

Communications and Internet Services Adjudication Scheme
(CISAS): Independent Complaint Reviewer Report
1 July 2023 – 31 December 2023

1. Introduction

This is my first report on the Communications and Internet Services Adjudication Scheme (CISAS) for the Centre for Effective Dispute Resolution (CEDR) as the newly appointed Independent Complaints Reviewer (ICR). I am an independent consultant working remotely and I specialise in complaints handling. I have been appointed for an initial 3-year term.

This report covers the period from 1 July 2023 to 31 December 2023. The next review period for CISAS will be covering 1 January 2024 to 30 June 2024.

2. Background

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 internal complaints procedure. CEDR's aim is to provide society with skills and solutions for effective dialogue and to bring about sustainable change.

A complaint should have exhausted a company's complaints process before it is brought to CEDR. There is then a two-stage resolution process before a complaint would be referred to the ICR. It is not my role to review, amend or overturn decisions, awards or determinations made on cases by CEDR's adjudication officials or to consider complaints about the decision-making process used by an adjudication official in a particular case. I can review cases where a user of the Service has complained to CEDR and having been through the complaints procedure, remains dissatisfied with the outcome. I may also make recommendations based on my findings. CEDR provides me with relevant statistical information to help with my analysis.

The second aspect of my role is to review complaints about the service generally. These are based on my findings from any individual complaints that I have reviewed, examining and analysing all, or some, of the service complaints about CISAS as I consider appropriate.

As part of my role, I am also asked to review preferably all, but as a minimum a sample of no less than 80%, of formal complaints about CEDR (at Stages One, Two and Three) and produce a set of four reports. There are three standalone reports covering the Communications and Internet Services Adjudications Scheme (CISAS), the Postal Redress Service (POSTRS) and the Aviation Adjudication Scheme. A further report covers CEDR's "other" schemes.

3. CEDR's Complaints Procedure

CEDR's complaints procedure includes CISAS. It explains the scope of the procedure and the two internal review stages that take place before, if appropriate, a complaint is referred to me.

The process is articulated clearly, with timescales and information about what can be expected. In brief, if after the Stage 1 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. Where this does not resolve the matter, it can be referred to me for an independent complaint review at Stage 3.

Under my terms of reference and the Scheme's rules 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.

4. This Report

There were 25 complaints about CISAS during this reporting period. 21 had received a Stage 1 or Stage 2 response, 1 had received a Stage 3 response and 4 complaints were pending a response as 30 working days had not yet lapsed.

Table 1: Acceptance/non acceptance of complaints

In Scope	Partly in Scope	Out of Scope	Total
6	6	9	21

Table 2 below gives a breakdown by outcome at Stage 1 of the complaints procedure for those cases that were deemed In Scope and Partly in Scope. Of note, no cases deemed in scope/ partly in scope had an outcome of being fully upheld.

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

Upheld	Partly Upheld	Not Upheld	Total
0	6	6	12

I found no classification errors in respect of complaint outcomes.

Tables 1 and 2 show that CEDR accepted 57% of complaints as In Scope or Partly in Scope; and that 50% of those were not upheld.

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 21 cases that had completed CEDR's complaints procedure at the time of my review.

CEDR acknowledged 96% of complaints within their internal two working day target. Only one case had received an acknowledgement slightly outside of this timeframe. The 96% is an increase from 94.8% acknowledged in the previous six months.

CEDR's average time for Stage 1 reviews was 21.3 working days, with 100% completed within 30 working days. Respective results for the previous six months were 26.8 working days and 89.7% of complaint responses completed within 30 working days. It is pleasing to see that all responses received a response within the allowed timeframe and that the average response time had decreased. The Stage 2 reviews were also completed within the allowed timeframe.

ii. Casework and Outcomes

There was the usual mix of general service and administration issues. CEDR's replies to customers included competent complaint summaries and were of a generally good standard. On occasion, I felt that CEDR's responses were somewhat 'formulaic', but I understand that it is difficult to know how to avoid this without compromising consistency.

In this six-month period CEDR offered compensation in cases, ranging from £20 to £200. Overall, I found these offers to be proportionate and fair, particularly in the context of CEDR's Guide to Goodwill Payments.

In Scope Complaints

CEDR upheld 3 out of 6 cases in this category.

In the first, there were no administrative errors, and the case was settled within 20 working days, however in my opinion the email contact could have been more reassuring and provided clearer information. The customer received £123.12 credit from their communications provider – a refund of charges for 2 months and a credit for the next 10 months over and above the contract price. An additional £40 goodwill payment was made by CEDR, which I fully endorse, although I question whether the

customer should have had to pursue this complaint or if it should have been picked up earlier by CEDR.

