



Asbestos in Schools

NEU guidance for members, reps and local officers

This briefing provides up-to-date NEU guidance on asbestos, including facts about asbestos, the law on asbestos management and removal, and advice to NEU health and safety representatives on dealing with asbestos problems. It also offers advice on how NEU health safety representatives can help bring about the removal of asbestos from schools.

See also [DfE advice](#) and [guidance from the Welsh Government](#).

Facts about asbestos

What is asbestos?

1. Asbestos is a naturally occurring soft fibrous mineral. It has been used widely for many years due to its properties of resistance to heat and chemicals. Many thousands of tonnes have been used in construction of public buildings and, although the use of most types of asbestos is now banned, much asbestos is still present in buildings today.

2. There are three main types of asbestos:

- blue asbestos or crocidolite
- brown asbestos or amosite
- white asbestos or chrysotile.

3. Despite the reference to colours, the different types of asbestos cannot be identified by colour alone. All three types of asbestos are classified as class 1 carcinogens. The import and use of blue and brown asbestos in the UK has been banned since 1984, and the import and use of white asbestos has been banned since 24 November 1999.

Where is asbestos found in schools?

The most common uses of asbestos in school buildings were:

- spray coatings, mixed with paint or water, for fire protection and insulation on concrete walls and ceilings and on steelwork
- insulation lagging, particularly around pipework, boilers and ducts
- insulation boards, for example, Asbestolux in heating equipment and other kinds of equipment such as protective mats in laboratories
- asbestos cement products such as wall and ceiling panels, corrugated roof panels, tiles, gutters, pipes and decorative plaster-type finishes.

In March 2017, the DfE published long-awaited guidance for schools on where asbestos may be located. The NEU, through the Joint Union Asbestos Committee (JUAC), had suggested a number of comments to the guidance. Disappointingly, the majority of these comments were not incorporated into the final document. However, it remains a useful resource for schools and teachers and is available [here](#).



Why is asbestos so dangerous?

Asbestos gives off very small and fine fibres which can be breathed in easily. They can remain in the lungs, or settle in the linings of the lungs and the chest cavity, for long periods after exposure, and their presence can lead to many asbestos-related diseases.

These can include:

- asbestosis or fibrosis, a scarring of the lungs caused by an accumulation of fibres which leads to chest pain, breathlessness, and strain on the heart
- lung cancer
- mesothelioma, an incurable cancer of the lining of the lungs or stomach. Since 1980 at least 363 school teachers have died from mesothelioma, 249 of those since 2001. School teachers are now dying from mesothelioma at an average of 19 per year, up from three per year in 1980. Since 1980 at least 165 higher and further education teaching professionals have died of mesothelioma.

There is usually a long delay between first exposure to asbestos dust and the diagnosis of illness. Neither cancer can be cured; both can rapidly cause death. Asbestos-related diseases currently kill around 5,000 people every year. The vast majority of people dying now were exposed to asbestos in the 1950s and 1960s when use in the UK was at its peak.

On 9 March 2011, the Supreme Court upheld an earlier Appeal Court judgement that Dianne Willmore, who died of mesothelioma in October 2009, had been negligently exposed to asbestos while a pupil at a school run by Knowsley Metropolitan Borough Council in the 1970s.

Ms Willmore was diagnosed with mesothelioma at the end of March 2007, at the age of 46. She gave evidence in court that she had been exposed to asbestos while a pupil at Bowring Comprehensive School in Merseyside. She remembered council workers removing ceiling tiles to re-route cables. She also remembered fellow pupils removing ceiling tiles to put blazers into the ceiling cavities as a prank, as well as vandalised stacked tiles in the girls' toilets. Some of these turned out to have contained asbestos.

This case is of great significance in terms of the NEU's longstanding campaign against asbestos in schools as it was the first time that a former pupil has been awarded compensation (of £240,000) for asbestos exposure which took place while at school.

It has been known for many years that children are more vulnerable than adults to the effects of asbestos exposure, even at low levels. If teachers are dying from their exposure, inevitably pupils will die too in later life. Because of the long latency period there are no records of adults who have died because of childhood exposure. However, Professor Julian Peto, a leading epidemiologist, has estimated that 200 to 300 adults die each year from mesothelioma because of asbestos exposure when they were a pupil at school. There are also no occupational records of those who die after the age of 75, so the real figures for teachers are likely to be much higher.



The risks in schools are clear. Asbestos was widely used in constructing schools in the past but poor structural maintenance and vandalism make schools more vulnerable than other buildings to the risk of release of asbestos fibres.

Asbestos and the law

In addition to the general requirements of the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999, there are several sets of specific regulations dealing with work with asbestos.

