



ROGS Safety Certificate and Safety Authorisation Assessment Manual

**Guidance on the assessment
process for applications under
the Railways and Other Guided
Transport Systems (Safety)
Regulations 2006 (as amended)
Fifth Edition**

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1. Introduction

Purpose of the document

- 1.1. This guide provides a stage by stage summary of the assessment process for safety certificate and safety authorisation applications under the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (as amended) (ROGS).
- 1.2. You may find it helpful to read this guide alongside the ROGS regulations and also Assessment criteria for mainline railway safety certificate and safety authorisation applications or the Assessment criteria for non-mainline safety certificate and safety authorisation applications.
- 1.3. This guide will allow you to:
 - Understand the competence requirements for carrying out a ROGS assessment.
 - Understand your role and responsibilities when carrying out a ROGS assessment.
 - Understand the key milestones and deliverables during a ROGS assessment.
 - Know who to contact for further advice and guidance with ROGS assessments.
- 1.4. Applying this guide enables a consistent approach to ROGS assessments.

2. Who Is This Guide For

- 2.1. This Guide is aimed at anyone who needs to understand the processes involved with ROGS assessments and is required to carry one out as part of their role. It is also a useful document for applicants as it provides an outline of how they can expect their application to be assessed.
- 2.2. Further information or questions about this guidance can be made by emailing ROGS@orr.gov.uk

3. Legal Requirements

- 3.1. Regulations 3 and 4 of ROGS state “no person shall operate a train or vehicle in relation to any infrastructure on a mainline railway / transport system” without the appropriate safety certificate (for transport undertakings) or safety authorisation (infrastructure managers) being in place.
- 3.2. All mainline operators are required to hold a safety certificate or safety authorisation. Some “lower risk” non-mainline operators do not require one but still need a safety management system (SMS) in place for their operations.
- 3.3. The transport systems below do not require a safety certificate or safety authorisation.
 - A transport system that does not run at speeds above 40km/h (25mph);
 - Tramway, no matter what speed they operate at,
- 3.4. Chapter 1 of the “A Guide to ROGS (April 2018)” provides an overview on the parts of ROGS that apply to individual transport systems.
- 3.5. If further guidance is required as to whether a safety certificate or safety authorisation is required, please contact the Senior Executive: Safety Permissioning, who will consult legal and policy colleagues as appropriate.

Heritage Railways

If a heritage railway runs or crosses a transport system (whether mainline or non-mainline) that runs at speeds above 40km/h (25mph), they will need to hold a safety certificate.

However, the heritage railway would only need a certificate for the part of the railway that runs on or crosses the system with the running speed above 40km/h (referred to as the “+40km/h system”). The heritage railway can choose to make arrangements with an approved third party to run the part of the railway that crosses or runs on the +40km/h system.

- 3.6. Safety certificates and authorisations can be either for mainline or non-mainline operations. A railway is a mainline railway unless we determine that it falls within one or more of these categories:
 - Metros and other light rail systems;

- Networks that are functionally separate from the rest of the mainline railway system and intended only for the operation of local, urban or suburban passenger services, as well as transport undertakings operating solely on these networks;
- Heritage, museum or tourist railways that operate on their own networks; or
- We determine that heritage vehicles that operate on the mainline railway and comply with national safety rules are deemed not to operate on the mainline railway; or
- It is privately owned infrastructure that exists solely for use by the infrastructure owner for its own freight operations.

3.7. Those listed in the first two bullets under 3.7 are described as non-mainline railways. ORR publishes a list of these at:

http://orr.gov.uk/_data/assets/pdf_file/0017/2555/rogs-exclusion-approved-list.pdf

3.8. Mainline railway operators must hold either a safety certificate or safety authorisation for their intended operation or both.

Mainline Certificates

3.9. A mainline transport undertaking must apply for certificates in two parts.

- Part A is valid across the European Union (EU). It sets out the general safety management arrangements.
- Part B relates to one transport system. It would include details of how the specific transport system requiring a safety certificate is run safely.

3.10. An important principle of the Railway Safety Directive and of ROGS is that Part A of a certificate is valid across the EU. In other words, a train operator that has a certificate to confirm it is safe to run a transport system in one EU member state is considered safe to run a transport system in another. The key factor is the transport system they are running is of a similar type and size and they meet the requirements for a Part B certificate in force in that country.

Non-Mainline Certificates

3.11. Non-mainline certificates come in one part. The requirements are broadly similar to a mainline application. Like the safety management system, the size and nature of the transport system being operated is the main factor in deciding how detailed the application needs to be.

Operating on Mainline and Non-Mainline Railway Infrastructure

- 3.12. Some trains operate on both mainline and non-mainline railway infrastructure. Because a lot of the information needed is the same, applicants can apply for one certificate in one application to run on both (the application needs to be clear about which parts of it apply to the mainline railway and which parts apply to the non-mainline railway).
- 3.13. Mainline transport undertakings that also run on non-mainline infrastructure should apply for a mainline certificate. The mainline certificate will cover operation on both types of infrastructure.
- 3.14. Non-mainline transport undertakings that also run on the mainline infrastructure should apply for a non-mainline certificate. Such non-mainline operators must also show that their safety management systems are adequate for operation on the mainline railway.
- 3.15. Where a holder of an existing mainline or non-mainline certificate proposes to operate a tram-train service on the mainline railway and they have not previously done so, this is likely to constitute a substantial change to their safety certificate. They must show that their safety management systems are adequate for tram-train operation on the mainline railway. Tram-trains will need a non-mainline certificate when they operate on the mainline railway.

Who should hold the safety certificate if operations are contracted out?

- 3.16. If a TOC proposes to contract out the safety critical functions of their operation to another operator who also holds a safety certificate, questions are often asked as to whose safety certificate the operation comes under. The operator of the train service is required to hold the safety certificate regardless of the contractual arrangements in place relating to the supply of safety critical personnel and rolling stock maintenance. In these situations, the dutyholder should discuss such changes and confirm what elements of the operation are being contracted out with their lead inspector. This is to ensure that the proposal can comply with regulation 3(1) of ROGS.

Safety Certificate Requirements and Hauling Mark I & Mark II Rolling Stock that are exempt from Regulations 4 and 5 of the Railway Safety Regulations

- 3.17. The operation of charter services involves input from a number of different dutyholders. The operator of the charter train, who will be a safety certificate holder, remains responsible for managing risks to employees, passengers and

other rail users. The safety certificate holder must ensure it has oversight of any activities that could be undertaken by third parties. The operator must be able to satisfy itself that any health and safety risks associated with the operation are being managed effectively and legal provisions are being complied with.

On Track Plant & On Track Machine Operators

- 3.18. If the vehicles operate solely within possessions, there is no requirement to hold a safety certificate. If the vehicles operate outside of possessions and on the mainline under their own power to and from the worksites, a safety certificate will be required.

Safety Authorisations

- 3.19. Mainline and non-mainline authorisations are specific to the relevant infrastructure and are not valid across Europe. The main difference in applying for a mainline or non-mainline authorisation is the size and nature of the infrastructure being managed. Infrastructure managers who in practice only manage stations (in other words, most train operating companies) would be expected to produce less information as part of their authorisation than those who also maintain track, signals, and so on.

4. Roles and Responsibilities

4.1. The following personnel have roles and responsibilities in the assessment process for safety certificate or safety authorisation applications.

HM Chief Inspector of Railways

Role:

- Ensures an effective policy for decision making concerning all ROGS issues. This includes the processes for safety certificates and safety authorisations, exemptions and revocation are developed, maintained and implemented in accordance with wider policies as directed by ERA and ORR.

Responsibilities:

- Endorse the policy on ORR safety certificate and safety authorisation processes
- Provide adequate resource for delivering safety certificate and safety authorisation processes.
- Provide final authority and formal sign off on behalf of ORR of safety certificate and safety authorisation applications.
- Provide overall direction for dispute resolution cases concerning safety certificates and safety authorisations.
- Represent ORR at an appeal if a safety certificate or safety authorisation is refused or revoked.
- Ensure that the organisational structure can respond to the needs of the procedures relating to safety certificates and safety authorisations.
- Ensure effective communication links are maintained with organisations that have an interest in the safety certificate and safety authorisation process.
- Ensure effective interfaces between the certificate and safety authorisation process and; supervision and enforcement.

HM Deputy Chief Inspector of Railways

Role:

- Maintain a strategic overview of safety certificate and safety authorisation applications along with supervision activities. Ensure there is adequate resource within teams to carry out safety certificate and safety authorisation assessments.

Responsibilities:

- Manage resources to ensure the safety certificate and safety authorisation process is maintained, developed and reviewed as appropriate.
- Manage resources to ensure timely completion of assessments and that they are carried out in line with procedures as well as performance standard timescales.
- Provide final authority on behalf of ORR for accepting or refusing safety certificate or safety authorisation applications.
- Ensure effective communication is maintained between the parties involved in the safety certificate and safety authorisation process.
- Manage the development and implementation of plans for certification and

Heads of Inspection (Mainline Operators / Network Rail Routes / Network Rail Projects / Non-Mainline Operators / TfL & Crossrail / HS1 and Channel Tunnel)

Role:

- Manage resources to ensure timely completion of assessments and that they are carried out in line with processes in place.

Responsibilities:

- Manage compliance with the requirements of the safety certificate and safety authorisation procedures including control of documentation and adherence to performance standards.
- Provide final authority on behalf of ORR for accepting or refusing safety certificate or safety authorisation applications.
- Make decisions on recommendations for safety certificates or safety authorisations to be revoked and convene revocation panels to hear the evidence in support of the recommendation.

- Contribute to the ongoing continuous improvement of the safety certificate and safety authorisation process and procedures.
- Assist in the resolution of disputes and liaise with ORR managers / industry stakeholders as appropriate.
- Ensure sufficient and capable resources are allocated to an assessment.
- Ensure team workplans include assessments that are due or can accommodate an out of course assessment such as a new entrant or operator of last resort application.

