



David J Rowlands AM
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

03rd May 2018

Dear Mr Rowlands AM,

RE: Petition under consideration – Stop using Worker Certification on Welsh Government projects

It has come to our attention that the Petitions Committee is considering a petition regarding the Construction Skills Certification Scheme (CSCS). Having read the petition we have noticed a number of inaccuracies raised by the petitioner that we would appreciate the opportunity to address.

Before responding to the points raised in the petition we thought it would be useful to clarify CSCS's role within the UK construction industry.

CSCS was set up with the principal objective of providing the construction industry with a means to certify that individuals working on construction sites have the required training and qualifications for the type of work they carry out. By certifying construction workers have the correct training and qualifications CSCS is playing its part in improving standards and safety on UK construction sites.

Successful applicants are issued with a card that confirms the holder's identification, qualifications and training and also shows the holder has met the necessary Health and Safety requirements for their occupation.

Whilst the majority of employers require their on-site workers, supervisors and managers to hold a CSCS card it is not a mandatory or legal requirement. It is entirely up to the individual employer whether workers should hold a CSCS card before they are allowed to work on site.

CSCS is a not for profit organisation which is registered as a company limited by guarantee and has no shareholders. CSCS is owned equally by employer organisations and unions representing the breadth of the construction industry. More information on CSCS can be found at www.cscs.uk.com.

With regard to many of the concerns raised in the petition it is important to understand that CSCS, together with our 35 partner card schemes, are bound by the requirements of the Industrial Strategy for Construction, published in July 2013. The strategy was established by the industry and government working in partnership, setting out a number of objectives for the construction industry to achieve by 2025. The full document can be viewed at www.cscs.uk.com/construction2025.

The Action Plan contained within the strategy included the identification of one identifying card scheme logo (CSCS) to be promoted through public procurement and the development of a transition plan for all card schemes to cover all occupations at the appropriate level of qualification.

The Industrial Strategy is overseen by The Construction Leadership Council (CLC), a partnership between industry and government to transform the construction industry by building greater efficiency, skills and growth within the sector.

In 2015 the CLC announced that all construction industry card schemes, including CSCS, must operate with nationally recognised qualifications (usually NVQs) in place for all occupations. The full requirements can be viewed at www.cscs.uk.com/clcreqs.

In regards to the specific issues raised by the petitioner:

Worker certification is a privatised occupational licensing scheme.

This is incorrect. Worker certification involves certifying that a worker has the training and qualifications required for their role. The CSCS card is not a license and is not a legal requirement in order to work in the construction industry. The CSCS card is a voluntary scheme adopted by industry with the aim of improving safety and productivity on construction sites.

It is undemocratic and circumvents the principles of our common laws. (Grandfather rights)

In the context of CSCS, “Grandfather rights” was an application method whereby an applicant could obtain a CSCS card based on an employer’s recommendation only, rather than needing to obtain a nationally recognised construction related qualification. It became known as Industry Accreditation. The petitioner appears to be linking CSCS’s Industry Accreditation process to English common law. CSCS’s Industry Accreditation was in no way linked to or required by common law.

CSCS stopped issuing cards under Industry Accreditation in 2010 because applicants were not required to achieve a qualification. This decision was further supported by the Construction Leadership Council in 2015 when they announced that all construction industry card schemes, including CSCS, must operate with nationally recognised qualifications (usually NVQs) in place for all occupations.

The petitioner contends that experience alone should be the determining factor in assessing suitability for the role. Whilst experience is an important factor it does not provide an assurance that the worker is suitably qualified. Work practices and materials change over time. Up to date training leading to a recognised related qualification provides greater assurance to the employer.

It puts the cost of training & qualifications onto workers, especially self-employed and agency employment workers who have little chance of grants or funding.

CSCS’ role is to verify qualifications, not provide the training required to achieve them. Training costs are not established by CSCS but by the numerous training companies delivering training. Costs will vary depending on who is delivering the training and course location.

We understand the cost of training to obtain a qualification can be an issue for many within the industry. Equally it should be appreciated that there is an inevitable cost related to properly trained and qualified workers. It is worth noting that experienced practitioners can get qualified via an Onsite-Assessment, which generally costs half as much as a normal NVQ.

Most construction workers have their training and qualifications paid for by their employer, who can claim some of the cost back from the CITB in the form of training grants. These grants are also open to the self-employed and to employment agencies. If the petitioner is concerned that construction employment agencies are not providing sufficient training for their workforce, then we would advise that he take it up with them as the funding is already available.

