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Convener, Local Government, Housing and
Planning Committee
The Scottish Parliament

08 March 2024

Dear Convener,

HOUSING (CLADDING REMEDIATION) (SCOTLAND) BILL – STAGE 1 REPORT

Thank you for your detailed consideration of the Housing (Cladding Remediation) (Scotland) Bill, and for your Stage 1 Report.

As I explained to Committee on 6 February 2023, the provisions within this Bill are key to addressing barriers to delivery of the Scottish Government's Cladding Remediation Programme. These provisions will better enable the Programme to safeguard home-owners and residents from the risks posed by unsafe cladding, 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.

I welcome the conclusion that the Committee agrees to the general principles of the Bill and attach the Scottish Government's response to the recommendations made. I hope that this is helpful and that Members are able to support the general principles of the Bill at the Stage 1 debate.

I look forward to further exploring points of interest at the forthcoming debate, and to continuing to work constructively with the Committee on the Bill at Stage 2, should Parliament endorse the general principles at Stage 1.

Yours sincerely,

PAUL MCLENNAN

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SCOTTISH GOVERNMENT RESPONSE TO STAGE 1 REPORT

This paper provides the Scottish Government's response to the points and recommendations made by the Local Government, Housing and Planning Committee in their Stage 1 Report, published on 29 February 2024.

For ease of reference, the Committee's points or recommendations are shown in bold and numbered in line with their report, and using the headings from the Stage 1 report. The Scottish Government's response is given directly underneath each of the relevant paragraphs.

COMMITTEE CONSIDERATION

9. The Committee appreciates that there was a need to proceed with the Bill quickly and notes the conversations which the Minister for Housing and his officials have recently been having with stakeholders, but, as explored in the remainder of this report, there are a number of issues that arose during the Committee's scrutiny which could have been considered and resolved prior to the introduction of the Bill if the Scottish Government had carried out a comprehensive consultation.

The Committee has rightly noted that a consultation exercise was not undertaken prior to the introduction of the Bill due to the need to bring forward this legislation at pace to address the risk to human life posed by unsafe cladding.

We are grateful to the Committee for its thorough consideration of evidence from a wide range of sources, as well as to those who have shared their views and expertise as part of the Stage 1 consideration.

Whilst the Scottish Government did not consult specifically on the Bill, the policy underpinning it has been developed based on a period of significant and ongoing engagement with stakeholders through the Ministerial Working Group on Mortgage Lending and Cladding, the Cladding Remediation Programme Stakeholder Group and from lived experience gathered during the pilot phase of the programme.

Continuing with the Programme, we are committed to engaging closely with stakeholders, including homeowners and residents, and to ensuring that appropriate consultation is undertaken ahead of any secondary legislation being brought forward and that full and comprehensive consultation is undertaken in advance of Responsible Developers Scheme (RDS) Regulations

THE POSITION IN SCOTLAND

43. The Committee recognises that progress has been slow in addressing the delays in the remediation Programme and calls on both the Scottish Government and private sector partners to make speedier progress in order to give residents in the

private and social rented sectors the assurances and actions that they seek.

We understand the frustration that those living in properties with potentially unsafe cladding are feeling and we are committed to accelerating Programme progress to protect lives and create safer homes.

The Bill has been developed to address barriers to delivery identified in the early phase of the Programme. Taken together with ongoing work to define the Single Building Assessment (SBA) specification and to agree the terms of the Scottish Safer Buildings Developer Remediation Contract we expect to see the pace of progress increase.

We are committed to ensuring that all buildings within the pilot phase of the Programme are on an SBA pathway by Summer 2024, regardless of tenure. Consideration of who is best placed to take forward any required remediation will be required on a building-by building basis, noting that in cases where there is a linked developer or single building owner there is a responsible partner.

44. The Scottish Government will need to ensure that, going forward, it improves its communication and engagement with the full range of stakeholders about how the cladding remediation Programme will be delivered. The Committee welcomes its commitment to deliver those improvements to communication and engagement and would welcome regular updates on the progress made.

