



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Specific comments on each of the key areas of the draft guidance, and a CAA response in italics, are below.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