



Transport Focus review of complaints handling by TT2 Limited

August 2023

1. Introduction

Transport Focus is the independent consumer watchdog for Britain's transport users, including those travelling on the motorways and major 'A' roads in England that are managed by National Highways.

TT2 Limited (TT2) operates the two road tunnels between Wallsend and Jarrow in North East England under a 30-year private finance initiative agreement signed in 2007. The agreement is administered by Transport North East on behalf of the North East Combined Authority and the North of Tyne Combined Authority, representing the five councils that jointly own the tunnels.

Although Transport Focus represents the interests of users of the A19 either side of the River Tyne, the tunnels themselves are outside our remit because they are not managed by National Highways. However, linked to the introduction of 'open road tolling' in place of payment at a booth, TT2 has voluntarily engaged Transport Focus as a 'critical friend' to help bring additional focus to the experience of those who use its tunnels. This has involved site visits to TT2 and a review of the usability of TT2's website in relation to the appeals and complaints handling processes.

One element of our work with TT2 involves reviewing how the organisation handles complaints through a review of policies and complaints handling processes and a detailed assessment of a number of randomly selected cases.

This report sets out Transport Focus's findings from that review, conducted in 2022, and our associated recommendations. Where TT2 has provided comments in response, those comments are included in boxes within the document.

We recognise that TT2 will be able to address some points more quickly than others, and that some may not be possible to address within the scope of the current commercial and contractual arrangements between TT2 and Transport North East. Transport Focus looks forward to helping TT2 implement as many of the suggested improvements as possible.



We invited Transport Focus to carry out this review and have used their findings to help support our ongoing commitment to customer service and continuous improvement, delivering our commercial, contractual and the statutory obligations in line with the commercial agreement, the bylaws and the Tunnels Order.

2. Methodology

Transport Focus reviewed TT2's policies and processes, including the information on its website, and reviewed in detail a selection of individual cases where TT2 had received a complaint.

We were provided with the reference numbers for all completed complaint cases initiated between December 2021 and August 2022, from which we selected 40 cases at random for review. 38 were associated with an Unpaid Toll Charge Notice (UTCN) and two were not.

Transport Focus considered the overall handling of the complaint having reviewed all correspondence. Four specific aspects of TT2's responses were considered:

- timeliness, in the context of TT2's targets
- answering each point made by the complainant
- tone and empathy
- clarity and use of language.

In conducting the case reviews we also considered whether:

- there was evidence of a proper investigation of the issue
- the problem in question had been rectified
- we were confident that, where appropriate, lessons had been learnt and there would be no repetition.

3. Overall observations

Core principles of good complaints handling include:

- being customer focused
- being open and accountable
- acting fairly and proportionately
- putting things right
- seeking continuous improvement.

Also, a consumer should be able to easily access a complaint handling procedure which details:

- how to make a complaint
- what to do if they are unhappy with the response to their complaint
- how to take things further and what the escalation process is.

The [Legal Ombudsman](#) and the [Parliamentary and Health Service Ombudsman](#) websites provide useful information on complaints handling best practice.

We saw many elements of good practice in the way TT2 dealt with complaints, including quick turnaround times and responses that demonstrated understanding of the complainant's experience. We also saw examples where follow-up responses made up for shortcomings in earlier handling of the case.

Common elements of exemplary responses were:

- a clear account of what had happened based on thorough investigation
- plenty of useful, relevant information, with weblinks
- effort taken to join up template paragraphs into a coherent narrative, tailored to the case
- a readiness to admit failings and point to action being taken in response

In one case, the key response was accessible only as a recording of two telephone conversations. In both calls, the customer contact centre agent dealt courteously and assuredly with the caller (who was reasonable, but exasperated), and used apparently scripted lines adeptly to establish some rapport, notwithstanding the unwelcome messages they had to convey.

