
Taking a Stand: Compliance or Collapse A White Paper on Design Responsibility and Competency in the UK Construction Industry

Best Practice Approach to Construction

When

Roundtable: 24th September

Whitepaper: 13th October

Roundtable Participants

- Iain McIlwee, Finishes and Interiors Sector
- Louise Grimes, Chartered Institute of Architectural Technologists (CIAT) & M1NT Studio Ltd
- Amritha Achuthan, Laing O'Rourke
- Alice Parker, Ridge and Partners LLP
- Michael Riley, BDP (Building Design Partnership Ltd)
- Geoff Wilkinson, Wilkinson Construction Consultants Limited
- Stephen Hamil, NBS | Powered by Hubexo
- Priti Gadani, Jim Smith & Neil Paddock, Komfort Partitioning



Summary: Driving Action

The roundtable discussion, "Taking a Stand: Compliance or Collapse," was convened not to discuss the systemic failures in the construction industry, but to identify and mandate immediate, tangible steps for change. The goal was to move beyond diagnosing the problems (i.e. the transfer of design risk, the lack of early compliance checks and a deepening competency gap) and forge a consensus on actionable solutions.

Participants, representing the full design-to-delivery lifecycle, unanimously agreed that a fundamental cultural and procedural shift is necessary to achieve true compliance.

KEY FINDINGS:

1. **Failure of Early Engagement:** Critical compliance checks and specialist input are often deferred until RIBA Stages 3 or 4, despite the requirement to "plan, manage, monitor" at Stage 2. This approach relies on a dangerous lack of "common sense" to proactively test design intent.
 - ACTION REQUIRED: Mandate specialist manufacturer engagement and compliance checks by the end of RIBA Stage 2.
 - The client giving the Architect's the early stages a fee structure to complete due diligence on design prior to tender submission - so market testing on commercial is capture with compliance / construction factors. RIBA has to steer and make the change.
1. **The "Triple Threat Clause":** The design-and-build procurement model has led to the routine contractual transfer of design responsibility down the supply chain, often forcing specialist subcontractors to sign a contract that makes them responsible for elements of design they did not create or specify.
 - ACTION REQUIRED: Eliminate contractual clauses that unfairly transfer unverified design liability down the supply chain.
 - Educational Platforms are required to ensure everyone understands the latest legalisation and design liability clauses to prevent compromise to the project
1. **Solutions Lie in Process, Technology and Collaboration:** The consensus for moving forward involves standardising the process before the product, leveraging technology platforms (such as NBS) to create a transparent, auditable trail of knowledge, and building "tight partnerships" with supply chain experts and independent regulatory bodies.
 - ACTION REQUIRED: NBS can help to create Best Practice Approach - Industry and all disciplines to be open to exploring and adopting the standardised process. This should be a introduced within the education syllabus.

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'Get Comfortable' Roundtable

Taking a Stand: Compliance or ~~Collapse~~ Contravention

Best Practice Approach to Construction

WHAT are the
issues

HOW are we
actioning these
issues

WHEN are we actioning

Short Term (Now - Dec 2025)

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-
-

Medium Term (2025-2027)

-
-
-

Long Term (2028 - 2029)

-
-
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1. The Breakdown of Design Compliance and Early Engagement

The primary structural flaw identified was the industry's historical habit of deferring compliance and specialist input to later project stages.

1.1 The Stage 2 Dilemma

Michael from BDP and others noted that new regulations force designers to genuinely "embrace compliance". The crucial window for creating a robust compliance strategy is RIBA Stage 2, where designers must "create a compliance plan, and thoroughly understand the process required to design a compliant project".

However, the reality is that architects are still "turned away... all the time" by clients saying they don't need specialist manufacturers or designers until Stage 3 or 4. This often comes down to budget and cost pressures on intangible elements.

Design expectations and vision can't be met without fully understanding the high-level core packages and interface clashes - early manufacturing engagement can prevent unrealistic concepts.

1.2 Designing the Undeliverable

Priti from Komfort Partitioning highlighted a live example of a design reaching Stage 5 without fundamental compliance checks: a request for a 2-meter wide by 3.5-meter high single-piece EI60 sliding door, a product that does not exist and would weigh over 350kg, making installation impossible.

This underscores a severe "cultural shift" deficit, where designers, the client, the commercial teams and other construction associated peers lack the "common sense" to operate instinctively by asking fundamental questions: "Is what I'm designing compliant and how do I know that?", "Is there such a product that can achieve all the performance requirements". We have to all ask ourselves, why are we designing something without knowing of the material details?

