

VERITA

IMPROVEMENT THROUGH INVESTIGATION

**Independent expert audit of ADR decision making for the Civil
Aviation Authority**

A report for
The Civil Aviation Authority

January 2021

Authors:
Nicola Salmon
Peter Killwick
Kieran Seale

© Verita 2021

Verita is an independent consultancy that specialises in conducting and managing investigations, reviews and inquiries for regulated organisations.

This report has been written for The Civil Aviation Authority and may not be used, published or reproduced in any way without their express written permission.

Verita
338 City Road
London EC1V 2PY

Telephone 020 7494 5670

E-mail enquiries@verita.net

Website www.verita.net

Contents

Part A: Background and context	4
1. Introduction	4
2. Terms of reference	6
3. Executive summary	7
4. Approach	16
Part B: Available guidance - overview	19
5. Good practice in managing complaints - an overview	19
6. The ADR bodies' complaints processes and policies	20
Part C: Performance data analysis	25
7. Overall principles	25
8. General observations	28
9. Case management	31
10. Data management	38
11. Outcomes	47
12. Quality of responses	59
13. Interview feedback	74
Appendices	79
Appendix A. List of charts and data tables	79

Part A: Background and context

1. Introduction

1.1 The Civil Aviation Authority (CAA) is the UK's specialist aviation regulator. In 2015, as part of the implementation into UK law of a European Directive covering alternative dispute resolution (ADR), the CAA was given the role of Competent Authority for approving and overseeing bodies seeking to provide ADR services in the consumer aviation sector.

1.2 There are currently two CAA-approved ADR bodies operating in the sector - Aviation ADR (AADR) and The Centre for Effective Dispute Resolution (CEDR). Air passengers have had access to ADR for aviation since early 2016. Despite being voluntary, around 80% of those departing the UK by air are eligible to escalate a complaint to ADR for a binding decision as an alternative to taking court action. The CAA conducted a review of the first year of ADR, published in December 2017 and have now commissioned this independent audit of the two bodies for assurance as to the quality and consistency of decision making and to determine the extent to which these decisions are transparent.

1.3 A key feature of ADR in the aviation sector is the requirement, introduced by the CAA, that the decisions of the CAA approved ADR providers, once accepted by the consumer, are binding on the business.

1.4 Airline ADR schemes must handle the following types of complaints:

- Denied boarding, delay, or cancellation;
- Destruction, damage, loss, or delayed transportation of baggage;
- Destruction, damage, or loss of items worn or carried by the passenger;
- Problems faced by disabled passengers or passengers with reduced mobility when using air transport services (i.e. complaints about airlines arising under Regulation EC1107); and
- Any more general disputes arising where the consumer alleges that the business is not trading fairly. Here we are referring to situations where the consumer has been misled, for example into paying more for the flight or into buying something that they did not actually want, where the consumer has been harmed by the use by the business of an unfair contract term, or where the consumer has been

otherwise harmed by the breach by the business of general consumer protection law.

1.5 Airport ADR schemes handle complaints regarding:

- Problems faced by disabled passengers with reduced mobility when using air transport services

1.6 When considering quality, the CAA would like the audit to consider the process with specific reference, in order of priority, to:

1. Decision Making
2. Case Management
3. Transparency

1.7 The CAA have commissioned Verita, a specialist consultancy that conducts investigations and reviews, to carry out an independent audit of the two ADR bodies for assurance as to the quality and consistency of decision making and to determine the extent to which these decisions are transparent.

1.8 Verita is a consultancy specialising in the management and conduct of investigations, reviews and inquiries in public sector organisations. Verita has significant experience in managing complaints both at the 'front line' and as a supplier of an independent complaints review service.

2. Terms of reference

2.1 The CAA require an audit, based on a sample of cases, to assess the quality and consistency of decision making within and across the ADR bodies.

2.2 When considering quality, the CAA would like the audit to consider the process with specific reference to:

1. **Decision Making** - the accuracy, consistency and overall quality of decision making within and across the ADR bodies
2. **Case Management** - effectiveness, timeliness and quality assurance processes
3. **Transparency** - clarity about the process followed and demonstrating the evidence basis of decision-making

2.3 These areas will be assessed holistically, using a common methodology: reviewing sample cases, interviews with staff and analysis of documentary materials.

3. Executive summary

Introduction

3.1 The Civil Aviation Authority (CAA) is the UK's specialist aviation regulator. In 2015, as part of the implementation into UK law of a European Directive covering alternative dispute resolution (ADR), the CAA was given the role of Competent Authority for approving and overseeing bodies seeking to provide ADR services in the consumer aviation sector.

3.2 There are currently two CAA-approved ADR bodies operating in the sector - Aviation ADR (AADR) and The Centre for Effective Dispute Resolution (CEDR). Air passengers have had access to ADR for aviation since early 2016.

3.3 Airline ADR schemes must handle the following types of complaints:

- Denied boarding, delay, or cancellation;
- Destruction, damage, loss, or delayed transportation of baggage;
- Destruction, damage, or loss of items worn or carried by the passenger;
- Problems faced by disabled passengers or passengers with reduced mobility when using air transport services (i.e. complaints about airlines arising under Regulation EC1107); and
- Any more general disputes arising where the consumer alleges that the business is not trading fairly. Here we are referring to situations where the consumer has been misled, for example into paying more for the flight or into buying something that they did not actually want, where the consumer has been harmed by the use by the business of an unfair contract term, or where the consumer has been otherwise harmed by the breach by the business of general consumer protection law.

3.4 Airport ADR schemes handle complaints regarding:

- Problems faced by disabled passengers with reduced mobility when using air transport services

3.5 When considering quality, the CAA would like the audit to consider the process with specific reference, in order of priority, to:

1. Decision Making - the accuracy, consistency and overall quality of decision making within and across the ADR bodies
2. Case Management - effectiveness, timeliness and quality assurance processes
3. Transparency - clarity about the process followed and demonstrating the evidence basis of decision-making

3.6 The CAA have commissioned Verita, a specialist consultancy that conducts investigations and reviews, to carry out an independent audit of the two ADR bodies for assurance as to the quality and consistency of decision making and to determine the extent to which these decisions are transparent.

Audit approach

3.7 Our evaluation of the ADR bodies is designed to objectively assess the performance of the case handling function against both its internal policies and targets, and also against best practice we have observed across sectors and in individual organisations.

3.8 The review has involved audits of the ADR bodies' policies and procedures relating to complaints, including public facing information contained on the CAA, AADR and CEDR websites and in policy documents (what 'should' be done). This has then been compared with an audit of actual complaints handled by the ADR bodies, randomly selected from the complaints databases (what is done). These exercises were followed up by interviews with senior staff in the ADR bodies in order to test our understanding and to get an operational perspective on the service.

3.9 In relation to the audit of complaints, as our audit period we used all complaints received by both providers in 2019. Both ADR bodies provided a spreadsheet of their full data set in February 2020. Verita extracted a random sample of complaints across the audit period for both ADR bodies for detailed analysis. Between the two ADR bodies, a total of 39,554 complaints were logged - 28,562 to AADR and 10,992 to CEDR. We extracted a random sample (the audit sample) of 410 complaints across the period for detailed analysis - 242 from AADR and 168 from CEDR. This sample was weighted to be representative both between and within providers. This gives a confidence level of 95% (margin of error 5%) that the sample is representative of the whole data set. It is generally accepted that the 95%

confidence interval strikes the best balance between statistical rigour and maintaining a manageable sample size. In order to ensure that Verita use a properly randomised audit sample, Verita received the data from the ADR bodies in an unfiltered form, i.e. every record over the period.

Summary of key findings

3.10 While we make suggestions and recommendations for improvement in this report, these should be viewed through the lens of the overall strong performance by both ADR bodies. Our overall observation from the audit sample is that both ADR bodies provide an essentially good, fair and transparent service to complainants, with determinations that are evidence based and within guidance.

Decision making

Making evidence based, justifiable determinations

3.11 Our analysis of the audit sample cases shows that, in our view, the determinations made by both ADR bodies are generally good: i.e. in line with the scheme rules, internal policies and legislation, while accounting for the essential nature of the complaint. There was a question mark over the conclusions reached in only a small percentage of cases. In these cases, the complainant clearly has the ability to question the decision, and both bodies have mechanisms by which cases can be re-opened and the evidence re-examined, or, indeed, new evidence can be introduced. However, in our analysis of the sample, we found few cases in which complainants significantly challenged the adjudicators' decisions.

Understanding the complaint and addressing the concerns of the complainant

3.12 Based on the audit sample, both ADR bodies performed strongly in terms of understanding the issues underlying the complaint. Indeed, CEDR achieved a perfect score in this area, although it should be noted that the relatively prescribed scope of issues available for ADR means that it is not surprising to see such strong performance. Similarly, both ADR bodies performed well in addressing the specific concerns raised by complainants

at various stages of the process. That said, CEDR did score more highly than AADR in this respect and, in the latter's case, we found a small number of cases where we noted that AADR had not responded to all aspects of the complaint. This suggests that there is some room for improvement for AADR in this area.

Comparing outcomes

3.13 Our analysis of cases that are adjudicated by the ADR provider or settled by the operator indicates that a greater proportion of cases submitted to CEDR are either settled or progress to adjudication than for AADR. As explained later in this report, in part this is due to the figures for AADR being somewhat skewed by the overreporting of 'open' cases, and so the true numbers are likely to be similar - certainly within the natural variation we would expect between ADR bodies. For those cases that are adjudicated by the ADR bodies, our analysis suggests the complainants' success rate in obtaining compensation was only slightly greater for CEDR than AADR once discontinued and in progress cases are discounted. The difference may be due to the different approaches taken by the ADR bodies to making determinations in the face of missing or conflicting evidence.

Making consistent determinations

3.14 Within the audit period, two operators - referred to in this report as Airline A and Airline B - moved from CEDR to AADR as their ADR provider. Unfortunately, it is difficult to draw clear conclusions as AADR had only adjudicated an award of compensation payment to the complainant in a single case for one of the airlines, and many cases relating to both airlines were still in progress with AADR. We recommend that the CAA consider performing a stand-alone analysis on airline A in order to establish the side-by-side outcomes of the two ADR providers. This should be performed toward year-end when AADR's 'in-progress' cases will have been closed.

Case management

Handling and logging complaints

3.15 We found that, with one exception, all cases from the audit sample were correctly classified as in or out of scope for ADR. Every case that should have been considered had been, with a single case that was out of scope being included. Within the review of the audit sample, each complaint was given a score on a scale of one (poor) to five (excellent) for the handling and logging of the complaint. We rated the vast majority of cases for both ADR bodies as either excellent or very good, indicating we could not find any, or only very minor, faults with the handling of the complaint.

Timeliness

3.16 We interrogated the audit sample to assess performance against a number of metrics for timeliness, including the timeliness of the initial response, the time taken to assemble a complete case file, and the time taken to reach a decision from the completion of the case file. Our findings are as follows:

- Both ADR bodies performed well in providing an initial response to complainants within 15 days.
- In terms of the time taken to assemble a complete case file, operators for whom AADR provide the ADR service are on average considerably slower to respond with a case file than CEDR operators. Within these averages there is, unsurprisingly, considerable variation in the time taken for operators to produce a case file, although it is notable that the operators that receive higher volume complaints appear to be well practiced and efficient in this task.
- There is a degree of variation in the time taken by the two ADR bodies to reach their determination once in possession of the complete case file. Although both providers met the 90-day target in the vast majority of cases, the time taken to reach a determination was considerably shorter for CEDR than for AADR. It is notable that complaints concerning one operator in particular are significantly impacting on the performance of AADR in this area.

Data management

3.17 Both ADR bodies use a complaints portal to manage the ADR process, although both portals use different approach to manage the interaction between the airline, the ADR body and the passenger. In general, both approaches function well and deliver appropriate standardised interaction with complainants. In our analysis of the audit sample we saw few cases where passengers had complaints about using the portals.

3.18 Both ADR bodies performed well in relation to a number of data management metrics, including acknowledging new complaint cases, recording the current status of complaints, and in maintaining a full and accessible record of complaint activity.

3.19 In relation to the ADR body's initial review stage, we did notice a tendency that once CEDR cases had undergone an initial review, complainants were almost universally requested to submit further evidence to support the complaint. We found this amongst AADR cases too, but to a lesser extent. While it is good practice that such omissions are noticed at such an early stage in the process, we suggest it would be better if customers are prompted at the outset to upload evidence in a more structured way. We therefore recommend that both ADR bodies should consider if a more 'guided' method of initial evidence gathering could be developed in order to minimise the need for further evidence requests from customers.

3.20 In relation to recording the current status of complaints, we observed some data cleanliness issues in respect of a small number of cases for CEDR, but a more substantial issue with AADR. In AADR's case, many more cases in the full data set were reported as being open but, upon closer review, had in fact been resolved but had not been 'officially' closed. While this does not present an issue for the complainant or the operators interacting with the process, it does represent a data cleanliness issue and we would recommend that AADR endeavours to ensure that all cases, when completed, are recorded as such in the database, and that all relevant correspondence (including closing correspondence) is included. At the time of completing this report, we have been told by AADR that the issue has been recognised and rectified, though do not have the data to confirm this.

Data integrity

3.21 The complete databases for both ADR providers are good, with a high level of completion and few clear errors. As described in the previous paragraph we do observe that the maintenance of the AADR data could be improved, particularly in noting when cases are actually completed. We observe also that there are differences in nomenclature between the two providers, which is not surprising given that they are independent companies, but which can make comparability of the services time consuming in that the data has to be manipulated in order to derive comparisons. We would emphasise though that neither of these issues has a direct effect on complainants, rather it primarily affects the data reported to the CAA as overseer of the service. That said, for its analysis of provider performance, the CAA does not currently rely on any of the reported fields that we consider require attention. Notwithstanding this, the CAA should encourage the ADR bodies to align their nomenclature, in particular for discontinuation reasons, in order to better enable comparison of performance.

Transparency

Transparency of policies and procedures

3.22 In respect of the ADR bodies' policies and procedures relating to complaints, including public facing information contained on the AADR and CEDR websites and in policy documents (what 'should' be done), we found the CEDR website to be of very high quality. The site was easy to find by googling and is easy to navigate. The site is written in plain English. Where acronyms are used (e.g. 'ADR'), they are explained. The AADR website was more difficult to navigate, but this is recognised by the organisation and is under review.

Clarity about the process followed

3.23 In terms of keeping complainants informed about the process, our audit sample showed that both ADR bodies performed well in giving complainants a clear view of what to expect and by when, in particular in outlining timescales for action and next steps. Both ADR bodies also performed well in terms of setting out the approach taken to address the issue underlying the complaint. Based on the audit sample, adjudication reports invariably

set out the background of the complaint, the complainant's and operator's case, the legal basis for the complaint and crucially the approach that the adjudicator must take in making a determination.

3.24 In all but three cases in the audit sample we found that the appropriate legal basis for the determination was included and fully explained. In the complaints where this was not the case, this was largely due to conflict between the complainant's alleged reason for disruption and the evidence provided by the airline. We recommend that, in such cases, both benchmarks are set out and the different threshold requirements explained to the complainant to justify use of one benchmark over another.

Demonstrating the evidence basis of decision-making

3.25 Based on the audit sample, both ADR bodies consistently based their determinations on the evidence presented, and adjudicators routinely explained the evidence they had received in detail, demonstrating that each complaint had been handled and assessed on its merits. Further, both ADR bodies performed strongly in terms of their adjudicators drawing upon all the information available in coming to a determination - be that from complainant's or operator's evidence or from independent research. We found also that, where the airline had not already provided weather report data, adjudicators invariably researched this for themselves and included findings in the report. This is excellent, as it demonstrates that adjudicators are routinely making judgements based on the 'fullest picture' of the scenario.

3.26 Our review found that, in the face of missing or conflicting evidence, the ADR bodies took slightly different approaches in taking account of this in their determinations. Although it is not possible to say which of these approaches is correct, our view is that both ADR bodies could provide stronger guidance to complainants and operators as to the evidence required to make a determination.

Use of plain English

3.27 We found that, in the vast majority of cases audited, the language used throughout interactions with complainants was clear, with good spelling and grammar. In our view, the use of 'template' responses throughout the adjudication process has helped both bodies to

standardise this. Although we found that, in most cases, language and industry specific terms are used appropriately and explained with the audience in mind (i.e. the 'lay complainant'), we identified a small number of cases across the sample where there was an excessive use of jargon. We would advise that staff remain cautious in its use, to ensure that they are communicating in the clearest terms possible.

4. Approach

4.1 Our evaluation of the ADR bodies is designed to objectively assess the performance of the case handling function against both its internal policies and targets, and also against best practice we have observed across sectors and in individual organisations.

4.2 The review has involved audits of policies and procedures (what ‘should’ be done) against the answering of actual complaints randomly selected from the complaints databases (what is done). These exercises were followed up by interviews with senior staff in the ADR bodies in order to test our understanding and to get an operational perspective on the service.

4.3 The project was undertaken under difficult circumstances, as the COVID-19 lockdown was initiated at the start of our engagement with the ADR bodies. This introduced significant delays to the process as all parties became used to their new ways of working.

4.4 In our interviews with the ADR providers, we asked about how the current state of the airline industry was likely to impact their ability to continue to provide their services.

4.5 Rather than simply telling the organisation what it already knows by replicating core metrics, we have used a bespoke template to assess the strength of complaint responses against criteria that we know from experience to be important to complainants.

4.6 We have reviewed the ADR bodies’ policies and procedures relating to complaint management to assess their inherent strength, and to determine how well complaints are managed against these internal standards.

Desktop audit sample review

4.7 Verita requested policies and procedures from the CAA and ADR bodies in order to familiarise themselves with the benchmark standards which complaints will be assessed against. Through this process Verita assessed the consistency of policies across the ADR bodies’ internal policies.

4.8 As our audit period, we used all complaints received by both providers in 2019. Both ADR bodies provided a spreadsheet of their full data set in February 2020.

4.9 Verita extracted a random sample of complaints across the audit period for both ADR bodies for detailed analysis. Between the two ADR bodies, a total of 39,554 complaints were logged - 28,562 to AADR and 10,992 to CEDR. We extracted a random sample (the audit sample) of 410 complaints across the period for detailed analysis - 242 from AADR and 168 from CEDR. This sample was weighted to be representative both between and within providers. This gives a confidence level of 95% (margin of error 5%) that the sample is representative of the whole data set. It is generally accepted that the 95% confidence interval strikes the best balance between statistical rigour and maintaining a manageable sample size. In order to ensure that Verita use a properly randomised audit sample, Verita received the data from the ADR bodies in an unfiltered form, i.e. every record over the period.

4.10 Verita audited each complaint in the sample using the ADR bodies' handling processes and policies as the benchmark. We evaluated the ADR bodies' compliance to their internal complaint handling policy and recognised best practice. This report highlights whether the results and methods across the two bodies are largely consistent and identifies any area in which this is not the case.

4.11 In addition to these internal standards, we used Verita's own '*Principles of good complaint handling*' to design a bespoke template framework against which all complaints will be judged. We detail the questions used in the sample review in section 12 below.

4.12 The data set was fully anonymised in order to comply with GDPR requirements.

4.13 While much of our analysis was performed on the audit sample, in some instances we felt that there would be benefit in looking at the complete data set. In sections 8 to 12 below, we identify whether the analysis was on the audit sample or complete data set.

Structure of this report

4.14 This report is presented as three parts:

- Part A: Background and context - sections 1- 4
 - Introduction and background to this report including executive summary.

- Part B: Available guidance - overview - section 5 - 6
 - Good practice standards and ADR bodies' approach.

- Part C: Performance data analysis - sections 7 - 13
 - Thematic review of data analysis and interview feedback.

Part B: Available guidance - overview

5. Good practice in managing complaints - an overview

5.1 In evaluating performance in complaints management, it is important to consider the objectives of the work - why the complaints process is important to an organisation.

5.2 The Parliamentary and Health Service Ombudsman's 'Principles of good complaint handling' guidance emphasises the importance of having good procedures which, it says, "*can save ... time and money by preventing a complaint from escalating unnecessarily*".

5.3 Key features of a good complaints system include:

- strong leadership from the top of the organisation;
- a focus on outcomes to be delivered both for the complainant and the organisation;
- fairness and proportionate responses;
- sensitivity to complainants needs;
- a clear and straightforward process, which is therefore accessible to users; and
- efficiency - with decisions taken quickly, things put right, and lessons learnt.

5.4 In the end, a good complaints process comes down to giving clear, balanced responses to the issues raised, while building a positive culture so that the organisation as a whole, and those responding to complaints, regard them as useful intelligence and a resource to aid learning and improvement. The role of the ADR body in this process is to help a business and their customer resolve a complaint. Whilst the principles cited above are aimed primarily at businesses, we believe that they should also be present in an effective ADR process

5.5 In the rest of this report, we assess the performance of the ADR bodies' complaints function against recognised best practice in complaint handling and build upon our observations from previous engagements of this nature.

6. The ADR bodies' complaints processes and policies

6.1 We reviewed the ADR bodies' policies relating to complaints, including public-facing information contained on the CAA, AADR and CEDR websites and in policy documents.

