

ReportISM



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

INSIDE ISSUE 11

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SOS SMS
Designated Superhero





Dr Phil's Diagnosis

Welcome to Issue 11 of ReportISM – the electronic magazine dedicated to the ISM Code and safety management onboard ships.

In this issue we consider the precautions which must be taken before entering confined spaces and the ongoing problem of fatalities where those procedures are not strictly complied with. Arne Sagen reflects upon the findings in the Bourbon Dolphin casualty – with which he has been closely involved. We also announce an exciting series of Command Seminars being organised by the Nautical Institute and its branches around the world focussing upon the on-board command team and the important link with the Designated Person Ashore.


Our main feature article however will describe some of the more significant findings from a major project into ISM implementation which has just been completed by ConsultISM Ltd on behalf of the UK Maritime and Coastguard Agency, the UK Flag Administration.

In a recent letter to Lloyds List the IMO Secretary General, Efthimios Mitropoulos, drew attention to the many positive initiatives being undertaken in the evolution of ISM implementation. Mr Mitropoulos pointed out that many of those initiatives were flowing from the investigation conducted during 2005 by the group of independent experts (GIE) which he had brought together from Administrations, organisations, academia and the shipping industry. I was honoured to have been invited to join the GIE and participate in the IMO research. The report which was subsequently issued suggested a much more positive attitude towards the ISM Code than had been apparent during my own major research during year 2000. However, the report concluded that further, more focussed, work was required in a number of areas to gain a more balanced and informed insight into the current status of attitudes towards ISM implementation.

Many of the suggested areas requiring further work from the GIE report were included in the scoping requirements of a major consultancy project initiated by the UK Maritime and Coastguard Agency. ConsultISM Ltd successfully bid for and was awarded the contract. To complement ConsultISM expertise we recruited a professional market researcher and a statistician – expertise which had been missing from previous ISM projects. Work started on 1st October 2007 and completed by 31st March 2008. An outline of the findings, conclusions and recommendations will be presented to the delegates attending the IMO Maritime Safety Committee meeting in London on 12th May 2008.

It has been a great privilege for ConsultISM Ltd to have been involved in this important project. An article describing the work undertaken and highlighting some of the more significant findings, conclusions and recommendations can be found on pages 6 thru 9 of this issue of ReportISM.

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Confined Space Killer

One of the primary aims of safety management is to learn lessons and to apply them to drive improvement. There has long been one area, however, in which lessons are seemingly not being learned, that of entry into confined spaces.

The cold hard fact remains that people keep dying through these confined space entry (CSE) incidents. Vanuatu Fleet Safety Letter 04071.GEN/2004 states that each year tens of thousands of workers enter enclosed spaces that have not been properly vented and tested for either gas accumulation or oxygen content; hundreds, perhaps thousands, are overcome as a result; and scores die.

In response to this, six Maritime Administrations, led by Vanuatu, with assistance from The UK, Latvia, Cyprus, Marshall Islands and Germany, have come together to compile and catalogue separate confined space incidents in order to better appreciate the scale of the problem, and to see where the risks can be mitigated and actions taken to bring about improvements.

The efforts were in part prompted by talks at the Marine Accident Investigators International Forum (MAIIF) meeting in Beijing last year. The needless loss of lives due to improper CSE was highlighted and a project was agreed in which data was to be collection and ultimately a paper on the subject is to be delivered to the IMO.

Donald Sheetz, the Deputy Commissioner of Maritime Affairs, Republic of Vanuatu was chosen to lead the project. So far this has seen the compilation of an ever increasing list of incidents and accidents, deaths and injuries, across many different flag States from 1993 to date, but still more information is needed.

According to Mr Sheetz, "The information obtained so far is very troubling as the problem we originally identified may be even larger than anticipated."

In reviewing the data produced, there has been a realisation that we perhaps need to re-categorise the concept of confined spaces. Mr Sheetz added, "a confined space may be any space, of any size, containing cargo, oil, water, petroleum, or nothing at all. A confined space may even be a cabin."

