

Housing (Cladding Remediation) (Scotland) Bill

Equality Impact Assessment (EQIA)

EQUALITY IMPACT ASSESSMENT (EQIA)

Title of Policy	Housing (Cladding Remediation) (Scotland) Act 2024.	
Minister	Paul McLellan MSP, Minister for Housing	
Lead Officials	Name	Team
	Rachel Sunderland	Cladding Remediation
	Amy Stuart	Cladding Remediation
Directorate	Directorate for Cladding Remediation	
New policy and/or legislation	To provide the legislative framework necessary for the Cladding Remediation Programme	

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:

- Policy Memorandum
- Children's Rights and Wellbeing Impact assessment (CRWIA)
- Business and Regulatory Impact Assessment (BRIA)

Policy Aim

Introduction

The purpose of the Housing (Cladding Remediation) (Scotland) Bill ('the Bill') is to facilitate the delivery of the Cladding Remediation Programme ("the Programme").

The Programme aims to safeguard residents and owners by addressing the risk to human life that is (directly or indirectly) created or exacerbated by a building's external wall cladding system, as well as the consequential negative impacts which can currently exist in relation to the buying, selling, and re-mortgaging of relevant flatted residential properties in Scotland.

The Programme scope is limited to 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 Bill will enable delivery of 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.

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.

Background

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 over 11 metres.

In Spring 2020 Scottish Ministers established the Ministerial 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 SBA¹ on a whole building basis rather than individual flats.

The Scottish Government's Cladding Remediation Programme was established to identify, assess, through a SBA, and address the safety risks for buildings within scope (as defined in the introduction). Ministers committed to spend all consequential funding provided by the UK Government on the Programme. Similar remediation programmes have been established by the UK and Welsh Governments.

National Performance Framework

The Cladding Remediation programme will contribute to achieving the following national outcomes:

- We live in communities that are inclusive, empowered, resilient and safe
- Grow up loved, safe and respected so that we realise our full potential
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy
- We have thriving and innovative businesses, with quality jobs and fair work for everyone
- We are healthy and active
- We respect, protect and fulfil human rights and live free from discrimination

¹ A Single Building Assessment (SBA) is an assessment undertaken on a whole building basis incorporating an assessment of the external wall system for the whole building as well as an internal fire risk assessment. A Single Building Assessment will identify life critical safety risks and any mitigation or remediation which is required to mitigate those risks and is carried out by qualified specialists.

The Scope of the EQIA

The EQIA considers the impact of introducing legislation against the protected characteristics: age; disability; marriage and civil partnership; sex (including pregnancy and maternity); gender reassignment; sexual orientation; race; and religion or belief.

This Bill is being introduced at pace and without the full standard consultation process due to the need to ensure the continued momentum of progress in addressing critical life safety issues. To assess the likely impact on the protected characteristics, within the time available, we have carried out a full impact assessment on the following provisions of the Housing (Cladding Remediation) (Scotland) Bill:

- Undertake assessment and remediation work in cases where owners' consent cannot be obtained.
- Implement the SBA as the standardised methodology for Cladding Remediation.
- Create a power for Scottish Ministers to create and maintain a register of remediated buildings.
- Establish a Responsible Developers Scheme for developers to incentivise them to commit to remediating their buildings.

The Scottish Government has also carried out the following full or partial impact assessments in respect of the Housing (Cladding Remediation) (Scotland) Bill:

- Business and Regulatory Impact Assessment
- Children's Rights and Wellbeing Impact Assessment

Public Sector Equality Duty (PSED)

In developing this Bill, the Scottish Government is mindful of the 3 needs of the Public Sector Equality Duty (PSED)² – to have regard for the need to 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 such people. Where any negative impacts have been identified, we have sought to mitigate/minimise these, whilst being mindful of our positive duty to promote equality.

The Equality Act 2010³ legally protects people from discrimination in the workplace and society. It is a framework consisting of protected characteristics that must be considered to ensure equality. The protected characteristics are:

- Age
- Disability
- Gender reassignment

² [Section 149 of the Equality Act 2010](#)

³ [Equality Act 2010](#)

- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

As a general consideration these measures are designed to increase the pace of cladding remediation, reduce the cost to owners and the public, and ensure that risk to life is identified, assessed, and mitigated. This should positively impact those with protected characteristics who are affected by cladding. This assessment takes place in the context of the functions of the Cladding Remediation Programme whose impacts are assessed separately.

