PROTECTING PEOPLE AND PLACES FOR 50 YEARS HSE

Toilet Accommodation

A new Approved Document with a new requirement T1.

Luke Turner ARB RIBA
Principal Architect,
Health and Safety Executive | Building Safety Division

50 YEARS HSE



The regulator: objectives and regulatory princples

(1)The regulator must exercise its building functions with a view to—

(a)securing the safety of people in or about buildings in relation to risks arising from buildings, and

(b)**improving the standard of buildings.**

(2)In exercising a building function (other than an excepted function), the regulator must have regard to the following principles—

(a)regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent, and

(b)regulatory activities should be targeted only at cases in which action is needed.

(3)The duty in subsection (2) is subject to any other requirement affecting the exercise of the function.

Source: Building Safety Act 2022 (legislation.gov.uk)

About the Building Safety Regulator

The Building Safety Regulator (BSR) in England is part of the Health and Safety Executive (HSE).

Purpose

The BSR was set up under the Building Safety Act 2022 to:

- regulate higher-risk buildings
- raise safety standards of all buildings
- help professionals in design, construction, and building control, to improve their competence

BSR sets out rules to protect the design and construction of higher-risk buildings. They help give residents confidence in the safety and standards of their building. BSR has a legal responsibility to consult with residents through the residents panel.

Keeping the safety and standard of buildings under review

- **The BSR has a duty to keep the safety and standard of buildings under review. The reviews of the Approved Documents are a key element of fulfilling that duty and ensuring we respond to emerging technologies and issues.**
- The Technical Policy team moved from DLUHC to the BSR so that we could help inform the BSR's priorities, based on: our knowledge of what is happening in the built environment; the length of time since the statutory guidance was reviewed; what has changed in the interim; and the potential impacts on the health, safety and wellbeing of people.
- The current work programme for review of the Approved Documents has largely been set by Ministers. We have developed a future pipeline based on the above factors which we have tested with the BSR's Building Advisory Committee. They agreed the proposals for review of the statutory guidance focus on the right areas. This work will commence as resource becomes available – either through existing resource being freed up or as we fill vacancies through our recruitment campaign which is currently live.
- The BSR's long-term intention is to review the Approved Documents on a more periodic basis, factoring in intelligence the BSR is gathering so we can get keep abreast of issues and be less reactive, with some capacity in the team to be able to consider and factor in new Ministerial priorities where possible.

The route to a new Part T

February 2020

Original debate in the House of Lords on toilets, asked by Lord Lucas which prompted Government's first response on the question of gender-neutral toilets:

Changing and Toilet Facilities in Public Buildings - Hansard - UK Parliament

October 2020

This led later that year to a first call for evidence in October 2020 and the response finally published in July 2022

Toilet provision for men and women: call for evidence - GOV.UK (www.gov.uk)

Toilet provision for men and women: call for evidence - analysis of responses received

July 2022

Then Kemi Badenoch's Written Ministerial Statement giving the response to the call for evidence:

Written statements - Written questions, answers and statements - UK Parliament

And from DLUHC:

All public buildings to have separate male and female toilets - GOV.UK (www.gov.uk)

The route to a new Part T

September 2023

This led to (the then) DLUHC with BSR support preparing a new Approved Document T and a technical consultation asking for input.

Toilet provision in buildings other than dwellings: technical consultation - GOV.UK (www.gov.uk)

Toilet provision in buildings other than dwellings: a technical consultation paper - GOV.UK (www.gov.uk)

Which pointed to a consultation paper, a draft ADT, and research on toilets, which (the then) DLUHC did with Ove Arup Ltd.

- Toilet provision in buildings other than dwellings: a technical consultation paper
- Annex D - Toilet design research PDF, 4.53 MB, 171 pages: Part M Research extension: toilets (publishing.service.gov.uk)
- Annex E - Draft Approved Document T: Toilets

The route to a new Part T

May 2024

Toilet provision in buildings other than dwellings: technical consultation - GOV.UK (www.gov.uk)

Creation of new Building Regulation Part T and Approved Document T: Toilet accommodation.