The research thus far, has identified that the issue of CSE is not solely about entering potentially dangerous spaces. The issue is far more complex, and is therefore a "multi-dimensional problem", one where any space could, by virtue of its cargo, lack of oxygen, use of toxic chemicals, gaseous atmosphere, inerting, etc., cause death or injury, either shortly after entry or even several hours later.

It is not a matter of size either, according to the research, the space could be small enough to permit

access only to a person's head or as vast as an entire cargo hold. Though of course the fact that we are still learning about the places that can pose so much danger is deeply troubling.

While there is no shortage of advice and procedures on entry techniques and safety measures, there are still far too many accidents, according to Sheetz the maritime industry has done a terrible job putting procedures into practice and of ensuring personnel are properly trained.

Sheetz believes that progress can be made, and that, "training, education, awareness, signage, SMS, etc., all play a part in stopping the tragic loss of life associated with persons entering into, or working in, confined spaces".

However, in order to progress we must document and understand the level of the problem, and that is why this project is so important. ConsultISM fully supports this initiative being taken by Vanuatu and the other involved Flag States and would encourage whole-hearted support to Mr Sheetz and his colleagues.

If you have any submissions that may further aid this study, please send them to email@vanuatuships.com with "Confined Space Entry" in the subject line.





This article has been contributed by ConsultISM team member Arne Sagen, ISM and quality Assessor (CNI), Accident Investigator (ALCM-USA)

The ISM Code was the right instrument for the shipping industry at the right time, but as any magnanimous laws of the history, it needs to be adjusted and amended in accordance with the development of experience. What can we learn from the ISM Code auditing of the tragic loss of the Norwegian anchor handling vessel “Bourbon Dolphin”, which capsized with the loss 8 crew members on an anchor handling operation on the Rosebank oilfield the 12th of April 2007, in the UK sector of the North Sea.

During the anchor handling operation, the “Bourbon Dolphin” drifted considerably off the mooring line, eastwards. The rig instructed the vessel to proceed westwards, but at the same time, the anchor chain over the stern roller shifted from the inner starboard towing-pin to the outer port towing-pin. The vessel developed a serious list to port, and the engines on the starboard side stopped. The vessel at first righted up, but soon listed again and capsized on her port side.

The Norwegian government appointed a Commission of Inquiry to investigate the accident.

The Commission also made some comments of the state of the ISM Code:

- The company did not follow the ISM Code requirement that all risks are to be identified.
- The ISM Code demands procedures for the key operations that the vessel is to perform
- Despite the fact that the anchor-handling was the vessel’s main function, there was no vessel-specific anchor-handling procedure for the vessel.
- The company did not make sufficient requirements for the crew’s qualification for the demanding operations. The crew’s lack of experience was not compensated for by the addition of experienced personnel.
- The Norwegian classification society Det Norske Veritas (DNV) and the Norwegian Maritime Directorate were unable to detect the failures
- The risk assessment have been particularly restricted to hazardous individual operations, but the assessment should include that the vessel as such may be exposed to safety risks.
- When two or more vessels are working together during an operation, it is not sufficient to focus on the safety of the relevant individual vessels alone.
- Furthermore, the companies should also ensure that the relevant personnel are competent to perform the risk assessments.
- Anchor-handling procedures have to be vessel-specific.

in the company’s SMS through their audits. This also indicates a weakness in the Norwegian Maritime Directorate’s auditing of DNV.

The Commission proposed some recommendations for improvement of the safety management systems:

DISCUSSION

The commission seems to be particularly concerned about the uncovered safety defects. In accordance with the commissions



In memory of those tragically lost onboard the Bourbon Dolphin.

report, the ISM auditing uncovered several safety defects:

1. Defective compliance with routines related to the familiarisation of the new crew
2. Defective definition of training needed for certain positions, as winch operator
3. Defective procedure for anchor handling (only "general" manual, not ship-specific)
4. Defective procedures for the analysis of company's corrective measures.

