

Centre for Effective Dispute Resolution (CEDR)
Independent Complaint Reviewer Report For 2019.

1. Introduction

This is my sixth report for CEDR. It covers all schemes and services operated by CEDR except 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.

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, consider or comment on the substance or outcomes of cases or applications made by claimants.

Where appropriate, I may make recommendations based on my findings.

The second aspect of my role is to conduct overall reviews of service complaints and produce interim and annual reports. These are based on findings from my reviews of individual complaints, if there are any; and by examining and analysing as I see fit any service complaints that CEDR have handled.

¹ <https://mk0cedrxdkly80r1e6.kinstacdn.com/app/uploads/2019/12/Independent-Reviewer-TOR-v2.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 articulated clearly with timescales and information about what can be expected. In brief, if after the first stage response to a complaint customers remain dissatisfied they can ask for escalation to stage two of the process, where a senior manager or Director will review the complaint. Where this does not resolve the matter, the complaint can be referred to me for independent review.

4. This Report

For the purposes of this report, my quantitative findings incorporate those from my interim report and cover the full year from 1 January to 31 December 2019. My qualitative findings on timescales also cover the whole year, whilst my findings on casework and outcomes focus only on 1 July to 31 December. My interim report covers the first half of the year in this respect.

During 2019 I had two complaints referred to me under CEDR's complaints procedure. One was about the Solicitors Regulation Authority (SRA); the other was about the Royal Institution of Chartered Surveyors (RICS). I comment on both in my findings (section 5).

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

5. My Findings

(a) Quantitative

I have looked at those schemes or services about which CEDR received complaints in 2019. Those schemes or services that are absent from the following tables were not the subject of any complaints during the year and therefore do not fall within the scope of this review.

² <https://mk0cedrxdkly80r1e6.kinstacdn.com/app/uploads/2019/11/CEDR-Complaints-Procedure-new.pdf>

Table 1 below gives a breakdown of the volumes of cases that went to adjudication and the outcomes³.

Table 1: Claims and outcomes

Scheme	Claims Received	Claims Adjudicated	Found For Claimant	Partly Found for Claimant	Found For Respondent
Cavity Insulation Guarantee Agency	38	29	0	20	9
Consumer Code for Home Builders	181	101	26	35	35
Independent Healthcare Sector Complaints Adjudication Service ⁴	125	64	n/a	n/a	n/a
Royal Institution of Chartered Surveyors	443	375	110	54	211
Solicitors Regulation Authority ⁴	57	42	n/a	n/a	n/a
Water & Sewerage Services ⁵	543	401	35	108	258
Totals	1387	1012	171	217	513

The ratio of claims adjudicated to claims received in 2019 was 73%. The remaining 27% were either outside the scope for investigation by CEDR or were settled without the need to progress to an adjudicator. There will always be a pipeline (i.e. some claims made in December will not be adjudicated until January) but as a snapshot this gives a good guide to CEDR's workload for the schemes and services covered by this report.

³ Some cases logged in 2019 were carried over to 2020, and some cases logged in 2018 were concluded in 2019, so the figures will not necessarily balance.

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

⁵ WATRS outcomes are categorised as "action required" or "not required". However, for ease of presentation this table groups them under the same headings as other schemes and services.

On claims where an adjudication outcome was reached during 2019⁶ CEDR found wholly for the claimant in 171 cases (19%); partly for the claimant in 217 cases (24%); and wholly for the respondent in 513 cases (57%)⁷.

Overall claims (for those schemes or services about which a complaint was made) went up by 17% compared to 2018 - from 1180 to 1387. The biggest increase was with RICS, which saw claims increase by 275% (from 118 to 443).

Overall year on year comparisons are, however, to be treated with caution because CEDR no longer operated the ABTA scheme in 2019, whereas in 2018 (up until June) that scheme generated 359 claims.