Assessment Manager

Role:

- Manage the planning of safety certificate /authorisation assessment work as part of the overall team workplan
- Manage the handling and assessment of allocated certificates / authorisations to the team in accordance with the procedures and performance standards.

Responsibilities:

- Review team resources and appoint a suitable lead assessor for each application.
- Liaise with the Head of Inspection if there are going to be resourcing issues that impact upon the delivery of an assessment.
- Liaise with specialist team managers if the application requires specialist inspector resources.
- Monitor progress of the assessment against the approved milestones and implement corrective measures as appropriate to ensure the milestones are met.
- Ensure matters raised in the assessment are clear, reasonable and reflect the assessment criteria.
- Ensure the applicant has sufficient time to resolve matters which affect acceptance of the application.
- Maintain effective interface between assessment, supervision and enforcement matters.

- Ensure the assessments are carried out as per procedures in place and in accordance with timescales.
- Approve the final assessment report by the lead assessor and make appropriate recommendations to the Case Manager.
- Assist in the resolution of disputes concerning applications for safety certificates or safety authorisations.
- Participate in the revocation process.
- Identify and appoint deputies for the Assessment Manager and Lead Assessor roles in the event of any long-term absence.

Lead Assessor / Assessor (HM Inspector)

Role:

- Manage applications for safety certificates and safety authorisations within the required timescales and; ensure that areas of non-compliance are identified and resolved in accordance with assessment procedures
- Provide a single point of contact for the duty holder for matters concerning safety certificates, safety authorisations and supervision issues.

Responsibilities:

- Plan assessments allocated to them, carry them out in accordance with the processes in place and; the statutory timescale of 4 months.
- Arrange and attend any pre-application meetings with the applicant. These meetings should outline the assessment process and agree timescales for submission of the application.
- Remind dutyholders who hold existing safety certificates and safety authorisations that their renewal application is due. This should be at the 12 month and 8 month stages prior to due date of the submission.
- For multiple assessor applications, organise the assessment areas that they will assess and advise the Assessment Manager and Case Manager.
- Carry out the initial screen (stage 2) and complete the relevant assessment form. If the application fails the initial screen, advise the applicant in writing why this occurred and explain the work required by the applicant to enable a resubmission.

- Ensure the applicant has identified the relevant affected parties and has contacted them correctly in accordance with ORR processes in place.
- Determine points of non-compliance within the assessment criteria and obtain further information from the applicant.
- Review representations made by affected parties and consider as part of the overall assessment of the application.
- Prepare and send to the applicant, the issues that require further information and arrange a meeting to discuss findings. The issues log (S5 form) should include representations made by affected parties.
- Review the responses in relation to the issues raised from the applicant and prepare final assessment report for the assessment manager to approve.
- Identify any matters for further inspection and assign a priority to them. These should be recorded on the S5 form.
- In event of revocation to a duty holder safety certificate / authorisation, provide background information and evidence to the revocation panel.
- Ensure all documentation relating to the assessment is uploaded to the Box case (PRM-SCA-xxxx).
- Ensure the assessment timetable (S2) is maintained throughout the assessment process.
- Use case reference during all correspondence. This is the PRM-SCA-xxxx series.

Senior Executive: Safety Permissioning (Case Manager)

Role:

- Act as case manager for all applications made by dutyholders under the statutory regimes to ensure that assessment teams deliver within the statutory timescales, to the required quality standards, liaising with legal colleagues as required.
- Updating the RSD internal guidance, assessment manuals and related documents associated with the processes, undertaking training and support for colleagues as needed.

- Enable ORR to meet its statutory obligations and representing ORR as the National Safety Authority on matters relating to the Common Safety Methods for Conformity Assessment and Supervision

Responsibilities:

- Maintain and update the documents supporting statutory permissioning processes.
- Facilitate individual and group training needs on the permissioning processes.
- Act as case manager to ensure applications are completed to time and quality standards.
- Manage the ROGS database to track progress with new, existing and renewal applications.
- Ensure safety certificates and authorisations are legally correct.
- Undertake assurance activities of safety certificate and safety authorisation applications to ensure assessment processes have been followed by the assessment team.
- Update and review the database of items for later inspection arising from assessments.
- Support colleagues in explanations of the processes to dutyholders through attending meetings with them. This will provide a consistent approach to assessments.
- Representing ORR, as National Safety Authority, on application of the Common Safety Methods for Conformity Assessment and Supervision, reviewing documentation and attending meetings in Europe, as required.
- Update the webpages containing ROGS information to ensure it is current and accurate.
- Update the ORR website and ERADIS database.

Technical Development Executive (or Nominated Deputy)

Role:

- Provide administrative support to the safety certification and safety authorisation assessment process.

Responsibilities:

- Maintain the spreadsheet listing safety certificates and safety authorisations issued and inform teams via the Senior Executive: Safety Permissioning, those that are approaching renewal date and need to be incorporated into the planning phase.
- Create PRM-SCA-xxxx cases on Box and allocate the RI file series number to assessments.
- Prepare covering letter, safety certificate and safety authorisation template documents including the allocation of European Identification Numbers (EIN's) for formal sign off.
- Collate and compile hard copy registered files in advance of formal sign off of safety certificates and safety authorisations.
- Issuing electronic and hard copies of signed covering letters and safety certificate and or safety authorisation documents to the applicant.
- Update the ORR website and ERADIS database to show safety certificates and safety authorisations issued.

Strategy and Capability Team Manager

Role:

- Ensure ORR staff have been offered the appropriate training, level of competence and confidence to undertake assessments of safety certificate and safety authorisation applications.
- Ensure application assessments contain coverage of ORR strategic health and safety priorities or other emerging high profile risk topics through liaison with Heads of Inspection, route teams and specialist inspectors.

Responsibilities:

- Oversee the roles carried out by the Senior Executive: Safety Permissioning and Technical Development Executive in relation to processes associated with safety certification and safety authorisation assessments.
- Ensure applications are being assessed in a consistent manner and raising matters of concern with senior managers in RSD.

Legal Team

Role and Responsibilities:

- Provide legal advice on queries that require further in depth analysis of ROGS regulations and; ensure ORR is advising applicants of the correct type of safety certificate or safety authorisation required.

5. Competence and Training

- 5.1. All personnel should be familiar with and understand the content of this guide.
- 5.2. Those in the role of Assessment Managers, Lead Assessors and Assessors should be warrant holding HM Inspectors or Inspector Assistants.
- 5.3. HM Inspector of Railways (Trainee) and HM Inspector Assistants should not act as a lead assessor unless mentored by an experienced assessor. In circumstances where the assessment team are unfamiliar with processes relating to assessments of safety certificate and safety authorisation applications, the Senior Executive: Safety Permissioning will offer advice and guidance where required.
- 5.4. Experienced assessors will be able to demonstrate:
 - An understanding of the assessment processes in place for assessing applications for safety certificates and safety authorisations.
 - The application of assessment criteria for both mainline and non-mainline applications.
- 5.5. In addition to the above, it is desirable that they have carried out an assessment within the last 12 months. If not mentoring will be provided by the Senior Executive: Safety Permissioning.
- 5.6. Ideally and prior to undertaking an assessment of a safety certificate or safety authorisation application, individuals must have attended the “An introduction to health and safety certification and supervision” training event. This is a mandatory event and part of the learning package for HM Inspector of Railways (Trainee) and HM Inspector Assistants. Established Inspectors and Principal Inspectors can also attend the event for refresher purposes.
- 5.7. As part of the planning process led by the Senior Executive: Safety Permissioning, who notifies team managers of forthcoming applications, this is also an opportunity for less experienced individuals to request refresher training on assessment processes.
- 5.8. Assessment Managers and Lead Assessors who have not undertaken an assessment of a safety certificate or safety authorisation application for 18 months or more, should request a refresher on the process from the Senior Executive: Safety Permissioning or, be mentored through the assessment process.
- 5.9. The assessment manager should have oversight of assessments being carried out by less experienced individuals. The level of oversight required should be agreed

between the assessment manager and lead assessor. It is advisable that the assessment manager has sight of the issues log prepared on the S5 form by the lead assessor prior to it being issued to the applicant.

- 5.10. No individual shall commence an assessment if they do not hold the pre-requisites to undertake such work or have a suitable mentor allocated to support them during the assessment.
- 5.11. The Senior Executive: Safety Permissioning will provide briefings to teams on any changes to the assessment process and will be carried out prior to changes taking effect.
- 5.12. Any individual requiring training, mentoring, advice or guidance on assessment processes should contact the Senior Executive: Safety Permissioning.

6. Summary of Assessment Process

- 6.1. This chapter provides a summary of the assessment stages. Further detailed guidance is available in the chapter covering the stage. Annex A of this document provides a flowchart showing the assessment process.

Notification of forthcoming applications

- 6.2. The Senior Executive: Safety Permissioning notifies team managers, where known, of forthcoming applications that their team will lead on.

Pre application meetings

- 6.3. These are held to outline assessment processes to applicants, establish contact points within the applicant, understand the applicants business and confirm the type of safety certificate or safety authorisation that will be applied for.

Assessment Planning

- 6.4. The assessment manager and lead assessor discuss the amount of time required to undertake the assessment. The S1 assessment planner and S2 assessment calculator documents interlink with each other at this stage.

Initial Screen Stage 1

- 6.5. This is normally carried out by the Case Manager or the nominated deputy. It ensures that the applicant has applied for the correct safety certificate or safety authorisation, provided the relevant supporting documentation for an application and that the correct legal entity has been identified.

Initial Screen Stage 2

- 6.6. This is carried out by the Lead Assessor. The purpose of this stage is to provide assurance that the applicant has provided sufficient evidence to enable progress to the main assessment. This stage also covers affected parties consultation.

