

# **Verification During Construction High Risk Buildings**

## **The Compliance Plan Approach Background and Implementation**

**Version 1.0**

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## Glossary

|                           |  |
|---------------------------|--|
| Work or building work     | Construction work which requires application for building warrant  |
| Project                   | The entity or entities which are delivering the construction activities which require building warrant approval  |
| Design and delivery team  | Those tasked within a project to design and deliver a building compliant with building regulations   |
| BSD                       | Building Standards Division of Scottish Government   |
| LABSS                     | Local Authority Building Standards Scotland  |
| SBSH                      | Scottish Building Standards Hub  |
| Verifiers                 | Those appointed by Scottish Ministers to protect the public interest by providing an independent check of applications for building warrants to construct or demolish buildings, to provide services, fittings or equipment in buildings, or to convert buildings, and to carry out reasonable inquiry into completion certificates submitted to them. |
| Reasonable inquiry        | The term used in primary legislation to describe the required actions of verifiers when considering approval or rejection of a submitted completion certificate.   |
| Building warrant          | The statutory approval required before any construction work to a building of a description to which building regulations apply can commence.  |
| Completion certificate    | The statutory document which certifies that a building has been constructed, demolished or converted in accordance with the relevant building warrant and complies with the building regulations.  |
| Legislative change        | The act of amending through the parliamentary process the Building (Scotland) Act 2003 and associated secondary legislation  |
| High Risk Buildings (HRB) | A definition of buildings which are to be subject of the full compliance plan approach, confirmed through public consultation  |

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| Compliance Plan (CP)                             | The document which is intended to evidence compliance with building regulations and building warrant procedures through appropriately planned and undertaken actions and information provision  |
| Compliance Plan Manager (CPM)                    | A new role to develop, oversee and deliver the completed compliance plan on behalf of a Relevant Person, to be introduced through legislative change.   |
| Construction Compliance Notification Plan (CCNP) | When the verifier grants the warrant, they will include a CCNP. This will detail the particular stages of the work they wish to inspect, acceptable alternative methods to check compliance and evidence which should be provided to them.  |
| Prewarrant stage                                 | A period before the first building warrant application is submitted for a project.  |
| Relevant Person (RP)                             | As defined by the Building (Scotland) Act 2003, but can be summarised as: <ul style="list-style-type: none"> <li>• the owner, tenant or developer doing the building work or conversion themselves; or</li> <li>• the owner, tenant or developer who has employed a builder to do work for them; or</li> <li>• the owner, where the tenant, developer or builder has not submitted the certificate when they should have done so</li> </ul> |
| Contractor Design Portions (CPD)                 | A portion of the construction project design that is the responsibility of the contractor, rather than the client's design team.  |
| Agent  | An individual or party acting on behalf of the Relevant Person for the purposes of complying with the building regulations  |
| Compliant building                               | A Building which is constructed in compliance with the building regulations in force at the time of its construction and performs as intended by the building standards.  |
| Stages or staging and staged warrants            | An optional process where a building standards verifier may accept a building warrant as an initial building warrant application followed by agreed amendments to warrant covering all portions of work   |

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|-----------------------------|--|
| Building standards register | The statutory register of building warrant applications, completion certificate submissions and other relevant documents and information. There are 32 building standards registers, held by each Scottish local authority. Registers are publicly accessible.                 |
| Procedural compliance       | Compliance with the procedures and process set out in the Building (Scotland) Act 2003 and subordinate legislation and guidance, supporting the legal requirements including that building warrant approval is required before work can physically commence on site.           |
| Public interest             | The health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings, and furthering the conservation of fuel and power, and furthering the achievement of sustainable development, |
| Completion certificate      | A statutory submission by the Relevant Person needed to confirm that a building has been constructed, demolished or converted in accordance with the relevant building warrant and complies with the building regulations.   |

## Compliance Plan Guidance

### 1. Introduction

The new Compliance Plan Approach (CPA) has been developed in response to the recommendations made by the 2018 Review Panel on Building Standards Compliance and Enforcement<sup>1</sup>. The Review Panel was formed by the Ministerial Working Group on Building and Fire Safety<sup>2</sup> set up following failings in the construction of Edinburgh school buildings and the fire at Grenfell Tower, London. The Review Panel identified that the building standards system in Scotland was not broken but needed to be strengthened, including compliance with building regulations.

