

<p style="text-align: center;">PEOPLE WITH REDUCED MOBILITY</p>
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What this paper is about

To remind delegates of the arrangements in European Regulation (EC) 1107/2006 (Rights of persons with reduced mobility when travelling by air) for the assistance for people with reduced mobility (PRMs) when travelling by air and to describe recent developments including:

- an update on the reviews of the EC 1107/2006 arrangements by the CAA (paras. 9-12) and the European Commission (paras. 9-16)
- The abolition of the *Disabled Persons Transport Advisory Committee* (DPTAC) - paras 17-20
- the correspondence about Pre -Notification - paras 21-25
- the Ryanair Case - paras 26-27
- the Report published by *Which?* in March 2011 - paras 28-32

It is also suggested (para 33) that delegates may like to come to the meeting ready to comment on handling the needs of people with reduced mobility at airports.

Points for Discussion

Member committees may wish to share any comments they might have on these items and also any other points flowing from how PRMs are handled at their airports.

Points for Possible Action

It is suggested at paragraph 11 that member committees may wish to ensure that action is taken at local level to ensure that the matters still requiring attention are followed up. The Secretariat will continue to ensure that members are kept fully up to date with developments in this important field.

European Regulation (EC) 1107/2006 - Rights of persons with reduced mobility when travelling by air

1. As previously reported this Regulation¹ was promulgated on 26th July 2006. It has two essential goals:
 - a) preventing unfair treatment, that is refusal of carriage on the basis of reduced mobility and,
 - b) guaranteeing the provision, free of charge, of the assistance that passengers with reduced mobility (PRMs) need to have for air travel.
2. The Regulation took effect on 26 July 2008, except for Articles 3 and 4, which took effect on 26 July 2007 - Article 3 makes it illegal to refuse carriage on grounds of disability except on the grounds specified in Article 4.
3. The Regulation provides that the managing bodies of airports should have the overall responsibility for providing assistance to PRMs. At most UK airports this meant a considerable change when compared to earlier practice which normally involved the provision of such services by the airlines.
4. On 3rd July 2007 the Department made the *Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2007*(SI 2007/1895)² which provide for the enforcement of the EC Regulation in the UK by the Civil Aviation Authority (CAA) with complaints handling by the *Commission for Equality and Human Commission* (EHRC) for Great Britain and the Consumer Council for Northern Ireland (CCNI) for Northern Ireland.
5. The CAA issued guidance for UK carriers and this is now incorporated in CAP 789 (Requirements and Guidance Material for Operators)³ issued in February 2011.
6. In July 2008 following a period of consultation the Department for Transport (DfT) re-issued its Code of Practice *Access to Air Travel for Disabled People* which had been updated to reflect the new European Regulation⁴.
7. The Regulation requires an airport to publish quality standards for the assistance it provides for PRMs. In this connection the Regulation refers to the *Guidelines on Awareness and Disability Equality for all Airport and Airline Personnel dealing with the Travelling Public* drawn up by the Facilitation Group of the European Civil Aviation Conference (ECAC). These are to be found in Annex N to ECAC Doc. 30 on Facilitation⁵. The Guidelines provide practical guidance on best practice in meeting the needs of PRMs travelling through airports and set targets for service delivery. The Guidelines also provide useful guidance for airports in training the staff engaged in this work – another requirement of the Regulation.
8. The other document of importance in this field is *Access to air travel - guidance for disabled and less mobile passengers*⁶ issued by the former Disabled Persons Transport Advisory Committee (DPTAC) although this appears to have been issued before the new European regulation took effect.

CAA Review

9. As reported last year, on 1st March 2010 the CAA after consultation published a report on the operation of the European Regulation⁷. The key findings of the review were the need for:

¹ http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_204/l_20420060726en00010009.pdf

