

2019

Public Transport Ombudsman Accessibility Bulletin



April 2019

01

Introduction

“Inaccessible public transport can have a profound impact on people’s lives. It can frustrate and isolate people, and erode their ability to live confidently and independently.”

Welcome to the Public Transport Ombudsman’s first Accessibility Bulletin – an annual publication looking at the accessibility challenges facing Victorians using public transport or affected by public transport works. This bulletin will highlight some of the experiences facing people who find accessing public transport difficult and how those experiences can inform change.

Public transport is an essential service for many Victorians, and it is especially crucial for people who are disabled, vulnerable and have limited transport options. The accessibility of public transport is a key issue for people with disability, older people and youth, parents with young children and for people from culturally and linguistically diverse backgrounds.

As our Ombudsman, Treasure Jennings notes; *“Inaccessible public transport can have a profound impact on people’s lives. It can frustrate and isolate people, and erode their ability to live confidently and independently.”*

In their recent report *“transport for all”*, the Disability Resources Centre (DRC) found that for some people with disabilities, inaccessible public transport leads to “... social isolation, a loss of independence and an inability to pursue the opportunities offered in the community”. Of the respondents to DRC’s online survey, 63.1% reported that they feel stressed or anxious when accessing transport services.

Accessibility is about all of us. It is about being able to travel unhindered and as independently as possible. We all benefit from a public transport system that is easy to use, and most of us will need to rely on accessible transport at some stage in our lives.

As well as investigating and resolving individual complaints, we investigate systemic issues that have the potential to impact more people. We make submissions to Government and regularly speak with public transport operators about the accessibility challenges for people using and affected by public transport. We also partner with various organisations in the community to identify and address barriers to accessible public transport.

02

Public transport complaints

It is important that everybody feels they have a voice when it comes to their right to complain about public transport.

However, just over five years ago when we published our report *"Closing the Accessibility Gap"*, we heard from advocacy organisations who told us that people who were vulnerable and relied on public transport were very often unable or unwilling to complain when things went wrong. 60% of the organisations that responded indicated that their clients would not contact our office if they had a complaint about public transport.

We continue to hear from advocacy organisations who tell us that a reluctance to complain about public transport is an ongoing issue for vulnerable people. Therefore, we believe the number of complaints we receive represent only a small percentage of complaints in the community about the accessibility of public transport. In this bulletin, we detail the steps we are taking to make it easier for people to complain to us.

Accessibility issues raised in complaints to our office. July 2018 to March 2019.



Since 2014, complaints about accessibility of public transport have comprised 5% to 7% of the total complaints we received. The Ombudsman's view is that this under-represents the experiences of people who may be facing issues with accessibility.

03

Systemic issues

Systemic issues are one way in which we work with public transport operators to address systemic failings in respect of accessibility and bring about improvements in the public transport system.

A systemic issue is an issue we have identified where the effect of the issue may be felt by more people. We work with public transport operators to:

- Investigate the systemic issue;
- Identify who is affected and the impact of the issue; and
- Come up with a fair and reasonable resolution to the issue.

We look for systemic issues in the complaints we receive. We also go out to speak to community and advocacy groups to get feedback on issues and practices that impact public transport.

Some of the systemic issues we reviewed in the 2018/19 financial year include:

- Accessibility of trams and Yarra Trams decision-making when short shunting trams;
- Failure to stop for disabled passengers.

- Issuing of Disability Support Pension myki cards which had expired or were close to expiring;
- Access to toilets at Metro stations and at Southern Cross;
- Lift access at Metro stations and at Southern Cross;
- Height of handholds on trams and trains;
- Problems with lowering ramps on buses; and
- Bus replacement services during Metro train works.

Some systemic issues are beyond our ability to resolve through the systemic issues process, for example where they are impacted by government policy or budget or they involve stakeholders that are not members of our scheme such as councils. However, where possible we will inform the relevant body about this feedback.

The accessibility of Melbourne's tram network is one such issue, where inaccessible stops and inaccessible trams create unacceptable challenges for people with restricted mobility. We can't insist on changes to these stops but

we can look at ways to minimise the impact on passengers or improve the experience. For example, we are currently conducting a systemic enquiry into how Yarra Trams supports passengers with restricted mobility when a tram service is terminated before the final stop and passengers are required to disembark early and catch another service.

We note that the Victorian Auditor General will be commencing an audit of the accessibility of Melbourne's tram network, and this office will make a submission to the audit based on our data and the stories about tram accessibility that people have shared with us.

We encourage public transport operators to look at options such as deploying staff to mitigate the impacts while issues involving inaccessible infrastructure and vehicles are being worked through. This approach is demonstrated in the following systemic enquiry involving Transdev buses.

