



REQUEST 17601

Please could you confirm:

1. Which local authority-maintained schools in your council area currently contain asbestos, and
2. Which local authority-maintained schools in your council area do not contain asbestos.

RESPONSE

1. I can confirm that Wigan Council holds the information you have requested. However, under the Freedom of Information Act 2000, the Council is not required to disclose information it holds where there is a valid exemption. In this case, the Council believes that the information requested would be used to make claims against the Council, not only (or necessarily) by the requestor but by other parties as once information is disclosed under a Freedom of Information request, it is presumed to be disclosed to the world at large.

This would create an unnecessary burden on the resources of the Council which are focused on the delivery of services to the residents and businesses of the Borough. An increase in claims – whether valid or not – would be likely to lead to an increase in insurance premiums, in addition to the staff time necessary to manage the claims.

For those reasons, we believe that to disclose the information would be likely to prejudice the commercial interests of the Council and we are applying an exemption to disclosure under section 43 of the Freedom of Information Act 2000.

This is a qualified exemption which is subject to a Public Interest Test. The Council is committed to transparency in its operations and adopts a presumption of disclosure in responding to FOI requests and recognizes the public interest in such an approach.

There is also a public interest in the Council managing its limited resources from council taxpayers and business rates efficiently and effectively in order to deliver the full range of public services it is statutorily required to. There is also a public interest in avoiding unnecessary claims which could be prompted by publishing information from the Council of the sort requested; remember that a response to an FOI request is

deemed to be to the world at large. Having carefully considered the weight of the above matters, the Council believes the public interest would be better served by not disclosing this information and applies an exemption under section 43.

2. This question is impossible to answer conclusively due to the type of Asbestos surveys carried out and their attached caveat's. The only schools able to confirm to be Asbestos Free to their fabric would be schools constructed Post year 2000, however, even these Post 2000 schools could have items of old equipment present that contain Asbestos materials (ACM's).