These figures provide a useful context in respect of the schemes/services about which CEDR received complaints. Information about each scheme or service is available on CEDR's website:

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

Table 2 overleaf shows the total claims for each scheme or service about which complaints were made, together with the number and percentage of service complaints made against CEDR itself; and the results of those complaints in terms of acceptance (in or out of scope of the procedure) and outcomes.

⁶ Excluding the ISCAS and the SRA, which are complaint review services rather than ADR schemes.

⁷ Figures do not balance due to ISCAS and SRA being complaint review services and not having outcomes as such; and due to some cases being in the pipeline.

Table 2: complaints and outcomes⁸

Scheme	Total Claims	Service Complaints	%age	In Scope	Partly in scope	Out of scope	Upheld in full	Partly upheld	Not upheld
Cavity Insulation Guarantee Agency	38	2	5.2	0	0	2	0	0	2
Consumer Code for Home Builders	181	3	1.7	0	1	2	0	0	3
Independent Healthcare Sector Complaints Adjudication Service	125	3	2.4	0	0	3	n/a	n/a	n/a
Royal Institution of Chartered Surveyors	443	9	2.0	3	4	2	2	5	2
Solicitors Regulation Authority	57	3	5.3	1	2	0	n/a	n/a	n/a
Water & Sewerage Services	543	9	1.6	3	1	5	0	2	6
Totals	1387	29	2.1	7	8	14	2	7	13

Allowance should be made for those schemes or services where volumes are low - thus one or two complaints translate into a relatively high percentage.

I found eight classification errors (three in the first half of the year and five in the second) - which I drew to CEDR's attention and which they have corrected. Table 2 shows the right figures.

These were matters of record keeping only and had no bearing on casework processing or complaint outcomes; but at 27%, this is quite a high error rate (rising to 33% during the second half of the year). This could affect CEDR's internal reporting/analysis; or give a less than accurate picture if the figures were required by an external agency.

⁸ Figures do not balance due to ISCAS and SRA being complaint review services and not having outcomes as such; and due to some cases being in the pipeline.

I discussed the matter with the Head of Consumer Services, who will take steps to ensure an improvement. For the sake of completeness, I am making a formal recommendation on this point.

Of the 1387 claims handled by those schemes or services within the scope of this report, CEDR had 29 complaints - representing 2.1%. Whilst this is an increase on 2018 (when there were 16 complaints, representing 1.4%) the absolute number remains low, and the movement is slight at 0.7 of a percentage point. This is a commendably consistent performance.

The increase was in large part caused by more complaints relating to RICS - up from one in 2018 to nine in 2019.

Other than this observation, in terms of quantitative analysis the overall number of complaints remains so low that I cannot identify any meaningful trends or themes.

I have over the past three years kept an eye on Water and Sewerage Services (WATRS) complaints. In 2016 the percentage of service complaints was 3.9% so I'm pleased to see 2019's corresponding figure at 1.6%.

(b) Qualitative

(i) Timescales (2019 full year)

The time taken for Stage 1 reviews improved significantly compared to 2018; conversely, performance on acknowledgements declined.

CEDR acknowledged 83% of complaints within one working day; 93% within three working days; and 7% over three working days (one of which took eight working days). This is less good than in 2018, when CEDR acknowledged 100% of complaints within one working day - although it's worth noting that there were fewer complaints in 2018 (16 compared to 29).

Complaints were reviewed at Stage 1 within 30 working days in 100% of cases - an impressive achievement. This is a big improvement on 2018, when the comparable figure was 87%. The average response time was 19 working days, with a range of one to 30 working days.

WATRS stood out in terms of timescales, where the average Stage 1 response was 12 working days. The Independent Healthcare Sector Complaints Adjudication Service's (ICSAS) average was 17 working days; and the remaining schemes or services' averages were between 21 and 26 working days.

There were three Stage 2 reviews, all of which were completed within the 30 working day deadline. The average Stage 2 response time was 18 working days, with a range of 11 to 25 working days.

