

Why Is That Delay Incident Mine?

Explaining the Principles of Attribution

A guide to why Delay Incidents are attributed the way they are.....

Responsible Manager: "I have I been given a delay that isn't mine"

Attribution Representative: "Sorry, but it is"

Responsible Manager: "But how on earth is that mine"?

Attribution Representative: "Because the DAPR says so"

Responsible Manager: "Flamin' Attribution...."

Sound familiar?

Think you are the only one who gets delays that aren't theirs?

Ever wanted a little bit more rationale about why the delay might actually be yours?

Well then keep reading.....it may just help

This briefing document has been produced with the intention of assisting the understanding of the basic principles of attribution that govern the rules of allocation of responsibility.

Hopefully it will also help in explaining some of the perceived perversities and dispelling some of the attribution myths along the way....

This document sets out some commonly discussed scenarios in an informal conversational format, hopefully covering some of the challenges made and questions asked by those outside of the Attribution world.

Note: All the names used within the document are purely fictional and any resemblance to actual people is entirely unintentional.

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Scenario 1 – PRIME Cause

Setting the scene....

A trespasser came through a hole in a boundary fence and trespassed on the railway, making their way up the track to the station where they then boarded a waiting train. A member of station staff called the police and held the train until the police arrived. The train was delayed 20 minutes waiting for the police.

Station Manager Sam (SMS): “So, I’m guessing the 20 minute delay goes to Network Rail for the trespass?”

Delay Attribution Dave (DAD): “Unfortunately not, the 20 minute delay is allocated to the Train Operator”

SMS: “How come, surely that can’t be right?”

DAD: “I’m afraid so - it is attributed to the Train Operator for the reason of waiting the police to attend the train.

SMS: “But surely we should be identifying Root Cause and attributing to the trespass?”

DAD: “Whilst we should identify and record the Root Cause, which in this case is actually the broken fence, Attribution is based on Prime Cause of the delay”

SMS: “Prime Cause? Root Cause? What’s the difference?”

DAD “Prime Cause is the immediate cause or event that results in delay to a train – in effect there can be other events that lead of to the Prime Cause. Effectively the Prime Cause is when the delay actually occurs. In this case the hole in the fence and the trespass did not actually cause any delay. The train was not prevented from leaving the station and had it done so there would have been no delay.

SMS: “I see the logic but ultimately I am getting the blame for a Network Rail issue - that’s hardly fair is it?”

DAD: “Unfortunately Attribution often isn’t fair and in many cases can be a little perverse but Attribution has to represent ‘Responsibility’ for delays and is certainly not about ‘fault’. It ultimately comes down to the Contracts that Network Rail and Train Operators have in place.

SMS: “So, in this case it looks like this is mine. Is there anything you can suggest I read to better understand the Prime Cause principles?”

DAD: “Yes indeed – have a look at the Delay Attribution Board’s Process Guide PGD1 that sets out the principles of Prime Cause. It can be found on their website ‘delayattributionboard.co.uk’

Why Is That Delay Incident Mine?

Scenario 2 - Off Network Incidents

Setting the scene....

A problem with lighting equipment in a Fleet Depot caused delays to preparing trains and as a consequence a train was presented to the Signaller 10 minutes late.

Fleet Manager Fred (FMF): Why have I been attributed a late start off the depot when it was a depot lighting problem?

Delay Attribution Dave (DAD): “As per the DAPR you have presented your train late and is therefore the responsibility of the Train Operator”

FMF: “Let me clarify. I know we presented the train late but the Depot isn’t owned by us we just stable our trains there. Attribution needs to be changed to the Depot owner, surely”

DAD: “Unfortunately not. Attribution cannot be to the depot owner only the Train Operator as an Operator of the train.

FMF: “Surely it should go to the Party that are responsible for the lighting not me, I’m the victim”?

DAD: “Attribution responsibility is governed by the Track Access Agreement that Operators have with Network Rail and this sets out that attribution can only be made to the Train Operator as ‘Operator of the Train’ or to Network Rail as ‘Operator of the network’ and not to Depot or Station owners as they may not have an Access Contract.

