

Air Passenger Rights

The GDA and Access4All have been involved in a number of initiatives to do with making travel more accessible for people with disabilities. This blog explains the situation concerning air travel.

The UN Convention on the Rights of Persons with Disabilities (the UN Convention), and the legislation it has spawned, have transformed travel by air (and by sea) in many parts of the world, and made travel more accessible. Guernsey's government has agreed to adopt the Convention.

Legislation, including European Regulations, govern how assistance must be given to people with restricted mobility (passengers with disabilities) and how people must be cared for, and compensated, should their travel be delayed or cancelled.

Of course, Guernsey isn't in the EU, but it has still benefited, to some extent, from these Regulations. Some flights (depending on the airline and where a flight originates) to and from Guernsey are covered by EU Regulations. With regard to travel by sea, Condor Ferries now applies the provisions and principles of the EU Regulations to all its sailings.

In the EU, airport authorities are legally responsible for assisting passengers while they are on airport premises. Practically, this may be done by the airport appointing a third-party to manage passenger assistance, with the costs then recovered from the airlines. Guernsey's Airport Authority is not required to comply with EU Regulations and any arrangements made to assist people with disabilities at Guernsey Airport are largely split, with the Airport Authority offering assistance from arrival to the check in desk and the Airlines then taking on responsibility for the passenger from the check-in desk to boarding.

This situation has meant that the standards of assistance, when departing from or arriving into Guernsey, may depend on which airline a passenger is flying with. In the past, this has even meant the difference between being able to travel or not, simply because some airlines were better equipped than others. It also means assistance is not "seamless" as EU Regs, and best practice, require.

Aurigny, Blue Islands, and other airlines not licensed by an EU Member State (Non-EU Community Carriers) are only required to comply with EU Regs on flights which start from an EU Member State (UK & France, for example).

Confused about how the EU Community Carrier thing affects your rights? You would not be alone, and the GDA has been concerned that disabled passengers, travelling with airlines who are not Community Carriers, arriving into or departing from Guernsey, or delayed in Guernsey, are potentially getting a lesser deal. These anomalies may not reflect well on Guernsey or help give confidence to people with disabilities travelling to and from our island.

We should be clear, this does not mean that disabled passengers do not get any support when travelling from Guernsey, but it does mean the right to expect certain standards is not granted, standardised, or protected, by law.

The GDA has been in discussion with Aurigny and Guernsey Airport Authority to see if passenger rights might be recognised further, and to see if arrangements for assistance might be improved, and standardised, at Guernsey airport.

The expected disability discrimination legislation will mean that passengers with disabilities will be able to challenge any policy or system which adversely affects them more than non-disabled passengers.

However, individual complaint is often adversarial and may not be the best way to achieve better standards – nor are such complaints likely to help improve attitudes towards disability. For these reasons, the GDA has put forward a proposal that an Air Access Charter be agreed and adopted

by the airport authority and the airlines which, to an extent, would mirror the provisions of EU Regulations.

The Charter is being drafted and is hoped to be in place before this summer. In the meantime, Aurigny has published two separate leaflets explaining the difference in the rights the company recognises depending on whether a passenger's journey starts from Guernsey or from an EU Member State. Guernsey Airport also has information on its website, which includes contact numbers to call to pre-book assistance.

The table below explains the current situation.

Recognition of Air Passenger Rights	from UK & other EU States	from Guernsey with EU Carrier	from Guernsey with Non-EU Carrier
Right to receive assistance at airport	✓	✓	P1
Right not to be refused travel by reason of disability (excludes reasons of safety)	✓	✓	✗
Right to have essential information available in alternative formats	✓	✓	P1
Right to be compensated for damage to wheelchairs and other mobility equipment	✓	✓	P1
Right to receive special assistance when flight delayed or cancelled,	✓	✓	P2
Right to be compensated for delayed or cancelled flight.	✓	✓	✗
Right to choose to be refunded if delayed more than five hours	✓	✓	P1
Right to overnight accommodation if delayed	✓	✓	P2
Right to refreshments if delayed 2 hours	✓	✓	✗
Staff dealing with passengers to receive disability equality & awareness training.	✓	✓	P1
Right to expect staff to be trained to assist persons with disabilities	✓	✓	P2
Assistance controlled and standardised by airport authority	✓	✗	✗
Complaint procedure, with route to independent appeal	✓	✓ AO	✗
Designated body monitoring compliance with regulations	✓	✗	✗
Designated points of arrival at key points in airports	✓	✗	✗
Accessible airport design	✓	P1	P1
Guaranteed respect for privacy of disabled traveller	✓	NC	✗
Communication between carrier and airport to ensure seamless assistance at airports for arrival, departure and transit.	✓	NC	✗
Managing body of destination airport informed of disabled passengers arrival on flight departure.	✓	✓	P1
Right for passengers to be accompanied by assistance animal.	✓	✓	P1
Right not to be charged for carriage of support equipment	✓	✓	P1
Separate accounts kept of charges made and costs incurred by airport authority with respect to special assistance	✓	NC	NA
Standards of assistance set and published by airport authority. User groups and organisations representing disabled people involved in setting standards.	✓	NC	✗

Note: NC = Not in airline's control

P1 = may be available through policy (not legally enforceable right)

P2 = may be partially available through policy (not legally enforceable)

NA = Not applicable

AO = applies only to complaints involving carrier, not Guernsey airport authority

An “EU Carrier” is an airline licensed by an EU Member State (EasyJet, for example)