Homeowners and residents will always be at the heart of our work, and that includes ensuring that they are provided with accurate and robust information on the Cladding Remediation Programme and the status of their building within it. Scottish Government officials are scoping options to enhance our approach to communications, and we will be happy to provide ongoing updates on this.

There are a broad range of stakeholders with an interest in our Programme and it is key that we not only keep them informed of progress but create the conditions for them to share their views and expertise to inform decision-making.

It may be helpful to know that the Programme has established a Cladding Stakeholder Group (CSG). This group provides a forum for discussion, partnership working, and

continuous improvement based on a 'lessons-learned' approach and drawing on lived experience. Members of CSG represent organisations or individuals with an interest in the progress of the Programme. CSG includes the following members:

- Homes for Scotland
- Association of British Insurers
- Building Societies Association
- Chartered Institute of Building
- High Rise Scotland Action Group
- Institution of Fire Engineers
- Law Society of Scotland
- Local Authority Building Standards Scotland
- Property Managers Association
- Royal Institution of Chartered Surveyors
- Scottish Federation of Housing Associations
- Scottish Fire and Rescue Service
- Scottish Futures Trust
- UK Finance
- UK Finance - Lloyds Bank Group
- UK Finance - Nationwide Building Society
- Western Harbour Owners Association

To deliver increased transparency, we will begin publishing the minutes of this group and will ensure that the link to these is shared with the Committee in a timely way.

THE BILL

54. The Committee notes concerns that there a number of areas of the Bill where greater clarity and further consideration would be welcomed to better achieve its aims and ensure the proposals operate effectively. The Committee wants clarity of meaning to avoid delay in the acceleration of the remediation Programme. The Committee therefore welcomes that the Scottish Government is giving careful consideration to the Law Society's suggestions and asks that the Scottish Government update the Committee on its reflections on these definitions ahead of Stage 2.

Development;

Risk to human life;

Undergone development

Premises; and

The interrelationship between “single-building assessment”, “single-building assessment report” and works.

The Scottish Government has noted the comments made and will consider its position on them ahead of the stage 2 process.

CLADDING ASSURANCE REGISTER

60. The Committee welcomes the principle of the Register. The Register can hopefully be a source of reassurance about the safety of buildings to those living in affected buildings as well as to insurers and lenders. However, the Committee considers that the Cladding Assurance Register may not fully deal with the challenges around re-mortgaging, buying, selling and insuring. Stakeholders raised a number of concerns about the efficacy of the Register, which are explored in the remainder of this section of the report.

We are grateful to the Committee for its thorough consideration of the Cladding Assurance Register in terms of its purpose, operation and effectiveness. The Scottish Government will reflect on the viewpoints and suggestions raised ahead of Stage 2 consideration of the Bill.

As we work to operationalise the Register, including the data to be included and the routes to access, we will work with a wide range of stakeholders including homeowners and residents, the financial services sector, Scottish Fire and Rescue Service and developers.

THE SINGLE BUILDING ASSESSMENT (SBA)

73. The Committee notes the Scottish Government’s expressed ambition for the Bill is to address cladding issues and in so doing encourage speedier remediation. However, the Committee heard in evidence concerns about wider fire safety issues broader than cladding and would welcome a response from the Scottish Government on how it plans to tackle these issues in the future. It would appear

to the Committee from the evidence it heard that the problems of obtaining building insurance and also resolving issues relating to lending and selling affected properties will persist if these wider fire safety issues are not resolved or managed.

Aligned with the Bill provisions, the scope of the Cladding Remediation Programme is limited to wholly or partly multi-owner 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 relates to buildings with external wall cladding systems and it is not a general fire safety Bill. It provides for identifying and remediating work needed to address “a risk to human life that is (directly or indirectly) created or exacerbated by the building’s external wall cladding system”. Whilst additional risks related to building safety or fire prevention may become evident during the process of assessing and remediating unsafe cladding, it’s important that we recognise that there are broader systems and legislation in place to manage these where they fall outside the scope of the Cladding Remediation Programme.

