

**Centre for Effective Dispute Resolution (CEDR)**  
**Independent Complaint Reviewer Report January – June 2023.**

## **1. Introduction**

This is my thirteenth report covering schemes and services operated by CEDR other than those that I review individually (the Communications and Internet Services Adjudication Scheme (CISAS); the Postal Redress Scheme (POSTRS); and the Aviation Adjudication Scheme). 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 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 reference<sup>1</sup> 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.

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

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

The complaints procedure<sup>2</sup> 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**

CEDR received 12 complaints about schemes/services (other than those covered in my separate reports) between 1 January and 30 June 2023. Of these, one was in the pipeline for a Stage 1 response at the time of my review, so I reviewed 11 complaints (a 92% sample).

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

One Water and Sewerage Service complaint case was 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 2023. Table 1 below gives a breakdown of the volumes of cases that went to adjudication and the outcomes.

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<sup>2</sup> <https://www.cedr.com/wp-content/uploads/2023/07/CEDR-Complaints-Procedure-July-2023.pdf>

Table 1: Claims and outcomes

Scheme	Claims Received	Claims Adjudicated	Found For Claimant	Partly Found for Claimant	Found For Respondent
Lotteries	10	5	0	0	5
Independent Healthcare Sector Complaints Adjudication Service <sup>3</sup> (ISCAS)	61	43	26		17
Royal Institution of Chartered Surveyors (RICS)	237	200	14	50	136
Water & Sewerage Service (WATRS) <sup>3</sup>	274	166	50		116
Totals	582	414	140		274

The ratio of adjudications to claims received was 71% (6 percentage points above the previous six months). The remaining 39% were either outside the scope for investigation by CEDR or were settled without progressing to adjudication.

On claims where an adjudication outcome was reached during the first half of 2023, CEDR found wholly or partly for the claimant in 34% of cases (compared to 36% in the previous six months).

I include these data for context only. Information about each scheme or service is available on CEDR’s website, at:

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

CEDR received 12 complaints out of the 582 claims handled by the schemes or services covered in this report – representing 2% (0.5 of a percentage point more than in the previous six months).

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<sup>3</sup> ISCAS awards goodwill payments rather than finding for or against either party. For the purposes of this table, where goodwill payments were made I have shown them as “for”/ “partly for” the claimant; and where no goodwill payment was made I have shown them as “for the respondent”. Similarly, WATRS outcomes are categorised as “action required” or “not required” but for ease of presentation where action was required I have shown the outcome as “for”/ “partly for” the claimant.

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
Lotteries	10	1	10.0	0	0	1	0	0	0
ISCAS	61	2	3.3	0	0	2	0	0	0
RICS <sup>4</sup>	237	3	1.3	0	1	1	0	1	0
WATRS	274	6	2.2	0	4	2	0	2	2
Totals <sup>4</sup>	582	12	1.5	0	5	6	0	3	2

I found no classification errors.

## **(b) Qualitative**

### **(i) Timescales**

CEDR acknowledged 100% of complaints within two working days.

Stage 1 response times deteriorated, although I'd add the caveat that volumes are low so the percentage movement looks high. CEDR completed 82% within 30 working days (compared to 93% last time). The average response time was 23.8 (compared to 22.7 last time), with a range of one to 37 working days. The two that exceeded the target were WATRS cases.

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

I examined 11 complaints that had been through CEDR's procedure between 1 January and 30 June 2023.

CEDR's Stage 1 responses were well written, with excellent summaries and explanations regarding the scope of the complaints procedure. I found no typographical errors.

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<sup>4</sup> One RICS case was in the pipeline at the time of my review, hence only 11 complaints had reached an outcome.

I felt a couple of complaints (one for ISCAS and one for RICS) that were classified as out of scope should have been treated as partly in scope. CEDR did not deal with the customer service elements of those cases.

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

ISCAS: two complaints.

Both complaints were classified as out of scope.

The first was almost entirely about the adjudicator's decision, but I felt it should have been classified as partly in scope as there was a customer service element. The customer said that when his claim was taken over the telephone he was told that he would be spoken to as part of the adjudication process (which is not the case). In an otherwise comprehensive Stage 1 review, CEDR failed to address this specific point – I'd have preferred them to have listened to the call in question and given a response.

The second complaint was clearly out of scope – involving various unsubstantiated comments about the adjudicator's fitness to practice.

Lotteries: one complaint.

The complaint was out of scope.

The customer felt the adjudicator had misunderstood his claim and wanted an apology, a ban on CEDR operating the scheme and £1,000,000 compensation – although he said he would forgo the first two requirements if the third one was met. There were no customer service issues involved, so CEDR judged the complaint out of scope.

