the Rhondda asbestos surveyors found that when they hit the classroom walls amosite fibres were ejected from under the skirting boards and from out of cracks in the walls in significant quantities. Further investigation found considerable quantities of damaged AIB off cuts in the ceiling and wall voids. In addition it was found that the windows had been replaced by screwing them to the AIB surrounds so that when the wind blew the windows flexed, causing the screws to act as files in the AIB so releasing increasing volumes of amosite fibres. The windows also acted as bellows forcing the fibres through any available crack into the classrooms and corridors.

Six other schools and a community centre in the Rhondda are of the same construction and were found to have similar problems. They were also closed for a £4m refurbishment. However the problem is far wider than that and affects many thousands of similar system built schools throughout the country.<sup>190</sup>

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<sup>189</sup> TES Repairs deadline "no longer viable" 7 July 2006

<sup>190</sup> [Asbestos Survey closes 8 Buildings](#)

The problem with CLASP and other System built schools is addressed in detail in "Release of asbestos fibres in System built schools Part 1 and 2"<sup>191</sup>

## **200. June 2006. Minister supports decision not to reinstate campaign to improve asbestos management in schools.**

In June 2006 the Minister with responsibility for the HSE stated in connection to the Chief Executive of the HSE's decision to scrap the school's asbestos campaign:

*"I also accept Mr Podger's decision not to have a campaign specifically focussed on asbestos in schools.*

*As he makes clear, HSE will continue to promote its message about avoiding exposures from asbestos fibres in schools. But they need to do this in the context of their duty to protect all workers - particularly those where evidence shows the risks of exposure are high, such as maintenance workers. ...*

*I appreciate that this response will be disappointment to you.... However... I will not ask HSE to reconsider their decisions."*<sup>192</sup>

This campaign had been set up in November 2004 by the HSE to improve the asbestos management in schools and reduce the exposures of staff and children, but had been dropped in August 2005 so that HSE's limited resources could be reallocated to reducing the exposures of carpenters, electricians, plumbers and decorators. HSE had asked the Department for Education to take over the "important" campaign but they took the decision not to do so.<sup>193</sup> See August 2005, November 2004.

## **201. April 2006. School caretaker dies of mesothelioma**

In April 2006 Victor Kirk, a retired school caretaker, died of mesothelioma. Mr Kirk was 66 and had worked in a number of schools.

*"Another death linked to possible exposure to asbestos in a school has occurred. Victor Kirk, 66, a retired caretaker from Paignton in Devon, died from the asbestos cancer mesothelioma on 6<sup>th</sup> April 2006. He had spent much of his working life as a school caretaker, with posts at various schools."*<sup>194</sup>

HSE highlight school caretakers as being at risk from asbestos exposure. They state:

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<sup>191</sup> [Release of Asbestos Fibres in System built schools \(Part 1\)](#) [Release of Asbestos Fibres in System built schools \(Part 2\)](#)

<sup>192</sup> Letter Parliamentary Under Secretary of State for Work and Pensions Lord Hunt of Kings Heath OBE/Lees 7 June 2006

<sup>193</sup> E-mail HSE Asbestos Campaign Manager. Disease Reduction \_Programme. Trevette/ DfES 1124 23 Aug 2005

<sup>194</sup> Conscious solutions .Retired school caretaker dies from mesothelioma. 19 Nov 2006

### ***“Who’s at risk?”***

*The most likely way ACMs in schools/colleges to be disturbed or damaged is through maintenance, repair or construction activities. This includes even small jobs such as installing telephones or computers, putting up shelving or installing security systems. Anyone carrying out such work will need to know whether the building does, or may contain ACMs, where the ACMs are located and what condition it’s in.*

*School caretakers have been identified as a particular group at risk due to the nature of their work (e.g. drilling and fixing.). Vandalism may also result in the release of asbestos fibres e.g. damage to asbestos panels caused by pupils kicking them.”<sup>195</sup>*

In the USA studies have been carried out into the prevalence of asbestos related disease in school custodians. In one large study more than a fifth had pleural plaques and there was no evidence of asbestos exposure before they became custodians. The Health Effects Institute report stated:

*“In both studies, a significant proportion of custodians, without known asbestos exposure prior to their employment with the school board, had radiographic abnormalities (parenchymal ,pleural or both) consistent with the presence of asbestos-related disease.”<sup>196</sup>*

It is known that as well as Mr Kirk a number of other school caretakers have died of mesothelioma, however the statistics do not show how many. That is because the mesothelioma occupational statistics list all caretakers together without defining whether they were a factory, warehouse or school caretaker. Between 1991 and 2005 a total of 92 caretakers died of mesothelioma. <sup>197</sup> See Deaths in the Education sector from mesothelioma. <sup>198</sup>

## **202. April 2006. Study of 600 schools finds less than 10% have an asbestos management plan.**

In December 2006 a study by an asbestos consultancy firm found that less than 10% of 600 schools in the study had an asbestos management plan:

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<sup>195</sup> HSE Asbestos. An important message for schools reissued 25 Aug 2006

<sup>196</sup> Asbestos-related disease in public school custodians. Oliver et al. American Journal of Industrial Medicine 19:303-316 (1991)

<sup>197</sup> HSE Mesothelioma occupational statistics: Male and female deaths aged 16-74 1980-2000 tables 7-

8. HSE Mesothelioma mortality in Great Britain: Analyses by Geographical area and occupation 2005 Tables 11, 13 (2002-2005)

<sup>198</sup> [Statistics - Deaths in the Education Sector from Mesothelioma](#) page 8

*“According to a recent study of data from over 600 schools in the UK, health and safety specialists BES Consulting has found that less than 10 per cent have a legally required asbestos management plan....*

*It is now mandatory for schools to comply with asbestos risk assessment requirements under the Control of Asbestos at Work Regulations 2002. These rules require an accurate evaluation of asbestos containing materials, followed by a structured plan for their management and the ongoing monitoring of their state.*

*“There are an awful lot of schools that are breaking the law and not putting in place an appropriate asbestos management plan. Asbestos is highly dangerous. It can have a profound impact on children now and in the future. Legislation has been designed to deal with the risk, but many establishments are ignoring it.” Commented Simon Farrar, Chief Executive Officer at BES Consulting.<sup>199</sup>*

The lack of an asbestos management plan, or an unworkable one, is a common finding of asbestos consultants in schools despite the fact that by law there should be a written asbestos management plan. Although the requirement became law in the 2004 Duty to Manage, all schools, diocese and local authorities were specifically told in 1986 that they must have an asbestos management plan,<sup>200</sup> and therefore it is unacceptable that in 2006 most of the schools in this study did not, and equally unacceptable that many do not in 2009.

### **203. April 2006. A second school caretaker dies of mesothelioma in the same month. Swept up asbestos debris.**

In April 2006 Derek Harris, a 59 nine year old school caretaker died of mesothelioma. Mr Harris had swept up asbestos debris from the floors of the boiler house of a school in Norwich. Mrs Harris stated:

*“When my husband worked as a caretaker he was not told of the danger of working with asbestos and he was never given any protective clothing...*

*She said while her husband worked at Angel road the pipes and boilers in the boiler house were insulated with crumbling asbestos. During term time and in school holidays he swept asbestos from the floors of boiler houses into piles and shovelled the piles into black bags. He breathed substantial quantities of asbestos dust, which entered his mouth and nostrils and settled on his clothes.*

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<sup>199</sup> Schools ignore poisonous asbestos time bomb. BES Consulting

<sup>200</sup> Department of Education and Science and the Welsh Office The use of Asbestos in Educational Establishments AM3/86 AM1/86(Welsh Office) 15 August 1986

*He left to become a caretaker at Acle High School, where his widow claims he also came into contact with asbestos from 1987 to 1991.*<sup>201</sup>

#### **204. April 2006. Special school closed. Raised asbestos fibre levels. AIB ceiling tiles removed**

In April 2006 a special school in the Rhondda Cynon Taf was closed after asbestos was found in the ceiling tiles.

*"A school for children with learning difficulties has been closed temporarily after asbestos was found in classroom ceiling tiles. ... air quality tests have since been carried out in a cross section of areas at the school. All the tests so far have confirmed the level of asbestos fibres present is below the maximum threshold limit to comply with health and safety guidelines."*<sup>202</sup>

The decision was taken to remove the AIB tiles however when clearance tests were carried out this led to a major problem with this type of system built school being rediscovered. See July 2006. In February 2007 the school remained closed as a major environmental clean-up was required:

*"A Cynon valley school, closed after asbestos was discovered there, is to undergo a £1.3 million rebuild. A major environmental clean-up is due to be completed at Maesgwyn next month..."*<sup>203</sup>

#### **205. February 2006. Asbestos lagging found under floorboard in primary schools. PTA to raise funds for removal.**

In February 2006 a plumber was called in to stop a leak under the infant hall in a primary school in Lancashire when it was discovered that the pipes were lagged with asbestos lagging:

*"The pipes were installed when the school was built in 1910, but they were lagged with the carcinogenic substance."*

The cost of the removal far exceeded the schools maintenance budget so that other projects had to be cancelled and although Lancashire County council contributed towards the cost of repairs.:

*"The PTA is hoping to organise a programme of fund raising events throughout the year to cover as much of the cost as possible."*<sup>204</sup>

For a small village school the discovery and removal of this asbestos was a major financial blow, as they were expected to fund most of the essential safety measures themselves. This incident

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<sup>201</sup> Norwich Evening News My High Court Battle for my husband. 17 Feb 2007

<sup>202</sup> BBC News School closes after asbestos find 7 April 2006

<sup>203</sup> IC Wales Refit of school shut by asbestos Feb 22 2007

<sup>204</sup> Asbestos bill shock for primary school. Pendle today 28 April 2006

also highlights the fact that asbestos can be found in traditional buildings as asbestos lagging for heating systems has been used since the late 1800's. It is not known what state the lagging was in, but it is probable that lagging of that age would have deteriorated and released asbestos fibres, which potentially could have seeped through any cracks in the floor boards.

#### **206. March 2006. School carpenter dies of mesothelioma. Inquest finds that asbestos exposure at school caused his death.**

In March 2006 David Baxter, a school carpenter died of mesothelioma. In October 2006 a coroner gave a verdict of Death from Industrial disease. Mr Baxter was 57. The Inquest found that his death had been caused by working with asbestos at Oundle public school.

