

In the event that completed work has been identified as being non-compliant by a client, contractor or by a 3rd party specialist via a commissioned report, there are a number of steps that members should take which are somewhat universal to the type of construction and the nature of the complaint that should be followed.

In the first instance, if it has not been made clear, you should not be afraid to query the qualifications of those identifying the non-compliance and the standards against which non-compliance has been determined. Someone who is appropriately qualified should always be willing to supply this information. It is important that whoever is commissioned is independent as the report may be presented in any subsequent adjudication and/or legal proceedings.

Depending on the answers, you might consider commissioning your own report by an appropriately qualified 3rd party. If there is disagreement over the facts but you do not action a resolution, then matters will likely proceed under the assumption that you agree with the initial report of non-compliance.

FIS offers an [Advisory Service](#) covering all matters relating to suspended ceilings, partitioning, drylining, plastering and access floors whereby you will be connected to a competent person with access to a discounted rate (for members). FIS also has, via a helpline access to expert QS and Legal Advice, this is available via the FIS Office on 0121 707 0077.

To ensure you are in the strongest position to defend yourself you should gather evidence relating to every point identified below for each identified issue:

- 1. Issue identification - Extract from the technical report the key issues related to the work that you did.**
Does any of the work fall below the standards agreed. Consider whether cited any standards are date applicable to the installation. Claims may be being brought against a number of contractors and is important to isolate any potential area of responsibility to help understand what the scale of the issue may be.
- 2. Specification – What does the specification say?**
Check records of the specification including any revisions at time of contract and procurement etc.
- 3. Construction detail – Compare built to builders work information provided to support construction.**
Does it appear as though any of the work falls below the standards agreed. Consider whether cited any standards are date applicable to the installation.
- 4. Nature of issue - Design and/or Workmanship?**
Is the issue workmanship or design related? Is there a failing in design, was what was built what was designed? Were there any buildability issues? Did you agree to/recommend adaption of the design?
- 5. What was your contractual responsibility?**
What was the scope of your works did you have any design liability or responsibility associated with checking compliance?
- 6. Variations – Is there any record of instructed variations and/or a change log?**
Were any variation instructions issued? What was your involvement in the revised detail/solution? What attempt was made to support compliance of the variation?
- 7. Quality Management – How was the work signed off?**
Do you have any sign-off sheets, video or photographic evidence of condition at key stages of construction, at handover and when you left site. Is it possible that issues relate to follow-on trades or subsequent maintenance or refurbishment works.
- 8. Conclusion**
Do you believe your contractual responsibilities were met? Is there compelling evidence to suggest that there is a valid claim?
- 9. Suggested action**
How do you believe the situation should be resolved? How does this differ from any claim being made? What insurance did you have in place at the time? Is a claim possible for design, workmanship or to support any legal defence (once you have investigated, it is advisable to talk to your broker)?

Once evidence has been gathered to support all instances of non-compliance according to the above framework, you will be in a better position to credibly approach either a direct solution or seek legal advice/representation.

FIS offers free [Contractual and Legal](#) advice for members and the above evidence gathering process will greatly assist the value of this engagement.