

Transport Committee

Oral evidence: [Air traffic control disruption](#), HC 1849

Wednesday 18 October 2023

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Members present: Iain Stewart (Chair); Jack Brereton; Paul Howell; Grahame Morris; Gavin Newlands; Greg Smith.

Questions 1–15

Witnesses

[I](#): Simon Calder, travel journalist and broadcaster.

Examination of witness

Witness: Simon Calder.

Q1 **Chair:** Welcome to today's session of the Transport Select Committee. We will be looking at the air traffic control problems over the summer and the impact that they had on passengers. I welcome our first witness to the Committee. Mr Calder, can you give your name and organisation, please?

Simon Calder: Good morning. I am Simon Calder, the travel correspondent of *The Independent*.

Q2 **Chair:** Thank you for giving us your time this morning. It is a month and a half or so since the incident took place. Initially, can you give us an overview of how that event happened and the impact that it had, from your perspective, on the travelling public?

Simon Calder: Yes. Obviously, we will find out more about this from NATS and other aviation experts. Having read the report, it is clear that at about 8.30 in the morning on 28 August, which was a bank holiday at the peak of the summer season, there was a failure of both the main air traffic control system for en route operations and the back-up system, the source of which appears to have been an anomalous flight plan that shut down both systems within 20 seconds of each other.

Clearly, I am very concerned about the impact on the passenger. The scale of that was immense. I will give you an idea of what happens when a single flight is cancelled. As we all know, whether you are on your way to the airport, at the airport or sitting in the aircraft—whatever stage of the journey you are at—you are already emotionally very heavily invested in that journey. You might be going on holiday. You might be returning for family or business reasons. You need to travel and, suddenly, you find that you are not going to be reaching your destination as you thought. Instead, you have no idea how the next few hours or days are going to turn out. If you have been in this position before, you will also know that you are in competition with everybody else on the aircraft to find alternative routes to your destination and, if necessary, hotel accommodation.

It is a bleak prospect when a single flight gets cancelled. Multiply that by over 2,000, which is my calculation of the number of flights affected—1,600 on the day and another 400 over the next few days because, typically, aircraft and flight crew were out of position—and you have a total, I calculate, of about 300,000 passengers who were in the position of having their flights cancelled.

Q3 **Chair:** When events like that happen, there are lots of media stories and anecdotal reports of passengers being stranded and inconvenienced. It takes a little time to assess a clear picture of what happened. Are we at that point yet or do we need longer to assess the full impact?



Simon Calder: The immediate impact for the typical passenger—I include honourable Members in this—is that, thankfully, you are able to investigate options for onward travel and, quite often, to book those on your smartphone. You can also find accommodation, if necessary, although bear in mind that this took place at a time when hotel accommodation was as full as it could be. To take somewhere like Palma in Majorca, you had the morning flights all coming in from the UK and elsewhere, bringing in passengers who were beginning their holidays, and many thousands of passengers trying to get out were caught up when their flights were cancelled abruptly. There was simply no hotel accommodation to find.

I believe that most people have managed to reclaim the costs of that. There are some issues where individual airlines in individual cases appear to be obstructive about meeting those costs. I can certainly write to the Committee about those. Ultimately, there is a constituency of passengers who appear to have been overlooked. I have heard from one or two of those. They do not have the means to book another flight; they do not have the means to pay for it and cannot sustain a debt of several hundreds or even thousands of pounds while they are waiting for the airlines to recompense them. It is very messy. The Civil Aviation Authority and the Competition and Markets Authority wrote to the airlines in July 2022 to explain that they believed that, as a matter of professional diligence, those particular individuals should be cared for.

Chair: We want to turn to some of those issues in detail in a short while. Jack, I turn to you next.

Q4 **Jack Brereton:** My family and I were stuck at Palma airport a few days after the event. I think it was the Thursday. We were trying to get back, but the disruption was still quite considerable then. Our flight ended up being delayed for five and a half hours. We were meant to fly at 10 o'clock, and it ended up being something like 3.30 in the morning. It was quite disrupted.

