

The Building (Scotland) Amendment Regulations 2022 - Section 2 (Fire) Equality impact assessment - results



Equality impact assessment - results

Title of Policy	The Building (Scotland) Amendment Regulations 2022 – Section 2 (Fire)
Summary of aims and desired outcomes of Policy	Proposed changes aim to improve fire safety for the design and construction of all buildings, in relation to external wall cladding systems, making them safer for those in and around buildings in the event of an outbreak of fire
Directorate: Division: team	Local Government and Communities Directorate: Building Standards Division: Fire Team

Executive summary

Optimal Economics was appointed by the Building Standards Division (BSD) of the Scottish Government to undertake an analysis of the responses to the public consultation on a review of building standards relating to the fire safety of external wall systems. The consultation helped inform the Building Standards (Fire Safety) Review Panel 2020/22 work in this area to ensure the safety of people in and around Scotland's buildings.

The aim of the consultation was to obtain the views and opinions of stakeholders on the proposed changes to the building standards related to the fire safety of cladding. This included targeted questioning on the impact of the proposals on different equality groups in society.

The consultation asked for comments on the impact of the proposals on particular groups of people in respect of their age, disability, gender reassignment, race, religion, sex or sexual orientation, being pregnant or on maternity leave and children's rights and wellbeing.

The impact assessment has not identified any significant different or disproportionate impact to disadvantage any one or more of the equality groups. The outcome can therefore only be considered as fair and equal to all.

Background

Scottish Building Regulations set mandatory standards for the health, safety and welfare of persons in and around buildings, furthering the conservation of fuel and power and furthering the achievement of sustainable development. These standards are supported by guidance contained in the Technical Handbooks.

Building Standards address the physical form of the built environment and the manner in which buildings are accessed and used. Accordingly, the 2020 current standards and any reviews consider the diverse needs of Scotland's population where these can be addressed within the remit of building standards legislation.

In 2018, the Building Standards (Fire Safety) Review Panel (a sub group of the Ministerial Working Group on Building and Fire Safety) recommended to Ministers that the building regulations relating to external fire spread (Standard 2.7) did not require to be amended, but it did recommend that the supporting guidance in the technical handbooks could be strengthened. Key changes were made to guidance in October 2019, including two escape stairs, lowering the height at which combustible cladding can be used from 18 m to 11 m and tightening control of combustible cladding on hospitals, residential care buildings, assembly and entertainment buildings regardless of height. In addition, a mandatory requirement to install automatic fire suppressions systems in all new build: flats and maisonettes, social housing dwellings and multi-occupied shared residential buildings with more than 6 residents was introduced on 1 March 2021.

More recently, Kevin Stewart, Minister for Local Government, Housing and Planning announced at the Local Government and Communities Committee meeting on 4 September 2020 that a panel of fire experts would be convened to consider a ban on the highest risk cladding materials through building regulations and to review the role

of the large scale fire test, BS 8414.

The Building Standards (Fire Safety) Review Panel 2020/22 was convened on 11 December 2020 and has met four times. The group, like the 2018 group, comprised representation from a variety of experts from organisations including academia, professional institutions, local authority building standards, fire testing, research and consultancy, Scottish Fire and Rescue Service and the National Health Service. The UK, Welsh, Northern Irish and Irish Governments, as well as Scottish Government officials also attend the meetings.

The final review panel meeting was held on 24 January 2022 and a Ministerial submission was submitted with policy options / considerations including timescales. The Building (Scotland) Amendment Regulations 2022 are expected to be laid in the Scottish Parliament in April with a proposed coming into force date of 1 June 2022. Supporting guidance is expected to be published in April/May.

The Scope of the EQIA

A public consultation exercise, [Building standards fire safety consultation on external wall systems](#), was undertaken from 16th July 2021 to 11th October 2021. 76 responses were received to the consultation.

This consultation primarily sought feedback on proposals to ban highly combustible metal composite material panels (similar to the type on Grenfell Tower) used in new buildings along with opinion on managing the risks of other combustible external wall cladding systems. This included the role of the large scale fire test BS 8414.

Part 5 of the consultation asked for comments on the impact of the proposals on particular groups of people in respect of their age, disability, gender reassignment, race, religion, sex or sexual orientation, being pregnant or on maternity leave and children's rights and wellbeing.

An independent consultation analysis for the on-line event by Optimal Economics was published on 17 January 2022
[Published analysis of responses to the building standards fire safety consultation on external wall systems](#)

This policy review and amendment to building regulations relates to new buildings. The policy does not apply to existing buildings other than conversions and replacement of external wall cladding systems as prescribed in the regulations.

Key Findings

The table below shows whether respondents agreed that the proposals in the consultation could impact on equality groups. The majority of responses (67%) did not consider that the proposals would have an impact on equality groups. A small proportion of respondents (9%) felt there would be an impact on equality groups and 24% of respondents were unsure.

Q5.1: Equality Impact

No.	% of those answering ⁽¹⁾
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Yes	6	9
No	47	67
Unsure	17	24
Not Answered	6	
Total	76	100

⁽¹⁾ Percentages may not sum due to rounding

The majority (67%) of respondents did not believe the proposals would have an impact on equality. Those who felt there could be an impact highlighted disabled/people with mobility issues (as possibly being affected in a positive way) and more vulnerable residents, in terms of income and wealth, of high-rise buildings as possibly being adversely affected.

Analysis has shown that the protected characteristics that may be impacted by this policy are disability (positively) and vulnerable.

The Single Building Assessment (SBA) is a current and developing Scottish Government led programme to assist with existing building situations, in regards to the same MCM material proposed to be banned for new work under this policy. The assessments will show the scale of remediation needed. The current Scottish Government expects that data from the pilot phase will allow decisions to be taken on where public funding can be used most efficiently and effectively. The Working Group recommended that funding for remediation should come from a variety of sources.

Recommendations and Conclusion

The building standards primarily addresses physical provisions relating to direct interaction with buildings and their environment. The building standards legislation and system applies to all and there is no substantial evidence to show a significant negative impact for any of the protected characteristics in relation to this policy amendment for new buildings or conversions.

Any required or potential assistance to the vulnerable of existing buildings is being addressed under separate Government considerations and policy.

This Equality assessment considers new works where the benefits of the proposed bans on highly combustible metal composite material and other combustible external wall cladding systems will benefit all users and groups of people in new or converted buildings. The policy is not retrospective and does not apply to existing buildings.

Review and/or Monitoring - continuous monitoring of the implementation of proposals is available through feedback from verifiers, designers, manufacturers, developers and property owners. These parties are in regular contact with the technical officers within BSD and the queries they raise offer a broad view of how proposals are being implemented and if intent is being achieved. They also identify areas where objectives may be unclear and allow clarification of these objectives as part on the ongoing review process. Issues raised in this manner become a matter of record and are used to inform the continued development of building standards and guidance in the future.

In line with Scottish Government policy, any implemented changes will be subject to review within 10 years of its introduction.

I confirm that the impact of applying the policy has been sufficiently assessed against the needs of the equality duty:

<i>Name and job title of a Deputy Director or equivalent</i>	<i>Date authorisation given</i>
Stephen Garvin Deputy Director Building Standards Division	04 April 2022

EQIA completed by:

Scott Young
Building Standards Division

01 April 2022



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