

25 Feb 2010 : Column 721W - WORK AND PENSIONS

**Asbestos: Schools**

**Paul Rowen:** To ask the Secretary of State for Work and Pensions what assessment she has made of the follow-up work to the Health and Safety Executive's (HSE) Asbestos Management in Schools survey; how many visits by the HSE to local education authorities have been made following the survey; and when she estimates the HSE follow-up work will be completed. [318515]

**Jonathan Shaw** [*holding answer 24 February 2010*]: HSE inspectors are in the process of visiting the local authorities which were identified through the questionnaire survey, that is, those local authorities which did not provide sufficient information to demonstrate the adequacy of their arrangements for properly managing asbestos in system-built schools. In total 45 LAs have been identified for visit and to date 14 of these have been visited with three further visits scheduled. The remaining visits are scheduled for completion during March and April.

Besides any specific actions required at the time of visits by inspectors in individual cases, an overall assessment of the collective findings will rapidly be made by HSE, and the findings shared with others to ensure that necessary remedial actions are taken.

It is essential that all schools have arrangements in place to actively and competently manage asbestos whenever it is present. HSE will continue to work with the local authorities, DCSF and schools to ensure that schools both understand their legal responsibilities and act on them.

**Comment on Parliamentary Question 25 Feb 2010.**

The DCSF/HSE questionnaire was circulated in January 2009 to all local authorities and diocese in England in an attempt to establish the standards of asbestos management in system built schools. The replies were meant to be returned by April 3<sup>rd</sup> 2009, however at the deadline 88% had failed to reply. The deadline was extended on two further occasions until November 2009. Although the Minister now states that the visits will be completed by the end of April 2010, one must question why it has taken until now to establish the standards of asbestos management in these schools and local authorities.

The 45 local authorities now being investigated either failed to reply to the questionnaire or their replies warranted further investigation. However a large number of schools are not included in this survey. It is aimed at the asbestos management in System built schools and fails to address the problems in the majority of schools that are not system built. In addition Scotland, Wales and Ireland have not taken part, and the response from schools outside local authority control has been almost non-existent. By February 24<sup>th</sup> 2010 only a handful of replies had been received from the 95 expected from diocese and school not under local authority control - some 5694 schools. In addition no attempt had been made to assess the standards in the 2,403 independent schools.<sup>1</sup> One must question how many of the 2,700,000 pupils in these schools outside local authority control have been, and remain, at risk because in effect they are outside a workable system of regulation.

In 2004 the HSE campaign to improve the asbestos management in schools was to specifically target **all** schools, and in particular independent schools as it was acknowledged that the standards of asbestos management in some were worse than schools in the state sector, and yet the system of regulation has

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<sup>1</sup> Meeting Under Secretary of State for Schools, Diana Johnson MP/ asbestos in schools group 24<sup>th</sup> February 2010. DCSF Improving asbestos management in schools: Project board terms of reference. 24<sup>th</sup> Feb 2010

been inadequate so that any such failings could readily pass undetected.<sup>2</sup> When HSE dropped the campaign, nothing was done about assessing their standards and therefore no actions were taken to improve them. Consequently their 565,000<sup>3</sup> pupils potentially have been, and remain at risk.

Despite being fully aware of the potential dangers in independent schools the Department for Children and Schools stated at the 24<sup>th</sup> February 2010 meeting between the Minister and the Asbestos in schools group that “*DCSF do not have any duties re independent schools.*”<sup>4</sup> Local authorities do not regulate the standards of asbestos management in independent schools. HSE has failed to address the known problems and now DCSF will not accept that the staff and children in these schools are their responsibility. It is known that staff and children in these schools are potentially at risk it is therefore unacceptable that no official body will accept that it their responsibility to make these schools safe.

Because of DCSF and HSE’s obvious lack of knowledge about the standards of asbestos management in schools, one must presume that the statements made by Ministers over the years that “*We believe that the majority of school employers and particularly local authorities are managing their asbestos responsibly*”<sup>5</sup> was based on misplaced supposition rather than fact.

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<sup>2</sup> HSE Asbestos-duty to manage campaign. Meeting HSE Head of Asbestos Policy /Lees 18 Nov 2004. E-mail HSE Head of Disease Reduction programme/ DCSF Asbestos Campaign – Education Sector 23 Aug 2005 paras 13,18.

<sup>3</sup> DCSF. National Statistics The Composition of Schools in England June 2008

<sup>4</sup> DCSF Improving asbestos management in schools: Project board terms of reference. 24<sup>th</sup> Feb 2010 Agenda item 5

<sup>5</sup> Letter Under Secretary of State for Schools Rt Hon Jim Knight MP/ Chairman All Party Parliamentary Committee on Safety and Health Michael Clapham MP. 2008/0095354POJK. 22 Nov 2008