

MEMORANDUM TO COMMUNITIES AND LOCAL GOVERNMENT SELECT COMMITTEE ON PART P OF BUILDING REGULATIONS

Introduction

1. In April 2013 we amended Part P of the Building Regulations to:
 - reduce the amount of minor domestic electrical installation work that was notifiable – that is, that had to be checked and certified by a building control body (usually the local authority), unless self-certified by an installer registered with a Part P competent person scheme
 - allow suitably qualified electrical inspectors registered with new third-party certification schemes to certify notifiable work so that non-registered installers would have the option of going directly to a registered certifier to get work certified, rather than having to go through the local authority.
2. The Communities and Local Government Select Committee published a report in March 2014¹ following its inquiry into this part of the Building Regulations in the 2013-14 Session. The Government response published in May 2014² said that the Government intended to:
 - a. update the analysis in the impact assessment that was published to accompany the 2013 changes to Part P;
 - b. report on the outcome of discussions with industry on the arrangements for qualified supervisors;
 - c. report on the results of any further consumer awareness surveys that are available;
 - d. inform the Committee of any general lessons to be drawn from the process of assessing competent person schemes.

This memorandum sets out the Government response on these four points.

a. Update the analysis in the impact assessment that was published to accompany the 2013 changes to Part P (paragraphs 5 – 8 of the Government response)

3. To determine the impact of the 2013 changes on electrical safety, we are monitoring and updating the electrical accident statistics presented in the 2012 Part P Impact Assessment. We are also monitoring the numbers registered with Part P competent person schemes to see if the 2013 changes will reduce the incentive for installers to register.
4. The statistics available to us at the time of writing cover:
 - electric shock fatalities to 2013 published by the Office for National Statistics
 - electric shock attendances at accident and emergency units and admissions to hospital to 2012/13 published by Hospital Episode Statistics

¹ *Building Regulations certification of domestic electrical work*, 7th report of Session 2013-14, March 2014 (HC906) <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmcomloc/906/906.pdf>

² *Government response to the CLG Select Committee's report Building Regulations Certification of Domestic Electrical Work*, May 2014 (Cm 8853) <https://www.gov.uk/government/publications/building-regulations-certification-of-domestic-electrical-work-government-response-to-the-select-committees-report>

- electrical fires to 2013/14 published by the Department's Fire, Resilience and Emergencies Directorate
- competent person scheme registrations and notifications, and also now third-party certification scheme registrations, to December 2014 as reported by scheme operators.

5. The electrical accident statistics generally show a continuing decline – certainly no increase – in accidents in the home associated with the electrical installation. It is too soon to say what impact the 2013 changes to Part P may have had on electrical safety, but we will continue to monitor the accident statistics.

6. The statistics for competent person schemes show that the number of electrical firms registered with full scope Part P schemes may be levelling off at 42,000, although again it is too soon to be sure. Certainly there has been no significant decrease in the number of notifications by registered firms. If the numbers registered are levelling off, there may be reasons other than the 2013 changes to Part P, in particular the raising of the entry requirements for registration.

7. The smaller number of firms registered with defined scope Part P schemes has halved since 2009. The decline has continued since the 2013 changes to Part P so that now the schemes have only 500 members. The main change has been the two thirds drop in notifications since 2013 (to just over 10,000 in the six months to September 2014, compared with 550,000 for full scope schemes). This is an expected result of reducing the amount of minor domestic work that is notifiable.

8. Two third-party certification schemes have been authorised by the Department, but have only just started operating and the scheme operators have not yet certified any work, although one does now have 290 members. The intention is that the schemes will cut red tape and costs for non-registered installers. We do not anticipate that there will be any impact on the number of firms registered with the full scope competent person schemes but we will continue to monitor the statistics.

9. A more detailed report is attached at Annex A.

b. Report on the outcome of discussions with industry on the arrangements for qualified supervisors (paragraphs 9 & 24 of the Government response)

10. The Department has let a contract to EC Harris to investigate the effectiveness of the quality assurance procedures adopted by firms registered with Part P competent person schemes. These procedures are based on the electrical industry's traditional qualified supervisor model. A steering group has been set up to support the consultants, chaired by a member of the Building Regulations Advisory Committee and comprising other members of the committee and industry representatives.

11. The consultants' initial findings on how the qualified supervisor model currently works in practice, as against the expectations set out in the Institution of Engineering and Technology's Electrotechnical Assessment Specification³ (October 2012), and suggestions for improvements are as follows:

³ <http://electrical.theiet.org/building-regulations/eas/index.cfm>

Qualified supervisor model: theory versus practice

Key findings	Suggestions
The term 'adequate' is insufficient in fully describing the extent of skill and knowledge a qualified supervisor requires.	Improve clarity of what is meant by 'adequate' through the creation of a mutually agreed competent person scheme framework.
Qualified supervisors sign off unrealistic caseload numbers, raising questions about the proficiency of checks.	Limit the number of cases a qualified supervisor can sign off.
Higher minimum education requirement needed for qualified supervisors to further enhance and clarify a qualified supervisor's status.	Ensure qualified supervisors have level 3 qualification in electrical installation to provide assurances of technical ability.

12. Fieldwork will be conducted between now and April to validate these findings and a cost-benefit analysis undertaken of the options that the consultants have identified for enhancing the qualified supervisor model:

- Introduce a qualified inspector role. All Part P inspections should be undertaken only by a qualified inspector, as often happens when local authorities take responsibility for certifying electrical work.
- Introduce a qualified installer role. All electrical installers should be qualified to Level 3 skills.
- Introduce an electrical installer licence, and a grading system for operatives undertaking different levels of electrical works.
- Clarify and specify in detail the expected roles of qualified supervisors and operatives, by expanding the Electrotechnical Assessment Specification. Set out a risk-based approach for ensuring adequate supervision based on installer experience, qualifications and the complexity of the work. For medium and high risk work, the supervisor should be a qualified inspector as in the first proposal above.

The consultants also identified two other related proposals on improved enforcement and greater public awareness of Part P. Their final report will be made available for the new Administration to take forward.

13. Separately, the management committee for the Electrotechnical Assessment Specification discussed the Select Committee's concerns on qualified supervisors at its meeting in December 2014. The management committee decided that the Specification's responsibilities on qualified supervisors should be supplemented by more detailed guidance on how they should carry out these responsibilities. It has therefore established a sub-committee to prepare a guidance document which will look at the role of qualified supervisors in one and two person organisations as compared to larger firms and what duties should be carried out both within the office and on site in different circumstances. The Government welcomes this initiative by industry.

c. Report on the results of any further consumer awareness surveys that are available (paragraph 9 of the Government response)

14. Electrical Safety First published in mid February the results of a consumer awareness survey that they conducted in November which can be found at <http://www.electricalsafetyfirst.org.uk/news-and-campaigns/policies-and-research/part-p-awareness-survey/> They record a 20% awareness of Part P, a six percentage point increase from the previous survey.

d. Inform the Committee of any general lessons to be drawn from the process of assessing competent person schemes (paragraph 17 of the Government response)

15. We require scheme operators to be accredited by UKAS (the UK Accreditation Service) as certification bodies. They then certify their scheme members as meeting their scheme rules and the revised conditions of authorisation which we issued in June 2012. The conditions are designed to ensure that schemes are well run and that scheme members are competent to self-certify their work as being compliant with Building Regulations. This assessment process is complicated but one designed to raise standards and ensure they are met consistently. Scheme operators were given two years from June 2012 to comply fully with the requirements.

