

Presentation by Simon Cohen, Public Transport Ombudsman to the Tolling Customer Ombudsman seminar, 29 September 2009

I am pleased to be able to speak to you today about a couple of areas that I thought may be of interest to you in complaints handling.

Before coming, I had the opportunity to read the most recent review by Michael Arnold, the Tolling Customer Ombudsman (TCO). One theme of that review – about providing information to toll road customers (about matters such as accounts and road delays) – is consistent with themes arising in the work of the Public Transport Ombudsman. We too have many complaints which at their heart are about providing accurate and timely information – about delays or service changes before travel; about delays and platform changes on station; and about delays or other occurrences while on carriage or vehicle. These complaints highlight issues of basic customer service, one of the themes I will briefly speak to today.

Public Transport Ombudsman

First, I will speak a little about the Public Transport Ombudsman (PTO). The PTO is an industry ombudsman, like the Financial Ombudsman Service, the Telecommunications Industry Ombudsman and the Energy and Water Ombudsman.

We deal with public transport complaints – about trains, trams and buses, including complaints about:

- punctuality and cancellations – including compensation for service failures
- the conduct of ticket inspectors, station staff, drivers and other staff
- the condition of carriages, stations and stops
- other infrastructure, car parks, maintenance works and level crossings
- ticketing complaints – including myki, ticket machines and ticket refunds.

Like the TCO, we can only deal with complaints after the service provider has had the first chance to resolve the complaint.

Our focus is on resolving complaints – using a shuttle conciliation process or face-to-face meetings if required – including on-site conciliation meetings. Outcomes that we achieve include explanations, apologies, goodwill gestures, compensation, changes to the way services are provided, staff counselling and training. We also will find that the operator has acted properly in many cases, and if the complainant does not accept this, we end our investigation.

We focus on systemic issues as well as individual complaints:

- about complaint handling: for public transport operators the single most common failure in complaint handling that we see is a failure to provide a response, or a timely response, to a complaint. A second issue is the failure to provide a reasonable response. We have reported on these matters to public transport operators, and made recommendations aimed at increasing the flexibility of operators when they are swamped with complaints.

- about public transport: issues we have looked at this year include complaint trends for authorised officers, door closing on trains and trams, and passenger safety – especially for older persons - on buses.

There are four areas I want to highlight today:

- good complaint processes are good for business
- handling complaints requires special skills
- saying sorry often solves complaints
- some complainants do not act reasonably.

Having good complaints processes is good business

Complaints are part of doing business. Complaints handling is a core business activity. When it is done well, there are substantial business benefits:

- Handling a complaint well can reclaim and build customer and community loyalty – often for customers this will be a once only chance.
- Handling complaints well also increases levels of satisfaction of customers and builds goodwill. It provides buffer when things may not be going well or critical events occur – like serious accidents or highly public disputes with other interests groups. Effective complaints handling increases customer satisfaction. This is not surprise because good complaint handling is a strong marker of respect for customers and their feedback.
- Feedback is an important tool in the management of staff – an early warning indicator that something is going wrong or there is an area of weakness for staff member. Proper management allows for early intervention to bring employees up to speed.
- Complaints provide intelligence about what is happening ‘in the field’ – how customers are being served and treated by employees, whether there are confusing signs, or problems that have not been identified by maintenance staff.
- Complaints give customers a buy-in on improving services – identifying problems and sometimes proposing solutions. Done properly, it makes them part of the solution, not part of the problem.

Not having a good system can cost money, goodwill and sometime the business itself:

- There are potential impacts on business bottom line – losing customers and contracts.
- If complaints are not valued, it can contribute to workplace that is not focused on providing good quality services.
- Importantly, risks remain unaddressed - resulting in increased prospects of calamitous happenings.
- And there is time and effort spent dealing with external bodies – including ombudsman.

