



**Isle of Man
Government**

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Our ref: 3263601

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Dear Mr Kermodé

We write further to your request, received 19 July 2023, which states:

"We previously submitted the questions below to the Department of Education but it stated that we should re-direct the queries to the DOI (given the stated transfer of asbestos records to the DOI in 2012).

Given the serious and dangerous nature of Asbestos Containing Materials (ACMs), we therefore ask the DOI the following questions:

- 1. Has an audit of ACMs in IOM schools (primary and secondary) been carried out? If so, when and by whom? If not, why not?*
- 2. How many IOM school buildings (e.g. such as in ceiling tiles, insulation and roofing) contain ACMs?*
- 3. How does the IOM government fulfil its legal duties for the identification, repair and removal of ACMs?*
- 4. What inspection records of the location, condition and stability of ACMs being in schools are kept?*
- 5. Where are such inspection records and are they available for public inspection?*
- 6. How often are such inspection records for each school updated?*
- 7. Who carries out such inspections?*
- 8. What formal risk assessments have been undertaken in relation to ACMs in Manx schools?*
- 9. Is the IOM government complying with all of its legal duties in respect of managing risks from ACMs?*
- 10. Do IOM schools have a management plan in relation to contractors (e.g. when undertaking maintenance work) and/or staff disturbing ACMs?*

As stated above, these questions have already been put to the Department of

Education who have re-directed us to the DOI. We therefore now properly expect substantive answers to all of the above questions.

Thank you."

Our response to your request is as follows:

1. On the 21 June 2022 the Control of Asbestos (Application) Order 2022 and the Health and Safety at Work (Managing and Working with Asbestos Code of Practice) (Application) Order 2022 came into effect. These orders apply the Control of Asbestos Regulations 2012 (an act of Parliament) and its accompanying approved code of practice (ACOP) to the Isle of Man.

The Control of Asbestos Regulations 2012 came into force on the 1 August 2022 and require duty holders to identify and manage asbestos in non-domestic premises and for the first time introduces a prohibition on the supply of asbestos and materials with asbestos added. They also introduce a requirement to obtain a licence from the Department of Environment, Food and Agriculture (DEFA) before working on licensable asbestos containing products.

The Department of Infrastructure and its predecessors – including former Department of Transport, the former Department of Local Government and the Environment and the Department of Education, Sport and Culture have endeavoured to be pro-active and have, over the last 20 years, carried out numerous surveys in many Government buildings, including schools. Every building surveyed will have been issued a copy of the relevant Asbestos Management Plan, which should have the Building Register/Survey appended. As the surveys have been reviewed and refreshed, the updated surveys are re-issued.

Education Works, were part of the Department of Education until circa 2013 when they moved to the Department of Infrastructure. The original ACM Surveys were completed by the Department of Education circa 2005. Every school will have been issued a copy of the relevant Asbestos Management Plan from 2005, which should have the Building Register/Survey appended. As the surveys have been reviewed and refreshed, the updated surveys are re-issued to the school.

In addition, prior to any works being undertaken, a targetive asbestos survey is undertaken as a matter of course. This allows us to identify any deleterious materials associated with the proposed works, details of which can be included with the Tender Pack for the refurbishment works. This ensures no works to the fabric of the building are carried out without the relevant survey being completed & contractors being fully aware of any potential risks.

2. The Isle of Man Legislation acknowledges and accepts, given that asbestos in the UK was not banned until 1999 that any buildings constructed pre 2000 would fall into this category and therefore, any building built before that time is likely to have materials containing asbestos somewhere within the building. Details of the location of these materials is contained in the relevant survey. The Department is currently carrying out a gap analysis to identify buildings which require the Management survey to be reviewed.

3. The Isle of Man Government and relevant Depts. are currently updating their asbestos registers for all Government properties however; this will take time given the number of Government buildings.

Any works required to be undertaken where asbestos containing materials have been identified, would be removed in accordance with The Control of Asbestos (Application Order) Regs. 2022.

The Department of Infrastructure, Public Estates and Housing Division has a draft Asbestos Management Policy, however given recent changes in Government and Legislation being updated, this asbestos policy is in the process of being revised/updated for final approval and implementation.