The deficiencies were stated as non-conformities and the vessel was issued a SMC certificate, and granted a time frame of 3 months for the n-c (approved) corrections.

It is not our intention, in the bright light of the hindsight, to speculate whether an immediate corrective action would or could have prevented this accident (it is not likely as the commission concluded that the operation exceeded the vessels performance). We will rather elaborate the commission's recommendation how the ISM Code can be more effective in the function of preventing operational accidents.

Based upon the commissions report, it looks like the auditor acted observantly, as he pointed at several crucial discrepancies from the ISM Code during his audit. The auditor followed the common pattern in ISM code auditing, and reported his findings as non-conformities with a "standard" time limit of 3 months for corrections. We would like to discuss if this "standard pattern" for the auditors to rate almost all kind of observations as non-conformities, and very seldom (if ever), as Major nonconformities.

A Major non-conformity would trigger a quite different attention, in the worst case withdrawal of certificates, and the proper action may sometimes save some lives. Are the guidelines from the national administrations sufficiently adequate in these matters?

Furthermore, it might be mentioned that the auditor's job is not just to recommend the necessary amendments of possible shortcomings of the various procedures. In cases of doubt about the adequacy of the system, the non-conformities should rather be raised against the company's procedures for the identification of the key ship operations.



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Maritime and Coastguard Agency

Important New Work Examining the Implementation of ISM

UK fleet and its influence on the development of a safety culture in the commercial shipping industry.

In support of his Doctorial Research project with Middlesex University in year 2000, Dr Phil Anderson undertook what was then by far the largest survey across the international shipping community into the apparent impact of ISM implementation in between Phase 1 and Phase 2 implementation deadlines. In 2005 he was invited to join a Group of Independent Experts (GIE) which had been gathered together by the IMO Secretary General, Efthimios Mitropoulos to undertake a similar exercise.

Both surveys concluded that hard, empirical, data which would measure the effectiveness of ISM implementation was not yet available. Rather both reports provided an abundance of subjective comments and feedback from a wide range of individuals involved in the implementation setting out their own experiences. A further conclusion of each project was that further work was needed. Indeed the IMO Report of the findings and conclusions raised a number of questions which would need to be addressed in future projects. (*Copies of both Anderson's findings from 2000 / 2002 and the 2005 IMO Report can be found on the InformISM Website – www.ismcode.net – under the main drop down tab 'ISM Info' and then the drop down titled 'Research Projects'*)

Although from the perspective of one Administration, the UK Maritime and Coastguard Agency, at the instigation of the ISM Project Manager Dr Edmund Hughes, decided to explore a number of the questions which had been left over from the IMO investigation. The consultancy project was to be titled: 'Impact and

Effectiveness of the ISM Code in the UK Fleet and its Influence on the Development of a Safety Culture in the Commercial Shipping Industry'.

The MCA extended 'Invitations to Tender' (ITT) to external consultancies to undertake the project. Dr Anderson and ConsultISM Ltd. were included in the ITT and were absolutely delighted to win the contract.



Recognising an important weakness which had been identified in the earlier projects – ConsultISM engaged the services of a professional market researcher, Maureen Gilmour, who has special expertise in conducting qualitative face to face, in-depth interviews as well as quantitative surveys; a professional statistician, Carl Bennet who could apply rigorous mathematical method to an analysis of available relevant data and a team of dedicated telephone interviewers.

The project commenced on 1st October 2007 and completed on schedule on 31st March 2008. This article attempts to summarise the scope of the project work undertaken and set out some of the key points from the findings, conclusions and recommendations.

