

ReportISM

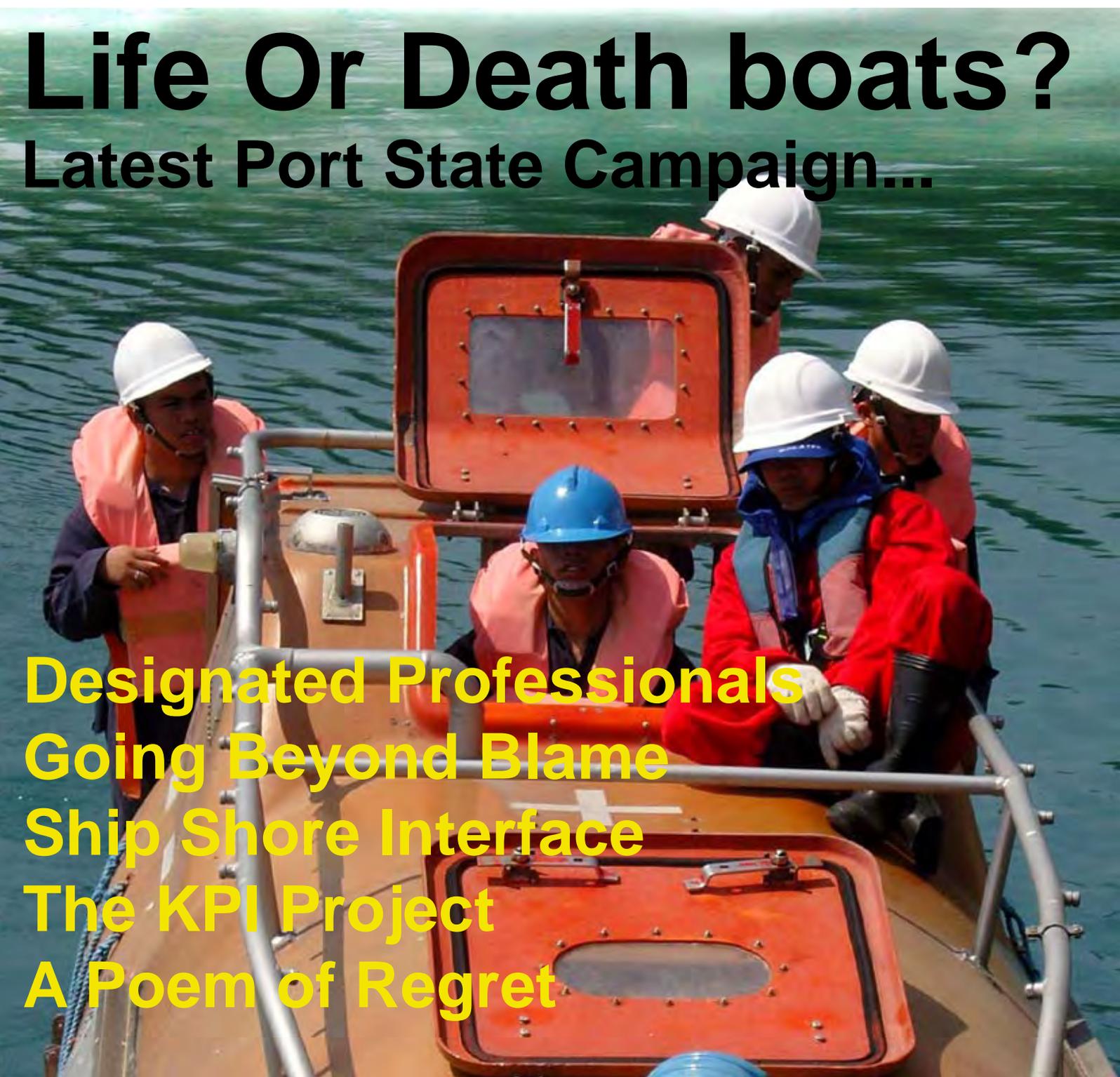


The ISM Code Magazine...
by experts for professionals.

Issue 15

Life Or Death boats? Latest Port State Campaign...

