

---

---

## Delay Attribution Board

### Guidance No. DAB-36

---

---

#### 1. Introduction

- 1.1. The Delay Attribution Board (the Board) received a request for guidance in connection with the attribution of incidents which have been caused by the failure of, or incorrect information being displayed on the Customer Information System (CIS).
- 1.2. The Board received the joint request for guidance from First Capital Connect and Network Rail Infrastructure Ltd, London North East Route, (Network Rail) (the Parties) on the 19<sup>th</sup> August 2014.
- 1.3. The Parties asked the Board the following general question:
  - 1.3.1. *“DAB is asked to provide guidance in this reference for delay attribution arising as a result of a number of incidents which caused delay to services due to CIS not being effectively updated at a Network Rail managed station”.*

#### 2. Information Received

- 2.1. The Parties have discussed the issues relevant to this matter, in accordance with the agreed procedures for obtaining agreement in relation to a disputed attribution as set out in Part B of the Network Code. However, they have been able to reach a common position. The Parties are therefore agreed that the issue raised should be referred to the Board for guidance.
- 2.2. The Parties submitted the agreed factual background and their respective views on how the incident should be attributed.

#### 3. Factual Background to the matter

The Parties provided the following agreed facts:

- 3.1. King’s Cross station is owned and managed by Network Rail, which includes the operation of the CIS and announcing of trains and platforms. At present the attribution of delays which are caused by the failure of, or errors caused by these systems are attributed to the train operator (DAG 3.1.2 and 4.28.4 refers).

#### 4. FCC's View

- 4.1. The Delay Attribution Board's vision is: *"For all parties to work together to achieve the core objective of delay attribution - to accurately identify the prime cause of delay to train services for improvement purposes"*.
- 4.2. Since the removal of the major stations cause code from the delay attribution guide, FCC do not believe that incidents caused by the failure of the Customer Information Systems are visible to Network Rail - As such, FCC pay Network Rail compensation through the Schedule 8 Performance Regime process. However, the Train Operator is not in a position to repair the CIS equipment, nor do they manage the personnel who input data into it or provide station announcements.
- 4.3. FCC believe that the basis of good performance management is for any delay to be attributed to the party that is best placed to resolve the issue which caused the delay. In this instance, FCC is unable to resolve the issue and believes Network Rail do not have the appropriate level of visibility that failures of the CIS and associated issues have on train services.
- 4.4. FCC train drivers as well as customers rely on the information displayed on the CIS to be correct in order to get to their train/platform in time for their booked departure.
- 4.5. Platform allocation is managed by Network Rail and changes regularly. The CIS is a method that is used by the train drivers to inform them of which platform their train is berthed.
- 4.6. None of the Train Operators at King's Cross station have the opportunity to influence Network Rail personnel who make station announcements, or input data into the CIS.
- 4.7. For performance improvement to occur, FCC believes that an incentive to change is required.
- 4.8. FCC believes that altering the Delay Attribution Guide (DAG) by introducing an appropriate cause code for delays resulting from a CIS operator at Network Rail managed stations will enable a "joined -up" industry approach for performance management. FCC considers that; Network Rail is best placed to tackle this issue which would lead to reduced delays and improved customer satisfaction.
- 4.9. FCC asks that the DAB agree that Network Rail is made responsible for those delays caused by the failure of the CIS at Network Rail managed stations and that the current recorded delays are coded accordingly.
- 4.10. FCC also asks that the DAB consider developing a change to the DAG to ensure the party able to make a performance improvement has the associated delay attributed to it.

## 5. Network Rail's View

- 5.1. Network Rail believes that DAG 4.28.2r of the delay attribution guide already provides guidance on the attribution of delays caused by this incident.
- 5.2. Network Rail takes responsibility for delays at stations when there is a threat of suicide or trespass which may affect access to the track. Access to the track was not denied and this is considered to be a determining factor.
- 5.3. An electronic platform schematic showing the real-time headcode and platform position of each train is available for train crews at the buffer stops at King's Cross so that train crews can identify where their trains are. They are not expected to rely on CIS to determine the location of their trains.
- 5.4. Network Rail advises that any guidance that the Board provides which would change the current status quo would mean a change to delay minute targets and the recalibration of Schedule 8 benchmarks.
- 5.5. Network Rail has the visibility of all delay causes within its analysis system. It uses all delay cause analysis to determine the most appropriate improvement actions for PPM.
- 5.6. Network Rail asks the Board to advise whether the existing DAG clauses 3.1.2, 4.28.2r and 4.28.4 apply for incidents of this nature. Network Rail also asks whether a review of delays caused by the operating of the station is required.
- 5.7. Network Rail would welcome a wider review of accountability for delays at stations where access to the track was gained at a station and to extend the remit to include station fatalities and trespass where a Station Facilities Officer is accountable for station security.

## 6. Locus of the Board

- 6.1. The Board reviewed its locus in respect of providing guidance on this issue. The Board's locus to provide guidance is set out in the Network Code Conditions B2.4.3 and B6.1.3.
- 6.2. The Board noted that while it could offer guidance to the parties as to how incidents of this nature should be attributed, this guidance was not binding on any party. If any of the Access Parties were dissatisfied with the guidance provided the matter should be referred for resolution in accordance with the ADR Rules.
- 6.3. The Board agreed that it should seek to provide guidance that meets with the delay attribution vision:  
  
*"For all parties to work together to achieve the prime objective of delay attribution – to accurately identify the prime cause of delay to train services for improvement purposes".*
- 6.4. In considering any request for guidance, the Board will always consider if an amendment to the Delay Attribution Guide (DAG) should be proposed, to improve clarity.

## 7. Consideration of the Issues

- 7.1. The Board considered the request for guidance at its meeting on 2<sup>nd</sup> September 2014 and took account of the following:
- 7.1.1. The facts provided by both Network Rail and FCC in connection with the incident and their respective requests for guidance.
  - 7.1.2. The oral information provided by the representatives of Network Rail and FCC at the 2<sup>nd</sup> September 2014 Board meeting.
  - 7.1.3. The guidance provided by the DAG.
  - 7.1.4. The process that is in place to inform train crew of where the trains are berthed.

## 8. Guidance of the Board

- 8.1. The Board considered the guidance request and unanimously agreed that
- 8.2. The DAG is currently drafted on the principle that Network Rail as a supplier of track access is a different entity to Network Rail as an operator of Major Stations. The former role is covered by Schedule 8 of the Track Access Contract, whereas the latter role is covered by Station Access Agreements between Network Rail and each Train Operator using the station.
- 8.3. Therefore, failures of Network Rail in its role as station operator are not attributed to Network Rail (the track access provider) under the DAG but are instead attributed to the Train Operator concerned. It is then incumbent on that Train Operator to raise any such failures with Network Rail (the station operator) pursuant to its relevant station access agreement.
- 8.4. As stated above, the DAG currently provides for incidents of this nature to be attributed to the Train Operator. Consequently, DAG section 4.28.2r overtime to passenger train caused by failure of customer information systems should apply and the incident coded to FCC accordingly using delay code "RV".
- 8.5. The Board also suggested to FCC that it reviews the process that it uses to keep its train staff informed of where their trains are berthed within King's Cross.
- 8.6. Although the DAG is drafted on the principles set out in 8.2 and 8.3 above, the Board agreed to review the content of the Delay Attribution Guide (DAG) in this area recognising that the only guidance for CIS incidents is to code to "RV" and that additional guidance for delays in relation to CIS would be provided.

This guidance was approved by the Delay Attribution Board on 30 <sup>th</sup> September 2014	Richard Morris (Chairman)
 Signature:	1.10.14