

Health and Safety Commission Paper		MISC/08/04	
Meeting Date:		Open Gov. Status:	Fully open
Type of Paper:	Misc	Paper File Ref:	
Exemptions:	None		

HEALTH AND SAFETY COMMISSION

NEW GAS INSTALLER REGISTRATION SCHEME COMPETITION

A Paper by Avril Adams and Ian Greenwood

Advisor(s):

Cleared by Geoffrey Podger on 11 February 2008

Issue

1. An update on progress with the competition for a new gas installer registration scheme provider, a key recommendation arising from HSE's 2006 review of domestic gas safety.

Timing

2. Routine.

Recommendation

3. For information and to note, especially, the delivery of a major stage in the competition; plus adjustments to the timetable for starting the new scheme.

Background

4. In March 2007, Lord McKenzie endorsed the Commission's recommendations arising from HSE's 2006 review of the domestic gas safety regime. The core recommendation was to deliver added value to gas consumer safety through a reformed gas installer registration scheme. During 2007 HSE developed a specification for a new registration scheme in consultation with stakeholders. Following this, HSE put in place, with the assistance of Treasury Solicitors and the advice of the Office of Fair Trading, arrangements for a competition for a new scheme provider.

5. The competition was launched on 27 July 2007 with an announcement in the Official Journal of the European Union. HSC/MISC/07/09 updated Commissioners on progress and set out how HSE was approaching delivery of this novel competition.

Argument

6. The first stage of the competition closed in early September and there was a good response from private companies and other organisations. An HSE evaluation panel independently chaired by the consultant, Rob Wright, met on 24th September and recommended that a short list of bidders be invited to tender to the next stage.

7. Commissioners will want to note that the complexity and novelty of this procurement exercise and the protracted resolution of certain information problems have necessitated adjustments to the timetable for delivering the new scheme. The HSE project board overseeing this work reviewed the timetable and agreed adjustments in order to ensure a fair and open competition for bidders and the best outcome for gas consumers.

8. The ITT (Invitation to Tender) was issued on 25 January and the Executive Summary and service specification of the documentation are attached for information. The closing date for bids is 10th March. The initial bids will form a basis for further negotiation with HSE, progressing to 'best and final' offers. The evaluation will be undertaken by an HSE tender evaluation board, independently chaired by the consultant, Rob Wright with specialist expert advice brought in, as necessary. Independent stakeholders representing key interests in consumer gas safety will be asked to comment on elements of the proposals. A recommendation on the new scheme provider can now be expected in May with a decision in June. It is now proposed that the new scheme will commence in April 2009. This will enable the terms of the agreement to be finalised over the summer and will provide an adequate transition period to successfully introduce the new scheme. CORGI (the current operator of the scheme) will continue to operate the existing scheme in the interim.

9. Key features of the new scheme are:

- An innovative approach to the core services of registration including the way the register is operated, the current inspection process and the handling of stakeholders and gas consumers in a positive way. We have stressed the need for the new provider to add new value to the gas safety system for gas consumers.
- New functions including:
 - coordinating and encouraging industry effective action on raising public awareness of gas safety risks;
 - reviewing the existing competence framework criticised for being burdensome by gas installers; and
 - considering scope for a new enforcement functions for the new provider.
- The creation of a new independent gas safety brand to be developed by the scheme provider but owned by HSE;
- Significant strengthening and improving of the governance and performance management arrangements between HSE and the new provider through a new five year agreement.

Consultation

10. The specification has been approved by the HSE project board and Treasury Solicitors and procurement specialists have been closely involved in the production of the ITT documents.

Presentation

11. A press release was released to coincide with the issue of the ITT documents and, in the spirit of openness, this paper, together with attachments will be placed on the HSE website.

Costs and Benefits

12. There are potential benefits to gas consumers from safer gas work, and to registered gas installers from reduced burdens and service improvements.

Financial/Resource Implications for HSE

13. The specification has so far cost HSE an estimated £210k to produce.

Environmental Implications

14. Encouraging the safe use of gas, where it involves the replacement of gas appliances and, in particular, gas boilers, is environmentally beneficial.

Other Implications

15. None

Action

16. The Commission to note the successful progress of this competition and the revised date for when the new scheme will come into operation (1 April 2009).

