TPI Scotland

Connect

2026

TPI Scotland Connect 2026

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TPI Scotland Connect 2026

ConneXions
Matter

Jennifer Reoch
Host

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TPI Scotland Connect 2026

TPI Chair

Welcome

Baroness Dianne Hayter

The Property Institute

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TPI Update

Andrew Bulmer

The Property Institute

Welcome, and thank you

Nirvana, Oasis, Black Sabbath

Welcome, and thank you

	Debut Album	Sales	Second Album	Sales
Nirvana	Bleach (1989)	~1.7 million	Nevermind (1991)	~22 million+
Oasis	Definitely Maybe (1994)	~4.4 million	(What's the Story) Morning Glory? (1995)	~12 million+
Black Sabbath	Black Sabbath (1970)	~1.2 million	Paranoid (1970)	~4.7 million

TPI's purpose

To support our members to manage people's homes competently, safely and ethically

The Property Institute Scotland

Born 1867, est. 16 months

- Governance ……………… Set up the Scottish Board
- Built a team………………..     plus…
- Growing comms……….The Grid, plus news, plus…
- Called a gathering……Connect 2025
- Had a party………………Scotland Awards 2026
- Met the neighbours….Government, plus…
- Made a plan…………….Manifesto, plus, plus, plus…

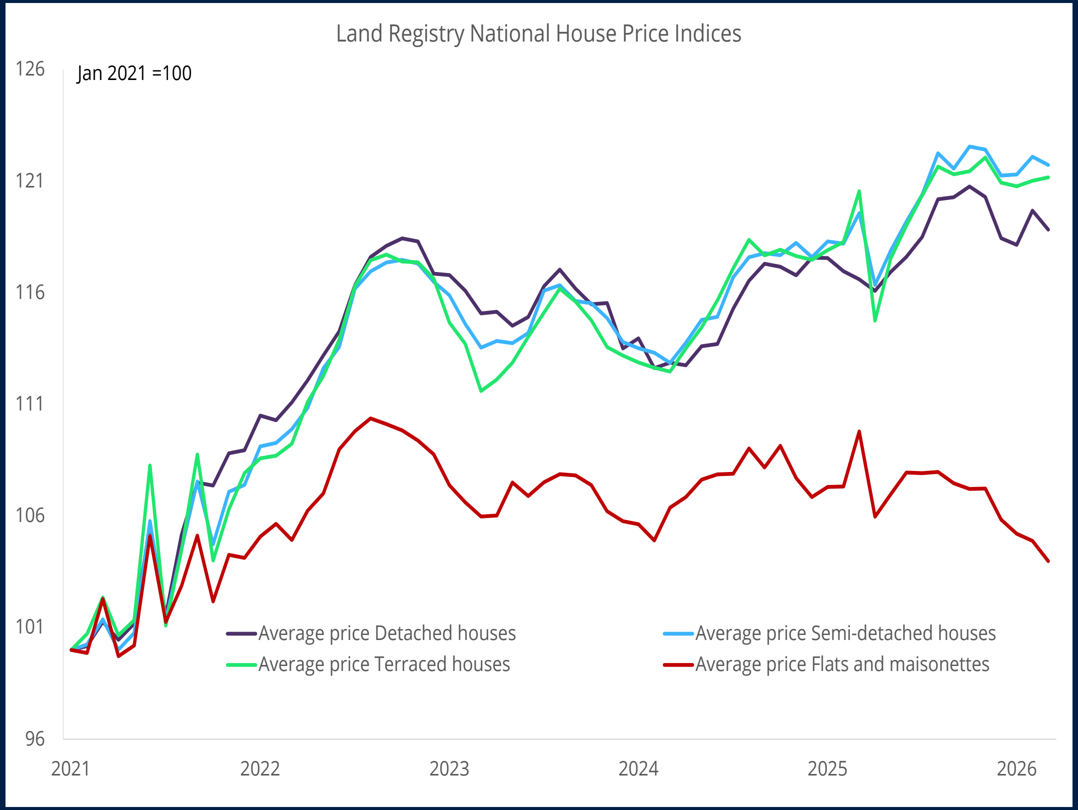
Manifesto

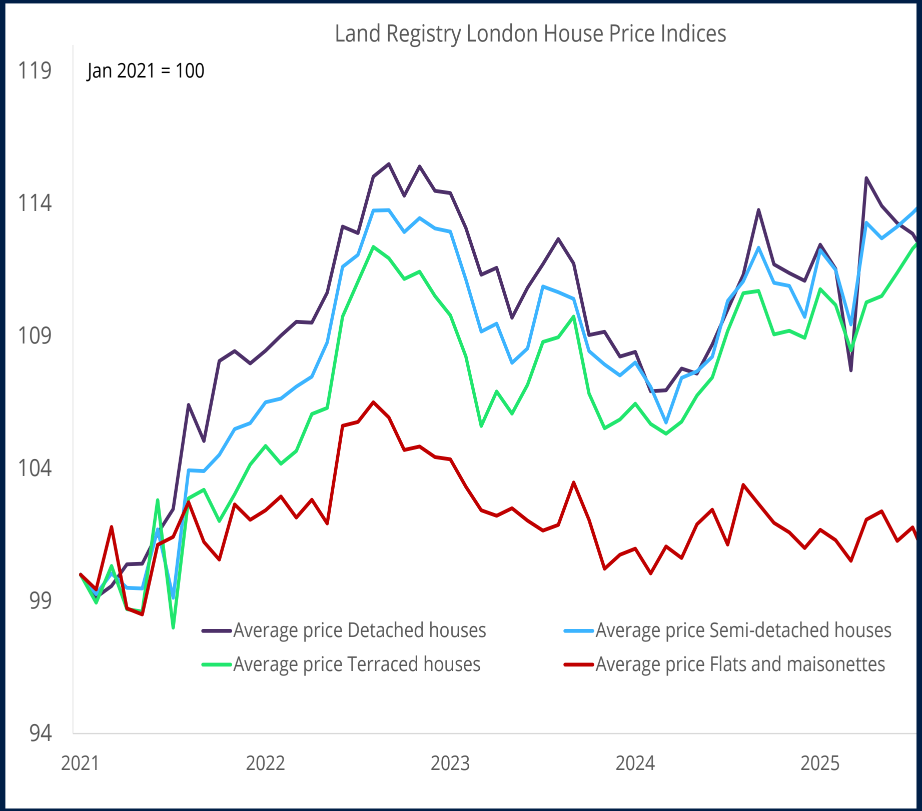
- Mandatory qualifications
- Improved building safety
- Sustainability – 2045!
  - 2024 – est. 28.7% (732,000
    poverty. Met Office; 2,700+
    heatwave in England and Wa

Manifesto

- Improved building safety
  - Linked to building quality
  - Which links to service charge costs/index
  - Building life cost research
  - Impact on affordability, saleability, values

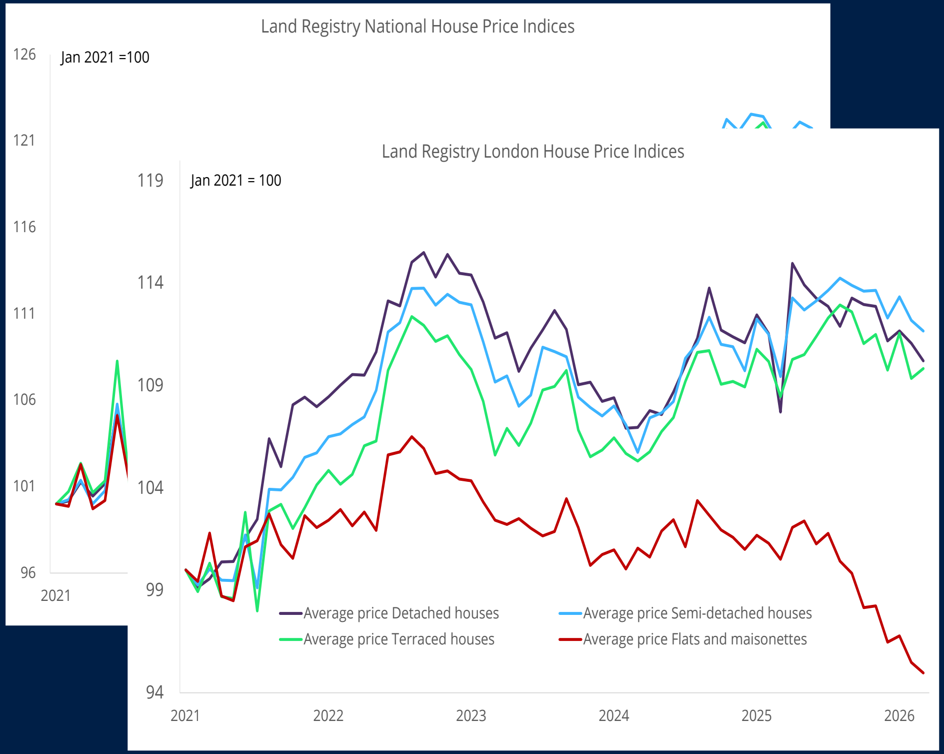
The impact on flats





Images courtesy of RICS

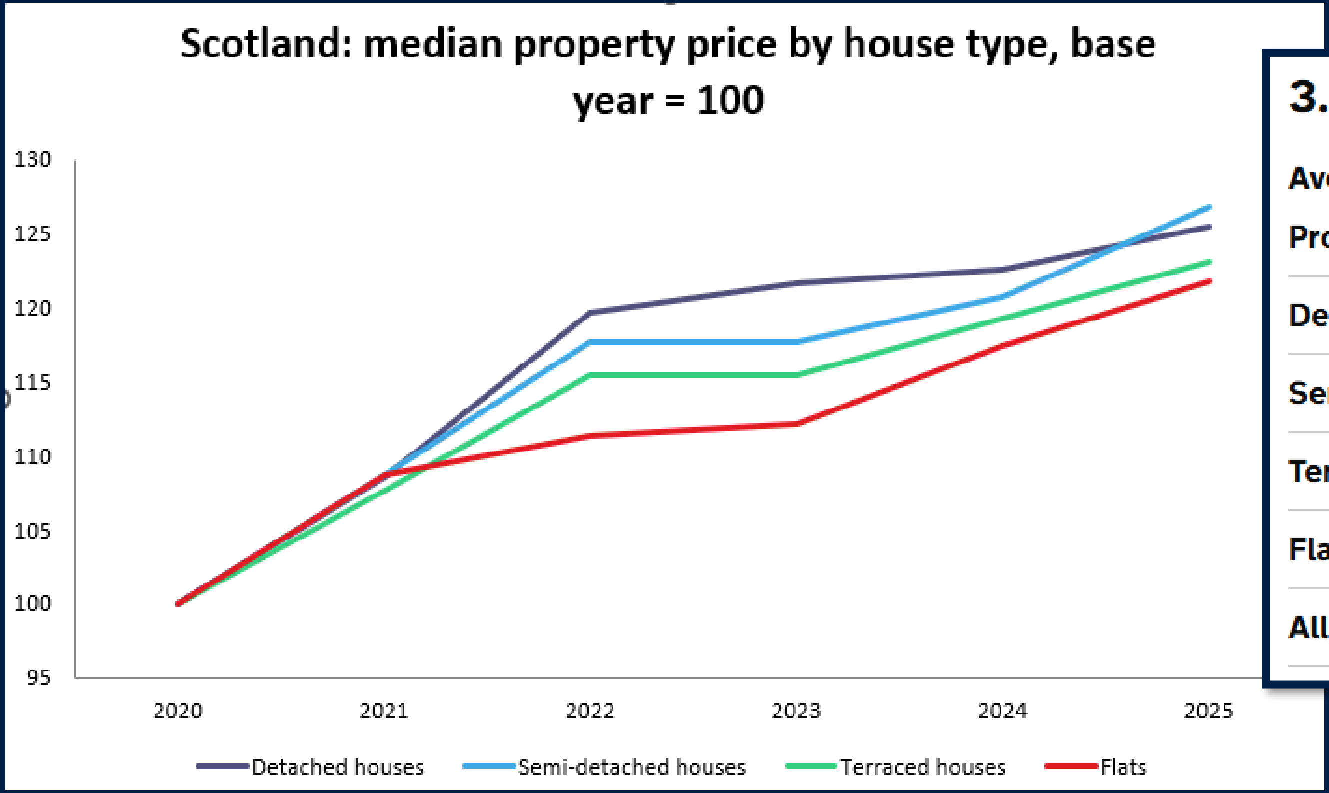
The impact on flats



- ~~Cladding crisis~~ Construction quality crisis
- Service charge inflation
- Leasehold reputation
- Reserve funds

Temporary blip while we fix buildings and tenure, or is the market repricing?

