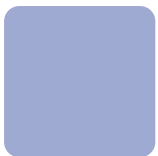




# Accessible Air Travel

CAA review on the implementation of European legislation on the rights of disabled and reduced mobility passengers in the UK

[www.caa.co.uk/accessibleairtravel](http://www.caa.co.uk/accessibleairtravel)



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Designed by CAA's Consumer Protection Group.

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## Foreword

All consumers have a right to enjoy the benefits and opportunities that air travel provides. To take advantage of that opportunity those consumers with a disability or reduced mobility may require assistance to undertake their journey. Whilst some airlines have provided assistance on a voluntary basis for some time, new European legislation in 2008 provided legal rights to assistance.

This report looks at the assistance provided to disabled people and people with reduced mobility when flying from UK airports in the light of that new European legislation. We felt it was important to review how the legislation was working for consumers and how well industry had implemented the requirements. We issued a call for evidence in 2009 seeking views from stakeholders and would like to thank all those who have responded and met with us to discuss their thoughts. We would particularly like to thank the consumers who took part in the focus groups in Manchester and Bristol, their opinions on the practical ways of making the system work better for consumers were extremely helpful.

In the report we have made a number of recommendations that we intend to discuss with stakeholders and we look forward to the continuing involvement of as many stakeholders as possible. We want to ensure that a consumer with a disability or reduced mobility is able to enjoy good access to commercial air travel.



**Andrew Haines**  
Chief Executive  
Civil Aviation Authority

A handwritten signature in black ink that reads "Andrew Haines". The signature is written in a cursive, flowing style.

# 1 Executive Summary

The aim of European Regulation 1107/2006 is to offer disabled persons and persons with reduced mobility (PRMs) access to air travel comparable to that of any other passengers flying from airports in the European Union (EU) or on a EU based airline.



The Regulation came into force in two stages, the first stage, in July 2007, ensured passengers were not refused air travel on the basis of reduced mobility<sup>1</sup>. The second stage came into force in July 2008 and brought in passenger rights to assistance from airports in the EU at no extra charge.

The Regulation uses the term “PRM” to include “disabled persons” and “persons with reduced mobility”: namely any person whose mobility is reduced due to physical disability (sensory or locomotory, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age. This document uses the term “PRM” in the same context and also refers to “PRM groups” as those representing the interests of PRMs<sup>2</sup>.

In July 2008, the Department for Transport (DfT) revised its Code of Practice<sup>3</sup> on access to air travel to reflect the requirements of the Regulation and to set out industry best practice.

Representatives from all aspects of the aviation industry participated in developing and endorsing best practice. The Code provides useful guidance for industry on all aspects of the passenger journey, and the CAA has noted that the Code is widely used within the UK and interest has also been expressed by other Member States.

In May 2009, the Civil Aviation Authority (CAA) asked the aviation industry and PRM groups for views on the implementation of the Regulation in the UK. This Report contains the CAA’s findings on the progress made.

The Regulation represented a considerable change in the responsibility for the provision of assistance for PRMs. Airlines had previously provided the assistance to their own passengers based on the requirements of voluntary service commitments and the best practice set out in the 2003 DfT Code of Practice. This was generally very effective, as airlines were able to provide a service to meet the expectations of their passengers. The Regulation subsequently placed the responsibility on airports and they are required to provide assistance to passengers when they arrive at the airport for departure – this includes all assistance from a designated point of arrival at the airport through to the seat on the aircraft. Similarly, airports are responsible for providing assistance for arriving passengers – this includes assistance from the seat on the aircraft through to a designated point of departure. Because of this change of responsibility, the service provided to PRMs has been affected during the early stages.

Although the total number of PRM movements through UK airports is unknown, since July 2008 approximately 1.75 million passengers have used the dedicated PRM service provided by airports (around 0.8% of total passengers<sup>4</sup> in the UK). Of this, 80% of PRMs travelled through one of the top 5 UK airports (Heathrow, Gatwick, Stansted, Manchester and Luton) and 33% travelled through Heathrow.

There were a wide variety of opinions presented in the responses to the review. Airlines and PRM groups typically suggested that the change of responsibility for service provision had reduced service quality. Airports, however, noted that generally the level of service was more consistent and saw benefits in the airport taking responsibility. CAA consumer research indicated that passengers have had both good and bad experiences since the Regulation came into force, but the overall opinion of consumers was that the quality of service had not markedly changed. PRM groups and consumers did, however, note the importance of the Regulation because it introduced statutory rights for passengers with reduced mobility to access air travel.

This Report provides an outline of the legal and policy framework that supports the Regulation and summarises the implementation activities by Government and industry. Subsequent chapters in the report consider a range of themes and reflect stakeholders' views on the implementation of the Regulation.

These include:

- consumer awareness of the rights and responsibilities set down in the Regulation (Chapter 4);
- issues around how passengers pre-notify their requirement for assistance and how requests are passed on to airports to enable them to plan their service provision (Chapter 5);
- the provision of assistance by airlines, including questions raised about seat allocation, safety limitations on the number of PRMs carried, the carriage of assistance dogs, carriage of mobility equipment, the provision of oxygen and requirements for doctors' certificates (Chapter 6);
- the quality of service provided at airports (Chapter 7); and
- how airports contract and charge for the PRM service, (Chapter 8).



An important consideration is that whilst the term “PRM” is used to describe passengers who require assistance, all passengers are entitled to good customer service throughout their journey. A common theme in feedback to the CAA was that PRMs understand that mistakes can be made and problems may arise when the service to facilitate their travel is actually delivered. However, many of these problems could be alleviated through good customer service.

In most cases, PRM service delivery works relatively well but there are a number of areas where improvements can be made.

These include:

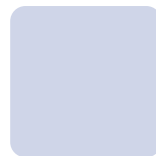
- increasing consumer and industry awareness of their rights and responsibilities under the Regulation;
- increasing the capture of passenger needs at booking, and to ensure these are effectively passed on to airports;
- ensuring that airlines/tour operators/travel agents provide sufficient information so that passengers can make informed choices about journeys;
- ensuring that airports are aiming at a service that covers all parts of the passenger journey (including points of arrival at the airport and their journey through the airport after arrival by air);
- increasing the number of routes available for passengers travelling with assistance dogs; and making airports simpler and easier for PRMs to navigate themselves or with assistance from accompanying passengers, e.g. by better signage and provision of audible and visual information to assist blind and deaf passengers.

In seeking to achieve these improvements, the Report makes a series of recommendations. These recommendations form an integrated series of activities over the following twelve months that are designed to raise awareness, improve compliance and drive best practice. The recommendations are summarised in Chapter 8 and include:

- the CAA will write to airlines asking them to demonstrate how they deal with a range of issues, including providing accessible guidance on the carriage of mobility equipment, providing written justification of refusal of carriage on safety grounds, the recording and management of complaints and seeking approval for the carriage of assistance dogs.
- following feedback on the recommendations in this Report, holding an event or series of events in 2010, to discuss best practice in service provision, identify ways of increasing awareness of the Regulation amongst industry and PRM groups, harmonise pre-notification procedures and discuss how industry can best engage with PRM groups to develop a pan-disability view;
- asking airports to demonstrate how they will deal with a range of issues, including the development and measurement of service standards, taking into account the needs of passengers with various disabilities, facilitating the use of assistance dogs in the airport, the pre-notification process and the recording and management of complaints. If any problems are identified, the CAA will work more closely with individual airports and in some cases may consider commissioning an audit of the airport’s activities;

- assessing in greater detail the system that has been implemented to transfer assistance requests and the level of pre-notification at the top 5 airports. If the process is not working efficiently, or pre-notification levels are low or not improving, the CAA will engage with airlines, tour operators and the airport asking them to demonstrate collectively how the pre-notification process may be improved;
- explore the benefits of developing common policies on the carriage of mobility equipment and seat allocation across airlines, to minimise difficulties for passengers. This is particularly important for airlines which code-share or where passengers purchase a single ticket, but are travelling with more than one airline. The CAA will work with airlines and industry associations to consider this.

The recommendations set out above cover some of the key issues that have been raised in the consultation. The aim of the recommendations is to improve implementation of the Regulation, overall levels of compliance and drive best practice to ensure PRM passengers receive a good standard of service. The CAA intends to work with stakeholders to consider possible ways to improve the service provided to PRMs and agree projects that could deliver benefits for consumers and industry. The CAA will also continue to work with industry over the next year and will review the information provided by airports and airlines to inform its compliance priorities.



## 2

## Introduction

This report considers the Civil Aviation Authority's (CAA) findings on the progress made within the United Kingdom on the implementation of EC Regulation (EC 1107/2006) on the rights of disabled persons and persons with reduced mobility (PRMs) when travelling by air.



The report includes CAA recommendations that could enhance the implementation of the legislation and build on the steps taken by industry over the last year. These findings are based on evidence the CAA has collected through the responses received from industry and consumers, as well as its compliance monitoring, the analysis of industry performance data, passenger surveys and the outcome of the consumer focus groups.

The intention of this report is to:

- describe how the PRM Regulation has been implemented in the UK;
- identify and describe measures that have worked well;
- identify any issues or problems that have arisen since the Regulation came into force;
- provide advice or make recommendations where appropriate, as to how such problems could be addressed; and
- raise awareness of the issues faced by PRMs.

### Background to the Regulation

The European Commission published the Regulation on 5 July 2006, announcing it as the latest element in the Community's plans to extend and reinforce passenger rights across all forms of transport. The intention being that persons placed at a disadvantage by reduced mobility, whether caused by disability, age or another factor, should have equal opportunities to air travel to those of other passengers. The Regulation came into effect in two parts, with Articles 3 and 4, which relate to non discrimination in relation to booking and carriage, coming into force on 26 July 2007 and the balance of the Regulation, setting out the obligations on airports, airlines, tour operators and travel agents to manage the process, coming into effect 12 months later.

Prior to the Regulation coming into force, many European airlines and airports were signatories to the Airline and Airport Passenger Service Commitments<sup>5</sup>. These voluntary codes, which still exist, came into effect in February 2002 and set out the responsibilities that airports and airlines shared for passenger service, including a protocol for services provided to PRMs. The Department for Transport supplemented the Codes with the publication of its Code of Practice on Access to Air Travel in 2003.

In practice, airlines and tour operators throughout the EU had typically provided a range of 'special assistance' services to passengers to help facilitate their journey through the airport, as well as their embarkation and disembarkation from the aircraft. There was generally a split provision of services, with airports providing assistance to PRMs prior to check-in and after baggage reclaim,

and assistance provided directly by airline staff, or by companies contracted to the airline to provide a range of ground handling services, for the rest of the time.

Airlines and tour operators had therefore implemented systems to deal with special assistance requests and to transfer information to their service providers at the airport. Larger airlines and tour operators had set up specialist departments that dealt with assistance requests and staff had access to medical advice, when necessary.

In 2004, the issue of the 'special assistance' provided to facilitate air travel received significant public attention, after a court case in the United Kingdom found that reasonable adjustments must be made for disabled persons to facilitate their travel by air<sup>6</sup>. Furthermore, the Appeal Court found that airports and airlines were both responsible for ensuring disabled passengers could move from check-in to the aircraft. The Appeal Court also found that by making Mr Ross pay for the assistance provision, he was being treated less favourably because of his disability.

At the same time as the court case in the United Kingdom developed, the European Commission was considering a range of issues associated with the rights of passengers travelling by air. This led to the Commission introducing the Regulation.

### Scope

The Regulation represented a considerable change in the provision of assistance for PRMs. The airport managing body now has a legal obligation to provide assistance to facilitate PRM passengers when they arrive at the airport for departure – this includes all assistance from a designated point of arrival at the airport through to the seat on the aircraft. Similarly, airports are responsible for providing assistance to passengers who arrive by air – this includes assistance from the seat on the aircraft through to a designated point of departure. As noted above, in the past, provision of such services was generally split between airlines and airports.

The Regulation has two main goals:

- to provide a PRM access to air travel on a fair and equal basis to other passengers; and
- to guarantee the provision of assistance free of charge.

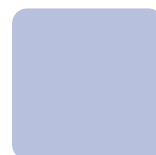
The Regulation provides a legal definition of "disabled person" or "person with reduced mobility": namely any person whose mobility is reduced due to physical disability (sensory or locomotory, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age. Further, the Regulation mandates that appropriate services be made available to PRMs<sup>7</sup>.

In the UK, the CAA has been nominated as the National Enforcement Body for the Regulation. As part of its ongoing compliance and enforcement role, the CAA undertook to review implementation of the Regulation after its first year to help inform its work.

### Review Process

The CAA commenced a review on 18 May 2009 in which it sought the views of industry stakeholders (airports, airlines, tour operators, travel agents and industry organisations), PRM groups, European enforcement bodies and other interested parties. In addition to submissions received during the 'call for evidence', the CAA met with a wide range of stakeholder groups. The CAA has also drawn on its own survey data and commissioned consultants specialising in consumer market research to provide the evidence base used to support this report.

The CAA received 48 submissions to the review and held 20 meetings with a range of stakeholders. A full list of respondents is at Annex B, and non-confidential responses are available on the CAA website at: [www.caa.co.uk/prmresponses](http://www.caa.co.uk/prmresponses).



## 3

## Legal & Policy Framework

This chapter sets out the European policy and legal framework within which the PRM Regulation sits, as well as an overview of the specific elements of the Regulation itself. It outlines the work of the relevant enforcement and complaints handling bodies in implementing the legislation and summarises the actions taken by industry. It concludes by setting out the issues that will be considered in further detail.



### European Policy Framework

One of the founding principles of the EU is the elimination of discrimination, and the promotion of equality, based on the principle of social inclusion. The Treaty of Amsterdam provides the basic legal structure that ensures equality of rights and treatment of all people in the EU. Improving access to air travel has been a key component of a suite of Regulations designed to ensure equality of rights and treatment for air passengers. In 2000, the European Commission and the European Civil Aviation Conference (ECAC) set up an industry/consumer task force to develop voluntary agreements for airports and airlines. The voluntary commitments came into force in February 2002 and included a specific protocol concerning PRMs setting out their basic rights as travellers and stating that they should not be charged directly for assistance. The DfT also produced a Code of Practice in 2003 that set out best practice in the provision of assistance to PRMs.

The European Commission began to consider a proposal for legislation in 2004 with the aim of providing PRMs with a consistent service that was free of charge at the point of use. The UK Government gave priority to progressing the new rights for passengers during its Presidency of the EU.

### European Passenger Rights Framework

The EU has passed a number of pieces of legislation to strengthen the rights of passengers. These include:

- The Package Travel Regulations<sup>8</sup> came into force in 1992 and set out tour operators' responsibilities to their customers, including financial protection;
- The Denied Boarding Regulation<sup>9</sup> came into force in 2005 and gives passengers the right to assistance and compensation in situations of cancellation, denial of boarding and long delay. This Regulation requires that priority is given to assist PRMs in situations of disruption;
- The Carrier Identity Regulation<sup>10</sup> came into force in 2007 and requires passengers to be told before departure which airline they are flying with;
- The PRM Regulation came into force in two parts – the first in 2007 and the remainder in 2008; and
- The Air Services Regulation<sup>11</sup> came into force in 2008 and requires airline ticket prices to be inclusive of all taxes, fees and charges.

## What does 1107/2006, the PRM Regulation, say? Transmission of Passenger Information

### Scope

The Regulation captures the entire air transport supply chain. The Regulation applies to any commercial air service that departs from, transits through, or arrives at an airport situated in the European Economic Area (EEA)<sup>12</sup> (hereafter described as the “Community”). The Regulation also applies to passengers arriving into the Community from third countries where the operating carrier is based in the EEA.

