

House of Commons Education Select Committee

Evidence to short inquiry into Asbestos in Schools

Overview

1. Spencers Solicitors welcomes the House of Commons Education Select Committee's short inquiry into Asbestos in Schools on 13 March 2013. We believe that this is an important and much neglected issue. It is also a complex issue with a long and tragic history.
2. We very much hope that this one-off evidence session convinces the Committee that this is a problem that is sufficiently urgent that it deserves a more detailed examination of the issues and results in a full inquiry.
3. The UK rightly places great value on our education system and the vital service it provides to our future generations. However, we believe that systematically over many decades, and spanning governments of all political persuasions, the problem of asbestos in schools has been either ignored or played down by central Government, which has been happy to relegate the issue to localised management by local authorities and individual schools.
4. The figures are shocking:
 - It is estimated that three quarters of the schools in Britain contain asbestos
 - 16 teachers died from mesothelioma in England in 2011¹
 - 129 teachers have died since 2002²
 - 8 teaching assistants, 9 nursery nurses and 8 school secretaries have died from mesothelioma in Great Britain between 2001 and 2010³
 - It should be noted that there are no figures available for the number of former school staff that have died of mesothelioma as a consequence of asbestos exposure in schools
 - Also, there are no figures available about the number of adults who die from mesothelioma who contracted the disease whilst as a child
 - If a teacher was killed every month in the classroom there would be public outrage and urgent calls for action. But because it is asbestos-related it is largely ignored.
5. This situation is unacceptable. We cannot continue to ignore the fact that so many people are knowingly putting their lives at risk everyday by merely turning up at work.

¹ House of Lords Parliamentary Answer, 6 February 2013,
<http://www.publications.parliament.uk/pa/ld201213/ldhansrd/text/130206w0001.htm#13020694000372>

² House of Lords Parliamentary Answer, 6 February 2013,
<http://www.publications.parliament.uk/pa/ld201213/ldhansrd/text/130206w0001.htm#13020694000372>

³ House of Lords Parliamentary Answer, 26 February 2013,
<http://www.publications.parliament.uk/pa/ld201213/ldhansrd/text/130226w0001.htm#13022685000533>

6. As the Committee will be aware, the responsibility for managing the risks from asbestos containing materials comes under the Control of Asbestos Regulations 2012 which determines that local authorities and individual schools have responsibility for the management of schools. Not having a significant central role, other than providing guidance on asbestos management, the Department for Education does not collect information on the presence and condition of asbestos in schools.
7. Amongst local authorities there are hugely different approaches to the management of asbestos in schools: there has been the high profile case of Cwmcarn High School in Caerphilly, Notts County Council plans to inspect 44 schools across Bassetlaw in 2013 and Thurrock Council fined for breaching regulations. It is time for a consistent and national approach to this killer disease.
8. Meanwhile, the Health and Safety Executive “*has no plans to proactively inspect the standards of asbestos management in local authority administered schools, but is planning to inspect a sample of 150 schools that are outside of local authority control (in 2013-14)*”⁴.

Immediate priorities

9. Rather than a piecemeal approach whether by individual local authorities or “sampling” by the HSE, we urgently need to conduct a systematic, national assessment to quantify, scale and prioritise the problem of asbestos in schools and determine the risks to pupils and staff in schools. There is currently an opportunity to make this national assessment, but as it is currently structured, this opportunity will be wasted.
10. As part of the Government’s response to the Review of Education Capital in July 2011, the Department for Education agreed that urgent work should start to collect up-to-date information on the building condition of the education estate (this had stopped in 2005). This would deliver the most accurate, consistent and comparable data set possible on the condition of the English schools estate.
11. In September 2011, Partnerships for Schools (now the Education Funding Agency) was asked by the DfE to lead on the delivery of a Property Data Survey Programme (PDSP)⁵ to survey around 23,000 educational establishments throughout England in order to ensure future capital maintenance funding is targeted to meet the most urgent condition needs.
12. The process of the survey began with sampling data in early 2012 and the surveying work in schools, academies and colleges are not due to finish until summer/early autumn 2013. The data is due to be available in autumn 2013, and will be used to calculate the 2014-15 capital funding allocations. Once completed, it will continue with a rolling 20% sample of the estate each year to provide a credible full picture of the estate’s condition every five years⁶.

⁴ House of Lords Parliamentary Answer, 25 February 2013, <http://www.publications.parliament.uk/pa/ld201213/ldhansrd/text/130225w0003.htm#13022514001941>

⁵ DfE website, Property Data Survey Programme, 13 December 2012, <http://www.education.gov.uk/schools/adminandfinance/schoolscapital/a00204970/pdsp>

⁶ Partnerships for Schools presentation for Property Data Survey Programme Bidders’ Day, 26 October 2011, http://media.education.gov.uk/assets/files/pdf/p/pdsp_bidders_day_presentation.pdf

13. In theory this programme offers the vital opportunity to determine the scale of the asbestos problem in England's schools and educational establishments. While not a complete and robust solution, it could go some way to establishing the levels of asbestos in our schools, allowing a national view on the scale of the problem and prioritisation of the educational establishments requiring most urgent action. However, the Property Data Survey will specifically not include any assessment of the asbestos problem. We believe that this is utterly incomprehensible.
14. Responsibility currently lies with local authorities and schools under the Control of Asbestos Regulations 2012 (previously 2006) and related legislation. The survey will only seek confirmation that the school has carried out their statutory obligations. If they are not aware of their statutory obligations, the survey will simply direct head teachers to the DfE website and relevant guidance. No detailed assessment of the documents will be carried out by the surveyor. If the surveyor identifies any asbestos issues, they will bring them to the attention of the school but then leaving them to the school to undertake any corrective measures.
15. Despite spending millions of pounds on Property Data Surveys (£500-£750 for nurseries, £750-£1,200 per 17,000 plus primary schools and £2,000-£3,000 per 3,000 secondary schools), no central information will be gathered on the scale of the asbestos problem in our schools. It is a potential tragedy that this data will not be collated and accessible nationally.
16. The time has come for the issue of asbestos in schools to be tackled directly. We are under no illusion that this is a daunting and difficult task and in these economically straightened times authorities should work together to tackle the issues of the day in the most economically viable way. There will of course be a need to prioritise action.

Proposed action

17. We have no doubts that asbestos should be higher on the political agenda. We propose the following and hope that the Committee considers these in its deliberations:
 - The DfE's Property Data Survey Programme must be amended urgently to include asbestos in schools.
 - There must be openness and transparency about the scale of the problem.
 - There is no single body responsible for the issues of asbestos in schools – this is resulting in a piecemeal approach to the problem with no national picture of the problem existing.
 - Regular school inspections and a comprehensive database available publically online of findings should be made available and there should be the phased removal of asbestos.
 - The Schools Capital Allocations for 2013-14 must include provision for the removal of asbestos from the schools most at risk.
18. We hope that this submission has been helpful to the Committee.

[Spencers Solicitors](#), 11 March 2013

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