

A microscopic image showing a dense field of sharp, needle-like asbestos fibers. The fibers are light blue/white against a dark blue background, creating a complex, web-like pattern.

Time for a new approach to asbestos?

How an overhaul of reporting and risk assessment could help dutyholders to get it right



UCEM

UNIVERSITY COLLEGE
OF ESTATE MANAGEMENT

No. 1

provider of online
surveying degree
apprenticeships

BUILT FOR TALENT

- Improve retention
- Increase diversity
- Attract new employees
- Utilise levy-funding

Chartered Surveyor

undergraduate and postgraduate routes available

Building Control

Construction Site Management

ucem.ac.uk/employer-apprenticeships

businessdevelopment@ucem.ac.uk



What dutyholders need to know about asbestos

page 10



In this issue

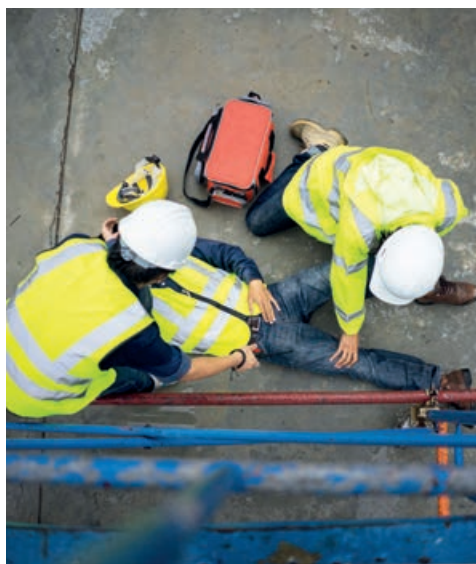
- 05 Welcome
- 06 News: APS leads new guidance
- 07 News: CLC studies Formula 1
- 08 Opinion: Hans Mitchell on risk management after Grenfell
- 10 Cover story: Overhauling asbestos management
- 14 Safety defects in balconies
- 18 Legal: Landmark BSA ruling
- 20 CPD: Controlling RCS risks
- 24 Member profile: Helena Knight
- 26 H&S statistics and prosecutions
- 28 Regional focus: Northern Ireland
- 30 Events: Coming up from APS

While we aim to use images that demonstrate best practice in this magazine, some are for illustrative purposes only.



Balcony safety risks

page 14



HSE fatality statistics

page 26

Association for Project Safety

5 New Mart Place, Edinburgh EH14 1RW
Telephone: +44 (0)131 442 6600
www.aps.org.uk | info@aps.org.uk

Atom Media Partners

Project Safety Journal is published for the Association for Project Safety by Atom Media Partners.
Atom Media Partners, 26 Bedford Square, London WC1B 3HP
Telephone: +44 (0)20 7490 5595
www.atompublishing.co.uk | eva@atompublishing.co.uk

Project Safety Journal

Editor: Denise Chevin
denise.chevin@atompublishing.co.uk
Production editor: Sarah Cutforth
Art editor: Heather Rugeley
Commercial manager: Aaron John

Printing

Printed by Precision Colour

Copyright

The contents of this magazine are copyright. Reproduction in part or in full is forbidden without permission of the editor. The opinions expressed by writers of signed articles and letters appearing in the magazine are those of their respective authors, and neither the Association for Project Safety, Atom Media Partners or Project Safety Journal is responsible for these opinions or statements. The editor will give careful consideration to material submitted but does not undertake responsibility for damage or their safe return. All rights in the magazine, including copyright, content and design, are owned by the Association for Project Safety and/or Atom Media Partners.
ISSN 2755-7855

Member profile

page 24



If you haven't got passion for health and safety, you're more likely to miss important safety issues

Helena Knight, GHPC Group



PRECISION. The unique adjustable frame for riser doors.

The only product of its kind available, the PRECISION adjustable frame can be fitted accurately and quickly.

- Fully self-adjusting to the specific dimensions of each structural opening
- No plastic packers required
- No intumescent mastic application required
- Dramatically reduces fitting times by up to 30%
- Certifire accredited and bi-directionally tested for fire integrity up to 2 hours

Given the choice, why would you specify anything less?

SAFER • FASTER • SIMPLER

Call us on 01827 718 222 www.profabaccess.com



certifire
MADE IN
BRITAIN



PROFAB
RISER DOORS

Welcome

It is summer and the sun has been shining. But the mercury is rising. Are we staying alert? **Andrew Leslie** asks

At APS we are beginning to see the shape of things to come. APS continues to strive to stay ahead of the curve and to support our members and registrants by providing insight and intelligence about the changing professional landscape they face and the expectations of the industry they serve. More of that later.

Back to the weather. There is no doubt that the climate is changing. Storm Floris has recently raged through parts of the UK – a summer storm of rare magnitude, strong enough to bring down some unripe pears from my tree, denude my cordyline and cause widespread havoc elsewhere, this time primarily affecting Scotland.

Recently the UK has been experiencing floods and droughts, record heatwaves and storms. Regular wildfires are happening, already at record levels, with over 560 wildfires responded to in England and Wales this year and 187 in Scotland. A similar story in Northern Ireland and Wales.

We have been talking about climate change for years. It was 2006 when Al Gore made the documentary film *An Inconvenient Truth* about his campaign to educate people about global warming. It is 40 years since scientists first discovered a hole in the ozone layer. We know what the problem is.



Andrew Leslie
Association
for Project Safety

“
**In the
construction
industry the
climate is
changing**

We know (mostly) what the answer is. But we cannot act quickly enough, and we cannot get (worldwide) consensus.

Does this sound familiar and is this the end of the world as we know it? (Apologies to well-known 1980s/1990s beat combo REM.)

As readers of this title will know, the pressure has been on for the construction industry in the wake of the Grenfell disaster. APS knew what the problem was courtesy of Dame Judith Hackitt even before the Grenfell Tower Inquiry Phase 1 Report was issued in 2019, and the follow-up Phase 2 Report in September 2024.

APS knew where the problems in the industry lay before then but the industry had buried its collective heads in the sand. Competence has been an issue for as long as I have been in practice. And now, it looks as if the expectations that professionals would act professionally based on codes and rules will be taken to the next level by government.

It is not that all professionals are incompetent, or that the industry is inherently bad, it is simply the case that to eradicate the problems created by bad apples, and in light of relative inactivity in this space by professional and trade bodies, the need is felt that government should intervene to regulate and oversee.

APS CDM practitioner members have been assessed for their competence to deliver CDM dutyholder roles since 2007 and following post-Grenfell developments we have been working on competence models relating to regulatory compliance since 2022.

But we are not working in isolation. Over the last year or two, recognising that progress across the board was embarrassingly slow, we have been engaging with other professional bodies, influential groups and government agencies such that our experience and insight into matters relating to competence in the specific areas of safety and health risk management and regulatory compliance can be brought to the table – and you, dear reader, will be able to read about some of this work in the article by APS deputy CEO Sofie Hooper on organisational competence management in this issue.

Let's just hope that the work APS is engaged in produces results quickly and that we (the industry) can achieve consensus, at first in England and then throughout the UK.

In the construction industry the climate is indeed changing, and this is the end of the world as we knew it.

Andrew Leslie is CEO of the Association for Project Safety.





APS takes the lead on competence management

Guidance will be published in the autumn to help organisations meet the Building Safety Act

APS is leading on cross-industry efforts to develop new guidance for organisational capability with respect to competence management to help companies in the built environment to meet their obligations under the Building Safety Act.

The work is being led by Sophie Hooper, who joined APS as deputy chief executive in May. Hooper explained that competence frameworks and standards had been developed



Sophie Hooper
Deputy chief executive,
APS

for individuals, but there is no equivalent for organisations.

“As an organisation you need to be able to ensure that you’ve got the right capability in place to deliver against different functions, but we don’t really have anything in place across the sector to show what is expected to be delivered,” she said.

Under the act, organisations must be able to demonstrate their capability, competence and capacity to fulfil their obligations related to building safety regulations.

“The great thing about APS is that it wants to be proactive rather than take the ‘wait and see’ approach”
Sofie Hooper, APS

This includes having appropriate management systems, processes, policies and resources in place to ensure work is carried out in accordance with regulations and that individuals working for the organisation possess the necessary skills, knowledge and experience and carry out the correct processes and behaviours.

Hooper explained that the Industry Competence Committee (ICC) – a statutory committee reporting into the Building Safety Regulator (BSR) – has set out principles for organisational competence in a consultation document published in May.

This focuses on the management of competence and will be supplemented by additional high-level principles in a document being issued later this year.

“Unlike the frameworks for individual competence, where we’ve got an overarching framework, BS 8670-1, and then PAS documents and other frameworks based on that standard, we don’t have anything like that for organisational capability or the management of competence in organisations, and that’s a real gap,” said Hooper.

“We know that the BSI is looking to develop a new standard, but that will take two years as a minimum, yet industry has a gap to fill now.”

Following a challenge by Dame Judith Hackitt to the professional bodies (PBs) to fill this gap, APS brought several PBs together to collaborate, having already been involved in earlier work in this area within the Building Safety Alliance – of which APS and its president Mark Snelling were co-founders. Almost 70 organisations have now become involved, ensuring the new guidance is representative of the wider industry.

The document will align with the ICC work and broadly use the principles set out in Managing Competence for Safety-related Systems, published by the HSE in 2007, updated and contextualised for the built environment.

A technical author has been appointed with an expectation of publishing the guidance in September. Hooper has been invited to join a Task and Finish Group of the ICC to ensure the two workstreams dovetail.

Regulator change needs resourcing

Following the news that a new board of MHCLG is taking on the functions of the BSR as part of a major revamp, APS deputy chief executive Sofie Hooper has expressed her hope that the new move towards the single regulator will be adequately resourced, following widespread criticism of the extensive delays at Gateway 2.

The board will take over from the HSE, which has hosted the BSR since its creation under the Building Safety Act 2022. It will be chaired by former London fire commissioner Andy Roe until the new regulator is established as an executive agency under MHCLG.

The deputy commissioner/director of prevention, protection and operational policy at the London Fire Brigade, Charlie Pugsley, will be chief executive officer.

The move is seen as the first step by MHCLG to establish a new single regulator for the industry as recommended by the Grenfell Inquiry.

The July announcement is part of a series of reforms to the BSR to tackle delays in the approval of new residential high-rises and meet the government's 1.5 million homes target.

Gateway 2 approvals, the checkpoint before any construction work on higher-risk buildings can

begin, should take 12 weeks for new builds. They currently take double that, sometimes up to 48 weeks.

