

# PE2113/A: Provide support to RAAC-affected communities

## Scottish Government written submission, 22 August 2024

I have considered the issues raised by the petition with the response to the various issues set out below, along with some additional information included for background.

### RAAC – Background

Reinforced autoclaved aerated concrete (RAAC) was a building material used in some buildings to form roof planks, wall panels, and sometimes floor planks, between the mid-1950s and mid-1990s. While use of RAAC stopped around this time in Britain, research from Loughborough University indicates that ‘RAAC is still manufactured and installed all over the world...’<sup>1</sup>.

While issues with RAAC have been known about for a number of years, the presence of RAAC in a building does not necessarily mean that the building is unsafe. Advice from the Institution of Structural Engineers (IStructE) recommends a risk-based approach to addressing the issue of RAAC. IStructE have been clear that if RAAC has been manufactured, designed, installed, and maintained correctly there may be no risk to address and that RAAC is not an inherently substandard or unsafe building material.

IStructE have also said that the reported 30-year lifespan for RAAC is misleading, with no specific data to support this claim. The Scottish Government recognises that this is a worrying time for those who have RAAC in their homes, and recommends that homeowners follow the IStructE risk-based approach, as for some properties there may be no risk to address.

As is referred to in the petition, the Scottish Housing Regulator (SHR) has published information, including guidance, on the presence of RAAC in social housing and is actively engaging with all registered social landlords (RSLs) identifying RAAC in their properties. Data published by the SHR in March notes that thirteen landlords have identified the presence of RAAC with 1,994 homes affected.

### National fund

While the UK Government has not to date made funds available to help support RAAC remediation and management on a UK wide basis, the Scottish Government is committed to working with the UK Government on this matter.

As with any other building maintenance issue faced by homeowners, we recognise that where owner-occupiers need to make repairs to their homes, some may need extra support to undertake work or to access sources of funding. This is why each local authority in Scotland is required to have a Scheme of Assistance Strategy which sets out the support available to private homeowners who need to make repairs to their home. The Scheme of Assistance is part of a council’s Local Housing

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<sup>1</sup> [Expert explainer: What is Reinforced Autoclaved Aerated Concrete \(RAAC\) and why are people concerned | News and events | Loughborough University \(lboro.ac.uk\)](#)

Strategy and aims to drive improvement in the condition of houses in their local area. A Scheme of Assistance takes into account local circumstances and priorities and local authorities may be able to support homeowners through advice, guidance and information on potential sources of funding.

Ultimately it will be for the local authority to determine what support is available for homeowners. In the coming weeks and months, the Scottish Government will be engaging further with local authorities where RAAC has been identified to ensure that different levels of Government and other stakeholders in the housing sector can work together to ensure that affected households are supported appropriately and receive the correct information and advice.

## **Public Inquiry**

A Public Inquiry is a significant undertaking. Given the costs involved and the likely time to report, Ministers are clear that an Inquiry should only be called when 'nothing else will do'. Whilst we recognise the importance of understanding the full range of issues relating to RAAC, many of the issues concerning RAAC as a building material are now well understood and an Inquiry into these matters would be highly unlikely to establish anything new.

I am also assured that the level of engagement the Scottish Government has with multiple stakeholders across the housing sector, including Local Authorities, housing associations, the Association of British Insurers, UK Finance, the Institution of Structural Engineers and the Royal Institution of Chartered Surveyors allows for comprehensive and detailed discussion of all relevant issues.

More broadly, all these parties are involved in the Scottish Government led RAAC Cross Sector Working Group and its sub-groups. This forum (and others) ensures that the latest information and research on RAAC can be shared across all interested parties, including councils and housing associations. Information on the RAAC Cross Sector Working Group (and sub-groups) can be found here: [Reinforced Autoclaved Aerated Concrete \(RAAC\): Cross Sector Working Group - gov.scot \(www.gov.scot\)](http://www.gov.scot/Topics/consultations/raac)

## **Updating legislation**

In respect of the proposal to introduce or update legislation similar to the General Product Safety Regulations, we would note that as consumer protection policy is a matter reserved to the UK Parliament, it would be for the UK Government to consider the changes you have suggested in relation to powers in the housing industry similar to those contained within the General Product Safety Regulations. However, we already have in place the Scottish building standards system. We create the building standards regulations and technical guidance to ensure buildings are safe, efficient and sustainable.

We would also note that The Building (Scotland) Act 2003 addresses situations where non-compliance with building regulations, in force at the point of construction, is identified. [Work is underway in Scotland to review and strengthen these other powers](#). The powers in the Act enable local authorities to take enforcement action where there is non-compliance with Building Regulations or where a property is deemed dangerous or defective.

Regarding increasing the responsibilities and accountability of developers, councils and housing associations for the use of building materials, along with making surveyors and solicitors liable for untraced defects, there are already escalation processes in place should conveyancing solicitors or chartered surveyors fail to deliver a standard of service expected of a reasonable professional whereby a client can make a complaint with the appropriate body and/or raise civil proceedings for negligence or breach of a duty where there has been a consequent personal or financial loss.

As you may also be aware, the Scottish Home Report was introduced in 2008 to provide buyers with important information about the property before they make an offer. It is based on a visual survey prepared by a qualified surveyor registered with or authorised to practice by the Royal Institution of Chartered Surveyors (RICS). However, it is the responsibility of the purchaser to ensure that they are aware of the condition of the property, as ultimately they are taking on responsibility for its condition and future upkeep.

The Scottish Government is planning a forthcoming review of the Home Report which will include consideration of how to ensure buyers can make an informed decision in relation to undertaking more detailed surveys, including structural reports establishing how the property is built, what materials are used and how these will perform in the future.

Finally, with respect to the introduction of a comprehensive register of high-risk buildings in Scotland, our view is that creating and, importantly, maintaining a database that captures information relating to buildings would be a significant undertaking with a considerable amount of resource required. Expert advice would be required on how to manage such a system, ensure it is secure, understand what data should be collected at what time intervals. This would require further consideration in terms of the significant amount of resources that would be required at local and national level and there are no plans to take forward work on this at this time.

I hope the Committee finds the contents of this letter helpful.

Yours sincerely

**Building Standards Division**