

PE2113/I: Provide support to RAAC-affected communities

The Royal Incorporation of Architects in Scotland (RIAS) written submission, 24 February 2025

Commentary on setting up a national fund to aid struggling homeowners and tenants affected by RAAC.

The Royal Incorporation of Architects in Scotland (RIAS) considers it iniquitous that householders, through no fault of their own, find themselves facing very substantial remediation costs for latent defects of this nature.

Scotland has been here before with around 14,000 post-war houses designated as defective under the 1987 Housing Act. A comprehensive and well-funded remediation scheme was delivered by the Scottish Office / Scottish Executive, Scottish Homes, and local authorities spanning more than a decade. Technically, this programme was only repealed in 2018. The scale of the RAAC, cladding, and other related structural and damp ingress problems suggests the need for similar level of sustained intervention. A market-led approach to repairs, which is reliant on individual housebuilders, property owners and social landlords will not succeed without government direction and funding. In our view the petitioners are therefore right to seek details of a workable means of tackling the problem.

The RIAS notes the slow, limited progress on recouping costs of remediating buildings affected by the parallel cladding crisis. When developing a response to RAAC, the funding mechanism developed by the UK Government for cladding is an unfair model for funding a national remediation programme – with unintended consequences.

Without Barnett funding, any equivalent programme for RAAC will further deplete funding needed for the housing emergency. The Scottish Government should continue discussions with the UK Government on a proportionate and fair funding mechanism for latent defects in housing, including cladding and RAAC. Even for the minority of householders with access to repair funds, a public led, and centrally organised programme will be fairer, more efficient, and cheaper overall. It also acknowledges and takes responsibility for the historic causes of the problem.

Views on starting a public inquiry to investigate the practices of councils and housing associations concerning RAAC, including investigation of how business related to RAAC was conducted, the handling of safety reports and property sales, disclosure of RAAC, and responses to homeowner concerns.

There is a need to ensure that the cycle of latent defects seen with large panel systems, PRC homes, RAAC, and combustible cladding does not continue. Quality

of design and construction should be central to the Government's procurement agenda, and we support current work looking at this.

Nonetheless we view the suggestion of another public inquiry around RAAC as problematic on two counts.

Firstly, it will divert time and effort from organising the immediate response, which is already hampered by a severe lack of resources both in central government and at a local authority level. We also note the results of the inquiry will take several years (as per defects in hospitals) when householders need action at the earliest possible opportunity. The multi-million-pound costs of inquiry would be better spent delivering immediate support to householders.

Secondly, the decisions which led to the use of RAAC were made over 40 years ago. It is these which have led to the crisis we see today. In most cases the public authorities no longer exist, e.g., District Councils, the Scottish Special Housing Association or New Town Development Corporations. The senior staff involved will be long retired or deceased, and correct records and accounts will be exceedingly difficult to assemble. Our concern is that a long and expensive inquiry would simply confirm that short-sighted procurement decisions prioritised lowest cost materials over better technical choices – aligned with poor oversight.

We do, however, think the Scottish Parliament should ensure that there is a thorough review of procurement practices in construction. Despite ongoing consultation on construction quality, our experience is a cost-driven system focused on short term goals. The role of construction professionals, including architects, is still being undermined by preferences for sub-optimal alternative build strategies of unproven durability.

Views on introducing or updating legislation, like the General Product Safety Regulations, to ensure developers, councils, and housing associations are held accountable for using substandard property materials, mandate risk disclosure, and make surveyors and solicitors liable for untraced defects. Legislation should also include provision for a comprehensive register of high-risk buildings in Scotland.

Adequate measures to protect the public are essential but need to be balanced against potential impediments to delivering new housing in a time of significant unmet need. The extended periods of liability introduced retrospectively for defective premises within the Building Safety Act, aimed primarily in England, have led to concerns around insurances and market risk. We also believe there will be challenges in regulating products at a Scottish level within the UK single market within the scope of devolved powers.

The ongoing work at both Scottish and UK level to implement the recommendations from the Grenfell Stage 2 Inquiry should deliver significant improvements in

compliance with the building regulations. The RIAS draws particular attention to the incoming Compliance Plan Manager (CPM) regime however this must be more than a light touch tick-box exercise. It must also be delivered in tandem with procurement reform.

There is little evidence to suggest deliberate deception is the biggest cause of poor standards in construction. However, if problems are not looked for or detected before buildings are completed, no one is accountable then issues emerge years later. At present, most inspections are desk-based and visual and cannot detect problems within the building's structure or design details. The Scottish Government would need to consult on more expensive and invasive inspections when buildings are first completed or later sold. Changing to a more robust regime, especially post-occupancy inspections as part of the building warrant process, is something the RIAS strongly supports. This is a matter of cost and to an extent having sufficient skills and ability within the regulatory system. Building control is still an under-funded and under-resourced service, which requires sustained investment at a local authority level.

Creating a high-risk building register will be challenging in terms of definition (e.g., level of risk) and require considerable time and resources to compile. It could also have unintended consequences, including curtailing the ability to obtain insurance, remortgage, or sell properties, and legal challenges from householders would be likely. The proposal from BEFS and other bodies for a general register or "building passport" which provides records of building construction and repair offers a more practical alternative and better information of property purchasers.

Summary and Conclusions

The Scottish Government faces a major challenge responding to RAAC alongside other latent defects related to novel materials and building techniques (for example, combustible cladding). This is an issue of public safety and housing supply (which requires a coordinated and comprehensive response. The overall costs are beyond the scope of both existing national and local revenue (repair) and capital funding (replacement) budgets for housing. These budgets are already fully deployed resourcing new social housing and retrofit programmes. However, funding must be found given the hardship householders face because of poor public procurement and regulation practices.

By overhauling public procurement and implementing the Grenfell recommendations, Scotland can at least prevent further crises of this scale. The RIAS would welcome a reformed system that emphasises design and construction quality standards - not just the bottom line.