

Proposed Electricians (Scotland) Bill

Introduction

A proposal for a bill to provide for the protection of title and registration of electricians The consultation runs from 19 August to 10 November 2020 All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (*) require an answer. All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: Consultation Document Privacy Notice

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

About you

Please choose whether you are responding as an individual or on behalf of an organisation. Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

No Response

Please select the category which best describes your organisation

Representative organisation (trade union, professional association)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

Founded in 1992, as the National Association of Professional Inspectors and Testers, NAPIT is the market leader in the electrical inspect & test industry sector and is one of the leading Government approved and United Kingdom Accreditation Services (UKAS) accredited Certification Bodies in the UK. NAPIT

Please select the category which best describes your organisation

represents 13,000 registered businesses, employing in excess of 20,000 qualified and competent individuals across the domestic, commercial and industrial sectors.

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

The NAPIT Group

Aim and approach

Q1. Which of the following best expresses your view of the proposed Bill?

Fully supportive

Please explain the reasons for your response.

We are fully supportive of the suggestion to use the Certification Register to list qualified, experienced and competent electricians - but firmly suggest the Government register (www.certificationregister.co.uk) is used as it lists Approved Bodies, certificated by a UKAS accredited, Government authorised Certification Body, and then names the approved Certifiers of Construction within that company. Listing individuals, without the company they are employed by creates many issues- especially around insurance requirements, consumer protection, contract law and GDPR. The Certification Register currently does list individuals via the 'Current Approved Certifiers' function: www.certificationregister.co.uk/ApprovedCertifier and we suggest this facility is expanded and could be made more consumer friendly by allowing a search by work discipline and showing photographs of the individuals. It should also be expanded to make it clearer which Approved Body the Approved Certifier is employed by.

We agree with the suggestion that the Certification Register undergoes a rebrand to make it more consumer friendly, engaging and explores options for displaying photographs of approved Certifiers of Construction as well as their names, within the company listing. This will provide an increased level of confidence to consumers that the person turning up on their doorstep is competent to do the work.

The proposal as it stands does not tackle the main issue, which is lack of consumer awareness of how to engage a registered, competent electrical contractor.

One way to help overcome this would be to expand the scope of electrical warrantable work to include all houses- not just flats/maisonettes or houses with a storey over 4.5m. This will provide a very clear message to communicate to homeowners and ensure the use of an Approved Body who employs at least one Approved Certifier or uses a Verifier to sign off the work as compliant.

To summarise, we propose the Certifier of Construction (CoC) Scheme is expanded to include more electrical work within a greater range of buildings- primarily all homes, and is then used to meet this Bill's objective of providing a single, unified register of qualified, experienced and competent electricians in Scotland by giving electrical businesses a more compelling reason to join the CoC Scheme because consumer demand will increase.

Alternatively, the Certification Register needs expanding to cover all electricians who are qualified and competent to undertake any electrical work- not just warrantable work. This can be achieved in such a way that there is a clear differentiation between warrantable and non-warrantable work by filtering the search based on the consumers need.

Q2. What do you think would be the main practical advantages of the proposed Bill?

If the changes were adopted as per our suggestions, it would make it easier for consumers to find electricians who are competent to undertake electrical work in their home- especially if a re-brand took place with an effective marketing strategy and the scope of warrantable work was expanded to all homes.

Q3. What do you think would be the main practical disadvantages of the proposed Bill?

Individuals should not be listed without reference to the Approved Body who employs them. Any system for determining competence should be based on organisational requirements, with the onus put on the organisation to employ qualified and competent people. This is because consumers enter agreements with businesses and not individuals and focusing purely on listing individuals poses issues with insurance requirements, consumer protection, contract law and GDPR.

One element of electrical work which is not currently considered within this Bill is how electrical inspectors, who undertake Electrical Installation Condition Reports in properties are listed. Qualification requirements differ between those able to undertake electrical installation and inspection work and there is currently no need to be employed by an Approved Body to do Electrical Inspection work in Scotland. Scottish Government has produced Statutory Guidance on determining the competence of those undertaking Electrical Installation Condition Reports in Private Rented Properties:
<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2016/12/electrical-installations-and-appliances-private-rented-properties/documents/guidance-electrical-installations-appliances-pdf/guidance-electrical-installations-appliances-pdf/govscot%3Adocument/Guidance%2Bon%2BElectrical%2Binstallations%2Band%2Bappliances.pdf>
Consideration needs to be given to how companies who employ at least one individual, qualified and competent to undertake Electrical Inspection work, can be listed on www.certificationregister.co.uk to allow one place for consumer to search when wanting electrical work to be carried out by a qualified and competent organisation and individual. This could be done by expanding the remit of the Certification Register to include listing companies who employ at least one individual who is qualified and competent to undertake Electrical Inspection and Testing, as defined within the Electrotechnical Assessment Specification, and the Certification Register search should be filtered by consumer need.

