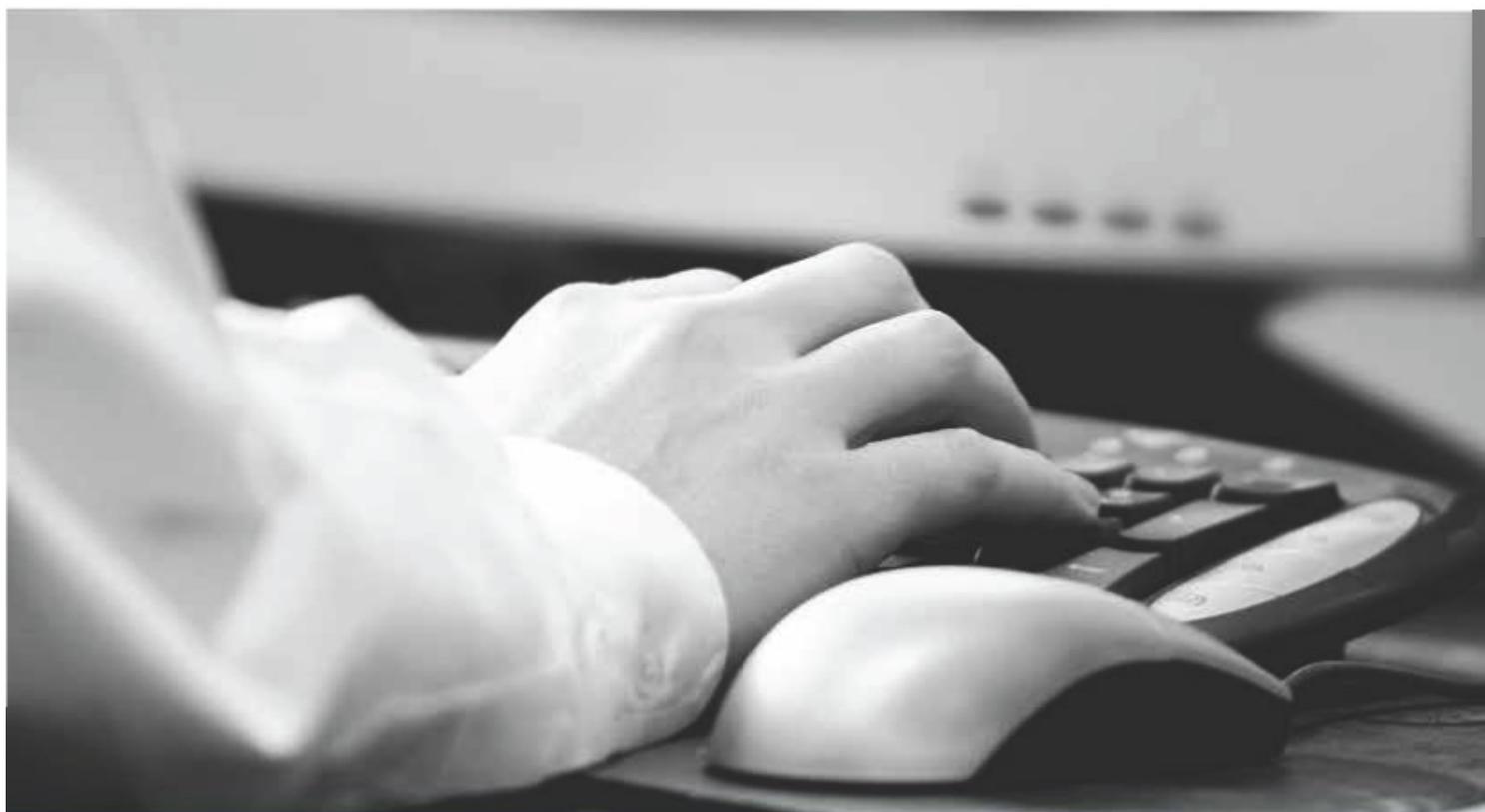


Communications and Internet Services Adjudication Scheme



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Introduction from the Chief Executive



A handwritten signature in black ink, appearing to read 'Karl Mackie', written over a horizontal line.

Dr Karl Mackie CBE

Chief Executive – CEDR

I am pleased to introduce the latest edition of the CISAS Annual Report, which covers the period from 1 January to 31 December 2014.

CISAS continues to provide a crucial service to communication providers (telecommunications and internet service providers) and their customers in resolving disputes that arise between them. By bringing their disputes to CISAS, CPs and consumers alike are given the opportunity to have an impartial adjudicator consider the merits of the claim. Adjudicators appointed by CISAS weigh up the evidence provided by the parties and seek to arrive at fair and reasonable outcomes which provide real and effective redress.

In 2014, CISAS dealt with the highest amount of enquiries and applications from consumers since commencing operations in 2003. The growing profile of alternative dispute resolution (ADR) in the consumer sphere has driven an increased awareness of CISAS and the benefits it can offer. The overall performance of CISAS by reference to our Key Performance Indicators (KPIs) has continued to exceed expectations, while customer satisfaction rates remain high.

CISAS' role as a catalyst for resolving deadlocked disputes was strengthened in 2014, even in cases where an adjudicator is not appointed. CISAS saw the highest proportion of cases settled prior to the appointment of an adjudicator in 2014, with 53% of valid applications being settled by agreement between the parties. This represents the first time that a majority of cases have been settled prior to adjudication. In addition, more consumers than ever before are choosing to accept the decisions of CISAS adjudicators, as 56% of decisions are being accepted in full by customers. This includes a substantial amount of decisions in which consumers are unsuccessful in their claims, underlining that CISAS continues to inspire customer confidence when an independent third party assesses the evidence and reaches a reasoned, evidence-based decision.

Head of the Panel of Adjudicators' Report



M. Coombes Davies

Professor Dr Mair Coombes Davies

Head of CISAS Panel of Adjudicators

I am delighted that this annual report continues to demonstrate a consistent improvement year on year in the key performance measures of CISAS. It shows that 95% of cases were completed within 6 weeks of the application which is well ahead of our target of 88%. Overall 99.3% of cases were completed within 8 weeks, which is conclusive evidence that CISAS is a speedy way in which customers can have a resolution to their dispute. From a customer's perspective the satisfaction rates for the overall level of service provided are the highest since the scheme began operating with 65% of all users either being, 'very satisfied', or, 'quite satisfied'. Interestingly this figure aligns very closely with the 66% of cases that were found to be either fully or partly in favour of the consumer. Although the figures for those dissatisfied with the service are 30% this can be considered reasonable given that for cases that reach the adjudication stage there will inevitably be one party that succeeds and one that does not. Therefore a satisfaction level of over 50% and a dissatisfaction level under 50% can be viewed as very positive.

Most customers are making use of on-line applications and the majority of customers find it very easy to get in touch with CISAS. A high proportion of customers see the involvement of CISAS as positive in reaching a settlement without going to adjudication. Over 70% of customers expressed a willingness both to use CISAS again in future and to recommend our services to others.

Therefore, overall CISAS is offering an effective resolution to disputes.

From the perspective of the operators, customers were seeking an average of £856.00 per claim, whereas the average award was £82.00 per case. This may demonstrate that some customers have an unrealistic expectation of what is a fair and reasonable award for the loss they have suffered. For the provider it gives an independent valuation on levels of compensation. It is perhaps an indication of how important and integral mobile telecommunication have become to the lives of people and if something goes wrong there is high value

placed on the disruption. Some customers may expect an almost paternalistic approach to be taken by providers, for example, to be forgiven if they have excessive charges from exceeding their allowance or failing to report a loss. Customers frequently cite their loyalty to the brand as a reason why providers should adopt such an approach.

