

## **Introduction**

UNISON is Scotland's largest trade union with members across the public, private and voluntary sectors. UNISON members work in a range of settings across the public, private and third sectors including local government, delivering vital public services. In particular we represent the staff in building standards teams in local authorities. We are able to collate their experiences in order to support improved policy making. UNISON therefore welcomes the opportunity to take part in the consultation on Building Standards compliance and Fire Safety.

## **Response**

UNISON generally welcomes proposals to protect the public through strengthening building standards compliance and fire safety. However the success of these proposal and building standards in general depends on there being adequate resources to properly resource building standards teams in local authorities enabling them operate effectively now and in the future.

Building standards teams need substantial extra funding. A survey<sup>1</sup> of building standards staff carried out by UNISON last year revealed a dedicated workforce committed to ensuring that buildings meet the standards required but who are under enormous pressure. They feel exhausted, undervalued and are struggling to deal with the demands placed upon them.

Key findings from the survey showed:

- Almost half (48%) said there have been budget cuts this year while one in five (20%) said the cuts had been severe.
- There are 56 less staff working in Building Standards departments now than in 2010.
- The overwhelming majority (89%) feel their workload has got heavier in the last few years.
- Almost half (47%) felt they should spend a lot more time on site visits while just 13% felt they had the right balance between site visits and office time.
- Nearly 40% work unpaid hours 'now and again' while over a third (37%) work unpaid hours most weeks.
- 48% described morale as low, with over three quarters (78%) saying they don't expect it to improve as a result of budget cuts, increased workload and lack of a pay rise.

Salami-slicing of services avoids headlines but the long years of austerity are having a severe impact on our services and the staff .These are small teams where the loss of even

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Building Stress UNISON Scotland 2017 <sup>1</sup> <http://www.unison-scotland.org/library/20170627-Building-stress.pdf>

one member has a substantial impact on the team's ability to deliver a high quality service.

These proposals offer some opportunities to better protect citizens through increased inspections and clearly defined roles but current staff shortages will impact on the ability of teams to implement the proposal. There are already skills shortages in this area and the proposals will increase demand making it harder for local authorities to recruit and retain staff. Given the skills shortages pay is also a concern. Local authorities will have to compete with the better paying private sector to recruit and retain staff. It will take time to train new staff particularly as there is no longer a degree in Building Standards so it is vital that funding for local authorities is in place quickly.

UNISON welcomes proposals to increase accountability of owners and developers. There will need to be appropriate inspections and fines in order for the changes to act as an effective deterrent. It is vital that these changes prevent harm not just punish culprits afterwards.

## **CONSULTATION QUESTIONS**

### **Part 1**

#### **Question 1.1:**

**Do you agree that the roles and responsibilities of verifiers (including their key activities) must be clearly defined and recorded, including the expected level of resources and skills needed to undertake verification activity, and the actual level?**

Yes

#### **Comments**

UNISON would welcome this. Local authority teams are under resourced. Staff are under enormous pressure trying to maintain a quality service with inadequate resources. This will be very welcome if it leads to adequate funding to provide the required service, to recruit staff with relevant expertise and for ongoing professional development. There will also need to be clear guidance on managing conflicts of interest.

**Question 1.2: Do you agree that verifiers must place a greater emphasis on inspection and testing throughout construction and at completion?**

Yes

As UNISON's Damage Survey "Building Stress" showed, verifiers want to spend more time out on sites. They do not currently have sufficient resources to enable this to happen. They would therefore welcome the investment and staff numbers to enable them to get out on sites to check that construction matches the plans submitted.

**Question 1.3: Do you agree that verifiers must place a strong focus on safety critical elements such as structure (for example wall ties, lateral restraint) and fire safety (for example fire protection, fire-stopping, cavity barriers)? If possible,**

**please provide details, in the comments box of other elements that should be included.**

Yes

Members tell us that they want to have a strong focus in this area. The issue is the lack of resources. This requires early and regular site visits. There are also practical issues: Wall ties/restraints are covered up very quickly so it is almost impossible to inspect other than a very small sample on a visit.

