

CORGI Response to CER Proposed Vision
Paper CER/07/125
20th September 2007

The Regulation of the Gas Installer Industry with Respect to Safety

This paper details the response from CORGI to the proposed vision consultation paper issued by CER on 10th August 2007. The consultation paper relates to The Regulation of the Gas Installer Industry with Respect to Safety. As an interested party, CORGI has been invited to comment on the issues raised in the paper.

The response from CORGI provides comment on the proposed vision and also raises a number of questions.

CORGI is happy for this response to be published on the CER website.

1. The Criteria Document

The concept that the Criteria Document is a flexible regulatory document is a good one. The importance of involving industry in changes and amendments to the document through the CRP is also supported. It is also felt that final decisions on changes to the document must remain with the Commission.

2. Managing the certification of gas works process

The Supervisory Body will be responsible for the administration and monitoring of the new Completion Certificate system. CER have expressed a desire to retain ownership of the completion certificate systems for the purposes of continuity of the supervisory scheme.

There are 2 concerns here. Firstly, if CER wish to retain ownership of the system, a commitment needs to be made to fund the development of the system. Secondly, in our experience introducing Gas Work Notification, a considerable amount of intellectual property is required for the set up, development and the day to day management of the certification system. It may not be practical or agreeable for the system to be developed and managed by the supervisory body and owned by CER. However, there are possible solutions to this situation.

All gas works will require a completion certificate. This proposal is supported.

3. Dealing with Customer Complaints and Requests

The Supervisory Body will be required to investigate a complaint or inspect any gas work at the request of a customer who has used a registered installer.

This proposal is supported. This scope should also extend to include complaints made about work carried out by non-registered installers.

4. Undertake Promotional Activities to raise public awareness

The Commission is of the view that, whilst individual undertakings have responsibilities for the promotion of gas safety, a coordinated approach is also required to ensure that consistent and targeted gas safety messages are conveyed to the public. The Commission's role will be one of coordination, but not funding the various gas safety promotion and awareness activities. Undertakings will be responsible for developing, implementing and funding their respective safety promotional activities.

We believe the awareness campaign will be the single most important success factor in the launch of the new scheme and will take a significant period of time to take effect. However, responsibility and ownership for the funding and implementation of trade and consumer awareness activity needs to be clearly defined. The paper proposes a complicated structure whereby CER retain control and coordination of communications activity, but do not fund it, involving various industry stakeholders in the implementation of it.

- Will it remain the responsibility of the Commission to promote and raise awareness?
- How will awareness be measured in terms of KPIs and who will be held accountable for it?
- Will the Supervisory Body be expected to contribute funds towards promotional activity?

We also suggest that trade awareness should take priority over consumer awareness for the short term.

5. Enforcement of regulations

By increasing the level of public awareness on these issues, customers will in essence act as 'the police on the ground' thereby strengthening the impact of the new regulatory regime.

There may be an element of consumer policing, but this should not be relied upon as the only mechanism to provide enforcement of the scheme. To use this approach in isolation would be ineffective.

6. Take disciplinary actions against registered installers

Where a registered installer is found not to have worked in compliance with the Criteria Document, the Supervisory Body will be required to take an appropriate sanction up to and including suspension and withdrawal of registered status.

- What about disciplinary action against non-registered installers?
- Will the responsibility to bring about a prosecution of an illegal installer be with CER?

7. Characteristics and Financial Structure of the Supervisory Body

The use of incentive based regulation is potentially a good concept which could support either options 2 or 4.

8. Designation of the Supervisory Body

The Commission proposes that the designation term will be for a period of 7 years to allow a sufficient amount of time for the new regulatory system to establish itself. Subsequent appointment terms will be every 5 years.

The first term of designation would seem to be a reasonable amount of time to allow the installers to be assessed and to build up sufficient amount of information to enable a risk based monitoring system to be set up. KPIs would need to reflect the transitional period and the uncertainty in terms of market size.

9. Conflicts of interest

The designated registration body is not permitted to become a trade association or perform representative functions on behalf of persons working in the gas industry. The body is also prohibited from engaging in or having a vested interest in the provision of training or competency assessments.

This concept would support the supervisory body's ability retain a sense of independence and objectivity within the monitoring framework.

10. Registered Gas Installer Membership Categories & Associated Rights and Responsibilities

The 2 proposed membership categories offer a very simple and uncomplicated proposition for installers. Provisional membership is also a definite requirement to cater for the large number of installers who have not yet demonstrated their competence.

11. Implementation Section

Timescales to set up and deliver the new scheme are fairly tight. If the designation process will take place between March and September 2008 and the designated body will be required to launch the scheme in Jan 2009, this potentially only leaves 3 months for the designated body to carry out development and set up work required to put the scheme infrastructure in place. However, it is important to have this deadline in place, so it is suggested that some flexibility is built into the 'launch' date in terms of enforcement of the new legislative requirement.

12. Consultation Next Steps

We support the view that the Criteria Document must be completed before the designation process to begin.