ADR websites

6.2 We assessed both the CEDR and AADR websites for how easy they are to use. We considered factors such as:

- Ease of finding the website (e.g. by googling)
- Ease of navigation around the site (including accessibility issues)
- Clarity of written information
- Ease of finding answers to questions
- Ease of getting in contact.

CEDR

6.3 We found the CEDR website to be of very high quality.

6.4 The site was easy to find by googling and is easy to navigate. It has information about accessibility issues and offers additional assistance if needed. The text is easy to read in a large size font and high contrast colours (blue or black on white). There is a clear link on the home page to 'BrowseAloud' text to speech technology.

6.5 The site is written in plain English. Where acronyms are used (e.g. 'ADR'), they are explained.

6.6 Some basic questions are answered on the home page and readers are referred to a separate FAQ section. The FAQ section is comprehensive and there is a clear link to it on the home page (although there is no link to the FAQs in the home page answer to the question "*I have other questions, what should I do*").

6.7 It is easy to find contact information, to see how to make a complaint and to see which organisations are covered by the scheme.

6.8 The home page includes a clear link to a privacy statement.

AADR

6.9 The AADR website was, in contrast, harder to use from the customer perspective as the useful features and functions referenced above were not evident and navigation around the site was less intuitive.

6.10 Googling terms such as “AADR airline resolution” lead to a website branded as ‘CDRL’. This is also the link supplied on the Civil Aviation Authority website, which describes the provider as “AviationADR (Consumer Dispute Resolution Limited)”. Navigating to the CDRL aviation page leads to <https://www.cdrl.org.uk/aviation-adr/>. These lead through to pages which are branded ‘Aviation ADR’. The branding of the CDRL and AviationADR sites is different and the relationship between them is unclear. For example, although the CDRL page has the title ‘AviationADR’ it does not include the Aviation ADR logo. Selecting ‘home’ on the Aviation ADR page takes the user to the (differently branded) CDRL page, without explanation. It should be noted, however, that complainants will be given a specific web-address by the airline in their deadlock letter, so have the ability to bypass the potentially confusing “Google route” if they choose to follow the link.

6.11 The AviationADR branded pages are confusing. The relationship between two landing pages is not explained:

- <https://www.aviationadr.org.uk/dashboard-access/>
- <https://www.aviationadr.org.uk/initial-complaints-check-page/>

6.12 The pages for submitting a complaint (<https://dashboard.aviationadr.eu/webform.php>) are branded differently again from either the CDRL or AviationADR pages. No navigation is provided to move from them back to the pages which include general information. The submission form is less user friendly than the CEDR equivalent.

6.13 The AADR website provides a less positive user experience than its CEDR equivalent. The site has more text and less space than the CEDR site and is, we believe, less well designed. The complaints portal has a strong grey background, reducing the contrast with the text. The only reference to accessibility issues is a link at the bottom of the AviationADR pages (it is only visible by scrolling down). There is no reference to accessibility issues on the complaint submission pages.

6.14 The text is generally written in plain English, although the term ‘ADR’ is used on the main CDRL page without explanation.

6.15 There are FAQs on both the initial CDRL and Aviation ADR pages, but they are not prominently linked to. There are no links to FAQs or other information from the pages used to submit complaints (in contrast this information is accessible from all the CEDR pages). The same applies to contact information - it is less prominent than on the CEDR pages and inaccessible from many pages. We saw no links to information about privacy/data protection.

Public-facing documents

6.16 We reviewed documentation provided by both CEDR and AADR which describe how the schemes operate. Clearly this information is supplementary to that on the website and in most cases, it will be easier for members of the public to refer directly to the websites. Nevertheless, there may be circumstances where downloading a document setting out how the scheme works is more convenient for users than the website.

6.17 Both organisations have formal ‘Scheme Rules’. These appear to be legally drafted and are reference documents. Although both are comprehensive and describe the scheme accurately, they are unlikely to be seen by members of the public as a convenient way of accessing information about the scheme.

6.18 Both scheme rules are consistent in terms of scope. We found one area where there may be some benefit in clarifying the wording of the scheme rules. Scheme rules for both ADR bodies state:

“The Scheme can be used to settle disputes between customers and subscribing companies stemming from aviation services contracts relating to a direct flight whose point of origin and/or final destination is in the United Kingdom, or aviation services contracts relating to a directly connecting flight where the point of origin, final destination or any point of connection takes place in the United Kingdom”

6.19 However, the EU regulation EC261/2004 setting out compensation due, upon which the ADR scheme is based distinguishes based on the origin or destination of the flight and where the flight operator is based. The regulation applies to all flights departing from the EU, regardless of the airline, but does not apply to flights arriving from outside the EU if the airline is not based in the EU.

6.20 This points to a difference between complaints being in scope for ADR bodies to handle and complaints being in scope for EC261 compensation to be paid. While we found that both ADR bodies consistently applied this rule correctly and acknowledge that the scheme rules are not primarily aimed at consumers, it could be a source of confusion for consumers in future. This regulation was applicable at the time of audit was completed - during the EU Exit Transition period. The application of the law has changed since Brexit.

Recommendation

R1 The CAA could review the wording of this area of the ADR scheme rules to avoid possible confusion to consumers and to ensure that scheme rules reflect any legal changes following the UK’s exit from the European Union.

6.21 The overarching principle for both bodies is that they all have to be completed (from completion of the case file to the point of reaching a final adjudication) within 90-days.

6.22 The timescales for each intermediate stage are also given but do not always match up with each other and within different documents we have reviewed.

6.23 In terms of intermediate benchmarks, we have used the below standards in our analysis, but determined that the 90-day rule supersedes this:

- Acknowledgment within 2 days
- Initial assessment 15 days
- Airline response up to 28 days
- Complainant response 10 days (optional)
- Adjudication report within 15 days of the complete case file (based on ADR body internal timescales)

6.24 The complainant then gets up to 10 days to accept or reject the decision and the airline has 20 days to prove compliance.

6.25 The other documentation provided by each organisation is discussed below.

CEDR

6.26 CEDR have produced 'A Guide for Customers' (dated 2019) and a single page process flowchart. The guide for customers is, in fact, a set of frequently asked questions. These are helpful in providing insight into the process.

6.27 The Guide for Customers has been recently updated and is now good.

6.28 The flow-chart itself is a useful one-page summary of the process (although it does not mention timescales for the individual steps).

AADR

6.29 AADR's scheme rules are more accessible and better at explaining the process than those produced by CEDR but are nevertheless essentially a formal documentation of the rules rather than a guide.

Part C: Performance data analysis

7. Overall principles

7.1 In this section, we review the ADR complaints handling performance.

7.2 Verita extracted a random sample of complaints across the audit period (January - December 2019) and both ADR bodies for detailed analysis. Between the two ADR bodies, a total of 39,554 complaints were logged - 28,562 to AADR and 10,992 to CEDR. We extracted a random sample (the audit sample) of 410 complaints across the period for detailed analysis - 242 from AADR and 168 from CEDR. This sample was weighted to be representative both between and within providers. This gives a confidence level of 95% (margin of error 5%) that the sample is representative of the whole data set. It is generally accepted that the 95% confidence interval strikes the best balance between statistical rigour and maintaining a manageable sample size.

7.3 As such, a $\pm 5\%$ statistical variance can be applied to all analysis based on the audit sample. Moreover, there is an inherent margin of error applicable to all systems which are reliant on human input. The fact that a particular field has, for example, not been populated does not mean that an action has not been done - rather just that it has not been recorded.

7.4 In order to ensure that the review uses a properly randomised audit sample, Verita received the data from the ADR bodies in an unfiltered form, i.e. every record over the period.

7.5 All of our reviewers are experienced in the field, and initially examined a common sample of complaints in order to moderate and standardise scores.

7.6 We assessed cases in the sample against the following criteria:

1. Should the ADR body have handled this case? (within scope & scheme rules)
2. Was the complaint acknowledged on receipt?
3. Initial response given within agreed timeframe
4. Next steps (if any) outlined
5. Were timescales for addressing and responding to the complaint clearly set out?

6. Was the complaint delayed?
7. Were delays for a relevant reason?
8. Is record complete? e.g. context/previous correspondence/complaints included
9. Was the case resolved within 90 days from claim start date?
10. Is current status/ outcome correctly recorded?
11. Written in plain English, spelling etc
12. Was there an evidenced based, justifiable determination?
13. Was there an adjudication?
14. Adjudication report clearly sets out approach and methodology of response
15. Appropriate regulations, legislation, benchmarks referenced
16. Appropriate investigation of concerns (e.g. interviews if appropriate, expert advice etc)
17. Analysis in adjudication report is evidence based (if applicable)
18. Did the adjudicator make use of all available sources of information?
19. Does adjudication report show a clear understanding of the complaint?
20. Does the adjudication report address complainant concerns?

7.7 We accessed CEDR’s sample complaints in the ‘administrators’ access side of their complaints portal. We were then able to view cases in their ‘live status’ at the time we reviewed them in April 2020.

7.8 AADR sent us PDF versions of their cases with embedded links to access files. These PDFs were static at the time of production. AADR provided us with these files between April and May 2020.

7.9 We are confident that our sample review gave each ADR body the same opportunity to complete cases ahead of our review.

7.10 We have supplemented this with analysis of the full 12-month data set for both ADR bodies. We have varied our analysis between the audit sample and the full data set. This is useful in potentially identifying anomalies that may not be picked up in the sample records alone.

7.11 We have indicated below where analysis is on the audit sample or the full data set.

7.12 Our analysis in the following sections is grouped around the following themes:

- General observations
- Case management
- Data management
- Outcomes
- Quality of responses

7.13 A list of charts and tables is provided at appendix A.

8. General observations

Were the audit cases correctly classified as in / out of scope

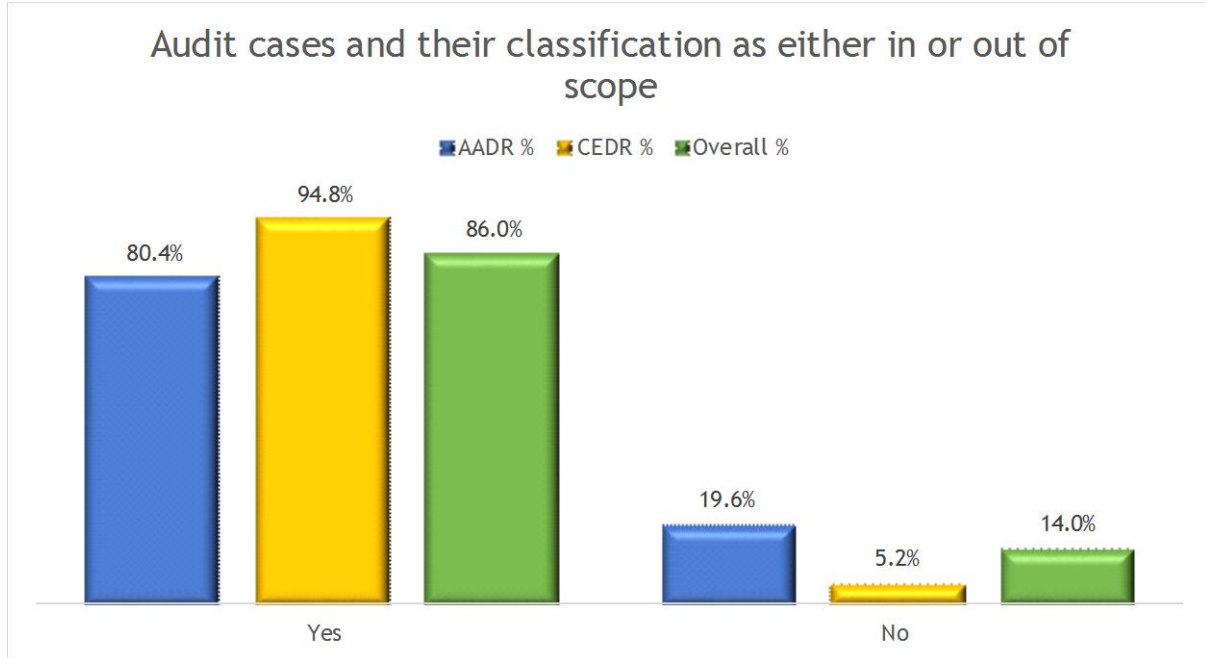


Chart 1 - Was the complaint in scope for ADR? (audit sample)

8.1 The chart above shows the percentage of cases for each provider that were in or out of scope for the scheme. We found that, with one exception, all cases were correctly classified. Every case that should have been considered had been, with a single case that was out of scope being included.

8.2 On this basis, we are happy that the audit sample represents a fair reflection of the schemes and was suitable for analysis.

8.3 Throughout this report, we have used blue to represent AADR and yellow to represent CEDR. Where the data for the two providers is combined, the bars representing this are in green.

Audit sample scoring

8.4 Within the review of the audit sample, each complaint was given a score on a scale of one (poor) to five (excellent). 90.3% of AADR cases and 95.3% of CEDR cases we were able to review were excellent or very good, indicating that our reviewers could not find any, or only very minor faults with the handling and logging of the complaint.

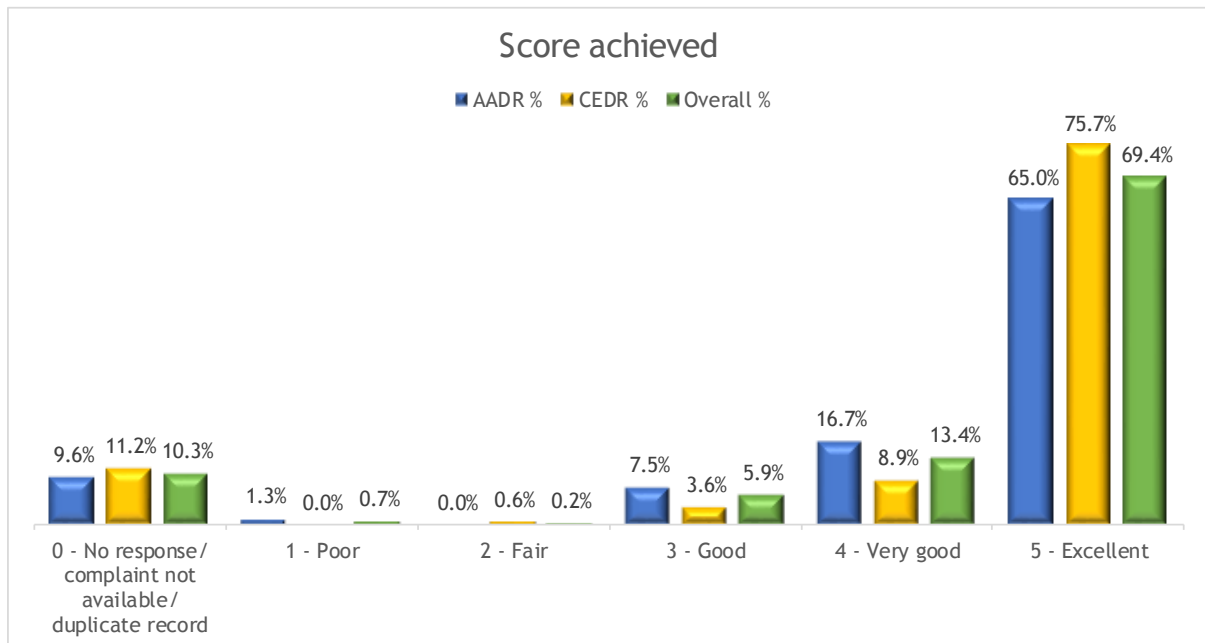


Chart 2 - Complaint response overall scores (audit sample)

8.5 The average scores for each ADR body is as follows:

Table 1 - Average scores by ADR body (audit sample)

ADR body	Average score
AAADR	4.59
CEDR	4.80
Grand Total	4.68

8.6 While we make suggestions and recommendations for improvement in this report, these should be viewed within the lens of the overall strong performance.

Overall comments

8.7 The complete databases for both ADR providers are good, with a high level of completion and few clear errors. We do observe that the maintenance of the AADR data could be better, particularly in noting when cases are actually completed (although, as stated above, we have been informed that this issue has now been addressed). We expand on this later in this report. We would emphasise, that while this has no direct effect on complainants, rather it primarily affects the data reported to the CAA as overseer of the service. The CAA have a regulatory responsibility to monitor industry performance. Thus, such data is of vital importance in driving improvements. Any discrepancies, errors or omissions in data have the potential to mask potential areas of concern.

8.8 Unsurprisingly, given that they are independent companies, there are differences in nomenclature between the two providers. Again, this has no effect on complainants, but does make comparability of the services time consuming in that the data has to be manipulated in order to derive comparisons. The CAA might encourage a harmonisation of notation in order to make comparison more straightforward. In the final analysis, however, both are fit for purpose.

8.9 We believe, however, that even the effect of this on the CAA is currently of little consequence as the analysis performed by the CAA concentrates on the date of final adjudication of the case - de facto, the end of the process for the customer. It would, however, be good practice that if data fields are recorded and disseminated they are completed in a timely fashion.

8.10 Our overall observation from the audit sample is that both providers provide an essentially good, fair and transparent service to complainants, with determinations that are evidence based and within guidance.

9. Case management

9.1 In this section we explore available data on the timeliness of the ADR function.

Days from ADR body receipt to closure

9.2 The initial analysis that we did on the full data set (both providers) was to look at the number of days each complaint was 'in the system' prior to closure. In our experience, this is useful to demonstrate the number of 'problem' (i.e. long standing) issues, and to highlight any issues in the cleanliness of the data.

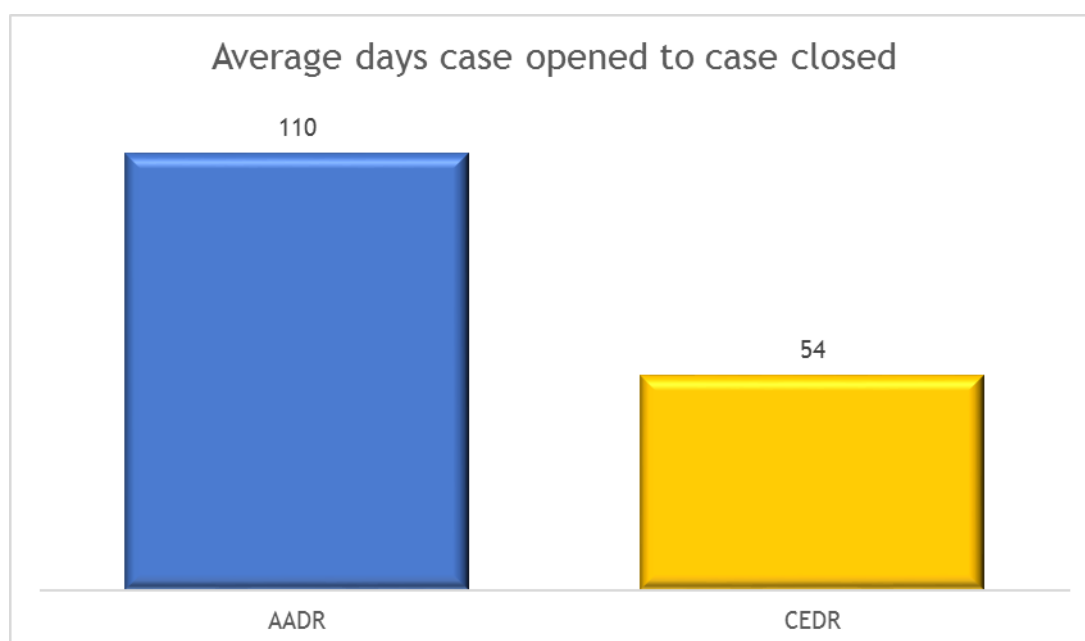


Chart 3 - Average time to case closure (full data set)

9.3 We would emphasise that this data simply looks at 'open date' to 'closed date' on the system, so does not take into account (as yet) the time it takes, for example, for case files to be produced for adjudicated cases.

9.4 It is immediately apparent that cases are, on average, 'in the system' for considerably longer in the case of AADR compared to CEDR. Closer examination of the slowest AADR cases show that there is generally nothing remarkable about them - rather, they appear to have effectively been completed for a considerable time.

9.5 We believe, therefore, that these ostensibly very long running cases are a matter of ‘housekeeping’ and data management rather than intractable issues that take several years to resolve - an example of the data issues mentioned above.

9.6 Chart 4 and Chart 5 below show the ‘completion curve’ for each of the bodies on a case by case basis. The X axis is individual case, and the Y axis is days to close.

