

Asbestos Compliance in non-LA Managed Schools

HSE Statistics and Epidemiology Unit

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Summary

This report provides the results of a series of inspections, which aimed to determine the levels of awareness and compliance with the Control of Asbestos Regulations 2012 (CAR-12) in a targeted sample of schools.

The main findings were:

- 64% of schools had a full understanding of who the duty holder was, and a further 31% had a broad understanding;
- 85% of schools had completed a management survey, with the most common method of doing so being a combination of sampling and presumption that materials contain asbestos (46% of the schools inspected);
- The proportion of schools checking surveyor competency was lower than in the 2010/11 sample, and variation was evident across regions/nations;
- The surveys completed were comprehensive in 67% of the schools visited, a lower figure than that found in 2010/11;
- 77% of schools reported having an Asbestos Management Plan (AMP), with around half of these being comprehensive, an improvement on 2010/11 figures;
- A majority of schools with an AMP had a system to identify risks relating to the condition of the asbestos containing materials (ACMs) and a majority also had a system to identify risks related to the location of the ACMs. In both cases, just over half of schools recorded all the details required;
- Wales had the highest proportion of schools with a comprehensive AMP, and Scotland the lowest;
- 54% of schools had a comprehensive system in place to provide information to those who might disturb ACMs; this was a slight increase on the 2010/11 figure;
- In those schools where in-house operatives undertake building and maintenance work there had been an improvement since 2010/11, with 63% now having training in place, but there were regional/national variations;
- Of the 153 schools visited, 44 were given written advice following the visit and enforcement action was taken against 20 of the 44 in the form of an Improvement Notice;
- 39% of schools in England were aware of the DfE guidance.

Introduction

Background

This project was part of a programme of interventions targeting asbestos management in schools. This report is based on a questionnaire designed to collect information regarding compliance with CAR-12, in independent or fee-paying schools, and schools outside LA control.

Aims

- The aim of this project was to determine the level of compliance with CAR-12, within the targeted schools.
- The information collected will also be used to inform future interventions within the education sector.

Objectives

- To determine whether there are any substantial differences in the way asbestos is managed across types of non-LA-controlled schools.
- To determine whether there are any substantial differences in the way asbestos is managed across regions/nations.
- To establish whether there have been any changes in compliance standards since the 2010/11 survey.

Methodology

- The survey was based on a sample of 153 schools: 131 in England, 11 in Wales and 11 in Scotland.
- The use of asbestos in building construction was banned in 1999. Schools built after that date were out of scope for this survey.
- The total number of schools in the sample gave reasonable statistical confidence that the results were representative of all non-LA managed schools.
- The sample comprised of types of school, and nations/regions, to broadly represent the distribution of all such schools. The numbers in each category were sufficient to allow descriptive analysis only.
- Five school types were identified for the sample. These were independent, academy, foundation, voluntarily aided and free schools. However, due to insufficient sample sizes only independent, academy and free schools were considered when making comparisons between the different school types.
- A quota sampling method was developed to ensure a similar number of inspector visits per region/nation and per school type. Within the constraints of the quota system, schools were chosen at random.
- Statistical significance could be tested for certain differences between the two inspection campaigns (2010/11 and 2013/14). Chi-squared tests have been performed to assess differences for four key questions (those represented by Figures 12-15 of the report).

Results

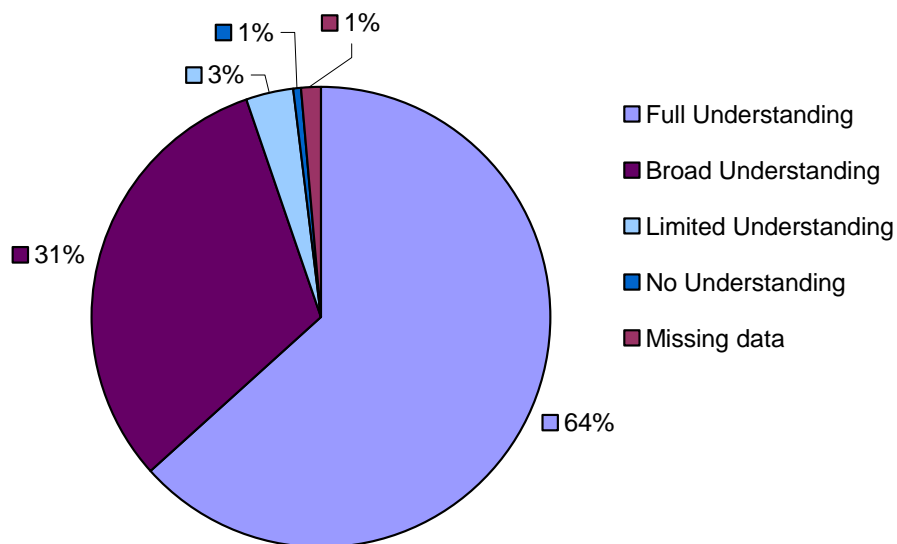
The results were analysed by question, region/nation and school type. The information presented below gives headline figures and graphical descriptions for each of the questions. Further detail is provided in the appendices.

Duty Holder Awareness

Is the school aware who the duty holder is (under CAR) and who has the overall legal responsibility for management of maintenance and repair of the school building?

- Just under two thirds of schools had a full understanding of who the duty holder was; nearly a third had a broad understanding and very few had limited or no understanding.
- Independent, academy and free schools did not show much variation, with 64%, 63% and 50% respectively reporting a full understanding of who the duty holder was.
- In the North East, a particularly high proportion (93%) of schools reported a full understanding, compared to a much smaller proportion (33%) in the East of England.

Figure 1 - Is the School Aware who the Duty Holder is?

