

Centre for Effective Dispute Resolution (CEDR)
Independent Complaint Reviewer Report For 2020.

1. Introduction

This is my eighth report for CEDR. It covers all schemes and services operated by CEDR except those that I review in stand-alone reports - that is, the Communications and Internet Services Adjudication Scheme (CISAS); the Postal Redress Scheme (POSTRS); and the Aviation Adjudication Scheme.

The Coronavirus pandemic continues unabated, and I'm very aware of the continued disruption to CEDR's 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 the schemes or services run by CEDR. I can review cases where a user of those schemes or services has complained to CEDR and, having been through the complaints process, remains dissatisfied with the outcome.

Under my terms of reference¹ I can only consider matters relating to CEDR's quality of service in respect of alleged administrative errors, delays, staff rudeness or other such matters. 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 cases or applications made by claimants. Where appropriate, I may make recommendations based on my findings.

The second aspect of my role is to review complaints about CEDR generally, and produce reports accordingly. These are based on my findings from reviews of individual complaints, if there are any; and by examining and analysing as I see fit any service complaints that CEDR have received.

¹ <https://www.cedr.com/wp-content/uploads/2019/12/Independent-Reviewer-TOR-v2.pdf>

3. CEDR's Complaints Procedure

The complaints procedure² explains its scope and what happens when a user of a scheme or service makes a complaint. There are two internal stages of review that take place before, if required, 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 manager or Director will review the complaint. Where this does not 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 full year from 1 January to 31 December 2020. My qualitative findings on timescales also cover 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.

Excluded from this report are those schemes or services about which CEDR received no complaints.

I had no complaints referred to me under Stage 3 of CEDR's complaints procedure during 2020.

5. My Findings

(a) Quantitative

I examined those schemes or services about which CEDR received complaints in 2020; other schemes or services that were not the subject of any complaints are outwith the scope of this review. Table 1 overleaf gives a breakdown of the volumes of cases that went to adjudication and the outcomes³.

² <https://www.cedr.com/wp-content/uploads/2021/01/CEDR-Complaints-Procedure-Jan21.pdf>

³ Some cases logged in 2020 were carried over to 2021, and some cases logged in 2019 were concluded in 2020, so the figures will not necessarily balance.

Table 1: Claims and outcomes

Scheme	Claims Received	Claims Adjudicated	Found For Claimant	Partly Found for Claimant	Found For Respondent
Consumer Code for Home Builders Independent Dispute Resolution Scheme (CCHBIDRS)	252	169	73	27	69
Independent Healthcare Sector Complaints Adjudication Service (ISCAS) ⁴	103	119	n/a	n/a	n/a
Funeral Conciliation & Adjudication Scheme ⁵ (NAFD)	104	98	83	0	15
	15	15	4	10	1
Regulator of Social Housing ⁴ (RSH)	4	n/a	n/a	n/a	n/a
Royal Institution of Chartered Surveyors (RICS)	370	262	84	34	144
Solicitors Regulation Authority ⁴ (SRA)	73	66	n/a	n/a	n/a
Water & Sewerage Service ⁶ (WATRS)	418	254	124		130
Totals	1339	983	439		359

The ratio of claims adjudicated to claims received was 74% (consistent with 2019's equivalent of 73%). The remaining 26% were either outside the scope for investigation by CEDR or were settled without the need to progress to an adjudicator.

⁴ The ISCAS, the RSH and the SRA are complaints review services and do not have adjudication outcomes. Some ISCAS decisions reached in 2020 were in the pipeline from 2019, hence the number of claims adjudicated in 2020 is higher than the number of claims received.

⁵ The NAFD scheme provides both conciliation and adjudication. The former is a negotiated settlement; the latter is a formal adjudication. The top figure shows conciliation cases; the bottom figure shows adjudications.

⁶ WATRS outcomes are categorised as "action required" or "not required". However, for ease of presentation this table groups them under the same headings as other schemes and services.

Overall claims (for those schemes or services about which a complaint was made) went down by 3% compared to 2019 - from 1387 to 1339. Within that figure, though, some schemes' claims increased and some decreased as follows:

- CCHBIDRS up by 39%
- SRA up by 28%
- ISCAS down by 18%
- RICS down by 16%
- WATRS down by 23%

The NAFD Scheme had no complaints in 2019, and only one in 2020 so there is no year on year comparison to be made.

On claims where an adjudication outcome was reached during 2020⁷ CEDR found wholly or partly for the claimant in 55%⁸ of cases, compared to 43% in 2019.

