Rail Safety & Standards Board

A guide to ROGS requirements for duty of cooperation between transport operators Part 1

Rail Safety and Standards Board
October 2007
Issue 1
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Rail Safety & Standards Board

Introduction

The introduction of ROGS (Railways and Other Guided Transport Systems (Safety) Regulations 2006) has changed the relationship between infrastructure managers and those that operate trains. It imposes a duty of cooperation on all these transport operators. The arrangements for the practical implementation of the duty of cooperation will be set out in the Safety Management Systems (SMSs) of each transport operator and should also be evident in the submission for certification/authorisation that is required under ROGS. Transport operators should consider how best to ensure compliance by contractors and others carrying out work on or in relation to premises, along with plant used and controlled by that transport operator.

The industry has developed a variety of managerial safety cooperation processes since privatisation; however some of these have never been documented or assembled in formal documents. In order to help industry satisfy the requirements of Regulation 22 of ROGS, Rail Safety and Standards Board (RSSB) has developed this guide to mainline safety cooperation arrangements. This has been developed in conjunction with key industry stakeholders, including the Office of Rail Regulation (ORR). It is structured along the lines of HSG 65 *Management of Health and Safety* and other commonly used management systems.

RSSB supports transport operators in undertaking cooperative safety activities and membership of RSSB is a licence condition requirement for mainline transport operators. Such operators oversee and support the activities of RSSB in accordance with a constitution and governance arrangements defined by the ORR. RSSB supports transport operators through the operation of products, processes and tools. A comprehensive transport operator guide to the interface with, and participation in, RSSB programmes, procedures and systems, can be found in RSSB *SMS - A Guide to RSSB Activities.*

Note: Following publication of this guide it is expected that new standards and guidance will be produced and that these will supersede some of the appendices. The appendices (Part 2) will be updated to reflect this but it is not expected that the principles in Part 1 of the guide will change other than the references to the appendices.

Purpose

This document aims to provide British mainline transport operators with a summary of the inter-company managerial cooperative arrangements required to comply with Regulation 22 (Cooperation) of The Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS). It also covers issues relating to safety critical work in Regulation 26.

Part 1 of this guide, and the subjects for cooperation within it, are cross-referenced and expanded upon in Part 2, which should be seen as an appendix to this document by those requiring more detail. Transport operators should either demonstrate a commitment to cooperation via adoption of this guide or state in their SMS the alternative methods used to meet the duty of cooperation.

This guide should assist the three categories (with respect to the ROGS certificate/authorisation) of transport operators to ensure that the SMS and supporting company procedures are aligned with ROGS requirements:

- Transport operators who have had their applications for a certificate and/or authorisation accepted by the ORR – to review the SMS etc.
- Transport operators who hold a deemed certificate/authorisation (supplemented Railway Safety Case) - to develop the new SMS etc from existing safety documentation.
- New transport operators - to develop the new SMS etc.

Note: Section A of the appendix document expands on the contents of the Introduction, Purpose and Scope in this summary document.

Scope

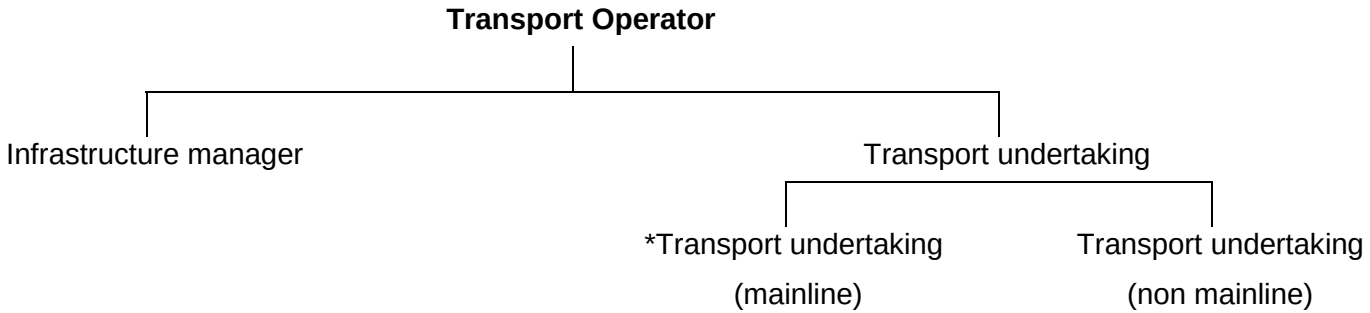
This guide and appendices are intended to cover the duty of cooperation requirements of ROGS for mainline transport operators. In order to help industry and to distinguish between (a) the specific and clear requirements of ROGS and (b) other issues of cooperation that are established industry practice or are emerging as such, but are not a legal requirement, the tables below are coloured as follows:

Required by ROGS
Established industry practices

This guide focuses on the Infrastructure Management (IM)/transport undertaking interfaces but there are three other categories of interface that need to be considered. I Information on these aspects of cooperation, which require arrangements and reference in the SMS, are expanded on in Appendix B7:

- Interfaces between transport undertakings, including IM (stations)
- Interfaces between infrastructure managers and other transport systems
- Interfaces between mainline transport undertakings and other transport systems (eg LUL)

Transport undertakings, for the purposes of this document and in line with ROGS, applies to the mainline railway only as follows:



** Transport undertakings on the mainline are also known as 'railway undertakings' in the Railways (Licensing of Railway Undertakings) Regulations 2005 and in the Railways (Interoperability) Regulations 2006*

Glossary

ATOC	Association of Train Operating Companies
CIRAS	Confidential Incident Reporting and Analysis System
NEPACC	National Emergency Planning and Coordination Committee
NIR	National Incident Report
NR	Network Rail
ORR	Office of Rail Regulation
PIM	Precursor Indicator Model
REPACC	Route Emergency Planning and Coordination Committee
RGS	Railway Group Standard
RISAS	Railway Industry Supplier Approval Scheme
ROGS	Railways and Other Guided Transport Systems (Safety) Regulations 2006
RSSB	Rail Safety and Standards Board
SMIS	Safety Management Information System
SMS	Safety Management System
SPAD	Signal Passed at Danger
SRM	Safety Risk Model
SSP	Strategic Safety Plan
TU	Transport undertaking

Section 1 Assess risks and develop Safety Management Systems

Transport operators should refer to this section when considering (a) the development of their SMS, (b) the company's risk assessment methodology and (c) when applying for certificate or authorisation. A full understanding of company and interface risks is an essential requirement for the production of an effective SMS. The data supplied by the industry and the analysis undertaken by RSSB, with the resulting SRM and PIM, provide the necessary information to inform the development of the SMS. The SMS is also required to detail the many aspects of the duty of cooperation in ROGS Regulation 22 and these are outlined throughout this summary.

Subject for Cooperation	ROGS Reg or Guidance	Brief description of what is required by transport operators (with some RSSB and Network Rail actions to put in context)	Examples of affected activities	Where to find more information
SMS risk assessment	Reg 19 para 146	Transport operators are required to assess risk to ensure safe operation of the transport system, in particular assessing the interface risks that they need to cooperate with other transport operators to manage.	High level risk assessment	App B1.2 RSSB guidance
Data collection and safety performance reporting	Reg 19	Transport operators are required to enter incident data to SMIS. RSSB analyses data from SMIS and other sources and shares it with the industry via the: • Quarterly and annual safety performance reports covering the profile of safety performance and risk for the mainline railway. • Specific topic based safety performance reports looking in more detail at areas such as level crossings and stations. RSSB is able to produce safety data profiles for NR routes and transport operators. With the current commitment to improving the data quality in SMIS, improved benchmarking between transport operators will be possible.	Accident and incident reporting	App B1.3 GE/RT8047 *SMS – A guide to RSSB Activities*

Continued

Section 1 continued

Subject for Cooperation	ROGS Reg or Guidance	Brief description of what is required by transport operators (with some RSSB and Network Rail actions to put in context)	Examples of affected activities	Where to find more information
Safety Risk Model and Risk Profile Bulletin	Reg 19	RSSB produces the system-wide SRM to provide a detailed understanding of the profile of underlying risk on the mainline railway. RSSB publishes outputs from the SRM via the Risk Profile Bulletin and incorporates risk information within the safety performance reports. The SRM is a valuable resource for transport operators in helping them develop their own company risk assessments. To facilitate this process, RSSB has developed the SRM Templates. Transport operators can use the templates in conjunction with their own data and operational characteristics to develop their company risk assessments. RSSB offers support and guidance to the transport operators on the use of the SRM and the templates. Outputs from the SRM and safety performance precursor data are used to monitor underlying train accident risk on an ongoing basis via the PIM. The outputs / results for the PIM are presented quarterly in the RSSB safety performance reports. Transport operators should use the above to review their own systems.	Risk assessment methodology Review of SMS	App B1.3 *SMS – A guide to RSSB Activities*
Risk responsibilities	Reg 19	RSSB is developing a matrix linking the main risk precursors with the category of transport operator involved in managing the risk and those coordinating the controls. Transport operators should use the above to clarify their role in contributing to the control of interface risks.	Risk management and contribution to system safety	App B1.5 System Interface Database (to be developed)
SMS development	Sched 1 (2)(d) Reg 22	Transport operators' SMSs are required to summarise processes for controlling their own and interface risks. The SMSs should contain, or refer to, processes for operating duty of cooperation and the review of safety performance.	SMS development Detailing of duty of cooperation Liaison with other transport operators on SMSs	App B1.6

Section 2 Safety improvement planning

Transport operators should refer to this when considering their input into the SSP, which is designed to address the industry's key risk areas. The new process is a bottom-up exercise, requiring cooperation between transport operators with forecasts and proposed actions being referred upwards, resulting in the Railway SSP. This should also assist in achieving better integrated geographic transport operator safety plans. This section also covers the cooperative process for emergency planning and briefly mentions the industry's input into standards.

