

Analysis of responses to consultation CD252:

Introduction

This is a summary report of the outcome of HSE's consultation on proposals to review its Approved Code of Practice L56 – safety in the installation and use of gas systems and appliances, and withdraw Approved Code of Practice COP20 – standards of training in safe gas installation.

Consultation document CD 252 invited responses on whether the revised ACOP L56 was sufficient to enable dutyholders to meet the requirements of the Gas Safety Installation and Use Regulations and the relevant sections of the Health and Safety at Work etc Act (with respect to competence and training)

The revised ACOP and guidance (that was subject to the consultation) was prepared by HSE in consultation with representatives from across the gas industry.

This report presents a summary of the responses received.

Consultation proposal:

1. Is the draft ACOP and associated guidance sufficiently clear for you to be confident about how you can comply with;

- the Gas Safety (Installation and Use) Regulations 1998 (SI 1998 No 2451) (GSIUR);
- sections 2(1), 2(c), 3(1) and 3(2) of the Health and Safety at Work etc Act 1974, with regards to standards of training in safe gas installation;

And

2. Do you agree with the proposal to remove the Appendix 1 technical material from L56 (see paragraph 15.c in the consultation document)?

Section 1 - Summary of responses

There were 56 responses to the consultation in total. Of these 38 represented the views of individuals or individual organisations, and 18 were responses from representative organisations.

The 18 representative organisations that responded comprised:

- 4 Industry safety groups
- 2 trade unions
- 5 trade associations
- 1 certification body
- 6 large industry organisations (such as large scale manufacturers, gas engineering/suppliers)

Consultation Q. 1.1 Is the draft ACoP and associated guidance sufficiently clear for you to be confident about how you can comply with:

	i. the Gas Safety (Installation and Use) Regulations 1998		ii. sections 2(1), 2(2)(c), 3(1) and 3(2) of the Health and Safety at Work etc Act 1974, with regards to standards of training in safe gas installation, (see Part B, regulation 3, of the revised ACOP)?	
Option	Number of respondents	Percentage of total (%)	Number of respondents	Percentage of total (%)
Yes	27	66	23	58
No	14	34	17	42
Total	41		40	

A further 15 responses were received which provided no clear view on Q1.i above and 16 with no clear view on Q1.ii above.

Of the 18 representative organisations that responded to Q1.1.i:

- 9 supported the proposal (1 industry safety groups, 2 trade unions, 3 trade associations, 1 professional body, 2 large gas industry organisations)
- 3 did not support the proposal (1 trade association & 2 large gas industry organisations)
- 6 provided no clear view on this question (3 gas industry safety groups, 1 trade association, 2 large gas industry organisations).

Of the 18 representative organisations that responded to Q1.1.ii:

- 5 supported the proposal (1 industry safety group, 1 trade union, 2 trade associations, 1 large gas industry organisations)
- 7 did not support the proposal (1 union, 2 trade associations, 1 professional body, 3 large gas industry organisations)
- 6 provided no clear view on the proposal (3 gas industry safety groups, 1 trade association, 2 large gas industry organisations)

Objections to the proposal identified

General

Objections to this proposal were generally at a low level, but significant comments were received in respect of:

Training & competence

Nine respondents were concerned at the proposed revised text in relation to the training requirements detailed in ACOP 3(1) and guidance 3(1)-(2), and felt that the text introduced a requirement for engineers working in industrial settings to become accredited (not currently the case). We have discussed with industry groups and have changed the text back to that currently in COP 20 to clarify that they do not need to be either Gas Safe Registered or accredited.

Withdrawal of COP20

Six correspondents (including the 2 union respondents we had) raised concerns at our proposal to withdraw COP20. This issue was the subject of the first round of consultation (CD 241) and the Board agreed to proceed to withdraw COP20 at its Board meeting in December 2012. Although a number of correspondents have again raised concerns over this proposal, they are not in the majority and there are no new issues identified that would prompt us to reconsider this decision at this time.

Availability of material being removed/referenced in revised document

Six correspondents were concerned/asked whether material:

- we are handing to industry ownership (such as COP20), or
 - referenced in the document (eg the list of standards and guidance that Gas Safe Register holds)
- would be freely available at no extra cost.

