



# The Levels Academy Trust

Raising Aspirations, Realising Potential TOGETHER

## Asbestos Policy

Date adopted: 18/10/16

Signature: [Handwritten Signature]

Review date: OCTOBER 2019

The Levels Academy comprises four schools, namely:

Hambridge Primary School (including Hambridge and Barrington Pre-Schools)

Huish Episcopi Primary School

Middlezoy Primary School

Othery Village School

This policy has been reviewed to cover each of the above schools.



# **The management of asbestos in schools**

**A review of Department for  
Education policy**

**March 2015**



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# Summary

All staff and children should have access to a safe and effective working and learning environment. It is important that we support schools, and those responsible for them, to carefully manage their school buildings so that they are safe and in decent condition.

The Department for Education has reviewed its policy on asbestos management in schools and invited views from stakeholders through a call for evidence. This document sets out our key findings and the steps we will take to address any barriers to the safe and effective management of asbestos in our schools.

We will:

- a) Develop better and more targeted **guidance on asbestos management in schools**.
- b) Enhance the **scrutiny on duty holders** for managing asbestos in their schools.
- c) Look at ways to improve our **evidence base**, including thorough air-sampling in schools.
- d) Continue to **fund the removal of asbestos** where appropriate, directly and indirectly, through our funding programmes.
- e) Encourage more academies to join the **Risk Protection Arrangement**

Much of this we are already putting into practice. Our refreshed guidance on managing asbestos in schools will be published shortly. We are taking steps to make sure those responsible for schools are aware of it and have easy access to it.

In February 2015 the Department announced over £6 billion of new investment to improve the condition of the school estate. This builds on the almost £18 billion this Government has invested in the estate during this Parliament. As well as addressing poor condition across schools, this funding ensures that those responsible for schools can deal with asbestos adequately and that, over time, as more school buildings are replaced and refurbished, we will see a reduction in the number of school buildings with asbestos-containing materials (ACMs).

Some of the proposals in this report require further consultation with stakeholders and experts before implementation.

# Section 1: Background to the review

## Asbestos in school buildings

Asbestos was widely used in the construction of buildings in Britain, including schools. Usage of the substance peaked between 1945 and 1975 before declining until its use was banned in 1999.

Based upon the age of the school estate, we can estimate that a majority of schools in England contain some asbestos, although the exact amount is unknown. If it is undamaged and managed safely, the presence of asbestos in school buildings does not pose a significant risk.<sup>1</sup>

Ineffective management of asbestos does present a risk to children and staff. When asbestos is damaged or disturbed and fibres are released they can cause serious diseases including mesothelioma, a form of cancer.<sup>2</sup>

The location, condition and nature of asbestos-containing materials influence the level of risk posed by any asbestos present in a school.<sup>3</sup> The more asbestos fibres an individual is exposed to the greater their chance of contracting an asbestos-related disease. In schools, specific factors such as the behaviour of pupils may also influence the degree of disturbance and so the risk posed.

Annual mesothelioma deaths in Great Britain have increased in the last 40 years.<sup>4</sup> This is mainly the result of exposure that took place before the 1980s in higher risk occupational settings where asbestos was directly handled, particularly by workers in construction and

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<sup>1</sup> The Health and Safety Executive (HSE) and other experts advise that provided asbestos containing materials (ACMs) remain undamaged it is safest to manage them in situ. They consider this safer than removing ACMs because removal greatly increases the risk that asbestos fibres are released in to the air and of small quantities of damaged asbestos remaining after removal.

<sup>2</sup> Mesothelioma is a cancer of the pleura and peritoneum (the tissue covering the lungs and the lining of the stomach, respectively). Further information on the danger posed by exposure to asbestos can be found [here](#).

<sup>3</sup> For example, fibres are much more likely to be released from a piece of damaged insulating board containing asbestos than from asbestos fibres in a firmer, resin form, like those found in some floor tiles.

<sup>4</sup> [Written evidence submitted to the Education Select Committee.](#)



maintenance trades and the shipbuilding industry.

