



**LICENSED
BUILDING
PRACTITIONERS**
Building confidence

PRACTICE NOTE

SUPERVISION

MARCH 2024



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

Te Kāwanatanga o Aotearoa
New Zealand Government



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

Ministry of Business, Innovation and Employment (MBIE) Hīkina Whakatutuki – Lifting to make successful

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

This Practice Note for Licensed Building Practitioners is produced by the Building System Performance branch.

MORE INFORMATION

Information, examples and answers to your questions about the topics covered here can be found on our website www.building.govt.nz or by calling us free on **0800 24 22 43**.

DISCLAIMER

This document is a guide only. It should not be used as a substitute for legislation or legal advice. The Ministry of Business, Innovation and Employment is not responsible for the results of any actions taken on the basis of information in this document, or for any errors or omissions.

This document may be updated from time to time and the latest version is available on the Licensed Building Practitioner website at www.lbp.govt.nz

PRINT: ISBN 978-1-99-106936-8

ONLINE: ISBN 978-1-99-106937-5

MARCH 2024

©Crown Copyright

The material contained in this report is subject to Crown copyright protection unless otherwise indicated. The Crown copyright protected material may be reproduced free of charge in any format or media without requiring specific permission. This is subject to the material being reproduced accurately and not being used in a derogatory manner or in a misleading context. Where the material is being published or issued to others, the source and copyright status should be acknowledged. The permission to reproduce Crown copyright protected material does not extend to any material in this report that is identified as being the copyright of a third party. Authorisation to reproduce such material should be obtained from the copyright holders.

Contents

Purpose.....	4
Who is this guidance for?.....	4
About supervision	5
Supervision of general building work	6
Supervision of restricted building work	7
Work LBPs can supervise for each licence class.....	7
LBPs cannot supervise another LBP in the same license class	8
What does good supervision look like?.....	9
Considerations	9
What is considered poor supervision?.....	11
Different types of supervision approach	12
Direct supervision.....	12
General supervision	13
Remote supervision	13
Design supervision	14
Risk matrix to establish the correct type of supervision.....	15
Records and certificates of work	16
Other matters.....	17
Site licences.....	17
Code of ethics.....	17
Building inspections.....	17
Keep yourself and others safe	17

Purpose

The purpose of this practice note is to help LBP supervisors and those who are being supervised to have clarity on their roles, responsibilities and reporting obligations. It is the intent that the note sets out clear expectations for acceptable conduct and behaviour to establish clear standards for those in the industry to follow.

WHO IS THIS GUIDANCE FOR?

- › Licensed Building Practitioners (LBPs)
- › The general public who have commissioned an LBP to carry out or supervise building work

This guidance seeks to provide clarity around the regime for supervising non-licensed people carrying out restricted building work (RBW).

In particular, the document explains the differing levels of supervision required depending on the type of work being undertaken and the skill levels of those undertaking it.

In addition, the document explains the relevance of the Code of Ethics for LBPs and the standards of ethical behaviour expected of all LBPs.

About supervision

Undertaking supervision is an important role and should not be entered into unless you have considered the practical and legal implications of performing this function. This guidance has been written to assist Licensed Building Practitioners (LBPs) who are involved in undertaking supervision and sets out clear expectations about acceptable conduct when it comes to supervising others.

The Building Act 2004 (the Building Act) limits those who can carry out or supervise restricted building work (RBW). Only an LBP with the appropriate licence can carry out or supervise RBW.

The supervision requirement ensures only competent practitioners carry out or supervise riskier work and is common to other occupational licensing regimes in the sector, such as those for electrical workers or plumbers, gasfitters and drainlayers. Supervision of RBW allows for a licensed person to supervise an unlicensed person. This means that:

- › unlicensed workers can upskill and develop on the job; and
- › the construction industry continues to operate with enough practitioners doing the work itself.

LBPs need to understand that different skills are needed for:

- › supervising unlicensed workers who are carrying out restricted building work; and
- › carrying out the restricted building work themselves.

Supervision of general building work

As a general rule, anyone can carry out or supervise **general building work**, but only a Licensed Building Practitioner can carry out or supervise **restricted building work**.

