

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

| То: | Gerry Leighton, Head of Stations, Depots a Network Code Office of Rail and Road One Kemble Street London WC2B 4AN | ind | Tel: Email: | | |
|-----|---|-----|----------------|----------------------------|--|
| CC: | | | Date: | 24 th 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:

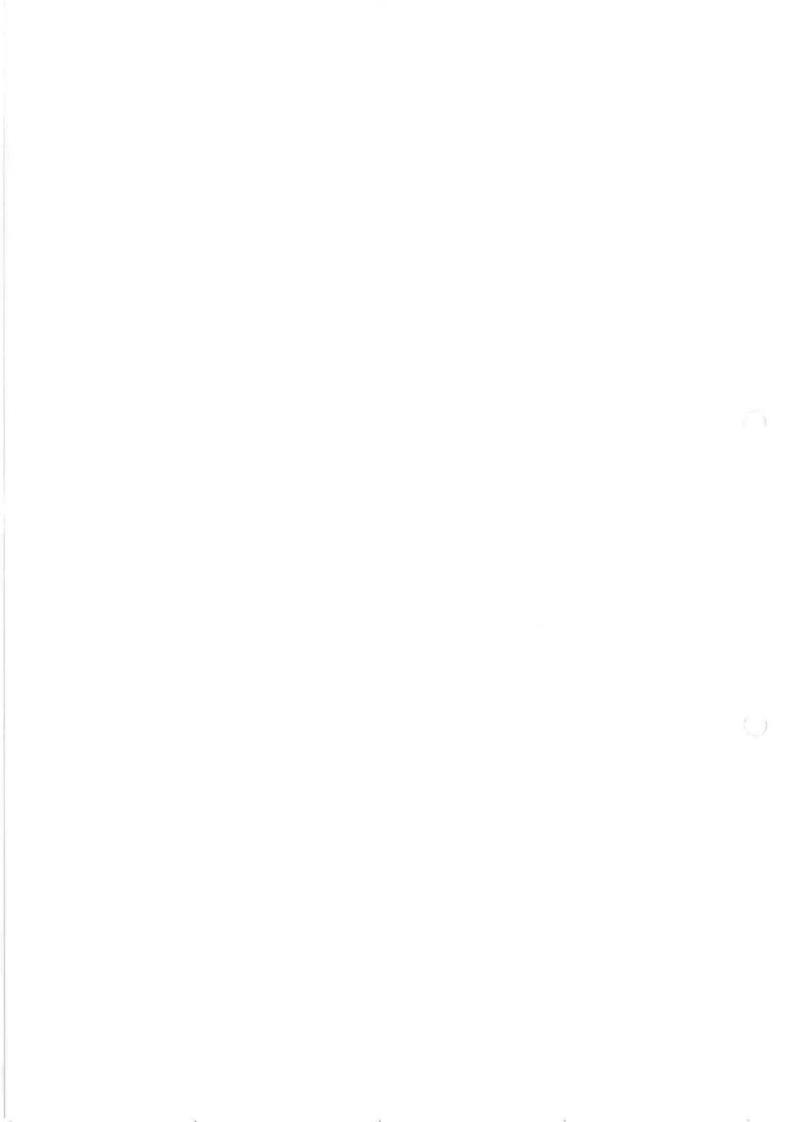
NR/P178 Staff injury

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.





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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

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

| Originators | NR/P178 – Staff injury | | | | | | |
|--------------------------|--|---|--|--|--|--|--|
| Reference | | | | | | | |
| Code / № | | | | | | | |
| Name of the | Network Rail | | | | | | |
| original | | | | | | | |
| sponsoring | | | | | | | |
| organisation(s) | | | | | | | |
| Exact details | Amend / Expand 4.20.3 (extra sentence) and amend wording / remove duplicate 'Network Rail' in Incident Attribution column | | | | | | |
| of the change | | | | | | | |
| proposed | J. | Injury to member of staff in Railway Industry and unable to complete current | Delay Code appropriate to the cause of subsequent | Depending upon whether the injury prevents the operation of the Network or the operation of train(s). | | | |
| 10 | | or subsequent duties | delay (not the cause of injury)" | Network Rail (OQ**) or Operator of the train (F##*/ M##*/ R##*/T##*) | | | |
| Reason for the change | 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 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 | | | | | | |