MHCLG has pledged to introduce a fast-track process but has yet to provide clarification of how this would work.

"When you look at the timelines against which the regulator is delivering, there's been a clear issue," said Hooper. "They have not had the resources, and I hope that going forward it is properly staffed – though it remains to be seen where they might get the additional resources from. The industry has a massive skills shortage issue in this area."

Additionally, there is a need for industry to provide better quality applications, which would help cut down on extensive back and forth communications with the regulator.

● The Construction Leadership Council (CLC) has published a new guide to help the industry with Gateway 2 applications.

The 34-page document is structured around seven guidance notes and provides the baseline principles to help those involved in submitting and assessing applications for building control approval of higher-risk buildings. It includes recommendations on submission of relevant information.

The guide has been produced with the BSR and industry.



CLC learns about safety from Formula 1

The Construction Leadership Council (CLC) has studied industries that "successfully learned from catastrophic incidents" to inform its new health, safety and wellbeing strategy. CLC launched the strategy in July to "foster a new era in health, safety and wellbeing leadership" with a focus on three areas: integration, convening and elevating.

This will involve enhancing the way CLC integrates health, safety and wellbeing thinking into its normal business, bringing people together and amplifying their work, and providing clear direction to raise standards.

CLC considered lessons on industry collaboration, standard setting and resilience from the oil and gas, Formula 1 and aviation sectors for its strategy.

Driving change

Hooper said that being able to drive up competence standards and support APS members to develop their skills, knowledge, experience and behaviours to meet Building Safety Act requirements was one of the main attractions of taking up the newly created deputy chief executive role.

"The great thing about APS is that it wants to be proactive rather than take the 'wait and see' approach and they are willing to invest in some of the systems and structures that are required to drive up standards."

"I was obviously aware of APS because of my close collaborations with Anthony Taylor and Mark Snelling when establishing the Building Safety Alliance, where driving up competence standards and culture change through collaborations are the key objectives."

Hooper joined from the Institute of Workplace and Facilities Management

(IWFM), where she worked for eight years, the last two years as its head of policy and research. She has spent much of her career as a public policy adviser across a range of sectors, predominantly in the UK and the EU.

At IWFM, she co-authored the key industry post-Grenfell report Safer People, Safer Homes: Building Safety Management, and provided regular liaison with the BSR, Ministry of Housing, Communities and Local Government (MHCLG) and local government and other key policy units.

She was also instrumental in securing the inclusion of the Building Safety Alliance, the successor of Working Group 8 of the Competence Steering Group, into pre-legislative parliamentary and government reports.

Hooper has a legal background, having studied law at KU Leuven, the oldest university in Belgium, where she grew up. ■

Lift failings crush man

A London property developer has been fined £40,000 after a member of the public was crushed by a faulty falling lift at a residential property.

The 23-year-old man had returned to the flats on Cambridge Heath Road, east London, with a group of friends after a night out on 9 September 2019.

When he and seven others entered the lift on the ground floor, it began to shudder and descend with the doors still open. As it began to fall, the man attempted to exit the lift, but was crushed between the ground floor and the top of the lift.

His injuries were so serious that he eventually required a liver transplant.

An HSE investigation found that Nofax Enterprises, which acted as the property manager for the five-storey block of flats, failed to act when defects with the lift were identified by a third party.

The company pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £40,000 at Southwark Crown Court on 22 July 2025. It was also ordered to pay £8,540 in costs.

Lessons unlearned? Housing, risk and the illusion of progress

Risk management in a post-Grenfell world requires profound cultural change, says **Hans Mitchell**

Watching the footage of a recent fire at a block of flats in Bethnal Green, east London, provides a stark reminder that for those of us working in the arena of 'risk management', operating under a mindset of chronic unease is one of our most effective guiding principles.

The word 'risk' is now ubiquitous across the housing sector, but this wasn't necessarily the case in the pre-Grenfell Tower era. The fact that clear and present risk factors were so casually disregarded in the infamous Grenfell Inquiry 'web of blame' graphic shows how priorities can wax and wane dependent on circumstances and prevailing societal sentiment.

It took the deaths of 72 innocent people eight years ago to refocus minds on what should have been a fundamental and core principle of every UK built environment project – the preservation of life.

Today, we are in a very different place, although the transition to a culture of safety prioritisation is not without its challenges, as we regularly read how the Building Safety Regulator (BSR) and built environment community clash over the consequences of this new regime.

But, returning to the fire in April that resulted in 11 people being hospitalised, it later emerged that the source of ignition was believed to be a lithium-ion battery from an e-bike or e-scooter. The risk associated with lithium-ion batteries is not new, with numerous incidents across the globe highlighting a similar destructive pattern when things go wrong.

Emerging technologies can have a profoundly positive impact on our lives, but they can also bring new



Hans Mitchell
Harmony Fire

and highly consequential risks to our homes. The question we need to ask, but also definitively answer, is: are we ready to identify and quickly respond to risks that emerge from new technology or societal trends that upend our traditional view of risk?

If the recent past provides any guide, then I would have to say that we face a growing dilemma. If, after eight years, tens of thousands of people still live in fear that their buildings are unsafe, with no clear date for the start and completion of remediation activity, can we be confident about tomorrow's risk?

But it goes deeper than emerging risks, as the cladding and faulty cavity barrier scandal reveals. Our systems and procedures to identify and then prioritise risk are not in a healthy place. Although attitudes to risk have changed, guidance, best practice and leadership have been too slow and ineffective in supporting the transformational change needed for a wholesale cultural reset.

Managing risk for high-rise residential flats has evolved since 2017



The answers shout out from the pages of the Grenfell Inquiry report. The safety concerns of residents weren't listened to. Detailed information on the structure and fabric of the building was wrong or missing, knowledge about residents' health conditions wasn't collected – there were simply too many unknowns when the fire started on 14 June 2017.

Traditional behaviours and the legislative framework quickly constructed in the aftermath of the Grenfell Tower tragedy have proved an unhelpful combination. In what a politician might describe as a 'sticking plaster' approach, the sector response has been knee-jerk in nature. In the clamour to remedy the most obvious risks, the more significant and serious hidden risks have been sidelined.

This has proved immensely challenging culturally – progress is measured by actions completed, which often has limited correlation to reducing overall risk. Resources are often misallocated on low priority wins, rather than tangible resident safety improvements, while those underlying issues still remain and the cost of resolution continues to grow.

Holistic perspective

In an increasingly complex world, risk management must continuously evolve. Its practitioners need to reframe the debate away from singular actions to a holistic perspective of risk, and importantly take customers on this journey.

Risk is definitely a defective fire door closing mechanism, but it's also organisational culture that doesn't have contemporary data on its built assets and residents, or strict building management policies to futureproof fire compartmentation.

Mitigating risk and protecting lives is a dynamic combination, part physical intervention and part cultural leadership. The cost of failing to invest in both elements might just play out on a TV screen near you very soon. ■

Hans Mitchell is client relations director at Harmony Fire.

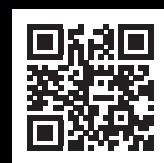
“In the clamour to remedy the most obvious risks, the more significant and serious hidden risks have been sidelined



WE TEST...

Because evidence matters.
Because it enables us to respond more quickly.
Because offering transparency helps educate our customers.
Because it's our job to inform best practice.
Because it's our job to offer guidance.
Because firestopping is complex.
Because results are worth sharing.
Because people matter.

WE SHARE... BECAUSE IT'S YOUR JOB TO KNOW.



Download our White Paper, 'Early Engagement in Firestopping'
at quelfire.co.uk/campaign
The sooner, the better.

Quelfire
PROTECTING PEOPLE & PROPERTY



Asbestos – death by mismanagement

Asbestos remains the UK's number-one workplace killer and increasing evidence of its mismanagement by dutyholders has led to calls for an overhaul of existing systems and approaches to detection, reporting and risk assessment. **Stephen Cousins** reports

Just when it seemed the longstanding issue of asbestos was receding from view, another scandal hit the headlines in February when the landlord One Housing revealed serious flaws in its management of the hazardous material.

It started when a tenant in a property owned by the former 17,000-home housing association (which was fully amalgamated into Riverside in 2023) complained to the Housing Ombudsman about a leak and a collapsed ceiling, where repairs took 14 months.

An investigation found that the landlord had failed to keep up-to-date records on the presence of asbestos in the property, or to assess its condition.

One Housing was then forced by the Ombudsman to carry out its own review, which uncovered over 800 records of incorrect data on its asbestos register. Several properties were categorised as ‘no-risk’, despite a lack of data when asbestos could in fact be present, others had been marked as ‘high-risk’, where old data had not been removed.

The review concluded that data inconsistencies were the result of factors such as external services being brought in-house, poor knowledge and information management, and data being added when moving to a new system without the existing records being updated.

1.5

Asbestos is present in around 1.5 million buildings

Left: Removal of asbestos sheets requires careful management

Below: Microscopic asbestos fibres remain airborne for extended periods



One Housing claims to have updated its processes to address these failings, but they are symptomatic of a wider issue with inadequate asbestos management among UK dutyholders.

HSE’s school inspection programme in 2022/23 found that 7% of schools had failed to manage asbestos effectively. That may sound like a small percentage, but when scaled up it represents a potential 2,000 schools and up to 1 million pupils, not to mention staff, exposed to risk.

Another recent examination of 128,000 buildings by the asbestos consulting trade associations ATaC (Asbestos Testing and Consulting) and NORAC (National Organisation of Asbestos Consultants) found a high volume of damaged asbestos containing materials (ACMs).

Of the 710,000 ACMs identified, about 71% were damaged – and of the 280,000 items listed as reinspections of previously known ACMs, 72% were damaged. According to the report, this means they were either damaged when originally found and had not been made safe, or were damaged in the intervening period – scenarios that both indicate a failure to manage asbestos risk.

Evidence of inadequate management processes is backed up by experts who point to entrenched problems with inaccurate and inconsistent surveys, out-of-date record keeping and vital information not being passed to contractors about to complete work. Perhaps most alarming of all, building owners and managers are failing to understand even basic requirements for compliance.

“It is extremely concerning that, on the whole, dutyholders don’t really understand how to manage their asbestos,” explains Colette Willoughby, director of Asbestos Compliance Ltd, and chair of NORAC. “They seem to think that if they simply employ a surveyor to do some surveys then put it into a register it’s job done, whereas that should just be the starting point.”

“Asbestos is responsible for around 5,500 deaths a year, more than three times the number of road accident deaths

Toxic legacy

Although asbestos has been banned in the UK since 1999, it remains a significant public health concern, present in around 1.5 million buildings and responsible for around 5,500 deaths a year, more than three times the number of road accident deaths.

