

PROTECTING CONSUMERS – THE WAY FORWARD

Background

Following representations to the Scottish Government on the need for action to raise standards among the electrical profession, the Electricians Working Group was convened to consider the issue further. While it is agreed that preventing rogue traders is essential, there is consensus that doing so is not straight forward, and that it is difficult to gather evidence on the scale of the problem or the most effective way to tackle it.

In an attempt to expand the available evidence base, the Scottish Government has explored the international context, considered the lessons that can be learned from the gas sector, and sought the views of members of the public.

A short overview of findings is presented below, followed by a summary of measures that could raise standards and questions for consideration. These are intended to stimulate discussion, with the aim that consensus amongst stakeholders can be achieved.

International Context

An exploration of international treatment of electricians as a profession indicates that there is some consensus on the need for regulation. For example, the vast majority of countries in the EU have regulated the profession of electrician, with only Bulgaria, Estonia, the Netherlands, Portugal and the UK reporting that they do not regulate at all.

The differing countries have differing levels of regulation:

- Finland, Poland, Slovakia and Switzerland regulate activity which is linked to the voltage a person works with. People working with higher voltage need to obtain higher qualifications.
- Austria only regulates electricians who are self-employed.
- Germany regulates those who are self-employed with the exception of simple tasks that can be mastered after three months training.
- Ireland does not regulate activities that are minor electrical work which present no danger to the general public. Irish regulations do ensure that electricians complete an assessment every five years to demonstrate that they are suitably competent to operate in line with current standards.

By contrast, in Scotland, England and Wales, the homeowner or landlord is responsible for ensuring the safety of electrical work carried out to the building – in Scotland, this can generally be achieved by employing an electrician registered with an approved scheme, or having the competence of the installer and work checked by a local authority.

A building warrant is needed for new building work, such as new electrical work. There are some types that do not need a warrant but must still meet building regulations (Schedule 3 to Regulation 5 of the Building (Scotland) Regulations

2004). In most cases a building warrant will not be required for work to or in two storey houses, but will be required for flats and maisonettes.

While international evidence is supportive of regulating electricians as a profession, the UK has its own regulatory environment, and there remains a strong preference to ensure consumer choice and reduce unnecessary market barriers. Public attitudes and the experience of gas registration also suggest the picture is complicated, and that legislative or regulatory changes are insufficient to bring change on their own.

Public attitudes

As part of the work to develop an evidence base, a YouGov survey was commissioned in December 2017 to better understand the views of the general public. The full results are provided in the Annex. Key findings were:

- 92% of people asked agreed with the statement that ‘People who carry out electrical work should be independently assessed to ensure they have the skills to do the work safely.’ (3% disagreed)
- 58% of people asked said they would ask friends and family for a recommendation when finding an electrician to carry out work in their home.
- There was low recognition of the two industry bodies operating the Scottish Government Approved Schemes in Scotland with 88% of people asked having not heard of SELECT (the Electrical contractors trade association in Scotland) and 87% of people asked have not heard of Certsure (Trading as NICEIC, and a UKAS accredited Certification Body).

While these are only a snapshot, they highlight that although consumers believe that electricians should be assessed as competent to carry out work, there are some key challenges around consumer attitudes to using registered electricians and awareness of registration bodies. These challenges are also mirrored in research conducted across the UK.

- Stats from Electrical Safety First¹ suggest that a quarter of UK adults do not use registered electricians, and a third of adults have hired an electrician recommended to them without checking their credentials.
- A 2014 survey conducted by Electrical Safety First² showed that 79% of respondents hadn’t heard of Part P of the building regulations in England, which were introduced in 2005 and require that anyone carrying out electrical installation work in a home must make sure that the work is designed and installed to protect people from fire and electric shocks.

Review of Gas Registration

There are some similarities between the gas and electrical sectors, for example the large quantity of domestic work involved; the need to ensure safe working and installation practices; and the role of consumer awareness in ensuring consumers can make the right choices. Therefore, the approach to gas safety can be used to draw lessons for electrical safety.

¹ <https://www.electricalsafetyfirst.org.uk/what-we-do/registered-electricians/>

² <https://www.electricalsafetyfirst.org.uk/what-we-do/policies-and-research/part-p-awareness-survey/>

Following a gas explosion in 1968, which led to the partial collapse of Ronan Point, a tower block in London, CORGI (Council for Registered Gas Installers) was established in 1970 to operate a voluntary register of gas engineers. This was followed in 1991 by a statutory regime, which made registration a legal requirement for gas operatives and businesses. Despite this, there was little change in the number of safety incidents involving gas³ and there were issues relating to prosecution of those who did not follow the legal requirements.

- 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.⁴
- A 2006 review of gas safety provided for the Health and Safety Executive concluded that the most important improvement to public safety could be delivered by implementing a properly resourced, targeted and focused carbon monoxide awareness campaign⁵.

