



Llywodraeth Cymru  
Welsh Government

PUBLICATION

# Changes to street works qualifications: consultation summary of consultation submissions and Welsh Government response

The Welsh Government carried out a consultation on potential changes to the Training and Accreditation of Street Works Operatives and Supervisors in Wales.

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# Introduction

Anyone working on the highway should be adequately qualified and competent to ensure the safety of both the workforce and the travelling public when carrying out road or street works. Under the New Roads and Street Works Act 1991, the installation, renewal, maintenance and inspection of underground apparatus in any street or road must be undertaken by trained and competent personnel.

Training and accreditation of street works operatives and supervisors is covered by section 67 of the New Roads and Street Works Act 1991 which imposes a duty on undertakers to ensure the execution of the works is supervised by a person having a prescribed qualification as a supervisor and there is on site at all times when any such works are in progress at least one person having a prescribed qualification as a trained operative, except in such cases as may be prescribed.

The Street Works (Qualifications of Supervisors and Operatives) Regulations 1992 (“the 1992 Regulations”) which make provision for the approval of bodies issuing certificates of competence (and the withdrawal of such approval), and the circumstances in which a qualification may be conferred apply in Wales.

The 1992 Regulations were revoked and replaced in respect of England in 2009 and then amended in 2015. The 2009 English regulations were then subsequently revoked and replaced in 2016 by the Street Works (Qualifications of Operatives and Supervisors) (England) Regulations 2016. Equivalent Scotland only regulations were originally made in 1992 and were revoked and replaced by the Road Works (Qualifications of Operatives and Supervisors) (Scotland) Regulations 2017.

The consultation asked a range of questions on various interventions the Welsh Government could make to improve the way operatives and supervisors manage their certificates and the way approved bodies operate in Wales.

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The policy proposals were in 3 key areas;

1. removal of named approved bodies from the 1992 Regulations;
2. the introduction of re-assessment;
3. simplifying the structure of the qualifications.

These proposals were put forward in response to changes in England and Scotland and to ascertain whether these changes would benefit Wales as well as provide continuity throughout the UK.

This report summarises the consultation comments.

The Welsh Government had 14 replies in total. These were made up of;

- 2 responses from highway authorities
- 5 responses from Statutory Undertakers and Representative organisations,
- 1 response from the emergency services,
- 3 responses from the training sector, including the HAUC(UK) Training and Accreditation Working Group (which represents the training organisations, utilities and highway authorities)
- 4 individuals.

A summary of the responses is given below.

## **Question 1: alignment with England and Scotland**

The Welsh Government sought views on whether aligning the regulations with England and Scotland would reduce the administrative burden on individuals, undertakers and contractors who operate across the UK and on the training industry in general.

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## Question 1: do you consider the regulatory framework in respect of street works qualifications in Wales should be aligned with the framework in England and Scotland?

	Yes	No	Don't know
Highway Authority	2		
Statutory Undertaker (inc. Emergency Services)	5		
Training Sector Organisations	3		
Individuals	4		

### Summary of comments

All respondents agreed that Wales should align with England and Scotland. It was recognised that companies operate across the UK and alignment will ensure qualifications are transferable across the UK. Respondents were supportive of ensuring that qualifications obtained in Wales are recognised in England and Scotland.

One respondent caveated the response by stating any alignment must ensure the qualifications are judged to be of an equivalent standard.

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## Question 2: award and expiry of certificates

The Welsh Government consulted on the way that certificates are issued to successful candidates. Although the certificates should be issued to the candidate (regulation 3(1)(a) and 4(1)(a)), the Welsh Government understands from anecdotal evidence that they are often issued to assessment centres who pass them on to the candidate or to third parties such as the candidate's employer.

### Question 2: do you consider removing the requirement for an approved body to award certificates to candidates would simplify the process and create more flexibility in the way the registering body is notified?