Measure 1: Undertake assessment and remediation work in cases where owners' consent cannot be obtained.

The Bill provides Ministers with a power to arrange remediation work where work has been identified in an SBA as being needed to eliminate or mitigate risks to human life that are (directly or indirectly) created or exacerbated by the building's external wall cladding system.

Work undertaken on premises under this power can proceed without consent of the owner provided that the notice period specified in section 6 subsection 3 has elapsed and any appeal which may have been lodged has been determined or withdrawn.

When assessing the option of undertaking remediation work in cases where owners consent cannot be obtained, we considered any actual or potential negative impact on individuals who have protected characteristics under the Equality Act 2010.

It should be recognised that the profile of buildings owners and residents is variable. While the impact of the measures on groups with protected characteristics can be considered this will vary according to the profile of residents and owners of each building. As a function of the Programme, these impacts will be considered on a building-by building basis. Every effort will be made to minimise disruption to residents with regard paid to any protected characteristics. For example, any necessary evacuation will be as brief as possible.

Evidence

Age

Older People

In the 2011 Census, 20% of the population of Scotland were aged 65 or over. This is projected to increase to 27% by 2031. It is likely that the number of older people living in high-rise residential buildings will also increase in the coming years.

According to the Scottish Public Health Observatory, 25% of people aged 65 and over in Scotland reported having a disability in 2021-22. The most common disabilities were mobility difficulties (17%)⁴.

Informal care is provided by unpaid caregivers, such as family members, friends, and neighbours. The majority of older people in Scotland receive informal care. According to a 2022 report by the Scottish Public Health Observatory, only 10% of people aged 65 and over in Scotland received formal care in 2021-22. Those aged 65 and over are also most likely to provide more intensive care (35+ hours per week) with over half of these carers doing so⁵. If older residents are asked to decant there could be a negative impact on their level of care received as a result.

Where there is a need to decant residents from the building, specific consideration will need to be given to residents in the upper age bracket to ensure suitable temporary accommodation is found that will ensure their needs are met.

Young People

Young people may be impacted if they are moved away from their school catchment area and social circle. The broad intention is to liaise with all residents – including children where that is relevant - to help mitigate the impacts of cladding remediation works and to avoid instances where a decant of the building is required; minimising wherever possible the overall impact on all residents.

Disability

Overview

The Equality Act 2010 defines a disability as an individual with a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities⁶. There are large numbers of people living with a disability in Scotland. The Scottish Health Survey estimates that in 2019, 35% of adults (and 11% of children) in Scotland were disabled, defined as having a limiting long-standing condition⁷.

Physical Disability

There is evidence to suggest that residents may be adversely impacted as a result of their disability, by the undertaking of remedial works processes.

Appropriate housing for people with disabilities is crucial to allow individuals to live safe and independent lives. If housing is unsuitable or un-adapted, it can have a negative impact on people with disabilities.

Providing suitable housing can enable disabled people to live more independently and safely, with greater choice and control over their lives⁸. Only 9% of homes in the

⁴ [Key data sources - ScotPHO](#)

⁵ [Scotland's Carers Update Release: December 2022 - gov.scot \(www.gov.scot\)](#)

⁶ [Equality Act 2010, Section 6 \(legislation.gov.uk\)](#)

⁷ [Scottish Health Survey](#)

⁸ [Housing for Older and Disabled People](#)

UK provide accessible features that are accessible⁹. Therefore, the difficulty of finding suitable housing for residents who have a physical disability is increased.

Mental Disability

The loss of resident's homes would be for an unspecified period. Munro et al (2017) found that displacement of residents from their homes for an extended period due to flooding resulted in mental health problems such as anxiety and depression¹⁰. The results from the study could be applied to residents who are displaced due to fire safety.

The Scottish Government recognised that the possibility of increased mental health problems as a result of the decant process would have a severe impact on all residents with mental health problems that fall under the disability protected characteristic under the Equality Act 2010, and that they may be at a disadvantage as the decant may increase the severity of their health conditions.

Particular care will be taken to ensure any communication does not indirectly discriminate residents who may have a neurological impairment that affects their comprehension of the information.

