

## Annex 11B – Consultation Log

	Query / Issue / Suggestion	Action
1.	<p>Enabling the progressive scaling up of competence will be an important part of the system that has been considered more by some working groups than others. An example is the recommendation by WG11 (procurement) that appears to suggest that ‘all people involved in procurement at all levels on a project’ should develop new competences in line with a CIPS global framework. This recommendation is likely to require the retraining of all people involved procurement, including professionally qualified surveyors which will be a significant cost to the industry. Based on Dame Judith Hackitt’s view that cost cannot be a barrier to adoption on board, we trust that the CSG will recognise that it has a role in ensuring that unnecessary cost does not become a barrier to change.</p> <p>This observation is consistent with feedback to MHCLG in our response to the Building a Safer Future Consultation.</p>	<p>Comment noted and should be picked up by the CSG in final report</p>
2.	<p>We agree with the broad conclusions of the analysis that procurement practice has a key role in the building safety system, and that procurement practice must improve. We also agree that that specific aspects of procurement practice – including the validation of contractual compliance and the traceability of procurement decisions and outcomes – represent a unique contribution that procurement professionals bring to the assurance of building safety. The observations raised in para 625 are very powerful, and overall practice must improve to make it impossible for such circumstances to occur. Safety specific competences, including those associated with transparency and traceability will support this outcome. We note that the work of procurement professionals will be supported by Recommendation 9.1 from the Hackitt Review, requiring contracts that specifically state that safety requirements must not be compromised for cost reduction.</p>	<p>This has been covered in the detailed competence framework that is included as an annex to the summary report from WG11, in particular the need for different roles to have different levels of procurement competence at different stages of the RIBA plan of work.</p>

The role of procurement is complex given the range of practice adopted, such as the different approaches adopted by clients in the public and private sectors, housebuilders and main contractors. Given the range of different procurement roles on either side of the contractual divide, we think that the WG needs to be both more explicit with respect to its definition of 'procurement activity' so that the implications of the recommendations can be fully understood and applied more effectively to the context. This will make it easier to understand the implications for different branches of the industry, including clients, consultants, contractors and their supply chain. Furthermore, we would like the definition of safety-related procurement competence to be clearly described.

Based on this analysis, in our view, the statement in para 616 with respect to coverage is too broad given the suggested competences. We would prefer that coverage was defined in such a way that it is restricted to procurement professionals that are in roles that have a material impact on safety outcomes – e.g. client-side procurement, self-delivery/main contractor procurement and all safety critical specialist trades. For example, whilst it would be appropriate for a partition and dry-lining sub-contractor to have fire safety competences, it might not be appropriate for a groundworks or architectural metalworks sub-contractor to demonstrate the same high level of capability.

We agree with the observation in para 627 that procurement activities should be undertaken by competent individuals. We anticipated that this analysis would also include reference to existing professional competence systems associated with commercial management in the industry – e.g. RICS and CIOB.

We agree that competences should be developed to support the delivery of building safety and that these should include broad aspects of commercial practice. We do not agree that it is necessary to propose to replace current commercial management competences with the generic CIPS framework to achieve this objective.

