

# CEDR Aviation Adjudication Scheme

## Complaints Review Policy and Process

We set high standards across the full range of services we offer, and we work to the CEDR Caseworker Competency Framework. Whilst we aim to achieve those standards all of the time we have a procedure for dealing with aviation complaints that ensures they are given proper care and attention. Complaints can be made by any user of CEDR's services (customer, airline and airports).

CEDR promises to:

- Treat all complaints seriously and deal with them properly
- Address complaints promptly
- Learn from complaints and take action to improve our service.

### Scope of the Complaints Review Policy

It is important to clarify that not every complaint is suitable to be brought to the CEDR Complaint Review Policy and Process. We are only able to review certain types of complaint, which for the most part relate to administrative and service issues.

The CEDR Complaint Review Policy is not a process by which an adjudicator's decision can be appealed. Adjudication decisions are final and cannot be appealed. A consumer who is dissatisfied with an adjudicator's decision is free to reject the decision, in which case it will have no binding effect. Furthermore, use of the CEDR Aviation Adjudication Scheme does not affect any party's rights to access court.

Complaints must relate to a case that has reached an **outcome** through the Aviation Adjudication Scheme. This means your case must have reached one of the following three stages:



1. An adjudicator has issued a final decision on your case;
2. You have reached a settlement with the airline or airport that you were in dispute with; or
3. Your case has been withdrawn from the Scheme after it commenced.

Furthermore, your complaint must be brought to us within two months of the date on which your case reached one of the above three stages (1, 2 or 3). Complaints that are brought to us more than 2 months later will not be reviewed.

**Complaint issues suitable for review:**

- a) Where the process followed in your case was not in line with the process as provided for in the CEDR Aviation Adjudication Scheme Rules;
- b) Where your case has been withdrawn from the Scheme for a reason other than those permitted by the CEDR Aviation Adjudication Scheme Rules (e.g. your case has been deemed 'out of scope' by CEDR when it should be 'in scope');
- c) Where the quality of service by CEDR staff has been unsatisfactory (e.g. timeframes have been outside those set out in the Scheme Rules, treatment by CEDR staff has been unsatisfactory);
- d) Other matters at the discretion of CEDR or the Civil Aviation Authority;
- e) In reaching the decision in your case, the adjudicator ignored relevant information and/or took into account irrelevant information;
- f) In reaching the decision in your case, the adjudicator made an irrational interpretation of the law.

**Complaints issues not suitable for review:**

- a) Except with regard to the matters listed above, where the adjudicator's decision in your case is not one that you agree with (e.g. due to different views regarding the law or facts of the case);
- b) Complaints which are deemed by CEDR to be frivolous and/or vexatious, unclear, unreasonable and persistent;
- c) Complaints about an airline or airport's failure to make payment(s) as required by an



adjudicator's award or a settlement agreement within the required timeframe. In such circumstances, you should contact CEDR and our staff will be happy to assist you;

- d) Complaints about the content or validity of the procedures, Scheme Rules or timescales of any of the stages during the life of a case. However, we will consider suggestions for improvements as we deem appropriate;
- e) Any business decision made by CEDR.

## **The complaint review process**

Every complaint that CEDR receives will be handled in line with the following three- stage process:

### **Stage 1**

The first stage will be carried out by a member of CEDR staff who has not been involved in your case and who is suitably qualified to consider the complaint. This member of CEDR staff will carry out an initial assessment of the details of your complaint to determine whether it falls within the scope of the CEDR Complaint Review Policy. This determination is not reviewable.

If it is determined that your complaint does not fall within scope, CEDR will write to you to explain the reason(s) why we cannot review the substance of your complaint.

If it is determined that your complaint falls within scope, we will proceed to carry out a review of your complaint and will write to you with our findings.

You can expect a written response to your complaint at Stage 1 within 30 working days of your complaint being submitted.

### **Stage 2**

If you are dissatisfied with the written response to your complaint at Stage 1, you may request, within four weeks of receiving the response, to escalate your complaint to Stage 2.



You must be clear about the reasons for your escalation request and the outcome you are looking for from the escalation.

Please note that you cannot escalate your complaint to Stage 2 if your complaint has been deemed to be outside the scope of the CEDR Complaint Review Policy at Stage 1.

The Stage 2 review will be carried out by a suitably senior member of CEDR staff and will be someone who was neither involved in your case nor the first stage review of your complaint. You can expect a written response to your complaint at Stage 2 within 30 working days of your escalation request.

### **Stage 3**

If you remain dissatisfied with the written response to your complaint at Stage 2, you may request, within four weeks of receiving the response, to escalate your complaint to Stage 3. You must be clear about the reasons for your escalation request and the outcome you are looking for from the escalation.

The Stage 3 review will be carried out by an Independent Assessor. The Independent Assessor will be independent from any ADR scheme for the aviation sector, in that he/she will not be employed (whether directly employed or via a contract for services) in direct case handling or advice other than in their role as an Independent Assessor. They will not hold shares or other financial investments in any ADR scheme/company which provides ADR for the aviation sector. The current Independent Assessor, Ms Andrea Cook OBE, can be contacted via email.

The Independent Assessor will consider how CEDR has dealt with the complaint at Stages 1 and 2. It is important to note that the Independent Assessor is not expected to consider whether the adjudicator made an irrational interpretation of the law, if such is the subject of the complaint, but can consider whether the Stage 2 review thoroughly re-considered the issue. You can expect a written response to your complaint at Stage 3 within 30 working days of your escalation request. Once you have received a written response at Stage 3, the Complaint Review Policy and Process will be at an end. There is no further escalation beyond Stage 3.



## **Potential complaint outcomes**

Where the outcome of Stage 1, 2 or 3 is that the complaint has merit and that an error has occurred, the potential outcomes include (but are not limited to) the following:

- A written apology from a senior representative of CEDR
- The reinstatement of a previously-withdrawn case
- Existing processes to be revised or amended
- In limited circumstances, the provision of a goodwill payment

At Stage 3, the independent assessor can make recommendations for actions to be taken by CEDR, which may relate to the specific complaint referred or to more general matters such as processes. Where the outcome of the review is that the complaint has no merit, no action will be taken by CEDR.

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Please note that a customer or subscribing airport/ airline must pay their own costs of preparing their complaint about CEDR.