Scottish Government Response to the Grenfell Tower Inquiry Phase 2 Report

25 March 2025

Scottish Government
Riaghaltas na h-Alba

Contents

Abbreviations

ACM - Aluminium Composite Material

AFSS - Automatic Fire Suppression System

ALMO - Arm's Length Management Organisation

ARB - Architects Registration Board

BBA - British Board of Agrément

BRE - Building Research Establishment

BS - British Standard

BSR - Building Safety Regulator

CRDG - Construction Review Delivery Group

COSLA - Convention of Scottish Local Authorities

CLF - Construction Leadership Forum

CQIC - The Construction Quality Improvement Collaborative

DG - Director General

EEIS+ - Emergency Evacuation Information Sharing Plus

GAG - Grenfell Action Group

HMFSI - His Majesty’s Fire Service Inspectorate in Scotland

HRCIG - High-Rise Continual Improvement Group

HRRBs - Higher Risk Residential Buildings

HSE - Health and Safety Executive

ICC - Industry Competence Committee

ICSG - Industry Competence Steering Group

KCTMO - Kensington and Chelsea Tenant Management Organisation

K15 - Descriptor for a specific Kingspan insulation product

LABC - Local Authority Building Control

LABSS - Local Authority Building Standards Scotland

LFB - London Fire Brigade

LGA - Local Government Associations

MASIM - Multi-Agency Strategic Incident Management

MHCLG - Ministry of Housing, Communities and Local Government

MWG - Ministerial Working Group

MWG-BFS - Ministerial Working Group on Building and Fire Safety

NFCC - National Fire Chiefs Council

NHBC - National House Building Council

PE - Polyethylene

PEEPs - Personal Emergency Evacuation Plans

PCFRA - Person Centred Fire Risk Assessment

PIR - Polyisocyanurate

RBKC - The Royal Borough of Kensington and Chelsea

RCG - Recovery Co-ordination Group

RP - Resilience Partnership

RIAS - Royal Incorporation of Architects in Scotland

RIBA - Royal Institute of British Architects

SBSH - Scottish Building Standards Hub

SCG - Strategic Co-ordinating Group

SCTS - Scottish Courts and Tribunals Service

SFRS - Scottish Fire and Rescue Service

SHR - Scottish Housing Regulator

SOLACE - Society of Local Authority Chief Executives and Senior Managers

SRP - Scottish Resilience Partnership

SMARTEU - Scottish Multiagency Training and Exercising Unit

TMO - Tenant Management Organisation

UKAS - United Kingdom Accreditation Service

UKG - UK Government

VSRP - Voluntary Sector Resilience Partnership

Ministerial Foreword

The Grenfell Tower tragedy was the worst fire in a residential property in living memory. It resulted in the deaths of 72 people, all of which were avoidable. Our thoughts remain with the bereaved, survivors, the Grenfell community and all those affected.

The final report into the Grenfell Tower tragedy is a substantial undertaking. It contains a detailed and forensic analysis of both what happened on the night and how the Tower came to be as it was when the fire broke out. It analyses the wider background of government regulation, policy, and actions. It is a thorough, detailed, and accurate analysis of all that went on, underpinned by an immense amount of evidence and testimony.

The final report makes fifty-eight recommendations. Fifty-six are new, whilst two have been brought back from the Phase 1 Report. There is nothing in the report that is surprising to anyone who has followed the work of the inquiry over its lifetime. The recommendations are straightforward and clear. Sir Martin Moore-Bick, the chair of the Inquiry, and his whole team are to be commended for their hard work and service.

Whilst the legislation and regulatory frameworks that applied to the refurbishment of Grenfell differ from those in place in Scotland, it was always incumbent on the Scottish Government to learn all we can from the Inquiry. Changes have been made to building regulations, housing legislation, and fire safety guidance since June 2017, but we are committed to addressing the Inquiry's recommendations.

In Scotland, positive steps have been taken to strengthen building safety in new high-rise buildings. There is also strong stakeholder support for maintaining and enhancing the building standards system, and we are able to build on the ongoing work of the Building Standards Futures Board.

We will commit to a review of the building standards focussing on fire safety provisions, new requirements on compliance, and enhanced enforcement powers. We will consult on the introduction of mandatory fire risk assessments in specified multi-occupancy buildings, and work with institutional landlords to support the safety and evacuation of vulnerable and disabled persons. We will bring forward new legislation, where necessary, in the next Parliament. We are also launching a Plan of Action for Cladding Remediation designed to further increase the pace and breadth of assessment and remediation activity taking place across Scotland. We have already taken action to bring partners together and will continue to work with homeowners, developers, local authority partners and the broader public sector to ensure that action on cladding is a collective national endeavour and that all actors are addressing risk by assessing and remediating relevant buildings as quickly and efficiently as possible.

The Ministerial Working Group on Building and Fire Safety that has been in place since 2017 will continue with a reset role. The Group will coordinate our work arising from this response report. It will act as a forum to coordinate activity on building and fire safety, with enhanced external representation. It will also ensure that we have a

forum to consider systemic building and fire safety issues and how these should be managed.

Our response report sets out how the recommendations impact the processes and procedures that we already have in place and provides detail on how we will take forward the recommendations.

We recognise a number of these fall to reserved matters, but equally there are a considerable number in relation to systems and processes that are devolved. We are committed to working with colleagues across the UK Administrations to bring forward change while at the same time making change to strengthen our own systems. We will look to work with local authorities, the Scottish Fire and Rescue Service, the academic community and industry bodies on building safety and ensure that we share good practice where applicable.

We would like to take this opportunity to thank everyone who has contributed to Scotland's response to the Grenfell Tower tragedy.

Paul McLennan MSP, Minister for Housing

Executive Summary

This report sets out the Scottish Government's response to Grenfell Inquiry's Phase 2 report. On 14 June 2017, a fire broke out in Grenfell Tower, London which led to the deaths of 72 people and the loss of homes for a community. The Chair made clear in his statement on 4 September 2024 that the 72 deaths were all avoidable. The report sets out the responsibilities and failure of the main parties, including the UK Government, the local authority, the managers of the building, the architect, contractors, manufacturers, certification and test bodies and London Fire Brigade.

Grenfell Tower underwent a refurbishment over the period 2015 to 2016. The refurbishment included new windows, a water-based heating system for individual flats and a rain screen over cladding system. The purpose of the cladding was intended to improve heating and energy efficiency, and external appearance.

The Inquiry's report sets out a catalogue of dishonest behaviours and practices from manufacturers of cladding and insulation materials used in the refurbishment. It is clear on the failings of professionals and contractors employed to design and construct the refurbishment work and also the weakness of those involved in testing and certification of construction products.

There are 58 recommendations made by the Inquiry that cover building regulation, British Standards, professional competence, construction product regulation, civil contingencies and fire and rescue. It recommends that a single regulator of construction is formed with wide ranging responsibility across areas of reserved and devolved legislation.

This report sets out the Scottish Governments response to the recommendations and how we expect to take them forward. Forward work will be undertaken under the direction of the Ministerial Working Group on Building and Fire Safety.

Prior to the publication of the Phase 2 Report the Cabinet Secretary for Social Justice set up a new Ministerial Working Group to specifically address the Scottish Government's response. It has been chaired by the Minister for Housing together with the Minister for Victims and Community Safety. The Ministerial Working Group included external experts and stakeholders.

The Ministerial Working Group considered the recommendations and split them into eight themes, as follows:

- Regulation and systems (6)
- Government and restructuring (2)
- Building Standards, fire tests and product certification (11)
- Design competence (5)
- Fire safety and Firefighting (15)
- Resilience and local authorities (15)
- Assorted recommendations (4).

Our Response accepts all recommendations as far as they apply in Scotland. We have set out in the report how we will address each recommendation that falls within devolved competence. We also how we will work with the UKG and other Administrations in reserved areas, chiefly construction product safety and professional competence.

The key components of the Scottish Government Response are as follows:

- Bring forward legislation, subject to appropriate consultation, to strengthen the building standards system. Including a new role of a compliance plan manager, and changes to enforcement powers and sanctions. This builds on the work of the Building Standards Futures Board that has been leading a programme of reform and strengthening over the past five years.
- A review of the whole of our fire safety standards and guidance will be undertaken.
- Further consult on legislative changes required to improve compliance and enforcement.
- Take further evidence on the need for, the role of and the functions of a Chief Construction Adviser.
- Formally ask the Scottish Fire and Rescue Service (SFRS) and HM Fire Service Inspectorate in Scotland (HMFSI) to consider the recommendations relevant to their roles and to report to us. It should be noted that both SFRS and HMFSI are proactively working on these recommendations already.
- Undertake a fire safety information awareness campaign in the short-medium term (throughout 2025) across the relevant high rise building stock. This will reinforce the action residents can take to reduce the risk of fire and to support vulnerable people to take appropriate action in the event of a fire.
- Consider how to bring in the regulated requirements to carry out either a Personal Emergency Evacuation Plan (PEEP), a person centred risk assessment or equivalent.
- We expect advice and recommendations to come from the Scottish Law Commission's recommendations regarding mandatory homeowners' associations in Spring 2026.
- Consult on the introduction of mandatory periodic fire risk assessments in specified high rise buildings to reduce the risk of fire, and to promote the long-term integrity of the system for cladding remediation in Scotland, including the Cladding Assurance Register.
- Commit to strengthening fire risk assessor competency in Scotland and the requirements for duty holders to hire a competent assessor through legislation following relevant and appropriate public consultation and legal/policy consultation.
- Work with local authorities and other category 1 responders to improve and strengthen resilience guidance, training and practice.

1: Introduction

The Scottish Government is committed to effective fire safety to prevent fires, injuries, and fatalities, which includes learning from the Grenfell Tower tragedy and the findings of the Inquiry to improve building and fire safety in Scotland.

This report sets out the Scottish Government's response to the Grenfell Inquiry's Phase 2 Report. The Scottish Government has already made changes and created new legislation following the fire, as well as creating new work programmes to strengthen systems of compliance and enforcement, and to make existing buildings safer. Although many of the matters dealt with in the report are devolved, where the legislation, regulation and guidance differ from that applying to Grenfell Tower, it is important to learn lessons and to ensure that buildings in Scotland are designed, built, and maintained in as safe a manner as possible.

On 14 June 2017, a fire broke out in Grenfell Tower, London which led to the deaths of 72 people and the loss of homes for a community.

On the day following the fire the Prime Minister at the time, Theresa May, announced that there would be a formal Inquiry into the tragedy. The Inquiry, Chaired by Sir Martin Moore-Bick, opened on 14 September 2017 and concluded with the publication of the Phase 2 Report on 4 September 2024.

Phase 1 of the Inquiry focused on the factual narrative of the events on the night of 14 June 2017. Hearings for Phase 1 began on 21 May 2018 and concluded on 12 December 2018. The Grenfell Tower Inquiry Phase 1 Report was published on 30 October 2019.

The hearings for Phase 2 began on 27 January 2020. However, due to legal issues in relation to protection of witnesses giving evidence and the Covid-19 pandemic hearings were interrupted. The Inquiry took evidence between 6 July 2020 to 9 December 2020; 8 February 2021 and 25 March 2021 and then from 19 April 2021 to November 2022.

The Chair made clear in his statement on 4 September 2024 that the 72 deaths were all avoidable. The report sets out the responsibilities and failure of the main parties, including the UK Government, the local authority, the managers of the building, the architect, contractors, manufacturers, certification and test bodies and London Fire Brigade.

1.1 Grenfell Tower

Grenfell Tower was part of the Lancaster West Estate in North Kensington. The 24-storey tower block was designed in 1967 in the Brutalist style of the era by Clifford Wearden and Associates. Kensington and Chelsea London Borough Council approved its construction in 1970. The building was designed and built following the Ronan Point disaster in 1968 when a gas explosion caused the disproportionate collapse of the high-rise residential building in East London. As

such Grenfell Tower was built to updated structural standards intended to give strength and durability. The building was constructed from 1972 to 1974.

Grenfell Tower contained 120 one-bedroom and two-bedroom flats. The upper 20 (of 24) storeys were residential floors, with each having a communal lobby and six dwellings, with ten bedrooms among them. The lower four storeys were originally used for non-residential purposes. Later, two lower floors were converted to residential use, bringing the total to 129 apartments, housing up to 600 people.

Like many other tower blocks in the UK, Grenfell Tower was originally designed to be operated under a "stay put policy" in the event of fire. Only those in the affected dwelling would be expected to evacuate. The building was designed under the assumption that a full evacuation would never be necessary with a single central staircase and no centrally activated fire alarm.

The building was owned by Kensington and Chelsea Borough Council and was managed by the Kensington and Chelsea Tenant Management Organisation (KCTMO).

1.2 The refurbishment and safety concerns

Grenfell Tower underwent a refurbishment over the period 2015 to 2016. The refurbishment included new windows, a water-based heating system for individual flats and a rain screen over cladding system. The purpose of the cladding was intended to improve heating and energy efficiency, and external appearance.

Arconic Architectural Products manufactured and sold the Reynobond 55 PE rainscreen cladding panels (aluminium composite material with a polyethylene core) used in the refurbishment of the external wall of Grenfell Tower.

Celotex supplied the RS5000 polyisocyanurate resin (PIR) insulation that was specified and used across most of the building. The insulation was fitted directly to the original concrete structure with a gap between it and the rainscreen panel.

Kingspan K15 phenolic insulation was used on around 5% of the building instead of the PIR insulation. This product had not been specified, and the Inquiry could not conclude why it had been used on the building.

Reynobond 55PE, RS500 insulation and K15 insulation were all combustible materials.

The contract for refurbishment was put out to tender and won by Rydon. The Architect was Studio E, Aretelia was the contract administrator and Max Fordham the mechanical and electrical consultants. Harley Facades installed the cladding.

Residents had expressed significant safety concerns before the fire. The Grenfell Action Group (GAG) produced a blog in which it highlighted safety problems. In 2013, the group published a 2012 fire risk assessment by a KCTMO Health and Safety Officer which recorded safety concerns.

In January 2016, GAG warned that people might be trapped in the building if a fire broke out, pointing out that the building had only one entrance and exit, and corridors that had been allowed to fill with rubbish. GAG frequently cited other fires in tower blocks when it warned of the hazards at Grenfell.

In June 2016, an independent assessor had highlighted 40 serious issues with fire safety at Grenfell and recommended action to be taken within weeks. In October, the assessor asked the KCTMO why there had been no action taken on more than 20 issues in the June report. In November 2016, the London Fire and Emergency Planning Authority served a fire deficiency notice, listing many fire safety issues at Grenfell Tower that required action from KCTMO by May 2017. Areas of concern identified included fire doors, the smoke venting system and the firefighters' lift controls.

2: Our approach

The focus of the response has been on the recommendations. However, it is acknowledged that the report raises many issues that have not necessarily been reflected in the recommendations. In this section we set out our approach in responding to the report. The response has not just started on publication of the Phase 2 Report but is the result of work that has been ongoing since June 2017.

2.1 Ministerial Working Group on Building and Fire Safety

A Ministerial Working Group (MWG) on Building and Fire Safety was established by the Scottish Government immediately after the Grenfell Tower fire. The MWG leadership has delivered regulations and guidance to strengthen fire safety in Scotland. The MWG is chaired by the Cabinet Secretary for Social Justice, with the Minister for Housing and the Minister for Victims and Community Safety both members. Ministers have engaged with policy officials and stakeholders through regular meetings.

The Phase 2 recommendations are directed primarily towards the UK Government and the situation found in England. Scotland has its own fire safety legislation, building standards, housing legislation, procurement, and civil contingencies provisions. There are instances of significant difference between Scotland and elsewhere in the UK, although there is also much similarity in principles and approach, for example in fire safety risk assessment and building standards.

The approach for Scotland is to focus on outcomes that address people's safety in buildings where they live and work. The responses and actions for Scotland reflect and build on the regimes and practice in place in Scotland. In this regard, the intention of the Inquiry recommendations have been considered, although the specifics on how these may be achieved differ.

As noted above, the evidence and hearings for Phase 2 were heard over a period of around two and a half years. Over that period the MWG continued to monitor the proceedings and was supported by a group of Scottish Government officials and stakeholders who met on a regular basis to discuss the evidence presented.

2.2 Ministerial Working Group on Grenfell

Prior to the publication of the Phase 2 Report the Cabinet Secretary for Social Justice set up a new Ministerial Working Group to specifically address the Scottish Government's response. The Ministerial Working Group on the Grenfell Phase 2 is chaired by the Minister for Housing together with the Minister for Victims and Community Safety.

The Ministerial Working Group included external experts and stakeholders, the membership is in Annex A. Officials were from the following policy areas: Building Standards, Fire and Rescue, Cladding Remediation, Civil Contingencies, Construction Procurement, Housing and Regeneration, and Architecture and Place.

An official and stakeholders' group has also continued to meet in parallel with the Ministerial Working Group.

2.3 Method

The Ministerial Working Group set an overall aim of preparing a response to the Grenfell Phase 2 Report that acknowledges the seriousness of the issues covered by the Inquiry and addresses each recommendation and the matters raised.

The specific objectives set by Ministers were as follows:

1. To work across Ministerial portfolios and with key stakeholders to ensure that we adequately address each recommendation raised.
2. To identify what more needs to be done to ensure that buildings are safe and how we might do so.
3. To work with counterparts in the UK Government, Welsh Government and Northern Ireland Executive to address reserved matters and to learn from our respective approaches.
4. To publish our response report in Spring 2025.

This report is the response to all fifty-eight recommendations and identified issues from the Inquiry Phase 2. The Ministerial Working Group considered the recommendations and split them into eight themes, as follows:

- Regulation and systems (6)
- Government and restructuring (2)
- Building Standards, fire tests and product certification (11)
- Design competence (5)
- Fire safety and Firefighting (15)
- Resilience and local authorities (15)
- Assorted recommendations (4).

There was also one identified issue on housing and one further issue in relation to the banning of named companies from public contracts.

The recommendations were a mix of devolved matters (42), reserved (10) and where there was overlap between devolved and reserved (6).

Relevant policy areas were assigned to lead on themes and recommendations. For each recommendation policy leads considered the evidence presented and the Inquiry’s analysis, the Scottish context and relevance, the response that Scottish Government should consider, what action is needed for the response and the timescales involved. Policy leads liaised with sector stakeholders, holding meetings and a workshop to ensure that the recommendations, evidence, and the Scottish context was fully considered.

