

Managing asbestos in system built schools

1. Introduction

Asbestos is present in a large number of public buildings. Properly managed and maintained it presents a very low risk to the people who use the buildings. There are legal duties on those responsible for these buildings to ensure that the asbestos is effectively managed and that visitors and workers are properly protected.

The Health and Safety Executive – the national regulator for workplace safety and health – has been working with the Department for Education and Partnerships for Schools to assess how well the 152 local authorities (LAs) with responsibility for schools in England are meeting their legal obligations in respect of system built schools.

Many system built schools were constructed between 1945 and 1980. A common feature of these buildings is that structural columns were fire proofed with asbestos containing materials (ACMs) and enclosed by metal casings or cladding. HSE's guidance sets out the precautions to prevent release of fibres from the metal casings.

This report provides a summary of HSE's assessment of local authorities' compliance with their legal duty to manage asbestos, which is based on responses to an online questionnaire and follow up inspections. Authorities were contacted further if they had either not responded fully to the questionnaire or the response required further verification to clarify their management arrangements.

Effective management of asbestos in schools is an ongoing requirement for authorities and other duty holders across all schools. This report includes a number of actions that all authorities should ensure are put in place within their asbestos management arrangements.

Although this report relates to system built schools, the findings and lessons learned are applicable across any school buildings that contain asbestos.

2. Summary of findings

The questionnaire and follow up inspections revealed that the majority of authorities had taken action to comply with the legal requirements to manage asbestos.

Of the 152 authorities in England with responsibilities for schools, 107 provided satisfactory responses requiring no further action by HSE. HSE was satisfied that legal duties were understood and action was in place to deal with asbestos in any system built premises.

Further contact with 45 authorities was considered necessary. Of these three subsequently provided satisfactory responses. Visits were made to the remaining 42 authorities and a sample of their schools, to review and confirm that asbestos management arrangements were in place, were robust, and complied with the Control of Asbestos Regulations 2006 and the Health and Safety at Work etc Act 1974.

Of these 42 authorities, ten had to be contacted for failing to respond to the questionnaire and 13 others because their responses were partial or incomplete. In addition, 19 authorities were contacted for verification inspections to determine levels of compliance with the law.

The majority of these follow up inspections by HSE confirmed that there was generally good compliance with the duty to manage asbestos and that action had been or was being taken in response to HSE advice. The opportunity was taken to give further advice to 32 authorities on actions to enhance their systems for managing asbestos, or to ensure these systems remained effective in future.

However, action was needed to improve arrangements for managing asbestos in 10 authorities. Enforcement notices were issued requiring improvements to asbestos management arrangements. HSE continues to work with these 10 authorities and five others to provide advice to ensure that effective arrangements are maintained.

A summary of the actions taken is available on HSE's website.

3. Findings

There are lessons for all local authorities to learn from these findings to enable them to build upon their existing management arrangements. The key findings from the survey and inspections are set out below:

➤ **All parties are clear about their roles and responsibilities**

It is important for all parties to understand who is the legally responsible duty holder – the authority, or the school by virtue of delegated funding. In community, voluntary controlled, community special schools, maintained nursery schools and pupil referral units the authority is the employer. Health and safety legislation places duties on employers to ensure the health and safety of employees and others who may be affected, and this includes the requirement for maintaining the buildings.

Regulation 4 of the Control of Asbestos Regulations 2006 requires that all risks from asbestos be properly managed. Where any individual or organisation has a responsibility for maintaining or repairing non-domestic premises - including schools - they will have an obligation under this regulation. Where responsibility for maintenance or repair is shared - for example between the authority and the school - the duty under this regulation is also shared.

The extent of the practical duties for the authority and for other duty holders should be determined by reference to contractual and other existing legal obligations for each property. It is important that there is clear understanding of who is responsible for asbestos management across all the schools.

➤ **Asbestos records are kept up to date**

Inspectors found some variations in the standard of record keeping about asbestos in properties owned and managed by authorities. Many authorities were able to provide a comprehensive overview of the system built premises within their estate. Some were unable to provide detail and others were not clear whether their system built premises were covered by the guidance. In some cases the change to unitary status, and problems with the transfer of records to the newly created body, had led to information being lost. In a few cases, a review of system built premises had not been undertaken.