Designated Professionals
Going Beyond Blame
Ship Shore Interface
The KPI Project
A Poem of Regret



Dr Phil's Diagnosis

Welcome to this Summer edition of ReportISM – our electronic newsletter dedicated to marine safety management and the ISM Code.

In this issue we look at developing DPA professionalism and describe two new training courses we have developed with Maersk Training Centre UK - one course intended for DPAs and the other intended for Chief Executives and other Senior Managers of ship operating companies to raise awareness of the potential consequences for the Company, and for individuals, if the Safety Management System fails and an accident occurs.

We also reflect upon the negative consequences of living in a blame culture and the need to 'go beyond' blame if we are to make progress in reducing accidents. An interesting issue is raised which seems to be causing some confusion in the industry: if shore workers come onboard to undertake potentially hazardous work – whose SMS or health and safety regulations apply – those of the ship or the shore? Our Project Manager, Captain David McFarlane reflects upon the KPI's and the work he has been involved with in the InterManager working group.

As part of the controlled growth and general expansion and development of ConsultISM we have produced a new corporate brochure describing the range of our services and activities which are now available to existing and potential clients.

If you would like a copy of the brochure then please do let me know. We have also completely updated our website at www.consultism.co.uk where the information about ConsultISM, our team and the services we offer can also be found.

I hope you find this issue of ReportISM interesting and stimulating. Your comments, feedback and suggestions for future feature articles are always welcome.

Wishing you all safe and successful voyages.

Kind regards,



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Going Beyond Blame

It is a widespread, strongly held belief across shipping that we operate in the shadow of a “blame culture”.

Numerous accidents and incidents highlight the seeming temptation of authorities and investigators to freely apportion blame. It is all too common to see the finger of guilt pointing at the people involved, despite such recrimination being the least satisfactory way of actually improving safety.

Indeed, much that goes wrong in shipping is swiftly attributed to “human error”. According to the UK P&I Club in their “No Room for ERROR”¹ campaign, “Human error is crucial or significant in 83 per cent of collisions and 75 per cent of property damage claims”. As such it is perhaps commonplace for investigations to wind down once human error has been pinpointed. Often conclusions simply stop there, with little attempt to analyse further.

Writing in a letter to Lloyd’s List recently, Rear Admiral John Lang, asserted that investigations “must go beyond the most cursory of conclusions”. He went on to add, “For every mistake or error, there are always reasons and it is these that the accident investigator must strive to identify. It is among these underlying causes that the most effective solutions to problems can be found”².

In halting the investigation once someone is found to blame, we may actually miss the underlying problems. We’ll perhaps be blind to design shortcomings, or possible gaps in training, or lose sight of the reasons behind repeated failures to apply basic navigation techniques or the COLREGS. In rushing to apportion blame, all too often the most important conclusions, lessons, and indeed recommendations, run

I didn't
say it
was your
fault

I said I
was going
to Blame
you

the risk of being lost in stating the “obvious”.

With many new-build bridges, engine rooms, and even decks, bristling with new “state of the art” equipment, it is inevitable that seafarers will make mistakes as the steep learning curve is climbed. If we just point the finger, we miss the opportunity to fix the root causes.

For some, there has also been a temptation to view the ISM Code as the bringer of blame. In the publication, “A Seafarers Guide to ISM”³ a frequently asked question (FAQ) was raised, “All the ISM Code has done is to shift everything onto the ship so that we will be blamed when things go wrong. Why should we on board the ship have all the responsibility for ISM?”

The answer from the authors, ConsultISM MD, Dr Anderson and Peter Kidman was fairly unequivocal. They responded, “...the ISM Code most certainly does not shift all the responsibility or blame onto the ship – quite the contrary! The Code is very specific in placing the responsibility for developing, implementing and maintaining the SMS very clearly upon the Company”.

They added, “The staff of the Company office ashore, including the Designated Person and the seafarers of the ships operated by the Company all have their important parts to play and must accept personal responsibility for their individual participation within the SMS, this is an important factor in the development of a ‘safety culture’. There is no question of a Company somehow shifting its responsibilities either onto the ship or its flag state, classification society or anyone else.”

