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Your Right to Information

State Schools

By law teachers and ancillary staff should be told of the whereabouts of any asbestos that they might damage but there is no legal obligation to tell you (the parent of a child who might damage asbestos) that there is asbestos or where it is. You are therefore only likely to find out asbestos is present after an incident unless you take the active steps we suggest below.

Unfortunately teachers are frequently not told where asbestos is in spite of the law. Such teachers are in no position to effectively protect your child and you, of course, will not know that. We are campaigning for parents to have the same status under the law as teachers and ancillary staff. Parents should have the legal right to know in order to assess compliance with the law where their child's safety is concerned.

If you are a parent in a well managed school or LEA, they will be happy to show you the school's asbestos survey and management plan. If they make excuses or refuse then you, under the Freedom of Information Act, have a right to see the survey and plan. If your child attended the school some while ago you also have a right to determine whether the school managed their asbestos safely during that period, and you have a right to assess whether release of asbestos and possible exposure might have taken place.

To do so write a simple letter to the Chairman of Governors or the local LEA, tell them that you are/were employed by the school or that your child attends/attended the school. Tell them the dates that you are interested in. Ask for a copy of the relevant asbestos management plan and survey. It is important to tell them that the request is made under the Freedom of Information Act. By law they are required to give you access to the paperwork. If there are a lot of requests at the same time then it would be quite reasonable for the school to give copies of the paperwork to parent/teacher associations or representatives of the parents and teachers.

Independent Schools

An employee in a school should be told the location and condition of any asbestos that they might disturb. You, as parent of a child who might disturb asbestos, do not have the same right. If the school refuses you access to the information then write to the Chairman of Governors. State that by law, under Regulation 4 paragraph 9(c)(i) of the Control of Asbestos Regulations 2002, you should be given information about the location and condition of any asbestos that

you might disturb.

As a teacher or parent, a well run school that has followed the guidance will be most willing to show you their asbestos surveys and management plans. However, because they are commercial organisations and not a Government body, then the Freedom of Information Act does not apply to them. This means that by law the school authorities do not have to show their plans, survey or records to you. This even applies to cases where asbestos exposure has happened and the parents have been unable to determine the extent of their child's exposure to asbestos. Writing to the Chairman of the Governors and the Proprietors is the first step.

If the school still refuse you access to the survey and plans, then the regional office of the Health and Safety Executive can be contacted, particularly if it is suspected that an asbestos exposure might have occurred. However they have a policy not to disclose information about the survey or management plan to a parent, even when they are aware that a failure in management has caused exposure of staff and children. They also have a policy that they will not investigate any asbestos incident in a school to determine the levels of exposure so that parents and teachers can be informed.

The final course of action is to make the matter public knowledge.

The next stage is to know what to look for in the asbestos management plan and that is in the next section

What to look for in a School Asbestos Management Plan

(If Your Child Attends the School Now)

This is not meant to be a definitive list. Its purpose is to give you enough background information so that when you see the school's asbestos management plan you will have a reasonable idea whether it is likely to be effective or not.

Plan should be Written Down

- A good asbestos management plan will have a ground plan of the school showing the location of all the asbestos. It will have a written record of surveys, inspections and repairs. It will detail the school's policy on asbestos and say how often future surveys and inspections are to be carried out. It will record the names of the staff, the surveyors and the contractors who carried out the actions. It will have a contingency plan for what to do if an incident occurs, and a record of any incidents and any person who might have been involved.

Member of Staff Delegated to Oversee All matters to do with Asbestos.

- The school should have delegated a member of staff to oversee every aspect of asbestos in the school. That person will often be the bursar or the school's health and safety officer, however they can be any person who has been trained for the job.
- It is essential that they know what they are doing and have been trained for the job. They should have attended an asbestos management course.

Proper Survey Essential.