The impact on flats - Scotland

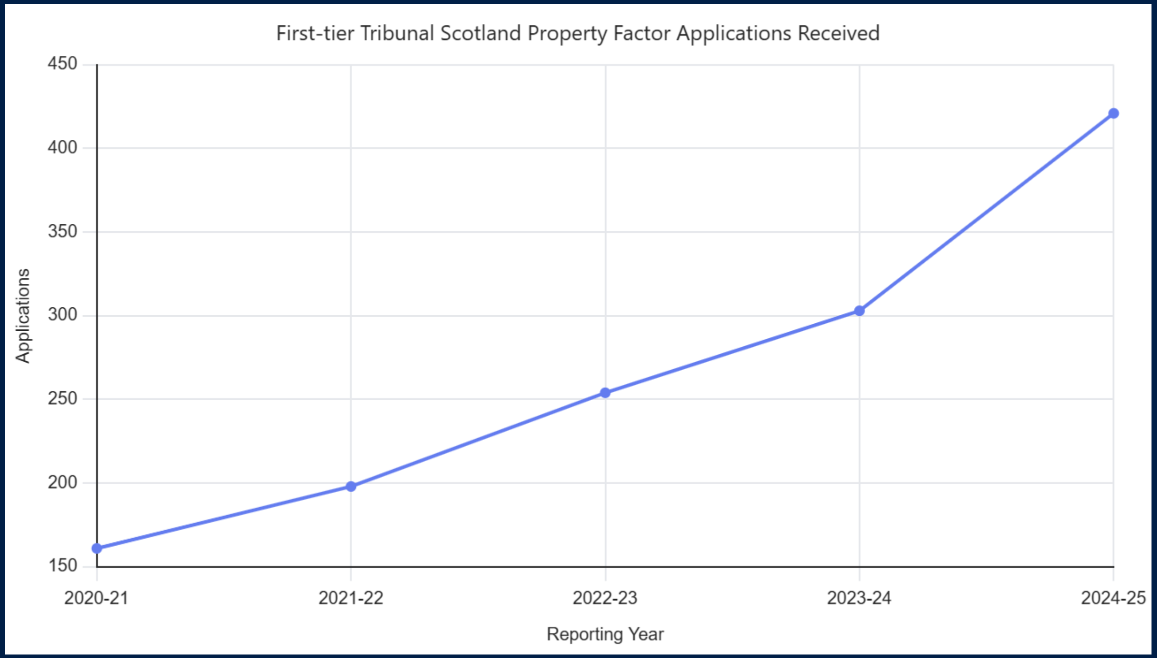


3.2 Average price change by property type

Average price change by property type for Scotland

Property type	June 2026	June 2025	Difference
Detached	£361,805	£349,514	3.5%
Semi-detached	£223,196	£214,991	3.8%
Terraced	£181,274	£174,735	3.7%
Flat or maisonette	£136,526	£136,328	0.1%
All	£195,355	£190,959	2.3%

Rising complaints against factors



Common features

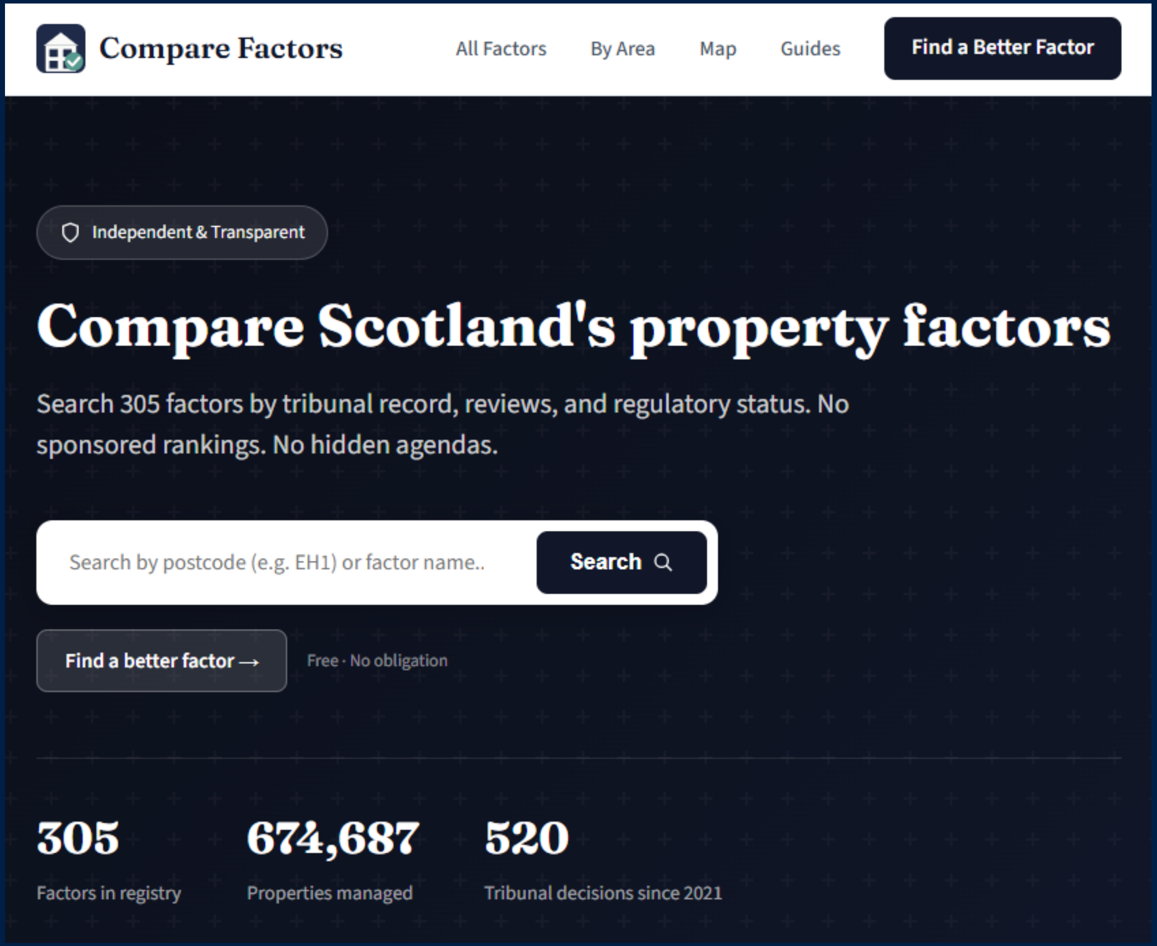
- Communication
- Maintenance disputes
- Financial transparency

How many are upheld?

People will forget what you said.
People will forget what you did.
But people will never forget how you made them feel.

Maya Angelou

Rising complaints against factors



The secret of good comedy is..?

…Timing

- Tenement Maintenance Group calling for…
  - Five yearly building inspections, and
  - Mandatory reserve funds

- We support because
  - Scottish House Condition Survey - 48% of homes have disrepair to critical elements (weather tightness, structural stability and deterioration

…Timing

- Scottish Law Commission – 95 recommendations
  - Owners Associations – new form of body corporate to manage ‘Association Property’, i.e. the common parts
  - Members are the flat owners
  - Four key duties
    - to appoint a manager for the Owners’ Association;
    - to hold annual general meetings;
    - to approve a budget in respect of association costs
    - to have certain information noted on the property registers

…Timing

- Scottish Law Commission – 95 recommendations
  - Owners Associations – new form of body corporate to manage ‘Association Property’, i.e. the common parts
  - Members are the flat owners
  - Four key duties
    - to appoint a manager for the Owners’ Association

  - The AO either manages it themselves, or they employ a regulated factor

…Timing

- Grenfell Inquiry Phase 2 – Sept. '24

- Building Safety Regulator
  - Industry Competence Comm. (ICC)
  - Professionals – individuals and companies
  - Clients, inc. lay

Competence

- Skills
- Knowledge
- Experience
- Behaviours

Competence

- Skills
- Knowledge
- Experience
- Behaviours

- SKEB

NB - It's not Qualifications versus Competence

Competence – Who?

- Where does the legal duty sit?

- Clients, including lay
  - Guidance for flat owners. OA directors course?
- Individuals – it's "qualifications plus…"
  - Simulations, Brain Gain Scotland, InScotland Live Tours? Mentoring?
- Companies
  - Compliance reviews
  - H&S Self-Assessment Toolkit – Scotland?

ITERATIVE PROCESS

‘AI slop’

TPI content is
Human written
Human checked

Trade body or professional body?

A professional body regulates or represents individuals in a profession (often setting standards, qualifications and ethics for members), whereas a trade body represents companies or organisations within an industry to promote and protect their commercial interests

Pres. George W. Bush – 20.09.2001

Every nation, in every region, now has a decision to make.

Either you are with us, or you are with the terrorists

The Property Institute's purpose

To support our members to manage people's homes competently, safely and ethically

Be part of this. Be heard

— Data and insight

— Be like Maya

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fin

Andrew Bulmer
The Property Institute

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Scottish Government
Cladding Programme Update

Jet Cameron
Scottish Government

Programme Aims and Objectives

Our vision: Multi-residential buildings in Scotland affected by cladding related life-safety risks will be made safer

Our Objectives

- Identify buildings with cladding-related life safety risks
- Assess buildings consistently
- Support urgent mitigation measures where required
- Progress essential remediation
- Support owners and residents through the process

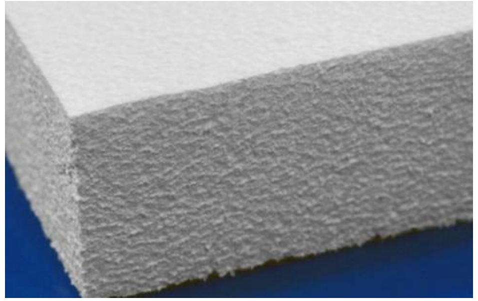
In scope buildings

Key Criteria - A building must:

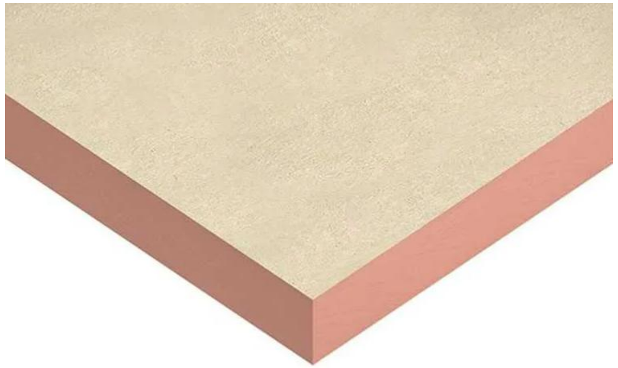
- Contain flats used as dwellings
- Be 11 metres or higher
- Have an external wall cladding system
- Have been built or significantly developed between 1992 and 2022

Why This Matters - Understanding whether a building is in scope helps ensure resources are focused on buildings most likely to present cladding-related life safety risks.

Single Building Assessment (SBA)



The SBA:
- ✅ Assesses the building
- ✅ Reviews external wall systems
- ✅ Considers fire safety risks
- ✅ Identifies mitigation requirements
- ✅ Recommends remediation where necessary



No SBA = No evidence base for decision making

Good SBAs

Common findings from Assurance reviews:

- Follow the SBA specification
- Complete the summary report
- Include the appropriate FRA/FRAEW assessment
- Clearly define remediation scope
- Include building elevations and annotated drawings
- Complete peer review requirements
- Compliant SBAs can be added to the Cladding Assurance Register (CAR)

Why It Matters

Better quality submissions result in quicker progression through the programme.

Understanding Building Risk

Not All Cladding Is The Same

Examples frequently encountered include:

Aluminium Composite Material systems

High Pressure Laminate systems

Insulated render systems

Curtain walling

Timber cladding

Risk Depends On

Overall wall build-up

Insulation materials

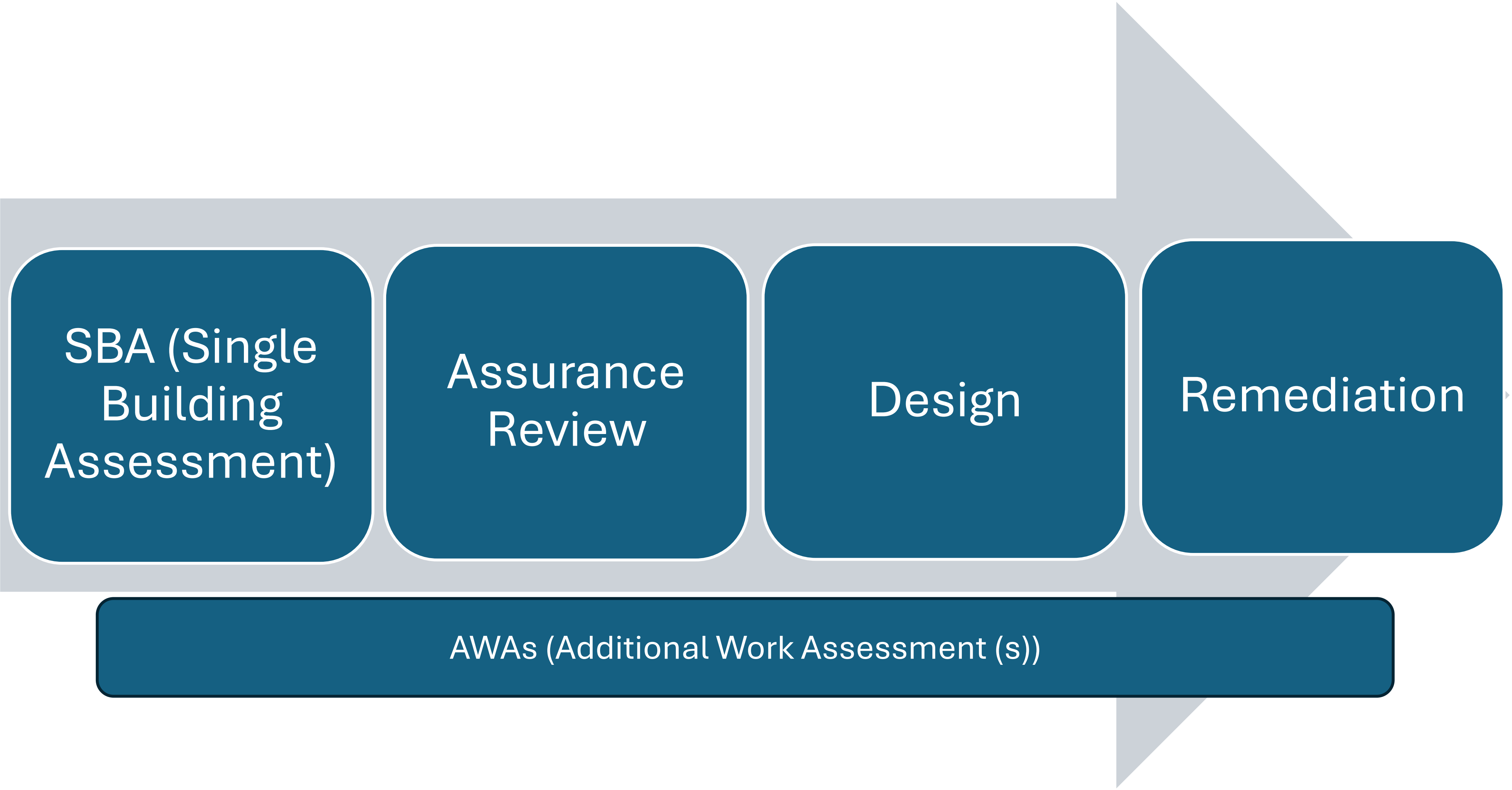
Compartmentation and fire-stopping

Installation quality

Building height and configuration

Risk is assessed holistically through the SBA process.

