

ROGS - Guidance on Safety Critical Work Terms

1. The Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS) introduce, under regulation 23, some new terms regarding Safety Critical Work (SCW). The terms in question are:
 - **“Controller of safety critical work”**
 - In relation to a vehicle used on a transport system **“Maintenance and installation of components”**
 - In relation to training, **“practical training”**
2. The Office of Rail Regulation and the railway industry have worked together to produce the following guidance to help explain the scope of these terms. This guidance should be used in conjunction with the section on SCW in the full guidance on the ROGS Regulations.
(<http://www.rail-reg.gov.uk/upload/pdf/283.pdf>)

Controller of safety critical work

3. The Regulations allocate responsibility, not as a consequence of employment relationships, but to those organisations that actually control the people doing the safety critical work. They do not require individuals within organisations to be ‘appointed’ as controllers of safety critical work. The reference to ‘any person’ in the definition includes corporate bodies. So the duty is on those organisations as an entity to ensure that individuals under their control are competent and fit.
4. An example:
 - A is an agency worker for agency B;
 - B is contracted to provide personnel to specialist sub-contractor C;
 - C is sub-contracted to major contractor D;
 - D themselves are working on sub-contract to another main contractor E;
 - E is the infrastructure manager’s contractor;
 - The infrastructure manager is the client.
5. So, if A is engaged to carry out a safety critical task the controllers of safety critical work are C, D, E and the infrastructure manager. Agency B is NOT a controller of safety critical work as it does not “...control the carrying out of safety critical work on a transport system or in relation to a vehicle used on a transport system. However, it would be appropriate, as part of its general health and safety responsibilities, for an agency such as B to carry out basic checks into competence when signing on a new employee. (Were A to be a self-employed person carrying out safety critical work, rather than an agency worker, the responsibility would be on the organisation who is in control of their work. In the example above it would be sub-contractor C.)
6. The scope of the duty of each controller of safety critical work is to ensure, so far as reasonably practicable, that persons under its management,

supervision or control are competent, fit and not excessively fatigued. So in the example above, sub-contractor C would be responsible for ensuring that A's competence and fitness has been assessed (this applies whether A is an agency worker or self employed), and that accurate and up to date records are available for inspection by any other controller of safety critical work e.g. contractors D and E or the infrastructure manager. The various controllers of safety critical work have concurrent duties - the scope of those duties depends on the role they play in the process of carrying out the safety critical work.

7. All controllers of safety critical work and 'operators' (any person carrying on an undertaking which includes a transport system or any part of it or the provision of transport services on such a system) have a duty to co-operate with each other in order that each party can comply with their duties. "For example, the infrastructure manager will need to ensure, so far as is reasonably practicable, that contractors have adequate arrangements in place to discharge their responsibilities as controller of safety critical work in respect of the competence and fitness of people carrying out safety critical work under their control.". This may require access to the information held by its contractors on those carrying out safety critical work, and information on contractors' management arrangements for discharging their responsibilities as controllers of safety critical work.

'Maintenance' and 'installation of components'

From regulation 23:

Safety critical task means - In relation to a vehicle used on a transport system -
- Installation of components; other than where the installation of those components is subject to supervision and checking by a safety critical worker or controller of safety critical work.
- Maintenance other than where the carrying out of that maintenance is subject to supervision and checking by a safety critical worker or controller of safety critical work.

What does 'maintenance' and 'installation of components' mean 'in relation to a vehicle used on a transport system'?

8. The intention of the Regulations is to ensure that SCW requirements apply to maintenance (which includes repair, reconditioning, examination, testing and alteration), or installation of components, carried out on vehicles actually used on a transport system, in so far as it could 'significantly affect the health & safety of persons on a transport system'.
9. The Regulations are intended to capture, within the definition of SCW, maintenance of vehicles that are actively in service but are undergoing day-to-day maintenance, as planned in the vehicle maintenance plan. Likewise vehicles that are undergoing repair following a report of a fault, with the intention of using them to provide a service as soon as that maintenance is completed. This would include maintenance of so-called 'hot spare' vehicles

that are on standby and available to replace failed vehicles, and maintenance of engineering vehicles that may not be frequently used, due to their particular function, but are kept ready for use when needed. This would also capture maintenance activity of this type undertaken by manufacturers or suppliers. This means that SCW requirements apply only to those maintenance activities performed to enable continued service operation and excludes planned or exceptional events where the train is required to be taken out of service operation e.g. overhaul and heavy repairs.

10. The activity of installing components on a vehicle used on a transport system would be safety-critical if failure to do it properly could significantly affect the health and safety of persons on a transport system. Where a faulty component is removed by maintenance staff from a vehicle used on a transport system and repaired/reconditioned and replaced on the same vehicle within the context of day-to-day maintenance as described in paragraph 9 then it is deemed to be SCW because that work is in relation to a vehicle used on a transport system.
11. It is not intended to include vehicles that have been removed from service, e.g. to undergo major reconditioning. In this case the vehicle is no longer being 'used on the transport system' as it is not part of the fleet nominally offered for service day to day. Also, maintenance of individual components that have been removed from a vehicle and sent for repair/reconditioning is not included within the definition of safety critical task. This is not maintenance 'in relation to a vehicle used on a transport system'. However, this does not remove the general duty to manage the quality/competence of this kind of work, as part of duty holders' responsibilities under the Health and Safety at Work etc Act 1974. An example would be bogie change out. Where a bogie is removed from a vehicle and sent away for reconditioning this is not a safety critical task within the ROGS definition, but the installation of a new/reconditioned bogie on the vehicle to ensure the train continues in operation is a defined safety critical task.

Practical training

From regulation 23:

Safety critical task means - In relation to training, any practical training or the supervision of any such training in any of the tasks set out in sub-paragraphs (a) to (b) [of regulation 23]

What does 'practical training' mean?

12. The purpose of the Regulations is to ensure that anyone who is providing or supervising practical training, in a task that could significantly affect the health or safety of persons on a transport system, is a safety critical worker.
13. 'Practical' training means training that is not being carried out in a simulator or in a 'mock exercise' in a training workshop or depot. It means training on the actual transport system itself. So if a trainee, as part of their training, is

maintaining brakes on a vehicle used on a transport system, their trainer, or the supervisor of the trainer where relevant, is a safety critical worker.

14. It is not intended that actual training skill is itself safety critical, and there are no requirements within ROGS for formal training qualifications.