This is a response to the ‘Toilet provision in buildings other than dwellings: technical consultation’.

The government is committed to ensuring the safety, privacy and dignity of all members of society when using toilets in non-domestic buildings. We are grateful to all respondents for taking the time to submit responses to this consultation.

All responses have been carefully considered in the development of the new regulation, new Approved Document and this document. This was carried out in consultation with the Building Safety Regulator. A transition period will be put in place to ensure that there is no disruption to projects which have already received planning permission.

1 October 2024

The new ADT comes into force

Coming into force on 1st October 2024

Toilet accommodation: Approved Document T

Building regulation in England to provide guidance on the design and layout of universal toilets, ambulant toilets and toilet cubicles.

Toilet accommodation: Approved Document T - GOV.UK (www.gov.uk)

Ministry of Housing, Communities and Local Government
Published
15 May 2024

Applies to England

ONLINE VERSION

HM Government

The Building Regulations 2010

Toilet accommodation

APPROVED DOCUMENT

T

Requirement T1: Toilet accommodation

2024 edition – for use in England

ONLINE VERSION

PROTECTING PEOPLE AND PLACES FOR 50 YEARS HSE

A new Approved Document T

[Toilet accommodation: Approved Document T - GOV.UK (www.gov.uk)]

This section deals with requirement T1 from Part T of Schedule 1 to the Building Regulations 2010.

Requirement

Requirement

Toilet accommodation

T1. (1) Toilet accommodation in buildings other than dwellings—

(a) must consist of—

(i) reasonable provision for male and female single-sex toilets, or

(ii) where space precludes provision of single-sex toilets, universal toilets, and

(b) may consist of universal toilets in addition to single-sex toilets.

(2) In this requirement—

"single-sex toilet" means toilet facilities which—

(a) are intended for the exclusive use of persons of the same sex, and

(b) provide washbasins and hand-drying facilities in—

(i) either the toilet room or cubicle, or

(ii) a separate area intended for use only by persons of that sex.

"universal toilet" means toilet facilities which—

(a) are provided in a fully enclosed room which contains a water closet and washbasin and hand-drying facilities, and

(b) is intended for individual use by persons of either sex.

Limits on application

Requirement T1 does not apply to—

(a) en-suite facilities in individual rooms for residential purposes;

(b) residential rooms in care homes as defined at section 3 of the Care Standards Act 2000;

(c) schools as defined in section 4 of the Education Act 1996;

(d) premises, or part of any premises, used wholly or mainly for early years provision within the meaning of section 20 of the Childcare Act 2006 by an early years provider to whom section 40 of the Childcare Act 2006 (Duty to implement Early Years Foundation Stage) applies;

(e) cellular accommodation in custodial facilities.

Intention

This approved document supports compliance with Part T of Schedule 1 to the Building Regulations 2010 by providing guidance on the design and layout of universal toilets, ambulant toilets and toilet cubicles.

The objective of this requirement is to require toilet accommodation in non-residential buildings to be separate single-sex toilets, with single-sex shared or individual hand-washing facilities. Universal toilets can be provided in addition to single-sex provision and where space allows. Where there is not sufficient space to provide single-sex toilets, fully enclosed universal toilets should be provided.

In the Secretary of State's view, requirement T1 is met by ensuring all of the following.

a. Separate single-sex toilet facilities are provided. Universal toilets can be provided in addition to single-sex provision and where space allows. All toilet accommodation should have clear and appropriate signage.

b. Where space precludes single-sex toilet facilities from being provided, fully enclosed universal toilets should be provided.

Available space for toilet accommodation will vary from building to building; once reasonable provision is made for single-sex toilet facilities, any remaining space for toilet accommodation can be considered for universal toilet provision.