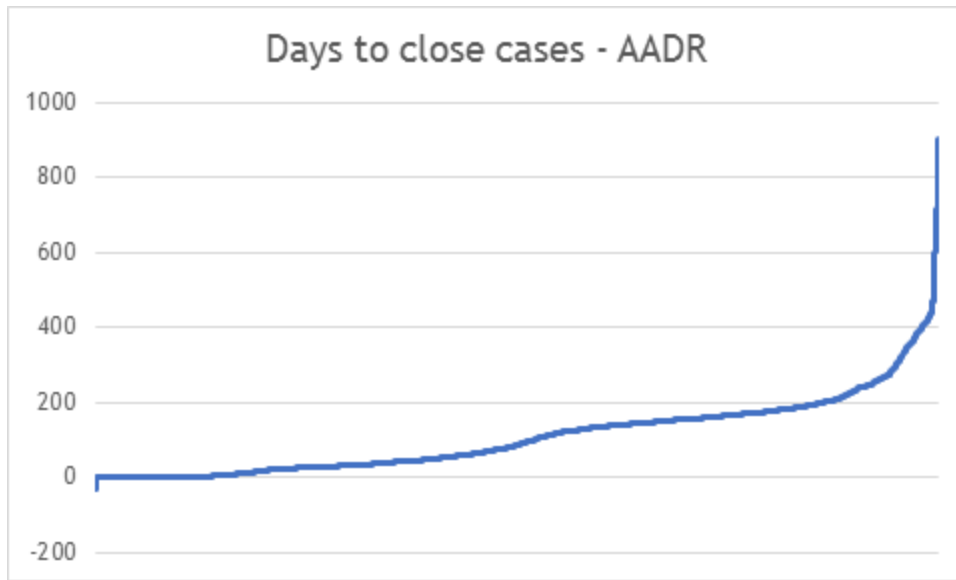


Chart 4 - Average days to case closure - AADR (full data set)

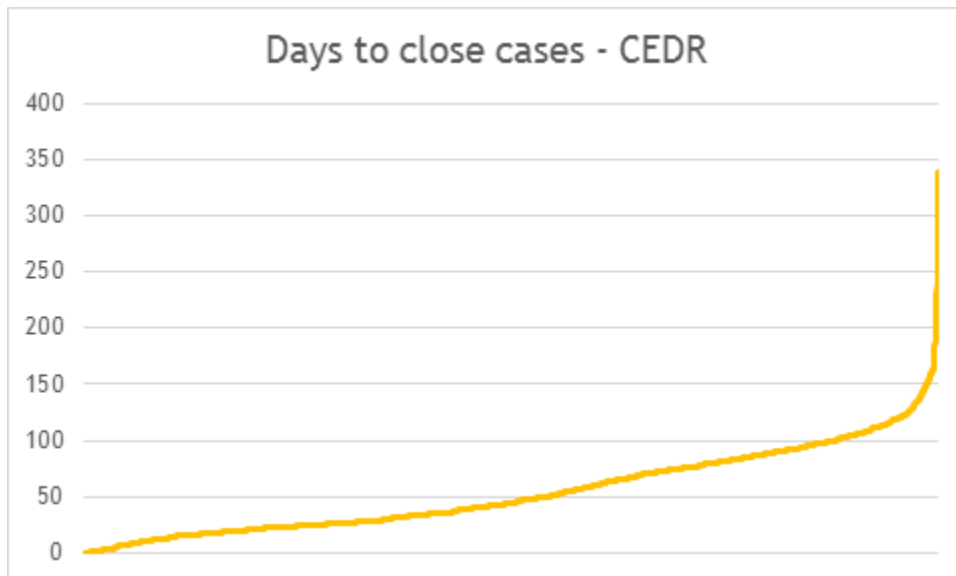


Chart 5 - Average days to case closure - CEDR (full data set)

9.7 The average elapsed time for the ten slowest cases is 363 days for CEDR and 828 days for AADR.

9.8 We believe that it would be good practice for both bodies to always ensure that cases are marked as closed as soon as this is the case, simply to ensure that reported numbers to the CAA are accurate.

Did the complaints team respond within the agreed timeframe?

9.9 We know from our work with other clients that a delay in receiving answers to complaints is the single largest source of dissatisfaction among complainants.

Initial response

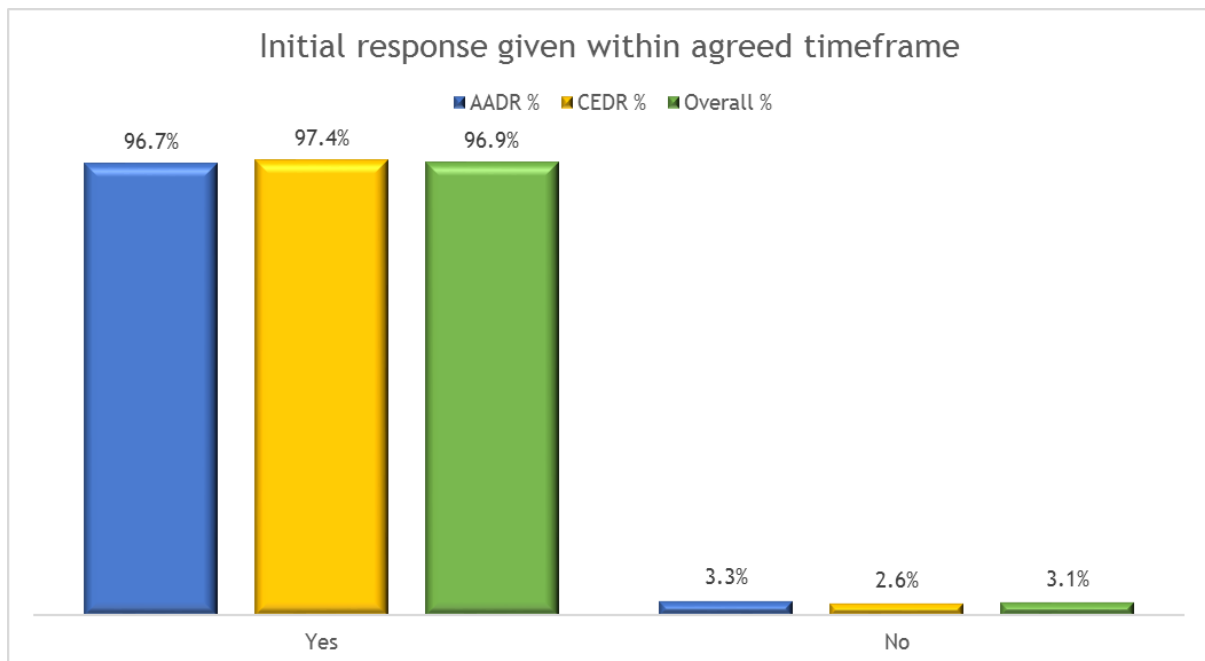


Chart 6 - Was the initial response given within the agreed timeframe (audit sample)

9.10 Interrogating our sample cases, it is clear that from the customer perspective both of the ADR bodies do well on this metric, with close to 97% compliance with the 15-day limit for providing an initial response. The performance of the two ADR bodies is shown in the chart above.

90-day service level agreement (SLA) achievement

9.11 Another key metric from a customer perspective is whether the ADR provider resolves their case within the 90 days, as per their SLA.

9.12 Again, we know that a very significant source of dissatisfaction among customers is when providers fail to do what they say they will.

9.13 Across the two providers, our analysis shows that there is an average of 90% compliance with the 90-day target (i.e. that the case is completed within 90 days of the ADR provider receiving the completed case file), although there is some degree of divergence between the two providers on this point, with CEDR performing at a higher level. It should also be noted that across the full data set, AADR reported performance on meeting the SLA was over 95%, i.e. in-line with CEDR.

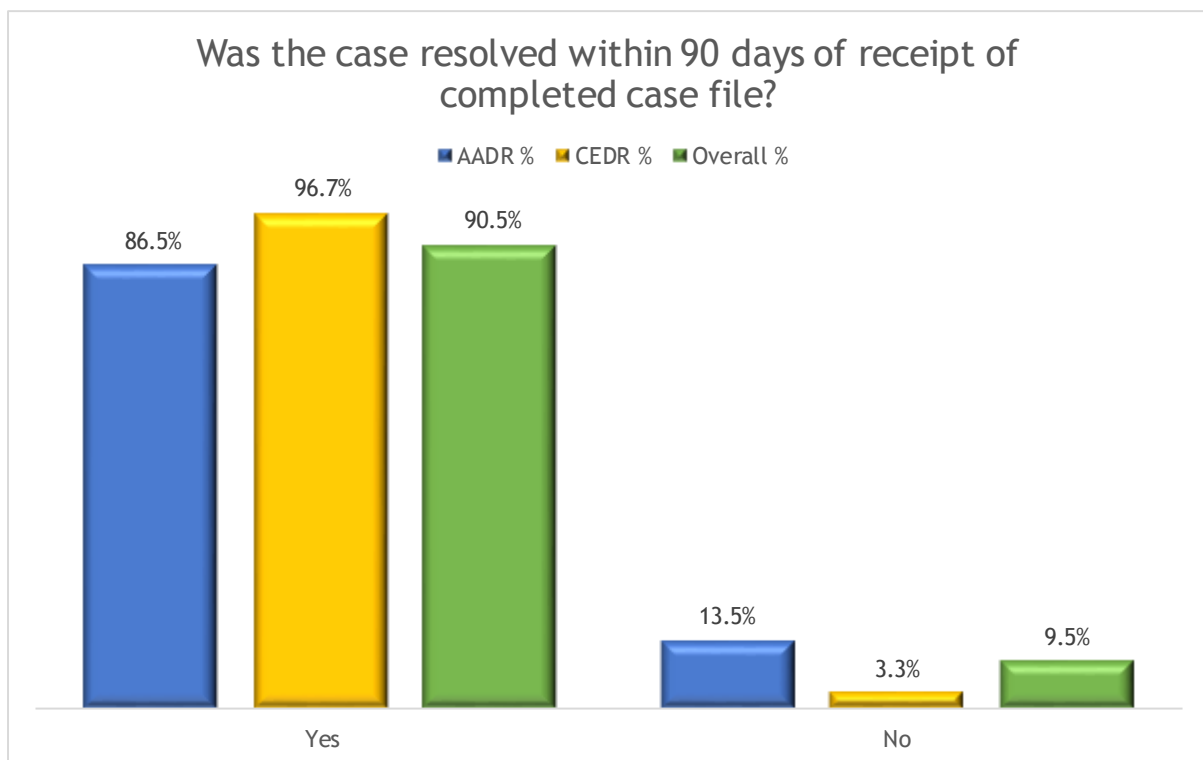


Chart 7 - Cases resolved within 90 days (audit sample)

9.14 We also know, however, that a significant factor in how long it takes to resolve cases is the time taken to receive completed case files from the operator. While this does not affect the ADR providers' performance against their SLA, this distinction is unlikely to be

appreciated by the complainant - they simply see an elapsed period from submitting their complaint to receiving a determination.

9.15 As can be seen in the chart below, operators for whom AADR provide the ADR service are considerably slower to respond with a case file than CEDR operators.

Days to complete case file

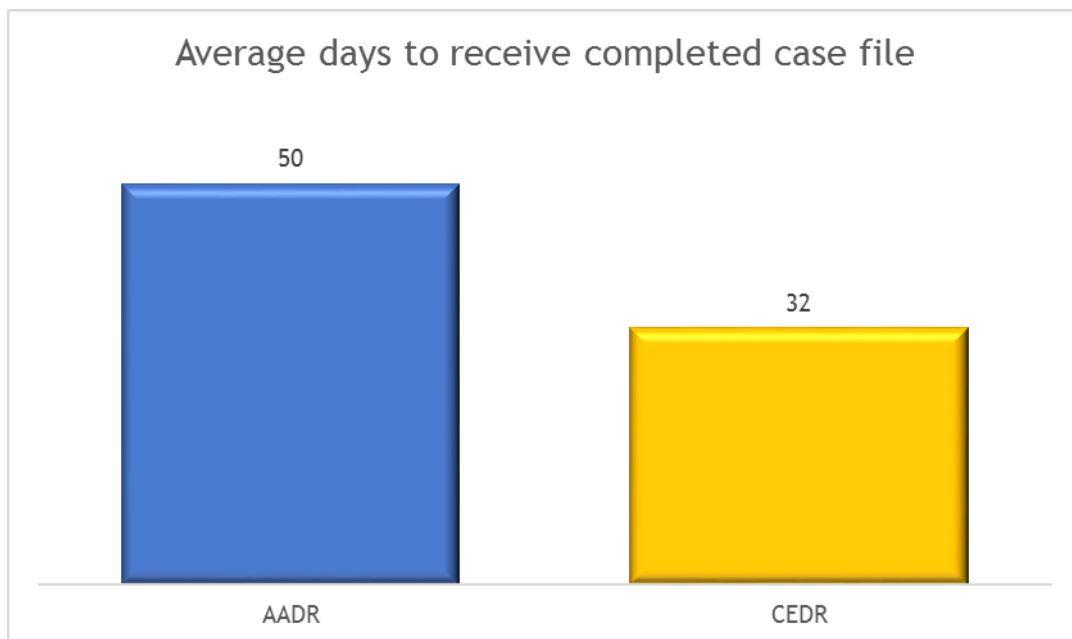


Chart 8 - Average day to receive completed case file from opening (full data set)

9.16 Within these averages, there is unsurprisingly considerable variation in the time taken for operators to produce a case file and our analysts noted that the higher volume complaint recipients appear to be well practiced and efficient in this task.

9.17 After the complaint file has been produced, there is a considerable variation in the time taken by the two providers in reaching their determination as can be seen in the chart below.

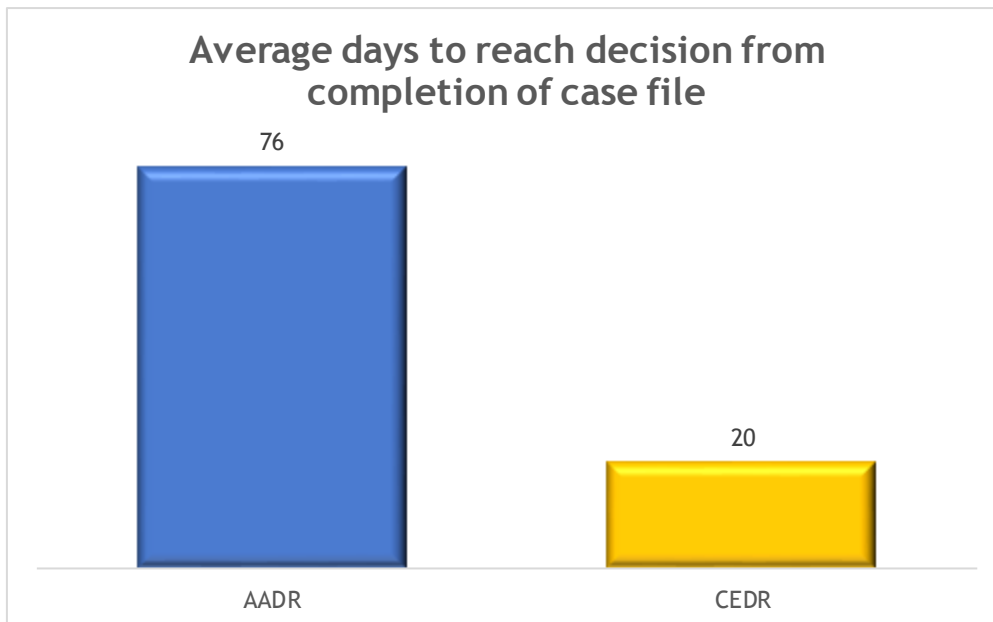


Chart 9 - Average days to reach determination after receipt of case file (full data set)

9.18 While the above chart may genuinely reflect a difference in the speed with which cases are reviewed when the file is complete, both obviously fall within the SLA 90-day requirement.

9.19 It is notable, however, that the AADR average is significantly increased by one operator for which the average time taken to reach a conclusion is high at 99 days. If this airline is removed from the data, the AADR average falls to 40 days to reach a conclusion.

Complaint delays

9.20 As the chart below shows, in 88% of the cases we examined within our sample, the 90-day target was met. CEDR achieved a 93.5% success rate compared to 84.6% for AADR. As described above, this discrepancy is largely explained by the longer time (on average) for AADR operators to provide completed case files.

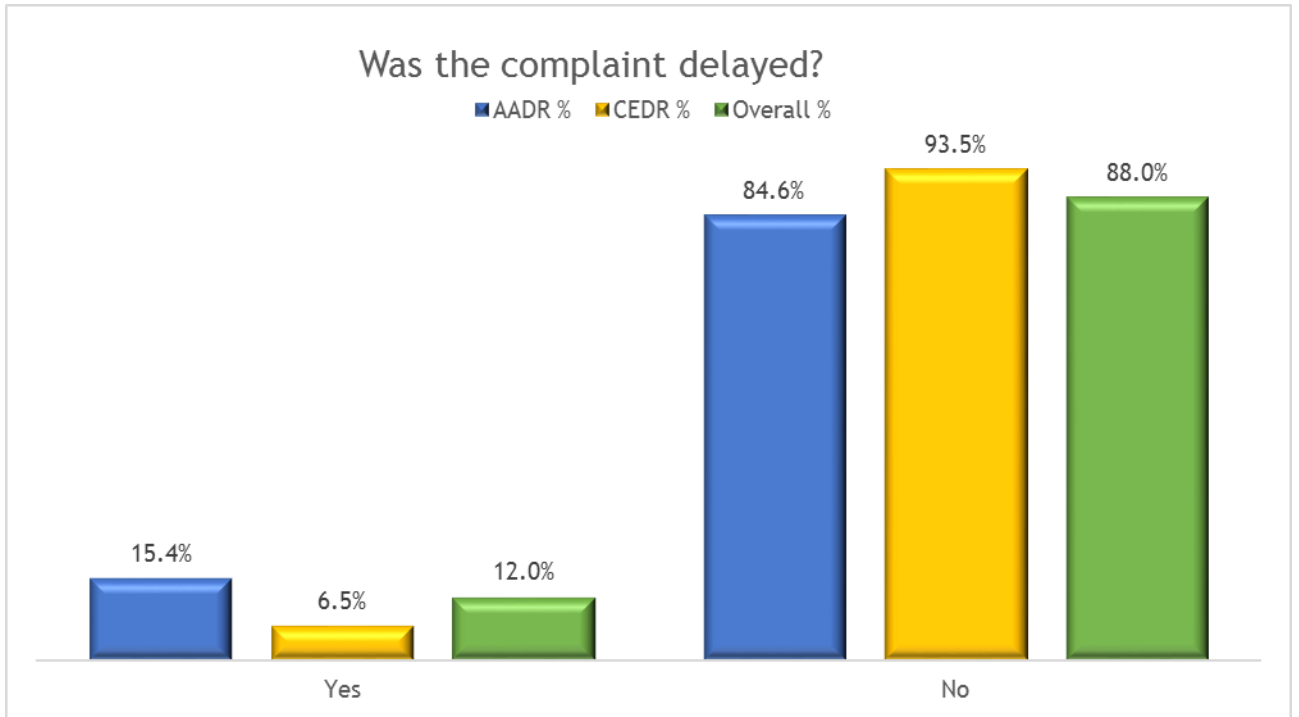


Chart 10- Were there any delays in the complaints process? (audit sample)

9.21 Within the sample, we were able to ascertain if the cause of the delay was due to the complainant or the operator.

9.22 As can be seen below, there was strong consistency between the two providers, with 60% of delays due to some form of delinquency on the part of the customer. Clearly, the ADR bodies should not be held accountable if the customer is the cause of the delay.

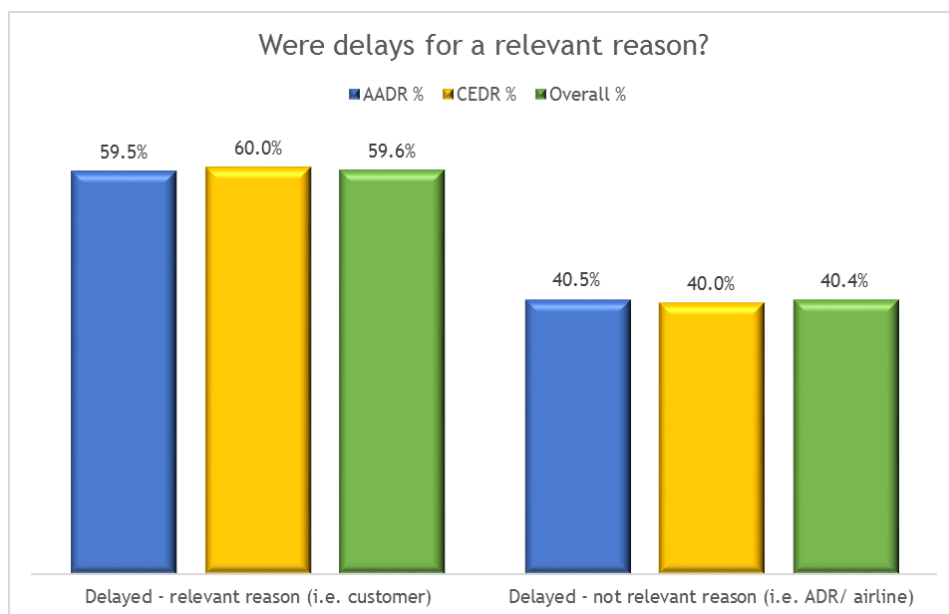


Chart 11 - What was the cause of delays? (audit sample)

10. Data management

10.1 In this section we examine the management and ‘cleanliness’ of the data collected by the ADR bodies.

Background

10.2 Both ADR bodies use a complaints portal to manage the ADR process. The portal is the main interaction tool between the airline, ADR and the passenger. Complainants can start their case online or by completing and posting a paper form. They are also invited to upload supporting evidence to the portal, but we did see occasions where evidence was sent in by email. They can then log in to check progress. At the relevant time, operators are alerted to a new case and invited to participate and respond. The key difference in the process between AADR and CEDR is in the form of response.