3: The Grenfell Inquiry Phase 2 Report

Phase 2 of the Inquiry focused on the causes of the events leading up to the fire, including how Grenfell Tower came to be in a condition which allowed the fire to spread in the way identified by Phase 1. Focusing on the physical condition of the Tower it considered how the fire spread was unexpected, and the reasons and causes.

The Phase 2 Report described this as follows:

> Volume 1, paragraph 1.3: "In Phase 2 we have set out to answer the question that has been at the forefront of many people's minds: how was it possible in 21st century London for a reinforced concrete building, itself structurally impervious to fire, to be turned into a death trap that would enable fire to sweep through it in an uncontrollable way in a matter of a few hours despite what were thought to be effective regulations designed to prevent just such an event? There is no simple answer to that question, but in this report, we identify the many failings of a wide range of institutions, entities and individuals over many years that together brought about that situation."

The Phase 2 Report makes fifty-eight recommendations mostly directed to the UK Government, but also to the National Fire Chiefs Council, HM Inspectorate of Constabulary and Fire and Rescue Services, the Police, the London Fire Brigade, and local authorities. Fifty-six are new, whilst two have been brought back from the Phase 1 Report, recommending further attention. It is clear to see the rationale for recommending action and to understand the specific problems being addressed.

There is nothing in the report that is surprising to anyone who has followed the work of the Inquiry over its lifetime. The recommendations are straightforward and in general not contentious.

This section of our report sets out in a highly summarised manner some of the key findings of the Inquiry. The Scottish Government has not sought to interpret these findings, but it is important to note them in preparing our response.

The Inquiry clearly sets out the rationale behind referring to the dishonesty of those companies involved in manufacturing the products that were used on the external walls of the building. The failures and poor behaviours of those involved in the ownership and management of Grenfell Tower have been set out clearly. The failures of those organisations charged with upholding standards in the construction industry are also clearly set out. The failures in government to address building safety matters was also openly addressed by the Inquiry.

The report is set out in seven volumes and 113 chapters, 14 parts and 1,700 pages. It provides the path to disaster, a range of matters that together have led to the tragedy. The evidence in this part relates to the historic development of fire testing, building regulation and the role of government and other parties.

The report considers matters such as the Investigation of real fires report, which was a contract let by the UK Government to the Building Research Establishment (BRE). Criticisms were made of reports on previous cladding fires and the contract through which this was undertaken. There was a lack of action on these reports, and they were not obviously connected to the development of regulations and guidance.

The statutory guidance in England, Approved Document B, on complying with functional requirement B4(1) of the Building Regulations was found to be defective. The use of Class 0 as a standard of fire performance for products to be used on the external wall of tall buildings was inappropriate. The European classifications based on the single burning item test were of similarly limited assistance.

The Inquiry set out the limitations of the large-scale fire test (BS 8414) and performance criteria set out in the Classification Report (BR 135). Approved Document B failed to make it clear that the results of the BS 8414 test always had to be analysed in conjunction with all other available information to understand the way in which the wall was likely to behave when exposed to the flames and heat of a fully developed compartment fire. The method adopted in BR 135 for assessing compliance was too simplistic. It provided a simple pass or fail result when the results of the test required a degree of interpretation beyond the competence of most in the industry.

The Inquiry determined that the government had not resourced life safety policy areas appropriately, with one civil servant having too much responsibility for fire safety regulations, a single point of failure. The failure of government to understand what products were being used in the construction of high-rise buildings was noted. Where feedback was provided by those in industry it was not acted upon.

The report also sets out the impact of deregulation on taking forward work to update regulations and guidance on fire safety, particularly after 2010. There were concerns on any action that would increase the regulatory burden.

The report addresses the testing and marketing of products. It sets out the actions of Arconic, Kingspan and Celotex the manufacturers of the materials used to over clad Grenfell Tower. The actions of the manufacturing companies in getting products to market were set out, with dishonesty at the centre of creating and maintaining the high-rise market exposed. The actions of companies were determined to be dishonest and those responsible for testing and certification had been manipulated and not acted in a diligent manner. Commercial interests of those involved in fire testing and certification was compromised.

KCTMO had, as the Inquiry described, a troubled relationship with its residents for years before the fire. The Royal Borough of Kensington and Chelsea (RBKC) and the KCTMO were jointly responsible for the management of fire safety at Grenfell Tower.

The choice of combustible materials for the cladding of Grenfell Tower resulted from a series of errors caused by the incompetence of the organisations and individuals involved in the refurbishment. They were not familiar with or did not understand the

relevant provisions of the Building Regulations, Approved Document B, or industry guidance.

The Inquiry determined that London Fire Brigade (LFB) should have learnt from the Lakanal House fire in July 2009, particularly in its ability to fight fires in high-rise buildings.

4: Building regulation and systems

Background

Building regulations applicable to construction work is a devolved area and the relevant legislation is the Building (Scotland) Act 2003. Scottish legislation has different provisions and requirements for duty holders than both the former and new UK Building Acts.

The responsibility for appointing local authorities as building standards verifiers, developing building regulations and maintaining technical guidance remains the responsibility of Scottish Ministers. The appointment of both local authorities and private companies as Building Inspectors in England and Wales created competition for clients which drove the commercial issues and conflicts of interest identified in the report. The delivery landscape in Scotland is different with only local authorities currently appointed to administer the building standards system. The commercial issues identified relating to the delivery of building control in England and Wales are not relevant in Scotland.

Recommendation 1 (para 113.6)

Government to draw together under a single regulator all the functions relating to construction industry referred to:

a. the regulation of construction products
b. the development of suitable methods for testing the reaction to fire of materials and products intended for use in construction
c. the testing and certification of such products
d. the issue of certificates of compliance of construction products with the requirements of legislation, statutory guidance, and industry standards
e. the regulation and oversight of building control
f. the licensing of contractors to work on higher-risk buildings
g. monitoring operation of the building regulations and the statutory guidance and advising the Secretary of State on the need for change
h. carrying out research on matters affecting fire safety in the built environment
i. collecting information, both in this country and abroad, on matters affecting fire safety
j. exchanging information with the fire and rescue services on matters affecting fire safety
k. accrediting fire risk assessors
l. maintaining a publicly available library of test data and publications.

Rationale

This recommendation is in response to a lack of coordination and integrated working between UK Government and certification bodies to achieve safe buildings. Problems identified in the report indicated that systemic failings resulted from a lack of oversight that building regulations and statutory guidance were fit for purpose.

Commercial interests were given greater importance than the rigour of the system in its aim of protecting the public.

It is noted that the UK Government has already accepted this recommendation in principle, with the proviso that the testing and certification would create a conflict with the role as a regulator.

Scottish context

The scope of the proposed regulator mainly relates to matters reserved to the UK Government. However, there are overlaps with delegated powers provided in the Building (Scotland) Act 2003 for Scottish Ministers. The different legislative framework in Scotland covers the development of building regulations and supporting guidance, procedures underpinning delivery of the building standards system and the appointment of local authorities as verifiers for their geographical area. These aspects (specifically items e. and g. in the above list) of the building standards should remain devolved.

There is the option that Scotland could create its own Construction Regulator role however its powers would be limited to devolved functions. The majority of the suggested responsibilities of the single construction regulator cover matters that are reserved to the UK Government. Developing and implementing a new regime for product testing and certification must be a priority for the new regulator to ensure that conflicts are removed, and a more coherent and trusted approach is taken to ensure the safety of buildings. The current failings that caused the problems with cladding products at Grenfell Tower affected the reliability and use of all construction product certificates across the UK. It is in the interest of the construction sector in Scotland that there is a robust system of regulation, testing and certification of construction products that can be relied upon.

Scottish Government response

The Scottish Government accepts the recommendation in principle, noting that the scope of the regulator needs to be resolved. We will work with the UK Government to achieve the desired outcomes.

Recommendation 2 (para 113.7)

That the definition of a higher-risk building for the purposes of the Building Safety Act be reviewed urgently.

Rationale

Under the Building Safety Act 2022, buildings that are at least 18 metres or seven storeys high, and have two or more residential units, are defined as 'higher-risk'. The 2022 Act is relevant to buildings in England that are within scope of the new regime. The recommendation questions this categorisation by reference to height and asks that the nature of the use of a building, particularly the presence of vulnerable

people, and their emergency evacuation be considered in a revised definition of higher-risk buildings.

Scottish context

The definition of high-risk buildings, in Scotland, was part of a public consultation on building regulation compliance and enforcement undertaken in 2021. The proposed definition was widely supported and is wider ranging than the higher-risk definition in the Building Safety Act 2022. It has a lower height limit for residential buildings of 11 metres and includes public, community, health, and residential care buildings, regardless of storey height. The definition recognises the need for additional rigour around compliance with building regulations in buildings which are likely to contain vulnerable people such as hospitals or residential care homes.

Scottish Government response

The Scottish Government accepts the recommendation. The definition of high-risk buildings in Scotland will be subject to further development through the Building Standards Futures Board Compliance Plan Approach workstream. The definition and the wider Compliance Plan Approach will focus on the actual risk and consequences of failure for any building, rather than categorisation based on any one factor, such as storey height.

The Compliance Plan Approach for high-risk buildings also includes proposal for pre-warrant applications and a new role of Compliance Plan Manager which is being developed through early adopter trials. These trials will inform revisions to national guidance and the extent of legislative change. The Futures Board will bring recommendations to Scottish Ministers in early 2026 for their consideration.

The full introduction of the proposed Compliance Plan Approach will require amendments to both secondary legislation and to the Building (Scotland) Act 2003.

Recommendation 20 (para 113.31)

That there is a statutory requirement that an application for building control approval in relation to the construction or refurbishment of a higher-risk building (Gateway 2) be supported by a statement from a senior manager of the principal designer under the Building Safety Act 2022.

Rationale

This recommendation has been made in relation to the role of the architect seeking to ensure that all reasonable steps are taken when submitting a finished design for building regulatory approval, such that a compliant design can translate into a compliant building at completion. It asks that a senior manager of the principal designer (a defined role under the Building Safety Act 2022 and applicable in England) explicitly state that all reasonable steps have been taken to ensure compliance.

Scottish context

A compliance declaration statement exists within Scotland's building standards system and is required at building warrant application stage; however, this declaration is submitted by the building warrant applicant or their agent who may not be the designer.

This statement is made on the building warrant application form and is a declaration that the work will be carried out in accordance with building regulations, and in accordance with the details supplied in the form and any necessary accompanying information (including annexes to that application, drawings, and specifications). The relevant legislation is the Building (Procedure) (Scotland) Regulations 2004 which asks the applicant to confirm the accuracy of the information on the application and confirm that the owner of the property is aware of the application.

The pre-emptive nature of the approvals process for all building warrant projects means that a full compliant design is required to be in place before construction work begins.

Building standards verifiers (currently a role carried out by local authorities for their geographical areas) control the statutory gateway for building works, by only approving a building warrant if nothing in any plan, specification or other information submitted with the application indicates that the building, when constructed, will fail to comply with the building regulations.

The Compliance Plan Approach workstream is part of the Futures Board Programme and looks to provide the required compliance strengthening for all building warrant projects in Scotland. This solution therefore requires to be scalable, and for the complex, or those defined as high-risk buildings (a definition wider than that of higher-risk buildings set by the UK Government referred to in the report) have additional rigour around fulfilling the responsibilities prescribed by legislation, and the provision of compliance evidence.

The Compliance Plan includes proposals for a mandatory role of Compliance Plan Manager, appointed by the Relevant Person (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). This new mandatory role of Compliance Plan Manager is expected to manage the compliance plan documentation and ensure the Relevant Person, design team and main contractor are aware of their responsibilities for building standards compliance. It will further provide both a plan and record of design decisions (including compliance with published national guidance or alternative solutions, material substitutions, and physical changes from approved plans), local authority building standards inspections and compliance evidence.

Scottish Government response

The Scottish Government accepts this recommendation in principle. In Scotland changes to strengthen the system are already underway through the trialling and planned introduction of the new Compliance Plan Approach. The new Compliance

Plan Approach will be introduced in 2026 initially through non-statutory guidance for high-risk projects.

The current design and compliance related statements within the building warrant process and those proposed as part of the high-risk building compliance plan will be reviewed in line with this recommendation.

Recommendation 21 (para 113.33)

Introduction of a licensing scheme operated by the construction regulator for principal contractors wishing to undertake the construction or refurbishment of higher-risk buildings. That it be a legal requirement that any application for building control approval for the construction or refurbishment of a higher-risk building (Gateway 2) be supported by a personal undertaking from a director or senior manager of the principal contractor to take all reasonable care to ensure that on completion and handover the building is as safe as is required by the building regulations.

Rationale

There is concern in relation to the ability of principal contractors to take all reasonable care to ensure that, on completion, and handover the building is as safe as is required by the building regulations. For construction or refurbishment of defined higher-risk buildings (a definition for higher-risk buildings has been set by the UK Government and differs from the high-risk building definition in Scotland) it is recommended that a licensing scheme operated by the construction regulator be introduced for principal contractors wishing to undertake the construction or refurbishment of higher-risk buildings and that it be a legal requirement that any application for building control approval be supported by a personal undertaking from a director or senior manager of the principal contractor which satisfies the concern.

Scottish context

This is a devolved matter and the relevant legislation in Scotland is the Building (Scotland) Act 2003. The operation of a licensing scheme for principal contractors as described is not a reserved or devolved matter in itself, unless it is tied explicitly to building regulation submissions under the Building Safety Act 2022, so opportunity exists for such a scheme to be applicable and of use in Scotland.

The recommendation that the responsibility for work undertaken should be at a senior level is already a component of Scotland's building standards system. Where it is a legal requirement that the Relevant Person must submit a completion certificate certifying that the work was carried out in accordance with the approved building warrant plans and details and constructed in compliance with building regulations. The new Compliance Plan Approach for all building work, scalable to risk will strengthen the process. The requirement to provide relevant documentation will ensure that duty holders and key roles are identified, compliance actions and evidence are planned, and subsequently completed and recorded. The Compliance Plan Approach will support the Relevant Person (in Scottish legislation the Relevant

Person already has ultimate responsibility for certifying compliance of the completed building before occupation) by providing them with a record of compliance matters for their building during design and construction, ensuring their certification of compliance is informed.

The Building (Scotland) Act 2003 allows Certifiers of Design and Certifiers of Construction who are members of approved Certification Schemes to certify compliance with certain building standards. Design schemes currently cover structures, and energy, whilst the construction schemes cover electrical work and drainage. Further schemes can be proposed by appropriate organisations, such as certification bodies, professional organisations, and trade bodies. To be a certifier requires demonstration of competence to join the scheme and ongoing monitoring of performance.

A Certification Strategy has been developed and is being used to review and where possible strengthen the provision of certification services in Scotland. This will include examining the current uptake of certification and how this can be grown. Any certification scheme needs to be financially viable as well as being subject to audit and reappointment by the Scottish Government.

The review of compliance and enforcement of the building standards commissioned by the Ministerial Working Group on Building and Fire Safety in 2017 considered that certification offered an opportunity to strengthen both. Certification schemes for those works that impact on life safety were considered to be a priority.

Scottish Government response

The Scottish Government accepts the recommendation, and we will work with the UK Government on the development of a UK national licensing scheme for principal contractors which could be of equal value in Scotland.

In addition, the Scottish Government will review the Certification Strategy over 2025 and seek to work with key industry organisations and professional bodies on further certification schemes in life safety critical areas.

Recommendation 22 (para 113.37) and Recommendation 23 (para 113.38)

A government appointed independent panel to consider whether it is in the public interest for building control functions to be performed by those who have a commercial interest in the process.

To consider whether a national authority should perform all building control functions to address shortcomings identified in building control in areas of professionalism and consistency of service.

Rationale

The aim of an independent panel would be to improve impartiality and accountability to the public by the bodies delivering the building control system. The panel would

consider in their review whether or not it is in the public interest for building control functions to be performed by those who have a commercial interest in the process.

The need to introduce a national authority for building control is recommended to address difficulties arising from conflicts of interests that have been driven by the mixed public and private sector delivery landscape in England and Wales. Both recommendations address the delivery of the building control function in England and Wales.

Scottish context

The Scottish building standards system is a devolved matter and is delivered by the 32 local authorities in their role as building standards verifiers with responsibility for their own geographical area. Appointment as a verifier is based on the requirements of the Operating Framework and the Performance Framework. Appointment is made by Scottish Ministers and is for a set period over which performance is monitored by Scottish Government. Although the Building (Scotland) Act 2003 does permit the appointment of other bodies as verifiers, there is no private sector involvement in delivery of the building standards system in Scotland.

The pre-emptive nature of the Scottish building standards system is a key strength that helps to protect the public interest by ensuring the building design is checked against the requirement of building regulations before a building warrant is granted. A building warrant is required before work can begin on site. This process limits the risk of building works starting without approval, but it is recognised that this does happen and there may be a greater impact on the safety of high-rise or complex buildings as a result. Legislative changes to strengthen enforcement and sanctions for illegal work are planned and these will improve the ability of the local authority to stop work, take statutory enforcement action and seek a criminal prosecution when this is in the public interest. The proposed changes have been subject to public consultation and attracted wide support as a deterrent against such practices. Implementation of these changes will require primary legislation to be made through amendment to the Building (Scotland) Act 2003.

The Scottish Government is developing changes to strengthen both the Operating Framework and the Performance Framework which are the basis for the appointment of local authorities as building standards verifiers and how their performance in the role is measured. Impartiality and accountability to the public are requirements for appointment and these aspects will be strengthened and subject to greater assessment as part of a new auditing regime for verifiers from 2026 onwards. Currently, a Ministerial Directive permits a local authority to act as the verifier for their own building projects in relation to council buildings. The requirement for impartiality and accountability to the public extends to these projects. Improvements to the management of competency of individuals in the building standards profession have been delivered through the Professional Competency Framework for Verifiers and a Competency Assessment System. Further work is ongoing to strengthen the model of competency management which seeks to develop and implement a fully independent scheme for competency assessment across the profession by 2027.

The Scottish Government has carried out extensive work on a new delivery model for the building standards system through the Building Standards Futures Board Programme. The option of a national authority to deliver the verification service was considered and formed one of the options in the public consultation exercise seeking feedback on the way forward. This option received the lowest level of support. The purpose of a new delivery model is to improve consistency of service delivery. To deliver this the Scottish Building Standards Hub (SBSH) was formed in May 2024 following a two-year pilot phase to provide support to all verifiers through a centre of expertise and a focus on raising competency across the profession. The SBSH is hosted by Fife Council.

