DIOHAS

Designers' Initiative Of Health And Safety

Meeting Record

Date	6th March 2023 (Mon), 16:30-18:00
Venue	Video conference using Microsoft Teams
Chair	Paul Bussey
Topic	Two Presentations

Attendees	Name	Organisation
1	Paul Bussey (chair)	AHMM
2	Tony Putsman (Guest speaker 1)	ICE Health and Safety Panel
3	Danny Coomber (Guest speaker 2)	Harwood Construction Consultancy
4	Alain Speed	PRP Architects
5	Benjamin Ralph	Foster + Partners Limited
6	Chris Ottaway	Ottaway and Associates
7	Dan Mahony	?
8	Darren Ghanie	Veretec
9	David Mulligan	Public Practice
10	David Stanley	Martin Arnold
11	Ewa Cebula	C4 Projects
12	Fay Ferguson	Morris+Company
13	Fran Watkins-White	Bureau Veritas
14	Gary Stoakes	?
15	Gary Walpole	National Federation of Roofing Contractors
16	Hugh Wray-McCann	Wray-McCann Architect
17	James Taylor	Nicholas Hare Architects
18	Jasmine Adley	Currie Brown
19	Jeffrey Tribich	Tribich Consultancy
20	Jeremy Williams	Grid Architects
21	Lawrence Bonovia	?
22	Mark Skinner	Hawkins Brown
23	Michael Stewart	Michael Stewart Architecture
24	Nick Panayiotou	P&P Architects Ltd.
25	Oliver Thomas	?
26	Olivia Firth	DJD Architects
27	Peter Hegarty	Chapman Taylor
28	Phil Goldberg	?
29	Richard Kirkby-Taylor	PRP Architects
30	Richard Price	Sweco
31	Robert Franklin	Robinson & Hall
32	Sarah Susman	PRP Architects
33	Shephard Ndlovu	University of Central Lancashire
34	A (guess)	?
35	Christian Ndaguba	AHMM
36	Goh Ong	AHMM

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NOTE ON COVID-19: Since 23rd March 2020, all DIOHAS meetings will take place over video conference.

Agenda

Presentation Title: Two Presentations

Agenda: The meeting is conducted in two parts, led by two guest speakers.

Part 1: Temporary Works

Tony Putsman of the Institute of Civil Engineering (ICE) present a case study. The case is a domestic project. The works involve inserting a lintel beam to widen an existing doorway. Temporary props failed causes partial collapse and seriously injured a site worker.

The domestic project has a builder that serves as Principal Contractor. The architect is the Principal Designer who have completed the RIBA PD course.

Following the incident, the architect approach RIBA, which refer the case to Paul Bussey and Tony Putsman.

In Tony's opinion, the site is not well managed, even though the architect did everything possible within their remit. However, the architect is criticised by the HSE for not stopping the work.

Following Paul and Tony involvement, HSE withdrew an intended Improvement Notice, which will leave a public record, to charging a Fee of Intervention of c.a. £300 (£163/hours),
The reality is domestic client has no legal duty and architect has no control over the site.
Temporary works covers wide range of works with varying complexity. It has usually been managed by the PC. CDM Regulation have very little to say about the management of temporary works in relation to PD's role. Should it be part of the PD remit? How much oversight should a PD have over it?

Part 2: Building Control Regime

Danny Coomber of Harwood talks about the consultation (closed on 12 Oct 2022) on implementing the new building control regime for high-risk buildings (HRB). It is part of the proposed changes to the building regulation under the Building Safety Act 2022.

Approved Inspector overseeing HRB will need to become a Registered Building Control Approver (RBCA). Registration opens in October 2023, ready for "Day One" in April 2024.