The two complaints that were escalated to Stage 3 were concluded within 30 working days, with an average of 14 working days and a range of 12 to 16 working days.

(ii) Casework and Outcomes (1 July to 31 December 2019)

I looked at the 15 complaints that had been through the process between 1 July and 31 December.

I found five cases that had been misclassified, which I'm satisfied were due to human error. These have now been corrected. However, five misclassifications out of 15 complaints is a high error rate (33%) and I have made a recommendation on this point.

Complaints were well handled in my opinion, and responses to customers were generally of a high standard.

Below I comment on the complaints CEDR received in the second half of the year about each scheme or service.

Cavity Insulation Guarantee Agency: one complaint.

The complaint was that evidence in relation to the original claim had not been read properly. This was in my view correctly ruled out of scope, although the reply to the complainant did point out that the adjudicator had separately explained to the customer why the evidence in question had not affected the outcome.

Consumer Code for Home Builders Independent Dispute Resolution Scheme: three complaints.

Two complaints were in my opinion correctly ruled out of scope, as they concerned aspects of the adjudication only. However, in one of these cases CEDR refunded the complainant's fee (£120.00) as the claim was made very close to the date when the scheme became free to use.

The third case concerned a claim against the homeowner by the builder and was partly in scope. The claim itself was complex, and most of it concerned the builder's disagreement with the adjudicator on certain points. All this was outwith the scope of the complaints procedure, but there was a narrow complaint about one aspect of the administration of the claim in respect of the visibility of comments to all parties.

In the event, CEDR established that there had been no failing as the claim followed the rules as they stood. The complaint was therefore not upheld, which was the correct outcome in my view.

Independent Healthcare Sector Complaints Adjudication Service: three complaints.

All three cases were in my opinion correctly ruled out of scope. In one shape or form, the root cause of each complaint seemed to me to be unhappiness with the result of a medical or cosmetic procedure of some kind. There were also elements of dissatisfaction with the broader level of service given by the healthcare provider. However the complaints themselves all related wholly to aspects of the decisions reached on the claims. In each case, CEDR sent what were in my view reasonable replies explaining their complaints process and why the particular complaint was not within scope.

Given the nature of these cases, to satisfy myself - even though it is outwith my remit and terms of reference - I took the liberty of examining the claims and decisions. I found them to be balanced, comprehensive and detailed.

Royal Institution of Chartered Surveyors: two complaints.

One complaint was within scope, and involved a number of administrative failings (including some missing information, and incorrect advice regarding timescales). The Stage 1 response was comprehensive, inter alia explaining the impact of a system error, and it upheld the complaint in full awarding £200.00 compensation. The customer gave positive feedback: "Thank you for your response...we appreciate that you have carried out a thorough review of this matter...".

The second complaint was partly in scope and contained a number of detailed points, none of which were major in my view. The Stage 1 reply was of a high quality and covered all the points the complainant had raised, which were largely matters of clarification. However, the response acknowledged that the customer had experienced some problems (in terms of contacting CEDR) along the way, and partly upheld the complaint. CEDR awarded £20.00 compensation, which the complainant accepted. I am satisfied that this was a reasonable outcome.

Solicitors Regulation Authority: one complaint.

This complaint was partly in scope, but it was extremely long and very complicated. The part that was in scope concerned some incorrect information on the claim application form (which has since been amended). The complainant was advised of the correct position in dialogue with CEDR, but the Stage 1 review nonetheless accepted that the complainant had been inconvenienced and CEDR offered £100.00 compensation - which was in my opinion proportionate.

The complainant viewed this as an acceptance of liability and continued to pursue the complaint, raising some lengthy points most of which were out of scope. Nonetheless, following an exchange of emails, the complaint was escalated. At the time of my review, the Stage 2 review was in the pipeline.

I could not find fault with CEDR's handling of the complaint thus far. The scope of the complaints procedure had been properly set out, and the element of the complaint that fell within scope had been addressed.