*“His widow Gillian, told the inquest that her husband had been an apprentice joiner at Oundle school between 1963 and 1968. John Brudenell, a former apprentice joiner at Oundle who worked alongside Mr Baxter, said they both worked with asbestos.*

*He said “Between 1963 and 1989 we were required to work with asbestos. There was lots of it in the school”<sup>205</sup>*

#### **207. February 2006. Senior HSE inspector: “it should be expected that headteachers would not be competent in terms of asbestos management.”**

On 1<sup>st</sup> February 2006 a former senior HSE inspector was an expert member of the Government's advisory committee on science, WATCH. He told the committee of his experience in schools and that in his opinion headmasters are not competent in managing asbestos in their schools. The minutes note:

*“In his experience AIB is widely distributed in schools and sometimes it is abused. In his view, it should be expected that headteachers would not be competent in terms of asbestos management.”<sup>206</sup>*

#### **208. February 2006. Cumulatively significant levels of amosite fibres released from inserting drawing pins in AIB.**

In February 2006 The Government's scientific advisory committee WATCH considered the asbestos fibre release and exposure from inserting drawing pins into AIB. They concluded that the realistic worst-case exposure of the teacher inserting the drawing pins would be 0.05f/ml and that if all fibres were inhaled then the exposure would be 1f/ml.<sup>207</sup> These are cumulatively significant exposures when one considers that particularly primary and infant teachers insert

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<sup>205</sup> Peterborough Today Worker died from asbestos. 17 Oct 2006

<sup>206</sup> WATCH minutes Asbestos exposure from use of drawing pins in asbestos insulating board (AIB) para 3.25 1 Feb 2006. Contemporaneous notes Lees 1 Feb 2006.

<sup>207</sup> WATCH committee minutes 6<sup>th</sup> February 2006 para 3.62

and remove drawing pins and staples on a daily basis. The levels of fibre release are on par with drilling AIB with an electric drill.<sup>208</sup>

In evidence to the committee DfES stated:

*“This is a common practice that can still be observed even in schools where good asbestos management controls are in place.”<sup>209</sup>*

A WATCH member put the exposure levels of inserting drawing pins into AIB into context by making a comparison with the committee’s previous discussion on the exposure of asbestos contractors from stripping Artex textured coating from walls and ceilings. The minutes state:

*“A further WATCH member noted that some of the exposure figures cited in the proposed position for the use of drawing pins in AIB were not too far from those for the removal of textured decorative coatings (item 2 on this agenda), for which a licence and the use of personal protective equipment is mandatory.”<sup>210</sup>*

A warning was issued by HSE and DfES. However it is known that the warning did not reach some teachers as the practice has continued after this.

There are a significant number of teachers who have died or are dying from mesothelioma who frequently displayed their children’s work by using drawing pins. They are more often than not primary or infant school teachers. For example see December 2008, February 2007, April 2002, September 2000.

### **209. February 2006. Damaged asbestos lagging discovered in ceiling void. Nothing done. Ten months later asbestos fibres contaminate occupied classroom.**

In February 2006 asbestos was found in the ceiling void above classrooms in a Junior school in Derby which was later confirmed to be pipe lagging in poor condition. In December during a storm a ceiling hatch in one of the classrooms blew open and asbestos fibres filtered down into the classroom. The classroom was occupied. The following day when the headteacher was made aware of the incident he evacuated the classroom and then had it sealed. Specialist air tests confirmed the presence of airborne asbestos fibres in the classroom. Reports stated:

"A classroom at Nightingale Junior School has been sealed after asbestos fibres were found in samples taken for examination last week. A freak gust of wind is believed to have forced open a loft hatch sufficiently to allow asbestos dust to fall into the classroom below.

The problem was discovered after a teacher noticed the loft hatch was slightly open on Friday, November 24.

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<sup>208</sup> WATCH committee minutes 6<sup>th</sup> February 2006 link [Annex 10 p10-11](http://www.hse.gov.uk/aboutus/meetings/jacs/acts/watch/agendas.htm)  
<http://www.hse.gov.uk/aboutus/meetings/jacs/acts/watch/agendas.htm>

<sup>209</sup> Letter DfES Environmental Design and Security Design Projects Team Schools Capital Division/ Lees 24 Jan 2006

<sup>210</sup> WATCH committee minutes 6<sup>th</sup> February 2006 para 3.61

Asbestos in the roof-space lagging pipes at the Nightingale Road school was identified during a survey of the building by the city council in February.

***Dave Wilkinson, branch secretary of the National Association of Schoolmasters Union of Women Teachers, said more could have been done earlier to seal the roof space. He said:***

***"Once asbestos was identified as being in the roof void, the first step should have been to seal it in, pending some decision as to whether it should be removed."***

The Headteacher stated:

***"Medical and specialist advice is that there is an extremely low risk to any child's present and future health from this incident, and no further action is recommended on health grounds."***

***"All loft hatches have now been sealed, to stop any further problems."***

***Dr Roy Fey, Derbyshire consultant in communicable disease control, also moved to reassure parents, and said: "There is very, very little risk from such low exposure - so low that it can't be calculated."***

***"It is far less than the situation at Silverhill Primary and that was negligible. "Parents have been reassured there is minimal risk to pupils."***

A city council spokesman said it was likely the asbestos would be removed during the summer holiday next year. <sup>211</sup>

It must be asked why damaged asbestos in an accessible ceiling void had not been identified many years ago. However it was finally identified in February and yet nothing was done to limit the release of fibres until after teachers and children had been exposed to the fibres some ten months later.

After the incident once the classroom had been evacuated, the fibre levels were found to be above the clearance limit. The levels were 0.017 f/ml and the clearance limit is 0.01 f/ml. However it is not known what the peak levels were or how long the fibres had been filtering down through the various ceiling hatches in the classrooms.

This is a pre-war building so one must presume that the pipe lagging had been installed a very long time ago. As the years passed the lagging had deteriorated so that it was described as being in a poor state. Consequently it is probable that it had been releasing fibres into the ceiling void for many years, which would have been disturbed each time a strong wind blew or any maintenance was carried out in the void. No ceiling hatch is hermetically sealed, so any airborne asbestos fibres would

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<sup>211</sup> Evening Telegraph Parents told of "low risk" after school asbestos find. 5 Dec 2006

have filtered down into the classrooms over the course of perhaps many years. It is likely that the levels would have been low, however at times they were above the clearance limit, and it is not known what the peak levels were.

It would not be disputed that the risk would be low from a one off incident lasting less than two days with airborne fibre levels just above the clearance limit. Once again the parents have been assured that the risk is minimal, however to say that, the risk assessment must have taken this two day exposure in isolation from any other peak or background exposures that had occurred before the incident. Regrettably that is not a realistic basis on which to make the assessment.

HSE state in relation to the clearance limit that "the threshold of less than 0.01 f/ml should be taken only as a transient indication of site cleanliness, in conjunction with visual inspection, and not as an acceptable permanent environmental level."<sup>212</sup>

It is possible that if all the facts were known, then the level of risk would still be classed as "low." However the facts are not known and there is possibility that this low level exposure had been taking place over many years without being detected. If that is the case then there would be a risk, although it is unquantifiable, and the incident should be recorded on the staff and pupils' medical records. See May 2007 where the decision was taken to remove all the asbestos material from the ceiling void at a cost of £500,000.

#### **210. December 2005. Primary school teacher dies of "lung cancer". Exposed to asbestos from boiler room next to classroom. Verdict "Death from industrial disease."**

In December 2005 an Inquest heard how Barbara Dover, a primary school teacher, had died of "lung cancer" caused by asbestos exposure in the school she had taught in. the verdict was Death from industrial disease.

*"Teacher Barbara Dover died from lung cancer cause by asbestos in a boiler room next to her class, an inquest heard.*

*She did not smoke and was a picture of health before being diagnosed.*

*Mrs Dover, 71, of Lechlade Glos, had worked at the same primary school for 24 years from 1969.*

*The asbestos was removed in the 80's. Her lung was encased by a tumour and she had "significant" levels of asbestos. Verdict: Industrial disease."<sup>213</sup>*

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<sup>212</sup> HSC Work with materials containing asbestos CAWR ACOP para 309 20 Oct 2006

<sup>213</sup> Mirror Asbestos killed Miss. 2 Dec 2005

**211. September 2005. Dangerous levels of asbestos in nursery school. Survey failed to identify material. Children evacuated. Refit cost £4million.**

Walker road Academy in Aberdeen includes both a primary and secondary school. In September 2005:

*“Walker Road Primary School in Aberdeen was forced to close after potentially deadly asbestos was found. ...All 400 pupils were evacuated and "temporarily" taught at two other schools. On their return, further asbestos was discovered ...it was 18 months before a £4million refit made it safe.”* The pupils did not return to the school until May 2007.

In October 2004 an asbestos survey had been carried out in the whole school just two bulk samples had been taken and approval for refurbishment given. During the refurbishment in September 2005 a workman found asbestos material which had not been identified in the survey:

*“Pupils at the academy include youngsters from Walker Road Primary School who were moved after dangerous levels of the deadly substance were found.... it was confirmed that there was asbestos in the underground area below the ground floor of the nursery part of the building....”*

Following this a more thorough survey was carried out in October 2005:

*“They recommended that the material should be removed from specific areas, consisting mainly of boiler-rooms. However, parts of classrooms, a toilet block and laboratories were also found to be in poor condition. They also state that insulation residue in part of the loft at the school ... should be removed. The reports highlight 14 samples taken during the inspections which were given a "high risk" rating. The first report recommends the removal of all asbestos in very poor condition or where refurbishment is planned.”*

An MSP *“Mr Lochhead has called on the council’s chief executive, Douglas Paterson, to clarify why external consultants did not carry out an extensive survey of the school at the outset. Mr Lochhead said: “This information is very serious indeed, and I was shocked when I was informed that the council did not have an extensive asbestos survey in place before giving the green light to the refurbishment...”* My source informs me that taking such a low number of samples as the council originally took was never going to give a reliable picture of the situation, and it seems that this has been proven correct. *“One has to hope that lessons can be learned from this saga, and that the council will now put in place proper practices to ensure that extensive surveys for asbestos are undertaken before any refurbishments or maintenance are commissioned.”*<sup>214</sup>

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<sup>214</sup> <http://www.sundaymail.co.uk/news/newsfeed/2008/10/19/cost-of-a-clean-up-78057-20817889/> <http://www.mass-ltd.com/news009.htm> HMIE Walker Road School Aberdeen City Council 2 September 2008 Sunday Mail Cost of clean up 19 Oct 2008

The extensive asbestos in this school should have been identified many years before in 1983 when the Department of Environment guidance was first issued to all local authorities in the UK advising them to identify their asbestos by extent type and condition and then introduce a system of asbestos management. Despite the guidance the first attempt to identify the asbestos took place in October 2004 following the introduction of the duty to manage when the guidance was put into law. Even then the attempt to identify the asbestos was inadequate with just two bulk samples being taken in a large school with many rooms, and yet on the results of the meager tests contractors were given the go ahead to refurbish the school. Not surprisingly asbestos was found that had not been previously identified, and the children were evacuated from the school. A further more thorough survey was then carried out which identified 14 areas of asbestos that were high risk. The subsequent work cost £4million and the children could not return to their school for 18 months after they first left it. Despite assurances from the council that the health and safety of staff and children is of paramount importance they had failed to take the most basic first step in identifying their asbestos and had failed to manage the asbestos for the twenty years since guidance specifically instructed them to do so.