Main Assessment

- 6.7. This is a detailed assessment of the application against the relevant assessment criteria. The representation by affected parties is part of this stage and these are considered by the Lead Assessor when formulating the issues log in section 5 of the s5 form. This stage also covers reviewing responses from applicants and where required, a meeting to discuss the issues raised.

Preparation of assessment report

6.8. This stage summarises the assessment carried out. A decision should be made on whether to issue or refuse the safety certificate or safety authorisation and reasons as to why. Consideration of matters for later inspection that form part of the wider 5-year supervision plan are part of this stage and recorded on the S5 form. Production of the 5-year plan is carried out separately from the assessment process. The report produced by the lead assessor is then forwarded to the assessment manager for their review and sign off. Following completion of milestones by both the lead assessor and assessment manager, the case manager will carry out their assurance. The case manager assurance is to ensure that the assessment process has been followed throughout.

Compilation of registered file (hard copy)

6.9. The Technical Development Executive, Case Manager or nominated deputy will print off the contents of the electronic registered file on the Box case in preparation for formal sign off. The lead assessor and assessment manager should ensure that all documentation and correspondence relating to the assessment is uploaded to the case.

Formal Sign Off

6.10. This stage is the sign off or refusal of a safety certificate or safety authorisation. The registered file should be made available to the authorised signatory for review and final decision. The authorised signatory can be the HM Chief Inspector of Railways or one of the deputies who hold delegated authority.

Assurance

6.11. The case manager will carry out assurance activity associated with the tasks described in 6.6, 6.7 and 6.8. The purpose is to ensure the assessment processes are being followed and provide guidance or advice on any emerging issues with applications that could prevent issuing a safety certificate or authorisation.

7. Assessment Forms

7.1. The Case Manager uploads the relevant assessment forms during the first stage of the initial screen.

S1 Assessment Planner

7.2. This form is completed by either the assessment manager or lead assessor. The assessment manager will agree and sign off that the assessment has been carried out at the assessment manager assurance stage. The case manager carries out assurance at end of the assessment to verify that the assessment team have delivered as planned.

S2 Assessment Calculator

7.3. This provides the dates of the key milestones associated with the assessment. The lead assessor and case manager should review and update regularly to ensure that the assessment is being delivered to correct timescales.

S3.1 Initial Screen (Mainline Safety Certificate)

7.4. This form is used for initial screens of applications that for mainline safety certificates. The case manager, lead assessor and assessors complete the form.

S3.2 Initial Screen (Mainline Safety Authorisation)

7.5. This form is used for initial screens of applications that for mainline safety authorisations. The case manager, lead assessor and assessors complete the form.

S3.3 Initial Screen (Mainline Safety Certificate & Safety Authorisation)

7.6. This form is used for initial screens of applications that for both a mainline safety certificate and authorisation. The case manager, lead assessor and assessors complete the form.

S3.4 Initial Screen (Non-Mainline Safety Certificate & Safety Authorisation)

7.7. This form is used for initial screens of applications that are for either a non-mainline safety certificate and authorisation or both. The case manager, lead assessor and assessors complete the form.

S5 Assessment Record

7.8. This is a key document in the assessment process. It provides a full record of the assessment carried out and forms the basis of the decision as to whether ORR accepts or refuses an application. The case manager, lead assessor, assessors and assessment manager complete this form.

8. Pre-Application Meetings

- 8.1. Prior to submission of an application, the applicant may request a meeting with ORR about the possibility of them applying for a safety certificate or authorisation.
- 8.2. The ROGS Toolkit is a recommended useful starting point for potential applicants. Answering a series of set questions about proposed operations, an indication as to the whether a safety certificate or safety authorisation or simply, a safety management system is required will be provided.
- 8.3. The meeting shall focus on the following items of discussion:
 - Outline of the applicant's intended operations and the required certification or authorisation they will need to hold.
 - Outline of ORR's assessment process including timescales.
 - Affected parties. This includes why an applicant needs to contact affected parties, who possible affected parties are, establishing preferred method of contact and what happens with any representations made.
 - Formatting of the submission document including the cross reference matrix (if required) that maps SMS evidence to assessment criteria.
 - An indication of timescales as to when ORR can expect to receive a submission. For new entrants, it is strongly advised that they provide a draft submission document for review to reduce the possibility of a formal application failing the initial screen.
- 8.4. For existing holders of safety certificates or authorisations, the lead inspector for the dutyholder should include on liaison meeting agendas, an item on the renewal of the safety certificate or authorisation. It is advised that this around 8 months prior to the submission being required.
- 8.5. The Senior Executive: Safety Permissioning will attend some pre-application meetings. If the applicant or lead inspector are less experienced with ROGS assessments or proposing to make changes that impact on the existing safety certificate or safety authorisation, the Senior Executive: Safety Permissioning will attend to provide advice and guidance on assessments. If attendance of the Senior Executive: Safety Permissioning is required, the lead inspector should request attendance accordingly.

- 8.6. If a potential application is from a new entrant or new franchisee, the Senior Executive: Safety Permissioning will discuss with the relevant team manager, the request from the applicant to meet with ORR. The lead assessment team manager may wish to nominate a representative from their team.
- 8.7. A record of the meeting will be made and placed onto the registered file of the Box PRM-SCA case.
- 8.8. An outline of discussions will be issued to the potential applicant. This should include reference to:
 - The type of certification or authorisation required for the operation.
 - Affected parties consultation process.
 - ORR assessment timescales and;
 - The required documents to be submitted by the applicant as part of the formal application.

9. Application Submission

9.1. The submission pack from the applicant shall contain:

- A completed ERA application form for a mainline safety certificate or safety authorisation.
- A valid Part A safety certificate if the application is for a Part B safety certificate only and, the applicant has received their Part A in another EU member state.
- A document that describes the safety management system (SMS) and demonstrates compliance with the requirements set out in the ROGS regulations and relevant assessment criteria.
- A cross reference matrix mapping evidence contained in the SMS document against the assessment criteria. This is only required for submissions that do not follow the layout of the ORR assessment criteria documents i.e. criterion by criterion.
- Details of affected parties consulted and method of contact. Further information on the affected parties process is covered in Chapter 11.

9.2. At present, there is no application form for non-mainline applicants. Applicants in this category will need to state in the covering letter or email, whether they are applying for a safety certificate, safety authorisation or both. Information on legal denomination, trading name, company registration number and, VAT number are also required.

9.3. Applications can be submitted by e-mail to ROGS@orr.gov.uk

9.4. All applications are acknowledged upon being received by ORR.

10. Assessment Planning

- 10.1. The Senior Executive: Safety Permissioning will have informed teams of known forthcoming applications to enable production of workplans. This will have provided an opportunity for the assessment manager and lead assessor to discuss the amount of time required to undertake the assessment.
- 10.2. Once the submission arrives, the assessment manager and lead assessor will need to establish if not done so previously, and, record the amount of time required to undertake the assessment.
- 10.3. The Senior Executive: Safety Permissioning will populate the S1 Assessment Planner and S2 Assessment Record forms with details regarding the application.
- 10.4. The S2 calculates the overall time available for ORR to undertake the assessment. This includes stages delivered by everyone involved in the process. The case manager will populate the following cells on the S2:
 - Date of expiry of existing safety certificate or safety authorisation.
 - Date of application submission to ORR.
 - Date when the safety certificate or safety authorisation is required by (amended/updated safety certificate or safety authorisation or; new franchise).
 - Has there been a reduced timescale agreed between the applicant and lead assessor.
 - Affected parties consultation commenced.
 - Dates of when the clock was stopped during the assessment.
- 10.5. For new entrant or applications for an updated / amended safety certificate or safety authorisation, the assessment timescale will be 4 months from the date of submission. However, in some instances, a reduced timescale may be required. The S2 form will assist in determining the time available for assessment.
- 10.6. The S2 will provide dates of when assessment milestones need to be completed. These are indicative and in some instances, may be completed ahead of schedule or later than indicated. The important element is the application is assessed and concluded within the time available as shown on the S2.

- 10.7. The lead assessor and assessment manager should review the overall time available to deliver the assessment. A decision should then be reached as to the number of days required for the lead assessor / assessor(s) to deliver their part of the assessment.
- 10.8. The assessment manager or lead assessor records in section 3 of the S1 form, the start and finish dates of the assessment along with the areas of the application that will be assessed. In terms of the dates, these are those listed on the S2:
- Date of submission of application to ORR (start date of assessment).
 - Date certification must be issued by (end date of assessment).
- 10.9. The lead assessor, assessment manager and case manager should maintain the S2 to show progress with the assessment. An opportunity to add commentary against each milestone is available.
- 10.10. As part of the assurance by the assessment manager and case manager, they will complete sections 4 and 5 of the S1 form when the lead assessor has completed their assessment. Further details are provided in the respective assurance chapters.

11. Consultation with Affected Parties

- 11.1. Regulation 17(3) states that applicants must send a copy of their application to all people that will be affected by the operations. Alternatively, they can advise where the application can be accessed on a website.
- 11.2. Regulation 17(10) provides a statutory list of who affected parties are and must be consulted.
- For all applications, any recognised trade unions plus any staff safety representatives.
 - For all applications, the appropriate rail user groups. This will be Transport Focus or London Travelwatch. If the service does not operate in the London area, there is no requirement to consult London Travelwatch.
 - For a safety certificate application, anyone who manages the infrastructure. This can include those who manage stations the applicant calls at.
 - For an authorisation application, anyone managing infrastructure the applicant's infrastructure interfaces with.

Examples of affected parties in a safety certificate application

Scenario 1

A train operating company who is operating passenger train services should include Network Rail, Trade Unions that are represented within the company, Transport Focus and; Train Operating Companies whose stations are called at whereby that TOC acts as Station Facility Operator.

Scenario 2

A freight operating company operating services over routes nationally should include Network Rail, Contractors and Trade Unions that are represented within the company.

Scenario 3

A maintenance contractor whose vehicles will operate outside of possessions should include Network Rail and other infrastructure managers or contractors who will be coming into contact with such vehicles. In summary, Railway Group members would need to be informed. The maintenance contractor should also consult with Trade Unions that are represented within the company.