General legal provisions governing asbestos problems

The general duty placed upon employers by the Health and Safety at Work etc. Act 1974 to ensure the health, safety and welfare of employees and others will require steps to be taken to deal with the potential risks to health and safety posed by the presence of asbestos.

The legal requirements for risk assessment placed upon employers by the Management of Health and Safety at Work Regulations 1999 apply to asbestos in the same way as to any other hazard at the workplace. The employer must seek to identify hazards, assess the degree of risk which they pose, and then take steps to remove or reduce that risk. More information on the legal requirements for employers is provided later in the briefing.

Control of Asbestos at Work Regulations 2012

These regulations define those who own, occupy, manage or have responsibility for premises which may contain asbestos as duty holders. The regulations place a specific duty on them to identify and manage asbestos in those premises. The regulations also require those in control of premises, for example governing bodies, either to manage the risk from the material or to co-operate with whoever manages that risk. Under the regulations, duty holders are required to:

- take reasonable steps to determine the location and condition of likely asbestos containing materials (ACMs)
- presume that materials contain asbestos unless there is strong evidence that they do not
- assess the likelihood of anyone being exposed to fibres from these materials
- prepare a plan setting out how the risks from the materials are to be managed and take the necessary steps to put the plan into action
- maintain an up-to-date record of the location and condition of ACMs or presumed ACMs in the premises and review and monitor the plan periodically
- provide information on the location and condition of the materials to anyone who is liable to work on or disturb them.

The Control of Asbestos Regulations 2012 replaced the earlier Control of Asbestos at Work Regulations 2006 to take account of the European Commission's view that the UK had not fully implemented the EU directive on exposure to asbestos - Directive 2009/148/EC.



In practice the changes are fairly limited. They mean that some types of non-licensed work with asbestos now have additional requirements, i.e. notification of work, medical surveillance and record keeping. All other requirements remain unchanged.

For full details of the changes involved in the 2012 regulations, go to the Health and Safety Executive (HSE) website [here](#).

Other relevant regulations

Other relevant regulations include the Asbestos (Licensing) Regulations, which govern the licensing of contractors permitted to undertake asbestos removal, and the Asbestos (Prohibition) Regulations, which govern the import, availability and use of asbestos products.

Complying with the ‘duty to manage’ under the asbestos regulations

Who is the duty holder in education establishments?

The HSE’s Approved Code of Practice on the Control of Asbestos Regulations states that the duty holder under the regulations will be “the person in control of maintenance activities” in those premises.

In maintained schools and academies, financial control of school budgets for routine maintenance, and in some cases structural works, is delegated to the governing body. The principal responsibility under the regulations for ensuring that asbestos is identified and managed therefore also rests with the employer. Who the employer is varies with the type of establishment:

TYPE OF SCHOOL	EMPLOYER
Community and community special schools	Local authority
Voluntary controlled schools (VC)	Local authority
Maintained nursery schools	Local authority
Pupil referral units (PRUs)	Local authority
Foundation schools	Governing body
Voluntary aided schools (VA)	Governing body
Trust schools	Governing body
Individual academies	Governing body
Academies that are part of a chain	Academy trust, though sometimes (very rarely) the individual academy governing body ¹
Free schools	Governing body
Independent schools	Governing body or proprietor
Sixth form colleges	College corporation

¹ The answer is often set out in the funding agreements – if there is a master funding agreement for the chain as a whole, then the central trust is usually the employer of all staff in academies.



The NEU believes that local authorities should take the lead in works to achieve, in all schools for which they are responsible, compliance with the 'duty to manage' asbestos. Whether they are the employers or not, governing bodies should co-operate with their local authorities and follow their advice at all times.

Where local authorities are responsible as employers for health and safety issues, and governing bodies have not carried out the necessary work, it is possible for them to arrange for the necessary work to be carried out in schools and to recoup the costs from delegated budgets.

The NEU has concerns that moves towards mass academisation and an increasing number of employers will affect asbestos management in schools. When schools become academies, they lose the support of the local authority as duty holder. While some academy trusts will be experienced in asbestos management, many, especially small trusts, will not. This could lead to poor asbestos management practices. The Joint Union Asbestos Committee (JUAC) has set out these concerns in more detail in its briefing: JUAC Position on Academisation and Asbestos. It has also produced an asbestos checklist for academies and schools considering conversion: The role of the duty holder and local duty holder for asbestos management in academies.

Determining the presence of asbestos

The 'duty to manage' does not specifically require asbestos surveys to be carried out. The regulations require 'reasonable' steps to be taken to identify the potential presence of asbestos. The HSE advises, however, that surveys may be needed depending on what is found during an initial assessment.