Scottish Government response

The Scottish Government accepts this recommendation in principle but acknowledges that it has limited relevance to the delivery of building standards in Scotland.

However, a review of the effectiveness of the pre-emptive building standards system will be undertaken to support the implementation of strengthened enforcement powers for local authorities. Work will also be taken forward to consider the role of the verifier in delivering their own local authority building warrant projects in relation to council buildings.

5: Government and restructuring

Background

The Inquiry set out the fragmentation of responsibility for regulating the construction industry which is currently mirrored in the range of UK Government departments responsible for matters affecting fire safety. It recommends the UK Government bring responsibility for the functions relating to fire safety currently exercised by MHCLG, Home Office and the Department for Business and Trade into a single body and for that body to report to a single Secretary of State answerable to Parliament.

The Inquiry recommended that a Chief Construction Adviser be appointed. This role would promote a cohesive and joined up approach to development and promulgation of construction policy and the provision of coherent advice and support to Ministers. The Inquiry made comment on the dispersed approach to construction which is spread across a range of sub-disciplines and policy areas distributed across a number of Director Generals (DGs) and Directorates. The Chief Construction Adviser should have sufficient budget and staff to provide advice on all matters affecting the construction industry, including monitoring all aspects of the department's work relating to the building regulations and statutory guidance, providing advice to the Secretary of State on request, and bringing to the attention of the Secretary of State any matters affecting the building regulations and statutory guidance or matters affecting the construction industry more generally of which the government should be aware.

The UK Government announced on Wednesday 26 February that new powers under the Procurement Act 2023 would be used to investigate seven of the organisations criticised in the report. If certain grounds are met, their names will be added to a published debarment list which must be taken into account by contracting authorities when awarding new contracts.

Recommendation 3 (para 113.8)

The UK Government bring responsibility for the functions relating to fire safety currently exercised by MHCLG, the Home Office and the Department for Business and Trade into one department under a single Secretary of State.

Rationale

Aimed at improving the quality of government by providing an administrative environment in which information can be shared more quickly and more effectively between teams responsible for different aspects of the work. There is a need to facilitate communication between the regulator and the department to ensure the safety of the built environment and that policy is developed in a holistic and coherent way.

Scottish context

As a devolved matter, Scottish Ministers have responsibility for the allocation of responsibilities, including those related to construction and fire safety. At present

while construction responsibility and fire safety are split across various policy areas within Scottish Government, they all sit under a single Permanent Secretary and within the responsibilities of DGs.

The Scottish Government set up the Ministerial Working Group on Building and Fire Safety (MWG-BFS) in the aftermath of the fire to oversee reviews of building and fire safety frameworks, regulations and guidance, and any other relevant matters, to help ensure that people are safe in Scotland's buildings. While the initial focus was on high-rise domestic buildings consideration was also given to other building safety matters and further buildings including housing, the NHS estate, and schools.

The MWG-BFS has overseen changes to building regulations and guidance, fire safety guidance and legislation on smoke / heat alarms. The Building Standards Futures Board was set up under the MWG-BFS and continues to take forward a programme of work to strengthen the building standards system. The Cladding Remediation programme has also been commenced under the direction of the MWG-BFS.

In addition, the Construction Leadership Forum (CLF) brings together key industry organisations and relevant Scottish Government officials. It has a wide brief to discuss and share information on issues that affect the industry, which include safety and other issues that are relevant to the Grenfell Inquiry.

Scottish Government response

The Scottish Government accepts this recommendation in principle. It is however recognised that the structure of the Scottish Government is different from that of the UK Government. Structural changes to Directorates are at present considered unnecessary.

It is important to ensure that building and fire safety work is coordinated appropriately and existing routes to coordination of building and fire safety issues across Government would be the preferred approach, including the continuation of the MWG-BFS. It is proposed that options for a reset role for the MWG-BFS that builds on its current role in coordinating and directing programmes of work will be developed.

Recommendation 4 (para 113.9)

That (UK Government) Secretary of State appoint a Chief Construction Adviser with sufficient budget and staff to provide advice on all matters affecting the construction industry, including:

a. monitoring all aspects of the department's work relating to the building regulations and statutory guidance
b. providing advice to the Secretary of State on request, and
c. bringing to the attention of the Secretary of State any matters affecting the building regulations and statutory guidance or matters affecting the construction industry more generally of which the government should be aware.

Rationale

The Scottish Government's role is primarily policy, legislation, funding for programmes and industry support. Its primary interests in construction are in relation to safety, economic impact and as a client on public sector infrastructure projects. It also plays a collaborative leadership role in ensuring that construction, primarily in the public sector, is carried out efficiently and delivers built assets that meet the needs of Scotland. The majority of public sector construction project delivery in Scotland is carried out on behalf of local authorities, health, education, Transport Scotland and the Scottish Prison Service by the private sector construction industry. Regulatory functions are primarily undertaken by local authorities, Scottish Fire and Rescue Services (SFRS) and other bodies.

The recommendation is about ensuring cohesive policy through joined up working by ensuring there is a common focal point at the heart of Government.

Scottish context

This recommendation covers both devolved and reserved matters. The recommendation is relevant to Scotland because of the significance of the construction industry in Scotland and its outputs which impact on all aspects of Scottish life and the economy.

In 2013 the Review of Scottish Public Sector Procurement in Construction recommended that a Chief Construction Adviser be appointed. The decision to appoint a Chief Construction Advisor was deferred to allow for implementation of the recommendations. The role, then, was to champion implementation of the report and to challenge industry to innovate as well as to encourage collaboration between the public sector and industry.

In 2014 the Construction Review Delivery Group (CRDG) was formed to support implementation, and it engaged closely with industry through the Construction Scotland Industry Leadership Group. When implementation was complete, CRDG was disbanded and the CLF was established to form a collaborative forum between Government, the Public Sector, and the construction industry.

The recommendation for a Chief Construction Advisor made by the Inquiry is different. Its role will be to cohere policy development within SG and across the wider public sector and to provide a focal point for all matters construction.

Scottish Government response

The Scottish Government accepts the recommendation. We have reviewed the recommendation against the specific context of construction in Scotland and administrative structures across the Scottish Government. This has indicated that further work will be required to fully understand the implications and options for Scotland. A full options appraisal will be undertaken to develop the full terms and remit of the role with a report being submitted, in due course, to Ministers for a decision on the next steps.

Issue 2 – Banning Companies

In a statement to the House of Commons, on 4 September 2024 following the publication of the Grenfell Phase 2 Report, the Prime Minister said, that “this government will write to all companies found by the Inquiry to have been part of these horrific failings...as the first step to stopping them being awarded government contracts.” Following that, the UK Government sent initial warning letters to 49 companies named in the report.

The UK Government announced on Wednesday 26 February that new powers under the Procurement Act 2023 would be used to investigate seven of the organisations criticised in the report. If certain grounds are met, their names will be added to a published debarment list which must be taken into account by contracting authorities when awarding new contracts.

Rationale

The Inquiry identified companies responsible for the design and refurbishment, installation of cladding, development of products, testing and certification of products as well as the oversight and approval of the processes of the work undertaken. These companies were found to be systemically dishonest and to have deliberately manipulated the construction process itself and the testing process and subsequent results for materials used.

Scottish context

The Procurement Act 2023 allows UK Ministers to debar specified companies from bidding for public contracts. It does not apply to the award of contracts by Scottish public bodies.

The law in Scotland is different, but it does allow public bodies to exclude bidders which have committed acts of grave professional misconduct from procurement processes. Importantly, though, in Scotland that is legally only a decision which can be taken by individual public bodies, on a case-by case basis, and only at the moment a company seeks to participate in a procurement process. Those individual public bodies would need to be prepared to set out their analysis of the evidence, including any evidence of remedial action presented by the companies concerned, in court if necessary.

Pre-emptive or blanket bans on specific companies competing for public contracts, which do not allow for consideration of evidence of remedial action, would not be permitted in current Scottish procurement legislation.

Scottish Government response

We will seek to continue to work with UK Government to understand its intentions in this regard, but whilst procurement law across all parts of the UK provides for bidders to be excluded from tenders if they have been guilty of grave professional misconduct, the processes which underpin such a decision differ. The Scottish

Government will always expect its contractors to uphold the highest professional standards.

6: Building Standards, fire tests and product certification

Background

Recommendation 5 to 9 focus on the need for change due to a lack of clarity on the effectiveness of England's Approved Document B (Fire) leading up to the Grenfell fire. It reported on a range of issues that continued over several years and versions of the document. Whilst the Inquiry evidence focussed on certain parts related primarily to cladding requirements and guidance, the recommendations consider a wider need for review and increased clarity in the guidance to the building regulations and how change is delivered.

Recommendations 10 to 14 identify issues of competence in both the assessment and delivery of fire safety and concerns expressed over the effectiveness of current performance standards and how achievement of these standards is demonstrated. The need for a robust application of improved product standards and certification regime is also identified as a priority.

Issues relating to the supply of water for firefighting was also considered and how this impacted on the response to the Grenfell Tower fire. Recommendation 40 seeks clarification in the wording and application of a manufacturing standard for fire hydrants as a product. This relates to the declared design flow rate.

Most of the recommendations under this theme can be categorised as supporting beneficial change through:

- access to reliable information on product performance
- application of such information by informed parties, and
- effective verification of the outcome of design and construction decisions.

Building regulations are a devolved matter. In Scotland building regulations set out the technical requirements applicable to building work to protect the public interest. The published Technical Handbooks explain how to achieve the requirements set out in the Building (Scotland) Regulations 2004. Provisions are reviewed regularly in consultation with industry stakeholders. Implementation of the building standard process is reliant on informed and effective action by all of those involved in the design, construction, and verification of building work. This includes citation of, and reliance on, a robust UK products standards and certification.

Compliance with building regulations in Scotland is being strengthened through the work of the Building Standards Futures Board. The development of a more evidence-led approach to compliance with building regulations through the Compliance Plan Approach workstream will focus initially on life safety matters in relation to high-risk buildings (see Recommendation 2).

Recommendation 5 (para 113.11)

We recommend that statutory guidance generally, and Approved Document B in particular be reviewed accordingly and a revised version published as soon as possible.

Rationale

The Inquiry focussed on the need for change due to the lack of clarity on the effectiveness of England's Approved Document B (Fire) leading up to the Grenfell fire. It reported on a range of issues that continued over several years and versions of the document. While parts of guidance relating primarily to cladding requirements were identified, the recommendations consider there is a need for a full review of the Approved Document and of the provision of statutory guidance generally.

Scottish context

Building regulations are devolved, and Scotland has its own guidance and regulations. Regulations applicable to construction work are set out using powers under the Building (Scotland) Act 2003. Those regulations and the publication of guidance in support of regulations and mandatory standards are the responsibility of Building Standards Division. Section 2 (Fire) of the Building Standards Domestic Technical Handbook is the Scottish Equivalent to Approved Document B in England.

Since 2017, three reviews of fire safety provisions within Scottish building regulations have been undertaken and concluded. Broader review on the application of building regulations to high-risk buildings is also underway through the Building Standards Futures Board (see section 12.3).

Scottish Government response

The Scottish Government accepts the recommendation. We will undertake a fundamental review of Section 2 (Fire) of the Domestic Technical Handbooks. This will begin with a Call for Evidence this year that will be used to shape and inform a review.

Recommendation 6 (para 113.12)

A revised version of the guidance contains a clear warning in each section that the legal requirements are contained in the building regulations and that compliance with the guidance will not necessarily result in compliance with them.

Rationale

The Inquiry focussed on the need for change due to the lack of clarity on the effectiveness of England's Approved Document B (Fire) leading up to the Grenfell fire. It reported on a range of issues that continued over several years and versions of the document. While parts of guidance related primarily to cladding requirements

were identified the recommendations consider there is a need for a full review of the Approved Document.

Scottish context

This is a devolved matter. Regulations, standards, and guidance on standards for fire safety in domestic buildings have been subject to three completed reviews since 2017. However, this has not included a specific examination of the risk associated with the current regime, its presentation of mandatory standards and supporting guidance in respect of fire safety and the clarity of understanding around the outcomes required when delivering a building.

Scottish Government response

The Scottish Government accepts this recommendation. As part of our Call for Evidence we will seek information to determine whether the current approach to defining mandatory standards and supporting guidance for Section 2 (Fire) is robust, clearly understood and consistently applied to deliver the intended safety outcomes for building work and where improvement should be focussed.

Recommendation 7 (para 113.13)

New materials and methods of construction including practice of over cladding existing buildings make the existence of effective compartmentation a questionable assumption recommend that it (stay put policy) be reconsidered when Approved Document B is revised.

Rationale

It is made clear in the report that a failure to maintain compartmentation when undertaking retrofit of the facades of the building was a significant contributory factor in the rapid spread of fire through the building.

It was also noted that fire spread between compartments can occur even in correctly specified and constructed buildings due to fire clinging to the external surface of a building and entering through vulnerable elements such as windows. The overriding concern being that if the external walls of a high-rise residential building support the spread of fire to any significant degree, it is not viable to operate a stay put strategy safely.

Scottish context

This is a devolved matter. Building regulations set standards for the effective compartmentation of buildings to limit the internal spread of fire. In Scotland this is referred to as ‘separation’ in domestic buildings and addresses elements between individual dwellings in a larger building. This also extends to measures to prevent the spread of fire on the facade of a building.

It is therefore important for those delivering work to a building to understand what constitutes effective ‘compartmentation’ as one of several important measures that deliver a fire safe environment.

Scottish Government response

The Scottish Government accepts this recommendation. We recognise and accept the concern identified. Our response will focus initially on mitigating the risk associated with that concern through the review of standards noted under Recommendation 5.

The outcome of the review should be to deliver assurance that any new materials and methods of construction, and the practice of over cladding existing buildings can be managed properly, and effective compartmentation is demonstrated. Where residual risk remains, this should inform the discussion on the management of a building and the response to a fire incident.

Recommendations 8 (para 113.13) and Recommendation 10 (para 113.15)

That the guidance draw attention to the need to make an essential part of any fire safety strategy the calculation of the likely rate of fire spread and the time required for evacuation, including the evacuation of those with physical or mental impairments.

It is a statutory requirement that a fire safety strategy produced by a registered fire engineer to be submitted with building control applications for the construction or refurbishment of any higher-risk building and for it to be reviewed and re-submitted at the stage of completion.

Rationale

The Inquiry identified the need to formalise a requirement for a fire safety strategy for the building to be produced by a fire engineer where the building is categorised as a higher-risk building. This seeks to encourage a more informed position on the level of risk occupants of a building will be exposed to in the event of a fire. Through a formal assessment of the likely rate of spread of fire (based upon typical hazard scenarios) and an assessment of the time needed to alert and evacuate occupants. This includes consideration of the time needed to support occupants, including ‘any with physical or mental impairments. It is also recommended that such assessment be undertaken by a fire engineer as part of the building fire safety strategy and considered at design stage and again at completion.

Scottish context

This is a devolved matter and is linked to Recommendation 7. The need for a review and improvement in how compliance with the mandatory standards set under Scottish building regulations is demonstrated has been identified. Guidance within the Domestic Technical Handbook (clause 2.0.7) identifies that there will be situations where fire safety in high-risk buildings maybe demonstrated by solutions

other than those set in guidance – “Fire safety engineering may be the only practical way to achieve a satisfactory level of fire safety in some large and complex buildings or where innovative or new methods of construction are used”.

At present, there are no provisions specific to domestic or non-domestic buildings which mandate the production of a fire safety strategy. However, a (simple) fire safety design summary is sought for new non-domestic buildings, regardless of whether fire engineering principles are applied or not. No similar provision is currently sought for new dwellings.

Scottish Government response

The Scottish Government accepts these two recommendations. Work will be taken forward starting with a Call for Evidence (part of Recommendation 5) seeking views on a proposal to introduce a requirement for a fire safety strategy for multi-storey domestic buildings. Consideration will be given to the content and provenance of such a document, developed and submitted at design stage and reconfirmed on completion.

Recommendation 9 (para 113.14)

Where possible, membership of bodies advising on changes to the statutory guidance should include representatives of the academic community as well as those with practical experience of the industry (including fire engineers) chosen for their experience and skill and extend beyond those who served in the past.

Rationale

In the report, there is no further explicit commentary on the composition or competence of the groups brought together by UK Government to review fire safety standards and guidance within building regulations.

Scottish context

This is a devolved matter. In Scotland, working groups are convened by officials with advice from Scottish Government colleagues and key industry representatives based on a description of the intended review (Terms of Reference). This includes representation from the academic and fire engineering communities and colleagues in other administrations.

Scottish Government response

The Scottish Government accepts this recommendation. We will undertake analysis and reporting on recent review activity and the composition of working groups to identify any further opportunities to broaden the range of experience and skills group members bring to the process. We will also consider how the review process itself can be communicated more effectively.

Recommendation 11 (para 113.17)

That steps be taken in conjunction with the professional and academic community to develop new test methods that will provide the information needed for such assessments (fire) to be carried out reliably.

Rationale

This recommendation identified the challenges of assessing products and systems to provide a robust real-world assessment of performance in respect of fire and the limitations inherent in current testing regimes. The need for new test methods offering a more robust and reliable outcome for a given design scenario is identified.

Scottish context

The development of national standards by a UK Notified Body is a reserved matter, however, there is devolved interest in the development of proposals where fire performance standards for products or systems are material to policy or operational delivery of change.

Scottish Government response

The Scottish Government accepts the recommendation and will actively seek engagement and will work with UK Government counterparts, UK Government Building Safety Regulator and standing committees at the British Standards Institution on fire safety and construction product matters.

Recommendation 12 (para 113.18)

That BS 9414 Fire performance of external cladding systems - should not be used as a substitute for an assessment by a suitably qualified fire engineer.

Rationale

Reference is made to BS 9414:2019 ‘Fire performance of external cladding systems – the application of results from BS 8414-1 and BS 8414-2 tests.’ The report discusses the use of BS 8414, Fire performance of external cladding systems and BR 135, Classification Report to assess the performance of an external wall system. It notes the limitations inherent in the test regime and the challenges in correctly applying test results only to relevant situations. The mis-marketing of the performance of products in relation to citation within reports produced under this test regime and the lack of knowledge / rigour of those certifying such products is also identified. Concern, based upon expert advice, is that the use of BS 9414 will encourage people who are not trained fire engineers to think that they can safely assess the performance of a proposed external wall system by extrapolation from information obtained from BS 8414 tests on one or more different systems.