Asbestos is insidious because its near-invisible microscopic fibres remain airborne for extended periods and the diseases it causes – mesothelioma, asbestosis and lung cancer – have long latency periods so exposure decades ago can still be debilitating or fatal today.

The material can be found in workplaces, schools, hospitals and residential properties in the form of roof tiles and guttering, vinyl floor tiles, insulation around heating pipes and ducts, and textured ceilings. It poses serious health risks if disturbed, such as during demolition or refurbishment, making its effective management a top priority.

The primary legislation governing asbestos is the Control of Asbestos Regulations 2012, which under Regulation 4 set out ‘duty to manage’ requirements. These oblige owners and managers of non-domestic premises, or ‘common parts’ of multi-occupancy domestic premises, such as purpose-built flats, to take proactive steps to identify any ACMs, assess their condition, and implement a comprehensive management plan to prevent exposure.

The dutyholder must produce an asbestos survey, completed by a competent asbestos surveyor, identifying any ACMs and their location, amount and condition. The survey information is used to produce an asbestos register, a live document recording the location and condition of ACMs, and providing an assessment of exposure to risk and the actions needed to manage the risk.

Information in the register should form the basis for an asbestos management plan, used to manage the risks to ensure that no one is exposed, which is reviewed every 12 months as changes occur. ►

“Where things most often fall down is in effectively communicating the information to those who are liable to disturb the asbestos”

Jonathan Grant, Faculty of Asbestos Assessment and Management

Effective asbestos risk management is dependent on accurate survey data, but experts report longstanding concerns about its standard and accuracy.

According to Willoughby, factors including time constraints and cost-cutting by surveying organisations competing to get on frameworks, mean these are often ineffective.

“The companies will cut things to the bone just to win the work, which usually means that things get cut when they’re on site – either the person doing the work hasn’t been given enough time, or maybe they’re just not trained well enough, so they miss things,” she says.

Guidance recommends having at least two people on a survey team, partly to ensure safety, when using ladders or entering roof spaces, but also because two sets of eyes are better than one. “Often surveying organisations only send one surveyor and things can get missed,” says Willoughby.

Varying standards of the content and terminology of survey reports can also create confusion for dutyholders. Data is often generated from a database and presented in a table with a list of products sampled, locations and material assessment scores, rather than in a format that’s easy for non-technical people to understand and retrieve information from.

“When we were preparing the ATaC/NORAC report we had a million lines of asbestos survey data within which we found about 27 different ways to describe a floor tile,” says Jonathan Grant, managing director of Gully Howard Technical and registrar of the Faculty of Asbestos Assessment and Management (FAAM).

“HSE guidance HSG 264 sets out how to conduct asbestos surveys, but there isn’t consistency in the terminology, which needs standardisation.”

Evolving response

Surveys are done properly, evidence suggests that some property owners

and managers are failing in their ‘duty to manage’ by proactively addressing asbestos risks.

The most common failings identified by the HSE’s 421 inspections of primary and secondary schools in 2022/23 were inadequate or missing asbestos management plans and asbestos management surveys.

There were cases where asbestos registers did not clearly indicate if remedial action identified during a survey has been completed and records updated. Certain schools were not regularly monitoring the condition of ACMs, and some asbestos management plans failed to include incident procedures for dealing with their unplanned disturbance.

Certain schools were not ensuring that contractors tendering for work provide risk assessments, method statements or evidence of asbestos awareness training.

The investigation resulted in two prohibition notices and 28 improvement notices, with a further 112 schools sent letters of non-compliance.

Dutyholders’ records should be maintained and updated through regular reinspections to check the condition of ACMs and if they have been removed. But, according to Paul Shaw, managing director of asbestos specialist Environtec: “All too often organisations don’t allocate resources properly to maintain this data.”

The way they store and share data as part of their management strategy is another concern, he adds: “You might have a lot of good survey information, but what do you do with it? If it is stuck in a drawer or in a file on your system, it’s no good to anyone, you need to make sure the information gets to the people that need to see it.”

This view is echoed by Grant, who observes: “Where things most often fall down – and this seems to apply to various organisations – is in effectively communicating the information to those who are liable to disturb the asbestos.”

Any client planning to do any construction work on a property built before 2000 must carry out intrusive refurbishment or demolition surveys and assessments beforehand to ensure any ACMs are identified and assessed to deal with the risk to those who may be exposed.

However, anecdotal evidence suggests a worrying trend to rely instead on management asbestos surveys, which only involve minimal or no intrusion.

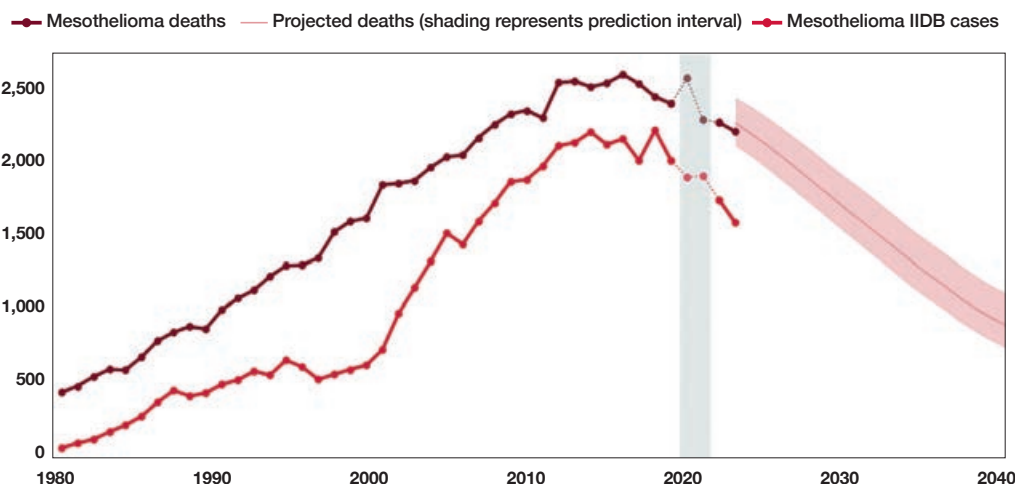
“Clients often either think their management information is all they need, or they commission a survey but don’t fully scope it out, so the surveyor doesn’t know the full extent of the refurbishment and doesn’t check everywhere,” says Willoughby. Clearly, if the survey isn’t relevant to the work, people may be put in danger.

With organisations still struggling to fulfil their responsibilities on asbestos over two decades after Regulation 4 was introduced, various stakeholders want to push through new measures and initiatives to improve the situation.

Phased removal

A 2022 inquiry by the House of Commons Work and Pensions Committee into the HSE’s approach to asbestos management recommended the establishment of a central register of information on asbestos in buildings, needed to expose the true level of compliance and help create “a more effective risk-based and targeted enforcement regime”.

Below: HSE figures for industrial injuries disablement benefit (IIDB) cases and deaths caused by mesothelioma published in July show 2,218 people died from the disease in 2023



2,218

There were 2,218 mesothelioma deaths and a similar number of lung cancer deaths linked to past asbestos exposures in 2023

Left: The 2022 inquiry suggested removing all asbestos from public and commercial buildings

The inquiry also said the government should move away from its preference for managing asbestos in situ, to a proactive stance of removing all asbestos from public and commercial buildings within 40 years.

Whitehall shot down these suggestions in 2023, saying there was a lack of clear evidence they would improve health outcomes. Taking advice from the HSE, it said removing asbestos could release asbestos fibres, increasing the risk of exposure.

Undeterred by the lack of movement, in 2024 a new social enterprise, Asbestos Information CIC, was launched by a group of accredited surveying organisations in partnership with ATaC and NORAC, to tackle the issue of complex asbestos survey reports and management actions.

A key outcome was the asbestos information certificate (AIC), a concise 1-2 page report designed to make asbestos management information more accessible and actionable.

Modelled on energy performance certificates (EPCs) for buildings, and created by analysing millions of lines of asbestos survey data provided by member organisations, the certificate translates the numerical risk process developed by HSE into an easy-to-follow colour-coded graph with an A-G rating for asbestos management.

In related work, the social enterprise also created a 'common surveying terminology' to help eliminate inconsistencies and standardise information provided to dutyholders.

"There's a lot of interest in the AIC, particularly because it's not requiring people to go out and resurvey everything, it's taking the information that's already there and consolidating it and making it easier to digest," says Grant, adding that where the concept of a central asbestos register has so far failed to take off, this has the potential to make a similar impact at "minimal cost".

Digitalised technology has a role to play in improving the monitoring, management and removal of asbestos.

Construction projects are increasingly turning to BIM to improve information management, and the app NexGen, by risk management specialist Lucion Services, populates 3D models with asbestos information held in its database giving surveyors and contractors a much-needed heads up of the precise location of materials and their risk levels.

Shaw points to the potential benefits of AI for automating report production, which by pulling together data from surveys, photos, material samples and drawings, etc could generate insights and summarise the major risks.

Asbestos professionals have been experimenting with AI-powered detection systems developed to spot asbestos. One company reported that applying the deep learning model Mask R-CNN to detect asbestos in roofing resulted in a 94% precision rate.

And in an effort to tackle detection at a macroscopic level, there's also a push in Europe to adopt electron microscopy, a technology that can identify smaller, more harmful asbestos fibres than standard phase contrast microscopy (see panel).

Mounting evidence of asbestos mismanagement has also led to calls for a clampdown by the regulator and a greater emphasis on training and competence, including mandatory accreditation for surveying organisations.

"People that are doing the surveying work are covered with qualifications, but people who manage it at any level within an organisation have no requirements for any asbestos qualifications. It's almost just assumed that they must know what they're doing because they've got that title," says Willoughby.

In the face of widespread ignorance of asbestos requirements and a failure to implement appropriate processes and procedures to minimise risk, perhaps now is the time for the industry to act to prevent the unacceptable death toll from mounting. ■



Can the UK keep pace with Europe on asbestos exposure?

The European Union Council took a crucial step to safeguard workers against asbestos in 2023 by adopting a new directive that enforces stricter protections and enhances early detection of asbestos fibres.

Changes under EU Directive 2023/2668/EU, which amended the previous Directive 2009/148/EC, include a tenfold reduction of the occupational exposure limit for asbestos, reducing the previous limit of 0.1 fibres per cubic centimetre to 0.01 f/cm³.

The UK exposure limit is currently set at 0.1 f/cm³, or in certain circumstances 0.6 f/cm³ when work involves some lower-risk asbestos-containing materials.

