

Communications and Internet Services Adjudication Scheme (CISAS):  
Independent Complaint Reviewer Interim Report  
January - June 2021.

## **1. Introduction**

This is my ninth report on CISAS - which deals with complaints made against communications providers who are members of the Scheme. It covers 1 January to 30 June 2021.

The impact of the Coronavirus pandemic continues. CEDR's (the Centre for Effective Dispute Resolution) office has been closed since late March 2020, with staff working from home. Although they have now had a long period to get used to this way of working, I remain mindful of the ongoing challenges to CISAS' and CEDR's operations.

## **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 review complaints about certain aspects of CISAS' standard of customer service. This happens when a user of the Scheme has complained and, having been through CEDR's complaints procedure, remains dissatisfied with the outcome. I may also make recommendations based on my findings.

Under my terms of reference<sup>1</sup> and the Scheme's rules<sup>2</sup> I can consider complaints relating to CISAS' and/or CEDR's quality of service in respect of alleged administrative errors, delays, staff rudeness or other such service matters. 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. Other than referring to them as appropriate in the context of casework, I cannot comment on the Scheme's rules.

The second aspect of my role is to review complaints about the Scheme as a whole and produce reports every six months. These are based on my examination and analysis of all or some of the service complaints CISAS handles as I see fit, together with any cases that I've reviewed.

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

<sup>2</sup> <https://www.cedr.com/wp-content/uploads/2020/02/CISAS-Rules-October-2019-edition.pdf>

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

The complaints procedure<sup>3</sup> 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 manager will review the complaint. Where this doesn't resolve the matter, the complaint can be referred to me for independent review.

### **4. This Report**

I have examined all of CISAS' service complaints between 1 January and 30 June 2021. Whilst low as a proportion of claims, complaint volumes were high in absolute terms (91, up from 52 in the previous six months) so I looked at some cases in greater detail than others.

At the time of my review, six complaints were in the pipeline for a Stage 1 review; and two were in the pipeline for a Stage 2 review. I had no complaints referred to me for independent review during this period.

### **5. My Findings**

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

Volumes increased significantly - but complaints remain proportionally low.

There was a relatively high error rate in respect of scope classification.

There was a significant increase in complaints about non-compliance with awards by one communication provider.

The Scheme handled 68% more claims than it did in the corresponding period last year. And compared to the whole of 2020, the average monthly volume of claims between 1 January and 30 June 2021 was 50% higher.

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<sup>3</sup> <https://www.cedr.com/wp-content/uploads/2021/04/CEDR-Complaints-Procedure-Apr21.pdf>

Out of 13,778 claims handled by the Scheme in this reporting period CEDR received 91 complaints. This represents approximately 0.7%, which is a 0.1 percentage point increase on 2020 (full year). This continues a consistent low trend.

The absolute number of complaints is, however, noticeably higher than in 2020. In 2020 the average number of complaints per month was 9.5. In the first half of 2021 that average was 15.1. This is an increase of 59%.

Of the 13,778 applications handled during the first half of 2021, 20% (2,760) received a final decision from an adjudicator. The other 80% either fell outside CISAS' scope for investigation, or were settled without progressing to adjudication. This is a slight variation on 2020, when the corresponding percentages were 25% and 75%.

Of the 2,760 adjudicated cases, CISAS found wholly for the complainant in 4.2% (116) of cases; 70.6% (1,948) partly for the complainant; and 25.2% (696) wholly for the communications provider. Within a percentage point or two these ratios remain consistent with 2020 (and previous years).

Overall these figures give a useful context in which to view complaints about CISAS itself. Given the significant increase in claims, the complaints handling performance is in good shape.

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

Table 1: Acceptance/non acceptance of complaints

In Scope	Partly in Scope	Out of Scope	Total
9	26	56	91

I found 14 misclassifications (representing a 17% error rate), which I have drawn to CEDR's attention and which have been corrected. These are record keeping errors only, and do not affect complaint outcomes or users' experience of the Scheme. The table above shows the accurate position.

