

Centre for Effective Dispute Resolution (CEDR)
Independent Complaint Reviewer Report January – June 2022.

1. Introduction

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

Rather than an interim report followed by a full year report, with CEDR's agreement, from now on I'll be producing a full report every six months. This will make for easier comparisons over six monthly periods.

2. My Role

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

Firstly, I can consider individual complaints about certain aspects of the level of service provided by the schemes or services run by CEDR. I can review cases where a user of those schemes or services has complained to CEDR and, having been through the complaints process, remains dissatisfied with the outcome.

Under my terms of reference¹ I can only consider matters relating to CEDR's quality of service in respect of alleged administrative errors, delays, staff rudeness or other such matters. I cannot consider the merits or otherwise of decisions made by CEDR's adjudicators; nor can I investigate or review 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 complaints about CEDR generally, and produce a report every six months. The report is based on my findings from reviews of individual complaints, if there are any; and by examining and analysing as I see fit any service complaints that CEDR receives.

¹ <https://www.cedr.com/wp-content/uploads/2021/10/IR-Terms-of-Reference-v2.5.pdf>

3. CEDR's Complaints Procedure

The complaints procedure² explains its scope and what happens when a user of a scheme or service makes a complaint. There are two internal stages of review that take place before, if required, a complaint is referred to me.

The procedure is set out clearly with timescales and information about what can be expected. In brief, if after the first stage response to a complaint a customer remains dissatisfied they can ask for escalation to stage two of the process where a senior manager will review the complaint. If 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 (apart from those covered in my separate reports) between 1 January and 30 June 2022.

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

No cases were referred to me for independent review during this reporting period.

5. My Findings

(a) Quantitative

I examined those schemes or services about which CEDR received complaints during the first half of 2022. Table 1 below gives a breakdown of the volumes of cases that went to adjudication and the outcomes.

² <https://www.cedr.com/wp-content/uploads/2022/07/CEDR-Complaints-Procedure-July-22.pdf>

Table 1: Claims and outcomes

Scheme	Claims Received	Claims Adjudicated	Found For Claimant	Partly Found for Claimant	Found For Respondent
Build-Zone ³	2	n/a	n/a	n/a	n/a
Consumer Code for Home Builders Independent Dispute Resolution Scheme (CCHBIDRS)	149	117	28	46	43
Consumer Code for New Homes (CCNH)	21	17	8	7	2
Independent Healthcare Sector Complaints Adjudication Service (ISCAS) ⁴	37	8	n/a	n/a	n/a
Lottery	10	6	0	0	6
Renewable Energy Consumer Code (RECC)	7	7	4	3	0
Royal Institution of Chartered Surveyors (RICS)	216	169	14	43	112
Solicitors Regulation Authority ⁴ (SRA)	44	36	n/a	n/a	n/a
Water & Sewerage Service (WATRS)	311	162	40		122
Totals	797	522	193		285

The ratio of adjudications to claims received was 65% (slightly lower than 71% in 2021). The remaining 35% were either outside the scope for investigation by CEDR or were settled without progression to adjudication.

³ Both Build-Zone claims were in the pipeline at the time of my review, awaiting outcome.

⁴ The ISCAS and the SRA are complaints review services and do not have adjudication outcomes.

On claims where an adjudication outcome was reached during the first half of 2022,⁵ CEDR found wholly or partly for the claimant in 40% of cases (compared to 35% in 2021).

I include these data to provide context in respect of the schemes/services about which CEDR received complaints. Information about each scheme or service is available on CEDR's website, at:

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

CEDR received 19 complaints out of the 797 claims handled by those schemes or services covered by this report – representing 2.3% (0.4 of a percentage point lower than in 2021).

Table 2 below shows the total claims for each scheme or service about which complaints were made, together with the number and percentage of service complaints against each scheme. It also shows whether the complaints were in scope, partly in scope or out of scope; and what the outcome was for those complaints that were in or partly in scope.

Table 2: complaints and outcomes

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	1	0	0	0	1
CCHBIDRS	149	2	1.3	1	1	0	1	1	0
CCNH	21	1	4.8	0	1	0	0	1	0
ISCAS	37	1	2.7	0	1	0	0	0	1
Lottery	10	1	10.0	0	1	0	0	0	1
RECC	7	1	14.3	0	1	0	1	0	0
RICS	216	4	1.8	0	1	3	0	1	0
SRA	44	3	6.8	1	0	2	1	0	0
WATRS	311	5	1.6	1	2	2	1	0	2
Totals	797	19	2.3	3	9	7	4	3	5

Allowance needs to be made for those schemes or services with a low number of claims, where just one or two complaints make a high percentage. Build-Zone is a striking example of this.

I found only one classification error (on the Lottery case, which was recorded as out of scope when it was partly in scope). CEDR have corrected this and table 2 shows the accurate position.

⁵ Excluding the ISCAS and the SRA, which are complaint review services rather than ADR schemes.

(b) Qualitative

(i) Timescales

Speed of acknowledgement improved significantly compared to 2021 (full year); more stage 1 reviews were completed within timescale, but the average handling time was a little longer.

CEDR acknowledged 89% of complaints within one working day, and 95% within two working days. One acknowledgment took four days.

This is better than in 2021, when CEDR acknowledged 78% of complaints within one working day. The two working day result was similar in 2021, at 96%.

CEDR completed 95% of Stage 1 reviews within 30 working days, up from 88% in 2021. The average response time was 21.5 working days (one and a half working days longer than in 2021), with a range of two to 31 working days.

(ii) Casework and Outcomes

I examined the 19 complaints that CEDR handled between 1 January and 30 June 2022.

Overall, I felt that CEDR's Stage 1 responses were well written. As has become the norm, they included excellent summaries and explanations in respect of the scope of the complaints procedure. With one or two exceptions replies were comprehensive, however I noted that not all WATRS responses covered every point raised by the customer. This is something I've highlighted in my last two reports, so I'm keeping open my recommendation that CEDR seek to address this.

Below I comment on the complaints about each scheme or service.

Build-Zone: one complaint.

The complaint was partly in scope.

The customer raised some points about the handing of evidence, which were out of scope; and some customer service issues, which were in scope.

The main complaint was about a delay in issuing the decision on a claim. CEDR established that this was due to the adjudicator requesting more evidence and thus amending the deadline – both of which are allowable under the Scheme's rules.

The customer also complained that a promised call back hadn't materialised – but CEDR were able to show that this wasn't the case, giving the date and length of the call.

I couldn't quite fathom the grounds for complaint on this one – but CEDR responded professionally, and rightly did not uphold it.

CCHBIDRS: two complaints.

One complaint was in scope and was upheld in full; and one was partly in scope and partly upheld.

The in scope case concerned a breach of the GDPR (General Data Protection Regulation). In a nutshell, CEDR sent the customer's personal information to an external party not involved in the claim. This was due to the adjudicator putting the wrong reference on the case, which triggered the dispatch of the information to someone else. CEDR were transparent in acknowledging this and gave an honest account to the customer. They'd realised their error quickly and had tried to recall their email; and they upheld the complaint in full, apologising and awarding the customer £30.00 compensation – which she accepted. CEDR also put in place more robust checks for the future as well as referring the matter to their own Data Protection Officer.

The partly in scope complaint was both long and complex. (Among other things, the customer submitted voluminous background attachments covering a nine-year period.)

The issues seemed to boil down to processing delays; lack of updates; the length of an extension given to the Home Builder to file its defence; a similar extension not being granted for the customer to comment despite her being away; the defence submission comprising about 500 pages of documents; CEDR favouring the Home Builder; and a general sense of unfairness. The matter was further complicated because the adjudicator decided ultimately that the claim should be withdrawn from the Scheme as it was identical to a previous claim. The customer disputed this, and complained about the time it had taken to reach that decision.

CEDR's Stage 1 review partly upheld the complaint based on one customer service failing, where a call back to the customer was overlooked due to a staff member being on holiday. They awarded the customer £25.00 compensation accordingly.