## **212. August 2005. HSE drops the campaign to improve the asbestos management in schools. Resources reallocated in achieving PSA targets.**

In August 2005 HSE dropped the campaign to improve the asbestos management in schools and disbanded the stakeholder group before the first meeting had taken place. A confidential HSE e-mail sent to the DfES shows this was so that the resources could be re-focussed on projects that are more likely to achieve Public Service Agreement (PSA) targets. HSE stated:

*"Much of HSE's promotional and enforcement activities have been refocused on achieving PSA targets.*

*This has meant that the Education initiative no longer forms part of our present programme of work...."*

*In reviewing the portfolio of current campaign projects it is evident that a number of the initiatives would generate very limited results in terms of contributing towards the PSA targets associated with reducing exposures to asbestos, the key target for the asbestos programme; this includes the Education Sector project.*

*In view of this the initiative has been removed from the Disease Reduction Programme....*

*"We are still keen to explore the possibility of others picking up the lead responsibility for the project with the aim of building on what has already been achieved..."*

*An Exit strategy.*

*DfES have a key role here; although they may appear to have limited staffing they could still adopt the lead role and manage the process...*

*DfES have a lead role as both prime “funders” and “inspectors” of the education sector...*

*Much to be considered, but it is important that careful thought be given to the next steps in order to identify an alternative means of progressing this important project.*

*The potential for unwelcome reaction to HSE's withdrawal is high and could prove very time consuming to address.*

*In view of the above I would propose that we call a meeting of DfES and HSE officials with the aim of discussing, and if possible, agreeing an exit strategy for this project.”<sup>215</sup>*

This was a vital campaign that had been set up by the HSE to improve the asbestos management in schools and “dramatically” reduce the asbestos exposures of the staff and pupils. The need had been graphically shown by a series of serious asbestos incidents that had caused widespread asbestos contamination and exposure of the occupants. All of which had been caused by failures in asbestos management.

The areas that had been identified that were inadequate were a lack of asbestos awareness and training at all levels, a lack of funding, a lack of clearly defined areas of responsibility, inadequate asbestos surveys, a lack of priority given to asbestos management and a lack of effective regulation. An early task of the campaign was to establish the standards of asbestos management in schools, however this never happened. The campaign would have identified the authorities and schools most at risk and taken measures to ensure that they came up to the standards of the best.

The HSE have limited resources and took the decision to concentrate those on reducing the exposures of the building maintenance trades, a group who they considered were most at risk. They therefore asked DfES to take the lead in the “important” schools campaign, however DfES refused as they claimed that they had insufficient staffing and in addition they would not accept that they have overall responsibility for the safety of the occupants in schools from asbestos.

Because the campaign was dropped none of the faults were rectified and the asbestos incidents continued unabated. As at December 2009 nothing has taken its place although DCSF are now considering a “Steering Group” to address asbestos issues in schools.<sup>216</sup>

### **213. August 2005. Asbestos disturbed in infant school break in.**

In August 2005 three people broke into an infant school in Surrey and damaged AIB containing amosite, a police appeal advised the intruders to seek immediate medical attention because:

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<sup>215</sup> E-mail HSE Asbestos Campaign Manager. Disease Reduction \_Programme. Trevette/ DfES 1124 23 Aug 2005

<sup>216</sup> Meeting Asbestos in schools group/ Under Secretary for Schools Dianne Johnson 11 Nov 2009

*“In the course of breaking into the school they have disturbed some asbestos which was contained inside ducting for an air extractor.”<sup>217</sup>*

#### **214. June 2005. A school teacher dies of mesothelioma. Work carried out on asbestos while school occupied.**

In June 2005 Catherine Evans, a school teacher, died of mesothelioma. Mrs Evans had taught in a school while work was being carried out on asbestos. Her son stated:

*“Mrs Catherine Evans who taught for a few years in West and Central London in the late 1960’s. Most likely cause of death in June 2005: mesothelioma caused by asbestos work inside school during lessons.*

*We were confused by this until we remembered how she had a sore throat most days in London at the time.”<sup>218</sup>*

#### **215. May 2005. Secondary school teacher dies of mesothelioma. Asbestos disturbed in school.**

In May 2005 Alan Anthony, a secondary school teacher, died of mesothelioma. Mr and Mrs Anthony could not be certain where his asbestos exposure occurred although they thought it probably occurred when asbestos was disturbed during building work in a school he taught in. Mrs Anthony stated:

*“Alan, who was head of modern languages, worked at a comprehensive school in southern England for many years. “I can’t be absolutely certain but, when you look back over the years, you can pinpoint a time when exposure to asbestos probably occurred. Alan worked in a particular part of the school in the 70s where work was taking place. Asbestos was disturbed. The case made national news.”<sup>219</sup>*

*“I feel very strongly that information about the illness needs to be more widely broadcast. Alan was not an obvious candidate for this condition as he had worked all his life as a Modern Languages teacher and lecturer.*

*He also disliked DIY and did very little in that line and so the source of his contact with asbestos is something of a mystery.*

*He did, however, work at a school where a ceiling had collapsed but before he went there in the*

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<sup>217</sup> Surrey police News appeals Police urge offenders to seek immediate medical treatment.

<sup>218</sup> Daily Mail Letter John Evans London 16 April 2009

<sup>219</sup> Derby Evening Telegraph. Asbestos cancer killed teacher. Risks 16 July 2005

1970s. Removal of debris and building works continued during his time there and this would seem to be a possible source of contamination."<sup>220</sup>

#### **216. 2005. Construction workers exposed to asbestos. HSE criticise reliability of Council tests.**

An HSE report concluded that during work in 2005 in a South Lanarkshire school, construction workers had been exposed to asbestos but it was not clear whether staff and pupils had also been exposed. The report criticised the council for failing to comply with the health and safety regulations. The council claimed that air tests proved that the school was safe, however HSE questioned the reliability of the tests.<sup>221</sup>

#### **217. November 2004. HSE campaign to improve the asbestos management in schools and "dramatically" reduce asbestos exposures.**

In November 2004, following a number of serious asbestos incidents in schools and the increasing deaths amongst teachers from mesothelioma, HSE implemented a campaign to:

*"Improve the asbestos management in schools".*

HSE's stated aim was to :

*"dramatically reduce asbestos exposures."*<sup>222</sup>

This group was to investigate the overall scale of the asbestos problem in schools, and had executive powers to implement their decisions.

The need had become evident following a series of asbestos incidents in schools which had led to widespread contamination, exposure of contractors, staff and pupils and the subsequent disruption of school life. All of which had highlighted the fact that some authorities had ineffective systems of asbestos management, HSE considered that the campaign was a priority as they recognised the particular risk to children. The HSE Head of Asbestos Policy issued a paper on asbestos management in schools. The HSE paper states:

*"A number of factors exist which have led HSE to regard education as a priority:*

*In recent years there have been a number of high profile incidents where maintenance activities carried out in schools has resulted in widespread exposure to asbestos. Local authorities and school managers have been subjected to serious criticism in the media, and in many cases education activities have been significantly disrupted.*

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<sup>220</sup> Statement Mrs Anthony

<sup>221</sup> Report slams council over asbestos risk. Ic Lanarkshire 26 Mar 2008

<sup>222</sup> HSE briefing for the Local Authorities Forum (LAF) Asbestos management in schools LAFORUM/04 23 November 2004.

*Whilst the main risks of exposure to asbestos in schools will be to building and maintenance workers, there will always be the possibility of pupils being put at risk. Due to their physical immaturity they are at greater risk of suffering from asbestos related disease than adults, and will live long enough for any disease to develop.*

*Parents often have a heightened sense of awareness of the risks of asbestos exposure, and any failure to manage risks properly could result in the authority losing the confidence of their local communities. It can also lead to pressure on governing bodies to remove asbestos unnecessarily, leading to increased risks of exposure.*

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

*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.*<sup>223</sup>

This was a most frank admission that some local authorities were not managing their asbestos and that by inference because of that staff and pupils in schools were being exposed to asbestos. The initial aim of a 20% reduction in exposure levels would in itself be an acknowledgement that the exposure levels were significant, however the ultimate aim of a "dramatic" reduction in exposures clearly shows the scale of the problem.

Despite HSE considering that the campaign was an important priority it was dropped a year later before the first meeting had taken place so that the resources could be reallocated to reducing asbestos exposure for building maintenance workers.<sup>224</sup> (See August 2005.)

The asbestos incidents, contamination and exposures continued in schools, two years after the campaign should have started the problem with asbestos release in system schools was rediscovered. Remedial measures could have been implemented two years earlier than they have been had the campaign gone ahead.

(The term "dramatic" was deleted from later extracts from the paper, including in a Ministerial briefing.)

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<sup>223</sup> HSE paper Asbestos in Education LAFORUM/04 Nov 2004. HSE Head of Asbestos Policy briefing to Local Authority Forum, Asbestos Management in Schools.

<sup>224</sup> E-mail HSE Trevette/DfES Daniels HSE Asbestos campaign Education sector- An Exit strategy 23 Aug 2005

**218. November 2004. Widespread asbestos contamination in an infant school. Books, toys, Nativity costumes, children's hats, coats and bags destroyed.**

In November 2004 asbestos was disturbed in an infant school while the school was occupied. The school was evacuated and the children's coats and bags were destroyed, as were all the costumes for the forthcoming nativity play. Reports stated:

*" Nearly 200 infants were forced to flee their Birmingham school after the shock discovery of asbestos.*

*The school was temporarily shut while Birmingham City Council safety officers made it safe.*

*Nearly 200 youngsters were forced to leave Four Dwellings school when the asbestos was discovered in a corridor following a routine inspection at the beginning of the month.*

*Twenty years' worth of costumes made by teachers to use in school plays will have to be destroyed after they were contaminated with asbestos. Some staff have spent the last 20 years making all manner of costumes. We have elves, angels and camels.*

*The collection was stored in a building at Four Dwellings Primary School in Quinton, Birmingham, where the potentially deadly dust was discovered two weeks ago.*

*Teachers had hoped the costumes, many of which were due to be used in the school nativity play next month, could be saved.*

*A Mum ... whose daughter aged five, attends the school, in Quinton Road West, said: "The kids were told to leave their coats, bags, gloves and hats in there because they'll have to be burned."*

*"The first I knew what was going on was when I went to pick ..(my daughter). up from the after-school club and she was standing outside in her T-shirt...*

*She was actually frightened I'd tell her off because the coat she had to leave behind was a new one."*

*Books, toys and other teaching materials housed in the building where the asbestos was found will also have to be destroyed.*

*Today education officials insisted the evacuation was a precautionary measure and stressed that there had been minimal risk to the youngsters, aged four to seven.<sup>225</sup>*

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<sup>225</sup> Asbestos found at infants school Ic Birmingham 4 Nov 2004. Costumes face axe as asbestos is found Ic Birmingham 17 Nov 2004

This incident is a graphic illustration of the distress that is caused to teachers, parents and children when an asbestos incident occurs.

The release of asbestos fibres occurred during "routine survey work" which was "scheduled as part of the new regulations introduced in May this year."<sup>226</sup> It must be questioned why the asbestos had not been discovered before, when guidance had been that a diligent and determined search should be carried out to identify the presence of asbestos. This is particularly unacceptable as Birmingham City council were part of the Association of Metropolitan Authorities, AMA, and even were a member of their asbestos advisory group. For in 1985 AMA had a policy of surveying and phased removal of all of their asbestos,<sup>227</sup> and this incident proves that for almost twenty years Birmingham had failed to follow their own policy.

