

Rt. Hon David Laws MP,  
Minister of State for Schools,  
Sanctuary Buildings,  
Great Smith Street,  
London SW1P 3BT

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### **Welsh schools and asbestos**

The issue of asbestos in schools in Wales has been raised with me by a member of the Asbestos in Schools Group, Cenric Clement-Evans, who is also a spokesperson for the Right to Know: Asbestos in Schools Wales Campaign.

His concern is that schools in Wales may be less well served than those in England and in particular that the Welsh Government does not accept that they have overall responsibility for the safety of children and staff in Welsh schools. This has been particularly highlighted by the circumstances relating to Cwmcarn High School.

As you are of course aware, in March the Commons Education Select Committee heard evidence on the issues relating to asbestos in English schools when you confirmed that the Department for Education (DfE) would review its asbestos policies for English schools on receipt of a report from the Committee on Carcinogenicity (COC). I understand that the terms of reference are now being set for the review which will begin shortly.

In June the CoC published its final report which concluded that children are at increased risk from asbestos exposure compared to adults. Although the assessment was requested by the DfE in England the findings equally apply to children in Wales, and in particular in Welsh schools. This matter is therefore directly relevant to the Welsh Department of Health and Social Services and Department for Education and Skills.

You may recall that in June you wrote to the Joint Union Asbestos Committee (JUAC) and stated;-

“As you will appreciate the responsibility for Cwmcarn High School rests with the Welsh Assembly rather than this Department. We are, however, keen to understand the situation at this school and establish if there are aspects of this case that can improve how we manage asbestos in schools in England.”

In August the Minister for Education and Skills Huw Lewis AM responded to a written question from Nick Ramsay AM asking whether Welsh Government intended to review its policy on Asbestos in Schools in light of the findings of the COC. The Minister's response was "As has been previously advised by the previous Minister for Education and Skills, Health and Safety policy is not devolved to this Government"

It would appear that these two statements (together with those of the previous Minister for Education and Skills) are contradictory, with neither Welsh Government nor the Welsh Department for Education and Skills accepting that they are responsible for asbestos in schools in Wales.

According to the Department for Education in the Welsh Government the responsibility for asbestos lies with the HSE. They stated in a letter to JUAC: "As you are aware asbestos is a non-devolved matter and responsibility for the subject lies with the Health and Safety Executive and not with Welsh Government."

This is at odds with the policy of the Department for Education in England who accept that they have overall responsibility for asbestos policy in English schools, and that HSE's role is to advise and act as regulators.

HSE's sponsor department, DWP, have classified schools as 'low risk' and therefore they are a low priority for the HSE. HSE also do not have the resources to effectively regulate the management of asbestos in schools, let alone make and oversee asbestos policy for schools in Wales and presumably Scotland.

If responsibility lies with the HSE then it raises a further anomaly in as much as the Secretary of State for Education in England has overall responsibility for asbestos policy in English schools whereas in Wales, apparently, the Secretary of State at the Department for Work and Pensions has overall responsibility for asbestos policy in Welsh schools.

Another example of action being taken in England and not Wales relates to asbestos guidance. As you are aware in October 2012, the DfE published asbestos awareness guidance for English schools. The previous Welsh Education and Skills Minister wrote to Nick Ramsay AM acknowledging that it does not apply to schools in Wales, but advised that his officials were working with DfE officials to see whether the guidance was suitable for adoption in Wales. A year has now passed with no

apparent action, when on the face of it there seems no reason why the guidance should not be simply adopted in Wales.

Mr Clement-Evans is concerned that in contrast with the positive actions of the DfE in England, neither the Welsh Department for Education nor Welsh Government accepts that the issue of asbestos in schools in Wales is their overall responsibility. Instead they consider it is HSE's – but their priorities are elsewhere and they do not have the resources to fulfil that role. The end result is that the whole issue of asbestos in Welsh schools appears to be sliding into a 'devolutionary crack' with no Minister positively taking control.

I would be grateful if you would please consider raising these concerns with the Minister for Education and Skills Huw Lewis AM, as I am sure that dialogue between Ministers would ensure that the issue of asbestos in schools receives the attention in Wales that it already deservedly does in England. I would suggest clarity is required on the following issues:-

- Who has the overall responsibility for asbestos policy for schools in Wales?
- Who is to respond to the conclusions of the CoC insofar as schools in Wales are concerned?
- Will a review of asbestos policy be carried out in Wales.
- If so who will be responsible for the review?
- Why has the DfE asbestos awareness guidance for schools not been adopted in Wales?
- HSE's role and responsibilities towards asbestos policy for schools in Wales and Scotland need to be clearly defined.

Yours sincerely,

Annette Brooke MP