

Communications and Internet Services Adjudication Scheme (CISAS):
Independent Complaint Reviewer Interim Report
January - June 2019.

Introduction

This is my fifth report on CISAS – which deals with complaints made against communications providers who are members of the Scheme. This is my interim report covering 1 January to 30 June 2019.

My Role

I am an independent consultant and am not based at the Centre for Effective Dispute Resolution (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 standard of customer service provided by CISAS. Under my terms of reference¹ and the rules of the Scheme² I can consider points relating to CISAS' and/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 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 or comment on the substance or outcomes of applications made by claimants. Where appropriate, I may make recommendations based on my findings.

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

¹ https://www.cedr.com/docslib/Independent_Reviewer_Terms_of_Ref_NOV.pdf

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

CEDR's Complaints Procedure

The complaints procedure³ explains its scope 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 customers remain dissatisfied they can ask for escalation to stage two of the process, where a senior staff member (usually a Director) will review the complaint. Where this does not resolve the matter, the complaint can be referred to me for independent review.

This Report

I have examined all of the service complaints CISAS received between 1 January and 30 June 2019. I also had two complaints (both from the same customer) referred to me during this period. I comment on these under the section on qualitative findings.

My Findings

Quantitative

Proportionally, CISAS continues to receive very few complaints about its service. Out of the 6746 cases it handled during the period covered by this report there were 41 complaints about CISAS' own service performance. This represents 0.6% (the same as for the year ending 31 December 2018).

Volumes have increased. Compared to the first half of 2018, the first half of 2019 saw a 45% increase in applications to the Scheme and a 71% increase in complaints. However, the ratio of complaints to cases has remained the same and CISAS has maintained a good service level.

Of the 6746 applications handled during the first half of 2019, 33% (2235) received a final decision from an adjudicator. The other 67% were either outside the scope for investigation by CISAS, or were settled without the need to progress to an adjudicator.

³ [https://www.cedr.com/docslib/CEDR_Complaints_procedure_\(1\).pdf](https://www.cedr.com/docslib/CEDR_Complaints_procedure_(1).pdf)

Of the 2235 adjudicated cases, CISAS found wholly for the complainant in 4.2% (93) of cases; 64.0% (1431) partly for the complainant; and 31.8% (711) wholly for the communications provider.

These ratios are consistent with 2018, and the figures provide a useful context in which to view complaints made about CISAS itself. They suggest a sustained good performance, against a backdrop of a significant increase in applications to the Scheme.

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

Table 1

In Scope	Partly in Scope	Out of Scope	Total
12	10	19	41

I found some classification errors, which I have drawn to CISAS' attention and which they have corrected. I am satisfied that these were recording errors only and did not affect the handling or outcomes of any complaints. The table above shows the corrected figures.

Table 2 below gives a breakdown by outcome at Stage 1 of the complaints process for those cases that were in scope and partly in scope:

Table 2

Upheld	Partly Upheld	Not Upheld	Total
5	12	5	22

Five complaints progressed to Stage 2, one of which was in fact out of scope but was nonetheless reviewed. (One further Stage 2 complaint was in the pipeline.)

The outcomes of the closed 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	2	1	5

Two complaints went on to Stage 3 but my reviews took place in the second half of the year, so I will cover them in my next report.

As in previous years, in quantitative terms the small proportion of complaints does not enable me to identify any trends. I would however observe that whilst the absolute number of complaints about CISAS has increased, proportionally it has remained consistently low. I have found nothing to suggest that CEDR itself is the cause of the increase in complaint volumes; rather, there are higher volumes of claims relating to poor service from communications providers and this has led to a commensurate rise in complaints about CISAS itself. This is not to be unexpected. It is also worth noting that a major mobile network operator joined CISAS in February 2019, and this has led to more work.

Qualitative

In all but one case CISAS responded to the complainant within 30 working days. This equates to 98% within target – which is a seven percentage point improvement compared to 2018’s full year result.

The average response time was 16.4 working days, which is an improvement from 20.3 in 2018. It is also considerably better than the second six months of 2018, when the average was 24.1 working days. The range for this reporting period was two to 32 working days.

CISAS acknowledged 88% of complaints within one working day and 100% within three working days. This compares to 82% and 96% respectively in 2018.

