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Bring Back the Clerk of Works

Michael Hegarty , 17 January 2019

In the wake of the Opal Tower debacle, Michael Hegarty explores the role of the Clerk of Works, and the need to return this key project role to Australian construction sites to rectify the shortcomings of quality control in today's industry.



Like most industries, construction depends on people with diverse skills working together to achieve high quality outcomes in challenging, complex and sometimes dangerous environments. Most of those with industry experience value the input, knowledge and skills of all participants in the project journey through design, approvals, documentation, construction and commissioning. In the UK, construction site inspection and verification are embedded in the process. The daily on-site presence of a Clerk of Works building inspector is supported by weekly, fortnightly or monthly inspections by the design team, and Local Authority Building Inspectors have the right to inspect at any stage.

People generally don't build very many buildings in their lifetime so they depend on advice from construction professionals, government and the building industry as to the best way to deliver what they need. These buildings will need to last at least 30-40 years and they cost a lot of money. With that in mind an entire branch of the industry is now dedicated to cutting up-front costs, or value management as it is euphemistically called in the industry. This focus can set up a project tension with those who are more interested in creating long-term efficiency or long-term quality.

Among the cost-cutting initiatives that clients for buildings are frequently encouraged to consider are "design and construct" contracts that put the builder in charge of most contract elements and the client responsibility is reduced to paying the bill and accepting the outcome. The role of the client's site inspector (Clerk of Works) has also disappeared in Australia since the 1980s, even though it remains a key project role in most other countries including the UK, USA, Hong Kong, Ireland, Spain and in developing countries such as Kenya.

The lack of construction checks and balances and independent site inspections has come under considerable public and political scrutiny over the last year. Over the last 40 years, the industry in Australia somehow allowed that independent inspector role to be removed from standard practice in parallel with the privatisation of regulatory certification. So now, on more than half of the construction sites in Australia, there is no full-time independent inspector, and in many cases the design team has been novated from the client to the builder – that is to say that the builder is now paying them, so they are not in any sense independent. This has not led to any real cost efficiencies for construction and over the last 40 years the number of

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managers on projects has multiplied exponentially, with most of these working for the builder.

Some of our clients are starting to question the advice they had previously been given. They want the design team to act for them during the construction stage and they definitely do not want the design team to spend the construction stage seeking cost efficiencies for the building contractor with little or no benefit to the project or the client. They also want site inspection improved and they are beginning to realise that build quality can best be delivered by an experienced person or team with full-time or more frequent presence on site, and importantly working for the client rather than the builder.

The role of Clerk of Works dates back at least to the 13th century. It is the full-time 'eyes and ears' on site for the client. The clerk is not a mediator, arbitrator or an adjudicator, but the person who gets to know the bricklayers, the plumbers, the electricians, roofers and carpenters – the person who ensures that the job gets done and is done properly. The Clerk of Works role is a longstanding one for centuries because it has stood the test of time; it is not an anachronism or a thing of the past. In the last three years in the UK the number of Clerks of Works has doubled for one simple reason: the clients want them.

The British adjudicator and barrister Tony Bingham once declared that:

“The cost of a clerk of works per annum is cheaper than a day in court.”

In the UK's post-Grenfell world there is a duty on all clients to ensure that site works are properly and safely undertaken. At the same time the construction industry continues to minimise inefficiencies, reduce adversarial behaviours and embrace modern technology including robotics, modularisation and on-site 3D printing of buildings.

There are now specialist firms offering cohesive Clerk of Works services, so it isn't simply the one-person job it was in the past. They are able to offer the service to clients at not a huge cost, but in the knowledge that clerks offer huge value with their commonsense understanding of construction, the respect in which they are held by the workforce, and their regular presence on site. With design and construct contracts, there is the need to inspect site works more than ever, whether it's checking the contractor is pouring concrete correctly or is storing timber doors and frames in the site compound properly.

A Clerk of Works checks standards of workmanship and materials, making sure that the design specifications of a project are actually followed. They can challenge contractors about why they have made changes and ask them to defend their decisions, and will report back to the client if not satisfied. On site, the Clerk of Works is on the lookout for any poor workmanship or defects in building works that could lead to time and cost problems further down the line. Any issues will be flagged immediately rather than being compiled near to the end of a project.

Once a commonplace figure on sites, the Clerk of Works is increasingly rare in construction projects in Australia today. There is a good argument to be made that many of the shortcomings of quality control in today's industry can be traced to the sidelining of this valuable part of the process.

