

Finance and Corporate Services
Information Management

2 September 2013
FOIA reference: F0001613

Dear XXXX

I am writing in respect of your recent request of 2 August 2013, for the release of information held by the Civil Aviation Authority (CAA) following a subsequent request reference F0001588.

Your request:

“Given that the 11 staff are merely only directly involved with the CAA’s complaint handling function I fully understand that it is near impossible to quantify time spent. Can I therefore rephrase question two.

2) From these 11 permanent staff within the Passenger Advice and Complaint Team (PACT), how many investigators are there and what proportion of there time is spent in investigation of Regulation (EC) No 261/2004 complaints?

I would like to rephrase question 3/4.

3/4) Under what criterion a case would be closed. Given that as time lapses most people would have forgotten the event and go on with life would this include cases due to lack of response? If this is the case can I have a breakdown of all cases closed and the reasons for it?

I would like to rephrase question 6/7/8.

6/7/8 I understand than the CAA is the official body to carry out consumer enforcement policy of The Enterprise Act 2002 (Consumer Protection). However as the CAA is also the national enforcement body of Regulation (EC) No 261/2004 it has the duty for the imposition of sanctions as below. Does the reply mean that the CAA has not yet implemented it? If it has than this is what was meant in the original questions. If it is not yet implemented when will it be so and why was there a delay in the implementation? “

Our response:

In assessing your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), we are able to provide the information below.

Civil Aviation Authority

Aviation House GW Gatwick Airport South Crawley West Sussex England RH6 0YR www.caa.co.uk
Telephone 01293 768512 rick.chatfield@caa.co.uk

2-The CAA currently employs 6 permanent complaint handlers to deal with all types of complaints. It is not possible to establish the proportion of the time they spend on investigating complaints related to EC Regulation 261/2004. However, around 85% of the complaints are related to EC Regulation 261/2004 for compensation.

3/4-The CAA has closed 40% of the cases that we investigated as "compensation gained". In these cases, our view was that the disruption was within the airline's control. On the other hand, in 60% of the cases investigated, we have accepted airlines' defence that the disruption was caused by an "extraordinary circumstances"

6/7/8- Article 15 of Regulation 261/2004 requires "The sanctions laid down by Member States for infringements of this Regulation shall be effective, proportionate and dissuasive".

The UK Department for Transport put in place the Civil Aviation (Denied Boarding Compensation and Assistance) Regulations 2005 which came into force on 23 April 2005, as part of the UK Government responsibility to implement EC Regulation 261/2004 in the UK. The CAA is also a designated enforcer under Part 8 of the Enterprise Act 2002 and Regulation 261/2004 is a listed piece of legislation which can be enforced using these powers.

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

Mark Stevens
External Response Manager
Civil Aviation Authority
Aviation House
Gatwick Airport South
West Sussex
RH6 0YR

mark.stevens@caa.co.uk

The CAA has a formal internal review process for dealing with appeals or complaints in connection with Freedom of Information requests. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right under Section 50 of the Freedom of Information Act to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office
FOI/EIR Complaints Resolution
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
www.ico.gov.uk/complaints.aspx

Should you wish to make further Freedom of Information requests, please use the e-form at <http://www.caa.co.uk/foi>.

Yours sincerely

Rick Chatfield
Information Rights and Enquiries Officer

CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.