



mainroads
WESTERN AUSTRALIA

TERMS OF REFERENCE

Roadworks Traffic Managers (RTM) Accreditation Panel

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Document Control

Owner	Manager Road Safety
Custodian	Road Safety Policy Manager
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Amendments

Revision Date	Description of Key Changes	Section / Page No.
1 August 2019	Minor updates to the Accreditation Process and Complaints Procedure.	Sections 3, 4 and 6 Appendix A

1. PURPOSE

The Main Roads *Traffic Management for Works on Roads Code of Practice (the code)*, requires that Traffic Management Plans (TMPs) for works on roads involving complex traffic arrangements be endorsed by a 'Roadworks Traffic Manager' (RTM).

To assist those who require the services of an RTM, Main Roads accredits RTMs and displays their contact information on the MRWA website.

An RTM Accreditation Panel (Panel) is established under these Terms of Reference to implement this system.

2. ACCREDITATION PANEL

The Panel is constituted as an internal advisory committee reporting to Executive Director Planning and Technical Services, and has no standing with respect to State Legislative provisions.

The Panel shall comprise voluntary membership from the following organisations:

- Main Roads WA – Road Safety Policy Manager (Chair)
- Australian Institute of Traffic Planning and Management (AITPM) (1 rep.)
- Roadworks Traffic Manager Practitioner (Industry Representation) (1 rep.)
- Institute of Public Works Engineering Australia (IPWEA) (WA Division) (1 rep.)
- Main Roads WA (Road Safety Branch) (1 rep.)
- Main Roads WA (project/contract management) (1 rep.)

Changes to Panel membership will be at the discretion of MRWA and may reflect the changes in industry and accreditation requirements over time.

Member organisations shall formally nominate persons and/or positions that shall be in attendance on the organisation's behalf together with proxies on annual basis or as required, and advise the MRWA representative accordingly.

The Main Roads WA Road Safety Policy Manager shall be the Chair of the Panel. The Chairperson is not required to vote unless in a deadlock situation or a quorum has not been achieved on the day.

The Panel shall meet at three monthly intervals or as may be required from time to time. It shall make and maintain appropriate records of all matters considered and recommendations made, in an open and accountable manner. MRWA shall provide administrative support to the Panel.

The Panel shall remain in effect until such time as the Executive Director determines the need to cease performing such functions.

3. RESPONSIBILITIES OF THE PANEL

The Panel has the responsibility for the following tasks.

- (a) Assess the applications for accreditation as RTMs against the accreditation criteria outlined the *Accreditation Process for Roadworks Traffic Manager Accreditation* and *the code* and make recommendations to the Executive Director.

- (b) Assess applications for re-accreditation.
- (c) Consider any formal complaints about the professional conduct or standard of work of RTMs and make appropriate recommendations to the Executive Director which may include de-accreditation (See section 6). The Panel may also consider complaints made against those applying for accreditation.
- (d) Consider any process improvements that may be required to uphold and maintain the professional conduct or standard of work of RTMs (e.g. changes to the accreditation criteria).

4. ACCREDITATION PROCESS

Applications shall be submitted to the Panel via the application form (refer to the *Accreditation Process for Roadworks Traffic Manager Accreditation* on the Main Roads website). All applications shall be dealt with at the following Panel meeting, provided sufficient details are included with the application. Panel assessment and accreditation recommendation shall be based upon the accreditation criteria, and the Panel members considering the experience claimed and demonstrated by the applicant. The Panel may exercise the right to confirm details as claimed by applicants to satisfy itself of the suitability of the applicant and to uphold the Panel's responsibilities outlined in section 3. Where the Panel determines the minimum criteria are met an 'in office' assessment will be arranged to verify the applicants' knowledge.

Following assessment by the Panel and endorsement by the Executive Director, successful applicants shall be awarded a numbered certificate and their details entered into the register of accredited RTMs, and displayed upon the Main Roads website. For new applicants, the date of endorsement by the Executive Director shall be the date of accreditation.

Such accreditation shall remain valid for a period of three years from the date of endorsement unless other required prerequisites have lapsed. If other prerequisites, listed in *the code*, have lapsed the accreditation becomes void.

Accredited RTMs seeking to maintain accreditation must apply to the Panel for re-accreditation prior to their accreditation expiring. MRWA will consider minor extensions on the previous accreditation, to allow the Panel and the Executive Director time to assess the re-accreditation.

