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Meeting Note: SBA: Application Review 01/002

SBA Project Board: Paper 01/001

Single Building Assessment

Project Board – Initial Meeting

30 June 2021, 11:30 – 13:00

Agenda

1. Welcome and introductions
2. Membership Paper 01/002
3. Draft terms of reference Paper 01/003
4. Response to the SBA Expression of Interest process Verbal update
5. Forward plan and scheme development Verbal update
6. Issues and updates from members Members
7. Cabinet Secretary for Social Justice, Housing and Local Government (12.45)
8. Any other business
9. Date of next meeting

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- **Meeting Title:** Cladding: Single Building Assessment Project Board
- **Meeting Date:** 30/06/2021
- **Meeting Location:** Teams
- **Meeting No:** 1

Attendees	Organisation
Stakeholders	
<p>[Redacted]</p>	<p>Association of British Insurers</p> <p>Royal Institution of Chartered Surveyors</p> <p>Royal Institution of Chartered Surveyors</p> <p>Royal Institution of Chartered Surveyors</p> <p>Law Society of Scotland</p> <p>Homes for Scotland</p> <p>Homes for Scotland</p> <p>High Rise Scotland Action Group</p> <p>Scottish Futures Trust</p> <p>Local Authority Building Standards Scotland</p> <p>Scottish Fire and Rescue Service</p> <p>Institute of Fire Engineers</p> <p>Building Societies Association</p>
Scottish Government Officials	
<p>Stephen Garvin</p> <p>[Redacted]</p>	<p>Building Standards Division</p> <p>Building Standards Division</p> <p>Building Standards Division</p> <p>Building Standards Division</p> <p>Building Standards Division</p> <p>More Homes Division</p> <p>Fire Policy Division</p>

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Apologies			
Ministers			
Shona Robison MSP	Cabinet Secretary for Social Justice, Housing and Local Government		
Stake Holders			
[Redacted]	UK Finance UK Finance Scottish Fire and Rescue Property Managers Association Royal Institution of Chartered Surveyors (RICS) Local Authority Building Standards Scotland(LABSS)		
Scottish Government Officials			
Sean Neill Shirley Laing [Redacted]	Director – Local Government and Communities Director – Housing and Social Justice Fire Policy Division		
Prepared by:	[Redacted]	Date:	02/07/2021

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1. Welcome and Introductions

Introductions

The Chair welcomed everyone to the first Cladding: Single Building Assessment Project Board on June 30th, and invited everyone to introduce themselves.

The Chair advised that apologies had been received from Shona Robison MSP, Cabinet Secretary for Social Justice, Housing and Local Government. In addition, the chair passed on the Cabinet Secretary's thanks to the Project Board for their help.

It was noted apologies had been received from [\[Redacted\]](#)

It was noted that apologies had been received from [\[Redacted\]](#), [\[Redacted\]](#) would represent on this occasion.

Project Board Background and Remit

The Chair provided a background on the establishment of the board, advising that the initial meeting follows on from the announcement on 19 March from Ministerial Working Group report on Mortgage Lending and Cladding March 2021 to secure a Single Building Assessment. The Project Board will provide a forum for open discussion, continuous improvement and partnership working, to support the Single Building Assessment and Cladding Remediation programme.

It was highlighted that the aim of the first meeting is to discuss the Project Boards remit and to provide an update on the work that has taken place since the announcement on 19 March 2021.

Meeting Frequency

The Board agreed to meet regularly over the course of the Single Building Assessment and cladding remediation programme. The Board agreed to meet once a month until January 2022, where a review will take place to decide on the Board's meeting frequency and requirements moving forward. It was noted that the Board would meet utilising Microsoft Teams for the foreseeable future.

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- **Action:** The agreed upon monthly meetings until January 2022, to be scheduled as soon as possible.

2. Membership

Paper 01/002

The Chair introduced paper 01/002 that provided a list of the Project Board members. Scottish Government Officials and Stakeholders agreed that to ensure resilience of the project board, that more than one member would be added to the membership per organisation, where possible.

The Project Board discussed if it would be beneficial for any other individuals or organisations to be added to the membership. It was highlighted that the organisation Under One Roof which provides advice on repairs and maintenance to flat owners, may be beneficial to the board. In addition, the inclusion of a structural engineer was discussed. It was noted that a Technical Board will be set up and a structural engineer may be useful on that board.

Stakeholders raised the issue of how the Ministry of Housing, Communities and Local Government (MHCLG) would be included. The Project Board were advised that the Scottish Government Officials had regular fortnightly meetings with MHCLG. It was noted that a progress update on the Single Building Assessment is given during the meeting and this will continue.

Each member of The Project Board agreed to provide a Pen Portrait by 31 July which will be added to the Membership Document for the next board meeting.

- **Action:** Members to submit a Pen Portrait by 31 July

3. Draft terms of reference

Paper 01/003

Terms of Reference Document

The Chair introduced paper 01/003 which provided a draft of the remit and Terms of Reference for the Project Board.

It was noted that the SBA is one of the Scottish Government's 100 day priorities and is therefore moving forward in that short timescale. The Project Board agreed that the monthly meetings will work well to aid in the progress of this commitment.

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The Board requested some around the terms of reference. It was highlighted that the expectations of the Board are explicitly clear and set at the correct level. As a result, it was agreed that members will submit changes and comment by 31 July and a revised set of terms of reference will be prepared in advance of the meeting on 19 August.

- **Action:** Members to submit comment on 'Terms of Reference' by 31 July
- **Action:** Scottish Government Officials to prepare the updated 'Terms of Reference' in advance on meeting on 19 August.

Confidentiality

The Chair highlighted that board members will have access to confidential documents (marked 'OFFICIAL') and will be involved in meetings and discussions that should remain confidential. In addition, the Chair noted that information and notes generated from meetings will fall subject to the Environmental Information (Scotland) Regulations 2004 and Freedom of Information (Scotland) Act 2002. Therefore, the meeting will be conducted under 'Chatham House Rule' and notes of the meeting will be released.

Further clarification was requested on the extent of the confidentiality of the proceedings. It was advised that the members were able to discuss the meetings and share published documents with colleagues and stakeholders who have an invested interest. Confidential documents should not be shared.

Reporting and decisions

Decision making and the role of the Project Board within that process was discussed. It was advised that the Cabinet Secretary would regularly attend board meetings to engage with the discussion. The Board's role is to provide continuous improvement and constructive challenge to give advice on the SBA programme. It was highlighted that the Scottish Ministers make the final decision.

Communication

The Project Board agreed that there is a need for communication and engagement with the public moving forward. It was noted that engaging with the public may have a positive impact.

- **Action:** Scottish Government Officials to organise communication plan with public

Final Point

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The Project Board agreed that the 'Terms of Reference; should be a standing agenda item to allow the remit to be discussed as the programme progresses.

- **Action:** Scottish Government Officials to add 'Terms of Reference' as a standing item on agenda

4. Response to the SBA Expression of Interest process

Verbal update

The Cladding Unit provided a verbal update to the Board on the SBA: Expression of interest process and current stage.

- Announcement was made on 19 March from MWG Report to replace EWS1 form with SBA
- Expressions of Interest (EOI) ran for 8 weeks: March-June 2021
- 333 SBA:EOI's were registered
- 123 were complete (included all supporting documents i.e Fire Risk Assessment, EWS1 and Cladding Risk Assessment)
- Data is being reviewed in batches, 5 batches total. Data has been assessed in 3 batches and 8 buildings/developments have been selected for the initial SBA phase.

The Cladding Unit provided the board with a verbal overview of the SBA application pack.

- **SBA Application Form:** The application form is to be completed by the applicant.
- **Scottish Advice Note:** Scottish Advice Note is a technical guide.
- **Technical Specification:** The Technical Specification is a 'How to guide' on external and cladding wall appraisals, to set a standard for professionals.
- **Information Guide:** Information Guide offers information on how to apply, what's within and out with the scope of the SBA and reference to who should carry out work.
- **External Wall Appraisal Form** The External Wall Appraisal form will be the expression of risk.

Members of the Project Board highlighted that it would be beneficial for them to have sight of the SBA pack. This would allow for The Board agreed that circulating the pack would allow for qualified input and comments which will enable to the pack to deliver. It

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was agreed that the pack would be circulated and a review meeting would be set up in two weeks' time for feedback.

- **Action:** Scottish Government Officials to circulate SBA Application Pack to members of the Board
- **Action:** Scottish Government Officials to set up review meeting for two weeks' time.

5. Forward plan and scheme development

SBA Selection

The Chair highlighted that the date from the EOI:SBA's was collected in 5 batches, organised by the time they were submitted. At this point 3 of the 5 batches have been analysed and 8 buildings have been selected. It was noted that there is complexity in analysing the data as there is not 'one size fits all' and therefore each submission must be analysed individually.

Concerns over which buildings are included within the SBA were raised. Members noted that the SBA must be able to help those who are in buildings which are not classed as 'high risk' and therefore in the EWS trap. The Chair advised that it is important to note that the pilot is about building safety however the commitment is to fund an SBA assessment over a wide range of buildings

Members raised the issue that they were aware that people still awaiting feedback on their EOI. Scottish Government officials advised they would make interim communication.

- **Action:** Scottish Government officials to make interim contact with EOI: SBA applications.

Funding

The Project Board highlighted that there must be due diligence over spending public money. Concerns were raised over carrying out assessments which had previously been completed. It was noted that the SBA takes into account previous reports to avoid replication and therefore aims protect public spending.

The Board discussed the Scottish Governments committed to the funding of remediation. It was advised that the Scottish Government has committed to fund the SBA Assessment. The data from the SBA initial phase will aid Scottish Government Ministers decision on further funding commitments.

Industry Capacity and Capability

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The Board discussed concerns over capacity and capability of fire risk assessors and external wall assessor to deliver the SBA programme. The Chair advised that there are ongoing discussions with Scottish Government Officials, Royal Institution of Chartered Surveyors (RICS) and the Institution of Fire Engineers (IFE).

RICS provided the Board with information on their training programme which will enable those trained to deliver on buildings up to 18 m in height:

- 8 week training course
- Over 800 individuals across UK are currently in training
- 16% of those training indicated intent to operate in Scotland: 139.
- 51 operating in Scotland only.

It was noted that for buildings greater than 18 m a Fire Engineer would be required. IFE advised they are working to create a starter register of those suitably trained for the initial SBA phase.

It was highlighted that there are ongoing issues with Professional Indemnity (PI) Insurance and this is currently being looked into by the UK Government. It is hoped that this will widely unlock training to professionals.

It was noted that capacity and capability concerns are ongoing and it would be beneficial to discuss these concerns at future meetings.

- **Action:** Capacity and Capabilities within the industry to be added as a standing item on the Board agenda

6. Issues and updates from members

The Project Board raised no further issues.

7. Cabinet Secretary for Social Justice, Housing and Local Government

The Chair advised that apologies had been received from Shona Robison MSP, Cabinet Secretary for Social Justice, Housing and Local Government. In addition, the chair passed on the Cabinet Secretary's thanks to the Project Board for their help.

8. AOB

The Project Board discussed no other business

9. Date of Next Meeting: 19th August 10 - 11:30

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Action Points

- **Action:** The agreed upon monthly meetings until January 2022, to be scheduled as soon as possible.
- **Action:** Members to submit a Pen Portrait by 31 July
- **Action:** Members to submit comment on 'Terms of Reference' by 31 July
- **Action:** Scottish Government Officials to prepare the updated 'Terms of Reference' in advance on meeting on 19 August.
- **Action:** Scottish Government Officials to organise communication plan with public
- **Action:** Scottish Government Officials to add 'Terms of Reference' as a standing item on agenda
- **Action:** Scottish Government Officials to circulate SBA Application Pack to members of the Board
- **Action:** Scottish Government Officials to set up review meeting for two weeks' time.
- **Action:** Scottish Government officials to make interim contact with EOI: SBA applications.
- **Action:** Capacity and Capabilities within the industry to be added as a standing item on the Board agenda

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SBA: Application Review 01/001

Single Building Assessment

Application Review

21 July 2021, 11:00 – 13:00

Agenda

- | | |
|---|--------------|
| 1. Welcome and introduction | (5 minutes) |
| 2. Scheme Guide | (25 minutes) |
| 3. Technical Specification and Model External Wall Report | (25 minutes) |
| 4. External Wall Appraisal Form | (25 minutes) |
| 5. Any other business | (10 minutes) |

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Meeting Note: SBA: Application Review 01/002

Meeting Title: SBA Application Pack Review

Meeting Date: 21/07/2021

Meeting Location: Teams

Meeting No: 1

Attendees	Organisation
SG Officials	
Stephen Garvin [Redacted]	Building Standards Division Building Standards Division Building Standards Division Building Standards Division Building Standards Division Safer Communities Division
External Stakeholders	
[Redacted]	RICS Miller ORF Consultants RICS High Rise Scotland Action Group More Homes Division Nationwide Scottish Fire and Rescue Service Homes for Scotland Association of British Insurers RICS Building Societies Association Hyrdock

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Apologies:		
SG Officials		
[Redacted]	Building Standards More Homes Division Better Homes Division Safer Communities Division	
External Stakeholders		
[Redacted]	IFE Law Society of Scotland Scottish Futures Trust Local Authority Building Standards Scotland UK Finance Shepherd	
Prepared by:	[Redacted]	Date: 23/07/2021

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1. Welcome and Introductions

The Chair welcomed everyone to the SBA Application Pack Review on 21st July 2021. The Chair advised that comments had been received by members of the SBA Project Board who were unable to attend today's meeting.

2. Scheme Guide

The Chair displayed the Single Building Assessment (SBA) Scheme Guide on screen and welcomed a discussion from attendees.

It was highlighted by stakeholders that within the Scheme Guide there is a reference to grading. Stakeholders agreed that the information needs to allow practical assessors to see how it relates to the grading found on the EWS1 form.

Stakeholders raised the issue around clarity of qualifications stated in the Scheme Guide. A representative from the Royal Institute of Chartered Surveyors (RICS) advised that it is important we learn from mistakes made with the EWS1 form and therefore clarity around competence is vital. It was agreed by all attendees that a clear statement of the qualification and competence required to undertake the work must be set out in the SBA Scheme Guide.

- **Action:** The Cladding Unit to provide clarity over competence and qualifications required in the Scheme Guide

3. Technical Specification and Model External Wall Report

The Chair displayed the Technical Specification document and welcomed discussion from stakeholders.

Stakeholders discussed if the scope of the assessment found within the Technical Specification was too wide. Concerns were raised on whether the SBA would intrusively investigate and therefore should be tailored down. Stakeholders from a technical standpoint believed the scope to assess overall risk within the documents was useful and easy to understand. The Chair advised that a suitably qualified Fire Engineer or Surveyor will have the ability to make the correct decisions on the level of sampling required without being overly intrusive to provide a robust assessment. Furthermore, the Chair noted that the SBA aims to provide a holistic view of the building and this will help with the remediation stage moving forward.

The Chair noted there was no value in displaying the Model Wall report on screen as this may change. Stakeholders agreed.

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Stakeholders raised concerns over legal issues regarding what is represented on the deeds and how that information is conveyed on the SBA application documents. The Chair advised that the Cladding Unit would engage with policy colleagues regarding this issue.

- **Action:** The Cladding Unit to engage with colleagues over information represented on deeds and how this is displayed on the application documents.

4. External Wall Appraisal Form

The Chair displayed the External Wall Appraisal (EWA) form on screen and welcomed discussion from stakeholders.

Stakeholders from a lending perspective highlighted that prior to the EWS1 large technical documents were given to lenders to make decisions and they did not have the skills to assess it. They noted that an executive summary that provides clarity on the outcome of an assessment would be useful. The Chair agreed that the inclusion of an executive summary in the EWA would be beneficial and enable things to move forward.

- **Action:** The Cladding Unit integrate an executive summary to the EWA form.

Stakeholders agreed that the main issue regarding the EWA form was the scale in which the buildings would be assessed against. They stated that having a building in amber is where the difficulty lies and therefore the aim should be to green light buildings or mark them as red. Stakeholders suggested that a scale similar to a car MOT may be useful. This would mean if a building is a risk to life it is red and 'fails' however all other buildings would be green and 'pass' some may have advisories but are safe. It was argued that this would allow the housing market to move and would not leave home owners in limbo due to being in amber. The Chair advised they would take the idea into consideration

Stakeholders noted that the intermediate definition on the EWA doesn't match up with the definition on the Technical Specification.

- **Action:** The Cladding Unit to edit the definitions to ensure they match

Technical stakeholders highlighted that a holistic view of the building needs to be taken into account and work should not be done in isolation otherwise the EWA is not a true representation of fire risk. Furthermore, they advised that there must be clarity over this as confusion may prevent Fire Engineers from wanting to do the work as they would be at risk. The Chair advised that the SBA aims to look at the building holistically.

- **Action:** The Cladding Unit to ensure there is clarity in regards to the level of assessment required for the EWA

5. Any other business

The Chair provided a brief outline of the current stage of the SBA pilot:

- 338 applications 5 withdrawn, 123 complete
- Data is being assessed by suitably qualified internal and external colleagues and selections have been made for the SBA pilot
- At this point 13 developments have been selected for inclusion in the SBA pilot
- Meetings have been held with a number of the successful SBA pilot applicants and the application documents have been shared with them
- The Cladding Unit are working closely with the successful applicants

Stakeholders raised concerns over whether the documents discussed have been published. The Chair advised that none of the documents have been published but draft SBA application documents have been sent to the successful SBA pilot applicants to provide an understanding of the process.

