

# The Coalition Government's Asbestos Policy in Schools

30<sup>th</sup> December 2010

Since the election the aim of the Asbestos in Schools group (AiS) has been to identify the Coalition Government's policy on asbestos in schools. It has also been to press them to follow the basic principles of risk management and to implement practical measures to ensure the safety of the occupants.

The situation is becoming clearer as a result of Parliamentary Questions, a meeting with the Under Secretary of State for Schools, Lord Young's report of Health and Safety and a DfE Asbestos in Schools steering group meeting. In addition there have been reports by The Times, the Guardian, the Daily Mirror, BBC You and Yours and BBC London, all of which DfE or the HSE either participated in or responded to.<sup>1</sup>

## Most schools contain asbestos. DETR report "*The entire school population has been exposed to asbestos in school buildings.*"

Britain has the highest mesothelioma incidence in the world.<sup>2</sup> A recent study concluded that a likely major cause was because we were the largest importer of amosite. (brown asbestos)<sup>3</sup>

Most schools contain asbestos, all the asbestos is old, much of it is amosite.

Numerous asbestos incidents in schools have exposed both staff and children, often over prolonged periods of time. A report commissioned by the Department of the Environment considered the extent and type of asbestos in schools and the levels of exposure. It stated "*It is not unreasonable to assume, therefore, that the entire school population has been exposed to asbestos in school buildings.*" It assessed lifetime asbestos exposures, including the asbestos exposure to children and concluded "*Exposure to asbestos in school may therefore constitute a significant part of total exposure.*"<sup>4</sup>

## Government is making policies without assessing the scale of the problem or the risks

In 1967 the Government were warned by the Chief Medical Officer of the particular vulnerability of children to asbestos in schools and that an "*astonishing slight degree*" of asbestos exposure could cause mesothelioma.<sup>5</sup> They were advised to take precautionary measures, but under pressure from the asbestos industry they failed to take the necessary action at the time,<sup>6</sup> and for political expediency and short term financial reasons have failed to ever since.

On average one school teacher dies each month of the asbestos related cancer mesothelioma. For every teacher there are 20 children. School secretaries, caretakers, cleaners, cooks, teaching assistants and nursery nurses are also dying.<sup>7</sup> Children are more vulnerable to the effects of asbestos, but because of the long latency there are no statistics that show how many children have

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<sup>1</sup> [The Times](#) The Times "Should asbestos in schools be removed?" debate 10 Dec 2010

<http://www.asbestosexposureschools.co.uk/npaper%20links/Times.htm>, [the Guardian](#), [the Daily Mirror](#), [You and Yours](#) BBC London,

<sup>2</sup> Comparison of mesothelioma incidence

<http://www.asbestosexposureschools.co.uk/pdfnewslinks/USA%20v%20GB%20Mesothelioma%206Sep%2010%205%202.pdf>

<sup>3</sup> HSE RR696 Occupational. Environmental and domestic risks in Great Britain 2009 <http://www.hse.gov.uk/research/rrpdf/rr696.pdf>

<sup>4</sup> Fibrous Materials in the Environment Institute for Environment and Health. P72 nd p75 . 1997

<sup>5</sup> Letter Chief Medical Officer Factories Inspectorate / DES Use of Asbestos products in schools 6 Mar 1967. Annual report of HM Chief Inspector of Factories on Industrial Health 1965 P82

<sup>6</sup> Letter Directors Cape Asbestos Turner and Newall/ Secretary of State for Education 16 Aug 1967

<sup>7</sup> [Statistics of deaths in the education sector from mesothelioma](#)

subsequently died of mesothelioma following their asbestos exposure at school.<sup>8</sup> The teachers' and support staff deaths are therefore the visible tip of the iceberg.<sup>9</sup>

In answer to a Parliamentary question on 13<sup>th</sup> December 2010 the Minister of State for Work and Pensions, Chris Grayling MP, appears to have dismissed the teachers' deaths as inconsequential as they are broadly average for the working population.<sup>10</sup> His logic is flawed for in a profession where there should be minimal or no asbestos exposure the teachers' deaths should not be average, rather they should be far below average as the statistics include the high risk occupations. A proper comparison should be with comparable occupations where statistics show the incidence of mesothelioma amongst the teachers is higher.<sup>11</sup> Also, just because people are dying in one occupation from exposure to asbestos, it does not make it acceptable that they are also dying in schools. Another fundamental flaw in his answer is that he failed to respond to the question about support staff and children and to acknowledge the relevance of the teachers' and support staff deaths, for if they are being exposed to asbestos and subsequently dying, then so are the children.