We are keen to know your views on what support passengers were entitled to from those airlines and what support they actually got. Would you like to comment on that?

Simon Calder: Sure. I will talk in broad terms. As you know, under the European air passenger rights legislation, which is retained EU legislation, it is absolutely clear that if you are heavily delayed or, indeed, your flight is cancelled, the airline immediately has obligations to you, regardless of the cause. Compensation, when it is the airline's responsibility, is not relevant in this situation, of course.

The twin obligations are to provide you with an alternative means of getting to your destination, if there has been a cancellation, and to provide care while you are waiting to reach your destination. In your case, that would involve meal vouchers commensurate with the length of the delay. I am not sure whether you got those. There are two elements.



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You have to get the passenger to their destination, and you have to provide them with accommodation, if necessary, and meals until you do.

It is very easy to state, but very difficult to do, partly, as I have explained, because of the extreme demands on the accommodation provision in many places and partly because at that time of the summer airlines are at absolutely full capacity. It is when they make their money. I am sure that the fares that you paid to come back from Palma were very high. That is a reflection of the extreme demand. There aren't spaces easily available on alternative flights. In many cases, people booked alternative flights that were then cancelled because of the ongoing disruption. There is very little that anybody can do about it, not least because we have the busiest airport system and aviation hub in the world in London, specifically, and our two key airports, Heathrow and Gatwick, are effectively full, particularly on a bank holiday weekend in August.

Q5 Jack Brereton: I am concerned about the lack of information. Often information is not shared with passengers. Many of the passengers I was waiting with did not know that our flight was going to be heavily delayed. We ourselves did not know. We were not told that by Jet2 until we got to the terminal. That was the case for many passengers. Many passengers did not know that they were entitled to meal vouchers, which is very concerning, and in many cases a lot of the restaurants in the airport would not even accept those vouchers. There were very few that would accept them. Is that lack of information, and people not really understanding what they are entitled to, something that you have seen across multiple airlines and airports?

Simon Calder: That is a very good question. Yes. There are two elements to communication. The first, which is absolutely a duty that the airlines have and one that they need to be helped to explain to passengers—I think that it is pretty much the top line in the air passenger rights rules—is that you have to tell people what their rights are. You must be explicit about the duty of care and the opportunity to travel on other airlines or, indeed, other forms of transport; Eurostar laid on extra trains to get people back from Paris. That needs to be spelt out in a message to people. As we all know, our smartphones will get lots of messages trying to persuade us to take advantage of all kinds of ancillary spending opportunities with the airlines. They know where we are. They know what our rights are.

I cut the airlines some slack when it comes to communicating on the day, because you cannot communicate what you don't know. The first casualty of extra aviation disruption is communication.

Q6 Jack Brereton: Actually, no. In this case, they knew that the flight was going to be five hours late, but they didn't communicate it to anybody.

Simon Calder: That is most regrettable, but in many cases the airlines were simply desperately trying to find slots in order to get the aircraft



moving. It seems that in your case, because it was several days later, the airline should most certainly have let you know, not least because you could possibly have enjoyed a few more hours in Palma rather than sitting at the airport eating indigestible sandwiches.

- Q7 Jack Brereton:** Exactly. The other point I want to raise, which you mentioned, is about compensation. I put in a compensation claim to Jet2. It has come back saying that the Civil Aviation Authority in the UK has confirmed that disruption during that system failure and the knock-on delays and cancellations over the following days are likely to be extraordinary circumstances, so they are not going to pay anybody any compensation. Is this the regular line that is trotted out with all these sorts of events? Do you think that the rules around who is entitled to compensation should be changed?

Simon Calder: If I may, I will tackle the second part of your question first. There is a big discussion to be had—the Committee may wish, in time, to look at this—about the nature of compensation arrangements. As you will be aware, if it is the airline’s responsibility and your flight arrives two hours and 59 minutes late, you get nothing. If it arrives three hours to three days late, you get hundreds of pounds, which perhaps seems iniquitous.