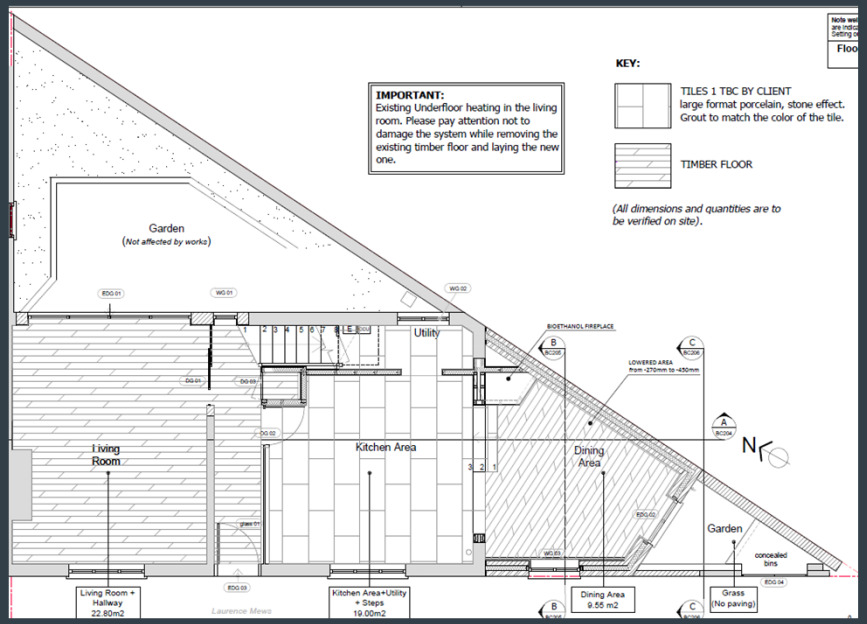
Recording

Link to the recording of the meeting:
https://youtu.be/tFVuRG9hlqA

Case study domestic (2022)

Case study 2 domestic

- Ground Floor side extension, enlargement of existing rear openings and internal reconfiguration.
- RIBA- trained architect acting as PD
- CDM strategy brief identified temporary works
- Wall collapsed due to unsafe method of demolition, not failure of temporary support
- One worker injured with amputation of toes required



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Case study 2 domestic

HSE view (2022)

Despite providing detailed risk information to the contractor and raising concerns about site safety, the PD was criticised by the HSE inspector for not ensuring there were calculations for the temporary works

Case study 2 domestic

Regulation 11(4) of the above regulations states that, "In fulfilling the duties in paragraph (1), the principal designer must ensure all designers comply with their duties in regulation 9."

Regulation 9(4) of the above regulations states that, "A designer must take all reasonable steps to provide, with the design, sufficient information about the design, construction or maintenance of the structure, to adequately assist the client, other designers and contractors to comply with their duties under these Regulations".

' By not ensuring that calculation had been made, you placed persons at risk of serious personal injury should the temporary works fail structurally.

When liaising with a TWE or those that have consulted with other designers you should ensure that the calculations, drawings or other technical information are available and produced.'

Case study 2 domestic

‘Please devise and implement a system to ensure that any designers engaged by yourself, or any other person involved with the pre-construction or construction phase (including but not limited to the client, principal contractor, or contractor) of a project:

i) Indicate where temporary works are required
and

ii) ensures that there are relevant calculations and drawings for any temporary works.’