A blame culture makes mistakes almost inevitable, so we must shift instead to a “gain culture”. Where lessons can be learned, mistakes guarded against, and where fear, paranoia and suspicion are banished. It is only by freeing ourselves from accusations of blame that we can truly create a positive working environment. It is not the end of the process when we identify failings it is just the start of understanding them and solving the real wider problems.

1) The UK P&I Association www.ukpandi.com
2) “Going Beyond Blame” Letter, Lloyds List 7 May 2009
3) A Seafarers Guide to ISM, Dr Phil Anderson and Peter Kidman North of England P&I Association 2002 ISBN 0-9542012-2-1

Designated Professionals

Developing DPA Professionalism (and raising awareness of senior managers), is a vital key to driving improvements in safety management.

The important role played by the DPA was clarified somewhat in two Circulars issued by the IMO in October 2007:

MSC-MEPC.7/Circ.5

Guidelines for the Operational Implementation of the International Safety Management (ISM) Code by Companies; and

MSC-MEPC.7/Circ.6

Guidance on the Qualifications, Training and Experience necessary for undertaking the role of the Designated Person under the provisions of the International Safety Management (ISM) Code.

In response to requests from various individuals and organisations, ConsultISM, in conjunction with Maersk Training Centre UK (MTC), has produced a structured training course for DPAs. The syllabus follows closely the recommendations set out in IMO Circular MSC-MEPC.7/Circ.6 and has been developed to accommodate the needs of busy people working in the industry and help develop the professionalism of DPAs. The training course is split into two quite distinct parts:

Part1 Computer Based Training (CBT)

Registered students will receive a CD Rom containing CBT material including eight self study modules and supporting reference documents. The modules will address the theoretical background to the Code as anticipated in the IMO Circular as follows:



1. Knowledge and understanding of the ISM Code;
2. Mandatory rules and regulations;
3. Applicable Codes, guidelines and standards as appropriate;
4. Verification and monitoring
5. Technical and operational aspects of safety management;
6. Appropriate knowledge of shipping and shipboard operations;
7. Effective communications with shipboard staff and senior management.
8. Potential legal implications of the ISM Code and the importance of compliance.

The student will be required to answer set questions as he / she progresses through the CBT course in preparation for the second part of the course.

Providing the theoretical background training through a CBT programme will allow the student to study at a time and pace which fits in with their own individual work and home commitments.

However much a DPA may think they know or however experienced they may be – it is strongly recommended that they do diligently work through all eight modules in order to ensure that all the pieces of the jig saw are in place.

Part2 Workshops

The practical workshops will run over two days and the number of students attending each workshop will be restricted to 15 in order to allow active participation of each person.

Hypothetical scenarios will be examined where very real problems and dilemmas will be introduced to provoke debate on how a DPA should respond and deal with such situations. Students will also be encouraged to raise their own problems, dilemmas and concerns during the two days.

The workshops will be structured on an assumption that each student will have diligently worked through all eight of the CBT modules and have prepared answers to the set questions. Full benefit of the workshops will be missed by students who have not properly completed the CBT part of the course.

Venues

Recognising that available time, and financial resources, may be limited – and in response to requests from industry - we will be taking the two day Workshops 'on the road'.

The first workshop will held in London onboard the HQS Wellington on the 6th and 7th October 2009.

Further workshops are planned for Piraeus in late November 2009, and then Singapore, Mumbai, Glasgow, USA and Copenhagen during the first half of 2010. Full details will be released shortly. In response to a specific request we may also run workshops structured for DPAs of Companies managing Mega Yachts and addressing their specific needs.

Cost

The DPA training course fee, to cover both the CBT and attendance at the two day workshop has been set at £950 which we believe is extremely good value and a very modest investment by a Company in this important area of training.

Registration

An electronic brochure with registration form for the October workshops will be distributed to the ReportISM subscribers within the next few days. Alternatively, a registration form can be down loaded from the ConsultISM website www.consultism.co.uk It is anticipated that demand will be high and since available places will be limited to 15 – it is strongly recommended that you make your reservation early to secure a place.