It must also be questioned why a "routine survey" was being carried out while the school was occupied, when that is also contrary to available guidance that warns that an assessment should be carried out before the survey to assess the risk to the surveyor and "other occupants".<sup>228</sup>

Another disturbing aspect was that the asbestos contamination was sufficient for the authorities to destroy many precious belongings. And yet the parents of these very young children were assured by Birmingham City Council that there had been a minimal risk. Once again one must question on what grounds this assessment has been made, and whether indeed such reassurances can be justified.

### **219. October 2004. School caretaker worked in five schools. Only asbestos exposure in schools. Suffering from asbestosis and pleural plaques.**

In October 2004 George Rothery, a former school caretaker, suffering from asbestosis and pleural plaques issued an urgent appeal for witnesses to come forward. He had worked in five schools in the Wallsend area.

*"Mr Rothery worked as a caretaker at five schools in the area from 1953 until he retired in 1985. He was responsible for the school's boilers and heating system and believes he was exposed to the deadly asbestos dust when repairs were carried out to the boilers and when cleaning the boilers from any asbestos insulation..."*

*His only exposure appears to have been during the course of his employment as a caretaker."<sup>229</sup>*

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<sup>226</sup> Asbestos found at infants school Ic Birmingham 4 Nov 2004

<sup>227</sup> Association of Metropolitan Authorities Asbestos Policy and Practice in Local Authorities September 1985 paras 2.2.4, 2.2.8

<sup>228</sup> HSE MDHS 100 para 4, para 25. August 2002. Association of Metropolitan Authorities Asbestos Policy and Practice in Local Authorities September 1985 para 5.5.1- 5.5.6 . DETR asbestos Materials in Buildings Third edition 1991 para 5.16

<sup>229</sup> The Evening Chronicle Newcastle. Asbestosis appeal. October 2004.

**220. September 2004. Cable laying workmen drilled asbestos sheeting in a school. Area isolated, pupils excluded.**

In September 2004 workmen were laying a cable in a school in Fife when they drilled into asbestos sheeting. The report stated:

*"Fife Council says lessons have been learned following an incident in Madras College, St Andrews. Steps have been taken to ensure it doesn't happen again*

*The local authority's facilities manager, Gary Westwater, told the Citizen this week that the council had concluded an internal investigation into the circumstances surrounding last month's incident, where tradesmen drilled into sheeting containing asbestos fibres at the school.*

*"We are confident that immediate measures were taken to isolate the area and exclude pupils and staff, and are also reassured that subsequent air tests carried out by a specialist contractor indicated no asbestos fibres were present," he said.*

*"Fife Council has a range of measures in place to protect employees and building users from potential exposure to asbestos.*

*"However, as a result of lessons learned from this investigation, staff involved in commissioning and carrying out works are to be provided with further guidance to ensure such a situation does not occur again."<sup>230</sup> (See Jan 2007)*

**221. August 2004. School contaminated by asbestos during refurbishment. Reopening delayed .**

In August 2004 during refurbishment of a North Somerset primary school asbestos material was damaged, the council stating:

*"An already complicated scheme of work, over August 2004, was made even more difficult when half the School was contaminated with asbestos dust."*

The children were accommodated in another school but *"all pupils returned to almost a fully refurbished and remodelled school ...in January 2005."<sup>231</sup>*

**222. August 2004. AIB ceiling tiles removed. No controls. School contaminated. Occupants exposed. School closed for three months for environmental clean.**

In August 2004 "routine maintenance" was carried out to ceiling tiles in classrooms in a Strathclyde school. It was only after the removal of some tiles that it was realised that they contained asbestos. Parts of the school were closed and the pupils were eventually taught in

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<sup>230</sup> Fife Today Lessons learned after school asbestos scare. 29 Oct 2004

<sup>231</sup> North Somerset Council school refurbishment 2005 p6

temporary classrooms while asbestos remedial work was carried out. A council press release stated:

*"Tests have confirmed that there are now traces of asbestos within the affected rooms and a register compiled of those individuals who may have been exposed to asbestos..."*

*The school was due to re-open to staff on Monday 16 August, with pupils returning on Wednesday 18 August...<sup>232</sup>*

*The building has been sealed and taken out of service...*

*It is possible that the Strathclyde building will be closed for approximately twelve weeks...*

*There will inevitably be some disruption to the education the school is able to provide whilst the Strathclyde building is out of use..<sup>233</sup>*

It is unacceptable that this obvious asbestos material had not been identified and a management system implemented to prevent the tiles being disturbed. The school was contaminated, the occupants exposed to asbestos and school life severely disrupted. No doubt the cost of the clean up was considerable, but the unquantifiable expense is the concern amongst all involved about whether they or their children will one day develop mesothelioma as a result of this avoidable incident.

### **223. May 2004. CAWR duty to manage introduced. Guidance since 1987 had instructed schools to manage their asbestos.**

In May 2004 the duty to manage asbestos was introduced, the previous incidents occurred after the duty was made mandatory under law. However local authorities and schools should have been identifying and managing their asbestos for the previous twenty years since the 1983 Department for Education and Department of Environment guidance instructed them to do so.

### **May 2004 All incidents from this date to the present time have occurred after the duty to manage was made law.**

### **224. May 2004. Most councils in Wales "nowhere near ready for new Regulations."**

In May 2004 an investigation determined that most local authorities in Wales had no systems of asbestos management and nowhere near ready to comply with the Regulation as it came into force.

*MOST councils in Wales are nowhere near ready for new regulations to manage potentially deadly asbestos, an investigation has revealed.*

*But BBC Wales radio programme Eye on Wales has discovered that most local*

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<sup>232</sup> East Dunbartonshire Press release Asbestos related incident at St Ninian's High school 13 August 2004

<sup>233</sup> East Dunbartonshire Press release Asbestos related incident at St Ninian's High school 16 August 2004

authorities in the country are "nowhere near ready".

Susanna Jeffrey, from the insurance company Zurich, said a survey by her employers showed four out of 10 companies in Wales were not even aware of the new legislation.

Even more alarming was that eight out of 10 had no plans of how they were going to tackle the issue, she said.....

Eye on Wales has found that while Welsh local authorities do survey their buildings and have policies on asbestos, most have not updated their records to conform to these new laws.

Only three Welsh councils surveyed said they would be in a position to comply fully with the new asbestos legislation.<sup>234</sup>

#### **225. March 2004. Flat roof blown off school. Water enters building .**

In March 2004 a large area of the flat roof was blown off a school in Kirklees. The school was built in 1968 and is likely to contain significant amounts of asbestos materials. This is a very similar incident to one that tore the roof off in a System built school in South Lanarkshire in March 2008 when HSE were concerned about asbestos fibres being dispersed by the water that entered the building.

*"Fartown High school closed this morning after last night's heavy gusts ripped off sections of the flat roof. Staff arriving this morning took the decision to turn away the 550 pupils after finding large ceiling panels had been swept into the grounds. An outer bitumen covering on the roof had lifted up, exposing foam backed panels beneath. About eight boards, covering hundreds of square feet were then blown off....."*

*Six upper floor classrooms were directly affected and rain has been running into the building down to the lower floor."<sup>235</sup>*

#### **226. February 2004. A primary school teacher dies of mesothelioma. Industrial levels of asbestos fibres in pleura. No known exposure other than a school.**

In February 2004 Patricia Cameron, a primary school teacher, died of mesothelioma. Mrs Cameron had hung up the children's coats in the boiler house of the school she taught in, asbestos had also been removed from the attic of her school. She and her family knew of no other asbestos exposures. An autopsy found that she had high levels of asbestos fibres in her pleura.

*"An inquest heard that the mother of three had levels of asbestos in her body similar to that found in people who had worked in heavy industry..."*

*An inquest in Newcastle in 2004 was told that Mrs Cameron died from a high level of asbestos inhalation.*

*She had worked at a village school in Chollerton, but it is thought that her time at Otterburn school from 1974 to 1979 was responsible.*

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<sup>234</sup> The Western Mail Asbestos Controls coming into force May 18 2004

<sup>235</sup> Huddersfield Daily Examiner storm drama closes Fartown school. 19 Mar 2004

Newcastle coroner David Mitford, said " I am satisfied that there is evidence of involvement of Mrs Cameron with asbestos while she was at work."

Mr Mitford recorded a verdict of death by industrial disease."<sup>236</sup>

## **227. February 2004. 30 windows ripped out of AIB surrounds over three weeks with crowbars and power saws. Staff and children look on. Widespread contamination. Significant exposures. Controversial risk assessments.**

In February 2004 a school in Derby employed contractors to remove and replace windows in a primary school. The work took place over the course of about three weeks, two weeks of which the school was occupied. The asbestos survey was inadequate and did not identify the location of the asbestos, to compound matters the headmaster admitted that he knew nothing about asbestos and he failed to inform the contractors that any asbestos was present.

The window reveals were AIB containing amosite which was smashed and cut with power saws and then dumped in the playground. Teachers then cleaned up the mess in each classroom as the work was completed so that the children could return to their classroom. The school continued to be occupied for five days after the asbestos was identified and work stopped. Widespread contamination took place with contractors, staff and pupils being exposed over the course of three weeks. Newspaper reports and official reports stated:

*"The procedure for removing windows was to take out the glass and then to cut the frame with a power saw and then to crowbar the frame out. Occasionally the AIB panels were cut into with the saw. The sandwich panel below the window was then forcibly removed; in the process some of the panels were broken.*

*The contractors worked from outside and inside the classroom. A rudimentary barrier was erected around the work to discourage the children from going near the work.*<sup>237</sup>

*Horizon staff had been sawing and breaking up asbestos panels without any precautions, the court heard.*<sup>238</sup>

*"School decontamination underway. Since then the building has been almost completely gutted with all the floors, ceilings and carpets being replaced."*<sup>239</sup>

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<sup>236</sup> Journal Live. "Why did asbestos kill our mother. " 9 Sep 2006

<sup>237</sup> IOM a Report on the likely risks from asbestos exposure at Silverhill school Derby.

<sup>238</sup> This is Derbyshire 22 Nov 06

<sup>239</sup> BBC News Pupils back after asbestos scare 10 May 2004, BBC News School decontamination under way 29 Apr 2004

*Articles affected by the asbestos dust in the school were cleaned where possible. But computers and large amounts of teacher and pupil work had to be destroyed.*<sup>240</sup>

Derby City Council pleaded guilty to the following charges:

*“Failing to ensure the safety of employees by making and giving effect to such health and safety arrangements as were appropriate for asbestos located on school premises between December 19, 1999, and October 31, 2004.*

*Failing to ensure the safety of non-employees by making and giving effect to such health and safety arrangements as were appropriate for asbestos located in school premises.*<sup>241</sup>

Staff and pupils were exposed to significant levels of asbestos, press reports stated that the levels of asbestos fibres was high:

*“High levels of asbestos has been found in the atmosphere following work to replace windows.”*<sup>242</sup>

However within three weeks a risk assessment was carried out by the Institute of Occupational Medicine (IOM) investigation and the conclusions reported to the press who stated:

*“Independent experts say the risk to pupils from asbestos is “negligible.” Experts from the Institute of Occupational Medicine concluded that the exposure to the asbestos was very low after analysing the samples.*

*They say that there is no need to monitor the future health of either pupils or staff as a result of the findings.”*<sup>243</sup>

*“Independent experts said health risks to children and staff had been minimal.”*<sup>244</sup>

There is a contradiction in the high fibre levels that would have been present from breaking, sawing, dumping AIB, when compared to IOM’s assessment of minimal and negligible risk.

