

Institution: Queen Margaret University, Edinburgh		
Unit of Assessment: UoA 17 Business and Management Studies		
Title of case study: Changing the culture and understanding of complaints handling in public services and ombudsman and consumer alternative dispute resolution (ADR) schemes in the UK		
Period when the underpinning research was undertaken: 2014-2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Jane Williams	Senior Lecturer	2008 - present
Carol Brennan	Reader	1987 to 2019
Chris Gill	Senior Lecturer	2012 - 2017
Carolyn Hirst	Lecturer	2013-2017
Gavin McBurnie	Lecturer	2016 – 2019
Period when the claimed impact occurred: 2014 - 2020		
Is this case study continued from a case study submitted in 2014? N		
1. Summary of the impact <p>Our research has improved complaint handling practice in public services, ombudsmen and consumer ADR schemes in the UK and influenced the development of a culture of service improvement based upon learning from complaints. Three key impacts are:</p> <p>(1) Improved complaint handling skills by complaint handlers as a direct result of obtaining our research based qualifications.</p> <p>(2) Improvements in consumer experience as result of research informed changes in organisational policy and practice that foster implementation of learning from complaints.</p> <p>(3) Provision of improved support for public sector employees who have been complained about to promote learning and reduce adverse effects on individual performance.</p>		
2. Underpinning research <p>The programme of research has been published in five peer reviewed journal articles and focuses on changing the culture from one of defensiveness and avoidance to one of valuing consumer complaints as drivers for service improvement. The driving principle is that learning organisations can gain valuable insights from complaints. Currently led by Williams (2008 -) the programme has benefited from a collaborative team of experts in the field.</p> <p>The research pinpoints ways to improve the experience for all parties affected by complaints including the consumers who make complaints, the complaint handlers who deal with complaints, the employees who have been complained about and the organisations involved.</p> <p>QMU's research is focused on two main strands:</p> <ul style="list-style-type: none"> improving complaint handling practice and the design of complaint systems in order to improve customer voice and experiences of complaint handling in consumer alternative dispute resolution (ADR) and ombudsman schemes and sectors subject ADR in the public and private sector ((1) (2), (3), and (5). Supporting public sector employees who have been complained about. This work started at QMU and is now led by the University of Glasgow (4) in collaboration with QMU. <p>The dispute design research (1) identified how ADR schemes have developed in an adhoc and piecemeal fashion that is confusing to consumers. Our research highlighted for the first time the</p>		

need for a more systematic approach to dispute design in relation to consumer ADR. We developed an innovative dispute design model which emphasised the need to identify clear objectives when designing dispute systems and how choices over system and process design can help learning and deliver systemic change as well as deliver better customer experiences.

Our research also highlights the **importance of consumer voice in the context of learning from complaints** ((2), (3) and (4) and (5)). Our research (2), based on over one hundred case studies from across the UK public sector commissioned by NESTA, concluded that effective systems and processes for consumer voice enables complainants to identify problems and gaps between expectations and delivery. Insights from these complaints can then be used to drive innovation and service transformation.

We were also funded externally by Citizens Advice to research consumer experiences of consumer ADR. This data subsequently informed the development of research (5) on the **importance of participation in complaint handling processes**. This generated new empirical evidence that consumers expect high levels of participation from ADR. This was completely contrary to the traditional policy maker and organisational assumptions about low value, transactional disputes. Using a ladder of legal participation, we show that consumer participation in complaints processes is essential highlighting the distinction between genuine and tokenistic participation.

International research in association with colleagues in Australia (3) further highlighted the need for complaint processes to be designed to take into account the needs of vulnerable consumers drawing on the multi-dimensional nature of vulnerability **highlighting how complaint systems that meet the needs of vulnerable consumers can improve complaint handling for all. This collaboration also evidenced the international applicability of our model.**

Williams (5) is a collaborator on research with the University of Glasgow on the impact of being complained about on public service employees addressing another gap in the literature. This research demonstrates that **complaints can have a significant effect on wellbeing and work practices and reduces the potential for organisation to learn from complaints. It extends academic literature on therapeutic jurisprudence by extending it to service recovery** and highlighting the need for a more therapeutic approach to complaint handling which supports all the actors in the complaint handling process including employees.

3. References to the research

Bold authors were QMU staff at the time of publication. Evidence of Quality: All papers have been subject to rigorous peer review; [1, 2, 4, and 5] were developed following on from commissioned research projects (see corroborating source 1 for weblinks to the commissioned research reports).

(1) **GILL, C., WILLIAMS, J., BRENNAN, C. and HIRST, C.**, 2016. Designing Consumer Redress: A Dispute System Design (DSD) Model for Consumer-to-Business Disputes. *Legal Studies*, 36 (3). pp. 438-463. ISSN 1748-121X

(2) SIMMONS, R. and **BRENNAN, C.**, 2016. User voice and complaints as drivers of innovation in public services. *Public Management Review*, 19 (8) pp 1085 – 1104.