### Non-Discrimination

The Regulation imposes obligations on airlines, their agents, or tour operators not to refuse on the grounds of disability, a reservation or boarding. However, these obligations do not apply if carriage would be unsafe or the size of the aircraft or its doors make carriage of the PRM physically impossible. If a PRM is denied embarkation for these reasons, they must be provided reimbursement or re-routing, as provided for in the Denied Boarding Regulation. PRMs have the right to request written justification of the reasons why they have been denied boarding and this should be provided within five working days from the date of request.

### Consultation with stakeholders to identify arrival and departure points at the airport

Airports are obliged to designate (in cooperation with airlines and organisations representing PRMs) points of arrival and departure, both inside and outside the terminal at which PRMs can announce their arrival at the airport and request assistance.

Airlines, their agents and tour operators, must take requests for assistance from PRMs at all points of sale, including the Internet and via call centres.

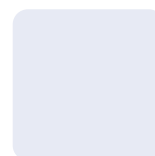
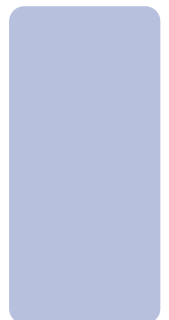
When a request is received at least 48 hours before the published departure time, the airline is responsible for providing details of the assistance requested to the airport. The airline must inform the destination airport, if that airport is within the Community, of the number of PRMs requiring assistance on a flight and the nature of that assistance.

### Assistance Provided by Airports

Airports must provide assistance for PRMs to ensure that they are able to take their flight. An accompanying person should be allowed to assist a PRM. If no advance notification is given, then the airport shall nevertheless make all reasonable efforts to provide assistance.

The assistance offered by airports should cover the whole of the PRM's journey through the airport, from arrival, moving through the airport (including check-in and security search) to the seat on the aircraft. On landing, the assistance offered is from the aircraft seat, disembarking the aircraft and, through baggage collection, immigration and customs to departure from the airport at a designated exit point. PRMs should also be offered assistance when transferring between flights at an airport (including between terminals). A PRM can request assistance for some or all of their journey through the airport.

When required, airports must also handle mobility equipment and assistance dogs, temporarily replace damaged or lost equipment, and communicate information needed to take flights in accessible formats.



### Service Quality Standards

Airports must set service quality standards in consultation with airport users and organisations representing PRMs. Airports with more than 150,000 annual passengers must publish their service standards.

### Assistance provided by airlines

Airlines must provide assistance without any additional charge. Assistance includes carriage of assistance dogs, medical equipment and up to two pieces of mobility equipment. Airlines must make reasonable efforts to arrange seating that meets the requirements of the individual PRM, subject to safety requirements and availability. When a PRM is travelling with someone to provide them with assistance, the airline must make reasonable efforts to seat that person next to the PRM.

### Implementation in the United Kingdom

#### Department for Transport

The DfT consulted widely in 2007 on how it would implement the Regulation in the UK. The DfT sought stakeholder views on who should be the complaint handling and enforcement bodies; sanctions for infringements of the Regulations; and set out the Government's approach to compliance and enforcement. The consultation led to the Civil Aviation (Access to Air Travel for Disabled persons and persons with Reduced Mobility) Regulations 2007) that were laid before Parliament on 3 July 2007. In those Regulations, the CAA was designated as the enforcement body in the UK, the Equality and Human Rights Commission (EHRC) was designated as the complaints handler in England, Scotland and Wales, while the Consumer Council for Northern Ireland (CCNI) was designated as the complaints handler in Northern Ireland.

The DfT set up a working group to update its Code of Practice. The working group included representatives from airlines, airports, the Disabled Persons Transport Advisory Committee (DPTAC), CAA, EHRC, Health and Safety Executive, and the devolved administrations. The revised Code was published in July 2008, and, although it has no

formal legal status, gives guidance on how industry can meet its requirements and also sets out agreed industry best practice.

### CAA

The CAA established a Working Group in early 2007 that included representatives from across the CAA, the DfT and the Disability Rights Commission, its successor the EHRC joined later that year. The CAA met with representatives of DPTAC and attended regular committee meetings to ensure it was well informed on the issues faced by PRMs in air travel. The group discussed issues, including safety regulation, interpretation of the Regulation, guidelines for the carriage of PRMs, complaints handling, enforcement and sanctions. The group continues to meet regularly and the CCNI joined in April 2008. The group continues to consider issues of interpretation, including those that arise from specific cases, issues of implementation, and publicising the requirements of and rights under the Regulation.

Before the Regulation came into force, the CAA wrote to airports, airlines, travel agents and tour operators (including all ATOL holders) advising them of their obligations. The CAA met a range of stakeholders to gain a better understanding of the practical matters involved in providing assistance to PRMs. The CAA has continued its engagement with industry, particularly over issues of interpretation relating to airline carriage of PRMs or the quality of assistance provided by airports to PRMs. The CAA published on its website a note to industry which set out the actions required by the Regulation with CAA contacts on PRM issues.

The DfT Code of Practice is guidance material and is not legally binding. In order to assist industry, the CAA advised that the DfT Code of Practice was an acceptable means of compliance with the Regulation. This has been of assistance to industry when the requirements of the EC Regulation differ from regulations imposed by other non-EU National Aviation Authorities. Guidance was also provided to allow airlines to determine the numbers of PRMs they could carry on board. The guidance material relating to the carriage of guide dogs had been in place for a number of years and was already being used by UK airlines.

Prior to the introduction of EU-OPS (the current safety regulations that have to be complied with by all EU operators) in 2008, the CAA was able to make temporary exemptions from the Air Navigation Order so that, if necessary, alternative supplementary harnesses could be used to safely secure PRMs in an aircraft seat. Also, the CAA was approached by the Spinal Injuries Association to consider allowing the use of gel type cushions in order to facilitate the comfort and avoid injury to passengers with spinal injuries. Some airlines were concerned about their compatibility with the aircraft seat belt and there were possible security issues due to the current limitations on liquids, gels and pastes. In order to assist in both areas, the CAA issued guidance to all airlines to allow the use of such supplementary restraint devices, gel type cushions and also on the process to be followed in the event that the PRM could not be adequately secured in accordance with regulations.

Following a request from the Secretary of State for Transport, the CAA carried out research in 2008 on the passenger experience at the four largest airports in the UK. The work concentrated on better co-ordination between service providers to improve the passenger journey. Assistance provision to PRMs was identified as one of the areas to be considered and the CAA has been working with industry at Heathrow during 2009. The CAA intends to read across the lessons learned at Heathrow to Gatwick and Stansted.

Where there have been implementation issues at specific airports, the CAA has attended meetings with the airport, airlines, service providers and, in some cases, organisations representing PRMs. The CAA has also attended meetings held by the European Commission and ECAC in relation to implementation of the Regulation. The CAA has focused its activities on compliance, including a range of ad hoc inspections and airport visits throughout the UK, as well as working with both airports and airlines to clarify the requirements of the Regulation. For example, the CAA worked with airlines and airports to clarify the requirements for the provision of services for passengers travelling with guide dogs.

The CAA has received a number of complaints from airlines about airports since the Regulation was introduced. These complaints have tended to

focus on service quality, the impact of the service on aircraft turnaround and the overall level of charges levied by the airport. In these cases, the CAA has worked jointly with the airport and airlines to identify and clarify the nature of the complaint. This work has identified a number of issues that are addressed in more detail in this report

There is a Memorandum of Understanding between the DfT, CAA and EHRC and a separate MoU with the CCNI, setting out the roles of each party. The CAA enforces the legislation based on trends of non-compliance identified in consumer complaints received by EHRC and CCNI. The CAA also carries out compliance monitoring through its own active monitoring of the experiences of air passengers; through reviews of the media, consumer websites and complaints it receives directly from consumers and from industry and through undertaking informal inspections. Where issues have been identified, the CAA has taken compliance action. Such action includes: requiring changes to specific company policies and in the management of PRM needs, changes to the handling of complaints and appropriate corrective training.

## EHRC

The EHRC has put in place procedures for handling complaints about the Regulation, and for advising the public of their rights when travelling by air. It has a helpline for passengers in England, Scotland and Wales to answer questions about their rights and what they can expect at the airport and on board the aircraft. The helpline also allows PRMs to complain about their treatment by airlines, airports, travel agents or tour operators.

The EHRC has received approximately 3907 calls in the first year of the Regulation. Of these, 3089 were publication requests, 395 relate to advice requests and 423 were potential infringements relevant to the Regulation. The EHRC is developing a process to improve its capacity to identify trends in the complaints that it can refer to the CAA.

The EHRC initially advises the complainant on how to raise the matter with the airport, airline, tour operator or travel agent, for example through the use of template letters. If the complainant is

unable to reach a satisfactory outcome, the EHRC will assess the information available to determine whether it can provide further assistance.

The EHRC can offer a conciliation service, subject to both parties (consumer and the company concerned) agreeing to participate. This is managed by an independent specialist conciliation provider. If agreement is reached, this results in a signed agreement which is legally enforceable. The conciliation service has been used in six cases. If conciliation fails, a passenger may wish to take civil action; the EHRC has the ability to support a PRM's case.

### CCNI

The CCNI has also established procedures for handling complaints about PRM services, and has publicised the Regulation in Northern Ireland. It also advises consumers on how to complain to the service provider. If consumers are unable to resolve their complaint the CCNI is able to take up the complaint with the relevant service provider and seek to obtain redress for the consumer.

The CCNI has received 151 calls, of which 142 were requests for advice and nine were complaints. CCNI's records provide details of trends in Northern Ireland and identify any service providers that are regularly the cause for complaint. The CCNI has referred a series of cases to the CAA where it considered that the actions of the airline concerned did not meet the requirements of the Regulation, or where its policies in the application of the Regulation was unclear or inconsistent. In each of those cases the CAA undertook its own investigation and, where appropriate, required corrective action by the airline concerned. The CAA has also responded to a number of referred complaints relating to service

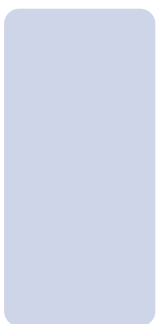
quality and customer information at Gatwick Airport. The airport has since resolved these issues.

The CCNI has been particularly active in bringing stakeholders, airports, airlines and disability groups together in Northern Ireland to discuss issues of implementation, and review developments and service provision within the three Northern Ireland airports. The CCNI also meets specifically with each of the airports on a quarterly basis to discuss any issues surrounding the implementation of the Regulation. The CCNI reports on cases to the CAA, showing which issues and industry players are involved. The CCNI received 70 complaints and enquiries in the first year of the Regulation.

### Stakeholders

As required under the Regulation, airports have taken responsibility for providing services to PRMs. The transfer of responsibility for provision of the PRM service to airports resulted in considerable changes in contracting, with some airports providing the service themselves and others contracting with a service provider. At larger airports the PRM operation is more complicated, and airports have had to gain an understanding of the different business models of airlines, in particular the requirement of "no-frills", and short haul carriers, for faster turnarounds at airports. Airports have also had to consider more fully cultural issues around differing views on the treatment of older people and disabled people.

Service providers have generally employed staff that worked for the airline's ground handlers. They have had to ensure they complied with the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) that involved



complex and lengthy processes to re-contract staff. They have also been required to put in place staff training courses and purchase new equipment, such as airport buggies and ambulifts to provide the service. Some airlines and tour operators have made changes to their websites to improve the prominence given to assistance available and to improve the booking process to allow PRMs to notify their assistance requirements on-line.

The Association of British Travel Agents (ABTA) set up a PRM Group to bring together industry representatives, CAA, DfT, EHRC and a DPTAC member to consider practical implementation issues faced by its tour operator and travel agent members. The Group concentrates on the transfer of information from the passenger through to the airport and how pre-notification of PRM assistance requirements can be improved. ABTA has also produced guidance for its members, including a checklist for travel agents that can be used during the booking process to capture required assistance.

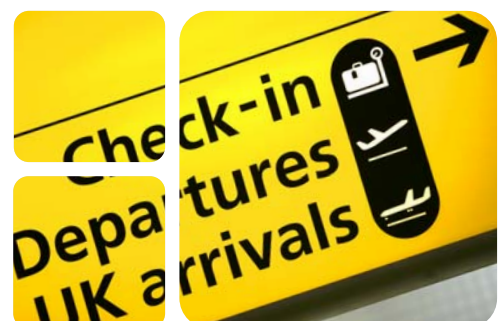
PRM groups have carried out their own research on the service that is provided to passengers. The British Lung Foundation campaign about the disproportionate costs of oxygen led to a Parliamentary debate on the matter and to a number of airlines, including Emirates and Thomson Airways, abolishing charges for supplying oxygen or allowing passengers to provide their own oxygen.

### Implementation Issues

In its work, whether through complaints received by the EHRC and CCNI, its direct observation and engagement with stakeholders, and issues raised by DfT, the CAA has identified a number of issues that have caused concern or need resolution for PRMs to receive a better and more consistent service from airports and airlines. These issues are also those that have been highlighted in the responses as needing attention.

These issues are:

- the level of awareness of the requirements in the Regulation amongst consumers and industry;
- the need for passengers to pre-notify their requirement for assistance and for pre-notifications to be passed on to airports to enable them to plan their service provision;
- the provision of assistance by airlines, including clarification about seat allocation, safety limitations on the number of PRMs carried, the carriage of assistance dogs, carriage of mobility equipment, the provision of oxygen and requirements for doctors' certificates;
- the quality of assistance provided at airports, particularly at larger and more complex airports; and
- contractual issues between the airport and service provider, including the oversight of safety, and the level of charges levied by airports on airlines.



## Consumer Awareness

This chapter outlines the degree to which consumers are aware of the Regulation and how well they understand their rights and responsibilities. The provision of assistance is not new and many consumers have benefited from airlines making arrangements as a customer service. The PRM Regulation is intended to make such provision more consistent and ensure that access is available to all.



### What does the Regulation say?

#### Article 15

The Regulation requires Member States to take measures to inform PRMs of their rights and of the possibility of complaint to the designated body.

#### Memorandum of Understanding

The responsibility for raising consumer awareness and handling complaints has been set out in the Memorandum of Understanding (MoU) between the DfT, CAA and EHRC that includes measures for complaints handling in England, Scotland and Wales, and the MoU between the DfT, CAA and CCNI that covers complaints handling in Northern Ireland.

The policy statement, which introduces the MoUs says that the EHRC/CCNI will support DfT in promoting awareness of the Regulation to the public. The MoU includes a statement that the CAA will advise industry of the requirements of the Regulation, and the EHRC/CCNI will advise passengers of their rights. It also states that the DfT, CAA and EHRC/CCNI will co-ordinate their respective activities in order to ensure consistency and the promotion of the requirements of the Regulation to the widest possible audience.

#### DfT Code of Practice

Section 3 of the Code, which covers the pre-journey provisions, recommends that travel agents, tour operators and airlines should make available specific information, in accessible formats, about services or arrangements for PRMs.

### What did we ask in the 'call for evidence'?

How aware are the travelling public of their rights and responsibilities under the Regulation?

What advice do you provide to passengers on the assistance that they might require (i.e. distances at airports) or request (i.e. what mobility equipment they can take)?

#### What did the call for evidence tell us?

The following details regarding consumer awareness of the Regulation are based on the opinions of the respondents to the call for evidence. These opinions differed, with some airlines and airports stating that awareness was high, based on passengers 'quoting their rights' when seeking assistance, while others believed it to be very low, citing as evidence a lack of reference to statutory rights when making complaints.

Some industry respondents identified a lack of understanding of the passenger's role in the process and a marked difference in awareness between passengers with long-term disabilities and those affected by age or temporary impairments.