Overall, though, we felt that improvements should be made to deliver the standard of complaint handling tunnel users might reasonably expect. This is mainly because, in our judgement, TT2 in many cases did not demonstrate that it had listened to all the points being made by the complainant or that it truly empathised with the customer's predicament. There sometimes appeared to be insufficient focus on the specific problem raised and on communicating effectively with the complainant.

In section four we comment on the areas in which we recommend that TT2 looks to improve, if it has not already done so.



Although an independent external auditor found that the correct outcome had been reached in 99.2 percent of cases assessed, we acknowledge that, in some of the cases sampled, greater empathy could have been shown.

We're encouraged that Transport Focus recognises the courtesy and assuredness with which complaints were dealt, and welcome the advice and input they have provided.

Many of the recommendations and improvements set out in this report have already been implemented as part of our ongoing programme of continuous improvement.

We look forward to continuing our work with Transport Focus to ensure we achieve the high standard of customer service that we endeavour to maintain throughout 2023 and beyond.

4. Areas for improvement

4.1 Making the complaints procedure more accessible and comprehensive

4.1.1 Navigating to the complaints handling procedure on the TT2 website

The TT2 website is the primary platform for explaining the complaints handling procedure and, while it has extensive information, it could be easier to navigate. For instance, the complaints handling procedure is set out at the end of a long list of frequently asked questions (FAQs) under the 'general' heading.

4.1.2 Improving the information provided within the complaints handling procedure

We felt that the TT2 website should more effectively distinguish between general complaints and appeals against a UTCN.

There is a link to the UTCN payment page, but no direct link to the complaints procedure. Customers may come to the website if they want to appeal against a UTCN, or if they wish to complain in relation to a UTCN that they have already appealed against. The appeals and complaints procedures are therefore interlinked in a customer's mind. There needs to be clear information on rights of appeal and the escalation process.

Although the procedure notes three stages of appeal, it does not say how to progress from one stage to the next. It would be best practice for TT2 to signpost customers to their rights to escalate, both in the complaints handling procedure and during the complaints process, for example at the end of each response.

We felt that the complaints handling procedure lacks detail on what to expect from the process as it progresses. For example, whether to expect an immediate acknowledgement and what procedure to follow to make a payment.

We felt that the procedure should be clearer about the options complainants have if they are unhappy with the third, final stage response from TT2.

The procedure provides two options for making a complaint: via an online form or by post. We felt that offering additional channels, for instance telephone and social media, could better meet the needs of customers with certain disabilities, who are not computer literate or who lack good written communication skills (including those whose first language is not English).

TT2 could usefully add information about how it uses insight gathered from complaints to drive continuous improvement. This would provide reassurance that customers' concerns are taken seriously.

Recommendation 1:

Transport Focus recommends that TT2:

- 1a. makes the complaints handling procedure more accessible by making it easier to find on its website.



We appointed a fully independent user experience consultant to undertake a full review of the way the complaints process is presented on our website.

Improvements have been made to ensure customers can now more easily see how to make a complaint from our website homepage.

- 1b. provides clear information about the difference between an appeal and a complaint, as well as the escalation process from one to the other.



Further information is now available online, providing step-by-step guidance, best practice and tips for customers submitting either appeals or complaints.

- 1c. improves the information contained within the complaints procedure to make it more customer focused and provide greater transparency about the process.



We've supported Transport North East in engaging with representatives of our customers to provide greater clarity in relation to the complaints process. This includes the imminent online publication of further guidance about the appeals and complaints processes based on topics suggested by users, available on both the TT2 and NECA websites.

4.2 Taking account of mitigating circumstances

In several cases we found that mitigating circumstances were taken into account only once the case had been escalated to the complaints team. Although the right outcome was eventually achieved, in one case TT2 repeatedly rejected evidence of reasonable justification for having missed the payment deadline – until a third party became involved and helped the complainant with the complaints process.

Recommendation 2:

Transport Focus recommends that TT2 enhances its arrangements to apply discretion at the outset when a customer presents reasonable mitigating circumstances. This would nip in the bud cases that generate angst among customers and must waste TT2 staff time.



