

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).

Unite is the UK and Ireland's largest trade union. Unite has a long history of representing electricians across industry since the formation of Unite's predecessor the Electrical Trades Union in 1889, including supporting training for the electrotechnical workforce, working in partnership with employers and their associations to accredit and advance skills, and stressing the importance that high quality industry

Please select the category which best describes your organisation

recognised apprenticeships play for skills development, career progression and ensuring the long term sustainability of the industrial skills base.

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).

Richard Clarke, National Apprenticeships and Skills Officer (Construction), Unite the Union

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.

An electrical apprenticeship in Scotland typically takes just over four years to complete, inclusive of all guided learning hours, total qualification time, work based learning, on-site and off-site experience, Final Integrated Competence Assessment (FICA), and moving on, at least an additional two years from the grade of Electrician to Approved Electrician, typically then sees the individual having undertaken at least 10,800 hours or more in their trade.

It therefore seems nonsensical, not least considering public, employer and apprentice investment into the Government and industry recognised apprenticeship system that this is not then taken to the next logical step, i.e. registration and Protection of Title, both recognising, and celebrating, the status and identity of being an Electrician in Scotland, promoting additional protection and safety of consumers, clients, property and the general public and Scottish society in general.

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

From Unite's longstanding participation in industry bodies and engagement with our membership within the electrical workforce, we believe that the scale of poorly installed, defective and unsafe electrical work is a concerning matter that can be mitigated for the future. This can be achieved through the promotion and utilisation of registered electrical contractors (e.g. enrolled with SELECT, NICEIC), employing industry recognised and qualified electricians (to industry recognised criteria, e.g. SJIB/ECS).

Unite believe that Protection of Title of the term Electrician would significantly enhance consumer, client and public protection and safety, whereby electricians qualified to the long established industry standards are fully recognised, e.g. as defined under the ECS (Electrotechnical Certification Scheme) administered in Scotland by the SJIB (Scottish Joint Industry Board for the Electrical Contracting Industry) on behalf of the industry, whilst deterring unqualified individuals and their employers from passing themselves off as such.

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

Unite do not see any serious practical disadvantages in regard to the proposed Bill, and any perceived increased costs should be kept a minimum. Please see our answer to question 4 below for more details. If anything, we believe the Bill could go further as in requiring certain defined scopes of higher risk electrical works to only be carried out by registered suitably qualified electricians. At this stage, in order to avoid inadvertent disadvantage, the union would also point out that we have electrician members working across a multitude of sectors and specialisms, from construction and the built environment, through to manufacturing, offshore oil and gas, shipbuilding, TV and film, aerospace, facilities management, education and health to name a few. It should be remembered that there are a number of special class occupations that utilise the term "electrician" that fall outside the scope of construction and the built environment (e.g. Marine Electrician, Auto Electrician, etc.). The emphasis of the Bill concentrates upon electricians working in installation, repair and maintenance within domestic, commercial and industrial settings in construction and the built environment. We understand and trust that relevantly qualified individuals working under the aforementioned specialisms will not be inadvertently impacted by the Protection of Title proposals, and would draw attention to the fact that the SJIB administered ECS (Electrotechnical Certification Scheme) accommodates and recognises the diverse array of specialist electricians operating within such allied electrotechnical environments.

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

The Consultation Documents comments on "Certification Register provided through the Scottish Government's current Certification of Construction scheme" that recognises SELECT and NICEIC as the designated Scheme Providers for said Certification of Construction scheme "which allows electricians (Approved Certifiers of Construction) working for businesses (Approved Bodies) to certify electrical work carried out where a building warrant is required."

That scheme rightly works and integrates with the established SELECT and NICEIC systems for businesses, recognising SJIB Approved Electricians as being suitably qualified to take on the role of Approved Certifiers of Construction to certify electrical work.

Unite urge a similar inclusive approach is taken in regard to registration of individual electricians, through the SJIB (Scottish Joint Industry Board), whom already provide the facility of an industry recognised, established, respected, comprehensive, cost effective and centralised register of electricians under its ECS and SJIB grading system.