Training for Senior Managers

In addition to the DPA training programme – ConsultISM and Maersk Training Centre UK (MTC) have also developed a one day programme aimed specifically at Chief Executives and other senior managers of ship operating companies.

Of course we will all no-doubt agree that the primary purpose of developing and implementing a good and effective Safety Management System is to make our ships safer and to protect the

marine environment. However, the potential consequences if things go wrong – and accident occurs – can be quite horrendous. The one day programme for CEOs and senior managers intends raising awareness of some of these issues and will consider some of those potential consequences and explore the potential exposure of the Company as well as individuals to prosecution and claims.

The course will also consider why it is crucially important for senior management to fully support the work of the DPA(s) within their Company; the different types of resources and support the senior managers may need to provide; what use the Company should make of the requirement of the DPA to have ‘... direct access to the highest levels of management...’

The one day CEO / Senior Managers courses will be run alongside the DPA Workshops. The first course will be held on board HQS wellington in London on the 8th October 2009 and then in the various venues outlined on previous page.

No CEO / Senior Manager can afford to miss this raising of awareness training course.

The course fee will be £500 per person and the registration form will be distributed shortly or can be down loaded from the ConsultISM website – www.consultism.co.uk

Tailor made courses

ConsultISM and MTC will be happy to tailor either the DPA Course or the CEO / Senior Managers course to the individual and exclusive needs of a particular ship operating company and run the course on their own premises. Anyone interested should contact ConsultISM directly.

The World Maritime University will be re-running it's own 5 day taught 'ISM for Designated Persons' course in Malmo from 21 – 25 September 2009. Details can be found on the WMU website at www.wmu.se

Bright Idea

An exciting initiative from Belgium, where in the wake of last years Nautical Institute 'Command Seminars', held in Antwerp – which focused on the role of the DPA – the local NI Branch Chairman, Walter Vervloessem has taken a very interesting initiative to help develop professionalism of DPA's which could be emulated around the world.



Walter (pictured above) made contact with the DPAs in each of the ship operating Companies in Belgium and organised a working lunch where they could come together to network and discuss issues of mutual interest. A visiting speaker was also invited to present a relevant paper. So successful was the lunch time gathering that it was decided to repeat the event on a six monthly basis.

Dr Anderson of ConsultISM, who is a past President of the Nautical Institute, has been invited to make a presentation at the second luncheon which will be held in November.

Why not try to copy this initiative and form a DPA luncheon club in your own region? Let us know how you get on.

Ship Shore Interface

The ISM Code requires a Company to develop, implement and monitor a Safety Management System (SMS).

The 'Functional Requirements' of the SMS are set out in Section 1.4 of the Code and are explained in a little more detail in Sections 2 to 12 of the Code. One aspect which is not, perhaps, clearly covered is the situation where shore workers come onboard and, perhaps, are working according to their own SMS or Health and Safety Regulations.

There appear to be very few Safety Management Manuals which actually contain relevant procedures to cover this situation.

Consider a few everyday scenarios:

- Shore welders come on board to carry out some hot-work;
- A Classification Society surveyor comes aboard to inspect double bottom and side ballast tanks;
- Stevedores come aboard to discharge cargo;
- A technician comes on board to carry out some repairs to the radar antenna.

If it were a crew member who was to carry out any of these tasks then there would certainly be working procedures, checklists and permit to work procedures in place which would have to be followed, as well as requirements to wear the correct Personal Protective Equipment. But, do you – or indeed should you – or maybe the question is 'can you' - impose your own SMS requirements on shore workers who might come aboard?

The answer should be straight forward – but some lawyers in some jurisdictions may not agree. We suggest that common sense and safety must prevail.

As a general principle of English Law, and this would also apply to



WHOSE RULES TO USE?

many other legal systems, there is a 'duty of care' required of each person towards another person. This concept also applies to corporate bodies, such as a shipping company, just as much as individual people. If someone is injured, or in extreme cases killed, because of some alleged negligence of a member of the ship staff, or company, then the person causing the injury, or their employer, may be found legally liable to the injured person. Whether or not the person/company will be found liable will depend upon whether they can demonstrate that they exercised that necessary 'duty of care'.