The NEU believes that asbestos surveys should be carried out in all schools unless there is good reason not to do so. For example, if a school was built wholly after 2000 then asbestos would not have been used in its construction. Many education employers will previously have carried out some forms of survey, in particular the 'condition surveys' required under the asset management planning process. It should not be automatically assumed that such surveys satisfy the requirements of the duty to manage.

Surveys should be undertaken by competent personnel. The HSE advises that they can be either external consultants or in-house staff who have received sufficient appropriate training. The NEU and JUAC have concerns about the quality of many asbestos surveys. Therefore, the NEU strongly recommends that schools should only use surveyors accredited with the UK's national accreditation body UKAS. More information is available [here](#).

Copies of surveys should be readily accessible to staff so that they can monitor the condition of their work areas and report any damage to walls/ceilings etc that contain asbestos. The NEU believes this information should be on permanent display in the staff room.

Where potential asbestos-containing materials (ACMs) are identified, the HSE sets out three options for duty holders in determining the action to be taken:



- to presume that all potential asbestos-containing materials do in fact contain asbestos unless this can be specifically ruled out
- to establish in each case whether asbestos is actually present or not by sampling
- to conclude that no such materials contain asbestos. This is permissible only on the basis of strong evidence, for example records of building plans or age of the building.

Where surveys are carried out, the information obtained must be recorded in writing. It should set out whether ACMs/presumed ACMs are present, their location and condition and, if known, the type of asbestos involved.

It is important that all staff members in a school are aware not only if the school contains asbestos, but where the ACMs are located; the duty holder has a legal responsibility to provide information on the location and condition of ACMs to anyone who is likely to disturb them. If an asbestos survey is not on permanent display, or if staff members are unsure how to interpret it, they should ask the duty holder or head teacher where asbestos is located within the school.

Lucie Stephens, an asbestos in schools campaigner whose mother, a retired teacher, died from mesothelioma in 2016, submitted Freedom of Information (FOI) requests to all local authorities in England and Wales. The requests asked for details of all schools which contained asbestos and how this asbestos was managed. All of the responses are available [online](#).

Any reps or members who aren't sure whether their school contains asbestos can check the response for their LA.

A similar exercise has been undertaken in respect of academies, although the data is less complete. Email sarah.lyons@neu.org.uk or sophie.ward@neu.org.uk for information about particular academy trusts.

There is also a legal requirement, under the Control of Asbestos Regulations 2012, for duty holders to notify the emergency services of the location and condition of asbestos (regulation 4, paragraph 9, subsection c (II)). Asbestos is likely to be disturbed during an emergency such as a flood or fire and the responding services need to be aware of the presence of any asbestos so appropriate precautions can be taken. NEU health and safety representatives are encouraged to confirm that their schools have passed this information to the emergency services, while emphasising that this is a legal requirement to comply with this regulation.

Preparing management plans

Duty holders must prepare written plans setting out how the risks from any potential asbestos materials are to be managed.

Such plans will need to cover:

- decisions and rationale on options for managing risks



- timetable and priorities for action on removal or encapsulation
- arrangements for monitoring materials to be left in place
- responsibilities of staff
- arrangements for informing and training staff, including contractors
- timetable and procedure for review of management plan
- dealing with emergency situations.

Management plans should in all cases provide that information about the location and condition of presumed asbestos will be provided to all employees, to others who are liable to disturb it and to the emergency services.

Duty holders should take immediate action to deal with identified damaged/disturbed materials before preparing their plans. Duty holders should put safe systems of work in place to prevent disturbance of potential asbestos materials. For example, if a wall or ceiling is known, or suspected, to contain asbestos, it is important that contractors do not drill into the asbestos and that teachers do not stick drawing pins into it. If an incident occurs, for example debris falls from a ceiling or a roof collapses, the area should be sealed off. No attempt should be made to enter or clear up the area, until a competent person has confirmed that asbestos is not present.

The options for managing risks from presumed asbestos will range from adopting a 'once and for all solution' whereby competent specialists identify and remove asbestos, to recording information about presumed asbestos and setting up a system of monitoring and review in case of deterioration. Removal is always the option favoured by the NEU.

The HSE's present advice is: "If asbestos-containing materials are in good condition and are unlikely to be damaged or disturbed, then it is better to leave them in place and to introduce a system of management."

The NEU does not agree that it is preferable to leave asbestos-containing materials in place and seek to manage them. As described below, removal should always be the first consideration. Where this is not immediately possible, safe management may mean that major changes are required in the way in which school staff work.

Insertion of drawing pins into asbestos insulation boards

In February 2006, the independent working group on action to control chemicals (WATCH), chaired by the HSE, considered whether the practice of inserting drawing pins into asbestos insulating boards (AIB), ceilings or walls, when putting up displays in classrooms, was an activity which should cease. They concluded that, although the risk involved may be small, it was an activity which could and should be avoided.

