

# **Analysis of Responses to a Consultation on Scottish Advice Note: Determining The Fire Risk Posed by External Wall Systems in Existing Multi-Storey Residential Buildings**

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The opinions presented in this report are those expressed by responses to the consultation.

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# Contents

Executive Summary	i
1. Introduction	1
2. Consultation Methodology	3
3. Understanding of the Guidance, Legislation and Processes	9
4. Risk of External Fire Spread	13
5. Metal Composite Material Cladding	17
6. Aluminium Composite Material with Unmodified Polyethylene Filler	20
7. Non-ACM Cladding Panels	24
8. Guidance on Partial Cladding	27
9. Guidance on Fire Safety Risk Assessments	29
10. Areas of Guidance Missing or Requiring Clarification	37
11. Any Final Comments	41
Annex A: Reference Documents	43
Annex B: Webinar Distribution List	44
Annex C: List of Questions Asked at the Webinars	46
Annex D: Consultation Responses Published	51

# Executive Summary

- 1 This Executive Summary presents a brief overview of the independent analysis of consultation responses to the [Draft Scottish Advice Note](#) (SAN): Determining the fire risk posed by external wall systems in existing multi-storey residential buildings.
- 2 Both the UK Government and the Scottish Government have been developing updated advice for building owners of multi-storey, multi-occupied residential buildings following the Grenfell Tower fire in June 2017. In Scotland, Scottish Ministers agreed to set up a Technical Working Group to develop a SAN to bring clarity to the different legislative requirements and guidance in Scotland and take account of the key findings from large scale and intermediate scale fire testing of external wall cladding systems carried out by the UK Government.
- 3 The Draft SAN (Version 3) provides advice for those responsible for fire safety in residential buildings including building owners/managers, and residents groups where they exist, who are responsible for determining the fire risk posed by external wall systems on existing multi-storey residential buildings. The advice will also be of interest to fire risk assessors and specialist wall appraisal experts.
- 4 For the purposes of the Draft SAN, external wall systems include: cladding systems (i.e. outer cladding panel, support rails, cavity barriers and any insulation material exposed in the cavity behind the cladding), spandrel panels, window infill panels, balconies, solar shading and any other architectural feature or attachment to the building structure.
- 5 The scope of the Draft SAN applies to existing multi-storey residential buildings, including: blocks of domestic flats, including sheltered housing, extra care housing and supported flats; student accommodation, including boarding schools and halls of residence; hospitals or other premises with overnight patient accommodation; care homes; hotels and boarding houses; hostels; and prisons.
- 6 A targeted approach to the consultation was adopted given the Draft SAN's technical nature, and involved three main strands:
  - Webinars – 276 attended.
  - Consultation document and questions – 27 responses.
  - Meetings with Scottish Fire and Rescue Service (SFRS), Institution of Fire Engineers (IFE) (Scotland), and representatives from the Ministerial Working Group for Mortgage Lending.
- 7 The findings of the consultation will be used by the Technical Working Group to revise and finalise the SAN prior to its publication

**Table 1: Summary Analysis Feedback**

Consultation Question	Main Feedback
<p>Q1. Overall, do you find the advice helpful in understanding the guidance, legislation and processes as they apply to buildings in Scotland?</p>	<ul style="list-style-type: none"> <li>• A majority reported “Yes” (72%).</li> <li>• The main theme that emerged was that the advice note was “welcomed”, “helpful”, “useful” and a “positive step”. The advice was largely considered helpful as it provided useful background to, and a practical understanding of, key Building Standards legislation, and described the links between relevant pieces of legislation and the guidance. There was also feedback that it helped clarify the intent of the Scottish Government and set out high-level parameters within which the guidance was intended to be applied.</li> <li>• There were various comments around the inherent challenges for any non-technical person in fully understanding the detail of the guidance (e.g. mortgage lenders, homeowners, residents and tenants groups). Suggestions were made to help enhance the document’s readability (e.g. greater use of visualisations, reducing volume of text and level of information).</li> </ul>
<p>Q2. Does the advice clearly explain the risk of external fire spread in both low rise and higher rise buildings?</p>	<ul style="list-style-type: none"> <li>• A vast majority reported “Yes” (76%).</li> <li>• There were a variety of comments that simply confirmed that the advice in this area was clear, concise, and/or well evidenced. There was also acknowledgement of the advice that each risk assessment/appraisal would need to be building specific, and that third party advice would likely be required.</li> <li>• A variety of comments were provided around how the Draft SAN could be further clarified, strengthened and/or improved to aid understanding for its intended audience.</li> </ul>

**Consultation Question**

**Main Feedback**

Q3. Does the advice clearly explain the risk of Metal Composite Material (MCM) cladding?

- A vast majority reported “Yes” (79%).
- Few qualitative responses were provided by those who reported “Yes”. This included a mix of responses who confirmed that the advice was clear, while others noted aspects where the Draft SAN could benefit from greater clarity regarding the risk of MCM cladding.
- The remainder of respondents felt that the advice note’s reference to the risk of MCM cladding could be further simplified, clarified and/or improved to avoid confusion and to aid greater understanding for the intended audience (e.g. by reducing the use of “jargon” in sections relating to fire performance, by amending language used, ensuring clear and full definitions of terms used, by annexing the technical detail with clear and simplified messaging in the main body of the document).

Q4. Does the advice clearly explain the risk posed by Category 3 Aluminium Composite Material (ACM) with an unmodified polyethylene filler, and what actions building owners should take if their buildings have these systems?

- A vast majority reported “Yes” (75%).
- Similar to previous questions, there were a mix of qualitative responses that noted the advice was clear, while others questioned elements of the advice as it is currently presented in the Draft SAN, thought it was ambiguous or lacked clarity, or thought there were too many caveats provided.

Q5. Is the guidance on non-ACM cladding (including High Pressure Laminate) panels helpful?

- A majority reported “Yes” (72%).
- There was acknowledgement within the feedback that the guidance on non-ACM cladding, including High Pressure Laminate (HPL), was welcomed given that the fire classification of this type of cladding varies significantly, the potential risks associated with non-ACM cladding, and the increased prevalence of its use in buildings.

Consultation Question	Main Feedback
	<ul style="list-style-type: none"> <li>• There were also various comments that suggested areas where the guidance in this area could be further clarified and/or improved. For example, concerns were raised about the “narrow focus on ACM PE in Scotland”, and that other types of non-ACM cladding (e.g. timber, insulated core sandwich panels, rendered EPS, etc) were as prevalent as MCM and HPL. Others considered the UK Government test and analysis report “<a href="#">Fire performance of cladding materials research</a>” to be “flawed” and “minimised the risks and potential dangers associated with using non-ACM combustible materials”.</li> </ul>
<p>Q6. Is the guidance on partial cladding helpful?</p>	<ul style="list-style-type: none"> <li>• A vast majority reported “Yes” (76%).</li> <li>• As above there were a mix of qualitative comments. There were some that noted the advice was helpful as direct consideration of partial cladding in terms of fire spread risk within existing conditions, while others noted aspects where there was considered to be the potential for confusion and/or where further detail or clarity would be required.</li> <li>• For example, it was felt that more detail would be required: given how in-depth risk assessment/external wall appraisal is; in order to aid understanding of, and communication with, building owners/managers; and to define and distinguish between terms used in the Draft SAN,</li> </ul>
<p>Q7. Does the guidance clearly explain the difference between a fire safety risk assessment which considers external wall systems and one that requires an intrusive external wall appraisal?</p>	<ul style="list-style-type: none"> <li>• A majority reported “Yes” (70%), but mixed views in particular from organisations.</li> <li>• Few respondents that answered “Yes” provided further qualitative feedback. Where comments were provided, this tended to focus on the need for clearer definitions of terms used or concerns with language used in that section of the Draft SAN (e.g. acceptable level of risk).</li> </ul>

Consultation Question	Main Feedback
	<ul style="list-style-type: none"> <li>The remainder of respondents similarly raised concerns with this section of the Draft SAN and felt it was either limited, unclear in parts and/or potential misleading. A couple of specific examples include: perceived confusion over which materials and combinations are safe to use and how to identify them; a call for further advice to support assessors to determine where buildings do or do not require an intrusive external wall appraisal; and greater clarity regarding the level of information and physical inspection necessary/expected to determine the safety of a building.</li> </ul>
<p>Q8. Is the guidance clear on when a fire safety risk assessment may need to be informed by an intrusive external wall appraisal?</p>	<ul style="list-style-type: none"> <li>A majority reported “Yes” (61%), but mixed views in particular from organisations.</li> <li>A common theme was that the guidance could be clearer on when a fire safety risk assessment may need to be informed by an intrusive external wall appraisal.</li> <li>For example, on the range of factors that might be sufficient to consider the building safe without the need for an intrusive external wall appraisal. Wider points were around the challenges: for risk assessors to reach a firm conclusion about the external wall build-up without an intrusive inspection issues; for competent fire risk assessors to obtaining the necessary Professional Indemnity cover; and for business owners/managers in obtaining building plans and/or that building records might provide insufficient detail; and</li> </ul>
<p>Q9. Is there any guidance that is missing or needs to be improved to provide greater clarity?</p>	<ul style="list-style-type: none"> <li>A vast majority reported “Yes (96%).</li> <li>The comments provided were wide-ranging. Many respondents provided suggested changes to wording or phrasing within different sections of the Draft SAN and/or identified aspects that could be updated.</li> </ul>



# 1. Introduction

## Introduction

- 1.1 This report presents the independent analysis of consultation responses to the Draft Scottish Advice Note (SAN): Determining the fire risk posed by external wall systems in existing multi-storey residential buildings.
- 1.2 Links to the [Draft SAN \(Version 3.0\)](#) and the [consultation document](#) are provided in [Annex A](#).

## Background

- 1.3 On 20<sup>th</sup> January 2020, the UK Government's Independent Expert Panel published [consolidated advice](#) for building owners of multi-storey, multi-occupied residential buildings in England. This brought the Expert Panel's advice together in a single document and superseded the previous Advice Notes 1 to 22 that were published sequentially following the Grenfell Tower fire in June 2017. The key change in the consolidated advice note is the application of the guidance to residential buildings regardless of height. Previously, Advice Note number 14 guidance applied to buildings over 18 metres.
- 1.4 On 30<sup>th</sup> March 2020, Scottish Ministers agreed to set up a Technical Working Group to develop a SAN to determine the fire risk posed by external wall systems in existing multi-storey residential buildings in Scotland. This was with a view to bringing clarity to the different legislative requirements and guidance in Scotland and take account of the key findings from large scale and intermediate scale fire testing of external wall cladding systems carried out by the UK Government.

## Draft SAN

- 1.5 The Technical Working Group have met three times and the third version of the Draft SAN was used as the basis of a three-month targeted consultation.
- 1.6 The Draft SAN provides advice for those responsible for fire safety in residential buildings including building owners/managers, and residents groups where they exist, who are responsible for determining the fire risk posed by external wall systems on existing multi-storey residential buildings. The advice will also be of interest to fire risk assessors and specialist wall appraisal experts.
- 1.7 For the purposes of the Draft SAN, external wall systems include: cladding systems (i.e. outer cladding panel, support rails, cavity barriers and any insulation material exposed in the cavity behind the cladding), spandrel panels, window infill panels, balconies, solar shading and any other architectural feature or attachment to the building structure.

- 1.8 Although not a legal requirement in Scotland, a fire safety risk assessment for blocks of flats is recommended as best practice. Non-domestic residential premises are classed as “relevant premises” under Part 3 of the Fire (Scotland) Act 2005, as amended. A fire safety risk assessment is a legal requirement for all “relevant premises” and must “identify any risks to the safety of relevant persons in respect of harm caused by fire.”
- 1.9 The aim of the fire safety risk assessment and any supporting external wall system appraisal is to ensure that building occupants are not placed at undue risk of harm as a result of fire spread via the external wall system.
- 1.10 The scope of the Draft SAN applies to existing multi-storey residential buildings, including:
- Blocks of domestic flats, including sheltered housing, extra care housing and supported flats;
  - Student accommodation, including boarding schools and halls of residence;
  - Hospitals or other premises with overnight patient accommodation;
  - Care homes;
  - Hotels and boarding houses;
  - Hostels; and
  - Prisons.
- 1.11 The Draft SAN’s scope is limited to the safety of building occupants only. More stringent measures may be necessary for property protection or business continuity reasons, but are out with the scope of the SAN.
- 1.12 The findings of the consultation will be used by the Technical Working Group to revise and finalise the SAN prior to its publication.