Schedule A Executive Summary of the ITT documents

Introduction

1. The Health and Safety Executive (HSE) is the independent regulator of health and safety and is sponsored by the Department of Work and Pensions (DWP). HSE is accountable to Parliamentary Under Secretary (for Work and Pensions) (Lords) Lord McKenzie of Luton OBE.
2. HSE has responsibility for regulating consumer gas safety in GB and does this largely through the Health and Safety at Work Act 1974 and the Gas Safety (Installation and Use) Regulations 1998 (GSIUR).
3. A key component of the consumer gas safety regime is the gas installer registration scheme. The overall objective of the gas installer registration scheme is to improve standards for gas work and add value to consumer gas safety. At present, CORGI (Council of Registered Gas Installers) is approved by HSE to undertake this task. It maintains an up-to-date register of gas installers who are qualified to install or repair gas fittings and appliances. There are currently around 55,000 gas installation businesses registered with CORGI. Full details of the background and present operation of the scheme are contained at SCHEDULE B of this Invitation to Tender.
4. In 2006 HSE undertook a major review of the domestic gas safety regime, involving extensive stakeholder consultation. A key outcome of this review was the decision, endorsed by Lord McKenzie, to reform the gas installer registration scheme with the key aims of modernising the current arrangements and adding new value to consumer gas safety.
5. During 2007, HSE embarked on a competition to appoint a provider to run a new scheme. In July, HSE published a contract notice in the Official Journal of the European Union. This was followed by a pre-qualification process to determine bidders for a competitive tender exercise,

Particulars of the new scheme and role of the provider

6. HSE is now seeking innovative proposals to deliver the new scheme. These include:

Tasks which sustain the ongoing operation of the registration scheme:

- a. Maintaining an efficient and accurate register of gas installation businesses, which records competence of operatives.
- b. Raising and maintaining awareness of the register amongst trades people, merchants and consumers. This will include arrangements for driving down unsafe work by unregistered installers, and providing user-friendly public access to the register to gas consumers.

- c. A system to ensure that competent gas installers are registered. This will include detailed proposals on incentives and sanctions for encouraging registered installation businesses to use only competent operatives. A system for handling consumer complaints which incorporates an independent appeals mechanism will also be required.
- d. An independent appeals process through which gas installation businesses can dispute decisions made by the provider against them.
- e. A system to ensure that urgent safety information about gas appliances and installations received from manufacturers, the gas supply industry or others is communicated to gas installation businesses in a timely and efficient manner.
- f. Requirements on positive consultation and engagement with key gas stakeholders.

Specific additional tasks that will in future form part of the registration scheme:

- g. The development, testing, marketing and promotion of a new gas safety brand which will be distinct from the provider's brand and which will be owned by HSE.
- h. A new function to coordinate industry-funded action to improve consumer gas safety. This will invite proposals for an innovative five year programme of activity, designed to deliver added value to consumer gas safety.
- i. A review of the competence requirements for registration. This review will make recommendations to HSE on how the current arrangements can be simplified. It will consider alternative routes to registration, in addition to reviewing the present arrangements for ACS (Accredited Certification Scheme).
- j. Proposals for the development of a new enforcement power to enable the provider to issue fixed penalty notices, to operate alongside the existing arrangements. This will require legislative change and the decision on whether to proceed will rest with HSE.

7. The specification for the new scheme attached sets out the outcomes to be achieved and invites detailed proposals on how the outcomes might be delivered and measured. HSE will evaluate the bids against the full range of performance criteria set out in the ITT and on the basis of the financial bids. Operating on a 'fixed fee' basis should encourage the provider to make efficiencies. Bidders will be asked to propose a schedule of fees for the five year period of the scheme, to be agreed with HSE. The operation of the scheme will be ring-fenced from any other of the provider's commercial activities to prevent any conflict of interest on the part of the provider.

9. HSE's aims in agreeing the terms of the contract will be to add value to consumer gas safety and to provide value for money for registered gas installers. Performance will be measured against a series of key performance indicators set out

in the five year contract. Full details of the role of the provider, the relations with HSE and the services required are contained in the Technical and Performance Management Specification SCHEDULE C.

**Schedule C: Technical and Performance Management
Specification to run the gas installer registration
scheme**

Introduction and instructions to bidders

Please refer to the Invitation to Tender covering letter in conjunction with the details within this document.

