

Department for Transport consultation: 'Options for strengthening bus passenger representation'

- Response from Campaign for Better Transport

Q1a Do you agree with the aim of our proposal?

Campaign for Better Transport strongly agrees with the aim of this proposal. We have consistently argued that bus and coach passengers are not adequately represented, and that a Government-funded, independent, statutory watchdog is needed to promote their interests. We agree with the Government that the aims of the watchdog include:

- Championing improvements in bus and scheduled coach service provision founded on robust research and analysis
- Working with passengers, operators, government, local authorities and other key stakeholders to ensure that the passenger's voice is heard when key decisions are being made
- Making suggestions about the future direction of bus provision

The proposal is welcome because bus and coach users do not currently have an organisation which can speak on their behalf. The national watchdog would be in a position to call bus operators to account at the national level; this is important because five major operators run most of the buses in the country. The national watchdog would also be able to work with the Senior Traffic Commissioner, who would have the powers to deal decisively with operators or local authorities when necessary. The national body described would be able to play a key role: lobbying and influencing decision making on buses and promoting high standards by producing robust, evidence-based research. It could publicly and nationally champion passengers' needs vis-à-vis the bus industry and Government. Like Passenger Focus, the watchdog could undertake a national passenger survey, and use the results to put pressure on operators and local authorities who are underperforming. Bus users currently put up with a wide range of service standards – a new national watchdog could champion high national minimum standards as well as promoting best practice. These standards would provide a recognised benchmark for the provision of high quality bus services.

If bus (and coach) services are going to improve, it is vital that the people who use buses are fully represented. The Government should be commended for starting the process of ensuring this can happen. The proposal outlined in this consultation is very welcome, although we have several recommendations on how it should be improved.

Q1b Do you feel that the body should cover any items not included above?

There are two key additional items which we believe should be included. We think the watchdog must be the body which handles appeals when complaints are not dealt with properly. And we believe there are a range of appropriate regional or local functions for the watchdog which must be fulfilled at the regional level, through adequately staffed offices. We outline these points in more detail below.

Handling complaints appeals

We would agree that the bus operator – or local authority – should be the first point of contact for complaints. (We welcome the amendment in the Local Transport Bill which means that contact information for complaints will be on every bus and in every bus station.) However, we believe that the bus passenger watchdog should also have a vital role to play in the complaints handling process. In our view, a credible bus passenger watchdog will need to fulfil the following tasks on complaints:

1) Ensuring that complaints are handled in a consistent manner by operators and local authorities by:

- Providing national standards for what passengers should expect when they make a complaint
- Working with operators and local authorities at the regional and local levels to ensure they have systems in place which will enable them to handle complaints consistently

2) Handling appeals. It is very important that the new body handles appeals when complaints are not dealt with properly. The system is currently far too complicated, and passengers are confused about who they should turn to when they want to escalate a complaint. We propose that a new, simplified system needs to be established. Complaints and appeals should not be dealt with by the Traffic Commissioners or the Bus Appeals Body. Instead, bus passengers should contact the bus operator or local authority/PTE (clear contact details explaining which of these is responsible must be provided on every bus, bus stop and bus station.) If the passenger is not satisfied with the response they receive, they should be clearly signposted to the bus passenger watchdog, which will deal with appeals. This would provide a clear, two tier system, reducing confusion.

We think there are good arguments, both for the appeals function being held by the national office of the watchdog, and for it being held by regional branches (which we discuss in more depth in the next section).

If the national office dealt with appeals, this would make the system very simple, and passengers might find it easier to understand than if regional offices handled appeals. The national office should in any case provide standards for complaints handling, and so it might make sense if they also handled appeals. Consistency in appeals handling could be guaranteed. In this case, regional watchdogs could refer passengers to the national office.

However, if the watchdog had regional offices which dealt with appeals, this would also have major advantages. Regional offices would have the local knowledge needed to understand passenger appeals properly, and to deal with them at the regional level. They would be in an ideal position to liaise with the bodies involved (bus operators, local authorities).

Regional watchdogs would also be in a good position to liaise with the Traffic Commissioners, in response to appeals. We believe that the Traffic Commissioners have a key role to play in raising standards for passengers. They need more resources to make sure they can use the statutory powers they already have to greater effect. The new watchdog should be linked, regionally, to the regional Traffic Commissioners. This will mean that passenger concerns can be acted on in a consistent way, at the regional level, by the bodies which have the statutory powers to act (the Traffic Commissioners). In this context, it would make sense to have appeals dealt with at the regional level.

In either case, appeals would provide background information to help regional branches of the watchdog (discussed in the next section) work effectively with the regional Traffic Commissioners, to ensure that consistent problem areas are dealt with.

We believe that this new body will not have the credibility it needs if passengers cannot turn to it as a last resort. If passengers do not feel that the 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 the champion 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. Appeals about complaints handling should not be the only activity of a bus users' watchdog, but this role is a vital part of the picture.

Regional functions

We maintain that it is not sufficient for the new watchdog to act only at a national level. Unlike rail services, bus services are very local and are often provided within a complex local framework. Decisions are made at the local and regional levels, as well as the national level. To be effective, therefore, we believe that the new body will need to work locally, regionally and nationally, so that it can influence the wide variety of key players involved: bus operators, Traffic Commissioners, local authorities, regional bodies and the Government. In practice, this means that it needs to have regional offices as well as a national one, and the regional offices in turn should have a brief to cooperate with more local organisations.

We suggest that regional offices are needed to fulfil the following functions:

- Work with operators and local authorities to ensure they have appropriate systems for handling complaints so they can provide consistency (using standards for complaints handling provided by national office)
- Work closely with the regional Traffic Commissioners (ideally in the same regional offices) to tackle areas of particular concern to passengers. The Traffic Commissioners would have a duty to act on the information and data they receive from the watchdog in a consistent manner, in line with clearly outlined standard procedures

It is vital, given the interlinking of regional watchdogs and the Traffic Commissioner, that the watchdog has the ability to access performance data (comparable to the quality of data available on rail). The watchdog could have powers to require operators and transport authorities to provide performance data, or providing the information could be a condition of operator licensing.

- Handle appeals from complaints which are not adequately dealt with by operators/local authorities (possibly, unless the national watchdog takes on this function)
- Lobby local authorities, bus operators and regional bodies using research and evidence (most of the research could be done at the national level)
- Feed into local and regional plans
- Respond to consultations and make formal representations to local and regional bodies on a statutory basis, as in London
- Ask the national watchdog to make referrals, for example to the Secretary of State, when required
- Comment on service improvements and reductions within their area
- Lobby regionally for improvements to services in accordance with bus users' priorities.
- Work with local media to put forward the passenger's point of view
- Cooperate with local organisations, user groups and campaigns to improve things at a local level
- Work with national office and contribute to their work: adding to national consultation responses; collecting statistics on appeals (if applicable) and other evidence gathering; reporting major areas of concern

Regional watchdogs should build on the excellent work of London TravelWatch and the existing regional TravelWatch organisations. TravelWatches already exist in the South West, East Midlands, North West, and provide a good basis for the new watchdog to build on, in creating a regional network. These existing TravelWatches need to be professionalised where necessary, and new regional bodies like the TravelWatches need to be created where they do not exist. It is crucial that all of these regional bodies fulfil the same list of functions, so that bus passengers can expect the same level of activity wherever they

happen to live. Consistency is needed across the country in terms of the functions fulfilled by regional watchdogs, and the capacity provided to fulfil those functions. The fact that there are already a significant number of bodies working at the regional level shows there is a need for passengers to have a voice at this level.

TravelWatch SouthWest provides one good example of how regional watchdogs can be effective. It has an evidence-based approach and it works closely with local passenger groups, the RDA, Regional Assembly and Government Office, local authorities and operators. TravelWatch South West fulfils these functions with 4 part time members of staff. We would suggest that regional offices with at least this level of capacity are needed across the country. (Given that TravelWatch SouthWest doesn't currently deal with complaints handling procedures – or appeals - more capacity than this will almost certainly be needed for these functions.)

We do not believe that regional bodies would interfere with local accountability. Bus users are a distinct group in their own right and deserve to be represented as such, just as rail passengers are already. There may be issues with how local authorities deal with complaints, and the watchdog will be able to ensure that their systems (as well as those of bus operators) meet national standards. Local authorities and the watchdog should have complementary roles, supporting each other in making sure that bus users get improved services and better representation in decision making.

Q1c Do you think that there are any items covered above that shouldn't be?

All of these items should be covered. We agree with the department that the remit of the new watchdog should include: representing the interests of passengers through the use of evidence and influence; engaging with and complementing the work of existing representative bodies, passengers and operators (although this should only happen where it is appropriate to work with existing bodies); giving advice and making representations to local, regional and central government regarding the bus industry; conducting research to understand passenger priority and perception; and producing an annual report on the work of the body and an appraisal of the key issues.

Q2a Is option 1 your preferred option and why?

Option 1 ('Working with existing bus passenger bodies') is not our preferred option.

Bus Users UK has done invaluable work in representing the interests of people with unresolved complaints about bus services and in setting up the Bus Appeals Body. The existence of Bus Users UK and the level of work they receive demonstrates the need for statutory representation of bus users. The government should consult Bus Users UK to find out what their experience suggests about best practice in creating the new watchdog.

However, what is needed now is a statutory body that has the powers, independence and government funding to represent bus passengers effectively. Bus users deserve a statutory watchdog that can take action on their behalf when complaints aren't dealt with properly. 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. Appeals need to be dealt with by a body that has the powers it needs to make operators respond appropriately. A watchdog, working nationally and regionally, with close ties to the regional Traffic Commissioners, would be in an ideal position to make sure that uncooperative operators are made to cooperate when necessary. The rail passenger watchdog, Passenger Focus, has powers to make sure rail companies listen to what it says. The Office of Rail Regulation provides a backstop power when necessary. An effective, credible bus passenger watchdog needs a similar mechanism to

ensure it is listened to. Using the powers of the Traffic Commissioners to greater effect is the most efficient and appropriate way of doing this.

Bus Users UK (and the Bus Appeals Body) potentially lack independence, because they are funded by and linked to the bus industry. Bus users need to know that the new watchdog is independent. Option 1 will not convince them of this, and the new watchdog will lack credibility if it is set up in this way.

The consultation document argues that there may be benefits to resolving problems in an informal way. We would suggest that where complaints can be resolved in a friendly manner, between the operator or local authority and the bus user, there is no problem. A statutory body is necessary where informal or lower level approaches to resolving the situation have failed. In these cases, bus users may need to use more formal routes to a resolution, and should not have to rely on the good will of the other party. Public transport users in London and rail users throughout the country have access to formal means of resolving problems where needed, and bus users deserve no less.

Q2b Do you have any further comments on the role that existing non-statutory bodies may have in representing the interests of bus passengers?

Existing non-statutory bodies may have a complementary role to play when the new watchdog is created. In this case, bus users will need to have clear information about which bodies are statutory and which are not, and what the different bodies do. Our main priority is that the watchdog should have offices at the regional level (as mentioned above, these might be professionalised TravelWatches where these organisations exist), and that these bodies should be consistent to each other in their functions and powers. All regional watchdogs – and the national watchdog - should have clear statutory links to the Traffic Commissioners. In this context, there is a risk that non-statutory bodies could complicate the situation. But it is important to value and make use of the work that non-statutory bodies have been doing in the absence of a statutory body.

Q3a Is option 2 your preferred option and why?

Option 2 ('A new standalone statutory bus passenger champion body') is not our preferred option.

We believe that there are benefits for passengers when they have a multi-modal watchdog to protect and promote their interests. Currently, there is no statutory watchdog for passengers who use light rail or ferries, and we believe that these people should be represented. Two thirds of public transport journeys are made by bus, so it is important that a new watchdog focuses on buses in a way that reflects this reality. However, all public transport users need a voice if we are to promote high quality public transport effectively and raise the status of public transport in our culture.

In addition, a multi-modal watchdog should enable public transport users to have a voice on issues of integration between different modes. This is vital if we are to create the kind of integrated, coordinated, well-planned public transport network that will get people out of their cars by providing a real alternative.

Finally, it makes sense to have a multi-modal watchdog because it is likely to be more cost-effective and to reduce the duplication of functions.

Q3b What do you think should be the key features of the statutory bus passenger champion body?

If a stand alone statutory bus passenger watchdog is created, it should do research into bus users' priorities which influences decision making. It should have regional offices as well as a national one and it should handle appeals. It should be funded by the Government. (Please see the summary section below.)

Q4a Is option 3A your preferred option and why?

We believe that option 3A ('conferring additional functions on Passenger Focus') could result in effective representation for bus users. However, we would only support this option if it involves the setting up and professionalising of strong regional offices throughout the country, for the reasons outlined in our answer to Q1b above.

We believe there are benefits to a multi-modal approach, as explained in Q3a above. This means that there are benefits to combining representation of bus and rail passengers, and conferring additional functions on Passenger Focus would be the obvious way to do this. It is very important to ensure that other modes such as light rail and ferries can also be covered within this framework.

Q4b What changes do you think will be needed in order for Passenger Focus to take on bus work?

The differences between bus and rail travel need to be fully understood when decisions are taken about the new watchdog.

One of the main differences between the two modes of travel is image: particularly outside London, travelling by bus can be seen as having a stigma. Representing bus users is therefore more complicated than representing rail users. It has to be done with an understanding that bus travel and the perception of bus travel need to be improved to make it a real alternative for everyone. There will be a need for objective data on the views of users and non-users, perhaps more than with rail.

