

Petitions Committee

Meeting Venue:
Committee Room 1 – Senedd

Meeting date:
12 May 2015

Meeting time:
09.00

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



For further information please contact:

Steve George
Committee Clerk
0300 200 6565
SeneddPetitions@assembly.wales

Kayleigh Driscoll
Deputy Committee Clerk
0300 200 6565
SeneddPetitions@assembly.wales

Agenda

MeetingTitle

1 Introduction, apologies and substitutions

2 New petitions

- 2.1 P-04-630 Facebook Regulations for Looked After Children (Pages 1 – 7)
- 2.2 P-04-631 Save Our Service- Large Animal Rescue in North Wales (Pages 8 – 14)
- 2.3 P-04-632 Mynyddoedd Pawb (Pages 15 – 20)
- 2.4 P-04-633 To Raise Awareness of the Poor Broadband in Our Area (Pages 21 – 23)

3 Updates to previous petitions

Health and Social Services

- 3.1 P-03-236 The Charter for Grandchildren (Pages 24 – 26)
- 3.2 P-04-587 A Dedicated Support Team for Myalgic Encephalomyelitis (M.E.), Chronic Fatigue Syndrome & Fibromyalgia Sufferers in South East Wales (Pages 27 – 29)

Communities and Tackling Poverty

- 3.3 P-04-363 Town Centre Improvement Scheme for Fishguard (Pages 30 – 31)

Education and Skills

- 3.4 P-04-522 Asbestos in Schools (Pages 32 – 89)
- 3.5 P-04-581 Opposition to Cuts in Provision for Learners of English as an Additional Language (Pages 90 – 96)
- 3.6 P-04-615 A Fair Student Loan Payment in the Final Year of Training (Pages 97 – 98)

Natural Resources

- 3.7 P-04-537 Planting Trees to Reduce Flooding (Pages 99 – 101)
- 3.8 P-04-544 Ban the Shooting of Greenland White-fronted Geese (Pages 102 – 106)

Culture, Sport and Tourism

- 3.9 P-04-539 Save Cardiff Coal Exchange (Pages 107 – 128)
- 3.10 P-04-617 Stop the Wholesale Hiving off of Public Libraries to the Voluntary Sector (Pages 129 – 132)

Economy, Science and Transport

- 3.11 P-04-578 Noise Mitigation Works on the M4 to the West of Junction 32 (Pages 133 – 135)
- 3.12 P-04-609 Support Small Businesses – Support our High Streets (Pages 136 – 138)
- 3.13 P-04-614 Support the Arriva Trains Wales First Class Service (Pages 139 – 140)
- 3.14 P-04-459 A Direct Rail Connection from Cardiff Airport to Cardiff Central and West Wales (Pages 141 – 142)
- 3.15 P-04-416 North-South Rail Services (Pages 143 – 144)

4 Correspondence (Page 145)

Paper to Note:

Chair of Health and Social Services Committee to the Chair

Document is Restricted

Agenda Item 2.1

P-04-630 Facebook Regulations for Looked after Children

Petition wording

We call upon the National Assembly for Wales to urge the Welsh Government:

To update the "IRO Handbook: Statutory guidance for independent reviewing officers and local authorities on their functions in relation to case management and review for looked after children" to prevent children under the age of 13 being set up with Facebook accounts;

That concerns relating to social media be discussed as part of the Statutory Review;

That reporting provisions be made to the Welsh Government;

That the current guidance that "computer use should be monitored from time to time" be upgraded to a statutory requirement on (at least) a weekly basis.

Additional Information

When individuals set up Facebook accounts, they are asked to certify that they are 13 or over by entering a date of birth. If the date of birth shows them to be younger they are prevented from continuing.

Concerns have been raised by David Cameron, NSPCC, Police and other organisations relating to underage children accessing Facebook.

Despite the above local authorities are knowingly allowing vulnerable children as young as 9 to be set up on Facebook and access other social media

- age falsified
- privacy settings are not set
- children posting contact details

- advertising whereabouts
- sexting
- friends are not age appropriate or known by the carers/family
- Like status friends and 1,000's of followers can result in postings of a crude/sexual nature

Risks

- Fake profiles
- Illegal/harmful content or advice
- Bullying, stalking, internet grooming, content sharing
- Information privacy – personal data collection from children
- Marketing of illegal and age restricted products, gambling, dating, food and drinks.

Lead petitioner: Christine Williams

First considered by the Committee:

Number of signatures: 11

Mark Drakeford AC / AM
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-630
Ein cyf/Our ref MD/01205/15

William Powell AM
Assembly Member for Mid and West Wales
Chair - Petitions Committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

committeebusiness@Wales.gsi.gov.uk

22 April 2015

Dear William,

Thank you for your letter dated 7 April providing details of a petition the Committee has received regarding possible Facebook regulations for looked after children. I am responding as my portfolio includes responsibility for looked after children.

I appreciate you seeking my views prior to raising this with the Committee.

There are clear and obvious benefits of computer and internet use among children. Digital literacy is now vital in this modern age. But I recognise with these benefits come risks for all children.

Many parents and carers struggle to understand or keep up with rapidly changing technology and feel daunted by the potential internet risks. The Welsh Government understands these concerns and in response is focussed on supporting and enabling parents and carers to encourage safe and responsible use of the internet and raise awareness of the risks such as bullying and grooming. As corporate parents foster carers, social workers and others responsible for the care of looked after children have a duty to act as a responsible and conscientious parent.

We have created a dedicated e-safety area on our digital learning hub 'Hwb' which provides resources, advice and guidance for the children and young people themselves and, those who work with or care for them such as teachers, parents and carers.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

English Enquiry Line 0300 0603300
Llinell Ymholiadau Cymraeg 0300 0604400
Correspondence: Mark.Drakeford@wales.gsi.gov.uk

Wedi'i argraffu ar bapur wedi'i ailgylchuro (Recycled Paper) Page 27

Printed on 100% recycled paper

We are also working with the South West Grid for Learning to raise awareness of e-safety. Through training and the provision of advice and resources we are supporting schools in developing e-safety policy documents which consider all current and relevant issues, in a whole school context, and link with other relevant policies in place such as those relating to safeguarding, behaviour and anti-bullying. More recently the Welsh Government supported local authorities and schools in the promotion of safer internet day. Held on 10 February the event focused on safe and responsible use of online technology and mobile phones.

Furthermore the all-Wales Child Protection Procedures Review Group has developed and is currently reviewing guidance for professionals who work with children and young people who may be at risk of or experiencing abuse via digital channels. You will wish to note looked after children are referred to specifically.

You will also be aware of the broader actions we are taking forward to improve the delivery of care and support in Wales through the new Social Services and Well-being (Wales) Act 2014. We have already consulted on the first set of draft regulations and codes of practice which covered amongst other themes safeguarding. Next month we will launch the consultation on the next set of draft regulations and codes of practice. This will include Part 6 of the Act concerned with looked after and accommodated children.

I look forward to hearing what the Petitions Committee conclude in due course.

Best wishes,

Mark

Mark Drakeford AC / AM

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

P-04-630 Facebook Regulations for Looked After Children – Correspondence from the Petitioner to the Committee, 06.05.15

Response to letter from Minister for Health and Social Services

Although I appreciate the benefits of computers and internet use amongst children and that digital literacy is vital there are a large number of organisations raising concerns about Facebook and other social media risks.

The UK Council for Child Internet Safety gives a comprehensive list of the dangers/risks faced by children but the “Good Practice Guidance for the providers of social networking and other user-interactive services” like other guidance is not legally binding.

When individuals set up Facebook accounts, they are asked to certify that they are 13 or over by entering a date of birth. If the date of birth shows them to be younger they are prevented from continuing.

Facebook maintain added protections and security settings for teens (age 13-17) that ensure their timelines and posts don't show up in public search results

On 26 April 2012 BBC News reported that the UK Children's Minister Tim Loughton had said that “Parents are helping their children to set up under-age profiles on social networking site Facebook”

The Local Authority as corporate parents, foster carers, social workers and others responsible for the care of looked after children have a duty to act as a responsible and conscientious parent but they are knowingly allowing vulnerable children as young as 9 to be set up on Facebook and access other social media.

Since 2009 concerns relating to a 9 years old child were raised verbally and in writing with the Local Authority, Social Services and with the Independent Reviewing Officer at Statutory six monthly Reviews.

Failure to address concerns is not acceptable.

In 2013 a fully documented folder was sent to the Local Authority which included details of (one of the child's friends) a 34 year old faceless man posing as a 17 year old, who was arrested, jailed for 2½ years and was to be registered with the Police as a sex offender for life

It is of considerable concern that because the child's age had been falsified that this man could have been talking to a 9 years old child.

2013 the account was deactivated/deleted.

2013 to 2015 the child now a teenager has two other accounts – one of which again shows the child to be 5 years older than actual age which means that the child's

timelines and posts would show up on public search results and would be eligible to receive adult material.

I note that consultation on the first set of draft regulations and codes of practice has taken place and that consultation of the next set of draft regulations and codes of practice will take place in May which will include Part 6 of the Social Services and Well-being (Wales) Act concerned with looked after and accommodated children.

I hope that the Petitions Committee and Minister will consider that the concerns raised in the e-Petition are valid child protection issues and will take on board my concerns and put in place regulations and/or update the "IRO Handbook: Statutory Guidance for Independent Reviewing Officers and Local Authorities on their functions in relation to case management and review for looked after children"

Christine Williams
5 May 2015

P-04-630 Facebook Regulations for Looked After Children – Correspondence from the Petitioner to the Committee, 22.04.15

Dear Kathryn

Thank you for setting up the meeting which took place on 21 April 2015 in Colwyn Bay via video link. Could you please thank the Panel for listening to my concerns.

As promised below you will find the UKCCIS links

Policies and Minutes of meetings

[UK Council for Child Internet Safety \(UKCCIS\) – Groups – GOV.UK](#)

“Good practice guidance for the providers of social networking and other under-interactive services”

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251456/industry_guidance_social_networking.pdf

News

[News – Safer Internet Centre](#)

Agenda Item 2.2

P-04-631 Save our service- Large Animal Rescue in North Wales

Petition wording

This is a call for action. We the undersigned want the National Assembly for Wales to urge the Welsh Government to intervene to prevent North Wales Fire and Rescue stopping their large animal rescue service. We believe that stopping this service will put animals at risk and have a negative impact on welfare in North Wales. There is also a human risk element as people will put themselves in situations of danger to help rescue animals if there is not a service to help them.

Large animal rescue is a highly specialised service and requires extensive training and equipment which cannot be provided by any other organisation at present. We ask that the decision is reversed and additional funding is given to enable this or other sustainable funding models are put in place. Thank you.

Additional Information

Concerns:

- More animals will be put down due to being unable to 'rescue' them (North Wales Fire and Rescue have had sixty calls in two years)
- People will try and be a hero- this decision puts people at risk, no knowledge of physical effect of mental anxiety- the release reaction.

Who will help now?

RSPCA have neither the equipment/ training or manpower. Lots of training such as that done by Hampshire has been lessons learnt from previous rescues. RSPCA don't have that. Man power- 9 officers in North Wales some of which are part time.

Vets receive no training other than specialist courses– many vets won't have attended

Why Fire service need to be involved:

- Trained– knowledge of stimulation versus restraint/sedation and how animals react to trauma
- Developed national good practice and protocol 2007
- Have roles identified
- Incident command
- Risk assessments

Hampshire Fire Service are leaders in the field of Large Animal Rescue, they state on website: Large animal rescue is recognised as one of the most dangerous activities a firefighter will be engaged in and so specialised training and equipment is essential

From a lecture given by one of their staff:

- Lack of knowledge leads to dangerous situations for animal and rescuers
- Horse/large animal rescue variety of challenges
brain/history/anxiety/owner
- Large animal should be considered– hazardous material

Cost of this service is around £8,000/£9,000 per year.

Lead petitioner: Sabina Dunkling

First considered by the Committee:

Number of signatures: 1,394 online signatures

Leighton Andrews AC / AM
Y Gweinidog Gwasanaethau Cyhoeddus
Minister for Public Services



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-631
Ein cyf/Our ref LA -/00304/15

William Powell AM
Chair, Petitions Committee
National Assembly for Wales
Tŷ Hywel
Cardiff Bay
Cardiff
CF99 1NA

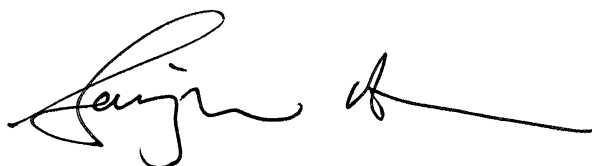
SeneddPetitions@assembly.wales

9 April 2015

Dear William,

Thank you for your letter received on 1 April regarding a petition from Sabina Dunkling, calling on the National Assembly for Wales to urge the Welsh Government to intervene over the decision of North Wales Fire and Rescue Authority (NWFRA) to stop providing services to rescue large animals.

I have noted the concerns. However, this is a decision for NWFRA alone to take and justify. Fire and Rescue Authorities are not legally obliged to provide animal rescue services. I have no power to overturn NWFRA's decision or to direct it to provide services beyond its statutory remit. Therefore, I cannot take any action on this matter.

Yours sincerely,


Leighton Andrews AC / AM
Y Gweinidog Gwasanaethau Cyhoeddus
Minister for Public Services

Date:06/05/15

Response to the Petitions committee and Leighton Andrews's correspondence.

This campaign and the subsequent petition were formed in response to the decision made by North Wales Fire Authority to cut large animal rescue services in North Wales. The aim of the campaign was the urgent restoration of this vital service to our community.

North Wales Fire and Rescue Service (NWF&RS) suspended their Large Animal Rescue unit on 1st April 2015, purely due to budgetary constraints. As a campaign we have also contacted our councillors and AM's as well as the ministers with a portfolio related to this service. We have had various responses and reasoning as to why this service was cut and why it is no longer needed. I will address these as best I can.

In direct response to Leighton Andrews whilst Large Animal Rescue is not a statutory responsibility of the Fire & Rescue Service, the savings achieved by this measure are anticipated to be around £9,000/pa, a tiny sum in terms of the overall budget. I appreciate that Mr Andrews cannot **'instruct NWFR to undertake a non -statutory service'** I feel he must take some responsibility as budget cuts area direct cause of this decision and to quote from Simon Smiths response (Chief Officer of NWFR) *"An additional difficulty was the decision made by the Minister for Public Services to reduce the community fire safety revenue grant to Welsh fire authorities for 2015/16 by 52% (approximately £250K in our case), bringing added pressure on the Authority's revenue budget in a statutory area"* . Therefore in relation to a 250k cut in budget a saving of 8/9,000 really is a minimal saving. However, whilst the money saved by ceasing the Large Animal Rescue service is negligible, the loss to the community– is far from negligible. Stopping the service also causes great risk to the public purse through the potential (and increased likelihood) of injury to a human through trying to affect their own rescue. My last point is that as other Fire and Rescue services in neighbouring counties have been increasing their training and equipment for large animal rescue (for example Shropshire) there must be an identified need, a high community value placed on this service and as other areas face similar budget cuts there must be a way to make this service sustainable. There is no other organisation who can undertake large animal rescue in the way Fire and rescue services can– therefore I feel it should be considered developing it as a statutory service. RSPCA and vets have been cited as potentially able to take over the service. This is impossible, a vet's role in a rescue is to assess viability, make the animal safe to handle through sedation and pain relief and to deal with injuries once rescued. The RSPCA has not got the man power, equipment or the training to affect rescues on their own. Their role in a rescue is normally animal handling only.

When this decision was announced in local media the general public were advised to **take extra precautions to keep their animals safe**. There are many horses and cattle in this area, which, despite the best efforts of their owners, occasionally get into predicaments that require specialised rescue techniques, equipment, and heavy lifting machinery. For example, nobody can know when a cattle or horse lorry might be involved in a collision on the A55, or a ridden horse take fright at something and slip into a ditch. With all the care and precautions taken accidents will still happen.

Without a professional, properly equipped rescue service, some animals will be irreparably injured during amateur rescue attempts, and others will have to be destroyed in situ, if it is thought impossible to remove them intact without cutting and/or lifting equipment. This is an ethical tragedy

given that the animal may be basically uninjured. It is also worth noting that some of these animals are valuable and often insured. This has not been investigated as a way to make the service sustainable either through owners paying when using the service or engagement with insurance companies to see if this was a viable cover option. The cost of the service in relation to rescue numbers means that each rescue is an average of £300. Most owners would be more than willing to pay for this service (and those that don't have the option of humane euthanasia)

The owner's responsibility to their animals under the animal welfare act has been cited as a reason not to need a service '**as the owner is responsible for the animal**'. The failure of the Local Authority to provide a Large Animal Rescue Service (via the FRS) makes it impossible for the owner/keeper of the animal to meet their legal obligations under the Animal Welfare Act - an Act where Wales proudly led the way, implementing it before the rest of the UK.

The Animal Welfare Act 2006 states:

(1) **A person commits an offence if he does not take such steps as are reasonable** in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the **extent required by good practice**.

One need is identified as-

(e) Its need to be protected from pain, suffering, injury and disease.

Large animals can be involved in incidents that they require rescuing from (by a specialised service) despite responsible owners practising good animal husbandry: whilst the owner has responsibility to keep animal safe, accidents can and do happen. **There is no expectation within the legislation for an owner to be able to rescue a stricken animal themselves- Just to take steps as are reasonable in the circumstances**. An example of this is with an diseased animal – it would be **reasonable** to expect an owner to call a vet, it would not be expected for the owner to be knowledgeable enough or have access to appropriate medication themselves to treat the animal without support from a professional, trained body.

We appreciate budgetary constraints are very real, but there seems to have been no serious consideration of other alternatives, such as providing the service but charging for it – a model well established within Local Authority matters, e.g. charging for pest control visits. Or even training other bodies to the same skill level in order to have planned handover. I feel the decision was brought about too quickly, with poor consultation and planning with no consideration for contingency. Prior to its suspension, the unit was being called out approximately 30 times a year: this is not an infrequent event across North Wales.

Human risk, this is what it comes down to and why our campaign was started. Whilst the public are advised to '**stay safe and not try to rescue animals**' it is inevitable they will. There can be no doubt that not only the stricken animal's owner, but also members of the public, will try to rescue animals if there is no other assistance to be had. The British are famously regarded as a nation of animal lovers and many people will react illogically (and with no regard to their personal safety) if they see a domestic animal in trouble: consider how regularly one reads reports of dog owners drowning after jumping into rivers after their pets.

These are untrained people with little to no equipment including safety equipment. Most members of the public will not have dealt with an animal in trauma and have no concept of how dangerous and unpredictable they can be. These animals can weigh in excess of 500kg, and in a rescue situation the risk of untrained individuals being kicked, crushed or trampled is extremely high. A large animal in this kind of situation can quickly escalate into a dangerous animal, Jim Green (of Hampshire Fire and Rescue Service and an expert on large animal rescue) states in his presentation to International conference on large animal rescue that **'a large animal must be considered hazardous material'**.

I believe that if the North Wales Large Animal Rescue Service is not reinstated as a matter of urgency, the cost to the public purse will be far greater than the paltry predicated saving of £9000/year, largely because the resultant human injuries will be expensive for the NHS to treat.

Finally, the legal advice we have sought makes clear that there would be **adverse and expensive consequences for North Wales Fire & Rescue Service under European Law regarding the 'Right to Life' provisions, should an owner or bystander be killed trying to affect a rescue where a public sector agency has withdrawn essential assistance.**

The legal advice we have obtained states:

Under Article 2 of the European Convention on Human Rights (enshrined in our Human Rights Act 1998) there is a duty to protect life. There are two components – a systemic duty, which would include having proper systems of work, and an operational duty, where the agency knows, or ought to know, of a 'real and immediate' risk to human life.

Reasonable measure must be taken to prevent a risk materialising. The test of 'reasonableness' takes into account the specific circumstances of the case, the unpredictability of human conduct, the ease or difficulty of taking precautions and the resources available.

There would be an arguable breach of duty if the risk to life was an obvious foreseeable consequence of an animal getting into difficulties and no reasonable measures were taken to prevent that risk.

Quite apart from the potential for civil liability, it is probable that the scope of any inquest into a death arising from an animal rescue would be widened to include an investigation into the impact of the decision to withdraw the service. It would be open to the coroner to make adverse findings if the death was found to have been preventable.

The coroner now has a statutory obligation under the Coroners and Justice Act 2009 to make a formal report on action to prevent future deaths, if in his or her opinion there is a risk that other deaths will occur. This in turn creates a statutory obligation on the person who has the power to take such action to respond within a certain time, providing details of any proposed action.

Reinstating the service (potentially on the orders of the Coroner) after it has lapsed for months or years would be far more costly than to keep it running and working regularly, where skills are maintained by doing the job.

Given the potential for human injury/death, animal welfare implications and deaths, massive bills to the NHS *and* a serious litigation risk to the North Wales Fire & Rescue Service - all of which could be

avoided for under £10k per year. I therefore close with the request that the Welsh Government firstly applies funding or another sustainable self-funding model to allow this service to be reinstated and secondly considering all of the issues outlined that the non-statutory nature of the service be reviewed.

Agenda Item 2.3

P-04-632 Mynyddoedd Pawb

Petition wording

We call on the National Assembly for Wales to encourage the Welsh Government to persuade bodies and organisations to protect and respect our wealth of place names in order to:

1) stimulate respect and interest in the Welsh language and to secure and increase the use of it.

2) increase the sense of identity among local communities by sharing the wealth of our cultural heritage with others.

3) engage the interest and awareness of visitors of the richness of our local heritage and thereby bring educational and economic benefits to areas.

This could be achieved through:

- working with outdoor centres in order to raise their awareness of traditional indigenous place names, and in order to support them to use Welsh place names in their day to day work.

- highlight the richness of our place names in terms of our cultural heritage, and what they can communicate through the teaching of history, geography, mythology and historical land use in our country.

- persuade the Welsh Government to bring traditional and long standing place names under planning control.

(A written petition is running concurrently.)

Additional Information

We are of the view that that awareness should be raised of the importance of protection of Welsh place names, and that institutions and voluntary associations at local, regional and national levels have a key role in this.

Also, schools should ensure that children and young people have the opportunity to appreciate the richness of Welsh place names as part of their national heritage.