The NEU is keen that this message be conveyed to teachers and other school staff who then follow this recommendation where a school's asbestos survey indicates that this is necessary. Staples are no better than drawing pins. Fibre release is likely to be greater when the staple is removed. Where there is no information available as to whether asbestos is present or not, the precautionary approach should be adopted until such



time as the situation is clear. This means that, as set out in the Control of Asbestos at Work Regulations it should be assumed that asbestos is present.

In such circumstances, the NEU strongly recommends that members should not mount displays until either the AIB is removed or sealed, as a temporary solution, or it is categorically confirmed that no asbestos is present.

Similar precautions need to be taken before screwing display boards or, for example, interactive whiteboards into a wall.

Asbestos in gas masks

Following concerns raised by the NEU about pupils and staff handling, and even wearing, Second World War military service gas masks containing asbestos, eg during history or drama lessons or school productions, the Health and Safety Executive (HSE) issued a warning in November 2013. The HSE advised that it was not appropriate for children or teachers to wear or handle a WW2 gas mask unless it could be clearly demonstrated that the particular mask did not contain asbestos.

Since issuing this advice, due to continued pressure from the NEU and JUAC, and following analysis of a number of masks, the HSE has widened and strengthened the scope of its guidance to include all gas masks and the advice is that no gas masks should be worn or handled by children or teachers for the following reasons:

- Analysis showed that the majority of vintage masks did contain asbestos and often the more dangerous crocidolite, or blue, asbestos. Only a minority did not, and it is not possible to say which types or models do, or do not, contain asbestos.
- It is very difficult to decide whether or not a mask contains asbestos from a simple visual examination, and in addition it is likely that some masks will be in very poor condition.
- The Imperial War Museum advise that their policy is to assume any mask, whatever the vintage, contains asbestos as well as potentially other toxic or otherwise hazardous materials, and so should not be worn and only handled if clearly certified as safe to do so.

See full HSE guidance in Asbestos and Gas Masks and in Asbestos in Gas Masks – JUAC Warning.

The HSE has also issued a warning that the majority of the British Army 'Brodie' helmets issued during the First World War, contain chrysotile or white asbestos in the helmet liner. Accordingly, the advice in relation to these items is the same as for gas masks – it is not appropriate for children or teachers to wear or handle any artefacts that potentially contain asbestos. Replica gas masks and Brodie helmets that do not contain asbestos are available as teaching aids.

Consulting employees

When duty holders consider their management plans, they must determine who is going to oversee the processes and how employees are to be consulted and kept informed.



NEU health and safety representatives are entitled under the 1977 Safety Representatives and Safety Committees Regulations to be consulted on matters affecting employees they represent. They, therefore, have the right to be consulted about employers' proposals to undertake work to meet the requirements of the duty to manage and to see any records made in connection with this work or other records relevant to asbestos issues.

DFE/HSE and NEU policy towards asbestos

There are three possible approaches when asbestos material has been identified:

1. Leave the material in place without sealing it and introduce a management system to keep its condition under review.
2. Leave the material in place but seal or enclose it and keep its condition under review.
3. Remove and dispose of the asbestos material.

The DfE has issued guidance to school employers which identifies 1 and 2 as its preferred options where practicable. This is accepted by the HSE as generally adequate to meet the requirements of the law.

NEU policy, however, is that all asbestos should be removed from schools, whenever it is found and whatever its form. There are considerable problems with leaving asbestos in place, even where it is not in poor condition and is effectively sealed. Its presence may not remain clearly identified and this could lead to exposure during later maintenance or repair work. There is experience of this occurring in several schools.

Exposure could occur if teachers were to stick drawing pins into ceilings containing asbestos in order to hang displays. Subsequent exposure could occur if the asbestos is located in an area of high wear and tear or is damaged by vandalism or the activities of pupils.

The NEU will accept sealing or encapsulating of asbestos only as an interim measure in some circumstances prior to removal. The principles of risk assessment require that employers should seek firstly to remove risks rather than to reduce risks or institute protective measures. In all cases where asbestos is identified in a school, the NEU will press the employer to arrange for its complete removal.

Dealing with cases of suspected asbestos

NEU safety representatives should contact their NEU health and safety adviser or NEU regional/Wales office whenever the presence of asbestos is suspected. This is particularly important when the suspected asbestos material is in a poor condition since urgent consideration may need to be given to closing part, or all, of the school. There should be full consultation between the employer, head teacher and all safety representatives. NEU safety representatives should be involved in all such discussions even if the asbestos is found in an area where NEU members do not work, such as the boiler room, since errors in removal might result in asbestos contamination of a far wider area of the school.



