

# LESSONS FROM THE ABERFAN DISASTER AND ITS AFTERMATH

*At the Annual General Meeting in July 2008, 49 distinguished scholars were elected to be Fellows of the British Academy; and on 22 September, a ceremony was held at the Academy to admit them to the Fellowship. Five of the new Fellows were invited to speak about their work and its particular value. Professor Iain McLean described the research project which had given him most personal satisfaction and which had demonstrated the ability of scholarship to do good.*

## The events of Friday 21 October 1966

If you are over 50, you know where you were and what you were doing on 21 October 1966. Tip no. 7, which was 500 feet above the village of Aberfan, near Merthyr Tydfil, started to slide at 9.15 am. It was the last day before half-term at the Pantglas schools below. The valley was in low cloud, so that nobody saw the slide. Everybody heard it but

it was coming too fast to outrun. It first hit a farm, killing everybody in it. Then it engulfed Pantglas Junior School, killing 109 children and five teachers. Only a handful of the children aged between 7 and 10 survived. The tip comprised colliery waste, liquefied by the springs underneath. The liquefied flow slide of about 100,000 tons of slurry lost energy and solidified again after hitting the school and neighbouring houses (Figure 1). They

were buried as completely as Pompeii. A total of 144 people died.

The Rt Hon. Lord Robens of Woldingham, a former trade unionist and Labour politician whom the Macmillan government had appointed Chairman of the National Coal Board, arrived 36 hours later, having first

Figure 1: *The 1966 disaster when a tip of coal waste slid onto the village of Aberfan in South Wales.*



gone to Guildford to be installed as Chancellor of Surrey University. He announced that the cause of the disaster was an unknown spring underneath the tip. This was immediately challenged by villagers who had known it all their lives. Prime Minister Harold Wilson, who had reached Aberfan 24 hours before Robens, ordered an inquiry under the Tribunals of Inquiry Act 1921, headed by a judge assisted by an engineer and a planning lawyer.

### A year later

The Inquiry reported in August 1967. Its report is unsparing, passionate, and strangely poetic. The disaster was entirely the fault of the National Coal Board (NCB). Tip no. 7 had been located on top of springs which are shown on the Ordnance Survey map. The Aberfan tip complex had slid in 1944 and 1963. The physical evidence of these slides was clear to the naked eye, although the NCB spent many days at the inquiry denying that the 1963 slide had occurred. It had no tipping policy, and its engineering experts had given no guidance to local workers. The Area Civil and Mechanical Engineers were at war. Neither of them inspected the tip, although the Mechanical Engineer claimed to have done so after Merthyr Council complained about the 'Danger from Coal Slurry being tipped at the rear of the Pantglas Schools'. The disaster was a 'terrifying tale of bungling ineptitude'. Nevertheless, the top management of the NCB tried to give the impression at the Inquiry that they had 'no more blameworthy connection ... than the Gas Board'. The NCB wasted up to 76 days of inquiry time by refusing to admit the liability that they had privately accepted before the inquiry started. The Tribunal called this 'nothing short of audacious'. This may be the strongest language ever used in a Tribunal Report about a UK public body. A section of the report condemns the behaviour of Lord Robens in a fine piece of official prose:

For the National Coal Board, through its counsel, thus to invite the Tribunal to ignore the evidence given by its Chairman was, at one and the same time, both remarkable and, in the circumstances, understandable. Nevertheless, the invitation is one which we think it right to accept.



Figure 2: Rescue workers digging outside Pantglas Junior School, in which 109 children and five teachers died.

Of all tribunal reports known to me, only the 1996 Scott Report on arms to Iraq has used comparable language about senior public servants.

A few weeks later, Lord Robens offered to resign. The Minister, Richard Marsh, refused to accept his resignation. The Commons debated the disaster in October 1967. The debate was painful and inconclusive. A succession of Welsh mining Labour MPs tried and failed to come to terms with what the NCB, regarded as the jewel in Clement Attlee's crown, had done. There were only two good speeches: one by Leo Abse, the only non-miner to represent a seat in the Valleys, and one by the Conservatives' brand-new Power spokesman, Margaret Thatcher. Abse called the exchange of letters between Robens and Marsh a 'graceless pavane ... a disgraceful spectacle'. Thatcher forensically pointed out that the Tribunal Report itself stated that one of the remaining Aberfan tips stood 'at a very low factor of safety'. She asked why A. H. Kellett, the Chairman of the NCB in South Wales, had stayed at a conference in Japan when the disaster occurred. She also asked why on earth W. V. Sheppard, the Coal Board's Director of Production, had come to be promoted to the main Board after the Tribunal had severely criticised him for his

ignorance of tip stability. To her two excellent questions, there came no answer.

By 1970, the NCB had still not paid the compensation due to Merthyr Council for destroying its schools. However, it had raised its initial offer of £50 compensation to each bereaved family to £500. Bereaved families were being supported out of the Disaster Fund, which at £1.75m was the second largest in real terms ever raised in the UK. Only the Princess Diana memorial fund has ever outstripped it.

