



Consultation on CAA guidance for airlines on providing assistance to people with hidden disabilities

Summary of Responses

Specific comments on each of the key areas of the draft guidance, and a CAA response in italics, are below.

General comments

In total, nineteen responses were received from stakeholders including responses from disability and consumer organisations, airlines, airports, trade bodies, and individuals.

There were nine responses from disability and consumer organisations and individuals. In general, they welcomed the CAA's plans to produce guidance for airlines on providing assistance to people with hidden disabilities. There was considerable support for the aims of the guidance, with respondents all agreeing that the mix of requirements and recommendations will, once implemented, provide considerable practical benefit to people with hidden disabilities when travelling on airlines to and from the UK. There was also general agreement on the subject areas covered in the document.

There were five responses from airlines and two responses from airline trade bodies. In addition, there were two responses from airports and one response from ABTA. In general, the responses from airlines supported the principles behind the guidance as well as the aim to encourage more people with hidden disabilities to access air travel and make the travel experience less stressful and an overall better experience. The airlines considered that they already provided a good level of support to people with hidden disabilities. A number of the airline responses highlighted examples of good practice and welcomed the CAA guidance as a means to ensure consistency across different airlines.

Implementing the guidance

A number of airlines felt that there had been insufficient pre-consultation with airlines, with some airlines contrasting it to what they felt had been a more formal pre-consultation with disability organisations representing the interests of people with hidden disabilities.

The CAA had face-to-face meetings with a number of airlines as part of the development of the guidance. These meetings were positive and constructive and assisted the CAA in developing the guidance in a way which would be able to be implemented by airlines. The CAA did not meet with all airlines as this would not have been possible from a practical perspective, noting also that there was to be a formal consultation on the guidance at a later

stage, which would allow all interested parties to express their views. Similarly, the CAA had face-to-face meetings with a number of disability organisations as part of the development of the guidance. In the CAA's view, the pre-consultation with disability organisations was neither more formal nor more extensive than that with airlines.

Some airlines commented that the guidance was overly prescriptive and had not been sufficiently tested with airlines to ensure that it could be made operational. Notwithstanding the comments made that the guidance was overly prescriptive, a number of airlines requested further clarification over some areas of the guidance, noting that there were issues about the practicalities of some of the requirements, particularly in regard to capturing additional information about the assistance needs of individual passengers, providing information to disabled passengers in accessible formats, and training.

The CAA does not agree that the guidance is overly prescriptive. Neither does it agree that it is impractical. For the most part, the CAA's guidance brings together key recommendations relating to the needs of people with hidden disabilities from the Regulation itself and from the already existing guidance in ECAC DOC 30. Both the Regulation and ECAC DOC 30 are long standing and the requirements and recommendations set out in them should be well known to airlines and should already have been made operational.

However, in response to the comments made, the CAA has conducted a thorough review of the guidance and the requirements set out in it and has made a number of changes. These changes are explained in the following sections.

We have further reviewed the text of the guidance to ensure clarity over whether the obligation is a requirement of the Regulation (where we use the terms "must" and "should") and where it is best practice (where we use the terms "may", "should consider", etc).

One airline commented that it would not expect the CAA to issue public ratings of airlines' compliance against the requirements of the guidance. The CAA does intend to conduct a review of compliance with the guidance, as it has recently in relation to its guidance on hidden disabilities for airports. The CAA has not yet decided the format of this review, but it is likely to include a public report and may include the ranking of airlines in relation to their compliance with the guidance.

Definition of a hidden disability

A number of disability organisations commented that it was important that the guidance recognised that hidden disabilities could include a wide spectrum of conditions, including epilepsy and visual impairment. The needs of people across this wide spectrum should be incorporated into the guidance, as much as practically possible.

A number of airlines and their representative organisations commented on the text in the guidance which states that "[...] hidden disabilities should be considered to include, but not be limited to, dementia, autism, learning disabilities, anxiety issues, mental health conditions, visual impairments and hearing loss". These respondents felt that the list of conditions was incomplete and that the CAA should instead provide a complete list of disabilities and conditions which it considers should fall within the definition of a hidden disability.