Gender Reassignment

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of gender reassignment as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that undertaking remediation work in cases where owners' consent cannot be obtained, will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Marriage and Civil Partnership

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of marriage and civil partnership as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that undertaking remediation work in cases where owners' consent cannot be obtained, will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Pregnancy and Maternity

There is evidence to suggest that residents may be adversely impacted by the undertaking of remediation works as a result of pregnancy and the birth of a child which is a protected characteristic under the Equality Act 2010.

⁹ [Shortage of Accessible Housing](#)

¹⁰ [Effect of Evacuation and Displacement \(2017\)](#)

In 2021, the birth rate per 1,000 population in Scotland was 8.7 ¹¹. Following the birth of a child NHS Midwives from the local GP surgery carry out home visits for 10 days. After this period, a health visitor will schedule appointments at the baby's developmental milestones.

Therefore, the Scottish Government is aware that the decant of the residents who have a new baby will be adversely affected as they may be displaced in their temporary accommodation and as a result have to arrange to go into the GP Practice rather than receive the home visits that are standard¹².

Every effort will be made to engage with homeowners and residents to identify such instances and arrange appropriate alternative accommodation if that is required.

Race

The Scotland Census (2011) found that approximately 8% of the population identified as being in an ethnic minority group such as but not limited to Asian, Black and Polish ¹³.

The Census found that:

- 93.8% of people in Scotland aged 3 and over said they could speak, read and write English.
- 75.2% of people born in EU accession countries said they could speak, read and write English.
- 88.8% of people born in the Middle East and Asia could speak, read, and write English.

The written documentation and communication may indirectly discriminate residents whose first language is not English. Every effort will be made to obtain information that can facilitate and enhance communication and employ mitigations such as interpreters and translated written information.

Religion or Belief

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of religion and belief as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the implementation of the SBA will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

¹¹ [Crude: Birth Rate in Scotland](#)

¹² [NHS: The Early Days](#)

¹³ [Scotland Census](#)

Sex

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of sex as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the implementation of the SBA will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Sexual Orientation

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of sexual orientation as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the implementation of the SBA will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Measure 2: Implement the Single Building Assessment as the standardised methodology for Cladding Remediation.

A Single Building Assessment is an assessment undertaken on a whole building basis, that is likely to incorporate an assessment of the external wall system for the whole building as well as an internal fire risk assessment. It will identify life critical safety risks and any mitigation or remediation which is required to mitigate those risks and is carried out by qualified specialists.

Individuals undertaking an SBA are likely to require access to the premises to undertake the assessment and it can be an intrusive survey requiring access to the structure of the building and potentially the removal and testing of materials.

When assessing the option of implementing the SBA, we considered any actual or potential negative impact on individuals who have protected characteristics under the Equality Act 2010.

Evidence

Age

Older People

In the 2011 Census, 20% of the population of Scotland were aged 65 or over. This is projected to increase to 27% by 2031. It is likely that the number of older people living in high-rise buildings will also increase in the coming years.

According to the Scottish Public Health Observatory, 25% of people aged 65 and over in Scotland reported having a disability in 2021-22. The most common disabilities were mobility difficulties (17%)¹⁴.

Informal care is provided by unpaid caregivers, such as family members, friends, and neighbours. The majority of older people in Scotland receive informal care. According to a 2022 report by the Scottish Public Health Observatory, only 10% of people aged 65 and over in Scotland received formal care in 2021-22. Those aged 65 and over are also most likely to provide more intensive care (35+ hours per week) with over half of these carers doing so¹⁵. If older residents are asked to decant there could be a negative impact on their level of care received as a result.

Where there is a need to decant residents from the building, specific consideration will need to be given to residents in the upper age bracket to ensure suitable temporary accommodation is found that will ensure their needs are met.

Young People

Young people may be impacted if they are moved away from their school catchment area and social circle. The broad intention is to liaise with all residents – including children where that is relevant - to help mitigate the impacts of cladding remediation works and to avoid instances where a decant of the building is required; minimising wherever possible the overall impact on all residents.

Disability

Overview

The Equality Act 2010 defines a disability as an individual with a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities. There are large numbers of people living with a disability in Scotland. The Scottish Health Survey estimates that in 2019, 35% of adults (and 11% of children) in Scotland were disabled, defined as having a limiting long-standing condition¹⁶.