Scottish Government Officials and Stakeholders agreed that there may be a transitional period between the EWS1 and SBA where they will run in conjunction until the SBA takes over.

Scottish Government Officials and Stakeholders agreed that any further comments should be submitted by 25/07/2021 as this will allow for the SBA application pack to be updated quickly.

- **Action:** Stakeholders to submit any further comments on the SBA application pack by 25/07/2021

Stakeholders raised concerns over whether the SBA was on track as part of the Scottish Governments 100 day priorities. The Chair advised that the SBA is moving forward and the Cladding Unit is working with successful SBA pilot participants. It was noted that capacity within the market in terms of 'boots on the ground' is unfortunately out with the control of the Scottish Government. The Cladding Unit are working with the Institute of Fire Engineers (IFE) to produce a pack to help support applicants.

Stakeholders raised concerns over funding for future remediation work. The Chair advised that this is a decision for Ministers and we will provide them with all the information required to make this decision.

The Chair asked attendees to submit their comments on the Terms of Reference and a Pen Portrait for the SBA Project Board by the 31/07/2021.

- **Action:** Stakeholders to submit comments on Terms of Reference for SBA Project Board by 31/07/2021
- **Action:** Stakeholders to submit Pen Portrait for SBA Project Board by 31/07/2021

The Chair thanked everyone for coming and all their comments.

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Action Points

- **Action:** The Cladding Unit to provide clarity over competence and qualifications required in the Scheme Guide
- **Action:** The Cladding Unit to engage with colleagues over information represented on deeds and how this is displayed on the application documents.
- **Action:** The Cladding Unit integrate an executive summary to the EWA form.
- **Action:** The Cladding Unit to edit the definitions to ensure they match
- **Action:** The Cladding Unit to ensure there is clarity in regards to the level of assessment required for the EWA
- **Action:** Stakeholders to submit any further comments on the SBA application pack by 25/07/2021
- **Action:** Stakeholders to submit comments on Terms of Reference for SBA Project Board by 31/07/2021
- **Action:** Stakeholders to submit Pen Portrait for SBA Project Board by 31/07/2021

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SBA Project Board: Paper 03/001

Single Building Assessment

Project Board – Initial Meeting

19 August 2021, 10:00 – 11:30

Agenda

- 10:00 Welcome and introductions
- 10:10 Cabinet Secretary for Social Justice, Housing and Planning
- 10:15 Roundtable discussion
- 10:45 Single Building Assessment Update on progress and next steps
- 11:15 Any other business
- 11:30 Close

Date of next meeting 15th September 2021

Meeting Date: 19/08/2021

Meeting Location: Teams

Meeting No: 2

Attendees	Organisation
Cabinet Secretary for Social Justice, Housing and Local Government	
SG Officials	
Stephen Garvin (Chair) [Redacted] Sean Neil	Building Standards Division Building Standards Division Building Standards Division Building Standards Division Safer Communities Division More Homes Division Director Local Government and Communities
Members	
[Redacted]	UK Finance Royal Incorporation of Chartered Surveyors Homes for Scotland Royal Incorporation of Chartered Surveyors High Rise Scotland Action Group UK Finance Scottish Fire and Rescue Service Homes for Scotland Association of British Insurers Local Authority Building Standards Scotland Property Managers Association Scotland Law Society of Scotland

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	Scottish Futures Trust Institution of Fire Engineers	
Prepared by:	[Redacted]	Date: 23/07/2021

1. Welcome and Introductions

The Chair welcomed everyone to the second meeting of the Cladding Project Board. The Chair introduced the Cabinet Secretary who began the meeting with opening remarks.

2. Roundtable discussion

The Chair opened the discussion inviting initial comments from [Redacted] and [Redacted]. Both commented on the positive and constructive approach taken by Government in the development of the SBA and its potential to replace the use of the EWS1 form. The External Wall Appraisal (EWA) form has been updated and incorporates feedback from review meeting held on the 21st of July. Questions were raised regarding the publication of the SBA inventory of safe buildings. [Redacted] confirmed that the inventory could be published but only with consent of home owners. Stephen Garvin added that in this phase the options for an inventory were being tested, acknowledging that it was essential to engage with lenders on this matter. [Redacted] offered access to the Lenders' technical review panel:

- **Action 1:** Scottish Government to arrange call with UK Finance on the testing of SBA outputs with lenders' technical panel.

[Redacted] noted that progress has been made in the development of the SBA but homeowners will see progress so far as being slow and are looking for remediation and assistance. [Redacted] was pleased to see that the Amber category had been removed and the classification of Red/Green with advisories means consistency with the Home Reports. This may effect property sales as there may be misalignment of what constitutes low risk/high risk/advisory, there needs to be a clear approach around what is included in these categories.

- **Action 2:** specimen SBA reports to be distributed the Law Society (and its members) to assess quality, usability and value.

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[Redacted] confirmed that he had provided direct feedback to Scottish Government on the SBA and clarified that the EWA only looks at the external wall and the Fire Risk Assessment (FRA) looks at the whole building. [Redacted] advised that Professional Indemnity Insurance is an issue in the market but the UK Government is putting in place a PI scheme for the production of the EWS1 form. [Redacted] requested an update on the discussions on the PI Scheme and approach in Scotland.

- **Action 3:** Scottish Government to investigate and to report back on progress on this new scheme.
- **Action 4:** Scottish Government to work with Association for British Insurers on creating a guidance document in relation to the SBA and Insurer requirements.

[Redacted] asked about the nature of selecting the 25 buildings for the initial phase and whether or not this meant those not selected were therefore classified as low risk.

[Redacted] explained that not all the Expression of Interest (EoI) properties could be selected for the initial phase and only those deemed of the highest risk were in this phase. It does not mean non-pilot building were without risk and only once a building had gone through the full process would a determination be made as to rate the building as High or Low risk. More buildings will be included as part of the full roll out. The associated SBA documentation for buildings will be available for lenders, insurers to review and to be retained by home owners.

[Redacted] added that insurance is an issue for some buildings especially those with EPS but there is a distinction between insurance and obtaining a mortgage. Insurance can still be available but may be cost prohibitive. [Redacted] provided feedback from home owners involved in the SBA initial phase, he confirmed that they are grateful to be in the scheme but the path to remediation is forefront in their minds.

[Redacted] felt the work has progressed well and engagement with property factors has been excellent. [Redacted] confirmed that the work of the SBA doesn't traditionally fall into the remit of property factors but will support the delivery in terms of project management of the SBA, however the availability of specialist consultants to conduct assessments was proving to be an issue.

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[Redacted] provided an update on the training of surveyors to conduct FRAs, around 900 are being trained across the UK, approx. 170 cover Scotland and around a third operate solely in Scotland. [Redacted] also mentioned that the UK Government position on the use of EWS1 forms on buildings under 18m needs to be clarified. [Redacted] confirmed the RICS stance on the UK Government position and also commented that the High Rise Inventory was conducted on buildings over 18m but asked about the development of a similar inventory for buildings under 18m.

[Redacted] confirmed that the lenders position is that EWS1 will still be requested for buildings under 18m.

[Redacted] confirmed that PI cover is a blocker to fire engineers participating in the SBA but was hopeful that the UK Government PI Scheme will resolve the issue.

- **Action 5:** Scottish Government, RICS, IFE to hold meeting to discuss further.

Cabinet Secretary thanked the group for their work so far and confirmed she will attend future meetings, dates to be confirmed.

3. Single Building Assessment Update on progress and next steps

The Chair invited [Redacted] to provide an update on the Single Building Assessment initial phase.

[Redacted] spoke through a presentation (see attachment) which contained information on the status of the buildings within the SBA initial phase.

[Redacted] confirmed that buildings in the initial phase are facing delays due to lack of availability of specialist consultants.

[Redacted] spoke about the government in Victoria (Australia) have set up a separate agency to focus on cladding remediation

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- **Action 6:** Scottish Government to reengage with Victoria to gather an update on their progress.

4. Any other business

No other business raised.

The Chair thanks members for their contributions and confirmed the next meeting is on the 15th of September 2021.

Action Points

- **Action 1:** Scottish Government to arrange call with UK Finance on the testing of SBA outputs with lenders' technical panel.
- **Action 2:** specimen SBA reports to be distributed the Law Society (and its members) to assess quality, usability and value.
- **Action 3:** Scottish Government to investigate and to report back on progress on this new scheme.
- **Action 4:** Scottish Government to work with Association for British Insurers on creating a guidance document in relation to the SBA and Insurer requirements.
- **Action 5:** Scottish Government, RICS, IFE to hold meeting to discuss further.
- **Action 6:** Scottish Government to reengage with Victoria to gather an update on their progress.

SBA Project Board: Paper 03/001

Single Building Assessment

Project Board – Initial Meeting

15 September 2021, 10:00 – 11:30

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Agenda

- Welcome and introductions
- Review of last minute and Terms of Reference
- Single Building Assessment Update
- Issues arising from pilot phase
- Proposal for Technical Board
- Any other business

Date of next meeting 20th October 2021

Meeting Date: 15/09/2021

Meeting Location: Teams

Meeting No: 3

Attendees	Organisation
SG Officials	
Stephen Garvin (Chair)	Building Standards Division
	Building Standards Division
	Building Standards Division
	Building Standards Division
[Redacted]	Building Standards Division
	Building Standards Division
	Safer Communities Division
	More Homes Division
Members	
	UK Finance
	Royal Institution of Chartered Surveyors
	Homes for Scotland
	Royal Institution of Chartered Surveyors
	High Rise Scotland Action Group
	UK Finance
	Homes for Scotland
[Redacted]	Association of British Insurers
	Local Authority Building Standards Scotland
	Property Managers Association Scotland
	Law Society of Scotland
	Scottish Futures Trust
	Institution of Fire Engineers
	Royal Institution of Chartered Surveyors

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	Building Societies Association
Prepared by: DRAFT	[Redacted] Date: 15/09/2021

1. Welcome and Introductions

The Chair welcomed everyone to the third meeting of the Cladding Project Board.

The Chair introduced [Redacted] and [Redacted] from Building Standards Division's Cladding Remediation Unit (CRU)

2. Review of last minute and Terms of Reference

The Chair opened with general round up of progress and a review of the previous minute, including actions:

- discussions were ongoing with UK Finance and the Ministry for Housing Communities and Local Government (MHCLG) this week, regarding the PII Scheme and EWS1. [Redacted] will provide an update at the next meeting.
- A previous action to work with ABI on producing a guidance document was outstanding. [Redacted] concurred and both agreed to discuss outwith the meeting.
- RICS provided an update on the External Wall Systems Assessment Training Program. Across the UK approximately 900 people are being trained, 140 cover Scotland with approximately 40 based solely in Scotland. The qualification would ensure surveyors are able to survey up to 18m, above 18m would require the support of a Chartered/Incorporated engineer to complete the Fire Risk Assessment.

The Chair raised the revised Terms of Reference, no changes were suggested. This will be a standing item at future meetings.

The Chair invited [Redacted] to provide an overview of the SBA CRU's progress.

3. Single Building Assessment update

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[Redacted] talked through on screen slides showing the 25 pilot buildings chosen to progress through the application process. The data, highlighted the difficulties that a number of building owners/factors were experiencing in gathering information, specialist services, equipment etc.

[Redacted] reported that there are only four companies currently providing services to the 25 pilot buildings. Based on this data, it could take two years to work through the high rise buildings in Scotland, if they worked solely on this programme of work. The limited number of Fire engineers, understandably, are already committed to other works. It was noted that the RICS training will see an increase in qualified surveyors to support the assessment of lower-rise buildings. [Redacted] also, noted the PII cover is an perceived blocker to increasing the number of available engineers and seek further discussions with insurers and MHCLG on this issue. Regarding the MHCLG PII Scheme, [Redacted] confirmed the PII will only cover the production of the EWS1, it will not cover fire or cladding assessments.

4. Issues arising from pilot phase

[Redacted], provided feedback from some of the building owners and factors regarding the challenges they face in delivering the SBA

The Chair asked the group what additional support Scottish Government could provide. It was felt that the SBA requires specialist project managers as property factors and home owners did not have the experience to conduct these assessments. An additional challenge was the assessment of what is the 'appropriate' level of cover required to conduct the SBA. Members commented that they had seen evidence of standard cover of £5 million, however the question still remained, is this the appropriate value? Members also noted that there was nervousness regarding PII and reliance on the MHCLG scheme was perceived as 'having all our eggs in one basket', [Redacted] confirmed he would check with MHCLG and other organisations to develop overall guidance.

The Chair, commented that no building has as yet completed a SBA. [Redacted] provided an additional overview of where the buildings in the pilot were experiencing various challenges. Different cladding types including some where the building structure

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was not able to take any further loading should their particular cladding require to be upgraded. Also, noting the differing opinions over buildings classed by one assessor as low and another as high risk. Some building owners are already proactively seeking the services of BRE to carry out large scale testing which will hopefully provide assurances or mitigations.

[Redacted], mentioned three buildings already carrying out remediation work and have asked if the Scottish Government will contribute towards their costs. [Redacted] advised that this would have to be assessed against the SBA and all due diligence had been satisfied before funding options could be presented for decision.

4. Proposal for Technical Board

[Redacted] discussed the proposal for the technical board, it will bring together the various SBA technical specialists to ensure the final SBA reports meet the lender and insurer requirements. Once reports have been received from SBA pilot buildings then they will be shared with all stakeholder for review, especially the UK Finance technical panel.

4. AOB

Members agreed that owners are anxious with regards to green listing as the remaining buildings would automatically be assumed to be on the red list.

5. Summary of actions

- **Action 1:** Scottish Government, RICS, IFE to hold a meeting to discuss competence and capacity further.
- **Action 2:** Scottish Government to confirm with MHCLG the scope of PII coverage within their scheme and the appropriate level of cover applied across their scheme.
- **Action 3:** Scottish Government to investigate options and to prepare a paper on the approach to sharing the list of buildings once they have completed their SBA.
- **Action 4:** Scottish Government to work with the Association for British Insurers on creating a guidance document in relation to the SBA and Insurer requirements.

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- **Action 5:** Scottish Government to reengage with Victoria State in Australia to gather an update on their progress.

The next meeting will be held on the 20 October 2021 via Microsoft Teams.

Cladding Programme Board: Paper 04/001

20 October 2021, 11.00 – 12.30

Agenda

1. Welcome and introductions
2. Note of the meeting of 15 September 2021, matters arising and actions
3. Terms of Reference
4. Single Building Assessment update, forward plan and delivery options
5. Roundtable discussion on delivery options
6. Any other business
7. Date of next meeting 17 November 2021

Integrity



Inclusivity



Innovation



Collaboration



Kindness



Meeting Date: 20/10/2021

Meeting Location: Teams

Meeting No: 4

Member Attendees	Organisation
[Redacted]	Association for British Insurers
[Redacted]	Law Society of Scotland
[Redacted]	Building Societies Association
[Redacted]	High Rise Scotland Action Group
[Redacted]	Scottish Futures Trust
[Redacted]	Royal Institute of Chartered Surveyors
[Redacted]	Royal Institute of Chartered Surveyors
[Redacted]	Local Authority Building Standards Scotland
[Redacted]	Royal Institute of Chartered Surveyors
[Redacted]	Institution of Fire Engineers
[Redacted]	UK Finance
[Redacted]	Homes for Scotland
[Redacted]	Homes for Scotland
[Redacted]	Local Authority Building Standards Scotland
[Redacted]	UK Finance

Government Attendees	Organisation and Team
[Redacted]	Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Fire and Rescue Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
Stephen Garvin (SG)	Cladding Remediation Unit

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[Redacted]	Cladding Remediation Unit
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Apologies	Organisation
[Redacted]	Property Managers Association Scotland
[Redacted]	Cladding Remediation Unit
[Redacted]	More Homes Division

Prepared by: DRAFT	[Redacted]	Date: 20/10/2021
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1. Welcome and Introductions

- The Chair opened the meeting, thanking everyone for their attendance.
- The Chair expressed thanks to those who contributed to the Gateway Review. The Chair recognised the importance of this activity and the co-operation of external reviewers who prepare a report with recommendations. The contributions of stakeholders will play a significant part of improving processes and will assist in targeting specific areas for improvement. This report will be shared with the group once released.

2. Review of last minute, matters arising and actions

No matters were arising on the note of the previous meeting.

Actions:

Action 1: Scottish Government, RICS, IFE to hold a meeting to discuss competence and capacity further.

- Meeting arranged for w/c 1 November.

Action 2: Scottish Government to confirm with MHCLG the scope of PII coverage within their scheme and the appropriate level of cover applied across their scheme.

- This Action is ongoing and will be covers in Agenda item 4.

Action 3: Scottish Government to investigate options and to prepare a paper on the approach to sharing the list of buildings once they have completed their SBA.

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- This Action ongoing with further engagement with Registers of Scotland on the use of land registry data to create a register of buildings in Scotland.

Action 4: Scottish Government to work with the Association for British Insurers on creating a guidance document in relation to the SBA and Insurer requirements.

- This Action is ongoing, a meeting has been arranged for 11 November to progress.

Action 5: Scottish Government to reengage with Victoria State in Australia to gather an update on their progress.

- Meeting held with Victoria State (VS) Officials which provided an overview of Victorian approach to their cladding issues. VS created their own delivery model by creating a separate agency and by utilising municipal inspectors, they embarked on an inspection programme to understand their cladding challenge. With over 1300 buildings, to date they have completed approximately 3500 inspections.
- It will be challenging to draw comparisons between approaches as there are significant differences in legislative environments. Despite there not be direct correlation of approaches there will be lessons that can be learnt from their approach.