	Yes	No	Don't know
Highway Authority	1	1	
Statutory Undertaker (inc. Emergency Services)	4	1	
Training Sector Organisations	2	1	
Individual	3	1	

### Summary of comments

Respondents felt the process could be simplified and flexibility introduced. One respondent suggested the National Sector Schemes (an alternative quality

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management certification to work on the UK road network) could be opened up in a similar way.

## Question 3: award and expiry of certificates

After passing their exams operatives and supervisors have a 2 month period in which they can work as a qualified operative or supervisor without the certificate being registered. This is because the 1992 Regulations provide that the certificate expires 5 years from registration, not from when the certificate was issued.

### Question 3: do you consider certificates should expire 5 years from the date the candidate was assessed as having passed the exams instead of "the date of registration"?

	Yes	No	Don't know
Highway Authority	1	1	
Statutory Undertaker (inc. Emergency Services)	4		1
Training Sector Organisations	2	1	
Individuals	4		

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## Summary of comments

There was general support for this proposal as respondents agreed that it made the management of the certificates more effective and that the assessment date is the most relevant date. One respondent advised that there are instances where registration had taken up to 6 months and training centres need to be made aware of their role in ensuring prompt certification and registration.

## Question 4: approved bodies

Within the 1992 Regulations the names of the approved bodies for the purpose of issuing certificates of competence are specified. This prevents other bodies than those named from being able to issue such certificates. The Welsh Government consulted on whether this should be changed.

## Question 4: do you agree the market should be opened up so bodies other than those named in the 1992 regulations can act as approved bodies?

	Yes	No	Don't know
Highway Authority	1	1	
Statutory Undertaker (inc. Emergency Services)	4	1	
Training Sector Organisations	3		

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## Summary of comments

Most respondents were supportive of opening up the market to other approved bodies. Respondents in support considered that this would promote competition, and stated that there were limitations in having only 3 approved bodies. However, some respondents acknowledged that the number of approved bodies should not get out of hand and consistency, quality assurance and standard must be maintained. Approved bodies must be aligned to the business needs of the industry.

Respondents who opposed the proposal sighted a concerns regarding a reduction in quality, standardisation and robustness of the qualifications.

## Question 5 series: Reassessment

Operatives and supervisors must have prescribed qualifications for the particular types of work they carry out. These certificates of competence are registered in the Street Works Qualifications Register (SWQR), and are valid for 5 years only. In Wales, operatives and supervisors are then able to renew their certifications for subsequent periods of 5 years if they submit their applications for renewal within a specified period prior to the certificates expiring.

However, there is no requirement for operatives and supervisors to demonstrate their knowledge or assess their competency in order to remain registered. In England a system of re-assessment has been operational since 2009 and requires trained operatives and supervisors who wish to re-register their qualifications having to carry out a re-assessment of these qualifications. This

has recently been introduced in Scotland.

As a result operatives and supervisors with certificates re-registered in Wales, after the initial 5 years, are not accepted in England, or Scotland, as they have not undertaken the re-assessment process. Within Wales, after the initial training all subsequent training is carried out by the utility companies in line with their own corporate policies. There is therefore no formal way to recognise this nationally within Wales. The Welsh Government consulted on whether reassessment should be introduced in Wales or whether existing training systems provided adequate assurance of competency.

## Question 5a: do you consider reassessment should be introduced in Wales?

	Yes	No	Don't know
Highway Authority	1	1	
Statutory Undertaker (inc. Emergency Services)	5		
Training Sector Organisations	3		
Individual	3	1	

### Summary of comments

Respondents who supported this proposal noted that it would bring Wales in line with England and Scotland. Respondents advised that it will also remove the uncertainty of what is or is not a valid registration across each country.

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Respondents noted that reassessment would refresh candidate's knowledge, prove competency, eliminate complacency and poor practice. Respondents also felt that it would drive up standards, improving quality and safe working and would demonstrate new and improved working practices.

No comments were provided to support the reasons for not progressing this proposal by respondents who did not consider that reassessment should be introduced in Wales.

