

Transport and Public Services Unit - Work Plan 2022-23: Inspections to assess the management of asbestos in school buildings

Open Government status: Open

Audience: FOD Inspectors, Occupational Hygiene Specialist
Inspectors, Visiting Officers

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1. Inspection programme

1.1. What are we inspecting and why?

There continues to be significant public concern associated with the potential for exposure to asbestos of those using and working within buildings containing asbestos-containing materials (ACMs), including schools.

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The duty to manage asbestos has been in place since 2004 and many dutyholders have been given significant support and advice to understand compliance standards. Specific guidance for schools has been produced by The Department for Education and Welsh Government (links are provided in Section 2 below).

The purpose of this inspection programme, targeted at 400 primary and secondary schools in England, Scotland and Wales is to assess how schools are managing the risks from asbestos within the school estate and meeting the 'duty to manage' (DTM) requirements under Regulation 4 of the [Control of Asbestos Regulations 2012](#) (CAR).

Previous inspection programmes in 2018/19 and 2019/20, involving a smaller number of schools, identified premises that did not have fully documented plans, arrangements and controls in respect of asbestos. Some schools were broadly compliant, but there were premises where the risks associated with ACMs were not being managed effectively and improvement was required.

The larger number of schools selected for the visits this year are known to contain ACMs and have been identified by the PAEV (Public Administration, Education and Volunteering) Team using information provided to them by Department for Education (DfE) and their equivalents in Scottish and Welsh Government. The results of these inspections will provide statistically representative data to inform any further actions to be taken across the sector.

1.2. What is the extent of the problem?

ACMs were used extensively in the construction of schools, hospitals and other facilities from the 1950s through until its use was prohibited in 1999. A significant number of buildings constructed or refurbished within this period still contain an extensive profile of ACMs. These include a range of "system built" structures which due to their construction method contain large quantities of ACMs. Light-weight system-built structures are low cost, standardised modular buildings constructed using steel frames with panel infill. These buildings can have structural columns fireproofed with ACMs.

Mesothelioma due to exposure to asbestos remains a significant cause of fatalities. There were 2,544 mesothelioma deaths in Great Britain in 2020 according to the latest [report](#). Exposure to asbestos is a substantial contributor to Occupational Lung Disease (OLD) and these inspections support the wider HSE Health Priority Plan and HSE's new [strategy](#).

Where ACMs are in good condition, well protected and unlikely to be damaged or disturbed, they can be left in place and managed provided they are regularly monitored and reassessed if conditions change. However, where demolition or major refurbishment work is planned, there is a legal requirement for dutyholders to ensure that all asbestos is removed, where this is reasonably practicable and does not cause a greater risk to employees than if the asbestos had been left in place.

The failure to manage ACMs may result in them becoming disturbed or damaged. This can lead to potential exposure to respirable asbestos fibres. Those most at risk are

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individuals undertaking uncontrolled construction and maintenance activities. However, the disturbance of ACMs can lead to wider exposures to the normal building occupants and the public.

ACMs in schools can also be disturbed through vandalism, accidental damage and boisterous behaviour. Robust and effective management arrangements are therefore essential to ensure ACMs within schools remain in good condition and are not disturbed or damaged during normal activities or due to maintenance or building work.

1.3. What must be covered at the inspections?

Inspectors should:

- a) Undertake a detailed assessment of the effectiveness of the arrangements to determine compliance with the duty to manage asbestos.
- b) Ensure that arrangements are robust enough to control the risks associated with the foreseeable disturbance of presumed or concealed ACMs.
- c) Conduct inspections to enable recording of the information necessary to complete the Asbestos DTM Inspection form.

Inspectors leading the interventions will have attended the asbestos briefing event to ensure a consistent approach to any compliance gaps identified. A recording of the briefing will be made available after the event.

Visits should be by appointment to ensure that the school has the relevant documentation available including:

- Asbestos surveys
- Asbestos register
- Asbestos management plan

Arrangements should be made to speak to key personnel on the day including:

- The person with primary responsibility for the management of asbestos at the school
- Head caretaking/maintenance staff
- Union or staff safety representative

The time spent inspecting will vary depending on the school - most visits should take between half a day and a day.