There were no particular discernible trends in the nature of disputes that customers took to adjudication. However, as in previous years, the Achilles heel for providers was the level of customer confidence in the accuracy and completeness of the account notes made by the customer contact centre. This is not helped by the use of jargon and abbreviations that are rarely explained. An improvement in the quality of note taking would be in the long term interests of the providers to provide an accurate and reliable record of all contacts.

I would like to thank all CISAS administrative staff and the adjudicators for their hard work in making this one of our most successful years to date. I look forward to maintaining or exceeding this high level of performance over the coming year.

Statistical Review

Statistics are a valuable means by which users, commentators, Ofcom and CISAS can have an overview of how our service has performed. At CISAS we keep three main types of statistics:

1. Key Performance Indicators (KPIs) – KPIs were agreed with Ofcom in 2006. We provide monthly KPI figures to Ofcom. KPI data is published on the CISAS website quarterly. The annual KPIs can be found on pages 6 and 7 of this report. They give a broad overview of our service delivery in relation to factors which Ofcom regard as important performance measures.
2. Service Statistics – Service-related statistics, which can be found on pages 8 to 10, are of great interest to all CISAS stakeholders. For example, we report on the volumes of the cases we have dealt with, the main reasons customers have for applying to use the scheme, the amounts of compensation claimed by customers, and how much is awarded by our adjudicators.
3. Report on customer service satisfaction survey – We undertook a customer satisfaction survey in 2014, the results of which are shown on pages 11 to 17. This data gives us a vital insight into what enquirers (those who contact us for information but then do not actually make an application to use the service) and users (those who use the service) think of CISAS. The information obtained from this data allows us to review our performance and to continually improve our service.

PLEASE NOTE: All percentages reported in the following tables have been rounded to the nearest whole number. The rounding process may result in totals not equalling 100%.

Key Performance Indicators

The following KPIs were agreed with Ofcom in December 2006 and CISAS reports its performance against KPIs on a monthly and quarterly basis to Ofcom. Our performance during 2014 is detailed below.

KPI ONE

KPI One: Percentage of cases concluded within 6 weeks of application from the customer

CISAS Target: 88%

2014 Achievement: In 2014, **95%** of cases were completed (“completed” means issuing a final decision from an adjudicator) within six weeks of the application being made by the consumer. We therefore surpassed our target by 7% in 2014, which is an increase on the 94% of cases which were completed within six weeks in 2013.

KPI TWO

KPI Two: Percentage of cases concluded more than 8 weeks after receipt of the application from the customer

CISAS Target: 10% (allowing for exceptional circumstances only)

2014 Achievement: In 2014, just **0.7%** of cases were completed more than 8 weeks after the application was made by the consumer, surpassing our target by 9%. This was another improvement over 2013, where 1% of cases took more than 8 weeks to complete.

KPI THREE

KPI Three: Percentage of calls answered by CISAS staff within 2 minutes

CISAS Target: 95% (allowing for occasions where staff are not available due to internal training and for peak periods)

2014 Achievement: Virtually all calls (**100%**) were answered within 2 minutes by CISAS staff throughout 2013. This target was therefore surpassed by 5%.

KPI FOUR

KPI Four: Percentage of written correspondence receiving a response within 5 working days

CISAS Target: 90%

2014 Achievement: CISAS turned around **92%** of written correspondence within 5 working days. While this represented a slight drop from the 96% of correspondence responded to within 5 working days in 2013, we nevertheless exceeded our target in 2014 by 2%.

It should be noted that we endeavour to provide a full response to written correspondence within 5 working days, rather than to simply provide an acknowledgement of receipt.

KPI FIVE

KPI Five: Unit cost as an indication of improved efficiency: 100% of total costs divided by the number of valid applications

2014 Achievement: The overall unit cost for 2014 was **£230.84**.

The figure for 2013 was £267.43, while the figure for 2012 was £269.62. This shows that the decrease in the overall unit cost as noted in previous reporting periods has continued.

Service Statistics

CISAS enquiries and valid applications 2008-2014

The graph below shows the number of enquiries and valid applications we have received since 2008 (CISAS began providing services in late 2003). An enquiry is any form of contact (ie. *telephone, e-mail, fax, text phone, post*) to CISAS. A valid application for the purposes set out below is an application that CISAS has received which, on the face of the papers provided, falls within our scope.



During 2014, we handled 6520 enquiries, an increase of 2% when compared to 2013. Furthermore, the number of valid applications in 2014 went up to 5778, which was a 19% increase on 2014. These are the highest numbers of both enquiries and valid applications since CISAS began providing services in 2003.

NB. In 2014, 428 applications which were considered to be valid at the initial determination were subsequently withdrawn from the scheme following objections made by communications providers to their validity.

It is clear from the graph above that the trend of an increasing volume of both enquiries and valid applications that was noted in 2012 and 2013 has continued into 2014. The conversion rate of enquiries to initially valid applications rose by 14% in 2014, resulting in a total of 89% of enquiries leading on to valid applications. This is the highest conversion rate of enquiries to initially valid applications since CISAS began providing services. These continuing increases can be traced to the following factors:

- An increased public awareness of ADR in general, through national media, consumer forums and the spread of social media.
- The ongoing regulatory requirement on communications providers to signpost to CISAS those customers who have been in dispute for at least eight weeks.

Each year there is always a difference in the number of enquiries CISAS receives and the number of applications we initially consider to be valid. In 2014, CISAS received 6520 enquiries, although we processed 5778 initially valid applications. One of the main reasons for this is that consumers contact CISAS too early and do not give their communications provider an opportunity to deal with their complaint in line with their published complaint procedure. These complaint procedures can be found within each provider's code of practice, all of which are approved by Ofcom and set out how providers are to deal with customer complaints.

Other statistics are shown below. They are taken from the 5778 CISAS applications which were deemed to be valid when first received by us:

- Of the 5778 initially valid applications made during 2014, 84% led either to a decision made in the consumer's favour or a settlement being agreed between the consumer and the company before the adjudicator was appointed. This is a slight increase on the 80% figure from 2013.
- Of the 2742 cases which proceeded to a decision from an adjudicator in 2014, 66% were either fully or partly in favour of the consumer. This represents an increase of 5% when compared to 2013.
- Of the 2742 cases that proceeded to a decision from an adjudicator in 2014, the consumer provided us with written acceptance of the decision 56% of the time. There is an increase on the 2013 figure of 52%.
- Of the 5778 initially valid applications made in 2014, 3556 (61%) were made online. This is an increase from the 54% of applications made online in 2013, which continues to reflect the growing importance for consumers of being able to submit applications online.
- No applications were made in Welsh, in Braille or by text phone in 2014.
- In 2014, the most common causes for complaint against a communications provider, where specified by the consumer, were billing and charging (21%), a dispute over contract terms (15%), and a telecommunication service (12%).
- The following breakdown shows the combination of remedies that consumers requested in 2014, compared with both 2013 and 2012. The total percentages do not add up to 100% because it is possible for consumers to seek more than one outcome (NB. figures are taken from the 2742 cases which proceeded to a decision from an adjudicator).

