

## MONITORING AND IMPROVING COMPLIANCE – No. 1

### SRWC COMPLIANCE INTERVENTIONS

This document sets out the Scottish Road Works Commissioner's (SRWC) intervention procedure in line with improving practice across road works in Scotland.

### FUNCTIONS AND POWERS

The SRWC is an independent public official established under Section 16 of the Transport (Scotland) Act 2005 and is accountable to the Scottish Ministers and ultimately the Scottish Parliament. The SRWC has powers to appoint staff and there is an established team to assist the Commissioner.

The functions of the Commissioner are laid out by the Transport (Scotland) Act 2005 and are as follows:

- Monitoring the carrying out of road works in Scotland;
- Promoting compliance with the New Roads and Street Works Act 1991 (the Act); and
- Promoting the pursuit of good practice by those persons who have functions conferred on or permissions granted to them by the Act.

The Commissioner has powers to impose financial penalties on roads authorities who systematically fail in their duty to co-ordinate road works and on utility companies who systematically fail to co-operate when undertaking road works.

The Commissioner's powers are laid out by the Transport (Scotland) Act 2005 and are as follows:

- "do anything calculated to facilitate the discharge of any of the Commissioner's functions.
- require a road authority or an undertaker to provide the Commissioner with such information relevant to their respective functions and activities as the Commissioner reasonably requests.
- provide an independent body which can impose penalties (up to £50,000) when systematic failure of duties under the 1991 Act occurs by either road authorities or undertakers"

This document has been created in line with promoting compliance with the 1991 Act.

## PERFORMANCE MONITORING AND INTERVENTION

The SRWC adopts a variety of mechanisms to improve performance across the sector. Quarterly and annual monitoring is undertaken by the SRWC office and breaches are normally highlighted early. The SRWC and his team work with organisations to improve performance and compliance, offering advice and awareness sessions.

The power to issue penalties is only used as a last resort, following an opportunity for improvement, where previously established reasonable compliance targets are not achieved within the required timescale or where there has been a serious breach of legislation/codes.

In most cases, where poor compliance or performance issues are identified the SRWC will begin a process of engagement with the organisation concerned. This will be undertaken using a series of interventions.

## INTERVENTION LEVELS

There are 5 intervention levels observed by the SRWC, with all organisations expected to remain at level zero. The intervention levels are set out in Annex 1.

Where intervention is required, the level of intervention will be decided by the SRWC. The SRWC may decide to advance straight to Level 4, on the occasion of a serious breach, e.g. a health and safety incident. If the SRWC decides that intervention is required, the organisation concerned will be advised of this in writing.

The SRWC reserves the right to publish a report on the intervention levels as he sees fit.

## FURTHER INFORMATION

Should your organisation require further information on this matter, please contact the SRWC office using the following email address: [enuquiries@srwc.gov.scot](mailto:enuquiries@srwc.gov.scot)

**Policy Manager**  
**Office of the Scottish Road Works Commissioner**  
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Document Owner	Version	Date	Review
PM	1.0	June 2019	Annually

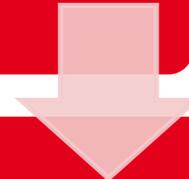
### Level 0 - Satisfactory

- General Engagement - Attendance at meetings
- Issue of satisfactory Annual Performance Review



### Level 1 - Minor Failure to Follow Good Practice

- SRWC staff alert organisation to failing and may suggest action to improve
- Possibility of follow up action



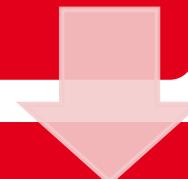
### Level 2 Ongoing Failure to Follow Good Practice

- SRWC Senior staff engage with organisation and propose remedial action
- Follow up action with timescale



### Level 3 Serious or Systematic Failure

- SRWC engagement with senior staff in organisation
- Organisation required to put in place action plan
- SRWC will consider using statutory powers to address issue.



### Level 4 Consistent Failure

- SRWC will use statutory powers to address the issue