

HAZARDS CONFERENCE
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ASBESTOS IN SCHOOLS and GOVERNMENT POLICIES

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SCHOOLS ARE EXPOSING TEACHERS AND CHILDREN TO ASBESTOS FIBRES

My wife, Gina, was a primary, infant school teacher for 30 years. She died of mesothelioma of the pleura at the age of 51. The verdict at her inquest was "Death from Industrial disease."

Gina taught in 25 schools and the majority contained asbestos.

Some schools had no asbestos management plan and had not carried out an asbestos survey. Some were not aware of any asbestos, and yet were full of it. Some had asbestos in a damaged, dangerous condition.

Throughout the country staff and pupils have been exposed to asbestos in our schools and will continue to be exposed. Many have died and many more will die because of these exposures.

Schools have a duty of care for their staff and pupils but many have failed in that duty of care.

THE PROBLEM

The DfES and HSE fear that if people are made aware of the full extent of the problem of asbestos in schools there would be public alarm. Consequently the following has happened:

- There has been no centrally collated audit of the full extent and condition of asbestos in the country's schools.
- Because of the cost and the fear of public alarm the Department for Education has not insisted that schools carry out thorough asbestos surveys. Consequently many schools are unaware of the extent and condition of their asbestos.
- The risks to children and the number that can be expected to die from asbestos exposure at school in this country has not been assessed.

Because the full extent of the problem is not known, resources have not, and cannot, be allocated in proportion to the risk. The result of this is that successive Governments has adopted a policy of management rather than phased removal. This policy is flawed for the following reasons:

- Successive Governments have followed policies of political and short term financial expediency instead of looking at the long term problems of leaving asbestos in place and managing it.
- Asbestos management has to be guaranteed to work for the life-time of the school. Even the best system of asbestos management can fail, and when it does fibres are released. Frequent asbestos incidents in schools have proved this to be true. Because of this, management can only be considered as a short-term expedient.
- Because many schools have not carried out thorough asbestos surveys, they do not know where their asbestos is, so they cannot manage it.
- Even if a thorough survey is carried out it will not be able to confirm the presence, type and condition of hidden asbestos. This asbestos cannot therefore be managed.
- Decades of under-funding has resulted in schools being inadequately maintained, consequently the fabric of the buildings, including the asbestos has deteriorated.
- Effective management is very expensive but sufficient funds have not been allocated to enable it to be effectively implemented.
- Increasing numbers of schools are outside LA control and hence governors and headteachers are responsible for the fabric of the buildings, including the management of asbestos. Many are not competent in asbestos matters because they have not been adequately trained.

- Because many governors and headteachers are not aware of the very real dangers from asbestos, they have understandably allocated their limited resources to other seemingly more pressing priorities.
- There is lack of adequate guidance written specifically for schools.
- The asbestos laws are weak.
- An ineffective system of regulation has allowed unsafe practice in LAs and schools to continue unchecked.
- There is a lack of leadership at all levels, particularly at the DCSF and HSE.

If asbestos removal is carried out correctly then the risks and expense of managing the asbestos are eliminated forever. No longer is there an ever-present risk to the health and safety of staff and children.

(Note: All the facts given can be cross referenced to authoritative sources and are based on a seven year investigation. Many of the documents have been obtained using the Freedom of Information Act. A referenced analysis is at www.asbestosexposureschools.co.uk)

SCALE OF PROBLEM

SCHOOLS ARE A SPECIAL CASE

CHILDREN ARE AT PARTICULAR RISK TO ASBESTOS

1. In 1967 the Government were warned that low levels of asbestos exposure could cause mesothelioma, they were made aware of the danger of asbestos in schools, and the particular risk to children.
2. As knowledge was not complete they were advised to take a precautionary approach. This still applies today.
3. They were warned about the use of asbestos in schools.
4. DfES issued a warning to schools, but watered it down. Under pressure from the asbestos industry the warning was almost nullified.
5. DfES have played down the dangers ever since.
6. Schools continued to be built using large amounts of asbestos.

