

# **Centre for Effective Dispute Resolution (CEDR)**

## **Independent Complaints Reviewer's Report**

**1 July to 31 December 2023**

### **1. Introduction**

This is my first report as the newly appointed Independent Complaints Reviewer (ICR) covering schemes and services operated by the Centre for Effective Dispute Resolution (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). This report covers the period from 1 July 2023 to 31 December 2023 for “other schemes”. The next review period will be 1 January 2024 to 31 December 2024. CEDR has extended the timeframe for the report from every six months to annually to reflect the small number of complaints received. I confirm that I was consulted about this and I agree with the decision.

### **2. My Role**

CEDR is a registered charity and is non-profit distributing. It provides independent dispute resolution for consumers when they experience problems with a company and have exhausted their complaints procedure. As ICR I have been appointed for an initial period of three years.

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.

Secondly, I review complaints about CEDR generally and produce reports within an agreed timescale. These reports are based on my

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

findings from reviews of individual complaints, if there are any, and by examining and analysing any service complaints that CEDR receives.

### **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 appropriate, a complaint is referred to me.

The procedure is set out with clear 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 6 complaints about "other schemes" (other than those covered in my separate reports) between 1 July 2023 and 31 December 2023. Of these, one was in the pipeline for a Stage 1 response at the time of my review and will be considered in the next review period, meaning that 5 are dealt with in this report. There were 4 additional complaints about the water redress scheme, but this has now closed, and these are excluded from this report. Overall, the outcomes of all cases, including those deemed 'Out of Scope', were in my view correct and replies to complainants were of a high standard, with good summaries and explanations regarding the scope of the complaints' procedure.

### **5. My Findings**

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

I examined those schemes or services about which CEDR received complaints during the second half of 2023. Table 1 below gives a breakdown of the cases and the outcomes. I include this information for context only.

I also note that all complainants received an acknowledgement within 2 working days and all complaints were responded to within 30 working days (the range was 4 to 30, with an average of 18.8 working days). I am of the opinion that the responses were well written, in plain English and correctly classified. I observed that one complaint was sarcastic in tone, but the Complaints Manager did not react to this and dealt with it courteously. All other complaints were 'Out of Scope'. I make the observation that

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<sup>2</sup> <https://www.cedr.com/wp-content/uploads/2023/11/CEDR-Complaints-Procedure-November-2023.pdf>

complainants appear to find it difficult to grasp the concept of something being ‘Out of Scope’ ie. where the scope of the Complaints Procedure does not allow any investigation to be carried out into a decision made by an adjudicator to safeguard their independence.

The complaints procedure is restricted to complaints that raise concerns about poor administration and customer service by CEDR’s Case Officers. The complaints procedure does not permit CEDR to investigate any complaints about “the content or validity of the procedures, rules or timescales of any of the services we provide” or about “decisions made by our arbitrators or adjudicators, or the decision process they adopt”. This would seem very clear, but it doesn’t prevent complaints attempting to circumvent it.

Table 1: Claims and outcomes

| <b>Scheme</b>   | <b>Claims received</b> | <b>Adjudicated claims</b> | <b>Found in favour of the claimant (full or in part)</b> |
|---|------------------------|---------------------------|--|
| Independent Healthcare Sector Complaints Adjudication Service (ISCAS)               | 70                     | 21                        | 14   |
| Independent Adjudication Scheme for Royal Institution of Chartered Surveyors (RICS) | 180                    | 167                       | 61   |
| Consumer Code for New Homes (CCNH)  | 32                     | 10                        | 8  |
| Consumer Code for Home Builders Independent Dispute Resolution Scheme (CCHB IDRS)   | 174                    | 79                        | 48   |
| ICW Consumer Code for New Homes   | 30                     | 16                        | 11   |

Table 2: complaints and outcomes

Table 2 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. This is for the completed complaints during the review period and ones I have reviewed in detail.

| Scheme                | In Scope | Partly in scope | Out of scope | Upheld in full | Partly upheld | Not upheld/ Out of Scope |
|-----------------------|----------|-----------------|--------------|----------------|---------------|--------------------------|
| RICS                  |          |                 | 2            |                |               | 2                        |
| CCNH<br>CCHBAS<br>ICW |          | 1               | 1<br>1       |                | 1             | 1<br>1                   |
| Totals                |          | 1               | 4            |                | 1             | 4                        |

**(i) Casework and Outcomes**

As noted earlier, I examined 5 complaints that had been through CEDR’s procedure for “other schemes” between 1 July and 31 December 2023.

The one complaint that was considered partly in scope related to the Consumer Code for New Homes (CCNH). The adjudicator’s final decision was issued in April 2023. The name of the company was listed in a particular way and after the final decision was issued, CEDR was contacted by the legal department of the company to advise that a decision needed to reflect the correct company name.

This created both confusion and delay and in light of this, CEDR offered a goodwill payment of £35, which the complainant accepted. The payment was modest, but in my view, consistent with those awarded by the Parliamentary and Health Service Ombudsman (PHSO). The complainant was advised to contact the Code Administrator going forward, who will advise the developer of their obligations under their Code and address concerns that the developer is ‘stalling for time’ by changing their name.

**(ii) Stage 3 Reviews**

I reviewed no cases at Stage 3.

**6. Conclusion**

Performance was good overall, with CEDR acknowledging 100% of complaints within two working days and completing all Stage 1 reviews within 30 working days. Volumes remained low and I have no recommendations to make during this review period.

## **7. Acknowledgements**

I conducted my review remotely and I am grateful to CEDR for facilitating this with the necessary technical support. I had open and unrestricted access to all the systems and records that I needed and the ability to conduct the audit as appropriate. I also had assistance with the various queries that came up as I conducted my review, including examining the casework. I am grateful to my predecessor for the quality of his handover.

Andrea Cook OBE  
Independent Complaints Reviewer  
22 January 2024