

ASBESTOS in SCHOOLS - regional round up
a briefing from NASAG – the Northeast Asbestos Support & Awareness Group
November 2010

The Health & Safety Executive (HSE) has published the results of its survey on asbestos management by local authorities of asbestos in systems built schools constructed between 1945 and 1980. Although it was estimated in 2006 there were 900 schools with asbestos materials in the north east region, including the system built ones highlighted by the HSE as those most likely to pose risk, and presumably thousands more nationwide the enquiry had only asked about systems built schools where asbestos had been widely used to clad steel frame constructions.

When the HSE questioned the 152 councils in England having responsibility for providing education, it was 'satisfied' from their online assurances that 110 have systems in place to meet their duties under the Control of Asbestos Regulations 2006. The other 42 authorities were visited by HSE inspectors to ensure that they were also managing the risks from asbestos. Of the authorities inspected, ten - 24 per cent - received a total of 18 enforcement notices, including one prohibition notice. Teachers union NUT, and other commentators warn the HSE's confidence in the findings was misplaced. Independent school's, and others such as faith schools not maintained by local authorities were not part of the survey.

An analysis for NASAG of the replies from council's in the north east region raises a number of questions as to the overall value of the survey, and more so the reliability of the responses given to the HSE.

More than 90% of schools in the region had some form of asbestos in them, according to figures obtained by Newcastle Journal in 2006. Information obtained using the Freedom of Information Act revealed then of the North's 964 schools, 879 still contained asbestos. Recent surveys by **Newcastle City** Council had found asbestos in 104 of its 113 schools. A spokesman then said: "All asbestos found in a dangerous condition has been removed while surveys were in progress." But other councils in the region prefer to leave asbestos undisturbed. A statement from **Gateshead Council** said: "It is not the council's policy to remove or dispose of asbestos from its properties unless this is carried out in association with works of major repairs, alterations or refurbishments." At the time 198 of the 208 schools in Northumberland had some form of asbestos.

It was reported in 2006 eight school staff in the region were seeking compensation from education authorities after getting cancers from asbestos. Four teachers from **Gateshead** had lodged compensation claims because of asbestos-related diseases, two from Gateshead College and two from the former George Street Primary School. In addition, compensation was being sought by one former teacher each from Northumberland, **Sunderland** and **Durham** and a caretaker from **North Tyneside**. Around 200 asbestos related deaths have already been reported among teachers. Children are at risk too. In 2009 a 49 years old Merseyside woman died just hours after the Appeal Court judged her fatal mesothelioma arose from asbestos exposure when she was a child at school. The LA appealed the decision to the Supreme Court and judgement is due late 2010.

Whereas **Durham County Council** said they had 76 system built schools **Newcastle City** and **Darlington Borough** said they have none. **Northumberland County** had 77; **Gateshead** 76; **Hartlepool** 27; **Middlesbrough** 10; **Sunderland City** 6; and **North Tyneside** 3. **Redcar** had built 1 which had been demolished. **South Tyneside** didn't give a figure. It seems strange there is such a variation when it is likely all these authorities would have had similar building programmes between 1945 and 1980.

North Tyneside – a council which was fined £17,500 in 2008 for five breaches of the asbestos regulations found at a Wallsend School replied to the HSE's question as to whether they had provided staff with instructions not to disturb asbestos – "No"; and to a further questions about consulting health & safety rep's , and did every school have arrangements in place to rectify damage they also replied: "No". Asked to explain these shortcomings they replied: "(but) all schools know the location (of asbestos) and who to ring for

remedial work.” Since the survey 23 schools in North Tyneside have gone to “Trust Status” so in future such asbestos management responsibilities fall to the individual governing bodies.

To a question: “Have you encountered any difficulties in completing necessary remedial work (e.g. sealing gaps)?” **Sunderland City** replied: “Some head teachers did not want work carried out as they didn’t like the look of the mastic”. (used for the sealing)

Durham County Council fined £12,000 for asbestos breaches at a Wolsingham school; and which elsewhere had a builder cause a £40,000 clear-up after scattering asbestos across a school kitchen; and who employed a head teacher at Tudhoe who died from mesothelioma in 2007 could still reply to the HSE that they had failed to seal asbestos clad steel columns in some school ceiling voids.

Newcastle City and **Darlington Borough** were posted as giving “nil returns” indicating they had no systems built schools. However **Newcastle City** had told the local newspaper only 9 of their 113 schools were clear of asbestos in 2006. Newcastle’s housing provider YHN was served with enforcement notices by the HSE in April, 2010 when it was found their policies and procedures for maintenance and removal of asbestos did not comply with regulations. For three months all work was stopped on their stock of 27 multi-storey flats. It may be thought the education department has no better policies in place.

Hartlepool Borough replied saying since 2002 they had been managing asbestos and were awarded a Demonstration Project by Construction Excellence in the North-East for their efforts..)

The survey DfE/HSE “Questionnaire survey on asbestos management in LA system built schools – Alphabetical List of Responses– July 2010” 860pp and the HSE press release 21 September 2010 “Majority of LA’s satisfy asbestos management rules in system build schools” can be found at www.hse.gov.uk

Kevin Rowan, **northern regional TUC secretary** has warned in July 2010 of the “hidden consequence of scrapping the Building Schools for the Future programme”, saying there is a “real and increased risk of children, teachers and support staff” being exposed to asbestos now many schools would not be refurbished or replaced. (RISKS 467 31.7.10)

Michael Lees, the campaigner behind the “Asbestos in Schools” organisation who spoke at a NASAG public meeting in Gateshead in September 2010 damned the HSE survey and has suggested a critical look at local council replies could show whether they are concealing embarrassing or potentially dangerous situations .

(see www.asbestosexposureschools.co.uk)

The **Joint Union Asbestos Committee** formed by unions representing teachers, and other ancillary staff has issued a questionnaire to all school safety rep’s to assess the standards of awareness and management of asbestos in schools. They are calling for replies by November 15th, 2010. (see www.voicetheunion.org.uk)

NASAG –

the Northeast Asbestos Support and Awareness Group has been campaigning since 2002 from offices in Middlesbrough & Newcastle

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