The analogy in rail, of course, is that there is a kind of general no-fault refund of part of your fare. That is one possibility. In terms of airlines not wanting to pay cash compensation, as we have seen the most serious disruption since the covid pandemic precipitated by air traffic control, I don’t think it would be difficult for any airline to argue that your flight was late as a direct result of that. I imagine that if you went to alternative dispute resolution, for instance, you would get a timeline of what happened. Again, the lack of communication is regrettable.

- Q8 Chair:** Before I turn to Greg, can I ask a little supplementary? You mentioned the rail industry, where they have the Delay Repay scheme. It is fairly easy for the passenger to use. They do not have to worry about whose fault it was—whether it was the operator, the infrastructure provider or whoever. That is all worked out behind the scenes. How feasible do you think it would be to have a similar scheme for airlines so that the passenger has one point of contact to go to if something goes wrong and it is then worked out without their having to navigate their way around what is often a very complex system?

Simon Calder: That sounds entirely feasible, although, as with teaching, it is very easy for everybody to explain how airlines could run their businesses better.

The crucial point is that, when I have made a claim because it is the airline’s responsibility, it has generally been responded to in a timely fashion and I have been recompensed, where the airline agrees that it was responsible. It would be great to have something like the one-click Delay Repay that you get on some train operators to get your fare back



if, for instance, there is a very serious delay. However, that would require a complete reworking of the air passenger rights rules, which I guess the UK is free to do now, being outside the European Union. Of course, if you are talking about a Jet2 flight from Palma, that is covered by the European rules as well as any different UK rules, so having common rules is possibly useful in that case.

Q9 **Greg Smith:** Good morning, Simon. When you came to the Committee last year, you were pretty blunt in saying that you were not seeing any real improvement in passenger care by the airlines. Clearly, the events of August were in many ways exceptional. In the long term, are you seeing any improvement in passenger care since you last came before us? From the events in August, were there any particular lessons that you think the airlines had learnt and that showed some progress amid the chaos that Jack and others experienced at that time?

Simon Calder: Thank you for that. Yes, I have heard about individual cases—again, I can write to the Committee with those—in which airlines miraculously found some hotel rooms and organised a bus, in extreme circumstances, to take people to the hotel. Naturally, I have heard much more about terrible stories than about great stories.

Another episode of disruption that happened just a week ago—the fire at Luton airport—caused 235 cancellations. On the actual night, five flights, all fully loaded, with people ready to go, were grounded because of the airport closure. At half-past 11 at night, those people suddenly had to find somewhere to stay. I do not know whether you know the Luton area well, but there is a limited number of hotels. I was there at 5 o'clock the following morning and met an awful lot of people in the terminal who had spent the night in the terminal. That was in a relatively small set-up. It is a question for the airlines. How much should they invest in having systems that can be set up late at night in order to accommodate these passengers?

Q10 **Greg Smith:** I appreciate that and it leads to the following question. When one of these incidents happens—be it the fire at Luton or the air traffic control problem in August—it is an enormous cost to the airlines. I do know Luton. You cannot find that many hotel rooms at the drop of a hat, so you are going to be moving people significant distances. In some of your reporting and some of the evidence that you have given, you have alluded to the fact that the heavy costs that the airlines face will ultimately have to be picked up by passengers. How do you foresee that coming through? Do you see it as just higher fares in the future or as more added extras in the costs that passengers pay? How do you see that passengers will end up paying those additional costs?

Simon Calder: The European air passenger rights rules place a financial burden on the airlines. My understanding for the bank holiday Monday air traffic control issue was that for a smaller airline like Loganair it would be £300,000 in welfare costs and for a larger airline like Ryanair it would be £15 million. You cannot say, "As a result of that, I am paying £1 extra to



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travel to Dublin next month.” However, there is clearly a direct relationship between the costs that an airline must bear, its level of fares and, furthermore, the extent of its activities. Ultimately, any increase in cost at the margins will lead to a reduction in choice and/or higher fares. There is a discussion to be had about whether travel insurance would be a better remedy in these cases. *[Interruption.]* I hope that wasn’t me selling travel insurance.