Access Association enquiry answered by BSR

The AA president, Fausto Pereira wrote to MHCLG

The Access Association

Ministry of Housing, Communities & Local Government

Contact MHCLG
Office address and general enquiries
2 Marsham Street
London
SW1P 4DF
United Kingdom Email
correspondence@communities.gov.uk
MHCLG Public Enquiry Service (opening hours: Monday to Friday, 8.30am to 5.30pm)
0303 444 0000

And a formal response relating to 9 questions on technical aspects of the new Approved Document T was sent from the BSR to the AA with to answer the following queries:

Summary in bullets of the questions 1-9 needing an answer

1. Single sex cubicles opening into single sex spaces or corridors?
2. Universal toilets opening onto corridors, circulation space or through routes?
3. How to demonstrate ‘safety, privacy and dignity of users’?
4. What is a reasonable provision of single sex in a building?
5. What does where ‘space precludes’ mean?
6. Space for or provision of sanitary bins?
7. Reference to Approved Document M, particularly in respect to ambulant accessible facilities?
8. Are grab rail dimensions correct?
9. Width of an ambulant accessible cubicle?

Question 1 - Single sex cubicles opening into single sex spaces or corridors?

Where type A and B cubicles are being used to provide single sex facilities should these be contained in a single sex space or can these open directly into well-lit corridor or circulation space which is mixed sex?

And if Type A or Type B toilets, badged as male (M), female (F) and universal (U) were proposed in the same toilet room would this meet the objective of requirement T1 and ADT guidance?

As this would result the single-sex and universal toilets all opening into a shared communal space (possibly enclosed with an additional door) resulting in people using the male/female cubicles being unable to avoid people of the opposite sex

Response:

The principle is for hand washing to take place within an enclosed single-sex environment. When a user leaves an enclosed toilet room they would enter a communal area. A universal toilet when used by one person alone is a single-sex space. So, where a row of enclosed single user toilets is proposed, each containing a wash basin, these can open onto a mixed sex circulation area. These can be a mix of male, female and universal toilets each using either the Type A or Type B fully enclosed layouts. Type A and Type B can alternatively be used for single-sex male or female toilets.

A fully enclosed toilet room is not a cubicle. A cubicle in the ADT definitions is “a ventilated compartment, not self-contained, usually formed by the assembly of partition panels and located within a room”. Cubicles are to be used as subdividers of spaces within single-sex environments only. The single-sex toilet room contains cubicles with wash basins beyond the cubicle in the shared space of the single-sex toilet room.

Paragraph 1.10 of ADT says: “A universal toilet is available for everyone to use and is not considered a single-sex toilet which is for single-sex use only, though similarly designed fully enclosed self-contained toilets can feature as part of single-sex provision.”

The intention of this paragraph is to explain that the layout of a fully enclosed universal toilet, can be used for a single-sex toilet, if it is in a single-sex environment. The definition of a single-sex toilet used in ADT: Toilet facilities intended for the exclusive use of persons of the same sex, and with washbasins and hand-drying facilities in either the toilet room or cubicle, or in a separate area intended for use only by persons of that sex.

A universal toilet and a similar layout with fully enclosed partitions but used as single sex toilet can both open on to a corridor. Neither of the proposed alternative paragraphs to 1.10 are necessary. Both proposals add additional ideas explained elsewhere and beyond the intention of the paragraph. A principle of Approved Document drafting is not to repeat an idea explained elsewhere in the document.

The proposed change to 1.22 also adds an extra idea to what is included in the ADT. Presently it says “Cubicle doors should only open into single-sex toilet accommodation.” This is about the aperture called a door, and its swing. Where a toilet cubicle is used, with non-full height partitions enclosing it, the door should not be opening into an environment that is not single-sex. Cubicles are for use in single-sex toilet provision only.