## Report Structure

- 1.13 **Section 2** presents details of the consultation methodology and limitations.
- 1.14 **Section 3 to Section 11** presents the analysis of the responses to each consultation question.
- 1.15 The following Annexes are attached:
- [Annex A](#): References;
  - [Annex B](#): Webinar - Organisation Distribution List;
  - [Annex C](#): List of Webinar Questions; and
  - [Annex D](#): Consultation Responses to be Published.

## 2. Consultation Methodology

### Introduction

- 2.1 A targeted approach to the consultation was adopted given the Draft SAN's technical nature, and involved three main strands:
- Webinars;
  - Consultation Document and Questions; and
  - Meetings with Scottish Fire and Rescue Service (SFRS), Institution of Fire Engineers (IFE) (Scotland), and representatives from the Ministerial Working Group for Mortgage Lending.
- 2.2 The consultation process was managed by the Scottish Government Building Standards division in partnership with internal colleagues within the Fire and Rescue Unit and Housing.
- 2.3 There was input and oversight from the Technical Working Group that brings together technical professionals and fire experts from building surveying, research, fire consultancy, academia, Fire Inspectorate, SFRS, Local Authority Building Standards, NHS and Scottish and UK Government officials, **Table 2**.

**Table 2: Technical Working Group Members**

<b>Name</b>	<b>Organisation</b>
Dr Stephen Garvin	Scottish Government, Building Standards (Chair)
Debbie Smith	BRE Group
Steven Daws	CS Todd & Associates
Colin Todd	CS Todd and Associates
Simon Routh-Jones	HM Chief Inspector of the Scottish Fire and Rescue Service
Jim McGonigal	Institution of Fire Engineers (IFE)
Alan McAulay	Local Authority Building Standards Scotland (LABSS)
Bill Connelly	NHS
Craig Ross	Royal Institution of Chartered Surveyors (RICS)
Chris Getty	Scottish Fire and Rescue Service (SFRS)
Karen Coyne	Scottish Government, Better Homes
Colin Hird	Scottish Government, Building Standards
Shona Harper	Scottish Government, Building Standards
Benny Rooney	Scottish Government, Building Standards
Gavin Gray	Scottish Government, Fire and Rescue Unit
Luke Bisby	University of Edinburgh

## Webinars

- 2.4 To support feedback on the Draft SAN, three webinars were arranged and promoted with, and through, the key audience for the advice note. This included building owners/managers to assist in determining the fire risk posed by external wall systems, fire risk assessors and specialist wall appraisal experts.
- 2.5 [Annex B](#) provides details of the **41 organisations** that received initial email communication from the Scottish Government regarding the webinars scheduled for September and October 2020. A summary breakdown by organisation sub-group is provided in **Table 3**.
- 2.6 It was hoped that the mix of organisations and groups emailed would then promote both the webinars and the Consultation Document on the Draft SAN through their wider membership, associations and/or networks and connections to achieve as wide a reach as possible.

**Table 3: Webinar Initial Distribution List**

<b>Organisation Sub-Group</b>	<b>Number</b>
Housing and Property Management	13
Further and Higher Education	6
Fire Safety / Engineering / Consultants	5
Other	4
Health and Social Care	3
Local Government	3
Residents and Tenants Groups	3
Finance and Insurance	2
Architects, Designers, Engineers, Planners, Surveyors, Environmental Consultants	1
Miscellaneous Construction	1

N=41 contacts.

EKOS coding of organisations based on details provided by the Building Standards Division.

Coding discussed and agreed with the client.

- 2.7 The three webinars were facilitated by Construction Scotland Innovation Centre (CSIC), and consisted of:
- Presentations by representatives from the Scottish Government Building Standards Division and the Fire and Rescue Unit to set the scene and to go through the detail of the Draft SAN;
  - Interactive Polls;
  - Question and Answer sessions; and
  - Sign-posting to the Consultation Document to encourage written responses to the consultation.
- 2.8 A link to the [final webinar video](#) is also provided in [Annex A](#).
- 2.9 **Over 400 individuals registered for the webinars**, and included a broad mix of sectors (i.e. public, private, third) and thematic areas of interest/specialism, **Table 4**. In many cases registrations included multiple contacts from within the same organisation.

2.10 Over half of all registrations for webinars have been categorised as:

- Local Government (i.e. all are public sector local authorities);
- Fire Safety/Engineering/Consultants (e.g. a mix of public and private sector organisations such as SFRS, fire protection companies, fire risk assessors, fire safety engineers); and
- Housing and Property Management (e.g. primarily private and third sector organisations such as housing associations, Registered Social Landlords, factors, and property services/managers).

**Table 4: Individuals Registering for Webinars**

<b>Organisation Sub-Group</b>	<b>Number</b>	<b>%</b>
Local Government	87	23%
Fire Safety / Engineering / Consultants	68	18%
Housing and Property Management	48	13%
Architects, Designers, Engineers, Planners, Surveyors, Environmental Consultants	40	11%
Further and Higher Education	37	10%
Miscellaneous Construction	37	10%
Health and Social Care	29	8%
National Government	14	4%
Residents and Tenants Groups	9	2%
Finance and Insurance	7	2%
Other	4	1%

N=380. There were a further 27 responses which could not be coded based on information provided. EKOS coding of individuals based on details provided when the individual registered. Coding discussed and agreed with the client.

2.11 A total of **149 unique organisations** registered for the webinars<sup>1</sup>, **Table 5**.

**Table 5: Webinar Registration - List of Unique Organisations**

<b>Organisation Sub-Group</b>	<b>Number</b>	<b>%</b>
Fire Safety / Engineering / Consultants	31	21%
Housing and Property Management	25	17%
Miscellaneous Construction	22	15%
Architects, Designers, Engineers, Planners, Surveyors, Environmental Consultants	17	11%
Local Government	16	11%
Further and Higher Education	13	9%
Health and Social Care	11	7%
Residents and Tenants Groups	5	3%
Finance and Insurance	5	3%
Other	3	2%
National Government	1	1%

N=149. EKOS coding of individuals based on details provided when the individual registered. Coding discussed and agreed with the client.

<sup>1</sup> Any “doublers” were removed for profiling analysis purposes.

2.12 The CSIC has informed that 276 individuals attended the three webinars, which is a healthy number.

2.13 **Table 6** to **Table 8** provide details of the three webinar poll questions and responses (note: not all attendees answered the poll questions). Key points to note include that:

- Prior to the webinar, almost half had either read the Draft SAN in full or had read some of it;
- Almost all agreed that there was a need for a SAN (94%); and
- Almost 40% reported that most or about half of buildings might require a full intrusive appraisal. The same proportion noted that few buildings would require this level of appraisal.

**Table 6: Poll Question 1 and Responses**

<b>Have you read the Draft SAN?</b>				
	Webinar 1	Webinar 2	Webinar 3	<b>Average</b>
	70 responses	79 response	45 responses	
Yes	10%	28%	33%	<b>24%</b>
No	66%	47%	47%	<b>53%</b>
Some of it	24%	25%	20%	<b>23%</b>

**Table 7: Poll Question 2 and Responses**

**All risk assessments should include a consideration of external wall systems, but how many buildings do you think might require a full intrusive appraisal?**

	Webinar 1	Webinar 2	Webinar 3	<b>Average</b>
	68 responses	71 responses	38 responses	
Most	22%	32%	13%	<b>23%</b>
About half	23%	10%	13%	<b>15%</b>
Few	35%	32%	47%	<b>38%</b>
Don't know	22%	23%	26%	<b>24%</b>

**Table 8: Poll Question 3 and Responses**

<b>Do you agree there is a need for a SAN?</b>				
	Webinar 1	Webinar 2	Webinar 3	<b>Average</b>
	64 responses	73 responses	42 responses	
Yes	91%	97%	95%	<b>94%</b>
No	2%	1%	0%	<b>1%</b>
Don't know	8%	1%	5%	<b>5%</b>

2.14 A list of the questions asked by webinar participants are contained in **Appendix C**. The team that facilitated the sessions either answered questions on the day and/or committed to providing a response in due course.

## Consultation Document and Responses

2.15 The Scottish Government’s consultation portal - Citizen Space – was not used for attracting online responses to the consultation on the Draft SAN due to the technical nature of the subject matter.

2.16 Instead the consultation document was referred to, and promoted, via:

- The initial invite distributed to individuals and organisations to take part in the webinar sessions;
- CSIC promoted webinars through its database of individuals who signed up for regular updates and social media
- The three webinar sessions that took place during September and October 2020; and
- An email reminder sent to webinar registrations prior to the consultation closing date of 25<sup>th</sup> October 2020.

2.17 All consultation responses were submitted via email to the Building Standards division. Following the consultation closing date, each response was sent by email to EKOS to log and manually input into Microsoft Excel for review and analysis.

2.18 A total of **27 consultation responses** were received, with the majority submitted by organisations (19, 70%), **Table 9**. Across the range of organisations that submitted a response, almost half were Fire Safety/Engineering/Consultants or Misc Construction.

**Table 9: Profile of Consultation Respondents**

	Number	%
<b>Individual</b>	<b>8</b>	<b>30%</b>
<b>Organisation</b>	<b>19</b>	<b>70%</b>
Fire Safety / Engineering / Consultants	5	26%
Misc Construction	4	21%
Finance and Insurance	3	16%
Housing and Property Management	2	11%
Local Government	2	11%
Residents and Tenants Groups	2	11%
Further and Higher Education	1	5%

N=27

2.19 The absolute numbers of responses by organisation sub-group is small, albeit it should be noted that in many cases they represent much larger organisations.

2.20 Equal weighting has been given to responses. This includes the views of, on the one hand, large organisations with a national remit or membership, and, on the other, smaller organisations with a more local or narrow thematic focus (or an individual’s view).

2.21 The analysis seeks to identify the most common themes and issues. It does not therefore report on every single point raised in the consultation responses.

## **Consultation Limitations**

- 2.22 Respondents to any consultation are self-selecting. However, given the technical nature of this particular consultation, it did attract detailed and thoughtful responses from its intended audience.
- 2.23 The extent of input from residents and tenants groups has been somewhat limited. This might reflect a combination of factors such as limited promotion due to the nature of the targeted consultation and the technical nature of the consultation document.



### 3. Understanding of the Guidance, Legislation and Processes

Question 1. Overall, do you find the advice helpful in understanding the guidance, legislation and processes as they apply to buildings in Scotland?

#### Overview of Responses

Table 10: Overall, do you find the advice helpful in understanding the guidance, legislation and processes as they apply to buildings in Scotland?

	Yes		No	
	Number	%	Number	%
<b>Individual</b>	<b>7</b>	<b>88%</b>	<b>1</b>	<b>13%</b>
<b>Organisation</b>	<b>11</b>	<b>65%</b>	<b>6</b>	<b>35%</b>
Fire Safety / Engineering / Consultants	3	75%	1	25%
Misc Construction	1	33%	2	67%
Finance and Insurance	2	67%	1	33%
Housing and Property Management	1	50%	1	50%
Local Government	2	100%	0	0%
Residents and Tenants Groups	1	50%	1	50%
Further and Higher Education	1	100%	0	0%
<b>TOTAL</b>	<b>18</b>	<b>72%</b>	<b>7</b>	<b>28%</b>

N=25. Percentages do not all add up to 100 due to rounding.

- 3.1 A majority of consultation respondents reported that they found the advice helpful in understanding the guidance, legislation and processes as they apply to buildings in Scotland (18, 72%), **Table 10**.
- 3.2 Individuals were more likely to note agreement with Question 1 than organisations. While a majority of organisations agreed that the advice was helpful this varied by sub-group.
- 3.3 The main theme that emerged from this cohort of respondents was that the advice note was “welcomed”, “helpful”, “useful” and a “positive step”. More specifically the feedback, including from SFRS, Fire Sector Federation and the National Fire Chiefs Council, confirmed that the Draft SAN:
  - Provided useful background to, and an understanding of, key Building Standards legislation, and described the links between relevant pieces of legislation and the guidance;
  - Provided a practical understanding and overview of the guidance, legislative and regulatory processes applicable to buildings in Scotland;
  - Clarified the intent of the Scottish Government and set out high-level parameters within which the guidance was intended to be applied; and
  - Adopted a risk-based assessment approach.