Subject for Cooperation	ROGS Reg or Guidance	Brief description of what is required by transport operators (with some RSSB and Network Rail actions to put in context)	Examples of affected activities	Where to find more information
Safety Improvement Planning and the SSP	Sched 1 (2)(b)	NR will annually facilitate route based Safety Improvement sub-groups to share in the development of company safety plans. These groups will input to the actions to be included in the SSP as well as assist in the development of individual company safety plans. Transport operators should provide quantified forecasts of anticipated safety benefit to RSSB for integration into the SSP safety trajectories.	Production of company safety plan Input to SSP	App B2.2 *SMS – A Guide to RSSB's Activities* *Writing Safety Plans – A guide for Operators*
Cooperative review of risk – role of industry meetings	Regs 19 and 22	RSSB facilitates numerous national groups to address industry risks and will maintain a list of details of these groups on its website. Transport operators are represented on these groups and other geographic and project groups. Transport operators should ensure appropriate input and feedback.	Input to and outputs from national and geographic and other industry groups	App B2.3 RSSB website
Emergency planning	Reg 5 (7)(d) Paras 75 and 76	NR is responsible for emergency planning and response arrangements for all incidents that may occur on its infrastructure. NR is also responsible for the coordination of the emergency plans and response arrangements of other transport operators on its infrastructure. Transport operators are required to plan and undertake exercises and participate in post-incident reviews.	Emergency planning, response arrangements and participation in exercises	App B2.4
Emergency planning		Transport operators should participate in REPACC and NEPACC so as to integrate their emergency plans and their practical implementation with other transport operators.	Emergency planning, response arrangements	App B2.4
Standards	Reg 5 (1)	Transport operators should participate in the development and improvement of RGSs and other standard documents.	Input to improved industry standards	App B2.5 *SMS – A Guide to RSSB's Activities*

Section 3 Manage safety

Transport operators should refer to this section when considering safety in the day-to-day management of the mainline railway system. It covers a range of issues, including the significant potential risk areas of change and competence. Most of these issues will have been covered to some extent in Railway Safety Cases. However, one area listed here, *Escalation of safety concerns*, is largely new and will need to be incorporated into SMSs.

Subject for Cooperation	ROGS Reg or Guidance	Brief description of what is required by transport operators (with some RSSB and Network Rail actions to put in context)	Examples of affected activities	Where to find more information
Competence and training	Reg 26 and para 173 ROGS Sched 1 (2e) and para 194(e)	Transport operators are required to share information and coordinate procedures in relation to safety critical work competencies. Transport operator managers are required to be competent, including appropriate understanding of controls on interface risks.	Competence management systems Training Management of safety critical workers	App B3.2 ORR's *Developing and Maintaining Staff Competence. Railway Safety Principles and Guidance: Part 3 Section A (2007)* and RSSB guides
Competence and training		Transport operators should participate in the Rail Industry Skills Forum via the various industry representative bodies such as ATOC		App B3.2
Safety critical work	Reg 26	Controllers of safety critical work are required to cooperate with those who their activities affect and those undertaking safety critical work must cooperate with affected controllers of safety critical work	Management of safety critical workers	App B3.3
Supplier qualification and accreditation	Reg 5 (1)(d)(i) Paras 63(d), 77(c)	Transport operators are required to set out arrangements for safety management of the supply chain in their SMSs.	Qualification of suppliers of safety critical products and services	App B3.4 www.risas.org.uk
Supplier qualification and accreditation		In recognition of the largely common supply base, transport operators should participate in the resultant cooperative schemes for qualification and audit of suppliers, such as RISAS.		App B 3.4 www.risas.org.uk
Safety decision taking		Transport operators' SMSs should follow RSSB's *Taking safe decisions* which documents legal and commercial bases for decision taking and should assist with joint transport operator decisions.	Cost benefit analysis covering safety	App B3.5 *Taking safe decisions*

Continued

Section 3 Continued

Subject for Cooperation	ROGS Reg or Guidance	Brief description of what is required by transport operators (with some RSSB and Network Rail actions to put in context)	Examples of affected activities	Where to find more information
National programmes		RSSB facilitates a range of national programmes to assist transport operators in understanding, managing safety risks and working together to improve safety management. Transport operators should participate in these cross-industry programmes as appropriate via their representative bodies and make use of the outputs to improve safety management.	Involvement in cross-industry groups. Managing operational safety, SPADs, community safety, personal security, level crossing safety, supplier qualification, sharing safety information, SMSs and sustainable development.	App B3.6
Real time operation		The very nature of railway operations requires the continuous interaction between appropriate employees of transport operators to address risks as they arise. Transport operators' SMSs should specify arrangements for the management of operational risks such as weather management controls, loading irregularities, equipment failure, sharing urgent safety information etc. Transport operators should also contribute to maintaining the foundation of safety management via cooperative activities such as: targeted campaigns, development of new technology, coordination of European developments and other activities covered elsewhere in this document such as development of RGSs, TSIs (through Standards Committee processes) and research and development.	The full range of operational safety issues Involvement in cross-industry groups and RSSB facilitated activities.	App B3.7 Various RGSs

Continued

Section 3 Continued

Subject for Cooperation	ROGS Reg or Guidance	Brief description of what is required by transport operators (with some RSSB and Network Rail actions to put in context)	Examples of affected activities	Where to find more information
Incident reporting		Transport operators are required to report incident details into SMIS and to use other systems for reporting urgent safety information such as the NIR Online system (various RGSs).	Reporting of safety related information	App B3.8
Spoken safety communications		NR will have arrangements in place for joint monitoring of spoken safety communications and will produce reports for industry discussion. Transport operators should participate in joint monitoring sessions. Transport operators should also cooperate in joint training/briefing sessions on spoken safety communications, using simulators if available.	Joint initiatives in safety communication	App B3.9
CIRAS		Transport operators are required to support confidential reporting and follow up of safety concerns via CIRAS	Confidential reporting of safety concerns	App B3.10 GO/RT8033
Management of change	Reg 5 note ROGS guidance para 66	Transport operators are required to set out the arrangements for change management, including assessment of risk on other transport operators, in their SMSs. These should cover changes to: • Scope of operations • Organisation and management • Infrastructure or vehicles Transport operators are required to engage with affected parties in the development of appropriate controls. The SMSs are required to explain how the transport operator ensures it is aware of how changes in legislation impact on the duty of cooperation and control of shared and interface risks.	Managing new and altered vehicles and infrastructure	App B3.11 GE/RT8270 RGS GE/RT8270

Section 4 Monitor and review

Transport operators should refer to this when considering the monitoring and review of their SMSs. In addition to transport operators' monitoring and review requirements, safety reporting to the ORR on behalf of industry is included in the role of RSSB. The main transport operator requirements in this section relate to investigation of incidents, learning from incidents and safety performance reporting.

Subject for Cooperation	ROGS Reg or Guidance	Brief description of what is required by transport operators (with some RSSB and Network Rail actions to put in context)	Examples of affected activities	Where to find more information
Annual safety reports	Reg 20 Sched 1(2)(b)	Transport operators are required to send an annual safety report to the ORR. These must contain certain information, eg progress on meeting the transport operator's safety targets, the findings of internal audits and comments on problems relating to the operation of vehicles or the management of the infrastructure that may be relevant to the safety of the transport system.	Safety performance reporting	App B4.2 *Guidance on the production of Annual Safety Reports under ROGS*, May 2007
Collation of data on Common Safety Indicators		The Annual Safety Report requires the transport operators to provide data relating to the Common Safety Indicators to the ORR. RSSB collates the CSIs data in a consistent and structured manner on behalf of all the transport operators and provides the collated information to the ORR. Transport operators are required to cooperate with RSSB in the review and approval of the data relating to their organisation to be submitted to the ORR.	Safety performance reporting	App B4.2 *Guidance on the production of Annual Safety Reports under ROGS*, May 2007
RSSB Strategic Board Agenda		The RSSB Board is a formally constituted group with a remit to review industry performance and development issues. Transport operators should take the opportunity to input to the RSSB Board agenda via their representatives.	Input to industry safety strategy via RSSB	App B4.3

continued

Section 4 continued

Subject for Cooperation	ROGS Reg or Guidance	Brief description of what is required by transport operators (with some RSSB and Network Rail actions to put in context)	Examples of affected activities	Where to find more information
Incident investigation and analysis		After an incident transport operators should work together as agreed to ensure an effective investigation. Transport operators should act on recommendations and report progress to the lead investigation body and input into SMIS. Transport operators should collaboratively review and learn from investigation reports. Transport operators should collaborate with RSSB in its leading of a programme to facilitate coordination of improvements in the learning from incident investigations.	Accident and incident investigation	App B4.4

Section 4 Continued

Subject for Cooperation	ROGS Reg or Guidance	Brief description of what is required by transport operators (with some RSSB and Network Rail actions to put in context)	Examples of affected activities	Where to find more information
Monitor and review	Sched 1(1) (d)	Transport operators should specify their arrangements for recording, monitoring and reviewing their safety performance in their SMS.	Review of safety performance	App B4.5 and B3.10
Monitor and review		Transport operators that interface should review system safety performance with affected parties and the mechanism for this is the structure of the established industry channels, including the Level 1 and 2 meetings.	Review of safety performance	
Assurance	Sched 1 (2) (k) Reg 20 (1) (d)	Transport operators are required to undertake regular internal audits of their SMS and include the findings in the annual safety report to the ORR.	Internal audit	App B4.6

Section 5 Improve Safety Management Systems

Transport operators should refer to this when considering updating and improving their SMSs. Industry research and development is included here as it is often the action taken after a review of the existing situation.

Subject for Cooperation	ROGS Reg or Guidance	Brief description of what is required	Examples of affected activities	Where to find more information
Management of change to SMS	Reg 13	Transport operators should aim to continually improve their safety management, including cooperation within the industry and this in turn should result in more effective safety management of the railway network. Transport operators should make affected parties aware of significant changes to their SMSs. RSSB offers the facility to store up-to-date submission documents for certificates and authorisation applications; and for these documents to be made available to other transport operators via a secure online member facility.	Updating the SMS	App B5.2
Research and development		RSSB facilitates a research and development programme on behalf of the industry. Cross-industry groups act as clients for each project and transport operators should participate in the process via these groups as appropriate.	Consideration of the need for research and development or input to existing projects	App B5.3

Section 6 Escalation of safety concerns

Most safety issues can be resolved via established cooperative processes. However, in a small number of cases, where this is not possible, the industry has developed an additional process. The issue of escalation of safety concerns has been allocated a separate section in this guide as it is probably the most important area of cooperation that does not have an established practice in place. The later documentation of this will be a priority for RSSB but, in the meantime, Appendix B6 contains significant guidance that transport operators should apply.