In most cases the dutyholder is the employer. For schools the employer will be determined by school type (eg Academy, Foundation, Independent, Community).

Further information can be found at [Education sector FAQs](#) under 'Who is accountable for health and safety within a school?'.

Inspectors should ensure they have identified the correct duty holder as property control arrangements will vary and can be complex. Additional guidance on the

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meaning of 'dutyholder' under CAR, regulation 4 can be found in the Approved Code of Practice, [Managing and working with asbestos \(hse.gov.uk\)](https://www.hse.gov.uk/asbestos/management.htm).

The dutyholder should explain and evidence how their management arrangements and procedures ensure risks are controlled. This will include demonstrating that there are clearly identified and understood roles and responsibilities associated with the management plan, and that there are evidenced, active arrangements to manage and monitor the condition of ACMs within buildings. There should also be systems in place to ensure that any work which could disturb the fabric of the building is managed to control the risk of exposure to asbestos.

Given the nature of schools, most surveys are "management" surveys and therefore only identify accessible ACMs. It is therefore important that when building or maintenance work is planned, consideration is given as to whether the management survey provides sufficient information to undertake the work safely or whether a further intrusive refurbishment or demolition survey is required.

Further guidance on the content of asbestos management plans and surveys will be provided at the briefing event.

1.4. When are the inspections to be undertaken?

Between September 2022 and the end of March 2023.

1.5. Department for Education

Inspectors in England should be aware that DfE carried out a data gathering exercise from 2018-21 called [Asbestos Management Assurance Process](#) (AMAP) which was completed by schools voluntarily, in order to:

- Improve DfE's understanding of the management of asbestos in the school estate
- Enhance the evidence base on the management of asbestos in schools
- Promote the importance of effective asbestos management in the school estate
- Provide participating schools with immediate advice based on their responses
- Enable responsible bodies to provide an assurance declaration on their respective school-level information.

In addition to this, DfE is currently undertaking a second [Condition Data Collection programme](#) (CDC2) which will visit every school in England to collect data about the condition of the school buildings, including asbestos. This is a 4-year project running from 2021 - 2025.

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1.6. Work and Pensions Select Committee

A recent Work and Pensions Select Committee examined the risks posed by asbestos in buildings and HSE's approach to management of the risk. The [Government Response](#) to the Select Committee report has now been published. It recognises the serious risk of death from exposure to asbestos and states that ensuring the effective regulation of legacy asbestos remains a key priority for HSE.

1.7. Application of the Enforcement Management Model (EMM)

The duty to manage asbestos is covered by regulation 4 of the Control of Asbestos Regulations 2012 with additional guidance on how to comply contained in the associated ACOP [Managing and working with asbestos \(hse.gov.uk\)](https://www.hse.gov.uk/asbestos/management/). The duty to manage seeks to minimise any future exposures to respirable asbestos fibres by preventing the deterioration, damage or disturbance of the ACMs associated with routine and foreseeable activities.

The specific Reg 4 duty (as opposed to the generality of the Health and Safety at Work etc Act) require those who have responsibilities for maintenance activities in non-domestic premises (not always an individual dutyholder) to take all of the following actions to prevent fibre release and thereby prevent exposure:

- take reasonable steps to find asbestos in the premises and assess the condition of these materials;
- presume that materials do contain asbestos unless there is strong evidence that they do not;
- prepare a record of the location and condition of asbestos-containing materials (ACMs) and assess the risk from them;
- prepare and implement a plan to manage those risks;
- ensure the plan is regularly reviewed and updated;
- ensure that ACMs are managed in-situ by controlling maintenance work;
- prioritise work for those ACMs that require to be sealed, encapsulated or repaired;
- safely remove ACMs that cannot be managed in-situ;
- provide information on the location and condition of the material to anyone who is liable to disturb it; and
- regularly review the condition of ACMs in order to ensure that the plan remains up to date.

Exposure to asbestos can lead to a number of diseases, including asbestosis or fibrosis (scarring) of the lungs, lung cancer and mesothelioma. These diseases are irreversible, disabling and in most cases eventually fatal, and are *serious health effects*.

