



October 2005

Amicus comments to the ODPM: Problems regarding the implementation of Part P of the Building Regulations

Amicus welcomes the overriding principle of *Part P* of the *Building Regulations* for England and Wales, and fully support the drive for increased electrical safety in the home. Faulty electrics have resulted in over 2000 fires, caused 19 deaths, 750 serious injuries and over 2,000 non-fatal electric shock accidents each year, until January 1st 2005 electrical installations in the home were not subject to statutory *Building Regulations*, so employing bona fide competent electricians, and electrical contractors like ECA members and NICEIC approved contractors for electrical installation work was down to the common sense of the homeowner.

However, since the regulations came into force a large number of our union's members have expressed concerns regarding *Part P*. This document seeks to outline to the ODPM those concerns and how we can progress to see *Part P* become a success.

January 2005 meeting at the ODPM

On 27th January 2005, Amicus attended a meeting we had requested at the ODPM with senior civil servants Mr Ian Drummond and Mr Paul Overall regarding *Part P* of the *Building Regulations*. At the union's request, colleagues from the ECA (Electrical Contractors Association) and the JIB (Joint Industry Board for the Electrical Contracting Industry) were also in attendance.

The reason for the meeting in January was primarily to discuss how a link could be established between *Part P*, which covers England and Wales, and the ECS (Electrotechnical Certification Scheme). The ECS is the only comprehensive register of fully qualified electricians in the UK. The JIB administers registration and certification on behalf of the constituent parties being Amicus and ECA for England, Wales and Northern Ireland.

For information, in Scotland the SJIB (Scottish Joint Industry Board for the Electrical Contracting Industry) administers the scheme for Amicus and SELECT the Scottish Electrical Contractors Association. The scheme is open to all electrical workers and firms across UK industry and has become the passport to work for electricians on UK construction sites.

Historical Background to the industry and self regulation

The Electrical Trades Union (ETU) was established in 1888, and through the process of amalgamation into the EETPU, AEEU and now Amicus, remains an integral part of our structure and heritage. Amicus represents hundreds of thousands of members in

the electrical, mechanical and engineering fields, and is the trade union for electricians in the UK.

The ECA was formed in 1901 and is the premier electrical trade association in England, Wales and Northern Ireland, pursuing policies of quality, best practice and the furtherance of the industry for its members and the public good. In 1968 these joint parties formed the JIB. Its purpose is to stimulate and further the improvement and progress of the Industry for employers and employees, and, in particular, in the public interest.

Establishing and developing the level of skill and proficiency of individual electricians is of primary importance to the Board. The JIB determines the training schemes for the industry and currently has registered over 12,000 apprentice electricians undertaking the JIB apprenticeship scheme.

In 1991 the parties set up our joint charitable training arm JTL (Joint Training Limited), this has been a massive success and currently delivers over 80 per cent of successful electricians completed JIB apprenticeships in England and Wales to NVQ Level 3 advanced craftsperson status. In Scotland and Northern Ireland the joint trusts SECTT and ETT further lead the way in delivering the SJIB and JIB apprenticeship schemes.

The aim of the Board is, therefore, far reaching in seeking to generally improve the Industry, its status, skills, training and productivity in the interests of the Employer, the Employees and the nation. It goes far beyond a normal Industrial Agreement, and the parties to the Board seek at all times to develop a common approach to all the problems, which are encountered not only in their own interests but in the public interest as well.

In 1977 the ECA and the union (then EETPU) developed '*The case for compulsory qualitative registration of electrical contractors and operatives*', which would have seen a system of licensing introduced for electricians in the UK, going way beyond the requirements of *Part P* today. Unfortunately this fell when the 1979 Conservative Government came to power on a platform of deregulation. With this in mind the JIB carried on with its own voluntary register, which had been in effect since 1968.

The Electrotechnical Certification Scheme (ECS)

The aforementioned voluntary register developed into the 'UK Register of Electricians', and subsequently the ECS – Electrotechnical Certification Scheme. Such is the pedigree and quality of this scheme which operates on a basis of best standards and best practice, and is not commercially motivated, that the scheme now has over 70,000 electrical operatives with valid cards in England, Wales and Northern Ireland.

