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To: Chief Executives - Scottish Local Authorities

(Copy: Building Standards Managers – Scottish
Local Authorities)

11 May 2020

Dear Chief Executive

**The Building (Scotland) Act 2003:
Guidance to support the on-going verification of building work as a result of
the COVID-19 outbreak**

I refer to my letter dated 20th March 2020 providing guidance on building standards compliance and enforcement matters and which also recognised the need for verifiers and developers to work together in flexible and pragmatic ways to deliver new homes and business premises during this COVID-19 affected period.

The purpose of this letter is to advise that following conversations with the International Code Council (ICC), the Building Standards Division (BSD) has been in discussions with Scottish industry representatives including Homes for Scotland (HfS), the Scottish Property Federation (SPF), Local Authority Building Standards Scotland (LABSS) and other members of the Building Standards Resilience Liaison Group to develop and shape guidance to support the remote verification of building warrant work once non-essential construction work can resume.

Recognising potential physical inspection limitations and health concerns currently associated with site based inspections, the guidance has been developed to inform and encourage the appropriate use of remote video inspections as alternative evidence within the context of the national Verification During Construction guidance.

Remote inspection may also provide additional inspection capacity and verification resilience by removing the travel time component from such inspections.

Recognising the limited deployment to date of remote video inspection within building standards verification services and the changing circumstances resulting from the COVID-19 pandemic, it is intended this guidance will be regularly reviewed and updated as necessary based on feedback in use and digital innovation.

Officials from Building Standards Division at Scottish Government will be available to respond to any queries that may arise, contact in the first instance should be via Stephen Garvin, Head of Building Standards Division (07836 504 781, Stephen.garvin@gov.scot).

Kind regards

A handwritten signature in black ink, appearing to read 'Kevin Stewart', with a long horizontal flourish extending to the right.

KEVIN STEWART

Remote Verification Inspections

Guidance to Support Remote Inspections During the COVID-19 Pandemic

Introduction

Verification of the compliance of building works with Scottish building regulations is undertaken by the 32 Scottish local authorities in their role as verifiers. The work of verifiers has two main elements: checking and approving building warrant plans that comply with the building regulations and undertaking reasonable inquiry to verify that the building work complies with the approved plans, details and with regulations. The [Scottish Building Standards Procedural Handbook](#) provides further clarification on the procedures and practical operation of the building standards system.

The checking of building work in progress is an important part of the building standards verification procedure and verifiers will make risk-based checks during the construction phase. However the responsibility for compliance with the building regulations remains with the relevant person (usually the owner or developer) who should supervise and control the work on site so they can certify the completed work as being in accordance with the approved building warrant plans and building regulations by submitting a completion certificate to the verifier.

The nature and frequency of checks made by a verifier are informed by the [Verification During Construction](#) (VDC) national guidance documents, which provides for a tailored risk based Construction Compliance and Notification Plan (CCNP) being created for each building warrant project. The CCNP is issued along with the building warrant confirming the stages of the project where the owner or developer should notify the verifier for inspection or submit agreed alternative evidence.

Following failings in the construction of Edinburgh School Buildings and the fire at Grenfell Tower, London [the Building Standards Futures Board](#) was set up to provide guidance and direction on the development and implementation of recommendations made by the Review Panels on Compliance and Enforcement and Fire Safety. The Board's digital transformation work stream explores how digital technology can support and enhance building standards and the current COVID-19 situation has added an immediate need to utilise and develop digital solutions and practices to support verification delivery.

Remote Verification Inspection (RVI)

The Verification During Construction guidance states that verification checks during construction normally centre on site visits but allows verifiers to detail any alternatives to site inspections within the CCNP and may for example include photography, test reports or certificates of construction. The verifier decides which forms of alternative evidence are appropriate for each application.

Recognising current restrictions and health risks associated with site based inspections, the economic importance of the construction sector and the on-going

need to check building regulations compliance, this guidance has been developed to support the use of remote verification inspections to supplement physical inspections primarily during this initial COVID-19 affected period.

In this respect the Scottish Government is aware of a number of verifiers who have recently worked with house developers and developed ways to carry out remote final inspections by video which allowed the occupation of housing prior to the suspension of all non-essential construction work.

COVID-19 is having and will continue to have a significant effect on how construction work is carried out whilst also driving the adoption and development of remote inspection technology. There is therefore an ongoing need for verifiers to continue to work in such pragmatic and flexible ways with owners and developers to ensure verification services are maintained in support of the construction sector whilst achieving the necessary level of built compliance assurity.

The use of remote evidence can also provide efficiency savings in terms of travel time and used appropriately can effectively evidence compliance whilst realising additional inspection capability. It is also recognised that in addition to developing new practices local authority verifiers and developers will also have to invest in suitable IT infrastructure to formalise and maximise these remote inspection efficiencies.

General Considerations

It is understood that all local authority verifiers beyond utilising the national eBuilding Standards portal for receiving and processing digital building warrant applications currently have differing digital capabilities.

Individual verifiers should therefore consider the following:

- How and the extent to which they may wish to promote the possibility of RVI to customers and this will be likely influenced by local authority constraints around the availability of software and suitable devices, corporate IT policy and any local COVID-19 related inspection restrictions
- The compatibility of the customers devices and software with that available to the inspecting officer
- How virtual inspection should be arranged with customers potentially ranging from simple email/telephone means to web based requests linked to scheduling and other back office software that may be available
- Best practice requirements around maintaining and meeting online security requirements.