10.3 CEDR’s portal centres around an update/ action model whereby complainants are given short messages as to track the progress and the next steps to be taken. These are to be heavily standardised ‘system messages’ but do give enough detail to aid the user’s understanding. Complaint handlers and adjudicators frequently supplement these updates with more personalised messages. The drawback of such an approach is that it relies on the complainant having an awareness of the whole process, without being guided and it can be perceived as less personal.

10.4 On the other hand, the AADR portal centres around template emails. This approach has the benefit of being both standardised and also ‘personal’. However, it can be more difficult to track how the case is progressing through the process. We also found that at times multiple messages were sent to complainants at the same time (e.g. case acceptance and letter of authority requests) which had led to some complainants becoming confused as to the requirements being requested or seemingly ignoring either of the messages.

10.5 In principle, we believe both approaches generally function well and deliver appropriate standardised interaction with complainants.

10.6 We have been told that customers generally engage well with the portal process in both organisations. Indeed, in our analysis of the audit sample we saw only few cases where passengers had complaints about using the portals.

10.7 AADR told us that over the last 18 months, there has been a significant amount of focus on how to implement improvements to the process and that they are now looking at online portal improvements based on stakeholder feedback. We were told improvements would include ‘track your parcel’-style functionality, so users can see in real time where the case is and how long it will take to receive an outcome. It is positive to see how AADR is making use of stakeholder feedback to make practical changes.

Acknowledgements

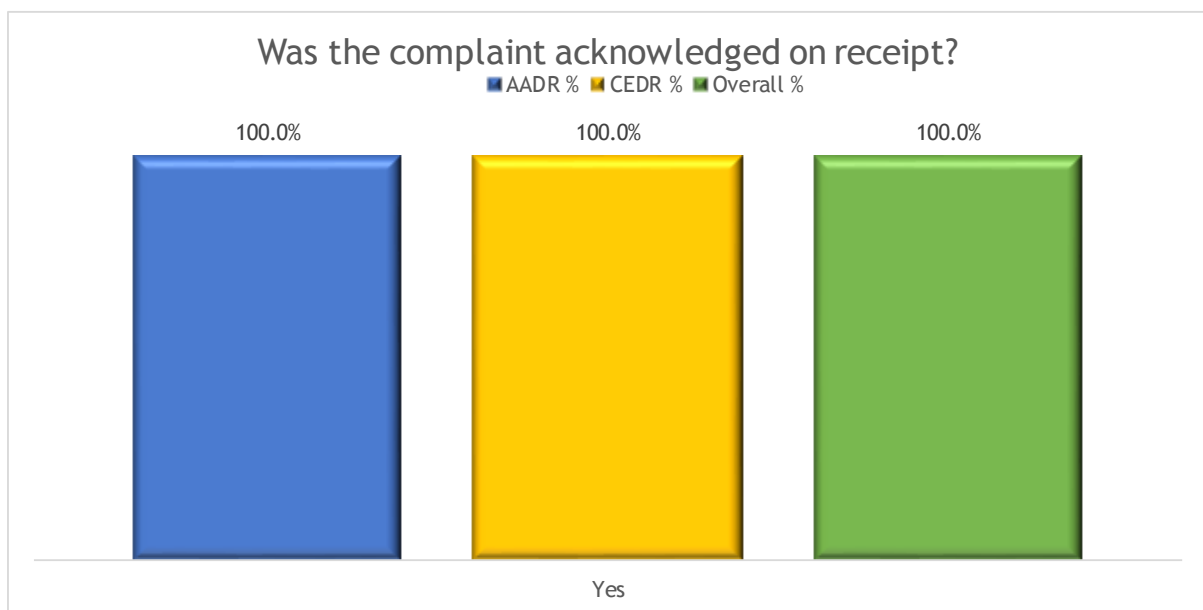


Chart 12 - Was the complaint acknowledged on receipt? (audit sample)

10.8 Both AADR and CEDR appear to use a (semi-)automated approach to acknowledging new complaint cases. We therefore found that all complaints were acknowledged immediately on receipt, well within the 2-day standard.

10.9 We did notice a tendency that once CEDR cases had undergone an initial review, complainants were almost universally requested to submit further evidence to support the complaint. We found this amongst AADR cases too, but to a lesser extent. While it is good practice that such omissions are noticed at such an early stage in the process, we suggest it

would be better if customers are prompted at the outset to upload evidence in a more structured way, with certain document types being required depending on the complaint type. This would help to avoid this additional administrative burden.

Recommendation

R1 Both ADR bodies should consider if a more ‘guided’ method of initial evidence gathering could be developed in order to minimise the need for further evidence requests from customers.

Is the complaint record complete?

10.10 Maintaining full records of complaint activity, including past correspondence, allows adjudicators and quality assurance functions to provide more effective, tailored responses to the complainant as they are able to respond with knowledge of the ‘whole picture’ with respect to every complainant. In turn, complainants are more likely to feel their concerns have been listened to and understood.

10.11 With this in mind, an important criterion for effective complaints management is whether this background information is recorded, attached and easily accessible. Using our analysis of the audit sample, the below chart shows our results for the check on whether the full background of the complaint was included.

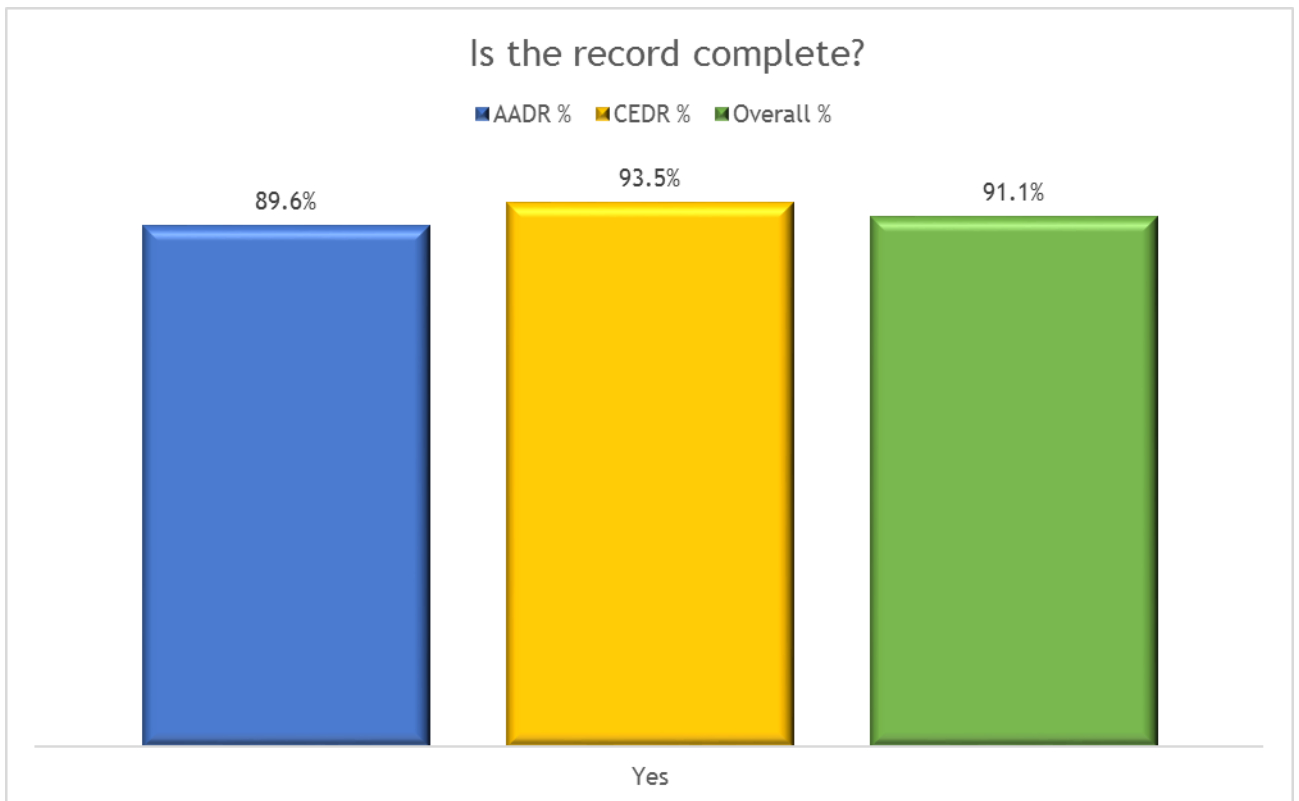


Chart 13 - Is the full record of the complaint available? (audit sample)

10.12 As can be seen in Chart 13 above, we found that the complaint record was complete in 91.1% of all sampled cases. Across both ADR bodies, we found that the leading cause of incomplete records was missing attachments - complainant or operator evidence or adjudication reports. In most cases it appeared that such information was available to the adjudicator at the time of the complaint but had not been retained on the enduring record of the complaint.

10.13 However, we also found that there were a handful of cases that did not appear to include closing correspondence with either the operator or complainant before the case was closed in the system. In these cases, it is not clear if these were not sent or if they simply have not been included in the complaint record. Again, our experience shows that this is more likely to represent a data management issue rather than a failure in process as witnessed by the fact that the complainant did not continue with the process.

Case status

10.14 Recording the current status of complaints is useful for managers in ADR bodies to have a clear view of the current workload across the team(s). This data is also important for the reporting of key performance indicators such as handling speed. We have discussed the timeliness of case management in section 9 above. Moreover, AADR and CEDR use case status heading to identify outcomes as we will discuss in section 11 below.

10.15 While most of the other metrics used in this report affect the quality of service to the customer service, shortcomings in this category have greater bearing on the ADR organisations themselves and the CAA as regulator. With this in mind, we reviewed our audit sample to see if the status given in the full data set matched the ‘in reality’ status of the complaint.

10.16 We received data set for each body in February 2020 and so would expect that all, but the most recent and long-standing cases, would have been resolved and closed.

10.17 We accessed CEDR’s sample complaints in the ‘administrators’ access side of their complaints portal. We were then able to view cases in their ‘live status’ at the time we reviewed them in April 2020.

10.18 AADR sent us PDF versions of their cases with embedded links to access files. These PDFs were static at the time of production. AADR provided us with these files between April and May 2020.

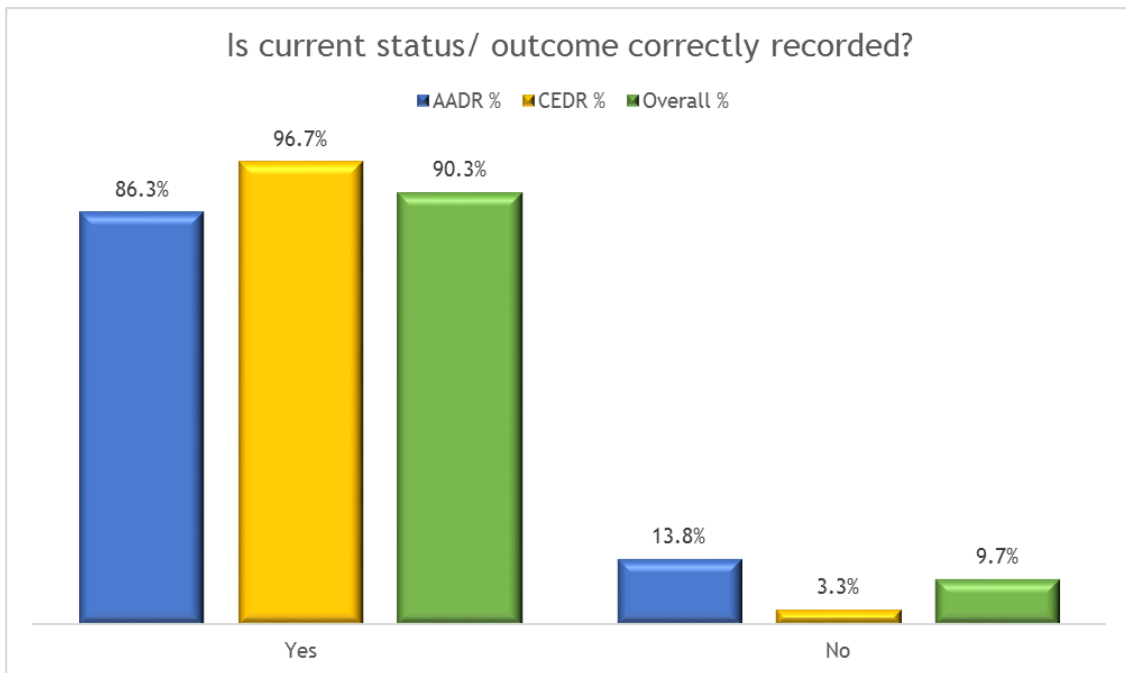


Chart 14 - Does the recorded status match the 'actual' status of the case? (audit sample)

10.19 We found that nearly 97% of CEDR cases the report status of the complaint was in line with the reality of the case and the database. All cases where this was not the case was due to CEDR reporting the status as simply 'Case closed' rather than the more detailed descriptor (e.g. adjudicated, withdrawn, terminated). As stated above, while this does not present an issue for the complainant or the operators interacting with the process, it does represent a data cleanliness issue for CEDR.

10.20 In contrast to CEDR, AADR closed cases were more likely to give a correct and detailed closure reason, but the current state of the case was less likely to match the reality of the case file (as of May 2020).

10.21 Many more cases in the full data set were reported as being 'Open - in progress' (see Chart 18 below). We noticed that adjudicators were likely to close the case on the same date as the adjudication determination was sent if no award of compensation was made.

10.22 Notwithstanding this, upon closer review, we noticed a trend whereby it took AADR a long time to 'officially' close all other cases once they had been resolved. In many cases, there was final correspondence confirming case closure, or indicating that the case would be closed within a number of days if no response was received, but the case was closed 1 - 6 months later.

10.23 We could see no evidence that cases were, for example, automatically closed after a certain number of days. Instead we saw some cases that all had the same closed date which indicated that they were being done in batches.

10.24 This presents a dichotomy whereby complaints are either closed immediately, or else left dormant for many months without cause or explanation. We can see the effects of this in our exploration of case outcomes in section 11.

Complaint types

10.25 Unsurprisingly, by far the most prevalent type of complaint for both ADR providers are delays and cancellations.

10.26 The relative preponderance of each, though, does show a fairly marked variance, as shown below.

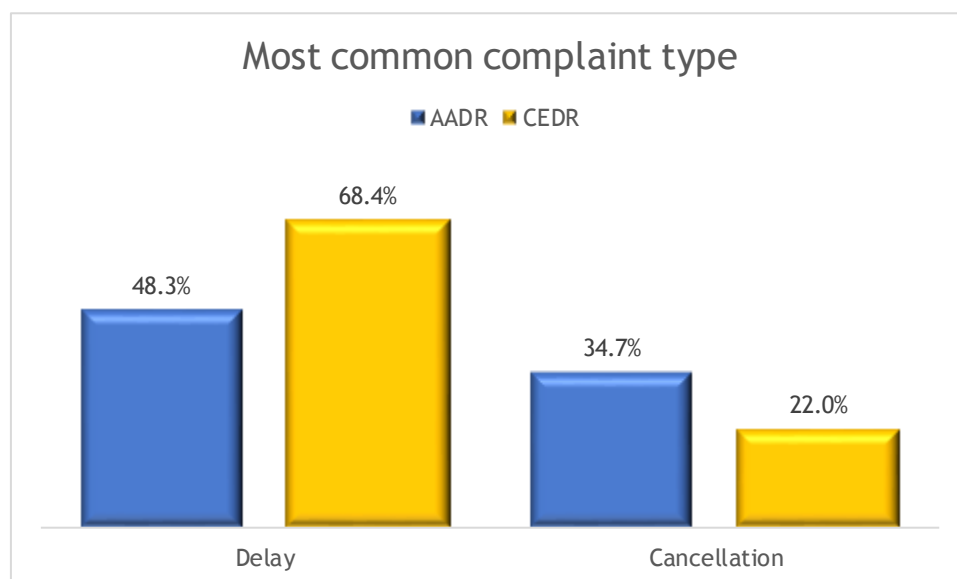


Chart 15 - Most common complaint type (full data set)

10.27 This variance between providers is driven by the fact that three of the top five operators with the most complaints about delays are with CEDR, and all three of these are high volume carriers.

10.28 Given the preponderance of the ‘big two’ reasons for complaints - cancellations and delays, plus a third, (although much smaller in number) baggage issues - it is interesting to explore how many of these types of complaints resulted in payments being made by the operator.

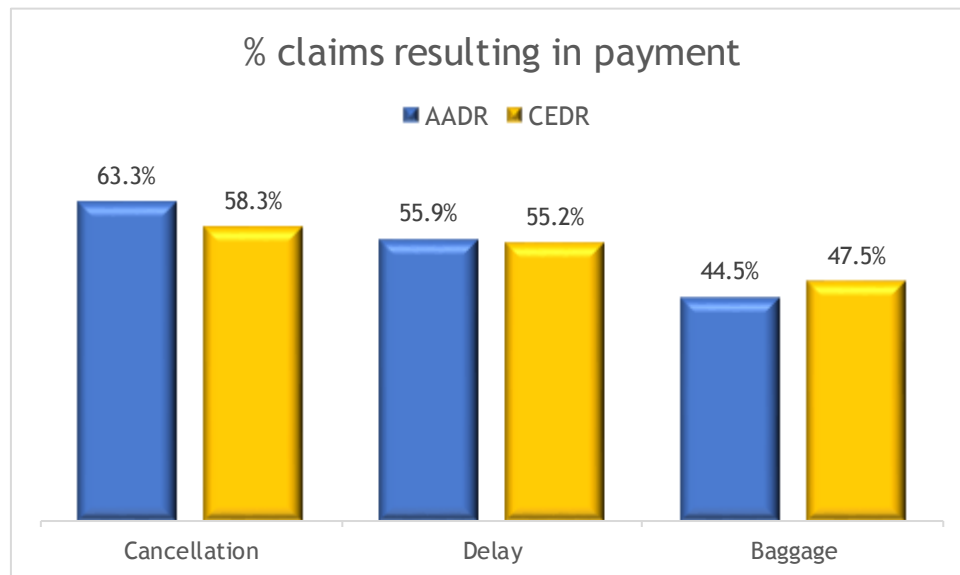


Chart 16 - Claim types resulting in compensation payment (full data set)

10.29 The relative magnitude of these percentages is intuitively sensible, with cancellations most likely to receive a compensation payment and baggage issues (where there is more subjectivity and a higher burden of proof on the claimant) least likely. Any discrepancy between the two ADR providers is readily explained by the different operators they serve.

10.30 The amount of the compensation payments when they are made are broadly in line between the two ADR providers, with the obvious exception of payments for delays.

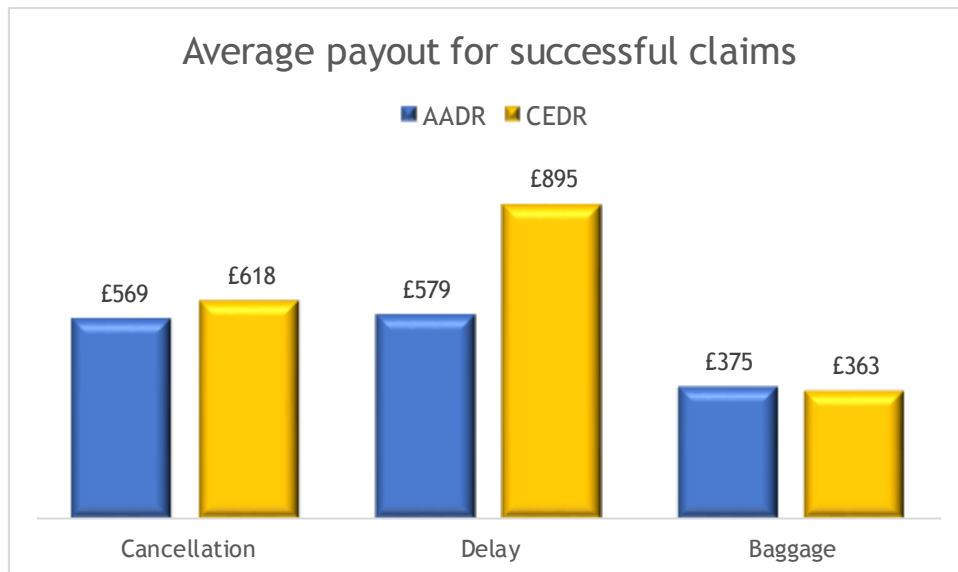


Chart 17 - Average compensation awarded by claim type (full data set)

10.31 A closer examination of the data shows that this is caused by a large number of high value compensation payments made against two operators inflating the average to the observed high level. As the amount of compensation due is governed by statute, this simply represents the make-up of the parties travelling with the operators rather than any interpretative variance between the ADR providers.

11. Outcomes

11.1 This section of the report will consider the outcomes of the complaints lodged with the ADR providers, using a mix of the full data set and the sample cases. In it, we will show where the ADR bodies are aligned, and highlight where their outcomes differ.