The Department of Health's Committee on Carcinogenicity looked into the potential harm caused to children by asbestos exposure.<sup>5</sup> They concluded that, due to their longer life expectancy and the long latency period for the disease to develop, children have an increased lifetime risk of developing mesothelioma compared to adults if exposed to a given dose of asbestos. However, we do not have conclusive evidence on the relative risks of asbestos exposure in a school setting or on whether children are *intrinsically* more susceptible to harm from exposure to asbestos.

## **Asbestos in schools: roles and responsibilities**

### **The duty holder**

Under the Control of Asbestos Regulations 2012, the primary responsibility for managing asbestos in a school lies with the duty holder.<sup>6</sup> The duty holder is anyone who has responsibility for the maintenance and/or repair of a building.

In schools this generally means that the duty holder is the employer. Typically, for community schools, community special schools, voluntary-controlled schools, maintained nursery schools and pupil referral units, the employer is the local authority. For academies, free schools, voluntary-aided and foundation schools, it will be the school governors or academy trust. For independent schools, it may be the proprietor, governors or trustees. Where responsibility for maintenance is shared, the duty holder responsibility may also be shared.

The duty holder has legal responsibility for the safe management of any asbestos-containing materials present in a school and is liable to be prosecuted if the regulations are breached.

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<sup>5</sup> Statement On The Relative Vulnerability Of Children To Asbestos Compared To Adults.

<sup>6</sup> Control of Asbestos Regulations 2012.

In order to manage the asbestos present in a building in accordance with the regulations, duty holders are expected to survey their building, create a register of asbestos-containing materials and write a management plan detailing the procedures for monitoring the condition of asbestos-containing materials. The employer should also provide adequate information, instruction and training for any members of school staff, including teachers, likely to disturb asbestos and ensure all school staff, and contractors are aware of the location of asbestos in the building.<sup>7</sup>

## **The Health and Safety Executive (HSE)**

The HSE is the primary regulator in the UK for the management of asbestos and is responsible for enforcing the Control of Asbestos Regulations 2012.<sup>8</sup> In order to do this they carry out a number of activities, including unannounced inspections, investigations of asbestos exposure incidents and complaints, prohibiting dangerous practices and prosecuting for breaches of the regulations including inadequate control of asbestos. They also help to raise awareness about asbestos in schools, including by publishing resources.

The HSE's view is that schools, overall, are low risk health and safety environments, similar to offices or retail premises. They focus their inspection resources on higher risk industries such as construction. However, in recent years, the HSE has conducted surveys of a sample of school duty holders to assess their compliance with regulations.<sup>9</sup>

Their findings are summarised later in this document.

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<sup>7</sup> The Health and Safety Executive (HSE) publishes information for duty holders and specifically for school duty holders on their website, [hse.gov.uk](http://hse.gov.uk).

<sup>8</sup> HSE is one of the regulators of the EU's REACH Regulation that prohibits the use, sale, supply or otherwise placing on the market of asbestos containing materials. The Registration, Evaluation, Authorisation and Restriction of Chemicals Regulation 2006 prohibits manufacturing, use and supply of asbestos (and other chemicals). Where asbestos containing material(s) are already in use in for example buildings, it can remain in use until the end of its service life where it must then be disposed of as hazardous waste.

<sup>9</sup> 'Inspection Initiatives in Schools'

## **The Department for Education**

The Department for Education's role is to support schools in ensuring that they provide a safe learning and working environment for their pupils and staff, and help make sure duty holders are aware of their responsibilities and take them seriously. Since at least the 1960s the Department has issued advice and guidance to schools about the use and presence of asbestos on their premises. The Department also provides funding to those who are responsible for schools so that they can ensure their school buildings are safe and in good condition. Where appropriate this may include the removal or safe containment of asbestos-containing materials.

## **Scope and objectives of the DfE Asbestos Policy Review**

In 2013, the Committee on Carcinogenicity concluded that, because of 'the increased life expectancy of children compared to adults, there is an increased lifetime risk of mesothelioma as a result of the long latency period of the disease.' However, they also found that 'from the available, albeit limited, data it is not possible to say whether children are intrinsically more susceptible to asbestos-related injury.'