The way forward

While establishing the extent of the problem of unsafe electrical work is difficult, the call for action can be broken down into three main areas:

- anecdotal evidence that there is poor electrical workmanship taking place;
- lack of awareness and willingness among consumers of how to ensure those carrying out electrical work have the competence required; and
- the existence of a persistent rogue trader element that undermines those who play by the rules.

Any action to address these issues must have practical, tangible impacts. It should also be noted that, while imperfect, the current scheme of voluntary regulation has some key strengths. These include:

- trade Bodies, including SELECT and NICEIC, which allow for recognition of both qualifications and competence; ensure members meet required standards to carry out work safely;
- added consumer protection provided through warranty schemes ;
- a robust four year apprenticeship training scheme and Optional Advanced Competence Assessment; and
- a high degree of consumer choice.

It is important that future efforts to improve standards do not lose sight of these strengths. In addition, enhancements to the existing regime must be proportionate and:

³ [Review of Domestic Gas Safety](#), page 5 – report for HSE 2006

⁴ [Review of Domestic Gas Safety](#), page 22 – report for HSE 2006

⁵ [Review of Domestic Gas Safety](#), page 37 – report for HSE 2006

- avoid creating unnecessary barriers for entrants into the electrical profession or placing onerous requirements on electricians or their employers;
- ensure that adequate deterrents to bad practice exist and are enforceable; and
- empower consumers to make good choices.

SELECT has argued that protection of title – which would make it an offence to claim to carry out electrical work if not qualified to use the title of electrician -- is the best means of achieving these goals. SELECT have put forward a proposal for an Overseeing Body, which would help to ensure that those using the title of electrician adhere to appropriate standards. However, as the Scottish Government's own research shows, protection of title alone will be insufficient to bring about the level of behavioural change required, both from individual traders and consumers.

In response to SELECT's proposal, Electrical Safety First and Certsure have highlighted a number of areas they believe would need to be strengthened for protection of title to have a meaningful impact. Some of these likely could not be developed on a legislative basis in the Scottish Parliament, as they would fall outwith devolved competence.

Possible measures based on these discussions and the Scottish Government's research include:

- a) Introduction of protection of title – this could not be achieved without statutory provisions. Preliminary work by the Scottish Government suggests it would be within devolved competence.
- b) Development of a well-resourced and effective enforcement scheme to tackle those trading as an electrician who do not meet the criteria to do so.
- c) Creation of an Oversight Body to enhance the reputation of electricians and protect consumers against unsafe and unsound electrical installations work, for example by acting as a central hub for registration and certification of qualified or competent electricians, and to oversee development of a code of conduct for electricians.
- d) Development of a single, easily identifiable means for consumers to use to determine if an electrician has been assessed as qualified or competent.
- e) Improvements in the enforcement of requirements of the national standard for electrical installation work (BS 7671).
- f) Development of a customer charter, including the need for warranties to cover work completed – further work would be required on this, but a customer charter likely could not be introduced on a statutory basis by the Scottish Parliament, due to consumer protection remaining reserved to UK Government.
- g) Development of a coordinated, well-publicised consumer redress scheme for consumers who experience issues with electrical work carried out by registered or certified electricians – this measure would be subject to the same limitations as above.
- h) Establishment of a regular and coordinated public education campaign on hiring electricians safely, with buy-in from industry bodies and consumer organisations

These proposals give rise to the following points for discussion.

On impact

- (1) Which of these measures does the Working Group believe will be most effective in raising standards and increasing consumer protection? Are there any measures not listed that are necessary?
- (2) How can any new measures be used to build on and supplement the existing system?
- (3) How can we ensure that changes support and protect competent electricians who do not have recognised qualifications?

On voluntary vs statutory measures

- (1) With the exception of protection of title, which of these measures could be achieved by non-statutory measures?
- (2) Is there appetite to pursue these non-statutory measures collaboratively and within reasonable timescales?
- (3) If voluntary measures are pursued and implemented effectively, would this significantly reduce the need for statutory measures?
- (4) Are there any other measures that the Working Group believe could only be achieved through statutory provisions?
- (5) Are there any measures that the Working Group believes could be performed on a voluntary basis but would be ineffective if not placed on a statutory footing? What added value would statutory measures offer?

On protection of title

- (1) What measures do the Working Group believe would be essential to make protection of title effective?
- (2) Where measures, for example relating to consumer protection, couldn't be put on a statutory footing, would this undermine the effectiveness of the system?
- (3) How do the Working Group envisage that administration and enforcement of such a scheme might be financed?
- (4) 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?
- (5) Are there alternative statutory or regulatory changes that would have a similar impact to protection of title that the Scottish Government should explore?

FINDINGS FROM YOUNGOV SURVEY

**Scottish Government
Power to protect the title electrician**



Q1 Which, if any, of the following describe what you would do to find an electrician? (Please select all that apply)

Ask for recommendations from family and/ or friends	58%
Ask a friend and/ or family member who is an electrician themselves to do it	24%
Use an online search facility specifically to find tradesmen (e.g. TrustATrader, Checkatrade, Rated People, Trusted Trader etc.)	24%
Search on the internet (e.g. Google etc.)	19%
Use a list provided by the council/ housing association	11%
Look for an advert in the local press	11%
Search specifically for somebody registered with an industry body	12%
Hired/ supplied by another contractor/ building company	2%
Ask for someone to be provided/ chosen by my landlord	11%
Use the same electrician I have done in the past	36%
Contact someone whose business card I received through my door	2%
Other	4%
Don't know	4%

Q2 Thinking about who you would hire to carry out electrical work in your home..Which ONE, if any, of the following would be the MOST important to you?

