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## 1. Purpose and scope

### 1.1 Statement of intent

Lewisham Council aims to prevent the exposure to and manage the risks associated with asbestos containing materials and comply with current legislation.

- 1.2 This document sets out Lewisham Council's (LBLs) policy for managing the risks from Asbestos Containing Materials (ACMs) throughout its directly managed housing stock. This policy applies to all parts of Lewisham Councils housing stock directly managed by its in-house housing service.

- 1.3 In line with legislation relating to asbestos, this policy covers use and maintenance of properties built or refurbished prior to the year 2000, including:

- a) The surveying and regular review of non-domestic properties, including common parts of domestic properties. Examples of common parts include foyers, corridors, lifts and lift shafts, staircases, plant rooms, common roof voids/roofing, service risers, gardens, yards, etc.
- b) All domestic premises that are used as a place of work during repairs. All of LBL housing stock has the potential to become a place of work when our staff visit and/or contractors attend to undertake repairs.



- c) Any construction work undertaken by LBL including refurbishment work, planned programmes, and large-scale reactive works e.g. roof replacement following storm damage.
  - d) Demolition and site clearance ahead of building works.
- 1.4 This policy is designed to work alongside our wider set of health and safety and compliance policies and processes.
- 1.5 The Compliance Team will work with operational teams to maintain robust procedures to deliver these policy requirements. The Health and Safety Team will support this as and where required.

## 2. Context

- 2.1 Lewisham Council's Housing Service directly manages circa 19,000 dwellings owned by London Borough of Lewisham (LBL). Most of these were built or refurbished at a time when the use of asbestos containing materials (ACM) in construction was common; that is prior to the year 2000. Given this, the approach to Asbestos Management assumes that most of the stock contains ACMs.
- 2.2 The risk to health from asbestos occurs when fibres are released into the air and then inhaled or digested. ACMs that are in good condition and undisturbed do not pose a risk to health. The presence of ACM does not, in itself, constitute a danger, but there is a potential risk to health if such material is disturbed and damaged. An isolated, accidental exposure to asbestos fibres for a short duration is extremely unlikely to result in the development of asbestos related diseases. However, regular exposure, even at relatively low levels, can present a significant risk of chronic ill-health or death.

## 3. Responsibilities and Duty holders

- 3.1 **Responsible Person** – Lewisham Council's CEO is deemed to be the 'Responsible Person'. Whilst the CEO has overall accountability for the management of all aspects of health and safety including the management of asbestos management, the day-to-day implementation of this policy is delegated to the Director of Housing Quality and Investment.

The CEO will ensure that this policy is reviewed regularly including where there are changes to legislation that may affect the policy.

- 3.2 **Duty Holders** - The 'Duty Holder' under 'The Control of Asbestos Regulations 2012' is the person/organisation who holds maintenance and repair responsibilities for any part of a premise. The main duty holder will be the Director of Housing Quality and Investment as delegated by the CEO and may nominate competent person(s) to deliver specific duties.

## 4. Asbestos Management competence

- 4.1 The Director of Housing Quality and Investment will appoint suitably qualified people to oversee the implementation of this Policy.



- 4.2 The duty holder and appointed competent persons shall attend appropriate training courses to allow them to understand the nature of the risk and to be able to discharge their duties and responsibilities.
- 4.3 Managers and supervisors who are involved or potentially manage asbestos works and therefore become responsible or appointed responsible persons themselves will have suitable training and access to competent advice.
- 4.4 Operational staff will be provided with asbestos awareness training as a minimum. This training will be refreshed at suitable intervals. Repairs operatives, caretakers and any other staff who may potentially be exposed to asbestos when undertaking their normal duties will also be evaluated periodically and sufficient training implemented to suit any additional training deemed necessary.
- 4.5 Staff involved in carrying out monitoring or surveying of buildings will be trained to an appropriate standard.