While the initial bids will form the basis for further negotiation with HSE, we expect the detail in those bids to be firm, except where those details are amended by agreement following negotiation with HSE. HSE will not be obliged to accept any changes to the initial bids. At the end of the negotiation period, nominated bidders will be invited to make full and final offers for the delivery of the service against a narrower and limited range of specific financial and service level variables, on the basis of which decisions will be made either for final negotiations or for the letting of the contract.

Bidders should refer to information on the websites where indicated in the footnotes.

Paragraphs marked “[M]” are mandatory. Paragraphs marked “[A]” are seeking your acknowledgement that you will comply with the requirements. For evaluation purposes some of these paragraphs also carry a “Qn” reference. These should be quoted in responding to this ITT. Paragraphs marked “[I]” are for information. Where details are contained in a box, they are intended as a further steer/instructions to bidders on the level of detail that you should provide with your response.

Performance of the required tasks

The paragraphs marked [M] set out the tasks that the provider will be required to carry out. Bidders are invited to put forward proposals for how the associated performance will be delivered. For each of these paragraphs you must in your response:

Provide your understanding of what is required and what standards of service you would deliver.

Describe how you would perform the task.

Overall objective of the registration scheme

1. [I] The provider will be appointed following a competitive tender exercise. The overall objective of the gas installer registration scheme is to improve standards for gas work¹ and add value to consumer gas safety. In delivering this objective, the provider will be required to undertake a number of tasks and, in doing so, ensure that the interests of gas consumers are taken into account.

¹ For a definition of ‘gas’ and ‘gas work’ see Schedule B paragraph 51

The role of the provider

2. [I] The provider will carry out a number of tasks, which are specified within this Schedule. These can be distinguished into three broad categories:

2.1. Tasks which sustain the ongoing operation of a gas installer registration scheme.

2.2. Specific additional tasks that will in future form part of the registration scheme.

2.3. The provision of ongoing advice to the Health and Safety Executive (HSE) on the operation and further development of the scheme.

3. [I] With the exception of some of the tasks in 2.2 and 2.3 above, the provider will be funded from an approved fee schedule, negotiated with the HSE, which will be charged to registered gas installation businesses². The provider will be required to comply with the rules on ring-fencing and funding arrangements that are specified in the Instructions to Tenderers.

4. [A] Q1 In performing the required tasks, the provider must operate efficiently, and must not impose any unnecessary compliance burdens on registered gas installation businesses or others.

SECTION A Tasks which sustain the ongoing operation of the registration scheme

Maintain a register of gas installation businesses

5. [M] The provider must operate a register of gas installation businesses which do work in relation to gas fittings or service pipe-work³, coming within the scope of the Gas Safety (Installation and Use) Regulations 1998 (“the 1998 Regulations”) (and any successor regulations).⁴

6. [M] The provider must also maintain a system to enable consumers to check whether any employee or self-employed person (“operative”) carrying out work, including installation and maintenance (‘relevant gas work’), in relation to a gas fitting is working for or as a registered gas installation business and whether the operative is competent to undertake such work⁵.

7. [A] The operation of the register is a function of a public nature.⁶

7.1. The provider of the registration scheme must ensure that the operation is in compliance with the Human Rights Act 1998 and the Data Protection Act 1998.

7.2. The provider must satisfy themselves that the basis on which they propose to charge fees to gas installation businesses is legal.

² For clarity - any reference in this document to “gas installation businesses” includes the self-employed.

³ See Schedule B paragraph 51

⁴ CORGI’s current registration arrangements are set out in the ‘Rules of Registration 2006’ see Schedule B Annex 1

⁵ For competence arrangements see Schedule B Annex B5 and B7

⁶ Further information for example see Schedule B paragraphs 55 and 56

7.3. The provider must also ensure compliance with Council Directive 2005/36/EC on the recognition of professional qualifications implemented by the European Communities (Recognition of Professional Qualifications) Regulations SI 2007/2781.

7.4. The provider should also be aware of the need to ensure compliance with the requirements of the European Parliament and Council's Directive 2006/123/EC on services in the internal market, which is for implementation before 28th December 2009."

Performance

HSE is looking to the provider to deliver an efficient and accurate system to register installers and record competences of operatives.

