



BSS Advisory Committee – Confirmed Notes

BSSAC #94, 15 NOVEMBER 2016, CRT OFFICES, HATTON

Present:

Chair
BM3 - BM Boatbuilding
AWCC
AINA
YDSA
RBOA
IWA
Canal & River Trust
BSSTC Chair
NABO
TBA
BM1 – BM Executive Interests
NABSE
ABSE
ABSE
EA

BM2 – BM Hire Boats
RYA Executive Interests

Co-opted & Others:

BSS Manager
BSS Quality & Technical Manager
IWA

Apologies:

IIMS
Broads Authority
BSS Business & Technical Manager

Vacancy:

None

94.1 Apologies and introductions

94.1.1 Apologies are as listed above. Members welcomed a) Representative of the new BSSAC organisation, examiner/surveyor group NABSE, b) The new NABO rep and c) The new IWA rep. Outgoing IWA rep was thanked for his contributions over the years.

It was noted that current TBA rep had stepped down due to ill health and that the previous rep had returned as replacement, at least in the short term.

94.2 Notes of last meeting

94.2.1 The unconfirmed notes of the last meeting, *Doc K1, BSSAC #93* were accepted as accurate.

94.2.2 Matters arising

94.2.2.1 **-Tenanted boats** – The RBOA rep questioned some of the points reported at the last meeting and expressed disappointment about a lack of engagement with RBOA, being the body representing those that live-aboard. It was stressed that the BSSAC notes report on Trust statements and that the Trust is solely responsible for its own policy initiatives and that the BSS Manager's engagement with the Trust was purely in the context of him as BSS Secretariat, representing BSSAC's significant safety concerns for tenants in London. The RBOA rep emphasised that her organisation is also concerned to represent those new to boating, buying low-value boats to live on.

It was hoped that at the implementation stage, the Trust will engage with those

other bodies with an interest here, including the BSS (in the context of any perceived role for BSS Examiners), as well as user reps and representatives from the London Boroughs and London Fire Brigade.

It was reported that the Trust's Boating Business department are awaiting sign-off from lawyers before launching their 'Peer to Peer' enforcement policy in London.

The policy sets out how they deal with permanently moored tenanted boats and imposes strict conditions, such as demonstrating mooring residential-use planning consent and that they have the right to access facilities such as fresh water, sewage disposal and rubbish disposal.

It was also mentioned that the Trust intends to extend the policy to included tenanted boats without a permanent mooring at some point, and that wider consultation will be undertaken at this stage.

- 94.2.2. 2 **93.2.2.5 - Calor Gas Cylinder testing enquiry** – in answer to the AWCC reps query at meeting #91; the BSS Manager reported that he had received information from Calor Gas that all LPG cylinders, at the time of refilling, undergo a test of the tightness of the cylinder valve either through the deployment of a leak detection fluid test, an immersion test in water or an infrared temperature variance test. The cylinders go through a re-manufacturing process after 15 years.

It was confirmed that the POL connection threads on propane cylinders are not tested at refill and that Calor Gas are not aware that LPG leaking past the threads is a problem.

It was agreed that the issue was not one that was significant and was best controlled by owners returning cylinders to Calor Gas via the point of sale outlet, upon discovering that they have damaged cylinder threads. It was also agreed to monitor the situation.

- 94.2.2. 3 **BSSMC User Group Rep vacancy** – the AWCC reported that BSSAC user group reps have agreed the nomination. He currently sits on BSSTC as AWCC rep and will fulfil both roles in future. He subsequently was contacted by the BSS Secretariat and plans to attend the forthcoming BSSMC meeting.

There was a short debate about how the new rep will liaise with the user group reps on BSSAC in advance of BSSMC meetings, and how he will determine his input at those meetings. However, it was also stressed that the views of BSSAC including any minority user group view, for example, can be represented by the BSSAC Chair and that the role of the BSSMC User Group rep had previously been to act as the 'conscience' of the meeting where there may be a need to decide between closely balanced policy proposal options that may affect users.

