

# Report on Competent Person Self-Certification Schemes in 2003

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On 5th May 2006 the responsibilities of the Office of the Deputy Prime Minister (ODPM) transferred to the Department for Communities and Local Government.

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Note: The following report was issued by our former department, the Office of the Deputy Prime Minister (ODPM). ODPM became Communities and Local Government on 5 May 2006 - all references in the text to ODPM now refer to Communities and Local Government.

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**Front Cover**



In House Policy Consultancy

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Friday, 06 June 2003

Office of the Deputy Prime Minister

Department for Transport

DEFRA

## Introduction

1. Last April, self-certification schemes were introduced under the Building Regulations. One year on, this paper looks at how well the schemes are functioning.

## Conclusion and Main Recommendations

- FENSA is making a significant contribution to compliance with the Building Regulations. Whilst there are considerably fewer OFTEC installations, it too is making an impact.
  - o HETAS is not yet financially stable and has few members.
  - o The IOP scheme is not operating.
- It is likely to be worth extending the self-certification schemes to a limited number of areas of the Building Regulations. Electrical appliances is likely to be a good candidate as are other areas where work is common, internal to the house, often undertaken as discrete projects, and where companies have an incentive for joining the scheme.
  - o Where few of these features are present it may be more helpful to improve the guidance and advice available to the whole industry.
  - o The self-certification schemes are not sufficient to ensure compliance throughout an industry and need to be backed up by continuing communication with the whole industry about the regulations and with an appropriate level of enforcement from Local Authorities.

## Main Recommendations

- *The IOP scheme should be wound up or, if this is not feasible, a rescue plan should be implemented.*
- *ODPM should challenge HETAS to increase its registration scheme well beyond the 500 that it has currently budgeted for.*
- *FENSA and ODPM should discuss with Local Authorities alternatives to the current notification system.*
- *ODPM should discuss with Local Authority representatives a strategy for raising awareness and cost-effective enforcement in this area.*



## Background

1. All controlled building work must comply with technical standards, which are set out in the Building Regulations. Before last year, building work also had to be inspected by a building control service. Then, in April 2002, the Government approved the competent persons schemes. There are currently 5 schemes, covering discrete parts of the building regulations:

- **FENSA** covers replacement windows, glazed doors etc;
- **HETAS** covers solid fuel combustion appliances;
- **OFTEC** covers oil-fired combustion appliances and oil storage tanks and pipes;
- **IoP** covers plumbing of sanitary ware, drainage, unvented hot water storage systems and hot water vessels; and
- **CORGI** covers gas appliances.

1. Each of the scheme operators is allowed to register technicians who have the requisite skills and experience to self-certify their compliance with the building regulations. The Government's intention was two-fold: to improve compliance with and raise awareness of the building regulations and to reduce the burden of enforcement on Local Authorities.
2. This paper looks at how successful the different self-certification schemes are being at improving compliance with the building regulations. It also attempts to answer the questions: Why have some been more successful than the others? Do ODPM and Local Government need to support the schemes in any way? What can they learn from each other? And what lessons can be learnt for future schemes?
3. The first four of these are voluntary schemes, and are covered by this paper. CORGI is mandatory for all technicians working with gas and is outwith my remit. ODPM provided an extensive list of information that they wished to gather, and the answer to these questions is at Annex 1.

## Project Method

1. Between April and June 2003, I interviewed senior staff and inspectors from FENSA/BBA, HETAS, OFTEC and IOP. I also interviewed the Local Government Association building control liaison, and the District Surveyors' Association. Finally I held semi-structured telephone interviews with 6 local authorities, some of which offered views based on wider discussions with Local Authorities. Many thanks to everyone who provided documents and their time.

## General Overview of the Schemes and interaction with the Local Authorities

1. The 2002 Building Regulations were introduced in something of a hurry and, as a result, none of schemes were well prepared in time for April when they went live. There was poor awareness of the self-certification schemes within the industry or Building Control Officers.
2. There is little doubt that, to date, FENSA has been the most successful of the four schemes. Credit for that must go to the professionalism of the teams involved. However, FENSA has also benefited enormously from a number of external contributing factors.
3. Both FENSA and OFTEC are now fully functional and have sufficient members to provide a stable income, at least in the medium term. The schemes are very different; FENSA has few entry requirements and relies substantially on inspection and awareness raising. OFTEC relies far more on training, with only a minimum of 1 inspection of completed work every 5 years. Both schemes are robust and are likely to succeed providing there is some Local Authority back up. The overall style of the two schemes reflects the industry in which they are based; though they could both learn from each other.
4. HETAS has fared rather less well. With only 350 companies it is not currently covering the salaries of its managers. HETAS are confident that they will be able to bring membership up to a stable level (some 500 companies) providing no competition is introduced. By April 2003, 66 inspections had been carried out, but again HETAS are confident that they will meet their inspection target (an inspection for every company in the first 12 months of their joining the scheme).
5. The IOP scheme is substantially incomplete and has no members. Some elements such as the training syllabus are close to completion, but there is no clear commitment from IoP members to the scheme.
6. Before looking at the schemes in more depth it is worth noting that Local Authorities' enforcement of building regulations is generally confined to new build and to large, obvious extensions, and that Local Authorities rarely receive notifications for the types of building projects covered by the schemes. So the initial level of compliance is likely to have been low.

## The Self-Certification Schemes

### FENSA

1. FENSA is the largest scheme - last year it had 7,500 registered installers last year carrying out 600,000 double-glazing installations. FENSA estimate that this is around  $\frac{3}{4}$  of all relevant installations. The scheme is undeniably impressive and is now financially reasonably robust.
2. The scheme operates in an industry where practitioners have few formal qualifications, where a lot of companies go bankrupt and where the building regulation requirements are relatively straightforward. The operation of FENSA reflects this environment. No formal qualifications are needed; instead the emphasis is on the companies' experience and stability. This approach was intended to attract a high take up rate, and it appears to have worked. It means however, that there is greater risk of poor awareness and non-compliance by FENSA members. To combat this FENSA rely on a relatively high inspection rate, annual re-registration, and notification of each installation and on an advice service/ seminars to improve awareness and expertise.
3. FENSA had a very shaky start when the scheme proved considerably more popular than anticipated. As a result there was a large backlog of applications and insufficient administrative support to cope. However, FENSA was very clear about where its weaknesses had been (and remain) and has responded to the challenges by expanding the team, using e-communications to the full and outsourcing elements of the system such as routine questions and certification papers. Most of the inspections are carried out by BBA, which aims to carry out 248 inspections per week. Again the organisation and quality control of the BBA team was impressive, and there is good communication between FENSA and BBA.

### FENSA's Factors for Success

- There are a number of very large installation companies (e.g. Everest) in the replacement window sector, and many companies just install windows. Such companies find self-certification an attractive option, since it enables them to differentiate themselves from cowboy companies.
  - The density of installations and installers makes the inspection regime and administration cost-effective.
  - Installers can cut costs by not using low e glass or toughened glass. However, FENSA consider that most non-compliance is either through ignorance about the requirements or breakages of windowpanes in the factory.
  - The regulations in this area are relatively easy to understand.
1. As well as these generic factors both FENSA and BBA are determined to succeed and consider the self-certification scheme core business rather than a sideline. They have

good systems in place and put a strong emphasis on getting the administration right.

## Good Practice

- Installers can notify installations on-line, by email or by fax and this information is sent automatically to the relevant Local Authority.
- FENSA put a lot of effort into publicity; electronically, through 50 seminars so far; and through the FENSA magazine.
- Software is used to optimise the inspections carried out thus reducing driving time.
- Inspectors receive regular updates of their progress against targets and each other's pass rates so that anomalies can be identified.