NUMBER OF TEACHERS DYING IS THE TIP OF AN ICEBERG.

7. 1991 - 2000 73 primary and secondary school teachers died of mesothelioma
145 died if assistants, childcare and higher education are included. (SOC coding)
8. 1980- 1985 21 teachers died of mesothelioma (Including higher education)
1986 - 1990 37 (Southampton coding)
1991 - 1995 53
1996 - 2000 69
2001- 2005 92 (SOC90 and SOC2000 coding)
9. The figures for the **five** year period 2001-2005
2001- 2005 64 school teachers died of mesothelioma
92 teachers died of mesothelioma (including higher education)
103 died if assistants, childcare, and higher education are included
(SOC 90 and 2000 coding)
10. Average number of school and higher education teachers dying from mesothelioma
between 1980 - 1985 on average at 4 a year
1986 - 1990 on average at 7 a year
1991 - 1995 on average at 11 a year
1996 - 2000 on average at 14 a year
2001 - 2005 on average at 18 a year
(SOC, SOC 2000 coding)

11. Everyone attends school. At any one time there are 9 million children and 800,000 teachers.
12. Over a 5 year period of exposure, a child of 5 is 5.3 times more likely to develop mesothelioma by age of 80 than their teacher of 30.
13. In addition because of their physiology children are thought to be more vulnerable.
14. Because of the long latency of mesothelioma the children will die many years later and their deaths will be recorded in whatever occupation they had at the time. Therefore there are no statistics for the number of children who were exposed at school and subsequently have died of mesothelioma.
15. It is known how many teachers have died. As the risk is greater for children it must be assumed that a considerably greater number of children are exposed at school and subsequently die of mesothelioma.

MAJORITY OF SCHOOLS CONTAIN ASBESTOS. CRUMBLING SCHOOLS

16. There are about 21,600 primary schools, 4,000 secondary schools, 1,500 special schools and 2,500 independent schools in the Great Britain.
17. Majority of the schools in the UK contain asbestos. 13,000 were built during the period 1945-1975 when asbestos use was at its height. Many more were refurbished using asbestos.
18. Crocidolite was used until 1970. Amosite was extensively used in UK schools until the early 1980's. Chrysotile was also used until 2000.
19. Chrysotile can cause mesothelioma. Amosite is 100 times more dangerous and crocidolite 500 times.
20. Many of the permanent schools built between 1945-1975 were system built. Asbestos was extensively used in their structure.
21. Types of system built schools include CLASP, SCOLA, HILLS, METHOD, VIC-HALLAM, CLAW, Onward Mace, SEAC and many others.
22. As an example there are 3,155 CLASP buildings in the UK. Most are schools. 2,000 SCOLA, schools and 400 HILLS.
23. In addition many schools had, and still have, temporary classrooms. Many older temporary classrooms contain asbestos, in some all the walls and ceilings are AIB. In 1980 there were 100,000 temporary classrooms in England and Wales.
24. The asbestos is deteriorating through age, vandalism, fair wear and tear, leaking roofs, decades of under-funding, lack of maintenance and botched maintenance, lack of adequate asbestos management.
25. In 1993 the NUT published a Safety Bulletin called "Our Crumbling schools." They stated "*Years of neglect of school buildings have left an appalling legacy of decay.*"
26. 2003 David Miliband talking about PFI and school rebuild and refurbishment stated "*We have only been digging ourselves out of a hole.*"
27. 2004 David Miliband wrote to the NUT and stated "*We accept that asbestos found in schools has not always been dealt with in a professional manner.*"
28. 2004 HSE "*A significant minority of authorities have still not established complete control of asbestos in their premises.*"
29. BSF will replace or refurbish all the secondary schools in England. If a school is replaced it will solve the asbestos problem. However asbestos removal is not mandatory during refurbishment. If it is left in situ it will pose a potential danger that will have to be managed throughout the life of the school.
30. BSF was planned to take place over 10-15 years, but is now behind schedule.
31. Primary Capital Funding (PCF) will replace 5% of primary schools in England, refurbish and modernise 45% and undertake minor works on the remainder.
32. PCF will start in 2008 and will continue until about 2023.
33. Silverhill primary school had £750,000 spent on the clean up and asbestos remediation after a serious asbestos incident in 2004, despite that large amounts of asbestos remains hidden in the structure. Is this what the Local Authorities and the Government intends with schools refurbished under BSF and PCF? Increasingly evidence shows that it is.
34. The NUT have called for all asbestos to be removed during BSF and PCF refurbishment.
35. Even if BSF and PCF ran to schedule, a child starting school now could spend the whole of his school life in a classroom that contains asbestos.
36. Until all asbestos is removed, schools will have to rigorously manage their asbestos.

