

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

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# Foreword

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## **Note on contents**

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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

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## Introduction

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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

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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**

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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))

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### **Schedule 5 Regulation 11(2)**

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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)**

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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

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### 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:

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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	

Cancellation - information	
Cancellation - compensation	
Cancellation - refund	
Cancellation – alternative flight	
Cancellation - expenses	
Delay – right to care	
Delay – information	
Delay - compensation	
Delay – refund	
Delay – alternative flight	
Delay – expenses	
Denied Boarding – selection for	
Denied Boarding – right to care	
Denied Boarding - information	
Denied Boarding - compensation	
Denied Boarding - refund	
Denied Boarding – alternative flight	
Denied Boarding - expenses	
Diverted	
Downgraded	
Article 9 (3) – Right to Care for persons with reduced mobility / unaccompanied children	
Article 11 – persons with reduced mobility or special needs	
Other	
<b>Total</b>	

<b>EU Regulation 1107 / 2006</b>	
<b>Complaint type</b>	<b>Number of complaints</b>
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	
<b>Total</b>	

<b>Other</b>	
<b>Complaint type</b>	<b>Number of complaints</b>
Medical issues	
Missed connections	
Tickets & fares	
In-flight facilities and services	
Delayed / damaged / lost / stolen baggage	
Cabin baggage	
Safety	
Booking problems	

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	Complaint process	
	Schedule changes	
	Other	
	<b>Total</b>	

- 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:

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- 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:

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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:.....

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

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

<b>Reason for discontinuation (as applicable)</b>	<b>% share (of all discontinued)</b>
Complainant out of contact	
Complaint withdrawn by complainant	
Consumer is believed by the ADR entity to have provided false or fraudulent information or documents (at any stage).	

The trader has misled the ADR entity with regard to a ground that 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.	
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	

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

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

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

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## Two-Yearly report

*For the purposes of compliance with Regulation 11 (and Schedule 6) 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 disputes received by the ADR entity and the types of complaints to which the disputes related:

EU Regulation 261 / 2004	
Complaint type	Number of complaints
Cancellation – right to care	
Cancellation - information	
Cancellation - compensation	
Cancellation - refund	
Cancellation – alternative flight	
Cancellation - expenses	
Delay – right to care	
Delay – information	
Delay - compensation	
Delay – refund	
Delay – alternative flight	
Delay – expenses	
Denied Boarding – selection for	
Denied Boarding – right to care	

Denied Boarding - information	
Denied Boarding - compensation	
Denied Boarding - refund	
Denied Boarding – alternative flight	
Denied Boarding - expenses	
Diverted	
Downgraded	
Article 9 (3) – Right to Care for persons with reduced mobility / unaccompanied children	
Article 11 – persons with reduced mobility or special needs	
Other	
<b>Total</b>	

<b>EU Regulation 1107 / 2006</b>	
<b>Complaint type</b>	<b>Number of complaints</b>
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	
<b>Total</b>	

<b>Other</b>	
<b>Complaint type</b>	<b>Number of complaints</b>
Medical issues	
Missed connections	
Tickets & fares	
In-flight facilities and services	
Delayed / damaged / lost / stolen baggage	
Cabin baggage	
Safety	
Booking problems	
Complaint process	
Schedule changes	
Other	
<b>Total</b>	

2. The percentage share of alternative dispute resolution procedures which were discontinued before an outcome was reached:

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

3. The average time taken to resolve the disputes which the ADR entity has received:

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

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5. 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:

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- 6. 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:

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- 7. Where the ADR entity provides training to its ADR officials, details of the training it provides (covering the period since last two-yearly report):

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- 8. An assessment of the effectiveness of an alternative dispute resolution procedure offered by the ADR entity and of possible ways of improving its performance:

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## Appendix C

## Data reporting by ADR entities

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The following table sets out the data that ADR entities must be able to record and report upon on request by the CAA on a complaint-by-complaint basis.

Field	Definition	Permissible entries
Reporting period	Reporting period date <sup>1</sup>	-
Case Id (Parent)	Id used to identify primary and secondary complaints that form part of the same case.	-
Complaint Id (Child)	Unique complaint Id	-
Primary/secondary complaint	Primary/secondary complain indicator	<i>Primary</i>
		<i>Secondary</i>
Case closed flag	Case closed flag	<i>Open</i>
		<i>Closed</i> <sup>2</sup>
Case status	Case status	<i>Adjudicated</i>
		<i>Settled</i>
		<i>Terminated</i> <sup>3</sup>
		<i>In progress</i> <sup>4</sup>
Complete complaint file obtained	Complete complaint file obtained indicator	<i>Yes</i>
		<i>No</i>
Date case opened	Date case opened	-
Date complaint file received	Date complaint file received <sup>5</sup>	-
Date case closed	Date case closed <sup>6</sup>	-
Airline or Airport	Type of entity complaint made against	<i>Airline</i>
		<i>Airport</i>

<sup>1</sup> Entered as a date - first day of reporting period.

<sup>2</sup> Closed cases are cases that have either been not accepted, have been refused, discontinued, or settled or cases that have received a final determination.

