

## **Bus Users response to key priorities for DfT Passenger Experience Team**

The following paper examines the key priority areas for the passenger experience team and looks at the way forward for complaints handling over the coming year.

- Passenger Charter – development of a national passenger charter template/exemplar setting out minimum standards to which Bus Users would contribute
- Simplification of Complaints Process - what a simplified process could look like and what enforcement might be needed
- Legal Review – specifically of the processes and structure of the regulatory side of bus provision and licensing

### **Passenger Charter**

Developing a Passenger Charter has been a major challenge for all the Boards of Enhanced Partnerships (EPs) and Bus Service Improvement Plans (BSIPs) and we have seen numerous examples. Passenger Charters need to be clear, simple and measurable so they can be used to hold to account the Board concerned.

They need to speak in the language of the customer, not those of the Operator or Local Transport Authority (LTA). Statements such as “Operator X had 90% satisfaction across 5,000 miles in April” are not meaningful to an individual’s own experience. A Charter should be concise, clear and specific in its promises, committing to measurable targets rather than using terms like “strive to” and “endeavour to” which build in tolerance for breaches.

A Charter needs to be simple and easily understood, available in different formats and, depending on the area, the most common languages spoken locally. The best example seen so far is from East Lothian [Layout 2 \(relbus.org.uk\)](http://relbus.org.uk) which could be further improved by telling people what to do if they think these standards have not been met, and a commitment to run on time to the timetable information. In terms of legislation, consumers are not helped by the regulation which allows for early running so the Traffic Commissioner (TC) window really needs changing. An accessible redress process needs to form part of every published Charter, not just an online form.

A National Exemplar Charter would be welcome and will help set some common parameters throughout the country and prevent people who regularly use buses in neighbouring areas from having to navigate very different sets of promises. We would be happy to contribute to making this as strong and practical as possible.

## Complaints Handling

Bus Users has performed a complaints role since deregulation in 1985, becoming an Alternative Dispute Resolution Body in 2018. In 2013 we took on the European Passenger Rights Regulation complaints role. Our team is therefore highly skilled and experienced at complaints handling.

We ensure that our campaign work is separated from our complaints work via clear training and audit processes as well as conflict of interest policies specific to ADR staff. The training is part of each relevant employee's induction and ongoing supervision and other staff are also aware that neutrality is part of their role. They are encouraged to discuss particularly emotive or sensitive issues with their direct supervisor if they feel the need to do so, and have the option to hand the case over to a colleague.

There are 5 Complaints Administrators and 3 Programme Managers who supervise them, all of whom are registered ADR officers. The Programme Managers report to the Country Directors, who are not ADR registered.

All staff have regular supervision meetings and reminders of their requirements. Complaints staff also have a team meeting where they discuss any issues or problems they have and if they need input to that, they can ask for guidance from their supervisors or peers. At least once a year, there is also a Complaints team Q&A to discuss any issues which may be of concern.

We would be keen to expand our complaints work with an official remit to cover all bus, coach and tram operators and are perfectly placed to do it if funding were available. It has always seemed anomalous that our compliance, complaints and campaigning/advisory work is already funded by Scottish and Welsh Governments when England is a larger nation, with a larger population and a more diverse bus network and no such funding has been available to date.

Most operators respect Bus Users and value the work we do. We have an excellent relationship with the big 5 operators, as well as the municipals and many members of ALBUM. Indeed, we have been asked to train their complaints staff on many occasions. Where we lack an official enforcement role, however, smaller and less reliable operators have in the past been able to ignore us, particularly those that have no interest in improving their customer experience, accessibility or inclusiveness. It is in the public interest for all operators to be required to engage with us in some way, as required by Trading Standards law, as their passengers are likely to have no means of redress.

Operators also need to be reminded of their requirement to have a published complaints process (as per Passenger Rights Legislation) and an ADR process. They should be required to engage fully with their ADR process, which is not currently the case, and to automatically refer customers to it once their own efforts to resolve a complaint have failed.

