



## SENIOR TRAFFIC COMMISSIONER

### Administrative Policy Guidance

2012 No.04

## GUIDANCE ON INDUCTION TRAINING FOR TRAFFIC COMMISSIONERS

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This policy has no statutory basis and is issued with and is subject to the agreement of the traffic commissioners for Great Britain.	
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## Introduction

1. Traffic commissioners acknowledge that many of the skills and competencies identified in the Traffic Commissioners' Appraisal Scheme are common to judicial office holders. Other knowledge based competencies reflect the position of traffic commissioners as specialist regulatory tribunals.
2. A key principle, which emerged during the Judicial Studies Board (now Judicial College) Training Needs Analysis in the late 1990s, was that new members of tribunals should not sit until they had received training in the skills required for their role. This remained a common theme in both the Leggatt Review of 2001 and the White Paper that followed it in July 2004. In October 2003, the Judicial Studies Board issued its *Framework of Standards for Training and Development in Tribunals*. This was followed by the 2005 *Framework for Induction of New Chairman and Members of Tribunals* upon which this guidance is largely based.
3. The Traffic Commissioners' Appraisal Scheme was developed in response to amendments introduced by the Local Transport Act 2008. It builds on the advice provided by the Judicial College and the experiences of some traffic commissioners of their previous inductions. The Judicial College has stressed that Tribunals should provide an effective and well targeted programme of induction for new members.

## Competencies

4. The principal aim of any judicial induction is to ensure that new members acquire the competences necessary to undertake their role quickly and effectively, but without overlooking the importance of familiarising the new member with the judicial environment and culture. The induction of traffic commissioners is no different in that respect.
5. The appraisal scheme has been developed to encompass the wide ranging role of TCs in and out of the Inquiry room. It takes into account the work necessary to fulfil the role and links objectives to those competencies.

### **A. Knowledge and Values**

#### Linked Objective:

*To promote understanding of legal issues and the work of traffic commissioners through the development and communication of legal and regulatory policy and advice.*

#### Professional Standards

- *To enhance the reputation of traffic commissioners by maintaining good relations with relevant stakeholders.*

- *With regard to the Compliance Code:*
  - *Consult and involve regulated entities and other interested parties as appropriate in the development of risk methodologies.*
  - *Assist in the provision of general information, advice and guidance to promote understanding of how to meet regulatory obligations.*
  - *To assist in the provision of targeted and practical advice that meets the needs of regulated entities.*
  - *Identify opportunities, for instance through visits or other interaction, to provide positive feedback to regulated entities to encourage and reinforce good practices.*
  - *Support and engage in effective consultation and feedback opportunities to enable continuing cooperative relationships with regulated entities and other interested parties.*
- *Delivering informed presentations, interviews and supporting other events to deliver the above objective.*

## **B. Communication**

### *Linked objective:*

*In support of the routine responsibilities for overseeing tribunal and regulatory work within the relevant local area, I will develop relevant staff; promote effective team working with other traffic commissioners and delivery to ensure the delivery of high quality services.*

### *Professional Standards*

*Set challenging but realistic standards for individuals, the relevant OTCAL team and relevant projects; monitoring and reviewing performance to ensure quality and progress are satisfactory; supporting and investing in the development of staff, taking account of circumstances and experience as far as the constitutional position allows.*

### *Linked Objective (Modernising):*

*In support of traffic commissioners' commitment to improved methods of regulation, delivery of the tribunal service and taking account of the requirements of the Compliance Code to make proposals for change which are informed by the legislation, the needs of society and value for money.*

### *Professional Standards*

*Investment in innovation and learning as a team through the application of job and other related expertise. Support modern regulation and the development of additional and alternative methods of delivery of the statutory intentions of road safety and fair competition through consistency. Regulate to ensure best use of resources and reducing the*

*burden on industry whilst maintaining the overriding principles of the legislation.*

### **C. Conduct of Cases**

#### **Linked Objective (Development):**

*Address personal development in the context of what is required as a specialist regulatory tribunal and licensing authority.*

#### **Professional Standards:**

*Personal investment in your own development connected to the delivery of other objectives. Demonstrate a willingness to seek out and act on advice about improving your own knowledge and skills. Maintain and improve familiarity with relevant legislation, case law and current issues. Personal skills development to support others and deal with challenges positively and constructively.*

