
Consultation Response

Regulation of Electrical
Contractors with respect
to Safety from 2016

Certsure LLP



Regulation of Electrical Contractors with respect to Safety from 2016 Consultation Questions & Certsure Response

About Us

Certsure LLP is a new force in building services certification. Born out of partnership between Electrical Safety First and the Electrical Contractors' Association (ECA) we are dedicated to providing professional services and certification to a wide range of customers across the building services sector.

We offer industry-leading certification services, Building Regulations schemes, products and support to the construction industry and beyond.

Quality is the foundation in everything we do. Our services and products are Government-recognised and United Kingdom Accreditation Service (UKAS) approved.

Brands



NICEIC is the UK's leading voluntary regulatory body for the electrical contracting industry. It has been assessing the electrical competence of electricians for over fifty years and currently maintains a roll of over 26,000 registered contractors.



ELECSA provides inspection, assessment and certification services to contractors working with electrical and renewable technology installations in private dwellings.



Enesa are based in New Delhi, India and offer a wide range of assessment, verification and certification services in the India and Asia Pacific region from Electrical through to Energy Audits. Enesa aims to raise standards, reduce risks in the construction and energy sectors and raise awareness of electrical hazards in India.

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Number of Bodies to be Designated (3.2.3 Pg 18)

The CER is now seeking responses from interested parties on the option of appointing one Electrical SSB for the designation period commencing January 2016. Respondents are requested to provide the rationale behind any option regarding whether one or more than one Electrical SSB should be appointed.

Multiple schemes encourage competition on price, customer service and products and services offered to their 'members'

From our recent experience working with the Westminster DCLG Select Committee it is very clear the Governments in England & Wales want to have a single mark and register to raise awareness of electrical safety in the home by simplifying the task of finding and checking a competent registered electrician.

A single scheme –

- Can breed complacency and arrogance – e.g. we are the only option; therefore you have no choice to do as we say! This complacent and arrogance was evident in the demise of CORGI.*
- Offers less choice for contractors, but has the benefit of economies of scale if all contractors are in one place, therefore REC's could benefit from lower fees. As an example by bringing NICEIC and ELECSA together we have been able to reduce fees for our registered domestic installer.*
- Allows for consistency because from our experience gained over nearly 60 years of assessing REC's there are variations in interpretation of standards when there are multiple scheme operators working in the same sector.*
- Can assist with easier compliance monitoring for CER and for other relevant stakeholders.*

We therefore recommend the consideration for a single Electrical SSB being appointed.

Financial Structure of a Designated Body (3.3.3 Pg 20)

Currently Electrical SSBs are not-for-profit organisations. Should the Electrical SSB(s) which are designated commencing January 2016:

- (a) Continue to operate on a not-for-profit basis; or
- (b) Be allowed to operate as profit making businesses?

Please provide justification for your preferred option.

There is precedence and examples of mandatory gas registration schemes that have operated on both a not-for-profit basis as well as operating a commercial business that provides relevant products and services to a registered business. However there is a fine balance between the two parts of an organisation that operates this way to ensure that the commercial offering doesn't come across in a way that seems to be solely focused on profit.

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Therefore we suggest that a hybrid model of a and b is used. The benefit for this is that the Electrical SSB can offer a complete one stop shop

(a) How should the surplus money which will be returned to the CER on the end of the current designation period be used?

The surplus that will be returned to CER should then be used to promote Electrical Safety and the use of REC's as well as newly appointed Electrical SSB's. The newly designated Electrical SSB's should have financial provision in place to ensure that they are committed to operating the scheme, therefore can then build up a reserve of money as with the current schemes.

Core and Permitted Activities (3.4.3 Pg 22)

What criteria should be used if prohibiting the Electrical SSB(s) in place from 2016 onwards from participating in any permitted activities?

