



Education
Funding
Agency

Managing asbestos in your school

**Departmental advice for school leaders,
governors, staff, local authorities, academy
trusts and charitable trusts**

February 2017

Contents

Summary	3
About this departmental advice	3
Expiry or review date	3
Who is this advice for?	3
Main points	3
Asbestos in your school can put staff, pupils and visitors at risk	4
Responsibility for the safe management of asbestos in your school	5
Day-to-day management of asbestos in your school	6
Step 1: Conduct a management survey of asbestos-containing materials in your school	6
Step 2: Assess the risks associated with asbestos-containing materials in your school	6
Step 3: Devise a plan for managing asbestos in your school	7
Step 4: Make sure staff, contractors and other visitors know the risks and precautions they need to take	8
Step 5: Keep the management of asbestos in your school under review	9
Managing asbestos when building or maintenance work needs to be done	10
What to do if things go wrong	11
Annex A : Priority assessment in a school	12
Annex B: Consequences of not complying with asbestos regulations	19
Case study 1: Unsafe removal led to exposure, prosecution and fines	19
Case study 2: Negligence and civil law	19
Case study 3: Costs of decontamination	19

Summary

About this departmental advice

This is advice from the Department for Education. This advice is non-statutory, and has been produced to help readers understand their obligations and duties in relation to asbestos management in schools. This advice is intended to provide an accessible overview of asbestos management. It is intended to complement rather than replace more detailed or tailored technical or specialist advice which you may need in order to ensure asbestos is being managed properly in your school.

Expiry or review date

This advice will next be reviewed 18 months after publication.

Who is this advice for?

This advice is for duty holders who are responsible for the management of asbestos in schools, and for staff/ others working in schools who need to know about asbestos in their school and how they can contribute to its effective management. This includes school leaders, governors, staff, local authorities, academy trusts and charitable trusts working in schools that contain asbestos.

Main points

Your school buildings may contain asbestos if any part of them was built before 2000. It is extremely important that any asbestos present in your school is managed properly. If you do not follow the steps set out in this advice, you may put the future health of your staff and pupils at risk. Duty holders could also face prosecution, by failing to comply with the [Control of Asbestos Regulations 2012](#).

You should take the following steps to manage the asbestos in your school:

1. Have a 'management survey' of asbestos-containing materials (ACMs) in your school
2. Assess the risks associated with ACMs in your school
3. Devise a plan for managing asbestos in your school
4. Make sure staff, visitors and contractors know the risks and precautions they need to take
5. Keep the management of asbestos in your school under review

If you need to undertake any refurbishment work in a building that contains asbestos, you may need to commission a [refurbishment and demolition survey](#) which will give you a more detailed understanding of the asbestos present in the building.

If there is an incident of asbestos exposure at your school you should take the necessary steps to ensure that everyone is safe and, unless the incident is very minor, you will need to report it to the [Health and Safety Executive](#).

Asbestos in your school can put staff, pupils and visitors at risk

The majority of school buildings contain asbestos. Asbestos is a naturally-occurring fibrous mineral which was incorporated into a wide variety of materials that became part of buildings or articles in the UK up to the year 2000.

If managed carefully, the presence of asbestos in your school will not pose a risk to your staff and pupils. However, poor management of asbestos in your school could endanger lives.

Undamaged, sealed materials will not release fibres. However, if materials containing asbestos are disturbed or damaged, asbestos fibres can be released into the air and breathed in by staff and children. This puts them at risk of contracting a number of serious diseases in later life, including mesothelioma and lung cancer.

The relative risks of asbestos exposure in a school setting and the question of whether children are intrinsically at greater risk than adults are not fully understood. However, the Department of Health's Committee on Carcinogenicity concluded that, due to their increased life expectancy compared to adults and the long latency period for the disease to develop, children have an increased lifetime risk of developing mesothelioma if exposed to a given dose of asbestos.

The activities most likely to lead to the disturbance of asbestos-containing materials (ACMs) in schools are building and maintenance work. However, ACMs can also be disturbed through vandalism, accidental damage and boisterous behaviour.