Subject for Cooperation	ROGS Reg or Guidance	Brief description of what is required	Examples of affected activities	Where to find more information
Escalation of safety concerns		Where safety concerns are not resolved via routine channels transport operators should issue a formal escalation request letter, and in the event of a failure at this level the concern should be raised with the ORR. This process is described in some detail in App B6.	Escalation of safety concerns	App B6 GE/RT8270 – Assessment of Compatibility of Rolling Stock and Infrastructure

Rail Safety & Standards Board

A guide to ROGS requirements for duty of cooperation between transport operators Part 2

This, Part 2 of the guide, should be referred to when information additional to Part 1 is required

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Change Notes:

Issue No	Date	Comments
Draft 4A	October 2007	• Significant changes relating to the creation of the guide in two parts: a summary document and appendices • 'Railway undertakings' changed to 'transport undertakings' • Escalation of safety concerns' is now section B6 instead of sub-section B3.9 • Several minor changes proposed at drafting group meeting on 19/09/07
Draft 5	2 October 2007	• Section B1.3 Title amended to include Data Collection & Safety Performance Reporting.
Draft 6	3 October 2007	• Section B4 Submission date for ORR annual safety report to ERA amended to 30 September each year. • Section B6 expanded to include reference to issues raised in line with GE/RT8270 – Assessment of Compatibility of Rolling Stock and Infrastructure – at the request of ORR • Section B6 – Term ALARP replaced with SFAIRP in diagram – as requested by ORR • Appendix 1 – Requirement to send copy of escalation request letter to ORR removed – as requested by drafting group.
Issue 1	October 2007	• Minor changes

Note:

In addition to the information above, after Issue 1, all amendments shall be highlighted with a black line at the appropriate sentence / paragraph within the document.

Superseded documents

This guide does not supersede any other published documents.

Supply

This guide can be viewed and downloaded from the RSSB website www.rssb.co.uk/rogs update.asp.

Production and approval of the document

This document was developed by RSSB's National Programmes Directorate and was approved by the Safety Policy Group on 10 October 2007.

Contents

Glossary

ATOC	Association of Train Operating Companies
CIRAS	Confidential Incident Reporting and Analysis System
CSI	Common Safety Indicator
CSSG	Community Safety Strategy Group
CST	Common Safety Target
ERA	European Rail Agency
GN	Guidance Note
HLOS	High Level Output Specification
NEPACC	National Emergency Planning and Coordination Committee
NIR	National Incident Report
NLCSG	National Level Crossing Safety Group
ORR	Office of Rail Regulation
PIM	Precursor Indicator Model
RAIB	Rail Accident Investigation Branch
REPACC	Route Emergency Planning and Coordination Committee
RGS	Railway Group Standard
RISAS	Railway Industry Supplier Approval Scheme
ROGS	Railways and Other Guided Transport Systems (Safety) Regulations 2006
RPB	Risk Profile Bulletin
RPSG	Rail Personal Security Group
RSC	Railway Safety Case
RSSB	Rail Safety and Standards Board
SFAIRP	So far as is reasonably practicable
SIC	Systems Interface Committee
SMIS	Safety Management Information System
SMS	Safety Management System
SPAD	Signal Passed at Danger
SRM	Safety Risk Model
TEN	Trans-European Network
TPWS	Train Protection and Warning System
TSI	Technical Specification for Interoperability

Foreword from Chief Inspector, Office of Rail Regulation

This guide to the duty of cooperation in ROGS has been developed by RSSB, in conjunction with the ORR and the industry. It contains both guidance on the ROGS Regulations themselves, and a range of mainline industry good practice, which RSSB recommends and the ORR supports. Part 1 of the guide is colour coded to show the distinction between these two aspects.

Effective cooperation is essential to the safety of the railway system as a whole, and the process for identifying and controlling interface risks is described in some detail in this guide. ORR strongly recommends that all Railway Group transport operators follow this guidance fully at the earliest opportunity.

The final chapter describes an escalation process for resolving disputes. This is for use where one transport operator considers that another is not cooperating and, as a result, is putting the safety of the system at risk. We would like to stress that both ORR and the industry expect transport operators themselves to resolve the vast majority of such cases, using their own processes (such as high level meetings). ORR does not expect to become involved with any but the most difficult cases.

Introduction

This, Part 2 of the guide is a set of appendices in support of the more concise Part 1 *A guide to ROGS requirements for duty of cooperation between transport operators*. Together the two documents form a comprehensive guide to the duty of cooperation.

It is intended that those developing an SMS will work through the summary document and, where more information is needed, will refer to the relevant appendices which are hyperlinked.

Sections A and B include some duplication of the content of Part 1 but this has been kept to a minimum.

1. Section A

1 Purpose

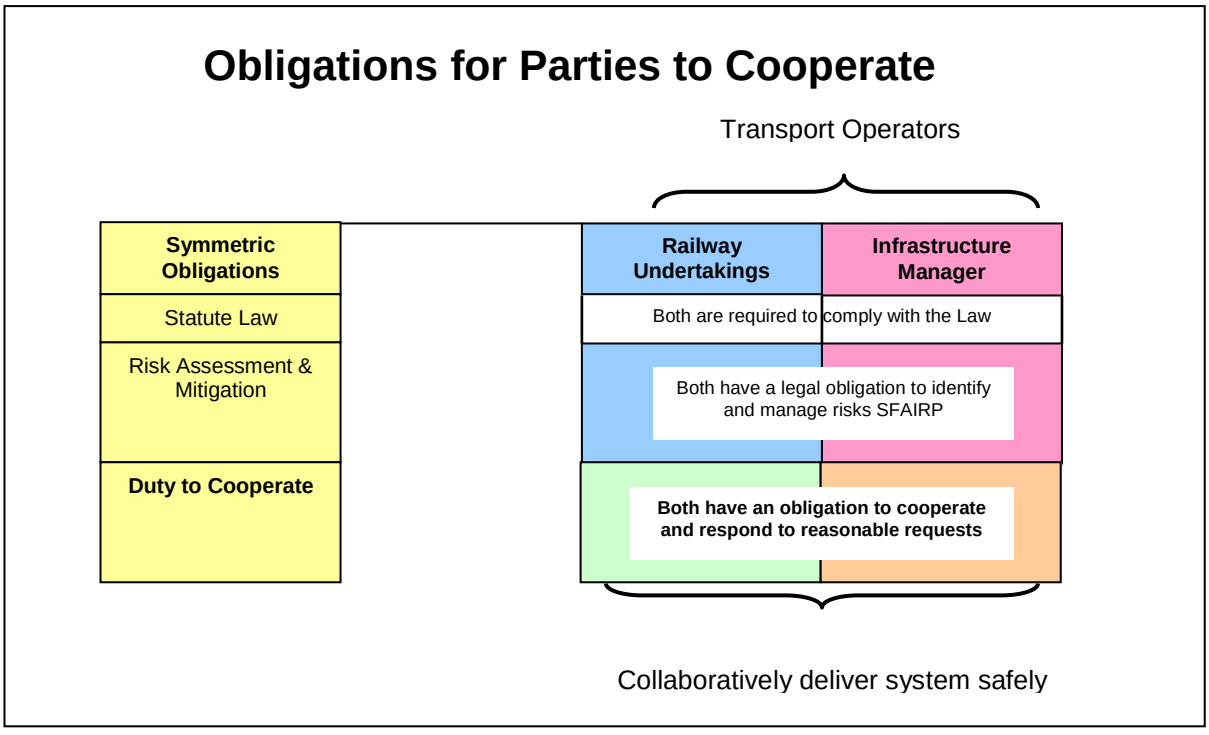
The purpose of this document is to expand on Part 1 by providing further guidance to British mainline transport operators on an inter-company managerial cooperative framework and arrangements, facilitating compliance with Regulation 22 (Cooperation) of The Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS).

It is not the purpose of this document to either:

1. Replicate the contents of Railway Group Standards which may require inter-company cooperation to deliver a safe railway system, or
2. Specify in detail new processes for inter-company safety management cooperation.

Instead this guide aims to summarise a framework for safety management cooperation on the British mainline rail network, which is designed to enable companies to understand and implement the requirements of ROGS through their safety management systems and behaviours.

Regulation 22 (hereafter referred to as the 'duty of cooperation') places an obligation on transport operators to cooperate, so far as is reasonable, with other transport operators to achieve safe operation of the railway system (see also section B7 for different types of interfaces). It also requires contractors employed by transport operators to cooperate with other transport operators.



Arrangements for the practical implementation of the duty of cooperation are required to be set out in the Safety Management Systems (SMSs) of each transport operator. They should also be evident in the submission for certification/authorisation that is required under ROGS. The submission for certification and authorisation should 'signpost' the SMS and, in particular, the arrangements for implementing the duty of cooperation. Consultation with, and scrutiny by, other affected transport operators is required before certification /authorisation by the Office of Rail Regulation (ORR) and the start of service operation. The purpose of the consultation and scrutiny stage is to establish that there are adequate and compatible processes in place for the safe management of the railway system.

In addition to Regulation 22, arrangements for ROGS implementation by transport operators on the mainline railway are required to address interface risk issues referred to in Regulations 5(1) (e) and 19. This guide also covers issues relating to safety critical work in Regulation 26.

The industry has developed a variety of managerial safety cooperation processes since privatisation; however, some of these have never been documented or assembled in formal documents. This guide has been developed in conjunction with key industry stakeholders (including ORR) in order to assist the transport operator in meeting their duty of cooperation.

This appendix (Part 2) is a transition document, which sets out to provide an initial guide to the ROGS duty of cooperation. It is likely to be superseded over time as Railway Group Standards (including processes for cooperation) and other documents or systems are developed. RSSB also plans to prepare and publish a good practice guide to SMSs, which will develop some of the areas outlined in this document.

2 Industry interfaces and roles

The safe running of the system relies on transport operators sharing information and cooperating as necessary, with the ORR taking an overview as to whether the system is being run safely (see ORR document *Our role as safety authority in line with ROGS 'Duty of Cooperation*' paragraph 3).

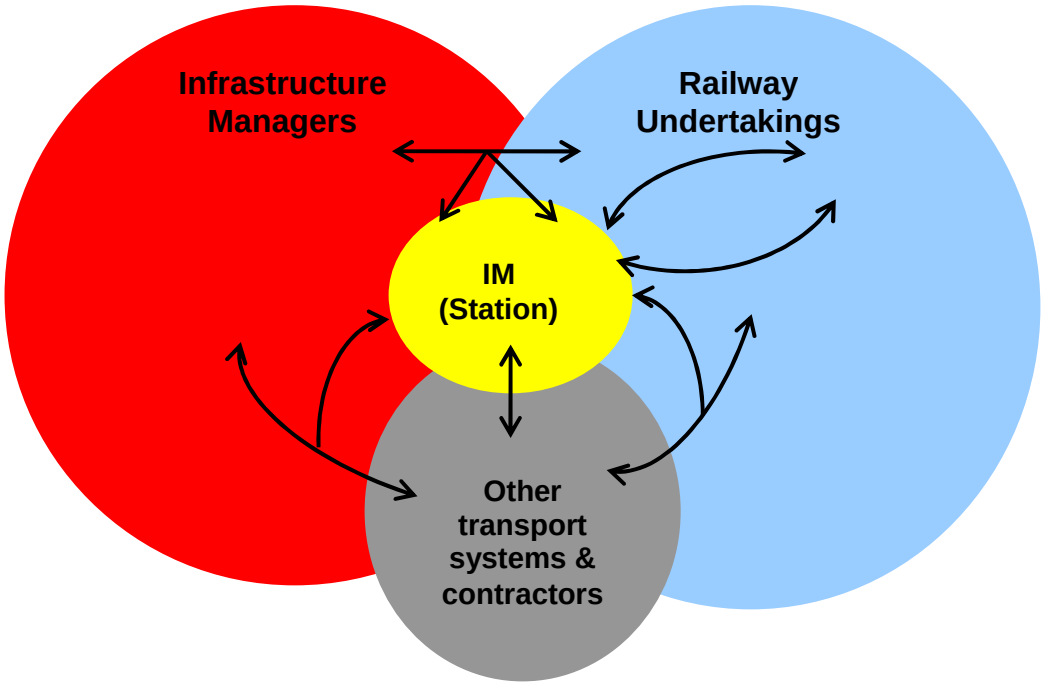
The duty of cooperation framework described in section B1-5 of this guide is, in practical terms, described through the interface between mainline infrastructure managers (IMs) and railway undertakings (which may also be an IM, in respect of stations).

