

Managing asbestos in schools outside local authority control

Results of survey

Executive summary

This report provides the results of a survey, which aimed to determine the levels of awareness and compliance with the Control of Asbestos Regulations 2006.

The report collected information about schools out of local authority control only.

It identifies the level of compliance with the duty to manage asbestos and will provide intelligence to inform future intervention approaches within the education sector.

The headline findings were as follows.

- 55% of schools had a full understanding of who the dutyholder was and a further 32% had a broad understanding. 13% had a limited understanding, but there weren't any that reported not having an understanding at all.
- Voluntary-aided schools had the highest proportion of respondents with a full understanding of the Regulations (58%). The highest proportions across the nations/regions with a full understanding were in Scotland and the South East.
- 91% of schools had carried out a management survey with the most common method being a combination of sampling and a presumption that materials do contain asbestos (55% of all schools), followed by sampling alone (30%).
- 32% of schools had a fully-comprehensive asbestos management plan (AMP). However, 31% of schools had no written AMP.

The highest proportion of schools with a comprehensive AMP was in the North East and the lowest proportions were in Wales and the South East. Voluntary-aided schools were more likely than other school types to have a comprehensive plan.

Only half of all schools had a comprehensive system in place to ensure that anyone, who might disturb asbestos-containing materials (ACM), is provided with information about any asbestos present. In 12% of schools, there were not any recognisable management systems in place to ensure this.

In schools where in-house operatives carried out building and maintenance work, slightly less than 50% had ensured that the operatives had received asbestos training.

As a result of the visits, 41 enforcement notices were served to a total of 28 schools or 17% of the total sample. Included in these are 13 schools (8%) that received two notices.

Introduction

Background

This project follows a series of initiatives targeting asbestos management in schools. The work involved HSE inspectors visiting school sites, carrying out inspections and collecting information to complete a standard questionnaire. This was designed to assess compliance with the Control of Asbestos Regulations 2006 in independent or fee-paying schools, and any other schools outside of local authority control.

Aim

As well as determining the level of compliance with the Regulations, the information collected will be used to inform future intervention approaches within the education sector.

Objectives

The main objective was to determine whether there are any significant differences in the way asbestos is managed across schools.

Methodology

The survey was based on a sample of 164 schools: 155 in England; six in Wales; and three in Scotland.

Four different school types were identified for the sample:

- independent schools;
- voluntary-aided schools;
- foundation schools; and
- a small number of academies.

A quota sampling method was developed to ensure a similar number of inspector visits per region and per school type. Within the constraints of the quota system, schools were chosen at random.

The sampling mechanism still left only a small number of academies. However, this is due to the fact that most academies were built after 2000, and are out of scope for this survey (the use of asbestos in building construction was banned in 1999).

Results

The results were analysed by question, region and school type. Due to the small sample sizes, caution needs to be taken when interpreting the results.

The paragraphs below show headline figures and charts for each question in the survey. Detailed tables of data are provided in the Annex.

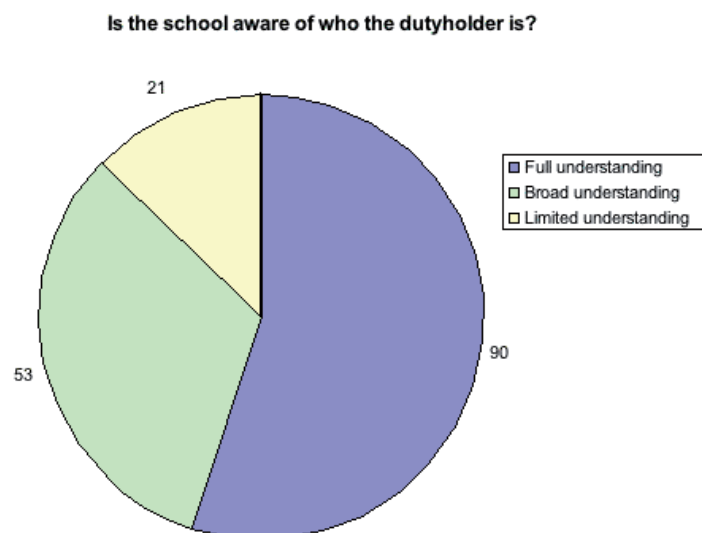
Dutyholder awareness

Is the school aware of who the dutyholder is?

