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Single Market Team  
Department for Business, Innovation & Skills  
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1 Victoria Street  
London SW1H 0ET

29<sup>th</sup> May 2015

Dear Francesca,

**Government response to the consultation on the revised Mutual Recognition of Professional Qualifications 2005/36/EC - draft implementing regulations and guidance**

**Comments from the Construction Industry Council<sup>(1)</sup>**

I am writing as Chair of Education for the Built Environment (E4BE), a forum for professional bodies and others interested in the education and training of built environment professionals. E4BE is a forum supported by the Construction Industry Council (CIC) and the Construction Industry Training Board (CITB).

Members of CIC include four professional bodies who responded to the original consultation on the Mutual Recognition of Professional Qualifications, seven organisations listed in Schedule 1 Part 2 of the Statutory Instruments for Professional Qualifications and a sectorial profession.

The built environment professionals are those professionals that plan, design, construct, operate, maintain, refurbish, adapt and decommission our cities, towns, villages and the infrastructure that supports and connects them. They include professional architects, builders, engineers, planners and surveyors.

To place this response in context, it may be helpful to clarify the terms professional and chartered professional. A professional is someone who is deemed competent through education, training and experience to undertake a particularly activity associated with that profession. A chartered professional is a member of learned organisation which has received a Royal Charter. A chartered professional can be distinguished from a professional in the same discipline by the fact that the chartered professional has met defined levels of competency and is accountable to society through their professional code of ethics. The term chartered professional, of whatever discipline, is a protected title through the Royal Charter; the term professional is not. Anyone can call themselves a professional and practice in that profession. Many of those professionals are competent to do so but they have no independent means of demonstrating their competency unlike a chartered professional. This means that a European built environment professional can operate in the UK without having to be a member of a professional body. However, if they wish to be a chartered professional they have to apply to become a member of a professional, chartered body.

## **Professional and Chartered Professionals**

The first issue to be addressed is clarity over the term professional and chartered professional. There are four cases to be considered:-

1. A UK Chartered Professional wishing to work in Europe.
2. A UK professional wishing to work in Europe.
3. An EEA National professional from a country in which the profession is regulated.
4. An EEA National professional from a country in which the profession is not regulated.

The UK chartered bodies can act as the competent authority for the first case. There is no competent authority for the second case. A UK professional wishing to work in a state in which their profession is regulated will have to either apply to become a chartered professional and follow the process outlined in this guideline or follow the application procedures in that state in which they wish to work.

The UK chartered bodies can act as competent authorities for cases 3 and 4 provided an application is being made to become a chartered professional. Otherwise there is no competent authority. As with any professional in the built environment, as opposed to a chartered professional, any EEA national can practice with no accountability. This can have serious implications for public health and safety in the built environment.

It would be helpful if the guidelines could clarify the processes to be followed by those professions regulated by law or public authority, those professions regulated by professional bodies incorporated by Royal Charter, the sectorial professions and those unregulated professions.

It would also be useful to clarify the role of the professional bodies as competent authorities when an EEA national wishes to work as a built environment professional in the UK but not as a chartered professional.

### **The Application Process**

The second issue for clarification concerns the processes for an EEA national to apply to become a chartered professional in the UK. The UK professional bodies have established over the years robust processes that allow nationals from anywhere in the world to become chartered. These new guidelines are suggesting processes that may not be compatible with existing processes. Since the processes to deal with EEA nationals will be on a case by case basis it may be necessary to modify the existing processes to meet the new guidelines. It could take time to modify the processes so a transition period is required to ensure professional standards are maintained.

### **European Professional Card**

The third issue to be addressed is that of the European Professional Card. The guidelines state that a competent authority is required to receive and consider application for European Professional Cards. In the UK the professional bodies will be the competent authorities. At the moment the UK professional bodies can only deal with applications from their members, chartered professionals; that is there is no competent authority to deal with professionals working in the built environment who wish to apply for an EPC card unless they are members of a professional body. If a UK professional does wish to apply for an EPC card and is not a member of a professional body then that professional will have to apply to be a member of that body. This needs to be clearly stated.

If the UK professional bodies are to be asked to issue EPC cards then it will be necessary to create appropriate, properly resourced procedures. The UK professional bodies are more than capable of doing this but it will require the support of Government to implement this to avoid unnecessary debate.

### **The Alert Mechanism**

The final issue is the Alert mechanism. The professional bodies, as competent authorities, have disciplinary procedures in place that deal with their members so can identify those members who have been prohibited or restricted from practising. They cannot comment on professionals who are practicing in their discipline but could be guilty of malpractice. This means the Alert mechanism does not cover all of the professionals working in the UK built environment. It would be useful to arrange a meeting to discuss this matter as it is in everyone's interests that those responsible for creating the built environment are competent to do so especially as there is a real issue of public health and safety in the built environment if incompetent people are allowed to practice as professionals.

I would be pleased to discuss these matters further to ensure that that the Directive is implemented in an efficient and effective manner.

Yours sincerely,

Professor Barry Clarke

Chair Education for the Built Environment

- (1) The Construction Industry Council (CIC) is the representative forum for the professional bodies, research organisations and specialist business associations in the construction industry. Established in 1988 with just five founder members, CIC now occupies a key role within the UK construction industry providing a single voice for professionals in all sectors of the built environment through its collective membership of 500,000 individual professionals and more than 25,000 firms of construction consultants.