

Centre for Effective Dispute Resolution (CEDR)  
Independent Complaint Reviewer Interim Report:  
January – June 2021.

## **1. Introduction**

This is my ninth report for CEDR. It covers schemes and services operated by CEDR apart from the Communications and Internet Services Adjudication Scheme (CISAS); the Postal Redress Scheme (POSTRS); and the Aviation Adjudication Scheme (all of which I review in separate reports). This is my interim report for the period 1 January to 30 June 2021.

The impact of the Coronavirus pandemic continues. CEDR's office has been effectively 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 presented to 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 cases where a user of a scheme or service has complained to CEDR and, having been through the complaints procedure, remains dissatisfied with the outcome.

Under my terms of reference<sup>1</sup> I can only review complaints relating to 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 rules covering CEDR's schemes or services.

I cannot consider the merits or otherwise of decisions made by adjudicators; nor can I investigate or comment on the substance or outcomes of applications made by claimants. Where appropriate, I may make recommendations based on my findings.

The second aspect of my role is to review the complaints CEDR receives about its schemes and services as a whole and produce reports accordingly. These are based on findings from my reviews of individual complaints; and my examination and analysis of all or some of the service complaints handled by CEDR as I see fit.

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<sup>1</sup> <https://www.cedr.com/wp-content/uploads/2021/08/IR-Terms-of-Reference-v2.0.pdf>

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

The complaints procedure<sup>2</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 staff member will review the complaint. Where this does not resolve the matter, the complaint can be referred to me for independent review.

### **4. This Report**

I examined all complaints received by CEDR (except those covered in my separate reports) between 1 January and 30 June 2021. Excluded are those schemes or services about which CEDR received no complaints.

Two complaints were referred to me for review during this reporting period. One was about the Consumer Code for Home Builders Independent Dispute Resolution Scheme (CCHBIDRS); and one was about the Solicitor's Regulation Authority. I comment on both in my findings (section 5).

### **5. My Findings**

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

Table 1 overleaf shows a breakdown of the volumes of claims and outcomes in respect of those schemes or services about which complaints were received.

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<sup>2</sup> <https://www.cedr.com/wp-content/uploads/2021/04/CEDR-Complaints-Procedure-Apr21.pdf>

Table 1

Scheme	Claims Received	Claims Adjudicated	Found (or settled) For Claimant	Partly Found for Claimant	Found For Respondent
Build-Zone	2	1	0	0	1 (withdrawn claim)
Consumer Code for Home Builders Independent Dispute Resolution Scheme (CCHBIDRS)	149	123	42	28	53
Independent Healthcare Sector Complaints Adjudication Service (ISCAS) <sup>4</sup>	47	41	32	n/a	9
Royal Institution of Chartered Surveyors (RICS)	218	110	17	33	60
Solicitors Regulatory Authority (SRA) <sup>6</sup>	35	31	n/a	n/a	n/a
Water & Sewerage Services <sup>7</sup> (WATRS)	221	156	52		104
<b>Totals</b>	<b>672</b>	<b>462</b>	<b>204</b>		<b>227</b>

The ratio of claims adjudicated to claims received was 69%, down slightly from 74% in 2020 (full year). The remaining 31% were either outside CEDR's scope for investigation or were settled without the need to go to an adjudicator.

<sup>4</sup> ISCAS outcomes are in the form of goodwill payments. For the purposes of table 1, goodwill payments made are shown as "found for the claimant". Decisions where no goodwill payment was made are shown as "found for the respondent".

<sup>6</sup> The SRA is a complaints review service, so does not have adjudication outcomes. Claims received include enquiries about use of the service.

<sup>7</sup> 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.

On claims that went to adjudication, CEDR found wholly or partly for the claimant in 44% of cases, compared to 55% in 2020 (full year).

The purpose of including this analysis is to give an overview of those schemes and services that gave rise to complaints, and thus the context within which those complaints should be viewed.

Information about each of CEDR's schemes or services is available on the website: <https://www.cedr.com/consumer/>

Table 2 below shows the total claims for each scheme or service that received complaints; the number and percentage of service complaints; the number of those complaints that were in scope, partly in scope and out of scope; and the outcomes of the in scope and partly in scope complaints.