IN BRIEF: A fully enclosed toilet room is not a cubicle. An enclosed self-contained toilet can be off a corridor or communal area. It can be universal or single-sex.

Type A

fully enclosed self-contained ambulant universal toilet

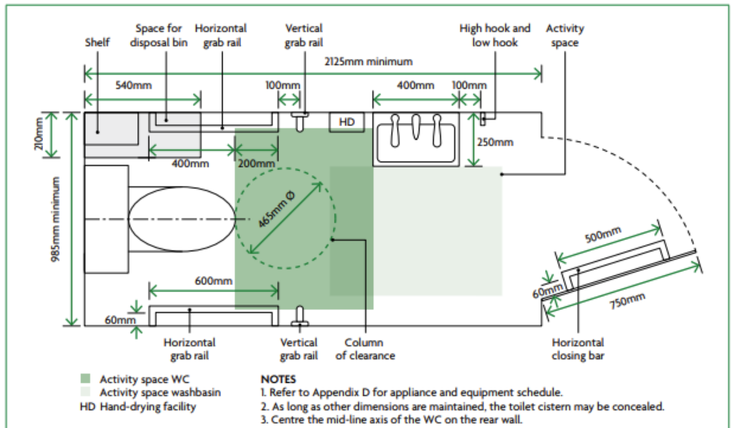


Diagram 3.1 Type A, plan view showing minimum dimensions

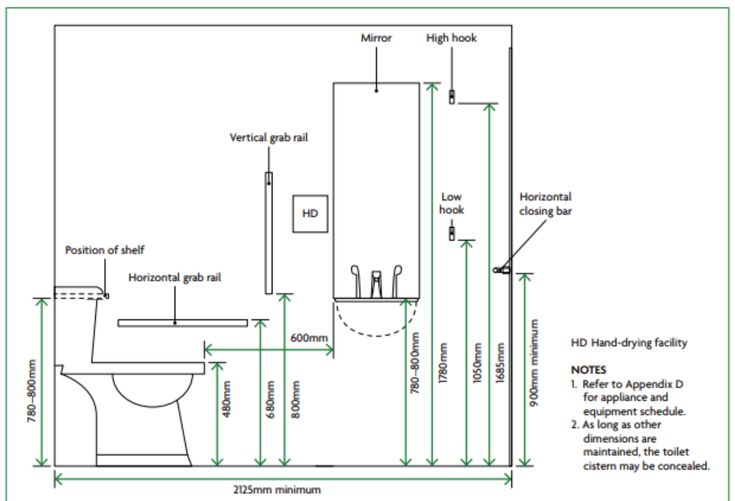


Diagram 3.2 Type A, elevation view showing recommended dimensions

Type B

fully enclosed self-contained universal toilet

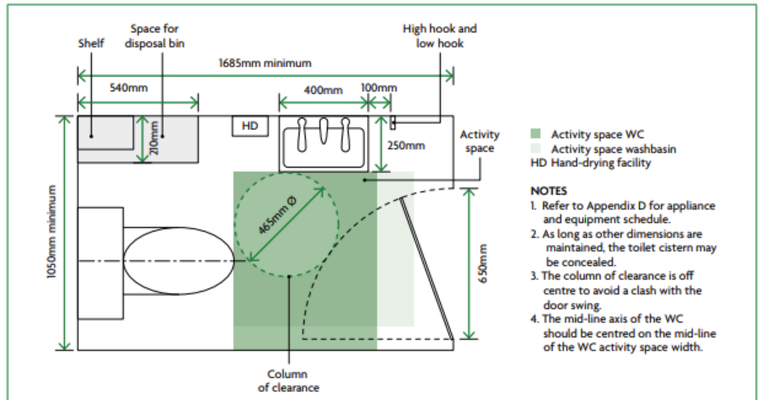


Diagram 4.1 Type B, plan view showing minimum dimensions

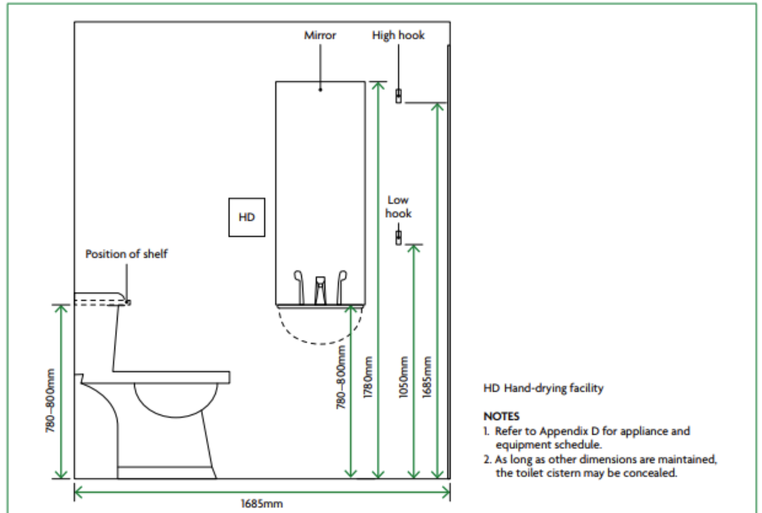


Diagram 4.2 Type B, elevation view showing minimum dimensions

Question 2 - Universal toilets opening onto corridors, circulation space or through routes?

Linked with this the definition of circulation space in the approved document states:

> **"Circulation space - A space (including a protected stairway) mainly used as a means of access between a room and an exit from the building or compartment."**

This means that any universal toilet must be accessed off a corridor or circulation space, however the definition does not provide clarity. If a universal toilet is itself a room (as per the meaning in T2) does any corridor/space then meet the guidance? (e.g. the universal toilet is the room and the door out of the corridor is the exit from the compartment referred to in the definition). Or should the corridor circulation space in question be a through route used to access rooms other than toilets?

Response:

The universal toilet should exit either into a circulation space or a corridor. This can be into a shared room used for circulation off a corridor, which is a dedicated compartment off the corridor and through route or it can open directly on to a corridor providing a through route, off which doors to other rooms can be located. It is essential that the universal toilet provision is not within a single-sex environment and can be entered, exited and used from a shared space. In contrast a single-sex cubicle, when