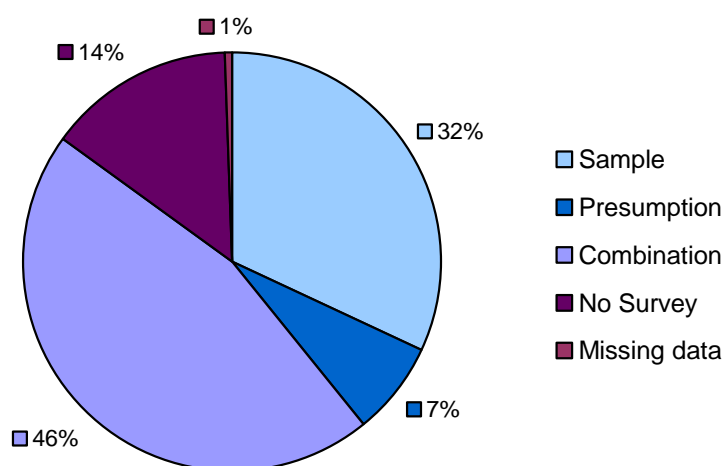


Management Surveys

Has the school carried out an asbestos management survey?

- 85% of schools had carried out an asbestos management survey. The most common method, used by nearly half of schools, involved a combination of sampling and presumption that materials contain asbestos unless there was a strong reason to think otherwise.
- Following this, the next most common method used was sampling alone, with the use of presumption alone being the least common method.
- Independent schools (24%) had the highest proportion of schools not carrying out a management survey.
- Across regions/nations, the North West, with 31%, had the highest proportion of schools not completing a survey, closely followed by Scotland (27%).
- The proportion of schools using sampling or a combination of sampling and presumption were relatively similar across school types.
- However, there was some evidence of geographical variation. In the West Midlands and South East, schools were more likely to use the sampling method alone (60% and 56%, respectively).

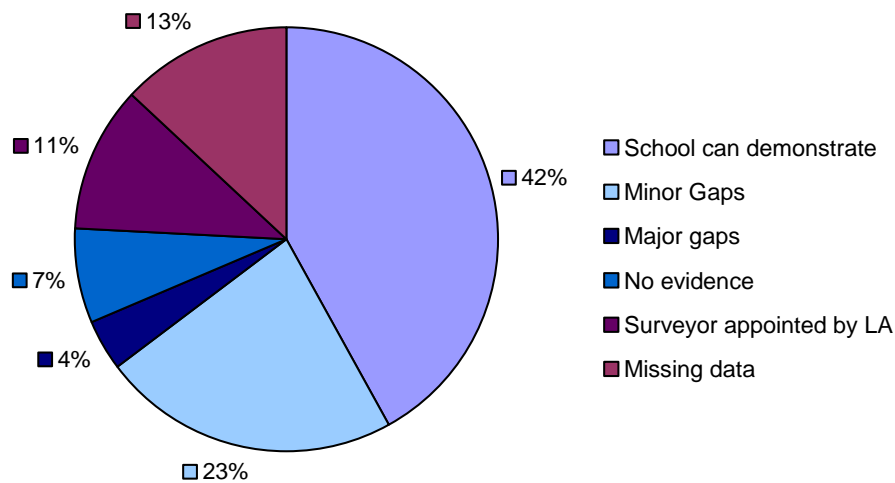
Figure 2 - Has the School Carried out an Asbestos Management Survey?



Has the school ensured the surveyor was competent?

- 42% of schools completing a management survey ensured the surveyor was competent; in just under a quarter inspectors found minor deficiencies in the checks that had been made; a small proportion revealed major deficiencies in these arrangements or no evidence that the school had ensured the surveyor was competent.
- There was not much variation found across school types. Independent schools demonstrated the lowest level, with only 31% of schools able to show that they had checked the competency of the surveyor.
- Considerable geographic variation existed in ensuring competency. Scotland, Wales and the West Midlands demonstrate the highest levels, with 64%, 64% and 67% respectively. This compares to the lowest levels in London and the South West, with 19% and 14% respectively.

Figure 3 - Has the School ensured the surveyor was competent for this work?

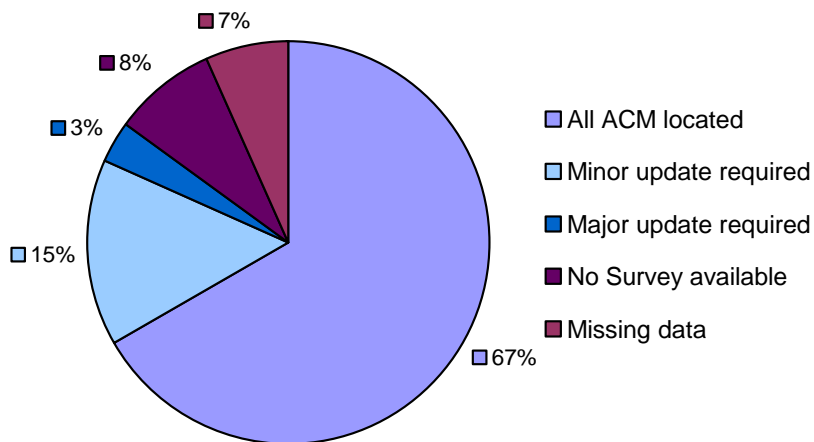


Does the survey highlight the location of asbestos containing materials (ACMs)?

It is important to understand whether the site survey identifies all areas that should be in its scope, including sheds, outbuildings, yards, pipe work etc.

- 67% of schools had a survey that identified the location of all ACMs, a quarter required minor update and a very small proportion required a major update.
- Academy schools had the highest proportion recording the location of all ACMs (82%), and independent schools were more likely to require a minor update (20%) or have no survey available (15%).
- Slight variations were shown across regions/nations, with the highest proportion being in Wales (82%) and the South East (81%). Scotland demonstrated a wide spread, with 36% locating all ACMs and 36% requiring a minor update.

Figure 4 - Does the Survey Highlight the Location of ACMs?