Further meetings will be held to gather additional information on how their approach can support the Scottish Cladding Programme.

3. Terms of Reference

- No changes were proposed by members.
- The ToRs will continue to be reviewed at each meeting.

4. Single Building Assessment update, forward plan and delivery options

SBA Update

- Two buildings that are hesitating moving forward with SBA, anecdotal evidence suggested they have been influenced by the UK Government announcement on buildings under 18m may not require an EWS1.

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- One building completed an SBA application and grant letter has been issued.
- The aim of the pilot is to test the overall scheme approach and its potential to deliver assessments at scale. Feedback from buildings has shown that the process is smooth only if a project team can be put in place quickly. The buildings project team work collaboratively to complete SBA application form.
- Difficulties in SBA applications have been in relation to the difficulty in putting a project team in place and general lack of awareness of the complexity of an external wall appraisal process and its related issues.
- The IFE list of fire engineers has supported Applicants to identify fire engineers to support the SBA process. Evidence shows that the number of fire engineers being utilised is still low and the choice of fire engineer seems to be influenced by 'word of mouth' contacts and reputation. Fire engineer companies in England have been contacted however more local engineers are receiving most of the contracts.
- The new RICS training programme will support the expansion in the numbers of available surveyors who can conduct fire risk assessments on buildings under 18m.
- UK Government PII scheme has been created to support the production of EWS1s. The SBA will incorporate the EWS1 and the SBA is named in the UK Gov. PII scheme.
- As the pilot draws to a close and existing Expression of Interests still stand and will go forward into the full roll out delivery stage. Pilot will end once a critical mass of reports show the SBA process works and can be delivered at scale.
- Pilot buildings have already begun identifying remediation costs. The Programme will need to gather more feedback and use the outputs from SBA to understand scale of remediation. Initial feedback from pilot buildings shows remediation costs can vary from hundreds of thousands to £2million per building. There is also anecdotal evidence that full cladding system replacement for one large pilot building may incur a total cost of £15 million.
- Verbal feedback from fire engineers and surveyors on the SBA outcome is mixed. Some assessors are in disagreement with insurers regarding the classification of buildings being unsafe. As a result one building is commissioning addition wall system tests from BRE to prove their wall system is safe. While one other

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building has complied with insurance decision and is moving towards remediation (they hope to receive a remediation contribution once a decision is made on retrospective funding of remediation).

- It is clear that the £97.1m will not provide funding for 100% funding of remediation therefore partial funding is being considered and options will be presented to the Cabinet Secretary.
- Liability is also a factor in the remediation decisions and there is evidence that developer at full fault as issues could rest with the original architect, fire engineer or surveyor.
- Regarding the production of a safe buildings register the use of unique property reference number as a mechanism of associating EWS1 with particular buildings was raised. Officials proposed a building register be created using the UPRN and the database can be searchable by members of the public and solicitors. This approach would mirror the current system of EWS1 registration on the FIA portal. This approach will be particularly useful for larger property developments where multiple EWS1s would exist. This model would protect homeowners- and spans entire block and would deliver MWG commitment to release homeowners from multiple EWS1 trap. Once buildings assessed and potentially low risk rated, they can return to lending market. Members agreed to the use of the UPRN as a mechanism of building identification and the creation of an SBA register using the UPRN.
- Chair noted that the Residential Property Developer Tax being proposed by the UK Government has yet to be bottomed-out for Scotland and the associated consequentials.

5. Roundtable discussion on delivery options

- Potential to use a structured delivery model based on High Rise Inventory and Expression of Interest stage information. As stated in the MWG report, the SBA scheme is open to tenure of all types.
- The SBA is currently a 'pull' model i.e. demand led and voluntary but this results in slow progress and puts the onus on individual buildings to lead the delivery of the SBA which is then impacted delays in the market place. This model also places high demand on the Cladding team.

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- Alternative is a 'push' model, i.e. create a mechanism to drive building assessments and control delivery from the centre. This would require identifying a potential delivery partner or conduct a procurement.
- If both 'pull' and 'push' models being in place there is potential to delivery assessments using both approaches to target priority buildings.
- Officials highlighted that while HRI has some data issues, the data can be used to identify some potential buildings for a push model and begin 'greenlighting'.
- Officials will continue to develop options for a range of delivery models and provide the group with an update.

6. AOB

- The Chair noted that WW was leaving the Scottish Government and was thanked for his hard work.
- Chair took action to review Gateway Review outcomes for the project.
- Next project meeting set for the 17th November.
- Chair closed meeting and thanked all attendees.

5. Summary of actions

4.1 Meetings will be arranged by the project team with:

- Scottish Futures Trust
- Local Authority Building Standards Scotland
- Scottish Federation of Housing Association

4.2 – Previous open actions to be carried forward

The next meeting will be held on the 17th of November via Microsoft Teams.

Cladding Stakeholder Group: Paper 05/001

17 November 2021, 11.00 – 12.30

Agenda

8. Welcome and introductions
9. Note of previous meeting, matters arising and actions
10. Terms of Reference
11. Gateway Review Report
12. SBA Update
13. Update from the Department of Levelling up, Housing and Communities meeting 10th November
14. Discussion on:
 - a. Budget announcement of £2bn for cladding remediation (Residential Property Developer Tax)
 - b. SoS Gove statement around polluter pays
15. Any other business
16. Date of next meeting December 2021

Integrity



Inclusivity



Innovation



Collaboration



Kindness



Meeting Title: Cladding Stakeholder Group

Meeting Date: 17/11/2021

Meeting Location: Teams

Meeting No: 5

Member Attendees	Organisation
[Redacted]	Law Society of Scotland
[Redacted]	High Rise Scotland Action Group
[Redacted]	Scottish Fire and Rescue Service
[Redacted]	Property Managers Association Scotland
[Redacted]	Royal Institution of Chartered Surveyors
[Redacted]	Royal Institution of Chartered Surveyors
[Redacted]	Institution of Fire Engineers
[Redacted]	UK Finance
[Redacted]	Homes for Scotland
[Redacted]	Local Authority Building Standards Scotland
[Redacted]	UK Finance

Government Attendees	Organisation and Team
Stephen Garvin (SG) (Chair)	Head of Building Standards
[Redacted]	Fire and Rescue Unit
[Redacted]	Head of Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
Morag Angus (MA)	Scottish Government Chief Surveyor

Apologies	Organisation
Sean Neill (SN)	Scottish Government
Catriona MacKean (CMK)	Scottish Government
[Redacted]	Association for British Insurers
[Redacted]	Building Societies Association
[Redacted]	Scottish Futures Trust
[Redacted]	Royal Institute of Chartered Surveyors
[Redacted]	Local Authority Building Standards Scotland
[Redacted]	Homes for Scotland

Prepared by: DRAFT	[Redacted]	Date: 25/11/2021
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Agenda

17. Welcome and introductions

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18. Note of previous meeting, matters arising and actions
19. Terms of Reference
20. Gateway Review Report
21. SBA Update
22. Update from the Department of Levelling up, Housing and Communities meeting 10th November
23. Discussion on:
 - c. Budget announcement of £2bn for cladding remediation (Residential Property Developer Tax)
 - d. SoS Gove statement around polluter pays
 - e. Communications on providing regular updates on progress
24. Any other business
25. Date of next meeting December 2021

Meeting Note

1. Welcome and Introductions

- The Chair opened the meeting, thanking everyone for their attendance and noting apologies.

2. Review of last minute, matters arising and actions

No matters were arising on the note of the previous meeting.

Previous Actions:

Action 1: Scottish Government to meet with Scottish Futures Trust

- [Redacted] and [Redacted] met with [Redacted] last week, they have offered to use their good offices to run workshops for us with a view to examining the full delivery model for SBA roll out and remediation. [Redacted] will report back to group at next meeting.

Action 2: Scottish Government to meet with Local Authority Building Standards Scotland

- [Redacted] with Local Authority Building Standards Scotland, [Redacted] and discussed use of Building Warrant data and HRI. The outcome was no change in approach as the data is useful, but is not for sole reliance. It is necessary to do more in terms of background info, site information on specific buildings and cladding systems. [Redacted] said he would consider further discussion with [Redacted] and will report back next meeting.

Action 3: Scottish Government to meet with Scottish Federation of Housing Associations

- Meeting not yet arranged, SG will arrange and report back to group at next meeting

3. Terms of Reference

Terms of Reference Change

Version 1. Terms of Reference tabled at September meeting – now updated to reflect change of group name to Stakeholder Group. No substantial changes as the role of the group remains the same. Updated document is now on Objective Connect as of today (17 November 2021).

4. Gateway Review Report

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[Redacted] presented an update on the Gateway Review Report.

- Scottish Government work is typically separated in two ways - Programmes and Policy. Policy functions are long term with no end point and Programmes tend to be short term but have defined end points. This Cladding Programme is held within the parameters of funding limits (related to Barnett consequentials) and have definite end points for funding and for the outcome of the Programme. Therefore, this cladding programme is subject to external reviews to provide assurance to Ministers and Stakeholders that the Programme will deliver on its intended aims.
- Two external assessors with significant experience across the UK and devolved administrations undertook the review. This is to provide assurance that the programme is being run to consistent standards. The assessors perform a cross cutting analysis on the practical arrangements of managing the programme, including an assessment on capability, risks, current issues, financial and team resources.
- They commended the stakeholder input as this was hugely beneficial to the effectiveness of the review.
- The assessors advised that this review is to be classified as a first stage (GATE 0) review and there will be a Mid Stage review with a Final Gate 0 review.
- The assessors recommended the change in name for the group as terminology of groups needs to relate to the governance frameworks for any programme or project. Governance structures for this programme are currently being defined and decision making authorities with delivery approaches need to accurately reflect the approach to delivery. However, when the Programme moves into the remediation phase then stakeholders may be involved in decision making around spend.
- The assessors also commented that the SBA is akin to a product i.e. once embedded in the public domain it can be delivered independently of government involvement.
- As a Group we also need to consider the Residential Property Developer Tax – ultimately we have large scale developers being taxed at UK level. Discussions need to continue on the contribution of developers who have already contributed at a UK level.
- Key recommendations were identified in their report and this was shared with the group prior to the meeting.

5. Single Building Assessment Update

An update was given by [Redacted] on the SBA Programme.

- Of the 25 buildings in initial phase:
 - One application has been approved.
 - One Grant letter is in draft.
 - One on site survey is in progress.
 - One site survey is being arranged.
 - Regular meetings with building representatives are being scheduled to support progress of SBA.
 - Meetings arranged with SFRS to focus on priority buildings.

SBA progress:

- We are currently supporting building representatives to move through the SBA application stage at pace, with a view to complete the SBA as soon as practically possible.
- Longer term a national rollout will be the next step and we continue to explore options for alternative models of delivering the SBA at scale.

6. Update from the Department of Levelling Up, Housing and Communities meeting 10th November

SG provided the group with an update on a recent meeting with the UK Government's Department for Levelling Up, Housing and Communities (DLUHC). This meeting with devolved governments focused on updates around Building Safety Bill, key points raised:

- EWS1 PII scheme currently being prepared for release after an original announcement in February 2021. The scheme will provide PI cover for appropriate professionals undertaking EWS1 external wall assessments. The PII scheme is intended to support fire engineers for buildings above the 18m category and surveyors for buildings below 18m. The scheme will cover whole of UK including Scotland as the EWS1 is integrated into the SBA.
- The scheme is still being reviewed before finalisation. The delivery team will be in place with the aim to begin in early 2022. Scottish Government will continue to engage with DLUHC to ensure the Scottish housing ownership model and legal system is reflected in the scheme.

7. Discussion on:

- A. Budget announcement of £2bn for cladding remediation (Residential Property Developer Tax)**
- B. SoS Gove statement around polluter pays**
- C. Communications on providing regular updates on progress**

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A. Budget announcement

SG provided an overview of the UK budget announcements:

- The residential property developer tax is a long term approach potentially up to 10 years. We have had information from HM Treasury which confirms consequential funding will arise for Scotland in the normal manner.
- No information on the amount that is likely to occur is yet known and no indication of when this will start.

Members raised the issue that consequentials are not necessarily associated with specific deliverables and monies may be lost in other budgets. SG assured the group that Ministers have previously stated that consequentials associated with Cladding would be allocated in full to cladding remediation.

B. SoS Gove statement around polluter pays

SG provided an explanation of the Polluter Pays amendment for the Building Safety Bill which aims to push the funding for cladding remediation on to “responsible parties” rather than homeowners. Work is underway in Building Standards to develop an understanding about the amendment and the impact of the BSB in the Scottish context.

C. Communications on providing regular updates on progress

The group agreed that communications should be enhanced and the public needed to be kept abreast of the progress of the SBA development.

8. AOB/Actions

Actions summary:

1. Send any further comments on Terms of Reference by end of the month to Stephen Garvin or the Cladding Remediation Unit.
2. To enhance communications plans for the Single Building Assessment.
3. Scottish Government to meet [\[Redacted\]](#), Homes for Scotland.
4. Scottish Government ([\[Redacted\]](#)) to send [\[Redacted\]](#), UK Finance a draft example of SBA output for them to fully consider how it will look within the lending process.
5. Scottish Government can assist with brokering meeting for [\[Redacted\]](#) and C [\[Redacted\]](#) A to consider feedback on the Building Warrant process.

9. Date of next meeting

Cladding Stakeholder Group - Meeting 6
Wednesday 15 December 2021 - 11:00-12:30
Contact Inbox: BuildingAssessments@gov.scot

Cladding Stakeholder Group: Paper 07/001

19 January 2022, 11.00 – 12.30

Agenda

1. Welcome and introductions
2. Note of previous meeting, matters arising and actions
3. Terms of Reference
4. SBA Update
5. Readout of Secretary of State announcement 10th January and discussion on key themes
6. Open roundtable for members to discuss the options to be tabled to the Cabinet Secretary on the priorities for delivering cladding remediation.
7. Any other business
8. Date of next meeting 16th February 2022

Integrity



Inclusivity



Innovation



Collaboration



Kindness



Cladding Stakeholder Group: Paper 06/001

15 December 2021, 11.00 – 12.30

Agenda

26. Welcome and introductions
27. Note of previous meeting, matters arising and actions
28. Terms of Reference
29. SBA Update
30. UK PII Scheme
31. Open roundtable for members to discuss their priorities
32. Any other business



Member Attendees	Organisation
[Redacted]	Law Society of Scotland
[Redacted]	High Rise Scotland Action Group
[Redacted]	Property Managers Association Scotland
[Redacted]	Royal Institution of Chartered Surveyors
[Redacted]	Royal Institution of Chartered Surveyors
[Redacted]	James Gibb Residential
[Redacted]	UK Finance
[Redacted]	Homes for Scotland
[Redacted]	Local Authority Building Standards Scotland
[Redacted]	UK Finance
[Redacted]	Royal Institute of Chartered Surveyors
[Redacted]	Association for British Insurers
[Redacted]	Institution of Fire engineers
[Redacted]	Scottish Futures Trust

Government Attendees	Organisation and Team
Stephen Garvin (SG) (Chair)	Head of Building Standards
[Redacted]	Head of Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Head of Construction Procurement
Morag Angus (MA)	Scottish Government Chief Surveyor

Apologies	Organisation
Sean Neill (SN)	Scottish Government
[Redacted]	Scottish Government
[Redacted]	Scottish Government
[Redacted]	Scottish Government
[Redacted]	Building Societies Association
[Redacted]	Local Authority Building Standards Scotland
[Redacted]	Homes for Scotland
[Redacted]	Scottish Fire and Rescue Service
[Redacted]	Institution of Fire Engineers

Prepared by: DRAFT

[Redacted]

Date: 15/12/2021

Meeting Note

1. Welcome and Introductions

- The Chair (SG) opened the meeting, thanking everyone for their attendance and noted apologies.
- SG updated the group on current COVID-19 safe operating procedures for the construction industry – no significant changes as yet.

2. Note of previous meeting, matters arising and actions

No matters were arising on the note of the previous meeting.

Previous Actions:

Action 1: Scottish Government to meet with Scottish Futures Trust

- A further meeting has been held with [Redacted] and colleagues at SFT. We await further advice from SFT on further workshops relating to delivery of the SBA / remediation.

Action 2: Scottish Government to facilitate meeting between [Redacted] and Local Authority Building Standards Scotland

- SG has met with [Redacted]. No further updates from [Redacted].
- The meeting with [Redacted] and officials will be scheduled in the new year.

Action 3: Scottish Government to meet with Scottish Federation of Housing Associations

- SFHA have been contacted - no date secured for meeting.

3. Terms of Reference

No further update on Terms of Reference required.

4. SBA Update

Cladding Remediation Unit continues work on SBA. SG mentioned various activities to note:

- Preparing new blog post ahead of Christmas – update on progress and current situation going forward.
- Meeting with [Redacted], Homes for Scotland, around developer contributions.
- Sample of assessment document drafted for UK Finance and sent prior to meeting today. It is being reviewed to consider outcomes and reports from cladding types.

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- Meeting sought to facilitate discussion between LABSS – [Redacted] (as per action 2 from previous meeting)

Action 1 [Redacted] arrange meeting as soon as possible.

[Redacted] provided latest update on SBA programme progress and relevant figures. Discussion continued over external communications' plans.

5. UK PII Scheme

[Redacted] updated the group on the PII Scheme Agenda Item.

