

# **Compliance Handbook Early Adopters Scheme**

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## 1. Introduction

The new Compliance Plan (CP) approach has been developed in response to the recommendations made by the 2018 Review Panel on Building Standards Compliance and Enforcement. The Review Panel was formed by the Ministerial Working Group on Building and Fire Safety set up following failings in the construction of Edinburgh school buildings and the fire at Grenfell Tower, London. The Review Panel identified that the building standards system in Scotland was not broken but needed to be strengthened, including compliance.

The new CP approach is designed to:

- minimise the risk of completed buildings failing to comply with the building regulations and the building warrant approved plans and details
- increase compliance with building warrant process legislative requirements (procedural compliance) to support the delivery of safe compliant buildings and the legal use/occupation of buildings
- support the relevant person (normally the building owner/developer) to control the work on site to build in accordance with the approved building warrant plans and the building regulations, to deliver a compliant building and be able to evidence this, and
- ensure the planned verification inspections, checks and evidence within the approved building warrant CP are fully achieved.

This first edition of the Compliance Handbook details the CP approach and provides guidance for use by Early Adopters (EA) who choose to apply and benefit from the CP approach in building warrant applications before there is a legal requirement to do so.

This EA guidance and Scheme supports the further development of a nationally consistent approach to the delivery of building regulation compliant buildings. This is a voluntary scheme which all parties must agree to be part of.

## 2. Building Standards System

### 2.1 Overview of the building standards system

The building standards system in Scotland is established by the Building (Scotland) Act 2003 (Act). The Act gives powers to Scottish Ministers to make building regulations, procedure regulations, fees regulations and other supporting legislation as necessary, to fulfil the purposes of the Act. The purposes include setting building standards for construction work and conversions and dealing with dangerous and defective buildings. The regulations are made by Scottish Ministers but must be approved by the Scottish Parliament before coming into force.

The purpose of the building standards system is to protect the public interest and it is intended to ensure that building work on both new and existing buildings results in buildings that meet minimum standards.

The building standards system sets out the standards to be met when building work or a conversion takes place, to the extent necessary to meet the building regulations. The Scottish Building Standards system is pre-emptive, which means that designs need to be checked and approved by local authority verifiers before work can commence; this is a recognised strength of the system. Building in advance of building warrant approval is an offence against the Act and increases the risk of non-compliance because the design has not been checked or approved by the verifier. Local authorities can presently suspend unauthorised works and report offences against the Act potentially resulting in fines and in the future imprisonment (planned to be included in future amendment to the Act).

Inspections undertaken during construction and on completion by verifiers are intended to protect the public interest to check compliance with the building regulations and to discourage avoidance of the legislation. The inspections do not provide a system to control work onsite. That is the responsibility of the building owner/developer and a matter for the contracts and arrangements put in place between the client and contractor.

The new CP approach seeks to support and strengthen compliance with the introduction of the CP and a Compliance Plan Manager (CPM), which will be discussed throughout this Handbook.

### 2.2 Roles Overview

#### **Relevant Person - Building owner, tenant, or developer**

The relevant person (RP) is usually the owner, tenant or a developer who is doing the work for themselves, or who may employ a contractor to do the work on their behalf.

When a building warrant is obtained, the RP is responsible for compliance with the building regulations. On completion of the work the RP or their duly authorised agent must sign and submit a completion certificate to the verifier. The completion certificate certifies that the work, or conversion, was carried out in accordance with the building warrant, and the building, as constructed or converted, complies with the building regulations. It is an offence if the RP or the CPM acting as their agent knowingly submits a completion certificate that contains a statement that is false or misleading, or recklessly submits a completion certificate containing a statement which is false or misleading.

Where the tenant or developer do not carry out their duties required by the Act, the owner is ultimately legally responsible for ensuring compliance with the building regulations.

#### **Compliance Plan Manager**

A Compliance Plan Manager (CPM) is a new role being introduced on all High Risk Building (HRB) building warrant projects, and is therefore required for EA Scheme projects. The CPM is appointed by the building owner (relevant person), not the builder or developer. The only time in terms of appointment where this cannot be the case is where the owner is the developer/builder.