A further 30,000 valid current cards are held by Scottish operatives via the SJIB, many of whom live and work south of the border.

The product of nearly 40 years of industry development, the ECS scheme records and establishes an electrician's exact level of qualifications and training, recording everything from details of their apprenticeship through to inspection and testing, and more specialist bolt on qualifications. For added security and convenience this data is further incorporated into one smart card with a passport photograph, and in addition shows competence in Health & Safety, and is affiliated to the Government backed CSCS (Construction Skills Certification Scheme) card scheme. The card distinguishes an operative's exact occupational standards and criteria, for instance showing that they are a competent Installation Electrician and / or Maintenance Electrician etc, as defined by SummitSkills the sector skills council for the

Electrotechnical sector, and meeting relevant British and European standards. It further incorporates their grading award, for example an Approved Electrician.

DSA and LABC

In the interest of public safety and the pursuit of best standards, the JIB has supplied the ECS register, continuously electronically updated, to the DSA (District Surveyors Association) at LABC (Local Authority Building Control). This is so that LABC can check the qualifications of an electrician carrying out work within scope to *Part P*.

'Competent Person' Self Certification Schemes

However, at the same time a number of 'competent person' self-certification schemes are in operation, some of which are catering for the lowest common denominator and are increasingly commercially motivated. We now find ourselves in the dangerous and nonsensical situation where a time served Approved Electrician has to notify Building Control, if for instance, they were installing a new socket in their own kitchen, whilst an unqualified operative is given kudos under the banner of a 'competent person' scheme. We are not arguing against notification, it is a fundamental principle of the regulations, which aim to cut down on the number of electrical fires, deaths and injuries in the home. With this in mind regulation is long overdue. However, Amicus members are reporting to us that on average these building control fees are averaging at around £135. Preposterously it would be cheaper for the same fully qualified electrician to engage an electrical contractor to carry out the aforementioned work for them instead!

This illogical situation is further complicated by the so called 'competent person' schemes, where a part trained (or untrained) *Part P* listed kitchen fitter has the right to self certify electrical work in domestic premises, thus circumventing the notification process that an ordinary qualified electrician has to go through. In many instances we believe this scenario deprives the householder / consumer of getting the best possible and safest job done by a competent electrician. Furthermore, and understandably, qualified electricians have taken great offence to this scenario where their expertise has gone unrecognised. We have fielded thousands of enquires from members expressing concern at the way *Part P* is currently operated. Furthermore, we are aware that the JIB, ECA and yourselves at the ODPM have also fielded thousands of such enquiries from irritated electricians.

Qualified Electricians have not been given the credit they deserve

The majority of electricians in the UK are employees. Many of these highly skilled people obviously undertake domestic electrical work in their own homes and those of their families. Amicus always advises our electrician members to have public liability insurance and to record any profit making 'private jobs' with the Inland Revenue. We now further advise them to notify Building Control of any in-scope work being carried out. For obvious reasons, the overwhelming majority are upset that no credit is given for their hard won qualifications, and when they present their completed test certificates to the local authority are still subject to the same fee as an incompetent 'DIY enthusiast' who has visited the local DIY shed on a Sunday morning.

Many of our members have reported to us that they have contacted the 'competent person' schemes and have been inaccurately advised to enrol and pay the associated scheme subscription fees. We advise our members who are not operating commercially that electricians do not have to join a 'competent person' self-certification scheme. Of course, we also advise that it makes sense for firms, and

sole traders whom undertake a lot of domestic work for customers to join such schemes to cut down on paperwork and local authority inspections whilst still proving compliance with the *Building Regulations*. However, a qualified electrician, who is for instance an employee, and occasionally undertakes in-scope work in their spare time (particularly on their own property) simply needs to notify the in-scope work to their Local Authority Building Control department. For such an electrician to join one of the self-certification schemes would be costly and completely unnecessary.