Examples of affected parties in a safety authorisation application

Scenario 1

A train operating company who is managing a particular station should include Network Rail plus the other train operating companies and freight operating companies who operate at that station.

Scenario 2

The infrastructure manager should include those who operate over its infrastructure whether train operating company, freight operating company or contractor.

Both scenarios require the applicant to consult with Trade Unions that have representation within the organisation.

- 11.3. Affected parties have 28 days to make any comments or provide further information about an application. The affected party should provide a response even if it is a nil return. This should also be within the 28 days.
- 11.4. The affected consultation period is part of the 4-month assessment timescale.
- 11.5. Any additional information submitted by the applicant, also needs sending to affected parties that they have consulted with.

Process for consulting with affected parties

- 11.6. The applicant may have provided an indication at the pre-application meeting, how it will consult affected parties. The methods of providing information are either:
 - Formal written letter advising of where the application can be found on a website. This letter is sent to the Companies House registered address of the affected party by Royal Mail Special Delivery.

- E-mail to the nominated contact in the affected party advising where the application can be found on a website or providing a copy with the e-mail.
- The applicant must be able to demonstrate to the lead assessor that all affected parties have received an application by some means and provide the supporting evidence. This can be an acknowledgement to the e-mail or the Royal Mail Special Delivery tabs.
- For any affected party that has not been consulted and meets the requirements of regulation 17(10), the applicant should consult those as soon as they are notified. The 28-day statutory consultation period commences as soon as they receive the submission.
- It is good practice for the applicant to keep a log of affected parties responses. This should include date of receipt, date comments or nil return provided and where necessary; date chasing the affected party for a response if outstanding.
- All responses including nil returns should be sent to ROGS@orr.gov.uk

Affected Parties contact database

- 11.7. ORR has an affected parties contacts database for those applicants that wish to send their submission by email. These contacts have formally agreed to accept submissions as an affected party by e-mail.
- 11.8. Applicants who intend to notify affected parties by e-mail of their submission to ORR, are asked to write to ROGS@orr.gov.uk with a list of affected parties they will be consulting with. ORR will provide contact emails for these organisations to the applicant.
- 11.9. Applicants that use the method described in 11.8 will be seen as having formally served notification of their submission to affected parties upon sending the e-mail.
- 11.10. If no contact is held on the affected parties contact database, the applicant will need to write formally to that affected party and send the letter Royal Mail Special Delivery.

Applications from an Operator of Last Resort (OLR)

11.11. Section 30 of the Railways Act 1993 places a duty on the Secretary of State for Transport to intervene and provide continuity of rail services in the following circumstances:

- The failure of an existing franchised operator.
- Mobilisation problems with a new franchisee.
- Negotiations for a franchise or Direct Award do not result in a successful outcome for the existing incumbent.

11.12. Should any of the above occur, DfT will make arrangements to transfer over operations to an Operator of Last Resort. This could occur at short notice and in turn, lead to a reduced timescale to assess an application.

11.13. In the event of an application from an Operator of Last Resort, DfT can apply for an exemption under ROGS regulation 30(2) requesting that the Operator of Last Resort be exempt from consulting with affected parties. This application should be made at the same time an application is submitted for the assessment.

11.14. ORR will consider the request and formally notify in writing, the outcome of the decision. A covering letter and exemption schedule will be issued granting an exemption from consulting with affected parties.

11.15. The exemption if granted will only be applicable to the submission made. Any subsequent applications made by the Operator of Last Resort, will need to follow the process of consultation with the relevant affected parties.

12. Initial Screen Stage 1

12.1. The Case Manager performs this stage.

12.2. Stage 1 of the initial screen covers:

- Name and address of the applicant making the application. This is both the legal denomination and trading name.
- Companies house registration number of the applicant.
- VAT Number (in some cases, this may be provided at a later date during the assessment if the applicant is in the process of registering with HMRC).
- Assessment manager and lead assessor allocated to the application.
- Date the certificate or authorisation is required by.
- Type of application made and if its correct in terms of the operations being carried out or proposed.
- SMS documentation supports the type of application being made and is clearly presented.
- A completed ERA application form has been received for mainline applications.
- Timing of submission; is there suitable time to undertake the assessment i.e. 4 months unless agreed a reduced timescale can be applied.
- Completion of sections 1 and 2 of the S1 assessment planner form.

12.3. The results of stage 1 of the initial screen are recorded on the relevant S3 initial screen form that corresponds with the type of application made. The S2 assessment calculator is updated to show that stage 1 of the initial screen has been completed.

12.4. If during this stage of the initial screen, there are deficiencies identified, a discussion will take place between the case manager and lead assessor. This will determine if the applicant can provide the missing information at a later date, or, if the deficiencies relate to the SMS documentation, a requirement for the applicant to resubmit may be the only way forward.

- 12.5. The following scenarios require immediate rectification and possible halting of the assessment until they are resolved:
- No completion of ERA application forms for mainline safety certificates or bsafety authorisations.
 - The legal entity denomination and companies house registration numbers do not correspond.
 - The legal denomination listed on the application form does not correspond with that listed at Companies House.
 - Renewal applications for which the legal entity referred to is not that currently holding the existing safety certificate or authorisation.
 - The SMS document does not reference the correct assessment criteria for which the application is made in relation to.
 - For part B safety certificate only applications and where the Part A is issued in another member state, no valid Part A safety certificate provided in the application pack and cannot be downloaded from ERADIS (ERA database showing safety certificates issued) either.
- 12.6. The Case Manager will notify the applicant in writing, if their application cannot progress beyond this stage. The notification will contain advice and guidance on what is required as part of the resubmission to rectify the deficiencies identified.

13. Initial Screen Stage 2

- 13.1. The lead assessor performs this stage but can also request the assessors look at the criterion they have been asked to assess.
- 13.2. The purpose of this stage is to:
 - Ensure the application submission document covers the applicable ROGS criteria. It provides an early assurance that the submission document is compliant.
 - Ensure the application submission document contains sufficient evidence to enable it to be assessed against the relevant assessment criteria. This includes referencing supporting SMS procedures where necessary.
 - Ensure the affected parties process has been followed correctly. This is described in Chapter 11.
- 13.3. The lead assessor or assessor records the following on the relevant S3 initial screen form:
 - Whether the applicant has provided evidence against the assessment criteria by selecting Yes or No from the drop down function.
 - References the section(s) where evidence is located within the submission document.

Good Practice Tip

Making use of the comments box located within the assessment criteria on the S3 initial screen forms of items that require following up during the main assessment can save time when producing the issues log.

- 13.4. For amendment applications, the initial screen should only focus on the assessment criteria that require amending as part of the change and have been highlighted by the applicant.
- 13.5. In some instances, it may not be possible or practicable to carry out the initial screen stage 2. This may be due to the application having a limited timescale for assessment. The lead assessor should discuss such approach with the assessment manager and case manager. If stage 2 of the initial screen is being bypassed, this needs to be noted on the relevant S3 form.

- 13.6. The lead assessor shall record on the S2 assessment record, the date that the initial screen stage 2 is completed.
- 13.7. The lead assessor will populate section 3 of the S1 assessment planner to show which elements of the application they are assessing. They will also do likewise for assessors participating in the assessment.

14. Initial Screen Assurance

14.1. The purpose of this stage is to:

- The initial screen has been carried out correctly by the lead assessor and that the relevant sections on the S3 form have been completed.
- The submission document provided has been reviewed by the lead assessor and they are satisfied it is suitable to be assessed in detail against the relevant assessment criteria.

14.2. The case manager will formally sign off the initial screen as completed providing the tasks listed in 13.3 have been carried out.

14.3. In the event of a resubmission being required, the case manager will discuss the reasons with the lead assessor and formally agree to this. In some cases, the case manager may suggest that the issues are resolved as the assessment progresses and not recommend or formally agree to a resubmission.

14.4. In situations where the initial screen has been bypassed, the case manager will record the reasons in the comments field of the assurance section on the S3.

14.5. The case manager advises the lead assessor of the assurance outcome by e-mail and uploads it to the Box PRM-SCA case under 04. Initial Screen of the 01. Registered File folder.

14.6. The case manager records on the S2 assessment record, the date that initial screen assurance was carried out.

15. Affected Parties Assurance

- 15.1. This stage is carried out following conclusion of the affected parties consultation process. The case manager and lead assessor discuss:
- The list of affected parties provided by the applicant, whom has responded and is still to respond.
 - Actions required by the applicant to chase up those affected parties still to respond.
- 15.2. The case manager will advise the lead assessor on the format for recording affected parties comments in sections 4 and 5 of the S5 form.
- 15.3. The case manager will email the lead assessor to confirm the assurance has been carried out and outline any actions discussed. The case manager uploads the email to the Box PRM-SCA case under 05. Affected Parties of the 01. Registered File folder.
- 15.4. The case manager records on the S2 assessment record, the date that affected parties assurance was carried out.

16. Main Assessment

- 16.1. This stage is the detailed review of the application submission document provided. The assessment is predominantly documentary based unless agreed otherwise with the assessment manager. The application document is to demonstrate that the applicant has a safety management system that is capable of managing the operation safely.
- 16.2. To undertake this stage, the lead assessor and where agreed, the team of assessors, need access to the following supporting documents:
- Assessment Criteria for mainline railway safety certificate and safety authorisation applications OR;
 - Assessment Criteria for non-mainline railway safety certificate and safety authorisation applications.
 - Submission document and if provided, a cross reference matrix explaining where evidence is located in the submission document against the assessment criteria.
 - S5 Form.
 - Representations made by affected parties. These will be located in the Box PRM-SCA case under 05. Affected Parties of the 01. Registered File folder.
- 16.3. The purpose of this stage is to:
- Establish which assessment criteria have been complied with.
 - Identify areas in the submission and the assessment criteria that require further information or clarification to demonstrate compliance.
 - Follow up representations made by affected parties.
- 16.4. For assessments that are being carried out by multiple assessors, the lead assessor should remind the team of the assessment criteria that they are covering and agree a deadline for when their element will be complete.
- 16.5. Assessments being undertaken for an amendment to existing safety certificates or safety authorisations shall focus on the criterion that have changed only.

