

Communications and Internet Services Adjudication Scheme (CISAS):
Independent Complaint Reviewer Report
For 2020.

1. Introduction

This is my eighth report on CISAS - which deals with complaints made about communications providers who are members of the Scheme. Together with my interim report¹ of 3 September it covers the full 2020 calendar year.

The Coronavirus pandemic continues unabated, and I'm very aware of the continued disruption to CISAS' and CEDR's (the Centre for Effective Dispute Resolution) operations. The office has been closed since late March 2020, with staff working from home. Against this demanding backdrop I remain impressed with the overall standard of complaint handling maintained by CEDR; and I again commend their success in maintaining continuity of service throughout. I have also taken into account the extraordinary circumstances when assessing CEDR's complaint handling performance.

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 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.

¹ <https://www.cedr.com/wp-content/uploads/2020/09/CISAS-interim-Jan-June-2020-Final.pdf>

² <https://www.cedr.com/wp-content/uploads/2019/12/Independent-Reviewer-TOR-v2.pdf>

³ <https://www.cedr.com/wp-content/uploads/2020/02/CISAS-Rules-October-2019-edition.pdf>

I can review cases where a user of the Scheme has made a complaint to CISAS or CEDR and, having been through CEDR's complaint process, remains dissatisfied with the outcome. 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 about CISAS as I see fit.

3. CEDR's Complaints Procedure

CEDR's complaints procedure⁴ covers CISAS; it 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 2020. My qualitative findings on timescales are also for the whole year. 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.

No complaints were referred to me under CISAS' complaints procedure during 2020.

⁴ <https://www.cedr.com/wp-content/uploads/2021/01/CEDR-Complaints-Procedure-Jan21.pdf>

5. My Findings

(a) Quantitative

Volumes are up, but proportionally complaints remain very low.

The Scheme received 114 service complaints in 2020, which is 24 more than in 2019. Whilst this is a 27% increase year on year it is a slower rate of increase than the year before, when the equivalent percentage was 55%.

Total claims in 2020 were up by 18.8%, from 15,395 to 18,297. Complaints represented 0.6% of total claims, which is the same as last year.

Of the 18,297 applications, 25% (4,655) received a final decision from an adjudicator. The remaining 75% were either outside the scope for investigation by CISAS, or were settled without the need to progress to an adjudicator. This is a marginal change from 2019, when the respective percentages were 30% and 70%.

Of the 4,655 adjudicated cases, CISAS found wholly for the complainant in 5.3% (248) of cases; 66.8% (3,110) partly for the complainant; and 27.9% (1,297) wholly for the communications provider. This is consistent with 2019, although there was a two percentage point decrease in claims found wholly for the communications provider.

I include these data for contextual purposes only. However, the fact that CISAS received almost 19% more applications in 2020 than it did in 2019 yet kept the percentage of service complaints static at 0.6% is in my view evidence of a strong complaints handling performance.

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
32	37	45	114

I found 17 classification errors - eight in the first half of the year, and nine in the second. CEDR corrected these and the table above shows the right figures.

These are matters of record keeping only, with no bearing on casework processing or complaint outcomes. However, I made a recommendation on this issue last year as I felt it could affect CEDR's internal reporting/analysis; or risk giving a less than accurate picture if these data were required by an external agency. So it is disappointing to still see a relatively high error rate of approximately 14% (only a marginal improvement on last year's 16%). I am therefore making another 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. Three cases were in the pipeline and hadn't reached an outcome at the time of my review. One "out of scope" complaint was also upheld in full and is included in the table below. (I explain this in section 5(b).)

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

Upheld	Partly Upheld	Not Upheld	Total
12	37	18	67

There were a few classification errors in respect of case outcomes during the first half of the year, but none during the second. I'm satisfied that this isn't a problem.

Over the full year, 13 cases progressed beyond Stage 1, although none went to Stage 3. The outcomes are shown in table 3 below.

Table 3: Outcomes of Stage 2 reviews

Upheld at Stage 2	Partly Upheld at Stage 2	Not Upheld at Stage 2	Total
2	8	3	13

It remains the case that in quantitative terms the small proportion of complaints about the Scheme does not enable me to identify any trends or themes. However, I found no evidence of any systemic failings from my analysis of the absolute numbers.

