



Growth, Housing and Environment

## **Road Works and Events (Jersey) Law 2016**

### **Road Work Supervision and Qualification Policy**

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## 1 Introduction

The Road Works and Events (Jersey) Law 2016 came into force on January 1st 2018. The Law creates for the first time a comprehensive framework for the control and management of road works on the Island's public roads.

Because poorly managed road works can present a significant safety hazard to the public and those carrying them out, 'Article 26' of the Law introduces a basic supervision and qualification requirement.

## 2 Basic supervision and qualification requirement

Where the supervision and qualification requirement applies then the person carrying out the work must ensure that they are supervised by a 'qualified supervisor', available to give assistance and be present on site when necessary.

There must also be at least one suitably 'trained operative' present on site at all times whilst work is being done. If at any time a 'trained operative' is not present then the works must be suspended.

The supervisor does not need to be on site at all times, and can supervise more than one set of works. Except in the case of a 'small businesses' (see below) the same person cannot perform both roles for the same site.

The person may only act as supervisor or operative for the type of work for which they are qualified. Therefore, it may be necessary for a number of people with different qualifications to be involved with the work during its various stages. Also thought needs to be given to operational constraints, for example staff leave and illness, so additional trained cover will be needed to meet these circumstances. There is no limit to the number of qualifications held by one person.

For the purpose of compliance the relevant highway authority may, by written notice, require the person carrying out works to name their qualified supervisor and trained operative and provide evidence of qualifications.

### 2.1 Offence

Failure to ensure that the works are supervised by a qualified supervisor (except where an exemption applies) or that a trained operative is present on site while work is being done or to supply names of qualified personnel and evidence of qualifications is an offence and liable to a 'level 3' fine of up to £10,000.

**Deadline for training and qualifications:** Qualifications and training requirements, set out in 'Section 7', will come into force on the 1<sup>st</sup> August 2019. Road work companies must ensure that they have in place sufficient numbers of 'qualified supervisors' and 'trained operatives' by that date.

### **3 Meaning of terms ‘qualified supervisor’ and ‘trained operative’**

The Minister for Infrastructure can prescribe [by Order<sup>1</sup>] what qualifications and training are required for the different road work types. Specifically who may provide training, which bodies can confer qualifications and what site documentation (e.g. ID cards) is to be carried by supervisors or operatives. These requirements are set out in ‘Section 7: Training and Qualification Requirements’.

### **4 Role of ‘qualified supervisor’**

While everyone on a road work site has personal responsibility to behave safely it is the role of the ‘qualified supervisor’ to ensure that the works are correctly planned (in accordance with “Working Safely on Jersey Roads – A Code of Practice”) and managed. This includes:-

- Preparation of a site specific risk assessment and method statement (having particular regard to the needs of people with a disability).
- Securing (or ensuring that) permit permission from the relevant highway authority is in place before works start.
- Communicating with operatives so that they clearly understand the identified hazards and risks present on site and what is expected of them in carrying out the works.
- Ensuring that at least one trained operative is present on site at all times whilst work is being done.
- Monitoring the works by visiting the site on a sufficient basis to ensure that agreed plans and methods are being followed. Also where circumstances or assumptions change (scope / timing, etc.) to ensure that plans are updated, along with necessary highway authority consultation and approvals.
- Ensuring that the correct safety equipment is available on site and being used by operatives.

### **5 Role of ‘trained operative’**

The ‘trained operatives’ must ensure that:-

- The works are safety conducted in accordance with “Working Safely on Jersey Roads – A Code of Practice” and the work method statement. Where there are any concerns or doubt about either, or uncertainly due to a change in circumstances or assumptions then the qualified supervisor must be promptly notified.
- Safety equipment is regularly checked and correctly used, e.g. traffic or pedestrian signage, barriers, hazard lighting, kerb ramps, cable mats, or personal protective equipment, etc.