### Thirty years later

The Aberfan papers at the National Archives were released on New Years Day 1997. In July 1997, I received a British Academy Research Grant to further my study of 'The Aberfan disaster and its aftermath'. After thirty years these archives retained the power to shock – and still do. Here are some extracts dealing with the evasion of responsibility by the NCB and the way that the issues of compensation and clearance of the tips were handled.

Robens's offer of resignation was bogus. He had demanded pre-publication sight of the report in his capacity as a Privy Councillor. With ten days' notice (compare the two hours that Opposition spokesman Robin Cook was

given to read the Scott report), Robens saw that the report was, as Harold Wilson wrote on his copy, 'devastating'. He immediately orchestrated a campaign of support for himself among branches of the NUM. Board and union worked together on this. Robens went on a tour of the coalfields to denounce nuclear power. No prizes for guessing who supported him most warmly on that. A month later, he determined the wording not only of his 'resignation' letter, but, unbelievably, of Marsh's reply rejecting his resignation. He demanded the removal of a sentence inserted by Marsh's private office that pointed out that the whole Coal Board, not merely Robens, were vulnerable. Although the sentence, if left in, would have given him an opportunity to spread the blame, his strategy was to move it down to the chargehand of the tipping gang, not across to his Board colleagues. Marsh duly removed the sentence from his reply to Robens. Government at all levels, from Merthyr Council to the national government, was in thrall to the NCB. Ministers thought Robens was indispensable because only he could slim down the coal industry without provoking massive strikes. He knew that they thought that: hence he was able to bend them to his will.

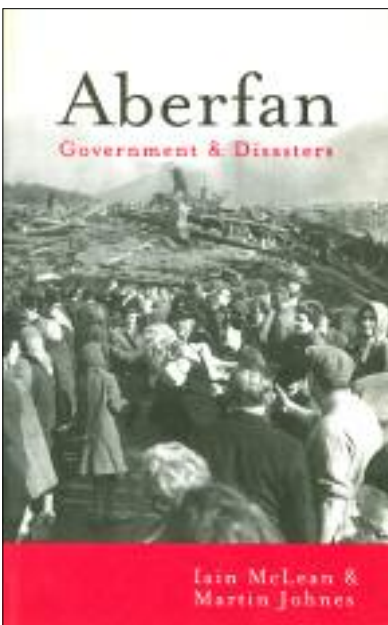


Figure 3: The book by Iain McLean and Martin Johns, published in 2000, which arose from their research into Aberfan and its aftermath. The cover shows a policeman carrying a child away from the disaster.

These documents prove that Leo Abse's phrase 'graceless pavane' was deadly accurate. The insurance staff of the NCB told Robens that £500 per dead child was a 'good' offer, and that only the 'hard core' were agitating for more. On compensation to the victims, the Charity Commission intervened when it should not have done, and failed to intervene when it should have done. It tried to prevent the Disaster Fund trustees from building the arched memorial in Aberfan cemetery, and from making flat-rate payments to bereaved families: they must first satisfy themselves that bereaved parents had been 'close' to their deceased children. The Trustees defied the Commission on both points. However, the Commission was silent in 1968 when the Wilson government raided £150,000 from the disaster fund to pay for removing the remaining Aberfan tips. Those tips belonged to the National Coal Board. They violated the Board's own criteria for tip safety. Yet the Board refused to remove them and lied about the cost. Paying for their removal is not a lawful use of charitable funds.

The Ministry of Power sponsored and protected the NCB. A contractor claimed that he could remove the tips for a fifth of what the NCB said it would cost, providing that he was allowed to sell the coal they contained. The Minister was advised to reject his offer for two reasons. Firstly, in the words of the briefing, 'the sale of the coal is a problem' because it would undercut the NCB's price. Secondly, the contractor had a reputation for leaving tips 'in a shambles'. NB, NCB will confirm this'. The main author of the Ministerial briefing, who went on to a long and very eminent Civil Service career, apparently did not check the dictionary meaning of 'shambles': a place of slaughter.

### Lessons from Aberfan

Some of the causes of Aberfan were specific to the now-disappeared South Wales coalfield, and others were remedied by legislation. Only in South Wales were colliery tips dumped on slopes; all have now gone or been stabilised. The legislation under which Aberfan was not a notifiable accident (because no colliery workers were killed) was amended. A new framework for health and safety legislation was drawn up in 1972 by the Robens (yes, really!) Committee, and has remained in place ever since under the Health

and Safety at Work Act 1974. The 1974 Act has generally been reckoned a success, but Robens's appointment to chair the committee that introduced it is beyond satire.

