

Communications and Internet Services Adjudication Scheme
(CISAS): Independent Complaint Reviewer Report
For 2018.

Introduction

This is my fourth report on CISAS – which deals with complaints made against communications providers who are members of the Scheme. In combination with my interim report¹ of 29 September it covers the full calendar year 2018.

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 reference² and the rules of the Scheme³ 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. I may make recommendations based on my findings.

¹ https://www.cedr.com/docslib/CISAS__Interim_Review_2018.pdf

² <https://www.cedr.com/cisas/docslib/30-cedr-independent-reviewer-terms-of-reference.pdf>

³ <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 my findings from any individual complaints that I review; and by examining and analysing as I see fit all or some of the service complaints that CISAS have handled.

CEDR's Complaints Procedure

The complaints procedure⁴ covers CISAS and 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 customers remain dissatisfied they 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.

This Report

For the purposes of this report, my quantitative findings incorporate those from my interim report and cover the 12 months from 1 January to 31 December 2018. My qualitative findings focus largely on the second half of the year (1 July to 31 December); my interim report covers the first half of the year.

I had two complaints referred to me under CISAS' complaints procedure during 2018. The first was covered in my interim report; the second I comment on in the next section under qualitative findings.

⁴ <https://www.cedr.com/complaints/>

My Findings

Quantitative

The Scheme handled 58 complaints about its service in 2018 – which is 35 more than in 2017, or a 152% increase year on year.

However, proportionally this continues to represent very few complaints about its service. Of the 9169 applications CISAS received in 2018, 58 complaints represent 0.6% - which is up from 0.4% in 2017.

Of the 9169 applications received in 2018, 33% (3057) 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.

Of the 3057 adjudicated cases, CISAS found wholly for the complainant in 4.9% (152) of cases; 63.7% (1946) partly for the complainant; and 31.4% (959) wholly for the communications provider.

These figures provide a useful context in which to view the complaints made about CISAS itself. CISAS received 79% more applications in 2018 than it did in 2017 (9169 against 5112), yet the percentage of complaints about CISAS itself was only 0.2 percentage points higher.

It is also worth mentioning that compared to 2016 CISAS handled 240% more applications. The ratio of complaints to applications in 2016 was 0.7%, and despite the increase in applications over the two years it is now 0.6%. This suggests a consistently good performance in terms of complaints received in relation to the overall volume of work.

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

Table 1

In Scope	Partly in Scope	Out of Scope	Total
25	14	19	58

Over the course of the year I found four classification errors (three in the first half, and one in the second). These were minor and had no bearing on casework processing or complaint outcomes, and they have now been corrected on the system.

The table above gives the corrected figures.

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	In Pipeline	Total
14	10	13	2	39

One out of scope case progressed to Stage 2 of the complaints procedure, where it was not upheld. Two further cases progressed to Stage 3. I covered one in my interim report, as I reviewed it in the first half of the year; the other I comment on in the qualitative section of this report.

For the whole year I found only a couple of misclassifications, which were no more than recording errors and had no impact on complaint outcomes. CEDR corrected these when I drew them to their attention, and the table above shows the right figures.

As with 2017 (and 2016), in quantitative terms the small proportion of complaints about the Scheme does not enable me to identify any trends or themes, and there are no indications of any failings.

Qualitative

At the time of my review, three of the 58 complaints handled during 2018 were in the pipeline and had not reached their due date for a response. Of the remaining 55 complaints, 50 were resolved within the 30 working day timescale (91%). Three cases were only one day overdue; one case was three days overdue; and one case was nine days overdue.

The average response time in the second half of the year was 24.1 working days, compared to 16.5 in the first half of the year. For the whole year the average response time was 20.3 working days, with a range of one to 39 days.

It is also worth noting that CISAS acknowledged 82% of complaints within one working day and 96% within three working days.

For this review I examined all 34 complaints received between 1 July and 31 December. Please see my interim report⁵ for a qualitative analysis of complaints received between 1 January and 30 June.

One complaint of the 12 that were ruled out of scope should have been within scope. This was a data entry error and it has been reclassified. I am satisfied that the remaining 11 cases were unquestionably out of scope as they all related to aspects of an adjudication or unhappiness with a decision.

Those cases either in scope (17 complaints) or partly in scope (five complaints) were in my opinion all classified correctly.

Of the 10 cases that were fully upheld, the reasons were to do with a combination of administrative oversights or delays that were down to human error. For example, a couple of claims had been closed in error; in one instance CISAS hadn't advised a communications provider of an adjudication outcome so compensation was delayed; once or twice the system had not been updated; and in one case some documentation had been mislaid. In a handful of cases there had been a delay in responding to a customer's queries. And there were a couple of complaints about staff rudeness.

⁵ https://www.cedr.com/docslib/CISAS__Interim_Review_2018.pdf

These were random handling errors that were dealt with at the time, and I found no pattern to suggest any underlying problems.

