

# **Communications and Internet Services Adjudication Scheme (CISAS): Independent Complaint Reviewer Report For 2019.**

## **1. Introduction**

This is my sixth report on CISAS - which deals with complaints made about communications providers who are members of the Scheme. Together with my interim report<sup>1</sup> of 27 August it covers the full 2019 calendar year.

## **2. 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>2</sup> and the rules of the Scheme<sup>3</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. I may make recommendations based on my findings.

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

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<sup>1</sup> [https://mk0cedrxdkly80r1e6.kinstacdn.com/app/uploads/2019/11/CISAS\\_interim\\_Jan-June\\_2019\\_final.pdf](https://mk0cedrxdkly80r1e6.kinstacdn.com/app/uploads/2019/11/CISAS_interim_Jan-June_2019_final.pdf)

<sup>2</sup> <https://mk0cedrxdkly80r1e6.kinstacdn.com/app/uploads/2019/12/Independent-Reviewer-TOR-v2.pdf>

<sup>3</sup> <https://mk0cedrxdkly80r1e6.kinstacdn.com/app/uploads/2019/10/CISAS-Rules-October-2019-edition.pdf>

### **3. CEDR's Complaints Procedure**

CEDR's complaints procedure<sup>4</sup> covers CISAS and explains the scope of the procedure along with the two internal review stages 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 complainants remain dissatisfied they can ask for escalation to stage two of the process, where a senior manager (usually a Director) will review the complaint. Where this doesn't resolve the matter, the complaint can be referred to me for independent review.

### **4. 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 2019. My qualitative findings on timescales also cover the whole year, whilst my findings on casework and outcomes focus only on 1 July to 31 December. My interim report covers the first half of the year in this respect.

Six complaints were referred to me under CISAS' complaints procedure during 2019. I covered two in my interim report; the remaining four I comment on in the next section under qualitative findings. Recommendations arising from my individual complaint reviews are shown at appendix A.

### **5. My Findings**

#### **(a) Quantitative**

The Scheme handled 90 complaints about its service in 2019 - 32 more than in 2018, which is a 55% increase year on year. However, total claims were up from 9169 to 15,395 over the same period - a 68% increase - so the number of complaints represents a very small proportion of CISAS' work.

Of the 15,395 applications CISAS received in 2019, complaints represented 0.6% - the same proportion as in 2018. Of those 15,395 applications, 30% (4616) received a final decision from an adjudicator.

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<sup>4</sup> <https://mk0cedrxdkly80r1e6.kinstacdn.com/app/uploads/2020/01/CEDR-Complaints-Procedure-v2.pdf>

The remaining 70% were either outside the scope for investigation by CISAS, or were settled without the need to progress to an adjudicator. This is broadly in line with 2018, when the respective percentages were 33% and 67%.

Of the 4616 adjudicated cases, CISAS found wholly for the complainant in 4.3% (199) of cases; 65.7% (3031) partly for the complainant; and 30% (1386) wholly for the communications provider.

These figures are consistent with 2018, and provide a useful context in which to view the complaints made about CISAS itself. CISAS received 68% more applications in 2019 than it did in 2018 yet the percentage of complaints about CISAS itself remained the same at 0.6%. This is a good reflection on the Scheme.

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

Table 1: Acceptance of complaints

In Scope	Partly in Scope	Out of Scope	Total
36	23	31	90

I found fourteen classification errors - four in the first half of the year, and ten in the second. I drew these to CEDR's attention so that they could be corrected. The table above shows the right figures.

Whilst these were matters of record keeping only and had no bearing on casework processing or complaint outcomes, it is a relatively high error rate at approximately 16% (rising to 20% for the second half of the year). This could affect CEDR's internal reporting/analysis; or give a less than accurate picture if the figures were required by an external agency. I discussed the matter with the Head of Consumer Services, who will take steps to ensure an improvement. For the sake of completeness, I am making a formal recommendation on this point.

Table 2 below gives a breakdown by outcome at Stage 1 for those cases that were fully or partly in scope.

Table 2: Stage 1 outcomes of fully or partly in scope complaints

Upheld	Partly Upheld	Not Upheld	Total
13	31	15	59

There were only a couple of classification errors in respect of case outcomes during the year - these had no bearing on the cases themselves, and have been corrected.