## Recommendations

Improve notification system      Local Authorities occasionally use FENSA notifications for house search queries, although they are not required to. Those that I talked to did not use the information for enforcement. Some LAs have not yet e-enabled their building control whilst others manually input the data into another form.

- **I recommend that FENSA and ODPM discuss with Local Authorities alternatives to the current notification system.** *FENSA already has a national record of installations. The easiest way of answering land search queries may be for FENSA to make the information available as and when others need it, either on-line or via telephone enquiries. Although an alternative would be to standardise Local Authorities' databases, this would have a high start up cost and would probably only be worth it if needed as part of the wider changes needed to prepare for the Home Information Pack.*

Consider BBA for future inspection teams      *Many of the elements of the BBA inspection regime are working well and are equally applicable to other self-certification schemes.*

- ODPM may therefore wish to involve BBA in advising on, or providing, the inspection regime for future schemes.

Companies to explain strange notifications      *One Local Authority complained that notifications from companies are unjustifiably erratic. FENSA's inspectors BBA commented that they do keep an eye on notification*

*trends, estimating them against turnover.*

- FENSA should analyse notifications asking companies for an explanation of any very strange patterns.

Further technical advice

To date there are a small number of technical guidance notes and FAQs on the web, which FENSA will wish to build on, but no technical manuals. FENSA comment that some installers expect them to be able to answer technical questions on the spot. More readily available guidance may help. A pocket guide to installation of windows and doors is currently in development. This should help. This is expected in June and may be followed by a video of the technical seminars.

- *FENSA should continue to add to its on-line technical advice and web site and should also provide a link to ODPM's Building Regulations site.<sup>1</sup>*

Reduced inspection for good companies

Because of the reliance on inspections FENSA is more expensive than the other schemes.

- *FENSA may wish to consider whether they could extend the reduced inspection rate for Quality Mark Companies to all companies who had a clean track record, quality control procedures and had passed an appropriate assessment. This would need to be supported by an assessment which, in turn, might flow from the pocket guide.*

## OFTEC

1. By April 2002 OFTEC had just less than 3000 registered technicians and expected this number to increase sharply over the next few months as up to 1600 technicians re-register. Installing oil-fired appliances is a skilled job and the OFTEC scheme reflects this with a heavy emphasis on controlled highly technical training and advice. There is often a considerable time lag between when applicants decide to join OFTEC, complete their training, pass the assessment and complete their application. Many successfully complete the course but do not then register. The inspection regime is minimal with each technician inspected only once over a 5 year period, unless there are particular concerns. Since OFTEC do not see a copy of the control documents, there is almost no proactive check on technicians once they have registered.

## Factors of Success

- The industry is composed typically of older experienced workers in very small but very stable companies, in predominantly rural locations. There are some 6-10 medium-sized companies such as AGA.

The OFTEC team is also deeply committed to what they do.

## Good Practice

- The control documents which technicians fill out are cross-referenced to the technical manuals, providing a step by step guide to compliance.
- Inspection results and complaints are analysed to identify further areas for technical guidance.
- The cost of inspection is kept to a reasonable level by employing recently retired practitioners.
- OFTEC provides a range of technical information, which is available to non-registered technicians.

## Pressures on the scheme

- OFTEC are concerned that the level of Local Authority enforcement offers a disincentive to technicians to register.
- Non-compliance is only partly through ignorance. Many firms are deliberating not complying with the regulations in order to reduce costs.

## Recommendations

OFTEC to keep records of installations

Given the lack of incentive for firms to join, it is important that costs and bureaucracy are kept to a minimum.

- *OFTEC should keep a record of each installation. This could simply be the name and address of each installation. If this approach is not taken the cost of control documents should be built into the membership to ensure that technicians do have the documents needed to self-certify.*

Probation

- *OFTEC could consider accepting companies on probation to reduce the drop out rate. This could be subject to their booking/paying for the training and subject to an inspection.*

## HETAS

1. By April 2002 the HETAS scheme had registered 350 companies. This is 150 short of the number needed to break even. As a result HETAS is not currently paying its operational managers fully for their time, and does not have the financial capacity to improve its service from the fees collected from members. HETAS are confident that the scheme will become self-sufficient if it maintains its monopoly. However, the Solid Fuel Association has suggested that in total over 60,000 solid fuel appliances are installed per year, so there should be good growth potential. Given the technical expertise of the team it would be shame if the HETAS scheme did not succeed.
2. HETAS mixes the approaches of both FENSA and OFTEC. The scheme requires formal training and relevant qualifications but some exceptions have been made on a case by case basis who were registered before 1 April 2002. It is HETAS's intention to inspect each company within 12 months of them joining and then again on a random basis over the next 3 years. 66 inspections were carried out over the last 6 months. HETAS are increasing their inspection team from 7 to 10, and the slack period during the summer should enable inspectors to carry out the additional inspections necessary. HETAS has identified no cases of non-compliance and very few of potential non-compliance. This may reflect the inspection quality or, perhaps more likely, the high quality of installer joining HETAS. To date around 60% of registered companies have bought pads of certificates of compliance and 1300 certificates of compliance have been returned.

### Good Practice

- The HETAS team have excellent technical credentials having all been involved in developing relevant BS standards. A training manual has been developed which is clearly written, analyses everyday problems and ties in well with related issues such as chimney maintenance and health and safety. The HETAS certificate of compliance is also very detailed, and requires the installer to answer a number of specific compliance questions.
- The use of probationary status enables HETAS to bring installers into the scheme who might otherwise not complete registration.

### Recommendations

Challenge to increase registration.

- **HETAS should be challenged to increase its registration scheme** *well beyond the 500 that it is currently aiming for, by identifying installers, finding out what the barriers to take up are, addressing the barriers and marketing the self-certification scheme. This may require a different skills/interest balance within the team from that currently existing.*

Use of recently retired inspectors

- *HETAS could consider whether recently retired*

*installers could help solve their inspector shortage.*

## **IOP**

1. I have left discussion of the IOP scheme to last because it has substantial problems and the question of its future needs to be addressed. The Institute of Plumbing includes around 9,000 working plumbers, the vast majority of whom are either self-employed or employed by very small companies. To date the IOP has been developing a scheme to allow plumbers to self-certify under both the water regulations and building regulations. The scheme is substantially incomplete.
2. IOP has not found any interest within the industry for the scheme and has given very limited publicity to the scheme. There has been just one half-day seminar. There was no information about the regulations on the web-site at the end of April, though some was promised. IOP's magazine has run very limited information on the regulations. Inspector training is not planned till next year. No control documents or pro-active inspections are planned. IOP has developed a syllabus for the training needed and is currently seeking accreditation from City and Guilds, and has started talks with possible providers. However, at the current time, Plumbers cannot yet get training on an IOP approved course. Finally, the development of insurance-backed guarantee appears to be falling through.
3. IOP are now seeking Government agreement to split the self-certification scheme into 3 parts covering Part G - hygiene; Part H - drainage and waste disposal; and L - conservation of fuel and power.

