

# Public Transport Ombudsman

## Submission

# Third Review of Disability Standards for Accessible Public Transport 2002

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## Disability Standards for Accessible Public Transport – Third Review

### Introduction

Thank you for the opportunity to make a submission to the third five year review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards). The following represents broad commentary on the experiences of people who have complained to my office, in response to Section C of the Issues Paper.

The Transport Standards play a vital role in articulating standards for public transport operators to meet to support the removal of discrimination from public transport services. They are important in setting minimum standards and encouraging operators to innovate to give improved access to public transport.

I also commend the work of the Department of Infrastructure and Regional Development (the Department) in creating *The Whole Journey: A guide for thinking beyond compliance to create accessible public transport journeys* (the Whole Journey guide) in 2017, which recognises that removing barriers to travel for people with disability goes beyond compliance with the Transport Standards and requires a holistic approach to accessibility.

### The role of the Public Transport Ombudsman

The Public Transport Ombudsman (PTO) is an industry specific dispute resolution scheme, established in 2004 to receive, investigate and resolve complaints about public transport services in Victoria. I can look at complaints about public transport operators who are members of our scheme, including complaints about matters covered by the Transport Standards.

Our members include passenger train, tram and bus operators and other organisations that provide public transport services, such as Public Transport Victoria (PTV) (ticketing and timetables) as well as authorities responsible for delivered major public transport infrastructure projects, such as level crossing removals and the Melbourne Metro Tunnel. The membership of the PTO includes a mix of private and government entities.

The PTO provides an informal dispute resolution service for customers that complies with both Government and peak body benchmarks. The Federal Government's Benchmarks for Industry-based Customer Dispute Resolution are reflected in all levels of the PTO's activities, from strategic planning and policy development to complaint handling and engaging with consumers.

The Benchmarks are:

Accessibility | Independence | Fairness | Accountability | Efficiency | Effectiveness

The PTO also identifies, investigates and resolves systemic issues facing the public transport industry. We work constructively with public transport operators to address systemic issues and improvement opportunities that are identified through complaints to my office. If I consider it appropriate, I can draw systemic issues to the attention of the regulator, or the Victorian Public Transport Minister.

This collaborative approach has the effect of improving services, reducing complaints and restoring and maintaining public confidence in the public transport system.

### **Accessibility complaints to the PTO**

Since 2014 we have dealt with approximately 580 cases in which issues relevant to the Transport Standards were raised by people in their complaints. These issues include:

- Access to vehicles, building or platforms
- Issues with escalators and ramps at stations and 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

There were also 140 cases in which complaints were made about access to information on public transport operator websites, however we have not recorded how many of those complaints came from people who identified as having a disability.

From 1 July 2018 we changed the way we record cases involving accessibility in our database to make it easier to extract the data and share it with our members.

### **Complaint outcomes**

We have an informal and accessible complaint process, and we resolve the majority of our complaints by agreement between the parties. Typical outcomes include:

- Apology
- Explanation
- Change of policy or procedure
- Refund
- Ex gratia payment
- Staff training

#### **Lea's story**

Lea complained to us after she fell out of her wheelchair, exiting a bus. She told us that the bus driver engaged the ramp but did not lower the bus and as a result the ramp was too steep. Luckily Lea was not injured, but her wheelchair was damaged. The bus driver told Lea it was her fault because she was moving too fast, but we were able to access CCTV footage to confirm Lea's story. We contacted the bus company and commenced an investigation. During our investigation it became apparent that the bus company did not have any formal instructions for bus drivers on how to operate the ramp. The bus company consulted with the manufacturer and created a procedure for ramp operation. The procedure was made mandatory and issued in a bulletin to all bus drivers. The bus company apologised to Lea for her experience and asked her to contact them if she had any problems in future.

We recognise that in cases where the person complaining is more vulnerable, extra steps may need to be taken by the operator to rebuild trust and confidence in using public transport. These extra measures can include:

- Providing the person with an operator contact who they can call directly if the problem recurs.
- Exploring other temporary transport options such as taxi.
- Referring the person to a program or service that supports confident public transport use such as PTV's "Try Before You Ride" event.

After resolving a complaint we may determine that the issue is potentially systemic or an improvement opportunity for the operator. The issue is then forwarded to our systemic issues team for further investigation and engagement with the operator.

The following are some examples of accessibility issues that have been considered, or are being considered, under our systemic issues and improvement opportunities process.

## **Systemic issues**

### Disruptions to public transport services

In the past year, complaints from the public about disruptions to service delivery have increased dramatically. Planned disruptions, due to infrastructure works, appear to be managed well on the whole. But unplanned disruptions are not as well tolerated by the community and can have a significant impact on everyone, but in particular on the ability of people with disability to navigate the system and make alternative arrangements. Prompt and clear information is crucial.

Our observation is that even when information is provided in times of unplanned disruptions, it is not always consistent across all delivery methods. For example, a train driver may make announcements about a changed service, but the on board electronic display is not amended and shows incorrect service information.

