

Building Standards Verification Delivery Model Consultation on an increase in Building Warrant Fees

Equality Impact Assessment Record

June 2023

Equality Impact Assessment Record

Title of policy/ practice/ strategy/ legislation etc.	Building Standards Verification Delivery Model Consultation on an increase in Building Warrant Fees	
Minister	Patrick Harvie, Minister for ZCB, AT & TR	
Lead official	Cameron Murdoch	
Officials involved in the EQIA	Name	Team
	Cameron Murdoch Neil Mitchell Colette Templeton Fiona Sinclair	Development Unit Development Unit Development Unit Development Unit
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

The aim of this policy is to increase building warrant fees. The increase in fees will be used to strengthen and make improvements to the way in which the building standards system in Scotland is delivered. In developing this policy the Scottish Government is mindful of the three needs of the Public Sector Equality Duty (PSED) - eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between people who share a protected characteristic and those who do not, and 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.

Background and information

Following the tragic 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 and workstreams were established to undertake this work. The Compliance and Enforcement Panel found that the building standards system in Scotland was not broken but did need to be strengthened.

Local authority building standards verification teams are funded through the income generated from building warrant fees. The changes to the system, being brought forward through the Futures Board will put an additional ask on resources and budget within local authorities. It is intended to increase building warrant fees to provide additional funding for local authorities to support and strengthen the building standards system.

The proposal to increase building warrant fees has led to research in the following areas:

- Fees Part 1 Research was undertaken in 2022 and looked at the 2017 building warrant fees increase, and lessons learned from this.
- Fees Part 2 Research is currently underway and focusses on developing a flexible fee model for a future Building Standards Hub (BSH) as well as providing funding for other areas. The final report for this is expected around the end of April 2023.

A number of other changes to the building standards system aimed at strengthening the system are being brought forward through the work of the Futures Board. The Compliance Plan Approach work stream will introduce the new role of Compliance Plan Manager within the system as well as a new compliance process. While the changes will improve compliance with building regulations, they are also expected to increase the workload for local authority verifiers through a higher level of inspections.

Under the Verification Delivery Model work stream the proposal for a central building standards hub is currently being tested through the introduction of a pilot Hub. The pilot Hub was established in May 2022 initially for an 18-month period this has now been extended for a further 6 months taking the total duration to 2-years to allow additional time for development and preparations for establishment of a permanent Hub. The pilot Hub has been well received and has already had a positive impact on the resilience of the building standards system. A business case for a permanent Hub following the pilot phase is being prepared. It is proposed by increasing building warrant fees, a proportion will be used to fund a permanent Hub that will provide support and assistance to all 32 local authorities as well as the wider construction industry.

The Digital Transformation workstream is in-scope of the Planning Digital Programme and the redesign of the eDevelopment Portal. It is also taking forward digital transformation of the building standards system in Scotland working with local authority verifiers, sharing best practice, creating guidance and driving change.

A public consultation on an increase in building warrant fees is required to support the changes being proposed as well as before a final decision on a funding mechanism for a future BSH can be concluded.

Who will it affect?

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

This policy will also affect local authority building standards departments.

Additionally, 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, schools etc.
- 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?

Stakeholder support – One of the main challenges to increasing building warrant fees is key stakeholders retracting their support for the policy.

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

Legislation – Increasing building warrant fees will require a change in fees legislation as set in the Building (Scotland) Act 2003 and the Building (Fees)(Scotland) Regulations 2004. New legislation will have 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.

Stage 1: Framing

Results of framing exercise

In summary, this policy is needed to provide additional resource to local authority building standards teams to fund improvements to strengthen the building standards system in Scotland.

A number of challenges exist that may prevent the desired objective being achieved.

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 service, so 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.

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
Age	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. Age has no impact to the proposal.	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. Disability has no impact to the proposal.	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. Sex has no impact to the proposal.	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. Pregnancy and maternity has no impact to the proposal.	N/A	N/A
Gender Reassignment	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. Gender reassignment has no impact to the proposal.	N/A	N/A

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

Sexual Orientation	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. Sexual orientation has no impact to the proposal.	N/A	N/A
Race	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. Race has no impact to the proposal.	N/A	N/A
Religion or Belief	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. Religion or belief has no impact to the proposal.	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)	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standard system. Marriage and Civil Partnership has no impact to the proposal.	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 because of their age?

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. Age has no impact to the proposal.
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. Age has no impact to the proposal.
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. Age has no impact to the proposal.

Do you think that the policy impacts disabled people?

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 the elimination of discrimination, harassment and victimisation.
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

				neither positively or negatively impact advancing equality of opportunity.
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 neither positively or negatively impact relations between disabled and non-disable people.

Do you think that the policy impacts on men and women in different ways?

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. Sex has no impact to the proposal.
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. Sex has no impact to the proposal.
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. Sex has no impact to the proposal.

Do you think that the policy impacts on women because of pregnancy and maternity?

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. Pregnancy and maternity has no impact to the proposal.
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. Pregnancy and maternity has no impact to the proposal.
Promoting good relations			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. Pregnancy and maternity has no impact to the proposal.

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? (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. Gender reassignment has no impact to the proposal.
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. Gender reassignment has no impact to the proposal.
Promoting good relations			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. Gender reassignment has no impact to the proposal.

Do you think that the policy impacts on people because of their sexual orientation?

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. Sexual

				orientation has no impact to the proposal.
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. Sexual orientation has no impact to the proposal.
Promoting good relations			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. Sexual orientation has no impact to the proposal.

Do you think the policy impacts on people on the grounds of their race?

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. Race has no impact to the proposal.
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. Race has no impact to the proposal.
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. Race has no impact to the proposal.

Do you think the policy impacts on people because of their religion or belief?

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. Religion or belief has no impact to the proposal.
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. Religion or belief has no impact to the proposal.
Promoting good relations			None	This policy aims to increase building warrant fees to fund the changes to improve and strengthen the building standards system. Religion or belief has no impact to the proposal.

Do you think the policy impacts on people because of their marriage or civil partnership?

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. Marriage or Civil Partnership has no impact to the proposal.

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.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact. You will need to consult your legal team in SGLD at this point if you have not already done so.

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

Describing how Equality Impact analysis has shaped the policy making process

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

Monitoring and Review

The intent is to carry out a public consultation on the proposal to increase building warrant fees in Spring 2023. During the consultation process, the equality impact assessment will be reviewed periodically and refreshed if any equality issues are identified. It is envisaged that due to the nature of the policy, no additional equality issues will be identified.

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

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

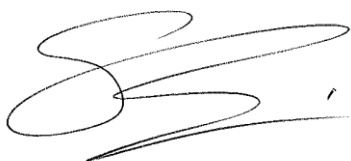
I am satisfied with the equality impact assessment that has been undertaken for a consultation on an increase in Building Warrant Fees and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Stephen Garvin

Position: Head of Building Standards

Authorisation date: 17/05/2023

Signature:





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