Physical Disability

There is evidence to suggest that residents may be adversely impacted as a result of their disability, by the undertaking of an SBA. Particularly if this required the resident to be decanted in order to complete the necessary work.

Appropriate housing for people with disabilities is crucial to allow individuals to live safe and independent lives. If housing is unsuitable or un-adapted, it can have a negative impact on people with disabilities.

¹⁴ [Key data sources - ScotPHO](#)

¹⁵ [Scotland's Carers Update Release: December 2022 - gov.scot \(www.gov.scot\)](#)

¹⁶ [Scottish Health Survey](#)

Providing suitable housing can enable disabled people to live more independently and safely, with greater choice and control over their lives¹⁷. Only 9% of homes in the UK provide accessible features that are accessible¹⁸. Therefore, the difficulty of finding suitable housing for residents who have a physical disability is increased.

Mental Disability

The loss of resident's homes would be for an unspecified period. Munro et al (2017) found that displacement of residents from their homes for an extended period due to flooding resulted in mental health problems such as anxiety and depression¹⁹. The results from the study could be applied to residents who are displaced due to fire safety.

The Scottish Government recognised that the possibility of increased mental health problems as a result of the decant process would have a severe impact on all residents with mental health problems that fall under the disability protected characteristic under the Equality Act 2010, and that they may be at a disadvantage as the decant may increase the severity of their health conditions.

Particular care will be taken to ensure any communication does not indirectly discriminate residents who may have a neurological impairment that affects their comprehension of the information.

Gender Reassignment

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of gender reassignment as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the implementation of the SBA will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Marriage and Civil Partnership

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of marriage and civil partnership as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that undertaking remediation work in cases where owners' consent cannot be obtained, will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

¹⁷ [Housing for Older and Disabled People](#)

¹⁸ [Shortage of Accessible Housing](#)

¹⁹ [Effect of Evacuation and Displacement \(2017\)](#)

Pregnancy and Maternity

There is evidence to suggest that residents may be adversely impacted by the undertaking of an SBA as a result of pregnancy and the birth of a child which is a protected characteristic under the Equality Act 2010.

In 2021, the birth rate per 1,000 population in Scotland was 8.7²⁰. Following the birth of a child NHS Midwives from the local GP surgery carry out home visits for 10 days. After this period, a health visitor will schedule appointments at the baby's developmental milestones.

Therefore, the Scottish Government is aware that the decant of the residents who have a new baby will be adversely affected as they may be displaced in their temporary accommodation and as a result have to arrange to go into the GP Practice rather than receive the home visits that are standard²¹.

Every effort will be made to engage with homeowners and residents to identify such instances and arrange appropriate alternative accommodation if that is required.

Race

The Scotland Census (2011) found that approximately 8% of the population identified as being in an ethnic minority group such as but not limited to Asian, Black and Polish²².

The Census found that:

- 93.8% of people in Scotland aged 3 and over said they could speak, read and write English.
- 75.2% of people born in EU accession countries said they could speak, read and write English.
- 88.8% of people born in the Middle East and Asia could speak, read, and write English.

The written documentation and communication may indirectly discriminate residents whose first language is not English. Every effort will be made to obtain information that can facilitate and enhance communication and employ mitigations such as interpreters and translated written information.

Religion or Belief

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of religion or belief as specified in the Equality Act 2010.

²⁰ [Crude: Birth Rate in Scotland](#)

²¹ [NHS: The Early Days](#)

²² [Scotland Census](#)

There is nothing, at the present time, to suggest that the implementation of the SBA will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Sex

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of sex as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the implementation of the SBA will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Sexual Orientation

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of sexual orientation as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the implementation of the SBA will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Measure 3: Create a power for Scottish Ministers to create and maintain a register of remediated buildings.

The Bill provides powers to allow Scottish Ministers to establish a Cladding Assurance Register containing information on buildings which have been through a Single Building Assessment and any required remediation.

When assessing the option of creating a power for Scottish Ministers to create and maintain a register of remediated buildings, we considered any actual or potential negative impact on individuals who have protected characteristics under the Equality Act 2010.