You can find more information on where asbestos is located and how to identify asbestos, in the accompanying guidance 'Asbestos in schools: where it may be located'.

Key Resources:

[HSE website asbestos pages](#)

[HSE video: an asbestos victim's story](#)

[Asbestos in schools: where it may be located \[link to be added\]](#)

Responsibility for the safe management of asbestos in your school

The legal responsibility for the safe management of asbestos lies with the 'duty holder'. The duty holder is the person responsible for maintenance and/or repair of the school – typically the employer. For community schools, community special schools, voluntary-controlled schools, maintained nursery schools and pupil referral units, the employer is the local authority. For academies, free schools, voluntary-aided and foundation schools, it will be the school governors or the trust. For independent schools, it may be the proprietor, governors or trustees.

In situations where budgets for building management are delegated to schools by the local authority, the duty to manage asbestos will be shared between schools and the local authority.

Even if you are not the legal duty holder in your school, it is still your responsibility to play your part in the safe management of asbestos, just as head teachers and school leaders support the employer in a large number of other statutory responsibilities.

The law requires the employer to consult with employees on matters that affect their health and safety, including asbestos management. Union safety representatives can use their regular health and safety inspections to raise awareness of asbestos and discuss concerns with their members and management. If you do not follow the steps set out in this advice, you may put the future health of your staff and pupils at risk. You could also face prosecution, by failing to comply with the Control of Asbestos Regulations 2012.

Health and safety legislation does not require schools to inform parents about the presence of asbestos in their children's school. Some schools do provide parents with information to assure them that effective management arrangements are in place. In normal circumstances, if parents request information schools should be responsive to this. HSE guidance on gov.uk already explains that if management arrangements at the school to prevent disturbance of asbestos containing materials fail and there is an accidental release of asbestos fibres, then it is important that those affected are informed.

Key Resources:

[Who is the duty holder for your school?](#)

[The Control of Asbestos Regulations 2012](#)

[HSE enforcement policy](#)

[Advice on health and safety for schools](#)

[Consulting workers on health and safety](#)

Day-to-day management of asbestos in your school

Step 1: Conduct a management survey of asbestos-containing materials in your school

If you are a duty holder, you will need to carry out an asbestos management survey to identify those ACMs in your school which may be disturbed in the course of routine maintenance or everyday activities. You need to do this for all buildings constructed before 2000, including new buildings with residual elements of pre-2000 buildings. This survey must be comprehensive and systematic, establishing the location, type and condition of ACMs. The aim of the survey is to produce an asbestos register, which records the location and condition of the asbestos in your building. It should be conducted in accordance with HSE guidance and undertaken by a United Kingdom Accreditation Service (UKAS) accredited surveying organisation.

The survey will look in all accessible places, including above the ceilings and in floor ducting. This may require some minor intrusion into the fabric of the building and the taking of samples to identify if materials contain asbestos. However, to avoid the spread of any asbestos fibres, disturbance should be kept to the minimum level necessary to undertake the survey. This means your management survey will only tell you about ACMs that are easily accessible. It is only suitable for managing asbestos during the normal occupation and use of your school. If you undertake any building works in your school, you may need a refurbishment and demolition survey of the areas where the work is to take place in order to identify the presence of less easily accessible asbestos (see pages 10-11).

Schools may find it helpful to arrange for the surveyor to meet with school staff, such as the headteacher, to brief them on the survey once it is completed and advise them on the risks presented by the materials and how they should be managed. You can have these meetings included within the surveyor's terms of appointment.

Key Resources:

[HSE guidance on management surveys](#)

[Asbestos: the survey guide](#)

[The United Kingdom Accreditation Service \(UKAS\)](#)

Step 2: Assess the risks associated with asbestos-containing materials in your school

Once the management survey is complete, you must assess the risk associated with each identified occurrence of asbestos in the school as part of the Asbestos Management Plan (AMP) - see page 9.