In preparation to start the implementation of the compliance plan approach work has been done to identify what additional local authority verification compliance resources are needed and building warrant Fees have been increased as part of a 3 year plan.

It is now intended to implement the compliance plan guidance as a response to the Grenfell Tower Inquiry Phase 2 recommendations<sup>3</sup>, and the principles of the approach to strengthening compliance with Scotland's building standards system. Relevant recommendations are<sup>4</sup>

- Recommendation 2 (para 113.7). That the definition of a higher-risk building for the purposes of the Building Safety Act be reviewed urgently.
- 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.
- 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.

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<sup>1</sup> [Report of the Review Panel on Building Standards Compliance and Enforcement](#)

<sup>2</sup> [Building and Fire Safety: Ministerial Working Group - Related Publications](#)

<sup>3</sup> [Grenfell Tower Inquiry phase 2 report: Scottish Government response](#)

<sup>4</sup> [Grenfell Tower Inquiry phase 2 report: Scottish Government response - Section 4: Building regulations and systems](#) –

The CPA is essentially a robust compliance quality system in which the actions of parties involved in the design and construction process and verifiers are planned, recorded and reported on. In the compliance plan (the prewarrant and warrant submission stages, under legislative change) the project must confirm the systems that are in place to ensure compliance, primarily for the Relevant Person, but clearly accessible to the verifier if their reasonable inquiry requires it.

It is not a new system, but an approach that seeks to ensure the current building warrant process and legislation operates in practice as it is designed.

The CPA is designed to:

- minimise the risk of completed buildings failing to comply with the building regulations and the building warrant approved plans and details
- achieve compliance with building warrant process legislative requirements (procedural compliance) to support the delivery of safe compliant buildings and the legal use/occupation of buildings
- support the relevant person (normally the building owner/developer) through their appointed design and construction teams to control the work on site to build in accordance with the approved building warrant plans and the building regulations, to deliver a compliant building and be able to evidence this, and
- ensure the planned verification inspections, checks and evidence within the approved building warrant Compliance Plan (CP) are fully achieved.
- Provide support to verifiers in their reasonable inquiry into completion certificates and the local authority in their statutory enforcement role.

Building Standards Division (BSD) undertook an initial pilot trial of the CPA with Fife Council and BAM Contracts during the development of the Dunfermline Learning Campus (2024/2025). This was followed by setting up an Early Adopters trial scheme in 2024, which is currently ongoing and covers four projects.

The insights gained from these trials have been invaluable and have been used to develop the CPA.

The new CP guidance is intended to give local authority verifiers and industry the opportunity to familiarise themselves with the strengthened approach to processing building warrant applications for High Risk Buildings (HRBs), in advance of changes to legislation.

This will cover:

- the prewarrant application stage,
- the processes involved in developing a Compliance Plan (CP),
- using the CP for verification purposes and
- recording all relevant information and evidence to support reasonable inquiry by the verifier into a completion certificate submission.

Guidance will be issued in two phases: -

1. New guidance for verifiers will be published as a replacement for the Verification During Construction (VDC) guidance<sup>5</sup>, but only for defined High Risk Buildings (HRB). This local authority verifier guidance, to implement the principles of the Compliance Plan Approach to building warrant projects, will be introduced by December 2025. Verifiers are expected to use this guidance from 1 April 2026.
2. Full CPA guidance for High Risk Buildings, developed by March 2026 for voluntary adoption by industry and to inform future legislative change. An implementation date for the full CPA guidance is under consideration and subject to wider sector conversations.

For defined building/project types guidance will, in phase1, introduce structure to prewarrant discussions and require the verifier to issue a CP instead of a Construction Compliance Notification Plan (CCNP).

Phase 2 will invite Relevant Persons and their HRB projects to adopt the principles of the CPA voluntarily and work with the verifier to create and update the CP, nominating a key contact from within the project who will be responsible for checking and monitoring building standards compliance. This encourages projects to provide a resource with such a focus prior to the implementation of the CPM role. A term of compliance plan agent or acting CPM would be considered appropriate.

This key contact should be as a minimum a construction professional with a detailed understanding of the building standards and procedures, regulations and technical guidance document requirements. Legislative change will redefine this key contact as Compliance Plan Manager (CPM) with statutory duties and offences, supported by an anticipated professional competency scheme and register.

RPs are advised to employ a competent agent with a responsibility for leading on compliance with building standards legislation and guidance.