These figures are intended to provide a useful context in respect of the schemes/services about which CEDR received complaints. Information about each scheme or service is available on CEDR's website:

<https://www.cedr.com/consumer/>

Table 2 overleaf shows the total claims for each scheme or service about which complaints were made, together with the number and percentage of service complaints made against CEDR itself; and the results of those complaints in terms of acceptance (in or out of scope of the procedure) and outcomes.

⁷ Excluding the ISCAS, the RSH and the SRA, which are complaint review services rather than ADR schemes.

⁸ Figures do not balance due to the ISCAS, the RSH and the SRA being complaint review services and not having outcomes as such; and due to one WATRS case being in the pipeline at the time of my review.

Table 2: complaints and outcomes⁹

Table 2

Scheme	Total Claims	Service Complaints	%age	In Scope	Partly in scope	Out of scope	Upheld in full	Partly upheld	Not upheld
CCHBIDRS	252	5	2.0	2	0	3	0	1	4
ISCAS	103	6	5.8	0	3	3	0	2	4
NAFD Conciliation	104	0	0	n/a	n/a	n/a	n/a	n/a	n/a
NAFD Adjudication	15	1	6.7	0	0	1	0	0	1
RSH	4	1	25.0	1	0	0	n/a	n/a	n/a
RICS	370	4	1.1	1	3	0	0	2	2
SRA	73	6	8.2	1	2	3	0	1	5
WATRS ⁹	418	4	0.9	0	2	2	0	0	3
Totals	1339	27	2.0	5	10	12	0	6	19

Allowance should be made for those schemes or services where volumes are low - thus one or two complaints translate into a high percentage.

I found three classification errors, which CEDR have corrected. Table 2 shows the right figures. As this is an improvement on last year (when there were eight errors) I'm not minded to make a formal recommendation - but it would be good to see even fewer errors at my next review.

Of the 1339 claims handled by those schemes or services within the scope of this report, CEDR had 27 complaints - representing 2.0%. This is virtually the same as 2019, when there were 1387 complaints, representing 2.1%.

(b) Qualitative

(i) Timescales (2020 full year)

CEDR maintained 2019's impressive performance on timescales for Stage 1 reviews; however, performance on acknowledgements declined significantly.

⁹ Figures do not balance due to the ISCAS, the RSH and the SRA being complaint review services and not having outcomes as such; and due to one WATRS case being in the pipeline at the time of my review.

CEDR acknowledged 52% of complaints within one working day; 86% within three working days; and 14% took more than three working days (the longest of which was six working days). This is worse than in 2019, when the respective figures were 83%, 93% and 7%. This may be a product of operational difficulties caused by the Coronavirus pandemic, and there was perhaps a case for extending CEDR's internal target of two working days for acknowledgements to three working days during this period. In any event, I know that CEDR are aware of the issue and that they are exploring ways to make improvements. I am nonetheless making a recommendation on this point.

For the second year running, CEDR completed 100% of Stage 1 reviews within 30 working days. The average response time was 16 working days (three days quicker than in 2019), with a range of zero to 30 working days. This is a very good performance, and I'm pleased to see it being maintained consistently.

There was one Stage 2 review (on a CCHBIDRS case), which was completed within 17 working days.

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

I examined the 14 complaints that had been through the process between 1 July and 31 December.

I found three cases that had been misclassified, which I'm satisfied were down to human error and which CEDR have corrected. Otherwise, I'm content that the complaints were recorded accurately.

Aside from one or two very minor typographical errors, in my opinion CEDR dealt with complaints to a good standard. The process was correctly followed, complainants were well handled and replies were comprehensive and clear.

Below I comment on the complaints CEDR received in the second half of the year about each scheme or service.

CCHBIDRS: three complaints.

Two complaints were party in scope, and one was out of scope. The latter concerned what seemed to be a complaint about an aspect of a builder's membership of the Scheme and was clearly not appropriate for review under the process.

There was one complaint of bias towards the builder and of CEDR ignoring some of the customer's representations. The review established that this wasn't the case, and that the issue in question had not been part of the customer's original claim. There was also evidence that the builder had attempted to comply with the decision but that there had been delays on the complainant's side. The complaint was therefore not upheld - which was the right outcome in my opinion.

The third complaint raised a number of issues, some of which related to the customer's disagreement with the adjudication decision so were out of scope. However, there was also a complaint regarding CEDR giving incorrect advice to the customer - although this area was admittedly confusing as it related to a second claim. The customer wasn't satisfied with the Stage 1 review (which did not uphold the complaint) and the matter was escalated. Based on information provided when the complaint was escalated, the Stage 2 review accepted that CEDR gave poor advice on a point of some importance and the customer accepted £120.00 compensation. This case showed the escalation process working well, and I'm satisfied that the complaint was correctly handled.

ISCAS: five complaints.

Two complaints were partly in scope, and three out of scope.

One case was largely about the adjudication itself, but included reference to an incorrectly addressed letter and a complaint about insufficient information regarding the claims process. The Stage 1 review was of a very high standard, and explained why the adjudication element was out of scope. It established that the wrongly addressed letter was an administration error that had been corrected; that the letter in question was generic and contained no personal details; and that action had been taken to avoid a recurrence. CEDR offered £15.00 compensation in relation to this, which the customer accepted. It explained how information about the claims process was available on the Service's website and added that the team had been given refresher training to help ensure claimants were well informed. It went on to ask for specific examples of where information was lacking so that further investigations could be made - but the customer did not respond to this.

One complaint was very lengthy, but amounted to a disagreement with the outcome of the adjudication and went on to accuse CEDR of poor service, harassment, lying and obstruction. It was clear from my own look through the file that there was no substance whatsoever to these accusations. The Stage 1 reply was very good, politely explaining what was out of scope and addressing the customer service issues that were in scope. As regards the latter, CEDR had reviewed the contacts and interactions with the customer and found them to be satisfactory and timely. The complaint was, quite rightly in my view, not upheld.

All three complaints that were out of scope wholly concerned the adjudication itself and I'm satisfied that CEDR responded appropriately. However, I was pleased to see CEDR pick up a point from one customer that the Service's website gave the impression that decisions could be reviewed (which is not the case). As I understand it, the website could have been ambiguous on this point but as a result of this feedback it was amended. I checked it myself and am satisfied that the advice is clear that decisions are final and there is no appeal. The complaints procedure page is also signposted and highlights that both the adjudication and the decision are outwith the complaints process. In any event, CEDR apologised to the customer for any confusion and paid them £30.00 compensation. I was pleased to see CEDR take this proactive approach, and give the customer the benefit of the doubt.

RICS: two complaints.

One complaint was partly in scope. As well as disagreeing with the adjudication decision the customer was unhappy that CEDR did not notify them that their claim was closed. This proved to be due to a technical problem with CEDR's automated system, for which they apologised and awarded £100.00 compensation.

The second complaint was entirely about the adjudication process and was therefore clearly out of scope.

RSH: one complaint

The complaint was in scope as it concerned alleged delays, failure to respond to queries and poor administration. The Stage 1 review was comprehensive and the response was well written. CEDR established that there had been delays in responding to some of the customer's queries, and that this had been followed up with the staff involved. It also found that for the most part the customer's queries had been dealt with, but that some questions had been overlooked. The customer was offered £50.00 compensation, which I'm satisfied was reasonable. However, the customer rejected the offer and went on to make various claims that were somewhat removed from the original complaint. CEDR sent what I consider to be a polite reply restating the offer.

SRA: two complaints.

One complaint was partly in scope and involved a number of complex points, including allegations of administrative failings; disability discrimination; inaccessible documentation; and failure to contact the customer. The Stage 1 review was thorough but I needn't rehearse the detail here. There was evidence of the customer not responding when CEDR called them at a pre arranged time, and the complaints about administrative failings proved to be unfounded.

An overriding factor in this case was that the claim closed in 2019, and the customer's complaint was well outside the timescale allowed to query the outcome. CEDR, rightly, did not uphold the complaint.

The second complaint was similarly complex, but was entirely about the review itself and was therefore out of scope. I am satisfied that this was correct - there were no administration or service matters involved.

WATRS: one complaint

This case was partly in scope, however was in the pipeline at the time of my review.

6. Conclusion

The frequency of complaints about CEDR's service levels in 2020 was low at 2.0%. Whilst there was some fluctuation on individual schemes, in terms of absolute numbers there were two fewer complaints compared to 2019.

Stage 1 timescales were excellent at 100% within 30 working days. Acknowledgment speed was less good at 50% within one working day.

Of those schemes or services that handled > 100 claims and that received complaints, WATRS performed best with 0.9% of claims being the subject of a complaint.

ISCAS had the highest percentage of service complaints (of those that handled > 100 claims) with 5.8% of claims being the subject of a complaint (compared to 2.4% in 2019). However, ISCAS handled only slightly over 100 claims, so just two or three complaints translate into a relatively high percentage movement.

Overall then, from my perspective it's a good bill of health. Complaints volumes remain low and fell slightly compared to 2019; the complaints process appears to be working well; and responses to customers are of a consistently good standard.

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. Recommendations

I have one recommendation.

- (a) That CEDR work to improve acknowledgment speed, so that no complainant waits longer than three working days and most receive an acknowledgement within a maximum of two working days in line with CEDR's internal key performance indicator.

Acknowledgements

I conducted my review remotely and I'm grateful for CEDR facilitating this, and providing technical support. CEDR gave me 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 help 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

26 February 2021