The assessment has three parts:

- i. **‘Material’ assessment** – this is usually provided within the survey and is an assessment of each item of asbestos material identified based upon the type of material, the type of asbestos it contains, its surface treatment and the extent of damage
- ii. **‘Priority’ assessment** – this is your assessment of the likelihood of someone disturbing the material based upon factors such as the number and type (e.g. children) of people using the room, the time they spend in the room, the location, accessibility and extent of the asbestos and the frequency and type of activity that might disturb it
- iii. **‘Total’ assessment** – the assessment from the Material and Priority assessment are combined to give the total risk assessment. This allows a comparison to be made of the risk presented by each item of ACMs in the building so that priorities can be set and plans made for managing the materials

The HSE offers an example scoring system (algorithm) for the material and priority assessment contributions to the total risk assessment - see 'Key Resources' box on page 9.

It is important that you – as the head teacher or leader of your school – work with your asbestos surveyor to establish the risk that ACMs will be disturbed. When considering the likelihood of disturbance, it is important to recognise the use of the location and the people who may be present. Children may be more likely than adults to engage in activities that may disturb or damage ACMs – for example playing football in a corridor with asbestos ceiling tiles during unsupervised or unruly activities.

You should take this into account when determining your priority assessment scores and when considering what actions you will take when managing the asbestos in your school. HSE's three worked examples of priority assessment algorithms for a primary school are reproduced in Annex A with a discussion of how to use them. For example, they illustrate how you can consider the presence of children as part of your priority assessment.

They are taken from HSE's current guidance publication, 'A comprehensive guide to managing asbestos in premises'. This guidance contains much more information on priority and material assessments, and how these might be used to prioritise management action.

Key Resources:

[Example scoring system](#)

[‘Managing my Asbestos’](#) A step by step guide produced by HSE

[‘A comprehensive guide to managing asbestos in premises’](#) – in particular Appendices 2, 3 and 4

Step 3: Devise a plan for managing asbestos in your school

Once you have established where in your school there are ACMs and assessed the associated 'Total' risks, you must plan how you will manage the risks and put those plans into action. The plans should include how you will communicate with and train relevant staff members regarding the risks. Your completed register with the risk rating of identified

asbestos types and locations plus risk assessments and action plans will be your Asbestos Management Plan (AMP).

If asbestos in your school building is in good condition and is unlikely to be damaged or disturbed, it is usually safer to leave it in place and regularly monitor its condition. A change of circumstances (such as change of building use) will require a review of the AMP. If any ACM is in bad condition or at risk of being damaged or disturbed, professional advice should be sought regarding necessary remedial works, which may include encapsulating or removing the asbestos.

Your AMP will include details of:

- your plans to manage the risks from ACMs in the school on a day-to-day basis
- arrangements to inform all staff and contractors about the location of ACMs
- measures that need to be taken to prevent disturbing them
- your plans to check for less easily accessible ACMs where intrusive work is planned
- the schedule for monitoring the condition of ACMs

The AMP will need regular reviews and updates - see page 9. Your management arrangements must also be effective during school closure periods such as after school hours and community use when school staff presence is minimal.

Key Resources:

[An example AMP](#)

Step 4: Make sure staff, contractors and other visitors know the risks and precautions they need to take

Everyone in your school management chain will have a part to play in making sure asbestos is managed effectively on your school premises. It is essential that you make sure all relevant staff and other workers in your school receive the right information, instruction and training and are clear what precautions to follow. This will include caretakers and maintenance staff, and could include any member of the school staff that may damage ACMs. The level of information, instruction and training required will depend on the type of work being done.

Most teachers and school staff are not directly involved in managing the buildings or in carrying out repair or maintenance work. However, they will need to know the location of any ACMs and how they can be damaged or disturbed – for example, by work being pinned to walls or through unruly behaviour of pupils. You must instruct all staff to report damage or deterioration of school fixtures or fittings that could lead to the release of asbestos fibres.

You will also need to inform visitors to the school, for example contractors and users of the building for out-of-hours/community activities, of areas they should avoid or any other instructions they should follow.

Emergency services may request information about the asbestos that is present in your school and you should have plans in place to ensure that you can provide this if requested. If you receive such a request you must provide this information, which will help to keep emergency service workers safe. You may be asked to do this without access to your school building, such as in the event of a fire.