- The law does not require a survey but in practice it is essential. If it is not carried out everything in the building has to be treated as if it was asbestos. This is clearly impractical. (But be warned this has been the policy of some LEAs)
- The law does require the school authorities to manage asbestos. In order to manage asbestos effectively a survey is essential as it takes an expert to identify material that contains asbestos and to take samples to identify the type of asbestos

Surveyor must be qualified and Experienced

- A business is allowed to carry out their own survey but it is most unlikely that a school will have any person with the correct qualifications and the experience to carry out a proper survey.
- The surveying firm must be accredited by the UK Accreditation Service as complying with ISO 17020.
- It is essential that the surveyor is both qualified and experienced.
- The basic minimum qualification that allows a person to carry out a survey is the British Institute of Occupational Hygiene qualification P402. Another course run by the same organisation is the S301 which gives a more general idea about asbestos. These are good courses, but the skills of a person who has passed and gained his certificates is on par with someone who has just passed their driving test. They both need experience. The "surveyor" should have shadowed a competent surveyor for at least six months before they are let loose on their own.
- The UK Accreditation Service also issues certificates to firms who run courses. These firms must be accredited under the EN45013.
- The firm carrying out the asbestos survey should hold a UKAS accreditation

Types of Survey

- **Type 1** This presumes that any suspect material is asbestos and treats it as such. This might work in an office, however it cannot in a school.
- **Type 2** The surveyor looks at all of the buildings, but does not look in places that are normally inaccessible, such as roof and wall wall , however, if access can be gained to these spaces they should be inspected. He takes representative samples of any material that he thinks could contain asbestos. Those samples are then sent to a laboratory for analysis. The location, type and condition of the asbestos is recorded. This type of survey is most acceptable in a school.
- **Type 3** This involves inspecting everywhere including the normally inaccessible places, and may involve some

destruction of the fabric of the building. Samples are taken wherever possible and analysed. A record is kept. This type of survey is normally carried out before refurbishment or demolition. It is not a requirement of this survey to assess the condition of the asbestos. If the survey has been carried out and some asbestos remains in place, then its condition must be recorded.

The results of the survey

- Ask to see the results of the survey. All asbestos will be listed and a score made of the asbestos by type, location, and condition. (ie asbestos lagging, AIB, type etc the type of asbestos - amosite, crocidolite, chrysotile - and its condition - damaged, poor condition.
- The score is used as part of an assessment of the risk that the asbestos presents to staff and children. It will be assessed whether it is in a place where it is likely to be damaged and how many people are likely to damage it. For instance damaged asbestos insulating board walls in a busy corridor, where it likely to suffer even more damage as many children charge past, will have a very high score. An asbestos cement roof in a yard where no one other than the caretaker is allowed access will have a low score.

Air Sampling

- Air sampling is not normally part of an asbestos survey. A type 1 and 2 asbestos survey will only examine accessible spaces and therefore asbestos hidden behind walls, beneath floors and in inaccessible ceilings and ducting will not be detected. When the buildings were constructed it was common practice to sweep asbestos off-cuts and debris into the wall voids or leave them above the suspended ceilings. Also over the years much of the hidden asbestos has deteriorated and is releasing asbestos fibres, however without air sampling it has been proved that damaged hidden asbestos goes undetected. It was for instance the only way that the problem of fibre release from hidden asbestos in System built schools was discovered.
- Comprehensive air sampling, with realistic disturbance, should therefore be a mandatory part of a school's asbestos survey, and the campaign will lobby for this. We suggested that you ask whether the school has carried out air sampling. In the case of System built schools DCSF guidance states that air sampling should be carried out once remedial work to seal the gaps in walls, columns and ceilings has been completed. Therefore ask the school authorities for the results of the air sampling. If they have not been carried out then refer the authorities to the "Asbestos Warnings" section of the DCSF web-site (Scape Formal Notice Appendix Methodology): <http://www.teachernet.gov.uk/management/resourcesfinanceandbuilding/schoolbuildings/stat/asbestos/warnings/>
- A word of caution should be given about air tests, for unless they are carried out correctly they will give unrepresentative results. For if they are carried out while the school is empty and disturbance is not carried out that simulates normal school activities, then the results are guaranteed to be very low. It is a serious omission of the HSE that there is not an agreed protocol for air sampling in buildings to assess the levels of fibres released under normal conditions. Instead the protocols are all for specialist contractors carrying out work on asbestos. On many occasions following an asbestos incident in a school, or when an assessment is needed of the asbestos fibre levels in a classroom, "Reassurance" air sampling will be carried out. This kind of sampling was not designed for these circumstances and does not even require disturbance of surfaces, therefore it is invariably unsuitable.
- To determine whether a room is contaminated or whether asbestos fibres are being released from hidden asbestos more than one air sample should be taken in a room. Disturbance should be undertaken that simulates normal activity such as vigorous sweeping, and dusting of surfaces. The doors, walls, columns and window sills should be hit however as this could release high fibre levels it should only be performed by specialist contractors under controlled conditions. Air sampling should also be undertaken in the ceiling void, with disturbance, to determine whether fibres are being released into the void or whether they are already contaminated.