We believe that place names and the heritage and history associated with them, should be an integral part of environmental studies courses in further and higher education and outdoor pursuits courses run by other bodies. Training organisations, centres and clubs involved in mountaineering and outdoor activities should be encouraged to use Welsh place names.

We ask the National Assembly to stress the importance of all this to the Welsh Government, so that they can persuade local authorities, Natural Resources Wales, the National Trust, the National Park Authorities and other bodies in the statutory, voluntary, public and private sectors to take appropriate steps to safeguard Welsh place names.

Lead petitioner: Mynyddoedd Pawb

First considered by the Committee:

Number of signatures: 668

Ken Skates AC / AM
Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth
Deputy Minister for Culture, Sport and Tourism



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-632
Ein cyf/Our ref KS/00450/15

William Powell AM
Chair - Petitions Committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

SeneddPetitions@Assembly.Wales

22 April 2015

Dear William Powell AM,

Thank you for your letter received on 10 April regarding petition P-04-632 from Mynyddoedd Pawb regarding the protection of Welsh-language place-names.

I read the petition with interest. Indigenous Welsh-language place-names and Welsh-language names for geographic features are an important part of our history and culture and are valuable as evidence of past land-use and culture that can deepen our understanding and appreciation of historic places and sites.

To provide some context, the Welsh Government does not have direct responsibility for place-names or for the names of geographic features in Wales. Various public bodies, including local authorities and national park authorities, have a role in determining the official form and spelling of place-names and the names of geographic features in both languages. I note that the petition refers to the planning system in Wales, but I do not have responsibility for this within my portfolio and I understand there is a separate petition on this aspect.

The Welsh Language Commissioner provides advice on the standard forms of Welsh-language place-names in Wales. I should emphasise, however, that no public body has the power to enforce the use of one form of a name by others.

There are, however, other ways of encouraging respect and protection of Welsh-language place names. For example, the Royal Commission on the Ancient and Historical Monuments of Wales is jointly running Cymru 1900 Wales.org which asks for volunteers to record all the place-names of Wales as they appeared on Ordnance Survey maps at the end of the Victorian period. This is a ground-breaking, crowd-sourcing project which has been developed jointly by the Royal Commission, the National Library of Wales, the University of Wales and the People's Collection Wales. This new initiative will hopefully pave the way for further collaborative research and online volunteering projects in the future which will help address the concerns that lie behind this petition.

Yours ever,

A handwritten signature in black ink, appearing to read 'Ken Skates', written in a cursive style.

Ken Skates AC / AM

Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth
Deputy Minister for Culture, Sport and Tourism

**Presentation of Mynyddoedd Pawb (Everyone's Mountains) Petition
(P-04-632)
6 May 2015**

Observations following correspondence between the Chair of the Petitions Committee and the Deputy Minister for Culture, Sport and Tourism

1. We ask that the Minister for **Culture, Sport and Tourism**, the Minister with responsibility for **Education**, the Minister with responsibility for **Natural Resources and Planning**, and the First Minister, who has responsibility for the **Welsh language**, give consideration to the aims of the petition. To achieve our petition's aims, listed below, co-operation between each of the departments named above is essential.
2. **Stimulate respect and interest in the Welsh language and to secure and increase the use of it and its growth.** The richness of our place names needs to be celebrated by bringing our cultural heritage to life for everyone. With the aid of the latest technology, which advances daily, everybody can become acquainted with the richness of the Welsh language via the names in our landscape. This could attract Welsh speakers, those who have an interest in the language, and those are learning it. It is also an opportunity to go a step further by introducing **contemporary Welsh-language culture** to a wider audience.
3. **Increase the sense of identity among local communities by sharing the wealth of our cultural heritage with others.** Organisations in the statutory, public and voluntary sectors need to conserve and take pride in the unseen aspects of our cultural heritage as well as the visible ones. Doing so would introduce an interesting element of diversity to the environmental perspective of local people and visitors.
4. **Engage the interest and awareness of visitors of the richness of our local heritage and thereby bring educational and economic benefits to areas.** School-based education should ensure that children and young people have an opportunity to appreciate the richness of Welsh place names as a part of their heritage, and this can be achieved by educating them in the history, geography, mythology and historical use of our nation's land. We also believe that place names, and their associated heritage and history, should be an integral part of environmental studies courses in further education and higher education, and an integral part of outdoor pursuits courses run by other bodies. Similarly, work should be done with outdoor

centres in order to raise their awareness of the richness of traditional, indigenous place names, and in order to support their use of Welsh place names in their day-to-day work.

We ask that National Assembly emphasise the importance of all this to the appropriate ministers in the Welsh Government, so that they can persuade local authorities, Natural Resources Wales, the National trust, and National Park Authorities, along with other organisations in the statutory, public, voluntary and private sectors to take these appropriate and far-reaching steps to safeguard and celebrate our national heritage through the medium of Welsh place names in our landscape.

Agenda Item 2.4

P-04-633 To Raise Awareness of the Poor Broadband in Our Area

Petition wording:

Superfast Cymru is coming to the Maerdy Exchange but will we get an improved service? Some locations will not benefit at all because they are too far from the cab and the cable is aluminium which does not conduct broadband properly. The real answer is a cab in the village. Please sign to support this petition.

Petition raised by: Geraint and Jane Evans

Date petition first considered by Committee: TBC

Number of signatures: 60 – Paper Petition

Julie James AC / AM
Y Dirprwy Weinidog Sgiliau a Thechnoleg
Deputy Minister for Skills and Technology



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-633
Ein cyf/Our ref JJ/00269/15

William Powell AM
Chair - Petitions Committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

committeebusiness@Wales.gsi.gov.uk

16 April 2015

Dear William,

Thank you for your letter of 8 April regarding the Superfast Cymru roll-out in the Maerdy area in relation to the petition to raise awareness of poor broadband.

My officials have checked postcodes within the LL21 area and have found that premises are scheduled for roll-out as a result of the Superfast Cymru programme. The list of postcodes (known as schedule 4) which are within the programme's intervention area can be accessed via the Welsh Government website. The petitioners can use this list to check whether their specific postcode is included via the following link:

<http://wales.gov.uk/docs//decisions/2013/business/140523dlbus363doc3.pdf>

The roll-out of the Superfast Cymru programme is based on delivering contracted speeds rather than the use of particular technologies and we employ the most appropriate solution to deliver these speeds. Where we are unable to provide a superfast speeds as part of the Superfast Cymru programme we intend to deliver a new project to bring superfast broadband to those areas. The new project will be delivered in two phases. Both will bring superfast broadband to areas not currently scheduled to receive it. The second phase will also specifically include those properties that were originally included under Superfast Cymru but which we were not able to complete within the main project. This phase will commence once the main Superfast Cymru roll-out has been completed.

We are currently in the procurement stage for phase one of the project. The procurement exercise for phase one commenced earlier this year, with a view to awarding a contract later this spring. It is anticipated that phase 1 will complete in line with the Superfast Cymru roll-out programme.

As an interim measure, residents in the area may be eligible for support under the Access Broadband Cymru scheme. This scheme complements the roll-out of the Superfast Cymru programme by providing those that cannot achieve broadband speeds of greater than 2Mbps, a grant up of to £900 with applicants making a ten per cent financial contribution which is in line with the cost of connection fees across the industry. The purpose of the ABC grant scheme is to help support you to obtain a broadband connection using the most appropriate technology. Further detail on this scheme is available via the Welsh Government website, including information on the eligibility criteria and application form: <http://wales.gov.uk/topics/businessandconomy/broadbandandict/broadband/abc/?lang=en> Alternatively, the petitioners that fit the criteria may contact my official Glenn Preece, the grant manager on 0300 025 8887.

Yours sincerely



Julie James AC / AM

Y Dirprwy Weinidog Sgiliau a Thechnoleg
Deputy Minister for Skills and Technology

Agenda Item 3.1

P-03-236 The Charter for Grandchildren

Petition wording

We call upon the National Assembly of Wales to urge the Welsh Government to adopt The Charter for Grandchildren and to make the Charter mandatory for professional workers who are employed in the welfare of children.

Petition raised by: Grandparents Apart Wales

Number of signatures: 19

First considered by Committee: October 2009

P-03-236 The Charter for Grandchildren – Correspondence from the Petitioner to the Committee, 27.04.15

Frank Bradfield

Petitions Committee
National Assembly of Wales

27th April 2015

Dear William

Petition: P-04-236

It is good to hear from you again in your capacity as chair of the Petitions Committee. My position in relation to a Charter for Grandchildren has never changed but as the years roll by I have been more and more involved with mums and dads who have been alienated from their children.

I have spoken to Gwilym Roberts the Chief Executive of RELATE and he supports the idea of a voluntary Charter for Children that could be seen as a code of conduct for parents and children's agencies to adopt and follow.

I agree with the politicians, many of whom come from a legal back ground, that vast strides have been made in Family Law since 2009 when a Charter for Grandchildren was first petitioned and although these changes in the law are to be welcomed, they are not achieving what we, who live in Wales wish for society and the children who suffer the consequences of being alienated from their parents and grandparents.

The answer to this is quite simple and it is that children should be able to access both parents, a point on which all politicians agree before they muddy the waters with what ifs' and it is the what ifs' that has held real progress back.

Children need a pathway which simply outlines their rights, such as, and I quote from the Charter.

“When we have **difficulties or problems** we expect you to, **Get to know us, Speak with us, Listen to us, Take us seriously, Involve us, Respect our privacy, Be responsible for us, Think about our lives as a whole, Think carefully how you use information about us, Put us in touch with the right people, Use your power to help, Make things happen when they should, Help us be safe.**”

The above was the 13 statements derived from a consultation process with children and young people and one wonders why it was not adopted since it was obviously what the children wished, and I suggest and hope we continue to argue the case for such a charter to protect our children.

We in the group FNF- Both Parents Matter Cymru – Llandudno are enjoying success in the family courts and have even had one case heard by the Court of Appeal in London, so our persuasive ways

are bringing success to many parents and grandparents but that does not detract from the need of a code of conduct respected by all for the sole paramount interest of protecting children so that they have access to the people they love mainly their mums, dads and grandparents.

To deny children this right has a detrimental effect on children which is apparent in the behaviour patterns of some children which we are looking into that at the moment.

William, I thank you and your committee for writing me, and my commitment for a charter for children or grandchildren is still as strong as ever and may I add in case your members are aware that I was denied access to my own granddaughter for a year. My 11 year old granddaughter sorted the situation out herself with the social services and she has lived with us for over four years now.

Many thanks and Best wishes

A handwritten signature in black ink, appearing to read 'Bradfield', with a stylized flourish underneath.

Frank Bradfield

Agenda Item 3.2

P-04- 587 A Dedicated Support Team for Myalgic Encephalomyelitis (M.E.), Chronic Fatigue Syndrome & Fibromyalgia Sufferers in South East Wales

Petition Wording

We call upon the National Assembly for Wales to urge the Welsh Government to ensure that a dedicated Consultant/Clinic and medical support team for Myalgic Encephalomyelitis (M.E.), Chronic Fatigue Syndrome & Fibromyalgia sufferers is set up in South East Wales. I request that this petition be treated as an official voice of M.E. sufferers, their families, carers and interested parties.

Currently, sufferers of the above ailments are not being supported, with a few exceptions, by the medical profession. They are unable to work but the government bodies assessing them do not appear to understand their problems. This is the basis for this petition.

Petition raised by: M.E.S.I.G. (M.E Support in Glamorgan)

Date Petition first considered by Committee: 23 September 2014

Number of signatures: 368 electronic signatures and 826 paper signatures.
1,196

Mark Drakeford AC / AM
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04- 587
Ein cyf/Our ref MD/01067/15

William Powell AM
Chair - Petitions Committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

committeebusiness@Wales.gsi.gov.uk

16 April 2015

Dear William,

Thank you for your further letter of 17 March on behalf of the Petitions Committee regarding Petition P-04-587 – a Dedicated Support Team for Myalgic Encephalitis/Chronic Fatigue Syndrome (ME/CFS) and Fibromyalgia (FM) Sufferers in South East Wales, and the report and recommendations of the ME/CFS and FM task and finish group.

With regard to the petitioners' concerns that ME/CFS and FM are viewed as psychological as opposed to neurological conditions, the consensus of the task and finish group was that the clinical lead for these conditions should not sit in mental health. The group noted that, although mental health services have transferrable skills and understand case management, placing the lead in mental health services is inappropriate, causes stigmatisation and has tended to lack the multi-disciplinary team approach which is required. Psychologists on the group stressed their role was in supporting patients to manage the impact of the illness, and not about treating it as a psychological disorder.

Together for Health – a Neurological Conditions Delivery Plan for Wales was published in May 2014 and, although ME/CFS is not mentioned specifically in the delivery plan (along with a number of other neurological conditions), it is covered by it and is recognised as a neurological condition by the World Health Organisation.

A copy of the plan can be found at:

<http://wales.gov.uk/topics/health/publications/health/strategies/neurological/?lang=en>

The establishment of an all-Wales implementation group to ensure a multi-disciplinary approach is under way. Clinical leads nominated by each health board at the request of my officials will be attending the first implementation group meeting on 13 May.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

English Enquiry Line 0300 0603300
Llinell Ymholiadau Cymraeg 0300 0604400
Correspondence.Mark.Drakeford@wales.gsi.gov.uk

In line with the recommendations from the task and finish group report, health boards must produce a draft three-year action plan for 2015-18 by June 2015, and a final plan by September 2015. Annual progress reports will also be required by the end of each financial year.

I hope the Petitions Committee finds this information helpful.

Best wishes,

Mark,

Mark Drakeford AC / AM

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Agenda Item 3.3

P-04-363 Town Centre Improvement Scheme for Fishguard

Petition wording:

We, the undersigned, request that the National Assembly supports the call on the Welsh Government to work with Pembrokeshire County Council to ensure that investment is made in a Town Centre Improvement Scheme for Fishguard, including pedestrian and traffic management measures. Such an Improvement Scheme must improve the viability and sustainability of the Town and make it fully accessible for all residents and visitors, including those with mobility and other disability needs.

Petition raised by: Councillor Bob Kilmister

Date petition first considered by Committee: 7 February 2012

Number of signatures: 1,042

**P-04-363 Town Centre Improvement Scheme for Fishguard –
Correspondence from the Petitioner to the Committee, 23.04.15**

I do want the Petition to continue despite the complete lack of progress.

Nothing has changed and the need for this infrastructure is even greater than when the petition was started.

What we need is action to bring it about.

Regards

Bob (Kilmister)

P-04-522 Asbestos in Schools

Petition wording:

We call on the National Assembly for Wales to urge the Welsh Government to put measures in place to ensure that parents and guardians of children across Wales can easily access information about the presence and management of asbestos in all school buildings.

Given the health risks associated with the presence of asbestos in public buildings, we believe parents and guardians across Wales have the right;

- to know if asbestos is located in their school;
- to know whether, where asbestos is present, it is being managed in line with the Control of Asbestos Regulations 2012;
- to access that information easily online

Petition raised by: Cenric Clement-Evans

Date Petition first considered by Committee: 10 December 2013

Number of signatures: 448

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-522
Ein cyf/Our ref HL/00717/15

William Powell AM
Chair - Petitions Committee

committeebusiness@Wales.gsi.gov.uk

20 April 2015

Dear William

Thank you for your letter of 9 April concerning asbestos management in schools. You have asked me to provide a response to comments made by petitioner Cenric Clement-Evans following my letter of 21 January to the Petitions Committee with respect to this issue.

I have informed Mr Clement-Evans that I would consider the findings of the consultation carried out by the Department for Education (DfE) in England and decide if any action was appropriate in Wales. My officials have begun a review of DfE's review findings and recommendations and, once their appraisal is complete, I will consider the position and decide what action should be taken.

At this point I will be in a position to respond in full to the key points raised by Mr Clement-Evans. I will provide a written update to the Committee by 5 June.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Huw Lewis'.

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff

Printed on 100% recycled paper

Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)
paper

English Enquiry Line 0300 0603300
Llinell Ymholiadau Cymraeg 0300 0604400
Correspondence.Huw.Lewis@wales.gsi.gov.uk

Printed on 100% recycled

P-04-544 Asbestos in Schools – Correspondence from the Petitioner to the Committee, 06.05.15

Dear Chair

I am grateful for the continued consideration of the Petitions' Committee with regard to the Asbestos in Schools Petition.

I am also pleased that the Minister clearly sees the subject of Asbestos in Schools in Wales as an important issue and I look forward to his response once he has been able to consider the report of the Department for Education. A copy is attached for the benefit of the Committee.

As the Minister is aware the Department for Education Asbestos in Schools Steering Group was established to improve the asbestos management in schools. Its members are drawn from a wide range of disciplines and expertise. It is chaired by a senior civil servant and reports to the Minister. The Group both recommended that an assessment should be made of the asbestos risks to children and also that a review should be carried out of asbestos policy in schools. It then played an active part in the review. I enclose a copy of the Steering Group's terms of reference which I hope are useful.

It would seem that the Minister's letter is indicative that Welsh Government is taking responsibility for asbestos in schools which I very much welcome. I have of course previously asked via the Petitions Committee that the Minister consults widely here in Wales. I would very much urge the Department for Education and Skills to set up a similar Steering Group, so that when deciding upon policy it benefits from the wisdom and experience of many different voices.

In particular such a group should be led by the Department and include Assembly Members, members representing local authorities, governors, trade unions, health professionals, the HSE and asbestos experts.

Education review, and indeed lessons be learnt from it to benefit schools in Wales. However I would also suggest that policy for schools in Wales should not be based solely on a lead taken by the Department for Education, which after all is rightly focussed on Schools in England. Members of the Committee will know far better than I of the differences between our education system and school funding here in Wales and that in England. More importantly those who work within that system in whatever capacity should be involved in framing future policy for asbestos in schools.

Finally I am attaching the combined response of the Joint Union Asbestos Committee and the Asbestos in Schools Group to the Department for Education Review. The response welcomes the report and sees it as a positive step forward, making a number of constructive proposals and concessions that previously had not been publicly made. The response is seen as a firm foundation on which to build future policy.

However it should also be noted that the Joint Union Asbestos Committee and the Asbestos in Schools Group are critical of Government failure to assess the scale of the problem and introduce the fundamental long term strategies that are needed to eventually eradicate the problem of asbestos from schools in England.

I hope that the Committee is able to pass on my comments to the Minister.

Kind regards

Cenric

Cenric Clement-Evans

Senior Solicitor



Department
for Education

The Management of Asbestos in Schools

**A review of Department for Education
Policy**

March 2015

Contents

Summary	4
Section 1: Background to the review	6
Asbestos in school buildings	6
Asbestos in schools: roles and responsibilities	7
The duty holder	7
The Health and Safety Executive (HSE)	8
The Department for Education	8
Scope and objectives of the DfE Asbestos Policy Review	9
Section 2: Evidence and views from stakeholders and experts	10
Evidence on the nature, extent and impact of asbestos exposure in schools	10
Awareness and understanding of responsibilities	12
Incentives and accountability	14
Funding and the phased removal of asbestos from schools	15
Other issues raised during the review	15
Insurance	15
Central collection of data/information	15
Asbestos surveys and other services	16
Section 3: Our response and next steps on asbestos management in schools	17
Better and more targeted guidance	18
Establishing a better evidence base	18
Enhancing accountability for duty holders	19
Continuing to fund appropriate removal of asbestos in schools	20
Risk protection and insurance	21
Central collection of detailed data and information on asbestos	22
Centralised provision of training and other asbestos-related services	22
Conclusion	23
Annex A – Consultation questions about accountability proposals	24
Annex B – Terms of Reference	26
Annex C – List of Respondents to the Call for Evidence	28

Summary

All staff and children should have access to a safe and effective working and learning environment. It is important that we support schools, and those responsible for them, to carefully manage their school buildings so that they are safe and in decent condition.

The Department for Education has reviewed its policy on asbestos management in schools and invited views from stakeholders through a call for evidence. This document sets out our key findings and the steps we will take to address any barriers to the safe and effective management of asbestos in our schools.

We will:

- a) Develop better and more targeted **guidance on asbestos management in schools**.
- b) Enhance the **scrutiny on duty holders** for managing asbestos in their schools.
- c) Look at ways to improve our **evidence base**, including thorough air-sampling in schools.
- d) Continue to **fund the removal of asbestos** where appropriate, directly and indirectly, through our funding programmes.
- e) Encourage more academies to join the **Risk Protection Arrangement**

Much of this we are already putting into practice. Our refreshed guidance on managing asbestos in schools will be published shortly. We are taking steps to make sure those responsible for schools are aware of it and have easy access to it.

In February 2015 the Department announced over £6 billion of new investment to improve the condition of the school estate. This builds on the almost £18 billion this Government has invested in the estate during this Parliament. As well as addressing poor condition across schools, this funding ensures that those responsible for schools can deal with asbestos adequately and that, over time, as more school buildings are replaced and refurbished, we will see a reduction in the number of school buildings with asbestos-containing materials (ACMs).

Some of the proposals in this report require further consultation with stakeholders and experts before implementation.

Section 1: Background to the review

Asbestos in school buildings

Asbestos was widely used in the construction of buildings in Britain, including schools. Usage of the substance peaked between 1945 and 1975 before declining until its use was banned in 1999.

Based upon the age of the school estate, we can estimate that a majority of schools in England contain some asbestos, although the exact amount is unknown. If it is undamaged and managed safely, the presence of asbestos in school buildings does not pose a significant risk.¹

Ineffective management of asbestos does present a risk to children and staff. When asbestos is damaged or disturbed and fibres are released they can cause serious diseases including mesothelioma, a form of cancer.²

The location, condition and nature of asbestos-containing materials influence the level of risk posed by any asbestos present in a school.³ The more asbestos fibres an individual is exposed to the greater their chance of contracting an asbestos-related disease. In schools, specific factors such as the behaviour of pupils may also influence the degree of disturbance and so the risk posed.

Annual mesothelioma deaths in Great Britain have increased in the last 40 years.⁴ This is mainly the result of exposure that took place before the 1980s in higher risk occupational settings where asbestos was directly handled, particularly by workers in construction and

¹ The Health and Safety Executive (HSE) and other experts advise that provided asbestos containing materials (ACMs) remain undamaged it is safest to manage them in situ. They consider this safer than removing ACMs because removal greatly increases the risk that asbestos fibres are released in to the air and of small quantities of damaged asbestos remaining after removal.

