

CIVIL AVIATION AUTHORITY
MINUTES OF THE 547th BOARD MEETING HELD ON
WEDNESDAY 18 NOVEMBER 2020, 10:00, on Microsoft Teams

Present:

Sir Stephen Hillier
Richard Moriarty
Rob Bishton
Katherine Corich
Marykay Fuller
AVM Ian Gale
David King
Anne Lambert
Paul Smith
Kate Staples
Chris Tingle
Graham Ward

Chair

Apologies:

Ben Alcott

Secretary and General Counsel

In Attendance:

Jane Cosgrove
Peter Drissell
Jonathan Nicholson
Tim Johnson

as Interim Communications Director

Philip Clarke
Barbara Perata-Smith

Minute-taker

Peter Gardiner	for item 5
Stewart Carter	for item 6
Andrew Walker	for item 6
Norma Hastings	for item 7
Julie Bryer	for item 8 and 9
Rachael Waller	for item 9
Jim Frampton	for item 10
Sophie O'Sullivan	for item 10

Rachael Caston	for item 11
Stu Wain	for item 11
Martine Freeman	for item 12
David Oastler	for item 12

I. APOLOGIES AND INTRODUCTIONS

1. Apologies were received from Ben Alcott.

II. CONFLICTS OF INTEREST, PREVIOUS MINUTES AND MATTERS ARISING

2. No new conflicts of interest were declared.
3. The minutes for the 21 October 2020 meeting were approved with some minor changes and would be published online in due course.
4. The matters arising from previous meetings were noted.

III. CHAIR'S REPORT (DOC 2020-85) BY SIR STEPHEN HILLIER

5. The Chair commented that although the pandemic and associated recovery plans created a fast-moving picture, the overall context was that industry was still facing significant challenges, compounded by the second lockdown which had affected traffic volumes even further.
6. That said, there were a number of key components, essential to the recovery, that were starting to come together, such as a potential vaccine, passenger testing, quarantine arrangements decreasing, although uncertainty still reigned.
7. The Chair said that the CAA would continue to offer advice and support to guide industry towards recovery. However, while the crisis had been painful, the road to recovery presented risks as the sector would want to increase their activities as quickly as possible when their workforce had been reduced significantly. The challenge for CAA would be to help the sector identify risks before they materialised and address them, mindful of the potential for difficult conversations with entities if their proposed activities got near an acceptable risk tolerance.
8. The Board noted the update.

IV. CHIEF EXECUTIVE REPORT (DOC 2020-86) BY RICHARD MORIARTY

9. Richard Moriarty requested one approval from the Board and provided an update on a number of live issues.

Approval

10. Draft resolution on modernising CAA Board meetings: Mr Moriarty thanked the Board for the comments received for the draft proposal and requested that the resolution was endorsed.
11. The Board approved the resolution

Live issues

12. Passenger Locator Forms: Mr Moriarty summarised recent developments, including the government's intention to legislate for stronger standards and more robust enforcement arrangements undertaken by the CAA in the aviation sector. Mr Moriarty added that the PLFs could work as a solution when passenger numbers were low, but higher completion rates might be harder as traffic volumes increase significantly. The ideal outcome would be for an integrated checking system similar to the passport arrangement that automatically linked a booking with a completed PLF. The Chair requested an update on this topic as part of the risk summary to be provided at the December Board.

ACTION: Richard Moriarty, Rob Bishton, Paul Smith, Iain Libretto

13. Passenger refunds: Mr Moriarty commented that a number of airlines were continuing to fly during the second lockdown in England, which could limit a passenger's ability to obtain a refund, as the EC261 regulations only applied in case of cancellation or denied boarding. Airlines could of course choose to offer a rebooking or refund even if the passenger did not have a right to refund under 261. However, the CMA had identified another legislative vehicle focused on the frustration of contracts delivery which could be relevant to this situation.
14. We continue to work with CMA on airlines refunds.