55% of schools had a full understanding of who the dutyholder is. 32% had a broad understanding and 13% had a limited understanding. There weren't any schools that reported a complete lack of understanding.

Voluntary-aided schools had a slightly higher proportion of respondents with a full understanding (58%) compared to foundation schools (49%) and independent schools (53%).

There was much more substantial variation between nations/regions. All three Scottish schools reported full understanding. In the South East, 76% had a full understanding but just 19% did in London.



Management survey

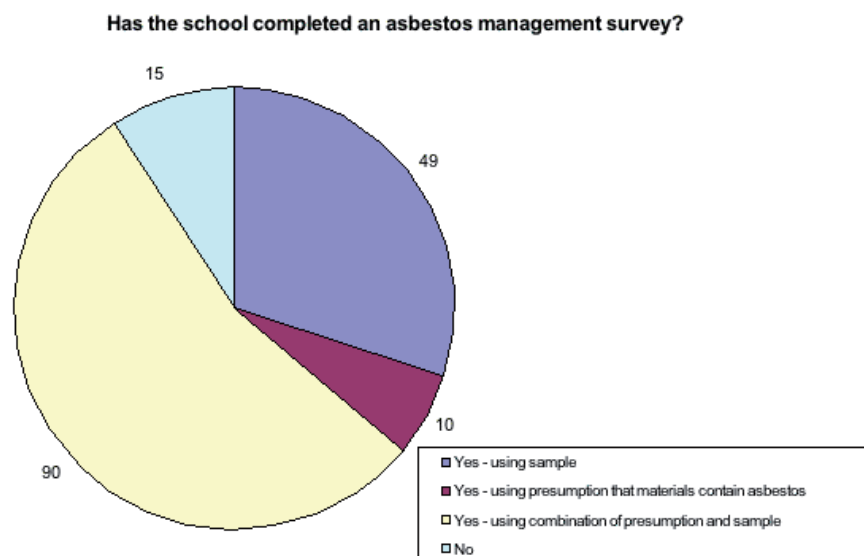
Has the school carried out a management survey?

In total, 91% of schools had carried out a management survey. The most common method was a combination of sampling and a presumption that materials contain asbestos unless there is a strong reason to think otherwise. 55% of schools used this combined method, but 30% used sampling alone.

In total, 15 schools (9% of the sample) had not carried out a management survey at all – all of these were independent schools.

The schools using sampling or a combination of sampling and presumption were similar across school types but there was some evidence of regional variation.

Schools in the West Midlands, Wales and Scotland were more likely to use a sampling approach only, whereas those in the North East were most likely to base it on presumption entirely.



Has the school ensured the surveyor was competent?

Of the schools that had completed a survey, 53% ensured that the surveyor was competent. However, there were some gaps in the checks carried out:

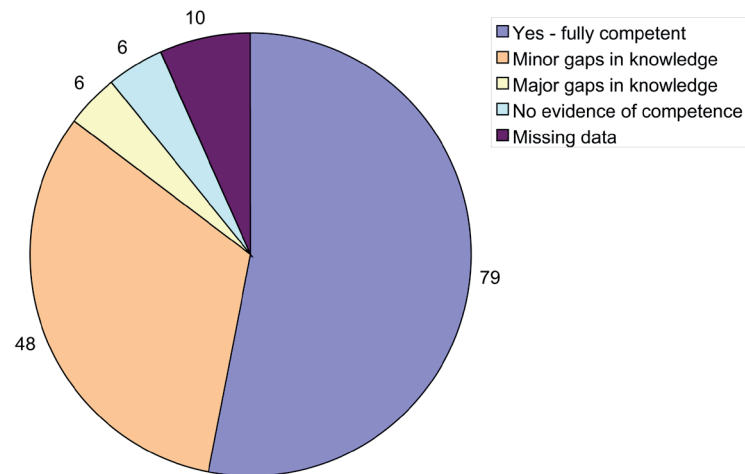
- in 48 cases there were minor gaps;
- in six cases there were major gaps; and
- in six cases there wasn't any evidence that any checks for competence had been carried out.