Table 2

Scheme	Total Claims	Service Complaints	%age	In Scope	Partly in scope	Out of scope	Upheld in full	Partly upheld	Not upheld
Build-Zone	2	1	50.0	0	0	1	0	0	0
CCHBIDRS	149	4	2.7	0	3	1	0	2	1
ISCAS	47	3	6.4	1	0	2	1	0	0
RICS	218	5	2.3	0	2	3	0	2	0
SRA	35	4	11.4	0	1	3	0	1	0
WATRS	221	8	3.6	0	5	3	0	1	4
<b>Totals</b>	<b>672</b>	<b>25</b>	<b>3.7</b>	<b>1</b>	<b>11</b>	<b>13</b>	<b>1</b>	<b>6</b>	<b>5</b>

Allowance should be made for those schemes or services (particularly Build-Zone) with low volumes of claims, where a small number of complaints appear as a relatively high percentage.

I found five complaints where CEDR classified the scope incorrectly (the above table shows the accurate position). This compares to only three errors in the whole of 2020, and represents an error rate of 20% (albeit on a small sample). Whilst this is a matter of internal record keeping only, and there is no customer impact, I am recommending that CEDR make efforts to eliminate such errors.

There is evidence of a significant increase in complaints - CEDR received only two fewer between 1 January and 30 June 2021 than they did for the whole of 2020. There is also an increase in complaints as a proportion of claims – from 2.0% in 2020 (full year) to 3.7% in the first six months of 2021 (which, incidentally, is the highest percentage since 2017).

There is no obvious reason that I can see for this – aside perhaps from a general sense that customers seem fairly quick off the mark to complain, and seem in some instances to be robust in their approach.

If anything, the increase could simply mean that better use is being made of CEDR's complaints process – which isn't necessarily a bad thing in my opinion.

Despite the increase the absolute numbers are still not that high in my view, so it is too soon to draw any conclusions. I'll monitor the situation in my full year report to see if it looks like the start of a trend.

## **(b) Qualitative**

### **(i) Timescales**

CEDR responded to 92% of complaints within its 30 working day target (down from 100% in 2020). Two complaints took longer, at 33 and 42 working days. The average response time was 20 working days (four days longer than in 2020), with a range of three to 42 working days.

Two cases were escalated to Stage 3. In both cases the preceding Stage 2 responses were sent within CEDR's 30 working day target at 28 and 22 working days, as were the Stage 3 responses at 13 and 20 working days.

CEDR acknowledged 80% of complaints within one working day; 92% within two working days; 96% within three working days; and 4% (one case) took six working days. This is a much better performance compared to 2020, when only 52% of complaints were acknowledged within one working day, and 14% went over three working days.

Given the higher volumes and the continued disruption caused by the Coronavirus pandemic, CEDR have done well on these metrics in my opinion.

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

### Build-Zone: one complaint

The issue here was that the adjudicator had, in accordance with the Scheme's rules, declined to accept the claim – which is a matter that falls outwith CEDR's complaints procedure.

Before the customer made a formal complaint there was an exchange of emails during which, in my view, CEDR's Head of Consumer Services gave a very helpful explanation of the situation and confirmed that the adjudicator had seen all the customer's comments in respect of the claim. CEDR's Principal Adjudicator had also supported the original adjudicator's decision.

Nonetheless the customer submitted a complaint, and mistakenly assumed that it would be immediately referred to Stage 3 of CEDR's process. The matter was correctly reviewed at Stage 1, and in my view CEDR sent a very good response explaining why the matter was out of scope and as such could not be escalated.

It would be inappropriate to give any further details here as to do so might risk breaching confidentiality; but I'm satisfied that CEDR's decision was right and that their response was of a good quality (even though the customer didn't like the outcome).

### CCHBIDRS: four complaints

Three complaints were partly in scope and one was out of scope.

The first complaint was partly upheld but was escalated to Stage 3. I comment on it later in this section.

The second was about the outcome of a claim, but also about CEDR's failure to comply with its own timescale for issuing the final decision. In the run up to the complaint, at the point where the customer had indicated that he was rejecting the decision he'd also asked a number of questions which CEDR appeared to ignore completely in their response. When the customer asked specifically about the delay CEDR told him this sometimes happened, particularly at busy holiday times (the delay occurred around Christmas 2020).

