

DAB

Delay Attribution Board

Delay Attribution Board

Delay Attribution Board
Floor 8
1 Eversholt Street
London
NW1 2DN

To: Gerry Leighton,
Head of Stations, Depots and
Network Code
Office of Rail and Road
One Kemble Street
London
WC2B 4AN

Tel:
Email:



cc:



Date: 24th July 2015

Submission of proposals for change to April 2015 Delay Attribution Guide (DAG)

Dear Gerry,

I am writing seeking approval for proposed changes to the Delay Attribution Guide in accordance with Track Access Condition B2.7.2.

Please find appended to this letter details of the following Proposals for Change:

NR/P178 Staff injury

The details for each proposal consist of the following information:

- 1 The Proposal for Change from the sponsor.
- 2 A list of the industry responses to the Proposals for Change.
- 3 The DAB decision and consideration of the responses from the industry.

The proposals for amendment to the Delay Attribution Guide were put out to Industry Parties for formal consultation in accordance with Track Access Condition B2.5.2. The deadline for Industry responses was 15th June. A number of Industry Parties responded to the consultation process and these responses are included in this submission.

All decisions made by the Board have been unanimous. A copy of the minutes of the meetings where the proposed amendments were agreed is available should you require it.

DAB

Delay Attribution Board

Delay Attribution Board

Delay Attribution Board
Floor 8
1 Eversholt Street
London
NW1 2DN

I await your advice on whether you approve the amendment proposed. Finally, in accordance with Track Access Condition B2.7.1, the Board has agreed that any changes approved by the Regulator should come into effect **20th September 2015**

Should you wish to discuss any aspect of this submission or the proposals for that matter, please do not hesitate to contact me as detailed above.

Kind regards,



Ana Maria Sanchez, BA(Hons)

PA to DA Board Secretary
Mark Southon

[Redacted contact information]

Template for Submission of Proposed Amendments to the Delay Attribution Guide or the Performance Data Accuracy Code (Form A)

Originators Reference Code / N ^o	NR/P178 – Staff injury		
Name of the original sponsoring organisation(s)	Network Rail		
Exact details of the change proposed	Amend / Expand 4.20.3 (extra sentence) and amend wording / remove duplicate ‘Network Rail’ in Incident Attribution column		
	j.	Injury to member of staff in Railway Industry and unable to complete current or subsequent duties	Delay Code appropriate to the cause of subsequent delay (not the cause of injury)”
Reason for the change	<p>Prime cause attribution For clarity concerning provision of staffing post any staff accident / injury sustained This proposal has been progressed through the Network Rail Route Performance Measurement Manager’s Group emanating from specific incidents that have been debated over the last 6 months</p> <p>Whilst any injury sustained at work is regrettable, subsequent prime cause delays caused either on that shift or subsequent shifts should be the responsibility of the party to who the member of staff is contracted or working for at the time of the delay occurring and thus directly affected as a new prime cause. The injury itself often doesn’t incur delay, it is the subsequent absence of that member of staff to carry out their duty that does. It is the latter that is the cause of delay. Also, In the Incident Attribution column, ‘Network Rail’ is listed twice. Remove duplicate as not required and reword appropriately</p>		

1. Do you perceive that this proposal will have a wider impact (including commercial impact) on your business or the business of any other industry parties?

If yes;

For Network Rail – Please provide an impact assessment indicating the impact of the proposal on all affected industry parties.

For Train Operator – Please provide an impact assessment on your own business.

Clarity Only

2. If you have provided an impact assessment as per question 1 above, please provide a proposed solution to neutralise any financial effect of the proposal.

N/A

Company Organisation	Comments
DAMG - on behalf of the identified companies as per page 1.	We accept this proposal
Network Rail	Network Rail disagrees with this proposal as it stands, but agrees with the principle of including such guidance. The delay should attributed be to the train being delayed and not to the injured person or the injured person's employer. The proposal could be simplified by including an example such as a Virgin Trains despatch member of staff at Wolverhampton causes delay to a London Midland service meaning that it cannot be despatched or despatch is delayed would be attributed to London Midland, who are running the service that is delayed
Virgin East Coast	Virgin Trains East Coast DO NOT accept this proposal. It is even less clear than the previous version, in making sure the delay goes to the operator of the train delayed and not the employer/contract holder of the employee absent after an accident. The wording could be wrapped up in the descriptions for: MU Depot operating problem <u>including employee accident</u> DEPOT MO/NC R3 Station staff unavailable – missing or uncovered, <u>including due to accident</u> STAFF MSN
DAB DECISION	The Board when reaching its decision at the 14 th July board meeting, considered the industry consultation feedback and the reasoning provided within the original proposal prior to considering the same for submission for ORR approval. The Secretariat were requested to propose new non-material wording to take on board the matters raised via the consultation process , (in blue) and seek unanimous approval from the Board, which it received on the 23 rd July 2015, prior to sending the same to ORR for approval.