Not just anyone can handle complaints – it is a specialist skill

There are a range of special skills and knowledge required to deal with complaints effectively:

- first, about complaints management systems – including case management and harnessing complaints for organisational improvement
- about investigations – including procedural fairness and identifying and managing conflicts of interests
- about dispute resolution – including negotiation and conciliation
- importantly, about how to communicate effectively – to listen, to reflect, to write and verbally communicate with persuasion.

For communications, special skills are needed to communicate both with the person making the complaint and people within the organisation that can help you solve matters. For example:

- There is a need to communicate well when a person is making the complaint. Without a 'good' complaint the prospect of a successful resolution is much reduced. We have been working to assist people in making effective complaints. 6 tips we give are these:
 - make the complaint as soon as you can
 - be specific about what occurred – the date, time and location
 - be accurate in your description of the event
 - state what you want as an outcome, and be reasonable
 - keep a record of your conversations and correspondence
 - if you are not happy, persist. Ask to speak to a manager or contact the ombudsman.
- There is also a need to communicate well about the investigation process and realistic outcomes. I think sometimes when people complain they have unrealistic expectations – about compensation, about staff being sacked, about changes to systems. Clear communications about what might be achieved at the outset will assist in handling and resolving a complaint. Indeed, allowing unrealistic expectations to go unaddressed will invariably result in a dissatisfied complainant. At the PTO, we have produced an information sheet with a couple of key messages:
 - If someone wants their complaint resolved, they have to be prepared to work with us – to provide information and answer our letters
 - Sometimes resolving a complaint means that a both sides must compromise
 - Where an operator provides a response that is consistent with current law and good practice, we will generally accept the response as fair and reasonable, no matter how aggrieved a person may feel.

Saying sorry solves complaints

It is hard to believe sometimes that saying sorry is so hard. I recall it being almost childhood lesson number one.

It is unquestionably true that a timely and genuine apology can resolve many complaints. Sometimes we get complaints from people who are simply asking for an explanation and an apology, and when it is provided they are satisfied.

From my perspective, there are a number of key principles for an apology, which I will briefly outline below:

- Acknowledge the complaint, and accept responsibility
- Explain of what went wrong
- Be genuine in apologising – if you say you are sorry, mean it
- Give information about what has been done to fix the problem.

Unreasonable complainants

Everyone has experienced people who present as angry, upset and difficult. These complainants don't always act reasonably in dealing with organisations, including ombudsman. Even though their issue may be valid, their conduct uses up inordinate resources, to the detriment of the organisation and other people who require assistance.

Recent developments, especially by Australian parliamentary ombudsman¹, have looked at better ways to manage unreasonable behaviour by complainants. These developments focus on managing observable conduct rather than analysing the cause. Examples of the unreasonable conduct and how to manage it include:

- Unreasonably persistence, those who cannot accept a final decision; strategies focus on saying no – clear communication and being firm when the end of the road is reached
- Unreasonably demands, such as insisting on unrealistic outcomes or excessive investigations and contact; here, it is important to establish limits, including through providing clear information at the outset about the handling of a complaint and managing contact with the organisation
- Unreasonable lack of cooperation – not providing information or not detailing what will resolve a complaint; complaint handlers need to set conditions to deal with a complaint, such as no investigation if information is not provided
- Unreasonable behaviour – rudeness and aggression; staff need clear protocols and limits to effectively deal with this – for example, supporting staff who terminate rude and aggressive telephone calls.

External dispute resolution

A final point I wanted to note today is the importance of having and promoting an external dispute resolution (EDR) avenue – such as an ombudsman. This is a substantial part of having a mature and well functioning complaints process. EDR is increasingly recognised by organisations of all types. It is a sign that an organisation accepts that it can learn from complaints – including those it cannot resolve. It also sends a strong message to customers that an organisation wants their business and their feedback.

In dealing with an ombudsman, my strongest encouragements are to be open with information, attentive to suggestions, and flexible in problem solving. These qualities will invariably assist in resolving complaints, and improving your organisation.

¹ *Managing Unreasonable Complainant Conduct Practice Manual*, NSW Ombudsman, June 2009