74. The Committee would also welcome more clarity from the Scottish Government on the specification of the SBA ahead of Stage 2. The Committee believes that without a clear specification of the SBA developers will be reluctant to commence the remediation of buildings.

We have agreed that the basis of the Fire Risk Appraisal of External Walls (FRAEW) which surveys the external wall system will be based on PAS9980, tailored to the Scottish context. We recognise that this is a critical enabler in setting the standard and will move the Programme forward.

The SBA specification is in development and will include the FRAEW and a Fire Risk Assessment (FRA) which will survey the internal fire safety measures, including internal compartmentation of buildings in order to assess risk to human life that is directly or indirectly created or exacerbated by the building’s external wall cladding system.

Developers continue to be closely involved in discussions about the SBA and the specification through an SBA task and finish group commissioned by the Minister for

Housing. We are also engaging with other stakeholders on the development of the SBA specification.

CONCEPT OF 'TOLERABLE' RISK

79. It is clear to the Committee that the Single Building Assessment is the foundation of the Cladding Assurance Register, however, with a binary process that does not recognise tolerable risk there is the potential to include buildings within the cladding remediation Programme that are fundamentally safe, thereby exacerbating financial and practical issues for those living in those buildings. The Committee recommends that the concept of tolerable or medium risk is incorporated into assessments and welcomes that that the Scottish Government is actively considering this. Confirmation of whether the Scottish Government will indeed adopt such a model would be welcomed ahead of Stage 2.

We have noted the evidence given to Committee on the benefits of aligning with the PAS9980 approach and adopting an approach which recognises tolerable risk.

The Minister for Housing and his officials confirmed to the Committee in February that we were actively considering the application of PAS9980 within a Scottish context. We can now confirm. the SBA will align with PAS9980 methodology. Tolerable risk will therefore be included in the SBA specification going forward.

ALIGNMENT WITH PAS9980

87. Given that PAS 9980 provides a methodology for assessing the fire risk of cladding which is widely used by professionals, and that it was explicitly designed to be applicable across the UK (albeit with some amendments), the Committee considers that there would be considerable benefits in adopting it as the basis for the SBA. It would seem to the Committee that this model would provide the certainty of specification and nuance currently missing in the SBA process. Not only that, but given its application across the UK, it would allow for surveyors and fire engineers from across the UK to undertake assessments. It appears to the

Committee that adopting a uniquely Scottish approach to assessments might limit those who could undertake them and in turn reduce the speed of the remediation process. Adopting a uniquely Scottish approach unfamiliar to lenders and insurers might also impact on their confidence in offering financial products. The Committee requests clarification from the Scottish Government ahead of Stage 2 on whether it intends to use PAS 9980 and if so, how it will harmonise it with the SBA.

We welcome the committee's comments on this issue and the shared understanding of the complexities of specifying the SBA process.

The basis of the SBA to date in the initial Pilot has been the Scottish Advice Note (SAN). The SAN was developed by the Building and Fire Safety Working Group and was publicly consulted on in July 2020 and updated in December 2022 to refer to the PAS9980 standards developed by the British Standards Institute.

Following further engagement and the lessons being learned as part of the pilot work that the FRAEW which surveys the external wall system will be based on PAS9980, tailored to the Scottish context. The SBA will include this FRAEW component and a FRA which will survey the internal fire safety measures, including internal compartmentation of buildings.

The SBA specification is in development and is due to be published by end May 2024.

POINT OF ENTRY ONTO CLADDING ASSURANCE REGISTER

92. The Committee considers there is a strong argument for buildings to be entered onto the Register before remediation works are completed, which would avoid further lengthy delays to resolution for property owners wanting to sell or remortgage their properties. The Committee requests that the Scottish Government considers solutions to how that could be achieved, for example through it providing guarantees to lenders or insurers that works identified as part of the cladding remediation Programme will be completed

As noted above, we are grateful to the Committee for its thorough consideration of the Cladding Assurance Register in terms of its purpose, operation and effectiveness.