- 94.2.2. 4 **93.4 - BSS hire boat requirements changes** – At the previous BSSAC meeting members developed three queries or suggestions on the proposed amended hire boat Examination Checking Procedures (ECPs) and these were presented to BSSTC. Members were informed that BSSTC members carefully considered each of the suggestions but decided that the ECPs should remain unchanged.

The BSS Manager reported that further information for hire operators will be provided on the BSS website in around ten days time, including the Examination Checking Procedures and some added value information about slip-resistant surfaces and carbon monoxide and smoke alarms suitable for boats.

It was reported that the training material for examiners was being worked on and that around 60 examiners had expressed an interest to be trained. Training is scheduled to take place in late February and into March with a number of courses around the country geographically. Training is to be carried out in-

house and involves a keen focus on practical training, following a short pre-learning and e-learning experience.

- 94.2.2. 5 **93.2.2.2 - Hire Boat Code development** – The BSS Manager said there was little progress to report. There had been no meeting of the AINA-led group since the last BSSAC meeting but one is anticipated to take place in early New Year. BSS have been supporting the simplified stability testing aspect in isolation. Some final work is being done in response to a small amount of somewhat unexpected results from BETA testing and to validate the simplified approach.

One aspect of concern was how Appendix 3 of the draft Hire Boat Code (setting out the stability requirements) is to be finalised and ratified now that the British Marine consultant has retired; and how the cost of the annual hosting and maintenance of the stability testing web facility could be paid for without impacting on BSS finances.

- 94.2.2. 6 **93.3.3 - Examiner ‘Trusted Messenger’ project update** - Further to the update paper presented at the last meeting, the late September timeframe to finalise the ‘checklist’ approach has been missed.

The checklist is nearly ready to pass back to the BSSAC Sub-group of BSS Examiner Group representatives that met in Mid-April. For example, following comments from the group about the length of the document, the checklist is now two sides of A4. A commitment was made that the checklist should be with the Sub-group by the end of November. Lessons from the recent boat CO fatalities on the Broads and at Cardiff Yacht Club are being incorporated into the checklist.

Once finalised, a document can be shared by email with the Sub-group. Sub-group members can then comment on this document and once agreed it can be taken back to their parent bodies for comment. The item will then return to BSSAC.

- 94.2.2. 7 **93.2.2.4 - BSS Hazardous Boat Notification procedure review** – The BSS Manager reported that there was no project start date in sight yet, however navigation authority staff to help the project are being identified. An update will be given at the next meeting.

94.3 To note actions arising from the reports in lieu of meeting BSSMC #89

- 94.3.1 The BSS Manager reported that the only action on BSSMC members was to agree, or otherwise, the review the BSS Examiner Conditions of Registration. The review was authorised.

94.4 BSS Examiner Development Strategy – project update

- 94.4.1 It was hoped that the BSS Business and Technical Manager could have attended to lead this item. In her absence the BSS Manager introduced it as perhaps the most significant, strategic initiative that the BSS will deliver through this committee in the next year. The need is to deliver as great a level of assurance as we can, that the product that BSS Examiners deliver, the BSS examination, will be the same consistent product come rain or shine, illness or good health. He said that it is what the Navigation Authorities expect in support of their duties, and it is what boat users expect when they select an examiner.

The Chair referring to *Doc C1, BSSAC #94* went through each of the listed elements that are considered to make up the strategy.

In general, BSSAC members were supportive of the proposals and direction of the paper presented and provided many good suggestions to help refine the approach further.

The key comments recorded are as follows:

94.4.2 **Examiner recruitment**

Members were in principal supportive of the BSS web text improvements that have been initiated and understood that further improvements were likely. The web text is intended for those considering becoming an Examiner and gives a more comprehensive guide as to what is required and expected from BSS Examiners, in the role. It was suggested to remove any frivolous text to emphasise the seriousness on any decision to apply to become an examiner.

Members were generally supportive of the idea to introduce a pre-application test, for individuals to experience typical tasks, before deciding if they should apply. It was suggested that this would be a valuable first filter prior to any decision to apply to become and examiner.

Members were generally supportive about applying the new selection criteria to those on the training course waiting list, provided there is no legal barrier and that those affected can be engaged with sensitively.

