

Parliamentary answer dismisses school teachers' deaths despite a relentless increase

08 February 2011 Parliamentary Written Answers *Education Schools: Asbestos*

John Mann: *To ask the Secretary of State for Education (1) what information his Department holds on the number of head teachers who have completed training on asbestos in schools in the last 10 years; [34642]*

(2) what guidance his Department issues to schools on asbestos; [34643]

(3) what recent estimate he has made of the health risk to (a) teachers, (b) support staff and (c) pupils from asbestos in schools. [34658]

Mr Gibb: *The Department does not hold any information on the number of head teachers who have completed training on asbestos in schools in the last 10 years. However, many local authorities, as duty holders under the Control of Asbestos Regulations, have provided training to school staff and governors. Those who have responsibility for the maintenance of school buildings must be aware and have knowledge of the effective management of any asbestos containing materials.*

The Department's guidance to schools on asbestos management is located on the Teachernet website at: www.teachernet.gov.uk/asbestos

There is extensive guidance and information on managing asbestos on the Health and Safety Executive's (HSE's) website, including a guide on the Management of Asbestos in Non-Domestic Premises, available at: <http://www.hse.gov.uk/pubns/books/l127.htm>

Partnerships for Schools is currently working with HSE and asbestos training providers to produce training for head teachers to make sure they are fully aware of their roles and responsibilities.

Asbestos containing materials should be managed in accordance with the Control of Asbestos Regulations 2006 and HSE guidance. So long as asbestos is effectively managed there is no significant risk in leaving it in place. Asbestos which is in good condition and unlikely to be disturbed or damaged is better left in place and managed until the end of the life of the building as this presents less risk of exposure to the occupants than the process of removing it. Asbestos which is in poor condition, or which is likely to be damaged or disturbed should be sealed, enclosed or removed.

The Department has not commissioned any special study into the health risks to teachers, support staff and pupils from asbestos in schools. Evidence indicates that school teachers, as an identifiable occupational group, are no more at risk from contracting asbestos related diseases than the general population. Asbestos in the majority of local authority schools is being satisfactorily managed and HSE is continuing to promote the need for competence and vigilance on the part of those who have responsibility for the maintenance of school buildings, and take action where they find non compliance.¹

¹ <http://services.parliament.uk/hansard/Commons/bydate/20110208/writtenanswers/part015.html>

Summary

The Parliamentary question asked by John Mann MP raises many of the core issues connected with asbestos in schools. The Minister of State for Schools' answer fails to adequately address the very serious issues raised.

In particular the Minister unjustifiably dismisses the annually increasing death toll amongst school teachers. He is spinning the statistics. Teachers, support staff and children are being exposed to asbestos at school and dying. 20 or 30 children are exposed for every teacher, so proportionately their deaths are greater. It is clearly the Minister's duty to assess the risk to children and in this answer he fails to do so.

In addition he uses unsubstantiated and misleading statements to justify the government's policy of managing asbestos in schools rather than removing it.

Before the election, as Shadow Minister for Schools, Nick Gibb MP questioned the cost of a phased removal of asbestos from schools balanced against the benefit of saving a few thousand lives. Now that he is in Government he has clearly undertaken that cost benefit analysis and has decided that the numbers of teachers, support staff and children who die from asbestos exposure at school is acceptable. That decision should not have been made without an analysis of the risks to children and how many are dying in later life.

His answers are a clear attempt to keep the decision on the acceptable level of deaths of teachers, support staff and children from open public debate. It is also designed to prevent a proper analysis of the risk to children from the asbestos in more than three quarters of the nation's schools.

The following topics are examined in this comment on the Parliamentary question and answer:

Teachers' death increase. No risk assessment. The latest statistics have just been obtained that show a continued increase in school teachers' deaths from mesothelioma. More than 223 school teachers have died of mesothelioma since 1980, with 109 of those dying between 2001 and 2008. For each teacher there are 20 to 30 children, therefore proportionately that equates to 4,500 people who have subsequently died from their asbestos exposure as a child at school.

These deaths of school teachers are not normal, but despite these appalling statistics the Minister dismisses their deaths. If the teachers are being exposed to asbestos and dying, then so are their children. But the Minister has failed to acknowledge the relevance of their deaths to school children, and despite requests has not commissioned the government's advisory committee to assess the risks to children from asbestos. The Minister is neglecting his duty as teachers' exposure to asbestos is a proven fact and the risk to the children they teach must therefore be assessed. Page 3

Many schools are not managing their asbestos effectively. The Minister has justified the Government policy of managing asbestos in schools rather than removing it, by making an unsubstantiated and misleading claim that the asbestos in the majority of local authority schools is being safely managed. The statement embellishes the conclusions HSE made following a questionnaire and inspections that looked at one specific asbestos problem in one type of school

building. The Minister therefore has no grounds to make the statement for all local authority schools. Particularly as the evidence is that many schools are not managing their asbestos either effectively or safely. Page 8

Training too limited and underfunded. The Government policy of managing asbestos has to be backed up by proportionate resources if it is to stand any chance of success. Training for headteachers, school governors, teachers and support staff is an essential part of achieving an effective and safe system of asbestos management. The training that the Government proposes is underfunded and is of limited scope. Less than a pound a school has been allocated. Training will not be given to governors, teachers or support staff, for it is targeted at only headteachers in the hope that the knowledge will trickle down. It is principally targeted at Academies and Free schools and not local authority schools. It will not be compulsory and it is entirely web-based, with no face to face training. It is tokenism that allows the Minister to say he is doing something, but it is an inadequate response that will not make the quantum improvement in asbestos awareness that is desperately needed if schools are to effectively manage their asbestos. Page 11

Asbestos guidance for schools is confusing and at time unsafe. The DfE asbestos guidance for schools is inadequate. The HSE guidance is extensive but much of it is drafted for people working on asbestos rather than those occupying the buildings. It is at times confusing and some guidance gives unsafe advice. The Asbestos in Schools group (AiS) has asked for clear asbestos guidance to be drafted specifically for schools, and has offered to work with DfE and HSE to achieve that. The offer has not been accepted as DfE and HSE claim, incorrectly, that the present guidance is perfectly adequate. Page 13

