

Annex 9E Consultation Log

Following the consultation period forty-five responses were emailed directly to the CIC and thirty-seven were submitted via the iConsult platform, as several were duplicate responses, approximately eighty responses have been received and all of these have been reviewed by the Chair of WG9.

I could send you all the detailed and often lengthy responses but to save time I have taken the liberty to capture those responses with specific relevance to the work of our group in the following table. If you wish to see all the responses please see the attached link

<https://www.dropbox.com/sh/pl9rat4cyoeayoy/AACNnzyqDXZxkQ8FxuD9ltdJga?dl=0>

So, below is a tabulation of the twenty-eight responses which have some reference to the recommendations and report from WG9. The first six columns of the table are headings taken straight from the CSG's spreadsheet which collated the iConsult responses, I have then cut and pasted those comments received via email or their attachments into the appropriate columns. The penultimate column contains my proposed responses that we, as a working group, may wish to action/amend in our draft report to form our final submission. Using a simple Y or N could you please confirm your agreement, or otherwise of my proposed response in the last column? If you agree with all a simple email response saying so would be appreciated.

Annex F Consultation Log

Name & Organisation	With regards to WG9 Site Supervisors, do you think the analysis is correct?	With regards to WG9 Site Supervisors, has anything been left out? Comment	With regards to WG9 Site Supervisors, do you agree with all recommendations? Comment	With regards to WG9 Site Supervisors, are the recommendations likely to affect you and in what way?	With regards to WG9 Site Supervisors, what would like to see next?	WG9's Proposed Response	Agreed?
Steven Studley Compliance Manager, Housing Association	Yes	No	Yes	Potential supply chain impact if there is a competency gap	Further guidance and greater clarity on the role in practice	Noted, no change to the Report required	Yes
Jonathon James Fire Safety Enforcement Officer	Yes	Yes	Yes			Noted, as no detail is provided in column 3, no change to the Report required	Yes

Dennis Davis Executive Officer, Fire Sector Federation.	Yes	No	Yes. Broadly Yes accepting the role of ICA is aspirational	Having a 'new' layer of managed supervision as envisaged by the group is supported but the concern remains as to the likelihood of adoption by the construction sector	Industry wide discussion with major builders to assess the feasibility of introduction	Noted, no change to the Report required	Yes
Anonymous Engineer	Yes	No	Yes	NA	NA	Noted, no change to the Report required	Yes

Jane Duncan OBE
PP RIBA

The RIBA recommends that the new statutory duties must be drafted to be deliverable regardless of the project's procurement route which has not been given due consideration; for example, under CDM a Principal Designer cannot be novated to the Principal Contractor and can only be appointed by the Client which is important for continuity and accountability. If the new regulatory framework allowed for the Principal Designer to be novated, then they would have a conflict of interest in carrying out any duties during construction when paid by the Principal Contractor, rather than directly by the Client. This conflict would be similar to allowing Clients to choose and pay their own Building Control Body.

The RIBA recommends that it is not appropriate for the Principal Designer to co-sign a declaration of construction compliance; the responsibility for

Noted, no change to the report required.

This relates to the involvement of the ICA in sign-off of construction compliance. Our intention is that sign off of construction compliance remains the responsibility of the Principal Contractor. The ICA's role is to provide advice on compliance to the client.

Yes

Yes

construction compliance must remain with the Principal Contractor. The Principal Designer should provide a building safety design coordination role during the pre-construction phase, as set out in the recommended CDM 2015 model.

The RIBA supports the proposal from WG9 (Site Supervisors) for the introduction of a new role for an Independent Construction Assessor (ICA) to provide inspection services, independent of the Principal Contractor and Building Control where required.

Mark Hardingham National Fire Chiefs Council	Yes	Yes	Yes	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.	Continued development of the work to date.	Noted, as no detail is provided in column 3, no change to the Report required	Yes
Stephen Adams C.E. BAFE	Yes	No	Yes	NA	NA	Noted, no change to the Report required	Yes