Furthermore, close ties between the SJIB in Scotland and the JIB operating the ECS south of the border helps enable compliance for those working cross-border when required.

Unite therefore give our support to the Bill in the expectation of seeing industry and government working together closely in order to recognise and integrate these existing respected processes within the industry for an efficient system of registration and Protection of Title.

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

Fully supportive

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

Unite electrician members repeatedly and understandably voice through their branches, national and regional sector committees, their concerns and frustration that people who have not met the established national and industry standards are able to use the title of 'Electrician' with impunity, when clearly those individuals are not. In what is such a highly skilled and safety critical occupation, Unite maintain that this should not continue to be the case, and that protection of the title is long overdue. The practical operation can, as described in answer to question 4, align to SJIB grading and ECS registration with minimum disruption.

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

Unite believe that professional electrical installation and maintenance undertaken by appropriately qualified electricians represents long term value for money. Any perceived additional costs would we believe be negligible, and this approach far outweighs the medium to long term financial costs associated with poorly installed and maintained installations, including the negative consequences of electrical fires and electric shock, and the human cost and tragedy around deaths caused by fire and electrocution. Research commissioned and collated by SELECT found that faulty electrical installations account for 7.1% of fires in Scotland, and further estimated that damage caused to property by the fires analysed in that research cost the Scottish economy approximately £9.6 million. Furthermore, there are then significant negative costs to individuals, their families and the National Health Service amongst others, as well as substantial costs around rectification of faulty or poorly installed electrical installations and damage to property.

The SJIB administered ECS scheme is an established cost effective method of ensuring skills, qualifications and health and safety requirements are met for individuals, contractors and clients. Unite would therefore see no reason for the introduction of additional financial burdens on electricians and contractors in relation to registration and protection of title, the proposals can and should utilise and complement the existing industry skills infrastructure and certification of personnel. Moreover, SELECT research suggests a cautious estimate of net benefits to Scotland from proper regulation of electricians would be approximately £58million.

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

By definition, industry recognised and qualified electricians command higher rates of pay. This is rightly so, as Unite would argue that any perceived additional 'costs' are offset by competent, qualified electricians having higher productivity levels and delivering a higher quality of product. Furthermore, registration and protection of title will assist in helping to create a more "level playing field", whereby electrical contractors employing bona fide electricians would be less likely to be undercut by the underqualified and unscrupulous rogue traders, either doing sub-standard work "on the cheap", or as is seen, ripping customers off to the detriment and reputation of the regulated side of the industry. As described in question 1, the investment in electrical apprenticeships is undermined whilst unqualified or underqualified individuals are allowed to persist in calling themselves something they clearly are not.

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?

Slightly positive

Please explain the reasons for your response.

Unite believe that if anything, the professionalisation of the trade through registration and protection of title should make the occupation of electrician more attractive to a diverse array of potential candidates. However, a separate debate on equality and diversity is required across the total construction process. There are for instance woefully low numbers of women in the skilled and manual trades. The industry has initiatives in place in its endeavours to change this longstanding state of affairs, however Unite believe a significant catalyst for addressing such persisting imbalances can be tackled through socially responsible procurement, whereby positive action and meaningful quotas (e.g. gender, ethnicity, disability) around the makeup of candidates are built into tenders and employment and skills plans for contracts and projects by clients, not least with government and public procurement leading by example, creating opportunities for all.

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

To mitigate negative impacts on genuine candidates, including the part-qualified, many of whom aspire to be electricians, regardless of gender or ethnicity, the existing CEC (Crediting Electrotechnical Competence) scheme enables independent and object accreditation to National Occupational Standards (NOS), for those who did not undertake an industry apprenticeship or other recognised equivalent form of training, to have their skills, knowledge, training and experience assessed, accredited and recognised, enabling SJIB grading and ECS registration.

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

Please explain the reasons for your response.

Unite believe that future impacts would be positive. The skills sets of electricians play a key part in the delivery of a low carbon / carbon neutral future, not least through the installation of ever evolving environmental technologies and smart digital infrastructure. The registration and protection of title of electricians will we believe contribute to the importance placed on the occupation, complementing the need and drive for a sustainable skills base.

