

**Communications and Internet Services Adjudication Scheme  
(CISAS): Independent Complaint Reviewer Report  
January - June 2023.**

**1. Introduction**

This is my thirteenth report on CISAS - which deals with complaints about communications providers who are Scheme members. It covers 1 January to 30 June 2023. It will be my last report as I am retiring from the Independent Complaint Reviewer role at the end of October.

**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 complains 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 about CISAS' and/or CEDR's quality of service in respect of alleged administrative errors, delays, staff rudeness or other such service matters. I cannot consider the merits or otherwise of decisions made by CEDR's adjudicators; nor can I investigate or comment on the substance or outcomes of applications made by claimants. Other than referring to them as appropriate in the context of casework, I cannot comment on the Scheme's rules.

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

**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.

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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/2022/08/CISAS-Rules-Updated-Aug-22.pdf>

<sup>3</sup> <https://www.cedr.com/wp-content/uploads/2023/02/CEDR-Complaints-Procedure-2023.pdf>

The procedure is articulated clearly, with timescales and information about what can be expected. In brief, if after the Stage 1 response to a complaint customers remain dissatisfied they can ask for escalation to Stage 2 and a senior manager will review the matter. If this doesn't resolve the complaint, it can be referred to me for independent review.

#### **4. This Report**

There were 47 complaints about CISAS during this reporting period, eight of which were in the pipeline for a Stage 1 response at the time of my review. I therefore examined 39 cases (an 83% sample).

Four cases were escalated to Stage 2 of CEDR's complaints process. No complaints were escalated to me.

#### **5. My Findings**

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

One communications provider (CP) ended its membership of CISAS on 31 December 2022, so there was a concomitant reduction in claims from 1 January. However, CISAS continued handling complaints relating to that provider's pre 1 January claims during the current reporting period. So in effect there's a one off anomaly, which will self-correct.

Complaints increased by 20% compared to the preceding six months (from 39 to 47).

CISAS handled 4,517 claims - 38% fewer than in the previous six months. Of those, 34% (1,544) received a final decision from an adjudicator (one percentage point down on last time). The other 66% either fell outside of the Scheme's scope, or were settled without progressing to adjudication.

Of the 1,544 adjudicated claims, 4.2% (64) succeeded in full; 59.1% (913) succeeded in part; and 36.7% (567) failed. This is a slight shift from the previous six months, when respective percentages were 3.7%, 67.6% and 28.7%.

The 47 complaints CEDR received represents approximately 1% of the total claims CISAS handled compared to 0.5 % last time. This can be accounted for by the fact that whilst claims fell significantly due to the departure of one CP, CISAS continued to handle their legacy complaints.

It's not my role to review adjudications or decisions, and I include the above data only for context.

Table 1 below gives a classification breakdown of the 39 complaints that completed CEDR's procedure:

Table 1: Acceptance/non acceptance of complaints

In Scope	Partly in Scope	Out of Scope	Total
2	18	19	39

I found five misclassifications in respect of scope, representing a 13% error rate. These were record keeping matters only with no effect on complaint outcomes. CEDR have made amendments and the table above shows the correct position. This is however a relatively high error rate – reversing improvements seen over the last year.

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
0	7	13	20

I found no classification errors in respect of complaint outcomes.

Tables 1 and 2 show that CEDR accepted 51% of complaints as in scope or partly in scope; and that 35% of those were fully or partly upheld. This is consistent with the previous six months, when the respective figures were 50% and 35%.

Both the absolute number and the proportion of claims generating complaints remain low. From a quantitative perspective I therefore have no concerns about CEDR's overall complaint handling performance in respect of CISAS.

**(b) Qualitative**

**(i) Timescales**

My analysis covers the 39 cases that had completed CEDR's complaints procedure at the time of my review.

CEDR acknowledged 79.5% of complaints within one working day and 94.8% within their two working day target. This is a deterioration on the previous six months when the respective results were 87.5% and 100%.

CEDR's average time for Stage 1 reviews was 26.8 working days, with 89.7% completed within 30 working days. Respective results for the previous six months were 23.0 working days and 94%. The 10% of cases that exceeded the 30 working day target did not do so by much – the range was zero to 33 working days.