² http://www.ukaccs.info/uksi_20071895_en.pdf

³ <http://www.caa.co.uk/docs/33/CAP%20789.pdf>

⁴ <http://www.ukaccs.info/diasabledcode.pdf>

⁵ <http://www.ukaccs.info/ecacprmguidelines.pdf>

⁶ <http://www.ukaccs.info/dptaccode.pdf>

⁷ <http://www.caa.co.uk/docs/33/Accessible-Air-Travel.pdf>

- The CAA to work with stakeholders to improve the accessibility of booking processes and information provided by travel companies to make it easier for passengers to pre-book assistance
 - Better information sharing between airlines and airports
 - Better awareness amongst airport staff of the range of impairments covered by the legislation as well as the extent of the airport's responsibility and the provision of appropriate assistance
 - Greater policy consistency across airlines on access to flights, assistance available to PRMs and what equipment may be carried onboard
 - Increasing the number of routes available for passengers travelling with assistance dogs
10. At the Annual Meeting last year it was noted that there were a number of matters to be followed up and in fact in May 2010 the CAA held an *Accessible Air Travel Workshop* for stakeholders and a report of this was published in September 2010. A copy of the report can be seen on the UKACCS website⁸ and the *Conclusions* page of the report is reproduced at Annex A. It will be noted that a number of those attending the workshops volunteered to participate in specific projects and that the CAA would be "working with them to develop identified projects". Within the CAA, Jackie Knight is managing the *Consumer Awareness and Pre-notification* work. She will be attending the meeting and will be able to update delegates on those aspects of the project work. The CAA says it "will be consulting stakeholders on the outcome of these projects, and the resulting draft guidance, in Spring 2011".
11. In relation to these various matters to be followed-up it may be that consultative committees will want to ensure that appropriate action is taken at local level and to participate where it is helpful.
12. Meanwhile delegates may find it helpful to see the advice on Accessible Air Travel on the CAA's website⁹. And it is worth noting that in its *Disability Equality Scheme 2010-13*¹⁰ the CAA says in paragraph 8.1.2 that it "will take all reasonable steps to ensure that airport operators, air carriers, their agents and tour operators carry out their responsibilities to assist disabled air passengers. The CAA is the enforcement body for EC Regulation 1107/2006¹¹, which covers the rights of disabled persons and persons of reduced mobility when travelling by air. "

EU Review

13. As reported last year Article 17 of Regulation (EC) No 1107/2006 requires the European Commission to report to the European Parliament and the Council by 1 January 2010 at the latest on the operation and the effects of this Regulation. No such report has yet been published and from the EC it was understood the report "will be based on the ongoing studies and consultations on air passenger rights". The EC said they will have "a global picture of the outcome of these studies by July and a report [should] be ready for the end of 2011".
14. In December 2009 the Commission launched a consultation¹² saying it was time to take stock of what had been achieved and what could still be improved on air passenger rights including the provision made for PRMs. The closing date for comments was 1st March 2010. (There is information on passenger rights more generally in the European Aviation Update paper elsewhere on the Agenda for this meeting.)
15. On 11 April 2011 the European Commission announced the outcome of their deliberations and issued two communications. Delegates will find the related press

⁸ <http://www.ukaccs.info/AATWshop.pdf>

⁹ <http://www.caa.co.uk/default.aspx?catid=125&pagetype=90&pageid=8224>

¹⁰ <http://www.caa.co.uk/docs/286/CAA%20Annual%20Disability%20Report%202010-13.pdf>

¹¹ http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_204/l_20420060726en00010009.pdf

¹² http://ec.europa.eu/transport/passengers/consultations/2010_03_01_apr_legislation_en.htm

release¹³ on the EC's website together with the text of the communication on Regulation 1107¹⁴.

16. The Commission considers that Regulation 1107 on PRMs is generally working well and it has no plans to bring forward fresh legislation. It does, however suggest a number of areas where more effort could be made including a more uniform interpretation of the Regulation, the setting up of training programmes, a strengthening the supervision of penalties by national authorities; and voluntary arrangements concerning the carriage of medical oxygen on board aircraft. Specific reference is made to the problem of pre-notification - see para 25 below.

Abolition of the Disabled Persons Transport Advisory Committee (DPTAC)

17. If it becomes law the Public Bodies Bill introduced in the House of Lords on 28th October 2010 will, among other things, abolish the *Disabled Persons Transport Advisory Committee* (DPTAC).
18. DPTAC is an independent body established by the Transport Act 1985 to advise government on the transport needs of disabled people and in particular:
 - to ensure disabled people have the same access to transport as everyone else;
 - on transport legislation, regulations or guidance; and
 - in response to important consultation documents.
19. In giving its advice it works on the principle of an accessible transport system which recognises the need for every stage in the journey to be accessible to disabled people. It sets out "to include as many people as possible. It does not attempt to meet every single need. Rather, by considering people's diversity, accessible transport systems try to break down unnecessary barriers and exclusion. In doing so it will often achieve superior solutions that benefit everyone".
20. The winding up DPTAC is expected to take about a year. In the interim period, it will continue to operate. The reason for getting rid of DPTAC is said to be that the Government wants a "more flexible approach". Discussions have already started on DPTAC's successor and what statutory duties it will need to undertake. It remains to be seen what will emerge but delegates will no doubt share the common view that it is important that the successor body, whatever its format, has the remit, independence and credibility to ensure that the needs of disabled people are kept at the top of the agenda.