A year and a half ago the AiS asked the Prime Minister to undertake an assessment of the risks from asbestos in schools and in particular to assess the increased risks to children. Although there was ample opportunity his Government prevaricated and no assessment was made, and thus they avoided having to take the necessary actions.

At the same time the AiS also held talks with the Shadow Schools Minister Nick Gibb MP and asked if he would assess the asbestos risks in schools and the scale of the problem. He stated "*one cannot shut one's eyes to the problem....one cannot sweep the problem under the carpet.*"<sup>12</sup> However, as the Minister of State for Schools he has now not lived up to his fine words, for in answer to a Parliamentary question on 8<sup>th</sup> December 2010, he stated his Department "*has no plans for assessing the asbestos risks in schools.*"<sup>13</sup>

Despite the ever increasing teachers' deaths and the absence of a risk assessment for children, Lord Young made an unsubstantiated claim in his report on health and safety, declaring that schools are "*low risk... low hazard workplace.*"<sup>14</sup> His report fails to address the fact that Britain has the highest incidence of mesothelioma in the world, and his conclusions appear to ignore the presence of asbestos in the majority of schools. He failed to look at the risk to children from the long term daily exposure to low levels of asbestos fibres that appears to be killing their teachers and support staff. As his report is unsubstantiated and is not backed by a risk assessment for children, it is not a sound basis for Government policy on asbestos in schools. But it is being used as such, for, on his recommendations, a "*classroom risk assessment*" has been put out for consultation that trivialises the potential hazard of asbestos in schools.<sup>15</sup>

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<sup>8</sup> [The Increased vulnerability of children to asbestos](#)

<sup>9</sup> [The Significance of Teachers' Mesothelioma Deaths](#)

<sup>10</sup> PQ Annette Brooke MP/ Secretary of State for Work and Pensions 13 Dec 2010  
<http://www.asbestosexposureschools.co.uk/npaper%20links/PQ%20Annette%20Brooke.htm>

<sup>11</sup> [The Significance of Teachers' Mesothelioma Deaths](#)

<sup>12</sup> Meeting Nick Gibb MP Shadow Schools Minister/ Asbestos in schools group 27<sup>th</sup> January 2010. Meeting Nick Gibb MP/ Lees 7 Jul 2009

<sup>13</sup> PQ John Cryer MP/ Minister of State for Schools 8 Dec 2010

<http://www.asbestosexposureschools.co.uk/pdfnewslinks/PQs%20John%20Cryer%20%20Nick%20Gibb%20COMMENT%20%208%20Dec%2010.pdf>

<sup>14</sup> Lord Young review Common sense Common safety. Oct 2010 P12,15,28 [http://www.number10.gov.uk/wp-content/uploads/402906\\_CommonSense\\_acc.pdf](http://www.number10.gov.uk/wp-content/uploads/402906_CommonSense_acc.pdf)

<sup>15</sup> Classroom risk assessment consultation <http://news.hse.gov.uk/2010/11/22/classroom-risk-assessment/>

### **Schools capital spending review. Major financial decisions without knowing the scale of the problem.**

The Government is presently undertaking a schools capital spending review which will be used as the basis for allocating funds and prioritising schools for refurbishment or replacement. The cost of asbestos removal or remediation is potentially a major part of any refurbishment or replacement.

In answer to a Parliamentary question the Minister of State for Schools gave an estimate that around 70% of school buildings contain asbestos.<sup>16</sup> This is little more than a guess as it is based on estimates of the date the school stock was built and the floor area, and is not based on actual knowledge of the extent, type and condition of asbestos in the nation's schools.

The Secretary of State for Education has stated that in future priority for refurbishment or replacement will be given to dilapidated schools.<sup>17</sup> This decision is sensible as the more dilapidated a school, the more probable it is that the asbestos will be in a similar condition. The flaw is that asbestos remediation or removal can be a major cost in the refurbishment or replacement of a school, but without knowing the scale of the asbestos problem it will be impossible to allocate proportionate funds, or even to target funds where the need is greatest.

