Your route through Retention Loss Prevention

A sample report, built from invented answers, to show what yours will look like.

> This report is based only on your answers, before we have seen any of your papers. It is not legal advice, and you should not rely on any date or time limit in it: check every date against your subcontract. Legal questions go to your solicitor.

Where you stand

Some of your retention sits on jobs that finished more than 5 years ago. Each release has its own time limit, running from the date it fell due. It is longer if the subcontract was signed as a deed. Some of yours may be close to the end of it.

In your routine, the first thing to fix is the diary of release dates. Your answers suggest nothing reminds anyone when a release falls due, and every other step depends on knowing that date.

Retention has slipped through before, and asking for each release is still not part of your routine. Nothing yet stops the next one going the same way.

Your releases that wait on a certificate are the ones most at risk. You do not always hear when the certificates are issued, and hearing late means asking late, or not at all.

Retention usually slips through for the same reason. Each release falls due after the job has finished, and the request never goes in on the day. That is the gap this service closes.

Retention written off in your books is not always lost. A release that fell due and was never asked for may still be recoverable until its time limit runs out. Recovering it is Retention Claim, and it can run alongside the register.

Some releases wait on a certificate someone else issues, so the certificate is what to chase first. Asking for the money before it exists gets a simple no.

Your figure for retention held comes from your accounts. At release, the amount held is the first thing your main contractor will dispute, and only the applications and certificates settle it.

Under most subcontracts a release belongs in the ordinary payment cycle. A letter sent when someone remembers can miss that cycle, and by then the people who knew the job may have moved on.

Nobody checks the notice that answers a release request. A Payment Notice has to show how its sum was worked out. A Pay Less Notice has to arrive in time and give its reason. A release left out with no reason given is a question about the notices, not about what the work is worth.

One person looks after retention, with no cover. A release date can pass in a holiday or a busy month without anyone else knowing it was there.

What to do now

In order: the first ones cannot wait.

1. **Date your oldest releases, and send them to your solicitor this week** (today)

   Why: A letter asking for payment does not, on its own, stop the clock. Only your solicitor can confirm the last date for each release and the step that protects the sum.

   How: List the jobs that finished more than 5 years ago. For each release, note the event that triggered it, when it happened, the sum held, and whether the subcontract was signed as a deed. Send that list to your solicitor this week, oldest first. If you want those releases recovered, that is Retention Claim.

2. **Put every release date in one diary, with a warning ahead of it**

   Why: A release nobody has diarised is a release nobody asks for. The dates fall long after the job has finished, when your team is busy on the next one.

   How: For each job, take the event that triggers each release from the subcontract, and its expected date from the programme or the certificate. Put every date in one diary that more than one person can see, with a warning 3 weeks ahead. Move a date whenever completion moves, and note why. If you would rather have it built for you, that is what this service does.

3. **List every job where retention is still held**

   Why: You can only protect retention on jobs you know about, and the finished jobs nobody is watching are usually where the money is.

   How: Start from the customer list in your accounts package and the job folders, and include the jobs already written off. For each job, note the main contractor, the retention held, when the job finished, and any release that fell due and was not paid.

4. **Read each job's retention clause, and note what triggers each release**

   Why: A release falls due only when the event your subcontract names has actually happened, not when the programme said it would. The wording, and so the date, differs from job to job.

   How: Open each subcontract at its retention clause and any schedule of amendments. Note the percentage, any limit on the total and what triggers each release, in the subcontract's own words. Then note the evidence each release needs and when payment follows.

5. **Ask for each certificate as its release event comes up, and keep a copy**

   Why: A release falls due only when its event has actually happened. The certificate, or an email confirming the date, is the evidence your request needs. It comes from whoever issues it, not from the payment team.

   How: As your works finish, ask your main contractor for the practical completion date and a copy of the certificate. As the defects period ends, ask when the certificate of making good is expected and which outstanding items, if any, are yours. Where no certificate is issued, ask for an email confirming the date. Save each one in the job folder as the email that carried it.

6. **Check the retention on every Payment Notice against your subcontract**

   Why: A mistake in the retention taken is easy to fix in the month it happens. Years later, when the release is due, it is hard to prove.

   How: Each time a Payment Notice or certificate arrives, check the retention against the percentage in your subcontract and any limit on the total. Keep a running figure of what is held on each job, taken from that paperwork rather than your ledger, and raise any difference that month.