Documents obtained under the Freedom of Information Act showed that the HSE were critical of the risk assessment carried out by IOM and considered that it underestimated the true risks .

The HSE assessment criticised IOM’s use of data and fibre levels taken some days after the work had finished, and stated:

*“The IOM report is subject to a further constraint: exposure to asbestos was measured after the window workers had replaced the windows and teachers had removed the debris. These two groups of employees were likely to have the highest exposures. The values used for assessing their risks to health may be underestimates.”*<sup>245</sup>

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<sup>240</sup> Ex-Head in thanks for public support 30 Nov 2006.

<sup>241</sup> Charges over dust scandal Hawley 10 Jun 2005

<sup>242</sup> BBC News Asbestos alert closes city school. 16 Mar 2004

<sup>243</sup> BBC News “Negligible risk” after analysis. 8 Apr 2004.

<sup>244</sup> BBC News Asbestos school head suspended 21 Sep 2004.

<sup>245</sup> Risk to health from exposure to asbestos at Silverhill school HSE Nigel Black Senior scientific Officer (Occupational Hygiene) 2 July 2004

*" Teachers' exposures to amosite while removing AIB debris from classrooms were also likely to be underestimated in the IOM report.<sup>246</sup>*

The HSE estimate for the risk to teachers was 130 times greater than IOM's. However further documents also obtained under the FOI show that the HSE based their assessment on incorrect data, consequently their assessment is equally flawed and in its own right underestimates the risk by a considerable amount. An independent risk assessment was carried out by a past President of the British Occupational Hygiene Society and presented to Derby City Council and also to the annual conference of the BOHS. For a comparison the estimates are on the BOHS web-site.<sup>247</sup>

IOM had given assurances that no one would develop mesothelioma as a result of their exposures, however The HSE Senior Medical Inspector for the Midlands, Wales and the South West dismissed this conclusion. His witness statement says:

*"...Mesothelioma is a different matter, however. Current scientific evidence does not enable us to define any level of exposure to asbestos that is "safe" and without risk of developing this tumour. This suggests that the risk of developing the disease is a stochastic or "chance" event and the condition is not, therefore, dose related. This theory has much evidence to support it. For example, we have seen heavily exposed asbestos workers who were perfectly alright, whereas their wives (who laundered the work clothes) died from mesothelioma. In this situation, it is impossible to define a safe exposure and individual susceptibility appears to play an important part. In other words, it is theoretically possible that one asbestos fibre can kill. Whilst this may not actually be so, it is the cautious and prudent principal that underpins the duty of care....*

*"Whilst the estimated fibre concentrations and risk levels are reassuring for the exposed population as a whole, stochastic risks are not evenly spread across an exposed group. Thus, an estimated (average) risk of, say, one in a thousand or one in ten thousand does not tell you how many of those who were exposed at the school will actually develop a mesothelioma in later life. It could be none, one, five or any number you care to think of, simply because the risk is not evenly spread.*

*This means that you cannot reassure any individual that they will not get a mesothelioma."<sup>248</sup>*

The advice given by IOM that people should not have the incident recorded on their medical records is contrary to specific advice given by specialist HSE medical advice for a previous asbestos exposure in a school, which states

*"The information document (HSE OC 265/48) for employers and employees is however recommending that if employees have been inadvertently exposed to asbestos they should at least ask their GP to make an entry in their medical record.*

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<sup>246</sup> HSE risk to health from exposure to asbestos at Silverhill school N. Black Senior Scientific Officer (Occupational Hygiene) para 3.6

<sup>247</sup> Occupational hygiene 2008 conference 13-15 May 2008 [Robin Howie - Session 5B - Assessment of the Potential Consequences of an Asbestos Incident at a Primary School](#)

<sup>248</sup> Statement of witness HSE Senior Medical Inspector for the Midlands, Wales and the South West Dr A Scott 11 Mar 2005

*This recommendation is essentially written from a medical perspective to provide those people, who know or strongly suspect they have been exposed, with an opportunity to speak to a health professional and get objective advice about any fallback position, when in most cases it will not be possible to ascertain the type of asbestos or exposure dose, and therefore it will not be possible to give a precise estimate. Even when it is not possible to determine whether an exposure was significant or not, entry in the medical record is recommended.*<sup>249</sup>

This was a high profile case where many mistakes were made and many lessons should be learnt, but because of various ill-conceived statements that have been made, the lessons that will be learnt will be the wrong ones. That is because once again the statements concerning the level of risk are not only incorrect, they also send out completely the wrong message. Any governor or headmaster will read reports of large-scale abuse of asbestos, causing widespread contamination lasting for weeks, and yet they will also see that the risk from all of that was considered by those in authority to be minimal and negligible.

They will understandably come to the conclusion that there really is no real risk from asbestos, it is all hype. Why should they devote their few precious resources in carrying out expensive asbestos surveys and management. Why should they prevent their caretakers drilling the odd hole in AIB when smashing it up with crowbars harms no one. On a larger scale the local councillors, governors and authorities who decide on the priorities for schools to be refurbished under BSF will not give any priority to those schools with the worst asbestos problems, as according to these flawed risk assessments it is of little consequence.

A detailed analysis of the IOM and HSE assessments has been carried out making extensive use of FOI documents and is available.

The HSE prosecuted the headmaster, but the jury found him not guilty. His claim that he knew nothing about asbestos and that he was unaware of the risks is understandable for he and every headmaster and governor have been repeatedly told after an asbestos incident by those in authority that the risk is negligible.

So long as those in authorities persist in playing down the risks and giving assurances that cannot be justified, the problem will continue.

## **228. March 2004. Asbestos contaminated air flowed into classrooms.**

In March 2004 damaged asbestos and the potential for the spread of asbestos contamination was identified in a school in Islington. A survey identified breaches in the fabric of the building

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<sup>249</sup> Comments on Lees family and OC 265/48 inadvertent exposure. HSE's position on health surveillance and the information documents relating to inadvertent exposure. Robert Hermanns HSE Medical Inspector 19 Mar 2004

that could allow air containing asbestos fibres to flow into classrooms. It was recommended that the breaches were sealed. The report also recommended that access to ducting or works in the area should be prohibited until the asbestos had been removed under controlled conditions. Claims by the education authority that contaminated areas were sealed off were proved incorrect.

In a further nine survey reports for Islington schools asbestos debris and exposed asbestos had been identified in basements and recommendations had been made for emergency remedial works<sup>250</sup>

### **229. 2004. AIB ceiling tiles damaged installing projector. Headteacher failed to manage asbestos. Failed to attend training.**

In 2004 another incident involving the installation of a projector occurred in a school in the North West when contractors cut AIB ceiling tiles when they were installing overhead projectors. Type 2 surveys had been carried out by the Local Authority and the asbestos had been identified. Training had been offered to the Headteacher and letters sent emphasising the need to manage the asbestos. However the Headteacher and the caretaker had not attended the training. This incident proves that despite the local authority putting every resource in place so that the asbestos could be managed, the system of management had failed. The HSE carried out an investigation and a report states:

*"A licensed removal contractor was called in to seal the room and clean the surrounding area.*

*The local authority reported the incident as a dangerous occurrence under RIDDOR.*

*The HSE ruled that the local authority had met its duties under the CAWR regulations 2002. It was clear that the incident had happened because the head teacher hadn't acknowledged her responsibility for health and safety and had failed to accept the advice and guidance of the employer...*

*Asbestos is still widespread in school buildings - good management is essential to avoid accidental exposure.*<sup>251</sup>

### **230. December 2003. Asbestos causes cost overruns. Minister "We have been digging ourselves out of a hole."**

In December 2003 in evidence to the Parliamentary Select Committee on Education and Skills it was stated by Jarvis, a main contractor;

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<sup>250</sup> Asbestos The Daily Hazard May 2004

<sup>251</sup> IOSH Education News 07 Learn the Lesson 16 Mar 2007

*“So far, PFI has replaced only 2% of all new school. The Government is to be applauded for sanctioning a substantial increase in the schools capital programme since 1997. However we would agree with the Minister of State for School Standards, David Miliband, who says that:*

*“We have only been digging ourselves out of a hole.”*

*“With an ageing schools estate, it is inevitable that problems with old buildings will be unearthed during the contracts rather than before. .. In one project involving a 20 school refurbishment, a non-intrusive asbestos survey during the preferred bidder stage showed remedial costs of £1.4 million.*

*Asbestos removal is common in school refurbishment. It was acknowledged by both parties that there could be more asbestos and Jarvis’ liability was capped.*

*Much larger amounts were found leading to delays and cost over-runs which could not be explained to the parents without causing alarm, and embarrassment to the client.”<sup>252</sup>*

### **231. August 2003. Downpour collapses roof. Suspected asbestos contamination of school.**

In August 2003 during roofing work in a primary school in Stirling, four classroom ceilings collapsed during a downpour causing suspected asbestos contamination in the building. The asbestos was in the textured plaster finish on the ceilings. The school was closed and an HSE investigation carried out.

The school was opened in 1967 and is therefore likely to contain more asbestos than just the textured ceilings. The ingress of such a quantity of water can disturb hidden asbestos materials, debris and fibres and carry them into the rooms. Once dry the fibres precipitate out.

### **232. August 2003. AIB ceiling tiles flapped around. Water ingress regularly damaged ceiling tiles. Cost of refurbishment doubled because of unexpected asbestos**

In August 2003 a report was written about the refurbishment of a CLASP/SCOLA school in Daventry which was going to involve replacing the windows and re-cladding the external walls. After the work had begun it was discovered that the ceilings were AIB. The school was evacuated and considerable time and cost overruns were incurred. The report is about the environmental savings made by installing low energy lights and efficient insulation, what it does not concern itself with is the asbestos exposures that had been taking place for perhaps years. The relevant parts of the report state:

*“The existing building had many problems.... There was rainwater penetration through failed glazing gaskets causing £800 worth of damage to ceiling tiles every year,*

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<sup>252</sup> Parliamentary Select Committee Education and Skills. Written Evidence of Jarvis. June 2003.