The key tasks are:

- (for gas installation businesses) assessing the suitability of new applicants for inclusion on the register, re-registering existing businesses whose circumstances have not changed; and removing businesses who should not be on the register*
- (for operatives) assessing the competences of new operatives (or new competences of existing operatives) and recording their details; maintaining the record of operatives whose circumstances have not changed; and removing the details of operatives who should not be on the record.*

[M] Q2 Bidders must confirm how they would establish and maintain a register of installers and record of operatives and propose performance measures relating to timing, accuracy of data input and presentation.

Awareness and public access to the register

8. [M] The provider must raise and maintain awareness amongst trades people, merchants and consumers of the legal requirement for any employer or self-employed person to be registered and for everyone working for a registered installer to be competent to carry out work in relation to a gas fitting or installation pipe-work. The provider must put in place arrangements to encourage the estimated 20,000 unregistered operatives⁷ currently doing gas work illegally to come within the registration framework. The provider will also follow up gas work by unregistered operatives.

⁷ Estimate by CORGI

Performance

A key objective of the new scheme is to drive down the amount of unsafe gas work undertaken by those outside the registration system and ensure that paid gas work is done only by competent operatives, whether as self employed registered installers or as employees of registered installation businesses.

[M] Q3 *Bidders are therefore invited to put forward in a range of options detailed proposals on how they would go about reducing the amount of unsafe gas work.*

- 8.1. **[M] Q4** The provider must develop, maintain and keep up to date a comprehensive and accurate register of gas installation businesses and record of competent operatives. The public element of the register will promote awareness of the gas registration scheme by providing information and handling queries from the public. It will enable gas consumers to check whether a business is registered or an operative is recorded as being competent.

Performance

[M] *The register must be:*

- *Accessible 24/7 to all gas consumers and free to use*
- *Easy for the public to identify businesses/operatives by a range of criteria including area/location, name of business or person, contact numbers/websites, or competence, whatever the platform(s) used.*

[M] Q5 *Bidders must describe in detail how they propose to handle public enquires and the full range of service standards they will adopt.*

- 8.2. **[M]** The provider must commission an independent annual customer satisfaction survey among users of the register and publish the findings. Customer satisfaction will be expected to rise year on year throughout the life cycle of the contract.

- 8.3. **[M]** The provider when taking on responsibility for the register must commission an independent statistically robust baseline survey to establish national consumer awareness of the need to use registered gas installation businesses.

- 8.4. **[M]** Replicating the survey methods used to create the baseline the provider must deliver a year on year increase in consumer awareness throughout the life of the contract

Raising gas consumers' awareness of the need to use registered gas installation businesses is a key issue.

[M] Q6 *Bidders must describe in detail how they plan to go about raising consumer awareness, how much they estimate it will cost and what they expect to achieve from this investment.*

Competence

9. [M] The provider must establish and operate a system to ensure gas installation businesses, to be and remain registered, have the necessary knowledge and practical experience to carry out, manage, direct, supervise or inspect gas work – **but see in particular paragraph 26 below**. The registration system must also make continued registration conditional on gas installation businesses using only operatives recorded as having appropriate competences to undertake relevant gas work.

[M] Q7 Bidders are invited to put forward a range of innovative incentives and sanctions for encouraging registered gas installation businesses to only use operatives recorded as having appropriate competences to undertake relevant gas work. HSE will be looking for supporting evidence of where and how far these things have worked in other registration environments.

10.[M] The provider's system must allow the details of foreign national gas operatives with equivalent competences, who are permanent or temporary residents in Great Britain, to be recorded.

Performance

10.1. [M] The provider must have in place from the outset a system underpinned by appropriate documentation and record keeping that defines the levels of competence/training appropriate to different types of registered gas work⁸; and ensures:

10.1.1. the detailed competences of operatives are recorded; and

10.1.2. retention on the record is conditional on evidence of operatives maintaining the appropriate levels of competence

10.2. [M] The provider must have in place from the outset a system underpinned by appropriate documentation and record keeping that supports 'safe gas work'.

[M] Q8 Bidders are invited to put forward innovative ways in which they might measure safe gas work and how they might maintain and improve the level of safe gas work over time.