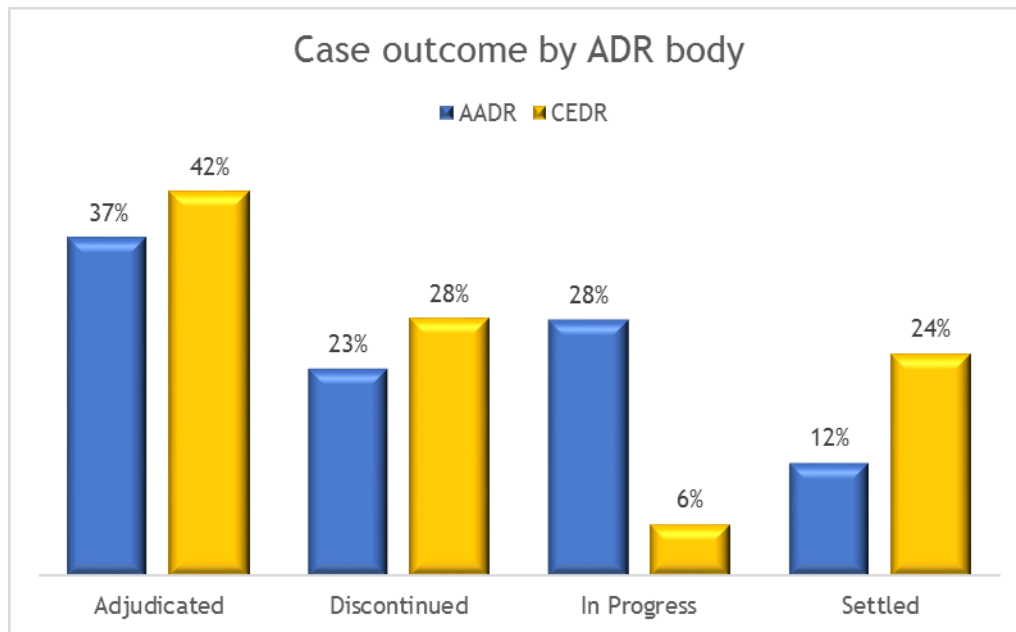


Chart 18 - Case outcome by ADR body (full data set)

11.2 Chart 18 above shows the status of cases in the full data set. The notable difference is that AADR has significantly fewer cases as a percentage of the total in the categories adjudicated, discontinued and in progress than CEDR, but that, as would be expected, a high percentage of cases are shown as 'in progress'.

11.3 Our analysis of the sample cases shows that this is more a data cleanliness issue rather than being genuinely reflective of reality. We observed that a high number of AADR cases were effectively closed, but that this simply was not marked on the database.

11.4 We do not view this as a significant issue, as it has no direct effect on the complainant and the CAA do not perform analysis on this metric, but if data is shared outside of the organisation it is good practice to ensure that it is properly administered.

11.5 Simply as a matter of good data administration, we would recommend that AADR endeavour to ensure that all cases, when completed, are recorded as such in the database.

Was there an evidenced based, justifiable determination?

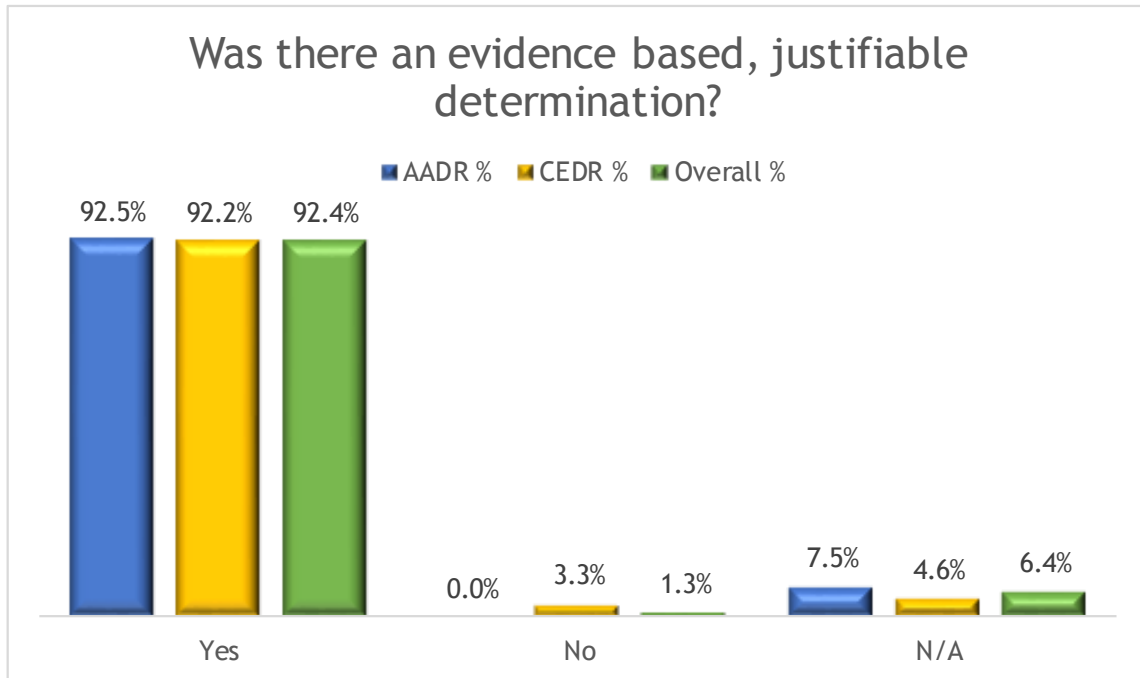


Chart 19 - Was there an evidenced based, justifiable determination? (audit sample)

11.6 Our analysis of the sample cases shows that, in our estimation, the determination made by both ADR bodies were generally good: i.e. in line with the scheme rules, internal policies and legislation, while accounting for the essential nature of the complaint. There was a question mark over the conclusions reached in only a small percentage of cases.

11.7 In these cases, the complainant clearly has the ability to question the decision, and both bodies have mechanisms by which cases can be re-opened and the evidence re-examined, or, indeed, new evidence can be introduced. As a final recourse, the complainant is able to further pursue the matter through the courts. However, in our analysis of the sample, we found few cases in which complainants significantly challenged the adjudicators' decisions.

Discontinued cases

11.8 The charts below show the reasons stated on the case file for cases being discontinued.

11.9 Allowing for the data cleanliness issue raised in paragraph 11.3 above, the total number of discontinued cases are broadly in line for the two bodies.

11.10 We would expect to see some degree of variance between ADR providers given their different operator clients, so this area gives no cause for concern.

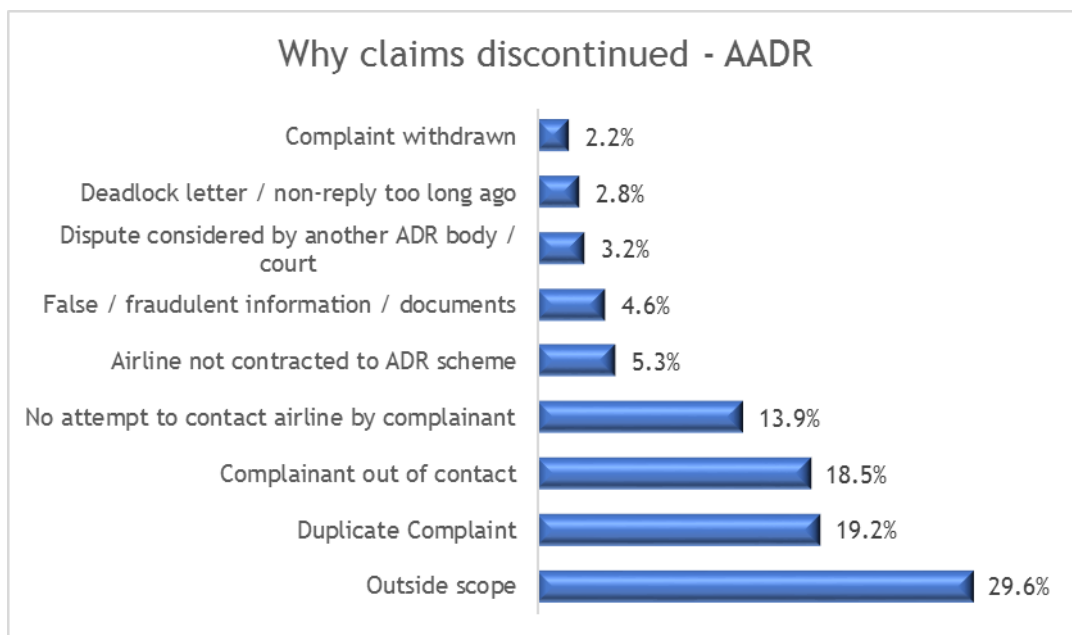


Chart 20 - Discontinued reason - AADR (full data set)

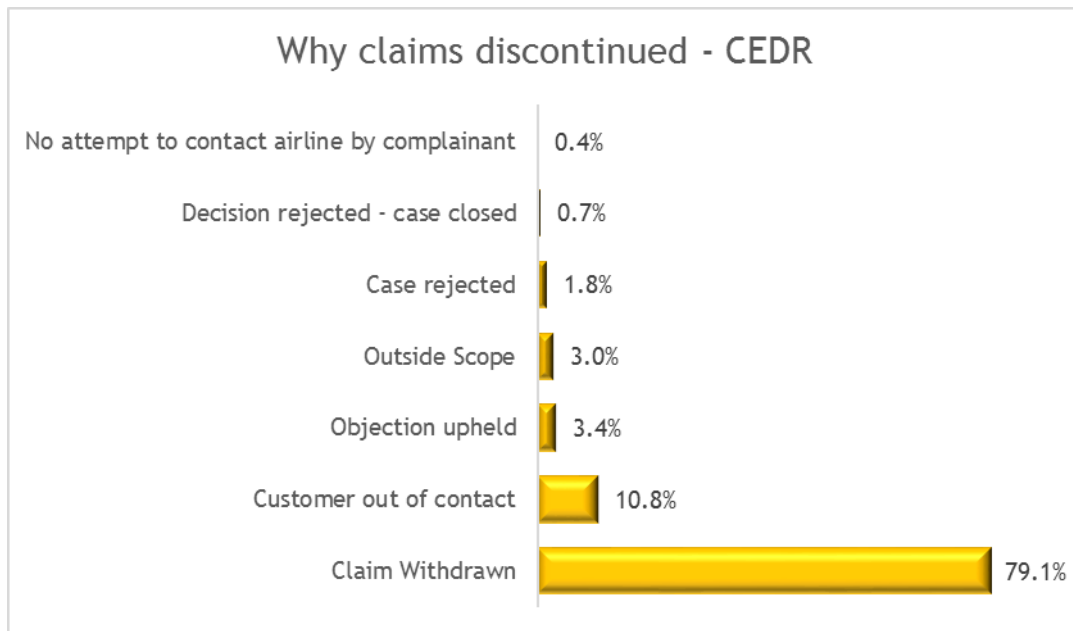


Chart 21 - Discontinued reason - CEDR (full data set)

11.11 We do, however, see significant differences in the reasons noted for the discontinuation.

11.12 In itself, we are not concerned by this, as we believe that is simply reflective of different notations from the two providers and our analysis of the sample set showed that cases were generally discontinued for good reason.

11.13 We would suggest, however, that the CAA may wish to ask the two bodies to agree a common set of reasons for discontinuation, and to have common policies as to how and when each one should apply. This would simply be to make comparison of the two bodies more straightforward.

11.14 Again, however, we do not see this as a significant problem as it has little or no effect on the complainant. If the reasoning behind discontinuation is explained to (and accepted by) them, the ADR bodies are fulfilling their requirements.

Recommendation

R2 The CAA should encourage the ADR bodies to align their nomenclature for discontinuation reasons in order to better enable comparison of performance.

Adjudicated and settled cases

11.15 In this section of the report, we will provide analysis on cases that are adjudicated by the provider or settled by the operator.

11.16 We believe that these are worthy of closer inspection, as they are the cases that command a potential financial penalty to the operator and so need to be clear and consistent in their findings and outcomes.

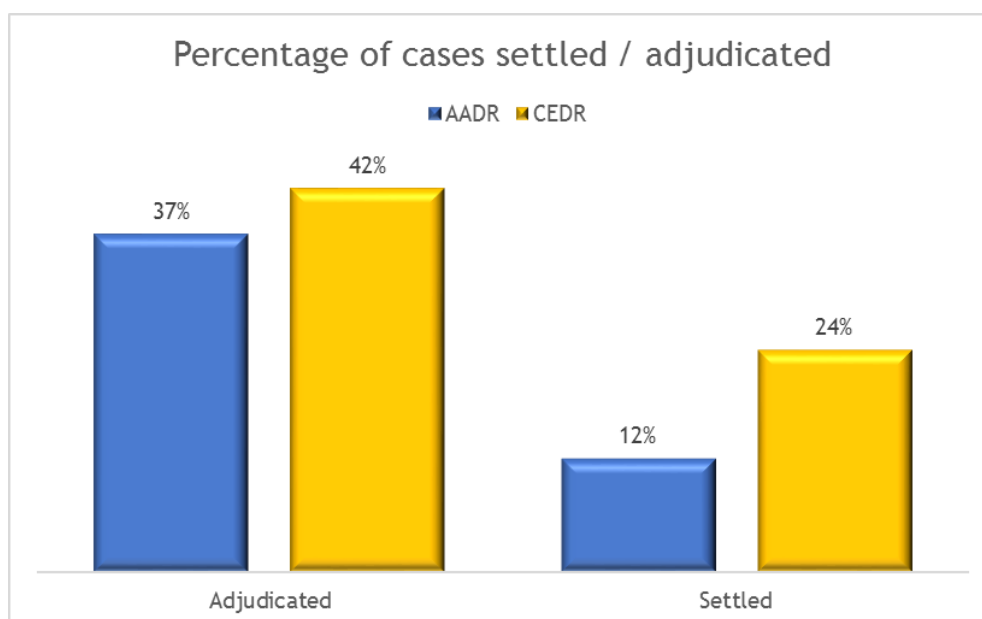


Chart 22 - Percentage of all cases adjudicated and settled (full data set)

11.17 The chart above shows the number of cases that reach a potential financial settlement. Again, we reiterate that these figures are somewhat skewed by the overreporting of 'open' cases by AADR, so the true numbers are likely to be similar - certainly within the natural variation we would expect between ADR bodies.

11.18 Notwithstanding our observations above, our analysis of the audit sample does suggest that a greater percentage of CEDR cases progress to adjudication than AADR, as shown in the chart below based on the audit sample.

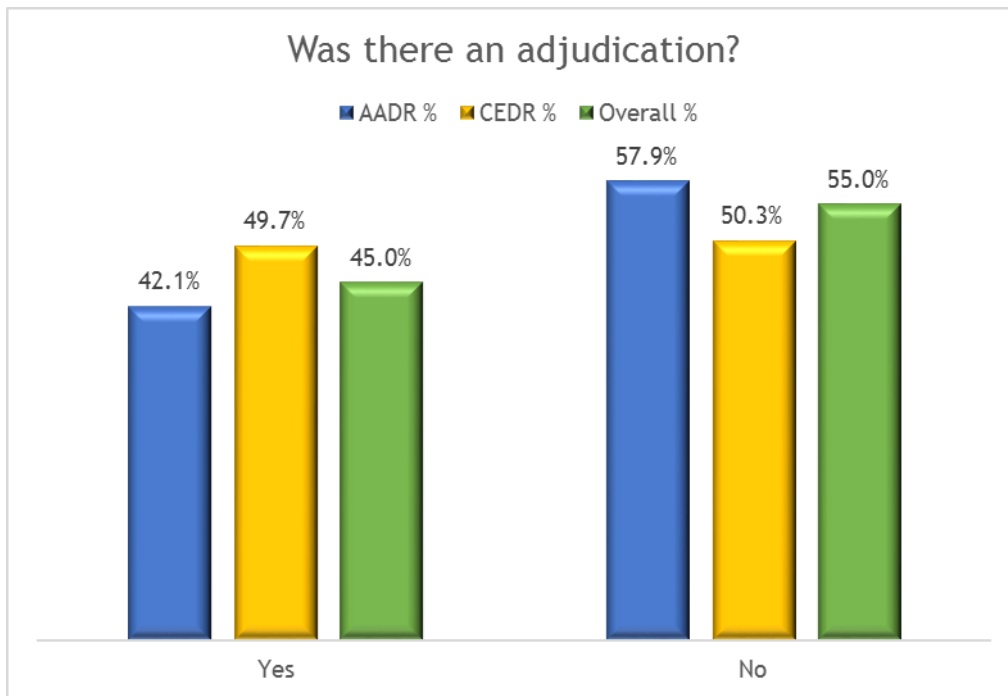


Chart 23 - Cases leading to adjudication (audit sample)

11.19 Having reviewed individual operators, the reason for this becomes apparent in that CEDR account for four of the top eight most adjudicated providers. While AADR have a long ‘tail’ of less adjudicated providers to bring the average down, CEDR have fewer, low volume operators in the less adjudicated area of the chart, hence their average remains high.

Financial awards

11.20 Chart 17 above showed the percentage of claims that resulted in a payment to the customer against three specific types of complaint (cancellation, delay or baggage issues). Chart 26 below takes a step back and examines a wider view, i.e. what percentage of all claims of all types resulted in a payment to the customer across the entire data set.

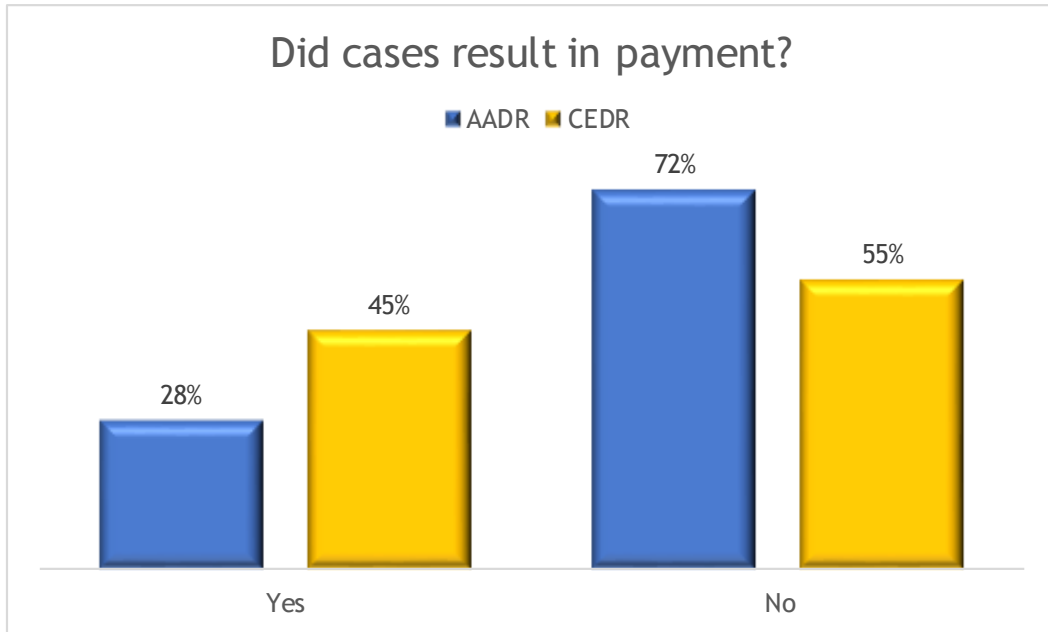


Chart 24 - Percentage of all cases resulting in a compensation payment (full data set, all records)

11.21 Drilling down further, we can see in the chart below that the apparent difference in payment likelihood narrows considerably when we remove discontinued and in progress cases and concentrate only on those either adjudicated or settled.

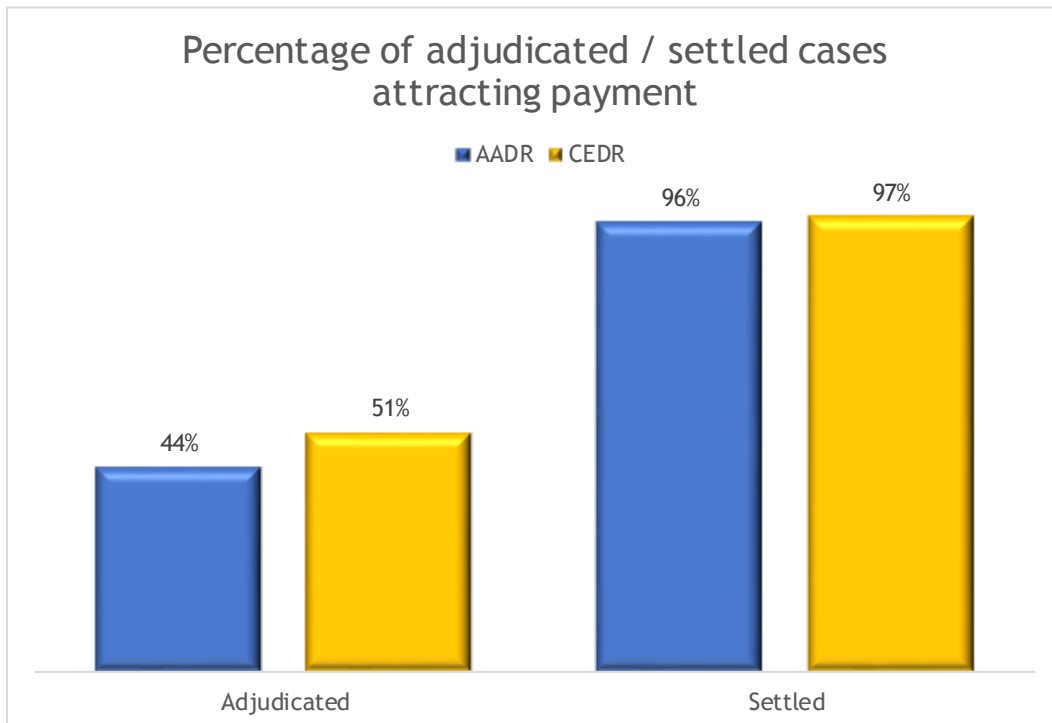


Chart 25 - Adjudicated and settled cases resulting in a compensation payment (full data set)

11.22 As would be expected, the vast majority of settled cases result in a payment to the complainant, and within adjudicated cases the gap narrows to 6 percentage points.