16. We have received a report from UKAS on lessons learnt in the course of assessing competent person scheme operators over the last two years (attached at Annex B). The report includes five recommendations for the Department about ways in which the conditions of authorisation and associated documentation could be clarified and consolidated, to make schemes more effective and to improve the assessment process. We think their proposals are sensible, with minor reservations only.

17. The overarching conclusion that we have drawn both from the UKAS report and from feedback from scheme operators is that the assessment process is working reasonably well although more could be done to achieve the desired outcomes more cost effectively.

18. UKAS's recommendations and the Government responses to them are as follows:

Recommendation 1: It is recommended that the publication entitled *Minimum Competence Requirements for Work Undertaken Through Competent Person Schemes Approved Under Schedule 3 of the Building Regulations (England and Wales)*⁴, which is called the front section is reviewed, revised and maintained.

➤ Government response – Accept

Recommendation 2: It is recommended that the Department's conditions of authorisation are amended to refer to ISO / IEC 17065 as appropriate, the notes provided in the right hand column of the conditions of authorisation are reviewed to remove any ambiguity about the status of the notes and those additional clarifications provided by the Department that are included in the UKAS publication CIS 7 are incorporated into the conditions as notes in the right hand column.

➤ Government response – Accept

⁴https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291988/140313_mtc_front_section_-_march_2014_.pdf

Recommendation 3: It is recommended that the ‘front section’ document and the conditions of authorisation are consolidated into a single document and the structure and hierarchy of scheme rules are clearly specified in a consolidated document. In addition, it is recommended that the Welsh Government replicates the consolidated document produced by the Department or produce a separate document using the same principles recommended here.

- Government response – Accept that we should look at greater consolidation although there is a risk of turning the conditions into an unwieldy document. At the least, the ‘front section’ should be referenced in the conditions. Currently condition 12 simply refers to the annexes to the ‘front section’ which set out the minimum technical competence assessment procedures for each sector.

Recommendation 4: It is recommended that the ‘front section’ document is amended so that it specifies that all those who are directly involved in all types of installation work are able to demonstrate competence (not necessarily by compliance with the minimum technical competences) for those tasks allocated to them. Individual scheme rules could be adapted to set out the competence requirements for those not assessed against the minimum technical competences and to specify the extent of involvement of the supervisors as appropriate to the type of work where work is performed directly on installations by those not assessed against the minimum technical competences.

- Government response – This recommendation is of particular relevance to the Select Committee’s inquiry. We suggest and UKAS agree that this concern could be addressed by adding a sentence at the end of para 2.5 of the “front section” as follows (proposed new wording in italics):

“It is recognised that competent individuals may be supported by other individuals who do not meet the criteria (such as labourers, fitters mates, apprentices or other specialists) in which case the competent individuals shall be assessed to ensure they recognise that they have the responsibility for the safety and compliance of the work with the Building Regulations and shall have sufficient involvement in the work that they are able to ensure this. *In particular, the competent individuals will need to ensure through appropriate and adequate instruction and supervision that these other individuals do their share of the work in compliance with the Building Regulations.*”

This additional wording will enable UKAS to require that schemes ensure that those individuals not subject to minimum technical competence assessments are nonetheless adequately instructed and supervised.

Recommendation 5: It is recommended that the notes to condition 12 are clarified so that it is clear if it is mandatory for competent person schemes to apply a risk based approach or if the scheme operators have the option not to adopt a risk based approach if they chose to do so.

- Government response – Accept

19. We also asked scheme operators for informal feedback on their experience of working under our revised conditions of authorisation including UKAS accreditation under condition 1. Some raised concerns about the impact of UKAS accreditation, including the costs involved. We passed these comments on to UKAS who have now put processes in place to ensure that, wherever possible, assessments for similar types of work (e.g. Green Deal and competent person schemes) are undertaken as a single assessment by a sole technical assessor. This should help to reduce the time and cost involved. Further opportunities for smarter working may present themselves as UKAS moves from the initial assessments of competent person schemes to the annual surveillance and reassessments required for the maintenance of accreditation. This may be through following up on another round of feedback from scheme operators or through other mechanisms for process improvement.

20. Scheme operators also provided feedback on other conditions, including the cost implications of assessing members' competence and checking on their work and the requirements to provide financial protection to put work to dwellings right where it has been found to be non-compliant with Building Regulations but the installers have gone out of business. They also made some positive suggestions about ways in which the conditions could be clarified.

21. In light of the feedback both from UKAS and from scheme operators the Department intends to review the conditions of authorisation and associated documentation to improve clarity, consolidate requirements and help to make the assessment process more straightforward. The intention is to complete this process by the Summer.

**Department for Communities & Local Government
March 2015**

IMPACT OF 2013 CHANGES TO PART P OF THE BUILDING REGULATIONS

Executive Summary

1. In April 2013 we amended Part P of the Building Regulations to:
 - reduce the amount of minor domestic electrical installation work that was notifiable – that is, that had to be checked and certified by a building control body (usually the local authority), unless self-certified by an installer registered with a Part P Competent Person Scheme
 - allow suitably qualified electrical inspectors registered with new third-party certification schemes to certify notifiable work so that non-registered installers would have the option of going directly to a registered certifier to get work certified, rather than having to go through the local authority.
2. To determine the impact of the 2013 changes on electrical safety, we are monitoring and updating the electrical accident statistics presented in the 2012 Part P Impact Assessment. We are also monitoring the numbers registered with Part P competent person schemes to see if the 2013 changes will reduce the incentive for installers to register. This report is a record of progress prepared for the Communities and Local Government Select Committee.
3. The statistics available to us at the time of writing cover:
 - electric shock fatalities to 2013 published by the Office for National Statistics
 - electric shock attendances at A&E units and admissions to hospital to 2012/13 published by Hospital Episode Statistics
 - electrical fires to 2013/14 published by the Department
 - competent person scheme registrations and notifications, and also now third-party certification scheme registrations, to December 2014 as reported by scheme operators.
4. The electrical accident statistics generally show a continuing decline – certainly no increase – in accidents in the home associated with the electrical installation. It is too soon to say what impact the 2013 changes to Part P may have had on electrical safety, but we will continue to monitor the accident statistics.
5. The statistics for competent person schemes show that the number of electrical firms registered with full scope Part P schemes may be levelling off at 42,000, although again it is too soon to be sure. Certainly there has been no significant decrease in the number of notifications by registered firms. If numbers registered are levelling off, there may be reasons other than the 2013 changes to Part P, in particular the raising of the entry requirements for registration.
6. The smaller number of firms registered with defined scope Part P schemes has halved since 2009. The steady decline has continued since the 2013 changes to Part P so that now the schemes have only 500 members. The most striking change has been the two-thirds drop in notifications since 2013 (to just over 10,000 in the six months to September 2014, compared with 550,000 for full scope schemes).
7. Two third-party certification schemes have been authorised by the Department. It is early days and, although one of the schemes now has 290 members, no work has yet been certified. The schemes are intended to cut red tape and costs for non-registered installers. We do not anticipate that there will be any impact on numbers registered with the full scope competent person schemes but we will continue to monitor the statistics.