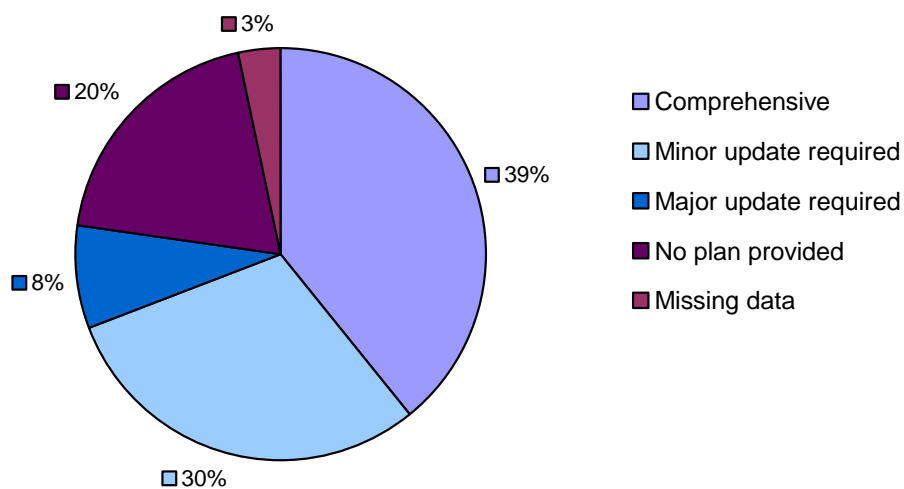


Management Plans

Does the school have a written asbestos management plan (AMP)?

- 77% of schools had a written AMP, of which around half were comprehensive, just fewer than 40% required a minor update, and around 10% required a major update.
- Academy schools were more likely to have an AMP (43%) and independent schools had the highest proportion of schools providing no plan (25%).
- Variation across regions/nations was evident, with Wales having the highest proportion with a comprehensive AMP (64%), and Scotland demonstrating the lowest proportion (18%).

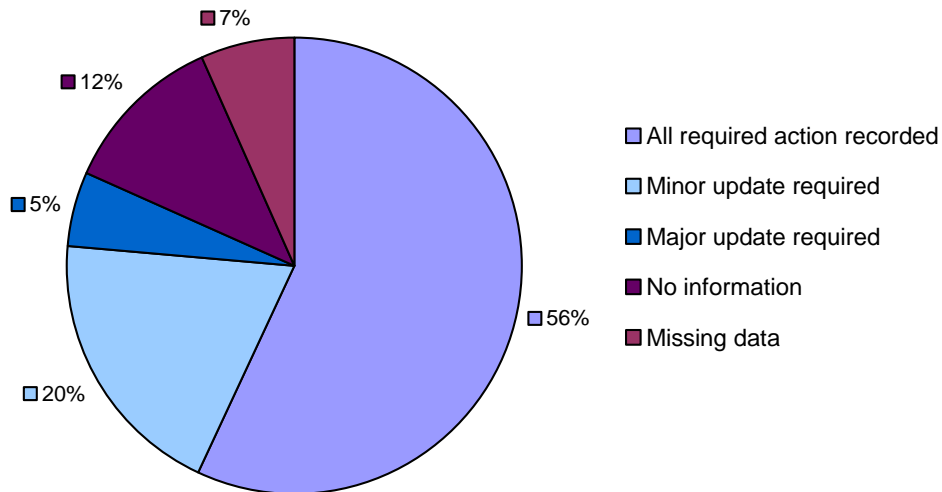
Figure 5 – Does the School Have a Written Plan?



Does the AMP identify risks relating to conditions of ACMs?

- The majority of schools with an AMP did include a system to identify risks relating to the condition of ACMs.
- Just over half recorded all required action, a fifth needed minor updates and an even smaller proportion required major updates.
- Not much difference is shown across school types, but academy schools were most likely to have all risks recorded (59%).
- Variation was shown across regions/nations with Wales having the highest proportion (82%) and Yorkshire (36%) the lowest proportion that recorded all required action.

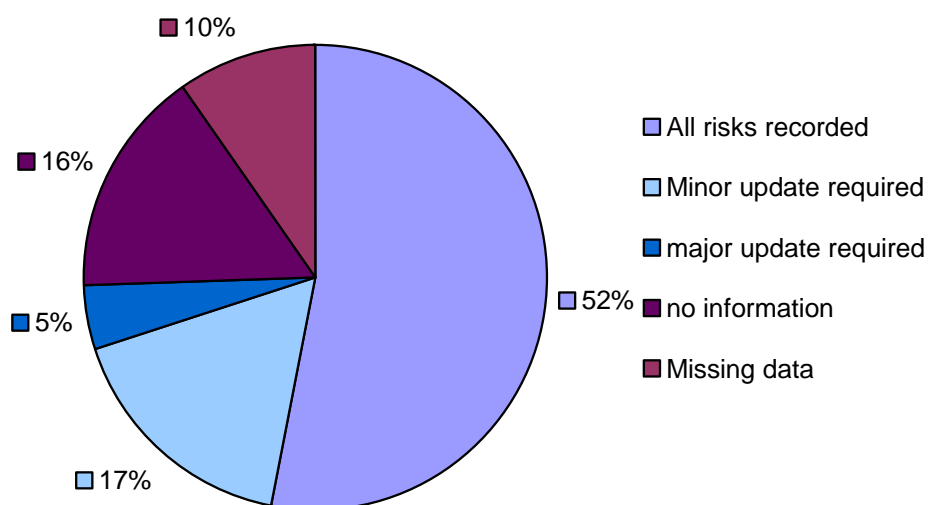
Figure 6 - Does the AMP Identify Risks Relating to Conditions of ACMs?



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

- The majority of schools with an AMP included a system to identify risks relating to the location of ACMs.
- Just over half of schools had all risks recorded, just under a fifth require only a minor update and a very small proportion required major updates.
- Academy schools had the highest proportion recording all risks (57%), compared to 49% and 42% for independent and free schools.
- Variation was evident across regions/nations, with Wales (82%) having the highest and London (31%) having the lowest proportion that recorded all risks.

Figure 7 - Does the AMP Identify Risks Relating to the Location of ACMs?