3.4 While the feedback from this cohort of respondents was largely positive, there were a few comments made regarding:

- The technical nature of the Draft SAN. It was noted that it could prove challenging for audiences with lower levels of knowledge and expertise in the fire risk assessment of buildings to fully understand (e.g. mortgage lenders, homeowners, residents and tenants groups); and
- It was further noted that the current layout and structure of the Draft SAN, in addition to the level of technical detail, resulted in a challenging and “complex” read. It was suggested that more could be done to enhance readability.

3.5 There were also a number of specific comments where respondents felt the Draft SAN provided insufficient guidance and advice in its current format. These have been noted below:

- SFRS noted that it would be helpful if more guidance could be provided on powers for remedial works when a building had been given a completion certificate;
- Linked to the above point, there was a perceived lack of clarity on whether current legislation would ensure remediation of an unsafe external wall system where it is deemed necessary. The National Fire Chiefs Council suggested that outlining a process for enforcing remediation where the circumstances warrant it could be helpful (e.g. in the case of product substitution where it is found that a submitted completion certificate is inaccurate to the extent that it has resulted in an unsafe building);
- The Property Managers Association (Scotland) Ltd noted that more detailed guidance would be required to ensure sufficient engagement with owners of flatted properties (e.g. which might include joint rather than single owners). A related point was that the Draft SAN would need to accurately reflect the different legal form of property ownership in Scotland (e.g. “building owners” do not exist in Scotland in the same way as in England);
- UK Finance sought further guidance on the status of mixed-use developments with residential accommodation, as well as different approaches to multi-storey residential buildings of any height and those of 11 metres or more; and
- An Individual respondent perceived there to be lack of clarity in the Draft SAN more generally and pointed to repeated reference in the document to “seek appropriate professional advice” as a sign of this.

3.6 Almost 30% of respondents (primarily organisations) reported that they did not find the advice helpful in understanding the guidance, legislation and processes as they apply to buildings in Scotland (seven, 28%), **Table 10**.

3.7 There was some feedback from this cohort of respondents including residents and tenants groups and individual respondents that the Draft SAN was “largely a reiteration of the latest building standards” or that “there is no new provision in here, simply a repeat of existing legislation and requirements”.

3.8 Further, there were various comments made on the volume of information/detail, content, language and/or terminology used in the Draft SAN, and that this could “risk creating further confusion for the reader, making it more complicated to both understand and comply with current guidance”. There was reference made to the inherent challenges for any non-technical person in fully understanding the detail of the guidance, as illustrated by the quotes below.

..”it is not written in a way suitable for the primary audience....While professional building managers, for example, those operating within a housing association or managing student accommodation, may have applicable knowledge and expertise to fully assess the information contained within the advice note, the vast majority of building owners affected by issues surrounding external wall systems will likely be individual homeowners with no prior technical knowledge”.

Homes for Scotland

“...the amount of text and level of information provided is not considered appropriate (introduction is half the document) for the intended recipients. As consultants with technical knowledge and experience in this field, it took us a few reads to really understand the intent and direction of the note. For a non-technical person, it is likely that the information in the note would be hard to understand in its current form”.

ARUP

3.9 As such, a clear request was made for revisiting the Draft SAN to ensure it was sufficiently “clear”, “concise”, “relevant” and “useful”. There were suggestions that it could be “simplified” and “streamlined” in places, and that a greater use of both technical appendices and simple visuals could aid clarity of messaging and improve communication and understanding.

3.10 In terms of the latter point regarding greater visualisation within the Draft SAN the following were mentioned:

- Process maps;
- Flow charts to inform decision-making processes;
- Standard risk ranking matrix (or similar);
- To illustrate levels of fire risk (i.e. deviations from the benchmarks that are used to assist with the fire safety risk assessment process);
- To highlight the trigger points at which intrusive inspections would be required; and
- Pathways to recommended outcomes to resolve “redline issues” (i.e. those where there is already a recommended course of action such as the removal of external cladding).

3.11 Another aspect noted by both Rockwool Ltd and MIMA that could increase the potential for confusion or misinterpretation of the advice note was a lack of consistency and/or conflation of terminology and classifications referred to within the Draft SAN, as illustrated in the respondent quote below.

“The Review Panel on Building Standards (Fire Safety) in Scotland found that the European Harmonised tests offer “a better and more cohesive structure for testing reaction to fire and it was “no longer necessary” and “both unhelpful and unnecessary” to retain both the British Standards (BS) and the European Standards in the guidance for reaction to fire tests....the advice note should be updated to consistently use the European Classification system throughout as per the Technical Handbooks do. Any reference to BS reaction to fire classifications should make clear that there is no equivalence between the national classifications and Euroclass system”.

Rockwool Ltd

3.12 Finally, wider individual points were raised regarding a perceived lack of clarity in the Draft SAN and/or a call for more information or detail to be provided in the final version.

3.13 Firstly, Ravelston Terrace Cladding Working Group noted that:

- There could be a clearer justification provided regarding reasons for the latest standards being applied to older buildings;
- The guidance was unclear in terms of how the benchmarks within the Technical Handbooks would be used to assess the risk to life in fire risk assessment process;
- The advice note should distinguish between what is demonstrably important to protect life and what would be the ideal, but hard to justify due to cost; and
- That more information could be provided on what the “more stringent measures” (Paragraph 1.2 in the Draft SAN) would include and that are not required for the safety of lives.

3.14 ARUP noted that the Draft SAN could further clarify:

- How departures from the guidance can be justified and whether third party verification (i.e. peer review) would be required;
- Who the fire risk assessment is intended to "provide assurance" to; and
- What will drive a relevant person to undertake a fire risk assessment and external wall appraisal given that it is not a legal requirement.

## 4. Risk of External Fire Spread

**Question 2. Does the advice clearly explain the risk of external fire spread in both low rise and higher rise buildings?**

### Overview of Responses

**Table 11: Does the advice clearly explain the risk of external fire spread in both low rise and higher rise buildings?**

	Yes		No	
	Number	%	Number	%
<b>Individual</b>	<b>8</b>	<b>100%</b>	<b>0</b>	<b>0%</b>
<b>Organisation</b>	<b>11</b>	<b>65%</b>	<b>6</b>	<b>35%</b>
Fire Safety / Engineering / Consultants	2	50%	2	50%
Misc Construction	1	33%	2	67%
Finance and Insurance	3	100%	0	0%
Housing and Property Management	1	50%	1	50%
Local Government	2	100%	0	0%
Residents and Tenants Groups	1	50%	1	50%
Further and Higher Education	1	100%	0	0%
<b>TOTAL</b>	<b>19</b>	<b>76%</b>	<b>6</b>	<b>24%</b>

N=25

- 4.1 A vast majority of consultation respondents reported that the advice clearly explained the risk of external fire spread in both low rise and higher rise buildings (19, 76%), **Table 11**.
- 4.2 Individuals were more likely to note agreement with Question 2 than organisations. While a majority of organisations agreed that the advice clearly explained the risk, this varied by sub-group.
- 4.3 Where qualitative feedback was provided by this cohort of respondents (i.e. those that responded “yes”), this in the main confirmed that the Draft SAN’s explanation of the risk of external fire spread in both low rise and higher rise buildings was indeed clear.
- 4.4 This is reflected in various respondent quotes such as “reasonably so”, “clearly and concisely stated and is well evidenced for the various types of cladding systems” and “it seems very clear” (e.g. University Safety & Health Association (USHA) Fire (Scotland) Group, Individuals). Further, Kingspan voiced support of the guidance in that each risk assessment/appraisal must be building specific.

4.5 A number of these respondents, however, took the opportunity to highlight additional points of note. Firstly, a couple of respondents indicated that third party advice would be required to aid understanding of the guidance in relation to the risk of external fire spread in both low rise and higher rise buildings or that further clarity was required. These points are illustrated in the respondent quotes below.

“While providing technical clarity, from a lenders perspective the level of technical detail is such it will require third party professional/expert input to support understanding”.

UK Finance

“...there should be further advice provided to lenders and RICS members as to the difference in Scottish and UK Government advice, and a clarified approach in recommending EWS1s are required in a home report and to satisfy lenders. RICS advice is similar to the draft advice note, in that buildings of 3 storey (generally 11m) or less, should not require an EWS1 form. However, in practice, surveyors and lenders are negating liability and requesting they are carried out in all multi-storey buildings. It should be made clearer that in the first instance a fire risk assessment should only be required, and a further intrusive inspection should be completed, should there be concern or doubt over the materials and other factors of the report”.

Individual

4.6 Wider individual points raised include the following:

- It was noted that future changes and uncontrolled fires would need to be considered given their consideration by SFRS in determining access; and
- The National Fire Chiefs Council suggested that “specialised housing”<sup>2</sup> could be included in the examples provided in the advice note (Section 2.5 – “in buildings under 11m, remediation, if required, may only be necessary for buildings which are considered higher risk e.g. hospitals, care homes, and other premises with delayed evacuation”) due to the vulnerability of occupants.

4.7 Almost one-quarter of respondents (all organisations) reported that the advice did not clearly explain the risk of external fire spread in both low rise and higher rise buildings (six, 24%), **Table 11**.

4.8 These respondents raised various concerns with the Draft SAN and went on to suggest areas where the guidance in relation to the risk of external fire spread in

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<sup>2</sup> As defined in BS9991 or NFCC Specialised Housing Guidance accessed via <https://www.nationalfirechiefs.org.uk/Higher-Risk-Accommodation>)

both low rise and higher rise buildings could be further clarified, strengthened and/or improved to aid understanding for its intended audience.

4.9 Firstly, Ravelston Terrace Cladding Working Group noted that the SAN “does not help owners understand how the risk of fire spread would impact on their ability to evacuate”. The point made was that the focus of the Draft SAN was on the “remediation of all buildings to the latest gold standard which has no regard to the ability to evacuate. Most fires would spread throughout a building if no action is taken. The important question is, “how long will it take”. It was noted that the Draft SAN could take greater cognisance of the ability of occupants to evacuate from buildings of varying heights.

4.10 This view was further supported by the Fire Sector Federation who noted that the guidance could be improved if the “context of vertical fire spread could be made clearer”<sup>3</sup>.

“Our reasoning is that commencing with this explanation stresses the relevance of both internal and external fire sources. The mechanism for fire spread...and the key consideration of unprotected openings, EWS materials, number of exposed compartments and time in that process. This would also lend itself to the consideration of height and why rapid external fire spread is a concern below 11m. Given the wide readership this document is likely to attract this would ensure that any readers have the right context”.

Fire Sector Federation

4.11 ARUP pointed to the need for a clear and simple explanation in the Draft SAN as to why the external wall of a building is an area of particular risk. It was noted that the guidance could be improved by “explaining why the fire performance external walls are so important to the safety of occupants and integrity of the building”.

“The only distinction...between low and high rise buildings is in the technical definition of height, rather than the differing consequences of fire in an external wall. The guidance does not explain why occupants in a high-rise building may be at more risk from an unsafe cladding system than those in a low-rise. Therefore, building owners/managers...are unlikely to be able to understand without clarification the inherent differences in design of these building types”.

ARUP

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<sup>3</sup> For example, through explaining the potential for fire spread ahead of or at the head of the Section 1.7 on the EWS.

4.12 ARUP went on to highlight where it felt further clarity was required within the advice note, as illustrated in the quote below.

“The guidance does not cover all possible component parts of an external wall, particularly with regards to fire safety (e.g. fire stopping). It is recommended that the guidance provides examples and clear definition on all possible aspects of external walls and fire safety features. The guidance....contradict the functional requirements of current and previous regulations, in that fire and smoke are permitted to spread from the apartment of fire origin (fire compartment) to multiple apartments (separate fire compartments). These explanations should be reconsidered and addressed .... (the inference being currently that it is safe, acceptable, and compliant to allow fire and smoke to spread in this way, when it is not)”.