<sup>3</sup> Use for cases that have not been accepted, have been refused, or have been discontinued.

<sup>4</sup> Use for cases that are still being processed and have not yet reached the stage where they can be categorised as “Adjudicated”, “Settled” or “Terminated”.

<sup>5</sup> Use ‘null’ if the case is open and the complete complaint file has not yet been obtained.

<sup>6</sup> The date on which the action to close the case was taken – i.e. the date on which it was decided to not accept the case, to refuse the case, to discontinue the case, to settle the case, or the date the final determination was issued in respect of the case. Use ‘null’ if the case is open.



Airline or Airport name	Airline or Airport name	Supplied list of ADR airlines & airports
Airline or Airport IATA code	Airline or Airport IATA code	Supplied list of ADR airlines & airports IATA codes
Complaint category	Complaint category (airports)	<i>EU Regulation 1107/2006</i>
	Complaint category (airlines)	<i>EU Regulation 261/2004</i>
		<i>EU Regulation 1107/2006</i>
		<i>Other</i>
Complaint type	Complaint types for EU Regulation 261/2004	<i>Cancellation</i>
		<i>Delay</i>
		<i>Denied boarding</i>
		<i>Diverted</i>
		<i>Downgraded</i>
		<i>Right to care for (Art. 9(3))</i>
		<i>PRMs (Art. 11)</i>
	Complaint types for EU Regulation 1107/2006 (Airlines)	<i>Refusal to accept reservation</i>
		<i>Refusal to embark a passenger with a reservation</i>
		<i>Pre-notification not recorded/transmitted</i>
		<i>Staff attitude and behaviour</i>
		<i>Information concerning a flight</i>
		<i>Transport for mobility equipment</i>
		<i>Seating</i>
		<i>Seating of accompanying persons in a seat next to the PRM</i>
		<i>Assistance dogs</i>
		<i>Moving to the onboard toilet</i>
		<i>Damaged and lost mobility equipment</i>
		<i>Other</i>
	Complaint types for EU Regulation 1107/2006 (Airports)	<i>Assistance through airport; onto aircraft; disembarkation</i>
		<i>Treatment by staff</i>

	Complaint types for "Other"	<i>Facilities for passengers with disabilities, including toilets</i>
		<i>Other</i>
		<i>Medical issues (e.g. fitness to fly issues not covered under Regulation 1107/2006)</i>
		<i>Missed connections</i>
		<i>Tickets and fares (e.g. name change, printing boarding pass, Airport Development Fee, 'sequential ticketing')</i>
		<i>In-flight facilities and services (e.g. meals, entertainment)</i>
		<i>Delayed / damaged / lost /stolen baggage</i>
		<i>Cabin baggage</i>
		<i>Safety</i>
		<i>Booking problems (e.g. premium cost phone line, charges wrong price, prices increased during booking process, added extras)</i>
		<i>Complaint process</i>
		<i>Schedule changes (not covered by Reg 261/2004)</i>
		<i>Other</i>
Complaint sub-type (EU Regulation 261/2004)	Complaint sub-types for EU Regulation 261/2004*	<i>Right to care</i>
		<i>Information</i>
		<i>Compensation</i>
		<i>Refund</i>
		<i>Alternative flight</i>
		<i>Expenses</i>

Decision	ADR body's decision	<i>Complaint not accepted / refused</i>
		<i>Complaint discontinued</i>
		<i>Complaint accepted and not discontinued</i>
Grounds of refusal	Grounds of refusal	<i>Outside scope</i>
		<i>Airline not contracted to ADR scheme</i>
		<i>Complainant not waited sufficient time for airline to respond</i>
		<i>No attempt to contact airline by complainant</i>
		<i>Dispute frivolous / vexatious</i>
		<i>Dispute considered by another ADR body / court</i>
		<i>Over monetary threshold</i>
		<i>Deadlock letter / non-reply too long ago</i>
Reason for discontinuation	Reason for discontinuation	<i>Would impair effective operation of the ADR entity</i>
		<i>Complainant out of contact</i>
		<i>False / fraudulent information / documents</i>
		<i>The trader has misled with regard to a ground for refusing to accept or continue</i>
		<i>Consumer has been abusive</i>
		<i>Consumer and the trader agree (including where a conflict of interest)</i>
		<i>Complaint withdrawn</i>

Outcome of accepted complaint (as applicable)	Outcome of accepted complaint	<i>Monetary</i>
		<i>Monetary and vouchers</i>
		<i>Vouchers only</i>
		<i>Apology only</i>
		<i>Practice/policy change</i>
		<i>No remedy due</i>
Monetary settlement currency	Monetary settlement currency	ISO 4217 currency code
Monetary settlement amount	Monetary amount paid out as a settlement <sup>7</sup>	-
Date remedy due	Date remedy due <sup>8</sup>	-
Late payment reported by consumer	Late payment reported	<i>Yes</i>
		<i>No</i>

<sup>7</sup> This field should not include the value of any vouchers that formed part of the settlement. This field should not include prefixes or any non-numeric characters.

<sup>8</sup> Use 'null' if the case has not yet been adjudicated / settled and therefore there is no date yet at which the remedy is due.