

# ReportISM



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

INSIDE ISSUE 8

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# Dr Phil's Diagnosis...



Welcome to issue number 8 of **ReportISM** – the only Newsletter dedicated to marine safety management and ISM related issues.

Regular readers of **ReportISM** may recall, in issue number 5, that I drew attention to the fact that IMO was about to start a major review of the ISM Code and I set out my own personal 'wish list' of things I would like to see changed. Within that wish list I set out the following:

1. **Introduce a structured training programme and examination / qualification for Designated Persons;**
2. **Clearer definition of role and responsibilities of the DP. and**
6. **Provide clearer explanation / definition of what is intended by 'taking account of industry guideline' in Section 1.2.2.2.**

I am delighted to announce that I appear to have a 'fairy god-mother' for not only did the MCA / UK Delegation take notice but they have moved forward with two proposals and the German delegation with one proposal for important amendments.

Further, these proposals were presented to the Marine Environmental Protection Committee at its 56th Session which was held on 9th – 13th July 2007 with the support of the entire European Union as well as Norway and the Marshall Islands. The proposals were approved by MEPC and will now go forward to the Maritime Safety Committee for formal approval in October.

The proposed amendments involved two main areas:

**1. Experience, qualifications and training for the role of Designated Person under the International Safety Management Code.**

This document proposes specific minimum competency requirements (experience, qualifications and training) for a Designated Person. A draft Assembly resolution with a proposed annex to replace the revised Guidelines on Implementation of the ISM Code (Resolution A.913(22)) was presented, and

**2. Guidelines for the operational implementation of the ISM Code by companies.**

This document proposes the development of Guidelines for the operational implementation of the ISM Code by Companies in analogy to the Guidelines on implementation of the ISM Code by Administrations (Resolution A.913(22)).

Whilst these proposals might not have gone quite as far as I would have liked – they are indeed a great step forward in the evolution of the ISM Code in helping with its successful implementation.

Congratulations to all involved – keep up the good work!



# Buried Under Paper

Looking back on the history of maritime safety management one word has dominated, that is "Paperwork". Sadly if the ISM Code were to be withdrawn today, it seems that many believe the only fitting tribute would be to bury it in paper.

It is true that some safety management systems do, sadly, place an undue emphasis on checklists and administrative tasks. A poorly conceived and ill-applied system can often become a noose around the neck of over-stretched and overworked Masters and officers.

Recent reports indicate that some masters now spend up to six hours of their working day on computers catching up with paperwork.

According to Capt Carmen Dewilde of the Royal Belgian Mariners College, this leaves them little time for navigational duties, ISM compliance and other core business activities.

The Nautical Institute's Alert! Bulletin, highlighted the issue way back in Issue 2, January 2004, when it was seen that electronic paperwork (especially e-mail correspondence) has increased the burden on the ship's master. They reported that one LPG tanker Master claimed to spend on average 3 to 4 hours a day sending and receiving e-mails; he reported, "one day I spent 8 hours dealing

with e-mails - responding to a terminal message took one hour .....it is taking up my time; instead of doing Captain jobs and watching for the navigation, I am having to concentrate on messages."

Improvements have not been widely forthcoming, and there have been calls for the appointment of an "administrative officer". This, however, seems just a short-term answer, and one that simply masks the true problem of over-reliance on paperwork and administrative tasks.

Capt Dewilde suggests we look to the skies and follow the way in which aviation manages its administrative tasks. The very idea of Airline captains performing reams of administration during flights is ridiculous, and so shipping could learn from this by shifting administrative tasks to dedicated shore staff.

There needs to be a full and frank assessment made by companies of the amount of paperwork they burden their personnel with.

On a positive note, the use of computer based solutions for routine administration, recording ISM non-conformances, the management of spare parts and routine planned maintenance, can cut down the amount of paperwork,

if used wisely. Though the real answer is not to hide behind quick fixes it should be to perform an ongoing review of the systems in place to see whether the SMS is overly bureaucratic, and paper laden, and to assess whether there can be better ways of managing information, and whether it actually be preferable to remove the burden from the vessel, by either eradicating it completely, or by providing resources ashore.

Aside from the obvious safety and fatigue issues, as the much vaunted manning crisis drives the price of good quality seafarers ever higher it seems ridiculous to waste their skills and talents on mere paperwork –surely a better business decision would be for any company to use their seafarers to do what they do best, and are trained to do.