Application of the VDC guidance is an expectation of the Performance Framework for Verifiers<sup>6</sup>.

In adding this guidance to the suite of VDC documents, it is expected that those existing publications will be amended for clarity.

Local authority verifiers are expected to adhere to the guidance, as an amendment to the VDC documents.

The procedures outlined in the guidance handbook(s) describe the processes agreed by the Compliance Plan Working Group. These processes are intended to align with those that will be formally adopted by the CP approach.

Implementation of new guidance will be supported and will add to the development

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<sup>5</sup> [Building standards verification during construction handbooks](#)

<sup>6</sup> [Monitoring performance - Local authority building standards verifiers](#)

of the formal and mandated role of Compliance Plan Manager (CPM) which will not be introduced until the change within legislation required is enacted.

The Compliance Plan and the Compliance Plan Manager will improve the understanding of the reasons for building regulations, their importance in delivering buildings free from defects which can affect the health, safety and welfare of those in and around buildings, and why projects need to ensure they have adequate oversight of all work undertaken, such that completion certificates can be lawfully submitted.

This will provide clarity on the responsibilities individuals have in terms of the Building (Scotland) Act 2003, and in turn allow contractual responsibilities to be clear.

There are a number of potential offences which can be committed under the Building (Scotland) Act 2003. These offences, which include carrying out work without or not in accordance with a building warrant, or occupying a building knowingly or without regard to a completion certificate not having been granted, can be committed by any person.

Offences related to the submission of a completion certificate can only be committed by a Relevant Person, and the offence relates to the submission of the completion certificate, knowingly or recklessly, which contains a false statement, not the signing of the completion certificate declaration.

Offences can also be committed by persons in their capacity or employment within a body corporate including local authorities, to which section 49 of the Building (Scotland) Act 2003 refers.

The identity of individuals who may have committed offences under the Building (Scotland) Act 2003 would be identified by applicants on building standards forms but ultimately identified by a Procurator Fiscal in pursuing a prosecution.

BSD would welcome feedback both on the guidance provided and the processes involved, prior to the CP approach being brought into legislation.

## 2. Projects in scope

The term High Risk Buildings (HRB) describes the building types in scope of this guidance. These building types have been selected following public consultation and following high profile building failures. Public consultation also highlighted that a projects scale or complexity was an important factor, and that for some work the full compliance plan approach would be disproportionate.

High Risk Buildings (HRB) include major works to create or alter a: -

- Domestic or residential buildings higher than 11 metres
- Educational, community, sport buildings
- Non-domestic public buildings under local authority control
- Hospitals

- Residential care buildings

Major works must be defined in terms of the impacts on life safety. Factors to be considered include

- Complexity
- Scale
- Value of works
- Escape routes
- Vulnerable occupants
- Cladding alterations or new installations

As part of the Scottish Governments response to the Grenfell Tower Inquiry Phase 2 recommendations the High Risk Buildings definition will be re-considered and defined before May 2026 in preparation for future legislative change. Verifiers have indicated that there are other project types which would benefit from inclusion, such as stadia and shopping centres.

The decision on whether a building warrant proposal is considered major works in terms of the applicability of the Compliance Plan Approach rests with the relevant local authority building standards verifier.

Once legislative change has been made, procedural regulations will be clear that for defined buildings, a building warrant application will not be considered as received unless the required prewarrant stage has been undertaken. Suitably defined timescales and scale of fees will form part of the post legislative change delivery.

To allow appropriate light touch monitoring of the use of this guidance, as part of the change process towards amendments to legislation, verifiers should prefix descriptions of work for projects in scope, with the description field in IDOX Uniform, with “HRB -”. This will allow identification of projects in scope without requesting formal returns from local authorities, through access to the online Part 1 building standards registers.

### 3. Building standards system

#### 3.1 Overview of the building standards system

The building standards system in Scotland is established by the Building (Scotland) Act 2003 (the Act)<sup>7</sup>. The Act gives powers to Scottish Ministers to make building regulations, procedure regulations, fees regulations and other supporting legislation<sup>8</sup> as necessary, to fulfil the purposes of the Act. The purposes include setting building standards for construction work and conversions and dealing with dangerous and defective buildings. The regulations are made by Scottish Ministers but must be approved by the Scottish Parliament before coming into force.

