

Annex E

Consultation questionnaire

Question 1: Do you consider that the criteria in Section 1 of this consultation document are appropriate for the authorisation of competent person schemes?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment:			

Question 2: Is the meaning of each of the criteria clear?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment:			

Question 3: Are there any other criteria which you consider should be applied to competent person schemes?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Comment:			

Question 4:			
Are you content with the steps and timescale the Department is proposing for the consideration of applications to operate a competent person scheme?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment:			

Question 5:			
Do you support the Department's preference for Option 2 for schemes' complaints systems?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment:			
ACE welcomes a more formal, standardised and robust system for dealing with complaints. However in the absence of referral of unresolved complaints to an independent arbitrator (as suggested under the discarded Option 3), ACE calls for clearer indication of the final recourse for customers.			

Question 6:			
Do you agree that there should be a minimum level of consumer financial protection where the scheme member cannot bring work up to the required standard? If yes, please give your preference for Options 1, 2 or 3 with reasons for your choice?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Preference:			
Option 1	<input type="checkbox"/>	Option 2	<input type="checkbox"/>
		Option 3	<input checked="" type="checkbox"/>
Reasons:			
Option 3 provides the maximum level of protection for customers and provides consistency of cover across competent persons certification schemes and types of works carried out.			
ACE notes with interest and approval the decision by Defra to appoint			

the National Measurement Office to oversee implementation of its strategy "Saving Energy through Better Product Standards" and note that this is not only "significantly funded" for this task but has quite deliberately been given criminal powers due to concerns that products may not comply. It is obviously a great deal easier to hide failures in a building than it is in individual products, against which the consumer deserves to be fully protected

Question 7:			
Do you have any suggestions on other types of protection that might be appropriate if Options 1, 2 or 3 were adopted?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If yes, what is your suggestion:			

Question 8:			
Do you agree that the current system of monitoring the performance of members of schemes should be continued and extended to all authorised schemes?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<p>Comment:</p> <p>ACE agrees with the proposal to continue, but clarify in proposed schemes' conditions of authorisation, the current minimum competence standards required of members (competence checked against National Occupational Standards). However, ACE feels that more must be done through the quality assurance functions to address the problem of non-compliance with Building Regulations. This consultation document (p29) acknowledges that compliance is not at an acceptable level and the recent Parts L and F consultation (2009) estimated non-compliance with Part L to be at 15%. There is other evidence (for instance from the Energy Efficiency Partnership for Homes) which suggests that this percentage underplays the actual levels of compliance failure.</p> <p>The mechanisms for monitoring the performance of members need to respond to the challenge of improving compliance with Building Regulations. ACE calls for stiffer procedures to respond to the identified failure of a member to reach the required standard. The offer of training and advice, supported by the threat of removal from a scheme only in the last resort, does not appear to be a strong enough measure to improve the woefully low levels of compliance.</p> <p>ACE also calls for the persons tasked with the monitoring and inspection of scheme members' work be furnished with a larger range of tools to test compliance, particularly with works covered by Part L of Building Regulations. The recent consultation on Part L of Building Regulations (2009) admitted the need for additional tools for monitors of Part L compliance but failed to introduce them, instead requiring only increased air tightness and building services commissioning testing. ACE therefore calls for CPC scheme inspectors to be furnished with the tools necessary to truly assess the quality of work and compliance of</p>			

this work with the minimum standard outlined in the Building Regulations.

Question 9:

Do you agree that the Department should allow schemes to move to a risk-based system of monitoring the performance of their members in appropriate cases where they have demonstrated their ability to operate such a system?

Yes

No

Comment:

Given the unacceptability low levels of current compliance, changes to performance monitoring must only be undertaken if they work to improve compliance. Moving to the risk based monitoring of performance, whilst perhaps rewarding members with high performance levels with lower inspection fees, does nothing to improve the monitoring of those members with poorer performance.

ACE calls for the inspection capacity free up as a result of reduced inspection visits to high performing members to be diverted to increase the monitoring of and action to improve poorer performers. To maintain the credibility of the system of competent persons schemes we must weed out poor performers.

ACE also calls for a risk assessment to be carried out to identify the areas of the building regulations that are most at risk of non-compliance and to require higher basic levels of inspection for the CPC schemes that cover these areas. The glazing CPC schemes currently require more frequent inspections, twice a year rather than the more common annual inspections, which could be suitable for high risk areas.

ACE also calls for clarity on the minimum numbers of inspections that any member would receive under this risk based approach. The impact Assessment supporting this consultation suggests that the changes might involve a move to one inspection every 3 years for some members and ACE considers this an appropriate minimum number of inspections.

Question 10:			
Do you agree with the Department's view that UKAS accreditation should be the requirement for the monitoring of schemes' performance?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment:			
ACE welcomes the introduction for mandatory UKAS accreditation for existing and new schemes.			

Question 11:			
Do you consider that the draft Impact Assessment presents a fair representation of the costs and benefits?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Comment:			

Question 12:			
Can you supply any further information to help develop the Impact Assessment further? In particular we would welcome comment on the assumptions we have made on average per scheme or per member costs of some of the proposed changes, for example on the cost of UKAS accreditation or the cost of additional training.			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Comment:			