Good Practice

- Any asbestos materials should be regularly checked by a trained person to ensure that they remain in good condition. The asbestos management plan should record the frequency of these periodic checks. The fact that they have been carried out and the results should also be recorded on the management plan.
- In America the law requires the survey to be repeated every 3 years. This is not the law in this country however it is good practice.
- The law in America requires the parents and teachers to be annually updated on the school's asbestos management plan. This is an excellent practice and the policy of openness gives peace of mind to the parents and teachers and ensures that the school is following best practice.

Any asbestos found by the survey will have to be made safe. The management plan must show how this is to be done.

That is in the next section

Actions after the Asbestos Survey

Once the survey has been completed then the asbestos that has been found will have to be managed. The school should produce an asbestos management plan and will be able to show it to you.

Regular Inspections

Inspections The asbestos should be regularly inspected to make sure that it does not become damaged. A busy corridor should be inspected more regularly than the caretakers hut. The plan should record the dates of the inspections. The time between inspections should be a minimum of six months for the hut and probably monthly for the corridor. The person carrying out the inspection need not be a qualified surveyor, but they should be trained, know where the asbestos is and be able to assess its condition. The designated "Asbestos officer" is the ideal person

Tell people where the asbestos is and tell them about the health risks

Telling People The school should tell everyone who is likely to disturb the asbestos about the dangers of asbestos, where it is and how they should avoid damaging it. This includes the teachers, secretaries, maintenance staff, cleaners, cooks, dinner ladies and helpers.

Telling Parents It is up to the school governors whether the parents are told of the plan. [The article on this site on asbestos management](#) demonstrates that informing parents annually ensures the plan is open to proper scrutiny by those most affected.

Telling Children It is up to the school governors whether the children are told of the plan. You may wish to put your own views to the Governors.

Health and Safety Executive policy on informing parents HSE policy is that only those who could possibly disturb asbestos should be told about it. As parents do not disturb asbestos in the school they do not believe you should be told about it.

This is clearly wrong as your children are the ones who disturb the asbestos and you, as parents, should know of the risks your child is running and should be able to monitor those risks by ensuring the asbestos management plan is effective.

Plan should cover action to protect asbestos from damage

There are various ways of making sure that the asbestos is not damaged.

Total Removal. The most effective is total removal. If asbestos is removed then it is a permanent solution and it will never have to be managed again. The Department of Education and the HSE consider that it is better to manage asbestos in a school than removing it. This can only be the case if there is a fail safe and effective system of management. If the asbestos is in bad condition then it should be removed. If the asbestos is in a place where there is a likely-hood that it could be regularly damaged or knocked then it should be removed. If it is left in place then action has to be taken to make it safe:

Labelling. The least effective is labelling the asbestos. This can work in an office, and indeed can work in parts of the school where the children have no access. However vandalism, accidents or plain curiosity will ensure that it cannot work anywhere else in the school. Some LEAs have managed their asbestos by this means in all of their schools. It is not safe, it is completely unacceptable in any place where children could damage the asbestos.

Enclosing. This involves building a physical barrier around the asbestos so

that it cannot be knocked, hit or poked. Boarding up a wall is a barrier, however great care has to be taken to fix the board so that screws, nails and drilling don't damage the asbestos during construction. A barrier can work in a place with little activity, however the barrier has to be airtight so that any loose asbestos fibres cannot creep around the edges. In a place with lots of activity then the barrier is likely to be knocked, in which case the disturbance can stir up any loose asbestos fibres and might break an airtight seal. A notice should be put on the enclosure stating that the enclosure contains asbestos.

