



Meg Hillier MP  
Chair of Public Accounts Committee  
House of Commons  
London  
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Dear Ms Hillier

### **Public Accounts Committee Inquiry into the Condition of Schools: Asbestos in Schools**

I am writing to you in my capacity as Chair of the Joint Union Asbestos Committee (JUAC). Founded in 2010 JUAC protects education workers and children by raising awareness about asbestos in schools and promoting improved management of asbestos in educational buildings. Our long term aim is the phased removal of asbestos from all schools. JUAC members are representatives from the following unions: ASCL, ATL, GMB, NUT, NASUWT, NAHT, Unison, Unite the Union, and Voice. We work closely with your constituent Lucie Stephens, whose mother died of mesothelioma last year following exposure to asbestos during her 30 year teaching career in Buckinghamshire.

JUAC was pleased to note that the issue of asbestos in schools featured prominently during the Public Accounts Committee evidence session on Monday 13 March. No discussions about the liability of the school estate would be complete without reference to the costs of asbestos management and removal. The evidence provided by Mr Keays and Mr Knowles, in respect of Hetton School in Sunderland, was absolutely shocking. It beggars belief that on more than one occasion pupils had to be sent to vans to be 'de-fumigated, de-dusted and hosed down'. When questioned about this, Peter Colenutt, Chairman of the Educational Building and Development Officers Group (EBDOG) said this was 'fairly typical'.

Contrary to what many people think, exposure to asbestos is not a problem that is confined to industrial workers, nor is it a problem of the past. The latest estimate is that 86 per cent of schools in England contain asbestos.<sup>1</sup> This figure was confirmed by Mike Green of the EFA during the evidence session on 13 March. Asbestos tends to be more easily disturbed in schools than in other buildings, sometimes through the boisterous activities of children but also through inadvertent exposure by maintenance workers, or because of failure to recognise asbestos which is in a poor condition and releasing fibres. Asbestos was used widely in the construction of schools, and in many cases it is in places which are easily accessible to pupils and staff. So, even day-to-day activities such as putting up displays can release fibres. Most staff are not told whether their classroom or schools contains asbestos so they don't know when they might be disturbing it. In all cases such failings are evidence of poor management.

Since 1980, there have been 319 teacher deaths from mesothelioma and teachers are now dying from mesothelioma at an average of 17 per year, compared to 3 per year in 1980.<sup>2</sup> The number of

<sup>1</sup> FOI requests submitted to Local Authorities. Available at <http://www.asbestosexposureschools.co.uk/pdfnewslinks/LAs%20schools%20containing%20asbestos.pdf>

<sup>2</sup> HSE: Male and female mesothelioma deaths aged 16-74 for selected occupations in the education and medical sectors 2013. FOI Freedom of Information Request Reference No: 201509015 29 September 2015



former pupils that are dying as adults due to school exposure is unknown but according to evidence given by Professor Julian Peto to the Education Select Committee Hearing on Asbestos in Schools in 2013, this figure could be up to 300 people a year.<sup>3</sup> It is not known how many school support staff have died because of exposure to asbestos at school as such deaths are not classified according to school occupation. Also, the statistics do not include deaths of teachers over the age of 75, so are likely to significantly underestimate the extent of the problem.

### **Children are more at risk**

In 2013, the Government's Committee on Carcinogenicity (CoC) ruled that children exposed to asbestos were more at risk of developing mesothelioma because of their longer life expectancy, which provides a greater opportunity for any asbestos disease to develop. Mesothelioma can take up to 60 years to develop so the younger a person is when they are exposed the higher the risk of it causing disease in later life. The lifetime risk of developing mesothelioma for a child exposed at five years old is about five times greater than an adult exposed aged thirty. It is also important to note that asbestos regulations were written for adults working with asbestos and not for vulnerable children potentially exposed to asbestos every school day for up to 14 years.

### **DfE and HSE position**

The HSE has advised the Government that the risks to staff and pupils are low and that asbestos can remain in situ, in some cases encapsulated, and be managed; indeed, UK Government policy is that, so long as asbestos is in good condition and is not likely to be disturbed it is better to manage it for the remaining life of the school rather than remove it. JUAC was disappointed, though not surprised, that the DfE and EFA representatives at the evidence session on 13 March reiterated the line that asbestos is 'best left alone in the structure of buildings' because this is safer than removal. There is actually no evidence that this is the case and plenty of evidence to dispute that view. We have recently challenged Lord Nash's statement to us in recent correspondence that '*evidence suggests that this is on balance a safer approach than a phased programme of proactive removal because of the inevitability of very significant fibre release during removal and subsequent risk of harmful exposure thereafter.*' by requesting details of this evidence. So far we have had no response.

In contrast JUAC can point to numerous examples of where '*managing in place*' has clearly failed across many local authority areas and we are currently undertaking a collection exercise, in association with Rachel Reeves MP, Chair of the Asbestos in Schools Group, investigating the situation in respect of academies. The examples we have, thanks to FOIs submitted by your constituent Lucie Stephens and the BBC, show that there have been at least 95 instances of accidental exposure reported by local authorities. This is likely to be an underestimate as 7 local authorities said that they did not hold the information and others did not reply at all.