That the person has been independently assessed to ensure they are able to carry out the work safely and competently	28%
That the person has a good reputation (e.g. based on online reviews etc.)	29%
That I have a relationship with the person (e.g. friend, family member etc.)	8%

The estimated cost of the work is competitive	12%
The estimated time needed to carry out the work is short	2%
If that the work comes with a guarantee	9%
Other	4%
Don't know	7%

Q3 How confident, if at all, would you be to know how to check that an electrician has been certified as competent to carry out the electrical work you require safely and competently?

Very confident	19%
Fairly confident	41%
Not very confident	24%
Not at all confident	7%
Don't know	9%

Q4 In general, which ONE, if any, of the following statements do you think BEST describes the training/ skills of an electrician?

Electricians are trained to a recognised professional standard and regularly assessed by an independent body to ensure they have the skills to carry out electrical work safely and competently	43%
Electricians have been trained to a recognised professional standard to assure they have the skills to carry out electrical work safely and competently but are not regularly assessed by an independent body	40%
Electricians are not trained to a recognised professional standard or regularly assessed by an independent body, but are willing to perform electrical work	1%
None of these	1%
Don't know	14%

Q5 To what extent, if at all, do you agree or disagree with the following statement? "People who carry out electrical work should be independently assessed to ensure they have the skills to do the work safely"

Strongly agree	64%
Tend to agree	28%
Tend to disagree	2%
Strongly disagree	1%
Don't know	5%

Q6 For the following question, please imagine that additional costs or damages to your home were to arise as a direct result of electrical work that you have paid for...Who, if anyone, do you think is responsible for paying for the costs/ fixing the damages? (Please select all that apply)

My home insurance	13%
The electrician's insurance	69%
Any industry body the electrician is registered with	15%
Me	8%
Other	2%
Don't know	11%
Not applicable - No one is responsible for this	2%

Before taking this survey, have you EVER heard of the following associations?

Q7 Electrical Contractors' Association of Scotland (SELECT)

Yes, I have	12%
No, I haven't	88%

Q7. National Inspection Council for Electrical Installation Contracting (NICEIC)

Yes, I have	13%
No, I haven't	87%

Before taking this survey, how much, if at all, do you know about the following associations?

Electrical Contractors' Association of Scotland (SELECT)

Base: All Scottish adults who have heard of SELECT	130
A lot	10%
A little	36%
Not much	37%
Not much at all	16%
Don't know/ can't recall	1%

National Inspection Council for Electrical Installation Contracting (NICEIC)

Base: All Scottish adults who have heard of NICEIC	140
A lot	9%
A little	40%
Not much	32%
Not much at all	15%
Don't know/ can't recall	3%

Q8 When, if ever, was the last time that you have arranged any electrical work carried out in your home

Within the last 6 months	14%
Longer than 6 months ago, up to a year	10%
Longer than a year ago, up to 2 years	11%
Longer than 2 years ago, up to 3 years	7%
Longer than 3 years ago, up to 4 years	3%
Longer than 4 years ago, up to 5 years	4%
Longer than 5 years	18%
Never	22%
Don't know	11%

Q9 Which, if any, of the following steps did you take to make sure the person had the skills to do the electrical work safely and competently? (Please select all that apply)

Base: All Scottish adults that have had any electrical work carried out in their home in the last 5 years

Asked the person for verbal confirmation	517
Asked the person for proof of their membership of industry bodies	9%
Looked online for reviews of the person	12%
Other	12%
Don't know/ can't recall	29%
Not applicable - I didn't take any particular steps to make sure the person who carried out electrical work had the skills to do the work safely	11%
	32%

Q10 Now thinking about when you had any electrical work carried out in your home in the last 5 years Have you EVER encountered any problems with the quality of the work that was provided?

Base: All Scottish adults that have had any electrical work carried out in their home in the last 5 years

Yes, I have	517
No, I haven't	8%
Don't know/ can't recall	90%
Very confident	2%
Fairly confident	15%
Not very confident	34%
Not at all confident	32%
Don't know	10%
	10%

Q11 Before taking this survey, did you know that if you use a registered/ assessed electrician their work is covered by an independent consumer protection warranty without any extra charge, to repair, replace or refund goods that do not meet the specifications set out in the guarantee?

Yes, I was
No, I wasn't

13%
87%

Q12 To what extent, do you agree or disagree with the following statement? All domestic electrical work should be subject to a building warrant

Strongly agree
Tend to agree
Tend to disagree
Strongly disagree
Don't know

16%
27%
24%
9%
24%