*leading to a damp environment within the classrooms and degradation of the internal finishes.*

*... During the contract asbestos was discovered in the suspended ceilings, which added greatly to the work...*

*Quote from Teacher: It is not possible to appreciate the improvement without seeing how bad conditions were before, for example when the wind blew the ceiling tiles used to flap about.*

*Ventilation and airflow were raised as an issue of concern by the teaching staff, and dust in particular was noticeable. Many of the staff complained of frequent colds and coughs...*

*Final account costs (1999/2000 prices)*

<i>Total cost of overcladding and associated work, excluding internal fit out:</i>	<i>£455,500.</i>
<i>Total cost of preliminary works:</i>	<i>£158,500.</i>
<i>Total cost of project excluding internal fit out:</i>	<i>£1.034m</i>
<i>Approximate increase in cost of project due to discovery of asbestos in ceilings:</i>	<i>£495,800</i>

*Although the original plan was to complete the overcladding without decanting the pupils, rain damaged asbestos cement boarding had caused asbestos contamination of the ceiling voids. This meant that all pupils had to be decanted into mobiles while the building was cleaned of all asbestos.*

*The discovery of asbestos during the project led to large additional costs. This shows the importance of carrying out thorough pre-contract surveys.*<sup>253</sup>

The report calls the suspended ceiling tiles asbestos, it is most unlikely that they would have been asbestos cement and so would have been AIB. The fact that the AIB ceiling tiles flapped about whenever the wind blew is disturbing. The careful removal of AIB ceiling tiles with shadow vacuuming and the application of a wetting agent releases up to 3f/ml,<sup>254</sup> and yet these were regularly flapping about, consequently they must have been releasing significant levels of fibres over a prolonged period of time.

The report also mentions that asbestos contamination had occurred in the ceiling void, so it must be assumed that the debris and fibres added to the other fibres being blown around the classrooms every time the wind blew. One can only surmise what the dust was. Over the years when my wife was being daily exposed to amosite she developed a continual niggling cough with

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<sup>253</sup> IEA Energy conservation in buildings and community systems annex 36 Refurbishment and recladding of 1970s classroom and laboratory block William Parker Community Secondary school in Daventry UK 5 Aug 2003 Revision 5

<sup>254</sup> HSE A comprehensive guide to managing asbestos in premises p 95 Feb 2004

some symptoms of catarrh, and she lost her singing voice. The cough and the catarrh symptoms ceased when she was no longer exposed to the asbestos, however she never regained her singing voice. Regrettably one must wonder whether the occupants of this school were suffering the effects of irritation caused by continual fibre inhalation.

The ceiling tiles were removed from this school, however no mention is made of the removal of any other asbestos that is likely to have been present. One must therefore presume that as this school was relatively recently refurbished then any asbestos will remain and will have to be managed for the remainder of the life of the school. If that is the case then there has been a wasted opportunity.

**233. March 2003. AIB ceiling tiles drilled through while fitting projector. Council prosecuted.**

In March 2003 a whiteboard and projector were being fitted to the ceiling of a school in South Wales. The workmen drilled through the AIB ceiling tiles:

*Workers drilled through asbestos while fitting an interactive board and projector at Ty Sign Primary School, Risca, in March 2003.*

*The council said it would plead guilty to two charges under health and safety legislation, at Blackwood Magistrates' Court yesterday.*

**234. January 2003. Audit Commission: 50% of LEA Property Services are unsatisfactory or poor. Funds are not allocated to schools with greatest improvement needs.**

In February 2003 the Audit Commission published a report which was highly critical of the standards of asset management in LEAs and schools with half of the property services departments being judged as unsatisfactory or poor. As they are responsible for the fabric of the schools this criticism also reflects on their standards in asbestos management. It is also relevant that the funds were not been allocated to the schools with the most urgent improvement needs. This still applies in 2009 as schools are not being prioritised for refurbishment because of the state of the asbestos they contain. In primary schools in particular there are insufficient funds to even identify all the asbestos, and therefore without that they cannot be prioritised for refurbishment. The report states:

*“Investment in preventive maintenance and improvement of school buildings had been neglected in many local authorities throughout the 1980s and most of the 1990s. Schools began to pay the price for this situation, as building elements came to the end of their life cycle and problems with leaking roofs, failing heating systems, deteriorating temporary buildings and external woodwork accumulated. In some schools these problems reached crisis level during the 1990s.*

*Since 1997 the Government has substantially increased capital investment in new and refurbished school buildings....*

*There are systemic problems with the capital funding arrangements for schools, resulting in capital resources not being allocated to areas of greatest need:*

- *substantial investment is still required to improve buildings in many schools;*
- *too much of the capital resources are distributed according to the number of pupils, rather than more critical factors, such as the age and condition of school buildings;*
- *as a result, not enough of the resources are targeted to immediately fund the most urgent improvement needs...*

*LEAs need to support schools in constructive and innovative ways so that resources can be managed and deployed more effectively:*

- *there are weaknesses in the quality of local authority property services, with nearly 50 per cent of these being judged as unsatisfactory or poor...<sup>255</sup>*

### **235. December 2002. School carpenter dies of mesothelioma Cut up asbestos material to fire proof school.**

In December 2002 Len Worsley , a school carpenter, died of mesothelioma. Mr Worsley had cut up asbestos material to fireproof the traditionally built buildings of an independent school.

*“Len Worsley was a carpenter who worked for Cranleigh school for 45 years and was described by them as a wonderful and loyal servant. He died in December 2002 from mesothelioma after he was exposed to asbestos whilst cutting slabs to fireproof the school in the late 1960s and early 1970s....*

*An inquest in May 2003 concluded that Mr Worsley had died from an industrial disease. Cranleigh school was aware that it had exposed Mr Worsley to asbestos over a number of years but declined to admit liability and defended the case.*

Mr Worsley’s solicitor obtained an out of court settlement from the school and stated:

*“The case was fought on the basis that Cranleigh school had been negligent in exposing Mr Worsley to asbestos over a long period of time and not providing him with safety equipment.”<sup>256</sup>*

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<sup>255</sup> Audit Commission for local authorities and the National Health Service in England & Wales Improving school buildings. Asset Management planning in LEAs and Schools. February 2003

<sup>256</sup> Hart Brown wins asbestos case 16 November 2006

**236. November 2002. Smashed AIB in ceiling void missed in survey. Fibres potentially drifted into classrooms.**

In November 2002 damaged asbestos was discovered in the roof void in a school in Bradford. This was despite the fact that on two previous occasions contractors had been employed to remove all the damaged asbestos. This is another example of the necessity for a thorough asbestos survey. It also illustrates that any asbestos removal has to be meticulously executed, as has the site clearance. The report stated:

*"The nightmare goes on for Cottingley Village Primary where asbestos has twice now been discovered in areas previously given the all-clear.*

*In July work done at the school to remove potentially-hazardous asbestos was found to have been inadequate and contractors had to return to repeat it.*

*Now they have found a new slab of Category A asbestos, the most dangerous kind, that no one knew about. The large chunk of material was missing from the school's asbestos register and could have been lying in the roof void for years, said asbestos expert Ray Gomersall, of Bradford-based firm RGS Insulations.*

*Mr Gomersall said potentially dangerous fibres could have drifted from the broken-up boarding through grilles on to areas below used by pupils.*

*"It was smashed and broken, very fragmented and could release quite an amount of fibres," he said.*

*"Bradford Council carried out a survey two years ago but failed to identify this material. We immediately brought it to everybody's attention. This type of material can blow fibre large distances.*

*"This raises doubts about how Bradford Council carries out its work, the way it does surveys and the way it maintains the asbestos register of schools<sup>257</sup>.*

*" New checks for asbestos ordered at schools across Bradford have revealed the potentially deadly material in nine more buildings previously given the all-clear.*

*Forty-four schools being modernised and refurbished across the district had to be re-inspected after traces of asbestos were left at Cottingley Village Primary, near Bingley.*

*Last week the Yorkshire Post reported how asbestos dust had been found at a further four schools and now it has emerged trace elements of asbestos have also been discovered in nine more.<sup>258</sup>*

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<sup>257</sup> Telegraph and Argus Call for asbestos inquiry 14 Nov 2002

### **237. Autumn 2002. Council surveyors failed to identify asbestos in ceiling void.**

#### **Contractors exposed.**

In the autumn of 2002 another Scottish local authority failed to identify asbestos in the ceilings of a school. Because of this contractors were exposed to asbestos. This case demonstrates that a survey has to be thorough and carried out by a qualified, experienced asbestos surveyor:

*"A local authority in Scotland was fined £50,000 after subcontractors were exposed to asbestos during the refurbishment of a school.*

*The council's laboratory service had surveyed the school for asbestos, but failed to identify asbestos in ceiling tiles in many areas of the school.*

*A year-long investigation by HSE uncovered numerous failings in the asbestos laboratory, including falsified records and discrepancies in quality control.*

*The investigation also revealed that the Council had evidence that the survey was flawed before the refurbishment began, but they did nothing to prevent their subcontractors and employees being exposed to asbestos.*

*The work of the laboratory has since been suspended and the technicians involved in the survey have been dismissed after subcontractors were exposed to asbestos during the refurbishment of a school.*<sup>259</sup>

### **238. 2002 .Secondary school teacher dies of mesothelioma. Council accept liability. Moveable walls in temporary classrooms. Asbestos flaking from ceiling.**

In 2002 John Murphy a secondary school teacher died of mesothelioma . Thameside Borough Council admitted liability for causing his death. Mr Murphy had worked for sixteen years in a school and had moved the partition walls in temporary classrooms.

*IT teacher, John Murphy, from Manchester died in 2002 aged 57, 18 months after developing mesothelioma contracted from asbestos he was exposed to in Hartshead High School, Ashton under Lyme, where he worked for 22 years. Temporary buildings with moveable walls had been erected at the school to accommodate a rapid increase in pupil numbers in the 1970s, and in the 1980s asbestos was removed from the school after it was found to be flaking from the ceiling. Thameside Borough Council admitted liability, following a court case brought by ATL, and paid his family £115,000.*<sup>260</sup>

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<sup>258</sup> Evening Telegraph Asbestos discovered in nine more schools 22 Oct 2002

<sup>259</sup> Site Safe News . Asbestos in schools . Nov 2002

<sup>260</sup> ATL Asbestos, the hidden killer in UK's schools 15 February, 2008

**239. September 2002. County Council Report: Uncertainty over responsibilities. 200 schools not surveyed. "Schools which have not been surveyed will often have little idea of the level of asbestos in the school... So far no Asbestos Management Plans have been prepared."**

In September 2002 Durham County Council's Director of Corporate and Legal Services wrote a report attempting to resolve the issues of who was responsible for asbestos surveys and management in schools. The report stated:

*"Purpose of the Report*

*To attempt to resolve the issue of whether the school or the County Council should take the lead responsibility for asbestos surveys and preparation of Asbestos Management Plans in each of our school buildings.*

*Background*

*There are 311 schools in County Durham and of these 50 are voluntary aided. Voluntary aided schools (church schools) have trustees who are responsible for the condition of the school buildings including responsibility for the presence of asbestos. Thus survey work and preparation of the Asbestos Management Plan for Voluntary Aided Schools is the responsibility of the trustees of the school, not of the County Council as LEA. The remaining schools are, under LMS, covered by an inadequately defined split of responsibilities between the County Council and the Governing Body. On a strict interpretation of the law sometimes the Governing Body will be responsible for carrying out an asbestos survey and sometimes the County Council will be responsible depending on the reason for carrying out the survey. It is unclear whether responsibility for preparing an Asbestos Management Plan (soon to be a statutory requirement) rests with the County Council or the Governing Body of the school. What is clear is that as a matter of law and practice the County Council is ultimately responsible for the health and safety of staff and visitors to school buildings and any breach of health and safety requirements is regarded by the HSE as being primarily the responsibility of the County Council.*

*To date approximately 100 schools have been surveyed for asbestos usually as an incidental element to a building project. Schools which have not been surveyed will often have little idea of the level of asbestos in the school and there is the potential that even very minor works can result in a release of asbestos with the potential exposure of staff, children or other visitors. So far no Asbestos Management Plans have been prepared...."<sup>261</sup>*

This is a very honest but chilling report. It openly acknowledges that only a third of the schools in the County have been surveyed for asbestos and that none have asbestos management plans. This is despite the fact that it is also acknowledged that schools without surveys will not know where the asbestos is and that as a result it could be disturbed. What is equally disturbing is that there is uncertainty about who is responsible for asbestos surveys and management.