Furthermore, as touched upon in answer to question 6, costs around rectification of faulty or poorly installed electrical installations and damage to property would we would hope decrease over time, not least for clients and consumers whom when informed and educated on registered electricians, insisted upon those properly qualified and recognised electricians undertaking the works.

General

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

Unite believes that the intention of the Bill will complement moves in the wider UK towards an overarching competency framework regarding Higher Risk Buildings (HRBs), following the devastating Grenfell Tower fire in 2017, including taking into account requirements on skills, safety and competency by the CLC (Construction Leadership Council), HSE, and the CSCS (Construction Skills Certification Scheme) of which the aforementioned SJIB ECS is an affiliated CSCS partner card scheme.

Furthermore, Unite are cognisant that Scotland should not implement a system akin to the controversial Part P of the Building Regulations in England and Wales. Unite caution that commercially motivated calls for Scotland to instead replicate such a system would risk diluting what the proposed Bill is endeavouring to achieve. Unite believe that an approach akin to Part P would be harmful to the trade of Electrician, bona fide professional employers and contractors, apprenticeship intake, the electrical contracting industry, public and private clients, and most importantly the safety of Scottish consumers.

The law in England and Wales under Part P requires that electrical work in homes be notified to the local authority or carried out by a 'competent person', this is an unfortunate legal phrase that has understandably created confusion. The definition of the 'competent person' under Approved Document P (Part P) means the companies that are responsible for carrying out the work, are required to be registered with a UK Government approved self-certification scheme. Of course, companies can be single person entities, but they are not, for example, employees. That system does not guarantee that the individual undertaking the work is an Electrician. However without protection of the title of Electrician, unfortunately such individuals and their employers are able to pass themselves off as such. In their publication "Electrician as a Profession: The Case for Regulation", the SELECT employers' association identified that:

"Over the eight years since England and Wales allowed staff with minimal training (Domestic Installers) into the industry in 2005 under Part P of their Building Regulations to 2014, the number of house fires in London caused by sub-standard work on Distribution Boards increased by 937%." (Source: London Fire Brigade)

Furthermore, SELECT stated that:

"SELECT members do not wish to see these market conditions replicated in Scotland. They wish to see the high skills option of a regulated profession taken in Scotland primarily for safety reasons but also because the problem of the unqualified or under qualified operative is potentially much more manageable at present. That is also seemingly the view and declared aspiration of the Scottish Government who are striving to attract more young people into apprenticeships and to drive up standards. Indeed Fergus Ewing MSP, the then Scottish Government Minister for Business, Energy and Tourism told an international audience in Edinburgh on 11th September 2015 that his government backed the case for Regulation of Electrician as a Profession." (SELECT publication – "Electrician as a Profession: The Case for Regulation", December 2016)

Unite concur with the SELECT employers' comments and concerns, not least when considering the views of our members in England and Wales around the current regime there for domestic electrical installations, and in contrast to Part P, Unite firmly believes, for example in regard to a clients and consumers domestic installations, that relevant work carried out by an electrical contractor, that the Electrician carrying out the practical tasks should be fully qualified to industry standards (not excluding the proper training and experience of an industry registered apprentice / trainee under the close supervision of a fully qualified electrician).

This approach then gives the client / consumer the reassurance that the person carrying out the work is a bona fide, industry recognised, qualified Electrician if they claim that title as their trade, and in turn, importantly that the company whom has undertaken the contract is ensuring the work is carried out safely and to the correct standards and design, with the correct certification, insurances, guarantees and warranties in place to all those relevant regulations and requirements for customer protection to industry and Scottish Building Standards.

The main emphasis of this Bill is around the status of the individual electrician and utilisation of that occupational title. The individual operative and the company are inextricably linked; however, we stress that the electrician and the contractor are also two separate and distinct concepts and should not become conflated and confused. We are simply calling for protection of title of the Electrician and proper registration to be in place.

Unite strongly believe that the protection of title for Electricians will both celebrate and protect the status of which they are rightly proud, and furthermore enhance the business and standing of electrical contractors and companies, whilst making for a safer environment for consumers, clients and the general public.