Pre-notification

21. It is acknowledged that one of the key problems for airport operators in providing services for PRMs is that of pre-notification, i.e. being aware in advance of people requiring assistance.
22. Delegates will have seen already a copy of the letter on this which the Consultative Committee at London Luton Airport sent to the former Air Transport Users Committee (AUC) suggesting that the problem might be relieved if on-line bookings with the operating airlines or tour companies had a mandatory box to tick saying that the booking either did or did not require PRM assistance. The letter noted that mandatory tick boxes of this kind often exist, for example to confirm one has read the terms and conditions of booking, and unless they are completed the e-booking freezes. The LLACC thought this was a relatively straightforward step which might pay enormous dividends. Delegates will also have seen the comments received later from ABTA. Copies of both letters are at Annex B to this report.

¹³ [Click here](#) to see the press release

¹⁴ http://ec.europa.eu/transport/passengers/doc/com_2011_166_report.pdf

23. There have been suggestions that shortcomings in the outmoded software still used by some airlines and tour operators and the LLACC suggestion might make it difficult immediately to implement the Luton suggestion.
24. And when the LLACC letter was circulated to the consultative committee at London City Airport (LCY) BA's Station Manager, John Scarff, said the airlines at LCY send through to the PRM provider the day before a flight, a telex message pre-advising of a pre-booked PRM requirement. The only time that this is not captured is when a PRM requirement is not pre-booked and is last minute. It is "exceptionally rare these days that this will cause a problem and we will look after our PRM customers to the same level."
25. The EU review referred to above (paras 13-16) refers to the system for pre-notification which it says is inadequate and inefficient. The Commission's communication says that "technical and legal means of improving the situation will be examined". Later the paper says that the Commission will propose "that the group of experts from the national enforcement bodies adopt measures so that notification of the need for assistance is requested already when the reservation is made and that documentary evidence thereof is provided."

The Ryanair Case

26. Delegates will be aware from the item sent round in April 2011 by the UKACCS News Service of the disabled woman who successfully sued Ryanair after her husband was forced to carry her onto a flight at Luton Airport. He did this after a hydraulic lift failed to turn up even though one had been ordered online as a 'special requirement'. It is said that the Ryanair crew and pilot refused to help in case they hurt themselves.
27. Ryanair has blamed the incident on Luton Airport and says it will appeal the decision. A spokesman said: 'Under EU law airports, and not airlines, are responsible for the provision of special assistance to passengers. This service is paid for by Ryanair and the failure of Luton Airport's service provider to assist in this case was not the responsibility of Ryanair.'

Which Report

28. In April 2011 Which? published an article outlining the results of an investigation into the assistance received by vulnerable people from airports. By kind permission a copy of the article has been posted to the UKAACS website¹⁵. The investigation included sending out two blind people with guide dogs, and two people in wheelchairs, on domestic flights around the UK to assess the level of assistance at seven different airports including, Glasgow, Birmingham, Gatwick, Manchester, Leeds Bradford and Heathrow. "All four passengers" said the article "had requested airport assistance at the time of booking and informed their respective airlines of their specific needs. Each encountered some sort of problem with the assistance they received, with three of them experiencing significant problems." The problems included:
 - being left waiting often for long periods and sometimes in the cold;
 - removal of a blind person's guide dog at security;
 - lack of attention to toilet needs of guide dogs;
 - lack of communication facilities;
 - some facilities including "help" buttons physically out of reach;
 - inability to book the need for assistance on the booking website - passenger had to telephone;
 - inadequate signage;
 - longer than expected distance to travel at the airport
 - lack of clarity as to where passenger should go;