In ten cases, schools were not able to provide confirmation of the actions that had been taken to check competence of the surveyor (eg because the survey had been arranged centrally).

Voluntary-aided schools were the most likely to ensure that the surveyor was competent (66%), compared with independent schools (52%) and foundation schools (52%). Four foundation schools (nearly 10%) showed no evidence that they had checked surveyor competence.

All 13 schools in the West Midlands, which had completed a survey, had ensured full competence of the surveyor, as had all three schools in Scotland. The lowest proportion was in Wales where only one school (17%) was able to demonstrate that it had ensured that the surveyor was fully competent.

Has the school checked that the surveyor was competent?



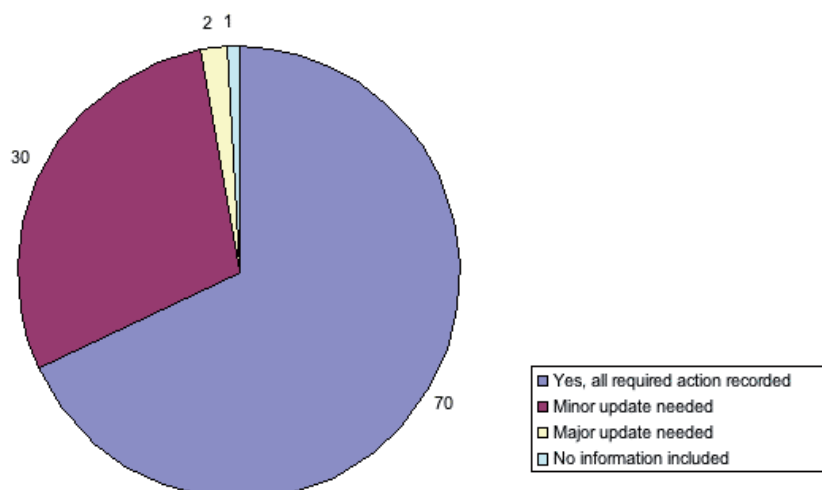
Does the survey highlight the location of ACMs?

It is important to understand whether the site survey identifies all areas where ACMs may be present, including sheds, outbuildings, yards, pipework, etc. Of the 149 schools, for which a survey had been completed, 79% had completed a survey that highlighted the location of all ACMs.

In 26 cases (17%), a minor update was required (for example, a small number of materials or areas were not included in the survey) and in three cases (2%) a major update was required (the survey did not include significant proportions of the school area).

There are no notable differences between school types or nations/regions for this question.

Does the AMP identify risks relating to the condition of ACMs?



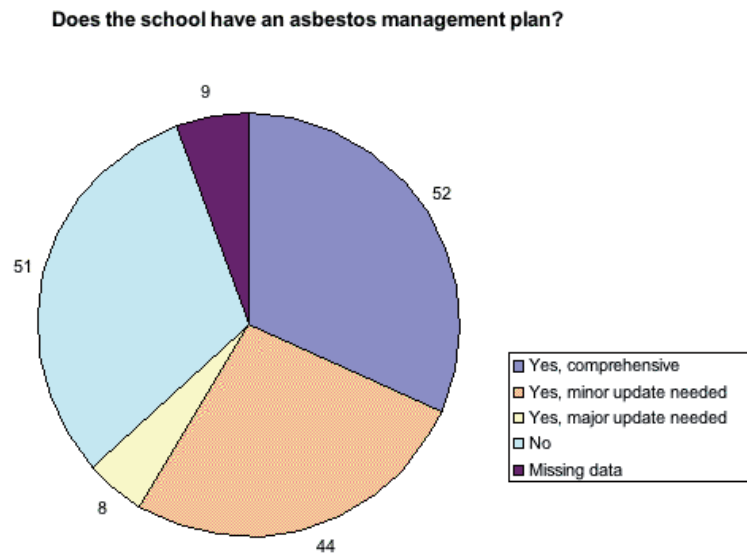
Management plan

Does the school have a written AMP?

