Submission: Implementing the Smith Agreement
6th March 2015

For the attention of the Devolution (Further Powers) Committee of the Scottish Parliament

1 What is SELECT?

SELECT is Scotland’s trade association for the electrical installation industry.

Founded in 1900, SELECT is an independent, autonomous and not-for-profit association representing the interests of 1,200 SMEs across Scotland. Its mission is to drive up industry standards and to protect consumers so that work carried out by member companies is of the highest quality. It is also at the heart of Scotland’s biggest single-trade apprenticeship - training of the electricians of the future. SELECT’s website is at www.select.org.uk

2 Background

SELECT notes that on 22nd January the UK Government published a Command Paper – “Scotland in the United Kingdom: An enduring settlement” - setting out its proposals in the form of draft legislative clauses to take forward the Smith Agreement.

SELECT notes the establishment of the Devolution (Further Powers) Committee to consider the detail of any legislative proposals designed to devolve further powers to the Scottish Parliament. SELECT wishes to respond to the Committee’s call for evidence on this subject by proposing the devolution of a specific power in the general subject area identified by the Committee of “civil protections and advice”.

3 SELECT’s Proposal

SELECT’s proposal is that the Scottish Parliament should have the power to legislate for the regulation of certain professions currently in reserved areas and the power to enact protection of title for such professions which trade or operate within Scotland - provided that there is prior consultation with the UK Government to ensure mutual recognition of qualifications, title and status so as not artificially to inhibit cross border trade.
4 Reasons for SELECT’s Proposal

SELECT would like to see the Scottish Parliament use such a power to regulate its industry.

Electricians are not currently regulated in the UK in the sense that there is no regulator such as Ofgem or Ofcom. They are regulated in many other EU member states. There is no protection of title of the word “Electrician” at present in any part of the UK whereas this is the case in other parts of the European Union.

This does not mean that there are no safeguards in place as far as both the industry and its customers are concerned. The Electricity at Work Regulations provide a degree of underpinning but these only come into play once an individual is already working as an Electrician. Similarly, Scottish Building Regulations have a role but do not inform in any way what is required to qualify as an Electrician.

Since 20 years before the Electricity at Work Regulations were introduced in 1989 the Scottish Joint Industry Board (a joint venture between SELECT and Unite the Union) has been setting standards, training apprentices and determining terms and conditions, wages and benefits. The SJIB also ‘grades’ Electricians as they progress through their careers and is the true source of industry regulation.

SELECT has also established a further Code of Practice, Contract Completion Guarantee and independent Registration Board to handle complaints and disciplinary matters.

Unfortunately, the standard to which Electricians work (BS 7671) is not required by statute. Neither does the law require anybody carrying out electrical work to have any electrical training.

In our view, this presents a real potential danger to consumers.

SELECT believes that consumer safety would be enhanced and a level playing field created amongst those who trade as electricians if there was regulation of the industry in Scotland and protection of title.

Some other relevant facts:
• Our legislation is inconsistent. For example, the Housing (Scotland) Act 2014 wisely provides for the regulation of Letting Agents and contains a five-yearly requirement for a full electrical check. Unfortunately, it does not require the person carrying out that check to be an Electrician.
• Almost every evening newspaper contains adverts offering electrical services. More often than not “Electrician with 30 years’ experience” actually means “no qualifications”.

...
TV channels carry many reports of “cowboys” working in the construction sector. If Electricians were regulated as a profession there would be no ‘cowboys’ in this sector – just criminals.

Our Building Standards legislation provides for electrical professionals to carry out Certification of Construction, but also provides for somebody else who has little or no electrical knowledge to approve an electrical job.

There are 102 professions in the UK - most with protected title. For reference purposes please see www//naric.org.uk.

SELECT considers it incongruous that electricians have not yet been afforded such protection and consumers not been given the assurance that such a development would bring.

It would also make it easier for Scottish electricians to trade in other EU member states where regulation currently exists and, for the same reasons, to enable others in EU states to work in Scotland.

### 5 Conclusion

SELECT believes that devolution of a power in this area would be generally welcomed. SELECT would be pleased to expand upon this submission should the members or clerks to the Committee so wish and would be content for its views to be made public and quoted if, and, as and when required.

### 6 SELECT Contact

In the initial instance contact should be made with:-

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