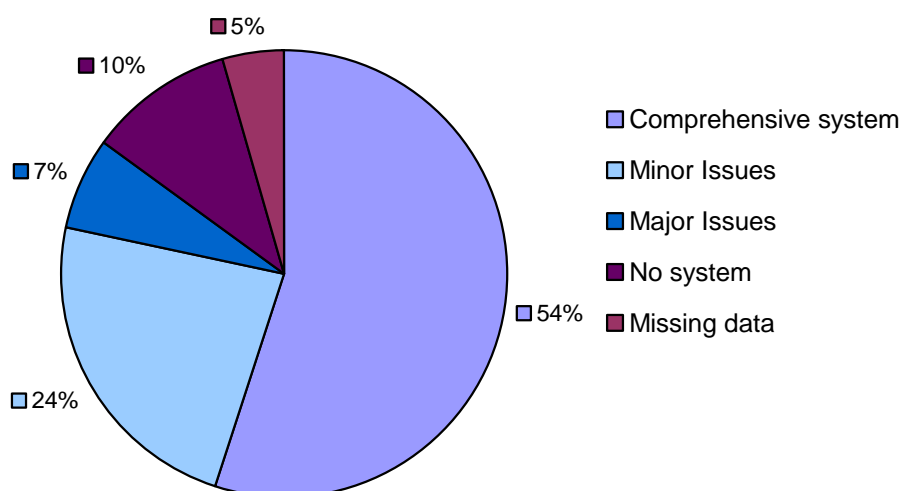


Information and Training

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

- 54% of schools had a comprehensive system in place to ensure that anyone who might disturb ACMs would be provided with information on any asbestos that may be present.
- For 24% of schools there were minor issues concerning information about any asbestos that might be present.
- There was not a great deal of difference across school types, but independent schools had the least proportion with a comprehensive system in place (49%).
- There were notable regional/national differences, with the highest proportion of comprehensive systems in the West Midlands (80%) and the lowest in the North East, Yorkshire and Scotland (each having 36%).

Figure 8 - Does the School Have a System to Ensure that Anyone who may Disturb ACMs is Provided with Information on any Asbestos Present?

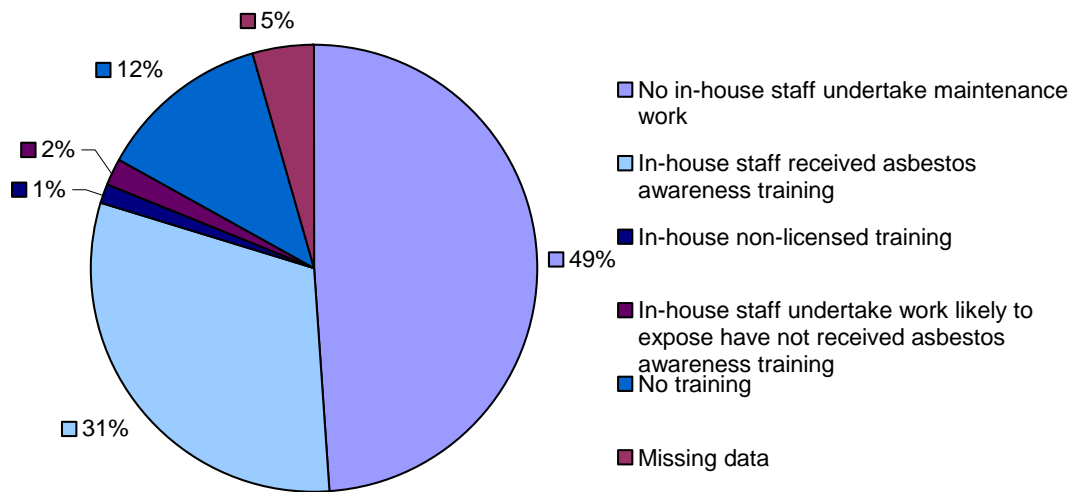


Training of in-house operatives

Does the survey assess whether in-house operatives, who undertake building and maintenance work, have received suitable asbestos awareness training?

- For just under half of the schools, none of their in-house staff routinely undertake any maintenance work. Amongst those where in-house staff are engaged in such work, 63% have training in place and 28% do not.
- Independent schools are least likely to have their in-house staff undertake training (26%).
- Asbestos training was most likely to occur in the North East (64%) and least likely to occur in the West Midlands (7%).

Figure 9 – Does the survey assess whether in-house operatives, who undertake building and maintenance work, have received suitable asbestos awareness training?

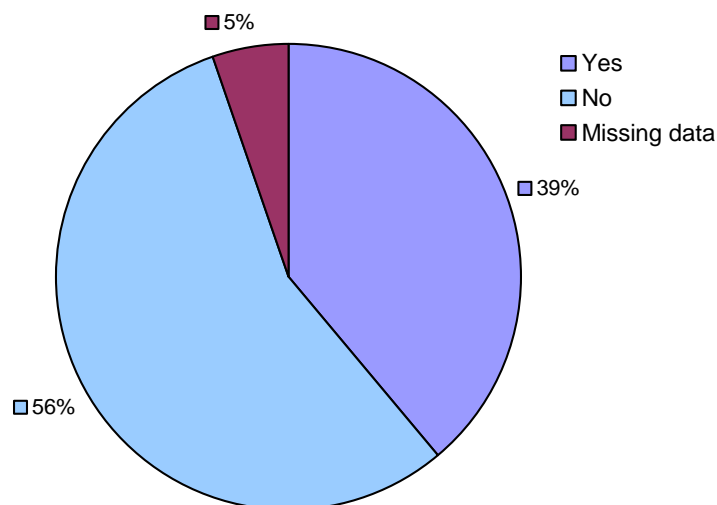


DfE guidance

Is the school aware of the DfE guidance?

- 39% of schools in England were aware of the DfE guidance.
- Free schools were less aware of this guidance, with 67% answering 'no'.
- There were also differences across regions with the schools in the South West (57%) having the most awareness of the DfE guidance, compared to schools in the East (13%) having the least awareness.