MANAGEMENT IS SHORT TERM EXPEDIENT. PHASED REMOVAL IS SAFEST LONG TERM SOLUTION

37. In 1984 the NUT stated *"In the union's view only the complete removal of all asbestos-containing substances will ensure health and safety in schools. The Executive will seek to achieve the following: Immediate and thorough surveys of all educational establishments... a programme for its removal to be drawn up..."*

38. In 1985 the Association of Metropolitan Authorities (AMA) stated in a policy document: *"Progressive removal is thought to be both the safest and most cost effective solution, given that any asbestos is a hazard, however slight, and that buildings will be occupied and have to be maintained, and inadvertent disturbance is a continuing risk."*

39. In 1987 the policy of the Inner London Education Authority was *"Total removal of all asbestos, except where this would effect the structure of the building."*

40. Since 1984 the National Union of Teachers, NUT, has lobbied strongly for the phased removal of asbestos from schools, because of the particular vulnerability of children and because of the very nature of a school there is an increased likelihood that any asbestos could be damaged.

41. In 1996 the National Association of Schoolmasters Union of Women Teachers, NASUWT, stated: *"At best, repair and maintenance can only be a temporary expedient.... The only satisfactory solution is to remove the asbestos altogether."*

42. In 2007 the NUT stated: *"For more than 20 years, NUT policy has called for the removal of asbestos from all schools. If it is removed that is a permanent solution and that asbestos will never have to be managed again."*

43. In 2008 PAT stated: *"It is now time for all schools to be checked and appropriate action taken. Where safety dictates, the asbestos must be removed and disposed of safely."*

44. In 2008 the Association of Teachers and Lecturers, ATL, stated: *"ATL members will be asked to support a demand that the Government conducts a survey of all educational establishments to determine whether asbestos is present, and ensures all asbestos is removed...by 2010."*

45. In comparison Government policy does not advocate removal. HSE and DfES stated policy is: *"If asbestos is in good condition and unlikely to be disturbed, it is safer to manage it than remove it."*

46. Despite their stated policy DfES privately admit: *"HSE consider it safe to reoccupy buildings after asbestos has been properly removed."*

47. The policy of managing might work in an office, but cannot be relied upon to work in a school. Indeed DfES and HSE privately acknowledge that one system of management, encapsulation, can fail in a school. A 1993 Ministerial briefing stated *"Techniques of asbestos encapsulation... may not provide sufficient resistance to accidental damage or mischievous damage from children."*

48. In 2008 the HSL project leader investigating the release of asbestos fibres from AIB cladding encapsulated behind a steel casing in system built schools stated *"A release from an enclosed source of asbestos was unexpected and of particular concern as this is one of the recommended methods for remediation."*

49. Other Government arguments against removal are cost and disruption. However although there is a considerable cost in removal, effective management is also expensive and is a permanent drain on resources throughout the life of a school. A series of asbestos incidents in schools have caused widespread exposure, anxiety, disruption and expense. These incidents have proved that when systems of management fail then it is far more expensive and disruptive to carry out the clean up and remedial actions after an incident, than it would have been if the asbestos had been permanently removed under controlled conditions in the first place.