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<sup>261</sup> Report asbestos issues in schools. Durham County Council Director of Corporate and Legal Services. Cabinet 12 Sep 2002

It is unacceptable that in 2002 Durham County council were unaware of the extent of asbestos in two thirds of their schools and had no asbestos management plans. This proposal to survey and manage the asbestos was precipitated because the 2002 CAWR had come into force and the “Duty to manage” asbestos was going to be made law in 2004. However all schools and local authorities should have identified their asbestos and implemented management plans many years before. Guidance was issued to all local authorities in 1983 and updated in 1986 and 1991, it stated:

*“This advice is aimed at local authority staff responsible for public buildings and housing, environmental health officers and others called upon to advise the general public, safety representatives, and maintenance engineers responsible for public and private buildings...”<sup>262</sup>*

*There is no known threshold for exposure to asbestos below which there is no risk... In cases where there is potential for long periods of exposure, as in homes, or where children are involved, as in schools, particular efforts should be made to ensure that levels are as low as possible...”<sup>263</sup>*

#### *Identification*

*It is important to determine the type and amount of asbestos present in the building, the type of material in which it is contained, its use and its location....*

*Finding asbestos materials may require a diligent and determined search...”<sup>264</sup>*

#### *Management*

*The presence of asbestos materials should be noted on plans or other records, and updated as necessary...*

*Building owners must make the existence or suspected existence of asbestos to any contractors working on the premises...Maintenance and other workers, and other people who may be affected should be notified...*

*The installation must be re-inspected periodically to ensure that the condition of the material has not changed.*

*Where management over an extended period is unlikely to be cost effective, further action, including removal, should be considered.”<sup>265</sup>*

Durham County Council had ignored this guidance over the course of almost twenty years and only in the run up to the guidance being made law did they implement measures to identify and manage the asbestos in their schools. The failure to follow the guidance was highlighted a year

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<sup>262</sup> Asbestos materials in buildings 1983 second edition 1986 .Para 1.2 p5

<sup>263</sup> Asbestos materials in buildings 1983 second edition 1986 .Para 2.14 p10

<sup>264</sup> Asbestos materials in buildings 1983 second edition 1986 .Para4.3 p16

<sup>265</sup> Asbestos materials in buildings 1983 second edition 1986 .Para 5.4 p19-20

before when GMB surveyed 22 school kitchens in County Durham and found that 20 contained damaged asbestos. See November 2001.

**240. September 2002. Window replacement disturbs asbestos. School contaminated. 24 classrooms closed.**

In September 2002 windows were being replaced in a secondary school in West Sussex when asbestos was discovered. 24 classrooms and administrative offices were closed so that specialist contractors could enclose the asbestos *“and return the building in a safe condition back to the school.”* Some classrooms remained closed for ten days after the beginning of term.<sup>266</sup>

**241. Summer 2002. Classroom AIB tiles smashed by electricians over the course of five week in a school. Survey had failed to identify material. Inadequate management by council.**

In the Summer of 2002 a flawed survey had failed to identify the presence of asbestos in the ceilings of a West Lothian school. Consequently when rewiring was carried out the asbestos was disturbed and the workmen were exposed to asbestos. The school was then shut for three months while the asbestos was removed;

*“The court heard how a council inspection of the school before work started in summer 2002 had spotted asbestos in ceiling tiles in the toilets and kitchen areas, but, crucially, missed the substance in the ceiling tiles of the classrooms.*

*Expert teams were called in to remove the material from part of the school, but rewiring of the classrooms was left to ordinary electricians.*

*Deputy fiscal Fiona Macdonald told the court how men had smashed through the tiles to get them down, adding; This resulted in dusty conditions and, obviously, exposure to asbestos. The work continued seven days a week for about five weeks.*

*The authority was blamed for failing to carry out an adequate assessment of risks, failing to identify the particular type of asbestos and for not having an adequate system in place to remove asbestos.”<sup>267</sup>*

Tests have shown that smashing up one AIB ceiling tile creates fibre levels of 50 f/ml and the brushing and bagging of AIB dust and debris after breaking the tile created even more dust and was measured at 73 f/ml on a personal sampler.<sup>268</sup> Another series of tests of the large scale

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<sup>266</sup> West Sussex press release 401 Classroom block closed at Weald school.5 September 2002.

<sup>267</sup> Evening News .Council fined £3000 over school asbestos . 23 Sep 2003

<sup>268</sup> Risks with asbestos insulating board. Howie ACADemy Autumn 2001 p11-12

removal of AIB ceiling tiles by breaking them gave an average level of 145f/ml<sup>269</sup> These are very high levels so that the exposure of the workmen over the course of five weeks must have been considerable, as would the total contamination of the whole school and everything it contained.

**242. 2002. Pupils and staff kicking asbestos around like snow. No survey. Staff regularly damaged asbestos. Authorities prosecuted. Headteacher resigned.**

In 2002 Fareham College authorities were prosecuted after widespread asbestos exposures had occurred over a number of years. Reports stated:

*"Pupils and staff were kicking the asbestos dust around like snow unaware that the powder on the floor was dangerous and could have deadly consequences years later".*

*In 1995, 1996 and 1998 concerns were raised by maintenance staff working at the college, and those were not acted upon.*

*...despite staff concerns about asbestos in roofing tiles and wall panels, the college did not implement an assessment of the building.*

*...support staff at the college and outside contractors were allowed to continue working with ceiling and wall tiles that were asbestos containing materials."*

*Staff at Fareham were required to drill and cut into these walls on many occasions without being instructed to wear protective equipment or to warn the members of the public around them.*

*There are now concerns not only for the welfare of the staff but also for past students and site contractors who were undoubtedly exposed to asbestos dust.*

*College bosses pleaded guilty to breaching four health and safety regulations that included flouting guidelines protecting staff from being exposed to the lethal substance.*

*At yesterday's hearing, chairman of the bench Michael Pawlyn said: "There was a disregard on a number of occasions in the training and safety of staff who were working at the college until some years after initial fears were raised."*

*The four charges from 1993 to 1999 contravene health and safety legislation including the Control of Asbestos at Work regulations:*

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<sup>269</sup> (Stranks 1997) HSE Amendment to the Control of Asbestos at Work Regulations 1987 and ACOP Regulatory Impact Assessment Jul 2002 6.0 - 50 f/ml as 8hr TWA Dry removal by breaking tiles (in enclosure with full RPE) (ceiling tiles large scale removal) (Corrected for actual levels average 145f/ml)

*Failed to ensure the safety of employees who were exposed or liable to be exposed to asbestos.*

*Failed to make a suitable and sufficient assessment of risks to employees.*

*Failed to provide adequate training and information to employees (regarding asbestos).*

*Carried out work exposing or liable to expose employees to asbestos without identifying the type involved in the work.*

*An investigation by the Health and Safety Executive found that since the college became independent from Hampshire County Council, no system had been put in place to test whether staff were being exposed to asbestos.*

*College principal Malcolm Charley... recently announced his resignation.*

*Mitigating Gerard Forlin said, "...There is no better way to show remorse than to prove how everything is being done to make sure this incident never happens again."<sup>270</sup>*

This incident is the epitome of a failure to manage asbestos and a lack of training and awareness on the part of the school authorities. Although the incident took place from 1993 to 1999 the mitigating council's presumption that this would never happen again was sadly misplaced. For although no doubt lessons were learned at Fareham, they were not elsewhere in the country.

#### **243. April 2002. Primary school teacher dies of mesothelioma. Inquest verdict "Death from Industrial disease." Displayed work with drawing pins.**

In April 2002 an Inquest was held into the death of Jean Whitwam, a primary school teacher who died of mesothelioma. The coroner heard how teachers had been present when asbestos removal work had taken place and how puffs of dust were released when the children's work was displayed using drawing pins in the walls. He gave a verdict of "Death from industrial disease."

*"In Mrs Whitwam's statement, which was read to the inquest, she said "Every time we tried to do anything with the walls, such as pinning things up, dust came from them" If she tried to staple gun pupil's work on to the classroom walls "puffs of dust would billow out.*

*The inquest heard that before working at Outlane in 1969- then a very new school – Mrs Whitwam had done other jobs, but there was nothing to suggest she had been exposed to*

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<sup>270</sup> Andover Advertiser. College is fined over asbestos 20 Feb 2002. Assume asbestos is in the building Sue Learner (supplied by HSE 14 Apr 2002)

*asbestos elsewhere. Teacher Gwen Thomas, who still works at the school, said there had been leaks and other design problems since the school opened. When asbestos was found in the school in 1992, pupils were not allowed in. But because a parents' evening was to be held, staff were asked to go in and prepare while removal took place...*

*Yesterday coroner Roger Whittaker said he could only conclude that Mrs Whitwam, 66, ...had died after breathing in asbestos while she was working at the school. There was no evidence to suggest she had been exposed to it elsewhere."<sup>271</sup>*

#### **244. March 2002. Vandals cause asbestos lagging to fall into corridor and changing room. School closed days later.**

In March 2002 during term time, a Holyhead school was vandalised so that asbestos cladding fell into a corridor and changing rooms. A few days later the school was shut so that remedial work could be carried out. Reports stated:

*Holyhead School, in Milestone Lane, Handsworth, has been forced to shut all this week after the dangerous cladding material was found in the main corridor and a girls' changing room last Friday.*

*The school, which has 1,000 pupils, will now re-open next Monday after health and safety experts removed all the asbestos from the premises.*

*Headteacher ... said today that the asbestos was only discovered following two separate vandal attacks by pupils.*

*"A lot of damage had been done by pupils to a changing room last Friday which just happened to be an area where there was asbestos.*

*"We suspected there was asbestos present, so we sealed the area off and made sure no children went in there.*

*"Unfortunately damage had also been done in the corridor a day or two earlier.*

*"That was also found to contain asbestos so we had no option but to close the school completely."<sup>272</sup>*

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<sup>271</sup> Yorkshire Post Family please with coroner's industrial disease verdict on mother who worked at asbestos-hit school. Deadly dust that killed a teacher. 25 Apr 2002

<sup>272</sup> Birmingham Evening Mail .School shut after asbestos scare 8 Mar 2002

It is not known how effective the asbestos management plan was in this school, however this incident demonstrates that whatever the standard of asbestos management an asbestos incident can occur. In this case asbestos was badly damaged because of an act of vandalism.