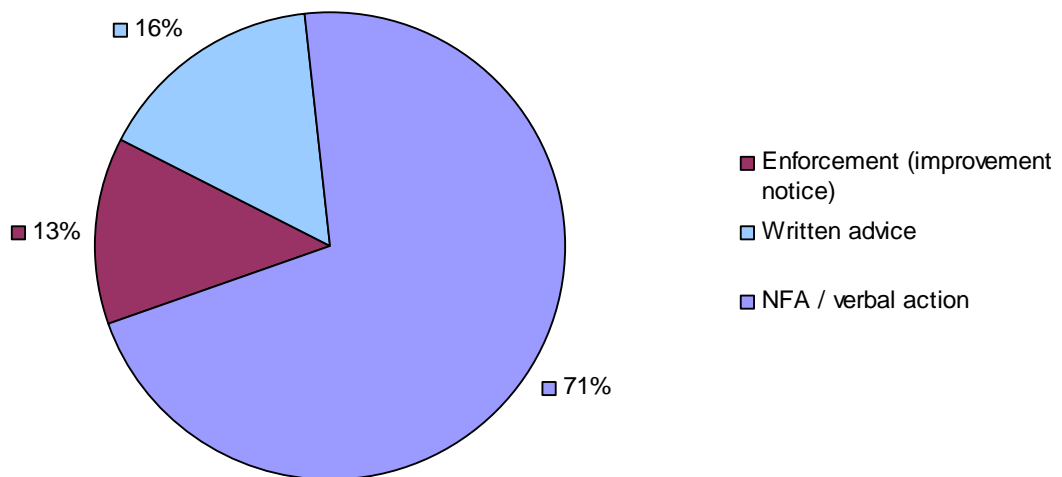
Figure 10 – Is the school aware of the DfE guidance?



Action and Enforcement

- 44 schools (29%) were given written advice following the visit and, among these, 20 (13% of all schools visited) were subject to formal enforcement action in the form of improvement notices.
- In terms of school type, notices were received by 17% of the independent schools, compared with 9% of academy schools and 8% of the free schools.
- There were some regional differences although the numbers are too small to say whether these are practically significant. Written advice was most often given in the East of England region (six schools) while schools in the South West were most likely to receive a notice (four out of 14 schools).
- The 20 improvement notices were served against 20 different schools. The majority of these were served due to the absence of an asbestos management plan (8 cases) or lack of assessment for asbestos risks (also 8 cases). Others were served for insufficient training and information for employees and inadequate management of risk.

Figure 11 – Action taken as a result of visit



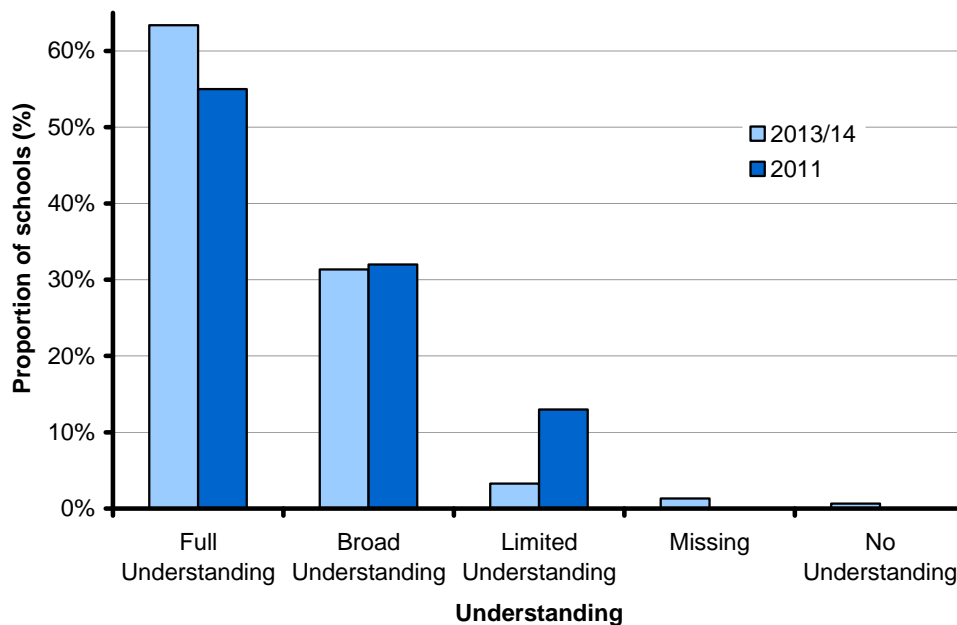
Comparison between 2010/11 and 2013/14 results

Chi-squared tests have been performed to assess differences in the results for the two inspection campaigns for the four key questions represented by Figures 12-15 below. These differences were statistically significant in respect of Figures 12 and 14.

Duty holder awareness

- The proportion of schools with a full understanding of duty holder awareness had increased by 9% from the 2010/11 figure, and the proportion of schools with a limited understanding had decreased by 10%.
- More specifically, London had shown an increase of 37%, with 56% of schools now reporting a full understanding.
- The difference between 2010/11 and 2013/14 was statistically significant with schools having a better understanding in 2013/14 (p-value=0.01).

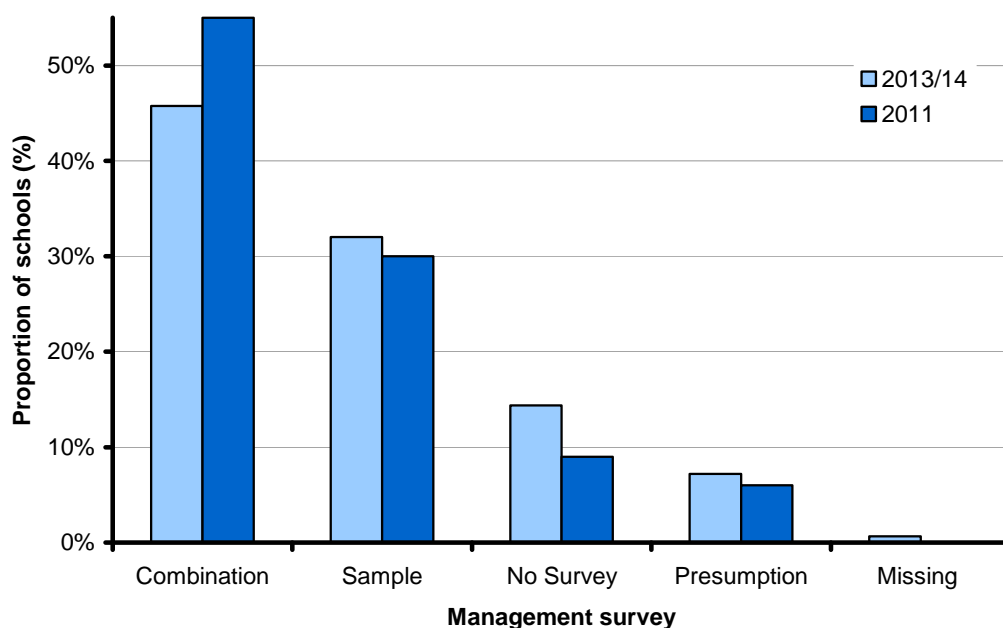
Figure 12 – Is the school aware who the duty holder is? (2010/11 and 2013/14)