The ABSE rep raised the importance of prospective examiners going into examining clear about their ability to make money, as there appears to be a gap between expectation and reality. The BSS Quality & Technical Manager agreed that there is more work to consider regarding business planning supporting recruitment, and wondered if the examiner bodies could help in this respect.

94.4.3 **Initial examiner training and assessment and in-service examiner training and assessment**

Members were requested to make known, outside of the meeting, any training consultants who may be qualified to guide the BSS through the re-structuring of BSS Examiner training.

All

Members generally agreed with the plan to have internet-based modular content and a practical focus for attended training. It was clarified that the course, rather than two weeks back-to-back would likely be slightly shorter number of days spread over an extended period and progress dependent upon previous modules being passed.

The attended days would likely take place at different boat facilities where the practical and 'field-craft' skills would be taught. It was explained that 'field-craft' covered the practical skills of actually moving through the boat examining BSS aspects from one end to the other, that would hopefully instil a consistent approach from the trainees, from the outset. It was noted that there would also be a full boat examination assessment at the end of the course.

Suggestions were recorded from the Trust's representative regarding boatyards/marinas who would be willing to provide boats and classroom facilities for the practical elements. Members were invited to share any further suggestions with the BSS Office.

All

All

Members were also requested to share any experience of training providers working with distance learning or e-learning platforms.

94.4.4 **Examiner performance monitoring – newly qualified examiners (NQEs) & all examiners**

Concerning BSS Examiner Field Assessments. Members were generally supportive of the routine face to face meetings between examiners and the BSS Field Assessor being further supported by enhanced information from the BSS Salesforce platform about reported BSS examinations. For clarity there would be no additional reporting responsibility for examiners but the examination data would be analysed more deeply using reporting tools to be further developed to

support examiner monitoring.

It was further clarified that, in terms of how examiners are performing, the monitoring tools could identify some 'red flags' that could be acted upon by way of examiner support. It was reported that this committee will be monitoring the outputs from that data and using it as a measure of success in implementing the improvements and so what the monitoring tools are will be of significant importance to the committee.

Members were asked whether they had any initial comments as to how the BSS Examiner Field Assessment process could be improved. The NABSE rep asked about the use of hire boats when conducting Field Assessments and about limitations for non-Gas Safe examiners concerning the LPG tightness testing aspects. Specifically, whether there was an opportunity move away from an examiner simply talking through tightness testing procedure with the assessor. The BSS Manager explained that hire bases are the chosen venues because they offer a safe and controlled environment. It was agreed that solutions to the LPG tightness testing assessments could be developed, such as a mobile rig or some kind of virtual reality training tool.

It was raised about Field Assessments not being a full examination and members were generally supportive of the balance currently achieved whereby, field assessment process lasts half a day and comprises of four separate elements. This allows a more rounded assessment of all aspects of examining and allows double the amount of assessments to take place.

It was reported that newly-qualified examiners will have a field assessment usually within the first six months, depending upon the level of their examining activity. Other examiners may have an assessment every eighteen months to two years if they carry out hundreds of examinations or if they only do a few. The rest will go through about one every four years currently.

The ABSE rep raised the risk of examiners performing well at a Field Assessment and not at other times. The question of secret shopper methods to expose this behaviour was discussed in general. The Chair expressed reservations about secret shopper techniques because they can be demoralising and/or expensive and it would be best to rely upon intelligence to influence improvement activities. It was agreed that the varying models of secret shopping should be reviewed to see if there was a model that could actually be considered.

The Chair said that the Scheme is looking for an array of tools that can be used to build confidence. The NABSE rep indicated that this could be from asking boat owners two or three simple questions dropped into an array of other questions, for example 'How long was the examiner on the boat for?'

Members were asked for any initial comments on the intentions to upskill the BSS Quality Assurance Assessors. It is the Quality Control Assessors who re-examine boats once a formal complaint is initiated. The assessors may also be used to carry out assessments following BSS examiner training and the question, 'who assesses the assessors' appears a valid one, in the context of seeking to ensure a consistent standard of examining. Members agreed in principle that reasonable and proportionate training and assessment of the BSS Quality Control Assessors was supportable.

