



**JAMES E. THOMPSON – HM ASSISTANT CORONER FOR COUNTY DURHAM  
AND DARLINGTON**

**INVESTIGATION INTO THE DEATH OF ANDREW PAUL WESTLAKE  
CIVIL AVIATION AUTHORITY RESPONSE TO A REPORT ON ACTION TO PREVENT  
OTHER DEATHS PURSUANT TO REGULATIONS 28 & 29 OF THE CORONERS  
(INVESTIGATIONS) REGULATIONS 2013**

The Civil Aviation Authority (CAA) has considered carefully the report of the Assistant Coroner to prevent future deaths and the concerns raised:

- *Training for airline and ground staff (employed by UK airlines) on vulnerability of lone passengers when disembarked overseas.*
- *Procedures for safeguarding vulnerable passengers such as Mr Westlake.*

Introduction

The CAA was not an Interested Person at this inquest. As such, we did not have access to the evidence. To understand the background to this case, we have relied on knowledge gained from reviewing press articles and information contained in the Regulation 28 Report received from the Assistant Coroner.

The CAA has no direct regulatory oversight of UK airline operators' overseas passenger disembarkation training and procedures. There is no specific aviation legislation that supports the CAA's formal intervention concerning safeguarding vulnerable passengers. Nevertheless, the CAA does recognise the significance of its role regulating to safety and consumer protection in UK aviation, including the statutory requirement to have due regard to further certain societal objectives relating to equality when carrying out its functions.<sup>1</sup>

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<sup>1</sup> Equality Act 2010 section 149(1).

We consider that it may be of assistance to the Assistant Coroner for the CAA to provide comment on Jet2.com's decision to disembark Mr Westlake from the aircraft on or about 28 May 2018. Colleagues in the CAA's Safety and Airspace Regulation Group can see no reason to question that decision. It is a basic tenet of aviation safety that an aircraft Captain has absolute control of the aircraft and must take appropriate action to ensure the safety of the aircraft and the passengers on board.

Furthermore, upon receipt of the Regulation 28 report the CAA contacted Jet2.com to discuss the steps the airline operator intended to take to respond to the concerns raised by the Assistant Coroner (set out above). Representatives in the CAA's Safety and Airspace Regulation Group (aviation safety) and Consumers and Markets Group (consumer protection) then reviewed the Jet2.com *Ground Operations Policy Update* that we are instructed will be sent separately to the Assistant Coroner by Jet2.com in response to his report. We are now able to confirm the approach now adopted by Jet2.com is what the CAA would expect from a responsible operator in terms of dealing with vulnerable passengers such as Mr Westlake.

### Vulnerable Consumers

The CAA's Consumer Panel<sup>2</sup> recently invited the CAA to take steps to improve the support that is provided to those consumers who are vulnerable in order to gain a better experience whilst they interact with UK airlines and airports.

The CAA's accepted definition of consumer vulnerability is set out below:

*“When a consumer’s personal circumstance or characteristics combine with the way the aviation market operates to mean they are less likely to be able to engage effectively in the market and more likely to be more severely affected or suffer greater detriment. Industry actions can reduce or exacerbate consumer vulnerability in aviation.”*

The Consumer Panel has also provided the following key points to add context to the definition:

- It is clear that circumstance can affect a consumer's vulnerability, not just their characteristics, so anyone can be vulnerable in particular circumstances;
- A consumer's vulnerability can be either visible or invisible: this does not solely capture those with reduced mobility;

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<sup>2</sup> The CAA Consumer Panel is a non-statutory body established, amongst other things, to help the CAA to understand fully, and take account of, the interests of consumers in its policy development and decisions. More information here: <https://www.caa.co.uk/Our-work/About-us/CAA-consumer-panel/>

- Vulnerability can be temporary or transient, it doesn't have to be permanent to be captured by the definition;
- It is very clear that industry has a role to play in improving the situation for vulnerable passengers, and it is equally clear that industry can make it worse by their actions.

There is substantial overlap between the concept of consumer vulnerability (and the Consumer Panel's ambitions for the CAA in this area) and the requirements imposed on the CAA under the Public Sector Equality Duty.

This tragic case has emphasised the need for the CAA to further the initiative proposed by the CAA Consumer Panel and encourage those we regulate to respond appropriately to the needs of a wide range of vulnerable people at all stages of their interaction with the UK aviation industry. The CAA is confident that working with the UK aviation industry will lead to a better understanding of the potential needs of passengers like Mr Westlake, whether they are traveling alone or with others. Our aim is to encourage all sectors in the UK aviation industry to adopt procedures that recognise and respond effectively to those who may require enhanced individual support.

The CAA Executive will receive a report from colleagues during the first quarter of 2021, using the adopted definition above on proposed improvements to the treatment of vulnerable consumers by the UK aviation industry. The report will include initial proposals for the CAA Executive to consider increasing our engagement with industry, starting with the CAA Chair, [REDACTED], raising this issue with larger regulated organisations. This report will also emphasise the need for the CAA to encourage its own staff, and in the case of front-line staff, receive training on the needs of vulnerable individuals when engaging with our stakeholders.

The CAA's intention is for this initiative to be regularly reviewed by the CAA Executive so that we can learn the lessons from our progress and ensure that the focus of this work is maintained. We anticipate this work will lead to real progress on improvements to the care of those who are more vulnerable in our society when engaging, at all stages, with the UK aviation industry.

### Conclusion

There are no regulations that would enable the CAA to mandate changes to UK airline procedures and training for the disembarkation of vulnerable lone passengers overseas. We will however continue our work to support the UK aviation industry make improvements to the treatment of vulnerable consumers. The CAA is actively taking steps to increase our engagement with UK aviation stakeholders including airline operators, to enhance the

support they offer to all consumers who may be considered vulnerable, whether that be from a known condition or as a result of unexpected circumstances.

**CAA**

**22 January 2021**