

## **Revision of ORR's guidance RSP1 on Developing and maintaining staff competence**

### **Office for Rail and Road (ORR)**

**RPC rating: fit for purpose**

The BIT assessment is now fit for purpose as a result of the department's response to the RPC's initial review. As first submitted, the BIT assessment was not fit for purpose.

#### **Description of proposal**

The ORR has updated its guidance on '*developing and maintaining staff competence*' to include guidance on non-technical skills (NTS), highlight the available good practice guidance on competence management to industry members, and include an appendix detailing the expectations on NTS.

NTS are general, implicit skills that improve safety, effectiveness and efficiency in the workplace. For example, communication skills, decision making, team working and situational awareness. The submission highlights the importance of improved competency in NTS in reducing the risk of incidents and ensuring that individuals working in the industry make sound judgements.

The ORR asserts that the expectations on NTS have been implied for a number of years and that the RSP1 guidance does not place new requirements on business. The ORR consulted with industry on this measure and states that stakeholders were generally supportive of the changes.

#### **Impacts of proposal**

The assessment states that firms will need to familiarise themselves with the revised guidance. The ORR estimates that 300 firms will be affected. The ORR assumes that one individual per business will read the updated document - a member of HR or a safety manager. The reasoning underpinning this assumption is clearly set out and is based on ORR's experience of safety regulation and discussions with business. The wage of this individual is estimated using an average ONS ASHE wage rate for the passenger rail sector, with wage uplift. The revisions to the guidance have increased the length of the document by four pages. The assessment assumes a slow reading speed of 50 words per minute, based on an '*EFTEC (2013)*' method

paper<sup>1</sup>. Combining these estimates, the ORR provides an estimated total familiarisation cost of £3,816 to business.

The RPC verifies the estimated equivalent annual net direct cost to business (EANDCB) of £0.0 million. This will be a qualifying regulatory provision.

## Quality of submission

### Issues addressed following RPC's initial review

#### Red – not fit for purpose issues

- Familiarisation costs

The ORR has now provided further detail on the assumption that one individual per business will read the updated guidance. The resubmission explains that the revised document will be relevant for a single HR individual or safety manager to read. However, the submission could have expanded on how the information would be disseminated by the HR or safety manager within each organisation – especially given ASLEF's (the train drivers' union) response to the consultation, which expressed concerns that employers may make NTS compulsory in competence management systems.

#### Other comments

The initial review notice issued by the RPC raised two points as 'areas for improvement'. The submission would have benefitted from more detail on these to address the RPC's queries.

It is unfortunate that, at the time of conducting the guidance update, the ORR felt that the BIT requirements were not sufficiently clear for the ORR to collect data on this measure. The RPC acknowledges that seeking this data now would be disproportionate. The RPC recommends that, for future assessments the ORR considers recording the costs and savings to business of proposals, and, in particular for smaller measures, considers seeking confirmation of any break-even analysis on the costs to business of measures.

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<sup>1</sup> EFTEC (2013) – 'Evaluating the cost savings to business from revised EA guidance – method paper'

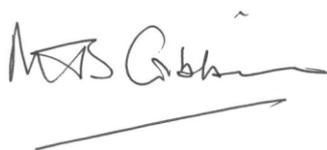
The RPC notes that the assessment gives some indication of which stakeholders responded at consultation, and a flavour of their responses. Including these comments adds valuable detail and improves the evidence base for the measure.

### Departmental assessment

Classification	Qualifying regulatory provision
Equivalent annual net direct cost to business (EANDCB)	£0.0 million
Business net present value	£0.0 million
Societal net present value	£0.0 million

### RPC assessment

Classification	Qualifying regulatory provision
EANCB – RPC validated <sup>2</sup>	£0.0 million
Business Impact Target (BIT) Score <sup>1</sup>	£0.0 million
RPC rating (of initial submission)	Not fit for purpose



**Michael Gibbons CBE**, Chairman

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<sup>2</sup> For reporting purposes, the RPC validates EANCB and BIT score figures to the nearest £100,000.