² Mesothelioma is a cancer of the pleura and peritoneum (the tissue covering the lungs and the lining of the stomach, respectively). Further information on the danger posed by exposure to asbestos can be found [here](#).

³ For example, fibres are much more likely to be released from a piece of damaged insulating board containing asbestos than from asbestos fibres in a firmer, resin form, like those found in some floor tiles.

⁴ [Written evidence submitted to the Education Select Committee](#).

maintenance trades and the shipbuilding industry.

The Department of Health's Committee on Carcinogenicity looked into the potential harm caused to children by asbestos exposure.⁵ They concluded that, due to their longer life expectancy and the long latency period for the disease to develop, children have an increased lifetime risk of developing mesothelioma compared to adults if exposed to a given dose of asbestos. However, we do not have conclusive evidence on the relative risks of asbestos exposure in a school setting or on whether children are *intrinsically* more susceptible to harm from exposure to asbestos.

Asbestos in schools: roles and responsibilities

The duty holder

Under the Control of Asbestos Regulations 2012, the primary responsibility for managing asbestos in a school lies with the duty holder.⁶ The duty holder is anyone who has responsibility for the maintenance and/or repair of a building.

In schools this generally means that the duty holder is the employer. Typically, for community schools, community special schools, voluntary-controlled schools, maintained nursery schools and pupil referral units, the employer is the local authority. For academies, free schools, voluntary-aided and foundation schools, it will be the school governors or academy trust. For independent schools, it may be the proprietor, governors or trustees. Where responsibility for maintenance is shared, the duty holder responsibility may also be shared.

The duty holder has legal responsibility for the safe management of any asbestos-containing materials present in a school and is liable to be prosecuted if the regulations are breached.

In order to manage the asbestos present in a building in accordance with the regulations, duty holders are expected to survey their building, create a register of asbestos-

⁵ [Statement On The Relative Vulnerability Of Children To Asbestos Compared To Adults.](#)

⁶ Control of Asbestos Regulations 2012.

containing materials and write a management plan detailing the procedures for monitoring the condition of asbestos-containing materials. The employer should also provide adequate information, instruction and training for any members of school staff, including teachers, likely to disturb asbestos and ensure all school staff, and contractors are aware of the location of asbestos in the building.⁷

The Health and Safety Executive (HSE)

The HSE is the primary regulator in the UK for the management of asbestos and is responsible for enforcing the Control of Asbestos Regulations 2012.⁸ In order to do this they carry out a number of activities, including unannounced inspections, investigations of asbestos exposure incidents and complaints, prohibiting dangerous practices and prosecuting for breaches of the regulations including inadequate control of asbestos. They also help to raise awareness about asbestos in schools, including by publishing resources.

The HSE's view is that schools, overall, are low risk health and safety environments, similar to offices or retail premises. They focus their inspection resources on higher risk industries such as construction. However, in recent years, the HSE has conducted surveys of a sample of school duty holders to assess their compliance with regulations.⁹ Their findings are summarised later in this document.

The Department for Education

The Department for Education's role is to support schools in ensuring that they provide a safe learning and working environment for their pupils and staff, and help make sure duty holders are aware of their responsibilities and take them seriously. Since at least the 1960s the Department has issued advice and guidance to schools about the use and

⁷ The Health and Safety Executive (HSE) publishes information for duty holders and specifically for school duty holders on their website, hse.gov.uk.

⁸ HSE is one of the regulators of the EU's REACH Regulation that prohibits the use, sale, supply or otherwise placing on the market of asbestos containing materials. The Registration, Evaluation, Authorisation and Restriction of Chemicals Regulation 2006 prohibits manufacturing, use and supply of asbestos (and other chemicals). Where asbestos containing material(s) are already in use in for example buildings, it can remain in use until the end of its service life where it must then be disposed of as hazardous waste.

⁹ ['Inspection Initiatives in Schools'](#)

presence of asbestos on their premises. The Department also provides funding to those who are responsible for schools so that they can ensure their school buildings are safe and in good condition. Where appropriate this may include the removal or safe containment of asbestos-containing materials.

Scope and objectives of the DfE Asbestos Policy Review

In 2013, the Committee on Carcinogenicity concluded that, because of ‘the increased life expectancy of children compared to adults, there is an increased lifetime risk of mesothelioma as a result of the long latency period of the disease.’ However, they also found that ‘from the available, albeit limited, data it is not possible to say whether children are intrinsically more susceptible to asbestos-related injury.’

Following this statement, we committed to review our policy on asbestos management in schools. Our aim was to establish whether and how we could improve the support available to schools, and those responsible for them, in fulfilling their duties to manage asbestos effectively, and how we could help to ensure that all duty holders are taking their responsibilities seriously. We also examined what could be done to improve the evidence base on the levels of exposure in schools. The full terms of reference can be found in Annex B.

Section 2: Evidence and views from stakeholders and experts

Our review drew on available sources of evidence and stakeholder views on the risks to effective management of asbestos in schools. Key sources of evidence included:

- the Committee on Carcinogenicity (CoC) statement on the **relative vulnerability of children** to asbestos compared to adults;
- the findings from **school inspections** by the Health and Safety Executive (HSE) over recent years;
- Joint Union Asbestos Committee (JUAC) **surveys** aimed at union members, safety representatives and schools leaders;
- **expert advice** from the HSE;
- **recommendations from the All-Party Parliamentary Group (APPG)** on Occupational Safety and Health;¹⁰
- responses to our **call for evidence**;
- advice from the DfE **Asbestos in Schools Steering Group**;

A list of respondents to the call for evidence can be found in Annex C. This section summarises the key issues in relation to asbestos management that were identified by stakeholders.

Evidence on the nature, extent and impact of asbestos exposure in schools

It is important that the approach that we, and those directly responsible for schools, take to asbestos management is tailored to the nature and extent of the risk of exposure.

In our assessment of the evidence about the risk posed by asbestos in schools the Department has been led by the HSE. They are the regulator in this area and have the necessary expertise to make the proper assessment of the evidence and the risks. Our

¹⁰ 'Asbestos in schools: the need for action'

expertise lies in understanding schools and ensuring that, in light of the risks, we have policies in place to support schools to manage asbestos effectively.

Between 2003 and 2012 there were 224 mesothelioma deaths where the deceased's last occupation was recorded as "Teaching Professionals". In addition, "Teaching assistants" was the recorded occupation in 8 deaths, "Nursery nurses" in 8 deaths, and "School secretaries" in 8 deaths. These figures do not include caretakers, cleaners or other maintenance staff, but these groups are expected to be at greater risk.

We cannot establish a direct link between a death from an asbestos-related disease and exposure in a specific occupation because of the long period it takes for a disease to develop. The long delay between first exposure to asbestos fibres and the onset of mesothelioma means that the occupation at time of death may not necessarily have been that associated with exposure to asbestos. However, in a small number of recent compensation cases the courts have ruled there is likelihood that, on the balance of probability, some people who have contracted mesothelioma may have been exposed to above normal background levels of asbestos fibres whilst at school.¹¹

We have very little contemporary evidence on the levels of asbestos fibres found in the air in schools *today*, and therefore the risks of exposure and harm to school staff and pupils today. Requirements for managing asbestos in buildings are much more rigorous than in the past and the asbestos levels found in the ambient air of schools during normal occupation are likely to be lower than in the past. A recent study of the number of asbestos fibres found in lung samples suggests overall levels of asbestos exposure are decreasing in the general population.¹²

The CoC noted the lack of contemporary data on the levels of asbestos fibres in air found in schools and concluded that there would be benefit in collecting and analysing new exposure data. A number of stakeholders, as well as the APPG, have called for better evidence on the levels of asbestos fibres present in the air in schools and classrooms.

¹¹ For instance, *Willmore v Knowsley Metropolitan Borough Council*.

¹² [Julian Peto, written evidence submitted to the Education Select Committee](#)

Awareness and understanding of responsibilities

The safety of staff and children in schools relies on duty holders and others in schools being aware of, and effectively managing, the risks of asbestos. Otherwise there is a risk of damage or disturbance and subsequent exposure to asbestos among school staff and children.

Currently the HSE publishes a number of guidance documents and pages on their website to help duty holders fulfil their responsibilities. DfE produces guidance tailored to duty holders in schools. The HSE also publishes information specifically for schools, including a checklist that schools can use to assess how well they are managing their asbestos.¹³

The findings of HSE inspection initiatives have demonstrated that the majority of schools' duty holders have an understanding of their responsibilities. For example, a HSE inspection initiative of schools outside local authority control found:

- most, but not all, schools have a 'broad or full understanding' of who the dutyholder is (87%);
- no schools reported having no understanding; and
- overall, duty holders are aware of their legal responsibilities (95%) and this was 9% higher than the level found in the 2010/11 inspection programme.

A similar inspection initiative showed comparable issues in some local authority maintained schools and also indicated that, because the duty holder responsibility was more often split in that type of school, there was sometimes more confusion over who the duty holder was.

However, while the majority of school leaders have a good understanding of their responsibilities, there is lack of awareness amongst a small, but significant, minority.

A survey of school leaders by JUAC also indicated high levels of awareness of the regulations, although there was also a lack of clarity about the duty holder role in some schools. A similar survey of school staff showed that those who did not have the lead

¹³ The checklist is published [here](#).

responsibility for asbestos management in schools were less likely to have a clear understanding of who managed the asbestos in their schools.

The HSE has identified the need for more schools to provide the right level of training to relevant staff (e.g. caretakers and maintenance workers) and to communicate well with contractors entering their premises about the location of asbestos. The survey of school leaders conducted by JUAC also indicated that more schools could benefit from greater awareness of the potential risk posed by asbestos.

A declining level of awareness amongst schools outside local authority control was perceived by some stakeholders. There was particular concern that many of these will no longer have access to local authority health and safety expertise although some do continue to buy-in this service from their local authority.

Some stakeholders called for the centralised provision or funding of asbestos-related training, and the APPG recommended that standards in asbestos training should be set and the training should be mandatory. However, advice from experts suggested there was an extensive market that provides training on managing asbestos. Also, it was suggested that effective training needs to be building and context specific and so it may not be effective to administer training at a national level. It was noted that adequate information, instruction and training to those 'liable to disturb asbestos at work' is already mandatory under the Control of Asbestos Regulations 2012 and that the underlying problem might be linked to poor awareness of this obligation, rather than lack of provision or mandation.

Finally, stakeholders generally thought that the DfE guidance was helpful but needed improvement. Many stressed that access to and dissemination of the available information and guidance was just as important as improving it. The HSE inspection initiative carried out in 2013/14 found that less than 40% of the sampled schools in England were aware of the DfE guidance and JUAC found that 97% of respondents to their survey were unaware of the guidance.¹⁴

¹⁴ 'Asbestos management in schools outside of local authority control 2013/14'.

Incentives and accountability

It is not sufficient that duty holders simply understand their responsibilities. Duty holders need to be held to account for their responsibilities and face potential consequences from non-compliance.

The HSE has conducted a number of inspections of asbestos management in schools.¹⁵ It found that most of those duty holders inspected had good systems in place, and maintained their schools and asbestos-containing materials to the standards required by the Control of Asbestos Regulations (CAR).

However, the HSE found some weaknesses. Between 7% and 17% of duty holders were found to be not fully compliant with some aspect of the regulations in the different surveys.¹⁶ Specifically the HSE found examples of some schools lacking adequate plans for managing their asbestos, poor or no training for staff likely to disturb asbestos and poor communications with building contractors. This suggests there is a case for strengthening accountability on duty holders to fulfil their responsibilities.

Some stakeholders argued that openness and transparency would drive better accountability. The APPG recommended that parents, teachers and support staff should be updated annually on the presence of asbestos in their schools and the measures that are being taken to manage it. This policy has been adopted in the USA and it was suggested that this provides an effective form of self-regulation and accountability.

The HSE's current work plan focusses its inspection efforts on high-risk sectors and does not include proactive inspections of schools. Some respondents challenged this and were concerned that the removal of proactive inspections of asbestos management in schools would weaken incentives and accountability in the system. The APPG recommended that proactive HSE inspections are reinstated, with a view to reducing future costs caused by asbestos exposure incidents.

¹⁵ Further details of these inspection initiatives can be found [here](#).

¹⁶ This range comes from HSE inspection initiatives in both local authority controlled and non-local authority controlled schools. More detail can be found [here](#).

Funding and the phased removal of asbestos from schools

The Department directly funds the appropriate removal of asbestos through its centrally administered rebuilding schemes, such as the Priority Schools Building Programme. We also allocate funding to local authorities, multi-academy trusts and other bodies responsible for schools for them to spend on improving the condition of their school buildings. These bodies are free to use this funding to manage asbestos in their schools and where appropriate, to remove it.

The APPG recommended that the Government should set a programme for the phased removal of asbestos from all schools, with priority being given to those schools where the asbestos is considered to be in the most dangerous or damaged condition. The arguments put forward include the ongoing risk of asbestos exposure as long as asbestos is present in schools, particularly where day-to-day activity or unruly behaviour has the potential to release asbestos fibres. They also identified the ongoing costs of managing asbestos well as a further argument for phased removal.

Other issues raised during the review

Insurance

Some respondents to the call for evidence raised concerns about the lack of availability of public liability insurance to cover asbestos risks. Some local authorities self-insure but this does not provide cover for schools outside local authority control. This means that there may not be provision in place to meet any future asbestos-related claims from former pupils.

Central collection of data/information

Some suggested that it is only possible to make nationally strategic decisions on asbestos management in schools if information on asbestos is collated and analysed centrally. This would also enable a broader assessment to be made of the total costs of controlling or remedying higher risk asbestos across schools.

The APPG recommended that data should be collected centrally on the extent, type and condition of asbestos in schools and that this becomes an integral part of the data collection of the condition of the nation's schools. This was also raised within a number of responses to the call for evidence. There was also criticism that the DfE's Property Data Survey (PDS) did not collect information on asbestos in schools.

Asbestos surveys and other services

Some respondents to the call for evidence raised issues about the quality and accuracy of asbestos surveys and works and the costs associated with tackling asbestos issues. Examples were given of inadequate or incomplete surveys and previously unidentified asbestos being discovered when work was being undertaken. Some suggested that a separate fund should be made available to provide for asbestos surveys and asbestos removal work.

Section 3: Our response and next steps on asbestos management in schools

Through this review, we have identified the key issues and barriers to effective management of asbestos in schools and considered a number of policy responses.

We will:

- a) Develop better and more targeted **guidance on asbestos management in schools**.
- b) Look at ways to improve our **evidence base**, including thorough air-sampling in schools.
- c) Enhance the **scrutiny on duty holders** for managing asbestos in their schools.
- d) Continue to **fund the removal of asbestos**, where appropriate, directly and indirectly through our funding programmes.
- e) Encourage more academies to join the **Risk Protection Arrangement**.

Underpinning our approach is the recognition of the roles and legal duties of those involved in and responsible for asbestos management today, and the importance of not undermining or confusing those. Duty holders are best placed and legally responsible for managing asbestos in their schools. Our role is fundamentally to support them to manage their asbestos well and to ensure that they take this role seriously. The HSE has responsibility for the regulation of work with asbestos and remains the expert on how asbestos should be managed in line with legal requirements. Our policy and approach is based on their advice. Finally, as far as possible, any policy action should be clearly tailored to the specific issues and barriers we have identified through this review.

This section sets out our key responses to the identified barriers to effective management of asbestos in schools.

Better and more targeted guidance

Evidence from the review suggests that the DfE guidance – and awareness of and access to it – could be improved. We agree and are grateful for the suggestions on how we do this.

We have worked with our stakeholders to revise our guidance and the new version will be published shortly. This is a user-friendly and easily accessible document which offers practical and straightforward advice on how duty holders and school staff should manage asbestos in their schools. It complements rather than replaces other sources of guidance and advice such as those from the HSE.

We will also look to disseminate the guidance far more widely and extensively by using the Department's social media channels, local authority communications and Education Funding Agency communications to get the message out to as many schools as possible. To address concerns about the capacity of new academies to manage asbestos we will include a link to our refreshed guidance in a welcome letter to all new academies. We will visit relevant conferences and sector meetings to promote awareness of the issue. We will work with our stakeholders to use their communications channels to raise awareness of the issue and of our guidance amongst a wide audience. For example, we will work with the National Governors Association and others to determine how best to support school governors.

Through ongoing engagement with our stakeholders, we will continue to look for ways to raise awareness of the importance of good asbestos management in schools.

Establishing a better evidence base

The review, and particularly the CoC's statement on the vulnerability of children to asbestos, highlighted the lack of contemporary evidence about the range of airborne levels of asbestos fibres in schools. This is due, partly, to the difficulty of conducting robust, representative and accurate studies. Existing techniques for sampling asbestos fibres in the air are either imprecise or costly and time-consuming, requiring a high level of expertise to carry out and interpret the results. However, if we can design a reliable

and cost-effective study, it could help the Department, HSE and others to better understand the current levels of exposure and the likely risk related to the current management of asbestos.

DfE is working actively with the HSE to establish the feasibility and optimal design of a new study into the background level of asbestos fibres in schools. Due to the complex nature of air-sampling, the HSE advises that any such study is likely to take several years to complete. We expect the study to begin by 2016.

Enhancing accountability for duty holders

Evidence considered by the review suggested that, although in most cases duty holders are managing asbestos safely, this is not always the case.

We need to support and challenge duty holders to fulfil their duties to manage asbestos safely. In the vast majority of cases – if not all – we believe those responsible for schools will strive to do the right thing and keep their buildings safe. But it is important that we reinforce this by putting in place strong and clear incentives to comply with asbestos regulations.

We propose to implement a system where duty holders provide a regular report to the Education Funding Agency (EFA) about their management of asbestos. This would help to raise the profile of asbestos management in schools, help the Department target the support it provides and strengthen the incentives on duty holders to manage asbestos effectively.

Duty holders would need to confirm that all schools for which they are responsible and which contain asbestos have up to date management plans in place. Where appropriate this may be done as part of wider assurance reporting arrangements. We believe that it would be beneficial for the information we collect, or a summary of it, to be made public, so that the quality of asbestos management in schools is transparent and each duty holder knows that their approach can be publicly scrutinised.

Any such measures should be proportionate to the risk, ensure responsibility remains clearly with the duty holder, and not place unnecessary burdens upon them. We will

therefore engage further with stakeholders, particularly those who will be directly affected by these measures, to finalise our proposals, including how best to undertake this data collection and what to publish; whether and how to supplement it with a more intensive risk-based sampling of asbestos management plans and practice; and the appropriate actions to take where duty holders are identified as needing additional support and challenge.

We will now consult on these proposals. The questions that the Department is seeking input on can be found in Annex A.

We think that collecting and publishing data from all duty holders – with the potential for further follow-up, support and scrutiny from the Department, HSE, or others – will be a significant step towards improving compliance and awareness amongst duty holders.

Continuing to fund appropriate removal of asbestos in schools

Where asbestos-containing materials are found to be at risk of disturbance, it is important that steps are taken to make them safe, for example by encapsulating or sealing the asbestos-containing materials. Expert advice from the HSE remains that it is best to manage low risk asbestos-containing materials in situ, reviewing their risk assessments by monitoring condition and likelihood of disturbance, and repairing or encapsulating as necessary. The duty holder has responsibility for assessing the risk posed by any occurrence of asbestos and selecting the appropriate management action for the particular circumstances. This would almost always be undertaken with support from a professional consultancy. Removal would usually be recommended where asbestos is damaged or when refurbishment work demands prior removal.

We will allocate £1.4 billion a year to schools, local authorities, academy trusts and voluntary-aided partnerships over the next three years to invest in their school buildings and ensure that these are safe and fit for purpose. Where appropriate, this funding should be used by schools, and those responsible for them, to manage, encapsulate or remove asbestos on their premises.

In the case of small and stand-alone academy trusts and sixth form colleges, the Education Funding Agency invests on behalf of schools, via the Condition Improvement Fund.¹⁷

In addition, as part of the second phase of our programme to rebuild or refurbish the school buildings across the country in the worst condition – the Priority School Building Programme 2 – we included the presence of, and risk posed by, asbestos-containing materials as an assessment criteria in the selection of school buildings. All school buildings that have been selected to be rebuilt or refurbished through both phases of the programme will have their asbestos safely removed where it is considered safe and appropriate to do so.

The Department will continue to ensure its funding allows schools and those responsible for them to keep their buildings safe and effective including through encapsulating or removing asbestos-containing materials where required.

Risk protection and insurance

Asbestos risks are not generally covered by public liability insurance. Local authorities will often “self-insure” but this is not generally available to schools outside local authority control.

The Risk Protection Agreement (RPA) is now available to academy trusts. The RPA offers reimbursement to academies in the event of a loss and includes the legal liability to pay compensation to employees and third parties for death or injury as a result of exposure to asbestos. The RPA also includes a comprehensive risk management solution to those academies that opt in. This includes access to risk management training, an on-line risk assessment tool and independent risk assessment surveys. More information about the RPA can be found [here](#).

¹⁷ More information about CIF can be found [here](#).

There were some proposals put forward in the call for evidence that we have decided not to pursue:

Central collection of detailed data and information on asbestos

The legal responsibility for managing asbestos lies with duty holders. Duty holders must ensure they have the right information and data on asbestos in their schools in order to make effective decisions on how it is managed. We do not think that there is a case for, in addition, collecting detailed information about the presence and nature of asbestos across schools centrally. However, as we consider the Department's future approach to collecting information on the condition of the school estate, following the recent completion of the Property Data Survey programme, we will keep the range of data we collect on school buildings under review. We will also consult on plans to collect information on how those responsible for schools manage asbestos. See 'Enhancing accountability for duty holders', above.

Centralised provision of training and other asbestos-related services

Some stakeholders have called for the centralised provision or funding of asbestos-related training, surveying and removal services. Having considered the current availability of these services, we did not identify evidence to suggest a lack of available services, or evidence to suggest it would be necessary or efficient for DfE to provide or procure training or services for duty holders directly. It would be beyond the scope of DfE's role to involve itself more extensively in this market. DfE also noted that it is mandatory under current regulations to provide adequate information, instruction and training for those liable to disturb asbestos, including maintenance workers, and duty holders should share information with staff about the location of asbestos. Our priority is therefore to raise awareness that it is mandatory to provide adequate information, instruction and training to relevant staff. The Department will keep this area of policy under review.