On-going re-accreditation as an RTM shall be confirmed in writing to the applicant and will result in a new certificate with the same accreditation number (but a new expiry date) being issued. The date of re-accreditation shall be effective from the date that the RTM accreditation had been due to expire.

Disputes arising from the Panel's determination of an application for accreditation shall be forwarded to the Executive Director for determination. The Executive Director's decision shall be final with respect to the application.

The Panel shall consider formal complaints concerning the professional conduct or standard of work of an RTM following the complaints procedure detailed in section 6 below.

5. ACCREDITATION CRITERIA

Applications to gain RTM accreditation will only be accepted where they conform to the criteria listed in the most recent version of the *Traffic Management for Works on Roads Code of Practice* and *Accreditation Process for Roadworks Traffic Manager Accreditation* both available on the Main Roads website.

6. COMPLAINTS PROCEDURE

6.1 Introduction and Purpose

- 6.1.1 RTMs are trained and experienced professionals who are expected to use their knowledge and skill to carry out audit reports of Traffic Management sites and risk assessments of complex traffic management schemes to a consistently high standard.
- 6.1.2 MRWA has developed the Code of Conduct for RTMs that RTMs are required to accept as a condition of being accredited. The Code of Conduct outlines the professional and ethical standards that RTMs are required to meet in carrying out their professional work. It also defines the responsibilities and commitments needed to be undertaken by RTMs to maintain the expected professional and ethical standards.
- 6.1.3 The purpose of this Complaints Procedure is to assist in achieving the high professional standards expected of RTM's. It lays down guidelines for dealing with a situation in which an RTM is suspected of having not complied with the Code of Conduct.

6.2 Principles of Complaints Procedure

- 6.2.1 MRWA may conduct reviews of audits and TMPs from time to time to check that RTM's are complying with the Code of Conduct.
- 6.2.2 If MRWA identifies that an RTM may not have been complying with the Code of Conduct, it will be investigated and if necessary brought to the attention of the Panel. This Complaints Procedure will be used to remedy the situation.
- 6.2.3 If an RTM's client is not satisfied with a TMP or an audit that has been prepared for them by the RTM, the client may make a complaint under the terms of this Complaints Procedure.
- 6.2.4 An investigation into an RTM under the terms of this Procedure will be carried out without prejudice, without conflict of interest, in a confidential manner, and in a manner that affords procedural fairness to the Subject of the investigation.
- 6.2.5 All information in relation to a complaint made under these Procedures including the receipt of a complaint against an RTM and the determination of the Panel, will remain confidential to those bodies, the auditor concerned, and the complainant.

6.3 Process of Complaints Procedures

- 6.3.1 This Complaints Procedure applies only in relation to possible non-compliance with the Code of Conduct for RTMs.
- 6.3.2 A flow chart for the process is included in Appendix A
- 6.3.3 An investigation under the terms of this Procedure will only be conducted if:-
 - i. Main Roads receives a complaint made in writing by an identifiable person about an RTM which, in MRWA's reasonable opinion, could be the result of non-compliance with the Code of Conduct;
 - ii. Main Roads through a review of an audit or TMP has identified that an accredited RTM may not have been complying with the Code of Conduct.
- 6.3.4 A written complaint should be accompanied by supporting documentary or other evidence if available.

6.3.5 A written complaint will be considered by Main Roads wherever practicable within one month of the date of its receipt.

6.3.6 Main Roads may decide as follows: -

- To take no further action to investigate a complaint if it considers that the particulars raised are inadequate to support further action. In this case Main Roads may arrange for a letter of explanation to be sent to any person who made a complaint and the Subject of the investigation, and then no further action will be taken.
- To undertake an investigation in accordance with the procedure below.

6.4 Investigation and Determination Procedure

6.4.1 In the event of relatively minor concerns Main Roads may arrange direct discussions between the RTM concerned, to seek compliance with the Code conduct.

6.4.2 In the event that Main Roads decides direct discussions are not an appropriate means of achieving compliance with the Code of Conduct; it may commission a formal investigation into the matter.

6.4.3 If a formal investigation is to be held, Main Roads conducts the initial investigation.

6.4.4 The Chair will arrange for any person who made a complaint to be notified in writing that the complaint is being investigated.

6.4.5 The Chair will arrange for the Subject of the investigation to be notified in writing of the investigation and the procedure to be followed, with an invitation to make a submission to the Panel in writing and in person.