Restricted building work is work that is critical to make a home structurally sound and weathertight. It is residential design, construction or alteration work that requires a building consent and involves or affects a home's primary structure, weathertightness, or certain fire safety design.

What the law says

'Supervising' building work is defined as *'providing control or direction and oversight of the building work'* to the extent need to ensure the work is performed competently and complies with the building consent under which it is undertaken (section 7 of the Building Act 2004).

If you are providing control, instruction or direction to others who are carrying out building work, or those working in other restricted areas, you are supervising them.

Being a supervisor means you are responsible for making sure that the work is done competently and correctly to the relevant building consent. Where there is no building consent required, the building work must still meet the Building Code.

An LBP who supervises work that is not RBW may still be held accountable by the Building Practitioners Board (the Board) for issues they are responsible for.

Supervision of restricted building work

Only LBPs can carry out or supervise RBW. LBPs include those who are licensed through the Licensed Building Practitioner process, and those who are legally recognised as LBPs under the Building Act.

LBPs can only supervise RBW that they are licensed to carry out themselves.

For example, a licensed building practitioner with a carpentry licence:

- › can supervise unlicensed practitioners and non-LBP Carpentry practitioners doing carpentry RBW, but
- › cannot supervise any person doing blocklaying RBW.

WORK LBPS CAN SUPERVISE FOR EACH LICENCE CLASS

CLASS OR AREA OF PRACTICE	SCOPE OF SUPERVISION
Carpentry, Foundations, External Plastering, Bricklaying and Blocklaying, Roofing	All building work, including RBW, which is within their licence class and competence.
Design areas of practice 1-3	All design work, including RBW, which is within their competence.
Site areas of practice 1-3	A Site practitioner cannot supervise any RBW. Depending on the Area of Practice they hold, they can provide coordination, oversight or management.

DEEMED LICENSED BUILDING PRACTITIONERS

Chartered Professional Engineers	All design work, including all design RBW. Work as for 'site areas of practice 1-3' above.
Architects	All design work, including all design RBW.
Plumbers, gasfitters,	These deemed LBPs can supervise roofing, external plastering, and brick and block laying for the purposes of penetrating a building's external envelope when undertaking plumbing and gasfitting work (eg installing a vent pipe)

The 'Deemed LBP' provisions are limited to practitioners who are registered, licensed or otherwise recognised under another enactment. As a consequence, these individuals are answerable to the occupational licensing scheme they are licensed or registered under. Each scheme's regulations, guidelines and codes of ethics will outline specific requirements for providing adequate supervision.

As a general rule, licensed or registered persons have to work within their defined area of competence. Engineers may have additional requirements for construction monitoring and onsite observation of their design and any assumptions made.

LBPS CANNOT SUPERVISE ANOTHER LBP IN THE SAME LICENCE CLASS

A Licensed Building Practitioner cannot supervise another LBP undertaking work in the same licence class. LBPs are legally entitled to carry out RBW and are individually accountable for the work they themselves produce.

LBPs can mentor other LBPs who hold licences in the same class to enable them to continue learning and developing. This is different from the supervision of non-LBPs, as both LBPs are still accountable for their work.

The Licensed Building Practitioner scheme is based on an individual accountability model. All LBPs who carry out RBW must provide a record of work or a certificate of design work for the RBW they have undertaken.

What does good supervision look like?

If you are a Licensed Building Practitioner supervising non-LBPs, you need to consider the matters outlined below. These guide what good supervision looks like and have been drawn from decisions made by the Building Practitioner's Board.

It is the responsibility of the supervising LBP to gauge and ensure the level of supervision provided is right for the circumstance.

Good supervision requires a solid understanding of your supervised workers' knowledge and skills, the complexity of work being performed, and the right mix of control, direction and oversight.

CONSIDERATIONS

A supervisor should consider the following:

› **The type and complexity of the RBW to be supervised**

Consider whether the building work is complex, bespoke/architectural, midrange, or simple?