11.23 It is probable that the final determination on the ‘in progress’ cases will narrow the gap further but, notwithstanding this, the data does suggest the complainants’ success rate in obtaining compensation was slightly greater for CEDR than AADR. We explore one possible reason for this from paragraph 12.32 below, but we would emphasise that variation between the operators is expected, so it not be inferred the passengers are more likely to receive compensation with one ADR body than the other.

11.24 In terms of the level of compensation payments made, the chart below shows the level of average compensation payment awarded.

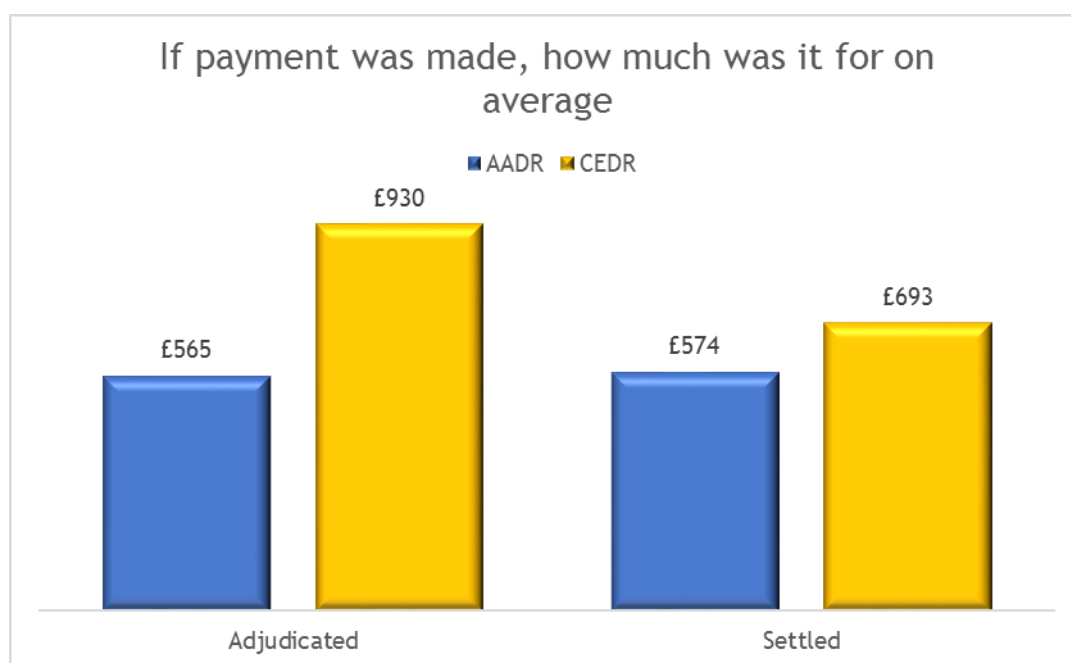


Chart 26 - Average compensation payment for adjudicated and settled case in passenger’s favour (full data set)

11.25 The available levels of compensation are legally determined based on flight distance and number of passengers on each booking. Therefore, differences in these levels is largely reflective of the differences between customer bases of each operator (e.g. solo-business travellers or family holidays).

11.26 While the level of compensation payments shown above is potentially of interest to the CAA as a stand-alone observation, of particular interest, we believe, is the relative

difference in the figures for Airline A and Airline B, as they both swapped ADR provider during the period for which we have data.

Airline A and Airline B compared

11.27 Comparing these figures across the two ADR providers, the picture represented below emerges for Airline A.

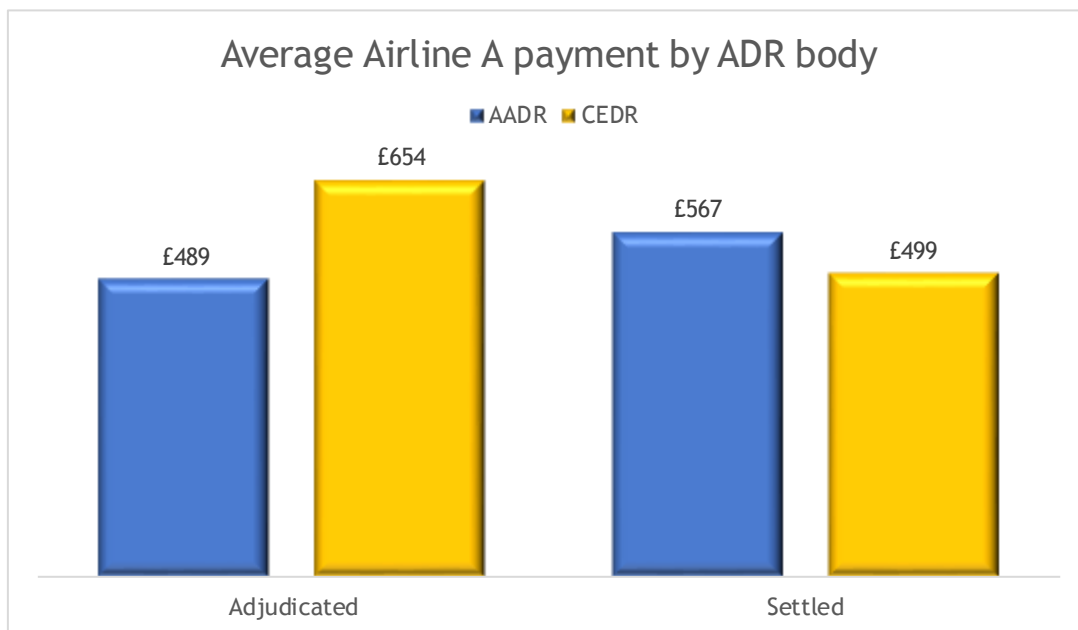


Chart 27 - Average compensation payment for Airline A cases by ADR body (full data set)

11.28 And for Airline B.

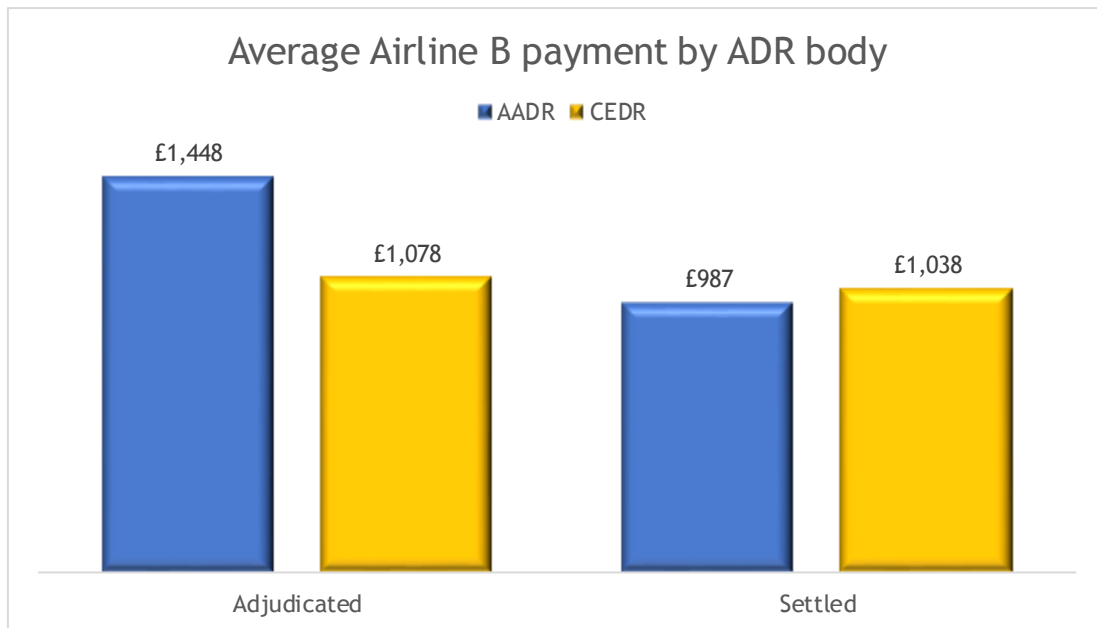


Chart 28 - Average compensation payment for Airline B cases by ADR body (full data set)

11.29 We see, then, that for Airline A, CEDR did make higher awards than AADR for Airline A, but that this pattern is reversed for Airline B. We would caution, though, that AADR had only adjudicated an award of compensation payment to the complainant in a single case, hence the £1,448 figure above should be treated with caution.

11.30 Where, perhaps, we do see the most significant difference between the two ADR providers is in their likelihood to make a compensation payment to complainants in cases reaching adjudication. We use below the example of Airline A, given that there are a significant number of cases within each provider.

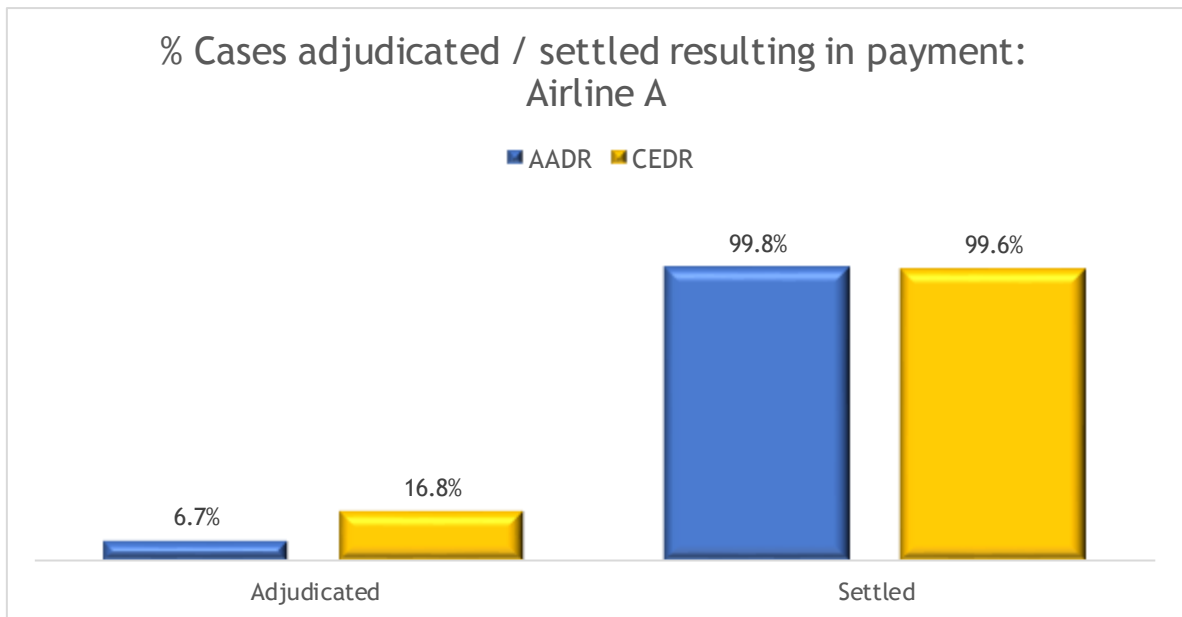


Chart 29 - Airline A cases resulting in compensation payment (full data set)

11.31 It can be observed that CEDR was significantly more likely to make a compensation payment on Airline A cases than AADR. There is a potential explanation for this in the chart below, i.e. that AADR had a large number of Airline A cases at the 'in progress' stage when the data file was constructed.

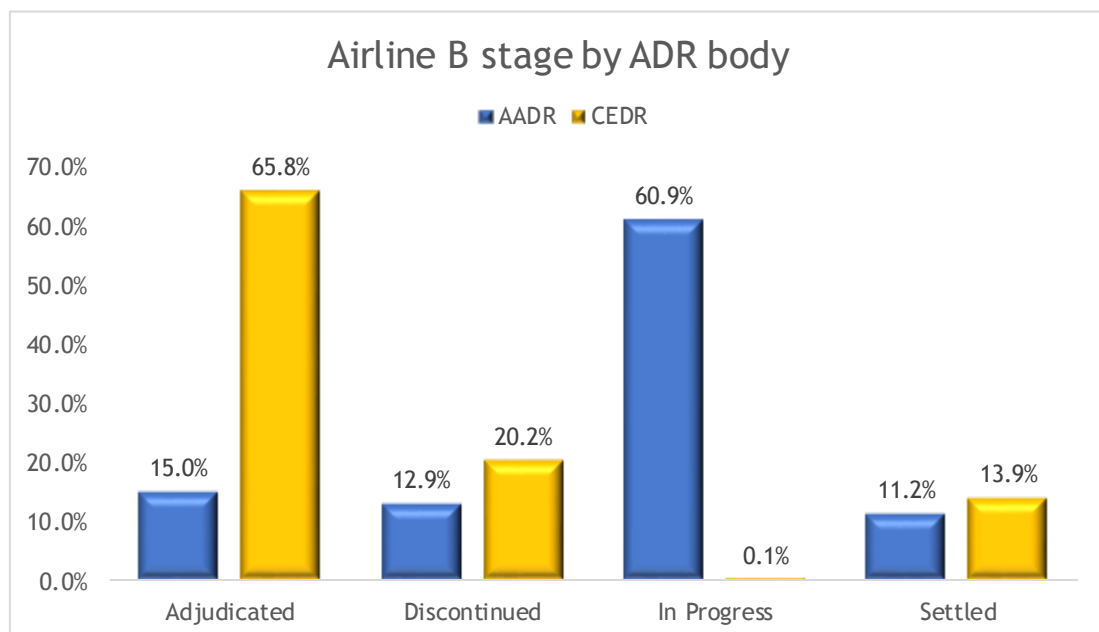


Chart 30 - Current status of Airline B cases by ADR body

11.32 The 47.3% of 'in progress' for AADR was 2,477 files in absolute terms.

11.33 We can see in the data that of these 2,477, complaint files had been received from the airline in 1,292 cases. If we use the assumption that the case file would not have been requested if there was obviously no issue, there is a reasonable likelihood that the case will be adjudicated, and a compensation payment made. On this data sample, it would require 314 of the in-progress cases to result in a compensation payment for AADR to equalise the compensation payment percentage at 16.8%. This is a plausible figure, and so does not cause us any significant concern.

11.34 We would suggest that the CAA might wish to perform this analysis, as the relevant cases should have now largely been resolved and this would provide some confirmation that the two bodies are treating claims in a consistent fashion.

Recommendation

R3 The CAA may wish to perform stand-alone analysis on airline A in order to establish the side-by-side outcomes of the two ADR providers. This should be performed toward year-end when AADR's 'in-progress' cases will have been closed.

12. Quality of responses

12.1 In this section we focus largely on the audit sample data to analyse the quality of responses given by ADR bodies. We begin by exploring metrics applied to all cases in the sample - managing expectations and writing in plain English.

12.2 We will then focus on metrics which were only applied to the adjudication reports. We have adopted this approach as adjudications are the main area in which individual ADR bodies are able to exert their influence. We explore the following areas below:

- Adjudication report clearly sets out approach and methodology of response
- Appropriate regulations, legislation, benchmarks referenced
- Appropriate investigation of concerns
- Analysis in adjudication report is evidence based (if applicable)
- Did the adjudicator make use of all available sources of information?
- Does adjudication report show a clear understanding of the complaint?
- Adjudication report addresses concerns

Managing expectations

12.3 We believe that outlining timescales for action and next steps is an important facet of good complaint handling, as this gives the complainant a clear view of what to expect, when to expect it, and sets their hopes at a realistic level.

12.4 We have explained in section 10 above the differences in the approach to managing cases by both ADR bodies, with CEDR favouring a 'portal update' approach while AADR centres around template emails. Again, in principle, we believe both approaches generally function well and deliver appropriate standardised interaction with complainants. Moreover, we have also reviewed available guidance on each bodies' website.

12.5 As can be seen in Chart 31 below, performance against the metric is very good for both ADR bodies with an average completion of 95.8%.

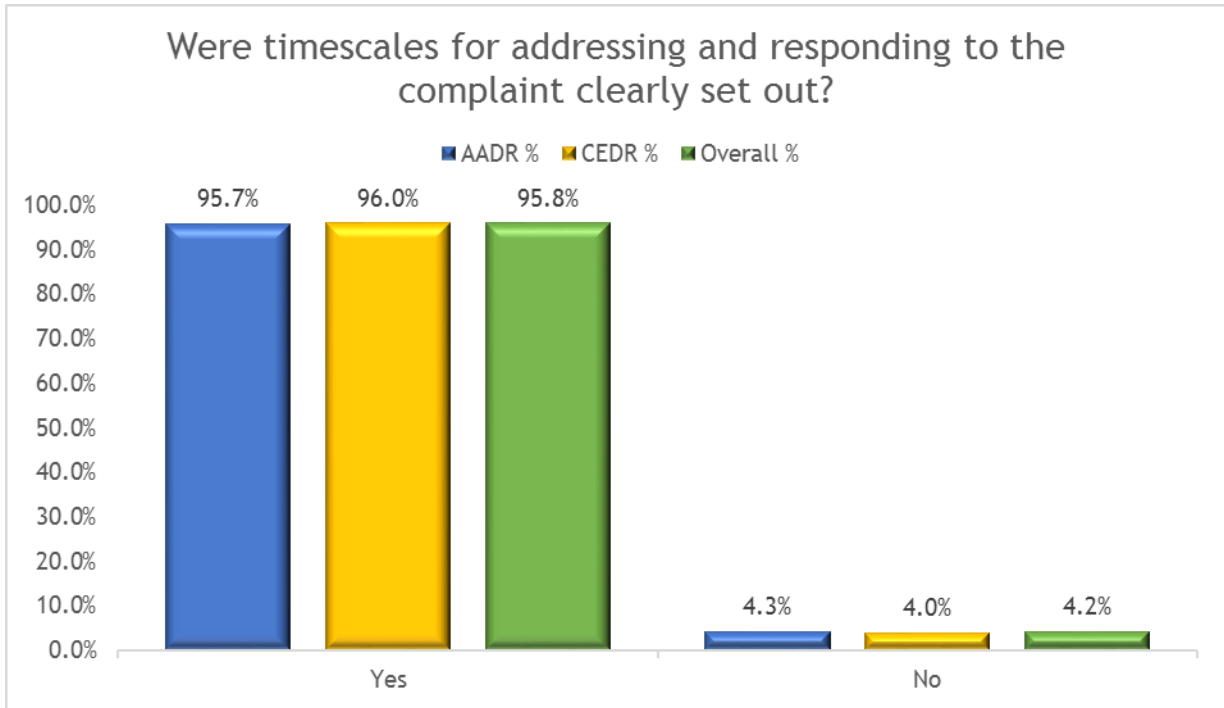


Chart 31 - Were timescales set out to the complainant? (audit sample)

12.6 In the 4% cases, we found did not set out timescales clearly, this largely coincided with overall delays in the process occurring. Some AADR cases were caused by changes being made to templates, particularly around completion of letters of authority.

Are next steps outlined?

12.7 Furthermore, explaining the process throughout helps to proactively guide the complainant. If the complainant has received a response that was not as they were hoping for potential further avenues for recourse (i.e. option to pursue the matter through the courts) is important. This approach also helps the organisation position itself as open and pragmatic in its dealings with customers.