It was never the intention of the CAA to provide a complete list of disabilities and conditions to which the guidance applies. Rather, the intention of the CAA was to highlight a number of examples of disabilities and conditions that are typically considered to be hidden disabilities.

We accept that the absence of a definitive and exhaustive list of disabilities and conditions covered by Regulation EC1107/2006 (the Regulation) means that airlines must determine whether a passenger that has notified them of the need for assistance is indeed a disabled person or person with reduced mobility (and therefore entitled to assistance). However, given the emphasis on self-declaration in the Regulation, and given the broad definition of a 'disabled person' in Article 2(a) of the Regulation, the CAA does not consider that providing a longer list of disabilities and conditions would be appropriate. Indeed, in the CAA's view, it could risk inappropriately narrowing down the types of disabilities and conditions to which the Regulation applies, especially if such a list were to be operationalised by airlines in their processes and procedures.

With this in mind, and noting the views of a number of disability charities that it was important that the guidance recognised that hidden disabilities could include a wide spectrum of conditions, the CAA considers that a list of example disabilities and conditions in the guidance still serves a useful purpose and therefore it will be retained. We have also added epilepsy to the text in response to the points raised by Epilepsy Action, as well as respiratory conditions and chronic pain in order to draw attention to the fact that hidden disabilities can also include non-visible physical disabilities and conditions.

Prevention and refusal of carriage

A number of airlines commented that the guidance should refer to airlines' overall priority being the safety of the aircraft, crew and passengers. Airlines also believed that better pre-notification would help airline staff to make an informed decision to deny boarding to a passenger. They suggested that greater emphasis should be put on this in the guidance. A number of disability organisations accepted that, although safety must be the priority, there must be a balanced approach to ensure that barriers to travel are not created unduly.

In response to the comments of both airlines and disability organisations, the CAA has added a sentence to the guidance emphasising that airlines' priority must always be to the safety of all its passengers and crew. The CAA has also added a sentence on the importance of pre-notification to help airlines take an informed view of whether to deny boarding to a passenger.

A number of airlines suggested that 'accessible formats' should be defined.

This point is covered in the next section.

Information and communication prior to travel at the airport and onboard the aircraft

Disability organisations in general welcomed the requirements on airlines to collect and pass on more detailed information to airports, as well as to their own staff on the ground or on aircraft, on an individual's particular assistance needs. They considered that better information and communication was a key tool to delivering good quality assistance. A disability organisation commented that, under the Regulation airlines, tour operators and

travel agents had an obligation to book assistance for the full duration of the passenger journey. This includes both departing and arriving airports. The respondent also said that it was important that airlines acknowledged that not all information could be provided prior to travel. For example, the realities of travelling through an airport may mean that, on occasion, a person might need to ask for assistance at the last minute. Indeed, one airline suggested that, with some disabilities, some information may not be valid when a passenger arrives at an airport because of the unfamiliar surroundings. It argued that more emphasis needed to be on discussing requirements on the day to ensure that needs are met.

The CAA's view is that the guidance as drafted already provides sufficient flexibility for airlines to gather additional information from disabled passengers on their assistance needs through a variety of methods, including at the airport. Notwithstanding this, the CAA has added an additional paragraph to this section to make this clear.

Most respondents agreed with the CAA that the "DPNA" code is not adequate to cover the wide range of needs of a people with hidden disabilities. A number of airlines suggested that the CAA's efforts should be focussed on working with IATA to develop assistance codes, applicable for hidden disabilities, which could be applied globally.

The CAA agrees that the existing and commonly used IATA classification system is not fit for purpose in the context of hidden disabilities. However, given that people with hidden disabilities have a diverse range of needs, the CAA is not convinced that developing additional codes within the IATA classification system would be effective in ensuring that the assistance needs of people with hidden disabilities could be recorded. Further, the CAA notes that developing such codes would be unlikely to be a swift process, and indeed that not all airlines have to use the standard IATA classification system.

