

[REDACTED]
[REDACTED]

2 December 2016
Reference: F0002990

Dear [REDACTED]

I am writing in respect of your recent request of 14 November 2016, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

'Please provide a copy of your commercial agreement that replaces the internal Passenger Aviation Complaints Team (PACT) with the appointed ADR CEDR, specifically the aviation branch of their duties carried out on behalf of the CAA.'

I am particularly interested in the best practice guidelines that should include any instruction from CAA to CEDR that relates to a passengers use of a third party representative and/or CMC (Claims Management Company) If such an instruction or agreement is not in place or does not exist, please confirm this by way of reply.

If however such an agreement does exist, I am particularly interested in all versions of your commercial contract or guidance literature expressly from the CAA to CEDR between February 2016 and the date of this request. It would be pertinent to mention i am not interested in learning any financial arrangements but only to focus on your express instructions that CEDR are now contractually bound.'

Our response:

Your request has been considered in line with the provisions of the Freedom of Information Act 2000 (FOIA).

There is no 'commercial agreement' between the CAA and Alternative Dispute Resolution (ADR) bodies. The ADR bodies have been either approved by the CAA or by EU member states to provide high standard dispute resolution service for consumers. We are able to provide you with the information below in response to your request:

- Information relating to ADR is available on the CAA website, this includes information about our fees for ADR entities: <http://www.caa.co.uk/Our-work/About-us/Alternative-Dispute-Resolution/>
- Below is a link to our overall policy on ADR, which also includes the historical background to the establishment of ADR in the aviation sector: <http://publicapps.caa.co.uk/docs/33/CAP%201286%20OCT16.pdf>

Civil Aviation Authority

Aviation House Gatwick Airport South Gatwick RH6 0YR. www.caa.co.uk

Telephone: 01293 768512. foi.requests@caa.co.uk

A copy of the previous version can be found attached.

- Our ADR entities approval document sets out the agreement between CEDR and CAA (as well as the other two approved ADR entities):
<http://www.caa.co.uk/WorkArea/DownloadAsset.aspx?id=4294976200>
- Our [guidance for ADR entity applicants](#) states that "ADR applicants will need to provide information about banking arrangements to demonstrate that any consumer fee income is ringfenced from operational funds and that any payments by the trader to consumers do not pass through the ADR entity's accounts."
- CEDR's [scheme rules](#) which are agreed with us as the competent authority for aviation ADR state that:
"5.3 If the adjudicator finds that the passenger's claim succeeds in full or in part, he or she can direct the airline to:
...
5.3.5 Make a payment to the passenger, the total value of which shall not exceed £10,000.00 (including VAT)."
- The UK ADR Regulations appear to be silent on payments between the airline and third parties. A consolidated version can be found at
<http://www.caa.co.uk/WorkArea/DownloadAsset.aspx?id=4294976198>

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

Caroline Chalk
Head of External Information Services
Civil Aviation Authority
Aviation House
Gatwick Airport South
Gatwick
RH6 0YR

caroline.chalk@caa.co.uk

The CAA has a formal internal review process for dealing with appeals or complaints in connection with Freedom of Information requests. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right under Section 50 of the FOIA to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office
FOI/EIR Complaints Resolution
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
<https://ico.org.uk/concerns/>

If you wish to request further information from the CAA, please use the form on the CAA website at <http://publicapps.caa.co.uk/modalapplication.aspx?appid=24>.

Yours sincerely

A handwritten signature in black ink that reads "Rihanne Stephen". The signature is written in a cursive style with a light blue background behind it.

Rihanne Stephen
Information Rights Officer

CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.