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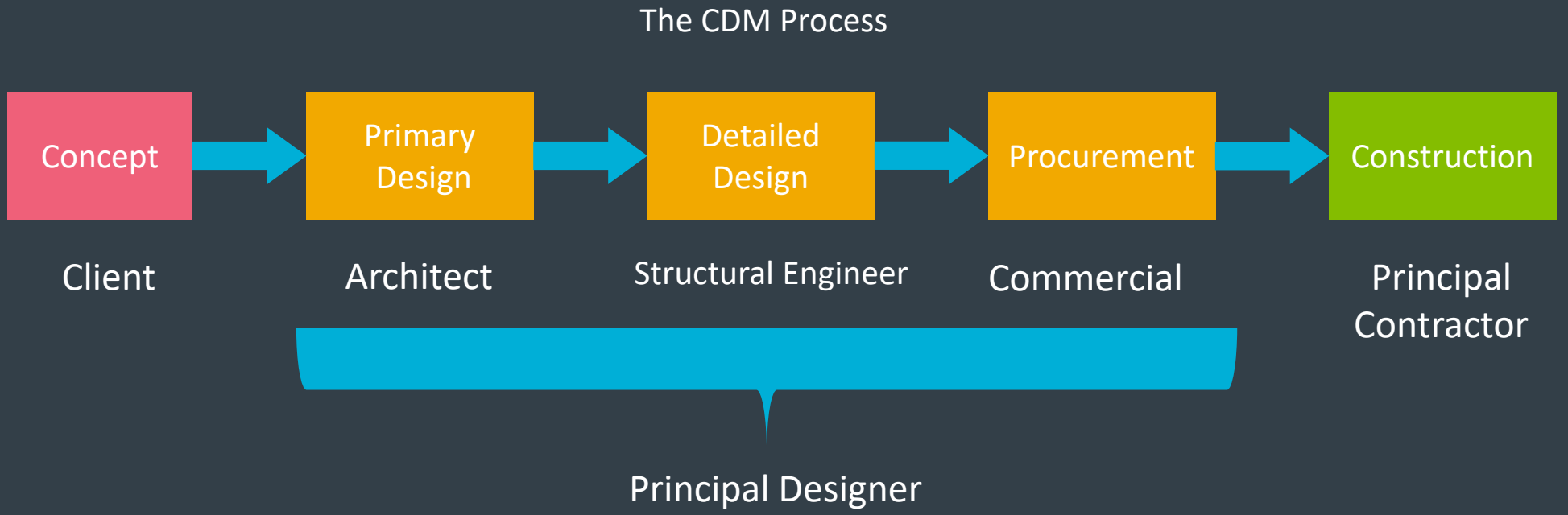
The CDM Process –pre-construction

When do temporary works considerations begin?



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CDM 2015 & Temporary works

Observations:-

- L153 makes very little reference to temporary works
- But it treats temporary works design the same as permanent works design
- L153 says nothing specifically about the role of the PD in the management of temporary works
- The approach the PD takes to the management of temporary works on a typical domestic scheme will be different than when working with a commercial client
- On any project the PD must take reasonable steps to ensure the contractor has an ‘engineered solution’ for their temporary works.

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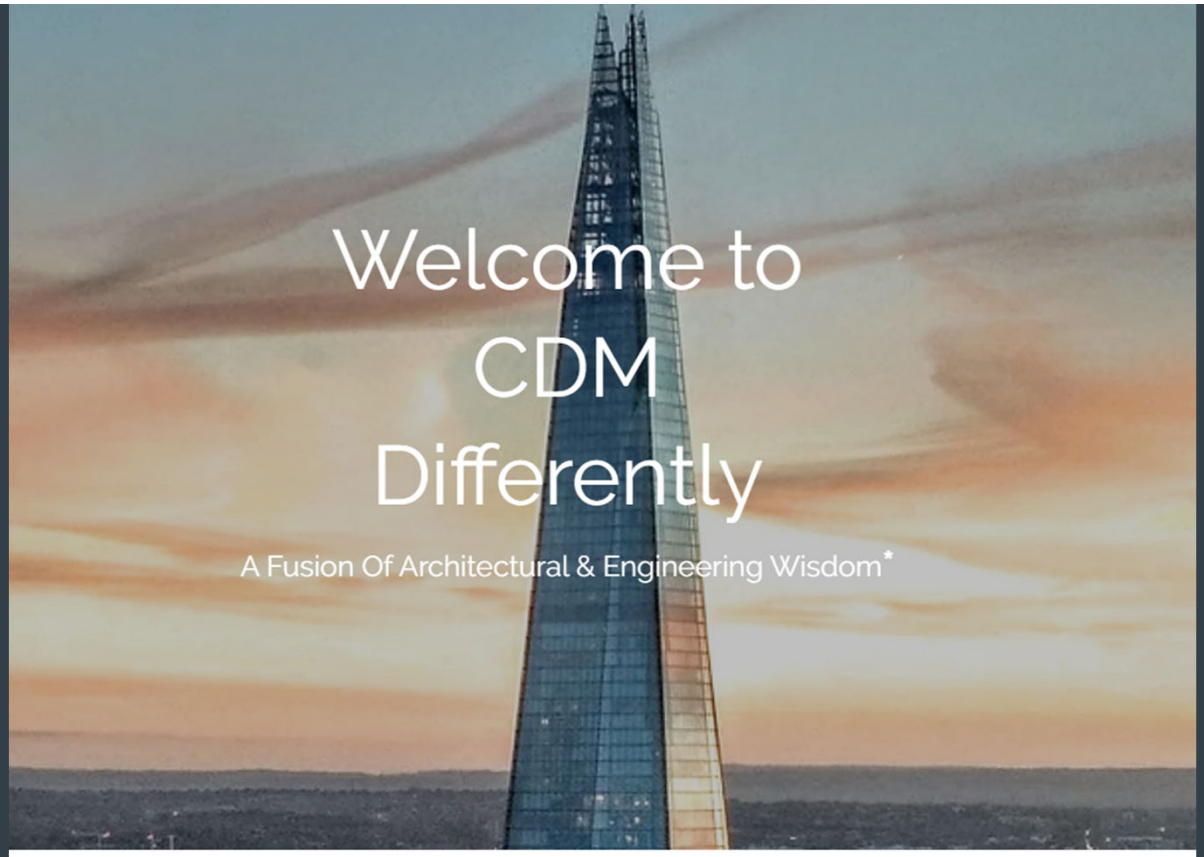