RICS: two complaints.

One case was partly in scope and partly upheld; and one was out of scope.

The partly in scope case mostly concerned the adjudication process. However the customer was unhappy that CEDR hadn't returned her whole file.

There was much back and forth and an enormous amount of correspondence from the customer - but essentially CEDR's administration wasn't great.

They misplaced some documents and didn't handle the customer's queries as well as they might. CEDR's Stage 1 review confirmed that all documentation (including over 400 photographs) had been added to the customer's file and all relevant comments and submissions had been taken into account. CEDR also pointed out that the customer had added her comments at the appropriate stage, and had accepted the final decision.

CEDR explained that they don't physically keep correspondence – they scan it and, unless the customer has specifically asked for its return, it's destroyed. With the exception of one letter, the customer hadn't initially asked for the return of her documents. CEDR had however emailed all the documentation to her to check before the final decision was issued.

I felt that CEDR's Stage 1 review was of a high standard. They partly upheld the complaint and awarded £85.00 for the administrative failings – which struck me as fair and reasonable.

I noticed that at one point (before the Stage 1 review) CEDR advised the customer that if she withdrew her complaint she wouldn't be able to resubmit it. That's not the case – there's nothing in CEDR's procedure that prohibits resubmission of a complaint providing it's within three months after the outcome of a claim. No harm was done as the complaint went on to be concluded – but I'd urge CEDR to take care when advising customers on this point.

The out of scope complaint was almost wholly about the adjudication process, in particular that a timescale was exceeded. However the customer also complained about the sarcastic tone of an email from CEDR's administration team. In my view that counts as a customer service issue thus the complaint should have been partly in scope. The Stage 1 review failed to investigate or address the point.

Otherwise the review found that the overall 90 day target for handling the claim had been met. CEDR explained that a particular timescale that had been exceeded (five working days in which the final decision should be issued following both parties submitting comments) was according to the Scheme's rules an aspirational one; and that in any event the adjudicator was allowed to extend timescales. CEDR's administration team were found to have chased matters up on the customer's behalf and kept her informed – so there were no failings in that respect.

## WATRS: six complaints.

Four complaints were partly in scope, two of which were partly upheld; and two were out of scope.

The first partly in scope complaint (as well as challenging the fairness of the adjudicator's decision) was that WATRS had failed to make a Reasonable Adjustment (RA) and had misspelt the customer's name. He also said that he'd had problems telephoning WATRS. The customer was prolific in his contacts and repeated multiple issues in strong terms, mostly to do with the adjudication.

CEDR's Stage 1 review rightly ruled the majority of the complaint as out of scope. However, it found that the customer's name had been misspelt three times and that on several occasions the administration team had failed to apply the RA of communicating in a large font. The complaint was therefore partly upheld with an award of £90.00 compensation.

I was however disappointed to note that the Stage 1 review did not address the point the customer raised about difficulties when telephoning WATRS.

The second case boiled down to the customer querying the water company's compliance with an award (to reinstate a garden they had damaged).

CEDR's Stage 1 review established that compliance had been met as far as was possible, albeit it had taken some time. They awarded £20.00 compensation.

The customer complained further – querying the adjudication itself and the adjudicator's ruling on compliance; wanting the claim re-considered; and asking whether the £20.00 was for CEDR delaying the process. CEDR explained that the first two points were out of scope, and that the £20.00 compensation was because the Stage 1 review was late. (In my view this wasn't clear from the Stage 1 reply, and I can see why the customer asked.)

The customer persisted, claiming WATRS had made an administrative error by sending a message saying "resolved compliance confirmed" when he didn't feel that was true; and that they hadn't considered his claim for compensation from the water company.

CEDR were able to show that the customer hadn't included a claim for compensation when he submitted his case to WATRS. In respect of the error, CEDR said this was an administrative step only and didn't mean WATRS stopped chasing if compliance was in doubt.

The customer insisted compliance remained outstanding. CEDR explained that WATRS is not an enforcement body but that said they would continue to chase up completion of the work on the customer's behalf – which they did. At the time of writing it was unclear whether compliance was fully confirmed but nothing further was heard from the customer.

The third complaint concerned the return of the customer's file and a delayed Subject Access Request (SAR). It transpired that the customer's file had been returned, but was damaged in the post. CEDR sent another copy. They were also able to demonstrate that they'd sent the SAR within the prescribed timescale. The Stage 1 review therefore did not uphold the complaint.

The last partly in scope case contained multiple issues (also involving other agencies) relating to a complaint that had been running with the water company since 2002. I found it a little difficult to follow, but the WATRS elements seemed to be to do with the way the claim had been presented to the adjudicator and an alleged failure of duty of care. The customer wanted the claim resubmitted.