94.4.5 The effectiveness of BSS Office support for examiners. Members supported the formation of a small sub-group to support the examination documentation review.

Members also supported the formation of a small sub-group to support the review and re-publishing of the BSS Essential Guide. The BSS Manager said

this is part of the Examiner Development Strategy because a public-facing document can be used to promote compliant boats all of the time and helps an examiner when challenged by a boat owner to actually point to reference why there is a need to possibly make changes to their boat. It was suggested that this work should be planned for the winter of 2017/18.

Members also supported in principle, examiner bodies forming a small sub-group to support the examiner support website review. It was suggested that this work could start as early as next summer.

94.5 Review the draft BSS Examiner Conditions of Registration & Investigation Procedure

- 94.5.1 The Chair introduced the subject by saying that there is a dual context, firstly concerning need for routine review and the legal view that BSS Examiner Conditions of Registration (CoR) are no longer fully fit for purpose and secondly in the context of Examiner Development Strategy, where proposed changes support improvements in this respect. Members had three important documents supporting this item, *Docs D2-D4* respectively.

The Chair said the proposed changes to the CoR Investigation Procedure and Guidance to the CoR will be further explored early in the New Year, in order to achieve agreed versions supportable by all groups on BSSAC. The main focus of this meeting will be the CoR.

- 94.5.2 Proposed changes to the BSS Examiner Conditions of *Registration [Doc D2, BSSAC #94]* - The BSS Manager emphasised and that the only significant proposed additions are new clauses 3.1 and 3.2, that are proposed to improve the fitness for purpose of the CoR. He said that he needed the view and support of members to be able to go to BSSMC with a recommendation that the proposed changes can go out to formal consultation with all examiners.

In response to a comment that lawyers should not lead any revision of the CoR, the BSS Manager said that the BSS Office is fully behind 3.1 and 3.2, recognising that in today's society, reputation is key; maybe more so than it was five and ten years ago. He also illustrated how occasionally the CoR did not allow adequate control over an examiners actions that patently should have been acted upon. He cited the example of an examiner using his personal embosser stamp to endorse his written statement that the boat was of sound condition. It sank shortly afterwards and BSS was claimed against by the owner. The BSS had no action against the examiner for falsely representing that he was competent and qualified to comment on hull condition.

The BSS Manager said that the other more minor editorial changes reflect the change away from paper certificates and to underpin the examiners role-change concerning influencing boater behaviour to help save lives.

The Chair was keen for members to provide any guidance to BSSMC on *Doc D2* in a reasonable way to help ensure the CoR is fit for purpose and won't be found wanting in the period to the next review. Members agreed in principle with the proposed CoR improvements proposed in *Doc D2* and these can proceed to BSSMC un-amended. There was a proviso that the Guidance supporting the CoR should be agreed by members separately.

The NABSE rep said that concerning *Doc D2* and clause 5.1.3, the guidance should specify precisely what 'other activities' actually means. He also said that the CoR should include clause covering 'gross misconduct'.

- 94.5.3 *Guidance for the Examiner Conditions of Registration [Doc D4, BSSAC #94]* – The BSS Manager indicated that this document should be looked at outside of this meeting and that it was provided in support of this meeting largely to illustrate how the proposed new clauses at 3.1 and 3.2 would/could be applied in

practice. He said that the guidance is not something that the BSS need to go out to full consultation with all examiners, but that BSSAC support for it was essential.

Concerning the draft guidance changes in *Doc D4* at 3.2, the YDSA rep was concerned that the clause should not become a 'gagging order', as employed previously by the National Health Service and that had been widely condemned. The BSS Manager, in answer to a question said that it would be him who decides in the first instance whether it was appropriate to investigate any alleged breach of 3.2, and that as with all complaints investigations, it would be the strength of evidence uncovered applying the Investigation Procedure that would lead any outcome. He said the evidence must be strong enough to withstand scrutiny by a barrister at an appeal. It follows that the likelihood that clauses 3.1 or 3.2 being used inappropriately is extremely low.