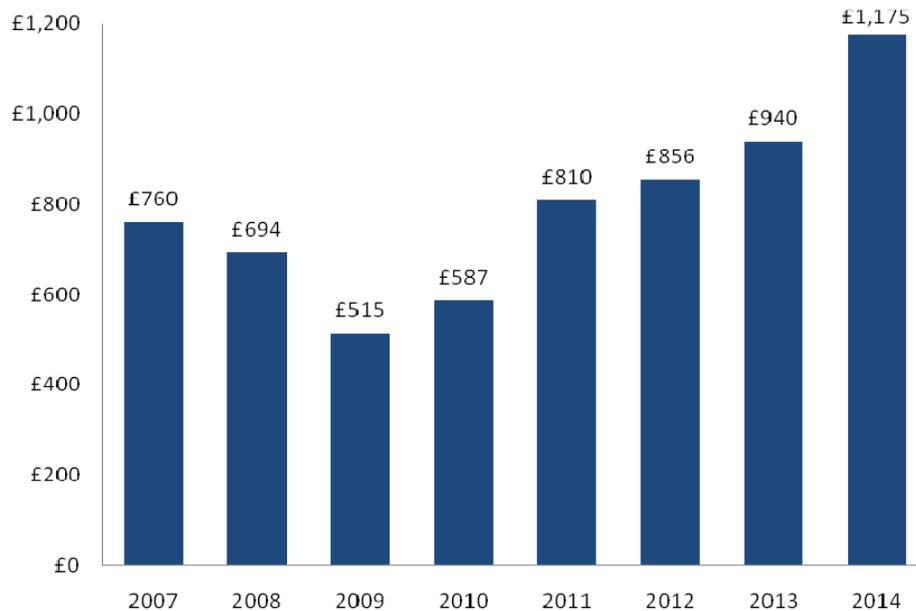
Remedy	2014	2013	2012
Compensation plus an apology	30%	52%	53%
Compensation plus an explanation	0.2%	44%	40%
Compensation plus other action	24%	22%	19%
Compensation only	32%	8%	6%

- The data above shows that it has become significantly more common for consumers to claim compensation only in 2014 than in previous years. On the other hand, almost no consumers claimed compensation plus an explanation, which is a sharp decrease on previous years.

- On 371 occasions in 2014, the consumer did not request compensation at all. This is an increase on the 233 occasions in 2013, and the 115 occasions in 2012.
- A total of £3,205,046 in compensation was claimed by consumers who came to CISAS during 2014. This represents another sharp increase from the total of £1,575,578 claimed in 2013, and £416,772 claimed in 2012. This corresponds to the increased amount of valid applications that CISAS has handled since 2010.

Average amount of compensation claimed per case 2007-2014

The diagram below shows the average amount of compensation that has been claimed each year since 2007.



- In 2014, the average amount claimed in each case was £1,175, which represents an increase of 25% from the £940 average claim in 2013. The chart above shows the average compensation claim per case for each year from 2007 to 2014, which has increased considerably since 2009.
- The total amount awarded as compensation by adjudicators in 2014 was £258,315, making an average award of £181 per case. The average award in 2013 was £82 per case. This figure has varied widely in previous years.
- In 2014, the consumer and the company settled the claim by mutual agreement in 53% of cases, prior to the appointment of the adjudicator. This is a notable increase on the 19% of cases settled between the parties in 2013, and it represents the first time since CISAS commenced operations that the majority of cases have been settled prior to adjudication.
- A deadlock reference number is a number which is allocated by the company to cases where they are happy for the matter to be referred directly to CISAS. Only 4% of valid applications made in 2014 included a deadlock reference number from the company, which was the same proportion as in 2013.

Report on customer service satisfaction survey

In order to monitor customer experiences and satisfaction levels, CISAS undertakes a regular customer satisfaction survey. In total, we received 492 responses from those who made an application to use CISAS (i.e. 'Users') and 660 responses from those who only made an enquiry to us but did not proceed to use our services (i.e. 'Enquirers').

The objectives of obtaining customer satisfaction data are:

- To gauge levels of satisfaction for experiences of CISAS by users and enquirers;
- To identify potential improvements that could be made to our services; and
- To monitor long-term progress in customer satisfaction levels.

Overview of findings

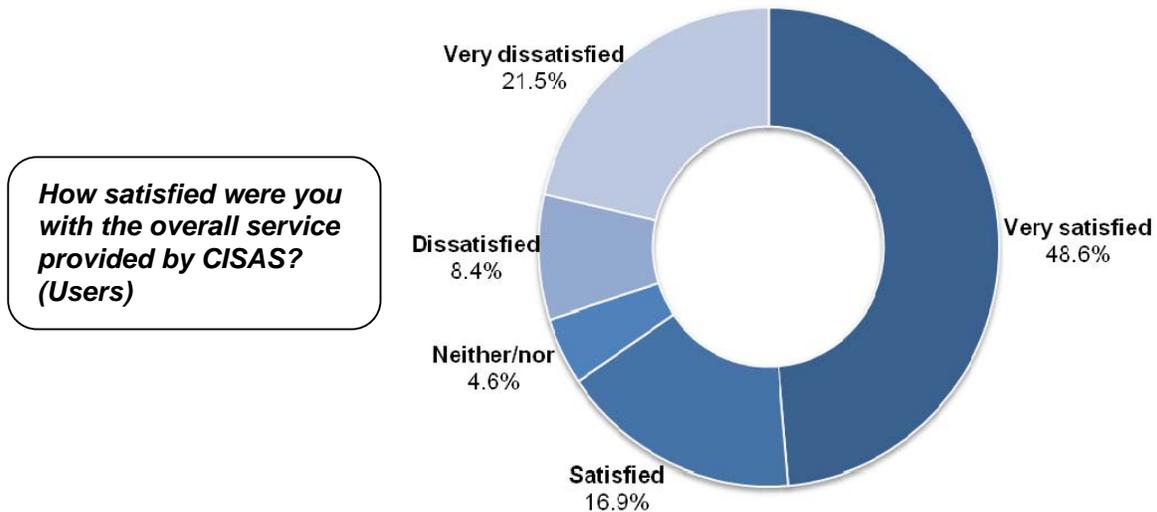
The customer satisfaction survey for 2014 has shown that:

- A clear majority of those who use CISAS remain satisfied with the overall service provided;
- Customers continue to use predominantly electronic means to first become aware of CISAS and to make their initial contact with CISAS;
- The majority of customers find it easy to get in touch with CISAS;
- Most customers view the involvement of CISAS in their dispute as having encouraged communication providers to make an offer of settlement;
- Over 70% of customers expressed a willingness both to use CISAS again in future and to recommend our services to others.

Overall satisfaction with CISAS

(i) Users' overall satisfaction with the CISAS service

Users of the service were asked how they would describe their overall satisfaction with the service they received from CISAS during 2014.



66% of all Users of CISAS were either 'very satisfied' or 'satisfied' with the overall level of service they received from us. Although this is a drop from the 76% overall satisfaction rates reported in 2013, there remains a clear majority of users who are satisfied with the service provided by CISAS.

In terms of dissatisfaction with the level of service provided, 30% of Users reported that they were either 'dissatisfied' or 'very dissatisfied' with the service provided by CISAS. As in previous years, customers who report dissatisfaction are often those who obtained an unsuccessful outcome in their claim against their communications provider.