Whilst I was satisfied that the overall outcome was correct – and I agree that much of the complaint was out of scope – I felt the Stage 1 response could have been more comprehensive. Even though the customer included a lot of information that was difficult to unpick, I didn't feel that CEDR dealt with all the main points (for example, various handling delays; an allegation that CEDR had "helped" the Home Builder; and a complaint that CEDR had not worked within its own competency framework).

The customer wasn't satisfied and raised a raft of further questions, seeking escalation to Stage 2 of CEDR's complaints procedure. At the time of my review CEDR were still in dialogue with the customer regarding what issues were outstanding, and what outcome was sought.

CCNH: one complaint.

The complaint was partly in scope and was partly upheld.

Most of the issues were to do with aspects of the adjudication and the Home Builder's defence, but the customer also complained about delays and difficulties getting through to CEDR on the telephone. CEDR's response was comprehensive and explanatory. They identified a very minor processing delay that had no discernable impact on the handling of the customer's claim; but acknowledged that there had been a further delay in updating the customer. CEDR also established that there was a technical problem with their telephone system on the day the customer had called. Altogether they awarded £40.00 compensation, which in my view was reasonable.

ISCAS: one complaint.

The complaint was partly in scope.

The nub of the complaint was about the adjudicator's decision, which was out of scope. However, there was also an issue to do with Reasonable Adjustments – which was the in scope element.

CEDR's Stage 1 response included an excellent summary and explanation of why part of the complaint was out of scope. It nonetheless covered that part of the complaint, and addressed the points the customer had raised (which were to do with the health provider's complaint handling performance) with reference to the adjudication decision.

As regards Reasonable Adjustments, CEDR established that these were in fact made when requested – but on one occasion an especially arranged telephone call was cancelled by the customer who made no subsequent attempt to rearrange it.

This was in my opinion a well written response and CEDR rightly did not uphold the complaint.

Lottery: one complaint.

CEDR recorded the complaint as out of scope when it should have been partly in scope. They have corrected the error. The complaint wasn't upheld.

The customer complained that CEDR had declined to accept her claim. However it was established that the claim was not lodged until over two years after the original complaint – which rendered it ineligible. The customer also complained about advice she'd been given regarding submitting her claim but CEDR found no grounds whatsoever to substantiate this. I agree – their communications had been very clear.

RECC: one complaint.

The complaint was partly in scope, and was upheld in full.

There were two issues. The first was out of scope as it concerned the arbitrator's decision. However, although the claim did not succeed and complex legal issues were involved, CEDR's Principal Adjudicator felt that the clarity and detail contained within the decision was very poor. CEDR therefore upheld the complaint and awarded the customer £250.00. Whilst there was no question that the arbitration outcome was correct, in my view this was the right thing to do.

There was also a complaint about staff rudeness, but in the event CEDR could find no record of any calls from the customer so effectively could not investigate further.

RICS: four complaints.

One case was partly in scope and three were out of scope. The partly in scope complaint was from a company who it turns out was not a subscriber to CEDR's Scheme. Confusion arose when CEDR received a claim from a customer of that company, but the company lodged a defence rather than an objection. It seems that the company was labouring under the misapprehension that they were a CEDR subscriber by default. Part of the complaint was that CEDR didn't advise them otherwise and encouraged them to submit a defence. The company also complained about various emails from CEDR, and a problem with the password for the on-line case management system.

There was some email correspondence before the Stage 1 review, in which CEDR admitted that their initial advice was misleading; accordingly, they immediately refunded the company's case fee.

CEDR's stage 1 response was in my view of a high standard. It gave an excellent summary of the issues the company had raised along with a comprehensive response to each of them. It was established that CEDR had provided the company with copies of the Scheme's process flowchart, rules and guidelines – so they would have been aware of the opportunity to object to the claim at the outset. Whilst at one point CEDR had encouraged the company to submit a response (so that an adjudicator could consider it), they did not say that response should be a defence against the claim; the company could have chosen to object.

CEDR explained how the process worked, and that some of the emails the company received were auto-generated as part of the on-line case management system. They also established that whilst there was an issue with the password, this was very quickly rectified. The Stage 1 review reiterated that the company had been given misleading advice initially, thus partly upheld the complaint and confirmed the refund of the case fee.

I was impressed with CEDR's review, which dealt with what was a quite confusing complaint to a high standard.

The remaining three out of scope complaints were all clear cut disagreements with the adjudication outcome and did not include any administration or customer service issues.

SRA: three complaints.

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

CEDR's independent complaint review service for the SRA isn't an adjudication scheme - it can only review the SRA's own handling of a complaint.

The in scope case was from a customer who had asked some straightforward questions about the report he had received from CEDR's reviewer following his complaint about the SRA. The customer had couched his comments in terms of constructive feedback. His complaint was that CEDR had treated him like an irritant and that their e-mail responses were unhelpful. One e-mail had merely said that the customer's concerns had been noted and filed.

This happened because the customer had directed his comments to the reviewer, who doesn't usually engage in further correspondence once a report has been issued. CEDR's administration team had therefore simply filed the customer's e-mail.

CEDR's Stage 1 review upheld the complaint in full, acknowledging that the administration team could and should have answered the customer's questions. Along with providing those answers CEDR apologised and offered the customer £30.00 compensation for this service failing. CEDR also said they would give feedback to the team to help ensure this kind of thing did not happen again. In my opinion this was an avoidable complaint, but CEDR dealt with it openly and honestly.

One of the out of scope complaints was wholly about the outcome of CEDR's review; and the other was about non-acceptance of a case due to it being well beyond the prescribed time limit. Neither complaint involved any customer service or administration issues and, in both cases, CEDR's Stage 1 responses were of a high standard and gave helpful explanations to the customers.

WATRS: five complaints.

One case was in scope; two were partly in scope; and two were out of scope. CEDR upheld the in scope complaint; the remainder were not upheld.

I noted that in three cases customers complained of problems with WATRS on-line case management system. I asked CEDR about this and they are aware that the system could be more user friendly, although the difficulties that do occur tend to be isolated and are usually resolved quickly. CEDR are working on improvements, so I'll monitor the situation at my next review.

I observed that whilst the Stage 1 replies were well written, some points raised by customers were overlooked. I am therefore again carrying forward my recommendation relating to this.

I also felt that CEDR could have partly upheld the two partly in scope complaints, as there seemed to be enough evidence that the customers had experienced service difficulties that were down to WATRS.

The in scope case was escalated to Stage 2 where CEDR upheld it in full, having not done so at Stage 1. The customer had complained about problems logging onto the on-line system; poor replies to emails; problems with the on-line chat facility; calls not being returned; and being obstructed in pursuing his case.

CEDR's stage 1 response covered the ground up to a point, and gave a helpful timeline of events. But I felt it didn't deal fully with all the issues – for example, the extent of the problems the customer had in contacting WATRS and queries apparently not being answered.

The Stage 1 response admitted that CEDR were having problems with the on-line system (which I note took some time to resolve for this customer) but concluded that this didn't represent a service failing. I couldn't quite see the reasoning behind this – it felt like a service failing to me – and I'd have preferred it if CEDR had offered the customer some compensation at that point. The review also found that CEDR had engaged with and assisted the customer, so didn't uphold that part of the complaint either – which I'm not sure was the right outcome.

The customer complained about the omissions and the case was escalated to Stage 2. I won't rehearse the detail here: suffice to say that the Stage 2 review found that the log-in problems did amount to a service failing; that the customer's claim should have been put on hold until these were resolved; and that WATRS should have been more proactive in terms of contacting the customer. CEDR offered £175.00 compensation, which the customer accepted.

The Stage 2 reply was in my view excellent and reached the right outcome.

The first of the partly in scope cases concerned adjudication and process issues (out of scope); and some problems logging onto WATRS' on-line system (in scope). The Stage 1 review dealt well with the out of scope areas, and acknowledged that the customer had issues logging on. However it found that for the most part the customer had been able to access the system and enter comments, and that WATRS had emailed documents if there had been a problem. Notwithstanding that, given that CEDR had acknowledged that the customer did have problems, on balance, I felt that a token goodwill payment might have been appropriate.