Are there particularly risky details that require a higher degree of oversight and instruction to construct correctly? For example: complex roof intersections or flashing details.

Are there any specific building consent conditions that indicate a greater degree of complexity, or is there a greater risk of non-compliance present on site, for example elements of specific engineered design requiring third-party oversight and verification?

Remember, the required level of supervision can change as tasks change. If the supervised person completes one task and moves on to another, the level and type of supervision must be reassessed.

› **The experience of the person(s) being supervised**

How would you classify those being supervised: skilled, semi-skilled, low skilled? The latter typically require a greater degree of 'direct supervision' than the higher skilled or experienced workers.

› **The supervisors experience in working with the person being supervised and their confidence in their abilities**

Have you worked with the individual in the past? If so, do you have a good understanding of their skills and any relevant limitations?

'Repeatability' is important. Where you have observed someone competently undertaking a task in the past, it is more likely they will be able to do it again.

Has their work been the cause of failed inspections in the past? If so, the adequacy of the supervision provided may be called into question.

› **The geographic spread of the work being supervised**

When acting as a supervisor, the physical separation of work sites is a limitation that requires careful thought and planning. Remote supervision is a viable option in certain circumstances, but actual time on site is essential to ensure quality and compliance is achieved.

There is no legal maximum number of sites that can be supervised by one Licensed Building Practitioner but they should always make sure they are supervising within their capacity.

› **Sequencing**

Good supervision includes anticipating problems before they happen. Take account of supervision requirements in your work programme and plan resourcing accordingly.

› **Timelines**

Be cautious of accelerated work programs that could lead to unforeseen issues or rework, which could alter supervision requirements.

› **A booming construction market**

A booming construction market can lead to unfamiliar faces on site and increase the use of contract or unskilled labour. This can affect the expertise of the team.

› **Workplace environment**

Conditions in the workplace affect the level of supervision required on any given day. It is important to consider things such as weather, safety, (eg working at height), plant and tool use, and product or material selection. It is also equally important to be aware of the supervision requirements under health and safety legislation.

› **Communication**

Where literacy or language barriers exist the supervisor needs to consider how this might impact achieving good quality and compliant outcomes onsite.

What is considered poor supervision?

The below items represent some common indicators where poor supervision has taken place:

- › failed building consent authority (BCA) inspections can be a clear indicator of inadequate supervision. As a supervisor, the adequacy of your supervision may be called into question where an inspection (or a sequence of inspections) has failed
- › poor quality workmanship is a common marker of people working outside their competence and without sufficient support
- › rework is often a clear indicator that the wrong level of supervision has been applied. Instances where building work has been completed and later remediated could lead to concerns about the adequacy of the supervision applied
- › poor onsite health and safety records
- › a disorganised and unclean site often points to poor onsite behaviour and a lack of good site management
- › when there is little or no quality assurance being carried out on site
- › reliance on the BCA inspection process for quality assurance, rather than the supervisor ensuring the work is carried out right first time
- › poor sequencing of work resulting in rescheduling or postponed subcontractor work programmes
- › failure to meet progress milestones or handover targets are both indicators that work is not progressing to schedule, which can be a marker for more systemic problems
- › when there are disgruntled staff or clients due to a lack of clear direction.

It is a disciplinary offence to supervise building work in a negligent or incompetent manner, and you could be held to account.

If you are acting as a supervisor and encountering the above-noted issues, you may need to reconsider your supervision approach. The types of supervision approaches are detailed on the next page.

Different types of supervision approach

If you are supervising unlicensed persons or LBPs without the relevant licence for the specific work being undertaken, you need to follow the guidelines below. The guidelines give acceptable and recognised forms of supervision for those working in the building and construction sector.

DIRECT SUPERVISION

Direct supervision is working one-on-one with the person you are supervising. Typically, this type of supervision is for:

- › low skilled workers who are carrying out a task for the first time; or
- › when you are completing complex tasks with those who are semi-skilled or lack the required knowledge.

Direct supervision requires direct contact with the person being supervised while they are completing tasks. This means you maintain visual contact and/or are within earshot of those you are supervising.