Over the full year, nine cases progressed beyond Stage 1 - four of which went to Stage 3. (One case skipped Stage 2 and went direct to Stage 3, hence the Stage 2 total is eight cases.) The outcomes are shown in tables 3 and 4 below.

Table 3: Outcomes of Stage 2 reviews

Upheld at Stage 2	Partly Upheld at Stage 2	Not Upheld at Stage 2	Total
2	4	2	8

Table 4: Outcomes of Stage 3 reviews

Upheld at Stage 3	Partly Upheld at Stage 3	Not Upheld at Stage 3	Total
0	3	1	4

As with previous years, in quantitative terms the small proportion of complaints about the Scheme does not enable me to identify any trends or themes and I found no evidence of any failings from an analysis of the numbers.

However, the observation I made in my interim report bears repeating. It is that whilst the absolute number of complaints about CISAS has increased year on year, proportionally that number has been consistently (and healthily) low. I have found nothing to suggest CISAS itself is the cause of the higher volume of complaints; rather it seems to me that the underlying cause of the increase is the greater number of claims received in respect of communications providers' quality of customer service. A commensurate rise in complaints about CISAS is not to be unexpected. It is also worth noting that a major mobile network operator joined CISAS in February 2019, which led to more work.

## **(b) Qualitative**

### **(i) Timescales (2019 full year)**

Improved results compared to 2018 are measures of a very good level of service in respect of timescales.

CEDR acknowledged 86% of CISAS complaints within one working day (up from 82% the previous year); and 99% within three working days (up from 96% the previous year).

CISAS complaints were reviewed at Stage 1 within 30 working days in all but two of the 90 received during 2019. This means that 98% were within target - a seven percentage point improvement on the previous year. The two cases that overran didn't do so by much - one by two working days, and the other by four working days.

The average Stage 1 response time was 17.5 working days, with a broadly consistent performance across the year (16.4 in the period 1 January to 30 June; and 18.4 between 1 July and 31 December). The range for the full year was zero to 34 working days.

Of the eight Stage 2 reviews, one missed the 30 working day deadline – but only by one day. The average Stage 2 response time was 22 working days, with a range of 11 to 31 working days.

All four complaints that were escalated to Stage 3 were concluded within 30 working days. The average was 21.5 working days; and the range was 20 to 24 working days.

### **(ii) Casework and Outcomes (1 July to 31 December 2019)**

I examined all 49 complaints received between 1 July and 31 December 2019. Please see my interim report<sup>5</sup> for a qualitative analysis of complaints received between 1 January and 30 June.

Outcomes were overall as I would expect, and I found no evidence of incorrect Stage 1 or 2 reviews. Regardless of whether complaints were upheld or not, I felt that CEDR's letter writing was of a high standard. Responses to customers included a summary of the issues complained about; an articulation of the scope of the complaints procedure; detailed findings (although I felt one or two replies could have been more comprehensive); and honest explanations and genuine apologies.

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<sup>5</sup> [https://mk0cedrxdkly80r1e6.kinstacdn.com/app/uploads/2019/11/CISAS\\_interim\\_Jan-June\\_2019\\_final.pdf](https://mk0cedrxdkly80r1e6.kinstacdn.com/app/uploads/2019/11/CISAS_interim_Jan-June_2019_final.pdf)

I found only two very minor typographical errors in all the replies that I looked at; it's clear that CEDR have been paying attention to this, and I'm glad to see it.

I found a number of classification errors - 10 of which occurred in the second half of the year. (Two "in scope" complaints should have been "out of scope", and four should have been "partly in scope"; one "partly in scope" should have been "out of scope"; two "out of scopes" should have been "partly in scope"; and one complaint classified as "blank" should have been partly in scope".)

I am satisfied that these were a result of human error or carelessness rather than any underlying problem; and in any event the internal classification on CEDR's system had no bearing on the processing or outcomes of complaints - which I found to be accurate. However, I'd picked this issue up in the conclusion to my interim report and there has been a greater incidence of errors in the second half of the year. This is an internal quality issue that I recommend CEDR address.

Otherwise, complaints were correctly classified and I am content that those cases judged to be out of scope were entirely about aspects of the adjudication or unhappiness with the decision.