The second partly in scope case mostly concerned the adjudication decision (out of scope), but there was also a complaint about a two-month delay in notifying the customer of the outcome. It turns out that this was down to problems with the on-line system. The Stage 1 review explained this and apologised but did not uphold the complaint as the customer had since accepted the adjudication decision.

In my opinion this was a curious rationale for not upholding the complaint, as acceptance or otherwise of the decision had no bearing on the fact of the delay. I would have preferred CEDR to have acknowledged that the delay represented a service failing; and to have offered some compensation for not notifying the customer of the decision on her claim, and for the trouble she was put to in chasing up the matter herself.

One of the out of scope cases was very demanding and I commend CEDR for sending a clear and firm Stage 1 response. Too much detail would be inappropriate, but as well as the WATRS complaint the customer raised a number of complaints about other Schemes going back a number of years. There were multiple complaints about CEDR generally, covering almost every aspect of their service (including Reasonable Adjustments).

CEDR's Stage 1 review gave a polite and comprehensive response to the multitude of points raised. I note, too, that CEDR had complied with a number of Subject Access Requests from the customer.

It transpired that CEDR had applied their Unacceptable Behaviour Policy (UBP) to the customer and refused to deal with them over the phone due to instances of aggression, threats and abuse. I agree that the nature of the customer's complaints, and their unwillingness to comply with the UBP, effectively rendered the complaint out of scope.

There was one minor error in the response in that it opened by saying that the complaint was partly in scope, but concluded that it was wholly out of scope. I agree with the latter, but I'd urge CEDR to take care not to make contradictory statements in replies to customers.

The final complaint was about the adjudication decision, and the Stage 1 review explained why it was out of scope. I noted however that on his complaint form the customer alleged that someone at WATRS had told him he would get over £2500.00 compensation, and he was ultimately awarded £150.00. I could not see that CEDR responded to this part of the complaint.

Whilst the award itself is out of scope, and it's most unlikely that anyone at WATRS would advise the customer about levels of possible awards, I feel that this part of the complaint should at least have been addressed. Given that the complaint was closed some time ago, and the unlikelihood of it being upheld in any case, it's not worth revisiting it; but in my opinion this was an oversight by CEDR.

6. Conclusion

The proportion of complaints about CEDR's quality of customer service relative to the total number of claims in the first half of 2022 was low at 2.3%.

Speed of acknowledgment improved (up by 11 percentage points on the one working day measure compared to 2021).

Stage 1 reviews completed within target (30 working days) improved by seven percentage points compared to 2021 but took slightly longer on average (21.5 working days, compared to 20). Only one review exceeded the target, and then only by one day.

Of those schemes or services that handled > 100 claims and that received complaints, CCHBIDRS performed best with 1.3% of claims being the subject of a complaint. WATRS and RICS had 1.6% and 1.8% respectively.

CEDR's complaint handling continues to be of a good overall standard. I would, however, urge them to focus on WATRS with respect to: -

- addressing the on-line system issues;
- ensuring that Stage 1 responses deal with all the points raised; and,
- partly upholding complaints where customer service difficulties have been acknowledged.

7. Follow up on previous recommendations

I brought forward one recommendation from my last report, as follows: -

- (a) *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.*

Based on my latest review this still seems to be an issue, so I'm again carrying the recommendation forward.

8. Recommendations

- (a) With 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 with the customary open and unrestricted access to the systems and records that I needed. I'm grateful to CEDR for facilitating this – and, as usual, I had carte blanche in respect of conducting this audit as I saw fit.

I'm also grateful for CEDR's help with the few queries that came up as I conducted my review. I appreciate in particular the quick and helpful responses from the Head of Consumer Services and the Complaints Manager to the enquiries that I made as I examined the casework.



Chris Holland
Independent Complaint Reviewer
30 August 2022