50. In comparison to the policy in schools, the policy is to survey and remove from the Palace of Westminster and Government Departments.

51. It is easy to say that it is safer to manage than remove, however the words need backing up with resources. This has not been done:

AUDIT.

52. Without knowing the overall scale of the problem the Government cannot allocate resources in proportion to the risk.
53. In 1989 the NUT called for a nationwide audit of asbestos in schools.
54. In 1993 the NUT had meetings with the Schools' Minister and called for all schools to carry out asbestos surveys. The results to be centrally collated so that an audit could assess the overall scale of the problem.
55. The Minister refused then and successive Governments have refused ever since, including this Government. The reason; Cost. Not the Government's responsibility it was that of governors and LAs. An audit "*could lead to a panic reaction*" and calls for removal of all asbestos.
56. Twenty years ago the USA surveyed all their schools and carried out an audit. Then implemented stringent asbestos regulations for schools.
57. 2000 Southern Ireland surveyed all schools and because of the vulnerability of children are removing all asbestos, and the process is almost complete.
58. 2004/5 Northern Ireland surveyed all their schools and have carried out an audit. Removing priority asbestos.
59. In 2008 PAT stated: "*There has been no official national assessment of the extent of the asbestos problem in schools. ...The DCSF, HSE and others are doing good work on the sensible management of risk, but, in relation to asbestos, we don't know what the risk is and this is totally unsatisfactory.*"
60. In February 2008 the Parliamentary Asbestos sub-Committee recommended to the Secretary of State for Schools that an audit is carried out of all schools to determine the extent of asbestos. Local authorities could then replace schools with the worst asbestos problem under the BSF.

SURVEYS. AIR SAMPLING

61. HSC advocate a thorough survey is an essential part of any management.
62. In 1983 ILEA started surveying all its schools for asbestos.
63. In 1984 the NUT and in 1985 AMA called for all schools to survey for asbestos.
64. 1986 DETR, AMA, DfEE advised schools to carry out a diligent and determined search to identify the presence of asbestos by extent, type, condition and vulnerability to damage. Then implement a system of management, which would include monitoring the condition of the asbestos.
65. In 1987 it was found that slamming a door five times in a System built school released levels up to 0.33f/ml, and kicking and hitting a wall released levels up to 0.87 f/ml. A survey had identified the asbestos which appeared to be in good condition. It was only air sampling that proved that dangerous levels of amosite fibres were being released.
66. In 1997 in CAWR consultations DfES actively and successfully lobbied against mandatory asbestos surveys in schools.
67. DfES wrote to HSE "*I must admit like you we would not be very keen on the idea of all schools surveying for asbestos. It would not be fair to single out schools implying that they are more at risk.*"
68. CAWR consultation meeting minutes of DfES argument:
 - "*surveyors running around would cause "panic"*
 - *increased financial burden*
 - *if asbestos was found lead for calls for removal.*
 - *Alarm people New York experience."*
69. Result: Asbestos surveys are not mandatory under CAWR.
70. In 2006 DfES and HSE admitted that because most schools have only carried out visual surveys "*in most cases it will not be known whether or not asbestos is actually present.*"
71. In 2006 in CLASP schools damaged off-cuts of AIB were found in ceiling and wall voids that had been there undiscovered for forty years.
72. In 2008 HSL stated about System built schools "*It is not unusual for asbestos debris to be left in areas around the tops of columns...from the original installation..... If for some reason the surveyor did not access the suspended ceiling as he should have done... A type 1 or 2 survey as described in MDHS 100, requires that the ceiling void of suspended ceilings are accessed to check for ACM's and asbestos debris"*

73. Other asbestos materials were damaged but hidden and only identified when air sampling showed increased asbestos fibre levels when the doors were slammed and walls and columns hit. Only then was column cladding removed which revealed damaged deteriorating asbestos. Until this happened the asbestos had not been identified, and therefore it could not be managed.

