

## Dealing with non-compliance

In the event that completed work has been identified as being non-compliant by a client, contractor or by a 3<sup>rd</sup> 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 3<sup>rd</sup> 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).

If the facts of non-compliance are agreed upon, you should gather evidence relating to every point identified below for each identified issue:

1. Issue identification - Extract from appropriate technical report (as above). Consider whether cited standards are date applicable to the installation.
2. Nature of issue - Design and/or Workmanship?
3. Contractual responsibility - Was this within the scope of your works and do you have any design liability?
4. Construction detail - Builders work information provided to support construction.
5. Specification - Records of the specification including any revisions at time of contract and procurement etc.
6. Variations - Instructions issued and your involvement in the revised detail/solution. What attempt was made to support compliance of the variation?
7. Inspection - Video or photographic evidence of condition at key stages of construction, at handover and when you left site.
8. Conclusion - Were your contractual responsibilities met?
9. Suggested action - How do you believe the situation should be resolved?

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.*