

Communications and Internet Services Adjudication Scheme (CISAS): Independent Complaint Reviewer Report for 2021.

1. Introduction

This is my tenth report on CISAS - which deals with complaints made about communications providers who are members of the Scheme. Together with my interim report¹ of 23 July it covers the full 2021 calendar year.

2. My Role

I am an independent consultant. I am not based at CEDR, nor am I part of that organisation. There are two aspects to my role.

Firstly, I can consider individual complaints about certain aspects of CISAS' quality of service. Under my terms of reference² and the Scheme's rules³ I am only able to consider points concerning CISAS' or CEDR's performance in respect of alleged administrative errors, delays, staff rudeness or other such service matters. Other than referring to them where appropriate, I cannot comment on the content or validity of the Scheme's rules.

I can review cases where a user of the Scheme has complained to CISAS or CEDR and, having been through the complaints procedure, remains dissatisfied with the outcome. I cannot consider the merits or otherwise of decisions made by CEDR's adjudicators; nor can I investigate or review 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 two reports a year. 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 and the two internal review stages that take place before, if necessary, a complaint is referred to me.

¹ <https://www.cedr.com/wp-content/uploads/2021/07/CISAS-interim-Jan-June-2021-Final.pdf>

² <https://www.cedr.com/wp-content/uploads/2021/10/IR-Terms-of-Reference-v2.5.pdf>

³ <https://www.cedr.com/wp-content/uploads/2021/10/CISAS-Rules-Oct-21.pdf>

⁴ <https://www.cedr.com/wp-content/uploads/2021/10/CEDR-Complaints-Procedure-oct-21.pdf>

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 the second stage where a senior manager will review the complaint. If this doesn't resolve the matter, it 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 2021. 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.

5. My Findings

(a) Quantitative

Complaint volumes were up, but are still a low proportion of total claims handled.

Average acknowledgement and Stage 1 response times were within target. CEDR improved the former significantly; and there were just a handful of outliers in respect of the latter (mostly in the first half of the year).

There remains a relatively high error rate in terms of scope classification.

CISAS received 145 service complaints this year – 31 more than in 2020. This represents a 27% year on year increase, which is the same growth rate as last year.

Total claims in 2021 were up by 9.5%, from 18,297 to 20,044.

Complaints represented 0.7% of total claims, which is 0.1 of a percentage point higher than 2020.

Of the 20,044 applications, 26% (5216) received a final decision from an adjudicator. The remaining 74% were either outside the scope for investigation by CISAS, or were settled without the need to progress to adjudication. This has hardly changed from 2020, when the respective percentages were 25% and 75%.

Of the 5216 adjudicated cases, CISAS found wholly for the complainant in 3.6% (188) of cases; 68.8% (3591) partly for the complainant; and 27.6% (1437) wholly for the communications provider. This is broadly in line with 2020, although there was a 1.7 percentage point decrease in claims found wholly for the communications provider.

I include these data for context only. However, as has been the case for some time, the fact that CISAS is receiving more applications year on year whilst maintaining a low percentage of service complaints is in my opinion evidence of a consistently strong 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
13	51	81	145

I found 24 classification errors – 14 in the first half of the year, and 10 in the second. CEDR have corrected these and table 1 above shows the right figures.

This is an annual error rate of 17%, which is three percentage points worse than 2020. The second six months of 2021 showed no improvement on the first six months.

These are record-keeping matters only; they have no bearing on the processing or outcomes of complaints. This should however be an issue of concern to CEDR as, aside from basic good housekeeping, it could affect CEDR’s internal reporting and analysis; and/or risk giving an inaccurate picture if an external agency required these data.

I have made a number of recommendations on this issue, but it persists. I do not know what the answer is; that lies within CEDR’s gift. But I am, again, making a recommendation on the matter.

Table 2 overleaf gives a breakdown by outcome at Stage 1 for those cases that were fully or partly in scope. One case was in the pipeline awaiting an outcome at the time of my review.

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

Upheld	Partly Upheld	Not Upheld	Total
5	21	37	63

I found no classification errors in respect of case outcomes.