# 21st Century Marine Consultancy

There is nothing new with ships being involved in collisions, with people being injured on board ships, cargo being lost or damaged whilst being carried on board ships or many other accidents which can arise during a maritime adventure.

However, when we ask the question: is there anything new with the way such incidents are investigated and analysed? The answer is certainly yes

Without doubt all the skills of the traditional marine consultant will still be required but, in the 21st century, that will frequently fall far short of the expertise required.

There have been significant developments during the last 20 years or so with the way in which ships are managed and operated, with increased understanding of human factors, management systems and, of course, technological advances. It is very difficult to understand how many of the accidents and incidents can be adequately investigated and analysed without a full appreciation of these aspects.

Let us consider each of these factors in a little more detail.

## Human Factors

It has been recognised for many years that so called 'human error' accounts for a very large percentage of marine accidents and incidents. Because of its generality this is actually not a particularly helpful observation.

A much more scientific approach is necessary to identify the human factors involved in a specific accident or incident

by conducting a root cause analysis. Some of the human factors may very well involve 'errors' or mistakes but others may relate to design or maintenance issues, fatigue and psychological problems or ergonomics.

## Management

Increasingly the 'systems' approach to management has been adopted throughout the shipping industry – initially by way of the Quality Management Systems (QA, TQM etc) and then the mandatory Safety and Security Management Systems of the ISM and ISPS Codes respectively.

Other areas include Garbage Management, Planned Maintenance, Environmental Management etc.

Since almost all activities on board ship will be driven by one or more of the management systems it is crucial that an investigator or consultant has a detailed knowledge of systems management methods as well as the structure and content of the specific management system(s) under review.

## Electronic Data

The relatively recent introduction of the Voyage Data Recorder (VDR) or 'Black Box' on board commercial ships has created the potential for a most valuable source of information for an investigator following an incident. The introduction of VDR's were of course just one more item in an increasingly sophisticated collection of electronic gadgets on the bridge, in the engine control room, the machinery spaces, cargo control room, cargo carrying spaces etc.

With suitable equipment much of the data monitoring the use and performance of these various items of equipment can be extracted. Appropriate levels of skill, knowledge and experience are then necessary to interpret and analyse that data.

Many of these additional investigators tools, skills and forensic methods have already been the subject of evolution and development in other high risk industries – particularly in the field of aviation and air crash investigations.

## A Solution

**ConsultISM** is delighted to announce the creation of a strategic alliance with one of the worlds leading firms of air crash investigators and forensic scientists – Reynolds Technological Industries (RTI) – which has offices on the East and West Coast of the United States, as well as London. This will allow an integrated service to marine clients combining all the skills of the traditional marine consultant with the forensic science and expertise derived from the aviation and other high risk industries.

**ConsultISM** Managing Director Dr Phil Anderson has been appointed Marine Safety Management and Operations Director of RTI.

Further details about RTI see [www.rtiForensics.com](http://www.rtiForensics.com) .



# Do External Audits Work?



## A personal reflection by Dr Phil...

I recently attended a seminar at which a senior member of one of the leading Classification Societies proudly announced that ISM Non-Conformities are now a thing of the past! I thought I must have misheard him or maybe I had misunderstood the context – maybe he was being sarcastic? But then, in his next breath, he declared that ISM on board the ships audited by his Society were operating at a level of near perfection – he had not encountered a non-conformity within an SMS for a long time!

I started to wonder about the possibility of a parallel universe where he was living in one perfect world and myself, the P&I Clubs, H&M and cargo insurers, Port State Control and shipping press all living in a very different world?

In the world I inhabit and which seems to be reflected in the steady stream of maritime casualties reported in the press, the port state control detentions and the alarming increase in large P&I Claims reported

– I would have to say that something does not seem quite right!

Maybe I have been frequenting the wrong 'rose tinted spectacle' shop! I would have to say that I have been involved in casualty investigations which require a close look at how the SMS had been running in practice and I am often left scratching my head in wonder at how this particular vessel or even this SMS under review was ever given a Safety Management Certificate (SMC) in the first place or how it managed to get revalidated at the intermediate verification. Invariably I discover numerous non-conformities which must have been obvious and apparent to an External Auditor from the Flag State Administration or their Recognised Organisation.