### **Should the IOP scheme be discontinued?**

1. Many plumbers do not carry out much work controlled by the water regulations, although this remains a core activity for all professional plumbers, and many are far more concerned with a particular aspect of the building regulations. As a result they may be more interested in the modular scheme now proposed than the original joint scheme.
2. However, there are other problems. The IOP scheme was conceived, uniquely, as a free scheme for IOP members. IOP does not consider that plumbers would be willing to pay to belong to a self-certification scheme. This means that there is no financial plan for the development and administrative work needed to get the scheme up and running, or for the normal ongoing costs of such a scheme, such as information leaflets, technical advice, inspections etc.
3. Larger specialist firms have the most to gain by self-certification. With the exception of British Gas, IOP tends to attract members from the smaller plumbing firms, and has not extended the scheme to non-IOP members. Perhaps most importantly IOP has not demonstrated a clear commitment to make the scheme work. Nor has it demonstrated the competency necessary to promote and run the scheme.
4. I did not come across any proactive Local Authority enforcement in this area, and only one of the Local Authorities I spoke to ever received notifications for plumbing projects, so a functioning self-certification scheme is needed in this area. I think it unlikely that the IOP's current scheme can be easily turned around without ongoing help and pressure from ODPM, which may not be worth the return.

## Recommendations

It is likely that a self-certification scheme for plumbers could be made to work - plumbers commonly seek to differentiate their work on quality grounds and there is a large vibrant industry to draw from.

Explore alternatives

- ODPM should explore the options for developing an alternative to the IOP scheme.

Wind up the IOP scheme

- The IOP scheme should be wound up.

Or Probation

- *However, if there are clear reasons for keeping the scheme the IOP could be placed on probation, subject to delivery of an agreed 6 month rescue plan, incorporating the elements identified below.*

With

*Necessary elements of a rescue plan.*

Rescue Plan

- Separate the building regulations scheme from the water regulations scheme.
- Open the scheme to non-IOP members.
- Pro-active inspection at least 1 per 5 years.
- By August
- Agree programme of publicity and technical information.
- Prepare projection of the cost of elements of the scheme (badges, technical guidance, certificates of compliance, inspection etc.) and outlining how these costs will be met.
- Identify timetable for action to make training available.
- By December
- Accredited training available and all IOP inspectors booked to undertake training.
- By April
- Target of 600 firms minimum.

<sup>1</sup> <http://www.safety.communities.gov.uk/bregs/>

## Supporting the schemes - ODPM and Local Government.

1. The Local Authorities' approach to the schemes is ambivalent: they recognise that they cannot enforce the building regulations fully, but resent losing the revenue from potential notifications.
2. Local Authorities have made individual decisions about how much enforcement work to carry out in this area. Since enforcement work does not bring with it a notification fee Local Authorities must fund any enforcement from their general grant. However, for many councils derelict buildings are a higher priority. In addition, it is difficult to recruit Building Control Officers, there is a skills shortage and it is difficult to tell if internal building work is being carried out.
3. The result of this, as mentioned above, is that I found no proactive enforcement of projects falling within these schemes, particularly where the project is internal. This is an appropriate local response to local needs. But on a national scale, the lack of credible threat of Local Authority enforcement is a real disincentive to companies wondering whether to join a scheme, and also reduces the scope for enforcing against a non-compliant scheme member.
4. There are different ways of encouraging notifications more softly and cheaply, for example by publicising the regulations, proactively asking a sample of technicians what work they intend to notify in the coming week, or keeping a look out for plumbers' vans.

## Recommendation

Strategy for cost-effective enforcement

- *ODPM, should work with Local Authority representatives to raise awareness of what the schemes can (and cannot) do and to agree a national approach to proportionate enforcement.*

## Introducing new self-certification schemes- factors of success.

1. Finally, in this section I want to look at which factors are most likely to effect the success of any new self-certification scheme. This includes both the design and running of the scheme but also external factors.
  2. This is most directly pertinent to the proposed Part P of the Building Regulations, which will cover the installation of electrical appliances. However, there are other issues. Should the existing schemes be extended? Should competition be introduced to one or all of them?
  3. There are a number of different factors affecting compliance:
    - some of the regulation requirements are not well known;
    - translating the requirements into working practices can be technically complex;
    - the regulations impose a number of additional costs (and aesthetic choices) which installers and consumers alike wish to avoid.
    - none of the Local Authorities I spoke to had proactive enforcement regimes for building work in these areas.
- 
1. Thus the schemes are trying to improve compliance from what must be taken to be a pretty low base. The first consideration must be to attract a reasonably high number of companies - even at the expense of high inspection, notification and training requirements.

## External Factors

1. The IOP and HETAS experience suggests that schemes will not succeed unless they can become self-financing fairly quickly. Clearly the larger the scheme the greater the potential impact on national compliance. However, at least 600 companies are needed to generate sufficient funds to finance publicity, inspections, seminars, technical guidance, an advice service and the development and operation of training courses.
  - Self-certification schemes are well suited to industries where there are a high number of specialist companies, at least some of which are not small, and high numbers of installations. This keeps revenue up and inspection costs down.
  - The schemes appeal to companies which wish to differentiate themselves from the competition on quality grounds in industries primarily concerned with cost. Clearly larger, specialist companies can spread the cost of membership over a larger number of installations.

## Key Qualities of the Team

- Each of the existing schemes puts great store by their technical guidance and advice to installers, and this must form the backbone of any new scheme. However, it is equally important that scheme administrators are well placed to link into a network of contacts within the industry, and that their communication and publicity skills are strong.
- A successful scheme is essentially a small business. Yet the administration skills needed to enrol new members, answer queries, carry out seminars etc. were generally underestimated at the outset of the schemes. Any new proposals should include a projection of the likely number of members and finances.
- For low risk work where LA enforcement is minimal, the scope of each scheme should generally be cast fairly wide, to maximise the efficiencies of scale. The limiting factor will generally be the extent to which one inspector can cover all the issues likely to crop up.

## The Design of the Scheme

- Schemes should be encouraged to make as much information about the building regulations and procedures freely available as possible - to registered installers and non-registered installers alike.
- Each of the existing schemes is linked to a particular industry group and this is necessary to provide the funds, contacts and skills to start the scheme off. However, it is important that the scheme is seen to be free from undue influence.
- Schemes should not therefore be restricted to members of any particular trade association or to special interest group.
- There should be a definitive list of installations which have self-certified, held by the scheme administrator. I do not recommend that such information should be passed to Local Authority, unless required as part of the Home Information Pack.
- Each scheme needs to balance entry requirements with ongoing inspection, and that balance needs to vary - there is no one size fits all.

The initial assessment can include: inspection of completed work; multiple-choice assessment; financial vetting; formal qualifications and vetting by other organisations. Whatever package is chosen should reflect the extent of formal qualifications within the industry, the complexity of the work involved and the complexity of building regulations.

Although the aim of the schemes is to improve compliance with building regulations, there will always be a temptation to include with the schemes additional requirements, such as broader training requirements or warranties. However, each additional requirement will act as a disincentive to some firms and so should be kept to a minimum.

Where the initial assessment needs to be quite onerous it is helpful to keep it flexible. Ways of doing this include breaking up assessments into modules; enabling long distance training via videos and course guidance notes (which should be available separately from training courses); alternative approaches to registration (for example multiple-choice assessment or

inspection) and the use of probationary periods.

Inspections are expensive to the installer, so the regime should not be over-burdensome. If entry requirements are high, and scheme members have quality-controlled processes, inspectors have a smaller role to play in raising awareness and general education. However, the regime also needs to reflect the extent to which members will face temptation to cut corners. Finally the number of inspections should reflect the number of installations carried out to prevent a disproportionate burden on the smaller companies.

- Each of the existing schemes has elements, which any new scheme would wish to consider adopting. The existing schemes would wish to be involved in the set up of any new schemes.