In total, 104 schools (63%) reported having an asbestos management plan, of which 52 (32%) had a comprehensive plan. 44 schools (27%) had plans that required minor updates and eight (5%) had plans requiring major updates. A further 51 (31%) confirmed that they did not have an AMP at all and the remaining nine schools (5%) were not able to provide the information.

Regionally, the highest proportion of schools with a comprehensive plan was in the North East (53%) and the lowest in Wales (0%) and the South East (10%).

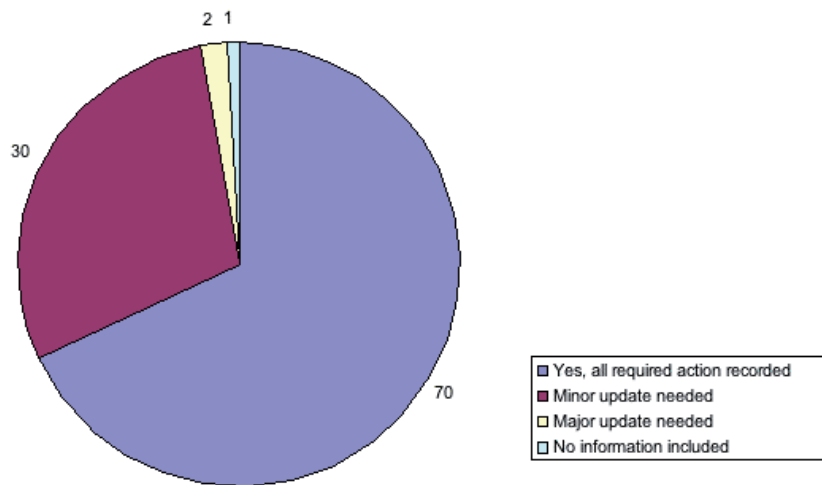
Voluntary-aided schools were more likely than other school types to have a comprehensive plan (48% compared with 32% of foundation schools and 20% of independent schools).



Does the AMP identify risks regarding the condition of the ACMs?

Among the 104 schools with an AMP (63%) the majority did include a system to identify risks relating to the condition of ACMs. For 67% of schools, all the required action was recorded. In the majority of the remainder cases (29%), only minor updates were needed.

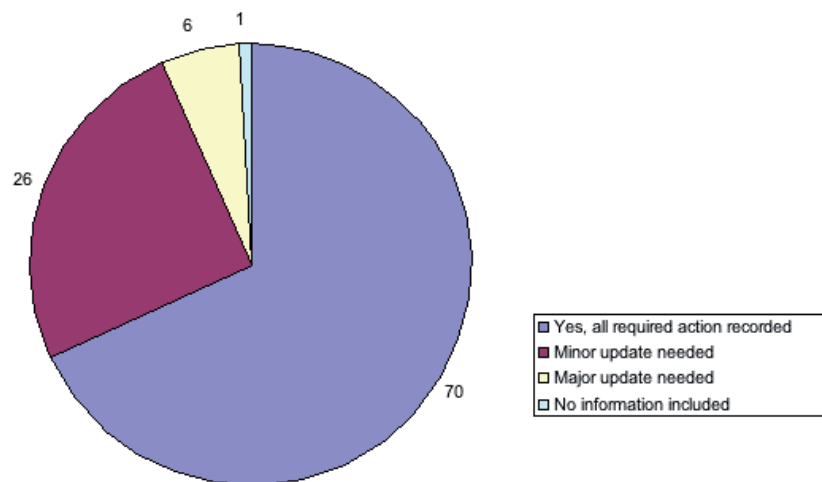
Does the AMP identify risks relating to the condition of ACMs?



Does the AMP identify risks regarding the location of ACMs?

Among the 104 schools with an AMP, the majority did include a system to identify risks relating to the location of ACMs. For 67% of schools, all of the required risks were recorded. In the majority of the other cases (25%), only minor updates were required.

Does the AMP identify risks relating to the location of ACMs?