The Cladding Assurance Register is intended to be an important resource in providing consistent information to mortgage providers and insurance providers about the remediation status of a building.

We will reflect on the viewpoints and suggestions shared ahead of Stage 2 consideration of the Bill, as well as engaging directly with relevant stakeholders, including the Association of British Insurers and UK Finance, to understand how best the Register can support confidence in buildings within scope of the Programme.

We should add that financial services (including mortgage lending) are a reserved matter and the Scottish Government will continue to raise the difficulties experienced by owners, and prospective owners, in accessing lending on buildings with potentially unsafe cladding with the UK Government.

93. While the Committee appreciates the potential risk of buildings being targeted and identified, delaying entry into the register could result in the challenges for residents and owners being prolonged for many more years. Ahead of Stage 2, the Committee would welcome further information from the Scottish Government on whether it has consulted directly with property residents and owners on whether they would like an early entry into the register, and if so what their views are.

The Cladding Assurance Register is intended to offer assurance on buildings which have been through a SBA and either require no remediation or have had remediation works completed. It is not intended to highlight existing risks from cladding ahead of remediation and we are mindful that this approach could be counter-productive.

It is a longstanding principle of the Programme that we do not release details of buildings or of any assessment or remediation work being undertaken in relation to them. This approach is in line with requests from homeowners and residents to protect their privacy and safety, and for the safety and security of the building overall.

We will consider this further ahead of stage 2, and take further advice on the potential consequences of early entry onto the Cladding Assurance Register.

DISTINGUISHING BETWEEN CLADDING AND NON-CLADDING ISSUES

96. The Committee notes the evidence presented by stakeholders about distinguishing between cladding and non-cladding issues on the Cladding Assurance Register and would welcome the Scottish Government's response to the evidence.

The Bill seeks to better enable delivery of the Cladding Remediation Programme. It relates only to buildings with external wall cladding systems, and it is therefore not a general fire safety Bill. As a consequence, the focus of all elements of the Programme is on the assessment and remediation of risks (directly or indirectly) created, or exacerbated by, unsafe external wall cladding systems.

This is also true of the Cladding Assurance Register. This Register will only contain details of buildings in relation to which a SBA has been carried out, and, if required, remediation works completed. Remediation works are defined as any works identified in the building's SBA report needed to eliminate or mitigate a risk to human life that is directly or indirectly created or exacerbated by the building's external wall cladding system.

ONGOING MONITORING OF BUILDINGS

104. The Committee notes that building "MOTs" are not uncommon. For example, the Committee's attention has been drawn to the approach taken in New Zealand. The issue of building MOTs has come up in the course of a number of different aspects of the Committee's work including that on Reinforced Autoclaved Aerated Concrete .

105. Whether it is appropriate for this Bill to make provision for a building MOT rests on whether the register is simply concerned with buildings with cladding or a register of the safety of these buildings more generally. While the Scottish Government has stressed that it is the former, if it is the latter then the Committee

could see merit in the buildings on the Register being regularly reviewed.

106. The Committee would welcome the Scottish Government's reflections on the concept of building MOTs more generally as well as their appropriateness for this Bill.

We are grateful to the Committee for considering this as part of their scrutiny of our provisions. We recognise that there would be benefits from implementation of a system that enables the recording of information on our existing building stock and that this may merit wider consideration in a number of departments outside the scope of this Bill. There are many questions that need to be considered in developing options for such a regime, not least the scope of ambition and the opportunities to link action to existing sources of useful data.

However, the Committee will be aware of the expedited nature and narrow focus of this Bill reflecting the urgency with which we are seeking to legislate to address the known risk to life associated with cladding. As such, we would not consider such activity compatible with our timetable and the outcomes the current Bill seeks to deliver. We will of course take every opportunity to consider how the opportunities and insights presented in this Programme inform future proposals.