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## **Annex 1: Assessment of the self-certification schemes, and overview of the Local Authorities' view of them.**

### **FENSA**

#### **Introduction**

Under the Building Regulations Self-Certification Scheme FENSA Ltd may exempt individuals and companies from the requirement to notify Local Authorities of work to replace windows, roof-lights, roof windows or doors in existing dwellings.

7,500 installers were registered by FENSA last year - a mix of companies and individuals. So far 5,700-5,800 have reregistered this year. This exceeds expectations - around 2000 were expected to trickle in over the course of the year. FENSA are confident that they will keep up numbers. Registered members carried out around 600,000 installations last year. FENSA did not have estimates for the number of firms of installations in the sector, however they think FENSA installers account for around  $\frac{3}{4}$  of all installations. There have been 10 complaints to ODPM about FENSA.

#### **Fees**

There is an initial administration fee of £117.50 per company plus a vetting fee of £235 for companies who have not been vetted by an approved body. In addition there is an annual registration fee of £117.50 per company, £1.76 per installation and £117.50 per inspection (minimum 2 per year)

#### **Administrative capacity of scheme**

There are 14 members of staff, of whom one is an accountant and one is an IT manager. The other members of staff have experience of the trade and/or admin. There are no formal qualifications. There is also a separate call centre to field calls and admin centre to issue certificates.

#### **Communication with members**

FENSA have a very good web-site, which, unusually, includes technical information for both members and non-members on aspects of the scheme and the Building Regulations.

FENSA encourage members to register installations on-line, using a password. They also accept registrations by email using software, which interacts directly with their database, and by fax from companies who are not e-enabled. A FENSA magazine has also been started which (alongside adverts) provides information on training, manufacturers' standards (relating to Part L- efficiency), and the team as well as specific guidance notes.

#### **Membership procedure**

Any one can become a member of FENSA provided that they have been in the business for 2 years and meet the following requirements:

- Vetting by FENSA about the financial viability of the company - this includes a trade

reference and a reference from a customer. It may also include interviews and examination of previous work;

- Ability to offer insurance backed guarantee of work for minimum of 10 years;
- Public liability for at least £2m. Employer's Liability Insurance for at least £10m;
- Access to either a fax, email or the internet;

If the company/installer belongs to a recognised trade association or other relevant body they will not be vetted again by FENSA. The list of exempt bodies was drawn up before the present FENSA team was established. Graham Hinett thinks it likely that discussion revolved around financial viability and length of time in business.

<b>Vetting Exemptions</b>
Members of the following organisations are not vetted further by FENSA.
<b>Trade Associations</b>
Glass and Glazing Federation (GGF)
British Woodworking Federation (BWF)
Federation of Master Builders (FMB)
Steel Window Association (SWA)
<b>Other Relevant Bodies</b>
Constructionline
Consumer Protection Association (CPA)
Guarantee Guild
Guild of Master Craftsmen
Home-Pro Insurance (including Fair Trades Insurance)
Incorporation of Plastic Window Fabricators and Installers (IPWFI)
Independent Warranty Association (IWA)
Insurance Guarantee Association (IWG)
Insured Window Guarantees Limited (IWG)
National Federation of Glaziers (NFG)
Network – VEKA
Plastics Window Federation (PWF)
The Quality Assurance Association
Quality Assured National Warranties (QANW)
Quality Mark
UK Trades Confederation

FENSA does not require members to have particular qualifications; few people within the industry have formal qualifications - the emphasis is on practical experience. Compliance with building regulations is tested through the inspection regime.

When the scheme was first set up FENSA expected some 2,000 applications and staffed accordingly. As a result there were considerable delays to processing the applications. However, there are no longer any backlogs of applications (even though reapplications peak around the end of March). It now takes 10 days to process an application once all the correct documentation has been received. There are however, continuing difficulties in getting

applicants to send in all the paperwork - particularly proof of their liability insurance.

### **Continuing training, professional development and advice services**

The scheme does not require continuing professional development. However, it does seek to encourage CPD in an informal way. This is done through:

- short seminars which take place across the country;
- answers to frequently asked technical questions on the web, which are available to non-registered installers as well as members of FENSA;
- technical advice is also available by fax with a lead-time of 10 days.
- there is also a FENSA magazine discussed in communication with members above.

FENSA have started developing a pocket guide to the installation of windows and doors, and this should be ready within 6-8 weeks. A video of the seminars may follow.

### **Records of installations**

Installers are required to notify each installation to FENSA within 5 days of completion. There is no formal policing of this system but the inspectors do have a rough idea of how many installations they expect per year based on each company's turnover. Notification of installations is done via the web or, for the larger companies using an email programme which inputs data directly into FENSA's database. Some 1,500 companies do not use the Internet and they input information via a fax. The information required is very basic - simply the address, relevant LA and number of windows and doors.

The householder then receives a certificate of compliance from FENSA via an outsourced mailing house. The information is passed directly to the relevant Local Authority as an excel spreadsheet. Some Local Authorities input the information using software, whilst others do so manually.

### **Complaints mechanisms**

There is a formal complaints procedure for customers. These must be made in writing. Often the complaints are about the quality of workmanship and the customer will then be referred to the Trading Standards Officers. Otherwise FENSA write to the firm asking how they wish to proceed. The installer has 1 month to take remedial action though this can stretch to 2 or 3. FENSA have discretion over whether they reinspect and most complaints are sorted out at this stage by the firm. If the business needs to improve its skills base then FENSA can increase the inspection rate up to 10% until it has improved compliance, or withdraw membership. However, FENSA have so far taken a softly softly approach and most people have just sorted out their problems. If the installation is very non-standard or there is a continuing legal dispute FENSA will seek Local Authority involvement, because Local Authorities have some discretionary powers which FENSA do not (for example on security issues). On the odd occasion that there is blatant large-scale non-compliance FENSA have sought LA support in taking a legal case.

At the beginning of the year there were a large number of complaints about FENSA's operation

because of the backlog of applications. These have now died away as further staff have been employed.

There are also lots of complaints from FENSA members about cowboys. However, FENSA are quite bullish about this; there is no great cost advantage to putting in windows which do not meet the regulations.

### **Inspection of completed work**

All installers are subject to a minimum of 2 inspections/year. For larger firms 1% of installations will be inspected up to a maximum of 100 inspections/year. In addition to this an applicant may be inspected as a result of complaints or of non-compliance during previous inspections.

90% of the inspections are carried out by BBA, who were joined in January by Dearle and Henderson, covering the North-East/East of England. FENSA acts as an appeal body.

Roughly half of the scheduled inspections are carried out during the installation. This allows inspectors to check the windows coming out as well as those going in, but has the disadvantage of enabling the installer to prepare for the inspection. The remainder are surprise checks carried out afterwards, and are much shorter. Most are carried out when a householder is present, however tests for low-e glass, safety glass and glazing distances can often be conducted without anyone present from the front of the house. BBA leave a calling card and do not try to boost their inspection rate by talking householders into having an inspection if they do not want one.

5 of the 7 BBA inspectors came from the windows industry; 1 commissioned the installation of windows for an LA and the other was a building control officer. A quality control manager with 14 years experience of managing BSI inspectors heads the team. There is little difficulty in recruiting inspectors; the salary is comparable with equivalent positions in the industry but the quality of life provided is better.

The inspection regime began in July last year, and inspectors had 8 days dry run beforehand. Of these 8 days, 3 days were formal training. The training included talks by and visits to firms involved in the whole process from surveying to installing, practice at carrying out both a post and pre completion inspection; and feedback to iron out any difficulties in the inspection regime. The following week was spent carrying out inspections at a relaxed pace to enable problems to be addressed as they were encountered.

