

A Guide to ROGS

4. Risk assessments

4.1 ROGS give transport operators a specific duty to carry out a 'suitable and sufficient' assessment of the safety risks involved in running the transport system. The purpose of this assessment is to identify the measures needed to make sure the transport system runs safely.

In the regulations

Regulation 19: Rail-specific duty to carry out risk assessments

Regulation 21: Document and record keeping

Schedule 3: Common Safety Indicators

4.2 A transport operator operating on the mainline or non-mainline is required by ROGS to carry out a suitable and sufficient assessment of risks to the safety of any person using the railway, and to ensure the safe operation of the transport system. Transport operators should ensure that their risk assessment allows them to meet their general duties under all relevant health and safety legislation, not just railway specific safety legislation. This includes ensuring compliance with the Health & Safety at Work etc Act 1974, the Management of Health and Safety at Work Regulations 1999, and other hazard specific legislation, such as fire safety and buildings legislation.

4.3 Transport operators are required to ensure they implement all measures identified in their risk assessment, and carry out regular reviews to ensure the measures remain relevant and valid. For any significant changes on the mainline railway that impact on safety, the CSM for risk evaluation and assessment Regulation 402/2013 must be applied.

4.4 ORR has published guidance on the relationship between the CSM for risk evaluation and

assessment and other risk assessment requirements. This clarifies the relationship between railway-specific and more general health and safety legislation in respect of risk assessments for Britain's mainline railways, including the UK half of the Channel Tunnel. It summarises:

- a. how retained European and domestic rail legislation co-exist; and specifically,
- b. the relationship between the CSM for risk evaluation and assessment and domestic requirements to carry out a 'suitable and sufficient' risk assessment.

Requirements specific to railways and other guided transport systems

Regulation 19(5)

4.5 ROGS also give transport operators some extra duties:

- a. You must put in place any measures identified by the risk assessment, and make arrangements for planning, organising, controlling, monitoring and reviewing these measures.

Regulation 19(4)

- b. You must keep records (even if you have fewer than five employees) of:
 - i. the assessment process, including the methods you have used to work out the risks and any assumptions you made;
 - ii. the significant findings, any measures already in place and any further measures you need to take; and
 - iii. the arrangements for planning, organising, controlling, monitoring and reviewing the measures.

Regulation 19(1)(a)

- c. The assessment must involve working with any related operators to tackle risks that arise from the 'interfaces' (where, for example, your vehicles cross or use their infrastructure).

A 'suitable and sufficient' risk assessment does the following:

Deals with all significant risks and dangers

As well as obvious rail safety factors such as collisions and derailments, your risk assessment

should also cover more general issues (for example, assaults to staff or slips and trips).

Includes all parts of the organisation's work

As targets for improving rail safety only relate to the risks arising from vehicles in motion on a transport system, you should make sure you consider other types of activity (such as how you load freight wagons or manage stations).

Takes account of non-routine activities

For example, your emergency procedures need to take account of the health and safety of the people taking the emergency action.

Looks at risks and dangers as part of a system

There is a range of techniques for doing this (such as carrying out inspections or a job- safety analysis).

Considers the way work is organised

Management systems and shift patterns should be designed so that they do not put people's safety at risk. For example, not having enough members of staff can make some tasks unsafe.

Involves staff and their representatives

Employees and their safety representatives are well placed to contribute practical knowledge to the risk assessment process.

Takes account of risks to the public

This should go beyond people travelling on trains. For example, it may include taking reasonable steps to prevent people trespassing on the railway lines. It should also include risks to 'third parties', such as contractors working on the transport system.

Assesses the risks

Try to consider risks based on how likely they are to happen and how serious the effects would be. You should only need to take action if it is reasonable and if it will significantly reduce the likelihood or seriousness of the risk better than any existing measures. A bad example of this

would be introducing speed restrictions where they have no safety benefit.

Decides which measures are necessary to protect people's safety

The assessment should either judge that you do not need to take any further action, or identify specific reasonable action you should take. This action should be designed to reduce or remove the likelihood of the risk happening (for example, by using powered equipment for manual-handling tasks). If this is not reasonable, the action should be designed to reduce the effects of the risk (in our example, making sure staff are trained to lift safely).

Involves staff with suitable knowledge and experience

As well as being familiar with carrying out risk assessments, staff must have appropriate knowledge of the work being carried out. This is one reason why it is important to involve staff representatives in carrying out the assessment.

4.6 You do not need to include records of your risk assessments in an application for a certificate or authorisation (see chapter 3), but you should explain how you carry out risk assessments and how you choose which action to take as a result. Your safety management system should say where you keep your risk assessment records. Where an application is submitted for an amended safety certificate or safety authorisation and the CSM for risk evaluation and assessment has been applied as part of the proposed change, we will ask to see the output of this assessment.

Purpose of a risk assessment

4.7 ROGS do not explain what is meant by 'suitable and sufficient'. The Health & Safety Executive provides guidance on determining whether your risk assessment approach is 'suitable and sufficient' on its website.

4.8 Both ROGS and the Management of Health & Safety at Work Regulations 1999 give you a duty to carry out a 'suitable and sufficient' assessment. There is a range of processes for achieving this. The five-step risk assessment model described in the Health & Safety Executive publication 'INDG163 A brief guide to controlling risks in the workplace' (formerly known as 'Five Steps To Risk Assessment') is widely used and can help you do this.

Five steps to carrying out a risk assessment

Step 1: Develop a system for identifying the dangers (hazards) resulting from the type of transport

operated and / or infrastructure managed.

Step 2: Decide who might be harmed and how – in particular, you should identify any groups or types of passengers or workers who could be at risk.

Step 3: Evaluate the risk – you need to make a judgement about whether the arrangements you already have in place control the risk. If not, you should take action to correct this.

Step 4: Record your significant findings – this should include creating an action plan that you can monitor once it is put in place.

Step 5: Regularly review the assessment – regularly or as significant new processes or working arrangements (such as shift work) are introduced.

More information

- European Commission Implementing Regulation 402/2013 common safety method on risk evaluation and assessment (Retained in UK law).

ORR guidance

- ORR guidance on the application of the CSM on risk evaluation and assessment

Other guidance for the industry

- HSE web pages on risk management, including example risk assessments
- Rail Safety & Standards Board safety risk model for the mainline railway
- 'Risk Assessment' guidance, Heritage Railway Association (available only to HRA members)
- Home | Heritage Railway Association (hra.uk.com)
- ← Previous 3. Safety certificates and safety authorisations
- → Next 5. Annual reports