Government privately admit that asbestos removal is safe. Government policy is based on the premise that so long as asbestos is in good condition and not disturbed, then it is safer to leave it in place and manage it than it is removing it. The policy is flawed, for it has been proved that it is often the hidden asbestos that is in poor condition and is releasing dangerous levels of asbestos fibres into the classrooms. Asbestos surveys rarely identify this hidden, damaged asbestos, consequently the school authorities have been unaware it was there and incorrectly believed that they were effectively managing their asbestos – when they were not. Confidential Ministerial briefings have shown that the Government acknowledge that asbestos can be safely removed, as it is in other government buildings. However the reason it is not the policy for schools is the cost to central government, not for the safety of the occupants. “Spin” is therefore used to justify the policy of leaving the asbestos in place and managing it. Page 15

Analysis of the Minister’s answer

Minister fails to acknowledge the relevance of the increasing numbers of teachers dying from mesothelioma.

Question “(3) what recent estimate he has made of the health risk to (a) teachers, (b) support staff and (c) pupils from asbestos in schools.”

Answer *“The Department has not commissioned any special study into the health risks to teachers, support staff and pupils from asbestos in schools. Evidence indicates that school teachers, as an identifiable occupational group, are no more at risk from contracting asbestos related diseases than the general population.”*

The latest mesothelioma statistics obtained in February 2011 show that 223 school teachers have died of mesothelioma since 1980, with 109 dying in the eight year period 2001-2008², and the numbers increase year on year. For each teacher there are 20-30 children and they are more vulnerable to the dangers of asbestos. Proportionately that equates to more than 4,500 people who have subsequently died from their asbestos exposure as a child at school. (For more details follow the link [The latest statistics for teachers' and lecturers' mesothelioma deaths analysed here.](#)³)

The Minister is misleading in his answer about the risks to school teachers and he has failed to answer the question about support staff and pupils. His answer also fails to address the relevance to pupils of the teachers' and support staff deaths.

Instead of dismissing the teachers' deaths the Minister should acknowledge their relevance as they are the visible tip of an iceberg. For there are many more children in a school than there are teachers, and if the teachers are being exposed to asbestos and dying then so are the children. But schools are the only workplace where the vast majority of people are not listed in occupational mesothelioma statistics, as they are children. Therefore the teachers and support staff deaths have to be taken as a measure of the probable numbers of people who are dying as a consequence of their asbestos exposure as children at school. The Minister should commission a proper assessment to quantify the relationship between the teachers' deaths and the subsequent deaths of the children. It is irresponsible not to do so.

Instead of commissioning an assessment the Minister puts a spin on the statistics in an attempt to disguise what is a very serious situation that has far reaching implications, by claiming that *“Evidence indicates that school teachers, as an identifiable occupational group, are no more at risk from contracting asbestos related diseases than the general population.”*

His answer is not only misleading it is also wrong for evidence shows that the mesothelioma deaths amongst school teachers are broadly in line with the average for all occupations, and not as he says the general population. But teachers' deaths should not be average, for the average includes high risk occupations, and in a profession where there should be little or no asbestos exposure, teachers' mesothelioma deaths should be far below the average. The HSE statistics show that the teachers are dying of asbestos disease at a rate of death far higher than they would, had they had no asbestos exposure,⁴ or indeed in an occupation such as farming or forestry⁵ where they genuinely have little or no contact with asbestos.

² Mesothelioma deaths for occupations relating to schools for males and females aged 16-74 (SOC 2000) 2001-2008. E-mail HSE CSAG Epidemiology Unit. Benson/Bonney 10 Feb 11. HSE Mesothelioma occupational statistics: Male and female deaths aged 16-74 1980-2000 Table 3,4 Southampton Occupation Group. 5 year time period 1980-2000 excluding 1981. HSE Mesothelioma mortality in Great Britain: Analyses by Geographical area and occupation 2005 Tables 11, 13 (2002-2005)

³ Increasing number of school teachers dying of mesothelioma per annum
<http://www.asbestosexposureschools.co.uk/pdfnewslinks/MESOTHELIOMA%20%20DEATHS%20%20FEB%202011.pdf>

⁴ HSE statistics Mesothelioma Occupational statistics 1980-2000 Interpretative issues p5

Instead they have a higher incidence of mesothelioma deaths than many other professions. Male teachers have a proportionately greater number of mesothelioma deaths than for instance coal miners, bakers, bus drivers/conductors, cooks, farmers and motor mechanics,⁶ which demonstrates that they have been exposed to significantly more asbestos. If they are compared with broadly similar professions such as solicitors, doctors, the clergy, government administrators or police officers the teachers' deaths are proportionately higher than all of them.⁷

If female teachers are compared with a similar profession then marked differences are also shown; There are similar numbers of female teachers as there are female nurses and yet between 1980 - 2000 the proportion of female teachers dying of mesothelioma was precisely twice that of female nurses. One would have thought that neither profession should experience asbestos exposure, however the statistics demonstrate that both professions have experienced significant exposure, with the exposure of the teachers being twice that of the nurses.⁸

This demonstrates that, as a profession, teachers have been exposed to significant levels of asbestos fibres, as have school caretakers, cooks, teaching assistants, nursery nurses and school secretaries who are also dying of mesothelioma. If the adults working in schools are being exposed to asbestos and dying then so are the children. A fuller explanation of the relevance of teachers' deaths is given in a paper that examines the answer given by the Minister for Employment in reply to a question by Annette Brooke MP, and is at the following link:

<http://www.asbestosexposureschools.co.uk/pdfnewslinks/PQ%20Annette%20Brooke.pdf>⁹

It is essential that a study is commissioned that examines the relevance to school children of the teachers' deaths, and that should be part of a general assessment of the asbestos risks to children. However the Minister dismisses the teachers' deaths and states that his Department has not commissioned a study into the risks. The Minister went further in a previous Parliamentary answer by stating that his Department "*has no plans for assessing the asbestos risks in schools.*"¹⁰