That 'duty of care' extends towards everyone who comes on board the ship – even if they might be there illegally! The ship owner, and the staff of the ship owner, have a responsibility to provide a safe means of access, a safe working environment etc. If a shore person is injured because the ship owner, and/or its staff, failed to provide a safe working environment then the ship owner may very well find that it will be legally liable towards the injured party, although contributory negligence might be pleaded in defence.

So, what about the question originally raised? What if local union regulations or health and safety regulations insist that they apply? What is the situation if the individuals chose or insist that that they are going to work in accordance with their own standards?

Our advice would be that the ship staff should insist that its SMS should represent the minimum standard which must be achieved. If the shore workers standards exceed those of the ships SMS then fine. The ship staff should insist that the correct and appropriate PPE is worn by everyone who comes aboard. Permit to work procedures must be fully complied with for any high risk job. If the shore workers refuse to cooperate then they must not be allowed to commence work and should be sent back ashore.

Safety comes first – always – and the same applies for everyone!

Lifeboat Campaign

The Paris and the Tokyo region Port State Control (PSC) authorities are to begin a joint concentrated inspection campaign (CIC) examining SOLAS Chapter III – “Life-Saving Appliances and Arrangements with regard to lifeboat launching arrangements” compliance. The CIC will start on September 1st 2009 and run for 3 months, ending on 30 November.

The CIC will ensure that during every PSC inspection, the lifeboat launching arrangements, maintenance records and other applicable documentation will be verified for compliance with SOLAS.

PSC Officers (PSCO's) will use a list of 20 selected items to verify “critical areas” for the safety of lifeboat launching arrangements, including documentation, equipment and familiarisation. The list of 20 key areas will be contained within a questionnaire, which PSCO's will apply throughout the CIC. The contents will be published on the websites of Paris MoU and Tokyo MoU in August 2009, so for more in-depth guidance please ensure you visit www.parismou.org or www.tokyo-mou.org

It is expected that the authorities will carry out approximately 10,000 inspections during the period of the CIC. When deficiencies are found, actions may vary from recording a deficiency requiring the master to rectify within a certain period, through to detention of the ship until deficiencies are rectified. The results of the campaign will be analysed and findings will ultimately be presented to the IMO.

Lifeboat maintenance can, quite literally, be a matter of life and

death. The harrowing videos and dreadful images of lifeboat failures demonstrate a huge problem, which needs tackling. It shouldn't take the threat of PSC and this CIC to prompt action – looking after lifeboats is a primary safety function, and as such is covered by the ISM Code.



The ISM Code section 10.3 states the following:

“The Company should establish procedures in its safety management system to identify equipment and technical systems the sudden operational failure of which may result in hazardous situations. The safety management system should provide for specific measures aimed at promoting the reliability of such equipment or systems. These measures should include the regular testing of stand-by arrangements and equipment or technical systems that are not in continuous use.”

While the ISM Code Section 10.4 states the following:

“... the measures referred to in 10.3 should be integrated into the ship's operational maintenance routine.”

We will explore the concept of “Critical Equipment” in more depth in subsequent issues of ReportISM – but in order to comply with the requirements of sections 10.3 and 10.4 of the ISM Code, it is necessary to set out a programme of maintenance and testing to ensure the reliability of the equipment.

The system of maintenance and testing should be incorporated into the Planned Maintenance System. Each specific task attached to critical equipment needs to be highlighted so that personnel responsible for the management of maintenance can effectively prioritise the work. The system should also ensure that those actually doing the work understand that they are working on critical equipment, and the implications therein.

While there is much debate as to the design of lifeboat launch mechanisms, it remains true that maintenance is vitally important, and should never be neglected. Allied to this, it is also vital that personnel are familiar with the means of operation, launch and recovery. While lifeboat operations should be simple and intuitive, unfortunately many are not – and accidents, as well as potential PSC detentions, will ensue in cases where crew are not able to look after or use the equipment correctly.