Below are a few examples of positive feedback we have received from users of the service during 2014:

"Your service is truly excellent and I am very grateful for the help I received from CISAS."

"Thanks to CISAS for their intervention in helping me to solve a difficult and extremely stressful problem, after months of trying to solve the problem by myself unsuccessfully. I cannot thank you enough for your help. Very much appreciated."

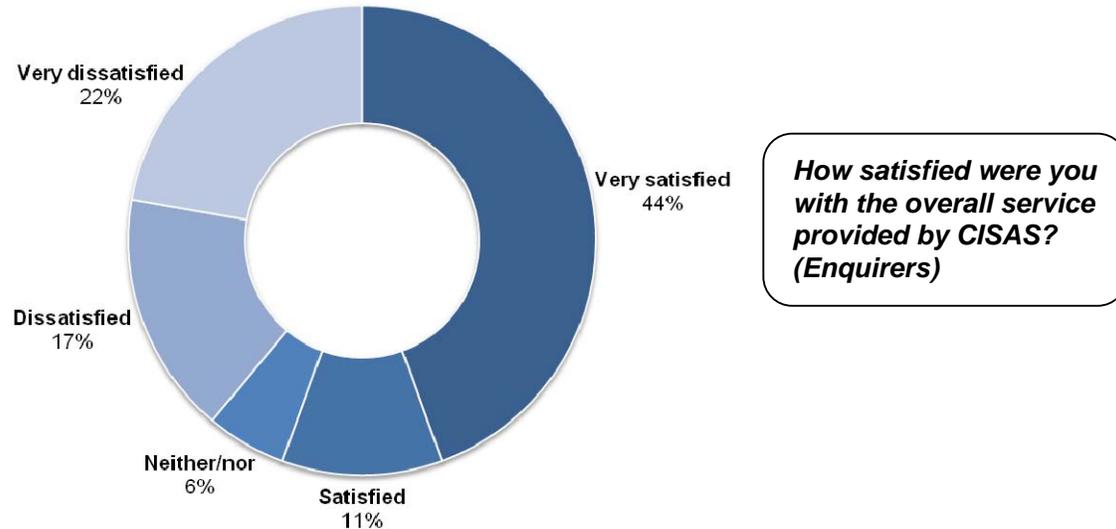
"CISAS provided me with a great service. Without their assistance I would not have been able to get my issue resolved as no one in the company took responsibility for the issue. I am very grateful for the assistance received."

"I am so glad there is an organisation to turn to in these sort of problems."

"I was very impressed with the service I was given. Thank you."

(ii) Enquirers' overall satisfaction with the CISAS service

55% of Enquirers report that they were either 'very satisfied' or 'quite satisfied' with the overall service provided by CISAS, indicating that a majority of those who make an enquiry to us without initiating a case are happy with the service.



Enquirers to CISAS generally have a lower level of satisfaction than Users, which has been a trend recognised in previous reporting periods. This indicates that those who have been through the CISAS process have a higher impression of the service provided, than those who contact us once solely to enquire about our service.

The customer journey

(i) Initial source of awareness

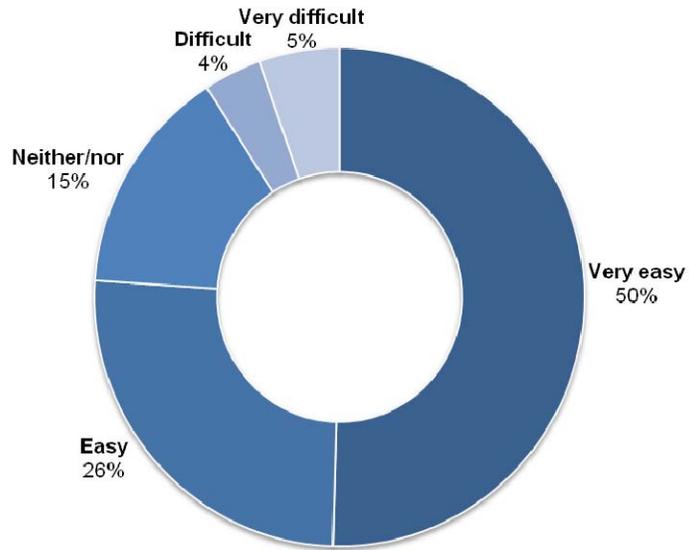
50% of Users and 67% of Enquirers first became aware of CISAS via the internet, which was the most common way in which awareness of CISAS is spread. Relatively few consumers were first signposted to CISAS by the communications provider that they had a complaint with. The growing use of the internet in order to find out about CISAS has been noted in previous reporting periods.

74% of Users had not received any advice elsewhere prior to making contact with CISAS. This has also been a common trend reflected in previous reporting periods.

(ii) Getting in touch with CISAS

Over half of Users and Enquirers first approached CISAS once they had completed their communications company's internal complaints procedure and received an unsatisfactory response. This is a trend that has continued from previous reporting periods.

**How easy was it to get in touch with CISAS?
(Users)**



From the chart above, a total of 76% of Users reported that it was either 'very easy' or 'easy' to get in touch with CISAS. By contrast, 67% of Enquirers found it 'very easy' or 'easy' to get in touch with CISAS.

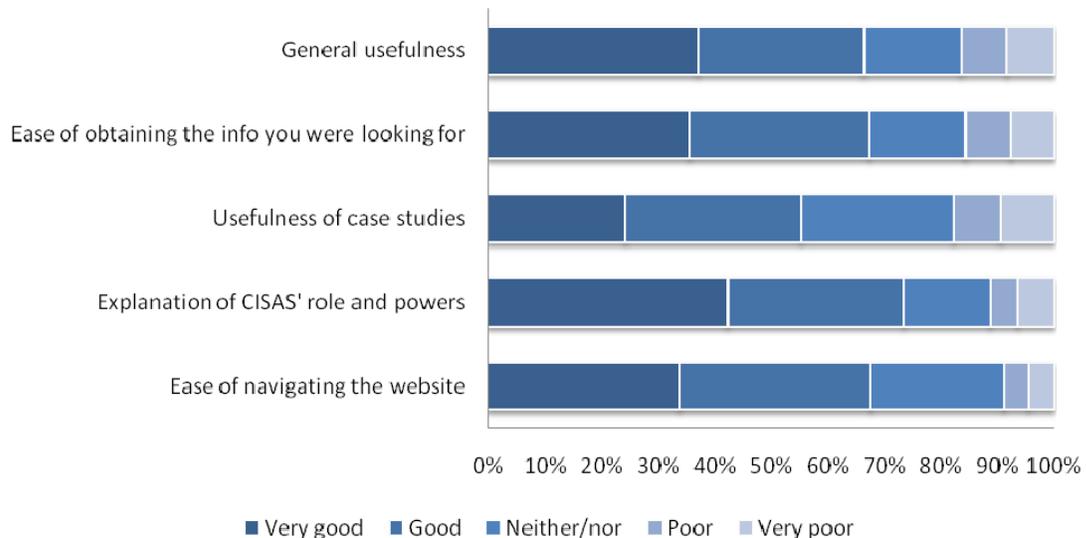
77% of initial contacts from Users (71% from Enquirers) were to register a complaint against a communications company. Comparatively small amounts of Users and Enquirers made their first contact with CISAS in order to seek advice or information only.

