



## Passenger Focus review of the handling of bus and coach appeals

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## Summary

- A It should be clear how passengers can take their complaint further if they are not happy with the response they receive from the operator or local transport authority, and simple for them to do so. This involves:
- good publicity explaining who the passenger should contact and what they can expect
  - clear procedures, including a concise and rational explanation of the criteria for referring cases from Bus Users UK to the Bus Appeals Body (BAB)
  - inclusive procedures which encourage the passenger to pursue complaints and appeals on any matter of concern
  - a simple 'one stop shop' with a single individual guiding the passenger through all stages of the process
  - publication of key targets reflecting what matters to passengers and performance against them
  - using appeals cases, where appropriate, to explore issues which may require changes to policies and procedures in order to improve passengers' experiences
  - a professional approach, including effective systems for keeping records of appeals cases.

- B Such evidence that we have suggests that Bus Users UK and BAB are generally doing a good job at resolving bus and coach passengers' complaints. However, our review has highlighted a number of areas which need to be improved before we can say that the system for handling bus and coach appeals is on a par with the system operating on the rail side.

- C We make the following recommendations

*Recommendation 1: We strongly recommend that publicity on how to complain is reviewed with a view to achieving greater separation between (1) the role of the independent passenger body, Bus Users UK, which should handle appeals on all matters where passengers are dissatisfied, including complaints about local authorities and passenger transport executives, and (2) the role of the Bus Appeals Body (BAB), which is a further stage that some passengers can use to pursue their appeal still further if Bus Users UK have been unable to resolve it.*

*Recommendation 2: We recommend that BAB rewords its terms of reference to remove the exclusion on discretionary compensation cases from point 6 and the catch-all nature of the exclusion set out in point 16.*

*Recommendation 3: We recommend that bus and coach operators should inform complainants of how to exercise their right of appeal whenever they respond to their complaint. If this voluntary approach does not work, Government may need to consider requiring such an approach, for example by implementing the Regulation on which the previous Government consulted.*

*Recommendation 4: We further recommend that Bus Users UK should seek to take the action required to give a higher profile to Bus Users UK and BAB when bus and coach passengers are putting key words into search engines.*

*Recommendation 5: We recommend that Bus Users UK publicity gives greater prominence to its role in handling scheduled coach appeals, not least since the names BAB and Bus Users UK makes it less than obvious that coach appeals are included.*

*Recommendation 6: We also recommend that Bus Users UK publicity includes a statement about how it may take up with the bus and coach industry issues raised in appeals but which cannot be resolved to the passenger's satisfaction, to seek improvements for bus passengers as a whole.*

*Recommendation 7: Bus Users UK and BAB should publish information about how investigations have led to changes in bus and coach operators' (and in the case of Bus Users UK, local transport authorities') policies and procedures. Passenger Focus would welcome discussions with Bus Users UK about how a deeper analysis of the issues raised by its complaints could be carried out and used as a basis to campaign for improvements for bus passengers as a whole.*

*Recommendation 8: Bus Users UK and BAB should set targets for the speed with which they will resolve appeals, and publish their performance against them.*

*Recommendation 9: We recommend that Bus Users UK and BAB introduce a regular satisfaction survey of bus and coach passengers with the way their appeal has been handled and publish the results.*

*Recommendation 10: We recommend that Bus Users UK tightens up on how it records cases to ensure that (1) 'initials' (cases where the passenger has come straight to Bus Users UK) are removed from the system or, at least, held on a separate part of the system, and (2) that full notes of all telephone conversations are held on the system.*

*Recommendation 11: We recommend a more proactive approach is taken to gathering evidence from passengers and operators prior to BAB meetings.*

*Recommendation 12: Wherever possible BAB should place a note of the passenger's reaction to the BAB decision on the system.*

- D We believe further reviews to report on progress towards achieving these recommendations would be in everybody's interests. We look to Government to advise on appropriate timescales.