So now is the time to take action, to ensure that shipboard personnel are familiar with their roles, and that the lifeboats and mechanisms are in good condition.



ConsultISM's Project Manager David McFarlane has been involved with the KPI project from the outset when he worked for a major ship manager. David was invited back onto the KPI Working Group to continue the project when ConsultISM became associate members of InterManager, here are his thoughts...

Many, if not most, shipping companies measure their performance by some form of Key Performance Indicator (KPI). However, perhaps with the exception of injury statistics where OCIMF had set industry accepted formulae, all companies have a large variation on the way that they measure and interpret their performance.

Back in 2004 it was recognised by members of InterManager (and in particular from Svein Sorlie of Wilhemsens) that there was a need for an international standard for defining, measuring and reporting information on operational performance in shipping. As a result the Shipping KPI Project was born along with an aim to improve the ability of the shipping industry to respond to increasing demands from society.

The project's main objective is to develop an international standard and tools for measuring company's and vessels' performance. In turn this would boost performance improvements internally in companies engaged in ship operation activities and provide an efficient communication platform of ship management performance both for the management onboard and ashore. It would also help avoid each company spending resources

on developing the same (or at least similar) types of systems. Further bonuses would be to let external stakeholders (charterers, port state etc) gauge the performance of a ship or company on a level set of criteria and allow confidential benchmarking.

The question was how to do all of this? Projects need time, money and experts thrown into the pot. This was done by creating a sponsor group of ship managers. The commitment from the group was a relatively low financial commitment but also that a senior manager would be given to attend "working groups" in order to discuss, and debate what indicators would be used, how they would be calculated and what would be done with them.

Any project needs to be well managed and MARINTEK (The Norwegian Marine Technology Research Institute) was taken on at the beginning to undertake the quite daunting task of banging various ship managers' heads together to get a collective agreement. MARINTEK, part of the SINTEF Group, also had previous experience with InterManager as well as having well proven academic skills essential to the project outcome.

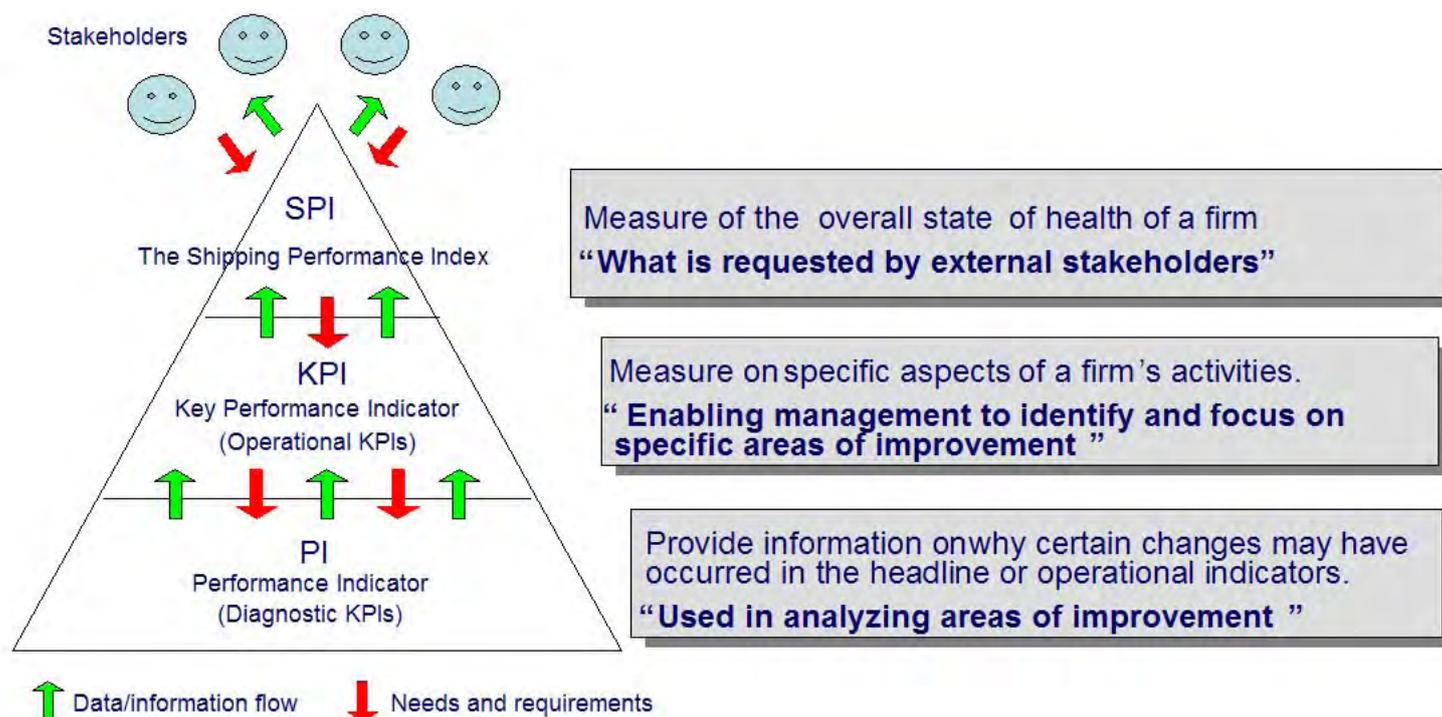
In February of 2006 an application was made to the Research Council