74. Rigorous asbestos surveys are essential. However on their own they only identify the visible asbestos, and are unlikely to identify damaged hidden asbestos. Only comprehensive air sampling with representative disturbance will identify if hidden asbestos is releasing asbestos fibres.

75. Asbestos cannot be managed unless its extent, type and condition is known. Therefore in many cases schools have not, and cannot, effectively manage their asbestos.

COMPETENCE. TRAINING.

76. Asbestos can only be managed if governors, headteachers, bursars, caretakers and school maintenance staff are qualified and competent.

77. 1994 DfES expressed doubts about whether governors are equipped to look after the structure of a school.

78. 2006 HSE WATCH committee *"It should be expected that headteachers would not be competent in terms of asbestos management."*

79. 2006 trial of Silverhill Headmaster after a serious asbestos incident *"I had no knowledge of asbestos its capabilities or where it would be found... it was a complete foreign language to me."*

80. 2007 The Health and Safety Executive (HSE) issued Liverpool City Council with an improvement notice because the council was providing "inadequate" information and training regarding the management of asbestos to staff.

81. An increasing number of schools are not under LA control. There are 6,400 VA, Foundation and Independent schools, with 1,800,000 children and 190,000 teachers.

82. In 2008 the Professional Association of Teachers, PAT, stated: *"There are now increasing numbers of schools outside local authority control with direct responsibility for health and safety resting with the governors. Our experience is that, in local authority maintained schools, head teachers, staff and governing bodies have been neither adequately informed nor adequately trained."*

83. There has been insufficient training in UK, whereas in comparison the USA have funded training since 1982.

GUIDANCE.

84. Lack of effective guidance from DfES. The present guidance was written in 1986.

85. In 1993 the NUT called for the guidance to be updated. The request was refused by DfES as *"it could raise the profile of the topic and could give rise to a panic reaction and calls for asbestos removal."*

86. In 2004 the Schools Minister wrote to the NUT and said the guidance was *"dated and should be revised as a matter of urgency... schools needed clear guidance that should not dumb down the subject."*

87. In December 2006 HSE stated that they have no intention to revise the guidance as it was perfectly adequate.

88. In 2008 the Professional Association of Teachers (PAT) stated: *"Our concern about the asbestos issue is the lack of information and basic knowledge available to schools and governing bodies."*

REGULATION.

89. The failures in asbestos management have not been detected because of inadequate regulation. Too few inspections. Too few investigations.

90. In 2005 DfES stated *"I think that certain critical Health and Safety procedures should be checked by OFSTED as no one else is doing it really."*

SECRECY.

91. 2003 Jarvis - select committee written evidence on refurbishing schools; *"Much larger amounts of asbestos were found subsequently leading to delays and cost over-runs which could not be obviously explained to parents without causing alarm, and embarrassment to the client."*

92. 2004 HSC do not consider that parents should necessarily be told of the presence of asbestos in their children's school:

"HSC's approach is on a "need to know basis" therefore a "Right to know" basis might distort what HSE is trying to achieve."

93. For more than twenty years by law in the USA parents and teachers have to be annually updated on the presence and condition of asbestos and asbestos management. This is an effective system of self-regulation.

94. In 2008 PAT stated: *"It is believed that most staff working in schools do not know the locations of asbestos in their schools and there is no Health and Safety Executive guidance compelling schools to tell staff and parents. Apparently this is because the HSE believes in protecting the public from things that may cause alarm. The HSE believes people should be informed on a need-to-know basis rather than a right-to-know. PAT believes there is a right-to-know."*

CAMPAIGN

95. 2004 HSE campaign to improve asbestos management in schools and *"dramatically reduce asbestos exposures"* in schools. Committee had executive powers.