CEDR's Stage 1 review ruled most of the complaint out of scope, but from an administration perspective found nothing untoward regarding the presentation of the claim. WATRS had kept the customer updated at each stage of the process and had confirmed that the customer's comments had been taken into account. The complaint was therefore not upheld.

The two other WATRS cases were clearly out of scope.

In the first, the customer claimed a letter from the water company in 2016 had not been uploaded to his file and therefore hadn't been taken into account by the adjudicator. CEDR's Stage 1 review provided evidence of the date the letter was uploaded (well before the final decision was issued) and confirmed it had been taken into account.

In the second case, the customer questioned the adjudicator's decision and various regulations relating to responsibility for pipework. There were no elements of customer service or the administration of the claim.



### **(iii) Stage 3 Reviews**

I reviewed one case (which started at the end of 2022 but reached me during this reporting period).

The complaint was exceptionally long – my review covered some 36 points raised by the customer.

Some issues concerned the interface between the Consumer Council for Water (CCW) and WATRS and the order in which documents were uploaded. Whilst the process itself is outside the scope of CEDR's complaints procedure and my remit, I found that WATRS gave unclear advice to the customer.

The customer also said that his claim had been sent to the water company for their response without his permission. This was a real bone of contention for the customer, as he maintained that the on-line form giving consent had been completed by WATRS and not him. I didn't uphold this part of the complaint as I was satisfied that, even if he'd done so inadvertently, the customer had given consent. I reached this conclusion as CEDR demonstrated that only the customer can complete that part of the process and the records showed that he had accessed the system at the relevant time. It also struck me that without consent the claim could not have progressed – so I was at a loss as to why the customer would withhold it.

The customer had contacted WATRS about problems accessing the on-line system but they dealt with this (and paid a small amount of compensation) before he lodged his formal complaint. The customer wanted to raise those issues again; but, reasonably in my view, CEDR took the line that since they had already addressed them, and he'd accepted the compensation, that part of the complaint was closed.

CEDR's Stage 1 review covered a lot of ground, which I don't intend rehearsing here. It was a good response in my opinion, which identified some very minor administration errors and offered the customer £20.00 compensation accordingly.

The customer then sent flurries of emails to various senior people at CEDR. They asked him to keep things to one recipient – which I found reasonable, as it was proving difficult to see the wood for the trees. Eventually, though, despite the customer not saying what outcome he was seeking, CEDR escalated the complaint to Stage 2.

By this stage the amount of correspondence had become overwhelming. However, without going through it in detail here, I found CEDR's Stage 2 review wanting. Whilst I can see why it happened, I found that some points were not covered thoroughly enough; and some assumptions were made that, upon my investigation, could not be backed up with evidence. That said, parts of the Stage 2 review established that some of the customer's complaints (for example about missed deadlines) were unsustainable.

I partly upheld the complaint and, taking into account the unclear advice the customer had been given and the deficiencies I found at Stage 2, I awarded a total of £275.00 compensation.

## **6. Conclusion**

The proportion of complaints that CEDR received in relation to the number of claims handled in the first half of 2023 remains relatively low at 2%.

Timescale performance was good overall, with CEDR acknowledging 100% of complaints within two working days and completing 82% of Stage 1 reviews within 30 working days. The latter result is down on the previous six months (which was 93%) but volumes are low, so percentage movements are more pronounced.

Only four schemes/services received complaints – the lowest number I can recall, which is a good sign

There were only two schemes/services that handled > 100 claims and received complaints. RICS performed best with 1.3% of claims being the subject of a complaint, whilst WATRS had 2.2%.

CEDR's complaint handling continues to be of a good overall standard in my opinion; replies to customers were well written and clear. I would however urge CEDR to ensure that they identify and respond to all customer service issues within a complaint.

WATRS seems to be the Scheme that generates most complaints, in terms of both volume and difficulty. The process itself appears cumbersome (with the CCW element) and sometimes less than straightforward to explain. That said, I only found one complaint that involved WATRS on-line case management, which is an improvement on last time.

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

I made two recommendations last time, both in relation to WATRS. They are shown below in italics, along with a comment.

- a) *That CEDR investigate solutions to the continuing problems with WATRS' on-line case management system, so that the customer experience is improved.*

Based on my review, I'm satisfied that this did not feature as a major cause of complaint. I'm therefore content to close this recommendation.

- b) *That CEDR review the confidentiality clause attached to adjudicators' decisions with a view to its removal, so that claimants are not restricted in sharing the decision with others if they so wish.*

CEDR have removed the clause. This recommendation is therefore closed.

## **8. 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'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.



Chris Holland  
Independent Complaint Reviewer  
1 August 2023