11. [M] Q9 The provider must establish and operate a system for investigating complaints by consumers' and others about unsafe gas work having been carried out by gas installation operatives (whether recorded on the system or not). The provider must also put in place an independent appeals process for those dissatisfied with the way in which the provider has handled their complaints about unsafe gas work undertaken by registered gas installation businesses.

⁸ See Schedule B Annex B5 – CORGI has created a framework of categories of gas work but bidders can offer an alternative framework provided it is fully explained and they can demonstrate that the alternative offers the same or higher level of gas safety.

11.1. [M] **Q10** The provider must: maintain the CORGI consumer complaints mechanism until all appeals under those arrangements have been exhausted; and:

11.1.1. [M] Have in place, from the service start date, transparent and timely arrangement(s) that allow gas consumers to complain about unsafe gas work by gas installation operatives (whether recorded on the system or not)

11.1.2. [M] Have in place an independent appeals mechanism for complainants dissatisfied with the way the provider has handled complaints about unsafe work by operatives.

[M] Q11 Bidders must describe the types of redress they would offer in cases where complaints are upheld.

12. [M] Providers must have in place, from the service start date, a system for onsite inspections to investigate complaints of unsafe gas work.

[M] Q12 Bidders must provide details of how they would undertake such investigative work, describe the competences of inspectors being used for this work and put forward a range of performance measures that would enable the provider to demonstrate efficiency, effectiveness and value for money.

12.1. [M] **Q13** To retain public confidence in the effectiveness of the system, the provider must publish annual statistics within 2 months of the annual anniversary date on the number of complaints, appeals and remedies.

12.2. [M] **Q14** The provider must commission and publish within 2 months of the annual anniversary date the results of an independent evaluation [details of which are to be agreed with HSE] of complaints handling.

Appeals by gas installation businesses

13. [M] The provider must establish and operate an appropriate independent appeals process through which registered gas installation businesses can dispute decisions made by the provider against them. The appeals process must include opportunities for businesses to: dispute any decision to refuse an application for registration or renewal of registration; dispute any decision to terminate an operative's record or apply any other sanction in relation to unsafe gas work; and dispute any decision to require a gas installation business to take remedial action to ensure an operative's competence. Bidders should describe the types of sanctions they would apply against registered gas installer businesses and the redress they would offer installer businesses who successfully appeal against their decisions.

13.1. [M] **Q15** The provider must maintain the CORGI appeals mechanism until all appeals under those arrangements have been exhausted; and.

- 13.2. [M] From the service start date, have in place transparent arrangement(s) that allow registered gas installation businesses to know the basis on which decisions to refuse an application or renewal of registration etc. are taken; and a transparent and independent appeals mechanism.

[M] Q16 *Bidders should put forward a performance schedule and timetable for completing appeals cases and propose the types of redress they would offer in cases where complaints are upheld.*

- 13.3.[M] Commission and publish within 2 months of the annual anniversary date the results of an independent evaluation [details of which are to be agreed with HSE] of decision making and appeals handling.

[M] Q17 *HSE is seeking innovation and improvements to the level of service for appeals over the term. However, throughout the life of the agreement the provider will be expected to at least maintain the performance and timetable criteria agreed at best and final offer stage without any reduction in the satisfaction levels of those affected.*

Provision of safety information

14.[M] The provider must operate a system to ensure that urgent safety information about gas appliances and installations received from manufacturers, the gas supply industry or others is communicated to gas installation businesses in a timely and efficient manner.

15.[M] The provider must put in place a system to enable gas installation businesses, HSE or others to alert it to any information about significant technical or operational failings or shortfalls in the instructions provided for the installation or operation of gas appliances, and for it to communicate these issues quickly and effectively to manufacturers or importers of gas appliances.

Performance

15.1. [M] The provider must have in place from the commencement of the new scheme a system to enable it to be alerted by manufacturers, importers, the gas supply industry, gas installation businesses, HSE or LAs to urgent information about significant technical or operational failings or shortfalls in the instructions provided for the installation or operation of gas appliances.

15.2. [M] The provider must be able to analyse the information it receives quickly and communicate that which is safety critical to all those affected. It will monitor and regularly publish the results of its operation of these arrangements.

