

A Guide to ROGS

1. Safety management systems

Regulation 4(3) and Regulation 4(1)(a)

1.1 The safety management system is the basis for making sure a transport system runs safely and in line with ROGS. You must keep written records of your arrangements for managing safety risks. This includes the 'lower-risk' operations (tramways and transport systems that do not operate at speeds above 25mph (40km/h)) that do not need safety certificates or authorisations from us. These operations still need a safety management system.

In the regulations

Regulation 5: Safety management system for the mainline railway

Regulation 6: Safety management system for other transport systems (including non- mainline railway)

Schedule 1: General requirements and basic elements of safety management systems

Differences between mainline and non-mainline railways

Regulation 5(1)(c) and Regulation 5(1)(a)

1.2 You must have a safety management system that is capable of controlling all the risks arising from the transport system you are operating or managing. The main factor in deciding how

detailed and complicated the safety management system needs to be is the size and nature of the transport system you are operating or managing, rather than whether or not it is part of a 'mainline' railway.

1.3 However, ROGS are different for mainline and non-mainline railways. The main differences are as follows:

- a. The safety management system of both a mainline and a non-mainline railway should include targets. For a mainline railway, these are Common Safety Targets (CSTs). These are the minimum safety levels that must be reached by the mainline railway system, or parts of the mainline railway system, expressed in risk categories as defined in paragraph 2 of Schedule 11. Common Safety Methods (CSMs) for risk evaluation and assessment and monitoring also apply to the mainline railway.
- b. The safety management system of a mainline railway must allow it to meet national technical specification notices, national safety rules, common safety methods and other conditions where these apply. The safety management system of a non-mainline railway must allow it to meet whatever technical specifications and procedures are relevant to the type of transport system being operated / managed.

1.4 The type of safety certificate or authorisation you need to get from us will vary (see chapter 3).

Regulation 30(2)

1.5 We are not allowed to 'exempt' transport operators on the mainline railway from any of their duties under ROGS (that is, we cannot allow any transport operator on the mainline railway to not meet their duties under ROGS). The only exception to this is an Operator of Last Resort applying for a safety certificate or safety authorisation and the requirement to consult 'affected parties' on their application, as laid out in regulation 17(3)(a)(i) and (ii). More details are available in paragraph 3.28.

What duty holders must do

Requirements of a Safety Management System

Schedule 1, Paragraph 1

1.6 The safety management system has four main purposes:

- a. Defining roles and responsibilities for making sure the transport system can be run safely (for example, that workers are provided with suitable training and suitable information
- b. Setting arrangements for how managers control the safety management system (at all levels);
- c. Showing how workers and their representatives are involved; and
- d. Making sure the transport operator continuously improves (through setting targets, and carrying out audits and reviews).

1.7 The need to meet these aims should be the 'driving force' behind making sure that every part of the safety management system works and is put into practice.

The basic parts of a Safety Management System

Regulation 5(1)(c) and Regulation 6(1)(b)

1.8 Under ROGS, the safety management system must be appropriate for the size and nature of the transport system you are running.

Safety policy statement

Schedule 1, Paragraph 2(a)

1.9 This should be signed by the Chief Executive and shared with all employees.

A good safety policy statement can be as brief as one page. It should:

- give the Chief Executive's (or equivalent role in the organisation) commitment to health and safety;
- emphasise the importance of staff working safely;
- set out the roles each line manager and member of staff must carry out; and
- encourage employees to raise safety concerns.

Safety targets

Schedule 1, Paragraph 2(b), Regulation 5 (1)(a) and Schedule 11

1.10 You must set targets for maintaining and improving safety, and explain how you plan to achieve them. This should include your own targets or targets set by the organisations that

represent you. Mainline operators must also take account of the CSTs established for the parts of the mainline railway they operate on.

Targets should help improve safety performance. Ways of making this happen include:

- setting out the targets in a safety plan which is then shared with all staff;
- working with staff, their safety representatives and managers to make sure targets are realistic and can be measured;
- giving the company's board responsibility for meeting safety targets;
- setting personal safety targets for managers; and
- regularly reporting progress.

CSTs are the minimum safety levels that must be reached by the mainline railway system, expressed in risk categories as defined in paragraph 2 of Schedule 11.