His answers demonstrate an unacceptable level of complacency, or an intentional policy to keep the facts from the public. The most basic principle of risk management is assessing the scale of the problem and the risks, consequently when in Opposition Nick Gibb MP was asked if he would assess the scale of the problem and the risks, to which he replied "*One cannot shut one's eyes to the problem....One cannot sweep it under the carpet.*"¹¹ However now that he is in power he has

⁵ HSE statistics Mesothelioma Occupational statistics 1980-2000 Highest and lowest risk occupations for males p7. Tables 3, 5. E-mail HSE Statistics Unit/Lees 15 Jul 2008. Mesothelioma deaths in the education sector for males and females 2001-2005. HSE Mesothelioma mortality in Great Britain: Analyses by Geographical area and occupation 2005 Tables 11, 13 (2002-2005)

⁶ HSE statistics Mesothelioma Occupational statistics 1980-2000 Highest and lowest risk occupations for males p7 Table 5, E-mail HSE Statistics Unit/Lees 15 Jul 2008. Mesothelioma deaths in the education sector for males and females 2001-2005. HSE Mesothelioma mortality in Great Britain: Analyses by Geographical area and occupation 2005 Tables 11, 13 (2002-2005).

⁷ HSE statistics Mesothelioma Occupational statistics 1980-2000 Table 1- 8 table 3 - 5 year time period.. E-mail HSE Statistics Unit/Lees 15 Jul 2008. Mesothelioma deaths in the education sector for males and females 2001-2005. HSE Mesothelioma mortality in Great Britain: Analyses by Geographical area and occupation 2005 Tables 11, 13 (2002-2005) For a full analysis of the significance of teachers' deaths see:

http://www.asbestosexposureschools.co.uk/pdfnewslinks/TEACHERS%20DEATHS%20ARE%20SIGNIFICANT%206%20Jan%2010%20_2_.pdf

⁸ HSE statistics Mesothelioma Occupational statistics 1980-2000 Table 6

⁹ Annette Brooke MP/ Minister of State for Employment 29601 Schools Asbestos 13 Dec 2010

¹⁰ PQ John Cryer MP/ Minister of State for Schools Nick Gibb MP 8 Dec 2010

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

¹¹ Meeting Nick Gibb MP Shadow Schools Minister/ Asbestos in schools group 27th January 2010. Meeting Nick Gibb MP/ Lees 7 Jul 2009

refused to assess the scale of the problem and has failed to commission an assessment of the risks, despite having every opportunity to do so.

The government's advisory committee on science, WATCH, have been discussing the risks from low level exposure to asbestos since November 2007 and are scheduled to have their final meeting at the end of February. The Asbestos in Schools group and WATCH members have requested that the risks from childhood exposure are discussed and the significance of the increased risks from childhood exposure was raised in the first meeting. Despite this the Minister has not commissioned the assessment, and the committee have not assessed the risks. It must be presumed that the reason is that the Minister does not wish to know the answer, for if he did then the Government would have to take action.

At one of the meetings when he was in Opposition, Nick Gibb MP asked how many people were likely to die from their asbestos exposure at school, he also asked what the likely expense would be if a policy of phased removal of asbestos from schools was adopted. He was told that so far 178 school teachers had died and that proportionately over 3,000 people have probably died, but those numbers would continue to rise. He was then told that the project to refurbish or replace all the secondary schools was projected to cost £55 billion and that it was intended to remove the most dangerous asbestos. However the project for primary schools was less well funded and there was insufficient money to identify the asbestos, let alone remove it. If the asbestos was to be removed from primary schools then that would be in addition to the £55 Billion.¹²

Mr Gibb's response was that we were asking him to cripple the budget for schools in order to save the lives of a few thousand middle aged people. Clearly now that he is in Government he has carried out a cost benefit analysis and decided that the financial cost of making schools safe is too much when balanced against the number of people who will die.

Such decisions have to be made by Governments, and in the USA they took a similar decision some twenty five years ago. However there were some fundamental differences. The US first assessed the scale of the problem and the risks, and estimated that 1,000 people would die from their asbestos exposure at school, 90% of which would be the former pupils. They adopted a policy of openness so that there was a public debate. The Federal government were then able to make an informed decision in the full knowledge of the facts. The public were also in full knowledge of the facts so were able to provide the government with a mandate for their policy. Because of the particular vulnerability of children stringent laws were passed specifically for schools, training was made compulsory, as were asbestos surveys and because the scale of the problem and the risks had been assessed the Federal government were able to allocate proportionate funds.

In contrast in the UK no assessment has been made of the scale of the problem or the risks. The management of asbestos has therefore been underfunded. Instead of the public being involved in an informed debate, these fundamental decisions on people's lives have been taken behind closed doors. There has been a policy of secrecy with the facts either being kept from the public, or else misleading statements are made to play the risks down in order to leave a false sense of security.

¹² Meeting Nick Gibb MP/ Lees 7 Jul 2009

Without assessing the risks unsubstantiated claims were made in the Government's review of health and safety when Lord Young arbitrarily declared schools a low risk environment. By avoiding carrying out an assessment it is therefore an easy step for the Government to claim that its response to the asbestos risks in schools is proportionate.

The Minister dismisses the school teachers' deaths as he claims that they "*are no more at risk from contracting asbestos related diseases than the general population.*" This statement is flawed on a number of accounts:

The Minister should not be implying that it is acceptable that people are dying of mesothelioma, for it is not. Rather it demonstrates a disgraceful failure of Government policy in Britain. Because of those policies the general population in Britain has the highest mesothelioma incidence in the world, with its people dying at a rate more than twice that of France, Germany and the USA. The incidence in the USA has stabilised¹³ undoubtedly as a result of policies that were implemented in the 1970s and 1980s that enabled people to manage their asbestos. Whereas in Britain until very recently no such policies were adopted, and even now the policies are not backed by proper resources so that a number of the measures are inadequate or even just tokenism. As a consequence the mesothelioma incidence continues to climb, and will do so for the foreseeable future.