Update comes from information provided by the UK Government's Department for Levelling Up, Housing and Communities (DLUHC).

- Estimated liability £132 million.
- Expected to hold liability and claims for up to 20 years.
- PII offered on per building basis on buildings over 11 metres tall.
- Cover only offered to assessors deemed competent - discussions ongoing around industry competence and associated RICS training courses. There will be additional quality assurance in separate contract for EWS1.

More details will be provided as DLUHC progress towards a full announcement. Further details on the scheme are as follows:

- Chartered/incorporated fire engineers and Chartered Surveyors (who have passed the RCS course on external walls) will be referenced in the scheme.
- The scheme is UK wide.
- Discussion with DLUHC to ensure it takes into account legal and tenure systems in Scotland are ongoing.
- Pricing of the scheme – estimated to be double the cost of conducting the assessment.
- Expected to launch early 2022
- The UK Government's Consolidated Advice Note is likely to be removed by UK Government once PAS9980 in place. The PAS will become the basis of wall inspections.

Q.

Chartered fire engineers – do they also have to do RICS training course to be covered on the scheme?

A.

[Redacted] - No. can be either or chartered or RICS training course. RICS course appears to be more targeted towards surveyors.

Discussion continued around the usage of FIA portal.

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Action 2: [Redacted] to raise with DLUHC at next meeting – to clarify if the EWS1 will be required to be uploaded on the FIA portal and to confirm the Scottish context of the PII scheme in a legal sense.

6. Open roundtable for members to discuss priorities

Members raised various issues and priorities noted by the team.

[Redacted] advised the Cabinet Secretary is scheduled to attend the next meeting and this provides members an opportunity to express any concerns or priorities with the Ms Robison. Members felt that the next meeting should be focused on agreeing the priorities prior to any meeting with Ms Robison which would ensure the meeting was more focused and informative to the Cabinet Secretary on the views of the group.

Action 3: Meeting to be arranged between [Redacted] to discuss communications.

Action 4: [Redacted] to work with Ministerial Private Office on securing a separate meeting date with the Cabinet Secretary.

7. Any other business

No business raised.

8. AOB/Actions

Actions summary:

Action 1: [Redacted] to arrange meeting between LABSS and [Redacted] as soon as possible.

Action 2: [Redacted] to raise with DLUHC at next meeting – to clarify if the EWS1 will be required to be uploaded on the FIA portal and to confirm the Scottish context of the PII scheme in a legal sense

Action 3: Meeting to be arranged between [Redacted] to discuss communications.

Action 4: [Redacted] to work with Ministerial Private Office on securing a separate meeting date with the Cabinet Secretary.

9. Date of next meeting

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Cladding Stakeholder Group - Meeting 7

Cabinet Secretary likely to attend – an additional meeting may be scheduled separately
Wednesday 19 January 2022 - 11:00-12:30

Contact Inbox: BuildingAssessments@gov.scot

Cladding Stakeholder Group: Paper 08/001

16 February 2022, 11.00 – 12.30

Agenda

1. Welcome and introductions
2. Note of previous meeting, matters arising and actions
3. SBA Update
4. Feedback on EWA example forms
5. EWS1 PII Scheme – update on discussions with DLUHC
6. Industry £4bn fund update on discussions with DLUHC
7. Open roundtable for members
8. Any other business
9. Date of next meeting – 16th March 2022

Integrity



Inclusivity



Innovation



Collaboration



Kindness



Cladding Stakeholder Group: Paper 07/001

19 January 2022, 11.00 – 12.30

Agenda

33. Welcome and introductions
34. Note of previous meeting, matters arising and actions
35. Terms of Reference
36. SBA Update
37. Readout of Secretary of State announcement 10th January and discussion on key themes
38. Open roundtable for members to discuss the options to be tabled to the Cabinet Secretary on the priorities for delivering cladding remediation
39. Any other business
40. Date of next meeting 16th February 2022



Member Attendees	Organisation
[Redacted]	Law Society of Scotland
[Redacted]	High Rise Scotland Action Group
[Redacted]	Property Managers Association Scotland
[Redacted]	Royal Institution of Chartered Surveyors
[Redacted]	Royal Institution of Chartered Surveyors
[Redacted]	Institution of Fire Engineers
[Redacted]	UK Finance
[Redacted]	Homes for Scotland
[Redacted]	Local Authority Building Standards Scotland
[Redacted]	Homes for Scotland
[Redacted]	Association for British Insurers
[Redacted]	Building Societies Association
[Redacted]	Scottish Futures Trust

Government Attendees	Organisation and Team
Stephen Garvin (SG) (Chair)	Head of Building Standards
[Redacted]	Head of Cladding Remediation Unit
[Redacted]	Programme Director Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
[Redacted]	Cladding Remediation Unit
Morag Angus (MA)	Head of Property and Construction

Apologies	Organisation
Sean Neill (SN)	Scottish Government
[Redacted]	Scottish Government
[Redacted]	Scottish Government
[Redacted]	Royal Institute of Chartered Surveyors
[Redacted]	Local Authority Building Standards Scotland
[Redacted]	Scottish Fire and Rescue Service
[Redacted]	UK Finance

Prepared by: DRAFT

[Redacted]

Date: 20/01/2022

Meeting Note

1. Welcome and Introductions

- The Chair (SG) opened the meeting, thanking everyone for their attendance and noted apologies.

2. Note of previous meeting, matters arising and actions

No matters were arising on the note of the previous meeting.

Previous Actions:

Action 1: [Redacted] to arrange meeting between LABSS and CA.

- **Meeting held on 17th January 2022.**

Action 2: [Redacted] to raise with DLUHC at next meeting – to clarify if the EWS1 will be required to be uploaded on the FIA portal and to confirm the Scottish context of the PII scheme in a legal sense

- [Redacted] **contacted [Redacted] from FIA, but had no response.**
- **EWS1 will continue to be a requirement and is part of the UK Gov PII scheme.**
- **Legal position was confirmed and advice provided to DLUHC colleagues: Scottish judicial system needs to be stated as having jurisdiction on any disputes arising from the scheme.**

Action 3: Meeting to be arranged between [Redacted] to discuss communications,

- **There may be a need to separate meetings into themes associated with the type of comms to member organisations, i.e. a separate call with PMAS on specific comms for Property Factors and a call with LSS on comms for solicitors. Not scheduled but will be prioritised this month.**

Action 4: [Redacted] to work with Ministerial Private Office on securing a separate meeting date with the Cabinet Secretary.

- **Confirmed, Cab Sec is scheduled to attend the February meeting.**

3. Terms of Reference

- No further update on Terms of Reference required.
- The change of name was accepted

4. SBA Update

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Cladding Remediation Unit continues support home owners and property factors on SBA delivery. [Redacted] provided a short update:

- 3 grant letters released to property factors.
- 8 applications received and currently under QA review.
- Review underway on improving SBA process to ensure delays are minimised.
- Technical team have improved review criteria and have highlighted to SFRS risks on specific buildings. Processes for conducting checks on professional qualifications streamlined for new application.

5. Readout of Secretary of State announcement 10th January and discussion on key themes including UK PII Scheme.

SG provided an update on the SoS announcement:

- On proportionality – the UKG wanted to see more proportional assessment of risk from cladding. Parties were profiteering by advising owners that buildings were unsafe without proper assessment or process, and removing cladding when other mitigation may be possible. PAS 9980:2022 (Fire risk appraisal of external wall construction and cladding of existing blocks of flats – Code of practice) has been published last week by the British Standards Institution as guidance for external wall appraisals. It has been funded by UKG and contains information on building regulations in England. However, it can be used in any part of the UK as long as regard is paid to the relevant context and legislation. The previous Consolidated Advice Note from UKG has been withdrawn. Fire legislation in England will now require assessment of cladding and fire doors, removing any previous dubiety.
- Work with insurers and lenders was ongoing. Ensuring that flats can be bought and sold and that insurance is available is a key priority of UKG. The development of a PII scheme that is backed by UKG is part of current work to ensure that qualified external wall appraisers have access to that insurance.
- The most recent measures are intended to protect leaseholders, nobody should lose their home as a result unsafe cladding on their building that was not their fault. An extension to the Defective Premises Act will increase the liability period from 6 to 30 years for developers in England & Wales.
- On the Polluter Must Pay – the UKG wants industry to create a £4bn fund. UKG referred to issues in both private and social housing of poor quality, and they are including all parties not just developers, but materials producers and others in the supply chain. This is intended to be a voluntary funding mechanism. As yet there are no details of how the funds will be collected or administered and UKG indicated a three month timescale to develop this out with industry. DLUHC are setting up a dedicated team to pursue those responsible for building safety issues (aka work with industry).
- The CSR should note that the Scottish Government did not have prior knowledge of the announcement and received a letter on 10 January, when it was clear that things were happening. Although there was press over the weekend of 8 and 9 January, this was based on unofficial sources.

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- SG Officials met with counterparts at DLUHC last week, and Lord Greenhalgh (UKG Minister for Building Safety) invited Ministers from SG, WG and NIE to a meeting on Wednesday of last week. The Cabinet Secretary was represented by MSP Ben MacPherson the Minister for Local Government due to the short notice given. Mr MacPherson knows the cladding area well and posed a number of questions for Lord Greenhalgh. This included the scope and coverage of the new fund and how it would operate. Lord Greenhalgh committed to responding to the Ministers questions in short order, although we are still awaiting a reply.
- The SG welcomes the Statement from UKG and the strength of the stated intention expressed by the Secretary of State to seek reparation from those that caused the problem. However, there are challenges caused for flat owners in Scotland (we don't have leaseholders), and that it was important to note that interactions between these and UK Finance are reserved matters. Also highlighting the difference in property law in Scotland and asked that development of the fund and Professional indemnity insurance schemes should take these considerations into account.
- Lord Greenhalgh committed to that monthly meetings whilst this scheme for funding is developed and that there should be close engagement of Officials.

[Redacted] provided an update on the UK Government PII Scheme.

- The scheme is a vehicle for fire risk assessors to access Professional Indemnity Insurance (PII) to support the completion of the External Wall Survey (EWS1) form in alignment with RICS guidance.
- The external wall assessment will use the new British Standard PAS9980 as the criteria for assessment. The PAS9980 applies a life safety criteria to the assessment.
- The output of the process will be the production of the EWS1 form.
- The scheme should go live before Easter 2022 and will run for 5 years and provide cover for an additional 15 years.
- The cover is provided on a building by building basis and is available for buildings above 11m.
- The policy is occurrence based, i.e. a one-off payment will cover professionals for all future claims, within statutory limitations.
- Running in parallel with the scheme will be a quality assurance function which will randomly check the quality of EWS1 assessments.

6. Open roundtable for members to discuss priorities

- It was noted again that communication from CRU have been limited to responding to correspondence and more comprehensive communications need to be drafted for all stakeholder, i.e. home owners, solicitors, property factors etc.
- It's acknowledged that the Cladding Stakeholder Group is known in the public domain, but there is no evidence of its existence on the Scottish Government website.
- SG agreed and committed to improving communications and visibility of the group online.
- One key communications requirement is potential policy changes that will be required as a result of the cladding programme, i.e. the 'cradle to grave' 'golden

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thread' of a building. This will be required to address issues with the current building management system and its associated legislation.

- It was acknowledged that SBA progress was slow (for a variety of reasons), an option was tabled to split the SBA to speed up processing and ensure home owners felt that progress was being made. Discussions were focused on assessment but remediation needs to be factored in as the two go hand in hand and cannot be addressed in isolation.
- [Redacted] highlighted that consent is required for government to fund assessments on private sector buildings and this added an additional delay to the initial phase of an SBA.
- In relation to SBA delivery the provision of PII is a key issue and one member raised that there was evidence that insurance firms were advising assessors not to complete the EWS1 as the liabilities were too large for the insurer to consider.
- The RICS training programme was discussed and it was confirmed that a number of RICS members are close to completing the course but liability is also a concern for RICS members.

7. Any other business

- No business was raised by members.
- SG thanked group members for their attendance, emphasized how the discussions have been helpful, and that there were a set of actions (as well as the capturing of the discussions), in preparation for the anticipated February meeting with the Cabinet Secretary. Cabinet Secretary's diary pressures are considerable and we may not be able to confirm until close to the meeting date.
- SG invited attendees to send any further thoughts as regards the discussions today in the days to come.
- SG reminded that the next meeting was scheduled for 16th February and closed the meeting at 12.33.

8. AOB/Actions

Actions summary:

Action 1: Further discussion with [Redacted], Law Society of Scotland on how the SBA assessor's duty of care is defined and what will it extend to? Will buyers and lenders get the benefit or only co-owners instructing the production of the SBA?

Action 2: SG to liaise internally with Home Report team.

Action 3: SG to look further into UK Gov scheme with 30 years liability and report back to group.

Action 4: SG to separately meet [Redacted] regarding developer tax.

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Action 5: Meet [Redacted] to draw from her experience with Futures Board on the issue of liability.

Action 6: SG and RICS to meet to discuss PII scheme.

Action 7: Work with [Redacted] to discuss various insurance issues.

9. Date of next meeting: 16th February 2022

Cladding Stakeholder Group - Meeting 8

Contact Inbox: BuildingAssessments@gov.scot

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Kindness



Cladding Stakeholder Group: Paper 09/001

16th March 2022, 11.00 – 12.30

Agenda

1. Welcome and introductions
2. Note of previous meeting, matters arising and actions
3. SBA Update
4. Industry £4bn fund
5. One year anniversary of Ministerial Working Group report:
 - a. Update on progress
 - b. communications to the public
6. Open roundtable for members
7. Any other business
8. Date of next meeting – 20th April 2022

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Cladding Stakeholder Group: Paper 09/002

Note of February Meeting

Attendees

[Redacted]	Alastair Ross (AR)
[Redacted]	Nicola Barclay (NB)
[Redacted]	Julie Jackson (JJ)
[Redacted]	Jim Robson (JR)
[Redacted]	Brian Smith (BS)
[Redacted]	Scott McKenzie (SM2)
[Redacted]	Craig Ross (CR)
[Redacted]	Ian Ferguson (IF)
[Redacted]	Euan Ryan (ER)
[Redacted]	Colin Proctor (CP)
Scottish Government – Chief Surveyor	Morag Angus (MA)
[Redacted]	Hardip Devsi (HD)
[Redacted]	Jeevan Mehat (JM)
[Redacted]	Juliet Grimes (JG)
[Redacted]	Mylene Honore-L'Hortalle
Scottish Government – Building Standards Division	Stephen Garvin (SG)
[Redacted]	Stewart McKenzie (SM1)

Apologies

[Redacted]	Charlie Blagbrough (CB)
[Redacted]	Chris Ashurst (CA)
[Redacted]	Grant Tierney (GT)
[Redacted]	David Reid (DR)
[Redacted]	David Dourley (DD)
[Redacted]	Gail Clapton (GC)
[Redacted]	Islay McLauchlan (IM)
[Redacted]	Rachel Blair (RB)
[Redacted]	Darren Macduff (DMD)
[Redacted]	John Marr (JM)

Prepared by	[Redacted]	Date: 07/03/2022
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Agenda

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|---|
| <ol style="list-style-type: none">1. Welcome and introductions2. Note of previous meeting, TOR, matters arising and actions3. SBA Update4. Feedback on EWA example forms5. EWS1 PII Scheme – update on discussions with DLUHC6. Industry £4bn fund update on discussions with DLUHC7. Open roundtable for members8. Any other business |
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Meeting Note

1. Welcome and Introductions

- | |
|--|
| <ul style="list-style-type: none">• The Chair (SG) opened the meeting, thanking everyone for their attendance and noted apologies. |
|--|

2. Note of previous meeting, TOR, matters arising and actions
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- | |
|---|
| <ul style="list-style-type: none">• No matters were arising on the note of the previous meeting.• No Changes required to Terms of Reference. |
|---|

08/01	Action 1: Carry forward January meeting. Meeting between Scottish Government and affected groups to discuss communications. SG to meet with [Redacted] representing residents, factors and solicitors respectively. Update: Communications resource with the Unit is being addressed and agenda item tabled for March meeting will capture thoughts on one year anniversary of the Ministerial Working Group report.
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08/02	Action 2: Further discussion with [Redacted], Law Society of Scotland on how the SBA assessor's duty of care is defined and what will it extend to? Will buyers and lenders get the benefit or only co-owners instructing the production of the SBA? Update: Meeting held on 1 st February with [Redacted], further discussion required based on expanded pathways as defined by [Redacted]. This action will continue as we have received feedback on the EWA forms and will continue to make changes to EWA forms. Further meeting will need to be conducted in relation to liability, the advice to solicitors on the outputs of SBA and the production of a register of safe buildings.
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08/03	Action 3:
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	<p>Scottish Government to liaise internally with Home Report team. [Redacted] leading.</p> <p>Update: Policy co-ordination underway and will look to align activity across a number of policy areas i.e. Law Commission work on tenement maintenance, Energy Efficiency, Net Zero and the use of the Home Report as a possible repository for SBA/EWS1 rating.</p>
08/04	<p>Action 4: Scottish Government to look further into UK Gov scheme with 20 years liability and report back to group. [Redacted] leading.</p> <p>Update: Meeting held on 2nd March on the register of assessors and the PII scheme, no update from UKG officials on start of the PII Scheme.</p>
08/05	<p>Action 5: SG to separately meet [Redacted] regarding developer tax. SG has issued previous advice as regards to the developer tax to [Redacted] privately.</p> <p>Update: No meeting scheduled, however the Cabinet Secretary has written to Secretary of State Michael Gove on the RPDT and the Developer Fund. An update will be provided at the March CSG meeting.</p>
08/06	<p>Action 6: Meet [Redacted] to draw from her experience on the issue of liability. [Redacted] leading.</p> <p>Update: Meeting will be scheduled once there is greater clarity on the UKGs position of liability and the new PII scheme.</p>
08/07	<p>Action 7: SG and RICS to meet to discuss PII scheme.</p> <p>Update: Regular meetings in place and PII scheme has been discussed widely, further meetings are scheduled.</p>
08/08	<p>Action 8: Work with [Redacted] to discuss various insurance issues. HD leading</p> <p>Update: Meeting scheduled with [Redacted] ABI Director of General Insurance Policy on 3rd March.</p>

3. SBA Update

Cladding Remediation Unit continues support home owners and property factors on SBA delivery. [Redacted] provided a short update:

- 3 grant letters released to property factors.
- 8 applications received and currently under QA review.