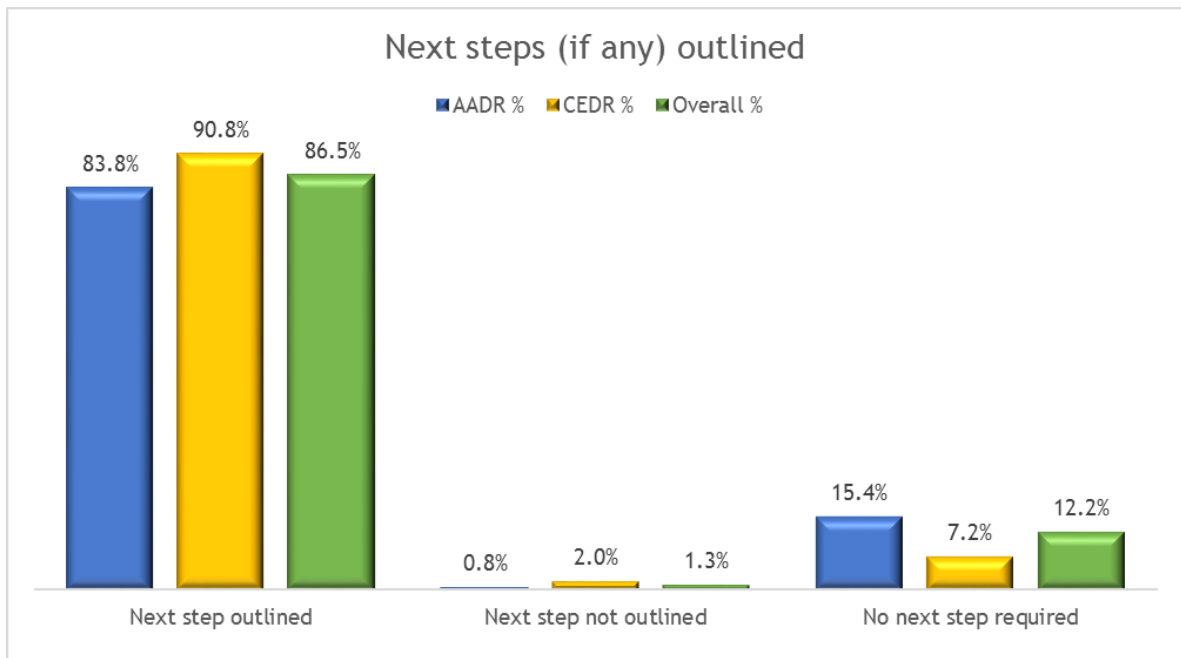


Chart 32 - Were next steps outlined? (audit sample)

12.8 Chart 32 above again shows strong performance in this area. Notably cases where next steps were not set out is very low, representing five cases across the whole sample. While the figure for AADR completion appears lower at 83.8%, this is largely due to the increased prevalence of cases in which no next step was required - particularly discontinued cases. Adjusted to excluded discontinued cases where no next step was required, completion for AADR and CEDR are 99.0% and 97.9% respectively.

Is the response written in plain English, with good spelling and grammar?

12.9 Writing in plain English is imperative to ensure that complainants understand the process and decisions being made. As can be seen in the chart below, we found that in the majority of cases language used throughout interactions with complainants was clear. Undoubtedly, the use of ‘template’ responses throughout the adjudication process has helped both bodies to standardise this. We have recommended this approach to other clients in the past.

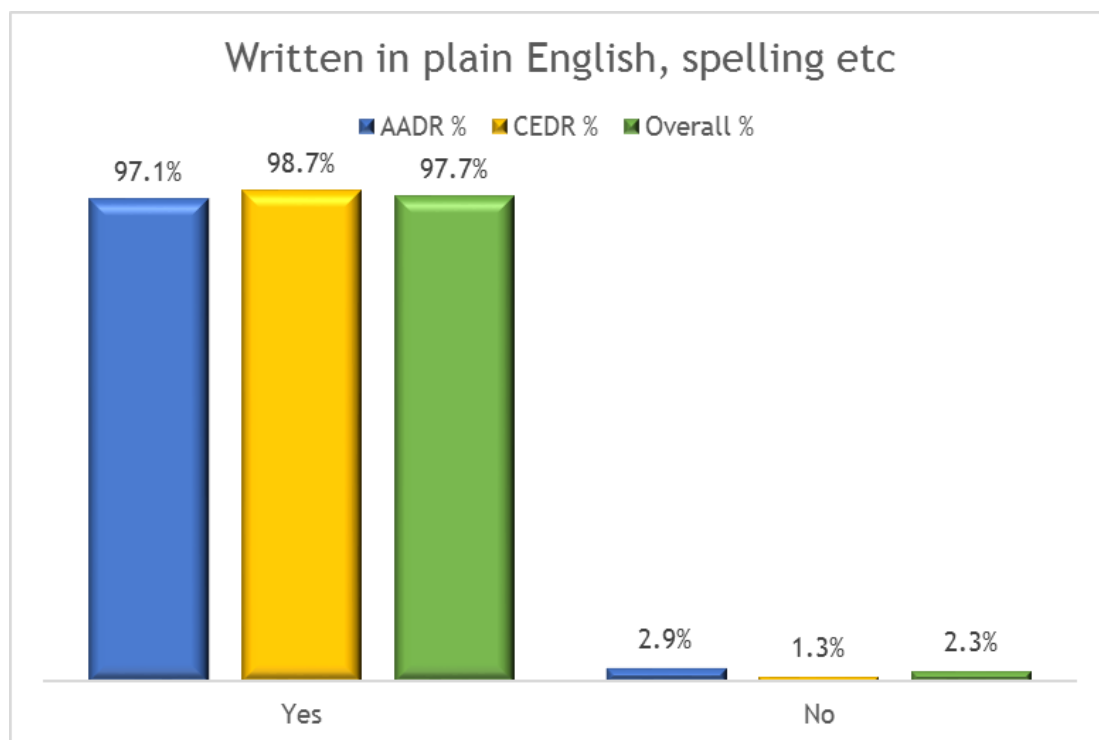


Chart 33 - Responses written in plain English (audit sample)

12.10 We found nine cases across the sample where there were typographical errors, awkward phrasing (e.g. complex double negatives) or excessive use of jargon. These were present largely in the adjudication reports.

12.11 In the operational environment of ADR bodies, and within their own processes, there is a high propensity for the use of jargon and acronyms. Moreover, adjudications are based on statutory guidance which necessitates the use of legal language. We found in most cases that language and industry specific terms are used appropriately and explained for with the audience in mind - the 'lay complainant'. However, we would advise that staff remain cautious in its use, to ensure that they are communicating in the clearest terms possible.

Extent of adjudication requirement

12.12 We have explored the outcomes of cases in section 11 above. As a reminder, we found that 45% of cases in the sample required an adjudication. However, there were three cases where we were not able to review the adjudication report either because it had not been uploaded to the case file, or if it was written in a foreign language. The below analysis

focuses on the 174 reports (99 AADR reports and 75 CEDR reports) that we were able to review.

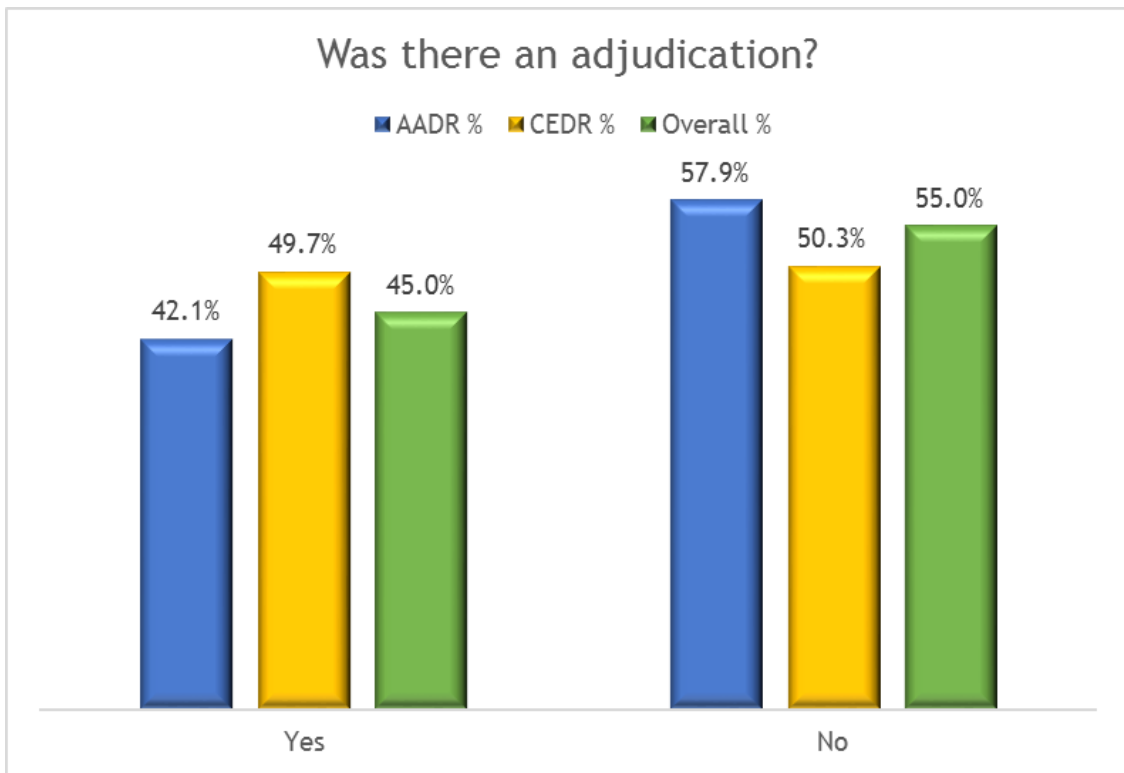


Chart 34 - Cases leading to adjudication (audit sample)

Does response show a clear understanding of the issue of the complaint?

12.13 We assessed whether adjudicators demonstrated understanding of the complainant’s issue.

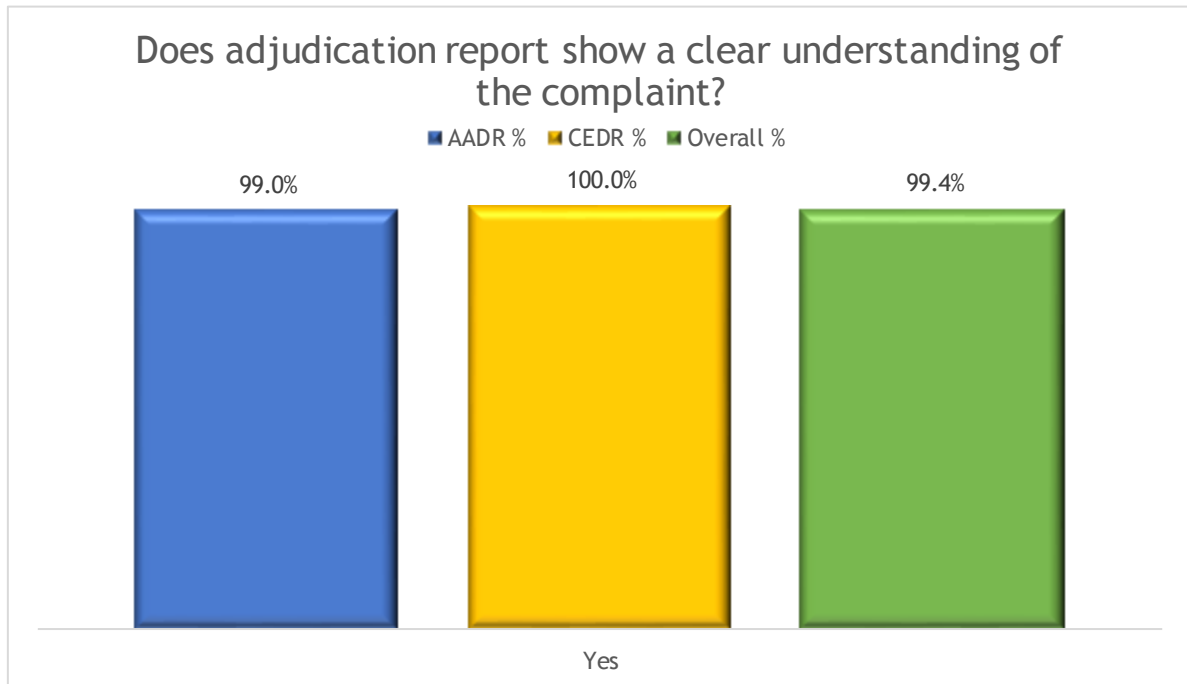


Chart 35 - Complaint understood (audit sample)

12.14 Given the relatively prescribed scope of issues available for ADR, it is not surprising that both ADR bodies performed strongly against this metric, with both ADR bodies achieving a near perfect score overall.

Does the response adequately address the specific concerns of the complainant?

12.15 As we have stated above, the types of complaints address by ADR are predominantly relatively straightforward in nature, but customers may often introduce more specific aspects to their complaint. This can be a difficult situation to handle bearing in mind the tight regulatory framework for awarding compensation and the general lack of awareness of this from most complainants.

12.16 There is a clear adjudication report style employed in each of the ADR bodies. While we recommend the use of template responses, we also frequently caution clients that staff should be mindful to ensure that their responses were tailored to the complainant’s individual situation.

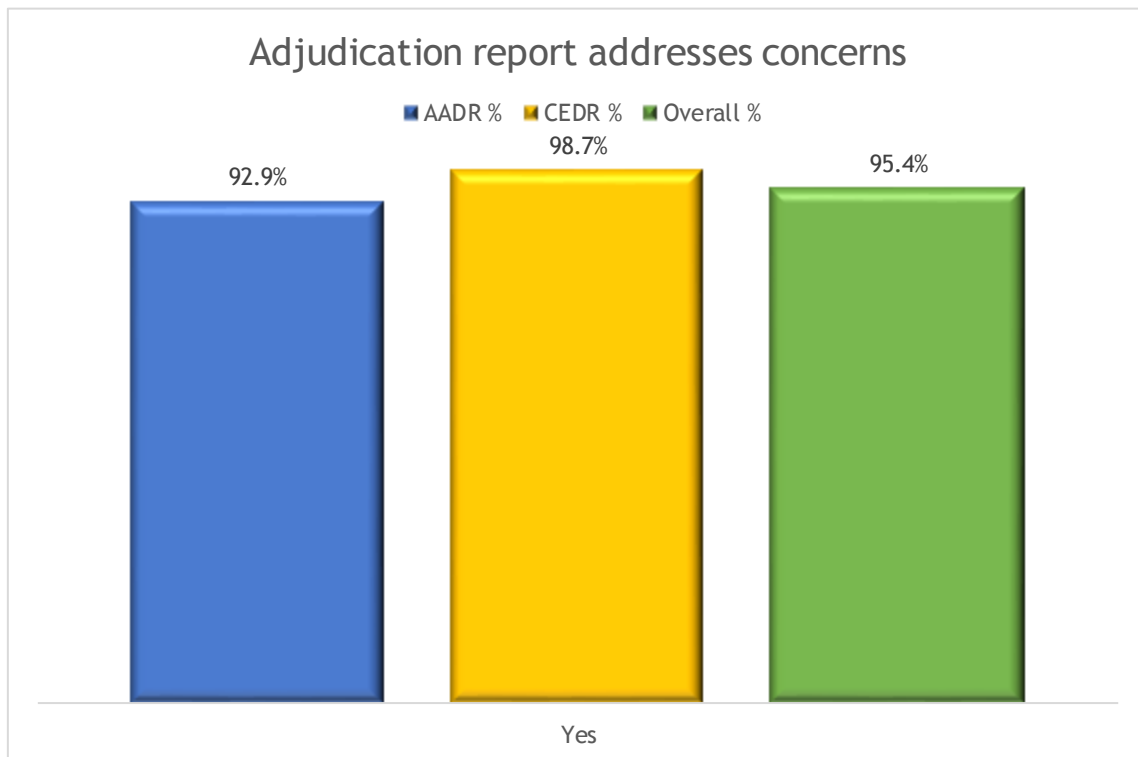


Chart 36 - Concerns addressed (audit sample)

12.17 We found that the majority of adjudication reports we sampled did incorporate specific queries raised by complainants at various stages of the process. This ranged from simply explaining why certain circumstances may have occurred to prompting operators to provide a response and in some cases giving cause for a payment to be made.

12.18 We would suggest that AADR have some room for improvement in this area. We found seven cases where we noted that AADR had not responded to all aspects of the complaint.

12.19 Comments from our reviewers on these cases include:

- *“The investigation was clear and detailed, and looked at multiple reasons why the flight was delayed. It assessed that the main reason for the delay was ‘extraordinary circumstance’ however a significant amount of the delay was due to measures which could be avoided. Compensation was not awarded.”*

- *“Adjudication was clear and evidenced based however they do not cover all the issues raised by the complainant such as the compensation for onward journey.*
- *“Interprets that alcohol taken from one passenger without acknowledging that they were part of a large group. Does not address issue of precedent between cases on the same flight.”*
- *“A good response and reasoning for rejecting the complaint, however the complainant raised that other flights were landing during this time, which would not excuse the airline for blaming bad weather condition. The adjudication response should have looked into this area more fully and included evidence to support their acceptance that the delay was due to poor weather.”*
- *“Does not provide response to claim that airline has not provided evidence of reasonable measures.”*
- *“Customer asked for a refund of flight instead of compensation, so claim denied. It appears that neither airline nor AADR set out customer's right to claim compensation, which it is likely they could have qualified for. Airline did not defend this nor did AADR investigate it. Arguably this is correct as in line with what customer's stated outcome, but it does seem quite harsh / based on a technicality.”*

12.20 It is important that the adjudication fully explains the rationale for decision making in order for complainants to feel satisfied that a thorough and transparent process has taken place. This is particularly important as most of these cases also resulted in compensation being denied to the complainant. While these omissions do not materially impact the outcome of the decision, in such cases the complainant may choose to further pursue the case based on what may potentially be an insignificant detail.

Where appropriate, is the approach/methodology used to address the issue clearly set out?

12.21 Our experience in complaint handling tells us that complainants like to know the process by which decisions are taken. We find that this is particularly important when a decision is not what the complainant would have wanted, as at least they can appreciate that their issue was given fair consideration and that a strong process was followed.

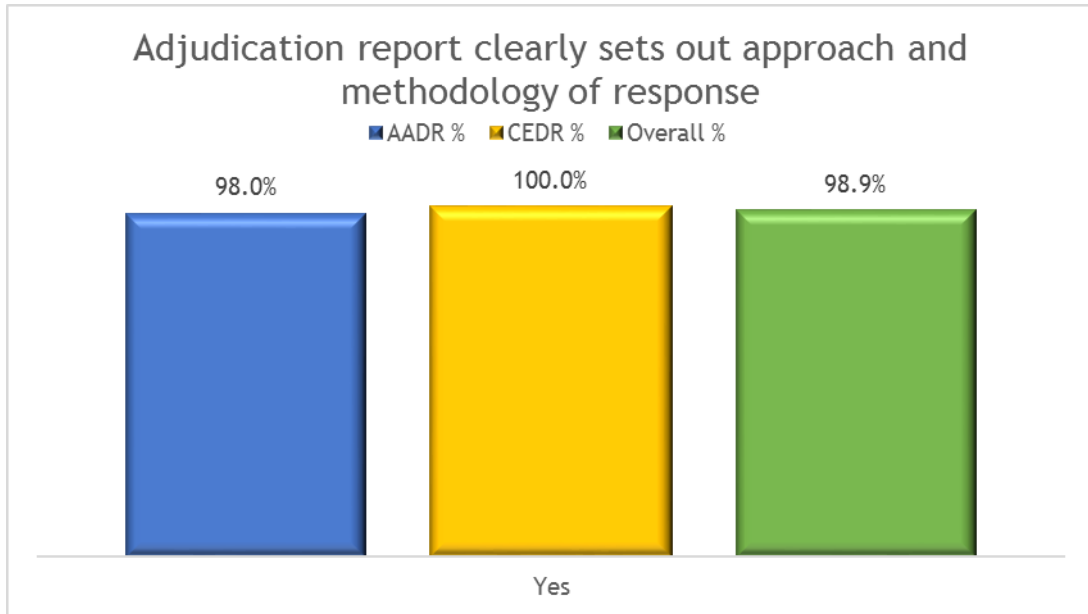


Chart 37 - Response methodology explained (audit sample)

12.22 The templates for both ADR bodies are strong in detailing the structure of the report at the outset and so both AADR and CEDR score highly against this metric. Invariably, adjudication reports set out the background of the complaint, the complainant’s and operator’s case, the legal basis for the complaint and crucially the approach that the adjudicator must take in making a determination.

Where appropriate, are appropriate regulations, legislation, benchmarks referenced?

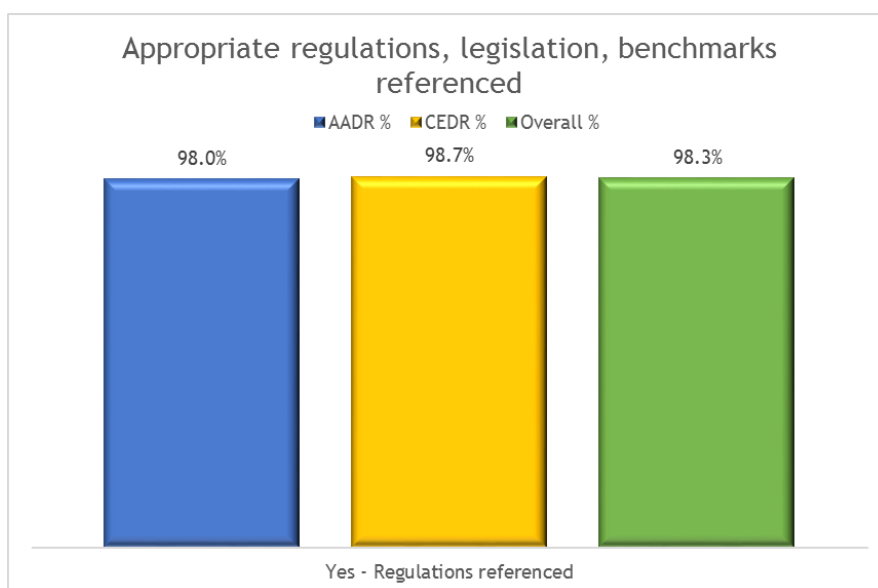


Chart 38 - Are regulations referenced? (audit sample)

12.23 As we have stated, ADR bodies function in a legally prescribed environment. In all but three cases in the sample we found that the appropriate legal basis for the determination was included and fully explained.

