

**Shifting the culture and design of complaints
systems: Participation, reflexivity and ethics**

Jane Williams

**Critical appraisal in partial fulfilment of a PhD by
retrospective publications**

QUEEN MARGARET UNIVERSITY

July 2022

ACKNOWLEDGEMENTS

I would like to thank all of the co-authors who worked with me on the seven publications referred to in the critical appraisal. I would particularly like to thank Dr Chris Gill, Carol Brennan, Carolyn Hirst and Dr Gavin McBurnie for all their support and engagement over the years with my research and being such great colleagues to collaborate with in relation to these projects. Thank you also to all those who participated in the various research studies.

A massive thank you also to my two supervisors, Prof. Brendan McCormack and Professor Rebecca Finkel. Your enthusiasm, guidance and advice have been much appreciated. Both of you have gone above and beyond in terms of the speed and quality of feedback.

I would also like to single out a couple of colleagues and friends for their encouragement and support including Professor Clare Seaman who encouraged me to think about doing a PhD by publication in the first place and Dr Kristy Docherty who gave me lots of great advice as I went through. Also Dr Susi Peacock and Isla Burton for constant encouragement / nagging and unfailing interest in how it was going.

Finally a massive thanks to Sam and Beth for putting up with me over the past eighteen months. I promise to never mention, to either of you, my PhD ever again!

Abstract

This thesis comprises of a critical appraisal evaluating the collective contribution to knowledge of six of my peer reviewed publications in relation to how participatory, reflexive and ethical approaches to complaints can create a complaint systems culture that supports all actors affected by complaints and ensure greater accountability for learning. By adopting a constructionist approach to complaints, the appraisal draws attention to the negativity associated with complaints and the tension within complaints handling where parties to the disputes have different versions of truth and subjectivity and perspectivism play a part. Using a lens informed by critical theory and reflexivity, key learnings generated from these publications relate to the impact of power asymmetries on complaints including institutionalisation and gender. The critical appraisal goes on to develop a conceptual framework that situates complaints within conditions of power, subjectivity and underpinning values and highlights the importance of participation, reflexivity and ethics in giving agency to the parties affected by complaints. It argues that this can lead to greater accountability for learning, recognising that resolving complaints can involve different perspectives, multiple and complex issues and the answer is unlikely to be binary. Implications for practice include the fact that that the framework is a firm reminder of the role that consumer ADR, complaint systems and complaint handlers have in addressing power differentials. Further, that in order to facilitate participation, reflexivity and ethics complaint system designers may require collaborative approaches qualitatively different than some complaint systems in the UK currently accommodate.

Key words:

Complaints, complaints handling, dispute resolution, dispute design, ethical fairness, participation, access to justice, Alternative Dispute Resolution, ombuds schemes

Table of Contents

Part 1: Introduction.....	5
Part 2: Values, Philosophy, and Methodology.....	6
Part 3: Key Contributions.....	13
Part 4: Conceptual Framework, Implications for Practice and Future Research.....	22
Part 5: Conclusion.....	27
References.....	28

Appendix 1: Summary of publications contributing to the critical appraisal and Williams contributions to them.....	35
Appendix 2: Copies of emails confirming contribution by Williams...REMOVED.....	40
Appendix 3: Academic CV with full list of publications..... REMOVED	45
Appendix 4: Impact 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.....	50
Appendix 5: Copies of articles and book chapters Publications 1 -7.....	56
(Or see separate zipped file for publications)	

Tables and Figures

Table 1: List of publications.....	5
Table 2: Terminology.....	6
Table 3: Publications and individual contributions.....	33
Figure 1: Values and philosophical position.....	7
Figure 2: Conceptual framework.....	22

Shifting the culture and design of complaints systems: Participation, reflexivity and ethics

Part 1: Introduction

In this critical appraisal (CA) I critically evaluate the collective contribution of my publications to knowledge in terms of how, by taking a more reflexive, participative and ethical approach to complaints, we can shift the culture and design of complaint systems. The aim was to develop a conceptual framework that draws together the participatory, reflexive and ethical elements of complaint resolution to better support the parties in a complaint situation and improve accountability for learning from complaints. It addresses two main research questions:

1. How can complaints systems balance a constructionist approach to complaint handling that embraces multiple perspectives on a given reality?
2. Can participatory, reflexive and ethical approaches to complaints create a complaint systems culture that supports all actors affected by complaints and ensure greater accountability for learning?

The publications referred to are set out in Table 1. A summary of my publications, my academic CV, statements confirming my contribution and copies of my publications are found in the Appendix.