- 16.6. As part of the renewal application assessment, the lead assessor should review previous supervision records that are available. These can include inspection & audit reports, incident investigation reports, response to industry recommendations etc. to determine the areas of the SMS that are strong and the areas that could be improved.
- 16.7. Applications for the renewal of safety certificates or safety authorisations do not require all the assessment criteria to be assessed. The focus should be a risk based targeted and proportionate assessment. In particular, the following offer an approach that can be taken with renewals:
- Assessing criterion that have changed since the previous submission and new or additional evidence has been provided. This evidence should be easily identifiable either through highlighting or different coloured text in the SMS submission document.
 - Assessing the areas of the applicant's SMS that are known to be less mature and whereby evidence obtained during supervision activity demonstrates this. The applicant should be working on and demonstrating continuously improving these areas of the SMS.
 - Assessing areas of the SMS that are known from previous applications to be less developed in terms of evidence provided as to how the assessment criteria is met.
 - The current ORR strategic risk or health and safety priorities.
- 16.8. In some situations, the level of supervision with a dutyholder may have been limited. This leads to a challenge in determining which areas of the application need further assessment. The lead assessor should discuss with the assessment manager, the benefits of carrying out some practical inspection activity in addition to reviewing the submission document against the assessment criteria. This will provide a degree of assurance that the SMS is being complied with by the applicant.
- 16.9. The lead assessor should select inspection topics based upon risk or those that provide an overview of how mature the SMS is. Suggested topics can include risk assessment & management, rolling stock maintenance, infrastructure maintenance and repair, contractor and supplier monitoring, emergency planning, auditing and competence managements.

- 16.10. Where the lead assessor takes the approach of combining both documentary and practical methods of assessment, they must still follow the agreed process for assessing applications for safety certificates and safety authorisations for the documentary element. The approach to inspection and producing a report on that element, should provide an indication as to how the assessment criteria being assessed and a level of compliance.
- 16.11. To assess the application and ensure the SMS is suitable, sufficient and meets the requirements of the regulations, the lead assessor and assessor(s) need to read the submission document alongside the relevant assessment criteria.
- 16.12. A list of expected evidence that the applicant is required to demonstrate within their submission document, is provided against the individual assessment criteria. The submission document should provide a high-level summary of how the applicant's SMS is able to demonstrate compliance with the assessment criteria and meet the regulations. There should be reference to supporting SMS policies and procedures that contain the detail, throughout the document.
- 16.13. Whilst a high-level summary is required, it almost provide some description of how the SMS is addressing the assessment criteria. The assessment is not about reviewing each individual SMS policy or procedure although the lead assessor or assessor may wish to sample a small number to gain assurance that the detail is provided within the SMS.
- 16.14. If the evidence contained in the SMS submission document shows that it demonstrates meeting the expected evidence required for that particular assessment criteria, the applicant has complied with that criteria. The lead assessor or assessor needs to record this in part 1 of the S5 form. This is done by placing an "X" in the box next to the criteria and their initials.
- 16.15. Where evidence contained in the submission document does not fully meet assessment criteria requirements or requires clarification, the lead assessor / assessor should decide the most appropriate course of action to resolve this.
- 16.16. If the evidence presented demonstrates the criteria has been met overall and only minor clarification is required, it may be reasonable to leave following up as a matter for further inspection.
- 16.17. In some instances, the most appropriate option will be to raise the matter on the issues log in section 5 of the S5 form. This approach is the optimal course of action in order to establish if the applicant can demonstrate their SMS complies with the assessment criteria. Details on how to record issues on the S5 form are provided in paragraph 16.19.

16.18. The lead assessor can request copies of individual SMS policies or procedures to review, if they believe it is the most appropriate method to determine compliance with the assessment criteria.

Good Practice Tip

For new applicants and those who are not a franchisee, it is advisable to request a sample of supporting SMS policies and procedures. This is primarily to establish that they exist practically, and, their content satisfies what the assessment criteria requires. The lead assessor or assessor are not expected to approve these documents and this should be made clear to the applicant upon requesting them.

16.19. The lead assessor or assessor shall raise their issues under section 5 of the S5 form. Section 5 should be populated as follows:

- Assessors reference number – please use initials followed by a sequential number. Example TK-01 etc.
- Document Section / Page / Paragraph – this is the document that the issue relates to along with the page number and where provided, a paragraph number. Example, Part A submission document, Page 23, M1.4.
- Criterion Number / Regulation – reference the applicable assessment criteria or criterion that the issue relates to. Reference to the actual regulation within ROGS is not essential but if individuals wish to refer to them, they can.
- Details / Subject / Comments / Action Required – this is the actual issue identified and what the applicant is required to provide to demonstrate compliance with the assessment criteria.
- Applicants Response – this column is populated by the applicant. They should provide a detailed response and reference any supporting documentation provided to assist with closing the issue. Where submission documents are amended to address the issue, they should advise this in the response.
- Outcome – this column is populated by the lead assessor or assessor. They need to state what action they have carried out to close an issue and date when the issue was closed.

- 16.20. For assessments that comprise of a lead assessor and assessors, a single S5 form should be produced which incorporates all issues raised. The issue references should identify the assessor raising the issue.
- 16.21. Representations from affected parties are recorded in section 4 of the S5 form. Lead assessors are asked to record the following:
- All representations made by affected parties including “nil return”. This provides a record of affected parties consulted and their comments on an application.
 - If the matter is to be raised as an assessment issue, can be dealt with via other methods such as inspection at a later date and in some instances, the matter has no specific relevance to safety or content of the submission or the applicant has responded directly to the affected party.
- 16.22. Affected parties representations are taken forward as follows:
- In section 5 of the S5 form, lead assessors record the representation under their own initials and sequential number but cross references the affected party identification. For example, TK-22 (See NR-01).
 - In section 4 of the S5 form, the column “To be raised with the applicant as an assessment issue” should refer to the issue number allocated. Using the example in the first bullet, populating the column with “see TK-22” is suitable evidence that the matter is being raised with the applicant.
- 16.23. Once sections 4 and 5 of the S5 form are fully populated along with the assessment criteria complied with as part 1 sections 1 to 3 on the S5 form, it can be issued to the applicant by email. The S2 assessment record needs updating to show the date that the main assessment commenced and that which the S5 was issued to the applicant.
- 16.24. The lead assessor will if required or requested by the applicant, arrange a meeting to discuss the issues raised. If the issues can be dealt with through correspondence, then a meeting does not need to take place.
- 16.25. The lead assessor shall ask that the applicant responds by completing the appropriate column on the S5 form. The lead assessor in the email sent with the S5 must provide a timescale for a response from the applicant.

17. Issues Log (S5 Form) Meeting

- 17.1. The issues log meeting as commonly known, is between the lead assessor, assessors (if required to discuss issues they raised) and representatives of the applicant at an agreed location.
- 17.2. The purpose of the issues log meeting is to:
- Discuss the issues raised during the assessment and seek a response from the applicant. These are those recorded in section 5 of the S5 form.
 - Meet with senior management of a new applicant to discuss plans once the operation commences.
 - Discuss those issues requiring further evidence or clarification in situations where the applicant has already provided a written response.
 - Agree a timescale for a formal written response from the applicant if they have not already provided one.
- 17.3. For applicants from new applicants or new franchises, it is strongly recommended to hold a meeting even if the issues are suitable enough to be closed out through correspondence. The reason for such approach is that it may provide the opportunity to meet with senior managers who have been appointed since the application was made.
- 17.4. A formal written record of the meeting is required and placed on the Box PRM-SCA case under 06. Main Assessment and Issues Resolution of the 01. Registered File folder. The lead assessor will also update the S2 assessment record to show the date the meeting took place.
- 17.5. In some instances, the issues may be minor in nature and can be dealt with by correspondence. If that is the chosen method of resolution, the lead assessor needs to record on the S2 “Meeting with the applicant” as “N/A” and in the comments cell, explain the approach taken to address the issues.

18. Reviewing responses to issues from the applicant

- 18.1. The applicant will provide the following to facilitate the closure of issues raised during the assessment:
- A formal written response on the S5 form with the column “applicant’s response populated.
 - Supporting SMS procedures if requested and referred to in the issue raised.
 - A copy of the revised submission document that has any text amendments highlighted in a different colour. This makes it easier for reviewing responses to the issues that required text amendments.
- 18.2. The lead assessor will record the date a written response is received on the S2 assessment record. The lead assessor acts as the central point of contact and is responsible for distributing any documentation provided by the applicant.
- 18.3. The lead assessor or assessors review the responses received from the applicant along with any supporting documentation to decide if the evidence provided is suitable and sufficient to close the issue.
- 18.4. The lead assessor or assessors populate the “outcome” column in section 5 of the S5 form. This includes a record of the evidence they have reviewed to close an issue and state the date of closure.
- 18.5. If following the review of the applicant’s response, the issue has not been addressed satisfactorily, the lead assessor or assessor shall decide on the following:
- Request further information from the applicant to assist with closure or;
 - Close the issue based on the evidence provided by the applicant but record it as a matter for later inspection. It is advisable that the high priority status is assigned if choosing this method.
- 18.6. The lead assessor returns the S5 to the applicant advising of the issues that remain open and what additional evidence is required to support closure. Paragraphs 18.1 to 18.4 outline the actions required by the applicant and lead assessor or assessors.

