

Delay Attribution Board Meeting of 25th September 2018

Summary of Meeting

Matters Arising

The Proposal for Amendment relating to bird strikes (VTEC P04) was approved by the ORR but a request was made to the Board to consider further clarification to ensure incidents correctly coded to Network Rail responsibility under X8 remain so and are not affected as a result of this amendment.

The circumstances in question relate to birds on the track such as swans not in flight. It was agreed to add a footnote to the flow diagram clarifying that swans, specifically, should be treated under 'incursion' when on the infrastructure given their legally protected status.

Objectives

The Chairman took the Board through the current objectives and asked members to consider and provide their thoughts as to how to progress, or not, each item.

It was proposed that the Board need to better communicate with the parties that seldom feedback on Proposals for Amendment to understand why that is the case and consider how to improve their engagement in the process.

The DAB Newsletter, proposed at the last meeting, was discussed with members being asked to feedback ideas for layout, style and particularly content.

Evolution of DAB

The Chairman submitted a paper to the Board which looked to challenge the status quo of the DAB and ask members to consider the future.

The main elements of the paper covered the existence of DAB, the constitution of DAB and the remit of DAB.

It was suggested that as part of the ORR Review the Board (still) needs to understand what are 'the flaws' with attribution.

The Chairman set out that his main concern was the Board not always being able to come to a conclusion when asked by parties for guidance.

It was suggested that in providing Guidance the Board have not always applied the 'black and white' of the DAPR either because facts are not fully known, the DAPR is not clear or the waters have been muddied by the discussions at the Board itself.

It was suggested that if the Board did vote 6 to 6 then it is not necessarily a failure of the Board but what does need to happen is that the Board needs to understand why members are split in their opinion. If that reason is the DAPR then the Board need to advise the parties of the issue and proposed next steps.

It was also noted that the Board always look to advise the parties of its guidance on the day of the hearing when there is no requirement to do so until the guidance is formally agreed.

There is also concern that in some cases the Board are being asked to identify or determine cause rather than advise on just responsibility and coding. The cause should be known and the question posed to the Board should be clear.

It was suggested that when submissions are received, if the cause is not clear or agreed by the parties, then the Board should not hear the Request for Guidance but offer relevant advice as to what the parties need to do before a resubmission.

Disputes relating to a party not agreeing with the DAPR (rather than interpretation) should be progressed by that party submitting a Proposal for Amendment to change it.

One option in the paper noted by members was that the Board could just be responsible for producing the Principle and Rules and let other current industry fora manage any disputes.

With increasing concerns of Network Rail's devolution and Industry Alliancing there could be a greater need for DAB and increased powers or, potentially, the complete opposite should the Routes and Alliances be allowed to manage their own businesses.

Process Guides Update

The Board was provided with a paper setting out re-drafted version of Process Guides PGD4 and PGD12 incorporating aspects previously discussed at the Board meetings.

As part of the review, incident templates from PGD12 were incorporated into a proposed new Process Guide, PGD19, along with newly developed templates.

It was suggested to include a note in PGD4 covering situations where an Operator has not been advised of reattributed delays and that the 2-day window for dispute should commence on their identification of those delays.

Other minor amendments were suggested and noted. The three Process Guides will be updated accordingly and presented back to the Board in October for sign-off

CP6 Metrics

At its last meeting the Board agreed to provide the ORR with its concerns over the potential unintended consequences that the new CP6 Metrics might have on measurement data.

A Network Rail representative attended, and presented to, the Board providing an overview of and background to, the metrics.

The five key measures will be: -

- Severely Disrupted Days (where a significant amount of services didn't run)
- Cancellations (based on the DfT definition of cancellations)
- Time to 15 (linking to Delay Repay)
- On Time (throughout journey and T-0 for external reporting; T-3 for DfT reporting initially)
- Average Passenger Lateness (Schedule 8 principles)

It is noted that many of the TOCs still have different Franchise requirements and it is acknowledged that those Operators will understandably concentrate on delivery of those.

The risk coming from this is that there may be conflicts arising in delivering different metrics for different operators and confusion caused by the number of metrics trying to be met.

It is accepted that recording cannot be carried out at every station and that at stations where it is there are potential issues with berth offset limitations or reporting idiosyncrasies.

It was confirmed that at present TRUST data will be used for all the data capture and reporting and therefore the processes governing TRUST data (Performance Data Accuracy Code) should be adhered to. Measurement is against the GBTT in all cases.

There is development work being carried out including understanding how new data sources (such as GPS) can potentially be used to report train lateness and or better understand the issues impacting delivery of the metrics.

The message being given to Industry is that of driving behaviours to improve the delivery and not how to 'manage' the measure.

There is awareness that those working in performance measurement need both support and the ability to challenge where process is not being followed or undue pressure is applied to amend TRUST data.

A concern was raised that by separating punctuality and reliability into two measures that it may drive the wrong incentive in terms of an operator may make decisions based on which of the metrics is performing better – i.e. if reliability is good they may choose to cancel trains than run them late which would ultimately be detrimental to the travelling public.

PDAC will need to have a further review to ensure it covers any further CP6 requirements or potential risks. For example, criteria will be required setting out when a location can be removed as a Timing Point to prevent poor performing locations just being removed to improve overall scores.

Proposals for Amendment (Post Consultation)

The Board was provided with, and discussed, the Industry Consultation responses to four Proposals for Amendment to the DAPR as set out below: -

DAB P310 (Autumn) was agreed with a minor amendment being suggested.

DAB P311 (Winter) was agreed.

DAB P312 (Trains with no schedule) was agreed.

DAB P313 (Un-planned routing) was put on hold pending clarification of 'wrong route' in the Rule Book.

The Autumn Good Practice Guide (relabelled as Process Guide PGD18) will be distributed now the responses have been received and agreed for DAB P310.

Access Dispute Determination ADA35

The Secretary provided the Board with a paper setting out an overview of the recent ADA35 Determination relating to overcrowding due to displacement from other lines of route.

The paper set out the key aspects that it was felt the Board need to consider progressing any changes to current DAPR to reflect the determination.

It was pointed out that ADA35 itself was very clear (notably paragraph 116) in setting out that the determination is very specific to the incidents and set of circumstances in that submission and not for wider application where those criteria are not met.

It is Network Rail's understanding that the Board only need to note any Determination rather than specifically act upon it or change the DAPR as a direct result.

The Secretary reminded the Board that the original Request for Guidance and subsequent Access Dispute Determination was part of the wider review of elements of the DAPR that were deemed to be unclear (namely paragraph C1.6 as it is now and the use of YX Delay Code). Therefore, the Board should not be seen to do nothing as a result of this determination.

It was proposed that at its October meeting the Board should re-review its Proposal for Amendment that was drafted as a result of the original Request for Guidance from Chiltern Railways and Network Rail (DAB45).

DAB Meeting Dates 2019

The Secretary provided the Board with the proposed meeting dates and associated submission dates for 2019, to which the Board agreed.

The official minutes will be available to Industry after sign-off at the 23rd October meeting

Mark Southon

Secretary to the Delay Attribution Board