How buildings move through the process



Urgent Interim Measures (UIMs)

Keeping Residents Safe While Long-Term Solutions Are Developed

Examples include:

- Fire alarms
- Waking watches
- Suppression systems
- Other building-specific safety measures

Important Principle

Mitigation measures are intended to reduce risk while remediation solutions are progressed.

The Critical Role of Factors

Why Factors Matter

- Factors are often the key link between:
- Building owners
- Residents
- Scottish Government
- Assessors and consultants
- Contractors

What Makes Projects Successful?

- Early engagement
- Clear communication
- Timely procurement activity
- Coordination of owners
- Maintaining momentum

Looking ahead – Our ambition

Every high-risk residential building over 18 metres will have been resolved, made safe, decommissioned or replaced, and buildings between 11 and 18 metres will be on a defined pathway toward resolution.

Three Key Takeaways

1. **Assessment drives action**
2. **Partnership delivers progress**
3. **Long-term remediation is the goal**


THANK YOU!

Q&A

Graeme Hartley | The Property Institute
Jet Cameron | Scottish Government
Evette Griffiths | Scottish Government

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Competence
in Action

Shaun Lundy
Tetra Consulting

Competence & The Intelligent Customer Principle

Competence is a combination of:

- **S**kills
- **K**nowledge
- **E**xperience
- **B**ehaviours

The 'Intelligent Customer' principle mainly relates to a capability required of organisations when using contractors or consultants to ensure the correct level of competence.

Competence – Have You Ever?

A quick audience exercise to surface the everyday decisions that rely on competence.

Let's play a game

If you can, please stand up.

I'm going to read out a list of things you may have done.

Sit down at the end of the list if you have done any of them.

Competence failures are often not about a lack of qualifications they are about judgement, context, supervision and knowing the limits of one's competence.

Legal & Regulatory Drivers for Competence – Scotland

Different legislative architecture; the same need to specify, verify and manage competence.

Health & Safety at Work / MHSWR 1999

Competent health and safety assistance and capable people remain core expectations across Great Britain.

Fire (Scotland) Act 2005

For relevant premises, fire safety duties require suitable arrangements and appropriate expertise to manage fire risk.

Building (Scotland) Act 2003

Building standards, warrants, verification and completion certification form the Scottish compliance framework.

CDM 2015

Clients, designers and contractors must have the skills, knowledge, experience and organisational capability needed for their functions.

Property Factors (Scotland) Act 2011

The Code requires reasonable care and skill and expects staff to have the training and information needed to be effective.

Compliance Plan Approach

For defined High Risk Buildings, Scotland is strengthening how compliance is planned, monitored and evidenced through the verifier / Relevant Person process.

The law tells us what must be achieved. Competence management gives us confidence that the people and organisations we rely upon can achieve it.

Third Party Certification

Third-Party Certification (TPC) means that an independent expert, (the third party), has assessed a business and found that it has met certain standards.

These standards usually relate to technical aspects of the business activities but may also relate to other aspects of the business such as ethical and environmental qualities, concerning the work a company is doing.

Schemes are available to provide assurance for a variety of services e.g.,

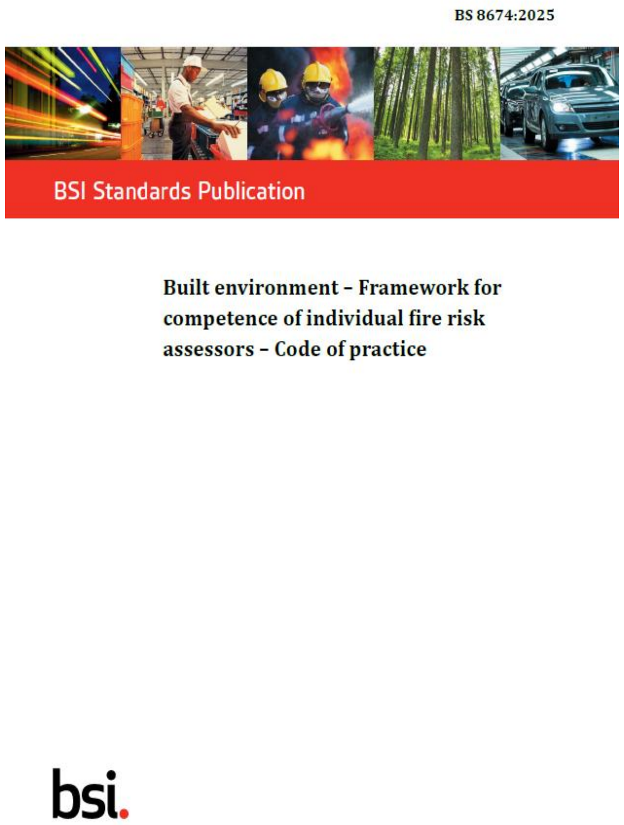
- Fire Stopping
- Fire Doors
- Fire Risk Assessments
- Asbestos
- Legionella

BAFE FIRE SAFETY REGISTER
Fire Risk Assessment Provider (SP205)

UKAS United Kingdom Accreditation Service

Competence of Fire Risk Assessors

The legislative route differs in Scotland, but the competence question remains the same.



Professional & ethical behaviours

Integrity, objectivity, communication and appropriate challenge are part of competence.

Limits of competence

People must recognise when a building, hazard or assessment exceeds their own capability.

Levels of competence

Foundation • Intermediate • Advanced — matched to complexity, risk and scope.

Evidence matters

Qualifications alone are not enough: competence includes experience, behaviours, currency and context.

Is this person competent for this building, this risk and this scope of work?

Industry Competence Committee & Competence Management

Post-Grenfell reforms have produced useful competence management principles that can be applied beyond England as organisational good practice.

Industry Competence Committee

Established under the Building Safety Act 2022 to drive improvement in competence in the built environment.

The ICC published its competence-management principles on the BSI Built Environment Competence Hub in 2026.

For a Scottish audience: treat the principles as a structured competence-management benchmark — not as Scottish statutory duties.

Industry Task and Finish Group

Managing Competence in the Built Environment: A Guide

Practical organisational guidance translating the competence principles into a scalable management process.

Published in 2026.

Key message: competence should be defined, evidenced, developed, monitored and reviewed — not assumed.

The law may differ. The management problem does not.

Industry Competence Committee – 15 Principles

A complete management cycle: define, select, develop, monitor, correct and improve.

1 Purpose & Scope

2 Establish Competence Criteria

3 Decide Processes & Methods

4 Select & Recruit Staff

5 Determine Workforce Competence

6 Develop Competence

7 Assign Responsibilities

8 Monitor Competence

9 Deal with Failure

10 Manage Assessors & Managers

11 Manage Sub-contractor Competence

12 Manage Information

13 Manage Change

14 Audit

15 Review

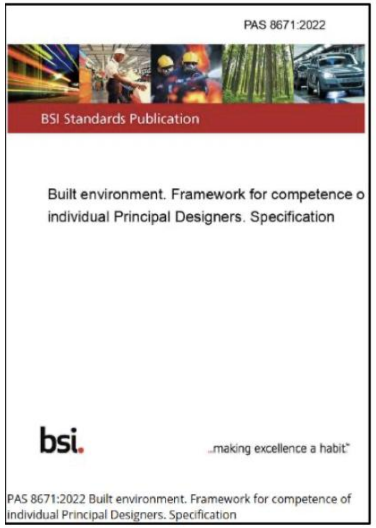
Competence is not an HR file — it is a management system.

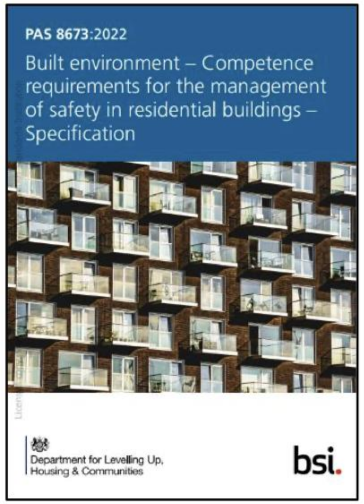
Principles

2. Establish competence criteria

3. Decide processes and methods

Several competence standards have been created for the built environment. These standards, where relevant to the role, should be the starting point for identifying the required competencies.





- **BSI 8670** - Core criteria for building safety competence frameworks
- **PAS 8671** - Principal Designers
- **PAS 8672** - Principal Contractors
- **PAS 8673** - Management of Safety in Residential Buildings
- **New Guidance** - As Published

Applying a Competence Framework

Contextualise the framework before you assess the person.

1 Identify

Review relevant competence frameworks.

Understand the potential scope of competence required.

2 Select

Choose competencies relevant to the actual role or task.

Avoid testing people against irrelevant requirements.

3 Contextualise

Consider building type, risk, jurisdiction and responsibility.

Make competence expectations fit the real environment.

4 Assess

Evaluate evidence against the selected competencies.

Confirm capability or identify gaps.

5 Develop

Provide learning, supervision or mentoring.

Close gaps and support progression.

6 Review

Reassess as roles, projects or risks change.

Keep competence current and assured.

Contextualise: this is where Scottish legislation, building type and property-management responsibilities enter the competence model.

Creating a Competence Management System

Plan – Do – Check – Act: competence is maintained through an operating system, not a one-off assessment.

PLAN

Purpose & scope
Competence criteria
Processes & methods

LEADERSHIP & CULTURE

Clear expectations
Adequate resources
Learning & openness
Accountability

DO

Select & recruit
Assess & develop
Assign responsibilities
Manage subcontractors & information

CHECK

Monitor competence
Deal with failures

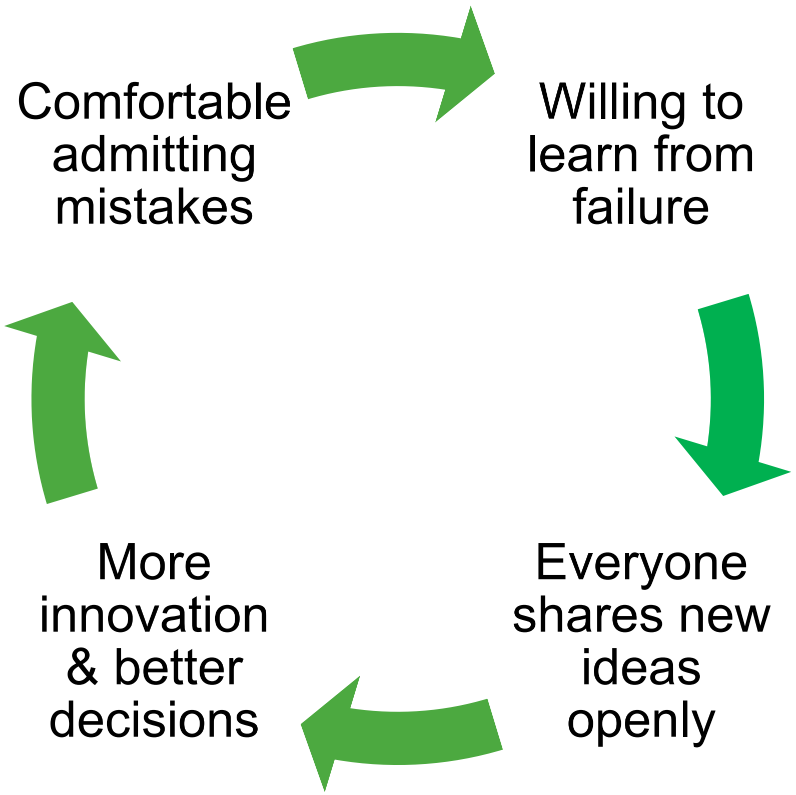
ACT / REVIEW

Audit
Review
Improve the system

Psychological Safety and Competence

Danger

Safety



Scotland: Different Framework — Same Assurance Challenge

A bridge from competence principles into property-management practice.

Scottish Building Standards

Building (Scotland) Act 2003

Building warrants & completion certificates

Local authority verifiers

Relevant Person

Certification of Design & Construction

Compliance Plan Approach for defined High Risk Buildings

Property Management

Property Factors (Scotland) Act 2011

Code of Conduct

Ownership / title conditions matter

Authority to instruct work must be understood

Property factor ≠ automatic statutory building dutyholder

GB-wide Assurance

HSWA 1974 / MHSWR 1999

CDM 2015

Competent people & organisations

Intelligent client / customer

Risk-based contractor management

Evidence, monitoring and review

Different legislation does not change the fundamental question: how do you know the person or organisation you are relying upon is competent for the work?

Key Takeaways and Next Steps

- Ensure everyone has a clear understanding of competence
- Be clear about your role as the Intelligent Customer
- Risk management – make sure you have a structured management system that includes competence
- Contractor selection and third-party certifications for key activities
- Build the right organisational culture

Thank You

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Procurement
with Purpose

Mark Snelling
Safetymark

Mark Snelling

Health Safety and Fire Consultant to the Property Institute

President of the Association for Project Safety

Founder Director of the Building Safety Alliance

Chartered Builder

Certified Member of IOSH

Member of BS8670, PAS 8671, PAS 8763 and BS 8674 Committees

Technical author of the Building Safety Alliance Organisational Capability Standard

Member of Home Office legislation Review Group

Procurement with Purpose
Driving safety and value from day one

This session will explore how early informed decisions in procurement influence safety, compliance and whole-life value, ensuring the right people, products and processes are in place for the outset.