[M] Q18 *Bidders must describe how they would go about managing this process and propose performance criteria for delivering this service.*

Consultation with stakeholders

16. [M] Changes to the gas registration scheme after the commencement of the new scheme may significantly impact on registered gas installation businesses. Prior to any such change being effected, the provider must engage in consultation that is positive and appropriate with those likely to be affected and allow sufficient time to adjust its plans in the light of any materially significant comments received.

Performance

16.1. [M] The provider must engage positively with registered gas installation businesses, consult them on all significant issues and allow them sufficient time to consider and reply.

16.2. [M] The provider must follow the Better Regulation Executive Code of Consultation - <http://bre.berr.gov.uk/regulation/consultation/code/> in all its consultations and publish an annual report on compliance with the code.

[M] Q19 Bidders must describe how they would create a positive culture for engaging those registered; and how they would measure the quality of relations with registered gas installer businesses.

[M] Q20 Bidders must describe how they would effectively identify and keep up to date a record of those 'significant' matters on which to consult them.

[M] Q21 Bidders are invited to propose innovative ways (with associated standards) for consulting positively those registered, consistent with the spirit of the Code. And how they will report on their effectiveness

17. [M] Bidders should already be aware that there are a number of well informed and active stakeholder gas safety groups. Providers must effectively manage these relationships in an effective and cost efficient way.

Performance

17.1. [M] The provider must engage positively with these stakeholder groups.

[M] Q22 Bidders should put forward innovative ways in which to engage and actively manage these relationships in an effective and cost efficient way.

[M] Q23 Bidders must describe how they would measure the quality of these stakeholder relations.

SECTION B Specific additional tasks that will in future form part of the registration scheme

Development of new gas safety brand

18. [M] The gas safety brand must be used on all gas registration scheme communications to promote consumer gas safety. The provider must develop, test, market and promote a new gas safety brand and obtain robust intellectual property protection for the brand. HSE will require a warranty and indemnity for any costs if the brand infringes a third party intellectual property right. The brand will be developed in consultation with HSE which will have the right of final approval of the selected brand.

19. [M] The gas safety brand must be kept clearly separate from any provider branding so that the safety brand establishes itself independently of the provider of the registration scheme. The provider may use its own brand in the operation of the scheme for the purpose of identifying itself as the operator of the scheme. For example, the provider may issue ID cards for operatives that show its corporate identity in a subsidiary position to the gas safety brand.

Performance

19.1. [M] Prior to the service start date the provider must secure HSE's approval to a new gas safety brand promoting consumer gas safety before taking over the register.

19.2. [M] Development, testing and marketing of this new brand must be benchmarked against industry best practice standards.

[M] Q24 Bidders are invited to set out innovative proposals for how they would develop and promote the new brand so as to secure consumer recognition of it. Bidders are asked to set out clearly their thinking on methods and timescales for how this will be achieved (i.e. what levels of consumer recognition do you expect to achieve, by when, and at what cost over the life cycle of the new scheme). You are asked to provide supporting evidence of effectiveness in undertaking this sort of work before.

[M] Q25 Bidders are asked to describe their plans for managing their own branding alongside the new gas safety brand.

20. [A] Q26 All copyrights, trademarks and other intellectual property associated with the gas safety brand together with promotional materials developed by the provider to promote the brand must be transferred at no charge to HSE following the creation of the intellectual property. It will remain owned by HSE and licensed to the provider for the duration of the service at no charge. HSE may also license the brand for use in other related contexts (e.g. for industry led awareness activities).

Coordination of industry-funded action to improve consumer gas safety

21. [M] The provider must coordinate and encourage industry, safety stakeholders and other interested parties, such as merchants, to deliver industry-funded action to

add value to consumer gas safety through publicising gas safety risks and the importance of regular appliance maintenance using competent, registered installers. This action is additional to and complementary to the action that the provider will need to take to ensure public awareness of the new gas installer registration scheme. Performance of this task will require active engagement with a range of stakeholders⁹ in a positive and appropriate way.

22. [M] The provider must work with the industry to develop new industry-funded initiatives to improve consumer gas safety.

23. [M] The provider must engage with gas safety stakeholders and national and local interest groups to seek to raise gas safety awareness.

24. [A] Co-ordination of industry-funded action to increase awareness of consumer gas safety is a purpose to be met by using the fees charged by the provider to registered gas installation businesses. However the action, including campaigns and their delivery will be dependent on available funding for which the provider will seek voluntary contributions from all sections of the gas industry (including suppliers, installers, manufacturers and others).

