

Aviation Adjudication Scheme


# A Guide for Customers

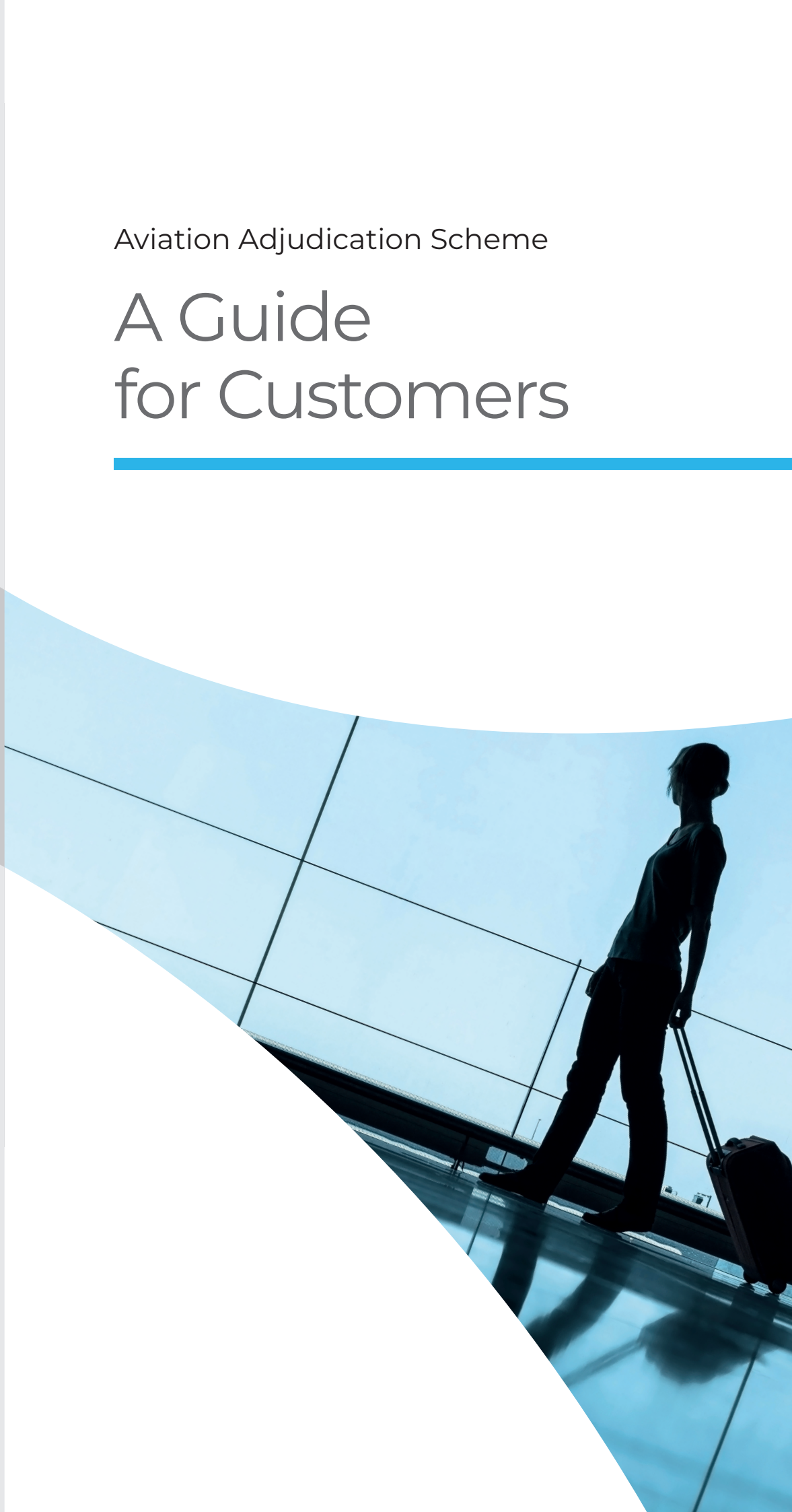
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# Frequently Asked Questions

## **Who operates the Aviation Adjudication scheme?**

The Aviation Adjudication Scheme is administered and managed independently by the Centre for Effective Dispute Resolution (CEDR Services Ltd), an independent Alternative Dispute Resolution Provider approved by the Civil Aviation Authority (CAA) to provide dispute resolution for the aviation sector.

## **Who is the scheme for?**

The service is primarily for passengers of airlines that subscribe to CEDR who find themselves in dispute with an airline in relation to a flight that departs, arrives or connects in the UK. The service is also for passengers who have a dispute with an airport that subscribes to CEDR about the provision of services to passengers with reduced mobility.

