

Isolations for Safe Working (ISW)

Working Group Draft Minutes

Meeting 06

16 September 2020 at 10:00

Microsoft Teams/ Teleconference

Attendee	Representing
David Brown [DB]	E.ON
Geoff Huckerby [GHu]	AMO
Gus Wood [GW] (Item 3)	Gowling WLG
Peter Skirvin [PS]	ENWL
John Heague [JH]	Scottish Power Energy Retail
Boz Clowes-Laird [BCL]	BEIS
Robin Mellish [RM]	OVO
Ian Crawley [IC]	SSEN
Jonathan Elliott [JE]	Electrical Safety First
Paul Abreu [PA]	Energy Networks Association
Dave Wright (DW)	Npower
Simon Wilson [SW]	EDF Energy
Richard Hill [RH]	British Gas
Kevin Liddle [KL]	NPg
Frank Bertie	NAPIT
Richard Brady [RB]	WPD
Secretariat	
Richard Colwill (RC) Chair	ElectraLink

Natasha Voysey [NV]

ElectraLink

1. Welcomes and Apologies

- 1.1 The Chair welcomed attendees to the 6th DCUSA Isolations for Safe Working, Working Group.
- 1.2 The Working Group agreed to act in accordance with the terms set out in the DCUSA “Competition Law Guidance”.

2. Working Group Meeting 05 – Draft Minutes

- 2.1 The Group approved the minutes of the last meeting held on 24 February 2020 as an accurate record.

3. Responsible Party

- 3.1 There was an action from the last Working Group to seek legal advice regarding who is the responsible party for providing isolations for safe working. Gus Wood, from Gowling WLG, agreed to join our Working Group to better understand the considerations of the Working Group so far and provided some initial thoughts prior to the meeting as set out below:
 - *The Distribution Code describes the default ownership boundary between distributors and customers.*
 - *Those customers who are subject to sections 3 or 4 of the NTC have agreed to comply with the Distribution Code. However, those who are subject to section 2 of the NTC have not done so, and section 2 of the NTC does not describe the ownership boundary.*
 - *Sections 3 and 4 of the NTC also contain obligations not to interfere with the distributor's network, but section 2 of the NTC does not.*
 - *There is a general legal obligation - in tort (England & Wales) - not to interfere with another person's property. So customers (and their electricians) cannot interfere with a distributor's property without the distributor's consent.*
 - *Schedule 6 to the Electricity Act 1989 makes it a criminal offence to negligently or intentionally damage a distributor's network.*
 - *Schedule 6 to the Electricity Act 1989 makes it clear that a distributor's plant/lines remain the property of the distributor despite their installation in a customer's premises.*

- *The Electricity Safety, Quality and Continuity of Supply Regulations 2002 place a couple of obligations on consumers, but generally apply to distributors, generators, suppliers and meter operators.*
- *Your draft CP suggests that distributors have only limited de-energisation rights. I don't think this is accurate. Distributors own their networks, so the starting point is that distributors can do what they want with their networks. However, the ability of a distributor to do what it wants with its network is then constrained by statute, licences and codes. In the DCUSA, each distributor has promised suppliers that it will only de-energise in certain circumstances, and that it will give the supplier advance notice of the de-energisation. However, the listed circumstances are broad, and include where de-energisation is permitted under the connection agreement. Section 3 and 4 of the NTC expressly include de-energisation requested by the customer. Although section 2 of the NTC does not, I think it must be implicit in that the distributor can de-energise where the customer requests de-energisation. Distributors must rely on this when they de-energise for the purposes of moving a connection point for example.*

- 3.2 Paul Abreu (PA) stated that the DNO position is that although they can de-energise supplies upon a request from customers, they must seek consent from the Supplier to do this. So, they are not arguing that DNOs cannot carry out isolations they are arguing that Suppliers are the responsible industry party that should be providing this service to their customers. PA circulated an ENA letter prior to the meeting from 2013 that sets out the DNO position on the responsibility for providing supply isolations for planned work on the customers' installation. This letter can be found in Attachment 1.
- 3.3 GW took an action to further review the ENA letter, however he mentioned that it is unlikely that there is anything explicitly stated in legislation regarding who is the responsible party and therefore it would need to be a recommendation made to the Authority via a DCUSA Change Proposal to establish this.
- 3.4 It was mentioned that a consultation may help regarding providing a recommendation for who is the responsible party. For example, the consultation could ask which parties currently provide an isolation service and if, as an example, 80% of a certain party already provides this service it may be reasonable to determine that they are the responsible party.
- 3.5 The Working Group agreed to continue with progressing the proposed solution, pending further legal advice and will use an industry consultation to progress this item further.

4. Isolations for Safe Working Process

- 4.1 It is agreed that the high-level process for an isolation for safe working is as below:
- Request received for isolation
 - Authorised person attends property

- Establish whether an isolator switch can be installed or not
- If yes, install isolator switch
- If no, isolate supply and arrange appropriate time to re-energise.

- 4.2 The process itself is relatively straight forward, the difficulty is establishing who should undertake the work and establishing clear guidance so that customers and electricians are aware of what they need to do when de-energisation is required. After discussion, the Working Group were keen to understand which parties could provide an isolation service, other than a Supplier or Distributor. For example, third parties could offer this service as long as they were a MOCOPA party. If a party wishes to provide this service, there will need to be appropriate procedures in place for them to apply to become a MOCOPA party. Consideration would be needed as to whether a party could provide this service if they are not appointed by the registered Supplier to that property and therefore this process needs to be established. One suggestion was that the parties could undertake the work on behalf of the property owner.
- 4.3 The concept of the above would be that the customer would have a choice of approved MOCOPA parties that can provide this service and it would establish clear guidance to ensure that no unauthorised work is undertaken. One point raised was regarding a scenario where a customer is unable to procure this service due to location and no service provider operating in that area. It was agreed that there would need to be a process in place to ensure that such customers are still able to have their supply safely isolated. It was agreed that a provider of last resort would be needed and therefore this goes back to the question of who the responsible party is.
- 4.4 It was noted that a process for safe isolations would be welcomed by those who currently provide services that require de-energisation of supply as frustrations have been expressed regarding a lack of clarity in process and the length of time that it can take to secure an authorised person to visit a property and de-energise.
- 4.5 To further explore this option, it was agreed to issue an industry consultation to seek views. Some potential questions that could be asked in the consultation are detailed below:
- Do you offer a service for your customers (as Supplier or Distributor) to install an isolation switch upon request?
 - If not, would you be in a position in the future to offer this service?
 - Do you offer a service for landlords (where you may or may not be the Supplier or Distributor) to install an isolation switch upon request?
 - If not, would you be in a position in the future to offer this service?

- Would you as a Supplier or Distribution Network Operator have any objection to a MOCOPA Operator undertaking this work at a site supplied by you
- If so, would you accept responsibility to undertake the installation of an isolation switch upon request from your customer?

4.6 The Secretariat took an action to draft a consultation for the Working Group to review. The Secretariat also took an action to seek the initial views from Ofgem on this proposed solution and whether they had any thoughts on a responsible party.

ACTION 06-01: Secretariat to draft a consultation and circulate to the Working Group to review.

ACTION 06-02: Secretariat to seek Ofgem views on the current proposed solution and whether they have views of a last resort responsible party.

5. AOB

5.1 The Chair queried whether members had any other business to raise. No items were raised.

6. Next Meeting

6.1 The Chair confirmed that the next meeting will be established after the consultation has been released and industry feedback has been received.