4. School buildings have had inspections undertaken, with the survey report being kept at both locations – the school building and at the Department of Infrastructure, Public Estates and Housing Division offices.

As detailed earlier, the inspections were undertaken as best practice adopting UK guidance. Since August 2022 with the Isle of Man now having its own Asbestos Regulations, a full review is being undertaken to bring the relevant buildings up to date – this will include an updated asbestos survey followed up with inspections as required where materials have been identified, to check on condition until such time as it has been removed.

5. Original building surveys reports have been kept at the school building and at the Department of Infrastructure, Public Estates and Housing Division offices – mainly electronic copies in Shared Areas and as such, are not generally accessible to the public.

6. In accordance with The Control of Asbestos Regs. (Application Order) 2022, inspections will be carried out as required by each building's Asbestos Management plan.

7. The Department appoints competent and licenced, fully insured companies to undertake such activities on their behalf.

8. The Department Policy is that no refurbishment or invasive works take place prior to any targeted ACM survey being completed as mentioned above.

If the survey confirms by sampling the presence of asbestos containing materials, then these materials would generally be removed – this would be carried out by a DEFA Approved, Licenced and fully Insured Contractor as required. The Department works with the building owner and occupier to identify specific risks associated with the use of the building.

9. The Isle of Man Government and its various Departments have been pro-active for over 20 years undertaking various surveys to identify potential risks, whilst the Island had no specific Legislation in place. Being pro-active has allowed the Department of Infrastructure to identify and remove many tonnes of asbestos from Government owned buildings.

The Isle of Man's new Legislation brings a completely new dynamic to the duty to manage the risks of ACMs with the relevant Departments, further focusing on ensuring that all legal obligations are met. The Department is continually working to improve its processes and procedures in this regard.

10. As detailed earlier, Education Works, were part of the Department of Education until circa 2013 when they were moved to the Department of Infrastructure. The original ACM Surveys were completed by the DoE circa 2005.

Every school will have had a copy of the Asbestos Management Plan from 2005, which should have the Building Register/Survey appended.

Since Education Works transferred to the DoI, these Management Plans have been under review. As detailed earlier, the Department of Infrastructure has a policy that no works should commence until a Targeted Refurbishment Survey has been completed to ensure works are safe to progress. This also applies to any works carried out by the Department of Education, Sport and Culture and the schools themselves. Should there any positive samples, any ACM's will be removed by a DEFA Approved Licenced and fully insured Contractor.

All relevant officers within the Department of Infrastructure, Public Estates and Housing Division staff have undergone asbestos awareness training as a minimum, as have many of the regular contractors who work in our buildings. As part of that training, they are aware of what to do should they discover any suspect materials during their works, as per Department procedures and HSE guidance.

Please quote the reference number 3263601 in any future communications.

Your right to request a review

If you are unhappy with this response to your freedom of information request, you may ask us to carry out an internal review of the response, by completing a complaint form and submitting it electronically or by delivery/post.

An electronic version of our complaint form can be found by going to our website at <https://services.gov.im/freedom-of-information/Review> . If you would like a paper version of our complaint form to be sent to you by post, please contact us and we will be happy to arrange for this. Your review request should explain why you are dissatisfied with this response, and should be made as soon as practicable. We will respond as soon as the review has been concluded.

If you are not satisfied with the result of the review, you then have the right to appeal to the Information Commissioner for a decision on;

1. Whether we have responded to your request for information in accordance with Part 2 of the Freedom of Information Act 2015; or
2. Whether we are justified in refusing to give you the information requested.

In response to an application for review, the Information Commissioner may, at any time, attempt to resolve a matter by negotiation, conciliation, mediation or another

form of alternative dispute resolution and will have regard to any outcome of this in making any subsequent decision.

More detailed information on your right to a review can be found on the Information Commissioner's website at www.inforights.im.

Should you have any queries concerning this letter, please do not hesitate to contact us.

Further information about freedom of information requests can be found at www.gov.im/foi.

We will now close your request as of this date.

Yours sincerely
FOI Response Team