

Housing (Cladding Remediation) (Scotland) Bill

Child Rights and Wellbeing Impact Assessment (CRWIA)

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Disclaimer

This draft document is an initial assessment of the impact of Housing (Cladding Remediation) (Scotland) Bill and Scottish Government will continue to review and update this document where required during the parliamentary and strategic decision-making process. Any future iterations will reflect an increased understanding of these impacts as the availability of data and research increases.

This impact assessment should be read in conjunction with the Equality Impact Assessment.

CRWIA Stage 1 – Screening

Start date of relevant proposal: July 2023

Start date of CRWIA process: July 2023

1. Brief Summary

1.1 The Grenfell Tower fire in London in June 2017 highlighted concerns about the safety of medium and high-rise buildings with external wall cladding across the UK. The Scottish Government has taken a range of actions following the tragic events at Grenfell including changes to Scottish Fire Safety Standards in 2019 and then again in 2021. Changes to the requirements on the fire safety of cladding systems were introduced in June 2022 including banning highly combustible metal composite material panels on all buildings and a ban on combustible external wall cladding systems of residential and high-risk buildings 11 metres or over.

In Spring 2020 Scottish Ministers established the Ministerial Working Group (“the Working Group”) on Mortgage Lending and Cladding specifically to address the difficulties faced by homeowners and residents of properties in buildings with external wall cladding. Owners and residents were reporting challenges in re-mortgaging, buying, selling and insuring properties with external wall cladding systems. The Working Group published its final report and recommendations in March 2021. Ministers accepted the recommendation from the Working Group that the Scottish Government should offer, and fund, a Single Building Assessment on a whole building basis rather than individual flats.

The Scottish Government’s Cladding Remediation Programme (“the Programme”) was established in August 2021 to identify, assess, through a Single Building Assessment, and address the safety risks in multi-residential domestic buildings, which may include a commercial premises, constructed or refurbished between 1 June 1992 and 1 June 2022, 11 metres or over in height and incorporating a form of external wall cladding system.

The Housing (Cladding Remediation) (Scotland) Bill (“the Bill”) will support the Programme by:

- a) Requiring Ministers to establish a Cladding Assurance Register containing information on buildings which have been through a Single Building Assessment and any required remediation.
- b) Creating powers for Ministers to enable them to arrange for Single Building Assessments to be undertaken to assess risks in buildings within scope of the Programme. The Bill defines the meaning of a Single Building Assessment and allows Ministers to specify the standards against which such an assessment should be undertaken.
- c) Creating powers for Ministers to arrange for remediation work, which is identified through that Single Building Assessment, to be undertaken.

This will include in urgent cases where the risk is immediate as well as a power to require occupants to evacuate buildings.

- d) Creating powers for Ministers to require information from a person to allow them to carry out a Single Building Assessment or maintain the Cladding Assurance Register.
- e) Establishing a Responsible Developers Scheme to support collaborative engagement with developers and ensure that they address, or contribute towards addressing, the costs of remediating the buildings they have developed which are within scope of the Programme.

1.2 The powers of remediation and the power to carry out a Single Building Assessment in the Bill can be utilised without the consent of owners where appropriate notice has been given, or if the work is urgent, where notice has been given as permitted by the circumstances.

2. Which aspects of the relevant proposal currently affects or will affect children and young people up to the age of 18?

The Bill itself will directly affect some children and young people up to the age of 18 to the extent that they live in, rent or own properties that fall within the scope of the Programme that the Bill seeks to enable. In such cases children and young people may need to be aware of the potential impact on them, their obligations and rights of appeal regarding cladding assessment and remediation works.

In particular, Scottish Ministers will be given new powers to enter relevant properties to assess the need for and to carry out remediation works; and to require that the property be evacuated on a temporary basis should the level of risk to life necessitate this. It will therefore be important for children and young people to understand the potential impact on them and their obligations and rights in this context. With this in mind, the broad intention is to liaise with all residents, including children where that is relevant, to help mitigate the impacts of cladding assessment and remediation works. This includes avoiding instances where a decant of the building is required and minimising wherever possible the overall impact on all residents. Nevertheless, children may require additional support to help them manage in these circumstances.

The following are relevant considerations that could arise in the context of the United Nations Convention on the Rights of the Child:

- (Article 3) an obligation on a child's best interests to be the primary consideration
- (Article 6) on a child's right to life
- (Article 12) on a child's right to express their views on matters that affect them and for those views to be taken into account
- (Article 27) an obligation to do what is possible to provide a child with a suitable standard of living, including provision of housing.

In most cases the process of cladding remediation is expected to take place with minimal disruption to all residents, children included. That is, the overarching aim is to minimise the impact on all residents either by confirming that no works are required, that any works can be carried out without requiring residents to vacate the property, or without access even being required to their properties. Furthermore, the aim of any works would be to address significant fire risks that unsafe cladding poses and therefore contributes significantly to making the property safer for all residents. The aim is to make a positive impact on affected properties and all those who own or reside within them.

However, it cannot be ruled out that significant works could be required that may impact on all residents. Any such works would be undertaken on the basis of acting in the best interests of the child, of preserving life, and to support the provision of suitable housing (Articles 3, 6 and 27). Unless prohibited by the level of risk and urgency, and ahead of using the powers of evacuation in the Bill, the Programme will seek to gather views of all residents including children, on such matters (Article 12), noting again that they may in some cases be occupiers/tenants in their own right.

In terms of other possible impacts, these could be wide-ranging. Cladding remediation works that require a building to be decanted could affect a child's schooling, create difficulties with the management of any disabilities or affect individual family circumstances. This is not an exhaustive list and the Programme will only seek to use the powers of evacuation in the Bill when all other avenues have been exhausted. The assessment of the impacts will therefore be an ongoing process for the Programme.

3. Which groups of children and young people are currently or will be affected by the relevant proposal?

The relevant proposal will impact on children and young people who live in flatted residential properties that fall within the scope of the Programme. As it stands, the Scottish Government does not have data on the scale of buildings affected but is commissioning a stock survey to better define this. This will provide an initial and improved understanding of the potential scope and scale of buildings that may be at a higher level of risk. As noted earlier, the Scottish Government's intention is to ensure that, after this legislation has passed, the impacts of cladding remediation work on the rights and wellbeing of children continues to be considered as part of the Cladding Remediation Programme, including on a building-by building basis.

4. Declaration

Is a Stage 2 Children's Rights and Wellbeing Impact Assessment required? (Tick relevant requirement)

CRWIA required No explanation required, please complete questions 5 and 6

CRWIA not required Please explain why below and contact the children's rights unit to discuss this decision crwia@gov.scot

Explanation why CRWIA is not required:

This Bill is proceeding on an expedited basis and as such a partial Child Rights and Wellbeing Impact Assessment has been undertaken. This impact assessment will be reviewed on an ongoing basis but particularly after Stage 1 of the parliamentary process for the Housing (Cladding Remediation) (Scotland) Bill. The Scottish Government will also embed within the Programme a wider commitment of assessing the impacts on children.

5. Sign & Date

Policy Lead Signature and Date of Sign Off:

Jason Lloyd

Cladding Remediation Directorate

23/10/2023

Deputy Director Signature and Date of Sign Off:

Rachel Sunderland

Deputy Director, Cladding Remediation

23/10/2023



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