The four cases that were partly upheld were all of a similar nature. The parts that weren't upheld concerned the adjudication decision; the parts that were upheld were about an administration failing of some kind.

In my view the responses given in each case were of a good quality - containing sufficient detail, honest explanations and meaningful apologies when CISAS had let a customer down to some extent.

Goodwill payments were made in 13 cases, ranging from £10 - £50. I am satisfied that these were proportionate. Two customers rejected their goodwill offers.

One complaint progressed to Stage 2 of the complaints process, where it was not upheld. This complaint was out of scope as it concerned a previous claim that the customer wanted re-opened. The crux of the complaint was also about a technical issue entirely to do with the communications provider. It is not necessary to give the details here but in essence the customer wanted CISAS to do something that it could not do. There were no procedural failings by CISAS and the Stage 2 reply gave a very good explanation of the position.

One case was referred to me for review during the second half of the year. This was a complex case giving rise to a number of issues including: quality of CISAS' call handling; unhelpful advice being given to the customer; lack of clarity over some aspects of the claims process and potential outcomes; unclear information on CISAS' website; and aspects of policy. I upheld the complaint in full; and as well as a substantial compensation payment I made several recommendations for CISAS to consider. Some of these touched on the Scheme's Rules and matters of policy, so strictly speaking were outwith my remit. I acknowledged this in my review of the case and as such some of my recommendations took the form of observations for consideration – but CISAS took them on board in the spirit of constructive feedback.

As a result of my recommendations CISAS have improved the clarity of information about the possibility of an award being less than an amount previously offered by a communications provider, including amending the guidance on its website and ensuring staff are sufficiently trained and briefed. CEDR generally has also taken up my recommendation that, unless there are compelling reasons not to do so (such as a clear and informed refusal by the complainant), they should always obtain a signed complaint form when a customer embarks on the formal complaints procedure.

One recommendation about the timescale for a customer to accept a settlement offer from a company was, in fact, already in place but had not been properly applied.

CISAS are still considering some of my wider observations relating to the Scheme's Rules and overall policy – for example, the practice of an adjudicator being able to award less than an existing offer from a communications provider; and compensation in cases where a third party is representing a complainant and has experienced a poor service.

Overall I found evidence of a continued good performance in terms of quality, with very few errors and a high level of consistency. Letters to customers were in my view well written, thorough and clear. I was pleased to note that where appropriate customers were signposted to other agencies (such as the Information Commissioner's Office) that may have been able to help with their particular enquiry.

General Observations

I have two general observations.

The first is that, whilst within target, the average time to respond to complainants has lengthened from 16.5 working days in the first half of the year to 24.1 days in the second half of the year. I make no formal recommendation in relation to this but it is something that CISAS may like to be aware of and monitor. I will check the situation in my next review.

My second observation, which I have raised with CEDR, is as follows: I found one case where a complainant who had sent documents in by post, but without a complaint form, had them returned for completion of the form. That is reasonable, but the customer complained that the covering letter was unsigned. After discussion with the Head of Consumer Services I understand why this is - it is necessarily a “standard” letter. However, I am not a fan of unsigned letters of any sort and whilst this is a small point I’ve suggested that CISAS see if there is a better way of doing it; for example, putting a nominated signature on the letter or making the letter more of a short “notice” in the form of a flyer that doesn’t need a signature.

It may well be that the cost of any change would be disproportionate given the infrequency of such letters being sent – but I have included it as a recommendation for consideration in this report.

Follow up on previous recommendations

My last (interim) report contained no recommendations.

Conclusion

In the context of the volume of work handled by CISAS throughout 2018 the frequency of complaints about its own service levels is very low at 0.6%. This is consistent with the evidence that I have found in my previous reviews of a sustained good performance.

The minor errors I’ve identified both in this report and my interim report are just that – very minor and mostly relating to classification or record keeping mistakes. I found no indication of any underlying issues.

The complaints process is well articulated and the evidence from my reviews show it to be working effectively. Responses to consumers are of a good standard – clear, generally empathetic, well written and supported by thorough investigations. It is noticeable that when they have been at fault CEDR are not afraid to admit it and make a suitable gesture of goodwill if appropriate. At the same time, if a complaint is unfounded or out of scope CEDR are clear in explaining the reasons why.

CISAS may like to keep an eye on response timescales. They are within target but in the second half of the year they moved closer to the upper limit.

When I visited their offices to conduct my review, CEDR reacted very positively to the various points I drew to their attention – either correcting errors, or giving me a full explanation; and they welcomed any feedback I had. The senior team remains committed to continuous improvement and that shows through in the consistent good performance against a background of a high volume of claims.

Recommendations

I have one recommendation.

1. 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.

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.



Chris Holland

Independent Complaint Reviewer

11 February 2019