

**Communications and Internet Services Adjudication Scheme**  
**(CISAS): Independent Complaint Reviewer Report**  
**January - June 2022.**

**1. Introduction**

This is my eleventh report on CISAS - which deals with complaints made against communications providers who are members of the Scheme. It covers 1 January to 30 June 2022.

CEDR (the Centre for Effective Dispute Resolution) have agreed that rather than an interim report followed by a full year report, from now on I'll produce a full report every six months.

**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 a report every six months. The report is 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/2021/10/IR-Terms-of-Reference-v2.5.pdf>

<sup>2</sup> <https://www.cedr.com/wp-content/uploads/2021/10/CISAS-Rules-Oct-21.pdf>

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

CEDR's 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 case. Where this doesn't resolve the matter, the complaint can be referred to me for independent review.

### **4. This Report**

CEDR received 35 complaints about CISAS in this reporting period, seven of which were in the pipeline for a Stage 1 response when I carried out my review. I therefore examined 28 service complaints (amounting to an 80% sample).

Three cases were escalated to Stage 2 of CEDR's complaints process; and I reviewed one case at Stage 3.

### **5. My Findings**

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

Complaint volumes fell by 35% compared to the preceding six months; and by 61% compared to a year ago.

Complaints about non-compliance with awards were noticeably fewer.

CEDR have reduced classification errors significantly.

CISAS handled 8% more claims than it did in the six months to 31 December 2021. Compared to January to June 2021 however, the volume of claims reduced by 51% (from 13,778 to 6,728). In other words, it looks like there was a peak a year ago but since then the numbers have more or less stabilised.

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<sup>3</sup> <https://www.cedr.com/wp-content/uploads/2022/05/CEDR-Complaints-Procedure.pdf>

Of the 6,728 applications that CISAS handled, 28% (1876) received a final decision from an adjudicator. The other 72% were either outside of the Scheme’s scope, or were settled without progressing to adjudication. This is within a couple of percentage points of 2021 (full year) when the respective split was 26% and 74%.

Of the 1876 adjudicated claims 3.1% (59) succeeded in full; 64.7% (1214) succeeded in part; and 32.2% (603) failed. These ratios are similar to 2021, although slightly fewer failed during that year (27.6%).

Out of the 6,728 claims handled by the Scheme CEDR received 35 complaints. This represents approximately 0.5%, which is in line with the norm.

It’s not my role to review adjudications or decisions. I include the data above to help give some context in respect of complaints about CISAS itself.

Table 1 below gives a classification breakdown of the 28 service complaints that had completed the procedure:

Table 1: Acceptance/non acceptance of complaints

In Scope	Partly in Scope	Out of Scope	Total
3	14	11	28

I found two misclassifications in respect of scope, representing a 7% error rate (a significant improvement on 17% in 2021). These were matters of record keeping only, which didn’t affect complaint outcomes. CEDR have made corrections and the table above shows the accurate position.

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”:

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

Upheld	Partly Upheld	Not Upheld	Total
1	5	11	17

I found no classification errors in respect of case outcomes.

Tables 1 and 2 show that CEDR accepted 61% of complaints as “in scope” or “partly in scope”; and that 35% of those were fully or partly upheld. This is a move compared to 2021 (full year), when the respective proportions were 44% and 41%.

This continues a trend over the last couple of years where, proportionally, more complaints are falling within scope but CEDR are upholding fewer. It’s worth adding the proviso that the lower number of complaints this time around may have skewed the percentages. I’ve found nothing to suggest CEDR are taking a harder line when reviewing complaints.

CISAS’ low complaints to claims ratio remains consistent, and the absolute number of cases fell significantly over the last six months. I found no particular themes or trends from a quantitative perspective; and I have no concerns about CEDR’s complaint handling performance in respect of the Scheme.

## **(b) Qualitative**

### **(i) Timescales**

My analysis is based on the 28 cases that had completed CEDR’s complaints process at the time of my review.

