

ADR Entity Approval and Appeals Process

CAP 1426

A large, abstract graphic composed of overlapping, semi-transparent blue and teal shapes, creating a sense of depth and movement. The shapes are curved and layered, with some appearing as if they are floating or overlapping others, set against a white background.

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Chapter 1

Introduction

- 1.1 This document is for ADR applicants and potential applicants. It sets out the CAA's policy on ADR applications which are either refused or granted with specific conditions attached.
- 1.2 There may be occasions where the CAA refuses an Applicant their request for approval as an ADR entity; or where the CAA is minded to approve an Applicant for ADR entity status but with specific conditions attached. This process will be followed should the Applicant wish to lodge an appeal against such decisions of the CAA.
- 1.3 Once an approval is granted there may be situations where the CAA wishes to add some conditions to that approval or to withdraw the approval¹ entirely. This is the process which will be followed should the ADR entity wish to lodge an appeal against the addition of conditions or withdrawal of approval. It should be noted that during the time from withdrawal of approval pending the appeal hearing, the withdrawal of approval will be in effect. The conditions will also be added and in effect pending the hearing.

¹ www.caa.co.uk/CAP1427

Chapter 2

Primary decision

2.1 The process for making an initial decision is as follows:

- 1) Application is submitted to the Case Worker.
- 2) Case Worker assesses the application, seeking input from relevant technical experts from within the CAA. Case Worker contacts the Applicant to inform them if any documents are missing and if there are areas where the application is outside CAA policy.
- 3) The Applicant is provided with opportunities to re-submit documents so as to bring them in-line with CAA policy. Case Worker continues to inform the Applicant of any missing documentation and matters which are outside CAA policy.
- 4) Case Worker informs the Applicant when s/he is in a position to make a recommendation and if there are any continuing matters of concern / outside CAA policy. This is done in writing prior to making the recommendation².
- 5) Unless the Applicant wishes to make further alterations to their application, the Case Worker will send the most recent version of the application documents, and her/his assessment of them, including a recommendation to the Primary Decision Maker.

2.2 The CAA will generally deem an application 'dormant' should the Applicant halt the application process by not re-submitting documentation within 2 months of feedback being provided by the Case Worker, or by going out of communication entirely for 2 months or more. The Applicant can also request explicitly that their application is deemed 'dormant'. Applications can only be held dormant for a maximum time period of 6 months. After this time the original application will be withdrawn and no refund will be due. If the Applicant wishes to 're-activate' their application

² The applicant can 'demand' a Case Worker recommendation to the Primary Decision Maker at any time should the applicant wish not to re-submit further documentation.

then a new application will need to be made with the payment of a further application fee.

Chapter 3

Next steps

Option 1**Application is accepted**

- 3.1 An e-mail will be sent to the Applicant informing them of their approval. This is followed up with the approval document which contains standard terms of the CAA's approval.

Option 2**Primary Decision Maker is minded to accept application with specific conditions**

1. An email will be sent to the Applicant informing and explaining why the CAA is only prepared to grant the approval on specific (in addition to the standard) approval terms.
2. The Applicant must reply accepting or refusing the conditions of approval.
3. If the Applicant accepts the conditions, they will be sent their approval document.
4. If the Applicant refuses to accept the conditions, their application will be refused in a letter/email from the Primary Decision Maker setting out the full reasons for the refusal. The Applicant will be notified in the refusal letter/email that they have the right to appeal within 21 calendar days of the letter/email.

Option 3**Application is rejected**

- 3.2 An e-mail/letter from the Primary Decision Maker will be sent the Applicant informing them that their Application has been refused and setting out the full reasons for the refusal. The Applicant will be notified in the refusal letter/email that they have the right to appeal within 21 calendar days of this letter/email.

Chapter 4

Appeals process

- 4.1 If the Applicant has their application rejected, or approved only subject to specific conditions they do not accept, they will have the right to request an appeal. The Applicant must request the appeal, along with their reasons for requesting the appeal in writing within 21 calendar days of the decision by the Primary Decision Maker being sent to them. The appeal request, reasons and supporting evidence should be sent to the Primary Decision Maker. The Primary Decision Maker will acknowledge this request in writing and pass this information on to the Appeal Manager.
- 4.2 The Appeal Manager will have no prior involvement in the application and will carry-out purely administrative duties. From this stage all communication from the Applicant should be addressed to the Appeal Manager (and not the Primary Decision Maker).
- 4.3 A CAA Board Member (Board Member) will consider the applicant's appeal. The Board Member will have had no previous involvement in the consideration of this application.
- 4.4 Upon receipt of the request for an appeal the Applicant will be offered a formal hearing in writing by the Appeal Manager (and advised that if the Applicant does not request a formal hearing the appeal will be dealt with solely on the papers). If the Applicant requests a hearing, they will be given a minimum 28 calendar days notice of the hearing date.

Chapter 5

Formal hearing

- 5.1 The hearing will normally take place within 3 months of the appeal being requested by the Applicant.
- 5.2 All the reasons for the appeal and evidence relied on in support of the appeal should already have been sent to the CAA, at the time the appeal was requested. However, if the Applicant submits any additional evidence this must be submitted at least 14 calendar days in advance of the hearing.
- 5.3 At the formal hearing the Board Member, Case Worker and the Primary Decision Maker (and any CAA technical advisers that provided expert analysis to the Primary Decision Maker or Case Worker before reaching his/her decision) and the Applicant, will be present. CAA's OGC³ will provide legal support during the appeal process. One lawyer will be assigned to advise the Primary Decision Maker and one to advise the Board Member. The lawyer advising the Board Member will have had no previous involvement in the consideration of this application. Both lawyers will be present at the hearing. The Appeal Manager will also be present in an administrative capacity.
- 5.4 The Board Member will question the Applicant on aspects of the application and the reasons and evidence for the appeal. The Board Member may also ask questions of the Primary Decision Maker. The hearing will be formal and fair but it will not follow the strict rules of evidence that would be followed in a court room. This means that although the Applicant may choose to be represented by a legal adviser this is not necessary.

³ Office of the General Counsel

- 5.5 The hearing will be held in public unless the Applicant makes an application to the Board Member, at the time of requesting the appeal, for it to be held in private.
- 5.6 A full transcript will be made of the hearing which will be provided to the Applicant.
- 5.7 After the hearing the Board Member alone will make the final CAA decision. This will be communicated to the Applicant in writing giving full reasons and the Appeal Manager will send this to the Applicant normally within 14 calendar days of the hearing.
- 5.8 There will be no further appeal mechanism and this is the end of the application process.

Chapter 6

Board Member assessment (no formal hearing)

- 7.1 If the Applicant does not request a formal hearing, the Board Member will make a decision on the case on the papers only. This decision will be made normally within 6 weeks of the appeal being requested by the Applicant.
- 7.2 The Board Member may ask the Primary Decision Maker (and the technical experts advising him/her, or those having advised the Case Worker) some questions before making his/her decision. If s/he does so a record will be made of those questions and the answers given and a copy provided to the Applicant.
- 7.3 The Board Member alone will make the final CAA decision. This will be communicated to the Applicant in writing giving full reasons and the Appeal Manager will send this to the Applicant.
- 7.4 There will be no further appeal mechanism and this is the end of the application process.