

**Aviation Adjudication Scheme
Independent Assessor's Report
For the period 1 April 2024 to 30 September 2024**

1. Introduction

As the newly appointed Independent Complaints Reviewer (ICR) (Independent Assessor for the Aviation Adjudication Scheme), this is my first report on the Scheme, which is run by CEDR (the Centre for Effective Dispute Resolution). It deals with complaints made against subscribing airlines and airports.

This report covers the six month period from 1 April 2024 to 30 September 2024.

2. Background

I am an independent consultant. I work remotely and I am not an employee of CEDR. I am not involved in direct case handling or advice; my role is purely to act as an Independent Assessor.

CEDR is a registered charity and non-profit organisation. It provides independent dispute resolution for consumers who experience problems with a company and have exhausted their internal complaints procedure.

3. My Role

There are two aspects to my role:

- (i) To review cases that have been escalated to me. This happens when a user of the Scheme has complained and, having been through CEDR's complaints review process, remains dissatisfied. Under my Terms of Reference and the Scheme's rules I can consider complaints about certain elements of CEDR's quality of service, e.g. alleged administrative errors, delays, staff rudeness or related matters.
I can also review complaints where the customer:
 - (a) believes that in reaching an adjudication outcome relevant information was ignored and/or irrelevant information was taken into account; and/or
 - (b) feels that an adjudicator has made an irrational interpretation of the law.
- (ii) To review complaints about the Scheme as a whole and produce a report every six months. This is based upon my examination and analysis of all or some (as I deem appropriate) of the complaints handled by CEDR, along with any cases that were escalated to me.

4. Aviation Adjudication Scheme Complaints Review Policy and Process

CEDR's Complaints Review Policy and Process explains its scope, along with the two internal stages of review that take place before, if necessary, a complaint is referred to me. It provides clear information about timescales and what can be expected. In brief, if after the Stage 1 response complainants remain dissatisfied, they can ask for escalation to Stage 2 of the process, in which a senior manager will review the complaint. If this does not resolve the matter, it can be referred to me for independent review at Stage 3.

5. My Findings

During the six month review period the scheme dealt with the following (previous six month period shown in brackets):

- 4,506 [6,350] applications were received in relation to the Aviation Adjudication Scheme;
- 279 [1,105] cases received a final decision from an adjudicator;
- 753 [3,754] cases were settled by the airline or airport;
- 909 [934] were withdrawn by consumers; and
- remaining cases are either still in progress or closed as being ineligible.

It will be noted that the numbers for this six month period are down significantly from the previous period.

CEDR received 11 formal aviation complaints in the reporting period, of which 7 were completed during the period. The remainder are still in progress, the responses being due in October.

As regards the 7 completed complaints:

- 0 complaints were fully upheld;
- 5 were partially upheld;
- 1 complaint was not upheld; and
- 1 was out of scope.

6 complaints were closed at Stage 1 (including one ruled out of scope) and 1 was escalated to Stage 2. None were escalated for a Stage 3 review during this period.

Upheld complaints

No complaints were fully upheld during this period.

Upheld in Part

Five complaints were partially upheld:

- A complaint that the airline had not complied with the adjudicator's decision and that requests for a manager call back had not been addressed. The former was ruled out of scope, but it was accepted that the manager call back had not been dealt with effectively. Compensation of £40.00 was offered and accepted.
- A complaint that the adjudicator had ignored relevant information and had made an irrational interpretation of the law. It concerned a flight delay that meant that the customer was barely able to make a connection with a cruise ship that he had booked. The airport had been closed and whilst the adjudicator considered this an 'Act of God', the customer disagreed. The customer's argument was rejected at Stage 1, as was his claim that the adjudicator had failed to award expenses under Article 9 of the Regulations, since it was ruled that this did not apply to the customer's situation. However, it was found that the adjudicator had erred in stating that the customer had been unable to board his cruise, when in fact he had done so. Whilst this did not amount to 'ignoring relevant information' that might have impacted the adjudicator's decision, it was considered appropriate to offer a token goodwill payment of £25.00. The customer rejected this decision and escalated his complaint to Stage 2, but it was not upheld. The customer also rejected the Stage 2 decision but has not taken the matter further.

- A complaint that the adjudicator had ignored relevant information relating to the customer's damaged luggage (concerning the make and warranty period of the replacement luggage offered). It was decided at Stage 1 that, although the adjudicator had misinterpreted information provided by the customer, this did not materially impact on the outcome. Nevertheless, it was felt that the adjudicator's misinterpretation of the evidence fell below the standard expected and therefore £100.00 compensation was offered. This was accepted by the customer.
- A complaint in relation to a flight cancellation and lost luggage, alleging that the adjudicator had not properly considered compensation and that evidence requests were made only from the airline. It was found that the issue of compensation had been dealt with properly and, whilst not in scope, the customer was reassured that the evidence gathering process is robust. An additional complaint relating to an administrative oversight by CEDR was upheld in part and £25.00 compensation was offered. No response was received.
- A complaint that the customer had been misinformed as to the relationship between compensation being offered by the airline and that being offered via CEDR. It was acknowledged at Stage 1 that the information given to the customer by telephone was unclear. Consequently, an offer of £75.00 compensation was made, together with an invitation to re-open the case and refer it to an adjudicator. The offer of compensation was accepted and the case was not re-opened.

Having reviewed each of the above cases, I consider that the reviews and outcomes were appropriate.

Not upheld

- The customer's complaint concerned allegations that the adjudicator focused on irrelevant information and ignored certain aspects of her complaint. The main issue related to a flight transfer and a slightly delayed arrival at the final destination. It was found that the adjudicator had taken full and proper account of all matters and the complaint was not upheld.

Stage 3 Reviews

There were no Stage 3 reviews completed during this period. One was assigned to me and I will discuss this in my next report.

Out of scope complaint

- A complaint that the customer had been treated differently to other customers on the same flight was held to be out of scope.

6. Conclusion

I have no specific observations and I have found no evidence of any themes or causes for concern. As can be seen from the data in section 5 of this report, the volume of complaints has fallen significantly since the previous six month period.

My review concludes that CEDR handled the few complaints they received to a very good standard and addressed all of the complainants' concerns in their responses.

Timescale performance was excellent with acknowledgements and Stage 1 responses all either within, or well within, target. The Stage 2 response was also very prompt.

CEDR are to be congratulated on these results. In summary, replies to customers were of a high standard, particularly considering the complexity of some of the issues raised.

7. Recommendations

Based on my review of the complaints received during this period, I have no recommendations to make.

I conducted my review remotely and had open and unrestricted access to the systems and records that I needed. I am grateful to CEDR for facilitating this.

A handwritten signature in black ink, appearing to read 'A Squires'.

Alan Squires (LLB(Hons) LLM PGDipAML Solicitor (Ret))
Independent Assessor
22 October 2024