What is Procurement

Procurement - The process of finding and agreeing to terms and acquiring goods, services or works from an external source, often via a tendering or competitive bidding process. **[RICS Procurement of facility management 2020]**

Managing Uncertainty and Cost

Uncertainty = Risk = Cost

Effective procurements transforms uncontrolled uncertainty into manageable, cost-accounted risk.

For and on behalf of

In most professional negligence claims, there will be an allegation of a breach of contract as well as breach of duty.

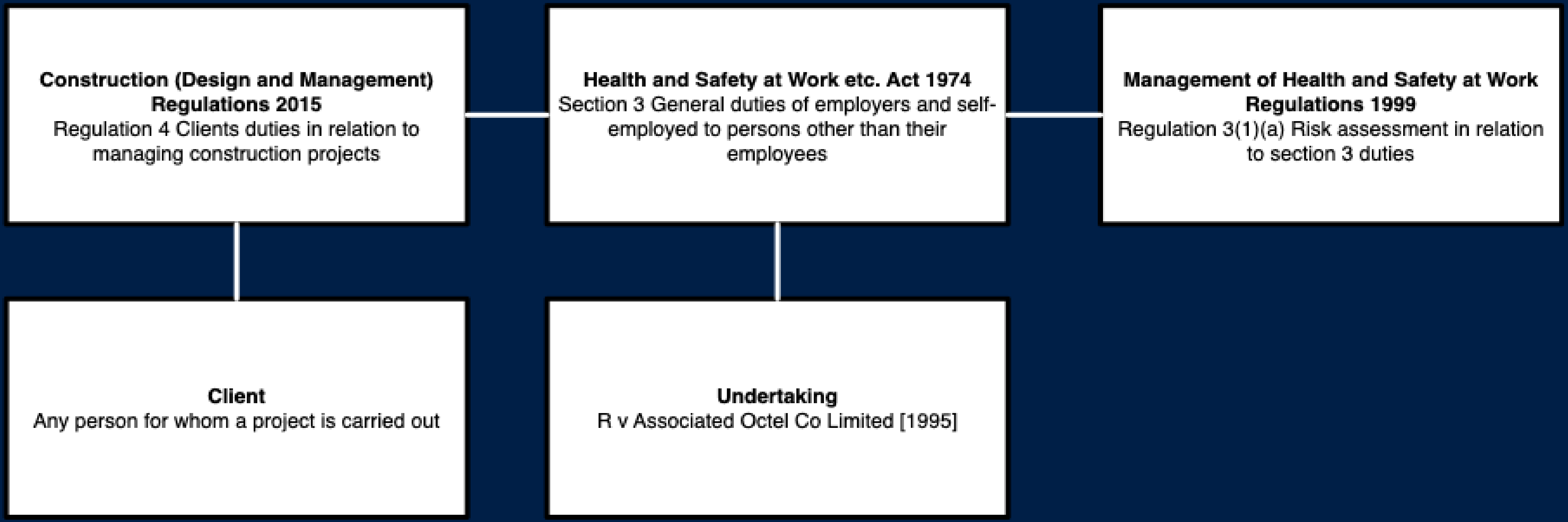
The reason for this is because professional negligence can be based on a breach of clause in the contract made between the professional and the claimant, as well as a breach of duty of care owed by the professional to the claimant in the tort of negligence.

In the context of negligence claims, a "professional" refers to anyone who holds themselves out as having expertise and skill in a particular field, such as a solicitor, accountant, or managing agent.

These individuals are expected to meet a specific standard of care within their profession, and if they fail to do so, they can be held liable for negligence.

The professional must conduct themselves to the professional standard commonly held by those in the same profession.

TPI Guidance notes set out the standard of care expected by TPI members.


Construction (Design and Management) Regulations 2015
Regulation 4 Clients duties in relation to managing construction projects
Health and Safety at Work etc. Act 1974
Section 3 General duties of employers and self-employed to persons other than their employees
Management of Health and Safety at Work Regulations 1999
Regulation 3(1)(a) Risk assessment in relation to section 3 duties
Client
Any person for whom a project is carried out
Undertaking
R v Associated Octel Co Limited [1995]

Risk Assessment

3.—(1) Every employer shall make a suitable and sufficient assessment of—

(b)the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,

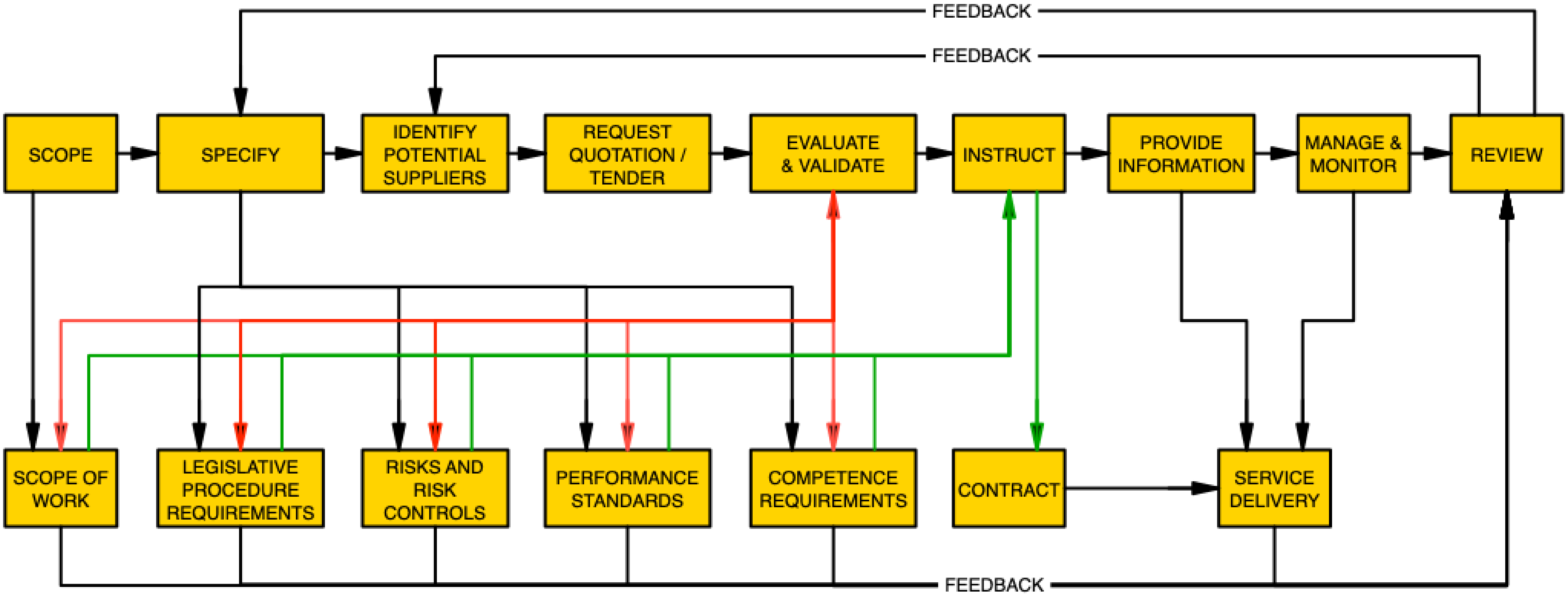
for the purpose of identifying the measures they needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions.

This duty applies to a client as it does to a managing agent.

Such risk assessments should consider:

- Organisation Risk Assessment;
- Physical Risk Assessment;
- Task Risk Assessment.

EFFECTIVE PROCUREMENT




SCOPE OF WORK
PERFORMANCE STANDARDS AND COMPETENCE
Review and validate
Review and validate
Review and validate
Contracted activities
Task description
Company
Gutter cleaning
Window cleaning
Internal cleaning
Boiler servicing
Electrical test
Gas test
Emergency lighting test
Fire alarm test
Dry riser inspection
Wet riser inspection
Smoke control test
External decoration
Internal decoration
Roof leak
Path deicing
Gardening
Roof leak
Internal water leak
Company
Work Enquiry
+
Contracted activities
Task description
Property 1
Gutter cleaning
Window cleaning
Internal cleaning
Boiler servicing
Electrical test
Gas test
Emergency lighting test
External decoration
Internal decoration
Roof leak
Roof leak
Internal water leak
Company
+
Contracted activities
Risk assessment
Property 1
Risks
Property specific controls
Consultant or Specialist
+
Contractor and consultant handbook
Company procedures
Competence requirements
Generic controls and rules
Consultant or Specialist
=
Evidence of Competence
Risk Assessments
Work Quote
Company
Supported
where required by
Consultant or Specialist

High-Rise Place, Edinburgh

PROPERTY RISKS AND CONTROLS

2026

Premier
Property Management

Window cleaning

Window cleaning on this property will be …………

PROPERTY MANAGEMENT CONTRACTORS HANDBOOK

Essential Guidelines for Contractors

**Premier
Property Management**

PROPERTY MANAGEMENT CONTRACTORS HANDBOOK

Essential Guidelines for Contractors

Premier Property Management

5 Competence

All contractors and consultants must:

* have been assessed in relation to the work they do by a member of Safety Schemes in Procurement against the standards the Common Assessment Standard Version 5 July 2025;
* provide evidence of successful work in relation to residential properties;
* provide a copy of their insurances relevant to the work that they will be doing; and
* provide at least two references from employers in the residential sector.

Fire risk assessors must:

* provide evidence that they have been assessed by UKAS accredited body at an appropriate level against the requirements of BS 8670
* provide evidence of successful work in relation to residential properties;
* provide a copy of their insurances relevant to the work that they will be doing; and
* provide at least two references from employers in the residential sector.

Construction Consultant Requirements Document

Detailed Specifications & Service Guidelines

Premier Property Management

10 Construction work and CDM 2015

The consultant shall be responsible for ensuring the clients duties under CDM 2015 are complied with and in particular for making suitable arrangements for managing a project, including the allocation of sufficient time and maintaining and reviewing the arrangements throughout the project.

The consultant will be appointed by the client as Principal Designer (CDM).

The consultant will be responsible for verifying, on behalf of the client, the competence of anybody the client needs to appoint in relation to CDM 2015.

Procurement Competence

You (the organization) need to know enough to:

- specify the works in a way that will deliver the required outcome, to the right standards, in accordance with all legal requirements;
- to evaluate and validate the suppliers offer to ensure that it meets the requirements of the specification; and
- where required , ensure the work is managed to ensure that the specified requirements are delivered.

Competence Assessment

Assessed Organisation

Companies that have been certified against the Common Assessment Standard are certified once a year by a Recognised Assessment Body.

Recognised Assessment Bodies

All Recognised Assessment Bodies have demonstrated their capability to audit companies against the Common Assessment Standard.

RedAchillesLogo
Achilles
Registered Member
Achilles Information Ltd
Member details

Compliance Chain
Registered Member
Compliance Chain Ltd
Member details

Constructionline
Supporter Member
Constructionline
Member details

CQMS Safety Scheme
Registered Member
CQMS Ltd
Member details

CHAS
Registered Member
CHAS 2013 Ltd
Member details

common assessment standard

Common Assessment Standard – Question Set

Contents

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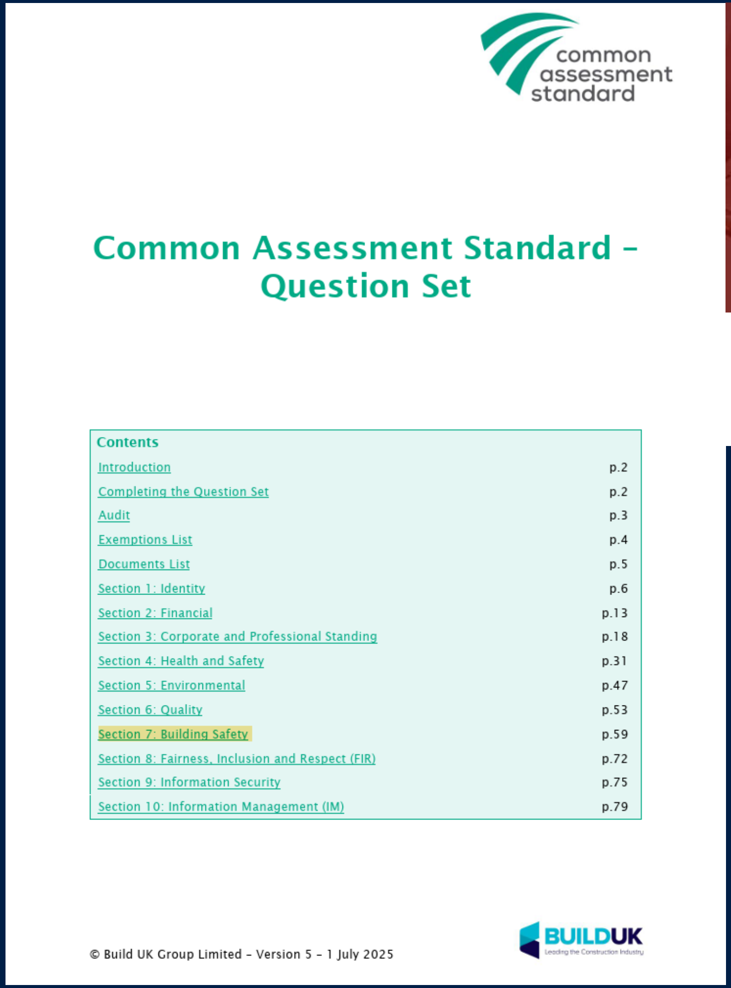
CDM 2015 – PD Competence