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<sup>7</sup> [Building \(Scotland\) Act 2003](#)

<sup>8</sup> [Building standards - list of relevant legislation](#)

The purpose of the building standards system is to protect the public interest, and it is intended to ensure that building work on both new and existing buildings results in buildings that meet minimum standards as set out in the building standards technical handbooks.<sup>9</sup>

The building standards system sets out the standards to be met when building work on both new and existing buildings takes place, to the extent necessary to meet the building regulations.

The Scottish building standards system is pre-emptive, which means that designs need to be checked and approved by local authority verifiers before work can legally commence; this is a recognised strength of the system.

Building in advance of building warrant approval or using/occupying a building before an occupation certificate has been accepted are offences against the Act and increases the risk of non-compliance because the design or completed building has not been checked or approved by the verifier.

Local authorities can suspend unauthorised works and report offences against the Act, potentially resulting in fines and in the future custodial sentence (planned to be included in future amendment to the Act).

Inspections undertaken by verifiers during construction and on completion are intended to protect the public interest to check compliance with the building regulations and to discourage avoidance of the legislation.

The inspections do not provide a system to control work onsite but represent an element of a “reasonable inquiry”<sup>10</sup> into the certifying declaration made when submitting a completion certificate. It is the responsibility of the relevant person and a matter for the contracts and arrangements between the client and contracting parties to control the work and provide a compliant building.

The new CPA seeks to support and strengthen compliance through the introduction of the CP and a Compliance Plan Manager (CPM).

#### 4. Roles overview

##### 4.1 Relevant Person

The relevant person (RP) is usually the owner, tenant or a developer who is doing construction work for themselves, or who may employ consultants, certifiers, and contractors to undertake design and construction work on their behalf.

When a building warrant is obtained, the RP is responsible for controlling the work on site so that the work complies with the building regulations and they can submit the certifying completion certificate, without doing so recklessly or knowingly

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<sup>9</sup> [Building standards - technical handbooks](#)

<sup>10</sup> [Building \(Scotland\) Act 2003 – Section 18 Completion certificates](#)

containing a false statement. On completion of the work the Act requires the RP to submit the completion certificate to the verifier.

The completion certificate certifies that the work, or conversion, was carried out in accordance with the building warrant, and the building, as constructed or converted, complies with the building regulations.

While an agent of the RP may complete and sign the declaration, legislation requires that the RP submits the completion certificate in every case. It is an offence if the RP knowingly submits a completion certificate that contains a statement that is false or misleading. It is also an offence to recklessly submit a completion certificate containing a statement which is false or misleading.

Submitting a completion certificate without having taken appropriate and informed professional advice, particularly but not exclusively, where the RP is not an experienced construction professional, could be considered as reckless.

Where the tenant or developer are not considered or identified as the RP, the owner is then considered to be the RP when a completion certificate is submitted.

#### 4.2 Other Persons

While the RP is responsible for lawful submission of the completion certificate there are offences under the Act such as carrying out work without a building warrant, including stages of work where staged approval hasn't been granted, or in a case where a building warrant has been granted, otherwise than in accordance with the warrant.

In these circumstances persons considered as having committed an offence include

- any person carrying out the work or, as the case may be, making the conversion,
- any person on whose behalf the work is being carried out or, as the case may be, the conversion is being made,
- if the owner of the building does not fall under the above, the owner.

Case law has confirmed that all of the above can be considered as having committed the same offence on a single project.<sup>11</sup>

Several requirements of the Act and subordinate legislation require actions of persons carrying out work, such as notifying the verifier of start of works and of the completion of stages of work to allow inspection, however it is expected that the RP in their duties to submit a lawful completion certificate, would exercise control through contracts on the required actions of those employed to carry out work on their behalf.

#### 4.3 Verifier

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<sup>11</sup> [Building standards enforcement handbook - first edition](#)

The 32 Local Authorities are appointed as verifiers by Scottish Ministers to administer the building standards system for their own geographic area.

Their primary function is to protect the public interest by providing an independent check of applications for building warrants to construct or demolish buildings or convert buildings. This includes checking during the design phase before granting a building warrant and checking during the construction phase before accepting a completion certificate.

Verifiers must, on an application for a building warrant made to it, grant a building warrant if, but only if, it is satisfied that the work involved will be carried out in accordance with building regulations and that nothing in any plan, specification or other information submitted with the application indicates that the building when constructed or converted will fail to comply with building regulations.<sup>12</sup>

Applicants and their designers have the responsibility for design compliance, along with certifiers of design where appropriate, however it is the verifier who takes the decision to issue a building warrant.