However, there are also other interfaces which require cooperation to deliver and maintain a safe railway system. These are shown below and are described in Section B7:

- Cooperation between railway undertakings (including station IMs).
- Cooperation between IMs and other transport systems.
- Cooperation between mainline railway undertakings and other transport systems.

Others, including contractors, carrying out work on or in relation to premises (or plant) owned or controlled by a transport operator are also bound by a general duty of cooperation and this should be discharged through the above framework. Transport operators should consider how best to secure compliance by their contractors and others carrying out work.

The diagram below illustrates the various relationships between the different parties who are required to cooperate:



Regulation 6 also places a commitment on non-mainline operators (eg light rail operators, heritage rail operators etc) to understand and put in place interface risk control measures with other affected transport operators (including the mainline IM and railway undertakings). These arrangements should also be documented in their SMS and their submission (the signpost documentation) will be subject to consultation and scrutiny before authorisation/certification by the ORR.

Under the Railways (Safety Case) Regulations 2000, train and station operators and infrastructure controllers had specific and general duties to cooperate. In many areas, however, the infrastructure controller was required to take the lead in network safety management. The ROGS Regulations changed the relationship between the operators and Network Rail to create a level playing field in respect of safety; this is underpinned by a reinforced requirement (Duty of Cooperation - Regulation 22) for SMS holders to cooperate to achieve safe operation of the railway system.

The duty of cooperation is underpinned by other industry arrangements. For example, train operator licences issued by ORR under the Railways Act 1993 require membership of RSSB, and the Network Code imposes requirements in respect of vehicle changes and adherence to the Railway Operational Code.

RSSB supports transport operators in undertaking cooperative safety activities and membership of RSSB is a licence condition requirement for mainline transport operators. These transport operators oversee and support the activities of RSSB in accordance with a constitution and governance arrangements defined by the ORR. RSSB supports transport operators through the operation of products and services. A comprehensive transport operator guide to the interface with, and participation in RSSB programmes, procedures and systems can be found in RSSB document GN/NPD/001 SMS - *A Guide to RSSB Activities* (see A4 overleaf)

3 Structure and use of this guide

This guide contains references to existing Railway Group Standards, other RSSB produced documentation and company standards. Further documentation will be required to describe how IMs and/or mainline railway undertakings shall cooperate to develop and implement common approaches to safety management in order to comply with Regulation 22.

This guide sets out, in section B, a framework for managerial cooperation which is based on HSG 65 Management of Health and Safety and other commonly used management systems. It is structured (Sections B1-5) to facilitate the maintenance and improvement of safety as follows:

1 Assess risks and develop Safety Management Systems
2 Safety improvement planning
3 Manage safety
4 Monitor and review
5 Improve Safety Management Systems

Section B6 covers the escalation of safety concerns and B7 covers the interfaces other than those of IM/railway undertakings in B1-5.

This guide should assist the three categories (with respect to the ROGS certificate/authorisation) of transport operators to ensure that the SMS and supporting company procedures are aligned with ROGS requirements:

- Transport operators who have already been granted certification or authorisation by the ORR – to review their SMS etc.
- Transport operators who hold a Railway Safety Case - to develop their new SMS etc from existing safety documentation.
- New transport operators - to develop their new SMS etc.

4 Other useful publications

This guide is complemented by the RSSB documents listed below:

Guidance to ROGS		
Title of Guides	**Date Issued**	**Purpose**
Guidance on how to use RSC Holder ROGS Transition Supplement	25 September 06 Issue 1 relevant until September 2008	To give current RSC holders guidance on the use of the ROGS Transition Supplement below.
Existing Railway Safety Case Holder Railways and Other Guided Transport Systems (Safety) Regulations 2006 Transition Supplement	25 September 06 Issue 1 relevant until September 2008	To assist in transition arrangements from RSC to meet ROGS requirements prior to September 2008 and so avoiding the need for ORR certification or authorisation before that date.
Guidance on the production of Annual Safety Reports under ROGS	May 07 Issue 1.3	To provide guidance to transport operators on how to produce annual safety reports as required by ROGS.
SMS – A guide to RSSB activities Ref GN/NPD/001	May 07 Issue 2	To provide RSSB members, transport operators and other relevant stakeholders with a safety management system (SMS) guide to the interface with, and participation in, RSSB programmes, procedures and systems.
Taking safe decisions	June 2007	To describe the industry consensus view of how safety decisions that are commercially sound should be taken.
Writing Safety Plans – A guide for Operators	Summer 2007 Version 2	A transitional document intended to facilitate the development of consistent and comparable safety planning and it accompanies the Railway Strategic Safety Plan.

5 Definitions and explanations

The following definitions applied in this guide are aimed at transport operators on the mainline railway, but not the full range of transport systems covered by ROGS.

mainline railway	Any railway except for any railway or part of a railway- (a) the infrastructure and rolling stock of which are reserved strictly for- (i) a local use; or (ii) the operating of a heritage railway; or (iii) the purposes of tourism; or (b) the infrastructure of which is functionally separate from any other railway which does not fall within sub-paragraph (a) This is the ROGS definition
transport undertaking	This is any company which operates a vehicle in any infrastructure, but not including engineering possessions. However, this term has very limited use in this guide; 'railway undertaking; is used instead.
railway undertaking	This is a subset of 'transport undertaking' but applies to the mainline railway only, as does this guide. The reference is from the Railways (Licensing of Railway Undertakings) Regulations 2005.
transport operator	Any infrastructure manager or railway undertaking.
infrastructure	Fixed assets used for the operation of a transport system, (eg permanent way, signalling, electrical supply equipment and stations).
infrastructure manager (IM)	The person who: a) in relation to infrastructure, other than a station, is responsible for developing and maintaining that infrastructure, or in relation to a station, except that it shall not include any person solely on the basis that he/she carries out the construction of that infrastructure/station or its maintenance, repair or alteration; and b) manages and uses that infrastructure or station, or permits it to be used, for the operation of a vehicle.
IM (stations)	The person who is responsible for managing and operating [a] station and manages and uses that station, or permits it to be used, for the operation of a vehicle.
(other) transport system	A railway, tramway or any other guided transport system which is wholly or mainly used for the carriage of passengers, with some exceptions (such as guided buses).

2. SECTION B

1 Assess risks and develop Safety Management System

Contents:

B1.1 Introduction

This section covers the start of the safety management cycle, ie the consideration of existing risks and the development of the SMS to control these risks adequately. The RSSB Board has agreed on the following key areas of safety risk and these are supported by the nine headings in the Railway Strategic Safety Plan - and the whole cycle of safety management should be structured on these and evolve as, and when, they change:

- Workforce Safety
  - Train Crew
  - Track Worker
  - Stations
- Public Behaviour
  - Crime
  - Level Crossings
- Individual Passenger Safety
  - Stations
  - On trains
- Operational Safety
- Engineering Integrity
  - Trains
  - Infrastructure

B1.2 SMS risk assessments

ROGS Regulation 19 requires that a suitable and sufficient risk assessment be carried out in order to identify safety measures needed to control the risks arising from transport operators' operations, covering employees and others (such as passengers, the public and contractors). This risk assessment does not have to be part of the application for a safety certificate or authorisation, but will need to be available for inspection after issue of the certificate or authorisation.

The requirement goes beyond the general requirements of the Management of Health and Safety at Work Regulations 1999 (the Management Regulations). Paragraph 146 (c) of the ROGS Guidance states: 'The purpose of the risk assessment is to identify the measures the transport operator needs to take to ensure the "*safe operation of the transport system insofar as this is affected by his operation,*" which emphasises the importance of examining risks that arise at the interface between different operators'.

The risk assessment will also need to take account of risks arising from others, thus requiring effective cooperation. The duty of cooperation (Reg 22) applies the general duty to cooperate on risk assessment and risk control measures and specifies, in particular, access to premises and rolling stock by transport operators to facilitate such assessment and controls.

Holders of certificates or authorisation are required to retain records relating to risk assessments.

In summary, a suitable and sufficient risk assessment is required (though not in the submission document) and effective cooperation on risk assessment is now made more explicit than under the safety case regulations.

There are later references to safety decision making and reasonably practicable in sections B3.5 and B1.6 respectively.

B1.3 Safety Risk Model and Risk Profile Bulletin

More information on the Safety Risk Model and Risk Profile Bulletin, plus data collection and safety performance reporting, is provided in *Safety Management Systems – A Guide to RSSB Activities.*

The UK rail industry cooperates in understanding and evaluating industry-wide risk through the following process:

- All SMS holders are committed to entering their accident and incident data into Safety Management Information System (SMIS).
- RSSB compiles and analyses the data in SMIS to produce safety performance reports, the Safety Risk Model (SRM) and the Precursor Indicator Model (PIM), which give an understanding of the industry-wide residual risk.
- RSSB shares these analyses with the industry through regular publication of the Safety Performance Reports and the Risk Profile Bulletin.
- SMS holders use SMIS, intelligence from the safety performance reports, the SRM and the PIM to assist in monitoring and reviewing their own systems.

It should be noted that both the SRM and PIM model industry-wide risk and therefore are only capable of being used as a guide to understand individual SMS holder risk.

The SRM is updated regularly by RSSB. The different versions can be compared to see how the risk profile has changed over time; this allows the effectiveness of management effort in different areas to be reviewed and kept up to date.

The Risk Profile Bulletin (RPB) is a significant output from the SRM. It provides comprehensive information on the frequency, consequence and risk associated with each of the 125 hazardous events and their causes. This enables the dominant railway risk contributors to be identified and the safety benefits associated with safety improvements to be evaluated. This information assists the railway industry (and other interested parties) in developing and managing safety strategies. The RPB covers all running lines, rolling stock types, locations and stations currently in use on the mainline infrastructure.