## 5. Asbestos management plan

Lewisham Council will maintain an asbestos management plan for our housing stock that will:

- 5.1 Comply with all relevant asbestos legislation to assist us with our duty to manage in accordance with Regulation 4 of the Control of Asbestos Regulations 2012 (CAR 2012). This will be assisted by compliance with regulations, 5, 6 & 10.
- 5.2 Provide adequate resources to meet our legislative and policy obligations.
- 5.3 Maintain an electronic register of the location and condition of all ACMs found in the properties owned and directly managed by LBL's Housing Service.
- 5.4 Presume that materials contain asbestos, unless strong evidence is available to suggest that they do not.
- 5.5 Undertake a programme of asbestos management surveys and re-inspect positive findings in non-domestic premises, including common parts in domestic blocks, on a regular basis.
- 5.6 Manage known ACMs in line with the findings of surveys and assessment of the likelihood of anyone being exposed to asbestos fibres. Following receipt and evaluation of all information within the survey reports, ACM management will be prioritised, and relevant actions shall be initiated.

Priorities will be graded as follows:

- Grade A: Notifiable/friable materials & materials that have been scored for both the material and priority assessments at 12 or higher which represent a medium to high risk;
- Grade B: Non-notifiable/low friable materials that have been identified & are scored for both the material and priority assessments at 11 or less which represent low/very low risks;
- Grade C: Presumed materials that are inaccessible (in compliance with regulation 6).



- Grade D: Premises with no ACM's identified or presumed.
- 5.7 The frequency of re-inspections of retained ACMs will be determined by the location, condition, and type of asbestos present and evaluation of associated risk by combining both the completed material assessments and priority assessments from the subsequent surveys. Re-inspection frequencies shall reflect the grading stated as follows:
- Grade A – Re-inspect annually (or sooner)
  - Grade B – Re-inspect 2 yearly (or sooner);
  - Grade C – Desktop review 3 yearly (or sooner).
  - Grade D – no further action required.
- 5.8 Set up clearly defined responsibilities for asbestos management and ensure all relevant staff are trained to an appropriate level and given sufficient resources to carry out their duties diligently. This will include contingencies for when the person holding the responsibility is unavailable to meet their designated duties. These roles will be defined within the procedures.
- 5.9 Provide regular training in line with current legislation for all relevant personnel to ensure they have a level of knowledge and competence commensurate with their involvement in the control procedures; as a minimum Asbestos Awareness training in compliance with Regulation 10, CAR 2012.
- 5.10 Ensure that the appropriate Asbestos survey is undertaken for the task at hand. A refurbishment and demolition survey is undertaken prior to the commencement of all intrusive building/development works to identify the location and condition of any material that might contain asbestos. A management survey may be undertaken for terms of management only when no planned works are known and must not be used for the purposes of planned refurbishment/intrusive works.
- 5.11 Provide information about the presence, location and condition of ACMs to all those who are likely or liable to disturb it including employees, tenants and contractors and ensure it is being used appropriately. The Asbestos team to be contacted where clarification or further information is required.
- 5.12 Review and update the asbestos management plan when required, to ensure its accuracy and currency.

## 6. Asbestos surveys

- 6.1 Lewisham Council will undertake management surveys to all areas of properties where we have a duty to manage as stated in Regulation 4 of CAR2012.
- 6.2 Refurbishment/demolition asbestos surveys will be arranged by project managers or contractors ahead of any planned works on all the properties for which LH is responsible.
- 6.3 All surveys will be undertaken by approved UKAS accredited contractors by a competent and suitably qualified surveyor. Surveys will provide information about the



material's ability to release fibres if disturbed, the likelihood of it being disturbed, and the risk associated with the ACM.