POWERS TO ASSESS AND ADDRESS DANGER

113. The Committee supports the introduction of powers for the Scottish Government to assess and then address danger through remediation. It is clear to the Committee that these provisions respond to an issue that has in some cases been an obstacle to progressing the process of assessment and in turn remediation. The Committee would however welcome a response from the Scottish Government on how residents who are required to decant from their homes will be provided with advice and financial and practical support while remediation works are completed.

Homeowners and residents remain at the heart of our work, and that includes ensuring that the right information is shared with the right people at the right time. As already noted, Scottish Government officials are scoping options to enhance our approach to

communications. This will include the consideration of information and advice tailored for residents who are required to evacuate.

Where a building has a linked developer to take forward assessment and remediation that developer will also have a key role to play in ensuring that homeowners are residents are kept fully informed of, and provided with advice in relation to, required evacuations. We will ensure that this expectation is discussed directly with developers.

Ongoing discussions with developers on the Scottish Safer Buildings Developer Remediation Contract will include consideration of support to residents required to evacuate.

Support for residents in respect of orphan buildings will be provided by Scottish Government; and officials are currently working up the detailed operationalisation of the evacuation powers under the Bill.

RESPONSIBLE DEVELOPER SCHEME

USE OF SECONDARY LEGISLATION

122. The Committee recognises that the use of secondary legislation allows some flexibility in the operation of the Responsible Developers Scheme, however the lack of detail currently available creates significant concern for developers. The Committee considers that there would be merit in greater detail being included within the primary legislation in relation to the Responsible Developers Scheme. The Committee considers it necessary that appropriate Parliamentary scrutiny and stakeholder engagement is given to any secondary legislation. The Committee would also welcome more clarity on how the powers will be exercised from the Scottish Government ahead of Stage 2.

We share the committee's view that secondary legislation offers some flexibility in the operation of the RDS and recognise that developers would prefer to have more detail to scrutinise in advance of that legislation coming to pass. However, there are compelling reasons why the details necessary for the RDS are better suited to secondary legislation.

We are engaged in detailed discussions with developers to agree a Scottish Safer Buildings Developer Remediation Contract. This mirrors the approach in England and in Wales where larger developers have agreed and signed Developer Remediation Contracts clearly setting out in detail the expectations on developers. The contract between the UK Government and developers is over 100 pages. It is important that there is alignment between the expectations placed on developers through the RDS and the agreement in the Scottish Safer Buildings Developer Remediation Contract.

Secondary legislation has the advantage of greater flexibility and will allow us to ensure that the RDS reflects the outcome of negotiations on the contract with a broad range of developers.

The secondary legislation will require to be affirmed by the Parliament, and the Committee will have an opportunity to engage further with the detail of those regulations.

Some developers are already engaging with homeowners in assessment and remediation.

Our approach aligns with the approach taken by the UK Government who also put the details of their Responsible Actors Scheme in secondary legislation.

IMPACT ON SMEs

132. The Committee is concerned about the potential impact on SMEs and asks the Scottish Government to take this into consideration ahead of Stage 2 by assessing this risk to SMEs. While it would welcome more detail on how the Responsible Developers Scheme will operate, the Committee supports the introduction of a Responsible Developers Scheme.

We are grateful for the support of the Committee for the Responsible Developers Scheme.

The Scottish Government is engaged in detailed discussions with a wide range of developers, including smaller developers, on the detail of the Scottish Safer Buildings Developer Remediation Contract. The intention is that there will be close alignment between this contract and the RDS.

One of the key themes in these discussions is a developers' ability to pay and we have established a focused task and finish group focused on ability to pay which is engaging closely with developers and Homes for Scotland on financial thresholds; the contribution of smaller developers, and arrangements for firms that may find themselves in financial distress.