FMF: “What do you mean – so Depot owners can’t be responsible for their issues”?

DAD: “They are, but through a different contract – the Depot Access Contract. It is for the Train Operator to use the Depot Access Contract to discuss any Depot issues with the Depot owner. Think of scenarios where the Depot or Yard is owned by a company that doesn’t have a Contract with Network Rail such as Hitachi or Siemens – we could not attribute to Hitachi as they do not have an Access Contract with Network Rail and therefore don’t have Responsible Manger Codes in TRUST.

SMS: “So, you are confirming this is mine and I need to address the issues directly with the Depot owner. However, is there anything you can suggest I read to better understand depot delay responsibility?”

DAD: “There is – have a look at the Delay Attribution Board’s Process Guide PGD8 that sets out the principles of delays related to entering the network and also PGD14 that relates to asset failures off the Network Rail network’.

Why Is That Delay Incident Mine?

Scenario 3 – Off Network Incidents

Setting the scene....

A set of points failed in an off network Maintenance Depot and as a consequence a train was presented to the Signaller 20 minutes late.

Depot Manager Diane (DMD): Why have I been attributed a late start off the depot when it was a problem with a set of Network Rail points”?

Delay Attribution Dave (DAD): “As per the DAPR you have presented your train late and is therefore the responsibility of the Train Operator”

DMD: “I know we presented the train late but it was due to a points failure. Attribution needs to be changed to Network Rail as it’s the infrastructure”

DAD: “Unfortunately not. The points that failed are off Network Rail’s network. Effectively they are part of the Depot.

DMD: “But Network Rail is responsible for maintaining the points so surely it should go to them as they are responsible for the points not me”?

DAD: “Attribution responsibility is governed by the Track Access Agreement that Operators have with Network Rail and this sets out that attribution can only be made to the Train Operator as ‘Operator of the Train’ or to Network Rail as ‘Operator of the network’. Attribution Responsibility cannot be allocated to Network Rail for an asset off their network even if they do maintain it for you – in effect Network Rail is a ‘contractor’ to the Depot Owner”.

DMD: “What do you mean – so Network Rail can’t be responsible for their infrastructure issues”?

DAD: “They are, but through a different contract – the Depot Access Contract. It is for the Train Operator to use the Depot Access Contract to discuss any Depot infrastructure issues with Network Rail. Think of scenarios where the Depot or Yard is owned or maintained by a company that isn’t Network Rail – we could not attribute to them as they do not have an Access Contract with Network Rail and therefore don’t have Responsible Manger Codes in TRUST.

DMD: “So, reluctantly I need to accept this is mine. Is there anything you can suggest I read to better understand the attribution of depot asset responsibility delays?

DAD: “Yes indeed – have a look at the Delay Attribution Board’s Process Guide PGD14 that sets out the principles of delays related to asset failures on and off network”

Scenario 4 - Station incidents

Setting the scene....

A train was delayed by 5 minutes at a station due to a member of station staff not being available to dispatch the train as they were assisting a passenger with their luggage off another train.

Station Manager Sue (SMS): – Why is this mine when it was due to late dispatch caused by a station staff dealing with passenger’s luggage off another train?

Delay Attribution Dave (DAD): We have to attribute to the cause of delay to that train which is late dispatch in this case”.

SMS: “But surely the cause is the station staff dealing with another TOC’s passenger – should attribution be to that TOC for causing the delay”

DAD: “Whilst the reason for the station staff not attending your train has been identified we have to attribute to the immediate cause of the delay to your train which is the late dispatch”

SMS: “OK so I understand attributing to late dispatch but the member of station staff works for another Train Operator, not mine, so surely it should be attributed to them”?

DAD: Attribution in this scenario is made under the conditions of the Track Access Agreement with Network Rail which governs attribution responsibility can only be made to a Train Operator as ‘Operator of the Train’. There is no opportunity to attribute to the station owner as whilst in this case it is another Operator it could easily be Network Rail or an outside Party such as a Transport Authority”.

SMS: “So the person responsible for the delay is not responsible in attribution – that doesn’t seem right”?