Upping the ante even further, after the maximum transitional period of six years, EU member states will be required to implement a new electron microscopy method for measuring asbestos levels, which is more sensitive than currently phase-contrast microscopy. This means that by 2026 the exposure limit will be further reduced to 0.002 f/cm³.

There is considerable pressure on the HSE and government to consider similar reforms, especially from stakeholders advocating for the proactive removal of asbestos from all non-domestic buildings by 2040, as recommended by the Work and Pensions Committee in 2022.

Safety risks associated with balconies: what the industry needs to know

At first glance, balconies might seem like simple architectural features – pleasant spots to enjoy a view or catch some sun. But beneath their outward simplicity lies a structural and safety complexity that is often dangerously underestimated, as **Dr Allan Mann** from CROSS's Structural Safety Expert Panel explains

As high-rise living becomes more prevalent around the world, balcony-related incidents are rising in number and severity. In 2022, CROSS (the confidential reporting system founded by the Institution of Civil Engineers and the Institution of Structural Engineers) published a safety alert that highlighted the safety risks associated with balconies. This alert drew on reporting experience from the UK, Australia, New Zealand and the United States.

Balconies, when poorly designed, constructed or maintained, present serious and sometimes fatal risks. While balcony collapses are relatively rare, the consequences when they do happen are often catastrophic.

The risks go beyond poor user judgment or overloading. Instead, systemic problems in design, construction, procurement and maintenance all play a role.

In the UK, the shift towards high-rise housing in recent years has led to a significant increase in the number of balconies, particularly in urban areas, which in turn raises the likelihood of associated problems.

Structural failure

Fundamentally, a balcony is a cantilever, a structural form inherently sensitive to failure. Critically, most balconies lack redundancy. That means if a single component fails, such as a fixing or reinforcement bar, the whole structure may come down.

Reports to CROSS show alarming patterns: inadequate detailing where balconies meet buildings, reinforcement that is not properly anchored or thermal break units

“

If a single component fails, such as a fixing or reinforcement bar, the whole structure may come down

that compromise continuity. These vulnerabilities are real weaknesses seen in inspections and failures.

What's more, fragmented responsibility in the design and procurement chain often means that no one party has full oversight. Structural engineers, balcony system suppliers, balustrade designers and component manufacturers each have their own brief, but gaps in coordination create blind spots. These blind spots are where failures begin.

Another key concern is how live and dead loads on balconies are calculated. It's not enough to assume a few people standing around will be the maximum use. Today's balconies are often used for gatherings, storage or even as miniature gardens. People lay tiles, store furniture or hang planters, all of which add significant weight. Dynamic loads from celebrations or people leaning on railings further increase stresses.

Readers may recall the authorities in Paris issuing warnings and inspections of all balconies lining the River Seine route ahead of last year's Olympic Games, over fears that they could collapse under the weight of crowds watching the opening ceremony. Sadly, the design of many balconies doesn't account for real-world behaviour.

Balustrades

Balustrades are often seen solely as fall prevention features, but they also present complex structural risks. CROSS has flagged failures in balustrade detailing, particularly where proprietary glass systems are

concerned. When a balustrade breaks, either through poor fixings or wear and tear, the hazard extends not just to the balcony user, but to people below.

Children are especially at risk, and design must account for stuck limbs, climbing and the potential for objects to fall through or over barriers. According to Royal Society for the Prevention of Accidents (RoSPA) around 10 children die each year in the UK from falls involving balconies or windows. These aren't isolated incidents, they reflect systemic oversight in both design and regulation.

Durability and maintenance

Perhaps the most worrying risk is unnoticed deterioration of balcony structures over time. Steel corrodes, timber rots and concrete rebar fails when exposed to water, especially at the balcony's most stressed point, its interface with the building.

In coastal or wet climates, this problem is exacerbated. DIY timber balconies are particularly vulnerable, and one Australian report from 2016 identified over 8,000 balconies as life threatening due to rot or corrosion.

Falling debris from balconies also poses serious risk to pedestrians. Over 1,100 such incidents were reported in Scotland alone over just two years. These included debris such as falling pieces of concrete from deteriorated structures, unsecured items such as flowerpots, and large pieces of falling ice from poorly drained balconies.

Older balconies, especially those from the 19th and early 20th centuries,

10

Around 10 children die each year in the UK from falls involving balconies or windows



“The Building Safety Act 2022 places further obligations on dutyholders to manage and evidence control of risks from external wall systems, including balconies

come with their own problems. Stone cantilevers and iron railings may look charming, but corrosion, settlement and cracking can make them unsafe, particularly in busy pedestrian zones where failure could harm many people.

Fire on balconies

Balconies can also act as accelerants in fires, especially when flammable materials were used in construction. Fire on balconies continues to pose a significant risk to life safety and to the effectiveness of fire compartmentation in multi-storey buildings.

Recent UK incidents include:

- Manchester, December 2017: A fire on a timber balcony progressed up the building, moving from balcony to balcony.
- London, June 2019: A barbecue-initiated fire on timber balconies led to the rapid involvement of the whole facade.
- London, 2019: A fire started on a balcony that was clad in polyethylene ACM.

Recent legislative measures reflect the heightened concern. In England and Wales, Approved Document B volume 1 (clause 10:10) applies for buildings over 11 metres, and the balcony should be constructed of materials that achieve class A1 or A2-s1, d0. In Scotland, updated Technical Handbooks (2022) restrict combustible balcony elements on buildings over 11 metres.

Additionally, the Fire Safety Act 2021 (England and Wales) clarifies that external walls and balconies are within the scope of the Regulatory Reform (Fire Safety) Order 2005, requiring responsible persons to assess fire risks arising from balconies.

The Building Safety Act 2022 places further obligations on dutyholders to manage and evidence control of risks from external wall systems, including balconies.

Another key supporting document is BS 8579:2020 – Guide to the design of balconies and terraces. ►

“Accountability must be embedded into the design and build process. A single party should take responsibility for ensuring all elements (cantilever, fixings, balustrades, finishes) work together

This notes that balconies, terraces and walkways exposed to fire, including from below (eg, windows), should:

- Not use materials or designs that allow excessive external fire spread.
- Not cause fire to propagate downward, such as by producing falling debris capable of igniting fires below.
- Be designed to avoid detachment from the building and prevent hazards to people below, including firefighters and the public.
- Be constructed to minimise risks to the building's structural stability during a fire.

Common fire hazards

Fire hazards associated with balconies include:

- Combustible decking or facings: polyethylene core ACM, timber or composite plastics can ignite easily, even from small ignition sources.
- Stored materials: items such as plant pots, outdoor furniture or refuse can add to the fuel load.
- Poor maintenance: blocked drains can trap smouldering materials and balcony clutter increases risk.

Balconies can bridge compartment lines, enabling vertical fire spread.

Residents should be informed about prohibitions on barbecues, storage of flammable items and safe smoking practices on balconies. Inspections should include checks for combustible components, signs of damage, accumulation of flammable materials, and adequacy of drainage.

While regulatory changes have reduced the use of combustible materials in new balconies, a large stock of existing buildings remains at risk. This includes many low-rise buildings.

Fires on balconies continue to demonstrate the potential for rapid vertical fire spread. This underscores the need for robust initial design, careful material selection, clear resident guidance, and proactive inspection and maintenance regimes.



Aftermath of a balcony fire. Fire on balconies continues to pose a significant risk to life safety

Reinforcing accountability

Balconies should not be treated as aesthetic afterthoughts; they are structural elements requiring serious attention. The 2020 British standard BS 8579 offers excellent guidance for balcony and terrace design. But standards alone are not enough.

Accountability must be embedded into the design and build process. A single party should take responsibility for ensuring all elements (cantilever, fixings, balustrades, finishes) work together. Independent design reviews should be mandated, and

maintenance regimes must be established from day one, with accessible fixings and inspection protocols built in.

Balcony failures reflect deeper issues in construction: disjointed responsibilities, unchallenged assumptions and poor in-use foresight.

Balconies are not minor elements; they are structurally complex and potentially deadly if overlooked. The industry must give balconies the attention they demand. The cost of complacency is simply too high. ■

About CROSS

CROSS, which stands for **Collaborative Reporting for Safer Structures**, is the safety reporting scheme supported by the Institution of Structural Engineers (IStructE), the Institution of Civil Engineers (ICE) and the Institution of Fire Engineers (IFE).

The scheme allows professionals to report precursor events, near-misses and safety issues confidentially. CROSS welcomes reports about

structural safety and fire safety. These may relate to concerns at any stage of a structure's life – from design, through construction and occupation, until its end of life.

HSE has recently appointed CROSS-UK as the official voluntary reporting system for structural and fire safety until at least 2028. The Building Safety Act introduced a requirement for an official voluntary occurrence reporting system.

Viega cold-press technology
Makes piping smarter.



Work smart – discover the Viega advantage

No need for heavy machinery or hot-works measures: connect pipes much safer and faster. With 100 % efficiency, 0 % fire risk and just a Viega Pressgun in your hands. **Viega. Connected in quality.**

viega

Court rules on landmark Building Safety Act case

The Supreme Court has delivered its judgment in the case of URS Corporation Ltd v BDW Trading Ltd, providing clarity on UK building safety legislation and principles around the duty of care and recoverable losses in the tort of negligence.

Robert Adjetey and **James Walsh** of law firm Osborne Clarke set out the implications

During its investigations following the Grenfell Tower fire, BDW, a Barratt Redrow company, discovered structural design deficiencies in two high-rise residential buildings it had previously developed, but no longer owned.

Its investigations concluded that the defects posed a serious safety risk to the occupants of the buildings. It therefore carried out remedial works to rectify the defects, despite not having received any defect claims from third parties. At the time, any claims against BDW by homeowners under the Defective Premises Act 1972 (the DPA) would have been time-barred, as the Building Safety Act 2022 (BSA), and its extended limitation periods under the DPA, had not yet been introduced.

BDW sought to recover the costs of remedial works from URS, the structural engineering consultant responsible for the buildings' original designs.

During the course of the proceedings against URS, the BSA came into force, retrospectively extending the limitation period for claims under section 1 of the DPA from six years to 30 years. This fundamental change in legislation precipitated BDW to make several significant amendments to its claim:

- Amendment to its claim in negligence such that, at the time that BDW incurred the costs of remedial works, it was subject to in-time liabilities to homeowners under the DPA.

“This case provides significant clarification as to the viable routes of recovery available to developers in respect of historic building safety issues

- Alternative claim against URS directly under the DPA.
- Further alternative claim against URS in contribution pursuant to the Civil Liability (Contribution) Act 1978 (the Contribution Act).