7. **Ask for each release in the application it belongs in**

   Why: A release asked for in its application, with its evidence, sits in the payment cycle, where the notice that answers it can be checked. One that is never asked for is easy to keep.

   How: In the first application after the release event, add the release. Cite the clause, the event and its date, the sum held and the sum now due, and attach the certificate or dated email. Keep the sent email or the portal's record.

8. **Check each Payment Notice for the release you asked for**

   Why: If the release is left out, or a Pay Less Notice cuts it, you need to know in that payment cycle, not months later.

   How: When the notice arrives, find the release in it. If it is missing or cut, note the date the notice arrived, who sent it and any reason given. Do not accept the lower figure until it has been checked. If the release is refused or left unpaid, that is a job for Retention Claim.

9. **Name one person to keep track of retention, and a deputy**

   Why: A register nobody owns stops being kept within months. A deputy means a holiday or a change of staff does not stop it.

   How: Choose the person who makes the applications, usually the commercial manager or the QS, and a deputy for when they are away. Give them the list of jobs, the release dates and one diary both can see.

10. **Keep every certificate, application and notice exactly as it arrived or went**

    Why: Every release turns on dates: when its event happened, when you asked, and when the notice came back. The original email or portal record keeps its date and time; a forwarded copy or a printout may not.

    How: Make one folder for each job. Save the subcontract, each application as the email that sent it, and each certificate and notice as the email or portal record it came in. Do not edit or rename the attachments.

What to gather

Everything the work is built from. Copies are fine: send what you have and we will tell you what is missing.

- **A list of your live and finished jobs where retention is held.** Every job you can name, live or finished, including the ones already written off in your head. A customer list from your accounts package is a fine start.

  Where to find it: Your accounts package, the job folders, or an evening's remembering.

- **The subcontract or order for each job.** A complete PDF or scan with all schedules and amendments; say which jobs have nothing.

  Where to find it: The job's commercial folder or the order email.

- **The latest application and certificate for each job.** The last application you made and the last Payment Notice or certificate you received, as sent and received.

Where to find it: Your QS's file of applications and certificates, or the job's last paperwork.

- **Any completion, practical completion or making good certificates.** As dated PDFs or scans, or the email that confirmed the date where no certificate was issued.
  Where to find it: The email trail around handover, or the main contractor's site team.
- **Who will keep the register.** A name, and a deputy for when that person is away.
  Where to find it: Your own decision: usually the commercial manager, the QS or whoever makes the applications.

Why Quantsurv

You can do a good deal of this yourself, and the steps above show how. If you would rather have it done for you, or want the notices checked before you act, this is the work we do.

- **Specialists in exactly this.** We work only for subcontractors, on the claims and disputes that cost them money. Behind it: 10 years on the commercial side of construction, and £100m+ of construction projects worked on.
- **A fixed fee, agreed first.** We never bill by the hour. Fixed set-up fee agreed in writing before work starts. Optional monthly checks have a fixed fee agreed first. Pause between jobs or stop at month-end. If the work runs over, the cost is ours, not yours.
- **Fast where it matters.** Ten working days. A fixed fee also gives us every reason to finish quickly.

How Retention Loss Prevention would run for you

The whole service, step by step. Where your answers decide a route, it is shown under the step it belongs to.

Step 01 You tell us about your jobs

One call about the live and finished jobs where retention is held, and how you track it now, if you do. The first conversation is free and commits you to nothing.

Step 02 We confirm the scope and the fixed fee in writing

We set out which jobs the register covers, what we will build and the timetable, with one fixed fee for the set-up.

What you get: A written scope, timetable and fixed fee for the set-up

Step 03 You decide whether to go ahead

Nothing starts until you agree the scope and the fee in writing.

Step 04 You send us the paperwork

The list below lets us build the register from the contracts and the payment paperwork, not from memory.

Step 05 We read each subcontract's retention terms

We read each signed subcontract, amendments first. We note the percentage, any limit, each release's trigger and the certificate or event it depends on, and when payment follows.

What you get: A summary of each job's retention terms: the percentage, any limit, each trigger and when payment follows

Step 06 We check how you track retention now

We compare how you record and request retention today with what each subcontract requires. That shows which releases have been missed, and which would be.

What you get: A written note of the gaps in how you track retention now

- **If a release is already overdue:** we tell you in writing that day, with what it would take to recover it. That sum can go to Retention Claim now.
- **If a release is close to the last date it can be recovered:** we flag it that day, and it goes to your solicitor that week. The step that protects the sum comes before anything else.