Table 1: List of publications

	Publication	JW contribution
P1	Gill, C., Williams, J. , Brennan, C., and Hirst, C. (2016) 'Designing Consumer Redress: a dispute system design (DSD) model for consumer-to-business disputes', <i>Legal Studies</i> , 36 (3), pp. 438-463.	45%
P2	Williams, J. and Gill, C. (2016) 'A dispute system design perspective on the future development of consumer dispute resolution', in Cortes, P. (ed.), and <i>The Transformation of Consumer Dispute Resolution in the EU</i> , Oxford University Press: Oxford, pp. 371-391. ISBN 9780198766353 (doi: 10.1093/acprof:oso/9780198766353.001.0001)	70%
P3	Brennan, C., Sourdin, T., Williams, J. , Bursteyner, N. and Gill, C. (2017) 'Consumer vulnerability and complaint handling: challenges, opportunities and dispute system design', <i>Int J Consumer Stud</i> , 41(6), 638– 646. (doi: 10.1111/ijcs.12377)	35%
P4	Gill, C., Sapouna, M., Hirst, C. and Williams J. (2019) 'Dysfunctional accountability in complaint systems: The effects of complaints on public service employees'. <i>Public Law Oct</i> , pp. 644-664.	20%
P5	Williams, J. , Gill, C., Creutzfeldt, N., and Vivian N. (2020) 'Participation as a framework for analysing consumers' experiences of alternative dispute resolution', <i>Journal of Law and Society</i> 47(2) pp. 271-297 (doi: 10.1111/jols.12224)	65%
P6	Williams, J. , Gill, C and Hirst, C (2022) 'Towards therapeutic complaint resolution' Groves, M. and Stuhmcke, A. (eds) <i>Ombudsmen in the Modern State</i> , pp . Bloomsbury: London.	50%
P7	Williams, J. , Gill, C., and McBurnie, G. (2021) "'It's the most ethical job I have ever had": Complaint handling and fair decision making, <i>International Journal</i>	80%

	<i>of Business Governance and Ethics.</i> 15(4), pp. 357-375. (doi: 10.1504/IJBGE.2021.10035729)	
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------	--

P7 is a non-assessed contribution to this PhD because an earlier version of this article was previously assessed as part of the MSc Dispute Resolution. It is included as it has already taken forward some of the thinking developed from P1 to 6 in relation to ethics and reflexivity and, therefore, has contributed to the overall conceptual framework developed in this CA and is referred to in that context.

The CA is set out in four parts. Following this introduction, Part 2 sets out the values, research philosophy and methodology that has influenced my research and informed this CA. Part 3 critically appraises my publications by adopting a critical theory informed approach to extrapolate the key learnings from my publications. From this deeply reflexive engagement with the publications, Part 4, sets out the conceptual framework developed from this body of work. This Part concludes by applying the framework to practice and proposing recommendations for future research.

For the purposes of this CA the following definitions are adopted.

