

P-04-522 Asbestos in Schools – Correspondence from the Petitioner to the Chair, 28.01.15

Dear Chair,

I would first of all like to thank you and all the members of the committee for the work carried out in scrutinising the petition and matters arising there from. It has given me an additional insight into the work of Assembly Members and the work that the Committee does is an important part of the democratic process here in Wales.

I have been asked to comment upon the letter of the Minister for Education and Skills of the 21st January 2015.

Responsibility for asbestos policy

In the course of the Petition a crucial, and potentially dangerous, constitutional matter has been highlighted, namely that no-one accepts that they have overall responsibility for asbestos policy in Welsh Schools.

The UK Government states the responsibility is that of the Welsh Government, whereas the Welsh Government states the responsibility lies with the HSE. The very people the Minister relies upon to set asbestos policy for his schools, the HSE, have clearly stated that they advise and regulate but do not hold the responsibility as that lies with the Welsh Government. The matter has been raised with the Minister on a number of occasions over the course of more than a year but his letter has failed to resolve the issue.

It is essential to have a clear statement from the Minister that he accepts that the Welsh Government is responsible for asbestos policy in Welsh Schools.

Review of policy of managing asbestos in schools

Welsh Government has not formally accepted responsibility for policy for asbestos in schools in Wales. It follows that Welsh Government cannot have formulated any formal policy on the issue. I would repeat therefore my request that Welsh Government consult on the issue in order to formulate policy to ensure the safety of children and staff from asbestos in our schools.

The Minister's counterpart in the Westminster Government has accepted that he is responsible for asbestos policy in English schools, which is why he is conducting a review. The Minister states that he will wait for the outcome of the DfE review before he considers the matter further. As he is aware the review is of the 'policy of managing asbestos in schools.' However rather than waiting, he has pre-empted the conclusion by stating that it is safer to leave undamaged asbestos in situ and manage it rather than removing it. This is a remarkable statement when the two major asbestos incidents that have occurred in Welsh schools have proved that the policy has failed.

Incidents in Welsh schools show system of management has failed

In 2006 tests were carried out in six CLASP schools in Rhondda Cynon Taf that showed that there was a significant release of asbestos fibres when doors were slammed, walls and columns hit and even when people sat on window sills. The schools and local authorities thought the asbestos was being safely managed as it was either painted or enclosed, and yet cumulatively dangerous levels of amosite fibres were released from normal classroom activities. The tests confirmed ones carried out in 1987 that showed amosite fibres can be released from asbestos insulating board (AIB) walls when doors are slammed or the walls are hit, and that was despite the fact that the walls appeared to be in good condition.

An additional problem that was discovered is common with many system built schools. The structural columns are clad in AIB or sprayed asbestos and significant levels of amosite fibres can be released when the columns are hit or vibrated by slamming doors or windows. This is a particular concern as the asbestos was thought to be safe as it was enclosed in a non-asbestos casing, which is a method of management recommended by HSE – however it had not worked, but because it was hidden nobody had realised that asbestos fibres were being released.

The resultant asbestos remedial work in this one local authority cost in the order of £5.3m and resulted in disruption and stress for children and staff when at least nine schools were closed for a prolonged period of time.

The other major incident occurred in 2012 at Cwmcarn High School which resulted in anxiety and disruption with the school being closed for more than a year. Two firms of asbestos consultants, the Council and an independent expert considered that the school was unsafe. There was widespread asbestos contamination with AIB debris and amosite fibres in the ceiling voids, heaters, classrooms and corridors. Tests showed that, when disturbed, the heaters emitted amosite fibres. The leaking roof couldn't be repaired, and the electrical systems could not be checked or maintained because of the presence of the asbestos contamination.

The system of management was the one advocated by the Minister. The asbestos was left in place and managed. There were extensive AIB walls in places vulnerable to damage from children. They were disturbed and damaged on numerous occasions when children jostled down the corridors, kicked the AIB beneath their desks or threw a cricket ball into a wall. The AIB was not removed but it was managed with the numerous scuffs and scrapes being filled and painted each time they occurred. Accordingly the system of damage didn't prevent damage, it concealed it.

Caerphilly Council spent more than £2m in remediating and removing the asbestos before the school was safe to reopen. It was from bitter experience that the Council realised that the policy of managing asbestos had failed. So that it does not happen again the Council have now adopted a policy of removing all AIB that is accessible to children from their schools.

Labour Party in England would adopt a long term policy of removal

It is noteworthy that in England the Labour party are taking the issue of Asbestos in our public buildings including schools very seriously and have reviewed their asbestos policy. I refer to the recent article in SHP on line when Stephen Timms MP Shadow Minister of State for Employment was interviewed on the subject. (It is pertinent that he would be the Minister responsible for the HSE.) He argued passionately that the next government should introduce and establish a strategy for the removal of asbestos from the built environment. "That is not going to happen in the course of one parliament but we think it is time for a strategy with a timetable for removing the asbestos," he says. <http://www.shponline.co.uk/banging-health-safety-drum/> I would commend such a strategy to the Welsh Government.