## Question 5b: do you consider the existing training is robust in ensuring standards are maintained?

	Yes	No	Don't know
Highway Authority	2		
Statutory Undertaker (inc. Emergency Services)	3	2	
Training Sector Organisations	1	2	
Individual		2	2

### Summary of comments

Comments relating to this section were made only by respondents who did not regard the existing training as robust enough. They stated it is evident that very few candidates fail to gain qualifications and yet safety and compliance remain a big challenge which would indicate a different approach to training and examination should be considered.

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A respondent noted that within HAUC(UK) it had been noted that the existing training had shown to be variable and as a result the HAUC(UK) Training and Accreditation (TAG) Working Group is rewriting the unit specification, assessment and questions that are required to increase the level of knowledge and skills. The respondent stated that HAUC(UK) believed the level of training is inconsistent across the UK which is detrimental to maintaining the professional standards of workmanship and safety practise within the street works industry.

### **Question 5c: do you consider the introduction of a formal re-accreditation process in Wales would drive up standards of safety and operational works compliance?**

	Yes	No	Don't know
Highway Authority	2		
Statutory Undertaker (inc. Emergency Services)	5		
Training Sector Organisations	3		
Individual	4		

### **Summary of comments**

All respondents were in support of this proposal. Respondents noted that without refresher training skills and knowledge are lost over time and there were examples given of instances of operatives relying on previous versions of the safety code having very little or outdated formal training.

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One respondent felt it would have a positive impact and help improve standards and demonstrate competency. One respondent advised it would encourage all operatives and supervisors to update their knowledge, skills and prove skills competent to work.

## **Question 6: re-registration and early re-registration (more than 12 months before expiry)**

If reassessment is introduced in Wales, operatives and supervisors will need to programme their re-registration to allow time for reassessment and it is proposed that applications for renewal by reassessment should be able to be made any time after the certificate of competence is issued or renewal certificate is re-registered.

To facilitate this, it is proposed that registrations renewed within 12 months of expiry of the previous certificate issued (successive renewal window) will last for 5 years after the expiry date of the previous registration so there is no loss of duration by renewing before the expiry date. Where a candidate re-registers earlier than 12 months before expiry but no earlier than 48 months, it is proposed that the registration period of the new certificate will be 6 years from when the candidate is assessed as competent.

Unlike re-registration within the successive renewal window, early re-registration may involve intentionally sacrificing some of the unexpired life of the original certificate, in order to achieve alignment of expiry dates. An operative or supervisor who wants to renew a number of certificates with differing expiry dates could choose to be reassessed in the more recently acquired certificates earlier than the actual expiry date so that all the renewed certificates expire at around the same time.

In order to minimise the instances of losing duration on certificates, for early

reassessment it is proposed that the renewed certificate would run for 6 years from the time of successful reassessment. Over the longer term this would enable the candidates to co-ordinate their reassessments more effectively, by successively renewing certificates early until all the certificate expiry times coincided.

**Question 6: do you agree with the principle of allowing for re-registration within the successive renewal window and early re-registration of certificates in order to allow time for reassessment and to facilitate coordinating renewals effectively?**

	Yes	No	Don't know
Highway Authority	2		
Statutory Undertaker (inc. Emergency Services)	5		
Training Sector Organisations	3		
Individual	3		1

**Summary of comments**

All the comments made were in support of the proposal. Respondents agreed that this would allow synchronisation over a period of time. Respondents highlighted that early re-registration would allow employers to renew certificates in an effective way.

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They supported the proposal for each unit having its own expiry date, thus enabling a candidate to gain relevant certificate when needed which will allow a more flexible approach to renewal. Respondents also supported the principle of allowing co-ordinated re-registration and agreed it would not place a financial burden on utility companies.

## Question 7 series: Re-registration after the expiry date

The Welsh Government consulted on proposals to allow operatives and supervisors that did not register their certificates by the expiry date to re-register by undertaking re-assessment for up to five years after the expiry of the of the previous registration, rather than within a 3 month period post expiry.

