



BSS Advisory Committee – Confirmed Notes

BSSAC #77, 13 SEPTEMBER 2011, BW OFFICES, HATTON

Present:

Chair
IMarEST
EA
RYA1 Executive Interests
BMF3 - Canal-based Comm. Interests
IIMS
RBOA
IWA
RYA2 Yacht Clubs and Users
AWCC
YDSA
BMF2 – River-based Comm Interests
BSSTC Chair

Co-opted & Others:

BSS Manager
BSS Quality & Technical Manager
NABO

Apologies:

MCA
TBA
ABSE
BW
BMF1 - Executive Interests
NABO
AINA

Not Present:

Broads Authority

77.1 Apologies – Apologies were noted as listed above.

Members acknowledged the contribution in previous meetings of the BW rep, and wished him well for his change of employer.

77.2 Accuracy of the notes of BSSAC meeting #76 – Accuracy was accepted.

Matters arising from the notes of BSSAC meeting #76 [Not covered on the agenda] –

77.2.1 76.6.6 Hire boats and CO alarms – the action with BMF1 rep remains outstanding to seek a hire industry position in the light of the CoGDEM assurances of CO detector suitability for boats.

76.7.3c) Petrol risk training – the BSS Manager reported that he was corresponding with the RYA's Chief Instructor for training regarding the approach to petrol risks contained in the RYA's Inland Waterways Helmsman's Course.

76.16.1 Publishing BSSAC meeting notes – the BSS Manager reported the notes for the last two years of meetings will be placed on the public-facing website very shortly.

76.16.2 Making ventilation mandatory? – The IMarEST rep confirmed that the practitioner reps had not yet drawn up a paper for BSSAC members to consider.

77.3 To note actions arising from the BSSMC meeting reports -

77.3.1 Supporting Document – *Actions arising from the BSSMC meeting reports [Doc I1, BSSAC #77]*

77.3.2 Context – *BSSMC meeting #73 was held by way of exchange of papers and reports. This item confirms the reports and papers provided to BSSMC and the outcomes.*

77.3.3 The Chair introduced *Doc I1, BSSAC #77* and said that the main outcomes from the papers, sent to BSSMC in lieu of a meeting, would be ratified at the forthcoming BSSMC meeting. Namely, the solid fuel stove recommendations, the new procedure for recording contested examiner case review meetings, and the BSS changed position on CO alarms.

77.4 Develop BSSAC recommendations regarding the Navigation Authority Agreement

77.4.1 Supporting Documents –

- *Navigation Authority Agreement in respect of the Boat Safety Scheme [Doc C1, BSSAC #77];*
- *The BSS and how it operates – document flow (vertical) [Doc C2, BSSAC #77];*
- *Draft BSS Document Structure (horizontal) [Doc C3, BSSAC #77].*

77.4.2 *Context – The Navigation Authority Agreement is one of the documents being developed in support of the purpose of the Scheme. It is intended to be a formal agreement between the Navigation Authorities through BSSMC and the BSS Office setting out the purpose, aims, scope, activities and services, methods and values and value-basis (cost & effectiveness), change-management (decision making) tools (i.e. risk-based, better regulation), management & funding arrangements and committee structure and purpose. Doc C1 is a second draft version taking into account previous BSSAC comments.*

77.4.3 The Chair introduced the item referring to *Doc C1a* version previously distributed, incorporating slight editorial amendments. The version was agreed as fine to proceed to BSSMC, subject to:

BSS
Secretariat

- a) minor editorial amends as suggested by the EA rep in *Doc C1a*,
- b) an added emphasis of the 'joint' BSS/navigation authority nature of the commitment in the first page,
- c) the addition of a definition of the term 'various customer groups'; and,
- d) the deletion of following text from section b) of the NAA at the second paragraph; *'in recognising that it is not possible or even desirable to attempt to eliminate all safety risks'.*

With the amends in place, the draft NAA is considered fit for purpose to guide BSS committee members and influence all BSS Office actions and communications generally.

77.4.4 The Chair introduced *Docs C2* and *C3* and said that the final versions of these document flow representations would become an integral part of the public facing website to ensure complete transparency of the Scheme. Members also asked whether this covered the ECP and revisions and the BSS Manager confirmed this to be the case.

Members supported the documents as generally helpful for committee members and as a basis of other BSS communications. It is recommended that the lateral display be completed and used in support of BSSAC procedure and document review responsibilities.

BSS Q & T
Manager

The exclusion of commercial classes of boats from the agreement remains a question to be answered and an assurance from BSSMC for a transparent approach to commercial rules is to be sought by the Chair.