This isn't a bad set of results in my view, but it's not quite as good as last time. I'd urge CEDR to keep a watchful eye on timescales – Stage 1 responses are near the upper limit.

The average time to complete the four Stage 2 reviews was a commendable 18.5 working days, with a range of 11 to 28.

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

There was the usual mix of general service and administration issues, with the most prominent theme being complaints about messages being ignored. There were a few allegations of staff rudeness.

Complaints involving Reasonable Adjustments (RA) cropped up five times, and CEDR applied its Unreasonable Behaviour Policy (UBP) three times.

I found no complaints about CISAS' on-line case management system, which is good news as this was a theme I identified last time.

Non-compliance complaints featured in 11 cases (28% - the same proportion as the previous six months). However, in some cases – whilst non-compliance was the issue raised by the customer – CEDR established that compliance had actually been met.

CEDR's replies to customers included excellent complaint summaries and were of a generally good standard. I found only three minor typographical errors. Once or twice I felt that CEDR took on a slightly lecturing tone (for example, "you are free to familiarise yourself again with the CISAS rules...".) This is a personal observation and is probably just a matter of style – but by way of constructive feedback it's possibly something for CEDR to bear in mind.

I found five occasions where, in my opinion, CEDR did not respond to all the points the complainant raised.

CEDR offered compensation in nine cases, ranging from £25.00 to £100.00. I found these offers to be proportionate and fair.

### *In Scope – two Complaints*

CEDR partly upheld both cases.

The first went to Stage 2, which I cover later (section 5 (b) (iii)).

The second concerned an allegation of staff rudeness during a call. The customer, who was autistic, also felt he faced barriers in submitting a claim to CISAS as they didn't understand the Equality Act 2010.

CEDR reviewed the call in question and found that the customer wanted to present his case orally to an adjudicator and discuss its merits – which can't happen under CISAS' rules.

The manager did his best to deal with several hypothetical questions from the customer, but the call apparently came to an abrupt end after 40 minutes. However, the Stage 1 reviewer found no evidence of rudeness.

CEDR confirmed their compliance with the Equalities Act and explained how their RA policy worked. They upheld the complaint on the narrow point of the way the call ended. The remedy was an apology, but no compensation. I'm content this was reasonable – as far as I could see there was no consumer harm here; indeed I note that the customer went on to successfully submit a claim.

### *Partly In Scope – 18 Complaints*

All 18 included a disagreement with the adjudication decision as well as customer service elements.

CEDR partly upheld nine complaints (three of which went to Stage 2, which I cover in section 5 (b) (iii)).

Of the other six, one was about non-compliance and the customer's view that CISAS closed the case prematurely. CEDR found one response they sent the customer was unclear but otherwise confirmed that compliance had been met. They awarded £25.00 compensation for the unclear message.

In one case, CISAS failed to reply to four messages from the customer. In a nutshell, the customer had posted the messages in a "rarely used" part of CISAS' on-line case management system.

I was glad to see that CEDR nonetheless acknowledged that the onus was on them to check, and they awarded £100.00 compensation.

One case involved a customer with seemingly complex mental health issues. I'm not going to compromise confidentiality with any details; suffice to say that CEDR handled the matter very well in my view - including taking action to protect the customer, and showing flexibility throughout the process. They also awarded £25.00 compensation for giving the customer slightly unclear information at one point.

One customer complained of poor service but gave no details and didn't complete a complaints form despite being encouraged to do - I give CEDR credit for accepting the complaint anyway. Their review found no evidence of customer service failings but there was some confusion regarding the customer's bank details being passed to the CP - which caused a delay in compliance with a settlement. CEDR admitted that they should have picked this up earlier, so awarded £25.00 compensation.

The customer then complained that the Stage 1 review had taken longer than 30 working days. CEDR explained this wasn't the case due to three public holidays falling in May. The customer asked for a breakdown of the public holidays and complained that it was presumptuous of CEDR to expect him to know them. CEDR provided the breakdown, but the customer still asked for escalation to Stage 2. CEDR, quite correctly, asked what was outstanding from the Stage 1 review and what outcome the customer sought from Stage 2. As far as I know, nothing further has been heard.