The pan-disability group Leonard Cheshire Disability conducts its own research on access rights. In its response, it stated that 50% of respondents were aware of the Regulation, which is an improvement on the awareness of their previous (limited) rights before the Regulation came into force. Responses from all consumer organisations, however, stated that the general level of awareness remained low. Groups such as DPTAC, RNIB and Guide Dogs for the Blind made these observations based on calls from the public enquiring about their rights. RNID identified a key obstacle to awareness in its response when it

stated that, generally, people with hearing loss or impairment do not view themselves as disabled.

It is also possible that the awareness reported is of a perceived right to equal treatment rather than the specific provisions of the Regulation. The CAA engaged SHM Productions Ltd (SHM)<sup>13</sup> to carry out two focus groups considering consumer experience of the PRM service and their expectations. Their full report is published at [www.caa.co.uk/accessibleairtravel](http://www.caa.co.uk/accessibleairtravel). SHM suggested that expectations of what service should be provided is not based on awareness of legislative detail, but on what would enable PRMs to feel like 'equal' passengers.

The responses from industry suggest that the vast majority of information is conveyed to passengers online. This has the potential benefit of reaching a wide audience and allows a high level of detail to be provided but it relies on the passenger actively seeking this information. The positioning of the information on different websites varies, and terminology and iconography used has been criticised by some as suggesting that the information is only relevant to specific passengers, most commonly wheelchair users.

The level of information provided and the accessibility of that information also varies between websites. DPTAC and ABTA stated that it would be helpful if the information provided by the industry were to be presented more consistently.

The role of the complaints handlers, EHRC and CCNI, includes the promotion of the Regulation to consumers. The CCNI has published a document, 'Access to Air Travel' aimed at consumers which was launched by the Minister for Regional Development in July 2009. This was produced in conjunction with the DfT and EHRC and supported by a planned media campaign. Over 5000 copies of the document have been distributed through a number of charities, voluntary organisations, Citizens Advice Bureaux and travel agencies throughout Northern Ireland. It is also available on its own website and via links from local disability groups' websites<sup>14</sup>.

The DfT/EHRC document, 'Your Rights To Fly'<sup>15</sup>, is also widely linked to a number of other websites. Both this document and the CCNI's publication were presented to stakeholders at a launch, with the EHRC conducting a month long

marketing campaign using numerous channels to further promote the Regulation and its role in handling complaints from PRMs (this resulted in a significant increase in calls to the helpline). The EHRC has distributed around 85,000 copies of the guide to passengers, airports, airlines, tour operators, travel agents and PRM groups.

The increased awareness reported by Leonard Cheshire Disability is in part due to these activities. Awareness, however, remains generally low. Responses from PRM groups suggest, however, that most consumers seek advice on their rights after they have had an unsatisfactory experience. This supports the view reported above that passengers increasingly understand that they have rights but that they do not know the legislation and specific provisions which protect these rights.

#### CAA Analysis

The CAA agrees it is important that consumers are aware of their rights and responsibilities and know how to complain if problems arise. The booking process is an important way of informing consumers and encouraging them to pre-book their assistance. The language and symbols used may deter people from booking assistance, as they may suggest it is purely a wheelchair service and we would like to explore how this might be changed. Encouraging more consistency in the booking process would also make it easier for consumers to find the information they need. We plan to begin a discussion with industry and PRM groups to develop a best practice framework that could be used to improve consumer awareness and encourage passengers to pre-notify. We will also explore with ABTA and DPTAC whether this project could be taken forward in one of their existing working groups.

As well as using websites, passengers also book flights (and holidays) by telephone or through travel agents. The CAA believes that this part of the booking process provides an ideal opportunity for reservation staff to discover whether passengers have specific requirements and to make them aware of the scope of the Regulation. However, this requires a level of understanding from the staff member and a consistent set of questions to identify passengers' needs.

The consumer research and focus groups showed that passengers wished to feel in control of their journey. In some cases, passengers, particularly older people and disabled passengers who value their independence, may be reluctant to use PRM services. In other cases, for instance that of deaf people, the assistance may only be required in particular circumstances such as when flight details are changed. The CAA would like to consider the information that airports could provide to consumers, such as airport layout, walking distances, and the need to use stairs. This is often provided in the departure lounge but is not always available prior to that. Such information would allow all consumers to make informed decisions about whether they require assistance. A consistent format would benefit all users and enable airlines, tour operators and travel agents to provide more information to their customers. This issue will be discussed with stakeholders and the CAA will also write to UK airports requesting details of the information currently provided. It will also write to the passenger sub-committees of Airport Consultative Committees asking for their views of how to improve the information provided to consumers.

Airports could also consider measures that assist PRMs who want to travel through the airport independently, for instance through appropriate facilities (lifts, travelators and escalators), and better signage with more use of clearly understandable symbols and clear information on walking distances. This would allow all passengers (including non-English speakers) to plan how to spend their time in the airport and to allow enough time to walk to the departure gate. For older passengers this would be particularly helpful as it would allow them to be in control of their journey and to allow sufficient time to walk to the gate at their own pace. It may also be helpful in designing PRM services to enable passengers to request limited assistance for particular stages of the journey, for example in boarding the plane if they are unable to walk up stairs easily. The CAA notes the advice from PRM groups that approximately 50% of passengers are aware of their rights under the Regulation. As part of a 2008 survey, the CAA found that consumer awareness

of their rights in regard to cancelled or delayed flights was at a similar level, however, this legislation had been in force for three years at the time of the survey. Given the PRM legislation has only been in full force for a year, the achievement of a 50% level of awareness is encouraging. However, the CAA recognises the importance that the legislation places on consumers pre-notifying their assistance requests to guarantee service delivery at the airport. It therefore considers that improving levels of consumer awareness is key to encouraging consumers to request assistance when they make their booking.

The CAA also notes that the misconceptions amongst consumers that access rights apply exclusively to those with permanent physical disabilities or just to wheelchair users are also shared by some in the industry. This creates a further barrier to consumer awareness, as the passenger is often reliant on the staff member for advice. The responses received indicated that such misconceptions are common and the CAA considers that this is an important area where improvements could be made. ABTA's production of a checklist that can be filled in by passengers to capture any assistance requirements is a good example of assisting passenger and staff awareness.

EHRC is developing and funding an on-line training module for staff in conjunction with ABTA. This module will form part of ABTA's Accredited Training Programme and will be rolled out to ABTA members in Spring/Summer 2010. This is an important way forward to increasing staff awareness of travel agents and tour operators. The CAA recognises that this is an important stage in the booking process and increased staff awareness should lead to greater passenger awareness. Further details on training can be found in Chapters 6 and 7. The CAA agrees with the points made by PRM groups that a bad experience can have a significant impact on some passengers, who may be discouraged from flying again. It therefore supports increased publicity and awareness for both passengers and staff to inspire confidence in these passengers that there is definitive regulation in place and to encourage them to travel again.

### Case Study

The CAA received a complaint about the advice an airport was providing to consumers when they requested PRM assistance.

The Airport Customer Service Team advised the passenger (who was blind) that the PRM service was only for blind passengers requiring the assistance of a wheelchair or buggy. Blind passengers who want to walk through the airport need to seek assistance from the airline. The advice was based on the policy of the service provider at the airport. The airport suggested the passenger talk to the relevant airline.

The CAA contacted the airport. The airport thought that it was following the requirements of the Regulation and agreed to review its staff training to ensure this issue was picked up.

### Recommendations

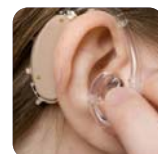
The CAA plans to hold initial discussions on some of the ideas raised to improve consumer awareness with stakeholders in Spring 2010.

These will include:

- encouraging booking processes that use inclusive and consistent language to assist passengers with a range of disabilities, older passengers and those with a temporary disability to pre-notify;
- encouraging airports to provide more information to consumers, airlines, tour operators and travel agents including waiting times, walking distances, stairs and the types of passenger movement equipment that is available at the airport. Information should be available at the point of booking and directly available to consumers as well as at the airport; and
- taking forward with PRM group activities to increase consumer awareness, particularly amongst groups where awareness appears to be lowest.

The CAA will discuss with ABTA and DPTAC the possibility of taking forward a project on developing a more consistent and inclusive approach to the booking process in one of their existing working groups.

The CAA will write to UK airports and the passenger sub-committees of Airport Consultative Committees seeking views on the information provided by airports on layout, facilities etc.



## 5

## Pre-notification

This Chapter concentrates on the issues raised in the call for evidence regarding pre-notification of assistance requests. This is an important part of ensuring that passengers receive the requested assistance and enabling airports to plan resources. Many see this as key to making the legislation work effectively.



The Regulation places an obligation on passengers to pre-notify their assistance request at least 48 hours before the time of their flight. If they fail to provide notification, the airport is still required to make all reasonable efforts to provide the assistance and enable them to catch their flight. Airlines, travel agents and tour operators are also required to make it as easy as possible for passengers to notify the assistance required.

In the past, airlines were responsible for providing assistance to their own passengers to transit the airport and there was no requirement for them to pass information to the airport. The Regulation has therefore introduced a new step in the process, and a requirement for systems to be put in place to share information. This has provided some challenges to industry in implementing IT solutions and achieving a consistent approach. There are also issues with the transfer of information from travel agents and how passengers can be assured their assistance has been booked.

### What does the Regulation Say?

#### Article 6

The Regulation requires airlines, their agents and tour operators to be able to accept assistance requests from their passengers at the point of sale. This includes bookings made in person, over the telephone or on the Internet.

When the airline, its agent or a tour operator receives notification of the assistance required by the passenger at least 48 hours prior to departure, it must pass the information on to the airline or airport at least 36 hours before departure. Notifications should be made to the airport of departure, arrival and transit.

This Article also requires airlines to confirm to the destination airport the number of PRMs on board the flight, and the assistance required, to the destination airport as soon as possible after the aircraft has taken off.

#### Article 7

Passengers are entitled to assistance at the airport if they have notified their airline, travel agent or tour operator of their assistance requirements within 48 hours of departure to guarantee assistance. However, if passengers have not provided any notification, the airport is required to make reasonable efforts to provide the required assistance.

The Article also says that passengers should arrive at check-in or at a designated arrival point at the time stipulated by their airline, agent or tour operator. Where no time has been stipulated, they should arrive at check-in at least one hour prior to departure or at an arrival point at least two hours prior to departure.

## DfT Code of Practice

The Code states that booking staff should ask customers during the booking process whether there is anyone in their party that would require assistance.

When an assistance request has been made it should be recorded and transmitted to the airline or the airport using the internationally agreed codes and in IATA's standard format for Passenger Assistance Lists (PAL).

The Code also notes that it is good practice for tour operators and airlines to provide confirmation that the passenger's assistance request has been received and actioned. Industry is also advised to keep records to demonstrate that they have passed on the request.

### What did we ask in the 'call for evidence'?

#### Airports

Do you differentiate the service between pre-notified and non-pre notified passengers? If not, would you consider doing so?

Since the Regulation was introduced, what percentage of requests for pre-notification are passed to you by airlines or tour operators at least 36 hours before the published departure time for the flight? How are you notified?

How have the number of PRM assistance requests changed since the Regulation was introduced? Were your forecasted PRM numbers accurate? What steps have you taken to increase the number of timely pre-notifications you receive? Do you have any problems with the way in which airlines and tour operators pass on pre-notifications to you?

## Organisations representing PRMs

Accepting that all reasonable efforts should be made to provide a service to all PRMs, there have been circumstances where, due to the high numbers of non-pre notified passengers, the service cannot be provided to meet all requests. In those circumstances, do you think that where passengers' needs have been pre-notified to the airport their assistance needs should be prioritised over those whose needs have not?

#### Airlines

How do passengers notify you of their assistance needs?

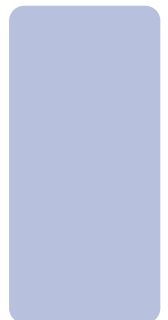
How have the number of PRMs requesting assistance changed since the Regulation was introduced? Have numbers increased over and above the levels of PRMs when airlines were responsible?

Are passengers who have pre-notified their assistance needs prioritised over those who have not pre-notified? If not, should they be? If so, how? Since the Regulation was introduced, what percentage of your customers inform you of requirements for assistance at least 48 hours before the published departure times of the flight?

How are you pre-notified? Does this pre-notification impose any costs on the passenger?

What measures have you taken to try to increase the number of pre-notifications for assistance from passengers?

Have you had any problems in passing on pre-notifications to airports? What problems have you identified? How have you addressed them?



## What did the call for evidence tell us?

### General

The data provided by industry showed that levels of pre-notification remain relatively low and vary widely across airports and airlines, although levels have improved over the first year of full implementation. Industry has been taking steps to improve the level of pre-notification by improving booking processes and making information more prominent. Problems still remain and some groups of passengers, particularly older people, do not seem to be aware of their rights and are not pre-notifying. Airports have also been working with airlines to improve the level of pre-notification provided to them.

There was also general agreement that in principle pre-notified passengers should be prioritised at the airport subject to improving awareness, booking processes and transfer of information across service providers. The European Commission has also recommended that priority should be given to pre-notified passengers.

### Number of PRMs travelling

Airports have not historically held data on the number of PRMs travelling, as the service was previously provided by airlines. When airports took over the service, they sought information from the largest airlines (or their service providers) flying from that airport for the purposes of forecasting the likely numbers of PRMs using the service. The accuracy and availability of information to support PRM forecasting differs at each airport. As part of the review, several airports provided details of the PRM passenger forecasts used to define the scope and resources likely to be required to deliver the service. This information was made available to bidders for the PRM service contract at the airport. Several airports said that the forecasts for the total number of passengers had been reasonably accurate, but others had found it difficult to obtain statistics on the previous number of PRMs carried, and as a result forecasts varied significantly from actual PRM passenger movements.

Airlines had a mixed view on whether the number of passengers requesting assistance had

increased since the Regulation came into force. Many said that the numbers had stayed about the same. Of the airlines that mentioned increases, one noted that in its experience these had tended to be year on year increases unrelated to the introduction of the Regulation. Only one airline commented on the level of increase, noting an increase in numbers from 1% of total passengers to 2%.

The information provided by airports suggests that passengers requesting PRM assistance (including passengers who did not pre-notify) make up between 0.3% to 1.3% of total airport passenger traffic. It has not been possible to measure the total number of passengers in the UK that may require assistance at the airport. It was noted that while some airports forecast the total number of PRMs fairly accurately, others had significantly under-estimated the total number of PRMs using the airport. Information from airports also identified that there could be significant monthly differences between the forecast and actual levels. The following table sets out the data on actual PRMs carried and the percentage this forms of total passengers carried.

The weighted average of the data provided by the airports above would suggest that approximately 0.8% of total passenger traffic in the UK used the PRM service in the first year of the Regulation. Reflecting the volatility in the demand for the service, several airports noted that during peak periods the number of PRMs as a percentage of total traffic at an airport could almost double – up to 1.3% of total passengers in some cases.

Total passenger traffic in the UK in the first year of the Regulation was approximately 221 million passenger movements. PRM passengers are therefore likely to have accounted for approximately 1.75 million passenger movements, of which around 80% (1.3 million PRMs) will have departed or arrived from one of the top 5 airports in the UK – Heathrow, Gatwick, Stansted, Manchester or Luton.

It has not been possible to obtain a clear picture of whether the number of PRMs using the service has increased since the Regulation came into force. Airports have told us that although they have seen a general fall in passenger numbers, they have not seen such a decline in the number of

#### Data provided by Airports for the first 12 months of operation

Airports	Actual PRM's	% of total passengers
Belfast International	28,000	0.55
Cardiff	14,400	0.73
East Midlands	40,000	0.70
Glasgow	56,000	0.70
Liverpool John Lennon	21,000	0.38
London Gatwick	323,625	0.93
London Heathrow	650,000	0.95
London Stansted	75,000	0.32
Luton	58,000	0.54
Manchester	181,000	0.84

PRMs travelling. In some cases they have noted an increase in PRMs.

