

Building Defects Forensic Consultancy

Independent Assessment and Reporting of Building Defects

Opening Presentation

Building Defects Forensic Consultancy has been established to provide independent, experienced, and practical advice on building defects, construction issues, and associated disputes.

With more than 50 years' experience in the building and construction sector, beginning with the design and supervised conversion of a bungalow into a house at the age of 14, the consultancy brings a depth of technical knowledge developed through long-standing practical involvement in the industry.

Scope of Building Forensics

The scope of building forensics is to identify faults, failures, defects, and poor workmanship in construction and building works. The consultancy provides independent assessment where projects have gone wrong, where workmanship is disputed, or where clients need clear technical advice to resolve problems with builders, contractors, or unfinished works.

Professional Background

The consultancy is led by a qualified senior technician with 50 years of experience in the building and construction sector. This background provides a strong practical and technical foundation for the investigation of defects, failures, workmanship issues, and construction-related concerns.

Areas of Service

- Forensic and assessment of building defects
- Inspection of construction failures and workmanship concerns
- Preparation of independent written reports
- Expert witness reports and support in relation to building defects, construction failures, and remedial works
- Technical advice for mediation, dispute resolution, and remedial decision-making

Mediation and Its Uses

Mediation can provide a practical and cost-effective route for resolving building defect disputes without the need for prolonged formal proceedings. It allows the parties to

consider the technical issues, the likely cause of the defects, the scope of remedial works, and the commercial realities of reaching an agreed outcome.

Within this process, independent technical assessment can assist by clarifying the matters in dispute, identifying the evidence required, explaining possible causes, and setting out reasonable options for repair or settlement. This can help parties make informed decisions and support constructive negotiations.

- Clarifying the nature and extent of alleged building defects
- Supporting early resolution before costs increase
- Helping parties understand technical evidence and remedial options
- Assisting solicitors, insurers, contractors, and property owners during negotiations
- Providing independent technical input to support fair and practical settlement discussions

Benefits of Mediation

Mediation offers a structured but flexible process that can help parties resolve building defect disputes more efficiently and with greater control over the outcome. It encourages practical discussion, reduces confrontation, and allows technical issues to be considered alongside cost, time, and commercial considerations.

- Can reduce legal and professional costs compared with prolonged dispute proceedings
- May achieve a quicker resolution than court or formal adjudication routes
- Allows the parties to keep greater control over the final agreement
- Provides a confidential setting for open and constructive discussion
- Helps preserve working or commercial relationships where possible
- Encourages practical remedial solutions rather than purely adversarial outcomes
- Supports informed decision-making through independent technical input
- Requires both parties to understand, accept, and engage with compromise, recognising that mediation is not about one party winning but about reaching a workable settlement

Court Costs and Likely Timescales

By comparison, court proceedings can involve substantial legal, expert, and administrative costs. Current civil court fee guidance for England and Wales shows that issuing a money claim above £10,000 and up to £200,000 may require a court issue fee of 5% of the claim value, while claims above £200,000 may attract a £10,000 issue fee. These figures relate to court fees only and do not include solicitors' fees, barristers' fees, expert witness fees, preparation time, applications, hearings, or enforcement costs.

Official civil justice statistics indicate that, in 2024, small claims commonly took around 50 to 52 weeks to reach trial, while fast track, intermediate track, and multi-track claims commonly took around 77 to 83 weeks to reach trial. More complex building defect disputes may therefore involve a significant delay before a final court outcome is achieved. Mediation can provide an earlier opportunity to explore settlement, limit escalating costs, and reduce the uncertainty associated with litigation.

Example Case Study: High-Value Building Defects Claim

By way of example, a 2026 building defects claim concerned the alleged failure of a building conversion to meet applicable building regulation requirements, together with the alleged failure of relevant professionals to identify and check deviations during the works.

The claim value was approximately £1.1 million. Costs to date were approximately £500,000. The building period concluded in 2020, with subsequent matters arising in 2022. Liability was admitted at 100%, and mediation took place in July 2026 in relation to the cost of the remedial works.

The matter is listed for a court hearing in March 2027, demonstrating the potential timescale between completion of works, emergence of dispute issues, mediation, and a final court date. This example illustrates why early independent technical input and mediation can be valuable in narrowing the issues, assessing the cost of works, and supporting settlement before further litigation costs are incurred.

Mediation had a significant impact by moving the dispute from a broad liability-based argument towards a focused assessment of the cost and scope of remedial works. As liability had already been admitted, the mediation process provided an opportunity to narrow the remaining dispute, test the reasonableness of the claimed costs, and explore settlement before the parties incurred further preparation and hearing costs ahead of the March 2027 court date.

Expert witness input in this type of case can be critical in separating liability from quantum, reviewing the technical basis of the remedial works, and providing an independent opinion on whether the proposed scope and costs are reasonable. This can assist both mediation and any later court process by narrowing the matters that remain genuinely in dispute.

