

THE BUILDING SAFETY ACT 2022 IS HERE

As of October 1st, 2023, The Building Safety Act 2022 (BSA) is in place bringing about some of the biggest changes to Building Regulations in a generation.

Find the full legislation –

<https://www.legislation.gov.uk/ukpga/2022/30/contents/enacted>

Whilst the primary focus of these changes was a reaction to the Grenfell tragedy, there are changes that will apply across all construction projects that need to comply with Building Regulations.

There has been new legislation invoked for High-Risk Buildings (HRBs) – these are buildings at least 18m high and/or 7 storeys in height AND have at least two residential dwellings (excludes hotels and care homes). The new legislation brings a raft of procedural, competency, paperwork and programme changes that will have a large impact moving forwards for all buildings that come under the HRB classification.

It is also now a criminal offence to own an occupied HRB without having registered it on the government website (insert link).

The changes that apply to non-HRB projects are a framework largely based on CDM 2015; implementing further duties for Clients, the need to appoint a Principal Designer (BSA) and Principal Contractor (BSA) who subsequently have further duties now to ensure compliance with Building Regulations during design and construction phases.

Whilst the changes are large and impactful we believe the majority of projects were already following the new requirements of the BSA – there will be some time for transition whilst Clients, Architects, Designers & Contractors get up to speed with the legislation and upskill themselves and their organisations in line with these new requirements.

There is a large focus on competency, with new competency frameworks developed (link to BSI 8670 flex, PAS 8671 and PAS 8672). We encourage those reading this newsletter to familiarise themselves with these new requirements.

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AGA ASSOCIATE DIRECTOR ED WILSON HAD A BLAST AT THE MORGAN LOVELL 'SPORT IN MIND' GOLF CHARITY EVENT!

AGA had an amazing time at Morgan Lovell's Golf Day charity event supporting the incredible Sport in Mind. What a fantastic reminder of the positive impact sports can have on mental health.

Morgan Lovell have raised over £5,600 so far, and there is still time to show your support by clicking and donating here: <https://lnkd.in/e9JS7uvt>

Sport in Mind - the mental health sports charity

'We provide supported sport and physical activity programmes to help improve the lives of people experiencing mental health problems. We run programmes in partnership with the NHS in the community and in inpatient care.'



EVERYONE NEEDS SUPPORT, TAKE ACTION AND MAKE A POSITIVE IMPACT

25th September marks the start of National Inclusion Week 2023 and this year's theme is 'take action, make impact'.

This is a prompt for us to reflect on our collective responsibility to create workplaces where individuals are truly supported, valued and empowered.

It's not always easy recruiting the people you need to help your business succeed. So, keeping and developing talent in your business is important.

HSE published non-statutory guidance, a set of simple [core principles](#), to help employers create workplaces that are safe and supportive to enable disabled workers or workers with long-term health conditions to thrive.

Download their [Talking Toolkit](#) to help employers and managers structure these conversations.

We encourage you to think about your workplace and really consider the support available to colleagues and workers. You can also:

- visit the [Work Right for Everyone](#) campaign website
- read our latest [news article](#)
- listen to HSE's [Disability in the Workplace podcast](#)

**WORK RIGHT
FOR EVERYONE**

BUILDING SAFETY REGULATOR (BSR) IS NOW THE BUILDING CONTROL AUTHORITY (BCA)

From 1 October 2023, BSR became the Building Control Authority for higher-risk buildings and you must now submit your building control approval applications to BSR.

BSR will have the authority to determine the requirements for those who procure, design, plan, manage and undertake building work. We have also introduced new enforcement powers for building control authorities.

BSR will carry out its function as the BCA through multi-disciplinary teams (MDTs) that include a registered building inspector and any other specialists required to assess a submission.

[Read the guidance \(.pdf\)](#)

[Read more about the BSR becoming the BCA](#)



CONSTRUCTION FIRM FINED £90,000 AFTER EXPOSING PUBLIC TO ASBESTOS DURING RENOVATION WORK

A Warrington-based construction company has been fined £90,000 after exposing people to asbestos during a renovation project in the Hanley area of Stoke-on-Trent.