Management surveys

- This sample showed a smaller number of schools having had a management survey completed than in 2010/11 (6% less).
- The most common surveying method remained the same (a combination of sampling and presumption).
- The difference between 2010/11 and 2013/14 in terms of whether a survey had been completed was not statistically significant (p-value=0.27).
- Out of the schools that completed a management survey, those ensuring the competency of the surveyor and those needing a minor update had both decreased by 9%.
- The proportion of schools highlighting the location of ACMs had decreased by 12% from the 2010/11 figure.

Figure 13 – Has the school carried out a management survey? (2010/11 and 2013/14)

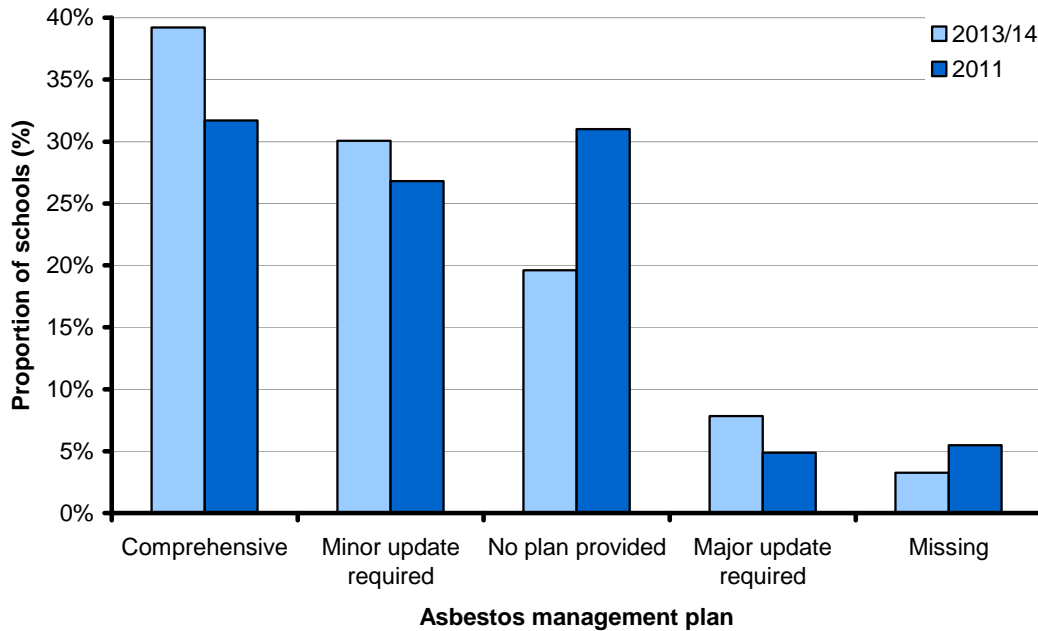


Management plan

- The percentage of schools with a written AMP had increased by 14%, and the comprehensiveness of these plans had improved. The difference between 2010/11 and 2013/14 was statistically significant (p-value=0.03) with schools more likely to have a plan in place in 2013/14.
- The proportion of schools providing no plan had decreased by just over 10%.

- A higher proportion of schools in Wales had an AMP in 2013/14. In 2010/11 Wales had the lowest proportion of schools with an AMP. This may, however, be affected by the small sample size in Wales in 2010/11.

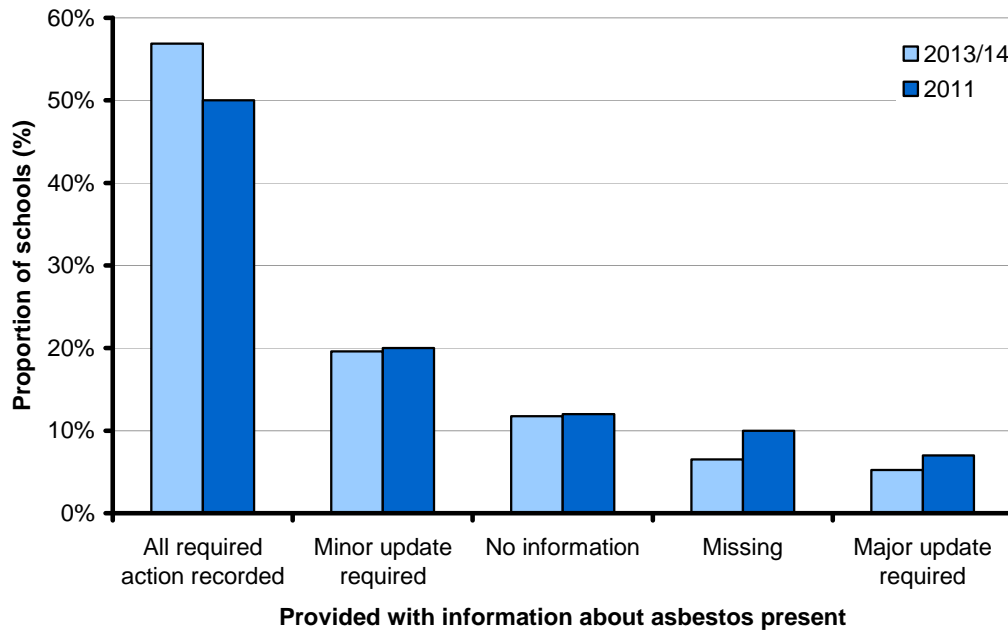
Figure 14 – Does the school have an AMP? (2010/11 and 2013/14)



Information and training

- The number of schools providing information to individuals who may disturb ACMs was slightly higher in 2013/14 (5%), and there had been a reduction in the number needing a major improvement.
- The difference between 2010/11 and 2013/14 was not, however, statistically significant (p-value=0.90).
- Regional/national differences are evident. The North East had the highest proportion of schools with a comprehensive system in place in 2010/11, whereas in the 2013/14 survey this region had one of the lowest proportions.
- There had been a substantial increase in the proportion of schools undertaking training of in-house operatives.
- The West Midlands still had the lowest proportion of schools providing training in 2013/14.