#### Levels of pre-notification

The level of pre-notifications differs widely across airlines and airports and some respondents were unable to provide exact percentages.

One airline told us that information provided by passengers 48 hours before departure is rarely a true reflection of the number requesting assistance on the day. This can be due to differing flight profiles such as particular destinations or passenger demographics, with some airlines being more prone to assistance requests made on the day. This can have significant knock on effects, with airports having to divert resources at short notice to address the issue to the possible detriment of pre-notified passengers travelling with other carriers. This would seem to be a particular problem for non-EU based airlines from, for example, the Caribbean and Asia, where passengers may be unaware of the need to pre-notify, since the Regulation does not apply to carriers entering the Community.

Five airlines provided information on the percentage of passengers who pre-notify their required assistance at least 48 hours before the departure of their flight. The levels vary widely and

range from 25% up to 80%

The data provided by airports also showed widely varying levels of pre-notification, at 36 hours before departure ranging from as low as 17% to around 85%. Many have found it a challenge to bring the levels above 50%. It should be noted that the airport that told us they receive 17% of pre-notifications has since moved to a system where it relies more heavily on historic data to plan for provision of assistance.

Discussions with some airlines suggest that they believe airports are placing too much emphasis on pre-notification. They believe it will be impossible to drastically improve the rates at which passengers pre-notify, and airports should take more account of historic data and consider passenger trends. In their view, reviewing flight profiles and identifying those that tend to carry high numbers of PRMs would help airports to improve their planning and to roster staff accordingly.

#### Booking process

Trade associations and PRM groups expressed concerns that passengers may not have enough information about the assistance available and were not therefore encouraged to pre-notify. They commented that passengers could be very reticent

to provide notification of their assistance needs, particularly older people who may not consider they are entitled to assistance. PRM groups also said that many passengers would not consider themselves disabled in their daily lives, but faced with the unfamiliar airport environment could require assistance of some sort.

PRM groups raised the issue of the differing pre-booking processes used by airlines and said that a number of airlines did not allow on-line pre-notification. A number of PRM groups noted that PRMs often had to use premium rate phone numbers to advise airlines of their assistance needs, because they could not do so by any other means (e.g. websites were inaccessible). This meant they faced an extra charge that other passengers did not have to bear. One PRM group also said that providing passengers with a booking reference or simple confirmation that their notification of assistance had been acknowledged and booked would be very helpful.

The consumer focus groups agreed that it was essential that there was a clear opportunity to confirm the assistance required during the booking process without incurring additional cost. They raised concerns about some airlines using premium rate phone lines. They also reported frustration with the apparent disconnection between the booking process and the later stages of the customer journey. They felt that information provided at the booking stage was not used and acted upon when they arrived at the airport.

The focus groups thought that providing passengers with a confirmation of the assistance they requested at the booking stage was a reasonable expectation and would provide reassurance. Passengers recounted their experience of telephoning several times to check assistance had been booked, which took time and could result in additional costs. They also raised concerns that when they arrived at the airport they often had to recount their assistance request to several people. A simple booking reference, which pulled up their request, was suggested.

An industry association pointed out difficulties with the IATA codes and the problems travel agents have in correctly allocating the codes based on the passenger's assistance request.

### Steps to increase pre-notification

Airlines have updated their websites to improve the location, design and visibility of pre-notification options within the booking process. In some cases, passengers can request assistance on-line, but some airlines require passengers to contact them by telephone so that they can provide more detail of the assistance required. Others mentioned that they now actively encouraged passengers to pre-notify and had also adapted the wording used by their reservation staff to ensure that it was not just focused on wheelchair passengers. Most airlines said that they did not impose a charge for booking assistance, and where they required the passenger to make a telephone call, this was on a standard or low rate number.

A number of airlines mentioned the work ABTA had undertaken to improve the levels of pre-notifications obtained by travel agents and tour operators. They saw this as being very useful in driving best practice. ABTA had provided guidance to its members and had produced a checklist that could be used by passengers to ensure that their assistance request had been recorded correctly.

Airports have also taken steps to improve the level of pre-notifications provided to them by airlines. In general, airports have set up regular meetings with airlines and service providers to review service performance and to share data on the level of pre-notifications. Some airports have also worked with airlines individually to tackle specific problems that have been identified. Airports have also incorporated passenger information on their websites to encourage pre-notification. One airport asks passengers if they have a return flight and ensures that the assistance request for their return flight is recorded.

### Transfer of Information between service providers

The accurate and timely transfer of information is key to ensuring that passengers receive the requested assistance. Responses showed that this is an area that initially proved to be problematic, but over time improvements have been made.

The Regulation has placed an obligation on all organisations in the aviation supply chain from the point where a flight booking is accepted to the point when the service is delivered at the airport. In order to ensure a request for assistance made at the point of booking is passed through each step of the supply chain, it is important that each organisation (tour operator, travel agent, airline, airport and PRM service provider) can account for the requests for assistance they have received and how these requests are passed on. For example, one respondent noted that travel agents could experience difficulties in obtaining confirmation that the request had been received by airlines when they pass on the assistance request. Bookings made with tour operators often rely on a verbal instruction and the travel agent may not receive written confirmation that the request has been actioned. PRM groups noted that passengers do not tend to receive confirmation that their request has been passed on and confirmation would be a simple measure that would increase the confidence of PRM passengers that assistance would be available when they arrive at the airport.

In general, airlines said that they had initially found it difficult to provide information to airports, but this was now improving. They did, however, point out there were inconsistencies across airports about what was required. IATA's Recommended Practice is for airlines to transfer information to airports using the Passenger Assistance List (PAL) or Change Assistance List (CAL) formats. A message is produced from the airline's reservation system and is transmitted including passenger names as well as the Special Service Request (SSR) code.

Many airlines use the PAL/CAL formats, but there are limitations on the amount of information that can be included within this format and some choose to provide similar information in the form of an e-mail or fax. Airlines are therefore keen to retain flexibility and to agree with airports the best way to transmit information. Some airlines were also concerned that airports focused too much on data provision at 36 hours before departure, as this failed to take into account late bookings and late notifications from passengers.

Airlines also raised issues about how information could be transferred directly to the service provider from in-bound aircraft. On long-haul flights this can provide a considerable notice period for assistance requests. However, requests have to be provided to airline staff and then on to the service provider. One airline noted they had trialled sending Aircraft Communications Addressing and Reporting System (ACARS) messages from the aircraft, but this was not yet working smoothly.

Airports said that there is inconsistent provision of information by airlines. The majority of airports prefer information to be provided in the PAL/CAL form to their Société Internationale de Télécommunications Aéronautiques (SITA) address as this feeds straight into their management system. The SITA system provides a backbone IT service for the communication of messages between a wide range of airports, airlines and in some cases tour operators around the globe. Whilst industry relies on internationally agreed codes, to ensure that the type of assistance required can cross language barriers and be accepted by large and small airports on a global basis, the technical limitations mean that it is difficult to include additional information to allow the services to be tailored more directly to a PRM's needs. Airports do accept information in other formats, such as e-mails, faxes, telephone calls, but say that this can cause problems with automating the capture and reporting of data with manual input leading to errors.

Problems were also identified with inaccurate coding of assistance requests and this led to problems with the availability of staff and equipment. Some airports felt that providing data at 36 hours before departure did not provide sufficient time to plan resources and equipment requirements.

PRM groups also noted that passengers should receive confirmation that their assistance request has been booked. They mentioned the Assisted Passenger Reservation Service (APRS) that operates on UK train services and enables train companies to book assistance for passengers. PRM groups noted that the provision of a reference number confirming the booking was very helpful for consumers and could be adopted by airlines and tour operators.

#### Prioritisation of service at the airport

In general, respondents agreed that pre-notified passengers should be given priority and that this would encourage more passengers to pre-notify in future. However, it was recognised that a number of problems needed to be overcome before this could be effectively implemented.

The Airport Operators Association (AOA) identified 7 airports that had told them that their service level agreements (SLAs) give a priority service to pre-notified passengers, especially during peak periods, as this helped the airports to plan their resources. Two other airports also said that their SLAs give priority to pre-notified passengers, while one has a priority SLA for departing passengers, but not for arriving.

Some airports noted concerns with giving priority to pre-notified passengers as the passenger may have pre-notified, but the request was not passed on. They also said that passengers may not be aware of the need to pre-book or had difficulties in doing so.

With regard to the provision of the service to passengers arriving at the airport by air, several airports noted that they did not think it was practical to give priority to passengers that had pre-notified their assistance needs. These airports made the point that, given the pressure to ensure that passengers were disembarked from the aircraft as soon as possible, they did not feel they

could differentiate the service between pre-notified and non pre-notified PRMs. One airport also felt that the requirement to provide assistance on a "reasonable efforts" basis for non-notified passengers was too open and would benefit from greater clarity.

Airlines and trade associations generally agreed that pre-notified passengers should be given priority, a view supported by the European Commission at its workshop on 23 November 2009. They felt that this would help improve the efficiency of the system and provide a fairer service to the passenger. They also thought it important that passengers who had taken the time to pre-notify should get priority, or this could lead to a lack of confidence in the process and a decision not to pre-notify next time. Conversely, passengers who had not pre-notified, but received service as though they had, might not be encouraged to pre-notify in future.

Airlines thought that both pre-notified departing passengers and pre-notified arriving passengers should be prioritised. However, airlines recognised that there could be practical difficulties for service providers, and that sometimes it would not be cost-effective to prioritise. Airlines also noted that in many cases the service provider was only informed of the number of passengers requiring assistance and not the names of those who had pre booked assistance, making it virtually impossible to differentiate between passengers who had pre notified and should therefore be prioritised. Airlines also recognised the risk that some passengers who had legitimately pre-notified their assistance needs might miss out if their request was not passed through to the service provider.

PRM groups were also generally supportive of a system whereby service providers prioritised the provision of assistance to passengers who pre-notified their assistance needs. PRM groups also felt that there needed to be improved public awareness of the benefits of pre-notifying to incentivise passengers. PRM groups also noted that it was important that passengers' requests for assistance should include a degree of sophistication in the way they were recorded to ensure information relevant to individuals' specific needs was captured – for example, so that deaf

Airports	Priority Given?
Belfast International	Yes
Birmingham	Yes
Bristol	Yes
Cardiff	Yes
East Midlands	No
Glasgow	Yes
Liverpool John Lennon	No
London Gatwick	Yes for departing
London Heathrow	Yes
Luton	No
Manchester	Yes
Newcastle	Yes
Prestwick	Yes

and blind people could board the aircraft in advance to receive a separate safety briefing. PRM groups noted that by tailoring assistance to the individual's needs, more passengers would be able to travel as independently as possible through the airport and only use assistance when required. This approach had the potential to free up specific assistance for other passengers.

Direct consumer research by the CAA has also suggested that passengers are concerned by the varied processes they must go through in order to pre book assistance requirements. Many consumers felt the process of booking assistance could cause confusion that ultimately created a disincentive to pre-notify assistance requests.

Although consumers generally agreed that airports should differentiate the provision of the service between pre-notified and non pre-notified passengers, they felt it was important that airports continued to cater for passengers who had not provided notification. They felt a service should still be provided to non pre-notified passengers because in some cases consumers needed to travel at short notice and would not therefore meet the pre-notification requirements of the Regulation. In these situations consumers felt airports should factor additional capacity into their planning and resourcing. Consumers felt that it was reasonable to wait longer for a service if the requirements

were not pre-notified but it was not an argument for not providing the service at all.

PRM groups suggested that even when passengers pre-notified they did not receive a seamless service at the airport and were often treated in the same way as those who had failed to pre-notify. It was important that passengers were provided with a good service to encourage them to pre-notify next time.

Focus group attendees agreed with the principle of prioritisation, but also thought it was important that passengers could turn up on the day and receive assistance. Some participants said their needs could vary from day to day.

## CAA Analysis

### Booking process and steps to increase pre-notification

Pre-notification levels have increased since the Regulation came into force, but the levels vary quite widely across airlines and airports. The CAA agrees that it is important to increase the number of passengers pre-notifying and to ensure that passengers are asked during the booking process if they require assistance.

Issues were raised about passengers who were not aware of the legislation and may not consider themselves eligible for assistance, such as older people or people who are deaf. The CAA plans to discuss the booking process with stakeholders (see the recommendation in Chapter 4).

There are a number of ways to book a flight, but often PRMs are required to notify their assistance needs by telephone. If a telephone is the only means available, this raises two issues. First, some PRMs may not be able use a phone. Second, if the phone service were the only means available they should not face a charge in making their assistance request that other passengers would not face. The CAA considers that PRM passengers should not face additional charges, such as premium rate phone numbers in order to make their assistance request. The CAA notes that the DfT Code of Practice encourages industry to provide free phone numbers or a call back service to ensure PRMs do not face additional costs.

The CAA believes the proposals made by PRM groups for a registration system for PRMs should be explored. It agrees there would be benefits for consumers in recording their assistance requirements with an airline in a similar way to a frequent flyer scheme. The CAA notes that airline booking systems are already geared to holding passengers' information and considers that this proposal would streamline assistance requests and avoid PRMs having to provide the information each time they book. This would provide cost efficiencies to both the passengers and industry. It would also give PRM passengers greater confidence that their specific needs have been accurately recorded.

The CAA also supports the provision of a receipt and booking number to PRM passengers when they make their assistance request. The receipt would give PRM passengers greater confidence, as it confirms that the request for assistance has been received and passed onto the service provider. The PRM passenger could prove that they have pre-notified, an issue of concern for many PRMs.

#### Transfer of Information between service providers

The way pre-notification data is used to record demand and forecast resource requirements would be improved if the airport and airlines agreed to a common electronic format for information to be passed from airlines to airports. This would also allow the airport to provide more accurate data to airlines and to focus on working with individual airlines to improve levels of pre-notification. Currently, data seems to be managed primarily by the service providers. Airports could consider building PRM data into their overall passenger

forecasting tools. The use of PAL/CAL formats wherever possible should be encouraged. Similarly, airlines should consider what changes could be made to supplement this system to allow for more tailored information on a PRM's needs to be provided.

The CAA agrees that it is important to improve the levels of pre-notification provided at 36 hours before departure. However, it notes that sometimes airlines are not notified of passenger needs until after that time. The CAA believes that such late information is still useful in allocating PRM staff to particular flights on the day, so it is important to review with industry how information provided after 36 hours before departure, for example at 24 hours before departure, or from in-bound aircraft can be most effectively provided to service providers.

#### Prioritisation of service at the airport

There is general agreement across all stakeholders that pre-notified passengers should be given priority at the airport. Although the majority of airports said that they do prioritise service provision, airlines did not agree that this was happening.

The CAA agrees that pre-notified passengers should be prioritised, but also recognises that this should be implemented carefully. It accepts the need to improve pre-notification channels, the transfer of information and to ensure passengers are provided with evidence that their booking has been received to allay their concerns. A system of providing a booking reference would give passengers more confidence that they can provide this on arrival at the airport as proof of their notification. The CAA also agrees that airports need to provide adequate resources for all PRM passengers, but that those that have not pre-notified should expect to wait a little longer.

## Recommendations

In Spring 2010, the CAA will discuss with stakeholders the following suggestions to improve pre-notification levels:

- a registration system, or frequent flyer type scheme, where passengers can register their assistance requirements in order to speed up the booking process and ensure their request is recorded correctly;
- the provision of confirmation to passengers of the assistance booked, for example a confirmation number and summary of the assistance request; and
- the practicalities of prioritising the service provided at the airport to pre-notified passengers to encourage passengers to pre-notify on future journeys.

The CAA will assess the system that has been implemented to transfer assistance requests and the level of pre-notification at the top 5 airports. If the process is not working efficiently, pre-notification levels are low or not improving, the CAA will engage with airlines, tour operators and the airport asking them to demonstrate collectively how the pre-notification process may be improved.

