

Consumer Panel minutes

12-4pm Friday 9 February 2018

Attendees

Consumer Panel

Jenny Willott (JW)	Panel Chair
Sarah Chambers (SC)	
Robert Laslett (RL)	
Trisha McAuley (TM)	
Anthony Smith (AS)	
Claire Whyley (CW)	
Harriet Gamper (HG)	Panel secretariat

Invited guests

Tim Johnson (TJ)	CAA (CSP), Items 3-6
Rebecca Roberts-Hughes (RRH)	CAA (CSP)
Anne-Marie Hopcroft (AMH)	CAA (CSP), Item 3
Jon Round (JR)	CAA (SARG), Item 6
Sharon Goodsell (SG)	DfT, Head of Consumer Policy, Aviation Strategy, Item 3
Stephen Cummins (SCu)	DfT, Head of Aviation Strategy, Item 3

Apologies

None.

The meeting was quorate.

Declaration of interests

The Panel noted that Anthony Smith advised Transport Focus would be carrying out work on surface access to Heathrow, in particular with respect to coaches.

1. Chair's update

JW welcomed the Panel in her first meeting as Chair. JW and Panel members updated on activities since the last meeting:

- JW has met with key CAA colleagues, including the Chair and CEO. She will now focus on introductory meetings with external stakeholders.
- In November SC and HG met with the CMA on the CAA project on allocated seating.
- Also in November, former members of the Panel Keith Richards and Ann Frye met with Great Ormond Street Hospital to discuss indwelling medical devices, in particular insulin pumps, and users' experiences at security. HG advised that CAA had already carried out work in this area, and further actions are being taken forward.
- Former Chair Keith Richards attended a meeting of consumer organisations on Brexit, organised by Baroness Dianne Hayter, the Shadow Deputy Leader of the House of Lords and Shadow Minister, DExEU in October.
- JW, SC, RL and TM met with David Bourne, CAA CMG Head of Policy and Governance, on 19 January to discuss implementation of the Package Travel

Directive and ATOL reform. There will be an opportunity for the Panel to input to the forthcoming review of ATOL later this year.

- The project on allocated seats received 225 pieces of media coverage 2-4 February, including on BBC and Sky news and national newspapers and radio. The Panel supported the work from the outset, and noted the good media coverage and ongoing work across the CAA. Members asked for their thanks to be passed on to the teams involved.
- Recruitment for new Panel members is now under way.

Actions

- The Panel noted the updates.

2. Consumer Panel ways of working: use of sub-groups

JW introduced an item on use of sub-groups. The Consumer Panel was reviewed in mid-2017 and one recommendation was to increase the effectiveness of the Panel by use of smaller sub-groups. Sub-groups have been established in the areas of H7, the CAA's information duty and consumer vulnerability in aviation, linking to the priority areas of the Panel's current work programme. The Panel discussed how the groups should be structured and used going forwards.

Key comments/responses/questions

- The Panel agreed each sub-group should be a 'task and finish' group, set up for a specific purpose, and disbanded once the set piece of work was completed.
- Each group should have a chair and all groups should report to the main Panel.
- The groups should have clear membership, recorded in the minutes.
- It was agreed the groups need freedom to explore issues as they arise. If issues were moving away from the original purpose the group was set up for then the issue would come back to the Panel and either: the work would be subsumed by the main Panel, a new sub-group would be set up, or the work of the existing sub-group would be amended to reflect.
- The Panel discussed the areas the sub-groups currently focus on and agreed that the vulnerability group is key and should remain until planned work (including a definition of vulnerability in aviation) is completed.
- The group on information should remain, but pause until the CAA restarts work in this area (current focus is on the environmental information duty).
- On H7 it was agreed that that some aspects ought to come to the main Panel. However, consideration needs to be given to the Heathrow CCB which scrutinises HAL's business plan engagement. The Panel's objective in the area of H7 should be to scrutinise the CAA's approach to H7, selecting areas that the CCB does not already cover. This could include inputting to the CAA's approach when it consults and takes decisions. There is a need for a structured approach in this area, and for the Panel to have early input – for example before consultations are published.
- The Panel asked if there is a programme of CCA work on H7 that could be shared. RRH responded that a timeline with key pieces of work is being finalised. Once finalised RRH would share it with the Panel. The Panel agreed to identify those points where it can input in the consumer interest, where others will not represent consumers, and where it can be most effective, influential and useful.
- The Panel agreed that an away day would be helpful (to include new members, including those who may have been appointed but not started). The focus would be on designing a detailed work programme, as well as agreeing priorities, getting to know the new members, and building relationships with each other and key CAA colleagues.
- The Panel agreed it would be sensible to extend the current work programme for 6 months to allow for this to take place.

- A clear work plan will also make the work of the sub-groups clearer, and will drive the work of the groups.

Actions

- RRH to share H7 timeline with Panel once finalised and Panel to identify key areas for input.
- Secretariat to organise away day.
- Sub-groups to work as 'task and finish' groups, with chair, and report in to main Panel.

3. DfT aviation strategy

The Panel received a presentation from Sharon Goodsell (DfT Head of Consumer Policy, Aviation Strategy and Consumers) and Stephen Cummins (DfT Head of Aviation Strategy) on DfT's thinking to date on the strategy theme relating to consumers.

The Panel were asked for their views on whether the DfT's current thinking was appropriate and sufficiently challenging, if there were other high priority consumer areas that should be addressed, for evidence of where more needs to be done to address consumer concerns, and how to secure buy-in and ensure a collaborative approach to the consumer agenda.

The DfT set out that as the green paper is developed there will be further engagement with consumer representatives.

Key Panel comments/responses/questions

General

- The Panel were pleased to have the opportunity to input at this stage of development of the consultation.
- The strategy could celebrate the success story for consumers and remind us of the huge gains that have been achieved (and can be subsequently built on) for consumers where there has been liberalisation with effective regulation.
- There was a sense that consumer issues were not coming through strongly enough yet and the Panel recommended DfT develop its own view of what the consumer interest is, and underpin this with a strong evidence base. SG said that DfT was developing a research plan and this would be shared with the Panel.
- Consumers should run through all areas of the strategy and it should be recognised that consumer issues cannot be completely separated out. For example vulnerability is an area which should run through all of the strategy's themes, as should resilience and competition.
- There should be more challenge to the industry to work well for consumers, and have consumers at its heart. The Panel suggested looking at Ofwat's recent work around encouraging businesses to innovate and empower consumers. The wording of the theme itself should be more around ensuring consumers' needs will be met by the aviation industry rather than a focus on helping industry.
- The Panel highlighted that the regulatory framework was not mentioned in the strategy: many consumer protections derive from EU law and it is important in the Panel's view that these are not lost after Brexit.
- The language needs strengthening throughout, for example from 'coulds' to 'shoulds'.
- Disruption and how this is dealt with is currently missing. CAA's consumer tracker showed this was a very important area with a high impact on passengers. This ought to be added.

Information

- 'Comparability' and 'accessibility' need to be included.

- RRH questioned whether more information for consumers in this market is the right regulatory lever, or whether data can be used in more innovative ways to drive up standards.
- The Panel highlighted the need to recognise that information can have limits. There should be focus on using data to drive up standards in other ways such as regulators and other organisations using data to bring transparency or benchmark.
- There may be scope to mandate release of data which could be used by third parties to present it in a useful format to consumers or for use as a reputational regulation tool.

Compensation

- The Panel discussed whether this could be a good opportunity to consider automatic compensation as airlines often have access to data such as contact and bank details, as well as knowing who was on the plane and what happened. An alternative to automatic compensation could be to contact consumers encouraging them to claim when the airline is aware they are eligible.
- Full consideration would be required of the costs and benefits to passengers of introducing automatic compensation.
- As well as being fair and easy for passengers to claim, the compensation regime should incentivise airlines to deliver good consumer outcomes.
- The needs of vulnerable consumers should be considered, in particular in the wording of the objective which should be to make it easy for all passengers to claim.
- The objective should focus on redress more widely as well as ADR.

Airline failure

- There will be a separate review which will feed in to the strategy, and which the Panel will be able to input to separately.

Operating model at the border

- There is a need to be clear on what consumer expectations are, for example on queuing times. More robust research is needed in this area.
- The Panel questioned whether current KPIs are up-to-date and in line with consumer expectations.
- Providing Border Force with Advance Passenger Information in order to facilitate clearance while passengers are still in the air could improve the situation and allow Border Force to more efficiently staff the Passport Control desks.
- Providing premium lanes for people to pay for fast track doesn't necessarily help as there is finite Border Force resource at the airport and if extra premium lanes have to be manned then there will be fewer staff on the non-premium lanes.
- There is a need to get the funding right for Border Force so there is sufficient staff. It was suggested that airports can pay for additional Border Force staff to help address the queue situation but often choose not to.
- However other pinch points also need to be addressed – for example if consumers move through passport control quicker then they will reach baggage reclaim more quickly. Need to therefore ensure that any SLAs in place are joined up and reflective of what consumers want.