Figure 15– Is there a system to providing information to those who disturb ACMs? (2010/11 and 2013/14)



Action and enforcement

The breakdown of action taken was similar in 2013/14 to that seen in 2010/11. In particular, 13% of schools (20 in total) received formal enforcement action this time compared with 17% (28 schools in total) in 2010/11.

Appendices

A1 – Overall sample

Table 1 - Sample size by school type

Type of school	Count
Foundation	1
Independent	81
Academy	56
Free school	12
Voluntary aided	3

Table 2 - Sample size by region

Region	Count
East Mids	14
East	15
London	16
North East	14
North West	13
South East	16
South West	14
West Mids	15
Yorks	14
Scotland	11
Wales	11

A2 – Responses to questionnaire

Table 3 – Overall responses

Question	Response	Number of Schools
1. Duty holder awareness	Full Understanding	97
	Broad Understanding	48
	Limited Understanding	5
	No Understanding	1
	Missing data	2
	Total	153
2. Has the school carried out an asbestos management survey?	Sample	49
	Presumption	11
	Combination	70
	No Survey	22
	Missing data	1
	Total	153
3. Has the school ensured the surveyor was competent?	School can demonstrate	64
	Minor Gaps	35
	Major gaps	6
	No evidence	11
	Surveyor appointed by LA	17
	Missing data	20
	Total	153
4. Does the survey highlight the location of ACMs?	All ACM located	102
	Minor update required	23
	Major update required	5
	No Survey available	13
	Missing data	10
	Total	153
5. Does the school have a written AMP?	Comprehensive	60
	Minor update required	46
	Major update required	12
	No plan provided	30
	Missing data	5
	Total	153
6. Does the AMP identify risks relating to condition of ACMs?	All required action recorded	87
	Minor update required	30
	Major update required	8
	No information	18
	Missing data	10
	Total	153
7. Does the AMP identify risks relating to the location of ACMs?	All risks recorded	81
	Minor update required	26
	Major update required	7
	No information	24
	Missing data	15
	Total	153
8. Does the school have a system to ensure information provided to those who may disturb ACM?	Comprehensive system	84
	Minor Issues	36
	Major Issues	10
	No system	16
	Missing data	7
	Total	153
9. Do in-house operatives undertake training?	No in-house staff undertake maintenance work	75
	In-house staff received asbestos awareness training	47
	In-house non-licensed training	2
	In-house staff undertake work likely to expose have not received asbestos awareness training	3
	No training	19
	Missing data	7
	Total	153
10. Is the school aware of DfE guidance?	Yes	51
	No	73
	Missing data	7
	Total	131

Table 4 – Response by school type

Question	Response	School type					Total
		Foundation	Independent	Academy	Free school	Voluntarily aided	
1. Duty holder awareness	Full understanding	1	52	35	6	3	97
	Broad understanding	0	24	19	5	0	48
	Limited understanding	0	4	1	0	0	5
	No understanding	0	1	0	0	0	1
	Missing data	0	0	1	1	0	2
	Total	1	81	56	12	3	153
2. Has the school carried out an asbestos management survey?	Sample	0	21	23	3	2	49
	Presumption	0	6	3	2	0	11
	Combination	1	35	28	5	1	70
	Survey	0	19	2	1	0	22
	Missing data	0	0	0	1	0	1
	Total	1	81	56	12	3	153
3. Has the school ensured the surveyor was competent?	School can demonstrate	1	25	30	6	2	64
	Minor gaps	0	23	11	0	1	35
	Major gaps	0	6	0	0	0	6
	No evidence	0	8	2	1	0	11
	Surveyor appointed by LA	0	1	13	3	0	17
	Missing data	0	18	0	2	0	20
Total	1	81	56	12	3	153	
4. Does the survey highlight the location of ACMs?	All ACM located	1	45	46	8	2	102
	Minor update required	0	16	6	1	0	23
	Major update required	0	2	2	1	0	5
	No survey available	0	12	1	0	0	13
	Missing data	0	6	1	2	1	10
	Total	1	81	56	12	3	153
5. Does the school have a written AMP?	Comprehensive	1	28	24	4	3	60
	Minor update	0	22	19	5	0	46
	Major update	0	7	5	0	0	12
	No plan provided	0	20	8	2	0	30
	Missing data	0	4	0	1	0	5
	Total	1	81	56	12	3	153
6. Does the AMP identify risks relating to the condition of ACMs?	All required action recorded	1	44	33	6	3	87
	Minor update required	0	15	12	3	0	30
	Major update required	0	3	5	0	0	8
	No information	0	11	6	1	0	18
	Missing data	0	8	0	2	0	10
	Total	1	81	56	12	3	153
7. Does the AMP identify risks relating to the location of ACMs?	All risks recorded	1	40	32	5	3	81
	Minor update	0	16	7	3	0	26
	Major update	0	2	5	0	0	7
	No information	0	15	7	2	0	24
	Missing data	0	8	5	2	0	15
	Total	1	81	56	12	3	153
8. Does the school have a system to ensure information provided to those who may disturb ACM?	Comprehensive system	1	40	33	7	3	84
	Minor issues	0	21	14	1	0	36
	Major issues	0	3	7	0	0	10
	No system	0	11	2	3	0	16
	Missing data	0	6	0	1	0	7
	Total	1	81	56	12	3	153
9. Do in-house operatives have suitable asbestos awareness training?	No in-house staff undertake	0	42	27	4	2	75
	In-house staff receive asbestos awareness training	1	21	19	5	1	47
	In-house no licenced training	0	1	1	0	0	2
	In-house staff undertake work likely to expose have received asbestos awareness training	0	2	1	0	0	3
	No training	0	11	7	1	0	19
	Missing data	0	4	1	2	0	7
Total	1	81	56	12	3	153	
10. Is the school aware of DfE guidance?	Yes	-	25	23	3	-	51
	No	-	34	31	8	-	73
	Missing data	-	4	2	1	-	7
	Total	-	63	56	12	-	131