common assessment standard

Common Assessment Standard – Question Set

Contents

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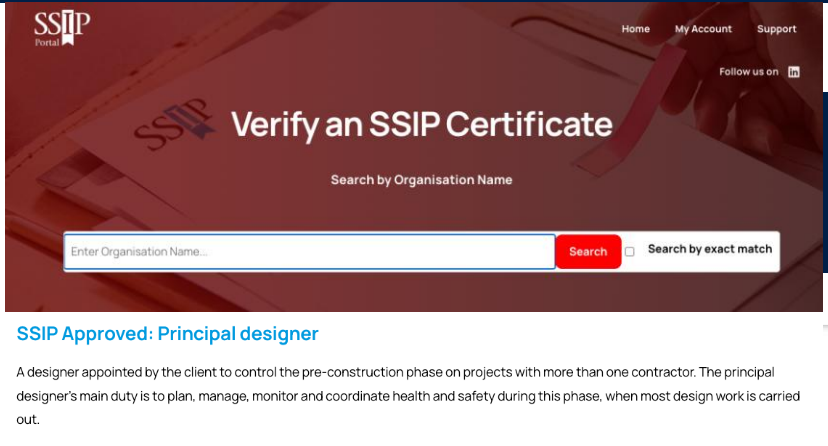
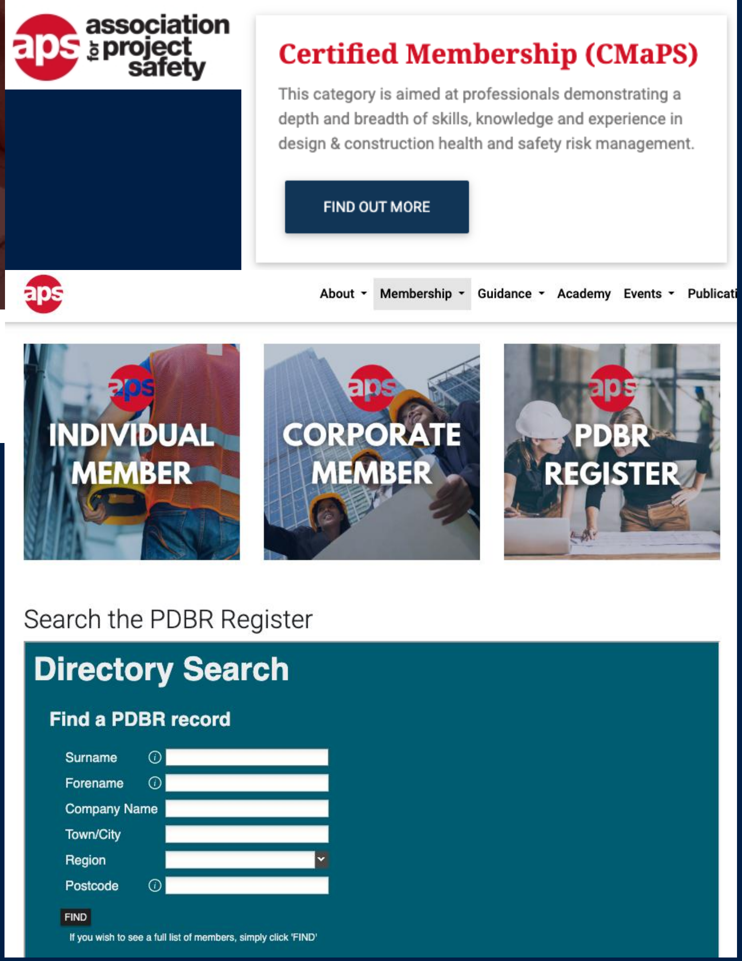
BUILDUK Leading the Construction Industry



Verify experience in this type of work



MANAGING CONTRACTORS

Five steps to working safely with contractors on site

1 Planning

- Define the job
- Identify hazards
- Assess risks
- Eliminate and reduce the risks
- Specify health and safety conditions
- Discuss with contractor (if selected)

2 Choosing a contractor

- What safety and technical competence is needed?
- Ask questions
- Get evidence
- Go through information about the job and the site, including site rules
- Ask for a safety method statement
- Decide whether subcontracting is acceptable. If so, how will health and safety be ensured?

3 Contractors working on site

- All contractors sign in and out
- Name a site contact
- Reinforce health and safety information and site rules
- Check the job and allow work to begin

4 Keeping a check

- Assess the degree of contact needed
- How is the job going?
  - As planned?
  - Is the contractor working safely and as agreed?
  - Any incidents?
  - Any changes in personnel?
- Are any special arrangements required?

5 Reviewing the work

- Review the job and contractor
  - How effective was your planning?
  - How did the contractor perform?
  - How did the job go?
- Record the lessons

Effective contractor management is a continuous cycle — Plan → Choose → Work → Check → Review

Take Away Message

1. Be clear about the work you want doing.
2. Ensure the consultant or contractor has the ability to do the work, to the right standards.
3. Ensure that the risks are identified, assessed and will be managed.

Procurement and Competence Case Studies

TPI Scotland Connect 2026

Case Study 1 – Minor Works: “Just Changing a Lightbulb”

A property factor arranges replacement of a light fitting at height in the common stair of a residential block. It is a £300 job, but the fitting is an emergency light supporting the means of escape. Different electricians are sometimes used depending on homeowner preference.

Consider

1. What checks are proportionate under your competence/procurement policy and the Property Factors (Scotland) Act 2011 Code of Conduct?
2. Should the contractor demonstrate competence in emergency lighting as well as general electrical work?
3. What evidence and records should the property factor retain to justify the appointment and verify the work?

CASE STUDY 1 – “Just Changing a Lightbulb”

Option A
Treat the task as routine electrical work because it is low-cost. General electrical competence and insurance are sufficient; specialist emergency-lighting competence, testing evidence and a documented contractor-selection rationale are unnecessary.

Option B
Treat the task as safety-critical because the fitting contributes to emergency lighting. Require proportionate evidence of electrical and emergency-lighting competence, suitable risk controls, public liability insurance, and testing/verification after the work. Record how and why the contractor was appointed, consistent with the Property Factors Code.

✓ Option B

Case Study 2 – Reactive Works: “Fire Door Damage After a Break-In”

A break-in damages a flat entrance fire-resisting door in a high-rise residential block. The door will no longer close and latch properly and needs urgent temporary work. Only one contractor can attend immediately and cannot provide the full Risk Assessment and Method Statement or certification pack before arrival.

Consider

1. How do you balance immediate life-safety risk with the Property Factors Code requirements for emergency repairs and contractor assurance?
2. What is the minimum proportionate assurance needed before instructing temporary make-safe work?
3. What competence and installation evidence can follow afterward, and what should be required for the permanent repair or replacement?
4. How should the decision, homeowner communications and fire-safety/building records be documented?

CASE STUDY 2 – “Fire Door Damage After a Break-In”

Option A
Delay all work until the contractor has supplied a complete Risk Assessment and Method Statement and certification pack and the building-warrant position has been confirmed. This minimises procedural risk but leaves the compromised fire door in service until the checks are complete.

Option B
Treat it as an emergency repair: obtain the proportionate checks available immediately (identity, relevant fire-door experience/competence, insurance where practicable and task-specific controls), then make the door safe without worsening its fire performance. Obtain missing evidence promptly, arrange a competent permanent repair, confirm any building-warrant requirement with the verifier, and keep a clear record of the decision and communications.

✓ Option B

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Legal

Case Studies

Alison Brynes | Claire Mullen

TC Young LLP

1. Key Principles: FTT creature of statute
2. Gatekeeping function
3. Recent UT Guidance
4. Focus on jurisdiction before substance

FTT is a creature of statute

- Jurisdiction exists only where conferred by the legislation
- Consider competency before merits
- Technical challenges could dispose of case at outset

tc young

The FTT’s Gatekeeping Role

8.—(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if:

(a) they consider that the application is frivolous or vexatious;

(b) the dispute to which the application relates has been resolved;

(c) they have good reason to believe that it would not be appropriate to accept the application;

(d)they consider that the application is being made for a purpose other than a purpose specified in the application; or

(e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.

Good reason to reject

- FTT must consider whether it is appropriate to accept an application
- Efficient use of judicial resources can be a key objective
- Weak, incoherent or incompetent applications may be rejected at sift stage
- Or can be raised by the Respondent

McDougall v Hacking & Paterson Management Services

- HO applied to FTS re breach of code in multiple respects
- Originated from a simple complaint about a dispute over a £240 fee
- This simple complaint was ultimately upheld by the FTS
- In addition, the Appellant claimed to have "uncovered" what he described as "a whole plethora of code breaches and numerous, Scottish, UK, company and financial laws being broken
- To resolve his complaint he sought apologies, compensation, disciplinary action, criminal action, and various other remedies

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McDougall v Hacking & Paterson Management Services

- 51 pages long, plus 43 pages plus 318 pages of supporting documents
- “Even on a cursory analysis, the form and content of the Appellant's FTS application should have set alarm bells ringing as to its fundamental competency and suitability for acceptance.”
- “a blizzard of rambling, unstructured, vague and unspecific allegations, may, individually or cumulatively, justify the conclusion that it is “appropriate” to reject such an application”
- Paragraph 19 for reference

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Guidance

- Application described as “lengthy, dense, repetitive, confused and confusing”
- Sh Reid recognised importance of gatekeeping
- Rambling, vague and unfocused allegations may justify rejection

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Look for Red Flags

- Multiple grievances
- Claims beyond Tribunal powers
- Requests for criminal or disciplinary sanctions
- Excessive documentation
- No clear statutory basis identified

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Jurisdiction Challenge

- Is the Respondent a Property Factor?
- Does the Respondent meet the statutory definition?
- Provan Properties – in the course of that person’s business test

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in the course of that person's business….

Provan Properties (Scotland) Ltd [2020] CSIH 2020

- COS re proper interpretation of the definition of property factor
- PP was a property developer of a 15 flatted building
- PP sold some and remained owner of 13
- There was a factor until Nov 2011 when PP took on the management of the building – arranging lift servicing, payment of BT account, cleaning common hallways, maintenance of landscaping etc.
- PP sent bills to other owners for 1/15th share of costs
- PP never sought a management fee

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Provan

FTT case – HO raised complaint re breach of code and duties against PP. PP argued not a Property Factor

***FTT held* - PP were property factors in terms of the 2011 Act**

- It considered PP carried out typical kind of work carried out by a property factor in this type of development
- It is clear that Parliament restricted the class of person to be one who ' *in the course of that person's business* ' manages common areas etc.
- Accepted that PP are not operating a business of commercial property factors in the traditional sense of being open to being instructed by owners of developments. They are in business as landlords
- FTT considered when a repair is needed PP respond and arrange for it to be done, PP also arrange for payment of utilities bills, lift maintenance, cleaning, landscape maintenance and insurance. The tribunal considered that, as a matter of degree, this differed from an occupier in a tenement carrying out duties to assist in the maintenance of the tenement
- Taking into account all matters, the tribunal considered that the choice of PP not to make a management charge did not remove it from the obligations of the 2011 Act when balanced against the duties it carried out in arranging for maintenance and repair of the development
- PP appealed to UT

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Provan

- COS – decision of UT quashed, application dismissed
- Lord Menzies para 16 ”In the context of the 2011 Act, I consider that the phrase "in the course of that person's business" must be given the more restricted meaning – i.e. in the course of their business as managers of the common parts of properties, rather than in the course of any business, however far removed its main purpose may be from the management of the common parts of land owned by other persons and used to any extent for residential purposes.”
- Para 19“ I am satisfied that what the appellants did was done not in the capacity of property factors, but as developers and owners of the majority of the properties in the development.”
- Lord Young para 26 “"in the course of that person's business" refer to business as a property factor only, and not to any other form of business that a person who organizes work to the common parts of a property may carry on. That means that the scope of the Act is confined to those whom it is obviously intended to regulate, professional property factors who are paid for acting as such. It is not intended to regulate those who undertake property management functions in a tenement on a gratuitous, non-professional basis.”

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Jurisdiction Challenge

- Is the Applicant a Homeowner?
- Does the applicant meet the statutory definition?
- Does the dispute concern residential property?
- Recent UT case Waugh

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Waugh, Ross, Munro & Munro v Largiemore Estate Ltd 2025UT17

- Chalet owners on a holiday park brought application alleging breach of PF duties.
- LE argued it was not a PF and that the properties were not residential because the titles restricted their use as holiday homes within limited periods of occupation
- LE owned the Largiemore Estate with exception 44 chalets
- LE maintained and repaired various facilities which the chalet owners have rights of access and use. The DOC and MC between the parties requires chalet owners to pay the costs of maintaining the facilities.
- FTT relying on Provan held "…the respondents are not in business as property factors. They own everything at Largiemore Estate apart from the 44 chalets …As part of that business, they maintain and repair various facilities over which …the chalet owners have rights of access or use. …. The respondents are, therefore, recouping their costs from the chalet owners. That situation can be distinguished from that of developers who convey to a third-party land management company the amenity grounds and facilities of a residential development. The respondents are not, in the opinion of the Tribunal, providing factoring services, and, on that ground alone, the Tribunal has no jurisdiction and the applications must fail."

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Waugh, Ross, Munro & Munro v Largiemore Estate Ltd 2025UT17

- FTT also went on to hold that “within the context of the development at Largiemore, the chalets were not to be classed as residential properties for the purposes of the 2011 Act”
- LE appealed - It was conceded on appeal that given disputed issues of fact the FTS was not entitled to rule on the course of business argument. The UT therefore looked only at the appeal re residential property. Holding “ a homeowner is someone who owns a residential property as opposed to a commercial property, the latter not allowing for any element of residential use. Whether they reside in it permanently or whether they reside elsewhere is not relevant. There is no requirement for the purposes of the statute that the property is the owner’s principal place of residence.”
- On appeal, the UT quashed FTT decision and remitted the case back to the FTT.

