

Registration of Ground Engineering Professionals

AGS Position Paper

1. Introduction

- 1.1 The British Geotechnical Association (BGA) has prepared a draft scheme for registration of geotechnical professionals. This scheme has been refined gradually over the past few years in response to feedback on the earlier proposals. Three options for different levels of registration were initially considered, from which a staged approach has been developed. The current proposals are set out in the following documents:
- Registration of UK Geotechnical Professionals – Principles of Operation (February 2005)
 - Registration of UK Geotechnical Professionals – Application (February 2005)
 - Registration of Geotechnical Professionals – Summary on behalf of Ground Forum (November 2004). This paper was produced in order to provide an overview of the scheme and its benefits.
- 1.2 The basis of the scheme is that, to be included on the register, an individual will require to be Chartered (CEng, CGeol, CSci) with a minimum of 5 years relevant post-charter experience as a practising specialist, or with a further degree and a minimum of 3 years relevant post-charter experience. This follows the scheme established in the pan-industry Site Investigation in Construction Volume 2 document (SISG, 1993). A two-stage approach is favoured by BGA, starting with Stage 1 and proceeding to Stage 2 once Stage 1 has been accepted by both the individuals and the industry.
- Stage 1: Applicants would be required to submit an authenticated CV to demonstrate their qualifications and experience. This would be vetted by senior ground engineering professionals as assessors.
 - Stage 2: In addition to submitting a CV applicants would have to demonstrate that they meet certain competence levels and attend for interview.
- 1.3 Ground Forum's views on the current proposals were passed to the BGA at the Forum's meeting in November 2004. These proposals included use of the term 'Ground Engineering' rather than 'Geotechnical' professional, introduction of an appeals process and operation of the scheme under the Ground Forum banner so that it both is and is seen to be fully inclusive of all aspects of the ground engineering industry.
- 1.4 The British Tunnelling Society (BTS) has also been considering the merits of setting up a registration scheme for their members. Their Working Group Report (September 2003) presented six options and recommended that, whilst it was premature to set up a full scale registration system, a tier of 'key tunnelling professionals' should be established.
- 1.5 AGS is aware that the ground engineering industry's views on the desirability of registration are divided. This lack of consensus was apparent at the joint meeting of the BGA and the Engineering Group of the Geological Society (EGGS) on this issue which was held in February 2003. Similarly, a range of views were expressed when the AGS Committee discussed registration in November 2004. A simple survey of members was therefore undertaken by email.

2. AGS Survey

2.1 The AGS survey of members' opinions about registration was carried out by email in November 2004. That survey sought answers to two simple questions concerning the concept of registration and the breadth of any scheme. Consideration of the details of the scheme were intentionally omitted, though members were advised that any scheme was likely to involve paying a subscription to the scheme organisers and would involve an assessment of applicants' skills/competence which could vary from limited to rigorous depending on the nature of the scheme. The questions posed were:

1. Do you support the concept of registration for geo-professionals?
2. Should any registration scheme be broad enough to include all the disciplines involved in ground engineering and geoenvironmental issues? You may assume that any scheme would involve recording, and possibly assessing, the specific skills possessed by members of the register. The alternative would be one or more schemes run by the individual learned societies (BGA, BTS, EGGG, IoM³, etc)

2.2 The responses were:

	For	Against	Undecided
Question 1	29	27	4
Question 2	31	17	5

This represents a broadly 50:50 distribution of the AGS respondents, similar to the division of opinions that was apparent during the AGS committee meeting in November 2004.

2.3 Other feedback on the August 2004 proposals included:

- Requests for 'grandfather rights' (possibly the only way to gain acceptance from some members)
- Requests for more consideration of Stage 2, which was seen as inadequately thought through.

3. Drivers and Perceived Benefits

3.1 One of AGS' principle objectives has always been to raise standards within the industry, for the benefit of all concerned (clients, ground engineering contractors/consultants and individual practitioners). Introduction of a suitable registration scheme which adequately vets applicants would be compatible with this objective. In particular, provided that the registration scheme is appropriately structured, the primary benefit would be the recognition of, and maintenance of, specific competencies.

3.2 As a trade association, the AGS's interests are primarily related to the commercial impact which any registration scheme might have on members. AGS considers that the main benefits of an acceptable registration scheme are likely to include easier pre-qualification for tenders/projects and increased status for members who employ registered staff (and for individual members who are registered).

3.3 The Specialist in Land Condition (SiLC) scheme has been successful, and is now seen by many as the *de facto* standard for contaminated land specialists, because its requirements are rigorous. A similar degree of rigour in assessing applicants should be the ultimate goal for any register of ground engineering professionals.

3.4 Any registration scheme should ensure that competencies are both proven on initial application/acceptance and reviewed and up-dated at suitable revalidation intervals. AGS considers the 5 year revalidation period to be appropriate, and supports compulsory CPD.