The CPM should be a building professional with appropriate qualifications, expertise, and experience, relevant for the building type and scale of the project.

The role entails:

- Providing continuity of compliance oversight from design to completion on behalf of the RP.
- Being appointed at an early stage to prepare and submit the Application for the Pre-warrant Compliance and Procedural Assessment to the verifier prior to the building warrant application.
- Working in collaboration with the design team and contractor to identify the compliance risks, inspection needs and information/documents to be gathered and collated.
- Working with the design team and contractor to develop and agree the compliance evidence required by the RP to enable legal the submission of the completion certificate at the end of the project.
- Being responsible for overseeing that the CP is fully developed and subsequently discharged, from the building warrant pre-application discussion stage through to completion of the project, on behalf of the RP.
- Confirming readiness and then notifying the verifier when stages of construction identified in the CP are ready for inspection.
- Ensuring works don't start without a warrant or progress beyond the approved stage, no occupation without completion.
- Co-ordinating inspections by others, including the designer, sub-contractors, and any other specialists, where work requires to be certified or commissioned.
- Acting as a point of contact for verifiers to arrange verification inspections or checks.
- Maintaining and compiling the agreed record of compliance evidence to support the submission of the completed CP and the CC, on completion of the project.
- Taking reasonable steps to check that buildings are built in accordance with the approved building warrant plans, including on completion of each building warrant stage. Any differences to be immediately reported to the verifier through the CP.

The level of inspection to be undertaken by the CPM will be based on a risk assessment. The number of inspections will vary depending on the building types and the nature of the work being undertaken. As a minimum CPM inspections should focus on confirming and authorising the notifiable verification stages and that warrant stages are completed in accordance with the approved stage plans.

The CPM duties will be discharged when the approved CP is completed and delivered, the completion certificate accepted by the verifier and the owner is provided with the building warrant compliance information.

## **Verifier**

The 32 Local Authorities are appointed as verifiers by Scottish Ministers to administer the building standards system for their own geographic area. Their primary function is to protect the public interest by providing an independent check of applications for building warrants to construct or demolish buildings or convert buildings. This includes checking during the design phase before granting a building warrant and checking during the construction phase before accepting a completion certificate.

## **Building Standards Division**

Building Standards Division is part of the Scottish Government. The Division prepares and updates building standards legislation and guidance documents, conducting any necessary research and consulting on changes as necessary. Updating of the legislation and supporting guidance is informed by collaboration with working groups comprising of experts from industry, academia, and stakeholders.

## **Approved Certifiers**

Scottish Ministers may appoint individuals or bodies, either public or private, as approved certifiers of design or construction.

There are a number of works covered by certification, which are listed on the [Scottish Government Certification Register](#). The benefit of using an approved certifier of design and/or construction is that the building work will be certified by qualified building professionals as complying with regulations. Therefore, certification is seen as a strong compliance route and is encouraged within the CP approach.

## **3. New Compliance Plan Approach**

The new CP approach will define and implement (through changes in future legislation) an appropriate and robust building warrant compliance assurance regime.

Its purpose is to demonstrate that the duty imposed on the “relevant person” to certify compliance with building regulations (by signing and submitting a completion certificate to the verifier) is being managed robustly at both the design and construction stages, to deliver a compliant building.

Currently the Construction Compliance and Notification Plan (CCNP) is created and issued by the verifier along with an approved building warrant. The CCNP identifies the inspection stages that the verifier requires to be notified, to provide them the opportunity to inspect and check the project at different stages. The verifier can also agree to the submission of alternative evidence in line with national Verification During Construction guidance.

The new CP approach changes this process for HRBs. The CPM, working with the design team and contractor (if in place), is responsible for developing a CP, in line with the guidance in this handbook. The CP will detail the measures that will be in

place to control the work on site and the necessary evidence collated to deliver a compliant building.

The CP is submitted by the CPM to the verifier for provisional agreement at a pre-warrant compliance and procedural assessment stage. It is worth noting that the verifier does not have to accept the CP, as proposed, at this stage. Where insufficient information has been provided or if there is a need for changes to the proposed inspection stages or evidence provided, the verifier will require the CP to be amended.