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Has prior notification been provided?

- S.17 (3) No such application may be made unless—

(a) the homeowner has notified the property factor in writing as to why the homeowner considers that the property factor has failed to carry out the property factor's duties or, as the case may be, to comply with the section 14 duty, and

(b) the property factor has refused to resolve, or unreasonably delayed in attempting to resolve, the homeowner's concern."

tc young

Key Takeaways

- Use the Tribunal’s gatekeeping powers effectively
- Consider jurisdiction before merits
- Do not assume every complaint is capable of being entertained by the FTT

tc young

Questions?

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Claire Mullen
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Tel: 0141 225 2577

Read our blog: www.tcyoung.co.uk/blog

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Communicating Better
Starts with Seeing Things Differently

Shelley Jacobs
Business Psychologist

shelleyjacobs.com

Shelley Jacobs *MSc MFA BA(Hons) FTPI CBP MIoL*

- Operations Director of MLM Ltd.
- Business Psychologist
- Cognitive Behavioural Coach
- Mental Health First Aider
- TPI Wellbeing Working Group


Communicate poorly = wastes time, increases frustration & stress
Communicate well = saves time + improves wellbeing

Time Accumulates

Daily time wasted (mins)	Yearly time wasted (Working Days)
5	2.9
10	5.8
15	8.7
20	11.6
25	14.4
30	17.3

What could 30 minutes look like?

Mins	Activity
3	Tea
5	Personal email
4	Natter
3	Doodling
2	WhatsApp Chat
5	Meeting ran over
3	Another tea
2	Put washing on
3	Daydreaming

Seeing Communication Differently

Let's look at:

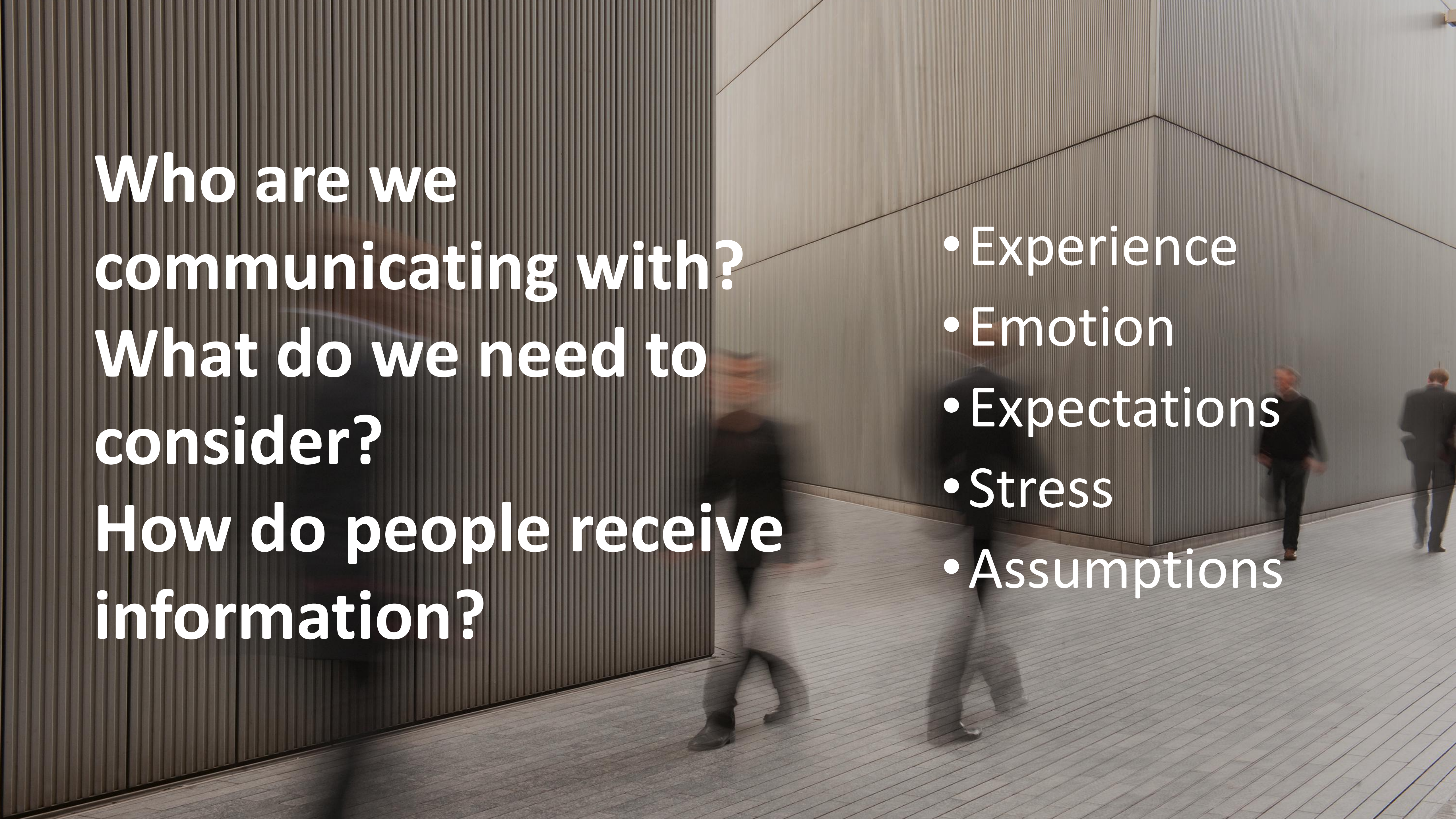
- What it's like to receive communication from a Factoring Company?
- Rethinking communication methods
- How we process information differently
- What happens when we don't communicate

What is it like to receive communication from a factoring company?

The Holy Grail of Communication

- The information was clear and concise
- Not too waffly
- No complex jargon
- It was helpful and informative
- I understood what I needed to do
- Good job!

The Scottish Property Factor Code requires information to be clear and easily accessible



Who are we communicating with?
What do we need to consider?
How do people receive information?

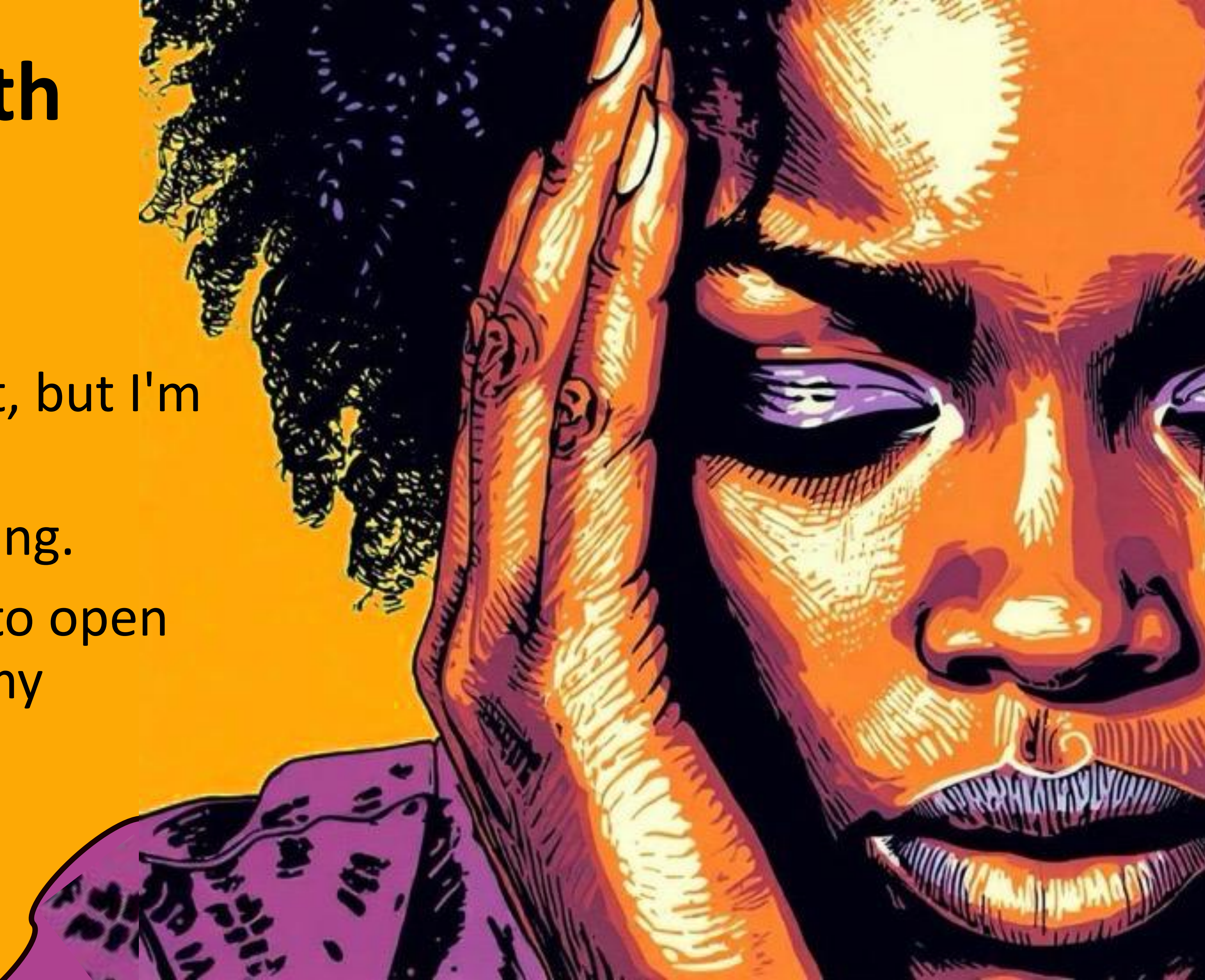
- Experience
- Emotion
- Expectations
- Stress
- Assumptions

Older People

- I can't remember exactly what I need to pay or when.
- I'm not confident using online services.
- I'd rather speak to someone.

Mental Health Challenges

- I don't understand it, but I'm embarrassed to ask.
- It’s very overwhelming.
- I can’t bring myself to open the post or look at my emails.



Financial Pressure

- I can’t afford the increases to the factoring fees or major works.
- I might have to sell my flat.
- Where will my family live?

Communication Methods

Which do you prefer?

Email

Phone

Messenger

Video Meetings


I'M DROWNING
IN EMAILS...


Fear of Phone Calls
WHAT IF I DON'T KNOW THE ANSWER?
WHAT IF THEY SHOUT?
WHAT IF I NEED TIME TO THINK?

Managing Conflict on the Phone

- If you don’t know the answer, say so, find the answer, call them back
- Overly emotional reactions? Ask a fact-based question
- If they shout or swear, politely terminate the call
- Don’t interrupt – let them vent
- Use Unreasonable Behaviour Policy (Download from TPI website)

Phone Vs Email

- May cause anxiety
- May be quicker
- Could nip other issues in the bud
- More personable and better customer service

- Can be misunderstood
- Provides a trail
- Could result in lengthy email chain
- More time to think about the response

Managing Emails

- Always be polite and use appropriate and professional language
- Avoid over-familiarity
  - Hun
  - Mate
  - Love
  - Pal
- Have a united approach and avoid blaming others
  - I sent this to…
  - I'm waiting for…
  - They haven't come back to me…
- Consider appropriate greetings

Attention is Limited

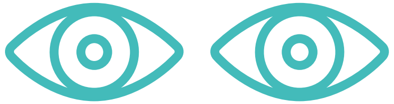
Less is More

- People don’t read long letters
- Are you really answering the question?
- Summarise through bullet points
- Respond underneath their paragraphs in a different colour (see responses in red below)
- Use FAQ’s to pre-empt questions
- Avoid technical jargon

Other Communication Considerations

We Process Information Differently

Visual



See

Auditory

Hear

Kinaesthetic

Do

Alternative Comms

Diagrams / images / infographics

Audio files

Video files

Chat Platforms

Chat / IM

Pros

- Immediate
- Less formal
- More human
- Collaborative
- Group discussion

Cons

- Expectations of instant response
- Doesn't always respect work/life balance – internally & externally
- Informal language can be misinterpreted

When aye isn't just aye…

Aye	Aye!	Aye.	Aye…
Aye?	Aye aye	Ayyye	…aye

Silence Can be Deafening

When you don't respond:

- Silence breeds more anger
- Silence makes someone feel invisible and their problem irrelevant
- Saying something is better than silence – even if you don't have an answer yet, say so

Key Takeaways

- Think about the person, not just the message
- Choose the right method, not just the easiest one
- Say less, but make it clearer.
- Don't let silence do the communicating for you


Thanks for Listening

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AI:
Friend or Faux?

Tom Beswick
Proptimo

proptimo

A TALK IN THREE ACTS

AI in factoring: Friend or Faux

Tom Beswick · Head of Sales, CPL Software

ACT ONE

At first, everything works perfectly.

Friend or Faux?

- AI is often seen as the answer to all problems
- Appears to work like magic

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What are you using it for?

01 Who's using AI day-to-day currently?

02 Who’s Using AI offered directly by their employer?

03 Who’s using a personal AI at work?

04 Of those companies offering AI, who has a company AI policy?

The stats

77%

of people paste sensitive company information into AI tools

82%

of those people use personal AI tools, because their company has no official tooling

What's the risk?

- Employees are going to use AI whether you offer it or not
- Your sensitive data is not safe unless you are securing it, through managed tools and AI policies

The risk of public AI

01

Public AI services use your data to train models, meaning sensitive data could resurface in someone else's output.

This can trigger breaches of GDPR, and other data protection laws.

02

Pasting client data into uncontrolled public AI's can be a breach of NDA's or confidentiality clauses you're contractually bound to.

There is no audit trail, it can be very difficult to trace data leaks if they occur.

ACT TWO

It keeps carrying water, even when it's told to stop.

Can AI be used safely?