There is also a need for data on the views of marginalised users, not just a vocal minority of people who complain. Proportionately bus passengers are far less likely to complain about poor performance than rail passengers. Differences in socio-economic background and the cost of the journey help to explain this. Bus users may also feel less empowered to challenge bus operators or local authorities when they aren't happy with the response they get. It may be harder to represent bus users when there is more reluctance to come forward with their views – this will need to be tackled.

Train and bus travel are both 'public transport' but the 'products' provided in each case are likely to be very different. Fast, expensive, intercity travel is very different from the kinds of trips people take by bus: to work, to school, to go shopping, to visit friends. The attitudes and expectations of the people making these different journeys need to be appreciated in conducting research.

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 operate, whereas there are national franchises for rail. In this context, statutory powers are particularly important. One of the first tasks should be creating and supporting clear mechanisms for enforcement. We believe this should be done by providing statutory links between the watchdog – regional and national - and the Traffic Commissioners (who have the powers needed).

Finally, and perhaps most importantly, the differences between rail and bus travel mean that decisions about buses are taken at a local and regional level. Regional offices are needed for the reasons outlined in our answer to Q1b above. Passenger Focus will need to recognise the importance of the regional functions we described in this section, in addition to national lobbying.

Q4c Do you have any further comments on the role that Passenger Focus might take in relation to bus travel?

This option has some major advantages, as outlined in the consultation paper. Passenger Focus's background in robust research, and experience in lobbying at the national level, mean it is in a good position to represent bus users. However, the points outlined above, particularly the need for regional representation, must be addressed.

Q5a Is option 3B your preferred option and why?

Option 3B ('the creation of a new multi-modal Public Transport Users' Committee) is one of our two preferred options.

If Passenger Focus can deal with the challenges discussed above in answer to Q4b (the need for in depth regional and local work, the differences between rail and bus user representation) and if it can take on representation of light rail and ferry users, we would prefer option 3A. If these challenges cannot be met, we would prefer option 3B.

However, option 3B would create problems because rail passengers would have different arrangements for representation from all other public transport users – unless this issue can be resolved (see below).

Q5b How do you think that we can ensure that there is no duplication between this committee's interest in rail and that of Passenger Focus?

If option 3B is chosen, then it needs to be considered whether Passenger Focus can be integrated into this new structure. Integration between the two bodies would be important to prevent duplication. Although the rail network is distinct in some ways from the rest of the public transport network, it would make sense to have one multi-modal watchdog that represents all public transport users. Such a body could deal with mode-specific issues, but also look at issues that apply to all public transport modes and at integration between modes.

Funding

The new watchdog should be fully funded by Government. Expecting the bus industry to fund the watchdog will lead to two major problems.

Firstly, if the funding comes from the industry, the independence of the watchdog may be called into question. The watchdog must be able to stand up for passengers vis-à-vis bus operators when needed, and if those operators are funding it, this may be harder to do. The watchdog also needs to be perceived as being independent, otherwise it will lack credibility.

Secondly, if the industry has to fund the watchdog, it will inevitably pass on the cost to passengers in the form of higher fares. The bus industry is already suffering from rising costs, as wages, insurance and fuel costs continue to increase. There is already a spiral of decline in many areas, with rising fares, service cuts

and falls in patronage. Bus fares have risen by 13% over the last 10 years (while motoring costs have fallen by 10%), and they are set to continue rising. The industry is already under strain, and passengers are suffering because of it.

Imposing an extra cost on the industry will affect bus passengers directly, and will be counter-productive. If the Government wants to get people out of their cars and onto buses, it needs to prioritise the people who do use buses. It needs to protect them from further bus cuts and fare rises. It would be very damaging if a new watchdog designed to improve things for bus passengers started by making things worse. It will also be seen as deeply unfair if bus passengers (who tend to be disproportionately from lower income groups) were forced to indirectly pay for their own watchdog, while rail users (who tend to be from higher income groups) are represented by Passenger Focus, paid for by the Government.

Summary

Campaign for Better Transport has consistently argued that bus users must be represented effectively. We believe this can only happen if the new watchdog:

- Has professional, well-staffed regional offices which can have an impact regionally and locally
- Handles appeals when passengers are unhappy after complaining to bus operators/local authorities
- Is multi-modal but recognises the key differences between rail and bus travel
- Is Government funded

Option 3A is our preferred option, provided that all public transport users can be represented within this framework (including light rail and ferry), provided that the differences between bus and rail travel are recognised, and provided that the vital importance of regional representation of bus users is recognised.

4 March 2008

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