

ROGS REGULATION 20

ANNUAL SAFETY REPORT GUIDANCE

Mainline Transport Operators

(March 2008)

Purpose

This document provides Infrastructure Managers (IMs) and Railway Undertakings (RUs) with guidance on producing their annual safety report (ASR), as required by the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS).

Background

Under ROGS, every transport operator (TO) who is required to have a safety certificate or safety authorisation must prepare an ASR relating to the previous calendar year and send it to the Office of Rail Regulation (ORR) by 30 June. The first ASRs related to 2006, the second report covers 1 January 2007 – 31 December 2007 and must be sent to ORR by 30 June 2008.

This guidance has been updated to take account of lessons learned from the first year of reporting and also includes a standard template which transport operators are asked to complete. The template is designed to help consistency and to help TOs meet the requirements of ROGS.

The topics to be covered by the ASR are specified in Regulation 20(1)(a)-(e) of ROGS and include information on how safety targets are met, the results of safety plans, data for European Common Safety Indicators (CSIs), and comments on observed deficiencies and malfunctions relevant to the safety of the transport system. Where an operation covers both the mainline railway and another transport system, the ASR needs to indicate which information applies to the mainline railway.

The sections of this guidance refer to the ROGS requirements, together with explanatory background material. It aims to ensure consistency across the industry by interpreting (but not going beyond) the statutory requirements.

Guidance on ASR structure

The ASRs submitted to ORR by each TO should comprise a cover page, identifying the company and relevant contact details, together with five main sections as described below, addressing ROGS regulations 20 (1) paragraphs:

(a) Information on how the transport operator's safety targets, referred to in paragraph 2(b) of Schedule 1, are met

(b) The results achieved through putting the transport operator's safety plans, referred to in paragraph 2(b) of Schedule 1, into effect

(c) Statistics for the common safety indicators listed in Schedule 3 insofar as they are relevant to the operation in question

(d) The findings of safety auditing carried out pursuant to the procedures referred to in paragraph 2(k) of Schedule 1

(e) Comments on any deficiencies or malfunctions relating to the running of vehicles or the management of infrastructure relating to the operation in question that may be relevant to the safety of that transport system

The sections are set out correspondingly in the accompanying template.

Guidance on ASR content

The ASR will contain information relating to the year before its publication, i.e. 1 January 2007 – 31 December 2007

Guidance on the content of each section of the ASR follows this introduction. The guidance should be used to inform the content of the accompanying template.

Refranchising

When a new franchisee starts operations, they should begin to compile information required for the Annual Safety Report (Reg 20) for submission by the following June.

The outgoing franchisee is required to produce a partial Annual Report. This report will need to be completed **before** the new franchise start date.

Requests for further information

For further information on, or questions about, the production of ASRs under ROGS please contact:

Chris O'Doherty

Information and Intelligence Team
Office of Rail Regulation
Grove House
Skerton Road
Manchester
M16 0RB

Tel.: 0845 301 3356

Email: chris.o'doherty@orr.gsi.gov.uk

Section A

ROGS Regulation 20 (1) (a):

Information on how the transport operator's safety targets, referred to in paragraph 2(b) of Schedule 1, are met

Background to this section

Paragraph 2(b) of Schedule 1 (Safety Management Systems) refers to 'qualitative and quantitative targets for the maintenance and enhancement of safety and plans and procedures for reaching those targets'.

ORR's guidance on regulations says that the targets under Regulation 20 (1) (a) will, in the first instance, 'be the transport operator's own safety targets and are not explicitly the European Common Safety Targets (CSTs), as the scope and application of CSTs are currently being developed by the European Rail Agency (ERA)'. CSTs are expected to be agreed for the 2009 reporting year.

Guidance on what information to include in this section

When developing the targets we suggest that the overriding objective should be consistent with the requirement of RSSB's Strategic Safety Plan (SSP) for 2007/09 to '*maintain the level of safety where it is managed well, and delivering continuous improvement in priority risk areas, wherever it is reasonably practicable to do so*'. This is also consistent with the Safety Directive.

Please refer to Tables A1 – A4 of the accompanying template. It is important to note that, while the CSTs and Common Safety Indicators (CSIs) will only relate to events associated with rolling stock in motion, the safety targets should cover all aspects of safety, not just those relating to rolling stock in motion.

IMs and RUs should also describe how they monitor their safety performance to meet both overall safety requirements and their main targets.

This information should, in large part, be derivable from company safety plans and safety progress reports for the year in question. It may be supplemented by regular actions taken as part of the TO's Safety Management System (SMS) initiatives.

Section B

ROGS Regulation 20 (1) (b):

The results achieved through putting the transport operator's safety plans, referred to in paragraph 2(b) of Schedule 1, into effect

Background to this section

Paragraph 2(b) of Schedule 1 refers to 'qualitative and quantitative targets for the maintenance and enhancement of safety and plans and procedures for reaching those targets'.

The achievement of safety targets is now part of the overall European rail safety regime, which will be realised through CSTs for the mainline railway in the future. However, the targets referred to in this section should cover all aspects of safety, not just those relating to rolling stock in motion.

Guidance on what information to include in this section

This section should present information about each of the actions and objectives listed in Section A, including the extent to which the expected results were achieved. An overall assessment of the effectiveness of the company's strategy for maintaining safety should be given, discussing any areas where it has brought about significant changes in the risk profile.

Please refer to tables B1 - B4 of the accompanying template. These tables align with Tables A1 – A4 for ease of reference.

In each case a short commentary should assess performance against the target, noting where targets have not been met and the reasons why. This could include commentary on how any adverse trends in performance were tackled and managed.

This information should be available from company safety progress reports and company review processes.