Information and training

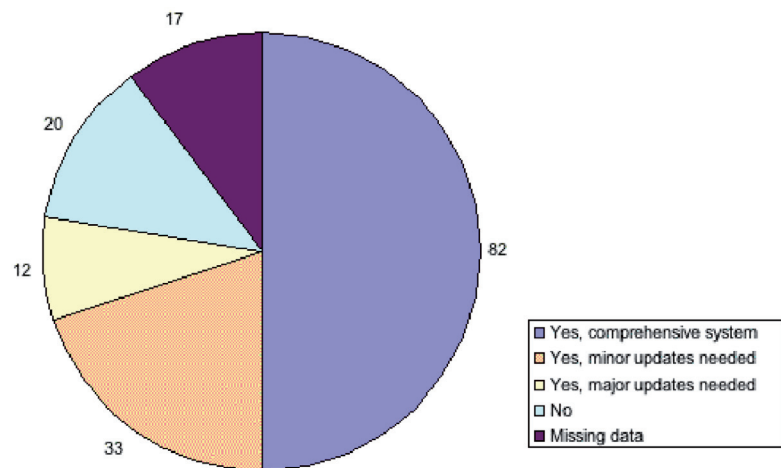
Does the school have a system to ensure that anyone who may disturb ACMs is provided with information on any asbestos present?

Only 50% of schools had a comprehensive system in place to ensure this. There were minor issues with the system for 20% of schools, eg the plan is not entirely clear or labels have peeled off walls. In 12 schools (7%), there were major issues and in 20 schools (12%), there was not a system in place at all.

Voluntary-aided schools were the most likely to have a comprehensive system in place (65%), compared with foundation schools (58%) and independent schools (44%).

There were also notable regional differences, with the highest proportion of comprehensive systems in the North East (80%) and Scotland (100%), and the lowest in Wales (17%) and the South East (76%).

Does the school have a system to ensure that everyone who may disturb ACMs is provided with information about any asbestos present?



Training of in-house operatives

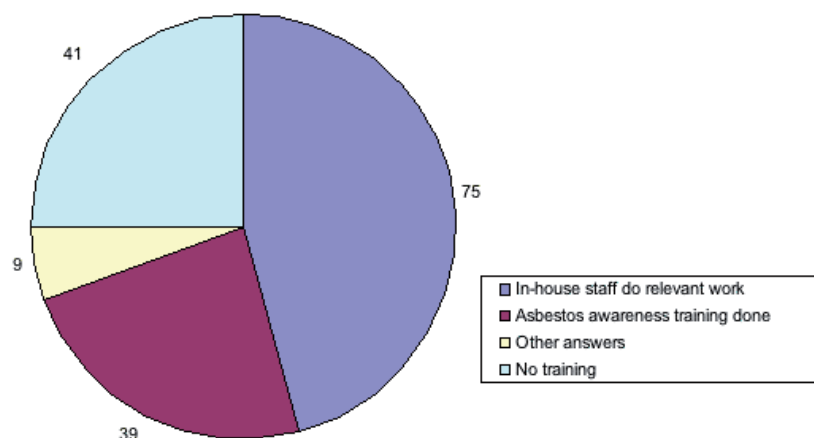
The survey assesses whether in-house operatives, who undertake building and maintenance work, have received suitable asbestos training.

For almost half of the respondents, there weren't any in-house staff undertaking such work. Among those where in-house staff are engaged in such work, 39 schools (49%) had training in place and 41 schools (51%) did not.

Training was more common in foundation schools (63% of relevant schools) and least common in independent schools (26% of relevant schools).

Comparing nations/regions, asbestos training was most likely in Yorkshire (64%) and least likely in Wales (0%) and the West Midlands (10%)

Are in-house operatives given appropriate training?



Action and enforcement

Formal enforcement

The majority (83%) of schools did not receive any formal enforcement action. However, 15 schools (9%) received one enforcement notice and 13 (8%) received two enforcement notices.

A total of 41¹ improvement notices were served. Eight were served for a failure to implement a suitable system to manage the risks from asbestos; 14 for lack of a written AMP; 17 for a failure to provide adequate training; and two for failure to undertake a survey/assessment of the presence of ACMs.