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The expected standards are *defined* in the Regulations and ACOP. Guidance on initial enforcement expectations (IEE) can be found in Appendix 5.2 and in the following document: [Control of Asbestos Regulations 2012 - General enforcement guidance and advice \(hse.gov.uk\)](https://www.hse.gov.uk/publications/otherpublications/Control%20of%20Asbestos%20Regulations%202012%20-%20General%20enforcement%20guidance%20and%20advice.pdf).

2. Support and Guidance

Important Guidance for Inspections	Guidance location
The duty to manage asbestos	http://www.hse.gov.uk/asbestos/duty.htm
Asbestos in schools	http://www.hse.gov.uk/services/education/asbestos.htm
Managing asbestos in your school or college	England - Managing asbestos in your school or college - Guidance - GOV.UK (www.gov.uk) Wales - Asbestos management in schools GOV.WALES (Welsh Govt) (NB: There is no equivalent guidance for schools in Scotland produced by Scottish Govt)
Asbestos in system buildings - Guidance for duty holders (Updated 18 Sept 2008)	http://www.hse.gov.uk/services/education/asbestos-system-buildings.pdf

Other support where not covered in guidance	Contact
Please email (HSE internal use only):	asbestosinschoolsqueries@hse.gov.uk
Education Sector contacts:	Nick James: nicholas.james@hse.gov.uk Mark Crossley: mark.crossley@hse.gov.uk Lisa Skinner: lisa.skinner@hse.gov.uk Shuna Rank: shuna.rank@hse.gov.uk
Occupational Hygiene Specialist support contacts:	Sam Lord: samantha.lord@hse.gov.uk Philip Roberts: philip.roberts@hse.gov.uk

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3. Recording of inspections

DTM inspections must be recorded using the [School DTM Inspection Form](#). The form will also be accessible via the School DTM Inspections SharePoint Site after the briefing event.

You should create entries for each risk area inspected, including asbestos, providing a rating within the 'Management of Risk' drop down box, recording any enforcement taken in the 'Enforcement Outcome' drop down box, and providing details of your inspection in the 'Risk Issue Description' free text box.

All the questions about detailed management of ACMs (which follow recording of the risk areas) should be answered from your inspection findings about the overall compliance found. Capturing this information is essential to demonstrate the impact of these inspections and to enable effective analysis of the inspection outcomes.

Please send examples of good or poor management (with photographs and/or video) to the Sector at asbestosinschoolsqueries@hse.gov.uk.

4. Health and Safety

Issues to address personal safety associated with ACMs will be covered in the Inspector briefing.

Inspectors should adopt a precautionary approach in areas such as boiler rooms. Although unlikely, these areas could be contaminated due to the poor condition of existing asbestos lagging or debris from previous poor removal work. Inspectors should enter progressively and withdraw where there are any signs that the ACMs are in a poor condition.

Inspectors should also watch the following before attending the briefing:

[Your H&S Asbestos \(Part 1\) Being Aware](#) (16 mins)

[Your H&S Asbestos \(Part 2\) Progressive Inspection, Decontamination, and Incidents](#) (12 mins)

HSE's approach to ensuring health and safety in relation to potential exposure to asbestos covering both planned and unexpected encounters is addressed in <http://intranet.hse.int/yourhealthsafety/health/asbestos/index.htm>

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5. Appendices

Appendix 5.1 Asbestos in buildings

Introduction
1. Asbestos was extensively used as a building material in the UK from the 1950s through to the mid-1980s. It was used for a variety of purposes, typically fireproofing and insulation. Any building built before 2000 can contain asbestos. 2. If managed properly, the presence of asbestos in buildings will not pose a risk. Undamaged, sealed materials will not release fibres. However, if ACMs are disturbed or damaged, respirable asbestos fibres can be released into the air. 3. The potential for fibre release depends on the asbestos product type and the level of damage/disturbance. 4. The activities most likely to lead to the disturbance of ACMs are building and maintenance work. However, ACMs can also be disturbed through vandalism, accidental damage and boisterous behaviour. 5. "System Buildings" often referred to as CLASP, SCOLA, SEAC, MACE, ONWARD, were used widely in the construction of school premises during the period 1945 -1980. These buildings can have structural columns fireproofed with ACMs. There is further guidance for duty holders. 6. Where demolition or major refurbishment work is undertaken the plan of work should specify that all asbestos is removed where this is reasonably practicable and does not cause a greater risk to employees than if the asbestos is left in place.
Health and safety
See Section 4. There are no specific additional requirements associated with these visits. Issues to address personal safety associated with ACMs will also be covered in the Inspector briefing.
Inspection
Inspections will focus on securing effective controls to ensure that ACMs are actively managed to ensure that asbestos fibres are not released through disturbance, damage or deterioration over time. Detailed inspection and recording of the arrangements for managing ACMs is necessary to enable effective analysis of the inspection outcomes, demonstrate the impact of the inspections and evidence we have met commitments made in the Government Response to the Select Committee report.
Priorities
Where controls are not effective the factors that will determine potential exposure are the friability/condition of the ACM and the likelihood of disturbance.