Both pre-completion and post-completion inspections are carried out to a set format, which is designed to eliminate ambiguity. Inspectors are not given the discretion that a Building Control Officer would have. However, BBA considers that an important part of its role is providing advice: on-site during an inspection; on the web giving information about what an inspector looks for and as part of FENSA's seminars.

### **Selecting Work for Inspection**

BBA has a target of completing 248 inspections per week. Each week, FENSA sends a copy of the notifications to BBA which then plan the following week's inspections. Pre-completion inspections take 1½ -2hours, and are set up in advance with the installer, so post completion

inspections tend to be slotted in around.

To achieve this BBA uses software to identify the minimum amount of driving necessary for each inspector to carry out 10 inspections. The software takes into account the home (or starting address) of the inspector, the installers' addresses and the address of the installations carried out in the previous week. The software does not consider companies who have already had their quota of inspections unless manually overridden.

### **Failure rates**

16.5% of installations fail on inspection and the reasons for these failures are split as follows:

- 44% fail because they have weakened fire regress;
- 22% fail because glass in the frames has broken and been replaced with non-toughened glass - or because the glass has not been marked as safety glass.
- 22% fail because the thermal performance of the glass is substandard - again this is normally due to quick replacement of broken glass.
- 7% fail on ventilation issues.
- The remainder are split between issues such as the definition of a conservatory, disabled access and mistakes in the notification.

These failure rates are coming down markedly from over 20% to 16.5%. FENSA and BBA attribute this to their work at raising awareness within the industry and training. BBA think it likely that failure rates (particularly the use of safety glass) were considerably higher before the scheme started, perhaps as high as 90% for use of safety glass.

When an inspection fails, FENSA write to the installer asking them what action they intend to take. FENSA's philosophy is that the responsibility for compliance lies with the installer to ensure compliance. This should not involve further cost to the householder. Where there are disputes, FENSA may require the installer to come to a seminar or otherwise demonstrate understanding. There has been the odd case of blatant non-compliance on a large scale. FENSA then looks to the Local Authority to prosecute. FENSA also suggest that members notify Local Authorities themselves in complex cases, where discretionary powers are needed.

### **Insurance-backed warranty or equivalent**

All FENSA members must offer a 10-year guarantee, which is backed by insurance. This means that the customer is still covered if the installer ceases trading for whatever reason.

There are only 2 UK primary administrators (of around 800 British Insurance Companies) are willing to offer this type of insurance. These are NIG and QANW. A further, offshore administrator IWA is also currently providing insurance cover. FENSA have not yet decided whether this is acceptable.

There is currently ambiguity about the meaning of the word 'offer'. The insurance bodies are

each interpreting this in different ways. These include:

- quoting a separate price for insurance within the contract;
- passing names and addresses automatically back to the insurance company; (the QANW model)
- selling an insurance contract as well as contracting the double-glazing work;
- making the customer aware of the benefit of insurance and offering to pass the name and address back to the insurance company.

It is not currently clear which of these models are legal. There is no information on the take up of guarantees.

## **OFTEC**

Under the Building Regulations Self-Certification Scheme OFTEC may exempt individuals and companies from the requirement to notify Local Authorities of work to install oil-fired combustion appliances and oil storage tanks and pipes.

OFTEC was founded in 1991 and its voluntary registration scheme was set up in 1992/3.

Richard Gales took over OFTEC as Chief Executive in April last year, alongside the new self-certification scheme and almost all of his team are new; the administration manager not being appointed until the end of 2002, when they moved into new premises. The self-certification scheme appears to be well-thought out, but at the beginning of the year there were considerable problems with paper work, so information about most aspects such as numbers of registrations etc dates back only to the beginning of this year. There was one complaint about OFTEC to ODPM, in April 2002.

OFTEC does not have a robust record of its registered technicians at the beginning of the year. At the present time there are 2,738. 1,600 registrations lapsed in December at the end of a 3-year registration and OFTEC are confident that most of these technicians are currently going through the retraining and assessment system. OFTEC is also confident that a large majority of the 6-7000 English and Welsh installers and servicers of oil-fired systems will eventually join, with membership starting to tail off in 2004. However they are less certain about the long term future of the scheme (more of which later)

### **Costs of membership**

The cost per registered technician is £180 over 5 years. Each company must also be registered at a cost of £400 over 5 years. However, the main cost of joining is the time and money spent on training which, though non-obligatory, is highly recommended. This costs around £400/ 3 days for a typical course.

### **Scheme finances**

OFTEC has three income streams: fees for registering technicians; fees from manufacturing

members (for whom OFTEC acts as a lobby group and standard setting body); and sales of literature, marketing events etc. OFTEC is a not for profit organisation.

OFTEC estimate that there are approximately 10,000 installers and servicers in the UK, of whom around 6-7000 are in England or Wales. So OFTEC currently covers around 30% of all installers (about the same percentage of firms because there are so few Oil-fired heating firms of any size).

It is likely that up to 50% of installations are captured, because OFTEC registration is a disproportionate burden on people who very rarely work with oil-fired appliances.

### **Administrative capacity of scheme**

OFTEC has 11 members of staff, working at least partly on the registration scheme. There are also 8 self-employed inspectors and a committee structure which feeds advice into technical aspects of the registration scheme. The committee structure draws on the expertise of manufacturers, installers, commissioners, servicers and trainers in the field. OFTEC encourage all staff working for the scheme to get accreditation.

OFTEC has a very good web-site with sections for members and registered technicians. It also communicates by email.

### **Registration procedure**

All technicians working with oil-fired appliances who have public liability insurance of at least £1m are encouraged to join.

In order to become a registered technician, applicants must pass an assessment of one of the following:

- commissioning and servicing pressure-jet appliances (OFA 101);
- commissioning and servicing vaporising appliances (OFA 102);
- installation of oil-firing systems (OFA 105 and OFA 105E - with energy efficiency module);  
or
- installation of oil storage tanks. (OFA 600A).

The assessments are carried out at centres around the country, which are run either as commercial training centres or by a manufacturer of oil-fired appliances who is also a member of OFTEC. Assessments are then certified by one of three bodies: BPEC, ERS or Zurich Certification<sup>2</sup>. The Certification Bodies are in turn certified by UKAS.

With the exception of OFA 105 and 105E, each assessment has a multiple-choice assessment and a practical. Candidates taking the multiple choice can refer to the OFTEC technical literature, but must correctly answer all questions. During the practical, an OFTEC Approved Assessor (who will themselves be a registered technician) observes candidates undertaking

activities on appliances and equipment.

Although technicians can take an assessment cold, OFTEC strongly recommends that they carry out specially designed training beforehand. The training is available across the country to a common syllabus. The syllabus is set by OFTEC, drawing on advice from UKAS, from OFTEC's training and appraisal committee, from up to date information from their inspectors and from the technical advice help desk. Training courses provide the technical literature which will be used during the assessment and referred to during inspections, and which is cross-referred to in the self-certification forms.

OFTEC take very seriously the question of ensuring that assessors are themselves assessed. Assessors, Certifying Bodies and Inspectors are all certified. When OFTEC develops a new qualification inspection regime it gets 3 assessors to assess each other. These assessors can then assess others. A manufacturer's expert is usually involved in syllabus content and UKAS also has a role in ensuring that assessments are fair, meet the requirements of the scheme and are up to date.