- Q11 Greg Smith:** Can I ask one final question on that, to try to get a handle on it? I know that there is no pounds and pence answer to this. In broad terms, from the number of big events that we are seeing a year, coupled with smaller-scale incidents that lead to airlines having to pay out a lot of money, what will the impact be? Will there be a 1% increase, a 5% increase or a 10% increase in fares long term to cover some of the costs? What is the ballpark?

Simon Calder: Clearly, the air traffic control issue was of a different order of magnitude to, say, Luton. Ultimately, in their business model, the airlines will attribute a certain amount of cost both to compensation, when it is the airlines’ fault, and to care costs, for which the airline is responsible at all times. I imagine that those would be somewhere in the low single percentages, but they would be there. Anything that reduced costs would cheer up the airlines and, hopefully, lead to more competition and, perhaps, lower fares.

- Q12 Chair:** The Clerk has pointed out that perhaps the cabin lights were dimmed for landing just then.

You mentioned travel insurance. I know that individual policies will be different but, by and large, if a passenger has a standard travel insurance policy, to what extent, if at all, would it cover any additional costs that they might incur?

Simon Calder: Very little. I very often talk to readers who say, “My travel insurance company has refused my claim.” That is almost always because travel insurance is irrelevant to costs for welfare, or if you fly into Luton rather than Gatwick and have to catch the train back. Those are all down to the airlines. A typical travel insurance policy will say, “We are terribly sorry, Chair. You have had a 12-hour delay. Have £25.” It is a small token payment that has been around forever but is not particularly relevant in these cases, although for passengers who are stranded on non-EU and non-UK airlines outside the UK and the EU, travel insurance could suddenly be relevant again, because they are not necessarily entitled to care costs.

- Q13 Chair:** Is that a failure of the insurance market? Could there be products to cover this? Indeed, could the airlines have insurance against any additional costs that they would incur?

Simon Calder: I would simply speculate that, if you are an airline, you don’t particularly wish to pay an intermediary to insure you against care costs—or, indeed, compensation costs—when, effectively, you are self-



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insuring, because it is a significant but ultimately small part of your costs overall. I don't detect that there is a failure of the insurance market. Insurance companies are just saying, "Nothing to do with us."

- Q14 **Chair:** There is one last area I would like to touch on. The Government have said that they plan to give the CAA additional powers and to make membership of the alternative dispute resolution bodies compulsory for airlines. Do you think that would improve the consumer's experience when we have disruption like this?

Simon Calder: Let's take those in turn. In my opinion, the Civil Aviation Authority does not have the same level of powers as other regulators, and that is regrettable. However, for very basic changes to take place, such as fully communicating to passengers when flights are delayed or cancelled exactly what their rights are and being explicit about, for instance, the option to travel on another airline, it would not seem to require great enforcement powers. The divergence between what the CAA said to the airlines in July 2022 and what we saw in August 2023 is significant, but, as you know, Wizz Air has reached a voluntary agreement whereby they are going back and rechecking a lot of cases in which they refused recompense.

If I am not mistaken, the big airlines—British Airways, easyJet and Ryanair—are all signed up to ADR. Jet2 and, among the other big players, Emirates are not, I believe. I am not sure that that is a particularly pressing issue, but, since ADR works for a number of individuals, it would seem to be a good aim.

- Q15 **Chair:** I have one last question. Our next panel will be airlines and their representative body. Then we have NATS. Then we have the CAA. Are there any particular questions that you would like us to ask them?

Simon Calder: Thank you for the opportunity. Clearly, with NATS, I would be really interested to understand how you can have a single point of failure for both your main and your back-up systems, and what is being done to try to prevent its happening again. Of course, we have had failures of air traffic control software in the past; for instance, in December 2014. I would ask the airlines whether they believe that they have fulfilled their obligations under the passenger rights rules. Those would be my two big questions. I am sure that honourable Members will have much better ones.

Chair: We have lots of questions to ask. For now, Mr Calder, thank you very much for your time. I invite the second panel to come forward.