Mesothelioma is almost always caused by exposure to asbestos, so these deaths are the consequence of large numbers of people being exposed to asbestos throughout the country. Although there are occupations that are known to be high risk they are not the only people being exposed to lethal levels of asbestos fibres, for people in a wide variety of occupations are being exposed to asbestos and dying of mesothelioma, as are people in no occupation at all.

Everyone attends school, and most schools contain asbestos. It is inevitable that amongst the mesothelioma deaths are people who were first exposed to asbestos at school as a child, for it is known that large numbers of children have been exposed to asbestos at school. Children are more at risk from the dangers of asbestos than adults, but their deaths are not shown in the statistics as they occur many years later and are recorded under the occupation they had at the time of their death and not as the result of asbestos exposure at school.

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.*"¹⁴

Quite how many children have been exposed to asbestos at school and have subsequently died, and will die, is not known. However it is known how many teachers have died of mesothelioma and therefore an estimate can be made of the number of children likely to die. Although such an estimate is of crucial importance, the Minister has no plans to commission the assessment.

¹³ HSE Table MESO04 Number of mesothelioma deaths and average rates per million by age and sex. Females in GB **11.6 per million** 2006-2008. USA males and females **14 per million** in 2005 Malignant Mesothelioma Mortality --- United States, 1999—2005. Reported by: *KM Bang, PhD, JM Mazurek, MD, E Storey, MD, MD Attfield, PhD, PL Schleiff, MS, JM Wood, MS, Div of Respiratory Disease Studies, JT Wassell, PhD, Div of Safety Research, National Institute for Occupational Safety and Health, CDC.*

¹⁴ Fibrous Materials in the Environment Institute for Environment and Health. P72 nd p75 . 1997

The appalling death toll in Britain is a direct result of Government policies from the 1950 onwards. In 1967 the Department for Education were warned about the dangers of asbestos and the particular risks to children. However they ignored the warnings and carried on building schools using large quantities of the more dangerous types of asbestos material. As a result more than three quarters of schools in Britain contain asbestos with the majority containing the more dangerous types of amosite (brown) and some containing crocidolite (blue).

The teachers, support staff and former pupils' deaths that have occurred, and are occurring now, are because of those policies. Because of the nature of schools the asbestos has been regularly damaged over the years, the schools contaminated and the occupants exposed. Because of the Government policy that it is safer to leave asbestos in place and manage it, most of the asbestos remains. It is all old and, as schools have not been properly maintained, most of the nation's school stock is in a poor condition,¹⁵ so that as the schools deteriorate then so does the asbestos.

As the situation has gradually worsened over the years the death toll amongst the occupants of the schools has inexorably risen from 3 school teachers a year dying of mesothelioma between 1980-1985 to 15 teachers dying on average each year between 2006-2008.¹⁶ Proportionately that equates to at least 25 people dying of mesothelioma each month because they were exposed to asbestos as a child at school.

An appalling number of teachers, support staff and children are being exposed to asbestos at school and are dying of mesothelioma, and yet the Minister has no plans to commission a risk assessment.

Many deaths could have been avoided had successive Governments not chosen to shut their eyes to the problem and ignore the warnings. Because of the long latency the deaths occur many years after the exposure so that each Government in turn has felt able to leave the problem festering in the knowledge that the people being exposed to dangerous levels of asbestos fibres during their term in office will die many years later when they are no longer in power. They then justify their inaction by suppressing the truth, making unsubstantiated and misleading statements and putting a spin on science.

It is essential that the Government commissions a proper assessment of the asbestos risks to children. The assessment must examine the relevance to school children of the teachers' and support staff deaths.

On the evidence available the Minister is unable to state that "Asbestos in the majority of local authority schools is being satisfactorily managed"

PQ Answer:

"Asbestos in the majority of local authority schools is being satisfactorily managed"

¹⁵ BBC Today programme. Tim Byles Chief Executive of Pfs 1 Apr 2010
<http://news.bbc.co.uk/1/hi/health/8598000/8598276.stm>

¹⁶ Mesothelioma deaths for occupations relating to schools for males and females aged 16-74 (SOC 2000) 2001-2008. E-mail HSE CSAG Epidemiology Unit. Benson/Bonney 10 Feb 11 HSE Mesothelioma occupational statistics: Male and female deaths aged 16-74 1980-2000 Table 3,4 Southampton Occupation Group. 5 year time period 1980-2000 excluding 1981. HSE Mesothelioma mortality in Great Britain: Analyses by Geographical area and occupation 2005 Tables 11, 13 (2002-2005)

Again this statement puts a positive “spin” on the facts, for the available evidence does not give the Minister grounds for saying what he does. Rather the evidence is that many local authority schools are not satisfactorily managing their asbestos.

The Minister has embellished the findings of an HSE/DfE survey that specifically looked at compliance with asbestos guidance for one particular problem in one type of school building, “system built” schools. 110 local authorities ticked boxes that said they were complying with the regulations and on the strength of their positive responses DfE and HSE made the assumption that they were managing their asbestos satisfactorily. The Minister’s statement is based on this questionable evidence.

Of the remaining 42 local authorities their replies were such that they required on the ground inspections. 10 had enforcement action taken against them for failing to manage their asbestos. 32 needed to be given advice on improvements they had to make to their systems of asbestos management, 15 of which required ongoing follow up action by the HSE to ensure they did achieve acceptable standards in the future. These represent many thousands of staff and pupils in schools with inadequate systems of asbestos management.¹⁷

As well as putting a gloss on the evidence, the Minister has also made a statement about local authority schools in general when the evidence available to him is of a very limited nature and does not justify such a statement. The HSE Head of Services Sector letter to the local authorities following the survey was very specific about the limitations of the survey, and stated:

“The survey was specifically concerned with system buildings, and in particular those which have structural columns fire-proofed with asbestos materials and enclosed by metal casings or cladding. The majority of local authorities responding to the survey were able to satisfy HSE that they were managing asbestos effectively in their schools.”¹⁸

The online survey was in the main a tick box questionnaire that attempted to establish compliance with guidance for one asbestos problem in one type of school, almost to the total exclusion of all other asbestos problems in system built and all other schools. At the time no attempt had been made to assess the standards in independent schools and only a handful replies were received from the 95 expected from dioceses. No attempt was made to assess standards in Scotland, Ireland or Wales.