I noticed a couple of broad themes among the complaints that were received during between 1 July and 31 December 2019. The first was about some communications providers' apparent failure to comply with awards, which came up on eight occasions. The second related to CISAS' failure to respond in a timely manner to all messages left on the on-line portal by complainants, which came up four times. I make recommendations on both these points.

Of the eight complaints that CEDR fully upheld, three involved the treatment of claimants' evidence. One had evidence returned unread and not recorded; one was asked to provide evidence that had already been submitted; and one claimant was told that they need not resubmit evidence already provided with a separate case and could just refer to it - which led to the adjudicator not taking account of the evidence in question. Whilst three cases do not indicate a trend, I will monitor complaints relating to the handling of evidence at my next review.

Two of the fully upheld complaints concerned non-compliance with an award by the communications provider, where CISAS' role in advising the customer fell short.

The remaining three cases that CEDR upheld in full contained a mixture of administrative and customer service issues, including: a problem with the on-line application form; a delay in booking an “over the phone” application; incorrect advice being given to a customer; the loss of a customer’s documentation; and the failure to call a customer back as promised.

In one case (involving lost documentation and failing to call back a customer) whilst I felt that the Stage 1 reply didn’t answer every point, that seemed not to worry the customer - who wrote in to say: “I am pleased about the outcome...and your findings reassure me that other consumers may not have to go through the same ordeal.”

CEDR partly upheld 22 complaints during the second half of the year. These were all of a broadly similar nature. The elements that weren’t upheld concerned the adjudication process itself, or the decision; the parts that were upheld were about a combination of administrative or customer service failings of some kind, including:

- Communications providers’ failure to comply with an award and in some instances CISAS’ handling of related queries.
- Lack of responses to messages left on the on-line portal.
- Delays in the process.
- Lack of call back or contact.
- Incorrect documents being uploaded.
- Incorrect advice or guidance being given to complainants.
- Lack of knowledge of earlier contacts when customers were chasing progress or enquiring about the status of their case.

Apart from the two themes I mentioned earlier (communications providers’ apparent failure to comply with awards; and CISAS’ failure to respond in a timely manner to all messages left on the on-line portal) I found these complaints to be cases of human error or oversight. I found no evidence of any systemic problems.

One case concerned a difficulty a disabled customer had in achieving a reasonable adjustment. I need not go into the detail here, but I was pleased to see the Stage 1 response acknowledge the customer’s concerns and tell them that their complaint had led to a full review with CEDR’s systems developers.

I am satisfied that CEDR reached the correct outcome in the 18 complaints they did not uphold. Most were in any event out of scope as they were wholly about the adjudication itself. The remainder were in my view rightly not upheld as the complaints could not be substantiated. Importantly, in each case CEDR explained the reasoning for the outcome.

CEDR paid compensation in 30 cases, ranging from £15.00 - £300.00. I am satisfied that these were proportionate.

In some instances CEDR took a pragmatic decision to step slightly outside the process because it was the right thing to do. Whilst such action should not in my view be taken lightly, in these cases it was appropriate. Examples included: an informal email rather than a full stage 1 review in order to cut through what had become a long winded exchange of correspondence; accepting a complaint without a form, where it was clear that the customer was struggling and the substance of his complaint was apparent from emails; obtaining input from an adjudicator to clarify an aspect of the rules; a senior manager intervention to clarify a point about scope; and bypassing Stage 2 in order to achieve a quicker independent review.

There was one case where I felt CEDR could have taken a more flexible approach - involving a claim that had overlapped between Vodafone's move from Ombudsman Services to CISAS. The matter was complex and it was strictly speaking outwith the scope of the complaints procedure but I felt CEDR could have shown some latitude. However, this is a minor observation and overall I was pleased to see evidence of CEDR's proactive customer focussed approach.

CEDR received some good feedback. Here are three quotes from complainants:

- "Thank you very much for your detailed response." (Partly upheld complaint.)
- "As a result of your letter, my irritation with CEDR is beginning to subside." (Partly upheld complaint.)
- I appreciate the thoroughness of your investigation, I applaud the comprehensiveness of your written response." (Fully upheld complaint).



**(iii) Stage 2 Reviews (1 July to 31 December 2019)**

There were four Stage 2 reviews.