Electrical SSB's should be restricted to core activities only as there could be a potential conflict of interest. However the commercial arm of the business should be able to offer products and services that are relevant to the REC's. The criteria to allow this to happen should include –

- *No conflicts of interest between the core and permitted activities*
- *Arm's length management between the commercial and registration activities*
- *The Electrical SSB to provide annual accounts for both their registration and commercial businesses which will be required to be independently audited by someone who is competent to check them and independent of the preparation of the accounts*
- *The Electrical SSB would need to be accredited to an internal standard such as ISO 9001 and ISO 17065 are examples of standards adopted in similar sectors*

There is examples of the bullet points listed above in the Conditions of Authorisation issued by DCLG which are effective from 6th June 2012 – <https://www.gov.uk/government/publications/competent-person-schemes-conditions-of-authorisation>

Term of Designation (3.5.2 Pg 23)

The CER would like to invite views from interested parties on whether the term of designation of an Electrical SSB(s) should:

1. move to five years as originally envisaged; or
2. remain at seven years mirroring the first term.

Respondents should provide justification for their answer.

A seven year designation would seem to be a sensible option for the reasons described in the Consultation Paper; therefore we have no further comments to make

Staggered end dates for Electrical and Gas SSBs (3.6.2 Pg 24)

Comments are sought from interested parties on the possibility of having staggered designation end dates for Electrical and Gas SSBs in order to avoid coinciding termination dates.

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If there is no change to the current Electrical and Gas SSB's then the changeover date is irrelevant as the contract (in theory) rolls on. However if there is to be a change to the SSB's, for example from one Gas SSB to multiple or any new SSB's we recommend that this should happen at the same time.

A smooth transition will only happen if there is a choreographed plan which is approved by the CER with sufficient time and resources allocated by all the stakeholders including the SSB to make the transition happen and for the scheme to remain effective and robust.

Electrical SSB Compliance (3.7 Pg 24)

The CER is inviting comments regarding the introduction of any further measures to ensure Electrical SSBs compliance with the Terms and Conditions of Appointment and the Criteria Document.

As previously suggested a requirement could be for accreditation to an international standard and a commitment from the Electrical SSB(s) to achieve and maintain accreditation to the chosen standard within a period agreed with the CER and to on-going external monitoring by an accreditation body or the Electrical SSB(s) are to appoint an independent 3rd party acceptable to CER to audit periodically their performance against the Terms and Conditions of Appointment and the Criteria Document initially annually for the first 2 years, there after a program of audits will be submitted to CER for approval subject to satisfactory outcome of the first 2 years audits.

Qualifications of Inspectors (3.8.2 Pg 25)

Comments are invited from interested parties on what qualifications Electrical SSB(s) inspectors should be expected to hold?

The current arrangements as detailed in the Consultation Document seem to be robust and proportionate for the type of work being carried out as long as these are minimum requirements that must be applied.

Criteria Document (4.2.3 Pg 28)

The CER invites comments from interested parties on the Criteria Document in particular;

- What potential improvements could be made to the Criteria document?
- How should the CER communicate modifications which it intends to make to the Criteria Document to industry stakeholders?

The objective of the Criteria is suitably worded to protect consumers from unsafe and unsound electrical installations. The fact that the Criteria has been in place since 2009 and only updated to Version 2 demonstrates that the Criteria is robust, however due to the size and scope of the Criteria we would recommend that if an update is needed it is sent out as a separate consultation before the bid process for new SSB's is started.

Communication channels for modifications and updates are varied; the electrical industry will be keen to be consulted on any proposed changes to the Criteria. There are many methods that can be employed, but the use of technology such as the internet would be the preferred option in many

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cases, however face to face meetings with groups of contractors would allow for a more engagement and real time feedback.

Proposed Future Arrangements (5.3.2 Pg 30)

The CER would like to invite any relevant comments from interested parties on this issue in order to establish how stakeholders view the current arrangements.

The current arrangements for new qualified certifiers seem to be missing any reference to post training experience of practical application of the practical knowledge gained in training.