Jerry Shoobred, Clerk of Works from Anglia Ruskin University, noted:

“Architects are not given the time. Squeezed fees mean that they have to hand control to contractors. Very often their involvement on site is limited to site meetings with little opportunity to do real site inspections.”

There is something of a void that the Clerk of Works used to fill. Firms offering Clerk of Works services are often faced with clients who ask questions such as: 'Shouldn't the architect be looking after that?' or 'Shouldn't the building certifier be responsible?'. Proper site inspections by the architect can only take place when they are being paid to provide the service, while building certifiers are not there to police the quality of workmanship or detailing.

In the UK, demand for Clerk of Works services is such that the RIBA has just published an updated 2018 edition of the *Clerk of Works and Site Inspector Handbook*. This explains what a Clerk of Works looks for on site and provides advice that any architect can arm themselves with. It describes the traditional site inspector role in detail, as well as how the duties and responsibilities of a Clerk of Works relate to contemporary construction projects.

It is not only clients and architects that benefit from the services of a Clerk of Works on site; Chartered Surveyors and most of the construction industry support the reintroduction of this role into the Australian construction industry to align with international good practice.

The UK-based Surveyors Institute (RICS) website states:

“Independent third-party inspection by a clerk of works helps to protect the client's interests throughout the construction process. When employing or appointing a clerk of works or construction inspector, the client will not only benefit in terms of experience, they will also have the reassurance that their interests are being safeguarded.”

Most building contractors welcome the input of a Clerk of Works as it is much more costly for them to fix errors if they aren't picked up early and other trades have worked over the top of work to be made good.

Skills and Characteristics

Clerks of Works have:

- a good general understanding of the specific construction inspection process, in particular around the inspection of materials and quality of work
- an understanding of the obligations of all parties, including requirements and boundaries
- the foresight to identify issues or potential issues and the ability to suggest alternative methods or mitigation techniques
- a focus on quality, reducing the need for reworking and double handling
- impartiality, offering a fair, considered and independent approach to ensuring value for money for the client
- an awareness of acceptable standards, benchmarking and identifying where work does not conform to regulation
- the ability to record their findings concisely
- the ability to offer a professional opinion and recommend alternative approaches and corrective actions
- knowledge of construction materials and components, including their use, limitations and possible alternatives
- an understanding and knowledge of the practical and legal aspects of health and safety.

Areas of Focus

When a Clerk of Works is appointed, there are a number of factors on which they can focus, including the following:

- compliance: buildings need to be inspected for safety and structural integrity to ensure that they conform to statutory regulations and laws
- quality of work: needs to be monitored and inspected at regular intervals to minimise problems, defects and rework
- materials: should be inspected to ensure that they are correct and of an appropriate quality to fit their purpose
- defect rectification: defects can be minimised and resolved when regular, thorough inspection is factored in to the construction process
- recommendations: clerks of works can make recommendations to the client throughout the construction process about materials, the quality of work and so on.

A Clerk of Works' ability to deal with all five factors, however, depends on what basis they are contractually employed.

The UK's Institute of Clerks of Works states that the number of Clerks of Works is growing and there is currently a shortage. They state that there are several thousand Clerks of Works working on sites throughout the UK. Employers include local authorities, health authorities, government departments, large industrial and retail companies, architectural practices and consultancy firms.

Self-employment is common. There are no set qualifications needed for entry to this work, but it is essential to have relevant experience. Clerks of Works usually enter the profession after some years' experience at craft or technician level in construction, architecture or civil engineering.

Melbourne's Lacrosse Building and Sydney's Opal Tower have highlighted the issues of inadequate on-site quality control on construction sites around the country. While the industry races ahead looking for ways to cut costs and 'manage value', we've seen the once vital project role of Clerk of Works sidelined at a time when we need quality control more than ever. As clients and the general public increasingly question the lack of checks and balances and independent site inspections in the Australian construction industry, the impetus could be there to bring back the Clerk of Works.

Michael Hegarty AIA RIBA is the National Practice Leader of [GHDWoodhead](#) and a registered architect (UK and Australia) with over 30 years' experience in the construction industry. GHDWoodhead is one of the top three largest architectural practices in the Australasia region based on the annual World Architecture rankings (WA100 2019) and the only Australian firm in the global top ten for government work.

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