The agreed in principle CP is then considered again at the building warrant application stage and once content the verifier will issue the CP with the approved building warrant.

At the completion of the project, the CP needs to be fully discharged before the verifier can accept a completion certificate.

The EA compliance plan approach is detailed in Section 5 of this document.

### **4. Early Adopters Scheme**

#### 4.1 Introduction

An EA Scheme for the new approach to compliance is being introduced for high risk building projects. The Scheme is aimed at owners/developers (Relevant Person) who are legally responsible for compliance within building warrant projects and would like to participate in early trials of the new CP approach.

Participation in the EA Scheme allows the RP benefit from the CP approach in building warrant applications before there is a legal requirement to do so. The Scheme will be used to support the further development of legislation and guidance to develop a nationally consistent CP approach to the delivery of building regulation compliant buildings.

#### 4.2 Trialling the EA Scheme within the current Building Standards System

The CP and CPM fit into the current building warrant system by the CPM acting as a duly authorised agent. By agreement with local authority verifiers the current CCNP will be incorporated into the CP. This is supported by a Memorandum of Understanding (MoU) between BSD and verifiers.

#### 4.3 Projects in Scope

The initial Early Adopter Scheme is aimed solely at new build high risk building (HRB) projects. For this purpose, HRBs are defined as:

- Domestic buildings or residential buildings with any storey at a height of more than 11 metres above the ground
- Educational establishments (schools, colleges, and universities), community/sport centres
- Hospitals



- Residential care buildings

It is intended to include conversions, extensions, and alterations in HRBs in a second phase of the EA Scheme.

To take part in the Early Adopter Scheme projects must meet the following minimum requirements:

- Is a new build HRB, as defined above.
- The initial design has been substantially completed.
- A main contractor has been or is about to be appointed.
- The submission for an application for a building warrant is currently being developed or, if by agreement, the project is in the early stages of the building warrant process.
- There is digital capability available to share the CP with CPM and verifier as a living document.
- The Project Teams agrees to provide feedback to the Scottish Government to assist with development of the legislation and guidance relating to the new CP approach.

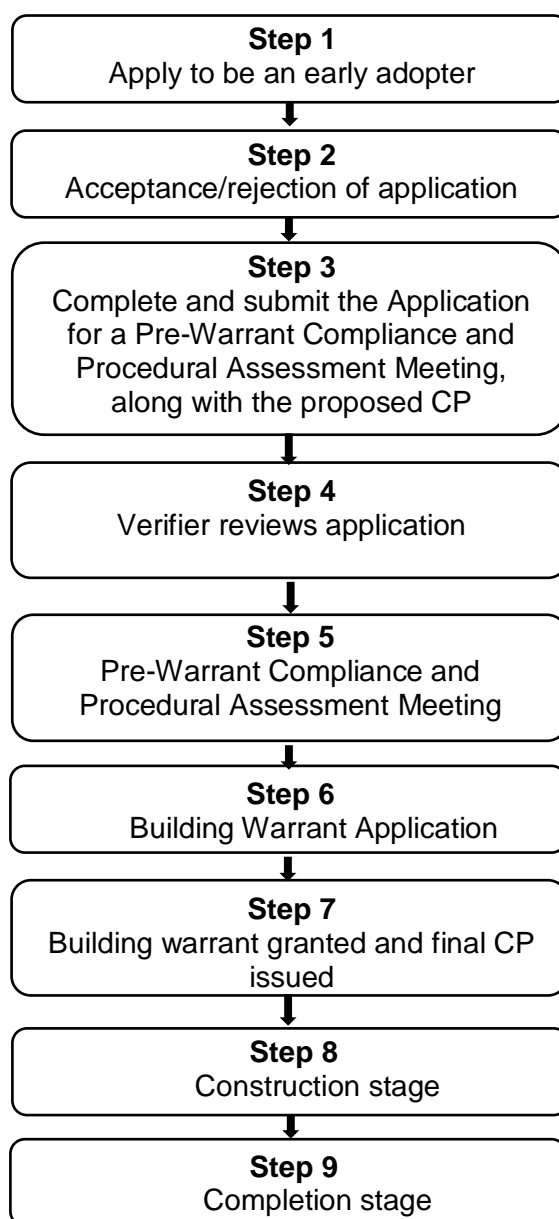
It is envisaged that during this initial launch phase around 6 projects will be considered.