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- 2 grant payments made.
- 2 surveys completed, 1 survey being arranged.
- 12 applications received and currently under QA review.
- 4 applications approved.
- Review underway on improving SBA process to ensure delays are minimised.
- Technical team have improved review criteria and have highlighted to SFRS risks on specific buildings. Processes for conducting checks on professional qualifications streamlined for new application.

[Redacted] presented an MOU proposal on the use of EWS1 in the Scottish housing system

The EWS1 was originally proposed as a short term solution, [Redacted] explained the current EWS1 status and proposed to move from multiple EWS1s per building (paid by individual owners) to a model where Scottish Government or collective home owners paying for EWS1s which will cover the entire block. This would require lenders and surveyor's recognising a single EWS1s for blocks, and the development of a unified approach to help Scottish owners to a single EWS1.

The group agreed that an MOU would ensure home owners would be freed from paying for multiple EWS1s and that further discussions are required before any announcement to the Scottish public.

ACTION 01: All to consider the MOU for the use of EWS1 in Scotland. Meeting to be scheduled with UK Finance and RICS on the practical application of the MOU.

[Redacted] provided an overview of the options for moving the Cladding programme forward at pace and the current activity underway:

1. **Interim evaluation** of the pilot being carried out by independent assessors – it's a long process and the current SBA process map is long and complex. The national system can't be based on this model as the scale of buildings are too high. The SBA may need an initial light touch review to help focus on speed of assessment and to identify buildings at scale. We need to focus on how to open up a new cohort of buildings but using a different methodology, i.e. how can we get the surveys done quickly and then make decisions on remediation.
2. We need a mechanism for **gathering market data**. [Redacted] appealed to the group for options on how can we gather data (happy to accept anonymised responses) do you have any data to share or suggestions on how to gather building data. **ACTION 02: [Redacted] request to all for market data on buildings or suggestions on how to capture this data.**
3. Development of a **remediation pathway**, the programme is described as an SBA assessment leading to remediation, but we don't have a remediation pathway established yet. Tenure is an issue and needs to be bottomed out and factors have a role but this needs to be defined. We are currently undertaking

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recruitment to expand the Units technical skills to support the delivery of the pilot, as ministers are keen to make a judgement soon on national roll out and a remediation programme.

4. We need solutions that are people focus i.e. **the human dimension**. People are trapped in properties and we need to identify how do we collectively come up with solutions for people who need to sell but can't. How do we facilitate something that can deliver for people in this type of scenario?
5. Our thinking has shifted and rather than close the pilot we should instead expand the pilot and look into **new pathways** that can explore other delivery options.
6. We all need to acknowledge there's a 'lag' on what UKG are doing and what we can do, which means we are forced to **operate in a triage space**.

[Redacted] opened for questions.

The group were supportive of this assessment of progress and were pleased that remediation is being considered. There is learning from the Whitehall Building Safety Fund model and the Scottish programme should factor in the learning from the English approach. **ACTION 03: [Redacted] to Schedule call with [Redacted] on the remediation activity in England and to understand the concerns of home builders on the proportionality of remediation i.e. remediation taking place is betterment and not bringing building up to spec of the original build.**

The group were also discussed options for creating sub committees of the CSG to focus on technical delivery and on remediation. There was support for the pathway options to ensure buildings can be assessed at speed and scale. It was also noted that the Welsh model of a Building Passport is a positive step towards developing a 'golden thread' of building information. However, the group noted that the current problem needs to be 'fixed' before expanding into areas such as energy efficiency or net zero. The group also agreed that there are inefficiencies in 'digging the road twice' but it was acknowledged that current priority was to ensure the safety of people in their own homes.

4. Feedback on EWA example forms

- [Redacted] provided an update on the feedback from UK Finance, RICS and IFE members.
- The SBA process is considered robust and will satisfy the requirements for an EWS1 and the production of a Fire Risk Assessment.
- The EWA Form captures a summary of the fire risks associated with a building but still lacks the 'binary' markers that will ensure laypeople can understand the output of the process, e.g. if a certain product is on a building, what impact does this have on its risk rating.
- The EWA Form also needs to capture building product information to ensure home owners are aware of what's on the building when providing insurers with accurate information.

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The group reiterated that the SBA report needs to be in laypersons language to enable a broad group of stakeholders (solicitors, home owners, lenders, insurers etc) to understand the outcome of the assessment. The binary choices on the report need to correlate to life safety but support the assessment of building safety risks.

5. EWS1 PII Scheme – update on discussions with DLUHC

[Redacted] provided an update on the UK Government PII Scheme.

- The scheme is a vehicle for fire risk assessors to access Professional Indemnity Insurance (PII) to support the completion of the External Wall Survey (EWS1) form in alignment with RICS guidance.
- The external wall assessment will use the new British Standard PAS9980 as the criteria for assessment. The PAS9980 applies a life safety criteria to the assessment.
- The output of the process will be the production of the EWS1 form.
- The scheme should go live before Easter 2022 and will run for 5 years and provide cover for an additional 15 years, however no formal announcement from UKG has been made.
- The cover is provided on a building by building basis and is available for buildings above 11m.
- The policy is occurrence based, i.e. a one-off payment will cover professionals for all future claims, within statutory limitations.
- Running in parallel with the scheme will be a quality assurance function which will randomly check the quality of EWS1 assessments.

6. Industry £4bn fund update on discussions with DLUHC

- SG noted there was no clarity from UKG on the developer fund.
- The group heard that Home Builders Federation have written to the SoS expressing their views on the Developer Fund
- SoS has been clear “I expect developers to make public commitments. If an agreement is not reached by the end of March, I have been clear that government will impose a solution in law and have taken powers to impose this solution through the Building Safety Bill.”
- [Redacted] noted that based on tentative discussions with officials in DLUHC the fund may be England only and the other nations may need to establish their own funds.

7. Open roundtable for members

- The group raised that there was no visibility of the scale of the problem in Scotland and data on buildings could be gathered from NHBC and Local Authorities as they hold building information which could be a reliable source of information.

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- Most of the problematic buildings should have been built post 2000, [Redacted] provided some information from the Energy Efficiency policy unit on building data. **Action 04:** [Redacted] to provide information from the Energy Efficiency unit on their analysis of buildings in Scotland.

8. Any other business

- No further business was raised by members.
- SG thanked group members for their attendance, emphasized how the discussions have been helpful, and that there were a set of actions (as well as the capturing of the discussions), in preparation for meeting with the Cabinet Secretary. Cabinet Secretary's diary pressures are considerable and we may not be able to confirm until close to the meeting date.
- SG invited attendees to send any further thoughts as regards the discussions today in the days to come.
- SG reminded that the next meeting was scheduled for 16th March and closed the meeting at 12:34.

9. Actions

Carry Forward

08/01	Action 08/01: Carry forward January meeting. Meeting between Scottish Government and affected groups to discuss communications. SG to meet with [Redacted] representing residents, factors and solicitors respectively. Update: Communications resource with the Unit is being addressed and agenda item tabled for March meeting will capture thoughts on one year anniversary of the Ministerial Working Group report.
08/02	Action 08/02: Further discussion with [Redacted], Law Society of Scotland on how the SBA assessor's duty of care is defined and what will it extend to? Will buyers and lenders get the benefit or only co-owners instructing the production of the SBA? Update: Meeting held on 1 st February with [Redacted], further discussion required based on expanded pathways as defined by [Redacted].
08/03	Action 08/03: Scottish Government to liaise internally with Home Report team. [Redacted] leading. Update:

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	<p>Policy co-ordination underway and will look to align activity across a number of policy areas i.e. Law Commission work on tenement maintenance, Energy Efficiency, Net Zero and the use of the Home Report as a possible repository for SBA/EWS1 rating.</p>
08/04	<p>Action 08/04: Scottish Government to look further into UK Gov scheme with 20 years liability and report back to group. [Redacted] leading. Update: Meeting held on 2nd March on the register of assessors and the PII scheme, no update from UKG officials on start of the PII Scheme.</p>
08/05	<p>Action 08/05: SG to separately meet [Redacted] regarding developer tax. SG has issued previous advice as regards to the developer tax to NB privately. Update: No meeting scheduled, however the Cabinet Secretary has written to Secretary of State Michael Gove on the RPDT and the Developer Fund. An update will be provided at the March CSG meeting.</p>
08/06	<p>Action 08/06: Meet [Redacted] to draw from her experience on the issue of liability. [Redacted] leading. Update: Meeting will be scheduled once there is greater clarity on the UKGs position of liability and the new PII scheme.</p>
08/07	<p>Action 08/07: SG and RICS to meet to discuss PII scheme. Update: Regular meetings in place and PII scheme has been discussed widely, further meetings are scheduled.</p>
08/08	<p>Action 08/08: Work with [Redacted] to discuss various insurance issues. HD leading Update: Meeting scheduled with [Redacted] ABI Director of General Insurance Policy on 3rd March.</p>
<p>New</p>	
09/01	<p>Action 09/01: All to consider the MOU for the use of EWS1 in Scotland. Meeting to be scheduled with UK Finance and RICS on the practical application of the MOU.</p>
09/02	<p>Action 09/02: [Redacted] request to all for market data on buildings or suggestions on how to capture this data.</p>

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09/03	Action 09/03: [Redacted] to Schedule call with [Redacted] on the remediation activity in England and to understand the concerns of home builders on the proportionality of remediation i.e. remediation taking place is betterment and not bringing building up to spec of the original build.
09/04	Action 09/04: [Redacted] to provide information from the Energy Efficiency unit on their analysis of buildings in Scotland.

10. Date of next meeting

Cladding Stakeholder Group - Meeting 10
Date of next meeting: 20th April 2022
Contact Inbox: BuildingAssessments@gov.scot

Cladding Stakeholder Group: Paper 11/001

18th May 2022, 11.00 – 12.30

Agenda

1. Welcome and introductions
2. Note of previous meeting, matters arising and actions
3. SBA Update
4. Update on the Parliamentary Statement:
 - a. The Scottish Safer Buildings Accord
 - b. Pilot Expansion
5. Open roundtable for members
6. Any other business
7. Date of next meeting – 15th June 2022

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Cladding Stakeholder Group: Paper 11

Note of May Meeting : 18th May 2022

Attendees

Association for British Insurers	[Redacted]
Homes for Scotland	[Redacted]
Homes for Scotland	[Redacted]
Homes for Scotland	[Redacted]
High Rise Scotland Action Group	[Redacted]
Law Society of Scotland	[Redacted]
Local Authority Building Standards Scotland	[Redacted]
Royal Institution of Chartered Surveyors	[Redacted]
Property Managers Association Scotland	[Redacted]
	[Redacted]
UK Finance	[Redacted]
Royal Institution of Chartered Surveyors	[Redacted]
Edinburgh Law School	[Redacted]
Scotland Reservation Forum	[Redacted]
Scottish Futures Trust	[Redacted]
UK Finance	[Redacted]
Scottish Government – Building Standards Division	Stephen Garvin (SG)
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government – Property and Construction Division	[Redacted]

Apologies

Law Society of Scotland	[Redacted]
Building Societies Association	[Redacted]
Local Authority Building Standards Scotland	[Redacted]
Scottish Fire and Rescue Service	[Redacted]
Scottish Government - Chief Surveyor	[Redacted]
Institution of Fire Engineers	[Redacted]
Royal Institution of Chartered Surveyors	[Redacted]
Royal Institution of Chartered Surveyors	[Redacted]
Director for Local Government and Housing	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]

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Scottish Government – BSD, Cladding Remediation Unit

[Redacted]

Prepared by

[Redacted]

Date: 08/06/2022

Agenda

1. Welcome and introductions
2. Note of previous meeting, matters arising and actions
3. SBA Update
4. Update on the Parliamentary Statement
 - a. The Scottish Safer Buildings Accord
 - b. Pilot Expansion
5. Open roundtable for members
6. Any other business

Meeting Note

1. Welcome and Introductions

SG welcomed [Redacted] and [Redacted] who had just joined the Group, and informed attendees that the meeting will be cut down to 1 hour duration and will end at 12.00 noon.

2. Note of previous meeting, matters arising and actions

No matters were arising on the note of the previous meeting.

08/01

Carry forward January meeting. Meeting between Scottish Government and affected groups to discuss communications. SG to meet with [Redacted] representing residents, factors and solicitors respectively.

Update:

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	<p>16/02/22: Communications resource with the Unit is being addressed and agenda item tabled for March meeting will capture thoughts on one year anniversary of the Ministerial Working Group report.</p> <p>16/03/22: The team was still waiting for communications resource as regards the Unit. Resourcing was also being looked into across the team especially in terms of SBA delivery. Updates will be provided at the next meeting.</p> <p>20/4/22: New Communications lead has been recruited and will be in contact shortly. [Redacted] asked for volunteers to begin working with [Redacted] on joint comms. [Redacted] volunteered to be the LSS contact and [Redacted] for ABI.</p> <p>Action Carry Forward.</p>
08/02	<p>Further discussion with Law Society of Scotland on how the SBA assessor's duty of care is defined and what it extends to. Will buyers and lenders get the benefit or only co-owners instructing the production of the SBA?</p> <p>Update:</p> <p>Meeting held on 1st February with [Redacted], further discussion required based on expanded pathways as defined by [Redacted]. This action will continue, feedback on the EWA forms requires additional changes to the forms. Further meetings will need to be conducted in relation to liability, the advice to solicitors on the outputs of SBA and the production of a register of safe buildings.</p> <p>16/03/22: Further meeting held with the Law Society and will continue as the cladding policy develops. Further dates with LSoS to be confirmed.</p> <p>Action Completed</p>
08/03	<p>Scottish Government to liaise internally with Home Report team. [Redacted] leading.</p> <p>Update:</p> <p>16/02/22: Policy co-ordination underway and will look to align activity across a number of policy areas i.e. Law Commission work on tenement maintenance, Energy Efficiency, Net Zero and the use of the Home Report as a possible repository for SBA/EWS1 rating.</p> <p>16/03/22: Discussions are ongoing regarding the Law Commission work, the reviewing of the Tenement Act, formalisation of Homeowners action, etc.</p> <p>Action Completed</p>
08/04	<p>Scottish Government to look further into UK Government PII scheme with 20 years' liability and report back to group. [Redacted] leading.</p> <p>Update:</p> <p>16/02/22: Meeting held on 2nd March on the register of assessors and the PII scheme, no update from UKG officials on start of the PII Scheme.</p> <p>16/03/22: SG said they would provide updates on PII under the SBA update and also update regarding the funding aspect under item 4.</p> <p>20/4/22: Meeting scheduled for 13th May and update will be provided at the next meeting.</p>

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	Action Completed
08/05	<p>SG to separately meet [Redacted] regarding developer tax.</p> <p>Update: No meeting scheduled, however the Cabinet Secretary has written to Secretary of State Michael Gove on the RPDT and the Developer Fund. An update will be provided at the April CSG meeting. 20/04/22: Further meetings to be scheduled in relation to the UK Developer fund and its application in Scotland.</p>
08/06	<p>Meet [Redacted] to draw from her experience on the issue of liability. [Redacted] leading.</p> <p>Update: Meeting will be scheduled once there is greater clarity on the UKGs position of liability and the new PII scheme.</p> <p>Action Completed</p>
08/07	<p>SG and RICS to meet to discuss PII scheme.</p> <p>Update: Regular meetings in place and PII scheme have been discussed widely, further meetings are scheduled.</p> <p>Action Completed</p>
08/08	<p>Work with [Redacted] to discuss various insurance issues. [Redacted] leading</p> <p>Update: Meeting scheduled with [Redacted] ABI [Redacted] on 3rd March. 16/03/22: The meeting with [Redacted] and [Redacted] on insurance was held and was very helpful.</p> <p>Action Completed</p>
09/01	<p>[Redacted] to update SBA update to show previous month comparison.</p> <p>20/04/22: [Redacted] will update under item 3 SBA Update.</p> <p>Action Completed</p>
09/02	<p>Meeting between SG and UKF to be arranged to discuss MOU.</p> <p>20/04/22: The meeting took place a few weeks ago and there was more feedback to come from the UK Finance.</p> <p>[Redacted] said he had a meeting scheduled the day after, and that he had had discussions with lenders which were generally positive. [Redacted] was gathering the information.</p> <p>Action Completed</p>
09/03	<p>[Redacted] feedback to group updates on the PII scheme.</p> <p>20/04/22: This was going to be taken up under item 5 (update on the UK PII Scheme).</p> <p>Action Completed</p>
09/04	<p>Cladding Unit to define approach for gathering building information/data on Scottish buildings above 11m+.</p> <p>20/04/22: This will be added to item 3 SBA Update.</p>

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	<p>Action Completed</p>
09/05	<p>SG to engage with DLUHC on the development of the Building Safety Bill.</p> <p>20/04/22: There were regular fortnightly meetings regarding the Building Safety Bill. It is expected that the bill will be reviewed by Royal assent this year SG said the group will be kept updated.</p> <p>The new regime for the Building Safety Bill is not applicable in Scotland. SG also mentioned contract project regulations, products and safety standards applicable in Scotland. The regulations exist already in shadow form. It is being investigated and actions are being taken on products on all types.</p> <p>SG informed the group that the building Safety Bill will be going through the UK Parliament but will be in effect in 1 years' time</p> <p>Action Completed</p>
09/06	<p>The group agreed that more information had to be communicated to all those affected by cladding:</p> <ol style="list-style-type: none"> 1. Homeowners/residents 2. Property factors 3. Technical specialists i.e. surveyors, fire engineers <p>20/04/22: [Redacted] to update regarding the Communications side.</p> <p>There had been progress, the recruitment of a Communications specialist ([Redacted]) who will be starting on 5th May. [Redacted] will be reaching out to members of the group.</p> <p>Action Carry Forward</p>
09/07	<p>SG to meet with [Redacted] to develop communications with PMAS.</p> <p>20/04/22: SG mentioned the developer fund and said there was a lack of clarity as regards how it would work for devolved nations.</p> <p>[Redacted] mentioned FOI publishing data on 9th May before next meeting. Ministers had written jointly with their Welsh counterparts.</p> <p>There was the need to create a developer fund in Scotland. [Redacted] invited the group to share what they knew as a group in that respect to help Ministers to make choices.</p> <p>The developer fund was being taken at Item 4.</p> <p>Action Carry Forward</p>
09/08	<p>[Redacted] and SG to arrange RICS training call</p> <p>20/04/22: SG suggested to add a bit to that training pertaining to SBA in Scotland.</p> <p>[Redacted] mentioned IFE, professionals, etc. [Redacted] then explained the purpose of the training (how to complete the SBA process, getting guidance regarding PAS9980, etc.).</p> <p>[Redacted] will keep the Group updated regarding the trainings to be set up in the next 3 months.</p> <p>Action Completed</p>

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Actions

Carry forward and Closed actions noted above.