Allowing operatives and supervisors to re-register by undertaking reassessment up to five years after the expiry of a certificate ensures a much more cost effective way of regaining the accreditation rather than having to undertake the full training again.

### Question 7a: Do you agree with the principle of removing the 3 month period for re-registration after expiry?

	Yes	No	Don't know
Highway Authority	1	1	
Statutory Undertaker (inc. Emergency Services)	5		

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Training Sector Organisations	3	
Individual	3	1

## Summary of comments

Most of the comments were in support of the proposal and respondents agreed that this will clarify the position regarding re-registration post expiry, but noted that if adequate early re-registration is available there is no need for an extended period. One respondent suggested allowing an appeal for reinstatement to SWQR or another body in exceptional circumstances where the deadline has been missed, such as long-term sickness.

## Question 7b: do you agree with the principle of allowing operatives and supervisors whose certificate of competence expired to renew by reassessment up to five years after expiry?

	Yes	No	Don't know
Highway Authority	1	1	
Statutory Undertaker (inc. Emergency Services)	3	2	
Training Sector Organisations	3		
Individual	3		1

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## Summary of comments

Respondents advised that levels of reassessment must be consistent with the original assessment. They recommended this should include both written and practical elements otherwise there is a risk that the individual whilst maintaining the theoretical knowledge may have lost some of the practical knowledge.

Respondents stated that if there wasn't this consistency then they would not recommend this approach.

Respondents advised that in some circumstances the reassessment is a good deciding factor to prove competency and agreed that once the registration has expired the individual would not be qualified to work on site until renewed. One respondent advised that they considered there was no reason why there should not be an extended period for coming back to the industry beyond the 5 years, provided competency was proven by reassessment.

## Question 8: assessment and reassessment exams

The purpose of the original assessment of competency and the subsequent reassessments is to ensure operatives and supervisors have the required level of competency to carry out their tasks safely and in accordance with the specifications and regulations.

The Welsh Government consulted on whether, if reassessment was introduced in Wales, the duration of a certificate renewed (re-registered) by resitting the original exams should be treated in the same way as one renewed (re-registered) by reassessment.

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## Question 8: do you agree the duration of a certificate renewed by resitting the original exams should be treated in the same way as one renewed by reassessment?

	Yes	No	Don't know
Highway Authority	1	1	
Statutory Undertaker (inc. Emergency Services)	5		
Training Sector Organisations	3		
Individual	3	1	

### Summary of comments

Respondents were generally in favour of this proposal and agreed the two processes should be aligned for registration. Respondents acknowledged that the standard for knowledge assessment is the same for assessment and reassessment and therefore as long as the exam proves your competence the renewal period would be sufficient in either case.

This was providing that the level of reassessment was consistent from both a practical and theoretical basis and if this is not the case there may be a case for considering reassessment for a shorter period.

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## Question 9 series: restructuring qualifications

The Welsh Government consulted on whether to change the system of certificates and units. The existing system of certificates and units is complex and where reassessment has been introduced in England and Scotland, it has highlighted difficulties when certificates require renewal.

The units are currently detailed on the street works card which is a physical record that shows the operative or supervisor's registration and is carried by the operative or supervisor as proof of his qualifications.

The structure of the units and certificates has been changed in England and Scotland and new certificates have been issued to operatives and supervisors. The unit for signing, lighting and guarding and the unit for location and avoidance of underground apparatus are standalone certificates and must remain current for the street works card to be valid. The other units become certificates and are added to the card as appropriate for the operative or supervisors qualifications.

Each certificate is a standalone qualification appropriate to the work being carried out by the operative or supervisor. The street works card therefore only shows the two mandatory certificates; signing, lighting and guarding and location and avoidance of underground apparatus and only the certificates the operative or supervisor has qualified in.

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## Question 9a: do you consider that Wales should introduce a new qualification system that corresponds with the system in England and Scotland?