Assessments (5.4.2 Pg 31)

The CER invites comments from interested parties on whether the scope of assessments should cover the full scope of controlled electrical works

Yes, however the assessment scope should be relevant to the type of work carried out against the National Electrical Standard. As an example the assessment should cover the requirements of the National Wiring rules as well as the items listed in 5.4.2 of the Consultation Document except for work in potentially explosive atmospheres, which should be covered by a separate assessment scheme, such as that offered by the CompEx scheme

Individual Registration of RECs (6.2 Pg 32)

Please comment on whether there should be a move to individual registration for electrical contractors. Please consider the points below in your response:

- (a) Should the current system be retained or should there be a move to some form of individual registration?
- (b) Should individuals who are currently employed by RECs without a trade certificate get some form of electrical labourer status? Should apprentices have their own status? Should each electrical industry participant's card identify their respective status?
- (c) Should each individual be required to carry out the accredited T, V & C course (or some other course)? If so, how will this be funded – is the individual responsible or should the company who employs the individual be responsible (there would be no change in the case of a self-employed electrical contractor)?
- (d) In the scenario where each individual is required to carry out the accredited T, V & C course (or some other course), is the additional cost that will need to be passed on to the customer acceptable?

If this was a virgin scheme then the option of individual registration would be the ideal scenario providing confidence and reassurance to customers that all operatives who attended their site was competent to the same level. However the level that would be required for each individual would be at the same level as required for the Qualified Certifier as described in 5.3.1 in the Consultation Paper. As well as registering individuals the company (legal entity) will need to be registered with the Electrical SSB. The individual registration needs to be aligned with their employer's registration and this will need to be shown on any ID's cards issued to the individual. The same applies to the paragraph below.

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If the decision was taken to introduce individual registration only those operatives that satisfied a minimum technical competence (MTC) (to be agreed or to the equivalent of a Qualified Certifier?) would be eligible to hold registration indicating they are a qualified electrician (including the Qualified Certifier). However if the individual does not meet the MTC then an appropriate grade card should be issued, for example a restricted electrical worker – which would indicate that the holder is not fully qualified or up to date with the required electrical qualifications. An apprentice electrician card would serve as an indicator is working towards becoming fully qualified by means of an industry approved framework to be eligible the card holder must be registered as an apprentice on an industry approved apprenticeship framework

The requirement for individuals that meet the MTC should include the requirement to successfully complete the accredited T, V & C course. The cost associated with any training that is paid for by an employer could be expected to be passed on to their customers through their charging mechanisms; however individuals who pay for their own course will not be able to recover that cost.

Insurance (6.3.1 Pg 33)

Should run on insurance be a membership requirement for all RECs?

It would be reasonable to provide customers with appropriate financial protection to put work right which is non-compliant with technical standards where the original installer cannot do so. The type of provision could vary and possible mechanisms include guarantees, insurance backed warranted or, where appropriate, professional indemnity insurance

Where the preferred option is yes please provide details of the rationale for it and details of proposed type and period of insurance

It would not be unreasonable for this protection to be in place for a minimum of 6 years and there are a number of insurance providers who offer this type of cover in England & Wales.

Categories (6.4.2 Pg 34)

Comments are requested on whether there should be more categories of RECs

Increasing the amount of REC categories would allow the recognition of each REC in the area covered of their abilities to carry out work in accordance with their speciality. It would inconsequence permit the purchaser/procurer to understand the profile of the REC and the area of their specialism. In some of the proposed categories, for example works in potential explosive atmospheres are covered by additional standards outside of the National Wiring Rules and there is global awareness and a register of competent persons operated by JTL Ltd.

Controlled Electrical Works (7.2.3 Pg 35)

If parties feel that there should be amendments to the scope of controlled electrical works, the rationale for any changes should be outlined.

The list of controlled works appears to be reasonable and cover the major electrical installation activities.

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Restricted Electrical Works (7.3.3 Pg 37)

If parties feel that there should be amendments to the scope of restricted electrical works the rationale for any changes should be outlined.

