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## **IMPLEMENTATION OF THE 2010/2011 REVIEW OF EDUCATION CAPITAL (THE JAMES REVIEW)**

### **JOINT UNION ASBESTOS COMMITTEE (JUAC) RESPONSE**

#### **Introduction**

This response is filed on behalf of the Joint Union Asbestos Committee (JUAC). The Committee is made up of the six teaching unions (ASCL, ATL, NASUWT, NUT NAHT, Voice) and the main support staff unions (GMB, UCATT, UNISON, UNITE). JUAC submits this response on behalf of nearly a million members.

JUAC supports the aim of the Asbestos in Schools Group (AiS). The aim of the AiS Group is to make United Kingdom schools safe from the dangers of asbestos both for staff and pupils. Accordingly our response focuses heavily on the ways in which the capital funding review should lead to an assessment of the full scale of the problem of asbestos in schools and the subsequent allocation of resources to address the problem.

#### **Executive Summary**

There is growing concern about the problem of asbestos in schools and how it is not being adequately addressed. The known facts are that asbestos kills, that it is present in at least three quarters of all schools and that the occupants of schools are dying of mesothelioma in increasing numbers. Because of the long latency period before the development of asbestos-related disease, it is not known how many school children have died as adults because of exposure at school, nor how many will die in the future.

Because of this unacceptable death toll, there is an urgent need to assess the true scale of the problem and then allocate proportionate resources so that schools can be made safe.

*Q1 What data on the condition of the local estate should be used alongside pupil and student numbers data, as the basis of a fair allocation to address need across the range of children's and young people's institutions and facilities?*

A full debate on the investment required to secure the appropriate standards of building quality for children's and young people's institutions is required. Such a debate must not be limited by the attachment of preconditions on funding levels. It follows that all relevant data should be taken into account, including a full assessment of the condition of school and college buildings. All children and young people's institutions should be included in such an assessment, including academies and free schools – and all should be subject to the same quality requirements. Putting in place funding incentives to attract new providers would lead to quality concerns and must not be permitted.

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We agree that maintenance is critical and that good quality data needs to be collated on the condition of the estate. We are in favour of independent building condition surveys being carried out on a rolling sample of 20 per cent of the estate each year to provide a credible picture of investment needs. In fact we have called for the adoption of such an approach for many years.

Data needs to be gathered on the location, extent, type and condition of asbestos in schools. We are concerned, however, that the proposed programme of building surveys will be relatively light-touch and is not intended to identify the location, type and condition of asbestos-containing materials in the school stock. What is needed is for the government to determine the scale of the problem in relation to asbestos and to identify those schools most at risk. We are aware of the existence of software systems that collate data on the extent, type, condition and risks from asbestos in buildings and then present it in an easily accessible form so that priorities can be set, financial forecasts made and the asbestos managed. We would ask that such an approach be investigated as a way forward.

Any action taken to address the building stock deficiencies which have been identified by the James Review must take account of the presence of asbestos, not just for health and safety reasons but also on cost grounds given the huge additional costs of refurbishments and repairs where asbestos is present. A national audit on the condition of school stock must include asbestos. Failure to do so will make it impossible to establish realistic funding estimates.

Asbestos is one of the major capital items when a school is refurbished, demolished or repaired so quite how national funding allocations can be better targeted when it is not known which schools are most in need, is unclear. We know for sure, according to the Government's own figures, that at least 70 per cent of schools contain asbestos. This is likely to be an underestimate however, with up to 90 per cent of schools in some areas containing asbestos.

The result is that the occupants of schools are dying from the asbestos cancer Mesothelioma. As the asbestos materials deteriorate the number of school teachers dying from Mesothelioma has increased year on year from 15 in the period 1980 to 1985 to 64 in the period 2001 to 2005 with a total of 223 teachers dying of mesothelioma since 1980. School caretakers, cleaners, cooks, secretaries and teaching assistants have also died of this cancer. Although reasonably reliable figures are known as to how many teachers have died, because of the long latency period it is not known how many school children have subsequently died. The Committee on the Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has been commissioned by the DfE to assess the relative vulnerability of children to low-level exposure to asbestos fibres. Its findings must inform Government policy on the management and removal of asbestos in schools.

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In addition all schools should at least meet, preferably exceed, the standards set out in the Education (School Premises) Regulations 1999.

*Q2 Access to, and quality of, condition data can be variable. Do you have robust and complete data available, or have you proposals on how it can be gathered and managed most effectively, but at the same time with minimal cost? Please outline.*

The focus on reducing costs to their minimum is inappropriate, though it is unfortunately symptomatic of the Government's approach to schools and colleges. The primary aim must be to secure high quality and safe educational environments, not to reduce costs to the minimum. The two approaches are mutually exclusive.

*Q3 Do you think that the Department should move to a system for capital investment that apportions the available capital as a single, flexible budget for each local area, and that investment should then be determined through a specific local process, involving all Responsible Bodies and ultimately hosted by the Local Authority?*

All relevant stakeholders, including the trade unions, need to be involved in discussions on capital allocations. An effective local democratic process is required to ensure that local capital needs are reflected comprehensively in the determination of funding. Funding should follow the identification of need as quickly as possible – this again underlines the inappropriateness of attempting reform of capital funding on the cheap. Local Authorities should be key players in this process. Their role should be recognised by appropriate funding, in order to facilitate successful local consultation arrangements.

There is no justification for Free Schools to be funded on a different (centrally-determined) basis, as suggested by the James Review. All schools should be funded within the same local context, mechanism and rationale. Resources must not be taken from the existing school stock to fund free schools.

