



Electrical Workers Registration Board

SAFETY | COMPETENCY | COMPLIANCE

Remedial Training

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1. Purpose

- 1.1 This policy sets out the Board’s requirements in relation to electrical workers who are required to undergo remedial training pursuant to a Board order under section 147M of the Electricity Act 1992 (the Act) for the purpose of ensuring their competency and safe working practices.

2. Context

- 2.1 A function of the Board under section 149 of the Act is to hear complaints about, and to discipline, persons to whom Part 11 applies. Part 11 of the Act covers disciplinary provisions in respect of registered persons and provisional licence holders.
- 2.2 Section 147M of the Act provides for the disciplinary powers of the Board. Included in those powers is the ability under section 147M(1)(b), (d) and (e) of the Act to order a person who has been found to have completed a disciplinary offence to pass any specified examination, complete any competence programme or specified period of training or to attend any specified course of instruction. The specific provisions are:

147M Disciplinary powers of Board

- (1) *If the Board, after conducting a hearing, is satisfied that a person to whom this Part applies is guilty of a disciplinary offence, the Board may—*
- (b) *order that the person’s registration or practising licence (or both), or the person’s provisional licence, be suspended—*
- (i) *for any period that the Board thinks fit; or*
- (ii) *until that person does 1 or more of the things specified in subsection (2):*
- (d) *order that the person be disqualified from doing or assisting in doing prescribed electrical work that the person would otherwise be authorised to do in that person’s capacity as a person to whom this Part applies—*
- (i) *permanently, or for any period that the Board thinks fit; or*
- (ii) *until that person does 1 or more of the things specified in subsection (2):*
- (e) *order the person to do 1 or more of the things specified in subsection (2) within the period specified in the order:*

- (2) *The things that the person can be required to do for the purposes of subsection (1)(b), (d), and (e) are to—*
- (a) *pass any specified examination:*
 - (b) *complete any competence programme or specified period of training:*
 - (c) *attend any specified course of instruction.*

3. Specified Examinations

- 3.1 Specified examinations will be developed and set by the Registrar and are to reflect the Board's disciplinary findings and disciplinary order. The Registrar is to set the required pass mark for the examination which is not to be less than 60%.
- 3.2 A Board approved examination developed for the purposes of registration under the Act may be set as a specified examination for the purposes of a disciplinary order to complete a specified examination.
- 3.3 A specified examination is to be run by a Board approved provider in accordance with normal examination procedures. The Registrar may direct that a specific approved provider be used.
- 3.4 Written evidence will be required from the examiner of the results of the examination prior to the Board considering whether or not the person has complied with the Board's disciplinary order.
- 3.5 The person undertaking the examination will be required to meet all costs of and associated with the examination including any costs in developing and setting the exam.

4. Competence Programme

- 4.1 Section 108 of the Act provides for competence programmes. Included are provisions in subsection (4) as regards requirements for a competence programme:

108 Competence Programmes

- (1) *For the purpose of examining or improving the competence of persons who do, or assist in doing, prescribed electrical work, the Board may set or recognise competence programmes in respect of persons who—*
- (b) *hold practising licences or provisional licences;*
- (4) *Any competence programme may require a person to do 1 or more of the following, within the period, or at the intervals, prescribed in the programme:*
- (a) *pass an examination:*
 - (b) *complete a period of practical training:*
 - (c) *complete a period of practical experience:*
 - (d) *undertake a course of studies:*
 - (e) *anything else that the Board considers appropriate.*
- (5) *The Board may specify a period within which the person to whom a competence programme applies must comply with the requirements of the programme.*

- 4.2 A competence programme will be developed and set by the Registrar and is to reflect the provisions in section 108(4) of the Act, the Board's disciplinary findings and disciplinary order. The Registrar is to set any associated examination and pass mark for the examination in accordance with the specified examination requirements in this Policy.

- 4.3 A Board approved competence programme developed for the purposes of registration and licensing under the Act may be set as a competence programme for the purposes of a disciplinary order.
- 4.4 A competence programme is to be run by a Board approved provider who may also run any associated examination.
- 4.5 Written evidence will be required from the examiner of the results of any competence programme and associated examination prior to the Board considering whether or not the person has complied with the Board's disciplinary order.
- 4.6 The person undertaking a competence programme will be required to meet all costs of and associated with the examination including any costs in developing and setting any associated exam.

5. Specified Period of Training

- 5.1 A specified period of training will be developed and set by the Registrar and is to reflect the Board's disciplinary findings and disciplinary order and the Registrar.
- 5.2 The Board may order that a specified period of training is to be completed with:
- (a) a Board approved provider; or
 - (b) a nominated person provided that the person nominated undertakes to complete the training in accordance with the Board's disciplinary order.
- 5.3 Written evidence will be required from the person or entity who provides the specified period of training that it has been satisfactorily completed.
- 5.4 The person undertaking a specified period of training will be required to meet all costs of and associated with it.

6. Specified Course of Instruction

- 6.1 A specified course of instruction will be developed and set by the Registrar and is to reflect the Board's disciplinary findings and disciplinary order and the Registrar. The Registrar may, in setting a specified course of instruction, nominate a course offered or provided by a training institution as the specified course of instruction.
- 6.2 A specified course of instruction is to be run by a Board approved provider unless it is a course offered by a training institution as provided for in clause 6.1. The Registrar may direct that a specific approved provider be used.
- 6.3 Written evidence will be required from the approved provider that the specified course of instruction has been satisfactorily completed.
- 6.4 The person undertaking a specified period of training will be required to meet all costs of and associated with it.

7. Failure to Comply with Board's Order

- 7.1 The Registrar is to notify the Board of the outcome of any specified examination, competence programme, specified period of training or specified course of instruction ordered by the Board as soon as is practicable after its completion or the date on which its completion was ordered.
- 7.2 If a person fails to comply with the Board's order then the Board will consider the matter in accordance with section 147R of the Act:

147R Consequences of failure to comply with order to pass examination, complete competence programme, or attend course of instruction

- (1) *If the Board makes an order under section 147M(1)(e) and the person concerned fails to comply with the order, the Board may make either or both of the following orders:*
- (a) *that the person's registration, practising licence, or provisional licence be subject to any condition that the Board considers appropriate;*
 - (b) *that the person's registration, practising licence, or provisional licence be suspended.*
- (2) *The Board may not suspend registration or a licence under subsection (1) unless it has first—*
- (a) *informed the person concerned why it may act in that manner; and*
 - (b) *given that person a reasonable opportunity to make written submissions and be heard on the question, either personally or by his or her representative.*
- (3) *The Registrar must ensure that a copy of the order made under subsection (1) is given to the person concerned.*
- (4) *An order made under subsection (1) takes effect from the day on which a copy of the order is given to the person concerned or from any date that is specified in the order, whichever is the later.*
- (5) *Any order made under subsection (1) remains in effect until the time that the person concerned has complied with the order under section 147M(1)(e), and for that purpose the Board may extend the period within which the person is required to comply with the order.*