

P-04-522 Asbestos in Schools – Correspondence from the petitioner to the Committee, 29.11.17

Dear Chair,

Once again may I thank this Committee for its continuing interest in this important issue. Whilst I broadly welcomed the letter of the Cabinet Secretary of the 16th June, I am afraid that the letter of the 5th November seems neither open nor transparent.

The Committee will no doubt be aware of the sad case reported by WalesOnline of a teacher dying from mesothelioma spending his final days in a hospice after being exposed to asbestos at the Newport College of Further Education.

<http://www.walesonline.co.uk/news/wales-news/former-teacher-living-final-days-13857602> It is avoid such cases in the future that I presented this petition seeking a right to know.

The response to the letter from the Committee asking about sharing the information collected from local authorities is opaque and unhelpful. It is also in sharp contrast to the position now being adopted by the UK Government with regard to schools in England and I refer to my email to the Committee of the 14th November 2017, when I brought to the attention of the Petitions Committee the response of the UK Government in mid-October 2017 to the report of the Public Accounts Committee of the 26th April 2017. I drew the Committee's attention to both Recommendation 5 of the PAC and the response of UK Government that it agrees that the Department for Education should set out a plan by December 2017 including enabling it to understand the prevalence, condition and management of asbestos in the school estate.

I would respectfully ask the Cabinet Secretary be asked whether it is intended that similar action be taken in Wales, if not then it would seem that schools in Wales are less well-served than those in England. I have set out for convenience the relevant passages,

“5. The Department still does not know enough about the state of the school estate, meaning that it cannot make well-informed decisions about how best to use its limited resources. The Department now has a better understanding of the condition of school buildings after completing a survey of the estate in 2014. This property data survey estimated that it would cost £6.7 billion to return all school buildings to satisfactory or better condition, and a further £7.1 billion to bring parts of school buildings from satisfactory to good condition. Much of the school estate is over 40 years old, with 60% built before 1976. The Department estimates that the cost of dealing with major defects will double between 2015-16 and 2020-21, even with

current levels of investment, as many buildings near the end of their useful lives. The property data survey did not assess the safety or suitability of school buildings or the extent of asbestos. Over 80% of schools responding to a separate survey by the Department had asbestos, with 19% reporting that they were not complying with asbestos management guidance. However, only a quarter of schools responded to the survey, meaning that the Department does not have a complete picture. The Department estimates that it would cost at least £100 billion to replace the entire school estate which it believes would be the only way to eradicate asbestos from school buildings. The Department is undertaking a second property data survey but, until this is complete, it cannot assess reliably how the school estate is changing and does not know the extent to which its funding is helping to improve the condition of school buildings.

Recommendation: The Department should set out a plan by December 2017 for how it will fill gaps in its knowledge about the school estate in areas not covered by the property data survey. Specifically it needs to understand the prevalence, condition and management of asbestos, and know more about the general suitability and safety of school buildings.

UK Government Response October 2017

“5 : Committee of Public Accounts conclusions : The Department still does not know enough about the state of the school estate, meaning that it cannot make well – informed decisions about how best to use its limited resources .

Recommendation: The Department should set out a plan by December 2017 for how it will fill gaps in its knowledge about the school estate in areas not covered by the property data survey. Specifically it needs to understand the prevalence, condition and management of asbestos, and know more about the general suitability and safety of school buildings .

5.1 The Government agrees with the Committee’s recommendation.”

I am aware that this has been drawn to the attention of the Cabinet Secretary by Dawn Bowden AM as Chair of the Asbestos CPG. I enclose a copy of her letter of the 14th November and the response of the Cabinet Secretary of 24th November. I would suggest that the lack of clarity and lack of urgency speak for themselves.

On the 16th June the Cabinet Secretary wrote to the Chair of the Committee, “My officials are now in the process of organising a Working Group meeting in Wales to consider these developments in England and their relevance to schools in Wales. Key stakeholder groups will be invited to this meeting”

It would now appear from her letter of the 3rd November in response to a simple question from the Chair of the Committee asking as to when the meeting was to take place that a meeting was to have taken place some 5 months after her earlier letter. Surprisingly the date was not provided and one can only assume that the letter from the Petitions Committee has prompted action.

“My officials are planning a meeting of the Working Group in November to consider the developments in England and their relevance to schools in Wales. Key stakeholder groups will be invited to attend as necessary.”

The final sentence is also concerning in that the words “as necessary” appear to be a rowing back from the statement in the 16th June.

It would appear that since then there have been further developments, and in addition to the Cabinet Secretary’s letter of the 24th November, I refer to the question asked by the Chair of the Asbestos CPG on the 21st November to Leader of the House on the 21st November. You will note her reply that there is to be a consultation early in 2018 on the revised asbestos management in schools guidelines before then a further meeting of the asbestos in schools group is invited, when key stakeholders are to be invited.