Applicants would be considered as committing an offence if their application contained a statement which is false or misleading in a “material particular”<sup>13</sup>.

CPA guidance will describe the actions the verifier must take, and the CP will allow the verifier to set out their planned approach to reasonable inquiry and record in an open and transparent way both their efforts and those planned and delivered by the RP and their contracted parties.

Where the CP is not followed, the verifier must record the deviations and their actions to ensure their reasonable inquiry is not frustrated.

Verifiers must accept a completion certificate if, but only if, after reasonable inquiry, they are satisfied as to the matters certified in the certificate.

In regard to potential compliance issues with technical or procedural requirements of building regulations for projects under local authority control, or where the local authority has an interest, there are no changes under the compliance plan regards conflicts of interest.

Provisions are already in place through schedule 2 paragraph 9 of the BS Act 2003, and the Building Standards Operating Framework has confirmed that verifiers must operate to ensure that there is no conflict of interest between operation as a Verifier and any other activities they undertake (corporately and individual staff). Verifiers must assess and record such risks and record activities and measures put in place to demonstrate that any conflict of interest is resolved.

## 5. Building Standards Division

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<sup>12</sup> [Building \(Scotland\) Act 2003 – Section 9 Building warrants: grant and amendment](#)

<sup>13</sup> [Building \(Scotland\) Act 2003 – Section 16 Applications and grants: offences](#)

Building Standards Division (BSD) is part of the Scottish Government. BSD prepares and updates building standards legislation and guidance documents, conducting any necessary research and consulting on changes as necessary.

Updating the legislation and supporting guidance is informed by collaboration with working groups comprising of experts from industry, academia, and stakeholders.

BSD also author and update the Performance and Operating Frameworks and monitor the performance of local authority verifiers who are responsible for administering the building standards system.

Monitoring is carried out using the building standards Operating Framework and the building standards Performance Framework for verifiers.

### Approved Scheme Providers for Certification of Design and Construction

Under the Building (Scotland) Act 2003 Scottish Ministers may appoint individuals or bodies, either public or private, as Scheme Providers for Certification of Design or Construction.

There are a number of works covered by certification, which are listed on the Scottish Government Certification Register.<sup>14</sup> The benefit of using an approved certifier of design and/or construction is that the building work will be certified by qualified construction professionals as complying with regulations.

This Certification of Design and Construction is seen as a strong compliance route and is encouraged within the CPA.

### 6. Agent of the Relevant Person

On major projects, as part of a building warrant application, a RP will normally appoint an agent, to manage and progress their application.

In terms of the Building (Scotland) Act 2003 (the Act) and secondary legislation, an appointed agent can submit a building warrant application on behalf of their RP, and may also sign the compliance declaration, on a completion certificate submission.

This declaration is a confirmation on a statutory form that the work was carried out, or a conversion made in accordance with the approved building warrant. It also confirms that the building(s) as completed comply with building regulations.

This has been the case since the Act came in to force in 2005. Additionally, although an agent may complete and sign this declaration, the offence is the act of submitting the completion certificate, if it contains a false or recklessly made statement.

The Act states that after the completion of the work or conversion in respect of which a building warrant has been granted, the RP must submit to the verifier a completion

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<sup>14</sup> [Certification Register](#)

certificate certifying compliance with the approved warrant and the building regulations.

The offence under section 20 of the Act in regard to completion certificates is not therefore falsely or recklessly signing a completion certificate declaration, but one of submission.

That is not to say that contractors, developers or designers have no responsibility and cannot commit offences under the Act. In a recent case both a developer and builder were charged with offences as they were the person carrying out work, or the person on whose behalf work was carried out, which was not constructed in accordance with the approved building warrant.<sup>15</sup>

The RP should ensure that they have appointed an agent (and/or other parties) who is able to provide them with competent advice and services, with regard to the competent submission of a building standards completion certificate.

It should be noted that Section 49 of the Act has provisions which describes offences by bodies corporate.<sup>16</sup>

The implementation of the CPA brings a focus onto the professional advice procured by a RP, with the mandatory role of CPM expected to be implemented through a change to legislation. Where guidance is being followed in advance of this legislative change, RPs are advised to employ a competent agent with a responsibility for leading on compliance with building standards legislation and guidance.