Conclusion

The proper management of asbestos in school buildings is important for the health and safety of all staff and children and should be a high priority for all those involved in maintaining school buildings.

There are two fundamental aspects to the Department's role in ensuring asbestos is managed well in schools. The first is to support those who are responsible for asbestos management in schools to fulfil their duties. The second is to encourage and ensure compliance, through improving awareness and accountability.

In this report, we have set out proposals to enhance our role, through both increasing the scrutiny on duty holders to ensure that asbestos management remains a priority in schools and improving our guidance so that all duty holders are clear what they need to do to keep their staff and pupils safe from asbestos exposure.

Meanwhile, we will continue to invest in the school estate in a way that ensures schools can be kept safe and in good condition. This includes ensuring funding is available so that those with responsibility for school buildings can appropriately deal with any asbestos they have and that, over time and where appropriate, we see a reduction in the number of schools with asbestos-containing materials.

Finally, it is important that we keep reviewing the evidence base in relation to asbestos in schools. This includes evidence on awareness of and compliance with asbestos regulations, as well as scientific evidence in relation to potential exposure and associated risks in schools, such as via air-sampling. That way we can ensure our policies fully respond to, and address, any barriers to the effective management of asbestos in schools.

Annex A – Consultation questions about accountability proposals

Examples of questions we could ask school duty holders as part of the proposed measures to enhance accountability:

1. Do the schools you are responsible for, which contain asbestos, all have a 'management' type asbestos survey (i.e. a survey to inform your day-to-day management of asbestos)? Please provide the date of the last 'management' survey for each school.
2. Do you have an asbestos register for your schools? Please provide the date it was last reviewed.
3. Do you have a written Asbestos Management Plan (AMP) for the schools? Please provide the date it last reviewed.
4. Are there processes and procedures detailing the control measures to prevent disturbance of any known asbestos-containing materials?
5. Do you understand that for some works undertaken in the school, you may require a 'refurbishment and demolition' type survey in addition to your current 'management' survey?
6. Is the asbestos register and AMP amended whenever any asbestos is disturbed, removed, or the area refurbished or re-configured?
7. Have you communicated with school staff and governors regarding any asbestos risks identified in the AMP?
8. Have members of the school staff undertaken awareness training?
9. Is a record held of this staff training?
10. Do you have a process for ensuring that anyone working in the school (where asbestos may be disturbed) has received information regarding the presence of asbestos?

We would welcome views from stakeholders on the following questions.

- Does the draft questionnaire, above, ask for the right level of detail to assess whether the asbestos in a school is being managed appropriately?
- Is the collection of this additional information likely to significantly affect the administrative burdens placed on those responsible for asbestos management in schools, such as local authorities, academy trusts or governing bodies?
- Is the process of completing such a questionnaire likely to raise awareness of the fundamental requirements of asbestos management in schools?
- Who is the most appropriate person to ask to complete this? For example, as local authorities are the duty holders for local authority controlled schools, should we ask the Director of Children's Services to complete it for all schools they are responsible for?
- How often should we collect this information?
- Should the Department or its agencies additionally conduct inspections of a sample of duty holders and/or schools to check the quality of asbestos management plans and practice on the ground?
- How should the Department intervene with duty holders that provide unsatisfactory returns?

Responses should be sent to: CentralCapitalUnit.MAILBOX@education.gsi.gov.uk

Annex B – Terms of Reference

Introduction

In 2011, the DfE asked the Committee on Carcinogenicity¹⁸ (CoC) to consider the relative vulnerability of children to exposure to asbestos and the CoC published its statement on 7 June 2013. DfE committed to review its current policy on asbestos management in schools to take account of the evidence presented in the CoC statement.

Aims of the DfE Policy Review

DfE's review of its policy on asbestos management in schools in England will be based on evidence and risk and will determine:

- Purpose of policy – what the policy should aim to achieve and how?
- Role – what is the appropriate role for the Department and the relationship with duty holders and others?
- Evidence – what does the existing evidence tell us and what are the evidence gaps?
- Creativity – has there been an open process to generate ideas and options?
- Delivery – is the outcome deliverable – including an assessment of any costs and additional administrative burden?

Scope of Review

Included in the scope of the review will be:

- The conclusions of the CoC statement on the relative vulnerability of children to asbestos compared to adults.
- The findings from Health and Safety Executive inspections of schools.
- The recommendations from the All Party Parliamentary Group on Occupational Health and Safety report “Asbestos in schools: the need for action” published in February 2012.

¹⁸ The CoC is an independent advisory committee that provides expert advice to government departments and agencies on the potential carcinogenicity of chemicals and substances.

Excluded from the scope of the review will be:

The standards and duties contained within the Control of Asbestos Regulations 2012.

Annex C – List of Respondents to the Call for Evidence

Asbestos in Schools Group
Asbestos Support West Midlands
Asbestos Testing And Consultancy Association
Asbestos Victims Support Groups Forum UK
Association of School and College Leaders
Belle Vue Girls' School
Blaenau Gwent County Borough Council
Bradford Asbestos in Schools
Brent Teachers Association
Brighton and Hove City Council
Clean Air in London
Clear Concepts
Clevedon School
Danum Academy
Darlington Borough Council
Dinnington Comprehensive School
GMB
The Greetland Academy
Asbestos Review
Hazards Campaign

The Health and Safety Executive
Joint Union Asbestos Committee
Katharine Lady Berkeley's School
Kennet School
Kent County Council
Lancashire National Union of Teachers
London Borough of Hammersmith and Fulham
Local Government Association
Leeds NUT
Loreto College (St Albans)
National Association of Schoolmasters Union of Women Teachers
National Association of Head Teachers
National Association of School Business Management
Nottingham County Council
National Union of Teachers
NUT Wirral
NE area Asbestos Management Group
NUT Health and Safety Bradford
Portsmouth City Council
RB Asbestos Consultants
Right to Know Wales Campaign

Slater and Gordon Lawyers

Mary's Academy

Trafford Council

UNISON

UNITE

Voice

West Sussex County Council



Department
for Education

© Crown copyright 2015

This publication (not including logos) is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/version/3

email psi@nationalarchives.gsi.gov.uk

write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

About this publication:

enquiries www.education.gov.uk/contactus

download www.gov.uk/government/publications

Reference: [000-000-000]



Follow us on Twitter:

[@educationgovuk](https://twitter.com/educationgovuk)



Like us on Facebook:

facebook.com/educationgovuk

Comment by AiS and JUAC on the DfE Report on their Review of Asbestos Policy for Schools.

1. The report on the DfE review of policy for the management of asbestos in schools was published on 12th March 2015 and is at:
<http://www.asbestosexposureschools.co.uk/pdfnewslinks/The%20management%20of%20asbestos%20in%20schools.pdf>)
2. This paper comments on the report and makes a number of recommendations. The recommendations should be considered alongside those made in AiS and JUAC's responses to the DfE asbestos policy review.¹

General comment

3. The Asbestos in Schools Group welcomes the review. It is a positive step forward and makes a number of constructive proposals and concessions that previously had not been publicly made. It provides a firm foundation on which to build future policy.
4. Although the review and its report are positive steps in the right direction, there is a lack of vision and the Government have failed to introduce the fundamental long term strategies that are needed to eventually eradicate the problem of asbestos from our schools.
5. The report acknowledges there is a problem of asbestos in schools, but it has been selective in its choice of evidence and has failed to acknowledge the extensive and authoritative evidence spanning some fifty years that proves there is a serious problem. At times the report is not impartial and conceals difficult issues rather than addressing them. As a result present policies have been tweaked but only a few concrete proposals made.

Transparency.

6. It has to be applauded that the review encourages transparency so that parents will be aware whether the measures that are being taken to manage asbestos in their children's school are effective.²
7. Such a policy was introduced by law in the USA in 1986 where each year parents and teachers have to be informed of the measures being taken to manage their asbestos.³
8. As the review acknowledges this is an effective means to ensure that schools do manage their asbestos safely as their policies and actions are open to public scrutiny.

¹ AiS and JUAC Recommendations. DfE review of asbestos policy for schools.
<http://www.asbestosexposureschools.co.uk/pdfnewslinks/RECOMMENDATIONS%20%20AiS%20and%20JUAC%20%20DfE%20Policy%20Review%20%20Updated%207%20May%2014.pdf>

AiS response to the review:

[http://www.asbestosexposureschools.co.uk/pdfnewslinks/AiS%20RESPONSE%20TO%20THE%20DFE%20POLICY%20REVIEW.%20Asbestos%20management%20in%20schools%2030%20Mar%2014%20\(Final\).pdf](http://www.asbestosexposureschools.co.uk/pdfnewslinks/AiS%20RESPONSE%20TO%20THE%20DFE%20POLICY%20REVIEW.%20Asbestos%20management%20in%20schools%2030%20Mar%2014%20(Final).pdf)

² Review page 19

³ AHERA US code: title 15,2643. EPA regulations Chapter 53. EPA Fact sheet AHERA 1986 Statement EPA Administrator 23 Oct 1986

Cost benefit analysis

9. As the review would be the basis for future DfE asbestos policy in schools, it was a reasonable expectation that a cost benefit analysis would be carried out. But this did not happen.
10. A cost benefit analysis would have included an audit of the extent, type and condition of asbestos in schools, an estimate of the cost of leaving it in place and managing it compared to the cost of phased removal. This could then have been weighed against the numbers of staff and former pupils who have already died of mesothelioma, the numbers who are likely to die if the asbestos remains in place and the number of deaths that could be prevented if a policy of progressive removal is adopted.
11. Instead DfE specifically excluded asbestos from their audit of the condition of school buildings. They also failed to estimate the number of children who have been exposed to asbestos at school and who are likely to subsequently die. Consequently DfE cannot complete a cost benefit analysis and are unable to say what the cost is for managing or removing asbestos weighed against the benefit of the number of lives saved.
12. At the Education Select Committee hearing on asbestos in schools the chairman summed up the need for a cost benefit analysis when he stated: *“Squeamishness about cost benefit leads to a misallocation of funding, which costs lives, because people get carried away on one particular fashionable thing. It is important to be rational with the limited resource that we have.”*⁴
13. Although there are no statistics for the number of children who have subsequently died there are for the number of school teachers, school secretaries, teaching assistants and nursery nurses who have died. These are just the tip of the ice-berg as the vast majority of people in schools are children.

Recommendation

14. It is recommended that:
 - A cost benefit analysis is carried out.

Teachers, support staff and former pupils dying.

15. The review acknowledges that teachers, teaching assistants, nursery nurses, school secretaries, caretakers, cleaners, maintenance staff⁵ and former pupils are dying of mesothelioma.⁶
16. The report states that *“Between 2003 and 2012 there were 224 mesothelioma deaths where the deceased last occupation was recorded as ‘Teaching professionals’.”* This figure includes teachers and lecturers in higher and further education as well as school teachers. Unsound conclusions can be drawn from combining the occupations as the career patterns, buildings and activity can be very different and this is reflected in the mesothelioma deaths. The

⁴ Education Select Committee hearing on asbestos in schools. 13 Mar 2013

⁵ Review page 11

⁶ Review page 11

mesothelioma deaths amongst higher and further education have been relatively stable since 1990 as opposed to school teachers' deaths which have increased year on year.⁷

17. The relevant figure is that 158 school teachers have died of mesothelioma in the last ten years and there was a particularly high incidence (Proportional Mortality Ratio (PMR) amongst female primary school teachers. More than 291 school teachers have died of mesothelioma since 1980. They were dying at a rate of 3 a year in 1980 and the numbers have increased each year and they are now dying at a rate of 19 a year.⁸
18. The DfE report states "*...where the deceased last occupation was recorded as 'Teaching professionals..... We cannot establish a direct link between a death from an asbestos-related disease and exposure in a specific occupation because of the long period it takes for a disease to develop. The long delay between first exposure to asbestos fibres and the onset of mesothelioma means that the occupation at time of death may not necessarily have been that associated with exposure to asbestos.'*"⁹
19. This reflects the evidence HSE gave to the Education Select Committee hearing on asbestos in schools where they argued that teachers have been exposed to asbestos anywhere other than at school.¹⁰ Perhaps some school teachers have, but many are known to have been exposed at school and, because of their career pattern, the occupation recorded on their death certificate is likely to be the occupation in which the exposure occurred.¹¹
20. There is significant evidence that many school teachers have been exposed to asbestos at school, and some over a prolonged period of time. Coroner's courts examine the evidence when people die of mesothelioma and the coroners have concluded in a significant number of cases of teachers and support staff that they died from their asbestos exposure at school.
21. The DfE report acknowledges that caretakers, cleaners, maintenance staff¹² and children¹³ are known to be at a greater risk. However statistics do not show how many have died and the report fails to include an estimate of the subsequent deaths of former pupils, which should be at the centre of any cost benefit analysis.

Children are more at risk.

22. The review accepts the Committee on Carcinogenicity (CoC) conclusion that children are more vulnerable to asbestos exposure than adults.¹⁴

⁷ See 'Increasing mesothelioma deaths amongst school staff and former pupils.' Annex 3 <http://www.asbestosexposureschools.co.uk/pdfnewslinks/INCREASING%20MESOTHELIOMA%20DEATHS%20AMONGST%20SCHOOL%20STAFF%20AND%20FORMER%20PUPILS%20%2017%20JAN%2015.pdf>

⁸ See 'Increasing mesothelioma deaths amongst school staff and former pupils.'

⁹ Review page 11

¹⁰ Education Select Committee hearing Asbestos in Schools 13th March 2013 The transcript of the oral evidence [is at this link](#). Q51, 52

¹¹ E-mail DCSF Workforce Group /Lees 27 January 2010 15:47 Case Reference 2010/0004693 "*The average length of service for full-time teachers is about 30 years*". And Scottish Parliamentary written answer S2W-15080 18 Mar 2005

<http://www.theyworkforyou.com/spwrans/?id=2005-03-18.S2W-15080.h> Death certificate is based on last occupation. Therefore occupation on retirement or death. Average length of service at retiring age, early retirement or because of ill health is about 33 years.

¹² Review page 11

¹³ Review page 7

¹⁴ Review page 7. See: COMMITTEE ON CARCINOGENICITY OF CHEMICALS IN FOOD, CONSUMER PRODUCTS AND THE ENVIRONMENT STATEMENT ON THE RELATIVE VULNERABILITY OF CHILDREN TO ASBESTOS COMPARED TO ADULTS. CC/13/S1 7 Jun 2013

23. AiS and JUAC are pleased that the Minister honoured the pledge of his predecessor Nick Gibb MP that this review would take place once the CoC had reached its conclusion.¹⁵
24. The increased risks to children must now underlie all future asbestos policy for schools.
25. With asbestos the risk is quantified by the number of deaths that have and will occur. However the report did not include an estimate of the numbers of children who have been, and are likely to be, exposed to asbestos at school and could die, even though such an estimate is possible.
26. The Minister gave evidence at the same Education Select Committee hearing as the leading epidemiologist, Professor Peto. He is therefore aware that Professor Peto estimated that there could be 200-300 deaths each year from asbestos exposure as a child at school in the 1960s and 1970s.¹⁶ This estimate should have been central to the review.
27. In 1982 an estimate was made in the USA of the number of pupils and school staff who would be likely to die. They carried out an audit of the extent of the friable asbestos in their schools and assessed that for every teacher and support staff death from mesothelioma that nine children would subsequently die from their asbestos exposure at school as a child.¹⁷ Because they acknowledged the significant risk to children they introduced asbestos laws specifically for schools and provided the resources so that they could effectively manage their asbestos.
28. In Britain we have by far the worst mesothelioma incidence in the world. It is presently 39.2 per million of the population per annum and rising,¹⁸ whereas in comparison the USA has gradually decreased since 1999 from 14 per million to less than 13 per million per annum.¹⁹
29. Exposing a large number of children to asbestos over a prolonged period at school must contribute to the appalling death toll in Britain. But the Government have failed to undertake an audit of the scale of the problem and have failed to assess how many former pupils will subsequently die.

http://webarchive.nationalarchives.gov.uk/20140722183324/https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315919/vulnerability_of_children_to_asbestos.pdf

¹⁵ Parliamentary debate Asbestos in schools. Minister of State for Schools Nick Gibb MP Column 283. 7 Feb 2012

<http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120207/debtext/120207-0004.htm>

¹⁶ Education Select Committee hearing Asbestos in Schools 13th March 2013 The transcript of the oral evidence [is at this link](#). Q 13. E-mail Professor Peto/Lees 'Presumably men had more or less the same environmental exposure and resulting risk.' 1 May 2013

¹⁷ American Academy of Pediatrics Asbestos Exposure in schools Pediatrics vol 79, no 2 Feb 1987 p301- 305 Reaffirmed May 1994 . EPA Support document for the proposed rule on friable asbestos-containing materials in school buildings EPA report 560/12-80-003 p92

¹⁸ HSE Mesothelioma Number of deaths and average rate per million MESO04

<http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=2&ved=0CCcQFjAB&url=http%3A%2F%2Fwww.hse.gov.uk%2Fstatistics%2Ftables%2Fmeso04.xls&ei=dbhEVZKqOZLuaPT0gZgD&usq=AFQjCNGVW4-qQBdKwUBCoURI8WzVnU5RVA>

¹⁹ See Malignant mesothelioma mortality USA Statistics to 2010: <http://www.asbestos.com/mesothelioma/death-rate.php>. Malignant Mesothelioma Mortality --- United States, 1999—2005. Reported by: *KM Bang, PhD, JM Mazurek, MD, E Storey, MD, MD Attfield, PhD, PL Schleiff, MS, JM Wood, MS, Div of Respiratory Disease Studies, JT Wassell, PhD, Div of Safety Research, National Institute for Occupational Safety and Health, CDC.*

30. Most of the asbestos remains in schools because of Government policy. It is all old and there is ample evidence of continued damage and disturbance. A policy of management can do no more than reduce the death rate, but it will not eliminate it.
31. However, rather than including the estimate of the number of children's deaths which would give a true picture of the scale of the problem, the DfE report gives a very different impression by playing down the risks.
32. DfE emphasise that their review and the resultant policy have been based on HSE's advice. The report states that *"In our assessment of the evidence about the risks posed by asbestos in schools the Department has been led by HSE."*²⁰
33. The report then summarises HSE's advice. It states: *"The HSE's view is that schools, overall, are low risk health and safety environments, similar to offices and retail premises."* This view that the risks are low has been used as the basis for the review and future asbestos policy for schools – despite the fact that it is profoundly flawed.
34. HSE is responsible for all workplaces and has therefore compared the overall risks in schools with the high risk industries and occupations, and in comparative terms they might be correct but in absolute terms they are wrong.
35. Most people would not agree with HSE that the risks are low when some 4,000 to 6,000 people could die over a twenty year period from the simple act of attending school.
36. There are also fundamental differences between offices, retail premises and schools that HSE does not acknowledge. Schools contain large numbers of children so the fabric of school buildings suffers considerably more disturbance and damage than most offices and retail premises.
37. In addition children are more vulnerable to exposure to asbestos than adults and are less likely to obey or understand precautionary warnings. They spend eleven or more years at school and there is evidence that the system of asbestos management is not always effective so that many children have been, and continue to be, exposed to low levels of exposure to asbestos fibres from normal classroom activities. Those exposures are often to amosite, they can be frequent and, as all exposures are cumulative, each exposure increases the likelihood of mesothelioma developing.
38. DfE has a specific responsibility for children's safety which HSE do not have, and DfE cannot abdicate that responsibility. They should not be using HSE's 'low risk' comparator with adult workers in industrial, commercial and office workplaces as an excuse for not analysing, acknowledging or addressing the scale of the asbestos problem in schools and the subsequent deaths. Until DfE determines the scale of the asbestos problem in schools and

²⁰ Review page 10

properly analyses the deaths of those they are responsible for they will be unable to allocate proportionate resources to deal with the problem.

39. HSE role is to advise DfE, and for the last forty years DfE's asbestos policy for schools has been based on that advice. But those policies have failed to prevent the release of asbestos fibres in schools and the exposure of the occupants. The evidence is the increasing numbers of former pupils, teachers and support staff who are dying of mesothelioma, many of whom have been exposed on HSE's watch.
40. HSE's advice and assurances have proved to be wrong in the past, but they continue to deny the overwhelming evidence of deaths, flawed management and asbestos exposure in schools is a problem and to compound it they have treated schools no differently from other workplaces. This approach prevents the open and objective addressing of core issues that are specific to schools. It has also provided the justification for DfE making minor changes in the review rather than the fundamental changes that are desperately required and long overdue.

Recommendation

41. It is recommended that:
 - An estimate is made of how many children have subsequently died from their asbestos exposure at school.
 - An estimate is made of how many could die in the future. This would have to be based on the extent, type and condition of asbestos in schools and typical fibre levels.

Lack of data on past and present asbestos fibre levels

42. The estimate of 200-300 deaths a year from former pupils is based on the number of females who have died from mesothelioma, and is therefore based on good epidemiological evidence.
43. But assumptions on the deaths that could occur from the present asbestos exposures in schools have been made which are not based on sound evidence. For instance the DfE report acknowledges that there is little data on current fibre levels:

"We have very little contemporary evidence on the levels of asbestos fibres found in the air in schools today, and therefore the risks of exposure and harm to school staff and pupils today. Requirements for managing asbestos in buildings are much more rigorous than in the past and the asbestos levels found in the ambient air of schools during normal occupation are likely to be lower than in the past. A recent study of the number of asbestos fibres found in lung samples suggests overall levels of asbestos exposure are decreasing in the general population."

44. There is also insufficient evidence on the asbestos fibres levels in UK schools in the 1960s and 1970s so any assessment based on a comparison of fibre levels then and now will be unsound.