Chair

77.5. Develop BSSAC recommendations regarding the Guidance Note for BSS Examiners - The application of BSS checks to decommissioned or disconnected or not present systems or equipment

77.5.1 *Support paper – Guidance Note for BSS Examiners - The application of BSS checks to decommissioned/disconnected/not present systems or equipment [Doc G1, BSSAC #77]*

77.5.2 *Context – in response to a request for clarification from an examiner, there is a need to issue clear guidance to examiners covering those situations where, during an examination, systems, appliances or items which are the subject of BSS checks are found decommissioned or disconnected. The initial version presented at the last meeting was considered too controlling and the task set to re-draft it in a way that offers examiners reasonable and measured advice that supports consistent examinations.*

77.5.3 *The Chair introduced the 2nd draft of BSS examiner guidance on this subject [Doc G1 BSSAC #77] and this was accepted as much improved and considered generally supportable. The draft will be re-circulated to BSSAC members with the minor amend as agreed at the meeting.*

77.5.3 Following approval, the draft will be provided to BSSMC for review. The comment recorded was to replace the term 'not present', with text that provides an appropriate context.

77.5.4 It was also agreed that emphasis on the need for owners to prepare their boats for BSS examination should be clearly communicated.

77.6 Outcome of the consultation with all BSS Examiners on the BSS Examiner Conditions of Registration

77.6.1 *Support papers –*

- *Examiner responses to the consultation on the BSS Examiner Conditions of Registration [Doc J1, BSSAC #77]*
- *NABSE submission letter [Doc J2, BSSAC #77]*
- *NABSE letter annex including comments for change [Doc J3, BSSAC 77]*
- *BSS comments on the NABSE response to the consultation on the BSS Examiner Conditions of Registration [Doc J4, BSSAC #77]*

77.6.2 *Context – the Conditions of Registration have been subject to full consultation with all BSS Examiners. All comments have been collected. BSSAC have the opportunity to view the comments received and make any recommendations to change the proposed Conditions of Registration.*

77.6.3 The Chair introduced the item stating that there had been little response from examiners (3 individual responses and one submission by NABSE). He said that members had the opportunity to consider the responses and submission alongside corresponding BSS Office comments.

The minor suggested amendments for change contained in *Docs J1 & J4, BSSAC #77* were agreed, subject to the outcome of the legal advice on one proposed change.

Subject to finalising these minor changes, it was recommended that BSSMC accept the Conditions for Registration for introduction. Members did not discuss the implementation date as this was considered a matter for BSSMC.

77.7 Report from BSSTC Chair

77.7.1 *Support paper – Report from BSSTC Chair for BSSAC [Doc H1, BSSAC #77]*

77.7.2 *Context – standing item – a report of BSSTC*

77.7.3 The BSSTC Chair reported that no meeting had taken place since the previous report. He said that *Doc H1, BSSAC #77* listed the four technical appeals dealt with by email by BSSTC members over recent weeks.

A brief run through of each appeal was provided for members. It was confirmed that the ECP review will help clarify the approach concerning 'permanently installed' as opposed to 'portable' generators.

77.7.4 The BSSAC Chair instigated a debate concerning what he said was the long overdue review of the BSS hire boat requirements to take account of the introduction of the Hire Boat Code (HBC). He said that with the forward movement of many of the planned BSS initiatives (IT, NAA and SLA for example), the matter of reviewing and implementing hire boat requirements now stands out as needing addressing.

The BSS Manager reported that individual navigation authorities were in control of the timing of any changes and were moving this subject forward in accordance with their own powers and policies. He reminded members that the 'fitness for purpose' aspects of HBC were largely based upon the existing 2002 BSS requirements and so the navigation authorities can largely be assured. He said that the Broads Authority was further advanced than other authorities in respect of introducing the HBC. He reported that a BW plan was in place to sample hire fleets to ensure any future and additional BSS verification of additional requirements brought in by the publication of the Hire Boat Code is proportionate to the risks.

77.7.5 The EA rep reported that the recently introduced EA inland waterways order provided powers to introduce additional registration requirements for commercial vessels, but that when imposing mandatory requirements a strong case is necessary to underpin the use of the powers. He said that the EA currently promote the Hire Boat Code as recommended best practice but may move to making it a requirement. However he added that whereas the EA was once resourced to inspect all hire boats on the Thames for compliance, they would now look for independent verification through the BSS to provide an assurance that all hire boats comply. He added that the EA see the HBC and the Small Passenger Boat Code as parallel codes involving matching implementation.