## Main report

### 1 Background to the review

- 1.1 To feed into our response to the DfT consultation on the extension of our remit in 2009, Passenger Focus carried out research in order to understand the current arrangements for handling bus complaints and appeals and passengers' experience of making a complaint.
- 1.2 Drawing on this research, and on a study of industry complaints procedures, Passenger Focus wrote a policy report on *Handling complaints and appeals from bus passengers*, a copy of which can be found at <http://www.passengerfocus.org.uk/bus/news-and-publications/document-search/document.asp?dsid=4402>. The report included 25 recommendations, a number of which were specifically on the handling of appeals. We sent the report, together with the research, to the DfT on 8 October 2009.
- 1.3 On 8 January 2010, Anthony Ferguson, Divisional Manager, Buses and Taxis Division, responded on behalf of the Government. He confirmed that Ministers had decided the Bus Appeals Body (BAB) should continue to deal with bus and coach complaints appeals. He continued:

*However, Ministers recognise that the results of the [Passenger Focus] review did raise concerns about the fact that BAB did not consider complaints about matters on routes, timings, level of service or pricing, and found a high level of dissatisfaction more generally with operators' complaints handling. Ministers would therefore like PF to work with the Confederation of Passenger Transport and Bus Users UK to address these issues. To this end the Minister of State for Transport, Sadiq Khan, has written to them stressing the importance of working collaboratively, and with PF, to bring about improvements.*

*If improvements are made to the BAB, and PF are able to confirm to Ministers in due course that the system is working to a level comparable to how you deal with rail complaints appeals, then we expect this arrangement to continue indefinitely. However, we are currently exploring whether the powers of PF could be extended to enable PF to charge industry in future for carrying out certain of your functions... This would provide the Department with maximum flexibility should it become clear that the present system of dealing with complaints appeals is not working.*

- 1.4 Passenger Focus believes that passenger complaints should be viewed as an opportunity rather than a threat, and we are completely committed to working with the industry to help them to handle them right first time, thus making passenger appeals unnecessary. We have continued to pursue the issues highlighted in our report by carrying out pilot reviews of bus operator and local transport authority complaints handling in South Yorkshire and Oxfordshire and discussing the findings with a specially convened national Complaints Stakeholder Group including representatives of the big 5 bus operators and the local authority side. We are now in the process of discussing a programme of further reviews with members of the Group.

## **2 Terms of reference for the review**

2.1 David Sidebottom, our Bus Passenger Director, wrote to Lord Snape of Wednesbury, Chairman of BAB on 8 February, outlining the purpose of the review and highlighting its main elements:

- a review of the policies and procedures of BAB, including its remit
- a review of a sample of cases

2.2 In accordance with Passenger Focus' remit, the review covers England only (the BAB remit also covers Wales) and it includes the handling of appeals from domestic scheduled coach passengers as well as bus passengers.

2.3 The review has focused in the main on appeals about the services provided by bus operators, rather than appeals about bus service infrastructure and other related local authority and passenger transport executive responsibilities, which is a whole subject in itself.

## **3 Methodology for the review**

3.1 The review was discussed briefly at a BAB meeting on 14 February.

3.2 In our letter to Lord Snape we asked to be sent an up-to-date copy of:

- the BAB terms of reference
- any other statement of complaints handling policy or procedure, including internal guidance or training materials for staff

3.3 Mike Bartram, Policy Adviser and Kerry Williamson, Passenger Link Manager for Passenger Focus visited the offices of Bus Users UK in Shepperton on 22 February, where they met with Stephen Morris, Mike Gilson and Julian Osborne and were given access to their database of cases. They were given temporary remote access to the system for the duration of the review. They jointly selected a sample of 23 English bus and coach cases, representing a range of operators and issues, some settled by Bus Users UK with others proceeding all the way to a meeting of BAB for a formal decision.

3.4 We were directed to the terms of reference which appear on the BAB website. And we were given hard copies of two leaflets:

- *Getting the best out of your bus service? Why not get on board with us!*
- *Had a bad experience on the bus? The Bus Appeals Body may be able to help you*

3.5 We reviewed these documents, and what we were told during our visit to Bus Users UK's Shepperton offices against the findings and recommendations contained in our policy report on *Handling complaints and appeals from bus passengers*.

