

## **Annex 9B - Independent Construction Assessor (ICA) a new role - a detailed description.**

1. **INTRODUCTION – WG9 – COMPETENCE OF SITE SUPERVISORS**
1. WG9 has concluded that whilst “site supervisors” include the principal contractor’s representative, they must also include a separate new independent party checking the construction – the **Independent Construction Assessor** (working title). The introduction of this new role will not negate the responsibility of the principal contractor’s representative to ensure and sign off that the completed works are undertaken to the required standards. The **Independent Construction Assessor’s** role will be to support the client in ensuring continuity of oversight through the life of the project
2. The objective of this document is to describe the role of the **Independent Construction Assessor**, such that WG9 can then define its competencies.
2. **MHCLG CURRENT THINKING: HOW THE INDEPENDENT CONSTRUCTION ASSESSOR COULD SUPPORT DUTYHOLDERS TO MITIGATE RISK IN HIGH RISE BUILDINGS**
1. MHCLG (Ministry of Housing Communities and Local Government) is planning to consult in the Spring on its proposals for implementing Hackitt. We understand the department is likely to consult on amendments to the CDM regulations for the design and construction phases of a building’s life cycle and a Building Safety Registration System for buildings in occupation. A new general duty, of promoting building safety and the safety of persons in and about buildings, is likely to apply through design, construction and occupation.
2. The general duty is an evidential test, applying to all those involved in the building before, during and after construction. Demonstrable support for the general duty is likely to draw incentives. Where the regulator can demonstrate the general duty has been undermined they will be able to intervene. Interventions will be designed with the objective of securing compliance and ensuring the general duty is promoted, for example through remediation of a building safety risk.
3. Dutyholders will look to compile evidence of due diligence to demonstrate to the regulator that they are proactively promoting the general duty. Dutyholders and the regulator may consider that an **Independent Construction Assessor** will be one way to: (a) mitigate the risk of the construction of the project falling short of its design; and (b) demonstrate to the regulator that construction has been overseen by a demonstrably competent, independent professional; and (c) receive assurance that the construction meets building regulations and the requirements of the design.
4. In occupation, the dutyholder may wish to develop their evidence of due diligence to demonstrate to the regulator that they are promoting the general duty, by getting an **Independent Construction Assessor** to sign a statement confirming that maintenance work undertaken meets professional standards and the requirements set out in the documentation wherein it was instructed and specified.
5. It is likely that MHCLG will propose in its consultation that the dutyholder requirement applies to all types of building.
3. **KEY ATTRIBUTES OF THE INDEPENDENT CONSTRUCTION ASSESSOR**
1. **Engage without a conflict of interest.** The **Independent Construction Assessor** must be engaged so far as is reasonably practicable, such that it

has no conflict of interest. For example, it should not be employed by the contractor. However, it will not be employed by the regulator. In most cases, it is most likely to be engaged direct by the client.

2. **Assemble evidence.** The **Independent Construction Assessor** may consult a range of specialists, many of whom are already involved in properly resourced building projects - for example, clerks of works, independent validators, and designers. The **Independent Construction Assessor** will obtain from these specialists sufficient information such that at the end of the construction phase it is able to satisfy the dutyholder that the building has been built correctly and in compliance with building regulations then in force. This will help to preserve through the construction phase the golden thread, as described in *Building a Safer Future*.
3. **Engage early.** The **Independent Construction Assessor** will be appointed early in the design of a project so that they can:
  - a. Receive information about the project to assess the inherent construction risks;
  - b. Feed back to the client team the inspections and site supervisory appointments that they will require in order to assemble the evidence necessary for them to discharge their duty. This needs to be understood at an early stage as it may affect the project budget;
  - c. Collaborate with the other parties involved in the project to help avoid construction errors on site.
4. **Act with power.** We understand MHCLG is working on the 'Gateway 3' post-construction sign-off requirements. WG9 considers that without sign-off by the dutyholder, based on assurances provided by the Independent Construction Assessor, the regulator may not be persuaded that the General Duty of the client has been satisfied and therefore will not permit a project to pass *Building a Safer Future* gateway point 3. This will provide a powerful potential sanction that will help the **Independent Construction Assessor** to see that the building is constructed correctly.
5. **Carry professional indemnity insurance.** Suitably worded "sign-off statements" will be developed with insurers and the wider industry. Early discussion with a leading insurer suggests that insurable statements will be feasible.
6. **Act in any type of project.** The **Independent Construction Assessor** could act in any type of building project – new-build, refurbishment or partial change/upgrade.
7. **Overview of the Independent Construction Assessor.** We envisage the **Independent Construction Assessor** as an experienced, probably chartered or incorporated professional, who has enhanced their specialist skills, but registered with an additional qualification that will provide a general appreciation of all aspects of construction and how it can go wrong. They would not necessarily be resident on site during the construction phase, but would certainly make visits. They would need to be good communicators, well organised and reasonably competent with modern technology. They might be drawn from the ranks of any appropriate professional institution and could include principal designers and building control professionals.
4. **CONCLUSION**
  1. Introducing the role of **Independent Construction Assessor** will help both contractors and designers to work together to reduce errors and improve

quality.

2. IRG WG9 is now developing competencies for the new role of **Independent Construction Assessor**, assuming the role is as described above.