3. SBA Update

[Redacted] provided an update on the progress with regards to the 26 buildings in the pilot process.

[Redacted] mentioned commitment towards publishing a Register of safe buildings.

[Redacted] requested that the public has access to this platform/portal, with the appropriate information: what buildings are covered by the Accord, where remediation has taken place, the buildings for which developers are responsible, the start and finish dates of remediation of buildings. [Redacted] encouraged the development of this platform noting that the FIA Portal already existed.

[Redacted] pointed out that a Register of Safe Buildings would facilitate lending, mentioned the funding remediation plan, surveyors and potential buyers.

[Redacted] mentioned buildings currently on the program, and pointed out the issue of buyers buying properties and moving in with the SBA still under way.

The issue of protecting the privacy of individuals affected by SBA was discussed.

4. Update on the Parliamentary Statement

a. The Scottish Safer Buildings Accord

b. Pilot Expansion

[Redacted] gave an update on the statement (1) what was covered in the statement (2) government committee session, further clarifications on the statement, building standards.

As regards statement, an update of the progress of the pilot, data release, how much had been spent last year (£241,000). Pathway 1 (the grant model, with factors commissioning SBA on behalf of owners.) and Pathway 2 (government led) were explained.

[Redacted] said that offers had been made to the 26 buildings to move to Pathway 2 for the SBA.

[Redacted] highlighted that they were trying to make the process as easy as possible, respect property managers etc.

[Redacted] also mentioned the Register of Safe Buildings to be created by end of the Parliament (a single source of truth). The portal would have to be accessed by relevant people.

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[Redacted] spoke about the statement in relation to the UK government, policies, how they evolved in England and how they differed in Scotland.

In the light of the Accord, the team will be reaching out to the 12 developers who signed the UKG Pledge and who develop in Scotland.

[Redacted] mentioned tenure, testing the appetite, the Ministers committed to fix the pledge,

(1) some key holistic approach (2) parts of the sector not willing to participate

As the powers of the Corporation Tax cannot be used, other means will have to be used to work with developers.

[Redacted] highlighted the pledge in relation of buildings with unsafe cladding dating the last 30 years, the technical standpoint, the risk assessment, the risk of unsafe materials and the holistic risk assessment of buildings different from building standards.

[Redacted] explained that the SBA determined the risks, there would be no intervention if a building was deemed safe.

[Redacted] pointed out that the new building regulations were being introduced in a few days' time. Any cladding replacement will have to meet the standards.

[Redacted] highlighted that the Accord be about responsibility and be voluntary. There was a need to bring small to medium size developers to the table.

[Redacted] also mentioned all bodies would have to commit to the broad text (stakeholders, home owners, etc.). UK Finance, IFE and RICS would have a role to play.

[Redacted] pointed out that it may take 2 years to get buildings repaired and enquired what would be done during this 2 year period. **[Redacted]** felt that something had to be put into place to give reassurance to lenders.

[Redacted] enquired about the practicalities, the implications of the way forward, the quick report.

[Redacted] pointed out that home owners may want to sell their homes before their properties were remediated and they may be trapped for years, and asked that surveyors' and home owners' perspectives be taken into account.

[Redacted] advised to have something in place for the interim period, and the building to building solution. **[Redacted]** recommended that Fire Engineers be involved during the interim period and be responsible for the Fire Risk Assessment to ensure consistency.

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[Redacted] mentioned the need for duty of care in favour of the owners by the assessors carrying the SBA and asked whether SG will be carrying this duty of care (and stressed that this would be very reassuring).

[Redacted] highlighted the capacity of the factors to be involved, and the 100% consent having to be gathered from the homeowners for remedial works to be carried out.

[Redacted] pointed out in the case of not having full consent from homeowners, powers of law will be sought to carry out mediation. **[Redacted]** had a few options regarding the above, and would come back to the group.

[Redacted] said they were co-clients with owners and that they acted for the owners, and mentioned the following: finance partner, risk profile, power of expenditure. Shared liability would have to be looked into.

[Redacted] said that they will come back to a lot of these issues next week and welcomed the help of the group regarding the Accord.

5. Any other Business

[Redacted] said he would be sharing documents with the new members of the Group (documents from ERDM) and would be putting the password protect in the chat.

[Redacted] mentioned excel sheets linked to categories of data, data capture of buildings.

[Redacted] will be double checking, sending the link and will also resend the instructions as how to access the documents.

SG thanked **[Redacted]** (who was attending the meeting for the last time), for her contribution to this group and the Ministerial Working Group.

6. Date of next meeting

Cladding Stakeholder Group - Meeting

Date of next meeting: 15 June 2022

Contact Inbox: BuildingAssessments@gov.scot

Cladding Stakeholder Group: Paper 12/001

20th July 2022, 11.00 – 12.30

Agenda

1. Welcome and introductions
2. Note of previous meeting, matters arising and actions
3. SBA Update
4. The SBSA overview of progress
5. SBSA Technical Design Group – overview of outputs
6. Overview of UK Government progress (PII, UKF work, BSA, Recovery Unit, Funding, Political situation)
7. Any other business
8. Date of next meeting – 17th August 2022

Integrity



Inclusivity



Innovation



Collaboration



Kindness



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Apologies

Local Authority Building Standards Scotland	[Redacted]
Royal Institution of Chartered Surveyors	[Redacted]
Local Authority Building Standards Scotland	[Redacted]
Director for Local Government and Housing	[Redacted]
Association for British Insurers	[Redacted]
Royal Institution of Chartered Surveyors	[Redacted]
Building Societies Association	[Redacted]
Building Societies Association	[Redacted]
Scottish Fire and Rescue Service	[Redacted]
Law Society of Scotland	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government - Chief Surveyor	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]

Prepared by	[Redacted]	Date: 15/08/2022
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Agenda

1. Welcome and introductions
2. Note of previous meeting, matters arising and actions
3. SBA Update
4. The SBSA overview of progress
5. SBSA Technical Design Group – overview of outputs
6. Overview of UK Government progress (PII, UKF work, BSA, Recovery Unit, funding, Political situation)
7. Any other business

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1. Welcome and introductions

SG thanked attendees for joining the meeting and listed the apologies. SG then welcomed [Redacted], who will be representing RICS. Members were informed that [Redacted] [Redacted] will be representing the Law Society in replacement of [Redacted]. SG thanked [Redacted] for joining the group.

2. Note of previous meeting, matters arising and actions

SG said that there had been an administrative issue and that the previous notes of Meeting held on 18th May had not gone to members. They will be circulated after a final check.

[Redacted] asked whether there had been any progress regarding the appointment of the Coms officer. SG said that this was an on-going item and will be taken under AOB, where communications and engagement activity will be discussed.

3. SBA Update

[Redacted] gave an overview of the programme status and an update on the SBA process. The team have begun to invite blocks into Pathway 2 which involves commissioning SBAs directly, reducing the direct input by homeowners and factors and shortening timescales. The testing of pathway 2 was in its early stages but early signs are positive. There has been some interest from EOI blocks and new blocks about joining the programme following the Ministerial statement in May.

Currently, 26 projects were under the pilot phase of which four were still in the initial application phase.

SG is expecting several pre-final reports in the next few weeks.

On the interaction with the Scottish Safer Buildings Accord, the existing SBA process is running parallel to the Accord. Once the Accord is signed, it will represent a way to assess and remediate buildings with linked developers. Buildings which have begun assessments or remediation already will be 'onboarded' through an agreed process to maximise the chance of all remediated buildings being eligible to join the building safety register.

- **Action 12/01: Literature for the Property Managers Association Members**

[Redacted] reported that they had had an influx of buildings contacting them, with several questions as regards Pathway 2. D [Redacted] R requested for literature to feedback to members namely information regarding Pathway 2 (the initial pilot stage, communications, the design, timeline, etc.) as several buildings had contacted them. [Redacted] will prepare this literature (with timescales) for circulation.

[Redacted] highlighted that there was a duty of care of information towards the people affected by cladding, some people were not even aware that there was an SBA going on.

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[Redacted] wanted to discuss the disclosure of facts regarding the SBA to potential buyers.

SG proposed to take this under AOB.

4. Scottish Safer Buildings Accord: Overview of progress

[Redacted] referred to the partnership with major developers to sign a pledge to remediate buildings they are responsible for, in respect of buildings built in the past 30 years.

The pledge was being prepared along similar lines as those of DLUHC. [Redacted] informed attendees that the team had had particularly useful meetings with developers in June, where they had commercially confidential discussions (corporate consideration, risk management, financial implications, etc.). [Redacted] also mentioned the tenure system, freehold, collective aggregate ownership which required a different approach. The Accord will be underpinned with a legal contact between SG and the developers. The approach adopted with Homes for Scotland is intended to be collaborative and transparent in nature.

A 3rd workshop, the Technical Subgroup of the Accord was held the week before on 13th July, at the Homes for Scotland Office to discuss and agree key technical details within the Accord. [Redacted] said that that the policy principles will be agreed upon as a group with Scottish Government. However, for individual companies signing the accord, this will be down to their own corporate decisions. In June and July, the plan was to take stock.

[Redacted] explained that there will be a legally binding contract, and that DLUHC had shared a version which the team will be adapted to fit the pledge in Scotland as the law was different. As regards 'betterment', what is and is not betterment had to be clearly defined as part of the discussions. Remediation will be carried out as per today's present standards and law. This is an exception to the usual principle of Buildings Standards which generally applies those from the date of build.

[Redacted] mentioned the following as regards the UK Government scheme for non-linked buildings:

- (1) Self- remediation contracts.
- (2) The Building Safety Fund.
- (3) The 11-18 metres high rise buildings.
- (4) Public Funding stepping in, to fund remediation works.

[Redacted] referred to the announcement of the Cabinet Secretary for Social Justice, Housing and Local Government to the Parliament on the 12 May whereby the Single Building Assessment programme was now going to expand, and the pilot phase moving from 26 buildings to over a hundred. Public funding for orphaned buildings will also be considered.

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[Redacted] was concerned that there was not a full visibility of the properties affected in Scotland. There was a need to have this list worked out.

[Redacted] mentioned the following: low rise building, transparency, homeowners reluctant to lease, lending perspective complaint to process, happy to lend, self-police.

[Redacted] expressed the need for more clarity. Timescales were highlighted, should assessments last say 5 years, buildings could be remortgaged. SG said that those were valid points, and that the team was presently engaging with DLUHC, with their Welsh, Northern Ireland, UK counterparts. Insurance was critical and getting the information out would allow lending to continue.

5. SBSA Technical Design Group – overview of outputs

[Redacted] referred to the workshop which was held between some of the team members, the Building Standards and Homes for Scotland. SG highlighted that there were discussions regarding the working title (either the Register of Safe Buildings or the Register of Safe Cladding). This information will be communicated to stakeholders, UK Finance, and the public at large. This was work in progress and the team will come back to the group with the Accord and share the relevant information.

SG further mentioned new building standards, introduction of new hubs, fire safety, the impact of the new legislations, difference between betterment and requirements, a guidance document, good conduct across hubs.

With the register of safe buildings, all safety defects (i.e., timber balconies, internal issues) would be addressed, not only cladding. There were various aspects to the SBA namely external cladding, and all issues falling under the Fire Safety Assessment (which will identify other issues like fire doors). The SBA process will investigate the key safety defects (combustible fixtures, fixed parts, etc.) and determine who would be responsible for each element.

[Redacted] pointed out that there was a commercial aspect to the Register of Safe Buildings, that it should pay for itself. The information was of a commercial value and had to be built to market needs. It was envisaged to adopt a functionally useful digital approach and develop this to be accessible to all relevant parties. [Redacted] emphasized a single point of reference for key data elements (start and end dates; etc.), which would be useful to lenders and valuers.

[Redacted] mentioned in the chat that he had met with the Law Commission recently as they are working on building audits legislation and that they wished to meet the cladding remediation team to discuss the register. [Redacted] will investigate this.

SG said that they would take up the issue of the risk of Electric Car charging points in car parks under AOB. SG then said that the Team will be going forward with the Accord, and that they will inform the Group once the Accord was signed.

6. Overview of UK Government progress (PII, UKF work, BSA, Recovery Unit, funding, Political situation)

▪ *Political Situation*

SG pointed out that Greg Clark had stepped in to replace Michael Gove as Secretary of State, and that Lord Greenhalgh had resigned.

[Redacted] said that with the PM moving on, there will be a hiatus period, there was a risk of ripple effects over the 4 nations, the UK pledge had not gone to the contract stage yet.

- [Redacted] also mentioned a joint letter with the **Welsh** counterpart, informing the sector that they were jointly carrying on with their work on cladding.

▪ *PII*

SG said that work was continuing with the PII and that it may be launched in autumn.

[Redacted] mentioned the expansion of the PII was due to launch around September.

[Redacted] highlighted that the PII team will cease to exist at launch. The PII scheme is expected to cover only parts of the SBA process.

It was pointed out that the launching was too close for the PII team to go back and redesign the scheme to address these potential deficits so the Scottish programme will need to consider carefully how any deficit plays into market supply for relevant professionals and if any mitigation is needed.

[Redacted] mentioned the publication of the Statement from industry to support the leaseholder protections within the Building Safety Act coming into force. There was a commitment on the part of lenders to sign up. [Redacted] mentioned the Building Safety Act, self-remediation by developers, medium rise, the Building Safety Fund, the RICS element in the statement, work done in the new valuation framework, etc. The statement had been signed by a number of bodies. There was the hope that [Redacted] will be coming on board (this is in relation to the industry statement which was mentioned earlier.

[Redacted] also stated that the lenders would come on board and sign up to that statement). All this was welcomed by Greg Clark, Secretary of State.

[Redacted] continued by emphasizing the major focus of UK Finance in the English context was the partnership with developers (this is related to the need for us to see progress by the [Redacted] then signing developer contracts for self-remediation) and asked whether the team was thinking of having the equivalent in Scotland.

• **Action 12/02: The Accord**

SG thanked [Redacted] and said the priority was to put the Accord in place and then the team would pick up with [Redacted] in the coming weeks.

▪ *Recovery Unit*

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SG informed the Group that the team had been having regular catch ups with DLUHC, the Welsh and Northern Ireland governments. DLUHC were standing up a unit to pursue developers and other bodies who had a legally pursuable responsibility, primarily those who were subject to Contribution Orders or Remediation Orders under the new Act.

[Redacted] highlighted that our understanding of this is that it will intervene to set examples in the first instance to send clear messages about enforcement, rather than attempt to chase all parties.

[Redacted] pointed out that the Cabinet Secretary had agreed that the team would use all the tools available. This could include an equivalent Recovery Unit approach as well as options for raising revenue to part-fund the programme drawing on measures in England such as the Building Safety Levy. The plan was to raise money in that space for the program and [Redacted] said he would be discussing with the group to find ways to do that.

[Redacted] asked whether it was known at what level the England-based levy was. DLUHC had not shared that yet.

7. AOB

- ***Risks associated to electric car charging points in car parks***

[Redacted] referred to the email he had sent regarding the impact on an SBA assessment assessing a building as High or Low Risk of car parks under buildings with or without Electric Vehicles parked and EV charging points.

He then pointed out that this had become a real issue and whether this will be included/identified as a risk in the SBA report.