RSSB analyses data from SMIS and other sources and shares it with the industry via the:

- Quarterly and annual safety performance reports covering the profile of safety performance and risk for the mainline railway
- Specific topic-based safety performance reports looking at areas such as level crossings and stations in more detail

The SRM will also be used to monitor industry's performance against the Department for Transport's High Level Output Specification safety metrics over the period 2009 to 2014.

B1.4 Route and company risk profiles

The SRM is a valuable resource for transport operators in helping them develop their own company risk assessments and risk profiles. To facilitate this process, RSSB has developed the SRM Templates. Transport operators can use the templates in conjunction with their own data and operational characteristics to develop their company risk assessments and risk profiles.

RSSB offers support and guidance to the transport operators on the use of the SRM and the associated templates.

RSSB is able to produce safety data profiles for NR routes and transport operators. With the current commitment to improving the data quality in SMIS, improved benchmarking between transport operators will be possible.

B1.5 Risk responsibilities

RSSB, working cooperatively with its members, will use the SRM to identify a statement of responsibility for each main risk precursor category. This responsibility will identify:

- Categories of transport operator involved in managing risk.
- Lead categories of transport operator responsible for coordinating industry risk control efforts.

This risk responsibility matrix should be used by transport operators to clarify roles and responsibilities and as a basis for requests for safety cooperation on areas of shared risk. The schedule will be reviewed and updated on a regular basis. RSSB is developing a System Interface Database to support this process.

B1.6 SMS development

The IMs and railway undertakings are required to develop SMSs which set out the practical arrangements for safe operation of their respective parts of the railway system, delivery of obligations under ROGS and other relevant legislation/regulations including The Railways (Interoperability Regulations) 2006.

The SMS should demonstrate suitable and sufficient assessment of the safety risks arising from the transport operator's own operation, as well as recognising those imported risks from other transport operators and third parties. In addition to defining the risks, the SMS must summarise the processes in place to manage these safety risks to as low as is reasonably practicable.

These control processes should include a description of how the IM and railway undertakings will work together to understand, review and control interface safety risk. In the case of existing transport operators who have accepted Railway Safety Cases many cooperative processes will already be in place. For new operators, however, it is important that detailed discussions are held with other transport operators, that they will interface with, so that their SMS contains evidence of adequate specification of interface controls.

The SMS should describe the process for liaison on the transport operator's initial submission for certification/authorisation with 'affected parties'.

The SMS of each mainline transport operator should also contain the following elements:

b) Explanation of the SMS development process, including recognition of interface risk.

c) Explanation of how information from the Safety Risk Model will be used in the development of their company risk assessment including the assessment of interface safety risk (the common currency).

d) Processes, or reference to processes, that are in place to control interface risk, operate the duty of cooperation and review safety performance. These processes should include the transport operator's arrangements for:

- Systematically scrutinising the new or modified submissions or SMSs of interfacing transport operators (if made available) and informing the ORR of the outcome.

- The making of reasonable requests to another transport operator in respect of the interface risk concerns arising from the transport operator's management of its part of the mainline railway.

- Responding to reasonable requests received from another transport operator in respect of the interface risk concerns arising from the management of its part of the mainline railway.

- Participation in the industry's process for escalation of safety concerns (see section B6)

- Responding to feedback from ORR concerning issues raised about a transport operator.

- Internal change control including relevant briefing to facilitate safe introduction of a new transport operator or changes in scope to an existing transport operator.

Transport operators should liaise where new or significantly changed submissions for safety certificates/authorisations or SMSs are proposed, and where these may introduce new risks to others. This is a similar cooperative process to that expected in the preparation of safety plans.

The transport operator should either demonstrate a commitment to cooperation via adoption of this guide or state in the SMS alternative methods to meet the duty of cooperation.

2 Safety improvement planning

Contents

B2.1 Introduction

Transport operators have a duty under ROGS to plan for reaching qualitative and quantitative targets for the maintenance and enhancement of safety (*Sch 1(2)(b)).* Transport operators are also required to send annual reports to the ORR including the results achieved through putting their safety plans into effect.

The Duty of Cooperation - Regulation 22 requires SMS holders to cooperate to achieve safe operation of the railway system. It also requires contractors and others engaged by transport operators to cooperate with other transport operators.

With regards to cooperation on safety planning, ROGS Reg 5 (in particular) requires that the transport operator's SMS is established to ensure the mainline railway system can achieve the Common Safety Targets (CSTs). The guidance (para 63(a)) states that *'an individual transport operator cannot achieve this in isolation… In effect this requires interfacing transport operators to cooperate and ensure their SMSs fit together so that there is no gap in safety protection*'.

The recently published *Safety Management Systems - A Guide to RSSB Activities* also includes references to cooperation in safety planning.

B2.2 Safety improvement planning and the Strategic Safety Plan

The Railway Strategic Safety Plan 2007-2009 states that one of the three key principles underpinning the approach to safety management in the railway is – '*Capitalising on stakeholder commitment to cooperation in the management and continuous improvement of safety risk*' where it is reasonable practicable.

There are now new arrangements for cooperation between Network Rail and railway undertakings in the development of their respective safety plans. These arrangements were endorsed by the RSSB Board in July 2007 and are summarised overleaf.

a) Network Rail Route Directors, in conjunction with relevant transport undertakings, will use the most appropriate forums to set Safety Improvement sub-groups.

b) The Safety Improvement sub-groups will be the means by which Network Rail routes and train operators meet to share in the development of each other's

safety plans, and to support their input to development of the SSP. This will include the risk areas to be addressed, strategy and specific objectives for further improvement and a quantification of the impact this will have on each risk area. This process will provide a shared understanding of both Network Rail and train operator plans and present the opportunity for each operator to input to the development of other operators' plans.

c) The sub-groups will present their minutes and findings to their sponsoring group.

d) The output of each sub-group meeting will include:

- Identification of any significant omissions within Network Rail or train operator plans.
- Confirmation of action to be taken.
- Identification of improvement objectives or action to be included in the SSP.

The outputs of each sub-group will inform further development of the detailed plans of both Network Rail and train operators, where appropriate.

e) The production of the SSP is a cooperative process and the main source material will be taken from transport operators' plans with additional input from relevant elements of the plans produced by RSSB National Programmes and a review of R&D topic strategies. With the SSP now taking an overview of transport operator safety plans, the creation of this national document is critically dependent on transport operators having decided on their own actions and made these available for aggregation. The ability to generate quantified safety trajectories against the key risk areas is dependent on quantified forecasts being provided by transport operators.

f) The High Level Output Specification (HLOS) is not expected to cause any change to the nature of the SSP although the trajectories it will set out will take account of it. The SSP can continue to capture the safety improvement plans made by transport operators.

Note also RSSB's *Writing Safety Plans – A guide for Operators* referred to in section A4 and available on the RSSB website.

B2.3 Cooperative review of risk – role of industry meetings

Overall railway system safety is delivered by individual companies controlling risk in their respective parts of the system, in accordance with controls specified in their SMS; however the nature of the system means that risks controlled by one party have the potential to affect other transport operators.

To help understand these risks and develop improvement measures, initiatives, plans and strategies, RSSB and transport operators have established a structure of national and geographic meetings. These meetings all have formal remits, are

populated by competent representatives and have suitable governance arrangements.

a) National Groups

The current range of national safety strategy and risk review groups facilitated by RSSB (unless where stated) on behalf of the mainline transport operators is listed below:

- CIRAS Trust and Executive Committee
- Community Safety Steering Group
- Industry Standards Coordination Committee
- National Emergency Planning and Coordinating Committee (facilitated by Network Rail)
- National Level Crossing Safety Group
- NIR System Management Group
- Operations Focus Group
- Rail Personal Security Group
- Rail Sustainable Development Group
- Railway Industry Supplier Approval Scheme and Board
- Research and Development Advisory Group
- Risk Management Forum Steering Group
- Risk/Stakeholder Practitioners Working Group
- RSSB Simulation Group
- RSSB Board
- RSSB Safety Legislation Committee
- Safety Decisions Programme Think Tank
- Safety Policy Group
- SMIS Programme Board
- Standards committees and subgroups of standards committees
- Sustainable Development Steering Group
- Systems interface committees
- Technical Strategy Advisory Group
- TPWS Reset and Continue Stakeholder Group (facilitated by ATOC)
- Train Horns Steering Group
- Yellow Book Steering Group
- Workforce Development and Competence Advisory Group

Further information on these groups can be found on the RSSB website. It is intended that an up-to-date RSSB member guide to all the industry safety meetings and groups facilitated by RSSB will be available in the near future. It is therefore not intended that this guide is updated with changes to industry groups.

In addition, there are other meetings hosted/facilitated by railway undertakings and these are listed in section B7.2.

b) Geographic Groups

The current range of geographic (local) safety risk review groups between Network Rail and railway undertakings is listed below:

- Community Safety Partnership Groups
- Road/Rail Partnership Groups (level crossing subgroups)
- Route Emergency Planning and Coordinating Committee (REPACC)
- Signal Sighting Committees
- Operations Safety Remediation and Mitigation Groups (OPSRAM)

These geographic groups are also supported by regular bilateral safety reviews between Network Rail and each railway undertaking (shown as level 1 and 2 safety meetings).

In addition to the standing groups, specific project teams or working groups can be established to address specific tasks, activities or change projects.

B2.4 Emergency planning

Transport operators are required to prepare, exercise and update emergency plans and response arrangements in respect of any reasonably foreseeable incident that may affect their operation. In practical terms, the following is required:

- Network Rail is responsible for emergency planning and response arrangements for all incidents that may occur on its infrastructure including engineering possessions and directly managed stations.
- Railway undertakings are responsible for emergency planning and response arrangements for incidents which may occur on board the passenger and freight trains, and in the depots and stations, that they manage.
- Network Rail is also responsible for the coordination of all transport operator emergency and incident response plans, thereby ensuring an integrated approach.

The SMS of railway undertakings are required to specify their emergency planning and incident arrangements, including how the development, exercising, updating and practical implementation of such plans will take account of, and be integrated with, the plans of other operators and Network Rail. Such arrangements will require the close cooperation of transport operators including support for the following groups:

- Route Emergency Planning and Coordination Committee (REPACC) meetings organised by Network Rail and attended by geographic line of route railway undertakings.
- National Emergency Planning and Coordination Committee (NEPACC) meetings also organised by Network Rail and attended by railway undertakings and other agencies.