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<sup>1</sup> Road Works (Supervisors and Operatives) (Jersey) Order 2018

## 6 What types of road works do the requirements apply to?

The supervision and qualification requirements apply to:-

- **Undertaker Works:** Works for or by a utility company, the drainage authority, or a private apparatus owner (working under a 'Highway Law License') in order to place, inspect, maintain, repair, replace or remove electricity, gas, telecoms, water and sewerage infrastructure (termed "apparatus"). Often this involves the 'breaking up' or 'excavation' of the road, which then requires reinstatement.
- **Highway Authority Works:** Works for or by the highway authority in order to maintain or improve the road and its associated infrastructure.
- **Specified Road Works:** Work activities (not undertaker works or highway authority works) which create an obstacle or potential hazard to road users. The list of controlled activities is set out in the 'Road Works (Specified Road Works) (Jersey) Order 2018'. While some of the always need a 'road works permit' (and a fee), others only need one if, in the highway authority's view, the particular circumstances require the closure of a road, or the use of temporary traffic control, or the closure of a footway. The supervision and qualification requirements only apply to works where a road works permit is required.

### 6.1 Particular rules regarding specified road works

#### 6.1.1 List of specified road work activities included in requirements

- a. operating a mobile crane in a road,
- b. constructing road side stabilisation works,
- c. placing or removing scaffolding on or from a road (excluding mobile scaffolding),
- d. cleaning the exterior of premises (other than domestic premises),
- e. constructing or repairing a wall on the side of a road,
- f. tree felling, not including hedge trimming and branchage.

#### 6.1.2 List of specified road works activities NOT included in requirements

- a. constructing or modifying an entrance for vehicles (whether for temporary or permanent access)
- b. construction or maintenance work on a building (excluding the cleaning of the exterior of a building)
- c. loading or unloading scaffolding (excluding mobile scaffolding) for use other than on a road
- d. placing or using skips on a road
- e. storing building materials on a road
- f. survey works for any activity falling within the definition "road works"
- g. using a mobile elevated platform on a road to carry out road works (including mobile scaffolding)
- h. using equipment to pump concrete
- i. using scaffolding on a road (excluding mobile scaffolding)

### 6.1.3 Small business exemption

In the case of a small business (e.g. less than 5 operational staff) where it is impractical for a qualified supervisor and trained operative to be different individuals, the qualified supervisor and trained operative may be the same individual. I.e. it is sufficient to ensure that at least one qualified person is present on site when works are in progress.

### 6.1.4 Householders / property work

As far as this policy applies the person contracted to carry out works, on behalf of a householder, will be regarded as carrying out the works.

## 7 Training and Qualification Requirements

Road Work Activity Type	Required Qualifications	Qualification Awarding Body	Approved Trainer	Qualification Registration / Required Site Identity Card	Qualification Re-assessment / Identity Card Renewal*	
					Re-assessment Process	Identity Card Renewal Period
<p>Undertaker Works involving:</p> <p>a) breaking up or excavating or disturbing the surface of a road,</p> <p>b) excavating, trenching or disturbing any sewer, drain or tunnel under a road,</p> <p>c) tunnelling or boring under a road,</p> <p>d) trench reinstatement or making good works.</p>	<p>UK Streetworks Qualification – must include key certificates:</p> <ul style="list-style-type: none"> <li>• LA = Location &amp; avoidance of underground apparatus</li> <li>• S1 or O1 = Signing, lighting and guarding</li> </ul>	<ul style="list-style-type: none"> <li>• City &amp; Guilds</li> <li>• Certified Awarding Body for the Water Industry (CABWI),</li> <li>• Scottish Qualifications Authority (SQA)</li> <li>• LANTRA</li> </ul>	Any training centre approved by an awarding body	<p>UK National Streetworks Qualifications Register</p> <p>Relevant UK supervisor / operative streetworks identity card</p>	<p>UK Streetworks Qualification Reassessment</p> <p><u>OR</u></p> <p>Jersey Road Works Safety Qualification with SWQR re-registration ***</p>	<p>ID cards must be replaced if the card itself or a key certificate expires, i.e. it must be replaced within 5 years of issue.</p> <p>For full details please visit: <a href="http://www.swqr.org.uk">www.swqr.org.uk</a></p>
<p>Undertaker Works other than the above.</p> <p>I.e. that do not involve breaking up the road or reinstatement works, etc.</p>	Jersey Road Works Safety Qualification	States of Jersey Growth Housing and Environment	4 Safety Ltd.	<p>Register managed by 4 Safety Ltd.</p> <p>Jersey road works safety identity card**</p>	Repeat Jersey Road Works Safety Qualification	<p>ID cards must be renewed by the stated expiry date, i.e. it must be replaced within 5 years of issue.</p>

