



BUS USER COMPLAINTS TRIBUNAL

ANNUAL REPORT 2006

(FOR THE 15 MONTH PERIOD FROM
1ST JANUARY 2006 TO 31ST MARCH 2007)

JULY 2007

Laid before the Scottish Parliament
By the Scottish Ministers
Under section 41(3)
Of the Transport (Scotland) Act 2001

July 2007

SE/2007/139

Convener's Foreword

This final report of the Bus User Complaints Tribunal (BUCT) covers the 15 month period between 1st January 2006 and 31st March 2007.

During the course of the last Scottish Parliament the Passenger Transport Users Committee for Scotland (PTUC) was created. This new committee, through an appropriate sub-committee, will take on the responsibility held by BUCT to further pursue complaints on behalf of bus users whose complaint has not satisfactorily been resolved by bus operators. For analysis purposes we have chosen to show the 12 month period of 2006 separate from the first quarter of 2007 to enable relevant comparisons with previous years' activities to be more meaningful. The first 3 months of 2007, while relevant may cause misinterpretation of our experience and as such is shown on its own.

The volume of complaints received continues to rise as do those considered under our terms of reference to be relevant. Comparing our average monthly intake of relevant complaints during 2003 with those during 2006 that increase is 120%. This substantial and progressively increasing growth would suggest that despite the efforts being expended by operators in addressing complaints and perhaps, more importantly, their operational responsibilities, passengers continue to be dissatisfied with their experience of using public transport.

I have noted in previous reports that complainants must feel sufficiently aggrieved by the operator's response to their complaint to then contact BUCT to seek to pursue the matter further. It is disappointing to note therefore that in over 80% of relevant cases raised with BUCT the issue between complainant and operator is resolved prior to being considered formally by the Tribunal. With perhaps more application in addressing the original complaint it is possible therefore that up to 80% of complaints received by BUCT would be satisfied initially and customer satisfaction with the operator generated as a consequence.

It may be that the more investment put into bus operations the more passenger expectation increases. While that is no bad thing it does present a significant challenge to operators and those associated with the provision of public transport.

I have made reference in the past to the effect that the volume of complaints received by BUCT may be significantly less than that received by operators. We note that the Annual Bus Passenger Satisfaction Survey commissioned by the Scottish Executive suggests that some 10% of bus users make a complaint each year, adding weight to the idea that BUCT complaints represent only the 'tip of the iceberg'. It is reasonable to assume that an analysis of those complaints would show a similar pattern, by category, as those reaching BUCT. This analysis shows only marginal change between categories over the last 3 years and as such may be useful to operators in seeking to identify those areas of their operations where improvement can and should be effected.

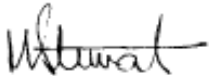
As BUCT, my colleagues and I have been considering cases since May 2003 and feel our experience in these matters entitles us to offer more generalised comments. These are contained within the body of the report and are intended to be a helpful contribution not only to

our successor organisation but to the ongoing public transport debate. I am grateful for the support and assistance I have received from my colleagues, Gavin Booth and David Hunter, since our inception. Their valuable contributions in all our activities has been significant and enhanced the level of professionalism I would hope has been reflected in our output. It is no small feat that all BUCT members have attended every Tribunal meeting since it was established. The level of support given to us by staff at the Vehicle and Operator Services Agency (VOSA) has been invaluable and without which we simply could not function.

Reflecting back over my tenure of office I am confident that in its short existence BUCT has enhanced the provision of public transport in Scotland and has brought about changes within operators procedures that in turn have improved their relationship with their customers.

The challenge for our successors will be to build on these and continue to bring about real improvements to public transport in Scotland.

I wish them well in their endeavours.

A handwritten signature in black ink, appearing to read 'M Stewart', written in a cursive style.

Malcolm Stewart
Convener

Summary of Main Points of the Report

- Total complaints received increased by 12% from 190(2005) to 213(2006).
- Total relevant complaints increased by 4% from 164(2005) to 170(2006).
- Complaints resolved prior to being considered by BUCT increased by 38% from 99(2005) to 137(2006).
- Prior resolved complaints represent 80% of relevant complaints received during year.
- Major source of complaints remains failure to operate to timetable, some 44% of complaints.
- Staff issues increased to 21% of complaints.
- 20% of total complaints received relate to commercial decisions of operators and are outwith BUCT's remit.
- Only 1 case referred to the Traffic Commissioner.
- There were 12 cases appealed, of those only 1 was successful.
- The volume of relevant complaints has increased by 120% since the inception of BUCT.
- BUCT has brought benefits to bus operations in Scotland.
- BUCT responsibilities pass to a sub-committee of the new PTUC for Scotland.

BUCT 15 Month Report

This is our fourth and last report covering the period from 1st January 2006 to 31st March 2007. It is made under the terms of the Bus User Complaints Tribunal Regulations Revocation Regulations 2006 which revoke the Bus User Tribunal Regulations 2002. The functions of the Bus User Complaints Tribunal have been conferred, effective from 26th April, 2007, on the Public Transport Users' Committee for Scotland by virtue of the Public Transport Users' Committee for Scotland Order 2006 (SSI 2206/250).

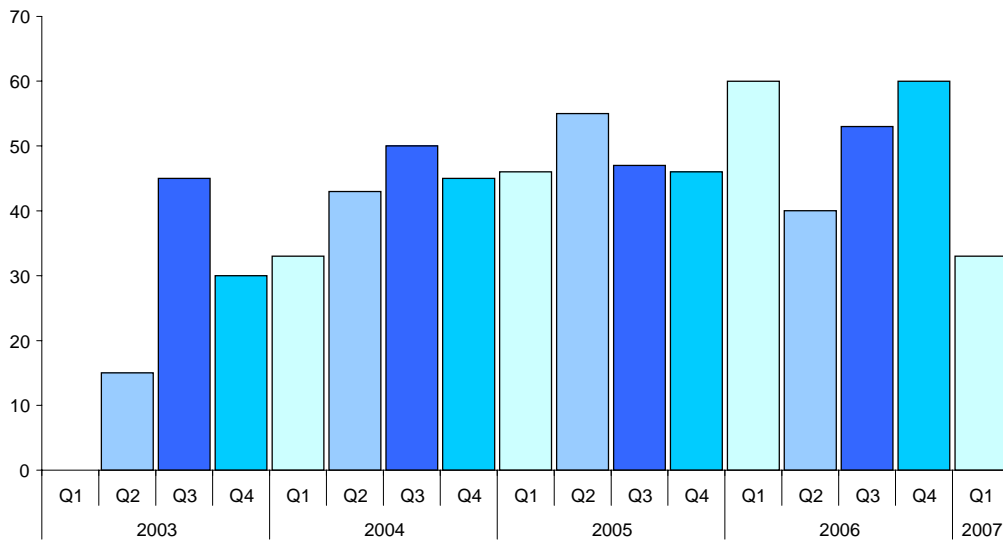
Composition and Structure

BUCT comprises a convener and two other members. In addition to meeting its obligations to consider cases the members met and communicated on an ad hoc basis to respond to a number of issues which came before it. Under the terms of the formation of PTUC all members' appointments were terminated effective from 26th April 2007. Administrative support continued to be provided by staff of the Vehicle and Operator Services Agency (VOSA). That administrative arrangement was terminated on 31st March 2007.

Bus Operators

BUCT appreciated the support provided by operators in promoting awareness of BUCT by way of references in their complaints correspondence, in their published timetables and in-bus advertising. Administrative staff at BUCT continued to find bus operators helpful and co-operative when dealing with issues arising from unresolved complaints.

BUCT - total number of cases per quarter



Tribunal Matters

The Tribunal met formally on five occasions during 2006 and one more time before 31 March 2007. All members were present at each meeting of the Tribunal. The analysis of cases considered and other required statistical analysis are contained in annexe 1 attached.

The frequency of complaints received this year is markedly different from previous years in that while the total complaints received has increased the second quarter of 2006 dropped to a level not experienced since the first quarter of 2004. It is suspected that this, in part, may be accounted for in the frequency of our in-bus advertising programme. It seems clear that, despite the co-operation of bus operators in making reference to the service provided by BUCT in their timetables and complaints correspondence, prompting through public advertising remains a vital promotional activity to maintain the awareness of bus user complaints facilities.

Our programmed in-bus advertising campaign for February/March 2007 was deferred in view of the creation of PTUC and its impact on BUCT's existence. The downturn in complaints during this period again tends to support the need for continuing media advertising.

It would be the strong recommendation to our successor body that this aspect be given serious consideration to ensure bus complaints procedures are maintained in the public eye.

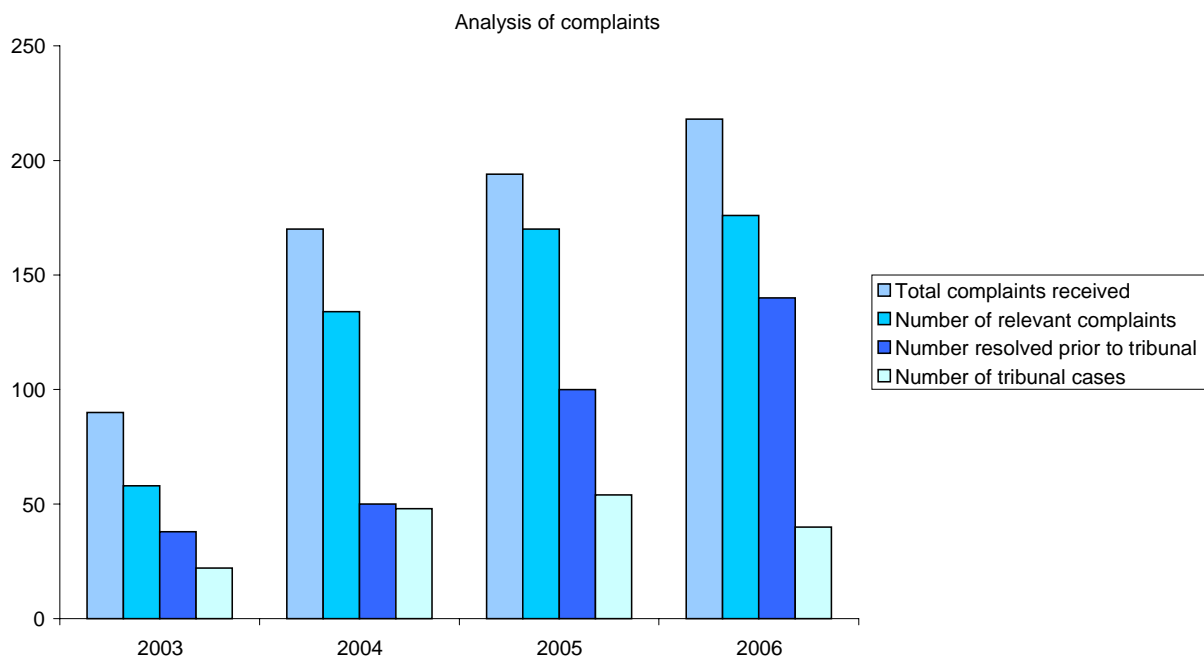
It is important that the benefits brought to bus users through the creation of BUCT not be lost and the new administrative arrangements are introduced seamlessly as far as complainants are concerned. Given the higher level of cases withdrawn and those resolved prior to being presented to BUCT it is observed that certain operators are introducing a more personalised approach to complaints handling. Perhaps most notable is the development of home visits to complainants by specially trained representatives to talk directly with the complainant. This

seems to us to be a logical development of a practise that has always existed but was not utilised in such a specialised way. There must surely be an added benefit in terms of public relations between an operator and its customers as a consequence of this activity.

The continuing practise of operators offering compensation by way of travel vouchers to complainants is appreciated. As is known BUCT had no powers to award compensation except in a case of actual cash loss. We have previously commented on this seemingly anomalous situation and while appreciating the potential difficulties in developing such a compensation regime we would encourage further discussion on the issue.

Non-relevant Complaints

At BUCT we continued to receive complaints which fall outside our remit. Quite correctly we do not pursue these complaints on a formal basis, but recognising that complainants must feel suitably aggrieved to contact us at all we do pass these on to the appropriate operator or authority. These complaints form 20% of total complaints received and are generally related to commercial decisions by the operators concerned regarding service withdrawals or adjustments or fares increases. The location or provision of bus stops has also been raised on a few occasions.



Trends

There is a clear trend of year on year increases in both the total number of complaints received and more importantly the total relevant complaints.

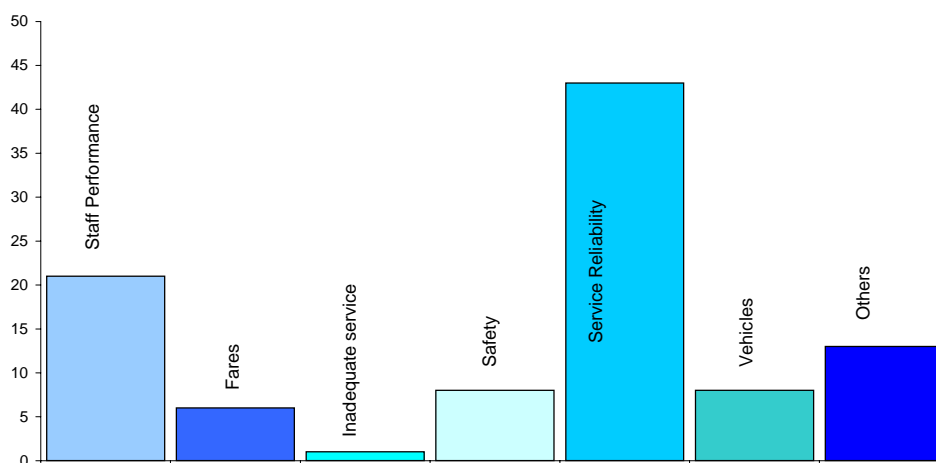
Looking at relevant complaints as the most meaningful, it is a matter of record that the average monthly complaints received during 2006 has increased by 120% from those received during 2003, the year our operations began.

Equally and perhaps significantly is the increase in complaints resolved prior to determination by BUCT. The 2006 number of complaints resolved has risen to 137 from 99 in 2005, an increase of 38%. This figure however is a substantial 80% of all relevant complaints received.

It could be argued therefore that those 80% of complainants could have had their complaint resolved by the bus operator when raised initially rather than the complainant being required to pursue same through another agency. This surely requires operators to give further consideration to their complaints handling procedures given that BUCT's powers are now being transferred to a sub-committee of a body with potentially more wide ranging powers than those available to BUCT.

Of the other issues raised with us not commented on below these were many and varied. In the early part of the year smoking on board vehicles featured but has now disappeared. Bus service information or lack of it is a regular matter raised with us. The responsibility for the creation and provision of this vital information is not uniform throughout Scotland. It seems to us that any deficiencies in the provision of public transport information can be relatively simply resolved by the application of a conscientious approach to its availability by the relevant operators or authorities. This element of bus service provision is important especially to non-regular users of bus services and, of course, visitors to Scotland. We would ask that all agencies involved in the provision of such information use best practice to put the needs of the bus user first in their considerations of this matter.

Category of Complaints received during 2006



Staff Performance

Complaints involving staff rose this year to 21% of those received. Again given the consistency of this level of complaint we continue to be disappointed that the efforts expended by operators are not producing a reduction in this type of complaint. The sole contact the majority of passengers will have with an operator is through its front line staff and that generally will be its drivers. From our analysis it is clear some operators are let down at times by their staff who it is appreciated may be required to deal with difficult and at times awkward situations. It is also accepted that the vast majority of operators' staff do perform their duties in an exemplary fashion.

However providing a public service carries a responsibility that requires those members of staff to be the image that a company presents to its customers. That image can suffer through the actions of a few. We would encourage operators to continue to refine their training and supervision procedures to bring about what would be a mutually beneficial improvement to the provision of their services.

Service Reliability

Yet again late running of buses and other timetable or operating deficiencies are the major cause of passenger complaints. These form some 44% of relevant complaints received. This level of complaint in this category has been consistent over the past 3 years of analysis available to us. This is a basic function of bus operations and for this type of complaint to be at such a level over this period of time surely illustrates that passenger dissatisfaction is not being adequately addressed. It is of course appreciated that external factors can and do influence the reliability of bus operations but our evidence tends to suggest these type of factors are not a major influence on the complaints brought to us. We would encourage operators to analyse their own evidence to seek ways to address this on-going situation.

Safety and Vehicle Issues

We mentioned last year that public expectations particularly in the type of vehicle providing their journey may be increasing as operators continue investing in new rolling stock. Perhaps predictably this aspect features in complaints received of vehicles operating below perceived standards. We suggest this is no bad thing and that if the public recognise improvements in the provision of vehicles then the policies of vehicle replacement being pursued by operators is creating an impression of continuing improvement. It is equally unfortunate, however, that passengers will probably take a singular view of their journey when lodging a complaint, especially when provided by a less modern vehicle.

Traffic Commissioner Referrals

It was necessary this year to make only one referral to the Traffic Commissioner. Unlike previous years we experienced no evidence of any deficiency or consistency of failure of operation of sufficient severity to justify such action. Operators are to be commended in this aspect and we are encouraged that they are continuing to employ their best efforts to avoid any form of complacency in addressing operating responsibilities.

Cases Submitted for Review

There were 12 cases submitted for review following original decisions of the Tribunal. Of these 4 submitted by operators were refused, 7 submitted by complainants were refused and 1 submitted by an operator was upheld in the light of evidence previously unavailable being presented.

General Matters

Marketing and Public Awareness

As highlighted in previous reports our main promotional activity remains in-bus advertising, leaflet circulation through a wide variety of agencies and authorities and our website. As previously mentioned we also enjoy the co-operation of bus operators and local authorities who make reference to us in their published timetables and of course the operators themselves who advise complainants through their own complaints procedures.

This year we devised a postal drop leaflet which was distributed through the sophisticated procedures now available to identify target audiences. It was intended that the leaflet be retained within households as a reference and we considered the project to be moderately successful in promoting ourselves to the travelling public and informing them of our services. We had begun to use web marketing and promotion and would recommend the value of this method to be further developed by PTUC. We consider it essential that our successors retain a promotional programme to ensure transport users continue to be informed of the procedures available to them in the pursuit of a complaint.

Liaison and Communications

BUCT continued to be represented at seminars and conferences throughout the year. The convener was a member of the transition team formed to set up the PTUC for Scotland. While clearly the new PTUC will take on the responsibilities of BUCT as well as having a much broader remit the opportunity to be involved in its formation was useful in endeavouring to assist in preserving both the principles of BUCT's own remit and informing the members of our wider experience.

Over the years of our existence BUCT has been ably assisted by staff at the office of the Traffic Commissioner for Scotland. We would wish to formally record our deep appreciation for the attention and assistance to the members of VOSA in that office in guiding us and applying their expertise in ensuring the interests of bus users are met by the highest possible standards.

From the outset of our own existence as a Tribunal we have sought to pursue the interests of bus users while encouraging an appreciation of the impact that the actions of others can have on an individual. We trust we have achieved that objective and in doing so have brought tangible benefit to both bus users and bus operators.

We have seen the development of improved customer liaison, more detailed investigation into complaints, the increased use of electronic analysis, a willingness to make voluntary compensation gestures and a free exchange of information since our investigations started in 2003.

We are entitled to the view that BUCT has been a positive influence in the provision of bus operations in Scotland and as such has brought benefit to bus users. From our limited remit it

is clear that it has been possible to create tangible improvements, however small, for bus users.

We would encourage PTUC with its broader remit to develop and positively influence the provision of public transport in Scotland, keeping users at the forefront of their considerations.

Annex 1 – Statistics

	2003	2004	2005	2006	increase over 2005	2007 (to 31 March)
Total number of complaints received	87	167	190	213	12%	33
Number of relevant complaints	58	126	164	170	4%	23
Number of relevant complaints resolved prior to determination by BUCT	37	48	99	137	38%	22
Number of relevant complaints determined by BUCT	21	47	46	40	-13%	4
<i>Nature of determinations made</i>						
Allowed	3	18	27	14		3
Refused	13	17	14	13		1
Withdrawn	5	3	1	6		-
Adjourned	-	2	4	7		-
Appeals for case review	-	7	6	12		-
Number referred to Traffic Commissioner for relevant consideration	10	28	9	1		-
<i>Statement of remuneration and allowances</i>						
Remuneration	£3660	£3660	£7016	£8695		£2173
Allowances	£240	£448	£595	£668		£48

Annex 2 - Founding Legislation and Status of BUCT

The Bus User Complaints Tribunal (BUCT) was established as a non-departmental public body authorised under the Transport (Scotland) Act 2001. The Transport (Scotland) Act 2005, which received Royal Assent on 5th August, 2005 placed a duty on Scottish Ministers to establish a Public Transport Users' Committee for Scotland. Effective from 1st April, 2007 the Bus User Complaints Tribunal functions have been transferred to the PTUC by secondary legislation with BUCT legislation having been revoked by a separate order. Schedule 1 details the process. The Public Transport Users' Committee for Scotland Order 2006 (SSI 2206/250) which established the PTUC on 1st January, 2007 can be viewed at <http://www.opsi.gov.uk/legislation/scotland/ssi2006/20060250.htm>