ARUP

4.13 Rockwool Ltd and MIMA commented that the Draft SAN downplayed the risks posed by building fires and the importance of ensuring compliance with current regulations. The point made is reflected in the quote below.

“Fire Statistics: We were disappointed that a section appearing to downplay the risk posed by building fires has been included in an advice note intended to encourage the diligent assessment of potential fire risk. The narrative around the decline of fire related deaths and injuries is also similar to what the Ministry of Housing, Communities and Local Government (then the Department for Communities and Local Government) said before the tragic fire at Grenfell tower. Rockwool firmly believes that we should not wait for fire related deaths to increase before regulations are strengthened. Furthermore, the Association of British Insurers (ABI) has countered this type of data with its own research, showing that the severity of fires has actually increased”.

Rockwool Ltd

4.14 Linked to this was wider feedback from MIMA that the Draft SAN places “unreasonable expectations on installers to ensure external wall systems made of combustible materials are installed as per BS 8414 tests”. It was reported that test reports are confidentially held by their sponsors, and detailed/relevant information on all the components tested and their precise fixing and relative configuration is not made available.



## 5. Metal Composite Material Cladding

**Question 3. Does the advice clearly explain the risk of Metal Composite Material (MCM) cladding?**

### Overview of Responses

**Table 12: Does the advice clearly explain the risk of MCM cladding?**

	Yes		No	
	Number	%	Number	%
<b>Individual</b>	<b>8</b>	<b>100%</b>	<b>0</b>	<b>0%</b>
<b>Organisation</b>	<b>11</b>	<b>69%</b>	<b>5</b>	<b>31%</b>
Fire Safety / Engineering / Consultants	3	75%	1	25%
Misc Construction	1	33%	2	67%
Finance and Insurance	3	100%	0	0%
Housing and Property Management	1	50%	1	50%
Local Government	2	100%	0	0%
Residents and Tenants Groups	0	0%	1	100%
Further and Higher Education	1	100%	0	0%
<b>TOTAL</b>	<b>19</b>	<b>79%</b>	<b>5</b>	<b>21%</b>

N=24

- 5.1 A vast majority of consultation respondents reported that the advice clearly explained the risk of MCM cladding (19, 79%), **Table 12**. Individuals were more likely to report this than organisations. Similar to previous questions, levels of agreement to Question 3 also varied by organisation sub-group.
- 5.2 Only a handful of respondents that reported the Draft SAN clearly explained the risk of MCM cladding went onto provide wider commentary in their consultation response.
- 5.3 There were a few comments that simply confirmed that the advice was clear. This is reflected in various respondent quotes, including from USHA Fire (Scotland) Group and UK Finance, such as “yes reasonably so”, “the level of technical detail is clear within the SAN and it will assist fire risk assessors undertaking the fire risk appraisal”, and “the advice is clear and appropriately supported by experimental data”.
- 5.4 However, a few respondents caveated their “yes” response, and noted that the Draft SAN could benefit from greater clarity regarding the risk of MCM cladding:
- It was suggested that the advice could be more structured in its recommendations/requirements for MCM cladding to ensure that there is no ambiguity or lack of clarity regarding outputs; and
  - An Individual respondent felt that the advice regarding MCM cladding had “too many caveats” attached to it.

5.5 Wider individual points noted include the following:

- UK Finance pointed to the different levels of technical knowledge and expertise among the intended audience for the Draft SAN, and given that the category of MCM cannot be determined from a visual inspection, that “lenders will be reliant on the expertise and recommendations of the risk assessors”; and
- Kingspan considered it important to note that “MCM is quite a broad term”, as it might include products with different metals, cores and coatings, and that there is also wide variance of performance for Category 2 MCM between manufacturers.

5.6 Around one-fifth of respondents (all organisations) felt that the advice did not clearly explain the risk of MCM cladding (five, 21%), **Table 12**.

5.7 A common theme that emerged from the feedback provided by these respondents was that the advice note’s reference to the risk of MCM cladding could be further simplified, clarified and/or improved to avoid confusion and to aid greater understanding for the intended audience (e.g. by reducing the use of “jargon” in sections relating to fire performance, by ensuring clear and full definitions of terms used, by annexing the technical detail with clear and simplified messaging in the main body of the document).

5.8 Another common theme related specifically to reference to different categories and terms used within the Draft SAN (e.g. “Category 1, 2 or 3 MCM”, “limited combustibility”, “extensively clad”). Much of the feedback noted that the language used could cause confusion for the reader. **Note:** Category 1, 2, 3 are taken directly from the UK Government’s BS8414 fire tests and the results were published on its website using this system.

5.9 The following respondent quotes are, however, reflective of the points made.

“...the introduction of Category 1, 2 or 3 MCM referenced throughout the advice note...risks creating further confusion. Construction products for sale in the UK are not categorised or labelled in this way. It also does not align with the way that building regulations in Scotland or the latest Technical Handbooks are written. Presenting categories in this way risks exacerbating the confusion which was created through referring to both the British and European reaction to fire classifications.... as such, classifications should align with European Reaction to Fire system only....Not only would this align with the latest technical handbooks but the European standard is a far more technically robust way of assessing and categorising the reaction to fire performance of products”.

Rockwool Ltd

“One of the panels is described as "limited combustibility". As this term does not exist in Scotland, it would be helpful to the reader to explain what this term means in a Scottish context with reference to the European Classifications. The use of the term "extensively clad" should be defined clearly and with an evidence base”.

ARUP

5.10 While there was some acknowledgment across the feedback that the advice note clearly describes the different types of MCM cladding and that fire performance varies, there was feedback that it did not go far enough in terms of:

- Clearly explaining the risk of MCMs more generally i.e. “what about their build-up and construction makes them particularly dangerous” (ARUP);
- Describing the greater risk from a fire safety perspective associated with the shaping/cutting of MCMs on site (ARUP); and
- Giving due consideration of the “time available to evacuate” (Ravelston Terrace Cladding Working Group).

## 6. Aluminium Composite Material with Unmodified Polyethylene Filler

**Question 4. Does the advice clearly explain the risk posed by Category 3 Aluminium Composite Material (ACM) with an unmodified polyethylene filler, and what actions building owners should take if their buildings have these systems?**

### Overview of Responses

**Table 13: Does the advice clearly explain the risk posed by Category 3 ACM with an unmodified polyethylene filler, and what actions building owners should take if their buildings have these systems?**

	Yes		No	
	Number	%	Number	%
<b>Individual</b>	<b>7</b>	<b>88%</b>	<b>1</b>	<b>13%</b>
<b>Organisation</b>	<b>11</b>	<b>69%</b>	<b>5</b>	<b>31%</b>
Fire Safety / Engineering / Consultants	3	75%	1	25%
Misc Construction	1	33%	2	67%
Finance and Insurance	2	67%	1	33%
Housing and Property Management	1	50%	1	50%
Local Government	2	100%	0	0%
Residents and Tenants Groups	1	100%	0	0%
Further and Higher Education	1	100%	0	0%
<b>TOTAL</b>	<b>18</b>	<b>75%</b>	<b>6</b>	<b>25%</b>

N=24. Percentages do not add up to 100 due to rounding.

- 6.1 A vast majority of consultation respondents reported that the advice clearly explained the risk posed by Category 3 ACM with an unmodified polyethylene filler, and what actions building owners should take if their buildings have these systems (18, 75%), **Table 13**. Individuals were more likely to report this than organisations.
- 6.2 Among those who noted that the risk posed and action to be taken were clear, half provided further comment.
- 6.3 Firstly, a few respondents provided follow-on comments that reiterated or substantiated the “yes” response to the closed question e.g. “the recommended course of action for building owners is well set out and easy to understand both in terms of the reason for the requirement and the appropriate actions to be taken” (Individual), “yes reasonably so” (USHA) Fire (Scotland) Group).

- 6.4 Some questioned elements of the advice as it is currently presented in the Draft SAN, as they thought it was ambiguous or lacked clarity, or thought there were too many caveats provided - as reflected in the respondent quotes below.

“Does the wording of "it is strongly recommended" go far enough where extensively clad?”

Scottish Fire and Rescue Service

“The strong recommendation that extensively clad Category 3 MCM external wall systems should be removed without delay is clear.... it is unclear what action can be taken, or by whom, to ensure this happens in circumstances where the building owner chooses not to follow the advice. This should be clarified”.

National Fire Chiefs Council

- 6.5 Another respondent questioned the emphasis placed on Category 3 ACM cladding in a Scottish context given its limited use.

“It is my understanding that there are only two buildings located at Glasgow Harbour that have extensive use of this material and a solution to remedy it is in hand. There are another 22 known cases where this material is partially used in buildings which is a small and manageable number”.

Individual

- 6.6 One-quarter of respondents (primarily organisations) suggested that the advice did not clearly explain the risk posed by Category 3 ACM with an unmodified polyethylene filler, and what actions building owners should take if their buildings have these systems, **Table 13**.
- 6.7 While a few of these respondents noted in their qualitative feedback that the guidance gives clear advice on the levels of risk posed or that such cladding systems should be removed without delay (e.g. ARUP, Building Societies Association), they typically went on to raise wider points that they considered needed to be clarified within the Draft SAN.
- 6.8 Firstly, as noted above in Section 6.4, a couple of other respondents agreed with the SFRS view that the wording in the Draft SAN was not strong enough. However, Rockwool Ltd and MIMA both went further to note broader aspects of concern. These points are reflected in the respondent quote on the next page.

“The Scottish Government must go further than “strongly recommending” any extensively clad external wall system incorporating ACM PE should be removed from all residential buildings without delay. This material must urgently be identified and removed from all high-rise and other high-risk buildings in Scotland. We are also very concerned that the advice note, while highlighting the dangers of ACM (PE), appears to suggest that certain combustible ACM systems which are not permitted under the UK Government’s remedial funds may be a solution for buildings in need or remedial works in Scotland. The narrow focus on ACM in Scotland has also meant that many other types of combustible materials and combinations have been overlooked or their risks downplayed”.

Rockwool Ltd

6.9 Rockwell Ltd and MIMA also expressed strong concern about reference within the Draft SAN to, and the outcome of, the UK Government test and analysis report [“Fire performance of cladding materials research”](#) that investigated the behaviour of selected non-ACM cladding products, and called for it to be removed from the advice note. The comments noted a number of specific issues with that research, including the bespoke testing system that was used. The following quote is reflective of the points raised.

“...this research uses a bespoke testing system that is considered to have a number of inadequacies and should not be used as a foundation for statements about the ‘unique’ dangers of ACM (PE). The Government had to create a new, unofficial test method for non-ACM cladding to provide an indication of its fire performance (as it did not have BS 8414 tests for all the different kinds and combinations of combustible cladding and insulation). This test method has a number of inadequacies:

- The test does not incorporate combustible insulation, which when present makes combustible cladding burn much quicker;
- The test has no success or failure criteria to measure how a material has performed; and
- The test has no legal basis to ensure the removal of non-ACM cladding from buildings, bringing further uncertainty to building owners.

References to this report should be removed from the advice note as these tests are inadequate and underestimate the risks of combustible materials on high-rise and other high-risk buildings. The advice note should use the clearest system - Euroclass system – rating each product to determine their combustibility and are safe to use on buildings”.

MIMA

6.10 Wider individual points raised include the following:

- ARUP felt that the guidance did not sufficiently explain the different levels of risk posed by different categories of ACM – “it just defines them and states their calorific value”.
- An Individual respondent raised concern with the current shortage of fire safety engineers; and
- Building Societies Association noted that the guidance was clear in some sections regarding risk/actions and less so in others - “it is clearly recommended in Section 2.2 of the Draft San that ACM-3 and other MCM should be removed from all buildings. Section 2.5 is less clear and allows a degree of subjectivity”.