First steps: closing off the affected area

Where the presence of asbestos is suspected, the speed of action should be determined by the level of risk which appears to be posed. Dealing with suspected asbestos which is in a poor, flaking condition or which is friable, i.e. easily crumbled, is of greatest urgency. Suspected asbestos which is sealed and less likely to be releasing fibres should still also be promptly investigated.

The first priority is to ensure that nobody continues to work or pass through the affected area. There are two legal provisions which will support employees in withdrawing from areas in which asbestos is suspected.

Section 7 of the Health and Safety at Work etc Act 1974 requires employees to take reasonable care for the health and safety of themselves and others which means that teachers are required to withdraw pupils and themselves from potentially hazardous situations.

Section 28 of the Trade Union Reform and Employment Rights Act 1993 gives workers the right to stop work and leave their place of employment in the case of serious and imminent danger to their health and safety.

Both sections may be cited in support of the right of teachers to withdraw themselves and their pupils from affected areas in schools where asbestos is found. Further agreement should be sought to shut the building concerned or the whole school, if appropriate. The NEU health and safety adviser or NEU regional/Wales office should be fully involved.

Next steps: identification and testing

In many cases, it is not possible to identify asbestos through visual inspection alone. Microscopic analysis by means of bulk sampling is essential. Procedures for the taking of bulk samples should be set out so that the environment and its occupants are protected together with the person undertaking the sampling. Schools should never be requested to send in samples of the suspect material since this might involve accidental exposure to asbestos fibres. Reports of the results of analysis should be made available to the school safety representative and to the NEU health and safety adviser or NEU regional/Wales office.

The risk posed by asbestos is quantified by finding out the amount of asbestos fibres in the environment by means of air sampling tests. Tests at the start of the process to determine the extent of the problem are called reassurance tests; tests at the end of the process to check on the success of removal are called clearance tests.

Air sampling tests are most commonly carried out by phase contrast microscopy using membrane filters. Surface dust disturbance is necessary before the tests in order to disturb the asbestos fibres, which will settle in still air. Tests of this kind should conform to guidance given in HSE Guidance Note EH10 and should be undertaken over a four-hour period, either during normal occupation of the building or in simulated occupational conditions.



Laboratories reporting on the results of air tests should be 'UKAS-accredited' i.e. accredited by the appropriate professional body. Results of air sampling tests should be provided to safety representatives or to the NEU health and safety adviser or NEU regional/Wales office.

The HSE-recommended 'environmental level' for asbestos fibres is 0.01 fibres per millilitre (f/ml). Where this limit is exceeded, the NEU will insist that the area must not be used. Where testing reveals that asbestos is present but at a lower level, members may still have legitimate concerns as there is no known safe threshold for asbestos exposure. For a number of years, the NEU has been campaigning for a much lower, school-specific environmental level which takes into account the increased vulnerability of children to asbestos exposure.

HSE guidance document MDHS 100 Surveying, Sampling and Assessment of Asbestos-containing Materials gives detailed guidance on identification and testing of suspected materials, while HSE guidance note EH10 sets out detailed information on air testing.

Sealing and encapsulation

NEU policy is to seek the complete removal of asbestos materials. Only complete removal will help to ensure health and safety in schools. It must be accepted, however, that priority must be given to the removal of asbestos in poor condition which constitutes the greatest risk to the health of those within its vicinity. In some circumstances, as an interim measure, asbestos may need to be sealed or encapsulated.

It is not possible to give specific guidance on circumstances where the only course to take is the immediate removal of asbestos, as opposed to any intermediate action. Specific advice should be sought from the NEU health and safety adviser or NEU regional/Wales office. In general, however, the following points will be relevant:

- Friability i.e. ease of flaking or crumbling - this affects the likelihood of fibres being released from the material concerned. For example, lagging or sprayed asbestos is more friable than asbestos cement, where the fibres are bonded within the cement, although fibre release is still very possible from the latter.
- Location/accessibility - this is an important factor in schools, since asbestos materials of low friability may nevertheless be located in areas with a high degree of wear and tear or subject to damage by vandalism or the activities of pupils.
- Damage - this should include consideration not only of existing damage but also of the risk of further damage to the suspected material.
- Asbestos content of the material - this might vary from, for example, 50 per cent asbestos content, considered as high, to less than ten per cent in asbestos cement boards.
- Previous treatment - where asbestos has already been treated by, for example, sealing or encapsulation, this may have reduced the risk providing it remains intact.



Some employers use a 'weighting system' which allocates points for factors, such as those above, in order to prioritise the work required. Prioritisation should be agreed between the employer and the union locally.