(3) **BRENNAN, C.**, SOURDIN, T., **WILLIAMS, J.**, BURSTYNER, N. and GILL, C., 2017. Consumer vulnerability and complaint handling: challenges, opportunities and dispute system design, *International Journal of Consumer Studies*.

(4) GILL, C. SAPOUNA, M., HIRST, C. **WILLIAMS J.** 2019. Dysfunctional accountability in complaint systems: The effects of complaints on public service employees. *Public Law*, Oct, pp. 644-664.

(5) **WILLIAMS, J.**, GILL, C. and **VIVIAN. N.** 2020. Participation as a framework for analysing consumers' experiences of alternative dispute resolution. *Journal of Law and Society*. DOI:10.1111/jols.12224

4. Details of the impact

IMPROVED ORGANISATIONAL POLICY

Our research has impacted on the complaints policy of private and public sector organisations to create a culture of welcoming complaints for the learning they bring as evidenced in a testimonial from the Co-Lead of the Cross UK Government Complaint Forum (source 1):

*"The research ... on the need to design effective complaint systems ensures that complaints are investigated in a way that allows complainants to participate effectively, **that complaints are investigated timeously and fairly, and that the needs of vulnerable consumers are taken into account.**"*

In relation to their own organisations practices they commented:

*"I have introduced new guidance to support investigators on how to investigate complaints, drawing on the research and best practice. **This has ensured investigators are clear on approaches to take, correctly scope complaints to avoid being distracted by information not central to the complaint and being clear how to escalate matters should challenges arise; particularly around vulnerabilities**"*

We have assisted the Scottish Legal Complaints Commission (SLCC) to improve their complaint handling practice and that of the legal profession and their Director of Public Policy stated (source 2):

*"**It has built our knowledge and understanding of good practice in our field and influenced our approach to our own complaints handling, as well as provided us with evidence to support our proposals for regulatory reform.**"*

Our research also assisted the development of the SLCC's Consumer Panel's Consumer Principles and Consumer at Risk of Vulnerability publications. The former is, *"helping us to shape the debate about how regulation should protect and promote consumer interests, and giving us a strong basis for challenging others to do so."* The latter has: *"... **led to amendments to the legislation** in line with the Panel's definition being supported from across the parliamentary spectrum, and being cited in the parliamentary record of the debate. This allowed the Panel to exert influence on the legal framework for consumer support in Scotland which goes beyond legal services, and allowed the Panel and the SLCC to build its influencing capacity on a new topic in the political debate in Scotland"*

The relevance of our research on complaint handling practice led to six commissioned research projects from BACS payments Ltd, Citizens Advice, Legal Ombudsman, Office of Road and Rail Ombudsman Services and Water UK (source 4). The impact of our research for BACS Ltd on the payments industry was the appointment of three new consumer representatives prompting the Chair of the New Payment Systems Operator (who has taken over BACS), to comment: *"**Our plans for end-user engagement are entirely consistent with the first and second conclusions of the QMU report ...that consumers should be put at the heart of all decision making; and that consumer representation should ideally be structured to include both Board and collective forum representatives and supplemented by direct outreach to other consumer groups including consumer orgs**"* (source 5).

Recommendations of our independent reviews of three consumer redress schemes in New Zealand and Australia all drawing on our research have also been adopted (source 6).

IMPROVED PRACTICE

We have evidence of impact on complaint handling practice from the assignments submitted by **768 complaint investigators and managers from 120 organisations** who have undertaken our research informed qualifications. This includes 38 English Local Authorities, 13 UK Government Departments such as HM Courts & Tribunals Service, Department of Work and Pensions and 23 ADR and Ombudsman bodies. Of responses to longitudinal follow up surveys in 2018 (n = 33) and 2020 (n =20) 75% of those who attended planned to make changes and 80% of those who planned to make changes were able to implement changes with examples including (sources 7 and 8):

- *Recommendation accepted and extra tier of escalation has been removed”....” and “Changes have been implemented helping with consistency of response, and shorter complaint resolution time.”* (source 7)
- *“The training gave me a clear, coherent, structure that I have been able to train up staff within my team to use as well” As a result “we have far fewer enquiries around the details and timelines within them now”. (source 8)*
- *I completely reviewed my business area's customer service complaints procedure and shared that learning with other business units. I am supporting those units to improve their complaint handling. We've introduced a new feedback service and shared that with other complaints handling teams* (source 8)