Evidence

Age

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of age as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that creating a power for Scottish Ministers to create and maintain a register of remediated buildings will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Disability

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of disability as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that creating a power for Scottish Ministers to create and maintain a register of remediated buildings will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Gender Reassignment

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of gender reassignment as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that creating a power for Scottish Ministers to create and maintain a register of remediated buildings will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Marriage and Civil Partnership

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of marriage and civil partnership as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that creating a power for Scottish Ministers to create and maintain a register of remediated buildings will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Pregnancy and Maternity

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of pregnancy and maternity as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that creating a power for Scottish Ministers to create and maintain a register of remediated buildings will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Race

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of race as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that creating a power for Scottish Ministers to create and maintain a register of remediated buildings will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Religion or Belief

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of religion or belief partnership as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that creating a power for Scottish Ministers to create and maintain a register of remediated buildings will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Sex

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of sex as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that creating a power for Scottish Ministers to create and maintain a register of remediated buildings will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Sexual Orientation

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of sexual orientation as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that creating a power for Scottish Ministers to create and maintain a register of remediated buildings will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Meeting the needs of the PSED

All protected characteristics

We believe there will be no impact on people due to protected characteristics for the following reason:

This policy will apply to Scottish Ministers, who will gain the power to create and maintain a register of remediated buildings.

Measure 4: Establish a Responsible Developers Scheme for developers

The Bill includes provisions that will allow the Scottish Ministers to establish a scheme similar to the UK Government's Responsible Actor's Scheme as set out in regulations in April 2023 and enabled by the Building Safety Act 2022.

Developers who commit to identifying, assessing, and remediating their buildings will face costs in meeting their obligations. Developers who are eligible for the Scheme but do not elect to make the commitments as set out in the developer remediation contracts or who fail to comply with its terms should face consequences.

When assessing the option of establishing a Responsible Developers Scheme for developers to incentivise them to commit to remediating their buildings, we considered any actual or potential negative impact on individuals who have protected characteristics under the Equality Act 2010.

Evidence

Age

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of age specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the establishment of a Responsible Developers Scheme for developers will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Disability

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of disability as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the establishment of a Responsible Developers Scheme for developers will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Gender Reassignment

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of gender reassignment as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the establishment of a Responsible Developers Scheme for developers will adversely impact upon people

based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Marriage and Civil Partnership employment

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of marriage and civil partnership as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the establishment of a Responsible Developers Scheme for developers will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Pregnancy and Maternity

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of pregnancy and maternity as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the establishment of a Responsible Developers Scheme for developers will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Race

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of race as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the establishment of a Responsible Developers Scheme for developers will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Religion or Belief

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of religion or belief as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the establishment of a Responsible Developers Scheme for developers will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Sex

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of sex as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the establishment of a Responsible Developers Scheme for developers will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Sexual Orientation

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to direct or indirect discrimination or disadvantage, based on the protected characteristic of sexual orientation as specified in the Equality Act 2010.

There is nothing, at the present time, to suggest that the establishment of a Responsible Developers Scheme for developers will adversely impact upon people based on this characteristic, and we have had no concerns drawn to our attention with respect to this protected characteristic.

Meeting the needs of the PSED

All protected characteristics

We believe there will be no impact on people due to protected characteristics for the following reason:

This policy will apply to developers.

Conclusion

This review has identified a range of potentially negative impacts arising from the Cladding Remediation Programme that the Bill seeks to facilitate.

The provisions of the Housing (Cladding Remediation) (Scotland) Bill have been considered for possible impacts on each of the protected characteristics.

A co-design approach must be taken throughout the creating and implementation of the Cladding Remediation Programme, to ensure that any negative impacts arising as policy and operational processes are developed is discussed with the people it will affect most. Further impact assessments will be conducted to address each developing policy strand relating to the Cladding Remediation Programme

There is no evidence, so far within this EQIA that the policy is directly or indirectly discriminatory under the Equality Act 2010.

Monitoring and Review

The design of the Cladding Remediation Programme will integrate equality impact monitoring and evaluation into its framework from the outset. We believe it is essential to ensure that any identified positive and negative impacts will be closely monitored and evaluated and relevant information and data gathered to continually assess the potential positive and negative impacts of the programme.

Authorisation of EQIA

Declaration

I am satisfied with the equality impact assessment that has been undertaken for the Housing (Cladding Remediation) (Scotland) Bill and give my authorisation for the results of this interim assessment to be published on the Scottish Government's website.

Name: Rachel Sunderland

Position: Deputy Director, Cladding Remediation



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