CEDR's Aviation Adjudication scheme uses a 'documents only' process, offering a simple, inexpensive and swift method of settling disputes by the appointment of an independent professional adjudicator to examine the facts and give a ruling.

## **Is it mandatory to use the scheme?**

No, you do not have to use the scheme if you do not wish to do so. You remain free to refer your dispute to court. However, in all likelihood using CEDR will be easier, cheaper and considerably quicker than going to court.

## **When can I apply?**

You may apply for adjudication after you have exhausted the airline's or airport's complaints procedure and they have sent you a deadlock letter.



# Frequently Asked Questions

## **Can I apply for adjudication without complaining to the airline or the airport?**

You must give the airline or the airport the opportunity to address your concerns first. In all likelihood they will be able to resolve your complaint and save you time and expense of adjudication.

## **How long do I have in which to make an application?**

An application must be made within 12 months of the date on which you reached deadlock with the airline or the airport regarding your complaint. Airlines and airports should always respond to complaints, but in the event that you do not receive a reply, you must wait at least 8 weeks from the date you first complained before you can make an application to CEDR.

## **What is deadlock letter?**

If the airline or airport is unable to agree with you on a mutually acceptable resolution to your complaint, and no further proposals are forthcoming, you may receive a letter from them with the title 'deadlock letter' or 'final response'. The letter will tell you that the airline or the airport will not be able to put forward any further proposals and give you the name of the independent dispute resolution body to which they subscribe.

## **Do I have to pay to use the service?**

You may be asked to pay a nominal fee of £25 if your complaint is completely unsuccessful. However, certain cases are exempt from the £25 charge, such as those covered under the Equality Act.

## **Who decides the outcome of a dispute?**

A professional, legally trained adjudicator appointed by CEDR will decide each dispute by reference to the documentary evidence supplied by the parties, the CEDR Rules that apply to these adjudications and the relevant law. The adjudicators have wide experience of dealing with travel disputes.

## **What will I receive from the adjudicator?**

The adjudicator will publish a final written decision to both parties. The decision is contractually binding on the airline or the airport if the passenger chooses to accept it. If you decide that you do not agree with the adjudicator's decision, you are free to reject it and pursue your claim through other means if you wish. In this case, the adjudicator's decision will not be binding.

# Frequently Asked Questions

## **Can I talk directly to the Adjudicator?**

No, the appointed adjudicator will have no direct contact with you or the airline/airport to ensure their independence and impartiality.

## **If my claim is successful, when will I receive my compensation?**

Where the adjudicator decides in your favour, the airline or airport will be required to do what the adjudicator has directed in their decision within 20 working days of the decision being sent to you, unless an alternative timeframe is stated by the adjudicator in the decision.

## **How much can I claim?**

The maximum sum which an adjudicator may award under this arrangement is limited to £10,000.00 for any one booking.

## **I have a complaint against an airline or airport that does not subscribe to CEDR, what shall I do?**

If a complaint relates to an airline or airport that does not subscribe to CEDR's Aviation Adjudication scheme, we will not be able to accept your application. However, you can refer your complaint to the Civil Aviation Authority's Passenger and Advice Team (PACT) or AviationADR (another ADR provider approved by the CAA).

## **My dispute relates to mobility equipment, can CEDR help?**

Yes. A claim relating to mobility equipment can be considered as it relates to the rights of disabled passengers or those with reduced mobility. A decision will be made by the adjudicator in view of the evidence provided by the passenger and the airport.

## **How long does the process take?**

In accordance with regulations, disputes must be completed within 90 days of receipt of the complete case file. However, the average time taken by CEDR is generally quicker at approximately 30 days (from receipt of complete case file).

# Frequently Asked Questions

## **I have complained to the airport but it has referred me to the airline, who shall I bring my claim against?**

If your complaint relates to a flight which was delayed or cancelled, or if you were denied boarding, or you experienced problems with seating or toilet facilities on board an aircraft, your complaint should be made against the airline. However, if your complaint relates to assistance provided by the airport in relation to a passenger with reduced mobility, you should bring your claim against the airport.

## **What kind of evidence should I provide in support of my application?**




It is important that you provide any evidence you can that supports any claims that you make against the airline or the airport.

Evidence, for example, might include:

- Your booking confirmation
- Correspondence between you and the airline or airport
- Any receipts you have showing how much you have paid for food, drinks, hotel accommodation during the period of a delay or following a cancellation
- Photographs/ videos



## Contact us

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