

...why people who complain to public transport operators in the first instance are not happy with the way their complaint is managed

- respect
- integrity
- accountability
- responsiveness

...complaints to the PTO increased by almost 24%

An example of a 'binding decision'



Issue 3

Ombudsman Message

This issue of OverView marks with the 5 year anniversary of the Public Transport Ombudsman scheme. Our office opened for business on 18 April 2004. In the first months of operation, an acting Ombudsman and a team of temporary staff dealt with about 25 complaints a month. Today, the Public Transport Ombudsman has 8 staff members, and deals with more than 1,200 cases a year.

There are many organisations with a role in public transport: from the Department of Transport, with the mission of building a safer, fairer and greener transport system; to public transport operators who deliver services; and Public Transport Safety Victoria, which regulates the safety of all train, tram and bus operations.

With so many agencies involved, why have an Ombudsman? Our job is a unique one. We resolve complaints where commuters or others affected by public transport cannot reach satisfactory outcomes with operators. We are the referee for everyday concerns about public transport – complaints about delayed and late services, unhelpful staff,

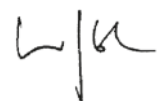
ticketing problems, authorised officer conduct and the condition of vehicles, carriages, platforms and stops. Our impact is felt when:

- we give a fair go to individual passengers who don't believe their complaints have been fairly considered
- we provide a fresh perspective where operators have been unable to resolve commuter concerns
- we make suggestions to improve public transport and complaint handling.

In this OverView I report on activities that demonstrate our various roles. This includes a recently made binding decision and our research about complaint management by public transport operators. I also report on our new Code of Conduct, one of a range of initiatives in the recent past to make the Public Transport Ombudsman a leading Ombudsman's office.

The next several years will see significant changes in Victoria's public transport, including new projects developed and

delivered under Victoria's Transport Plan, and a new ticketing system. The importance of a Public Transport Ombudsman to resolve complaints is likely to increase during this time. I am confident the solid foundations built in our first 5 years will make sure we continue to provide a fair, timely and effective service.



Simon Cohen
Public Transport Ombudsman

Review of operator complaint management

An important job of the Public Transport Ombudsman (PTO) is to explore why people who complain to public transport operators in the first instance are not happy with the way their case is managed.

In November 2008, we completed a review of how complaints investigated by the PTO were managed by public transport operators. The review includes only a small proportion of all complaints about Victorian public transport; in 2007-08 public transport operators dealt with more than 36,000 complaints, and the PTO investigated less than 1 per cent of these. The review is important, however, because it is based on complaints from people who are dissatisfied with operators' responses.

We were satisfied that, for the clear majority (73 per cent) of complaints investigated by the PTO in 2007-08, public transport operators handled the cases properly in the first instance. However, for a substantial number (56 cases or 27 per cent) the complaint handling was not satisfactory. The most common failings were:

- People not receiving a response to their complaint (30 per cent).
Case A: A case with a similar case number to another was selected in error and inadvertently closed. This resulted in the complainant not receiving a response
- People receiving delayed responses to their complaint (25 per cent).
Case B: An operator acknowledged a number of people who complained did not receive responses in the time required. During the PTO investigation, the operator advised that an unforeseen and significant increase in case volumes, due to a number of major service disruptions, impacted on response timeframes
- Unreasonable complaint outcomes (18 per cent), including failures to apologise, to offer compensation and to implement the agreed outcomes of a complaint.
Case C: An agreed outcome of a complaint included that drivers would switch off engines of stationary vehicles

parked near the complainant's home. The person complained to the PTO because the operator was not implementing the agreed outcome.

Obviously, where no response is received, people will be dissatisfied. But it is also important to keep people up to date with any investigation, and to carefully consider every issue of complaint. The PTO recommended:

- for public transport operators to review arrangements to make sure extra resources are available where unexpected increases in complaint volumes occur
- for public transport operators to apologise and consider goodwill gestures (Metcards, reimbursements) where they fail to respond to complaints in a timely way.

The PTO is monitoring the response of public transport operators to our review recommendations. We have also posted a **position statement** on our website, outlining our approach to complaints where the operator response has been delayed or not provided.

What's new at the PTO – Code of Conduct

The Public Transport Ombudsman has finalised a Code of Conduct, a public statement of the standards we expect of ourselves, and against which others can hold us to account. The standards we have adopted are:

To act with **respect** – towards all those who deal with us as well as our colleagues.

To act with **integrity** – to be honest and to avoid conflicts of interests.

To act with **accountability** – to make the right decisions, to be independent, and to use resources properly and handle information appropriately.

To act **responsively** – to be professional in our work, to consult with our stakeholders, and to make independent, appropriate, fair and accurate reports as required.

A copy of the **Code of Conduct** is available on the PTO website.

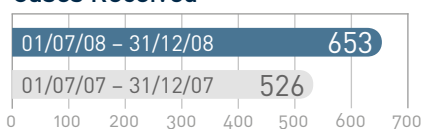
PTO Operations Report 1 July – 31 Dec 2008

The PTO received 653 cases in the period 1 July 2008 to 31 December 2008, an increase of 24 per cent against the same period in 2007-08.

Substantially more issues have been raised about authorised officers, reflecting the PTO's increased ability, since February 2008, to deal with these matters.

It is the Department of Transport's role, and not the PTO's, to review ticket infringement notices. We refer complaints about these notices directly to the Department.

Cases Received



We completed 645 cases, including:

- 169 issues finalised by the PTO through assessment, investigation and resolution
- 56 issues referred to senior managers within public transport operators for review, with the PTO monitoring the operator's response.

Case Study – Binding Decision

After completion of an investigation, and in the absence of an agreed outcome, the PTO can resolve a complaint by making a binding decision. Binding decisions may include compensation of up to \$5,000.00.

In November 2008, the Public Transport Ombudsman made a binding decision to resolve a complaint resulting from the removal of a passenger with valid tickets from a V/Line train service.

The passenger was travelling from Geelong to Melbourne with a periodical Metcard and V/Line extension ticket – valid tickets for the travel he was undertaking. When the tickets were checked, the conductor wrongly formed the view that they were not valid for the passenger's intended travel, and requested the passenger leave the train at Werribee. When the passenger refused, the conductor requested police to attend. The train was made to wait until police attended and removed the passenger from the train.

This was not the first occasion that the passenger had been removed from a V/Line service while holding valid tickets. During the PTO investigation, V/Line agreed that the conductor could have handled the matter better, and substantial action was taken to address his conduct.

The Ombudsman's binding decision required the payment of compensation to the passenger either of a 26 week full fare ticket between Melbourne and Geelong, or the equivalent monetary amount (\$1,245.40). The compensation recognised the hurt and embarrassment caused to the passenger, and provided an opportunity for the passenger to regain confidence in V/Line's services.

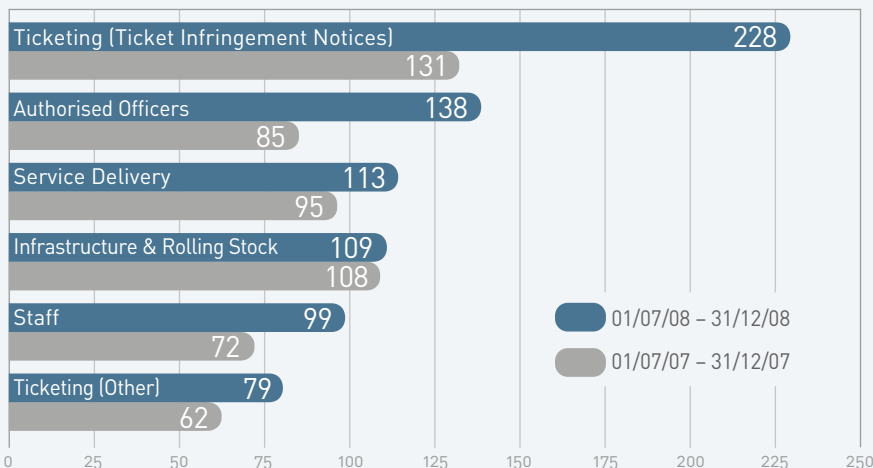
The Ombudsman also directed that a V/Line senior manager provide the passenger with a letter confirming his entitlement to travel with an extension ticket and periodical Metcard.

In addition, the Ombudsman recommended that V/Line staff who sell or check tickets be reminded about the entitlement of rail passengers to use extension tickets. This recommendation has since been implemented by V/Line.

Full details of the binding decision are available on the **PTO website**.

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Top Six Issues



PTO Issue Outcomes 1 July – 31 Dec 2008

