

The Building (Fees)(Scotland) Amendment Regulations 2025

Equality impact assessment - Record

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Minister

Paul McLennan, Minister for Housing

Lead official

Cameron Murdoch

Officials involved in the EQIA:

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Directorate – Division – Team

Directorate for Local Government and Housing: Building Standards Division:
Development Unit

Is this new policy or revision to an existing policy?

Revision to existing policy

Screening

Policy Aim

This policy will increase building warrant fees from 1 April 2025, as part of a three year model to increase fees on an annual basis. This will provide additional resources to local authority verifiers to facilitate changes to improve and strengthen the building standards system in Scotland.

Background

Following the fire at Grenfell Tower in 2017 and the construction failings of Edinburgh School buildings, a Ministerial Working Group was set up to review building and fire safety regulatory frameworks. The Group commissioned two Expert Review panels; Compliance and Enforcement and Fire Safety, that subsequently published their own recommendations. The Building Standards Futures Board was set up at the beginning of 2019 to provide guidance and direction on the development and implementation of the recommendations made by the Review Panels. The Verification Delivery Model was identified as an area that required strengthening, resulting in the formation of the Verification Delivery Model Working Group (DMWG) that oversees the Verification Delivery Model workstream.

Building warrant fees in Scotland were increased on 1 April 2024 through the Building (Fees) (Scotland) Amendment Regulations 2024, part of a three year model to increase fees annually, providing additional resources to verifiers to facilitate the strengthening of the system, implemented by the Building Standards Futures Board Programme. This intended increase will be year 2 of the three year model of the policy.

A proportion of the fee increase from the first year has been used to fund the Scottish Building Standards Hub (SBSH), which was formally launched in May 2024. The SBSH is one of the outcomes of the Verification Delivery Model workstream and one of the recommendations from the Expert Review Panels following Grenfell. The SBSH strengthens the system by providing support and assistance to all 32 local authorities and the wider construction industry by providing access to expertise and specialist advice in fire engineering solutions, fire safety, structural engineering and energy and environmental engineering. It also provides 32 verifiers access to learning and development opportunities and promotes the growth of workforce through universities, colleges and Apprenticeship programmes.

Building Standards Division is undertaking a broad range of work to strengthen the building standards system in Scotland. This includes ensuring verifiers are resourced appropriately to provide a strengthened building standards service for the development of safe and compliant buildings in Scotland.

Modelling carried out in 2022-23 by Optimal Economics has identified building warrant fee levels for 2025-26 to deliver appropriate resources to verifiers.

Following the fee increase from 1 April 2024 and the introduction of the three year fee model, verifiers are expected to use funds to invest in their teams and departments to strengthen their service. BSD have implemented a reporting and monitoring process for Local Authority verifiers, data gathered will be used to inform the decision making process to increase fees for years 2 and 3 of the model and identify other activity in the coming years.

Public Sector Equality Duty

In developing this policy, the Scottish Government is mindful of the three needs of the Public Sector Equality Duty (PSED), as follows:

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.

Where any negative impacts have been identified, we have sought to mitigate/eliminate these. We are also mindful that the equality duty is not just about negating or mitigating negative impacts, as we also have a positive duty to promote equality.

Who will it affect?

This policy will affect all customers and users of the building standards system who apply for a building warrant and will also affect local authority building standards verifiers.

All users of the building standards system will benefit from an improved and strengthened building standards service through further investment from increases in the building standards fees.

Those affected may include, but isn't limited to:

- General public applying for a building warrant.
- Construction sector bodies involved in applying for building warrants.
- Organisations involved in large construction projects such as building shopping centres, hospitals and schools.
- Industry and professional organisations.
- Local authority building standards departments.

The application process for a building warrant is completed online via a national eBuilding Standards Portal. This portal is linked to all 32 local authority building standards websites. Paper application forms are also available to download from the Scottish Government's website. Where users are unable to access the internet, all local authority building standards teams are available to be contacted for further help and assistance in applying for a building warrant.

What might prevent the desired outcomes being achieved?

Ministerial support – Retraction of support from the appropriate Minister due to a change in government priorities/direction.

Legislation – Increasing building warrant fees will require a change in fees legislation as set previously in the following legislation:

- The Building (Fees) (Scotland) Regulations 2004
- The Building (Miscellaneous Amendments) (Scotland) Regulations 2017
- The Building (Fees) (Scotland) Amendment Regulations 2024

New legislation will need to be signed off by the appropriate Minister and laid before parliament. There is the potential at this stage, for the SSI to be annulled when passing through Parliament.

Stage 1: Framing

Results of framing exercise

In summary, updating the existing fees regulations is required to provide additional resource to local authority building standards teams to fund improvements to strengthen the building standards system in Scotland. These amendments were agreed as part of the three year model starting with the Building (Fees) (Scotland) Amendment Regulations 2024.

The majority of users of the building standards system will be affected indirectly or directly by this policy. The aim is to improve and strengthen the building standards system, therefore all users will benefit from an improved service.

The policy will not have adverse impact on those with protected characteristics.

