

THE SCOTTISH ROAD WORKS COMMISSIONER



CORPORATE PLAN 2020-23

Authorising Context

This Corporate Plan has been produced by the Scottish Road Works Commissioner in fulfilment of his duties as set out in the Transport (Scotland) Act 2005

The Scottish Road Works Commissioner's Role

The Scottish Road Works Commissioner is a Ministerial appointment, established in 2005 under the Transport (Scotland) Act 2005. The Act states:

[The Commissioner] will oversee improvements to the planning, co-ordination and quality of road works in Scotland.

The general functions of the 2005 Act are to:

- monitor the carrying out of road works in Scotland;
- promote compliance with the New Roads and Street Works Act 1991;
- promote the pursuit of good practice.

The specific functions of the 2005 Act are to:

- publish an annual report;
- prepare an annual account;
- keep a register to be known as the Scottish Road Works Register.

Contents

Foreword	4
Legal Framework in which the Commissioner Operates	5
Vision of the Scottish Road Works Commissioner	6
Timetable and Approach	14
Resources	14
Managing our Resources	15
Reporting our Progress	15
Statement of Intent	15
Feedback / Contact Us	16

Foreword



Angus Carmichael
Scottish Road Works Commissioner

As I approach the end of my 5 year tenure as Scottish Road Works Commissioner, I am delighted to present the new Corporate Plan for the office of the Scottish Road Works Commissioner, covering the next 3 years.

This plan provides a clear vision for the period April 2020 to March 2023 and delivers the legislative objectives of the Transport (Scotland) Act 2005 as strategic objectives for my office. Improving compliance and knowledge in the already forward thinking road works community that we have in Scotland.

The Transport (Scotland) Act 2019 received royal assent in November 2019 and contains specific provisions to strengthen and enhance the regulation of road works across Scotland. It is expected that provisions within the new Act will commence during the life of this plan. The plan has been written with this in mind, however, an overall guiding structure is required, over the next 2 years, taking particular consideration of the opportunities for collaborative working and best value.

The next few years are expected to be fast paced and exciting. I expect that the office and the road works community will adapt quickly to the changes in regulation, guidance and governance arrangements. A widening of the scope for applying fixed penalty notices, the introduction of a robust SRWC inspection regime supported by legislation and enhancements to the Scottish Road Works Register will all support the introduction of these changes.

As always, the heart of the corporate plan are the four key deliverables as set out by the Scottish Ministers which cover focus the role of the Commissioner, and the operation of the Commissioner's office,. The post of Scottish Road Works Commissioner is publicly funded and the Commissioner is accountable for spending in line with the Scottish Public Finance Manual.

The Corporate Plan is a strategic document, which gives an overview of the direction of the office of the Scottish Road Works Commissioner. It sits above the business plan and performance management reports and informs their content, providing overarching guiding principles for the future of the office.

I have been in post for the last 5 years and had an overview of how the road works community works collaboratively and positively to achieve value for Scotland as a whole as well as pursuing individual commercial interests. The road works community in Scotland can be proud of what has been achieved and where we are in terms of the rest of the UK and around the world. This plan is the next step in a process of continual improvement.

A handwritten signature in blue ink, which appears to read 'Angus Carmichael'.

Angus Carmichael
Scottish Road Works Commissioner

Legal Framework in which the Commissioner Operates

The Scottish Road Works Commissioner (the Commissioner) 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 Commissioner has powers to appoint staff and has set up a team to assist in the execution of the Commissioner's duties.

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

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 (NRSWA); and
- Promoting the pursuit of good practice by those persons who have functions conferred on or permissions granted to them by the NRSWA.

The Commissioner is also “the Keeper” of the Scottish Road Works Register (SRWR). The SRWR is a public register which is used for co-ordination of road works in Scotland. The functionality of this register underpins much of the work carried out by the Commissioner.

Accountability

The Commissioner is appointed by the Scottish Ministers and is sponsored by Transport Scotland, an agency of the Scottish Government.

As part of the Commissioner's accountability, a Corporate Plan detailing the strategic outlook for the office of the Scottish Road Works Commissioner (oSRTC), should be prepared. The Commissioner must also lay an annual report and accounts before Parliament.

New Legislation

The Transport (Scotland) Act 2019 received Royal Assent in November 2019. This new Act contains provisions for road works which build on the existing powers of the SRWC and complement the already collaborative approach to road works in Scotland. Particularly noteworthy provisions include the increase in the level of penalties which can be imposed by the Commissioner and confer the power to inspect road works along with other compliance measures.