The restriction for certain types of work to REC's only seems to be a robust approach to ensure safe electrical installations

Minor Electrical Works (7.4.2 Pg 38)

If parties feel that there should be amendments in this area the rationale for any changes should be outlined.

The ability for DIYers to undertake additions and alterations to electrical installations should be removed from Minor Electrical Works and added to the Controlled Works. The rationale for this is that the type of work undertaken can in many cases be quite complex. As an example testing of the existing electrical circuit will be required to ensure it is in a safe condition to be added to or altered, also the individual undertaking the work should be ensuring the rating and the condition of any existing equipment, including that of the distributor, will be adequate for the altered circumstances. Furthermore, the earthing and bonding arrangements, if necessary for the protective measure applied for the safety of the addition or alteration, shall be adequate.

Detection of Unregistered Individuals (8.2.2 Pg 40)

Comments are requested regarding mechanisms which could be utilised to detect cases of illegal electrical works.

The ability for any individual to be able to notify CER by post or online covers most mechanisms; however the consideration of a telephone helpline could be utilised to help people identify if there is an issue with illegal electrical work.

ETCI (9.1.3 Pg 42)

Should the CER continue to use ETCI certification (for electronic and/or paper based certificates) or should a process be implemented whereby the Electrical SSB(s) would provide the certificates without sourcing them from a third party? Respondents should be conscious that the latter approach could impact on the ETCI's ability to continue to work in the area of the National Wiring Rules

The current system allows for a subsidy generated by all parts of the electrical industry registered in Ireland thereby working collaboratively to generate funds which are then given to ETCI to maintain the National Wiring Rules. If this subsidy was to be removed and ETCI wasn't in a financial position to maintain ET101 Ireland could find itself unable to influence future European electrical standards, however Ireland could choose to adopt another standard such as BS7671 (Wiring Regulations used in the UK) or CENELEC Harmonization Document HD 60364.

If funding can be maintained through alternative means then allowing electrical contractors to obtain electrical certificates through other means would potentially save them money.

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Electronic Certification Scheme (9.2.2 Pg 43)

Please comment on the completion certificate system addressing the points below.

(a) Should any electronic system cover certificates for all controlled works and minor works?

Yes

(b) Should any electronic system be mandatory for all RECs to use (with no paper based system)? Alternatively should it be incentivised to get RECs to move to the electronic system but not make it mandatory for all RECs?

The requirement for mandatory use of an electronic system will benefit all. If this is to be introduced it needs to be done with a sufficiently long transition period to ensure all REC's can access the system

(c) Should it be mandatory or incentivised to get RECs to move to an electronic system over a phased basis?

Mandatory on a phased basis

(d) Should all Electrical SSBs be required to offer and promote the electronic system?

Yes

Non-Compliances Relating to Certification (9.3 Pg 44)

Comments are requested regarding how issues relating to:

- non-completion of post connection tests; and,
- the non-issuance of certificates in cases where customers do not request the certificate should be addressed.
- What obligations, incentives or controls should be put in place to ensure certificates are issued to customers and all certificates issued are returned to the relevant Electrical SSB?

The solution of mandatory electronic certification for all works would provide mechanisms to control electrical work. However to have a robust system work would need to be 'notified' to the SSB on the electronic system so a chase process can be implemented to ensure post connection tests are completed. The Electrical SSB can monitor this and chase the REC's if these tests are not completed in a timely manner and if not completed could increase the assessments/surveillance regime of any contractor not certifying their electrical work.

Branding (10.2 Pg 46)

Comments are requested regarding any actions that the CER should undertake in this area. The CER is also interested in opinions regarding whether the Safe Electric logo should appear on all certificates and periodic inspection reports.

The Safe Electric brand should be used on as many different mediums as possible that face the consumer – this would intern would raise awareness of the brand and also differentiate between legal and illegal works.

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Comments are invited from interested parties on the following issues with respect to the Safe Electric brand:

- What actions should the CER take to publicise the Safe Electric brand?

As mentioned previously the surplus that has been built up by the Electrical SSB's could be used by CER at the time of re-designation of the SSB's and that will enable money to put aside specifically to promote the Safe Electric brand.