The five cases that progressed to Stage 2 were all completed within the 30 working day timescale, with an average of 14.4 working days and a range of nine to 30 working days.

These measures show across the board improvements compared with 2018, and represent a good quality of service when it comes to responding to customers in a timely fashion.

For this review I examined all 41 complaints that CISAS received between 1 January and 30 June 2019.

16 complaints were originally classified as in scope - which was adjusted to 12 following my review. This was because some were in fact only partly in scope as the issue included both administrative matters and complaints about the adjudication decision itself. One in scope case was entirely about the adjudication and should have been out of scope.

Three complaints were classified as partly in scope, when the correct number should have been 10; and 21 cases were classified as out of scope when the correct number should have been 19. There were also two cases classified as “blank”, one of which was in scope and one of which was partly in scope.

These recording errors did not affect the outcomes of the complaints and CEDR have re-classified them. However, I found rather more classification errors than usual. This may be a product of the higher caseload, and I am therefore not minded to make a formal recommendation at this stage. But I would urge CISAS to aim for greater accuracy and I shall monitor the situation closely at my next review.

After re-classification 22 complaints were either in scope (12) or partly in scope (10), of which five were fully upheld. One concerned a series of errors, including CISAS noting the customer’s email address incorrectly; failing to keep the customer informed; a delayed call back; and a poorly handled call. This proved a quite complex case ultimately going to Stage 2 where £100.00 compensation was offered and accepted by the customer. Another case was similarly complex, with various processing failures and confusion over an “authority to act” form. This resulted in a payment of £100.00 compensation. The remaining three cases involved a mixture of relatively minor service issues, and resulted in payments of between £10.00 and £50.00.

A further 12 cases were partly upheld. I could find no underlying issues – rather, the complaints were about a combination of service failings that were due in the main to human error and/or administrative oversights.

One case, however, involved a claim about a communications provider that wasn’t a CISAS member - but it took CISAS over a month to tell the customer. The reason seemed to be a lack of staff knowledge and the initial handling of the resultant complaint left a lot to be desired in my view – the customer was sent a weak explanation that was far too brief. This led to a formal complaint under the process, with the customer ultimately accepting £100.00 compensation at Stage 2. I can see no reason for failing to advise customers immediately if CISAS cannot accept their claim, and this was in my view a serious error. There is evidence of CISAS taking corrective action to stop the problem happening again – which I was pleased to note.

Five complaints that were in scope or partly in scope were not upheld. In these cases there was clear evidence that the customers' complaints could not be substantiated. For example, in two cases customers complained of inaction in respect of ensuring compliance with a decision when in fact CISAS had escalated the matter with the provider in question; another concerned the absence of the posting of a decision on the on-line portal, where there was evidence that this had been done.

Overall I am satisfied that the correct outcomes were reached in all the complaints that fell either in scope or partly in scope. Save for a few minor typographical errors, complainants were given good quality responses at Stage 1. These letters were clear in setting out the scope of the procedure and giving an honest assessment of what had gone wrong, along with apologies and where appropriate goodwill offers.

CEDR made goodwill offers in 17 cases, ranging from £10.00 to £150.00. I am satisfied that on a case by case basis these were proportionate. The frequency and the amounts of goodwill offers has increased compared to the previous six months – when only 13 such offers were made, ranging from £10.00 to £50.00. In part, this will be due to the higher volumes; it is also perhaps a reflection of the nature of the cases.

Five cases progressed to Stage 2. I mentioned two earlier; two more went to Stage 3 and I will cover them in my next report (as I reviewed them in July). The remaining Stage 2 case was out of scope as it was entirely about the decision - the customer wanted the adjudication re-examined. The Stage 2 response rightly rejected this. Whilst I would always wish CEDR to err on the side of the customer in cases where there is even the slightest doubt, they may wish to consider not allowing the escalation of such cases where the complaint is unambiguously out of scope. In this particular case I would not have criticised CEDR for giving the customer a polite but straightforward explanation of the scope of the process at Stage 1, and ending the matter there.