not surrounded by full height partitions should have a door into a single-sex shared environment. Single-sex facilities, if in a full height enclosed facility, like Type A or Type B can also open onto a corridor, through route or compartment off the corridor. Single sex cubicles, like Type C and Type D without wash basins must only open within a single-sex toilet room, where wash basins will be positioned within a single-sex space. Universal toilets cannot open into this single-sex washbasin space.

IN BRIEF: A universal toilet should exit either into a circulation space or a corridor and never within a single-sex environment.

Universal toilet sign (all rights reserved to BS ISO 7001:2023)



Diagram 2.1 Universal toilet sign (all rights reserved to BS ISO 7001:2023)

Question 3 - How to demonstrate ‘safety, privacy and dignity of users’?

Linked with paragraph 1.22 of ADT, how can an applicant demonstrate that any layout proposed caters for the ‘safety, privacy and dignity of users’? There is no definition provided and such subjective requirement may result in differing interpretations.

Response:

All statutory guidance is open to interpretation. This phrase “safety, privacy and dignity of users” is a catch all and is not specific in its intent. There is no definition within ADT for what this means. Statutory guidance is not intended to be detailed or prescriptive with regard to safety, privacy and dignity. The guidance on layouts within the toilet or cubicle serves to provide for the safety, privacy and dignity of each toilet user. The guidance is not the only way to meet the requirement. A building control body will certify when a scheme meets the requirements, yet their decision is not given on a point by point basis and a scheme will simply comply or not across the board of all parts of the Building Regulations. Following the new Building Safety Act 2022, the Building Safety Regulator oversees all Building control bodies, clarifying roles and responsibilities, including those of duty holders, to ensure that buildings are safe and compliant.