The first concerned the failure of the communications provider to comply with an award, in combination with CISAS' failure to respond to emails. It was escalated because the complainant felt that the Stage 1 response fell short in terms of thoroughness. The Stage 2 reply covered the ground more comprehensively and increased a goodwill payment from £15.00 to £65.00. The customer accepted this and gave positive feedback regarding the quality of the response.

The second case was mostly about the adjudication but it contained an element relating to CISAS giving the customer poor advice on that point. The Stage 1 review was reasonable, but the Stage 2 response went into more detail and increased the goodwill offer from £15.00 to £25.00, which the complainant accepted (whilst remaining unhappy with the adjudication decision).

The other two cases went to Stage 3, and I comment on them below.

**(iv) Stage 3 Reviews (1 July to 31 December 2019)**

Four complaints were referred to me (two of which began life in the first half of the year but did not reach me until the second). Please see Appendix A for recommendations arising from my reviews.

The first concerned allegations that CEDR hadn't taken the seriousness of a complainant's mental health issues into consideration; had made administrative failures; and had tried to block escalation of the complaint. I found no evidence to substantiate any of these complaints; in fact I found that CEDR had extended a timescale at one point because of the complainant's health issues. However, I found a couple of minor errors of detail in relation to the Stage 2 review (an incorrect date, and an error about when the customer had mentioned their mental health). Whilst I did not uphold the customer's complaints, I felt that these inaccuracies should have been avoided and for that reason I awarded £40.00 compensation.

The second case raised a number of detailed points, but can be summarised as the complainant not liking the adjudication decision and feeling that they didn't receive a satisfactory level of customer service. The Stage 2 review identified a number of areas of customer service failure (e.g. lack of reference to guidance; poor advice about how to complain; and a badly worded email) and offered compensation of £100.00.

I broadly concurred with the Stage 2 outcome, but I found one or two other areas of failure that had not been addressed or in my view adequately compensated (about advice on timescales and easy access to the complaint form). I therefore partly upheld the complaint, and increased the compensation award to £150.00. I made three recommendations.

The third case involved 11 specific complaints however the outcome the customer was seeking was unclear. The case was complex and the relationship between the customer and CEDR had become somewhat strained. I will not attempt to summarise it here - save to say that, whilst acknowledging the challenging nature of the complaints, I found that CEDR made a number of customer service failures. I also felt that the Stage 1 response didn't address fully all the matters raised by the complainant. The Stage 2 reply was better - it outlined various actions that CEDR was taking and offered £70.00 compensation. However, in my opinion there were a number of areas where the overall level of customer service fell short for this customer - inter alia, examples of poor or wrong advice being given to the customer and promised call backs or replies not happening. I therefore partly upheld the complaint and increased the compensation to £160.00. I made five recommendations.

Comments on the final case may enable identification of the customer, so I shall refrain from giving much detail. I can say that central to the complaint was the way in which CEDR handled the impact of a complainant's disability, coupled with a serious administrative error and a failure to proactively seek a solution. Due to the nature of the complaint CEDR took the pragmatic decision to skip Stage 2 of the process and go straight to independent review. I upheld the majority of the complaint. In addition to the administrative error I found evidence of some badly handled calls; a lack of understanding and empathy for the customer; and, overall, a number of customer service failings. I have discussed the case with CEDR's Director of Dispute Resolution and Head of Consumer Services, and I made eight recommendations.

## **6. General Observations**

I have four general observations.

- (a) CEDR's performance on timescales improved since last year. I urge them to maintain this or better still improve it further.
- (b) In a couple of cases I felt that the time taken for an appointment to complete an "over the phone" application to CISAS was too long (11 working days in one instance, and 15 working days in the other). I am, however, pleased to see that following a recommendation I made on one of the complaints that I reviewed, the target timescale for booking such appointments is now three working days.
- (c) Whilst not of sufficient weight to warrant a formal recommendation, I noted three cases where matters relating to the submission of complainants' evidence caused problems. I urge CISAS to pay attention to this area - it is crucial to the complainant's experience.
- (d) In a couple of complaints that I reviewed, I noticed that CEDR staff were occasionally unclear regarding Ofcom's role; in brief there seemed to be some confusion about whether Ofcom regulated CISAS, or approved it (the latter is true). I made recommendations at the time, and CEDR have taken action to ensure staff can advise consumers correctly if the question comes up.

## **7. Follow up on previous recommendations**

I made no recommendations in my last (interim) report.