- 6.4 When ACMs are identified during a survey, a site-specific risk assessment of the individual material will be completed and included in the survey report. The survey results will include a summary table with the following information:
- Location of the ACMs
  - Extent of the ACMs
  - Product type
  - Level of identification of the ACM
  - Asbestos type in the ACM
- 6.5 For a management survey (and refurbishment and demolition surveys where the work is not imminent), the following additional information will be provided:
- Accessibility of the ACM
  - Amount of damage or deterioration
  - Surface treatment (if any)
  - The material assessment score or category
  - Any actions required from the material/priority assessments
- 6.6 Asbestos management priority will take into account factors such as:
- Maintenance activity
  - Occupant activity
  - Likelihood of disturbance
  - Human exposure potential
- 6.7 Actions will be based on the results of the risk assessment - a combination of the material assessment and the priority assessment. Scores will be broken down into categories with actions appropriate to each category detailed.
- 6.8 Findings from assessments will be recorded in the Asbestos register and where necessary, control and management actions will be taken to manage, remove or treat ACMs in order to eliminate or minimise risk of exposure to airborne asbestos fibres.
- 6.9 It is our policy that all works with identified ACMs must be undertaken by an appointed licenced asbestos removal contractor. Only following a specific request, and assessment and approval by the Asbestos manager, may a non-licensed contractor be authorised to undertake any minor works on non-licensed asbestos materials. The assessment will be on an individual project basis, and where risk is sufficiently low.

## 7. Asbestos register

- 7.1 Lewisham Council will ensure that all current asbestos information available for our directly managed housing stock is added to the digital Asbestos Register provided. This includes:



- Air monitoring results
- Waste consignment notes
- Asbestos Management Surveys
- Asbestos Refurbishment Surveys
- Further Investigations
- Bulk Sampling
- Remedial & Removal Works documents
- Re-inspections

7.2 Areas or items inaccessible during surveys will be recorded as presumed to contain asbestos unless there is strong evidence to prove otherwise. The asbestos register will hold information relating to all ACMs – identified and presumed.

## 8. Providing information on the location of ACMs

- 8.1 All staff who may be affected by the presence of ACMs or may disturb asbestos during their work must be notified of its presence. The Asbestos Register will be made accessible to relevant staff. The relevant responsible person or appointed responsible person must be satisfied that the information in the asbestos record/register is known and understood by operatives doing the work on site and that any ACMs will not be disturbed during planned works.
- 8.2 Relevant information from the asbestos register will be provided to contractors prior to any works starting on site to ensure that appropriate precautions are taken, and any asbestos risks are appropriately controlled.
- 8.3 All contractors retained on term contracts will be issued with login access to the online Asbestos Register.
- 8.4 At sign-up, new tenants will be provided with information applicable to their property showing location and condition of retained ACMs, as well as an Asbestos leaflet that gives advice and basic precautions.
- 8.5 Where we hold data on ACMs within leaseholders homes, it will be shared with the leaseholder.
- 8.6 Labels warning of the presence of asbestos containing materials will be affixed in communal areas, plant rooms and similar in accordance with asbestos labelling guidance. Such labels will be checked and maintained or replaced at suitable intervals.

## 9. Incidents

- 9.1 All asbestos incidents must be reported to the Health and Safety Team and the Asbestos Team, with either team updating the other on notification. Notification will be by the relevant incident reporting system. An investigation will commence as soon as practicable following notification.



- 9.2 If the incident involves significant disturbance of ACMs, the entire affected area must be cordoned off and entry prohibited until controlled air testing confirms the area/premises to be safe to reoccupy.
- 9.3 Where a release of asbestos fibres is sufficient to cause damage to the health of any person, the Health and Safety team and Asbestos team will review the incident and where required, report the incident to the Enforcing Authority in accordance with RIDDOR.

## 10. Monitoring and continual improvement

- 10.1 All ACMs left in situ in non-domestic premises will be re-inspected by appointed Asbestos Surveyors on a priority basis following previous grading unless otherwise determined by risk assessment and detailed in the Asbestos Register. Information collated during these inspections will be used to update the Asbestos Register, and appropriate action taken regarding any recommendations made. The identified ACMs will form part of future inspections.
- 10.2 The Asbestos Management Plan will be monitored and reviewed during auditing and testing activity.
- 10.3 The Housing Directorate Management Team (DMT) will monitor the implementation of and compliance with this policy, along with asbestos survey performance indicators, and any significant issues arising.
- 10.4 The risk associated with asbestos will be recorded and assessed through the organisation's risk register.
- 10.5 Organisational health and safety auditing arrangements are in place, which include compliance with this policy and associated procedures. Audits and reviews provide data reflecting the effectiveness of this policy and identify opportunities to achieve continual improvement in the management of asbestos across our housing stock.