Scottish context

Continued citation of BS 9414 in the Technical Handbooks is a devolved matter. Since 29 March 2021, Scottish Ministers have required verifiers to notify all projects where BS 8414 is cited in respect of compliance with fire standards. To date, no notifications have been received strongly suggesting that BS 8414 test data is no longer being considered as a compliance route by developers. Changes to regulation 8 in June 2022 mean that BS 8414 can no longer be used to demonstrate compliance for new domestic and other high-risk buildings with any storey above 11 metres.

Scottish Government response

The Scottish Government accepts this recommendation. Work will be taken forward with a Call for Evidence (Recommendation 5) referencing those situations where compliance which relies upon citation of BS 8414 test outcomes may still apply.

Recommendation 13 (para 113.22)

That the construction regulator should be responsible for assessing the conformity of construction products with the requirements of legislation, statutory guidance and industry standards and issuing certificates as appropriate.

Rationale

The Inquiry found failings of the British Board of Agrément (BBA) in certifying products for use in cladding. The failings call into question the management of testing and certification of products. Linked to Recommendation 1 which seeks to draw together a range of related functions including the current product testing and certification regime under the control of a single UK regulator.

Scottish context

This is a reserved matter, but there is a devolved interest in the development of any proposals and the development of a more robust UK product standards and certification regime.

Scottish Government response

The Scottish Government accepts this recommendation and will continue to engage with the UK Government to assist in such development and offer commentary on any provisions we know will be of relevance to implementation of such measures in Scotland.

Recommendation 14 (para 113.23)

Clarity is required to avoid those who rely on certificates of conformity [of construction products] being misled. Recommend:

a. that copies of all test results supporting any certificates be included in the certificate
b. manufacturers are required to provide the construction regulator with the full testing history of the product or material and inform regulator of any material circumstances that may affect its performance
c. manufacturers be required by law to provide on request copies of all test results that support claims about fire performance made for their products.

Rationale

The Inquiry set out extensive evidence and commentary on the current regime for the testing, certifying, and marketing of products in the UK. This recommendation addresses the provisions applied by the regulator and manufacturers on the completeness of certification data, level of disclosure / maintenance of documentation and duty to make information available. Linked to Recommendation 1 which seeks to draw together a range of related functions including the current product testing and certification regime under the control of a single UK regulator.

Scottish context

This is a reserved matter but, as with Recommendation 13, there is a devolved interest in development of proposals. There is a need to have in place a robust UK product standards and certification regime.

Scottish Government response

The Scottish Government accepts this recommendation and will continue to engage with the UK Government to assist in such development and offer commentary on any provisions we know will be of relevance to implementation of such measures in Scotland.

The Scottish Government will work with the SBSH to develop training for verifiers in Scotland on the review and acceptance of third-party certification of construction products. The training could be delivered through SBSH's on-line learning platform and by other means.

Recommendation 40 (para 113.64)

That the British Standards Institution amend BS 750, Specification for underground fire hydrants and surface box frames and covers to include a description of the circumstances under which the flow coefficient to which it refers in paragraph 10.2 is to be measured.

Rationale

The Inquiry identified issues relating to the supply of water for firefighting and how this impacted on the Fire and Rescue Service response to the Grenfell Tower fire. This included commentary on the reliability of flow rates from hydrants and declared minimum flow coefficients.

Scottish context

The setting of standards via the UK Notified Body, the British Standards Institution, is a matter reserved to the UK Government. Representatives from devolved administrations and the construction sector are involved in the development of standards.

Scottish Government response

The Scottish Government accepts this recommendation. It is noted that the UK Government response of 26 February 2025 states that the British Standards Institution accepted this recommendation and will amend BS 750 to clarify the matter and expect revision to the standard to be made this year.

7: Design competence

Background

Recommendations 15 - 18 refer to the roles, responsibilities, and training of fire engineers, as well as other construction professionals, to support the delivery of safe buildings. The report notes that the fire engineering firm employed for the Grenfell Tower refurbishment failed to properly execute its duties and lacked rigour in its approach. There was a failure to recognise that the fire engineers were part of the design team for the project. There was evidence to indicate that the fire engineers considered their role as getting through building control rather than ensuring the safety of the public.

The need to have a well-defined regime for the registration and oversight of fire engineers as a profession is identified. The need to support the development of the profession through accredited degree courses is also recognised.

Recommendation 19 seeks to identify the response to date, since the Grenfell Tower fire, by professional institutions to improve the education and training of architects.

Recommendation 15 (para 113.25)

The profession of fire engineer be recognised and protected by law and that an independent body be established to regulate the profession, define the standards required for membership, maintain a register of members, and regulate their conduct.

Rationale

The report set out the failings of the fire engineer on the project and included general discussion on fire engineering failures. Consideration of measures employed by other countries in response to incidents were examined including governance of construction work and licencing of those involved in the design and delivery of buildings to offer assurance of competence in their declared role. Registration is based upon a clear and consistent definition of the role and function of the fire engineering professional.

Scottish context

This is a reserved matter but there is a devolved interest in development of proposals. Regulation of professions is a UK matter under the Professional Qualifications Act 2022.

There is a need to ensure the competence of those responsible for the design and specification of buildings in the delivery of safe buildings, the role of the fire engineer was one of several professions identified. At present, such a regulation is uncommon in the construction sector and may reasonably give rise to discussions on the case for broader, similar action across other safety-critical disciplines.

Devolved administrations and a range of public sector bodies will have an active interest in the development of this discussion and the case for regulation of the profession. This includes national guidance currently provided on the application of fire engineering solutions to demonstrate compliance with building regulations, for both design and verification roles.

Scottish Government response

The Scottish Government accepts this recommendation. We will work with UK Government and our public sector partners including the SFRS, Local Authority Building Standards Scotland (LABSS), the SBSH and relevant professional institutions to understand and support the development of a more robust UK assurance regime for fire engineers. This will include how we collectively reference the profession and the role they undertake in the delivery of the outcomes sought by building standards and fire safety legislation.

Recommendation 16 (para 113.26)

That the government take urgent steps to increase the number of places on high-quality master's level courses in fire engineering accredited by the professional regulator.

Rationale

The Inquiry calls for a more rigorous approach to the profession of fire engineer noting the need for professional education and training of candidates based upon agreed professional standards.

Scottish context

Devolved to the extent that Scottish Government can influence action by higher education bodies in Scotland directly or indirectly through changes in legislative safety regimes. A lack of qualified fire engineers is a known issue in Scotland. There are examples of institutions no longer running degree courses due to financial pressures or lack of applications.

Recommendations 16 & 17 are intrinsically linked, and the Scottish Government would welcome engagement. Work is required to frame the prioritisation of actions and understand how we will move from the current regime and actors, who are still actively supporting fire-safe design across sectors, to a new regulatory regime which addresses education, confirmation of initial and ongoing competence.

Scottish Government response

The Scottish Government accepts this recommendation. Scottish Government will consider for Scotland and will work with UK Government and devolved administrations to identify routes to market for further high-quality degree courses.

Recommendation 17 (para 113.27)

Government to convene a group of practitioner and academic fire engineers and such other professionals as it thinks fit to produce an authoritative statement of the knowledge and skills to be expected of a competent fire engineer.

Rationale

The Inquiry found much to consider in the testimony of experts from academia on the topic of fire engineering as a role and profession. The report refers to ‘a suitably qualified fire engineer’ and the standards which could be expected from ‘a reasonably competent fire engineer’. The importance on defining competence of building professionals such as fire engineers is also raised.

Scottish context

This is a reserved matter but there is a devolved interest in development of proposals. Any discussion on changes to the role of fire engineers will be of interest to the Scottish Government and our public sector partners who are active in developing fire engineering expertise.

We recognise that such an exercise should draw heavily from the evidence and experience of those parties who have current and proven track record in defining and validating professional competence schemes operating along similar lines or themes.

Scottish Government response

The Scottish Government accepts the recommendation and will work with and support action by the UK Government to bring together practitioners, academic fire engineers and other professionals to review the definition and management of fire engineering as a profession.

Recommendation 18 (para 113.13)

Work in collaboration with industry and professional bodies, encourage the development of courses in the principles of fire engineering for construction professionals and members of the fire and rescue services as part of their continuing professional development.

Rationale

The Inquiry identified issues which can arise simply because those involved in the design or delivery of a building do not have a basic understanding of fire safety or fire engineering principles. Absence of knowledge prevents informed decision making and actions. The report notes that ‘other construction professionals and more senior members of the fire and rescue services need to have a basic understanding of the principles of fire engineering as they apply to the built environment’.

Scottish context

This matter is devolved to the extent that the Scottish Government and others can influence action by industry and professional bodies based or operating in Scotland. We are supportive of, action by professional institutions to define and improve competence of designers on fire safety design as a risk topic.

As legislative provisions and supporting guidance is progressed as part of the work of other recommendations, we will seek to provide assurance that any change arising from review is delivered collaboratively and communicated clearly to practitioners to support the understanding and application of fire safety principles in the context of Scottish legislation.

Scottish Government response

The Scottish Government accepts the recommendation and will work with the UK Government and professional institutions to define and improve competence of designers on fire safety design as a risk topic.

Recommendation 19 (para 113.14)

That the Architects Registration Board (ARB) and Royal Institute of British Architects (RIBA) should review the changes already made to ensure they are sufficient.

Rationale

The Inquiry identified failings of the architect on the Tower refurbishment programme. It did however recognise that architecture, as a profession, is taking action to improve the education and training of architects on fire safety matters. This recognises the role these professionals play, often leading or coordinating project design teams and the influence they and an informed duty of care can have on overall quality of delivery for a development.

Scottish context

Regulation of professions is a UK matter under the Professional Qualifications Act 2022. The architecture profession is regulated by the Architects Act 1997 providing the framework for all statutory duties and responsibilities of the ARB.

Devolved administrations and a range of public sector bodies will have an active interest in the development of this discussion and can also engage with institutions operating at a UK level. This includes the Royal Incorporation of Architects in Scotland (RIAS) as the chartered body for Architects in Scotland.

Scottish Government response

The UK Government response of 26 February 2025 notes that this recommendation is accepted by the RIBA and ARB and that they welcome steps already taken to

provide a base level of knowledge and understanding and support further changes as needed.

The Scottish Government accepts this recommendation, has engaged with the Royal Incorporation of Architects in Scotland and notes the ongoing activity by UK and Ireland architectural institutions to support competence in fire safety design.

8: Fire safety and Firefighting

Background

This chapter covers a wide range of the Grenfell report's recommendations in relation to fire safety, firefighting operations and the role of His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS).

Recommendation 26 looks at the role of competence of fire risk assessors. The Inquiry found that individuals in roles which were critical for ensuring the safety of life in buildings lacked the required competence.

Recommendations 29 and 30 are in relation to the establishment of a fire college to provide training at a national level that will support education, training, research, and development of equipment.

Recommendations 31, 32 and 33 are directed at HMICFRS, relative to England and Wales to review a number of operational matters within Fire and Rescue Services including control room operations and the adequacy of training arrangements.

Recommendations 34 – 39 were specifically for LFB and concern several firefighting operational matters. The Inquiry found that during the fire there was a breakdown in communications at times, as the radios stopped working at certain distances from the ground / through a number of concrete walls.

The Inquiry also reported that on the night of the fire, firefighters were unable to distinguish between different types of hydrants and noted that LFB struggled to ensure adequate water supply on the night. The Inquiry found that many firefighters who were sent to higher floors to carry out rescues, ended up deviating from these instructions to rescue people they came across on lower floors.

For Recommendations 57 and 58, the Inquiry referred back to its Phase 1 Report outlining that the owner and manager of every high-rise residential building be required by law to prepare Personal Emergency Evacuation Plans (PEEPs) for residents who require one and be required by law to ensure the PEEP was available in a premises information box for use by fire and rescue services.

Recommendation 26 (para 113.41)

Establish a system of mandatory accreditation to certify competence of fire risk assessors by setting standards for qualification and continuing professional development.

Rationale

It was outlined in the Grenfell report that the assessor who carried out the annual fire risk assessments at Grenfell Tower, had misrepresented their experience and qualifications and was ill-qualified to carry out fire risk assessments on buildings of that size and complexity. The Inquiry and subsequent independent "Building a Safer

Future report" by Dame Judith Hackitt noted the lack of accreditation, skills or real oversight of fire risk assessors and highlighted this must be addressed.

Scottish context

This matters cuts across both devolved and reserved areas of responsibility. Currently in Scotland (and across the UK), there is no legal requirement for an assessor to hold any formal certification, accreditation or experience in fire risk assessment when assessing many types of premises.

Scottish Government response

The Scottish Government accepts this recommendation. Policy development, legal considerations and a public consultation will be undertaken. The Scottish Government will also look to work closely with the UK Government to understand any UK wide implications concerning reserved powers. Regulation of professions is a UK matter under the Professional Qualifications Act 2022.

Recommendation 29 (para 113.51) and Recommendation 30 (para 113.53)

Establish an independent College of Fire and Rescue college immediately with sufficient resources to provide defined services nationally.

Permanent staff of sufficient size to manage its operations and develop the colleges functions in response to the demands of fire and rescue services nationally and the requirements of the board.

Rationale

The Inquiry highlighted the UK Government's plans to create an independent College of Fire and Rescue expressed in their white paper "Reforming our Fire and Rescue Service" and recommended that the college be established immediately.

Scottish context

This recommendation is directed to the UK Government, but there may be some benefits to SFRS having access to such a facility where inter-operability and professional standards can be further developed.

In Scotland training arrangements for firefighters are already in place across several dedicated training facilities with an ability to access external courses as necessary for specific skills.

Scottish Government response

The Scottish Government accepts this recommendation in principle. The Scottish Government and SFRS will seek to work with the UK Government and the National Fire Chiefs Council (NFCC) to consider how SFRS might appropriately inform the development and access a fire college. This will need to be considered in the context

of the existing training facilities and arrangements available to SFRS staff in Scotland.

Recommendation 31 (para 113.55)

HMI Constabulary and Fire and Rescue Services to inspect the London Fire Brigade (LFB) as soon as reasonably possible to assess and report on identified measures in relation to the control room and its staff.

Rationale

Specific to LFB this recommendation is in relation to carrying out inspections on control room operations.

Scottish context

This is a devolved matter, although issues relating to national resilience are reserved. The duties and responsibilities of SFRS and of HMFSI are defined in the Fire (Scotland) Act 2005. A new area inspection process was implemented in 2022 that measured aspects of service delivery across the three SFRS Service Delivery Areas.

Scottish Government response

The Scottish Government accepts this recommendation and informed by Service Delivery Area inspections, HMFSI intends to carry out a Thematic Inspection of Operations Control rooms in Scotland. This review will be scheduled in line with their inspection programme and will be undertaken with the co-operation of SFRS, in line with duties and powers described within the Fire (Scotland) Act 2005.

Recommendation 32 (para 113.56)

Inspectorate to inspect LFB to examine and report on the arrangements in place for assessing the training of incident commanders at all levels and their continuing competence.

Rationale

Specific to LFB the report identified that incident command training was less than adequate and that at the time of this tragedy, LFB could not accurately determine the competence of its incident commanders. This was due to shortcomings with accreditation and revalidation of command competence that meant those in command positions, while they may have attended refresher training, had not been tested and revalidated as competent.

Scottish context

This is a devolved matter with the duties and responsibilities of SFRS and of HMFSI defined within the Fire (Scotland) Act 2005. Duties under the Health and Safety at Work etc. Act 1974 are reserved with staff to be provided with adequate training to undertake the role they fulfil.

In Scotland there is in place a system of mandatory revalidation and accreditation in line with national guidance for all SFRS Incident Commanders. While not directly related to this recommendation, HMFSI through routine Service Delivery Area inspection reports has touched on various aspects of training across the SFRS.

Scottish Government response

The Scottish Government accepts this recommendation and will work with HMFSI to take it forward. Informed by routine SFRS Service Delivery Area inspection reports, HMFSI will carry out a Thematic Inspection of training and development for operational staff within the SFRS. This inspection is scheduled to commence in April 2025 and is likely to conclude in April 2026.

Recommendation 33 (para 113.57)

Inspectorate to inspect LFB to examine and report on its arrangements for collecting, storing and distributing information in accordance with section 7(2)(d) of the Fire and Rescue Services Act 2004, and its arrangements for identifying high-risk residential buildings and collecting, storing and distributing information relating to them.

Rationale

LFB were criticised in relation to the manner they gathered, stored, and utilised risk information relative to certain buildings across London. The system in place was deemed to be flawed and led to vital information relating to cladding and the possible risks associated with cladding being missed.

Scottish context

This is a devolved matter covered in section 9(2)(d) of the Fire (Scotland) Act 2005. HMFSI published "The Scottish Fire and Rescue Service's arrangements for the provision of Operational Risk Information" report in 2019. This report considers arrangements in place in SFRS for gathering and providing access to risk information. The report made recommendations for improvement, and HMFSI noted that SFRS has made significant progress in actioning these recommendations.

In addition, HMFSI published a Thematic Inspection report titled "Arrangements for Firefighting in High-rise Buildings" in 2022 reviewing current SFRS operational processes in these buildings, providing recommendations and actions that SFRS accepted and are adopting.

As part of the SFRS' operational intelligence and in addition to the quarterly assurance visits they carry out to every high-rise domestic building in Scotland, most domestic high-rise buildings are also fitted with external premises information plates near the entrance to the main door. These plates provide robust operational intelligence to attending crews, as they show relevant, easy to see information including confirmation of the address of the building, the number of storeys, position of hydrants and dry risers and relevant information on lifts and escape stairs.

Whilst use of these information plates is currently not a mandatory requirement it has been adopted by many high-rise buildings as good practice.

Scottish Government response

The Scottish Government accepts this recommendation and considers that actions already taken through the "Arrangements for Firefighting in High-rise Buildings Report 2022" look at the issues of this recommendation. HMFSI however, will review actions taken to address recommendations made within other relevant inspection reports as routine business.

Recommendation 34 (para 113.58)

LFB establish effective standing arrangements for collecting, considering, and effectively implementing lessons learned from previous incidents, inquests, and investigations.

Rationale

The Inquiry highlighted those lessons from previous incidents, such as the Lakanal House fire, had not been taken on board by local or national Government, or the London Fire Brigade. It also set out that processes should be in place to collect and learn from incidents.