3.6 Passenger Focus has statutory responsibility for handling appeals from rail passengers in England, Scotland and Wales (in London, appeals are handled by

London TravelWatch). So we also visited Passenger Focus' Manchester office on 3 March, viewing the system for recording appeals, talking to staff and reviewing documents to provide a basis for comparison with BAB.

#### **4 Final report**

- 4.1 A draft copy of this report was sent to BAB on 8 March and was discussed with BAB at a specially convened meeting on 14 March.
- 4.2 Bus Users UK and BAB have written back commenting on our draft report. As a result, a number of amendments have been made to it.
- 4.3 This final version has been sent to Anthony Ferguson at the DfT together with a copy of the comments from Bus Users UK and BAB.

#### **5 Distinguishing the roles of Bus Users UK and BAB**

- 5.1 When passengers are not satisfied with the response to their complaint from a train operating company they can complain to the statutory passenger representative body, Passenger Focus. Generally speaking, if Passenger Focus is unable to resolve the complaint to the passenger's satisfaction, there is no further appeal mechanism (although, of course, passengers may still take their complaint to MPs or the media or, in certain cases, go to law). In some instances, where we sympathise with the passenger but are unable to achieve the immediate outcome that they are seeking, Passenger Focus may choose to lobby for changes, for example to address the longer term root cause of the problem or to call for an improvement in passengers' rights.
- 5.2 In theory, Bus Users UK plays a similar role for bus and coach passengers, although they are non statutory and have limited funding. BAB represents an additional formal appeals stage for bus and coach passengers, which does not exist on the rail side.
- 5.3 We understand that Bus Users UK only very rarely receive appeals from passengers who are dissatisfied with the way their complaint has been handled by a local authority or passenger transport executive. Some local authorities have corporate complaints handling procedures which include an appeal stage, usually to a more senior person or to a separate department within the authority. Some passenger transport executives have specially-constituted bodies to which appeals can be referred. Matters involving maladministration can be referred to the Local Government Ombudsman. Even so, some authorities do publicise BAB. Yet Bus Users UK's and BAB's own publicity is silent on local authority and passenger transport executive appeals.
- 5.4 Much of the publicity material appears to conflate the roles of Bus Users UK and BAB, giving the impression that there are barriers to taking certain kinds of appeal further, barriers which we believe to be unnecessary and which, from discussions with Bus Users UK do not appear to reflect their intentions.
- 5.5 More than nine out of ten bus and coach appeals are resolved by Bus Users UK without reference to BAB. It therefore seems both surprising and confusing that the whole of the bus and coach appeals handling process is defined by a stage which is only experienced by less than one in ten of complainants making an appeal.

- 5.6 While it is important that passengers are clearly informed when they have moved from the Bus Users UK appeal stage to the BAB appeals stage, it seems sensible to hold complete records of all cases on an integrated system managed by Bus Users UK.

**Recommendation 1: We strongly recommend that publicity on how to complain is reviewed with a view to achieving greater separation between (1) the role of the independent passenger body, Bus Users UK, which should handle appeals on all matters where passengers are dissatisfied, including complaints about local authorities and passenger transport executives, and (2) the role of the Bus Appeals Body (BAB), which is a further stage that some passengers can use to pursue their appeal still further if Bus Users UK have been unable to resolve it.**

## **6 BAB terms of reference**

- 6.1 We have previously recommended that BAB reviews its terms of reference to enable bus and coach passengers to pursue an appeal on any matter where they are not satisfied with the initial response they have received.

- 6.2 Point 2 in the BAB terms of reference states that:

*The Bus Appeals Body (BAB) will consider complaints arising from the operation of local bus and scheduled coach services [not policy or commercial matters on routes, times, level of service or pricing]...*

- 6.3 Point 3 states:

*The Bus Appeals Body will deal with complaints arising from individuals' use or attempted use of [local bus and scheduled coach] services [not "group actions"].*

- 6.4 On the rail side Passenger Focus imposes no such restrictions on passengers.

- 6.5 It is perhaps realistic for a joint passenger-industry body such as BAB to exclude commercial matters, given that passengers by this stage would already have been able to exercise their right of appeal to an independent passenger body.

- 6.6 We also accept that it would not be appropriate to refer appeals on matters that are the responsibility of local authorities to the BAB as presently constituted as a passenger-bus operator body without local authority representation. Bus Users UK should encourage passengers to bring them appeals about bus facilities and infrastructure where they are not happy with the response of the local transport authority, but it would not be appropriate for the BAB to get involved.

- 6.7 However, we would recommend some important changes to the BAB terms of reference:

- Point 6 in the BAB terms of reference excludes all claims for compensation. We accept that personal injury cases are likely to introduce references to legal entitlements and thus may need to be handled separately. However, we can see no justification for excluding discretionary compensation cases, e.g. requests for financial compensation from passengers subject to severe and/or repeated

delays. By doing this, BAB is unnecessarily constraining the range of remedies at their disposal (which are referred to in point 11 of the terms of reference).

- Point 16 reserves the right of BAB not to handle appeals which would qualify within its terms of reference. This should be reworded to refer only to vexatious cases.

**Recommendation 2: We recommend that BAB rewords its terms of reference to remove the exclusion on discretionary compensation cases from point 6 and the catch-all nature of the exclusion set out in point 16.**

## **7 Review of the policies and procedures of BAB**

- 7.1 In our report on *Handling complaints and appeals from bus passengers* we made a number of additional recommendations that related specifically to the handling of bus and coach appeals:

*Recommendation 20: In the Government's consultation, the proposed Regulation 5 would require operators to provide contact details for appeals if passengers are not satisfied with the way their complaint has been handled. We support this proposal. The Traffic Commissioners should be asked to enforce this requirement. We suggest that, in the first instance, the Department discusses with the Vehicle Operating Standards Agency (VOSA) a practical way of handling enforcement of this Regulation.*

*Recommendation 21: All bodies handling bus appeals should publish their policies and procedures for handling appeals. First stage complaints handling bodies should make reference to the existence of policies and procedures when alerting complainants to their right to appeal, and to advise them how they can obtain a copy.*

*Recommendation 22: All bodies handling bus appeals should keep a record of all appeals and report annually on the number they received.*

*Recommendation 23: Appeals handling bodies should report annually on how quickly they have dealt with appeals and what action was taken as a result of them.*

*Recommendation 24: The Bus Appeals Body should carry out satisfaction surveys of appellants and publish the results. Other appeals handling bodies should also consider doing so.*

- 7.2 We return to these recommendations below.

## **8 Raising passenger awareness of how to complain**

- 8.1 As we said in *Handling complaints and appeals from bus passengers* the right to an independent appeal is ineffectual if passengers are unaware of it and do not have the information they need to pursue an appeal. We found low awareness among the passengers we spoke to, reflecting the patchy publicity given to how to appeal. So we supported the introduction of a proposed regulation to require operators to provide contact details for appeals if passengers are not satisfied with the way their complaint has been handled and are disappointed that the proposal appears to have been dropped.

8.2 As we observed at the time:

*Discussions with operators indicated that they often only provide information to passengers on how they can appeal once they have done everything they can to resolve the complaint themselves. Few local transport authorities provide information on bus appeals organisations. For example, only three local transport authorities provide information on bus appeals bodies on their websites.*

8.3 Putting the terms 'bus complaint', 'bus appeal', 'coach complaint' and 'coach appeal' into an internet search engine revealed good results for 'bus complaint' and 'bus appeals' (plural) but poor results for 'bus appeal' (singular), 'coach complaint' and 'coach appeal'. From a passenger's point of view, this is distinctly 'hit and miss'.

