

A Guide to ROGS

7. Managing safety-critical work

7.1 ROGS give controllers of safety critical work specific duties to make sure that any person performing safety-critical tasks is competent and fit enough to do so, and is not affected by fatigue. ROGS also give controllers of safety critical work a duty to keep records of their assessment of safety-critical workers, and make these records available for us to inspect. Finally, controllers of safety-critical work must co-operate with each other to make sure they can all keep to the requirements.

In the regulations

Regulation 23: Defines safety critical tasks and terms

Regulation 24: Duty to manage competence and fitness of safety critical workers

Regulation 25: Duty to manage fatigue of safety critical workers

Regulation 26: Co-operation requirements

What is safety-critical work?

Regulation 23(1)(a),(b)&(c)

7.2 There are a number of areas of work that ROGS define as 'safety-critical tasks'. The regulations apply to how organisations manage all persons who perform these tasks where they could have a significant effect on the health and safety of persons working on or using the transport system.

7.3 The first group of tasks must only be performed by someone who has been assessed as

competent and fit to carry them out. They are as follows:

- a. Driving and train dispatch
- b. Operating signals and level crossings, and related communication
- c. Coupling or uncoupling vehicles
- d. Controlling the power supply connected to track and vehicles
- e. Checking vehicles are working properly and, if loaded, loaded correctly
- f. Protecting the safety of people working on or near to the track

7.4 The work involved in supervising and checking a second group of tasks is also classed as safety-critical under ROGS. The important thing here is that these tasks are at least supervised, or the work checked, by someone who has been assessed as competent and fit to do so before the work has the opportunity to affect the health and safety of persons working or travelling on the transport system. These tasks are as follows:

- a. Installing vehicle parts
- b. Maintaining vehicles that are being used (and their parts)
- c. Installing or maintaining any part of the infrastructure
- d. Installing or maintaining the power supply
- e. Installing, maintaining or operating the communications systems used to control vehicles' movement or call the emergency services.

7.5 The final safety-critical task is training - or supervising training - in any of the above tasks where the training involves carrying out the actual task.

We have published guidance for industry that gives more detail on the safety-critical tasks defined in ROGS. This includes a list of the equivalent jobs for tramways and heritage railways.

- Safety-critical tasks – clarification of ROGS requirements

What about work in sidings and depots?

Regulation 23(1)

7.6 Your arrangements for managing safety-critical work will include times when the work is not carried out on the transport system (for example, in a maintenance depot or siding that is not part of the transport system). You must consider:

- a. if the work is being carried out on vehicles that are in use on a transport system; and
- b. if the work could significantly affect the safety of people working on or travelling on the transport system.

Example 1 – Coupling and uncoupling vehicles

Coupling vehicles in a depot so they can then be driven onto the transport system is a safety-critical task. However, coupling vehicles to be able to shunt them around within the depot is not.

Example 2 – Maintenance and repairs to vehicles

Supervising or checking maintenance work on a 'hot spare' vehicle that is in a depot on standby for use is a safety-critical task under ROGS. However, 'maintaining' parts or vehicles that are not available to be used (such as where parts have been sent away for reconditioning) is not a safety-critical task.

7.7 However, even if safety-critical duties under ROGS do not apply, there is still a general duty under the Health & Safety at Work etc Act 1974 to manage the quality of this kind of work.

Freight companies and freight end users

7.8 Regulation 26 of ROGS introduces a duty of co-operation between operators and contractors, where their activities affect one another. Operators also have a duty to manage safety-critical work under ROGS. Where work is carried out by freight end users in depots (such as loading and unloading of wagons), freight operating companies have a duty under ROGS to co-operate with the freight end user and to manage the safety-critical work that is carried out. Freight operating companies also have a requirement under the Health and Safety at Work etc. Act 1974 to manage the quality of the work carried out by the freight end user on their behalf.

7.9 Although ROGS do not apply to freight end users, they are required to co-operate with the freight operating companies they work with. Freight end users are also required to meet the requirements of the Health and Safety at Work etc. Act 1974 in the work that they carry out. All employers working on the railway system have a duty to co-operate with one another to enable them to comply with the requirements imposed on them by health and safety legislation under Regulation 11 of the Management of Health and Safety at Work Regulations 1999.

Who has the duty to manage safety-critical work?