77.7.6 The BMF2 rep said that there is an outstanding issue concerning the HBC stability testing that needs addressing and agreeing.

77.7.7 The EA rep reported that enforcement has been identified, at Director level, as in the top three EA priorities and accordingly a re-structuring had taken place that placed added emphasis on effective enforcement on the Thames and Medway.

He added that a dedicated Thames enforcement team lead by an enforcement manager is anticipating successful boat safety initiatives including the use of the additional powers introduced by the inland waterways order. He anticipated the use of targeted, risk-based spot checking, the up-skilling of team members on identifying immediately hazardous boats and first-response boat incident investigation. He said that reporting unregistered boats on the Thames had already increased three-fold so far this year - to 750.

The EA rep made it clear that not all planned initiatives are in place yet but that the commitment is there. He said that the added emphasis on enforcement had to be achieved by balancing needs and that the emphasis will mean that some other things those staff previously carried out will need reviewing.

Members welcomed the report and the Chair said that the committee would be pleased to receive reports on the outcome of spot checks, from any navigation authority.

77.7.8 The Chair said the hire boat requirements item would be taken to BSSMC.

Chair

77.8 Quarterly update on the progress of the BSS IT project

77.8.1 *Support paper - Update on the progress of the BSS IT project [Doc F1, BSSAC #77]*

77.8.2 *Context – standing item – a routine quarterly report by the BSS Quality and Technical Manager and a verbal update on Stage 2 of the IT project. Stage 2 involves boat risk information being recorded online by examiners and changes to BSS documentation.*

77.8.3 The BSS Quality & Technical Manager introduced *Doc F1* and, concerning IT Stage 2, he apologised that the report included an inaccuracy in that the copy of the proposed report sheet and certificate replacement had not been provided respectively to the examiner rep and owners rep as indicated at the bottom of page one. He said that he had spoken to the reps after they contacted him.

The RBOA rep said that the complete lack of progress since the June meeting of the sub-group is not acceptable and that this was also the view of the examiner rep on the sub-group. The Chair asked if the delay meant that IT stage 2 would be delayed. The BSS Quality & Technical Manager said that implementation by next April remained on-track. . The RBOA Rep said that it had been agreed that further work was needed to complete the task, but this had not happened. The BSS Quality & Technical Manager confirmed that this would take place before the next BSSAC meeting.

77.8.4 The Chair tested the practitioner reps as to whether the examiner support website was being used and whether the site was being populated. The reps affirmed that they accessed the site and that it was being increasingly populated.

In response to a point raised by the BMF3 rep, an assurance was provided that at the time of the introduction of the re-vamped ECPs, the site would be updated. The Chair said that website developments would continue to be monitored.

77.8.5 The Chair asked the RBOA rep if she, as a member of the IT Stage 2 sub-group, would be prepared to act in a similar role at the time IT Stage 3 was being considered, including the matter of hand held devices. The RBOA rep said that she was not altogether comfortable with the idea, but would consult with the Examiner rep. It was agreed that suggestions concerning IT Stage 3 could be run past the sub-group before coming to the full BSSAC.

77.8.6 The RYA2 rep (in his capacity as a practising BSS examiner) raised the issue of the amount of time taken to enter additional detail concerning boats not identified on the Salesforce system by name or index. The BSS Quality & Technical Manager stressed the importance of correctly identifying the boat on Salesforce and indicated that examiners will see a marked improvement in the proportion of pre- uploaded boat details from the middle of next year, following the introduction of new software.

77.9 Quarterly BSS quality management report

77.9.1 *Support papers;*

- *Quarterly BSS Quality Management Report [Doc E1, BSSAC #77]*
- *Initial review of the BSS Core Processes [Doc D1, BSSAC #77]*

77.9.2 *Context – standing item.*

77.9.3 The BSS Quality & Technical Manager introduced *Doc E1* and focussed on the added data generated from reports available via the Salesforce facility. Referring to *Doc E1*, he emphasised the request for members to review the usefulness of the published data in helping to measure examiner consistency and to help identify alternative measures in this respect. The RBOA rep commented that it would be useful to have results in one format, percentages or number representations, not a mixture, as this makes proper comparisons impossible.