However, I'm concerned that this situation could affect any internal reporting/analysis that CEDR undertakes or give a false picture if these data were required by an external agency. I have made two previous recommendations on this point but the problem persists.

I have previously suggested to CEDR that the approach they should take to avoid this situation is for the classification to be checked after the Stage 1 response is sent. This will help ensure that the records reflect what the response says. I am again recommending that CEDR adopt this approach.

Table 2 below gives a breakdown by outcome at Stage 1 of the complaints procedure for those cases that were “in scope” and “partly in scope”<sup>4</sup>:

Table 2: Stage 1 outcomes of fully and partly upheld complaints

Upheld	Partly Upheld	Not Upheld	Total
3	13	15	31

I found no classification errors in respect of case outcomes.

Two complaints went to Stage 2, but were in the pipeline at the time of my review. No cases were escalated to Stage 3 during this reporting period.

Tables 1 and 2 show that CEDR accepted 38% of complaints as “in scope” or “partly in scope”; and that 52% of cases were fully or partly upheld. This is a marked reduction compared to 2020 (full year), when the respective proportions were 60% and 73%.

A significant increase in “out of scope” complaints between 1 January and 30 June may explain this change – there were 167% more compared to the previous six months, which affects the overall percentages. The predominant cause was complaints about non-compliance with awards by one communications provider, which accounted for 39% of “out of scope” complaints; the same provider featured in 31% of “partly in scope” complaints.

The complaint to claims ratio of 0.7% doesn’t enable me to identify any trends, and I found no particular themes in respect of CISAS’ handling of complaints.

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<sup>4</sup> Note: four cases were in the pipeline at the time of my review, which accounts for table 2 showing 31 complaints whilst table one shows 35 complaints (i.e. 9 “in scope” and 26 “partly in scope”).

## **(b) Qualitative**

### **(i) Timescales**

Acknowledgement speed improved dramatically compared to 2020 (full year). Whilst within target on average, speed of Stage 1 reviews declined slightly and a number of responses exceeded the 30 working day target.

CEDR acknowledged 91% of complaints within one working day (up from 38% in 2020); 98% within two working days (not measured in 2020); and 99% within three working days (equal to 2020). Nothing took longer than four working days to acknowledge.

CEDR exceeded its 30 working day target for Stage 1 reviews in 10 cases. This equates to 89% within target - which is a six percentage point decline compared to 2020's full year result.

The average response time was 21.3 working days, two days longer than in 2020. The range for this reporting period was three to 56 working days.

CEDR failed to send a Stage 1 response in two "out of scope" cases. These were wholly about award non-compliance, and whilst the issues were resolved I regard this as an oversight in the context of the complaints procedure. I drew the matter to CEDR's attention and the Head of Consumer Services has dealt with it. I therefore do not feel the need to make a recommendation and I do not expect this to happen in future. I'm aware that CEDR have now contacted the two customers concerned to apologise, and have given them a small amount of compensation – which I feel was the right thing to do.

I'm conscious of the increased volumes and the operational challenges CISAS/CEDR are dealing with but I am recommending that they take steps to improve the percentage of complaints reviewed within their 30 working day target.

### **(ii) Casework and Outcomes**

I found 14 classification errors, which I mentioned earlier and which CEDR have corrected.

Most complaints were about non-compliance with an adjudication award or unhappiness with a decision so fell outwith the scope of the procedure.

Non-compliance by one communications provider alone accounted for 33% of CISAS' total complaints.

Otherwise, complaints were about a combination of relatively minor administration matters and a small number of mishandled calls or failed call-backs. There were no complaints about staff rudeness, although there were one or two instances where complainants felt staff attitude could have been a little better (for example, showing more interest or following through on promised action).

I found the majority of CEDR's replies to customers to be of a high standard, and in my view quality has improved since my last review (when it was already good). I found hardly any typographical errors. Most Stage 1 responses had excellent summaries of the complaint, and addressed the issues comprehensively. I was pleased to see that input from an adjudicator was included where clarification about a decision was helpful for the customer. I also noticed a number of instances where CEDR made a point of welcoming and where appropriate acting on customer feedback (for example, making a system development in respect of the settlements process). I commend CEDR for the progress made.

