

**P-04-522 Asbestos in Schools – Correspondence from the Petitioner to the Clerking Team, 02.10.17**

Annwyl Kayleigh,

I do apologise for the lateness of my response. This has been due to an overwhelming pressure of work.

I am grateful that the Cabinet Secretary takes the issue of asbestos in our schools seriously. However it remains a considerable disappointment that Welsh Government will not accept despite clear statements from UK Government that it has responsibility for policy relating to asbestos in schools in Wales.

I am grateful for the indication as to the fact that her officials are in the process of organising a Working Group in Wales where key stakeholders are invited to the meeting.

As the committee is aware I have in previous correspondence made suggestions as to those who might contribute, including trade union representatives including those from the teaching unions, and those from other school workers, the local authorities, asbestos consultants, and asbestos support groups. The previous Chair of the committee suggested Governors Wales with which I agree and I would also suggest that there be a representative from the Cross Party Group on Asbestos.

It would be helpful to know when such a meeting is proposed and at what stage the arrangements have reached. It might also be helpful for the Chair of the CPG on Asbestos Dawn Bowden AM to be kept informed of developments. There was discussion of the issue at the latest meeting of the CPG in September.

The decision to remind local authorities of their duties is of course welcome as is the request for confirmation that there is an asbestos plan. However this fails to address the need to determine whether the assessment is suitable and sufficient in accordance with the Control of Asbestos Regulations. What assurances are being sought by the Cabinet Secretary as to the fitness of the assessments?

***“Identification of the presence of asbestos***

***5. An employer must not undertake work in demolition, maintenance or any other work which exposes or is liable to expose employees of that employer to asbestos in respect of any premises unless either—***

*(a) that employer has carried out a suitable and sufficient assessment as to whether asbestos, what type of asbestos, contained in what material and in what condition is present or is liable to be present in those premises; or*

*(b) if there is doubt as to whether asbestos is present in those premises, that employer—*

*(i) assumes that asbestos is present, and that it is not chrysotile alone, and*

*(ii) observes the applicable provisions of these Regulations.*

### **Assessment of work which exposes employees to asbestos**

**6.—(1) An employer must not carry out work which is liable to expose employees of that**

*employer to asbestos unless that employer has—*

*(a) made a suitable and sufficient assessment of the risk created by that exposure to the*

*health of those employees and of the steps that need to be taken to meet the requirements of these Regulations;*

*(b) recorded the significant findings of that risk assessment as soon as is practicable after the risk assessment is made; and*

*(c) implemented the steps referred to in sub-paragraph (a).”*

I would ask how it is intended that the responses received by the Cabinet Secretary are to be shared and what it is planned to do with the information.

The Cabinet Secretary refers to “support in the form of clear guidance with this responsibility”.

Is she aware that whilst the updated DfE Guidance (which has input from and is supported by the Joint Union Asbestos Committee)

<https://www.gov.uk/government/publications/asbestos-management-in-schools-2> were published in March 2015 and last updated in February 2017, on the face of it Welsh Government Guidance has not been updated since 28<sup>th</sup> May 2014

<http://gov.wales/topics/educationandskills/publications/guidance/asbestos-management-in-schools/?lang=en>

If the guidance is to be updated I would ask for the Modern Governors’ Learning Module to be considered as valuable resource to be referred to.

<https://www.moderngovernor.com/access-asbestos-schools-e-learning-module/>

It is noted that 21<sup>st</sup> Century Programme in tackling some of the poorest conditions schools Wales and includes removal of treatment of asbestos in schools where appropriate. Has Welsh Government issued Guidance to the local authorities with regard when funding for removal and/or treatment is available? How is this to be prioritised and are monies specifically set aside for asbestos works?

As ever I am extremely grateful for the attention that the Committee has given to the subject of asbestos in schools.

Yn gywir

Cenric

**Cenric Clement-Evans**