Solutions to the problems encountered with *Part P*

Our objective is for the creation of a 'middle way' for qualified electricians. This is primarily to address concerns by our electrical members surrounding the carrying out of electrical installation work in their own home and for their families. As previously described, since November 2004 we have been deluged with calls of complaint from our members, who rightly feel that credit has not been given to their established skills under *Part P*, credit which we believe should fundamentally be given by the Government in recognition of their expertise.

This 'middle way' would mean that ECS registered electricians can be checked for skills accreditation by their local authority building control, via the secure JIB/ECS database, when for example they are carrying out work in their own home or that of a family member etc. Once the local authority had confirmed the status of the ECS registered electrician, the notification process would then be a lot more realistic, and the work carried out to 'the satisfaction of the local authority'.

We are arguing that the notification should be a lot more pragmatic for ECS cardholders, particularly when compared to a similar notification from an incompetent 'DIYer'. In this scenario, we would also be looking to establish significantly reduced building control fees for ECS registered electricians.

Furthermore the ECS can be used by the DSA to establish those undertaking the role of 'Qualified Supervisors' at electrical contractors are suitably qualified for the task, and that the self-certification scheme operators are adequately monitoring the credentials of those who sign off work in their enrolled firms.

The ECS endorses Qualified Supervisors with ECA member firms, and furthermore with contractors enrolled with the NICEIC, the consumer protection body for the electrical contracting industry.

As the union for electrical trades, our prime objectives include the protection of skills, development of apprenticeships and excellence in safety. To refer to the many of the self-certification scheme subscribers and the schemes themselves as 'competent person schemes' ('competent person' being a confusing and unfortunate legal phrase for a firm within the scope of *Part P*, of course the term firm can mean a single person entity, but it is not for example an individual employee) is in our view completely misleading. Furthermore, your new television advertisement refers to 'Registered Electricians'. The advertisement is very good, and we trust you are using this terminology in its correct sense as laid down by the sector skills council SummitSkills and the JIB.

The current format of *Part P* does not produce a situation where a register of competent individuals is required. It is an individual (and as described, one who is not necessarily adequately qualified) who is linked with a company that not necessarily has a track record of electrical installation.

What is needed is a register of competent electrical persons, and the ECS precisely fits such a scenario, and will go a long way to settle down the hiatus *Part P* has created, and will ultimately contribute to *Part P* becoming a success.

Competent Persons Forum

The drive towards increased electrical safety in the home must succeed. Following our meeting in January at the ODPM, it was decided at that meeting that the next step should be for the JIB to attend the *Part P* Competent Persons Forum.

Unfortunately, the forum did not share the views expressed within this document regarding the ECS scheme. We believe that this is because they see the ECS as a commercial threat to their annual fee based self-certification schemes, which are marketed to all and sundry.

Addressing the issues

We hope that agreement on the ECS can be reached before the introduction of the proposed Home Information Pack, via further discussions between Amicus, ECA, JIB and the ODPM.

Baring in mind that the ECS is very likely to form part of overall contract compliance with Government procurement practices being developed by the DTI, it is our hopes expectation that the ECS can be given the credit it is due under the scope of *Part P*, increasing electrical safety in the home and giving qualified electricians the recognition they deserve.

In normal circumstances Amicus would fully welcome regulations that intend to enhance safety, and with faulty electrical installations resulting in 19 deaths and over 2,000 non-fatal electric shock accidents in the home each year Government intervention was long overdue.

Unfortunately we believe *Part P* in its current form does not adequately address the situation. The new regulations will not stop the cowboys and incompetents from carrying out sub-standard electrical work in people's homes. As it stands rogue traders will continue operating within an ambiguous framework that does not guarantee competency to the consumer. In stark contrast, our electrician members are fully qualified and time served. **Their level of competence is by far over and above the standards required by *Part P*.** They undertake work in the total Electrotechnical process, working on everything from house rewires to commissioning a power station.

It is our view and concern that if the issues described in this document are not addressed, individuals will seek to circumvent *Part P*, and therefore the Regulations will not have the maximum impact intended on improving electrical safety in the home.

We look forward to working with the ODPM, other Government departments and key stakeholders in the industry to address the issues and concerns raised in this document, and further develop the built environment and electrical safety in England and Wales.

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