

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).

The Society of Chief Officers of Trading Standards in Scotland (SCOTSS), is a Scottish Charitable Incorporated Organisation (SC047951). Our members are professional trading standards managers representing every Scottish local authority trading standards service.

Please select the category which best describes your organisation

The Society liaises with local council colleagues across the UK, and engages with government and others around the operation of the consumer protection landscape, providing leadership and consistency to Scotland's 31 trading standards teams. We aim to educate, coordinate, and support.

This response was agreed by the society's executive committee (trustees), SCOTSS is also represented on the Scottish Government's Electricians Working Group.

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).

SCOTSS

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.

SCOTSS understands the impetus behind these proposals, but as members of the Scottish Government Working Group on Regulation of Electricians, we feel that is the proper approach to reaching an outcome. Nevertheless there is clearly a strong desire from the industry for increased regulation, and that could lead to benefits for consumers.

In addition we feel the evidence is not particularly strong, either for economic disadvantage for consumers, or in terms of widespread unsafe domestic electrical installations in Scotland. The evidence points in fact to most issues being caused by faulty white goods such as washing machines, than installations themselves, certainly in the Grenfell Tower case noted in the consultation, which was more around other construction issues and white goods than faulty electrical works.

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

An easily and freely accessible register of competent electrical engineers would be of great benefit to Scottish consumers. It would increase consumer confidence in the safety and quality of service they are getting and so provide peace of mind, particularly to elderly and otherwise vulnerable consumers. It would also provide an incentive for electricians to ensure that they maintain competence

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

In practical terms these proposals would cost money – any register must be well managed and kept up to date, and there must be sufficiently robust enforcement otherwise the whole system will not be taken seriously by those it is meant to prevent getting into the market – rogue traders and also those who do not meet the required standards. In particular if Police Scotland are expected to enforce any regulations it would require additional funding. These duties would seem to us to fall more naturally to Trading Standards Officers, but again resources are too stretched for this to be seen as any sort of priority by local authorities on a proactive basis at least (complaints would be more likely to be responded to). As an example, recent funding for new duties around the enforcement of Nicotine Vaping Products cost around £1.5m in new money.

Care also needs to be taken not to put up barriers to existing firms carrying out electrical work that may not be members of the trade associations, costs can already be significant to small firms although we are not best placed to comment on this.

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

Fully supportive

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

SCOTSS is supportive of a simple accessible register of 'electricians' as a solution to this issue, and we would point to the register of premises selling tobacco and NVPs in Scotland, with enforcement by Trading Standards Officers, as a model that could be followed. This would ensure there is clear visibility about who was undertaking electrical work in Scotland, and an easy source of information for consumers about who to engage to carry out work. As the consultation notes there are several registers already in existence, all of which have very low visibility to consumers, and it will be no easy matter to combine these. However without agreement over a single register any new facility will only add to duplication and consumer confusion

Key to the credibility and success of such a system would be the ability to suspend and/or remove listed traders following (depending on the circumstances) suspicion or proof of any wrongdoing or unfair or unsafe practices. In addition, some sort of appeals system would also be required though this would add to the costs referred to above.

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:

We do not feel the consultation nor the available evidence has made the case for title protection. We would like to see some evidence of outcomes for all these other protected titles and how their protected status is being enforced. In addition there are two significant failures for such an approach, firstly rogue traders will completely ignore the requirements without significant investment in enforcement, and secondly traders could simply call themselves something other than 'electrician' when they are advertising for work.

We are not clear whether the protected title means that only an "electrician" can do electrical work (which would address the "advertising as something else" point you raise). Also, what qualifications and other criteria would have to be met? Would there be different levels or gradings of "electrician"? Would someone who does a simple job, say replace socket covers after decorating have to be an "electrician" and if not, get a sub-contractor in so significantly increasing costs which would ultimately be borne by the consumer?

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				

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

We would highlight the use of 'Approved Trader' schemes (www.approvedtrader.scot) that are supported by SCOTSS and managed and vetted by over half of Scotland's local authority trading standards services. Although these are not competence based, member firms undergo strict vetting and monitoring is by a robust customer feedback process all operated by Trading Standards. In addition most schemes have some sort of redress system built in should things go wrong. Many electrical firms of all sizes are part of this network and we work closely with and signpost to the trade associations. This sort of self-sustaining voluntary non-regulatory scheme costs very little to administer, does not require legislation, yet offers excellent consumer protection and support to small business. We think it bears further examination as part of any long term solution.

Whatever the outcome of the consultation, one clear step would be to invest heavily in consumer education and awareness raising so that consumers are more likely to make well informed choices when having electrical work done in a domestic setting. This will reduce long terms costs of putting things right, and will discourage the use of incompetent or rogue traders.

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?

Neutral (neither positive nor negative)

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

Engagement with relevant representative groups

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.

Difficult to say without further details on costs and benefits.

General

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

No Response