IMPROVING WELL BEING OF THE COMPLAINED ABOUT

The Scottish Public Services Ombudsman (SPSO) highlighted how QMUs research with University of Glasgow identified:”... *that being subject to a complaint can have an adverse impact on individuals’ future practice and performance, limiting rather than promoting learning*” (source 10). This was developed into a best practice guideline (Gill and Hirst 2019) **that led to the SPSO updating their Model Complaint Handling Procedure** (source 5). Testimonials from the SPSO, Cross UK Government Complaint Forum and the SLCC corroborate this research has resulted in changes in organisational policy and practice (sources 1 - 3). SPSO testimonial states “***This research has provided robust evidence that has helped us to provide more holistic guidance to public bodies in relation to good complaint handling.***”

5. Sources to corroborate the impact**Testimonial letters are available from:**

1. Co-Lead of the Cross-Government Complaint Forum who can corroborate how our research has impacted on their own practice as a complaints lead working in central UK government and that of other UK wide central government organisations
2. Director of Public Policy, Scottish Legal Complaints Commission who can corroborate how our research has impacted policy and practice within legal services complaints.
3. Head of Improvement, Standards and Engagement, Scottish Public Services Ombudsman who can corroborate how we have worked collaboratively in relation to the complained about research and how this has led to changes in the Complaint Handling Procedures they provide for public services in Scotland.

Weblinks:

4. QUEEN MARGARET UNIVERSITY. Centre of Excellence on Consumer Dispute Resolution. <https://www.qmu.ac.uk/research-and-knowledge-exchange/knowledge-exchange/consumer-dispute-resolution/> This source provides links to the reports of six commissioned research projects and to two of the three independent reviews of redress schemes undertaken by the researchers.
- VIVIAN N., O'NEIL, S. MCBURNIE G. 2018 Review of post complaints handling processes in the Water Sector in England and Wales

- WILLIAMS, J., BRENNAN C., and VIVIAN, N. 2018. *On track for first-tier complaint handling: A review of organisational complaint handling in regulated sectors with an Ombudsman*. Project report. Office of Road and Rail.
- BRENNAN C., WILLIAMS, J., O'NEILL S., and CHALMERS S. 2017. *Consumer Representation in Financial Services: Report into consumer representation in the payments sector*. London: BACS.
- GILL, C., CREUTZFELDT, N., WILLIAMS, J., O'NEIL S., VIVIAN, N. 2017. Confusion, gaps and overlaps: A consumer perspective on the UK's alternative dispute resolutions (ADR) landscape.
- GILL, C. and HIRST, C. 2015. *Defining Private Sector Ombudsman Schemes*. Warrington: Ombudsman Services.
- GILL, C., WILLIAMS, J., BRENNAN, C., Hirst, C. 2014. *Models of Alternative Dispute Resolution*. Birmingham: Legal Ombudsman
- MCBURNIE G. and WILLIAMS, J. 2019. *Independent Review of the Energy and Water Ombudsman New South Wales, Australia*.
- MCBURNIE G. and WILLIAMS, J. 2019. *Independent Review of The Public Transport Ombudsman, Victoria*.
- 5. BACS LTD. 2017. *Consumer representation in financial Services: an industry response to Queen Margaret University's report into consumer representation in the payments sector*. A Bacs discussion paper. London: Bacs.
<https://www.bacs.co.uk/DocumentLibrary/ConsumerRepresentationInFinancialServices.pdf>
This source identifies how they plan to use CDRC research
- 6. ENERGY AND WATER OMBUDSMAN NEW SOUTH WALES. 2020. Board response to QMU Independent Review of the Energy and Water Ombudsman New South Wales
<https://www.ewon.com.au/page/media-center/news/misc/independent-review-of-ewons-services> . This source welcomes QMU review and reports on how the Board and Ombudsman plan to use the findings.
- 7. QUEEN MARGARET UNIVERSITY 2018 *Research into the Impact of CDRC Complaints Handling Courses Report on Phase 1 Research* <https://www.qmu.ac.uk/media/6545/phase1-impact-research-report-final-december18.pdf>
- 8. QUEEN MARGARET UNIVERSITY 2020 *Research into the Impact of CDRC Complaints Handling Courses* <https://www.qmu.ac.uk/research-and-knowledge-exchange/knowledge-exchange/consumer-dispute-resolution/2019-evaluation-of-the-impact-on-complaint-handling-practice/>
- 9. SCOTTISH PUBLIC SERVICES OMBUDSMAN. 2017. *Making Complaints work for everyone*.
<https://www.spsso.org.uk/sites/spso/files/csa/MakingComplaintsWorkForEveryoneFinalWeb.pdf>
This source makes direct reference on QMU and its research on page 4.
- 10. SCOTTISH PUBLIC SERVICES OMBUDSMAN. 2020. Model Complaint Handling Procedures. <https://www.spsso.org.uk/the-model-complaints-handling-procedures>
See for example the updated (2020) Local Authority Complaint Handling Procedure which now includes references to supporting staff at paragraphs 33, 48, 62 and 68