

**P-04-522 Asbestos in Schools, Correspondence from the petitioner to the Clerking Team, 19.03.2014**

Dear Kayleigh

Thank you for your e-mail. I am aware that the committee was seeking legal opinion on the issue of responsibility for the issue of asbestos in schools in Wales and I look forward to seeing that opinion. I remain most concerned at the Minister's refusal to accept that Welsh Government has any responsibility for the issue. The publication of guidance on the issue by Welsh Government is of course most welcome, although I would observe that the Department for Education (DfE) took a lead publishing guidelines in October 2012, with those published here in February 2014 in Wales largely replicating those in England.

You will appreciate that this issue of asbestos in schools is of crucial importance to the people of Wales, in that the future health of the nation's children is at stake, as is the health of those working in schools. 85% of schools in Wales contain asbestos, a substantial majority of our schools. The risk to which they are exposed is of developing the fatal cancer mesothelioma, which is a terrible disease taking decades from exposure to the development of symptoms.

On the 31<sup>st</sup> January 2014 the DfE launched a consultation entitled "Policy Review: Asbestos in Schools". This relates to schools in England (not the United Kingdom or Wales). The driver behind the consultation as is clear from the opening paragraph is the report from the Committee on Carcinogenicity of June 2013.

"In 2011, the DfE asked the Committee on Carcinogenicity (CoC) to consider the relative vulnerability of children to exposure to asbestos and the CoC published its statement on 7 June 2013. <sup>1</sup> We committed to review the current DfE policy on asbestos management in schools to take account of the information and conclusions of the CoC statement."

The report of the CoC is to be found at [http://www.iacoc.org.uk/statements/documents/Asbestosinschoolsstatement\\_000.pdf](http://www.iacoc.org.uk/statements/documents/Asbestosinschoolsstatement_000.pdf) with the DfE summary being set out below

"In summary, the CoC concluded:

- Asbestos causes mesothelioma and other cancers;

- The range of asbestos fibres in air will vary depending on the environment, presence and condition of asbestos;
- There is a lack of contemporary data on the levels of asbestos found in schools and there would be benefit in collecting and analysing new exposure data;
- There is potential for children to be exposed to asbestos in their homes where asbestos was used in its construction or maintenance. Maintenance activity can disturb asbestos and increase exposure both at home and at school;
- There is evidence that exposure to asbestos in childhood can cause mesothelioma in later life. The effect of increased life expectancy and the long latency period is recognised with the lifetime risk of developing mesothelioma predicted to be about 3.5 times greater for a child first exposed at age 5 compared to an adult first exposed at age 25 and about 5 times greater when compared to an adult first exposed at age 30. “

In short young children are at significantly greater risk of developing mesothelioma from asbestos exposure than even young adults.

I would like to highlight the sharp contrast between the position of the DfE and Welsh Government.

Attached is a copy of the letter of Annette Brooke MP, Chair of the Asbestos in Schools Group, written on my behalf to the Minister of State for Schools dated 25<sup>th</sup> October 2013 and his response of the 15<sup>th</sup> November 2013 wherein unequivocally he stated that “the management of asbestos in schools in Wales rests with the Welsh Government”.

The position of the UK Government has been further confirmed in both the House of Lords and the House of Commons.

As previously advised here are the answers received by Lord Wigley following his written questions:-

***“Question***

[http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/140115w0001.htm#wast\\_44](http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/140115w0001.htm#wast_44)

*Asked by Lord Wigley*

To ask Her Majesty's Government whether it is their intention that the asbestos awareness guidance for schools, issued by the Department for Education, be adopted in Wales.[HL4362]

15 Jan 2014 : Column WA26

**The Parliamentary Under-Secretary of State for Schools (Lord Nash) (Con):** The responsibility for the management of asbestos in schools in Wales is devolved to the Welsh Government and does not rest with the Department for Education. I understand, however, that the Welsh Government intends issuing similar guidance on asbestos management to schools in Wales shortly.

