

Aviation Adjudication Scheme
Report of the Independent Assessor
For the period 1 October 2025 to 31 March 2026

1. Introduction

This report relates to the Aviation Adjudication Scheme (“the Scheme”) and covers the six month period from 1 October 2025 to 31 March 2026. The Scheme is operated by CEDR (the Centre for Effective Dispute Resolution) and deals with complaints made against subscribing airlines and airports.

2. Background

I am an independent consultant. I work remotely and I am not an employee of CEDR. Nor am I involved in direct case handling or advice; my role is exclusively to act as an Independent Assessor.

CEDR is a registered charity and non-profit organisation. It provides independent dispute resolution for consumers who experience problems with a company and have exhausted its internal complaints procedure.

3. My Role

There are two aspects to my role:

- (i) To review cases that have been escalated to me at Stage 3 of the complaints process. This happens when a user of the Scheme has complained and, having been through Stages 1 and 2 of CEDR’s complaints review process, remain dissatisfied. Under my Terms of Reference and the Scheme’s rules I can consider complaints about certain elements of CEDR’s quality of service, e.g. alleged administrative errors, delays, staff rudeness or related matters.

I can also review complaints where the customer:

- (a) believes that in reaching an adjudication outcome relevant information was ignored or irrelevant information was taken into account; and/or
 - (b) feels that an adjudicator has made an irrational interpretation of the law, although it should be noted that, (to quote from the Scheme’s *Complaints Review Policy and Process* document) whilst I am “*not expected to consider whether the adjudicator made an irrational interpretation of the law...*” nevertheless I am able to “*consider whether the Stage 2 review thoroughly considered the issue.*”
- (ii) To review complaints about the Scheme as a whole and produce a report every six months. This is based upon my examination and analysis of either all or a random sample of at least 80% of the complaints handled by CEDR, along with any cases that were escalated to me.

4. Aviation Adjudication Scheme Complaints Review Policy and Process

CEDR’s *Complaints Review Policy and Process* explains its scope, along with the two internal stages of review that take place before, if necessary, a complaint is referred to me. It provides clear information about timescales and what can be expected. In brief, if after the Stage 1 response complainants remain dissatisfied, they can ask for escalation to Stage 2 of the process, in which a CEDR senior manager will review the complaint. If this does not resolve the matter, it can be referred to me for independent review at Stage 3.

5. My Findings

During the six month review period the Scheme dealt with the following (previous six month period shown in brackets for comparison):

- 6,502 [5,238] new applications were received in relation to the Aviation Adjudication Scheme;
- 1,830 [2,110] cases received a final decision from an adjudicator;
- 2,112 [2,661] cases were settled by the airline or airport;
- 528 [831] were withdrawn by consumers specifically; and
- remaining cases are either still in progress or closed as being ineligible.

I would note from these numbers that all categories showed a reduction, with the exception of new applications received, which increased by 1,264 from the previous six month period. I understand that a

new airline joined the scheme during the review period. The numbers for final decision, settled cases and cases withdrawn decreased by 280, 549 and 303 respectively.

CEDR received 21 formal aviation complaints in the reporting period, of which 20 were completed during the period. The remaining one case is still in progress, the response being due in May. This case will therefore be reviewed in my next report.

As regards the 20 completed complaints:

- 1 complaint was fully upheld;
- 2 were partially upheld;
- 15 complaints were not upheld; and
- 2 complaints were ruled out-of-scope.

18 complaints were closed at Stage 1 (including 2 ruled out of scope). During this period two were escalated to Stage 2, but neither was upheld. One of the Stage 2 complaints was then escalated to Stage 3 and was not upheld.

A total of £150.00 [£355.00] was awarded for goodwill payments.

I have reviewed all 20 complaints and, based upon the information available to me, I consider that the reviews and outcomes were appropriate.

Upheld complaints

One complaint was fully upheld:

The customer complained that reasonable adjustments had not been made for his (unspecified) disability. It was found that phone calls had not been made to the customer to update him on his complaint, as he had requested. His complaint was therefore upheld and he was offered a goodwill payment of £50.00.

Upheld in Part

Two complaints were partially upheld:

- 1) This customer brought a complaint, supplemental to his complaint set out at 3) below, under *Not upheld*, concerning an administrative error. The portal showed that the airline had been granted an extension of time but this was not correct. The customer was offered a goodwill payment of £25.00.
- 2) The customer was 'DeafBlind' and claimed that reasonable adjustments had not been made (e.g. larger font size in written communications). She also complained that there had been a delay in the adjudicator issuing a decision and that the process itself was generally unfair. This complaint was partly upheld because two letters had not been sent in a large font, but the remainder of the complaint was not upheld. A goodwill payment of £25.00 was offered.