Regulation 23(1)

7.10 ROGS give this responsibility to the 'controller of safety-critical work'. This means those organisations that actually control the people doing the safety-critical tasks. ROGS do not give individuals within organisations a duty to be 'appointed' as controllers of safety-critical work, as the reference to 'any person' in the definition includes corporate organisations. So, the duty is on those organisations to have systems in place to make sure that individuals under their control are competent and fit.

Example

Who is the controller of safety critical work?

- A is an agency worker for agency B.
- Agency B provides staff to subcontractor C.
- C is the subcontractor for main contractor D.
- D are the infrastructure manager's contractor.

The infrastructure manager is the client.

If worker A is asked to carry out a safety-critical task, the controllers of the safety-critical work are C, D and the infrastructure manager.

Agency B is not a controller of safety-critical work as it does not 'control the carrying out of safety-critical work on a transport system or in relation to a vehicle used on a transport system'. However, as part of its general health and safety responsibilities, it would be appropriate for Agency B, when taking on a new employee, to carry out basic checks to make sure the employee is suitably trained and fit to carry out the work.

Subcontractor C must ensure that worker A has been assessed to make sure they are trained and fit, and make available accurate and up-to-date records for main contractor D or the infrastructure manager (the other controllers).

All operators and controllers of safety-critical work have a duty to co-operate with each other so that everyone can carry out their duties. The infrastructure manager will need systems to make

sure their contractors (as people under their control) only use trained and fit people who are not too affected by fatigue to carry out safety-critical work. This may mean providing access to the information their contractors hold on the people carrying out safety-critical work, and information on contractors' management arrangements for dividing their responsibilities as controllers of safety-critical work.

What duty holders must do

Making sure people are competent and fit

Regulation 24(1)

7.11 ROGS do not give safety-critical workers a duty to carry identity cards. However, the controller of safety-critical work has a duty to make sure that every person who is under their management, supervision or control and is carrying out safety-critical tasks is competent and fit to do so (except when they are receiving practical training to carry out the task). Controllers of safety-critical work must:

- a. make sure an objective, trained assessor assesses safety-critical workers as being trained and fit to carry out the work
- b. keep and update a written record of the safety critical worker's training and fitness, including the conditions against which they were assessed;
- c. make their written records available for us to inspect, or for other affected controllers or operators to inspect, after making a reasonable request to do so;
- d. put in place a suitable and sufficient system to monitor the training and fitness of safety-critical workers; and

Regulation 24(2)&(3)

- e. review and reassess safety-critical workers' competence or fitness if they have reason to doubt it or if the task changes significantly

7.12 ORR's Railway Safety Publication 1 'Developing and Maintaining Staff Competence' provides detailed guidance on monitoring the competence and fitness of staff - see in particular:

- a. Principle 10: Monitoring and re-assessing staff performance; and
- b. Appendix 1: Fitness

Competence-management systems

The most effective way for you to manage the competence and fitness of your workers is to develop a competence-management system (CMS). Setting up a CMS is a five-stage process.

1. Deciding what the CMS needs to cover

- Identify the work activities involved and assess the associated risks.
- Choose or develop standards to make sure the identified risks are controlled consistently.

2. Design the CMS

- Define the roles and responsibilities of the managers running the CMS.
- Develop a quality-assurance process to make sure each part of the system consistently achieves the results you want.
- Put in place the most suitable methods for developing and assessing staff to meet the standards you have set. For normal tasks, the assessment might just involve interviewing the relevant person. For emergency situations, this should be supported with techniques like group exercises or drills.
- Identify the training, development and assessments which staff, managers and employees need.
- Make sure the managers running the system (trainers, assessors and so on) continue to receive the training they need.

3. Put the CMS in place

- Choose and recruit staff using suitable standards and methods (for example, questionnaires, worked test examples, structured interviews). For a complicated task, it may be helpful for the candidate to work alongside a member of staff for a day or two.
- Train, develop and assess staff to your standards. Contractors should work to the same standards as permanent staff.
- Put a control process in place to make sure staff only carry out the tasks they are competent to do.

4. Maintain and develop competence

- Monitor and reassess staff to make sure the CMS works consistently. Monitoring could range from having a structured scheme of formal observation to unannounced checks

(such as using a radar gun to check speed).

- Update individuals' training in response to relevant changes.
- Identify the reasons for any performance that fails to meet the standards and take action to correct this by dealing with the causes first.
- Maintain assessment records and make them available.

5. Check, audit and review CMS

- Check, audit and review CMS
- Make sure the system is being used correctly and that it is delivering suitable and sufficient training and assessment.
- Create 'feedback loops' so that the people carrying out the work can comment on the CMS arrangements and suggest improvements.
- Improve the system based on the review and information relating to safety performance.
- CMS are explained in more detail in our publication 'Developing and maintaining staff competence'.