The CAA will also monitor the use of 'premium rate' phone numbers for booking assistance and take steps to discourage their use.



## 6 Assistance Provision by Airlines

In this chapter, the CAA sets out its analysis and findings regarding the quality of service provided for PRMs by airlines and the training provided to booking staff. The chapter starts with an overview of the requirements set down in the Regulation and deals with responses to the CAA's call for evidence that focus on the service provided by airlines. It concludes with a series of observations, clarifications and best practice recommendations on the provision of PRM services by airlines.



### What does the Regulation say?

#### Article 4

Article 4 of the Regulation allows a booking for, or the boarding of a flight by, a PRM to be refused if it does not meet the safety requirements established by national, community or international law.

#### Article 10

Article 10 of the Regulation states that an airline shall be responsible for the provision of assistance including carriage of assistance dogs, mobility equipment, allocating appropriate seats and assistance in moving to the toilet.

#### Article 11

Airlines must provide disability equality and awareness training for staff, including sub contractors or agents.

### What does the DfT Code of Practice say?

The Code states:

- airlines should only require medical clearance for a PRM where it is clear that their safety and wellbeing cannot be reasonably assured, not to demonstrate a need for assistance;
- airlines should only require a PRM to be accompanied where it is evident that they are not self reliant; but that cabin crew should not be expected to provide personal care such as administering medication; and
- airlines should consider offering a second seat at a discount where:
  - the airline requires a PRM to be accompanied.
  - the nature of a PRM's disability requires a second seat or, an assistance dog requires a second seat, for reasons of space or to ensure necessary physical restraint.

## What did we ask in the 'call for evidence'?

### Airlines

Have there been any specific problems concerning the arrangements for:

- allowing assistance dogs to travel?
- the carriage of mobility equipment?
- lost or damaged mobility equipment?
- provision or carriage of oxygen?
- If so, how have you addressed these issues?
- What restrictions do you have on the number of PRMs you carry on each flight? Do you have a policy on where PRMs are seated (e.g. aisle or window) or how they are seated with companions?

### Organisations representing PRMs

- What is the view of the types of equipment available to assist passengers in boarding the aircraft?
- Are there sufficient guidelines for passengers on the types of equipment they can take with them, both in the cabin and in the hold?
- What is your view of the training packages provided to airline staff?

## What did the 'call for evidence' tell us?

### General

The call for evidence indicates that the differing policies between airlines, for example on the types of mobility equipment that can be carried or the carriage of supplemental oxygen, has caused considerable confusion. This has meant that PRMs have had to scrutinise carefully the respective policies of airlines when booking. The information PRMs require to make that decision is often limited or difficult to find. There is confusion as to whether the items that could be carried were limited to what the PRM needed purely for the journey, or could also include items they may need at their destination.

### Assistance Dogs

PRM groups commented on the lack of information relating to the carriage of assistance dogs. This included issues such as whether assistance dogs could be carried on a flight, how they would be carried (i.e. in the hold or in the cabin), and if the airline applied an additional charge if an extra seat was required. The response from Guide Dogs for the Blind noted a lack of staff awareness in how to handle assistance dogs. They also noted that not all airports had the necessary animal reception facilities. Airlines commented that the current route-by-route application process required by Animal Health<sup>16</sup> was complex and time consuming. Airlines also noted that they were unsure of who was responsible for checking animal travel documents, such as the "Pet Passport," and would be liable for any costs incurred if the animal was refused entry.

### Mobility equipment

Airlines stated that they had problems in determining what kinds of mobility equipment could be carried free of charge. For example, if a passenger was already travelling in a wheelchair and wanted to carry an additional sports wheelchair – did the second chair constitute a piece of mobility equipment that should be carried free of charge? Airlines also encountered difficulties in establishing whether the items which they were asked to carry free of charge should be limited to what the passenger needed for the flight and at the airport and not additional equipment that may be needed for their holiday or business trip.

Airline responses suggested there were practical problems and possible health and safety issues in carrying electric wheelchairs and mobility scooters, some of the largest of which could exceed 150 kgs. Airlines stated that wherever possible they would allow passengers to use their own wheelchair to the boarding gate or to the stairs of the aircraft. This could be logistically challenging, as certain elements of electric wheelchairs and scooters, for example foot plates and control panels, are extremely vulnerable to damage and the wheelchair has to be placed in a protected position in a possibly already loaded hold. This is further complicated by the variety of mobility equipment available requiring different handling techniques; for example, to isolate power supplies before flight for safety reasons. In these situations the airline may not be able to allow passengers to use their own chair after check in.

Whilst airlines accepted that they were liable, subject to certain limitations, to compensate a PRM for any damage to mobility equipment, the bespoke nature of such equipment meant that there could be significant problems in providing suitable replacements.

PRM groups noted that passengers were unsure what mobility equipment they would be allowed to take with them, either in the cabin or the hold, and that such uncertainty had been exacerbated by the general lack of consistency in the policies adopted by airlines. PRM groups also noted that passengers were often advised to take such items as hand luggage, only for it to be refused carriage by security staff who were uncertain as to what was permissible.

The Spinal Injuries Association welcomed the CAA's guidance to airlines allowing the use of pressure

relieving cushions and other supplementary support devices<sup>17</sup>.

### Medical Oxygen

PRM groups said there was confusion over the carriage of oxygen due to the range of airline policies. Airline practices differ quite widely, with some allowing passengers to carry their own pre-approved personal oxygen bottles or portable oxygen concentrators<sup>18</sup>, others providing oxygen onboard free of charge and others charging to do so.

### Essential Information

RNIB and RNID commented that safety information onboard aircraft was not always available in an accessible format.

### Seating allocation

The majority of comments from consumers regarding airline assistance related to the allocation of seats. The responses suggested there was some confusion as to what the Regulation required. A number of the responses suggested an expectation that suitable seating would be available on all types of aircraft and cabin configurations. However, the CAA's consumer research suggested that consumers understood that there was not an automatic right to a seat that would best meet their needs. In practice, consumers felt that requests for extra legroom seats or bulkhead seats were reasonable for passengers with mobility difficulties and that airlines should endeavour to confirm seat allocations before the passenger arrived at the airport. There appeared to be a lack of understanding regarding allocation of seats adjacent to emergency exits and the associated restrictions. Some comment was made that airlines were not always ensuring that any accompanying persons (families) were seated together with the PRM. A number of PRM groups considered that a PRM should be boarded in advance of other passengers.

### Assistance in moving to toilet facilities

Some respondents raised the issue of whether airlines were obliged to assist PRMs in moving to toilets on aircraft.

## Medical Clearance (fit-to-fly)

PRM groups said that some passengers were routinely asked for a Doctor's letter prior to travel, which was contrary to their understanding of the Regulation. A number of airlines noted that there was nothing stopping able-bodied passengers using the service, as it was often perceived as a means of being fast tracked through the airport. These airlines considered that it might be reasonable to ask for 'evidence' from passengers to stop this happening. However, the CAA has not received any evidence of this system being abused

Contributors to the consumer focus groups said that as a matter of course they took a Doctor's letter with them. They explained that even where such a letter had not been requested, this gave them greater confidence that they would experience fewer problems. Some passengers said that due to previous experiences they felt it was better to be prepared to provide evidence than to be refused boarding at the airport. Some passengers also said that they would not object to routinely providing a letter, despite the cost involved, if this meant they could be guaranteed a good service.

## Training

The general view of airlines was the training which cabin crew were required to undertake to demonstrate compliance with the terms of their Air Operators Certificate met, or exceeded, many of the requirements of the Regulation. British Airways considered that the lack of a Community-wide training package, for airport and airline staff based at the airport, had led to an overall fall in standards and inconsistency of service. Thomson considered that the provision of a CAA/DfT approved training course, perhaps on DVD, for industry as a whole, would assist in addressing any inconsistency of provision.

PRM groups considered that appropriate training and a focus on customer service significantly contributed to the quality of a PRM's journey.

## CAA Analysis

### Assistance Dogs

The CAA agrees that it is often unclear what information is available to inform passengers of airline policies relating to the carriage of assistance dogs. In addition, because of the relationship between assistance dogs and Animal Health, many airlines may not have permission to carry dogs on particular routes. The CAA, DfT and EHRC are working with DEFRA which has agreed to allow airlines to gain approvals to carry animals on a country by country basis to UK airports that have appropriate animal reception facilities.

In relation to the carriage of dogs in the cabin of the aircraft, the CAA, together with Thomson Airways and Guide Dogs for the Blind, carried out a trial to see whether larger dogs would require an extra seat in the cabin in order to provide sufficient space for the dog to lie down. This proved to be the case. For safety reasons, all dogs are required to be secured. One of the two most common securing devices requires the use of a spare seatbelt and an extra seat would always be required in this event. Given the various types of assistance dogs in use, the CAA concluded that an airline should not have a blanket policy of always requiring a second seat if an assistance dog is to be carried, but should consider the circumstances case by case.

### Mobility equipment

The Regulation requires airlines to carry up to two pieces of mobility equipment per passenger, but does not provide a definition of what such mobility equipment might comprise. The DfT Code of Practice states that it is generally accepted that this means mobility equipment required for the journey, for example a wheelchair and walking frame. It also states that airlines should consider on a case-by-case basis any requests for essential equipment needed by the passenger during his stay. The CAA considers that airlines should provide clear general guidance as to their policy on the carriage of mobility equipment, but that policy should be flexible to allow each request to be considered on its merits. To increase certainty for

PRM passengers, airline organisations and alliance partnerships should seek to have a common policy to allow PRMs certainty on what everyday items they may carry.

The CAA accepts that the carriage of large electric wheelchairs may raise particular challenges, including the necessity to meet certain health and safety requirements, and considers that their carriage requires co-operation between the PRM and the airline as to what is practicable. In this regard, the PRM is encouraged to give at least 48 hours advance notice of their intention to bring an electric wheelchair and in giving that notice should give as much detail as to specification and vulnerabilities of the wheelchair as possible (for example, by bringing the relevant user manual to the airport). The airline should inform the PRM in advance of any anticipated issues. Whilst it is considered best practice for a PRM to retain their own wheelchair for as long as possible prior to boarding, and to be consulted on management of their wheelchair prior to loading, some passengers choose to pre-pack their wheelchairs and check them in at the airport. The bespoke tailoring of wheelchairs to the needs of a PRM means that they are difficult to replace if damaged. The CAA considers that airlines should take particular care in their carriage.

There will be occasions where due to legal safety requirements (or health and safety requirements) it will not be possible to carry certain items, for example, large or heavy items of mobility equipment. Furthermore, in some cases the equipment will not fit on smaller aircraft. The CAA considers that these situations are likely to be exceptional and that the onus is on the airline to demonstrate why an item of such equipment cannot be carried.

### Medical Oxygen

Whilst the Regulation places an obligation on airlines to carry medical equipment free of charge subject to relevant safety requirements, there are no specific obligations to carry or provide medical oxygen in the cabin. The position where a PRM wishes to bring their own oxygen for use in the cabin is unclear. The DfT Code of Practice states that airlines may approve the carriage of oxygen

required for medical use in the cabin, but accepts that airlines will wish to ensure that this does not pose a risk to security. It also recommends that portable oxygen concentrators should be allowed, provided they are battery powered. Where airlines wish to supply medical oxygen to passengers on request, the Code acknowledges that a charge for this service to cover the provision of medical oxygen may be made.

The British Lung Foundation (BLF) estimates that some 90,000 people in the UK require some form of supplementary oxygen and that the refusal of some airlines to allow a PRM to bring their own oxygen, use an oxygen concentrator or to impose significant charges to supply oxygen themselves is discriminatory and contrary to the intention of the Regulation. The BLF sought support for a parliamentary debate (Early Day Motion 1444) on this issue that was considered by the House of Commons on 30 June 2009. Paul Clark, Parliamentary Under-Secretary of State for Transport, responded that the debate was an important step forward in raising public awareness of the airlines that charged for the supply of oxygen and this will determine the choice of airline on which they travel.

The BLF study looked at 26 airlines to see whether they charged passengers for the provision of oxygen, or whether they allowed passengers to use their own oxygen. The study looked at ten UK airlines and found that six allowed passengers to take their own oxygen and two made no charge to provide oxygen. Since the debate, Thomson Airways has also announced that it has withdrawn its charge. Whilst the decision to allow the carriage of oxygen in the cabin is a matter for the airline, the CAA requires the airline to comply with the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air that place certain limitations on airlines.

The CAA has undertaken its own research, based on the BLF report, into the various policies of airlines. There are a wide variety of policies, so it is likely that a PRM would not always be aware of specific airline requirements. Furthermore, the US DOT/FAA safety rules do not allow the carriage of medical oxygen within the cabin, but do permit the carriage of approved portable oxygen concentrators (which many European airlines refuse on safety

### Case Study

Ms M, a wheelchair user resident in Spain was proposing to attend a UK university summer school and wanted to travel to the nearest regional airport. Ms M's booking was refused by a UK carrier on the grounds that her wheelchair, which weighed 98Kg, exceeded the 38 Kg limit that the airline has set for health and safety reasons within its Conditions of Carriage. Ms M complained to the CAA.

The CAA concluded that an airline's Conditions of Carriage could not take precedence over the Regulation. Whilst it was accepted that the airline had legitimate health and safety concerns for staff in setting the limit, it considered that the Regulation requires an airline to consider each case on its merits to establish whether such problems could be overcome.

The airline re-evaluated the case, agreeing that an alternative method of loading would be possible and Ms M's booking was accepted.

grounds). Such differences could cause confusion and practical difficulties for affected PRMs wishing to use connecting services.

Although not required to do so under the Regulation, airlines may wish to supply medical oxygen to passengers on request and it is accepted that a charge may be made for this service. However, the CAA does consider that a PRM should be allowed to carry personal medical equipment or a portable oxygen concentrator device, in the cabin, free of charge, subject to the appropriate safety and security constraints. The CAA further considers that an airline should clearly publish its policy on the carriage of medical oxygen and portable oxygen concentrators.

### Essential Information

It is a general requirement that all passengers receive an appropriate safety briefing prior to departure. The CAA considers that such briefing should be tailored to the needs and disabilities of the PRM concerned and that if necessary individual briefings should be provided to meet the needs of the individual. In practice, this happened prior to the Regulation and continues to happen currently.

### Seat Allocation

The Regulation requires an airline to make all reasonable efforts to arrange seating to meet the needs of a PRM subject to safety requirements and availability<sup>19</sup>. The issue of what comprises appropriate seating, and how available seats, particularly those with additional legroom, should be allocated, would seem to be quite contentious. The variety in aircraft layout and the differences in seating configurations including different cabin classes, even between aircraft of the same type, means that the CAA cannot give a prescriptive statement on what might constitute appropriate seating. There are however some general principles: bulkhead seats, where they exist, will generally be located at the front of an aircraft or cabin, but such seats will not necessarily have any additional legroom in comparison to other seats and may have less legroom in certain situations. There is often high demand for such seats, particularly on long haul flights, as they are the only place that can accommodate an aircraft cot for a baby to sleep in during a flight. Whilst emergency exit row seats may offer additional legroom, it is not permitted to allocate such seats to PRMs for safety reasons, as access to the exit could be impeded. The occupants of such seats must be able bodied and capable of assisting the cabin

crew in the event of an emergency evacuation, for example by opening the emergency exit door.

Certain categories of PRM, for example those who cannot easily bend their legs or who have spinal problems, may have difficulty in, or not be able to travel at all if a seat with extra legroom is not available. Although the CAA appreciates that it will not always be possible to accommodate the requirements of a PRM, particularly in situations where there are a number of competing requests for the same seats, it considers that airlines should adopt a flexible approach to such allocations. It is accepted that this is likely to be the most challenging in the allocation of any seats with extra legroom. Indeed, some aircraft currently in operation do not have any extra legroom seats that could be occupied by a PRM. This may in part be addressed by obtaining more detailed information during the course of booking to allow the allocation of seats to be considered and prioritised according to need.