8.4 The Bus Users UK leaflet *Getting the best out of your bus service? Why not get on board with us!* includes a helpful explanation of how to complain about a bus service or the way you have been treated by a bus company, and how to appeal if you do not get a satisfactory reply. The leaflet *Had a bad experience on the bus? The Bus Appeals Body may be able to help you* explains this in more detail. However, it appears that distribution of these leaflets is limited and is likely to have a relatively minor overall impact on awareness levels of passengers.

8.5 By way of comparison, train operating companies are required by their licence conditions to place a notice at every station and, in many cases, in each train carriage, explaining to passengers how to complain and how to appeal if they are not happy with the way their complaint has been handled.

8.6 Bus Users UK received 508 appeals from bus and coach passengers in England in 2010, 34 of which were escalated to BAB. This compares with 291 appeals received from bus and coach passengers in Wales. By comparison, Passenger Focus receives well over 2,000 appeals a year from rail passengers in Great Britain.

8.7 We recognise that without an increase in funding, it might be difficult for Bus Users UK to maintain its existing, generally high standard of appeals handling were improvements in passenger awareness levels to result in an increasing number of appeals.

8.8 Nevertheless, more needs to be done to tell complainants how to take their appeal further if they are not satisfied.

**Recommendation 3: We recommend that bus and coach operators should inform complainants of how to exercise their right of appeal whenever they respond to their complaint. If this voluntary approach does not work, Government may need to consider requiring such an approach, for example by implementing the Regulation on which the previous Government consulted.**

**Recommendation 4: We further recommend that Bus Users UK should seek to take the action required to give a higher profile to Bus Users UK and BAB when bus and coach passengers are putting key words into search engines.**

## 9 Policies and procedures

9.1 In our report on *Handling complaints and appeals from bus passengers* we recommended that appeals handling bodies should publish their policies and procedures.

- 9.2 Passenger Focus complaints handling procedures are set out in *Our procedure for dealing with your complaints*, published in April 2009. This includes our targets for responding to appeals and a section on *acting on the information you give us*.
- 9.3 The BAB website and the leaflet *Had a bad experience on the bus? The Bus Appeals Body may be able to help you* do explain how to make an appeal if you have a problem with a bus journey and sets out what will happen if you do so.
- 9.4 In a complaints handling operation that revolves almost entirely around two individuals, the absence of detailed Bus Users UK and BAB written procedures and training manuals is hardly surprising and they are arguably unnecessary in order to achieve a high level of consistency and professionalism. However, it would be worth Bus Users UK considering codifying more of what they do where this might benefit passengers, operators and staff.
- 9.5 However, we would recommend a couple of changes to Bus Users UK and BAB publicity:
- There is no mention of coach journeys until page 5: some coach passengers with a complaint may not have read this far, so an earlier reference is essential
  - The publicity would benefit from a statement about how Bus Users UK may take up with the bus and coach industry issues raised in appeals but which cannot be resolved to the passenger's satisfaction, to seek improvements for bus passengers as a whole

**Recommendation 5: We recommend that Bus Users UK publicity gives greater prominence to its role in handling scheduled coach appeals, not least since the names BAB and Bus Users UK makes it less than obvious that coach appeals are included.**

**Recommendation 6: We also recommend that Bus Users UK publicity includes a statement about how it may take up with the bus and coach industry issues raised in appeals but which cannot be resolved to the passenger's satisfaction, to seek improvements for bus passengers as a whole.**

## **10 Recording and reporting on appeals**

- 10.1 One opportunity which flows from handling appeals is the insight it provides into areas of passenger dissatisfaction with bus services and into the effectiveness of different operators' complaints handling services.
- 10.2 Bus Users UK publish an annual report on the complaints they handle on their website and in their *Bus User* magazine. It is also available as separate printed or PDF documents. They also publish an annual report on the appeals handled by BAB. These reports include the total number of appeals dealt with by BUUK, the total number referred to BAB and a breakdown of each according to the issues raised. Bus Users UK forward a monthly spreadsheet of cases, accompanied by a commentary, to four of the big five bus operators, and actively engage with them over the issues thus captured.
- 10.3 Bus Users UK categorise its appeals and those that reach BAB by reference to 12 categories; Passenger Focus break down the appeals it receives into 150 categories.

- 10.4 Passenger Focus would welcome discussions with Bus Users UK about how a deeper analysis of the issues raised by its complaints could be carried out and used as a basis to campaign for improvements for bus passengers as a whole.
- 10.5 We would be interested to see concrete evidence of where investigations arising from bus and coach appeals have led to changes in policy or procedure. It would be helpful if this information were to be published.

**Recommendation 7: Bus Users UK and BAB should publish information about how investigations have led to changes in bus and coach operators' (and in the case of Bus Users UK, local transport authorities') policies and procedures. Passenger Focus would welcome discussions with Bus Users UK about how a deeper analysis of the issues raised by its complaints could be carried out and used as a basis to campaign for improvements for bus passengers as a whole.**

## **11 Speed of response**

- 11.1 We believe that all organisations handling complaints or appeals should set targets for how quickly they handle them and for passenger satisfaction with the way they are handled. Passenger Focus has published targets for answering the phone (at least 85% of calls answered within 20 seconds) and closing an appeal (35 working days).
- 11.2 The leaflet *Had a bad experience on the bus? The Bus Appeals Body may be able to help* states that “the Bus Appeals Body aims to take no more than eight weeks from receiving a case to reach a decision, though sometimes it can take longer if the case is more complicated”. However, BAB does not report on its performance against this target. No systematic record is kept of how quickly cases are being resolved.
- 11.3 In the admittedly small, but randomly selected, sample of cases that we looked at, Bus Users UK were turning around many of the appeals they were able to resolve without recourse to BAB relatively quickly, often within a week or two and usually within a month.
- 11.4 However, many of the cases we looked at which were referred to BAB took at least three months to resolve and many of them were not resolved for 4-6 months. In our view this is far too long, and risks making the passenger feel dissatisfied with the process even if the decision is ultimately in their favour.
- 11.5 We accept that there will always be some exceptionally complex and intractable cases. However, many of the BAB cases we looked at seemed to be characterised by significant periods of inactivity if the correspondence on file can be relied upon. Where operators are dragging their feet, more pressure needs to be put on them to respond within BAB timescales.

**Recommendation 8: Bus Users UK and BAB should set targets for the speed with which they will resolve appeals, and publish their performance against them.**

## 12 Testing passenger satisfaction

12.1 There is arguably no better test of how well complaints and appeals are being handled than to regularly ask complainants.

12.2 Passenger Focus surveys complainants every month and uses the results to flag up areas where it needs to improve. Results are published in *Passenger Voice* magazine. Complainants are asked:

- How easy it was to contact Passenger Focus
- Whether they were happy with the time it took to get through to someone
- Whether the person they spoke to was polite and courteous
- Whether they empathised and understood their complaint
- Whether they were interested in their complaint
- Whether they were happy with the time it took to get a response/decision
- Whether they were helpful
- Whether they had the knowledge to deal with the complaint
- How satisfied/dissatisfied they were with the way the contact was handled

12.3 In the absence of its own passenger satisfaction data, it is pleasing to note several instances in the cases we looked at of passengers offering thanks and praise to Bus Users UK for the way their appeal has been handled. For example:

- *"I think that you have been tremendously helpful in this matter and I am extremely impressed with the service that you offer to the public" (case 11/039)*
- *"I can't say I'm satisfied with the outcome...but I appreciate that through your good offices at least the Customer Services Department has been held to account". Bus Users UK are described as "efficient" and the complainant states that "National Express appear to take notice of you" (case 11/013)*

12.4 However, in respect of the cases that are referred to BAB, we also note that typically BAB will not hear back from the passenger after it has made its decision and thus has no way of knowing whether they are satisfied with the decision.