Example

A first-year carpentry apprentice, Sarah, is installing timber weatherboards to a dwelling's exterior for the first time. Her supervisor, Derek should adopt a direct supervision approach as the initial set-out and overall task would be considered complex for Sarah's experience level.

Direct supervision is best used when:

- › the person being supervised has not shown a consistent ability to perform a task to the required standard
- › the person being supervised is new to a task or is untrained
- › the work is complex or contains variations to tasks that are usually performed as a matter of course.
Work might include complex design, which requires frequent reference to the working drawings and specifications
- › there is a reasonable chance for unplanned events to arise that may be beyond the person's current ability.

GENERAL SUPERVISION

General supervision is the most common form of supervision a Licensed Building Practitioner will undertake.

This requires face-to-face contact on a regular or periodic basis. The supervisor must continue to provide control, direction and oversight of tasks and be contactable for assistance or instruction when required.

It is important to note that, even when undertaking supervision remotely, there is a requirement on the Licensed Building Practitioner to ensure all work is up to the required standard and that all checks on the work are undertaken appropriately.

General supervision should be used when:

- › the co-worker has previously demonstrated the ability to perform a task with limited oversight and direction
- › the co-worker knows and has demonstrated an ability to seek clarity or assistance when it is needed
- › on-the-job training has been undertaken in the past, which has resulted in a compliant outcome.

Example

An unlicensed skilled co-worker, Akshay, is installing a section of long-run metal roofing. The supervising licensed building practitioner, James, is on site, but is working across three different sections of the roof. James is utilising a general level of supervision because he has assessed the complexity of the work and knows the skills of Akshay and the other individuals doing the work. James will periodically check and assist with the work as it proceeds, and provide advice to Akshay where required.

REMOTE SUPERVISION

Remote supervision may be used where a licensed building practitioner is running two or more jobs and cannot be present on site at all times. Remote supervision may be appropriate where the following conditions are present:

- › those being supervised are unlicensed skilled workers that have demonstrated the ability to undertake certain tasks without constant monitoring, oversight and direction
- › the supervising Licensed Building Practitioner has identified specific tasks when he or she is needed on site to provide direction or oversight
- › lines of communication (phone or using other electronic media) are in place so that advice and assistance can be offered when and where required.

Example

A licensed building practitioner, Aleki, has three projects of differing complexity on the go at the same time, one of which is a simple renovation that includes a small amount of RBW. The workers on that site are well known to Aleki and are highly skilled. Aleki has adopted a remote supervision approach and touches base with co-workers by phone or in person on a daily basis, and visits the site as and when necessary, and at specific pre-arranged milestones.

DESIGN SUPERVISION

The application of design supervision differs little in practice to the principles discussed earlier. Design supervision can take the same forms, with modifications, and it is worth mentioning that there is a quality assurance role that is not supervision.

Design supervision does not cease when a Certificate of Design Work (CoW) is submitted. A supervising designer must provide supervision up until a building consent is issued, including during any Request for Information process. If amendments or minor variations to the building consent are sought, then the supervising designer must also provide the appropriate level of supervision.

› **Direct or general design supervision:**

An example of this is a design Licensed Building Practitioner supervising a new graduate undertaking design RBW in the same design office.

› **Remote design supervision.**

This may be where a competent but unlicensed designer requires a Licensed Building Practitioner to supervise their work and provide a CoW in order to submit a building consent application. In this instance, the designer does not work in the same office as their supervisor, but is a skilled technician and well known to the supervisor. Supervision in this instance, is provided primarily by phone and via email and by reviewing designs as they are developed.

Given the supervising LBP will be providing a statement about Building Code compliance as part of their CoW, it is essential they are involved in dialog with the non-LBP throughout the design process, that is, from conception through to establishing compliance with the final set of working drawings submitted for building consent.

› **Quality assurance**

This may be where a newly-licensed designer has a set of drawings reviewed by a colleague to check for any errors or omissions, but where that newly-licensed designer will be submitting the plans with their own CoW.

