

Department for Transport consultation on extending Passenger Focus's remit to bus and coach issues and the requirement to display information

~ Response from Campaign for Better Transport

1) Passenger Focus must handle complaints appeals from bus passengers (Question 12)

We strongly believe that Passenger Focus should handle complaints appeals for bus passengers, as it does for rail passengers. Bus passengers outside London should be able to turn to their new statutory watchdog if they are unhappy with how their complaint has been dealt with by a bus company or transport authority. There are a number of reasons why we think this.

Bus passengers outside London should not be treated as second class citizens

The Department's plans would mean that bus passengers outside London would be the only passenger group without a right of appeal to a statutory body. All transport users in London can appeal to London TravelWatch. Rail users can appeal to Passenger Focus, and the Department assumes that tram passengers should also be able to appeal to Passenger Focus if its new remit includes trams. Elsewhere, the Department recognises clear advantages of giving responsibility for both complaints and advocacy to the same body. These advantages are identified as providing a 'one stop shop' for passengers and enabling Passenger Focus to use information gained in complaints handling in passenger representation work.¹ Bus passengers outside London are poorer, more dependent on public transport and more vulnerable than any other passenger group. And yet, under the Department's plans, this would be the only group of passengers not entitled to appeal directly to Passenger Focus about problems with their bus services.

Treating bus passengers as equal to other passengers would help to remove the stigma sometimes attached to bus travel outside London, and so it is part of the picture when it comes to improving and promoting bus services. Giving bus passengers second class citizen status, on the other hand, would strengthen this stigma and undermine bus travel further.

Treating bus users outside London as second class citizens would be anomalous, and from a practical point of view it would create anomalies: for example, passengers would be able to appeal to Passenger Focus about bus services that are connected to the rail network e.g. bus links provided by rail operators or bus replacement services – but not about regular bus services.

¹ Reforming the framework for the economic regulation of UK airports, Department for Transport consultation, June 2009

The Bus Appeals Body and the Traffic Commissioners are not appropriate bodies to deal with complaints appeals

The Bus Appeals Body is funded by and linked to the bus industry, and therefore may be seen as lacking independence. The Bus Appeals Body has a very low profile and doesn't hear complaints on issues that could cause embarrassment to the companies that fund it (such as fares policies and service changes). As a non-statutory and non-governmental body, there can be no guarantee that it won't change its remit, limit its profile or cut its costs in the future. The Bus Appeals Body cannot force bus operators to respond to its rulings, it relies on the good faith of operators. This is not an acceptable solution when passengers have serious complaints. If the Department truly believes that the Bus Appeals Body is adequate for bus passengers outside London then it is odd that it does not promote a similar solution for other transport users.

The consultation document states that bus and coach passengers will be able to complain to Traffic Commissioners about punctuality and reliability. However, as the Department will be aware, the Traffic Commissioners do not see themselves as a consumer or complaints body and have a very low profile – in general, bus passengers have no idea that they exist.

Appeals can usefully highlight problem areas for Passenger Focus

We think it is unlikely that Passenger Focus would receive a large volume of complaints appeals from bus passengers. Evidence from the PTEs and from London TravelWatch suggests there would only be a small number of appeals. However, if Passenger Focus did receive a large number of complaints appeals, this would indicate that there were serious problems with bus services and/or existing complaints handling processes. If that were the case, then Passenger Focus would clearly need to tackle the problems identified. Not giving Passenger Focus a role in handling complaints appeals would not make these problems go away, it would simply indicate that the Department was happy to ignore them.

The consultation document states that 'properly conducted opinion research is capable of providing more robust evidence of passenger priorities'. There is no doubt that opinion surveys have an important role to play but they are unlikely to pick up on the kind of acute local problems with bus services which might generate complaints and complaint appeals. Such appeals would provide background information to help the watchdog work effectively with the Traffic Commissioners, to ensure that consistent problem areas are dealt with.

Appeals need to be dealt with by Passenger Focus, because, unlike the Bus Appeals Body, it has the powers it needs to make operators respond appropriately. Passenger Focus, supported by the Traffic Commissioners, could make sure that uncooperative operators are made to cooperate when necessary (in the same way that it works with the Office of Rail Regulation when necessary).