IMPACT OF 2013 CHANGES TO PART P OF THE BUILDING REGULATIONS

Introduction

1. In April 2013 we amended Part P of the Building Regulations to:
 - reduce the amount of minor domestic electrical installation work that was notifiable – that is, that had to be checked and certified by a building control body (usually the local authority), unless self-certified by an installer registered with a Part P competent person scheme
 - allow suitably qualified electrical inspectors registered with new third-party certification schemes to certify notifiable work so that non-registered installers would have the option of going directly to a registered certifier to get work certified, rather than having to go through the local authority.
2. To determine the impact of the 2013 changes on electrical safety, we are monitoring and updating the electrical accident statistics presented in the 2012 Part P Impact Assessment. We are also monitoring the numbers registered with Part P competent person schemes to see if the 2013 changes will reduce the incentive for installers to register.
3. This progress report has been prepared for the Communities and Local Government Select Committee.

Electrical accident statistics

Electric shock accidents

4. The available electrical accident statistics cover:
 - electric shock fatalities – published by the Office for National Statistics
 - electric shock attendances at accident and emergency units and admissions to hospital – published by Hospital Episode Statistics
 - fires with an electrical origin – published by this Department.
5. At the time of writing, the electric shock fatality statistics cover the period up to 31 December 2013. Statistics for 2014 will not be published until October 2015.
6. Figures 1 and 2 show that the number of electric shock fatalities peaked between 1965 and 1975 at between 60 and 70 per year. The number of fatalities has fallen steadily since then – from an annual average of 14 between 2001 and 2005, to three in 2012 and three in 2013. The most likely reason for this is that more homes now have modern consumer units fitted with very sensitive ‘residual current’ safety devices.
7. We will not be able to say if the 2013 changes to Part P have had a statistically significant impact on electrical safety until we have collected data for a number of more years.
8. Figure 2 also shows that the annual number of electric shock fatalities in places other than dwellings also fell – from an average of 16 between 2001 and 2005, to six in 2012 and eight in 2013.

Note: *The figures below do not distinguish between installations installed before Part P came into effect in 2005 and those after 2005 where compliance with Part P was required.*

Nor do they distinguish between installations installed since 2005 by a registered Part P installer and those installed by non-registered installers.

Figure 1: Long term trend in electric shock fatalities in the home, England and Wales, 1951 to 2013

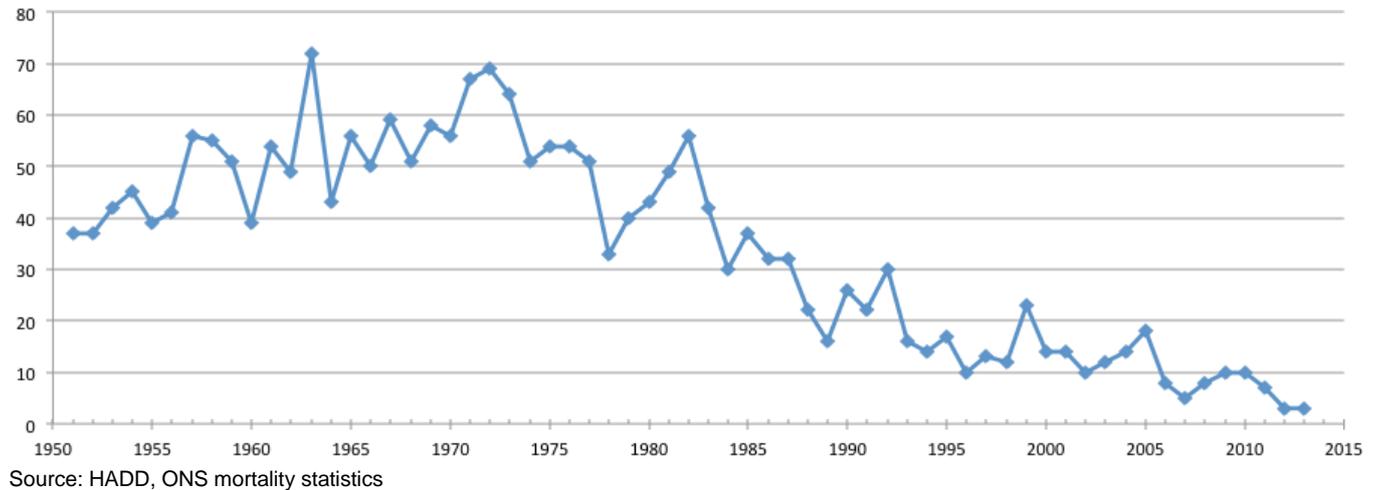
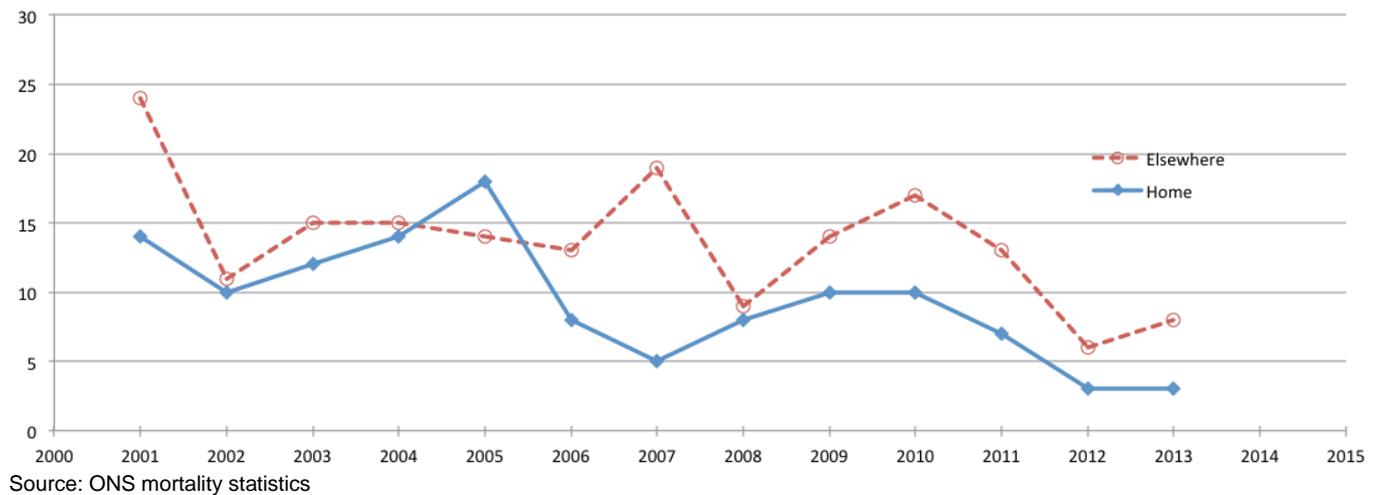


Figure 2: Electric shock fatalities in the home and elsewhere, England and Wales, 2001 to 2013