This is not supervision of restricted building work as the primary designer holds a licence

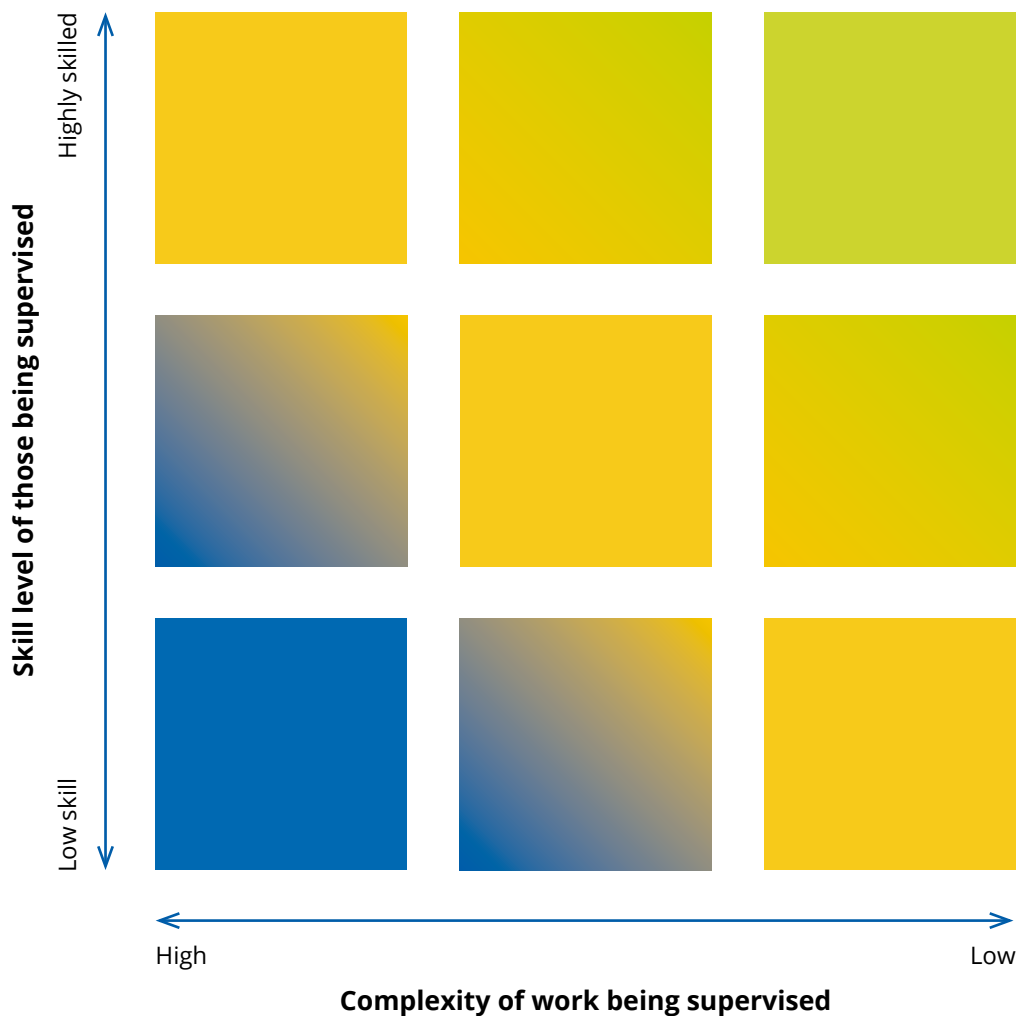
As a Design licensed building practitioner you should be mindful of the following:

- › ensuring the level of supervision being provided is appropriate for the given situation
- › when completing a CoW, you must be satisfied that all RBW will be Building Code compliant
- › as an LBP designer you may choose to utilise different forms of supervision eg direct, general or remote, but the level of supervision provided should be fit for the purpose undertaken
- › Building Consent Authority requests for information will be directed at the license holder, and, as such, you may be held to account for substandard design work that you have supervised.

The Building Consent Authority (BCA) should not be used as quality control. The BCAs role is to ensure the consented work will meet Building Code requirements.