SCOPE OF PROJECT

The project specification required an assessment of the impact and effectiveness of the ISM Code in the

The four main objectives being:

- 1. To establish how effective the ISM Code has been in improving safety and safety culture since 1998 and to provide evidence to support the findings. This should include a review of data sources and an analysis and critique of that data.
- 2. To establish the effects that ISM implementation has had on the UK fleet against other Paris MoU 'White List' maritime administrations from 1998 to 2006.
- 3. To investigate other quality management systems utilised by the shipping industry and other related industries to improve safety and pollution prevention, for example, Tanker Management and Self Assessment, and then compare these with the ISM Code to identify what improvements, if any, the wider shipping industry might like to see integrated into the ISM Code as part of any future revision.
- 4. The MCA wished to have a clearer understanding of how effective the ISM Code has been in enhancing maritime safety of life at sea and protection of the marine environment and to identify what, if any, improvements might be made to enhance the effectiveness of implementation of the Code, including, where evidence is presented, make recommendations for amendments to the Code and / or its supporting guidelines.



METHODOLOGY

The project reviewed previous studies into ISM implementation and compliance including Concentrated Inspection Campaigns (CIC's) by Paris and Tokyo MoU, as well as the United States Coast Guard during the years 1998, 2002 and 2007 as well as industry surveys.

Previous studies had relied upon self completing questionnaires which had been distributed to potential interest groups. However, such a methodology is subject to a number of potential flaws – in particular bias towards those with a special interest in the subject. It was recognised therefore that a more robust method would be required to provide direct contact with a wide cross section of parties to yield a representative sample of opinion.

The method of collecting the information and data which was decided upon would involve a three fold process with an additional follow up:

A. Qualitative data collection involving mainly face to face in-depth interviews with 35 individuals from four relevant category groups:

- Ship Operators
- Insurers
- External Observers
- Seafarers

B. Quantitative survey, conducted by telephone, of 70 DPA's in ship operating companies with at least one ship under the UK Flag, using a questionnaire developed with input from the qualitative interviews and with 20 question areas being covered.

C. Examination and analysis of empirical evidence – particularly from Port State Control bodies – with potential relevance to ISM implementation. Data from the Paris and Tokyo MoU's as well as the United States Coast Guard was examined.

D. Follow up with a number of respondents from the qualitative and quantitative surveys on additional specific issues by the project leader Dr Anderson.

The majority of the qualitative interviews and quantitative data collection were undertaken during January 2008.

FINDINGS AND CONCLUSIONS

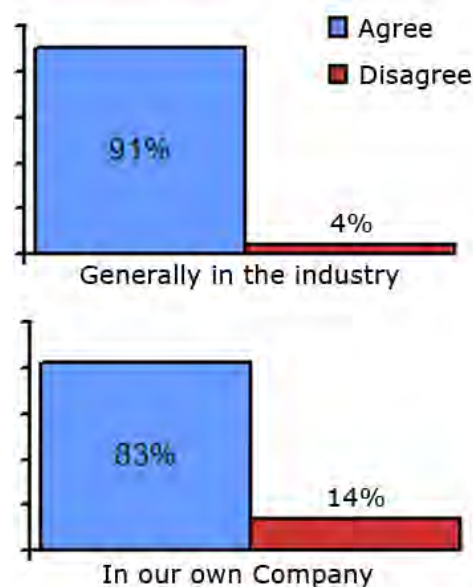
The scope of the project was very wide ranging and probably represents the most in-depth detailed study yet undertaken into the effects of ISM Code implementation.

The work included gathering qualitative, subjective opinions in place at the moment concerning ISM Code adoption and its limitations. It does not seek to prove or disprove any particular position on the Code and respondents were neither right

nor wrong in their opinions. Instead, this part of the work programme reflected accurately the then current set of beliefs affecting ISM implementation and where possible provides pointers for the future, stemming from respondent beliefs.

There was much by way of positive comment with Owners, seafarers, external observers and insurers all agreeing: ISM is a good thing! Each of these groups had a different perspective on how ISM had affected them but a majority believed that the ISM Code had improved safety at sea.

ISM Safety Improvements



Over nine out of ten respondents (91%) felt that the ISM Code had helped improve safety at sea in a general sense. More than eight out of ten felt that safety in their own company had also improved thanks to the implementation of the ISM Code.