Of the 28 schools (17%) that were issued notices, 17 (10.4%) were independent schools; four foundation schools (2.4%); two academies (1.2%); and five voluntary-aided schools (3%). Eight of those schools that received notices were in London and four in the South East. Four Welsh schools received two notices each. See Annex A1 for a sample size of each school type visited.

Other action taken

In 68 schools (41%) the visiting inspector gave verbal advice, and 40 schools (24%) received a letter. Among those schools that received verbal advice, voluntary-aided schools formed the largest count at 31 schools (19%), followed by 23 independent schools (14%). No further action was recorded for 28 schools, 17% of the total sample.

¹Two schools in the survey sample are operated by partnerships. Under health and safety law, the partners are jointly and severally liable for the acts of the partnership. Therefore, for legal reasons, HSE serves duplicate notices on each partner on behalf of the partnership. In every other regard these duplicate notices should be considered as the same enforcement action. The total number of notices therefore does not take into account those two duplicate notices.

Annex – Data

A1. Overall sample

By school type

Type	Number
Foundation	41
Independent	59
Academies	4
Voluntary aided	60
Total	164

By region

Region	Number
South West	20
South East	21
London	16
East	21
East Midlands	14
West Midlands	17
Yorkshire and Humber	14
North West	17
North East	15
Wales	6
Scotland	3
Total	164

A2. Actions taken

Action	Frequency
No further action	28
Verbal advice	68
Left or sent letter	40
One enforcement notice	15
Two enforcement notices	13

By school type

School type	No Further Action	Verbal advice	Letter	1 Notice	2 Notices
Foundation	10	13	12	2	2
Independent	4	23	15	10	7
Academies	1	1	1	1	1
Voluntary aided	13	31	12	2	3

A3. Responses by school type:

	School type				
	Overall	Foundation	Independent	Academies	Voluntary aided
<i>Is the school aware of who the dutyholder is?</i>					
Full understanding	90	20	31	4	35
Broad understanding	53	16	20	0	17
Limited understanding	21	5	8	0	8
No understanding	0	0	0	0	0
SUM	164				
<i>Has the school completed an Asbestos Management Survey?</i>					
Yes - using sample	49	15	12	3	19
Yes - using presumption that materials contain asbestos	10	3	4	0	3
Yes - using combination of presumption and sample	90	23	28	1	38
No	15	0	15	0	0
SUM	164				
<i>Has the school checked that the surveyor was competent?</i>					
Yes - fully competent	79	18	22	1	38
Minor gaps in knowledge	48	11	20	2	15
Major gaps in knowledge	6	2	0	0	4
No evidence of competence	6	4	0	1	1
N/A	15				
Missing data	10				
SUM	164				
<i>Does the survey highlight the location of all ACMs?</i>					
Yes - all	117	30	34	4	49
Yes, but minor updates needed	26	8	9	0	9
Yes, but major updates needed	3	1	0	0	2
Missing data	3				
N/A	15				
SUM	164				
<i>Does the school have an AMP?</i>					
Yes, comprehensive	52	12	11	1	28
Yes, minor update needed	44	10	16	1	17
Yes, major update needed	8	3	3	0	2
No	51	12	26	2	11
Missing data	9				
SUM	164				
<i>Does the AMP identify risks relating to condition of ACMs?</i>					
Yes, all required action recorded	70	17	16	1	36
Minor update needed	30	6	12	1	11
Major update needed	2	1	1	0	0
No information included	1	0	1	0	0
N/A	61				
SUM	164				

<i>Does the AMP identify risks relating to location of ACMs?</i>					
Yes, all required action recorded	70	13	18	1	38
Minor update needed	26	8	9	1	8
Major update needed	6	3	2	0	1
No information included	1	0	1	0	0
Missing data	61				
SUM	164				
<i>Does the school have a system to ensure that everyone who may disturb ACMs is provided with information about asbestos present?</i>					
Yes, comprehensive system	82	21	22	2	37
Yes, minor updates needed	33	10	8	0	15
Yes, major updates needed	12	1	7	1	3
No	20	4	13	1	2
Missing data	17				
SUM	164				
<i>Training of in-house operatives</i>					
In-house staff do relevant work	75	19	20	2	34
Asbestos awareness training done	39	14	10	1	14
Other answers	9	1	6	1	1
No training	41	7	23	0	11
SUM	164				