**245. January 2002. Number of areas of damaged asbestos and raised fibre levels in primary school. School closed for eight months.**

In January 2002 substantial quantities of asbestos were identified with a number of damaged areas in a number of rooms in a primary school in Rugby. There were low levels of airborne fibres. The decision was taken to close the school at short notice, with the council minutes recording :

*"The decision to relocate was not taken lightly but the view was taken that once the presence of damaged friable asbestos was identified then no risks would be taken with the health and safety of the children and staff."*

Contractors were commissioned to remove the asbestos but it was anticipated that the school would reopen until September.<sup>273</sup>

The actions taken were absolutely correct, but long overdue. All local authorities, dioceses and schools had been repeatedly told since 1983 to identify their asbestos by extent, type and condition and then introduce a system of management, which would include the regular checking of the condition of the asbestos. Clearly the guidance had been ignored and no action had been taken until 2002 when substantial areas of the material were found with some of it in a damaged friable state. It must be presumed that a number of staff and children, perhaps many, had been exposed to asbestos fibres over the years. Only time will tell whether the levels were cumulatively dangerous.

**246. November 2001. 20 out of 22 school kitchens in County Durham contain damaged asbestos**

In November 2001 the GMB union carried out an audit of school kitchens in County Durham and found that the majority contained asbestos in one form or another.

*"A survey of 22 school kitchens in County Durham revealed 20 of them contained damaged asbestos, a union claimed.*

*The asbestos discovered ranged from broken ceiling tiles to cracked plates on wall pipes, ovens and sterilisers...*

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<sup>273</sup> Warwickshire county council Agenda management sheet 21 Feb 2002 Relocation of St Mathew's Bloxam Cof E Primary school Rugby. BBC News Asbestos find shuts school. 16 Jan 2002

*Jim Marshall, the GMB union's regional health and safety officer in the north, told BBC News Online: "The broken asbestos releases dust particles and the kitchen staff have to clean them. "The schoolchildren could be exposed, but my main concern is for the kitchen staff, and I do not have the resources for a proper survey.*

*"I have no reason to think that other school buildings built before the 1970s are not just the same...*

*Trevor Boggan, asbestos manager at Durham County Council, said: "We know that many council buildings do have asbestos and there is a quite a legacy there to deal with. "Where we find it we deal with it by repair or removal."<sup>274</sup>*

The results from this audit clearly show that the local authority had failed to follow the 1986 guidance that advised schools and local authorities to identify their asbestos, manage it and check on its condition. See September 2002 when Durham County Council acknowledged that they had not undertaken asbestos surveys two thirds of their schools and that even minor work could release asbestos fibres.

#### **247. May 2001. £110,450 contract to remove asbestos debris and insulation from attic and ducting of primary and nursery school.**

In May 2001 North Lanarkshire Council agreed a contract of £110,450 for the removal of asbestos debris and insulation from the attic of a primary and nursery school. With fees the total cost was £127,017.

*"The works comprise the removal of Asbestos debris and insulation in Attic and Duct spaces, together with reinsulation of pipework."<sup>275</sup>*

This is a major sum to spend on asbestos removal in a relatively small school, consequently there must have been a considerable amount of asbestos debris and insulation to be removed. One must question how long the debris had lain in the attic without being discovered, and whether any measures had been in place to prevent the fibres filtering into the rooms below.

#### **248. May 2001. Roof repairs leave asbestos debris in primary school.**

In May 2001 Edinburgh City Council were fined after repairs to the roof of a primary school had left damaged asbestos on ledges:

*"Edinburgh City council was fined £7,500 after asbestos was found on ledges at Parsons Green primary in Duddingston.*

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<sup>274</sup> BBC News .Asbestos danger in school kitchens 21 Nov 2001

<sup>275</sup> North Lanarkshire council Bargeddie – Drumpark School – Asbestos removal. IJF/LP/EDMM20153 20 May 2001

*The school was forced to close in 2000 when the deadly fibres were discovered in classrooms after roof repairs.*<sup>276</sup>

**249. April 2001. Children told to break up and dispose of AIB ceiling tiles. Dangerous levels of fibres would have been released. Solicitor incorrectly stated “exposure probably at very low levels.”**

In April 2001 AIB tiles containing amosite had been removed from the ceiling of a school IT classroom and stored in a boiler room at a Humberston school. In December the headteacher had told pupils on litter duty to clear up the tiles. The HSE case report states:

*“Grimsby Prosecution relating to breaking up of tiles containing amosite asbestos by caretaker and pupils at local authority school.*

*Pupils during lesson time and caretaker involved in breaking up of AIB at school*

*Failure to prevent exposure of caretaker and pupils to asbestos - no safe system of work followed for the removal, storage, reuse, and disposal of tiles. Labelling inadequate. Management of asbestos in building inadequate.*

*Case supported because of; Gravity of the offence and potential harm, reckless disregard of H&S requirements for control of exposure to asbestos, failure of dutyholder to manage H&S being far below legal standard, public interest to draw compliance to the law.*<sup>277</sup>

Newspaper reports of the trial stated:

*North East Lincolnshire Council barrister Neil Cameron said...*

*“The council feels very let down by the actions of that headteacher. “He must have known he was not meant to do as he did.”*

*HSE solicitor Michael Elliker said tiles containing asbestos had been removed from an IT room during a refurbishment in April 2001, and stored in a boiler room.*

*A caretaker started work on clearing them on December 13 that year, and gave three 14-year-old pupils on litter-picking duty the job of breaking and disposing them.*

Mr Elliker said: “That evening, one of the pupils told his parents what happened.

*“They were alarmed and informed the school, and we launched an investigation.”*

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<sup>276</sup> Edinburgh Evening News School asbestos find sparks safety fears 30 Jan 2003

<sup>277</sup> HSE Prosecutions Details of case No: 2019231 offence date 1 Apr 2001

*Mr Elliker said one boy had mentioned a warning sticker on a tile to the assistant caretaker, who incorrectly replied "There's no harm in small quantities".*

*He added: "They undoubtedly inhaled fibres, but the exposure was probably at a very low level."<sup>278</sup>*

Note: the caretaker and the 14 year old boys took about an hour breaking up, handling and disposing of the AIB,<sup>279</sup> and yet the HSE solicitor stated that the exposure was probably at a very low level. That is no doubt a reassuring statement, but it is wrong.

Clearly the HSE solicitor was unaware of HSE's own documents which state that the fibre levels from breaking and ripping out AIB under controlled conditions are 5-20f/ml. Cleaning and bagging after dry removal of AIB tiles (breaking tiles) 2.5- 50 f/ml.<sup>280</sup> Other tests have been carried out to recreate levels where control measures are not in place, which is regrettably the case here. They give considerably higher levels where smashing up one AIB ceiling tile creates fibre levels of 50 f/ml and the brushing and bagging of AIB dust and debris after breaking the tile created even more dust and was measured at 73 f/ml on a personal sampler.<sup>281</sup> HSC documents confirm this by stating "*Very high exposure arise if the tiles are broken during removal and when the debris is cleaned and bagged.*"<sup>282</sup>

These were not controlled conditions so that the fibre levels were very high, and whereas asbestos contractors would have been wearing respirators and protective clothing, in this case the pupils and the caretaker were not.

Because of misleading statements such as that given by the HSE solicitor, it is not at all surprising that people are left with the impression that asbestos is not really that dangerous and that the fuss over asbestos is just another overstated health scare. One cannot really blame the caretaker for thinking that there was no harm in small quantities being breathed in, and that the headmaster thought that it was permissible to allow pupils to break up and dispose of AIB.

Statements that play down the risks might be reassuring but they are misleading and counter-productive. So long as HSE, local authorities and others continue to give such statements, then school authorities and individuals will not treat asbestos with the considerable respect that it deserves.

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<sup>278</sup> Lauren Turner Grimsby Telegraph 2 Oct 2003

<sup>279</sup> BBC News Council fined over asbestos exposure 14 Nov 2003

<sup>280</sup> Stranks 1997 . HSC amendment to the control of asbestos at work regulations 1987 and ACOP Regulatory impact assessment July 2002 ceiling tiles large scale removal p81

<sup>281</sup> Risks with asbestos insulating board. Howie ACADemy Autumn 2001 p11-12 8x4ft panel, 15 minutes brushing and bagging.

<sup>282</sup> HSC amendment to the control of asbestos at work regulations 1987 and ACOP Regulatory impact assessment July 2002 p 67-68

**250. September 2000. Infant school teacher dies of mesothelioma. No asbestos management. AIB ceiling tiles disturbed. Daily put drawing pins in AIB ceilings.**

In September 2000 Gina Lees, an infant school teacher, died of mesothelioma. Mrs Lees was 51 when she died. The coroner gave a verdict at her inquest of "Death from an Industrial Disease." Over the course of a thirty year teaching career she had taught in 25 schools, most of them contained asbestos with some in large amounts. In some schools there was no system of asbestos management, in some no asbestos survey had been carried out and the school authorities had no idea whatsoever that their school contained asbestos. In some schools the asbestos was being damaged on a daily basis.

Storage heaters typically contain asbestos, and in an infants' classroom the storage heaters were dismantled and removed by contractors wearing breathing apparatus and protective clothing while Mrs Lees and the children looked on. The children drew pictures of men in space suits.

In one primary/junior school all the ceiling tiles were AIB which were regularly disturbed and damaged, the flat roof of the system built school leaked so that the school caretaker had to remove the ceiling tiles in an attempt to sort out the problems, as a result releasing significant levels of amosite fibres into the classroom.

Mrs Lees taught the infant children who were too young to write, but everyday they painted colourful pictures of clowns, balloons or Father Christmases which they then cut out and at the end of the day she threaded cotton onto their wonderful creations and suspended them as mobiles by inserting drawing pins in the AIB ceiling tiles. She had to stand on a chair to reach the ceiling so that her face was very close to where she was inserting and removing the drawing pins.

The Government's advisory committee on science estimated that the airborne fibre levels in the breathing zone of the teacher from this simple act of inserting and removing drawing pins are in a realistic worst case 0.05f/ml and up to 1f/ml if every fibre was inhaled.<sup>283</sup> In its own right this practice would expose the teacher to cumulatively dangerous levels of asbestos fibres, but these were not the only asbestos exposures as there were many other low level releases of asbestos fibres, all of which added to her cumulative burden. For every single exposure from every source suffered over a thirty year teaching career in schools containing asbestos contributed towards the development of Gina Lees' mesothelioma.

Regrettably Gina Lees' exposure is typical of thousands of other teachers in schools throughout the country.

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<sup>283</sup> WATCH Committee minutes 6<sup>th</sup> February 2006 Asbestos exposure from use of drawing pins in asbestos insulating board (AIB) para 3.63

## Conclusion

In 1967 the Government were warned of the dangers of asbestos and in particular the dangers to children, and yet they continued to build and refurbish thousands of schools using asbestos in their construction. Their policy since then has been to manage the asbestos rather than remove it, but they have failed to assess the scale of the problem and have therefore been unable to allocate the resources so that their policy can be achieved. The end result is that thousands of schools have ineffective, and at times non-existent and dangerous systems of asbestos management that have allowed frequent asbestos incidents to take place.

*Michael Lees*

*14<sup>th</sup> December 2009*

*Updated 17<sup>th</sup> March 2014*