Whilst it was recognised that the cost of marine insurance claims had risen significantly – there was a consensus of opinion that the shipping industry was a much safer and more

environmentally friendly industry compared with 10 years ago.

However, whilst it was readily accepted that the implementation of the ISM Code had made a contribution, and possibly a significant contribution, the full scale of the effect could not be isolated from many other changes and factors which had influenced activities and attitudes towards the management of safety and protection of the marine environment since 1998 e.g. revisions to STCW, MARPOL etc. as well as the intensification of vetting inspections by the Oil Majors, condition surveys by P&I Clubs, etc.



The attempt to analyse data from the Port State Control did not provide any meaningful results with respect to the effective implementation of the ISM Code. The reasons being that :

(a) there was no data available pre ISM Phase One implementation date of July 1998 with which to compare results 'post implementation', and, for UK Flag specifically

(b) there were so few detentions of UK Flag ships during the relevant period as to render any analysis meaningless.

It is also of relevance that during this

period Port State Control Inspectors were deepening their own knowledge and understanding of the ISM Code and Safety Management Systems.

As key actors in the oversight process there should be a general aim to improve the knowledge of Port State Control inspectors with respect to effective implementation of safety management systems.

The Paris and Tokyo MOU's have conducted three Concentrated Inspection Campaigns (CIC's) on ISM Compliance since the Code became mandatory. The first two CIC's were conducted to coincide with the Phase One and Phase two implementation deadlines of July 1998 and July 2002 and were mainly carried out to verify if a SMS had been effectively implemented on board. The most recent CIC was carried out from 1 September to 30 November 2007.

In a Press Release dated 29 January 2008, Paris MOU reported the somewhat disappointing finding that 1 out of 5 inspections apparently showed ISM deficiencies (non-conformities) corresponding with 1,031 inspections.

However, the Press Release concludes by suggesting:

"...Although some serious problems were encountered in general it can be said that the CIC shows that the ISM system is starting to work onboard ships. Both ship-owners and crews on board understand the system and implement it. The Paris MoU will keep monitoring the implementation of the management systems to ensure the ISM requirements are complied with".

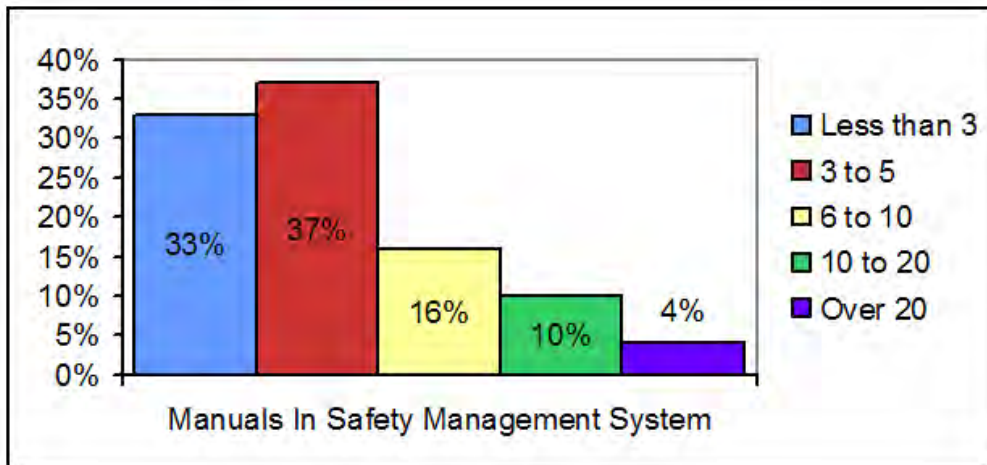
On 20th February 2008 the Tokyo MoU secretariat also issued a Press Release which was more positive when, with cautious optimism, it concluded: "It does appear that the

inspection campaign was successful and indicated that for most ships and ISM operators, the safety management system is functioning and understood on board."