Key Resources:

You can review how your school is performing on asbestos management by using the [Health and Safety Executive \(HSE\) checklist](#)

[Advice on information, instruction and training](#) is also available on the HSE website

Step 5: Keep the management of asbestos in your school under review

You will need to keep your Asbestos Management Plan under review. You must update it if:

- you get new information, for example from refurbishment and demolition surveys
- work is undertaken on ACMs
- damage occurs
- ACMs are removed

Your asbestos register should be used to record the regular inspections carried out by school personnel to check on the condition of ACMs. You should ensure that your register is reviewed at least annually. Any changes to the asbestos register or your Asbestos Management Plan will need to be communicated to all relevant staff.

Managing asbestos when building or maintenance work needs to be done

There are specific actions that you must take where work is carried out on the premises which might disturb ACMs (including upgrading, refurbishing or demolishing). This includes any work that intrudes on the fabric of your building, whether it is small-scale repair work carried out by your own staff or a large-scale project that is being contracted out.

As your management survey will only have covered readily accessible areas, it may not have identified all of the ACMs that could be present. You will need to determine whether there is a risk that the work might disturb hidden ACMs. If so you may need to arrange for a 'refurbishment and demolition' survey to be carried out in the area where the work is to be done. This is a more intrusive type of survey which should be done under controlled conditions. It is unlikely to be appropriate for it to be done in occupied areas.

You must pass on the findings of both types of survey to those who will eventually be doing the work. You should also make sure that they understand and will take the information into account so that they use the correct risk control measures throughout the work.

Some small, short duration tasks can be carried out by non-licensed workers provided they have received appropriate information, instruction and training and the correct risk control measures are used. However, you must ensure that higher risk work, such as removal of asbestos lagging and loose insulation, is done by a contractor licensed by the HSE. You may need to notify the HSE of some types of non-licensed work. Advice on the types of work considered to be licensable and non-licensable, notifiable and non-notifiable is available on the HSE website - see 'key resources' section on page 12.

Waste materials containing asbestos must be disposed of as hazardous waste. If you have contracted the work out disposal is the responsibility of the contractor, although you will have responsibility for obtaining a waste consignment note to confirm that the asbestos was appropriately disposed of. If the work is carried out by in-house staff you will be responsible for ensuring any waste is disposed of safely.

Funding for the repair or maintenance of school buildings

The Government allocates funding for maintenance works, including work on asbestos, differently depending on the status of your school.

If your school is local authority maintained, a voluntary aided school or in a larger multi-academy trust, money is allocated to the body responsible for maintaining the school. More information about these allocations can be found on [GOV.UK](https://www.gov.uk). Smaller or standalone academy trusts and sixth-form colleges bid for capital funding through the [Condition Improvement Fund](#).

Key Resources:

[Advice on licensable work with asbestos](#)

[Advice on non-licensed work with asbestos](#)

[Information on disposing of asbestos waste](#)

What to do if things go wrong

If something goes wrong and you find that there has been, or may have been an unplanned disturbance of asbestos in the school you should:

- stop any activity in the affected area immediately
- remove everyone from the affected area
- ensure that staff and pupils are not able to access the area and do not remove any items including equipment, books or personal possessions from the area
- get advice from an asbestos expert regarding any necessary remedial action
- prevent access to the area until any necessary remedial action has been taken

Unless the incident is very minor, notify the [HSE](#). This is a legal requirement under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

Contractors carrying out work in the school should have procedures in place to deal with an unintended or unexpected release of asbestos. You should be advised of any such release, so that appropriate measures, including those set out above, can be taken as necessary.

People who have been exposed to asbestos are understandably anxious about the possible effects on their health. Make sure that staff, pupils, or their parents they are given relevant information to understand the risks. If they are still concerned about their exposure they should consult their GP.

Your school's asbestos management plan should detail the procedures for staff to follow in the event of an asbestos incident, and you must communicate this clearly to all staff.