Despite failing to attend Staffordshire Magistrates' Court on 24 August 2023, Esskay Construction Ltd was found guilty in its absence.

Nathan Cook, prosecuting on behalf of the Health and Safety Executive (HSE) told the court how the regulator received a concern on 31 August 2021 about asbestos disturbance. The concern related to a refurbishment project under the control of the company at an address in Brunswick Street in Hanley.

Representatives from the local authority had attended the site and discovered significant amounts of asbestos-containing debris to the front and rear of the building and along the public highway.

An inspector from HSE then went to site and served two Prohibition Notices – prohibiting all work within, and access to, 12 Brunswick Street and the surrounding area, other than by a licensed asbestos removal contractor for the purpose of making safe. A licensed asbestos removal contractor was then appointed to carry out a clean-up operation.

However, further investigation by HSE found that Esskay Construction Ltd had failed to appoint a competent person to carry out a refurbishment and demolition asbestos survey of the premises prior to carrying out work on site. The company then allowed refurbishment to commence without knowing where the asbestos containing materials were, resulting in them being disturbed and potentially exposing workers and members of the public to harmful asbestos fibres.





Esskay Construction Ltd of Mandarin Court, Warrington, Cheshire, failed to attend court but were found guilty in their absence, to breaching Regulations 5, 11 and 16 of the Control of Asbestos Regulations 2012. Esskay Construction Ltd were fined £90,000 and ordered to pay costs of £6,009 and a victim surcharge of £190.

Speaking after the hearing, HSE inspector Will Gretton said: "Asbestos is a class 1 carcinogen. Carelessness at this scale, met with a failure to attend court, is unacceptable.

"For that reason, any building constructed prior to the year 2000 must be assessed for the presence of asbestos prior to any disturbance work taking place, and any asbestos containing materials must be left undisturbed or be removed by a competent contractor under controlled conditions.

"By failing to take these simple steps, Esskay Construction Ltd put workers and members of the public at risk of being exposed to a substance known to cause fatal illnesses including mesothelioma, lung cancer and asbestosis.

"HSE will not hesitate to take action where contractors are found to be flouting the law and putting people at risk, and this case should serve as a reminder to those engaged in this type of work that they have responsibilities when it comes to managing the risks associated with asbestos."

HSE is running an awareness campaign, Asbestos and You, targeting tradespeople with information about the personal risks from asbestos that still exist across the country today.

CRUMBLING CONCRETE CRISIS

[Schools and NHS buildings made from reinforced autoclaved aerated concrete \(RAAC\) could be unsafe or face closure, the UK government has admitted.](#)

Schools minister Nick Gibb said 'new evidence' emerged over the summer showing the dangers of reinforced autoclaved aerated concrete, known as RAAC, after a beam collapsed.

Previously remediation was required when the RAAC was in critical condition, but Mr Gibb said the Department for Education (DfE) is now taking the 'cautious approach' that all of the concrete should be removed.

Reinforced autoclaved aerated concrete (RAAC) is a lightweight material that was used mostly in flat roofing, but also in floors and walls, between the 1950s and 1990s in public buildings such as the NHS Estate and schools. The aerated or 'bubbly' material is a cheaper alternative to standard concrete, is quicker to produce and easier to install.

Its structural behaviour differs significantly from traditional reinforced concrete; it is susceptible to structural failure when exposed to moisture. The bubbles can allow water to enter the material. If that happens, any rebar reinforcing RAAC can also decay, rust and weaken.



Because of this, RAAC is often coated with another material, such as bitumen on roofing panels. But this material can also degrade.

In the 90s, several bodies recognised structural deficiencies in RAAC panels. It was recognised that the in-service performance was poor with cracking, excessive displacements and durability all being raised as concerns.

The Standing Committee on Structural Safety (SCOSS) noted that: 'Although called 'concrete', RAAC is very different from traditional concrete and, because of the way in which it was made, much weaker.'

According to Loughborough University, there are tens of thousands of these structural panels already in use and 'many are showing signs of wear and tear and deterioration'.