[Redacted] said the car itself was the issue and building regulations must address this. The customer had to be aware of the risk.

SG explained they did not have a definitive position regarding this issue for now but that they were aware. SG also pointed out that, in the future, it will not be allowed to purchase petrol/diesel cars, only electric cars, and was wondering whether electric cars posed higher risks than petrol or diesel cars.

[Redacted] underlined this was not a new issue, there has always been car parks under blocks. It will now be a case of vehicles batteries ignition and was a building management issue to a certain degree.

[Redacted] pointed out that electrical cars in car parks can catch fire and that there were difficulties in the severity of the fire and firefighting methods.

SG said they were not being complacent about this. Issues will be addressed. The team will come back regarding this.

- ***Communications and Engagement***

SG informed attendees that (1) [Redacted] had been appointed Communications Manager and was currently focusing on the Accord. This would change in the weeks

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ahead depending on how the Accord process unfolds. (2) a bid had been put forward to recruit several posts to bring more capacity to the Cladding Team and recruitment was underway.

- **Action 12/03: Communications and Engagement.**

SG asked that the priority be to take forward communication with [Redacted] members, that a note be prepared together with [Redacted], to be shared with the group more generally.

- **Action 12/04: Disclosure of facts around SBAs**

SG said this was a significant issue, requested that this brought back to the group and that it be put as a main item on the agenda at the next meeting.

[Redacted] was in favour of disclosure to the buyer as earlier as possible of the purchase journey. [Redacted] also supported the view to provide the more information possible from a lending perspective. [Redacted] mentioned factors faced with questions and raised the legal aspect. [Redacted] said there were limitations to what was disclosed to them as lawyers. [Redacted] referred to the home report.

- ***RICS Course***

SG requested an update as regards the RICS course.

[Redacted] reported that there were 1,300 people registered on the course, and 78 had successfully completed the course. [Redacted] was hopeful to come close to the target of 2000 of DLUHC.

- **Action 12/05: RICS Course**

SG asked how many people had completed the course and were working in Scotland. [Redacted] (RICS) will find out and come back with the information.

SG thanked attendees for having joined the meeting and invited them to contact the team should they wish to do so. SG also pointed out that both notes of the last two meetings will be circulated to the group, and that he was looking forward to meeting group members at the forthcoming meeting on 17th August.

Cladding Stakeholder Group: Paper 13/01

17 August 2022, 11.00 – 12.30

Agenda

1. Welcome and introductions
2. Note of previous meeting, matters arising and actions
3. Open Roundtable:
 - a. Consent and disclosure of facts
 - b. Homeowner Assistance
 - c. Funding the Programme
4. Any other business
5. Date of next meeting 21 September 2022

Integrity



Inclusivity



Innovation



Collaboration



Kindness



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Apologies

Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Royal Institution of Chartered Surveyors	[Redacted]
Local Authority Building Standards Scotland	[Redacted]
Director for Local Government and Housing	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Building Societies Association	[Redacted]
Building Societies Association	[Redacted]
Scottish Fire and Rescue Service	[Redacted]
Law Society of Scotland	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Property Managers Association Scotland	[Redacted]
Scottish Government – BSD, Cladding Remediation Unit	[Redacted]
Scottish Government - Chief Surveyor	[Redacted]
Scottish Government – Property and Construction Division	[Redacted]
Law Society of Scotland	[Redacted]
Royal Institution of Chartered Surveyors	[Redacted]
Chartered Institute of Building	[Redacted]
Royal Institution of Chartered Surveyors	[Redacted]
Homes for Scotland	[Redacted]

Prepared by	[Redacted]	Date: 23/08/2022
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Agenda

10. Welcome and introductions
11. Note of previous meeting, matters arising and actions
12. Open Roundtable:
 - a. Consent and disclosure of facts
 - b. Homeowner Assistance
 - c. Funding the Programme
13. Any other business

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1. Welcome and introductions

SG thanked attendees for joining the meeting and listed the apologies. SG then welcomed [Redacted], Chartered Institute of Building. SG thanked [Redacted] for joining the group.

2. Note of previous meeting, matters arising and actions

Corrections were made by [Redacted] to the notes of the previous meeting on 2 points under item 6 (political Situation) :

- **There was the hope that [Redacted] will be coming on board** (this is in relation to the industry statement which was mentioned earlier. [Redacted] also stated that the lenders would come on board and sign up to that statement).
- **[Redacted] continued by emphasizing the major focus of UK Finance in the English context was the partnership with developers** (this is related to the need for us to see progress by the [Redacted] then signing developer contracts for self-remediation)

3. Open Roundtable

▪ **Consent and Disclosure of Facts:**

[Redacted] advised of the 26 building original pilot:

- 2 are 'dormant' though we are still waiting for a meeting with one to discuss how to move forward.
- We are moving a number of buildings onto Pathway 2 once consent is confirmed
- 2 buildings have previously been assessed out with the pilot but the surveyor is bringing the assessment to SBA standard
- We have 7 in various stages of review from looking at original tender to finalising SBA
- We hope to begin remediation on at least 2 'orphan' buildings in this fiscal year.
- In terms of grants, we have given out 11 grants, totalling £355,250.

▪ **Homeowner Assistance:**

[Redacted] briefed the group on homeowners assistance and how do we fund this programme which can be reflected in the status update that was given by [Redacted].

[Redacted] requested opinions from stakeholders around consent and disclosure of facts. Referring to the first cladding stakeholder meeting held in May, these points were raised and it was understood that since the Scottish government is paying, therefore the data is owned by home owners and held by the Scottish government in compliance with GDPR. However with the grant funding models that was being implemented, all the work was being commissioned by the homeowners associations as well as being commissioned through property factors. In reality, the Scottish Government was providing arm's length funding and so we did not actually have rights to own the detailed data on a consent basis, and data is held for processing purposes in compliance with GDPR rules.

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The data belonged to the homeowners and all we were doing was providing funding to support them in facilitating resolution to the issues that were being faced.

[Redacted] pointed out that what has become a pattern is that in the last few years, the challenge has been that homeowners themselves as well as property factors have really struggled to access the market. The market itself hasn't been able to meet the increasing demand from homeowners. So as a result, Scottish Government has now, as part of pathway 2, decided to step in and directly commission SBAs.

From the above perspective, [Redacted] asked the questions: what are your needs and concerns about consent, and around data sharing. In addition, how do we factor these in to how we evolve this programme?

[Redacted] responded that his issue was discussed at the last meeting in July. As far back as when the SBA was put together, it was envisaged that it will be the Scottish Government that commissioned and essentially held ownership.

The viewpoint above sits with that original vision which the owners are happy about. Although, the owners concern has been about information getting out which could blight their properties and we have been down that route various times.

At the last meeting in July, we talked about requests being made from the prospective of owners about whether or not, there is an SBA underway, and this is an issue that is still a real concern.

[Redacted] added to some of the point raised by [Redacted] above, since the early days of the programme, there have been discussions that we should be taking note of all market views, especially the view that supports the end to end purchase process. In that respect, there will be benefits in making information available publicly on a central or government supported platform or on the FIA portal, to create information about buildings that are subject to remediation.

The general view is that information should be available across the whole purchase process, not only to lenders, but also to valuers, insurers, property centre, solicitors, and to the buyers and sellers because in that way, there will be maximum transparency across the market and there will be assurance that a building is going to be remediated.

[Redacted] raised some issues/questions in relation to [Redacted] viewpoints on timescale such as the start and finish dates for contractors. Also issues around transparency, that is If the information is available, would there be some thought that it may be copied into the homes report of the sales going ahead?

[Redacted] also raised whether or not data would be written down and stored for transparency purpose as this will give instant access which is likely to speed up the process

OFFICIAL

[Redacted] picked up on the issue of timescale and that one of the major concern since the start of the process of the SBA, is that information is going out into the public domain at the point that data is released. How much certainty is there regarding timescales. There needs to be clarity about the information that is being released and how verified the data is at the point it was released

[Redacted] responded that there is the understanding that providing start dates and end dates, probably isn't going to be particularly easy because these will become apparent in the later stages of the process.

SG asks [Redacted] and [Redacted] a question that if a building enters into the SBA process and we have a means of communicating that information, is that sufficient at that point for their purpose?

[Redacted] responded that a building going into the SBA process is a good thing, but there is the need to have some inputs from the assessments to understand the significance of issues that are affecting the building that might in turn affect the property values. So starting the process is a good thing, but there is more interest in the outcome of the assessment.

Home Reports:

[Redacted] directed another question to [Redacted] and [Redacted] in relation to the idea of the commitment from the stakeholders that when a property that has cladding issues is valued, is it a value based on the current condition or the market rate once it's remediated?

[Redacted] responded that at the moment, work to develop an evaluation framework that takes account of the legislative changes in the south and they are mindful that it will also have to take account of the position in the other areas as well, but essentially, what they are trying to do is to get to a position where it can provide an accurate market value, but this might be later in the future when a building is actually fixed.

14.AOB

▪ ***Risks associated to electric car charging points in car parks***

SG directed his question to [Redacted] in regards to car park issue that was discussed at the last meeting. With SBA having both the external wall appraisal and the genetic fire safety risk assessment, car park would inevitably come into it but will a car park that is not attached to the building have a fundamental impact on the cladding?

[Redacted] responded that the review on car park is with the SG and it is awaiting some steer from government.

The High Rise Scotland Action Group have begun a survey of people in flats with questions such as: "do you know if you've got an SBA?"

So far, there has been some responses. The cut-off date of the survey, is 5 September but there are still some developments who don't know whether they've got an SBA or not.

[Redacted] informed the meeting that we are currently awaiting the Financial Conduct Authority publication of inquiry into insurance and cladding. The publication will not be released as expected today but we are hoping it will be released later this week. As and when it is released, [Redacted] will share it with the people in this group for discussion in the next meeting

[Redacted] referred to the email he had sent regarding the impact on an SBA assessment assessing a building as High or Low Risk of car parks under buildings with or without Electric Vehicles parked and EV charging points.

He then pointed out that this had become a real issue and whether this will be included/identified as a risk in the SBA report.

[Redacted] said the car itself was the issue and building regulations must address this. The customer had to be aware of the risk.

SG explained they did not have a definitive position regarding this issue for now but that they were aware. SG also pointed out that, in the future, it will not be allowed to purchase petrol/diesel cars, only electric cars, and was wondering whether electric cars posed higher risks than petrol or diesel cars.

[Redacted] underlined this was not a new issue, there has always been car parks under blocks. It will now be a case of vehicles batteries ignition and was a building management issue to a certain degree.

[Redacted] pointed out that electrical cars in car parks can catch fire and that there were difficulties in the severity of the fire and firefighting methods.

SG said they were not being complacent about this. Issues will be addressed. The team will come back regarding this.

▪ ***Communications and Engagement***

SG informed attendees that (1) [Redacted] had been appointed Communications Manager and was currently focusing on the Accord. This would change in the weeks ahead depending on how the Accord process unfolds. (2) a bid had been put forward to recruit several posts to bring more capacity to the Cladding Team and recruitment was underway.

SG thanked attendees for having joined the meeting and invited them to contact the team should they wish to do so. SG also pointed out that the notes of the meeting will be circulated to the group.

INDEPENDENT ASSURANCE

PROGRAMME: Cladding Remediation

Gateway Review 0
(Strategic Assessment)

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Report Status:	FINAL
Date/s of Review	18/10/2021 to 20/10/2021
Senior Responsible Owner (SRO):	Stephen Garvin
Draft report issued to SRO	20/10/2021
Final report issued to SRO and copied to PPPA:	27/10/2021
Delivery Confidence Assessment (DCA):	AMBER
Accountable Officer:	Sean Neill
Scottish Government's (SG) Portfolio Accountable Officer:	«Insert Name»
Investment Decision Maker:	«Insert Name»

This report is an evidence-based snapshot of the project's status at the time of the review. It reflects the views of the independent review team, based on information evaluated over the review period, and is delivered to the SRO immediately at the conclusion of the review.

Gateway Review Conclusion

<u>Delivery Confidence Assessment (DCA):</u>	AMBER
<p>The DCA of Amber reflects the Review Team’s assessment that whilst the key findings of the Ministerial working groups have been reflected in the planning and actions of the programme, significant issues already exist that will require management attention to mitigate the risks to progressing the enablement of property transactions in a manner that maintains the primary aim of the safety of people, whilst enabling people to buy, sell and re-mortgage properties in buildings with external wall cladding.</p> <p>The Review Team acknowledges and endorses the strategic approach to place primacy on the safety of people. However, the Review Team finds that there needs to be increased focus on the actions needed to enable property transactions in a manner which supports the delivery of the primary objectives.</p> <p>The Review Team acknowledges that the approach planned can ensure that the primary aim is maintained through the implementation of Single Building Assessment. The data gathered through this process will support both improvements to the safety of people and the implementation of processes that can lead to the enablement of property transactions.</p> <p>A key finding of this review is that there is now a potential for confusion of scope, between, what we consider to be, strategic programme level aims and the need to develop required short-term approach to enabling transactions and remediating the buildings blighted by the cladding issues. The initial assessment is that there are 780 buildings over 18m with cladding. These need urgent action to categorise and assess for remediation. The Review Team considers that there is a need to define a project with the explicit aim of assessing buildings which can be ‘Green-Lighted’.</p> <p>Good work has been done with stakeholders and all are positively engaged, though all have differing objectives.</p> <p>It is not clear to the Review Team what the success criteria are and what measures will be used to agree progress. The timescale set out, following the election, in the ‘first 100 day’s’ plan, as stated that the process of Single Building Assessment surveys would be commenced. Whilst this has driven the focus of the programme and can be seen to be successful, the Review Team considers the activities and progress to date to reflect a feasibility study which has gone some way to scope the size of the problem. The programme should now be baselined and scoped and we make recommendations to support the programme to this end.</p> <p>The current Governance and organisational location for the programme is suited to the development of the SBA as this relates to Building Standards, however, the</p>	

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governance of an operational delivery project, which is what is required for delivering a rapid set of assessments needs to be within an operationally focussed management structure.

The delivery of a package of remediation measures is contingent on the stakeholder community agreeing the parameters for insurance and lending to be secured. At present there is no resolution to the inability of RICS surveyors and Fire Engineers to secure Professional Indemnity Insurance for the SBA and EWS1 surveys. This is a blocker to further progress.

The Delivery Confidence Assessment RAG status should use the definitions below.

RAG	<u>Criteria Description</u>
Green	Successful delivery of the project to time, cost and quality appears highly likely and there are no major outstanding issues that at this stage appear to threaten delivery.
Amber/Green	Successful delivery appears probable. However, constant attention will be needed to ensure risks do not materialise into major issues threatening delivery.
Amber	Successful delivery appears feasible but significant issues already exist requiring management attention. These appear resolvable at this stage and, if addressed promptly, should not present a cost/schedule overrun.
Amber/Red	Successful delivery of the project is in doubt with major risks or issues apparent in a number of key areas. Urgent action is needed to ensure these are addressed, and establish whether resolution is feasible.
Red	Successful delivery of the project appears to be unachievable. There are major issues which, at this stage, do not appear to be manageable or resolvable. The project may need re-base lining and/or overall viability re-assessed.

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Summary of Report Recommendations

A summary of the report recommendations are as follows :

Ref. No.	Report section	Recommendation	Status	Aligned with SG PPM Principle	Aligned with profession
1.	1	Define outcomes and measures of success for the Programme.	C.	Business case	Policy
2.	2	The SRO should determine the means required to support the Minister in discussions with the UK Government on the Professional Indemnity Insurance issues.	C.	Approach	Risk
3.	3	The Head of Cladding and Remediation Unit undertakes an exercise to baseline the programme and associated projects at the activity based level required to support PPM and agrees this with the Programme Board.	C.	Planning	Project Delivery
4.	3	The Head of Cladding and Remediation Unit should develop a Project Initiation Document for enabling buying selling and re-mortgaging. The objectives and deliverables should be confirmed to aligned with and underpin the programme level aims on the safety of people.	C.	Roles and responsibilities	Project Delivery
5.	3	The Head of Cladding and Remediation Unit should develop and implement a pipeline management process to support the ‘Green-Lighting’ of properties and buildings	C.	Approach	Project Delivery
6.	4	The RAID log is developed and populated in a series of workshops with stakeholders.	E.	Risk	Risk
7	4	Assumptions are documented and agreed and contingency plans agreed.	E	Risk	Risk

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Each recommendation has been given Critical, Essential or Recommended status.

The definition of each status is as follows:

Critical (Do Now) – To increase the likelihood of a successful outcome it is of the greatest importance that the project should take action immediately.

Essential (Do By) – To increase the likelihood of a successful outcome the project should take action in the near future.

Recommended – The Project should benefit from the uptake of this recommendation.

Each recommendation has been aligned with one of the SG's PPM Principles and the SG Head of Profession.

Annex A lists the principles.

ACTION PLAN - You must within three weeks of the final report provide your intended actions for addressing each recommendation. You should then share it with the relevant SG's Accountable Officer and copy it to the SG's Portfolio, Programme and Project Assurance Hub (PPPA). Thereafter, you are responsible for implementing the actions in response to the recommendations. If the review has identified serious deficiencies or difficulties (including probable failure to meet the planned budget) within the programme the Accountable Officer should inform the relevant Minister/s.

Purpose of the Gateway Review

Annex B gives the full purposes statement for a Gateway Review 0.

Acknowledgement

The Review Team would like to thank the SRO, Stephen Garvin, the Programme Team and all interviewees for their support and openness, which contributed to the Review Team's understanding of the project and the outcome of this review. **Annex C** lists the people who were interviewed during the review.