A building control body will no longer advise on compliance. Duty holders need to involve competent designers, able to follow the guidance.

IN BRIEF: Statutory guidance is open to interpretation and not prescriptive. Duty holders need to involve competent designers to meet the requirements.

Question 4 - What is a reasonable provision of single sex in a building?

What is a reasonable provision of single sex in a building? Does this mean the majority or for them to be available at every level/tenancy?

Response:

The objective of the policy is to require toilet accommodation in non-domestic buildings to be separate single-sex toilets. However, the policy offers a proportionate and viable approach to ensuring the widest possible range of toilets depending on the available space and allows some discretion for building owners to provide provision for their building users. Therefore, once reasonable provision has been provided for male and female single-sex toilets for that building, any remaining space for toilet accommodation can be considered for universal toilet provision. This option aims to ensure that there should be balanced consideration of how the needs of all should be accommodated and that the requirement as set out, constitutes a proportionate means of achieving a legitimate aim, that is to ensure the safety, privacy and dignity of all toilet users.

Part T does not cover the number of toilets and guidance on the number of toilets required for a building type continues to be provided in paragraphs 4.12 to 4.14 of Approved Document G. Similarly, all non-domestic buildings should continue to be provided with a wheelchair-accessible unisex toilet, in line with the guidance provided in Section 5 of Approved Document M, Volume 2. Single-sex toilets should then be provided. Additionally, a WC cubicle for ambulant disabled people should be provided where recommended by the guidance in Section 5 of Approved Document M, Volume 2 (layouts for two options of WC for ambulant disabled people, ambulant versions of single-sex and universal toilets, are provided in Approved Document T).

IN BRIEF: ADT covers the balanced provision of male, female and universal WCs. ADG covers the scale of provision. ADM covers wheelchair-accessible unisex toilets and a WC cubicle for ambulant disabled people.

Question 5 - What does where ‘space precludes’ mean?

What does where ‘space precludes’ mean (Requirement T1)? Is this only applicable to:

i) small building such as a café or

ii) if a developer wants to save space and make a project more financially viable by only providing universal toilets as less overall toilets/space will be required

Response:

Single-sex toilets should be provided. Space on a larger project does not preclude a developer from providing single-sex options in their arrangement of facilities. Universal toilet only provision would not meet the recommendation in this scenario. Only if there is not sufficient space to provide single-sex toilets can universal toilets be solely provided, for example on smaller developments. The policy has been designed in a way to ensure that the impact on smaller businesses, who have comparatively less space/area overall, is reduced. For example, small businesses in the food and drink industry undertaking material alterations (as defined in regulation 3 of the Building Regulations 2010 under building work) could have been disproportionally impacted by the policy without this option.

Again, where there is space for only one toilet, a wheelchair-accessible unisex toilet should be provided, as described in Approved Document M, Volume 2 - 5.7a. As mentioned, the number of toilets required for a building type continues to be provided in paragraphs 4.12 to 4.14 of Approved Document G.

IN BRIEF: Universal only toilet provision would not meet T1, except if there is not enough space for single-sex WCs.

Question 6 - Space for or provision of sanitary bins?

ADT sanitary bin point: sanitary bins can’t be 'required' under the building regulations- but space for them can be required by guidance contained in an approved document (hence the line of 'space for' as opposed to 'provision of'). Query why it isn’t on list like toilet paper roll etc.



Response:

On sanitary bins, the guidance and diagrams only show space for a sanitary bin within each cubicle or toilet and the list of appliance and equipment in Appendix D: Appliance and equipment schedule lists the space of 540 x 210mm but does not require the bin. The bin is not a fixed item of the building and so cannot be checked by a building control body looking at the built fabric of building work, however a reserve of space within each cubicle or toilet forming a reserve of space for a bin can be formally checked.