Key Resources

[HSE asbestos checklist](#)

[HSE asbestos checklist frequently asked questions](#)

[HSE asbestos advice](#)

[HSE RIDDOR webpage](#)

[National Association of School Business Management](#)

[Joint Union Asbestos Committee](#)

[United Kingdom Accreditation Service](#)

Annex A : Priority assessment in a school

The process for assessing risks associated with ACMs in your school is introduced on page 6 of this guidance. It will give you an understanding of the different risks attached to each asbestos occurrence, help you prioritise management actions and form the basis of the asbestos management plan.

For each identified occurrence of asbestos in the school, you will need a 'total assessment' made up of:

- a 'material assessment' provided by the surveyor and based on the type of material, the type of asbestos it contains, its surface treatment and the extent of damage
- a 'priority assessment' based on factors such as those below. Assessing these relies on good knowledge of the school and its activities so you should take part in this assessment

Priority assessment factors to consider

Normal occupant activity

The activities carried out in an area will have an impact on the risk assessment. When carrying out a risk assessment the main type of use of an area and the activities taking place within it should be taken into account. For example, a little-used storeroom will rarely be accessed and so any asbestos is unlikely to be disturbed. At the other end of the scale, in a school lined with asbestos insulating board panels, with frequent movements, the potential for disturbance of ACMs is reasonably high and this would be a significant factor in the risk assessment. As well as the normal everyday activities taking place in an area, any secondary activities such as out of hours activities will need to be taken into account.

Likelihood of disturbance

The two factors that will determine the likelihood of disturbance are the extent or amount of the ACM and its accessibility/vulnerability. For example, asbestos soffits outdoors are generally inaccessible without the use of ladders or scaffolding, and are, therefore, unlikely to be disturbed through normal activity. The asbestos cement roof of a classroom is also unlikely to be disturbed, but its extent would need to be taken into account in any risk assessment. However, if the same classroom had asbestos panels on the walls they would be much more likely to be disturbed by desk movements.

Human exposure potential

The human exposure potential depends on three factors: the number of occupants of an area, the frequency of use of the area, and the average time each area is in use. For example, a school boiler room is likely to be unoccupied, but may be visited daily for a few minutes. The potential for exposure is much less than in a classroom lined with asbestos insulating board panelling, which is occupied daily for six hours by 30 pupils and a teacher.

Maintenance activity

The level of maintenance activity is the most important factor to take into consideration. It might be planned or unplanned. Planned work can be assessed and carried out using procedures and controls to reduce exposure to asbestos. Unplanned work requires the situation to be dealt with as found and the controls that can be applied may be more limited. The frequency of maintenance activities also need to be taken into account in deciding what management action is appropriate.

Priority assessment algorithms

Taking all these factors into account in a logical, consistent manner can be difficult. The HSE recommends using a scoring system or algorithm that takes these factors into account in a consistent way. This algorithm is shown in Table 1 on page 14.

Worked examples of HSE's priority assessment algorithm for three ACM occurrences in different parts of a primary school are shown in Tables 2, 3 and 4 on pages 15-17. The examples include the material assessments provided by the surveyor, which when added to the priority assessments, results in total assessment scores.

The purpose of these examples is two-fold. First, to show how open and transparent assessments can be made; second, to show how the different scores enable you to decide on priorities for management action. This is discussed further after the tables.

These examples are for illustrative purposes only and are intended to help and inform schools in carrying out their own assessments based on their own circumstances and knowledge of asbestos presence.