### **D. Evidence.**

#### **Professional Standard:**

*To ensure that all relevant issues are addressed by eliciting and managing evidence.*

### **E. Decision-making**

#### **Linked Objective:**

*In support of the provision of the judicial process and fair decision making, I will ensure that ancillary decisions meet legal requirements and are delivered in a timely manner. Any interlocutory decisions, i.e. a decision which is ancillary to the actual final decision, but which is closely linked to that final decision so that it cannot to be considered 'procedural' or merely administrative, must also meet these requirements as it might impact on the fairness of the final disposal of a case.*

#### **Professional Standards**

*Assured and proactive conduct of cases and box work, supported by clear and timely decisions, which consider legal risks. Decisions are to be in clear, straightforward language addressing all relevant issues. Cases are to be conducted in accordance with Statutory Directions and taking account of Statutory Guidance. All decisions should take account of relevant human rights, other legislation and case law, as appropriate with regard to the independence and impartiality required of traffic commissioners.*

## Induction plans

6. It is not possible to draft induction guidance to meet the needs of each individual as each will benefit from their own personalised induction plan. The duration and nature of the induction will depend on the individual, their background and previous judicial and/or legal experience. Someone who has previous judicial experience, or who has practised law, is likely to have quite different needs from someone who has not.
7. New traffic commissioners are expected to take some responsibility for identifying their own needs but this is shared to a greater degree with the Senior Traffic Commissioner. The Senior Traffic Commissioner and the nominated mentor will be the key figures and they should all agree the induction plan with the new traffic commissioner and ensure that it is completed. Where two or more new traffic commissioners are recruited at the same time it may be beneficial to conduct part of their induction together where this is appropriate and where time and resources allow.
8. It is important not to overwhelm the new traffic commissioner with information by providing too much too soon and it is essential that induction progresses at a pace that ensures that new traffic commissioners are confident to take an adequate role in the decision-making process when they first sit and that enables them to develop into fully effective tribunal members as quickly as possible. There is a balance to be struck. The suggested timetable at the end of this document is taken from Judicial College guidance and gives an indication of how the stages fit together and points to a typical induction process taking six to eight months..
9. The induction plan should allow for new traffic commissioners to attend a wide cross section of observations of public inquiries and driver conduct hearings. The new traffic commissioner should use the opportunity to discuss points arising afterwards with the presiding commissioner.
10. Formal training will be based around the competencies required for the role of traffic commissioner. The training programme should include training in the law, procedures and familiarisation with the jurisdiction. Depending on previous experience and training, new traffic commissioners are also expected to attend residential tribunal skills development training organised by the Judicial College. That training will be based upon the Judicial Studies Board's competence framework for members of Tribunals and the Judicial Studies Board's Equal Treatment Bench Book.
11. Each new traffic commissioner will be allocated a mentor for the first two years after their appointment. The mentor has an informal role, providing help, advice and support, as well as a formal role in assisting the new traffic commissioner to complete the induction programme. In addition to observing public inquiries new traffic commissioners are expected to visit a commercial vehicle testing station and a roadside check.

12. The induction training will link into wider traffic commissioner development as well as the Traffic Commissioner Appraisal Scheme. An important part of appraisal is identifying whether there are any training needs. Consequently Annex H provides a skills matrix, which links with the core competencies, as a reference for future development. As with most of the suggested actions under this induction scheme it will be useful for a discussion to take place between the new traffic commissioner, their mentor and the Senior Traffic Commissioner..

## A. Initial Orientation

Aim	Duration & timing	Content	Competencies	Method	Sign off
To introduce new traffic commissioners to the environment, culture, people and management of the tribunal, Office of the Traffic Commissioner and Licensing	<b>Duration</b> Two hours in the Traffic Area Office and two to three hours at the Central Licensing Office  <b>Timing</b> Between appointment and core induction training	<b>Introductions to the:</b> <ul style="list-style-type: none"><li>• Senior Traffic Commissioner</li><li>• Mentor</li><li>• Organisation and administration of OTC, Traffic Area Office, Central Licensing Office</li><li>• IT systems</li><li>• Role and responsibilities of a traffic commissioner</li><li>• Core training programme, appraisal, discussion on mentoring</li><li>• Practical issues – e.g. fees, expenses, health and safety, listing, submissions</li></ul>	In support of All	<ul style="list-style-type: none"><li>• Visits to Traffic Area Office and Central Licensing Office, hosted by Senior Traffic Commissioner and/or mentor</li><li>• Tour of offices – meeting support staff</li><li>• Demonstration of OLBS computer system and relevant processes.</li><li>• Meeting with Senior Traffic Commissioner</li></ul>	
			Reference		
Much of this element will be incorporated into introductory training and observations					