The questionnaire relies heavily on the honesty of the responses. Some of the questions literally ask whether people are complying with the Regulations and the response is a tick in a box for either yes or no. By design it was inevitable that it would elicit a more positive reply than actually is the case. A local authority was highly critical of the credibility of the questionnaire and stated:

“I’m concerned about the quality of this questionnaire and the potential for misinterpretation when the contents are analysed. It does not show the full picture of asbestos management and only

¹⁷ HSE Inspection Findings: Asbestos management in Local Authority school system buildings 2009/10 Sep 2010. HSE Managing asbestos in system built schools Summary of findings Sep 10

¹⁸ HSE Letter to LAs: Management of asbestos in system built schools Head of Services Sector Rosalind Roberts September 2010

concentrates on a very small area. The questions are confusing and potentially misleading (far too open to interpretation).¹⁹

The General Secretary of the NUT summed up the lack of credibility of the questionnaire and the HSE report:

“The HSE and DfE conclude that the majority of local authorities have demonstrated that they have systems in place to manage asbestos safety. Whilst welcoming the survey as a step in the right direction, the NUT views this confidence as misplaced.

“Apart from the fact that the survey was restricted to asbestos management in system built schools, the NUT questions how it can be claimed that the majority of local authorities meet legal requirements in terms of asbestos management when only 42 were actually visited by HSE inspectors. The other 110 simply completed an on-line survey, making the survey essentially a paper exercise, reliant on local authorities admitting to failings in their system of asbestos management in order to trigger a visit from the HSE. A true understanding of the nature of the problem can only be gained when a full independent national audit of all schools is undertaken.”²⁰

A senior asbestos consultant stated in connection to the list of responses to the questionnaire and the HSE report:

“Within the HSE’s detailed list we are aware of a number of authorities who have not undertaken re-inspections and who have had more than one asbestos issue over the last few years, but yet these are judged to be ok. The message created by this report is in complete contrast to that produced from the recent ATAC report at school level earlier in the year, where the report was conducted at school level and identified a number of key failing in most schools.”²¹

Contrary to the positive spin being put on the standards of asbestos management in schools by the Government, there is ample other evidence that the standards of asbestos management in many schools are not satisfactory and all too often are poor and even dangerous.

Until recently it was rare that HSE inspectors would examine the standards of asbestos management in schools. In contrast as part of their job asbestos consultants regularly visit schools throughout the country and therefore have an in depth and practical knowledge of the standards of asbestos management. Their association published a report last year that was highly critical of the standards of asbestos management in schools. Although a limited number of schools were inspected for the study the poor standards that were found were a reflection of the standards that are regularly found by their members. The ATAC report stated:

“The results reflect what they regularly find in schools throughout the country – that the majority

¹⁹ HSE/DfE Questionnaire survey on asbestos management in local authority system built schools – Alphabetical list of responses – July 2010 Dorset CC P216

²⁰ General Secretary NUT Christine Blower press release <http://www.teachers.org.uk/node/11964>

²¹ Concerns raised over HSE’s Asbestos in schools report <http://www.environmental-asbestos-surveys.co.uk/2010/10/concerns-raised-over-hses-asbestos-in-schools-report/#more-155>

are not managing their asbestos effectively or safely”²²

“These are not minor problems that have crept in over recent years; rather they are fundamental problems that are endemic in schools in the UK.”²³

Both the HSE inspections and the asbestos consultants association report found common flaws in the systems of asbestos management in schools, including failure to comply with the regulations, failure to follow critical asbestos guidance, uncertainty over who was responsible for asbestos management, inadequate asbestos management plans, inadequate asbestos surveys, a lack of knowledge of what constitutes a system built school, a lack of control of contractors and failure to achieve adequate standards of asbestos training.

The Minister’s statement is misleading. He has put a positive spin on the facts when the evidence is that many schools are not managing their asbestos satisfactorily. But by claiming that they are he is able to justify the Government’s policy of leaving the asbestos in place and managing it for the remaining life of the buildings.

Training is only targeted at Headteachers. It is only targeted at headteachers in Free schools and Academies. Governors and staff will not be trained. Training will not be compulsory.

Question:

To ask the Secretary of State for Education (1) what information his Department holds on the number of head teachers who have completed training on asbestos in schools in the last 10 years; [34642] (2) what guidance his Department issues to schools on asbestos

Answer:

“The Department does not hold any information on the number of head teachers who have completed training on asbestos in schools in the last 10 years. However, many local authorities, as duty holders under the Control of Asbestos Regulations, have provided training to school staff and governors. Those who have responsibility for the maintenance of school buildings must be aware and have knowledge of the effective management of any asbestos containing materials....

Partnerships for Schools is currently working with HSE and asbestos training providers to produce training for head teachers to make sure they are fully aware of their roles and responsibilities

Training is an essential part of asbestos management. There are both practical and legal imperatives that people should be trained. The people who manage the asbestos from day to day in schools have to be trained so that they are competent to do the job and the asbestos is managed effectively. The school officials have to be trained so that they are able to allocate proportionate resources, and also so that they are aware whether the person who they have delegated to do the job is doing it correctly. Anyone who might disturb the asbestos also has to be trained so that they are aware of

²² Asbestos consultant and testing association ATAC Asbestos management in schools 24 Jan 2010 <http://www.asbestosexposureschools.co.uk/pdfnewslinks/ASSESSMENT%20OF%20ASBESTOS%20MANAGEMENT%20IN%20SCHOOLS%20ATAC.%2022%20FEB%202010.pdf>

²³ ATaC press release Report highlights issues with asbestos in schools. 6 Oct 10. <http://www.atac.org.uk/asbestos-testing-consultancy/ATaC-article.asp?ArticleID=281>

the dangers and what measures are necessary to prevent themselves, other staff and the pupils disturbing the asbestos, and what to do if it is disturbed.

