



Eich cyf/Your ref P-04-522
Ein cyf/Our ref HL/02030/13

William Powell AM
AM for Mid & West Wales
(c/o Committee Clerk: Stephen.George@wales.gov.uk)
Chair Petitions committee

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2 January 2014

Dear William

Thank you for your letter of 16 December 2013, in respect of a petition from Cenic Clement-Evans, which concerns the provision of information about the presence and management of asbestos in schools.

It may be helpful if I begin by giving you some background about the management of asbestos. While devolution in 1998 brought about the transfer of responsibility for education and training to the Welsh Government, some topics remain reserved for central government. The Health and Safety at Work Act 1974 and legislation made under this Act, including the Control of Asbestos Regulations, is one such area of policy.

Responsibility for the enforcement of the relevant legislation in relation to control of asbestos falls to the Health and Safety Executive and not the Welsh Government, as does the remit for the provision of advice and guidance.

Responsibility for the management of asbestos lies with the duty-holder. In the school premises context, this can either be the local authority or the school governing body. All duty-holders in England, Scotland and Wales are required to comply with the same legislation and standards of compliance.

In practice a duty holder's responsibilities in a school include:

- Keeping an up-to-date record of the location and condition of asbestos containing materials (ACM);
- Assessing the risk from any ACM in the school;
- Having a written asbestos management plan with actions and measures necessary to manage the risks from ACM
- Putting those plans into action
- Making information available to workers who may disturb asbestos (e.g. contractors or maintenance workers).

As the management of asbestos plans is part of the health and safety function which is not devolved to the Welsh Government, I do not have the legislative powers to compel local authorities to make this information available to parents and guardians. You can, however, be re-assured that my officials will continue to work with local authorities to ensure the safety of pupils.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Huw Lewis'.

Huw Lewis AC / AM

Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills