

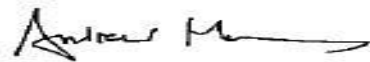
**Approved Code of  
Practice:**  
Contingency Planning for  
Train Service Recovery –  
Service Recovery 2013

Prepared by:



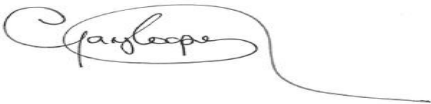
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## **Part A**

**This section identifies the main changes incorporated into the SR2013 ACOP.**

- The substantive changes in this document relative to the previous version (SR2009 Version 5) are:

**Revised dispensation Application form**

## **Part B**

### **1. Purpose**

The contents of this document are based on accepted best operations practice and provide the requirements for the creation and deployment of good train service recovery plans within the contingency arrangements applied by Network Rail and the operating companies. It also defines the managerial arrangements which must be implemented for authorised companies to be able to claim dispensation for Eligible Cancellations and the consequent capacity reductions from DfT Rail against contractual limits, and a statement of DfT Rail policy on cancellations.

### **2. Scope**

This document applies to franchised passenger Train Operators authorised by DfT Rail, in conjunction with Open Access Operators, Freight Operators and Network Rail Routes. This ACOP should be read in conjunction with the “Service Disruption” provisions in the Network Code and Railway Operational Code (ROC), and does not amend or alter in any way the provisions contained in them.

### **3. Objective**

To minimise overall disruption to passengers by providing a more balanced, integrated service and to return to normal timetable, or agreed degraded timetable, as quickly as practicable, in accordance with ORR ROC criteria.

### **4. Definitions and Glossary**

#### **4.1 Capacity Reduction or Train Service Capacity Shortfall**

A reduction in capacity of rolling stock vehicles for the purposes of the Franchise Agreement Capacity Regime.

#### **4.2 Contingent Operation**

The phase following a disruptive event or events when timetabled operation is:

(a) in an initial disrupted state prior to managerial intervention, or

(b) replaced by the agreed Contingency Plans, which may include an agreed degraded timetable.

### **4.3 Contingency Plan**

An agreed documented plan produced by a FOC/TOC, or Network Rail Route, which describes the actions to be taken and the managerial arrangements which will apply when an event, or events, disrupt normal timetabled operation. Such plans will cover strategic aims and objectives, service priorities, and discrete elements for Restricted Access/Contingent Operation and Service Recovery phases.

### **4.4 Eligible Cancellations**

4.4.1 Eligible Cancellations are deemed to include the following:

- (a) full cancellations
- (b) partial cancellations (start forward or terminate short)
- (c) missed stops and other deviations from scheduled calling points
- (d) diversions from booked route.

which have been occasioned by a restriction of access to the track by a disruptive event or events, irrespective of root cause or fault attribution under the Network Code.

4.4.2 Where a line blockage has been caused by a train failure, the treatment of the Culprit Train and its return working is not normally deemed to give rise to an Eligible Cancellation. However, in certain circumstances such as the failure of the single train working a branch line, the impact of a Culprit Train may be substantially mitigated within the Contingency Plan, which, once implemented, shall permit any further cancellations arising from the Culprit Train to be Eligible Cancellations. Similarly, when a Culprit Train working or back working is substantially covered by other services, by re-timing, special station stops or diversion as part of an agreed Contingency Plan, this shall permit the Culprit Train cancellation and/or its back working to be an Eligible Cancellation.

4.4.3 Such Contingency Plans will, in all cases where a Train Operator wishes to rely upon the existence of such Contingency Plans for the purposes of dispensation for Eligible Cancellations or capacity reductions, be agreed by the relevant Train Operator in advance with both Network Rail and the Franchise Manager at DfT Rail, and reviewed on a regular basis to ensure their continued applicability.

4.4.4 In this section 4.4, “Culprit Train” means a failed train giving rise to disruption or potential disruption.

#### **4.5 Robust Estimate**

This is a realistic estimate, based on all the information available to the Infrastructure Controller, and may be considered by Train Operators as a deliverable time for Infrastructure Available.

#### **4.6 FOC**

Freight Operating Company/ Freight Access Party

#### **4.7 Franchise Agreement Cancellation Regime Franchise Agreement Capacity Regime**

The terms, in a TOC Franchise Agreement, which enforce standards of reliability, and train capacity provision on TOCs through a progressive regime of call-in, breach and default, for failure in excess of defined limits.

#### **4.8 Infrastructure Available**

The time at which the infrastructure for normal timetabled operation is restored to use and available, following a disruptive event or events.

**Note:** Infrastructure Available describes full access being available to operate the published timetable and this may include minor restrictions, e.g. TSRs, crossovers clipped etc. where these do not prevent the timetabled service being operated within a normal punctuality range. Restoration of significantly degraded infrastructure should not be described as Infrastructure Available.

#### **4.9 Full Timetable Restored or FTR**

An operational state, which may be denoted by a time (following a disruptive event, or events) when train service operation has been restored to the normal planned timetable.

#### **4.10 Preliminary Estimate**

This is an advisory estimate, based upon information from the site of a disruptive event, provided to Train Operators by the Infrastructure Manager, and which may be considered by Train Operators only as guidance as to when normal infrastructure may be available.

#### **4.11 Restricted Access**

An operational state in which the normal, timetabled access for train services to the infrastructure cannot be provided due to a disruptive event, or events.

#### **4.12 SR 2013**

Where used describes the full provisions of this ACOP.

#### **4.13 (Train) Service Recovery**

The process by which normal timetabled operation is restored, or an agreed degraded timetable is implemented and operated, following a disruptive event, or events. A schematic diagram illustrating the discrete phases of operation is shown as Appendix 1. A flow chart of the key steps of the process is shown as Appendix 3.

#### **4.14 Service Recovery Commencement Time or SRCT**

The time recorded by the Network Rail Route Control Manager (in an official control log and the free-form field within the relevant TRUST incident) at which an initial dialogue takes place with affected Train Operators following a disruptive event or events. Such dialogue, which, depending on the duration of the incident may be the first of a series, will discuss incident impact, agree contingent operation and discuss preliminary estimates for Infrastructure Available. The decision making needs to be as collaborative and consensual as possible in accordance with ORR ROC Criteria.

#### **4.15 TOC**

Passenger Train Operating Company, whether franchised or open access.

#### **4.16 DfT Rail**

The Department for Transport, acting through its Rail Group. Functions attributed to DfT Rail under this ACOP may be undertaken instead, or in parallel, by other organisations, which may include Transport Scotland, Welsh Government, TfL, or a PTE.

#### **4.17 The Railway Operational Code and its Objective**

The Objective of the ROC is to sustain and, where necessary, restore expeditiously the operation of services in accordance with the Working Timetable in a manner consistent with the ORR ROC Criteria, having regard to:

- (a) the needs of passengers and freight customers;
- (b) the interests of safety and security; and
- (c) the efficient and economical operation of the network and of trains operating on it.



**5. Principal  
Requirements –  
Train and Freight  
Operating  
Companies**

**5.1 Documentation**

TOCs (and to the extent that these arrangements are relevant – FOCs) must have in place Contingency Plans which describe the operational arrangements to be implemented when disruptive events occur. These plans must meet the Railway Operational Code requirements, and shall include, inter alia the following criteria:-

5.1.1 embrace the foreseeable range of potentially disruptive events, across the TOC/FOC service geography.

5.1.2 be reviewed and updated at least every timetable change, and on every other occasion when circumstances significantly change the nature, substance, or operability of the plan. TOCs should consider and discuss any changes that may affect route and traction knowledge of traincrews in their delivery of agreed contingency plans. Consideration should also take into account the number of traincrews with the required knowledge that may have changed, or will change, since the previous review and hence adversely affect the robustness of delivery of the contingency plans.

5.1.3 be endorsed or agreed by the Infrastructure Manager and, if appropriate, in accordance with section 4.4.2, by DfT.

5.1.4 provide a comprehensive interface to Contingency Plans prepared by Network Rail Routes and TOCs/FOCs operating over the same routes or adjacent routes which have an interface.

5.1.5 contain a discrete Train Service Recovery plan, identifying the actions to be taken during the Service Recovery phase. This plan will also detail the TOC/FOC process for applying the stipulations of this ACOP, and the interfaces with other companies and authorities which it prescribes.

5.1.6 describe the general arrangements for customer support, including the provision of information, which will be implemented for those customers most severely affected or disadvantaged by the application of the service recovery principles described in this ACOP.

**5.2 Procedures**

The TOCs/FOCs will devise comprehensive procedures for implementing train service recovery following a disruptive event, or events. These procedures will as a minimum provide for:-

5.2.1 participation in multi party or “one-on-one” telephone conferences/dialogue, over the duration of the incident, called by the Network Rail Route. This will include:

- the nature and scope of Contingent Operation
- discussion on the service restoration estimates
- determination of the most expeditious and effective industry Service Recovery response

A minimum requirement is for telephone conferences or dialogue at the level of Control Office, but higher level telephone conferences may be required, determined by the scale of the disruptive event(s), and the complexity of recovery. An agreed escalation process should exist to facilitate this where required. A record of the conference/dialogue should be made.

5.2.2 pre-determined cooperation and collaboration protocols with adjacent TOCs and FOCs (which explicitly outline the commercial considerations and priorities of all operators), to minimise the overall impact of the recovery process on all customers, and optimise the use of available capacity.

5.2.3 identification of patterns of train service and customer needs which balance the often conflicting requirements for speed of recovery, and the need to manage service interval, peak period loadings, extended passenger journey times, overcrowding etc. and the impact on freight business customers.

5.2.4 establishing a clear understanding by key control office personnel of agreed Contingency Plans (including Service Recovery principles). Such understanding must explicitly cover the phase of Contingent Operation, and the relationships between Service Recovery Commencement Times, Infrastructure Available and Full Timetable Restored times. Consequently such understanding must be underpinned by competence assessment and verification.

5.2.5 the keeping of comprehensive records including copies of the Network Rail control log or Integrated Control Centre joint log (see section 6.2.4) which will provide an audit trail demonstrating how decisions taken have influenced service provision and capacity, and which services were cancelled to expedite recovery. These details may be required by DfT Rail to support dispensation from the Franchise Agreement Cancellation Regime or Franchise Agreement Capacity Regime.

**6. Principal  
Requirements –  
Network Rail  
Routes**

**6.1 Documentation**

The Network Rail Routes will have in place Contingency Plans which describe the Route strategy and arrangements for responding to incidents and events which disrupt, or may disrupt, train services. Such plans will set out how train services will be managed during an incident, and how these will be consulted with affected Train Operators and other Network Rail Routes. They will provide guidance on how capacity is to be allocated equitably and to minimise disruption, where the incident has forced temporary closure, damage to, or restrictions on, the running line infrastructure – Restricted Access plans. They will also contain details of the Service Recovery arrangements which will be invoked. These plans must meet the ROC requirements, including inter alia, the following criteria:

6.1.1 embrace the foreseeable range of potentially disruptive events across the Route infrastructure, and provide feasible operational guidelines for train services covering these eventualities.

6.1.2 be reviewed and updated at least every timetable change, on every occasion when material infrastructure changes take place, or when other circumstances significantly change the nature, substance or operability of the plan

6.1.3 be endorsed or agreed where appropriate with affected TOCs and FOCs.

6.1.4 provide a comprehensive interface to the Contingency Plans operated by TOCs/FOCs operating over the same routes or adjacent routes which have an interface.

6.1.5 contain a discrete Service Recovery plan, identifying the actions to be taken during the Service Recovery phase. Service Recovery arrangements will, predominantly, be implemented by TOCs and FOCs, but the Route has a significant responsibility, through its Control Office, for instigating and coordinating recovery, and for encouraging as speedy a return to normal working as is consistent with the parties' safety obligations and commensurate with their commercial objectives together with the

aims and objectives of this ACOP.

## **6.2 Procedures**

The Route Contingency Plan will include comprehensive procedures for Contingent Operation and effecting train service recovery following a disruptive event, or events. These procedures will, as a minimum, provide for:

6.2.1 telephone conferences/dialogue with Train Operators, sponsored and arranged by the Network Rail Route Control Manager, or nominated deputy, at which the plans will be discussed and agreed between all parties, including adjacent Train Operators or Network Rail Routes which may be affected. The initial telephone conference/dialogue will determine the early phases of Contingent Operation and the time at which this telephone conference/ dialogue takes place will be deemed to be the Service Recovery Commencement Time. Telephone conferences/dialogue will take place at various times through the duration of the event and also at more senior levels in the organisations depending on the scale of the event, and complexity of recovery, or if the parties have failed to agree on a recovery strategy. A record of the conference/dialogue should be made.

**Note:** The Service Recovery Commencement Time defines the point at which Contingent Operation and Service Recovery strategies are first discussed and agreed and without this no cancellations or capacity reductions will be considered eligible for dispensation.

6.2.2 regular updating from incident site of progress toward normal working. A nominated individual will be solely responsible for providing estimates to the Route Control Manager in Control (or their nominated deputy), and the importance of regular updating with reliable estimates will be emphasised. The process by which the nominated individual will provide estimates is contained in Appendix 2.

6.2.3 establishing a clear understanding by key Control Office personnel of agreed Contingency Plans (including Service Recovery principles). Such understanding must explicitly cover the phases of Contingent Operation, and the relationships between Service Recovery Commencement Time, Infrastructure Available and Full Timetable Restored times. Consequently such understanding must be underpinned by competence assessment and verification.

6.2.4 comprehensive and consistent record keeping in an official control log, to evidence:-

- (a) declaration of SRCT and recording in the free form field of the relevant TRUST incident;
- (b) key conference decisions ;
- (c) the time at which they were taken and enacted;
- (d) liaison with Train Operators;
- (e) the response of Train Operators;
- (f) progress towards normal working, and
- (g) the time at which the TRUST Incident Number (T.I.N.) or Service Recovery phase was closed.

During the Service Recovery phase, the Route Control should also record information on service interval achieved on the route(s), overcrowding and train service capacity shortfalls where advised by the Train Operator, details of cooperation between Train Operators, and any perverse behaviour by Train Operators which compromises Service Recovery, which does not actively seek to minimise overall delay to train services, or fails to maximise customer benefit.

6.2.5 a post-recovery review (using existing meetings structures, pre-determined investigation thresholds and formalised procedures wherever possible) between participating Companies to consider outcomes, successes (or otherwise), incident profile charts and learning points, both for future occasions, and to feed back into the Network Rail and/or TOC/FOC plans. For major events a copy of the documented outcomes of the review must be submitted to by the relevant TOC to DfT Rail.

6.2.6 In certain circumstances, dispensation under SR2013 may be granted post-event to TOCs for train service capacity shortfalls, where due to circumstances during the Service Recovery incident it was not possible to log all instances of train service capacity shortfall. This will be particularly relevant for instances of train service capacity shortfall that do not cause delay or cancellation and consequently no Trust Delay Incident **(TDI)** for Service Recovery exists, or where the magnitude of trains being below capacity due to a disruptive event overwhelms the TOC Control's capability to maintain the desired log in real time. For the purposes of enabling the relevant TOC to supply evidence to the DfT regarding the occurrence of the event in question for the purposes of a dispensation claim, Network Rail Routes should, if requested by a TOC and if Network Rail has not already made a sufficient record of the occurrence, make such a record, which may be by:

- (a) creating a blank TDI detailing the SRCT and Full Timetable Restored (FTR) of the train service capacity shortfall event, or
- (b) if a TDI exists, adding to the TDI text a SRCT/FTR time to reflect the closure of SR2013 for train service capacity shortfalls if this is required or is different from SRCT/FTR for the incident, or
- (c) creating an incident in CCIL (Train Service Alterations / Delay) and completing the SRCT page as appropriate including the Train Company details.

**Note:**

- CCIL is the Control Centre Integrated Log which is the standard incident logging tool used by all Network Rail control offices.
- Evidence for the dispensation claim which may be required by DfT Rail under section 8 may include log items (which, where the TOC enjoys browser access to the log, may be copied direct), genius records and/or controllers' written instructions or voice tapes. The requirement for evidence reflects the potential magnitude of trains affected by train service capacity shortfall benchmarks during perturbed working and the need for an audit trail for the SR2013.

## **7. Training & Competence Requirements**

7.1 DfT Rail approval for TOCs to discount cancellations and capacity reductions, incurred following a disruptive event, or events, as part of an agreed Service Recovery plan, is not given lightly, and it is a prerequisite of such approval that the Contingency Plans and Service Recovery plans are applied in a consistent and disciplined way.

7.2 Control Office Duty Managers, and their senior staff, will need to be familiar with, and if necessary trained in, the requirements for Service Recovery.

7.3 Service Recovery 2013 requirements need to be included in Controller competence assessments.

**8. DfT Rail  
Policy on  
Cancellations &  
Capacity  
Reductions**

8.1 It is recognised that the enforcement provisions in the Franchise Agreement Cancellation Regime can be an inducement to TOCs to continue to run trains late, with consequent adverse effects on other services. Failure to cancel late running trains or to operate to Service Recovery principles to restore planned working as quickly as possible is driven by the TOC desire to avoid exceeding the period thresholds which can lead to call-in by DfT Rail or breach of Franchise Agreement.

8.2 The enforcement provisions in the Franchise Agreement Capacity Regime relating to Service Recovery dispensation are intended to provide for circumstances which may arise during, or immediately following, a Service Recovery event, and not for ongoing train service capacity shortfalls occasioned by trains out of service for prolonged repairs. Accordingly:

8.2.1 in such circumstances the TOC would be expected to agree with DfT Rail alterations to what is treated as the “Plan of the Day” under its Franchise Agreement for the necessary duration, in order to mitigate impact within the Franchise Agreement Capacity Regime; and

8.2.2 in this context, the reference to alterations to what is treated as the “Plan of the Day” is only relevant to the relationship between the TOC and DfT Rail under the Franchise Agreement and does not affect the relationship between Network Rail and the TOC as regards control arrangements under the ROC and, without limitation, the provisions for operational readiness statements under paragraph 8 of the ROC’s control arrangements section.

8.3 Whilst it is not DfT Rail policy to discontinue the enforcement regime, DfT Rail recognises that the enforcement regime can lead to perverse behaviours and is prepared to waive its rights under the Agreements in circumstances where, in accordance with the provisions within this ACOP:-

8.3.1 access to the track has been denied by a blockage and trains have been cancelled in response to the disruptive event or events to contain the impact on overall service provision;

**and**

8.3.2 the agreed Contingency Plans of TOCs and Routes have been deployed to provide the best possible level of service provision during the disruptive event, or events.

8.4 Subject to the above, the phases of an incident when Eligible Cancellations may be claimed are listed in Clause. 8.8.

8.5 In return for this concession within the Agreements, DfT Rail requires commitment from TOCs, FOCs and Routes to:

8.5.1 Fully implement the provisions of this ACOP in respect of the operational principles of Service Recovery;

8.5.2 Maintain agreed Contingency Plans between the parties;

8.5.3 Train and assess as competent Control Office staff in the operation of SR 2013;

8.5.4 Record SRCTs in control logs and the free-form fields of relevant TRUST incidents; and

8.5.5 Maintain such records as are, from time to time, required by DfT Rail to demonstrate the effective operation of SR2013.

8.6 Additionally TOCs must:

8.6.1 Notify DfT Rail currently of major events;

8.6.2 Return, on a 4-weekly basis, a statement of total cancellations, cancellations and (where appropriate) capacity reductions, as a result of the application of this SR2013 ACOP. The format of this return, Appendix 4, and any supporting documentation, will be agreed with DfT Rail, and should, as far as possible, minimise administration for the respective parties;

8.6.3 Send control logs to DfT Rail on request.

8.7 TOCs must continue to report cancellations and train service capacity shortfalls in the agreed manner where Service Recovery arrangements have not been invoked, including Force Majeure events.

8.8 It is recognised that DfT Rail policy on cancellations will significantly increase the volume of cancellations deemed eligible for dispensation, in that these will include those incurred:



8.8.1 as a result of the initial disrupted state following an incident;

8.8.2 moving from a disrupted state to a contingent (documented and pre-planned) timetable;

8.8.3 during the period of operation of the contingent timetable;

8.8.4 moving from a contingent timetable to normal service; and

8.8.5 moving from a disrupted state to normal service.

8.9 DfT Rail will monitor the number of cancellations and instances of capacity reduction reported by TOCs to ensure that no abuse of the concessions is taking place. It will continue to waive its rights provided that Train Operators and Routes maintain the commitments specified in Clause 8.5 and there is no unexplained or unjustified increase in overall volume of cancellations. When claims for dispensation are declined, DfT Rail will give a full explanation and reasons to the TOC concerned.

8.10 DfT Rail may undertake additional detailed assessments where it considers this necessary.

8.11 DfT Rail policy on cancellations and capacity reductions seeks to maintain consistent and national implementation of Service Recovery 2013. The provisions are being incorporated into TOC Franchise Agreements as these are renewed, and also incorporated within the Network Code.

## **9. Review Arrangements**

9.1 The effectiveness of the operation of Service Recovery 2013 shall be kept under review through the following arrangements;

9.1.1 Through the Joint Performance Review processes established between Network Rail Routes and the franchised TOCs.

9.1.2 Through a national biennial review process discharged via the National Task Force – Operators' Group.

9.1.3 Through a periodic audit, review or self assessment process, jointly sponsored and supported by Network Rail and the franchised TOCs which will ensure proper and effective working of Service Recovery 2013 within the companies.

**10. ACOP Change  
Mechanism**

10.1 If Network Rail, DfT Rail, a franchised TOC or Freight Operating Company identifies a need for a variation of an existing, or inclusion of a new requirement to this ACOP, to better fulfil the Objective of the Railway Operational Code, then that party shall

10.1.1 submit a written proposal to the National Task Force – Operators Group; and

10.2.2 state clearly in the proposal the change proposed and the reason for it.

10.2 National Task Force – Operators’ Group shall:-

10.2.1 ensure the proposal is advised to its membership;

10.2.2 review and debate the proposal;

10.2.3 either approve or reject the proposal;

10.2.4 if the proposal is rejected, notify the applicant of the reason why;

10.2.5 if the proposal is approved, identify implementation arrangements, including a timescale for doing so; and

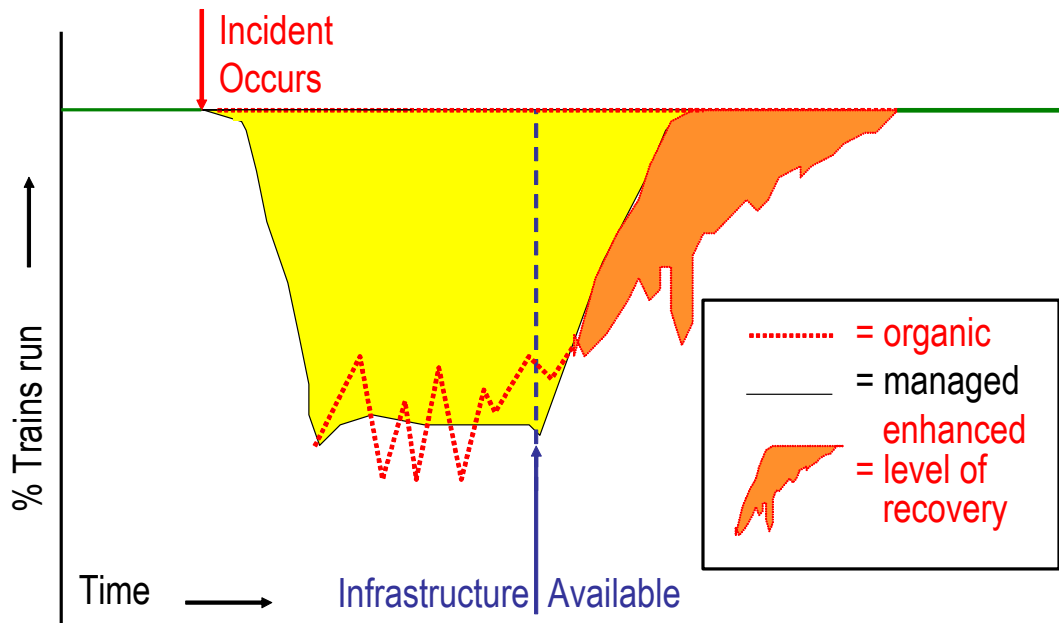
10.2.6 submit the proposal, and the minuted approval of NTF-OG, to ATOC Operations Council for endorsement.

10.3 Following ATOC Operations Council endorsement of a change to the ACOP, ATOC shall issue a revised ACOP to the industry, and notify the implementation date for that revision.

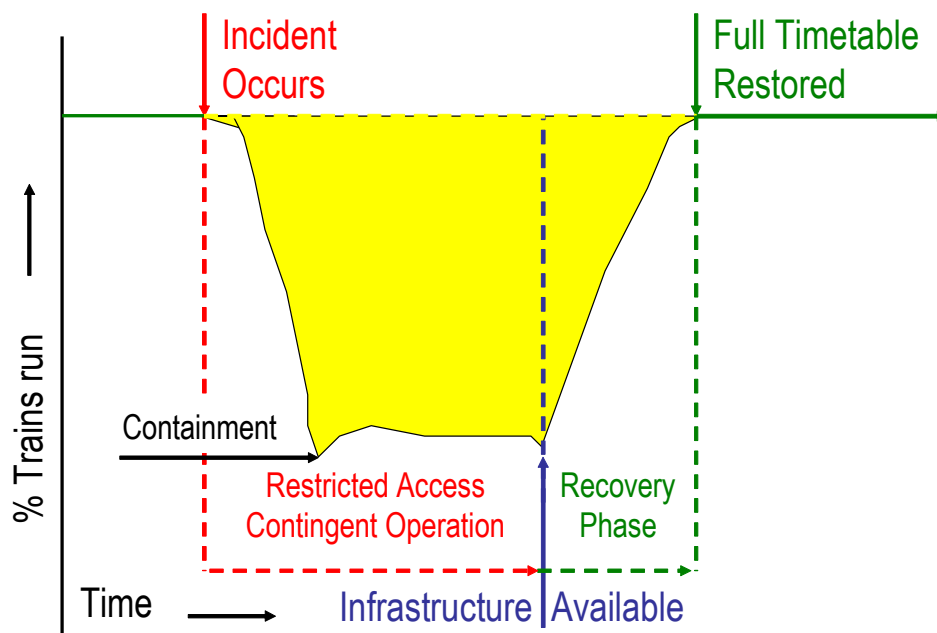
10.4 The provisions contained within Section 8 of this ACOP relating to the requirements and processes for submissions to DfT Rail are excluded from the scope of this change procedure, unless and insofar as DfT Rail have concurred in this.

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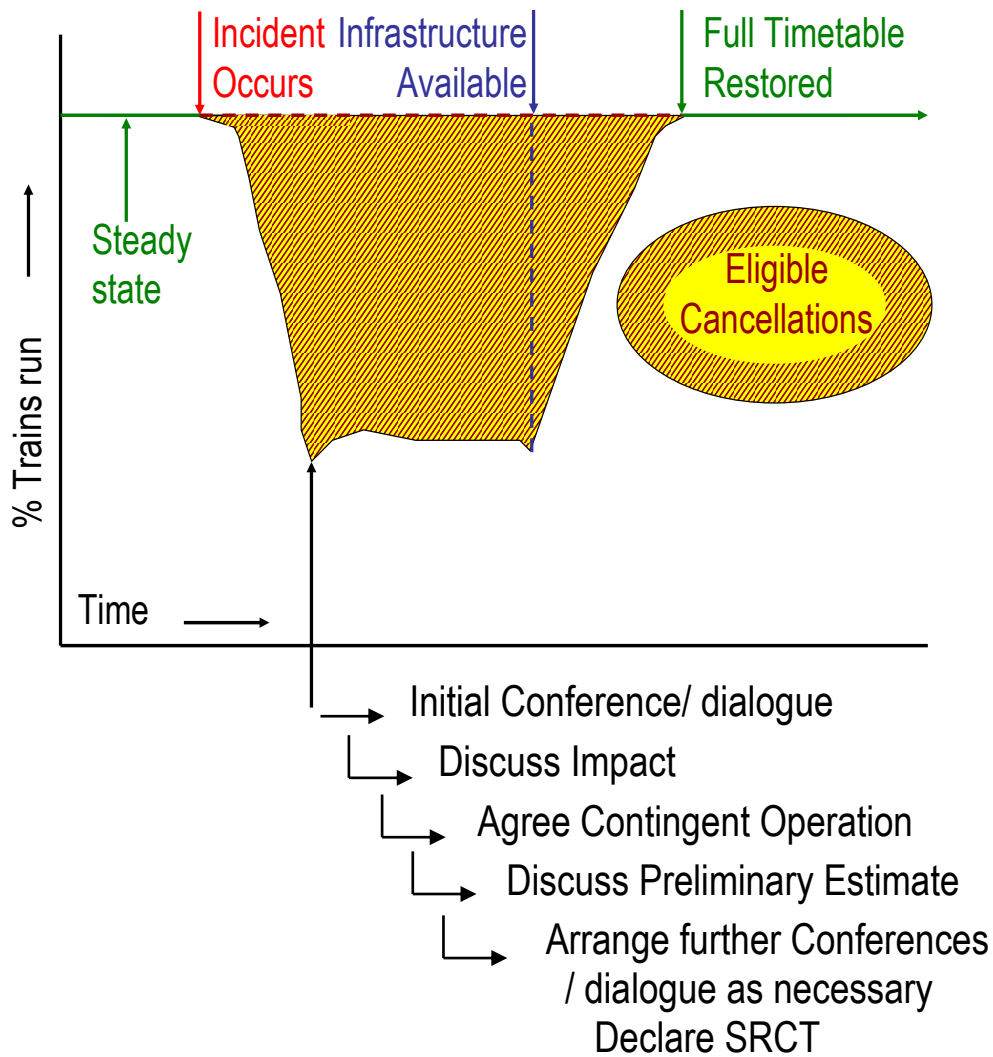
### Managed versus Organic Service Recovery



### Service Recovery



### Service Recovery Key Events



## **Appendix 2**

### **Guidelines for Nominated Individuals in Providing Service Restoration Estimate**

The off-site management of an incident and the ability of the relevant Control staff to resume train services effectively, is dependent upon accurate and concise information from the site of an incident.

The nominated individual on site will establish a communications link with the Control Office managing the incident and may well be required to participate in the service recovery conferences organised by the Control.

The importance of Robust Estimates is crucial for implementing agreed Contingency Plans and service recovery measures. It is imperative that over-optimistic estimates are not made.

When making the initial and subsequent assessments of what line or lines are available or when the line or lines will be clear for normal running the nominated individual should in conjunction with Control consider the following aspects:-

- Details of the route which is available, if any
- What alternatives are viable, including:
  - i) Diversionary routes available
  - ii) Single line working or working to and from the point of obstruction
  - iii) Temporary Block Working
  - iv) Other local means of transport i.e Buses, LUL etc
- What assistance is needed on site to improve the rectification of the incident, including forward planning needs?
- The implications for other stakeholders, for example cessation of any planned maintenance work, railway tenants and adjacent businesses, airports, ferry terminals etc

You must ensure that a plan or process is in place to rectify or repair the failure or fault.

In conjunction with your information the Control will initially seek to stabilise the service around a reduced frequency or changed pattern which may include using a Contingency Plan, if appropriate to the circumstances and :

- Identify the patterns of train service and customer needs which balance any conflicting requirements for fast recovery, with the need to manage service interval, extended passenger journey times, long distance journeys and other customers.

It is the nominated individual's responsibility to provide regular updates from the incident site which include the level of recovery achieved, progress towards normal working,

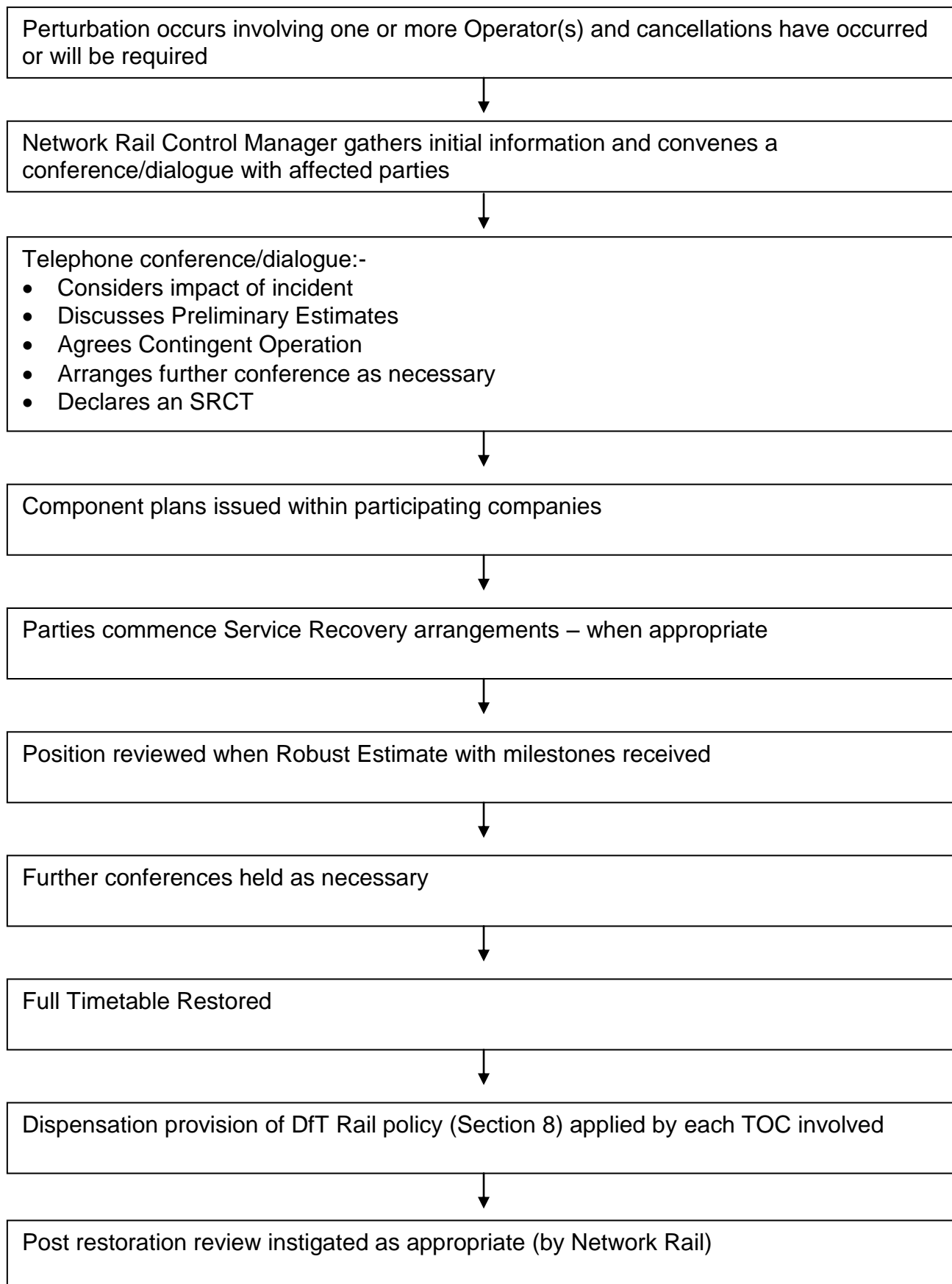
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feedback on key decisions made, the success or otherwise of an applied Contingency Plan and any other relevant issues.

**Flow Chart – Service Recovery Process**

**Appendix 3**



Appendix 4

Application For Dispensation For Train Service Cancellations

SUMMARY OF SERVICE RECOVERY INCIDENTS

|     |        |
|-----|--------|
| TOC | Period |
|-----|--------|

Details of all the incidents claimed

| Date           | Time of Incident | Trust Incident No. | Description (e.g. Points Failure at Stratford) | SRCT | Time of Last Cancellation Incurred |          | No. of Total Cancellation |          | No. of Partial Cancellation |          | No. of Seats OR Short Formation vs Train Plan |          | DfT response |
|----------------|------------------|--------------------|------------------------------------------------|------|------------------------------------|----------|---------------------------|----------|-----------------------------|----------|-----------------------------------------------|----------|--------------|
|                |                  |                    |                                                |      | Claim                              | DfT      | Claim                     | DfT      | Claim                       | DfT      | Claim                                         | DfT      |              |
|                |                  |                    |                                                |      |                                    |          |                           |          |                             |          |                                               |          |              |
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|                |                  |                    |                                                |      |                                    |          |                           |          |                             |          |                                               |          |              |
|                |                  |                    |                                                |      |                                    |          |                           |          |                             |          |                                               |          |              |
|                |                  |                    |                                                |      |                                    |          |                           |          |                             |          |                                               |          |              |
|                |                  |                    |                                                |      |                                    |          |                           |          |                             |          |                                               |          |              |
| <b>TOTALS:</b> |                  |                    |                                                |      | <b>0</b>                           | <b>0</b> | <b>0</b>                  | <b>0</b> | <b>0</b>                    | <b>0</b> | <b>0</b>                                      | <b>0</b> |              |



**Appendix 5**

**Dispensation for Cancellations – Principal Requirements**

Practical experience of the operation of previous versions of this Approved Code of Practice (ACOP) has highlighted a number of occasions when

- the ACOP has been open to interpretation
- TOCs have misunderstood the intent or meaning of the ACOP
- complex circumstances have led to uncertainty regarding eligibility
- DfT continues to receive claims which are outside the scope of the concession

In order to provide greater clarity, and consistency of interpretation, the Department and ATOC jointly have compiled the following tables which detail a variety of event/incident types and their eligibility to claim for dispensation, subject to the provisions of the ACOP being properly applied and verified by DfT.

Whilst this guidance is intended to be reasonably comprehensive, and cover most foreseeable events and circumstances, there may be more complex events, or combinations of circumstances, which appear not to be covered by the guidance. In such circumstances, the TOC should seek advice from the relevant DfT Franchise Manager prior to submitting any claim for cancellation dispensation.

It should be kept in mind that the Service Recovery Concession is allowed by DfT solely to enable service alterations to be made which help restore the train service to normal operation more quickly, without these changes counting against Franchise Agreement thresholds.

**Principles**

- Must be due to a blockage, or restriction of the infrastructure
- Does not apply to ‘Culprit Trains’ except in defined circumstances (see table)
- Reactionary, or secondary, cancellations are eligible
- Dispensation applies equally to capacity as to cancellations

**A. Running Line Events**

| Incident Type                                   | Details                               | SR Claim Eligible? | Notes                                                                                                                          |
|-------------------------------------------------|---------------------------------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------|
| 1. Train Failure                                | Primary (culprit) Train               | No                 | See Footnote (1)                                                                                                               |
| 2. Following Trains                             | TOC on Self (TOS) or TOC on TOC (TOT) | Yes                | Cancellations, full & part, eligible, from SRCT to close of TIN, including those due to resource displacement (stock or crew). |
| 3. Line Blockage, complete or restricted access | TSR, ESR, TBW 2v4 lines etc           | Yes                | Cancellations, full & part, as (2) above                                                                                       |

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|                                             |                                                                                                                  |          |                                                                                                                                              |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------|
| 4. Electrification Incidents                | Pan damage, OLE damage, dewirement, trippings & other power supply interruptions, 3rd rail incidents             | Yes      | Cancellations, full & part, including primary train, irrespective of initial attribution & incident size.                                    |
| 5. Wrong Routing                            | Causing off line-of-route 'failure to call' due to signalman error, compounded by driver taking the wrong route. | No       | Cancellations not eligible, either primary (culprit) train or back working, except where the incident was all NR causation and no TOC fault. |
| 6. TOS Incidents (other than train failure) | SPAD, passenger behaviour, vandalism.                                                                            | See note | No, unless leading to a track blockage/ restricted access. Primary train only not eligible                                                   |
| 7. Trains following TOS Incident train      | TOS or TOT                                                                                                       | Yes      | Cancellations, full & part, as (2) above                                                                                                     |
| 8. Network Rail Incidents                   | All incidents attributed to NR                                                                                   | Yes      | Cancellations, full & part, as (2) above                                                                                                     |
| 9. Incidents lasting >12hrs                 |                                                                                                                  | No       | 'Force Majeure' applies                                                                                                                      |
| 10. Capacity Shortfall                      | All SR events which lead to reductions of capacity whether short formation or seats lost                         | Yes      | All reductions eligible, irrespective of the type of capacity regime specified within the franchise agreement. See Footnote (3)              |

## **B. Depot Events**

| Incident Type                                                    | Details                                               | SR Claim Eligible? | Notes                                                                                                                                                                                                        |
|------------------------------------------------------------------|-------------------------------------------------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Train Failure/derailment                                      | Primary (culprit) train                               | No                 | See Footnote (1)                                                                                                                                                                                             |
| 2. Stock trapped by train failure/derailment.                    | TOS or TOT                                            | Yes                | Cancellations, full & part, eligible, from SRCT to close of TIN, including those due to resource displacement (stock or crew). This includes working units coupled to a failed ECS train coming off a depot. |
| 3. Shunting/marshalling failures                                 | TOS incidents                                         | No                 |                                                                                                                                                                                                              |
| 4. Stock not available                                           | TOS incidents, e.g. maintenance not completed on time | No                 | Regardless of cause except when due to failure of depot plant (incident type 7). See footnote (2)                                                                                                            |
| 5. Provision of 'underpowered' unit                              | E.g. Cl.150/156 v Cl.158, HST One Engine Only         | No                 | Primary train only not eligible                                                                                                                                                                              |
| 6. Infrastructure failure within Depot or on inlet/ outlet roads | Track, signalling, OLE, 3 <sup>rd</sup> rail          | Yes                | Cancellations, full & part, as (2) above, regardless of <i>ownership</i> of infrastructure or attribution                                                                                                    |

|    |                                               |                                                                                                    |     |                                                                                                                                 |
|----|-----------------------------------------------|----------------------------------------------------------------------------------------------------|-----|---------------------------------------------------------------------------------------------------------------------------------|
| 7. | Infrastructure failure within Depot.          | Depot Operator's equipment, e.g. fuelling point or CET failure, industrial action by fuel supplier | Yes | Cancellations, full & part, as (2) above, regardless of ownership of infrastructure or attribution                              |
| 8. | Staff shortages (fitters/shunters/train crew) |                                                                                                    | No  | Regardless of cause                                                                                                             |
| 9. | Capacity Shortfall                            | All SR events which lead to reductions of capacity whether short formation or seats lost           | Yes | All reductions eligible, irrespective of the type of capacity regime specified within the franchise agreement. See Footnote (3) |

### **C. Station Events**

| <i>Incident Type</i>         | <i>Details</i>                                                                           | <i>SR Claim Eligible?</i> | <i>Notes</i>                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------|------------------------------------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Train Incident in Station | All causes other than train failure                                                      | Yes                       | TOS or TOT cancellations eligible, full & part, but only if the train(s) is causing a blockage denying access to the track                                                                                                                                                                                                                                                                                          |
| 2. Train failure             | Primary (culprit) train                                                                  | No                        | See Footnote (1)                                                                                                                                                                                                                                                                                                                                                                                                    |
| 3. Station Incident/ Closure | Where station access denied or restricted                                                | No                        | Covers station security alerts, fire alarms, police activity, lighting failures and overcrowding, leading to non-stopping/ fail to call.                                                                                                                                                                                                                                                                            |
| 4. Station Incident/ Closure | Where track access is denied or restricted                                               | Yes                       | Includes events covered in (3) above where train services are prevented from passing through, or at terminus locations. Also includes restricted availability of platforms (emergency/ short notice), and suicides/ fatalities.<br>Cancellations eligible, full & part, from SRCT to close of TIN, including 'fail to call' services, diversions from booked route, and cancellations due to resource displacement. |
| 5. Capacity Shortfall        | All SR events which lead to reductions of capacity whether short formation or seats lost | Yes                       | All reductions eligible, irrespective of the type of capacity regime specified within the franchise agreement. See Footnote (3)                                                                                                                                                                                                                                                                                     |

#### **Footnotes:**

- (1) *The primary train involved in a failure or TOS incident either on the running line, in station or in depot is deemed ineligible for dispensation under the provisions of SR2013. Any back working or subsequent workings within the train/unit diagram are also ineligible. However, under certain circumstances, such as short branch lines with a frequent service provided by a single train/unit, and where train failure causes a disproportionate impact on overall TOC cancellations levels which may lead to perverse behaviour, implementation of a pre-agreed contingency plan may permit subsequent workings (up to a pre-agreed limit) to be eligible (see Sections 4.4.2 & 4.4.3).*

- (2) *Service Recovery dispensation is not intended for ongoing train service capacity shortfalls occasioned by train out of service for prolonged repairs. In these circumstances DfT would expect the TOC to agree alterations to the “Plan of the Day” to mitigate the impact within the Franchise Agreement Capacity Regime (see Sections 8.2 & 8.2.1).*
- (3) *Capacity Shortfalls – Where a decision is made to reduce capacity on a service, or where capacity cannot be provided, as a result of circumstances which would qualify for exclusion if they involved cancellations, then the capacity reduction resulting may be applied for as an exclusion.*