Scottish context

This is a devolved matter. SFRS has an Operational Assurance Process that underpins the ability to learn lessons and promote continual improvement by the review and sharing of information. This is supported through the Organisational Learning Management Arrangement which sets out SFRS arrangements to identify, capture and manage sources of learning and embed any lessons learnt.

Following Phase 1 of the Grenfell Inquiry, SFRS has made changes regarding responding to incidents in high-rise domestic buildings. This included reviewing and updating their standard operating procedures for attending incidents at such premises. SFRS will continue to review current practices and closely consider any outcomes of HMFSIs 2024-25 Thematic Inspections which will include a review of the Service's Operational Assurance provision.

Scottish Government response

The Scottish Government accepts this recommendation. SFRS has appropriate arrangements in place which are well documented including appropriate governance at strategic levels to ensure they are effective in meeting this recommendation.

Recommendation 35 (para 113.59) and Recommendation 36 (para 113.60)

Fire and rescue services that continue to use low power intrinsically safe radios as part of breathing apparatus should consider reserving them only for situations in which there is a real risk of igniting flammable gases and generally using radios of higher power, particularly in high-rise buildings.

All fire and rescue services give consideration to providing all firefighters with digital radios.

Rationale

During the fire in Grenfell Tower there was a breakdown in communications at times, as the radios used by firefighters stopped working at certain distances from the ground / through a certain number of concrete walls. This was largely attributed to the use of “intrinsically safe” analogue radios.

Scottish context

This is a devolved matter. SFRS reviewed and updated the standard operating procedures for attending incidents in high-rise domestic buildings after the Phase 1 Report. SFRS have a transition programme in place to phase out the use of analogue radios in the Service, including for use in breathing apparatus. Several intrinsically safe radios will remain in use for appropriate situations and strategically deployed as required. Digital Radio roll out commenced in September 2024 for the East and North Service Delivery Areas with the West following on throughout 2025. On completion, a simultaneous switch over from analogue to digital will conclude this programme.

Scottish Government response

The Scottish Government accepts these recommendations and is content that SFRS has taken steps to review and update procedures. SFRS will monitor roll out, report progress through the SFRS High-rise Continual Improvement Group (HRCIG) and assess effectiveness of implementation.

Recommendation 37 (para 113.61)

Firefighters be trained to respond appropriately to the loss of communications and to understand how to restore them.

Rationale

During the fire in Grenfell Tower there was a breakdown in communications at times, as the radios used by firefighters stopped working at certain distances from the ground / through a certain number of concrete walls. The Inquiry found that firefighters had to resort to measures such as using runners with information written on paper, to provide information to the Incident Command Unit.

Scottish context

This is a devolved matter. SFRS have protocols in place for loss of established communications at incidents and through Operations Control. SFRS will continue to review and consider whether their protocols are fit for purpose.

Scottish Government response

The Scottish Government accepts this recommendation. SFRS have completed a review of the protocols for potential loss of radio communications at incidents and no further action is currently required.

Recommendation 38 (para 113.62)

Basic training on the structure and operation of the water supply system, including the different types of hydrants in use and their functions, be given to all firefighters.

Rationale

The Inquiry found that on the night of the Grenfell Tower fire, firefighters were unable to distinguish between different types of hydrants.

Scottish context

This is a devolved matter. SFRS already ensure that principles of water supply system and water management are embedded within foundation training for firefighters. In addition, SFRS undertake Operational Assurance Visits at high-rise domestic buildings that include the check and operation of available hydrants.

Scottish Government response

The Scottish Government accepts this recommendation. A gap analysis on learning content, particularly around hydrant types will be undertaken by SFRS and action taken if required.

Recommendation 39 (para 113.63)

All fire and rescue services establish and periodically review agreed protocol with statutory water undertakers to enable effective communication in relation to the supply of water for firefighting purposes.

Rationale

The Inquiry found that firefighters struggled at times to get adequate water pressure to combat fires during the incident.

Scottish context

This is a devolved matter. SFRS have in place established protocols and communications with Scottish Water which means water can be supplemented at incidents where necessary. Despite these arrangements being in place, the ability to increase flow and pressure in certain areas and incidents can be challenging due to the age and design of infrastructure.

Scottish Government response

The Scottish Government accepts this recommendation. SFRS will review established protocols to consider if more can be achieved in line with the recommendation.

Recommendation 41 (para 113.65)

National Fire Chiefs Council (NFCC) consider whether, and if so in what circumstances, firefighters should be discouraged from departing from their instructions on their own initiative and provide appropriate training in how to respond to a situation.

Rationale

The Inquiry found that many firefighters who were sent to higher floors to carry out rescues, ended up deviating from these instructions to rescue people they came across on lower floors.

Scottish context

This is a devolved matter. SFRS adhere to National Operational Guidance that sets out parameters on which firefighters should act upon the evacuation brief given, to ensure health and safety of its personnel at incidents. In certain circumstances operational discretion may be used to deviate from the brief though this must be agreed and documented with Incident Commanders prior to deviating from policy or guidance at incidents.

Scottish Government response

The Scottish Government accepts this recommendation. SFRS will consider wider outcomes, following NFCC consideration and any change to National Operational Guidance in association with their Health and Safety Function.

Recommendation 57 (para 113.82)

Further consideration be given to the recommendations made in the Phase 1 Report in the light of our findings in this report (regarding personal emergency evacuation plans).

Rationale

The Inquiry noted that there were no plans in place for evacuating Grenfell Tower and that a significant number of those who died were children, had disabilities, or were vulnerable in other ways. In the Phase 1 Report the Inquiry recommended that the owner and manager of every high-rise residential building be required by law to prepare Personal Emergency Evacuation Plans (PEEPs) for all residents whose ability to evacuate the building without assistance may be compromised (such as persons with reduced mobility or impaired cognition); and to include current information about them and their associated PEEPs in a premises information box.

The UK Government in response to its most recent consultation on this topic (The Emergency Evacuation Information Sharing Plus (EEIS+)) will introduce Residential Personal Emergency Evacuation Plans (RPEEPs) which outlines that Responsible Persons must carry out a Person-Centred Fire Risk Assessment (PCFRA) to identify fire risks to those residents in their flats including in relation to evacuation. This assessment must also include potential mitigations that are practical, proportionate, and safe. They must provide a statement to the resident on what they have discussed and make this available to the local fire and rescue service. In addition, they must also provide building level evacuation plans to the local fire and rescue service, for both 18 metres+ buildings and 11-18 metres buildings with a simultaneous evacuation strategy in place.

Scottish context

This is a devolved matter. Scottish Government are supportive of ensuring that a person-centred risk assessment is offered where appropriate to reduce risks of fire in their own home. This includes providing information on what to do in the event of a fire. This information is covered in the Practical Fire Safety Guidance for High-Rise Domestic Buildings and Practical Fire Safety Guidance for Specialised Housing.

In 2020 the Scottish Government sent fire safety information awareness leaflets to residents of every high-rise building in Scotland, highlighting how to reduce the risk of a fire happening, and how to reduce the risk of harm should a fire happen. For those at high-risk of harm from fire, SFRS can also be contacted to carry out a Home Fire Safety Visit, to discuss risks and actions that can be taken to reduce these. Additionally, SFRS carry out quarterly Operational Assurance visits to every high-rise

domestic building in Scotland, checking features such as the fire doors, lifts, escape stairs, dry / wet risers and hydrants.

In the event of a fire, SFRS would undertake a rescue of any person who is unable to self-evacuate and / or who is affected by fire or smoke, regardless of any assessment in place.

Scottish Government response

The Scottish Government accepts this recommendation in principle. In 2025, we will carry out alongside SFRS, a high-rise fire safety information awareness raising campaign. This will involve engagement with relevant stakeholders to understand how best to reach those we need to.

Additionally, the fire safety toolkits developed specifically for high-rise domestic buildings will be updated and circulated to relevant organisations, such as factors, landlords, COSLA and owners' associations.

In addition, the Scottish Government has asked the Scottish Law Commission to undertake a project on Compulsory Owners Associations. They are exploring legal options for the establishment, formation and operation of compulsory owners' associations and the rights and responsibilities to be imposed on them. The recommendations from the Scottish Law Commission are anticipated in Spring 2026 for consideration by Ministers. Following the Law Commission's recommendations, the Scottish Government will consider whether compulsory owners associations may be a route to ensure that those who are unable to self-evacuate have a person-centred risk assessment in place.

Recommendation 58 (para 113.83)

Advice contained in paragraph 79.11 of the LGA Guide be reconsidered.

Rationale

The paragraph referenced was contained in the Local Government Associations (LGA) "Fire safety in purpose-built blocks of flats" guidance document. LGA no longer hosts this document, and it is instead hosted on the UK Government website. The paragraph has been removed from the guidance, with a note saying that policy in this area is being developed. LGA is specific to England and Wales.

Scottish context

This is a devolved matter. Scotland has its own Practical Fire Safety Guidance for High-Rise Domestic Buildings and Practical Fire Safety Guidance for Specialised Housing.

Scottish Government response

The Scottish Government accepts this recommendation in principle. The Scottish Government regularly reviews the content of its guidance documents and will be considered as part of Recommendation 57.

9: Resilience and local authorities

Background

Recommendations made under the Resilience theme cut across a number of issues, including the following:

- consideration of the cultural context and needs of residents
- engagement and involvement of community groups, the voluntary sector and faith groups in planning, response, and recovery
- sufficient plans being in place to respond to and recover from a major incident
- staff being appropriately trained for the roles they would be expected to undertake in an emergency
- protocols for response and the adoption of resilience standards
- sufficiency of available guidance
- training uptake, and
- scrutiny and assurance or plans, and arrangements.

The Inquiry criticised the action and role of Ministers and MHCLG and Cabinet office in the response to Grenfell. There was also criticism in relation to the sufficiency of UK guidance, training uptake by responders, scrutiny, and assurance of the quality of planning and preparation of response and resilience forums and the degree to which duties under the Civil Contingencies are being met.

Recommendation 42 (para 113.67)

Recommend that the Civil Contingencies Act 2004 be reviewed, and consideration be given to granting a designated Secretary of State the power to carry out the functions of a Category 1 responder in its place for a limited period of time.

Rationale

The Inquiry contends that the UK Government's powers in sections 5 and 7 of the Act to intervene in response to an emergency are far-reaching but they do not enable it to intervene promptly or decisively when a Category 1 responder is challenged beyond its capability.

Scottish context

The Civil Contingencies Act 2004 is reserved to the UK Government. It is recommended that change is made to enable a designated Secretary of State to take over control for a period of time.

Scottish Government response

The Scottish Government accepts this recommendation, and we will work with UK Government where a review of the Act is considered necessary.

Recommendation 43 (para 113.68) and Recommendation 44 (para 113.69)

Regulation be amended to require Category 1 responders to establish and maintain partnerships with the voluntary, community and faith organisations in the areas in which they are responsible for preparing for and responding to emergencies.

Guidance be revised, reduced in length and consolidated in one document which lays greater emphasis on the need for those leading the response to consider the requirements for recovery, the need to identify vulnerable people, the importance of identifying and ensuring co-operation with voluntary, community and faith groups and is consistent with the Equality Act 2010.

Rationale

The failure to involve voluntary, community and faith groups in resilience structures for planning, response and recovery was detrimental to the quality of the response to and recovery from the incident. It also meant that the links between these organisations and the statutory resilience bodies did not exist or were not strong enough and so could not be mobilised as effectively in the response.

Scottish context

This is both a devolved and reserved matter. Through Preparing Scotland, guidance is provided to categorised responders on how they can support building resilience communities. This includes voluntary, community and faith groups which should be seen as an integral part of the response structure and should be involved as early as possible in the planning phase so they can contribute to the response and recovery phases of any emergency.

Scottish Government response

The Scottish Government accepts this recommendation in principle. We will continue to work with reliance partnerships to integrate voluntary, community and faith group into resilience structures. Through the review in 2025 - 2026 of Preparing Scotland Guidance and the broader resilience doctrine in Scotland work will be undertaken to identify how the approach can be strengthened.

Recommendation 45 (para 113.69)

Regard for humanitarian considerations be expressly recognised by making it the ninth principle of effective response and recovery.

Rationale

The Inquiry determined that humanitarian considerations were not fully understood, nor had provision made for them in terms of the preparation for an adverse event or the response to the Grenfell Tower fire itself. The contention is that making humanitarian consideration the ninth principle of the integrated emergency

management system would address this in the future. It is not clear however what the Inquiry means by humanitarian considerations.

Scottish context

Introducing a humanitarian principle in Scotland will require consultation with resilience stakeholders. In Scotland, the need to deal sensitively and pay attention to the needs of populations served by the resilience system is addressed through guidance, learning, training, and practice.

Scottish Government response

The Scottish Government accepts this recommendation. We will work with resilience stakeholders through the Scottish Resilience Partnership in 2025 - 2026 to better incorporate humanitarian considerations into planning, response, and recovery.

Recommendation 46 (para 113.70)

Guidance on the operation of the London Local Authority Gold arrangements be revised and that existing and newly appointed chief executives be given regular training to ensure they are familiar with its principles.

Rationale

Although each London local authority is a separate Category 1 responder, there are arrangements for promoting resilience across the capital as a whole, through the London Local Authority Gold arrangements. Events demonstrated, however, that there is a need for a clearer understanding of the nature of the London Gold arrangements, in situations in which a local authority is affected.

Scottish context

In Scotland steps have been taken to improve the available training for Gold Command level officers / officials. The Scottish Multiagency Resilience Training and Exercising Unit (SMARTEU) has developed the Multi-Agency Strategic Incident Management (MASIM) Course bringing together strategic and / or developing leaders who would participate at a strategic level in a Resilience Partnership (RP), to respond to or recover from major incident including civil emergencies and terrorist incidents.

Scottish Government response

The Scottish Government accepts this recommendation. We will continue to work with resilience stakeholders to ensure we strengthen the guidance and training for Gold Command level officers / officials.

Recommendation 47 (para 113.71)

Local resilience forums adopt national standards to ensure effective training, preparation and planning for emergencies and adopt independent auditing schemes to identify deficiencies and secure compliance.

Rationale

The Inquiry's investigation revealed the inability of the London Resilience Forum to monitor the quality of its members' planning, training, and preparation for responding to emergencies. Neither Minimum Standards for London, which applied at the time, nor its replacement, Resilience Standards for London, gave the local resilience forum any means of securing compliance with the standards they prescribed. They note that in the UK Resilience Framework the UK Government has recognised the need to strengthen local resilience forums.

Scottish context

National Resilience Standards apply only in England and Wales. The adoption or development of Resilience Standards in Scotland would be a matter for the Scottish Government in consultation with stakeholders.

Scottish Government consulted on National Resilience Standards and their potential use in Scotland in 2018 when they were being established by Cabinet Office. The consensus from the resilience sector was that resilience standards should not be adopted.

Scottish Government response

The Scottish Government accepts this recommendation. We will work with resilience stakeholders through the Scottish Resilience Partnership in 2025 - 2026 to reconsider the adoption of Resilience Standards as part of the work on validation and assurance.

Recommendation 48 (para 113.71) and Recommendation 49 (para 113.73)

A mechanism be introduced for independently verifying the frequency and quality of training provided by local authorities and other Category 1 responders.

Local authorities train all their employees, including chief executives, to regard resilience as an integral part of their responsibilities.

Rationale

The Inquiry found that decisions on training were left entirely to categorised responders and that there was no consistent approach to either quality or quantity of that training and no verification of that external to the organisation. The Inquiry concluded that provision of resilience awareness and training within the RBKC was insufficient.

Scottish context

This is a devolved matter. There is a suite of accessible online learning materials, which can be supplemented by facilitated learning sessions, offered by the Scottish Government to all categorised responders and their staff. In Scotland, the uptake of this learning has been good across the responder community.

Scottish Government response

The Scottish Government accepts this recommendation. In February 2025, a public consultation was launched on the learning and training needs of Category 1 responders and how support can be provided. This will shape the ongoing learning and development offer from the Scottish Government which will be published during 2025 - 2026.

Recommendation 50 (para 113.74)

Local authorities devise methods of obtaining and recording information in relation to resilience, if possible, in electronic form, and practise putting them into operation under a variety of different circumstances.

Rationale

The Inquiry found no effective means of collecting and recording information about those who had been displaced from the Tower and surrounding buildings, including those who were missing.

Scottish context

This matter is devolved.

Scottish Government response

The Scottish Government accepts this recommendation. Existing Care for People guidance sets out in some detail the considerations that responders should have in relation to information gathering approaches pre and post incident. Through the review in 2025 - 2026 of Preparing Scotland Guidance and the broader resilience doctrine in Scotland work will be undertaken to identify how the approach can be strengthened.

Recommendation 51 (para 113.75)

Local authorities make such arrangements as are reasonably practicable for enabling them to place people in temporary accommodation at short notice and in ways that meet their personal, religious, and cultural requirements.

Rationale

There was no system in place for obtaining, at short notice, a large amount of accommodation for displaced people.

Scottish context

This matter is devolved. Existing Scottish Government guidance reminds categorised responders of their responsibilities and that they must give due regard to the Equality Act 2010 when identifying rest centres and other accommodation in an emergency.

Scottish Government response

The Scottish Government accepts this recommendation. Through the review in 2025 - 2026 of Preparing Scotland Guidance and the broader resilience doctrine in Scotland work will be undertaken to identify how the approach can be strengthened.

Recommendation 52 (para 113.76)

Local authorities include in their contingency plans arrangements for providing immediate financial assistance to people affected by an emergency.

Rationale

The Inquiry found that RBKC did not have in place adequate arrangements for providing financial assistance to those affected by the fire.

Scottish context

This is a devolved matter. Local authorities should have in place contingency plans for providing immediate financial assistance to people affected by an emergency. Current guidance only suggests referring people to financial advice service in the mid to long term after the adverse event.

Scottish Government response

The Scottish Government accepts this recommendation. We will work with local authorities and broader resilience partners to devise ways in which financial support could be provided to people affected.

Recommendation 53 (para 113.76)

That as part of their planning for emergencies local authorities give detailed consideration to the availability of key workers and the role, they are expected to play so that suitable contingency arrangements can be made to ensure, as far as possible, continuity of support.

Rationale

This recommendation centres around the availability, quality and consistency of the specific workers attached to the victims and family of the Grenfell Tower fire. The level of support provided to residents by key workers varied. Some said that their social workers and key workers had been helpful and that key workers had provided advice on counselling. Others reported that the high turnover of key workers was unhelpful and one complained that they had no experience of dealing with people facing trauma.

