

Aviation Adjudication Scheme
Report of the Independent Assessor
For the period 1 October 2024 to 31 March 2025

1. Introduction

This is my second report relating to this 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 October 2024 to 31 March 2025.

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, although it should be noted that I am *"not expected to consider whether the adjudicator made an irrational interpretation of the law... but [I] can consider whether the Stage 2 review thoroughly considered the issue."*

- (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):

- 7,258 [4,506] new applications were received in relation to the Aviation Adjudication Scheme;
- 922 [279] cases received a final decision from an adjudicator;
- 3,804 [753] cases were settled by the airline or airport;
- 416 [909] were withdrawn by consumers specifically; and
- remaining cases are either still in progress or closed as being ineligible.

I would note from this that numbers have increased significantly in all categories from the previous period.

CEDR received 13 formal aviation complaints in the reporting period, of which 11 were completed during the period. The remaining two are still in progress, the responses (at Stage 1 and Stage 3 respectively) being due in May. There was a further Stage 3 complaint that had been received during the previous period (May – October 2024) and for which a decision was delivered to the consumer in October.

As regards the 11 completed complaints:

- 2 complaints were fully upheld;
- 2 were partially upheld;
- 6 complaints were not upheld; and
- 1 complaint was ruled out-of-scope.

10 complaints were closed at Stage 1 (including one ruled out of scope). During this period two were escalated to Stage 2 and one of those to a Stage 3 review. Both decisions are due to be delivered to the consumer in May. The decision at Stage 3 that was held over from the previous period is dealt with below.

A total of £395.00 compensation was awarded (including £75.00 offered in the Stage 3 case held over from October 2024).

I have reviewed each of the 11 complaints plus the Stage 3 complaint from the previous period and I consider that the reviews and outcomes were appropriate.

Upheld complaints

Two complaints were fully upheld:

- The customer complained that he had not been informed of the adjudicator accepting a late defence from the airline; that he had not been given a new link to the system; and that CEDR did not comply with his request for reasonable adjustments. All of these complaints were upheld in full and £120.00 compensation was offered.
- The complaint was based on the fact that both the adjudicator and the airline had dealt with it in the erroneous belief that the flight was in August 2024, when in fact it was in August 2023. CEDR's adjudicator fully upheld the complaint and when the airline was made aware it offered a full apology and compensation without further adjudication. CEDR also offered a further £100.00 and an apology.

Upheld in Part

Two complaints were partially upheld:

- An unusual case, where the complaint was accepted and referred to an adjudicator, notwithstanding that it was clearly out-of-scope, since the departure and destination airports were both outside of the UK. The adjudicator rejected the complaint as out-of-scope and the complainant was offered an apology and £75.00 compensation to reflect the inconvenience suffered.
- The customer had received a payment of £500.00 compensation from the airline but upon review of her complaint it was found that she had also asked for full compensation under Regulation 261. In light of this, the Complaints Manager re-opened the case and submitted it to an adjudicator.

Not upheld

Six complaints were not upheld:

- Where the complaint was that an adjudicator had taken into account a document submitted by the airline after the consumer had commented on the airline's defence; had ignored those parts of CAA guidance that supported the customer and also alleged interlining between two airlines; and had not considered the fact that the adjudicator had described a four-hour delay as "slightly earlier". None of these were upheld, on the basis that the adjudicator had considered all relevant information, had not taken into account irrelevant information and that there was no irrational interpretation of the law.
- The customer complained that the airline had delayed complying with an adjudicator's final decision. However, it was found that the airline had made payment within the permitted timescale and there had been no failing by CEDR Case Officers. The complaint was therefore not upheld.
- The customer was unhappy with the time taken for his complaint to be reviewed. However, upon investigation, the Case Manager found that the 90 day timeframe specified in the Regulations had been complied with fully. The complaint was not upheld.
- The customer was dissatisfied with the adjudicator's final decision and claimed that she did not have an opportunity to respond to the airline's submissions. She also wanted an acknowledgment that the airline was not fit for purpose, had failed in its duty of care and had caused her trauma and stress. In addition, she claimed a full refund of the cost of her flight. Her complaint was held to be partly in scope but not that part relating to the adjudicator's final decision. The Complaints Manager found that the customer was given the opportunity to respond to the airline's defence, and did. Accordingly, the complaint was not upheld.
- The majority of the points raised in the complaint were out-of-scope as they were effectively an appeal against the adjudicator's decision. The remaining elements of the complaint (primarily, an allegation that the airline did not attempt to locate alternative seating to match the customer's original booking) were not upheld as it was found that the adjudicator had considered all relevant information and had not taken into account irrelevant information.
- The customer's complaint was submitted to CEDR before the expiry of the eight week period after he had first raised it with the airline and before the airline had issued its final response letter.

Accordingly, his complaint was not upheld. However, his case was then re-opened, as by the time of the decision, the eight week period had passed.

Out of scope complaint

- A complaint that the customer should have been refunded in £GB rather than Egyptian currency was held to be out of scope. The In-House Adjudicator found that the customer was in effect disagreeing with the original Adjudicator's decision and the complaint did not fall within any of the grounds (a) to (f) of the Complaints Procedure.

Stage 3 Reviews

As mentioned above, there is one case that has been assigned to me in March 2025 for which my decision is due to be delivered by 26 May. I will therefore discuss this in my next report.

There was also one case that had been referred to me in September 2024 and for which I delivered my decision in October 2024. This was a complaint concerning the time taken to deal with the complaint and extensions of time given to the airline; alleged lack of impartiality; and the amount of compensation. The customer was given an apology and offered £25.00 compensation at Stage 1, which he rejected and took his complaint to Stage 2. At this Stage he was offered a further £50.00 compensation to reflect that he had not been fully informed about timescales, though his complaint regarding compensation was rejected.

At Stage 3 I concluded that all the points that he had raised had been fully addressed at Stages 1 and 2 and that reasonable compensation had been offered. Therefore I did not uphold his complaint.

6. Conclusion

I have no specific observations and I have found no evidence of any themes or causes for concern.

Following my review I conclude 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 responses at all Stages either within, or well within, target.

CEDR are to be congratulated on these results. In summary, replies to customers were of a high standard.

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.



Alan Squires LLB(Hons) LLM PGDipAML Solicitor
Independent Assessor

May 2025