<p>Dan Falchikov Head of Policy Communications LABC</p>	<p>Yes</p>	<p>Yes. We support the introduction of the Independent Construction Assessor, provided the limits of this role are clear. An independent person managing standards of building projects and assuring they meet the design intent would be welcome. However, this role cannot be considered as another regulatory body with legal powers to address compliance with regulations – that is the role of Building Standards Professionals.</p> <p>We are pleased this has been clarified by the chair of the working group following representations by the chair of working group 6.</p>		<p>We support the introduction of the Independent Construction Assessor, provided the limits of this role are clear. An independent person managing standards of building projects and assuring they meet the design intent would be welcome.</p> <p>However, this role cannot be considered as another regulatory body with legal powers to address compliance with regulations – that is the role of Building Standards Professionals.</p> <p>We are pleased this has been clarified by the chair of the working group following representations by the chair of working group 6.</p>	<p>ICA is not intended to be a regulatory role, WG9 recognises that this role must remain within the remit of Building Standards professionals.</p> <p>Noted, no change to the report required.</p>	<p>Yes</p> <p>Yes</p>
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John Briggs Head of Training & Risk Services Fire Protection Association UK	Yes	Yes. the competencie s required of an ICA and how they attain them	Yes	Having a 'new' layer of managed supervision as envisaged by the group is supported but the concern remains as to the likelihood of adoption by the construction sector.	Industry- wide discussion with major builders to assess the feasibility of introduction	The competencies have been included as an appendix to the report, though need developing and to a depth in line with a common overarching framework. We recognise that adoption of the role will be a challenge but current pilot studies are being undertaken to provide stimulus to change.	Yes
Ian Leigh Station Manager, Fire & Rescue Authority	Yes	Yes. There is documentati on missing from Appendix 9B as already noted by NFCC.	Yes	These are likely to have a limited effect overall given the initial scope and general interactions between the site supervisors and the FRS.	Application of the recommend ations.	We are aware of the missing appendices and will ensure they are included in the final report.	Yes
Anonymous, Fire & Rescue Authority	Yes	No	Yes			Noted, no change to the Report required	Yes
Mark Pollard, Station Manager, Fire & Rescue Authority	Yes	No	Yes			Noted, no change to the Report required	Yes

Anonymous, Insurer, Structural Warranty Provider	Yes	<p>Yes. Independent Construction Assessor</p> <p>R57: agree, their reports should be made available to all parties involved with the building at construction phase</p> <p>R58: Agree</p> <p>R59: Agree, should be automatically distributed to all parties involved during construction phase</p> <p>R60: Consideration to include in the contract that practical completion is not attained until sign-off from the duty holder is provided.</p>	<p>Yes. Independent Construction Assessor</p> <p>R57: agree, their reports should be made available to all parties involved with the building at construction phase</p> <p>R58: Agree</p> <p>R59: Agree, should be automatically distributed to all parties involved during construction phase</p> <p>R60: Consideration to include in the contract that practical completion is not attained until sign-off from the duty holder is provided.</p>	No		<p>Noted, no change to the Report required</p> <p>Noted, no change to the Report required</p> <p>Noted, no change to the Report required</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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Iain McIlwee CEO Trade Assn – Finishes & Interiors	Yes	No	Yes	Better supply chain collaboration	We are supportive of the concept of the role of Independent Constructio n Assessor being introduced and look forward to further consultation on this. This role has the potential to engage more deeply with the wider supply chain and draw in all required expertise to ensure decisions are balanced.	Noted, no change to the Report required	Yes
Steve Duffield Head of Public Safety Fire & Rescue Authority	Yes	No	Yes		A clear view of an organizatio nal structure and suggested timescales of the manageme nt and information flow of building construction as to determine and understand the FRS role within	Noted, no change to the Report required	Yes
Chris Brown Consultant Trade Assn – Smoke Control	Yes	No	Yes	NA	NA	Noted, no change to the Report required	Yes
Mark Froggatt Technical Director BASEC	Yes	No	Yes		Product and product interaction knowledge to be a requirement of any training.	Noted, no change to the Report required	Yes

Tim Gray Group Manager – Head of Protection Fire & Rescue Authority	Yes	Yes. We note and agree with the response from NFCC	Yes	We note and agree with the response from NFCC	We note and agree with the response from NFCC	Noted, no change to the Report required	Yes
James Hymers Associate H7S Consultant Pick Everard	Yes	No	No. Rec 1: How does this role differ to the role of the CoW? Whilst CoW may need additional training this is a well known and valued role, the key is independence and client support. The role is not effective if the risk of "abortive work" and "cost" becomes a "fault" of what the CoW has found. They need full support and support in contract administration.			WG9 see this as an enhanced and more pro- active role than that of 'Traditional CoW' and hence CoW's or other professions will need to demonstrate the competencies required of an ICA before undertaking that role. WG are aware that additional training will be required and professional bodies will be encouraged to provide this independently accredited training. The points are noted, no change to the Report required	Yes

Diane Marshall Operations Director NHBC	Yes	Yes. We feel the proposals are unclear as to how the role of ICA will interact with proposed Building Safety Regulator and current regulatory roles including BSPs. There is a concern the role could dilute the responsibility of the dutyholder	No. We feel the proposals are unclear as to how the role of ICA will interact with proposed Building Safety Regulator and current regulatory roles including BSPs	We feel the proposals are unclear as to how the role of ICA will interact with proposed Building Safety Regulator and current regulatory roles including BSPs	Further industry discussion regarding the merits of the role of ICA and whether it should be introduced. We consider the proposal may viewed as not too dissimilar to the role of 'Appointed Person' facilitated by the Sustainable and Secure Buildings Act 2004, but this role was not introduced by subsequent regulation as it was considered to unnecessarily duplicate the role of the BSP.	WG9's report makes it explicit that there is no dilution in the existing responsibility of current duty holders. Propose that we add a line of text into section 2.01 (3) as follows 'and then, in agreement with other building standards professionals, assures the on and off-site works comply with the design and, all necessary building standards and regulations,	Rejected, current wording is satisfactory
CSCS			CSCS fully supports the recommendations of this group.			Noted, no change to the Report required	Yes
Checkmate.UK.com			R57: Agree, their report should be made available to all parties involved with the building at construction phase. R58: Agree. R59: Agree, should be automatically distributed to all parties involved with the building at construction phase. R60: Consideration to include in the contract that practical completion is not attained until sign-off from the duty holder is provided.			Noted, no change to the Report required	Yes