In one case a customer felt CISAS failed to chase compliance and reversed an adjudication decision. It was a little complicated as an uncooperative third party was an integral part of the remedy awarded by the adjudicator - so the CP offered an alternative solution which the adjudicator accepted as compliant.

As this involved an adjudicator's decision CEDR rightly ruled it out of scope. They did however award the customer £60.00 compensation as there were delays in dealing with the matter.

In the last of the six upheld complaints, the customer said a query went unanswered and that CISAS ignored a request for a manager call-back. On the latter, CEDR found no evidence of such a request but they acknowledged that CISAS failed to deal with a question the customer asked about interest payments on overpayments to a CP. They awarded £40.00 compensation accordingly, and answered the question (interest payments aren't payable).

I won't summarise each of the nine partly in scope complaints that CEDR didn't uphold, but here are a few that caught my eye. I'm content that in all nine CEDR were right not to uphold the complaints.

One case involved confusion over the CP's compliance with an award and CISAS' closure of the case. CEDR confirmed compliance had been met, although not by the method the customer expected. (The issue was to do with disconnecting and reconnecting service – including more detail here won't add anything.) CISAS hadn't therefore made an administrative failing in closing the case. I noted however that part of the customer's complaint was that his request for a contact at CISAS was ignored and the Stage 1 reply did not address this.

Another case involved a disagreement about whether Fibre To The Premises (FTTP) could be provided; the CP had said it couldn't but the customer maintained that the network provider said it could. Part of the adjudication decision was for the CP to address the network provider's statement. They didn't initially do this, so were judged non-compliant by the adjudicator and the case was re-opened.

The CP added a further statement addressing the issue, which the adjudicator said was "disappointing" but nonetheless compliant. All this was out of scope, but the customer complained that there had been administration errors in closing the claim prematurely. CEDR investigated this – it wasn't the case, and they explained why. The customer remained unhappy, but accepted the position. I felt CEDR handled this case well – but it highlights how customers can get caught up between the CP and the network provider.

In one case, the customer complained about not being notified of delays on his claim. CEDR's Stage 1 review established there were no undue delays and that the customer had in fact been notified of his claim's progress – indeed, there had been an ongoing dialogue with him. The part of the complaint that caught my eye however was that the adjudicator had issued the decision on 26 December (Boxing Day). The customer, among other things, felt this was "Scrooge-like". I wouldn't necessarily go that far – but I did find it a bit odd.

CEDR's Stage 1 review said they had no control over when adjudicators upload their decisions. That's true, and such matters are outwith my remit. However, given that most of the timescales in CISAS' rules are shown in working days it's perhaps unhelpful to issue decisions on non-working days; so I'd urge CEDR to ask adjudicators not to upload decisions on UK bank/public holidays.

One complaint involved RAs (from the same customer who had a separate complaint accepted as in scope). This centred around the purpose and timing of a call to take claim details over the telephone. CEDR gave a good explanation of their RA policy and practice; they also established that a manager had called the customer at the agreed time but there had been no answer.

CEDR's Stage 1 reviewer gave what I consider to be a particularly good reply in one case. This again involved RAs, but the customer had sent CISAS some 20 emails before the complaint and over time had used insulting and aggressive language in calls to staff. CEDR therefore applied its UBP. The issue itself was about a delay in getting FTTP.

The customer disputed that he'd been offensive and made a number of counter allegations about CEDR's staff. The Stage 1 reviewer gave (in my view, indisputable) examples of offensive language taken from call recordings and said that it was reasonable for staff to terminate such calls and for the UBP restriction to remain in place. I agree.

The customer continued contact with CEDR (via a less than pleasant audio note) but they told him firmly that his claim was still open pending an adjudicator's decision and that they would not enter into further correspondence. I fully support CEDR's stance here – sustained disrespect, aggression and insults towards staff is not acceptable.

### *Out of Scope – 18 Complaints*

In my view 15 of these complaints were entirely about the outcome of a claim or the adjudication process, and were clearly out of scope. As is their practice, CEDR explained why this was the case. There was nothing exceptional about the cases, so I won't rehearse them here.

However, I felt that CEDR ought to have treated three complaints as partly in scope. In my opinion they contained customer service elements that as far as I could see CEDR failed to address at Stage 1.