Teachers' mesothelioma deaths increase

The latest statistics for mesothelioma deaths in the Education sector have been obtained under the FOI. They show that the numbers of school teachers' deaths continue to increase. 291 have died since 1980, with 158 dying in the last ten years. In 1980 they were dying at a rate of 3 a year and now they are dying at a rate of 19 a year. School caretakers, cleaners, secretaries, cooks and former pupils are also dying. For every teacher there are 20 to 30 children, and they are more vulnerable to exposure to asbestos. A leading epidemiologist estimated that between 200 and 300 former pupils would die each year because of their asbestos exposure as a child at school. Because of Government policy most of the asbestos remains and the evidence is that it is being frequently damaged. The deaths will therefore continue unless long term strategic policies are adopted to remove the potential for exposure. (See: <http://www.asbestosexposureschools.co.uk/pdfnewslinks/INCREASING%20MESOTHELIOMA%20DEATHS%20AMONGST%20SCHOOL%20STAFF%20AND%20FORMER%20PUPILS%20%2017%20JAN%2015.pdf>)

There is evidence that the policy of managing asbestos in schools has failed. A future UK Labour Government would aim for a long term strategic policy of removing asbestos from buildings, including schools. This policy has already been adopted by at least one Welsh local authority. It is recommended that the Minister reviews his policy, and that of others, and reconsiders his policy that children and staff are safer if the asbestos in their schools is managed rather than removed.

Asbestos major expense in 21st Century School Programme.

The Minister has delayed setting policy for more than a year to see what his counterpart in England will do. He states that the presence and removal of asbestos will be addressed when schools are replaced or refurbished as part of the 21st Century Schools Programme. The Programme was announced in 2011 at a cost of £1.4billion. It therefore seems remarkable that such a decision has not already been made as asbestos remediation or removal can be a major expense in maintaining, refurbishing or demolishing a school.

The Programme is a collaboration between the Welsh Government, the Welsh Local Government Association and local authorities. It is therefore recommended that the policy advocated by the Minister of managing rather than removal should be reviewed without further delay in light of at least one

of those local authorities adopting a policy of removing all AIB accessible to children from their schools. If financial forecasts are to be sound he will also need to establish the extent, type and condition of asbestos in schools. If he does not then the forecasts will be meaningless.

Telling people what asbestos is in their school and how it is being managed.

Turning to the Minister's final comments:-

"All schools are required to have an asbestos management plan in place, but I do not intend to impose a duty on them to inform parents annually about the presence of asbestos as this would increase the administration burden"

May I first of all refer to the wording of the petition itself. Whilst informing parents and guardians annually of the presence of asbestos in schools may be commendable, it was not what was sought. I refer to the words of the Petition which speak for themselves:

"We call on the National Assembly for Wales to urge the Welsh Government to put measures in place to ensure that parents and guardians of children across Wales can easily access information about the presence and management of asbestos in all school buildings.

Given the health risks associated with the presence of asbestos in public buildings, we believe parents and guardians across Wales have the right;

- to know if asbestos is located in their school;
- to know whether, where asbestos is present, it is being managed in line with the Control of Asbestos Regulations 2012;
- to access that information easily online"

Schools have a legal requirement to comply with the Control of Asbestos Regulations 2012. They have a duty to share asbestos information with workers who may be affected. Putting the information on line would not be an administrative burden as the information is already there. In essence the petition is simply asking that the information be made available to those responsible for those most at risk, namely the children of Wales.

The HSE no longer carry out proactive inspections to assess the standards of asbestos management in schools. If parents were aware of how asbestos was being managed in their children's school then they would ensure that it was being managed effectively. It would act as a cost effective system of self regulation. In the USA there has been such a policy since 1986, parents have not over reacted and the policy of transparency has worked well.

Transparency and Accountability.

The Welsh Government advocates a policy of transparency and accountability. Their Programme for Government states "This annual report puts transparency and accountability at the heart of what we do as a Government. This is because the people of Wales should know what their Government is doing on their behalf."

I ask that the Minister follows his Government's policy of transparency and accountability.

I ask that he accepts the responsibility for asbestos policy in schools is his and that he should review that policy and inform parents and guardians as to what is that policy

I ask that he makes the information available to parents and guardians so they that they know what asbestos is present in their children's schools and what measures are in place to manage it.

Asbestos is a hidden killer. Surely the people of Wales have a right to know about its presence in the schools of our nation.

**Cenric Clement-Evans
28th January 2015**