Not upheld

15 complaints were not upheld:

- 1) The customer claimed that the adjudicator had not fully considered all evidence submitted. The complaint related to a flight cancelled due to adverse weather conditions. It was decided that the adjudicator had fully addressed the issues and considered all the evidence. He had not ignored relevant information and/or taken into account irrelevant information, nor had he made an irrational interpretation of the law.
- 2) This complaint concerned a cancelled flight. It was alleged that the adjudicator had failed to address evidence submitted by the customer. It was held that the decision was reasonable and there was not an irrational interpretation of the law. The adjudicator had considered all relevant information and had not taken into account irrelevant information.
- 3) The customer claimed that the adjudicator had overlooked relevant evidence in relation to his complaint regarding check-in at an airport and a missed flight. This was not upheld as it was considered that the adjudicator had considered all relevant information and had not taken into account irrelevant information. [Note this complaint is related to the case at 1) above under *Upheld in part*.]
- 4) The complaint was that the customer claimed not to have rejected the adjudicator's decision and that the case had been closed incorrectly. It was found that the customer had in fact rejected the

adjudicator's decision by email and, following no further communication from her before expiry of the deadline, the case had been closed correctly. Therefore, the complaint was not upheld.

- 5) The customer complained regarding various issues, including that the airline had instructed external lawyers; the status of the adjudicator; 'narrow legal reasoning'; that the adjudicator had ignored relevant information regarding the airline's IT systems; and that the adjudicator did not consider customer service and complaints handling failures. It was decided that only the last two of these issues were in scope, but in any event the complaint was not upheld, as all relevant information had been taken into account and any irrelevant information had not. The adjudicator's decision was considered to have been reasonable and there had been no irrational interpretation of the law. It was noted that the customer had rejected the adjudicator's decision and so was able to pursue the complaint by other channels if he so wished.
- 6) This complaint concerned a forced airport change and the resulting expenses incurred. The customer had accepted the adjudicator's final decision, but complained about the process and alleged that the adjudicator had failed to consider certain issues. He also alleged that the adjudicator had made an irrational interpretation of Articles 7 and 9 of the UK Regulation 261/2004. At Stage 1, the complaint was not upheld, on the grounds that the adjudicator's interpretation of Regulation 261/2004 was not irrational. Moreover, the customer had not submitted any evidence of his expenses.

The customer escalated his complaint to Stage 2. It was concluded that at Stage 1, the complaints procedure had not been misapplied, nor was the decision contradictory, nor was it incorrect to conclude that there had been no irrational interpretation of the law. The Stage 1 decision was therefore upheld.

- 7) The customer complained about a number of areas of dissatisfaction with the airline's service. She claimed that the adjudicator had not considered material evidence regarding these various alleged service failures and had not applied CEDR's rules consistently. It was found that the part of this complaint relating to the manner in which the airline had handled the customer's complaint was not in scope. The remaining issues related to inconvenience and distress experienced due to the alleged service failures during the flight and as such were not covered by the Montreal Convention. The complaint was not upheld.
- 8) This complaint raised several issues, including: mischaracterisation of the customer's core complaint under the Consumer Rights Act 2015; incorrect treatment of connection viability; failure to address the airline's alleged misconduct in relation to handling the customer's complaint; mischaracterisation of the customer's claim for Avios compensation; and an alleged limited, one-sided application of UK261/APR regulations and the Montreal Convention. In deciding not to uphold the complaint, it was concluded that the arguments raised by the customer were in essence points of disagreement with the adjudicator's decision arising from the customer's differing views concerning the law and facts of the case.

The customer escalated his complaint to Stage 2, largely repeating the points he had raised at Stage 1 and also seeking to adduce additional evidence. This evidence was rejected as being 'after the event' and the Chief Adjudicator concluded that the Stage 1 review was a thorough, correct and proper evaluation of the complaint. He therefore upheld the Stage 1 decision.

The complaint was then escalated to me at Stage 3. I addressed a number of legal and factual issues raised by the customer, whilst at the same time underlining the point that it was not my role to re-adjudicate the case or produce a different outcome. I concluded that all elements of the complaint had been dealt with in full and appropriately at Stages 1 and 2 and therefore I did not uphold this complaint.

- 9) The customer had been downgraded to a lower class of seat from business class. He claimed that the adjudicator had misinterpreted the evidence, considered irrelevant evidence, ignored key evidence and mis-applied the law.

At Stage 1, the complaint was not upheld. The customer had suffered no financial loss, there had been full consideration of the evidence and the adjudicator had not taken into account irrelevant information. His decision was not unreasonable and there was no irrational interpretation of the law.

