



**Access to Air Travel for Disabled Persons and Persons with Reduced Mobility:
Consultation on Draft Code of Practice**

Information

- 1 Paragraph 11.2 of the minutes of the last meeting records the receipt of a consultation from the DfT on the draft Code of Practice for Access to Air Travel for Disabled Persons and Persons with Reduced Mobility. It was agreed that the Vice Chairman would draft a response on the Committee's behalf, perhaps working with the group established to consider a response to the DfT's consultation on the use made new powers granted by the Civil aviation Act 2006 (covered elsewhere on this agenda).
- 2 A response to DfT was required by 23 June 2008.
- 3 The Vice Chairman's report is attached at Annex A. The topic was briefly discussed at a sub group meeting held before the last meeting of NTSC when it was agreed that to raise little comment in that the code seemed very comprehensive and the Airport has already taken detailed action. The response sent to the DfT is at Annex B.

Recommendation

- 4 That the response sent to DfT be noted and endorsed.

ANNEX A

Access to Air Travel for Disabled Persons & Persons with Reduced Mobility

Depart of Transport Revised Code of Practice 2008

Report by Bernard Lloyd, Vice Chairman of London Luton Consultative Committee

The new European Regulation (EC) No 1107/2006 and the findings of a study into compliance with the March 2003 Code commissioned by the Department for Transport (DfT) have led to a revised version of the Code which the DfT wish to publish in the Summer when the European Regulation comes fully into force.

The DfT has launched a consultation document which also takes the opportunity to set out the Government's response to two issues raised last year on enforcement of the European Regulation, namely legal assistance to individuals to pursue cases under the EC Regulation and application of the Disability Discrimination Act to Air Transport Services.

Legal assistance to individuals to pursue cases under EC Regulation 1107/2006

Individuals will be able to pursue any breach of their rights under the EC Regulation through the civil courts, as already happens with UK disability discrimination law in relation to provision of services.

The DfT acknowledges that the Civil Aviation Authority's enforcement activity will focus on persistent and wilful offenders rather than testing the boundaries of the law, which would need to be pursued by individuals through the civil courts. The DfT therefore accepts that it is right that the Equality and Human Rights Commission (EHRC) should be able to provide assistance, subject to decisions on its future legal strategy and priorities. It is also intended to extend these rights to Northern Ireland.

Application of the Disability Discrimination Act to Air Transport Services.

Stakeholders have called for the lifting of the exemption from Part 3 of the UK Disability Discrimination Act (DDA) for air transport services because:

1. The EC Regulations and the DDA use different definitions of disabled person. The Regulation applies to "any person whose mobility is reduced when using transport" whereas the DDA definition of disabled does not relate solely to mobility.
2. Whereas the DDA requires service providers to make unspecified "reasonable adjustments" to enable disabled people to access services, the EC Regulation lays down specific assistance which airports and airlines are required to provide.

The Government believes that there is not sufficient justification to lift the DDA exemption at this time but intend to monitor complaints and keep this decision under review.

I agree with their approach to both these issues.

The Proposed New Code and EC Regulation.

The consultation asks:

- Do you consider the Code provides adequate guidance in all relevant areas?
- Are there recommendations in the Code which you do not support?

- Do you have any other comments on the Code?

Much of the consultation document and the Code set out the requirement of the EC Regulation. This is not surprising because the EC Regulation goes into quite fine detail. The following seeks only to summarise the information in the document.

Pre-journey

Air carriers, tour operators and, where relevant, travel agents, should make available in accessible formats both general information, as well as specific information about services or arrangements for disabled persons and persons with reduced mobility.

Air carriers, their agents, and tour operators shall take all measures necessary for the receipt at all points of sale, including by telephone and via the Internet, of notification of the need for assistance made by disabled persons or persons with reduced mobility and actively enquire during all booking transactions whether anyone will require assistance at the airport and/or in flight.