CEDR acknowledged 82% of complaints within one working day (down five percentage points compared to 2021 full year) and 96% within two working days (the same as in 2021). One acknowledgement (4%) took five working days.

CEDR’s average response time for Stage 1 reviews was 24.2 working days – slightly longer than 2021’s average of 21.5 working days. However, CEDR completed 93% within 30 working days – which is three percentage points better than in 2021.

Two cases exceeded CEDR’s 30 working day target for Stage 1 reviews. One was only one working day late; the other was nine working days overdue. (In the latter case CEDR made a goodwill payment in recognition of having kept the customer waiting.) The range was five to 39 working days. This is an improvement on 2021, when CEDR exceeded its target 15 times, and the range went up to 56 working days.

CEDR completed all three Stage 2 reviews within target. The average was 12 working days, with a range of four to 23.

The one case that went to Stage 3 was completed in 17 working days.

**(ii) Casework and Outcomes**

CEDR had fewer complaints about non-compliance than of late. I found five such cases (17%, down from 24% in 2021). Most notably, whereas previously one communication provider accounted for most non-compliance cases that provider only featured twice in the last six months. The three other cases were about separate providers.

Other than that complaints tended to be about general service standards, with no strong themes.

A couple of areas I was monitoring since my last review seem to have improved. First, whilst I found some examples of customers saying CISAS had ignored messages or failed to return calls, there were fewer than last time; and in some cases CEDR had evidence that did not support the customer's contention.

Second, I found far fewer complaints about staff rudeness or poor attitude. This came up only three times in my review, and one of those wasn't sustainable.

I'm content that CEDR have acted on both these areas, and pleased to see the improvement.

CEDR's replies to customers were of a high standard overall in my opinion. I particularly like the comprehensive summaries, which show customers that their complaints have been read and understood. I found only one reply that didn't respond to all the customer's points. I'd like this to be zero, but it's a great improvement on this time last year when some 10% of replies failed to answer everything raised by the complainant.

When complaints were out of scope CEDR gave a full explanation of the reason why that was the case; and I found that on the whole they nonetheless still provided comprehensive responses to issues raised by customers. Arguably, once it has been established that a complaint is out of scope CEDR need not go into such detail on the subject(s) of the complaint – but I'm glad that they do, as it shows a customer centric approach.

The pedant in me found six typographical errors during my review, but they were very minor and the meaning of the replies was unaffected.

CEDR offered compensation in nine cases, ranging from £15.00 to £125.00. I found these to be proportionate and fair.

### *In Scope – three Complaints*

CEDR fully upheld one case. The customer complained that CISAS staff hadn't listened to him and had cut off a call; and that later a manager had called him but was unprepared and defensive. The Stage 1 reviewer listened to the call recordings and agreed that the first one was dealt with poorly. There was a mix up on the second call due to an erroneous system entry, but nonetheless the reviewer felt the call should have been better handled. The reply was very good, and was open and honest about what had happened. CEDR awarded the customer £125.00 compensation, which I feel was reasonable. Indeed, the customer replied, saying that he was "grateful for the investigation and response."

The second complaint was partly upheld. A CISAS agent on an on-line chat had been unable to explain the deadlock procedure – that is, the point at which a complaint about a provider can be referred to CISAS. CEDR's Stage 1 review cleared this up, but agreed the agent should have been able to do so in the first place – so awarded £15.00 compensation.

CEDR did not uphold the final complaint. Whilst the customer raised various administrative issues, it transpired that CISAS had in fact followed the correct process in respect of compliance with a settled claim and a refusal to open a new claim about the same matter.

### *Partly In Scope – 14 Complaints*

CEDR partly upheld four complaints.