<p>Ray Cooke HM Principal Inspector HSE Construction Division</p>		<p>Several comments relating to the focus (of all WGs) has been on the individual and not recognising that principal designers and contractors are normally organisations. This is particularly critical where the 'nominated individual' leaves the organisation during or after construction – where does their responsibility go?</p> <p>CDM already provides a well established and mature approach to organisational and individual statutory roles with particular reference to skills, knowledge & experience.</p> <p>HSE experience of regulating the construction industry indicates that individualising responsibilities hinders effective management and compliance.</p> <p>Regulation 8 of CDM 2015 sets out the requirement for skills, knowledge and experience AND organisational capability to fulfil a role. These are not alternatives. To fulfil a role in CDM you have to have both. The exception will be when on a simple project an individual may have the necessary attributes to fulfil the role. HSE's construction enforcement activity is 95% targeted at organisations, not individuals.</p> <p>If an individual needs to be chosen to carry primary responsibility at particular stages in the building lifecycle then it may perhaps be worth considering making that the role of a company director.</p>		<p>WG9 recognises that PD's and PC's will be organisations but they will need to ensure that a responsible and competent person will be leading the project management and site supervision of the construction or building project. It is their individual competencies which all WG's have been asked to identify and articulate.</p> <p>Agreed, <i>organisational capability</i> will include having competent persons to lead on the works. WG9 has identified the competencies of these persons. Noted, no change to the Report required.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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Simon Rawlinson, Partner Arcadis	No. We agree that enhanced site supervision will have a role to plan (sic) in ensuring building safety. In our view, the proposal for an Independent Construction Advisor should be presented alongside other options including the role of the Clerk of Works. In our view, the work of WG9 in setting out the scope of new roles and processes is outside of the scope of work set out in Para 18.	Yes The Working Group does not appear to have defined the Competences required of a Site Supervisor. There are no details included in Annex B.	No Recommendation one to four. These recommendations are outside of the scope of a body charged with developing professional competences. This observation does not mean that we do not agree with the recommendations. However, we do believe that, given the scale of the competence challenge, the WGs should focus on competence only. We note that some WG's have gone beyond their brief, for example to recommend new roles and in some cases new statutory requirements. Our view is that whilst these proposals may well be appropriate and will have an important role in ensuring building safety, they are beyond the scope of the work of the CSG. Principals of Competence should be embedded with an ethics code focused on safety that will be relevant and applicable to all user groups and all sets of competencies.	No We do not consider that the recommendations will have a direct impact on our organisation and clients other than as a subset of the issues discussed in the Executive Summary.	We would like to see the WG focus on the development of necessary Competences for roles associated with Site Supervision.	The competencies were in an appendices which were not circulated in the draft report published by CSG. They will be included in the final report. With regards to 'scope' 'Walking by' is a key cultural change which WG9 believes is a key issue in the industry. WG9 believes it would have been negligent not to refer to, or report on, all aspects relating to the on-site construction process. Noted, no change to the Report required – ensure inclusion of all appendices.	Yes Yes Yes
Amanda Long, CE Considerate Constructors Scheme			Keen to support and assist in the development and implementation of the ICA role.			Noted, no change to the Report required	Yes

<p>Architectural & Specialist Door Manufacturers Association</p>		<p>There is no WG covering the competency requirements of main contractors, but the Principal Contractor duty holder role is a key one in the Government's consultation June proposals. We would therefore expect the competency working groups to reflect the importance of that key duty holder role which clearly must be discharged with a high level of competency because of the influencing and controlling function carried out by that role. It isn't clear from the report what attitude main contractors have to the key propositions featured in the report. Extra costs are very likely to follow the new proposals. Margins in construction are known to be tight; and the response of contractors to increased costs from developments in competency training and qualification is therefore very important. So: <u>Why no competency group for main contractors?</u></p>		<p>The Construction Project Manager (Section 2.01) role, and its competencies specifically address this.</p> <p>WG9 are working with CCS to develop pilot schemes to identify the practice and procedures necessary to ensure the ICA role is both effective and efficient. WG9 recognises that initially costs will rise but savings in all aspects of the design and build of construction projects will offset any such initial costs. The safety of building users is paramount. Noted, no change to the Report required</p>	<p>Yes</p> <p>Yes</p>
<p>Sarah Gary, Project Director Build UK</p>		<p>Broadly supportive of all the recommendations. And generally;- For all dutyholders to easily identify who is competent, the agreed level of individual competence should be clearly set out against each role, occupation or profession. And; It should also be simple for an individual to demonstrate that they have achieved the required level of skills, knowledge and qualification.</p>		<p>This will be developed in the presentation of a common overarching framework currently being developed. Noted, no change to the Report required</p>	<p>Yes</p>

