

Communications and Internet Services Adjudication Scheme  
(CISAS): Independent Complaint Reviewer Report  
For 2017.

## **Introduction**

This is my second report on CISAS – which deals with complaints made against communications providers who are members of the Scheme. This report covers the calendar year 2017. In future, my reports will take place on a six monthly basis.

## **My Role**

I am an independent consultant. I am not based at CEDR, nor am I part of that organisation. There are two aspects to my role.

Firstly, I can consider individual complaints about certain aspects of the level of service provided by CISAS. Under my terms of reference<sup>1</sup> and the rules of the Scheme<sup>2</sup> I am only able to consider points concerning CISAS' or CEDR's quality of service in respect of alleged administrative errors, delays, staff rudeness or other such service matters. Other than referring to them where appropriate, I cannot comment on the content or validity of the Scheme's rules.

I can review cases where a user of the Scheme has complained to CISAS or CEDR and, having been through CEDR's complaint process, remains dissatisfied with the outcome of that complaint. I cannot consider the merits or otherwise of decisions made by CEDR's adjudicators; nor can I investigate, consider or comment on the substance or outcomes of applications made by claimants.

Where appropriate, I may make recommendations based on my findings.

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<sup>1</sup> <https://www.cedr.com/cisas/docslib/30-cedr-independent-reviewer-terms-of-reference.pdf>

<sup>2</sup> <https://www.cedr.com/cisas/cisas-rules/>

The second aspect of my role is to conduct overall reviews of service complaints and produce reports accordingly. These are based on findings from my reviews of any individual complaints; and by examining and analysing all or some of the service complaints that CISAS have handled as I see fit.

## **This Report**

I had no complaints referred to me under CISAS' complaints procedure during 2017. For the purposes of this report I therefore decided to review all of the service complaints received by CISAS during the calendar year 2017.

## **CEDR's Complaints Procedure**

The complaints procedure<sup>3</sup> covers CISAS and it explains the scope of the procedure along with the two internal stages of review that take place before, if necessary, a complaint is referred to me.

The procedure is articulated clearly with timescales and information about what can be expected. In brief, if after the first stage response to a complaint a customer remains dissatisfied he or she can ask for escalation to stage two of the process, where a Director will review the complaint. Where this does not resolve the matter, the complaint can be referred to me for independent review.

## **My Findings**

### Quantitative

CISAS receives very few complaints about its service. Out of the 5112 cases it handled in 2017 there were 23 complaints about CISAS's own service performance. This represents 0.04% (down from 0.07% in 2016).

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<sup>3</sup> <https://www.cedr.com/complaints/>

Of the 5112 total cases received in 2017, 35% (1801) received a final decision from an adjudicator. The other 65% were either outside the scope for investigation by CISAS, or were settled without the need to progress to an adjudicator.

Of the 1801 adjudicated cases, CISAS found wholly for the complainant in 5.3% (96) of cases; 52.8% (951) partly for the complainant; and 41.9% (754) wholly for the communications provider.

This provides a useful context in which to view the complaints made about CISAS itself. CISAS received 89% more cases in 2017 than it did in 2016 (5112 against 2698), yet the percentage of complaints about CISAS itself was lower. This suggests a good performance.

Table 1 below gives a breakdown of the service complaints about CISAS:

Table 1

In Scope	Partly in Scope	Out of Scope	Not allocated	Total
6	4	11	2	23

I have drawn the two “not allocated” cases to CISAS’ attention and they have now been correctly allocated as “out of scope”. One of them was a simple oversight; the other was a case where the complainant had contacted CISAS by an unusual route (a letter to a Director’s home address), which was a contributory factor in it being initially unallocated. Neither case represents any underlying problem with CISAS’ administration.

Table 2 below gives a breakdown by outcome at Stage 1 of the complaints process for those cases that were not out of scope:

Table 2

Upheld	Partly Upheld	Not Upheld	Not Applicable/Rejected	Total
3	3	4	0	10

There were four cases that progressed to Stage 2 of the process. Two of these were classified as in scope and two were initially classified as out of scope. The outcomes of these Stage 2 cases are shown in table 3 below:

Table 3

Upheld at Stage 2	Partly Upheld at Stage 2	Not Upheld at Stage 2	Total
2	1	1	4

As with 2016, in quantitative terms this small proportion of complaints does not enable me to identify any trends.

### Qualitative

I examined all 23 cases.

In all but two cases CISAS met its 30 working day target for responding to the complainant. One case took 44 working days – however, the complaint was a complex one, which was eventually upheld in full and as such accepted by the customer. Whilst I would prefer to see no delays of this length I am satisfied that this was a “one off”. The second delayed case was only two days over target. The remaining 21 cases were all resolved within target, with 43% of them completed in less than 20 working days.

Of the 11 complaints that were adjudged to have been out of scope in my view nine were correctly so; these complaints were wholly about the adjudicator’s decision, which falls outwith the scope of the complaints procedure.