**Question 1.4: Do you agree that local authorities should not be able to act as verifier for their own “higher risk” building work due to possible conflicts of interest?**

No

Local authorities should be able to act as verifiers of their own work as long as there are appropriate systems in place to avoid a conflict of interests. This must include protection for verifiers who must be protected when exercising their professional judgements. This means that the process needs to be clear with strong guidance.

Systems will also need to be in place for private sector verifiers who will also need protection from conflicts of interest.

**Question 1.5: Do you agree that local authorities should still be able to act as verifier for their own lower risk building work?**

Yes

**Comments:**

Local authorities should be able to act as verifiers of their own work as long as there are appropriate systems in place to avoid a conflict of interests including protection for verifiers. This means that the process needs to be clear policies with strong guidance.

Systems will also need to be in place for private sector verifiers who will also need protection from conflicts of interest.

**Question 1.6: Do you agree that the roles and responsibilities of building owners and developers (including their key activities) must be clearly defined within the Building Standards system and recorded including the expected level of resources and skills needed to assure themselves and verifiers of compliance, and the actual level?**

Yes

**Comments:**

This is vital. The process must also cover risks and risk assessment. Resources are critical to ensuring public safety so there needs to be adequate funding to meet these requirements.

**Question 1.7: Do you agree that the building owners and developers must, to ensure compliance, place a greater emphasis on inspection and testing throughout construction and at completion, with focus on the safety critical elements?**

Yes

**Comments:**

Safety standards, building regulations and compliance are vital safety tools. The system will not work without appropriate funding, resources and powers. Recent events have demonstrated self-policing is ineffective. The new process of assessment and demonstration of compliance needs to be robust

**Question 1.8: Do you agree with the requirement for a Compliance Plan, to be provided by the owner or developer, to demonstrate their approach to compliance from initial design, through detailed design and construction, and leading to their final sign-off and certification of the completed building?**

Yes

**Comments:**

This could be a positive step if it delivers confirmation that work on site is in accordance with design

**Question 1.9: Do you agree that the building owner or developer should be required to appoint a competent professional person, with the appropriate experience and qualifications, to act on their behalf in order to assure them of compliance when they submit the completion certificate?**

Yes

**Comments:**

UNISON thinks that this will be a vital change. The costs of implementation should not be underestimated particularly with the current skills shortages which mean that finding suitable qualified staff to undertake the role will be difficult. There will need to be a review of training/qualifications options to ensure that people can get the qualifications necessary to undertake the work

**Question 1.10: Do you agree that mandatory pre-application discussions and pre-commencement of construction discussions should be introduced for higher risk buildings?**

Yes

**Comments:**

This is vital for early identification of risks but this has considerable implications for staffing levels and will therefore require extra funding in order to ensure proper implementation

**Question 1.11: Do you agree that amendments to warrant should differentiate between minor changes, major changes, and staged warrants?**

Yes

**Comments:**

While we accept that categorisation may be useful this does not mean that all changes should not be reviewed just because they have been categorised as minor changes.

**Question 1.12: Do you agree that the construction procedures and guidance should be reviewed and that mandatory notifications are introduced, including notification of progress on higher risk projects?**

YES

**Comments:**

**Question 1.13: Do you agree that verifiers should carry out ad-hoc (unannounced) progress inspections and be able to require disruptive surveys when mandatory notifications are not made to them?**

Yes

**Comments:**

Members tell us that they would welcome the opportunity to carry out more ad hoc visits. This will require substantial extra resources. It is lack of resources not lack of willingness that is the problem.

**Question 1.14: Do you agree that verifiers should record safety critical building standards non-compliances and feedback at a national level to drive improvements?**

Yes

**Comments**

This should be recorded at council level and then collated nationally. There should be an open system sharing good and bad practice to drive improvement. This will again have resource implications for building standards teams. Time spent on this is time that cannot be spent out on inspections which need to be increased. There should therefore be IT and administrative resources in place to ensure verifiers are not stuck in offices writing reports instead of out verifying.

