

Analysis of responses to the consultation on the regulation of electricians

March 2021

Analysis of responses to the consultation on the regulation of electricians

Analysis of responses to the consultation on the regulation of electricians

1. Executive Summary	3
2. Introduction	4
3. Non-statutory approach	5
4. A regulatory approach	6
5. Increasing consumer awareness	11
APPENDIX: Respondent Organisations	13

1. Executive Summary

Currently anyone can call themselves an electrician, without the need for any qualifications or competency. This can lead to customers, especially domestic consumers, hiring unqualified or less competent individuals, resulting in faults that can lead to fire or personal injury, such as electric shocks.

On 23 November 2020 the Scottish Government launched “*A consultation on the regulation of electricians*” to consider whether regulatory measures are required to give greater protection to the public and reduce the level of poor electrical workmanship by a persistent rogue trader element. The consultation also discussed increasing consumer awareness and helping consumers identify or verify competent and qualified electricians.

A total of 100 responses were received. 44 responses were from individuals and 40 from organisations, while the other respondents did not specify.

The vast majority of respondents thought that voluntary measures would not reduce the need for statutory measures, with a common feeling being that voluntary measures do not work. The vast majority of respondents thought that both protection of title and regulation of electrical work were required.

The vast majority of respondents thought that introducing new statutory measures would help in the enforcing of existing legislation and that this would be a sufficient justification in itself for legislation. A small number of respondents did not feel that introducing new statutory measures would help.

A wide range of suggestions were put forward on how to raise standards and increasing consumer protection and awareness.

2. Introduction

Background

Currently anyone can call themselves an electrician, without the need for any qualifications or competency. This can lead to customers, especially domestic consumers, hiring unqualified or less competent individuals, resulting in faults that can lead to fire or personal injury, such as electric shocks.

There are currently voluntary self-regulatory systems in place. Qualified electricians can register with the Scottish Joint Industry Board and there are a number of organisations for electrical businesses or contractors rather than individuals:

Following representations from bodies in the electrical sector and a lack of independent evidence around the issue, the Scottish Government formed the Electricians Working Group to bring the industry together and attempt to build consensus for a way forward. The membership reflected industry, safety and consumer interests.

Although there were a variety of views on how to take specific issues forward, there was unanimous recognition that the system is complex and there is no easy way for a consumer to quickly determine if individual electricians or electrical businesses are competent to carry out required work. It was agreed that the protection of consumers and raising of awareness among consumers was needed.

On 23 November 2020 the Scottish Government launched “*A consultation on the regulation of electricians*” to consider whether regulatory measures are required to give greater protection to the public and reduce the level of poor electrical workmanship by a persistent rogue trader element. The consultation also discussed increasing consumer awareness and helping consumers identify or verify competent and qualified electricians. The consultation closed on 12 February 2021.

Respondent Profile

A total of 100 responses were received, using both the Scottish Government consultation platform Citizen Space and email. Of these, 29 were emails in support of the views submitted by SELECT (5 of those respondents also submitted separate responses to the consultation). 44 responses were from individuals and 40 from organisations while the other respondents did not specify. A list of the organisations responding is given in the Appendix. 46 respondents said they had worked as an electrician.

3. Non-statutory approach

An alternative to legislation would be to pursue voluntary measures to raise standards, give greater protection to the public and reduce the level of poor electrical workmanship by a persistent rogue trader element.

Q1. Are there any changes that could be achieved by voluntary means?

A total of 60 respondents provided commentary in response to this question. The vast majority of respondents thought that voluntary measures would not be effective. Many felt that a voluntary system would not protect the public from dangerous workmanship.

A number of respondents suggested voluntary measures that could be carried out, such as a scheme for legitimate electricians to be registered, a clear definition of who can carry out electrical work, and the role of consumer education and awareness raising.

One organisation said that it fully supports the use of voluntary means to reduce the need for legislation, potential burdens on business, and costly administration and enforcement. Another organisation said that the current voluntary self-regulatory system, whilst not perfect, has key strengths for consumers such as recognising different routes into the profession and requiring an on-going assessment of the competence of electricians. Another organisation said that further voluntary measures could be pursued to improve electrical safety protections for consumers, such as a single register to provide consumers with a “one stop shop” to find qualified and competent electricians locally.

Q2. If voluntary measures are pursued and implemented effectively, would this significantly reduce the need for statutory measures?

A total of 60 respondents provided commentary in response to this question. The vast majority of respondents thought that voluntary measures would not reduce the need for statutory measures, with a common feeling being that voluntary measures do not work.

Many respondents made similar points to the ones they made for question 1. One respondent felt that voluntary measures would be a sensible first step for this sector, while another respondent believed that voluntary measures could potentially reduce the need for statutory measures in some instances but that there would be need for greater governance around this.