45. The danger is that basing policy on what fibre levels might have been and then comparing them with uncertain data on what present fibre levels are is that the optimistic assumptions may be wrong, and there is evidence that is the situation.
46. The only positive proof will be in fifty years time when statistics will show to what extent the deaths have decreased. Assurances have been given over the last fifty years that children and staff are safe from the dangers of asbestos in schools so long the guidance is followed and the asbestos is 'managed.' But the deaths occurring now are proof that those assurances were unjustified and that the systems of asbestos management did not prevent people being exposed.
47. We must learn from lessons of the past and cannot afford to wait for another fifty years to find out once again that the predictions and assurances that are now being given are equally wrong.
48. There is evidence that management procedures are weaker than HSE claim and that asbestos exposures can occur frequently in some schools where the systems of asbestos management are ineffective in preventing disturbance and damage from normal everyday activities.²¹
49. There is the possibility that the background fibre levels in many schools are not in fact much lower than they were in the 1960s and 1970s. The reason is that when the asbestos materials were installed fibre levels would have been high as few precautions were taken in cutting and drilling the materials. But over time the fibres generated during the construction of the schools would have dispersed and, because the materials were new, they would almost certainly have released fewer fibres than they do now.
50. All those asbestos materials are now old and materials that are accessible to children have suffered fifty years of disturbance. Over time the propensity of the materials to release fibres is increased when they contain amosite or crocidolite, such as sprayed asbestos and asbestos insulating board, as they become more friable with age and so when they are disturbed the fibre releases are greater now than they were in the past.²²
51. An additional reason for increased fibre release is that many schools containing asbestos have not been well maintained, and this is particularly the case with the many thousands of system built schools that have reached or exceeded their design life. So as the fabric of the buildings deteriorates over time the asbestos also deteriorates and releases more fibres than when the buildings were new.
52. Professor Peto surmised that the current asbestos exposures in schools are perhaps ten times less than they were in the 1960s and 1970s and therefore the deaths will be proportionately less. That is supposition and should not be used as a basis for policy

²¹ See Asbestos incidents and management failings in schools. 14 Dec 2009

<http://www.asbestosexposureschools.co.uk/pdfnewlinks/Asbestos%20Incident%20&%20Management%20Failings%20in%20Schools.pdf>

²² Department of the Environment Asbestos materials in buildings 1986 para 3.2. 3.11, 4.9. 7.9

decisions as there is insufficient evidence of asbestos fibres levels in UK schools in the 1960s and 1970s and the DfE report acknowledges that there is little data on current fibre levels.

53. The study of lung samples might give an indication of past and current asbestos exposures across the general population. But the study can only provide a general picture of a person's total exposure and cannot identify exposures at school as a child. It is therefore of interest but there must be caution in extrapolating too much from the study in relation to exposures at school.
54. The estimate of 200-300 deaths is therefore based on sound evidence of actual deaths but there is little evidence on which to conclude the deaths will be proportionately less based on the supposition that airborne fibre levels now are ten times less than they were in the 1960s and 1970s.

Audit of asbestos in schools.

55. A cost benefit analysis also needs to know the scale of the problem, and yet the Government has never undertaken an audit to determine the extent, type and condition of asbestos in the nation's schools.
56. Asbestos can be one of the most expensive items when maintaining, refurbishing or demolishing a school. And yet asbestos was specifically excluded from this Government's Property Data Survey Programme, the recently completed two year audit of the condition of school buildings. Therefore any financial forecasts will be unsound.
57. The USA carried out such an audit in 1982 when they determined the extent of asbestos in their schools. Having assessed the scale of the problem and the risk, they introduced asbestos laws in 1986 specifically for schools – and yet more than thirty years later the Westminster Government has intentionally excluded asbestos from their audit.
58. The review makes a vague statement that *"Based on the age of the school estate, we can estimate that a majority of schools in England contain some asbestos, although the exact amount is unknown."*²³ That is an astonishing remark after a £20 million pound audit of the condition of school buildings and underlines why it was a bad decision of the Government to exclude asbestos from the audit of the condition of school buildings.
59. The draft DfE report stated *"We estimate that up to 75% of schools in England contain some asbestos, though the exact amount is unknown."*²⁴ However the final report was even less precise. This lack of even the most basic data is irresponsible. AiS and others have asked a series of Freedom of Information requests to establish how many schools contain asbestos and local authorities responded with data on 76% of schools in the United Kingdom. Of

²³ Review Page 6

²⁴ DfE draft report on review of asbestos policy for schools 2 Mar 15

those schools 86% contain asbestos.²⁵ Some returns included details such as the number of schools that contain amosite, crocidolite and chrysotile.

60. The data is available in each local authority and school on the extent, type and condition of the asbestos in each school and invariably it is stored electronically so that it is easy to access, analyse and update. It is inexcusable that the Property Data Survey Programme failed to centrally collate the data.
61. The report says that the Department will keep the decision to exclude asbestos from the Property Data Survey Programme under review.²⁶

Recommendation

62. It is recommended that:
- DfE includes asbestos in future audits of the condition of school buildings.
 - DfE collates data on the extent, type and condition of asbestos in the nation's schools.

Removal of asbestos.

63. AiS and JUAC welcome the policy decision that all schools buildings that will be refurbished under the Priority Schools Building Programme (PSBP) will have their asbestos removed when it is considered safe and appropriate.
64. The Priority Schools Building Programme will refurbish or replace schools in England in the worst condition. It is welcomed that in the second phase asbestos is one of the factors taken into consideration when bids are considered.
65. The PSBP is over-subscribed. In the first phase there were 580 eligible applications but just 260 schools were successful. Out of those just 19 are open and 82 have had the contracts signed the remainder are not even that advanced. In the second phase 1,299 schools applied but just 277 will receive funding.²⁷
66. Therefore only a fraction of the schools in need will have their asbestos removed and even then that will take many years.
67. The review says that it will continue to fund the removal of asbestos where appropriate directly or indirectly through their funding agreement.²⁸ A significant number of respondents to the consultation would have liked to progressively remove all their asbestos, but were unable to achieve this because of the cost which their funding agreements would not meet.

²⁵ See: Percentage of schools in the UK that contain asbestos [list collated by Freedom of Information \(FOI\) requests submitted by individuals and the media to Local Authorities from 2009 to 2014](#)

²⁶ Review page 22

²⁷ Adjournment debate Todmorden and Calder High Schools 9 Mar 2015
http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm150309/debtext/150309-0004.htm#150309-0004.htm_para6

²⁸ Review Page 4.

68. A number of responses expressed concern about the costs incurred in managing asbestos and the extra costs in maintaining their buildings because of the presence of asbestos where once again their present funding agreements do not meet those costs.
69. The Shadow Minister of State for Employment, Stephen Timms MP, argues passionately that the next government should introduce and establish a strategy for the removal of asbestos from the built environment. *“That is not going to happen in the course of one parliament but we think it is time for a strategy with a timetable for removing the asbestos”*.²⁹
70. The Shadow Secretary of State for Education, Tristram Hunt MP, acknowledged that asbestos in schools is a serious problem and has pledged to introduce long term strategic policies.³⁰
71. In 2013 Australia passed into law the ‘Asbestos Safety and Eradication Act’ that has introduced a National Strategic Plan which *‘Aims to prevent exposure to asbestos fibres in order to eliminate asbestos-related disease in Australia’* and will introduce *‘Systems, timelines and processes for the prioritised safe removal of material containing asbestos from public and commercial buildings’*.³¹
72. But this policy review by the Westminster Government has had no such vision and has failed to introduce a long term strategy that will eventually eradicate the problem of asbestos from our schools. Instead minor changes have been made to the present policy of managing asbestos and no evidence has been provided to support the decision to maintain the status quo.
73. In February 2015, just before publication of the review, the Minister of State for School Reform was asked if he would adopt long term strategic measures for the removal of asbestos from schools. In reply he referred to his Government’s policy:
- “The cost of removing asbestos from schools would be prohibitive and would involve far greater risk to children, staff and contractors than managing the asbestos containing materials (ACMs) in place until the eventual demolition of the building. Where asbestos is deteriorating or poses a high risk of disturbance or deterioration, it may need to be removed.”*³²
74. It is accepted that there can be a risk to removal contractors, but that risk is similar whether the asbestos is removed now or whether it is removed when the building is finally demolished. The claim that removal would present a greater risk to children and staff might have had some credence twenty years ago, however the systems and checks on asbestos removal have markedly improved so that when asbestos removal is carried out correctly it is significantly safer for the occupants after the removal than it was before. The evidence is

²⁹ SHP ‘Banging the Health and Safety drum’ 12 Jan 2015 <http://www.shponline.co.uk/banging-health-safety-drum/>

³⁰ Meeting Tristram Hunt MP, Jim Sheridan MP, M. Lees, J Winn. 19 Mar 2014

³¹ Asbestos Safety and Eradication Agency Act 2013

³² E-mail Office of Minister of State for School Reform Nick Gibb MP/Lees 6 Feb 2015

that asbestos has been safely removed from many commercial buildings, public buildings, university and some schools. Caerphilly Council for instance has adopted a policy of removal of all AIB that is accessible to children from its schools, and to ensure the removal has been performed correctly the threshold for Clearance air sampling is 0.0005f/ml, some twenty times less than the level recommended by HSE.

75. Many thousands of schools have asbestos insulating board in walls, ceilings, heaters, window and door surrounds and much of it is in places vulnerable to damage to children. There is evidence of it being regularly disturbed in many schools by common classroom activities, just slamming a door, knocking into a wall or kicking a football into a ceiling can release significant levels of asbestos fibres. But, because of government policy, it is left in place in most schools and 'managed.' It would be far safer for the children and staff if it was removed.
76. One of the reasons is that there are dangers inherent in even the best system of asbestos management. The risks were summed up by the business manager of a secondary school who responded to the consultation. He said that there are over a thousand teenagers in his school who sometimes struggle to contain their emotions, so it is inevitable asbestos is disturbed. A system of asbestos management that might work in a building used by adults will not be suitable for young people.
77. A DfE Ministerial briefing obtained under the FOI shows a different stance from the publicly stated one. It acknowledges that, so long as removal is done correctly, the risk is to the contractors rather than the occupants. It also acknowledged that asbestos materials that are accessible to children in schools can be disturbed and damaged and that the advised method of management, encapsulation, may not prevent damage by children. The briefing stated:
- "The use of crocidolite and amosite tends to make products more friable with age than similar products made with chrysotile alone..."*
- The position of the material. Readily accessible material is likely to be vulnerable to damage arising from vandalism, impact, abrasion, vermin etc. For schools, the location and accessibility of the material to children is significant.*
- In general, fibres are not released unless asbestos materials are disturbed or damaged, and undisturbed materials in good condition present little or no risk. The balance of risk points to leaving in place sound asbestos materials not liable to damage. This is because the process of asbestos removal, however carefully undertaken, will present a degree of risk to the operatives, who tend to be young and therefore at risk despite the latency periods for asbestos related diseases.*
- It may also - although the evidence is limited - give rise to higher asbestos fibre levels in the atmosphere for some months after, despite stringent precautions. This is not undisputed territory, however, nor is it helpful as a public position, because there will still be cases where asbestos removal is appropriate, and yet the premises need to be reoccupied soon afterwards. HSE consider this to be acceptable, provided the work is properly done....*

*The NUT claim that any asbestos materials that are accessible to pupils should be regarded as being prone to damage and, therefore, fibre release. This argument carries some weight. Techniques of asbestos encapsulation (ie sealing the surface with a specialist membrane coating) may not provide sufficient resistance to accidental or mischievous damage from children...*³³

78. Another system of asbestos management advised by HSE is to enclose the material. This is the method employed on the columns of many thousands of steel framed system built schools and because the AIB and sprayed asbestos were enclosed an assumption was made that the material could not be disturbed. But the assumption was wrong and it was only discovered by chance after fifty years that, rather than protecting the asbestos material from disturbance, the metal casing that enclosed it was acting as a bellows and ejecting amosite fibres into the classrooms. An HSL document stated:

*“The failure of the enclosure to prevent airborne fibre release into the classroom when the column casings were subjected to impacts was a source of concern, as it would increase the asbestos exposure and risk to the occupants and maintenance personnel. Also as enclosing asbestos is one of the remediation methods recommended in HSE guidance...”*³⁴

79. Once the problem was discovered the system of asbestos management advised by HSE to prevent the further release of amosite fibres is not to remove the damaged and deteriorating asbestos material, debris and fibres but it is to leave it in place and seal every crack and gap with silicone sealant. But that is a temporary expedient and tests have shown that it can fail, curious children have removed the sealant and it is impossible to seal every crack and gap throughout the school. But despite the likelihood that amosite fibres will continue to be released assurances are given that schools are ‘managing’ their asbestos because they are following the guidance - however flawed it may be.

80. The DfE report is entitled *“The management of asbestos in schools, a review of Department for Education Policy.”* In the vast majority of schools the practical application of that policy is to leave asbestos in place and manage it for the remaining life of the building, as the Government publicly claim it is safer for the children and staff. But there is no evidence given in the DfE report that supports this claim.

81. HSE have been asked on a number of occasions at the DfE Asbestos Steering Group to provide the evidence behind their advice that management rather than removal is safer for the occupants, but they have refused, because they say the evidence *“is in the public domain.”*³⁵ The Minister claims that the review and policy are evidence based, but he has failed to provide the evidence to support this main plank of Government policy for asbestos in schools.

³³ DfES Background note on asbestos in school buildings. Mr Forth’s meeting with NUT 1 Dec 1993

³⁴ Airborne Fibre and Asbestos Concentrations in System Built Schools HSL Garry Burdett, Steve Cottrell and Catherine Taylor Inhaled ParticlesX,(23–25September2008,Manchester)

³⁵ DfE Asbestos Steering Group Meeting, AiS note of meeting 20 Jun 2013

82. Rather the evidence that is available is that certain critical systems of management that are recommended by HSE are known to fail so that asbestos materials that are accessible to children are disturbed and amosite fibres released. Consequently it is safer for the occupants to remove the material so long as it is done correctly.

83. The Minister states that the cost of removing asbestos would be prohibitive. No doubt it would be if it was done over a short period of time, but that is not what AiS and JUAC have proposed. Instead their proposal is that those schools that contain the most dangerous asbestos are identified and that asbestos is removed, with particular priority being given to AIB that is in places accessible to children. This would be a progressive programme over a number of years, and indeed was the policy recommended by the Association of Metropolitan Authorities (AMA) in the 1980s. The AMA policy document states:

"A policy of progressive removal should be adopted. This does not, and cannot, imply the immediate removal of all asbestos materials, and will be dictated by the availability of financial resources and priority assessment. It may be many years before such materials are removed. Other treatment, to make safe in the interim, will often be necessary. Nevertheless, progressive removal is thought to be both the safest and most cost effective solution, given that any asbestos is a hazard, however slight, and that buildings will be occupied and have to be maintained, and inadvertent disturbance is a continuing risk. Further, asbestos will have to be removed separately at some stage, even if this is immediately prior to demolition.

*Implementation of the removal and treatment policy should be based on a priority assessment....*³⁶

84. The recently completed Property Data Survey Programme, the audit of the condition of school buildings, specifically excluded asbestos and therefore those schools with the most dangerous asbestos have not been identified. In addition the policy review failed to carry out a cost benefit analysis that would have assessed the cost of managing asbestos, the extra costs incurred in maintaining school buildings because of the presence of asbestos and the eventual cost of removing asbestos before demolition takes place. This would have been compared with the cost of progressive removal and the benefit in the lives saved.

85. Because the evidence had not been collated during the PDSP, and the policy review failed to carry out a cost benefit analysis, any financial forecasts, policy and Minister's statement are based on supposition rather than the evidence. The evidence is there and it should be collated.

Recommendation

86. It is recommended that:

- HSE provides evidence to support their claim that so long as asbestos is not disturbed or damaged that it is safer for staff and pupils to leave asbestos in place for the remaining life of the building than it is removing it.

³⁶ Association of Metropolitan Authorities Asbestos Part 1: Policy and practice in local authorities Sep 1985 page 2 para 2.2.8, 2.2.9

- Evidence is collated from councils, commercial organisations, universities, ATAC, ACAD and others of the safe removal of asbestos from buildings.
- Evidence is collated from schools and councils on the cost of managing asbestos, the extra costs incurred in maintaining buildings because of the presence of asbestos and the eventual cost of removal.
- Data is collated from local authorities and schools who have already removed asbestos on the cost of that removal. An assessment is then made of the cost of a policy of progressive removal.

Risk Assessment.

87. The review states that HSE advice is that ‘low risk’ materials should be managed in situ. An asbestos management plan in a school is based on the risk posed to the occupants from each piece of asbestos material, and that assessment is made using an HSE ‘risk algorithm.’ There is evidence that the algorithm has not worked in many schools with the result that high risk materials, such as asbestos insulating board, that are accessible to children have been incorrectly classed as low risk. This has meant that it has not been managed safely and inevitably children and staff have been put at risk.

The policy advocated by HSE of managing ‘low risk’ materials is therefore unsound as it is based on a flawed risk assessment.

88. As well as being used as the basis for asbestos management plans for schools, the algorithm is also used as the basis for asbestos policy in local authorities and nationally. For instance local authorities have given assurances that they have removed all ‘high’ risk asbestos materials from their schools.³⁷ In addition statistical returns have been made that include tables listing the numbers of schools that contain high, medium, low and very low risk asbestos materials.³⁸ Therefore policy is based on the risk algorithm, and when that is flawed then so is the policy.

89. AiS and JUAC submitted a proposal to the DfE in July 2014, some eight months before the review was published, that the algorithm should be reviewed and revised so that it is suitable for schools,³⁹ the proposal was also included in their response to the consultation for the review. Because the algorithm lies in HSE’s area of responsibility⁴⁰ DfE were unable to include it in the review or act as they awaited HSE’s response. HSE finally responded after the review had been published and claimed that “*HSE believes that it remains fit-for-purpose and so does not merit a fundamental revision.*” They did however suggest that DfE could consider introducing an additional risk parameter specific to schools. HSE’s response states:

³⁷ Lancashire County Council Corporate Policy statement & arrangements for the control and management of asbestos within LCC buildings. Jan 00 reviewed Jan 2014 para 5.1 . Londonderry Sentinel 88% of WELB schools contain asbestos 26 March 2012. <http://www.londonderrysentinel.co.uk/news/local/88-of-welb-schools-contain-asbestos-1-3644965> . Letter Minister for Education Northern Ireland/ Julie Winn 16 Jan 2014.

³⁸ RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL CABINET 21ST CENTURY SCHOOLS – SUBMISSION OF REVISED STRATEGIC OUTLINE PROGRAMME 19TH DECEMBER 2011 p247

³⁹ Proposal for an asbestos risk algorithm for schools 17 Jul 2014 [http://www.asbestosexposureschools.co.uk/pdfnewslinks/paper%20risk%20Algorithm%20\(draft%207\)%2017%20Jul%2014.pdf?zoom_highlight=algorithm#search="algorithm"](http://www.asbestosexposureschools.co.uk/pdfnewslinks/paper%20risk%20Algorithm%20(draft%207)%2017%20Jul%2014.pdf?zoom_highlight=algorithm#search=)

⁴⁰ Review Page 17.

“Whilst further discussion, expert input and significant testing would be required, the Group may wish to consider developing a supplementary school-specific algorithm to complement the current HSG 227 algorithm, along the lines of: Overall ranking = current Material Assessment + current Priority Assessment + additional risk parameter(s) specific to the building use...”⁴¹

90. The safety of children and staff depends on a sound assessment of the risks posed by asbestos materials, in addition policy is based on whether asbestos is high or low risk. The basis for the assessment has been proved to be unsuitable for schools therefore a fail safe, reliable means of assessing the risks from asbestos materials needs to be developed that is suitable for schools.

Recommendation

91. It is recommended that:
- DfE sets up an expert group to design, test and implement an additional parameter for the risk algorithm that will make it suitable for schools.

Environmental level.

92. Because of the increased vulnerability of children a number of responses to the consultation considered that workplace fibre level should not be applied to schools. AiS and JUAC recommended that in their place an ‘environmental’ asbestos fibre level should be adopted specifically for schools. The level should be considerably lower than present levels.
93. The present level is 0.01 fibres per millilitre of air, which is 10,000 fibres in every cubic metre of air, which HSE acknowledge is unsafe. However following an asbestos incident or asbestos removal in a school children and staff are allowed to return to their classrooms if the level is beneath this threshold – even though it is known to be unsafe.
94. AiS and JUAC submitted a proposal to DfE in June 2013,⁴² and DfE asked HSE to respond to the proposal. HSE finally responded some twenty one months later after the review had been published. They claim that the introduction of an environmental level is not their responsibility and that more research is needed before the matter can be considered further.⁴³ AiS strongly disagrees that more research is needed as there is ample evidence already that the present levels that are used in practice are unsafe and HSE’s proposal would impose an unjustified and unnecessary further delay in introducing a safer level.

Recommendation

95. It is recommended that without further delay DfE takes the lead and forms an expert group to consider:
- The introduction of a lower and safer asbestos fibre level below which children and staff can return to classrooms following an asbestos incident or work on asbestos in a school.

⁴¹ Proposal for developing a revised algorithm for assessing asbestos in schools. HSE Response. Undated, received 27 Mar 2015

⁴² The case for an environmental level for the occupants of schools . AiS 14 Jun 2013
<http://www.asbestosexposureschools.co.uk/pdfnewslinks/Environmental%20asbestos%20fibre%20level%20for%20schools%2014%20Jun%202013.pdf>

⁴³ Proposal for an environmental level for asbestos exposure in schools HSE Comments Dated Feb 15 copied to DfE Steering Group members 27 Mar 2015

- The introduction of an environmental asbestos fibre level for schools.

Managing asbestos safely

96. Even if a policy is introduced to progressively remove the most dangerous asbestos from schools it will take many years. Consequently most schools will have to manage their asbestos for the foreseeable future. The review has improved or implemented a number of measures that will assist schools to effectively manage their asbestos.
97. Amongst which is a revision of the asbestos guidance for schools, a clear statement that asbestos training is by law mandatory for teachers and support staff and a proposal to introduce a new system of assessing whether schools are managing their asbestos effectively. The following comments on those measures:

Asbestos Guidance for Schools.

98. It was a significant step forward when in 2012 DfE introduced asbestos guidance specifically for schools. The review highlights that the guidance is now being revised. The revised guidance was published on 7th April 2015 and is targeted at ‘employers and leaders.’⁴⁴
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417033/asbestos_management_guidance.pdf

99. The revised guidance is aimed at school leaders, governors, local authorities and academy trusts. It is essential that guidance is also aimed at teachers and support staff. The guidance this replaces was also aimed at teachers and support staff, and AiS and JUAC asked DfE to ensure the secondary guidance does the same. DfE responded:

“Please be assured that we do intend to make that more detailed information, with pictures and examples, available to schools by publishing a secondary reference document that will be clearly signposted and linked to in the attached document. This decision has been taken so that we can produce a brief, more approachable primary guidance document that can have the widest possible audience in schools but also includes links to where those who need more information can find it.”