12.24 In the complaints where this was not the case this was largely due to conflict between the complainant’s alleged reason for disruption and the evidence provided by the airline (e.g. customer claiming denied boarding, but the airline asserting it was an overnight delay). We recommend in such cases both benchmarks are set out and the different threshold requirements explained to the complainant to justify use of one benchmark over another.

Is there evidence of an appropriate investigation of concerns?

12.25 It is important to explain to complainants the actions that were taken to investigate their concerns, and to give them a full explanation as to what was found and the reasons behind it. We found that in the vast majority of cases, this was well communicated to complainants.

12.26 Adjudicators frequently explained the evidence they had received in detail. This demonstrates that each complaint has been handled and assessed on its merits.

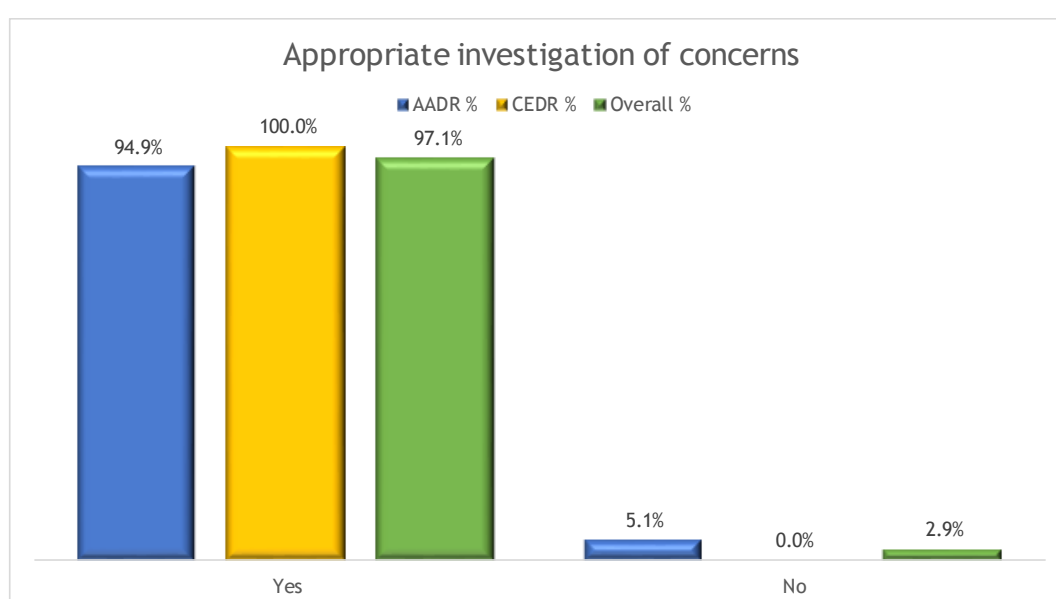


Chart 39 - Appropriate investigation of concerns (audit sample)

12.27 In the five AADR cases where our reviewers believed that appropriate investigation did not take place, this was largely due to appropriate evidence not being requested, or independently sought. We will explore use of evidence below.

Use of evidence

12.28 Both ADR bodies explain how they will gather and use evidence in the process in their respective scheme rules.

12.29 AADR sets out their rules as following:

“3. Information and Evidence

3.1 Passengers must submit all relevant information and evidence in support of their complaint at the point of filing the complaint with AviationADR.

3.2 Airlines must submit all relevant information and evidence, in support of their defence of the complaint, within 28 days of being notified of the complaint.

3.3 Neither party will be permitted, without the express permission of the Chief Adjudicator of AviationADR, to submit further information or evidence after a Complete Complaint File has been announced.

3.4 The Adjudicator may obtain and rely upon independent evidence, such as weather reports.”

12.30 CEDR explain their approach as follows:

“5. Powers of the adjudicator

5.1 The adjudicator will be fair and unbiased at all times and will make a decision that is in line with the relevant law, any relevant codes of practice, and contracts between the subscribing company and the customer. The adjudicator will act quickly and efficiently.

5.2 *The adjudicator has the power to do any of the following:*

5.2.1 *Extend any of the time limits for customer action set out in these Rules;*

5.2.2 *Request further evidence or documents from the customer or the subscribing company, and set time limits (of at least ten working days) in which the customer and the subscribing company must provide such evidence or documents. However, oral hearings (i.e. face to face meetings or tele-conferences) cannot be required to take place unless the customer agrees. Records will be maintained of any discussions which take place with witnesses or experts as disputes are investigated, considered and determined.*

5.2.3 *Proceed with the adjudication if either the customer or the subscribing company does not keep to these Rules or any instruction or direction made pursuant to these Rules;*

5.2.4 *Consult any relevant evidence not presented by the parties (but the adjudicator must tell the customer and the subscribing company about such evidence and allow them to provide comments);*

5.2.5 *Receive and take account of any evidence the adjudicator thinks is relevant;”*

12.31 Overall, both ADR bodies make clear that they must make evidence-based determinations and also reserve the right to consult relevant external evidence not provided by either party.

Evidence based

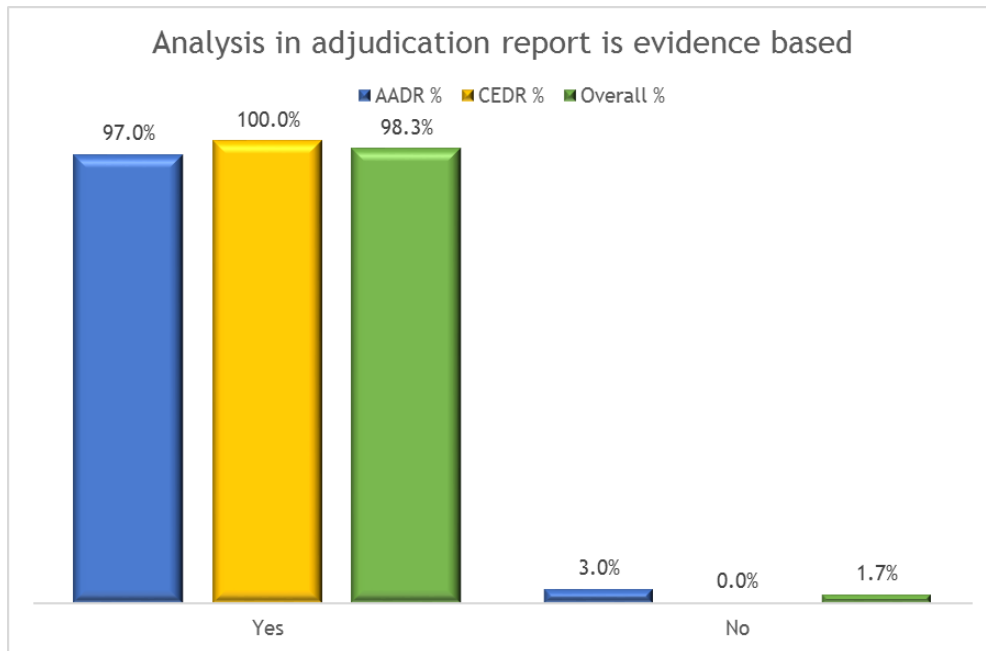


Chart 40 - Adjudication report is evidence based (audit sample)

12.32 Chart 40 above shows that both ADR bodies consistently based their determinations on the evidence presented.

12.33 Our reviewers found that in the face of missing or conflicting evidence, AADR tended to make a determination 'on the balance of probability' favouring the operator while CEDR was more likely to acknowledge omissions by operators to rule in favour of compensation for the complainant. For example, in baggage complaints, we saw cases in which the passenger's complaint was largely upheld but an award could not be determined because the passenger had not included receipts for expenses or the purchase of the luggage. In this circumstance, typically AADR had determined that they had not had enough information to make an award, whereas CEDR had made a 'reasonable value judgement' to make an award of compensation.

12.34 It is not possible to say which of these approaches is correct, but we believe overall that both ADR bodies could provide stronger guidance to complainants and operators as to the evidence required to make a determination.

Making use of all available evidence

12.35 In the above example, essential evidence was omitted by a party in the dispute. While we acknowledge that in some cases this is irreplaceable (e.g. receipts, operator’s internal reports), in some cases (such as weather reports) this could be replicated by adjudicators independently gathering data. We have shown above that both ADR bodies allow for this to take place.

12.36 Below, we have assessed whether adjudicators drew upon all information available to them in coming to a determination - be that from complainant’s or operator’s evidence or from independent research.

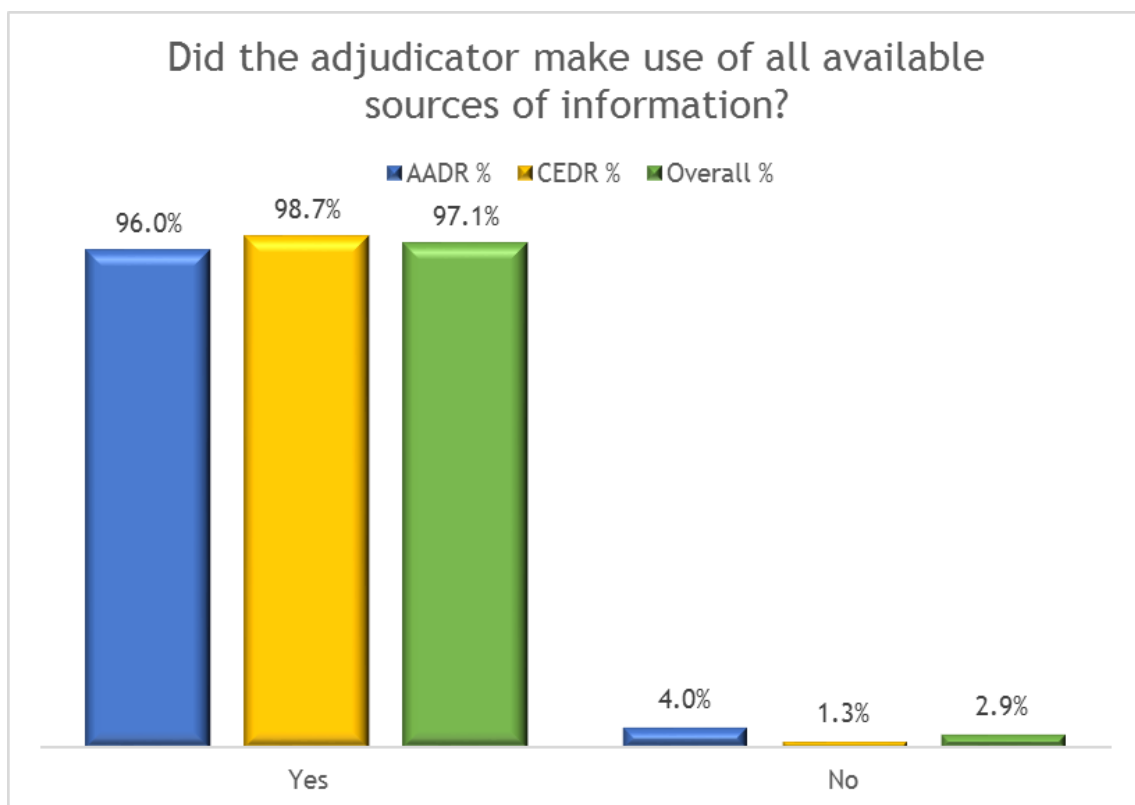


Chart 41 - Did adjudicators use all sources of information? (audit sample)

12.37 We found that overall performance against this metric was strong with a 97.1% completion rate.

12.38 We found that, where the airline had not already provided weather report data, adjudicators invariably researched this for themselves and included findings in the report. We also saw instances where adjudicators researched whether disruptions impacted other

flights from other airlines or if there was any media coverage. This is excellent, as it demonstrates that adjudicators are routinely making judgements based on the 'fullest picture' of the scenario.

13. Interview feedback

13.1 In addition to our review of cases from the database, we carried out interviews with two members of staff who work at CEDR and AADR respectively. Our questions were tailored to their working arrangements both before and during the 2020 Coronavirus pandemic, and focused on their work environment, training processes and any possible areas of improvement. The interviews took place over Microsoft Teams at the beginning of July.

The organisational perspective before the Coronavirus pandemic

ADR procedures and internal reporting

13.2 We were told that the internal ADR procedures have evolved over time in response to the large numbers of complaints that both CEDR and AADR receive. Both organisations believe that their decision making is effective, with adequate staffing and internal targets. The organisations work in teams and the inter-team communication was described as strong, with regular communication about issues that each team was facing.

13.3 AADR explained their commitment to the development of their policies which they believe support the organisation to effectively carry out its complaint management. We welcomed AADR's emphasis on the continued development of their procedures.

13.4 AADR teams were specific to each airline. This is so that the teams know and understand the airlines that they work with, ensuring that they recognise whether the airline undertook reasonable measures in the circumstances, in order to draft responses with greater level of intelligence and accuracy. From reviewing the audit sample, we found a high level of consistency in the evidence submissions from each operator and AADR adjudications. We believe this team model is effective in the closer management of complaints across teams.

13.5 When asked about the internal reporting and management between teams, CEDR explained that the role of the quality assurance team and manager ensures that cases are consistent and that outcomes are fair. Their internal peer review process is used to ensure quality in adjudications, or any cases that are challenged by passengers. It was described that this peer review process is an additional support for staff, which can be requested for

any cases where they feel an additional review may be necessary. We found that this additional support was welcomed by staff.

13.6 We believe that staff feel they have a solid understanding of how their team functions within both ADR organisations and are comfortable and knowledgeable about the operation of their own team. From reviewing the audit sample, we do not see any significant discrepancies in the quality of responses to complaints between the ADR bodies. As such, we are confident that both CEDR and AADR produce consistent responses in case management.

Training

13.7 CEDR and AADR staff described the training programmes as a key area of their staff development. We were told that there has been a great deal of time spent on training, with peer to peer learning, development of training manuals with detailed screenshots, and face to face call handling practice with live cases. Staff described that training was received well, emphasising the support that is provided on an ongoing basis.

13.8 When asked about the constancy of case management, we were told that during training staff are provided with a policy for most areas of complaints so that responses to passengers are consistent across teams. In practice, if there are any new cases which staff may not have seen before, additional training is provided to the team.

13.9 Both organisations told us that they spend a great deal of time on training. Their model for ensuring consistency in adjudications, for example, is for adjudicators to go through classroom training and for their initial reports to be peer reviewed for quality. Staff continue to be supported throughout their time at the organisation as supervision and training are perceived as an ongoing process. We were able to review training materials used by AADR and found that these were thorough and practical being based on ‘real-life’ examples and practical decision-making assessments. We welcome this approach.

Organisational change in light of the Coronavirus pandemic

Change in practice

13.10 In light of the Coronavirus pandemic, and the introduction of social distancing, both AADR and CEDR moved their working practices away from the office and all employees are currently working from home. In our interviews this change was described as 'straightforward' and a positive move considering the circumstances. Staff were described to be adapting and working well. Additional support has been offered to staff to provide equipment where necessary. The majority of work streams exist online and so the move out of the office has not hindered access to documentation necessary for reviewing cases.

13.11 We were told that the main concern regarding the change in working practices was within the team. There was a question of how team spirit would continue, and how to maintain staff morale. In response, both organisations have implemented regular video meetings at least three times a week to share materials and advice. Managers have been encouraged to explain to staff that support is on hand to ensure staff do not feel isolated. We welcome this approach to staff welfare.

13.12 Additionally, training and support has continued including an introduction of online video tutorial training, and existing training manuals have been moved online. Weekly one-hour online training has been implemented to discuss cases and support staff further.

13.13 CEDR explained how they have had three new employees start during the pandemic. They explained that their training has taken much longer than usual. They added that the new staff are adapting well, however they are more apprehensive now without the face to face support. To support these new employees, training has become a group effort in addition to one to one support, and the team are encouraged to help their peers.

13.14 The biggest change during the pandemic for both organisations is the closure of their call centres. Before 2019 AADR did not respond to calls as a policy. However, AADR introduced their call centre in 2019 after an analysis of the service complaints revealed that the public wanted improved communication, and that not being able to contact the ADR body made the complaint process a negative experience. We were told that the call centre has been a great addition and the public receive quick responses. They have subsequently seen a major reduction in service complaints. This service is provided from the office, so it

has been paused during this time. They are hoping that the public understand why this is the case.

13.15 CEDR also commented that their call centre was much harder to run during the pandemic. Both organisations explained that other than this function, their teams and case management were working well from home.

Reduced staffing

13.16 We were told by both ADR organisations that they used the government furlough scheme for most of their staff working within their call centres. While there has been a reduction in complaints caused by the cancellation of most airline travel, very few individuals have been furloughed. The vast majority their workforce are still working, and both organisations are coping well with ‘the new normal’.

13.17 Additionally, we were told that during this time productivity has improved and staff are taking ownership of their tasks and being more proactive. CEDR explained how staff have settled into working from home well, and that internal reporting and communication is better than it was in the office. We are encouraged to see that staff have adapted well to changing working conditions.

Moving forward

13.18 Understandably it is difficult for staff to foresee what might happen in the current landscape. However, we were assured of the consistent communication between the ADR bodies and their respective airlines and law firms so that each organisation is well informed. We believe that staff have managed the changes of the past few months well, and we are confident that they will continue to assess the situation regularly and make relevant changes when possible.

Areas for improvement

13.19 We asked both ADR bodies where they see improvement within their service. Both bodies told us that their current focus is to improve their respective customer portals. The portal is the main interaction tool between the airline, ADR, and the passenger, and is an important function within the complaints process. AADR explained that their improvement will be a ‘track your parcel’ type function, so passengers can see in real time where the case is and how long it will take to receive an outcome. CEDR explained how they are making changes to the mobile site so that it is user friendly for customers who are not using a desktop. We welcome both organisations approach to improve as it highlights their focus on customer requirements.

13.20 In addition to portal improvements, AADR told us that they are working with two of their airlines to develop a sophisticated process for the distribution of money owed after a complaint is reviewed. Passengers currently face long delays between receiving an outcome of the case, and the financial payment. AADR explained that as they are not a regulator they cannot force the airline to pay on time, however they are legally responsible for payment. AADR are working with the above airlines to move to a system where they have access to compensation funds, so that they can pay passengers the next day. This will greatly benefit the passenger. Additionally, it will reduce costs as AADR currently employ a dedicated team to chase airline payments, which will no longer be needed.

13.21 We welcome both organisations’ approach to continued improvement.

Appendices

Appendix A

List of charts and data tables

Chart 1 - Was the complaint in scope for ADR? (audit sample)	28
Chart 2 - Complaint response overall scores (audit sample)	29
Table 1 - Average scores by ADR body (audit sample)	29
Chart 3 - Average time to case closure (full data set)	31
Chart 4 - Average days to case closure - AADR (full data set)	32
Chart 5 - Average days to case closure - CEDR (full data set)	32
Chart 6 - Was the initial response given within the agreed timeframe (audit sample)	33
Chart 7 - Cases resolved within 90 days (audit sample)	34
Chart 8 - Average day to receive completed case file from opening (full data set)	35
Chart 9 - Average days to reach determination after receipt of case file (full data set)	36
Chart 10- Were there any delays in the complaints process? (audit sample)	37
Chart 11 - What was the cause of delays? (audit sample)	37
Chart 12 - Was the complaint acknowledged on receipt? (audit sample)	39
Chart 13 - Is the full record of the complaint available? (audit sample)	41
Chart 14 - Does the recorded status match the 'actual' status of the case? (audit sample)	43
Chart 15 - Most common complaint type (full data set)	44
Chart 16 - Claim types resulting in compensation payment (full data set)	45
Chart 17 - Average compensation awarded by claim type (full data set)	46
Chart 18 - Case outcome by ADR body (full data set)	47
Chart 19 - Was there an evidenced based, justifiable determination? (audit sample)	48
Chart 20 - Discontinued reason - AADR (full data set)	49
Chart 21 - Discontinued reason - CEDR (full data set)	50
Chart 22 - Percentage of all cases adjudicated and settled (full data set)	51
Chart 23 - Cases leading to adjudication (audit sample)	52
Chart 24 - Percentage of all cases resulting in a compensation payment (full data set, all records)	53
Chart 25 -Adjudicated and settled cases resulting in a compensation payment (full data set)	53
Chart 26 - Average compensation payment for adjudicated and settled case in passenger's favour (full data set)	54

Chart 27 - Average compensation payment for Airline A cases by ADR body (full data set)	55
Chart 28 - Average compensation payment for Airline B cases by ADR body (full data set)	56
Chart 29 - Airline A cases resulting in compensation payment (full data set)	57
Chart 30 - Current status of Airline B cases by ADR body	57
Chart 31 - Were timescales set out to the complainant? (audit sample)	60
Chart 32 - Were next steps outlined? (audit sample)	61
Chart 33 - Responses written in plain English (audit sample)	62
Chart 34 - Cases leading to adjudication (audit sample)	63
Chart 35 - Complaint understood (audit sample)	64
Chart 36 - Concerns addressed (audit sample)	65
Chart 37 - Response methodology explained (audit sample)	67
Chart 38 - Are regulations referenced? (audit sample)	67
Chart 39 - Appropriate investigation of concerns (audit sample)	68
Chart 40 - Adjudication report is evidence based (audit sample)	71
Chart 41 - Did adjudicators use all sources of information? (audit sample)	72