

A Guide to ROGS

6. Cooperation

6. A large part of the safety risk arises at the 'interfaces' between transport operators (for example, different transport operators on the same infrastructure). For this reason, it is essential that transport operators, and their contractors, work together to make sure the system is safe.

6.2 Co-operation is one of the main themes of ROGS. This section of the guide refers only to the duty that transport operators have to co-operate with each other under ROGS. It does not refer to co-operating with, for example, us or recognised trade unions.

In the regulations

Regulation 22: Cooperation

(Regulation 26: Co-operation requirements for safety critical work)

6.3 The regulations introduce a specific duty of co-operation between operators (and other people such as contractors) whose activities affect one another. The duty is designed to make sure the railway is safe.

Who does the duty apply to?

Regulation 22(3)

6.4 The duty to co-operate applies to all transport operators and infrastructure managers, and to everyone who must have a safety management system. This includes those operators who do not need a safety certificate or authorisation under ROGS. Importantly, the duty also applies to contractors - including those who are self-employed.

6.5 ROGS may not apply directly to all persons working on the railway, such as freight end users or anyone employed by a third party terminal operator. Nonetheless, the work carried out by these workers has the potential to import risk onto the transport system, and they must be suitably trained and briefed before working on the railway.

6.6 Employers working on the railway system have a duty to co-operate with one another to enable them to comply with all requirements of health and safety legislation by virtue of Regulation 11 of the Management of Health and Safety at Work Regulations 1999.

Equal partnership

6.7 All transport operators are equally responsible for co-operating with other transport operators who operate on the same transport system to keep the system safe. Our role is to carry out inspections and provide advice to encourage operators to comply with the requirements of ROGS, and to mediate (bring about an agreement) where operators cannot sort out problems between themselves.

What does co-operation involve?

6.8 The aim of co-operating is to make sure the transport system is safe. This means operators doing all they reasonably can to allow other operators to comply with the requirements of ROGS. This particularly includes keeping to:

- (a) the requirements of the safety management system duties (see chapter 1); and
- (b) their risk assessment duties (see chapter 4).

For operators

Many areas of your safety management system give you a responsibility to co-operate with other operators (or give them a duty to co-operate with you). For example, it would be impossible for you to carry out an effective risk assessment of a part of the infrastructure that both you and they use without them co-operating with you. Each area of the safety management system that needs you or another operator to co-operate should explain the procedures for doing so.

There is a range of processes for successfully co-operating with other operators. These processes include:

- consulting operators you share infrastructure with to make sure all the risks are recorded

- in writing in an application for a safety certificate or authorisation;
- meeting the relevant standards (for example, RSSB standards);
- taking part in national schemes that aim to reduce risk (such as programmes to reduce the risk of signals passed at danger);
- being involved in the process of setting industry standards;
- planning emergency procedures; and
- allowing access to premises and vehicles for risk assessment purposes.

For contractors

- The duty means that you will need evidence that your contractors are:
- meeting your standards and targets;
- keeping to your risk assessments;
- keeping and providing evidence that their staff are trained and fit to carry out their roles; and
- managing the fatigue levels of any staff performing safety-critical work (see chapter 7).

Disputes

6.9 In the event of disputes between duty holders, we expect that the duty to cooperate should normally result in duty holders finding a resolution between themselves. ORR will not normally become involved in disputes, but we have agreed with industry that in the case of severe disputes - where duty holders' attempts to find a resolution have failed - we will work with the duty holders to try to resolve the issue. ORR's involvement in this process should be seen as the final step in resolving the dispute.

6.10 ORR and the industry have worked together to produce guidance on how to escalate serious disputes to us and how we propose to handle them 'Escalating serious disputes to ORR under ROGS duty of cooperation'.

6.11 Disputes may be escalated by a joint submission or a single submission. Joint submissions are preferable, as ORR will need to gather representations from all external affected parties when a single submission is received.

6.12 Once we have established that all other avenues have already been exhausted and the dispute is serious enough to warrant allocation of resources, we will establish a case team who will review all available information on the case and make a determination within 4 months. The outcome of

the determination will be posted on our website.

6.13 In the case of new or modified vehicles being introduced to a railway that may impact other duty holders the Rail Safety & Standards Board (RSSB) have published the industry standard RIS - 8270 - RST Issue 1.1 Route Level Assessment of Technical Compatibility between Vehicles and Infrastructure which will assist duty holders to cooperate and resolve disputes. We expect to see evidence that this process has been used before we become involved.

More information

ORR guidance

- Our role in cooperation

Other guidance for the industry

- Rail Safety & Standards Board case study on route compatibility standards
- ← Previous 5. Annual reports
- → Next 7. Managing safety-critical work