

Consumer Panel minutes

11:30 – 16:00 Thursday 22nd April 2020

Attendees

Consumer Panel

Jenny Willott (JW)	Panel Chair
Trisha McAuley (TM) David Thomas (DT) Walter Merricks (WM) Jacqueline Minor (JM) Claire Whyley (CW) Carol Brennan (CB) Helen Dolphin (HD)	Panel members
Harriet Gamper (HG) Tom Willis (TW)	Secretariat

Invited guests

Richard Moriarty (RM) Item 3	CEO
Paul Smith (PS) Item 2	Group Director, CMG
Matthew Buffey (MB) Item 5	Head of Consumer Protection, CMG
David Tait (D Tait) Item 4	Head of Innovation Hub
Phil Dykins (PD) Item 6	Head of Aviation Security

Declaration of interests

None.

The meeting was held remotely.

1. Chair's Update

Update from the Panel Chair

The minutes of the previous meeting were approved. SSH sent apologies for not being able to join the meeting.

The CAA had requested the Panel advise on how to support consumer confidence in the context of restart and recovery. This advice, '*Supporting Passenger Confidence: Emerging from the Covid Crisis*' was provided to the CAA on 1 April 2021 and published the following week.

The Chair had held a number of external meetings since the last Panel meeting: JW had met with the Airline Operators Association, Airlines UK, Transport Focus and *Which?* to discuss the publication of the above document on supporting passenger confidence. The Panel had also engaged extensively with the Department for Transport. The meetings went well, and the external parties are keen to continue regular meetings in the future. A meeting between the Consumer Panel ATOL sub-group and *Which?* is scheduled to discuss consumer research the latter has been carrying out. Tim Alderslade the Chief Executive of Airlines UK has been invited to the July Panel meeting to discuss industry impacts.

Updates from Panel Members

CB explained that the Britain Thinks deliberative research has been completed. The Panel sub-group involved with the research had found the project productive and look forward to seeing the final version of the report in due course. DT gave an update on the NERL price control. DT met with Matt Claydon and Andrew Walker. The discussions were positive, and it is clear all are on the same page when it comes down to the need for regulated businesses to convince the CAA that they have understood and taken due regard to the consumer interest in their business planning.

2. CAA update

PS briefed the Panel on the developments in the economic regulation area. During the week following the Panel meeting the CAA will publish various documents relating to economic regulation of Heathrow. These include the CAA's views on potential reopening of the Heathrow RAB, the way forward on the current price control review, and the costs incurred as part of the paused expansion work and how these should be treated. There are encouraging signs that compliance with health entry measures is improving. This should help reduce the border queues, although the level of compliance checking is currently the key driver of the length of the queues. There is a commitment from Border Force to improve the IT around the Passenger Locator Form (PLF) which is a big driver of the issues airports and airlines are facing, since a lot of the current activities airlines are doing to improve compliance are not sustainable at scale.

PS noted the court case regarding Ryanair's stance on strikes was due in court the following week. If the CAA is successful affected passengers should receive compensation.

The government has announced that a consultation will be released later this year which will include improving the CAA's consumer enforcement powers and what these powers may look like.

Discussion

The Panel asked how much evidence passengers will have to produce to demonstrate eligibility for compensation from Ryanair if the CAA is successful in the Court case. PS confirmed there is an existing back log of claims that have been stayed, so these passengers would have already produced the relevant evidence.

Actions

Following conclusion of the court case the CAA would consider the information to provide to affected passengers, and ensure the Panel was aware.

3. CAA CEO and Chair

RM welcomed the Panel's recent report on '*Supporting Passenger Confidence: Emerging from the Covid Crisis*' and the recommendations within it. He highlighted low traffic volumes, impacts on the aviation industry and the recent report of the Global Travel Taskforce (GTT) as wider context.

Discussion

The Panel felt there had been a lack of consumer input to the GTT report which was disappointing. A recent *Which?* report suggested that consumer trust has dropped significantly since the start of the pandemic, partly due to lack of understanding of new measures and what consumers need to do to comply. There was also a lack of consumer evidence and insight included in the GTT report.