DAD: “I can see the perversity but in simple terms it is the Operators responsibility to ensure the dispatch of their train on time, whoever carries out that activity for you. Attribution Responsibility cannot be allocated to the station owner or the Operator for who the member of staff works. You will have a separate Station Access Contract with the Station ‘owner’ in terms of services provided and that member of station staff is effectively ‘contracted’ to you for the dispatch activity. This would also be true where NR supply the despatch staff.

SMS: “So, in effect this delay is mine but if it keeps happening I need to raise it with the Operator who dispatches on my behalf”?

DAD: “That’s exactly it – use the Delay Code and location in the incident to build up a picture of how big the issue is and approach the other Operator – that’s what attribution is there for”.

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Scenario 5 - *Station incidents*

Setting the scene....

Station staff reported a trespass on the track within the station confines and all trains were stopped. Various trains were prevented from either entering or leaving the station until the trespasser was apprehended and removed from railway property.

Ops Manager Oliver (OMO): “We need to get this trespass incident moved to the TOC – I have the CCTV footage and it shows they came through the booking office and straight off the platform”.

Delay Attribution Dave (DAD): “Unfortunately that doesn’t make any difference as it is still classed as trespass on the infrastructure”.

OMO: “That’s nonsense – it is clearly the TOC’s responsibility to prevent trespass from their station”.

DAD: “Whilst the TOC have some responsibility to manage the station environs, attribution in this scenario is made to Network Rail as an operator of the network as the Track Access Agreement prescribes. Attribution of Responsibility cannot be made to an ‘Operator of the station’, who may not be a track access party or could be Network Rail themselves”.

OMO: “So we are saying Network Rail are penalised for mitigation not being carried out by the station operator”?

DAD: “Network Rail is not being penalised but are being held responsible. The Prime Cause is trespass”.

OMO: “So basically the TOC have no responsibility for trespass”?

DAD: “That’s not strictly true. There is an exception if the trespasser alighted directly from a train onto the track where they would be considered wholly responsible. That aside, Network Rail and the Operators should be working together using the delay data to identify key trespass hotspots and jointly mitigating where possible”.

OMO: “True, I’ll have to find out what’s being done with our Operator’s in this respect”

DAD: “I’d also suggest analysing previous events of trespass and vandalism in the area to see where the trends are – it may also be worth working out what the cost to Industry has been and whether there is a business case for something to be done”

OMO: “Good point – what codes would I need to look at”?

DAD: “Start with XA and XB and see what that provides”

OMO: “Appreciated, thanks”

Why Is That Delay Incident Mine?

Scenario 6 - *Station incidents*

Setting the scene...

A power failure occurred at a station at night with a complete loss of all lighting. This meant trains could not call at that station due to safety concerns. Some trains did not stop; others that terminate there were held outside or terminated short of that station.

Station Manager Steve (SMS): Why is this an Operator incident when it is a power failure”?

Delay Attribution Dave (DAD): “Attribution in this scenario is made to the Train Operator as an operator of trains. If passengers cannot enter the station and therefore gain access to or from the platforms and trains then it is the operation of the train that is impacted. In this case trains were still able to run on the network, just not call at the station”.

SMS: “But the station it occurred at is a Network Rail Managed station – can’t we reattribute to Network Rail”?

DAD: “Attribution Responsibility cannot be allocated to a station owner whether Network Rail or another Train Operator”.

SMS: “So, in effect, you are saying the person responsible for the cause is not responsible in attribution – that’s nonsense”

DAD: “in simple terms it is the Operators responsibility and you will have a separate Station Access Contract with Network Rail as the Station ‘Owner’ in terms of services provided including the lighting.

SMS: “So, in effect this delay is mine but I need to raise it with Network Rail through a different contract”?

DAD: “Yes– use the Delay Code and location in the incident to build up a picture of how big the impact was and approach Network Rail with your concerns and challenge what they will do to prevent recurrence – that’s what attribution is there for”.

Scenario 7 - Next Day Incidents

Setting the scene....

A train struck an object on Tuesday afternoon and was taken out of service. Overnight the damage could not be repaired in time and as a result two services that the damaged train was booked to work on Wednesday morning were cancelled.