The CAA considers that an airline should, as far as possible, pre-plan the allocation of seats for those PRMs who have pre-notified their requirements. Where passengers are not pre-allocated seats, for example by “no-frills” airlines, the CAA considers that the airline should reserve a number of suitable seats for allocation by the crew.

The Regulation is silent on whether, when an appropriate seat is available in another cabin such as premium class, a PRM should be upgraded to that class. The DfT Code of Practice did not anticipate this and states that seating should meet the needs of the individual .

#### **Assistance in moving to toilet facilities**

The Regulation says that a PRM should be provided with assistance in moving to toilet facilities onboard an aircraft. It is the view of the CAA that where a PRM is unable to walk to the toilet facilities with basic assistance from the cabin crew, for health and safety reasons, assistance is likely to require the use of an onboard wheelchair. It is considered best practice, depending on the disability, for a PRM to be advised as to whether such a wheelchair is likely to be available onboard. It is not a specific requirement to carry an onboard wheelchair. The CAA is aware that some airlines

#### **Case Study**

Mr R, a wheelchair user, booked a package holiday with a UK tour operator for himself and his wife. Six weeks before departure, the tour operator was advised by the UK airline that it had contracted to operate the flights with a third party aircraft and crew from a Spanish airline. Whilst the original UK airline had a liberal policy on the number of PRMs that could be carried, the replacement carrier had a strict limitation of two PRMs per flight. This limit was exceeded and the tour operator advised Mr R that his booking would regrettably have to be cancelled and a full refund made. The tour operator complained to the CAA that the lack of a common transparent basis as to the number of PRMs an airline could carry was damaging its business.

are ordering new aircraft without provision for an onboard wheelchair. The Regulation is unclear on whether this is required when ordering new aircraft. The DfT Code of Practice states that the provision of an on-board wheelchair will enable airlines to comply with the requirement to provide assistance to the toilet.

#### **Medical Clearance (fit- to-fly)**

The Regulation does not make any reference to this subject and does not impose any obligation on passengers to provide a medical certificate, or other proof of disability, to entitle them to travel. The Code of Practice says that airlines should only require disabled passengers to obtain medical clearance where it is clear that the passenger’s safety or well being, or that of other passengers cannot be reasonably assured.

There appears to be a misconception about when it is appropriate for an airline to request confirmation that a passenger is fit to fly. The CAA's view is that if a passenger has an established disability, there should be no requirement to seek a medical certificate. However, any passenger with a medical condition, whether temporary or permanent, that could affect their fitness to fly should seek medical advice before travel and the airline may request proof of such advice in accordance with the Code of Practice.

The CAA's Aviation Health Unit (AHU) has published information for passengers on its website to assist them in assessing the impact that a medical condition may have on their ability to fly. The website also includes advice on the carriage of medication and has an FAQ section at: [www.caa.co.uk/healthfaq](http://www.caa.co.uk/healthfaq)

In addition, the AHU has provided information for healthcare professionals on medical conditions and their impact on fitness to fly. This can be found at: [www.caa.co.uk/fitnesstofly](http://www.caa.co.uk/fitnesstofly).

## Training

Cabin crew are required to receive training on passenger handling and seat allocation, with particular emphasis on the seating of PRMs and will, as part of this process, receive disability awareness training. The CAA, in CAP 768 Guidance Material for Operators, provides guidance on the standards of training that the cabin crew of UK operators are required to meet.

Whilst the call for evidence did not specifically ask for information on the training given to airline, tour operator and travel agent booking staff, it is clear from the evidence given in relation to the pre-notification process, that there is a direct correlation between the accuracy of the information collected at the booking stage and the quality of service that a PRM may receive. The majority of large airlines and tour operators maintain Special Assistance teams, who receive specific focussed PRM training, to provide guidance to staff and to manage PRM requirements on booking. ABTA<sup>20</sup> provided guidance on the Regulation to assist in training their members' staff, and has introduced a PRM checklist to facilitate the booking process. ABTA is

also in the process of developing an interactive on-line training module with the EHRC.

The CAA welcomes the ABTA/EHRC initiative to develop specific training for tour operator and travel agency staff. Other industry associations may wish to consider similar initiatives that could be tailored to specific parts of the industry and provide specialist training.

Training is by its nature an ongoing process. Industry responses suggested that the European Commission should consider certifying training. Responses from industry supported the CAA intention, in conjunction with DFT, EHRC and the CCNI, to undertake a series of training road shows and workshops.

## Number of PRMs on flights

The Regulation says that a refusal to accept a reservation or board a PRM can be made in order to meet applicable safety requirements. The European requirements are contained in EU-OPS<sup>21</sup>. The requirements say that the number of PRMs should not exceed the number of able-bodied persons capable of assisting with an emergency evacuation. The interpretation of these Regulations is a matter for Member States and the CAA has taken the view that airlines should allow as many PRMs as permitted by EU-OPS and not set lower limits. However, the maximum number of PRMs permitted by EU-OPS on any particular flight will depend on a number of variables, including the type and configuration of the aircraft, the extent of the reduced mobility of the PRM and the number of able-bodied passengers.

However, whilst the CAA has taken a liberal view on the number of PRMs that may be carried, this interpretation has not been universally adopted. Some EEA regulatory authorities and non-UK community carriers have therefore placed restrictions on the number of PRMs that can be carried. For example, the CAA is aware of non-UK airlines that restrict the number of PRMs on a flight to as few as two passengers, regardless of the number of able-bodied passengers on the aircraft. Other non-UK airlines say that their national authority requirements limit the number of PRMs to be carried according to the type of disability and other circumstances. The CAA questions this

interpretation of the Regulation but notes that it does not have the powers to enforce its more liberal interpretation on non-UK airlines.

The European Aviation Safety Agency (EASA) is currently drafting Implementing Rules that will replace EU-OPS and will provide a common Community-wide regulatory framework, and is also conducting research on the carriage of special categories of passengers, including PRMs. This research may give much needed clarity and guidance as to the numbers and conditions of carriage of PRMs on board aircraft.

#### **Justification for refusal of carriage & record keeping**

The CAA has considered a number of cases where an airline has refused carriage to a PRM, but had not given an adequate explanation to the PRM and had been unable to provide justification for that decision due to inadequate records. The CAA notes that the Regulation requires airlines to justify refusal of carriage to the PRM in writing within five working days. When the EHRC, CCNI, or CAA receives complaints about the refusal of carriage, the airline will be asked for written justification for the refusal of carriage from the airline. If airlines are persistently unable to provide this, the CAA will consider enforcement action.

#### **Recommendations/Actions**

In order to improve the process by which air carriers provide a service under the Regulation, the CAA will explore the benefits of developing common policies on the carriage of mobility equipment or seat allocation across airlines, to minimise difficulties for passengers. This is particularly important for airlines which code-share or where passengers purchase a single ticket, but are travelling with more than one airline. The CAA will work with airlines and industry associations to consider this.

The CAA will write to all airlines operating in the UK asking them to demonstrate how they have implemented the Regulation and the best practice set out in the DfT Code of Practice in the following areas:

- the provision of clear, accessible guidance as to what mobility equipment may be carried and their policy on the carriage of medical oxygen;
- pre-planning the allocation of seats to pre-notified PRMs before their arrival at the airport and to discuss with PRMs what adjustments could be made to accommodate their needs where issues are identified;
- reservation of a number of seats for PRMs where seats are not pre-allocated prior to boarding;
- providing justification of any decision to refuse carriage and confirming how long records are retained; and
- progress on seeking approval from DEFRA for the carriage of assistance dogs.



The CAA will also:

- continue to engage with the European Commission, and work with European National Enforcement Bodies and industry, to ensure a consistent approach across the Community;
- consider the development of general guidance for industry and consumers on medical clearance (such as fitness to fly).



## 7 Service Quality at Airports

In this chapter, the CAA sets out its analysis and findings regarding the quality of service provided for PRMs at airports. The chapter starts with an overview of the requirements set down in the Regulation, deals with responses to the CAA’s call for evidence, analyses the issues, and concludes with recommendations on the provision of PRM services by airports.



### What does the Regulation Say?

There are three articles in the Regulation that relate to airports’ responsibility to provide assistance for PRMs at airports, the requirement to set and publish quality standards, and the enforcement of quality standards.

#### Article 8

Article 8 of the Regulation says that the managing body of an airport shall be responsible for ensuring the provision of assistance without additional charge to PRMs.

#### Article 9

Article 9(1) says that airports with at least 150,000 annual passengers should set quality standards for assistance to PRMs in cooperation with airlines and organisations representing PRMs. Article 9(2) says that airports should take full account of internationally recognised policies and codes of practice, notably the ECAC Code of Good Conduct in Ground Handling for Persons with Reduced Mobility. Article 9(3) says that airports should publish their quality standards. Articles 9(4) and (5) allow an airport and an airline to agree to the airport providing a higher quality of service for the airline’s PRMs for an additional cost.

#### Article 11

Article 11 requires airports to provide disability-equality and disability-awareness training for their staff working at the airport who deal directly with the travelling public. Those providing direct assistance to PRMs must be trained in how to meet the needs of persons having various disabilities and mobility impairments.

## What did we ask in the 'call for evidence'?

### Airports

What percentage of your complaints relate to the PRM service and what are the key reasons for complaint? Have you had any problems delivering suitable training to your staff (including security staff and ground handlers)? Have you had to introduce training where none was provided before? Please provide details of your training policy and of the specific training provided.

How did you develop service quality standards for PRM services? Have any amendments been made based on your experiences since implementation? Please provide details as to where your service standards are published.

### Airlines

What percentage of the complaints you receive relate to the PRM service and what are the key reasons for complaint?

How involved were you in choosing the service provider and the standards for the PRM service at the airports you serve?

### Organisations representing PRMs

Are you aware of the specific concerns that disabled persons or PRMs have had when travelling by air?

What is your view of the facilities provided at the airport for PRMs and the types of equipment available to assist passengers in boarding the aircraft?

Have any companies in the aviation industry asked for your advice on the provision of services to disabled persons and PRMs?

## What did the call for evidence tell us?

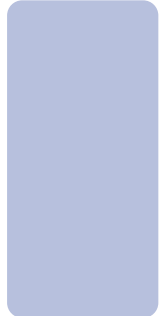
### General

Responses to the call for evidence contained a number of references to both good passenger experience and poor passenger experience at airports. The consumer research from SHM also provided mixed comments, from a sample of 30 PRMs: 43% had had a negative experience, 27% a positive experience and 30% a mixed experience. These comments related to all aspects of the journey, including booking and the experience onboard the aircraft, as well as at the airport.

Some airlines mentioned that passengers received poor service at some airports. Airports specifically mentioned were Heathrow and Gatwick. Airports were asked what percentage of the complaints made to them related to PRMs. Answers varied from around 1% at Glasgow and Manchester and up to 17% at Gatwick. The general airport view was that the number of complaints was falling over time, as airports became more used to providing PRM services. Some airlines noted that they were not always involved in determining service level agreements. Some PRM groups mentioned that they had approached airports when the Regulation came into force and were disappointed that airports had not always engaged with them when setting service standards. Some airports commented that it was difficult to identify groups who could represent the wide range of PRMs' needs.

As a general point, the call for evidence also demonstrated that many in the industry are not aware of the requirements of the Regulation. This arose in a number of situations:

- the scope of the service that should be provided – many service providers did not believe they had to provide assistance beyond the terminal, for example from the car park;



- several airports did not realise that blind passengers were covered by the Regulation; and
- several service providers believed it was a 'one size' fits all service requiring the use of 'wheelchairs' rather than assistance for specific needs.

### Designated arrival and departure points

A number of airports were unaware of their obligations to engage with airport users and local disability groups to determine where arrival and departure assistance points should be located. Although specific evidence has been hard to gather directly from airports, the lack of awareness at several airports suggests that airports have not always engaged local disability groups.

PRM groups note that it was often unclear to PRMs where the service commenced on arriving at the airport or finished on departure from the airport. Several PRM groups noted that the airport should engage with local groups to determine designated arrival and departure points from the airport.

Organisations representing PRMs indicated that in some instances airports had approached them, but generally not to deal with the specific issue of identifying appropriate designated assistance points.

As a general rule, most airports do have designated points of arrival within the terminal, but do not always cater for PRMs arriving from car parks (including airport long term car parks, bus stations, taxi ranks or airport rail stations).

### Timely provision of service and long waits for PRMs

Responses from disability groups and airlines mentioned that both departing and arriving passengers could experience long waits before receiving assistance. Sometimes, PRMs were unsure how long they would have to wait, or wondered whether they had been forgotten about altogether. Departing PRMs can become anxious that they will miss their flights, while arriving PRMs may have to remain onboard the aircraft for a time

#### Case Study 1

The CAA received a complaint from a passenger who was advised by the airport that the assistance was only for persons of reduced mobility and this did not include assistance to passengers that are deaf.

The CAA contacted the airport and advised it that the Regulation clearly applies to passengers with sensory impairments.

#### Case Study 2

The CAA has received a number of complaints from passengers who received the service but had to struggle with their own baggage. Often, service providers have refused to move baggage because they feel it is not a requirement of the Regulation. This is incorrect – Annex I clearly notes that PRMs should receive assistance when arriving at the airport, including moving their baggage to check-in. Further assistance should be provided to 'retrieve baggage' on arrival by air.

The CAA notes that many service providers only provide one agent, often with a view to their simply pushing a wheelchair. This is a very narrow interpretation of the requirements. The CAA will work with airports to ensure they resource the service efficiently and will consider further action if airports do not provide assistance to PRMs to move their baggage.

after other passengers have disembarked, or are taken off the aircraft but then are left elsewhere and delayed before they can proceed through customs, immigration and baggage reclaim. Some PRMs commented that they are “kept” in waiting areas and would like more opportunity to use the shops and catering facilities.

Airlines mentioned that delays in passengers receiving assistance (both on boarding and disembarkation) sometimes led to flights being delayed. In particular, cabin crew are required to stay with PRMs until they are collected from the aircraft after landing, and this can result in extended duty time for the crew and affect their next rostered duty. It can also cause a delay to subsequent flights planned for the aircraft.

### **Training**

PRMs often said that the most important factor in their experience at airports was the attitude of staff. Many commented on staff who were helpful and attentive, but others mentioned indifferent or rude behaviour, and sometimes a lack of knowledge of how to provide appropriate assistance to passengers. Examples of good attitudes reported were: ‘very helpful and kind’ and ‘helpful and sympathetic to my needs’. However, an example of poor service was ‘She clearly had no idea at all what to do and she was physically incapable of tilting the chair backwards to get the front wheels over the step of the aircraft. The member of assistance staff did admit in her own words on ‘needing a little bit more training’. Some respondents mentioned that there were not only problems with those directly providing assistance to PRMs, but also with security and customs staff. A number thought that this reflected a lack of appropriate training. Airports reported that they had trained staff as required by the Regulation. Some airlines suggested that it would be beneficial if there were a standard training package that could be adopted throughout the industry.

### **Assistance to blind and partially sighted people**

Guide Dogs for the Blind and RNIB found that there had been improvements but more could be achieved. There was concern that staff were not

adequately trained on the needs of the blind and partially sighted, with some being ‘forced’ to use wheelchairs rather than being offered the sighted assistance they required. Concerns were also raised about security staff failing to understand the implications of some of their requests, such as asking passengers to walk through the body scanner without their white stick or any sighted assistance.