Grounds of appeal and the judgment

The grounds of appeal before the Supreme Court essentially concerned the viability, in principle, of BDW's reformulated case against URS. The four grounds to be decided were:

Ground 1: Can a voluntary act (to remedy defects) lead to a recoverable loss in a negligence claim?

In negligence claims, liability for a defendant's actions is limited to damages that were reasonably foreseeable as a result of their breach of duty. URS argued that BDW's remedial work was voluntary since BDW no longer owned the developments and was not, at the time, subject to an in-time liability to third parties.

The justices did not find an established principle of “voluntariness” rendering loss too remote or outside the scope of the duty of care in negligence cases. They concluded that BDW had had no realistic alternative but to remediate due to the risk of personal injury or death (and associated reputational considerations).

In considering the homeowners' rights against BDW and the fact that it would have had a limitation defence, the justices emphasised that a pleaded limitation defence bars the remedy (ie, a successful claim) but does not extinguish the right (ie, the grounds for a claim). Therefore BDW was under no obligation to exercise a limitation defence in respect of liability to homeowners under the DPA.

Accordingly, BDW succeeded on Ground 1.



Robert Adjetey
Osborne Clarke



James Walsh
Osborne Clarke

Ground 2: Do the BSA's extended limitation periods apply only to claims made directly under the DPA?

URS argued that the extended 30-year limitation period applied only to claims made directly under the DPA.

The justices disagreed, stating BDW's negligence and contribution claims were partly dependent on the fact that BDW was itself liable to others under the extended DPA limitation period.

They noted that excluding claims dependent on (but not brought directly under) the DPA would deprive developers of equal rights of recovery against ultimately responsible parties, when compared to the liability it owed to homeowners. This would introduce a “split regime” which would surely be contrary to the legislation's purpose.

Ground 3: Did URS owe a duty to BDW under the DPA?

URS contended that the DPA is consumer legislation aimed at protecting individual homeowners, not developers. It argued BDW could not simultaneously owe and be owed a duty under the DPA.

The justices disagreed, finding no reason why a developer cannot be both a provider of a duty (ie, to homeowners) and a person to whom a duty is owed (ie, by its professional team/subcontractors) under the DPA. It was found that URS owed a duty to BDW under section 1 DPA on the basis that URS had taken on work, to BDW's order, for or in connection with the provision of a dwelling.

Ground 4: Was BDW able to bring a claim against URS under the Contribution Act?

The justices held that the right to claim under the Contribution Act arises when: (i) damage has been suffered

Above right:
The entrance
to the UK
Supreme Court



by a claimant (the homeowner(s)) for which the first defendant (BDW) and the second defendant (URS) are each liable); and (ii) the first defendant has paid or been ordered or agreed to pay compensation for the damage to the claimant.

Here BDW had made payment in kind for the damage suffered by the homeowners through carrying out the repairs, discharging its liability to the prospective claimant(s). The fact that there had been no judgment against BDW, admission of liability, or settlement agreement between BDW and any homeowners, nor even any claim against BDW, did not prevent it from seeking contribution from URS.

Implications

This case provides significant clarification as to the viable routes of recovery available to developers in respect of historic building safety issues, both in negligence and under UK legislation. The courts indicated a willingness to take a wide view of obligations under the DPA in the context

of building safety, in order to give effect to the legislative intent behind the BSA.

Developers may now be more inclined to carry out remedial work without the formalities of a judgment or settlement, confident that they have a potential route to recovery from those responsible.

Conversely, the judgment confirms the expanded scope of historic liability for subcontractors and professional consultants under the BSA. In particular, the 30-year limitation period for works completed before 28 June 2022 is likely to cause concern as this will often double the contractual limitation period that the parties had agreed. In some circumstances, due to the passage of time, the documentary and witness evidence available may be limited.

Consultants and contractors should be reassured that this judgment only represents a confirmation of the pathways available to prospective claimants. Claimants would still need to demonstrate a defendant's liability in respect of alleged building safety issues at trial (which was yet to take place

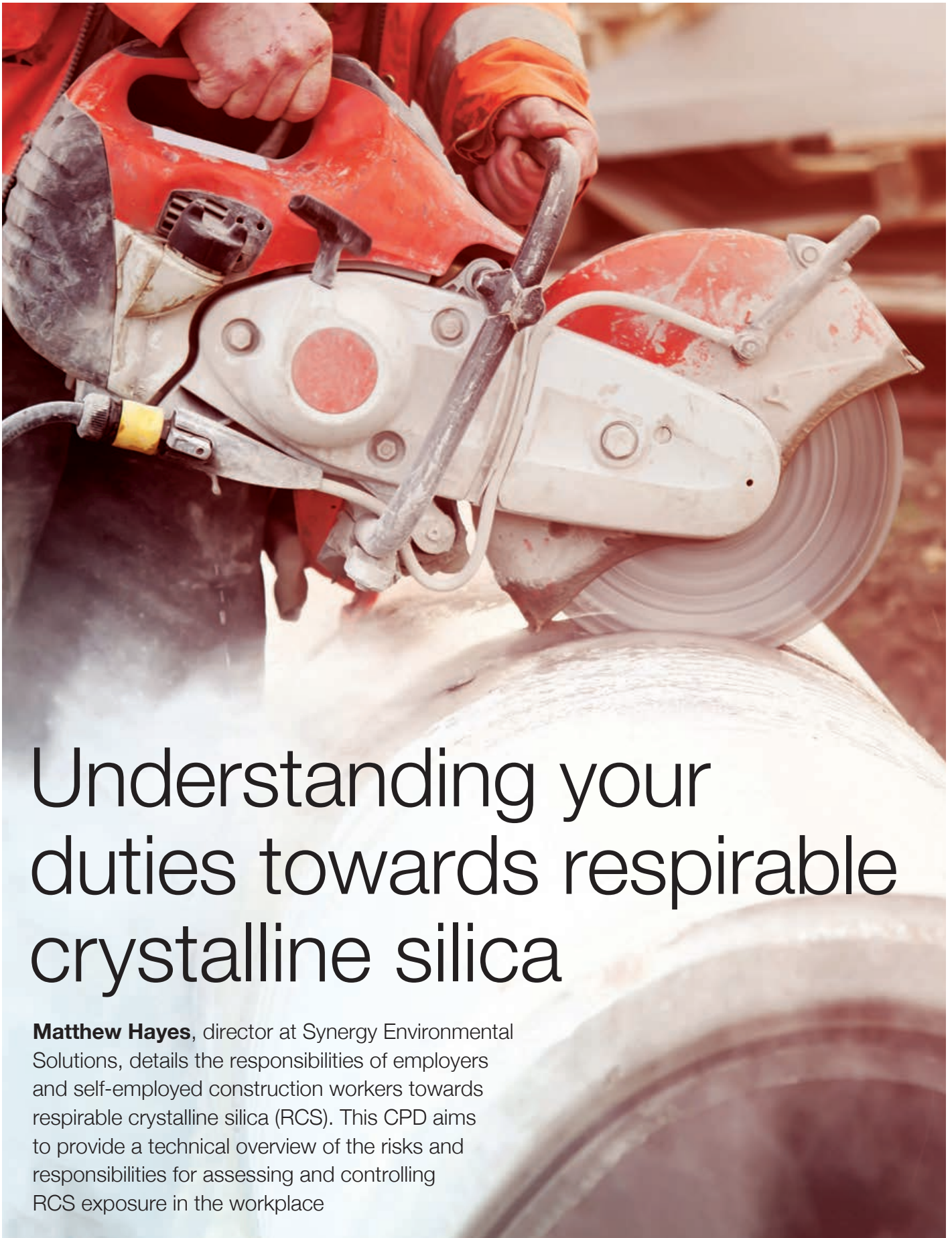
“
Consultants and contractors should be reassured that this judgment only represents a confirmation of the pathways available to prospective claimants

in this case – the appeal having been heard on the basis of assumed facts).

Issues such as causation and mitigation would also need to be addressed – these are equally as factually sensitive and dealt with on a case-by-case basis. A developer will still, for example, have to show that it acted reasonably in the steps it took to deal with defects.

While the scope of claims available to developers has unquestionably been expanded, prospective claimants may find that bringing historic claims is not free from difficulties, particularly from an evidential perspective. Prospective defendants should be encouraged to proactively review and audit historic contractual portfolios and their associated risks, rather than waiting until a claim is received. ■

BDW was represented by Osborne Clarke. Robert Adjetey is a partner in Osborne Clarke's construction and engineering disputes team and James Walsh is a senior associate in its construction and engineering disputes and risk team.



Understanding your duties towards respirable crystalline silica

Matthew Hayes, director at Synergy Environmental Solutions, details the responsibilities of employers and self-employed construction workers towards respirable crystalline silica (RCS). This CPD aims to provide a technical overview of the risks and responsibilities for assessing and controlling RCS exposure in the workplace

The Health and Safety Executive (HSE), has refreshed its G404 guidance on health surveillance for those exposed to respirable crystalline silica (RCS).

RCS falls under the Control of Substances Hazardous to Health (COSHH) 2002 Regulations, where dutyholders are legally responsible to protect people from dangerous levels of exposure.

The refreshed publication emphasises the following key points:

Regular exposure to RCS dust:

Health surveillance must be a priority when workers are regularly exposed to silica dust.

High-risk occupations:

The guidance specifically identifies worktop manufacturing and installation as high-risk jobs where health surveillance must be considered.

Risk-based health checks:

It clarifies that health surveillance is a scheme of repeated health checks driven by risk. It's a COSHH requirement for anyone exposed to hazardous substances. The aim is to spot early signs of ill health and to determine if the risk assessment and control measures need reviewing and updating.

Consulting professionals: The guidance stresses the importance of consulting occupational health professionals.

The HSE recently published its priorities for 2025/26. RCS dust is a priority and is part of the HSE's drive to reduce occupational lung disease, which results in 12,000 deaths a year. HSE inspectors will be visiting construction companies during this period, so it is important for businesses to not only protect workers but also remain compliant to avoid falling foul of regulations.

What are the risks of RCS?

Crystalline silica is a naturally occurring mineral found in most rocks, sand, and clay. Silica is also present in products such as concrete



Above: Health surveillance should include lung function tests

Left: Practices such as cutting, crushing and sanding create inhalable dust

and bricks, and can be used as a filler in some plastics.

Workplace practices such as cutting, crushing and sanding create dust. Some of this dust is fine enough to breathe deeply into your lungs. These tiny, inhalable particles are known as respirable crystalline silica, RCS or silica dust.