When port State control discover serious deficiencies the Flag State / R/O may well be called in. There may well be a flurry of activity, maybe even some red faces but the immediate issues tend to be resolved and the vessel goes on her way. However, how often are the Administration or the R/O called to account to explain why they had issued / renewed the SMC? How many occasions are we aware of where an Administration has actually withdrawn or suspended an SMC?

Following a casualty, unless there is a major public inquiry or trial with a high level of media

attention how often are Flag State Administrations asked to explain how and why the ship was fully certificated as far as ISM was concerned?

I started to wonder if the declared phenomena, of detecting zero non-conformities, could be something to do with the frequency of the external audits by the Administration or the R/O to verify compliance and the length of time spent on those verifications?

It will be recalled that the requirements of the ISM Code, under Section 13:

***13.7 The Safety Management Certificate should be issued to a ship for a period which should not exceed five years...***

***13.8 The validity of the Safety Management Certificate should be subject to at least one intermediate verification ... If only one intermediate verification is to be carried out and the period of validity of the Safety Management Certificate is five years, it should take place between the second and third anniversary dates of the Safety Management Certificate.***

Effectively the Administration looks at the operation of the SMS on board each of the vessels flying its flag approximately once every 2 ½ years. I would suggest that is not very often in anyone's book! So how effective a job can be

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## External Audits Cont...

done in verifying compliance at a 2 ½ year interval?

Even on a relatively uncomplicated ship such as a bulk carrier there are likely to be at least three main departments, there may typically be 10 or possibly many more volumes of procedures manuals along with checklists, forms, Circulars and Bulletins etc comprising the Safety Management System. There are likely to be hundreds of individual procedures. So how long would, or should, it take to conduct even a sample

audit? Three days with a team of two? A week? Two weeks? The reality is that the entire audit rarely exceeds 8 hours and, I am reliably informed, one Classification Society is now completing the audit in half that time!

Coming back to the question of whether or not non-conformities still exist – I would suggest that we probably have the explanation here. The depth at which some Administrations or their R/O's actually go into the SMS, in the very limited time

allowed during the external audit is so shallow as to allow nothing more than the most cursory overview. So it is not at all surprising that there does not appear to be any non-conformities – not because they do not exist, but because of the shallowness of the audit process itself.

If I am correct then I would suggest that a great disservice is being done to the industry, seafarers and all who are involved in commercial shipping.

# Fake Certificates

Having a working Safety Management System in place is one thing, but the problems do not always lie in the system, sometimes we have to ask who is actually working with the SMS onboard, and how do we truly know of the credentials of the staff onboard the vessel?

Vetting is often a word that applies to ships – but only in the realms of charterers looking over the ship. It seems the time is long overdue for each company to properly vet employees?

Many simply shrug and say their manning agent does it, but what are the actual procedures in place, and how can these be checked?

Back in 2006, Lloyd's List warned that many employers

were failing in the prevention of seafarer certification fraud. An analysis of actual fraud detected by the UK maritime and coastguard agency (MCA) revealed that less than 10% of cases were exposed at the recruitment and employment stage.

In the United States recently a tug sank causing a diesel fuel spill, and the "Captain" was sentenced to 30 months on charges including "operating the vessel with a forged master's license".

It does beg questions of the checks the owners made of their employee – far from being a simple case of the mariner providing details we can foresee real issues relating to the seaworthiness of the vessel if

the owners have not actually verified as far as possible the actual standing of the people they have placed onboard the ship.

Certificate fraud can take many forms, and the MCA has long reminded operators of the types of fraud a ship operator should consider, which include:

- **Counterfeits**
- **Alterations**
- **Inaccurate, falsified or duplicated sea service**
- **Cloning or impersonation**

It is imperative that operators do enough to guard against fraud, and need to ensure that procedures would stand up to scrutiny in the face of an accident or incident?

# InformISM Update



Our regular readers will recall that a new educational website dedicated to maritime safety, accident investigation and the ISM Code - 'InformISM' at [www.ismcode.net](http://www.ismcode.net) was launched to coincide with the last issue of ReportISM on the 1st May 2007. ConsultISM sponsors the educational website and we are delighted to report that the site has been an enormous success with a little over 100, 000 hits on the site in the first month alone!

We were very pleased with the activity on the BlogISM with many splendid contributions being made. Unfortunately pathetically sad individuals who have such empty lives that they have nothing better to do than send spam around the internet seem to have honed in on the Blog and we have been inundated with spam. We do

spend a lot of time trying to separate out the genuine messages from the spam but we fear that some genuine messages may have been filtered and lost.