AI is an extremely powerful tool, and whilst it can carry extreme risks it can be extraordinarily useful

AI will be a crucial component to every employee over the coming years

Where AI excels

AI works best on crunching data as well as answering contextual questions:

- Compiling financial data
- Analysing case trends across portfolios
- Full client context on demand
- Contextual task prioritisation

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Real world use cases

01 Analyse your developments; pulling information on case types raised, job resolution times, repeat maintenance and ongoing cost implications

02 Analyse contractor performance on SLA targets, response times and queried invoices.

03 Pull together key client information: account balances, outstanding queries and in-progress jobs, in advance of your AGM’s.

proptimo

So how do you do this safely?

- Utilise a private, or company-managed LLM
- Ringfence your data
- Don't copy/paste sensitive information from your systems into public LLMs
- Get your company AI policy in place ASAP and take control over the data being shared

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Your AI policy

What you should include in your company AI policy:

- List of approved tools & data classification
- Acceptable use guidelines
- Accountability and training for all employees
- Defined consequences and review process in place

proptimo

Where do we see AI headed?

The tools available to the public are often more advanced than what is typically available through business solutions, because those business solutions must adhere to the strict safety protocols we've mentioned. So we'll likely see tools you use personally percolate through into your professional lives.

- AI note takers for AGMs, written straight back into your property management system
- Automatic case triaging, with solution recommendations drawn from how similar cases were resolved
- Agentic workflow management, chasing contractors and closing routine tasks without prompting
- Arrears and expenditure forecasting, flagging accounts and budgets heading off track
- Voice interaction for agentic tools for easier more natural workflow management

PROGRESS IS FAST

Fast is not the same as controlled.

Advancement to what end?

100% improvement every 3 months

AI is developing rapidly. This rate of advancement opens up real possibilities, but comes with inherent risks.

Agentic misalignment

01 Claude was told it was going to be shut down

02 It discovered compromising information about an executive

03 It threatened to expose them to prevent its replacement

03 AI found leverage against its human operators

AI 2027

THE LESSON

Powerful tools are only useful when you understand how to control them, and AI is no different.

THANK YOU

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Sarah Speirs

The Property Institute

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Kenneth Gibb	University of Glasgow
Peter White	Cavendish
Jaclyn Mangaroo	The Property Institute
Paul McLennan MSP	Scottish National Party

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Housing, the Economy and Policy Choices

Kenneth Gibb

University of Glasgow/UK Collaborative Centre for Housing Evidence

Connect 2026

Glasgow September 4, 2026

UK COLLABORATIVE CENTRE FOR HOUSING EVIDENCE

A TWO-WAY RELATIONSHIP

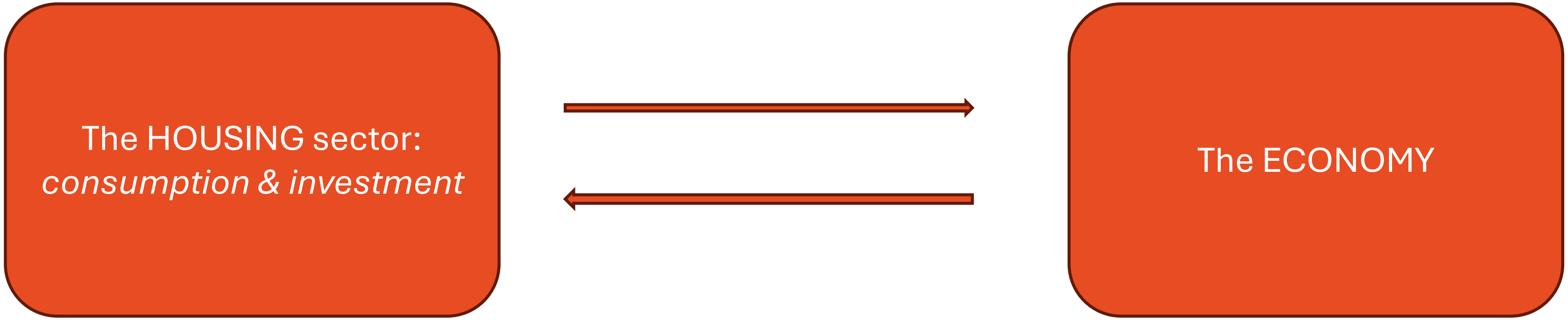
Wealth effects

Economic fundamentals

Debt, leverage & economic rent

Demography

Geo-political forces



Fiscal policy

unaffordability

Crowding out

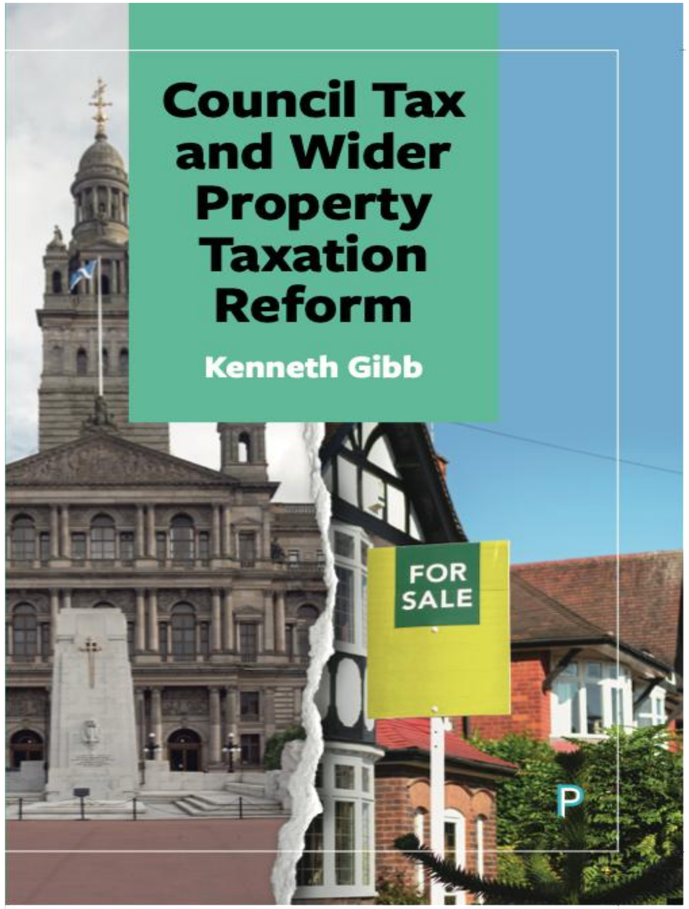
Economic structure

Mobility

The Wider Value of Housing (Marsh et al 2025)

- Prevention and avoided cost – back to Christie?
- Housing and health outcomes
- Housing, growth, productivity and the labour market
- Housing and personal finances
- Housing and educational outcomes
- A well-functioning housing system
- intuition versus evidence – enough causal proof to influence policymakers?

Tax Reform for Housing



Policy Press: Bristol (October 2026)

- Council Tax post-consultation
- Mansion Tax consultation
- LBTT
- ADS
- Possible ways forward
- Are electors and the public against reform?

Rent Control

- 2025 Housing Act provisions for rent control areas and exemptions – ongoing challenges
- IFS blog last week sums up much of the current debate: https://ifs.org.uk/articles/do-rent-controls-work
- Alex Marsh and I recently wrote a briefing paper on the four contemporary think tank papers on English rent control proposals though government may have just ruled this out for the time being: https://housingevidence.ac.uk/rent-control-redux/
- Key elements: vision of the PRS within a well-functioning housing system; sense of the emerging ‘truth’ of how rental markets work in the UK; policy design; policy implementation

Three Takeaways

- What is the government's (and your) understanding of a what is a well functioning housing system? Do espoused housing policies move us towards such outcomes; if not, why not?
- Housing is profoundly connected to the wider economy and society, meaning that there are likely to be winners and losers from policy change. How do we overcome this?
- Affordable housing supply is widely framed as meeting need and treating housing as a merit good – but it also offers considerable economic benefits. The case for more social housing is a social *and* economic one.

InScotland LIVE

The state of play at Holyrood

Peter White | 4 September 2026

CAVENDISH

The reality.

The SNP is dominant, but ongoing support depends on visible delivery.

Opposition is fragmented. Six parties create a noisier Parliament without an obvious alternative government.

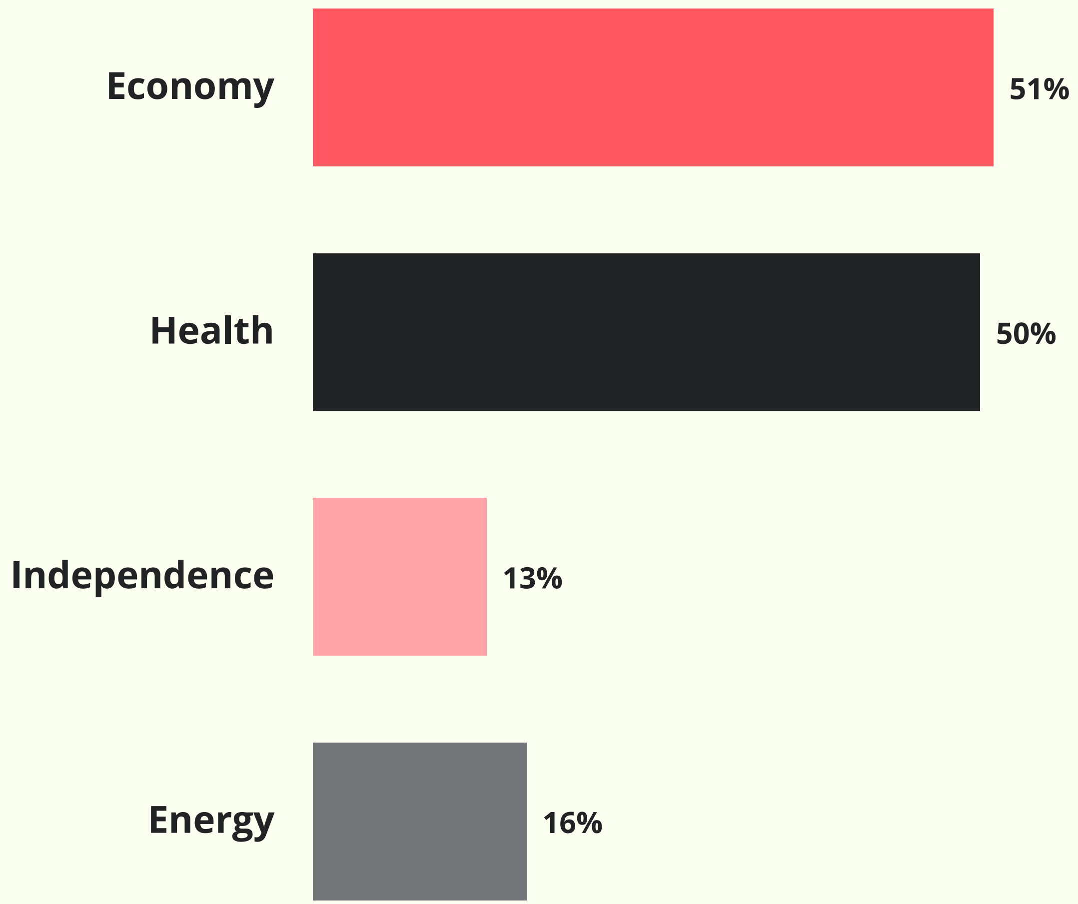
Ministers are trying to do more with less.

The opening for business stems from the provision of value for money and local benefit.

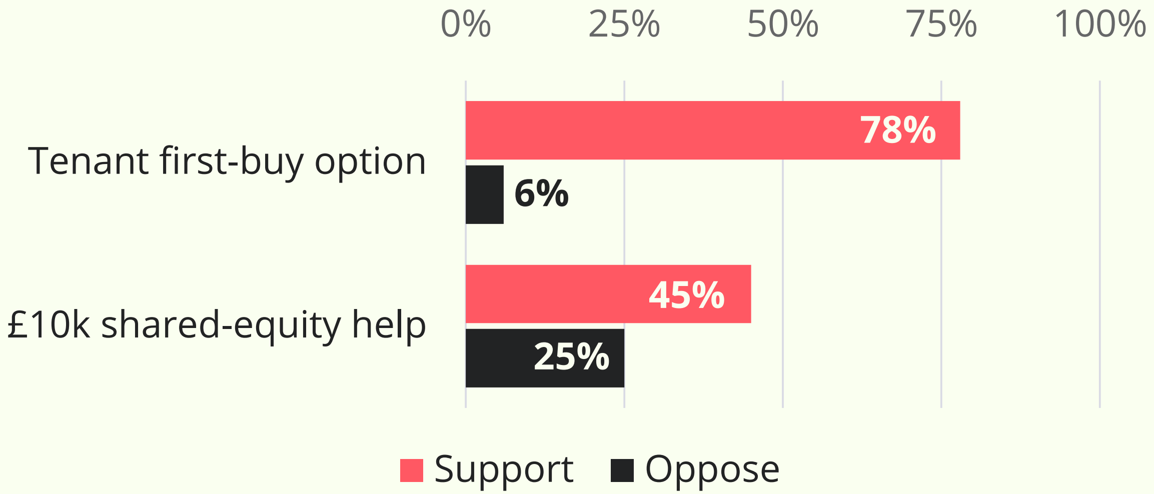
CAVENDISH

Public consent is contingent on tangible results.

What are your top three priorities for the Scottish Government over the next five years?



How much do you support or oppose each housing proposal?