When an incident arises which requires the implementation of emergency plans and incident response, command and control arrangements, a very high degree of real time cooperation will be required between the affected transport operators. To test the effectiveness of these arrangements, operators are required to work together to plan and undertake table top and on site exercises and also participate in post-incident reviews to learn lessons and specify improvements to existing plans.

B2.5 Standards

An essential element of cooperation across the industry is the management of standards. RSSB's recent publication *Safety Management Systems – A Guide to RSSB Activities* details the management of this cooperative aspect of rail safety management. It includes details on:

- Standards Framework
- Legislation
- Technical Specifications for Interoperability
- Notified National Technical Rules
- Railway Group Standards and other standards

3 Manage safety

Contents

B3.1 Introduction

This section focuses on the cooperation requirements necessary to support the safe day to day management of the mainline railway system.

B3.2 Competence and training

ROGS Schedule 1 on the SMS (para 194(e)) requires arrangements to manage the competence of – in addition to front-line staff – contractors, consultants and suppliers of health and safety related services and management personnel. Industry cooperation is therefore required in order to maintain appropriate industry-wide competencies.

Reg 26 Cooperation Requirements for Safety Critical Work (guidance para 173) states that: operators or controllers of safety critical work may need cooperation from another to enable them to carry out their work. This may involve the provision of information or the coordination of procedures.

The safety critical competences required often relate to the application of industry standards and so cooperation is needed to apply these standards consistently across the industry.

Consistent levels of competence have been an industry requirement for several years and, for example, GO/RC3551 Approved Code of Practice – Train Driving (2002) details cooperation requirements relating to competence and training. This RACOP is due to be replaced in 2008 by two Good Practice Guides on Train Driving Assessment and further Good Practice Guides and Guidance Notes. Use of such RSSB guides and the ORR's *Developing and Maintaining Staff Competence. Railway Safety Principles and Guidance: Part 3 Section A (2007)* will assist the industry to reach consistent and compatible levels of competence.

ROGS specifically requires competent management personnel. Appropriate managers are required to understand the risks to safety and where, and how,

cooperation is necessary to control these risks. This applies to the whole range of cooperation issues described in this guide.

The Rail Industry Skills Forum is a cross-industry body which was set up in 2006 to take a holistic approach to providing strategic advice on future skills requirements for the industry. It provides a cooperative forum and a focal point for relationships with other bodies such as sector skills councils, Government departments and trade unions. It also assists in the strategic direction of RSSB's Research and Development programme in workforce development. Industry cooperates via representation from ATOC, Network Rail, RSSB, the Rail Freight Group, the Railway Industry Association, London Underground, and Light Rail Operators working with the Skills for Business Network and the DfT.

B3.3 Safety critical work

The following is based on the wording in the ORR's draft *ROGS – A Short Guide*:

The cooperation requirement in ROGS builds on the existing requirement (in the Management of Health & Safety at Work Regulations 1999) for employers and the self-employed, who share a workplace, to coordinate their safety measures.

Controllers of safety critical work and safety critical workers must all cooperate with each other to ensure that controllers can comply with their requirements under ROGS. There are two elements to the cooperation requirement:

- Controllers must cooperate with other controllers or operators whose activities their work affects.
- Anyone carrying out safety critical tasks must cooperate with affected controller(s) of safety critical work.

The nature of this cooperation would include things like sharing information, or co-ordinating and following agreed procedures.

B3.4 Supplier Qualification and Accreditation

The SMS of each operator is required to specify the controls in place for the safe assessment, appointment of management of contractors and suppliers.

Recognising that there is largely a common supply base, operators have cooperated to develop and operate a number of schemes to supply the efficient qualification, accreditation and audit of contractors and suppliers. These schemes include:

- RISAS – independent accreditation of safety control plant and rolling stock equipment suppliers
- Link Up – registration, qualification and supplier audit
- Plan Assure – registration, qualification and supplier audit

RISAS aims to provide economies of scale to the railway industry by reducing duplication in the auditing and assessment of suppliers of critical materials and services. For further information on RISAS see the website www.risas.org.uk.

B3.5 Safety decision taking

Taking safe decisions has recently been published by RSSB on behalf of the rail industry. It describes the industry consensus view of how decisions should be taken that properly protect the safety of rail industry staff, passengers and others, satisfy the law, respect the interests of stakeholders, and are commercially sound. It has been agreed that *Taking safe decisions* should be referenced in operators' SMSs.

A key clarified principle is that decisions are taken for both commercial and legal reasons in the GB railway industry. The document distinguishes between these reasons as they have implications for whether or not a decision is mandatory, and how the impact of that decision is subsequently managed and perceived. If it is judged that a measure is legally required it must be undertaken. However, often in the railway industry decisions are taken which impact upon safety that are not legally mandated. A company might choose to implement measures that go beyond what is reasonably practicable for commercial, reputational or other reasons. But it is not legally obliged to do so and is therefore not committing a crime if it chooses not to implement them. These principles apply directly to the decisions of a single railway company and when two or more companies work together to manage a hazard that they share.

Supporting publications are due for publication by the end of 2007. These describe a clear framework of activities that put the principles described in *Taking safe decisions* into practice. The framework and principles provide a basis for railway undertakings and infrastructure managers to work together to jointly take decisions which impact upon the safety and/or the commercial aspects of their respective businesses.

B3.6 National programmes

To assist operators understand and manage specific safety risks and work together to improve safety management, RSSB facilitates a range of National Programmes. The current range and brief scope of National Programmes is summarised below:

- Operations Focus Group - OFG facilitates the progressive improvement of operational safety through the identification, discussion, development and promotion of justifiable and potentially effective campaigns, programmes and tools on the mainline railway. The group also facilitates operational safety risk dialogue with other railway systems. It has no statutory responsibilities. Operational safety includes issues relating to SPADs, station over-runs, voice communications, degraded working, etc.

- Community Safety Strategy Group – the main purpose of the CSSG is to agree national priorities and strategies aimed at reducing the risks and costs posed by crime, disorder and other forms of inappropriate public behaviour - including trespass, vandalism, graffiti, assaults, suicides and level crossing misuse.
- Rail Personal Security Group - The RPSG is a cross-industry tasking group set up to raise the profile of personal security on the railway and to reduce the impact of assaults on passengers and all those who work on the railway. The group reports to the CSSG.
- National Level Crossing Safety Group - The purpose of the NLCSG is to raise the awareness of safety matters at level crossings. In particular, the NLCSG seeks to improve the behaviour of pedestrians, motorists and other users at level crossings and examines public policy making recommendations to simplify and consolidate regulatory matters.
- RISAS – The aim of RISAS is to provide economies of scale to the railway industry by reducing duplication in the auditing and assessment of suppliers of critical materials and services in the market for the overhaul of assets and components initially for trains. It sets out to ensure that suppliers of critical products to the railway industry have the appropriate systems, processes, competence, resources and procedures.
- NIR Online – This is a web based system for the rapid sharing of information about safety related defects on trains and plant.
- Safety Management System – The emphasis of this programme is on developing SMSs containing common elements. The introduction of ROGS and other legislation provides an opportunity to develop coordinated safety processes for industry to: challenge existing practices; simplify existing regime; develop more efficient methods, systems and processes.
- Sustainable Development - Through the Sustainable Rail Programme, the industry and government are working together to: prioritise the key sustainable development issues, establish the current sustainability performance, identify challenges and opportunities for the future and develop a 30 year Sustainable Development Strategy.

B3.7 Safe real time operation based on cooperation

The real time operation of the mainline railway is undertaken by the competent workforces of operators in accordance with TSIs, Railway Group Standards (including the Rule Book, company standards/procedures/instructions and the Railway Operational Code). The very nature of railway operation requires the continuous interaction between appropriate employees of Network Rail and railway undertakings. Arrangements for this are set out in the SMS of each transport operator.

From time to time, the operation of the network may generate a safety risk which requires real time management intervention to allow hazards and risks which, if not mitigated, could otherwise affect the safety of another operator and the system as a whole. Such management interventions are likely to require the active cooperation of more than one operator and are likely to be the subject of

standardised processes. These processes should be summarised in the SMSs of operators.

The SMSs of operators should specify arrangements for management of the following, where appropriate:

- Failure of safety critical equipment.
- Exceedance of infrastructure condition monitoring equipment, eg HABD.
- Loading irregularities/out-of-gauge loads.
- Technical failure of infrastructure.
- Weather management controls.
- Implementation of incident management and emergency plans.
- Immediate post incident response arrangements (including alcohol and drugs screening and initial evidence capture).
- Generation, distribution and action on existing systems for urgent advice and safety information, eg Urgent Operating Advice and NIR Online.
- Generation, distribution and action of RAIB Urgent Safety Advices.

The above are covered by a number of current Railway Group Standards (including the Rule Book), the Railway Operational Code and Network Rail's Control Manual.

In addition to the cooperation that is required to deliver the safe day-to-day operation of the railway system, operators are required to engage and work together collaboratively at national and local level to maintain the foundation of safety management on which the day-to-day operation depends. This cooperative structure includes activities such as (most of which are referred to elsewhere in this document):

- Development and maintenance of the Safety Risk Model.
- Risk based safety improvement planning including development, publication, implementation and monitoring of the annual Strategic Safety Plan.
- Development of Railway Group Standards, codes of practice and good practice guidance.
- Research and development.
- Targeted campaigns and risk based improvement programmes.
- Development of new technology and systems.
- Provision and operation of a confidential safety reporting system.
- Coordination of European developments.

B3.8 Incident reporting

Operators on the mainline railway have established, through Railway Group Standards (including the Rule Book) and individual company procedures, robust arrangements for the reporting, investigation and follow up of incidents. The

structure of the mainline industry requires a high degree of cooperation to operate these arrangements which should be reflected in the SMS and company procedures of each operator. The following relates to incident reporting:

- As soon as possible after the incident, details must be entered into the Safety Management Information System (SMIS) which should be regularly updated when further information becomes available.
- Details of incidents which may have implications for and require action by other operators should be shared with them as soon as possible using either the NIR Online system or other available systems such as GO/RT3350, GE/RT8250 and workforce safety bulletins

B3.9 Spoken Safety Communications

Network Rail shall have arrangements in place for the joint monitoring of spoken safety communications between operators. All railway undertakings shall be invited to attend such joint monitoring sessions, and although attendance is not mandatory, where an invitee persistently fails to attend, this should be escalated to the appropriate Level 1 and/or Level 2 safety meeting.

The purpose of the joint monitoring sessions is to enable attendees to take appropriate actions to improve the standards of spoken safety communications of their staff, to monitor and develop strategies for improvement, to set and agree targets for improvement, to analyse trends, and to identify and share good practice.