## B. Observation

Aim	Duration & timing	Content	Competencies	Method	Sign off
To introduce new traffic commissioners to the environment, culture, people and management of the tribunal, Office of the Traffic Commissioner and Licensing	<b>Duration</b> Two days minimum in at least two Traffic Areas.  <b>Timing</b> Between appointment and core induction training	Observation of experienced traffic commissioners in two separate traffic areas, to include a range of cases that the new traffic commissioner is likely to encounter in the first six months, including an opportunity to: <ul style="list-style-type: none"> <li>• Discuss points arising with the presiding commissioner and/or mentor</li> <li>• See papers in advance and observe deliberations where appropriate</li> <li>• Observe different approaches, e.g. to un/represented operators/drivers</li> </ul>	All	<ul style="list-style-type: none"> <li>• Visit to Public Inquiries hosted by mentor/presiding commissioner, to observe hearing from both the back of the tribunal room and sitting with the presiding traffic commissioner</li> <li>• Meeting with the presiding commissioner before and after hearing</li> <li>• Post hearing discussion with mentor and/or presiding commissioner</li> </ul>	
			Reference		



## C. Mentoring

Aim	Duration & timing	Content	Competencies	Method	Sign off
To provide practical and professional support and advice to new traffic commissioners during induction from an experienced commissioner	<p><b>Duration</b> Upon appointment and as required until at least initial appraisal</p> <p><b>Timing</b> As part of the formal process and on other occasions at the request of the new traffic commissioner</p>	<p><b>The mentor will:</b></p> <ul style="list-style-type: none"> <li>• Invite the new traffic commissioner to observe a minimum two days of hearings with the mentor presiding and discuss points arising</li> <li>• Introduce the appraisal competencies and system</li> <li>• Observe two initial, separate sitting days of the new traffic commissioner and provide feedback at the end of each case</li> <li>• Be available during the mentoring period to respond to requests for advice.</li> </ul>	<p>All</p> <p><b>Reference</b></p> <p><i>Guidance on Mentoring in Tribunals</i></p>	Mentoring, discussion and advice	

## D. Self-managed learning

Aim	Duration & timing	Content	Competencies	Method	Sign off
To familiarise the new traffic commissioner with the law and practice of the tribunal in the context of their own experience	<p><b>Duration</b> Upon appointment and as required by the new traffic commissioner, in agreement with the Senior Traffic Commissioner and mentor.</p> <p><b>Timing</b> Throughout the induction period, but particularly in the period before core induction training, at times to suit the new traffic commissioner</p>	<p>Familiarisation with publications related to the law, procedures and functions such as:</p> <ul style="list-style-type: none"> <li>• The Traffic Commissioner Bench Book</li> <li>• All relevant legislation –</li> <li>• STC Statutory Documents</li> <li>• Traffic Commissioners' appraisal framework</li> <li>• Judicial College <i>Equal Treatment Bench Book</i></li> <li>• TC web pages</li> <li>• TC internal bulletin on UT decisions</li> <li>• Data handling guidance</li> <li>• Administrative Policy Guidance</li> </ul>	<p>A, C, D, E</p> <p><b>Reference</b></p>	<ul style="list-style-type: none"> <li>• Reading – in particular pre-reading for introductory training</li> <li>• Web based data handling training</li> <li>• Reading and discussing Upper Tribunal decisions</li> <li>• Any requirement of the new traffic commissioner's profession, in order to ensure their CPD or validation requirements are met</li> </ul>	
<b>This may include activities not necessarily arranged by the tribunal itself</b>					

## E1. Core Introductory training – legal and jurisdictional knowledge

Aim	Duration & timing	Content	Competencies	Method	Sign off
To enable new traffic commissioners to develop knowledge of the law, constitutional position, practices and procedures required for their role in the jurisdictions in which they sit	<b>Duration</b> One full day minimum  <b>Timing</b> Between observation and first sitting	Training to enable the new traffic commissioner to develop an understanding of: <ul style="list-style-type: none"> <li>• Legal framework and procedures of the licensing and tribunal functions</li> <li>• How to conduct hearings in accordance with the law</li> <li>• The judicial role and role of support staff</li> <li>• How the law applies to issues before the tribunal</li> <li>• The legal and constitutional position of traffic commissioners</li> <li>• Sources of support, guidance, information</li> </ul>	A, C, D, E	This will depend on the size of intake at the relevant time. It is likely to consist of a mixture of formal traffic commissioner events, traffic commissioner legal forums, and discussions with mentor ????	
			Reference		