of Norway for funding to support the project. This was successful and enabled various discussions, meetings and workshops to take place; Phase 1 of the project. This resulted in the agreement of various performance indicators and how they are calculated. The diagram on the following page helps to explain the concept.

Over 60 performance indicators (PIs) were identified as being directly observable or measurable within a ship operating company. These range from numbers of incidents, detentions, through fuel consumed, time off-hire, to environmental statistics. This depository of information is used as the core of calculation, enabling us to calculate Key Performance Indicators (KPIs).

The KPIs are the result of agreed calculations using a number of PIs, where weighting is given to achieve accurate and meaningful scores of performance enabling management to identify and focus on areas that may be seen as requiring improvement. The number of KPIs is slightly less than half of the PIs and examples would include the likes of budget control, crew management, failure of critical equipment, navigational incidents and even SOx emission performance.

A stakeholder analysis to identify Shipping Performance Index (SPI) requirements



The KPIs are sorted into categories and then further calculations are made to come up with the Shipping Performance Index (SPI). There are seven SPIs as follows:

- Environmental performance
- HR performance
- Safety performance
- Security performance
- Technical Performance
- Navigation Performance
- Operational Performance

By simply looking at the seven SPIs, it will enable either senior management or external stakeholders to take an accurate snapshot, not just at a ship or a company as a whole but having the ability to drill down into specific areas without the need to go into immense detail.

Phase 2 of the project commenced in March of this year with three objectives, namely:

- To develop a communication model for external stakeholders,
- To validate the Shipping KPI Standard and
- To develop a tool for reporting and benchmarking

The phase is already well under way, already having had a productive workshop and a successful meeting with external stakeholders so far and two further workshops planned for later in the year.

There is still a lot of work to do, particularly involving the buy-in by external stakeholders, but it is hoped that a truly useful standard will be in use in a couple of years by many ship operators. The result for a company will be to:

- a) Monitor and drive internal improvement,
 - b) Benchmarking – anonymous benchmarking will be possible through the database, in ways that will allow cross-sectional analysis,
 - c) Performance based contracting – the ability to achieve results through achievement of KPI goals and
 - d) Building public awareness – use of the KPI tools should enable the industry to keep public opinion informed of achievements and improvements over time.
- It is hoped that the final outcome will be a standard resulting in a more level playing field where ship operators are less likely to bend figures to suit their own needs. By taking a step closer to having a “common language” in relation to ship performance, the industry will be much closer to the transparency that it has talked about for so long.



ConsultISM Ltd is pleased to announce it’s Associate Membership of InterManager.

The idea behind InterManager at its foundation in 1991 was to improve standards in ship management and achieve a safer, more environmentally conscious, more reliable, and more controllable ship management industry. This aim is very much in line with the objective of the ISM Code. ConsultISM therefore looks forward to a productive relationship with InterManager and its other members.