All of the material that we move to industry ownership will remain freely available, and Gas Safe Register has agreed to make the list of standards and other documents that it holds (which we reference in the ACOP) freely available too (until recently it has been password protected and available only to registered engineers).

Consultation Q. 4.1. Do you agree with the proposal to remove the Appendix 1 technical material from L56 (see paragraph 15.c in the consultation document)?

Option	Number of respondents	Percentage of total (%)
Yes	21	60
No	14	40
Total	35	

A further 21 responses were received which provided no clear view on the proposal above.

Of the 18 representative organisations that responded to Q.4.1:

- 4 supported the proposal (3 trade associations, 1 large gas industry business)

- 9 did not support the proposal (2 trade unions, 1 gas industry safety group, 1 trade association, 1 professional body, 4 large gas industry businesses)
- 5 provided no clear view on this proposal (3 gas industry safety groups, 1 trade association , 1 large gas industry business)

Objections to the proposal identified

As the above figures show, 40 % of respondents who gave a clear view opposed to the proposal to remove the current Appendix 1 from L56. The most common reasons given for this were:

- Appendix 1 is used by industry as the requirement for minimum checks and tests to be carried out for specified tasks. Because they are in this document adherence to Appendix 1 would be considered as meeting basic legal, statutory and mandatory requirements.
- Appendix 1 should remain within the document as it is a collation of the main gas safety checks for appliances and installations drawn from many standards into one appendix giving absolute clarity.
- L56 is harder to read with the references to Appendix 1 removed, as the reader has to view two documents to get the information currently available in L56. As written the proposed document becomes less of a guidance document and more of a 'signpost' to other guidance.
- For a document titled 'Approved Code of Practice and guidance' this would seem the ideal place to hold key actions for ensuring gas safety. Indeed paragraphs 22, 111, 189, 199, 211, 214, 218, 250, 254 and 255 in the current document make specific reference to Appendix 1 leaving the reader in no doubt over the checks required.
- Appendix 1 helps to provide a good general guide to the regulations in an easy to understand format which helps gas engineers understand the requirements. The reason given for it's removal is that it is 'technical' information, but this applies equally to Appendix 2.

Section 2 - Analysis of responses and outcome

2.1 Conclusion drawn from consultation responses (i.e. what is the level of support for the proposal)

General

The majority of respondents (66% and 58% of those who provided a clear view on the question) agreed that the new revised Approved Code of Practice did provide sufficient guidance to enable them to meet their duties under

GSIUR & section 2(1), 2(2)(c), 3(1) & 3(2) of the Health and Safety at Work etc Act.

Therefore we are content that the revised text (with the minor adjustments we have made in response to the consultation comments, see below) is sufficiently clear to enable dutyholders to comply with the law.

Appendix 1

With respect to the proposal to withdraw the current Appendix 1 text – which provides technical detail on testing of flues and appliances, 21 respondents (60% of those who provided a clear view on this question) supported the proposal, but 14 (40% of those who provided a clear view on this question) did not.

Given that nine of the respondents that did not support the proposed removal of Appendix 1 represent some of the biggest groups in the industry (unions, trade associations, large gas industry organisations), the numbers become even less clear cut in terms of supporting our proposal.

Therefore we have decided that we should retain Appendix 1 as part of the ACOP and guidance

2.2 Significant Issues/concerns raised by the consultation and proposed handling

A. Competence and training - Nine correspondents raised concerns around the changes to the ACOP/guidance in part B of the ACOP in relation to training and competence. In particular they:

- 1) Five opposed the introduction of text at paragraph 60(c) referring to “an industry-recognised training course” for engineers working at premises outside the scope of GSIUR (for example at factories, mines etc), as this would introduce a requirement for accreditation of such training courses that does not currently exist.
 - We have discussed the issue further with industry representatives (EUskills and IGEM) and we have agreed to change the text back to that currently held in COP20 “an appropriate full training course”
- 2) Three asked whether the revisions to the ACOP meant that the requirement to be Gas Safe Registered now applied to engineers working in industrial premises (as opposed to those working in domestic/commercial settings).
 - We have introduced a sentence into Guidance 3(3) (which gives guidance on the requirement to be GSR), highlighting that this only applies to GSIUR premises.