Table 1 Priority assessment algorithm

Assessment factor	Score	Examples of score variables
Normal occupant activity Main type of activity in area Secondary activities for area	0 1 2 3 As above	Rare disturbance activity (eg little used store room) Low disturbance activities (eg office type activity) Periodic disturbance (eg industrial or vehicular activity which may contact ACMs) High levels of disturbance, (eg fire door with asbestos insulating board sheet in constant use) As above
Likelihood of disturbance Location Accessibility Extent/amount	0 1 2 3 0 1 2 3 0 1 2 3	Outdoors Large rooms or well-ventilated areas Rooms up to 100 m ² Confined spaces Usually inaccessible or unlikely to be disturbed Occasionally likely to be disturbed Easily disturbed Routinely disturbed Small amounts or items (eg strings, gaskets) 10 m ² oΔl 10 m pipe run. >10 m ² to ≤50 m ² or >10 m to ≤50 m pipe run >50 m ² or >50 m pipe run
Human exposure potential Number of occupants Frequency of use of area Average time area is in use	0 1 2 3 0 1 2 3 0 1 2 3	None 1 to 3 4 to 10 >10 Infrequent Monthly Weekly Daily <1 hour >1 to <3 hours >3 to <6 hours >6 hours
Maintenance activity Type of maintenance activity Frequency of maintenance activity	0 1 2 3 0 1 2 3	Minor disturbance (eg possibility of contact when gaining access) Low disturbance (eg changing light bulbs in asbestos insulating board ceiling) Medium disturbance (eg lifting one or two asbestos insulating board ceiling tiles to access a valve) High levels of disturbance (eg removing a number of asbestos insulating board ceiling tiles to replace a valve or for recabing) ACM unlikely to be disturbed for maintenance 1 per year >1 per year >1 per month

Table 2: Priority assessment algorithm for asbestos insulating board panelling on the inside walls of a temporary classroom

Priority assessment algorithm			
Assessment factor	Variable(s) selected	Score for each variable	Overall score
Normal occupant activity			
Main type of activity in area	High levels of disturbance, children running in and out of classroom, knocking wall panels, wall displays	3	3
Likelihood of disturbance			
Location	Rooms up to 100 m ² – classroom 10 m x 9 m	2	
Accessibility	Routinely disturbed – easily accessible to young children	3	
Extent/amount	57 m ² area of wall paneling	3	average = 3
Human exposure potential			
Number of occupants	>10–30 children, 1 teacher and 1 classroom assistant	3	
Frequency of use of area	Daily	3	
Average time area is in use	>6 hours	3	average = 3
Maintenance activity			
Type of maintenance activity	Low disturbance – occasional redecoration	1	
Frequency of maintenance activity	1 1 per year	1	average = 1
Total priority assessment score			10
Material assessment score (supplied by surveyor)			7
Total of material and priority assessment scores			17

Table 3: Priority assessment algorithm for asbestos cement roof on a temporary classroom building erected in the 1970s

Priority assessment algorithm			
Assessment factor	Variable(s) selected	Score for each variable	Overall score
Normal occupant activity			
Main type of activity in area	Rare disturbance activity (eg little used store room)	0	0
Likelihood of disturbance			
Location	Outdoors	0	average = 1
Accessibility	Unusually inaccessible or unlikely to be disturbed	0	
Extent/amount	>50 m ²	3	
Human exposure potential			
Number of occupants	None	0	average = 0
Frequency of use of area	Infrequent	0	
Average time area is in use	<1 hour	0	
Maintenance activity			
Type of maintenance activity	Minor disturbance (eg possibility of contact when gaining access)	0	average = 0
Frequency of maintenance activity	ACM unlikely to be disturbed for maintenance	0	
Total priority assessment score			1
Material assessment score (supplied by surveyor)			4
Total of material and priority assessment scores			5

Table 4: Priority assessment algorithm for lagging on the boiler and associated pipework in the boiler room

Priority assessment algorithm			
Assessment factor	Variable(s) selected	Score for each variable	Overall score
Normal occupant activity			
Main type of activity in area	Low disturbance activities (checking safety controls on boiler once per day)	1	1
Likelihood of disturbance			
Location	Rooms up to 100 m ² - boiler room 6 m x 7 m	2	
Accessibility	Occasionally likely to be disturbed - don't need to disturb ACM to carry out checks but may inadvertently disturb	1	
Extent/amount	small boiler and single 10 m pipe run	2	average = 2
Human exposure potential			
Number of occupants	None	0	
Frequency of use of area	Daily – daily safety control checks	3	
Average time area is in use	<1 hour – few minutes once a day	0	average = 1
Maintenance activity			
Type of maintenance activity	Minor disturbance – potential for disturbance during annual servicing of boiler	0	
Frequency of maintenance activity	>1 per year – annual service + 1 breakdown visit per year	2	average = 1
Total priority assessment score			5
Material assessment score (supplied by surveyor)			11
Total of material and priority assessment scores			16

Discussion of Scores

In terms of priority, the asbestos cement is of less concern, whereas the total scores for the boiler room and the asbestos insulating board wall panels in the classroom are high. The classroom has been scored slightly higher partly because of the greater number of people potentially at risk, but also because of the greater likelihood of the asbestos insulating board being disturbed.