Passenger Focus will not be a credible watchdog if it doesn't deal with appeals

Telling bus passengers that they cannot turn to Passenger Focus when they are unhappy with how a complaint has been dealt with would lead to an enormous amount of unnecessary confusion. It would undermine the credibility of the new watchdog – bus passengers would be disappointed to learn that, in their case, Passenger Focus is virtually an "ex-directory" watchdog that cannot help them or represent them when they need to appeal. If passengers do not feel that their new statutory watchdog can help them, they will not see it as representing their views and taking up issues on their behalf.

Passengers rightly expect that a new watchdog would mean that action is taken when they have complaints. They would want Passenger Focus to act as a conduit, so that their input is fed into decision making – in a

transparent, accountable and consistent way - and potentially results in wider policy change. Dealing with complaints appeals should not be Passenger Focus's only role, but this role is a vital part of the picture. Bus users deserve a statutory watchdog that can take action on their behalf when complaints aren't dealt with properly. Passenger Focus will not be seen as a credible watchdog if passengers cannot turn to it as a last resort.

Passenger Focus's draft research on complaints handling supports the idea that the watchdog should handle appeals

We have seen a draft copy of Passenger Focus's research on complaints handling, and we believe its conclusions support our position.

Our understanding is that the research shows the following:

- Passengers have a high level of dissatisfaction with current complaints handling by the bus industry
- Passengers have very limited awareness of any bus industry appeals organisations – none of the passengers in the focus group knew about the Bus Appeals Body
- Passengers value a simple and clear process for complaints handling, not a complicated one
- Passengers do not like being passed between different organisations
- One of the main reasons why passengers are dissatisfied with complaints handling is because they feel that complaining does not lead to improvements. The research says 'it is crucial that passengers are given confidence that their complaints will be investigated and used to affect improvement to increase customer satisfaction'. In this context it makes sense for Passenger Focus to handle appeals, as they can ensure consistent action is taken, and use information provided through appeals when appropriate
- Passengers suggested that any appeals body should work in partnership with operators to improve services and should have the powers to reprimand operators for consistently poor performance
- Several passengers said that any appeals body should be independent

Passenger Focus says 'there are obvious advantages for passengers in having appeals handled by an independent statutory body, one that also has responsibility for handling appeals on rail and potentially other modes of transport' and it would be happy to handle appeals on buses, coaches and trams if funding were provided.

2) Passenger Focus must use information powers to provide comprehensive data benchmarking local buses (Questions 5, 6, 7, 8)

We strongly support the power proposed under section 112E for Passenger Focus to request information from bus operators, and also from transport authorities. Furthermore, we think Passenger Focus must be encouraged to use its powers, not just to resolve specific issues, but to provide comprehensive benchmarking data about local bus services.

Passenger Focus has had success in pushing up rail standards by monitoring a limited number of rail franchises using passenger surveys, but this approach cannot easily be transferred to the bus market outside London. Unlike rail services, bus services are very local and improvements must be made at the local level, by local bus companies and, crucially, by local authorities. Transport authorities have responsibility for improving buses in their area, and new powers (from the Local Transport Act 2008) to help them do this. The Department has said that it will no longer assess Local Transport Plans, instead, 'authorities are accountable to their communities rather than to the Department for both the quality of the transport strategies prepared and for ensuring effective delivery'.

Yet we understand that there are no current plans for Passenger Focus to provide a detailed nationwide picture of passenger opinion by operator and local authority area. There will be sample in-depth surveys only - as well as the highly aggregated national surveys inherited from the Department. We think that the very local nature of bus services means that this approach will be completely inadequate. Passenger Focus's benchmarking, in order to be meaningful, must allow people to hold bus operators and local authorities to account at the local level.

Unlike national rail or London buses, information on the performance of local bus services outside London is often not publicly available. It is almost impossible for people to find out how their local authority area is doing in terms of punctuality, information provision, bus stops, spending on tendered services and so on. Passenger Focus should have a key role to play in making comprehensive information about local bus services publicly available and easily accessible. This would mean that bus companies, transport authorities and local people would know whether their buses are meeting appropriate standards, how they compare to others and what needs to be improved. While different transport authority areas face different challenges, there does need to be some benchmarking so that they can be compared in terms of the outcomes for passengers. Buses need improving, and making accurate data available about current provision is a key first step. This would be consistent with the Government's approach outlined in its recent consultation *Strengthening Local Democracy*, with proposals to increase local authorities' scrutiny of private sector service providers. Making information available will be key to improving local scrutiny of decisions affecting public transport.