## 7. Compliance Plan Manager

As part of the CPA to compliance with building regulations and standards the role of Compliance Plan Manager (CPM) will be introduced on defined building warrant projects.

The CPM will be introduced as a mandatory requirement after legislation is amended, when the role and its appointment by the RP is defined. It is anticipated that as a minimum a Compliance Plan Manager will be a construction professional and have accreditation from an anticipated industry led CPM competency scheme.

The CPM is appointed by the RP (normally the building owner), not the builder or developer. The only time in terms of appointment where this cannot be the case is where the owner is the developer/builder.

This is to ensure that the CPM can act without bias, or conflict of interest, and provide their core function of supporting persons whose role it is to submit the building warrant Completion Certificate to meet their statutory requirements.

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<sup>15</sup> [Building standards enforcement handbook - first edition](#)

<sup>16</sup> [Building \(Scotland\) Act 2003 – Section 49 Offences by bodies corporate](#)

The CPM must be a competent construction professional with a significant range of knowledge and experience across a wide and often unpredictable variety of contexts.

The Compliance Plan Approach is built on a principle of transparency of actions and behaviours.

Planned actions to evidence compliance with building regulations are recorded on the building warrant compliance plan, together with identification of those expected and contracted to deliver the evidence.

The Compliance Plan will subsequently be updated by the CPM and local authority verifier to record the success, or otherwise of the planned actions.

The CPM role is to provide continuity of compliance oversight from design to completion on behalf of the RP; professional oversight to manage the building standards compliance process from start to finish.

The CPM's role is not to replace the responsibility of others, contractually or ethically, to deliver a building which complies with the building regulations.

Note - The role description below is under review with professional bodies and is subject to change, refinement and clarification. A final role description will be provided prior to legislative change.

The role entails:

- Being appointed by the RP as CPM to act in their building standards compliance interests and required to be in place from prewarrant stage (a new application requirement for defined building projects) to acceptance of completion certificate.
- Accountable to the RP for analysis, diagnosis and confirmation of the design realisation through and by the execution of construction work relating to the assembly of the structure, fabric and services in compliance with building standards regulations and guidance.
- Identifying the building standards compliance risks on a project by project basis, determining how compliance for these risks can be evidenced, and monitoring the development and delivery phases.
- Relying on the design and delivery team retained by the RP, requiring these individuals or entities to prepare risk assessments, review these during design development and then at tender to ensure that they were satisfied that they were reasonable having regard to the scale, scope, and complexity of the project.
- Report to the RP any observed or documented concerns over the capacity or competence of the design and delivery team, as regards compliance with building regulations.

- Being responsible for overseeing that the CP is fully developed and subsequently fully executed and achieved, from the building warrant pre-application discussion stage through to completion of the project, on behalf of the RP.
- Monitoring responsibility for the delivery of compliance evidence by others and for the management of building standards compliance evidencing for the various phases of a construction project.
- Working in collaboration with the design team and contractor to identify the compliance risks, inspection needs and information/documents to be gathered and collated.
- An example of this collaboration would be understanding the projects proposed use of contractor designed portions, as this is essential in identifying the risk this form of procurement may provide to the procedural success of staged warrant applications and certification of design.
- Working with the design team and contractor to develop and agree the compliance evidence required by the RP to enable the lawful submission of the completion certificate at the end of the project. Examples of the principles of this approach can be found with the CQIC approach to quality planning.<sup>17</sup>
- Confirming readiness and managing notification of the verifier when stages of construction identified in the CP are ready for inspection or other checks.
- Monitoring progression of building warrant submissions, granted approvals, advising the contractor and RP that works must not start without a warrant or progress beyond the approved stage, and there should be no occupation without completion certificate acceptance having been issued.
- Acting as the point of contact for verifiers to arrange verification inspections or checks should arrangement through the contractor fail.
- Monitoring that design and delivery professionals have evidenced their advice to the RP regarding building standards compliance.
- Provide information and updates to the RP on matters of compliance at appropriate intervals and when issues arise requiring the RP's attention - to take place during the design and construction stages then prior to the RP submitting the completion certificate.
- During the delivery phase requiring regular submission of reports, certificates, and test data based on the compliance plan from the design and delivery team. These would be interrogated to ensure that they seemed reasonable.
- Maintaining and compiling the agreed record of compliance evidence to support the submission of the completed CP and the completion certificate, on completion of the project.<sup>18</sup>

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<sup>17</sup> [CQIC | Construction Quality Improvement Collaborative](#)

<sup>18</sup> A level of evidence which is to support those contracted by the RP to deliver a building compliant with the requirements of building regulations, such that they (the RP) can lawfully submit the completion certificate which contains certification that the building as constructed complies with building regulations and that work was carried out in accordance with the building warrant. This evidence should be collated and submitted to the RP by the project delivery team, through the CPM.