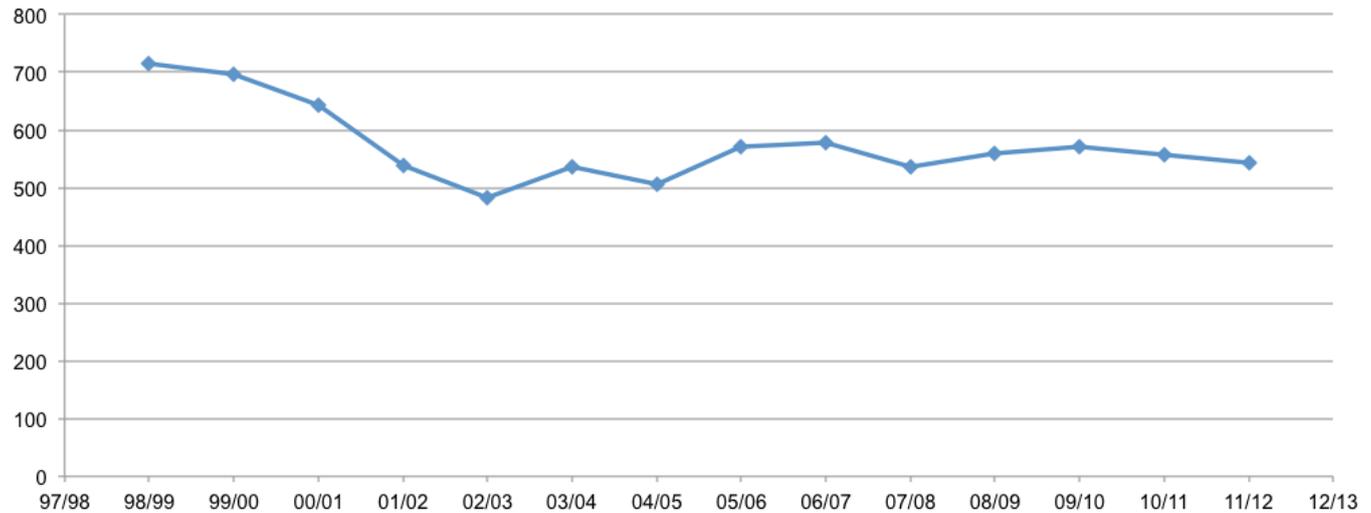
9. Statistics published by Hospital Episode Statistics at www.hscic.gov.uk are combined figures for electric shock accidents in the home and elsewhere: HES do not yet separate out statistics for the home. The statistics cover attendances at accident and emergency units, and admissions to hospital.
10. Until 2010/11, the statistics for attendances at accident and emergency units were termed 'experimental', covered only around 75% of all such attendances and included a large number of invalid records – so cannot be used for trend analysis. The most recent statistics show nearly 11,000 electric shock attendances at accident and emergency units in 2011/12 and 9,700 in 2012/13.
11. Hospital Episode Statistics for hospital admissions due to electric shock should be more reliable, although again they are combined figures for the home and elsewhere. Figure 3 shows that each year between 2008 and 2012 there were around 550 admissions to NHS hospitals for electric shock, with no clear trend up or down.

12. The Hospital Episode Statistics have the potential to be very informative about accident trends in buildings, but we will need to find out first:

- if it is possible to obtain accident statistics just for the home
- the types of electrical accident included in the statistics
- likely levels of underreporting.

The Department will be pursuing these points.

Figure 3: Hospital admissions for electric shock in the home and elsewhere (combined), England



Source: www.hscic.gov.uk

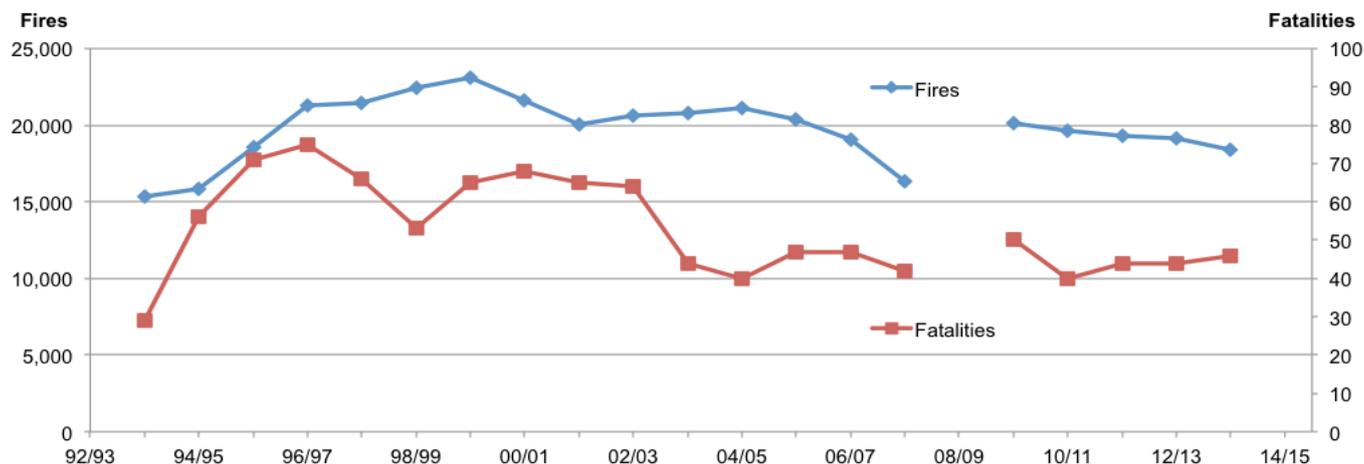
Electrical fires

13. This Department's statistics for electrical fires cover the period up to March 2014. There was a major change in the data recording system in 2008/9, so it can be difficult to compare statistics collected before and after the change. For example:

- accidents in mobile homes and caravans are now included in the dwellings category (although adding less than 0.5%). (Part P controls work only in houses and flats)
- the category used to represent the fixed electrical installation has changed to 'electrical distribution' (cables, wires, plugs), which includes more items. (Part P controls work only on fixed electrical installations, although faults in the fixed installation – for example incorrectly rated fuses – can also lead to accidents involving portable appliances.)

14. Figure 4 shows that the annual number of all electrical fires in the home (including fires due to misuse of electrical equipment, such as cooker fires) has fallen steadily from a peak of around 23,000 in the year 2000, to just over 18,000 in 2013/14. The number of fatalities in these fires has similarly fallen from a peak of 75 in 1996 to 46 in 2013/14.

Figure 4: Electrical fires and fatalities in the home due to faults and misuse, England

