

What I need from you

Retention Dispute

This list explains what I need for this service, why I need it and where you can usually find it. Send the information together where practical. Tell me straight away about anything unavailable or urgent. I will confirm when the essential information is complete and the delivery date is fixed.

Essential items are needed before the relevant work can proceed. Important items affect what I can conclude; optional items add useful context. If an item is missing, incomplete, unreadable or a different version from one already sent, identify it by its number and explain what you hold. I will tell you what replacement is needed, why it matters and any effect on the agreed work or date.

1. The executed contract and every amendment **ESSENTIAL**

Why I need it. Release turns entirely on the terms.

Where you'll find it. The commercial folder or the order email.

Without it. There is nothing to test release against, so the demand has no contractual basis to stand on.

2. The retention provisions and the defects provisions **ESSENTIAL**

Why I need it. The two get conflated and must be read apart.

Where you'll find it. The commercial folder or the order email.

Without it. The two get run together, and a sum that has actually fallen due under one clause is left withheld against the other.

3. The practical completion certificate or its equivalent **IMPORTANT**

Why I need it. The usual first moiety trigger.

Where you'll find it. Issued by the contract administrator or employer's agent; the email trail around handover is where they usually sit.

Without it. The first release cannot be pinned to a date, so it cannot be turned into a demand with a date on it.

4. The certificate of making good defects, or the position on it **IMPORTANT**

Why I need it. The usual second moiety trigger.

Where you'll find it. Issued by the contract administrator or employer's agent; the email trail around handover is where they usually sit.

Without it. The second release is treated as not yet due, and stays out of the sum claimed even where it has actually fallen due.

5. Every valuation, application and certificate from the start **ESSENTIAL**

Why I need it. Retention is rebuilt across the whole life, not sampled.

Where you'll find it. Your QS's file of applications and certificates, from the first valuation to the last, not just the recent ones.

Without it. The percentage and any cap cannot be checked valuation by valuation, and the exact point the error crept in cannot be found.

6. The payment history, including anything released already ESSENTIAL

Why I need it. What has and has not been paid.

Where you'll find it. Your accounts package or the QS's account file for the job.

Without it. It cannot be shown what is actually still owed, so the demand risks asking again for money already released.

7. Any notice given for withholding retention ESSENTIAL

Why I need it. A withholding usually has to be notified.

Where you'll find it. The pay less notice or withholding notice itself, or the email it was served under.

Without it. The withholding cannot be tested against its own notice requirement, and an invalid withholding can pass unchallenged.

8. Any defects list or schedule relied on IMPORTANT

Why I need it. What is actually said to be outstanding.

Where you'll find it. Whatever the other side has sent setting out the defects: a snagging list, a schedule, or an email naming them.

Without it. The withholding stands untested against any actual list, and the sum held can be compared to nothing.

9. Your own cost of putting right each item on that list IMPORTANT

Why I need it. The review values the list on your figures, and that valuation is the comparison the work turns on.

Where you'll find it. Your own cost records for the remedial work: labour allocation sheets, materials invoices, plant hire, and any subcontractor or specialist invoice for putting the item right.

Without it. Every item on the other side's list is unvalued, so the sum withheld is set against nothing and the comparison that carries the work is not made.

How to send it

Everything to contact@jackbutlerkettle.com. Original files rather than scans of printouts wherever you have them, and forwarded emails rather than text copied out of them, because the dates and the addressees travel with the original and they often turn out to matter.