

## **Terms of Reference of the CAA Consumer Panel**

1. The Consumer Panel ('the Panel') has been established by the Civil Aviation Authority ('CAA') to help it deliver its vision to make aviation better for current and future consumers by bringing a consumer perspective to the CAA's thinking.

### **Objective and Focus**

2. The Objective of the Panel is to provide independent advice, and constructive and considered challenge to the CAA about whether and how the interests of consumers are taken into account in fulfilling relevant regulatory duties and other functions.

3. In delivering its Objective, the Panel will act as a 'critical friend', define the scope of the consumer interest in any given issue, and generally reflect the consumer principles of access, information, choice, equity, safety, representation and redress. By sharing consumer-led intelligence and expertise from other sectors, the Panel will work in partnership with CAA colleagues on a range of targeted projects, delivering specific outputs that demonstrate consumer choice, value for money, protection and fair treatment.

4. The Panel can also support the CAA by bringing to its attention issues and areas of best practice from other sectors that may be relevant to the CAA's remit.

5. In fulfilling its Objective, the Panel should consider the interests of all groups of aviation consumers.

6. The Panel has an advisory role but does not have any decision making responsibilities or accountability role. In fulfilling its Objective, the Panel is independent in its thinking and is able to express its views freely.

7. The focus of the Panel's work shall be on those activities that fall within the CAA's statutory remit or reasonable influence.

8. At the Panel Chair's discretion, the Panel can co-operate with airport consultative committees or with any consumer, industry or regulatory group, national or international, which can further the reasonable interests of passengers and would support the Panel's work.

### **Membership**

9. The Panel shall consist of a Chair and up to 8 Members.

10. The Chair and Members shall be recruited through a process of open competition and encompass a broad range of relevant expertise and experience.

11. Appointment of the Chair will be made by the CAA for a term of three years, and may be renewed for a maximum of one further term of three years.

12. Appointment of Members will be made by the CAA and the recruitment process will be carried out by the CAA and Chair of the Panel. Such appointments will be for a term of up to three years which may be renewed for a maximum of one further term of up to three years. However, the fact that a Member has served for a maximum period in that capacity will not necessarily preclude him or her serving as Chair beyond the end of that time, in which case paragraphs 10 and 11 will apply to that new appointment as appropriate.

13. No employee of the CAA may be Chair or a Member of the Panel.

14. Members will be appointed as individuals and, individually and collectively, are not delegates of any particular interest group.

15. The Chair and Members will work towards the objective of the Panel, and not promote their own interests or those of any group or organisation for which they work or of which they are members.

### **The Panel's Duties**

16. The Panel will:

a) Meet regularly (probably four times per year) and be available for consultation by the CAA on specific issues. The quorum for meetings shall be five members (including the Chair). Members' attendance through telephone or video link is permissible for the purposes of determining a quorum.

b) Be outcome focussed and prioritise its work on those issues that relate to the CAA's statutory duties, where it can have most impact and are relevant to its skills and experience. It may use sub groups to deliver advice on these issues.

c) Be active in bringing to the attention of the CAA issues which are likely to be of significance to consumers and where the CAA has regulatory accountabilities or influence. As part of this, the Panel will have a role in providing input as the CAA develops its strategic plans.

d) Help the CAA develop its approach to consumer engagement to inform its work.

e) Respond to formal requests for advice from the CAA in such a manner as it sees fit. (Where the Panel feels unable to respond to a request for advice it shall provide a reasoned explanation.)

f) Request access to information from the CAA which it reasonably requires to carry out its work.

g) Request regular access to the CAA Chair, Board, Chief Executive and senior executives of the CAA.

h) Determine its own rules of procedure. (The CAA's rules on ethics shall apply to the Panel, and any financial arrangements applicable to the Panel shall be handled under the CAA's standing processes.)

i) Maintain the confidentiality of information provided to the Panel by the CAA (see paragraphs 23-25, below).

### **The CAA's duties**

17. The CAA will:

a) Be open and transparent with the Panel as the CAA's work programme evolves in order that the Panel can meaningfully identify and review its priorities and plan its work.

b) Provide the Panel with sufficient notice of the issues that it will require advice from the Panel on.

c) Engage the Panel at early stages of regulatory thinking on areas within their work programme so that the interests of consumers can be embedded from the outset.

d) Consider representations made to it by the Consumer Panel and provide responses to such representations.

e) Provide secretariat support to enable the Panel to operate effectively.

- f) Provide the Panel with prompt access to all information which the Panel reasonably requires in order to fulfil its duties. (Where the CAA feels unable to respond to a request for advice it shall provide a reasoned explanation.)
- g) Give the Panel reasonable access to the CAA Chair, Board, Chief Executive and senior executives of the CAA.
- h) Give sufficient prior notice of significant new consumer issues that the CAA is putting in the public domain (“no surprises”).

### **Accountability**

18. The Panel will work with the CAA to develop its annual work programme so that it aligns with the CAA’s strategic ambition. The programme, which may be amended from time to time in response to developments in the aviation market, should include a clear ordering of priorities, demonstrate how it links to the CAA’s statutory remit, how the Panel’s resource will be allocated and an indication of what the Panel wishes to achieve for consumers. The work programme will account for a significant proportion of the Panel’s activity and will be presented to the CAA Board for information.

19. The Panel will produce an annual report on its activities, which shall be published separately to the CAA’s annual report.

20. The Panel will publish the minutes of its meetings on the CAA website once approved by the Chair of the Panel. The CAA Board will be kept informed of Panel discussions after each Panel meeting.

21. The Panel may speak out publicly when it wishes to draw attention to matters in the public interest.

22. The Panel and CAA shall review the Panel’s Terms of Reference from time to time, not less than every two years.

### **Information provision and confidentiality**

23. It is in the interest of both the CAA and the Panel for the CAA to make available to the Panel relevant, timely, and up to date information of relevance to consumer interests. The Panel will respect the status on which all information is provided by the CAA and maintain the confidentiality of all information supplied by the CAA on that basis.

24. However, the CAA is subject to some legal constraints in relation to the disclosure of information it gathers in the course of its work. It is permitted to disclose information about businesses and individuals where this will facilitate the exercise of its statutory functions and this would include putting material before the Consumer Panel so that it may carry out its role in helping the CAA make better regulatory decisions. There may be exceptional cases where the CAA, having applied the relevant legal tests, considers that disclosure cannot be made or redactions need to be applied. This would be where the CAA considers that disclosure would be contrary to the public interest or would cause significant harm to the individual or business concerned. The CAA will therefore provide the Panel with information relating to individual airlines and airport operators where the Panel reasonably requires it to fulfil its role of helping the CAA to carry out its regulatory duties.

25. The CAA may on occasion opt not to disclose information or to redact it where disclosure would be contrary to the public interest or might harm the interests of the business or individual concerned. Panel members will agree to respect and understand the need for confidentiality. They will not disclose any information about a business or individual which is provided to them in the course of acting as a Panel member without the consent of the CAA and then only for purposes related to fulfilling their role as Panel member.