The majority of both Users and Enquirers made their first contact with CISAS via e-mail, with telephone being the second most popular form of communication with us. Comparatively few consumers contact CISAS via telephone, letter and fax.

(iii) Feedback on the CISAS website

The CISAS website has a vital role to play in spreading awareness of the services CISAS offers.

The diagram below shows the feedback that has been received on the CISAS website from both Users and Enquirers in 2014:

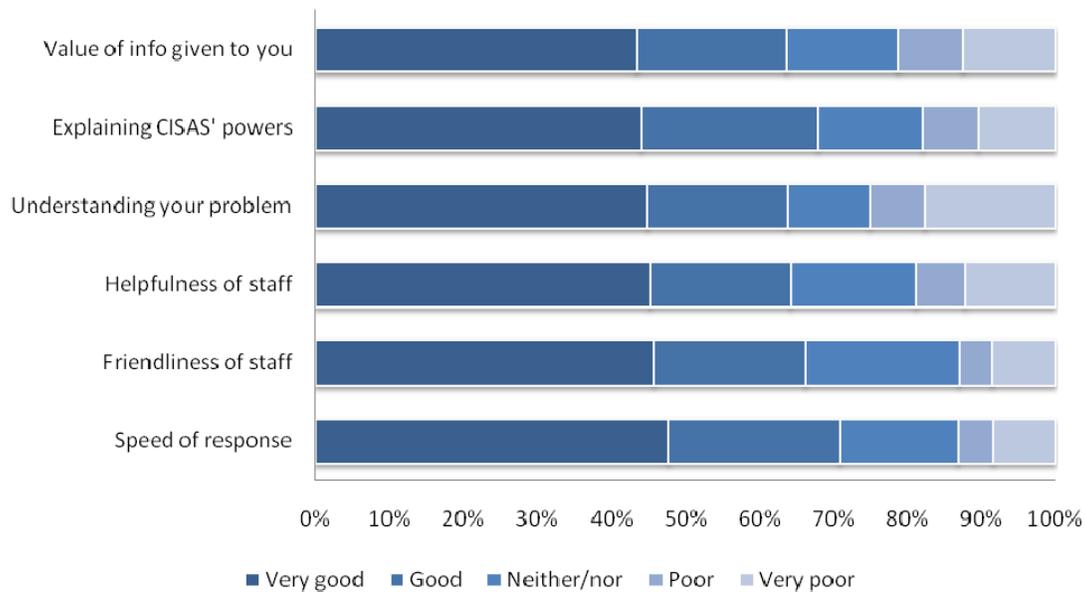


The majority of Users and Enquirers have positive feedback on the general usefulness of the website, the ease of obtaining the information they were looking for, the usefulness of the case studies, the explanation of the role of CISAS and its powers, and the ease of finding their way around the website. The trend of positive feedback on the CISAS website has continued from previous reporting periods, indicating that a majority of customers who access the CISAS website find all of the information they need.

Perceptions of CISAS service delivery

(i) Impressions of service delivery

Users were asked to rate various aspects of their contact with CISAS, the results of which are shown below:



The data above shows that Users were generally happy with all of the service elements provided by CISAS, with dissatisfied users forming a minority in each of the areas covered by the survey. This is a continuing trend that has been reported in previous years.

As noted in previous reporting periods, Enquirers reported slightly lower satisfaction levels than Users when it came to the service elements identified above. This reinforces the message from other statistics above that those who have more extensive contact with CISAS have a generally more favourable impression of the quality of service we provide.

“CISAS are so helpful, friendly and very approachable. The speed at which my complaint was resolved was amazing. Thank you very much.”

“Fast, efficient, no nonsense service. Excellent.”

“A superb service. Timely, emails were clear and made me feel listened to and supported. It is good to know big companies have to be accountable to someone. Thank you so much for your support and for ensuring a resolution was received. An excellent service.”

(ii) Effectiveness of CISAS in encouraging settlements

Users were asked for their views on the effectiveness of CISAS in encouraging communications providers to reach settlements with customers in order to avoid going to adjudication. As noted earlier in this report, 53% of cases in 2014 were settled by agreement between the parties prior to the appointment of an adjudicator. This represents the first time since CISAS commenced operations in 2003 that a majority of cases have been settled prior to adjudication.

Of the Users who responded to the satisfaction survey, 47% reported that an offer to settle their case had been made by the communications provider they were in dispute with. Of those who received an offer of settlement, 89% reported that they accepted that offer.

In addition, a majority of Users took the view that the involvement of CISAS was helpful and led to the swift settlement of the dispute. This trend has also been reported in previous years.

A significant proportion of the positive feedback that Users provided focused on the effect that CISAS had in encouraging communication providers to settle disputes:

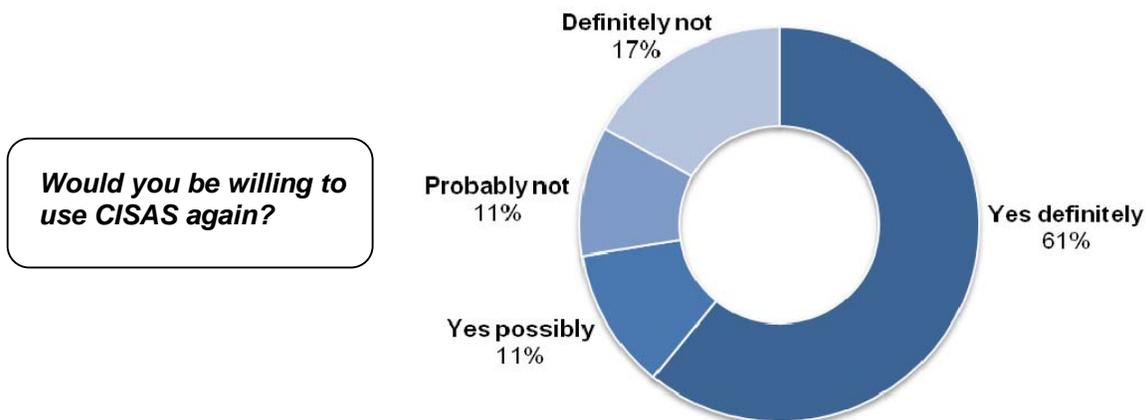
“Resolved problem which was going round in circles until CISAS became involved. I should have contacted them a lot sooner.”

“Fantastic service. The company effectively ignored me completely for months despite my adhering to their complaints procedures. Once CISAS got involved the matter was rapidly resolved and completely in my favour. Thank you”

“They got the job done. I'm very pleased.”