### **Schools opting out of LA control. Governors' legal responsibilities. Failure to address asbestos implications.**

Government policy encourages increasing numbers of schools to opt out of local authority control. Invariably the schools are being handed over with only "management" asbestos surveys, so that any hidden asbestos will not have been identified. Consequently their new owners will be unaware of the full extent of asbestos within their buildings.

Although the governors will often lack asbestos awareness, they will have legal responsibility for managing the asbestos and ensuring the safety of the occupants. If an incident occurs and the occupants are exposed to asbestos, or if there is a failure in asbestos management, then the governors are legally responsible.

If refurbishment or maintenance is undertaken in the future and previously unidentified asbestos is found then the cost can be considerable. DfE told the Guardian that "*Free schools would be able to call on the £15.8bn capital budget allocated to cover repairs and maintenance.*"<sup>18</sup> Although in the financial settlement of 13th December that amount is the total invested in the school estate over the review period up to and including 2015.<sup>19</sup> It must therefore be questioned how much of the cost for asbestos removal or remediation will have to be borne by the new owners.

One must also question how many potential owners and governors are fully aware of the profound legal and financial implications that affect them personally when they take on a school that contains asbestos.

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<sup>16</sup> PQ John Cryer MP/ Minister of State for Schools 8 Dec 2010

<http://www.asbestosexposureschools.co.uk/pdfnewslinks/PQs%20John%20Cryer%20%20Nick%20Gibb%20COMMENT%20%208%20Dec%2010.pdf>

<sup>17</sup> Education Questions 12 July 2010 <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100712/debtext/100712-0001.htm>

<sup>18</sup> [The Guardian](#) asbestos raises its ugly head 13 Dec 2010

<sup>19</sup> Written ministerial statement by the Secretary of State for Education on schools financial settlement - education spending 13 Dec 2010 <http://www.education.gov.uk/inthenews/inthenews/a0070450/written-ministerial-statement-by-the-secretary-of-state-for-education-on-schools-financial-settlement-education-spending>

## **Government policy: Asbestos to be left in situ and managed until the building reaches the end of its life.**

In answer to a Parliamentary question on the policy of asbestos removal when schools are refurbished, the Minister of State for Schools stated *“Providing that asbestos containing materials are maintained in good condition, they can be left in situ and managed until the building reaches the end of its life...”*<sup>20</sup>

The Government have opted for a policy that means school authorities will have to maintain rigorous and effective systems of asbestos management long into the future. However the policy is not backed up by proportionate resources, it is underfunded and many schools are not equipped to effectively manage their asbestos. On a number of accounts the policies are just tokenism.

The Times recently published an article giving the arguments for and against asbestos removal.<sup>21</sup>

## **Training not compulsory. Total funds allocated for training all headteachers £20,000**

Both the HSE/DfE questionnaire and a study carried out by the asbestos consultants association identified a lack of asbestos awareness amongst school staff and the officials who are meant to be managing the asbestos.<sup>22</sup>

As a result the last government agreed to training for headteachers, and this government has established a sub-committee to design the training. Members of the AiS and the United Kingdom Asbestos Training Association (UKATA) are part of the project. This is positive step forward, however the AiS advocate that the training must be extended to school governors and all members of staff. If it is to reach those most in need the training also has to be compulsory.

When asked, DfE officials stated that the training will not be compulsory. They also stated there are no plans to extend it to other staff or to school governors. The training will be entirely web-based and DfE do not intend it to have any element of face to face training, as requested by the AiS. The total sum allocated to train all the headteachers in the country is just £20,000. This shows the low priority the Schools Minister has put on asbestos training, when in comparison £82,000 was spent on pot plants for the magnificent new DfE HQ.<sup>23</sup>

This training is too little and too late for many thousands of people in our schools who have been exposed to asbestos through a lack of asbestos awareness. People should have been trained decades ago as they were in the USA, when in 1982 they implemented mandatory asbestos training for school staff.<sup>24</sup>

Government policy encourages schools to opt out of local authority control, so that increasing numbers of governors will in the future have legal responsibility for the safety of the occupants. And yet the Minister has no plans to train them for this demanding, crucial responsibility. If he intends that people run their own schools, then he has to equip them so they can.