96. 2005 dropped so that HSE resources could be re-focussed to achieve Public Service agreement, PSA, targets for building and maintenance workers.

97. 2007 strategic partnership was proposed between HSE and DfES to address staff well being, slips and trips, stress, work related absence, asthma, skin complaints and asbestos.

98. Since 2004 asbestos incidents in schools have exposed staff and children. This could have been prevented if the campaign had gone ahead.

99. In 2008 the Chairman of the Parliamentary asbestos sub-Committee recommended to the Secretary of State for Schools that the campaign was reinstated.

100. In 2008 DCSF stated *"Schools are not the only buildings where asbestos is present and HSE is committed to preventing exposure to all those people who may be at risk. Analysis of mortality data based on last occupation has directed HSE's current effort towards maintenance trades... HSE does not propose to have an "asbestos in schools campaign."*

SYSTEM BUILT SCHOOLS

101. About half of the schools in the country are System built. Most contain asbestos, some in large amounts.

102. In 1987 a door was slammed five times in a System built school in Wandsworth releasing fibres at 0.33f/ml, 33 times greater than the Clearance level. When the walls were hit and kicked the level was 0.87 f/ml.

103. If warning were sent out they were not heeded for the release of asbestos fibres from common everyday activities continued.

104. In 2006 the problem was rediscovered when the doors were slammed, walls and columns were hit in System built schools in Wales, airborne fibre levels were above the Control limit at 0.44 f/ml.

105. A series of air samples were taken in CLASP schools when the walls were hit, doors and windows banged and the window-sills were sat upon. The majority were above the Clearance level, the mean level being nine times greater. Some samples were more than forty times greater and exceeded the control limit, which is designed for asbestos contractors wearing breathing apparatus and protective clothing. One level was 2.37 f/ml which is exceptionally high. It is likely that these levels had been present for years, perhaps many years.

106. DfES, Local Government Employers and the HSE issued guidance to duty holders of all the System built schools in the country advising them to seal in the damaged, deteriorating asbestos within the columns, ceiling and wall voids.

107. HSL carried out further tests in selected offices and schools and found exceptionally low levels of asbestos and other fibres, both before and after remediation. Other tests showed raised asbestos fibre levels even after sealing had taken place. The various series of tests prove that if asbestos is in good condition it will release low levels of fibres, whereas if it is in poor or bad condition it will release high levels of asbestos fibres. In many schools the asbestos is in poor or bad condition.

108. In December 2007 as part of an investigation ITN, a door was slammed and a column hit in a classroom of a System built school. The fibre levels were dangerously high and all above the Control limit at 0.49f/ml in the classroom, 0.72 f/ml in the ceiling void and 2.53f/ml on a personal sampler. All of which were on a par with the 1987 ILEA tests and the 2006 tests in Wales.

109. The school was in a bad state of repair, and had failed to follow the guidance issued more than a year before. HSE had failed to identify the failure of the Local authority.

EVERY MONTH ASBESTOS INCIDENTS IN SCHOOLS DEMONSTRATE THAT THE PRESENT POLICY IS NOT WORKING

WAY FORWARD

- All schools to carry out thorough asbestos surveys.
- Air sampling with realistic disturbance to be part of an asbestos survey.
- National audit to assess the full extent of, and the risk from asbestos in schools.
- Government to allocate resources in proportion to the risk.
- Reinstate the campaign to improve asbestos management in schools.
- Specific asbestos guidance for schools
- Train Governors, headteachers and staff
- Rigorous asbestos management
- Policy of openness. This will ensure effective regulation.
- Remove all asbestos when refurbishing schools under BSF, PCF and PFI
- Phased removal of all asbestos from all schools.

Only then will our teachers and children be safe.

For more information go to:
www.asbestosexposureschools.co.uk

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