

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**

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Background.

1. On 20 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 This brought the Expert Panel's advice together in a single document and superseded the previous Advice Notes 1 to 22 that were published sequentially following the Grenfell Tower fire in June 2017.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.
2. The consolidated advice note led to unintended consequences where the availability of finance became restricted. The Scottish Government are aware of the difficulties experienced by home owners in obtaining mortgage finance when seeking to buy, sell or re-mortgage flats in buildings with external wall cladding. Responsibility for mortgage lending is a matter reserved to the UK Government.
3. On 16 December 2019 the Royal Institute of Chartered Surveyors, UK Finance and the Building Societies Association announced the introduction of a process, the EWS1 form to help people buy and sell homes and re-mortgage in buildings with a floor above 18 metres which have external cladding. More information is available on the RICS website at <https://www.rics.org/uk/news-insight/latest-news/fire-safety/new-industry-wide-process-agreed-for-valuation-of-high-rise-buildings/>. Scottish Government are aware of ongoing difficulties for homeowners despite the launch of this process including application of this process to buildings lower than 18 metres.
4. A Ministerial Working Group on Mortgage Lending chaired by the Minister for Local Government, Housing and Planning has been established to develop solutions for Scotland and to ensure that the EWS1 approach and the wider system works for the Scottish market and for Scotland's homeowners. The remit of this group is to address the issues, risks and obstacles involved and to develop solutions to enable people to buy, sell or re-mortgage their homes. This Group brings together representatives of bodies such as UK Finance, Royal Institution of Chartered Surveyors, Association of British Insurers, Property Managers' Association Scotland, Law Society of Scotland, Homes for Scotland and the Scottish Fire and Rescue Service.

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5. On 30 March 2020, Scottish Ministers agreed to set up a Technical Working Group to develop an Scottish Advice Note to determine the fire risk posed by external wall systems in existing multi-storey residential buildings. The Technical Working Group reports to the [Building and Fire Safety Ministerial Working Group](#). The Technical Working Group comprises technical professionals and fire experts from building surveying, research, fire consultancy, academia, Fire Inspectorate, Scottish Fire and Rescue Service, Local Authority Building Standards, NHS and Scottish and UK Government officials. The group have met three times and this 3rd DRAFT version of the guidance is being used as the basis of a 3 month targeted consultation.
6. The Scottish Advice Note will 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. This means the advice note is technical in nature and those affected should seek appropriate professional advice, if required. The Scottish Advice Note is intended to supplement existing published sector specific fire safety guidance, available online at <https://www.gov.scot/policies/fire-and-rescue/>.
7. The Ministerial Working Group on Building and Fire Safety met on 11 June and it was agreed that a targeted consultation with key stakeholders including residents and tenants will be taken forward. The draft Scottish Advice Note has been published on [the Ministerial Working Group website](#) together agreed notes of the Technical Working Group meetings.
8. The Scottish Advice Note 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.
9. 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.”
10. 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.

11. The scope of the advice note 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.
12. The Scottish Advice Note'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 advice note.
13. For the purposes of the advice note, 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. The advice will also be of interest to fire risk assessors and specialist wall appraisal experts.
14. Further information on the fire safety risk assessment process and how it applies more generally to a building can be found in the relevant fire safety guidance, published by the Scottish Government at <https://www.gov.scot/policies/fire-and-rescue/>.

Your views.

The Scottish Government is gathering views on this DRAFT Scottish Advice Note from those affected by, and responsible for, fire safety in residential buildings. This will inform revisions and the final published document.

Your views can be recorded on the pages that follow, together with information on you or the organisation you represent.

To support feedback on the draft Scottish Advice Note, webinars and meetings with key stakeholders are currently being organised. Should you wish to take part in any of the webinars, please email buildingstandards@gov.scot.

This targeted consultation will be completed on 25 October 2020.

Questions

Please provide comments to set out the reason for your answer where possible.

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

Yes

No

Comments:

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

Yes

No

Comments:

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

Yes

No

Comments:

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?

Yes

No

Comments:

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

Yes

No

Comments:

6. Is the guidance on partial cladding helpful?

Yes

No

Comments:

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?

Yes

No

Comments:

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

Yes

No

Comments:

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

Yes

No

Comments:

10. Are there any other relevant comments you would like to make?

Responding to this targeted Consultation.

We are inviting responses to this targeted consultation **by close on 25 October 2020**. As well as targeted meetings and sending emails to stakeholders to alert them to the consultation, three webinars are planned over the consultation period. The webinars will be organised and facilitated by Construction Scotland Innovation Centre. More information on this will be posted on the Building and Fire Safety Ministerial Working Group website soon.

Please respond to this consultation by emailing this document with your response to the questions and information on you or your organisation to buildingstandards@gov.scot or by post to:

Michelle Williamson
Building Standards Division
Scottish Government
Denholm House
Almondvale Business Park
Livingston EH54 6GA

Handling your response.

Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>.

Next steps in the process.

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public on the Scottish Government website. Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

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Respondent Information Form

Please Note this form **must** be completed and returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Forename

2. Postal Address

<input type="text"/>		
Postcode	Phone	Email

3. Permissions - I am responding as...

Individual / Group/Organisation
Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No



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This publication is available at www.gov.scot

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The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-83960-936-7 (web only)

Published by The Scottish Government, July 2020

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS751066 (07/20)

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