

Scottish Building Regulations: Fire Safety Review and Compliance: Call for evidence



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Full name or organisation's name

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The Chartered Institute of Building (CIOB)

submission to

Scottish Government

on the consultation

Scottish Building Regulations: Fire Safety Review and Compliance

April 2026

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Introduction

The Chartered Institute of Building (CIOB) is the world's largest and most influential professional body for construction management and leadership. We have a Royal Charter to promote the science and practice of building and construction for the benefit of society, and we have been doing so since 1834. Our members, over 2,600 of whom are in Scotland, work worldwide in the development, conservation, and improvement of the built environment. We accredit university degrees, educational courses and training, and develop policy positions, recommendations and research based on evidence and best practice.

As a chartered professional body, CIOB acts in the public interest to promote the highest standards of quality, safety, and professionalism across the construction sector.

Background and key points

Quality is not merely a measure of regulatory compliance. The quality of Scotland's built environment is critical to the health, safety, and well-being of those who live and work within it, and to wider social, environmental, and economic outcomes. Safety and quality, or rather the failure of safety and quality, remains one of the most significant challenges facing the construction industry. The events that have focused attention on these failures are well known, but the underlying causes and the mechanisms required to address them are complex and continue to emerge. Addressing these issues requires clear regulatory frameworks, competent professionals, consistent application of standards, and sufficient resources across the system.

CIOB supports the intention to strengthen the building standards system in Scotland; to improve clarity of guidance; to explore mechanisms to ensure that buildings are designed and constructed according to standards; and to enable verification processes that assure quality and safety.

We therefore welcome this review of fire safety standards and guidance. It provides an important opportunity to address areas within the building standards system where clarity, consistency and enforceability can be improved; ensure that future changes to the system are implemented in a proportionate and effective manner; and mitigate any negative consequences that could result from these changes. The current guidance has developed over many years and, while the existing framework remains broadly robust, there is clear benefit in reviewing how standards and supporting guidance are presented, interpreted, and applied in practice.

CIOB has reviewed the response submitted by Local Authority Building Standards Scotland (LABSS) and broadly agrees with the points set out therein. As the representative body for Scotland's building standards verifiers, LABSS provides an

important technical perspective on the operation of the current system, and its experience of how standards and guidance are applied in practice is of significant value to this review.

We do not, therefore, repeat the detailed technical points raised by LABSS here, but rather support their overall assessment and assertion that the current framework is generally sufficiently robust but could benefit from greater clarity and consistency to ensure that the intended safety outcomes are delivered in practice. The views set out throughout this response should therefore be read as complementary to the LABSS response, focusing on wider systemic issues.

In particular, there is a need to ensure that the relationship between mandatory standards and supporting guidance is clearly understood, that the intent of the standards and guidance can be consistently interpreted, and that those responsible for design, construction, and verification are able to demonstrate and check compliance with confidence.

CIOB supports the ongoing development of the Compliance Plan Approach as outlined in the consultation document, as well as the proposed introduction of a Compliance Plan Manager, subject to careful consideration of proportionality, competency requirements, and the resource implications of implementing this model for all parties involved in the building standards system.

Legal status of Technical Handbooks

In compiling this consultation response, we spoke to CIOB members working across Scotland with expert, frontline knowledge of building standards and the challenges currently facing this system. CIOB members highlighted the need for greater clarity on the status of guidance regarding mandatory standards. The Scottish system relies on functional standards supported by technical guidance, and members noted that this approach can usefully provide flexibility. However, they further indicated that this system could create uncertainty, arguing that the extent to which guidance can be relied upon is not fully clear.

In practice, there is often a strong reliance on the Technical Handbooks as the primary means of demonstrating compliance. It is therefore essential that the guidance is sufficiently clear, detailed, and up-to-date, with clear examples provided to enable consistent application. If guidance is unclear or ambiguous, there is a risk that different interpretations could be taken by different authorities, designers, or verifiers. This lack of clarity could lead to inconsistency, increased costs, delays in the warrant process, and uncertainty about what constitutes due diligence.