The draft guidance concerning proposed new clauses at 3.1 and 3.2 was highlighted and discussed. At the meeting, members had no alternative suggestions to make and so were invited to provide any further initial comments or written responses on *Doc D4* by December 7. All

94.5.4 *Review and update the 'investigation procedure' BSSQA006 [Doc D3, BSSAC #94]*– The Chair introduced *Doc D3* by saying that the main alteration here, apart from various, editorial changes is to do with the better coverage of administrative, as opposed to technical breaches as well as a change to allow an investigation to move forward in the event the examiner does not co-operate or provide a response.

The Chair described the proposed changes as generally widening the current procedure and sharpening the delineation of the layers of the investigation. The BSS Manager said the number of proposed changes looks like a fundamental review but the changes are mainly editorial and the number of changes reflect the fact that this procedure is old and therefore in need of additional changes. He said that legal advisors had agreed the proposed changes.

The NABSE rep said that he professional body had some strong and critical comments about the procedure that he will share separately with the BSS Office. Namely that it was written predominantly with a presumption of guilt, that the procedure is not tight enough in the initial dealings concerning the nature of the full allegations. He also felt that the points at which the investigation can be stopped by the BSS Manager are not clear enough.

He also had comments that consideration should be given to attendance by a representative or the examiner himself at the BSS Quality Control Assessors examination and the Assessors examination should not take hours and hours it should be limited to the time a reasonably competent examiner would take. The BSS Manager responded that said that legal advisers would not want any undue influence placed on the Assessor by way of the examiner or his representative being present. He went on that neither would they want any time constraints placed upon the Assessor who may be doing much more than conducting a BSS Examination, for example the Assessor may be viewing boat documents and or interviewing the boat owner. He said that if the case goes to BSSMC then it is all done by way of case papers, including any appeal, and the examiner would have had numerous opportunities to comment on the photographs or written allegations and conclusions.

At the meeting the Chair invited members to provide any further initial comments or written responses on *Doc D3* by December 7. All

94.5.5 The Chair committed to take any responses into the BSSMC meeting on 15 December. Chair

The Chair proposed a small working group of BSSAC to go through comments

received and work up an acceptable final draft of *Docs D3 and D4* for consideration, preferably in the early New Year. All members with an interest can attend and ideally there would be at least one user rep alongside the examiner body reps.

BSS
Secretariat

94.6 New work item proposal – reviewing BSS requirements for the non-private classes of boats that are not hire boats, for example hotel boats, work boats, tenanted boats

94.6.1 As set out in new work item proposal *Doc E1, BSSAC #94*, BSSAC members agreed that the paper can proceed to BSSMC un-amended.

Members accepted the proposal to carry out a risk-review of the BSS requirements for non-private classes of boats, other than hire boats requirements (because these have recently been reviewed). These classes are currently being assessed against the 2002 BSS Standards.

Members were reminded that BSSMC had decided that the 2002 BSS requirements are long overdue review.

The BSS Manager's fear about the potential for the project to become unmanageable was agreed. Members agreed that a scoping document be the first step following agreement to the new work item, and that close involvement with the Navigation Authorities was essential to ensure any changes to BSS requirements matched licensing classes and other Navigation Authority needs.

The following comments were recorded:

- Asked about how many boats are involved, the BSS Manager said this was currently unknown, excepting we know there are over 600 workboats on the Trust's waters alone, and 350 'roving traders', and 800 small passenger boats across the UK.
- The aim to condense down the number of classes of vessels that have differing BSS requirements to the barest minimum was accepted; suggestions included segregating between crewed and un-crewed commercial classes, as per MCA rules.
- The impact of other safety agency rules should be taken into account, i.e. Health & Safety at Work considerations the domain of HSE or MCA; or Regulatory Reform Orders applicable to shared areas of large tenanted boats or hotel boats, and regulated by fire authorities.

94.7 Report from BSSTC Chair

94.7.1 The BSSTC Chair referred to headlines from his report [*Doc F1, BSSAC #94*], namely work on the risk management process, change of risk management consultant to RoSPA and a promise to update the risk management sub-group by Christmas. He said that these are not fundamental changes, but is all about making the process relevant to committee work, and simplifying things, perhaps through the use of flow diagrams. He re-iterated that following the improvements being implemented BSSTC will review the CO and fire alarm risk reviews for private boats.