Designing & Constructing Differently....

CDM Differently is a CDM Guidance Information Hub For Both Architectural & Engineering Professionals Within The Construction Industry.

www.cdmdifferently.com

For Design Risk Management understanding

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HARWOOD

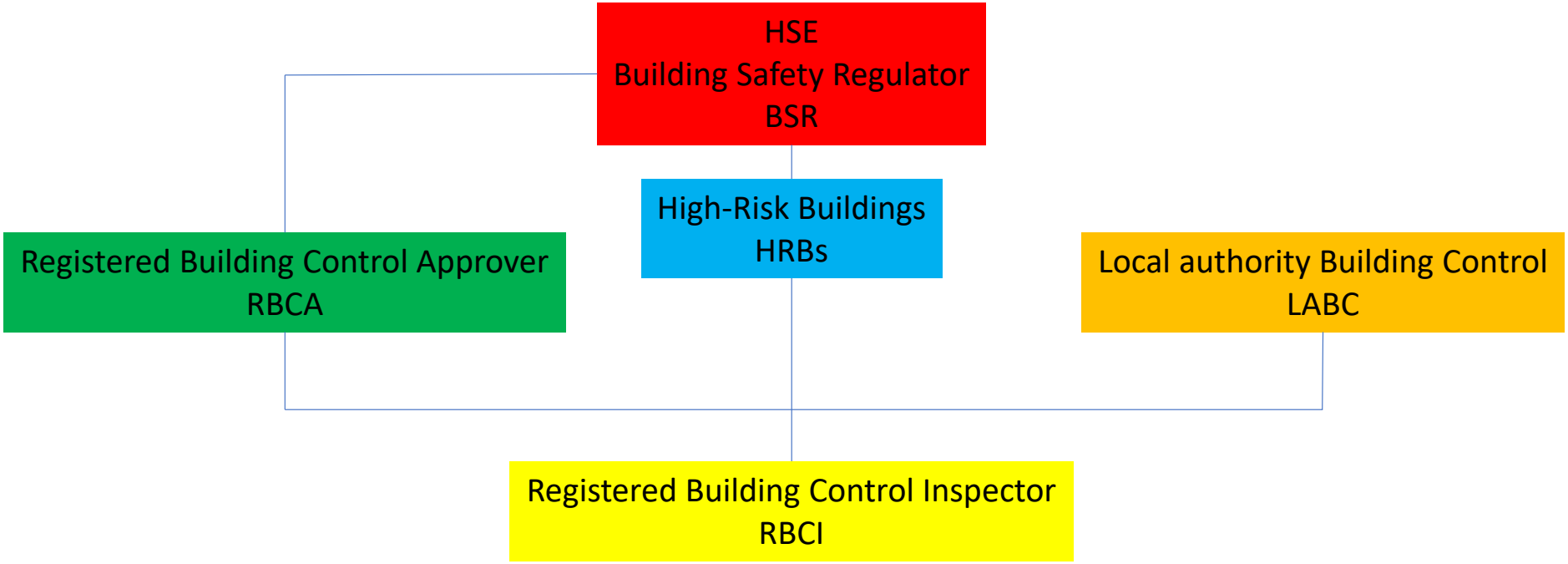
CONSTRUCTION CONSULTANCY

The Building Safety Act 2022

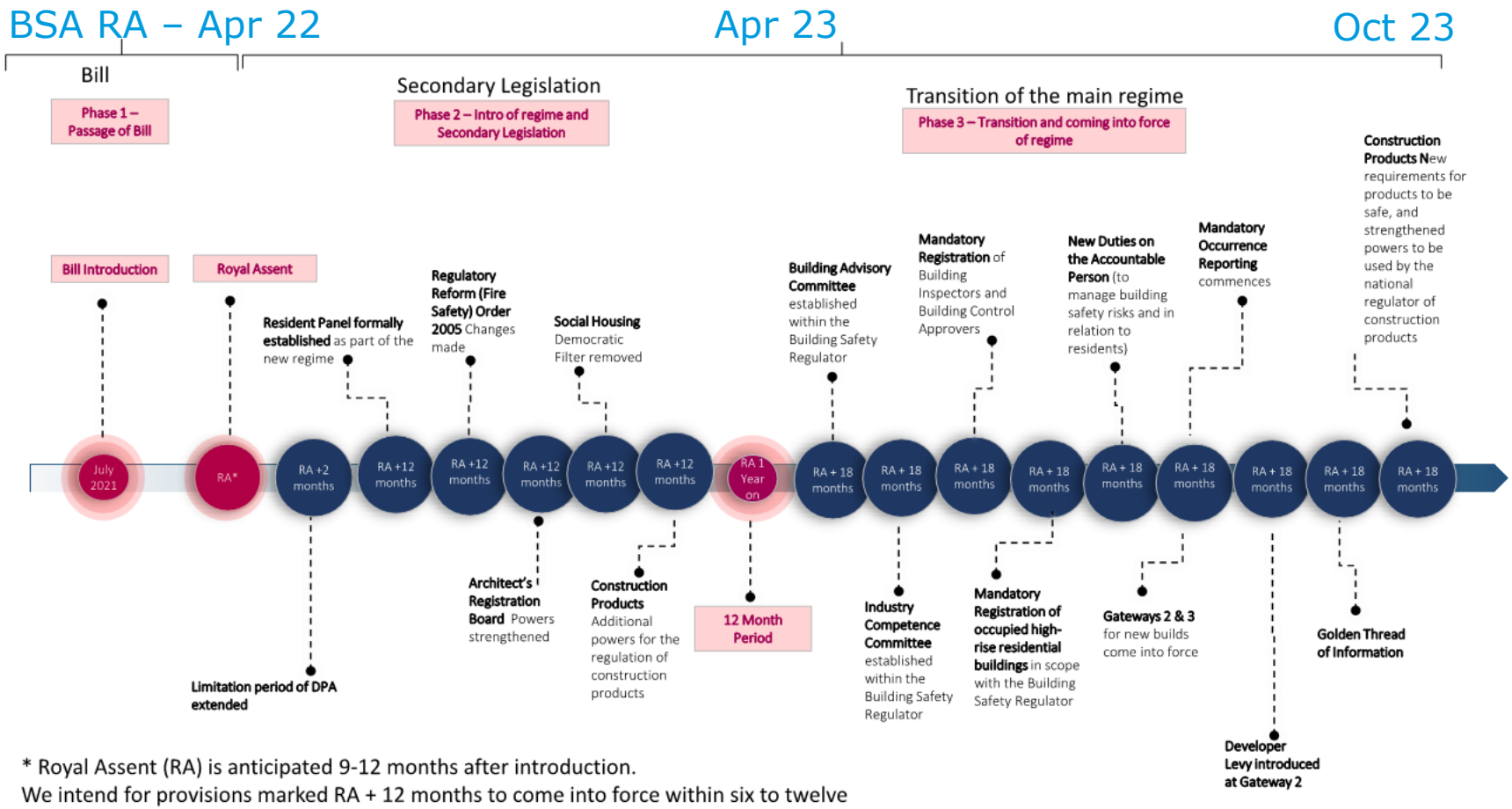
Consultation for changes to the building control profession and the building control process for approved inspectors (in future to be known as registered building control approvers)

RBCA

The Building Control Regulators



Transition from BSB to BSA and Beyond



* Royal Assent (RA) is anticipated 9-12 months after introduction.
We intend for provisions marked RA + 12 months to come into force within six to twelve months of Royal Assent.
We intend for provisions marked RA + 18 months to come into force within twelve to eighteen months of Royal Assent.