Encapsulation and sealing. Encapsulation involves painting, spraying or trowelling on a substance that seals the surface. This can be a cement coating, a PVA covering or a high build elastomer coating. The problem is that cement will crack over time or if hit. PVA only gives a thin covering and can be broken and it is not suitable as a long term solution. An elastic coating does flex and will withstand some amount of punishment and if left undisturbed will last for up to 20 years.

Spraying Another method is applying a spray of a substance that penetrates the asbestos and strengthens it as well as forming a thin outer coating.

Problem areas with encapsulating and sealing

- Encapsulating or sealing can de-laminate the asbestos and release fibres.
- The encapsulation and sealing can only be applied to asbestos in good condition.
- Encapsulating or sealing is not a viable option in any place where it is likely to be frequently knocked or poked.
- Any encapsulating or sealing in a school should only be done by an asbestos removal contractor licensed by the HSE. If it has been done by the schools maintenance man, then it is likely that he was not qualified to do the job. A qualified asbestos contractor should check the work.
- Whatever method is used all have to be regularly monitored to ensure that the system is working.

Plan should cover repairs

Repairs to asbestos should always be carried out in controlled conditions so that asbestos fibres are not released. Staff and children should not be allowed anywhere near the work. Any major repairs should be undertaken while the children are not there, and preferably during the school holidays. In the interim the room should be sealed and locked. Some minor work can be carried out by the school's maintenance contractors, however almost all other work on asbestos in a school should be carried out by a licensed asbestos contractor.

Plan should record encapsulation, sealing, repairs

Any encapsulation, sealing, repairs or removal should be recorded in the Asbestos management plan stating where and when the job was done, by whom and what was done.

Keeping the Management Plan up to date

- It is very important that the school keeps its management plan up to date and records any changes, incidents, repairs, inspections and surveys. It is also necessary to have a method to monitor that the system is working.
- A good practice is to have the Chairman of Governors read and then sign the asbestos management plan annually. It is his responsibility that the plan is effective and therefore his signature acknowledges that he knows that it is.
- In America it is law that the teachers and parents are annually updated on the asbestos management plan. This is an excellent idea and ensures that those with the greatest interest in having an effective system can judge for themselves whether it is or not. The school authorities will invariably wish to be above criticism and so will

ensure that their plan and system of implementing it, is effective. Any faults will invariably be identified and can be rapidly rectified.

Contingency plan in the event of damage The plan should cover the action to take if asbestos is damaged.

The next section describes what to do after an asbestos incident

Actions after an Asbestos Incident

If the plan is effective the asbestos will be safely managed but even in the best run schools asbestos could be damaged and the management plan should describe what actions to take. This section summarises those actions.

Plan should have a record of Incidents

If asbestos fibres are released in any quantity other than in very minor amounts a record should be kept of what happened and who might have breathed in the fibres. It is difficult to define minor amounts but damage that can be seen such as a hole or scratch that has penetrated the surface can release fibres. It is sensible to veer on the side of caution and make a record.

Contingency plan in the event of damage

The plan should cover the action to take if asbestos is damaged. Any damage should be recorded and repaired. An assessment should be made after any incident to investigate why the incident took place and what measures have to be taken to prevent a similar incident happening in the future

A record should be made in the person's medical record. The incident should be recorded in the management plan, along with the names of the people who were likely to have breathed in any fibres. They should be given prompt and reasoned advice giving a scale of the risk and advising them to contact their GP and record the incident in their medical records.

The plan should cover informing people after an incident

If asbestos has been damaged then it is probable that asbestos fibres will be released. The management plan should detail what actions the school intends to take to inform people after such an incident. A balance must be made between causing anxiety unnecessarily and informing people of the potential dangers.

