



Department  
for Education

**Launch date 31 January 2014**  
**Respond by 31 March 2014**  
**Ref: Department for Education**

## **Policy Review: Asbestos Management in Schools**

## Policy review: asbestos management in schools

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.

In reviewing the policy, we also want to hear your opinions and ideas on asbestos management in schools.

The call is open to anyone to respond. In particular, we would like to hear from those that are involved in the day to day management of asbestos in schools on their experiences and how DfE can support them to fulfil their responsibilities. The results of the call for evidence will form part of a report on asbestos management in schools which will be published in June 2014.

The Control of Asbestos Regulations 2012 set minimum standards for the protection of employees and others from the risks associated with asbestos exposure. The standards and duties in this legislation **are not** within scope of this review.

**To** Local authorities, academy trusts, dioceses, schools, head teachers, teaching and other school staff, governors, representative organisations, unions, others with an interest in asbestos/health and safety.

**Issued** 31 January 2014

**Enquiries To** If your enquiry is related to the content of the document you can contact the Department by e-mail: [asbestos.review@education.gsi.gov.uk](mailto:asbestos.review@education.gsi.gov.uk)

### Contact Details

If you have a query relating to the call for evidence process you can telephone: 0370 000 2288 or use the '[Contact Us](#)' page.

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<sup>1</sup> The CoC is an independent advisory committee that provides expert advice to Government Departments and agencies on the potential carcinogenicity of chemicals and substances.

## 1 Policy context: asbestos management in schools

DfE does not manage the schools estate in England; we provide funding for new school places and to schools and local authorities to maintain their existing buildings.

Responsibility for asbestos management rests with the duty holder – whoever it is that has responsibility for the maintenance and/or repair of non-domestic premises, including schools. For the majority of schools, the duty holder will be the employer and this will generally be the local authority, school governors or academy trust.

The Department takes the issue of asbestos management in schools very seriously and our policy aims to support duty holders to fulfil their responsibilities effectively.

New guidance was developed – aimed at headteachers, school governors and other members of school management teams - which was published on the Department's website in October 2012. We have also established the Asbestos in Schools Steering Group – with representatives from a wide range of interested parties – to promote and raise awareness of the need to ensure the proper management of asbestos in schools.

The Department acted upon the Steering Group's recommendation to ask the Committee on Carcinogenicity (CoC) to look into the relative vulnerability of children to low level exposure to asbestos fibres. The Department committed to review its policy on asbestos management in light of the CoC's statement which was published in June 2013.

Policy responsibility for regulation of health and safety legislation in schools, including prosecuting breaches of the Control of Asbestos Regulations 2012, lies with the Health and Safety Executive (HSE). We work closely with HSE in the development and application of our policy on asbestos management in schools.

In reviewing our policy, we will take account of the current legislative framework, along with evidence from a range of parties, including members of the Asbestos in Schools Steering Group.

The HSE has also inspected 150 schools that are outside local authority control in 2013 and the HSE's findings will also inform the

review. This builds on information from previous HSE inspections of schools, both within and outside local authority control, conducted in recent years.

This call for evidence will be open between 31 January 2014 and 31 March 2014.

## 2 Legislation and current DfE policy

Legislation and Responsibilities - The legislation covering the management of asbestos is contained within the Control of Asbestos Regulations (CAR) last updated in 2012. The regulations provide that anyone who has responsibility for the maintenance and/or repair of non-domestic premises, including schools, is a duty holder. For the majority of schools, the duty holder will be the employer and this will generally be the local authority, school governors or academy trust.

DfE is not the duty holder for schools.

The requirements on the duty holder include that they must:

- take reasonable steps to find out if there are materials containing asbestos in non-domestic premises, and if so, its amount, where it is and what condition it is in;
- make, and keep up-to-date, a record of the location and condition of the asbestos containing materials - or materials which are presumed to contain asbestos;
- assess the risk of anyone being exposed to fibres from the materials identified;
- prepare a plan that sets out in detail how the risks from these materials will be managed;
- take the necessary steps to put the plan into action;
- periodically review and monitor the plan and the arrangements to act on it so that the plan remains relevant and up-to-date; and
- provide information on the location and condition of the materials to anyone who is liable to work on or disturb them.

The Health and Safety Executive (HSE) is responsible for the enforcement of the regulations in schools. Its guidance is clear that, if asbestos is undamaged and unlikely to be disturbed then, it is usually safer to leave it in place and to manage it. If asbestos is found in an unsealed, damaged or poor condition, this will need to be repaired,

sealed, enclosed or removed using trained personnel. Asbestos must be properly managed and schools must keep records that are regularly updated and made available to anyone carrying out maintenance work.

