

Alternative Dispute Resolution Activity Report April 1st 2017 to March 31st 2018

This report is laid out following the SCHEDULE 5 Regulation 11(2) requirements:

a) the number of domestic disputes and cross-border disputes the ADR entity has received;

We received 859 complaints in the year to 31st March 2018. The number of issues reported is higher, at 1289, as many complaints will contain more than one issue.

b) the types of complaints to which the domestic disputes and cross-border disputes relate;

A list of codes for complaints and what they relate to is attached. The top three issues are Punctuality, Reliability and Driver/staff attitude which come up in varying order around the UK.

c) a description of any systematic or significant problems that occur frequently and lead to disputes between consumers and traders of which the ADR entity has become aware due to its operations as an ADR entity;

The three most regular complaints fall under the 3 categories outlined above. We send monthly reports to the senior managers or directors of the main operator companies in order that they can see the kind and regularity of complaints we receive and use their influence to resolve the issues and to discuss them internally.

Where there is a cluster of similar complaints, we will meet the decision-makers in the relevant company to discuss them in order to find/address any underlying causes. Congestion and roadworks are not always within their control but the way in which they attempt to combat this is and we discuss a range of options from re-timetabling or re-routing the service where possible, good promotion of the changes and timescale where it isn't, to setting up an agreement with the local authority to ensure good notice is given of planned works which may cause problems. This latter approach has worked well in Brighton & Hove where bus companies' notification and response planning is part of the permission system for allowing roadworks to take place. Emergency roadworks are exempted from such schemes but tend to be short-lived.

Driver or staff attitude is the one area where companies do have full responsibility and control and we have worked hard with operators of bus and coach companies to ensure they train and manage their front-line staff to cope with most situations that they face. As an organisation, we have also provided guidance and training to customer care staff on general good practice and on specific issues, such as dealing with callers with mental health issues.

- d) **any recommendations the ADR entity may have as to how the problems referred to in paragraph (c) could be avoided or resolved in future, in order to raise traders' standards and to facilitate the exchange of information and best practices;**

We work with a variety of industry bodies such as the Confederation of Passenger Transport (CPT) and the Association of Local Bus Managers (ALBUM) to promote good practice. We also work with the Department for Transport to ensure that the standards set out for the industry take particular account of issues that affect passengers.

We also write in trade press to highlight aspects of current and anticipated practice which need to be improved or altered, such as the potential for lower-income passenger to be excluded by contactless-only payment for fares or the concerns people may have with regard to a move towards autonomous vehicles.

The customer service aspects of the bus and coach industry is becoming more in line with that of any other retail environment but this has been a slow process for some at the smaller end of the market. We will continue to work with the industry to ensure that customers stay at the heart of the business planning, whatever the regulatory framework.

- e) **the number of disputes which the ADR entity has refused to deal with, and percentage share of the grounds set out in paragraph 13 of Schedule 3 on which the ADR entity has declined to consider such disputes;**

We declined to deal with 2066 complaints submitted to us, with 88% of those refusals because they had not contacted the operator prior to contacting us.

Just under 10% were issues that were about the commercial decisions of a particular operator (for instance to reschedule a service) and therefore not within scope and the remainder fell into a number of areas such as relating to a timetable enquiry or other misdirected contact. Where possible, we redirected the person to the appropriate source of information.

We also declined complaints from three people who were other road users, not passengers, and from two previously vexatious complainants during the year.

- f) **the percentage of alternative dispute resolution procedures which were discontinued for operational reasons and, if known, the reasons for the discontinuation;**

In the year 2017-18, this amounted to 8.25 %

The only reasons a complaint would be discontinued is if:

- a) we cannot get a response from an operator
- b) the complainant doesn't respond after making the initial complaint
- c) if the complaint is resolved between the two parties without us having been informed.

We have no statutory power to compel an operator to respond, but the reason listed under a) above does not account for the majority of cases discontinued, but only around 8 of the 104 cases discontinued. This is mainly caused by a complainant not responding to our follow-up calls/emails once the initial complaint is sent to us (95 of 104 cases). Follow-up contact usually uncovers settlements done outside the system.

g) the average time taken to resolve domestic disputes and cross-border disputes;

The average time from completing the file to closing the complaint has been 20 days across the UK (see attached for breakdown between countries).

The average time from complaint acceptance to closure has been 40 days (see attached for breakdown between countries).

h) the rate of compliance, if known, with the outcomes of the alternative dispute resolution

As our process involves mediation between the parties to find a satisfactory resolution, the vast majority of outcomes are an agreed settlement between parties which is then enacted in almost all known cases.

In one case in a previous year, the operator went out of business before the compensation was paid but this is clearly not an everyday occurrence. Where no such agreement can be reached, we have a final appeal panel which considers these.

In 2017/18, 15 cases were sent for consideration by the panel (known as the Bus Appeals Body) and these found for the complainant in 10 cases and for the operator in the remaining 5 cases. All decisions in favour of the complainant were implemented by the operators.