(iii) Willingness to use CISAS again

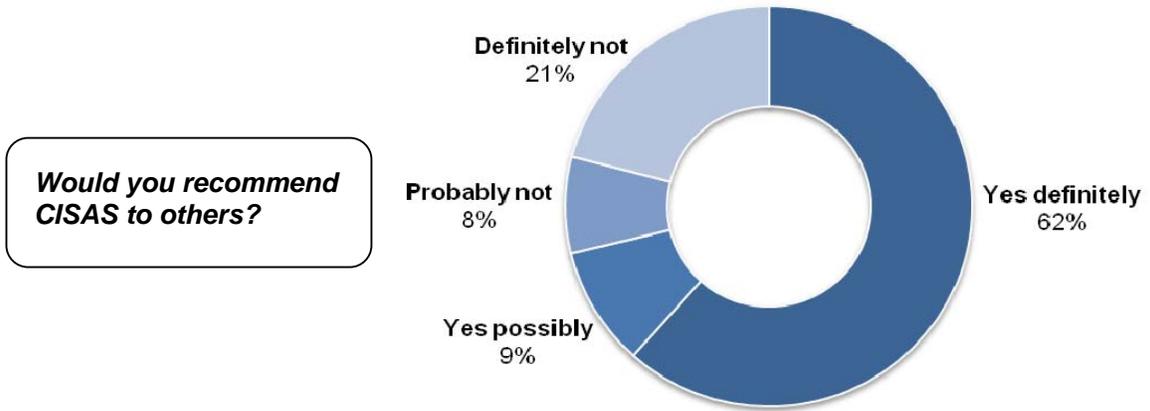
Users of the service were asked if they would be willing to use CISAS again. The responses we received are shown below:



The chart above shows that a total of 72% of Users would be willing to use CISAS again. Similarly high proportions have been reported in previous years, which continues to indicate that even those Users who did not receive a decision that went in their favour would be prepared to use CISAS again in future.

(iv) Likelihood of recommending CISAS to others

Users were asked if they would recommend CISAS to others, the responses to which are below:



This shows that 71% of Users would recommend CISAS to others. These figures also indicate that even Users who did not receive a decision in their favour would still be prepared to recommend our services to others.

“I would like to use this opportunity to express my profound gratitude to CISAS in helping me get a response and action from the company. I will definitely spread the news about your efficiency and good works.”

“Didn’t fully agree with the CISAS decision, but agreed to abide by it. Nice to know there is a body that can make a judgement in deadlocked cases.”

“They took a burden off my shoulders and freed me from the sense of threat I felt.”

“I can’t thank you enough for your help, I couldn’t have resolved the problem without you.”

Case Studies

The Case Studies are summaries of cases provided to give some guidance as to how CISAS works and what kinds of remedies are available. They do not provide details of the full case and are to be used as a guide only. The adjudicator considers all of the relevant circumstances in each case before coming to a reasoned decision.

CASE 01

Summary

The customer asserted that the company had sent out engineers on eleven separate occasions causing her considerable inconvenience. The fault should have been resolved on the first occasion and so she sought compensation for the unnecessary visits. The customer sought an apology and compensation of £300.00. The company denied liability. It asserted that it had already made a payment to the customer in full and final settlement of her entire complaint, including the complaint regarding the engineer visits.

Findings

The claim did not succeed. The adjudicator did not agree that the customer had accepted the settlement offered by the company in full and final settlement of her complaint regarding the number of engineer visits made, and therefore the dispute could be considered. However, the customer had not proven that the company had failed to take appropriate steps to resolve the fault within a reasonable timeframe.

CASE 02

Summary

The customer asserted that the company had set up an account under his name in error and then subsequently charged him for that account. It then ignored his complaints. The customer sought an apology and compensation of £400.00. The company asserted that the customer entered into a contract which he cancelled after nine days. The company provided a partial refund of service charges taking into account the customer's obligation to pay for nine days' line rental. It was entitled to charge the customer as he failed to return the equipment provided under the contract.

Findings

The claim succeeded in full. The adjudicator was satisfied that the company had set up the account in error and therefore all subsequent charges were incorrect. Further, the company had no entitlement under the alleged agreement or otherwise to take a direct debit payment for an equipment charge as it did. The company also failed to respond to the customer's complaints. The customer was due an apology and a full refund plus compensation of £400.00 for the stress and inconvenience caused.

Summary

The customer asserted that mis-information was provided by the company at the point of sale and that the standard of customer service provided by the company was inadequate. The customer sought compensation of £1000.00, an explanation and an apology. The company denied liability. It asserted that an element of the complaint concerned a handset which was outside of the remit of the scheme and that it had already provided the customer with a credit and agreed to cancel the commitment period of the agreement in full and final settlement of her complaint.

Findings

The claim succeeded in part. The adjudicator considered that the claim concerned alleged mis-information provided at the point of sale and unsatisfactory customer service and therefore found that the claim fell within the remit of the scheme. The adjudicator accepted that mis-information was provided at the point of sale in regards to the handset, and whilst it was evident that the company had taken steps to rectify this, such action was only taken after the customer had provided a recording of the sales call. The adjudicator also found that the customer had to spend a disproportionate amount of time pursuing resolution of the issues raised. It was accepted that the company had applied some credits and other concessions in full and final settlement. Nevertheless, the adjudicator awarded £150.00 in compensation as the complaint had not been handled in a reasonable manner, including failures by the company to provide promised call backs and to advise the customer of her option to go to CISAS after 8 weeks. The adjudicator also directed the company to provide an apology to the customer.

Summary

The customer complained that the company seized his telephone line without permission from his chosen provider. The customer stated that he contacted the company on numerous occasions to stop it from taking over his telephone line but it executed the transfer regardless. The customer claimed £300.00 in compensation. The company provided no defence.

Findings

The claim succeeded in full. The evidence provided by the customer illustrated that the company took over his telephone line without permission and ignored his requests to the contrary. The stress and inconvenience suffered by the customer as a direct result of the company's actions warranted compensation and thus the Adjudicator directed the company to pay the customer the sum of £300.00.

Summary

After entering into a contract, the customer's handset stopped working. The company refused to repair it without charge, claiming that it had been tampered with after delivery. The customer denied this, and also stated that the quality of customer service provided by the company was unsatisfactory. The customer sought an apology; cessation of the contract; retention of her telephone number; and compensation of £400.00. The company denied liability, asserting that it had booked the handset for repair and then found that it had been damaged and was out of the warranty period. It therefore sought to charge for the repair.

Findings

The claim succeeded in part. The adjudicator found that the company was obliged to repair or replace the handset unless it could prove that the customer had caused the damage after delivery. The company could not prove this and acted unreasonably in refusing to repair the handset without charge. It had also failed to make reasonable efforts to deal with the customer's complaint. An apology and £150.00 in compensation were awarded, but the company's failures were not sufficiently serious as to discharge the customer from the contract.

Summary

The customer stated that the company had failed to complete the reverse migration process as agreed following the cancellation of his contract. The customer sought compensation of £7000.00, completion of the migration process and a refund of overpayments. The company admitted that there had been a delay with the reverse migration, but stated that the customer had at all times had access to its network and therefore denied liability for the compensation claimed and asserted that any refund of bills should be limited to £3.99 per month being the difference between the customer's original price plan and the new plan taken out on the different network.

Findings

The claim succeeded in part. The adjudicator found that the company had promised the customer that it would complete the reverse migration, and it had delayed in doing so with no explanation offered. The adjudicator directed the company to complete the reverse migration process as agreed, to pay the customer £200.00 in compensation for the stress and inconvenience caused, and to refund the difference between the two price plans since the date of the cancellation.

Summary

The customer's claim concerned complaints to the company about a faulty handset, a mis-sold price plan, and the quality of the customer service provided. The customer sought compensation in the sum of £1,000.00, an apology, and a new handset. The company denied liability, stating that it had investigated the matter and advised the customer of its position.

Findings

The claim succeeded in part. The adjudicator found that the customer's claim about a faulty phone could not be considered as issues concerning faulty equipment fall outside the scope of CISAS. The customer had also not provided any evidence to support her claims about a mis-sold price plan. However, the adjudicator found that the company had not provided a full and clear response to the issues raised by the customer before the customer brought the matter to CISAS. The adjudicator directed the company to pay the customer compensation in the sum of £50.00 and to provide a written apology.