100. DfE also stated that they would include a warning about warm air cabinet heaters in their revised guidance. It is not in this revised guidance and so AiS and JUAC have sought confirmation that it will be included in the secondary reference document.

101. On page 9 of the guidance there is a link to [an example asbestos management plan](#). It is not suitable for schools and will promote bad practice.

Recommendation

102. It is recommended that:
- The DfE supplementary asbestos guidance is also targeted at teachers and support staff.
 - DfE re-issues a warning about the dangers of warm air cabinet heaters.

⁴⁴ Managing asbestos in your school Departmental advice for school leaders, governors, local authorities and academy trusts March 2015

- The present example of an asbestos management plan is withdrawn from the DfE guidance and it is replaced with an exemplary one that is suitable for schools.

Training.

103. It is to be welcomed that the DfE report acknowledges that training is mandatory for all teachers and support staff as they are liable to disturb asbestos⁴⁵ – which has not previously been publicly acknowledged. HSE had previously stated that teachers and support staff do not need training as they are not liable to disturb asbestos,⁴⁶ which is incorrect as there is plenty of evidence that teachers and support staff do disturb asbestos. They also have to be trained as they supervise children and need to ensure they do not disturb or damage asbestos.

104. A number of responses to the consultation recommended that governors are also trained in asbestos awareness, and this is particularly important in the ever growing numbers of academies. They need to be aware of the dangers of asbestos and the measures that have to be implemented to effectively manage it so that they can set priorities and allocate funds proportionate to the risks.

105. In July 2013 HSE released a report that summarised the findings of a seconded senior teacher who had carried out an investigation on behalf of HSE into ‘The leadership of health and safety in schools.’ He concluded that school leaders including headteachers and governors were often not aware of their duties concerned with health and safety and he proposed mandatory training.⁴⁷

106. In 2013 the Education Select Committee took evidence on the role of school governing bodies. Their findings reflect those of the seconded senior teacher. Although they did not specifically look at health and safety training they did examine the general issue of training of governors and concluded that *“Too many governors have not received suitable training and we recommend that the Government require all schools to offer training to new governors.”*⁴⁸ The review did not address the various recommendations that governors should be trained.

Recommendation

107. It is recommended that:

- DfE examines the need for school governors to be trained in asbestos awareness and reports their findings to the DfE Asbestos Steering Group.

Inspection

108. If schools are expected to manage their asbestos then there has to be a system in place to ensure they are. The review concludes that strong and clear incentives should be put in place for schools to comply with asbestos regulations, and to achieve this they propose that

⁴⁵ Review Page 8

⁴⁶ HSE Asbestos in system buildings Control of Asbestos Regulations 2006 Guidance for duty holders Updated 18 September 2008 page 8

⁴⁷ HSE Leadership of Health and Safety in Schools A summary of the findings and recommendations made following the secondment of a headteacher into HSE’s Public Services Sector Mar 2012

⁴⁸ Parliamentary Education Select Committee. The Role of School Governing bodies 4 Jul 2013
<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmeduc/365/36506.htm#a8>

dutyholders provide a regular report to the Education Funding Agency about their management of asbestos.⁴⁹

109. It is agreed that this will increase the authorities' awareness of the need to manage their asbestos, but unless there are on the ground inspections to assess the viability of the returns, this system could give a rosier picture than the one that actually exists.

110. There was a system in place to ensure that schools were complying with the asbestos regulations, and that was a system of proactive inspections carried out by HSE. As the regulators, it is HSE's statutory function to *"propose and set necessary standards for health and safety performance and to secure compliance with those standards."*⁵⁰

111. However in 2012 DWP classified schools as 'low risk' and because of that HSE ceased proactive inspections in local authority schools.⁵¹ Then, in July 2014 after a round of inspections of schools outside local authority control had been completed, the Minister responsible for the HSE confirmed in a Commons written answer that the HSE *"has no specific system in place to inspect schools to assess their standard of asbestos management."*⁵²

112. Consequently HSE no longer carries out proactive inspections in either local authority schools or in schools outside local authority control. There are now 4,580 academies and 255 free schools, and most of them can no longer rely on the expertise of their local authorities. Concerns were expressed in the consultation about the skills and ability of these schools to safely manage their asbestos.

113. Now, more than ever before, is it essential to have a rigorous system of inspection in place to ensure that schools are effectively managing their asbestos, and if they are not then advice can be given to ensure they do.

Recommendation

114. It is recommended that:

- In addition to the DfE questionnaire DWP reintroduces proactive inspections carried out by HSE to determine whether schools are effectively managing their asbestos.

Air sampling

115. The review concluded that it needed to establish a better evidence base, and to achieve this it proposes a project to carry out air sampling in fifty schools.

116. It is agreed that this will increase knowledge of the asbestos exposures experienced by children and staff. But there is ample evidence already that asbestos is being disturbed in schools and asbestos fibres released. There have also been sufficient tests carried out over

⁴⁹ Review Page 19

⁵⁰ DWP / HSE Framework document Jul 2009

⁵¹ HSE Intervention plan: Education draft 29 April 2012

⁵² Parliamentary written answer Annette Brooke MP/ Mark Harper MP: Column 718W Schools: Asbestos 16 July 2014

the last thirty years to the present that show significant levels of asbestos fibres can be released in schools. They show there is a very real risk and give a reasonable idea of the asbestos exposure of the occupants of schools.

117. In 2009 AiS proposed a trial to perfect the methodology of widespread air sampling for schools.⁵³ Those schools and rooms where asbestos fibres were being released could then be identified and remedial action could be taken. As a secondary benefit a significant amount of data would also be gathered on the airborne fibre levels in schools so that present and future risks could be accurately assessed.

118. The DfE review has proposed the study of fibre levels in fifty schools rather than the trial to perfect a system of widespread air sampling in schools. Admittedly if asbestos fibres are being released in those fifty schools then remedial actions can be taken. However the main purpose of the study is to collate data on 'typical' fibre levels in schools so that an assessment can be made of the risks. A small sample of this type can only provide limited background information for future policy, and although it might help with forecasting future deaths it does not provide a means for all school to identify if their system of asbestos management is working or whether asbestos fibres are being released.

119. In contrast the AiS proposal is for ongoing, active prevention and identification of problems in schools. It would provide authoritative material which would be regularly updated so that it could be assessed whether the policy of asbestos management was working. It would also enable the development of asbestos policies for schools based on comprehensive data of the actual asbestos fibre levels in a large number of schools.

120. There are concerns about the study of fifty schools as it depends on the selection of the schools and the methodology of the air sampling, and it has been shown in previous studies that because of that there can be a large variation between fibre levels even in schools of a similar design – so false lessons can be learnt. The 50 schools represent just 0.17% of schools in the country and therefore it is statistically a very small sample and could give misleading results, and yet it is reasonable to assume the results will be used as the basis for future policy decisions.

121. The proposed study will begin in 2016 and take 3 years to complete. There is therefore the potential that it will be used as an excuse to delay taking the long overdue measures to prevent the further release of asbestos fibres in schools.

122. It is important that the necessary measures to make schools safe will not be delayed until the results of these tests are eventually completed.

Recommendation

123. It is recommended that:

⁵³ Letter ATAC/ Shadow Minister for Schools Nick Gibb MP 21 Jul 2009. Letter Annette Brooke MP/ Minister of State Nick Gibb MP 30 Mar 2011 Widespread air sampling trial to detect airborne asbestos fibres in schools

- Either a stand-alone study is undertaken to perfect a system of widespread air sampling in schools, or such a study is incorporated in the 50 school study.
- Measures to make schools safe are not delayed until the studies are complete.
- The prompt setting of a lower and safer level of asbestos fibres for pupils and teachers to return to a classroom after an asbestos incident or remedial action is not delayed by the study. The study is irrelevant to that issue.

Risk Protection Agreement

124. The review summarised how the Risk Protection Agreement provides a central fund that will meet any future asbestos claims from staff and pupils in academies and free schools.⁵⁴

125. The scheme is to be applauded as it was introduced by DfE to cover any future asbestos related claims because commercial asbestos risks insurance cover is generally not available for pupils and non-employees. Local authorities self insure but the problem was that academies and free schools do not necessarily have the resources to do so. Any subsequent claims would consequently have to met out of their own resources and the governors could be legally and financially liable.⁵⁵

126. However amongst the 4,580 academies and 255 free schools just 768 academies had joined the scheme (17%). This is possibly because some are unaware that their commercial policy excludes third party asbestos risk claims and it is also likely that some academies are locked into long term policy agreements.

127. Subsequently the Fire Brigades Union have expressed concern about the RPA. That is because insurance companies insist on certain standards before cover is provided, whereas there are no such standards required for the RPA.

128. The review proposes to encourage more academies to join the scheme. It must be asked how this will be achieved?

Recommendation

129. It is recommended that:

- DfE talks to the Fire Brigades Union about their concerns.

DfE Asbestos Steering Group

130. Many of the improvements in the management of asbestos in schools, and indeed this very review, have been brought about by the DfE Asbestos Steering Group.

131. The Shadow Secretary of State for Education, Tristram Hunt MP, has given a commitment to continue the Steering Group if Labour form the next Government.⁵⁶ A similar commitment was not given by the Minister or the Secretary of State for Education. If there is a

⁵⁴ Review page 21

⁵⁵ See: AiS. In general asbestos risk insurance is not available for school children 4 Dec 2013 <http://www.asbestosexposureschools.co.uk/pdfnewslinks/INSURANCE%20Schools.%20lack%20of%20asbestos%20risk%20public%20liability%20insurance%204%20Dec%2013.pdf>

⁵⁶ Meeting Tristram Hunt MP, Jim Sheridan MP, M. Lees, J Winn. 19 Mar 2014

Conservative, or coalition Government formed after the election it is vitally important that confirmation is given that the DfE Asbestos Steering Group will continue.

Recommendation

132. It is recommended that:

- The DfE Asbestos Steering Group continues under the next government.

Conclusion

133. The DfE asbestos policy review was a step in the right direction and can be used as a basis to build future policy. There were a number of critically important issues that were omitted from the review that need to be addressed. They include the collation of data on the scale of the asbestos problem in schools and an assessment of the number of people who have and will die from asbestos exposure at school. An open and independent cost benefit analysis is also essential so that resources can be allocated that are proportionate to the risk.

134. If such an analysis is completed then sound financial forecasts can be made and it would provide the basis for a long term strategy for the eventual eradication of asbestos from schools.

*Asbestos in Schools Group
Joint Union Asbestos Committee
5th May 2015*

DfE Terms of Reference for Steering Group on Asbestos in Schools

22 February 2011

1. Aims

- 1.1. To promote the effective management, by schools and by local authorities, of asbestos in schools and other children's settings.
- 1.2. To raise awareness of and promote the need to ensure proper management of asbestos in schools and other children's settings.
- 1.3. To contribute to the development of guidance and targeted training materials on asbestos management for school and Local Authority staff.

2. Terms of Reference

- 2.1. To consider the risks posed by asbestos in schools and other children's settings
- 2.2. To contribute to the development of the DfE/HSE/Partnerships for Schools (PfS) plans to ensure that asbestos is competently managed in schools.
- 2.3. To review progress against DfE/HSE/PfS plans to promote the effective management of asbestos in schools.
- 2.4. To ensure that key stakeholders are informed of relevant work that is undertaken to ensure that asbestos is managed effectively in schools.
- 2.5. To provide input to DfE, PfS and HSE in the preparation of any asbestos guidance that may be drafted specifically for schools and children's settings.
- 2.6. To promote good practice in asbestos management in schools by local authorities, dioceses, school governors, bursars and school business managers, parents' groups and the teaching and support staff unions – in the independent and maintained sectors.
- 2.7. To share good practice in documentation and systems in place to effectively record and manage the risks from asbestos in schools.
- 2.8. To provide an input into the development of any common standards, tools or documentation for schools, governors, dioceses and local authorities on asbestos management.

3. Membership

- 3.1. The group is convened by DfE and chaired by a senior civil servant from DfE. The group will report to ministers and make recommendations about ongoing activities, as necessary.
- 3.2. Membership of the steering group is made up of the following key representatives of organisations and invited stakeholders.

- 3.3. Annette Brooke, MP for Mid Dorset and Poole, Chair of Asbestos in Schools sub-Committee of The All-Party Parliamentary Group on Occupational Safety and Health
- 3.4. Teaching union representative, rotated between the unions
- 3.5. Non teaching union representative, rotated between the unions
- 3.6. Employers' representative, nominated by Local Government Employers (LGE)
- 3.7. Asbestos management representative - Chair of Asbestos Testing and Consultants Association (AtaC)
- 3.8. A local authority officer with relevant responsibilities, for asbestos management in schools
- 3.9. Jim Sheridan, Chair of the All-Party Parliamentary Group on Safety and Health
- 3.10. Michael Lees (representing asbestos victims)
- 3.11. Representative from the Independent Schools Bursars Association
- 3.12. Representative from the National Association of Head Teachers
- 3.13. Representative from the National Governors Association has been invited
- 3.14. Co-opted expert members if and when required
- 3.15. DfE, HSE and PfS will be invited to meetings as policy leads and technical experts, to update the project board on progress and to respond to issues raised.
- 3.16. Representative from the National College for Leadership in Schools and Children's Services when its role as trainer of headteachers and school business managers is on the agenda.

4. Meetings and Procedures

- 4.1. PfS will provide secretarial support.
- 4.2. Meetings to be arranged as required. Initially two quarterly meetings and then 6 monthly or as required.
- 4.3. Members of the Steering Group may send deputies with agreement of the chair.

Agenda Item 3.5

P-04-581 Opposition to cuts in provision for learners of English as an Additional Language

Petition Wording:

We, the undersigned, call upon the National Assembly for Wales to urge the Welsh Government to reconsider its cuts to pupils acquiring English as an Additional Language (EAL) in schools. Additional funding is required to prevent the marginalisation of pupils from minority ethnic backgrounds in schools through specialist support which aims to raise educational standards and ensure equality of opportunity for all.

The reduction in the MEAG grant impacts exclusively upon ethnic minority pupils at a time when unprecedented numbers of EAL learners are in our schools. Lack of consultation fails to examine the scale, scope and impact of our support upon individuals, their families and whole school achievement.

Additional Information:

The reduction in the MEAG grant impacts exclusively upon ethnic minority pupils at a time when unprecedented numbers of EAL learners are in our schools. Lack of consultation fails to examine the scale, scope and impact of our support upon individuals, their families and whole school achievement.

Petition raised by: Helen Myers

Date Petition first considered by Committee: 23 September 2014

Number of signatures: 37



Eich cyf/Your ref P-04-581
Ein cyf/Our ref HL/00733/15

William Powell AM
Chair - Petitions Committee

committeebusiness@Wales.gsi.gov.uk

21 April 2015

Dear William

Thank you for your further letter in March about Petition P-04-581, following further representations by Helen Myers.

The new, simplified Education Improvement Grant for Schools, which was introduced this month, will give local authorities and education consortia greater flexibility to enable them to target resources more effectively ensuring they are directed to areas where they are most needed to address local, regional and national priorities. In that context decisions about local priorities, including how services are delivered, are matters that are rightly for local determination since regional consortia and local authorities are best placed to understand the needs of their learners. This of course includes those from minority ethnic backgrounds, who might also have additional language needs.

The Welsh Government has been clear that the impact of the new grant must be to improve educational outcomes for all learners and reduce the impact of deprivation on learner outcomes by:

- improving the quality of teaching and learning;
- addressing learners' barriers to learning and improving inclusion;
- improving the leadership of educational settings; and
- improving the provision for learners and the engagement of learners.

While we have not ring-fenced specific amounts within the overall grant, we have been clear with local authorities and consortia that the needs of these learners must be addressed through the business planning process. Consortia have been directed to consider the needs of this learner group in their business planning process for 2015-16. These business plans are subject to the scrutiny and approval of the Welsh Government. The level of resources to be allocated to individual priorities will however be a local decision, but I do of course recognise that pressure on services will continue to grow as the numbers of minority ethnic learners increase and that there will be a disproportionate impact on some areas of Wales.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Huw Lewis'.

Huw Lewis AC / AM

Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

P-04-581 Opposition to Cuts in Provision for Learners of English as an Additional Language – Correspondence from the Petitioner to the Committee, 25.03.15

Dear Mr. Powell

I write in reply to your letter of the 30th September 2014 attached, (Ref P-04-581) seeking views on the petition from Helen Myers and 37 other signatories relating to cuts in the Welsh Government Grant funding (the Minority Ethnic Achievement Grant – MEAG) in 2014/15 for pupils from ethnic minority backgrounds acquiring English as an additional language (EAL) in schools. Please accept our sincere apologies for the delay in responding.

In your letter you quote that the petitioner Helen Myers refers to unprecedented numbers of pupils in schools requiring specialist support via the MEAG. Our pupil data confirms this to be the case in Swansea. The percentage of pupils from ethnic minority backgrounds in Swansea schools has almost doubled in the last 4 – 5 years and continues to grow each year. Ethnic minority pupils now make up **12.5%+** of our school pupil population (Age 5 – 16 years) *PLASC Jan. 2015*.

Last school year a total of **3,121** identified ethnic minority pupils (aged 3 – 19 years) were in receipt of specialist MEAG funded support in **78** of our schools. Furthermore, the rate of new pupils being identified by schools as being at risk of underachieving due to lack of fluency in English, has been increasing year-on-year. This school year to date, **570** newly arrived ethnic minority pupils have been identified by schools and referred to our MEAG funded Ethnic Minority Language and Achievement specialist support Service to schools. This compares with **588** new referrals for the whole of last school year.

Many of the pupils in receipt of specialist support via the MEAG in Swansea come from local settled ethnic minority communities; others are the children of economic migrants, overseas students, health care workers asylum

seekers and refugees. Swansea is both a university city and a dispersal centre for asylum seekers. The numbers of children of overseas students and asylum seeker pupils arriving in our schools have been increasing steadily. For example 126 asylum seeker pupils were being supported via the MEAG in July 2014; this number rose by 48 to 174 in September 2014 and to 180 in October 2014 and to over 200 in January 2015. Swansea as an urban city has also been impacted in recent years by inward economic migration in particular from EU accession countries. There are increasing numbers of pupils from White European ethnic backgrounds from EU accession states in particular, Poland, Lithuania, Latvia and Romania in Swansea schools. The majority of these new arrivals are beginners in terms of acquiring English and need support via the MEAG.

There have been two consecutive reductions to the MEAG in 2014/15 as mentioned by Helen Myers. On 20th December 2013 the Council was first notified by the Welsh Government’s Education Minister of a **4.76% £73,287** reduction in its MEAG allocation for 2014/15. Six months later in the summer of 2015 the Council was made aware of further unexpected in-year cuts to the MEAG of up to **15%** (Total proposed reductions of **20%** for **2014/15**). The Council adopted flexible arrangements to address the in-year claw back of funding to avoid major impact on support provision in place in schools for this group of pupils.

As **98%** of the Welsh Government’s annual MEAG allocation is utilised in Swansea Council to fund the salaries of EMLAS specialist staff the only way of making reductions is to cut front-line posts. The following posts/ftes have been removed from EMLAS this year with the loss of expertise in this area.

Staff ftes lost	Posts/Ftes Removed	Posts/Ftes Removed from:-
0.5 fte	Specialist Teacher	27 th April 2014

2.3 fte	Specialist Teachers	1 st September 2014 and December 2014
1.2fte	Bilingual Teaching Assistants	1 st September 2014
0.5fte r	Specialist Teacher	January 2015
0.6fte	Admin & Org Assistant	1 st September 2014

2.8fte of the permanent specialist staff members listed above left on ER/VR at a cost of **£40K** to the local authority in redundancy payments.

In her petition Helen Myers refers to a lack of any consultation on reductions to the MEAG. I am not aware either of consultation being undertaken which would seem to be a requirement under the Equalities Act 2010 as these reductions impact on a group with protected characteristics.

The specialist support provided to this growing group of pupils in our schools is undoubtedly vital in order that they can be fully included in school, access a broad and balanced curriculum, learn English and achieve their individual academic potential. Where this support is not in place these pupils are at risk of underachieving, becoming disaffected/NEET and of not gaining the qualifications and skills they need to gain future employment. Pupil attainment data for Swansea shows the impact of MEAG specialist support on the standards being attained by this group of pupils. Whereas the attainment levels have traditionally been below all Swansea and all Wales pupils at age 7 years, by the end of Key Stage 4, at age 16 years, the majority of supported pupils have closed the attainment gap and the group has consistently performed ahead of all Swansea and all Wales pupils on the national Core Subject Indicator.

Any further reductions to the MEAG will potentially impact further on provision and standards for pupils from ethnic minority backgrounds in particular those learning EAL and could possibly also have wider consequences for standards generally for all pupils in Swansea.

Agenda Item 3.6

P-04-615 A Fair Student Loan Payment in the Final Year of Training

Petition wording

Payment for midwifery and health care students in the final year is reduced dramatically as it does not take into account the extra weeks studying or in placement in August. This loan payment is repaid when in employment but affects the final year by as much as £150 per term. Healthcare is a completely different degree in relation to theory and placement and continues into August when other courses have broken up for summer holidays.

We would like the student loan system to take the third year course content into account and this be reflected in the student loan payments made to midwifery students and healthcare students alike

Petitioner : Maryanne Bray

First considered by the Committee:

Number of Signatures:: 47

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-615
Ein cyf/Our ref HL/00716/15

William Powell AM
Chair - Petitions Committee

committeebusiness@Wales.gsi.gov.uk

20 April 2015

Dear William

Thank you for your recent letter which I received on 9 April on behalf of the Committee following our previous correspondence about student loan payments in the final year of study. Ms Bray has raised a further issue about student loan payments for healthcare students and how they link to term times.

My earlier reply explained that support for healthcare students is tailored to include funding for any additional weeks of study specific to their course. These arrangements recognise that the final year loan, which is applied equally for all students irrespective of course, is a reduced amount as the number of weeks in the final academic year is generally reduced. However, NHS students can apply for an additional weeks allowance through the NHS Bursary Scheme as it is recognised that their academic year may exceed 30 weeks. The NHS bursary takes into account the length of the course in each academic year, including periods of practice placement for all NHS students, and is increased for each week over and above the standard 30 weeks of study. This means that most students would receive an additional £83 per week for each week over 30 weeks.

