

A Guide to ROGS

2. Safety Verification (for non- mainline transport operators)

2.1 A significant change that ROGS brought about was taking away the responsibility that the safety regulator had for approving new or altered infrastructure or vehicles under The Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994 (S.I. 1994/157). The purpose of safety verification is to provide a flexible process to make sure projects that could significantly increase risk are safe. This is achieved by appointing an 'independent competent person' - this person can come from inside or outside the organisation.

Regulation 2

Competent person

- An independent competent person:has the skills, knowledge, experience and resources to carry out the safety verification they are appointed for; and
- is able to look at the project objectively (that is, in an unbiased way).

In the regulations

- Regulation 6(4): Safety verification of new/altered vehicles on non-mainline
- Schedule 4: Requirements for safety verification schemes

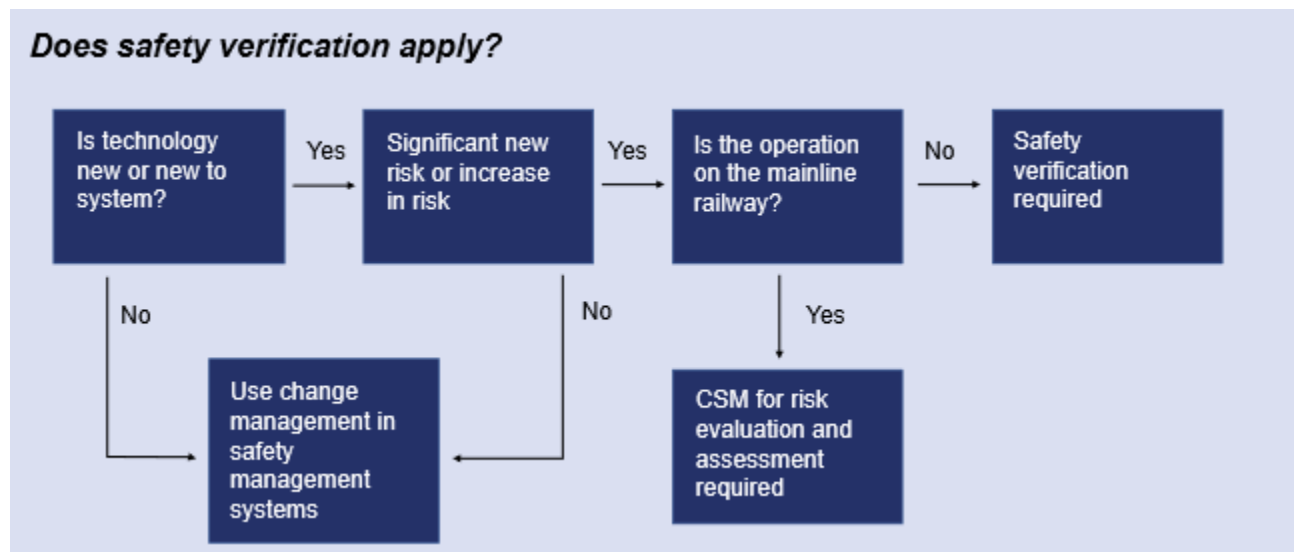
Who is the Duty Holder?

2.2 Safety verification applies to non-mainline transport operators (that is, transport undertakings

and infrastructure managers). They are responsible for deciding if safety verification is needed and making sure it is carried out properly. Mainline transport operators are responsible for applying the CSM for risk evaluation and assessment when they make significant changes. If a non-mainline transport operator also operates on the mainline, they can choose to voluntarily apply the CSM for risk evaluation and assessment as opposed to safety verification. Many projects that introduce new vehicles or infrastructure to the mainline railway must also take account of the UK verification process under the Railways (Interoperability) Regulations 2011.

What Duty Holders must do

Deciding if safety verification is needed



2.3 Safety verification is needed if:

- the operation is non-mainline;
- the risk arising from the project is new, or is new to the transport system (the 'difference test'); and
- there will be a new significant safety risk or a significant increase in risk (the 'risk test').

Regulation 6(4)

2.4 If a project passes all three of these tests, safety verification is needed, and you must:

- prepare a written safety verification scheme that meets the requirements set out in ROGS (see below)

- b. appoint an independent competent person to do the verification assessment; and
- c. make sure the independent competent person carries out the assessment.

2.5 The principles behind safely introducing new or altered vehicles or infrastructure are the same, whether you use safety verification or a change management process from a safety management system. Safety verification is designed to provide an independent assessment that a project has gone through all the steps needed to reduce risks. The main difference is that the safety verification process needs an independent competent person to carry out the assessment and the change management process may not.