## 7. Non-ACM Cladding Panels

**Question 5. Is the guidance on non-ACM cladding (including High Pressure Laminate) panels helpful?**

### Overview of Responses

**Table 14: Is the guidance on non-ACM cladding (including High Pressure Laminate) panels helpful?**

	Yes		No	
	Number	%	Number	%
<b>Individual</b>	<b>7</b>	<b>88%</b>	<b>1</b>	<b>13%</b>
<b>Organisation</b>	<b>11</b>	<b>65%</b>	<b>6</b>	<b>35%</b>
Fire Safety / Engineering / Consultants	2	50%	2	50%
Misc Construction	1	33%	2	67%
Finance and Insurance	3	100%	0	0%
Housing and Property Management	1	50%	1	50%
Local Government	2	100%	0	0%
Residents and Tenants Groups	1	50%	1	50%
Further and Higher Education	1	100%	0	0%
<b>TOTAL</b>	<b>18</b>	<b>72%</b>	<b>7</b>	<b>28%</b>

N=25. Percentages do not all add up to 100 due to rounding.

- 7.1 A majority of consultation respondents noted that the guidance on non-ACM cladding (including High Pressure Laminate, HPL) panels was helpful (18, 72%), **Table 14**. Individuals were more likely to hold this view.
- 7.2 Most of these respondents did not provide any wider qualitative feedback.
- 7.3 Where wider feedback was provided, this in the main acknowledged that the guidance provided in the Draft SAN regarding non-ACM cladding, including HPL, was welcomed given that the fire classification of this type of cladding varies significantly, the potential risks associated with non-ACM cladding, and the increased prevalence of its use in buildings. These points are reflected in the respondent quotes below.

“The UK Government’s Independent Expert Advisory Panel was clear on the potential risks associated with Euroclass C and D HPL, and any HPL panels used in combination with combustible insulation”.

National Fire Chiefs Council

“It is critical that this document clearly outlines the limitations and risks of other types of cladding systems and does not solely concentrate on ACM cladding. By providing a holistic approach to assessing all cladding systems there is now a framework for assessing new systems as they appear”.

Individual



- 7.4 There were also a couple of comments that suggested areas where the guidance on non-ACM cladding, including HPL, could be further clarified and/or improved, as outlined below.
- 7.5 UK Finance felt that greater clarification would be required in the guidance for buildings with a timber clad external wall system, including retrofitted systems, and in relation to walls with external insulation.
- 7.6 Kingspan noted that “while the guidance pertaining to HPL is helpful, there are a large number of cladding materials available with different reaction to fire performances”. Wider reference was then made to the focus of the guidance on Euroclass performance to establish whether the prescription guidance in the Scottish Technical Handbooks has been adopted (A1/A2 materials should be used over 11m, and also have different levels of fire performance).

“Even with A1/A2 systems it’s important to consider quality of install of the components, correct cavity barrier placement and detailing of the façade system. There is evidence of a number of systems comprised of A1/A2 materials which have failed when tested to BS 8414, which is acknowledged as an alternative method of compliance in the Scottish Technical Handbooks.

It is positive that the current guidance provides the option of large scale testing as a means of demonstrating compliance with the functional requirements of the Building Regulations. Tests such as BS 8414 can provide an insight into how façade materials will interact and perform in the event of a real fire, and this information can be useful for fire engineers in developing strategies for buildings”.

Kingspan

- 7.7 Over one-quarter of respondents felt that the guidance on non-ACM cladding panels was not helpful (seven, 28%), **Table 14**. As with earlier questions, organisations were more likely to note disagreement.
- 7.8 A common theme that emerged was a perceived narrow or limited focus of the guidance on HPL non-ACM cladding. For example, an Individual respondent noted that other types on non-ACM cladding such as timber, insulated core sandwich panels, rendered EPS “are as prevalent as MCM and HPL”.
- 7.9 Rockwool Ltd and MIMA also reiterated their concerns as noted at Section 6 (Question 4) regarding the UK Government test and analysis report “[Fire performance of cladding materials research](#)”. Their view is that the research was flawed, and minimised the risks and potential dangers associated with using non-ACM combustible materials. Both recommended that reference to the research be removed from the Draft SAN. In support of this, it was further noted that:

“The UK Government remediation fund is now available for buildings with HPL cladding, providing a clear indication that the UK Government does not consider the use of HPL to be safe”.

Rockwool Ltd

7.10 The same two respondents also raised concern with the “narrow focus on ACM PE in Scotland”. It was suggested that this has resulted in other types of combustible materials and combinations having been overlooked or their risks downplayed. This is reflected in the respondent quotes below.

“The inclusion of only HPL as “non-ACM cladding” continues this worrying trend by neglecting to expand on what this could include beyond HPL. There are many combustible façade materials in common use other than ACM and HPL, all of which should be identified and remedial works urgently undertaken where required”.

Rockwool Ltd

“Many other types of combustible materials and combinations have been discounted or less weight given to their risks due to the limited focus on ACM PE in Scotland. There are many combustible façade materials in common use other than ACM and HPL e.g. the inclusion of only HPL as “non-ACM cladding” fails to highlight what this could include beyond HPL. All such materials should be identified and remedial works urgently undertaken as necessary. Examples are as follows: High Pressure Laminate (HPL): “Class B HPL with stone wool insulation met the BR 135 performance criteria when tested to BS 8414 and may be considered to be safe.”

MIMA

7.11 ARUP also felt that the guidance was limited, and suggested that it could potentially be “construed as misleading”, as noted below.

“...the guidance on HPL is based on a single set of tests carried out by the UK Government, rather than presenting an opinion on the basis of all existing literature. Regardless of test results, the field of application for HPL must still be considered to determine whether it is appropriate for the building in question. The advice on green walls is limited to the point of being unhelpful, as it does not clarify the Scottish Government stance on the acceptability of green walls with respect to how they meet the functional intent for External Fire Spread. It would be prudent to acknowledge other HPL tests undertaken e.g. by MCRMA, which has demonstrated that unmodified HPL cladding does present a very high risk also”.

7.12 There were a couple of wider comments that suggested: that many building owners might not fully understand the detailed information provided on non-ACM cladding including HPL; and/or that the indication of combustibility used in the advice note was confusing for the reader (“there is no consistency of this measure across the cladding types, nor is this translated into any concept that would be meaningful to any owner who is stated to be among”).

## 8. Guidance on Partial Cladding

### Question 6. Is the guidance on partial cladding helpful?

#### Overview of Responses

**Table 15: Is the guidance on partial cladding helpful?**

	Yes		No	
	Number	%	Number	%
<b>Individual</b>	<b>7</b>	<b>88%</b>	<b>1</b>	<b>13%</b>
<b>Organisation</b>	<b>12</b>	<b>71%</b>	<b>5</b>	<b>29%</b>
Fire Safety / Engineering / Consultants	3	75%	1	25%
Misc Construction	1	33%	2	67%
Finance and Insurance	3	100%	0	0%
Housing and Property Management	1	50%	1	50%
Local Government	2	100%	0	0%
Residents and Tenants Groups	1	50%	1	50%
Further and Higher Education	1	100%	0	0%
<b>TOTAL</b>	<b>19</b>	<b>76%</b>	<b>6</b>	<b>24%</b>

N=25. Percentages do not all add up to 100 due to rounding.

- 8.1 A vast majority of consultation respondents reported that the guidance on partial cladding was helpful (19, 76%), **Table 15**. Less than of one-third of these respondents went onto provide any qualitative feedback on Question 6.
- 8.2 Where feedback was provided, some simply noted the helpfulness of the advice in terms such as “reasonably so”, or “the notes are helpful to direct consideration of these items in terms of fire spread risk within existing conditions” (Fire Sector Federation).
- 8.3 A couple of other respondents went onto note aspects where there was considered to be the potential for confusion and/or where further detail or clarity would be required. The specific points raised are reflected in the quotes below.

“While the Advice gives plenty of areas of consideration, there is a risk that this could be considered confusing, given how in-depth some of these appraisals need to be. This seems less aimed at building owners/managers, and more at the individuals tasked with carrying out the risk assessment/external wall appraisal”.

Kingspan

“There should be consideration of other wall systems which are not mentioned, for example brick slip systems which can be combustible”.

UK Finance

- 8.4 Almost one-quarter of respondents noted that the partial cladding guidance was not helpful (six, 24%), **Table 15**. Organisations were more likely to hold this view.
- 8.5 Most of the points raised by this cohort of respondents noted that the guidance on partial cladding could be improved, expanded and/or clarified in some way in order to more clearly communicate fire safety risks to building owners/managers.
- 8.6 The points raised have been summarised below:
- Rockwell Ltd and MIMA asked that the guidance define and distinguish between terms used in the Draft SAN (e.g. “extensively and “partially” clad with combustible panel). It was further noted that this would help the reader to “determine which advice they are required to follow”;
  - Ravelston Terrace Cladding Working Group suggested that the guidance could provide an indication of the level of partial cladding covering that could be considered “trivial, significant or substantial, and the level of risk that each might pose”;
  - An Individual respondent felt that the guidance on partial cladding was limited and queried its focus on only MCM. It was suggested that the guidance could be expanded “to give owners, enforcing authorities and building professionals confidence when applying risk-based thinking”.
- 8.7 ARUP went further and hold the view that partially clad Category 3 MCM should be removed from a building regardless of other features present or outcome of a risk assessment. This is reflected in the quote below.

“The combustible cladding, by its nature, allows fire and smoke to spread on the external wall regardless of its location and extent. Therefore, partial Category 3 cladding does not meet the functional requirement of Schedule 5 Section 2.7 of the Building (Scotland) Regulations 2004, such that “the spread of fire on the external walls of the building is inhibited”

Even in the instance that MCM does not cross compartmentation, flaming debris from the panels can start secondary fires in other areas of MCM. This can occur both under gravity and wind. There are many variables that make it very challenging to model the behaviour and justify the retention of partial cladding.

Point (g) references considering how the fire and rescue service can tackle a fire in a partially clad building. It is recommended that this consideration is only undertaken in consultation with the fire and rescue service. It is clear from the DCLG tests that Category 3 MCM with PIR insulation failed the BS8414 test. Therefore, it should be recommended that even in partially clad category 3 MCMs, if combustible insulation is present, the cladding and insulation should be removed and remediated accordingly”.

ARUP

## 9. Guidance on Fire Safety Risk Assessments

**Question 7. Does the guidance clearly explain the difference between a fire safety risk assessment which considers external wall systems and one that requires an intrusive external wall appraisal?**

### Overview of Responses to Question 7

**Table 16: Does the guidance clearly explain the difference between a fire safety risk assessment which considers external wall systems and one that requires an intrusive external wall appraisal?**

	Yes		No	
	Number	%	Number	%
<b>Individual</b>	<b>7</b>	<b>100%</b>	<b>0</b>	<b>0%</b>
<b>Organisation</b>	<b>9</b>	<b>56%</b>	<b>7</b>	<b>44%</b>
Fire Safety / Engineering / Consultants	3	75%	1	25%
Misc Construction	1	33%	2	67%
Finance and Insurance	0	0%	2	100%
Housing and Property Management	1	50%	1	50%
Local Government	2	100%	0	0%
Residents and Tenants Groups	2	100%	0	0%
Further and Higher Education	0	0%	1	100%
<b>TOTAL</b>	<b>16</b>	<b>70%</b>	<b>7</b>	<b>30%</b>

N=23

- 9.1 A majority of consultation respondents reported that the guidance clearly explained the difference between a fire safety risk assessment which considers external wall systems and one that requires an intrusive external wall appraisal (16, 70%), **Table 16**. Organisation responses were much more mixed than those from individuals.
- 9.2 Few of these respondents provided further qualitative feedback to Question 7.
- 9.3 Among those respondents that agreed the guidance clearly explained the difference between a fire safety risk assessment which considers external wall systems and one that requires an intrusive external wall appraisal, a few raised points regarding the need for clearer definitions of terms used or concerns with language used in that section of the Draft SAN. The points raised are reflected below.
- 9.4 Ravelston Terrace Cladding Working Group noted that the advice note should define what is meant by the term “acceptable level of risk” in the context of the following statement within the guidance: “a key principle of fire safety risk assessment is to take steps which are reasonably practicable to reduce the risk to life from fire to an acceptable level”.