Proper encapsulation requires such steps as enclosure by hardboard or metal sheeting or by sealing with special paints. Ordinary paints or wallpaper are not adequate. Decisions to seal or encapsulate asbestos should not be made before consultation and agreement. Encapsulation should proceed only where there is no high degree of wear and tear, and the implementation of further safeguards is essential.

Following encapsulation, areas should be clearly identified and a register of location should be kept for future reference and be readily available. Maintenance programmes are needed to ensure that the seals remain in good condition and adequately labelled. A 'permit to work' system will be needed for future maintenance work or alterations to the building.

Removal

Asbestos removal should be undertaken only when the school is not occupied i.e. during holidays, weekends or evenings. Only in exceptional circumstances should removal proceed when the school is in session. In such circumstances the areas where removal is taking place must be either physically separate from the occupied parts of the school or be capable of being sealed off in some other way.

Removal should be undertaken only by contractors who are approved by the local authority, are expert in asbestos stripping procedures and are licensed under the Asbestos (Licensing) Regulations. The contractors are required by these regulations to provide adequate information to persons who may be in the vicinity of the work or who may be affected by the work, while the Control of Asbestos Regulations impose an obligation on employers to provide adequate information and protection to employees affected by the removal of asbestos.

Recording exposure

The NEU believes that all cases of actual or possible asbestos exposure should be recorded by the employer via the occupational health service or some other form of employer register of exposure. Records of exposure need to follow teachers as they move between employers, as well as being retained by the original employer. The register should be open to examination by employees and safety representatives. If exposure is not registered by the employer, then the individuals should ask to have it entered on their GP medical records.

NEU health and safety advisers are seeking to persuade employers to establish such registers, where they do not already exist. Where employers refuse to keep a register, teachers should keep their own records. In fact, even when employers do keep records, it is advisable for teachers to keep their own record. At the end of this document is an NEU Individual Record of Asbestos Exposure form which includes details of all the information on which should be kept.



Similar arrangements should apply in the case of pupils' possible exposure. In many respects children are more at risk. Given their age and the long latency periods associated with asbestos cancers, they are potentially at greater risk of developing an asbestos-related disease later in life.

The NEU believes that employers should adopt a policy of openness in respect of possible asbestos exposure. Experience has shown that an honest assessment of the risks involved is more reassuring than attempts to withhold information in the mistaken belief that it will cause panic.

Campaigning at school level for removal of asbestos

NEU safety representatives can play an important role in making asbestos removal, as opposed to asbestos management, a priority for the whole school community. Asbestos in poor condition needs to be dealt with as a matter of urgency, in accordance with the advice set out above. All asbestos, even that which does not constitute an immediate danger, needs to be removed.

The active support of NEU safety representatives in highlighting the dangers of asbestos and encouraging the involvement of parents, staff and governors will ensure that local authorities realise that pressure to remove is coming from individual school communities, not just from NEU districts/branches.

How can safety representatives help bring the removal of asbestos from their schools?

Seek to persuade the head teacher and governors that they should press the employer for removal rather than management. The following arguments may prove persuasive:

- Removal means that head teachers, governors and premises staff will be relieved, permanently, of the burden of managing the risk, including monitoring the structural condition of the building.
- Removal means that head teachers and governing bodies will no longer run the risk of prosecution by the HSE if poor management leads to asbestos contamination of the school.
- Removal is in the best interests of children, who are more vulnerable in respect of developing body tissues and because they have more years of life ahead of them in which to develop disease.
- Removal will avoid the disruption caused when inadvertent damage to asbestos leads to schools being closed at short notice.
- The alternatives to removal may work better in work places other than schools but the risk of inadvertent exposure caused by vandalism, careless maintenance work or normal day-to-day activities is not worth taking.

Working in consultation with the representatives of other teacher and support staff unions will strengthen the case for removal.

Involve the parents

Petitions and letter writing campaigns may prove helpful. This has to be organised responsibly so as not to cause panic. Most parents will be aware of the dangers of asbestos but will not associate these dangers with schools. They are likely to be



supportive of any measures that will reduce the risk to their child, even if that risk is not necessarily huge.

The NEU has prepared a model letter which parents can send to the head teacher at their child's school to ask whether it contains asbestos. If the head confirms the school does contain asbestos, the letter lists a number of questions about the asbestos management which parents may wish to ask.

Asbestos liability in academies

Until recently academies and free schools found it extremely difficult, if not impossible, to purchase insurance to cover the risk of pupils developing asbestos-related diseases in the future. Although local authorities do not have this cover either, and effectively self-insure, academies, particularly stand-alone or smaller trusts, have fewer financial resources available to meet any future claims so are not in a position to self-insure. The NEU and JUAC therefore argued for a scheme to be set up that would meet any future claims from former pupils. Full details of this scheme can be found [here](#).