B. Paragraph 35, bayonet fittings – Five correspondents raised

concerns/questions as to whether, by removing reference to bayonet fittings in this paragraph, we were therefore saying/implying that it would be OK to disconnect/reconnect non-bayonet fittings too. In order to clarify this issue we have re-inserted the original sentences on bayonet fittings

- C. **Landlord duties “Not to current standards”** – Three respondents raised concerns that the ACOP text supporting regulation 36 (landlords duties) referenced the need to rectify “any defect”, and asked whether this would mean they also needed to repair items showing as “not to current standards”. The text has not been changed from that currently in L56, it has become ACOP rather than guidance. But to ensure clarity we have changed text to read “any *safety* defect” to highlight that it is only issues that affect the gas safety of the gas fitting that need to be rectified.
- D. **Availability of standards and guidance cross-referenced in the document** – Six respondents raised concerns around costs and accessibility of material being removed from L56. The industry partners who have agreed to take on COP20 material in respect of training and competence have agreed to do so on the basis that this will be freely available – at no cost to dutyholders. Other respondents also raised concerns about the removal of the current Appendix 4, which details relevant standards. We have taken a decision to remove this as it effectively becomes out of date as soon as it is published, and instead refer readers to the Gas Safe Register list of “normative documents” (this contains details of all the relevant standards, guidance etc that was formerly held in Appendix 4 of L56, but is updated on a quarterly basis therefore does not become outdated in the same way). While this was previously a secure document, only available to paying engineers, Gas Safe Register have agreed to make this document available to all and the revised L56 contains the relevant web addresses to allow dutyholders to easily find this material.
- E. **COP20** - Six correspondents (including the 2 union respondents we had) raised concerns at our proposal to withdraw COP20. This issue was the subject to the first round of consultation (CD 241) and the Board agreed to proceed to withdraw COP20 at its Board meeting in December 2012. Although a number of correspondents have again raised concerns over this proposal, they are not in the majority and there are no new issues identified that would make us feel we need to reconsider this decision at this time.
- F. **Asbestos** -Two respondents identified that there was a risk of exposure to asbestos during the smart meter replacement programme, and that we should include some reference to this in the ACOP. In order to address this we have included additional text in the regulation 3 material on training and competence, and a further few sentences at the start of part C (meters and regulators) to highlight that there is a risk from asbestos when carrying out gas work and referring readers to

HSE's webpage for more details.

- G. **Regulation 16(1) - prepayment meters and smart meters-** Six correspondents raised concerns about the amendments we had made to the guidance supporting regulation 16(1), which they felt did not go far enough to reflect the reality of the introduction of smart meters. However these concerns had been raised previously and taken into consideration at the drafting stage. We feel the text we have drafted is the best possible fit, in so far as it does not go beyond the limits of the regulations themselves (which deal only with installation of meters), but does explain that following installation (out of scope of the regulations) the same general principles should apply in order to ensure safety.

2.3 Final review proposal following consideration of consultation responses (the recommendation the Board are being asked to agree to)

General

We propose to proceed to publish the revised Approved Code of Practice L56, with revisions reflecting feedback received via the consultation process as outlined above (along with a few further minor, mostly editorial changes).

Appendix 1

We propose **not proceeding** with our proposal to remove the current Appendix 1 technical detail from L56. Instead this material will be updated and included as guidance in Appendix 3 of the new, revised L56

This is on the basis that a large proportion of respondents (including a number that represent large parts of the industry and are influential) opposed the proposition to remove this detail and transfer it to industry ownership, They are concerned that doing so would mean that the guidance would no longer carry the weight it currently does as part of the ACOP and that safety could be compromised.

2.4 If not apparent from the final review proposal above (2.3), any other significant changes the revised ACOP and/or any associated guidance will present when compared to the current ACOP.

Other than those set out in Section 2.2 & 2.3 above (re Appendix 1 and competence & training) the other major revisions are all as set out in the original consultation document as agreed by the Board when they agreed to the consultation exercise (at the Board meeting in April 2013).

All other changes are minor and of a more editorial nature