

General Information	
Ministerial Decision Type	Miscellaneous
Report Title	RWEL Inspector Qualifications
Minister	Infrastructure
Signatory	Minister
Lead Department	Infrastructure, Housing and Environment (IHE)
Lead Directorate	Operations and Transport (IHE)
Ministerial Decision Summary: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Date decision made if different to date 'Ministerial Decision Summary' signed.	Select date.
Report and Supplemental Report Details	
Report Author	Road Works and Events Manager
Date of Report	26/05/2022
Supplementary Report Title <i>(If applicable)</i>	Insert Supplemental Report Title.
Supplementary Report Author <i>(If applicable)</i>	Insert Official Title Only.
Date of Supplementary Report <i>(If applicable)</i>	Select Date of Supplemental Report.
Ministerial Decision Report: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Relevant Case/Application/URN <i>(Only complete if making a decision related to an appeal/case/application)</i>	Insert Relevant Case/Application.
Relevant Proposition Number <i>(Only complete if presenting Comments or if lodging an Amendment)</i>	Insert P. number.
Relevant Scrutiny Report <i>(Only complete if presenting a ministerial response)</i>	Insert S.R. number.
Associated Law(s) and/or Subordinate Legislation	Road Works and Events (Jersey) Law 2016
Action required if recommendation agreed	Department to take necessary action.

Resource Implications	The cost of staff training linked to the competencies and qualifications outlined in the report pursuant to the 'Road Works and Events (Jersey) Law 2016: Article 43(1)
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Introduction

Purpose of the Report

The purpose of report is to confer the appropriate level of qualification for IHE Road Works and Events Inspectors, appointed as such under the Road Works and Events (Jersey Law 2016 to enable them to:

- Carry out their duties and fulfil their inspection powers under the Road Works and Events (Jersey) Law 2016 (RWEL)
- To inspect and investigate and obtain information about road works and event activities and to regulate and enforce safe road work methods and compliance with Codes of Practice and the RWEL
- To carry out any necessary activity, function, or requirement to fully investigate offences committed under RWEL

Background

The Road Works and Events (Jersey) Law 2016 provides duties for highway authorities to control and manage road works and events and to ensure that anyone carrying out road works does it safely, efficiently and minimises inconvenience. The law also provides measures to protect public investment in the road network and a legal framework to enforce safe working methods and a Code of Practice. This includes for Inspector powers to ensure Road Works Permit and Code of Practice compliance and powers to investigate non-compliance and offences committed.

Pursuant to Article 43(1) of the Road Works and Events (Jersey) 2016 Law, 'Inspectors' may be appointed by the highway authority to fulfil their duties under the Law. These duties are to; generally, carry out any inspection or investigation or in relation to a specific matter, to enable the highway authority to exercise any function under the Law, and to ascertain whether a person has complied, or is complying, with any of the person's duties under this Law.

Article 43(3) requires the Minister to prescribe the circumstances in which a qualification may be conferred and the form of any document to be issued by an approved body to certify or otherwise show that a qualification has been conferred on any person. Therefore, for the highway authority to appoint inspectors, appointees will need to reach the relevant qualification conferred by the Minister (in accordance with Article 43/3) to fulfil their Inspector function.

Discussion

Appointed inspectors acting to enable the highway authority to exercise any function under the Road Works and Events (Jersey) 2016 Law will be required to have qualification for either **function 1** or **function 2** depending on the need and the Inspectors experience, qualifications, and expertise.

Function 1 – Permit & Code of Practice Compliance

To have achieved the skills and knowledge necessary to perform function 1; to enforce compliance with Codes of Practice and the Law, Inspectors are to have achieved both of the following:

Permit Compliance Inspection

The training and qualification recognised by the highway authority as relevant to Road Works Permit Compliance inspections is at the same level as the NRSWA Permit

Compliance Inspections – Unit 321. This adopts local authority Code of Practice and is adapted to accommodate learning outcomes specific to Jersey’s legislature and Policy. This level of qualification will enable Inspectors to undertake Permit Compliance Inspections based on the Code of Practice for Inspections, HAUC and the Specification for the Reinstatement of Openings in Highways. They will also be able to enforce safe working methods by checking compliance with Road Works Permit conditions and the Working Safely on Jersey Roads an Approved Code of Practice. To improve safety at road works, Inspectors will be able to monitor KPIs for Contractor Performance Management.

Jersey Road Works Safety Course.

This qualification will enable Inspectors to understand the local requirements for safe road work practices and methods in Jersey based on the Code of Practice.

Function 2 – Investigation

Appointed inspectors acting to carry out investigation for non-compliance or offences committed under RWEL are required to have a thorough grasp on conducting investigations, taking interviews and statements, case file report writing and note taking, all pertinent to an investigation. They should also have experience in and understand the procedures involved in regulation and formal enforcement.

The suitable qualifications for function 2 should be either of the following:

Bond Salon Professional Training in Investigative Practice

With this qualification, Inspectors will have the knowledge, skills, and confidence to present evidence effectively and the key skills to interview witnesses, obtain witness statements and interview suspects effectively and to best practice standards enabling them to maximise the evidence they gain during such interviews.

Inspectors will have a comprehensive understanding of the legal regime imposed under the legislation and how to achieve legal compliance when planning, authorising and/or conducting investigative practices.

This qualification also covers current data protection and privacy legislation, and the GDPR and the Data Protection Act 2018 and will give Inspectors an understanding of how to secure electronic/digital evidence so that it can be used in a court of law.

The training also equips Inspectors to deal more effectively with situations of conflict and to instil in them the confidence and ability to manage and minimise the risk of conflict effectively and avoid having to resort to hands-on physical restraint

Or -

Diploma in Regulatory Occupation Health and Safety

This qualification gives Inspectors the professional competence and ability to help organisations make sensible and proportionate decisions in order to manage risk, meet business objectives, and meet regulatory and other requirements.

The qualification covers the practical skills essential for health and safety professionals within regulation providing a key legal framework for health and safety and H&S systems.

Recommendation

It is recommended that the Minister recognises the appropriate level of qualification outlined for functions 1 and 2 as acceptable to confer inspectors within IHE acting under the RWEL as being appropriately qualified to be appointed by the highway authority. This will enable appointed Inspectors to effectively use their powers to fulfil either or both functions as an Inspector.

Action Required

To approve the level of qualification for each Inspector function as outline to enable the appointment of qualified Inspectors to fulfil their function/s under the Law and to be referred to as an Inspector pursuant to Article 43(2).

Resource Implications:

The cost of staff training linked to the competencies and qualifications outlined pursuant to the 'Road Works and Events (Jersey) Law 2016: Article 43(1).

Written by: Road Works and Events Manager

Approved by: Principal Engineer