**Recommendation 9: We recommend that Bus Users UK and BAB introduce a regular satisfaction survey of bus and coach passengers with the way their appeal has been handled and publish the results.**

## 13 Review of Bus Users UK cases

13.1 Passenger Focus has carried out pilot reviews of bus complaints handling by operators and authorities in Oxfordshire and South Yorkshire, and has started to discuss a programme of operator-based complaints reviews with the larger bus companies. Assessment quality criteria have been developed covering: (a) speed of response; (b) clear and customer focused replies; (c) investigation to prevent recurrence of the problem; and (d) redress.

13.2 We had originally intended to employ the same approach in assessing the performance of Bus Users UK and BAB. However, it quickly became clear that while the speed of response and redress criteria were appropriate, the quality of investigations and replies were more often a reflection of the performance of the

operator than the body handling the appeal. The ability of Bus Users UK to achieve a result for the passenger is often a reflection of the relationship they have built with the operator and their reasonableness in putting the case of the passenger.

- 13.3 We were told that the 'threat of referral' by Bus Users UK to BAB, whether articulated or not in each particular instance, had often been helpful in contributing to a speedy resolution of a case. The potential for the case dragging on and taking up disproportionate staff time; for the people involved being criticised by a senior manager within their company; or for the reputation of the company being damaged publicly or within the wider industry can all be factors in persuading operators to come to an early settlement.
- 13.4 We were impressed by the level of commitment shown by the officers at Shepperton (who sometimes log in at the weekend to check if any new cases have been received) and by their evident professionalism: their knowledge of the industry, judgement, negotiating skills and diplomacy.
- 13.5 We were impressed too by the emphasis placed by the officers on the building of relationships with key contacts. They speak to some of the larger operators as frequently as once a week, and this undoubtedly helps to reduce the potential for discussion of cases to become polarised or confrontational.
- 13.6 Arguably the reduction in the proportion of the appeals received by Bus Users UK being referred to BAB is a sign that the first stage of the appeals process is working well. In four or the last six years between 75 and 90 cases have been referred; in 2010 this figure dropped to 41, of which 34 were in England. However, a certain amount of caution needs to be exercised, given that even fewer cases were referred in 2008 (although BAB is confident that there is a unique explanation for the low number of cases it received in that year)..
- 13.7 We have seen no evidence that being industry-funded "cramps the style" of Bus Users UK. The emphasis on building relationships with bus operators and on negotiating realistically from a passenger perspective seems to closely mirror the approach taken by Passenger Focus when handling rail appeals.
- 13.8 Computerised logging and tracking of appeals was introduced in January 2009, since when over a thousand cases have been logged, of which around a hundred were still live when we visited. However, it can still prove difficult to get all of the information in one place. A number of logged cases appear to be first stage complaints which Bus Users UK simply forwards (correctly) to the operator and invites the passenger to come back to them if they are not happy with the reply they receive. These should probably not be on the system. A failure to record the different elements in a composite appeal has, in more than one instance, led to certain aspects of an appeal not being dealt with.
- 13.9 We did come across an example where, in the understandable interests of trying to speed up the process, Bus Users UK has paraphrased back to the passenger what the operator has said to them, thus risking appearing to be siding with the operator.
- 13.10 We also came across an example where we felt that Bus Users UK had immediately accepted the operator's description of events when arguably a more proactive, questioning approach from the start might have enabled them to challenge their account from a more informed position. However, we do accept that, in the absence of CCTV evidence, cases that pitch one person's story against another are always more difficult to resolve.

- 13.11 Passenger Focus has found that the nub of a complaint can often be more easily understood if the opportunity is taken to speak to the passenger early on and, if skilfully handled, anger can be diffused more easily in conversation than through correspondence. Of course, passengers do not always include a note of their phone number. There are relatively few notes on file of telephone conversations with either the operator or the passenger. It was not clear to us whether this reflects a culture which favours putting things in writing or a failure to make a record of all telephone conversations.