Duty holders are required to undertake an assessment of whether asbestos is present in their premises, including its location and condition, under the Control of Asbestos Regulations 2006, regulation 4. To assist with the assessment, most organisations use a suitably trained person to do a survey of the premises to identify asbestos containing materials.

The 'system built' method of constructing schools is well known in the education sector and surveyors should be aware of the associated issues relating to asbestos. Surveys need to take account of this aspect of construction, and the necessary remedial measures outlined in HSE's guidance on system-built schools should be monitored and maintained.

During the inspections, HSE noted that asbestos surveys were available for all sites visited. At some schools, photographs were used in the survey and greatly assisted understanding of the registers.

It is important for all schools to ensure that:

- The most recent survey is always available on site.
- If refurbishment work is undertaken and managed by the school as part of delegated funding this must still be updated in any central records.
- The surveys and associated registers should be understood by site personnel for them to be effective.
- Information relating to asbestos management – such as registers and surveys - for each school premises is passed onto any new management team and governing body in the event of the school achieving foundation status or becoming locally managed.

➤ **Anyone that manages asbestos is competent**

It is important that anyone who has the responsibility for asbestos management in school premises is properly trained and aware of what they must do. Inspectors identified a wide range of people nominated as the responsible person, including head teachers, bursars, premises officers, caretakers and site officers. These people must have an appropriate awareness of the issues and risks, and be competent to tackle them.

Training of site personnel is essential for the successful management of asbestos. Those in control of the site also have a key role in briefing contractors, whether procured through the authority or directly by the school management team as part of their delegated functions.

Where health and safety functions, including asbestos management, are assigned to local staff, they can only be assigned to competent individuals. The authority should therefore ensure that those individuals are trained to a sufficient standard of competency to be able to do the job safely. The training should emphasise the importance of co-operation and communication between the school and the authority, particularly when refurbishment work is organised locally. Such communication will help ensure changes to buildings are properly recorded in the authority and school records. This training should highlight the relevant roles and responsibilities of personnel, particularly in the control and monitoring of contractors.

➤ **Asbestos management plans are in place**

A range of management plans were found, including corporate management plans, generic school management plans and site-specific management plans.

The Control of Asbestos Regulations 2006 requires the duty holder to have a written plan of the actions and measures necessary to manage the risks from ACMs. Authorities should ensure that all their schools have a site-specific asbestos management plan.

4. Key actions for all local authorities

Although it was not considered necessary for all local authorities to be visited as part of this exercise, there are a number of learning points that can usefully be taken into account by all local authorities:

- Review your property portfolio to ensure system-built premises are identified and they are properly considered in surveys;
- Ensure you have arrangements in place to hand over information on asbestos containing materials to the governing body of any newly formed foundation school, trust or academy;
- Ensure that your contractors have provided asbestos awareness training for their workforce;
- Check that arrangements, procedures and resources are in place to monitor your policy on asbestos management in the schools where the authority is the employer or duty holder;
- Check that where asbestos management functions are delegated to site personnel those staff are trained and competent for the role;
- Check that site specific asbestos management plans are in place. The management plans need to consider ongoing maintenance and refurbishment work, and how to deal with unplanned 'emergency' work such as damage caused by burst pipes.

5. Sources of further advice and guidance

- The management of asbestos in non domestic premises, Approved Code of Practice, reference L127 (ISBN 0-7176-6209) www.hse.gov.uk/pubns/books/l127.htm
- A short guide to managing asbestos in premises (INDG223) www.hse.gov.uk/pubns/indg223.pdf
- Asbestos e-tool –web based tool for small businesses, that will also guide LAs and school management teams www.hse.gov.uk/asbestos/managing/index.htm
- Asbestos in system buildings – duty holder checklist www.hse.gov.uk/services/education/checklist.htm
- Asbestos: The survey guide, HSG264 (ISBN 978-0-7176-6385-9) www.hse.gov.uk/pubns/books/hsg264.htm
- Further guidance on the duty to manage is given on HSE website
- www.hse.gov.uk/asbestos/campaign/duty.htm