	<p>WG11 believes that the widespread use of the CIPS framework will expand best practice procurement amongst the construction supply chain involved in HRRBs. We are concerned that the adoption of a framework that goes beyond the competences necessary for HRRB safety could act as a barrier to entry. There are no more than 200 HRRB schemes in the UK per annum – a small market. We anticipate that many SME sub-contractors might withdraw from the market rather than make a significant investment in qualifications (e.g. CIPS) that are only necessary to operate in the HRRB sector. As a result, we would prefer to see a more flexible approach to meeting the objectives of the group – comparable to that of WG10, which recognises the competence frameworks of six project management bodies as the basis for the development of fire safety specific competences.</p>	
<p>3.</p>	<p>Consideration of the competence frameworks of the existing professional organisations involved in commercial management.</p> <p>A detailed adaptation of the CIPS competence framework to demonstrate how it would address specific commercial competences and processes associated with HRRBs. Appendix C of WG10 dealing with project management illustrates the level of adaptation that might be necessary.</p>	<p>This has been covered in the detailed competence framework that is included as an annex to the summary report from WG11</p>
<p>4.</p>	<p>Recommendation 1. We agree that persons managing procurement activities should have a high level of competence associated with HRRBs. We are not clear as to how the Procurement Lead role will operate, given that, once a contractor is appointed, there will always be at least two roles with equivalent responsibility for procurement on either side of the contractual divide. We think that this recommendation can be simplified by requiring individuals who have a management accountability for procurement should be able to demonstrate the appropriate competences. The competencies used to describe the role of the Procurement Lead (Para 631) are appropriate.</p> <p>Recommendation 2. Whilst we agree that new</p>	<p>A number of wording changes have been made to the recommendations to reflect this feedback</p>

	<p>competences are required for working on HRRBs, we believe that these competences should be added to existing professional competence frameworks H&amp;S project advisors including the CIPS standard and other professional bodies. This is in line with the recommendations of other working groups.</p>	
5.	<p>Should the recommendations be adopted as proposed, we will be required to retrain a significant proportion of our 400 qualified surveyors in line with the CIPS framework. This would involve conversion training in addition to the development of HRRB specific competences.</p> <p>The wider impacts will be as set out in our response in the Executive Summary.</p>	<p>Understood and accepted that this is a cost associated with Raising the Bar</p>
6.	<p>The development of detailed competences associated with commercial processes and fire safety</p> <p>The review by WG11 of the competence frameworks of existing professional bodies associated with construction procurement.</p> <p>The development of a pragmatic approach to commercial HRRB competences for the SMEs that make up most of the supply chain.</p>	<p>We have agreed that as part of the implementation plan there needs to be a joint approach across all relevant professional bodies and the first meeting will be in April 2020</p>
7.	<p>The CPA are in support of the analysis provided by WG11, which identified many of the concerns that our membership has in regards to procurers. We are also in support of the designation of the 'Procurement Lead' on HRRBs or in-scope buildings.</p> <p>CPA has however noted that product competence has not been included in the framework provided, which CPA recommends is vital to ensuring safe procurement procedures.</p> <p>CPA also notes that the scope has been limited to those in HRRBs, however the issue of competence of procurers is an industry-wide concern, and CPA strongly recommends that WG11 broadens its scope to address this.</p> <p>In both above points, CPA suggests that working with WG12 to incorporate their recommendations would help</p>	<p>This has now been discussed with WG12 and resolved</p>

	<p>address these recommendations.</p> <p>CPA also suggest that the Required Procurement Competence Matrix requires further clarity in its logic.</p> <p>Note: The CPA membership have made it clear that they would like to see WG12 collaborate more closely with all of the other working groups to ensure that the products framework is worked into their approach. In particular WG0 Overarching System; WG2 Installers; WG7 Designers and WG11 Procurement Professionals have been highlighted as key groups to focus on.</p>	
8.	<p>We support that there must be a Procurement Lead for HRRBs with a comprehensive HRRB procurement competence level involved at every stage of the RIBA Plan of Work. We also agree that implementing this Procurement Lead role will need a culture change in the construction sector and work is needed to raise awareness of the new competence requirements for procurement activities to ensure appreciation and compliance. We would go further to suggesting that this role may be pivotal in the wider culture change required in construction.</p> <p>Earlier engagement with the supply chain that ultimately deliver projects is essential. Often contracts are not awarded until too late and with insufficient time to complete to the necessary standard, limiting time required for inspection and supervision and with punitive delay clauses that can encourage negative behaviours. This last-minute procurement also severely limits the abilities to plan and invest, particularly in R&amp;D and in the tools required to effect change - particularly within the specialist contractor community. Government has focussed on communicating the pipeline to Tier One contractors to support planning, but the value of this is yet to materialise for Tier 2 contracts and beyond. Earlier engagement and encouraging contracts that span multi projects would help specialist contractors transcend the project led (finite) business culture that underpins the growth in the use of labour only sub-contractors and limits the ability to invest in the core contracting business. It would also support greater investment in offsite and the much-needed traceability</p>	Comment noted – supports the report and recommendations