- 9.5 Linked to the above point was a suggestion from the Fire Sector Federation to rephrase the above statement from the advice note to reflect the fact that “the fire safety risk assessment is to consider what steps have been taken rather than to take steps itself. The assessment could then lead to steps to mitigate any identified risks as part of the overall process”. It suggested the following rewording: “A key principle of fire safety risk assessment is to consider what steps have been taken and whether they reduce the risk to life from fire to an acceptable level.”
- 9.6 A wider point raised by both Ravelston Terrace Cladding Working Group and an Individual respondent<sup>4</sup> was that in most cases an intrusive external wall appraisal would likely be required, including to satisfy mortgage lenders, given the challenges business owners/managers might face in obtaining building plans and/or that building records might provide insufficient detail.
- 9.7 Ravelston Terrace Cladding Working Group went further to suggest that the Final SAN could make it clear that there is an expectation that relevant bodies would make building plans/records and associated documentation available and outline the implications of not doing so. This is reflected in the organisation’s quote below.

“It would be very helpful if the Advice Note made it very clear that local authorities, architects, engineers and developers should all be expected to offer copies of all plans and documents to flat owners, free of charge and that this expectation is supported by all relevant professional bodies. Where architects, developers and or engineers refuse to co-operate, it should be made very clear that local authorities will reject all future proposals by that architect, developer or engineer or any connected company. This is a national scandal and the Government and local authorities should use all means available to them to encourage positive engagement by those who refuse to provide supporting documentation and particularly those that are found to be associated with a defective building.

If the local authority does not secure cooperation from the initial offending agency then the non-cooperation by that local authority should extend to any other agency that is associated with the original agency that is refusing or unable to release plans or conduct remediation. That association may be through common directors, common controlling shareholding or any other connection as defined in the legal definition of Connected Companies or Connected Persons”.

Ravelston Terrace Cladding Working Group

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<sup>4</sup> This point was also raised by the High Rise Scotland Action Group that did not provide an answer to the closed question (Question 7).

- 9.8 Almost one-third of consultation respondents (all organisations) felt that the guidance did not clearly explain the difference between a fire safety risk assessment which considers external wall systems and one that requires an intrusive external wall appraisal (seven, 30%), **Table 16**.
- 9.9 These respondents similarly raised concerns with this section of the Draft SAN and felt it was limited, unclear in parts and/or potentially misleading.
- 9.10 Rockwool Ltd held the view that the language used in Section 1.7 of the Draft SAN was unclear, potentially misleading and could cause confusion, as reflected below.

“Overall, we are concerned that this advice note creates confusion over which materials and combinations are safe to use and how to identify them... We are also concerned that the advice note appears in several places to downplay the risks of failure to follow regulations....This does not sufficiently communicate the importance of compliance and consequently does not support assessors to determine where buildings do or do not require an intrusive external wall appraisal”.

Rockwool Ltd

- 9.11 UK Finance also requested greater clarity regarding the level of information and physical inspection necessary/expected to determine the safety of a building, as reflected in the quote below

“If a review of documentation is considered sufficient to identify if an external wall system is considered a risk or not, how will this identify the buildings where materials have been substituted, i.e. fire rated panels for non-fire rated panels, non-combustible insulation for combustible insulation or if cavity barrier have been appropriately installed? Much of this is not visible from a non-invasive inspection or review of the drawings”.

UK Finance

- 9.12 Linked to the point above, ARUP suggested that the advice note could more clearly:

- Define the methodology of the different types of assessment (i.e. existing documentation only, physical evidence of install components); and
- Articulate how the Practical Fire Safety Guidance aligns with information in the Draft SAN (and linked to this, raised a question regarding whether the Practical Fire Safety Guidance would require to be updated to include external fire spread).

- 9.13 It was further noted by ARUP that information on a fire safety risk assessment within the Draft SAN was considered limited (e.g. does not mention the five-step method, what does low risk look like for a high rise building), and that typical guidance used for risk assessment is PAS 79 (specifically excludes the external

envelope of a building and there is currently no published guidance on how a fire risk assessor can assess the potential for fire spread on external walls).

9.14 ARUP also highlighted an example of a [free tool](#) that is available to prioritise risk assessment of buildings, as noted below:

“This tool is a risk assessment methodology to assist global authorities and building portfolio owners to assess the risks and prioritise inspection/ remediation efforts for the high-rise building inventory in their jurisdiction with exterior wall assemblies containing combustible components. The methodology is qualitative rather than quantitative and follows internationally recognised risk assessment approaches. The method does not recommend specific mitigation measures, but rather prioritises the need for mitigation based on risk factors and provides suggestions for possible mitigation to be assessed on a project by project basis”.

ARUP

9.15 As noted above in Section 9.6, Building Societies Association also pointed to conversations it has had with fire engineers which indicated that “as-built drawings and other documentation are often unreliable”.... an intrusive appraisal is often required”.

9.16 Wider points noted in the consultation feedback include:

- Homes for Scotland suggested that the guidance could benefit from more use of visualisations (e.g. process maps) to highlight trigger points at which intrusive external wall appraisals would be required; and
- UK Finance felt that the guidance implied that the FRA would be able to cover the EWS appraisals. They, however, went on to comment that the skillsets required for each were in their opinion different, and that the individual completing the FRA might not have the necessary skills or qualifications to comment on the external wall system and to advise which cases should be referred for specialist checks.



**Question 8: Is the guidance clear on when a fire safety risk assessment may need to be informed by an intrusive external wall appraisal?**

**Overview of Responses to Question 8**

**Table 17: Is the guidance clear on when a fire safety risk assessment may need to be informed by an intrusive external wall appraisal?**

	Yes		No	
	Number	%	Number	%
Individual	6	86%	1	14%
Organisation	8	50%	8	50%
Fire Safety / Engineering / Consultants	2	50%	2	50%
Misc Construction	1	33%	2	67%
Finance and Insurance	2	67%	1	33%
Housing and Property Management	1	50%	1	50%
Local Government	2	100%	0	0%
Residents and Tenants Groups	0	0%	1	100%
Further and Higher Education	0	0%	1	100%
<b>TOTAL</b>	<b>14</b>	<b>61%</b>	<b>9</b>	<b>39%</b>

N=23

9.17 Similar to Question 7, consultation responses were also more mixed for Question 8, especially among organisations.

9.18 A majority, however, reported that the guidance was clear on when a fire safety risk assessment may need to be informed by an intrusive external wall appraisal (14, 61%), **Table 17**. This was somewhat higher for individuals than it was for organisations.

9.19 Only a few wider comments were provided by these respondents.

9.20 An Organisation and an Individual respondent noted earlier comments regarding situations where there was “a degree of uncertainty” or “an element of doubt” – and that the default position was clear that there would therefore require to an intrusive external wall appraisal. The Individual respondent went onto add that this would be the likely scenario in most cases given issues at Question 7 regarding access to, or level of detail within, building plans and records.

9.21 This point was further reflected on by Kingspan who noted that the guidance could lead to a large number of projects defaulting to the more intrusive methods due to a lack of experience or competence in the sector.

“It is our understanding that historically, most fire risk assessments would not have included a review of the external wall system. The FIA noted in guidance published in May 2020 that they dispute that it has ever been the responsibility of Fire Risk Assessment to address external cladding systems. All published industry guidance to date has not referenced external walls as part of an assessment, and no standard methodology exists for carrying out an assessment of external cladding systems”.

Kingspan

- 9.22 Kingspan and an Individual respondent raised further points around competent fire risk assessors as considered below.
- 9.23 The former noted issues for competent fire risk assessors in obtaining the necessary Professional Indemnity cover to allow them to sign off EWS appraisals of this nature “even if the risk profile of the building/cladding is low”. The latter asked that the guidance provide further detail on “who a competent fire risk assessor may be” for the avoidance of any doubt or any ambiguity in the wording “could be” in the following sentence in the Draft SAN:
- “A suitably competent specialist with appropriate knowledge, skills and experience in construction and fire safety who understands the BR135 performance criteria and the parameters of the BS 8414 fire tests could be a chartered or incorporated fire engineer registered with the UK Engineering Council or a chartered building surveyor”.
- 9.24 This Individual respondent felt that the guidance could clarify whether “this is a legal requirement, if not alternative qualifications/length of experience/membership of a professional body should be recommended”.
- 9.25 A relatively large proportion of respondents (predominantly organisations) felt that the guidance was not clear regarding when a fire safety risk assessment may need to be informed by an intrusive external wall appraisal (nine, 39%), **Table 17**.
- 9.26 Ravelston Terrace Cladding Working Group noted that the guidance could be clearer on the range of factors that might be sufficient to consider the building safe without the need for an intrusive external wall appraisal. Their view was that “intrusive appraisals should only be required if safe evacuation is clearly conditional on appropriately safe installation of any cladding. If safe evacuation is very likely in all foreseeable circumstances, then there should be no need for further investigation”.
- 9.27 ARUP also noted that it could be challenging for risk assessors to reach a firm conclusion about the external wall build-up without an intrusive inspection. They went on to explain that:

“Fire safety information available post construction is limited, and an adequate record of as built information is commonly not available or inaccurate. There needs to be clear evidence for the external wall build-up for anyone to make a visual only assessment otherwise an intrusive inspection will always be required and in any case, we would always encourage visual verification”.

ARUP

9.28 Linked to this point, ARUP noted that the guidance could be improved by setting out how much inspection is sufficient to draw a conclusion on whether an intrusive wall appraisal is required or not. And noted that “external wall systems may appear to be one material but it is only upon intrusive inspection that the build-up is identified as something completely different”.

9.29 UK Finance also agreed that greater clarity would be required within the guidance “as there are many unknowns in relation to the types of materials used in the external wall system”.

9.30 ARUP further suggested that the wording used in specific elements of the Draft SAN could be more definitive, as follows:

“The phrase used in Section 1.7 point (2) "If there is reason to suspect that cladding might constitute a fire hazard, a detailed appraisal involving intrusive inspection and testing of samples may be recommended." We would note that the phrase "may be recommended" is not definitive enough. A recommendation is either being made, or it is not recommended. If there is no evidence base, then an intrusive inspection is always required”.

ARUP

9.31 Both Homes for Scotland and ARUP suggested that the inclusion of visual diagrams could also aid understanding of, and improve, the guidance. The following examples were suggested:

- a visual process map to highlight clear trigger points that would specify when an intrusive external wall appraisal would be required (e.g. no as built information, re-clad high rise residential building, use of MCMs, infilled balconies, etc);
- a flowchart of the checklist of questions a risk assessor must work through to determine whether an intrusive external wall appraisal is required or not (i.e. a guiding framework); and
- a decision-making flowchart to set out when to engage further professionals and what is expected from them.

9.32 Rockwool Ltd and MIMA reiterated previous comments regarding the importance of understanding the cladding’s European Classification in order to better understand whether the material is classed as combustible (B-F) under the Euroclass system and that remedial works are urgently undertaken where required. They also felt that the guidance on this issue could be clarified to avoid being misinterpreted – this is reflected in their quote below.

“We also believe there is a risk that bullet 6 in this list could be misinterpreted to mean that a cladding system must have a BS 8414-BR 135 pass even if both the insulation and cladding are non-combustible. This point should be amended to make clear that this criteria pertains to systems using combustible materials only”.

Rockwool Ltd

9.33 The Fire Sector Federation also asked for greater clarity within the guidance, namely where it noted the following “where the test report shows an overprovision/unusual positioning of cavity barriers as tested under BS 8414 ‘Fire performance of external cladding systems’”. This is further reflected in the respondent quote below.

“The details highlighted during the CSIC presentations clearly identified that cavity barrier placement relative to thermocouples had an impact on test results. The presentation also indicated that the test layout of cavity barriers would need to be replicated on site. The placement out of the norm in this manner was considered an “over provision”.

Therefore, on reviewing the UK Government sponsored tests it would appear to contain what the advice note considers an “over-provision/unusual arrangement of cavity barriers”. As indicated in the CSIC presentation the test reports all show the cavity barrier placement relatively close to the thermocouples in the test configuration and not relative to the nominal floor spacing. This was repeated through the test series and is commented on in Section 1.11. There is no mention of this within Section 1.11 of the advice note.

Although we understand that BS 8414 has been updated to reflect this point within Clause 6, this arrangement of cavity barriers would appear to have been a common item. Given that “over provision” or unusual position of cavity barriers is noted in Section 1.7 to consider intrusive assessment more detail on this within the advice note would help bring clarity on this matter”.

