



## Interim guidance for site inspection and assurance on behalf of public sector clients

### Purpose

1. This construction policy note provides an update and interim guidance following the publication of the [Report of the Independent Inquiry into the Construction of Edinburgh Schools](#) (the Report).

### Key message

2. Contracting authorities engaged in construction must make appropriate arrangements for the independent inspection of construction activities.

### Target audience

3. This note is intended for all those contracting authority staff involved in the planning and delivery of public works contracts.

### Introduction

4. The Report identified six recommendations in relation to site inspection and its role in relation to quality assurance.

Recommendation 2.1 - Nature of inspection

Recommendation 2.5 - Independent inspection of the works

Recommendation 3.1 - Scope of service of design members

Recommendation 3.2 - Role of design teams in inspecting works on site

Recommendation 5.3 - Design and use of head restraints

Recommendation 5.6 - Inspection and sign-off of cavity walls

5. These recommendations suggest that procurers should maintain a level of independent inspection of construction activities which is commensurate with the risk assessed in any individual project, and that this goes beyond oversight of the contractors' quality systems and processes, and provides some targeted independent inspection of construction activities and outputs. An appropriate regime for individual projects will be dependent on the size and complexity of the project as well as the procurement strategy.

## **Traditional procurement**

6. Under what is known as a “traditional” procurement approach where the public sector client is responsible for the design, site inspection is usually carried out on behalf of the client, dependent on the value, type and complexity of the works, by one or all of the following:

- the architect
- the engineer (civil, structural and mechanical or electrical)
- the clerk of works

7. In a traditional approach, with the architect acting as the contract administrator as well as the designer, a clerk of works is often appointed. The clerk of works is a direct appointment by the public sector client, often, although not always, under the ‘direction’ of the architect, and can only issue instructions under the written authority of the architect /contract administrator. Any liability for negligence in clerk of works’ duties is carried by the public sector client rather than the architect. The clerk of works would seek to develop a relationship with the contractor’s site agent and site staff, to ensure important areas of work such as wall ties or drains were adequately inspected or tested prior to being closed or hidden.

8. Larger or more complicated sites often have resident architects or engineers on site as well as clerks of works to ensure both compliance with the specification and also to enable approval of minor modifications or solutions derived from site conditions without holding up the works.

## **Design and build**

9. There are various forms of design and build contracts ranging from full design and build, partially novated design teams, down to the use of contractor design portions for specific elements of the project. The various forms transfer design risk in varying degrees.

10. A client representative (usually a professional appointed to the role) is mainly responsible for certifying completion of the works and this role includes varying degrees of presence on site. Some clients implement an inspection role either included in the scope of the representative or through a separately appointed (or directly employed) clerk of works though this level of site presence is not universally adopted. These parties can have the authority to instruct the contractor in terms of opening up or making good.

11. It is worth noting that major civil and structural works such as roads and bridges have generally maintained a greater degree of on-site monitoring as the general approach to design responsibility has moved from traditional to design and build strategies.

## **Public private partnership (PPP) approaches**

12. As the report identified, the PPP process requires the same assurances as any other construction procurement process.

13. Under PPP, the responsibility for certifying completion of the works generally lies with an independent certifier appointed jointly between the public sector client, the funder and project company. The level of site presence by the independent certifier varies and can be specified by the client. Again, some clients implement a site inspection role through a separately appointed (or directly employed) clerk of works. The level of site presence varies significantly between projects.

14. The standard form of non-profit distributing and hub design, build, finance and maintain contracts published by Scottish Futures Trust (SFT) set down specific responsibilities to be undertaken by the independent certifier. However project-specific interpretation of what the scope of this service includes can vary from periodic site attendance, test witnessing and completion certification, to full observation and inspection of mock-ups, fabrication, construction and installation works.

## **Construction quality monitoring**

15. As identified by the report it is important for public sector clients to maintain an appropriate level of independent oversight of building projects to ensure the quality of the works meets the specification and standards whatever form of construction contract or procurement strategy is used.

16. Regardless of the procurement strategy, it is incumbent upon public sector clients to implement project appropriate site inspection and assurance processes that mitigates resultant risk from the construction phase. In doing so, public sector clients must be cognisant of the size and complexity of the project, the nature of the contract and where additional assurances should be sought.

## **Development of detailed best practice guidance**

17. There are a range of factors that influence decisions on how site inspection and assurance should be delivered. Such decisions require cross functional professional expertise and judgement. It is beyond the scope of this guidance to detail all such factors and professional considerations. However it is proposed that a best practice guide is developed, drawing on the experience of positive outcomes spanning buildings, roads and structures. This guide should be developed in partnership with the architecture, construction and engineering professions and be included in the Construction Manual.

## **Conclusion**

18. We will be developing further guidance; in the meantime contracting authorities should make sure that they implement appropriate site inspection and assurance processes.

## **Dissemination**

19. Please bring this construction procurement note to the attention of all those staff involved in the procurement or delivery of construction activities.

## **Contact**

20. If you have any questions about this CPN please email the Construction Procurement Policy Unit on [constructionpolicy@gov.scot](mailto:constructionpolicy@gov.scot)

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