The case referred to here was from early 2022 and involved human error by one of our agents who had not followed our best practice guidance. A process is now in place to ensure agents receive more robust guidance and coaching regarding mitigating circumstances and the use of discretion. A review of this process is included in quarterly independent audits of appeals and complaints.

Consideration of mitigating circumstances has always been part of the appeals and complaints framework during assessment, but the training and guidance for agents on how to recognise mitigating circumstances has been improved.

4.3 Style and quality of responses

4.3.1 Answering each point made by the complainant

It appears to be standard practice for TT2 to repeat the user's complaint at the beginning of its response. Repetition verbatim can give the impression that the complaint was not read or understood properly, particularly when not all points are addressed in TT2's response.

There were cases where TT2 appeared to miss the crux of the complaint. This was exacerbated by the fact the same points had not been addressed through the UTCN appeals process.

There were also examples where the template text lacked relevance to the complaint. In one particular example contacting the customer service centre was suggested if having trouble making payment, despite the customer having already explained that they were not aware of the toll in the first place.

4.3.2 Addressing users' concerns

Almost all of complaints we reviewed in our sample were regarding UTCNs and the appeals process. We observed that many customers had complained because they did not believe their grounds for appeal had been properly considered by TT2.

We felt that TT2's responses did not always give a compelling reason for its decision, especially when it came to rejecting an appeal against a UTCN. For example, in one case TT2 acknowledged that temporary signs are sometimes laid down during high winds, but did not say whether that was the case at the time the customer used the tunnel.

We felt that where a complaint reveals shortcomings in the response to an appeal, TT2 should acknowledge them in its response and be clear that it will apply the learnings in future.

Recommendation 3:

Transport Focus recommends that TT2:

- 3a. ensures the core issues raised in the complaint are addressed and guards against inclusion of template paragraphs covering unrelated matters.
- 3b. considers summarising the complainant's concerns rather than repeating them – this will help the agent demonstrate empathy with the customer.
- 3c. strengthens its template paragraphs dealing with common grounds for appeal, including but not limited to signage and the payment deadline, to be clearer about why TT2 takes the position it does.
- 3d. gives greater confidence through its responses that shortcomings highlighted by a complaint have been rectified and/or that lessons have been learnt from the complainant's experience.

Verbatim repetition is standard in many complaints processes, including government departments, and mitigates the risk of misrepresentation, but we appreciate that this approach may be frustrating for the complainant.



Subsequent development of the enforcement platform now allows agents to customise existing templates where text could not previously be amended. This has improved the relevance and consistency of message, allowing agents to focus on the most appropriate response to the points raised by the complainant.

Responses to appeals and complaints are now assessed every month by a quality assurance leader as part of our quality framework.

Whilst we are unable to guarantee that changes to products and processes are implemented in light of every appeal or complaint, we routinely carry out root cause analysis to support our commitment to a programme of continuous improvement.

In response to the specific example referenced above, and in accordance with best practice, temporary signage is laid down during high winds due to safety implications. Permanent signage has since been installed.

4.4 Tone and empathy

Customers, of any business, want to know that their reason for complaining is understood, that the matter has been investigated thoroughly and to receive a fair, reasonable response.

We felt that some of TT2's template paragraphs, which dominate most responses, risk coming across inappropriately. For example, the closing assertion that insight from customers is valued rings hollow when all that precedes it seems dismissive of the concerns raised. Some wording intended to be courteous can jar in some circumstances, for example "always happy to hear from our customers" after advising that an appeal is likely to be rejected and then rejecting a complaint.

Where a complaint is found to be valid, an appeal is upheld or TT2 is reversing a previous position, customers want recognition of their concerns and an apology that feels genuine and explains the change of heart. TT2's communications in these circumstances can come across as grudging.

The use of 'Dear Sir or Madam' as the salutation can feel impersonal and is not inclusive: not everybody identifies as either Sir or Madam.