Additionally, Network Rail shall produce an overview report of the joint communications monitoring, for discussion at Level 1 and 2 safety meetings.

Network Rail shall publish the arrangements whereby railway undertakings can gain access to voice recordings, for the purpose of collection of evidence to contribute to their competence assessment process. Voice recordings should also be made available to railway undertakings following incidents and accidents, so that they may be reviewed, to assist in the investigation.

Transport operators should cooperate in the provision of, and attendance at, joint training / briefing sessions on spoken safety communications. This will help ensure that a mutual understanding of roles and responsibilities is achieved, and give participants the opportunity to practice and improve their spoken safety communications. To facilitate this process, the joint use of simulators (ie, for signalling and train driving) should be encouraged.

B3.10 CIRAS

Transport operators are required to support CIRAS, the Confidential Incident Reporting and Analysis System, which provides employees of any company in the railway industry with a confidential and independent way to report safety-related

concerns without fear of recrimination, or where they feel unable to report through normal company channels.

Safety concerns may be reported to CIRAS, either via a dedicated telephone number, or in writing. The CIRAS unit will respond and produce a report which is allocated to relevant SMS holders who are required to investigate and confirm to CIRAS any action to be taken.

CIRAS periodically publishes a summary of selected safety concerns raised and the associated responses received allowing the transport operators to learn from the collective intelligence of CIRAS.

B3.11 Management of change

This sub-section covers change management in general, but mainly deals with significant change to rolling stock or infrastructure and the required verification. Sub-Section B5.2 deals with the management of change proposed as a result of the review of the SMS and its effectiveness.

The SMS of each transport operator should set out the arrangements for the safe implementation of changes as these can impact significantly across the industry. New technology and processes provide the opportunity to enhance railway safety but such changes should be subject to disciplined risk management which include assessment of the impact on other transport operators. Such a change control discipline will provide for a competent understanding of the existing and future risk, along with any new or revised control measures necessary to control railway system safety.

Regulation 5 requires that the SMS for each mainline transport operator should contain the definition of arrangements to understand and control new and existing safety risks associated with the operation (supply and maintenance of materials, use of contractors, placing in service of new or altered vehicles).

Projects deemed as requiring safety verification under ROGS will require the appointment of a competent person to undertake an independent assessment of risk before action can be taken by the sponsoring transport operator to place new or amended assets into service. Note - the external verification by a Notified Body under the Interoperability Regulations satisfies this requirement (see ROGS Regulation 5(5)).

If the above criteria are not triggered, the change can be approved in accordance with an internal company SMS procedure.

An integral feature of both the interoperability and internal verification processes is the demonstration of technical compatibility between the new/altered asset and existing rolling stock/or infrastructure. This process is known as compatibility assessment and it is specified in GE/RT8270.

The verification and compatibility assessment regime should be supported by an evaluation of the management system controls necessary to safely operate new rolling stock or infrastructure assets. Such controls will need to address:

- Asset operation (procedures, instructions)
- Competence of operatives
- Maintenance regime
- Degraded mode operation including responsibility of other transport operators or affected parties.

Again, the transport operators will be required to engage with their affected parties in the developments of these controls where appropriate.

The SMS should also contain definition of arrangements to control the risk associated with operational change, including significant timetable changes, deployment of trains onto new routes, organisation and management change, and introduction of new and amended rules/standards. Such arrangements should identify the impact on other transport operators and thereby engage with them to address any identified safety risks.

Explanation of arrangements to understand the implication of external legislation/regulation changes which may affect operation of the Duty of cooperation and shared risk control processes with other transport operators.

The above process(es) will enable a transport operator to demonstrate:

- An understanding of risk generated by change to their own operation and need for additional or different control measures.
- The interface risk posed to other transport operators and/or other persons, quantification of this risk, where appropriate, and agreement over the need for additional or different control measures by the respective parties.

4 Monitor and review safety management

Contents

B4.1 Introduction

This section covers issues relating to the monitoring and review of the management of safety. Transport operators cooperate via their production of annual safety reports for the ORR, for example. There are several key areas where the industry does, and should continue to, cooperate and these are described below.

B4.2 Annual Safety Reports

In order for the ORR to be able to compile an annual report on the mainline railway in Britain to the ERA by 30 September each year, all transport operators are required to send an annual safety report to the ORR. These should contain information relating to the cooperative management of industry risks, as follows:

- Information on how the transport operator's safety targets are met.
- Results achieved through putting the safety plan into effect.
- Relevant statistics relating to common safety indicators (CSIs).
- The findings of internal audits of the SMS.
- Comments on problems relating to the operation of vehicles or the management of the infrastructure that may be relevant to the safety of the transport system.

RSSB collates the CSIs data in a consistent and structured manner on behalf of all the transport operators and provides the collated information to the ORR.
Transport operators are required to cooperate with RSSB in the review and approval of the data relating to their organisation to be submitted to the ORR.

B4.3 RSSB Strategic Board Agenda

The Board of RSSB is constituted with formally nominated representatives of each category of transport operator in the mainline industry. In addition, it also comprises of a number of independent experts from other industries.

As such the Board of RSSB is both constituted and competent to undertake the systematic review of key safety risks and developments. It undertakes this principally through the review of prepared papers provided by RSSB with the support of its members and other stakeholders.

The cooperation of all transport operators is required to help input into these papers and where appropriate present those to the Board of RSSB to enable a comprehensive topic review to be held. In turn RSSB will publish these papers to help inform the work of National Programmes, other industry groups, transport operators and any other RSSB members.

B4.4 Incident investigation and analysis

Transport operators on the mainline rail network have established through Railway Group Standards, (including the Rule Book) and individual company procedures, robust arrangements for the reporting, investigation and follow up of incidents. The structure of the mainline industry requires a high degree of cooperation to operate these arrangements which should be reflected in the SMS and company procedures of each transport operator. The following relates to the stages after incident reporting (see B3.8).

Investigation

- Immediately after an incident, transport operators should work together to preserve evidence, make relevant staff available for witness statements and determine forward responsibilities for any subsequent investigation.
- Through discussion, the relevant transport operators should agree on which organisation will lead the investigation (usually the IM), the type of investigation to be undertaken and a suitable remit to determine root cause. The investigation should then be undertaken in accordance with the remit. All transport operators are required to make relevant staff available to support the investigation.
- After completion of the investigation, the draft report should be circulated for review and comment by affected transport operators before completion and publication.

Recommendations

- Investigation reports may contain recommendations on one or more transport operators to prevent reoccurrence. These operators will be required to review the recommendation(s) and develop a suitable response which should then be communicated to the lead investigation body.

Monitoring of Recommendations

- All operators are required to monitor implementation progress with recommendations and record status and progress on SMIS.

- Some recommendations relating to industry wide systems and cooperation may be referred to RSSB and in this case RSSB will monitor progress and record this on SMIS
- In the case of investigations undertaken by RAIB the ORR will monitor progress on recommendations until close-out

Learning

- Transport operators should collaboratively review and learn from relevant incidents and root cause investigation reports and lessons. RSSB is currently leading in coordinating improvements in the learning from incident investigations and data as part of its Safety Management System Programme. This will involve cross industry input (as for all the National Programmes) and will consider, in particular, identification of underlying weaknesses with safety management systems and better investigation of behavioural issues.

B4.5 Monitor and review

Transport operators are required to record, monitor and review their safety performance and document the arrangements for this in their SMS. The structure of the mainline rail system means individual transport operators may be responsible for controlling risks which could affect the safety of others (the concept of exported and imported risk).

Meaningful review of overall system safety performance will require Network Rail and railway undertakings to mutually review and understand their performance (including incidents and underlying trends), thereby demonstrating the effectiveness of interface safety controls or identifying specific deficiencies or concerns which require corrective action.

The mechanism for undertaking the structured review of system safety performance between mainline transport operators is illustrated in section B6, Escalation of safety concerns. This provides a more detailed explanation and also summarises the contents of the narrative which describes the framework for monitoring and reviewing safety performance of the rail system, including escalation arrangements. Section B3.8, Incident Reporting contains further details on response to safety concerns.

B4.6 Assurance

Assurance that the industry's SMSs together achieve safe operation of the railway system is dependant on effective cooperation as described in this guide. There are, however, some specific requirements relating to assurance:

- Transport operators are required to undertake regular internal audits of their SMS and to include the findings from these in the annual safety report to the ORR.

- The ORR undertakes inspections of transport operators to ensure compliance with the SMS supporting the safety certificate/authorisation. In order to assist with this process the ORR plans to issue its SMS validation guidance for inspectors on its website.

RSSB, through its many activities that support cooperation on system safety, is able to assist in the assurance process.

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5 Improve Safety Management Systems

Contents

B5.1 Introduction

This short section covers the last stage of the cycle and focuses on the changes to improve the SMS. Sub-section 3.11 deals with changes as a result of significant changes to organisation, operations, rolling stock, or infrastructure.

B5.2 Management of change

Improvements in the SMS and its application should lead to improved safety performance to the benefit of the railway network as a whole. The application of earlier sections of this guide should give a cycle of improvement:

1. Having developed the SMS based on the risks (some joint risks) at the time,
2. And then planned the management of safety including improvement so far as is reasonably practicable,
3. Then applying the SMS for a period of time,
4. Monitoring results and then reviewing progress,
5. Improvements can then be agreed and if necessary the SMS and supporting procedures changed.

The above types of changes are unlikely to be substantial, as defined in the ROGS Regulations, but where they could have an impact on other transport operators then new risks should be communicated. In this way all the appropriate risks can be managed by all the affected transport operators.

RSSB offers the facility to have the up to date submissions for initial and changed certificates and authorisation, and also the associated SMSs, available via a secure website to RSSB members.

RSSB members who have had their ROGS applications accepted by the ORR should send PDF versions of their ROGS certificate and authorisation ‘signpost’ documents for upload onto a secure area of the SMIS database. The SMIS database was chosen as a platform because it provides a quick and easy way to allow RSSB members and other contributors to have controlled access using existing protocols. Upon the first RSSB receipt of the ROGS submission document(s), the sender is emailed a link to the Business Objects area of the SMIS database with login instructions where users are able to view theirs and others’ submission documentation. Where substantial changes are made to the

submission document, transport operators should provide a briefing note explaining the change.

B5.3 Research and development

ROGS includes research and development as an area requiring cooperation. This is largely facilitated by RSSB which manages a programme of research on behalf of the industry and government whose scope (as agreed by the RSSB Board) covers industry-wide and strategic research, such as interface issues, system issues and other issues that parties cannot address by themselves. In other words, the programme deals with research notably where cooperation is required. The aims of the programme include the improvement of health and safety and of cost, amongst other non-safety-related aims.