You will be aware that the Health Professional Education Investment Review has now been concluded and the report published. A six week engagement period has now commenced and we are encouraging individuals and organisations who have an interest in the health education and training agenda to participate in this process. The Diamond Review is also continuing its review of higher education funding and student finance arrangements. Your earlier letter was brought to the attention of both Panel chairs and I will ensure that this latest correspondence is also passed on accordingly.

Yours sincerely

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

Agenda Item 3.7

P-04-537 Planting Trees to Reduce Flooding

Petition wording:

We call on the Welsh Assembly to urge the Welsh Government to reduce flood risk to thousands of homes across the country by supporting the planting of at least 10 million trees over the next 5 years, creating hedges, tree belts and wooded areas targeted where they will best help soak up rainfall and slow down water runoff. This tree planting will count towards the 100,000 hectare tree planting target the Welsh Government has already set, to soak up CO₂ from the atmosphere.

Petition raised by: Coed Cadw

Date Petition first considered by Committee: 18 February 2014

Number of signatures: 2708



Eich cyf/Your ref P-04-537
Ein cyf/Our ref CS/00588/15

William Powell AM
Chair Petitions Committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

23 April 2015

Dear William,

Thank you for your letter regarding the above. The Welsh Government is aware that flood risk management is not only about building defences and we have set out a range of approaches in our National Strategy for Flood and Coastal Erosion Risk Management in Wales, including making more use of the natural environment.

The Welsh Government intends to provide support for tree planting, woodland restoration and management as part of the Glastir woodland scheme through the new Rural Development Plan (RDP) programme. Good progress has been made on the RDP/Glastir forestry proposals which are potentially very significant. We have not as yet, received formal confirmation from the EU in this respect but subject to my formal agreement, I would anticipate a launch for expressions of interest in May for those who can complete planting in 2015/2016.

Support for woodland creation will be based on a revised woodland opportunities map which is nearly ready and will be released as part of the rollout of RDP Glastir later this year. The map has been re-engineered to address the concerns of stakeholders that were raised during the consultation. It has been redesigned from a constraints-driven map where no trees can be planted in certain areas to an opportunities map focussing on where trees can be planted. Whilst still recognising sensitivities and constraints, UK Forestry Standard and national resource management planning principles will be followed that are consistent with an ecosystems approach.

The Welsh Government continues to work on ways in which woodland creation can be expanded, such as through our Plant! project which aims to plant a tree for every child born or adopted in Wales. Since its launch in 2007, 200,000 native broadleaf trees have been planted on 8 sites across Wales and we continue to support its delivery by Natural Resources Wales in partnership with Coed Cadw.

In summary therefore, I confirm that the Welsh Government is fully committed to increasing woodland creation and woodland management, as stated in our Wales Forestry Strategy '*Woodlands for Wales*'. Woodlands can provide a full range of ecosystem services and benefits which make a sustainable contribution to society as a whole.

Yours sincerely,

A handwritten signature in grey ink that reads "Carl Sargeant". The signature is written in a cursive style with a large, sweeping initial 'C'.

Carl Sargeant AC / AM
Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources

Agenda Item 3.8

P-04-544 Ban the Shooting of Greenland White-fronted Geese

Petition wording:

We call on the National Assembly for Wales to urge the Welsh Government to reverse their decision not to ban the shooting of an endangered species, the Greenland White-fronted goose, meaning that Wales remains the only country on the flight path of this endangered species where they can still be legally shot and killed. Scientific evidence has shown that the species is extremely vulnerable to hunting pressures. In their consultation report, the Welsh Government also admit that failure to take appropriate steps to reduce as far as possible Greenland White-fronted geese adult mortality could be seen as a failure to meet conservation obligations. Unlike Scotland, Ireland, Iceland and Greenland there is no current ban on the shooting and killing of this endangered bird in Wales. A voluntary ban is in place on part of the Dyfi estuary in Wales but there is evidence that the geese also use other areas away from the estuary in mid and North Wales where no voluntary agreements are in place.

The population of these geese, as a whole, is declining and they have been of conservation concern since the late 1970s when sharp declines triggered protection from hunting on their wintering grounds. They receive heavy statutory protection. However, since the mid 1990s the population has again declined sharply. While WOS has acknowledged that long running voluntary bans on shooting are in place at some wetlands such as the Dyfi Estuary, it believes that nothing less than a statutory ban on shooting will ensure its protection. The society is concerned that any voluntary ban could be lifted at any time and that the current approach does not cover all the sites where this declining subspecies spends the winter.

Petition raised by: Aaron Davies

Date Petition first considered by Committee: 29 April 2014

Number of signatures: 240

**P-04-544 Ban the Shooting of Greenland White-fronted Geese –
Correspondence from the Petitioner to the Committee, 13.04.15**

Dear Aaron,

Professor Fox has asked me to respond to the petitions committee via yourself. He apologises for the lack of direct response but he is currently travelling.

Professor Fox's position and the current evidence is shown in the attached letter recently sent to Welsh government.

We do not have any access to shooting bag records but it is shown in the letter that Greenland Whitefronts have turned up this winter on Anglesey in an area where they are not legally protected. In addition the population on the Dyfi is at an all time low, and the global population looks likely to fall below the threshold where international agreement requires urgent action. Professor Fox's letter explains why the shooting ban should be part of this action.

I would be grateful if you could pass these details to the committee with apologies from Professor Fox for not having time to write personally. If there are any questions I would be happy to address them either by email or in person to the petitions committee.

Regards

Mick Green CEnv, FIEEM
Trustee, Welsh Ornithological Society.



Greenland White-fronted Goose Study

As from:

Tony Fox
Ramtenevej 54
DK-8581 Nimtofte
Denmark

27th March 2015

Dear Dr Bilsborough

Protection of Greenland White-fronted Geese from hunting in Wales

Thank you for your letter of 4 March 2015 regarding the protection of the Greenland White-fronted Goose from hunting in Wales by a change to current legislation.

In your letter, you state "...a statutory prohibition on the shooting of GWfG in Wales is not necessarily required to meet the...the 5 top priority actions contained within the AEWA Species Action Plan for GWfG". However, you quote "Step 3.1 in the Framework for Action reads *Introduce and/or maintain protection from hunting throughout the year (and critically during the crucial spring migration and pre-breeding period) whilst the population has its currently unfavourable conservation status.*" The current view of the Welsh Government is that the voluntary moratorium on shooting in Wales "meets this action".

You will no doubt be aware that this year there have been just 26 Greenland White-fronted Geese on the Dyfi Estuary. This is the lowest count ever, running back to 1959 when regular counts began and far lower than the previous minimum of 36 geese in 1975. I have no doubt that so long as those birds remain within the boundaries of the Dyfi National Nature Reserve they are more or less protected from shooting because of the voluntary moratorium imposed by the only shooting club permitted to hunt on the reserve. However, I can only repeat that the voluntary moratorium by hunting clubs **ONLY** holds for hunting club members, and this membership represents a tiny proportion of the vast majority of shotgun licence holders who have every right under the law to go out and shoot Greenland White-fronted Geese without any recourse under the law. This makes a mockery of the statutory protection granted by the governments of Iceland (where the species was an extremely popular quarry) and Greenland (where subsistence hunters also sacrificed one of their relatively few quarry species) in 2006. These states have given up their statutory right to hunt species on their territories (both of which support the entire world population at different times of their respective hunting seasons) whilst Wales permits its inhabitants to completely legally hunt the remaining 26 geese that return annually to her territories. You will doubtless be aware that 17 Greenland White-fronted Geese (including at least 6 first winter birds) turned up on Malltraeth Marshes in January of this year and they too would have been "fair game" in the sense that anyone with a shot gun licence and permission to hunt on the land could have gone out and shot every one of these geese without redress for this loss.

Following on from the quote in your letter, I would be extremely grateful for documentary evidence that "...all wildfowling clubs across Wales have committed to a similar voluntary moratorium...", providing the names of the clubs, the size of their membership and evidence of dissemination of the moratorium to their members. In that connection, I would also be grateful for your assessment of the proportion of shotgun licence holders that are members of these wildfowling clubs to determine what proportion of legitimate hunters are likely to be subject of the voluntary moratorium.

It is not the case that a non-statutory hunting ban constitutes protection that is equivalent to statutory protect in any way. It does not. A voluntary ban will only ever be upheld by those who implement and are party to the ban, no matter how well intentioned on all sides. We are inordinately grateful to the Dyfi wildfowlers all those years ago for implementing for a local ban on the Dyfi and for latterly encouraging a more widespread moratorium. These actions were insightful and inspirational and this long-standing contribution has undoubtedly had a very major beneficial effect on the survival of the population there to the present day. However, as long as there is no statutory ban on the hunting of the species in Wales, the ignorant, and strong willed and downright mischievous will continue to enjoy the absolute right under the rule of law to go out and shoot individuals out of a Welsh wintering population that now teeters on the very brink of extinction.

The state has an obligation to protect its common natural resources from the desires and plundering of the minority. This is the very essence of a civilised society that respects that features of the natural environment are more precious to the long-term benefit of society as a whole than to the individual in the short term. There is therefore an unassailable argument that the law should set the moral framework for the management of its natural treasures, especially when this particular resource has been the subject of internationally agreed legislative hunting protection throughout its entire range, with the very notable exception of England and Wales. This seems all the more significant given the far greater sacrifices made by other states in the flyway to safeguard the future of this threatened population.

You mention the 20,000 global population size alert threshold in the AEWA Species Action Plan which requires signatory parties to reconvene to consider responses when the total numbers fall below this threshold population size. I regret that we shall not be in a position to provide an assessment of the current level of global abundance as of this spring until later in the summer when we collate the totals from the responsible monitoring groups and agencies in Ireland, Scotland, Wales and England, but we already know the Welsh population is even lower again this winter than last, that breeding success was again generally well below average for the last 30 years and that numbers at many localities are below those of this time last year. Hence, we regrettably look forward to the very real prospect of breaking the 20,000 barrier in the very near future. All the more reason to implement legislative actions that guarantees the legal imperative that removes all sources of avoidable mortality through hunting in the Principality.

Thank you for your continued attention. Please do not hesitate to get in touch if you require further information

Yours sincerely



Professor Anthony David Fox, D.Sc, Ph.D, B.Sc.

P-04-539 Save Cardiff Coal Exchange

Petition wording:

This petition seeks a commitment from the Welsh Government to set up a public enquiry into the events surrounding the Coal Exchange and to support public opinion which seeks to protect and conserve the building.

The Coal Exchange is one of Cardiff's most important buildings and one of the finest buildings in Wales. It's where the world's first million pound deal was struck during the city's industrial heyday (equivalent to over £100m today). Yet far from cherishing this building, Cardiff council proposes to demolish the main body of the building, keeping only the facades.

If this happens, then the magnificent interior with its immense historical significance will be lost forever. This grade 2* listed building deserves better, and the views of the public need to be heard.

The Council have been claiming for the past year that it is on the point of collapse. No works have been done, yet there is no apparent evidence that the building is about to collapse. It is questioned if Cardiff Council were able to use section 78 powers under the building act to progress their plans, and this needs to be investigated openly.

So much of Cardiff Bay's social and built heritage has already been destroyed; it seems inconceivable that more can be cast aside with cynical abandon.

It's unclear why the council refuses to see the value of restoring the Coal Exchange to protect this iconic building for the use and enjoyment of future generations.

The issues are of the highest level of public interest, and it is considered essential that an open public consultation occurs to review matters.

Petition raised by: Jon Avent

Date Petition first considered by Committee: 11 March 2014

Number of signatures: 389 signatures. An associated petition hosted on another website collected 2680 signatures.

Edwina Hart MBE CStJ AC / AM
Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth
Minister for Economy, Science and Transport



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-539
Ein cyf/Our ref EH/01860/15

William Powell AM
Chair
Petitions Committee

committeebusiness@Wales.gsi.gov.uk

30 April 2015

Dear William,

Thank you for your letter 21 April to the Deputy Minister for Culture, Sport and Tourism regarding Save Cardiff Coal Exchange's petition. I am replying in light of my portfolio responsibilities.

The initial feasibility study that we have commissioned is looking into the stabilisation, preservation and potential future re-use of the Coal Exchange building. The contractor is working alongside my officials from both EST and CADW and it is expected that the initial study will be concluded by the end of May.

As requested, I am happy to keep the Committee up date on any future developments.

Edwina Hart

Fy Nghyf / My Ref: CM29662

Eich Cyf / Your Ref:

Dyddiad / Date: 13th February 2015

Mr William Powell AM
Chair
Petitions Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Annwyl / Dear Mr Powel,

Thank you for letter regarding the 'Save Cardiff Coal Exchange' petition.

You will be aware that the Council has had to undertake some work under Section 78 of the Building Act 1984 in the interest of public safety. In addition to this, over the last 2 years or so the Council has worked hard to raise the profile of the building with a view to protecting its future.

I can confirm that the Council remains fully committed to facilitating the restoration of the Coal Exchange and securing a long-term future for the building.

The Council will continue to engage proactively, as we have been doing for some time now, with all stakeholders with an interest in the building to find a suitable and sustainable solution, and one that ultimately protects one of Wales' most important industrial heritage assets.

Yn gywir,
Yours sincerely,



**CYNGHORYDD / COUNCILLOR PHIL BALE
ARWEINYDD, CYNGOR DINAS CAERDYDD
LEADER OF THE CITY OF CARDIFF COUNCIL**

ATEBWCH I / PLEASE REPLY TO:

Swyddfa'r Arweinydd, Ystafell 525, Neuadd y Sir, Glanfa'r Iwerydd, Caerdydd CF10 4UW
Ffôn (029) 2087 2500 Ffacs (029) 2087 2599

Office of the Leader, Room 525, County Hall, Atlantic Wharf, Cardiff CF10 4UW
Tel (029) 2087 2500 Fax (029) 2087 2599

Pack Page 134



By virtue of paragraph(s) ii of Standing Order 17.42

Document is Restricted



IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
INFORMATION RIGHTS

Case No. EA/2014/0309

ON APPEAL FROM:

**The Information Commissioner's
Decision Notice dated 17 November 2014
FS50546312**

Appellant: Cardiff City Council

First Respondent: Information Commissioner

Considered on the papers

Before
John Angel
(Judge)
and
Rosalind Tatam and Pieter de Waal

Subject matter: Section 14(1) FOIA (vexatious requests)

Cases: *Information Commissioner v Devon County Council & Dransfield*
[2012] UKUT 440 (AAC)

DECISION

The Tribunal upholds the Information Commissioner's decision notice dated 17 November 2014 and dismisses the appeal.

REASONS FOR DECISION

Background

1. The Coal Exchange is located in Mount Stuart Square in Cardiff Bay and is a historical building in need of significant repair to prevent it becoming derelict.
2. Cardiff City Council ("the Council") proposed demolishing the main building; only retaining its facades. This is opposed by those who wish to see the entirety of the building retained and restored.
3. On 4 October 2013, Mr Jon Avent (a businessman whose office is located opposite the building) submitted a multi-limbed request to the Council for information regarding the Coal Exchange ("October Request").
4. On 23 October 2013, the Council explained that the requested information would be published on its website in December 2013 and thus it was not obliged to comply with this request under section 22 FOIA.
5. On 25 October 2013, Mr Avent sought an internal review.
6. The parties engaged in further correspondence regarding the deadlines for an internal review in light of the proposed disclosure in December, and Mr Avent submitted a further request for information on 20 November.

7. On 22 December 2013, Mr Avent advised the Council that as he had not had sight of any internal review in respect of the October Request he would make a formal complaint to the Council and/or complain to the Information Commissioner (“Commissioner”).
8. On 23 December 2013, the Council informed Mr Avent that it was still working on its internal review response and that it hoped to conclude its review in the New Year.

The Request

9. On 25 January 2014, Mr Avent wrote to the Council to express his frustration and dissatisfaction with the delay in providing its internal review of the October Request.
10. In the same letter, he also made the request for information which is the subject of this appeal as follows:

“...I would also, by this email, issue a further Freedom of Information request for the following:-

All internal council correspondence and emails relating to the Coal Exchange from 1st October 2013-25th January 2014...”

(“January Request”).

11. On 27 January 2014, the Council provided Mr Avent with the outcome of its internal review of its handling of his October Request. Mr Avent complained to the Commissioner who dealt with it under reference FS50529131 and issued a decision notice dated 3 November 2014. As far as we know this decision has not been appealed to the First-tier Tribunal (“FTT”).
12. In the same letter of 27 January 2014, the Council also set out its reasons for refusing the January Request as follows:

“...I can confirm that the Council is unable to answer your request as the cost of complying would exceed 18 hours of officer time and I am therefore issuing an exemption under Section 12 ...

...Under normal circumstances I would ask you to re-define your request to be more specific ... However, in this case the decision has been made to apply an exemption under Section 14(1) ... It is clear that you are submitting requests which are intended to be annoying or disruptive or which have a disproportionate impact on a public authority...

...Please note that this is a final decision and the Council will not undertake an Internal Review, if requested, in this decision...”

(“the Refusal Notice”)

13. The Council went on to state that Mr Avent’s emails in relation to his October Request and his request for an internal review of the Council’s handling of that request were *“...disrespectful and threatening. The tone and language used ... is completely unacceptable. ... It is also inappropriate to pass emails and email account details on to members of the media ...”*
14. Mr Avent complained about the refusal to his January Request to the Commissioner.
15. During the course of the Commissioner’s investigation, the Council confirmed that it was seeking to rely only on section 14 to refuse to deal with the January Request.

The Decision Notice

16. The Commissioner issued a decision notice on 17 November 2014 (“DN”).
17. The Commissioner made the following findings:
 - Whilst Mr Avent’s language in his communications with the Council “...*may certainly be described as accusatory it is not, in the Commissioner’s view of such magnitude or severity to make the request a vexatious one...*” (§35 DN);
 - The Commissioner also found that Mr Avent’s language and tone was “...*significantly influenced by the Council’s failure to respond to previous requests in line with its obligations under the legislation...*” (§36DN);
 - Whilst Mr Avent did have a personal interest in the subject matter given his position as the occupier of a business near to the Coal Exchange, there was a wider public interest in the disclosure of the requested information “...*given the status of the building in question, the impact that works to the building had on the immediate area, any potential health and safety risks associated with the building and the amount of public money involved. He therefore does consider that there is a serious purpose behind the complainant’s request...*” (§37DN);
 - The Commissioner had been unable to find any evidence that “...*the complainant had explicitly stated his intention was to cause disruption to the Council...*” (§38DN).
18. In light of the above, the Commissioner found that section 14(1) was not engaged and accordingly ordered the Council to comply with the request or to issue a new refusal notice which did not seek to rely on section 14.

19. The Council submitted a Notice of Appeal on 15 December 2014.
20. The case was considered by the Tribunal on the papers lodged by the parties who agreed that a hearing was not required.

The Legal Framework

21. Section 14 of the Freedom of Information Act 2000 (“FOIA”) provides:

“14. – (1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious”.

22. FOIA does not define the term “vexatious”. However, the Upper Tribunal has considered the meaning of the term in *Information Commissioner v Devon County Council & Dransfield* [2012] UKUT 440 (AAC). By way of overview, Judge Wikeley stated at §10 of the judgment that:

“The purpose of section 14...must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA.”

23. He continued at §24 that:

“the term [vexatious] in section 14 carries its ordinary, natural meaning within the particular statutory context of FOIA. It follows, I believe, that the ordinary dictionary definition of “vexatious” as “causing or tending or disposed to cause...annoyance, irritation, dissatisfaction, or disappointment” can only take us so far. I accept as a starting point that, depending on the circumstances, a request which is annoying or

irritating to the recipient may well be vexatious – but it all depends on those circumstances”.

24. Therefore, and whilst making it was clear that they were “*not intended to be exhaustive, nor ... meant to create an alternative formulaic check-list*”, Judge Wikeley took the view that it was helpful to approach the question of whether a request was truly vexatious by considering four broad issues or themes:-

- (1) The burden placed on the public authority and its staff which takes into account “*...the context and history of the particular request, in terms of the previous course of dealings between the individual requester and the public authority in question.... In particular, the number, breadth, pattern and duration of previous requests may be a telling factor...*” at §29.
- (2) The motive of the requester;
- (3) The value or serious purpose of the request; and
- (4) Any harassment of, or distress caused to, the public authority’s staff.

25. Judge Wikeley commented at §43 that:

“...The question ultimately is this – is the request vexatious in the sense of being a manifestly unjustified, inappropriate or improper use of FOIA?”

Grounds of Appeal

26. The Council makes four points to challenge the DN. The first ground of appeal relates to whether the request is vexatious and follows the check list in §24 above.

Disproportionate Effort

27. The Upper Tribunal commented at §35 *Dransfield* that section 14 FOIA “*serves the legitimate public interest in public authorities not being*

exposed to irresponsible use of FOIA, especially by repeat requesters whose inquiries may represent an undue and disproportionate burden on scarce public resources". The Council submits that the January Request forms part of a prolonged endeavour by Mr Avent to use the FOI regime to seek to exert considerable influence over what the Council does with the building.

28. The scale of the additional January Request, the Council says, also fits the description of the "*disproportionate effort*" indicator of vexatiousness in the Commissioner's Guidance as a request whereby the Council would have to expend a disproportionate amount of resources in order to meet it.
29. The Council accepts that it has a duty to provide advice and assistance to applicants and this, it says, was clearly done in this case. Mr Avent received information through the response to the October Request and internal review. He was invited to meetings and received correspondence outside of the FOIA process through officers directly engaged on the Coal Exchange project.
30. We have reviewed the evidence. Following the DN, the Council reverted to the section 12 exception and emailed Mr Avent on 12 December 2014 saying they were "prepared toissue a valid response to your request dated 25 January 2014" but that they "would have to consider issuing a refusal notice based on the cost limits as defined in Section 12" if he could not provide clarification of the information he was seeking "in order to enable us to process the request within the cost limits". The Council asked him for "clarification... to consider the options for conducting searches of systems to provide information which [you] are specifically interested in." He was asked, in effect, to indicate who might have the information requested so as to narrow the search, which he did (by email dated 14 December), specifying approximately 10 people. However, the following day the Council appealed against the Commissioner's DN to the FTT.