Vision of the Scottish Road Works Commissioner

The vision of the Commissioner is to make a positive contribution to Scotland's road network by improving and monitoring the performance of utility companies and roads authorities when undertaking road works, resulting in minimised disruption for the public. The Commissioner also aims to provide a centre of excellence, sharing knowledge and giving assistance to the Scottish road works community. The overarching vision of the SRWC is –

“TO MINIMISE DISRUPTION TO THE TRAVELLING PUBLIC BY IMPROVING THE CO-ORDINATION OF ROAD WORKS IN SCOTLAND”

Although the Commissioner is an independent regulator, the work of the office supports the purpose and vision of the Scottish Government as detailed in the National Performance Framework (NPF) to deliver the National Outcomes for Scotland. In addition the vision of the SRWC aligns with the outcomes of the National Transport Strategy 2 (NTS2) recently published by Transport Scotland.

The Commissioners purpose and vision support a number of the United Nations Sustainable Developments Goals (SDG) which are aligned to the National Outcomes, which aim to make Scotland a better place to live and a more prosperous and successful country.



Source: Scottish Government

(https://nationalperformance.gov.scot/sites/default/files/documents/NPF_A2_Poster.pdf)

The vision of the NTS2 is to create great places by means of a sustainable, inclusive, safe and accessible transport system, helping deliver a healthier, fairer and more prosperous Scotland for communities, businesses and visitors. The SRWC's vision of "minimising disruption to the travelling public by improving the co-ordination of road works in Scotland" aligns with a number of the outcomes outlined in the NTS2.

Again, aligning with the principle of the NTS2, the SRWC has worked hard to develop collaboration, engagement and evidence to drive up compliance across the road works community.

Better organised, shorter, higher quality road works have a self-evident correlation with the outcomes associated with sustainability, the environment and communities. In addition, as a public official the need to offer a high quality, efficient service is clear.

Commissioner's Corporate Outcomes

The cornerstones of the SRWC's work are four core Corporate Outcomes, which were developed initially to meet the duties conferred by the Transport (Scotland) Act 2005. These outcomes are still the foundations of the overarching vision for the SRWC and his Corporate Plan 2020 -2023, albeit the new Transport (Scotland) Act 2019 was enacted in November 2019.

The Transport (Scotland) Act 2005 was created to amend and strengthen the provisions of the earlier New Roads and Street Works Act 1991. As well as creating the post of Scottish Road Works Commissioner and confirming the posts responsibilities as legal 'keeper' of the Scottish Road Works Register, the act made clear the responsibility for roads authorities to co-ordinate works on their network, and for undertakers to co-operate with them under the provisions of the 1991 Act.

The Transport (Scotland) Act 2005 changed the enforcement regime of offences under the New Roads and Street Works Act 1991 and strengthened requirements for the training of persons carrying out, supervising and administering road works.

The aim of the Act is to improve the quality and co-ordination of road works across Scotland. The Commissioner monitors the national road works performance and encourages improvement by promoting good practice and ensuring that all parties comply with relevant legislation.

This Corporate Plan takes the strategic requirements for the post of Scottish Road Works Commissioner under the Transport (Scotland) Act 2005 into the following four corporate outcomes and describes their delivery and monitoring :

- 1. Monitor the carrying out of road works in Scotland;**
- 2. Compliance with road works legislation;**
- 3. Promotion of good practice;**
- 4. Effective operation of the Commissioner's office.**

Notwithstanding the above, the Transport (Scotland) Act 2019 goes a further step, strengthening the position of the SRWC and increasing the powers of the SRWC's office including the establishment of an inspectorate to monitor road works and take enforcement action if required.

It is expected that the provisions of the 2019 Act will be commenced in tranches over the next two to three years, effectively the life of this plan. This plan is mindful of changes that may occur over this period but rooted in the delivery of the core strategic outcomes of the SRWC already conferred in legislation.

Corporate Outcome 1

Monitor the Carrying Out of Road Works in Scotland

Why is this a priority?

A key function of the Commissioner is monitoring the carrying out of road works in Scotland. While day to day co-ordination of road works is undertaken at a local level by roads authorities requiring the full co-operation of the utility companies, the Commissioner takes a strategic overview of these mechanisms. Better coordination serves to improve efficiency while reducing disruption to the travelling public. Better planned and co-ordinated works help maintain the integrity of the road network for the benefit of all road users.

This outcome supports the achievement of, and contributes to the following National Outcomes:

- People live in communities that are inclusive, empowered, resilient and safe
- People have a globally competitive, entrepreneurial, inclusive and sustainable economy
- People value, enjoy, protect and enhance their environment
- People are healthy and active
- People respect, protect and fulfil human rights and live free from discrimination

How we will deliver on this priority

This corporate outcome is delivered by in house monitoring of the organisations undertaking road works in Scotland. This will include both desktop analysis and on-site monitoring. The outcome is driven by each of these key monitoring tools:

- Annual Performance Reviews using information taken from the Scottish Road Works Register;
- Monitoring of complaints from both the Scottish road works community and the wider public;
- Monitoring the results of inspections carried out by roads authorities on works;
- Technical Standards Monitoring programme carried out by the SRWC;
- Analysis of the results of the Coring Programme carried out by the Scottish road works community;
- Commitment to on-going community engagement.