Table 1 shows that CEDR accepted 44% of complaints as fully or partly in scope. This is slightly up on 2020's rate of 38%. Table 2 shows that 41% of those complaints were fully or partly upheld, which is down on 2020's figure of 52%. In other words, more cases are falling within scope to some extent, but fewer are being upheld.

Over the full year, six cases were escalated beyond Stage 1. The Stage 2 outcomes are shown in table 3 below. One case went to Stage 3, which I did not uphold (see (b) (iii)).

Table 3: Outcomes of Stage 2 reviews

Upheld at Stage 2	Partly Upheld at Stage 2	Not Upheld at Stage 2	Total
1	3	2	6

With a ratio of complaints to claims of less than 1%, I'm unable to identify any trends or themes. However, this low proportion of complaints (0.7%) is the same as it was in 2016 – which in my view is a noteworthy accomplishment against a backdrop of a 643% increase in claims over the same period.

(b) Qualitative

(i) Timescales (2021 full year)

Compared to 2020 CEDR did significantly better on acknowledgement speed, which on the one working day metric improved by 49 percentage points. Stage 1 response times declined by an average of two working days, but were within target.

CEDR acknowledged 87% of CISAS complaints within one working day (up from 38% in 2020); 96% within two working days (not measured in 2020); and 99% within three working days (equal to 2020). No cases took longer than four working days to acknowledge.

CEDR completed 90% of Stage 1 reviews within 30 working days, compared to 95% in 2020. (It's worth noting however that in the second half of the year only five cases exceeded the timescale, four of which by one day only.) The average response time for 2021 was 21.5 working days – two days longer than the previous year. The range for the full year was two to 56 working days.

CEDR completed all six Stage 2 reviews within their 30 working day target, with an average of 26 working days and a range of 19 to 30 working days.

The one Stage 3 review was completed within 17 working days.

(ii) Casework and Outcomes (1 July to 31 December 2021)

I examined 53 CISAS complaints received between 1 July and 31 December 2021.

Complaints were about a mixture of quality of service issues, but I noticed a few themes. The first was that a number of customers complained about messages going unanswered or calls not being returned.

The second was about staff attitude or rudeness. This is the first time that this has arisen to any noticeable extent. CEDR's reviews of these cases did not always lead to the complaints being upheld, and it's fair to say that some customers were themselves far from courteous in their tone. That said, it is of concern that some customers perceived a less than helpful attitude from CEDR staff, including on some manager call backs.

I will monitor both the above issues at my next review.

A third theme was that there was a perception in some claimants' minds that CISAS was biased towards communications providers. This mostly concerned adjudications, which falls outwith my remit. However, I found no evidence whatsoever to give credence to this in respect of CISAS' administration and processing of claims.

The final noticeable theme (which isn't about CEDR's own quality of service) was in respect of communications providers' non-compliance with adjudication decisions or settlement agreements. I comment on this in section 6.

CEDR's Stage 1 and 2 reviews were in my view well written, and led to the right outcomes. Responses contained uniformly excellent summaries, and mostly covered all points raised by the customer. I did however feel that some Stage 1 replies could have gone into more detail; and three of the four cases that went to Stage 2 could, perhaps, have been avoided had the Stage 1 review been more thorough. I've made a recommendation on this point.

I noticed nine mostly minor typographical errors across the replies I looked at – four of which occurred in a single Stage 2 reply (so perhaps there's a case for stepping up proof reading at that stage?).

And in one case a statement from an adjudicator that was included in a Stage 1 reply contained two errors. I am always concerned when this happens – it comes across as carelessness in what should be a highly professional response. I also believe that there is an onus on the signatory of the Stage 1 response to check for errors. I am therefore recommending that CEDR take steps to improve the proof reading of adjudicators' contributions to responses to complaints.

CEDR offered compensation in 12 cases, ranging from £10.00 - £200.00. In my opinion all the offers were fair and proportionate.

In scope – three complaints

The first complaint was about staff rudeness, and CEDR upheld it in full after reviewing the call in question. The customer rejected the £15.00 compensation that CEDR offered and went on to pursue a Subject Access Request that, as far as I could see, came to nothing. CEDR's Stage 1 response was good, and the compensation offer was reasonable enough in my view.