As the GTT work continues, the Panel underlined the importance of clear provision of information. This ought to cover:

- What countries being designated red, amber or green means in practical terms – what sort of test will passengers need to take for example? Will it have to be a PCR test?
- What will the journey look like and how will it be different from usual?
- What will passengers need to do differently?
- Rules and restrictions in other countries may differ from the UK so passengers also need information on what to expect on both the outbound and inbound legs of the journey.
- It is key that there is a better understanding developed of what information consumers need and in what order so that people are able to use the system once it is set up.

The Panel also highlighted the importance of adequate travel insurance being available, and that there was some risk that if insurance was not easily available passengers might travel without.

Actions

RM said he would reflect on whether the CAA could do more to ensure guidance provided to airlines and airports is focused through the consumer lens.

He asked that the Panel continue to engage with DfT on the GTT work so that the consumer voice is present, said that the Panel's recommendations on supporting passenger confidence should be used, and took an action for the CAA to facilitate this.

The CAA will discuss its own response to the Panel's report at its June ExCo meeting. RM took an action to go through each of the Panel's recommendations, set out whether the CAA agrees with it or not, where the CAA does not to explain why, and where the CAA does agree to say so and set out what the CAA is doing. Where the Panel's recommendations are directed to others the CAA will consider where it can highlight or otherwise support. The CAA will update the Panel after the ExCo meeting.

4. Innovative aviation business models

David Tait (D Tait) introduced himself to the Panel and spoke about two key trends being tracked through horizon scanning and the CAA's innovation hub: Advanced Air Mobility (AAM) and Remotely Piloted Aviation Systems (RPAS). These trends are being driven by government policy, the desire to improve/drive down emissions, and by investment coming into the sector from both the public and private sector. Future Flight Challenge (FFC) is investing up to £125 million to develop greener ways to fly, such as electric propulsion aircraft. The investment is matched by £175 million from industry.

RPAS Overview

- Use of unmanned aircraft in both recreational and business applications is increasing and this upward trend is expected to continue.
- Ongoing technological development has enabled drone operators to perform, to safety standards, increasingly complex operations – for example operating Beyond Visual Line of Sight (BVLOS).
- RPAS uses include parcel delivery, filming and photography, surveying (for example buildings), and maintenance (such as transport infrastructure)

AAM Overview

- There are multiple new designs and concepts being developed. In size these are generally between the size of a recreational aircraft or larger drones.
- Many are intended to carry passengers, some with the intention to have a pilot on board, while others envision deployment of remote pilots.
- There are several hundred designs currently under development. Market leaders are at the testing and experimental flight stage.
- Some uses of AAM include airport or inter-city shuttle regional transportation, intra-city transportation, or racing, exhibition, and competition.

Discussion

D Tait highlighted that this is a good time to start to consider consumer sentiment, how consumers compare offers and can make informed choices, and the rules, regulations and guidance that could apply to new modes of transport and how these might be applied.

The Panel agreed that these are important questions. In the early stages, general consumer protection legislation is likely to be sufficient. However, over time, services will be offered more widely and will adapt and so there may be a need to develop more targeted regulation to ensure consumer protection.

The Panel asked whether the needs of disabled passengers are being considered in the design process? This has not been considered to date. The Panel asked whether access to the CAA's regulatory sandbox could be scoped to ensure that inclusive is a condition of access. There was discussion over price transparency, the costs and opportunities of serving rural areas relative to urban areas, and the ways in which technology could contribute to the levelling up agenda.

Actions

HG to further consider the issues raised around inclusivity with D Tait and revert to Panel.

5. Consumer Vulnerability

Over the past 6 months, HG and MB have worked with colleagues across the CAA to understand work already underway which contributes to the CAA fulfilling its duties under the Equality Act, as well as what more could be done, and how the organisation can embed recognising and responding to vulnerability. The team sought the Panel's support for this piece of work as it is embedded across the CAA as part of ongoing 'business as usual' work.