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Higher risk:

- Loose fill asbestos found between cavity walls, under floorboards and in loft spaces
- Asbestos lagging used to insulate pipework
- Sprayed coatings used on the underside of roofs and as fire protection on steel and reinforced concrete beams/columns
- Asbestos materials in poor condition or in vulnerable locations including Asbestos Insulating Board (AIB)
- Uncontrolled maintenance activities within premises where ACMs are present

Lower risk:

- ACMs in good condition which are safe by position and are unlikely to be disturbed through normal occupant activity and routine maintenance
- Asbestos cement / floor tiles / textured coatings / composite materials

Inspectors should also consider taking action against **asbestos surveyors and other service providers** where poor survey reports or other documentation have contributed to the school's failures:

- Inform the school duty holder of the reasons why you are concerned and the action they should take to rectify.
- Try and obtain an electronic copy of the report/other documentation, or at least photos, and send to asbestosinschoolsqueries@hse.gov.uk outlining your concerns. As many providers operate on a national or regional level, FOD Health Unit will also consider where negligence or malpractice potentially exposing others to health and safety risks may be evidenced across FOD's geographical units.
- Enforce against asbestos surveyors and other service providers appropriately.

Additional Guidance

Managing and working with asbestos - Control of Asbestos Regulations 2012 - Approved Code of Practice and guidance

<http://www.hse.gov.uk/pubns/priced/l143.pdf>

Asbestos: The survey guide <http://www.hse.gov.uk/pubns/priced/hsg264.pdf>

A comprehensive guide to managing asbestos in premises

<http://www.hse.gov.uk/pubns/books/hsg227.htm>

Managing asbestos in buildings: A brief guide

<http://www.hse.gov.uk/pubns/indg223.pdf>

HSE - Asbestos health and safety <http://www.hse.gov.uk/asbestos/index.htm>

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Appendix 5.2. Industry specific information, Initial Enforcement Expectation (IEE) table			
Management of Asbestos in non-domestic buildings – IEEs			
Control of Asbestos Regulations 2012 (unless specified)			
Issue	Situation (giving rise to risk)	IEE / PN	Comment
Identification of ACMs (Reg 4)	No/Inadequate assessment to identify the location and condition of ACMs in reasonably accessible areas	IN	The dutyholder is required to identify the location, condition and type of ACMs in all areas of school buildings that are reasonably accessible including above suspended ceilings, floor hatches etc. This will usually be through an asbestos management survey undertaken by a competent asbestos surveyor in accordance with HSG264 Asbestos: The Survey Guide.
Asbestos Register (Reg 4)	No/Inadequate record of the location and condition of identified and presumed ACMs	IN	The survey information and the risk assessment should be used to produce a concise, user focussed asbestos register, suitable for the occupier and building/maintenance contractors. It should provide a clear indication as to the location, extent and what the ACM looks like. It should also clearly indicate the limitations of the survey information and areas where ACMs are presumed present. It should identify any areas where work should not be undertaken unless a further survey is undertaken.
Risk from ACMs (Reg 4)	No/Inadequate assessment of the risks from identified and presumed ACMs	IN	The dutyholder is required to assess the risk from identified ACMs. This will usually involve (a) identifying any ACMs regarded by the surveyor as requiring immediate action due to their poor condition and (b) completing a priority assessment (using the scoring algorithm in HSG227) which considers the likelihood of someone disturbing the ACM. This, alongside the material assessment made by the surveyor, will give a total risk assessment score which can be used to help inform priorities for management of exposure risk and identify the measures needed to manage the risk.
Asbestos Management Plan (Reg 4)	No/Inadequate written plan	IN	The dutyholder is required to prepare a written plan, referred to as an asbestos management plan, which sets out the measures for actively managing the risk from ACMs. This should include/reference records such as the asbestos register and site plans.
Roles / Responsibilities (Reg 4)	No/Unclear roles and responsibilities	IN	The asbestos management plan should clearly identify the relevant dutyholder(s) and the roles and responsibilities of individuals/organisations who implement the identified risk management measures.
Monitoring condition of ACMs (Reg 4)	No/ Inadequate arrangements to regularly monitor the condition of ACMs	IN	The plan should outline the arrangements to regularly check the condition of identified ACMs to recognise any deterioration or damage. Condition monitoring should be recorded, and the asbestos register updated to reflect any changes. If undertaken by an external surveying organisation this is likely to be referred to as a re-inspection survey or report.