IN BRIEF: Space for a sanitary bin within each cubicle or self-contained toilet should be provided.

Question 7 - Reference to Approved Document M, particularly in respect to ambulant accessible facilities?

Paragraph 0.2 in AD T has a Table showing related Building Regulations requirements. Should there be a link to Part M / Approved Document M, particularly in respect to ambulant accessible facilities?

Response:

The requirement for Part T in 0.2 is in the form of cross references consistent with all newer format statutory documents. As you notice there is an interrelation to ADM volume 2 in relation to the one specific point on ambulant persons WC. ADT explains the ambulant facility provision with regard to single-sex cubicles and universal toilets. Type A is within an enclosed toilets and Type C is within a cubicle. The statutory guidance in paragraph 1.4 of ADT points to Section 5 of Approved Document M, Volume 2 for guidance on a WC cubicle layout with dimensions and fittings for ambulant disabled people and makes the cross reference in the flow of the text rather than in the headline 0.2. This is how we'd expect a detail of the wider guidance to cross reference.

IN BRIEF: The cross reference from ADT to ADM is consistent with all newer format statutory guidance.

Question 8 - Are grab rail dimensions correct?

Are the dimensions provided for grab rails correct, these are now indicated as being between 19 – 35mm diameter?

Response:

The dimensions of the grab rails come from MHCLG's toilet design research (published with the consultation outcome as Annex D - Toilet design research) and existing best practice standards, which recommended: A horizontal grab rail on both side walls of the toilet, each with a vertical grab rail set out in an 'L' configuration, with a minimum 60mm from inside of rails to side wall × 600mm length of rail, and a 19–35mm diameter. The 19-35mm diameter is a range between narrow to larger diameter for the grab rail. Smaller or larger than this range and the rail would present a grip issue, being either too fine or too large for one's grip. The width of a self-enclosed ambulant universal toilet includes the space for a washbasin (as in Diagram 3.1). The minimum dimension is less than 1m at 985mm. The distance between the horizontal grab rails is less than the width of the activity space for the WC and cistern. The dimension for the activity space is listed in the Appendix D as a consistent size for all WCs at 600mm depth and 800mm width. The two horizontal grab rails are shown in diagram 3.1 to overlap the width of this activity space. This dimension for the grab rails is important to give the WC user the leverage in their arms between seated and standing positions. If partition walls are wider than the 985mm, the overlap between fixed grab rails and this activity space will reduce and be less effective for the WC user.

IN BRIEF: These grab rail dimensions come from our research and best practice standards.

Question 9 - Width of an ambulant accessible cubicle?

Approved Document M and BS 8300-2 calls for an ambulant accessible cubicle to be at least 800mm wide, with BS 8300-2 identifying a maximum width of 1m; the maximum width is intended to allow the use of the fixed grab rail. Any bigger than 1m, then these grabrails become difficult to use for many people. The new AD T suggests a 985mm width as a minimum, to allow inclusion of a wash hand basin and circulation space. However, realistically should Diagram 3.1 also identify that the maximum width should be more than 1m (unless a drop down grabrail is used instead of a fixed rail)?

Response:

The width of a self-enclosed ambulant universal toilet includes the space for a washbasin (as in Diagram 3.1). The minimum dimension is less than 1m at 985mm. The distance between the horizontal grab rails is less than the width of the activity space for the WC and cistern. The dimension for the activity space is listed in the Appendix D as a consistent size for all WCs at 600mm depth and 800mm width. The two horizontal grab rails are shown in diagram 3.1 to overlap the width of this activity space. This dimension for the grab rails is important to give the WC user the leverage in their arms between seated and standing positions. If partition walls are wider than the 985mm, the overlap between fixed grab rails and this activity space will reduce and be less effective for the WC user.