Materials contain different amounts of silica. For example, sandstone contains more than 70% silica, whereas granite contains around 15-30%. The materials used have a big impact on the risks workers face.

Inhaling RCS can lead to several serious lung conditions:

Silicosis: This lung disease occurs from breathing in RCS, causing the lung tissue to harden or scar (fibrosis) and leading to a loss of lung function.

Chronic obstructive pulmonary disease (COPD): This is a group of lung diseases, including bronchitis and emphysema, which cause severe breathlessness, persistent coughing and long-term disability. It is a major cause of death.

Lung cancer: Prolonged and heavy exposure to RCS can cause lung cancer. The risk of lung cancer is even higher if someone already has silicosis.

The good news is that the health risks from RCS are largely preventable. By properly controlling exposure to dust, illness from work activities can be avoided.

Exposure limits

Before detailing RCS exposure limits, we are keen to stress that these limits are the legal limit and results that fall below them do not guarantee the safety of your employees. We recommend that companies aim

to achieve <10% of the workplace exposure limit (WEL) in line with the recommendations of BS EN 689:2018.

A list of WELs for COSHH substances can be found in the HSE document EH40/2005 (see Useful Resources, p23).

WELs are concentrations of hazardous substances. They are averaged over a specified period, referred to as a time-weighted average. Many WELs have two periods, short-term (15 minutes) and long-term (eight hours).

The exposure limits for RCS dust are measured in milligrams per cubic metre. The long-term exposure limit is 0.1mg/m³. The short-term exposure limit – there is no safe exposure.

Because respirable silica is carcinogenic, employers must control it so that it is "as low as reasonably practicable". Even if exposure is below the exposure limit, companies must use further controls, if available, because there is no safe exposure level to carcinogens.

COSHH risk assessment

A COSHH risk assessment is a legal requirement in the UK and is a key part of managing workplace health and safety. It is a framework to help you understand risks and establish controls to mitigate them.

An assessment aims to answer these key questions:

- What hazardous substances are present?
- Who is exposed, and how?
- What health risks does the work involve?
- Are existing controls adequate?
- What further steps do I need to take to reduce the risk? ►

“Prolonged and heavy exposure to respirable crystalline silica (RCS) can cause lung cancer. The risk of lung cancer is even higher if someone already has silicosis

“Employers with five or more employees must document assessments. Even in smaller businesses, recording findings is best practice

A COSHH risk assessment involves five steps, which can be briefly summarised as follows.

1. Identify hazardous substances:

This involves creating an inventory of all substances used or generated in work processes and then reviewing:

- Safety data sheets (SDS).
- Product labels.
- Process flow diagrams.
- Reports of previous incidents or illnesses.

2. Assess the risks:

Evaluate how substances cause harm by considering:

- What are the routes of exposure? (inhalation, skin contact, ingestion)
- Who might be exposed? (operators, maintenance staff, cleaners, visitors)
- How often and for how long does exposure occur?
- Are there vulnerable groups? (pregnant workers, young people, asthmatics).

Use workplace exposure limits from the HSE as reference points and consider the cumulative and combined effects of multiple substances.

3. Decide on control measures:

Identify existing control measures, such as local exhaust ventilation (LEV), personal protective equipment (PPE) or closed systems, and assess their adequacy. If controls are insufficient, ask yourself:

- Substitution: Can we use a less hazardous substance?
- Process change: Can we modify a substance to reduce exposure?
- Engineering controls: Can containment or ventilation improve?
- Administrative controls: Can we limit access, improve training or implement staff rotation?
- Use personal protective equipment (PPE) only as a last resort.

4. Record the findings:

Employers with five or more employees must document assessments. Even in smaller businesses, recording findings is best practice. Your assessment should include:

- Identified hazardous substances.
- The nature and level of risk.
- Existing control measures.
- Additional measures required.
- Responsible persons for implementation.
- The date of the next review.

5. Review and update regularly:

Risk assessments should be updated when work processes change, new substances are introduced or after incidents.

Workplace air monitoring is appropriate when you need to determine the effectiveness of control measures or when you need to show WEL compliance. Due to the complexities of air monitoring, we advise appointing an occupational hygienist to carry out the task.

Control measures for RCS

Because silica dust is a carcinogen, there are no safe limits. This requires adopting the ALARP principle, meaning you need to keep exposure levels as low as reasonably practicable.

A key tool for controlling RCS is the hierarchy of control. The hierarchy of control prioritises control measures from most effective to least:

Elimination: The most effective step is to remove the hazardous substance entirely from the workplace.

Substitution: If elimination isn't possible, replace the hazardous substance with a safer alternative.

Engineering controls: When elimination or substitution isn't feasible, implement physical controls like local exhaust ventilation (LEV) to reduce exposure at the source.

Common mistakes to avoid

- **Generic assessments:** COSHH assessments must be specific to the workplace and processes, not copied from templates.
- **Over-reliance on PPE:** PPE should be a last resort after you have considered all other controls.
- **Ignoring generated substances:** Many risks stem from substances created during work processes, not just those in containers.
- **Inadequate communication:** Employees must understand the risks and controls, not just have them documented.
- **Lack of follow-up:** Control measures must be implemented and monitored for effectiveness.



12,000

HSE's drive is to reduce occupational lung disease, which results in 12,000 deaths a year

Administrative controls:

If engineering controls are not enough, introduce procedural methods such as safe work practices, job rotation, or restricted access to limit exposure.

Personal protective equipment (PPE):

As a last resort, if all other methods are insufficient, provide PPE, such as respirators, to protect individual workers.

Avoid dry sweeping and using compressed air for cleanup, as these create dust clouds. Instead, use vacuum equipment meeting at least dust class M or a suction hose connected to the local exhaust ventilation (LEV) system.

Health surveillance

Where workers are regularly exposed to RCS and have a reasonable chance of developing silicosis, health surveillance is required. Additionally, health surveillance might be appropriate in situations such as:

- If there have been previous cases of work-related ill health on site.
- Respiratory protective equipment (RPE) is heavily relied upon to control RCS exposure.
- If there's evidence of work-related ill health within the industry.

A robust health surveillance scheme for RCS exposure requires the involvement of a competent occupational health professional.

Key elements include:

Baseline assessment: Assess workers' respiratory health before exposure to establish a baseline.

Ongoing assessments: Conduct regular assessments at frequencies advised by your occupational health professional.

Comprehensive checks: Health surveillance should include questionnaires, lung function tests and chest X-rays.

Interpretation and action:

Occupational health professionals should interpret results for individuals and groups to identify the need for revised risk assessments.

Symptom reporting: Allow workers to report symptoms to a responsible person or occupational health professional.

Record keeping: Maintain a health record for each worker under surveillance, encouraging them to keep a copy for their records.

Investigate concerns: Ensure you investigate employee concerns and consider sick leave data to highlight potential silica-related disease or issues with working practices.

Summary

The key takeaways of this article are:

- Conduct regular COSHH Risk Assessments: follow the five steps outlined above.
- Call upon occupational hygiene and health professionals to utilise their expertise.
- Provide regular health surveillance for workers exposed to silica dust.
- Maintain regular communication and training with employees so they know how to work safely, where to report issues, and understand safety best practices. ■

Matthew Hayes is director at Synergy Environmental Solutions. He is a BOHS-accredited occupational hygiene consultant with extensive experience in COSHH compliance, workplace air monitoring and safety related to noise and vibration.

Useful resources

- HSE G404: www.hse.gov.uk/pubns/guidance/g404.pdf
- HSE list of WELs for COSHH substances: www.hse.gov.uk/pubns/priced/eh40.pdf
- HSE health surveillance guidance: www.hse.gov.uk/pubns/books/healthsurveillance.htm



Workplace air monitoring will help to determine the effectiveness of control measures or to show WEL compliance

CPD Questions

- 1) When must workers receive health surveillance?
 - a) When they are regularly exposed to RCS dust
 - b) When they change jobs
 - c) When they are employed
 - d) Upon returning from sick leave
- 2) What is the purpose of a COSHH risk assessment?
 - a) To list all the chemicals you have on site
 - b) To determine the market value of hazardous substances
 - c) To allow employees to handle any hazardous substance they want without supervision
 - d) To identify the risks to health from hazardous substances in the workplace and to determine the precautions needed to prevent or control exposure
- 3) What is the long-term exposure limit for RCS dust?
 - a) 0.01mg/m³
 - b) 0.5mg/m³
 - c) 0.1mg/m³
 - d) 0.25mg/m³
- 4) What is crystalline silica?
 - a) A mixture of dusts from construction activities
 - b) A naturally occurring mineral found in most rocks, sand and clay
 - c) Vapour from paints
 - d) A type of liquid used in household cleaning products
- 5) What is the hierarchy of control?
 - a) A method for prioritising control measures from most effective to least effective
 - b) Safety standards for PPE equipment
 - c) A mechanism to check employee health and safety adherence
 - d) The level of crystalline silica within a particular material

To test yourself on the questions and collect CPD points, go to: projectsafetyjournal.com

“Avoid dry sweeping and using compressed air for cleanup. Instead, use vacuum equipment meeting at least dust class M or a suction hose connected to the local exhaust ventilation (LEV)

‘I’m proud that I’ve brought people into the industry’

New APS board member Helena Knight, who runs the GHPC Group, discusses her career journey and her thoughts on the challenges posed by the Building Safety Act and its impact on the industry

Before we look at your career, please tell us a bit about your current role.

I’m the managing director of GHPC Group, a construction consultancy, and have been for just under 10 years now. We provide CDM principal designer, CDM adviser and health and safety services, and we also provide surveying defects claim services.

I’m based in our offices in Bracknell, and we have 18 staff across the group. Our admin team – HR and accounts – are in Scotland but all our services are delivered in the south from about Manchester right down to the south west and Wales.

How did you get into construction?

I became a chartered quantity surveyor, but it was quite by chance. I was thinking of a career in the printing industry but my school had no careers information on that. However, they did have leaflets for Glasgow College of Building and Printing, which was affiliated to the Glasgow College of Technology (now Caledonian University).

I had an interview there and the head of surveying saw I was doing economics and accounts for my highers (A-levels in Scotland) and suggested I should be a QS. So I did a four-year sandwich degree course.

I worked with a practice in Glasgow, the Gordon Harris Partnership, and got some good experience there, working on prestigious hotel projects, and became chartered.

“It’s lovely to see so many young women coming into the industry nowadays – such a contrast to when I started
Helena Knight, GHPC Group

I subsequently moved south and worked for several PQS firms before rejoining GHP, and found myself becoming a specialist in construction claims. Over about a decade, I handled major claims and did lots of arbitration and ADR work. During that period, I was often seconded to contractors as a professional QS to put their claims together, going through all the forensics and assembling their loss and expense claims.