#### 4.4 The Construction Quality Improvement Collaborative (CQIC) website

The EA Scheme is hosted on The Construction Quality Improvement Collaborative (CQIC) website, where you can find all the relevant documents. CQIC is a sector wide campaign for improving construction quality, across Scotland. The CQIC seeks to promote good practice to deliver improved performance which can assist with the strengthening compliance with building standards. The CQIC website is its main outward facing engagement platform, and contains the Construction Quality Charter which is at the heart of the CQIC, and is available at [www.cqic.org.uk](http://www.cqic.org.uk).

## 5. Early Adopters Compliance Plan Process

The EA CP plan process consists of 9 steps:



### 5.1 Step 1 – Apply to be an Early Adopter

To apply to be an EA complete the Expression of Interest form, available on the [Construction Quality Improvement Collaborative \(CQIC\) website](#). Applicants should ensure that the minimum requirements to become an EA (detailed in section of 4.4 of this guidance) have been met before applying.

## **5.2 Step 2 – Acceptance/rejection of application**

The Expression of Interest application will be assessed, and BSD will speak to the relevant verifier to ensure that they can facilitate an EA project. The applicant will then be informed if the application can be taken forward. Included in an acceptance response will be a principal contact for the relevant verifier to be used by the applicant when applying for a Pre-Warrant Compliance and Procedural Assessment meeting.

## **5.3 Step 3 – Complete and submit the Application for a Pre-Warrant Compliance and Procedural Assessment, along with the proposed CP**

Having developed the project design, the next step is to download and complete the Application for a Pre-Warrant Compliance and Procedural Assessment and the Proposed Compliance Plan template, from the [CQIC website](#), in line with this Handbook.

The application for pre-warrant compliance and procedural assessment should be completed by the CPM/RP and should include the following information about the project:

- the key individuals involved
- any previous conversations with the verifier
- the approach taken to compliance with the building regulations, including any alternative approaches to the guidance contained in the Technical Handbook
- any high compliance risk elements that have been identified and the mitigation measures to be put in place
- any certification of design and/or construction that will be used
- any consultations, reports, or consents
- if a Customer Agreement is required - in some complex cases, applications for a building warrant can be subject to a "customer agreement" between the applicant and the Building Standards Team where the performance outcomes, including the target first response period, will be specifically agreed rather than default 20 days), and
- a proposed fire safety design statement.

The proposed CP should be completed by the person in the CPM role and will include the following information about the project:

- projected timescales
- building warrant submission plan, which includes the proposed stages of the project, description of the works in that stage and the associated dates
- who will be submitting the completion certificate
- contractor construction inspection and evidence documentation to demonstrate how compliance with the building regulations and client requirements are being met, and how these are being monitored
- any other construction inspection and evidence documentation (not carried out by the contractor), e.g. structural engineer checking erected steelwork, clerk of works inspections, to demonstrate how compliance with the building

regulations and client requirements are being met, and how these are being monitored

- verification construction inspection stages (current CCNP element), including any additional compliance evidence that the CPM has identified could be submitted to assist with demonstrating compliance, and
- compliance evidence and completion certificate submission documentation checklist, which lists the items that must be submitted by completion stage (the items pre-selected are those that apply to all buildings).

These are then submitted to the verifier (via the principal contact as detailed in Step 2 above), along with drawings and supporting information to support the pre-warrant compliance and procedural assessment.

#### **5.4 Step 4 – Verifiers checks and validates application**

The verifier will review the application for completeness and respond with any requests for additional information or clarifications. Once all necessary information has been received a date for the pre-warrant compliance and procedural assessment meeting will be set.

#### **5.5 Step 5 – Pre-Warrant Compliance and Procedural Assessment Meeting**

The pre-warrant compliance and procedural assessment meeting with the verifier should be attended by the CPM, other members of the project design and management team and the contractor (if in place). It will focus on what compliance issues and risks may be anticipated during the construction process and what measures the CPM proposes to minimise risk of non-compliance during construction. At the meeting the contents of Pre-Warrant Compliance and Procedural Assessment Form and the CP will be discussed.