Guide dog owners were frustrated that not all airports operated the Pet Travel Scheme which allowed for the carriage of assistance dogs, and were frustrated by the lack of action by regulatory bodies to ensure full compliance with the Regulation’s requirements on assistance dogs. Respondents had some comments about facilities at airports: there were not enough dog toilet areas (especially airside) and often there were no audible announcements in lifts. Some blind passengers also mentioned that they had experienced difficulties when arriving at the airport by car or taxi, particularly after security issues had led to drop-off and parking being further away from terminal entrances.

### **Assistance to deaf and hard of hearing people**

RNID thought the Regulation had had a positive effect by challenging attitudes and forcing airports to take a more inclusive view. However, it believed that airports had focussed on those with reduced mobility rather than on less obvious disabilities, such as hearing loss. RNID was in contact with some airports to discuss ways of improving access for people who were deaf. RNID reported that some members were worried that they would miss their flights as they could not hear the public announcements, particularly in gaterrooms where calls to board or for priority boarding were often only given orally. RNID said that induction loop systems (that help deaf people who wear a hearing aid hear sounds more clearly) should be available throughout the airport, at information points, check in desks, security and for public announcements. Where loop systems were installed, RNID members had said they were not always working. RNID also mentioned an incident when the visual flight information screens at an airport were not working but no contingency provision had been made for those who were deaf.

### **Assistance to passengers with spinal cord injuries**

The Spinal Injuries Association (SIA) said that injuries sustained whilst being transferred between wheelchairs and aircraft seats etc., such as a small scrape or bruise, might lead to complications in a spinal cord injured person. SIA recommended that purpose built hoists be used to transfer such people between wheelchairs and aircraft seats. SIA said that Heathrow Terminal 5 had two hoists, but it believed they were under-used as staff were insufficiently trained in their use.

### **CAA Analysis**

#### **General**

The CAA notes that responses contained examples of good and bad PRM experiences at airports, often with examples of both quoted for the same airport. This is not surprising because however good, or bad, the service provided at an airport, there will sometimes be incidents where things go wrong, or exceptionally well. The CAA has also received comments, both in responses and on other occasions, from airlines about the quality of PRM services at some UK airports. Overall, the airports that attracted most complaints, both from passengers and airlines, were Heathrow and Gatwick.

As Heathrow and Gatwick account for over 50 percent of all PRM passengers, it is not surprising they should feature most often in complaints. Both are also physically large, with passengers often having to walk long distances to and from aircraft (often with changes in level), and the size and intensity of passenger movements mean that the operation is more complex. At smaller airports, with many fewer flights in each hour, the service is generally easier to manage. Heathrow and Gatwick also have more long-haul services that often carry an increased number of older passengers who may have mobility problems. However, all this is not to excuse poor performance at Heathrow and Gatwick but to underline the challenges that the CAA would expect both operators to rise to.

### **Designated Arrival and Departure Points**

With regard to the issue of identifying appropriate arrival and departure designation points, the CAA would note that this is a clear requirement of the Regulation and that designated points should be provided at a number of entrance points to an airport, including on-airport long-term car parks and railway stations. The CAA would encourage airports to include this issue directly in discussions with organisations representing PRMs on service quality standards at the airport.

### **Timely provision of service**

Airports often arrange their PRM operations so that those who need to travel by wheelchair, or electric buggy, are seated in reserved waiting areas where they wait to be picked up and taken to the next stage of their journey. The larger airports will typically have such waiting areas both landside and airside. The Code recommends that waiting areas should be permanently staffed, and in the CAAs experience this is usually the case. The Code also recommends that flight information should be available in waiting areas.

Some PRMs would like more opportunity to use the shops and catering facilities. Some airports offer PRMs pagers so that they can visit the shops, but know when they are required back at the waiting area to be taken to the gate. The Code encourages this practice. The CAA understands the frustration felt by some PRMs at having to wait, and consider that the airport service provider should make it clear how long they will have to wait and when the assistance provider will return. The CAA recommends that if PRMs are left unattended, they should be informed of how long they can expect to be left, and, if possible, have some means of contacting the PRM service provider. The CAA is concerned that an arriving PRM's journey from the aircraft through the airport can involve a number of transfers from seats to wheelchairs or buggies, with sometimes long waits in between. The result is that PRMs can take an unacceptably long time to depart the airport. The case study highlights how a journey in several stages, in this case in Heathrow Terminal 3 where some of the infrastructure makes the task

particularly challenging, resulted in a very poor passenger experience.

The CAA considers it unacceptable that PRMs should receive such a poor service. At UK airports there are service standards on the time taken for arriving PRMs to receive assistance after the aircraft lands and is ready for passengers to be disembarked, but this assistance might just entail the PRM being taken off the aircraft and left seated at the gate. The CAA considers that airports should work together with airlines and PRM groups to develop standards that reflect the quality of service required for arriving passengers particularly at large airports such as Heathrow and Gatwick. More generally, the CAA considers that there would be merit in considering whether the current service standards are the best indicators of the quality of assistance provided to PRMs. The CAA, therefore, will initiate work to develop guidance on the issues

that should be considered when service standards are developed.

The CAA also considers that the airport or its service provider should adequately measure service quality at the airport. Although there are currently service standards at airports, the CAA is aware that in several instances airlines and airports disagree on whether the service standards have been met. The CAA considers that to improve the quality of the service provided to consumers, airports need to have robust systems in place that measure performance, so they are able to verify to consumers and airlines that service levels have been met. If there remains doubt about whether service standards have been met, the CAA would consider auditing the measurement of service quality at larger airports.

### Case Study

The CAA received the following complaint:

‘On leaving the aircraft, my wife was taken in a wheelchair about 200 yards to where three buggies were waiting.... after about 10 minutes we set off only to reach a lift which could not take the buggy. We then had to unload ourselves and use the lift and reach another floor. There was only one buggy waiting for 8 people..... Eventually after 20 minutes two buggies arrived and we set out again.

When we reached the corner of the Immigration Hall we found that at least 30 people were seated and waiting to be moved.....I then asked to take the wheelchair my wife was in and this was agreed. By now...we had been at the airport for 90 minutes. We went through Immigration without delay to baggage reclaim where the information board had no information as to which carousel our luggage was on. When I asked a staff member I was told that the flight had been landed too long for this information to be displayed. However, he was able to point to where our luggage, including the wheelchair, had been left in the middle of the floor.’

The CAA contacted the airport concerned and they are currently revising the service level agreement to ensure passengers are promptly facilitated through the airport. The CAA forwarded the complaint to the EHRC that is responsible for following up on issues of passenger redress.

### Training

The CAA notes that the attitude of staff can often be the factor that makes the difference between a PRM receiving a good experience or a bad experience at airports. Whilst recognising that a poor attitude might just be a characteristic of a member of staff on a particular day, the CAA believes that a poor attitude might also be due to a lack of awareness of the needs of PRMs. It is also important to ensure that training includes a strong focus on customer service, as this is an important way of improving the passenger experience at the airport. The CAA, therefore, believes that airports and airlines should ensure they are providing good quality training to meet the requirements of the Regulation, with training provided to all airport staff working at the airport and not only to those who provide direct assistance to PRMs. In particular, the CAA notes that the requirement for disability-equality and disability-awareness training extends to security staff. The CAA has contributed to the update of the guidance produced by ECAC<sup>22</sup> that includes comprehensive best practice recommendations for airport and security staff which the CAA considers should be the cornerstone of any training programme. Further, given most airports sub-contract the provision of PRM services, airports need to ensure that staff training is included in the specification requirements for contractors during the tender process.

As noted above industry associations may wish to consider developing specific training in conjunction with PRM Groups that could be used by their members.

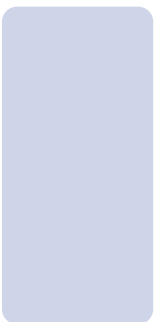
### Assistance to blind and partially sighted people

The CAA is pleased that Guide Dogs for the Blind and RNIB found there had been some improvement in assistance to blind and partially sighted people. However, it notes that some blind and partially sighted people had found that staff appeared unaware of their specific requirements and were sometimes offered wheelchairs. The CAA shares the view of these organisations that this is due to inadequate training, and encourages airports to engage with organisations representing the blind and partially sighted so that the assistance they provide is appropriate to passenger needs.

The CAA recognises that airports face costs in ensuring that they are equipped to handle assistance dogs and that airports might be reluctant to incur these costs when they are not sure how many passengers will travel with assistance dogs. However, the Regulation does require airports to accommodate assistance dogs and the CAA will monitor compliance with this obligation to ensure that those with assistance dogs are not prevented from travelling with their dogs because airports are unable to handle them.

### Assistance to deaf and hard of hearing people

The CAA is pleased that RNID reported positively on the impact of the Regulation on airports' attitudes towards those with disabilities. However, it notes that hearing loss is a less obvious disability and that the needs of deaf and hard of hearing people can be overlooked. The CAA notes the comments reported by RNID, and believes that meeting the concerns raised by them would involve some effort and cost for airports (and in some cases by airlines). However, many problems may not be particularly difficult to deal with, for example by improved signage. The CAA recommends that airports engage with groups representing the deaf and hard of hearing so they can assess how best their needs may be met.



### Assistance to passengers with spinal cord injuries

The CAA considers that airports should have trained staff able to assist passengers with spinal injuries without causing further injury or discomfort. The CAA does not know how many air travellers have such conditions, but expects that the numbers are relatively small. So it does not believe that airports should necessarily train all PRM service staff in such handling if the training is complex and expensive. The CAA notes that those who require such careful handling would almost inevitably pre-notify their requirement because of the potentially significant consequences to them of not being handled correctly. The CAA notes the comments about the use of equipment such as hoists to assist in moving passengers. The CAA acknowledges SIA's advice, and the views presented by consumer focus groups that PRMs prefer being moved with equipment rather than being manually handled because it is safer and more dignified. The CAA therefore encourages airports to maximise the use of equipment such as ambulifts and hoists where appropriate but notes that the use of an ambulift may not take away the need for the passenger to be manually transported to the seat.

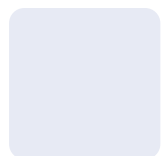
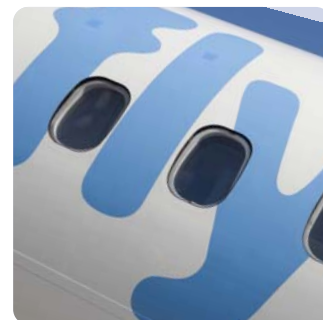
### Improving the Airport Environment

One of the key messages from consumers was that they were often unsure whether or not they would need assistance and this was largely due to inadequate signage and information to explain how to move through the airport. Consumers noted that this was a problem for all passengers – not just PRMs. The CAA notes airports could do more to make the journey easier for all passengers, including PRMs. For example, improved signage that included walking times, presence of stairs, use of symbols and more lifts and travelators, could enable passengers to reach their aircraft without assistance.

### Recommendations

In Spring 2010, the CAA will discuss with stakeholders best practice in service provision, to identify ways of increasing awareness of the Regulation amongst airport and service provider staff and to discuss how industry can best engage with PRM organisations to develop a pan-disability view.

The CAA will write to all UK airports asking them to demonstrate how they deal with a range of issues, including the development and measurement of service standards, taking into account the needs of passengers with various disabilities, facilitating the use of assistance dogs and the pre-notification process and the recording and management of complaints. If any problems are identified, the CAA will work more closely with individual airports and in some cases may consider commissioning an audit of the airport's activities.



## 8 Airport Provision of PRM Service

In the previous chapter, we discussed the quality of service at the airport. This chapter focuses on how airports provide the service and how they recover their costs. One of the key structural changes brought about by the introduction of the Regulation, was to place a statutory responsibility on airports to provide services to PRMs. Airports can sub-contract service provision to third parties including airlines. In practice, this has had a number of implications on how the Regulation has been implemented.



### What does the Regulation say?

Article 8 gives the airport the flexibility either directly to provide the assistance itself or to contract with one or more parties for the supply of the assistance. An airport can decide to contract to third parties on its own initiative or at the request of airport users. If the airport refuses a request to contract to a third party, for example from an airline, the airport must provide a written justification to the airline of why it is refusing the request.

Article 8 also gives the airport the right to charge for the PRM service, as long as the service is reasonable, cost-related and transparent. The airport charge for the PRM service must be shared amongst airport users based on the proportion of the total number of all passengers that each carries to and from the airport, that is a per passenger charge.

### What did we ask in the 'call for evidence'?

#### Airports

Have you faced any particular difficulties in taking over responsibility for providing services to PRMs?

#### Airlines

How involved were you in choosing the service provider and the standards for the PRM service at the airports you serve? Does the airport provide a forum to discuss PRM issues with operators? If so, do you participate and find this effective?

What has been the impact on your costs since responsibility for the service was passed to airports? Have you incurred any unexpected additional costs?

### Organisations representing PRMs

Have any companies in the aviation industry asked for your advice on the provision of services to disabled persons and PRMs?

### What did the call for evidence tell us?

#### General

The call for evidence suggests that there is a significant difference in interpretation between the airport and airline community over both the process for agreeing service delivery at airports and the process for determining the appropriate service quality standard. In addition, the degree to which there should be involvement from organisations representing PRMs has been interpreted broadly. In some cases, airports had seemingly little or no input from PRM representative groups, whilst at others there was ongoing dialogue on how to ensure service quality standards would meet the needs of the wide variety of PRMs using the airport.

Several airports noted that one of the issues associated with engaging local PRM organisations was identifying groups that represented the broad spectrum of PRM needs. PRM groups suggested there should be guidance for airports on how to select and engage with PRM groups.

With regard to the specific requirements of the Regulations noted above, responses have been summarised below.

## Airport Contracting

Airport responses indicated that almost all airports in the UK have sub-contracted the provision of the PRM service to third parties. Sub-contracted service providers tend to come from the security or ground handling industry, rather than companies that specialise in the provision of services to PRMs. There are isolated examples where the airport managing body has decided to provide the service directly. There is only one example in the UK where the airport has engaged more than one service provider to provide the PRM service. There is one example in the UK where an airline has continued to provide the service.

Many airline responses noted that there was a significant structural problem in the way the Regulation was drafted. Airlines were concerned that the introduction of the airport (or its service provider) into the process had broken a fundamental link between the focus of the airline on service delivery and the contractual relationship with the body delivering the service. Many airlines felt they were not in a position effectively to manage service quality and had to rely on airports that do not generally have the experience or expertise in managing the passenger's experience directly. Two submissions from law firms and the submission from the European Low Fares Airlines Association (ELFAA) suggested that the Regulation had actually broken down the relationship between the airline and its passengers.

As a result of these concerns, several airlines noted they would be pushing strongly for changes in the Regulation that would allow airlines to manage their own PRM service. Airlines noted that this should be possible without impacting on the outcomes sought by the Regulation, that is access on an equal basis and to ensure PRMs were not charged for the provision of the service. Indeed, certain airlines were of the view that the service offered to PRMs would be enhanced by airlines' closer engagement in provision. One question that would need to be considered is whether, if some airlines provided the service independently to their own customers, this would undermine the viability of the service provided by the airport overall.

The call for evidence identified that there is only one example of an airline currently acting as a

sub-contractor for the provision of PRM services. It was also clear from the evidence collected by the CAA that many airlines were unaware of the flexibility within the Regulation that would allow them to be a contractor directly to the airport. In light of the concerns raised by airlines this is an issue that may warrant further consideration.

## Airport Charging

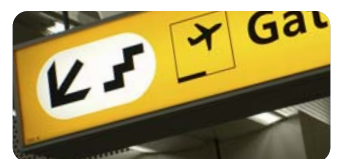
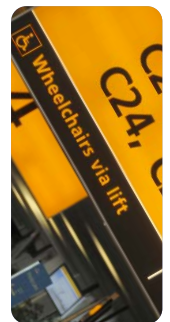
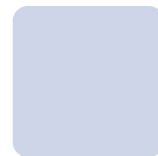
Airports can recover costs related to service provision through a per passenger charge levied on airlines. The charge must be reasonable, cost related and transparent.