Recommendation 4:

Transport Focus recommends that TT2:

- 4a. **makes its correspondence with customers, including its template paragraphs, more empathetic and less defensive. Communications should avoid expressions of appreciation that might appear hollow and should recognise the difficulty a customer has had. Apologies should feel genuine.**



A full review of all templated responses has been undertaken and improvements implemented. Although templates are used in some responses to ensure a consistent message, each appeal and complaint is assessed on an individual basis and agents have since been encouraged to personalise responses when appropriate.

- 4b. **when rejecting an appeal, explains how the mitigating circumstances cited have been considered in reaching the conclusion that the UTCN should stand.**



Although mitigating circumstances are always assessed on appeal, it is now explained in our responses when they are not admissible.

- 4c. considers addressing letters with “Dear Given-name Family name” to avoid communications coming across as impersonal and inappropriate to those not identifying as either Sir or Madam.



Sir or Madam salutations have now been removed from all responses.

4.5 Clarity and use of language

We noted that individual template paragraphs contained clear, concise statements, notwithstanding our observations about tone. Overall, though, we felt that the quality of letters was often let down by lack of logical flow from one template paragraph to the next and some paragraphs seemed irrelevant to the overall message. Template letters we saw rejecting an appeal asserted that the UTCN had not been issued in error, without directly explaining why. We noted typos and spelling errors which makes the response feel inappropriately rushed.

Recommendation 5:

Transport Focus recommends that TT2:

- 5a. ensures that all text used is relevant to the customer’s concern, and endeavours to join paragraphs up more effectively to avoid letters seeming disjointed.



TT2 has since reviewed responses to improve flow, simplify content and avoid including unnecessary information which we agree may have previously made correspondence appear disjointed.

Ongoing quarterly audits of the appeals process, as agreed between us and Transport North East, and carried out by an independent external consultancy, have shown tangible improvement in this area. We continue to review and develop responses in line with the auditor’s recommendations.

- 5b. ensures that greater care is taken by agents to avoid, or correct before finalising, typos and spelling errors.



Changes to the TT2 quality assurance framework have been introduced that place more emphasis on improving grammar and spelling.

Software plugins (Grammarly) now assist agents in the production of responses.

4.6 Timeliness of response

TT2's targets to respond are:

- initial complaint 14 days
- manager escalation seven days
- formal resolution six weeks*

* although oddly this is qualified by saying that it is not a *formal* timescale.

We understand that all cases we reviewed were in the 'formal resolution' six-week category. That timeframe was almost always adhered to.



The response time for complex complaint resolution has been formalised.

5. Underlying causes of complaint

A review of how complaints are handled inevitably provides insight into the factors that led to complaints being made in the first place, and into how complaints tend to escalate. We set out our observations below.

5.1 Unpaid Toll Charge Notice appeal procedures

We noted confusion – leading to subsequent complaints – around procedures for second and third appeals. Response letters did not clearly explain that these do not ‘stop the clock’ for increasing the penalty, nor make it clear that the opportunity exists to appeal again. As a result, users may go down less immediately effective channels, such as lodging a complaint or writing to their Member of Parliament.



Changes to the appeals process explanation online now make it clear that customers receive 14 days respite from charge increases during the appeals process.

Responses now advise customers at what date the charge amount will increase.

TT2’s responses stress that a subsequent appeal must provide additional information, but complainants may wish to argue that details already provided have not been taken into account.

Template text states that an appeal provides ‘the right to explain where you believe the toll charge has been paid’, implying that no other grounds for appeal are considered, such as a misreading of a vehicle number plate by the automated system or special mitigating circumstances.



Responses now advise that appeals provide the “opportunity to explain why the toll couldn’t be paid within the time allowed.”

We encourage TT2 to continually consider how its information can be made clearer, with a view to reducing the number of appeals that result in a complaint.

5.2 Signage

A large number of complaints we reviewed involved road users who said that inadequate signage was at the root of why they failed to pay the toll on time.