	Yes	No	Don't know
Highway Authority	1	1	
Statutory Undertaker (inc. Emergency Services)	5		
Training Sector Organisations	3		
Individual	4		

### Summary of comments

Respondents were generally in favour of this proposal and agreed the qualification system should be aligned and they felt this was a more flexible approach. Respondents agreed that the certificates should be standardised across all nations and all the units and certificates must be the same to avoid confusion.

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## Question 9b: do you consider that introducing a new qualification system which corresponds with the system in England and Scotland has benefits for Wales?

	Yes	No	Don't know
Highway Authority	1	1	
Statutory Undertaker (inc. Emergency Services)	5		
Training Sector Organisations	3		
Individual	3	1	

### Summary of comments

Respondents generally supported this proposal and stated that standards of workmanship, safety, co-ordination, response times and movement of labour will be improved by introducing a new qualification system in Wales which corresponds with the system in England and Scotland and stated that it would bring positive economic opportunities to work across all regions. The issue of standardisation across nations was reiterated by other respondents and they stated that Wales should not introduce a new dimension to the qualifications. One respondent noted that it would also ensure consistent qualifications are offered through the different training centres.

## Question 9c: do you agree introducing new certificates that correspond to a single unit will prevent the

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## duplication of units and simplify the qualifications process?

	Yes	No	Don't know
Highway Authority	2		
Statutory Undertaker (inc. Emergency Services)	5		
Training Sector Organisations	3		
Individual	4		

### Summary of comments

Respondents were in favour of these changes and the only comments made related to support for this measure.

Representatives from the HAUC(UK) Training and Accreditation Working Group stated that they supported the DfT when the last review of the units was proposed and they support the introduction of this within Wales.

The consensus from the respondents was that it made sense to amend the way the street works card and the certificates of competence were structured to allow certain abilities to stand alone in their own right. Respondents stated that a versatile and flexible approach to prevent duplication would be a practical approach.

They noted that as any of the non key certificates can be taken where they are

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relevant to the candidate's job role, this will give flexibility to the employer and candidate if reassessment is adopted in Wales. Respondents highlighted that Individuals will then only need to undertake training and qualification in the specific areas they need and will not need do undertake modules which they will never use.

## Question 10: fire and rescue exception

The fire and rescue services carry out regular hydrant checks, which do not involve any excavation or reinstatement in the street, and confusion over the requirement for qualified personnel has previously existed. The Welsh Government consulted on whether the regulations should exempt the fire and rescue service.

### **Question 10: do you agree with the exemption of fire and rescue services from the requirement to have one trained operative on site where works do not involve breaking up the road or any sewer, drain or tunnel under it, or tunnelling or boring under the road?**

	Yes	No	Don't know
Highway Authority	1	1	
Statutory Undertaker (inc. Emergency Services)	4	1	
Training Sector Organisations	2	1	

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## Summary of comments

Opinions regarding this proposal were split and related to whether the fire and rescue services had adequate alternative training. Respondents in favour stated that any restriction for emergency services would be counterproductive and jeopardise safety. They stated that providing the fire and rescue services are fully aware of the hazards and dangers when occupying a street/road when testing the fire hydrants for pressure and availability they can be exempt.

One respondent suggested that some form of interim advice should be given to the fire service in advance of any Regulation changes. Respondents advised that this approach was consulted on when a review was undertaken in England and Scotland and this approach was endorsed by the street works industry. It was noted by a respondent that implementing this approach in Wales would enhance both Firefighter and Community safety ensuring operational efficiency of fire hydrants during times of emergency.

Some respondents were not in favour of the proposal unless the fire and rescue services have equivalent training and assessment. They stated that if they are not adequately trained they present a potential danger to themselves and the public.

One respondent suggested that the units and certificates should be amended further to create a special unit which excludes traffic light control from the other traffic management methods.