Access to training services

7.13 The Railways (Access to Training Services) Regulations 2006 allow railway undertakings applying for a safety certificate, and infrastructure managers and their staff who perform safety critical tasks, to have access to training services provided by other bodies.

7.14 The Regulations apply only to railways which are regarded as mainline under ROGS. They allow:

- a. Railway undertakings applying for a safety certificate to have fair and non-discriminatory access to training services for train drivers and staff accompanying the train, whenever such training is necessary to fulfil the requirements to obtain a safety certificate;
- b. Infrastructure managers and their staff performing vital safety tasks, to have fair and non-discriminatory access to training facilities.

7.15 The Regulations also extend to contractors, allowing the staff of contractors who undertake safety critical tasks of behalf of Network Rail to have fair and non-discriminatory access to training services.

7.16 Where the training services are provided by only one railway undertaking or infrastructure manager, they must make those services available to others at a reasonable and non-

discriminatory price.

7.17 The training services offered must include:

- Necessary route knowledge;
- Operating rules and procedures;
- The signalling and control command system; and
- Emergency procedures, in respect of the routes operated.

7.18 Relevant experience gained with another employer must be taken into account by railway undertakings recruiting train drivers, on-board staff or staff performing safety critical tasks. Employees must be granted access to all relevant documents referring to their training, qualifications or experience.

Right of appeal

7.19 The Railway (Access to Training Services) Regulations 2006 provide railway undertakings, infrastructure managers and relevant employees with the right of appeal to the ORR if access to training services is denied, or if they believe that the price charged for access to these services is unreasonable or discriminatory. Please contact ORR at rogs@orr.gov.uk for further information.

Fatigue

Regulation 25(1)

7.20 Fatigue has been identified as one of the main causes of incidents on the railways. It can lead to workers becoming less alert, attentive or able to react, which may result in slower response times, errors or poor decision-making. Controllers of safety critical work must make sure that safety critical workers do not carry out safety-critical tasks if they are affected by fatigue (or would be affected if they carried out the task) and that the risks of fatigue on the health or safety of the safety critical worker or of any other persons on a transport system are controlled.

The work factors that influence fatigue levels normally include:

- how long a worker has been awake;

- how overtime is controlled;
- the nature of the work (for example, where workers have to carry out repetitive tasks or where a task requires a very high level of alertness);
- the workload and working environment;
- a roster that prevents workers from getting enough sleep between shifts;
- the timing and duration of breaks;
- workers' sleep being disturbed because they are 'on-call';
- how often workers have breaks;
- recovery time during periods of work; and
- how long it takes workers to travel to and from work.

7.21 ORR recommends that duty holders set up and operate an overarching Fatigue Risk Management System (FRMS); the FRMS need not be standalone but could be integrated into the wider SMS.

We have published revised guidance for industry that gives more detail on designing and implementing an FRMS that is proportionate to the size, risk and nature of the organisation. This guidance also identifies basic fatigue controls which would be expected of all responsible rail employers:

- Managing rail staff fatigue.

Co-operation requirements for safety-critical work

7.22 The co-operation requirement in ROGS builds on the existing requirement (in the Management of Health & Safety at Work Regulations 1999) for employers and self-employed people who share a workplace to co-ordinate their safety measures. Controllers of safety-critical work and safety-critical workers must all co-operate with each other to make sure that controllers can keep to their requirements under ROGS. There are two parts to the co-operation requirements, as follows:

Regulation 26(1)

- a. Controllers must co-operate with other controllers or operators whose activities their work affects.

Regulation 26(2)

- b. Anyone carrying out safety-critical tasks must co-operate with controllers affected by safety-critical work.

7.23 This co-operation would include things like sharing information, or co-ordinating and following agreed procedures.

More information

ORR guidance

- Safety-critical tasks - clarification of ROGS requirements
- Developing and maintaining staff competence
- Managing rail staff fatigue
- Further guidance on terms associated with safety-critical work

Other guidance for the industry

- Health & Safety Executive - Fatigue resources
- 'Safety Critical Work' guidance note produced by the Heritage Railway Association (available to members only) [Home | Heritage Railway Association \(hra.uk.com\)](https://www.hra.uk.com)
- ← Previous 6. Cooperation
- → Next 8. Entities in Charge of Maintenance (ECM)