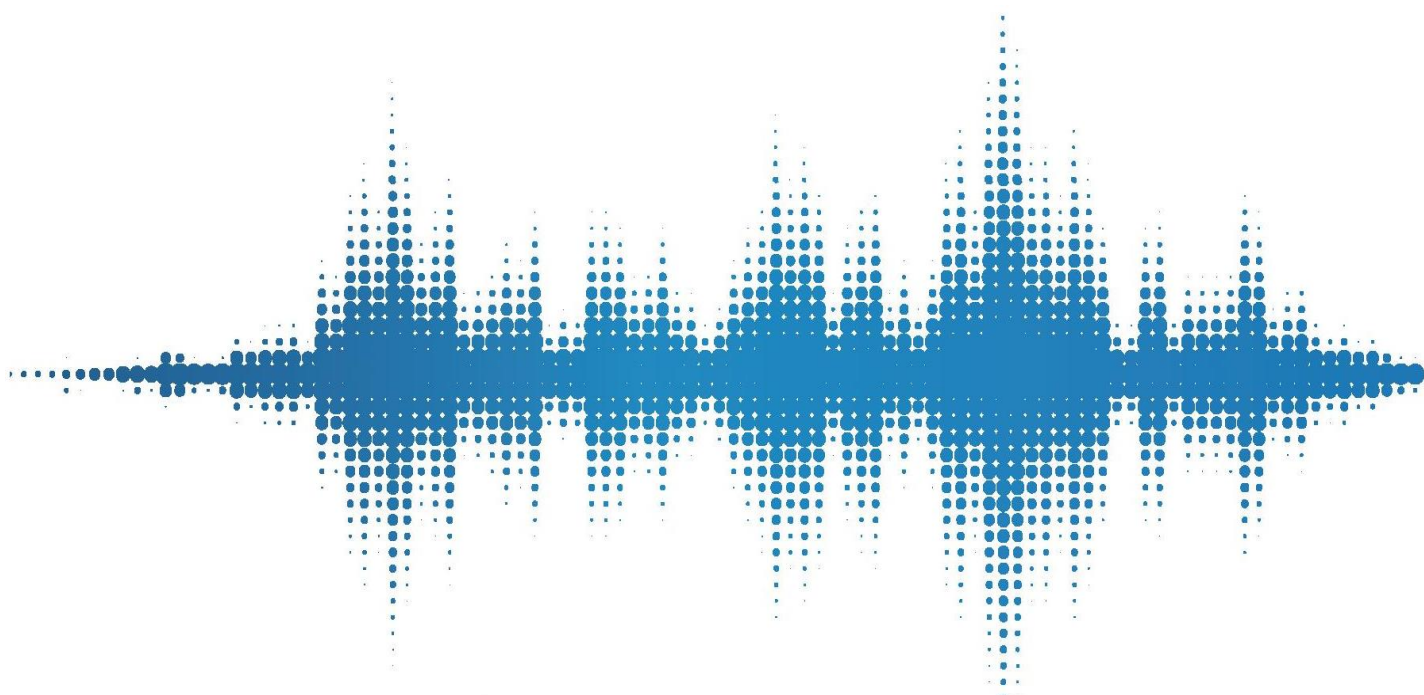


CISAS Independence
Integrity
Impartiality
Communications & Internet Services Adjudication Scheme



Ofcom
Certified ADR Provider

Guidance Notes for Customers

Overview

What is CISAS?

CISAS is an Ofcom certified independent adjudication service which has been set up to resolve disputes between customers and providers of communication services such as broadband and mobile phone services. CISAS is designed to adjudicate disputes that have not been resolved through the communication provider's own complaints procedure.

How can I be sure that CISAS will be independent?

The operation of CISAS is overseen by Ofcom, the government-appointed Competent Authority and regulator of the communications industry in the UK. Competent Authorities have been set up to ensure the independence, effectiveness and integrity of dispute resolution schemes like CISAS.

Who makes the decision in relation to my dispute?

Your claim will be considered by a professional, legally-qualified CISAS Adjudicator who will have no direct contact with you or your communications provider to ensure full independence and impartiality.

How will the adjudicator decide the case?

The adjudicator will consider the information you provide in your application along with any supporting evidence you submit. They will also consider the evidence submitted by the company in response to your claim, all relevant law and any relevant terms and conditions. Finally, the adjudicator will consider what is most fair and reasonable in light of all of the circumstances before them.

Can I talk directly to the CISAS Adjudicator?