4. A regulatory approach

If any new legislation is brought forward by the Scottish Government it needs to be within the legislative competence of the Scottish Parliament and must relate to devolved matters alone. The two areas for possible regulation considered were protection of title for “electrician” and the regulation of electrical work, both of which are likely to be within the powers of the Scottish Parliament.

Q3. Are there any legislative changes apart from protection of title or regulation of electrical work that would have a similar impact that the Scottish Government should explore?

A total of 59 respondents provided commentary in response to this question. Many respondents felt that no other legislative changes would have a similar impact. However, many respondents made suggestions for other legislative changes that could be made. These included:

- work on a building should only be carried out by a qualified electrician, meaning that it should be a criminal offence to carry out work of a specified nature on the electrical supply and services to a building unless qualified to a relevant standard;
- a scheme similar to Gas Safe;
- SJIB gold electricians grade card needs to be given proper legal status akin to the Gas Safe register;
- make membership of a trade organisation compulsory;
- a new single, consumer-focused register, of registered electricians and electrical businesses;
- merchants, suppliers and online retailers could only sell to qualified and competent people.

Q4. What measures would be essential to make protection of title or regulation of electrical work effective?

A total of 60 respondents provided commentary in response to this question. A wide range of suggestions were put forward. These included:

- a register of approved electrical contractors and staff (similar to Gas Safe register);
- a single register based on the existing SJIB model;
- one governing body for the electrical trade;
- having same checks in place as SELECT and NICEIC already use;

- individual practicing electrical work should have served a recognised apprenticeship and be registered with a governing or trade body;
- proper oversight of the regulations;
- some kind of trade mark enforced by trading standards;
- criminal prosecution and specifically appointed watchdog;
- ban all electrical works carried out by the unqualified;
- 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.

Q5. Would both protection of title and regulation of electrical work be required or would only one be necessary?

A total of 59 respondents provided commentary in response to this question. The vast majority of respondents thought that both protection of title and regulation of electrical work were required, with a number noting that both sit together.

A small number of respondents thought that only protection of title was required while a small number of respondents thought that only regulation of electrical work was required.

Q6. Where measures, for example relating to consumer protection, could not be put on a legal footing, would this weaken the effectiveness of introducing regulations?

A total of 57 respondents provided commentary in response to this question. The thoughts of respondents were evenly divided. Some thought that effective legislation on protection of title and regulation of electrical work would be sufficient to provide protection for consumers. One respondent commented that consumer protection measures already exist in UK legislation.

However, other respondents felt that consumers required additional protection to ensure that work would be carried out safely.

Q7. How should “electrician” or “electrical work” be defined in any regulations in order to prevent unnecessary restrictions on workers, reflect the current wide variety of activities and take into account possible future development due to advances in technology?

A total of 59 respondents provided commentary in response to this question. A wide range of suggestions were put forward. In relation to “electrician” these included:

- current SJIB Grade (ECS) cards have various levels of electricians, these should be used to define different electrician activities and competencies;
- qualified and continual training/ refresh;
- a recognised apprenticeship of at least 4 years;
- either City & Guilds, HNC, degree or equivalent electrical training that ensures the person carrying out the electrical work understands the need the need to follow the building regulations;
- something similar to the Gas Safe scheme and have different modules depending on the work arena and type of work persons carry out;
- an operative qualified with a minimum SVQ level 3 in electrical installations, and be up to date with the current version of the IEE wiring regulations and must also be qualified in inspection and testing.

In relation to “electrical work” these included:

- the design, manufacture, sale, distribution, installation, maintenance, repair and renewal of all kinds of electrical installations, equipment and appliances and ancillary activities undertaken and used in domestic and non-domestic buildings;
- any works that fall under the scope of BS 7671.

One respondent thought that this was a complex and huge area of industry and would require detailed analysis from industry bodies.

Q8. How would administration and enforcement of regulations be carried out and financed?

A total of 60 respondents provided commentary in response to this question. A wide range of suggestions were put forward. In relation to finance these included:

- members would pay an annual registration fee and fee per registered employee (similar to Gas Safe etc.);
- by the government;
- the current CSCS and registration scheme for electricians could be extended with additional contributions paid for membership by individuals and companies;
- from court fines for those found guilty of misleading the public.

In relation to enforcement these included:

- HSE/Police Scotland;
- the governing bodies setting up a department that the public can contact if they do not receive the correct documents following electrical works;
- by prosecution – the Procurator Fiscal receiving reports from Trading Standards, the HSE or the police.

Q9. Would introducing new statutory measures help in the enforcing of existing consumer protection and health & safety legislation? If so, would that be a sufficient justification in itself for legislation?

A total of 60 respondents provided commentary in response to this question. The vast majority of respondents thought that introducing new statutory measures would help in the enforcing of existing legislation and that this would be a sufficient justification in itself for legislation. For example, one respondent commented that it would improve standards overall, while another thought that more statutory measures would deter rogue traders from doing electrical work that they are unqualified to do.