Great Britain's safety watchdog, the Health and Safety Executive, says RAAC is now beyond its lifespan and may 'collapse with little or no notice'.

PORTABLE APPLIANCE TESTING – BUSTING THE MYTHS

Portable appliance testing (PAT) is the examination of electrical appliances and equipment to ensure they are safe to use.



There are many myths about PAT but you can use our [frequently asked questions](#) to find the key facts about the inspection and testing of portable electrical equipment.

You can download our leaflet [Maintaining portable electric equipment in low-risk environments](#). It sets out simple and sensible precautions you should take to prevent danger from portable or movable electrical equipment.

HSE's website also has general advice on [electrical safety at work](#)

AGA Site Inspectors are all fully trained PAT Testers, lets us know if you would like a quotation for our services.

MENTAL HEALTH TRAINING COURSE

St Johns Ambulance's new digital [Mental Health: Creating a supportive workplace](#) training course aims to provide people with the skills to support one another, creating workplaces where positive mental wellbeing is at the heart of every interaction.



We know that when a conversation around mental health goes badly, the implications can be detrimental for all involved. The course uses a real scenario which shows the snowball effect that an unsupportive initial conversation can have – and then unpacks what could be done better to prevent the mental health crisis that follows.

For just £29* per person this fully digital, self-guided course will give you the skills to:

- Recognise when a colleague may be facing mental health distress
- Start a supportive and open conversation to determine what further help is needed
- Build an action plan that supports and safeguards the employee and the business

[Browse the St John Ambulance digital courses >>](#)

FREE CDM ADVICE

[Continued Professional Development for all.](#)

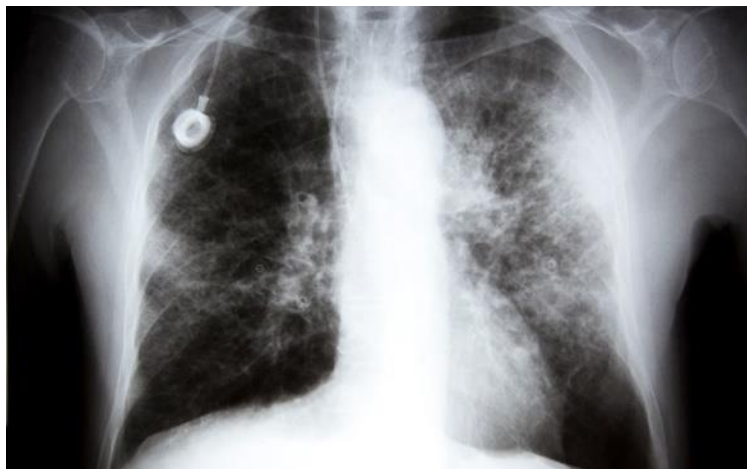
Do you need help understanding the CDM Regulations 2015?
Not sure if you are complying with your duties correctly?



We offer a free CPD consultation to keep you up to date. One of our experienced CDM Consultants will host a virtual session and provide up-to-the-minute, competent advice. We cover everything from Duty Holders to Design Risk Management and welcome any questions or scenarios you need help with.

Please get in touch if this would be of interest to you info@aga-ltd.co.uk

CLIMATE-CHANGE: WORKERS NEED CLEAN AIR



Workers need clean air. More multidisciplinary action is needed to address the urgent problem of poor air quality worsened by climate-change. This can help prevent respiratory illness, disability and premature death, supporting decent work, better worker health and economic growth.

Clean air is a human right and yet, worldwide, about nine out of 10 people are exposed to air pollution above the WHO air quality guidelines, leading to around seven million annual deaths (WHO, 2020).

Concerningly, researchers highlight the disproportionate effect on outdoor workers from the growing impact of climate-change on air pollution, with increasing exposure to PM2.5, ozone and allergens (Schulte et al, 2023). Importantly, as well as preventing further pollution, the authors list some actions that organisations can take to help protect workers, including:

- Reducing time spent outdoors
- Rotating workers
- Restricting work during times of severe air pollution
- Respiratory protection programmes
- Medical surveillance
- Case reporting
- Supporting air quality standards.