¹⁵ <http://www.ukaccs.info/whichprm0411.pdf>

- misdirection of passengers;
 - passing of passengers from one assistant to the next.
29. In the other part of the investigation *Which?* asked 1499 members (including some who were disabled) about their experience of airport assistance and, although the majority of respondents (72%) were happy with the assistance received, 9% told *Which?* they were dissatisfied with the service.
30. *Which?* comments that it's clear from members' letters that "many people receive excellent assistance at UK airports. But there are still many passengers who don't. It seems that when assistance fails, it fails significantly, often causing disabled passengers distress or humiliation. This is unacceptable". The article goes on to say that the European regulations "have gone some way to address the problems faced by disabled passengers when flying. But much more needs to be done."
31. *Which?* has written to all the airports they assessed and asked the Airport "to answer why they failed to provide adequate levels of assistance. We feel there are some simple steps airports can take to make big improvements and we have sent them our suggestions. With better staff training and better processes, improvements could be made to airport assistance provision, making it more consistent and fit-for-purpose."
32. *Which?* has also written to the Civil Aviation Authority asking "how they propose to ensure that all airports meet their obligations under the legislation. And we've asked how they plan to ensure that assistance provision is more consistent and fit-for-purpose in future."

Comments by Member Committees

33. Delegates may like to come to the meeting ready to comment on handling the needs of people with reduced mobility at airports.

Conclusion

34. This is an important field of work on which Consultative Committees may like to keep a weather eye. The Secretariat will continue to ensure that delegates are kept fully up to date with developments both in the UK and at European level.

Stuart Innes
May 2011

CAA Accessible Air Travel Workshop - Conclusions***Next Steps***

This report sets out the main areas of discussion at the workshop and identifies a number of work streams that the CAA intends to take forward throughout 2010 and early 2011. Many ideas were identified and we have had to focus on the areas we think will deliver most benefit using the resources available to us. Some attendees also raised concerns about oversight of safety audits for equipment used to assist PRMs in boarding the aircraft. These issues have been referred to the CAA's Aerodrome Standards Department and are being considered separately to this report.

A number of workshop attendees volunteered to participate in specific projects and we will be working with them to develop identified projects. Within the CAA, Jackie Knight will be managing the Consumer Awareness and Pre-notification work streams and James Mackay will be managing the work on Service Quality at the Airport.

The CAA will be consulting stakeholders on the outcome of these projects, and the resulting draft guidance, in Spring 2011.

Consumer Awareness

The CAA will be working with DPTAC to develop a framework to improve access to information for consumers. This will include the information provided by disability groups, the travel industry and airports. The results of this work will be published in early 2011.

Pre-notification

We will be reviewing information from the Top 6 UK airports on how the pre-notification process is working in practice. This will help to inform the need for guidance on the use of IATA codes and systems for transferring information.

The CAA will be working with the members of the ABTA PRM Group to develop best practice guidelines on the pre-notification process. The guidance is expected to cover the following areas:

- information to be included within the booking process;
- use of IATA codes;
- confirmation of assistance in travel documentation;
- increasing the incentive for PRMs to pre-notify.

Service Quality at the Airport

The CAA has written to 30 airports to request detailed information on how they have approached providing assistance. This will feed into the development of guidance by the CAA. This project will consider guidance on the key issues airports should consider when:

- consulting with disability groups and airlines;
- setting service standards;
- procuring a third party to deliver the service.

ANNEX B
Correspondence about Pre-Notification

Letter from London Luton Consultative Committee

Mr Simon Evans
Chief Executive
Air Transport Users Council
CAA House
45-59 Kingsway
LONDON
WC2B 6TE

25 February 2011

Dear Simon

PASSENGERS WITH REDUCED MOBILITY

As you know many of the various Airport Consultative Committees have a sub-committee that deals specifically with the passenger experience. At Luton we've made great strides in the past year in considering all aspects of the passenger experience from booking airport services on-line, through travel to and from the airport, to security and terminal issues. We have particularly focussed on the needs for those passengers with reduced mobility (PRM).

Although Luton Airport closely monitors the performance of the contractor responsible for assisting PRM individuals through the airport we have identified a common problem. The Airport and thus the service provider are often unaware that a PRM case is scheduled on a particular flight. One of my members has suggested that this problem could be alleviated if on-line bookings with the operating airlines or tour companies had a mandatory box to tick saying that the booking either did or did not require PRM assistance. These sorts of mandatory tick boxes often exist, for example to confirm one has read the terms and conditions of booking, and unless they are completed the e-booking freezes. We think this relatively straightforward step could pay enormous dividends.

If you agree, could we ask that you take this up with the airline and tour operators as part of your role in championing passenger friendly initiatives. I really believe there are benefits all round from such an approach. I'm copying this letter to Stuart Innes at the liaison group of UK Airport Consultative Committees (UKACCS) so that he can circulate it to other UKACCS chairmen.