Background

Aims of the programme:

1. Implement the Single Building Assessment (SBA) as a standard across Scotland for assessing the Cladding and Fire risks for buildings across Scotland, as set out by the Ministerial Working Group on mortgage lending and cladding

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2. Create an inventory of buildings across Scotland affected by unsafe cladding including a list of safe buildings that have been classified as safe or buildings where remediation work has been completed.
3. Utilise the Cladding Remediation Fund to support the roll out of the SBA Programme and to provide a financial contribution to the remediation and/or mitigation of buildings identified as being at most risk.

Driving force for the programme:

- The Scottish Government received £97.1m in Barnett consequentials following the UK Government's announcement in March 2020. Ministers announced that this will be made available in full for the Single Building Assessments and to support urgent remediation work that these identify.

Procurement/delivery status:

- The Cladding Remediation Unit with its current complement aims to deliver a grant funding programme to approximately 800 high rise (above 18m) buildings and an estimated 10,000 low rise (11-18m) buildings across Scotland.
- The £97.1m fund will be used to deliver building assessments and provide some support for remediation on a grant funding basis.
- With no delivery partner and no contract in place the 7.27 FTE staff within the unit will deliver tailored support to the public on a building by building basis.
- Based on the above information the timescales for delivery will be 5 years for assessing (not including remediation) the 780 high rise buildings and low rise buildings, assuming that:
 - the number of fire engineers remains static
 - the number of qualified fire risk surveyors is 50
 - each building will take 1 week to assess
 - and the Cladding Unit resources remain static.

Current position regarding previous assurance reviews:

- A previous assurance review was conducted to support the review of outcomes from the Ministerial Working Group and was focused on the drivers for setting up the programme.

Review Team findings and recommendations

1. Policy and business context

The report issued by the Ministerial Working Group on Mortgage Lending and Cladding in March 2021 clearly sets out the need to address the difficulties faced by individuals and families who live in flatted residential properties in buildings that have external wall cladding when they try to buy, sell or re-mortgage these properties.

The difficulties have arisen because of the safety concerns arising from the tragic incident at Grenfell Tower in 2017 which have not only generated real safety concerns for residents, but also, due to the issues of securing lending, valuations and insurance, there is a consequential inability to transact to buy, sell or re-mortgage their properties. Accordingly, the Review Team acknowledge that progressing the findings of the report is wholly consistent with government policy, a positioning which was confirmed with reference to commencing the process of Single Building Assessments (SBA) in the 'first 100 days' document following elections in Scotland in May 2021.

The importance of delivering against both the need for the remediation of properties and the affected properties and also enabling the ability to buy, sell and re-mortgage properties also reflects the priorities of the UK Government. Financial services, including insurance are matters reserved to UK Government and as a result, there has been discussions and joint planning with the UK Government on the actions required to support homeowners, leading to the availability of funding to support the initiatives.

The Review Team acknowledges the holistic approach taken by Scottish Government in bringing forward the need for SBAs which will address the issues specific to Scotland generated where flatted buildings in Scotland have multiple ownership. The strategic approach will lead to identifying and addressing a whole range or safety issues that impact the buildings, rather than just those directly related to cladding.

The Review Team comment elsewhere in this report on the urgency behind the initiative has led to the team moving from policy direct to delivering the commencement of undertaking of SBAs without the normal level of mobilisation and planning. This is an issue that must be corrected if the policy and delivery aims are to be successfully delivered.

The MWG Report identified 7 key stages but did not develop outcomes or means of delivery or the measurement of progress or success of any associated programme. That now needs to be done with some urgency.

Recommendation 1: Define outcomes and measures of success for the Programme CRITICAL

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2. Business case and stakeholders

The Programme Team have brought forward a Business Case for the Cladding Remediation Programme. The document is at Final Draft stage and closely reflects the aims and challenges set out in the MWG on Mortgage Lending and Cladding. The Review Team considers that the document meets the need to set out the policy drivers and an outline of the outcomes sought. The Review Team acknowledges that the format is consistent with the best practice of the Treasury 5-case model and this provides confidence that there is experience within the team to progress the further development of the document.

The Review Team heard through interviews that the urgency placed on commencing SBAs has led straight to a limited level of delivery without the appropriate planning and preparation for a programme of this scope and value. The Review Team acknowledges the pressures that have caused this approach and agree with the views we heard that as the programme enters the next phase there will be a need for appropriate planning to be undertaken, which will be a pre-requisite for the Business Case to be developed from an Outline Business Case into a Final Business Case.

The Review Team emphasises that the experience of many initiatives that have continued to progress with delivery without appropriate planning demonstrates their vulnerability to common causes of failure. The Review Team found evidence that potentially significant issues are already emerging due to a lack of clarity regarding programme and project level outcomes. We suggest that consideration is given to the programme undertaking a further independent assurance review at a point when there has been sufficient progress on planning to baseline the programme and inform the further development of the Business Case to progress.

Stakeholders

Key stakeholders include, Surveyors, Fire Safety Engineers, Lenders, Home Owners, Developers and the Insurance Industry. All are represented on the Programme Board. The Review Team found that stakeholders were engaged and informing the programme. Stakeholders represent industry and community groups. All stakeholders want to make progress however, progress is stalled by the inability of surveyors and Fire Safety Engineers to obtain Professional Indemnity Insurance (PII) to cover their work.

Insurance cover has become a blocker to progress on all fronts as not only is PII an issue, the insurers will not insure some high rise buildings with exceptional cladding and insulation risks. The Review Team heard that there are announcements to be made by the UK Government to help resolve the blocker. Until this blocker is removed it is unlikely that any progress to scope the problem or to move on, will be made. The Programme would best be served by Scottish Government working with the UK Government at a Ministerial level to drive resolution of this blocker.

The stakeholders have different requirements from the process: the lenders want to be sure that their loans are secured against building loss, owners want to be able to re-mortgage and insurers want to have more ability to evaluate the risk.

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At present there is an inability to agree the role and purpose of the SBA, or EWS1, by the insurance sector. Although the insurance sector is made up of many diverse players with differing risk appetites, it should not be beyond all players to agree the factual basis and state of a building on which risk can then be calculated, thus allowing for different views on the size of the risk and the appetite. This is what happens in other insurance sectors, e.g. holiday insurance and hazardous sports. The approach the Review Team would suggest is that of conflict resolution: first agree what everyone agrees on and then work through the disagreements until some middle ground can be reached.

Recommendation 2: The SRO should determine the means required to support the Minister in discussions with the UK Government in the Indemnity Insurance issues. CRITICAL

3. Management of intended outcomes

The key finding of this Gateway 0 review is that there needs to be clarity and stakeholder agreement on the intended outcomes at both the programme and project level, and whilst these must be appropriately aligned to ensure no compromise with the bigger picture focus on the safety of people, they should be capable of being progressed separately and managed against the achievement of pre-determined success criteria.

The Review Team acknowledges and commends the strategic approach being taken through the SBA process, that will lead to identifying and addressing a whole range or safety issues that impact the buildings and the safety of people, rather than just those directly related to cladding.

The concern for the Review Team is the need to be able to progress the management of intended outcomes at the 'programme level', whilst in parallel providing an appropriate focus on project level challenges that led to the establishment of the MWG on Mortgage Lending and Cladding – *'to enable people to buy, sell and remortgage properties and buildings with external wall cladding'*.

To achieve that enablement will undoubtedly need the SBA process to be further developed and for the conditions, including delivery and funding models, required for assessments to undertaken to be established. Further, there will be a need for 'known issues', such as those associated to the market for professional indemnity insurance to be progressed, the Review Team also share the concerns we heard expressed with regard to the progression of SBAs being through responses to Expressions of Interest.

The Review Team are concerned that the current approach is characterised by being reactive to known issues and a level of over-dependency on already identified solutions, e.g. the state-backed scheme regarding indemnity insurance. The Review Team considers that the current approach will unnecessarily limit the pace and number of properties and buildings where property transactions could progress, whilst also delivering against the broader focus of safety of people.

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The MWG on Motgaging and Cladding report sets out a summary routemap containing 7 steps to resolving the current issues. The Review Team acknowledges that these are well-considered and recommends that the need is for them to be reflected in a delivery management approach under Programme and Project Management (PPM) controls that will lead to optimum progress in the undertaking of SBAs and securing 'Green Light' status for property transactions. Together these conditions will provide appropriate confidence in progress and improve the quality and certainty of communications to all stakeholders.

- The Review Team recommends that a project level focus is established regarding a 'pipeline management' approach that would secure, amongst other controls:
 - The placing of the current, circa 780, buildings within scope under change control to contain scope creep
 - Determine appropriate categorisation that reflects a tiered level of challenge towards achieving Green-Light status
 - Identifies requirements, conditions and actions to progress each category to achieve Green-Light
 - Informs the priorities for stakeholder action and funding.

Such a pipeline management approach, under appropriate governance to ensure alignment with the strategic priority of the safety of people, will support effective management reporting and decision making.

The Review Team do not consider that the adoption of such a pipeline management approach will be a significant challenge for the programme. Action has been taken recently to secure resources that are experienced in working within programmes that have adopted such approaches and enjoys the support of key stakeholders who are particularly well placed to provide a conduit between the project/programme to inform on the conditions required to support categorisation of properties within the 'GreenLight' pipeline.

Recommendation 3: The Head of Cladding and Remediation Unit undertakes an exercise to baseline the programme and associated projects at the activity based level required to support PPM and agrees this with the Programme Board.

Recommendation 4: The Head of Cladding and Remediation Unit should develop a Project Initiation Document for enabling buying selling and re-mortgaging. The objectives and deliverables should be confirmed to be aligned with and underpin the programme level aims on the safety of people.

Recommendation 5: The Head of Cladding and Remediation Unit should develop and implement a pipeline management process to support the 'Green Lighting' of properties and buildings

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4. Risk Management

The Review Team saw a RAID log, however, this was sparsely populated. This needs completing with some urgency. The formal definition of risks is those things which could impact the programme but which are outside the control of the programme and therefore they need to be mitigated.

The programme has a number of key assumptions, for example, surveys can be done in sufficient time and to a suitable quality, which need to be documented and agreed. It is important to realise, that once the assumptions change, or prove to be invalid, not only do the risks change but the programme needs to be re-baselined.

As part of risk management, contingency plans need to be developed now and enacted when risks materialise. The Review Team consider that contingency plans should be developed.

The key risk to the programme is the inability of stakeholders to agree the basis of assessing risk to buildings and the ability of the surveyors and Fire Engineers to obtain PII.

Recommendation 6: the RAID log is developed and populated in a series of workshops with stakeholders. ESSENTIAL by end of Baselining of programme

Recommendation 7: Assumptions are documented and agreed and contingency plans agreed. ESSENTIAL By baselining of programme.

5. Review of current outcomes

The programme has been focussed upon agreeing a SBA to overcome the complexities of Scottish Property Law relating to multiple ownership buildings. There exists an EWS1 form adopted by RICS and agreed with lenders to assess the risks associated with cladding which is in use throughout the UK where co-ownership of blocks of flats does not exist. The SBA is a wider assessment than the EWS1 and goes into the wider aspects of fire safety.

The Programme was set-up with a Ministerial commitment to a '100 days' target for commencement of delivery of the SBA and remediation. This timescale was clearly heroic and an impossible timescale to achieve.

The Review Team were told that there are 780 buildings over 18m. These should be treated as a priority at this stage. A pilot approach has been adopted to test the market and to establish some base data to enable the problem to be structured. Expressions of interest from management groups/owners of buildings over 18m high have been received from 123 buildings/owners whittled down to 25 parties for the pilot.

The Programme Team have worked well and managed to get real collaboration amongst the key stakeholders.

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The key block to progress, as identified earlier in the report, is the inability of the inspection community (Fire Engineers and RCIS Surveyors) to get PII and therefore at present it is not possible to commission surveys to establish the risk profile of the at-risk buildings. Without the ability to commission surveys progress is unlikely. There is a further problem in the inability of factors and owners to get insurance cover for buildings.

There is a need now to restructure and re-baseline the programme, as identified earlier and to separate the strategic from the urgent operational issues.

6. Readiness for next phase – delivery of outcomes

To progress to the next stage, the programme needs to be redefined and rescoped. Outcomes need to be defined, deliverables and a realistic timescale agreed for delivery. Stages of delivery and appropriate outcomes for each must be defined and agreed as identified in the sections earlier.

The whole issue of remediation and removing uncertainty and worry for flat dwellers is now at a crisis stage with the public calls for action becoming louder. A crisis management approach to tackling the 780 buildings over 18m now needs to be adopted and the project to tackle the remediation separated from the SBA programme and being vested in an operational organisational setting.

Previous Gateway Review Recommendations

No previous gateway Review has taken place.

Next Independent Assurance Review

Approaching end of financial year, March 2022.

Distribution of the Gateway Review Report

The contents of this report are confidential to the SRO and their representative/s. It is for the SRO to consider when and to whom they wish to make the report (or part thereof) available, and whether they would wish to be consulted before recipients of the report share its contents (or part thereof) with others.

The Review Team Members will not retain copies of the report nor discuss its content or conclusions with others.

A copy of the report is lodged with the PPPA so that it can identify and share the generic lessons from Independent Assurance Reviews. The PPPA will copy a summary of the report recommendations to the SG's Accountable Officer, and where appropriate, to the Organisation's Accountable Officer where the review has been conducted on behalf of one of the SG's Agencies, NDPBs or Health Sector organisations.

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The PPA will provide a copy of the report to Review Team Members involved in any subsequent review as part of the preparatory documentation needed for Planning Meetings.

Any other request for copies of the Gateway Report will be directed to the SRO.

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ANNEX A

Scottish Government - Programme and Project Management Principles

1. Approach

- Our approach to managing programmes and projects is proportionate, effective and consistent with recognised good practice.

2. Business Case

- We secure a mandate for our work; identify, record and evaluate our objectives and options for meeting them; and ensure that we secure and maintain management commitment to our selected approach.

3. Roles and Responsibilities

- We assign clear roles and responsibilities to appropriately skilled and experienced people and ensure their levels of delegated authority are clearly defined.

4. Benefits

- We record the benefits we seek, draw up a plan to deliver them and evaluate our success.

5. Risk

- We identify, understand, record and manage risks that could affect the delivery of benefits.

6. Planning

- We develop a plan showing when our objectives will be met and the steps towards achieving them, including appropriate assurance and review activities, and re-plan as necessary.

7. Resource Management

- We identify the financial and other resources, inside and outside the organisation, required to meet our objectives.

8. Stakeholder Management

- We identify those affected by our work and engage them throughout the process from planning to delivery.

9. Transition

- We ensure that the transition to business as usual maximises benefits and that operational delivery is efficient and effective.

10. Lessons

- We record lessons from our programmes and projects and share them with others so they may learn from our experience.

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ANNEX B

Purposes of the Gateway Review 0: Strategic Assessment

Gateway Review 0 Strategic Assessment is a programme-only Review that sets the programme in the wider policy or corporate context. This Review investigates the direction and planned outcomes of the programme, together with the progress of its constituent projects.

It can be applied to any type of programme, including policy and organisational change. The Review is repeated throughout the life of the programme from start-up to closure; an early Gateway Review 0 is particularly valuable in that it helps to confirm that the way forward is achievable, before plans have been finalised.

- Review the outcomes and objectives for the programme (and the way they fit together) and confirm that they make the necessary contribution to the overall strategy of the organisation and its senior management
- Ensure that the programme is supported by key stakeholders
- Confirm that the programme's potential to succeed has been considered in the wider context of Government policy and procurement objectives, the organisation's delivery plans and change programmes, and any interdependencies with other programmes or projects in the organisation's portfolio and, where relevant, those of other organisations
- Review the arrangements for leading, managing and monitoring the programme as a whole and the links to individual parts of it (for example to any existing projects in the programme's portfolio)
- Review the arrangements for identifying and managing the main programme risks (and the individual project risks), including external risks such as changing business priorities
- Check that provision for financial and other resources has been made for the programme (initially identified at programme initiation and committed later) and that plans for the work to be done through to the next stage are realistic, properly resourced with sufficient people of appropriate experience, and authorised
- After the initial Review, check progress against plans and the expected achievement of outcomes
- Check that there is engagement with the market as appropriate on the feasibility of achieving the required outcome
- Where relevant, check that the programme takes account of joining up with other programmes, internal and external
- Evaluation of actions taken to implement recommendations made in any earlier assessment of deliverability.

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ANNEX C

Review Team:

Review Team Leader:	[Redacted]
Review Team Member:	[Redacted]
Review Team Member:	

List of Interviewees:

The following stakeholders were interviewed during the review:

«Add or delete rows as required»

External Stakeholders

Name	Organisation/Role
[Redacted]	Association of British Insurers
[Redacted]	Royal Institute of Chartered Surveyors
[Redacted]	Institution of Fire Engineers
[Redacted]	UK Finance
[Redacted]	Homes for Scotland
[Redacted]	UK Finance/Nationwide

Internal Stakeholders

[Redacted]	Head of Cladding Remediation Unit
[Redacted]	Cladding Technical Team Leader
[Redacted]	Cladding Policy Team Leader
Sean Neill	Director for Local Government and Communities
Stephen Garvin	SRO

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ANNEX D

Progress against previous Gateway Review «Insert review dates»
recommendations:

«Add or delete rows as required»

Ref No.	Recommendation	Progress/Status
1.		
2.		
3.		
4.		
5.		
6.		