**Recommendation 10: We recommend that Bus Users UK tightens up on how it records cases to ensure that (1) 'initials' (cases where the passenger has come straight to Bus Users UK) are removed from the system or, at least, held on a separate part of the system, and (2) that full notes of all telephone conversations are held on the system.**

## **14 Review of BAB cases**

- 14.1 One way of looking at the effectiveness of BAB, from a passenger perspective, is to look at the frequency with which it decides in favour of the passenger. In 2009, 77.5% of cases were decided in the passenger's favour, with 11.25% in favour of the operator. In 2010, 63.4% were found in favour of the passenger, with 12.2% found in favour of the operator; 22% were withdrawn. On the face of it, the BAB is working well for many passengers.
- 14.2 We are not aware of a significant problem with enforcing BAB decisions against operators, although it appears that it is sometimes easier to exercise leverage against Confederation of Passenger Transport members than non members. The 2010 BAB annual report states that two operators have been referred to the traffic commissioners. It would be helpful to know the outcome of these referrals.
- 14.3 Having said this, and as noted above, in the absence of a complainant satisfaction survey, the reaction of the passenger to the BAB decision is generally not recorded – the last item on the file being the decision note. This appears to be a missed opportunity to get comments from the passenger on their satisfaction with the process and the outcome (see recommendation 9 above).
- 14.4 In some respects, the common sense judgements of the members of the BAB may be facilitated by the Body's surprisingly informal procedures and meeting style. However, it can only aid good decision-making if all of the necessary facts are available to those making the decisions.
- 14.5 Decisions about redress seem to be largely of the 'finger in the air' variety, rather than being calculated on any transparent and rational basis, and this risks passenger appeals being treated inconsistently. We accept that it may be easier to develop a rational approach in a regulated industry such as rail than in deregulated ones such as bus or coach, where passenger entitlements are very limited. Nevertheless, we would welcome a commitment from Bus Users UK to work towards consistent outcomes for passengers who experience similar service failures, wherever possible.
- 14.6 Given the length of time that many of the cases take, it is hard to understand what is creating the delay. In most instances, the case file suggested that there has been limited if any contact between Bus Users UK and either the passenger or the operator between the referral and the BAB meeting. This is all the more surprising

when, occasionally, cases come to the meeting where some of the basic factual information on which a case hinges appears to be missing.

**Recommendation 11: We recommend a more proactive approach is taken to gathering evidence from passengers and operators prior to BAB meetings.**

**Recommendation 12: Wherever possible BAB should place a note of the passenger's reaction to the BAB decision on the system.**

## **15 Conclusion**

- 15.1 The previous Government has clearly stated that it wishes to see the system for handling bus and coach appeals to be “working to a level comparable to how [Passenger Focus deals] with rail complaints appeals”. We have continued to work with officials since the change of administration.
- 15.2 We have been impressed by the dedication and professionalism of all those involved in Bus Users UK and on BAB and believe that such evidence that we have suggests that they are generally doing a good job at resolving bus and coach passengers' complaints.
- 15.3 However, our review has highlighted a number of areas which need to be improved before we can say that the system for handling bus and coach appeals is on a par with the system operating on the rail side. In particular, we would wish to draw attention to the need to monitor and report on performance against speed of response targets and the need to carry out regular satisfaction surveys of complainants. There are also a number of other recommendations we have made throughout this report on the back of the review we have carried out.
- 15.4 Above all, we recommend that there is a clearer separation between the first stage Bus Users UK appeals process and the second stage BAB process. Bus Users UK should accept appeals on whichever issues bus and coach passengers wish to refer to them and should work with Passenger Focus and others to bring about improvements which address issues which continually create dissatisfaction among passengers or where a change in the policies and practices of the bus industry or local authorities are required. BAB should continue with an only slightly amended remit to handle referrals from Bus Users UK.
- 15.5 In any case, Bus Users UK and BAB can only carry out their appeals handling functions if they continue to receive significant funding, most of which currently comes from bus operators. We would welcome a clear commitment from the industry on this point.
- 15.6 We would welcome a continued opportunity to work closely with Bus Users UK and BAB to help them to drive up standards and achieve excellence for passengers.



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Passenger Focus is the operating  
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