Although the airlines that responded to the consultation acknowledged the severe limitations of the existing IATA classification system in terms of capturing the needs of people with hidden disabilities, for a number of reasons they did not support the CAA's requirement for airlines to use the 'free text' functionality available in the already existing and commonly used SITA electronic messaging system to record and pass on this information. A number of airlines felt that there might be a systems or technological barrier to such a solution, for example because the free text messaging has a character limit or because the systems of airlines and airports do not always align. Some airlines expressed the view that the information recorded as free text might not be sufficiently clear to identify the needs of the individual and that the information could be misinterpreted. A number of airlines felt that, in being allowed to express their assistance needs to the airline in the form of free text, disabled passengers' expectations of the assistance that they would receive could be raised unduly and beyond what airlines are obliged to provide. Finally, some airlines noted that disabled passengers might book with a third party rather than directly with the airline, and that the third party might be unwilling or unable to utilise the free text messaging.

In relation to the comments from airlines that there might be a systems or technological barrier to using the 'free text' functionality in the SITA electronic messaging system, the CAA's view is that the system is fit for purpose. This view is based on research conducted by the CAA in 2016/17 on how airlines pass information to airports on the assistance needs of passengers and how airports utilise this information. As part of this, the CAA conducted a

number of visits to airports to review the systems in place and to discuss the processes for receiving information from airlines. A small number of meetings also took place with airline representatives to understand their systems. Finally, further information was collected from airlines and airports via a questionnaire. The research revealed that most airlines already use the SITA electronic messaging system, with some airlines using a mix of the SITA system, emails, and other mechanisms. The research also revealed that most airlines also already use the free text functionality, although not always consistently. Therefore, although the CAA recognises that further work may need to be done by airlines internally to ensure that the free text functionality of the system is used consistently to record and pass on information on the assistance needs of disabled passengers, this should not be insurmountable.

The CAA would like to note also that its guidance for airports on hidden disabilities (CAP1411) requires airports to put in place systems that are able to capture extra information through any free text contained within the SITA PAL and CAL messages, in addition to general IATA assistance codes.

In response to the comments from airlines that information captured as free text might not be sufficiently clear to identify the needs of the individual, and might also lead to the expectations of disabled passengers being raised unduly and beyond what airlines are obliged to provide, the CAA considers that there appears to be some confusion on the part of airlines as to the difference between the process required for gathering information on assistance needs, and that for recording this information for the purpose of passing it on to the relevant staff and other organisations.

The CAA would like to stress that it is not advocating a solution whereby passengers requesting assistance are allowed to express their assistance needs using free text only. Allowing individuals to express their needs in the form of free text may form part of the process for gathering the required information, but it should not be the only method. Indeed, if this were the case, the CAA would agree with the risks identified by airlines.

The CAA's guidance as drafted states that "In terms of how this additional information is gathered in practice, it should be collected as part of the online booking process or through a post booking 'call back' or similar. Provision will also need to be made for individuals to provide additional information post booking, for example in writing, via email, or over the telephone". It is therefore open to airlines to shape the process for how the information is gathered from individuals. Airlines could, for example, gather the information through a series of targeted questions put to the passenger at the time of booking (or post booking), for example using an online form or directly with an agent over the telephone, to help define more clearly the individual's assistance needs.

In order to clear up any potential confusion, the CAA has reviewed the text in this section and has made a number of small changes to the language to distinguish between the requirements in relation to gathering information on an individual's assistance needs, and those for recording this information and passing it on.

In response to the comment made by some airlines that disabled passengers might book with a third party rather than directly with the airline, and that the third party might be

unwilling or unable to utilise the free text messaging, the CAA will discuss this issue further with ABTA.

One airline commented that, rather than specifying the means by which information on assistance needs should be captured and transmitted, the CAA should instead focus on ensuring that airlines have in place effective mechanisms for passengers to identify to airlines what their specific needs are.

Although the CAA acknowledges this point, it is disappointing that none of the airlines that responded to the consultation on the guidance proposed any alternative approaches which they felt would be more effective in gathering information from individuals on their particular assistance needs, or more effective in recording this information and passing it on. However, the CAA does not want the requirements of its guidance to be a barrier to innovation in this area. The CAA has therefore amended its guidance to reflect this.