Unplanned disruptions are a fact of life in public transport and are a regular cause of public transport becoming inaccessible. This is also the case when operators make ad hoc operational decisions that see changes to services. It is important that operators have protocols and procedures in place to ensure the provision of prompt, consistent and accurate information to all people affected.

I note that in the case of unplanned changes when tram services are terminated before the final stop requiring passengers to disembark early (short shunting), many of Melbourne's tram stops are not yet accessible, so the process can be particularly difficult and disheartening for people with accessibility challenges, including those with a disability.

We are currently conducting a systemic enquiry into this issue, after receiving a number of complaints. In one instance, a person with disability boarded a tram at an accessible stop with the intention of travelling to another accessible stop. Instead the tram was short shunted at a tram depot which had a non-accessible stop. She was forced to disembark with her wheeled walker

with the help of an elderly fellow passenger, and told us that she has now has no confidence in travelling by tram.

### Making accessibility everyone's responsibility

Accessible infrastructure does not always guarantee an accessible travelling experience, which is why the whole of journey approach is so important. All staff need to see accessibility as their concern and be empowered to respond accordingly when issues arise.

We are currently looking at a systemic enquiry into the accessibility of train services at a specific time of day – when services reverse their direction through major stations in metropolitan Melbourne to accommodate the afternoon timetable.

#### Helen's story – a current systemic enquiry

We received a complaint from a teacher travelling with several people with disability who required assistance to board the train. Passengers requiring assistance to board are instructed to wait near where the front carriage will stop, so they can receive assistance from the driver and a ramp can be deployed if necessary.

The group had been waiting in the correct position, but were not aware that they had arrived during the reversal of service, and the next train would be travelling in the opposite direction. When the train arrived they realized it was travelling the other way and they needed to board at the other end of the platform. We looked at CCTV footage of the incident which showed the group travelling along the platform alongside the train, with several members of the group clearly requiring a ramp to board. The train departed before they were able to reach the first carriage.

This enquiry is still ongoing, however during our investigation we noted that there were a number of operator staff on the platform performing various duties while the group assembled at the wrong end of the platform, and during the time they tried to catch the train. Among the issues we are looking at is whether there were touch points when staff could or should have taken the initiative to provide assistance.

### Hidden disabilities

The Disability Standards for Accessible Public Transport Guidelines 2004 say that the Transport Standards assume that passengers with hidden disabilities will identify their disabilities to the operator or provider so their needs can be accommodated. The Transport Standards assume that operators will arrange assistance for passengers who identify their needs.

However not every public transport service provides people with the opportunity to identify a hidden disability before boarding a service as the following case study shows.

**Ronald's story – a current systemic enquiry**

Ronald complained to us about his experience of trying to catch a tram with his wife in central Melbourne. They were at a so called 'super stop' which is long enough to accommodate two trams in a row and were waiting at the front of the stop when their tram stopped in the second position. Their tram did not stop again when it got to the front position, but just kept going and they were unable to catch it. The tram operator advised in its response that the driver would have stopped the tram again in the front position, had the driver seen that there were passengers with special needs waiting.

Our concern with this policy is that not all special needs are necessarily visible to the tram driver and more passengers could be adversely affected by the policy. Therefore we decided to refer the matter to the operator as a systemic enquiry and we have asked them to address the wider concerns raised by this complaint.

## **Making a complaint**

In 2017, I made a submission to The Whole Journey Guide – Consultation Draft, arguing that there should be a key principle which requires a public transport operator to recognise the impact of failures and disruptions on the customer experience and ensure that complaints are heard and addressed.

Not only for the purpose of knowledge capture and journey improvement, but to give consumers a voice and to acknowledge that their experiences and confidence in the system are at the heart of a successful journey.

In most cases, consumers do not have a choice of public transport provider, so it is of vital importance that complaints are received and addressed in a way that restores their confidence in the operator and their own ability to continue to use public transport. We know however that the most vulnerable users of public transport are also less likely to feel comfortable making a complaint about poor service or products. So the process to make a complaint should be accessible and welcoming.

In 2011 we commissioned an independent survey of organisations representing people who were socially, economically, intellectually or physically disadvantaged and who used public transport. We found that people who have no choice but to rely on public transport are often unable, reluctant or unwilling to complain when things go wrong. Reasons for not complaining included communication impairments, a lack of awareness of their right to complain, a fear or lack of trust in authority, concerns that complaint systems are too complex to use and a lack of confidence that the complaint would be resolved.

The challenge for public transport operators is to create an environment in which all consumers feel that their complaints are important and their experiences are valued, and to have an avenue where consumers can go if they feel the operator has not resolved their complaint.

In Victoria, consumers with unresolved public transport complaints have recourse to my office. The public transport operators who are members of the PTO scheme are required to advise consumers about the PTO, and about their right to refer a complaint to the PTO.

Consumers are empowered by having an independent, simple process to have their unresolved complaint investigated to ensure there is a fair outcome. They also know that we use the information obtained from complaints to identify systemic issues and improvement opportunities, which allow us to work with operators and governments to improve the public transport system for everyone.

**Further information**

If you require any further information to support this submission, please contact Barbara Schade Policy and Communication Manager at [bschade@ptovic.com.au](mailto:bschade@ptovic.com.au).



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