Dear Clive

Thank you for giving me the opportunity to put my views across to the Committee on 9 July. I am grateful to the Committee for its ongoing commitment to the very important issue of electrical safety and for continuing to challenge the Department to ensure the robustness of our work.

I think it is fair to say that the recent introduction of a common register supported by all the scheme providers is a significant step forward and one which might well not have happened without the interventions from the Committee.

I promised to provide a further note to the Committee addressing and clarifying a number of points raised during the session.

**Chris Williamson asked me to reflect on how those who do not have access to the internet would be able to find information now held on the common website used to find a competent electrical person (Q240 in the transcript).**

I expect that electricians will continue to advertise their services in local directories and local newspapers. If registered with a competent person scheme they regularly highlight this fact, and the common mark will go a long way to avoid any confusion.

The Department requires scheme operators to promote their schemes to customers and we are aware that some, including the main Part P scheme operators, place advertorials in local newspapers about the benefits of using registered installers. These are accompanied by small ads from the registered installers in the area in which the local newspaper is circulated.

Electrical Safety First wrote to the Committee on 6 May to inform them of their PR campaigns for increasing public awareness. Promotion is not only through their website but also through appearances on TV and radio consumer programmes.
You have asked how it is possible to check that work is done correctly where the wiring is buried under plaster (Q243 in the transcript).

Inspection and supervision will always, to some extent, be risk-based – i.e. dependent on the knowledge the Supervisor has of the competence of the person doing the electrical work. Where cables have been covered over, it is possible to lift accessories like light switches and plug sockets away from the wall to check that cables are of the correct size and, perhaps with the aid of a metal detector, follow the correct routes. Testing of electrical circuits can also identify faults that are otherwise invisible.

Simon Danczuk asked where liability lies when electrical work is certified as compliant with Part P but is found subsequently not to be (Q247 in the transcript).

Liability for compliance with Building Regulations rests with the person responsible for the work. Notwithstanding the specific provisions relating to building regulations, negligence by any person that presents harm or a risk of harm to others carries serious penalties.

Simon Danczuk asked what the Government has done in response to the view of the Coroner in the inquest into the death of Emma Shaw that the certifier should be personally liable and whether the Government accepts his view (Q253 in the transcript).

Following the inquest, the Government received a copy of the ‘Rule 43’ letter sent by the coroner to the NICEIC (now part of Cetsure). At the request of the coroner, the NICEIC wrote to the qualified supervisors of all 26,000 of its registered firms to remind them of their personal responsibility for the completeness and accuracy of the Electrical Installation Certificates signed by them and issued on behalf of their firm.

David Heyes asked how many of the Qualified Supervisors who became Qualified Supervisors before the recent changes have the qualifications they would need as new entrants now (Q257 in the transcript).

I think there was some misunderstanding, on my part, as to what David was asking. Clearly, the scheme providers will be able to confirm the number of individuals registered as Qualified Supervisors. However as explained in my letter to the Committee of 29th January 2014 (attached at Annex A), scheme operators were unable to provide information regarding the number of individuals registered as Qualified Supervisors with or without specific qualifications.

All Qualified Supervisors must have the requisite level of competence. However, there are five routes to demonstrating competence, which can include taking account of experience in lieu of qualifications. The information David requested could only be found by a systematic manual review of each and every personal file.

David Heyes also asked for more information on the work which the Building Regulations Advisory Committee is doing on ratios, including the terms of reference and when the outcome is due to be delivered to the Department (Q260-261 in the transcript).

We very much recognise the Committee’s concerns that Qualified Supervisors should not be responsible for so many jobs that they do not have time properly to supervise them. We have discussed this with industry and have decided to commission an independent review of the
guidance on Qualified Supervisors. The work will be overseen by a steering panel made up of industry experts and members of the Building Regulations Advisory Committee.

I am providing the Terms of Reference for the review at Annex B, the final version of which we will agree with the Building Regulations Advisory Committee.

David Heyes asked whether the review into the operation of Part P and its conclusions would be supplied to the Committee in February 2015 (Q265 in the transcript).

As we said in our response to the Committee¹, there may be issues with the availability of some of the statistics we would like to include in the review. However, my Department will use its best endeavours to ensure you receive as complete a response as possible by February 2015.

Bob Blackman asked me to provide the terms of reference of the review of the impacts of the changes to Part P, specifically to confirm whether the terms would include examination of the level of compliance, compliance by electricians who are suitably qualified, compliance by supervisors certifying the work and that the system is operating effectively (Q290-293 in the transcript).

We said in our response to the Committee² that the impact assessment published to accompany the 2013 changes to Part P included an analysis of how any changes to the numbers of electrical accidents or fires arising from faulty electrical installations might be ascribed to the introduction of Part P in 2005.

What we intend to do is to update that analysis with the most recent information on accidents and fires. Information, based on routine six-monthly monitoring, will also cover:

- The number of domestic electrical jobs now being notified;
- The number of installers registered with competent person schemes for electrical work; and
- The number of certifiers registered with third-party schemes and the number of domestic electrical installations they have checked. Given that these schemes have only been authorised since April 2014, conclusions which can be drawn will necessarily be limited.

Bob Blackman asked when the secondary legislation increasing fines will come into operation (Q307 in the transcript).