IN BRIEF: Widths wider than 985mm will make leverage using the grab rails ineffective. Horizontal grab rails overlap with the consistently sized activity space of 600mm x 800mm.

Question 9 - Width of an ambulant accessible cubicle?

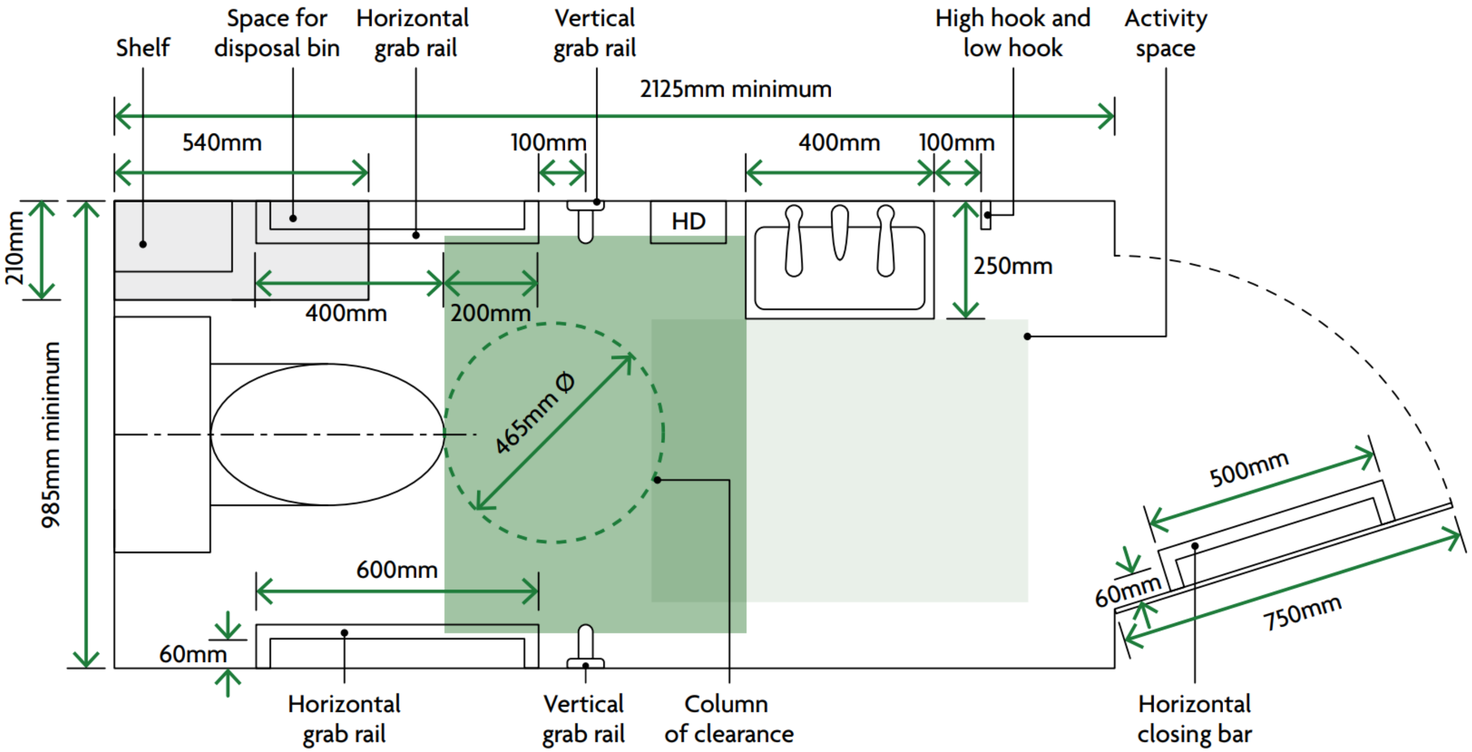


Diagram 3.1 Type A, plan view showing minimum dimensions