A safety management system which meets the relevant requirements of the part of the railway CSTs were set for will be taken as a guarantee that the operator contributes to achieving CSTs.

Procedures for meeting standards derived from national technical rules, national safety rules and national technical specification notices

Schedule 1, Paragraph 2(c)

1.11 These should be designed to make sure:

- a. you meet your duties under safety law;
- b. you take any action we have identified as being necessary; and
- c. the transport system meets national technical and operational safety standards and specifications (particularly National Technical Specification Notices (NTSNs), National Technical Rules (NTRs), Railway Industry Standards (RISs), and Railway Group Standards (RGSs)) for the mainline railway.

1.12 Mainline infrastructure managers must design their safety management system in a way that allows transport undertakings who use the infrastructure to meet the relevant standards and targets.

Useful ways of setting and responding to standards include:

- identifying which standards are most relevant, and helping to develop these;
- clearly defining who is responsible for monitoring and meeting specific standards;
- creating a system of checks to make sure standards are being met by employees as well as by the organisation as a whole; and
- reviewing company standards regularly to make sure they are still relevant.

Risk assessment and controlling new risk

Regulation 5(1)(d)

1.13 You should design your systems and procedures to make it easy for you to assess and control all risks. This includes planning how you will work with other relevant operators to identify and control shared risks.

Schedule 1, Paragraph 2(d)

1.14 You should also assess risks arising from activities not connected with the operation itself (for example, from vandalism).

You can find more details on risk assessments in chapter 4.

1.15 You must put in place a change-management process to identify and control new risks.

The aim of a change management process is to properly control new risks. The process should:

- identify any new or increased risk resulting from a project;
- identify appropriate measures to control these risks and make sure they do not affect your safety performance;
- make sure the level of assessment is suitable for the type of risk you have identified;
- make sure staff and managers have the skills and resources they need to meet their safety responsibilities (a training plan is useful for this);
- make sure changes are only made once you have assessed any safety risks;
- make sure staff and their representatives have been properly involved, briefed and consulted on the changes;
- make sure you have met any relevant standards;
- make sure you have kept a written record of any concerns or issues raised and any decisions you have made to deal with them;

- make sure you can monitor the effects of the change once you have put it in place; and
- clearly define who is responsible for carrying out all of the above before, during and after the change.

1.16 Some projects to introduce new or altered vehicles or infrastructure on non- mainline railways will need to go through a safety verification process if they could create significant new or different safety risks (see chapter 2). If this is the case, your safety management system must include a description of the safety verification process you are using.

1.17 Most significant projects on the mainline will need to meet the requirements of the CSM for risk evaluation and assessment (Commission Implementing Regulation (EU) 402/2013) as retained and corrected within the UK.

Training and skills

Schedule 1, Paragraph 2(e)

1.18 You must have systems in place for making sure that persons are trained and have the skills they need to carry out the tasks they are asked to do.

A system for managing staff competence is set out in chapter 7.

Managing safety-related information

Schedule 1, Paragraphs 2(f), 2(g) and 2(h)

1.19 You should have standard procedures and formats in place for recording safety- related information across your organisation. Operators must also make information available in a way that is useful to other operators.

Managing safety information is important in allowing you to manage safety risks effectively. Useful ways of checking this is happening include:

- involving staff and their representatives in developing your safety management system;
- having discussions with health-and-safety representatives;
- holding workshops with staff and managers on the main safety issues;
- making sure all staff and managers receive appropriate safety inductions and training; and
- holding regular safety meetings and briefings between infrastructure managers and

transport operators.

Responding to accidents and near misses

Schedule 1, Paragraph 2(i)

1.20 You should have systems in place to make sure that:

- a. you meet your duties to report accidents to the right authority (this could be one or more of us (ORR), the Health & Safety Executive or the Rail Accident Investigation Branch);
- b. you carry out thorough investigations;
- c. you identify the causes of accidents and near misses; and
- d. you take the right action to make sure these accidents and near misses won't happen again in the future.

1.2 Incidents that could put people in danger should be investigated as thoroughly as accidents that actually do cause harm. This is a vital part of the process of controlling risk.