The scoring system makes the assessment process transparent so that people can see how priorities were decided. The scoring system allows a debate about the decisions and why they were made. Other factors may also need to be taken into account, for example ongoing operation of the school and pupils' out of hours activities.

The boiler house lagging and asbestos insulating board panelling had similar total scores. However, the boiler house lagging had a higher material assessment score, whereas the classroom panelling had a higher priority assessment score. This suggests that the boiler room is of higher risk because the material can more easily be disturbed. However, the classroom had a higher priority assessment score because of the 30 young children compared to one boiler house operative. Therefore, the classroom is of greater priority and would require immediate action due to the high risk of the asbestos insulating board being disturbed. This example shows the need to carefully consider the results of the algorithms and fully understand the risk factors that provide the total scores.

Annex B: Consequences of not complying with asbestos regulations

The majority of schools manage asbestos well. However, when management failings occur and people are exposed to unnecessary risk, society expects those charged with managing the risk be held to account.

Failure to comply with the Control of Asbestos Regulations 2012 is a criminal offence. The Health and Safety Executive (HSE) investigates incidents where duty holders fail to manage the risks and takes enforcement action where appropriate.

The following case studies outline some of the consequences that have followed when duty holders either failed to seek competent advice or ignored advice in the procurement of minor works.

Case study 1: Unsafe removal led to exposure, prosecution and fines

The unsafe removal of asbestos insulation boards at a large school led to several people being exposed to asbestos fibres.

HSE prosecuted the school and the director of the company responsible for the refurbishment project, after an investigation found they had failed to identify and prevent the risk of asbestos exposure.

The HSE investigation found that over an 18-month period, from the initial design stages through to the construction work, there was inadequate planning and a failure to carry out a full asbestos survey. This was despite the fact that a sample taken from the building had identified the presence of asbestos.

The school was fined £60,000 and ordered to pay £13,000 in costs. The director was fined £10,000 with costs of £6,000.

Case study 2: Negligence and civil law

Under the common law, organisations have a duty of care to others who may be affected by their activities. Individuals have sued for damages using the civil law when they were injured as a result of another person's negligence.

A local authority was required to pay £250,000 to a victim's family for negligence in asbestos management many years previously, when the victim was a pupil at a local authority school.

Case study 3: Costs of decontamination

The financial costs of having to carry out decontamination can be high and the education of pupils can suffer as a result.

In one school, a lab technician installed an IT cable through a ceiling void, putting holes through fire barriers and walls, and contaminating the majority of ceiling voids throughout the building. It was nine months before the exposure was spotted by a surveyor. The clean-up required new ceilings and lighting to be installed and cost £280,000.

Another school arranged an electrical re-wiring over the summer. On observing the contractors with unsealed bags of asbestos waste, the school's site manager contacted an experienced asbestos consultant. Asbestos contamination had spread throughout the school, affecting everything from computers, files and records to pupils' coursework.

At the start of the autumn term, 1000 pupils had to be found temporary accommodation; the school did not reopen until the following summer term. The school and council incurred costs of £4.54m as a direct result of the contamination. The HSE prosecuted the contractor.



Education
Funding
Agency

This publication (not including logos) is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/version/3
email psi@nationalarchives.gsi.gov.uk
write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

About this publication:

enquiries www.education.gov.uk/contactus
download www.gov.uk/government/publications

Reference: [000-000-000]



Follow us on Twitter:
[@educationgovuk](https://twitter.com/educationgovuk)



Like us on Facebook:
facebook.com/educationgovuk