Following this statement, we committed to review our policy on asbestos management in schools. Our aim was to establish whether and how we could improve the support available to schools, and those responsible for them, in fulfilling their duties to manage asbestos effectively, and how we could help to ensure that all duty holders are taking their responsibilities seriously. We also examined what could be done to improve the evidence base on the levels of exposure in schools. The full terms of reference can be found in Annex B.

## **Section 2: Evidence and views from stakeholders and experts**

Our review drew on available sources of evidence and stakeholder views on the risks to effective management of asbestos in schools. Key sources of evidence included:

- the Committee on Carcinogenicity (CoC) statement on the **relative vulnerability of children** to asbestos compared to adults;
- the findings from **school inspections** by the Health and Safety Executive (HSE) over recent years;
- Joint Union Asbestos Committee (JUAC) **surveys** aimed at union members, safety representatives and schools leaders;
- **expert advice** from the HSE;
- **recommendations from the All-Party Parliamentary Group (APPG) on Occupational Safety and Health;**<sup>10</sup>
- responses to our **call for evidence;**
- advice from the DfE **Asbestos in Schools Steering Group;**

A list of respondents to the call for evidence can be found in Annex C. This section summarises the key issues in relation to asbestos management that were identified by stakeholders.

### **Evidence on the nature, extent and impact of asbestos exposure in schools**

It is important that the approach that we, and those directly responsible for schools, take to asbestos management is tailored to the nature and extent of the risk of exposure.

In our assessment of the evidence about the risk posed by asbestos in schools the Department has been led by the HSE. They are the regulator in this area and have the necessary expertise to make the proper assessment of the evidence and the risks. Our

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<sup>10</sup> 'Asbestos in schools: the need for action'

expertise lies in understanding schools and ensuring that, in light of the risks, we have policies in place to support schools to manage asbestos effectively.

Between 2003 and 2012 there were 224 mesothelioma deaths where the deceased's last occupation was recorded as "Teaching Professionals". In addition, "Teaching assistants" was the recorded occupation in 8 deaths, "Nursery nurses" in 8 deaths, and "School secretaries" in 8 deaths. These figures do not include caretakers, cleaners or other maintenance staff, but these groups are expected to be at greater risk.

We cannot establish a direct link between a death from an asbestos-related disease and exposure in a specific occupation because of the long period it takes for a disease to develop. The long delay between first exposure to asbestos fibres and the onset of mesothelioma means that the occupation at time of death may not necessarily have been that associated with exposure to asbestos. However, in a small number of recent compensation cases the courts have ruled there is likelihood that, on the balance of probability, some people who have contracted mesothelioma may have been exposed to above normal background levels of asbestos fibres whilst at school.<sup>11</sup>

We have very little contemporary evidence on the levels of asbestos fibres found in the air in schools *today*, and therefore the risks of exposure and harm to school staff and pupils today. Requirements for managing asbestos in buildings are much more rigorous than in the past and the asbestos levels found in the ambient air of schools during normal occupation are likely to be lower than in the past. A recent study of the number of asbestos fibres found in lung samples suggests overall levels of asbestos exposure are decreasing in the general population.<sup>12</sup>

The CoC noted the lack of contemporary data on the levels of asbestos fibres in air found in schools and concluded that there would be benefit in collecting and analysing new exposure data. A number of stakeholders, as well as the APPG, have called for better evidence on the levels of asbestos fibres present in the air in schools and classrooms.

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<sup>11</sup> For instance, *Willmore v Knowsley Metropolitan Borough Council*.

<sup>12</sup> Julian Peto, written evidence submitted to the Education Select Committee

## **Awareness and understanding of responsibilities**

The safety of staff and children in schools relies on duty holders and others in schools being aware of, and effectively managing, the risks of asbestos. Otherwise there is a risk of damage or disturbance and subsequent exposure to asbestos among school staff and children.

Currently the HSE publishes a number of guidance documents and pages on their website to help duty holders fulfil their responsibilities. DfE produces guidance tailored to duty holders in schools. The HSE also publishes information specifically for schools, including a checklist that schools can use to assess how well they are managing their asbestos.<sup>13</sup>

The findings of HSE inspection initiatives have demonstrated that the majority of schools' duty holders have an understanding of their responsibilities. For example, a HSE inspection initiative of schools outside local authority control found:

- most, but not all, schools have a 'broad or full understanding' of who the dutyholder is (87%);
- no schools reported having no understanding; and
- overall, duty holders are aware of their legal responsibilities (95%) and this was 9% higher than the level found in the 2010/11 inspection programme.