[M] Q27 Bidders are asked to provide an outline for an innovative five year programme of activity aimed at raising awareness of gas safety. What are the key planning assumptions you would make, the key risks and how you would propose to manage these and how quickly do you envisage being able to get started on the first leg of this campaign. How much do you expect this campaign to cost, how will it add value to consumer gas safety and how will you engage positively with industry and evaluate impact. How will you go about raising the money from industry and stakeholders.

Performance

24.1. [I] Performance will be set following discussion of bidders' response to the request for information above.

Review of competence requirements for registration

25. [I] The Gas Safety Review identified that the operation of present Accredited Certification Scheme (ACS) in conjunction with the current registration system are onerous and inflexible and may discourage gas installers to register. Moreover, HSE has identified that the present arrangements have led to a potential conflict of interest between the setting of standards through involvement in the accreditation of competences, and the acceptance of standards through registering competent installers which is its key responsibility.

26. [I] HSE expects that by the time the new scheme comes into operation, the provider will have no direct involvement in standards setting so that it can concentrate on its core function of registering gas installer businesses.

⁹ See for example <http://www.hse.gov.uk/gas/domestic/contacts.htm>

27. [M] The provider must undertake a review of the 1998 regulatory requirements (gas safety regulations and associated ACOP) as they relate to competence in safe gas work, making recommendations to HSE for simplifying them and developing an authoritative industry code of practice for safe gas work with the consumer interest at its core. The review should include, but not be confined to the ACS scheme and consider alternative routes to registration.

[M] Q28 Bidders are invited to set out proposals for undertaking such a review including the sorts of expertise they would propose to draw on and how long they would expect to take to deliver a report to HSE.

Proposals for the development of a new enforcement power¹⁰

28. [I] The Gas Safety Review¹¹ invites consideration of the new scheme provider undertaking new limited gas safety enforcement powers (such as the provider being able to issue fixed penalty notices in certain circumstances) that would operate alongside the existing enforcement arrangements. This will require legislative change and the decision on whether to proceed will rest with HSE.

29. [A] This consideration of what new enforcement powers the provider could undertake will be funded as part of the registration scheme.

[M] Q29 Bidders are invited to describe in detail how they would deliver this task, the sort of innovation they might bring to this challenging agenda, and how they would evaluate impact and success; and how long they think it would take them to deliver a report that would meet the performance criteria set out below.

Performance

29.1. [M] The provider must deliver an evidence based report to HSE containing proposals for new enforcement power(s). The report will contain a description of: the issue(s) which new enforcement power will seek to address; the new power(s) to be granted; and how they would operate. Broad indications of the costs, legislative changes needed and an analysis of the implications for HSE in particular how these new power(s) would fit in with HSE's existing enforcement arrangements will also be required.

SECTION C Relations with HSE

C1 Provision of ongoing advice to the HSE on the operation and further development of the scheme

30. [M] The provider must provide HSE and local authorities (LAs) with advice and assistance in response to all reasonable requests in support of their investigation and enforcement functions. This task will be funded from the approved fee schedule charged to registered gas installation businesses.

¹⁰ See Schedule B paragraphs 10 – 14 and 39 for the role of HSE and enforcement

¹¹ Schedule B paragraphs 15 - 17

[M] Q30 *Bidders are invited to describe in detail how they would deliver this service and propose performance measures against which delivery could be assessed.*

31. [I] The provider may also be required by HSE, from time to time, to carry out other relevant tasks such as involvement in standards work. Where these tasks contribute to the overall objective of the registration scheme they will be funded from the scheme. Equally these tasks may contribute to HSE's development of gas safety policy e.g. reviewing the efficacy of the use of flue gas analysers by gas operatives.

32. [M] Funding for tasks falling within paragraph 31 will be decided on a case by case basis by the HSE Contract Manager. But fees for additional work for HSE must be based on the same input rates (excluding VAT) proposed by the bidders and used for registration scheme work. Bidders will be required to specify these alongside the financial model in their bids.

33. [I] Performance indicators for major pieces of work like those indicated in paragraph 31 above will be the subject of negotiation and agreement before the start of work.