Scottish context

This is a devolved matter. Current Care for People guidance covers consideration for the provision of mental health first aid and the need to consider how to meet the needs of those experiencing trauma. There is however no specific guidance on continuity of key / link worker provision to individuals or families affected.

Scottish Government response

The Scottish Government accepts this recommendation. Through the review in 2025 - 2026 of resilience doctrine, structures, and Preparing Scotland Guidance we will identify how the approach can be strengthened.

Recommendation 54 (para 113.77) and Recommendation 55 (para 113.78)

That as part of their emergency planning local authorities make effective arrangements for continuing communication with those who need assistance using the most suitable technology and a range of languages appropriate to the area.

That all local authorities include in their plans for responding to emergencies arrangements for providing information to the public by whatever combination of modern methods of communication are likely to be most effective for the areas for which they are responsible.

Rationale

As a Category 1 responder there is a duty under the Civil Contingencies Act 2004 to communicate with the public and provide them with information and advice as necessary in an emergency.

Scottish context

This is devolved a matter. Current guidance asks responders to ensure that they have plans that include the ability to effectively communicate with those affected and the public.

Scottish Government response

The Scottish Government accepts this recommendation in principle. We will continue to work with local authorities and broader resilience partners to identify how the approach can be strengthened.

Recommendation 56 (para 113.78)

In future, to avoid confusion, wasted effort and frustration we also recommend that what in the past has been called by the police a “casualty bureau” be described in a way that makes it clear that it does not provide information to the public about people affected by the emergency.

Rationale

There was widespread confusion around the role of the casualty bureau with many members of the public believing it was a way for them to find out about their friends and family impacted by the fire. The telephone number of the casualty bureau was mistakenly given to those seeking information about family and friends. The result was that they were unable to obtain any help from the casualty bureau without understanding why, which caused considerable frustration and anger.

Scottish context

Policing is a devolved matter. Guidance with procedure in relation to the casualty bureau is agreed at a nation level via the National Police Chiefs’ Council (NPCC).

Scottish Government response

The Scottish Government understands that NPCC accepts this recommendation. The NPCC has been working to discharge a similar recommendation made in 2018 by the Kerslake independent review of the Manchester Arena bombing. It has updated the standard operating procedures for the casualty bureau and will continue to assure delivery against them. Although the casualty bureau will continue to be known as such, the NPCC has worked with force communication leads on how to clearly describe the functions of a casualty bureau and is working with local government to ensure that communications in the event of a critical incident are clear to the public. A review will be undertaken (6 – 12 months) to ensure this continues to be imbedded.

10: Housing

Background

The report identifies several shortcomings on the part of the Arm's Length Management Organisation (ALMO) which managed and maintained the housing stock on behalf of the local authority in relation to repair and maintenance services, poor governance, a negative relationship with its customers, failings in communication and participation with its tenants and tenants' groups, failures in complaints handling and lack of routes for tenant redress.

Recommendation Issue 1 (para 113.47)

The report identifies several shortcomings on the part of the KCTMO and in other circumstances would have made recommendations. However, the Inquiry considers that the measures enacted in the Social Housing (Regulation) Act 2023, which enables the Regulator of Social Housing to play a more active role in setting appropriate standards and ensuring that they are met, mean that it is not necessary to make any additional recommendations.

Rationale

The Inquiry criticised the organisation responsible for the management and maintenance. Particularly in relation to repair and maintenance services, it found poor governance, negative customer relationships, failings in communication and participation with tenants and tenants' groups, failures in complaints handling and lack of routes for tenant redress.

The Inquiry felt that the UK Government's Social Housing (Regulation) Act 2023 was sufficient and did not make any additional recommendations. The Act enables the Regulator of Social Housing to play a more active role, setting appropriate standards and ensuring that they are met.

Scottish context

This is a devolved matter. The existing legislative and regulatory regimes in Scotland already provide effective safeguards. The Scottish Housing Regulator (SHR) commissioned a review of the UK Social Housing (Regulation) Act 2023 to identify the extent to which there is equivalent provision in Scottish legislation and identify any regulatory gaps.

Scottish Government response

The Scottish Government will review and work with the SHR when its report is available to identify any issues of relevance to in Scotland.

11: Assorted recommendations

Background

The recommendations under this theme cover a range of findings which the Inquiry felt merited further consideration. Access by designers and fire engineers to information on a large range of products, including their performance in fire to assist in assessing the hazards posed by certain materials. This recommendation followed the consideration by the Inquiry of the creation of a Cladding Materials library by the University of Queensland where there has been a particular focus by the Australian Government on having in place qualified professionals as well as supporting training and education.

The Inquiry found that some important recommendations affecting fire safety were ignored by the UK Government in the years leading up to the fire. These included recommendations made in 1999 by a Select Committee that were not implemented and an inadequate response by the government department to recommendations made by the Lakanal House coroner. There was no system for recording recommendations made by public bodies or keeping track of the department's response to them. It is recommended that it be made a legal requirement to maintain a publicly accessible record of recommendations made by select committees, coroners, and public inquiries together with a description of the steps taken in response. If the government decides not to accept a recommendation, it should record its reasons for doing so. Scrutiny of its actions should be a matter for Parliament, to which it should be required to report annually.

Urgent advice was sought from the Building Safety Regulator and the National Fire Chiefs Council on the nature and scale of the problem with drop keys. The Inquiry found that on the night of the fire the drop keys being used by some firefighters were not effective, there were differing key patterns as well as the use of non-standard keys.

The Inquiry identified failings on behalf of the gas transporter company which owns and operates the pipes and apparatus that transported gas to Grenfell Tower. The company, while not owning the gas, is responsible for the safety of the service pipework up to the point of the emergency control valve located at each customer meter. Gas transporters have a duty to maintain access to pipeline isolation valves as part of appropriate arrangements for responding to incidents and emergencies. The Inquiry recommend that all gas transporters should have a legal duty to inspect emergency control valves at intervals to ensure that they are accessible and to reinstate them if they are not. Additionally, they should be required by law to check the accessibility of each valve on its system at least once every three years and to report the results of that inspection to the Health and Safety Executive as part of its gas safety case review.

Recommendation 24 (para 113.39)

The construction regulator sponsors the development of a [construction] library, perhaps as part of a joint project with the University of Queensland, to provide a continuing resource for designers.

Rationale

This recommendation followed the consideration by the Inquiry of creation of a Cladding Materials library by the University of Queensland. Ensuring that building products were safe for their intended use was strengthened by the Queensland Building and Construction Commission Act 1991 which was amended to impose obligations on those involved in specifying or supplying products (including designers, architects, engineers, manufacturers, importers, suppliers and installers) to ensure that they are safe and fit for their intended purpose.

Funded through the government, it is a library and point of reference for designers and fire engineers who are considering using cladding materials. It provides a substantial database of information on a large range of products, including their performance in fire to assist in assessing the hazards posed by particular materials. A series of tests have been carried out on each product, including small scale flammability tests, with the aim of identifying its properties.

Originally intended to develop the Cladding Materials Library to incorporate results of intermediate and large-scale tests, including tests similar to those carried out on the cladding materials used at Grenfell Tower. The programme was discontinued when the government decided to prohibit the use of certain cladding materials.

Scottish context

Provision of a Cladding Materials library is not a devolved or reserved matter and has potential to strengthen the system across the UK.

Scottish Government response

The Scottish Government accepts the recommendation. Requirements for a national construction library will be discussed with the UK Government.

Recommendation 25 (para 113.40)

That it be made a legal requirement for the government to maintain a publicly accessible record of recommendations made by select committees, coroners, and public inquiries together with a description of the steps taken in response.

Rationale

The Inquiry's investigations found that some important recommendations affecting fire safety were ignored by the UK Government in the years leading up to the Grenfell Tower fire. There was no system for recording recommendations made by public bodies or keeping track of the department's response to them.

The Inquiry recommended that it should be a legal requirement for the government to maintain a publicly accessible record of recommendations made by select committees, coroners, and public inquiries together with a description of the steps taken in response. If the government decides not to accept a recommendation, it

should record its reasons for doing so. Scrutiny of its actions should be a matter for Parliament, to which it should be required to report annually.

Scottish context

The recommendation to put in place a system for recording recommendations made by public bodies or keeping track of the department's response to them is not fully devolved or reserved and is applicable across the UK.

In Scotland it is a legal requirement of the Scottish Courts and Tribunals Service (SCTS) to publish determinations of Fatal Accidents Inquiries including the response reports which will normally detail what action has been taken or is proposed to be taken in light of the recommendations.

The statutory framework for public inquiries is set out in UK legislation, the Inquiries Act 2005. A public inquiry is run by an independent chair and is independent of government. At its conclusion, the chair must deliver a report to the relevant Minister setting out the facts, the recommendations (if applicable) and anything else the panel considers to be relevant to the terms of reference. A report of an inquiry must, unless one of the statutory exceptions apply, be laid before Parliament and published in full.

Select Committees are a feature of the UK Government. In Scotland, the Scottish Parliament have a number of Committees made up of small groups of MSPs (cross-party) looking at specific subjects / areas (e.g. Criminal Justice Committee, Economy and Fair Work Committee, Local Government, Housing and Planning Committee). The purpose of committees is to hold the Scottish Government to account; they examine proposed legislation and consider amendments, consider petitions suggested by the public, and can hold inquiries (within their own remit). This is not the same as a public inquiry under the Inquiries Act 2005. Committees can use an inquiry to gather information and examine an issue. During an inquiry, a committee will usually ask individuals and organisations for their views; examine the views it gets; hold evidence sessions where they question members of the public, organisations, and experts; visit organisations, companies, and communities to get a deeper understanding of the inquiry topic. The committee publishes its report on the Parliament website. The Scottish Government must respond to the committee's recommendations, setting out whether they agree or not.

Scottish Government response

The Scottish Government accepts the recommendation which covers both reserved and devolved matters. In Scotland there are mechanisms already in place meet to the devolved areas of the recommendation as set out. In regard to public inquiries Scottish Government officials will continue to engage and collaborate with UK Government counterparts through the Inquiry Sponsors Network, which meets on a quarterly basis. Any amendment to the current framework for public inquiries is likely to require amendment to legislation which will require consideration at a UK level.

Recommendation 27 (para 113.43)

Government seeks urgent advice from the Building Safety Regulator and the National Fire Chiefs Council on the nature and scale of the problem [with drop keys] and the appropriate response to it.

Rationale

The Inquiry found that firefighters were using differing key patterns as well as the frequent use of non-standard keys.

Scottish context

This is a devolved matter and SFRS has reviewed the position in Scotland advising that firefighters are provided with standard issue drop keys by the fire service. SFRS routinely inspect high-rise domestic buildings in Scotland through their Operational Assurance Visits, and part of this process involves the checking of facilities, including the firefighters switch on lifts where appropriate to ensure they operate as designed. Where there are issues noted, these are passed to the responsible persons or factors for resolution and thereafter checked again at the following inspection by operational crews.

Scottish Government response

The Scottish Government accepts the recommendation. SFRS are reviewing their policy around these inspections. The need for a change to the technical guidance will be considered through the review of Section 2 (Fire) of the Technical Handbooks that will be undertaken in response to Recommendation 5.

Recommendation 28 (para 113.44)

Every gas transporter be required by law to check the accessibility of each such valve on its system at least once every three years and to report the results of that inspection to the Health and Safety Executive as part of its gas safety case review.

Rationale

The Inquiry found that it was well known in the gas industry that pipeline isolation valves are often lost, for example, because they have been covered over by landscaping or road works. The survey of Grenfell Tower carried out by the gas transporter in 2008 showed that “fire valves” (pipeline isolation valves) had been installed on the pipes supplying gas to the Tower. Being unable to find them in October 2016 was almost certainly attributable to the landscaping works completed as part of the refurbishment and steps should have been taken to reinstate them immediately.

The failure to reinstate the pipeline isolation valves did not affect the course of events surrounding the fire because burning debris falling on the east side of the Tower would have prevented anyone from obtaining access to them. However, the

Inquiry considered that on another occasion access to them might be of critical importance and they recommended that all gas transporters should have a legal duty to inspect these emergency valves at intervals to ensure that they are accessible and to reinstate them if they are not.

Scottish context

This is a reserved matter. The Health and Safety Executive (HSE) monitors and oversees the health and safety of onshore gas distribution and supply

Scottish Government response

The Scottish Government accepts the recommendation. Officials will work with UK Government and the HSE to monitor and contribute to change in requirements where this is required. Considering the related gas riser location concerns raised within the report and the apparent lack of understanding of the specific requirements in Approved Document B relating to firefighting stairs, will be included in the review of Section 2 (Fire) of the Technical Handbooks that will be undertaken in response to Recommendation 5.

12: Action already taken in Scotland

The Ministerial Working Group on Building and Fire Safety was convened in June 2017 following failings in the construction of Edinburgh School Buildings and the fire at Grenfell Tower, London. The group was set up to oversee reviews of building and fire safety frameworks, regulations and guidance, and any other relevant matters, to help ensure that people are safe in Scotland's buildings.

Following the Grenfell Tower fire, action was taken as soon as possible to ensure that people were safe and felt safe within their own homes and in other buildings such as schools and hospitals. Scottish Ministers and officials wrote to local authorities and other bodies seeking to understand the position in Scotland and ensure any immediate concerns were identified. Where necessary appropriate plans and measures were put in place.

Changes were made to building regulations so that only safe materials can be used on the outside of high and medium rise buildings. Buildings of this type being constructed to today's standards have a range of safety measures that were not in place at the time of the fire and the opportunity for a fire to spread in the manner that it did at Grenfell should not be possible.

The initial focus of the group was on high-rise domestic buildings, it has also considered other buildings including housing, the NHS estate, and schools. To support its work, two Expert Review Panels for building standards were established to consider Compliance and Enforcement, and Fire Safety. The MWG commissioned a further review – High-rise Domestic buildings – Fire Regime Review (2018).

12.1 Review of compliance and enforcement: Professor John Cole's report

The Review Panel on Compliance and Enforcement identified several key weaknesses in the system including:

- failures in the current implementation of the building standard system in Scotland in relation to the enforcement of procedural and site compliance.
- delays caused to some major projects due to unacceptable lengths of time being taken to deal with applications in the verification process.
- a lack of consistency across Scotland in the approach taken by different verifiers in relation to their approval of projects.

The Compliance and Enforcement Review Panel concluded that, whilst the core elements of the current building standards system should be maintained, some reshaping of the system was necessary to ensure that it addresses identified weaknesses. The building standards verification delivery model was identified as a key area for reshaping. Specific recommendations were made around the following:

- supporting the work of LABSS to establish appropriate courses for the training and qualification of professional staff and the establishment of more attractive career pathways in Building Standards to assist with recruitment.

- reviewing current staffing numbers and qualifications in building standards services across Scotland to determine the level of additional investment in staff necessary to provide the required standard of service including response times.
- examining further ways for verifiers to share expertise and staff resources, particularly in relation to the specialist and safety critical areas. This needed to include fire and structural engineering but could also extend to areas such as the energy design of complex buildings.

Consideration was given to the development of central hubs of expertise serving the whole system which was supported by the Fire (Safety) Review Panel.

12.2 Reviews of fire safety

Two reviews were undertaken as part of the Ministerial Working Group on Building and Fire Safety.

Building Standards (Fire Safety) Review Panel 2017-2018

Information on the review has been published at: Building Standards (Fire Safety) Review Panel: minutes index - gov.scot. The remit of the group was to review standards in light of evidence from the Grenfell Tower fire and comment on appropriateness and relevance of the current standards and guidance and to consider the relevance of British Standard and European tests. The review panel was asked to provide an opinion of whether or not any changes were necessary and to keep this under review, as further evidence emerged.

The Review Report was published in June 2018. Following this, consultation on changes was undertaken between July and September 2018. Amendments to standards and supporting guidance were confirmed and introduced from October 2019 as follows:

- from October 2019 - external wall cladding systems to be non-combustible or subject to a large-scale fire test in new domestic buildings over 11 metres; option for single escape stair removed from new domestic buildings over 18 metres in height; evacuation alert systems and storey and dwelling identification signage required in new domestic buildings over 18 metres in height.
- from April 2021 - scope of standard 2.15 expanded to require Automatic Fire Suppression Systems (AFSS) in all new flats, maisonettes, social housing dwellings and shared multi-occupancy residential buildings (including student accommodation).

Building Standards (Fire Safety) Review Panel 2021-2022

Information on the review is published at: Building Standards (Fire Safety) Review Panel 2021-2022 - gov.scot. The remit of the group was to consider a ban on the highest risk cladding materials, including Metal Composite Material (MCM) cladding panels. It was also to consider the ongoing role of BS 8414, the large-scale fire test, in supporting guidance including any new test evidence, modelling, real fire data and other evidence emerging from the Grenfell Phase 2 Inquiry. They were also asked to

consider the competence of those involved in cladding systems design, testing, installation, and verification. Any unintended consequences arising from the recent review was also to be identified and considered.

A Consultation on changes was undertaken between July and October 2021. This resulted in amendments to standards and supporting guidance confirmed and introduced from June 2022:

- amendment to regulation 8 of building regulations to ban highly combustible metal composite material panels on all buildings regardless of height and ban combustible external wall cladding systems of domestic and high-risk buildings more than 11 metres above the ground (the large-scale fire test is no longer an option for these buildings)
- changes to the mandatory building standard 2.7 'fire spread on external walls', to improve clarity of intent
- requirements for replacement cladding to comply with current regulations and require a building warrant introduced by amendment of schedule 3 to regulation 5 (work not requiring a building warrant).

12.3 High-rise Domestic buildings - Fire Regime Review 2018

As part of its work programme, in 2018 the Ministerial Working Group set up the Review of the Fire Safety Regime and Regulatory Framework in Scotland in relation to high-rise domestic buildings. The remit of the group was to ensure that the regime and regulatory framework provided comprehensive protection to residents of high-rise domestic buildings, was robust and fit for purpose.

In undertaking this, the group was directed to consider good practice in the scope and content of fire safety regimes elsewhere in the UK and abroad, to offer relevant benchmarks for comparison and assist in the identification of potential improvements of the current regime in Scotland. The group also assessed whether or not there was a requirement to change legislation or practices with regards to the statutory role of SFRS and make any recommendations to Ministers.

A final report by the group was published in December 2018 and formed the basis for the 'Strengthening Fire Safety for High Rise Domestic Buildings' consultation in mid-2019.