The call for evidence identified that charging for the service was an area of significant concern for both airlines and airports. The level of charging in the UK ranges from approximately 15p per passenger to 35p per passenger. PRM charges tend to account for between 0.5 and 3 percent of overall airport revenue.

Airports raised a number of issues. First, some noted that given the relative market power of airlines using the airport, they were not able to recover costs associated with the delivery of the service. Anecdotal evidence from airports and other European National Enforcement Bodies suggested that some major airlines refused to pay the charge. Airports queried whether there was an issue for the Regulator in ensuring airlines paid the charge as intended. Several airports felt that the intent of the Regulation was never that airports should absorb the full cost of delivering the PRM service.

Second, some airports noted that the nature of the per passenger charge made it difficult to differentiate service quality (e.g. a premium service for passengers travelling business or first class or a faster service for aircraft with short turn-around times), based on the specific requirements of each airline.

Airlines were concerned that the costs associated with the provision of PRM services had increased significantly since the Regulation was introduced. Typically, airlines did not support this assertion with evidence, largely because they tended to have a general ground-handling contract in the past that did not separately identify the costs associated with the PRM service. Several airlines



felt that a differentiated service should be accompanied by differentiated charges and this would not adversely impact on the intent of the Regulation.

One airline suggested that the best approach to managing charges was to introduce a flat-capped charge across all UK airports of 10p per passenger. Any cost that was not covered by revenue from the charge would then have to be absorbed by the airport.

### Safety Oversight

One airline raised significant concerns over the safety of PRM service provision. The airline made the point that in the past it regularly audited their service providers to ensure services were delivered safely. Airlines can no longer oversee safety because they are no longer responsible for the contract. They also noted that although airlines no longer have this responsibility, they still faced a reputational risk if there was a safety related incident involving one of their passengers. Airlines noted that they had a duty of care over their passengers and were liable for any damages under the Montreal Convention. This created a conflict both in terms of legal certainty and in terms of safety oversight requirements. An airline provided the example of a significant safety incident involving a PRM at a UK airport to demonstrate its concerns.

### CAA Analysis

#### Airport Contracting

The evidence suggests that airports were often under-prepared for the enormity of the task of delivering the PRM service and did not (or still do not) fully appreciate the scope of service. Only a few airports could demonstrate that they had effectively forecast demand for the service. The CAA notes that many airlines did not appear to have statistics on the number of PRMs served when they were responsible for providing assistance themselves. Airports, therefore, did not always have reliable evidence upon which to base the forecasts on which the service contracts were negotiated upon. Since implementation, several airports have had to renegotiate their service quality standards

(and the contract) to ensure the appropriate level of resourcing for delivery of the service.

The CAA notes the importance of customer service and encourages airports to consider this aspect as part of their tendering process. Fostering a strong customer service culture at the airport in general, including security staff, will also ensure that all consumers have a better through airport experience.

The review has also highlighted that there is a low level of awareness of the flexibility allowed under the Regulation. From discussions with both airlines and airports, the CAA notes the following apparent misconceptions:

- the airport cannot provide the service directly – it has to be sub-contracted: this is clearly not the case. Although in most cases there may be a commercial argument that leads airports to sub-contract the service, it is not a requirement. The CAA notes that self-provision is likely to be more attractive to airports with low numbers of PRMs where the staff providing assistance would be able to carry out other tasks at the airport as well;
- the airline cannot provide the PRM service through its own ground-handler: there is clear scope within the Regulation to allow airlines to provide the service, probably through a sub-contractor as long as there is agreement from the airport. If the airport does not agree, it has to provide justification. There are a number of issues that may result from the responsibility on the airport to levy a per passenger charge across all users but this does not limit the ability of airlines to provide the service per se; and
- the airline can provide a service over and above the basic service provided by the airport – this seems to have happened on a number of occasions, but not in conjunction with the airport. An example would be an airline that, for commercial or cultural reasons, would prefer their departing PRMs to be taken to their executive lounges rather than to the airport PRM waiting areas.

It is important to note in this section that the Regulation does not allow the CAA, even if it wished, to dictate airports' arrangements for providing assistance to PRMs. Airport contracting is a commercial matter to be negotiated between the airport, airline and PRM groups. Regardless of any sub-contracting arrangements adopted at the airport, the airport remains responsible for the provision of the service.

That said, the CAA would encourage airports and airlines to consider the flexibility afforded by the Regulation as a potential means of addressing service quality issues. In situations where airlines wish to provide the service and the airport does not allow it, the CAA notes that the Regulation requires the airport to provide justification to the airline. The CAA will seek copies of that justification in cases where the airline complains to the CAA.

### Airport Charges

The issue of airport charging was particularly contentious throughout the call for evidence. Particular issues were raised regarding the level of the charge, the charging model and non-payment of the charge by airlines. The CAA considers these below.

With regard to the level of the charge and instances of non-payment by airlines, the CAA would make the following points:

- Although the CAA understands the concerns raised by airlines that the costs associated with the service have increased, it has not been possible to establish concrete evidence on what has happened to per passenger charges since the Regulation was introduced.
- If an airline does not pay the charge, it would be open to airports to pursue payment through the Courts. The charging relationship between airports and airlines is a commercial matter, rather than an issue for the Regulator.
- With regard to the charging model itself, the CAA notes that airlines do not pay more if they increase their number of PRM requests or if they do not pre-notify assistance needs. The charge does not therefore provide an incentive

for airlines to pre-notify assistance requests or to avoid using the service for general facilitation activities such as portering of baggage. There is anecdotal evidence to suggest that some airlines have, on occasion, used the PRM service as a general passenger facilitation service.

- As there is no financial incentive for airlines to pre-notify PRM numbers, this has made the effective resourcing of PRM services more difficult for some airports. This may have adversely affected the timely provision as well as the quality of assistance provided to PRMs. This was obviously not the intent of the Regulation.

### Safety Oversight

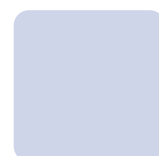
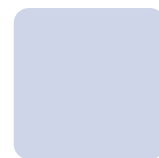
The CAA notes the concerns of airlines and agrees that the issue of safety oversight needs to be addressed by airports or their service provider. The CAA has written jointly with the Health and Safety Executive to airlines and airports, highlighting the legal obligation to ensure that the service is delivered safely.

The CAA recognises the potential conflict between the obligations conferred on airlines in the Montreal Convention and the requirements of the Regulation. The CAA will write to the European Commission seeking its interpretation of the interaction of the two legal requirements.

### Recommendations

The CAA will pursue with the European Commission ways in which the charging mechanism could create an incentive for airlines to pre-notify assistance requests.

The CAA will also continue to engage with the European Commission to ensure consistency of approach across the Community.



## 9 Conclusions and Recommendations

The CAA has been working with industry over the last year on implementation of the Regulation and recognises that the first year of full implementation has provided significant challenges. These have included a change in responsibility for service provision, contract tender processes and the introduction of an additional step in providing assistance information. The intent of this review was to consult with consumers and industry on how successfully the Regulation has been implemented and to consider any issues or problems.



The review provided a range of, often conflicting, opinions from stakeholders along with suggestions on how the service could be improved. The CAA has considered all of the opinions, and evidence when provided, and considers that there are some areas where it would be helpful for industry and PRM groups to work together to consider possible improvements. These include:

- increasing consumer and industry awareness of their rights and responsibilities under the Regulation;
- increasing the capture of passenger needs at booking, and to ensure these are effectively passed on to airports;
- ensuring that airlines/tour operators/travel agents provide sufficient information so passengers can make informed choices about journeys;
- ensuring that airports are aiming at a service that covers all parts of the passenger journey (including points of arrival at airport and journey through airport after arrival by air);
- increasing the number of routes available for passengers travelling with assistance dogs; and
- making airports simpler and easier for PRMs to navigate themselves or with assistance from accompanying passengers, e.g. by better signage and provision of audible and visual information to assist blind and deaf passengers.

Subsequent to feedback on the recommendations in this report, the CAA plans to hold an event or series of events in 2010 to discuss ways to take forward actions to improve implementation.

This will be a useful way for the CAA and stakeholders to understand more about the issues and consider how to ensure a better service is provided to consumers. It is expected that the potential specific projects will emerge to assist in delivering improved quality of service.

This process will complement the CAA's continuing compliance work and the CAA will continue to work with industry over the next year. In particular, it will be reviewing the information it will be seeking from airports and airlines and discussing specific issues with them. It will also continue to work closely with the EHRC and CCNI to analyse its consumer complaints data and assess the main areas that are causing problems for consumers.

It is intended to invite a range of stakeholders to discuss best practice in service provision, identify ways of increasing awareness of the Regulation amongst industry and PRM groups, harmonise pre-notification procedures, and discuss how industry can best engage with PRM organisations to develop a pan-disability view. The issues to be discussed are set out below.

### Awareness

How can consumer awareness be improved, and what kind of information would be helpful to consumers before and during the booking process?

This would include the information airports provide about their service quality standards and the airport layout (walking distances, stairs etc) as well as the benefits of a consistent and inclusive approach to information provided during the booking processes.

### Pre-notification

Several ideas were suggested to improve the pre-notification process and encourage passengers to book assistance in advance. These include:

- a registration system, such as a frequent flyer type scheme. This would allow passengers to register their assistance requirements and could speed up the booking process and ensure requests are recorded correctly;
- providing confirmation to passengers of the assistance booked, for example a confirmation number and summary of the assistance request; and
- considering the practicalities of prioritising the service provided at the airport to pre-notified passengers so as to encourage passengers to pre-notify on future journeys.

### Service Quality at Airports

To discuss best practice in service provision and identify ways of increasing awareness of the Regulation amongst airport and service provider staff and to discuss how industry can best engage with PRM organisations to develop a pan-disability view.

### CAA Actions

In addition, the CAA has identified a number of actions that it will take:

#### Consumer Awareness

The CAA will take forward with PRM groups activities to increase consumer awareness, particularly amongst groups where awareness appears to be lowest.

The CAA will discuss with ABTA and DPTAC, a potential project on developing a more consistent and inclusive approach to the booking process in one of their existing working groups.

The CAA will write to UK airports and the passenger sub-committees of Airport Consultative Committees seeking views on the information provided by airports on layout, facilities etc.

#### Pre-notification

The CAA will assess the system that has been implemented to transfer assistance requests and the level of pre-notification at the top 6 airports. If the process is not working efficiently, pre-notification levels are low or not improving, the CAA will engage with airlines, tour operators and the airport asking them to demonstrate collectively how pre-notification processes may be improved.

The CAA will also monitor the use of 'premium rate' phone numbers for booking assistance and take steps to discourage their use.

#### Airline assistance

In order to improve the process by which airlines provide a service under the Regulation, the CAA will explore the benefits of developing common policies on the carriage of mobility equipment or seat allocation across airlines, to minimise difficulties for passengers. This is particularly important for airlines which code-share or where passengers purchase a single ticket, but are travelling with more than one airline. The CAA will work with airlines and industry associations to consider this.

The CAA will write to UK airlines asking them to demonstrate how they have implemented the Regulation and the best practice set out in the DfT Code of Practice in the following areas:

- providing clear, and accessible guidance as to what everyday mobility equipment may be carried and their policy on the carriage of oxygen;
- pre-planning the allocation of seats to pre-notified PRMs before their arrival at the airport and to discuss with PRMs what adjustments could be made to accommodate their needs where issues are identified;
- reserving a number of seats for PRMs where seats are not pre-allocated prior to boarding;
- providing justification of any decision to refuse carriage and confirming how long records are retained; and
- progress on seeking approval from DEFRA for the carriage of assistance dogs.

The CAA will also:

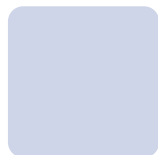
- continue to engage with the European Commission, and work with European National Enforcement Bodies and industry, to ensure consistency of approach across the Community;
- consider the development of general guidance for industry and consumers on medical clearance (such as fitness to fly);
- undertake, in conjunction with DfT, EHRC and CCNI a series of training road shows and workshops.

#### Airport Service Quality

Following the event, the CAA will write to all UK airports asking them to demonstrate how they deal with a range of issues including the development and measurement of service standards, taking into account the needs of passengers with varying disabilities, facilitating the use of assistance dogs, the pre-notification process and the recording and management of complaints. If any problems are identified, the CAA will work more closely with individual airports and in some cases may consider commissioning an audit of the airport's activities.

#### Airport contracts and charges

The CAA will pursue with the European Commission ways in which the charging mechanism could create an incentive for airlines to pre-notify assistance requests.



## **Annexes**

Annex A: Endnotes

Annex B: Contributing Organisations

## Endnotes

1. Exceptions can be made only for safety reasons or where the type of aircraft makes it physically impossible to carry PRMs
2. The term PRM group includes specialist disability groups as well as the Disabled Persons Transport Advisory Committee, Equality and Human Rights Commission and the Consumer Council for Northern Ireland
3. Access to air travel for disabled persons and persons with reduced mobility - Code of Practice 2008
4. Weighted average of 10 airports that reported to the CAA as part of the review
5. European Commission and the European Civil Aviation Conference European Airline Passenger Service Commitment and Airport Voluntary Commitment on Passenger Service - February 2002
6. Robert Ross V Ryanair Ltd and Stansted Airport Limited – Weekly Law Reports /2005/WLR28
7. Article 2(a) EC Regulation 1107/2006
8. 90/314/EEC
9. EC Regulation 261/2004
10. EC Regulation 2111/2005
11. EC Regulation 1008/ 2008
12. European Economic Area (Comprises Member States of the European Union plus Iceland, Liechtenstein and Norway and, for the purposes of the Regulation, Switzerland)
13. SHM Productions Ltd is a strategy and insight consultancy specialising in understanding people's behaviour
14. [www.consumercouncil.org.uk](http://www.consumercouncil.org.uk)
15. [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
16. A part of DEFRA responsible for administering the quarantine requirements
17. Civil Aviation Authority FODCOM 18/2009 – Supplementary Restraint for Persons of Reduced Mobility
18. An oxygen concentrator is a device used to provide oxygen to a passenger at substantially higher concentrations than available in ambient cabin air.
19. Regulation Annex II
20. Association of British Tour Operators
21. EC Regulation 3922/91 Annex III)
22. Annex J of ECAC 30

## Contributing Organisations

### Airlines

Austrian Airlines  
 Air New Zealand  
 BATA  
 bmi  
 British Airways  
 easyJet  
 ELFAA  
 Qantas  
 Ryanair  
 Thomas Cook  
 Thomson Airways  
 United Airlines  
 Virgin Atlantic Airways

### Airports & Service Providers

Airport Operators Association  
 Bristol Airport  
 East Midlands Airport  
 G4S  
 Gatwick Airport  
 Glasgow Airport  
 Highlands and Islands Airports  
 London Heathrow  
 Manchester Airport Group  
 Norwich Airport  
 Peel Airports Group  
 Stansted Airport

### Travel Trade

ABTA  
 AITO  
 SAGA  
 Tangney Tours

### Stakeholders

Air Transport Users Council  
 RNIB  
 RNID  
 The Guide Dogs for the Blind Association  
 Leonard Cheshire Disability  
 Spinal Injuries Association  
 Joint Committee on Mobility for Disabled People  
 Mr Casey  
 Gatwick Airport Consultative Committee  
 Aberdeen Airport Consultative Committee  
 Muscular Dystrophy Association  
 CCNI  
 DPTAC  
 Airline Operators Committee (Heathrow)

### Legal

Gates & Partners  
 Barlow Lyde & Gilbert

### EU Enforcement Bodies

Cyprus  
 Lithuania  
 Czech Republic  
 Spain  
 Luxembourg





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Designed by CAA's Consumer Protection Group.