

EXPERT COMMENT: **CONSTRUCTION IN NEW BUILD CARE PROJECTS**

Recent reports in the media highlighting the poor quality of adult care offered by local authorities suggest that the future of the sector remains uncertain.

The Government is due to respond in its White Paper to be published in Spring 2014, but in the interim, there is increasing demand for facilities offering care, private medicine and support services in the private sector which is providing a quality and valued service in an expanding market.

Taylors has experience and expertise in supporting care organisations in the private sector, third sector, and those dealing with contracts for NHS supply chains in the public sector.

Our experience tells us that expansion in newly-built facilities by existing providers as well as new entrants into the market is certainly 'on the up' and that view seems to be supported by the industry press.

These new facilities differ from those previously offered in terms of quality, the range of amenities offered and the level of staff training. In Construction terms also, there is no fixation on room sizes & numbers of bathrooms but a focus on providing the right environment for residents and for the staff in which to provide the care.

The market is more demanding and more discerning than ever before and increasingly informed clients are looking for advisors that are not only demonstrably more knowledgeable, experienced and progressive, but also who can work effectively in a collaborative environment.

Following the old adage that "an ounce of protection is worth a pound of cure", in order to minimize risk and maximize the resources invested, it is essential to get all key parties to work together as early as possible to ensure the effective delivery of a project.



Tying together the elements of a care project requires multifaceted input from an advisory team; clarifying business needs, developing and prioritising a set of value criteria to assess options, establishing a strategic brief, of which Construction may be just one element.

Historically, legal teams were drafted in late in the project, simply to address more transactional matters, such as conveyancing and document approval. Due to the wide-ranging issues that need to be addressed in a project, for instance, governance, employment, commercial and consumer contracts as well as construction, we are increasingly being asked to get involved in the earlier stages of a project.

Having an experienced legal team involved early in the process can assist in a variety of areas, including strategy and team assembly, as well as provide improvements and early warnings to issues that may loom in the acquisition, build and operation of the facility.

Here's how our Construction team can help in new-build care projects:

- Selection of professional appointment; agreeing appropriate terms and documenting requirements early
- Use of pre-construction Service Agreement for early contractor collaboration
- Procurement route
- Contract selection
- Legal provision and Government and EU initiatives
- CQC compliance
- Fabric First building
- Sustainability provisions and exceeding part L
- Managing energy and saving cost
- Budget control and Guaranteed Maximum Price provisions
- Risk Reward for innovative ideas
- Warranties and insurance-based protections for the specialist services and products
- Tying in maintenance & support contracts once the work is completed.

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Further information

For more information and to discuss how Taylors can add value to your project, contact:

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Key Construction Industry Services:

- Procurement
- Contract drafting and approval
- Project planning and tendering
- Dispute resolution, including mediation and expert determination
- Adjudication
- Arbitration and litigation
- Professional terms of engagement
- Bonds
- Warranties
- Guarantees and sureties
- Letters of intent
- Claims avoidance
- Infrastructure projects
- Project funding
- Liability issues

About Taylors:

Taylors Solicitors is a dynamic and highly experienced commercial law firm with offices in Manchester and Blackburn, Lancashire.

We provide a range of commercial legal services and are committed to providing the highest quality service through a real understanding of our clients' business priorities and requirements and a common sense and commercial approach.