My managing partner and I then formed a practice to manage Zurich’s new home claims.

I got involved in CDM in about 2001/2 and really enjoyed it. We set up a company called GHP Consultancy which offered a range of services and we went from strength to strength.

When the regs changed in 2007, I moved to Rider Levett Bucknall as a partner, and headed up their CDM team for several years. I did seven years there. Our current chairman, who was my ex business partner, had been asking me for about a year to come and join GHPC Group – and I was persuaded when they said they wanted me to take over as managing director, and that’s where I’ve been ever since.

What are the things you’re most proud of in your career?

I’m proud of the fact that I’ve brought people into the industry and trained them up from being non-cognate graduates – that is, they had not studied a related vocational course – to having a career in construction, health and safety.

I’m also proud of the fact that we’ve invested in people, and we care about our team. We’re small enough to really care. It’s lovely to see so many young women coming into the industry nowadays – such a contrast to when

CV: Helena Knight

● **2016 to present:**
Managing director,
GHPC Group

● **2014-16:**
Operations
director,
GHPC Group

● **2007-14:**
Partner, Rider
Levett Bucknall

● **2003-07:**
Partner, GHP
Consultancy

● **1998-2003:**
Partner,
Independent
Property
Inspections

● **1988-98:**
Consultant, Gordon
Harris Partnership

I started. And I’m proud to have brought both young and more mature women into the industry.

Construction is a great career. It’s really interesting, and health and safety is very interesting. But I have come across people who don’t have the passion for it, and they haven’t lasted very long with us – because if you haven’t got passion for H&S, you’re more likely to miss important safety issues.

I’m also proud of my work with CONIAC [the Construction Industry Advisory Committee]. I’m co-chair of its Supporting Small Employers group, and we’ve produced some really targeted health and safety infographics to provide ‘bite-size’ guidance to help small employers understand compliance on some issues, such as dealing with asbestos and low-carbon repair and maintenance.

And of course, I’m delighted to have become a non-executive director of APS, working with the board, during this challenging time for the industry. Having been a member since 2008, it’s an opportunity to contribute to the health and safety aims of APS and represent CDM professionals.

Talking of challenges, what do you think the most challenging part of the job is these days?

Since Covid, being an employer has become harder. With the advent of hybrid and remote working, the biggest challenge has been to get the right mix of people back in the office and communicating. It’s harder to manage and motivate people – I definitely think we’ve lost something.

Do you think attitudes to health and safety have changed in the past few years?

Yes, I think things have improved with



“I’m forever researching things that interest me and seeing how they could apply to projects we’re working on
Helena Knight, GHPC Group

bigger projects since the old days and the CDM regs have really helped, though I’m also aware that the industry’s fatality figures have been creeping back up, and we’re not sure why.

I think the image of health and safety has improved too. But I still think there’s a problem at the lower end of the industry, particularly on domestic projects such as extensions, where CDM awareness is very low.

Are there any regulatory changes that you worry about?

The biggest issue for me is the Building Safety Act. It’s presenting many issues for the industry.

I can see the need for the act, and I’m not saying it’s gone too far. But the industry definitely has an issue with competence and training and having adequate resources to cope with its challenges.

It’s got to work but at the same time, what you can’t have is people disengaging from the ethos that Dame Judith was aiming for. And at the moment, I just think that the industry’s

Helena Knight:
‘I think the important focus now should be on getting it right in the first place’

got a long way to go to achieve the ambitions that Dame Judith has expressed for it.

The legislation is onerous, but I think that there’s still a lack of understanding about what’s required and since Covid, the industry has lost a lot of expertise, and I think the important focus now should be on getting it right in the first place.

I look at the issue of the choice of dutyholder title for the building regs also being the principal designer (PD), and I’m not sure people have understood this. It’s confusing them. And there aren’t enough people with the right level of expertise to take on either the CDM PD or building regulation PD role – and definitely fewer capable of both competencies.

Leaving work aside, what are your interests away from the office?

Spending time with my husband and family, I have three adult children and two granddaughters. Holidays are important and I enjoy home improvement projects especially gardening. I also like watching TV programmes on domestic building projects and gardening and holidays for their ideas, and they also help me chill out.

But it’s hard to get very far away from work, and I’m forever researching things that interest me and seeing how they could apply to projects we’re working on.

I like to share my ideas and thoughts with clients, and I will email them on items which may be relevant, which I’ve researched. I also encourage my team to do the same thing with our clients. It’s a way of spreading ‘best practice’ and trying to avoid the pitfalls and mistakes that too many people in the industry keep on making. ■

Deaths down, but construction remains the most fatal sector

Falls from height still the most common cause of fatal injuries, according to new HSE fatality statistics



Thirty-five construction workers were killed in work-related incidents between April 2024 and March 2025, the latest Health and Safety Executive (HSE) annual fatalities statistics show.

Although this brings the number of construction worker deaths back to pre-covid levels and represents a considerable reduction from 2023/24 and 2022/23, when 51 and 47 construction workers died, respectively, construction continued to account for the largest share (28%) of fatal injuries to workers across all industries last year.

However, the rate of fatal injuries in construction, which accounts for the number of deaths per 100,000 workers, is considerably lower (1.65) than the rate in agriculture, forestry and fishing (8.01), although still almost five times higher than the all-industry average (0.37).

Falls from height

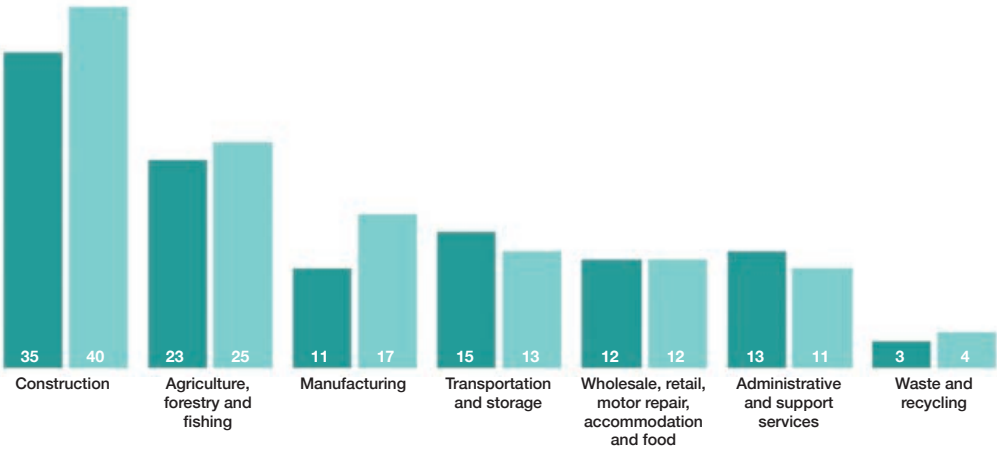
The most common cause of fatal injuries over the last year continued to be falls from a height (35 deaths). A markedly higher proportion of

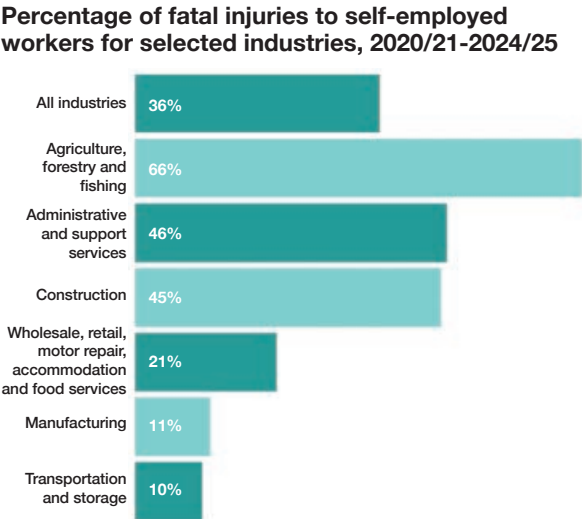
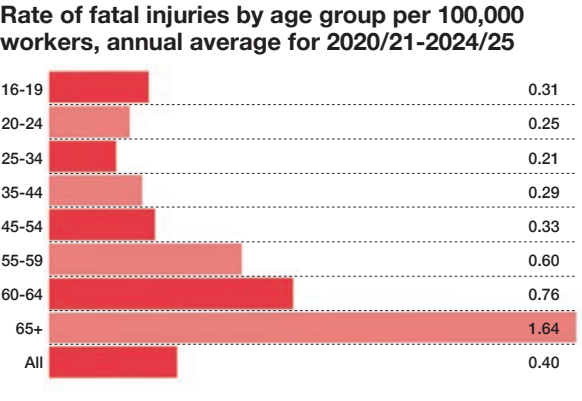
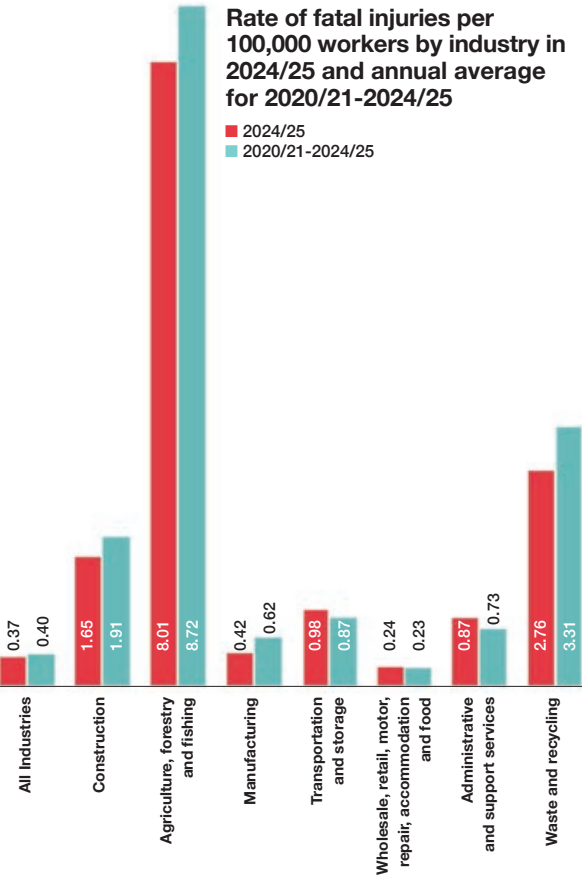
Above: The most common cause of fatal injuries is falls from height

worker deaths in construction were due to this kind of accident compared to other industries. More than half of all deaths in construction between 2020/21 and 2024/25 were due to falls from height, at an average of 21 deaths per year. The HSE data also shows that 45% of construction deaths were of self-employed workers, nine percentage

points higher than the average across all industries. The HSE said this disproportionate share of fatal injuries in part reflects the greater proportion of self-employed workers in higher-risk industries. A further 92 members of the public were killed in work-related incidents in 2024/25, four of which happened in construction-related accidents. ■

Number of fatal injuries by selected main industry group, 2024/25 and annual average for 2020/21-2024/25





In the dock

Recent prosecutions for health and safety breaches

Joinery fined £10,000 over dust and electricity

Abbey Joinery and Manufacture, a joinery firm in Middlesbrough, has been fined £10,000 after the HSE found multiple health and safety breaches at its Whorlton Road site relating to the company's control of wood dust, as well as its maintenance of electrical systems.