Our proposal to put the detail of the RDS in secondary legislation will allow us to work collaboratively and undertake a full consultation with developers, including SMEs, as part of these negotiations and ensure that detail is reflected in the secondary legislation.

Developers have an important part to play in Scotland's economy by providing safe and high-quality homes and we want to work with them to ensure a proportionate and collaborative approach to delivery of the Cladding Remediation Programme.

We will build on our engagement, with developers' in line with the principle of the New Deal for Business, throughout the Bill's passage through Parliament and in consulting on secondary legislation required.

LIABILITY FOR COSTS OF REMEDIATION

136. The Committee appreciates the concerns expressed by developers. The Committee draws attention to the concerns of the Law Society that the Bill will place commercial pressure on developers to fund remedial works without building a coherent legal framework for distributing costs between all relevant parties. Nonetheless the Committee considers on balance that pursuing remediation through developers is the only practical means to progress the remediation Programme.

Discussions are ongoing with developers on the Scottish Safer Buildings Developer Remediation Contract and ability to pay for remediation costs to ensure a fair a proportionate approach which also ensure value for money for the Scottish taxpayer.

As the Committee has noted and as set out in our evidence to the Committee the Scottish Government is focusing on developers. Developers may have had a contractual relationship

with other partners in the development of buildings, but the Government does not have the details of all those partners. The focus of the RDS and the Scottish Safer Buildings Developer Remediation Contract is therefore on developers. This mirrors the approach in England and in Wales.

IMPACT AND LONG-TERM IMPLEMENTATION

WORKFORCE CAPACITY TO DELIVER REMEDIATION

152. The Committee notes the confidence the Minister and his officials have expressed in the availability of surveyors and fire engineers to undertake SBAs. The evidence presented to the Committee, however, has consistently presented a picture of skills shortages in these key sectors essential to delivering the Bill's ambitions. In the absence of a course in Scotland to train fire engineers to fill that void, it is not immediately clear how this obstacle to the acceleration of the remediation Programme will be overcome. The slow progress in the number of qualified surveyors emerging from the RICS training course is also concerning as are the challenges for existing fire engineers in obtaining professional indemnity insurance.

Whilst we have not encountered any issues with the availability of fire engineers to date, we have noted the evidence provided to Committee and will consider this further in terms of the operationalisation of the Bill.

It is also worth noting, we are operating within a UK and Ireland market and basing the FRA of the external wall on PAS 9980 in the Scottish context will, as the Committee has noted, effectively open up the market. We will remain cognisant of demand and supply in the fire engineer/construction sector as this Programme develops.

153. For the ambitions of the Bill to be realised, the Scottish Government must make clear what qualifications are needed to undertake an assessment of a building. While the Committee is not in a position to be prescriptive on exactly who should undertake this work it is essential that assessments are undertaken to a high standard and it appears counterproductive to broaden the pool of people who can

undertake the assessments if it's likely to result in the assessments having to be subsequently repeated by more qualified and experience individuals

We agree that the highest standards of competence should be employed in carrying out the assessment of buildings. To this end, the Bill provides that Single Buildings Assessments may only be carried out by persons authorised for that purpose by the Scottish Ministers. In so authorising persons, the SG will correlate with the specification of the assessment standards as well in order that they may both reflect most up-to-date knowledge and skills available in the industry so that assessments can be conducted appropriately.

154. Having made clear what qualifications are required to undertake an assessment the Scottish Government must work with that sector to ensure it can develop a workforce of sufficient numbers and skill to deliver on the remediation Programme. The Scottish Government must also work with the insurance industry to ensure that professional indemnity insurance is available to those undertaking assessments.

As referenced above, we have noted the evidence provided to Committee in relation to skills and workforce availability and will consider this further in terms of the operationalisation of the Bill.

Whilst insurance remains reserved to the UK Government, we will continue to engage with stakeholder and raise any issues identified with UKG.

155. As Phil Diamond noted, it will be necessary to “build an army” to deliver on the Programme and the Scottish Government must work with all of the relevant sectors to undertake this workforce planning. If cladding remediation is not to be delayed any further, then this workforce planning must begin immediately.