Accessibility

- The Panel reiterated that services should be designed to meet the needs of all passengers. This should be reflected more clearly.
- There was scope for government to be tougher on issues – for example accessible toilets could be made mandatory on planes if government chose to focus on the issue.

- Services need to accommodate all vulnerable passengers and not only those with mobility issues.

Disruptive passengers

- Here there should be less focus on equitable solutions and more on proportionate responses.
- There is a need to properly understand the impact disruptive passengers have on other travellers.

Actions

- The Panel thanked the DfT team for the presentation.
- DfT to share research plan with Panel.
- DfT to share information on other areas the strategy will cover as soon as possible.
- DfT to return to Panel to engage further as consumer element of strategy develops.
- The Panel noted that the green paper timings have been adjusted to take account of the airline failure review.

4. CAA business planning

TJ introduced a paper on CAA business planning, providing the Panel with an overview of the emerging CAA business plan for 2018-19 and identifying areas with specific consumer focus.

The paper showed the breadth of activity being undertaken by the main regulatory groups, highlighted activities that had been influenced by the Panel, identified priority areas of interest to the Panel, and identified complementary activities being undertaken as part of the Panel's own work programme.

Key comments/responses/questions

- The Panel asked what CAA was doing on Brexit. TJ confirmed that CAA's focus currently is on contingency planning in the event of a hard Brexit scenario. TJ recommended that Brexit should be a watching brief for the Panel, but that CAA will invite input when consumer issues arise. TJ committed give a short Brexit update at each Panel meeting.
- The Panel was clear that consumer vulnerability should not be a stand-alone topic but should run through the different areas. RRH reported that this would be addressed at staff level.
- Areas of consumer focus the Panel considered were missing from the high level ExCo priorities for the business plan were: competition law enforcement, consumer law enforcement, and airport service quality. TJ explained these were included in the full CAA business plan.
- The Panel considered that information duties should also be an ExCo priority. RRH responded that this work will fall under the proposed CAA consumer strategy (which is a priority).
- The Panel was supportive of the consumer strategy and considered it warrants strong focus. TJ explained that the Panel would be involved as the strategy is developed.
- The Panel considered airline failure and ATOL to be a priority area, asked for updates on this work, and noted that it will be engaged in the DfT review in this area.

Actions

- TJ to give short Brexit update at each Panel meeting and invite Panel's input when Brexit consumer issues arise.
- Secretariat to update Panel on the following CAA activities on a six monthly basis: professionalisation of aviation security, new Heathrow runway and associated

economic regulatory framework, implementation of the Package Travel Directive and proportionate enforcement strategy, airport and airline special assistance meeting the needs of people with hidden disabilities, consumer strategy, and new ATOL enforcement strategy (areas of competition and consumer law, and airport service quality to potentially be included following discussion with CAA Groups).

- Once the Panel work plan is finalised, complementary items in the CAA business plan will be identified and subsequently updated with reports on the Panel's work each quarter to report Panel activity for the internal CAA business plan assurance reports.
- CAA to involve Panel in development of consumer strategy.
- The Panel noted the indicative timeline for CAA business planning and co-ordination with the Panel, and noted that this would be slightly different this year as the Panel would extend its current work programme for 6 months before finalising a new one.

5. SARG Annual Report

The Panel received a briefing from Jon Round (CAA Head of Airspace, Air Traffic Management and Aerodromes) on key Safety Airspace Regulation Group (SARG) activities from the last year and a forward look to what is coming up over the next year. The briefing focused on areas of consumer interest, including: airspace changes to accommodate the Heathrow third runway, airport and airline initiatives to deal with disruptive passengers, drones, personal electronic devices and air displays.

Key comments/responses/questions

- The Panel noted the report and thanked JR for attending.
- On airspace change the Panel was clear that the consumer interest (as opposed to the citizen interest) lies in more capacity and thus more choice, and this ought to be articulated in the debate. However, the Panel noted that decisions on new runway capacity are for government and not the regulator.

6. Any Other Business

- When DfT provides the materials on the aviation strategy secretariat to organise teleconference.
- Panel to consider if receiving annual reports from CAA Groups is effective use of Panel time.