Summary

The customer asserted that he tried to upgrade his daughter's mobile phone contract but the company made the process difficult, that the company blacklisted his handset without notice or explanation, and that one of the company's staff members closed his complaint without his knowledge. The customer sought £200.00 in compensation, an apology and a new handset.

The company admitted that the customer's handset was blacklisted without notice or explanation, but stated that it took immediate action to remove the restriction on the handset. The company also admitted that the customer's complaint had been closed prematurely. The company denied liability in respect of the remainder of the customer's claim.

Findings

The claim succeeded in part. The adjudicator found that the company failed in the duty of care it owed to the customer by blacklisting his handset without notice or explanation and by closing the complaint prematurely. However, the adjudicator found that there was insufficient evidence to show that the company had breached its contract and/or failed in its duty of care in relation to the process for upgrading.

The adjudicator directed the company to pay the customer compensation in the sum of £150.00 and to provide a written apology. However, the customer's request for a new handset was unable to succeed.

Summary

The customer stated that the company had failed to provide working broadband and had failed to investigate her complaints. Further, the customer claimed that the issues experienced were caused by external faults which the company refused to accept. The customer sought compensation of £250.00, an apology, that the company investigate her complaint in relation to broadband and that it provide her with working broadband.

The company admitted that the customer was experiencing issues with the broadband service due to external faults. However, the company stated that it investigated the customer's complaint, and was not initially advised by its third party engineers that the fault was due to an external issue.

Findings

The claim succeeded in full. The adjudicator found that the broadband service provided to the customer did not meet a reasonable standard. However, the adjudicator found that the company had investigated the customer's complaints with a view to providing a resolution. The adjudicator was satisfied that some parts of the customer's complaint were not dealt with efficiently, resulting in the level of customer service provided by the company being inadequate. The adjudicator directed that the company pay compensation in the sum of £250.00 due to the length of time that the broadband service was not working and the level of customer service provided. The adjudicator also directed that an apology be provided, that the company continues to investigate the customer's complaint, and that the company try to provide the customer with a functioning broadband service.

Summary

The customer complained that the network coverage was poor in and around his home and that he experienced low signal at times. The customer also complained that his mobile handset was faulty. The customer sought for the company to provide him with a new mobile handset for free.

Findings

The claim did not succeed. The adjudicator found that complaints relating to faulty mobile handsets are outside the remit of CISAS and therefore cannot be considered. The adjudicator also reviewed the terms and conditions of the customer's agreement with the company, and noted that the company did not guarantee fault-free coverage in all places and at all times. Furthermore, the evidence provided by the company showed that the customer had been able to make significant use of the services and therefore he did not experience a total loss of network service. The customer's claim was therefore unable to succeed.

Report from the Independent Reviewer



This is my third report as Independent Complaint Reviewer for CISAS, the consumer adjudication scheme for claims against telecommunications providers which is managed by the Centre for Effective Dispute Resolution (CEDR).

HOW I WORK

I have oversight of the service complaints process overall, which is a two-stage internal complaints process. My role is to audit the service complaints annually and review complaints and responses to those complaints; to feed back to CISAS my observations and suggestions resulting from my auditing; and to produce an annual report on how service complaints have been handled internally. My annual report goes to the CISAS Board and is published on the CISAS website.

In addition, particularly protracted complaints or complaints that raise systemic issues can be escalated to me for investigation. One complaint about CISAS was referred to me this year.

THE COMPLAINTS PROCEDURE

The IDRS complaints procedure (which covers complaints about CISAS) is published on the CISAS website (available at <http://www.cisas.org.uk>). It explains what types of complaints can be considered and the two internal stages at which complaints can be considered. It also explains my role as Independent Reviewer. My Terms of Reference are published on the website.

The procedure for complaints about CISAS involves a first-stage response from the Compliance Officer. The timescale for this response is 30 working days. Although this can seem a long time for a complainant to receive a first substantial response to their complaint, I believe it is better that a fully considered response is made rather than one that is less thorough.

If the complainant remains dissatisfied after receiving the Stage 1 response, he or she can request escalation to the senior director at Stage 2. Most complaints are resolved at Stage 1, and only a small proportion are escalated to Stage 2. For protracted complaints or where the complainant requests further consideration, complaints can be considered by the Chief Operating Officer of IDRS and/or by me as Independent Complaints Reviewer. This year one CISAS complaint was referred to me for consideration.

The complaints procedure is for complaints about the service provided by CISAS, not for challenges to adjudicator decisions. There is no mechanism for appealing adjudicator decisions. However, where an administrative error by CISAS means that the decision was made without all the evidence, CISAS has a mechanism for review by the senior adjudicator.

CASE STATISTICS AND OUTCOMES

CISAS receives relatively few complaints about its service. In 2014 it received 57 complaints – see the table below. Of these, 36 complaints were in scope, in full or in part – in other words, 20 were about some aspect of the service received. (Sometimes a complainant will raise concerns about both the adjudicator decision and the service received, in which case it is coded as 'in part in scope'.)

Two cases were live at the time of this report being written. The other 18 were out of scope because they related solely to the decision made by the adjudicator, which is not within the remit of the service complaints procedure.

Closed complaints within scope

No. of complaints received	No. out of scope	No. live at time of report	No. considered at Stage 1	No. upheld (in full or part)	No. considered at Stage 2	No. upheld (in full or part)	No. considered at Stage 3	No. upheld (in full or part)	No. escalated to Independent Complaints Reviewer
57	18	2	36	20	9	2	0	n/a	1 (part upheld)

This is too few complaints for me to identify any patterns or trends. Out of a total of 5778 claims per year handled by CISAS, the 36 in which people complained represent a mere 0.6%.

When a complaint is upheld, in full or in part, apologies are offered where appropriate and are specific and genuine. Financial redress is offered, again where appropriate, although this is less common. In 2014 there were five awards of financial remedies, ranging from £50 to £400.

COMMENTARY

In my audit, I carry out an independent review of all the service complaints made to CISAS during the year. This year I reviewed all the complaints that had been labelled as out of scope and half of the cases deemed to be in scope. This has given me a wide overview of the issues arising in service complaints, and the handling of those complaints.

The responses to service complaints are thorough and clear and address the points raised in the complaints. The tone is empathetic and appropriate; indeed this is a strength of the way CISAS handles service complaints. I am particularly interested to see that complaints are not being ignored or being labelled as out of scope inappropriately.

Very few of the complaints I reviewed in my sampling raised issues that go beyond the details of the particular complaint. I describe a few of these issues below.

Responses

As I have noted, the responses are clear and thorough and sensitively written. In a very few cases I suggested to CISAS that the wording used to explain the remit of the service complaints procedure was drawn too broadly or confusingly. I found that the responses address each of the issues raised in the complaint.

The timescale for responding has increased to 30 working days, which I mentioned in my annual report last year. I noted this year that the timescale is not given in the complaint procedure, but from my audit I am reassured that it is given in the email that is sent to

acknowledge receipt of a service complaint. I suggested that CISAS should include the actual date the response is due as well as the timescale in order to avoid confusion.

There were very few delays in responses. In two cases I noted a delay that was not acknowledged, but they were not substantial delays.

