

Aviation - ADR Scheme Rules (UK)

Registering the dispute

Before a dispute can be registered with NetNeutrals, consumers must allow the airline a minimum of 8 weeks to respond to their direct complaint. If the complaint remains unresolved with the airline following this time period, it can be submitted to NetNeutrals for review.

When a dispute between a consumer and airline has not been resolved to the consumer's satisfaction, a consumer initiates a claim by clicking on the NetNeutrals logo, which is linked to the airlines' site, or by going to the NetNeutrals website. If the consumer begins the dispute on the NetNeutrals website, the consumer selects the participating airline or trade organization.

The consumer then identifies the issues he or she is experiencing. Typical problems may include:

- denied boarding,
- delay, cancellation,
- destruction/damage/loss of baggage,
- destruction/damage/loss of items worn or carried by passenger,
- problems faced by disabled passengers, and
- any further general disputes arising where the consumer alleges that the business is not trading fairly.

Next, the consumer enters in the specific details and uploads any photographs or documents that may help describe the problems. Then the consumer indicates what they would like from the airline by clicking on the button next to the description of the desired resolution. Possible resolution choices include:-

- apology,
- refund,
- compensation,
- replacement,
- repair, etc.

Claims can also be initiated by the consumer via post. An administrator is available at NetNeutrals Ireland or UK office to receive and review claims. The administrator enters the consumer's information on the website, prints those details, and posts it to the consumer, who confirms the details or notifies the administrator of any needed changes prior to returning the claim by post.

The consumer pays a fee of £10 to open the case. All other fees are paid by the airline. The consumer's payment may be paid online via PayPal, or by post with a money order.

NetNeutrals will handle disputes in the language which was used by the consumer when entering into their contract with the airline.

Inform the Parties

Once the complete complaint file has been received by NetNeutrals, within one business day a confirmation is sent to all parties. The confirmation letter/email informs the parties that a case has been opened. The parties can log on and see the name of the consumer/airline, the description of the problem and the requested resolution.

If a consumer's complaint cannot be accepted, due to reasons set-out in the "Statement of Grounds for Refusing or Refusing to Continue Applications, or due to reasons relating to conflict of interest, the consumer will be advised within 3 weeks of the date NetNeutrals received the final submissions of the consumer and airline. If a case cannot be accepted for any of these reasons the consumer's £10 payment will be processed for a full refund within three business days.

Find a solution

Once a case is opened, both parties are provided access to a confidential online forum where they can communicate with one another using various tools and templates to find an acceptable solution. These tools include:-

- diagrams and graphics that help to explain the issue at the root of the dispute,
- systems for uploading images or other supporting documentation,
- suggestions for possible methods of redress, and
- templates for drafting apologies and other communication between the parties.

If, after 14 calendar days, the parties are unable to reach a resolution through direct negotiation, the process immediately moves to the mediation step. The case will remain in mediation until a settlement is agreed upon, or 7 calendar days have passed, whichever comes first. Should a resolution not be reached within this time period, the consumer can elect to proceed into adjudication. NetNeutrals will not hold oral hearings.

Unable to agree

If the parties are unable to come to an agreement, the consumer has the option of inviting a trained Mediator or Neutral (ADR official) into the forum to facilitate the process of reaching a resolution. Inviting the Neutral into the case triggers an additional fee to be paid by the airline. If the resolution is not reached through mediation, the Neutral will file a proposed settlement that the parties can comment on, and then the consumer has seven calendar days in which they can choose to accept or decline.

Adjudication

In the event the parties are unable to settle the dispute using mediation, the consumer can file for adjudication. In this process, a new Neutral reviews the entire case file and makes a final decision. The consumer will have 7 calendar days to decide whether they accept or reject the adjudicator's decision.

Compliance

Once a resolution is reached, at any stage of the process, and accepted by the consumer, the airline has 30 days to comply. In other words, the decision made by NetNeutrals will be binding on the airline if accepted by the consumer. Proof of compliance must be provided to NetNeutrals directly by the airline in a manner which provides evidence of their compliance (e.g. copy of cheque). The consumer can also provide confirmation of compliance, but the obligation is on the airline to provide it if the consumer does not provide it. Non-compliance by the airline can result in a penalty of 15% of the overall award; accrued on a monthly basis until proof of compliance can be provided.

Once it has begun, airlines are unable to withdraw from the process; however, the consumer may withdraw at any point. Consumers may choose to bring a claim to court at any stage, apart from once they agree with a decision – at this point they are bound by the decision, and are no longer able to take their claim to court. Consumers will be informed that, subsequent court proceeding may result in a different outcome from the NetNeutrals process.

The airline will be required to agree that once NetNeutrals has accepted a complaint the airline may not withdraw before NetNeutrals has made a decision. If the airline terminates their arrangement with NetNeutrals, there will be no effect on the processing of, and resolution of, any disputes submitted by consumers, and already accepted by NetNeutrals prior to the effective date of termination, nor the airline's obligation to comply with any binding outcome of the process.

Conflict of Interest

If, after consideration of the consumer's complaint has commenced, it is discovered that the ADR Official handling the consumer's complaint has a conflict of interest in the case, then the case is immediately moved to another ADR official within NetNeutrals or NetNeutrals will cease handling the complaint. In the latter case, NetNeutrals will assist the consumer in transferring their complaint to another ADR entity and will pay any fee payable by the consumer for doing so. If another ADR entity cannot accept the complaint, or there is not another ADR entity, NetNeutrals will only continue handling the complaint with the consent of the airline and the consumer. If that consent is withheld, NetNeutrals will refund the fee already paid by the consumer.

Recordkeeping

NetNeutrals will maintain records on any discussion with consumers and/or airline witnesses or experts as disputes are investigated, considered, and determined. All transaction-related records and personal information stored on the EU-based cloud service will be destroyed no less than 7 years, per CAA guidelines, following the dispute's resolution.

Process Flow

