



## Freedom of Information Requests about Asbestos in Schools

The Freedom of Information (FOI) Act is an effective tool enabling any member of the public, including trade union representatives, parents and other asbestos campaigners, to obtain information about how asbestos is being managed in publicly funded schools. Making FOI requests can serve a number of useful purposes:

- Raising awareness/publicity about the dangers of asbestos in schools;
- Helping to hold those responsible for asbestos management to account; and
- Ultimately helping to make schools safer for all staff and pupils.

There are of course a huge number of questions which can be asked; what is essential, however, is to be as clear and concise as possible about what is requested; any ambiguities could result in the wrong question(s) being answered, or in misunderstandings resulting in delays in receiving the information sought. It may be preferable to restrict the number of questions asked in one request so as to increase the likelihood of a positive response.

You can ask for the information in paper or electronic form. You can also request it in large print if required. Once the FOI request has been submitted, a response should be received within 20 working days. Most requests are free, but you may be asked to pay a small amount for photocopies or postage.

One of the permitted reasons for turning down a request is that it would cost too much or take too much staff time to deal with the request, so this is another important point to bear in mind when framing requests. The cost limit for complying with a request is £600 for central Government and £450 for other public authorities, such as local authorities or multi-academy trusts. If your request is rejected you can ask for the decision to be reviewed and if you are not satisfied with the outcome of the review you can appeal to the information commissioner at <http://www.ico.org.uk/>. Further information on submitting requests is available at <https://www.gov.uk/make-a-freedom-of-information-request/if-your-request-is-turned-down>

Set out at **Appendix 1** is a model letter with suggested wording for framing requests. **Appendix 2** includes a selection of asbestos-related questions you may wish to consider asking an employer responsible for a number of schools, for example an academy chain or local authority. **Appendix 3** includes similar questions, but addressed at individual schools.



## **Appendix 1**

### **JUAC Model Letter to assist with Freedom of Information Requests about asbestos in schools**

Dear Sir or Madam

#### **Request under the Freedom of Information Act 2000**

Under the Freedom of Information Act 2000, please provide me with  
The following information:

**(See Appendix 2 for a selection of questions suitable for LAs/academy trusts and Appendix 3 for questions for individual schools)**

I understand that under the Act I am entitled to a response within 20 working days of your receipt of this request. Some parts of the request may be easier to answer than others. Should this be the case, I request that you release information as soon as it becomes available.

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all non-exempt material. I reserve the right to appeal your decision to withhold any information or to charge excessive fees.

I would prefer to receive the information electronically. (Delete as necessary)

If you require any clarification, please contact me in accordance with your duty under Section 16 to provide advice and assistance if you find any aspect of this FOI request problematic.

Please acknowledge receipt of this request. I look forward to receiving the information in the near future.

Yours faithfully



## Appendix 2

### **Suggested questions to address to school employers, eg local authorities and academy trusts.**

- How many of your schools contain asbestos? What percentage of the total number of schools is this?
- Please list the names of all your schools which contain asbestos.
- Please detail the procedures which are in place to monitor that all schools have an up-to-date survey and management plan
- What steps have been taken to inform staff in your schools about the presence and location of asbestos and its management in their school so that they are able to take precautionary measures and avoid disturbing it?
- What training do you offer to head teachers/principals/business managers in your schools in meeting their responsibilities for asbestos management in their school, and when did this last take place? Is such training mandatory?
- Do staff in your schools, who do not have responsibility for asbestos management, receive awareness training so they can avoid disturbing asbestos. If so, how frequently does this happen?
- Please describe the systems in place to ensure that contractors working in your schools are given information about the location of asbestos before they start work? Do you monitor whether these systems are adhered to?
- Please list any incident of which you are aware in the last (for example) 5 years (refer to precise years) which may have exposed staff, children or others to asbestos in any of your schools.
- Please list the number of school employees (current and retired, including teaching, support and maintenance staff) who have pursued a claim against you for exposure to asbestos within one of your schools, and how these claims have been settled.
- Please list details of any HSE intervention in any of your schools in the last (for example) five years (refer to precise years), which has resulted in the issuing of guidance or an improvement or prohibition notice.
- Have any of your schools been successfully prosecuted for failings in asbestos management in the last five years, (list the precise years)?



- Have all your schools been warned about the dangers of pupils and staff handling and wearing vintage gas masks? If not, will you undertake to draw this warning to the attention of all schools?



## Appendix 3

### Suggested questions for individual schools

- Does the school contain asbestos?
- Please provide copies of the building plans of the school identifying where asbestos is present.
- Please provide copies of all asbestos inspections carried out at the school in the last five years.
- Please provide copies of all asbestos risk assessments carried out at the school in the last five years.
- Please detail the procedures which are in place to monitor that the school has an up-to-date survey and management plan
- What steps have been taken to inform staff (including temporary staff, supply staff and peripatetic staff) working in the school about the presence and location of asbestos and its management so that they are able to take precautionary measure and avoid disturbing it, and how often is the information provided?
- What training is offered to the head teacher/principal/business manager(s)/governors in meeting their responsibilities for asbestos management in the School, and when did this last take place? Is such training mandatory?
- What provision has been made for future training to the head teacher/principal/business manager(s)/governors at the School in meeting their responsibilities for asbestos management in the School
- Do staff (including temporary staff, supply staff and peripatetic staff) in the School, who do not have responsibility for asbestos management, receive awareness training so they can avoid disturbing asbestos. If so, how frequently does this happen?
- Please describe the systems in place to ensure that contractors working in the School are given information about the location of asbestos before they start work? Do you monitor whether these systems are adhered to?



- Please confirm that such contractors are required to have both employers' liability and public liability insurance (which includes asbestos cover) before working at the School
- Please list any incident of which you are aware in the last (for example) 5 years (refer to precise years) which may have exposed staff, children or others to asbestos in the school.
- Please list the number of school employees (current and retired, including teaching, support and maintenance staff) who have pursued a claim against you for exposure to asbestos within the school, and how these claims have been settled.
- Please list details of any HSE intervention in the school which has resulted in the issuing of guidance or an improvement or prohibition notice.
- Has the school ever been successfully prosecuted for failings in asbestos management
- Does the school refuse to allow staff and children to handle or wear vintage gas masks? If not, will such a policy be introduced without delay?

### **Further information**

JUAC unions publish their own general guidance on freedom of information. See below for details.

[www.teachers.org.uk/help-and-advice/self-help/f/freedom-of-information](http://www.teachers.org.uk/help-and-advice/self-help/f/freedom-of-information).