One of the possible actions arising from upheld complaints is staff training – for instance, where a complaint identifies a failure to follow procedure or good practice. I suggested that CISAS should ensure that its responses are specific to the complaint and that it only refers to staff training when it actually intends to carry out such training. When other actions are intended, such as feedback to a member of staff, or mentoring, these terms should be used. This is important so that complainants understand what action has been prompted by their service complaint.

Burden of proof at eligibility stage

There were a few difficulties at the eligibility stage. In a few cases, complainants were aggrieved that CISAS appeared to be taking the word of the company that the complaint was not eligible. Eligibility is a decision for adjudicators, who do sometimes have to seek clarification from complainants or companies before deciding on eligibility. In a few cases the issue was who the account holder was. For complainants, it can be frustrating to have their case accepted and proceed to adjudication, only to find the adjudicator determines the case to be ineligible.

CISAS is amending its application form to ensure it is clear that the actual account holder's name is required, regardless of whether the account holder is represented by a third party.

Reasonable adjustments

In line with my recommendation last year, CISAS has published its policy on making reasonable adjustments, and this is now available on the website. There were few examples of difficulties with the application of reasonable adjustments this year, and there were examples of very good practice and a flexible approach to responding to users' needs.

My concern is that I am not confident this is embedded in the CISAS culture. There is a risk if good practice rests with one or two individuals responding to service complaints, because the issue of reasonable adjustments can arise from the first contact with the organisation as well as at the latest stages of contact. I suggested to CISAS that staff-wide refresher training might be helpful on this aspect of good practice.

Compliance

I found that in a small number of cases, there were problems with compliance with the adjudicator's decision. Compliance is the responsibility of the companies – CISAS does not have an enforcement role. However, there were examples of companies delaying or failing to implement a remedy awarded to the complainant. During the year I suggested to CISAS that their responses to non-compliance were ineffective, causing frustration for complainants and a reputational risk for CISAS. I was pleased to see that CISAS acted on this by tightening up its reporting on non-compliance and clearly stating the steps it takes in cases of non-compliance, including the escalation of a continued instance of non-compliance. I saw few examples of problems with non-compliance later in the year.

Receipt of emails

A specific issue arose in relation to a complainant sending, via email, comments on the company's defence, and this not being received by CISAS and passed to the adjudicator before the decision was made on the case. CISAS does not actively pursue complainants for their comments because these are voluntary; complainants are not required to submit comments. In this case, the complainant used an incorrect email address but did not

become aware of that until it was too late. This was unfortunate, but I do not hold CISAS responsible for the failure. I suggested that CISAS should ask complainants to use a 'receipt' option when emailing their comments, so that complainants can be confident that their email has actually been received by CISAS.

Managing expectations

In the one service complaint referred to me this year, I considered that CISAS had failed to manage expectations in two respects. This was a complaint from a service provider company, and it may be that it would have been more appropriate to handle this as a contractual issue with a subscriber to CISAS rather than as a service complaint. One issue was that an 'auto-response' acknowledgement to an email from the company referred to a response to be sent 'as soon as possible'. This was later changed to 'within 5 working days', which is in line with my recommendation that CISAS should avoid vague terminology when referring to timescales. The initial response led to frustration for the complainant because his was a time-sensitive email, and the initial use of 'as soon as possible' caused anxiety.

The more significant issue in that case related to what I consider a lack of clarity in the Rules. The Rules are outside of my remit, and I have no authority to recommend changes to them. Where a complaint highlights a possible difficulty with the Rules, however, I can recommend that CISAS consider any changes that might address and resolve that difficulty.

I noted that the Rules do not specify any timescales either for CISAS to send to the company the customer's comments on the defence, or for the company to reply to CISAS (if they choose to do so) on those comments. (This is in contrast to the previous rule, which specifies 5 working days for the customer to provide comments on the company's defence.) There is also no timescale for CISAS to forward those comments to the adjudicator. The Rules also do not state that comments might be disregarded by the adjudicator based on timeliness, although they do refer to evidence 'not provided within the set timescales'.

It might therefore be considered unfair for the comments to be disregarded for timeliness reasons, as there are no set timescales for their submission. I recommended that CISAS consider in its next review of its Rules the issues that were identified in this complaint, and in particular the need to clarify timescale requirements.

PROGRESS ON LAST YEAR'S RECOMMENDATIONS

I made six recommendations last year related to improvements in practice or procedure. I am pleased to say that all my recommendations from last year have been actioned and are either completed or in progress.

Recommendation	Action
Be clear and specific about timescale for responses. Avoid using vague phrases to explain timescale such as 'in due course'. Where a delay is inevitable, update complainants and provide an apology, explanation and new timescale.	Timescale is now given in email acknowledgements of service complaints.
Establish set criteria for labeling complaints as in or out of scope. Where a complaint is solely about an adjudicator's decision, with no service issues, this would be out of scope; but where a complaint contains an element of service issue, it should be labelled in scope.	Very few examples of complaints being inaccurately labelled, and no evidence of service complaints being ignored or inappropriately labelled as out of scope.
Take care when determining eligibility to ensure a case against a non-member is not accepted for	No evidence of continuing problem. Amendments to application being

adjudication.	made to ensure account holder's name is provided at the start, whether or not a third-party representative is involved.
Publish its procedure for making reasonable adjustments and consider refresher training to focus on being proactive in identifying where it may be appropriate/necessary to make reasonable adjustments even if not specifically requested by a complainant.	Policy and procedure for making reasonable adjustments now published and on the website.
Continue to work with Ofcom to identify what steps CISAS can take in cases where a service provider delays implementing an award.	Response to non-compliance has been tightened up, and complainants now provided with explanation of escalation procedure in cases of non-compliance.
Publish my Terms of Reference and a brief explanation of my role on the CISAS and POSTRS sections of the IDRS website.	My Terms of Reference now published and on the website.

CONCLUSION

I have carried out a full audit of service complaints in the year. I consider in particular the quality of the responses, whether all complaint issues are addressed, and whether there are any patterns or trends in the complaints that indicate a systemic problem.

The service complaints process is working well, and CISAS is responsive to making improvements where recommended. The responses to service complaints at the internal stages are thoughtful, considered, thorough, clear and timely. I have seen no evidence of systemic problems arising in the service complaints. A very small percentage of complainants request escalation of their complaint beyond stage 1. This indicates a high level of satisfaction with the responses, even where a complaint is not upheld or partially upheld.

I have identified specific concerns in relation to individual complaints, as noted in this report.

Recommendations summary

I recommend that CISAS:

- should include, in email acknowledgements of service complaints received, the actual date the response is due as well as the timescale in order to avoid confusion
- should ensure that it only refers to staff training when it actually intends to carry out such training.
- should consider providing staff-wide refresher training on making reasonable adjustments for disabled service users
- should ask complainants to use a 'receipt' option when emailing their comments, so that complainants can be confident that their email has actually been received by CISAS
- consider in its next review of its Rules the issues that were identified in the complaint relating to timescales not being specified

ACKNOWLEDGEMENTS

I have had unfettered access to service complaints while undertaking my audit, and I thank the CISAS staff for their assistance in facilitating this access and their openness. I want to thank in particular Gina Shim and John Munton for their constructive responses to my recommendations and Tom Earley for his openness in discussing responses with me.

Margaret Doyle, Independent Complaints Reviewer
February 2015

A handwritten signature in black ink that reads "Margaret Doyle". The signature is written in a cursive, flowing style.

Margaret Doyle is the Independent Complaints Reviewer for IDRS.



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