Section C

ROGS Regulation 20 (1) (c):

Statistics for the common safety indicators listed in Schedule 3 insofar as they are relevant to the operation in question except, to the extent the operation is carried out on a transport system other than the mainline railway, no statistics are required in relation to the indicators in paragraphs 1(1)(a)(vii), 1(1)(b)(v) and 3 of that Schedule

Background to this section

The indicators are listed in Schedule 3 and are arranged under five areas:

- Indicators relating to accidents.
- Indicators relating to incidents and near-misses.
- Indicators relating to consequences of accidents.
- Indicators relating to technical safety of infrastructure and its implementation.
- Indicators relating to the management of safety.

Guidance on what information to include in this section

Unlike other sections, the information in this section should only relate to incidents involving rolling stock in motion

To enable them to meet the requirements of this section, RSSB will provide its members with data relating to accidents and incidents on the mainline railway. TOs will receive information on their own company and the aggregated system overview before the data is submitted to the ORR. The ORR will receive both the aggregated and disaggregated formats. For smaller operators, the occurrence of just one or two incidents may result in apparent large changes in performance, either compared with other years, or with other operators: this is recognised by the ORR.

Not all the information required for this section will be available in Safety Management Information System (SMIS). Companies will need to supply other relevant information (for example that related to audits and the costs of accidents) to enable the proformas to be completed.

RSSB's data collection will be limited to operations and maintenance on the mainline railway. Therefore, if a company's business extends to operations off the mainline railway, then data related to those operations will also be needed. This data should be provided separately to the mainline railway data.

Examples of what could be included in this section

The data supplied by RSSB will adhere as closely as possible to the definitions identified and agreed by the ERA working group on CSIs.

Please refer to Section C of the accompanying template. This table corresponds with the CSI table sent to Transport Operators by RSSB so that the data can be easily copied into the template.

Section D

ROGS Regulation 20 (1) (d):

The findings of safety auditing carried out pursuant to the procedures referred to in paragraph 2(k) of Schedule 1

Background to this section

Paragraph 2(k) of Schedule 1 requires IMs and RUs to make ‘*provisions for recurrent internal auditing of the safety management system*’. External auditing can be included by companies if they wish but this requirement relates to internal auditing only. Our ROGS guidance highlights that internal auditing is an important tool to inform management of how well safety systems are working and where and how improvements can be made.

The now replaced Railway Safety Case (RSC) Regulations placed stringent requirements on infrastructure controllers, train operators and station operators to procure independent audits by an independent competent body. Although ROGS makes no such provision, the RSC Regulations provided a sensible and robust definition of an audit, which remains relevant. This is: ‘*a systematic assessment of the adequacy of the management system of the railway operator to achieve compliance with the relevant statutory provisions in relation to operations undertaken*’. Therefore an audit, by definition, is a high-level exercise which scrutinises the management of safety. This requirement is not designed to capture all other monitoring activity such as safety surveys, inspection, tours, and so on.

Guidance on what information to include in this section

Please refer to Table D of the accompanying template.

This section should describe the safety audit(s) carried out by the company, as relevant to paragraph 2(k), including its (or their) planned regularity. Most companies appear to be retaining the annual audit feature (historically the external audit). The significant findings of these audits, which may be described as annual audits should be included in this section. The company should state whether its audit activity for the reporting year aligned with its plans, and identify where an audit resulted in findings with significant implications for the safety of operations. It would also be useful to include the current status of recommendations from audits i.e. have they been completed or still pending.

Examples of what could be included

The information in this section should include the main safety-related audit findings about the key elements of health and safety management, for example (but not confined to):

- Policy
 - Intent, scope and adequacy.
- Organisation

- Acceptance of health and safety responsibilities by line managers and the adequacy of arrangements to secure control.
- Adequacy of arrangements to consult employees about health and safety.
- Adequacy of arrangements to ensure competence of all employees and provision of health and safety assistance.
- Planning and implementation
 - Adequacy of management arrangements and risk control systems.
 - Extent of compliance with management arrangements.
- Measuring systems
 - Adequacy, relevance and design.
- Review systems
 - Ability of the organisation to learn from experience, improve performance, develop the health and safety management system and respond to change.

Section E

ROGS Regulation 20 (1) (e):

Comments on any deficiencies or malfunctions relating to the running of vehicles or the management of infrastructure relating to the operation in question that may be relevant to the safety of that transport system.

Guidance on what information to include in this section

Please refer to Table E of the accompanying guidance.

This section should comment on classes of serious accident / 'near miss' events with the real potential to result in a serious accident¹, along with lessons learnt and actions taken (if any). Individual suicide and trespass incidents should not be included, and information provided in sections (a) to (d) need not be repeated.

Companies should also highlight significant trends or recurrent themes that indicate, or have the potential to result in, a notable deterioration in safety. Companies should note any actions that have been taken to mitigate the risk in the areas identified.

Examples of what could be included

This section should comprise qualitative comments and information on such example topics as those listed below. The amount of information required is likely to range from a few sentences to around half a page, depending on the type of incident or information being commented on.

- An increase in SPADs and other operational errors, identifying common causal factors and actions taken as a result of the incidents.
- A potentially recurring door fault, common to a particular class of train, which has the potential to result in serious injury. Actions taken to rectify the fault.
- An increase in the number of broken rails. Identification of causal factors and actions taken to mitigate the risk.
- A significant increase in the number of injuries occurring to passengers in stations. Identification of any underlying causes such as horseplay or alcohol misuse, and actions put in place to reduce the risk.

Any event/trend that represents a notable deterioration in safety that is not covered elsewhere in the report.

¹ The ERA defines a serious accident involving rolling stock in motion as one resulting in a fatality or major injury, and/or costs in excess of €150,000, and/or the suspension of services for more than six hours.