Fleet Manager Frank (FMF): "Can we reattribute these cancellations to Network Rail for the object strike"?

Delay Attribution Dave (DAD): "unfortunately not as the provision of rolling stock for the start of service is Train Operator responsibility".

FMF: "Whilst I agree we did not provide the required rolling stock but it is clearly linked to the damaged unit the previous day that Network Rail have accepted responsibility for"

Delay Attribution Dave (DAD): ". Network Rail is not in a position to mitigate the next day's impact of stock provision for which the Operator can either provide alternative stock or request a revision to the Plan of the Day to reflect the fleet availability".

FMF: "So Network Rai's issue becomes my problem then"

DAD: "Not necessarily your problem but your responsibility – the opportunity to mitigate those cancellations really sits with the Train Operator"

FMF: "Oh, like I can magic up another train from nowhere"!

DAD: "I agree, but having spare fleet capacity, or not, is a ultimately a commercial decision by the Train Operator. As mentioned earlier, if it was identified that the train would not be available then the services it was booked to run could have been planned to be cancelled"

FMF: "So I take it this would work the other way round if my fleet caused any damage the Network Rail infrastructure"?

DAD: "Indeed – Network Rail is responsible for providing the required infrastructure at start of service and only they can mitigate any issues relating to that provision – either in terms of repairing it or initiating a revised timetable"

FMF "At least that's something – it just seemed to be a one way process"

DAD "Certainly not – I can assure you there are many Network Rail Managers having the same debates as we are having now"

Scenario 8 - Next Day Incidents

Setting the scene....

Due to a yard shunting error the rear wagon of a freight train derailed. The wagon was re-railed during the day and removed. However, after removal it was discovered there was damage to the signalling cables which needed to be replaced overnight.

The next morning the re-cabling had not been completed and the signalling was still not fully available for service causing delays and cancellations until mid-morning.

Maintenance Manager Marie (MMM): "Can we merge all these signalling delays into the derailment incident"?

Delay Attribution Dave (DAD): "I'm afraid not, the delays are due to the signalling problems, not the derailment"

MMM: "But the signalling problems **are** due to the derailment – it was the derailed wagon that damaged the cables"

DAD: "Appreciated, but in terms of attribution, we need to identify the immediate cause of delays and the responsibility of those delays – in this case the signalling was not fully functional"

MMM: "I know that but why is Network Rail attributed a delay for an asset failure when it was clearly damaged the previous day by an incident for which the Operator has accepted responsibility?"

DAD: "Ultimately, Network Rail are responsible for ensuring that the infrastructure is available as planned for the start of service, regardless of reason"

MMM: "I understand that but there was no way we could have done all the work required to get the signalling fully working"

DDD "Understood, but ultimately the mitigation for the provision of the network sits with Network Rail and if the network was not going to be available then a suitable amended plan could have been drawn up for start of service"

MMM: "Well we didn't know that until we started work in the early hours and realised the damage was worse than first thought"

DDD: "Appreciated, but if it helps, do you remember the train that hit the object the other day – well the next morning the TOC cancelled trains due to having no replacement train, and accepted those cancellations to provision of stock – that wasn't merged to the object strike"

MMM: "That's interesting to know and somewhat gratifying that at least it works both ways"

Why Is That Delay Incident Mine?

Scenario 9 - Next Day Incidents

Setting the scene....

A train failure occurred on a Friday night causing disruption to the last train services out of London. The Operator requested for a booked possession to be taken an hour later due to wanting to get passengers home which was agreed by Network Rail.

On Saturday morning the possession was 45 minutes late being given up and caused delays and cancellations.

Maintenance Manager Marie (MMM) : “Why is this recorded as a Possession over run”?

Delay Attribution Dave (DAD): “As the possession was not given up at the published time”

MMM: “I appreciate that but we gave back only 45 minutes late after starting an hour late “

DAD: “Appreciated, but ultimately a late hand back of a possession is Network Rail’s responsibility”

MMM: “Even if it is not my fault”?