Whilst we have not encountered any issues with the availability of fire engineers to date, we have noted the evidence provided to Committee and will consider this further in terms of the operationalisation of the Bill.

It is also worth noting, that we are operating within a UK and Ireland market and basing the FRA of the external wall on PAS 9980 will, as the Committee has noted, effectively open up

the market. We will remain cognisant of demand and supply in the fire engineer/construction sector as this Programme develops.

TIMESCALES FOR COMPLETING REMEDIATION

161. Mindful of these complexities, the Committee agrees that it is unrealistic to set a definitive timescale for completing remediation on the face of the Bill.

Nonetheless, the Committee considers that it is essential that the Scottish Government establishes an indicative timescale so that those living in affected buildings have some assurance about the timeframes in which they can expect the work to be completed in. The Scottish Government has previously committed to providing the Parliament with quarterly updates on its progress in relation to the remediation Programme. The Committee will be closely examining these updates and the extent to which this Bill has precipitated an acceleration in the delivery of the Programme.

We have noted the Committee's comments and will be pleased to provide updates as requested.

162. As stressed earlier in this report, it is also critical that the Scottish Government improves its communication with those living in affected properties to ensure that they are fully aware of what is happening with regard to their building. Developers must also improve their lines of communication. From the evidence this Committee has taken the communication by both the Scottish Government and developers has been unsatisfactory to date and a new approach must be adopted. The Committee welcomes the Minister's acknowledgement that communication needs to improve. The Committee asks that the Scottish Government provide it with an indication of what processes it is putting in place to improve communication and what it is doing to encourage developers to improve their approach to communication.

Homeowners and residents must remain at the heart of our work, and that includes ensuring that the right information is shared with the right people at the right time. Scottish Government officials are scoping several options to enhance our approach to

communications, including providing regular updates on the overall Programme flightpath as well as building specific communications.

Where a building has a linked developer to take forward assessment and remediation that developer will also have a key role to play in ensuring that homeowners are residents are kept fully appraised of both plans and progress. We will ensure that this expectation is discussed directly with developers.

INVESTMENT BY THE SCOTTISH GOVERNMENT

171. The Committee welcomes the creation of the Scottish Government's Cladding Remediation Directorate and the commitment to a demand-led increased investment in the remediation Programme. Recognising the complexity of the Programme, however, this will require significant long-term financing and the Committee would welcome an indication from the Scottish Government of its long-term financial planning for funding this Programme.

The Scottish Government is committed to providing funding 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. The funding of this programme has been considered and integrated into the future financial planning process.

172. Furthermore, the Committee requests an assurance from the Scottish Government that 'orphan' buildings will not be at a disadvantage in the cladding remediation Programme and that it will ensure funding is made available to progress remediation for these buildings in the same way that it will be for buildings with developers.

As noted in the report, the Minister for Housing has provided assurances to residents of orphan buildings that their buildings will not be a lower priority than those with a linked developer. We are committed to funding the remediation of orphan buildings and this has been considered and integrated into our future financial planning process in the cladding remediation Programme.

RESPONSIBILITY FOR REMEDIATION

175. There is a need for greater clarity from the Scottish Government on how it will ensure that property owners and residents will not experience further delays to their buildings being declared as safe (and therefore added to the Cladding Assurance Register) due to confusion over who is responsible for works being completed. In particular the Committee requests assurances that a process will be put in place to ensure the coordination of such works including transparency with owners about the costs they will incur.

Each SBA will culminate in a report on any risk to human life that is (directly or indirectly) created or exacerbated by the building's external wall cladding system and what work (if any) is needed to eliminate or mitigate that risk. Homeowners and residents will not be expected to pay for remediation of those risks. .

CONCLUSION

193. The Committee supports the general principles of the Bill.

The Scottish Government welcomes the Committee's support for the general principles of the Bill.