Current DfE Policy – the current DfE policy on asbestos management in schools aims to give schools the guidance they need to fulfil their responsibilities effectively. It reflects legislative requirements, the role and responsibilities of the duty holder and the advice of HSE.

### 3 Guidance on asbestos management in schools

The obligation to manage asbestos falls to the duty holder. In order to help schools fulfil their responsibilities, the Department's asbestos management guidance offers advice on duty holders' responsibilities. This includes examples showing where asbestos is commonly found, advice on recording its location and condition, the risks, legislative framework, advice on training and what to do if things go wrong. This guidance links to other resources, including those provided by the HSE, and is intended to support schools in actively managing and controlling asbestos risks. The full guidance can be found via the link at:

[Asbestos management in schools - Publications - GOV.UK](#)

Many local authorities support schools with asbestos management consultancy. In some authorities this support is offered to academies (including free schools), while others only work with schools where they have a legal interest in the building. Where authorities do not offer these services, schools are advised to use the services of organisations that are qualified to give appropriate support and advice.

The Department will review its guidance as part of this policy review and is interested in getting feedback on its usefulness, relevance and any suggestions for improvement.

### 4 Committee on Carcinogenicity (CoC) conclusions

In 2011, the Department asked the Committee on Carcinogenicity (CoC) to look into the relative vulnerability of children to low level exposure to asbestos fibres. The Department committed to review its policy on asbestos management in schools in light of the CoC's statement. This was published in June 2013 and is available at: [http://www.iacoc.org.uk/statements/documents/Asbestosinschoolstatement\\_000.pdf](http://www.iacoc.org.uk/statements/documents/Asbestosinschoolstatement_000.pdf)

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.

## 5 Policy review: asbestos management in schools

We want to understand more about:

- the effectiveness of the current DfE policy;
- how asbestos is managed in schools; and
- how DfE can support duty holders to fulfil their responsibilities effectively.

### Purpose of policy and the role of DfE

Q1: How strongly do you agree or disagree with the following statements –

- asbestos management in schools works well.
- the current DfE policy (as outlined in section 2 above) offers the right level of support to schools.

Q2: Are there other things that DfE could do to support duty holders to fulfil their responsibilities? If so, please give details.

Q3: Can any issues only be fixed or resolved through government intervention? Is there something that needs to be done that only DfE can deliver? Please provide details.

Q4: The role of duty holders is clearly outlined in legislation. Is there a role for others in supporting schools to manage asbestos effectively? If so, what is the role and who should carry it out?

### Evidence for change

We want to gather evidence – including real life examples - of how the current asbestos policy works in practice along with any evidence to support proposals for changes.

Q5: What examples of good practice are there and what works well?

Q6: Are there any particular barriers or disincentives that hinder the effective management of asbestos in schools? Please provide details.

Q7: What evidence is there that the current policy needs changing or that improvements need to be made? Please provide details.

Q8: Do you have evidence to show that duty holders are not fulfilling their responsibilities? If so, please provide evidence of the underlying problems.

Q9: What could be improved, how and by whom? What practical difference would your suggestion make to duty holders, school staff and pupils?

Q10: What would be the estimated cost of any improvements that you suggest? How should these improvements be funded?

#### Guidance and tools for duty holders/others

We want to understand more about what is helpful to duty holders and what more can be done to provide support.

Q11: Are you a duty holder for a school? If not, do you know who the duty holder is?

Q12: Are you aware of the DfE asbestos management in schools guidance? Have you read/used the guidance?

Q13: Has the guidance been useful and relevant to your needs? What did you find most helpful?

Q14: Please provide any suggestions that you have to improve the DfE guidance.

Q15: Please provide details of any other sources of guidance that you use or tools to help you understand and fulfil your responsibilities.

Q16: Are there other things that could be done/provided that would help raise awareness of asbestos management issues? Please provide details.

Q17: What would be the cost of any improvements that you suggest? How should these improvements be funded?

If you have further views about asbestos management in schools that you would like to share, please do include them in your response. There is space for additional comments at the end of the response form.



## 6 How To Respond

Call for evidence responses can be completed electronically and emailed to:

[asbestos.review@education.gsi.gov.uk](mailto:asbestos.review@education.gsi.gov.uk)

or can be sent to:

DfE Asbestos Policy Review  
Central Capital Unit - 4<sup>th</sup> Floor  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

## 7 Additional Copies

Additional copies can be requested by emailing: [asbestos.review@education.gsi.gov.uk](mailto:asbestos.review@education.gsi.gov.uk)

## 8 Plans for making results public

The results of the call for evidence and the Department's response will be made available by June 2014.