The current possibility of any remote verification inspection integration within office systems will also vary. Presently all that may be achievable is a real time video link between the inspecting officer and the site representative facilitating the remote inspection (mobile device to mobile device) without any such integration or digital capture. However recent experience has shown that this substitution of a physical walk through inspection with a remote inspection has allowed for compliance checks

to be made and facilitated the occupation of housing via the issue of a temporary occupation certificates.

In these examples the remote inspection was in addition to previous physical inspections and further physical inspection is planned when possible.

Remote Verification Inspection - Practical Considerations

- Agree the format of the video application that will be used
- Agree the extent and nature of the inspection in line with the CCNP, the time of the inspection and the likely duration of the remote inspection
- Consider the availability of suitable connectivity; if none is available then consider the use of extended photography or the provision of video to be forwarded to the verifier for review as soon as possible

Remote Verification Inspection – Relevant Person Owner/Developer

- Participating in a remote verification inspection confirms that you are the relevant person or are authorised to act on behalf of the relevant person, are aware of the responsibility to represent the inspection work as fully as possible and that all relevant site health and safety requirements will be met.
- The use of remote verification inspections is based on trust between the verifier and the person facilitating the inspection on site. Failure to properly represent the building work being inspected would result in withdrawal of this as an inspection option and may delay the acceptance of a completion certificate or the verifier issuing a temporary occupation certificate
- Plan well ahead when contacting the verifier to arrange an inspection
- Use the eBuilding Standards portal for the submission of any supporting information and submit the information in good time to allow for review prior to inspection. For example Section 5 of the [Scottish Building Standards Procedural Handbook](#) provides guidance on the information that should be submitted when submitting a completion certificate.
- Confirm/test the site for the expected connectivity (Wi-Fi/strong 4G connections)
- Anticipate and ensure access to all areas that are planned to be inspected ensuring sufficient lighting (the verifier may share an inspection plan if appropriate)
- Provide clarification of the project and its address.

Remote Verification Inspection – Inspecting Officer

- Ensure suitable confirmation of the site and building, confirm the identity of the inspection facilitator at the site and their acceptance of virtual inspection responsibilities
- Ensure access to CCNP and approved building warrant details as necessary
- Consider use of google maps or other GIS systems to view existing sites and/or buildings before inspection
- Determine an inspection plan for more complex inspections

- Advise the inspection facilitator of any measurements or devices for measurement that may be required
- Review any previous inspection notes and issues arising
- Consider and have available methods for recording the inspection outcome and that any issues for follow up are noted and conveyed to the
- Ensure acceptance or otherwise of
- Monitor if degree of compliance evidence being provided during the remote inspection is satisfactory – if not is a physical inspection required or is any other alternative evidence required?
- Collect lessons learned and share with colleagues to develop best practice.

Use of and Limitations of RVI

The decision to offer or accept a request for an RVI forms part of reasonable inquiry and lies with the verifier and includes considerations such as the following:

- The possibility or desirability of making a physical inspection in terms of managing health risk
- The complexity of the project and/or the CCNP inspection stage and risk of a remote inspection not demonstrating compliance to the extent required. For example recognising the limits of readily available remote inspection technology some guidance suggests that simple projects or discrete elements of building warrant work are currently best fit
- Any previous compliance failures noted against the project

The potential efficiency savings in terms of time for the contractor and verifier may be another consideration if the verifier is satisfied a virtual inspection is an appropriate option.

Verification checks are normally focussed on site visits and this should be the case when it is safe to do so in line with national guidance. Whilst photography and RVI can be used in lieu of physical inspections where considered appropriate by the verifier, such alternatives should be part of wider verification checks including physical inspections except in the simplest of building projects.

Currently all non-essential construction work has been suspended and the opportunity to use remote verification inspection is limited to within essential construction projects and therefore this guidance is primarily intended to support the use of RVI during the recovery phase as restrictions ease whilst also recognising the longer term opportunity to develop and utilise such technologies.

During the recovery phase of use, it is anticipated that remote inspections will tend to be a result of a partnership approach primarily between house builders or larger developers and verifiers reflecting the early stages of remote verification inspection development and potentially the need for workarounds and bespoke solutions around IT and hardware to be agreed. This guidance however also seeks to inform the potential wider use of remote inspections within all building warrant projects as part of appropriate compliance checks.

The Future of Remote Inspections within Verification Compliance

The COVID-19 pandemic will have a significant affect on how construction sites and activities are carried out, and will require change from everyone involved in the process of delivering new buildings. As we move into the recovery phase of COVID-19, the learning from this current period of digital inspection innovation and practice will inform how RVI best fits into verification compliance activity and potentially lead to the development of formalised remote inspection practices and solutions.

The Scottish Government will continue work with [Local Authority Building Standards Scotland](#) (LABSS) and other stakeholders to facilitate the development of digital solutions that support verification and the construction industry.

Recognising the early stage of RVI use and the changing circumstances resulting from the COVID-19 pandemic, it is intended this guidance will be regularly reviewed and updated as necessary based on feedback in use and digital innovation.