Kind regards

Martin Routledge

Chairman
London Luton Airport Consultative Committee

Letter from Simon Evans, CAA

*CAA Regulatory Policy Group
Passenger Complaints*

Mr Martin Routledge
Chairman
London Luton Airport Consultative Committee
Navigation House
Airport Way
Luton, LU2 9LY

26 April 2011

Dear Martin

I am aware that I have been keeping you waiting for the follow-up to my letter of 3 March in response to yours of 25 February about the pre-notification tick-box for PRMs.

Since my 3 March letter, the AUC has ceased to exist. It has been wound up as part of wider restructuring of the CAA, which was partly to do with the CAA taking on an enhanced role in taking account of consumer interests in its regulatory activities. I have, however, discussed your letter with colleagues in the CAA, and I now know that they have been working for some time with stakeholders - including those at Luton Airport - on a range of issues relating to PRMs, including pre-notification.

I understand that that work relates not just to how industry partners capture and process pre-notification requests, but also to how best to encourage PRMs to appreciate the importance of pre-notification. The GATCOM and ABTA interventions in response to Stuart Innes's circulation of your letter to me of 25 February reflect, I believe, many of the considerations that have been taken into account in those stakeholder discussions.

The consensus appears to be that, whilst the tick-box idea certainly has its merits, there may be alternative ways of achieving the desired pre-notification outcomes for PRMs, airlines and airports. The CM is, though, now formally aware of your committee's interest in this issue and will be able to take it into account in its continuing dialogue with interested parties.

Your sincerely

Simon Evans
Head of Unit

Letter from ABTA

Ms Paula Street
Assistant Secretary
Gatwick Airport Consultative Committee (GATCOM)
East Wing, First Floor, County Hall
Chichester
West Sussex
PO19 1RQ

29 March 2011

Dear Paula

Passengers with Reduced Mobility

I refer to our conversation regarding London Luton Airport Consultative Committee's 25 February letter to the AUC which you shared with the travel industry contingent on GATCOM.

The travel industry recognizes that pre-notification, or rather lack of, is an issue. To this end, ABTA and the CAA have been leading an industry group involving the major stakeholders — airlines (scheduled, no frills, charter), operators, agents, airports, PRM service providers, disabled bodies, DfT, EHRC, etc. We are working on best practice guidance for all concerned.

With regard to the LLACC suggestion that a tick box be used to require the booking either did or did not require PRM assistance. We acknowledge that not all airline, operator and agent websites are as good as they might be on PRMs but are working to improve this and encourage more prominent and more frequent mention of assistance from the time of booking up to 48 hours before departure (as required under the PRM Regulation 1107).

As ABTA, we recommend to our travel agent and tour operator members that assistance is automatically offered at the time of booking and provide various tools (guidance notes, booking checklist, training) to assist members.

However, it must be said that the responsibility lies with the PRM to advise in the first place that they require assistance. In spite of prompting at the time of booking, there are frequently good reasons for this not to happen including:

- The person making the booking may not be aware that someone in their party needs assistance
- Elderly passengers are proud and don't like to admit they need assistance. They might not realise how big some airports are until they are physically there; they are effectively disabled by the environment in which they find themselves.
- PRMs have good days and bad days - some might not assistance all the time i.e. a lung condition.

Further, it's not unusual for passengers to see PRMs being transported by buggies and wheelchairs and being fast-tracked at an airport. They might then decide in-flight that they'd like that too thus possibly depriving somebody of the service who might have pre-notified.

It would be easy for the airlines to single out the service providers and point the finger to the fact that they do not prioritise those that have pre-notified, as opposed to just taking, say, the first six that present themselves where they were expecting six PRMs upon arrival. This provides no incentive to those who had pre-notified who could then get poor service.

The industry has suggested that priority be given to PRMs who have pre-notified and will be pushing

for this with the government authorities involved in the regulation. To this end, we are working on a leaflet to be given to those who don't pre-notify, suggesting that next time they fly, they do so, so as to receive a better service. It would make the PRM service provider's life easier as they would be able to properly plan and use their resources.

We've also worked hard to ensure that the pre-notification requests are properly transmitted between the agent, operator, airline and airport. However, some of this currently has to be done manually, pending the introduction of new IT platforms with automated generation of PRM messages. This can only improve.

Once, the best practice guidance is finalized, we'll let you have a copy to circulate to the UKACCs members.

With kind regards

Yours sincerely

Susan Parsons

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