The review concluded that there were no major legislative gaps and that in all instances, there was no requirement to amend the current Fire (Scotland) Act 2005 legislation. Amendments to (and creation of) guidance was sufficient. The Review process resulted in several recommendations for improvements to support or clarify existing guidance and legislation regarding high-rise domestic buildings which all but one have been implemented. The remaining recommendation relates to external premises information plates being fitted to high-rise domestic buildings that are 18 metres or higher. Whilst use of these information plates is currently not a mandatory requirement it has been adopted by many high-rise buildings as good practice. Scottish Government policy officials continue to consider options around this recommendation including work to update the current Building Standards Technical

Handbook, which will ensure that all new high-rise buildings have a plate fitted during development.

12.4 Building Standards Futures Board

Work to strengthen the building standards system in Scotland is continuing through the work of the Building Standards Futures Board Programme. Set up in May 2019 the Board provides guidance and direction on the development and implementation of recommendations made by the Review Panels on Compliance and Enforcement and Fire Safety.

The Board's remit is to strategically advise and direct a broad programme of work aimed at improving the performance, expertise, resilience and sustainability of the Scottish building standards framework and services across Scotland.

The Board has been chaired by a local authority Chief Executive and Society of Local Authority Chief Executives and Senior Managers (SOLACE) representative since its inception. Work to deliver the workstreams is being taken forward by Building Standards Division, Scottish Government, involving a range of stakeholders from construction industry organisations, professional and public bodies including Scottish Futures Trust, Skills Development Scotland, Universities, and local authorities, through LABSS.

The seven workstreams agreed in 2019 were as follows:

- verification delivery model
- compliance plan approach
- digital transformation
- certification strategy
- workforce strategy
- technical strategy
- verification standards.

In 2024 the Board agreed to an updated 2-year programme recognising work done to date and focussing on four workstreams, as follows:

- compliance plan approach
- verification delivery model (incorporating verification standards)
- certification strategy
- digital transformation.

The Board has already delivered changes to the building standards system in Scotland. The Delivery Model workstream considered how the building standards system should be delivered and concluded that the existing local authority delivery model should be retained but strengthened.

To provide support and resilience to local authority verifiers and the wider construction industry, following a 2-year pilot phase the Scottish Building Standards Hub moved to its permanent footing in May 2024. The SBSH is funded through

building warrant fees and is hosted by Fife Council. A public consultation on compliance and enforcement undertaken in 2022 supported work to define and agree an initial list of high-risk building categories, develop changes to strengthen the compliance process in the building standards service and take forward work to support the introduction of a new Compliance Plan Manager.

The Delivery Model workstream identified the need for additional resources for local authority verifiers to support the changes being brought forward through the work of the Futures Board and in particular to allow verifiers to fulfil their full role in supporting the delivery of compliant buildings through the construction phase.

Work was carried out to identify what additional capacity local authority verifiers would require to meet the anticipated additional compliance workload. A 3-year statutory building warrant fee model was developed to deliver around a 30% increase in building warrant fee funding by year 3, and the planned year 2 increase will be in place from April 2025. Local authority verifiers have been asked to demonstrate their reinvestment plans and progress to increase compliance capacity for when the future legislative changes are in place.

The identification and introduction of strengthened compliance measures through guidance, initially for buildings where there is a higher risk of negative outcomes from non-compliance with building regulations has been developed and tested through an early pilot project and though a Compliance Plan Early Adopters Scheme which commenced in March 2024.

The new Compliance Plan process is designed to ensure that building warrant projects proceed in a predictable and procedurally compliant manner and all those involved in the project know and discharge their full role to minimise the risk of non-compliance. To support this outcome and the necessary behaviours increased penalties and sanctions are proposed, and work is underway to increase local authority enforcement capability and capacity.

The Scottish Government consulted on increased penalties for offences under the Building (Scotland) Act 2003 of a maximum two-year prison term, and maximum penalty for offence of £50,000 has been proposed to strengthen enforcement and sanctions.

An Enforcement Handbook was published and a public consultation in October 2023 sought views on proposals to strengthening existing enforcement powers and increase penalties for offences under the Building (Scotland) Act 2003. There was strong support for the proposals to strengthen enforcement and these will be taken forward as part of wider legislative changes in the next session of the Scottish Parliament. In the meantime, the ability of local authorities to use statutory enforcement powers is being bolstered through a new investigative skills training course provided through the SBSH to improve understanding of the criminal justice process. The course will provide building standards professions with key skills including taking formal statements, collecting evidence of non-compliance with building regulations, building a case for prosecution, and taking a case to court when that is in the public interest. The training will improve how the building standards team manage their statutory enforcement role effectively to achieve a successful

outcome when the offence under the Building (Scotland) Act 2003 requires proceedings to be initiated leading to prosecution.

A Workforce Strategy for the Building Standards Verification Service was delivered over three years from October 2020. The aim of the strategy was to raise the profile of the building standards profession to attract and retain staff. A new modern apprenticeship pathway was implemented to enable managers to develop talent in the team and provide a pipeline from junior roles into mid-range and senior roles over time. The strategy actions also supported the development and introduction of a Professional Competency Framework in 2021 for Verifiers and a supporting Competency Assessment System. This focus has helped the profession to recognise the competencies and behaviours required for every job role and provide a consistent process for managers and staff to identify skill gaps and training opportunities. A Learning and Development role now sits in the SBSH to improve the development of building standards content for accredited courses and to support the management of competency for everyone in the profession.

12.5 Fire safety reviews

High-rise Inventory

A High-Rise Inventory was commissioned to identify all high-rise domestic buildings in Scotland. The Inventory provides information on buildings with a storey height of 18 metres or more above ground and contains details of the key aspects of the construction and fire safety features including in relation to cladding.

The main source of information was records from Local Authority Building Standards departments for all relevant buildings, with data provided or verified to the best of the respondents' knowledge at the time. A summary of the information collected was published in 2021 at: High rise domestic buildings: inventory - gov.scot.

External Wall Systems Advice Note

In early 2020, the UK Government published the consolidated advice note (now withdrawn) on the fire performance of cladding, fire doors and other construction elements. In March 2020, Scottish Ministers set up a Technical Working Group to develop a 'Scottish Advice Note' (SAN) to determine the fire risk posed by external wall systems in existing multi-storey residential buildings.

The Scottish Advice Note was published in August 2021 and updated in December 2022 to provide more detailed guidance on external wall system appraisals to support the work of Scotland's Cladding Remediation Programme and the development of a Single Building Assessment (SBA) at that time. Following the creation of the Cladding Remediation Programme and development of the SBA specification we will consider the current SAN document in 2025 - 2026.

Introduction of Guidance for High-rise Domestic Buildings 2019

The practical fire safety guidance for existing high-rise domestic buildings was published. This guidance is aimed at those responsible for high-rise domestic

buildings and provides practical fire safety advice on how to prevent fires and reduce the risks from fires in high-rise domestic buildings. This document also included:

- Guidance on carrying out appropriate fire risk assessments of common areas.
- Guidance on how to manage combustible items left in common areas.

Fire Safety Leaflets for Residents of High-Rise Domestic buildings 2020

An information leaflet for residents of high-rise domestic buildings which provided information on how to prevent fires and what to do if there is a fire in their building was developed. The Scottish Government sent a copy of this leaflet along with an information letter to every resident of a high-rise domestic building in Scotland.

Introduction of Guidance for Specialised Housing and Similar Premises 2020

New fire safety guidance for specialised housing and similar premises was published. Primarily for those who are responsible for specialised housing and similar premises and for those who provide care or support services in such premises. It provides practical fire safety advice on how to prevent fires and reduce the risk from fires.

Fire Safety Toolkit

As part of a campaign to improve fire safety in common areas of high-rise buildings, a high-rise domestic building fire safety toolkit was developed, which included leaflets, posters and signposts to further information and support for those responsible for fire safety in such premises.

12.6 Stakeholder Response to the Phase 1 report

Scottish Fire and Rescue Service

SFRS identified that their existing operational policies and procedures addressed, to some degree, the core issues raised by the 31 recommendations for LFB within the Phase 1 Report. SFRS had arrangements in place, within the Scottish operating and regulatory context, which already met the intention of 11 recommendations. Of the remaining 20 recommendations work was completed to build on existing arrangements to ensure that the lessons learnt from Grenfell Tower were incorporated into SFRS procedures and practices. This included but not limited to updating their standing operating procedures when attending an incident at a high-rise domestic building.

SFRS continue with established processes to gather information on the layout of high-rise domestic buildings through quarterly assurance visits. This provides operational intelligence for firefighters in the event of a fire and provides assurance to residents on the adequacy of the fire safety measures in the common areas of the building, such as the escape stair and fire doors.

They also worked with local authorities and residents to fit external information plates on high-rise domestic buildings to provide operational information for firefighters when they arrive to a fire.

SFRS provides support to those responsible for fire safety of the building, by continuing to reinforce and raise residents' awareness of "Stay Put" and other actions which may be required in the event of fire in high-rise domestic buildings.

Work has also been undertaken with care homes and housing for vulnerable people to support use of the Practical Fire Safety Guidance for Existing Specialised Housing and Similar Premises to improve fire safety for vulnerable people, including the use of PEEPs in those specific settings.

His Majesty's Fire Service Inspectorate (HMFSI) response

HMFSI published The Scottish Fire and Rescue Service's arrangements for the provision of Operational Risk Information report in 2019. This report considered arrangements in place in SFRS for gathering and providing access to risk information. The report made recommendations for improvement, and HMFSI noted that the SFRS has made significant progress in actioning these recommendations.

HMFSI carried out a high-rise Operational Assurance report looking at SFRS's current operational processes in September 2022. Overall, processes were found to be appropriate with recommendations provided to SFRS. These recommendations were accepted by SFRS, and they have incorporated changes to their processes.

12.7 Housing legislation – smoke and heat alarms

Since 1 February 2022, the Tolerable Standard has required every home in Scotland to have interlinked smoke alarms.

This Standard already applied to new build and private rented properties since 2013. A consultation to extend the scope of provision across tenures was undertaken in late 2017. The regulations ensure the same level of protection now apply to all tenures of homes, regardless of whether someone owns their home or rents from a private or social landlord.

Having an interlinked system means residents will be alerted immediately, regardless of the room in which the alarm is triggered, increasing the chance to escape. One of the additional specific improvements for owner occupiers and tenants in the social housing sector was increased alarm coverage, which included the following:

- one smoke alarm installed in the room most frequently used for general daytime living purposes (normally the living room / lounge)
- one smoke alarm in every circulation space on each storey, such as hallways and landings
- one heat alarm installed in every kitchen
- all smoke and heat alarms to be ceiling mounted, and

- all smoke and heat alarms to be tamper-proof and interlinked.

12.8 Cladding remediation programme

In Spring 2020, Scottish Ministers established a Ministerial Working Group on Mortgage Lending and Cladding to seek to address difficulties faced by owners and residents in access to mortgages.

In March 2021, this group identified a need for a new Single Building Assessment (SBA) to take a fresh approach to assessing those buildings where external cladding systems posed a potential risk to life safety. The SBA was designed to be a holistic assessment of internal fire risk and the risk of fire relating to external cladding or wall systems.

Scottish Ministers took the decision to fund SBAs on a whole building basis rather than for individual flats. This approach was tested through a pilot starting in 2021. A range of lessons were taken from the pilot and supported the development of a way forward. The pilot also informed the further development of the SBA, including the development of a technical specification and statutory standards set by Ministers. It identified challenges to assessing and remediating buildings, including gaining consent from all homeowners to carry out works. The Housing (Cladding Remediation) (Scotland) Act 2024 was brought forward to address this and other barriers to remediation identified during the pilot.

The Act received Royal assent in June 2024 and was commenced on 6 January 2025. Commencement of the Act included initiation and development of the Cladding Assurance Register (CAR), and the publication of statutory standards for an SBA.

To date, the Scottish Government has delivered remediation of the external wall system for one building within the pilot programme, and 13 further directly procured government-led Single Building Assessments are underway. Some of these are refreshing earlier pilot assessments which pre-dated the introduction of the new statutory standards and specification for the SBA. Commissioning of a further four SBAs is also in preparation.

Through the pilot, the Scottish Government has also commissioned urgent interim measures for one further high-risk building (in the absence of a developer or other entity to manage the cladding risks). We have also shaped the introduction of Urgent Interim Measures in another building which will be taken forward by a linked developer.

Significant efforts have been made to engage with developers to encourage them to take responsibility for assessment and remediation where they are able to do so and negotiation of a contract with larger developers is at an advanced stage.

Moving on from this pilot phase, Ministers set out their strategic priorities for 2025 in a statement on 6 January 2025. This also set out Ministers' intention to publish a Cladding Remediation Plan of Action by the end of March 2025.

12.9 Competence and culture

The report has exposed poor competency levels of the building professionals that were charged with refurbishing Grenfell Tower. This included those who were in lead roles and the subcontractors and advisors. The building control team at the Council was also found to be lacking in competence and resource for this work.

The Inquiry has given specific recommendations related to fire risk assessors, fire engineers and architects. It acknowledges that changes have been made by the architecture profession since Grenfell to improve professional competence.

The Scottish building standards system legislation requires Ministers to consider the competence of verifiers and certifiers before and throughout their verification or certification appointment period (normally 6 years). Competence amongst other criteria, is subject to Scottish Government audits and routine monitoring against national operating and / or performance frameworks and is reported to Scottish Ministers. Certifications Scheme Providers and also provide routine self-assessments to the Scottish Government. These requirements support competence within the building standards system.

The Relevant Person (normally the building owner or developer) within a building warrant project has the legal responsibility to control the work so that they can certify compliance. For high-risk buildings, a new requirement for a Compliance Plan Manager (a suitably qualified and experienced construction professional) will be introduced to assist and advise the Relevant Person, including on matters of competence.

Regulation of professions is essentially a reserved matter. The Scottish Government will work with the UK Government on regulation of fire engineers and architects, and on wider professional competency matters. There are wider industry efforts across the UK that have been ongoing since 2017. In 2019 the Raising the Bar report was published. It involved 150 organisations from across the construction, built environment, fire safety and owner / manager sectors, which worked together to improve the competence of those procuring, designing, constructing, inspecting, assessing, managing, and maintaining Higher Risk Residential Buildings (HRRBs). It was developed in response to Dame Judith Hackitt's report, Building a Safer Future.

One of the outcomes of the Raising the Bar report was to develop competence frameworks for construction. The British Standards Institution has since developed the 8670 series of standards. BS 8670-1:2024 is a set of core competence criteria covering the knowledge, skills, experience, and behaviours required to work on buildings of all types and scales. The goal is to help raise levels of individual professional competence across the built environment in support of the new building safety regime. Whilst the frameworks have been developed with regards to the new regime in England under the Building Safety Act 2022 it can be adapted to any jurisdiction.

The Industry Competence Committee (ICC) is a statutory committee set up by the Building Safety Regulator (BSR) within the Health and Safety Executive. Set up as a statutory committee created under the Building Safety Act (2022), the ICC is

concerned with the competence of those working in the built environment industries in England. The ICC provides strategic leadership, alignment, momentum, assistance, and encouragement, in support of its aim, to facilitate the improvement of competence in the built environment industry.

The Industry Competence Steering Group (ICSG) is a standing working group of the ICC and cross industry forum. The ICSG's purpose is to enable everyone in the UK in the built environment industry to access appropriate competences so they may safely contribute to the creation and use of the built environment and can demonstrate their competence to others. The ICSG works through its sector led groups, which cover construction products, through to demolition and disposal, including in occupation, enabling culture change in relation to competence as well as collaboration and implementation across industry.

In October 2022, the Construction Leadership Forum (a forum of the Scottish Government and industry in Scotland) published its Scottish Construction Accord, setting out a series of positive outcomes for the construction sector and where transformative change will be required.

Change will be delivered through a Transformation Action Plan that reflects a shared vision between the industry and the public sector to create a thriving and high-performing construction sector. Amongst other things the Accord set out an aim of increasing the capacity, capability, and diversity of the workforce with a focus on future skills and industry attractiveness.

The plan has 11 working groups including one on Skills and Workforce. The Group has already established a Public Sector Construction Skills Network. In 2025, the goal will be to gain a deeper understanding of the focus and activities of the numerous groups connected to construction skills, with the aim of enhancing understanding and boosting connectivity.

The Construction Quality Improvement Collaborative (CQIC) is a Scottish based campaign between the public sector and industry whose mission is to improve construction quality. The CQIC is the Quality working group of the Scottish Construction Accord's transformation action plan. It was first set up following the Grenfell Tower fire and construction failures at Edinburgh schools. It seeks to promote good practice to improve performance and help deliver compliance to building standards to create safer buildings. Establishing and nurturing a sustainable quality culture requires commitment from all those involved in the whole life of a construction project. The CQIC has developed a Construction Quality Charter to build momentum for change that currently has been committed to by 122 organisations, collectively representing around 45,000 employees. The CQIC advocates for quality across the sector through engagement, workshops and producing guidance and it supports the development of related Scottish Government policy and guidance.

The poor culture exposed by Grenfell has also been evidenced in Scotland, in particular, through Professor John Cole's reports into Edinburgh Schools and the DG One leisure centre in Dumfries. The CQIC has engaged with the Building Safety

Regulator on its work on Culture and will continue to do so given the direct relationship between quality and culture.

13: Discussion

The Grenfell Inquiry Phase 2 Report sets out a catalogue of issues that ultimately led to the tragedy occurring. Whilst that tragedy occurred outside of Scotland the shock and the impacts were felt here. We will take action to improve our systems across areas where responsibility is devolved and will work with the UK Government and other administrations on reserved matters. Indeed, action to improve fire safety began immediately after 14 June 2017, and the changes and improvements made since are set out within this report.

Scottish Ministers are committed to taking action to deliver against the recommendations and as set out in the Chapters above. Building safety is a high priority for Ministers with a commitment to ensuring that the failings found by the Inquiry within government and regulation are avoided.

The Scottish Government will take forward new workstreams in response to the Grenfell report but will also continue work that is already underway. The government cannot deliver this in isolation, it needs a similar commitment and collaboration from industry, professional bodies, local authorities, public bodies and SFRS. Engagement with the UK Government and other administrations on building safety matters going forward will also be essential.

Changes to the building standards system in Scotland and across the fire landscape need to have lasting effect and support a stronger and more resilient system. The Phase 2 Report builds on the findings from the Phase 1 Report providing recommendations that bring the need for cultural change to the fore in a system that has systematically operated to undermine the regulatory system.