No, the appointed adjudicator will have no direct contact with you or the company to ensure full independence and impartiality.

Will there be a hearing for me to provide evidence?

No, CISAS is an adjudication service; the process is therefore based entirely on the documentary evidence provided by the parties.

When will I receive a decision?

CISAS will aim to send you a decision within six weeks of receiving your completed application.

Do I have to use CISAS?

No, you are not obliged to make an application to CISAS in order to resolve your dispute.

Do I have to pay to use CISAS?

No. By law (the Communications Act 2003), consumer dispute resolution for the communications industry must be

free to use for customers at all times and in all circumstances.

Do I need a lawyer?

No, you do not need a lawyer but you can choose to use one if you wish. If you do wish to be legally represented, you will have to pay all of the legal (and other professional) costs you incur.

Can I recover the costs of preparing my CISAS case?

No, you must pay any costs you incur in preparing and submitting your case to CISAS, which include any incidental or third party costs. If, for example, you decide to take legal advice about making an application you must pay for that yourself.

Can I withhold payment to the company for its services pending the outcome?

No, referring a dispute to CISAS does not remove your duty to pay the company any bills that are not part of your dispute.

Referring a Dispute to CISAS

When can I make an application to CISAS?

An application to CISAS can be made after:

1. You have exhausted the company's complaints procedure, and / or
2. It has been 8 weeks since you first raised your complaint with the company, and / or
3. You have received a letter from the company telling you that they are unable to assist you further. This letter may be referred to as a 'deadlock' or 'final response' letter.

Do I have to go to CISAS if I receive a 'deadlock' or 'final response' letter?

No, a 'deadlock' or 'final response' letter means that you can go to CISAS if you wish, but you remain free to seek other means of redress.

Are there any time limits to making an application to CISAS?

Yes, you have 12 months from the date that the company notified you that it is unable to resolve your complaint in which to make an application to CISAS.

Can someone else make my application for me?

Yes, provided you give them authority to act on your behalf and sign the declaration on the CISAS application form.

What should I consider before making my application?

You should read these guidance notes carefully before making an application to ensure your claim can be dealt with by CISAS. The CISAS Rules detail the types of claim CISAS can deal with, how the case process works and what you can expect to happen if you make an application. You are not expected to know the Rules in detail.

What kind of disputes can CISAS deal with?

We can deal with disputes related to:

- Bills;
- The quality of customer service received;
- Communication services provided to customers and any contracts or agreements made thereunder; and
- Premium rate services, Pay TV services, On Demand services and disputes about mobile handsets (please note that these matters can only be raised by individual (i.e. non-business) customers).

CISAS will assess your application against the above criteria, and if your dispute does not fall within the scope of the scheme, you will be told by CISAS and your application will not go to an adjudicator.

The company concerned will also have the opportunity to object to the acceptance of your application if it considers that the dispute is outside the scope of the scheme. In such circumstances CISAS will rule on the validity of the application and the decision of CISAS will be final.

You should only apply if your dispute falls within the criteria of acceptable cases detailed above. If you are unsure, you can contact CISAS for further advice.

What kind of disputes cannot be dealt with by CISAS?

If your complaint is about one of the following matters, CISAS **cannot deal with it**:

- Claims which are brought by someone who does not fall within the definition of a 'customer' (i.e. someone to whom the network or service is or has been provided in the course of any business carried on as such by the company or someone who has requested such network or service from the company or for whom the company has attempted to provide such network or service).
- Claims which are made against a communications provider that does not subscribe to CISAS.
- Cases where the customer has not complained to the company at all, or where it has been less than eight weeks since the customer first complained to the company and the company has not provided the customer with its final position in relation to the dispute.
- Cases where the customer's application to CISAS has been submitted more than twelve months from the date on which the company has given notice to the customer that it is unable to resolve the complaint (CISAS can extend this period in exceptional circumstances if both the customer and the company agree or if, in our opinion, the company has unreasonably delayed handling the complaint).
- A dispute which, in the opinion of CISAS, is more appropriately dealt with by a court, regulatory body, or other formal process.
- A dispute that is considered by CISAS to be frivolous and/or vexatious.

- A dispute that is the subject of an existing or previous valid application made under the Scheme.
- A dispute which has been or is the subject of court proceedings or an alternative independent procedure for the determination of disputes (unless such proceedings or alternative procedure have been abandoned, stayed or suspended).

What is the maximum amount I am able to claim under CISAS?