Wade's Story: Making buses more accessible – a systemic enquiry

Wade contacted us to complain about the accessibility of Transdev buses. He told us that there were persistent maintenance issues with buses impacting his ability to travel. Specifically, the folding seats in the designated wheelchair spaces of a number of buses would not remain upright on his journey. In addition, he raised concerns about functionality and driver awareness of the mechanism for lowering the bus at stops and the ramp function.

Transdev responded to the complaint advising that the faults reported by Wade had been attended to and repaired. However, despite this advice, Wade continued to experience the same issues with the folding seats that indicated the repairs had not been successful.

It appeared to us that the issue may be bigger than anticipated. Based on this and following our discussions with Wade, we decided to open a systemic enquiry into the issues he had raised in his complaint. It was clear that other bus users could also be affected.

Wade indicated to us that he preferred to deal directly with Transdev in relation to his individual complaint, because he was not satisfied with the outcomes that were possible through our office.

We contacted Transdev and notified them that we were looking at the matter on a systemic basis and asked them to give us more information so we could assess the problem and how they were addressing it.

In their initial response, Transdev told us that despite the accessibility issues reported, they were still compliant with the Disability Standards for Accessible Public Transport 2002.

Transdev told us that Wade continued to talk directly with them about his poor experiences. Transdev, in partnership with Public Transport Victoria met with Wade and said that as a result of the meeting, they identified a policy change they could make to assist Wade and other passengers who were experiencing the same issues.

Transdev issued a bulletin to employees explaining that some passengers with mobility issues experience challenges when trying

to put seats in the upright position in the priority seating area. Drivers are now expected to act proactively by putting the seats up in the priority area before deploying the ramp. They will also ask customers sitting in the priority area whether they are able to move to another part of the bus so the passenger with mobility needs can easily access the area.

Drivers were also reminded that they are obliged to lower the ramp without question, when a person requests it. They are also required to log a report if they see faulty seats in the priority seating area.

We decided to finalise our systemic enquiry on the basis that the policy change introduced by Transdev addressed the issues raised. We will monitor complaints to our office to ensure progress is being made in repairing the seats and making the priority seating area truly accessible.



04

Transport standards and a 'whole journey' approach

When we look at complaints and systemic issues, we have regard to the Disability Standards for Accessible Public Transport 2002 (Transport Standards). The Transport Standards set out the minimum rights and obligations for public transport access under the Disability Discrimination Act 1992. Since 2014 we have dealt with approximately 580 cases in which issues relevant to the Transport Standards were raised with us. These issues include:

- Access to vehicles, building or platforms
- Issues with escalators and ramps at train stations and bus stops
- Issues with vehicle ramps and boarding devices
- Driver and staff conduct issues including failure to pick up or set down passengers
- Passengers with disabilities feeling unsafe

We have made and will continue to make submissions to the Commonwealth Government when the Transport Standards are reviewed. Our most recent submission, to the third review on the Transport Standards in 2018, drew attention to issues related to accessibility raised with us through our systemic issues process.

However, accessible vehicles and infrastructure are not enough to ensure an accessible journey.

Following the second review of the Transport Standards in 2012, the Commonwealth Government developed the *Whole Journey Guide*, to encourage a focus on the accessibility needs of people across their whole journey, from pre-journey planning to interchanging and unplanned disruptions. While the Transport Standards provide technical clarity, the *Whole Journey Guide* is about providing people with disabilities a seamless and accessible journey.

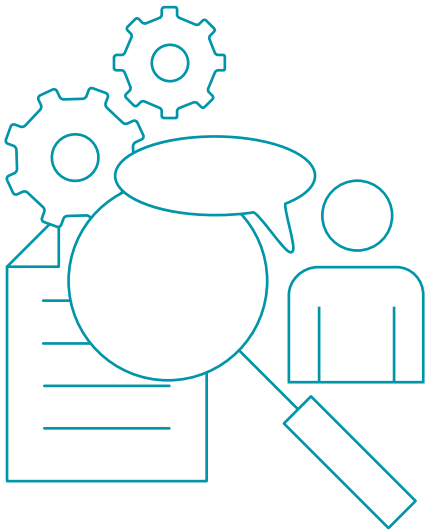
The *Whole Journey Guide* promotes universal design, so that programs, services and facilities are accessible to everyone, regardless of age or ability. The *Whole Journey Guide* also highlights different needs for a good travelling experience such as effective journey planning tools, good passenger amenities along the route, information and communication and good management of disruptions.

The *Whole Journey Guide* makes the point that the increasing availability of digital technologies does not replace human touch in public transport. Rather it is an opportunity for staff to move to 'high value' activities that rely on knowledge, expertise and responsiveness.

Public transport staff impact most aspects of an accessible journey and our view is that public transport operators should ensure that all staff, regardless of their position, see themselves as responsible for facilitating accessibility.