OFTEC does not check on the financial viability of prospective members. The reason given is that the oil-fired sector does not have a high proportion of fly by night companies.

Applications to OFTEC are often quite drawn out. Following successful completion of the assessment it takes the Certifying Bodies an average of 8 weeks to certify the assessment; the main delay being receiving payment. It takes a week for OFTEC to carry out the registration, once they have received the correct papers and cheque.

There is also often a long interval between completion of assessment and OFTEC receiving an application to register. The time taken varies between assessment centres; the best actively encourages technicians to apply before leaving the premises (the certified assessment is sent on to OFTEC later), however, many of those run by commercial training centres are divorced from the registration process. The terminology used, particularly 'Certification of Competence', is also thought to give some technicians, and local authority building control officers, the impression that no further action is needed. Registration lasts for 5 years, and re-registration requires a refresher assessment.

## **Ongoing Training**

OFTEC do not require any formal ongoing training. However, they do provide a number of sources of further information, including a number of technical information sheets, which are available to all free of charge. They also sell technical guidance and respond to email requests for advice and guidance. This service is also provided to non-registered technicians on payment of a fee.

## **Records of installations**

OFTEC sell control documents for certifying compliance of work with the Building Regulations. These are designed to be used either for self-certification or for submission to the Local Authority building control. Filled in correctly the form should ensure compliance with the regulations and is cross-referenced to the technical guidance. OFTEC encourage technicians to give a copy to the householder and keep one for themselves. However, their understanding

is that they cannot require technicians to use the forms or to pass a copy to OFTEC.

## **Complaints process**

Most complaints are from registered technicians about other non-registered technicians. There is no system for complaints of this form, but the substance of their complaint is that heating engineers who join OFTEC are losing business because they cannot make the cost savings, which are available to those who flout the regulations.

OFTEC requests that all customer complaints are put in writing. Receipt of the letter is sent out and a preliminary check is made that there is a case to answer (There have been 47 complaints since January, of which only 16 have been about technicians who were registered). Where it is likely that a mistake has been made, an appointment is made for the technician and an inspector to visit at the same time. The inspector takes a mediating role between the householder and technician, to give the technician a chance to put things right. There is no fixed rule about who bears any additional cost. This is part of the mediation and depends mainly on whether the technician has done what they said they would. If mediation fails or there are a string of complaints, the technician could be suspended pending training (which has happened once) or their registration revoked. Finally when a course of action has been agreed upon, the technician and householder are sent 2 formal cards; one setting out action to be taken and one to be returned upon completion. OFTEC does not log a time for dealing with complaints. However, they do aim to turn the administration of complaints around the same day.

## **Inspection of completed work**

Each technician is inspected once over the 5-year registration period. These routine inspections are decided by post-code. Where there are complaints or concerns a further inspection normally follows. The technicians are not charged for inspections, which cost OFTEC £75 each.

The inspection is carried out with the technician present. Prior notice is given to ensure that permission is sought from the householder. The inspections follow the format of the control documents and, are intended to allow technicians to develop their knowledge further, rather than being confrontational. For example, where changes are needed the inspector discusses these privately with the technician. About 5% of inspections fail - often because the technician is meant to check previous work for evidence of compliance. But this softly softly approach is judged by OFTEC to be productive and fits well with the high entry-level requirements.

8 self-employed inspectors carry out the inspections. OFTEC has a number of principles to guide their selection:

- Most inspectors have worked as heating engineers all their life. Inspectors must not still be working; most are approaching retirement. If a potential conflict of interest arises, the inspector is expected to pass the work on.
- The inspectors have the same qualifications as the registered technicians. This is kept up to date through training events - most recently a week's training and the senior inspector spends a week with each inspector.

## **Insurance-backed warranty or equivalent (insurance bond, professional indemnity insurance)**

OFTEC has not judged it necessary to provide insurance-backed warranties or equivalent because registered technicians tend to have worked in oil-fired heating for a long time; there are few fly by night companies.

## **Lessons for ODPM and for Local Government**

OFTEC's view is that Local Government Building Control Officers have little awareness about notification under the building regulations or of OFTEC is. Many Local Authorities, particularly in the Southeast, do not enforce building regulations at all. Officers do not have the technical competence and do not know what to do. Although OFTEC has run several free seminars and awareness raising events, the take up from Local Authorities has been almost zero.

This provides an incentive not to comply, as compliance is costly; OFTEC drove me past 3 separate oil tanks that were a fire risk. This was a short 5-minute drive. OFTEC would find it helpful if ODPM applied pressure to local authorities to enforce the law. As a minimum OFTEC consider that it would help if ODPM wrote to building control officers letting them know what OFTEC does and how it can help them.

OFTEC are concerned about the prospect of introducing more than one registration scheme in this area. Currently OFTEC have complete control over the assessments, which mean that they are sure that the quality of technicians is suitable. They are also concerned that a new self-certification scheme would mean additional confusion to householders.

## **HETAS**

Under the Building Regulations Self-certification scheme, HETAS members are exempt from the requirement to notify the relevant Local Authority of work to install a solid fuel burning combustion appliance. The scheme allows HETAS members to self-certify chimney relinings only where these are carried out in association with an appliance installation.

The HETAS self certification scheme has developed as an extension of the UK body recognised by DEFRA for the official testing and approval of domestic solid fuels, solid fuel burning appliances and associated equipment and services. A registration scheme for installers was established in the 90s, and in 1994 had 600 companies.

Although the self-certification scheme started in April 2002, it got going Fully only in October. 350 companies (650 individuals) are now registered with HETAS under the self-certification scheme. This is up from 130 companies (230 individuals) before April 2002, and HETAS expect a gradual increase in membership. (This expectation is based on the growth of wood-burners and the overall request for information packs - some 2,300). Estimates were not available about the potential size of the sector - or installations carried out by HETAS registered installers. However, the Solid Fuel Association estimates that around 60-65,000 solid fuel appliances were installed last year.

## Administrative capacity of scheme

The HETAS team is 4 strong working the equivalent of about 2.5 full time equivalents. The team has all spent their careers within the industry, and has been intimately involved in developing British Standards for solid fuel issues, including a considerable research background.

<b>Fees</b>		
<i>Company Registration</i>		
Not including wet lining chimney systems	1 <sup>st</sup> year	£150+VAT
	Following years	£100+VAT
Non NACE company installing wet lining chimney systems	1 <sup>st</sup> year	£400+VAT
	Following years	£150 +VAT
NACE company not installing appliances	Each year	£0
Companies installing appliances and wet lining chimney systems	1 <sup>st</sup> year	Additional £50+VAT
<i>Individual Registration</i>		£25+VAT
<i>Packs of Certificates of Compliance (50)</i>		£12.77

## Membership Procedure

Each engineer carrying out installations must register with the scheme, and each company must also register. The paperwork is turned around in about 2 weeks.

Ideally engineers applying for registration should have a recognised heating industry qualification e.g. City and Guilds, Craft Apprenticeship. They should then have passed a HETAS course covering those areas of competence which they will self-certify.

Prior to the self-certification scheme there was no specific training course for solid fuel installers. HETAS have now developed two courses covering the installation of solid fuel appliances (2 days) and related heating /hot water systems (a further day), which are assessed via a multiple choice paper (pass mark 80%).

***HETAS Course Content (2 day)***

Domestic chimney and flues  
the installation of appliances  
The Building Regulations (Approved  
Document J – 2002 Edition)  
British and European Standards  
Fuels  
Identifying problems  
Service and maintenance.

***3<sup>rd</sup> Day***

Requirements relating to the heating hot water  
and control systems associated with a solid  
fuel fired appliance.