Road Work Activity Type	Required Qualifications	Qualification Awarding Body	Approved Trainer	Qualification Registration / Required Site Identity Card	Qualification Re-assessment / Identity Card Renewal*	
					Re-assessment Process	Identity Card Renewal Period
<p>Highway Authority Works involving road:</p> <p>a) construction or reconstruction;</p> <p>b) resurfacing;</p> <p>c) alteration of the surface level or width.</p>	<p>UK Streetworks Qualification – must include key certificates:</p> <ul style="list-style-type: none"> <li>• LA = Location &amp; avoidance of underground apparatus</li> <li>• S1 or O1 = Signing, lighting and guarding</li> </ul>	<ul style="list-style-type: none"> <li>• City &amp; Guilds</li> <li>• Certified Awarding Body for the Water Industry (CABWI),</li> <li>• Scottish Qualifications Authority (SQA)</li> </ul> <p>LANTRA</p>	<p>Any training centre approved by an awarding body</p>	<p>UK National Streetworks Qualifications Register</p> <p>Relevant UK supervisor / operative streetworks identity card</p>	<p>UK Streetworks Qualification Reassessment</p> <p><u>OR</u></p> <p>Jersey Road Works Safety Qualification with SWQR re-registration***</p>	<p>ID cards must be replaced if the card itself or a key certificate expires, i.e. it must be replaced within 5 years of issue.</p> <p>For full details please visit: <a href="http://www.swqr.org.uk">www.swqr.org.uk</a></p>
<p>Highway Authority Works other than the above.</p> <p>I.e. that do not involve road construction or reconstruction, resurfacing, etc.</p>	<p>Jersey Road Works Safety Qualification</p>	<p>States of Jersey Growth Housing and Environment</p>	<p>4 Safety Ltd.</p>	<p>Register managed by 4 Safety Ltd.</p> <p>Jersey road works safety identity card**</p>	<p>Repeat Jersey Road Works Safety Qualification</p>	<p>ID cards must be renewed by the stated expiry date, i.e. it must be replaced within 5 years of issue.</p>



Road Work Activity Type	Required Qualifications	Qualification Awarding Body	Approved Trainer	Qualification Registration / Required Site Identity Card	Qualification Re-assessment / Identity Card Renewal*	
					Re-assessment Process	Identity Card Renewal Period
<p>Specified Road Works involving:</p> <p>a) operating a mobile crane in a road,</p> <p>b) constructing road side stabilisation works,</p> <p>c) placing or removing scaffolding on or from a road (excluding mobile scaffolding),</p> <p>d) cleaning the exterior of premises (other than domestic premises),</p> <p>e) constructing or repairing a wall on the side of a road,</p> <p>f) tree felling, not including hedge trimming and branchage.</p> <p>See Note****</p>	Jersey Road Works Safety Qualification	States of Jersey Growth Housing and Environment	4 Safety Ltd.	<p>Register managed by 4 Safety Ltd.</p> <p>Jersey road works safety identity card**</p>	Repeat Jersey Road Works Safety Qualification	ID cards must be renewed by the stated expiry date, i.e. it must be replaced within 5 years of issue.