94.7.2 The BSSTC Chair referred to the 230v AC safe isolation procedure to protect BSS Examiners and the associated persuasion for the owner to be present when an examination takes place, to isolate the 230v AC electrical system. Otherwise for the examiner to be persuaded that the boat is presented in a safe manner and electrically isolated state. The Safe Isolation Procedure is still to be finalised.

- 94.7.3 The BSSTC Chair referred to the appeal, rejected at BSSTC and that the Broads Authority had allowed a licence to be issued subject to stringent risk controls. The appeal involved a petrol tank with filler arrangements into the side of the tank. The Broads Authority had determined their own solutions but the differing conclusions were of interest to BSSTC because the reasons for them could perhaps identify a need to review how appeal outcomes are arrived at in BSSTC, or it may be that no change is necessary.

The Broads Authority are to outline their views on what has happened and why and whether there is any impact as far as they are concerned on BSSTC appeals procedures.

The NABSE rep advocated that any boat subject to an appeal outcome should have its Salesforce record updated with the details in order to inform BSS Examiners at the next examination.

- 94.7.4 The BSSTC Chair mentioned that BSSTC are identifying any BSS Examination Checking Procedure (ECP) in need of review – This is not a fundamental review, purely a periodic health-check to identify any necessary ECP amends. He invited members to help identify any ECPs of specific concern.

94.8 Quarterly BSS Quality Management Activity Report

- 94.8.1 The BSS Quality & Technical Manager referred to a few of the highlights from his report, [*Doc G1, BSSAC #94*] specifically the engagement with our quality management consultant and the development of a Salesforce 'App' that will allow examiners to record and reporting of examinations direct to tablets or phones. He invited any comments.

Asked about the target at 6.3, third bullet, to have "boat details" updated on 80% of all reported examinations the BSS Quality & Technical Manager said that examiners are not compelled, when recording examinations to check and update the boat details on Salesforce, but those that do are helping clean and make accurate the BSS database. The BSS Office also engages in data merging exercises around twice per year to ensure duplicate records are removed.

- 94.8.2 Referring to the review of 2015-16 round of BSS Field Assessments, [*Doc G2, BSSAC #94*] the BSS Quality & Technical Manager hoped members found the content of interest and that it gave some reassurance about how the outcomes are analysed and used.

With reference to item 8 in the table at the bottom of the last page of *Doc G2*, it was confirmed that ECP queries extracted from the Field Assessments would be added to the list of ECPs to be reviewed by BSSTC.

94.9 Report from the BSS Manager

- 94.9.1 The BSS Manager introduced the quarterly incident and accident report, and highlighted the solid fuel stove incidents that are again top of the league table of incident causes and that this year is on track to become one of the worst in recent years regarding stove incidents.

The Chair invited comments on the report and in answer to a question the BSS Manager confirmed that the report can be viewed as a public document and used by members in support of their organisation's wider work.

94.10 Items for BSSMC

- 94.10.1 The Chair confirmed that he would be taking to BSSMC, the Examiner Development Strategy, the review of the BSS Examiner Conditions of Registration, the new work to start on non-private classes of boats and the

Broads Authority appeal decision.

94.11 To agree the provisional dates of the 2017 BSSAC meetings, at Hatton

94.11.1 The provisional dates were all agreed, #95 Tuesday 21 February, #96 Tuesday 6 June, #97 and Tuesday 14 November. Note that the date of meeting #95 as changed post-meeting to **Monday 20 February**.

94.12 Any other business

94.12.1 The perceived lack of press releases – The RBOA rep supported by the TBA rep, asked why the supply of press releases had dried up from the BSS Office. The BSS Manager pointed to recent releases and reported the use of social media had greatly expanded. The RBOA rep said that there is a lack of access to social media concerning a significant proportion of boaters. The User Group ‘pull’ for information was logged; to be taken forward by the BSS Office.