

Information for ADR entities approved by the CAA (including guidance on regulatory and additional information requirements)

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Civil Aviation Authority,
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RH6 0YR.

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Enquiries regarding the content of this publication should be addressed to: katherine.smith@caa.co.uk

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Foreword

Note on contents

This document currently contains the CAA's guidance on regulatory and additional information requirements for ADR entities approved by the CAA.

Guidance on regulatory and additional information requirements

Introduction

This document constitutes the view of the CAA as regards the data which ADR entities will need to hold and be able to report upon for aviation schemes.

The document is divided into 4 parts:

1. **Data items** - which ADR entities' systems will need to hold and report upon. This includes basic data about the complaint.
2. **Complaint type categories** - these are based upon the past experience of the CAA as well as the CAA's regulatory reporting duties.
3. **Outcome codes** – these are required so as to ascertain the proportion of complaints which are successful or otherwise; and also includes matters such as volumes of complaints judged as being outside scope or otherwise ineligible for the ADR scheme.
4. **Reports required** – this includes matters required under the Regulation and terms of CAA approval.

Data items

ADR entities' systems will need to hold and report upon the following data. This includes basic data about the complaint.

Data item	Comment
Airline name	
Flight number (s)	May need to be more than one field
Departure date	
Arrival date	

Transfer date	If connecting flight
Airline complaint reference number	May or may not be known
Complainant name	
Complainant address	
Complainant telephone	
Complainant email	
Departure airport	
Arrival airport	
Transfer airport	If connecting flight
Complaint type	This may be a main field with sub-fields or all contained in single field (e.g. 261/2004 – delay)
Outcome	
Value of outcome if monetary remedy	
Award not complied with	ADR entities need to have some way of recording when awards have not been complied with, by the airline/airport, within the required time period. Consumers will generally inform the ADR entity where this is the case.

There will be other data items that ADR entities will naturally wish to hold themselves so as to run their schemes, however these are the key ones required by the CAA for its purposes.

Complaint type categories

These are the complaint type categories which ADR entities will need to categorise complaints against. These have been decided upon by the CAA based upon its past experience as a complaint handler, as well as the its regulatory reporting duties.

EU Regulation 261/2004

- Cancellation
 - Right to care
 - Information
 - Compensation
 - Refund
 - Alternative flight
 - Expenses
- Delay
 - Right to care
 - Information
 - Compensation
 - Refund
 - Alternative flight
 - Expenses
- Denied boarding
 - Selection for
 - Right to care
 - Information
 - Compensation
 - Refund
 - Alternative flight
 - Expenses
- Diverted
- Downgraded
- Right to care for persons with reduced mobility / unaccompanied children (Article 9(3))
- Persons with reduced mobility or special needs (Article 11)

EU Regulation 1107/2006 (Airlines)

- Refusal to accept a reservation
- Refusal to embark a passenger with a reservation
- Pre-notification not recorded/transmitted
- Staff attitude and behaviour
- Information concerning a flight
- Transport of mobility equipment
- Seating
- Seating of accompanying persons in a seat next to the PRM
- Assistance dogs
- Moving to the onboard toilet
- Damaged and lost mobility equipment
- Other

EU Regulation 1107/2006 (Airports)

- Assistance through airport; onto aircraft; disembarkation
- Treatment by staff
- Facilities for passengers with disabilities, including toilets
- Other

Others

- Medical issues (e.g. fitness to fly issues not covered under Regulation 1107/2006)
- Missed connections
- Tickets and fares (e.g. name change, printing boarding pass, Airport Development Fee, 'sequential ticketing'¹)
- In-flight facilities and services (e.g. meals, entertainment)
- Delayed / damaged / lost / stolen baggage
- Cabin baggage
- Safety
- Booking problems (e.g. premium cost phone line, charged wrong price, prices increased during booking process, added extras)

¹ Not permitting a person to travel due to missing part of their journey.