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Review/update of Asbestos Management Plan (Reg 4)	No/inadequate review/update of asbestos management plan	Letter/IN	The management plan and associated records eg asbestos register and site plans should be reviewed every 12 months or if circumstances have changed (eg there is a change of use of building, work being undertaken, ACMs removed or repaired etc). The plan, including records and site plans, should then be updated accordingly. There should be periodic checks to make sure that the arrangements and procedures for managing asbestos are working and that people (particularly where roles/personnel have changed) are fully aware of what they should be doing to comply with the duty to manage. i. Review overdue but no change in circumstances – NoC ii. Review not carried out despite change in circumstances - IN
Provision of Information to those liable to disturb ACMs (Reg 4)	No/inadequate arrangements to ensure those likely to disturb ACMs are provided with relevant information.	IN	Maintenance work should be controlled to ensure that ACMs are not disturbed. Information as to the location and condition (asbestos register) should be provided to those undertaking work (in-house and external contractors). This should offer sufficient detail and be provided in good time to ensure that the risks associated with ACMs are considered and controlled during both proactive and reactive maintenance activity. Where ACMs are present in classrooms or other areas accessible to teaching staff etc they should be informed of their location, instructed not to disturb and the immediate steps to take if inadvertently damaged etc. Consideration should be given to the wider duties to manage contractors particularly when working in occupied areas.
Building / Refurbishment works liable to disturb ACMs (Reg 4, Reg 5, CDM 2015)	No/inadequate arrangements to ensure that planned building/refurbishment work considers presence of ACMs	IN	There should be suitable arrangements in place to ensure that relevant steps are taken to control the risks associated with ACMs during any planned building or refurbishment work. In addition to providing information about ACMs from the asbestos register, this may include additional or more intrusive (eg refurbishment) asbestos surveys ahead of the work to assess the risks and identify relevant further controls. Consideration should be given to the wider duties to manage contractors particularly when working in occupied areas.
Training (Reg 10)	No/Inadequate training provision	IN	Staff who are liable to disturb ACMs should receive the correct level of information, instruction and training to enable them to carry out their work safely and competently and without risk to themselves or others.

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Damaged ACMs encountered (Regs 4, 5, 6, 7, 11 and 16)	Concerns that ACMs have been / are likely to be disturbed by ongoing activities to the extent that it is highly likely this could result in exposure of people and/or further spread of asbestos	IN/PN/ Consider PR	There should be clearly communicated procedures in the asbestos management plan for dealing with incidents where asbestos is disturbed. Where (during an HSE inspection) ACMs are noted which are in poor condition and have been, or are likely to be, disturbed such that asbestos fibres will be released by ongoing activities, initial consideration should be given to proportionate action to prevent such disturbance. This may include prohibiting the activity or access to a specific area, ensuring that any required remedial work on ACMs is suitably risk assessed and planned. Factors to consider: location of damaged ACM; foreseeability of access; likelihood of disturbance; whether a reasonably practicable action plan is already in place eg to prevent access and remediate. If needed, discuss with an Occupational Hygiene Specialist Inspector. Questions may also need to be asked regarding the management of the damaged ACM(s) including whether previously identified in the asbestos register, condition at last inspection, suitability of any planned remedial action in place prior to damage and incident reporting procedures.
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Further guidance in respect of the IEEs will be provided during the briefing event.