We acknowledge that the cases we saw arose while temporary signage was in place, and note from Transport North East's [Tyne Pass Appraisal Report September 2022](#) that users have been involved in the design of the permanent signage.

Nevertheless, in the interests of maximising the proportion of users paying by the deadline we encourage TT2 to commission an independent review of the user experience and comprehension of information provided in advance of the tunnels, including among those with cognitive disabilities.



An independent review of signage was carried out by an independent consultant registered with the Chartered Institute of Ergonomics and Human Factors.

It should also be noted that signage is constrained by Department for Transport guidelines, see Transport North East's [Tyne Pass appraisal report September 2022](#) for further details.

Where appeals cite cognitive disabilities as mitigating circumstances, TT2 will always allow the appeal when relevant evidence is presented.

We also encourage TT2 to work with National Highways to consider what toll information could be provided on the A1 for the benefit of long-distance traffic ahead of key routing decision points northbound and southbound.



Ongoing discussion between Transport North East and the Department for Transport is exploring the feasibility of additional signage advising of an approaching toll road further from the tunnels.

5.3 First-time users

Any tunnel will have first-time users, some of whom may never have come across the concept of a toll where you do not physically stop to pay. We felt that the content of TT2's responses tended to display little empathy towards first-time users who had not paid by midnight the following day.

We encourage TT2 to reflect on its approach to customers in relation to a particular vehicle on the first occasion that it passes through the tunnel since open road tolling commenced.



First-time users represent less than 6.5% of overall journeys since December 2022.

We remain committed to making payment of tolls as simple as possible and over the last 12 months have implemented numerous improvements to the payment system and related processes to assist with one-off and first-time users.

Since this review took place in 2022, TT2 has changed its approach and has implemented specific improvements for first-time users in terms of additional signage and major enhancements to the website.

6. Other observations

6.1 Unpaid Toll Charge Notice wording

The UTCN is the formal, legal document issued according to the underlying statutes. However some customers report that they find it threatening, with its absolute assertion that the addressee is responsible for an unpaid toll charge, and referring to the possibility of legal action. We feel that the section on 'Appeals & Complaints' on the second page is not as clear as it might be at distinguishing between the two, referring only to 'representations'.

We encourage TT2 to consider improvements to the UTCN wording.



Letters to customers are designed to be clear about the consequences of ignoring charges and the language conforms with the bylaws and Tunnels Order. All notices undergo due legal scrutiny; however, a review is pending and Transport Focus recommendations will be considered for future versions.

6.2 Clarity about what to do if you have tried to pay but it has not worked

We noted from the review that some customers feel powerless if they encounter a problem paying between closure of TT2's customer contact centre (7pm Monday to Friday, 1pm Saturday and 12.30pm Sunday) and the midnight payment deadline. Some response letters explained the series of steps that users should take after the call centre has closed and before the midnight deadline for payment. We encourage TT2 to put this guidance on its website.



Additional guidance has been published online to advise customers of what they should do if toll payment attempts within the payment window fail. Evidence of a payment attempt within the prescribed payment window will allow appeals to be accepted and an alternative payment link for the toll itself would be arranged.

6.3 Appeals webform

Some complainants found the form to submit an appeal constraining. It may be difficult to present the grounds for appeal within the set maximum of 1000 characters. Also, there is no easy mechanism for the complainant to retain a copy of the text they have submitted for reference.

We encourage TT2 to amend its appeals webform to allow a customer to submit more than 1000 characters through its online form (or at least make it clearer that there is a 1000-character limit and that a separate file can be attached if necessary).

We also encourage TT2 to provide an email acknowledgement which includes a copy of the information the customer has submitted.



The appeals submission page now advises customers of the character limit, and that additional information can be provided by attaching files to any online appeal submission.

Email acknowledgements to online appeal submissions are provided and now include the content of the customer's appeal.

Transport Focus is the operating name of
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