Another respondent thought that new statutory measures would have the knock-on effect of improving consumer protection but also would allow consumers to demonstrate in civil courts additional grounds to assist in claiming rectification work or compensation.

A small number of respondents did not feel that introducing new statutory measures would help. For example, one respondent thought it could be counterproductive as driving up costs may encourage consumers to carry out work beyond their skill levels.

Q10. How should any new statutory measures interact with existing regulations?

A total of 57 respondents provided commentary in response to this question. A wide range of suggestions were put forward. These included:

- all statutory work carried out to BS 7671;
- need to tie in with the HASAWA 1974, EAWR 1989, DSEAR, Building Regs etc;
- it should follow a similar model to gas engineers;
- any new statutory measures should not replace or greatly change the existing regulations, they should work in combination with them;
- new statutory measures should be built upon existing regulations for example in terms of building regulations;

- be merged and become one legislation with regular updates through regulation separating domestic from commercial and industrial.

Q11. If regulation is introduced, what should the industry do to support those who will need to upskill to meet the new requirements?

A total of 60 respondents provided commentary in response to this question. A wide range of suggestions were put forward. These included:

- grants should be made available to upskill employees (or money made available from the likes of the new apprenticeship levy etc.);
- investment in further education to allow support of local contractors and workers who wish to upskill;
- industry should provide support schemes for re-training and upskilling;
- there is already a solid framework of training providers and places of further and higher education offering adult vocational qualifications;
- the industry already operates a scheme to assist. The SJIB's Crediting Electrotechnical Competence (CEC) Scheme allows those who hold partial qualifications/and or experience to apply to be graded as an electrician;
- this should be the responsibility of those that need to do it.

5. Increasing consumer awareness

There is agreement that, regardless of whether any regulatory measures are taken, action is needed to help consumers identify or verify competent and qualified electricians. At present there are a number of avenues for consumers to seek help to find competent individual electricians and businesses, but there is no comprehensive database, and there is low recognition among consumers for the databases that do exist.

Q12. What actions will be most effective in raising standards and increasing consumer protection?

A total of 59 respondents provided commentary in response to this question. A wide range of suggestions were put forward. These included:

- advertising campaign highlighting the need to use competent registered electricians;
- consumer education and awareness raising so that consumers are more likely to make well informed choices when having electrical work done in their home;
- identification of a simply understood accreditation;
- public register so people can check if electrician meets appropriate standards and can see if anyone is struck off;
- ensure that all electrical work is certified;
- better enforcement and public prosecution of offenders.

Q13. Are there any actions not listed that are necessary to increase consumer awareness?

A total of 53 respondents provided commentary in response to this question. A wide range of suggestions were put forward. These included:

- advertising campaign;
- database where contractors can keep an online, live, ECS card which should be kept up to date;
- every household should be provided with a leaflet directing how to contact an electrical through a national register;
- a simple and recognisable accreditation such as the Gas Safe scheme;

- the Scottish Government should invest in the initial development stage of regulation by assisting with one-off finance to build the register and its systems;
- engage insurance companies.

Q14. How can any new actions be used to build on and supplement the existing system?

A total of 54 respondents provided commentary in response to this question. A wide range of suggestions were put forward. These included:

- advertising;
- incorporate some form of digital technology to allow the process to be streamlined and monitored easily;
- integrate with Scottish building standards;
- regular industry summits;
- a policy of random, and as far as can reasonably managed, unannounced detailed inspections of electrical installation work by an independent statutory authority;
- better prosecution of rogue traders with imprisonment for repeat offenders.

APPENDIX: Respondent Organisations

A J Morrison Ltd
AKD
Association of Personal Injury Lawyers
AWS Electrical
C Hanlon Ltd
Certsure LLP
Civil Engineering Contractors Association Scotland
Competition and Markets Authority
Derek McGlone Electrical Services
East Ayrshire Council
ECA – Electrical and Engineering Services
Electrical Safety First
Electro Installations (Scotland) Ltd
Gareth Bourhill Consulting
Glasgow City Council
Institution of Engineering & Technology
Invincible.scot Ltd
Joint Industry Board
M&S Contracts Ltd
Makein and McNab
MME Electrical Service Ltd
Moray Council
NAPIT (National Association of Professional Inspectors and Testers)
Perth and Kinross Council
PR Electrics Scotland Ltd
Roger A S Crockett & Partners Ltd
RW Electrical Services
Scottish Joint Industry Board for the Electrical Contracting Industry
SCOTSS (Society of Chief Officers of Trading Standards in Scotland)
Scottish Electrical Charitable Training Trust
SELECT (Electrical Contractors' Association of Scotland)
SNIPEF (Scottish and Northern Ireland Plumbing Employers' Federation)
South Lanarkshire Council - Building Standards Service
SparkSafe Licence to Practise
Supplier Development Programme
Unite the Union
Wardah Electrics Ltd



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2021

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80004-829-4 (web only)

Published by The Scottish Government, March 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS847326 (03/21)

W W W . g o v . s c o t