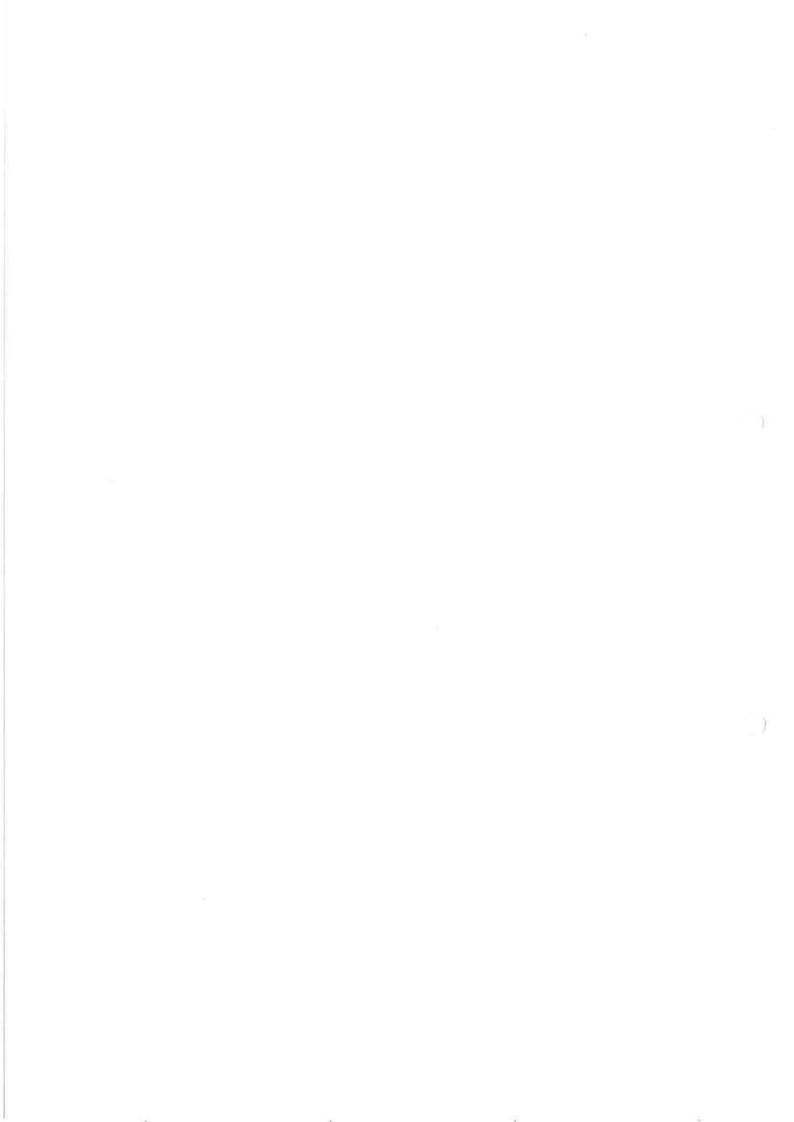
1. Do you perceive that this proposal will have a wider impact (including commercial impact) on your business or the business of any other industry parties?

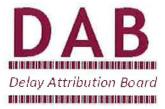
If yes;

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

 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





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PROPOSALS FOR CHANGE TO THE DELAY ATTRIBUTION GUIDE April 2015 Edition INDUSTRY FEEDBACK

Consultation closed – 15th June 2015

| 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 including employee accident_DEPOT MO/NC R3 Station staff unavailable – missing or uncovered, including due to accident_STAFF MSN | | |
| The Board when reaching its decision at the 14th July board meeting, cor the industry consultation feedback and the reasoning provided within the original proposal prior to considering the same for submission for ORR a The Secretariat were requested to propose new non-material wording to board the matters raised via the consultation process , (in blue) and see unanimous approval from the Board, which it received on the 23th July 2 prior to sending the same to ORR for approval. | | | |

Pfc Industry consultation feedback - April 2015 - July Staff injury- ltr

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