The second case also concerned staff rudeness and poor attitude, as well as complaints about the ease of access to CEDR's complaints procedure and lack of advice. At Stage 1 CEDR reviewed two calls and concluded that, whilst they could have been better handled, they were not too bad; and that some of the customer's remarks on the calls were unacceptable. The complaint was not therefore upheld, but after escalation to Stage 2 it was upheld in full. (I cover this in point (iii) of this section.)

The third complaint was not upheld. It was to do with non-compliance but the customer said that CISAS had made administrative errors. In the event, this was established not to be the case – but I was pleased to see that CEDR cleared up a loose end on one element of the compliance package.

Partly in scope – 25 complaints

Non-compliance featured in 32% of partly in scope complaints.

CEDR partly upheld eight complaints. I will not précis them all individually, but will comment on those that I found noteworthy.

One case concerned a failure to keep a promise of a £20.00 goodwill payment. The Stage 1 reply apologised and upped the payment to £30.00 but I would have liked to have also seen an explanation for the oversight.

Six Stage 1 reviews correctly identified administrative failings and/or poor call handling, and offered between £10.00 and £30.00 compensation to the customers concerned – which in my view was proportionate to the impact of the errors.

One complaint was partly upheld with an apology but no compensation. This was acceptable in my opinion as the majority of the complaint was disproved based on evidence that showed CEDR had telephoned the customer when she had accused them of not doing so. The only error was a slight delay in uploading the adjudicator's final decision, which had no material impact on the outcome. CEDR rejected the customer's subsequent escalation request, since it identified no clear outstanding issues and raised matters that fell outwith the complaints procedure. I am satisfied that this was the correct course of action.

On one case the customer wrote in and said: "Thank you for taking the time to respond to my complaint, I appreciate just being able to have my side heard." It's encouraging to see this feedback and shows the value of handling complaints well. (It's also an antidote to some of the uncalled for hostile comments that I saw from some customers.)

One partly upheld case went to Stage 2, which I cover in point (iii) of this section. And one case received a kind of "informal" Stage 2 review, which was reasonable in the circumstances. It involved non-compliance and, to cut a long story short, CEDR ended up paying the customer the £245.00 they were owed (in addition to £30.00 awarded at Stage 1) and then reclaiming it from the communications provider. This is admirable customer centric behaviour from CEDR – but in my view it's a sorry state of affairs that they should even have to consider taking such action due to a communications provider's failure to meet its obligation.

The 17 complaints that were not upheld were for the most part unremarkable, and I have no quibble with the decisions CEDR reached. The majority related to the adjudication decision, with only minor customer service elements. In all cases CEDR explained the scope of the Scheme and dealt with the service issues with reference to evidence – for example, dates on which information was given to customers; extracts from the on-line case management system; and records of calls that were made.

In one case a customer complained that a staff member had hung up mid way through a call. CEDR established that there had been a technical fault on the line and were able to show that the call had been immediately returned. Clearly, then, there were no grounds for upholding that complaint.

A further case identified unacceptable customer behaviour on a call. I was impressed with the Stage 1 review, which gave a detailed reply. It also addressed some procedural issues and reinforced advice that the customer had previously been given (and ignored) about the timescale in which a claim could be made.

I was pleased to see CEDR pick up feedback from customers – in one instance there was some confusion over the process under which communications providers can object to a claim and CEDR are looking at clarifying the rules accordingly.

Out of scope – 25 complaints

Non-compliance featured in 16% of out of scope complaints.

I'm satisfied that all 25 cases were out of scope – they were exclusively about the adjudication or aspects of CISAS' processes that fell outwith the complaints procedure's remit.

I was pleased to see that in each case CEDR's Stage1 response clearly explained the Scheme's scope and why the complaint did not fall within it. CEDR also dealt with any areas of clarification where appropriate – for example confirming details relating to a decision or settlement award.

Although out of scope, one complaint found its way to Stage 2. I cover this under point (iii) of this section.

(iii) Stage 2 Reviews (1 July to 31 December 2021)

CEDR completed four Stage 2 reviews. The standard was high overall, but I feel that three of these cases could have been avoided had the Stage 1 reviews been more thorough.