**Question 1.15: Do you agree that verifiers should be notified of minor changes in design as the project progresses, on the understanding that they are to be covered by an amendment to warrant before the completion certificate is submitted?**

Yes

**Comments:**

The process should be one of dealing with issues as they arise so that unintended problems are not missed

**Question 1.16: Do you agree that the completion certificate for a higher risk building should have sub-sets for safety critical aspects, and be accompanied by as-built drawings and the completed Compliance Plan?**

Yes

Comments:

**Question 1.17: Do you agree that the procedures for the temporary occupation or use of a building should be strengthened for example requiring a declaration of compliance and monitoring of the expiry dates?**

Yes

Comments:

**Question 1.18: Do you agree that restrictions to the occupation or use of existing buildings should be considered when significant alterations are being carried out to higher risk buildings?**

Yes

Comments:

**Question 1.19: Do you agree that local authorities should be more pro-active in enforcing building regulations and monitor construction regularly?**

Yes

**Comments:**

It is important that the focus is on preventing harm therefore, a more proactive approach where contractors know that they can be inspected on an ad hoc basis will deter many from cutting corners.

**Question 1.20: Do you agree that local authorities should have a building standards enforcement policy in place that is based on national guidance?**

Yes

**Comments:**

Local authorities should be able to set their own policies based on national guidance.

**Question 1.21: Do you agree that national guidance on building standards enforcement should include what enforcement related actions local authorities should carry out and the level of resources and skills they should have to do so?**

Yes

**Comments:**

UNISON would welcome guidance on resources on the basis that this guidance is matched with the appropriate funding for local authorities to meet the guidance. There is little point in guidance without the resources.

**Question 1.22: Do you agree the penalties and levels of fines associated with serious failures in compliance should be increased?**

Yes

**Comments:**

Deterrence is vital if we want to prevent harm. Therefore penalties need to be high enough to counter any saving made by taking risks. There also needs to be a high probability that you will be caught therefore appropriate resources to support inspections are also vital.

**Question 2.1: Do you agree that the guidance should be developed to make clear that there is more than one way of achieving compliance with the mandatory functional standards?**

Yes

**Comments:**

While we accept that this is the case, the key to maintaining safety will be the guidance. Acceptance of alternative methods increases risk of non compliance or failure so the guidance will need to be clear and effective.

**Question 2.2: Do you agree that the annexes in the Technical Handbooks for residential care buildings, hospitals and enclosed shopping centres should be published separately?**

Yes

Comments:

**Question 2.3: Do you agree that an additional Technical Handbook for simple domestic detached and semi-detached dwellings (up to 3 storeys) should be introduced as a means of compliance with fire, and all applicable building standards and sections of the Handbooks?**

Yes

Comments:

If this is similar to old Small Buildings Structural Guidance, then yes. Members indicate that the quick ready reckoner for small less complex jobs is particularly useful.

**Question 2.4: Do you agree that a national “hub” approach should be developed to share expertise and skills and be responsible for verifying fully performance based “fire safety engineering designs”?**

Yes

**Comments:**

A hub approach could balance local authority control with the opportunity to build skills and experience across Scotland. This would also help manage conflicts of interest as staff can access knowledge and support from across authorities. This means that staff need the time to take part in knowledge exchange. This is not currently the case.

**Question 2.5: Do you agree that consideration should be given to a certification scheme for fire engineering?**

R2 yes

**Comments:**

**Question 2.6 Do you agree that the reference to British Standards Reaction to Fire Tests should be removed from the Technical Handbook?**

No

**Comments:**

**Question 2.7: Do you agree that only A1 and A2 materials, using the European Harmonised “reaction to fire tests”, should be required for external walls or insulation exposed in a cavity of a high rise building (domestic and non-domestic) with a storey at a height of more than 11m above ground?**

Yes

**Comments:**

**Question 2.9: Do you agree that BS 8414 (and BR135) may still be used as an alternative method of providing evidence to show compliance?**

Yes

Comments:

**Question 2.10: Do you agree fire service activated evacuation sounders should be required in each flat in new domestic buildings which have a storey at a height of more than 18m above ground level?**

Yes

Comments:

**Question 2.11 Do you agree that two stairways should be required for new domestic buildings which have a storey at a height of more than 18m above ground level?**

Yes

**Question 2.12: Do you agree that new HMOs used for “care” 24/7 should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems?**

Yes

**Question 2.13: Do you agree that new HMOs with 10 or more occupants should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems?**

Yes

**Question 2.14: Do you agree that new flats should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems?**

Yes

#### **Miscellaneous**

**Question 3.1: Do you agree that protected lobbies need not be provided to shared residential accommodation with only one escape stair?**

No

**Question 3.2: Do you agree that exempt type 16 of building regulations should be reviewed in respect of the criteria for the erection of a temporary building and the temporary use of a building?**

No

#### **– IMPACT ASSESSMENTS Equality Impact Assessment**

**Question 5.1: Are there any proposals in this consultation which impact or have implications on ‘equality groups’? Choose from the following options:**

As we know from our work, many fundamental rights are remote and inaccessible to ordinary people, particularly people living with protected characteristics including (and also leading to poverty and) economic disadvantage. That is why UNISON was generally supportive of the new Fairer Scotland Duty. All the equality duties are only effective if they are fully implemented. That is why UNISON expects to see full equalities impact assessments as part of consultations like this. Impact assessments must be mainstreamed into the whole process. A statement saying that there doesn’t appear to be any issues is not enough. How was this conclusion reached? What issues were explored that led to this conclusion?

There will therefore need to be a full Equalities Impact Assessment to ensure that changes do not worsen the already deeply imbedded equalities in this society. This

assessment should be looking at the risks that those with lower incomes/wealth face round the quality of the buildings they live in. There is also no evidence of an exploration of the impact of proposals, for example round fire risks, for those living with disabilities; issues like hearing impairment re effective alarms or mobility issues and escape routes. UNISON would therefore welcome the publication of a full equalities impact assessment as soon as possible.

Part 1 – Building Standards (Compliance and Enforcement)

Part 2 – Building Standards (Fire Safety)

**Question 5.2: Are there any proposals in this consultation which impact or have implications on ‘equality groups’? Choose from the following options:**

R2 Yes

UNISON expects to see full equalities impact assessments as part of consultations like this. Impact assessments must be mainstreamed into the whole process. A statement saying that there doesn’t appear to be any issues is not enough. How was this conclusion reached? What issues were explored that led to this conclusion?

There will therefore need to be a full Equalities Impact Assessment to ensure that changes do not worsen the already deeply imbedded equalities in this society. This assessment should be looking at the risks that those with lower incomes/wealth face round the quality of the buildings they live in. There is also no evidence of an exploration of the impact of proposals, for example round fire risks, for those living with disabilities; issues like hearing impairment re effective alarms or mobility issues and escape routes. UNISON would therefore welcome the publication of a full equalities impact assessment as soon as possible.

## **Conclusion**

UNISON is Scotland's largest trade union with members across the public, private and voluntary sectors. UNISON members work in a range of settings across the public, private and third sectors including local government, delivering vital public services. UNISON therefore welcomes the opportunity to take part in the consultation on building standards compliance and fire safety. There will therefore need to be a full Equalities Impact Assessment to ensure that changes do not worsen the already deeply imbedded equalities in this society. This assessment should be looking at the risks that those with lower incomes/wealth face round the quality of the buildings they live in. There is also no evidence of an exploration of the impact of proposals, for example round fire risks, for those living with disabilities; issues like hearing impairment re effective alarms or mobility issues and escape routes.

While generally supportive of proposals the impact of budget cuts on the current building standards service mean that teams are already overworked and stressed. These changes will add to that. Therefore there will need to be a review of the resources needed and the funding enable those resources are in place to enable building standards teams to undertake this much needed work. This is vital safety work which saves lives.

**UNISON Scotland**

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