- Complaint process
- Schedule changes (those not covered by Regulation 261/2004)
- Other

Outcome Codes

Complaints need to be logged against these codes by ADR entities and are required so as to ascertain the proportion of complaints which are successful or otherwise. They also include matters such as volumes of complaints judged as being outside scope or otherwise ineligible for the ADR scheme.

Complaint not accepted / refused / refused to continue / discontinued

- Outside scope
- Airline not contracted to scheme
- Complainant not waited sufficient time for airline to respond
- No attempt to contact airline by complainant
- Frivolous / vexatious
- Dispute considered by another ADR body / court
- Over monetary threshold
- Deadlock letter / non-reply too long ago
- Impair effective operation
- Out of contact
- False / fraudulent information / documents
- The trader has mislead with regard to a ground for refusing to accept or continue
- Consumer has been abusive
- Consumer and the trader agree (including where a conflict of interest)
- Complaint withdrawn

Complaint accepted and not discontinued

- Monetary payment
- Vouchers
- Apology

- Practice / policy change
- No remedy due

Reports Required

There are a number of matters which must be reported on by ADR entities annually, and every 2 years, which are set out in the Regulations. These are referred to below at (i). In addition to these we have set-out at (ii) below items which must be reported directly to the CAA quarterly.

- i. Appendix A provides a copy of Schedules 5 and 6 of the ADR Regulations, setting out what ADR entities must submit to their competent authorities. The annual reports (Schedule 5) must also be published on their websites. Competent authorities may require these reports to be in a certain format. The CAA does require a certain format - please see Appendix B.
- ii. In addition to the annual and two-yearly reports referred to above ADR entities **must submit some further information to the CAA every quarter**. This will include:
 - a. Airline name
 - b. Outcome codes
 - c. Numbers of complaints open / closed

ADR entities should be aware that we may also require access to individual complaint records; in which case we will provide a direct request. In the case of complaints under EU Regulation 1107/2006 and 'medical issues' we are currently asking for all complaint files to be sent to us for each reporting period.

At Appendix C we have provided a template for how this additional information must be submitted to the CAA, every quarter. By this we mean that data for the period Jan-March should be submitted by end April each year; data for April-June submitted by end July and so on.

Appendix A

Extracts from the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information Regulations 2015 (as amended))

Schedule 5 Regulation 11(2)

Information to be included in an ADR entity's annual activity report-

- a) the number of domestic disputes and cross-border disputes the ADR entity has received;
- b) the types of complaints to which the domestic disputes and cross-border disputes relate;
- c) a description of any systematic or significant problems that occur frequently and lead to disputes between consumers and traders of which the ADR entity has become aware due to its operations as an ADR entity;
- d) any recommendations the ADR entity may have as to how the problems referred to in paragraph (c) could be avoided or resolved in future, in order to raise traders' standards and to facilitate the exchange of information and best practices;
- e) the number of disputes which the ADR entity has refused to deal with, and percentage share of the grounds set out in paragraph 13 of Schedule 3 on which the ADR entity has declined to consider such disputes;
- f) the percentage of alternative dispute resolution procedures which were discontinued for operational reasons and, if known, the reasons for the discontinuation;
- g) the average time taken to resolve domestic disputes and cross-border disputes;
- h) the rate of compliance, if known, with the outcomes of the alternative dispute resolution procedures;
- i) the co-operation, if any, of the ADR entity within any network of ADR entities which facilitates the resolution of cross-border disputes.

Schedule 6 Regulation 11(3)

Information which an ADR entity must communicate to the relevant competent authority every two years-

- a) the number of disputes received by the ADR entity and the types of complaints to which the disputes related;
- b) the percentage share of alternative dispute resolution procedures which were discontinued before an outcome was reached;
- c) the average time taken to resolve the disputes which the ADR entity has received;
- d) the rate of compliance, if known, with the outcomes of its alternative dispute resolution procedures;
- e) 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;
- f) 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;
- g) where the ADR entity provides training to its ADR officials, details of the training it provides;
- h) an assessment of the effectiveness of an alternative dispute resolution procedure offered by the ADR entity and of possible ways of improving its performance.