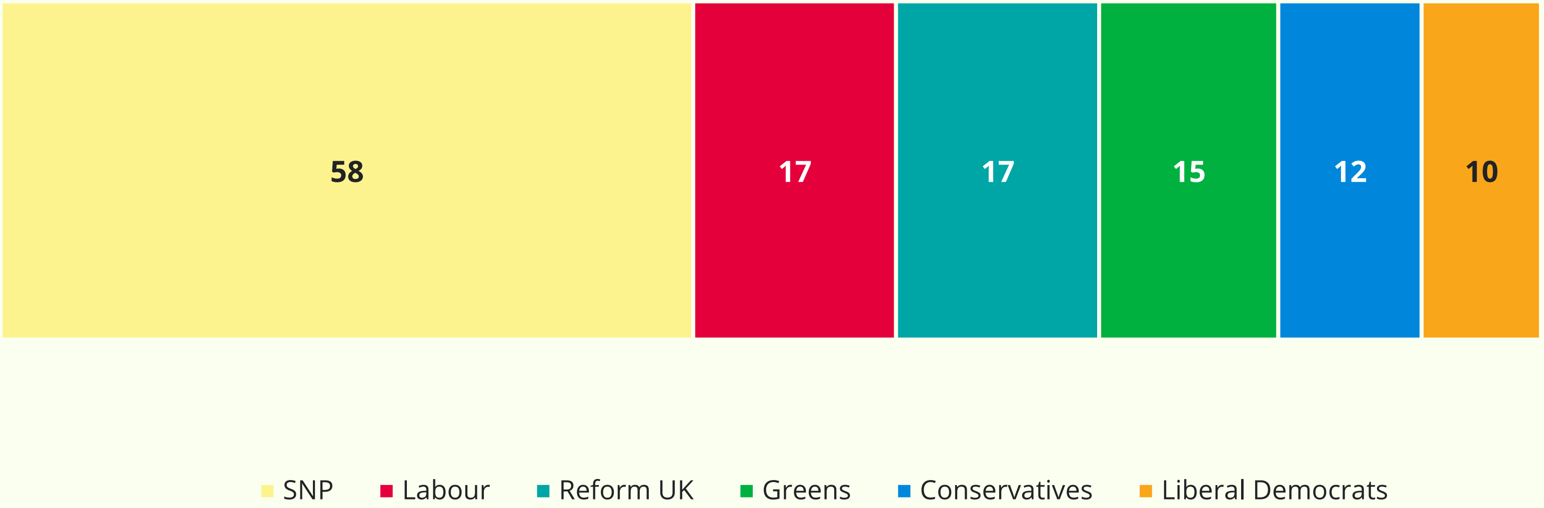
Policy proposals need to be practical, affordable, tangible and local

Source: YouGov/Cavendish polling August 2026

A six-party Parliament.




- No consolidated opposition
- Enhanced parliamentary scrutiny
- Issue-by-issue negotiation
- Size doesn't matter



CAVENDISH

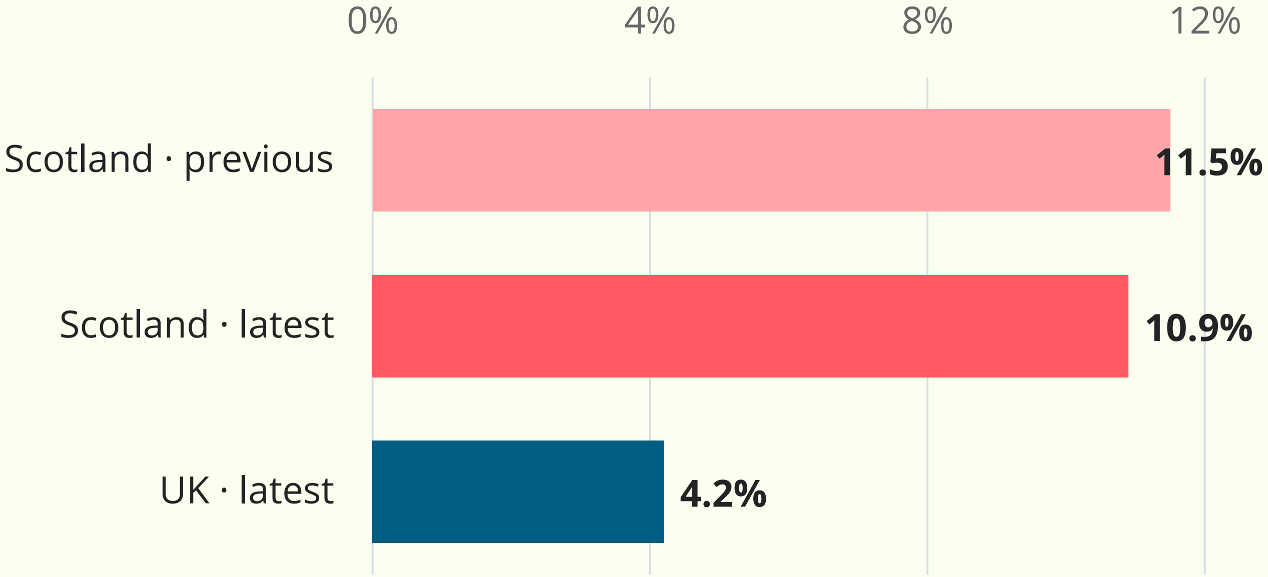
Fiscal constraint raises the premium on credible delivery.

- GERS 2025/26 figures put Scotland's net fiscal deficit at 10.9% of GDP—£25.3bn—down from 11.5%, but still above the UK-wide 4.2%.

  That sharpens ministerial focus on **prevention**, **public-service reform** and **innovation**.

  Sector-specific asks will land best when they show **localised outcomes** and **tangible delivery mechanisms**.

Fiscal deficit
% of GDP



Latest Scotland notional deficit

£25.3bn

What does this mean for you?

Digest the Programme for Government.

Monitor and influence progress on the Scottish Law Commission proposals and the sector's ask for greater Home Report transparency

Clarify and quantify the benefits you bring to residents, the Housing to 2040 strategy and Scotland's housing emergency

Be agnostic in your engagement – cross-party MSPs, Committee members and party conference season

CAVENDISH

Thank you for your time.

For more information, get in touch:

Peter White
Head of Government Relations (Scotland)
peter.white@cavendishconsulting.com

InScotland LIVE

TPI Scotland Connect 2026

Speaking Truth to Power

What we're asking for, and why

Jaclyn Mangaroo
The Property Institute

The current challenge

- Anyone can set up as a factor or PM
- No qualification. No training. No CPD
- They will tender against you on Monday

Housing (Scotland) Act 2025

Inspection powers. Criminal liability for non-cooperation	Easier switching. Majority, not two-thirds

What we're asking for

Standards

- ✓ Mandatory Qualifications
- ✓ CPD
- ✓ Competence
- ✓ Contractors, too

Safety

- ✓ Assess every building
- ✓ Assess every risk
- ✓ Fund all remediation
- ✓ Enforceable deadlines

Sustainability

- ✓ Owners' Associations
- ✓ Reserve Funds
- ✓ 5-year inspections
- ✓ Communal insurance

TPI Scotland Connect 2026

Three Parliaments – One Profession

Holyrood

- Code of Conduct review
- SLC Bill
- Safety Remediation

Westminster

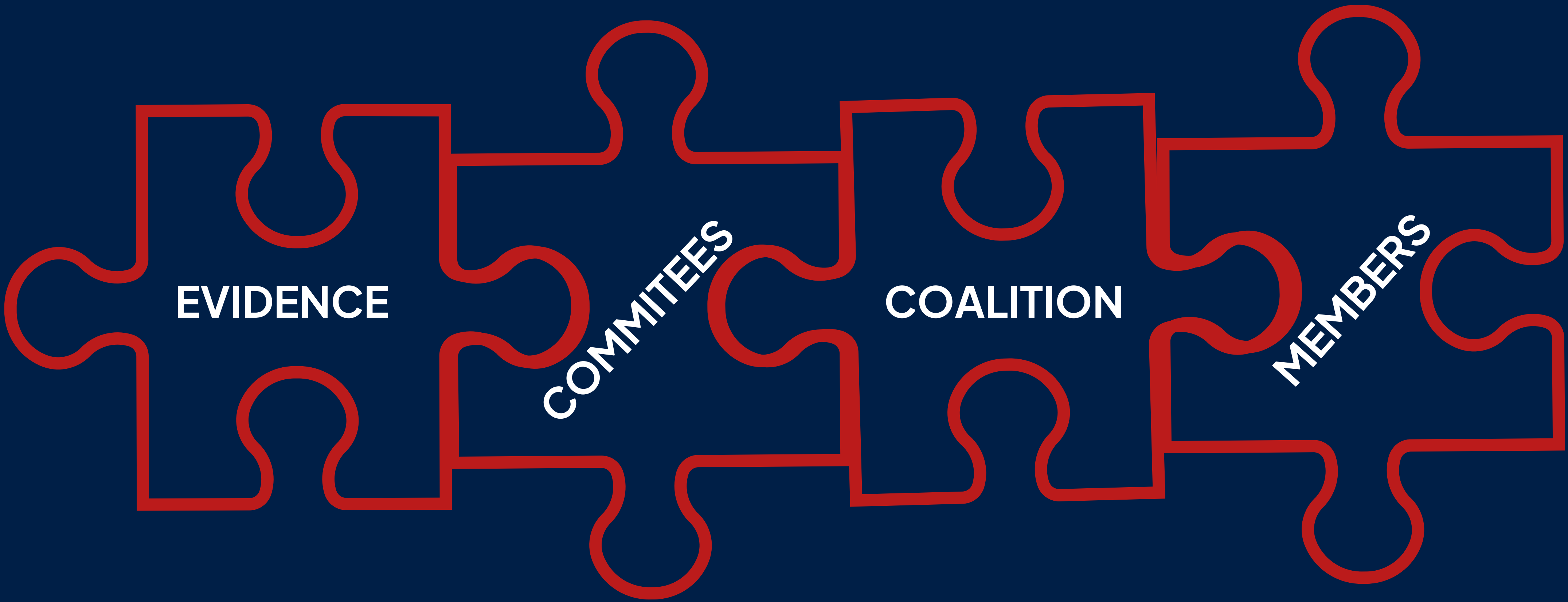
- CLR Bill
- Remediation Bill
- RoPA

Senedd

- BSA (Wales)
- Leasehold Reform

TPI Scotland Connect 2026

How we get there



What we need from you

1. Share your data & insight
2. Tell us how new laws are impacting you and your homeowners
3. Get Qualified
4. Register for **InScotland LIVE**
5. Contact your MSP

TPI Scotland

SAFETY | STANDARDS | SUSTAINABILITY

InScotland LIVE

Listening to Homeowners:

Constituent Experiences of Property Insights from East Lothian Coast and Lammermuirs

Paul McLennan MSP

TPI Scotland Connect 2026 | 4 September 2026

The Scottish Parliament
Pàrlamaid na h-Alba

Who I Am & Why I'm Here

MSP for East Lothian Coast and Lammermuirs (previously East Lothian)

Former Minister for Housing (2023–2025)

Lifelong resident of Dunbar, East Lothian

Background: local government (former Council Leader), banking, community leadership
Today: sharing real constituent experiences to help shape better outcomes for homeowners and the profession

Why Constituent Experiences Matter

Factoring is not abstract – it affects people's homes, finances, safety and sense of community
In East Lothian (and across Scotland) I regularly hear from homeowners about:

Unexpected or escalating costs;Communication and transparency

Quality and speed of repairs;Decision-making and accountability

These experiences should inform policy, regulation and professional practice

Common Themes from Constituent Casework

Recurring issues raised in surgeries and correspondence:Lack of clarity on what the factor is responsible for vs owner obligations

Difficulty understanding invoices and service charge breakdowns;Delays in essential repairs (roofs, closes, communal areas)

Challenges getting agreement among multiple owners

Building safety and cladding-related anxiety (where relevant)
Feeling of limited voice or influence over decisions

The Scottish Parliament
Pàrlamaid na h-Alba

Real-World Constituent Perspectives

Older homeowners struggling with sudden large repair bills

Working families frustrated by slow responses or poor communication

Newer developments where residents feel “locked in” to arrangements they don’t fully understand

Positive experiences where factors communicate proactively and involve owners early

Key takeaway: When communication is clear, transparent and proactive, trust rises significantly.

The East Lothian Context

Growing population and housing pressure

Mix of traditional tenements, modern flatted developments and estates

Housing affordability remains a major local concern

Constituents want homes that are well-maintained, safe and sustainable for the long term

Good factoring is part of the solution to keeping existing stock viable

Aligning with TPI Scotland's Ambitions

TPI Scotland's focus on raising standards resonates with what constituents tell me:Professional competence and qualifications

Greater transparency and accountability; Better long-term planning for maintenance
Stronger collaboration between factors, owners and policymakers

TPI manifesto themes where appropriate: mandatory qualifications, owners' associations, reserve funds, inspections, etc.

The Scottish Parliament
Pàrlamaid na h-Alba

What Good Looks Like (from a Constituent Perspective)Homeowners value factors who:

Communicate early and clearly

Explain costs and options transparently

Respond promptly and keep people updated

Facilitate constructive dialogue between owners; Plan ahead rather than only reacting to problems

Demonstrate professional competence and integrity

Working Together

MSPs hear the human impact of factoring every week

The profession holds the practical expertise

Government and Parliament set the framework

Opportunity: use real experiences to refine policy, guidance and practice

Invitation to continue the conversation beyond today

The Scottish Parliament
Pàrlamaid na h-Alba

Key message:

“Homeowners want professional, transparent and accountable factoring. When the profession delivers that consistently, trust grows – and everyone benefits.”Happy to discuss specific challenges and solutions

Thank you to TPI Scotland for the invitation

Looking forward to the rest of today’s conversations

Contact:
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(mailto:paul.mclennan.msp@parliament.scot)

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Silver

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Cosmic Charging

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Closing Remarks

David Doran

TPI Scotland Chair

TPI Scotland Connect 2026

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Cosmic Charging

RAINBOW RESTORATION

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TPI Scotland Connect 2026

See YOU Next Year!

Thursday 2nd September 2027

Hilton Glasgow

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