

## **Response of BAR UK to the CAA's consultation 'Passenger Representation and Complaint Handling'**

The Board of Airline Representatives in the UK (BAR UK) represents the interests of almost 90 scheduled airlines with a UK presence, and is pleased to be able to respond to this consultation.

### **Concerns**

Having read the consultation paper, a number of concerns arise.

1. Having already implemented the decision to abolish the Air Transport Users Council (AUC), a void now exists. Consequently, regardless of the consultation responses, the decision to form the Aviation Consumer Advocate Panel (ACAP), and to recruit members, has already been made.

On that basis, the consultation's questions about the formation of the ACAP, its role and scope, seem academic.

It is to be hoped that this is not the case, as the responses provided may not point the same way forward as set out by the CAA.

2. It is unclear whether this consultation is presuming to regulate customer experiences at airports, and on board aircraft, or if it is seeking to ensure that consumers are not denied their rights under the laws of the UK and/or EU.

Compliance with regulation is a well-defined and measurable objective, but it cannot be the role of the Regulator to regulate market-place competition e.g satisfaction with customer service levels.

3. It is also unclear as to what consumers are intended to be covered by this regime – all airport users regardless of country of residence, or solely those resident within the UK.
4. It is unclear where, in the case of difference between an airport/airline and the consumer, the balance of neutrality lies. The CAA, in the context set out by the consultation document, would be seen as judge and jury.

### **Responses to the Consultation**

#### **Aviation Consumer Advocate Panel (ACAP)**

Our summary responses to the consultation questions are provided immediately below. They are then followed by our views which encapsulate matters more holistically, as they lead into each other.

Question 1: Do you agree with the proposed role?

**Response:** *No. The consultation document fails to define a clear need for ACAP.*

Question 2: What are your views on the proposed scope of ACAP's work?

**Response:** *The proposed scope is ill-defined, and not a basis on which definitive answers can be provided.*

Question 3: Are there any specific areas of the CAA's work that you would expect the Panel to be involved with?

**Response:** *Monitoring of compliance with EC Regulations.*

Question 4: Do you agree that ACAP should interact with other consumer organisations? Are there any other organisations that you think should be included?

**Response:** *It's not possible to respond until clarity of purpose of the ACAP is established. However, it does raise the issue that, in a difference of opinion with any external consumer organisation, will ASCAP stand up for itself? Also, noting that it's not intended to be a public-facing body, how will present itself to the media if one of those external organisations goes public in an adversarial manner against the ACAP?*

*The responses above are negative or inconclusive because the consultation document raises more questions than answers.*

*To quote 'Its work would therefore be focused primarily on passengers and would cover their interaction with the market in the UK, from booking a ticket, the airport experience, on-board the aircraft and making a complaint'.*

*This broad-brush role suggests that anything and everything that a passenger may not like can come under the microscope – but is that sensible let alone practical.*

*In an airport sense, if a passenger complains that the car park shuttlebus service was inadequate, or the drop-off zone was too far away, are these really issues for the ACAP?*

*Similarly, if the website booking transaction was slow, or the meal on board a flight wasn't good enough, are these also issues for the ACAP? BAR UK contends they are not.*

*Instead, it is suggested that the ACAP should be focused on the regulations that apply, and assess compliance standards.*

*Possibly the most common instances for assessment of compliance would be in respect of:*

*EC 261/2004 Denied Boarding Regulation*

*EC 1107/2006 PRM Regulation*

*EC 1008/2008 Air Services Regulation (transparency of air fares)*

*The assessment and monitoring of these Regulations would be, it is to be hoped, both objective and measurable. All other possible roles are ill-defined and unmeasurable.*

*There is an unasked question of the ACAP – 'who handles complaints about the CAA? In a consumer context, who is covered by ATOL, and who isn't, is an industry and consumer topic, for which the CAA makes the decisions. Who will be the arbiter of the consumer disputes that arise?*

## **Membership**

Question: Do you agree?