There were two separate Stage 2 complaints from the same customer. In the first, the complaint was not initially upheld but at Stage 2 it was established that only two out of four calls with the customer had been reviewed. The Stage 2 reviewer found that, overall, the calls were not of an acceptable standard – in particular a manager call back, which had lacked preparation. Various service failings were identified and CEDR awarded £200.00 compensation. The customer thanked the Stage 2 reviewer for taking the complaint seriously.

In my view the Stage 1 review ought to have been more comprehensive and could have achieved the same outcome sooner. However, this is an example of the staged complaints procedure working as it should; the purpose of Stage 2 is to deal with any escalated outstanding matters, and that's what happened here.

In the second case, without going into too much detail, the customer had as I understand it effectively been banned from calling CEDR under their Unacceptable Behaviour Policy (UBP). This is in place to protect staff from, inter alia: aggression; abuse; threats; harassment, excessive levels of contact; and unreasonable demands. The customer had nonetheless made a number of calls to CEDR. Because of this, CEDR deemed the complaint out of scope at Stage 1.

The customer emailed CEDR's Chief Executive and was then invited by the Director of Dispute Resolution Services to submit a formal complaint. The customer referred to his initial complaint, and was then advised to ask for that to be escalated – which is what happened and the Director of Dispute Resolution replied personally.

To be honest, I found this all a bit messy – and the outcome was that an out of scope complaint was escalated. That said, it was a “one off” and the nature of the case made it challenging. On balance, whilst the case went around the houses a bit, I feel that CEDR ultimately took the best course of action. In the event the Stage 2 response was of the highest order. It gave a lot of relevant background involving previous claims and was thorough in reviewing the customer's complaints. It also gave a comprehensive explanation of the UBP and its purpose. The complaint was not upheld, rightly so in my view.

The third complaint was about staff rudeness and poor attitude, and various administrative errors. The Stage 1 response acknowledged the latter to an extent and offered £10.00 compensation; but I felt it was somewhat dismissive of the former. The case was escalated and the Stage 2 review identified a number of customer service failings – including a poorly handled call, and a failure to make a promised call back. CEDR increased the compensation offer to £90.00, which the customer accepted. I found the Stage 2 response to be of a high standard, but I feel that these issues could have been identified and dealt with at Stage 1.

The fourth complaint was complex and covered a raft of compliance related issues concerning three claims and two communications providers. It seemed to me that both CEDR and the customer had become confused and it was difficult to unpick the main issues. However, although the customer had put three case references on the complaint form, the Stage 1 review only covered one of them. In mitigation, the main body of the complaint was not at all clear but nonetheless in my view the Stage 1 review should have looked into all three cases. The upshot was that the Stage 1 review was incomplete and did not uphold the complaint.

The Stage 2 review covered the areas omitted at Stage 1 and partly upheld the complaint, offering £70.00 compensation. The customer remained dissatisfied and the case was referred to me. I reviewed it in January 2022 so will cover it as part of my next report.

(iv) Stage 3 Reviews (1 July to 31 December 2021)

One complaint was referred to me during the second half of the year.

This was about a complex billing issue involving two separate claims, and confusion about whether or not the communications provider had settled the initial one. The customer complained about a number of aspects of CEDR's quality of service and administration of the case. In their Stage 3 escalation request the customer asked some 30 questions, all of which I addressed.

I found that some matters raised by the customer concerned the adjudication process itself, thus fell outwith the scope of CEDR's complaints procedure. In respect of CEDR's quality of service I found no evidence of any administrative/procedural failings; and from my reviews of various calls the customer had with CEDR's staff it seemed to me that the customer's allegations of rudeness were groundless. In fact, I felt CEDR had shown a willingness to help where they could.

Apart from a couple of very minor oversights I found CEDR's Stage 1 and 2 responses to be of a good standard and they made every effort to answer the points the customer had raised. CEDR had offered the customer £30.00 compensation at Stage 1 as the matter had taken longer than expected to resolve (although I note it did not exceed their 30 working day timescale); and a further £20.00 at Stage 2 for the minor oversights in the Stage 1 response. This was very reasonable in my view.