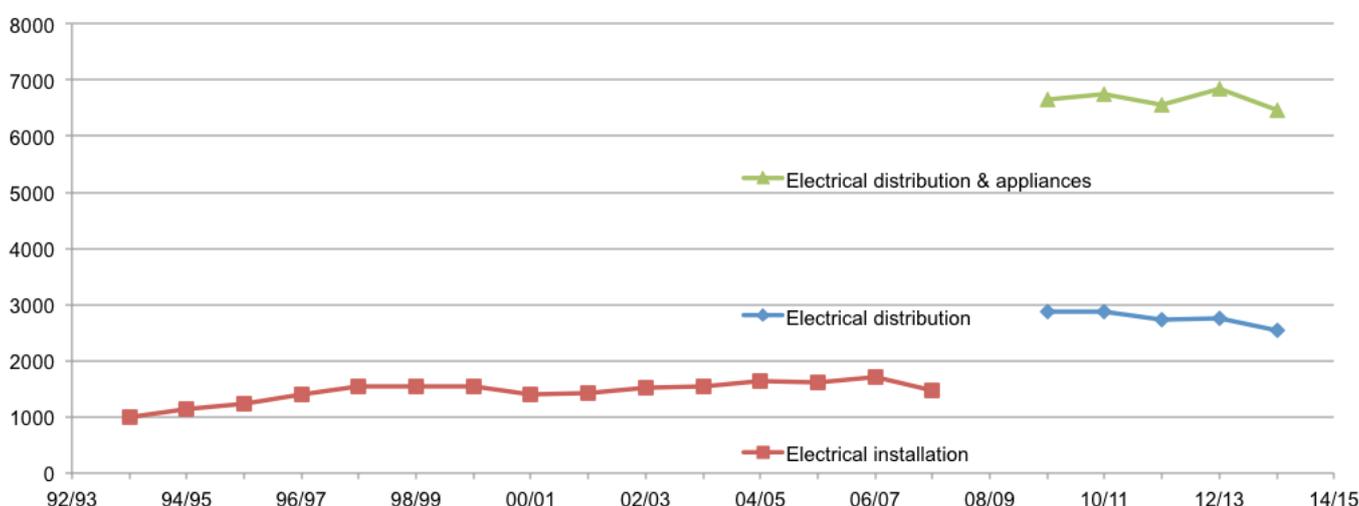


Source: www.gov.uk/dclg

15. Figure 5 shows the annual number of electrical fires in the home just due to faults – that is, excluding fires caused by misuse of equipment. Separate curves are shown for fires linked to the installation and appliances since 2008/09, and fires linked to the installation before and after 2008/09.

16. Considering just the five years from 2009/10 to 2013/14, the number of electrical fires linked to faults in the installation ('electrical distribution') and appliances averaged nearly 6,700 per year, with no clear trend up or down. In contrast, there does appear to have been a decline in fires linked to faults in just the installation: over the five year period, the number per year averaged around 2,800, falling from nearly 2,900 in 2009/10 to below 2,600 in 2013/14.

Figure 5: Electrical fires in the home due to faults in the installation and appliances, England



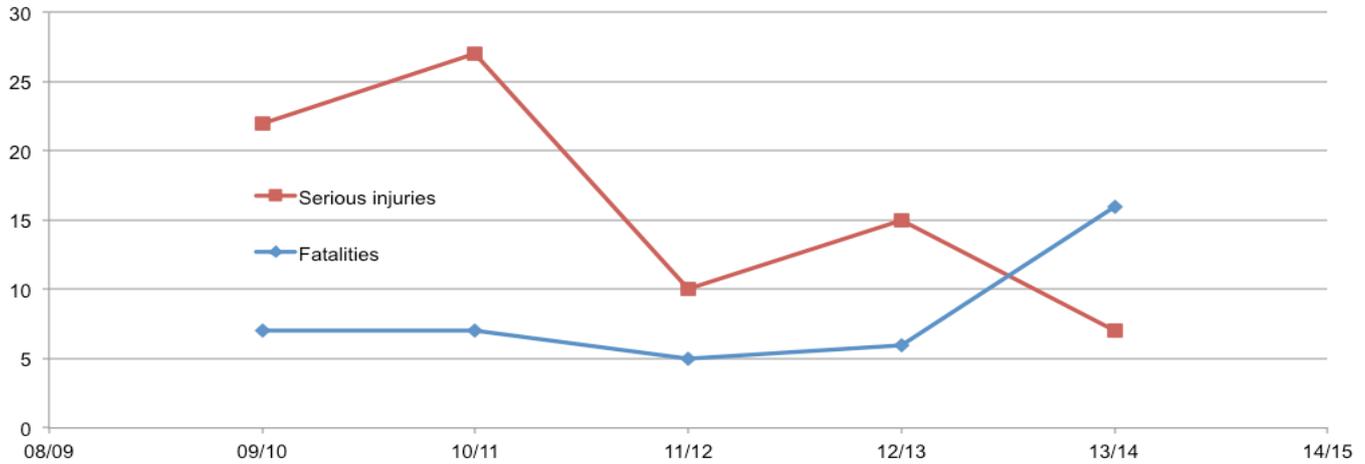
Source: www.gov.uk/dclg

Note: The figures from 2008/9 include fires from appliances because some of these may have been caused by faults in the fixed installation.

17. Figures 6 and 7 show all casualties in the 2,800 home fires linked to installation faults. In the five years to 2013/14, there were on average each year 8 fatalities, 16 serious injuries, and 184 minor injuries. In 2013/14 there was an unusually large number of fatalities (16) due to

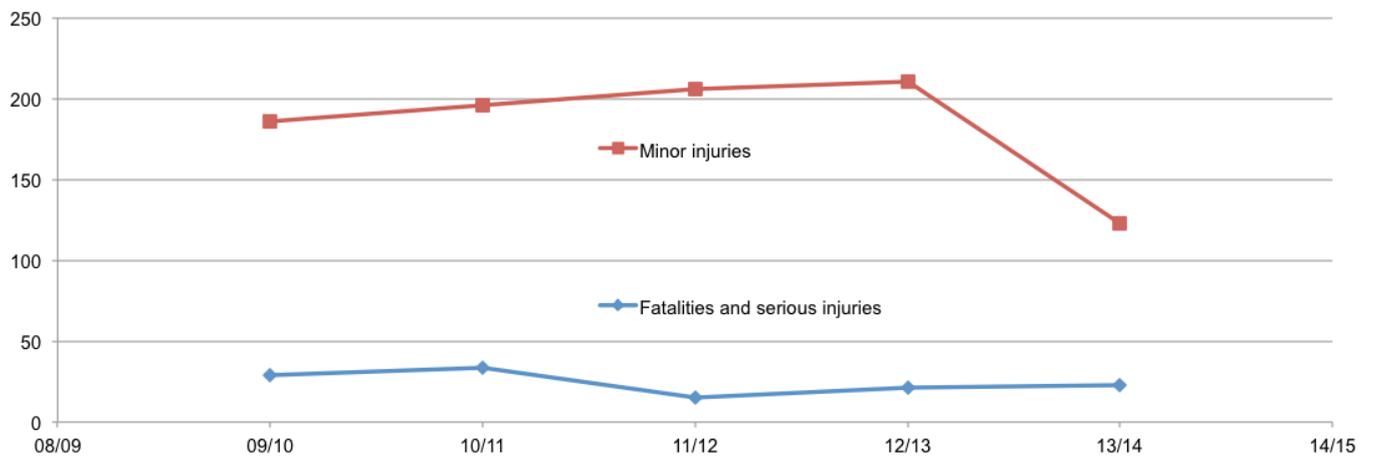
multiple fatalities in four fires, and no multiple fatalities the previous year. However, in 2013/14 there was also an unusually small number of serious injuries (7). If fatalities and serious injuries are combined (Figure 7), there is no significant change over the five year period: in 2013/14 there were 23, compared with an annual average of 24.