The consistently low proportion of complaints in relation to claims reflects very well on CISAS. That proportion was 0.7% in 2016; today it is 0.6%. This low level of complaints has been maintained against the backdrop of a 578% increase in claims over the same period, which is a notable achievement in my book.

(b) Qualitative

(i) Timescales (2020 full year)

Compared to 2019 both speed of acknowledgement and reviews declined. The latter was very slight however, and overall speed of review was good.

CEDR acknowledged 38% of CISAS complaints within one working day (down from 86% the previous year); and 86% within three working days (down from 99% the previous year). CEDR took over three working days to acknowledge 14% of complaints (nine cases), with the longest taking eight working days. All these occurred in the second half of the year.

CEDR completed 95% of Stage 1 reviews within 30 working days, compared to 98% during 2019. In the four responses that missed the target the delays were not significant - one or two working days on three occasions, and once by four working days.

The average Stage 1 response time was 19.2 working days - only slightly longer than 2019's average of 17.5. There was a broadly consistent picture across 2020 (an average of 17.5 working days in the period 1 January to 30 June; and 21.5 between 1 July and 31 December). The range for the full year was zero to 34 working days.

There were five Stage 2 reviews, all during the second half of the year. All five were completed within the 30 working day target, with an average of 19 working days, and a range of eight to 29 working days.

Given the challenges presented by the Coronavirus pandemic during 2020 I am impressed with the Stage 1 and Stage 2 review performance. The deterioration in acknowledgment speed may be a product of processing difficulties due to the disruption to CEDR's operations. I am however recommending that CEDR explore ways to improve this.

(ii) Casework and Outcomes (1 July to 31 December 2020)

I examined all 52 complaints received between 1 July and 31 December 2020. Please see my interim report⁵ for a qualitative analysis of complaints received between 1 January and 30 June.

⁵ <https://www.cedr.com/wp-content/uploads/2020/09/CISAS-interim-Jan-June-2020-Final.pdf>

I found nine classification errors, which I've mentioned earlier and on which I've made a recommendation. I stress that these had no impact on consumers - they relate to internal coding only.

Broadly speaking, complaints were about a combination of general quality of service; CEDR giving poor advice to consumers; poor administration of a claim; and delayed responses to queries.

I found 16 complaints that were either entirely or partly about the communication provider's non-compliance with an adjudication decision. This equates to almost a third of all complaints, so it is a significant issue. One provider alone accounted for 13 of those complaints. I return to this in section 6 (observations).

In my opinion CEDR's Stage 1 and 2 reviews led to correct and fair outcomes. By and large replies were well written, although a few did not cover every point raised by the complainant; and not every Stage 1 response stated the complaint's eligibility in terms of scope. I also felt that occasionally replies could perhaps have been more compassionate in tone - although equally some were very good in this respect. I noticed 11 typographical errors in the replies I looked at - most of which were very minor. However one did affect the meaning of a phrase, and one quoted an incorrect compensation amount. These points are not serious enough to warrant any recommendations. But I would urge CEDR to renew its focus on the quality and consistency of its replies, and I shall monitor this area when I carry out my next review.

CEDR upheld two complaints in full. The first was wholly "in scope" and mostly concerned an allegation of poor staff attitude and mishandled calls. My reading of the case was that it was pretty bad, with multiple errors and incorrect information being given to the customer. The Stage 1 review reached the same conclusion and I was pleased to see CEDR give the complainant a straightforward and honest response, along with £200.00 compensation.

The second fully upheld complaint was, uniquely, "out of scope". It concerned the communication provider's non-compliance with an adjudication decision, which had gone on for almost a year. There was no service failure on CEDR's part; indeed they tried hard to resolve the matter with the provider, but to no avail. Eventually CEDR took the pragmatic and customer focussed approach to pay the customer the amount of the award (hence the "fully upheld" status), and reclaim it from the provider. Full marks to CEDR. However, I find it extraordinary behaviour from the provider - for which there can be no excuse.

CEDR partly upheld six complaints that were wholly “in scope”. I cover the three that went to Stage 2 later. Of the remainder, one was about the customer’s poor experience of CISAS’ web chat service. I was impressed by the thoroughness of CEDR’s investigation, which established that not all the complaints could be substantiated but which nonetheless concluded that the customer’s initial enquiry could have been better handled. The Stage 1 reply was good, and a small amount of compensation was offered. The customer remained unhappy and requested escalation to Stage 2 but was unable to articulate on what grounds - thus in line with the complaints procedure the escalation was declined. This was in my opinion the right decision, especially given that the Stage 1 reply was very comprehensive.