Be careful if the HSE gives advice after the incident suggesting that you should not tell people unless the level of exposure has exceeded the "Action Level". This is a technical term, described in detail in ["Asbestos Policy Suggested Improvements"](#). It is a very high level and is designed for asbestos contractors working on asbestos wearing masks and protective overalls. It should not apply to teachers, ancillary workers and children in a school. The 2006 Control of Asbestos regulations no longer refer to "Action levels," although HSE Head of Asbestos Policy has stated that HSE inspectors are still instructed to advise that people should not be told of their exposure in a school unless the level exceeds the Action Level. Perhaps you might be told that as the level was beneath the "Control Level/Limit" then there is no risk. This is equally incorrect as once again this level is for asbestos contractors wearing masks and protective clothing, and is a dangerous level particularly for children. The 2006 regulations include an ill defined term "sporadic and low intensity," and hence you might be told that the asbestos fibre release was sporadic and low intensity and was therefore safe. Do not accept that either unless comprehensive air sampling has been carried out, and all the results are below the Clearance Level.

Insist that air sampling is carried out by specialist contractors with disturbance that simulates every day activities. This should involve vigorous dusting of surfaces and floors. If the results are at or above the Clearance Level/Indicator then the room cannot be legally occupied (0.01f/ml), for HSE state that it is not a safe permanent level. In addition the specialists should carry out dust sampling of surfaces to detect whether there is asbestos fibre contamination on surfaces. If those are not clear, or the airborne fibre levels are at or above the Clearance level then the rooms should not be occupied. The rooms should be environmentally cleaned by specialists and further air and dust samples should be undertaken on completion of the work. Only when the source of fibre release has been prevented and all the tests are clear can the rooms be occupied once again.

Because the Clearance level is not an acceptable permanent level, if the results are just below it then further tests should be carried out, with disturbance, a few days later to check that fibre levels have reduced to a level well below it. If they have not then the source of fibre release should be determined and remedial actions taken.

Informing -

The Issues

HSE Medical Branch advice is: *"Even when it is not possible to determine whether an exposure was significant or not entry in the medical record is recommended"*.

When people should be told. Our proposal. A single hole from a drawing pin probably would not warrant informing people unless there is concern, in which case they can be correctly told that there is almost no risk to their health. If however there are lots of holes from drawing pins, compasses or ball point pens then the fact should be recorded, the damage should be repaired and those people who might have breathed in any fibres should be told. If the incident happened only once then the risk to anyone's health is minimal. If such an incident happened only once then the risk to anyone's health is minimal. However if such a practice continued over a long time then regrettably then there is a potential risk to health. The risk is small but there is a risk. If a hole has been kicked in an asbestos insulating board wall then there is also a similar risk to health.

Even after a minor incident involving asbestos rumours abound and people can be anxious and concerned unnecessarily. Such an occasion warrants prompt and reasoned advice so that they can be given a true measure of the risk and their concerns can be dispelled. Secrecy following an asbestos incident is not acceptable, although it is common practice. The school authorities should always adopt a policy of openness by telling people the facts.

HSE Advice on Informing The existing advice applies to any incident and is not written specifically for schools, instead it provides vague and ambiguous advice. In 2004 the Schools Minister expressed his concerns and stated that it should be urgently updated. Regrettably despite the Minister's requirements the HSE have done nothing as they state, incorrectly, that the guidance is perfectly adequate and they have no intention of updating it. The guidance is still obtainable on the HSE web site under "OC265/48 Inadvertent Exposure to Asbestos."
http://www.hse.gov.uk/foi/internalops/fod/oc/200-299/265_48.pdf

Medical advice

Unless the incident is a minor one schools should consult a specialist doctor and he will be able to assess the extent of the risk and give advice. The Local Authority's Environmental Health Officer can be consulted also the HSE Employment Medical Advisory Service may be able to provide details of people in your area who can give help and advice.

The incident should be recorded in the Management Plan along with the names of those who were likely to have breathed in any fibres. They should be given prompt and reasoned advice giving a scale of the risk and advising them to contact their GP who should record the incident in the person's medical records.

If You or Your Child Attended the School in the Past

Your school should have identified all of its asbestos at least twenty years ago, and they should have managed their asbestos since then.

All LEAs and schools were warned of the dangers of asbestos in 1967, and advice was given in 1976 and 1986 that should have ensured that all of them identified their asbestos and implemented effective systems to manage that asbestos. All good LEAs and school authorities will have followed the guidance and ensured that their asbestos poses a minimal risk. If they have not followed the guidance then it is possible that teachers, children and ancillary staff will have been exposed to asbestos.