Transitional Proposals - BC

- AI registers as a building control approver (RBCA)
- AI overseeing non higher-risk building work does not become a RBCA
- ‘In-flight’ higher-risk building work (HRB) – AI becomes RBCA within the timeframe

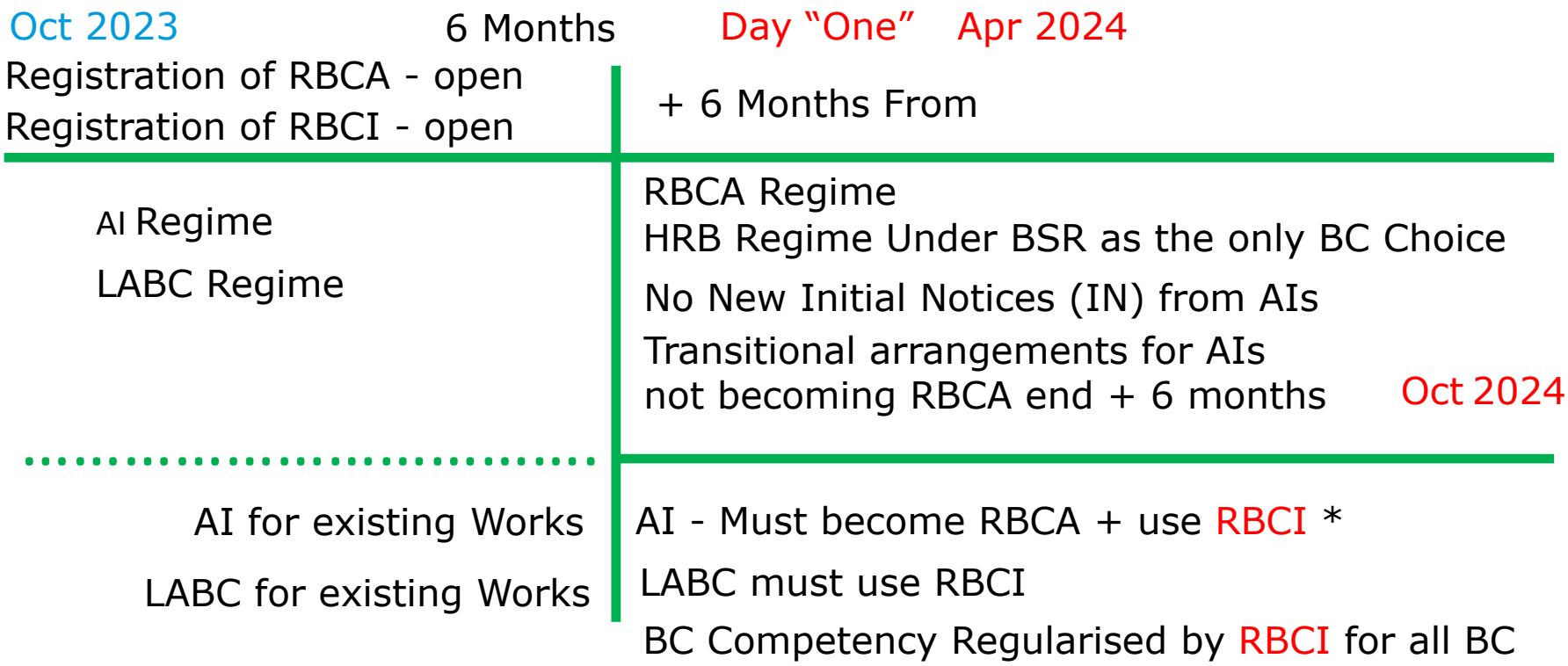
“Deeming Provision”

- An approved inspector has registered as a building control approver with the Building Safety Regulator by the time registration becomes a mandatory requirement (six months after the register opens)
- Their registration covers the specific work with which they wish to continue
- The registered building control approver is the same legal entity as the approved inspector