**Response:** *No, BAR UK does not agree.*

*Until the role and scope of the ACAP is well-defined, it is not possible to provide any objective response.*

*As it is, the closure of the AUC has created a void that CAA now seeks to fill by the ACAP. It is already proposed that 10 Panel members be enrolled, but without explaining why this number is required. It is also intriguing to notice that, despite the existence of the CAA's own Economic*

*Regulation expertise, it is suggested that such expertise would be helpful on the panel. Such a presence might be a conflict with CAA itself, and put the role of 'critical friend' under undue stress. As expounded in the consultation document, the neutrality of the ACAP, in respect of objectivity towards airports and airlines, must be questioned.*

*The proposed constituents of the ACAP are seen as 'pro-consumer'; therefore, that raises the distinct possibility of an inbuilt bias against airports and airlines*

Question: Are there any other types of expertise that we should be looking for?

**Response:** *If the ACAP is established, and is intended to be the CAA's 'critical friend', then CAA must be open to points of view of all stakeholder; it must surely have an interest on board from airports and airlines.*

### **Recruitment**

Question: Do you agree?

**Response:** *BAR UK does not agree.*

*Furthermore, BAR UK contends that recruitment should be froze until the role and scope of the proposed ACAP is clearly defined.*

Question: Are there any specific interest groups that should participate in the selection process?

**Response:** *Notwithstanding our response that recruitment should be frozen, it is puzzling to see why CAA should seek to go outside its own organisation for the selection process. This would surely add time and unwarranted cost to it.*

*There are various unasked questions in this section as well, including:*

*What are the proposed terms of service, both for an initial period and also for subsequent periods of appointment? Who in the CAA will be making the appointment? How might conflicts of interest be notified and acted upon? How might the CAA be able to terminate an appointment if it was deemed to be in the best interests of ACAP and its role?*

### **Payment of Members**

Question: Do you agree that at least the APAC chair should receive payment?

**Response:** *No comment is possible until:*

- a. *The role of APAC is defined and agreed*
- b. *The scale of remuneration and conditions are understood*

*BAR UK wishes to be very clear at this stage – we do not accept the need for an APAC as currently proposed.*

*Should the bulk of work be monitoring compliance with EC Regulations, then this work should fall within the realms of the CAA itself, and not be the source of unrequired additional expenditure.*

Question: What is your view on funding of other APAC Members

**Response:** *Please refer to response immediately above.*

### **CAA Complaint handling**

Statement: We would welcome your views on how we can ensure we integrate the CAA's complaint handling with existing airport or airline processes.

**Response:** *It's believed that there are approximately 130 airlines operating within, or to, the UK, so BAR UK is not at all sure that CAA can integrate its complaint handling in this way.*

*Airlines tend to run their own systems, many of which are shaped or controlled at a Head Office level.*

*Instead, it's suggested that CAA set its own standards of acknowledgements and responses requested.*

*BAR UK would welcome all airline complaint issues being streamlined through the adoption of work currently handled by other entities.*

**Question:** Do you think that the CAA should handle all types of complaints about aviation?

**Response:** *No, we do not.*

*As stated at the beginning of this response, it is not the role of the CAA to regulate customer service issues of all stakeholders.*

*Should CAA decide otherwise, it will face a deluge of complaints unrelated to its main role, e.g. complaints about how long an airport or airline took to answer the phone, or the attitude of the person on the other end. These are customer service issues for the stakeholder to handle or lose business next time round, not matters in which the CAA should be involved.*

### **Key Performance Indicators**

*BAR UK does not offer any KPIs for this aspect.*

*Instead, BAR UK suggests that there is a great opportunity for the work of the Complaints Unit to be published, in appropriate form, with airports and airlines.*

*In previous times, such engagement did not take place. Instead, press releases would be issued that were not circulated to the interested parties. Consequently, media enquiries could not be handled.*

*Trends, good as well as bad, can be identified and then circulated to others, not least Head Offices, within our membership.*

*END*