Fire Sector Federation

9.34 Wider individual points noted include the following, namely that the Draft SAN could:

- Include advice on how to retrieve archived building information (ARUP);
- Provide details of how SFRS should be consulted e.g. provide points of contact, links to SFRS website/literature (ARUP);
- Confirm whether a fire risk assessor is competent to understand matters regarding test houses (e.g. reviewing test reports/certificates, confirming the accreditation of a test house). If this is not the case, it was suggested that testing should not be within the remit of a fire risk assessment but rather be part of an external wall appraisal (i.e. intrusive inspection) to be undertaken by a chartered fire engineer (ARUP); and
- A suggestion whether Building Standards teams could consider employing their own EWS experts who could sign off new EWS with a certificate that is then referred to by fire risk assessors (USHA Fire (Scotland) Group).

## 10. Areas of Guidance Missing or Requiring Clarification

**Question 9. Is there any guidance that is missing or needs to be improved to provide greater clarity?**

### Overview of Responses

**Table 18: Is there any guidance that is missing or needs to be improved to provide greater clarity?**

	Yes		No	
	Number	%	Number	%
<b>Individual</b>	<b>8</b>	<b>100%</b>	<b>0</b>	<b>0%</b>
<b>Organisation</b>	<b>15</b>	<b>94%</b>	<b>1</b>	<b>6%</b>
Fire Safety / Engineering / Consultants	4	100%	0	0%
Misc Construction	3	100%	0	0%
Finance and Insurance	1	50%	1	50%
Housing and Property Management	2	100%	0	0%
Local Government	2	100%	0	0%
Residents and Tenants	2	100%	0	0%
Further and Higher Education	1	100%	0	0%
<b>TOTAL</b>	<b>23</b>	<b>96%</b>	<b>1</b>	<b>4%</b>

N=24

10.1 Almost all respondents felt that there was either something missing from the guidance and/or that it could be improved to provide greater clarity (23, 96%), **Table 18**.

10.2 The comments provided were wide-ranging, and have been clustered into the following themes.

10.3 Firstly, many respondents provided suggested changes to wording or phrasing within different sections of the Draft SAN and/or identified aspects that could be updated. Every consultation response will be reviewed by the Scottish Government Building Standards division and the Fire and Rescue Unit in order to amend the Draft SAN where appropriate.

10.4 Secondly, several respondents suggested that the Draft SAN could be improved if it:

- Made greater use of visualisations (e.g. flow charts, charts, process maps, photographs, roles and responsibilities) to help communicate key points more clearly and to help the audience understand it; and
- Used Plain English reporting (or had a separate non-technical version) to improve accessibility and readability, in particular for the non-technical

audience (e.g. homeowners, residents and tenants groups, mortgage lenders).

- 10.5 It was noted by several respondents that greater clarity within the guidance on the correlation between the Draft SAN and the use of EWS1 forms. If appropriate, it was noted that further guidance might be required that acknowledges and mitigates the challenges and issues with EWS1 forms already faced in the rest of UK (e.g. these respondents pointed to cases of EWS1 forms that have been fraudulently signed) and, if necessary, advice on how to procure a form. This point is reflected in the respondent quotes below

“You say that a fire safety risk assessment is not a legal requirement in Scotland, but it is a requirement by the mortgage lenders as a means to obtaining an EWS1 certificate if you want to sell your property. And EWS1 certificates are like hens teeth!”

Individual

“To very quickly list some of the real problems of the rUK advice notes, with this advice note containing all the same flaws - EWS1 forms fraudulently signed, mortgage providers questioning skills of assessors, buildings of almost exact same construction being given different ratings, building occupants being kept in the dark about findings, no way for anybody to check the validity of an artefact and no way to confirm or otherwise if a given building has been assessed. The real kicker is it doesn't even begin to address the issues with EWS1 form, indeed the guidance merely nods to it and says it's something unrelated.”

Individual

- 10.6 Some respondents (e.g. Rockwool Ltd, ARUP, MIMA and Fire Sector Federation) noted concerns that the guidance could be misinterpreted, and that despite the recent update:

“the BS 8414-BR 135 test and classification procedure falls well short of providing the necessary level of assurance that the cladding systems tested will perform to an adequate standard of safety in the event of a real fire, on a real building, with cladding components as actually installed”.

Rockwool Ltd

- 10.7 As such, it was suggested that other testing, including “bench scale testing” (e.g. ATR-FTIR, EDXRF, TGA) could also be considered within the guidance.

10.8 Others felt that the scope of the guidance could be widened to give due consideration of, for example:

- Other measures of fire risk (e.g. combustibility, risk based approach, Euroclass ratings system);
- Common construction types (e.g. masonry cavity walls, structural timber behind a leaf of masonry or ETICS systems); and
- a broader definition of buildings (e.g. inclusion of “hospitals, schools, entertainment venues and other buildings with vulnerable occupants, regardless of height, and non-residential two-storey buildings such as offices”).

10.9 The respondent quote below is reflective of the points raised:

“Given the growing concern and issues surrounding the purchase and sale of homes across the UK relating to external wall systems and use of EWS1 forms, we believe the guidance could go further in providing a more definitive and agreed interpretation of “acceptable” and “unacceptable” levels of risk based upon deviations from the benchmark standard set by the advice note. This would have the benefit of supporting a consistent approach to appraisal and determination of appropriate and pragmatic courses of action and help alleviate issues currently being experienced by affected homeowners looking to buy, sell and re-mortgage their homes”.

Homes for Scotland

10.10 According to a few respondents, the guidance could be clarified to set out its potential impact and implications for particular groups, such as homeowners. Also, if remedial action is required, these respondents reported that it would be useful if the guidance set out who was responsible at each stage of the process (e.g. who is responsible for cost - flow chart might help illustrate what happens when remediation work is required). An example of how the guidance could clarify the implications for homeowners is reflected in the respondent quote below.

“The whole document is predicated on there being a Fire Risk Assessment (FRA) in place. It is unlikely that these documents exist for most high rise buildings. There requires to be some form of description as to how groups of owners can go about preparing and owning FRAs for their homes”.

Individual

10.11 Another suggestion was that the Draft SAN could consider alignment with and/or learning the lessons from guidance that applies in the rest of UK and Europe (e.g. rest of UK looking at exemptions for under 18m; issues with EWS1 forms):

“Overall the guidance is not clear enough far too much 'maybe', 'might' and 'could'. It needs to be prescriptive in almost all areas, we know this from the failures of the rUK advice notes... it repeats all the same flaws and we can expect all the same problems. It also has the same ability for fraud and lack of transparency of the rUK advice notes”.

Individual

10.12 Finally, a couple of respondents suggested that the Draft SAN could include more signposting to additional information and advice as it was stated that this could be furthered in places:

“Section 1.10 of the advice note references that “domestic building owners are encouraged to make use of the government’s free screening programme to confirm the category of the core/filler material.” However, no further information is provided to readers as to where to find more information or access this programme. In that context, the advice note should provide links through to referenced information as well as provide greater detail of the support packages available to support affected homeowners”.

Homes for Scotland



# 11. Any Final Comments

11.1 Respondents were given the opportunity to provide any final comments regarding the Draft SAN and consultation process.

## Overview of Responses

11.2 Firstly, most respondents repeated their views to Question 9 about specific areas where they thought advice was missing or very specific points relating to the different sections of the Draft SAN, such as suggested changes to wording and phrasing. As stated in Section 10, every consultation response will be reviewed by the Scottish Government Building Standards division and the Fire and Rescue Unit in order to amend the Draft SAN where appropriate.

11.3 Secondly, most respondents also used the space for further comments to highlight the potential wider impact and implications of the Draft SAN as set out below e.g. implications for Fire Risk Assessors and impact on housing market.

11.4 Some respondents noted their appreciation at being given the opportunity to participate in the consultation process whilst it was also stated that “it is welcome to understand that Scottish Government are working to clarify legislation/advice on EWS and Fire Safety, as it is very important and having a severe impact nationally”.

11.5 A few respondents reiterated points around the potential implications for Fire Risk Assessors, which included the following:

- A couple of respondents highlighted that the Draft SAN contains a suggestion that Fire Risk Assessors can make a judgement on external wall systems and noted how this could increase Professional Indemnity Insurance (PII) to an “unsustainable level”. One of the respondents reported that this could “possibly endanger the fire safety regime of Scotland” with capacity issues given that there would be “few if any Fire Risk Assessors available with PII to carry out Fire Risk Assessments”; and
- One respondent raised concern that that the requirement for Fire Risk Assessors to be accredited, as implied within Draft SAN, would display a lack of recognition and consideration for non-accredited Fire Officers e.g. those operating within the NHS, Higher and Further Education “who undertake frequent fire safety risk assessments with confidence and competence”.

11.6 Feedback from three organisations (Rockwool Ltd, The Property Managers Association Scotland, and Mineral Wool Insulation Manufacturers Association) was that the Draft SAN “doesn’t go far enough”. All raised concerns that the Draft SAN does not fulfil its fundamental purpose of ensuring “safe and fit-for-purpose buildings... as it allows the use of combustible materials on buildings”. As such, the three organisations called for greater enforcement with a ban on combustible materials as well as an updated audit of existing buildings to “identify all combustible insulation and cladding materials used on the façades of all high-rise and other high-risk buildings”.

11.7 Some respondents raised the issue of potential impact on the housing market with concern about the inclusion of EWS1 forms within the Draft SAN despite its “catastrophic impact on sales of flats in the UK”:

“It should be noted that use of the EWS1 form should be treated with caution, as the system does not appear to be working for UK government, RICS, lenders or homeowners, and is largely used as financial instrument for underwriting mortgages. Furthermore, various instances of fraudulent use of EWS1 forms have been reported across mainstream media. We encourage these points of caution to be communicated within the SAN guidance should references to EWS1 be retained”.

ARUP

11.8 Finally, a couple of respondents reinforced the importance of ensuring the Draft SAN was accessible to, and able to be used by, both professional and non-technical audience/general public. This could be aided by the inclusion of diagrams/illustrations, and further clarifying the roles and responsibilities for any actions required to be undertaken in the implementation of the guidance.

# Annex A: Reference Documents

1. The Scottish Government, Draft Scottish Advice Note – External Wall Systems (version 3.0), July 2020.  
<https://www.gov.scot/publications/draft-scottish-advice-note-external-wall-systems-version-3-0/>
2. The Scottish Government, Scottish Advice Note: Determining the fire risk posed by external wall systems in existing multi-storey residential buildings. Background Note, Consultation Questions and Response Form, July 2020.  
<https://www.gov.scot/publications/scottish-advice-note-background-note-consultation-questions-response-form/>
3. Final webinar video for the consultation on the Draft SAN.  
<https://www.gov.scot/collections/external-wall-cladding-systems-advice/>

# Annex B: Webinar Distribution List

Table B1: Initial Webinar Distribution List

Organisation Sub-Group	Number	Name						
Housing and Property Management	13	<ul style="list-style-type: none"> <li>• ARLA Propertymark</li> <li>• Homes for Scotland</li> <li>• Private Rented Sector Resilience Group</li> <li>• Property Factors</li> <li>• Property Managers Association Scotland (PMAS)</li> <li>• Registered Social Landlords</li> <li>• Scottish Association of Landlords/Council of Letting Agents</li> <li>• Scottish Factoring Network</li> <li>• Scottish Federation of Housing Association (SFHA)</li> <li>• Scottish Housing Network</li> <li>• Share</li> <li>• Social Housing Resilience Group</li> <li>• Wheatley Group</li> </ul>						
		Further and Higher Education	6	<ul style="list-style-type: none"> <li>• Director of Estates, University of Strathclyde</li> <li>• Head of Estates Health and Safety, Estates Department, University of Edinburgh</li> <li>• Head of Small Projects and Minor Works, University of Edinburgh</li> <li>• Scottish Association of University Directors of Estates (SAUDE)</li> <li>• Scottish Funding Council</li> <li>• Universities Association of Safety and Health</li> </ul>				
				Fire Safety / Engineering / Consultants	5	<ul style="list-style-type: none"> <li>• Fire Safety (Scotland) Ltd</li> <li>• Institution of Fire Engineers (Scotland) - Building and Fire Safety Engineering Group</li> <li>• National Fire Chiefs Council</li> <li>• OFR Fire and risk consultants</li> <li>• Scottish Fire and Rescue Service</li> </ul>		
						Other	4	<ul style="list-style-type: none"> <li>• Law Society of Scotland</li> <li>• Scottish Prison Service</li> <li>• Scottish Tourism Alliance</li> <li>• Scottish Youth Hostel Association</li> </ul>