I did however find that in roughly 10% of cases, to a greater or lesser extent, CEDR didn't answer every point the customer had raised. I've given CEDR details of the cases in question and I'm not minded to make a recommendation at this stage; but I would urge them to work further to improve on this.

#### *In Scope – Nine Complaints*

Two "in scope" complaints were in the pipeline. Of the remaining seven, three were upheld in full; two were partly upheld; and two were not upheld.

One fully upheld case involved mishandled customer calls. CEDR freely admitted to their failings and offered £90.00 compensation, which was proportionate in my view. The customer responded in what I considered to be hostile terms, but to their credit CEDR took the time to explain fully the various issues. This was a well-handled complaint in my view.

The second fully upheld complaint was a combination of an administration error and a poorly handed call. A promise made to the customer was not actioned, and CEDR did not handle their subsequent attempt to complain about the situation well. The Stage 1 review substantiated the complaint and CEDR offered the customer £75.00 compensation, which I felt was fair. I was also pleased to see that CEDR put in place some additional training for the team as a result of this case; and they added an extra step in the settlement process to help address the root cause of the initial problem.

The third fully upheld case was something of a smorgasbord, involving a great deal of confusion about the status of a claim; misspelling of the customer's name; submission of evidence; some odd messages on the on-line portal; lack of clarity regarding the complaints procedure; and the customer being unable to easily amend the complaint form as they filled it in. The Stage 1 review established that the customer hadn't supplied sufficient evidence to support their claim, but also that CEDR could have done better in terms of advice. The fact that the customer put the wrong communication provider on the claim form further exacerbated matters. Once this was discovered CEDR fast tracked the corrected claim. The customer did not feel that the Stage 1 response quite answered all the points they had raised (I agree) but CEDR quickly addressed these fully and offered £55.00 compensation, which the customer accepted.

Two "in scope" complaints were upheld in part. The first boiled down to the customer misunderstanding part of the claims process, but at the same time CISAS failed to respond to various messages left of the on-line portal. The Stage 1 review gave a good explanation on the process, but recognised fully that the customer's messages had gone unanswered due to an oversight. CEDR apologised accordingly and offered £75.00 compensation, which I felt was reasonable.

The second partly upheld complaint was a straightforward case of CEDR acknowledging that they had given the customer possibly ambiguous advice in respect of a claim, and offering £20.00 compensation.

I'm satisfied that CEDR were correct in not upholding the remaining two "in scope" complaints. In the first, the customer complained that a deadline had been missed by one day but CEDR demonstrated that this was not the case. The second was a clear case of customer error, where the customer didn't supply sufficient information for the claim to proceed.

### *Partly In Scope – 26 Complaints*

Two "partly in scope" complaints were in the pipeline at the time of my review; of the remainder, CEDR partly upheld 11 and did not uphold 13.

I will not précis every case, but I did examine them all and am satisfied that the outcomes were correct.

Nine cases featured non-compliance with an award – eight of which involved the same communications provider.

In the main, CEDR partly upheld 11 complaints due to minor administrative errors such as not uploading certain information to the on-line portal or not updating a record in a timely fashion.

There were some complaints about delays in updating customers; customers feeling that CISAS could have better handled their enquiries; or failed call-backs. These were, however, relatively few and far between. I found no “stand out” cases worthy of particular mention.

The 13 complaints that were not upheld were investigated properly by CEDR and for the most part customers were given full explanations for the outcome. Typically, these involved cases where CEDR had evidence that the complaints could not be substantiated. Responses were largely helpful and explanatory in my view – although in a handful of cases I felt that CEDR did not answer every single point that the customer had raised.

### *Out of Scope – 56 Complaints*

Two “out of scope” complaints were in the pipeline at the time of my review.

Of the remaining 54, non-compliance with an award accounted for 33 cases – of which 31 related to the one communications provider.

Non-compliance complaints are outside the scope of CEDR’s complaints procedure, but I was pleased to see that they followed each case up and responded to customers with an update or resolution.

