

Independent Assessor – Terms of Reference

(October 2018)

Introduction

CDRL (operating as AviationADR) is approved by the Civil Aviation Authority (CAA) to provide alternative dispute resolution services in the aviation sector. As part of the approval, AviationADR must have an independent assessor, whose role it is to carry out a review of all eligible service complaints, from an independent and partial point of view.

Terms of Reference

The role

1. The Independent Assessor may only consider service complaints that are ‘eligible’ in accordance with the Service Complaints Review Policy (“**the Policy**”). A complaint may be referred to the Independent Assessor by the complainant, in accordance with the Policy or by the Chief Adjudicator of AviationADR, who may not unreasonably refuse to make such referral.
2. The Independent Assessor shall review each complaint, taking account of i) the complainant’s grounds of complaint and any evidence submitted in support and ii) the responses to the complaint provided by AviationADR.
3. When a complaint is referred to the Independent Assessor for investigation, the Independent Assessor shall have access to all related files, computer records and persons relevant to the investigation, subject only to compliance with data protection legislations. The Independent Assessor shall have complete freedom to decide how to investigate the complaint but will normally be expected to report the outcomes and to produce a final recommendation/proposal letter within 30 working days of referral.

Outcomes

4. If the Independent Assessor decides that a complaint should be upheld then he or she may recommend that AviationADR make an apology or take some other corrective action and/or make an appropriate goodwill payment, for damage, distress or inconvenience to the person or organisation making the complaint.
5. Except where it contains obvious error, which may be identified by either the complainant or the Company, the Independent Assessor’s “Final Report” and any recommendations within it will be binding on AviationADR.

6. Subject to paragraph 5 above, there is no appeal against the Independent Assessor's "Final Report".

Independence

7. The Independent Assessor is engaged by CDRL on an independent basis. The Independent Assessor is therefore not answerable or accountable to CDRL and is free to report any concerns about the operation of the AviationADR scheme directly to the CAA.
8. The Independent Assessor must not hold shares or have any other form of interest in any airline or airport that subscribes to the AviationADR scheme. The Independent Assessor shall immediately notify AviationADR of any potential conflict of interests.

Reporting

9. The Independent Assessor shall provide the CAA with a 6-monthly report by the end of April and October each year (covering the period October – March and April – September). This report will detail the view of the Independent Assessor as regards any potential improvements which could be made to aid the effectiveness of the AviationADR scheme, including the review process ("**the Report**").
10. The Report shall include case examples, data and statistics and any other information that the Independent Assessor believes will effectively demonstrate his/her findings.
11. The Report shall include details of all recommendations made.
12. The Report shall identify any common themes or issues causing confusion or potential harm to consumers during the ADR process.