6.4.6 The Chair will consider whether it would be appropriate to advise any client or asset owner with an interest in the matter under investigation and if appropriate will arrange for them to be notified in writing

6.4.7 An RTM Accreditation Panel meeting will be arranged to oversee the investigation. Any person on the Panel must declare if they have a real or perceived conflict of interest in the matter to be investigated or its outcome. If a person believes they have a conflict of interest, they shall not be part of the Panel for the investigation. If, during the investigation, a Panel member forms the opinion they have a conflict of interest they shall immediately advise the Chair and if necessary seek the guidance of the EDPTS with respect to continued involvement in the investigation.

6.4.8 The Panel will meet as required to progress the investigation. The Panel will give due consideration to the Subject's submission about the matter under investigation. The Chair may invite the complainant, Subject of the investigation or any other person considered relevant to meet and discuss the matter being investigated.

6.4.9 The Panel may seek to obtain copies of audits, Traffic Management Plans, and/or Traffic Guidance Schemes prepared by the Subject of the investigation or any other document that may assist in determining the facts of the matter under investigation. The Panel members may visit the sites covered by the audits or Traffic Management Plan as required.

6.4.10 The Panel will objectively consider all evidence to make a finding based on the facts of the matter under investigation. The Subject of the investigation will be given an

opportunity to respond to the findings of the Panel, which will be taken into account when determining a recommended course of action.

6.4.11 The Panel will choose from the following options in determining a recommended course of action:

A. The complaint is dismissed. In this case, no further action will be taken other than recording the proceedings and communicating the decision as required under Clause 6.4.16 below.

B. The complaint is dismissed, but specified minor improvements to enable the Subject to achieve compliance with the Code of Conduct are recommended. In this case, no further action will be taken other than recording the proceedings and communicating the decision as required under Clause 6.4.16 below.

C. The complaint is upheld, specified improvements to enable the Subject to achieve compliance with the Code of Conduct are recommended. The Subject is asked to inform Main Roads of upcoming works which Main Roads will audit. The Panel will be reconvened to consider the Subject's progress in achieving compliance with the Code of Conduct and will determine whether a further recommended course of action is required.

D. The complaint is upheld and the Subject is asked to comply with all aspects of section C, above. Also the Subject is requested to take a specified course of training at the Subject's cost within a given period of time. Following the given period of time, the Panel will check whether the Subject has undertaken the training. If so, the fact will be recorded. If not the Panel will be reconvened and will determine whether a further recommended course of action is required.

E. The complaint is upheld and the Subject is asked to take a specified course of training at the Subject's cost within a given period of time and to submit a specified number of future audit reports or TMPs to the members of the Panel for review. The Panel may require the specified number of audits or TMPs to be carried out under the guidance of a Mentor and may appoint an experienced RTM to mentor the Subject.

F. The Subject's accreditation as an RTM be withdrawn for a specified minimum period of time, after which the Subject may reapply for accreditation in the normal manner (as a new applicant would). Before re-issuing the Subject with RTM accreditation the Panel may require information from the Subject to confirm process and/or performance improvements have been made and the Panel may request the Subject follow any aspects specified in options C, D or E above.

6.4.12 The Panel will not normally recommend option F above when considering a first complaint and shall endeavour to support further training for the Subject, in the first instance.

6.4.13 The Panel will keep a record of its proceedings.

6.4.14 Upon completion of the investigation the Panel will arrange for the Subject of the investigation to be advised in writing of the Panel's recommended action. The Subject of

the investigation will be advised that they have a right of appeal to the Executive Director.

6.4.15 If the Subject of the investigation does not appeal the Panel's decision will be final.

6.4.16 Except in the situation where an appeal has been requested, the Chair will arrange for the Subject of the investigation, any person who made a complaint, the client and asset owners if appropriate to be advised in writing of the decision.

6.5 Appeals Procedure

6.5.1 The Subject of an investigation may appeal regarding the determination following the investigation. The appeal is to be made in writing to the Executive Director Planning and Technical Services within 14 days of the notice being served. The Executive Director will consider whether to hear the appeal.

6.5.2 The Executive Director may receive representations by the Subject and any other people who made representations to the Panel and will determine the appeal based on the information contained in the original complaint, the supporting documentary or other evidence if available, the records of the investigation and findings and the written appeal and representations if made. The Executive Director may also request the Panel to answer questions in relation to the investigation. The decision on the appeal will be final.

6.5.3 After the appeal has been determined, the Chair of the Panel will arrange for the Subject of the investigation, and person who made a complaint, the client and asset owners if appropriate to be advised in writing of the decision.

Appendix A: Dispute Resolution Flowchart