Lessons learnt from accidents or incidents can lead to safety improvements. Helpful steps to make this happen include:

- briefing staff on the reporting procedure and the importance of reporting;
- appointing trained managers to investigate incidents;
- giving a specific manager responsibility for taking action to deal with the accident or incident;
- setting a timescale for taking this action; and
- making senior staff responsible for monitoring how often accidents and incidents take place and the action that has been taken to deal with them.

Emergency planning

Schedule 1, Paragraph 2(j)

1.22 This must cover the information given to the emergency services to allow them to plan their responses to incidents on the railway. Also important are the parts of the safety management system that are relevant to the arrangements for responding to emergencies, such as training for emergencies and testing plans. Mainline infrastructure managers must co-ordinate their emergency procedures with relevant transport operators.

Factors you could consider when developing your arrangements for responding to emergencies may include:

- fires on trains or stations;
- accidents that damage the network;
- access for emergency services;
- how to deal with suspicious packages;
- carrying dangerous goods (for example, harmful substances or substances that damage the environment); and
- the effects of bad weather.

Internal auditing

Schedule 1, Paragraph 2(k)

1.23 You must describe the process you use to assess whether the safety management system is effective and develop evidence to use to review the system.

Effective auditing arrangements might include:

- developing the sampling and interview strategies needed to get a full picture of how well the safety management system is working at all levels across your organisation;
- assessing whether all staff are meeting the agreed standards and keeping to the safety management arrangements;
- making risk-based recommendations based on the findings of the audit;
- identifying strengths in the management system and recording good practice;
- identifying areas that can be improved; and
- reporting any faults in the system to a senior manager for them to review and take action.

Common safety methods

Regulation 5, Paragraph 1(b)

1.24 Following EU Exit, duty holders still need to apply the relevant Common Safety Methods (CSMs) that have been retained in UK law as part of maintaining their safety management system. The CSMs that duty holders need to apply are set out below. There are some minor amendments to these CSMs following the UK's exit from the EU and they should therefore be read alongside the

EU exit legislation referred to in the introduction section.

CSM for risk evaluation and assessment

1.25 The CSM for risk evaluation and assessment (CSM REA) (Commission Implementing Regulation (EU) 402/2013) applies when any technical, operational or organisational change is being proposed on the railway system. A person making the change needs to firstly consider if the change has an impact on safety. If there is no impact on safety, the risk management process in the CSM REA does not need to be applied. The person making the change needs to keep a record of how they arrived at their decision.

1.26 If the change has an impact on safety, the person making the change must decide whether it is significant or not by using criteria in the CSM REA. If the change is significant, the risk management process must be used. If the change is not significant, the person making the change must keep a record of how they arrived at their decision.

1.27 The EU Exit regulations made some changes to Regulation 402/2013, including changes to the use of mutual recognition and relaxed criteria when a significant change is made. See guidance document on Common safety method for risk evaluation and assessment for more details.

More information

ORR guidance

- Developing and maintaining staff competence
- Exclusions from mainline railway requirements

Other guidance for the industry

- <https://books.hse.gov.uk/>
- 'Safety Management System' guidance note HGR-A0017-IS03 issued by the Heritage Railway Association (only available to members)
- A guide for the application of the CSM for monitoring (ERA guidance)
- CSM for monitoring Regulation
- CSM for risk evaluation and assessment

CSM for monitoring

1.28 The CSM for monitoring is set out in Commission Regulation (EU) 1078/2012 . It was amended by the Rail Safety (Amendment etc) (EU Exit) Regulations 2019 (S.I. 2019/837). It applies if you are a transport undertaking, an infrastructure manager, or an ECM. You will need to ensure that:

- a. the risk control measures implemented by your contractors are monitored using the process in the CSM; and
- b. your contractors apply the same process through contractual arrangements.

CSM for supervision

1.29 The CSM for supervision is set out in Commission Delegated Regulation (EU) 2018/761 and places responsibilities on the ORR. The CSM for supervision provides a common approach for supervision by safety authorities after the issue of a single safety certificate or a safety authorisation. It has been partly retained in the UK but was amended by the Railways (Safety, Access, Management and Interoperability) (Miscellaneous Amendments and Transitional Provision) (EU Exit) Regulations 2019 (S.I. 2019/1310).

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