A similar inspection initiative showed comparable issues in some local authority maintained schools and also indicated that, because the duty holder responsibility was more often split in that type of school, there was sometimes more confusion over who the duty holder was.

However, while the majority of school leaders have a good understanding of their responsibilities, there is lack of awareness amongst a small, but significant, minority.

A survey of school leaders by JUAC also indicated high levels of awareness of the regulations, although there was also a lack of clarity about the duty holder role in some

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<sup>13</sup> The checklist is published [here](#).

schools. A similar survey of school staff showed that those who did not have the lead responsibility for asbestos management in schools were less likely to have a clear understanding of who managed the asbestos in their schools.

The HSE has identified the need for more schools to provide the right level of training to relevant staff (e.g. caretakers and maintenance workers) and to communicate well with contractors entering their premises about the location of asbestos. The survey of school leaders conducted by JUAC also indicated that more schools could benefit from greater awareness of the potential risk posed by asbestos.

A declining level of awareness amongst schools outside local authority control was perceived by some stakeholders. There was particular concern that many of these will no longer have access to local authority health and safety expertise although some do continue to buy-in this service from their local authority.

Some stakeholders called for the centralised provision or funding of asbestos-related training, and the APPG recommended that standards in asbestos training should be set and the training should be mandatory. However, advice from experts suggested there was an extensive market that provides training on managing asbestos. Also, it was suggested that effective training needs to be building and context specific and so it may not be effective to administer training at a national level. It was noted that adequate information, instruction and training to those 'liable to disturb asbestos at work' is already mandatory under the Control of Asbestos Regulations 2012 and that the underlying problem might be linked to poor awareness of this obligation, rather than lack of provision or mandation.

Finally, stakeholders generally thought that the DfE guidance was helpful but needed improvement. Many stressed that access to and dissemination of the available information and guidance was just as important as improving it. The HSE inspection initiative carried out in 2013/14 found that less than 40% of the sampled schools in

England were aware of the DfE guidance and JUAC found that 97% of respondents to their survey were unaware of the guidance.<sup>14</sup>

## **Incentives and accountability**

It is not sufficient that duty holders simply understand their responsibilities. Duty holders need to be held to account for their responsibilities and face potential consequences from non-compliance.

The HSE has conducted a number of inspections of asbestos management in schools.<sup>15</sup> It found that most of those duty holders inspected had good systems in place, and maintained their schools and asbestos-containing materials to the standards required by the Control of Asbestos Regulations (CAR).

However, the HSE found some weaknesses. Between 7% and 17% of duty holders were found to be not fully compliant with some aspect of the regulations in the different surveys.<sup>16</sup> Specifically the HSE found examples of some schools lacking adequate plans for managing their asbestos, poor or no training for staff likely to disturb asbestos and poor communications with building contractors. This suggests there is a case for strengthening accountability on duty holders to fulfil their responsibilities.

Some stakeholders argued that openness and transparency would drive better accountability. The APPG recommended that parents, teachers and support staff should be updated annually on the presence of asbestos in their schools and the measures that are being taken to manage it. This policy has been adopted in the USA and it was suggested that this provides an effective form of self-regulation and accountability.

The HSE's current work plan focusses its inspection efforts on high-risk sectors and does not include proactive inspections of schools. Some respondents challenged this and were concerned that the removal of proactive inspections of asbestos management

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<sup>14</sup>'Asbestos management in schools outside of local authority control 2013/14'.

<sup>15</sup>Further details of these inspection initiatives can be found [here](#).

<sup>16</sup>This range comes from HSE inspection initiatives in both local authority controlled and non-local authority controlled schools. More detail can be found [here](#).



in schools would weaken incentives and accountability in the system. The APPG recommended that proactive HSE inspections are reinstated, with a view to reducing future costs caused by asbestos exposure incidents.