Table 5 – Response by region

Question	Response	Region										Total	
		E Mids	East	London	N East	N West	S East	S West	W Mids	Yorks	Scotland		Wales
1. Duty holder awareness	Full understanding	10	5	9	13	10	9	11	10	7	8	5	97
	Broad understanding	2	9	5	1	2	7	3	5	6	2	6	48
	Limited understanding	1	1	1	0	1	0	0	0	0	1	0	5
	No understanding	0	0	0	0	0	0	0	0	1	0	0	1
	Missing data	1	0	1	0	0	0	0	0	0	0	0	2
	Total	14	15	16	14	13	16	14	15	14	11	11	153
2. Has the school carried out an asbestos management survey?	Sample	3	1	6	5	6	9	0	9	4	1	5	49
	Presumption	2	0	1	0	1	1	0	1	3	2	0	11
	Combination	6	12	6	9	2	5	11	4	4	5	6	70
	No survey	3	2	2	0	4	1	3	1	3	3	0	22
	Missing data	0	0	1	0	0	0	0	0	0	0	0	1
	Total	14	15	16	14	13	16	14	15	14	11	11	153
3. Has the school ensured the surveyor was competent?	School can demonstrate	5	5	3	7	3	8	2	10	7	7	7	64
	Minor gaps	4	3	7	4	2	4	7	1	1	0	2	35
	Major gaps	0	1	0	0	1	2	0	0	0	1	1	6
	No evidence	0	2	1	1	2	1	1	2	0	0	1	11
	Surveyor appointed by LA	2	3	2	2	2	1	2	0	3	0	0	17
	Missing data	3	1	3	0	3	0	2	2	3	3	0	20
	Total	14	15	16	14	13	16	14	15	14	11	11	153
4. Does the survey highlight the location of ACMs?	All ACM located	11	10	8	10	8	13	8	11	10	4	9	102
	Minor update required	0	4	4	2	1	1	2	3	1	4	1	23
	Major update required	0	0	1	1	1	1	1	0	0	0	0	5
	No survey available	2	1	1	0	2	1	1	1	1	3	0	13
	Missing data	1	0	2	1	1	0	2	0	2	0	1	10
	Total	14	15	16	14	13	16	14	15	14	11	11	153
5. Does the school have a written AMP?	Comprehensive	7	3	3	7	7	6	6	7	5	2	7	60
	Minor update	3	7	7	4	3	5	3	5	4	2	3	46
	Major update	0	4	2	2	2	0	0	1	0	1	0	12
	No plan provided	4	1	2	1	1	5	3	2	4	6	1	30
	Missing data	0	0	2	0	0	0	2	0	1	0	0	5
	Total	14	15	16	14	13	16	14	15	14	11	11	153
6. Does the AMP identify risks relating to the condition of ACMs?	All required action recorded	10	8	7	8	8	8	7	12	5	5	9	87
	Minor update required	0	3	5	5	2	2	2	2	5	2	2	30
	Major update required	1	1	0	0	1	1	3	0	0	1	0	8
	No information	2	3	1	1	2	5	0	1	2	1	0	18
	Missing data	1	0	3	0	0	0	2	0	2	2	0	10
	Total	14	15	16	14	13	16	14	15	14	11	11	153
7. Does the AMP identify risks relating to the location of ACMs?	All risks recorded	9	11	5	9	7	6	6	9	6	4	9	81
	Minor update	1	0	5	3	1	3	2	2	4	3	2	26
	Major update	0	2	0	1	1	1	1	0	0	1	0	7
	No information	3	2	2	1	3	5	3	2	2	1	0	24
	Missing data	1	0	4	0	1	1	2	2	2	2	0	15
	Total	14	15	16	14	13	16	14	15	14	11	11	153
8. Does the school have a system to ensure information provided to those who may disturb ACM?	Comprehensive system	7	10	6	5	8	11	9	12	5	4	7	84
	Minor issues	3	1	5	6	2	3	1	2	6	3	4	36
	Major issues	1	1	1	2	1	1	2	0	0	1	0	10
	No system	2	3	2	1	2	1	1	1	2	1	0	16
	Missing data	1	0	2	0	0	0	1	0	1	2	0	7
	Total	14	15	16	14	13	16	14	15	14	11	11	153
9. Do in-house operatives have suitable asbestos awareness training?	No in-house staff undertake maintenance work	6	7	8	2	8	11	4	11	5	6	7	75
	In-house staff receive asbestos awareness training	6	3	3	9	3	5	6	1	5	2	4	47
	In-house no licenced training	0	0	0	0	0	0	0	1	1	0	0	2
	In-house staff undertake work likely to expose have received asbestos awareness training	1	1	0	0	0	0	1	0	0	0	0	3
	No training	0	4	3	3	2	0	2	2	1	2	0	19
	Missing data	1	0	2	0	0	0	1	0	2	1	0	7
	Total	14	15	16	14	13	16	14	15	14	11	11	153
10. Is the school aware of DFE guidance?	Yes	5	2	8	5	6	6	8	4	7	-	-	51
	No	8	13	7	9	7	9	5	10	5	-	-	73
	Missing data	1	0	1	0	0	1	1	1	2	-	-	7
	Total	14	15	16	14	13	16	14	15	14	-	-	131

A3 – Actions taken

Table 6 – Action by region

Region	Number of schools	NFA/ Verbal advice	Written advice	Enforcement action taken
East Mids	14	10	4	0
East	15	9	6	1
London	16	11	5	3
North East	14	10	4	0
North West	13	11	2	2
South East	16	12	4	3
South West	14	9	5	4
West Mids	15	11	4	3
Yorks	14	10	4	3
Scotland	11	6	5	1
Wales	11	10	1	0