Discussion

Embedding consumer vulnerability means something different for each department. Some areas of the organisation may have to change the way they approach issues. The Panel underlined that the approach should not be overly compliance focused but should be about culture change and bringing the issue alive. A good lens is to identify points of friction and then explore those areas in more detail.

The team asked for advice on how to embed the concept across the CAA. The Panel suggested holding workshops for the departments that are not as comfortable with consumer vulnerability. There is scope for cross-organisational learning and workshops would help to gain understanding and share good practice. It might also be useful to create a network of vulnerability champions for colleagues to share experience and understanding. The Panel suggested development of a toolkit to help staff within the regulator consider the issue in a structured way. It could also be useful to collaborate with external stakeholders such as third sector organisations or the British Standards Institute.

Actions

Panel members to share examples of existing toolkits. MB and HG to revert to Panel if there are requests for the Panel's support in changing culture.

6. Aviation Security

PD briefly outlined the remit of the Aviation Security (AvSec) group, including its close working relationship with the Department for Transport and the entities it regulates. He then went on to consider passenger touchpoints in more detail.

As part of the vulnerability piece referenced at Item 5, AvSec has been working with the Consumers and Markets Group to consider what more can be done to improve experience of vulnerable passengers or those with particular needs. The aim is to ensure the regulatory framework allows adaptation of processes consistent with effective screening of all passengers and belongings. Historically AvSec has focused on passengers with physical disabilities. However, more recently AvSec has also looked at:

- Hidden disabilities (e.g. dementia, hearing loss, autism). Avsec has encouraged airports to introduce lanyards/wrist bands
- Passengers with medical devices e.g. insulin pumps. Avsec has launched Medical Devices Awareness Card (in UK and internationally)

- Issues for transgender/non-binary passengers. Avsec are currently developing guidance on this.

PD also mentioned some of the other current AvSec priorities and workstreams. These included helping industry to deal with the impacts of Covid, in particular the close-down and re-start of operations, while ensuring there was no reduction in security standards. A further priority was the widespread introduction on new screening technologies at the passenger checkpoint which would enhance both security and passenger experience (including potentially the ability to carry liquids on board aircraft again).

AvSec have also begun to look more closely at the use of dogs for security screening as they are currently used effectively when searching for drugs and other smuggled items but are yet to be heavily used in aviation security other than cargo screening. There is currently a trial ongoing at Heathrow for dogs being used to screen vehicles.

Discussion

Some people fear dogs or have allergies so there may need to be alternative ways of screening these passengers. PD explained that this has been considered and alternative ways of screening would be available if needed. The Panel underlined that there needs to be a way for passengers to opt out of being searched by a dog if needed before the point of actually coming into contact with the dog at the airport. There may be learnings from the medical sector or around Covid security for large events, both are areas where canine screening is also becoming more widely deployed.

Actions

The Panel has a work programme commitment to input to the design of new messaging to consumers regarding allowing liquids and gels on aircraft where advanced screening technology is in place. Due to Covid-19 the date for this change has been pushed back. However, the Panel is still keen to input. PD to seek input in due course.

7. Consumer Panel Annual Report

The annual report provides information about what the Panel is, its remit and aims, and how it prioritises work. It sets out the Panel's main achievements over the year under the work programme themes of building the evidence base, driving better outcomes for consumers, and influencing future frameworks.

Discussion

The draft annual report had been circulated with the other meeting papers. Panel members welcomed the report and noted that this year it was somewhat more mixed with some criticisms of the CAA. This could cause some sensitivities within the regulator but was reflective of the Panel's experience this year.

Panel members asked that the recent report on Supporting Passenger Confidence was drawn out in more detail and given greater priority within the report, and in particular that the recommendations were summarised.

Actions

HG to make changes above and circulate to Panel members.

The report will be presented to the June CAA Board meeting and then published.

8. AOB

None.