**Schools: Asbestos**

*Questions*

[http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/140114w0001.htm#wa\\_st\\_25](http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/140114w0001.htm#wa_st_25)

*Asked by Lord Wigley*

To ask Her Majesty's Government whether they will clarify who has the overall responsibility for asbestos policy for schools in Wales.[HL4359]

To ask Her Majesty's Government whose responsibility it is to respond to the final report of the Committee on carcinogenicity insofar as schools in Wales are concerned.[HL4360]

To ask Her Majesty's Government whether there are any plans to conduct a review of asbestos policy in Wales; and whose responsibility it would be to undertake such a review.[HL4361]

**The Parliamentary Under-Secretary of State, Wales Office (Baroness Randerson) (LD):** The Health and Safety Executive has responsibility for regulations and guidance as it applies to the management and control of asbestos in all workplaces in Great Britain, including schools. However, within this framework, the development of policies for the management and control of asbestos in schools is a matter for the Welsh Government.

The report by the Committee on Carcinogenicity was commissioned by the Department of Education. The report was a statement on the vulnerability of

children to asbestos and made no recommendations; however, in England, the Department for Education is undertaking a review of its policy on asbestos management in schools. It is for the Welsh Government to decide whether they wish to review any policies as a result of the report.

**14 Jan 2014 : Column WA12”**

On 24<sup>th</sup>, 25<sup>th</sup> and 27<sup>th</sup> January 2014 Hywel Williams MP asked a series of questions regarding asbestos in schools

[http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cmallfiles/mps/commmons\\_hansard\\_4619\\_wad.html](http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cmallfiles/mps/commmons_hansard_4619_wad.html)

Since then in response to questions from Hywel Williams MP

<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140224/text/140224w0008.htm#14022583001562> on the 24<sup>th</sup> February the Minister of State for

Schools stated as follows:–

**“Schools: Asbestos**

**Hywel Williams:** To ask the Secretary of State for Education which Government Department has responsibility for asbestos policy for schools in Wales. [188046]

**Mr Laws:** Responsibility for asbestos policy for schools in Wales is a devolved matter for the Welsh Government.

**Hywel Williams:** To ask the Secretary of State for Education which Government department is responsible for the management of asbestos in schools in Wales. [188123]

**Mr Laws:** Responsibility for the management of asbestos in schools in Wales is a devolved matter for the Welsh Government.”

In response to questions from Hywel Williams MP

<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140227/text/140227w0001.htm#140227105001444> on the 27<sup>th</sup> February the Secretary of State

for Wales stated as follows:–

**“Mr David Jones:** The Health and Safety Executive (HSE) has responsibility for enforcing legislation on the management and control of asbestos in all workplaces

in Great Britain, including schools. The statutory responsibility for ensuring that risks from asbestos are managed, however, falls to the duty holder and to any employer undertaking work on asbestos containing materials in those premises. For schools this depends on its status and could be the local authority, the Board of Governors, the trustees or a proprietor.

The HSE produces general guidance on the management of asbestos and the precautions that need to be taken before work is undertaken on any property where asbestos is present.

It is for the Welsh Government to decide if it wishes to introduce overall policies for dealing with asbestos management across maintained schools in Wales.”

This is wholly different to the position adopted by the Welsh Government as can be seen from the response of the First Minister in the Senedd on the 28<sup>th</sup> January 2014

“The responsibility lies with the Health and Safety Executive; that is quite clear. As regards ensuring that things happen as they should, that is the responsibility of the executive and also of the local authority environmental health officers. Also, of course, some responsibility falls on the schools themselves, if they have to dispose of asbestos, to ensure that that is done properly and safely. Guidelines will be published before long, which will include details relating to the responsibilities of those who have various duties relating to the management and disposal of asbestos. However, in terms of the responsibility, it lies with the Health and Safety Executive, and, then, of course, in terms of ensuring that the responsibilities are progressed, that is also a responsibility of the environmental health officers.”

In short therefore insofar as schools in England are concerned the Department for Education is taking the issue seriously as evidenced *inter alia* by the following:–

- Setting up an asbestos in schools steering group
- Asking the CoC to consider the relative vulnerability of children to exposure to asbestos
- In the light of the CoC carrying out a review of its policy with regard to asbestos in schools

In Wales other than recently publishing guidance replicating that given in England, Welsh Government refuses to act.

The consequence, as is clear when one compares the responses of UK Government and Welsh Government, is that between them no-one is taking responsibility for management of asbestos in schools and for policy for asbestos in schools in Wales

When the health of a nation is at stake surely that cannot be right.

Kind regards

Cenric