	requirements and support training from product suppliers that is essential to developing competence.	
9.	The introduction of a Procurement Lead (R63 and R64) is seen as a step in the right direction – this area is one where specified product is often sacrificed and anything to increase competences in this area in respect of ensuring correctly specified and fit for purpose product is procured is seen as of huge importance in our industry.	Comment noted – supports the recommendations
10.	Agree with all recommendations, but believe that 1 & 2 need to be clarified as applying to HRRB projects only.	Now broadened to cover all in-scope buildings
11.	One area where we do have some reservations is in the Procurement recommendations of WG11, as you will have seen from our previous correspondence to MHCLG on this matter. As noted therein, we are concerned that there is the potential for unnecessary duplication, overlap, confusion and cost with the introduction of another new role, when almost all of the proposed functions of the Procurement Lead are already being undertaken by existing members of a project team.	A number of wording changes have been made to the recommendations to reflect this feedback
12.	<p>We believe that there is a danger that a separate Procurement Lead role could appear in response to the report or this definition of the role (in the same way that a CDM Co-ordinator role originated) – if this person is seen as or becomes, simply a ‘procurement specialist’ possibly from a legal background, the implications of procurement decisions on accountability, construction methodologies, the golden thread of information etc will not be well understood and safety will not be improved. Procurement is an integral part of construction process and the Architects (i.e. Principal Designer) and Chartered Builders (i.e. Principal Contractor) roles for which they are professionally qualified. To separate this role out could reduce their control and create significant risk by enabling them to reduce their responsibility and accountability.</p> <p>Implementing this Procurement Lead role will need a culture change in the construction sector and work is</p>	A number of wording changes have been made to the recommendations to reflect this feedback

	needed to raise awareness of the new competence requirements for procurement activities to ensure appreciation and compliance.	
13.	FRS regulate occupied premises under the Regulatory Reform (Fire Safety) Order 2005 and have statutory duties for fire safety regulation under other pieces of legislation. On this basis, ensuring that the competency of those individuals involved in the procurement, design, construction, occupation and maintenance of the built environment will support the work undertaken by Fire Safety Officers in ensuring that buildings in scope are safe and remain safe throughout their lifecycle.	Comment noted – no changes needed
14.	There is a need to recognise competence criteria for providers especially in life critical services.	This has been covered in the detailed competence framework that is included as an annex to the summary report from WG11, in particular the need for different roles to have different levels of procurement competence at different stages of the RIBA plan of work.
15.	<p>While the focus of the work has been on the provision for HRRBs, it would have been better to see that procurement takes into account risk across the board. Several major fires have occurred recently in which questions will rightly be asked about the provision of the materials and standards of work carried out. None of these would be classed as HRRBs but the level of risk was notable. The recommendations being asked are sound but the scope of the buildings they are being applied to is too narrow.</p> <p>The effect of competence persons in the procurement phase should result in buildings being built to meet their purpose rather than a specific price. The provision of the best and most appropriate materials can make a huge difference in the risk level to occupants and to those carrying out firefighting operations.</p>	Now broadened to cover all in-scope buildings
16.	Product and product interaction knowledge should be a	Agreed – this will be picked up

	requirement of any training.	during implementation
17.	<p>Improved procurement practices are envisaged to have a positive impact on building safety, which in turn assists the BSP in their building regulations supervisory role potentially reducing the need for intervention by the BSP resulting from poor procurement practices. We recognise that a potential barrier to delivery is acceptance that construction industry procurement practices need to change. We envisage that a process of change management will be needed to facilitate the necessary culture.</p> <p>We would like to see this sector move forward proactively whilst final proposals are being developed.</p>	<p>Comment noted and supports our report and recommendations</p>