2. Procurement, Risk Transfer and Accountability

The discussion established that the root cause of risk fragmentation is the procurement model, particularly the design-and-build contract, which began shifting design responsibility to subcontractors years ago.

2.1 The Triple Threat and Subcontractor Risk

Iain from The FIS, representing the interiors sector, described a "triple threat clause" where the subcontractor's contract mandates they are responsible for:

1. Checking the compliance and design of the package.
2. Coordinating with all abutting subcontracts.
3. All elements of design within their package, "whether you design them or not".

This situation means that by the time a specialist subcontractor receives the tender package, it is often non-compliant, forcing them to work backward to "correct" the design intent.

2.2 The Accountability Vacuum

The fundamental question posed was: Who is responsible for ensuring that construction complies with building regulations?

Geoff from Wilkinson Construction Consultants provided the definitive answer: it is not Building Control. Morally, all individuals are responsible. Contractually, the complexity of liability and caveats leaves a vacuum where "nobody takes accountability. Nobody takes responsibility". The core regulations are simply the "box standard basic minimum" to ensure a safe means of escape and prevent the building from falling down.

3. Competency and Cultural Shift

A major concern raised by Komfort Partitioning and BDP was the decline in industry competency and the difficulty of knowledge transfer.

3.1 The Competency Gap

Many young people entering the industry from education "haven't got a clue". This stems from the fact that those at the top, such as technical directors, often lack the time to effectively share their knowledge with those at the bottom.

The complexity is compounded by the fact that the regulations themselves are written in isolation, and often, "the people that write them don't understand them". New competency schemes are necessary but have the side effect of causing many people to "disappear out of the industry" as they are forced to requalify.

3.2 Standardisation vs. Design Freedom

There was a brief tension regarding standardisation:

- Standardising products is seen as a risk to limit design aesthetics.
- However, standardising the process is seen as critical. Standardising doesn't mean design limitations - early collaboration allows to ensure the design boundaries can be pushed to product limitations, capturing build factors and CDM.

Communication and time spent at early stages can help to ensure design and vision can be achieved with clear compatibility knowledge. The outcome was to encourage and educate to have these early discussions between the client, QS and A&D.

4. Path to Compliance: Technology and Collaboration

The industry can achieve compliance only through a collaborative model underpinned by transparent data and regulatory enforcement.

4.1 Technology as the Game Changer

The NBS platform was highlighted as a massive game changer, allowing for:

- **Transparency:** Creating a "transparency of the knowledge of that package journey" and capturing variations. Everyone should have a process that can demonstrate Best Practice Approach or the package journey (transparency of the revisions is crucial on every package). Let's all demonstrate the Golden Thread Ethos and not use it as a buzz word.
- **Data Integrity:** Tying together information, linking specifications to certified performance data, and leveraging digital product passports (e.g., Digital Product Passports and QR codes) to track a product's journey, which Komfort Partitioning is already working on.

4.2 Regulatory Enforcement (Gateway 2)

The most direct regulatory fix is ensuring that works cannot commence until there is a full, approved design, which enforces the process set out in Gateway 2. This would mandate a fully compliant plan before anything is built. This impacts every sector and should be enforced from now.

4.3 The Future is Partnership

The most effective way for design practices to navigate the complexity is through long-term, consistent partnerships:

- **Specialist Supply Chains:** Utilising "design partner frameworks" with manufacturers like Komfort. There should be at least 2 specialist partner frameworks to each product types and review every 3 & 5 years to ensure industry alignments has been captured - this is to avoid and mitigate bad behaviours.
- **Regulator Relationships:** Forming "really tight partnerships" with independent building control authorities for consistency early in the design process.

Conculsion

The transition from a "Compliance or Collapse" mindset demands a commitment from all parties to shift the compliance burden upstream. Moving past the historic culture of passing risk and adopting a philosophy of early engagement, data transparency and process standardisation are the necessary steps to meet the minimum standards of safety and accountability required in modern construction.

Industry shift of improvement can only happen if we are all willing to accept that our roles have a duty of care and apply an instinctive approach that challenges why, what and how we are driving the design from concept to completion, as opposed to shifting the responsibility to others because it doesn't fall within their fee remit.

The next step is investment, where the industry must collectively invest the time needed to build both the collaborative relationships and the competency required for a truly safe and compliant built environment. Komfort are holding their next Call-In event on 'Investment' in November to address this issue and deliverable tangible outcomes.

We would like to thank each participant for joining this Roundtable and sharing their knowledge, opinions and ambitions for the industry.