In the first, the customer had two claims that he said CISAS closed incorrectly and then ignored his subsequent queries. It all got a bit involved but essentially the provider objected to one claim because it related to a previously settled claim; and then objected to a new claim as the customer had approached CISAS before eight weeks had elapsed. These matters, rightly, fall outwith the complaints procedure. CEDR's Stage 1 review found that they had failed to respond to three (among many) queries and for this they awarded the customer £30.00 compensation. There were a number of further queries, all of which CISAS had responded to on the on-line case management system. In the event, CISAS closed the correspondence down as it became repetitive. Whilst the customer wasn't happy I agree with CEDR that this didn't amount to an administrative failure. In the context of the whole case, CEDR's compensation offer was reasonable in my opinion.

One case was about a provider's non-compliance with a non-financial aspect of an adjudication award. In itself that's not within the scope of the complaints procedure but CEDR reopened the case while it was being sorted out. The Stage 1 review found that this should have happened sooner – and in view of that they awarded £25.00 compensation.

The third partly upheld complaint was mostly about the communications provider (thus out of scope) but there was a complaint about CISAS' call handling, and a couple of administrative issues. CEDR's Stage 1 review found that the handling of a particular call was not quite up to scratch; and that a document had not been sent to the customer when originally promised. This was actually a document that the provider had been unable to send to the customer in an enlarged format. In the end, CEDR managed to enlarge it and sent it to the customer – for which I give them credit (albeit they did it later than promised). But I find it extraordinary that the provider was unable to do so. I understand that CEDR are following this up. A third element of the complaint, where the customer said CISAS had closed the case too early, wasn't upheld as CEDR had given two extensions and at the time the case was open. In my view CEDR gave a thorough response here, and they awarded £50.00 compensation to the customer.

One partly upheld case went to Stage two; I précis it under part (iii) of this section.

The remaining 10 complaints that were partly in scope were not upheld at Stage 1 – although two were escalated to Stage 2 (see part (iii) of this section).

Otherwise, I'm content that CEDR reached the right Stage 1 outcome on these cases – so I won't detail them here. Most of the time the predominant complaint was to do with the decision or the adjudication, with minor issues regarding service or administration.

In all cases except one CEDR provided comprehensive replies at Stage 1. The one case was mainly about the provider, but included some administrative and service issues which CEDR appear to have overlooked. This is a pity – it was the only example I found of a failure to respond to all the customer's points. As the case was quite recent, I gave details to CEDR so that they can go back to the customer if they wish.

## *Out of Scope – 11 Complaints*

These were all straightforward disagreements with either a decision, and/or some aspect of the adjudication process or Scheme rules. I'm content that CEDR rightly judged them to be out of scope and the Stage 1 replies were all good. There was nothing notable about any of the cases, but there are a couple of things on which I wanted to comment.

Firstly, I felt that one Stage 1 response was particularly good. The complaint was out of scope as the customer had left it well over the three months allowed after the outcome of the claim. However, rather than just leaving it at that the reviewer outlined fully the process; provided extracts from the case management system to show what had happened; described how evidence was treated; and explained the limits of CISAS' involvement with communications providers.

Secondly, one complainant mentioned there were a number of typographical errors in the Final Decision document – so I took a look at it. I found five errors in a five-page document. Whilst the errors were relatively minor, this concerns me as it looks unprofessional and suggests a lack of even basic proofreading before sending an important document to the customer. The Stage 1 review said that feedback would be given to the adjudicator. I hope that has happened.

### **(iii) Stage 2 Reviews**

Three complaints were escalated to Stage 2.

One was from a customer saying that she wasn't notified that her claim had been closed, then having problems pursuing CISAS for an explanation. At Stage 1 CEDR found the customer had been given an extension to submit details after she'd had problems with the on-line system, but that CISAS closed the claim when no form was received. However, the customer was notified by email after which a postal version of the form was requested and sent on the same day. Whilst there was no evidence of CISAS doing anything wrong, it did seem that somewhere along the line there had been some confusion so CEDR partly upheld the complaint and offered the customer a £15.00 goodwill payment. The customer found this unacceptable and, after some toing and froing to clarify the outstanding issues, the complaint was escalated to Stage 2.