What has become apparent through this project is that, in general, much of the shipping industry is still maturing and evolving into the ideas of the 'Systems' approach to safety management from a very long tradition of being driven by prescriptive rules and regulations.

Most of the ship operating Companies had gone either fully or at least partially electronic with their SMS – which they have found very beneficial from a management and administrative point of view. Further it was found that some companies had employed an additional crew member to support the effective implementation of the SMS onboard.

Whilst there were some complaints about the extent of paperwork generated from safety management systems – this issue did not appear to be as significant as in earlier studies. The most frequent area of concern which was raised by all categories of respondents was the lack of standardisation in the interpretation of what is actually required within a SMS. Related to this concern was a recognition that whilst the SMS had originally been set up 'by the Company for the Company' – what had happened in practice was that certain external auditors had inflicted their own ideas and interpretations which had the effect of undermining the Company. To avoid problems the Company would tend to oblige but this resulted in the spirit of the Code being lost in those Companies affected. As a consequence, Companies, and particularly their seafarers, are increasingly asking for clear guidance or even instructions as to what is required in a SMS. Clearly the potential danger is a big step



**“Number of Manuals in Safety Management System
All DPA Respondents (70); 2008”**

backwards such that prescriptive rules and regulations will be produced in response to such pleas which would result in the ISM Code losing its non-prescriptive status.

There was a clear diversity across the participating respondents as to the level of development of a safety culture within their respective fleets. It was recognised that one of the greatest barriers to the development of such a culture was the transient nature of much of the seafaring work force. Also the distance of the asset owner from their ships is recognised as a further potential barrier to developing a strong safety culture. However, it was recognised that strong and effective leadership and supervisor skills could be developed to counter the effect of such problems.

It is important to recognise however that there is clear evidence of good management systems and good auditors. Whilst initiatives such as TMSA can help with successful running of an SMS it was apparent that a good SMS was achievable with minimum financial investment provided there was the necessary commitment from senior management and all those involved in the implementation process.

There was a general perception that external auditors only fed back when deficiencies and non-conformities were found and were criticised for failing to praise SMS's where they found things working well or where they found good practice.

There was no suggestion that the industry thought it necessary to make any significant amendments to the ISM Code. The strength of opinion was more focussed on the need to find a universally agreed interpretation of the requirements of the existing Code.

RECOMMENDATIONS

The following were the main headings of suggested recommendations which may be considered by the MCA to help with the continuing evolution of the implementation process of the ISM Code:

- Work towards a clearer, universal, understanding of SMS requirements across the shipping industry and provide support to Companies with implementation to deliver the aims and objectives of the Code and encourage external auditors to respect approved SMS's.

- Provide more education / training / information to both shore based and sea-going staff about the 'Systems' approach to safety management as employed in other high risk industries;

- Development of a safety culture self assessment inspection toolkit – possibly a development of the existing MCA HEAT project – this could be expanded into a non-tanker self assessment programme – similar to TMSA,

- Undertake a focussed study on what lessons may be learnt from other high risk industries – e.g. team work as developed in the civil aviation industry where individuals who have not worked together previously can quickly slot in together as team members.

- Establish a means whereby the opinions of serving seafarers and other stakeholders could be solicited on a regular and on-going basis to provide an up-to-date perspective about the ISM Code. This could possibly be a web-based facility or a series of telephone surveys but should be undertaken on an international basis and run by professional researchers.

The findings of the project are to be presented during the meeting of the Maritime Safety Committee of the IMO on 12 May 2008.





quick fix front comes a new DVD from The International Transport Workers Federation (ITF), entitled "Working Together for Safety on Board".

The DVD sets out the safety structure laid out by the ISM Code and ILO Maritime Labour Convention, and covers the role of the on-vessel safety representative. It is aimed at seafarers of all ranks and comes with different language options. See <http://www.itfglobal.org>.

The Safety Management System (SMS) files might sit in neat rows in the ships office, the Documents of Compliance (DoC) may be proudly displayed ashore, but to truly manage safety takes more than just mere pieces of paper.