The maximum claim amount is £10,000 (including VAT). This sum includes any claims for compensation, refunds, credits and/or waivers. The adjudicator may direct the company to take action or provide you with a service but the total value of any claim including the cost of any action or services cannot exceed the maximum limit.

Can I make an application for more than the maximum amount?

No, your application must not be for a total claim of more than £10,000 (including VAT). This sum includes any claims for compensation, refunds, credits and/or waivers.

What should I put in my application?

It is important that you clearly explain the issues you have experienced and the actions that you are asking the adjudicator to direct the company to undertake.

Your application should include details of:

- the company's service which the dispute is about;
- the events leading to the complaint;
- the precise issues which are in dispute;
- the steps already taken to attempt to reach a resolution with the company;
- the relevant dates for the service issues and prior steps to seek resolution;
- the reasons for requesting the remedy or remedies sought;
- the reasons and evidence in support of any compensation claimed;
- any relevant supporting documents - remember it will help your application if you can provide evidence to support your claim; and
- a copy of the deadlock letter from the company if you have one.

It is also important to provide evidence that supports your claim. If for, example, you are asking for a refund because you have been over charged, provide copies of bills and a copy of the contract that identifies the correct contract price.

Can CISAS help me with my application?

Yes, the CISAS Team is available to offer guidance about making an application. CISAS is committed to providing appropriate accessibility for everyone it deals with and CISAS will make reasonable adjustments where appropriate to assist the customer further. CISAS will not, however, be able to tell you how to set out your claim.

Settlements

The company made me an offer before I made my application to CISAS, can I still accept it?

If you wish to accept an offer made before you applied to CISAS, it will be at the company's discretion whether or not to honour that offer. The company will retain the right to withdraw a previous offer of settlement after you make an application to CISAS.

What if the company makes me an offer of settlement after I have made my application to CISAS?

You can accept any offer of settlement made by the company after you have made your application but before the adjudicator has sent you their decision. If you do accept an offer of settlement, the company will let CISAS know and the case will be closed.

Will CISAS negotiate with the company for me?

No, CISAS is an impartial, independent dispute resolution service; it will not act either for you or for the company.

What if the company does not comply with the terms of the settlement?

If a company does not comply, you should contact CISAS and we will contact the company. If the company continues to fail to comply with the settlement, CISAS can reopen the case and appoint an adjudicator to decide its outcome.

Adjudication Decisions

What can CISAS make the company do?

CISAS can tell the company to provide or do any or all of the following:

- provide you with an explanation and/or an apology;
- provide you with a service;
- do something about your bill or bills;
- take some specified action;
- provide you with financial compensation.

Remember that in all cases the adjudicator cannot order the company to pay you (or take actions) where the total monetary value exceeds the maximum claim amount of £10,000.

Can CISAS fine the company and/or take any punitive action against it?

No, CISAS is not a regulator and cannot impose fines or other sanctions on companies. The role of CISAS is to resolve individual disputes between customers and companies in an impartial manner.

What should I do when I receive the adjudicator's decision?

You have 30 working days to tell CISAS whether you accept the adjudicator's decision. If you accept the decision, it will become binding on the company and they will have to do what the adjudicator has directed. If you do not tell

CISAS that you accept the decision within 30 working days, the company will not be obliged to take any action.

Can I accept the adjudicator's decision after 30 working days has expired?

No, you cannot accept the adjudicator's decision after 30 working days from the date on which the decision was issued.

If I am not happy with the adjudicator's decision. Can I appeal it?

No, you can only accept or reject the adjudicator's decision. If you choose to reject the decision, it will have no effect and you can still make a claim in the courts if you wish. There is no process for appealing or changing the outcome of an adjudicator's decision.

If I accept the adjudicator's decision, when will the company comply with it?

The company must act on the decision within 20 working days from the date on which we advise them you have that you have accepted the adjudicators findings.

What if the company does not comply with the adjudicator's decision?

If a company does not comply, you should contact CISAS and we will contact the company. If a company fails to comply with a decision, we can suspend or terminate their membership of CISAS and report them to Ofcom for a breach of General Condition 14 or the Communications Act 2003.

What if I want to complain about CISAS?

CISAS has a set complaints procedure which can be found on the CISAS website or alternatively we can send it to you by email or post on request.

Is CISAS registered under the Data Protection Act 1998?

CISAS is owned by the Centre for Effective Dispute Resolution which is registered under the Data Protection Act 1998.

CISAS

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Timeline (Working days)