Can I take this first formal chance to congratulate the Leader of the House in her new role and wish her well in her work? Can I please request that the Cabinet Secretary for Education bring forward a statement to update the Assembly on the important issue of asbestos in school buildings? We know from representations to the Petitions Committee and also from some related correspondence that the Welsh Government has now formed a working group on the issue and I hope you would agree that we would all now benefit from hearing more about this work as part of our Plenary business.¹⁰⁸

The cross-party group on asbestos, which I chair, is also keen to ensure that the working group is based upon the principles of social partnership that’s reflected in the work of this Welsh Government, so can I ask that the statement also addresses the membership of the working group, the terms of reference, and the forward work programme?¹⁰⁹

A gaf i achub ar y cyfle ffurfiol cyntaf hwn i longyfarch Arweinydd y Tŷ yn ei swyddogaeth newydd a dymuno'n dda iddi yn ei gwaith? A gaf i ofyn, os gwelwch yn dda, i Ysgrifennydd y Cabinet dros Addysg gyflwyno datganiad i roi'r wybodaeth ddiweddaraf i'r Cynulliad ar y mater pwysig o asbestos mewn adeiladau ysgolion?

Gwyddom o sylwadau i'r Pwyllgor Deisebau a hefyd o ohebiaeth berthnasol fod Llywodraeth Cymru erbyn hyn wedi ffurfio gweithgor ar y mater ac rwy'n gobeithio y byddech yn cytuno y byddai o fudd i bawb glywed mwy am y gwaith hwn fel rhan o fusnes y Cyfarfod Llawn.

Mae'r grŵp trawsbleidiol ar asbestos, yr wyf yn ei gadeirio, hefyd yn awyddus i sicrhau bod gwaith y gweithgor yn seiliedig ar yr egwyddorion o bartneriaeth gymdeithasol sy'n bodoli yng ngwaith y Llywodraeth hon. Felly a gaf i ofyn hefyd fod y datganiad yn ymdrin ag aelodaeth y gweithgor, y cylch gorchwyl a'r rhaglen waith yn y dyfodol?

14:30



Julie James AM 14:30:11

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The Member has taken a keen interest in this—and thank you very much for your kind remarks at the beginning there. My understanding is that the asbestos management in schools working group has decided that a consultation should take place early in 2018 on the revised asbestos management in schools guidance for Wales, and at the end of the consultation period a meeting will be convened with all the key stakeholders, including the union representatives. I'm sure that the Member will be able to take part in that. And I'm sure that once that's happened, the Cabinet Secretary will be very pleased to update the Assembly on the position once the working group and the consultation has had the opportunity to go forward. 110

Mae'r Aelod wedi ymddiddori'n frwd yn hyn—a diolch yn fawr iawn am eich sylwadau caredig ar y dechrau. Fy nealltwriaeth i yw bod y gweithgor ar reoli asbestos mewn ysgolion wedi penderfynu y dylid cynnal ymgynghoriad yn gynnar yn 2018 ar ganllawiau diwygiedig ar reoli asbestos mewn ysgolion yng Nghymru, ac

ar ddiwedd y cyfnod ymgynghori bydd yr holl randdeiliaid allweddol, gan gynnwys cynrychiolwyr undebau, yn ymgynnull mewn cyfarfod. Rwy'n siŵr y bydd yr Aelod yn gallu cymryd rhan yn hynny. Ac rwy'n siŵr, pan fydd hynny wedi digwydd, y bydd Ysgrifennydd y Cabinet yn falch iawn o roi'r wybodaeth ddiweddaraf i'r Cynulliad ar y sefyllfa pan fydd y gweithgor a'r ymgynghoriad wedi cael cyfle i symud ymlaen.

Perhaps understandably, there is no detail from the Leader of the House as to dates of the consultation and no date for the meeting when key stakeholders will be invited. I would remind the committee however that it was on the 16th June that the Cabinet Secretary advised of her decision, which as the Committee will recall I broadly welcomed, but making suggestions as to likely stakeholders. It seems that if we are further forward, then it is not far and progress is at snail's pace.

Finally I have shared this correspondence with Joseph Carter, the Head of the British Lung Foundation in Wales. I attach his letter of the 23rd November and I trust that note will be taken of its contents.

In summary the Committee is asked whether it would ask the Cabinet Secretary the following questions,

1. Whether she intends to follow the example adopted by UK Government and have a plan prepared allowing Welsh Government and/or UK Government to understand the prevalence, condition and management of asbestos, and know more about the general suitability and safety of school buildings in Wales and if so when is it proposed that such a plan be delivered?
2. When is the consultation referred to by her to commence and close?
3. When will the results of the consultation be released?
4. When will the meeting take to which key stakeholders will be invited?
5. Who are the proposed key stakeholders and how has this been determined?

Once again I thank you for your further consideration.

Diolch o galon

Cenric Clement-Evans

29.11.17