Despite the need for training one of the commonly found faults in schools is that caretakers, maintenance men, headteachers, teachers and support staff are not trained. It is rare that school governors are trained. A lack of training was a common flaw identified both in the asbestos consultants association report²⁴ and in the HSE/DfE questionnaire, and follow up inspections. With much of the resultant enforcement action being taken because people were not trained. A survey carried out by Voice the union amongst its members found that more than half said that no one in their school had received asbestos training and almost three quarters said that they were not supplied information about asbestos management.²⁵ The consequence is that staff and pupils are disturbing asbestos, contaminating the schools and exposing the occupants.

Training not compulsory. Token funding.

Because they were given evidence of the widespread and unacceptable standards of asbestos awareness and training in schools, 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 a 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.

There are increasing concerns however that the training is tokenism. 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, claiming that the training will trickle down. That has not happened so far and unless the launch of this training for headteachers is accompanied with widespread publicity it is unlikely that much will change.

Apparently the training is also going to be targeted at headteachers of Free schools and Academies as DfE claim that it is not their responsibility to train the headteachers in maintained schools as the responsibility lies with the local authorities. This policy is flawed and has not worked so far and there is no reason why it should work in the future. For the evidence shows a wide variation of standards in training between the local authorities, with some providing compulsory training whereas others have provided little or none. Once again unless a nationwide campaign identifies those authorities who are not providing adequate training and then implements measures to ensure that they do, the standards will never improve.

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 Asbestos in Schools group (AiS). The total sum allocated to train all the headteachers in the country is just £20,000, which amounts to less than one pound per school, which is a token gesture. When one considers that the essential ingredient of effective asbestos management is training, this derisory sum demonstrates the lack of commitment the Government has towards making schools safe from asbestos.

²⁴ Assessment of asbestos management in schools ATAC 20 Jan 2010 [See the report](#)

²⁵ Voice Asbestos survey of members

http://www.voicetheunion.org.uk/index.cfm/page/_sections.contentdetail.cfm/cid/1752/navid/570/parentid/330

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.²⁶

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.

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

Question:

(2) what guidance his Department issues to schools on asbestos

Answer:

The Department's guidance to schools on asbestos management is located on the Teachernet website at: www.teachernet.gov.uk/asbestos

There is extensive guidance and information on managing asbestos on the Health and Safety Executive's (HSE's) website, including a guide on the Management of Asbestos in Non-Domestic Premises, available at: <http://www.hse.gov.uk/pubns/books/l127.htm>."

The asbestos guidance for schools was almost twenty years old when in 2004 the Schools Minister, David Miliband, stated that it urgently needed updating.²⁷ 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.*"²⁸

At the last DfE asbestos 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.²⁹

The DfE guidance is not perfectly adequate for it just touches on the issue of asbestos and cannot be used as a basis for managing asbestos in schools. The HSE guidance is extensive, which is one of the problems as a busy headteacher does not have the time to plough through the various volumes of guidance. Much of it is also irrelevant or confusing for most headteachers, teachers and support staff in a school. The larger schools may have building managers who are able to devote more time to developing a working knowledge of the guidance, but even then they would benefit from clear, relevant guidance drafted specifically for schools.

²⁶ EPA press release 24 May 1982. EPA announces rule for schools to test for asbestos. Asbestos in schools identification and notification rule

²⁷ Letter David Miliband MP/ Gen Sec NUT 204/004342334ODM Aug 2004

²⁸ Letter DfE/Schools Minister Robin Squire MP Asbestos in schools EF/09/94/04 12 Dec 1994

²⁹ DfE Asbestos in schools steering group meeting Contemporaneous notes Lees. 29 Nov 2010

One of the other problems is that much of the guidance is drafted for people who work on asbestos rather than for the occupants of the buildings. The Approved Code of Practice is the epitome of this, for it is meant to provide guidance so that if followed employers can ensure that they are complying with the law. However it is drafted for asbestos removal contractors, and unless one has a very good understanding of the regulations and all the other available guidance it is unclear what applies and what does not apply to the person in a school whose duty it is to ensure that the regulations are followed and the school is safe.

At the other end of the scale the supposedly practical guidance for managing asbestos in system built schools is badly drafted, and on a number of accounts gives unworkable and at times dangerous advice.

The guidance on what to do following an asbestos incident is a dreadful document that gives benchmark levels for what supposedly constitutes an insignificant level of asbestos exposure. DfE directs schools to this guidance following the asbestos exposure of staff and children, and yet it claims, incorrectly, that the risk is insignificant if sprayed asbestos is disturbed for less than 15 minutes, asbestos insulation for 30 minutes and asbestos insulating board for 60 minutes.³⁰ All these activities would produce high levels of asbestos fibres which would be dangerous to adults, let alone children. It gives people completely the wrong impression of the dangers of disturbing asbestos, as the impression is that extensive damage can be done to the most dangerous forms of asbestos and yet the risks are insignificant.

When in Opposition Nick Gibb MP asked a Parliamentary question about the asbestos fibre levels used in this guidance, below which it claimed there was an insignificant risk.³¹ The answer confirmed that there is no scientific basis on which to use the levels for children. It also confirmed that it was based on the out of date "Action Level." It is unacceptable that outdated levels that were designed for asbestos contractors wearing masks and protective clothing are being applied to children. It is particularly unacceptable when there is no scientific basis on which to make the claims that the risks are insignificant.³²

It is known that this guidance has been used by local authorities to justify the fact that an asbestos incident and the exposure of staff and children was insignificant and that the parents should not be informed. The Minister is fully aware that this guidance gives dangerous advice. He should ensure that it is removed without further delay and other guidance drafted in its place.

The guidance for system built schools and the guidance on the actions to be taken following an asbestos incident are both examples of badly drafted guidance that cause more harm than good. A further example is the classroom risk assessment that was put out to consultation following Lord Young's recommendations in his report on health and safety. The assessment is badly drafted and adds to the confusion. It trivialises the risks from asbestos and is designed for teachers to complete.