Internal matters

15. Inappropriate stakeholder behaviour: Mr Moriarty said that colleagues had provided positive feedback on the values and the policy on inappropriate behaviour within the organisation. However, several members of staff had also added that inappropriate behaviour from external stakeholders should also be addressed. Talking to other CEOs confirmed that these instances were common and a discussion at ExCo had indicated that strong action was required to give colleagues the tools and confidence to address these situations. Mr Moriarty added that Rob Bishton had volunteered to take this piece of work forward, to demonstrate our values were not just internally focussed but applied to the external interactions we had with industry. Commitment from the Board would also show support towards colleagues on the receiving end of inappropriate behaviour.
16. Jane Cosgrove commented that the CAA's policy on inappropriate stakeholder behaviour had recently been published externally, and we would raise awareness

internally to confirm our intentions to colleagues that the CAA took the matter seriously and would handle incidents accordingly.

17. Board members were supportive of ExCo's approach and said we should ensure our processes were smooth, to minimise frustrating bureaucracy that could irk stakeholders; should identify those who have offended and deal with them in the right way; and should be mindful of cultural differences, for example in the conversation tone.
18. The Chair summarised the discussion and added that the policy in place would be used to its full extent and that the Board strongly supported the cause.
19. Cognitive Impairment: Mr Moriarty mentioned that CAA was due to publish the report on Cognitive Impairment which had been carried out by Dr Sally Evans and that if any Board member was interested to request a copy directly from him.
20. The Board noted the report.

V. SARG MONTHLY SAFETY ISSUES REPORT (DOC 2020-87) BY ROB BISHTON

21. The Board welcomed Peter Gardiner to the meeting.
22. Rob Bishton brought the Board's attention to the part of the report detailing incidents and major safety events and welcomed questions. He added that in carrying out oversight work the team had been directed to constantly question our model of operations to ensure it adapted to the requirements of the environment. For example, CAA was continuing to challenge entities that intended to ramp up their operations about how they planned to maintain safety performance and the consumer experience. Weekly meetings addressed issues and concerns, developments in government policy and our response.
23. Internally, in addition to her Head of UAS role, Sophie O'Sullivan had also been appointed Acting Head of the GAU to cover Rachael Gardner-Poole's secondment with the UK Space Agency. A Rapid Capability Office would also be set up with colleagues working on problems that had shorter term challenges and deliverables. Mr Bishton thanked AVM Ian Gale for putting him in touch with an MoD colleague who had advised him on the military approach to such situations.
24. David King commented that risk 10, highlighting the impact of the recovery on operations, should be a key area of focus. The greatest potential risk of the pandemic for aviation safety performance could occur if there was an acceleration in passenger volumes – for example when an effective vaccine was introduced. Mr Bishton agreed and said that the team was working through this issue with individual entities and as a collective through the Industry Resilience Group (IRG) and would be designing appropriate mitigations.

25. Graham Ward enquired what activity was associated with risk 3, on change management. Mr Bishton explained that, when the team first dealt with the crisis, there were a number of safety notices themed around the decisions entities had to make to save costs. The notices were initially useful to keep CAA in the loop, but had now evolved into an instrument that helped us understand stakeholders' ability to manage their Safety Management System (SMS) through the recovery. The SARG team also worked with Paul Smith's team to discuss the financial resilience of organisations.
26. Mr Smith commented that conversations with airports had indicated many were reluctant to increase resource until some stability could be assured, and that, as a consequence, they accepted there may be a decrease in customer services. The team understood that security and safety would not be affected, but would monitor the impact on those with reduced mobility.
27. Richard Moriarty added that, in order to support the conversations Mr Bishton and his team were having with the SMS Accountable Managers, the messages around safety and security would be reiterated during bilaterals that he and the Chair had planned.
28. The Chair referred back to the list of headline risks and enquired whether rating the Max 8 at 20 was incongruous considering it was just about to be approved for return to service by the US FAA. Mr Bishton said that this issue had been debated at length, but the team had decided it would be prudent to keep it on our radar until such time the return to service had been successful.
29. Mr Bishton added that the team had been working extensively with airlines on supply chain management, and thanked Katherine Corich for attending the Safety Directors meeting. Mr Bishton extended the invitation to the meeting to any Non-Executive Director interested.
30. The Board noted the report.

VI. UPDATE ON HEATHROW AIRPORT LIMITED'S (HAL) PRICE CONTROL OPENER (DOC 2020-94) BY PAUL SMITH

31. The Board welcomed Andrew Walker and Stewart Carter to the meeting.
32. The Chair explained that, at the November PIE, stakeholders had asked about the quality of the CAA's process for considering this request. This follow up discussion was to allow the Board to review again the approach we were taking and the quality of our process. The topic would return to the Board for consideration in December and January.