A number of respondents raised issues around General Data Protection Regulation (GDPR).

The CAA is not the regulatory body responsible for overseeing compliance with GDPR. However, it is the CAA's understanding that the necessary consents will need to be obtained from disabled people notifying of their need for assistance.

All respondents generally supported the use of a wide range of media. Airlines suggested that “accessible formats” should be defined. They also commented that there may be costs implications to providing information in a range of formats. Other respondents considered that airline websites currently lack sufficient information for people with hidden disabilities.

In response to these comments the CAA has removed the reference to “accessible formats” and replaced it with “a wide range of media”.

Boarding and onboard the aircraft

Airline respondents strongly disagreed with the recommendation to consider allowing people with hidden disabilities to board last, with many suggesting that this would add extra complexity to the boarding process which would affect all passengers adversely. For example, it would be difficult for ground staff to identify who might need to board at different times to other disabled passengers (which is generally done first). They considered that airline staff must be able to make a balanced judgement based on operational requirements. Disability organisations and individuals did not have a strong view that airlines should adapt their practices to accommodate this but suggested that any reasonable request should be considered.

The CAA has added a reference to ground staff only allowing passengers with hidden disabilities to board last if it is practicable. We do not expect people to request boarding last to be a regular occurrence.

All respondents generally agreed that airlines should make reasonable efforts to seat people with hidden disabilities in appropriate seats. Airlines considered that this already occurred for people with hidden disabilities. A number of airlines suggested that extending the ‘lanyard’ scheme, whereby a person chooses to identify that they might need additional help, to the

processes carried out by airline staff at airports and onboard aircraft would be beneficial to all.

The CAA has added more information about the 'lanyard' scheme and encouraged more airlines to use it. We have also added a reference to the 'lanyard scheme' to the section on prevention and refusal of carriage.

Staff training

In general, most respondents agreed that staff training should include modules specifically for staff on how to assist people with hidden disabilities. However, one airline considered that the guidance was too prescriptive. Another suggested that it should be focussed not on types of disabilities but on training staff to be more empathetic to individual requirements. It therefore recommended focussing more on general customer service skill sets than specific hidden disabilities. One airline suggested training should be focussed on the needs of people rather than their behaviours.

However, a number of disability organisations suggested that the complex nature and individual ways in which conditions can manifest themselves meant that specific training was preferable. One disability organisation suggested that training should be, as much as possible, done face to face and not through e-learning. Another organisation suggested that it would be preferable if the training was done by a person or organisation with knowledge both of disability and aviation.

The CAA does not consider that customer service skills are a substitute for disability awareness training. But both are important. The general support for this section means that few changes are needed, although we have put extra emphasis on staff training on recognising the needs of people with hidden disabilities. We have also added a reference to training in customer service skills being particularly important for communicating with and helping people with hidden disabilities.

We consider that if airlines follow recommendations in ECAC Document 30, Part 1, Section 5 annexes on training of staff, which is referenced in the guidance, this will help ensure there is a consistent approach to staff training amongst airlines. Airlines may also wish to engage with UK airports to learn from the progress that they have made in this area since the CAA issued guidance to airports on hidden disabilities (CAP1411).

Priority following disruption

There was very little comment on this section. Those that did respond on this section, acknowledged the requirements to prioritise disabled passengers during disruption under Regulation EC261/2004 and expected these to be followed. However, one airline noted that there could be a potential confusion over airport and airline responsibilities.

A consumer organisation noted that particular assistance might need to be provided during delays on connecting flights.

A disability organisation suggested there should be a section on assistance during emergency situations. People may need extra information to help evacuate an airport, for example more visual aids could be used to help prevent people being put in danger.

We have added an acknowledgement for the potential confusion over airport and airline responsibilities and provided extra clarity in this regard on airport responsibilities.

In regard to evacuation procedures, although valid, this is not an area covered under Regulation EC1107/2006. However, we will be considering how to take this important issue forward.