Normally an air carrier or its agent or a tour operator shall not refuse, on the grounds of disability or of reduced mobility, to accept a reservation or refuse to embark a disabled person or a person with reduced mobility but there are specific exceptions. Before accepting a reservation all reasonable efforts should be made to verify whether there is a reason which is justified on the grounds of safety to prevent such persons being accommodated on a flight.

There are certain conditions about the circumstances in which a personal assistant would be required to travel, also clear guidance on what airline cabin crew should not be expected to do, and for example seating and carriage of mobility equipment.

When an air carrier or its agent or a tour operator receives a notification of the need for assistance at least 48 hours before the published departure time, it shall transmit the information concerned at least 36 hours before the published departure time for the flight to the managing bodies of the airports of departure, arrival and transit and also to the operating air carrier if a reservation was not made with that carrier. Where the 48 hours does not apply notification must be made as soon as possible.

Arrival at the airport.

In cooperation with airport users and relevant organisations representing disabled persons and persons with reduced mobility, the managing body of an airport shall, taking account of local conditions, designate points of arrival and departure within the airport boundary or at a point under the direct control of the managing body, both inside and outside the terminal buildings at which disabled persons or persons with reduced mobility can, with ease, announce their arrival and request assistance.

These designated points shall be clearly signed and shall offer basic information about the airport in accessible format. Basic information could include a map of the relevant airport terminals and a list of key facilities such as check-in areas, toilets and restaurants.

In all car parks the design of entry equipment should take account of disabled users, including wheelchair users, e.g. positioning, height, ticket issue and provision for deaf and hearing impaired people. An easy to operate help button should be provided at the entrance. Height barriers should have a vertical clearance of 2.6m from the ground level to allow access to high-top conversion vehicles or alternative arrangements to provide for these vehicles.

Moving through the airport and boarding the aircraft.

In the past, assistance needed by disabled or reduced mobility passengers to use the airport and board the aircraft has been provided by both airlines and airports. To ensure a seamless service, the EC

Regulation places a legal obligation solely on airport managing bodies to provide assistance. However, this does not prevent airport managing bodies from contracting with third parties to supply the assistance and recharging the cost to the airline users of the airport.

This assistance includes arrangements necessary to:

- communicate their arrival and request assistance
- move to the check-in
- check-in and register baggage
- proceed to emigration, customs and security
- proceed to and board the aircraft with appropriate assistance
- proceed from aircraft door to their seats and store baggage.

This will include ground handling of all necessary mobility equipment and recognised assistance dogs, when relevant. Also compensation for lost mobility equipment

There are detailed suggestions about the design of the infrastructure to provide for the needs of disabled persons and persons with reduced mobility.

On board the aircraft

An air carrier will provide without additional charge, carriage of assistance dogs, medical equipment and transport of up to two pieces of mobility equipment, will communicate flight information in accessible form. Make reasonable efforts to arrange suitable seating, assistance in moving to the toilet and nearby seating for an accompanying person.

Disembarkation, transfer arrangements and leaving the airport.

The EC Regulation specifies that airport managing bodies shall provide assistance and arrangements necessary to enable disabled persons and persons with reduced mobility to:

- retrieve luggage on the aircraft
- proceed to the aircraft door
- disembark with provision of assistance
- proceed to the baggage hall and retrieve baggage
- complete immigration and customs procedures
- proceed to designated point
- reach connecting flight where appropriate.

Customer feedback and complaints

Airports should consider appropriate means of seeking feedback both negative and positive on the assistance provided to passengers.

Airports and airlines should put in place robust procedures for handling complaints from disabled or reduced mobility passengers and should aim to respond within a reasonable timescale.

Passengers dissatisfied with the response may elect to make a formal complaint to the appropriate body designated under the EC Regulation.

London Luton Airport Operations Ltd

On 30th May I met with Janet Page of LLAOL and was given a briefing on the action being taken by the airport operators.

They accept that they now have a duty under the new EC Regulation to provide a seamless facility for disabled or reduced mobility passengers from arrival at the airport to the aircraft cabin whereas previously this was the responsibility of the airlines.