It is hoped that, before instructions are issued to counsel and experts for the four-day hearing in March 2027 at an estimated further cost of £220,000, a mediation settlement can be completed before September 2026.

Example Case Study: Small Extension Dispute

A second example concerned a small domestic extension with an agreed value of approximately £38,000. The builder was initially considered suitable, but after three years the works remained incomplete, despite approximately £36,000 having been paid. The builder then sought further payment.

The construction works began in 2021. No court action was taken. Instead, mediation took place in 2024 and helped bring the matter back to a practical route towards completion. The project was then completed mostly with the original builder, although some outstanding works and defect items remained.

The mediation process helped avoid formal litigation, enabled the family to move back into the property in 2025, and prevented further payments being made to the builder. Additional costs were still incurred to complete unfinished and defective works, but the dispute was managed without court proceedings and with a practical focus on achieving occupation and completion.

Summary: This example demonstrates how mediation can provide a practical alternative to court action in a lower-value domestic building dispute. Although the works had been significantly delayed and further completion costs were required, mediation helped bring the parties towards a workable outcome, avoided litigation, prevented further payment to the builder, and enabled the family to return to occupation.

Expert witness involvement in a lower-value domestic dispute can also be valuable where the parties need an independent view on the standard of workmanship, the extent of incomplete or defective works, and the cost of bringing the project to a reasonable conclusion. This can help prevent the matter from escalating unnecessarily while still protecting the client's position.

Next Steps After Mediation

Following mediation, the parties should identify any matters that have been agreed, confirm the remaining issues in dispute, and record the basis on which settlement discussions are to continue. Where remedial works remain central to the dispute, the next stage should include a clear review of the scope of works, supporting evidence, costings, programme implications, and any professional or contractual responsibilities.

- Record any settlement terms or points of agreement reached during mediation
- Clarify the outstanding issues, including the scope and cost of remedial works
- Review expert evidence and identify any areas requiring further technical clarification
- Consider whether updated quotations, schedules of works, or cost reports are required

- Assess the commercial benefit of continued negotiation against the cost and delay of litigation
- Set a timetable for further discussions, information exchange, or preparation for the March 2027 court date

How We Work

The process usually begins with an initial telephone consultation, provided without obligation, to understand the nature of the building defect concern, the background to the matter, and the practical issues faced by the client.

Where appropriate, an opening assessment report can then be prepared from available photographs, documentation, correspondence, drawings, quotations, reports, or other relevant records. This initial review helps identify the likely issues, the evidence required, and the most suitable next steps before any further instruction or inspection is considered.

Following the opening assessment, the proposed way forward and any associated costs can be agreed with the client before further work is undertaken.

Where a matter proceeds towards formal dispute resolution or litigation, expert witness services can also be provided, including independent expert reports, technical opinion, review of supporting evidence, and assistance in presenting building defect issues clearly for solicitors, insurers, mediators, adjudicators, or the court.

Expert Witness Benefits

Expert witness input provides independent technical clarity in building defect disputes. It can help identify the cause and extent of defects, assess the reasonableness of proposed remedial works and costs, narrow the issues between the parties, and support informed decision-making during mediation, negotiation, adjudication, or court proceedings.

- Provides an impartial technical opinion on defects, causation, workmanship, and remedial requirements
- Assists solicitors, insurers, mediators, adjudicators, and the court in understanding complex construction issues
- Helps narrow the dispute by identifying the key technical and cost issues
- Supports mediation and settlement by clarifying the strengths, weaknesses, risks, and likely remedial costs
- Improves decision-making by helping clients assess proportionality, cost, risk, and likely outcome

Approach

The consultancy's approach is based on careful inspection, practical construction knowledge, balanced judgement, and clear reporting. Each matter is considered on its own facts, with the aim of identifying the relevant issues and presenting findings in a clear and accessible manner.

Closing Statement

Building Defects Forensic Consultancy offers independent, experienced, and professionally grounded support for those seeking to understand and resolve building defect matters with confidence.

Having seen some of the most difficult and serious issues in building works, experience shows that very few matters are truly irretrievable. Progress is usually achieved through clear assessment, practical discussion, and, where possible, the parties working together towards a realistic solution.

Conclusion: In conclusion, building defect disputes can be technically complex, costly, and disruptive for all parties involved. A structured approach combining independent assessment, expert witness input, clear reporting, and constructive mediation can help narrow the issues, reduce uncertainty, and support practical settlement outcomes. Independent expert witness opinion can assist by explaining complex technical matters, assessing causation and remedial requirements, testing the reasonableness of costs, and helping parties make informed decisions before matters escalate further. The role of the consultancy is to provide experienced, impartial, and technically informed assistance so that parties can better understand the defects, the remedial options, and the most proportionate way forward.