Existing AI work at Day 1

13. These proposals would take effect from day one of the registered building control approver regime and would mean that the same legal entity can continue with existing work without interruption when an approved inspector becomes a registered building control approver. An approved inspector can begin the registration process with the building safety regulator to become a registered building control approver six months before the new regime formally begins

Building Control Transition Non-HRB



*Where the AI fails to transition to a RBCA, the IN is cancelled and another RBCA can submit a new IN

Initial Notices

- If the criteria above is met, the IN of and AI will be deemed to be an IN of the RBCA

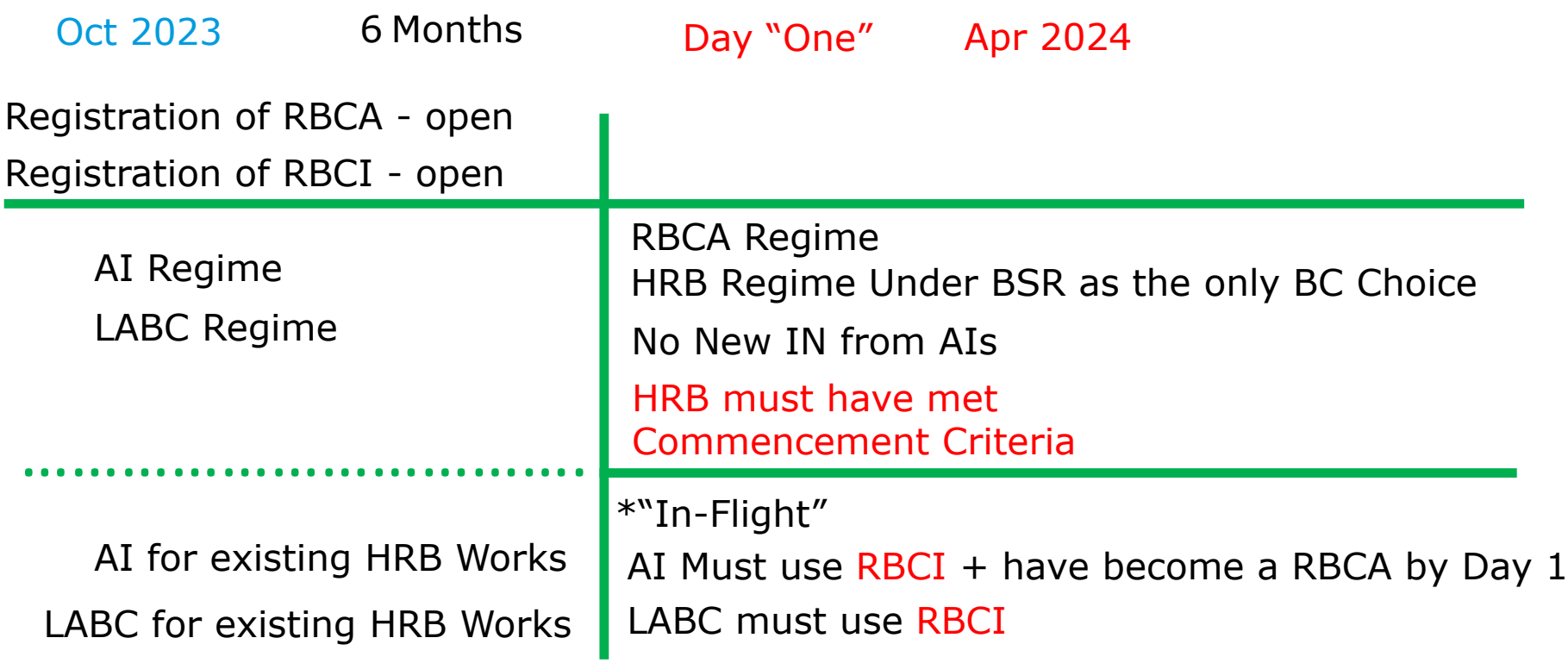
  – if they are the same business entity

“In-flight” higher-risk building work continues if – Existing HRB

21. For transitional arrangements to apply to an individual building project, we proposed that developers would need to meet the following conditions:

- Submit an initial notice or deposit full plans by the day the new higher-risk building regime comes into force
- Commence work in line with the proposed relevant new definition of commencement on the individual building within the transition period, which will be established from the day the new regime for higher-risk building work comes into force.