Water & Sewerage Services: five complaints

One case was in the pipeline at the time of my review; the remaining four were out of scope. I examined all four, and am satisfied that in each case this was the correct decision.

One complaint was very unclear, but seemed to relate to the six month timescale to bring a complaint to WATRS, which had in any event expired; one wholly concerned the decision and adjudication process; and two raised legal points that were well outside the scope of the complaints process.

In all four cases, CEDR sent good replies to the complainants explaining the situation.

(iii) Stage 3 Reviews (1 July to 31 December 2019)

I reviewed two complaints during this period (both of which started life in the first half of the year).

The first concerned the Solicitors Regulation Authority, where the only elements that fell within my remit were delays and a general complaint about the handling of the case. The delays had in my view been satisfactorily dealt with at Stage 1, where they were acknowledged and £30.00 compensation was awarded. The Stage 1 response also said that, based on the complainant's feedback, a new process had been implemented to avoid such delays occurring in future.

The Stage 2 review seemed to me to be thorough - it expanded on some points, but maintained the Stage 1 outcome as fair and reasonable. I agreed. In my review I concluded that CEDR had handled the complaint correctly and that, apart from the delays, I was unable to find any evidence of a procedural or administrative failing. I therefore did not uphold the complaint.

The second case I reviewed concerned RICS. The complainant made 15 specific complaints - many of which were about the decision reached on the claim, so were out of scope. There were also some allegations about the behaviour of CEDR staff - the detail of which might identify the complainant, so I will not elaborate other than to say there was no evidence to support the allegations. I found the Stage 1 review to be reasonable, and it offered £30.00 compensation in relation to a missing document (even though the whereabouts of the document were inconclusive). The Stage 2 review was in my opinion very thorough, and it maintained the outcome reached at Stage 1. The detail is too lengthy to rehearse here, but in my review I responded to every point raised and my conclusion was that whilst CEDR made one or two minor administration errors they were immaterial and in any event quickly corrected. Whilst I had every sympathy with the complainant, I did not uphold the complaint.

6. Conclusion

I am pleased to report another year of good performance. Given the total claims relating to CEDR's schemes and services covered by this report, the frequency of complaints about its own service levels in 2019 remains low at 2.1%.

Complaint handling timescales were excellent - 100% within timescales. However, speed of acknowledgment was less good with 83% within one working day and 7% taking more than three working days.

The complaints process is well articulated and the evidence from my review shows it to be working effectively. The responses to complainants that I examined were all of a good standard, maintaining the improvements made over the last couple of years.

Of those schemes or services about which a complaint was received, and which handled > 100 claims, WATRS performed best - with 1.6% of claims being the subject of a complaint. I was, incidentally, pleased to note that from November 2019 the time allowed for a complainant to comment on a water company's defence was formally increased from two days to five days.

ISCAS had the highest percentage of service complaints (of those that handled > 100 claims) with 2.4% of claims being the subject of a complaint. That said, ISCAS handled only just over 100 claims, and the percentage is still low so I have no concerns in respect of this service.

I found a relatively high proportion of classification errors that, whilst having no impact on complaint handling or outcomes, CEDR would in my view be well advised to improve upon.

7. Follow up on previous recommendations

I made no recommendations in my last (interim) report.

8. Recommendations

I have one recommendation: that CEDR improve the accuracy of complaint classification so that, in turn, internal data is accurate. As well as ensuring that the correct classification is shown at the point of entry on the system, CEDR may wish to consider some form of quality check periodically.

Acknowledgements

I have been given full and unrestricted access to CEDR's systems and records along with carte blanche in respect of conducting this audit as I saw fit. I am, as ever, grateful for the patience and assistance given to me in terms of accessing and navigating systems; and in dealing with my questions. I am grateful, too, for CEDR's thorough and constructive responses to the various matters that I raised; and for CEDR's actions in correcting the classification errors that I found.

Chris Holland



Independent Complaint Reviewer

29 February 2020