“I do not regret
the things I
have done, but
those I did not.”



ConsultISM MD, Dr Phil Anderson often visits the offices of shipowners around the world - this poem was on the wall of one...and it's message should be shared.

A Prayer of Regret

I could have saved a life that day, but
chose to look the other way.

It wasn't that I didn't care, I had the
time, I was there.

I didn't want to seem a fool, or argue
over a safety rule.

I knew he'd done the job before, if I
called it wrong, he might get sore.

The chances didn't seem that bad,

I've done the same, he knew I had.

So I shook my head and walked on by,
he knew the risks as well as I.

He took the chance, I closed my eye,
and with that act, I let him die.

I could have saved a life that day, but I
chose to look the other way.

Now every time I see his wife, I'll know
I should have saved his life.

That guilt is something I must bear, but
it isn't something you should share.

If you see a risk that others take, that
puts their health or life at stake.

The question asked, or thing you say,
could help them live another day.

If you see a risk and walk away, then I
hope you never have to say,

“I could have saved a life that day, but
chose to look the other way”

Anon



ConsultISM continues to be invited to present papers at numerous very high profile events, where the focus is on maritime safety or risk management.

ConsultISM is delighted to accept such invitations, it is a great honour to be selected so frequently to be invited to put forward our opinion on these important topics to such eminent and influential gatherings. These events allow us to continue to share our developing knowledge and experience of safety management in the hope that we can, in our own small way, help to reduce marine accidents.

Consultant Gathering

In addition to the full time staff of experts within the ConsultISM group we have also built up a team of specialist consultants around the world, who can be called upon, as and when their specialised skills are required to complement the full time team. To help bring the consultants into the ConsultISM vision for the future and to meet each other, we hosted a gathering in Trinity House in Newcastle upon Tyne in June.

As each consultant described his career background, experience and individual expertise there was a widespread realisation that, collectively, there can be few organisations which can boast such a range of relevant experience and skills to offer to the shipping and insurance industries and the legal profession.

ICS Seminar

The annual conference of the International Chamber of Shipping will be held in London on 9 September 2009. Dr Anderson is currently working with the Chamber updating its 'Guidelines on the ISM Code' and will provide a summary of the amendments and changes which will appear in the 4th edition.

He has also been asked to provide some personal reflections and his paper will be entitled 'What next for the ISM Code?'

IUMI Conference

The International Union of Marine Insurers (IUMI) will be holding its annual conference in Bruges, Belgium, from 13 – 16 September 2009. The organisers decided to include in the program an exploration of the connection between the standards of education, training and experience of seafarers and the incidence of accidents and claims. The organisers invited the international maritime education organisation GlobalMET to participate by presenting a paper on 'Maritime Training and the need for collaboration with the Insurance Sector'. ConsultISM are members of GlobalMET and Dr Phil Anderson, will be representing GlobalMET along with Captain Pradeep Chawla of Anglo Eastern to present the paper.

P&I Seminar

Between 30th September and 2nd October 2009 Lloyds Maritime Academy / Informa will be running its 'International P&I Insurance' seminar in London. Dr Anderson will be drawing upon his 25 years dealing with claims in P&I Clubs and his wide experience of the ISM

Code when he presents a paper on: 'Marine Insurance Claims and the ISM Code'. ConsultISM has been issued with a limited number of heavily discounted delegate places at the Seminar. Anyone who would like to take advantage of the discounted delegate rates should contact ConsultISM as soon as possible.

InterManager

ConsultISM is an Associate Member of InterManager and has been invited to present a paper at its AGM on 16 November 2009. Project Manager Captain David McFarlane and Business Development Adviser Captain Peter Cooney will provide an overview of the potential significance to the DPA and the 'highest levels of management' if the safety management system fails and a serious accident occurs.

Tanker Safety Conference

This year's Tanker Safety Conference, organised by Riviera Maritime Media, is being held in London from 12 to 13 November 2009. Phil Anderson has been invited to participate in the opening session focusing on the Mitigation of Risk.

See www.rivieramm.com for more details about the event

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www.consultism.co.uk

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