Figure 6: Serious injuries and fatalities in home fires due to installation faults, England



Source: www.gov.uk/dclg

Figure 7: All electrical fire casualties in the home due to installation faults, England



Source: www.gov.uk/dclg

Competent person scheme statistics

18. The Department's statistics for the number of firms registered with competent person schemes cover the period up to December 2014. There are two types of Part P competent person scheme:

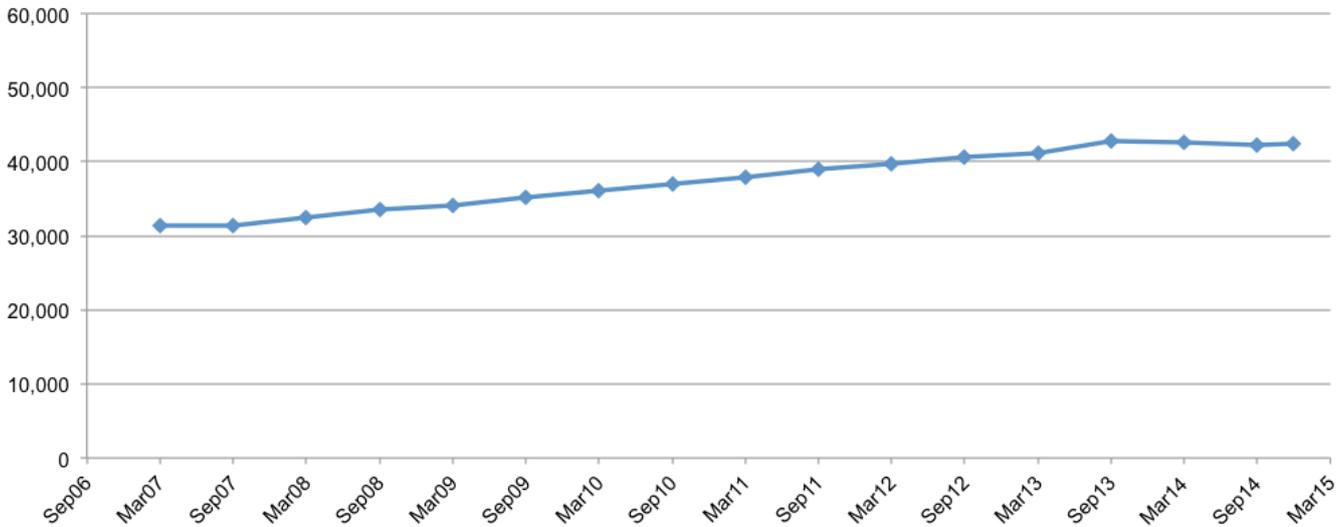
- full scope schemes for full-time installers doing all types of notifiable electrical work in homes
- defined scope schemes for installers like kitchen and bathroom fitters who want to self-certify electrical work that they carry out as an adjunct to their main activity – for example, installing a new cooker circuit or electrically heated shower. (The changes to Part P in 2013 mean that minor alterations such as installing an extra socket-outlet in a kitchen or new wiring for a boiler are no longer notifiable jobs.)

19. Figure 8 shows that the number of firms registered with full scope schemes (in England and Wales) may be levelling off at around 42,000 although we will need to collect data for several

more years before knowing for sure. We do not believe that reducing the amount of minor alteration work that is notifiable will have reduced the incentive for full-time electricians to register. If the numbers are levelling off, possible reasons are:

- entry qualifications for the qualified supervisors of registered firms are now higher
- after 10 years of Part P regulations, most firms wanting to register have done so.

Figure 8: Numbers registered with Part P full scope competent person schemes, England and Wales



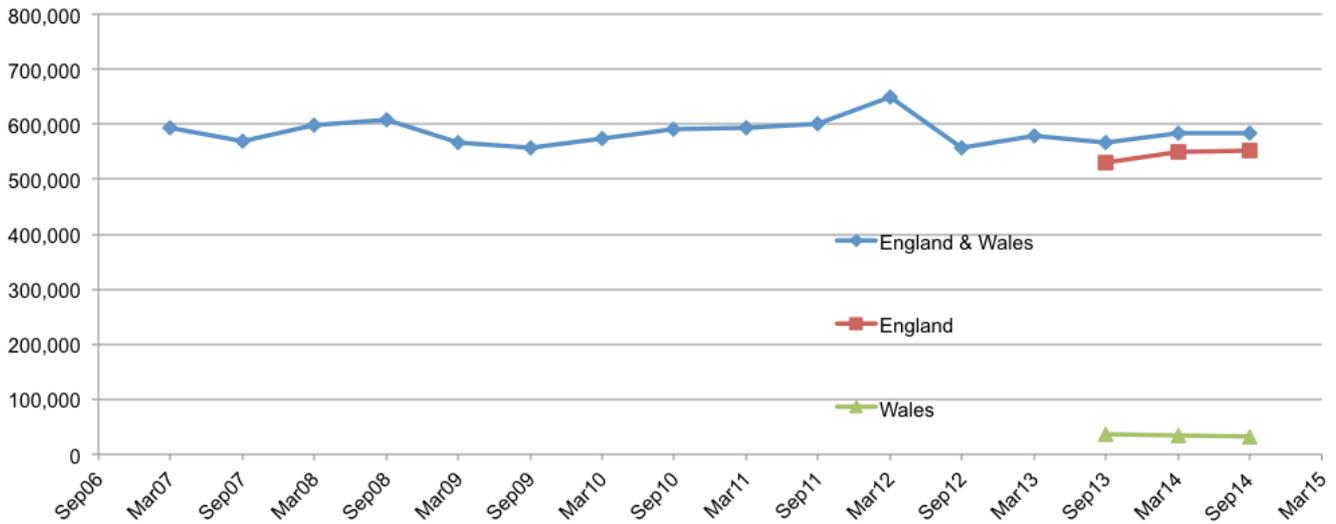
Source: www.gov.uk/dclg

20. Figure 9 shows that in the 18 months since Part P was amended, the number of jobs notified every six months (550,000) by installers in England registered with full scope schemes has hardly changed. We estimated in the 2012 Part P impact assessment that the 2013 changes to Part P would reduce the number of jobs notified by registered installers by 38%, so it seems surprising that notifications have not fallen. Possible reasons are:

- only minor alterations were made non-notifiable in 2013, which will affect installers registered with defined scope schemes more than installers with full scope schemes
- some installers are still notifying jobs that should be non-notifiable
- compliance with Part P is improving
- registered installers are winning more work as householders become more aware of the benefits.

21. Figure 9 also shows that the number of six monthly notifications by installers in Wales registered with full scope schemes has declined from around 37,000 to 33,000 since 2013. Wales did not amend its Part P regulations in 2013, so any changes in the number of notifications would be for other reasons.