The Stage 2 review was comprehensive. In brief, there was evidence on CISAS' system that the customer was aware that her case had been closed. However, there was also evidence that a later query had gone unanswered; there had been a delay in re-opening her claim; and a call to the customer hadn't been well handled. Taken together, the complaint was partly upheld at Stage 2 and CEDR awarded the customer £100.00 compensation. In my view this was very reasonable. The customer felt the same, replying to CEDR: " I am very appreciative of you taking the time to investigate this further. Very pleased that the facts...have been recognised...and happy to accept £100.00".

As well as questioning the outcome of the claim, the second complaint was about poor customer service – which CEDR did not uphold at Stage 1. They found that the customer had been given correct advice, had been handled with professionalism and queries had been answered. The customer had also said he wasn't offered Reasonable Adjustments, but hadn't elaborated and there was no evidence of anything being requested.

There followed a great deal of email correspondence between CEDR and the customer – not all of which was handled as well as it could have been in my view. I'll spare the detail, as it's hard to follow – but there were two case references involved (one involving non-compliance) and CEDR didn't link them initially. This left the customer thinking CEDR hadn't read his complaint properly. CEDR took the line that they had dealt with everything, the cases were closed and they wouldn't enter into further discussion. The customer then listed a number of outstanding questions and asked for evidence of CEDR's answers – which I thought was a fair point. I felt that CEDR came within a whisker of ignoring the customer's escalation request – but once he'd repeated the basis for his request the complaint progressed to Stage 2.

CEDR's Stage 2 response was again comprehensive. It covered all the points, and even offered to pay the amount the customer was due from the communications provider and reclaim it. As far as I could see, this didn't prove necessary. The customer said he hadn't seen a particular document – but CEDR produced evidence that it was on the on-line case management system and that they had emailed him a copy separately. CEDR explained their Reasonable Adjustments policy but, quite rightly in my view, said that they could not provide something that hadn't been requested. A number of other points, too lengthy to list here, were covered in full with no evidence of service failings – other than a slight delay in re-opening a case, for which CEDR awarded £30.00 compensation.

My only observation on the above case is that CEDR could have dealt with the escalation request better and quicker – saving both themselves and the customer effort.

The third complaint was about non-compliance, and CISAS' alleged failure to act. The Stage 1 review found compliance had been met and ruled the complaint out of scope – but in fact there was a sticking point because the customer wanted a cheque rather than a bank transfer and the communications provider couldn't manage that any faster than eight to 10 weeks.

Things then became complicated; but put simply the customer felt CEDR had made contradictory statements, when my reading is that they'd acted in good faith based on what they believed to be the case. The customer felt CEDR were being obstructive, whilst CEDR it seems were trying to establish what was outstanding. So the complaint was escalated, and at Stage 2 there was a straightforward admission that early on CISAS should have re-opened the case while the compliance issue was being sorted out; and that the original complaint should have been treated as partly in scope. For these errors, CEDR awarded £50.00 compensation. Other than that, the Stage 2 review found that CEDR made no failings and there was no obstruction. I agree. (Compliance was met via a bank transfer in the end, by the way.)

#### **(iv) Stage 3 Reviews**

I reviewed one complaint between January and June 2022.

The nub of the matter was alleged non-compliance with an adjudication award – but the customer made a number of complaints about three separate claims involving two different communications providers. The complaints were complex and confusing, and the customer conflated the three cases and muddled up the providers.

Nonetheless, the customer had cited three reference numbers and in my opinion it was within CISAS' gift to unpick the detail. At Stage 1 they failed to do so and only dealt with one case – albeit the response as far as it went was accurate.

Unfortunately the customer's escalation request wasn't as articulate as it might have been and despite CEDR seeking clarification none was forthcoming. However, ultimately they accepted the escalation – for which I gave them credit – even though the customer again quoted the wrong provider in respect of the complaint he was making.