It is likely that, during the life of this plan, an in-house monitoring scheme (Inspectorate) will be developed in line with the provisions in the Transport (Scotland) Act 2019. The make-up and remit of this is yet to be confirmed, and will require to take into account specific secondary legislation and available budget in the time after commencement.

How will we monitor this priority

The Commissioner will monitor and report on:

- Roads Authority Performance;
- Undertaker Performance;
- Technical Standards Monitoring programme;
- Community Engagement.

Corporate Outcome 2

Compliance with Road Works Legislation

Why is this a priority?

Compliance with road works primary and secondary legislation ensures that road works are co-ordinated, undertaken efficiently and carried out in accordance with specified technical standards. Compliance with legislation, with its emphasis on co-operation and coordination results in a better, safer environment for all.

This outcome supports the achievement of, and contributes to the following national outcomes:

- People live in communities that are inclusive, empowered, resilient and safe
- People have a globally competitive, entrepreneurial, inclusive and sustainable economy
- People value, enjoy, protect and enhance their environment
- People are healthy and active
- People respect, protect and fulfil human rights and live free from discrimination

How we will deliver on this priority

This outcome is, as in previous years, achieved through a continued commitment to better education, information gathering and knowledge sharing. The Commissioner has remains committed to a high level of community engagement and proposes the following areas of action to deliver this corporate outcome:

- Annual Best Practice Seminars;
- Circulation of Informative Newsletters;
- Circulation of Information Bulletins;
- An area for community news on the oSRWC website;
- Regulation.

How will we monitor this priority

The Commissioner will monitor and report on:

- Feedback from stakeholders and the Scottish road works community;
- Relevant publications;
- Relevant events;
- Publicity;
- Organisations assisted;
- Meetings attended;
- Performance Reviews (including Interim Performance Reviews);
- Fines Imposed.

As noted above it is likely that, during the life of this plan, an in-house monitoring scheme (Inspectorate) will be developed in line with the provisions in the Transport (Scotland) Act 2019. Inspection results and good practice knowledge will be reported on.

Corporate Outcome 3

Promotion of Good Practice

Why is this a priority?

While many of the key milestones required of both undertakers and roads authorities are set in legislation, the fundamental key to the practical application of overarching policy and legislation is the promotion of good practice. The Commissioner has an essential role in both promoting the legislative obligations of those organisations undertaking road works in Scotland and ensuring compliance with the required standards. In the ongoing challenging financial climate which has increased the focus on efficiency, setting practical and achievable best practice guidance is essential within the road works community. The Commissioner will continue to promote good practice as widely and openly as possible.

This outcome supports the achievement of and contributes to the following national outcomes:

- People live in communities that are inclusive, empowered, resilient and safe
- People have a globally competitive, entrepreneurial, inclusive and sustainable economy
- People value, enjoy, protect and enhance their environment
- People are healthy and active
- People respect, protect and fulfil human rights and live free from discrimination
- People are well educated, skilled and able to contribute to society
- People are open, connected and make a positive contribution internationally

How we will deliver on this priority

This outcome will be delivered through:

- Direct communication with the overall community;

- Leading the review of the Specification for the Reinstatement of openings in Roads (SROR);
- Data collection, publication and information sharing.

How will we monitor this priority

The Commissioner will monitor and report on:

- Attendance at Scottish and UK Working Groups;
- Document publications;
- Technical standards programme;
- Seminars and events, including UK wide events;
- Appropriate corporate events.

Corporate Outcome 4

Effective Operation of the Office

Why is this a priority?

The Scottish Road Works Commissioner is a Public Body accountable to Scottish Ministers for their actions. The office exists to support the Commissioner and therefore needs to ensure that it meets its own service standards.

This SRWC outcome supports the achievement of, and contributes to the following national outcomes:

- People grow up loved, safe and respected so that they realise their full potential
- People live in communities that are inclusive, empowered, resilient and safe
- People have a globally competitive, entrepreneurial, inclusive and sustainable economy
- People are well educated, skilled and able to contribute to society
- People respect, protect and fulfil human rights and live free from discrimination
- People tackle poverty by sharing opportunities, wealth and power more equally

How we will deliver on this priority

This outcome will be delivered through good governance, communication and engagement with:

- Ministerial and sponsor department awareness;
- Key stakeholder awareness;
- Public awareness.