The Phase 2 Report has presented the opportunity to not only assess the recommendations, but also to reassess the work done to date and consider what further work we still need to do. Regulators and regulation cannot stand still, as findings in the report demonstrated all too well. A regulatory system needs to respond to changes in technology, practices and need. Any such gap creates the opportunity for those who want to flout the system for their own benefit without requiring consideration of the consequences. Understanding current practices and the technologies and materials being used in construction is a key role of government and regulators.

In this section we set out what we will commit to over the coming years to improve building and fire safety in Scotland. The changes committed to are wide ranging and in some cases will create new roles and responsibilities.

13.1 Working towards safer buildings in Scotland

The failings of the UK Government departments charged with housing, building regulations and fire safety are set out in the Inquiry's report and acknowledged by the Government's response report. As a result, it is noted that the UK Government's structural changes have now made it so that these responsibilities are brought together under one department. The Scottish Government does not propose to make

such structural changes due to the different nature of government departments in Scotland. Scottish Ministers acknowledge that more can be done to ensure that building and fire safety matters are considered collectively, and changes are looked at within a system of building safety as opposed to in isolation.

We will reset the Ministerial Working Group on Building and Fire Safety, which currently oversees relevant cross cutting work, to take on additional responsibilities and scope to enable effective coordination and collaboration across policy areas. The Group will be supported by an extended group of external experts who are able to advise on the needs and impact of policy changes in Scotland and to share wider experience from the rest of the UK and internationally.

We propose to undertake further work to explore options for the role of and the functions of a Chief Construction Adviser. This is a key recommendation in the report, designed to provide additional independent expertise to Ministers on the effectiveness of the building control regime.

The Plan of Action for Cladding Remediation is being published on 25 March 2025. This will seek to build on progress made through commencement of the Housing (Cladding Remediation) (Scotland) Act 2024, and the introduction of the statutory Single Building Assessment to support identification and remediation.

The Plan of Action will include arrangements for a new Open Call, progress on work with developers on developer led remediation, and set out our work with local government and registered social landlords to ensure that proactive action is being taken by all actors across the system, and that work addresses cladding issues in all tenure types.

We will assess the principles and application of Section 2 (Fire) of the Technical Handbooks starting with a Call for Evidence to identify any further opportunities for improvement in both content and communication of standards and guidance and their application in practice. This will include, but not be limited to, the themes identified by the report for Approved Document B in England.

Aspects of the supporting assurance framework will be reliant upon the development and delivery of components such as a revised construction products regime which are reserved matters. A key aspect of any review will be an understanding of any reliance on the development of an improved assurance regime for construction products. Any risk in this respect will be managed by demonstrating that any changes proposed in Scotland consider the new construction products regime and apply a robust approach to assurance. The UK Government published a Construction Products Reform Green Paper on 26 February 2025, which sets out proposals for system-wide reform of the construction products sector, the regulatory regime that governs it and the institutions that must fulfil their responsibilities in assuring safe products that can be safely used.

13.2 Building Standards

Changes to the building standards system in Scotland and across the fire safety landscape need to have lasting effect and support a stronger and more resilient

system. The Phase 2 Report builds on the findings from the Phase 1 Report providing recommendations that bring the need for cultural change to the fore in a system that has systematically operated to undermine the regulatory system.

The Inquiry's report raised concerns on developers seeking to meet the guidance rather than the regulations. It is important for a response on this issue to emphasise the hierarchy of provision within current legislation and the context within which published guidance must be considered.

In principle, it is correct that the application of solutions in published guidance will support compliance with the mandatory standard under which the guidance is presented. This is a cornerstone of the system of functional standards set out under our regulations. Most standards describe a general outcome whilst some are more prescriptive on how a risk is to be addressed and an outcome, for example standard 2.15 'automatic fire suppression systems.

The delivery of a fire safe building relies upon all the measures identified within guidance to each of the standards in Section 2 (Fire) being addressed, to the extent they are applicable to proposed works. These are the component actions across all 15 standards that, when implemented, collectively manage the overall risk to life from fire where new building work is undertaken. They are supported by further base requirements set directly by regulations, for example regulation 8 on the durability, workmanship, fitness of materials and combustibility of external wall cladding systems.

For the application of building standards to be effective, provisions must be understood and implemented correctly. It is important that the context within which examples of compliance, given in the published guidance, can be used are always clearly defined.

We will continue to strengthen the building standards system in Scotland through the work of the Building Standards Futures Board focussing on measures that will deliver building regulation compliant buildings. This work spans from the design stage through to the completion of the building and includes the associated statutory enforcement elements, with the intention that all components of the system are optimised and work together to improve compliance.

To strengthen delivery of the building warrant service, building warrant fees are increasing to provide the additional resources that local authority verifiers require to fulfil their full legislative roles and meet increasing compliance workloads. Investment by local authorities in their building standards teams through this increase in fees is a critical cornerstone to strengthening the system.

The Compliance Plan Manager and Compliance Plan Approach presently under development for high-risk building warrant projects will also be tailored to apply to all building warrant projects in Scotland leading to an increase in construction compliance assurance.

Certification of compliance with building standards by Certifiers of Design and Certifiers of Construction within building warrant applications is an important part of

the current building standards system in Scotland and can provide reductions in building warrant approval assessment timescales and increased compliance assurance. Through the review of our Certification Strategy, we will seek to develop further certification schemes focussed on life safety critical areas. We will also work further with the UK Government on the development of a UK national licensing scheme for principal contractors which could be of equal value in Scotland whilst considering how any such scheme would relate to our current certification schemes.

Work will also be undertaken to review the effectiveness of the pre-emptive building standards system to ensure this is working effectively. The review will consider both the strengths and weaknesses of the pre-emptive system to identify where it is effective in driving compliance with building regulations but also where there may be gaps or workarounds that create difficulties at the design and construction stages. Research will be conducted to assess the effectiveness of the pre-emptive system to support this work.

Strengthening of enforcement powers for local authorities to take action on illegal work and increased penalties for offences will put in place a more stringent regime of sanctions as a deterrent against non-compliant building work. The ability for a local authority to immediately stop work on site, the introduction of increased fines and the option of a custodial sentence when this is deemed in the public interest will support future changes to strengthen the pre-emptive building warrant process which is a fundamental principle of the Scottish building standards system.

The focus on raising competency by addressing skill gaps across the building standards profession is already supporting effective delivery of the system and the ability of building standards professionals to embrace new technology and evolving ways of working across the construction sector. The proactive management of competency will ensure every individual in a technical operational role will be assessed to ensure they meet the competencies for their role. Validation and periodic revalidation of competency for the building standards profession was introduced from 2021 and the approach is being enhanced with the introduction of an independent model of assessment from 2027.

Recent reviews of the Operating Framework and the Performance Framework will ensure that the basis of the appointment of building standards verifiers recognises the essential requirement of protecting the public interest by maintaining their impartiality and accountability to the public when carrying out an independent third-party check of design proposals in building warrant applications. These requirements extend equally to projects where the local authority has an interest when carrying out work to new or existing council buildings. This aspect of their role will be reviewed formally as part of new measures to assess their performance as a buildings standards verifier when these are introduced from 2026.

13.3 Retrofit, over cladding and compartmentation

The ability of external walls to resist the spread of flame when they are over clad is at the centre of the failure seen at Grenfell. The overriding concern being that if the external walls of a high-rise residential building support the spread of fire to any significant degree, it is not viable to operate a stay put strategy safely.

This concern will be considered as part of the overarching review of standards and guidance. However, notable actions since 2017 which have strengthened the stay put policy are as follows:

- the need for a building warrant for over cladding and compliance with current regulations (2022)
- the need of non-combustible external wall cladding to relevant buildings (2022), and
- the need of suppression to all flats and maisonettes (2021).

A review is needed to understand what an effective regime would involve when undertaking building retrofit. One which identifies, maintains, or enhances existing compartmentation as part of a fire safety strategy. There is a need to understand how the level of risk associated with a loss of compartmentation in retrofit situations can be mitigated effectively and what other measures may be appropriate in compensation for any increased risk identified. The option for evacuation by default may be a consideration as a design outcome. Whilst a move to ‘evacuation on alert’ to a fire can mitigate the risk that may arise from a lack of control of fire spreading within a building, the risks associated with evacuation should also be understood and managed.

13.4 Fire Safety Strategies for high-risk buildings

It is recommended by the report that a fire safety strategy be produced for high-risk buildings at building warrant stage for review at completion and that it takes account of escape needs of vulnerable people. This refers to the situation in England where legislation identifies a responsible person for these buildings to enable a fire safety strategy for the building to be implemented when in use. There is no direct equivalent in Scottish regulations and taking account of the escape strategy for vulnerable people is difficult to support in Scottish regulations without an identified responsible person for the building.

This concern will be considered as part of the Section 2 (Fire) review, building on the existing non-domestic fire safety design statement. This will be supported by ongoing work relating to the Compliance Plan Approach and our continued partnership working with the British Standards Institution (BSI) and the UK Government including on current work in developing a British Standard for fire strategies.

The proposed review and Call for Evidence will assess options to require and assess safety critical information on high-risk buildings. Any assessment of fire risk and response in the design of a building which is to consider the individual characteristics of occupants may require to be necessarily limited and apply scenario modelling. It may be that discussion on this recommendation is best taken forward with Recommendation 57 on further consideration of PEEPs.

13.5 Fire Performance Tests

Evidence from the Inquiry questioned the use of small scale British Standard fire tests for the classification of internal wall and ceiling linings, to be used for assessing

the fire performance of external wall cladding systems. Reference to these small-scale reaction to fire tests were removed from the Scottish Technical Handbooks in 2019.

We are working with the UK Government and the BSI to ensure that Scottish Ministers are sighted on any new developments in large scale facade fire testing. This will help to ensure the classification and assessment system is fit for purpose and robust. The UK Government research and the European Commission sponsored facade testing work, will help inform our planned review of Section 2 (Fire) of the Technical Handbooks.

13.6 Fire Service

The Scottish Government will formally ask the SFRS and HMFSI to consider the specific recommendations made in relation to incident command, inspection of the control room, operational planning communications and the deployment of firefighters, and report on the outcome of any inspection / operational changes at future Ministerial Working Group meetings within a reasonable timeframe.

Working together Scottish Government and SFRS will undertake a fire safety information awareness campaign throughout 2025 across relevant high-rise domestic buildings to reinforce the action residents can take to reduce the risk of fire and to support vulnerable people to take appropriate action in the event of a fire.

The Scottish Advice Note on external wall systems in 2025 - 2026 will be reviewed to support the Cladding Remediation Programme and the Single Building Assessment (SBA) specification (Cladding Remediation Programme: Single Building Assessment specification - gov.scot).

13.7 Housing

The Scottish Government has asked the Scottish Law Commission to undertake a project on Compulsory Owners Associations. They are exploring legal options for the establishment, formation and operation of compulsory owners' associations and the rights and responsibilities to be imposed on them. The recommendations from are anticipated in Spring 2026 for consideration by Ministers.

Following the Law Commission's recommendations, the Scottish Government will consider whether compulsory owners associations may be a route to ensure that those who are unable to self-evacuate have a person-centred risk assessment in place. The Scottish Government is committed to consulting on the introduction of mandatory periodic fire risk assessments in specified high and medium rise buildings to reduce the risk of fire, and to promote the long-term integrity of the system for cladding remediation in Scotland.

This consultation process could be aligned with the forthcoming recommendations of the Scottish Law Commission on Compulsory Homeowners Associations.

13.8 Resilience and Local Authorities

The Scottish Government will commit to continuing to look for opportunities to strengthen the role of the voluntary, community and faith sectors in multiagency resilience partnerships.

During 2025 – 2026 the Scottish Government will undertake a review of resilience doctrine, structures, and the suite of Preparing Scotland Guidance to ensure there is clarity on the roles, responsibilities and expectations of categorised responders, wider resilience partners and the Scottish Government in planning, response, and recovery.

Work will also be taken forward following a consultation on the learning and training needs of Category 1 responders and how support can be provided by the Scottish Government. This work will be used to inform a refresh of learning and development for Category 1 responders and broader resilience stakeholders.

13.9 Competence and culture

The Scottish Government will continue to work with the CQIC (the Quality working group) to take forward work on industry culture, seeking to embed the principles that help to form a positive culture within industry through practice. We will work with the Skills Working Group of the Transformation Board to establish the best approach to wider industry competence.

Work has started to further strengthen the management of competency for the building standards profession including the development of a wholly independent scheme of competency assessment expected to be introduced from 2027.

We are committed to working with the UK Government on the regulation of the fire engineering profession. This will help to frame the prioritisation of actions and understand how we will move from the current regime and actors, who are still actively supporting fire-safe design across sectors, to a new regulatory regime. The new regime should address the education and the confirmation of initial and ongoing competence of fire engineers as a profession.

The Scottish Government will work with the UK Government and other administrations on situations where a building design would be supported by input from a registered fire engineer. The Scottish Government believes that the level of risk arising from the nature of a building project should define the need.

Any discussion on changes to the regime governing the regulation and oversight of the fire engineering profession will be of interest to several organisations. We will engage with practicing fire engineers in Scotland and their associated professional institutions. Other important actors in this area are the wider construction industry, SFRS, LABSS and the SBSH. The latter is establishing a fire engineering hub to support verification.

13.10 Improving the diversity and skills of review bodies

We are committed to continuing current practice in the formation of our review groups, with the twin goals of developing the experience and diversity of knowledge of participants. We will offer an initial report on this as part of our general Call for Evidence and seek views on opportunities to further enhance this process.

We would seek to expand commentary to recognise situations where there has been a lack of continuity in communication with groups and our wider stakeholder base during the review and consultation process generally and how we are seeking to rectify this via a more proactive publication scheme.

13.11 Legislation

The Scottish Government's acceptance of the recommendations in the Inquiry's report and the work undertaken under the auspices of the Ministerial Working Group on Building and Fire Safety would require further legislation. At present the main legislation that impacts on building safety is from the Building (Scotland) Act 2003, the Fire (Scotland) Act 2005, the Housing (Cladding Remediation) (Scotland) Act 2024 and relevant Housing legislation.

Further work and consultation will be undertaken to enable the introduction of the new role of Compliance Plan Manager under the Building (Scotland) Act 2003 will require further legislation. In addition, changes will need to be made to enable new enforcement powers and greater sanctions on those who chose to recklessly disregard the building standards.

The introduction of requirements for Fire Risk Assessors will require changes to the Fire (Scotland) Act 2005 following a period of working with the UK Government.

The need for legislation related to duty holders for domestic blocks of flats, including any review regarding PEEPs or person-centred risk assessments will be determined following the review of this area by the Law Commission as set out above.

Scottish Ministers are committed to taking the actions necessary to improve building and fire safety including legislation where necessary.

13.12 Working with the UK Government on reserved areas

The UK Government's response to the Inquiry's report recognises that building safety and building condition issues exist across the UK. It gives a commitment to work together on these matters. In recent years engagement has taken place on building standards, fire safety and cladding remediation to understand respective approaches and areas of common interest.

Scottish Ministers welcome the UK Government's commitment to working with the Scottish Government and other devolved administrations as we progress action in response to the recommendations. There is recognition of the differing systems and legislation in all four nations, but agreement to share approaches and learning.

The Scottish Government commits to working with the UK Government (subject to seeing further detail on proposals) for the strengthening of the construction products regulation, and the regulation of fire engineers and fire risk assessors. There is strong support in Scotland from stakeholders for the fire engineering professions to have both protected title and protected functions.

Further areas of shared interest include the development of the single construction regulator. The licensed scheme for contractors has potential benefits that will be explored as to how such a scheme might apply in Scotland and its relationship with Certification of Construction schemes.

The Scottish Government also recognises the benefit of a UK construction library of product information. Whilst this is not a reserved area of responsibility there is limited benefit of setting up a separate source in Scotland.

Annex A: Ministerial Working Group Grenfell Members

Membership

The membership of the Group consists of external members and policy officials. The external members are:

Members

Minister for Housing (Chair)

Minister for Victims and Community Safety

Robert Scott, HM Fire Service Inspectorate

Bill Connolly, NHSScotland Assure

Chris Getty, Scottish Fire and Rescue Service

Scott McKenzie, Local Authority Building Standards Scotland

Chris Ashurst, High Rise Scotland Action Group

Luke Bisby, Fire and Structures, School of Engineering at Edinburgh University

Peter Drummond, Royal Incorporation of Architects in Scotland (RIAS)

Hywel Davis, Chartered Association of Building Engineers (CABE)

Mike Callaghan, Convention of Scottish Local Authorities (COSLA)

Jonathan Henderson, Scottish Fire and Rescue Service

Kenneth Barbour, Scottish Fire and Rescue Service

Annex B: References

Grenfell Tower Inquiry (2019) Phase 1 Report.

Scottish Government (2018) Review of the Fire Safety Regime for High-rise Domestic Buildings in Scotland.

Scottish Government (2019) Practical Fire Safety Guidance for Existing High-rise Domestic Buildings.

Scottish Government (2020) Practical Fire Safety Guidance for Existing specialised Housing and Similar Premises.

Scottish Government (2019) Strengthening Fire Safety for High-rise Domestic Buildings Public Consultation.

Scottish Government (2019) Practical Fire Safety Guidance for existing Specialised Housing and other supported domestic accommodation, public consultation.

Scottish Government (2020) High-rise Inventory: summary report.

Scottish Government, Scottish Fire and Rescue Service (2019) Keeping yourself and others safe from fire in your high-rise building - Fire safety leaflet.

Scottish Government (2019) Building standards technical handbook 2019: domestic.

Scottish Government (2018) Sample testing of fire doors: letters to local authority verifiers.

British Research Establishment - BR 135 – Methods for large-scale fire testing of external wall systems are contained in BS 8414 Parts 1 and 2. The classification method and performance criteria are set out in BR 135.

British Standards

BS 9999: Code of practice for fire safety in the design, management, and use of buildings.

BS 750: Specification for underground fire hydrants and surface box frames and covers to include a description of the circumstances under which the flow coefficient to which it refers in paragraph 10.2 is to be measured.

BS 8414: A British Standard (national) large-scale test method for assessing the fire performance of external wall systems.

BS 8670-1:2024 - A set of core competence criteria covering the knowledge, skills, experience, and behaviours required to work on buildings of all types and scales.

BS 9414: A British Standard providing guidance on the interpretation of data derived from BS 8414 tests and principles for the way in which such data can be used to assess the performance of systems similar to those tested.

BS 9999: Code of practice for fire safety in the design, management, and use of buildings.

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