The second case was about the ability of a business with more than 10 employees to use an Alternative Dispute Resolution service - which isn’t permitted under current legislation. The customer claimed they were advised otherwise by CISAS and had a claim subsequently rejected. CEDR again investigated thoroughly, and it became clear that the customer had in fact incorrectly stated they had fewer than 10 employees when that was not the case. However, CEDR accepted that there may have been a misunderstanding and offered a small goodwill payment, along with helpful advice about how the customer could use a business-to-business scheme if they wished to pursue their claim. Overall, I felt that this was a very good response from CEDR.

Third was a general service complaint, the root of which boiled down to an email ending up in CISAS’ “junk” folder and confusion over the size of file that the on-line portal could handle. At one point the customer had a call back from a manager, for which the manager had clearly failed to prepare - to the extent that they didn’t know what the complaint was about. The Stage 1 review explained what should have happened, what went wrong and apologised. CEDR offered compensation of £20.00, which was subsequently increased to £50.00 - which in my view was fair.

CEDR partly upheld 12 complaints that were “partly in scope”. Nothing particularly stood out. For the most part they were about administration failings that were compounded by poor service (such as incorrect advice or delays responding to queries) and I do not need to rehearse them individually here. Apart from a couple of instances where not every point raised by the complainant was addressed, the Stage 1 replies were on the whole good and gave honest explanations of what had happened - together with apologies and, where warranted, compensation.

I'm content that CEDR reached the correct outcome in the 28 complaints not upheld - the majority of which were in any event "out of scope" as they were wholly about a decision or the adjudication process. Where this wasn't the case, CEDR explained fully their reasoning and included evidence to support their decision.

CEDR offered compensation in 17 cases, ranging from £20.00 - £200.00. In my view all the offers were proportionate.

I found continued evidence of CEDR taking a pragmatic and flexible approach when appropriate - for example, extending the timescale for escalation where there was good reason to do so. There was also evidence of CEDR acting on customer feedback - for example, refreshing staff training and in one case improving a web form.

Some customers remained unhappy at the end of the complaints process - but this was because they did not get the outcome for which they were hoping rather than dissatisfaction with the process per se. CEDR also had some positive feedback - a couple of examples of which are:

- "I am really pleased with your findings and comments...more importantly your words and comments have really restored my faith." (Partly upheld complaint at Stage 2.)
- "Many thanks for your consideration of my complaint and your considered response. I am very grateful for your apology..." (Partly upheld complaint at Stage 2.)

(iii) Stage 2 Reviews (1 July to 31 December 2020)

There were five Stage 2 reviews, all of which were well handled.

The first was about a litany of errors, including the customer's claim being incorrectly closed (twice); numerous failures to call back the customer; and incorrect and late advice on certain points. The Stage 1 reply fell far short of the expected standard in my view - with a number of points going unanswered. The customer articulated these clearly and asked for escalation to Stage 2, after which he received a much better response and £100.00 compensation. This showed the escalation process to be working well; but in my opinion the final outcome could have been reached at Stage 1.

The second case was mostly about compliance with an award (which on its own falls outwith the scope of the complaints procedure), but there were complaints about CISAS' handling of the customer's enquiries. CEDR carried out a thorough review at Stage 1, and essentially found no evidence to substantiate those complaints. The customer waited two months before seeking an escalation (much longer than allowed under the procedure) but CEDR nonetheless accepted it. The Stage 2 review led to the same outcome, and a clear and courteous response was sent to the customer.

The third complaint was about a number of issues - including staff attitude, a poor live chat experience, delays and broken promises to call the customer. The Stage 1 review dealt with most of the issues, but I felt it was a little weak in places. However, the service failings were acknowledged and £30.00 compensation offered. The customer wasn't fully satisfied with this, and after the Stage 2 escalation £100.00 was offered and accepted. The Stage 2 reply was much more comprehensive, but again I couldn't quite see why this didn't happen at Stage 1. (For example at Stage 2 a call recording was listened to, which did not appear to have been done at Stage 1.) I was pleased to note that, given the customer was dyslexic, CEDR had some dialogue over the phone with them during the course of the review.