- 18.7. Once the lead assessor or assessor is satisfied that any additional evidence provided is sufficient to close the issues, the S5 is updated accordingly. The S5 is sent to the applicant by email to advise that the assessment is complete.
- 18.8. The applicant at the time of receiving a completed S5 form should send the lead assessor, the final SMS submission document. This document must not contain any highlighting or different colour text.
- 18.9. For new applicants, the lead assessor should ensure that all SMS procedures are approved prior to recommending the safety certificate or safety authorisation is formally signed. Whilst copies are not required of each individual procedure, the applicant must provide written confirmation to the lead assessor that the final signed versions have been implemented.
- 18.10. Completed S5 forms should be saved in subfolder 06. Main Assessment and Issue Resolution of 01. Registered File in the PRM-SCA case on Box.
- 18.11. The lead assessor or assessment manager will advise the case manager of any significant issues outstanding at this stage that could delay the issuing of a safety certificate or safety authorisation. The case manager may suggest a way forward that enables the issue of safety certificate or safety authorisation. The final decision though, is with the lead assessor and assessment manager on how they wish to proceed.

19. Main Assessment Assurance

- 19.1. The lead assessor and case manager will discuss the outcome of the assessment. This will include any meetings held with the applicant to discuss the issues log and responses received from the applicant to facilitate closure of an issue.
- 19.2. Where there have been previous discussions between the case manager, lead assessor and the assessment manager during the main assessment relating to concerns about the closure of some issues, the lead assessor shall provide an update on how these and action taken with the applicant.
- 19.3. Providing there are no significant issues, the case manager will advise that the assessment can proceed to the lead assessor and assessors if appropriate, producing the assessment report. These are sections 6 to 12 on the S5 form.
- 19.4. The case manager will update the S2 assessment record to show the date that assurance was carried out.

20. Concluding The Assessment

- 20.1. Providing there are no issues identified during the assurance stage of the main assessment, the application can proceed forward to the lead assessor producing assessment reports and listing issues that need closing out in full through inspection. The items requiring inspection should be allocated within the 5-year inspection plan and be delivered based on priority. Further details are provided in paragraph 20.4.
- 20.2. The lead assessor is required to complete sections 6 to 12 on the S5 form.
- 20.3. Assessors that participated in the assessment are asked to complete section 6 of the S5 form only. They should confirm to the lead assessor when they have completed this task.
- 20.4. Section 6 of the S5 form is for commentary on the elements of the application that have been assessed, any matters for early inspection are to be delivered within the first year of the certificate and later inspection, years 2 to 5.
- 20.5. Section 7 of the S5 form shall list the issues that are outstanding, the reasons why and if they can be deferred to inspection. For consistency purposes, the assessment criteria listed sections 1 to 3 of the S5 should remain unchecked if answering “no” in the first question in section 7.
- 20.6. Section 8 of the S5 form shall provide a record of the affected parties matters and their status. In most cases, the affected parties matters will have been resolved. If any remain outstanding, the lead assessor should consider resolving these during inspection.
- 20.7. Section 9 of the S5 form needs further information if the assessment manager has intervened during the assessment due to assessors having differences of opinion.
- 20.8. In section 10 of the S5 form, the lead assessor will provide advice of any recommendations that remain open since the last assessment. These include previous inspections, internal accident / incident investigation reports including those produced by RAIB. If there is no data available, it is advisable to put this in the comments field.
- 20.9. Lead assessors are reminded that section 10 of the S5 form is **not applicable for new applicants**. The lead assessor should state in the first question that the applicant is a new entrant so no previous work has been undertaken with them.

- 20.10. Section 11 of the S5 form should list matters that require further inspection with a priority period assigned. This section should be consistent with the items listed in section 6.
- 20.11. Section 12 of the S5 form is where the lead assessor recommends that the application is accepted or refused. The lead assessor will also formally state if they have assessed the application in accordance with processes in place.
- 20.12. Completed S5 forms from sections 1 to 12 should be uploaded to subfolder 08. Assessment Record of the 01. Registered File on the PRM-SCA case on Box.
- 20.13. The lead assessor will advise the assessment manager that the assessment report is complete. The lead assessor will request that the assessment manager carries out their assurance of the assessment.
- 20.14. The S2 assessment record is updated to reflect the date for “preparation of final assessment report”. This is the date of the assessment handover from the lead assessor to the assessment manager.

21. Assessment Manager Assurance

- 21.1. The assessment manager will review the assessment file on the Box PRM-SCA
- 21.2. The assessment manager will then complete:
 - Sections 13 to 16 of the S5 form.
 - Section 4 of the S1 form.
- 21.3. On the S1 assessment planner, the assessment manager provides the date that the lead assessor provided them a copy of the assessment report compiled on the S5.
- 21.4. The responses to the questions are either Yes or No. If answering No to questions B2 and B4, further information is required.
- 21.5. The assessment manager can add supporting commentary to the responses provided in relation to C1 to C5 contained in section 15. The comments box is provided in section 15.
- 21.6. The assessment manager will sign off section 4 of the S1 assessment plan. This confirms the assessment has been carried out in accordance with the plan produced at the start of the assessment.
- 21.7. Once assurance is completed, the assessment manager will advise the case manager and handover the assessment for final assurance. An e-mail exchange is satisfactory or if the assurance has identified some issues, a phone call, to determine the appropriate course of action to resolve these.
- 21.8. The assessment manager will update the S2 and input the date next to “Final Assessment Report” as the date they have carried out assurance.

22. Case Manager Assurance

22.1. The case manager at this stage completes:

- Sections 17 to 20 of the S5 form.
- Section 5 on the S1 form.

22.2. The assurance questions require “Yes” or “No” answers from the drop down list. The option of providing comments and explanations is available.

22.3. In section 17, the case manager will in addition to answering Yes or No, provide the dates that the assurance milestones were carried out in the explanations field. These are obtainable from the S2 assessment record.

22.4. The case manager in section 18, will ensure that the statutory affected parties as determined by regulation 17(10), have provided either comments, a “nil return” or that the applicant can demonstrate effective chasing up of a response. For those affected parties that are not statutory but have been consulted with, the applicant has to have demonstrated they have made all reasonable efforts to chase a response.

22.5. Section 19 is a review to ensure that assessment processes have been followed correctly. The case manager can provide commentary by referencing the relevant item in the comments field.

22.6. The case manager at the end of the assurance in section 20 of the S5 form provide a recommendation that either:

- The application for a safety certificate or safety authorisation is accepted.
- The safety certificate or safety validation is issued but with a limited validity period and outline the reasons why.
- The application is refused and provide reasons why this course of action has been decided.

22.7. The case manager will sign off the assurance element and organise the following:

- Production of the hard copy registered file.
- Allocation of European Identification Numbers (EIN) (Mainline) or ORR Identification Numbers (Non-Mainline) for the safety certificate and safety authorisation.

- Preparation of the covering letter, safety certificate and safety authorisation templates.

- 22.8. The case manager will contact the assessment manager if during assurance, there are issues identified with the assessment not following the processes in place or evidence is missing from the case. An agreement will be reached as to how these matters can be resolved.
- 22.9. In the event of evidence being missing from the case that is required in order for the application to progress beyond the assurance stage, the case manager may halt the assurance. The lead assessor will then be given time to upload missing documents and advise the case manager when they have done so. The assurance will then recommence.
- 22.10. Following completion of the assurance, the case manager will advise the lead assessor and assessment manager of the outcome by e-mail. The S2 assessment record is updated to show the date that assurance was carried out.

23. Preparation of safety certificate and safety authorisation templates.

- 23.1. The Technical Development Executive or Case Manager will prepare the safety certificate or safety authorisation for formal sign off.
- 23.2. The European Identification Numbers or ORR Identification Numbers are generated from “Safety Cert & Auth EIN numbering 2018” which is contained in Box.
- 23.3. The safety certificate or safety authorisation are populated from the information contained on the application form provided by the applicant.
- 23.4. The valid from date will be one of the following:
 - The franchise commencement date.
 - The date the safety certificate or safety authorisation are formally signed if a new applicant or amendment to an existing safety certificate or safety authorisation.
 - The day after expiry of the existing safety certificate or safety authorisation if a renewal application.
- 23.5. The valid to date will be up to 5 years from the date of signature or where an application is for an amended or updated safety certificate or safety authorisation, the valid to date will be that shown on the original safety certificate or safety authorisation.
- 23.6. Renewed safety certificates and safety authorisations shall commence from the end date of the existing safety certificate or safety authorisation. Where possible, ORR will sign and issue these as close to the end date of the current safety certificate or safety authorisation.
- 23.7. The date of issue is the date that the safety certificate or safety authorisation are formally signed.
- 23.8. The internal reference number is the Box PRM-SCA case number.
- 23.9. A template covering letter also accompanies the signed safety certificate or safety authorisation. The letter will provide contact details for the authorised signatory though the e-mail address on the letter will be that of the lead assessor.
- 23.10. The date on the covering letter is auto generated. It will default to the date it is produced or printed out.

- 23.11. Letters and safety certificate or safety authorisation templates must be printed out in colour and single sided.
- 23.12. The safety authority field on the safety certificate or safety authorisation is stamped before handing over the documents for formal signature.
- 23.13. For franchises or concessions, the organisation awarding the franchise or concession, will request a covering letter from ORR which advises that the application has been assessed with no major issues identified and ORR has not directed the applicant to applying for amendments to their safety certificate or safety authorisation during mobilisation. Copies of the safety certificate and safety authorisation are sent with the covering letter.