DAD: “It’s certainly not your fault but it is your responsibility. Network Rail need to ensure that the infrastructure is available as planned for the start of service regardless of reason or cause”

MMM: “I understand that but there was no way we could do all the work required in the possession with an hour less to do it in”

DAD: “Understood, but ultimately the mitigation for the late hand back sits with Network Rail – the Possession Manager has to make the decision whether to take the possession or to perhaps curtail some of the work required within it – even if it has to go ahead as planned, the decision remains with Network Rail”

MMM: “With the amount of planning and cost that goes into the possession there was no choice – it had to happen”

DAD: “No doubt, so the decision to take the possession as booked seems to have been the right one for Network Rail”?

MMM: “Put like that I suppose it was, and I can see that it would be Network Rail’s responsibility to make that call – plus, thinking of the bigger picture it would have cost Network Rail more to cancel or curtail it than the late handback”

Why Is That Delay Incident Mine?

Scenario 10 - Planning and Scheduling Incidents

Setting the scene...

A Freight Operating Company needed to run one of their services an hour earlier due to train crew availability and requested a VSTP schedule through Network Rail Control. The schedule was granted and uploaded at short notice but not validated. During the journey the schedule was identified as clashing with a booked service which was then delayed as a result.

Control Manager Clive (CMC): “Why is Network Rail Control attributed this freight delay”?

Delay Attribution Dave (DAD): Because it was identified as a delay caused by a VSTP Schedule not the train itself”

CMC: “But the VSTP schedule was produced and uploaded purely to assist the Freight Operator”?

DAD: “I know, but a schedule uploaded into TRUST is the responsibility of Network Rail to validate regardless of reason for the request and upload. The TRUST system is considered as part of the network and is prescribed as ‘The System’ in the Network Code.

CMC: “All well and good I’m sure but what you don’t understand is that we are here to run a railway and this train had to run early”

DAD: “I do understand your role, and appreciate the challenges you face, but the responsibility of uploading a validated VSTP schedule is Control’s regardless of the reason for doing so”

CMC: “So, what you are saying is that next time I should just refuse to do it”

DAD: “Certainly not, but you are in a position to make that decision – whether to allow the train to run early and provide a validated schedule or if you can’t then the decision needs to be made whether to decline the request”

CMC: “Can’t you just merge it to the reason they needed the schedule amended”?

DAD: “Unfortunately not – firstly the request was for the FOCs own reasons so it would be attributed to the FOC – who would I’m sure dispute it to the VSTP – and secondly attribution has to capture the actual cause of delay which in this case is a VSTP schedule clash – not the reason it was actually requested”.

CMC: “So, to prevent this in future I either need to take time to validate it or if I can’t then advise the FOC it is not possible”

DAD: “In simple terms yes but if you have no choice but to upload a schedule un-validated, the attribution of any delay should not be a consideration in that process. Remember attribution is only about capturing responsibility for future improvement, not blame”.

CMC “So how would that benefit me, I would still get the minutes”?

Why Is That Delay Incident Mine?

DAD “Well, yes, but the number of QN delays could signify a workload issue for Control, a training opportunity for some of the Control staff or highlight that certain Operators are making a high number of VSTP requests – all of which could be looked into for future improvement – you never know you could get another post recruited”

CMC: “Fair point – I suppose the data could help us in that respect. I’ll have a word with my colleagues to see if they are having similar issues”

Scenario 11 - Planning and Scheduling Incidents

Setting the scene...

Network Rail requested a short notice one day possession to replace a broken rail that was causing significant delays into and out of a London terminal. The Operator agreed due to the impact the broken rail was having on performance. The plan for the day was agreed by both Parties and uploaded into TRUST. On the day there were some train crew resourcing issues due to the short notice given to the Train Operator which resulted in a number of late starts.

Train Crew Resource Manager Tina (RMT): “Why have I been attributed a delay for resourcing issues when they are clearly linked to re-planning the resource plan for the day to assist a request for a short notice possession from Network Rail”?

Delay Attribution Dave (DAD): “Ultimately, as the cause of the delays was down to train crew resourcing issues”

RMT: “That may well be but all due to the late notice possession – we didn’t have time to plan it all properly”

DAD: “Appreciate the situation but then the Operator agreed to the request and it is in their gift to plan for the amended service”

RMT: “Even if it is being done to help Network Rail”?