## **Funding and the phased removal of asbestos from schools**

The Department directly funds the appropriate removal of asbestos through its centrally administered rebuilding schemes, such as the Priority Schools Building Programme. We also allocate funding to local authorities, multi-academy trusts and other bodies responsible for schools for them to spend on improving the condition of their school buildings. These bodies are free to use this funding to manage asbestos in their schools and where appropriate, to remove it.

The APPG recommended that the Government should set a programme for the phased removal of asbestos from all schools, with priority being given to those schools where the asbestos is considered to be in the most dangerous or damaged condition. The arguments put forward include the ongoing risk of asbestos exposure as long as asbestos is present in schools, particularly where day-to-day activity or unruly behaviour has the potential to release asbestos fibres. They also identified the ongoing costs of managing asbestos well as a further argument for phased removal.

## **Other issues raised during the review**

### **Insurance**

Some respondents to the call for evidence raised concerns about the lack of availability of public liability insurance to cover asbestos risks. Some local authorities self-insure but this does not provide cover for schools outside local authority control. This means that there may not be provision in place to meet any future asbestos-related claims from former pupils.

### **Central collection of data/information**

Some suggested that it is only possible to make nationally strategic decisions on asbestos management in schools if information on asbestos is collated and analysed

centrally. This would also enable a broader assessment to be made of the total costs of controlling or remedying higher risk asbestos across schools.

The APPG recommended that data should be collected centrally on the extent, type and condition of asbestos in schools and that this becomes an integral part of the data collection of the condition of the nation's schools. This was also raised within a number of responses to the call for evidence. There was also criticism that the DfE's Property Data Survey (PDS) did not collect information on asbestos in schools.

### **Asbestos surveys and other services**

Some respondents to the call for evidence raised issues about the quality and accuracy of asbestos surveys and works and the costs associated with tackling asbestos issues. Examples were given of inadequate or incomplete surveys and previously unidentified asbestos being discovered when work was being undertaken. Some suggested that a separate fund should be made available to provide for asbestos surveys and asbestos removal work.

## **Section 3: Our response and next steps on asbestos management in schools**

Through this review, we have identified the key issues and barriers to effective management of asbestos in schools and considered a number of policy responses.

We will:

- a) Develop better and more targeted **guidance on asbestos management in schools.**
- b) Look at ways to improve our **evidence base**, including thorough air-sampling in schools.
- c) Enhance the **scrutiny on duty holders** for managing asbestos in their schools.
- d) Continue to **fund the removal of asbestos**, where appropriate, directly and indirectly through our funding programmes.
- e) Encourage more academies to join the **Risk Protection Arrangement.**

Underpinning our approach is the recognition of the roles and legal duties of those involved in and responsible for asbestos management today, and the importance of not undermining or confusing those. Duty holders are best placed and legally responsible for managing asbestos in their schools. Our role is fundamentally to support them to manage their asbestos well and to ensure that they take this role seriously. The HSE has responsibility for the regulation of work with asbestos and remains the expert on how asbestos should be managed in line with legal requirements. Our policy and approach is based on their advice. Finally, as far as possible, any policy action should be clearly tailored to the specific issues and barriers we have identified through this review.

This section sets out our key responses to the identified barriers to effective management of asbestos in schools.

## **Better and more targeted guidance**

Evidence from the review suggests that the DfE guidance – and awareness of and access to it – could be improved. We agree and are grateful for the suggestions on how we do this.

We have worked with our stakeholders to revise our guidance and the new version will be published shortly. This is a user-friendly and easily accessible document which offers practical and straightforward advice on how duty holders and school staff should manage asbestos in their schools. It complements rather than replaces other sources of guidance and advice such as those from the HSE.

We will also look to disseminate the guidance far more widely and extensively by using the Department's social media channels, local authority communications and Education Funding Agency communications to get the message out to as many schools as possible. To address concerns about the capacity of new academies to manage asbestos we will include a link to our refreshed guidance in a welcome letter to all new academies. We will visit relevant conferences and sector meetings to promote awareness of the issue. We will work with our stakeholders to use their communications channels to raise awareness of the issue and of our guidance amongst a wide audience. For example, we will work with the National Governors Association and others to determine how best to support school governors.

Through ongoing engagement with our stakeholders, we will continue to look for ways to raise awareness of the importance of good asbestos management in schools.