Five years since the OSH profession welcomed the WHO's first-ever conference on 'Air pollution and health', we can now welcome its new, free course for healthcare professionals and other interested groups, [Air pollution and health: an introduction for health workers](#).

OSH professionals can take this valuable opportunity to highlight the growing need for clean air for workers and to promote effective management of OSH risks arising from climate-change, ahead of the forthcoming ISO PAS due next year.

HSE'S MOVING AND HANDLING MATERIALS CAMPAIGN CONTINUES

As the HSE's latest construction health inspection campaign focusing on moving and handling materials continues, we have a range of free resources to help you manage the risks on site.

The campaign is raising awareness of health issues in relation to moving and handling materials to improve the long-term health of those working in construction.

When on site, HSE inspectors are checking that employers and workers:

- know the risks
- plan their work to eliminate or substitute the risks, where possible
- where that is not possible, are using sensible control measures to protect workers from aches, pain and discomfort in joints, muscles and bones known as musculoskeletal disorders (MSDs).

Make use of the following free resources to help promote change and protect construction workers' long-term health:

- [visit our campaign website](#) for advice for employers, workers and small builders
- [download our poster \(.pdf\)](#) to use on your site
- [listen to HSE's podcast](#)
- [take our manual handling quiz](#)



FACE FIT TESTING LEGAL REQUIREMENT



[AGA have 6 fully qualified Face Fit Testers ready to come to your site.](#)

Where respiratory protective equipment (RPE) is used as a control measure under Health and Safety Legislation, it is vital that the selected RPE is adequate and suitable. RPE must reduce exposure to as low as reasonably practicable, and in any case to an acceptable level (e.g., below any applicable Workplace Exposure Limits or Control Limits).

To ensure that the selected RPE has the potential to provide adequate protection for individual wearers, the ACoPs supporting COSHH, CAR and CLAW stipulate that tight-fitting RPE must be fit tested as part of the selection process. This will help to ensure that inadequately fitting facepieces are not selected for use. Ill-fitting facepieces can create inward leakages of airborne contaminants.

AGA can advise you on:

- The different types of RPE available
- The different grades of RPE and how to understand what the right RPE for the task is.
- The different exposure hazards and ill health from working with wood, silica and construction dust.
- The law and requirements for RPE use.
- How to correctly fit RPE

We can then test the face fit of RPE on your operatives using our testing kit and provide certification for each operative.

AGA E-LEARNING COURSES

Whether you are looking to improve your own knowledge or provide training to employees, our E-Learning courses will guide you through the regulations, your legal duties, identifying hazards in your workplace and suitable control measures. Each course is followed by a short test to clarify your understanding regarding that topic, upon which, after completion, you will be issued a certificate.

The courses we currently offer training in are:

- [IOSH Working Safely \(£90 + VAT Per Person Per Course\)](#)
- [Abrasive Wheels](#)
- [Basic First Aid](#)
- [Basic Ladder Awareness](#)
- [Confined Space Awareness](#)
- [COSHH](#)
- [Defibrillator Awareness](#)
- [Display Screen Equipment \(DSE\)](#)
- [Environmental Safety](#)
- [Falls prevention – working at Height](#)
- [Fire Safety](#)
- [Fire Warden](#)
- [Health and Safety Level 2](#)
- [Infection Prevention and Control \(COVID-19\)](#)
- [Legionella Awareness](#)
- [Local Exhaust Ventilation \(LEV\)](#)
- [Lone and Remote Workers \(Personal security\)](#)
- [Manual Handling](#)
- [Mental Health Awareness](#)
- [Noise](#)
- [Office Safety](#)
- [Risk Assessment](#)
- [Slips and Trips](#)
- [The Construction \(Design and Management\) Regulations \(Overview\)](#)
- [The Construction \(Design and Management\) Regulations \(The Client\)](#)
- [The Construction \(Design and Management\) Regulations \(The Principal Contractor and Contractors\)](#)
- [The Construction \(Design and Management\) Regulations \(The Principal Designer and Designers\)](#)
- [CPD Asbestos Awareness](#)
- [Vibration \(HAVS\)](#)





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