The Willmore mesothelioma case mentioned earlier, in which compensation of £240,000 was paid out by Knowsley Council, is a reminder to all employers that, not only may they face future asbestos claims from employees/former employees, but also from former pupils. The effect on an academy's budget of having to pay out compensation at this level could be devastating. Following sustained pressure from the NEU, JUAC and the Asbestos in Schools campaign (AiS), the DfE initiated a centrally-administered insurance scheme that academies can purchase via the DfE.

Government asbestos insurance cover for former pupils

The risk protection arrangement (RPA) provides asbestos risk insurance cover for former pupils and non-employees in academies, free schools, university technical colleges and studio schools. It is currently priced at £20 per pupil per year. In essence the scheme is a central Government fund that will provide insurance cover, including cover that is presently not commercially available. The relevant clause states: "Asbestos liability (third party) legal liability of the academy to pay compensation in respect of death, injury or disease contracted by any third part exposed to asbestos."

Currently, around 65% of academies have opted to join the RPA, therefore, a significant proportion are still uninsured for any future claims from former pupils for exposure to asbestos, but are likely to be ignorant of this fact. JUAC has recommended to the DfE that the RPA is made compulsory.

Getting help from your union

NEU safety representatives should contact the NEU Health & Safety Adviser or NEU Regional/Wales Office whenever problems with asbestos arise, particularly when asbestos in poor condition may be present and closure of all or part of the school may be necessary. NEU health and safety adviser or NEU regional/Wales offices should be involved or consulted during and after the process of asbestos removal.

The below checklist will assist NEU safety representatives in evaluating proposals for asbestos removal before, during and after removal.



Asbestos removal action points for safety representatives

Make sure that:

- an asbestos survey has been carried out in the school and a copy of the survey report provided to you and displayed prominently, for example on the notice board in the staff room.
- the location of any asbestos is known by all staff members and, where appropriate, labelled, a risk assessment undertaken, and staff and contractors instructed to refrain from practices, such as drilling, which could result in the release of fibres.
- appropriate arrangements have been made for management, including removal where possible of asbestos materials.
- if ceilings or walls are known to be made of asbestos insulating board, or if such information is not available, teachers and other staff are instructed not to use pins or staples to mount displays of pupils' work, since this will result in exposure to asbestos fibres.
- you are fully involved, together with your NEU health and safety adviser or NEU Regional/Wales office, whenever any work involving asbestos is planned.



Asbestos: checklist for NEU safety representatives

The following checklist will assist NEU health and safety representatives when problems are encountered with asbestos.

General

1. Has the employer conducted an asbestos survey of the school in order to determine the location and condition of asbestos containing materials, and is it available to you and displayed so that all staff are aware of any asbestos in areas where they work?
2. Has your school received employer guidance on the 'duty to manage'?
3. Is there an agreed procedure on steps to be taken in dealing with problems of suspected asbestos and asbestos removal, and are you aware of its provisions?
4. Does the procedure include:
 - a reporting procedure for suspected asbestos?
 - details of who at employer and school level will be responsible for maintaining an up-to-date record of the location and condition of materials containing asbestos or suspected asbestos which are left in place?
 - a commitment to ensure that employees and contractors are informed about the location and condition of those materials?
 - a commitment to removal of asbestos wherever possible?
 - a commitment to removal of asbestos outside school session times?
 - guidance on avoiding the use of drawing pins and staples to mount displays where walls or ceilings contain asbestos insulating board?

When asbestos is discovered

1. Have pupils and staff left the affected area and has the area been sealed off?
2. Has testing been arranged by means of bulk sampling or air tests to be carried out by a reputable body?

Before encapsulation or removal work

1. Have the employer safety officer (where relevant) and NEU health and safety adviser or NEU regional/Wales office been consulted regarding the plans for encapsulation or removal?
2. Has it been agreed that work will be carried out when the school is not in session?
3. If asbestos is to be removed, is the removal company licensed by the HSE to carry out asbestos removal?
4. Have the employer safety officer and NEU health and safety adviser or NEU regional/Wales office received and agreed to:
 - the company's safety policy and proposed work methods?
 - the company's proposals on location of its decontamination unit, ie dirty and clean changing rooms and shower unit?
 - the company's proposals for environmental monitoring for asbestos contamination?
 - the company's proposals for post-removal analysis and air tests by a reputable body?