## E2. Core Introductory training –judicial skills

Aim	Duration & timing	Content	Competencies	Method	Sign off
To enable new traffic commissioners to develop the skills required for their judicial decision-making role	<b>Duration</b> One full day minimum  <b>Timing</b> Between observation and first sitting  To be augmented by course-based training via the Judicial College (as available)	Training to enable the new member to develop judgecraft skills, to include: <ul style="list-style-type: none"><li>• Effective techniques for preparation and conduct of hearings</li><li>• Listening and questioning skills</li><li>• A structured approach to evaluating evidence, assessing credibility, finding facts, applying law, reaching a decision and expressing reasons</li><li>• Note taking and decision writing skills</li><li>• Fair treatment</li></ul>	A, C, D, E, F	This will depend on the size of intake at the relevant time. It is likely to consist of a mixture of formal traffic commissioner events, traffic commissioner legal forums, and discussions with mentor. It may ultimately include: <ul style="list-style-type: none"><li>• Lectures</li><li>• Plenary sessions – Q&amp;A</li><li>• Practical exercises in plenary and small groups</li><li>• Case studies</li><li>• Equal treatment issues</li><li>• Individual decision writing exercises ????</li></ul>	
			<b>Reference</b>  <i>Tribunals Training Handbook</i>  <i>Equal Treatment Training for Tribunals</i>		
May in part be dictated by the Judicial College					

## F. Basic training

Aim	Duration & timing	Content	Competencies	Method	Sign off
To enable new traffic commissioners to review and build on their learning experience through mentoring, introductory training and initial sitting	<b>Duration</b> One full day minimum  <b>Timing</b> Six to twelve months after initial sittings begin	Training to include review and discussions of the approach to actual cases and submissions experienced since appointment, with an opportunity for in depth analysis of: <ul style="list-style-type: none"><li>• Decision making</li><li>• Conduct of hearings</li><li>• Managing evidence</li><li>• Fair treatment</li><li>• Communication skills</li><li>• Applying law and procedure</li></ul>	All	Is likely to consist of a mixture of formal traffic commissioner events, traffic commissioner legal forums, and discussions with mentor.	
			<b>Reference</b>  <i>Tribunals Training Handbook</i>  <i>Equal Treatment Training for Tribunals</i>		
May in part be dictated by the Judicial College					

## G. Initial appraisal

Aim	Duration & timing	Content	Competencies	Method	Sign off
To help new traffic commissioners to identify training needs and areas that require development through independent appraisal by experienced colleague	<p><b>Duration</b> Normally one full day</p> <p><b>Timing</b> Between first six and twelve months of sitting</p>	<p>First appraisal to include:</p> <ul style="list-style-type: none"> <li>• Completion of self-assessment form by new traffic commissioner</li> <li>• Preliminary discussion with appraiser</li> <li>• Feedback session with appraiser after observation</li> <li>• Agree write up with appraiser</li> <li>• Discussion about any identified training needs</li> <li>• Subsequent discussion with mentor</li> </ul>	<p>All</p> <hr/> <p><b>Reference</b></p> <p><i>Tribunals Training Handbook</i></p> <p><i>Equal Treatment Training for Tribunals</i></p> <p><i>Traffic Commissioner Skills matrix</i></p>	<ul style="list-style-type: none"> <li>• Appraisal</li> </ul>	

