

Control of Asbestos and Legionella within schools

During late 2009/early 2010 the Health & Safety Executive sent out an online survey to 152 councils within England, of those 152 councils 110 satisfied the Health and Safety Executive (HSE), via the online survey, that they have systems in place to meet their duties under health and safety legislative requirements.

The HSE then arranged direct visits with the 42 authorities remaining to establish the controls they have in place to comply with legislative requirements. These inspections resulted in 32 councils being given further advice about practical improvements and 10 authorities receiving enforcement notices to improve asbestos management standards.

HSE Inspectors visited three local authorities in the West Midlands Region to ensure action were being taken correctly to comply with legislative requirements effectively.

At one of these three visits an improvement notice was served requiring improvements to be made.

For Dudley the HSE report is as below:

Local Authority	HSE response to survey return	Outcome	Findings
Dudley Metropolitan Borough Council	Inspection as no response received	Advice	Asbestos management procedures were reviewed as part of an on-going HSE inspection initiative with the LA. HSE advice given including provision of localised asbestos management plans and developing auditing procedures.

The HSE visited two secondary and two primary schools within Dudley and their report was produced from the finding of these four surveys. The subject discussed were, Health and Safety Management and Leadership, Control of Contractors, Duty to Manage Asbestos, Legionella, Work at Height/Falls from Height.

The HSE concluded that within the four schools the responsible person had not undertaken to complete the management plans for Asbestos and Legionella control.

As the HSE had made reference to the Responsible person I discussed this role and there were differing opinions, therefore taking into account the devolved budget allocated to schools I requested the HSE to clearly define the responsible person within these schools visited. The HSE responses are below:

Voluntary controlled schools, the local Education Authority is the employer; therefore the responsibility for health and safety sits with the LEA. The Head

Teacher and Governing Body therefore have to comply with the requirements set down by the LEA.

Although the LEA is the employer, where it is clear that good robust health and safety management systems are in place and it is the governing body who have failed to comply, it may be appropriate to take action against the governing body.

Voluntary Aided Schools, The governing body is the employer, the role of the LEA is to advise and it is the responsibility of the governing body to ensure that the requirements of health and safety legislation are identified, implemented and effectively monitored. Head teachers need to manage health and safety in the same way that they manage other issues, by implementing the policies agreed and monitored by the governing body.

Foundation Schools, The governing body is the employer, if the foundation schools have opted out of the services in relation to Health and Safety provided by the LEA, it is the governing body's responsibility to ensure the requirements of Health and Safety legislation are identified, implemented and effectively monitored.

If the foundation school has opted to take advice from the LEA, their role is to advise and it is the governing body's responsibility to ensure that the requirements of Health and Safety legislation are identified, implemented and effectively monitored.

An HSE Sector Information Minute is available at the link below to provide more information on responsibilities within schools.

http://www.hse.gov.uk/foi/internalops/sectors/public/7_01_36.pdf

Under the School Standards and Framework Act 1998 there are three categories of school:

- Community
- Foundation
- Voluntary

For community schools, community special schools, voluntary controlled schools, maintained nursery schools and pupil referral units, the LA is the employer.

For foundation schools, foundation special schools and voluntary aided schools the employer is the Governing Body.

For independent schools, the employer is either the governing body or the proprietor.

To ensure Dudley meet the need identified by the HSE , training has been provided to school caretakers on actions to be undertaken to meet the

management plans requirements for legionella, with further training being arranged for asbestos awareness and actions required.

There has also been delivered four sessions for Heads and Chairs of governors in regard to their responsibilities to produce a management plan for control of asbestos and legionella.

Advice from the HSE relating to a management plan for asbestos can be found at the link below:

<http://www.hse.gov.uk/asbestos/managing/managementplan.pdf>

Legionella reports are being reviewed to bring the management plan to the front of the report along with advice on compliance, additionally school's have been advise of a piece of equipment from TME Electronics (01903 700651) a MM 700 (Bluetooth Barcode Thermometer) Kit which can be purchased and used to enable Legionella control to be implemented ensuring temperature measurements are taken and action implemented where temperatures are shown to be incorrect.

Mike Morton MSc, CMIOSH, Dip NEBOSH, RSP
Directorate of Children's Services
Senior Health, Safety and Welfare Officer.