In practical terms, we are not suggesting that Passenger Focus undertake local surveys itself. Instead, it should require transport authorities to provide the key data that they already collect on their local bus services. This would include all of the information provided in the existing but not publicly available ATCO benchmarking survey. This includes expenditure on local buses per head, spend on public transport information per head, punctuality data, cost of concessionary travel and take up, bus shelter provision, information display at bus stops and other indicators.

At the same time, Passenger Focus should require information from bus companies about the performance of individual routes. Some of this data can be obtained using GPS, but other data might be more difficult to collect. The Government should consider introducing it as a condition of operator licensing that the bus company provides standard information that could be used for local benchmarking of routes, on an ongoing basis. (We also strongly support Passenger Focus's suggestion that operators should be required to report annually on the number of complaints they have handled, the speed of responding to them and the action they have taken as a result.)

Finally, we think that it would be unnecessary and bureaucratic to establish an arbiter for disputed information or introduce a value for money test for the use of information powers. Passenger Focus is very unlikely to abuse its powers to require information – the way in which it has used its powers on rail shows that it acts in a proportionate and reasonable way to defend passengers' interests. Introducing arbiters or tests could encourage bus companies or local authorities to repeatedly challenge Passenger Focus's use of its information powers. They would have little to lose, and might want to delay action being taken or to undermine Passenger Focus's work. Passenger Focus should be encouraged to collect information, not discouraged.

3) Passenger Focus must be able to refer problems to the Traffic Commissioners (Questions 9 and 11)

Passenger Focus must be able to refer matters to Traffic Commissioners or the Secretary of State for them to exercise appropriate powers when it does not receive an adequate response. The regulatory environment

for buses is very different from the environment for rail. The bus industry at present is deregulated outside London, and there is no obligation for bus companies to cooperate, whereas there are national franchises for rail. In this context, statutory powers are particularly important. The Traffic Commissioners have the powers (which Passenger Focus lacks) to investigate and penalise poor performance on bus services. This means that Passenger Focus will have credibility because it can take matters further if performance issues are not addressed and if operators or local transport authorities do not act on its representations. The Traffic Commissioners should have a duty to have regard to Passenger Focus's recommendations.

4) Information must be displayed on buses and at bus stations (Questions 15, 16, 18, 19, 20)

We agree that bus operators should be required to display information about how to complain on their buses – as should tram and local ferry service providers. We think that providers of bus stops and stations (transport authorities) should also be required to display such information. We agree that the regulations should be prescriptive about the location and design of information, to ensure passengers' needs are met.

In PTE areas, we think it could make sense for the PTE to be the primary complaints body with Passenger Focus acting as the appeals body. In this case the information displayed should reflect this system, so the PTE contact details would be put on the buses. This would simplify complaints handling for passengers – bus service and infrastructure complaints would be dealt with in a one stop shop, and complaints appeals would go to Passenger Focus. However, it is important that this process is made very clear to passengers. This would replicate the system in London (where Transport for London is the primary complaints body and London Travelwatch is the appeals body). Existing complaints handling by PTEs is efficient and transparent, and some PTEs already deal with bus company complaints. As the strategic public transport planning bodies the PTEs can use complaints information (alongside other sources of information) to identify key areas for improvement and action, and to identify issues for resolution with bus companies. They should pass on the comprehensive information they obtain to Passenger Focus and others.

5) Passenger Focus's remit must include trams, local ferries and bus stops (Questions 1, 3, 13)

Passenger Focus should be the statutory watchdog for tram passengers and local ferry passengers, including taking on an appeals role for both. These public transport users also need representation.

The consultation paper is not entirely clear about whether bus stops are defined as road passenger transport facilities – these must be included as well as bus stations.

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Cat Hobbs, Campaign for Better Transport

Campaign for Better Transport is the leading transport NGO. Our compelling arguments and ideas have won us the support of national decision-makers and local activists, enabling us to secure transport policies and programmes that improve people's lives and reduce environmental impact.

Unit 16 Waterside, 44-48 Wharf Road, London, N1 7UX

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