There is further financial support available to both employees and the self-employed seeking to achieve qualifications within the UK construction industry. More information on this can be found on the CSCS website at www.cscs.uk.com/funding.

It reduces the chances of upward mobility for the poorest in society.

CSCS provide the necessary routes for those wishing to enter the industry or move to a recognised qualification. CSCS issues cards to apprentices and those in training without the initial requirement of a qualification. These cards are issued on the basis of the applicant working towards a recognised qualification within a prescribed period. This allows new entrants to construction to work while they get qualified. We also issue an Experienced Worker card to those already working in the industry wishing to achieve a qualification, again within a prescribed period. Lastly a short-term card (without qualification requirements) can be issued to workers on probation whilst they and their employers decide if they wish to continue working in the construction industry.

It prevents worker mobility, at a time when we need a flexible workforce.

One of the advantages of the CSCS card is that it improves worker mobility by providing a single system all sites and companies can use. When a worker changes employer or construction site their card remains with them as proof of their training and qualifications which their new employer can instantly rely on.

It allows corporate interests to have control over the entire workforce of our economic sectors, increasing costs of small businesses & subcontractors.

Small businesses & subcontractors are well represented on the board of CSCS by the Federation of Master Builders (FMB) and Build UK, both of which are also owners of CSCS. The FMB represents many small businesses while Build UK represents many subcontractors and businesses throughout the construction supply chain. The cost of a CSCS card is the same whether it is being ordered by a major contractor or a small business.

It promotes rent seeking, meaning that consumers pay more for products & services.

CSCS is a not-for-profit company limited by guarantee. CSCS only charges what is necessary for the production of CSCS cards and the continued operation of the scheme. Any surplus is reinvested to improve the scheme or from time to time financial donations are made in support of industry wide initiatives that support the development of apprenticeships.

It reduces productivity.

CSCS cards provide proof that individuals working on construction sites have the appropriate training and qualifications for the job they do on site. By ensuring workers are qualified the card plays its part in improving standards and productivity. A qualified workforce is a productive workforce.

It is prolific and will spread to all economic sectors.

We do not view this as relevant to the work of CSCS.

It can create conflicts of interest.

CSCS is owned by the construction industry for the benefit of the construction industry. CSCS is a not for profit organisation which is registered as a company limited by guarantee and has no shareholders.

CSCS is owned by three employer organisations and two unions representing the breadth of the construction industry. CSCS is managed by CSCS Limited whose seven non-executive Directors are

nominated by the owners. In addition there are two independent Directors and an independent Chairman. We see no conflicts of interest.

There is no evidence that worker certification improves quality or standard of workmanship.

CSCS is simply a tool construction companies can use to ensure that their workforce is qualified for the job for which they are employed, to the standards that the Construction Leadership Council recommend. It is the Construction Leadership Council who set the base requirements of all card schemes operating within construction and one of the key aims of the Construction Leadership Council is to improve productivity in construction by utilising an appropriately qualified construction workforce.

Experience, skill and knowledge reduce health and safety risks, these can be achieved and proven without qualifications.

Only qualifications can provide a consistent means of proving an individual's skills. This is why the Construction Leadership Council requires that all skilled level CSCS cards be linked to a recognised construction related qualification.

It increases the cost of public projects.

There is no evidence that CSCS card costs are borne by public projects. In most cases the cost of a card is picked up by the individual or their employer.

If an industry needs qualification requirements then our democratically elected government should create legislation.

The government has confirmed via the Construction Leadership Council (which is co-Chaired by the Minister for Business and Energy) that it would prefer to work in partnership with the construction industry, rather than to legislate.

We further note the discussion regarding the use of alternatives to the CSCS card scheme. As CSCS is not a legal requirement any company is free to use any other system. However, we would advise the committee that the Highways England Safety Passport that was mentioned as an alternative model is used in addition to, not as a replacement for CSCS cards. This is because of the highly specialised training that is required for working on major Highways. We met with Highways England recently and they confirmed that their Safety Passport is in no way a replacement for CSCS cards, it is simply a way of recording their training requirements.

We hope the details contained in this letter help clarify CSCS' position on the issues raised in this petition. Should you require any further information your office can contact our Head of Communications Alan O'Neile via email at communications@cscs.co.uk.

Yours sincerely



Graham Wren

CSCS Chief Executive