DAD: “Regardless of reasons, the responsibility still remains with the Operator – the same would be true if Network Rail uploaded a train plan into TRUST that didn’t work”

RMT: “Would that be the case if we asked for a short notice amended plan that Network Rail couldn’t validate in time”

DAD: “Indeed – it is Network Rail’s responsibility to ensure what is uploaded into TRUST is validated and works, regardless of who submitted the request or why – ultimately both Network Rail and Operators have the responsibility to ensure their part of the planning process is robust”

Why Is That Delay Incident Mine?

Scenario 12 – Report in Good Faith

Setting the scene...

A Driver reported a signal irregularity as he witnessed a signal go from green to yellow to green. Trains were cautioned as a result until an inspection was carried out. The inspection revealed there was no defect and a subsequent CCTV download confirmed the signal had remained green. It was concluded the driver had read across the signals to an adjacent line.

Maintenance Manager Morris (MMM): “Why is a driver error my responsibility”?

Delay Attribution Dave (DAD): “Attribution reflects the responsibility of the delays being experienced”

MMM: “Exactly – due to a driver misreading the signals”

DAD: “Whilst the driver did indeed misread the signals he made the report in good faith”

MMM: “Appreciated, but he was proven to be mistaken so it can’t be mine”

DAD: “There is no disputing that the driver made an erroneous report but we have to look at the delays themselves and what actually caused them – in this case Network Rail received a report of a signal irregularity and cautioned trains past that signal”

MMM: “But only because of the driver error – surely he is responsible for his error”

DAD: “It was reported as a Safety of the Line report for which Network Rail had to act upon. It was reported as and treated as a signalling irregularity and should be attributed as such. Attribution has to be regardless of whether or not that report turned out to be correct. We cannot be in a position where attribution could be cited as a reason for anyone not to report a potential safety issue just in case they got the delay if it was wrong”

MMM: “Fully agree on the last point, but that doesn’t help me with being attributed a signalling irregularity when we now know there is nothing wrong with the signal”

DAD: “Fully agree. What we will do is reattribute it to a designated Delay Code for this type of scenario – J5 – which effectively records it as a ‘no fault proven’. That way, although it still remains your responsibility, it does not count as a signal failure.

MMM: “Appreciated – I wasn’t aware of that Delay Code so at least it doesn’t skew my signal failure reporting”

DAD: “Exactly what the code is there for – call it a compromise”

Summary

Manager Attributed the Delay (MAD): “So, what’s the key message of this brief?”

Delay Attribution Dave (DAD): “That there is always a rationale as to why attribution is carried out how it is, even if it seems perverse”

MAD: “So what key things should I remember”?

DAD: “That attribution can only be made to the Train Operator as ‘Operator of the Train’ or to Network Rail as ‘Operator of the network’ and not to Depot or Station owners.

MAD: “And didn’t you mention something about Prime Cause”?

DAD: “Indeed, Prime Cause is the immediate cause or event that results in delay to a train. Often there are other events leading up to that Prime Cause but are usually discounted for attribution purposes as in themselves they did not cause the actual delay to occur.

MAD: “So, Attribution is really governed by the Contracts between Network Rail and Train Operators and why I suppose it isn’t necessarily seen to be fair”?

DAD: “Correct, Attribution reflects Contractual Responsibility – you could say it is unfair in equal measure”.

MAD: “And so Attribution isn’t about blame or fault”?

DAD: “Correct, Attribution is about capturing where the opportunity lies to mitigate those delay incidents occurring so we can prevent recurrence in the future”

MAD: So what’s your main piece of advice”?

DAD: “Don’t be MAD and take the advice of your DAD”!

For further information on the:-

- Delay Attribution Board
- Delay Attribution Principles and Rules
- Process Guide Documents PGDs)

Or, if you wish to provide feedback to aid improvements or make suggestions for the development of the documentation then please contact the Delay Attribution Board through the Secretary at:- DABOffice@networkrail.co.uk

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