The provision removing the cap on maximum fines of £5,000 is set out in primary legislation (s.85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012), although not yet commenced. Commencement of this provision needs to be accompanied by regulations disapplying the provision in specified cases in order to ensure that the change will not lead to anomalies, inconsistencies, etc. This could be carried out by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Disapplication of Section 85(1), Fines Expressed as Proportions and Consequential Amendments) Regulations 2014.

¹ Government response to the Communities and Local Government Select Committee Report: Building Regulations certification of domestic electrical work, paragraph 8, page 2.
² Government response to the Communities and Local Government Select Committee Report: Building Regulations certification of domestic electrical work, paragraph 5, page 2.
The draft regulations were laid before Parliament on 9 June 2014 and are subject to affirmative resolution procedure. They are listed here: http://www.publications.parliament.uk/pa/cm/cmslist/section-e.htm#e-1

The draft regulations have not been debated yet. As the Committee will be aware the timetable for Statutory Instruments that are subject to affirmative resolution is dependent on the availability of Parliamentary time and the approval of both Houses. As such, the Ministry of Justice were unable to give DCLG firm dates for when or if the Statutory Instrument will get through the Parliamentary process and come into force.

Bob Blackman asked me how many prosecutions there have been in the last year under the current legislation (Q315 in the transcript).

The Government does not keep records of local authority prosecutions centrally. However I do think the committee raised an important concern about the risk that local authorities may be discouraged from taking enforcement action if they are not confident that they will recover all the associated costs.

While I do not consider that there is a case for treating the electrical safety aspects of the Building Regulations differently from other local authority enforcement, I do think this question is worthy of some investigation. To this end I will ask my officials to raise the matter with Paul Everall, Chief Executive of Local Authority Building Control and seek advice from their colleagues in the Ministry of Justice. I will, of course, report back to the committee on what they find.

Best wishes,

STEPHEN WILLIAMS MP
Dear Clive

Thank you for giving me the opportunity to present DCLG evidence in front of the Committee on 20 February. I promised to provide a note to the Committee with additional evidence and clarify a number of points raised during the session.

You asked me to confirm what we intend to publish in June 2014 as regards to “findings of the CPS review against conditions of authorisation” (Q168 and Q170 in the transcript).

Competent Person Scheme operators have until June 2014 to meet in full the revised conditions of authorisation that we issued on 6 June 2012. This is being independently checked for us by the UK Accreditation Service (UKAS). We will report to the Committee on the results of the UKAS assessment of the Competent Person Scheme operators as soon as possible after we have received those results.

Bob Blackman asked about the number of Qualified Supervisors who took advantage of grandfather rights when re-joining Competent Person Schemes but who do not have the minimum qualifications (Q199 in the transcript).

Systems of training and qualification change over time and Qualified Supervisors are often people who have worked in the industry for some time. We have asked the scheme providers if they were able to advise on the number of individuals registered as Qualified Supervisors who do not have the specific paper qualifications that were specified in April 2013 for new entrants. The scheme providers were unable to provide this information; they felt that this is likely to be a significant proportion but pointed out that all Qualified Supervisors will have equivalent competences.

Under the conditions of authorisation, scheme operators must also arrange for the competences of registered installers to be updated where there are changes to Building Regulations or other standards. Vocational qualifications are not, in themselves, the full evidence of competence needed to carry out a specific task. Scheme providers assess the
competence of qualified supervisors against an industry standard of competence also considering experience and on-site inspections of work.

I also took note of the Committee's concerns about the Qualified Supervisor approach, where their specific duties lie and the ratio of supervisors to workers. The answers to these questions are to some extent covered or implied in the industry standard "Electrotechnical Assessment Specification". However, as discussed with the Committee we will be reviewing the impacts of the changes introduced to Part P last year and will report to the Committee in spring 2015. As part of that work we will look at the issues raised by the Committee with regards to Qualified Supervisors.

There are also three further points, where I would like to correct the record in the interest of factual correctness.

In response to your question (Q151 in the transcript), I quoted some figures provided to the Department by one of the Competent Person Scheme operators, Certsure. These figures were in fact taken from statistical data for the calendar year 2013.

In response to Heather Wheeler (Q167 in the transcript), Mr Ledsome stated that rules on third-party certification are already on the statute book. To be precise, the arrangements for third-party certification are referenced in the Approved Document P. When any scheme operators are authorised, we will name them in the Building Regulations.

In response to James Morris (Q212 in the transcript), I quoted number 47 as the most recent statistical data available for the number of deaths resulting from faulty electrical work. This estimate was taken from the Part P Impact Assessment for fatalities considered to be related to installations covered by Part P, as a baseline for determining its impact.

Best wishes,

STEPHEN WILLIAMS MP
Review of the qualified supervisor model for assuring the quality and safety of electrical installation work: Terms of reference

- Carry out a review of the rules, procedures and guidance in relevant DCLG and industry documents covering supervision of electrical installation work in dwellings by the qualified supervisors of firms registered with Part P competent person schemes.
- Gather independent evidence both empirically through audits of electrical installation projects, and from discussions with all levels of the industry.
- Determine the level and adequacy of supervision of electrical installation work in dwellings by the qualified supervisors of firms registered with Part P competent person schemes.
- To identify potential changes, to the qualified supervisor regime that could lead to improvements in the safety and quality of electrical work carried out in all types of dwelling.