

# Improvement Notice

Serial number I/ PRMSCA45/1

Name

Address

Trading as

Inspector's full name I,

Official address one of Her Majesty's Inspectors of Railways, of

Telephone number

Location of premises or place of activity

you, as an operator of trains on the main line railway and a holder of a safety certificate are contravening, in circumstances that make it likely that the contravention will continue, the following relevant statutory provisions

The reasons for my said opinion are

and I require you to remedy those contraventions, or as the case may be, the matters occasioning them, by 20 July 2015

and I direct that the measures specified in the schedule which forms part of this Notice shall be taken to remedy those contraventions or matters\*.

Signature Ian Bertram

Date 20 May 2015

An inspector appointed by an instrument in writing made under section 19 of the Health & Safety at Work etc Act 1974.

This is not a relevant notice for the purposes of the Environment and Safety Information Act 1988.

Signature Ian Bertram

Date 20 May 2015

## Notes

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc. Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months in England and Wales and 12 months in Scotland, or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice, or to extend the period specified in the Notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the Notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this Notice.
3. The issue of this Notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the Notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this Notice to an Employment Tribunal. All Employment Tribunal appeals are subject to a fee that should be enclosed with the submission. Details of the method of completing and submitting a notice of appeal are contained in leaflet T420 and form ET1. A copy of the leaflet will be provided by the Inspector with this Notice. Copies are also available from the Employment Tribunal Public Enquiry Line (Tel: 0845 795 9775) or online at <http://www.justice.gov.uk/forms/hmcts/employment>.

## Time limit for appeal

5. A notice of appeal, together with the relevant fee, must be sent to the Employment Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted the appeal should be sent by recorded delivery.
6. The entering of an appeal suspends the Improvement Notice until the appeal has been determined, but does not automatically alter the date given in this Notice by which the matters contained in it must be remedied.
7. The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (SI 2004 No 1861), and the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001 (SI 2001 No 1171) for England and Wales and the Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 2001 (SI 2001 1170) for Scotland to the extent those Regulations remain in force.

## PUBLIC AVAILABILITY OF INFORMATION ON ALL ENFORCEMENT NOTICES

8. ORR for its own purposes, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is ORR's policy that this information should be brought to the public's attention. ORR also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be placed on the ORR website ([www.rail-reg.gov.uk](http://www.rail-reg.gov.uk)).
9. Information on a notice will not be placed on the ORR website until after the right of appeal against the notice has expired. No entry will be made where a notice is suspended during appeal proceedings or withdrawn or cancelled on appeal. Entries relating to notices served on individuals will be kept on the ORR website for a period of 5 years from the date of issue.
10. Information may be withheld where, in ORR's belief, its disclosure would cause harm or prejudice, or be in breach of the law.
11. Personal information is dealt with in accordance with the Data Protection Act 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the ORR website.
12. If you are not satisfied with the information contained in the entry you have a further right to appeal to ORR in the first instance.

# Schedule

Serial No I/ PRMSCA451

To comply with this notice you should carry out the following:

Review the documentation within your Safety Management System to ensure it is robust and including relevant;

- Policies
- Competence Management Arrangements
- Management Procedures
- Control of all categories of risk

To establish which documents;

- Are missing/incomplete
- Do not reflect current company, or industry best practice set out in Railway Group Standards and Good Practice Guides
- Produce a clear, comprehensive and documented description of your management arrangements within your safety management system and reflect how you operate on a daily basis and ensuring you capture the relevant information listed below;
- Use of the common safety method on risk evaluation and assessment. This requires you to report on CSMs in your annual safety report.
- Define roles and responsibilities for making sure you operate safely and that workers are provided with suitable training and suitable information.
- Define how managers control the safety management system (at all levels); Showing how staff and their representatives are involved.
- Define the systems you have to demonstrate how you continuously improve (through setting targets, and carrying out audits and reviews).
- Define meaningful performance indicators.
- Design your safety systems and procedures to enable more effective control of all risks. This includes planning the work with other relevant operators to identify and control shared risks.
- Define how you manage a dispersed, part time workforce and reliance on large numbers of volunteers.
- Define systems that ensure staff and other people (for example, contractors, voluntary staff, consultants and managers) are suitably recruited and trained, and that they have the skills they need to carry out the tasks they are asked to do.
- Define the Competence Management System and how competencies are monitored regularly to provide continuous assurance
- Define the arrangements for driver management

Or

Employ any other equally effective measures to achieve a remedy.

# Schedule

Signature

Ian Bertram

Date:

20 May 2015