**Table B1: Initial Webinar Distribution List (cont'd)**

<b>Organisation Sub-Group</b>	<b>Number</b>	<b>Name</b>
Health and Social Care	3	<ul style="list-style-type: none"> <li>• Care Inspectorate</li> <li>• Scottish Care</li> <li>• Health Facilities Scotland</li> </ul>
Local Government	3	<ul style="list-style-type: none"> <li>• Local Authority Building Standards Scotland</li> <li>• Local Authority Housing Resilience Group</li> <li>• Local Government Resilience Group</li> <li>• Ravelston Terrace Cladding Working Group</li> <li>• Tenants and Residents Panel (Ministerial Working Group)</li> </ul>
Residents and Tenants	3	<ul style="list-style-type: none"> <li>• The Sandport Way Residents Group, together with the Friends of the Water of Leith Group</li> </ul>
Finance and Insurance	2	<ul style="list-style-type: none"> <li>• Association of British Insurers</li> <li>• UK Finance</li> </ul>
Architects, Designers, Engineers, Planners, Surveyors, Environmental Consultants	1	<ul style="list-style-type: none"> <li>• Royal Institute of Chartered Surveyors</li> </ul>
Miscellaneous Construction	1	<ul style="list-style-type: none"> <li>• HKA</li> </ul>

# Annex C: List of Webinar Questions

**Table C1: Webinar 1 Questions**

## **Q&A Session**

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- With the following that the advice to ensure what is tested is what is constructed on site would that include all of the components that are constructed inside including the backing wall and membranes
  - With the following that the advice to ensure what is tested is what is constructed on site would that include all of the components that are constructed inside including the backing wall and membranes
  - Could you summarise the significant differences, if any, between the draft SAN and the CAN issued in January by MHCLG? Thanks
  - Very informative presentation btw!
  - Are the three planned presentations different or the same?
  - With the UK leaving the European Union, will there be a move away from European Standards back to British Standards?
  - Are there any concerns about UK parliament suggesting the English Building Regulations might replace the Scottish Technical Standards, which could mean a dilution of Fire Safety Standards?
  - For Domestic Buildings in Scotland under 18m where the cladding is specifically a Fibre reinforced concrete plank (Hardie Planking) with a BBA certificate which states Class 0, non-combustible, 1) why is there no automatic OK for these materials; 2) Why is there not a standard fee for Surveyors to complete the EWS1 form?; 3) Why is the current guidance to a certificate per flat, and not per Building as in England ?
  - Thanks, as a flat owner in a four storey domestic block built 2016, recent sales this week have been stalled due to lack of EWS1 form.
  - Are Chartered Fire Engineers and/or Chartered Surveyors qualified to conduct EWS1 assessments? And if so, would they require any additional qualifications to conduct a fire risk assessment and/or EWS1 inspection?
  - The EWS1 approval criteria is being mainly directed by lenders based outwith Scotland. The competence levels in the SAN are different from MHCLG and those on the RICS website, which are both used by those in the housing/lending sector. Will there be any link up with the UK government on competence? because if not most lenders may ignore the SAN
  - If PI insurance is so important, should duty holders not only ensure that the fire risk assessors which they appoint are not only competent, but they also have a "Certificate of Insurance" for PI. A verification of cover letter stating that the assessor is covered to conduct EWS1 work, should not on its own be accepted without an insurance certificate. Is there any intention to mention PI insurance?
  - BRE is an agency companies who wish to test their wall systems are permitted to set up their wall systems. Other than the 55 systems which are on the BRE list for passing BR135, those systems which have not passed are not available in the public domain.
-

## Table C1: Webinar 1 Questions (cont'd)

### Q&A Session

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- Will this presentation be available after? Very informative.
  - Sam at the beginning you mentioned compulsory fire safety regulations coming into force next year. I missed what you said in detail if you could please refresh.
  - What's your thoughts on the adequacy of using 15min and 600°C at second level of thermal couples as the performance criteria in the 8414 test
  - Is it correct to say that external wall systems have to be physically tested now, and cannot simply undergo a computer simulation, given this could be done in the past? Is that correct?
- 

## Table C2: Webinar 2 Questions

### Q&A Session

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- Question on competency; the emphasis is on the building owner to satisfy themselves that fire risk assessors are competent to conduct an FRA. With the wide variety and range of premises how can an assessor demonstrate this? Should the industry look to develop competency cards like CSCS, LEEA, IPAF etc etc.... the cards would highlight exactly what an assessor can and can't do. I don't think that being a member of the IFE is enough to show competence in such a complex industry.
  - Private domestic buildings in Scotland do not have 'building managers', they have 'property factors' or are self factored. Identifying 'managers' as being responsible is incorrect. The party responsible is the building owner, which could be 300 separate entities. Why do SG continue to state that managers are responsible, when this is incorrect?
  - How can a group of building owners undertake a Fire Risk Assessment, where there cannot get all owners to agree and there is no legislative requirement for an FRA being carried out, the 2005 and 2006 legislations specifically omitting domestic buildings from this requirement?
  - Does the inventory for high rise buildings not detail the construction of said buildings and details of the EWS from the building warrant drawings?
  - Most appraisal requests come from mortgage lenders as a mater of course.
  - Has there been a corresponding reduction in building over 6 storeys (social housing)?
  - Are there plans to train SFRS Fire Safety Officers to recognise technical capabilities of external cladding, and how to determine if the assessment of this by the FRA is adequate.
  - When will existing domestic non-relevant buildings be assessed as there is currently no requirement for them to have a FRA undertaken in Scotland?
  - Why is it not a requirement for external cladding to be installed by qualified installers and being certified at the completion of the works? Like smoke and heat alarms?
-

## Table C2: Webinar 2 Questions (cont'd)

### Q&A Session

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- Why is it difficult to coordinate all countries with same guidance.
  - When will Scot Gov legislate for mandatory Risk Assessment in residential blocks of flats - until they do Factors hands are tied and they have no basis in law for insisting that a client pays for Construction Identification Surveys and Risk Assessments.
  - in the draft for consultation, Bullet point in list item 2 (Page 4) refers to “evidence of systemic problems with a particular product/manufacturer/installer”. How is this ‘evidence’ to be gathered and promulgated? If there is no mechanism for doing this, then there is little likelihood that any of these issues will be taken into account.
  - Does the use of the term “Residential Buildings” in line 1 of the Scope Statement lends itself to misinterpretation where the principal use of the premises is not the provision of accommodation e.g. a purpose built pub with a duty manager/staff flat on the first floor, a golf club with flats for the greenkeepers on the second floor.
  - On the basis of Colin’s comments regards Building Warrants is there any thought to amend guidance to make the installation or replacement of cladding require a warrant. Currently as Colin said like for like replacement does not attract a requirement for warrant
  - SFRS can enforce non-domestic premises as we know, but who would enforce domestic building owners to have a fire risk assessment carried out on their wall cladding systems?
  - Will Scotland establish similar changes to the upcoming Fire Safety Bill in England?
  - Will Sto render type facade systems including expanded polystyrene insulation be considered/included in the guidance?
  - Also will structural insulated panels (SIPs) be considered - as used to construct the Moorfield Hotel in Shetland that was recently destroyed by fire.
  - Dear All, Excellent talk. Is there any chance that all the presentations will be sent to us?
  - Dear All, The cladding systems are very specialised areas which will not be an expertise by most fire risk assessors (will usually be fire engineers). What requirements will be put in place in terms of competence. My question is based on experience in other areas where competence has been set far too high and as a consequence there is not enough numbers of competent persons available
  - Dear All, How will building control be implementing the combustibility of cladding. Will they require information on cladding or will this be part of a requirement for a CDM client and the FRA at the completion phase
  - How am I supposed to assess the competency of a fire risk assessor?
  - With regards FRA's for domestic blocks of flats - this is only a recommendation and not a requirement. Is there any proposal to make this a compulsory requirement? We anticipate difficulties in achieving support from some multi-owner groups.
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## Table C3: Webinar 3 Questions

### Q&A Session

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- For assessing existing buildings, have all existing buildings to be assessed and who is responsible for making sure the risk assessment is carried out?
  - I would like to understand the intermediate period. I am trapped and unable to sell due to lenders not giving mortgages on buildings that have failed the test. What is being done about this? I am potentially going to lose my new house over this. Also, why has this legislation been taken before you decide what to do with the 1bn pot of funding? And why has this been brought in when only 2 surveyors in Scotland qualify to provide these reports?
  - I know there is a group but this is not answering the question. When will we get movement on this? I have been stuck here for months.
  - I've heard it is likely that an IEng can sign off these forms in Scotland. Why the lesser qualification being allowed?
  - How does the Building Standards Division propose to deal with buildings of less than 18m height? Also, how to deal with premises that are of a predominantly timber frame construction (timber is combustible) and that a 38mm timber batten has been considered to be a satisfactory cavity barrier to prevent the spread of flame to an otherwise unprotected opening of (e.g.) aluminium or uPVC? Thanks
  - How does the panel compare the capability of a fire safety risk assessor to that of an Engineer as defined by the UK Spec? What is 'suitably qualified'?
  - The Scottish Advice Note seems to place the responsibility on the shoulders of the Fire Safety Risk Assessors and not the Fire Engineers? Why is that and if they are not one and the same person, how can these two persons cooperate? Who has primacy? Whose professional opinion counts the most?
  - What does the panel feel is the contribution from a vertical fire barrier that prevents lateral fire spread and a horizontal fire barrier that prevents vertical fire spread - BS 8414 does not appear to be influenced by vertical cavity barriers. Thank you.
  - Why is it that the premises has to be built in the way that the test has been done and not that the test has to be done in the way that the exterior wall has been built? That has been the way that testing has been developed in transport e.g. Marine and Rail.
  - What is view on desktop evaluations by specialist labs (e.g. Exova) where elements have been substituted as part of the overall test assembly? Grenfell inquiry raised this issue.
  - Did I understand correctly, that residential buildings built from 2005 onwards require sprinkler systems? I am living in development of over 18 m
  - It was mentioned that the SAN came about in small parts due to the reaction of mortgage lenders/insurers. Does the SAN alleviate the issue with the requirement of EWS1 form which is more relevant to England? This would clearly affect existing housing stocks and future development of low to high-rise flatted blocks.
  - Colin, can you clarify if only non-combustible cladding should have been used in buildings over 18 metres even prior to 1/5/2005?
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### Table C3: Webinar 3 Questions (cont'd)

#### Q&A Session

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- With the FIA announcing that the EWS1 register will be ready to go public in November, will Scotland be included?
  - Could you talk about the comment of the "over provision" of cavity barriers - what are you considering?
  - Could Colin please explain why the criteria is 600 deg C - is it glass failure temperature or something else?
-

# Annex D: Consultation Responses Published

Twenty-seven responses were received to the consultation document. Seven of the eight individuals who responded to the consultation selected “publish response” (**Table D.1**).

**Table D.1: Individuals**

**Individuals**

Dick Jenkins	Yes with name and address
David Muir	Yes with name and address
Alex Bell	Yes with name
ERDM Ref A30600643	Yes with no name or address
Andy Mallice	Yes with name and address
ERDM Ref A30616292	Yes with no name and address
ERDM Ref A30616907 and A30617156	Yes with no name or address

All organisations that have submitted a response have their name and address made public, but not all choose to make their response public, **Table D.2**. Three organisations (\*) have chosen not to have their response made public.

**Table D.2: Organisations**

**Organisations**

ARUP	National Fire Chiefs Council (NFCC)
Building Societies Association	Ravelston Terrace Cladding Working Group
City of Edinburgh Council*	Rockwool Ltd
Fire Sector Federation	Scottish Fire and Rescue Service
High Rise Scotland Action Group	South Lanarkshire Council
Homes for Scotland	The Property Managers Ass Scotland Ltd
IFE*	UK Finance
Insulation Manufacturers Association	University Safety & Health Association (USHA) Fire (Scotland) Group
Kingspan	Zurich*
MIMA (Mineral Wool Insulation Manufacturers Association)	



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