The customer complained, and the Stage 1 response was well written – acknowledging and apologising for the delay (hence partly upholding the complaint). It also mentioned that CEDR had a message on its website explaining that due to the pandemic there might be some delays in case resolution. However, it repeated the earlier answer and said that CEDR did not consider the delay unreasonable.

I was in two minds about this case. I think CEDR might have avoided or at least mitigated the complaint if the customer's earlier questions had been answered; and to my mind it's not quite good enough to say that there are delays at busy times.

On the other hand, the Scheme's website showed a generic message advising that some timescales might be delayed, and by my reckoning the delay in this case was only three working days with no evidence of any detriment to the customer. On balance though, I would have preferred to see CEDR make a small goodwill gesture. I have seen them do this proactively in other cases where there's been a delay; and after all they did miss their own timescale.

The third partly in scope complaint was lengthy and mostly about the decision, but there were a few administration elements. With the exception of one point that CEDR's Stage 1 response failed to address, these were answered satisfactorily with sufficient explanation of why the complaint could not be upheld.

One case was correctly deemed out of scope as it was entirely about the adjudication process. The Stage 1 reply provided a very good explanation in my view, but I was a bit confused by the inclusion of some detail in respect of key dates and timescales when I couldn't see that any complaint had been made about such matters.

### ISCAS: three complaints

One complaint was in scope, and two out of scope.

The in scope complaint was from a healthcare provider, and did not concern a customer – rather it touched on the nature of various contacts between CEDR and the organisation in question that it is both unnecessary and inappropriate to discuss here. Suffice to say CEDR upheld the complaint, and provided what I consider to be a very good response and explanation.

One of the out of scope complaints was also from a provider, and was quite complex – but it was wholly about an adjudication outcome and, seemingly, a misunderstanding about the nature of the Service. It will serve no purpose to go into detail here, other than to say that there was no impact on the customer (that is the patient of the healthcare provider). I was impressed with the Stage 1 response which, whilst being clear that the matter fell outside the scope of the complaints procedure, made a point of dealing with all the issues raised in a professional manner.

The other out of scope complaint was from a customer, but was entirely about the handling of the claim and the outcome. The Stage 1 response was short and sweet, but accurate and courteous in terms of explaining the position. There followed an email exchange where the customer sought escalation, which CEDR rightly refused given that the complaint was out of scope.

The Head of Consumer Services became involved and reinforced the explanation – and I was very pleased to see him offer a genuine invitation to complain about his own level of service if the customer felt there had been a failing. There was no further contact.

### RICS: five complaints

Two complaints were partly in scope; three were out of scope.

The first partly in scope complaint was from a member company, and embraced complaints about the Scheme's rules and their procedural application. As such, in my view CEDR were right to treat the complaint as partly in scope. The complaint wasn't straightforward, but I was impressed with the Stage 1 response – which in essence explained how a procedural oversight had led to issues in respect of acceptance or otherwise of certain claims. It is not necessary to enter into further detail here. CEDR partly upheld the complaint and took appropriate remedial action. The complainant remained unhappy about certain matters, but recognised that these were outside of CEDR's ambit and went to the trouble of thanking the Head of Consumer Services for his "careful and prompt attention." This was a well-handled complaint in my opinion.

The second partly in scope complaint was also from a member company. The issues raised are far too complex to summarise here and I'm not sure that the complaint process was the right mechanism to handle them. However, I give CEDR credit for taking a pragmatic and holistic approach in reviewing the matter at a senior level. In the end they partly upheld the complaint and reached what I consider to be a fair outcome with the member company, which had no impact on the customer's claim.

The three out of scope complaints were unremarkable, and were all exclusively about customers' disagreements with the outcome of their claims. In one case, there was no evidence that the complainant had even engaged the surveyor about whom they were complaining. All three cases received good quality Stage 1 responses in which CEDR explained the scope of the process and why the complaint did not meet the eligibility criteria.



### SRA: four complaints

The SRA is a complaint review service rather than an adjudication or alternative dispute resolution scheme, so it examines complaints made in relation to the SRA rather than issuing decisions per se.

All four complaints contained the common features of complexity, passionate submissions from customers and multiple issues.

One complaint was partly in scope, but went to Stage 3 so I comment on it later in this section.