Another customer challenged CEDR about a settlement with their communications provider being accepted without his consent. He wanted a reprimand to be issued, an investigation to be undertaken and a review of his complaint. A question he had raised on the portal had been misconstrued as acceptance of an offer. He was given a goodwill payment of £40 for this administrative error and a further £35 for being unable to check progress of the case on the case management system. I considered this to be a good outcome in terms of fairness and customer service.

A complaint was rejected at Stages 1 and 2 but escalated to Stage 3 and addressed by my predecessor as ICR in September 2023. The customer had Asperger's and was not satisfied reasonable adjustments had been made for his disability. My predecessor concluded that these had been considered, met and applied and he did not uphold any elements of the complaint. The customer was helpfully directed towards the Equality Advisory Support Service and the case was closed. In my opinion, the customer's 'fixation' on the complaint was linked to his condition and CEDR had endeavoured to be supportive.

One customer complained about a potential data breach with their communications provider and considered the addition of other emails to his core file to be malicious and CEDR to be evasive. He was advised by CEDR that his complaint related to a commercial agreement that was binding. The customer was professional and courteous in his approach but had to write to CEDR on numerous occasions; he requested £300 in compensation. The Stage one response quotes both £20 and £25 awarded in compensation and it was not clear to me what the final offer received was. However, the case did progress to stage 2 and the customer was ultimately awarded £200.

Another customer argued that the handling of his complaint was "persistently and potentially racist" and showed a lack of empathy. He asked for the call to be listened to and requested compensation for poor service. This was not upheld, and no service failures were identified. CEDR confirmed their compliance with the Equalities Act and explained how their Reasonable Adjustments policy worked. They upheld the complaint on the very narrow point of the abrupt way the call ended. I'm content this was reasonable – as far as I could see there was no consumer detriment here.

Partly in Scope Complaints

I looked at the 6 Partly in Scope cases. These largely centred on the adjudicator's decision or Scheme rules but there were some administrative issues where goodwill payments were awarded. Overall, I am satisfied that the outcomes reached were all acceptable and proportionate.

One of these challenged the Reasonable Adjustments policy where the case had been closed because the evidence required had not been received. A goodwill payment of £30 was made because the customer hadn't been informed of this. In another complaint, £20 was awarded for an oversight by the Case Officer in relation to the due date on the system which had not been changed manually to enable the

company to respond. A complainant with dyslexia challenged the Reasonable Adjustments policy as he had not been able to submit his complaint over the telephone. He was awarded a goodwill payment of £50. Cases which were not upheld were those where the customer hadn't accepted an offer from their provider and this was deemed to be rejected; one which argued that the scheme rules favoured the company– by allowing them longer than the complainant to respond. A £100 credit had already been applied to the customer's account; and a case where it was alleged there had been premature closure. Whilst I acknowledge the complainant's view, the Scheme Rules and process timings are completely outside of my remit.

Out of Scope Complaints

I looked at 9 out of scope complaints in this category. I make the observation that 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. It does not permit CEDR to investigate any complaints about "the content or validity of the procedures, rules or timescales of any of the services provided" or about "decisions made by its arbitrators or adjudicators, or the decision process they adopt". This would seem very clear, but it doesn't prevent complainants attempting to circumvent it. On this occasion all 9 cases included a disagreement with the adjudication decision. The responses and outcomes were all correct in my view for this grouping of complaints.

5. General Observations

My predecessor made six general observations in his last report (period covering 1 January to 30 June 2023):

- a. 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 have been dealt with at Stage 1. He urged CEDR to focus on this.
- b. CEDR had deployed its Unacceptable Behaviour Policy (UBP) more than usual – justifiably so in the cases he reviewed. He found it depressing that customers were being abusive to this extent but reinforced that 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 and he would expect a reduction next time. He considered that this area requires monitoring.

d. The error rate on classification coding has crept up again after having improved. He urged CEDR to take care when recording the scope status of complaints.

e. Whilst it was only one case, he made the observation that an adjudicator uploading their decision on a public holiday is not a good idea.

f. No customers mentioned having difficulties with CISAS' on-line case management system – which was an issue noticed in his last two reports, however this has since reoccurred.

My predecessor suggested that I should look at these issues. I have concluded that it is too early in my tenure to do so but will revisit them in my next report. However, from the cases I have reviewed, there doesn't appear to be any internal classification errors with complaints and I am of the view that the responses at stage 1 addressed all the points raised in the complaint, as appropriate.

6. Conclusion

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, written in plain English and consistent with the principles of good complaints handling.

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 February 2024