What non-mainline duty holders must do

Appointing an independent competent person

Schedule 4, Paragraph 1(1)(a)

2.6 Under ROGS, the independent competent person must be appointed early enough in the project for them to be involved in:

- a. considering the design of the project;
- b. identifying or setting standards and conditions for the verification process; and
- c. setting out the inspection and assessment plan.

Regulation 2

2.7 There are three important things to consider when appointing an independent competent person:

- a. They must have the skills and knowledge needed to carry out the safety verification.

You should gather and keep evidence to prove this. This evidence usually includes:

- written qualifications that can be checked;
- experience in the industry or the type of work and workplace;
- direct knowledge of the specific process they are overseeing, such as making sure vehicles are acceptable or replacing signal systems;
- experience of the regulatory process, in terms of setting standards and gathering evidence appropriately;

- being aware of current best practice; and
 - being aware of the limits of their skills and experience.
- b. They must not have been responsible, in a way that might cause them to be biased in their assessment, for any of the things they will have to assess.

For example:

- they should not benefit personally from the project being completed successfully and quickly; and
 - they should not profit from the project being introduced, such as if they owned shares in a company which makes parts being used in the project.
- c. They must not be part of the management chain that is responsible for introducing the project.

For example:

- an 'in house' independent competent person should report direct to senior management and not be responsible for designing the project; and
- they must have the authority to ask for information, carry out examinations and make recommendations.

Who can be an 'independent competent person'?

2.8 Under ROGS, an independent competent person can be a person or an organisation.

A competent person does not have to be employed by another organisation (a 'third party') to be independent. It is perfectly acceptable for safety verification to be done 'in house'.

The most important thing is to show that the independent competent person is independent enough from the project to give an objective (unbiased) assessment.

Many large organisations already have panels of senior engineers, for example, to approve new projects. Smaller operators may want to consider bringing in an expert from another operator.

Features of the safety verification process

Management arrangements

Schedule 1

2.9 Part of your safety management system is a description of how you will manage the introduction of new or altered vehicles and infrastructure (see chapter 1). A summary of the safety verification arrangements would also be included in any application for a new or amended safety certificate or authorisation.

Making decisions

2.10 You should have a process in place for deciding whether or not a project should go through a safety verification process. In particular, you should take a consistent approach to 'risk' and 'difference' tests.

Appointing the independent competent person

Schedule 4, Paragraph 1(1)(a)

2.11 You must have a process in place for appointing an independent competent person (see above) at an early stage of the project.

Preparing a written safety verification scheme

2.12 The independent competent person should be involved in preparing the written scheme. This involves developing an agreed plan that will allow the independent competent person to assess and monitor:

- a. the methods the project uses;
- b. whether the project is being designed and put in place safely; and
- c. whether tests are being carried out safely, and in line with agreed standards and conditions.

Providing information for the independent competent person

Schedule 4, Paragraph 1(1)(c)

2.13 The independent competent person needs to have access to all relevant information and documents to be able to carry out a satisfactory assessment.

This would usually include:

- documents used in designing and setting out a specification for the project;
- certificates of conformity for materials used;
- any other risk assessment and safety analysis reports;
- evidence that the project meets the relevant standards, and an explanation of how risk will be managed where the project does not meet the standards; and
- evidence that you have worked with other relevant duty holders to make sure your projects work together.

The independent competent person's assessment

Schedule 4, Paragraph (4)(a)

The independent competent person should make sure that:

- the design of the project meets relevant standards;
- any safety-critical parts are suitably designed and built;
- the project has been built, installed and tested properly; and
- arrangements are in place for the project to be run and maintained.

The verification assessment would usually involve physically inspecting or reviewing documents relating to things such as designs, specifications, certificates, compliance of products with relevant safety law (CE marking), and how contractors were used in the project.

The independent competent person's recommendations

Schedule 4, Paragraph 1(4)(b)

2.14 You must have arrangements in place for making sure that the findings of the assessment – including any action the independent competent person has recommended you take – are communicated to the appropriate managers. You must also keep a record of any action you carry out as a result.

Monitoring, reviewing and revising the scheme

Schedule 4, Paragraph 1(3)

2.15 You can apply the general management arrangements and decision-making processes across a range of projects, and you should set these out in the safety management system. You should also review them regularly to make sure they are still effective. You should record the specific information, assessments, recommendations and action taken for each project that goes through the safety verification process.

More information

ORR guidance

- Safety verification
- A guide to safety verification for heritage railways
- A guide to safety verification for tramways
- The CSM for risk evaluation and assessment

Other guidance for the industry

- Guidance on Railways (Interoperability) Regulations, Department for Transport
- National Technical Specification Notices (NTSNs)
- Guidance on Railway safety legislation, Department for Transport
- ← Previous 1. Safety management systems
- → Next 3. Safety certificates and safety authorisations