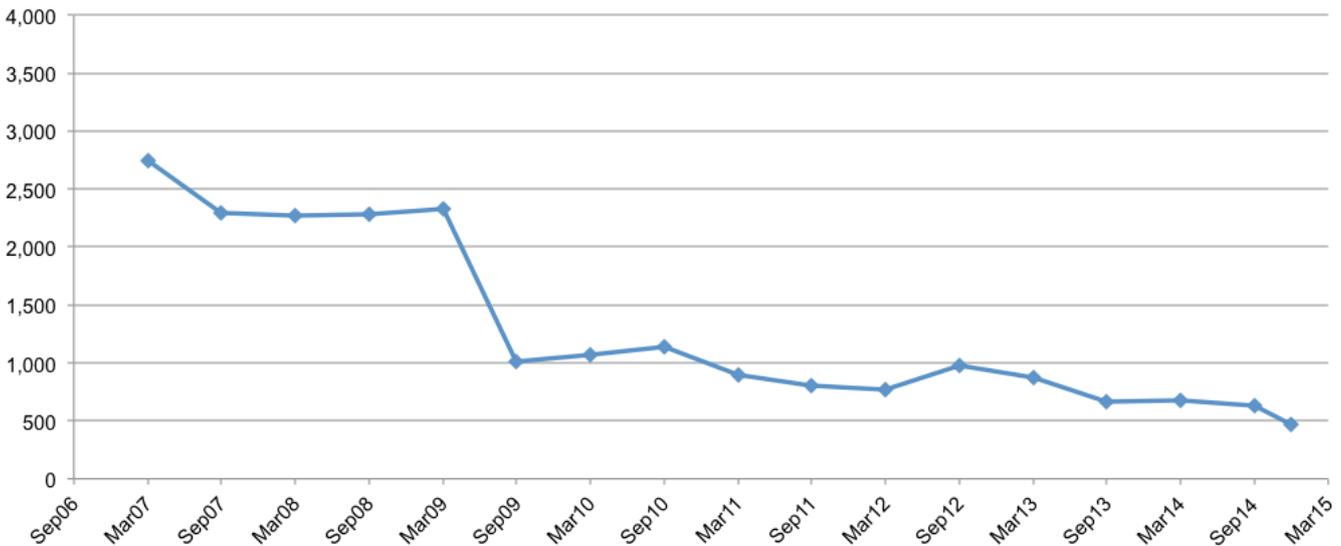
Figure 9: Notifications to Part P full scope competent person schemes



Source: www.gov.uk/dclg

22. Figure 10 shows that the number of installers registered with defined scope competent person schemes (in England and Wales) fell sharply – from around 2,300 to 1,000 – between March and September 2009. This was when responsibility for registering gas installers transferred from CORGI, which was operating a defined scope scheme, to Gas Safe Register, which decided not to operate one. There has been a further gradual decline in numbers registered with defined scope schemes since then, to just under 500 now.

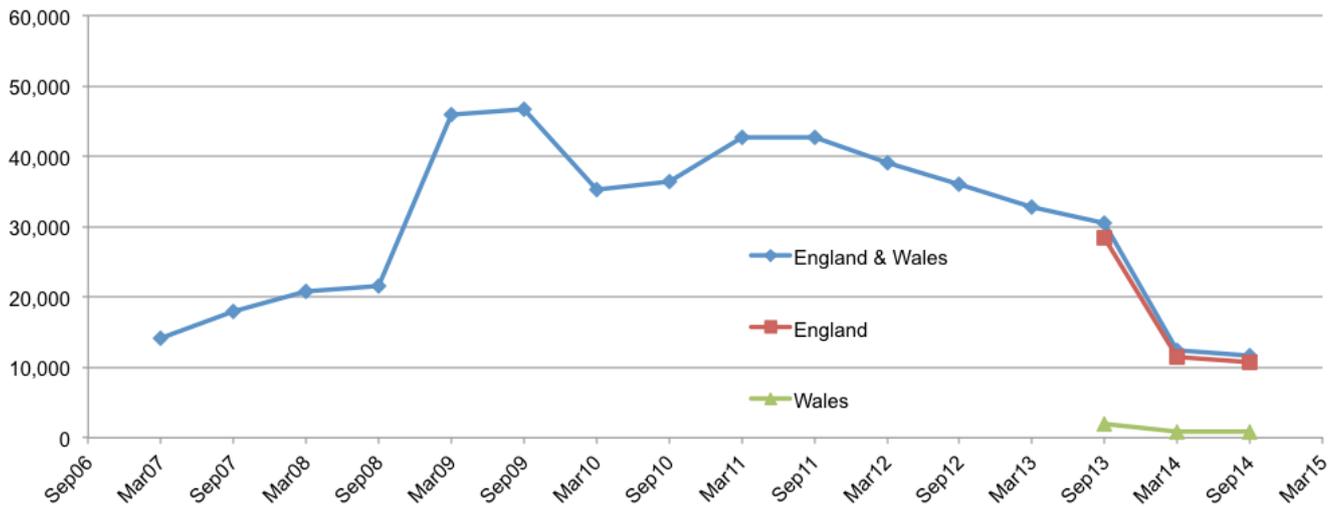
Figure 10: Numbers registered with Part P defined scope competent person schemes, England and Wales



Source: www.gov.uk/dclg

23. Figure 11, shows that, as anticipated, the six monthly notifications by installers registered with defined scope schemes dropped considerably between September 2013 and March 2014 – from around 29,000 to 11,000 for English installers. It is interesting to note that Welsh notifications also fell from around 2,000 to 1000, although the number rose in September 2014 while the English number was still falling.

Figure 11: Notifications to Part P defined scope competent person schemes



Source: www.gov.uk/dclg

Third-party certification scheme statistics

24. The Department has authorised two third-party certification schemes to register electrical inspectors to certify notifiable electrical work, but only one has any members (290) and no jobs have yet been certified.

Conclusions

25. The electrical accident statistics generally show a continuing decline – certainly no increase – in accidents in the home associated with the electrical installation. It is too soon to say what impact the 2013 changes to Part P may have had on electrical safety, but we will continue to monitor the accident statistics.
26. The statistics for competent person schemes show that the number of electrical firms registered with full scope Part P schemes may be levelling off at 42,000, although again it is too soon to be sure. Certainly there has been no significant decrease in the number of notifications by registered firms. If numbers registered are levelling off, there may be reasons other than the 2013 changes to Part P, in particular the raising of the entry requirements for registration.
27. The smaller number of firms registered with defined scope Part P schemes has halved since 2009. The steady decline has continued since the 2013 changes to Part P so that now the schemes have only 500 members. The most striking change has been the two-thirds drop in notifications since 2013 (to just over 10,000 in the six months to September 2014, compared with 550,000 for full scope schemes).
28. Two third-party certification schemes have been authorised by the Department. It is early days and, although one of the schemes now has 290 members, no work has yet been certified. The schemes are intended to cut red tape and costs for non-registered installers. We do not anticipate that there will be any impact on numbers registered with the full scope competent person schemes but we will continue to monitor the statistics.



UKAS Accreditation of CPS – *Lessons Learnt*

Introduction

In June 2012, The Department for Communities and Local Government (DCLG) published revised Conditions for Authorisation (CoA) for Competent Person Self-Certification Schemes (CPS). The revised CoA included a requirement that all CPS operators should be accredited by the United Kingdom Accreditation Service (UKAS). Since 2011, UKAS has therefore been running a pilot assessment programme culminating in the accreditation of 15 CPS in June 2014.

This is a report issued by UKAS following a review of the pilot assessment programme. The review was carried out on completion of the CPS pilot assessment programme by the UKAS assessment team and was discussed with the DCLG officials at a meeting at UKAS offices on 13th August 2014.

The review focussed on areas of the CPS requirements that could be considered for improvement to make CPS more effective and to enable CPS operators to continue to comply with the requirements of ISO / IEC 17065 (*Conformity assessment- Requirements for bodies certifying products, processes and services*) as they proceed with the transition of their current accreditation from EN 45011 to ISO/ IEC 17065.

The report is issued to DCLG and the Welsh Government as the regulators responsible for authorising CPS and includes 5 recommendations for consideration by DCLG.