Building Control Transition HRB



BC Competency Regularised by RBCI for all BC

* Where the AI fails to transition to a RBCA by Day 1, the IN is cancelled and transferred to the BSR

28. Furthermore, for approved inspectors to continue to supervise ongoing higher-risk building work when the new higher-risk building regime comes into force, we propose that, in addition to commencing that work within the transitional period, they must be registered as a building control approver by day one of the registered building control approver regime and remain as the same legal entity. They will be able to register with the Building Safety Regulator six-months ahead of the start of the new regime. We expect that "day one" of the registered building control approver regime will align with the end of the period to commence work under the transitional provisions for higher-risk building work. Up until this point, approved inspectors will still be able to supervise ongoing higher-risk building work that commences before the end of the transitional period. They will be able to issue plans certificates and final certificates as well as cancel existing initial notices. However, at the end of the transitional period and the beginning of the registered building control approver regime, all initial notices for approved inspectors which relate to higher-risk building work will cease to be in force if any of the aforementioned conditions are not met.

Other points

- Restricted Activities – use of RBCI by LA and RBCA for technical work and inspections

- Restricted Functions - use of RBCI by LA and RBCA for decision-making points in the building control process

- Plans Certificates - mandatory for any work provided it falls under the building regulations – to all non higher risk buildings that fall under the Regulatory Reform (Fire Safety) Order 2005. This includes where the building work results in the building falling under the Order.

Other points - continued

- Prescribed period of time a registered building control approver has to submit a new initial notice

- Information relating to the person carrying out the work

- Timeframes for consultation and response with Fire and Rescue Services and the Sewerage Undertaker

  Both submitting the consultations (period of time from submission of IN) and receiving responses from the submission.

Q and A

Definition of Commencement of Work

This comes from Section 11. Wider changes to the Building Regulations to align the existing system with the new system of current consultation documents

Defining commencement of work in relation to new buildings

11.16 We propose that either of the following two definitions for commencing work on new buildings (both higher-risk and non-higher-risk) should apply depending on the construction method:

> i. Completion of the sub-structure of a building up to and including the foundations and any basement levels, the construction of walls up to damp proof course level, the laying of foul and surface water drainage (within the footprint of the building) and the installation of the ground floor structure; or
>
> ii. Completion of the sub-structure of a building up to and including the foundations and any basement levels, the laying of foul and surface water drainage (within the footprint of the building) and the installation of the ground level supporting structure.

11.17 Government considers this approach to all buildings to be suitable as it is reasonable to expect at least this level of commencement work to have started within three years.

Defining commencement of work in relation to work to existing buildings

11.18 We however consider that a more flexible approach is needed where building work is carried out to existing buildings (both higher-risk buildings and buildings which are not higher-risk buildings) as such work can vary significantly in scale and nature from the addition of storeys and/or residential flats to changing the external wall system.

11.19 We propose to define commencement of work in relation to certain building work in existing buildings (both higher-risk and non-higher-risk buildings) where we consider the potential impact to be most significant if work does not commence within specified timescales. We propose to define commencement of work in relation to extending an existing building; replacing the external wall system on an existing building; and carrying out a material change of use.

Extending an existing building

11.20 We propose to define commencement of work in relation to a horizontal extension in an existing building (regulation 3(1)(a) of the Building Regulations (2010) as "the completion of the sub-structure of the building up to and including the foundations and any basement levels, the laying of foul and surface water drainage (within the footprint of the building) and the installation of the ground level supporting structure".

Material change of use

11.22 In recognising the variability of material changes of use (as defined in regulation 5) to existing buildings and the extent to which 'commencing' work might differ, we propose that for the work to be deemed as commenced, at least one of the following conditions must be met, as applicable:

> Removal of the heating or ventilation system throughout the area to undergo the change of use;

Removal of at least 25% of the façade of the building;
Removal of the internal fit out, including partitions, ceilings and suspended floors from at least 25% of the area to undergo the change of use;
Completion of work to an entire floor of the building.