Of the two cases that I felt were incorrectly classified, the first went on to progress further within the process, so by definition it must have been within scope. I have drawn this to CISAS' attention so that it can be corrected.

The second case was initially not classified, when it should have been out of scope. This has been corrected.

Both cases are minor classification errors, which had no impact on the complainant – the complaints were processed as they should have been.

Those cases either in scope (six complaints) or partly in scope (four cases) were in my opinion classified correctly.

Of the three cases that were fully upheld, the complaints concerned administration mistakes or delays that were down to human error rather than any systemic problems. Two cases involved delays and failures to update the customer. The third centred on a technical problem where the customer's application was illegible through no fault of her own. In this case CISAS's response was slow and could perhaps have been more helpful.

The responses given in each case were thorough, comprehensive and honest in articulating where CISAS had failed. Goodwill payments were made in each case, ranging from £25 - £50.

Of the four cases that progressed to Stage 2 of the complaints process, two were classified as in scope. One of these was upheld following the Director's review. This was a complex case involving a third party and, rightly in my view, the Director identified CISAS' failings and awarded the customer £75. The second case was rightly not upheld, as the claimant's complaint was not within the Scheme's Rules (it had been submitted too soon).

Two of the Stage 2 cases had initially been classified as out of scope. One of these was wholly about an adjudicator's decision, so was classified correctly and the Director confirmed this to the claimant. The other one was about an adjudicator's decision, but the complaint was that CISAS had given the customer misleading information. This should therefore have been in scope. The Director duly upheld the complaint and awarded the customer £50.

This is evidence that the process is functioning as it should. Where appropriate, cases are being referred to Stage 2; and, again, where appropriate cases are being upheld at that stage where warranted.

I found one case where the customer was clearly unhappy with the Stage 1 response and e-mailed CEDR challenging certain points and seeking further clarification. In my view, those points should have been answered and/or the case should have been escalated to Stage 2. However, as far as I could tell, nothing further was ever sent to the customer. I raised this with CEDR who looked into it and it seems this was a case of human error – the follow up was overlooked. There was no further contact from the customer.

Aside from the minor classification errors I have mentioned earlier, those cases deemed out of scope were correctly done so; and in those cases not upheld, the correct decision was made in my opinion. The common feature throughout most of these cases was that the complaint was wholly about the adjudicator's decision.

### General Observations

I have two general observations, which I have raised with CEDR.

The first is that in more than one instance where an award had been made there appeared to be a delay in paying the customer, or the customer had to chase payment.

The second is that in some cases decision letters were e-mailed to the complainant a number of days after the date shown on the actual letter. This did not happen in all cases, and mostly the difference was a day or two; but in one case it was almost a week between the date on the letter and the date on which it was e-mailed to the customer.

I have discussed both these matters with CEDR and they will address them, but I have included them as recommendations in this report.

I shall monitor both points in six months or so when I next review the process.

## **Conclusion**

In the context of the volume of work handled by CISAS in 2017 the frequency of complaints about its own service levels is very low at 0.04%. This is evidence of a continuing good performance.

The complaints process is well articulated and the evidence from my review shows it to be working effectively. The responses to consumers are clear and well written and are supported by thorough investigations.

The errors that I did find were infrequent and minor; they were also administrative mistakes that for the most part had no impact on the complainant. In other words, they represent human error and are not suggestive of any underlying problems.

That said, when I visited their offices to conduct my review, CEDR responded very positively when I drew these matters to their attention – either correcting classification errors, or giving me a full explanation. Both the Head of Consumer Services and the Director of Dispute Resolution Services are clearly keen to see what can be done in respect of the case logging system to help ensure that the low level of errors or oversights can be further reduced. I welcome this commitment to improvement.

## **Recommendations**

I have two recommendations.

1. That CEDR take steps to ensure that when they make an award of a goodwill payment as part of their complaint process, the payment is made promptly; and that the customer is advised of an expected payment date and proactively kept informed if there is likely to be a delay.
2. That CEDR ensures that letters to complainants (at Stages 1 and 2 as appropriate) are e-mailed on the same date as shown on the letter - or at the very least no later than the next working day.

Other than that, CISAS and CEDR should aim to maintain current service levels, and as far as is possible strive to avoid the infrequent and minor errors in classification.

## **Acknowledgements**

I have been given open and unrestricted access to all CISAS' and CEDR's systems and records along with carte blanche in respect of conducting this audit as I saw fit. I am very grateful for the patience and assistance given to me in terms of navigating systems and dealing with my various questions. I am grateful, too, for the thorough responses to the various points that I raised as I examined the casework; and the positive responses to my comments and observations as I undertook this review.

A handwritten signature in black ink, appearing to read 'CA Holland'.

Chris Holland

Independent Complaint Reviewer

21 February 2018