24. Preparation of the hard copy registered file.

- 24.1. The Technical Development Executive or Case Manager or nominated deputy will prepare a hard copy registered file prior to formal sign off or refusal of the safety certificate or safety authorisation.
- 24.2. The hard copy registered file replicates the documents that are stored on the Box PRM-SCA case. It is essential that all relevant documents are uploaded to the case at this stage of the assessment.
- 24.3. A set of file labels are available for dividing the registered file into sections. A label shall also be placed on the front of the registered file showing the following information:
 - RI file reference number in the RI/80 series.
 - PRM-SCA case number.
 - Application details; name of applicant and type of application.
- 24.4. The file is compiled with the highest number appearing at the front; that will be “10. 5 Year Plan”.
- 24.5. All documents printed out shall be placed into the A4 punched pockets to keep them in pristine condition.
- 24.6. Documents requiring signature, are placed into the pockets and tabbed up so that they are visible.
- 24.7. There is no requirement to print off any supporting SMS procedures provided. It is also reasonable to place a note for subfolders “02. Application Documents” and “07. Revised Submission Documents” referring the reader to review SMS application documents electronically. They may print those documents if they wish to.
- 24.8. Once the file is populated, it can be passed to the person that will formally sign off or refuse the application for a safety certificate or safety authorisation.

25. Formal sign off or refusal of safety certificate or safety authorisation.

- 25.1. The hard copy registered file will be provided to the authorised signatory. This will be the HM Chief Inspector of Railways, HM Deputy Chief Inspector of Railways or Head of Inspection.
- 25.2. The assessment manager may have been the Head of Inspection or HM Deputy Chief Inspector of Railways. In this scenario, they cannot provide formal sign off of the safety certificate or safety authorisation as they have participated in the assessment.
- 25.3. The authorised signatory will review the contents of the registered file to ensure:
 - The assessment has been carried out in accordance with ORR processes.
 - The assessment does not raise any significant issues or concerns that prevent signing off the safety certificate or safety authorisation.
 - Any matters for later inspection are time bound and justified.
- 25.4. Providing the conditions listed in 25.3 are met, the covering letter, safety certificate and / or safety authorisation will be formally signed.
- 25.5. In some situations, the application may be in a position whereby refusal is the only outcome due to significant concerns about the SMS being able to demonstrate safe operation and complying with the regulations.
- 25.6. In these situations, the lead assessor and assessment manager need to advise their Head of Inspection immediately explaining the reasons why. The Head of Inspection will then notify the HM Deputy Chief Inspector of Railways and HM Chief Inspector of Railways of the decision that the assessment team have arrived at.
- 25.7. A meeting involving the lead assessor, assessment manager, Head of Inspection and, either the HM Deputy Chief Inspector of Railways or HM Chief Inspector of Railways will discuss various options available to avoid refusal. These may include limited validity or operational scope of the safety certificate or safety authorisation. Another option may be to adopt a rigorous inspection programme with the applicant. The Senior Executive: Safety Permissioning will also attend this meeting to formally record a note of the meeting, document decisions made and provide any further supporting evidence required for a decision to be made. The note will be placed on the Box case under 08. Assessment Record of the 01. Registered File and also the hard copy registered file.

- 25.8. If the final decision is to refuse an application, the applicant shall be formally notified. ORR should ensure that in the event of a refusal, all reasonable alternatives have been considered, documented and recorded on the registered file.
- 25.9. A copy of the assessment report will be sent with the letter of refusal. This provides transparency on why ORR has reached the decision to refuse the application.
- 25.10. The applicant can formally appeal to the Secretary of State under regulation 27(1) if ORR:
- Refused the application (including amendments and extension of the safety certificate or safety authorisation).
 - Failed to make a decision on the application within four months and the assessment had not been halted at any stage.
- 25.11. Details of the appeals process are available from rogsguidance@orr.gov.uk

26. Closing the application.

- 26.1. Once the covering letter, safety certificate and / or safety authorisation have been signed, they can be issued to the applicant.
- 26.2. The Technical Development Executive or Case Manager or nominated deputy will carry out the following tasks:
- Scan in signed copies of the covering letter, safety certificate or safety authorisation. These must be scanned single sided.
 - E-mail electronic copies to the applicant, franchising or concession body (if applicable) lead assessor, assessment manager and ORR's licensing team.
 - Upload electronic signed copies to the PRM-SCA case on Box and place in subfolder 09. Decision Certificates and Covering Letter of 01. Registered File.
 - Photocopy the signed documents and place into section 9 of the hard copy registered file.
 - Send out hard copies of original documents to the applicant. These must be sent in A4 "Please Do Not Bend" envelopes and by Royal Mail Special Delivery.
 - Upload the safety certificate or safety authorisation to the ORR website within 7 working days of issue.
 - Upload mainline safety certificates to ERADIS (ERA portal) within one month of issue and in accordance with ERA procedures. This includes those safety certificates that are amended, updated, renewed or revoked.
- 26.3. There may be occasions whereby the applicant or franchising body will request to collect signed documents in person from ORR in London. If such approach is the preferred method of receipt, a proforma signed by both the recipient and member of ORR staff handing over the documents needs to be completed. This acts as evidence of documents being exchanged. It is then stored in subfolder 09. Decision Certificates and Covering Letter of 01. Registered File.

27. Supervision (Inspection) arrangements following the issue of the safety certificate or safety authorisation.

- 27.1. ORR will carry out a programme of supervision (inspection) following the issue of the safety certificate or safety authorisation. ‘Supervision’ means the arrangements put in place by the national safety authority to oversee safety performance after it has granted a safety certificate or safety authorisation.
- 27.2. The purpose of the programme is to ensure:
- The safety management system described in the application for the safety certificate or safety authorisation is being delivered in practice.
 - The necessary requirements for safe operation are being complied with on a continual basis.
 - Close out the issues identified during the main assessment that required further inspection to ensure compliance with the assessment criteria.
- 27.3. The 5-year inspection plan is prepared separately and outside of the assessment process. The plan should incorporate those matters identified for further inspection identified on the S5 form and within the priority period listed. The plan is a live document and can be revised based upon dutyholder performance, previous inspection results & outcomes, ORR strategic health and safety or risk priorities, and emerging trends from other transport undertakings or infrastructure managers carrying out a similar operation.
- 27.4. The lead inspector must ensure that the items for further inspection allocated as high priority are carried out within the first year of the safety certificate or safety authorisation being issued. In the event of these not being delivered, the lead inspector must justify via their team manager and Head of Inspection, the reasons for not being able to complete or deferring to subsequent years.
- 27.5. The Senior Executive: Safety Permissioning will request monthly updates via the Head of Inspection on the matters for later inspection identified during the assessment process.
- 27.6. Supervision results will be used to determine at the renewal of the safety certificate or safety authorisation, the areas of the SMS and assessment criteria to focus upon in more detail. More detail on this is provided in Chapter 15 “Main Assessment”.

28. Annual Safety Reports

- 28.1. Mainline transport undertakings and infrastructure managers are required under regulation 20 of ROGS to provide annual safety reports. The Senior Executive: Safety Permissioning will contact the dutyholders required to submit such reports and provide a link to where the report template is located on the ORR website. Reports need to be submitted by no later than 31st August of each calendar year.
- 28.2. Annual safety reports provide a summary activities covering the previous calendar years. An example being the report submitted in 2018 will cover activities undertaken throughout 2017.
- 28.3. The annual safety reports should predominantly not contain any new information to that the lead inspector has obtained during supervision activity.
- 28.4. Annual safety reports are a useful form of intelligence to incoming lead inspectors taking over existing transport undertakings or infrastructure managers. They provide a summary of safety performance throughout a calendar year as opposed a reporting year.
- 28.5. Lead inspectors shall discuss the content of the annual safety reports at the liaison meeting that follows the submission of the report. A record of discussion can be recorded within the liaison meeting notes.
- 28.6. If intelligence gained through the annual safety report raises concern around a particular topic, the lead inspector can choose to explore further during the supervision period of the safety certificate or safety authorisation.
- 28.7. A decision may be made corporately, to undertake supervision activity in a particular topic area if the annual reports for dutyholders are highlighting

29. Amending or Updating a Safety Certificate or Safety Authorisation including substantial changes

- 29.1 The safety certificate or safety authorisation is valid for up to 5 years from the date of issue. During this time, ORR is to be notified if the following occur:
- The dutyholder holding the safety certificate or safety authorisation changes its name.
 - The transport system operated or particulars of infrastructure managed change.
- 29.2. In all instances, the dutyholder should discuss proposed changes with the lead inspector to determine if there will be a requirement to amend the safety certificate or safety authorisation.
- 29.3. A substantial change relates to the change of “type” and “extent” of the operation, infrastructure, maintenance principles or energy supply.
- 29.4. An amended safety certificate will be required if the change is related to the following:
- Type of service.
 - Volume of Goods / Passengers.
 - Number of employees or size of the company.
- 29.5. The following examples assist with situations whereby an amended safety certificate may be required. The list is not exhaustive and lead inspectors are recommended to consult with the Senior Executive: Safety Permissioning to determine if changes proposed by a dutyholder have an impact on the existing safety certificate.
- A Passenger operator plans to operate freight services or vice versa.
 - Merging operations of one operator into another or acquiring another company.
 - Legal entity changes require a new safety certificate even if the SMS and other elements of the organisation remain the same. This is because safety certificates are not transferable between legal entities.

- Change of route if the railway undertaking has had limited or no operations over it previously. Similarly, a route exposes new risks such as operating at sub-surface stations or in lengthy tunnels.
- Higher risk to operations – Freight transport including carrying dangerous goods as opposed freight transport excluding dangerous goods. This is equally applicable to passenger operators moving from conventional to high-speed operations.
- Driver Only Operations (DOO) – If a railway undertaking has not operate DOO services previously, this is a substantial change to the operation. Expanding an existing DOO operation is not.
- Contracting out safety critical personnel such as Drivers, Guards, Operations Controllers etc. to another organisation holding a safety certificate but remaining the train operator overall – The operator must be able to demonstrate a clear locus of control on their operation and day to day monitoring of activities as well as effective auditing arrangements for the elements contracted out.
- Internal restructure – Depending on the nature of such changes, the effects could be adverse and require SMS procedures to be significantly revised or created to facilitate the changes.

29.6. Some changes do not require reassessment of the SMS and can be managed through the change management process the dutyholder has in place.