We certainly do not have confidence in the accuracy of every response, and what was reported at the Public Accounts Committee meeting on 13 March only served to reinforce our serious concerns. For example in Sunderland's response to Lucie's FOI request, Hetton School is listed as containing asbestos, but Sunderland's response mentions no asbestos issues in any of its school premises and

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<sup>3</sup> Education Select Committee hearing asbestos in schools 13 Mar 2013 Q 13 .



no reported incidents of asbestos exposure! So, even though on more than one occasion, according to the evidence of Mr Keays, pupils had to go into a van to be 'de-dusted, decontaminated and hosed down' because asbestos ceilings were being lifted by the wind, this was not seen as needing to be reported to the HSE. Under the RIDDOR regulations the 'accidental release of asbestos fibres into the air in a quantity sufficient to cause damage to the health of any person' must be reported to the HSE. If it was seen necessary to decontaminate children, there surely must have been concerns about damage to health?

Our view is that apart from documented cases such as these, it is highly likely that in many cases asbestos will be inadvertently disturbed on a regular basis, without anyone realising, either by contractors or staff, and, therefore, without it being reported in any way, via the Reporting of Injuries Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR), or otherwise. This could be through commonplace activities in schools involving staff sticking drawing pins into walls and ceilings, hanging up Christmas decorations and pupils slamming doors and banging into pillars and walls. The HSE advises, in document HSG227 (pages 55 to 59), that a class of children in a standard sized classroom are highly likely to disturb accessible asbestos. As children are much more vulnerable to the effects of asbestos exposure, and because of the likelihood that their normal activities will disturb asbestos fibres, JUAC disputes that asbestos in schools can be managed safely in-situ. Further evidence about significant pupil exposure because of asbestos left in place is contained in a major report published by the Brent joint unions, see <https://www.teachers.org.uk/sites/default/files2014/asbestos-management-in-brent-schools-executive-summary.pdf>, which focuses on the case of Sarah Bowman, a school child in Brent in the Seventies/early Eighties, who developed mesothelioma after significant exposure at school.

### **Asbestos Management in Schools: Data Collection Exercise**

Also discussed at the Public Accounts Committee session on 13 March were the findings of the DfE's voluntary asbestos management in schools data collection exercise. The DfE undertook a survey of head teachers at the end of January 2016 to assess standards of asbestos management. JUAC asked the DfE to make the survey compulsory, in order to get a national picture of asbestos management in schools, but they did not do this. As the survey was not compulsory only 25 per cent of school leaders responded. Of these, 2 per cent of responses revealed serious deficiencies, 19 per cent required further action and an additional 30 per cent showed room for improvement. So around 50 per cent of those schools who felt confident enough to take part in the survey were deficient in some way. It is of course possible that the three quarters of schools who did not respond to the survey are even less aware of their responsibilities. JUAC is concerned that at the evidence session on 13 March the DfE Permanent Secretary put an over-positive spin on these findings by only mentioning the 2 per cent of response revealing serious deficiencies without setting out the full picture, which is that 50 per cent of respondents were deficient in some way.

JUAC was also surprised to hear Mike Green suggest in response to a question that it would cost £100 billion to remove asbestos from all schools. We would like to know how this figure has been calculated. To our knowledge the DfE and EFA have not undertaken a comprehensive survey of the presence and condition of asbestos in schools. The figures quoted to the Public Accounts Committee on 13 March come from data collection exercise referred to above which is not sufficient to give an accurate picture of the extent of asbestos in schools. The National Audit Office Report was unable to



assess the cost of asbestos removal because the DfE does not hold accurate details of the extent of asbestos in schools.

Some schools that contain asbestos will need to be replaced but by no means all of them. Two particular types of schools, Consortium of Local Authority Special Programme (CLASP) and the Second Consortium of Local Authorities (SCOLA) schools are known to contain significant amounts of asbestos that it is often not possible to remove without undermining the integrity of the building. It is estimated that there are around 3,000 of these buildings still in use. They were mostly built between 1945 and 1975 and so are within the group of schools that the recent report by the National Audit Office highlights as particularly in need of attention. Your Committee might want to explore with the EFA how many system built schools with asbestos integrated into the structure of the building remain in use. If the EFA does know how many such schools there are, what are the estimated costs of demolition and replacement?

However large numbers of other schools contain amounts of asbestos in, for example, fire doors, or room partitions. This asbestos can be removed to make children and teachers safe without requiring significant work to the rest of the school and therefore at a lower cost than demolishing and rebuilding the school.

We are concerned that the £100 billion figure that has been submitted to your Committee assumes all schools with asbestos should be demolished and replaced, therefore it is a significant over-estimation of the costs of removing asbestos from schools. We would be extremely grateful if you were able to ask Mike Green and the EFA to submit to your Committee how this figure has been calculated in order to clarify how the EFA is making decisions about asbestos removal.

JUAC representatives would be pleased if you could meet with us to explore fully the extent and implications of the problem of asbestos in our schools.

I look forward to hearing from you.

Yours sincerely,

*John McClean*

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