## **Establishing a better evidence base**

The review, and particularly the CoC's statement on the vulnerability of children to asbestos, highlighted the lack of contemporary evidence about the range of airborne levels of asbestos fibres in schools. This is due, partly, to the difficulty of conducting robust, representative and accurate studies. Existing techniques for sampling asbestos fibres in the air are either imprecise or costly and time-consuming, requiring a high level of expertise to carry out and interpret the results. However, if we can design a reliable

and cost-effective study, it could help the Department, HSE and others to better understand the current levels of exposure and the likely risk related to the current management of asbestos.

DfE is working actively with the HSE to establish the feasibility and optimal design of a new study into the background level of asbestos fibres in schools. Due to the complex nature of air-sampling, the HSE advises that any such study is likely to take several years to complete. We expect the study to begin by 2016.

## **Enhancing accountability for duty holders**

Evidence considered by the review suggested that, although in most cases duty holders are managing asbestos safely, this is not always the case.

We need to support and challenge duty holders to fulfil their duties to manage asbestos safely. In the vast majority of cases – if not all – we believe those responsible for schools will strive to do the right thing and keep their buildings safe. But it is important that we reinforce this by putting in place strong and clear incentives to comply with asbestos regulations.

We propose to implement a system where duty holders provide a regular report to the Education Funding Agency (EFA) about their management of asbestos. This would help to raise the profile of asbestos management in schools, help the Department target the support it provides and strengthen the incentives on duty holders to manage asbestos effectively.

Duty holders would need to confirm that all schools for which they are responsible and which contain asbestos have up to date management plans in place. Where appropriate this may be done as part of wider assurance reporting arrangements. We believe that it would be beneficial for the information we collect, or a summary of it, to be made public, so that the quality of asbestos management in schools is transparent and each duty holder knows that their approach can be publicly scrutinised.

Any such measures should be proportionate to the risk, ensure responsibility remains clearly with the duty holder, and not place unnecessary burdens upon them. We will

therefore engage further with stakeholders, particularly those who will be directly affected by these measures, to finalise our proposals, including how best to undertake this data collection and what to publish; whether and how to supplement it with a more intensive risk-based sampling of asbestos management plans and practice; and the appropriate actions to take where duty holders are identified as needing additional support and challenge.

We will now consult on these proposals. The questions that the Department is seeking input on can be found in Annex A.

We think that collecting and publishing data from all duty holders – with the potential for further follow-up, support and scrutiny from the Department, HSE, or others – will be a significant step towards improving compliance and awareness amongst duty holders.

## **Continuing to fund appropriate removal of asbestos in schools**

Where asbestos-containing materials are found to be at risk of disturbance, it is important that steps are taken to make them safe, for example by encapsulating or sealing the asbestos-containing materials. Expert advice from the HSE remains that it is best to manage low risk asbestos-containing materials in situ, reviewing their risk assessments by monitoring condition and likelihood of disturbance, and repairing or encapsulating as necessary. The duty holder has responsibility for assessing the risk posed by any occurrence of asbestos and selecting the appropriate management action for the particular circumstances. This would almost always be undertaken with support from a professional consultancy. Removal would usually be recommended where asbestos is damaged or when refurbishment work demands prior removal.

We will allocate £1.4 billion a year to schools, local authorities, academy trusts and voluntary-aided partnerships over the next three years to invest in their school buildings and ensure that these are safe and fit for purpose. Where appropriate, this funding should be used by schools, and those responsible for them, to manage, encapsulate or remove asbestos on their premises.

In the case of small and stand-alone academy trusts and sixth form colleges, the Education Funding Agency invests on behalf of schools, via the Condition Improvement Fund.<sup>17</sup>

In addition, as part of the second phase of our programme to rebuild or refurbish the school buildings across the country in the worst condition – the Priority School Building Programme 2 – we included the presence of, and risk posed by, asbestos-containing materials as an assessment criteria in the selection of school buildings. All school buildings that have been selected to be rebuilt or refurbished through both phases of the programme will have their asbestos safely removed where it is considered safe and appropriate to do so.