- Maintaining and compiling the agreed compliance evidence required by the building standards verifier in servicing their need to carry out reasonable inquiry into the certification of compliance submitted by the RP through the completion certificate submission.<sup>19</sup>
- Co-ordinating through the compliance plan and project quality systems, inspections by others, including the designer, sub-contractors, and any other specialists, where work requires to be certified or commissioned.
- Reporting to the building standards verifier if works are allowed to progress beyond the stages approved, if the building is occupied without completion certificate acceptance or temporary occupation or if any non-compliance recorded/reported by the project is not properly remediated or notified to the building standards verifier.

The level of site based activity to be undertaken by the CPM will be dependent on their risk assessment of the supervision of work proposed and delivered by contractors. CPM site activity should focus on confirming and authorising the notifiable verification stages and monitoring that warrant stages are completed in accordance with the approved stage plans.

Site based activity would also be expected to be undertaken to monitor the inspections of others in relation to their reporting and evidencing requirements through the Compliance Plan and wider through the project's quality planning.

For example, while it is not appropriate for the CPM to take responsibility for the work of others<sup>20</sup>, it is appropriate that in monitoring that Compliance Plan evidence is being robustly provided, interrogation of the actions of others may be appropriate to ensure they deliver on their contractual duty to the project.

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

It is intended that through legislative change, that the CPM will have a duty to report to the verifier, prior to completion certificate acceptance, any non-compliance with

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<sup>19</sup> A level of evidence, specified by the building standards verifier on the compliance plan, including minimum site inspections and other evidence gathering which will allow them to, after reasonable inquiry, consider whether they are satisfied as to the matters certified in the certificate.

<sup>20</sup> The CPM should not provide any contractual inspection services, and no site activity would be carried out which would transfer the liabilities for compliance with building regulations away from any person or persons, or body, contracted to do so, to the CPM or others. While liability for compliance with building regulations under the Building (Scotland) Act 2003 (the Act) as amended lies with the Relevant Person as defined in the Act, a Relevant Person should protect their interests through contract with their appointed professionals and contractors as appropriate. Reference to appropriate case law, such as *Mcglinn v Waltham Contractors and Others*, and the principles for site inspection responsibilities should be considered.

the building warrant and building regulations which have not otherwise been notified to the verifier.

While this description is intended to provide a consistent framework, it is recognised that some RP's will be more aware of the requirements placed upon them by legislation than others.

The CPM should therefore enter contract with an RP in full knowledge of the RP's awareness levels, take early steps to make the RP aware of their statutory responsibilities under the Building (Scotland) Act 2003 and plan appropriately.

## 8. The Compliance Plan

The aim of the compliance plan is to ensure that compliance with building regulations has been planned, managed and evidenced, and that the verifier has been able to complete their planned reasonable inquiry as a minimum, with full transparency.

Currently the Construction Compliance and Notification Plan (CCNP) is created and issued by the verifier along with an approved building warrant. The CCNP identifies the inspection stages that the verifier requires to be notified, so that they can inspect and check the project at different stages.

The new CP approach changes this process for HRBs. The CP will detail the measures that will be in place to control the work on site and the necessary evidence collated to deliver a compliant building. This will include the verifiers access requirements for inspection and other evidence considered required by the verifier.

After the legislative change is implemented, the CP will be submitted by the CPM to the verifier for provisional agreement at a prewarrant stage. The verifier will not have to accept the CP, as proposed, at this stage. Where insufficient information has been provided or if there is a need for changes to the proposed inspection stages or evidence provided, the verifier will require the CP to be amended.

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

At the completion of the project, the CP would need to be fully discharged before the verifier can consider acceptance of a completion certificate. Fully discharged would mean that all planned actions have been carried out successfully as planned, or that deviations have been suitably reassessed and equivalent actions carried out successfully.