Road Work Activity Type	Required Qualifications	Qualification Awarding Body	Approved Trainer	Qualification Registration / Required Site Identity Card	Qualification Re-assessment / Identity Card Renewal*	
					Re-assessment Process	Identity Card Renewal Period
Operation of Portable Traffic Lights	Jersey Portable Traffic Light Supervisor Qualification  <u>Note:</u> There is a ½ day basic course for 2 phase setup and 1 day advanced course for 3 phase setup, etc.	States of Jersey Growth Housing and Environment	4 Safety Ltd.	Register managed by 4 Safety Ltd.  Jersey portable traffic lights identity card	Repeat Jersey Portable Traffic Light Supervisor Qualification  (OR practical re-assessment by Approved Trainer)	ID cards must be renewed by the stated expiry date, i.e. it must be replaced within 5 years of issue.

\*Highway authority training instruction: As part of its work performance monitoring function, a highway authority may require a supervisor or operative holding a valid ID card to carryout training / reassessment before their card's expiry date if (e.g. following a serious inspection failure, or following a series of inspection failures) the person exhibits insufficient understanding of the appropriate road work requirements. If the matter relates to basic traffic management, signing, lighting or guarding then the highway authority will require the person to complete the 'Jersey Road Works Safety Qualification' whether or not it is otherwise a requirement (as set out above).

\*\*Alternatives to 'Jersey road works safety identity card': The following alternative identity cards will be accepted as an alternative:

- UK streetworks identity card: Either 'Supervisor' or 'Operative' status.
- Lantra skills registration card: Registered Traffic Management Operative (RTMO) or Lead Operative (RLTMO) status.

\*\*\*UK streetworks qualification - alternative reassessment process: Qualifications may be directly re-registered with the UK 'Street Works Qualification Register' (SWQR), a processes currently permitted in Wales and Norther Ireland, instead of the candidate having to undertake 'reassessment', a requirement in England and Scotland, provided the candidate complete the Jersey Road Works Safety Qualification before re-registration.

\*\*\*\*Specified road works - exceptions to the above rules: It may be necessary for a highway authority to apply training requirements to Specified Road Works NOT included in the activity type list, as a condition of a permit being granted, for example, where particular works are significant in scale or duration, or in a high risk location.

## **8 Glossary of Qualification Terms**

### **8.1 Streetworks Qualification (UK) NRSWA**

The (UK) New Roads and Street Works Act 1991 (NRSWA) requires work involving the installation, renewal, maintenance and inspection of underground apparatus in the highway to be under the control of a suitably qualified supervisor and operative. Each must hold a relevant 'streetworks identity card' issued by the Scottish Qualifications Authority (SQA) showing that the holder is registered on the Street Works Qualification Register (SWQR). There are 16 possible certificates, registration requires completion of key certificates covering the location and avoidance of underground apparatus and signing, lighting and guarding. For full details please visit: [www.swqr.org.uk](http://www.swqr.org.uk)).

### **8.2 Jersey Road Work Safety Course**

A locally available baseline road work safety course provided by 4 Safety Ltd. on behalf of the States of Jersey's Growth Housing and Environment covering road work planning, signing, lighting and guarding, use of Stop and Go Boards, etc.

### **8.3 Jersey Portable Traffic Light Supervisor Qualification**

A locally available baseline road work safety course provided by 4 Safety Ltd. on behalf of the States of Jersey's Growth Housing and Environment covering the correct setup and operation of portable traffic lights. There is a ½ day basic course for 2 phase setup and 1 day advanced course for 3 phase setup, etc.

### **8.4 LANTRA**

As an alternative to the 'Jersey Road Works Safety Qualification', a supervisor or operative may hold a 'Lantra skills' registration card showing that he or she is a registered 'lead traffic management operative' or 'registered traffic management operative' under the "National Highway Sector Schemes for Quality Management in Highway Works, 12D for installing, maintaining and removing temporary traffic management on rural and urban roads" published by the Sector Scheme Advisory Committee on the UKAS website. "Lantra" means the body responsible for developing training and qualifications and which is accredited by the British Standards Institution for ISO 9001:2008 and ISMS 27001:2013 for Skills.