During removal work

1. Are the work area and the decontamination area cordoned off and, where necessary, signposted 'Asbestos - Cancer Hazard - Keep Out'?
2. Is the work area sealed up with heavy duty polythene sheeting and taped air-tight? Has it been tested for leaks with a smoke bomb? Is there an air lock at the entrance/exit to the work area?
3. Are the polythene sheets billowing inwards, showing that the work area is under negative air pressure from the exhaust ventilation inside the plastic tent?
4. Do the workers wear transit overalls between the decontamination unit and the work area?
5. Are there monitoring instruments outside the work area checking on asbestos contamination - especially if normal work is continuing? Are monitoring results being given to the client's supervisors and safety reps?
6. Is waste asbestos being removed in double, heavy duty plastic sacks labelled 'Asbestos - Cancer Hazard'; or better still by large-diameter vacuum pipes feeding directly into sealed waste hoppers outside the building? How and where is the asbestos toxic waste being disposed?

After encapsulation or removal work

1. Have 'clearance' air tests been carried out and are the results available to you?
2. Are areas of encapsulated or sealed asbestos conspicuously labelled 'Asbestos - Cancer Hazard' so that employees, pupils and future maintenance workers are warned?
3. Is there a system for continuing to check the safety of all asbestos that is encapsulated or sealed?
4. Has the employer informed all staff about their possible exposure, recorded the possible exposure to asbestos on employees' personal files and advised staff to have the possible exposure recorded on their medical records?

Individual record of asbestos exposure

The NEU's view is that all members should be told about the location of asbestos in their schools and should keep a record of any exposure to asbestos of which they are aware. This information would be valuable in the event of the development of mesothelioma, an incurable cancer which is specifically linked to cumulative low level asbestos exposure. In such unfortunate circumstances, a record of past exposure could help the NEU to pursue a claim for compensation against the responsible party.

Please fill in the below form with as much detail as you can. Use more than one form if you need to. Send a copy to the personnel/human resources department of each employer that you believe may have exposed you to asbestos and request a written statement confirming that your name has been added to the employer's At Risk register. In addition, it is of great importance that you carefully file your own copy at home in case the employer's copy goes astray.

Please do not worry that just because you worked in a school containing asbestos you are likely to develop mesothelioma. Many schools do unfortunately contain asbestos but



mesothelioma, although it is a growing problem, is still rare among teachers. Asbestos can be present in a school without fibres being released.

Keeping a record of exposure is simply a way of ensuring that, in the worst case scenario, the NEU would be better able to bring the responsible employer to account. It is also extremely important to report any exposure to your GP so that details can be included in your medical record.

Life Assurance

The NEU has been advised by Teachers Assurance that they would not expect to receive a copy of the completed NEU form and that they believe other insurers would take the same view.

If you have sought medical advice in respect of asbestos exposure, ie if you have answered 'yes' to question 11 on the form because you have suffered an asbestos disease, you would need to disclose this to your insurer when applying for life cover. The fact that a school contains asbestos or that an incident involving release of fibres has occurred would not, however, need to be reported either at the time of applying for a policy, or subsequently. This advice has been prepared based on guidance from Teachers Assurance who believe that their approach would be shared by other life insurers. NEU members may wish to check with their own life assurer that this is indeed the case.



ASBESTOS EXPOSURE FORM

1. Your name:
 2. Your home address:
 3. Your NEU membership number:
 4. Your home telephone number:
 5. Your National Insurance number:
 6. Your mobile telephone number:
7. Please list the schools you have worked in during your teaching career.

Name of school	Name of employer	Dates of employment	To the best of your knowledge, does it contain asbestos?



8. If you have listed a school(s) in question 7 which you believe contain asbestos, please describe below any specific incidents or ongoing problems which have occurred in the particular school(s) which may have led you to be exposed to asbestos fibres. Poorly planned construction or maintenance work can sometimes be responsible, as can general deterioration in the fabric of the building. Sticking drawing pins into ceilings or walls containing asbestos can also result in exposure. If you have any press reports or photographs relating to particular incidents, append these to this form.

Name of school	Brief description of how you may have been exposed to asbestos.	When did this happen?

9. Please list the details of any colleagues who can confirm the incidents described in question 8.

Name	School	Home address



10. Do you recall any asbestos exposure, or suspicion that exposure may have taken place, other than when you have been working as a teacher? If so please describe.

Name of employer	Dates employed	Description of how exposure occurred and when

11. Have you been told that you are suffering from an asbestos-related disease?
YES / NO

12. If so, which one?

13. Have you ever previously sought legal advice from a solicitor or another trade union in connection with asbestos exposure?
If so, please give the name(s) and address(es) of the organisations involved.

I confirm that the content of this statement is correct to the best of my knowledge.

Signed:

Date:.....

Please keep the form in a safe place and send a copy to your current and past employers, requesting confirmation that it has been received and that the details have been added to the employer's own register.