³⁰HSE The level of risk from occupational exposure to asbestos: guidance for HSE and LA staff when responding to enquiries. Factors that influence level of risk. <http://www.hse.gov.uk/lau/lacs/5-19.htm>

³¹ Parliamentary question 21 July 2009 Nick Gibb/ Jonathan Shaw 288723 . 288832 Work and Pensions asbestos <http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090721/text/90721w0031.htm#09072269000033>

³² For further information see: Mesothelioma. Benchmark levels of asbestos exposure. <http://www.asbestosexposureschools.co.uk/pdfnewslinks/MESOTHELIOMA%20%20BENCHMARK%20LEVELS%20OF%20ASBESTOS%20EXPOSURE%2022%20Oct%2009.pdf>

As most teachers are not trained for the task, the assessment would add to the risks rather than lessening them. If and when asbestos guidance is to be drafted for schools then great care has to be taken to consult widely so that guidance fulfils its purpose.

To avoid all this confusion and to provide a sound and safe basis for asbestos management in schools the AiS advocates that there should be clear, asbestos guidance specifically written for schools. AiS has offered to work in conjunction with the HSE and DfE to draft the guidance.

Government policy on managing asbestos is under-resourced and justified by “spin.”

PQ Answer:

Asbestos containing materials should be managed in accordance with the Control of Asbestos Regulations 2006 and HSE guidance. So long as asbestos is effectively managed there is no significant risk in leaving it in place. Asbestos which is in good condition and unlikely to be disturbed or damaged is better left in place and managed until the end of the life of the building as this presents less risk of exposure to the occupants than the process of removing it. Asbestos which is in poor condition, or which is likely to be damaged or disturbed should be sealed, enclosed or removed.

The Government's policy of leaving the asbestos in place and managing it is flawed. It has been the policy for many years but it has proved to have failed, for it has been underfunded and under-resourced. People have not been trained, the guidance has been poor and the system of regulation until recently has been almost non-existent, so that those schools with ineffective, or even dangerous systems of asbestos management have passed undetected. Consequently the asbestos has been damaged, schools contaminated and teachers, support staff and pupils exposed.

The present Government policies are little different so there is a poor prospect that the situation will improve in the future. The school stock has not been properly maintained so that it is in a worse condition now than it ever has been, but the budgets for refurbishment or replacement have been cut so that there are insufficient funds to bring the schools up to a safe or structurally sound condition, let alone removing the asbestos. Therefore the policy of management appears to be a cheap option, so long as the Government can convince people that the risks are low, the asbestos is not being damaged, people are not dying and schools are managing their asbestos satisfactorily.

The Government therefore justify their policy of leaving the asbestos in place by denying that there is a problem. This is achieved by refusing to assess the scale and condition of the asbestos in the nation's schools and refusing to assess the increased risks to children. They then dismiss the teachers' mesothelioma deaths as being normal. The policy of management is then justified by making false claims that schools are satisfactorily managing their asbestos, when the evidence is that they are not.

Because of the Government policy the asbestos problem in schools will continue indefinitely, constant vigilance will have to be maintained, there will be a long term financial drain on resources as the asbestos will have to be managed for the remaining life of the school and the occupants will remain at risk.

Effective asbestos management requires a sustained commitment, it can be very expensive, time consuming and disruptive. In a school there has to be constant vigilance and there is always the

potential that the asbestos will be disturbed. Because they considered that in the long run it would be cheaper and safer, in the 1980's the Association of Metropolitan Authorities (AMA), ILEA and a small number of other local authorities surveyed their schools for asbestos and adopted a policy of phased removal, prioritising the most dangerous materials first.³³ The policy was dropped when ILEA and AMA ceased to exist. If it had been continued and expanded then no doubt by now most schools would contain little or no asbestos. More recently Nottinghamshire County Council adopted the same policy and have been gradually removing the most dangerous asbestos materials from their schools. The principle has therefore been established and it has been proved to have worked.

Fibres released from hidden asbestos and from materials apparently in good condition.

The Minister claims that: *“So long as asbestos is effectively managed there is no significant risk in leaving it in place. Asbestos which is in good condition and unlikely to be disturbed or damaged is better left in place and managed.”*

The statement does not tell the full story as it has been proved that asbestos fibres can be released even under the best systems of asbestos management, and one of the problems is that often the most dangerous asbestos is hidden within the structure of the building and no one knows whether or not it is in a good condition. Therefore his words are no doubt reassuring, but they are meaningless.

The problem of asbestos fibre release in system built schools is the epitome of hidden asbestos releasing asbestos fibres, for the authorities thought that they were effectively managing the asbestos, when in fact significant levels of asbestos fibres were being released into the classrooms over the course of many years from just normal classroom activities. The fibre releases occurred when walls and columns were hit, and when doors and windows were slammed, but had passed unnoticed for, although the asbestos material was badly damaged, it was hidden out of sight and therefore the school authorities were unaware of its dangerous condition.

The HSE confessed that they were concerned as it had been presumed that as the asbestos was encased it would remain undisturbed and in good condition. This was of particular relevance as enclosing asbestos is a recognised method of managing the asbestos and the authorities in thousands of schools of a similar design thought that they were effectively managing the asbestos - when they were not. HSE confessed their concern by stating:

“A release from an enclosed source of asbestos was unexpected and of particular concern as this is one of the recommended methods for remediation.”³⁴

Despite being aware that damaged deteriorating asbestos is present in thousands of schools and readily accessible to the children, the HSE and Department for Education issued guidance that the damaged material is to be left in place and managed with a strip of bathroom sealant preventing further release of asbestos fibres into the classrooms. This is a temporary expedient. Although it is certainly cost effective in the short term, it is neither a long term nor a safe measure. It is known

³³ Association of Metropolitan Authorities. Asbestos Policy and Practice in Local Authorities. Para 2.2.8 Sep 1985 . 1983-1988; Five years progress by the ILEAS asbestos joint working party 1987

³⁴ 2008 ASTM Johnson Conference Airborne Asbestos Concentrations in System-Built Schools
HSL Garry Burdett, JULY 17, 2008

that in some schools the sealant has been removed within a short period of time.³⁵ And yet the Minister intends that the asbestos will be left in place and managed with a strip of bathroom sealant for the remaining life of the school – and he has the temerity to claim that is better than removing the asbestos.