Risk matrix to establish the correct type of supervision

The below diagram provides a risk-based view of how supervision requirements should be assessed by the supervising Licensed Building Practitioner.



Types of Supervision

- Direct
- General
- Remote

Records and certificates of work

All restricted building work must be carried out or supervised by a Licensed Building Practitioner (LBP).

An LBP that is engaged to do or supervise restricted building work that is design work must provide a Certificate of Design Work (CoW) (which forms part of the building consent application). **All other LBPs, except Site licence holders, must provide a Record of Building Work (RoW) on completion of RBW to both the owner and the Territorial Authority.**

Before starting a project that involves restricted building work, the LBP designer is engaged to carry out or supervise the restricted building work aspects that is design work. The LBP designer will provide a CoW which is needed to apply for a building consent. Consent can be applied for by the person engaging the LBP or someone on their behalf (an agent), such as the LBP designer. In addition to providing the CoW, the building consent application will also need to identify the trade LBPs who will carry out the construction work.

Once consent is received and construction is underway, the LBPs (carpenter, foundation specialist, roofer, brick and block layer, external plasterer) are required to each provide a Record of Work (RoW) when they finish their RBW. Records of Work are required for the final inspection by the BCA at the end of the project. They need to detail all aspects of restricted building work carried out or supervised by each LBP. These must be made in the prescribed form and be fully completed and signed.

The Building Act requires that records of work are provided on completion of RBW, not on completion of the project. It is in an LBP's best interest to provide them in a timely manner to both the owner and the Territorial Authority (Council), especially if there are contractual disputes and an LBP cannot complete the full scope of contracted work. Failure to provide a record of work to both the owner and the Territorial Authority in a timely manner can be a disciplinary offence.

Also, each and every LBP who carries out or supervises RBW must provide a record of work. As such, if there is more LBP of the same class carrying out or supervising an aspect of RBW, then each must provide a record of work for that which they did or supervised.

Examples of the forms can be found here: [Record of Work Form](#) and [Certificate of Design Work Form](#)

An LBP cannot contract out of this obligation. LBPs could face disciplinary action or fines if a Certificate of Design Work or a Record of Work is not provided.

Other matters

SITE LICENCES

Though not directly linked to carrying out or supervising RBW, the site licence is a critical part of the overall scheme. Holders of a site licence are practitioners who are recognised as possessing specific skills that relate to the coordination, oversight, organisation and managing of building projects. The site licence is an indicator that you have the skills to manage personnel and provide technical site supervision within the scope of your licence. The site licence holder undertakes supervision of general building work, as opposed to supervision of unlicensed people undertaking restricted building work.

The site licence holder cannot issue a Record of Work as they have not been licensed to carry out or supervise RBW.

CODE OF ETHICS

On 25 October 2022, the LBP code of ethics (COE) became enforceable by the Building Practitioners Board. The COE details the standards of ethical behaviour expected of LBPs in Aotearoa New Zealand, and an LBP's compliance with it should assure the public that their building project has been undertaken with an acceptable standard of care and behaviour.

There are no changes to the licensing scheme as a result of the COE coming into force.

It is important to note that the COE applies to all licence holders carrying out duties under their licence, whether they are employed, are the employer, or a contractor, and are carrying out or supervising either general or restricted building work.

The COE is made up of nineteen standards sitting under the four key principles of working safely, acting within the law, taking responsibility, and behaving professionally.

LBPs are accountable to the Building Practitioners Board, and the Board will investigate any complaint laid under the COE.

More information on the code of ethics can be found here [COE | LBP \(lbp.govt.nz\)](#)

BUILDING INSPECTIONS

While not mandatory, it is good practice for the supervising LBP to attend Building Consent Authority inspections on site.

KEEP YOURSELF AND OTHERS SAFE

Being a Licensed Building Practitioner is an important role, which comes with both responsibility and accountability. Supervision is about good practice and staying safe, and making sure we build dry, warm and fit-for-purpose buildings for New Zealanders.

Failing to meet the requirements of this practice note could leave the LBP open and answerable to others, including the Building Practitioners Board.



Te Kāwanatanga o Aotearoa
New Zealand Government