The Department will continue to ensure its funding allows schools and those responsible for them to keep their buildings safe and effective including through encapsulating or removing asbestos-containing materials where required.

## **Risk protection and insurance**

Asbestos risks are not generally covered by public liability insurance. Local authorities will often “self-insure” but this is not generally available to schools outside local authority control.

The Risk Protection Agreement (RPA) is now available to academy trusts. The RPA offers reimbursement to academies in the event of a loss and includes the legal liability to pay compensation to employees and third parties for death or injury as a result of exposure to asbestos. The RPA also includes a comprehensive risk management solution to those academies that opt in. This includes access to risk management training, an on-line risk assessment tool and independent risk assessment surveys. More information about the RPA can be found [here](#).

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<sup>17</sup> More information about CIF can be found [here](#).

There were some proposals put forward in the call for evidence that we have decided not to pursue:

### **Central collection of detailed data and information on asbestos**

The legal responsibility for managing asbestos lies with duty holders. Duty holders must ensure they have the right information and data on asbestos in their schools in order to make effective decisions on how it is managed. We do not think that there is a case for, in addition, collecting detailed information about the presence and nature of asbestos across schools centrally. However, as we consider the Department's future approach to collecting information on the condition of the school estate, following the recent completion of the Property Data Survey programme, we will keep the range of data we collect on school buildings under review. We will also consult on plans to collect information on how those responsible for schools manage asbestos. See 'Enhancing accountability for duty holders', above.

### **Centralised provision of training and other asbestos-related services**

Some stakeholders have called for the centralised provision or funding of asbestos-related training, surveying and removal services. Having considered the current availability of these services, we did not identify evidence to suggest a lack of available services, or evidence to suggest it would be necessary or efficient for DfE to provide or procure training or services for duty holders directly. It would be beyond the scope of DfE's role to involve itself more extensively in this market. DfE also noted that it is mandatory under current regulations to provide adequate information, instruction and training for those liable to disturb asbestos, including maintenance workers, and duty holders should share information with staff about the location of asbestos. Our priority is therefore to raise awareness that it is mandatory to provide adequate information, instruction and training to relevant staff. The Department will keep this area of policy under review.



## Conclusion

The proper management of asbestos in school buildings is important for the health and safety of all staff and children and should be a high priority for all those involved in maintaining school buildings.

There are two fundamental aspects to the Department's role in ensuring asbestos is managed well in schools. The first is to support those who are responsible for asbestos management in schools to fulfil their duties. The second is to encourage and ensure compliance, through improving awareness and accountability.

In this report, we have set out proposals to enhance our role, through both increasing the scrutiny on duty holders to ensure that asbestos management remains a priority in schools and improving our guidance so that all duty holders are clear what they need to do to keep their staff and pupils safe from asbestos exposure.

Meanwhile, we will continue to invest in the school estate in a way that ensures schools can be kept safe and in good condition. This includes ensuring funding is available so that those with responsibility for school buildings can appropriately deal with any asbestos they have and that, over time and where appropriate, we see a reduction in the number of schools with asbestos-containing materials.

Finally, it is important that we keep reviewing the evidence base in relation to asbestos in schools. This includes evidence on awareness of and compliance with asbestos regulations, as well as scientific evidence in relation to potential exposure and associated risks in schools, such as via air-sampling. That way we can ensure our policies fully respond to, and address, any barriers to the effective management of asbestos in schools.

## **Annex A – Consultation questions about accountability proposals**

**Examples of questions we could ask school duty holders as part of the proposed measures to enhance accountability:**

1. Do the schools you are responsible for, which contain asbestos, all have a 'management' type asbestos survey (i.e. a survey to inform your day-to-day management of asbestos)? Please provide the date of the last 'management' survey for each school.
2. Do you have an asbestos register for your schools? Please provide the date it was last reviewed.
3. Do you have a written Asbestos Management Plan (AMP) for the schools? Please provide the date it last reviewed.
4. Are there processes and procedures detailing the control measures to prevent disturbance of any known asbestos-containing materials?
5. Do you understand that for some works undertaken in the school, you may require a 'refurbishment and demolition' type survey in addition to your current 'management' survey?
6. Is the asbestos register and AMP amended whenever any asbestos is disturbed, removed, or the area refurbished or re-configured?
7. Have you communicated with school staff and governors regarding any asbestos risks identified in the AMP?
8. Have members of the school staff undertaken awareness training?
9. Is a record held of this staff training?
10. Do you have a process for ensuring that anyone working in the school (where asbestos may be disturbed) has received information regarding the presence of asbestos?