Extent/Level of EQIA required

A full equality impact assessment is required as the majority of users of the building standards system will be affected directly or indirectly by this policy. All users will see a benefit through an improved and strengthened building standards service.

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic¹	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken to address the data gaps
Age	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. This proposal has no impact to age.	N/A	N/A
Disability	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. This proposal has no impact on disabilities.	N/A	N/A
Sex	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. This proposal has no impact on sex.	N/A	N/A
Pregnancy and maternity	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. This proposal has no impact on pregnancy or maternity.	N/A	N/A

¹ Refer to Definitions of Protected Characteristics document for information on the characteristics

Gender reassignment	<p>This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. This proposal has no impact on gender reassignment.</p>	N/A	N/A
Sexual orientation	<p>This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. This proposal has no impact on sexual orientation.</p>	N/A	N/A
Race	<p>This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. This proposal has no impact on race.</p>	N/A	N/A
Religion or belief	<p>This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. This proposal has no impact on religion or belief.</p>	N/A	N/A
Marriage and civil partnership (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)	<p>This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. This proposal has no impact on marriage or civil partnerships.</p>	N/A	N/A

Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

Do you think that the policy impacts on people on the grounds of their age? Either directly or indirectly?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on age.
Advancing equality of opportunity			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on age.
Promoting good relations among and between different age groups			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on age.

Do you think that the policy impacts disabled people? Either directly or indirectly?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. It will not positively or negatively impact disabled people.
Advancing equality of opportunity			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. It will not positively or negatively impact disabled people.
Promoting good relations among and between disabled and non-disabled people			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. It will not positively or negatively impact disabled people.

Do you think that the policy impacts on men and women in different ways? Either directly or indirectly?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on sex.
Advancing equality of opportunity			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on sex.

Promoting good relations between men and women			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on sex.
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Do you think that the policy impacts on women on the grounds of pregnancy and maternity? Either directly or indirectly?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on women on the grounds of pregnancy and maternity.
Advancing equality of opportunity			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on women on the grounds of pregnancy and maternity.
Promoting good relations			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on women on the grounds of pregnancy and maternity.

**Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? Either directly or indirectly?
(NB: the Equality Act 2010 uses the term ‘transsexual people’ but ‘trans people’ is more commonly used)**

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex.
Advancing equality of opportunity			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building

				standards system. This proposal has no impact on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex.
Promoting good relations			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex.

Do you think that the policy impacts on people on the grounds of their sexual orientation? Either directly or indirectly?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on people on the grounds of their sexual orientation.
Advancing equality of opportunity			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on people on the grounds of their sexual orientation.
Promoting good relations			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on people on the grounds of their sexual orientation.

Do you think the policy impacts on people on the grounds of their race? Either directly or indirectly?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on people on the grounds of their race.
Advancing equality of opportunity			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on people on the grounds of their race.
Promoting good race relations			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on people on the grounds of their race.

Do you think the policy impacts on people on the grounds of their religion or belief? Either directly or indirectly?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on people on the grounds of their religion or belief.
Advancing equality of opportunity			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on people on the grounds of their religion or belief.
Promoting good relations			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on people on the grounds of their religion or belief.

Do you think the policy impacts on people on the grounds of their marriage or civil partnership? Either directly or indirectly?

Marriage and Civil Partnership²	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on people on the grounds of their marriage or civil partnership.

² In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

Advancing equality of opportunity			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on people on the grounds of their marriage or civil partnership.
Promoting good relations			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. This proposal has no impact on people on the grounds of their marriage or civil partnership.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

Question	Response
Have positive or negative impacts been identified for any of the equality groups?	No
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ³ ?	No
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/A
If not justified, what mitigating action will be undertaken?	N/A

³ See EQIA – Setting the Scene for further information on the legislation.

Describing how Equality Impact analysis has shaped the policy making process

The majority of users of the building standards system will be affected by this policy. This will be taken into account when developing legislation around increasing fees in 2025. All will benefit from an improved and strengthened building standards service.

Monitoring and Review

A three year model to annually increase building warrant fees in Scotland was introduced through the [Building \(Fees\) \(Scotland\) Amendment Regulations 2024](#) and as a result, fees were increased on 1 April 2024.

This project will confirm the building warrant fee rates for April 2025 through reviewing the current modelling for 2024. A monitoring exercise on the reinvestment of fees into the building standards system has been implemented by BSD where local authority verifiers report on their usage of additional fees. A report will be compiled and presented to the Minister for Housing who will approve or decline the decision to increase fees for 2025, depending on the evidence provided on their current success.

During the reporting process the equality impact assessment will be reviewed periodically and refreshed if any equality issues are identified by local authority reporting. It is envisaged due to the nature of the policy, no additional equality issues will be identified.

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes No Not applicable

Declaration

I am satisfied with the equality impact assessment that has been undertaken for The Building (Fees)(Scotland) Amendment Regulations 2025 to increase building warrant fees and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Stephen Garvin

A handwritten signature in black ink, appearing to be 'S. Garvin', written in a cursive style.

Position: Head of Building Standards Division
Authorisation date: 16/12/24



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