The review should therefore consider how technical guidance and handbooks could be enhanced in order to provide greater clarity to all parties using them. As outlined in the

introduction, CIOB is not best placed to comment on the specific revisions to the technical guidance and defers to the response submitted by LABSS. However, the following sections highlight key themes and challenges within the existing Technical Handbooks and Guidance, as highlighted by our members.

Review of existing guidance and Technical Handbooks

CIOB members have reported variation in how fire safety guidance is interpreted and applied across different local authorities. These variances can make it difficult for designers and contractors to understand the level of evidence required to demonstrate compliance, particularly where performance-based solutions or fire engineering approaches are used.

The review should consider how the structure and presentation of the Technical Handbooks can be improved to support consistent interpretation. These amendments could include the use of additional examples, diagrams, worked scenarios, and clearer cross-referencing between standards. Improvements to usability would assist both those preparing building warrant submissions and those responsible for verification. Further, improvement could help reduce the time spent resolving queries during the approval process.

Greater consistency in interpretation is essential to maintaining confidence in the building standards system. A system that is applied differently in different areas risks undermining both compliance and public trust.

Additions to Technical Handbooks: emerging risks and gaps in current guidance

This review also provides an important opportunity to consider areas where there are gaps within the current guidance relating to emerging risks as the result of advances within construction practices. While CIOB members reiterated that the overall framework of the Technical Handbooks is robust, they identified specific areas where existing standards and guidance do not provide sufficient clarity to address new technologies.

Specifically, members highlighted the increasing use of battery storage systems and noted a gap within the existing guidance relating to this equipment. While battery storage installations are becoming more common, there is little explicit reference to them within the Technical Handbooks, and it is not always clear how the fire risks associated with these installations should be assessed against the existing standards. Although relevant guidance may exist elsewhere, CIOB members noted that the absence of clear reference within the standards themselves creates uncertainty for designers, verifiers, and building owners.

Members noted that this lack of clarity can lead to differing interpretations in practice, including uncertainty as to whether such installations should be considered within existing categories, for example as places of special fire risk, or whether additional or revised guidance is required. Greater clarity in this area would help ensure that emerging risks are addressed consistently and that those responsible for design and verification have a clear basis on which to demonstrate compliance.

Similar issues arise in relation to other developing technologies, including electric vehicle charging infrastructure and other systems associated with the transition to low-carbon buildings, like air source heat pumps. As new technologies are introduced and upscaled, the standards and supporting guidance must also evolve to ensure that fire safety risks are properly understood and addressed.

As building design and construction methods evolve, it is essential that the Technical Handbooks are kept under regular review so that they remain relevant, usable and able to address evolving risks. Where gaps in guidance are identified, the response should be based on evidence and developed in consultation with those responsible for design, construction, and verification, to ensure that any changes improve safety while remaining practically applicable within the building standards system.

Regulating the profession of fire engineering

CIOB supports the recommendations set out in the consultation for the profession of fire engineer to be recognised and protected by law. Further, we strongly support measures to ensure the competency of those involved in the design, assessment, and verification of fire safety measures, both as a means of upholding the quality and safety of the built environment and to support better functioning across the building standards system. CIOB members have reported significant variation in the quality of fire engineering submissions, which can place an additional burden on local authority verifiers and increase the time required to assess warrant applications.

Improving competency across the sector would support better quality submissions, more efficient verification, and greater confidence that buildings will meet the intended safety outcomes. As part of this process, CIOB would broadly support the development of clearer competency frameworks, stronger requirements for professional standards, and appropriate regulation of the fire engineering profession.