31. Despite the Council maintaining that it had complied with the Commissioner's guidance to provide advice and guidance in such circumstances, there is no evidence to suggest that they invited Mr Avent to help with their search over the period when they were initially dealing with the January Request in early 2014 or in their Refusal Notice, rather claiming in the 12 December 2014 email (almost a month after the Commissioner had issued a DN rejecting the Section 14 Refusal Notice) that the Council had "5000 employees with access to electronic systems" and suggesting a disproportionate effort would be required. We find this was unrealistic and unnecessary, and seems exaggerated.
32. There are around some 18 emails in the evidence before us sent by Mr Avent during the time period leading up to the January Request¹. Most of these are towards the end of that period and express what appears to us as an understandable frustration at the lack of progress in dealing with his October Request. Also the delays in the Coal Exchange building repairs and the consequent negative impact Mr Avent felt this had on for his business and commercial operation would seem to us have added to his frustration.
33. If the matter had been dealt with properly by the Council then the number of emails would have been, no doubt, far less. This is against a background where the Council were apologising to Mr Avent for the length of time they had taken to deal with the October Request – see email of 27 January 2014. In an internal email of 26 January 2014 a Council officer commented on "the appalling way in which Economic Development have dealt with this matter".
34. We agree with the Commissioner that it is disingenuous of the Council to claim a disproportionate effort in these circumstances.

¹ The Council's submission states 26 emails, but if so, not all of these were before the FTT.

Purpose and value of request

35. Mr Avent asked for all internal correspondence held by the Council during a limited timeframe between the date of his October Request and the date of his January Request, covering what the Council describes as his “inappropriate” emails.
36. The Council maintains that, in the main, the data held during that time was in relation to the handling of Mr Avent’s October Request under FOIA as opposed to any valuable information relating to that request (e.g. any ongoing legal challenges and the use of the Section 78 powers, which Mr Avent had enquired about in the October Request). The Council therefore argues that there was no serious purpose behind the January Request for internal correspondence and emails.
37. However, we note that the focus of the January Request was not on internal correspondence relating to the handling of the October Request but on internal correspondence “*relating to the Coal Exchange*”. And we agree with the Commissioner’s finding (DN §37, also noted in §17 above) that “*there is a wider public interest in the subject matter of the request given the status of the building in question, the impact that works on the building have had on the immediate area, any potential health and safety risks associated with the building, and the amount of public money involved.*”
38. The Council contends that the detail sought by Mr Avent is excessive and disproportionate in the circumstances, and goes beyond what he needs to participate meaningfully in consultations regarding the building as the handling of a request for information does not impact or contribute to decisions made in relation to the building or use of any legislative powers.
39. Moreover the Council argues the January Request would not have covered information held as a matter of public interest as per the initial

October Request. The January Request asked for internal Council correspondence during a timeframe which would have resulted in any searches being focused on correspondence in relation to Mr Avent's October Request and its internal review. The Council therefore challenges the Commissioner's decision that there was a wider public interest in the subject matter of the January Request.

40. The Council refers us to §71 in *Dransfield* where the Upper Tribunal noted “[t]he file shows beyond and shadow of a doubt that Mr Dransfield regards himself as a lone prophet, a man with a mission to expose the alleged failings of Devon CC in the field of health and safety”. The Council considers that the evidence in this case portrays Mr Avent within the email exchanges as someone who regards himself as a vital communication link to the people of Cardiff, and as an invaluable exposé of wrongdoings and inefficiencies by the Council. It believed that it was this view of himself and his role as a building surveyor that led to Mr Avent's disagreement with the Council's handling of the Coal Exchange building, and that these motives were not adequate justification for the further January Request.

41. We remind ourselves that there are two related requests in this case – the October Request and the January Request. For the purpose of determining whether the January Request was vexatious, it is not possible in our view to consider that request in isolation to the October Request. The January Request was clearly triggered by the way the October Request was handled and by the underlying subject of the Council's proposals for the Coal Exchange. As we have already noted, the January Request relates to “all internal Council correspondence and emails relating to the Coal Exchange...” and is not restricted to internal correspondence about procedural aspects of the handling of the October Request or its internal review. Mr Avent has since explained that he was interested in emails and correspondence authorising expenditure on the building. In our view the Council's

narrow interpretation of the intended scope and purpose of the January Request is unjustifiably restrictive, speculative and inappropriate.

42. Therefore, although Mr Avent may have a personal reason for making the Requests, he is clearly not a lone voice. There is evidence from the local business community, Cardiff Civic Society, Institute of Historic Building Conservation, The Victorian Society and the BBC's reporting of the situation to show a clear public interest concern about what will happen to the Coal Exchange and any health and safety issues involved, which we find point to Mr Avent's concerns (and his Requests) having a public purpose and value.

43.

Mr Avent's conduct

44. The Council maintains that emails sent by Mr Avent demonstrate an accusatory tone as well as inappropriate comments regarding staff members' private lives. The Council believes such comments, aimed towards the officer undertaking the review, are defamatory because they imply accusations of wrong doing.

45. The Council also believes that Mr Avent's conduct was intended to cause worry and distress to an employee who had no decision making power in relation to the building and to further influence the officer to release information through persistent intimidation and by threatening press involvement.

46. The Council also claims that Mr Avent spoke to a member of its information team on 23 December 2013 and that he behaved in an aggressive manner. Mr Avent has no recollection of this and no evidence has been produced from the person involved to substantiate this allegation. We therefore place no reliance on the allegation.

47. We have considered the emails in question, and, although some of the phraseology used was intemperate and unnecessary, on the whole we do not consider the correspondence or conduct to be unacceptable in the circumstances of this case. As referred to in §32 above the Council had to a large extent, through its handling of the October Request, triggered the January Request and Mr Avent's understandable frustrations.
48. In our view the Council's assertions about Mr Avent's conduct are overstated and we do not consider it to amount to harassment of staff. Although one member of staff is disturbed by Mr Avent's forthright approach he seems to accept that this is the result of the way the Council had handled his Requests.
49. We therefore find that the issue of Mr Avent's behaviour (perhaps the Council's main argument) is not well founded and that in all the circumstances of this case the January Request could not be described as vexatious on this basis.
50. We accordingly find that the January Request was not vexatious and that the Council was wrong to refuse it on the basis of section 14 FOIA.
51. The Council's second ground of appeal is that the Commissioner has *"...failed to ask the authority for further supporting evidence as we outlined we were content to provide. Therefore, a decision was made without the full facts and evidence being provided by the public authority..."*
52. In view of our independent finding (on the evidence presented to us by the Council) that section 14 does not apply, this complaint about the Commissioner is not a matter which concerns us because under section 58(2) FOIA "the Tribunal may review any finding of fact on which the notice in question was based".

53. Even if we are wrong we note that the Commissioner refers to his letter to the Council of 2 July 2014, sent during the course of his investigation, in which he states as follows:

“...On receipt of a complaint under the FOIA, the Information Commissioner will give a public authority one opportunity to justify its position to him before issuing a decision notice ...

...It is your responsibility to satisfy the ICO that you have complied with the law. .. This is your opportunity to finalise your position with the ICO. ...

... please explain fully why in the circumstances of this case the Council relied on section 14(1) to refuse the request ...

...To fully assess Mr Avent’s complaint, I will require the above information and any further evidence you may have relied on for refusing the request. If you chose not to submit any further response the Commissioner may proceed to make a decision based solely on the information which has already been supplied to him...”

54. Therefore if the Council had further evidence which it wished to be considered by the Commissioner; it could have and should have provided the same when requested to do so. Even at the Notice of Appeal stage it had not provided such evidence.

55. Therefore it appears to us that the Commissioner fulfilled his public law duty to act fairly when reaching a decision under section 50 FOIA in this case.

56. In the third ground of appeal the Council states that the “...*Commissioner failed to take on board the full representations provided...*” As with the previous ground, this is not a matter which the Tribunal has jurisdiction to consider.
57. In the fourth ground of appeal the Council states that it “...*believes that the ICO Decision sets an unacceptable precedent which goes against the Council’s own policy on managing risk and duty of care to employees...*”
58. This is not a matter which is relevant to the question of whether the DN is in accordance with the law or whether the Commissioner erred in exercising a discretion, and it is therefore not a matter upon which we have jurisdiction. In any case, the Commissioner must consider each request and complaint on its own facts and merits to assess whether it falls within the scope of section 14 as described in the *Dransfield* decision.
59. We agree with the Commissioner that, while neither the Commissioner nor the FTT are bound by their earlier decisions, both aim for consistency in its decision-making process in relation to section 14 based on the specific circumstances of a particular case.
60. We also agree with the Commissioner, that the Council cannot secure the outcome it seeks in this appeal by pursuing to obtain a “...*clear definition of when section 14(1) is engaged...*” Appeals are determined on facts, not in the abstract.
61. We therefore dismiss this appeal and require the Council to comply with §3 of the DN within 35 calendar days of this decision.

Costs

62. We have concerns about the way this appeal has been pursued by the Council, and its merit. The Tribunal is considering making an order for

costs against the Council under rule 10(1) of the GRC's Rules of Procedure 2009 because it would appear the Council has acted unreasonably in bringing these proceedings. We wish to provide the Council with the opportunity to make written representations as to why we should not make such an order and as to the amount of costs or expenses to be paid, if such an order is made, within 35 calendar days of the date of this decision. We would also invite the Commissioner to make any representations he wishes to make in relation to an order for costs and the amount of costs and expenses under rule 10(6), again within 35 calendar days of this decision.

Signed:

John Angel
Judge

Dated: 23rd April 2015

P-04-617 Stop the Wholesale Hiving off of Public Libraries to the Voluntary Sector

Petition wording

We call on the Deputy Minister for Culture to accept, with immediate effect, recommendation III of the Expert Library Review of Public Libraries in Wales 2014 (Proposed changes to public library services should only be progressed following the production of costed options). Furthermore, he should now advise all local authorities in Wales that this requirement will be effective for proposed changes announced after the date of publication of the Expert Review (22 October 2014) as well as proposals announced before that date, but where a period of public consultation ends after 22 October 2014. This action is required to halt the flood of proposals by the Vale of Glamorgan and other local authorities in Wales to hive off our Public Libraries to the voluntary sector, without giving due consideration to alternative options.

Petitioner : Adam Riley – Save Rhoose Library

First considered by the Committee:

Number of Signatures:: 66

Ken Skates AC / AM
Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth
Deputy Minister for Culture, Sport and Tourism



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-617
Ein cyf/Our ref KS/00506/15

William Powell AM
Assembly Member for Mid & West Wales
Chair - petitions committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

committeebusiness@Wales.gsi.gov.uk

29 April 2015

Dear William,

Thank you for your letter of 22 April regarding the petition 'Stop the hiving off of public libraries to the voluntary sector' with further comments from the original petitioner.

I wrote to all local authorities on 3 February to remind them of the recommendations of the *Expert Review of Public Libraries in Wales 2014*, and strongly encouraged them to take due consideration of the report's recommendations and other best practice when undertaking reviews of public library services.

The Welsh Government has also published research on different community managed library models and independent library trusts that are currently in operation in Wales. This research highlights the advantages and disadvantages of community managed libraries and recommends the model which offers the most sustainable and comprehensive service for the public. This report has been disseminated to all local authorities in Wales via the Welsh Local Government Association and the Society of Chief Librarians Wales and is also available on the Welsh Government website.

In addition, my officials are undertaking research on possible future models for the Welsh public library service and I anticipate that this work will lead into planning the future strategy for libraries in Wales. Guidance regarding the inclusion of community managed libraries within the Welsh Public Library Standards will be issued shortly. I anticipate that this guidance will enable a consistent approach to be adopted across Wales in establishing a productive relationship between local authorities and community managed libraries.

I would therefore like to reassure the Petitions Committee and the original petitioner that I am fully committed to libraries in Wales and to ensuring they continue to play a central role in communities, helping to tackle poverty, contribute towards learning and literacy and enhance social and economic well-being.

Yours ever,

A handwritten signature in black ink, appearing to read 'Ken Skates', with a stylized flourish extending to the right.

Ken Skates AC / AM

Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth
Deputy Minister for Culture, Sport and Tourism

P-04-617 Stop the Wholesale Hiving Off of Public Libraries to the Voluntary Sector – Correspondence from the Petitioner to the Committee, 06.05.15

It is helpful to note that the deputy minister is encouraging local authorities to consider the independent research, but obviously this is non-statutory and in the meantime of no protection for groups like my own, which are forced down the path of judicial review to protect our libraries. The library service in Wales is the responsibility of the Welsh Government and it needs to have statutory provisions to protect the service from local authority cost-cutting. Encouraging authorities to do anything when it runs counter to their need to make savings is no protection at all for the library service.

Adam Riley

P-04-578 Noise Mitigation Works on the M4 to the West of Junction 32

Petition Wording

We call on the National Assembly for Wales to urge the Welsh Government to take action to reduce the noise from the M4 motorway to the west of junction 32 as it passes over the valley of the river Taff

Petition raised by: Margaret Watt

Date Petition first considered by Committee: 15 July 2014

Number of signatures: 19

Edwina Hart MBE CStJ AC / AM
Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth
Minister for Economy, Science and Transport



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-578
Ein cyf/Our ref EH/03280/14

William Powell AM
Chair
Petitions Committee

committeebusiness@Wales.gsi.gov.uk

17 September 2014

Dear William,

Thank you for your letter of 14 August about the petition from Margaret Watt about noise mitigation from the M4 to the west of junction 32.

In 2013, we published our Noise Action Plan for Wales which identifies the noisiest areas in Wales. This includes parts of the M4 to the west of junction 32. We are now in the process of agreeing priority areas for mitigation work.

You can find further information about the Noise Action Plan on our website using the following link:

<http://wales.gov.uk/topics/environmentcountryside/epq/noiseandnuisance/environmentalnoise/noisemonitoringmapping/priority-areas/?lang=en>

A handwritten signature in black ink, appearing to be 'Edwina Hart', written in a cursive style.

**P-04-578 Noise Mitigation Works on the M4 to the West of Junction 32 -
Correspondence from the Petitioner to the Committee, 05.05.15**

Dear Mr Steve George,

Many thanks indeed for your e-mail - it gives us hope!

I would like to thank Edwina Hart, MBE Minister for Economy, Science and Transport, for her letter to William Powell AM concerning this problem of exposure to excessive noise and pollution from M4 motorway as it passes our homes.

This deprives us of the quiet enjoyment of our residence and gardens. It was identified 7 years ago that the noise levels were unacceptable and we would like action involving the construction of baffles to direct the noise away from our homes.

May I suggest a site meeting to reach a proper conclusion to a long standing concern.

Best wishes

Margaret watt

I regret not having enough time to make a better presentation - but I only want what we should have here - no more!

Agenda Item 3.12

P-04-609 Support Small Businesses – Support our High Streets

Petition wording

We call upon the National Assembly for Wales to urge the Welsh Government to extend the relief available for small businesses beyond March 2015. In addition we ask that the decision be made and announced as soon as possible, ideally before the end of 2014, in order that business planning and development is not delayed.

Additional information:

Small businesses form the backbone of our Town Centres and High Streets. In order that business recovery and start up is supported, and the deterioration in our towns and communities is arrested, this matter is urgent.

Petitioner : Lynne Wilson

First considered by the Committee:

Number of Signatures:47

Edwina Hart MBE CStJ AC / AM
Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth
Minister for Economy, Science and Transport



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-609
Ein cyf/Our ref EH/01660/15

William Powell AM
Chair - Petitions Committee

Senedd.Petitions@assembly.wales

20 April 2015

Dear William

Thank you for your letter of 9 April enclosing further comments from the petitioner with regard to P-04-609 Support Small Businesses – Support our High Streets.

This year, I have already implemented a number of measures aimed at supporting business, including an extension of the Small Business Rates Relief scheme and a further cap on the business rates multiplier. Both of these measures apply until March 2016. These will have the impact of reducing the business rates bill for all businesses across Wales, including small shops and those located on our high streets. These measures are automatically awarded to qualifying properties by local authorities.

Local authorities are responsible for administering schemes and I would urge businesses to contact them in the first instance to understand what relief they can apply for locally. Information is also available on local authority websites as well as on Welsh Government webpages.

Businesses also have the option to contact our Business Wales service which can provide a range of advice including on business rates. Our advisors can be contacted on 03000 6 03000.

We have taken extensive and consistent action to market these schemes, including making clear information and guidance available on the Welsh

Government website and on our Business Wales service. We have disseminated information through the Council for Economic Renewal and Wales Social Partners Unit.

Edwina Hart

P-04-614 Support the Arriva Trains Wales First Class Service

Petition wording

It is believed that Arriva Trains Wales will soon announce their intention to cease the first class service which forms part of their flagship 'Premier Service' which runs each weekday between Holyhead and Cardiff.

This will likely be a response to the Welsh Government's decision to end their funding for this service in early 2015.

This petition urges the Welsh Government to reconsider their decision to withdraw funding for this valuable and well-loved service, or to at least encourage Arriva Trains Wales to continue the service as best they can via other means.

Additional Information

The Arriva Trains Wales 'Premier Service' (also known as Y Gerallt Gymro, or 'Gerald of Wales', and now affectionately known as Gerald) is one of the few fine dining experiences left on a scheduled rail service running on the British railway network.

The loss of this service would be a great shame, not only for passengers, but for the staff and train crew who have worked so hard to make this train the well regarded experience that it is.

Petitioner : Gareth Peate

First considered by the Committee:

Number of Signatures:: 54

Edwina Hart MBE CStJ AC / AM
Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth
Minister for Economy, Science and Transport



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-614
Ein cyf/Our ref EH/01666/15

William Powell AM
committeebusiness@Wales.gsi.gov.uk

24 April 2015

Dear William,

Thank you for your letter written in March requesting further information about the differences between the first class service that was offered on the Arriva Trains Wales service between Holyhead and Cardiff and the new business class service.

The new business class service provides a service better targeted towards business travellers and offers improved value for money for the Welsh Government. There is a new, more extensive and flexible menu range available for both Business and Standard class passengers with a range of hot meals prepared by a travelling chef. Standard class passengers are able to pay a reduced supplement to upgrade to the business class carriage.

Edwina Hart

Agenda Item 3.14

P-04-459 A direct rail connection from Cardiff Airport to Cardiff central and west Wales

Petition wording:

We call on the National Assembly for Wales to urge the Welsh Government develop a direct rail connection from Cardiff Airport itself to Cardiff central and west Wales.

There is a substantial need for a fast direct rail route straight from the actual Cardiff International Airport itself directly into Cardiff Central train station (and westwards to west Wales) so that national and international visitors are properly serviced and catered for at our National Airport. There is already a railway stop at Rhoose which is less than a mile away from the airport. It is a wasted opportunity not to extend this line to Cardiff International Airport itself so that travellers from all over the world, straight from their flight, can jump straight on to a train that takes them to the capital city of Wales and beyond.

Petition raised by: Sovereign Wales

Date petition first considered by Committee: 19 March 2013

Number of signatures: 39

Edwina Hart MBE CStJ AC / AM
Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth
Minister for Economy, Science and Transport



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-459
Ein cyf/Our ref EH/01904/15

William Powell AM
Chair
Petitions Committee

committeebusiness@Wales.gsi.gov.uk

1 May 2015

Dear William,

Thank you for your letter of 23 April requesting a specific update on a direct rail connection from Cardiff Airport to Cardiff Central and West Wales.

Cardiff Airport is currently served by a rail link connecting it to Cardiff Central and Bridgend. Trains run every hour from Monday to Saturday and every two hours on Sundays. Access to the rail station is provided by a shuttle bus service which connects with all trains.

Rail infrastructure is not currently devolved to the Welsh Government, and any new stations would be a decision for the UK Government and Network Rail. That said, we continue to identify priorities for investment in rail in Wales and bring those priorities to the attention of the UK Government.

Edwina Hart

Agenda Item 3.15

P-04-416: North-South Rail Services

Petition wording:

We call on the National Assembly for Wales to urge the Welsh Government to work with Arriva Trains to increase the number of direct express rail services between Holyhead and Cardiff.

Petition raised by: Neil Taylor

Date petition first considered by Committee: 2 October 2012

Number of signatures: 19



Eich cyf/Your ref P-04-416
Ein cyf/Our ref EH/01905/15

William Powell AM

committeebusiness@Wales.gsi.gov.uk

30 April 2015

Dear William,

Thank you for your letter of 23 April regarding North-South rail services.

I note the petitioner's comments regarding the importance of these services, and I am committed to improving journey times and transport links between North and South Wales to promote economic growth.

On 6 March I announced the continuation of the Welsh Government funded North-South express rail service, also known as Y Gerallt Gymro. The new contract will ensure the service continues until the end of the current Wales and Border franchise in October 2018.

This continues an ongoing commitment to improve travel links between North and South Wales, I have approved funding of £44m to Network Rail to deliver significant improvements between Wrexham and Chester, cutting journey times between Holyhead and Cardiff and allowing an extra train to run every two hours between the two stations via Wrexham.

The petitioner may also be interested to hear about the renewal of the North-South air service, whereby I have awarded a new contract to Links Air who will operate two daily return flights from Anglesey to Cardiff offering new flight times to allow for a longer working day at both destinations.

Edwina Hart

Agenda Item 4

Y Pwyllgor Iechyd a Gofal Cymdeithasol
Health and Social Care Committee

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



William Powell AM

Chair, Petitions Committee

24 April 2015

Dear William,

Requesting information from health boards in Wales

Thank you for your letter relating to the above subject, received on 9 April 2015.

Your letter asks whether the Health and Social Care Committee (“the Committee”) has experienced delays receiving information it has requested from health boards in Wales. I can confirm that the Committee has not experienced delays similar to those reported by the Petitions Committee.

The Committee is particularly grateful to the Welsh NHS Confederation for its assistance in this regard. Its staff work with Committee clerks to ensure the information requested is:

- sought from the most relevant officers within health boards;
- received in a timely manner; and
- provided in the level of detail necessary to enable the Committee to complete its work effectively.

Yours sincerely,

David Rees AM

Chair, Health and Social Care Committee

Bae Caerdydd
Cardiff Bay
CF99 1NA

Ffôn / Tel: 0300 200 6354

E-bost / Email: Seneddlechyd@Cynulliad.Cymru/
SeneddHealth@Assembly.Wales

Trydar / Twitter: [@seneddlechyd](https://twitter.com/seneddlechyd) / [@seneddhealth](https://twitter.com/seneddhealth)

Pack Page 170