## H. Skills Matrix (to assist in identifying training needs)

<b>Dealing with submissions</b>	<b>Tribunal Case management</b>	<b>Office Administration</b>	<b>Working as a team</b>	<b>Practice &amp; Procedure Development</b> - procedures - STC statutory documents - consultations	<b>External Communications</b> - Press interviews - Stakeholder briefing <i>Communication</i>	<b>Training &amp; Presentations</b> - mentoring  <i>Communication</i>
<i>Conduct of cases</i>	<i>Conduct of cases</i>		<i>Values</i>			
Decision making - <i>Judgecraft</i>	Decision making – <i>Judgecraft</i>					
Knowledge – <i>transport law</i>	Knowledge – <i>transport law</i>			Knowledge – <i>transport law</i>		
Knowledge – <i>Insolvency law</i>	Knowledge – <i>Insolvency law</i>					
Knowledge – <i>competition law</i>	Knowledge – <i>competition law</i>					
Conduct of cases/ Knowledge – <i>practice &amp; procedure</i>	Conduct of cases/ Knowledge – <i>practice &amp; procedure</i>		Knowledge – <i>practice &amp; procedure</i>	Conduct of cases/ Knowledge – <i>practice &amp; procedure</i>		
Knowledge – <i>Data Protection &amp; FOI</i>	Knowledge – <i>Data Protection &amp; FOI</i>	Knowledge – <i>Data Protection &amp; FOI</i>			Knowledge – <i>Data Protection &amp; FOI</i>	
Knowledge - <i>Devolved functions</i>	Knowledge - <i>Devolved functions</i>					
Knowledge <i>IT and keyboard</i>	Knowledge <i>IT and keyboard skills</i>	Knowledge <i>IT and keyboard</i>			Knowledge <i>IT and keyboard skills</i>	Knowledge <i>IT and keyboard</i>

<i>skills (Lotus Notes, Windows, Excel, Powerpoint)</i>	<i>(Lotus Notes, Windows, Excel, Powerpoint)</i>	<i>skills (Lotus Notes, Windows, Excel, Powerpoint)</i>			<i>(Lotus Notes, Windows, Excel, Powerpoint)</i>	<i>skills (Lotus Notes, Windows, Excel, Powerpoint)</i>
<i>Time management and meeting deadlines</i>	<i>Time management and meeting deadlines</i>	<i>Time management and meeting deadlines</i>	<i>Time management and meeting deadlines</i>		<i>Time management and meeting deadlines</i>	<i>Time management and meeting deadlines</i>
<i>Knowledge Understanding financial accounts</i>	<i>Knowledge Understanding financial accounts</i>					
<i>Decision making – Writing Decisions</i>	<i>Decision making – Writing decisions</i>					
<i>Knowledge, Evidence Use of legal databases</i>	<i>Knowledge, Evidence Use of legal databases</i>					
<i>Conduct of cases Delegation</i>	<i>Conduct of cases Delegation</i>	<i>Values, Decision making Delegation</i>	<i>Values Delegation &amp; teamwork</i>			
<i>Values Consistency</i>	<i>Values Consistency</i>	<i>Values Consistency</i>	<i>Values Consistency</i>	<i>Values Consistency</i>	<i>Values Consistency</i>	<i>Values Consistency</i>
	<i>Communication Public Speaking</i>				<i>Communication Public Speaking</i>	<i>Communication Public Speaking</i>
		<i>Communication Report &amp; writing skills</i>	<i>Communication Report &amp; writing skills</i>	<i>Communication Report &amp; writing skills</i>		



		Values <i>Leadership</i>	Values <i>Leadership</i>			
Values <i>Resource management</i>	Values <i>Resource management</i>	Values <i>Resource management</i>	Values <i>Resource management</i>			
			Values <i>Trust Confidentiality</i>			
			Communication <i>Managing &amp; understanding civil service</i>	Communication <i>Managing &amp; understanding civil service</i>	Communication <i>Managing &amp; understanding civil service</i>	
Evidence, Decision Making <i>Statistical analysis</i>	Evidence, Decision Making <i>Statistical analysis</i>	Evidence, Decision Making <i>Statistical analysis</i>	Evidence, Decision Making <i>Statistical analysis</i>	Evidence, Decision Making <i>Statistical analysis</i>	Evidence, Decision Making <i>Statistical analysis</i>	
					Communication <i>Media skills</i>	
					Communication <i>Audience awareness</i>	
					Communication <i>Networking</i>	
						Knowledge/ Values <i>Mentoring</i>
	Conduct of cases <i>Preparing for the unexpected</i>		Communication <i>Preparing for the unexpected</i>			Communication <i>Preparing for the unexpected</i>
Communication <i>Communicating effectively</i>	Communication <i>Communicating effectively</i>	Communication <i>Communicating effectively</i>	Communication <i>Communicating effectively</i>	Communication <i>Communicating effectively</i>	Communication <i>Communicating effectively</i>	Communication <i>Communicating effectively</i>