3.5 In the current climate of increasing national publicity of the failings of experts and specialists, there is a view that the industry should introduce a suitable scheme to ensure that those who practise ground engineering are competent. The alternative is to wait until insurers or statutory regulation forces a scheme on the industry, with the associated risk that the scheme might be excessively bureaucratic and/or biased towards operating practices in Europe.

4. Concerns which need to be Addressed

- 4.1 In recognition of the 50:50 split recorded by the AGS survey any scheme must be shown to provide immediate benefit to its members and its introduction would need to be handled sensitively to the concerns of those individuals who are currently not convinced of the need for registration.
- 4.2 There is doubt in the industry as to whether there is a genuine client driver, and hence any commercial benefit to be obtained.
- 4.3 Some AGS members dispute the potential benefits which the registration scheme is claimed to deliver, in the particular the increased status and easier pre-qualification. There is also some concern that registration will not advance the recognition of competence.
- 4.4 The costs involved in setting up and maintaining the register are another commercial disbenefit. Unless there is a clear commercial benefit to employers they are likely to be borne by the individual registrants and would be seen by some as an unjustified 'extra over' cost to Chartered membership of the relevant professional institution.
- 4.5 The voluntary nature of the proposed scheme makes comparisons with the licensing in the USA, where the licensing schemes are a legal requirement, of only limited value. The voluntary registration scheme in New Zealand may be a more appropriate comparator for the proposed scheme, however the NZ scheme appears not to have produced any of the so-called advantages.
- 4.6 In the current litigious climate, registration may lead to personal liability.
- 4.7 If implemented, the current single tier scheme is considered by some to be too simplistic. Two status levels similar to Geotechnical Specialist and Geotechnical Advisor are suggested. These levels should be compatible with the requirements in EC7 and HD22/02 for classification of projects by geotechnical risk and project complexity.
- 4.8 Clarification is required as to how Eur Ings and Eur Geols would be handled; will they have to register?

5. AGS Recommendations for Proposed Strategy

- 5.1 The scheme should first be revised along the lines of detailed proposals submitted by AGS, Ground Forum and other stakeholders. .
- 5.2 Endorsements of the agreed scheme should then be obtained from key clients and major players in the industry. Such endorsements should demonstrate the potential benefits of the scheme.
- 5.3 The revised proposals and a detailed programme for implementation should then be subject to debate at a widely publicised pan-industry meeting, preferably with associated regional meetings, in order that all interested parties have a final opportunity to contribute. Implementation should not proceed until such meetings have endorsed the scheme.

Registration of Ground Engineering Professionals

BACKGROUND INFORMATION:

Some of the arguments FOR registration:

- Registration would raise the status of ground engineering professionals within the construction industry
- Provides clients with enhanced confidence in the abilities of members of the register
- Pre-qualification for some tenders would be simplified
- Enhanced employment prospects (and higher salaries) for members of the register
- Firms employing members of the register should benefit from lower PI premiums
- Registration would restrict the trading ability of unprofessional practitioners ('cowboys')
- Setting up an inclusive scheme now would avoid gradual creation of a patchwork of different schemes, and might minimise the possibility of an inappropriate scheme being forced on the industry by future legislation/regulation
- Registration would protect the public interest.

Some of the arguments AGAINST registration:

- Un-necessary additional cost and red tape.
- Would inevitably lead to statutory licensing
- Clients are not asking for registration (yet)
- Represents unacceptable restraint of trade and/or industry collusion (NB: the BGA's proposal that only members of the BGA could join the register may represent restrictive practice)
- The 'competent person' route to proving competence is simpler and quite adequate
- Registration in the UK will not help the holder's job mobility in Europe, because the EU is unlikely to accept any qualification based on a 3 year degree.
- Registration is not being proposed for civil engineers generally, so why should geoprofessionals be different.
- There might be an increased possibility of being sued for negligent services
- Basic registration, without any meaningful assessment of applicant's competences would be of minimal benefit (so not worth the cost/effort)

AGS Committee – 24th November 2004

The opinions of those present on the need for registration were divided. For example:

For registration:

- sets out competencies
- would be an attempt to recognise the profession
- going for it now will achieve a broad based scheme. Delay might permit registration to develop in particular areas
- ODPM Task Force on Remediation Permits is believed to be considering registered specialists in contaminated land as a way around some of the permitting problems
- would challenge those structural engineers who feel qualified to undertake geotechnical work.

Against Registration:

- there is no demand in the UK except for specific recognised specialities (eg reservoirs)
- could lead to compartmentalisation of expertise - making it difficult to give advice on the bigger picture or related areas.
- support for registration in the United States was widely accepted only because it is a license to practice
- should be combined with chartered status
- could be first step towards licensing.
- should be driven by client or market requirements (in the absence of statutory regulation)

Neutral:

- industry had adopted a requirement for UKAS accreditation in response to government pressure
- would require periodic review of continuing competency
- should only be in conjunction with initiatives to registration of all engineers
- needs the support of major institutions
- would need to accommodate both engineering geologists and geotechnical engineers
- should be kept under review (to avoid regulation being introduced via the 'back door')