05

Making ourselves more accessible



We undertook market research last year to understand the circumstances in which people would make a complaint to our office about problems they had experienced with public transport. People told us that they did not know about the Public Transport Ombudsman (PTO) and they did not know whether it was worth complaining. They were not aware of our systemic issues process, but agreed that they would be more likely to complain to us in future, knowing that their complaints could be used by the PTO to bring about systemic change and improve public transport more generally.

Responding to low awareness in the community about the existence of our office and the services we provide is a priority for us. We are also committed to targeting vulnerable groups and communities who we know are less likely to pursue a formal complaint.

We are working on identifying and addressing the barriers to making a complaint to our office by attending expos and public events to provide information to people with disabilities about how we can help them with a public transport complaint.

We are partnering with support organisations for vulnerable people including people with a disability, people from non-English speaking backgrounds, refugees and youth to encourage people with unresolved public transport issues to get in touch with us.

We have recently updated our website to provide comprehensive information about our services in eleven community languages. We have also commenced a project to make our website more accessible and compliant with Web Content Accessibility Guidelines.

In 2019 we will be speaking to our stakeholders to inform the development of a Public Transport Ombudsman Disability Action Plan.

06

Helping vulnerable students get to school

2019 has seen the expansion of the project we have been working on in partnership with WEstjustice Legal Service to assist young vulnerable students in the western suburbs of Melbourne to attend school.

Now known as the Travel Assistance Program (TAP), the program provides students who are couch surfing and at risk of homelessness with prepaid travel vouchers so they can get to and from school and their accommodation. These students face major barriers as they deal with family and personal issues while maintaining their connections with school and social contacts. The travel vouchers are provided by wellbeing staff at the schools, which gives them the opportunity to engage with the students and provide any additional support and referrals they need.

TAP began as a six month pilot in 2018 across four schools in the City of Wyndham. Several public transport operators approached by WEstjustice during the initial phase of development provided funding for the pilot, along with the City of Wyndham. The program has now expanded to over 10 schools and will run for the full 2019 school

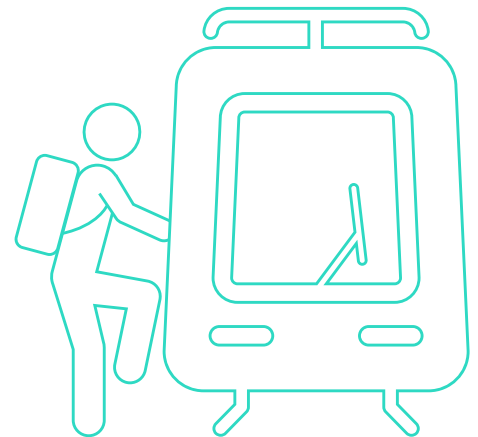
year. Expansion of the program has been made possible by a grant from the State Government.

The program has enabled us to reach out and assist disadvantaged young people with public transport issues who may not otherwise have engaged with our office. It is a more proactive approach to dispute resolution, making our service more accessible and helping us to identify systemic barriers to travel being experienced by young people.

Our participation in the pilot gave us good insight into some of the issues being experienced by schools who were trying to help their students travel compliantly on a concession myki. Applying for the Public Transport Victoria (PTV) School Student ID was particularly problematic, and some of these issues were also reflected in complaints we were receiving. The Ombudsman pressed for this problem to be solved and identified an alternative that allows students to use a school ID card where it has been approved by PTV. It is a common-sense solution that benefits secondary students across Victoria.

Our work on the pilot saw us win the Australia Dispute Resolution (ADR) Innovation of the Year Award at the 2018 Australian ADR Awards.

Feedback from schools in the initial pilot has been overwhelmingly positive, with schools telling us about students who were able to complete their schooling because of their participation in the program. We are passionate about our work in helping these young people and commend all our partners, WEstjustice, City of Wyndham, Department of Transport, Public Transport Victoria, Department of Education and Training and Victorian Council of Social Service on their work and commitment to this program.



07

Contact us

If you or someone you know wants to discuss accessibility problems or has a complaint about public transport, we would like to hear from you.

This is how you can make a complaint or raise an issue with us:

Phone 1800 466 865

Email enquiries@ptovic.com.au

Website ptovic.com.au

Facebook – [facebook.com/
PublicTransportOmbudsman](https://facebook.com/PublicTransportOmbudsman)

Mail

Public Transport Ombudsman
PO Box 538
Collins Street West
Melbourne Vic 8007

If you are deaf, or have a hearing or speech impairment you can contact us through: [The National Relay Service](#).

Speak another language and want to complain?

Information about our service in various languages can be found on our [website](#) or you can contact the [Translating and Interpreting Service](#) on 131 450.

Need help lodging your complaint?

You can nominate a carer or advocate, family member or friend to lodge a complaint on your behalf. Access information on how to nominate an authorised representative on our [website](#).