Key steps in the delivery of this outcome are to:

- Review and improve governance arrangements which are robust and transparent, supported by operational policies which are fit for purpose;
- Maintain and develop networks with key strategic stakeholders and partners;
- Investigate and develop shared service opportunities with partners and similar bodies;
- Progress a best value regime;
- Pursue efficiency savings for the oSRWC as set by Scottish Government;
- Monitor service standards and ensure these are in keeping with the expectations of users.

How will we monitor this priority

The Commissioner will monitor and report on:

- Adherence to oSRWC operational policies;
- Freedom of Information (Scotland) Act and Environmental Information (Scotland) Regulations request and response statistics;
- General enquiry statistics;
- Compliance with the Commissioners and Scottish Government financial procedures, policies and controls;
- Improvement of communications with our key stakeholders;
- Audit Scotland reports.

Timetable and Approach

The SRWC's Corporate Plan will be implemented incrementally over the next three years. The SRWC's Business Plan, which details business objectives and activities, will facilitate delivery of the overall corporate outcomes outlined in this document.

The business plan is published on the Commissioner's website at the following address:

<https://roadworks.scot/publications/corporate-business-plans>

Resources

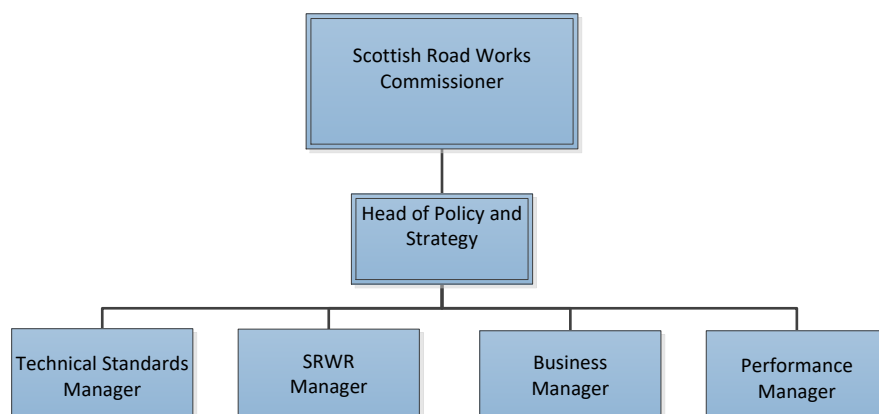
The Scottish Road Works Commissioner is appointed by the Scottish Ministers and has the power to appoint his own staff. The SRWC is funded via Grant in Aid from the Scottish Government and he is also the keeper of the SRWR which is funded through legislation, however managed by the SRWC.

In 2017/2018 a Technical Consultant was appointed on a short term contract in order to carry out necessary site investigations as part of a data gathering exercise by the Commissioner into the current compliance levels within Scotland. This appointment concluded in 2020. Due to the development of the current legislation there is no plans to re-appoint at this time. Further consideration will be made at the inception of any monitoring unit/inspectorate.

In 2020 the SRWC appointed a Head of Policy and Strategy to cover the role previously held by the Policy Manager and encompass additional management duties.

Staffing Structure

The staffing structure of the office of the Scottish Road Works Commissioner at present is shown below:



Managing our Resources

As a significant other body aligned to Scottish Government working practices are as a public office and the oSRWC is committed to the efficient management of resources. In order to achieve this, the Commissioner takes a streamlined approach to the work of the office, ensuring that the activities undertaken are specific, realistic and measureable as detailed in the annual business plan. The SRWC publishes an annual report and accounts every year in line with the responsibilities of an Accountable Officer of public funds.

Reporting our Progress

The Commissioner is required to report progress on objectives and achievements in autumn each year. This is carried out by means of the publication of the Annual Report and Accounts. These documents are laid before Parliament.

The Commissioner has committed to providing a performance management report to show progress against the objectives set out in the annual Business Plan. The reports are published on the Commissioner's website at:

<https://roadworks.scot/publications>

Statement of Intent

The Scottish Road Works Commissioner will:

- Show appropriate governance over the work of the oSRWC;
- Treat individuals with equality, dignity and respect;
- Act with integrity when complying with the Commissioner's policies and procedures; including the oSRWC Code of Conduct
- Regulate effectively and independently; and
- Demonstrate best value in financial undertakings.

Feedback / Contact Us

The Scottish Road Works Commissioner is committed to providing a quality service for the road works community and the people of Scotland. To assist and improve this process, the Commissioner would be pleased to receive feedback and your views on the planning of the service. Alternatively, if you have any comments or complaints about our service please let us know.

All feedback received will be used to inform future plans



You can phone us on **0131 244 9936**



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You can contact us by post at

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Accessibility and Inclusion

This document may be available in other formats, please contact us if you wish to discuss this matter.