It is recommended that the pre-warrant compliance and procedural assessment meeting takes place at least 3 months before the building warrant application is planned to be submitted. This allows time for compliance and procedural assessment process to be carried out and the applicant to collate all the necessary reports and information required to make a competent building warrant application.

The purpose of the pre-warrant compliance and procedural assessment meeting is not to discuss detailed technical design aspects of the project. The purpose is to consider compliance risks and develop and agree the CP and to discuss and agree the timing of the building warrant application and stages. The meeting is informed by the Pre-Warrant Compliance and Procedural Assessment Form, the proposed CP, and any associated information (detailed in Step 3, above).

The outcome from the process is an agreed in principle CP (which should also state the drawing reference numbers used during the discussions) which will be part of the subsequent building warrant application.

#### **5.6 Step 6 – Building Warrant Application**

Having completed work for the full Building Warrant Application the application should be made in line with the timeframe detailed in the agreed in principal CP.

The agreed in principal CP should be included with the Building Warrant Application. If proposals have materially changed between the pre-warrant compliance and procedural assessment meeting and the building warrant submission, further discussions will be required during the building warrant assessment stage to finalise the CP. Relevant factors could include any significant design change, or any other changes that effect the compliance risk profile such as a change of contractor, additional alternative approaches being adopted.

### **5.7 Step 7 – Building warrant granted and final CP issued**

The CP is issued along with the building warrant approval.

### **5.8 Step 8 – Construction Stage**

At construction stage the CP becomes a living document in electronic format stored in a shareable space so that both the CPM and the verifier can edit and update it. It may require to be varied if significant changes to the project are proposed and this can be considered and facilitated during the normal amendment of BW processes.

It is the CPM's responsibility to manage the CP throughout the project and to ensure it is fully discharged. The CPM will ensure the verifier is made aware, with reasonable notice, when each stage agreed in the CP is ready for inspection or any other checks were to be made. The verifier then carries out the planned inspections or reviews the agreed alternative evidence provided by the applicant.

It is recommended that the progress of the CP stages is reviewed regularly at routine meetings between the project team, contractor, and verifier. These could, for example, be as part of any Construction Quality Improvement Collaborative (CQIC) quality routine monthly meetings. As they occur, and certainly prior to the routine CP meetings, the CPM should check progress against the CP and flag any concerns, compliance or procedural that require discussion with the verifier, by moving the RAG status of the elements of concern within the CP to amber or red as appropriate. This sets the issues for discussion and resolution at the CP meeting. It is expected that due to the nature of complex large scale construction projects there will be situations that certain items within the CP may cause concerns and be highlighted as amber or red by either the CPM and/or verifier. However, it is essential that such matters are resolved within the CP and move to green with the agreement of the verifier before the completion certificate (CC) submission is made.

### **5.9 Step 9 – Completion Stage**

The Completion Certificate (CC) submission must include the completed and fulfilled CP, the compliance evidence and all documentation and information previously requested. If the CP is not completed the CC will be rejected.

The CC must be submitted by the RP or the CPM as the duly authorised agent. The RP is legally responsible for compliance with the building regulations and therefore it is the RP responsibility to appointment competent professionals to oversee compliance on their behalf and to ensure that work has been carried out by qualified and experienced building professionals. The CPM may sign the CC on behalf of the

## Compliance Handbook – Early Adopters Scheme

RP, but this does not move the responsibility for compliance, which remains with the RP.

## 6. Further sources of information

### **Design Compliance Guidance:**

[Technical Handbooks Domestic and Non-Domestic](#)

[Making a Quality Building Warrant application: What you Need to Know](#)

### **Construction Compliance Guidance:**

[Verification During Construction guidance for Domestic and Non-domestic buildings](#)

### **Certification Guidance**

[Certification Handbook](#)

[Procedural Guidance on Certification](#)

### **Procedural and Enforcement Guidance:**

[Procedural Handbook](#)

[Enforcement Handbook](#)



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