

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

Other (e.g. clubs, local groups, groups of individuals, etc.)

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).

Please select the category which best describes your organisation

Certsure LLP is the organisation that owns the brand NICEIC and who certify around 45% of registered Scottish electrical contractors against British Standard BS7671,

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).

Certsure LLP

Aim and approach

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

Partially supportive

Please explain the reasons for your response.

Certsure LLP trading as NICEIC is supportive of any moves that strengthen standards and help those who operate legally and responsibly. Any regulation that may be introduced needs to be carefully considered to ensure that it can deliver what is promised without increasing financial or regulatory burden for all concerned, but above all it needs to support and not reduce the current consumer protections that are currently in place via electrical contractor registration schemes, such as the NICEIC Approved Contractor scheme.

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

In the case of a single register it would draw together lists that are already accessible to the public, however it would need to be advertised as the 'go to' source of information to minimise any consumer confusion.

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

The Bill is aimed at the domestic market, but the term Electrician is used for many spheres of electrotechnical engineering.

The protection of the title 'Electrician' does not on its own ensure competence. The Bill seems to be indicating an automatic guarantee of standards, knowledge, experience and competence, but this is not necessarily the case.

The registration and regular assessment of competence would support the aspirations of the Bill.

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

Certsure supports the creation of a single register that provides a one stop shop for consumers.

We would support of any of the options in 4.1 to be pursued with the caveat that Option 1 (Utilising the Building Standards Certification Register) would require an overhaul to ensure it is fit for purpose.

As consumers are at the heart of this proposal, the inclusion on a register must ensure that current provisions for the consumer protection are maintained or even enhanced. The new body, Consumer Scotland, could be looked to as an oversight body to ensure that this objective is met.

Certsure LLP advocates that registration on such a list should be accessed via a number of different routes thus preventing a monopoly. Any registrant would need to meet the definition and requirements laid out in any proposed legislation,

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

Neutral (neither support nor oppose)

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

Certsure argues that in order for the title of electrician to be protected, there needs to be a clear and easily understood explanation of what constitutes an electrician¹.

Currently there is no such UK definition of an electrician. However, the Electricity at Work Regulations 1989 does reference the need for "persons to be competent to prevent danger and injury" (Regulation 16) and BS7671 defines the requirements of a skilled person electrically.

The draft proposals do not outline a requirement for regular third party, peer reviewed independent assessment based. Such measures would ensure that skills, knowledge and behaviours are maintained throughout the career of the electrician qualifications are not enough on their own to prove current competence.

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				

¹ We believe that this is difficult to do given the breadth of the field especially given the experience in engineering See: <https://www.engc.org.uk/glossary-faqs/frequently-asked-questions/status-of-engineers/>

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

(b) Businesses		X				
(c) Individuals		X				

Please explain the reasons for your response

The creation of a single register (once the route to it has been established) would be relatively low cost to develop.

However, where significant cost would be incurred would be through a substantial and long-term effort to make consumers aware of it. For example, the Gas Safe Register² has been in existence since 2009 and has spent £100,000s in raising the profile of the need for consumers to use a registered gas engineer³⁴.

The route for and cost of enforcement has also not been explored in this proposal but if electricians and the public are to have faith in the system then this would need to be addressed. The Scottish Government would need to ensure that local authorities are sufficiently resourced to enable enforcement actions a real deterrent.

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

There are already competency schemes, such as NICEIC Approved Contractor scheme, in place with respect to BS7671 which operate successfully and could be adapted to ensure the competence of all operatives are assessed.

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

Please explain the reasons for your response.

The potential to increase awareness of the role of electricians may prompt more people to consider a

² In 2006, informal estimates of the number of illegal gas installers operating in the UK varied between 15-20% and 40-50%. The system at that time was perceived to place a disproportionately high burden on registered installers while having relatively low impact on illegal installers. While the law with regard to illegal installers appeared clear, it did not support a significantly increased number of successful prosecutions, despite the apparent prevalence of illegal activity. *Review of Domestic Gas Safety, page 22* report for HSE 2006

³ More detail on consumer awareness <https://www.gassaferegister.co.uk/media/3117/gas-safe-at-a-glance-ir-web.pdf>

⁴ [Regulation 16: Persons to be competent to prevent danger and injury](#)
No person shall be engaged in any work activity where technical knowledge or experience is necessary to prevent danger or, where appropriate, injury, unless he possesses such knowledge or experience, or is under such degree of supervision as may be appropriate having regard to the nature of the work.

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?

career in the sector. At present there is little accurate data to understand the characteristics of the workforce except for the fact that it is dominated by men.

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?

Don't know

Please explain the reasons for your response.

The move to protect the title of electrician could have the potential to drive up wages / costs for business and ultimately consumers. This is both a positive and a negative for the economy and society. Higher wages equal more tax but higher costs can also drive people to the grey market which is exactly what we should avoid as consumer protection will be lost and safety may be compromised.

General

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

Further measures such as changes to the warrant system would enhance the impact on the consumer awareness of the benefits of using a registered, competent electrician.

The recent changes to the Tolerable Standard within the Housing Scotland Act means at least 1.3 million circuits will need to be installed, extended or altered to accommodate new smoke, heat and carbon monoxide detectors, all these circuits will come under schedule 3

However much of the work undertaken by electricians in the domestic market falls outside the scope of local authority notification. If further changes to Schedule 3 were made then even more activity would have to be notified. This would allow for the better analysis of issues with electrical installations and would help with a more targeted response based on statistics.

Ultimately though, consumer behaviour⁵ will need to change if either protection of title of a single register are to have their desired results.

⁵ When asked what do you do to find an electrician: 58% ask friends and family, 24% ask a known electrician to carry out the work and 24% look at online search facilities. Source: *Research carried out by Pye Tait in 2018*