Our apologies therefore to anyone who may have sent in a genuine comment but has not had it acknowledged or posted. If that does apply to you

then please do send us your contribution again in the hope that we will catch it this time around.

Many news items and new articles are being posted all the time so please include the site in your favourites and please do pass on the word to any acquaintances who may have an interest in the subjects. Also, please make sure that your ships and seafarers are made aware of the site.

One article of special interest which has been posted recently, and which we would encourage you to review, is a paper presented by Dr Anderson to the ACI – Maritime Risk Management Conference on the subject of 'Assessing the Maritime Risk – Ships and People'. This can be found

through the main menu 'ISM Info' drop down box and then 'Papers and Articles'.

In his abstract of the paper, Dr Anderson has this to say:

*'Traditionally Hull and Machinery Insurers appear to have relied upon a number of Sections in the Marine Insurance Act (1906) as a risk control measure – notably the requirements for 'utmost good faith' and 'full disclosure' by the assured and the privity of the assured in sending their ship to sea in an unseaworthy condition. However, it has proved increasingly difficult for Hull Underwriters, and P&I / Liability insurers to find protection in these Sections of the Act. My view is that Insurers need to become much more pro-active and undertake a radical review of how they assess the maritime risks they are prepared to insure. This article will attempt to explore some of the issues involved and, hopefully, point a way forward.'*

Please keep visiting the InformISM site and also please let us have your own contributions by way of articles, comments on BlogISM and any other useful information you may care to share on these very important topics.

[www.ismcode.net](http://www.ismcode.net)

# Modern Mentoring

One of the cornerstones of personal and “personnel” development across shipping has been the relationship between junior and senior officers – from advice and best practice, to support and encouragement, this exchange was the foundation on which many a successful career was built. This was “mentoring”, albeit in an informal, and perhaps unnamed sense.

There are huge benefits to be gained from such an approach to training and development, and many companies are once again seizing on this as a way of improving standards and also retention rates.

In the July issue of The Nautical Institute’s Seaways journal, Captain Len Holder stated that mentoring plays a hugely positive role across so many parts of a career path. From education, through motivation and enthusiasm, all can positively affect the career development of those who are exposed to mentoring.

Wallem Shipmanagement fleet personnel director John Wood recently spoke of the importance of mentoring as a response to the seafarer shortage, and said that mentoring by senior officers was a way of moulding their younger Filipino personnel into the senior officers of the future.

According to Wallem, they are working with senior officers to ensure that they are identifying the right quality of seafarers to “encourage, train and motivate these young people to obtain higher positions within our fleet.”

As part of the mentoring project, a junior officer who is recommended for promotion to chief officer will continue sailing with the same Master.

This, according to Wood, “builds mutual respect between the officers, and the newly-promoted officer gets to sail with and ‘repay’ his mentor for the faith placed in him.”



## Out and About

Dr Anderson was very honoured to be invited to present two papers at what looks like being a most interesting seminar to be held in Athens at the end of November. The event is being organised by AIJA – the Association Internationale des Jeunes Avocats (the International Association of Young Lawyers).

The theme of the two day seminar is ‘Perils of the Sea’ – Maritime Casualty Management: What happens when the unthinkable happens? A very interesting programme has been put together with both speakers and delegates attending from around the world.

The first session in which Dr Anderson will present a paper will be focussing on Casualty Investigation. He will describe how the marine casualty investigator of the 21st century must have all the skills of the traditional marine consultant and much more besides. Indeed many of the issues highlighted in the article on this topic which appears on page 4 of this issue of **ReportISM**.

The second session in which he will participate will be on the general theme of ‘Who’s at fault?’ Here Dr Anderson will be exploring why collisions occur with a specific emphasis on the human factors involved.

The event is being held at the Royal Olympic Hotel in down town Athens on the 29th and 30th November 2007. Whilst the main body of attendees will be ‘young lawyers’ from around the world there will be a welcome extended to non-lawyers as well as those whose hair is perhaps turning grey or who may even have lost their hair with the passing of time!

Full details of how to register will be posted on the InformISM website – [www.ismcode.net](http://www.ismcode.net) very soon.



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[www.consultism.co.uk](http://www.consultism.co.uk)

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