Q4. Which of the following best expresses your view of the establishment of a single register for electricians?

Partially supportive

Please give any views or comments on a single register and how it might be set up

The single register should expand on the current register of Approved Bodies and Approved Certifiers listed here: www.certificationregister.co.uk/ This register already lists individuals. There are two options for expanding this register:

- Increase the scope of electrical warrantable work to include all domestic properties
- Expand the remit of the Certification Register to list all competent electricians, not just those competent to do electrical warrantable work

We agree with the proposal that a re-brand should be considered, or additional promotion to ensure consumers know where to find competent and qualified electrical companies employing qualified and competent individuals but do not agree with any suggestions to create a new register for the reasons outlined before. This Government owned register should remain the go-to place for consumer to ensure trust and to remove the risk of giving a commercial advantage to a particular organisation.

Q5. Which of the following best expresses your view of establishing protection of title for electricians?

Fully opposed

Please give any views or comments either on the principle or practical operation of protection of title:

The protection of title for 'electrician' is not the best way to protect consumers. Protecting the title

Q5. Which of the following best expresses your view of establishing protection of title for electricians?

'electrician' will not solve the issue, as those who are not listed on www.certificationregister.co.uk as Approved Certifiers, or 'electricians' will call themselves other names, such as 'electrical installer', etc and will still be legally allowed to undertake electrical work. Protecting a title does not protect the work activity. Protecting the title also creates a lot of issues regarding specialist electrical disciplines such as: electrical renewable technologies, smart home automation systems, fire and security systems, and requires considerations around how not to undermine their specialism whilst protecting a small proportion of electrical work.

The key here is to expand the scope of work which is warrantable, to require consumers to use an Approved Body certified by a UKAS Accredited, Government Authorised Certification Body in line with the Electrotechnical Assessment Specification - who employs qualified and competent individuals- or to use a Verifier. This will provide a positive reason for uncertified electricians to become certified and drive good practice and compliance in a positive way. Discussions needs to be had with the Building Standards Division Team to explore whether this is an agreeable option, or alternatively the Certification Register should be expanded to list all competent Approved Bodies and the search facility should be updated to reflect this.

Financial Implications

Q6. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost-neutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) Government and the public sector		X				
(b) Businesses		X				
(c) Individuals			X			

Please explain the reasons for your response

(a) Government and the public sector: Some increase in cost. Cost could include re-brand of Certification Register if agreed, expansion of warrantable work scope or website listing scope and marketing cost to consumers- although industry could be asked to support with this.

(b) Businesses: Some increase in cost. Cost to become an Approved Body and employ Approved Certifiers could apply and additional training of individuals to ensure they meet the qualified and competent standards of an Approved Certifier, as set out in the Electrotechnical Assessment Specification may apply

(c) Individuals: Broadly cost neutral. Cost of training individuals employed by an Approved Body should be covered by that Approved Body. Individual consumers may see slight increased cost of using an Approved Body to undertake electrical work, if they previously haven't used one as registration fees etc may be passed on. However, the safety and quality of work carried out should increase.

Q7. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

We are pleased to see the Bill proposes the use of an existing, Government owned register which is currently in operation and has the legitimacy of Government owning it to promote and provide confidence to consumers.

Expanding the scope of warrantable electrical work to cover all homes will increase the desire for homeowners to use Approved Bodies and will assist with the marketing of the new approach- reducing the cost of marketing.

Equalities

Q8. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

Unsure

Q9. In what ways could any negative impact of the Bill on equality be minimised or avoided?

No Response

Sustainability

Q10. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

General

Q11. Do you have any other comments or suggestions on the proposal?

We are supportive of using the existing, Government owned register (www.certificationregister.co.uk) to better promote the use of competent and qualified electrical contractors in Scotland.

We do not support a move away from listing Approved Bodies which employ at least one competent and qualified electrical installer and/or inspector- as defined within the Electrotechnical Assessment Specification, which needs to have a documented list of accepted qualifications agreed by industry.

Expanding the scope of warrantable work to include all homes is something which should be considered to raise awareness and compliance of electrical safety, and to encourage consumers to make a more informed choice when engaging an electrical contractor to do work in their home- either use an Approved Body registered on www.certificationregister.co.uk or engage a Verifier.

In essence, we propose the Certifier of Construction (CoC) Scheme is expanded to include more electrical work within a greater range of buildings- primarily all homes, and is then used to meet this Bill's objective of providing a single, unified register of qualified, experienced and competent electricians in Scotland by giving electrical businesses a more compelling reason to join the CoC Scheme because consume demand will increase.

Alternatively, the Certification Register need to be expanded to cover all electricians who are qualified and competent to undertake any electrical work- not just warrantable work. This can be achieved in such a way that there is a clear differentiation between warrantable and non-warrantable work by filtering the website search based on the consumers need.