## 11. Legislation and regulation

- 11.1 The primary legislation is the Health and Safety at Work etc. Act 1974 which imposes on Lewisham Council a general duty of care.
- 11.2 Under the Housing Health and Safety Rating System (England) Regulations 2005 (HHSRS), we should inspect each property to check if there are one or more of 29 hazards and decide on remedial work to be done to reduce risks as low as reasonably practicable – in this case Hazard 4: Asbestos and MMF.
- 11.3 Specific regulations to comply with are The Control of Asbestos Regulations 2012 (CAR 2012) which make specific the duty to manage asbestos. It relates to non-domestic premises, workplaces and common parts of flats and other communal areas.
- 11.4 Other legislation and regulations which are applicable to this policy include but may not be limited to:
  - The Management of Health and Safety at Work Regulations 1999.



- The Construction (Design and Management) Regulations 2015.
- The Hazardous Waste (England and Wales) Regulations 2005.
- The Workplace (Health, Safety and Welfare) Regulations 1992.
- The Reporting of Injuries, Diseases and Dangerous occurrences Regulations 2013
- Homes (Fitness for Human Habitation) Act 2018

## 12. Terms and Definitions

### **ASBESTOS**

Fibrous silicates defined as, any mixture which contains one or more of these fibrous silicates at more than trace amounts.

The three main types of asbestos are:

- Crocidolite (commonly known as blue asbestos)
- Amosite (commonly known as brown asbestos)
- Chrysotile (commonly known as white asbestos).

### **UKAS**

Abbreviation for United Kingdom Accreditation Service - the sole national accreditation body recognised by government to assess, against internationally agreed standards, organisations that provide certification, testing, inspection and calibration services.

### **LARC**

Licensed Asbestos Removal Contractor. CAR 2012 requires that work with the most hazardous forms of asbestos can only be carried out by companies who have obtained a licence for such work from the Health and Safety Executive (HSE).

### **TYPES OF SURVEYS**

#### **Management Survey**

This is the standard non-intrusive survey. Its purpose is to locate, as far as is reasonably practicable, the presence and extent of any suspected ACMs in the building which could be damaged or disturbed during normal occupancy, including foreseeable maintenance and installation and to assess their condition.

#### **Refurbishment and Demolition Survey**

Required before any intrusive/invasive work is carried out. This type of survey is used to locate and describe, as far as is reasonably practicable, all ACMs in the area where the refurbishment work will take place or in the whole building if demolition is planned. The survey will be intrusive and involve destructive inspection, as necessary, to gain access to all areas, including those that may be difficult to reach. A refurbishment survey may also be required in other circumstances, e.g. when more intrusive maintenance and repair work will be carried out or for plant removal or dismantling.

## 13. Equality, diversity, and inclusion

The safety of our residents and workforce is of the utmost importance. This policy has been written to protect all concerned taking into account all protected characteristics. We will ensure that relevant information is communicated in an accessible and understandable way with the aim of keeping residents and those working for us safe.



### 14. Communication and consultation

- 14.1 A controlled version is published on our website – accessible to the public. It is also published on our intranet along with relevant procedures, accessible to our staff.
- 14.2 The Building Safety and Compliance teams will liaise with all relevant teams and ensure this policy and any procedures which implement it is clearly communicated. The Housing Services Health and Safety Team will assist where required.
- 14.3 New tenants will be given asbestos safety advice at sign-up and provided with an Asbestos Safety leaflet that gives advice and basic precautions. This leaflet will be available on the LH website along with further asbestos safety information. We may also provide asbestos safety advice in various ways, including reminders on our website and specific advice following a property survey, or an alteration request.
- 14.4 In the formation of this policy we consulted with staff, through a Health and Safety Board, and our Executive Team, prior to seeking approval. Subsequent reviews will be checked for change and accuracy prior to reapproval.

<b>Replaces:</b> Asbestos management policy 2023 (Lewisham Homes) Minor updates to reflect the return of landlord services previously managed by Lewisham Homes to Lewisham Council	
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<b>Policy owner:</b> Head of Compliance	