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<sup>20</sup> PQ John Cryer MP/ Minister of State for Schools 8 Dec 2010

<http://www.asbestosexposureschools.co.uk/pdfnewslinks/PQs%20John%20Cryer%20%20Nick%20Gibb%20COMMENT%20%208%20Dec%2010.pdf>

<sup>21</sup> [The Times](http://www.asbestosexposureschools.co.uk/npaper%20links/Times.htm) The Times “Should asbestos in schools be removed?” debate 10 Dec 2010

<http://www.asbestosexposureschools.co.uk/npaper%20links/Times.htm>

<sup>22</sup> Assessment of asbestos management in schools ATAC 20 Jan 2010 [See the report](#)

<sup>23</sup> Parliamentary Written answers Davis Davies Mp/ Diana Johnson MP319197 18 Mar 2010

<http://services.parliament.uk/hansard/Commons/ByDate/20100318/writtenanswers/part023.html> )

<sup>24</sup> EPA press release 24 May 1982. EPA announces rule for schools to test for asbestos. Asbestos in schools identification and notification rule

### **No intention to draft guidance for schools. Some guidance is confusing or dangerous.**

The asbestos guidance for schools was almost twenty years old when in 2004 the Schools Minister, David Miliband, stated that it urgently needed updating.<sup>25</sup> Instead of updating it, in 2008 it was removed and not replaced. Other asbestos guidance is confusing, and some even gives dangerous advice.

A Department for Education Ministerial briefing shows that the reason that the guidance was not updated was because the Department for Education feared that if they issued specific asbestos guidance to schools it *“might provoke unnecessary panic.”*<sup>26</sup>

The AiS agrees that one cannot shut one’s eyes to the problem, and advocates that there should be clear, specific asbestos guidance written for schools. At the recent steering group meeting, when asked DfE officials stated that the present guidance is perfectly adequate and there is no intention of issuing specific asbestos guidance for schools.<sup>27</sup>

### **Government policy of management is based on flawed survey of standards of asbestos management.**

The Minister of State for Schools in a Parliamentary answer and the HSE have declared that the majority of local authorities are managing asbestos in their schools in accordance with the regulations.<sup>28</sup>

This is a flawed statement as it is based on a DfE/HSE questionnaire that was meant to assess local authorities’ compliance with asbestos guidance for one problem in one type of school. The questionnaire was severely criticised by a local authority and various experts. It is not a valid basis for assessing the standards of asbestos management in all schools and by design it was inevitable that it would produce more positive results than actually exist.

The government has refused a request under the Freedom of Information act to publish two reports that it is understood are critical of standards of health and safety in schools and asbestos management. See the Daily Mirror articles and the HSE response .<sup>29</sup>

The Government has declared that risks from asbestos in schools are low, but this is an unsubstantiated claim and fundamentally flawed. But by making the claim they can avoid addressing the problem.

They must know that their approach is flawed as critical reports are being suppressed, expert evidence is being ignored and parliamentary answers “spun” to avoid assessing the scale of the problem, school staff deaths or the risks.

Government policy relies on schools effectively managing their asbestos, and a flawed questionnaire is used to justify the policy. It does however further justify their policy of leaving asbestos in schools and managing it for the life of the buildings. They then make token gestures of offering training to headteachers, but fail to back it up with proportionate resources and fail to make it compulsory.

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<sup>25</sup> Letter David Miliband MP/ Gen Sec NUT 204/004342334ODM Aug 2004

<sup>26</sup> Letter DfE/Schools Minister Robin Squire MP Asbestos in schools EF/09/94/04 12 Dec 1994

<sup>27</sup> DfE Asbestos in schools steering group meeting Contemporaneous notes Lees. 29 Nov 2010

<sup>28</sup> PQ John Cryer MP/ Minister of State for Schools 8 Dec 2010

<http://www.asbestosexposureschools.co.uk/pdfnewslinks/PQs%20John%20Cryer%20%20Nick%20Gibb%20COMMENT%20%208%20Dec%2010.pdf>

<sup>29</sup> [Daily Mirror](#) Angry campaigners want asbestos report unveiled 29 Nov 2010 [HSE response](#)

The flawed policies are attractive because they are, in the short term, cheap and can be sustained provided the cost in human life is denied and a proper assessment is refused.

When in Opposition the Minister of State for Schools said *"You cannot shut your eyes to the problem... you cannot sweep the problem under the carpet."* Now that he is in Government it would appear that is precisely what he is doing.

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*30<sup>th</sup> December 2010*