Other comments recorded were as follows:

- a) The RBOA rep asked about planned field assessments of newly qualified examiners and it was confirmed that 15 would be assessed between October and March.
- b) The RBOA representative said that in her experience on CSSAP, 'mystery shopper' techniques were not cost effective. The BSS Quality & Technical Manager said that the measures were being discussed with legal to avoid any data protection issues.
- c) The BMF3 rep asked how the 48 hour expectation on examiners to report examinations via Salesforce was being communicated. The BSS Quality & Technical Manager said through newsletters and through initial training. He confirmed that the 48 hour reporting was currently an expectation that is being measured but that navigation authorities may make it an instruction for examiners in due course, in support of online licensing.
- d) The RYA2 rep raised the potential for data to be distorted in circumstances where a boat previously subjected to a survey was presented for BSS examination fully compliant. The BSS Manager said that the potential for distortion of examination data will be discussed at a future meeting.

77.9.4 The BSS Manager emphasised the critical importance of the BSS core processes, in introducing *Doc D1* concerning their review. He said that the outcome will help ensure that the BSS is effective at meeting its purpose and will better support BSSAC in assessing BSS performance.

He repeated the request for members to comment on the sequential stages of the two core processes as set out in the annexes to *Doc D1*. This request is urgent and ideally comments would be received by the end of the week.

All

The NABO rep counselled to aim for a reasonable approach, i.e. to minimise examiner inconsistency, rather than attempt to aim for zero inconsistency.

77.10 Report from the BSS Manager

77.10.1 *Supporting Document - Report of incidents and accidents recorded 1 Jan to August 2011 [Doc K1, BSSAC #77]*

77.10.2 *Context – standing item.*

77.10.3 The Chair invited any comment on *Doc K1*. The following comments were recorded:

- a) The RBOA rep asked to what date in August the figures related as unclear data could give skewed results. It was initially stated that the data was to 31 August but this has since been modified to 26 August.
- b) The meaning of 'personal injury' at table A5 was requested, The BSS Manager said this would be made clearer in future reports.
- c) The relatively high number of fatalities associated with man-overboard was raised and more detail requested from the BSS Office concerning them. Mindful that BSS have been tasked by BSSMC to 'monitor' such incidents, members were supportive of more detail being added to the quarterly incident reports in order that any trends in the known causes can be better appreciated.
- d) The RBOA rep said that smoking/candles incidents should not be recorded along with galley incidents, but should be included with oil lamps, etc.

BSS Office

77.11 Items for BSSMC

77.11.1 Items (not on BSSMC agenda) for the Chair to take to BSSMC include:

- a) Concerning the NAA, an assurance from BSSMC for a transparent approach to BSS commercial vessel rules is to be sought by the Chair.
- b) Hire boat requirements review.
- c) The relatively high number of fatalities associated with man-overboard.

77.12 Date of the remaining 2011 BSSAC meeting, Tuesday 22 November at BW Offices Hatton

77.12.1 It was confirmed that the BSSAC dates for 2012 would be available as soon as BSSMC 2012 dates were confirmed. BSSMC dates are to be confirmed at the forthcoming BSSMC meeting.

77.13 Any other business [AOB]

77.13.1 The IMarEST rep introduced the text from a flyer produced by an unnamed BSS Examiner; the flyer had come to his notice via ABSE . The flyer indicated examination charges that appeared low in comparison to the anticipated market rate. The flyer indicated that, if done alongside multiple boats at one location, the charges could be as low as £30 per boat. The IMarEST rep said he had significant concerns about the consistency of the examinations of this specific examiner at the low charge level.

The Chair said that reliance should be placed upon BSS processes to identify any examiner wrong-doing. The RYA2 rep said that the flyer could be a loss-leader marketing initiative and no conclusions should be drawn from it. The NABO rep reminded members that price-fixing is illegal.

It was agreed that the flyer was useful intelligence that could be used by the BSS in the round to help assess appropriate quality control activity.

77.13.2 The RBOA rep raised the content and functionality of the BSS public website which appeared not to have Press Releases added since March 2010. The BSS Manager reported that the functionality is working fine and that the content is gradually being reviewed and updated onto a new site, as time and financial resource allows. Members were reassured by the BSS Manager that the public website would be clear, transparent, including on the Schemes 'purpose' aspects covered by the NAA, and also the proposed revised ECPs and any clarifications as and when they are issued.

77.13.3 The Chair raised the apparent lack of availability of solid fuel stove twin-wall insulated flues and a debate ensued. It was reported that the major chandlers were not yet supplying warranted chimney products. It was reported that at least three stove manufacturers had models available complete with twin-wall insulated chimney systems. It was agreed that the BSS should continue work with BMF and CBA to encourage the removal of any remaining barriers to the availability of chimney products. It was accepted that the move to compliant products would be a gradual process and would be helped by any positive messages including about the large fuel saving potential by having a twin-wall insulated flue.