

Annual report 2018

**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: Consumer Dispute Resolution Ltd – t/a AviationADR

Date of publication on ADR entity's website: 30th April 2018

Time period covered in this report: 1st April 2017 to 31st March 2018

Date submitted to the CAA: 30th April 2018

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

10,580

**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	5
Cancellation – information	2
Cancellation – compensation	2952
Cancellation – refund	93
Cancellation – alternative flight	258
Cancellation – expenses	319
Delay – right to care	6
Delay – information	1
Delay – compensation	4689
Delay – refund	43
Delay – alternative flight	5
Delay – expenses	58
Denied Boarding – selection for	0
Denied Boarding – right to care	5

Denied Boarding – information	1
Denied Boarding – compensation	339
Denied Boarding – refund	95
Denied Boarding – alternative flight	6
Denied Boarding – expenses	28
Diverted	37
Downgraded	7
Article 9 (3) – Right to Care for persons with reduced mobility / unaccompanied children	7
Article 11 – persons with reduced mobility or special needs	10
Other	131
Total	9097

EU Regulation 1107 / 2006

Complaint type	Number of complaints
Refusal to accept a reservation	2
Refusal to embark a passenger with a reservation	2
Pre-notification not recorded / transmitted	1
Staff attitude and behaviour	20
Information concerning a flight	3
Transport of mobility equipment	1
Seating	1
Seating of accompanying persons in a seat next to the PRM	0
Assistance dogs	1
Moving to the onboard toilet	1
Damaged and lost mobility equipment	3
Other	1
Total	36

Other

Complaint type	Number of complaints
Medical issues	62
Missed connections	23
Tickets & fares	84
In-flight facilities and services	67
Delayed / damaged / lost / stolen baggage	564
Cabin baggage	49
Safety	6
Booking problems	202
Complaint process	2
Schedule changes	34

Other	354
Total	1447

3. 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:

- Airlines are relying on third parties (travel agents/booking agents) to inform the passenger of flight cancellations due to the fact that they do not have the passengers contact details. Often the agent fails to do this;
- Flight cancellation: does re-routing in EC261 include re-routing via third party air carriers and other methods of travel such as Eurostar;
- Flight cancellation: what is considered reasonable proximity between the cancelled flight and the re-routing offered by the airline itself. Many consumers will find a new flight that is more suitable for their travel plans with another airline yet the original airline will refuse to cover the cost;
- Flight delay: disputes around what is and what is not an extraordinary circumstance;
- EC261/2004: Airlines use technical terminology and jargon in response to a claim under EC261/2004 which leave the consumer confused and not always satisfied they do not have a valid claim;
- EC261/2004: Airlines providing automatic refunds to the payment card used at the point of sale for cancelled flights (unused sectors) without notification to the consumer. On a high number of occasions the card belongs to a third party or that of a member of their party and leads to chasing payment between various parties;
- Baggage complaints: confusion regarding time limits for notification of baggage irregularities;

4. Any recommendations the ADR entity may have as to how the problems referred

to in '3' above could be avoided or resolved in future, in order to raise traders'

standards and to facilitate the exchange of information and best practices:

- A guidance note or equivalent from the CAA confirming that the carrier has ultimate responsibility for informing passengers of cancellations, not the third-party booker. Assistance for airlines so that it is a requirement of such booking agents to pass passenger details to the carrier;
- A guidance note or equivalent confirming the CAA's view on re-routing on third party aircraft or alternative travel means which could be supplied to airlines to assist them when making operational decisions. A similar document could be published for consumer guidance providing it explained that the guidance note is not a binding authority.
- A guidance note or equivalent confirming the CAA's view on reasonable proximity for re-routing could be supplied to airlines to assist them when making operational decisions. A similar document could be published for consumer guidance providing it explained that the guidance note is not a binding authority;
- Airlines should be urged to provide full explanations of the reason for delays, cancellations and denied boarding avoiding the use of terminology or jargon. If jargon or terminology is required the definition of that should be provided to the consumer;
- Airlines, when making refunds to payment cards, should fully explain to the consumer when the refund was made and where it was refunded to.

5. The number of disputes which the ADR entity has refused to deal with, and percentage share of the grounds on which the ADR entity has declined to consider such disputes:

Total number of disputes which the ADR entity has refused to deal with: 2092

Ground of refusal (as applicable)	% share (of all refused)
Outside scope	32.5
Not an airline which is contracted to ADR scheme	3.6
Complainant not waited for sufficient time (as per scheme rules) for airline to respond	1.8
No attempt to contact airline by complainant	4.4
Dispute frivolous / vexatious	1
Dispute considered by another ADR body / court	0.5
Over monetary threshold	0.8
Deadlock letter / non-reply too long ago	10
Would impair effective operation of the ADR entity	45.4

6. The percentage of alternative dispute resolution procedures which were discontinued for operational reasons and, if known, the reasons for the discontinuation:

Total number of disputes discontinued: 1324

Reason for discontinuation (as applicable)	% share (of all discontinued)
Complainant out of contact	61
Complaint withdrawn by complainant	0.3
Consumer is believed by the ADR entity to have provided false or fraudulent information or documents (at any stage).	0
The trader has misled the ADR entity with regard to a ground that	0.3

may or may not exist for refusing to accept or continue with the resolution of a dispute.	
The consumer has been abusive to an ADR official of the ADR entity	6.9
Both the consumer and the trader agree, including where a conflict of interest has been identified and it is not possible for the reasons referred to in this policy to transfer the ADR procedure to another ADR entity approved by the CAA	31.5

7. The average time taken to resolve domestic disputes and cross-border disputes:

78 days (from complete complaint file)

8. The rate of compliance, if known, with the outcomes of the alternative dispute resolution procedures:

Whilst airlines may escalate a dispute regarding a determination, there have only been a very small number of cases (no greater than 10) where the airline has attempted to avoid compliance.

9. The co-operation, if any, of the ADR entity within any network of ADR entities which facilitates the resolution of cross-border disputes:

N/A