Review and Recommendations

The CPS requirements are set out in the following documents.

1. DCLG Conditions of Authorisation (CoA)
2. Welsh Government Conditions of Authorisation (currently identical to the DCLG CoA and applicable to those CPS operators wishing to operate in Wales)

3. Minimum Competence Requirements for Work Undertaken Through Competent Person Schemes Approved Under Schedule 3 of the Building Regulations (England and Wales). This is a DCLG owned publication published on <https://www.gov.uk/competent-person-scheme-current-schemes-and-how-schemes-are-authorised#current-schemes> and it is called the *front section* to the *Minimum Technical Competences (MTC)*.
4. Rules for individual Competent Person Schemes operated by certification bodies (e.g. FENSA scheme) or by industry sectors (e.g. Electrotechnical Assessment Specification for used by certification and registration bodies)

In addition, from time to time during the pilot programme DCLG has provided clarifications of the DCLG CoA and these have been recorded in a UKAS publication CIS 7 -*UKAS Approach to Accreditation of CPS Operators*, published on UKAS website www.ukas.com.

Front Section

The DCLG publication called the *front section* (document 3) to the MTCs is meant to include generic technical and administrative requirements for scheme operators. The *front section* document specifies definitions, requirements relating to the ability of an enterprise to meet the minimum competency criteria, assessment of competence, test instruments, certification and reporting, insurance, complaints, health and safety, records, professional development and technical reference document requirements. It is published as a separate stand-alone document.

It has been noted that this document in some cases, perhaps unintentionally, refers to heating installation work. It has also been observed during pilot assessments that CPS operators do not pay adequate attention to these requirements nor to this document itself and this has been pointed out to CPS operators during pilot assessments by UKAS. Individual CPS schemes are required to apply the requirements of this *front section* as well as the applicable annexes which specify MTCs.

Recommendation 1

It is recommended that the publication entitled Minimum Competence Requirements for Work Undertaken Through Competent Person Schemes Approved Under Schedule 3 of the Building Regulations (England and Wales), which is called the front section (document 3) is reviewed, revised and maintained.

DCLG Conditions of Authorisation

The DCLG CoA make references to the standard EN 45011. As ISO / IEC 17065 replaces EN 45011, it would be appropriate to replace these references to EN 45011 in CoA with ISO/IEC 17065. During the pilot assessment programme DCLG provided further clarifications to certain DCLG conditions. These clarifications were included in the UKAS

publication CIS 7 for the purpose of communicating these to CPS operators and to UKAS assessment teams as a stop gap measure. Also, it has been noted that some of the notes on how to demonstrate meeting the requirements stated in the DCLG CoA are in fact written as requirements using the word 'shall'. This has caused some confusion about the status of the notes specified on the right hand column of the DCLG CoA that set out how CPS are expected to meet the criteria.

Recommendation 2

It is recommended that DCLG CoA are amended to refer to ISO / IEC 17065 as appropriate, the notes provided in the right hand column of the CoA are reviewed to remove any ambiguity about the status of the notes and those additional clarifications provided by DCLG that are included in the UKAS publication CIS 7 are incorporated into CoA as notes in the right hand column.

Structure of the schemes

According to ISO / IEC 17065, certification scheme for a service can be defined as "certification system related to specified services, to which the same specified requirements, specific rules and procedures apply". The documents 1,2 and 3 mentioned above specify the general rules for competent person schemes and these are owned by DCLG (in the case of document 2 by the Welsh Government). The CPS operators are required to comply with these rules when developing their own scheme rules (document 4) for various types of work specified in Schedule 3 of Building Regulations.

It is important that this structure of rules of CPS and the hierarchy are transparent to all stakeholders and the public.

Recommendation 3

It is recommended that documents 1 and 3 are consolidated into a single document and the structure and hierarchy of scheme rules are clearly specified in a consolidated document. In addition, it is recommended that the Welsh Government replicates the consolidated document produced by DCLG or produce a separate document using the same principles recommended here.

Scheme requirements for competence of those who are directly involved in installation work

In order to be registered with a competent person scheme, installers (enterprises) need to demonstrate that they meet the relevant minimum technical competence requirements. To be authorised as competent to self-certify some types of work it may be necessary to meet the requirements of several of the minimum technical competences.

Most of the minimum technical competences are also used to assess the competence of Green Deal installers and, where relevant, installers registered with the Microgeneration

Certification Scheme. These are referred to as common minimum technical competencies and are published on the DCLG / Competent Persons Schemes web page.

In section 2.2 of the *front section* (document 3) there is a requirement for all individuals carrying out work directly on the installation work to hold the relevant qualifications identified in MTCs except for labourers, apprentices or other specialists. This requirement is however restricted to those installers carrying out installation work on combustion appliances. Similarly, the definition of 'Competent' and the definition of 'Sufficient Involvement' on page 3 of this document refer to heating work.

During pilot assessments it has been observed that some installers work in teams where only one of the persons in the team may be assessed as competent. In other cases, such as in the case of electrical installation work, the specifications allow persons who may not have demonstrated ability to perform tasks allocated to them to work under the supervision of a qualified person. While it is clear that the schemes require the person who is self-certifying is always assessed as competent against the respective MTC, there is a risk that lack of definition of work allocated to others directly involved in installation work may lead to enterprises using untrained or inadequately supervised persons for some work which may require some level of training and demonstration of competence, even when they are working under supervision.

Recommendation 4

It is recommended that the 'front section' document (document 3) is amended so that it specifies that all those who are directly involved in all types of installation work are able to demonstrate competence (not necessarily by compliance with the MTCs) for those tasks allocated to them. Individual scheme rules could be adapted to set out the competence requirements for those not assessed against the MTCs and to specify the extent of involvement of the supervisors as appropriate to the type of work where work is performed directly on installations by those not assessed against MTCs.

Scheme requirements for the extent & frequency of inspections by CPS operators

Notes to DCLG CoA 12 states that "A scheme operators shall, under a risk based approach, undertake a minimum of one on-site inspection of each member's work every three years. This period shall be granted to existing members who have a clean track record". New members and those who do not have a clean track record are required to be inspected annually. Scheme operators are also allowed to adopt a more frequent inspection periods.

It has been observed during pilot assessments that some CPS operators do not intend to operate a risk based approach and prefer to inspect their members annually. Notes to condition 12 referred to above do not make it clear if it is mandatory or not for CPS operators to adopt a risk based approach.

Recommendation 5

It is recommended that the notes to condition 12 are clarified so that it is clear if it is mandatory for CPS to apply a risk based approach or if the CPS operators have the option not to adopt a risk based approach if they chose to do so.

Where risk based approaches are adopted by individual scheme operator or industry sectors, UKAS will expect CPS operators to demonstrate to UKAS the appropriateness of those risk based approaches to individual sectors or schemes.

The United Kingdom Accreditation Service (UKAS) is the sole national body recognised by government to assess evaluating organisations to international standards. UKAS operates under a Memorandum of Understanding (MoU) with the Department of Business, Innovation and Skills (BIS), and is a non-profit-distributing company limited by guarantee. UKAS accreditation involves assessment and verification (against international standards) of certification, inspection, testing and calibration services. UKAS employs over 300 assessors and technical experts, and has over 40 years' experience. For further information about UKAS visit: www.ukas.com