

## Why are Construction Inspectors a valuable asset ?

With the advent of ISO 9000, Design and Build contracts, self-certification of work and zero defects were expected to improve Construction Quality. Hard experience and protracted claims involving defects and poor workmanship indicate that these changes have not produced the anticipated improvements; and there is room for improvement. In fact the industry is recognising that contractors cannot 'self police' effectively and the Construction Design and Management Regulations were revised to overcome this deficiency, with the role of Employer's Agent being introduced to provide a more impartial supervisor for the works. The powers given to an Employers Agent are similar to those of the traditional Clerk of Works.

So the need for Construction Inspectors as part of the construction project team is as great today as ever and their value to a contract should not be under-rated. Acting as impartial, independent inspectors and guardians of quality, they can monitor construction work for compliance with specifications and drawings, while upholding agreed standards of workmanship, without being dominated by the commercial pressures of costs and deadlines. That is not to say that they should ignore these factors. On the contrary, with a focus on quality and correctness they can greatly assist the team, including the contractor, to deliver acceptable results that will reduce subsequent arguments over payments and related delays. The pressures to finish 'on time' are of course significant, and too frequently corners are cut to meet targets and the resulting problems often appear after contract completion as defects and claims. The costs of employing a Construction Inspector on site should be seen as a good and prudent investment, leading to a reduction in defects with consequent savings in the rectification of these in ways that can facilitate timely completion. Experience demonstrates over and over again that, apart from the direct costs of rectifying defects, there are the indirect costs of additional internal administration, dealing with sub-contractors and suppliers, claims and counter claims; plus the incalculable costs in damage to his reputation for the contractor, and erosion of the client's confidence in the contractor

Every month there are reports of claims involving significant sums of money published in the trade and professional journals. These major claims are only a small proportion of the significant number of claims and probably do not represent even a fraction of the total costs incurred nationally. Many are settled without reference to insurance companies, lawyers, or the courts, as the costs of rectifying the defects do not justify such recourse. This is especially true for construction companies that carry significant excesses on any insurance policies in an effort to reduce costs of such policies and these represent an appreciable direct cost chargeable to the overheads in simply operating a company.

In addition to inspection during the main construction phase, an experienced Construction Inspector can also be a useful asset during the design and tendering phases. Independent appraisal of drawings and specifications against design intent,

especially the coordination of drawings produced by the various consultants, can often identify problems, or suggest opportunities to improve either the finished product or make construction easier or at reduced cost.

Teamwork and close collaboration are essential, and a Construction Inspector will need to be a fully integrate part of any site team. It is impossible for site managers, agents, project managers etc to be on site all the time; and frequently sub-contractors are allowed to work substantially unsupervised for long periods of time, especially for specialist work for which the agent and others do not have the necessary experience to monitor the work and workmanship. For this type of work a Construction Inspector with the appropriate experience can provide, through inspection of work in progress, an independent report and subsequently advise if the completed work is in accordance with the drawings and the specified standard of workmanship. Even for work that is well within the capabilities of the site management team to inspect, if it is work that is crucial to the satisfactory performance of the finished job, the presence of a report from a Construction Inspector can be very useful to prevent or document potential problems that may arise later within the defects liability period. It must be remembered that although the normal defect period is normally between 12 and 24 months, for most elements of work a period of 12 years is included in contracts under seal for 'latent defects'. This type of defect is often difficult to identify correctly and expensive to rectify; and there is the ever present possibility of a sub-contractor having ceased trading since project completion.

On the matter of insolvency, a Construction Inspector can frequently provide, through their regular inspections and photographic records, more detail and greater precision on the exact state of the works and materials on site to assist the site team in resolving the many issues that occur when this problem arises.

All too often, uninitiated site personnel can regard the Construction Inspector as an unwanted evil, while those who understand the bigger picture recognise that this is not the case. Yes, an independent inspector can report unsatisfactory work and reject inferior materials, which may appear to be a short-term nuisance but if this happens then the site management team are much better placed to prevent defects and will save time and costs later. There is no credit or professional value in ignoring such reports, and in fact to construct, build or install anything without using goods or materials that are accordance with the drawings and specification without good reason is unprofessional and essentially fraudulent.

Unless it is rigorously monitored and regularly audited, any self-certification scheme for signing off work in progress is a formula for abuse unless independently checked. Sometimes poor control of even the best 'Quality Assurance' schemes can lead to costly design errors being allowed to progress into construction with significant costs to rectify these faults when discovered. If the defects are not identified until after the project has been completed and handed over the costs of rectification increase

significantly; and can reach very substantial sums if the structure is occupied and in use. Here, the Construction Inspector can be an asset in the audit and checking of such documentation.

So having looked at the challenges, we need to ask who is capable of fulfilling the related role of Quality Inspector? Well, they come under many names; Site Inspector, Quality Manager, Employers Agent, as well as the Construction Inspector; but the oldest and most effective is the Professional Clerk of Works, whose presence was always intended to assure compliance and prevent defects! Especially in light of the forgoing, certified Members of the Institute of Clerks of Works and Construction Inspectorate would be the obvious choice for such a role.

After 40 plus years in the building industry, working first in the public sector, spending many years as a Clerk of Works or Maintenance Manager; and subsequently for a large UK construction group in site management roles, plus frequent deployment to identify and rectify defects, I have had encountered all of the scenarios outlined in the preceding paragraphs. This breadth of experience has convinced me that a good, forward thinking, proactive, team playing Clerk of Works is a tremendous asset to any construction project, from the small home extension to the major works, such as; hospitals, airport terminals and of course the buildings for the 2012 Olympics. It is illegal to build without Building Control approval and Inspections; therefore the small amount of money expended on Clerks of Works as Construction Inspector and guardian of quality is money well spent. Most significantly, it represents a tiny proportion of the costs incurred if the problems discussed in the preceding paragraphs go unattended.

Although Clerks of Works have been active in the UK for many centuries the massive expansion of building activities during the 19<sup>th</sup> Century led to increased demand for their services and directly led to the Incorporation of the Institute of Clerks of Works in 1885. It is therefore one of the oldest professional bodies in the construction industry, coming just sixty years after the RIBA, and has been delivering construction quality through inspection for the past 125 years. Today the Institute of Clerks of Works and Construction Inspectorate is, as ever, promoting construction quality through inspection. The role is embodied in Clause 12 of the JCT contract as the established basis for taking care of the client's interests on site.

I think the biggest plaudit for the Clerk of Works in recent times was made by the well known and respected solicitor Tony Bingham in issue no 50 in 2007 of the weekly trade journal 'Building'. To quote – "Who's the most important man on a building site? Well, it depends on the circumstances, but have you ever thought it might be the Clerk of Works?"

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