***Costs (at time report written)***

£190+VAT for the 2 day course or £285+VAT  
for the 3 day course. Courses can also be run to  
order for £1600 (2day) and £3400 (3 day). The  
course includes a Training Manual.

Training courses are run by HETAS throughout England and Wales. However, engineers may need to wait a while for a training course in their area, and the training manuals cannot be bought separately from the training courses.

As a result HETAS accept registration from engineers with formal qualifications, who have not yet attended the HETAS course. HETAS also accept registration from installers who have no formal qualifications if they can confirm experience of working with solid fuel fired appliances. In such circumstances technicians can self-certify but their registration is regarded as provisional until they have attended the HETAS course and been inspected. Where engineers wish to register to install wet chimney lining systems (those which are cast in-situ or using rigid sectional liners) there are further entrance requirements.

Some Trade Associations (such as the National Association of Chimney Engineers) operate specific training and quality assurance systems that are supervised by HETAS. Engineers who belong to such trade associations are recognised by HETAS as being competent to install wet chimney lining systems and company registration fees are waived (the engineer is still bound to carry out the HETAS training if they wish to install appliances).

If the engineer does not belong to such an association, he or she will be asked to provide a full and detailed description of the method of installations, relevant Codes of Practice and details of the Quality Assurance scheme operated by the company. An inspection will then be carried out to observe the installation process from start to finish.

Communication with registered technicians is via seminars and letters. HETAS does have a web site but does not seek at present to communicate key messages via email or the web.

HETAS do not require continuing training or professional development by its members but it does offer an advice service and answers around 40-80 queries a week from its members. Non-member enquiries are referred to Building Control.

## **Records of installations**

HETAS require installers to complete a certificate of compliance for each job completed. The certificates were approved by ODPM in September and with installers in October. The intention is that one copy is left with the customer, one copy is sent back to HETAS and the installing company keeps one copy. There is no time limit for compliance.

This system has not yet settled down. Just over 1,000 notifications have been received by HETAS. Some of these have been sent in on photocopies of the compliance sheet in approved document J. HETAS have recognised that there is a need to improve the rate of return of these documents. It has sent a reminder to each registered member, resulting in a recent influx (around 200) of notifications.

HETAS use the certificates to target inspections, and estimate that they look at around 10% of the certificates to check compliance.

## **Complaints mechanisms**

HETAS asks customers to put any complaints in writing. These are then passed to the contractor for comment and HETAS acts as an arbitrator. To date there have been no complaints which clearly contravene the building regulations. All have been about unreasonable behaviour or contractual issues. Complaint numbers were not available.

## **Inspection of completed work**

HETAS's intention is that each registered installer should be inspected over their 12-month registration period. In practice inspections have been slow to get started with only 41 inspections to date.

HETAS uses 7 independent consultants as inspectors who have been chosen for their technical competence. Each consultant has a set geographical area and carries out 2 inspections a day. To keep costs down inspections are carried out in the same area over 2-3 days to try to keep costs down. Inspections are set up with the installers, some during the installation and some thereafter. There has been a noticeable lack of co-operation from members, with many claiming that they have not yet carried out an installation. The inspectors fill in a control sheet, which is then returned to HETAS.

If a case of non-compliance was found the installer would be required to put the problem right. There would be no further cost to the customer. However, to date only minor problems have been found. No non-compliance of Document J requirements has been found. However the requirements of Document L are not clear. 2 of the 41 inspections found that a new document L compliant control system has not been installed when an appliance was updated. It is not clear whether this is a legal requirement. HETAS's opinion was that this could prove difficult, as many such updates are distress purchases.

Now that certificates of compliance are being returned HETAS are reviewing their inspection regime. Changes being considered are:

- Using some senior technicians from manufacturing companies as additional inspectors. Issues about independence have yet to be ironed out.

- Approaching clients directly to set up inspections - though this might cause installer resentment and provide an incentive not to return certificates of compliance.

HETAS does not require members to offer insurance-backed warranty or any equivalent

### **The Institute of Plumbing**

The Institute of Plumbing is a professional body which was established in 1906 to raise the standards of plumbing. Under the Building Regulations Self-Certification Scheme the Institute may exempt individuals and companies from the requirement to notify Local Authorities of work in respect of a service or fitting in relation to the following parts of the Building Regulations: -

Part G (unvented hot water)

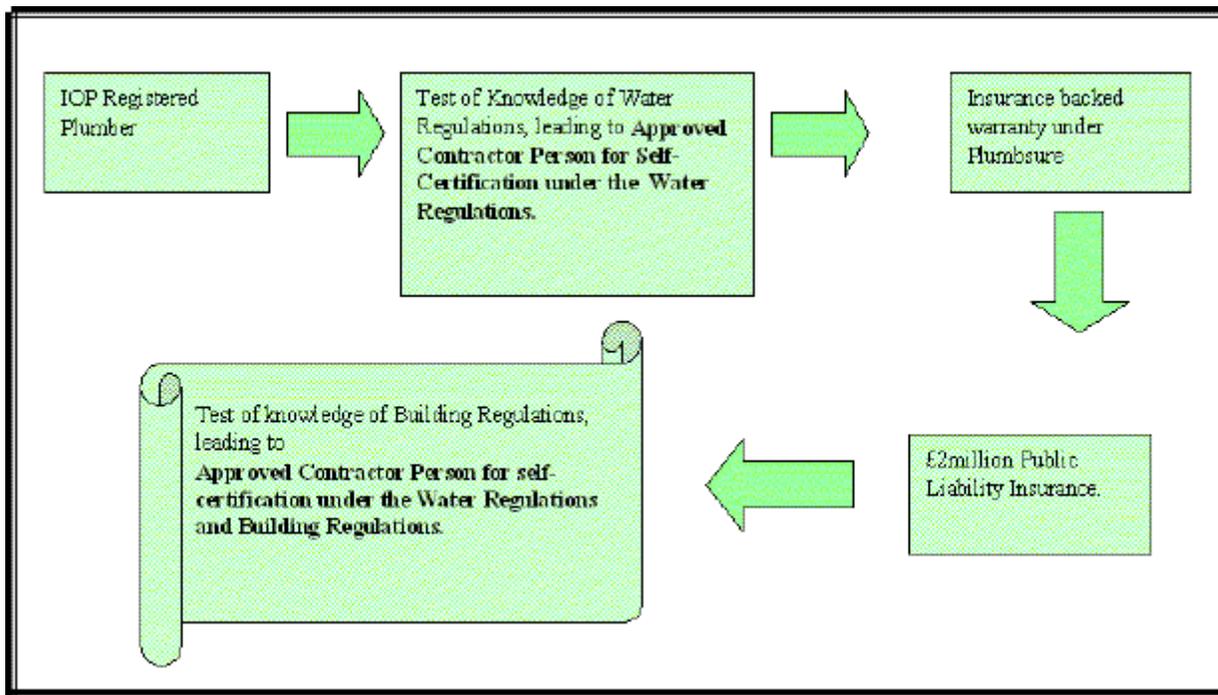
Part H1 (Foul water drainage), Part H3 (rainwater drainage); and

Part L1 and L2 (hot water vessels)

The Institute of Plumbing has 11,000 members; around 9,500 are practising plumbers. Subscription rates are £82 for fellows and £52 for members and associates. IOP estimates very broadly that there might be around 100,000 plumbers. Membership of the Approved Contractor Person (Building Regulations) scheme is free. However, as yet there are no members.

