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Michael McDonagh
Construction Inspector
Health & Safety Authority
The Metropolitan Building
James Joyce Street
Dublin 1

14th of November 2014

Dear Michael,

Thank you for meeting me on 5th May 2014 to discuss the Quantity Surveying Committee of the Society of Chartered Surveyors Ireland (SCSI) seeking clarification (for our members and clients) on the responsibilities of the Quantity Surveyor under current Safety, Health and Welfare at Work (Construction) Regulations 2013.

As noted in our previous correspondence, the request for clarification and discussion regarding such responsibilities arises from a concern expressed by members at the possible classification of elements of work they carry out as "design" and by extension being considered "designers" under the regulations. As I highlighted in our meeting, our quantity surveying members do not engage in design work as part of their standard scope of services.

I noted the thrust of your advice, that it is not a person's job title that decides if they are a "designer" under the regulations; rather it is what one does that is the determinant.

I want to thank you for your invitation to revert to you further once we had consulted our committee and decided on how to proceed in seeking formal clarification. We have recently reconvened our committee and have prepared a paper setting out our proposal for addressing the issue. Central to the effectiveness of the implementation of this proposal will be its consideration by the HSA and we trust the enclosed paper provides the necessary information and action plan to enable same.

We would be more than happy to make a presentation and answer questions on our proposal should you consider it beneficial. In the meantime should you have any queries please do not hesitate to contact me.

We look forward to hearing from you and thank you in advance for your assistance in this matter.

Yours sincerely,



Tomás Kelly

Chair of the SCSI Quantity Surveying Procurement Working Group

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SAFETY, HEALTH AND WELFARE AT WORK (CONSTRUCTION) REGULATIONS 2013

CLARIFICATION OF SERVICES PROVIDED BY CHARTERED QUANTITY SURVEYORS

Background

The Quantity Surveying Professional Group Committee of the Society of Chartered Surveyors Ireland (SCSI) has received a number of representations from members expressing concern at the increasing perception amongst clients that Quantity Surveyors are considered designers under the Safety, Health and Welfare at Work (Construction) Regulations 2013.

This increasing trend manifests itself acutely during the procurement process where Quantity Surveyors are being issued with standard design team suitability assessment questionnaires where they are classed as "designers" and required to provide supporting documentation.

The regulations make reference in a number of locations to a range of documents such as Bills of Quantities and Preliminaries. These documents are produced by Quantity Surveyors although the regulations do not refer to Quantity Surveyors. However the key statement in the regulations in which context these references are made is that *"design work is the preparation of drawings, particulars, specifications, calculations, the preambles and preliminaries of bills of quantities in so far as they contain specifications or other expressions of purpose, according to which a project, or any part or component of a project, is to be executed"*

Quantity Surveyors do prepare documents which contain specifications and other such information provided by design team members however it contains same for the purposes of setting how a project is to be valued or what constraints and requirements exist. What the works are made of and how they are to be executed are to be set out in the design documentation included in the works requirements or to be determined by the main contractor in the case of temporary works.

Clarification

Our quantity surveying members do not engage in design work as part of their standard scope of services. In response to an apparent increasing perception that they do (arising from interpretations of the SHWW Regulations 2013) the Society of Chartered Surveyors Ireland are proposing to amend the wording of their standard scope of services to clarify same. The following clauses would be inserted into the general conditions section.

"2.2.4 For the avoidance of doubt, under the standard scope of services set out in this document the chartered quantity surveyor is not a "designer" and does not undertake "design" as set out in the Safety, Health and Welfare at Work (Construction) Regulations 2013 S.I. No. 291.

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"2.2.5 The standard scope of services excludes the provision of design services and any design information referenced in documentation provided by the chartered quantity surveyor i.e. Bills of Quantities) or given in advice rendered under this scope of standard services should not be relied upon as design information."

The remaining detail of the scope of services would also be audited to amend any sub section text which may require further clarification to avoid any doubt arising.

Implications

The potential implications of not acting upon this recent trend include an increasing number of client bodies adopting a similar position in procurement and tendering of Quantity Surveying services with a series of knock-on impacts including;

- Increasing burden on Quantity Surveyors in undertaking courses and responding to suitability assessment questionnaires in relation to services that they do not provide
- Delays in the procurement process as contracting authorities deal with challenges and \ or spend time seeking appropriate evidence from tenderers identified as the potential most economically advantageous tender

However the biggest and most serious implication may be in the area of Health & Safety risks. By allowing confusion and mis-interpretation to prevail, persons may in time mistakenly consider documentation provided by Quantity Surveyors to dictate how works should be executed, act upon it and give rise to an incident causing injury or worse.

Proposed Solution and Next Steps

1. SCSl Statement of Clarification with respect to regulations and Standard Scope of Services. *(This clarification to state for avoidance of doubt that under the standard scope of services, documentation provided or advice provided, insofar as they contain specifications or other expressions of purpose, are not to be considered an expression according to which a project is to be executed.)*
2. Amendments to scope of services
3. Confirmation from HSA that services as described would not constitute "design" under the regulations.
4. Development of guidance note for Members, Clients and other construction professionals

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5. Member Education campaign
 - Guidance note
 - Scope of services
 - Potential Pitfalls
 - H&S training appropriate to role in construction industry

6. Industry publicity campaign
 - Clients
 - Other construction professionals

Enclosed

Draft Amended SCSi Chartered Quantity Surveying Standard Scope of Services