One of the biggest factors in developing a functioning safety management culture is the manner in which the tasks are performed, the instructions given and the ways in which the all important reporting and response mechanisms embrace and mesh with the human element.

Whether ashore or afloat it is people who make the safety management words worth the paper they are written on. Without adequately resourced, trained and managed personnel, any attempts to create a safety culture will ultimately fail and accidents, incidents and claims will most likely ensue.

Experience teaches us that systems are one thing, but it is people that are key in making the ISM Code work. Which brings us to the age-old dilemma of having to get the best from our human resources, while maintaining a rigorous, consistent and relevant systems approach.

It remains sadly true that many seafarers have a rather blasé, "can do" attitude to safety. Whether it is the wrong tools for the job, or no

tools at all, too many MARS and CHIRP reports abound with tales of a cavalier approach to safety. Why should this be?

Regrettably it seems that many senior shipboard personnel are increasingly distanced from safety. Within some companies the centralised control over safety and operations ashore, sees some officers feeling uncomfortable training less aware crew, lest they be contradicting or conflicting the SMS and the "Company line".

Naturally this is only a problem if the SMS does not reflect the actual reality onboard. However, it is hugely concerning that experienced professionals should seemingly feel estranged and dissociated from what is supposedly their own safety culture and system of management. The perception is one of being told to simply "Just do it", and not to ask too many questions.

This can have an incredibly damaging effect on safety, but also has longer-term implications. When one considers shipping's reliance on cascade training, if experience and knowledge are not being passed onto the next generation we are storing up significant problems down the line.

There are some solutions to this, some simple and short-term, others more complex and enduring. On the

While a valuable and welcome addition to any ships library, it is perhaps away from multimedia solutions that we need to look in curing this potentially damaging development. If people are feeling remote and isolated from safety management, it is perhaps because the systems do not reflect their views, their experience, training or culture.

To make an SMS work takes more than just instructions and paperwork – it needs realistic and useful guidance, reflecting the reality and input of those who are burdened with the responsibility of making them work.

The IMO Human Element Working Group at MSC 82 observed that in order to properly motivate seafarers, companies should take into account shipboard feedback. It was noted that since seafarers are integral to the effective operation of the SMS, they should be involved in the development and improvement of the system in order to ensure that the manuals are "proportionate, concise and relevant".

So there we are, it's all about making people part of the solution, not the problem.

Designated Person...



...Superhero or Fallguy?

The 2008 series title is ***“The Command Team and The Designated Person - Expectations, training qualifications and competence”***, and is to explore the relationship between the Designated Person (DP), the command team and the rest of the shipping industry. The main focus is on the role of DP - have we created a role fit for superheroes, or is the DP just a fall guy constrained by rules and condemned to failure?



Elzenveld Conference Centre, Antwerp, Belgium 12-13 June 2008
- incorporating the Institute's AGM & Dinner



Dr Phil Anderson will be addressing the Seminar and discussing the developments regarding training of the DP, and will explore the support needed to make the role successful.

With speakers representing Shipowners, managers, insurers and consultants, the seminar will examine just what the DP role is truly about? It will assess the fine lines between success and failure, and will look at what makes a good DP? Is it about training and qualifications, or is it simply about the person appointed to the role? What are the expectations of those at sea and of the wider industry and how are these managed by the DP?

The Command Seminar Series brings together experts and practitioners to debate not just the role of the DP, and the concept of DP training and the new provisions available. With IMO MSC-MEPC.7/Circ.6 setting down guidelines for DP qualifications, training and experience, the Command seminars exist to explore not just the rules today, but also future progression and developments.

Attendance fees: €150 Standard entrance, or €95 for NI, IMarEST or IFSMA members.

For delegate bookings and information contact:

The Nautical Institute on +44 (0) 207 928 1351
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In addition to the first event in Antwerp, the Command 2008 series will be held across 3 other international locations:

Panama - early September

Glasgow – early October

Hong Kong - early November

For further details please see www.nautinst.org/command

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