

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

CAP 1390

Published by the Civil Aviation Authority, 2017

Civil Aviation Authority,
Aviation House,
Gatwick Airport South,
West Sussex,
RH6 0YR.

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First published 2016

Second edition published July 2017

Third edition published February 2019

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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 sets out the requirements of the CAA as regards the data which ADR entities must be able to record and report upon for aviation schemes.

The document is divided into 2 parts:

1. **Complaints data** – data that ADR entities must be able to record and report upon on request by the CAA on a complaint-by-complaint basis.
2. **Reports required** – this includes matters required under the Regulation and the terms of CAA approval.

Complaints data

At Appendix C we have provided a complete description of the data that ADR entities must be able to record and report upon, on a complaint-by-complaint basis, on request by the CAA. Typically, at the mid-point of every calendar quarter, the CAA will request data from each ADR entity covering the complaints received and, separately, complaints closed, in the previous calendar quarter. However, ADR entities must ensure that their systems can report on this information on request by the CAA and covering different time periods.

ADR entities must also ensure that they are able report on the details of any penalties imposed on a member business (including the name of the business) for non-compliance with ADR outcomes.

ADR entities must also ensure that the CAA can access individual consumer complaint files for the purpose of carrying out its broader consumer protection role and the enforcement of consumer protection legislation.

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. 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.

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.

Appendix B

Annual and two-yearly reports

Annual report

For the purposes of compliance with Regulation 11 (and Schedule 5) of The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 (as amended)

ADR entity name:

.....

Date of publication on ADR entity's website:

Time period covered in this report:

Date submitted to the CAA:

1. The number of domestic disputes and cross-border disputes the ADR entity has received:

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2. The types of complaints to which the domestic disputes and cross-border disputes relate:

EU Regulation 261 / 2004	
Complaint type	Number of Complaints
Cancellation – right to care	