CEDR in fact took this approach on one case that I looked at – where after a comprehensive Stage 1 review the customer asked for escalation solely on the basis that they did not like the adjudication outcome. CEDR refused the escalation, since the Stage 1 reply had correctly ruled the complaint out of scope and given a full explanation. This was the right approach in my opinion.

Two complaints were passed to me for review during this reporting period – both from the same customer. The first comprised of 10 areas of complaint – three of which fell outwith the scope of the complaint procedure. The case is too detailed to rehearse here; suffice to say that after a thorough review I found that the various complaints could not be substantiated and that CISAS/CEDR had handled the case very reasonably throughout. I did not uphold the complaint, but I did recommend that the complaints procedure include a date and version number; and that it shows the stage numbers within the text. CEDR have implemented this recommendation.

The second case contained six areas of complaint – although the crux of the matter boiled down to a disagreement with the adjudication decision, so that part was out of scope. I could find no evidence whatsoever to substantiate three of the complaint areas, which concerned the administration of the customer's claim; the adjudicator's approach; and the scope of the adjudicator's powers. One complaint area concerned the customer's personal opinion that CEDR should change part of its operating model and I found that, even though this was outside of the scope of the complaints process, CEDR had nonetheless given the customer a comprehensive answer at Stages 1 and 2. The customer also complained of typographical errors in the adjudication documentation. This was the case, but they were minor and not sufficient to warrant any compensation.

I upheld one part of the complaint, which was that inconsistent timescales were communicated to customers in respect of accepting or rejecting a decision. I established that this was due to a system error, which has now been corrected. In this case, there was no material effect on the customer's case as the decision had in any event been rejected. However, I awarded £30.00 compensation for the confusion caused.

I made two recommendations. Firstly that CISAS should urgently correct the information about timescales for accepting/rejecting a decision – which they did straightaway; and secondly that CISAS take steps to avoid typographical errors – which they are doing.

Overall during this reporting period I found plenty of evidence that the complaint process is functioning well. Timeliness has improved and is of a high standard; responses are generally of a good quality (especially at Stage 2) and cases are being escalated and reviewed appropriately.

General Observations

I have only three very general observations.

The first is that I spotted a few typographical errors in letters. These were not significant, but I'd like to see them eliminated.

The second is that it was notable that I found no complaints about staff rudeness – this is quite unusual, as the nature of the work can be challenging and it is an allegation sometimes levelled by customers. But the absence of any complaints about staff rudeness is very good to see.

Thirdly, I found two or three examples of pragmatism and helpfulness - which is to be encouraged. For example, in one case CEDR agreed that no complaint form was necessary because there had already been an exchange of emails with a CEDR director. Ordinarily, I like to see a form completed in all cases as this gives clarity and confirms the complainant's understanding of the process. However in this particular case the detail of the complaint was very clear, and insisting on a form would have antagonised the customer. I'm pleased to see this kind of flexibility when appropriate. In another case CEDR stepped in and liaised with a provider to clear a customer's file of an erroneous debt – strictly this was beyond CEDR's obligations, but it was the right thing to do. In other cases, CEDR used their good offices to expedite remedies.

Follow up on previous recommendations

I made one recommendation in my last report:

That CEDR consider whether something other than an unsigned letter can be used if documents are being returned to a complainant with a request for completion of a complaints form.

CEDR acted on this in February, and confirmed to me that any letters sent will be signed.

Conclusion

The frequency of complaints about CISAS' own service levels remains very low at 0.6%. Taken against the backdrop of a 45% increase in applications to the Scheme, this is evidence of operational resilience and a consistently good performance.

The complaints process is well articulated and has been enhanced by including a version number and issue date, as well as highlighting the three stages even more clearly. The evidence from my review shows the process to be working effectively; responses to users of the Scheme are clear and on the whole well written. Investigations and reviews appear to be thorough, and there is evidence of effective use of Stage 2 to re-examine complaints.

I found a number of classification errors that, whilst having no impact on the complainant, could do with tightening up for recording purposes. I am, however, satisfied that they were random instances of human error and not indicative of any underlying problems.

As usual, when I visited CEDR to conduct my review they responded very positively when I drew these matters to their attention – correcting the classification errors, and taking on board any feedback I gave.

Recommendations

I have no formal recommendations.

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 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.



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Independent Complaint Reviewer

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