If you have worked at a school or your child has attended a school then ask the school the following

Ask the school how it has managed its asbestos whilst you or your child attended the school

If the school have followed the guidance then they will have a record of inspections and details of how they have managed the asbestos. Ask them to show you:

- An asbestos survey carried out in 1986 or soon after. This should give details of the location, the extent, type and condition of the asbestos.
- All subsequent asbestos management plans and surveys.
- A few schools will have identified and managed their asbestos for many years before 1986 and will be able to demonstrate that that is so.
- They will also have a written asbestos management plan that will show what measures they have taken over the last thirty years to protect the asbestos from damage.
- The school will also have regularly inspected the asbestos to ensure that it has remained undamaged, and will have a record of those inspections.
- They will have records of how they have carried out regular reviews of the management plan to make sure that it is still effective.

If the school are able and willing to show you the paperwork, then it is likely that they have followed the advice, although even then there are certain aspects that should be looked at carefully to make sure that the plan is effective. Details of that are given later. If the school are unable to show you the paperwork because it does not exist, then it is likely that they have not followed the advice and that their asbestos management has neither been effective nor safe. If they tell you that they have followed the advice but are not willing to show you the paperwork then it is possible that they have something to hide. Ask the Chairman of Governors why they will not show the paperwork.

Advice given by Department of Education

In 1976 the Department of Education advised all Local Education Authorities (LEAs) and all school authorities that asbestos has been widely used in school buildings and that if damaged it could release dangerous fibres. The Department of Education advised that strict safety precautions should be taken when building or maintenance work is undertaken. They also advised that:

This advice still applies

- Damaged exposed asbestos coatings, or coatings that could be damaged, should be sealed, resealed, repaired, otherwise protected or removed.
- Other asbestos materials that are likely to present a health hazard should be sealed protected or removed.
- If hazard from asbestos dust is suspected the first concern must be for the safety and health of the occupants.
- All LEAs and school authorities are to ensure the most careful regulation

in the use of asbestos in all schools.

In 1986 the Department of Education gave specific advice to all LEAs and schools to assess the risk from asbestos in their buildings and then to take measures to make it safe. They issued the following guidance:

- As there is no known threshold level for exposure below which there is no risk, it is important always to take whatever steps are necessary to reduce exposure from any form of asbestos to the lowest reasonably practical level.
- Identify the presence of asbestos, its extent type and location.
- Assess the potential for fibre release in the light of an examination of the type, integrity, location and accessibility of the asbestos material including, in the case of a school, its accessibility to children.
- Decide what remedial action is necessary, and in what order of priority. The guiding principle should be to avoid the release of dust.
- If asbestos is sound and undamaged, and undisturbed in normal use, it may be left in place.
- A management system should be introduced to keep its condition under review.
- Where the material is accessible, and there is no extensive damage and no loose or friable debris, it will be necessary to seal or enclose it and to introduce a management system.
- When it is not possible to seal or enclose the asbestos effectively it may be decided to remove it completely.
- When the asbestos is subject to frequent disturbance and likely to release dust, it may be decided to remove it completely.
- Wherever possible removal work in schools should be carried out during the holidays.

Summary

Most schools have excellent systems for making sure that no one is exposed to asbestos. However a few are not as conscientious, and their lack of planning and implementing a workable asbestos management plan means that asbestos can be damaged and the dangerous fibres can be released. As parents, teachers and ancillary staff you have a vested interest in making sure that your school has a good asbestos management plan and that the school authorities take the necessary measures to ensure that it works. The guidance in this paper is not meant to be the "Complete Guide to Managing Asbestos" however if these measure are implemented then the school will have a workable plan. Look at your school's plan, ask questions and decide for yourselves whether the school are doing their best to assure your safety and that of your children.

Further Reading

If you want to know more then read the HSE publication "A Comprehensive Guide to Managing Asbestos In Premises." This is a well written book with some very good practical guidance, however when you are reading it, do bear in mind the reservations that have been raised in this paper over the present laws and guidance when applied to schools. This book can be bought from HSE Publications details of which are on the HSE web site.

This paper is downloaded from: <http://www.schoolasbestosaction.co.uk/>.

For further detailed information see that site or www.asbestosexposureschools.co.uk

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