In one case, the customer complained that he was obstructed when calling for an update; that he was misinformed about whether a final decision could be checked; and that he'd requested a call recording in a different format.

In the second case, the customer said that it took CISAS two months to sort out whether a compensation award took the form of an account credit and they made some basic errors.



The Stage 1 review established that the adjudicator hadn't made an award as the CP had already done so; however, I felt the review ought to have addressed what the customer believed were customer service errors.

In the final case, the customer was promised a call back that didn't happen.

All three complaints were closed over four months ago and I don't feel there's anything to be gained by revisiting them now. However, these omissions are disappointing and I'd urge CEDR to up its game.

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

CEDR reviewed four cases at Stage 2.

In the first, the customer complained that "Over the Phone" appointments made under CEDR's RA policy had been missed; that staff had hung up on him; and that CISAS had harassed him.

The Stage 1 review identified five attempted "Over the Phone" calls where there had been no answer or the number given by the customer had been unreachable. CEDR found no evidence of calls from the customer being terminated. There was however evidence of the customer behaving unacceptably, and CISAS had applied its UBP.

There was a long chain of emails after the Stage 1 review. Aside from accusing CISAS of discrimination and lying, the customer was somewhat unclear about exactly what was outstanding. However, CEDR accepted the escalation request.

The case was complicated, involving two CPs – one award had been complied with and one claim was in the pipeline for a decision. CEDR unpicked all this and explained it to the customer.

The Stage 2 reviewer also listened to two calls from the customer, and took the view that they should have been better handled so awarded £100.00 compensation. This was a fair outcome in my view, but it's disappointing that the calls were not reviewed at Stage 1.

The second complainant felt there were multiple errors in the adjudication decision; said that CISAS ignored messages; and that the timeline of the claim wasn't right, particularly with respect to a second adjudicator being allocated to the case at the last minute.

CEDR established at Stage 1 that the case had been allocated to one adjudicator only and that the timeline of the case was in order. They identified one instance where a reply to a message from the customer was overlooked and offered £15.00 compensation.

The customer wasn't happy, didn't accept the findings, raised some new points and rehearsed much of his claim against the CP. CEDR rightly pointed out the latter was out of scope but (after an exchange of emails) accepted the customer's escalation request.

In short, the Stage 2 review (correctly in my opinion) upheld the Stage 1 finding but found that a Subject Access Request by the customer was delayed due to an administrative oversight. The compensation offer was therefore increased to £65.00.

The customer remained unhappy about the adjudication. There were further email exchanges but CEDR restated their position and referred the customer to the Scheme's rules. It crossed my mind that CEDR could have proactively pointed the customer to Stage 3; but on reflection the issues raised after the Stage 2 review were entirely about the adjudication so I would not have been able to deal with them. As such, it would have done more harm than good to mention Stage 3 as escalation would have only been turned down.

The third case was long. The customer raised several issues about the adjudication and problems with their CP dating back to 2011, all of which were out of scope. He also complained that a RA request was not granted; CISAS ignored queries about the process; a manager was rude; and call-backs were not made as promised.

CEDR's stage 1 review explained why the adjudication matters were out of scope. It also established that the RA the customer required was help in formulating his claim. CEDR explained that a customer could dictate a claim over the telephone, but that CISAS could not help build a claimant's case for them. This is correct.

There were two successful call backs to the customer and the Stage 1 review found that the manager concerned had not been rude; rather, the customer made it impossible for them to speak so the calls had to be terminated. CEDR pointed out that they would not tolerate unacceptable behaviour towards staff. Overall, there was no evidence of any service failings.

The customer accused CEDR of bias and repeated a number of earlier complaints. When CEDR asked for details of what was outstanding and what outcome was sought, the customer sent what was in my view an unhelpful response and simply copied in his original complaint. Nonetheless, CEDR escalated the case to Stage 2.

In addition to rehearsing the Stage 1 findings, CEDR pointed out that the customer had been given extra time to gather information and present his claim. However, it was noted that the customer had asked to be called before the decision was issued – which is not part of the adjudication process – but CEDR could have offered to read out the decision to him. On balance the reviewer didn't regard this as a service failing but still offered £25.00 compensation.