Examples of substantial changes to a safety authorisation

29.7. The examples provided below could require an amended safety authorisation to be issued.

Infrastructure

- New line of route using novel technology and new technology in construction. This can include new forms of track bed construction, tunnels, bridges, viaducts.
- Structures that did not exist previously such as tunnels, viaducts, bridges, level crossings and stations including those sub-surface.
- New type of signalling system.
- New connections to other infrastructure which has potential to lead to greater traffic flows and potential increased risk.

Energy Supply

- Introduction of an energy supply that requires its own permanent infrastructure and is significantly different to the existing one. An example is changing from 3rd or 4th rail to overhead supply.
- Changes to energy supply that modify the level of existing risk or create new risk.

Principles of Operation

- Introduction of a fully automated working to safety critical areas.
- Introduction of novel signalling systems; European Rail Traffic Management System (ERTMS) is an example.

Principles of maintenance

- Significant changes in maintenance intervals for safety critical infrastructure.
- Changes to automated maintenance systems
- Management of infrastructure maintenance by a contractor when previously carried out in-house by the infrastructure manager or vice versa.

29.8. The examples referred to above need to be considered on their scale and the degree of risk that the change will have on the infrastructure.

29.9. In addition to substantial changes, there is a requirement under regulation 13 of ROGS to notify ORR of the following:

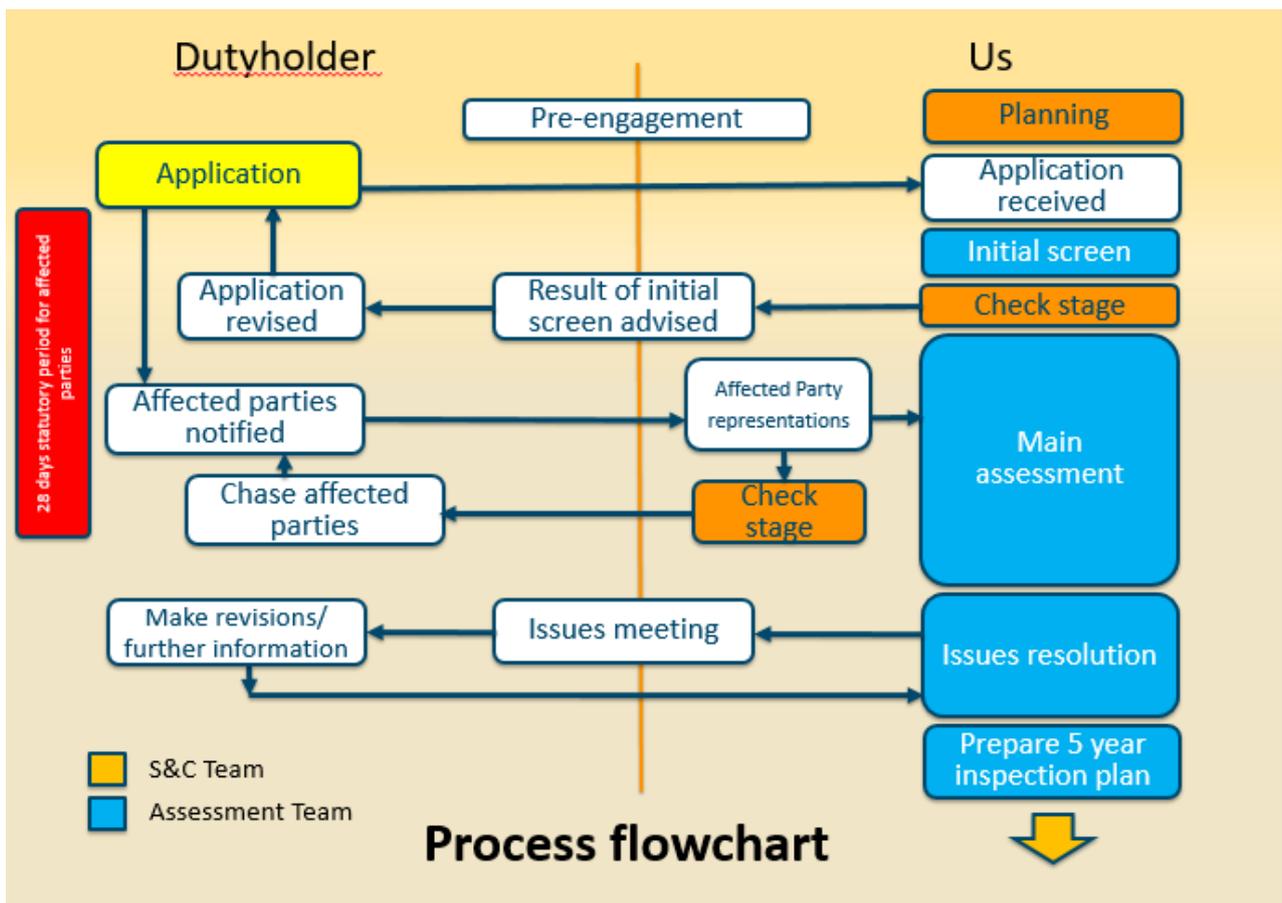
- Major changes to the means by which requirements relating to the safety management system as set out in:
 - Regulation 5(1) to (4) in relation to an operation of a transport undertaking on the mainline railway.
 - Regulation 5(7) in relation to an operation of an infrastructure manager on the mainline railway.
 - Regulation 6 in relation to an operation, which is not carried out on the mainline railway.
 - When persons first commence work directly relating to the operation, which is of a type that has not previously been carried out.

- When types of vehicles that are new to the operation are first introduced.

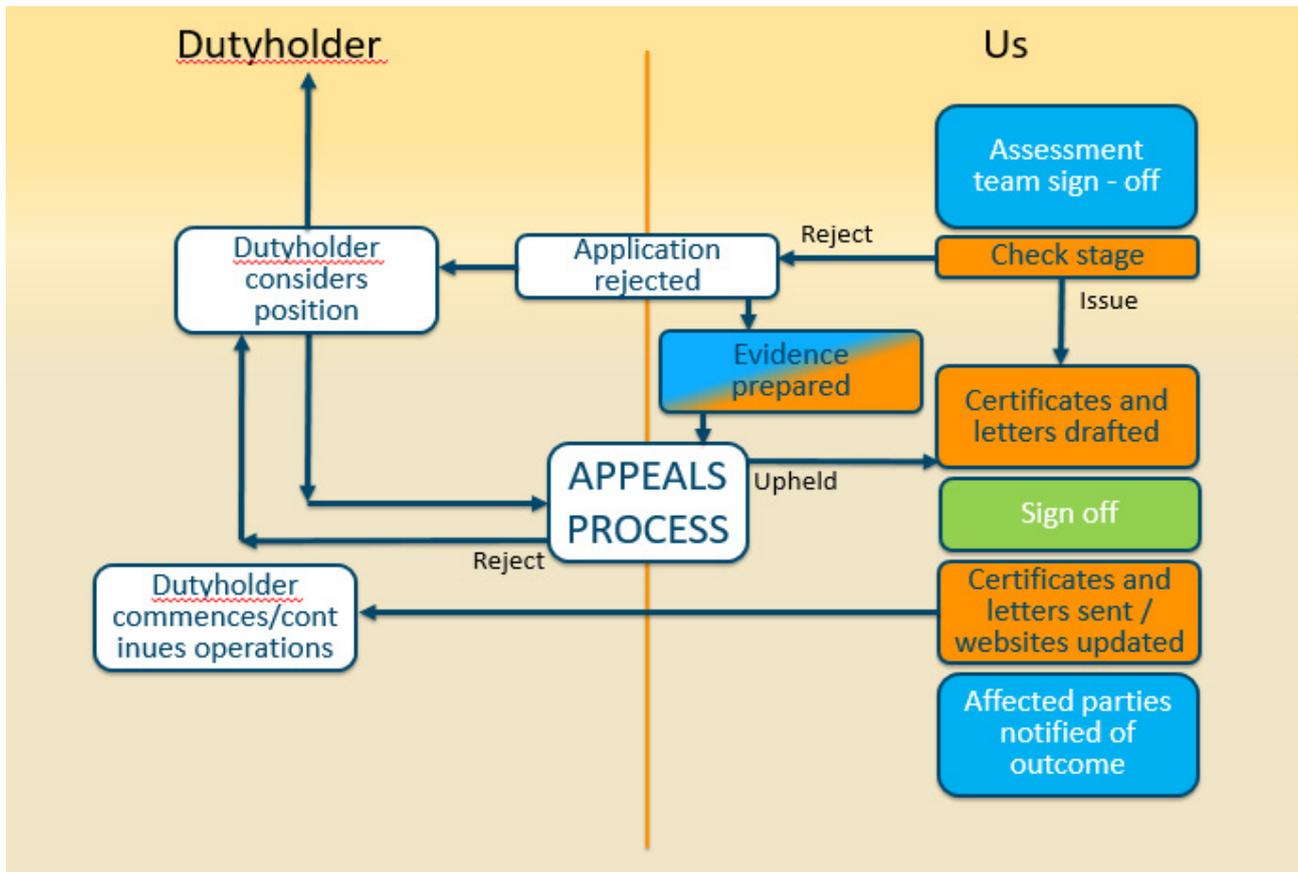
29.10. In some instances, a railway undertaking or infrastructure manager may change how they deliver or organise particular aspects of the operation that impact on safety. This may require new SMS procedures to be developed. The lead inspector may decide to review the changes as part of supervision activity.

Annex A – Assessment Process Flowchart

- A.1 The two diagrams below show the assessment process for safety certificate and safety authorisation assessments. They are colour coded to show whom is responsible for delivering each stage of the process.
- A.2 The left hand side of the charts are the actions required by the applicant and the right hand side, actions required by ORR personnel involved with the assessment.
- A.3 Chart 1 (below) showing pre-application, application submission, main assessment and commencement of formal sign off stages of a ROGS assessment.



A.4 Chart 2 (below) showing the formal sign off stages of a ROGS assessment and process for appeals in the event that an application is refused.





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