The HSE said these failings exposed employees to unnecessary risks. The investigation also found issues with its electrical installations, including both fixed and portable appliances and machinery.

The company pleaded guilty and, as well as the fine, paid £4,428 in costs.

Demolition company fined £42,000 after worker fall

A demolition company has been fined after a worker fell 6 metres through a roof opening, suffering serious injuries during the demolition of a vacant warehouse in Aberdeen.

On 25 May 2023, Sylwester Zdunczyk sustained a fractured pelvis and two broken ribs. He was unable to work for six months after being discharged from hospital and has not fully recovered.

An investigation by the HSE found that principal contractor Lawrie (Demolition) failed to properly plan, supervise and carry out the work at height safely. It was fined £40,562.50 at Aberdeen Sheriff Court on 12 June 2025.

Unregistered gas fitter jailed for shoddy work

A gas fitter from Norfolk has been jailed after carrying out unsafe gas work in a residential property while suspended from the Gas Safe Register.

An HSE investigation found Antony Clifton, from Wymondham, had fitted a cooker at the home in Drayton that left gas leaking from the inlet, requiring emergency work.

Clifton undertook the work in January 2022 while falsely claiming to be a member of the Gas Safe Register. He had previously been

served with a prohibition notice by HSE following unsafe gas work.

A director of the now dissolved CS Appliance Repairs, he was sentenced to 46 weeks in custody and was ordered to pay £1,000 in costs.

Prosecutions to follow Hinkley Point C fatality

NNB Generation Company (HPC), Bouygues Travaux Publics SAS and Laing O'Rourke Delivery have been told by the Office for Nuclear Regulation they will be prosecuted for health and safety offences following a worker fatality at Hinkley Point C.

Site supervisor Jason Waring died in a construction incident after sustaining fatal injuries on 13 November 2022.

Details about specific charges will be announced when finalised.

Suspended sentence after gas explosion

Barry Newman, 58, sole trader of Nottingham-based Foster Brother Builders, has received a suspended sentence after his failures led to a gas explosion that left a worker with burns so serious he has been unable to work since.

Newman had contracted a local man to carry out refurbishment works on a property in Bulwell. As part of the project, Newman had placed a faulty portable space heater connected to a propane gas (LPG) cylinder in the property's cellar to dry out damp.

On 22 November 2022, a gas leak from the heater resulted in an explosion that caused the contracted worker to suffer severe burns to his hands, legs, face and scalp.

An HSE investigation found Newman failed to carry out a risk assessment and provide suitable and adequately maintained equipment for the works.

Newman pleaded guilty and was sentenced to 12 months' imprisonment, suspended for two years, and ordered to complete 240 hours of unpaid community work. He was also ordered to pay £2,000 in costs.

APS spreads the careers message in Northern Ireland

High-profile meeting at Stormont in December will bring together politicians and business leaders

Northern Ireland politicians and business leaders are being invited to an APS-hosted meeting in Stormont this December to learn how the construction industry can offer well-paid jobs and careers to young people in the province.

The Stormont meeting, which is to take place on 2 December 2025, will be hosted by senior member of the legislative assembly (MLA) Phillip Brett, who chairs the influential Economy Committee, and will focus on skills and quality jobs in the construction industry.

As well as stressing construction's career opportunities, APS is using the meeting to raise its profile and develop its membership base in Northern Ireland. The event builds on a series of key MLA meetings APS president Mark Snelling had in Belfast in May.

Devin Scobie, corporate affairs adviser to APS, has been instrumental in arranging the Stormont event and the initial round of MLA meetings. He says: "Northern Ireland is an important region to APS and, especially in our 30th anniversary year, we believe we can develop our activities and influence in the province.

"We've organised similar events at the Scottish parliament last November

and the Welsh parliament in January this year. They were both very successful in explaining the importance of the construction industry and what APS does, as well as raising awareness with elected members and APS's own members.

"Our president, Mark Snelling, is very committed to helping members in Northern Ireland and was a great ambassador for APS in May. December will be an ideal opportunity to continue that engagement."

Commenting on the upcoming meeting in the Northern Ireland Assembly, Snelling says: "We are looking at how we can get younger people into the industry, and one way we can do this is to highlight how many well-paid jobs there are in construction. According to the latest salary trends report, the construction industry is second only to the technology sector for the best-paying jobs.

"We are therefore looking to connect with NI politicians and business leaders to try to find a way that we can encourage youngsters through both a better understanding of the industry and educational opportunities to consider the construction industry as a future career."

Snelling adds: "The industry offers something for both those who want to work outside or out of an office and for those who like to work in an office or at home. Construction and engineering skills are valued across the world – making opportunities for those who would like to work in other countries.

"Equally importantly, our industry is one of the best placed to improve the environment, as we are the ones building wind turbines and other renewable power sources as well as energy-efficient homes, offices and factories. For young people concerned about climate change, getting involved

“We are looking to connect with NI politicians and business leaders to encourage youngsters to consider the construction industry as a future career
Mark Snelling, APS

Left: MLA Phillip Brett, pictured with APS president Mark Snelling, will host the meeting

with construction will enable them to make a real difference."

Reflecting on the MLA meetings in May, Devin Scobie says: "We chose to focus heavily on skills and the quality of jobs in the construction industry, and talked about the large amount of construction activity in Belfast currently, some of which still qualifies for EU funding. This is what we'll be focusing on again when we have our Stormont meeting, and explaining how APS can act as a catalyst in helping fill these positions."

The high-profile event in Northern Ireland comes after APS has been ramping up its UK-wide campaign to promote mental health and wellbeing within the construction industry, by taking its campaign to Westminster and the devolved parliaments in Scotland and Wales.

The association has been vigorously campaigning across both its 4,000-strong UK membership and the wider built environment for greater awareness and understanding on the range of issues impacting an industry where there are an estimated 16,000 construction workers in Britain suffering from work-related stress, depression or anxiety. ■





uvex

» uvex WEARABILITY



comfort



fit



performance



style

Properly fitting
PPE isn't just about safety;
it's about **WEARABILITY**.

Engineered into every product we make, uvex products deliver comfort, fit, performance, and style allowing you to focus on the task at hand. Join the **#PPEthatfits** movement and help raise compliance and reduce accidents.

WEARABILITY goes beyond protection:

- » It influences the wearer experience
- » Ensures correct fitting and protection
- » Ensures comfort for all day compliance
- » Helps wearers look and feel good
- » Increases wearer confidence
- » Ensures higher acceptance levels of PPE

Contact

one of our team to see how we can support you to increase comfort and compliance levels in your workforce.

01252 731200



Events focus on competence, compliance and culture

This autumn, APS presents a full calendar of events to help members stay informed, confident and prepared for the evolving construction safety landscape. With a focus on competence, legal duties and safety culture, this season's programme offers valuable learning and practical guidance for professionals across the built environment

APS National Conference 2025

Date: Wednesday 17 September 2025. Time: 9am-1pm (online)

This year's conference brings together leading experts, regulators and practitioners to explore the key pillars of building safety: competence, compliance and culture.

Opening with a keynote on the post-Grenfell regulatory landscape and the ongoing challenge of proving competence, the event features two focused sessions covering:

- Building safety in higher-risk buildings.
- Legal duties under new legislation.
- Best practice case studies.
- Practical strategies for consistent compliance.

An industry panel will explore how to move from policy to practice, while international perspectives will highlight shared challenges and wider opportunities.

Autumn Webinar Series

Dates: Tuesday 23 September 2025 to Wednesday 3 December 2025

Running throughout autumn, this 12-part webinar series brings together expert insights, case studies and actionable advice on core safety and risk topics.

Delivered by seasoned professionals, these sessions offer immediate takeaways. Each session supports your CPD and helps you stay current in a fast-moving environment.

Topics include:

- The principal designer's role and CDM compliance.
- Slips, trips and falls prevention.
- Supporting neurodivergent and vulnerable workers.
- Climate-resilient design.
- Competence in construction.
- Quality management systems.
- Practical design risk management.
- Inclusive design in infrastructure.
- Working at height.

- Building a strong safety culture.
- Confidential reporting for structural/fire safety.

Autumn CPD: When Safety Fails

Dates: September/October 2025 (TBC)
These two half-day sessions explore the legal implications of construction fatalities and incidents involving volunteer workers.

With real case studies and expert input, you'll gain deeper insight into where safety fails – and how to prevent it.

Safer Air Week

Dates: Monday 3 November 2025 to Friday 7 November 2025
This focused week tackles airborne hazards on site, including silica dust, asbestos, spores and lead. These

practical sessions will help you protect worker health, improve site safety and meet compliance standards. Full details coming soon.

Building Safety Regulations Webinar Series

Your last chance to join our lunchtime update sessions, hosted by the APS CEO and president. These cover the latest guidance and duties under the Building Safety Act:

- Managing competence – the new BSR guidance: 10 September 2025.
- The Building Safety Act in occupation: 7 October 2025.
- BSA and building safety regulations: What's next?: 20 November 2025. ■

Catch up on previous sessions at aps.org.uk/category/webinars. Explore upcoming events at aps.org.uk/events.

We are not fans of grey

fladgate

Our team of enterprising lawyers will make sure
your construction contracts are black and white
avoiding nasty surprises, leaving you to focus on
delivering projects that benefit and bring colour
to communities



fladgate.com



Sometimes you need a different approach to make the most impact.

CRASH harnesses the construction industry's professional expertise and products to offer practical support, helping homelessness charities and hospices with their vital building projects.

Together, we construct places that care for people.

It's your expert help we need.

Planned Preventative Maintenance (PPM) surveys, architectural advice, project and contract management, and more...



Scan the QR code today & take the first step to supporting your industry charity.