Bus Users works with and alongside other organisations wherever it is useful. Most recently, we have built a relationship with the Rail Ombudsman Service in order to identify similarities in our work and to share learning. We have set up workshops for the complaints staff in both organisations to discuss the problems and issues they encounter and how they are approached. This has proved illuminating for all concerned as we have far more in common than we have differences.

If Bus Users were to have Government-backed enforcement powers for complaints, bus and coach customers would be able to expect the same level of customer service and complaint resolution which already exists for rail passengers.

## **Compliance Monitoring**

Bus Users currently has a compliance monitoring role in Scotland and Wales. Extending that role to England would allow for the independent checking of complaint trends in certain areas and investigating particularly egregious issues and providing evidence for a Traffic Commissioner's Public Inquiry, as we do in Wales and Scotland.

Our 8 Bus Compliance Officers (BCOs) work in a separate team reporting to the Country Directors and have their own procedures, targets and reporting mechanisms which have to be meticulously accurate and opinion-free. If anything comes up in the complaints arena that needs verifying or checking by BCOs, it is decided by the senior managers and not by direct liaison with the Complaints Administrators.

Other than this work, BCOs carry out checks on around 5% of registered services running across Scotland and Wales, ensuring there is a geographical spread which covers rural and island transport as well as urban, express and intercity services. They check a wide variety of aspects of service, not just their timeliness and adherence to registration, but also the nature of the vehicle, its accessibility, the driver conduct and comportment, the speed driven, any obstacles or impediments to progress which may cause delays, whether the vehicle is stopped close enough to the kerb for level boarding where possible and a wide range of other issues. In addition, BCOs inspect local bus infrastructure for its condition, accessibility and accuracy of information, both electronic and paper.

All information is shared with the bus companies/local authorities and any regional transport partnerships. In Wales, these results are tied to additional funding for operators. There is no reason why a part of BSOG or its replacement could not be tied to certain elements, such as quality standards on customer experience, fleet decarbonisation, information, accessibility and inclusiveness.

Our presence on the ground brings significant benefits to Welsh Government and Transport Scotland and we would be happy for you to discuss our work with them. Contact details are available if required.

## **Regulatory Review**

We appreciate that changes have been made to the 1985 Transport Act to reflect new priorities and options but we strongly believe Section 63 (4) of the Act should be changed from a 'power' to a 'duty' on local authorities. This deals with the requirements on local authorities to examine what transport needs are not currently being met and how they may be addressed.

Traditionally this has been via some form of subsidy agreement but, as a result of the weak wording, LTAs now feel able to acknowledge a transport need without taking any responsibility for funding or negotiating a solution. As a result, many LTAs, such as Cumbria County Council, have ceased all subsidised transport, leaving many rural communities with no form of public transport at all. While the move towards EPs may resolve some of these issues elsewhere, the public should have a right to expect that their elected representatives will not ignore clear evidence of transport need because they are not in a metropolitan area, where this is a duty within the same Act.

We would like to see a new TC post set up solely for bus and coach or public transport services not covered elsewhere. This Regulator should have a duty to consider the public interest as all other industry Regulators do, and not competition issues which is the job of the CMA.

We are also aware of difficulties in encouraging new blood into the bus and coach provision market, partly caused by the financial standing requirements which are unduly onerous and not present in most other industries for entrepreneurs. There are other legislative areas such as the lack of distinction between large and small vehicles being operated which could use some further consultation. We could bring together a group of diverse providers or former operators who could explain these issues and provide suggestions for potential solutions.

We would also like to see the Certificate of Professional Competence (CPC) driver training include testing of a student's understanding, rather than relying purely on attendance. While unions may be resistant to this change, it is clearly important to ensure training has been absorbed if it is to be effective.

We would like to see some of the suggestions in our paper of April 2021 implemented. Particularly, how we might simplify and bring together all passenger rights as far as possible for all transport modes, to establish a clearly understood set of core rights for all passengers which apply throughout a multi-modal journey, with mode-specific rights laid out as additions.

This should go alongside setting up a single, accessible and seamless process for complainants to gain redress under those rights which apply to them, ensuring all relevant ADR/Ombudsman service staff work together to bring the complainant a single set of resolution options. This could and should include rights not yet written into legislation, such as the Accessible Information Rights which are finally due to be brought into force this year and for which Bus Users has agreed to be the reporting body.

Bus Users is well-placed to be that independent body, working with and alongside other agencies (via Memoranda of Understanding where needed) to provide a one-stop shop for passengers. This would require Bus Users to be given official designation as a nominated body to carry out this work, as well as some enforcement powers, possibly in concert with the new suggested TC for the most serious cases. It would also require additional funding, and some form of DfT communication to all operators involved requiring them to work with us and implement any final outcomes of complaints.

All new legislation or procedures need to be accompanied by simple, jargon-free guides so passengers can understand their rights without having to spend a long time understanding their implications. These rights should be available in a range of formats and languages and to all passengers, from the beginning of the journey booking process or the point of departure for short hops.

### **Work for 2022/23**

Based on these priorities, we would focus on whichever of the following areas are prioritised by the DfT Passenger Experience Team:

- Assist in devising/reviewing an exemplar Passenger Charter and, if required, organise a round table with relevant interested parties to discuss practicalities and potential issues.
- Suggest a standard for passenger redress in EP or franchising schemes locally to ensure there is a smooth transition to ADR processes for any unsatisfied complaint.
- Depending on the outcome of discussions, work up a detailed proposal for Bus Users to provide a programme of complaints and compliance work throughout England, with relevant evidence from other areas of the UK.
- Continue to get feedback from relevant groupings with regard to suggested alterations to Passenger Rights and adjust as needed.

- Revisit the suggested list of bus and coach stations which could be brought into scope under the Passenger Rights legislation so this does not just pertain to Digbeth in Birmingham and London Victoria Coach Station, as this is of little use to passengers. Our suggestion is a programme of expansion of the Rights over a 3-year period, based on the number of passengers using the terminals. Clearly, if the Passenger Rights legislation is to be overhauled, this would need to be factored in to that process so may take longer than the year ahead, but it would be sensible to lay the groundwork early.
- Work with Disability and Access Ambassadors for other transport modes and other subject areas (such as IT and Education)) to ensure that any suggested changes do not throw up unforeseen obstacles to particular groups. They would also be likely to suggest other improvements, including overcoming digital exclusion for many people which is an increasing barrier.
- Organise a virtual round table for regulators and interested parties to discuss the suggested legislative changes.
- Devise a best practice document for operators falling within the scope of the planned revised law/guidance to ensure unnecessary barriers to travel are removed.
- In tandem with CPT and ALBUM, organise a webinar/seminar for bus and coach operators and terminal managers to ensure they understand what their new legal requirements would be and what the agreed timetable could or should be.
- Collaborate on finding evidence and support for potential changes to the regulatory system, depending on priorities.
- Continue to report on complaints falling within the scope of our ADR process and under the Passenger Rights Regulation. These last are very few because of the known problem of lack of public awareness and the complexity of the Rights, despite our efforts to make them easier to understand (see Quick Guides).

## **About Bus Users**

Bus Users campaigns for inclusive, accessible transport. We are the only approved Alternative Dispute Resolution Body for the bus and coach industry and the designated body for handling complaints under the Passenger Rights in Bus and Coach Legislation. We are also part of a Sustainable Transport Alliance, a group working to promote the benefits of public, shared and active travel.

Alongside our complaints work we investigate and monitor services and work with operators and transport providers to improve services for everyone. We run events, carry out research, respond to consultations, speak at government select committees and take part in industry events to make sure the voice of the passenger is heard.

Bus Users UK Charitable Trust Ltd is a registered charity (1178677 and SC049144) and a Company Limited by Guarantee (04635458).

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