CEDR's Stage 2 review was pretty thorough and awarded a total of £70.00 compensation for the omission at Stage 1 and for a handling delay.

My investigation was lengthy so I won't rehearse the detail here. In short I went through the three cases and found that there was no evidence to support some of the allegations made by the customer; that things became incredibly confusing, which led to misunderstandings on both sides; and that much of the complaint actually fell outwith the scope of CEDR's complaints procedure. I further found that over the course of a number of calls from the customer, whilst there were a couple of minor errors, CEDR made every effort to help resolve things.

I was however concerned that not all the telephone calls that I listened to were reviewed by CEDR at Stages 1 or 2. I made a general recommendation accordingly, which CEDR have acted upon.

I rejected most of the complaint, but partly upheld a couple of minor customer service issues. I asked CEDR to honour their original offer and awarded the customer a further £60.00.

As a footnote, the customer contacted me after I'd issued my decision. CEDR kindly liaised with the communication provider to ensure the customer's account was in order, and confirm this to him. However, the customer continued to complain about my review until I had no option other than to advise him that the process was over and I would enter into no further correspondence.

## **5. General Observations**

I have three general observations.

- (a) Non-compliance complaints have reduced. The five cases I found were spread across four different providers, so I'm satisfied the problems with one particular provider since 2020 have been addressed.

For the record, following my last report I wrote independently to Ofcom and to the Communications Consumer Panel to highlight the issue. Ofcom were aware of it, and had been dealing with the provider concerned – so it is good to finally see the situation improve.

- (b) There were far fewer complaints about staff rudeness/attitude – and those that I did see were not always substantiated.
- (c) In a couple of cases, customers mentioned that they'd had difficulties with the on-line complaint form – one with formatting, and one with the digital signature. Whilst neither formed part of the complaint itself, CEDR didn't respond to the comments – which I find disappointing. I'm not minded to make a recommendation this time, but I'd urge CEDR to watch out for customers' comments of this kind and respond accordingly.

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

I made four recommendations in my last report, which are shown in italics below followed by an update. I am closing all 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.*

Some cases were down to human error, and CEDR have provided further training on this area of work. Their data analyst assisted with additional reporting and CEDR anticipated an improvement – which I'm pleased to report has materialised. I found only two classification errors.

- (b) *That CISAS ensure adjudicator contributions to replies to customers are thoroughly proof read, so that potentially serious errors are avoided.*

CEDR raised this with the complaints team to ensure that adjudicator comments are reviewed/checked before inclusion in responses. I found no issues with adjudicator contributions to Stage 1 replies during this review.

*(c) That CEDR take steps to ensure Stage 1 reviews are thorough (including listening to calls where necessary), so that customers receive comprehensive replies and the need for escalation is mitigated.*

CEDR took this on board and put in place additional training to support improvement in this area. I found no evidence of any failings on this during my review.

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

CEDR have continued to work on this, and the incidence of non-compliance complaints has diminished. I also raised the matter direct with Ofcom who are aware of the issue and are monitoring. Non-compliance complaints reduced during this reporting period.

## **(8) Conclusion**

Claims and complaints reduced in number, and it's good to see the latter remaining proportionally very low at 0.5%.

Complaints about non-compliance showed a healthy reduction, and the problems with one provider in particular seem to have been resolved.

CEDR's classification of complaints improved significantly, with only two errors.

CEDR acknowledged the vast majority of complaints within two working days. The overall speed of Stage 1 response declined slightly on average but fewer replies took longer than 30 working days.

With the exception of one case where some of the customer's points went unanswered, I found CEDR's Stage 1 replies to be of a very good standard overall with excellent summaries. I also found their Stage 2 reviews to be thorough, with well-written replies.

## **(9) Recommendations**

I have no recommendations.

## **Acknowledgements**

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

I'm also grateful for the help I received with the 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 my various enquiries.

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

Chris Holland  
Independent Complaint Reviewer  
22 July 2022