## **8. Conclusion**

In terms of the number of complaints CEDR receives in relation to the volume of CISAS' casework, the picture is the same as in previous years: the frequency of complaints is very low at 0.6%, even with a much higher volume of claims. This suggests a strong level of resilience, and a sustained good performance.

Complaints were in my view well handled, in a timely fashion; and I'm pleased to see an overall improvement in the quality of replies to complainants. I'm also pleased to see evidence of CEDR taking a pragmatic approach when appropriate, and I encourage them to continue doing so.

There are a few issues identified in the body of my report for CISAS/CEDR to keep an eye on in my opinion (e.g. communications providers' compliance with awards; CISAS responding to messages on the portal; handling of complainant's evidence.) In particular I feel that CEDR should be achieving greater accuracy in their internal classification of complaints.

I have reviewed six complaints this year - more than ever before (I did two in 2018, and none in 2017). This isn't a bad thing. In part it's a product of higher volumes of claims and therefore complaints; and it suggests that the escalation process is working well, giving complainants access to independent review when appropriate. So I wouldn't worry overly about the numbers.

A couple of the individual complaints I reviewed in the second half of the year gave me cause for concern about the quality of CEDR's call handling. I made recommendations accordingly, and I've discussed the issue with the senior management team. On this and on any other points I raised during my review, as I have come to expect, CEDR responded positively.

## **9. Recommendations**

I have three recommendations.

- (a) That CEDR improve the accuracy of complaint classification so that, in turn, internal data is accurate. As well as ensuring that the correct classification is shown at the point of entry on the system, CEDR may wish to consider some form of quality check periodically.
- (b) That CISAS work with those communication providers who generate complaints about non-compliance with awards, so that consumers receive remedies in a timely fashion. I am mindful that by the time a consumer has reached this point it is likely that some months will have passed since their first complaint to their provider; in my view it is wholly unacceptable to be kept waiting beyond the prescribed timescale for an award.

- (c) That CISAS take steps to ensure that they respond to all messages left on the on-line portal in good time (or advise when a reply is expected), so that claimants' queries are answered promptly and uncertainty is mitigated.

### **Acknowledgements**

I had 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 points that I raised as I examined the casework; and the positive reaction to my comments and observations as I undertook this review.



Chris Holland

Independent Complaint Reviewer

18 February 2020

## APPENDIX A

### Recommendations from individual complaint reviews.

- a) CEDR consider including a reference to the Guide to Compensation for Inconvenience and Distress in adjudicators' decisions where appropriate.
- b) CEDR/CISAS consider ways in which they might proactively inform customers of the 10 day timescale for responding to correspondence, so that customers know that a message has been received and is being dealt with.
- c) CEDR consider including (or providing a direct link to) the complaint form as part of the complaint procedure document.
- d) CISAS include the role of Ofcom in any staff training; and that a refresher briefing is sent to the complaints team at least every six months.
- e) CISAS refrain from involvement in obtaining SARs made by customers to communication providers.
- f) CEDR consider implementing a formal process for proof reading before dispatch of Stage 1 and Stage 2 letters.
- g) CEDR seek further details from complainants quickly if the complaint form is unclear. I suggest three working days as a maximum.
- h) CISAS provide suitable coaching to the complaints team in respect of dealing with calls of a less than straightforward nature.
- i) Reviewing the wording of the complaints procedure so that it is clear that the target is to dispatch responses within the 30 working day timescale. I also recommend that wherever possible CEDR make every effort to respond to complaints before the due date.
- j) Reviewing their systems to ensure that information in respect of the particular needs of customers requiring extra support is prominently and proactively flagged up, so that staff can be fully aware of what is required and can give a high level of service.
- k) Taking steps to ensure that in all cases staff are fully aware of the details of cases before they embark on callbacks to customers.

- l) Confirming any arrangements with customers clearly, and checking the customer's full understanding at the end of calls.
- m) Putting in place a procedure so that proactive contact is made with customers if "over the phone" appointments cannot be kept (although this should be an exceptional occurrence in my view).
- n) Ensuring that all customer facing staff are briefed on the correct timescales for SARs; and that they are briefed on how SARs can be made – that is verbally or in writing.
- o) Including advice on CEDR's complaint form in respect of any requirements for assistance in completing the form; and any practical needs such as information in another format etc.