The fourth case was largely about administration, and technical problems with the on-line portal. The customer felt the Stage 1 response was insufficient and hostile; I would not go that far, but I did feel that the reply could have been more compassionate as the customer had some mental health problems. The Stage 2 review recognised this and responded accordingly. I was also impressed to see action being taken to solve the technical issue the customer highlighted. Compensation was increased from £30.00 (at Stage 1) to £100.00.

The final case concerned confusion about the acceptance of a claim, entries on the on-line portal and poor advice to the customer. Things became somewhat muddled but it was clear that the customer was not at fault and £100.00 compensation was offered at Stage 1. The customer raised some further points, which led to a Stage 2 review - the conclusion of which was increased compensation equal to the settlement amount that the customer had in effect lost out on. This was the right thing to do, and I was pleased to see CEDR taking a pragmatic and customer focussed approach. The customer was very grateful.

6. General Observations

I have three general observations.

- (a)** One communications provider causes a disproportionate number of complaints about non-compliance with decisions, which has been the case for my last three reports. Non-compliance by this provider accounted for 20% of all complaints received by CEDR in 2020. I also noted that their responses to customers and to CEDR are sometimes slow, and they require chasing. As well as causing unnecessary work for CEDR, there is in my view harm to consumers. I appreciate fully the operational difficulties caused by the Coronavirus pandemic but I fail to understand why non-compliance is such a long-term problem for this provider only. I'm aware that CEDR have reported the matter to the Office of Telecommunications (Ofcom) and I encourage them to continue to do so. I would hope that Ofcom take appropriate action. CEDR have also advised me that the provider in question has made some system changes, and I will be keen to see the impact of those changes when I carry out my next review.
- (b)** Replies to customers were on the whole of a good standard but there were a few lapses. These were not sufficient to warrant a recommendation - however I would urge CEDR to focus on overall quality, especially: ensuring all points are addressed; avoiding typographical errors; and in all cases stating clearly whether the complaint is "in scope", partly in scope" or "out of scope".
- (c)** There was one instance where a manager had not prepared at all for a call back to a customer. It was only once, but my observation is that it may be useful to remind managers that this is not acceptable.

7. Follow up on previous recommendations

I made one recommendation in my most recent (interim) report. This is shown in italics below, followed by a summary of the update CEDR gave me.

That CEDR review the confidentiality clause attached to adjudicators' decisions with a view to its removal, so that claimants do not feel deprived of the right to seek further advice if they wish.

CEDR advised me that the clause will be removed in due course but that it may take time, as it affects a number of schemes/services and will require new editions of rules along with a dialogue with member firms. I am satisfied that this is work in progress. It is also worth mentioning that there were no complaints involving this during the second half of the year.

8. Conclusion

As has been the case in recent years, despite more claims coming in the proportion of complaints CEDR receives in relation to the volume of CISAS' casework remains very low at 0.6%. That is evidence of consistency and a sustained good overall service level.

Whilst I felt some Stage 1 replies could have been more comprehensive, overall complaints were in my view well handled with a strong performance on Stage 1 and Stage 2 timescales. Speed of acknowledgement declined however.

This is the first year in which I've had no complaints referred to me for Stage 3 independent review. I'm satisfied that this is due to the quality of the Stage 1 and, particularly, the Stage 2 reviews.

The main issues identified in the body of my report for CISAS/CEDR to pursue are in my opinion, acknowledgement speed; improving accuracy of complaint classification; and one particular provider's non-compliance with decisions.

From my perspective, CISAS and CEDR have done exceptionally well to maintain a good complaints handling performance given the challenges of 2020.

9. Recommendations

I have two recommendations.

- (a) That CEDR work to improve the accuracy of complaint classification so that, in turn, internal data are accurate. As well as ensuring that the correct classification is shown at the point of entry on the system, CEDR may wish to consider a double check against the Stage 1 reply.

- (b) That CISAS work to improve acknowledgment speed, so that no complainant waits longer than three working days and most receive an acknowledgement within one working day.

Acknowledgements

I conducted my review remotely and I'm grateful for CEDR facilitating this, and providing technical support. CEDR provided me with the same level of open and unrestricted access to all the systems and records that I needed as if I'd been in their offices. As usual, I therefore had carte blanche in respect of conducting this audit as I saw fit. I've also had the customary high level of assistance with any queries that came up as I conducted my review and I appreciate in particular the responses from the Head of Consumer Services and the Complaints Manager to the occasional points that I raised as I examined the casework.



Chris Holland

Independent Complaint Reviewer

5 February 2021