We would welcome views from stakeholders on the following questions.

- Does the draft questionnaire, above, ask for the right level of detail to assess whether the asbestos in a school is being managed appropriately?
- Is the collection of this additional information likely to significantly affect the administrative burdens placed on those responsible for asbestos management in schools, such as local authorities, academy trusts or governing bodies?
- Is the process of completing such a questionnaire likely to raise awareness of the fundamental requirements of asbestos management in schools?
- Who is the most appropriate person to ask to complete this? For example, as local authorities are the duty holders for local authority controlled schools, should we ask the Director of Children's Services to complete it for all schools they are responsible for?
- How often should we collect this information?
- Should the Department or its agencies additionally conduct inspections of a sample of duty holders and/or schools to check the quality of asbestos management plans and practice on the ground?
- How should the Department intervene with duty holders that provide unsatisfactory returns?

Responses should be sent to: [CentralCapitalUnit.MAILBOX@education.gsi.gov.uk](mailto:CentralCapitalUnit.MAILBOX@education.gsi.gov.uk)

# Annex B – Terms of Reference

## Introduction

In 2011, the DfE asked the Committee on Carcinogenicity<sup>18</sup> (CoC) to consider the relative vulnerability of children to exposure to asbestos and the CoC published its statement on 7 June 2013. DfE committed to review its current policy on asbestos management in schools to take account of the evidence presented in the CoC statement.

## Aims of the DfE Policy Review

DfE's review of its policy on asbestos management in schools in England will be based on evidence and risk and will determine:

- Purpose of policy – what the policy should aim to achieve and how?
- Role – what is the appropriate role for the Department and the relationship with duty holders and others?
- Evidence – what does the existing evidence tell us and what are the evidence gaps?
- Creativity – has there been an open process to generate ideas and options?
- Delivery – is the outcome deliverable – including an assessment of any costs and additional administrative burden?

## Scope of Review

Included in the scope of the review will be:

- The conclusions of the CoC statement on the relative vulnerability of children to asbestos compared to adults.
- The findings from Health and Safety Executive inspections of schools.
- The recommendations from the All Party Parliamentary Group on Occupational Health and Safety report "Asbestos in schools: the need for action" published in February 2012.

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<sup>18</sup> The CoC is an independent advisory committee that provides expert advice to government departments and agencies on the potential carcinogenicity of chemicals and substances.

Excluded from the scope of the review will be:

The standards and duties contained within the Control of Asbestos Regulations 2012.

## **Annex C – List of Respondents to the Call for Evidence**

Asbestos in Schools Group
Asbestos Support West Midlands
Asbestos Testing And Consultancy Association
Asbestos Victims Support Groups Forum UK
Association of School and College Leaders
Belle Vue Girls' School
Blaenau Gwent County Borough Council
Bradford Asbestos in Schools
Brent Teachers Association
Brighton and Hove City Council
Clean Air in London
Clear Concepts
Clevedon School
Danum Academy
Darlington Borough Council
Dinnington Comprehensive School
GMB
The Greetland Academy
Asbestos Review
Hazards Campaign

The Health and Safety Executive
Joint Union Asbestos Committee
Katharine Lady Berkeley's School
Kennet School
Kent County Council
Lancashire National Union of Teachers
London Borough of Hammersmith and Fulham
Local Government Association
Leeds NUT
Loreto College (St Albans)
National Association of Schoolmasters Union of Women Teachers
National Association of Head Teachers
National Association of School Business Management
Nottingham County Council
National Union of Teachers
NUT Wirral
NE area Asbestos Management Group
NUT Health and Safety Bradford
Portsmouth City Council
RB Asbestos Consultants
Right to Know Wales Campaign

**Slater and Gordon Lawyers**

**Mary's Academy**

**Trafford Council**

**UNISON**

**UNITE**

**Voice**

**West Sussex County Council**