The programme is overseen by the Research and Development Advisory Group, comprising senior members from across the industry and chaired by the Department for Transport. The research is managed under 13 topics:

- Safety Policy and Risk Management
- Workforce Development and Competence
- Sustainability
- Strategic Studies
- Level Crossings
- Operations
- Public Behaviour
- Occupational Health
- Vehicle/Track Interaction
- Infrastructure
- Rolling Stock
- Energy
- Command Control and Signalling

Each of these topics has one or more established cross-industry group acting as clients for, and sometimes participants in, the research in order to achieve cooperation between industry parties for the direction of the research and a path to implementation for the research outputs. For example, the primary client group for the topic 'Safety Policy and Risk Management' is the Safety Policy Group. Safety issues run through all of the topics. The research managed as part of this programme is the primary means by which the required industry-wide cooperation can be met.

The involvement of all parties assists in its effectiveness and therefore brings improved safety to the system. Other cooperative research is also undertaken through universities or consultancies supporting individual cooperative partnerships on specific issues.

6 Escalation of safety concerns

The framework for escalating of safety issues of concern between transport operators is illustrated overleaf. The process routinely starts with the mutual sharing of safety performance information and is followed by review at the appropriate interface meetings. The IM and each railway undertaking should review mutual safety risk performance at routine industry meetings.

Safety concerns which are not resolved by routine interface meetings should be formally escalated between transport operators through the preparation and issue of a formal escalation request letter (see Appendix 1). A description of the specified safety concern should be specified in a template letter by the relevant transport operator and submitted to the company secretary of the responsible company. The recipient of an escalation request letter is required to respond to the concerned party within the timescale specified in the formal letter.

The safety review process outlined above should be suitable to address routine safety issues and concerns, urgent issues however will require immediate escalation between transport operators. Urgent safety concerns must be clearly communicated and understood between the transport operators and agreement reached on short term action necessary to be addressed. Failure to reach adequate agreement should trigger the formal escalation letter.

Safety concerns which remain unresolved through the above framework should be formally escalated by the appropriate transport operator to the ORR for investigation and possible action. In the meantime, it remains the responsibility of the relevant transport operator(s) to continue to operate a safe rail system; this may necessitate the employment of additional control measures or even suspension of certain operations, activities or services.

Note:

GE/RT8270 – Assessment of Compatibility of Rolling Stock and Infrastructure - mandates requirements and responsibilities for the assessment of compatibility between infrastructure and rolling stock, the arrangements by which the assessment of compatibility is undertaken and identifies those responsible for managing the assessment.

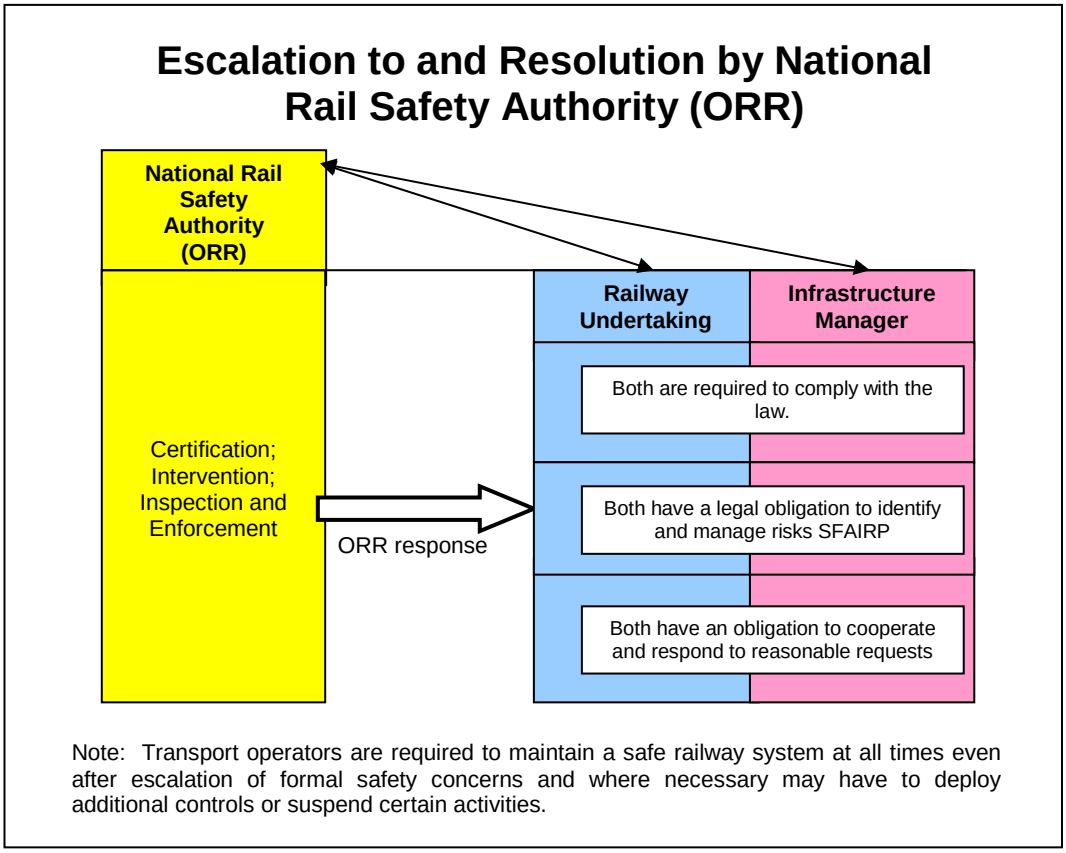
GE/RT8270 is also applicable when assessing compatibility between rolling stock and rolling stock, or infrastructure and infrastructure, where the assets concerned are the responsibility of different railway undertakings or infrastructure managers.

GE/RT8270 requires affected parties to review Statements of Compatibility produced by the proposer of change.

The proposer is to take account of comments received from affected parties before authorising and issuing the Statement of Compatibility.

The review process is to be conducted with the objective of achieving a consensus that the proposed change is compatible with the assets of the affected parties, given the identified limitations, restrictions or requirements on which the compatibility depends.

It will not always be possible to reach a consensus. If it is apparent that there is no consensus, or if an affected party considers that its comments have not been fully taken into account, GE/RT8270 sets out the steps to be taken to resolve any outstanding issues. In this context, GE/RT8270 refers to escalation using the rail industry's accepted processes, as set out in Section B6 of this guide.



Note: Transport operators are required to maintain a safe railway system at all times even after escalation of formal safety concerns and where necessary may have to deploy additional controls or suspend certain activities.

7 Different types of interfaces

Contents:

B7.1 Introduction

Sections B1-5 examine cooperation in the context of the interface: mainline infrastructure/ railway undertakings (train operators who may also be an IM, in respect of station operators). This section covers the other types of interface and the different cooperation issues that apply.

B7.2 Interfaces between railway undertakings, including IM (stations)

When preparing or reviewing their SMSs, railway undertakings should include within their Duty of cooperation framework the relationship and safety interface with other transport operators, particularly with regard to the following:

- Passenger station operational interface
- Interface between rolling stock and maintenance depots
- Interface with yards, sidings stabling points and train crew depots
- Cross hiring of rolling stock and train crew

The Association of Train Operating Companies (ATOC) supports its members, the passenger train operators, to cooperate through the provision of a structured meeting network to share good practice, lessons learned and identify improvement opportunities. These include:

- Engineering council
- Operations council
- Safety Coordination Group
- Train operators safety group

Railway undertakings should make appropriate reference to this instrument of cooperation in their SMSs.

Freight railway undertakings should ensure that their SMS addresses the following safety interfaces where cooperation between companies is required:

- Safe loading and unloading of wagons in yards, depots and terminals

- Operation of terminals
- Interfaces between rolling stock and maintenance depots
- Interface with third-party wagon owners
- Cross-hiring of locomotives and train crew
- Interface with possession management control regime of IM

To support the development of freight railway undertaking safety controls, the Freight Technical Committee has been established as an instrument of cooperation.

Plant operating railway undertakings should also make reference to specific instruments of cooperation in respect of safety interfaces in their SMS between companies for:

- Safe loading and unloading of plant
- Interface with yards, sidings and maintenance depots
- Cross hiring of plant and plant operators
- Interface with possession management control regime of IM

To support the development of good practice, improvement initiatives and controls, plant-operating railway undertakings have established a number of groups to address and improve safety interfaces as an instrument of cooperation. These groups include:

- Infrastructure Safety Liaison Group
- Mechanical and Electrical Engineering Group
- Rail Plant Association

B7.3 Interfaces between infrastructure managers and other transport systems

When preparing or reviewing their SMS, the infrastructure managers should ensure that their duty of cooperation framework also addresses the relationship and safety interface with other transport systems, particularly in respect of the following:

- Passenger station operational interface
- Operational interface with the mainline network including through running, electrical power supply control, control of the signalling system and trackside access.
- Management of change in respect of new or modified infrastructure assets
- Development of emergency plans and incident response arrangements

Having identified the operational interfaces and risks with other transport systems, the infrastructure manager should ensure that it establishes suitable monitoring, review and escalation arrangements with each system.

B7.4 Interfaces between mainline railway undertakings and other transport systems

When preparing or reviewing their SMS, transport undertakings should first identify all relevant interfaces with other railway systems and then ensure that the duty of cooperation framework addresses the relationship and safety interface with these other systems, particularly in respect of:

- Passenger station operational interfaces
- Through running and communication arrangements
- Management of change in respect of new or modified rolling stock
- Development of emergency plans and incident response arrangements

Having identified the operational interfaces and risks with other transport systems, railway undertakings should establish suitable monitoring, review and escalation arrangements with each system.

Appendix 1 – Template: escalation request letter

To: Company Secretary

Escalation request letter (from Senior Manager to Company Secretary in addressee organisation

I am writing to you concerning [insert outline summary of safety concern using bullet points].

The ROGS Regulations require transport operators to cooperate in order to achieve safe operation of the system. A guide to the duty of cooperation has been published by RSSB describing the relationships between transport operators. It is intended to facilitate compliance with the duty of cooperation and so help achieve safe operation.

The issue of [insert simple description of safety concern] has been [insert briefly how the matter has been addressed to date].

Unfortunately the issue(s) remain unresolved and it is appropriate for me now to write to you formally by reference to RSSB's *A guide to ROGS requirements for duty of cooperation between transport operators*, Part 2 section B6, to request that [insert simple description of safety concern] is addressed as a matter of urgency.

As a short term measure to maintain safety of the railway system, the following additional control measures have been implemented until further notice [insert outline summary of additional control measures].

Please can you immediately inform me of the measures you intend taking in response to this letter and confirm in writing within a timescale that is reasonable for the complexity of the issue of concern.