Use of social media as well as publicity and public events and in national newspapers and on national TV could benefit the brand

The use of the Safe Electric brand should be the only consumer facing brand that is similar in principle to Gas Safe Register operating in the UK as well as the model used by the RGI Scheme in Ireland.

Mandatory Use of Safe Electric Logo (10.3.2 Pg 47)

Comments are invited from interested parties as to whether it should be made mandatory for an REC to display the Safe Electric logo on their vehicle?

To raise awareness of the brand every opportunity should be taken to promote the brand and make its use compulsory

Annual Logo (10.3.3 Pg 47)

Comments are invited from interested parties as to:

- whether references to the year of registration should be included (either as part of or in addition to the logo);
- whether the Electrical SSB(s) should be required to issue revised stickers each year to the REC (which included a reference to the year); and,
- whether RECs should be required to update any logo which they display on their vehicle each year with the stickers provided by the Electrical SSB and be subject to disciplinary proceedings where they fail to do so?

The benefit for adding the year of initial registration would be useful for consumers to demonstrate that a company has been registered for a period of time – which might be seen as reassuring to the consumer.

If the Electrical SSB's issued revised stickers each year this would add a cost to each REC for very little added benefit. A possible consideration could be to add this to the individual registration card (if this was introduced) so the consumer could check that the operative coming to do the work is competent and registered. This card would be renewed on an annual basis.

Unique Identifier (10.3.4 Pg 48)

Comments are invited from interested parties as to whether a unique identifier e.g. REC number should be included as part of the Safe Electric logo.

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There are pros and cons for the use of a unique identifier, for example it could aid the consumers when checking to see if a company is registered, however could be scope of misusing the identifier by less scrupulous companies

Branding (10.3.5 Pg 48)

Comments are invited from interested parties on whether, assuming there were to be more than one Electrical SSB in place from 2016 onwards, should the Electrical SSBs be required to contribute to a joint list which could be hosted on www.safeelectric.ie?

A joint list of RECC's should be provided via the Safe Electric website. This would be a benefit for the consumer when looking for or checking an REC. As an example the Scottish Building Standards Certification Register is the only authoritative source of information on all Approved Bodies and Approved Certifiers in Scotland

(<http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/certification/certreg>)

Electrical SSB logo restrictions (10.4.2 Pg 49)

Should restrictions be put in place regarding the manner in which Electrical SSB(s) can use or promote their own logo(s)?

Yes – controls and checks are essential to ensure consistent and correct use of the brands. We recommend that the sole brand used and that is the Safe Electric brand.

Reports on Complaints (10.5 Pg 49)

Should notifications regarding the outcome of the disciplinary process be provided to the complainant or should there be a requirement that they be offered the opportunity to attend the disciplinary panel.

There are a number of different complaint scenarios, however a summary of the disciplinary outcome could be shared with the complainant, for example the REC was in breach of the scheme criteria and the Electrical SSB has taken a particular course of action.

There is no real perceived benefit for the complainant attending any disciplinary panels if all the relevant information has been provided and validated by the Electrical SSB before any panel is held. There may be instances where the complainant will need to be called to provide evidence on behalf of either the Electrical SSB or the REC.

Joint Electrical and Gas SSB (11.2 Pg 53)

The CER invites comments from interested parties on whether the designation process should facilitate the option of a single body undertaking the role of both the Electrical and Gas Safety Supervisory Body.

Yes, there is existing body (RECI) that operate both schemes; however consideration should be given to one SSB for both Gas and Electric. There are a number of benefits this including –

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- *Economies of scale for back office services – reducing registration costs*
- *One point of contact for consumers*
- *Dual assessments for contractors that undertake gas and electrical works – reduce the associated downtime that comes with assessments from the SSB's*
- *Provide a greater surplus back to the CER for the promotion of the brand(s)*
- *An opportunity to create a sole 'Energy Safe' brand for consumers making the marketing spend go further to reach more consumers*