The remaining three complaints were correctly judged by CEDR to be out of scope.

One case contained a huge amount of detail, with numerous individual complaints – some of which were difficult to understand. The underlying issue seemed to be an allegation of bias towards the SRA. (The review that CEDR completed before the matter became the subject of a complaint was, by the way, of excellent quality in my opinion.) CEDR's Stage 1 response covered the ground as far as was possible, but essentially all the points of complaint were about the outcome of the earlier review and therefore outside the scope of the complaints process. The customer responded with various Subject Access Requests and more emails. CEDR responded to the former, but declined to enter into further correspondence in respect of the latter – a stance I fully support. My reading of this complaint is that it was borderline vexatious, and CEDR handled it correctly.

The second case raised many issues, and was in parts hard to follow – touching on, inter alia, adjudicator's qualifications, conflicts of interests and experience of human rights. There were however some important complaints in respect of CEDR's approach to Reasonable Adjustments, diversity and disability awareness, and information on CEDR's website. I was very pleased to see that, despite the somewhat hostile tone of the customer's communication, the Stage 1 response gave a comprehensive and I felt helpful response to every point raised (including a commitment to disability awareness refresher training). The customer expressed unhappiness with the response, but the nature of their remarks did not warrant further comment from CEDR.

The final case was entirely about the findings of a review into a complaint about the SRA, which the complainant felt were inconsistent with other comments in the report. This boiled down to a disagreement with the outcome, and CEDR's Stage 1 response rightly explained that it therefore fell outwith the scope of the complaints process.

## WATRS: eight complaints

Five cases were partly in scope (although CEDR had misclassified three of these originally) and three were out of scope.

I felt that some of the Stage 1 replies were not as clear as they could have been regarding where a complaint fell in terms of scope. For example, in one case that CEDR originally classified as in scope (but was actually partly in scope) the Stage 1 response concluded by telling the customer that their complaint “falls completely outside the scope of our complaint procedure.” I found this confusing. I’m stopping short of making a recommendation on this point for the time being as it’s not a widespread issue, but I urge CEDR to ensure that WATRS Stage 1 replies are unambiguous in respect of telling customers whether their complaints are in scope, partly in scope or out of scope. I’ll monitor this at my next review.

By way of constructive observation, I noted that in one or two cases CEDR did not answer all of the points raised by customers. Some omissions were only minor, but I do think it’s important to respond to every point – even if briefly. I’m making a recommendation accordingly.

As well as disagreeing with the outcome of the claim on somewhat curious grounds, one partly in scope case raised a number of administration and service issues such as problems with the website; the on-line chat facility being unhelpful; problems with a call centre based in the Middle East (which, incidentally, was nothing to do with CEDR); and lack of replies to messages. CEDR partly upheld the complaint. The response was of a good quality and they offered the customer £40.00 compensation for what were some minor service failings. This was a fair and proportionate outcome in my view.

One case was mostly about the decision, but also raised points about on-line access, problems submitting files and the customer feeling rushed by the process. The customer was reluctant to complete a complaint form and was quite hostile in tone. I was, however, pleased to see CEDR take an accommodating approach and the Stage 1 response was comprehensive and correctly did not uphold the complaint.

The third partly in scope case was again mostly about the adjudication, but there was also a complaint about a lack of reply to queries the customer had raised with the adjudicator. After some persistence from the customer, CEDR’s response was that the adjudicator had decided that it was not in his best interest to respond to the queries. (As an aside, I found this a very unhelpful response and certainly not one that served the customer’s interests.)

The customer went on to complain formally. CEDR originally classified the case as out of scope, and the Stage 1 response reflected this but did not deal with the points about the unanswered emails. This may have been because the customer did receive automated replies acknowledging their emails, but the customer's complaint was about a lack of substantive answers.

In my view, even if it was not appropriate for the adjudicator to respond, someone should have told the customer that and given a better reason than it not being in the adjudicator's best interest to do so; and the Stage 1 response ought to have at least covered this aspect of the complaint.

The fourth complaint was about a water company's apparent non-compliance with a decision but included elements of poor service from WATRS (for example, problems accessing the on-line system and lack of response to a query). CEDR did not uphold the complaint, but dealt with the issues well – inter alia explaining that there were a few teething problems with a newly introduced system and apologising for the problems. They also followed up and resolved the compliance issue. Arguably this complaint could have been partly upheld and a small goodwill payment made – but in the event the customer responded with gratitude and acknowledged that there had been a misunderstanding over the compliance issue, so CEDR probably got it right.