I asked CEDR to honour their compensation offer, but I did not uphold the complaint. I also recommended that in future CEDR respond to any straightforward and easily answered questions before escalating a complaint to Stage 3.

6. General Observations

I have two general observations, relating to my casework review of the second half of the year.

(a) Non-compliance featured in 24% of cases, with one communications provider accounting for 16% of all CEDR's complaints on this matter. Whilst CEDR are not to blame for this, in my view it is a source of consumer harm. Having travelled through the Alternative Dispute Resolution (ADR) process, customers should not then experience delays or problems in receiving the redress awarded. My review of these cases suggests that the frustration caused and the time spent is significant for those consumers affected. I've raised this issue in my last four reports, and in July last year I understood that the provider causing the most problems had made system changes that would lead to a much-improved situation. My review does not bear this out.

I'm aware that CEDR report recalcitrant communication providers to the regulator, but I'm recommending that they investigate what further steps they can take. I will also be writing direct to the Office of Communications (Ofcom) to flag up my concerns.

(b) I have a sense that customers have become more demanding and at times aggressive. I note that on two or three occasions CEDR had to apply their Unacceptable Behaviour Policy. At the same time, there were a number of complaints about CEDR staff being rude or unhelpful – some of which were upheld. These two things may be linked and it must be tough for staff to deal with difficult calls – especially when they are working from home.

However, I do not believe there is any excuse for poor call handling; in fact, as an ADR service, CEDR should in my view be an exemplar of excellent customer service. I leave this observation with CEDR – it may be that staff need some refresher training or additional support.

7. Follow up on previous recommendations

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

(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.

This remains an issue, so I am carrying this recommendation forward.

(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.

Stage 1 reviews within target only improved by one percentage point in the second half of the year (from 89% to 90%). However, given that four of the five cases that exceeded the 30 working day target only did so by one day I am minded to close this recommendation. (Had it not been for those one-day lapses, the performance would have been 98% within target. My advice to CEDR is not to let things go to the wire.)

8. Conclusion

In keeping with recent years, although the volume of claims CISAS handled increased the proportion of complaints stayed low at 0.7%.

Timescale performance was good overall, with an excellent recovery on acknowledgement speed in the second half of the year. Average Stage 1 response times were consistent across the year at 21.5 working days.

Replies to customers were of a generally high standard; however some Stage 1 reviews should in my opinion have gone further.

I found evidence that some customers perceived a poor attitude from CISAS/CEDR staff; at the same time, my sense is that customers have become more demanding and, at times, aggressive. CEDR may wish to consider what additional support is needed to equip staff to better deal with this situation, so that customers do not feel they have experienced a poor quality of service.

Other themes from the casework I examined were that messages sometimes go unanswered by CEDR; and that customers feel that CISAS is biased towards communications providers. The latter concerned adjudication matters, so is outside the scope of CEDR's complaints procedure. The former was not always supported by CEDR's reviews, but I will monitor it at my next review and decide whether a formal recommendation is necessary.

From my perspective, CISAS and CEDR continue to maintain a good complaints handling performance given the challenges of 2021. However, some longstanding issues need addressing: -

- Non-compliance, particularly by one communications provider, remains a disproportionate source of complaints.
- Reducing the complaint classification error rate continues to elude CEDR.

9. Recommendations

I have four recommendations.

- (a) That CEDR make further efforts to improve the accuracy of complaint classification, so that 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 review to ensure both are consistent with each other.
- (b) That CISAS ensure adjudicator contributions to replies to customers are thoroughly proof read, so that potentially serious errors are avoided.
- (c) That CEDR take steps to ensure Stage 1 reviews are thorough (including listening to call where necessary), so that customers receive comprehensive replies and the need for escalation is mitigated.

- (d) That CEDR investigate what more can be done to eliminate non-compliance complaints, so that customer harm is reduced.

Acknowledgements

I conducted my review remotely and I'm again grateful to CEDR for facilitating this with the necessary technical support. I've had open and unrestricted access to all the systems and records that I needed so, as usual, have had carte blanche in respect of conducting this audit as I saw fit. I've also had the customary high level of assistance with the various 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 points that I raised as I examined the casework.

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

Chris Holland
Independent Complaint Reviewer
1 February 2022