CIOB supports the principle that those undertaking complex fire engineering work should have appropriate qualifications, experience, and professional accountability. At the same time, any changes to competency requirements must be implemented in a way that is proportionate and achievable, taking account of the current limitations in the availability of qualified professionals and the need to maintain capacity across the system. Designing these frameworks and qualifications takes time, as does training competent people. Consideration must be given to the ongoing skills shortages across

the sector, ensuring appropriate lead-in times and resources are allocated to upskilling and implementing these systems.

Compliance Plan Approach and the role of the Compliance Plan Manager

CIOB supports the development of the Compliance Plan Approach as a means of strengthening the assurance that buildings are constructed in accordance with approved designs and building regulations, as well as upholding building safety more broadly. The introduction of a Compliance Plan Manager role has the potential to improve coordination across a construction programme, clarify responsibilities, and support the delivery of compliant, safe buildings. Further, we agree that legislation is required to give full effect to this approach and that the duties and corresponding offences for the Compliance Plan Manager should be set out in legislation.

However, the success of this approach will depend on the clear definition of roles and responsibilities, appropriate competency requirements, and careful consideration of how the role will operate in practice. It will be important to ensure that Compliance Plan Managers have sufficient independence to act in the public interest, while also avoiding unnecessary duplication of existing responsibilities. The same challenges relating to resources, skills shortages, and the need to develop and deliver training as outlined for fire engineers also apply to the development of a Compliant Plan Manager role.

Consideration should also be given to how the approach will be applied across different types of projects. A proportionate, risk-based approach is likely to be most effective, with the most stringent requirements applied to higher-risk buildings. A phased introduction may also be necessary to allow time for the development of competency frameworks, training, and industry capacity.

There remains a lack of understanding across the industry about where responsibility for compliance lies within the building standards system in Scotland. It is important that the review reinforces that responsibility for compliance rests with those undertaking work, and that the role of the verifier is to carry out reasonable inquiry rather than to certify the design or construction of buildings.

Clearer guidance on the responsibilities of designers, contractors, certifiers, verifiers, and building owners would assist in reducing disputes and delays and would help ensure that the completion certificate process functions as intended. Strengthening the evidence available to support completion certificates, through the Compliance Plan Approach or other measures, may also help reduce the burden on verifiers and improve confidence in the system.

Resources, skills, and capacity

Any changes to standards, guidance, or compliance processes must take account of the current capacity of the construction sector and local authorities. As outlined in our comments above, there is a persistent and ongoing shortage of skilled and experienced professionals across many parts of the industry, including fire engineers and building standards professionals.

Introducing new requirements without sufficient consideration of workforce capacity risks creating delays, increasing costs, and placing additional pressure on local authority verifiers and departments, many of which are already operating with limited time, human, and financial resources. Training, upskilling, and development of the necessary workforce will be essential to support any changes to the system. CIOB therefore encourages Scottish Government to consider the resource implications of proposed changes, and to ensure that implementation is proportionate, with practicable timelines for delivery, and supported by appropriate investment in skills and training.

Conclusion

The CIOB welcomes this review of fire safety guidance and the continued development of the Compliance Plan Approach. We support the intention to strengthen the building standards system in Scotland and to ensure that buildings are designed and constructed in a way that assures their quality and safety now and into the future.

We believe this review provides an opportunity to improve clarity, consistency, and utility of guidance, to strengthen and better regulate competency across the sector, and to ensure that responsibilities within the system are clearly defined, understood, and enforceable.

We strongly advise that these changes are implemented in a proportionate manner, taking account of the often-limited resources and skills currently available, and should support a system that, while remaining robust, consistent, and focused on ensuring the quality and safety of Scotland's built environment, is deliverable, reasonable, and practicable.

Maintaining the safety and quality of Scotland's built environment requires clear regulation, competent professionals, and effective collaboration between government, industry, and professional bodies. CIOB stands ready to work with the Scottish Government and other stakeholders to support the development of a building standards system that protects the public interest and promotes the highest standards of safety and quality.