Through the CP, the verifier will set their expectations for their statutory duty of reasonable inquiry into the compliance certifying statement on the completion certificate. If that plan is frustrated, alternatives which give an equal level of assurance to the verifier must be undertaken and recorded on the CP.

The Compliance Plan will also assist the verifier when considering any temporary occupation or use requested and provide evidence and information when seeking to

take enforcement action against those who seek to allow occupation of their building without the verifier's approval.

If the verifier has not been notified of stages as required by the CP, it would be expected that alternatives, including disruptive works such as the opening up of areas for physical inspection would be required of the contractor, the cost of these works to be borne by the project and not the verifier.

Since one of the prime reasons for the Act is securing the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings, transparency is in the public interest.

The CP must be placed within the part 2 statutory building standards register at the following key stages, meaning there should be 5 different versions on the register for any completed HRB project in scope.

- Prewarrant submission of CP
- Approval in principle of CP
- Submission of CP with building warrant application
- Approval or CP with building warrant, and with any amendment to warrant of required
- Completed CP at completion certificate submission acceptance

## 9. Implementation

The guidance set out in the introduction section above will be published in advance of legislative change. This provides an opportunity for verifiers and industry to test the Compliance Plan Approach (CPA) on live projects and provide feedback for consideration by Scottish Government.

It is an opportunity for local authorities and industry to demonstrate to Scottish Ministers that positive change is being implemented following high profile failures such as at Grenfell Tower.

Initial implementation of the CPA will be through guidance, which will be applicable until legislative change is enacted. During this period feedback from verifiers and industry is encouraged, and BSD is committed to evolving the guidance and approach.

This strategy builds on the CPA work taken forward under the Building Standards Futures Board, in a collegiate way, and aims to provide best practice guidance for implementation of legislative change.

In addition to legislating for a mandatory prewarrant stage, and engagement of competent CPM by RP's, change is expected in the penalties applicable to those who commit offences under the Act.

Public consultation in 2023 - 2024 proposed to increase penalties for offences from £5000 to £50,000 and included a new sanction of up to two-year custodial sentence. This is intended to act as a greater deterrent for those persons who undertake building work that does not meet the building warrant or Building (Scotland)

Regulations 2004.

In terms of change management, industry, and in particular those procuring buildings, undertaking building work, or identified as RPs would be advised to familiarise themselves with the CPA, and follow the guidance when published.

The full role of CPM, with statutory duties and offences will not be implemented through these guidance stages. However, as RP's have been encouraged since implementation of the Act in 2005 to engage competent professional advisors, it is expected that duly authorised Agents of the RP will continue to provide the interface between projects and the building standards system.

This would be valuable preparation for legislative change, where the CPA will become mandatory.

Implementation is expected as follows; -

1. Guidance for verifiers will be published as a replacement for the Verification During Construction (VDC) guidance, but only for defined High Risk Buildings (HRB). This local authority verifier guidance, to implement the principles of the Compliance Plan Approach to building warrant projects, will be published by December 2025.
2. Full CPA guidance for High risk Buildings, developed by March 2026 for voluntary adoption by industry and to inform future legislative change, will be published early 2026.
3. Legislative change to mandate the prewarrant application for CP, the engagement of the CPM, and amendments to enforcement and sanctions. Other supporting legislative change will be expected. Once legislative change is enacted, a suite of refreshed guidance will be delivered.

## 10. Conclusion

The introduction of the CPA will mark a significant step forward in strengthening compliance with building regulations and building standards in Scotland, particularly for High Risk Buildings (HRBs). Phases 1 and 2 of the CPA guidance only stage provides a valuable opportunity for local authority verifiers, design teams, and contractors to familiarise themselves with the proposed procedures ahead of their formal adoption into legislation.

The CPA requires those with responsibilities to deliver buildings which comply with building regulations, by recording their responsibilities and actions on the CP, a document which ultimately will be placed on the part 2 building standards register and be available for public scrutiny.

By actively engaging in this stage, stakeholders can help shape a more robust and effective compliance framework that supports safer, regulation-compliant buildings. The insights and feedback gathered during this period will be instrumental in refining the CPA and ensuring its successful implementation in future statutory practice.

Building Standards Division encourages all participants to embrace the revised ways of working and to contribute their experiences and suggestions. This collaborative

effort will help ensure that the final CP model is practical, proportionate, and fit for purpose.

Feedback can be submitted to: [buildingstandards@gov.scot](mailto:buildingstandards@gov.scot)



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