The problem of hidden asbestos releasing fibres is not unique, for when the problem was first discovered in 1987 significant levels of amosite were released into the rooms when doors were slammed or the walls hit. And once again the asbestos material appeared to be in good condition.³⁶ Precisely the same can happen in any of the thousands of schools with AIB panelling, for asbestos surveys normally only identify the readily accessible materials which can then be maintained in good condition. However they rarely identify the hidden asbestos or assess the condition of the reverse face of AIB walls or ceilings, and therefore the school authorities have no idea whether or not this asbestos is in good condition.

It is therefore misleading of the Minister to claim that *“Asbestos which is in good condition and unlikely to be disturbed or damaged is better left in place and managed.”*

The Minister is also wrong in claiming that *“So long as asbestos is effectively managed there is no significant risk in leaving it in place.”* In the previous examples the authorities thought they were effectively managing their asbestos, and yet cumulatively dangerous levels of asbestos fibres were released over the course of many years, and it is inevitable that the occupants of the rooms were exposed. There is no known level of exposure to asbestos below which there is no risk. As most of the fibres were amosite, there was therefore a significant risk, particularly to the children. The Minister’s statement cannot therefore be justified.

HSE and DfE privately acknowledge that removal is safe if carried out correctly.

The Minister stated: *“Asbestos which is in good condition and unlikely to be disturbed or damaged is better left in place and managed until the end of the life of the building as this presents less risk of exposure to the occupants than the process of removing it.”*

Internal correspondence within the Department of Education and the Ministerial background briefings give a very different picture to the stated public position of the Minister and his Department.

The following are extracts from correspondence and a Department of Education briefing for a previous Schools Minister. The documents show that HSE acknowledge that removal is acceptable so long as it is carried out correctly. It also indicates 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. The Department of Education briefing states:

³⁵ Follow link page 89 for photograph of sealant removed a week after being applied to a column in a school hall.
<http://www.asbestosexposureschools.co.uk/RELEASE%20OF%20ASBESTOS%20FIBRES%20IN%20SYSTEM%20BUILT%20SCHOOLS.%20PART%202.%2020AL%203.14%20JUN%2008.pdf>

³⁶ ILEA report LSS/AP/52 (1987) Investigation into fibre release from low level asbestos panels - Ernest Bevin school May 1987

“The balance of risk points to leaving in place sound asbestos materials not liable to damage. This is because the process of asbestos removal, however carefully undertaken, will present a degree of risk to the operatives, who tend to be young and therefore at risk despite the latency periods for asbestos related diseases.

It may also- although the evidence is limited- give rise to higher asbestos fibre levels in the atmosphere for some months after, despite stringent precautions. This is not undisputed territory however. Nor is it helpful as a public position, because there will still be cases where asbestos removal is appropriate, and yet the premises need to be reoccupied soon afterwards. HSE consider this to be acceptable, providing the work is properly done.”³⁷

Other Department of Education correspondence before a meeting with the NUT reinforced the fact that HSE considered that it was safe to reoccupy the building after asbestos had been properly removed. It stated:

“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.”³⁸

The Government policy for schools is very different from other Government buildings where asbestos has been removed, as it has in a number of universities. The phased removal of asbestos from its schools is the policy of Nottinghamshire County Council, and was also the policy of the previous Government in major refurbishments of secondary schools. Asbestos removal can therefore be done perfectly safely so long as the job is done correctly. However it is an expensive process and if it was the accepted policy local authorities would require substantial central government funds in order to remove their asbestos.

A background briefing for the Minister of State in the last government shows that the reason that a risk assessment was not carried out was because they were afraid that if they did then it would lead to calls for asbestos removal, which would be extremely expensive:

“A central government initiative to assess the risks to teachers and pupils would not only be inappropriate, given where the statutory duty lies, but would also lead to pressure for centrally funded initiatives to remove all asbestos and for other aspects of building work. That would be extremely expensive, as well as risky and disruptive for the schools concerned. The schools capital budget is already overstretched and the baseline falls over the next three years on present expenditure plans...

Presentation:

³⁷ Ministerial Briefing Department of Education Minister with responsibility for Schools. Mr Forth’s meeting with NUT Background note on asbestos in school buildings 1 Dec 1993

³⁸ Department of Education Wilson A&B Branch/ Mr Hedger Asbestos 18 Oct 93

We do not recommend issuing a Press Notice. Asbestos in schools is an emotive issue. Any press coverage could lead to renewed calls to remove all asbestos, which would be very expensive and could actually increase risk in some cases.”³⁹

Expense is the reason that the Government refuses to assess the scale of the problem and the risks, for if they did then parents would become aware of the risks to their children. It is also the reason that the policy is to manage rather than remove. Much of the asbestos in schools is in poor condition and is not being effectively managed. It is known that in thousands of schools throughout the country dangerous fibres can be readily released and the occupants exposed. In their case removal would be the safest option, but it is not removed because of the expense.

The reason that asbestos is not removed from schools is therefore principally one of cost. It is therefore disingenuous of the Minister to claim that the reason is one of safety.

The AiS has asked that the scale of the asbestos problem in schools and the risks are assessed, with particular emphasis on children. They have asked that the most dangerous asbestos is identified and then a policy of phased removal is adopted, with priority being given to the most dangerous materials. If the Government adopted those policies then they would be able to allocate proportionate resources and over time all asbestos would be removed from our schools, so that future generations of teachers, support staff and children would no longer be at risk.

*Michael Lees
17th February 2011*

³⁹ Ministerial background briefing. Written Parliamentary answer 4210 Minister of State Stephen Byers/ Michael Clapham 17 Jun 1997