Otherwise, I’m content that all the “out of scope” complaints were wholly about decisions reached on claims and/or about aspects of the adjudication process or the rules of the Scheme. In their replies, CEDR explained the situation clearly and politely to customers – although I again felt that once or twice CEDR did not answer every point raised by the complainant.

I found one case where the Stage 1 response ignored some substantive points the customer had made. I’m giving leeway on this, as it was just one case and the core complaint was about the decision. Also, the case dated back to February and there was no further contact from the customer. But I urge CEDR to ensure that they always answer all points.

CEDR made small compensation payments on three “out of scope” complaints. Two of these were on the cases I mentioned earlier where CEDR failed to send a Stage 1 response. The third was where the customer was given incorrect advice about a non-compliance case. Without going into detail, whilst the case was clearly “out of scope” I was pleased to see CEDR do the right thing.



## **6. General Observations**

I have three general observations.

- (a) Non-compliance with awards clearly remained an issue during the period covered by this review. Whilst appreciating the impact of the Coronavirus pandemic I fail to see why one provider alone continued to struggle with this – to the extent of featuring in 33% of CISAS' complaints (up from 20% in 2020). In some cases I noticed that CEDR were apologising for the failings of the provider – which I find a sorry state of affairs.

I have discussed this matter with the Head of Consumer Services, and I understand that situation is now vastly improved. CEDR have worked closely with the provider in question and with OFCOM (the Office of Communications) and this, in combination with an intervention from OFCOM, has largely resolved the issue. The cases I identified in my review were a legacy from before this point, and I am assured that there should be far fewer non-compliance complaints in future. I will monitor the position at my next review.

- (b) I found CEDR's Stage 1 replies to be of a very good standard, with excellent summaries, a high level of accuracy and input from an adjudicator where appropriate. I also found evidence of a customer centric approach in terms of extending deadlines where warranted; and of welcoming customer feedback. I commend CEDR on the progress they've made in this area.
- (c) About 10% of replies didn't answer all the points raised by a complainant. The omissions were for the most part minor and do not at this point warrant a formal recommendation. I urge CEDR to continue to pay attention to this area, and I understand that more work is already underway in this regard.

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

I made two recommendations in my last report. These are shown below (in italics), followed by a comment.

- (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.*

CEDR appear not to have solved this problem, and I've made a further recommendation.

*(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.*

CISAS have achieved a very good improvement on this metric: 99% of cases were acknowledged within three working days; only one case took longer (and that was just four working days).

## **(8) Conclusion**

The frequency of complaints about CISAS' service levels remains very low at 0.7% despite a significant volume increase (in claims and complaints).

Non-compliance with awards by one communication provider is a major source of complaints.

Classification errors remain an internal issue for CEDR, but these do not affect complaint outcomes – which I found to be fair and reasonable.

Speed of acknowledgment improved significantly; speed of Stage 1 response declined slightly on average with more replies taking over 30 working days.

Stage 1 responses are largely of a high standard, although CEDR should in my view focus on eliminating the 10% of replies that didn't answer every single substantive point made by a complainant.

Save for non-compliance, I found no particular complaint themes from the cases I examined.

## **(9) Recommendations**

I have two recommendations.

**(a)** That CEDR redouble their efforts to improve the accuracy of complaint classification so that, in turn, internal data are accurate. As well as correctly classifying complaints at the point of entry on the system, CEDR should in my view double check the system entry against the Stage 1 reply and ensure both are consistent with each other.

- (b) That CEDR take steps to improve the percentage of Stage 1 reviews completed within their 30 working day target, so that customers do not experience undue delays.

### **Acknowledgements**

I conducted my review remotely, but had open and unrestricted access to the systems and records that I needed. I am very grateful to CEDR for facilitating this - and I had carte blanche in respect of conducting this audit as I saw fit.

I also had the usual high level of assistance with any queries that came up as I conducted my review. I appreciate in particular the responses from the Head of Consumer Services and the Complaints Manager to the enquiries that I made as I examined the casework.

A handwritten signature in black ink, appearing to read 'CA Holland'.

Chris Holland

Independent Complaint Reviewer

23 July 2021