The Stage 2 reviewer listened to multiple calls from the customer to 12 staff members and found that on each occasion every effort was made to help. However, some of the calls “dropped out” and one call was ended somewhat abruptly, so the reviewer offered a further £50.00 compensation.

Overall I felt a total of £75.00 compensation was reasonable, but it is disappointing that all the calls from the customer were not reviewed at Stage 1.

As a footnote, the customer requested escalation to Stage 3 but did not respond to CEDR's request for details of what was outstanding and what outcome was sought. The time limit for escalation has since elapsed.

The final Stage 2 case was about non-compliance but the customer claimed CISAS staff had been rude. The customer had been told not to call CISAS under the UBP. The customer was experiencing mental health problems which they said had triggered their behaviour.

At Stage 1 CISAS' call handling had been found to be professional, but the customer had been abusive – hence the UBP restriction. The adjudicator ruled that compliance had been met. No service failings were identified, so the complaint wasn't upheld.

The customer felt that the service issues they'd raised hadn't been fully addressed. CEDR gave a somewhat cursory response to this – more or less saying the Stage 1 review had been done and that was it. The customer persisted, saying that not all calls had been reviewed and emails had been ignored.

The Stage 2 reviewer offered £85.00 compensation as he found that one particular call should have been better handled. However, he also found that the customer's behaviour was unacceptable (including swearing). There was no evidence of further service failures.

During the course of this case the customer stated that they'd been told by CEDR that there was no further opportunity for investigation beyond Stage 1. In my opinion the Stage 2 review should have addressed this point, but I couldn't see that it did so.

## **5. General Observations**

I have six general observations.

- (a)** I felt that some of CEDR's Stage 1 responses were not quite up to the expected standard. For example, in some cases not all points were answered, and there were elements of a couple of the Stage 2 reviews that should in my view have been dealt with at Stage 1. I urge CEDR to focus on this.
- (b)** CEDR seem to have deployed its UBP more than usual – justifiably so in the cases I reviewed. It's a somewhat depressing observation that customers are being abusive to this extent. The UBP should be a very last resort in my opinion (and not used lightly) but staff should be protected from harm.
- (c)** Non-compliance complaints remain relatively high, but in some cases compliance was actually met. Legacy complaints regarding the CP that left CISAS should have all flowed through the process by the end of this reporting period; therefore I'd expect a reduction next time. That said, CEDR should monitor this area.
- (d)** The error rate on classification coding has crept up again after having improved. Hopefully this is a one-off but accuracy is important and I urge CEDR to take care when recording the scope status of complaints.
- (e)** Whilst it was only one case, I'd make the observation that an adjudicator uploading their decision on a public holiday (in this instance, Boxing Day) is not a good idea.
- (f)** No customers mentioned having difficulties with CISAS' on-line case management system – which was an issue I'd noticed in my last two reports.

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

I made no recommendations in my last report.

## **7. Conclusion**

Complaints as a proportion of claims remain low at 1%.

Acknowledgement and Stage 1 response times deteriorated at 94.8% (from 100%) and 89.7% (from 94%) within target respectively. Stage 1 responses within the timescale tended to be at the upper end of the target.

Most complaints were about general customer service issues, although messages being ignored was a theme. That said, not all these complaints were upheld and CEDR's reviews sometimes found evidence that contradicted the customer's position.

There was a higher than usual number of cases involving RAs, which as far as I could see CEDR handled well.

Some customers' behaviour, attitude and language was unacceptable, and CEDR applied its UBP three times. In my view, CEDR's staff are to be commended for dealing with these types of cases as best they could.

I found no instances of customers struggling with CISAS' on-line case management system. I know CEDR were making improvements after my last review and it seems they have made good progress.

Some Stage 1 responses could have been better in my opinion.

## **8. Recommendations**

I have no recommendations.

That said, some of my observations could easily become formal recommendations and my successor may wish to consider this at the next review.

## **Acknowledgements**

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

I'm grateful for CEDR's assistance with my queries as I conducted this review. I appreciate in particular the responses from the Head of Consumer Services and the Complaints Manager to my various enquiries.

As I said earlier, I'm retiring from this role at the end of October. It has been a privilege to be of service to CEDR and its customers for the last seven years.

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

Chris Holland  
Independent Complaint Reviewer  
20 July 2023