### **The Approved Contractor Persons (Building Regulations Scheme)**

The Institute of Plumbing has for 3 years now been able to approve people under the Approved Contractor Person Scheme for Water Regulations. IOP's preferred option was to extend this scheme, allowing plumbers to become approved under both the Water Regulations and Building Regulations as shown below:



The intention was that in large companies the ratio of scheme members and registered plumbers to other plumbers must be at least 1 in 10. However, as mentioned above there are currently no members of the Approved Contractor Persons (Building Regulations) Scheme.

The IOP give a number of reasons for this. They consider that the most important is the lack of interest. Despite writing to all its members who are plumbers, the IOP has only 35 approved contractor persons for the Water Regulations. There is at present little hope of attracting more, and there is interest in only limited aspects of the Building Regulations Scheme. The Institute has not repeated the write around with the new scheme.

IOP tends to attract the smaller plumbing firms who have difficulty in releasing people for training. Their main hope for attracting interest in the Building Regulations Scheme is British Gas. At present it costs between £75 and £100 to notify Local Authorities of fittings under Part G. British Gas who would normally carry out this work will not fit unvented appliances because of this cost.

IOP consider that British Gas will not join the Building Regulations because it does not cover unvented systems and because not many employees carry out sanitary work. BG does not therefore wish to register 1 in 10 of their engineers.

There are a number of other issues, which also need to be considered.

IOP have been working with PlumbSure to provide an insurance-backed warranty scheme, which would cost around £6.50 for each job over £250. 30,000 forms were printed for IOP members but there has been little interest. Counprice, the brokers, are now considering widening the scheme to include non-IOP members.

There is currently no training scheme aimed specifically at building regulations. Water Training International currently provides City and Guilds accredited training on the water regulations.

IOP has approached them to put in a training scheme on building regulations. The syllabus is finished and IOP are currently seeking City and Guilds accreditation, before putting the syllabus to ODPM

IOP are now seeking to split the scheme, separating it from Water Regulations and providing different modules for Parts H, G, and L. They are waiting for a decision before finalising the syllabus for training.

### **Records of installations**

IOP have not developed any control documents or other systems of recording installations and have no current intentions of doing so.

### **Continuing training, professional development and advice services**

The IOP requires all members to do 20 hours training a year, and to gain 30 points. IOP keep track of these points which can be gained by:

- attending courses (IOP expects to have an IOP/RIBA scheme within the next 12 months which will include information of relevance to the building regulations - though not badged as such);
- by answering questions based on articles within the IOP's magazine, Plumbing; (no CPD articles on the Building Regulations have yet appeared. However a technical article on Part L written by a manufacturer has been published).
- or by attending IOP's Technical Seminars. An IOP seminar was held in December which included 3 hours on Part L of the Building Regulations,

The intention is that plumbers registered to self-certify building regulations would carry out 5 hours Continuing Professional Development on Building Regulations issues. However, although 15 seminars have been held on the water regulations, IOP are not intending to do further seminars on the building regulations at the present time. The IOP has started developing technical advice on its web-site and intends to put additional material on the members' only part about Building Regulations.

The Institute gets around 500 technical queries a month. Many of these will have a building regulations element, but they are not generally just about building regulations. IOP also receive roughly 1 call a week from Local Authorities.

### **The Complaint and Inspection Regime**

IOP do not operate a proactive inspection regime, however, they do respond to complaints. The IOP receives around 300-400 complaints a year about its members. It accepts only written complaints and around 30% proceed this far. The plumber concerned is asked for his or her views and given an opportunity to rectify the situation informally. If progress is not made the matter is referred to the Institute's Professional Standards Committee. The Committee may take evidence from its 15 inspectors. At this stage the process is very formal and last year the Committee removed 29 of its members. Other courses of action used include recommending training; suspension; rectification of work at the plumber's own costs. This complaints process

is free and covers all levels of contracts.

The inspectors are self-employed on a voluntary basis, though they are paid £60 +Travel and Subsistence per inspection. They are all members of the Engineering Council and are generally consultants or lecturers. They receive additional training at weekend residential courses every 18-24 months. The current intention is that next year's training will include information on building regulations.

### **Messages to the Department**

IOP consider that the ODPM should give more promotion and publicity to the self-certification schemes. It also considers that the existing regulations which affect plumbing work need overhauling. This would make them both easier to understand and to comply with. All enforcement should then be brought under the Building Control Officers. Finally they would like financial help in promoting training about Building Regulations.

### **Overview of the Local Authority experience of the competent person schemes<sup>3</sup>**

The picture *all* Local Authorities painted was that there is little proactive enforcement of building regulations - particularly for the smaller projects covered by the schemes. The Local Authorities gave three reasons for this: control of new building is a low priority for councils, and cannot be sufficiently subsidised from notification fees; there is a national skills shortage for Building Control Officers; and it is not normally possible to tell if internal building work is being carried out.

Where building work of this nature is encountered the views of compliance varied. The following areas of non-compliance were noted:

- Little understanding of the use of low e glass and toughened glass;
- Plumbing problems in connection with existing drains;
- DIY
- Siting and fire protection problems with oil storage tanks.

But not all Local Authorities found any difficulties at all.

ODPM asked whether Local Authorities found it difficult to distinguish between self-certified and non-notified work and the LGA and DSA were concerned that this could be reducing enforcement. However, because there is so little proactive enforcement, this fear has not been realised. Extensions and other large projects are generally not self-certified, and Local Authorities do not inspect the smaller ones unless asked to do so.

Whilst all councils receive double glazing notifications, there were few others. Mid-Devon District and Suffolk Coastal District sometimes receives notifications for oil-fired heating appliances, and Bradford sometimes get notifications for major plumbing work. As a result Local Authorities have little or no contact with HETAS or OFTEC. The main contact with

FENSA is via the electronic notification system. FENSA send all the notifications through to Local Authorities as an emailed excel spreadsheet. However, Local Authorities use 3 or 4 different databases to store the notifications, some of which are incompatible with excel. Where this is the case, they are entered into the database by hand.

Local Authorities generally make little use of the notifications received, just for responding to the occasional request as part of a land search. The Law Society published guidance in January 2002. The guidance states that Local Authorities must respond to queries about FENSA certificates only if the actual certificate has been lodged with them by the registered installer. A notification from FENSA is not the same thing and Local Authorities are not obliged to do anything with the information.

Some Local Authorities put the notifications onto their land search databases. These are often not compatible with excel so the information is added manually. Brighton and Hove City Council estimate that the cost of doing this is around £2-3,000 a year. Other Local Authorities store the information as a separate database or simply store the notifications in boxes. Many of the databases are out of date.

Local Authorities were not keen to extend the notification system to the other competent persons schemes. Indeed those I spoke to would rather switch to asking FENSA for information directly or using a searchable database on the web. A list of all firms registered with the schemes would also be useful. Local Authorities had some concerns about the FENSA scheme.

- **FENSA does not enforce against its members.** Where there are problems FENSA refers them to the Local Authority. Some Local Authorities were concerned that this meant they had no notification fees but still had the burden of enforcement. However, they did accept that they would not be able to cope with all the double glazing work.
- FENSA inspections do not ensure that there is **adequate ventilation** when a leaky window is replaced in a room with a pre-existing heater.
- Notifications from some firms can be **sporadic and rather late**.
- One authority also questioned the **competence of the FENSA inspectors**.

<sup>2</sup> A fourth Certifying Body, CITB, is shortly to join the scheme.

<sup>3</sup> I carried out 6 semi-structured telephone interviews with Local Authorities, asking about their building control work..

