

Two-Yearly Report

For the purposes of compliance with Regulation 11 (and Schedule 6) of The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 (as amended)

ADR entity name: CEDR

Date of publication on ADR entity's website: 1 August 2018

Time period covered in this report: 1 February 2016 to 31 March 2018

Date submitted to the CAA: May 2018

1. The number of disputes received by the ADR entity and the types of complaints to which the disputes related:

EU Regulation 261 / 2004	
Complaint type	Number of Complaints
Cancellation – right to care	0
Cancellation – information	2
Cancellation – compensation	3360
Cancellation – refund	16
Cancellation – alternative flight	3
Cancellation – expenses	15
Delay – right to care	1
Delay – information	2
Delay – compensation	10549
Delay – refund	8
Delay – alternative flight	3
Delay – expenses	8
Denied Boarding – selection for	0
Denied Boarding – right to care	2
Denied Boarding – information	6
Denied Boarding – compensation	597
Denied Boarding – refund	5
Denied Boarding – alternative flight	2
Denied Boarding – expenses	2
Diverted	1
Downgraded	20
Article 9(3) – Right to Care for persons with reduced mobility /	20

unaccompanied children	
Article 11 – persons with reduced mobility or special needs	74
Other	1633
Total	16329

EU Regulation 1107 / 2006	
Complaint type	Number of Complaints
Refusal to accept a reservation	0
Refusal to embark a passenger with a reservation	2
Pre-notification not recorded / transmitted	0
Staff attitude and behaviour	17
Information concerning a flight	9
Transport of mobility equipment	3
Seating	53
Seating of accompanying persons in a seat next to the PRM	0
Assistance dogs	2
Moving to the onboard toilet	0
Damaged and lost mobility equipment	1
Other	32
Total	119

Other	
Complaint type	Number of Complaints
Medical issues	8
Missed connections	5
Tickets & fares	12
In-flight facilities and services	34
Delayed / damaged / lost / stolen baggage	322
Cabin baggage	18
Safety	7
Booking problems	34
Complaint process	4
Schedule changes	3
Other	485
Total	932

2. The percentage share of alternative dispute resolution procedures which were discontinued before an outcome was reached:

Reason for discontinuation (as applicable)	% share (of all discontinued)
Complainant out of contact	39.3%
Complaint withdrawn by complainant	60.6%
Consumer is believed by the ADR entity to have provided false or fraudulent information or documents (at any stage)	0
The trader has misled the ADR entity with regard to a ground that may or may not exist for refusing to accept or continue with the resolution of a dispute	0
The consumer has been abusive to an ADR official of the ADR entity	0.1%
Both the consumer and the trader agree, including where a conflict of interest has been identified and it is not possible for the reasons referred to in this policy to transfer the ADR procedure to another ADR entity approved by the CAA	0

3. The average time taken to resolve the disputes which the ADR entity has received:

Disputes took an average of 59.9 calendar days to resolve.

4. The rate of compliance, if known, with the outcomes of its alternative dispute resolution procedures:

While there have been some isolated instances of compliance with outcomes not being carried out within the timescale specified in CEDR's Scheme Rules, all outcomes have ultimately been complied with by traders.

CEDR has a process in place whereby a trader that fails to comply with an adjudicator's decision that has been accepted by the consumer has their registration with CEDR suspended. If non-compliance persists, the trader's registration with CEDR is terminated.

5. Any recommendations the ADR entity may have as to how any systematic or significant problems that occur frequently and lead to disputes between consumers and traders could be avoided or resolved in future:

Traders' conditions of carriage should be written in plain English and easy for consumers to understand. This may avoid disputes about the interpretation of conditions of carriage from arising.

Traders should ensure that conditions of carriage are made clear to consumers at the point that the contract is entered into. This may avoid disputes regarding the applicability of particular conditions from arising.

When things go wrong, the provision of swift solutions and early consideration of compensation payments by traders are likely to reduce the amount of complaints coming to adjudication.

It is important that traders fully explain to customers why they either agree or disagree with their complaint, using language suited to a lay audience. Traders should respond to customers in a timely manner and with an individually tailored response.

6. Where the ADR entity is a member of any network of ADR entities which facilitates the resolution of cross-border disputes, an assessment of the effectiveness of its co-operation in that network:

In March 2018 CEDR began attending regular meetings of the TRAVEL_NET group of ADR entities sharing best practice on dispute resolution in the aviation and travel sector. It is as yet too early to give an assessment of the effectiveness of the network or CEDR's cooperation in it.

7. Where the ADR entity provides training to its ADR officials, details of the training it provides:

CEDR supports the continuing training and development of its ADR officials. In this reporting period, training has been provided to ADR officials on the following topics:

- A training session for all adjudicators on the legal landscape in the aviation industry, covering:
 - EU Regulation 261/2004
 - Montreal Convention 1999
 - EU Regulation 1107/2006
 - General disputes and unfair trading complaints
 - Common dispute types
 - Decision-writing skills
- A training session led by the Civil Aviation Authority focusing on passengers with reduced mobility.
- The scope and limits of 'extraordinary circumstances' and 'reasonable measures'.
- Updates on major court decisions in the UK and Europe.
- Understanding of individual airlines' and airports' day-to-day operations.
- CEDR operates a secure online portal in order for its ADR Officials to access:
 - A library of relevant law and guidance
 - Practice directions from the Lead and Principal Adjudicators

- Discussion topics for the sharing of best practice among ADR Officials
- Training videos on using CEDR's case management system

8. An assessment of the effectiveness of an alternative dispute resolution procedure offered by the ADR entity and of possible ways of improving its performance:

CEDR provides a highly effective alternative dispute resolution procedure. The quality of the adjudication process is clear from the fact that every CEDR adjudicator is legally qualified, ensuring that every dispute that reaches adjudication is rigorously evaluated in line with the law. Furthermore, the service provided by CEDR offers a highly efficient means of bringing swift resolutions to disputes. CEDR reaches an outcome within an average of 59.9 days from the submission of the customer's application, which is significantly quicker than the 90-day requirement set by the Regulations.

Improvements can always be made to the performance of any ADR procedure. CEDR will therefore look at the viability of triaging and grouping case types in order to enhance efficiency. It may also be possible to allocate all cases concerning one flight or event to the same adjudicator to enhance consistency. Further improvements can be made by deepening the quality control measures already in place to enhance consistency of approach and outcome among adjudicators, and by revisiting the format, layout and language used in adjudicators' decisions to ensure that they are understood by the widest possible audience.