The consultation document does not describe the proposed arrangements for central appraisal of local decisions. We are concerned at the reference to "light touch" central appraisal contained in the James Report, given the health and safety implications, particularly in relation to the presence of asbestos.

We would, therefore, support the establishment of a national body to monitor local decisions in the context of quality and health and safety, as well as to ensure consistency across the board.

*Q4 a) What do you consider to be the benefits or risks in establishing a single capital funding model of this nature?*

The key question to consider alongside appropriate democratic accountability is how to decide on the funding available for capital in each local area. Notional budgets must take account of the real needs of schools and colleges.

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No funding model that is incapable of responding to the needs concerned due to inadequate resources can be considered a success.

Q4 b) *How would you address the risks you have identified?*

It is essential to ensure appropriate monitoring of the condition of our schools and colleges, to highlight inadequacies in both the funding model and the resources allocated.

This ties in with the James' recommendation that the Department should set up a central condition database, and carry out rolling condition surveys – a recommendation which we wholeheartedly support, though as set out in our response to question such surveys must determine the scale of the asbestos problem in our schools.

Q4 c) *Specifically, how could the local area decision-making arrangements be established to ensure that the process represents the range of Responsible Bodies, takes account of all needs, leads to fair prioritisation of investment within the available resource, and is not unduly bureaucratic?*

There will necessarily be an element of complexity in assessing the efficacy of local decision-making. The process must allow room, for example, for input from teachers – who will have first-hand knowledge of the practical issues involved. Consultation must be open to all interested stakeholders, in line with the principles of open government.

Q5 *Would you prefer to see the current funding model used for the 2011-12 allocations retained until at least 2015 or for the foreseeable future? What are the risks and benefits of this approach?*

Again the question of which model is used is secondary to the issue of resources. Separation of the two issues introduces an artificial element into the discussion. Funding must be allocated on a needs led basis to support the aim of having schools and colleges that are fit for purpose. The funding model used should be the one that represents the fullest response to capital needs.

Q6 *Should some of the ring-fenced programmes currently managed centrally, for example maintenance of Academies and Sixth Form Colleges, become ring-fenced programmes managed locally? What would be the risks and benefits?*

The key point is the need to focus on the method which best ensures that the needs of schools and colleges are accurately measured. As noted above, we do not believe that capital funding for some schools such as Academies should be determined on a different basis. Indeed, one of the problems of the Academies programme has been the unnecessary complications it has brought into the process of capital allocations.

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Managing these ring-fenced programmes locally would in our view cause some problems. (ADD.)

*Q7 a) Would you support a model that includes a fair proportion of maintenance capital being directly allocated to Responsible Bodies that have assets in several local authority areas, so that they can make their own decisions on how best to deploy that maintenance funding across their estate? What are the benefits and risks of this approach?*

One of the dangers of such an approach would be the difficulty it would create in terms of assessing all local capital needs. There may be local capital issues that affect all institutions, regardless of the Responsible Body involved.

*Q7 b) How would such Responsible Bodies be identified?*

*Q8 Do you agree with the principle that there should be a Local Investment Plan to support local and national transparency and better procurement? If so, what should be included in a Local Investment Plan?*

If implemented, such plans should support the objective of securing all relevant information on local capital needs.

*Q9 Do you agree that each local authority area should provide the Department with an initial Local Investment Plan in spring 2012, drawing from the respective plans that all Responsible Bodies make for their own allocations?*

Any such requirement should be appropriately funded, given the serious problems local authorities already face due to the Government's cuts programme.

*Q10 Do you believe that there are other models which incentivise the creative and efficient use of capital at school level?*

*Q11 Do you agree that there are benefits and efficiencies to be gained in building and capital maintenance from using national expertise, national procurement frameworks, and a standard contract with suppliers and national project management? What do you consider to be the potential advantages and disadvantages?*

Securing such benefits and efficiencies will depend on the nature of the frameworks, contract and management used.

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*Q12 Do you have evidence to show that local or regional procurement arrangements offer better value for money for certain types of projects or within certain values? If so, please describe.*

*Q13 Are there limits – contract value or type of project – where you think the case can best be made for local or regional contract procurement?*

*Q14 What criteria do you suggest for projects to be potentially exempt from project management by the central body?*

*Q15 Where local or regional procurement or project management is used, how can its benefits and learning be shared so as to achieve the same gains in all procurement?*

*Q16 Do you have any immediate further comments you wish us to consider on other parts of the Recommendations from the Review?*

The issue of capital funding must be looked at appropriately. It is not simply about managing costs – there is an opportunity to identify valuable investment. Investing in conditions of learning will secure enormous future savings by improving the quality of educational outcomes, with the knock-on economic and social benefits. With pupil numbers rising and problems with the existing capital estate continuing, such investment is as necessary as ever. Any new arrangements must protect schools and colleges from the punitive clauses that have been associated with BSF contracts.

The importance of capital funding to address the issues of sustainability and carbon reduction must not be underestimated. Building Schools for the Future and the Primary Capital Programme were predicted to deliver a 44 per cent reduction in emissions from schools' energy use over the next ten years, representing the majority of the 53 per cent cut in emissions which the schools sector must achieve by 2020 (Carbon Management Strategy for the School Sector, DCSF, 2010). Any alternative capital funding programme will need to include challenging carbon standards for new and refurbished buildings as well as sufficient funding, in order for the Government to meet its obligations under the 2008 Climate Change Act.