A4. Responses by region:

	Region										
	SW	SE	Lon	E	EM	WM	Y	NW	NE	W	S
<i>Is the school aware of who the dutyholder is?</i>											
Full understanding	14	16	3	9	8	7	11	10	7	2	3
Broad understanding	5	4	6	8	6	7	2	7	4	4	0
Limited understanding	1	1	7	4	0	3	1	0	4	0	0
No understanding	0	0	0	0	0	0	0	0	0	0	0
<i>Has the school completed an Asbestos Management Survey</i>											
Yes - using sample	3	6	2	7	5	10	3	3	3	4	3
Yes - using presumption that materials contain asbestos	1	0	0	0	1	0	0	3	5	0	0
Yes - using combination of presumption and sample	13	14	13	11	8	3	10	10	6	2	0
No	3	1	1	3	0	4	1	1	1	0	0
<i>Has the school checked that the surveyor was competent?</i>											
Yes - fully competent	9	9	7	8	5	13	6	11	7	1	3
Minor gaps in knowledge	8	8	4	6	4	0	7	4	3	4	0
Major gaps in knowledge	0	0	2	0	0	0	0	0	4	0	0
No evidence of competence	0	0	2	1	3	0	0	0	0	0	0
<i>Does the survey highlight the location of all ACMs?</i>											
Yes - all	14	16	12	14	8	11	10	14	11	4	3
Yes, but minor updates needed	3	4	3	2	4	2	2	1	3	2	0
Yes, but major updates needed	0	0	0	1	1	0	1	0	0	0	0
<i>Does the school have an AMP?</i>											
Yes, comprehensive	5	2	4	5	4	7	6	9	8	0	2

	Region										
	SW	SE	Lon	E	EM	WM	Y	NW	NE	W	S
Yes, minor update needed	7	5	7	5	2	4	5	2	5	1	1
Yes, major update needed	2	1	0	1	1	1	0	0	1	1	0
No	6	10	5	7	6	4	3	5	1	4	0
<i>Does the AMP identify risks relating to condition of ACMs?</i>											
Yes, all required action recorded	8	3	7	8	6	8	9	9	9	0	3
Minor update needed	6	3	4	2	0	4	2	2	5	2	0
Major update needed	0	0	0	1	1	0	0	0	0	0	0
No information included	0	1	0	0	0	0	0	0	0	0	0
<i>Does the AMP identify risks relating to location of ACMs?</i>											
Yes, all required action recorded	9	4	7	5	5	8	8	10	10	1	3
Minor update needed	4	1	3	4	1	4	3	1	4	1	0
Major update needed	1	1	1	2	1	0	0	0	0	0	0
No information included	0	1	0	0	0	0	0	0	0	0	0
<i>Does the school have a system to ensure that everyone who may disturb ACMs is provided with information about asbestos present?</i>											
Yes, comprehensive system	12	6	5	9	6	7	11	10	12	1	3
Yes, minor updates needed	2	6	6	3	3	5	2	3	2	1	0
Yes, major updates needed	3	3	1	2	1	0	0	1	0	1	0
No	3	3	3	4	2	1	1	0	1	2	0
<i>Training of in-house operatives</i>											
No in-house staff undertake relevant work	12	8	6	12	8	7	3	8	7	2	2
Asbestos awareness training done	4	3	5	3	5	1	9	4	4	0	1
Other answers	1	1	0	2	0	1	3	3	1	0	0
No training	3	9	5	4	1	8	2	2	3	4	0

Key:

SW	SE	Lon	E	EM	WM	Y	NW	NE	W	S
South West	South East	London	East	East Midlands	West Midlands	Yorkshire	North West	North East	Wales	Scotland

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

This document contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do.

This document is available at: www.hse.gov.uk/services/education/asbestos-survey.pdf).

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