Step 07 We build the register and the diary

One row per job, with the retention held valued from the applications and certificates. Each release gets its trigger, its due date, the evidence it needs and a diary warning ahead of the date.

What you get: The retention register, one row per job, and the release diary with a warning ahead of each date

- **Where the ledger and the payment paperwork disagree:** the applications and certificates win, and the register shows the difference. The amount held is the first thing your main contractor will dispute.

Step 08 We write the release requests

We write a request for each release, citing the clause, the trigger, the sum and the payment cycle. Each is ready to go into the application on the day it falls due.

What you get: A release request for every release, and a certificate request where one is needed, ready to go in your name

- **Where the release waits on a certificate someone else issues:** we also write the letter asking for that certificate. It goes to whoever issues it, not to the payment team, ahead of the date it is needed.

Step 09 We set it up with your team

We walk the person who keeps the register, and their deputy, through the register, the diary and the requests. The routine is written down, so it survives a change of staff.

What you get: The written routine, and a keeper and deputy who have been through it

Step 10 You make the next request on a live release

Your team sends the next release request that falls due, from the register and in your name. You check the Payment Notice or Pay Less Notice that comes back.

- **If the Payment Notice leaves the release out, or a Pay Less Notice cuts it:** your team sends us the notice that day, and we read it as part of the check that follows.

Step 11 We check the live run and correct the routine

We check the request went in on time and read the notice that answered it. We fix anything the live run showed up before we hand the routine over.

What you get: A note of what the live run showed, and the routine corrected to match

Step 12 You decide whether the Ongoing check continues

Your team runs the register from here. Whether we keep checking it each month is your choice.

Step 13 We hand over a register your team runs

You receive a job-by-job register of retained sums and release conditions, with a diary giving advance warnings and requests ready to send. We provide a tested written routine your team can maintain.

Your path through the questions

The questions you answered, in order, as the page drew them. Your answers are in yellow, with the line running through them.

Which is closest to where you are with retention?

- Nothing has gone wrong yet; we want every release asked for on time
- **Retention has slipped through before, and we want it to stop**
- A release is overdue or refused now, and we want it back
- Our main contractor has gone bust while holding our retention

Does a release, an application date or a notice deadline fall this week?

- Yes
- **No**
- Not sure

Is any of the retention that slipped through still unpaid?

- No, we got it back in the end
- Yes, and we are still chasing it
- **Yes, but we have written it off**
- Not sure

Which of your jobs still have retention held?

- Only jobs that are still running
- Finished jobs too, all within the last 5 years
- **Some jobs that finished more than 5 years ago**
- Not sure

How do you keep track of the retention held on each job, and when each release is due?

- One register or diary, with every release date in it
- **It shows in our accounts, but release dates are not diarised**
- We remember, or ask when someone thinks of it
- Not sure

Do you have the subcontract for each job with retention held?

Yes, signed, for every job | Some only have an order, or were never signed | Some cannot be found | Not sure

Do you know what triggers each release on each job, in the subcontract's own words?

Yes, we read it from each subcontract | **For some jobs, not all** | We go by the usual split, such as half at completion | Not sure

Does any release wait on something outside your own work?

Yes, a certificate someone else issues | Yes, the employer releasing theirs, or our main contractor being paid | No, each release follows our own work | Not sure

When a job reaches completion, or the end of its defects period, do you get the certificate?

Yes, we ask for it and keep a copy | **Sometimes; often we only hear about it later** | Rarely; nobody tells us when it happens | Not sure

Does anyone check the retention taken on each Payment Notice against your subcontract?

Yes, every month | **We go by the figure in our accounts** | No, nobody checks it | Not sure

When a release falls due, how is it asked for?

It goes in our next application, with the evidence attached | **Someone writes and asks for it, when they remember** | We wait for our main contractor to pay it | Not sure

When you ask for a release, does anyone check the notice that answers it?

Yes, we check the release is in it | **No, we see what gets paid** | Not sure

Who looks after retention, and who covers when they are away?

A named person, with a deputy | **One person, with no cover** | Nobody in particular | Not sure

Roughly how much is at stake?

Under £5,000 | £5,000 to £25,000 | **£25,000 to £100,000** | Over £100,000 | Not sure

Your report

Next step

> **The first conversation is free and commits you to nothing.** Reply to the email this report came with, or email contact@quantsurv.com, and we will already have your answers.