One respondent suggested that the fire and rescue services should have equivalent relevant highway safety or Sector Scheme 12D training (an alternative quality management certification to work on the UK road network



appropriate for single carriageway roads).

## **Q10) Do you agree with the exemption of fire and rescue services from the requirement to have one trained operative on site where works do not involve breaking up the road or any sewer, drain or tunnel under it, or tunnelling or boring under the road?**

	Yes	No	Don't know
Highway Authority	1	1	
Statutory Undertaker (inc. Emergency Services)	4	1	
Training Sector Organisations	2	1	
Individual	4		

### **Summary of comments**

Opinions regarding this proposal were split and related to whether the fire and rescue services had adequate alternative training. Respondents in favour stated that any restriction for emergency services would be counterproductive and jeopardise safety. They stated that providing the fire and rescue services are fully aware of the hazards and dangers when occupying a street/road when testing the fire hydrants for pressure and availability they can be exempt.

One respondent suggested that some form of interim advice should be given to the fire service in advance of any Regulation changes. Respondents advised

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that this approach was consulted on when a review was undertaken in England and Scotland and this approach was endorsed by the street works industry. It was noted by a respondent that implementing this approach in Wales would enhance both firefighter and community safety ensuring operational efficiency of fire hydrants during times of emergency.

Some respondents were not in favour of the proposal unless the fire and rescue services have equivalent training and assessment. They stated that if they are not adequately trained they present a potential danger to themselves and the public.

One respondent suggested that the units and certificates should be amended further to create a special unit which excludes traffic light control from the other traffic management methods.

One respondent suggested that the fire and rescue services should have equivalent relevant highway safety or Sector Scheme 12D training (an alternative quality management certification to work on the UK road network appropriate for single carriageway roads).

## **Additional comments**

In response to the consultation questions several respondents made comments that were valuable, but weren't directly related to the consultation questions. Therefore these comments have been summarised below.

With regard to the issue of renewing the certificates one respondent disagreed with the proposal to extend the time period for renewal on the basis that he felt a distinction should be made between the certificated qualification and the renewal; the certificate should be equivalent to an academic qualification and last for life, whereas the registration should be renewed.

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Respondents who supported the changes to the structure of the certificates and the opening up of the market to other approved bodies acknowledged that the standard and quality of the street works training and accreditation need to be maintained and they suggested this is reviewed by Welsh Government and / or HAUC(UK). The issue of opening of the market to other approved bodies was not supported by some respondents, who disagreed with changes to the procedures for the approved bodies, and they raised concerns regarding the potential loss of quality and governance. This, they suggested would lead to a general fall in standard of training given.

In addition, some respondents advised that replaced regulations have brought positive changes in England and Scotland, such as removal of named approved bodies, a simplification of the certificate awarding process, the replacing of re-application with reassessment and a simplifying of the structure of qualifications. They acknowledged that the HAUC(UK) working group are driving positive change and ensuring qualification are current and fit for purpose and future proofing them with regard to potential street works regulation changes.

Since the changes to the regulations have been implemented in England and Scotland, respondents stated that there are issues where contractors work in England and Wales and as a result confusion has arisen regarding which registration is accepted in each country. They supported the changes which would ensure alignment with England as this will remove any doubts. Respondents stated that the changes to the structure and processes in England and Scotland have been instrumental in achieving positive change and alignment with England and Scotland would bring these changes and also increase flexibility and simplification to Wales.

With regard to the additional costs involved in re-assessment some respondents anticipated that there will be cost savings in the improvement of utility reinstatements and safety on the sites and this would balance out the cost of undertaking reassessment.

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# List of respondents

The following organisations responded to the consultation and the Welsh Government thanks them for their support in assessing these potential changes:

- Virgin Media
- Fisher German LLP agents for Mainline Pipelines Limited
- mid and west Wales Fire and Rescue Service
- HAUC (UK) Training and Accreditation Working Group
- 2 utility companies
- 2 highway authorities
- 2 training organisations
- 4 Individuals.

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