A contract was put out for a company to undertake these duties on behalf of the airport operators and one has been chosen from three bidders to start on 26th July. TUPE will apply. Airlines will be charged for this service.

A help desk will be provided and manned by trained staff. Passengers will be given pagers which will allow the service provider to advise them when they are ready for boarding. It gives the passenger the opportunity to wander around departures to shop or take refreshments in a more relaxed way whereas now they are disinclined to leave the Special Assistance Area.

Passengers will also be able to call for help when they arrive rather than call ahead. Resource constraints do not allow the airport to spare anyone to wait for passengers to arrive.

A licence for entry of assistance dogs into the airport is needed as well as a cage room and quarantine facilities.

LLAOL will improve training for front line staff and ensure there are facilities for passengers to telephone ahead for someone to meet taxi or car.

Response to Consultation

The Code is so detailed I could not find that anything had been excluded and I cannot think of anything that we could possibly add to this eighty page document.

As to the two questions raised earlier about legal assistance to individuals to pursue cases and the application of the Disability Discrimination Act to air transport services I think we should agree with the government approach.

Bernard Lloyd
16th June 2008.

ANNEX B

CONSULTATION RESPONSE FORM**Access to Air Travel for Disabled Persons and Persons with Reduced Mobility - Code of Practice****PART 1 - Information about you**

Name	James Bailey (Chairman)
Address	c/o London Luton Airport Operations Ltd, Navigation House, Airport Way, LUTON, Bedfordshire
Postcode	LU2 9LY
email	administrator@llacc.com
Company Name or Organisation	London Luton Airport Consultative Committee (LLACC)
Please tick one box from the list below that best describes you /your company or organisation.	
<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input checked="" type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Trade Union
<input type="checkbox"/>	Interest Group
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Other (please describe):
If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members: LLACC comprises 30 representatives from local authorities; aviation and business interests; and community groups. Due to the timescale imposed by the consultation, this response will be tabled at the next meeting of LLACC on 14 July.	
If you would like your response or personal details to be treated confidentially please explain why: Not confidential.	

PART 2 - Your Comments

1. Do you consider that the Code provides adequate guidance in all relevant areas?	Yes	
Please explain your reasons and add any additional topics on which you would wish to see further guidance: The Code is so detailed we could not find that anything has been excluded nor can we think of anything that could possibly be added to this eighty page document.		

2. Are there any recommendations in the Code which you do not support?		NO
<p>Please explain your reasons and add any additional comments you wish to make:</p> <p>You may find it useful to know the action already taken by London Luton Airport (LLA) as follows:</p> <p>LLA accept that they have a duty under the new EC Regulation to provide a seamless facility for disabled or reduced mobility passengers from arrival at the airport to the aircraft cabin whereas previously this was the responsibility of the airlines.</p> <p>A contract was put out for a company to undertake these duties on behalf of the airport operators and one has been chosen from three bidders to start on 26 July. TUPE will apply. Airlines will be charged for this service.</p> <p>A help desk will be provided and manned by trained staff. Passengers will be given pagers which will allow the service provider to advise them when they are ready for boarding. It gives the passenger the opportunity to wander around departures to shop or take refreshments in a more relaxed way whereas at present they are disinclined to leave the Special Assistance Area.</p> <p>Passengers will also be able to call for help when they arrive rather than call ahead. Resource constraints do not allow the airport to spare anyone to wait for passengers to arrive.</p> <p>A licence for entry of assistance dogs into the airport is needed as well as a cage room and quarantine facilities.</p> <p>LLAOL will improve training for front line staff and ensure there are facilities for passengers to telephone ahead for someone to meet taxi or car.</p>		

3. Do you have any other comments on the Code (e.g. structure, format, contents)? Please use the table below for detailed drafting comments.		NO
<p>Please explain your reasons and add any additional comments you wish to make:</p>		

4. Other comments.		
<p>Paragraph 4 of the Consultation sets out the Government’s response on two issues, namely legal assistance to individuals to pursue cases and the application of the Disability Discrimination Act to air transport services. We agree with the Government’s approach, particularly the need to monitor compliance.</p>		