The final partly in scope complaint again included difficulties accessing the on-line portal and a lack of response to messages left for the adjudicator. CEDR's Stage 1 reply dealt satisfactorily with the on-line portal issue (and in fact established that the customer had been sent new log in details and instructions a number of times); and it confirmed that all the customer's evidence had been uploaded to the case file. However, I could not see that it dealt with the failure to respond to the customer's messages.

None of the three out of scope complaints were noteworthy, and were all clear cut cases of the customers not liking the outcome of their claims – and therefore challenging the adjudication process in some shape or form. CEDR's Stage 1 replies were of a good standard in my opinion – succinct, but courteous and explanatory – and none of the customers took things further.

## **(ii) Stage 3 Reviews**

I reviewed two cases during this reporting period.

The first was about CCHBIDRS. The bulk of the complaint related to the outcome of a claim and aspects of the adjudication itself – thus fell outwith both CEDR’s complaints procedure and my remit. CEDR identified a minor administrative error at Stage 1, and offered £20.00 compensation; this was increased to £40.00 when a further error was discovered at Stage 2.

I found that CEDR’s Stage 1 and 2 reviews reached reasonable conclusions overall, but that they hadn’t addressed all the points the customer had raised – particularly one about the handling of a telephone call. I reviewed the call myself, and found very little to substantiate the complaint – other than on one very minor point where, perhaps, clearer advice could have been given to the customer.

I partly upheld the complaint, and increased the compensation to £90.00 to take account of the matters that CEDR missed at Stages 1 and 2.

The second case was a complex one, raising multiple issues about CEDR’s SRA Complaint Review Service. The customer was unhappy with both the outcome of the complaint and the process – which they felt had prevented them from raising some outstanding issues. Whilst I could appreciate why the customer was frustrated I found that CEDR had followed the process correctly and their Stage 1 and 2 reviews had explained the position properly. Those reviews did, however, identify some administrative errors resulting in a compensation offer of £100.00.

I found some oversights at Stages 1 and 2 (for example, not escalating the complaint quickly enough; and not dealing with every point the customer raised) and I recommended CEDR increase the compensation to £275.00. I also made some general recommendations in respect of making aspects of the SRA Complaint Review Service clearer on the website; and providing feedback to the SRA about parts of the complaint that related specifically to them.

## **6. Conclusion**

Compared to 2020 (full year) complaint volumes have increased in absolute and proportional terms. The average number of complaints per month in 2020 was 2.25; in the first half of 2021 the equivalent figure was 4.16. The proportion of complaints to claims in 2020 was 2.0%; the equivalent figure in the first half of 2021 was 3.7%.

I could see no obvious reason for the increase, and nothing emerged that gave me any cause for concern about CEDR itself – so it could be down to a change in customer awareness and/or behaviour. Despite the increase the numbers aren't that high, so I'll monitor at my next review.

Timescale performance was pretty good overall, with a much improved result on speed of acknowledgment.

I found replies to customers to be of a generally good standard, and I came across only one very minor typographical error in all the cases I examined.

I found five classification errors, and am recommending that CEDR make efforts to improve this.

I also felt that in some cases, particularly with WATRS, CEDR did not answer every point raised by the customer and I'm making a recommendation accordingly.

Otherwise, against what remains a challenging backdrop, CEDR have in my view maintained a good complaints handling performance - especially in what are some complex sectors.

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

I made one recommendation in my last report, which is shown in italics below followed by an update.

*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.*

There has been a major improvement in the first half of 2021. CEDR acknowledged 80% of complaints within one working day (up from 55%) and 96% with three working days (up from 86%). Only one acknowledgement took over three working days.

## **8. Recommendations**

- (a) That CEDR make efforts to improve the accuracy of complaint classification so that, in turn, internal data are accurate.
- (b) With particular reference to WATRS, that CEDR ensure that all points raised by complainants are addressed at Stage 1 so that customers receive comprehensive responses.

## **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.

Chris Holland

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

Independent Complaint Reviewer

15 September 2021