Other lessons remain. Here are ten of them; there are others:

- *Freedom of information matters.* It should not have taken thirty years for some of the above facts to be revealed. However, the Tribunals of Inquiry Act 1921 proved its value. Robens found, like politicians in the Scott inquiry thirty years later, that bluster and evasion may work in politics, but it does not work at a tribunal. The 1921 Act has now been superseded by the Inquiries Act 2005. I share the anxiety that the Public Administration Select Committee expressed in February 2005 that the new Act gives the commissioning Minister more powers to suppress inconvenient evidence than did the 1921 Act.
- *Don't let politicians run quangos.* Robens was a politician to his fingertips. Except when cornered by cross-examination at the Tribunal, he did what politicians do: he spun his way out of trouble.
- *Governments should protect consumers, not producers.* The corporatist climate of the 1960s, in which the NCB was virtually a government department, blinded civil servants to the enormity of its behaviour and blunted attempts to hold it responsible.
- *Voters in safe seats are marginalised.* Aberfan was rock-solid Labour: therefore Labour governments had an incentive to ignore it, and Conservatives had no incentive to pay special attention to it.
- *Don't have local authorities that are too small.* In 1966 Merthyr Tydfil was the smallest unitary local authority in Wales (and the fifth-smallest in England or Wales). Against the 'state within a state' that was the NCB in South Wales it was powerless. It is a bit worrying that the present-day unitary Merthyr Council is smaller than it was in 1966.
- *Impose serious penalties on negligent corporations.* The legal framework for corporate manslaughter already existed in 1966. Why was the possibility of prosecuting the NCB not considered?



Figure 4: Newly elected Fellows of the British Academy are welcomed to the Academy, September 2008.

Partly because the idea was too mind-stretching; partly because it is always difficult, in a large organisation, to prove that a directing mind (*mens rea*) was behind a piece of criminal negligence. Not until the Corporate Manslaughter and Corporate Homicide Act 2007 – a forty-year-late response to Aberfan and other disasters – has that gap been filled.

- *Regulators must neither share the culture of the regulated...* Inspectors, like the technical staff of the pits themselves, were in 1966 mostly men who had risen from the ranks. They therefore shared the culture of those they regulated. The model for independent inspection should be the Railway Inspectorate, which since the 1840s has always recruited its staff from non-railway engineers (mostly retired military engineers).
- *... nor exist in a private world of their own.* The Charity Commission not merely failed to help, but actively obstructed, the largest disaster fund in British history. Reading their archives gives the impression that charity law was a private game for charity lawyers.
- *Policy-makers should be consistent about risk, even though ordinary citizens are not.* Human brains seem poorly equipped to make consistent evaluations of relative risk. People overrate the probability of unlikely but catastrophic events such as nuclear explosions and underrate the probability of everyday events such as road and, formerly, mining accidents. The

proper question is: what form of power generation is the least dangerous? Coal killed 144 people at Aberfan, and has killed thousands of miners over the years. Oil killed 167 people at Piper Alpha in 1988. Nobody can be shown to have died as a result of a UK nuclear accident, although the Windscale fire of 1957 may have caused some premature deaths. Yet the impression persists that there is something uniquely dangerous about one of the many ways of generating power. What matters is not so much what the industry is as whether it is properly regulated and whether safety legislation is enforced. The safety regulation of the oil and coal industries is now as rigorous as the safety regulation of the nuclear industry – but that did not happen until after the Cullen Report on the Piper Alpha disaster.

- *Give them the rest of their money back.* The Aberfan Disaster Fund has finally received back the rest of the money that the then government improperly took from it in 1968, with the connivance of the Charity Commission. In July 1997, Ron Davies, the first Secretary of State for Wales under Tony Blair, returned £150,000 to the Aberfan memorial funds to compensate for the Wilson's government raid on them for removing the tips. He acknowledged my research as one of the motivating factors, but he did not need my prompting. As he has recently said, it was a very easy decision: he had long thought that the money had been stolen. His action was widely welcomed, but some asked why he

had not returned the £1.5 million that more accurately represents £150,000 of 1966 money plus interest forgone. In January 2007, the National Assembly for Wales finally did the right thing, as I and others had been urging since 1997. The £1.5 million it then gave the Aberfan Memorial Charity will at last give the memorials a secure endowment.<sup>1</sup>

#### Note

1. This article is largely drawn from Iain McLean, 'Aberfan: no end of a lesson', on the History & Policy website ([www.historyandpolicy.org](http://www.historyandpolicy.org)). For more detail, see Iain McLean and Martin Johnes, *Aberfan: Government and Disasters* (Cardiff: Welsh Academic Press, 2000). See also their project website at: [www.nuffield.ox.ac.uk/politics/aberfan/home.htm](http://www.nuffield.ox.ac.uk/politics/aberfan/home.htm)

---

Professor Iain McLean FBA is Professor of Politics at the University of Oxford, and Official Fellow in Politics, Nuffield College, Oxford.

---

In July 2008 there were the following elections to the Fellowship of the British Academy: 38 new Ordinary Fellows (Fellows ordinarily resident in the UK); 10 new Corresponding Fellows (Fellows resident outside the UK); and one new Honorary Fellow. The full list may be found at:

[www.britac.ac.uk/fellowship/elections/2008/](http://www.britac.ac.uk/fellowship/elections/2008/)

---