The complaint was escalated to Stage 2, as the customer was dissatisfied with the Stage 1 decision. He maintained that he was entitled to compensation for the downgrade even though he had in fact secured a business class seat with an alternate airline. He would not accept that he had suffered no financial loss. His complaint was not upheld as there had been no irrational interpretation of the law.

- 10) The customer claimed to suffer from autism and ADHD and complained that no reasonable adjustments had been given. The case had been closed originally as the complaint form had been completed incorrectly and no response had been received from the customer. In any event, the complaint was not upheld, as it was determined that it related to a flight where the point of origin/final destination was not within the UK, and therefore outside the scope of the complaints procedure. However, although the complaint itself was not upheld, a goodwill payment of £50.00 was offered for the delay and confusion in dealing with it.
- 11) All of the issues raised by the customer arose from an accident at an airport, as a result of which he suffered injuries. It was ruled that the adjudicator was right to conclude that the complaint related to personal injuries and therefore was outside the scope of the Aviation Adjudication Scheme (Rule 22.4). Accordingly, the complaint was not upheld.
- 12) This was a complaint about a cancelled flight and the dispute concerned whether the customer was entitled to reimbursement of the flight costs or a taxi fare. The adjudicator had awarded the latter and the customer claimed that this was based on incorrect information. It was decided that the adjudicator had not ignored relevant information or taken into account irrelevant information. Nor was there any irrational interpretation of the law. Accordingly, the complaint was not upheld.
- 13) The customer raised several issues regarding the level of service received from an airline, including that the airline had been allowed to submit further evidence and had not complied with its own rules on boarding priority and in-flight refreshment. He also alleged that his claim had been mischaracterised as a claim for distress and injury under the Montreal Convention.

It was held that, though it was true that further evidence had been submitted by the airline, the customer had had an opportunity to respond and in fact did so. Therefore he was not disadvantaged. Moreover, there was no legal basis to award compensation for failings in in-flight service. Claims for poor customer service are essentially claims for inconvenience and distress and therefore are outside the complaints procedure. It was concluded that the adjudicator had considered all relevant information, did not take account of irrelevant information and that there was no irrational interpretation of the law. Therefore, the complaint was not upheld.

- 14) This complaint concerned cancelled flights and the responsibility of the airline to arrange suitable alternative travel. It was alleged that the adjudicator applied law incorrectly and also did not apply the correct law. In addition, the customer claimed that the airline had failed to take account of the customer's disability. The adjudicator had found that the airline was not responsible for the cancellation of the flight or for reimbursing the customer for the cost of re-routing. It was decided that there was no irrational interpretation of the law and therefore the complaint was not upheld.
- 15) The complaint was raised following the passenger's denial of boarding at an airport due to incorrect documentation and/or aggressive attitude. The customer claimed that the adjudicator had ignored material evidence.

At Stage 1, it was decided that the adjudicator had not failed to take account of relevant evidence and so the complaint was not upheld.

The complaint was escalated to Stage 2. It was held that the adjudicator had addressed the question of whether the airline had acted reasonably in denying boarding and had decided that it had. The conclusion was that the adjudicator had taken account of all relevant information and that there was no irrational interpretation of the law.

Out of scope complaints

Two complaints were held to be out of scope:

- 1) A complaint about cases handled by a particular adjudicator involving an allegation of bias. This was ruled out of scope.
- 2) The customer had rejected the adjudicator's decision, claiming that he had misapplied CEDR rules as well as the relevant law, that he had failed to consider relevant evidence and had reached flawed conclusions. The complaint was held out of scope, as the customer's grounds of complaint were essentially disagreements with the conclusions reached by the adjudicator.

6. Conclusion

I have no specific observations nor have I found evidence of any systemic issues, themes or causes for concern.

Following the completion of my review I consider that CEDR handled the complaints they received to a very good standard and addressed all of the complainants' concerns in their responses.

Timescale performance was generally excellent with acknowledgements and responses at all Stages either within, or well within, target.

I commend CEDR for these results. Replies to customers were also of a high standard.

7. Recommendations

Based on my review of the complaints received during this period, I have no recommendations to make.

I conducted my review remotely and had open and unrestricted access to the systems and records that I needed. I am grateful to CEDR for facilitating this.

On a final note, I understand that following a recent ADR review that the CAA is considering whether this report be moved from a six monthly review to an annual review. Based on the generally low volume of formal complaints, I would support this change.



Alan Squires *LLB(Hons) LLM PGDipAML Solicitor*
Independent Assessor

24 April 2026