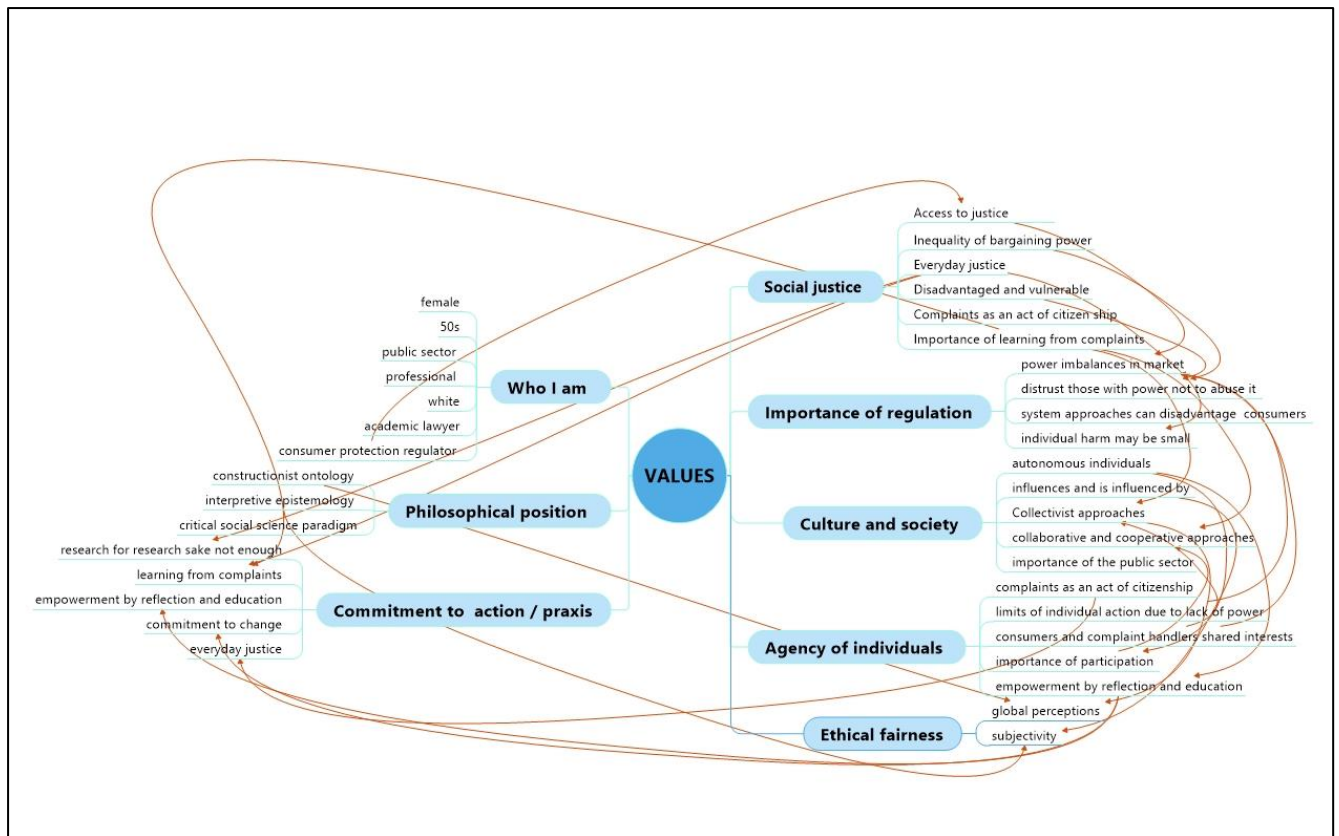
Table 2: Terminology

Term	Definition
Consumer	An individual not in course of a business, with a complaint relating to the private sector
Citizens	An individual, not in course of a business, with a complaint relating to the public sector
Complainants	Includes consumer and citizen disputes

Part 2: Values, Philosophy, and Methodology

In this section, I set out my values, research philosophy and methodology and explain how these have influenced my research and this CA. Crotty (2003) points out that unless we unpack and clarify our assumptions, then nobody, including ourselves, “*can really divine what our research is or what it is now saying*” (Crotty, 2003, p.17). Since assessing the contribution that my body of research makes to knowledge is key to this CA, reflecting on my values has helped me realise that I possess a set of fundamental values that I have consistently held for many years. These values have influenced the professional paths I have chosen to follow, first as a consumer protection regulator, and subsequently as an academic. I originally thought that my research has developed organically and, at least in part, been driven by external agendas as a result of undertaking commissioned research. I have increasingly come to realise that the role I have played in relation to those collaborative research projects, and how I have subsequently chosen to use (or not use) the research findings, can be directly traced back to my underlying identity, positionality and values. Figure 1 sets out these values and some of the relationships, which are further explored in the section below.

Figure 1: Values and philosophical position



2.1: Values and identity

In terms of my *identity and positionality* I am a white western female in my 50s, whose first degree is in law, who previously worked in local government consumer protection and dealt with complaints. In terms of my *values* I have a long standing commitment to *social justice*, which is reflected in my career choices - in terms of working in consumer protection prior to entering academia – and in my research. This was originally driven by an interest in with addressing *access to justice* but I take a broad perspective on access to justice and my interests relate to commonplace disputes in both private and public sectors. This includes the issue of everyday justice, where individual harm may be perceived as minor but where the collective impact can be significant. A commitment to social justice underpins my focus on consumers as I believe there exists an inequality of bargaining power which restricts consumers’ ability to access justice. I view complaints as a driver for delivering ‘everyday justice’, placing people at the centre of organisations, as well as in service design and delivery. These everyday disputes are ‘complaints’, covering a wide spectrum of grievances from the relatively minor to issues that can cause significant individual or collective harm. Everyday justice is concerned, therefore, with improving the quality of decision making on a day-to-day basis and facilitating a culture where learning from complaints takes place.

I believe that complaints are an act of citizenship - the ability to complain is a sign of empowered citizens and consumers, and complaints are a form of democratic accountability. I believe what we complain about and the way we deal with complaints tells us a lot about the underlying values in society. My CA is underpinned by values that lead me to question how underlying assumptions may be influencing existing approaches to complaints in western cultures. The philosophy of complaints has received little attention in contemporary literature, notable exceptions being Norlock (2018) and Baggini (2008). Norlock (2018) argues that the negativity surrounding complaints can be traced back to the writings of Aristotle and Kant. She argues they both took a dim view of complaints, describing complaints as a form of self-pity and “unworthy of the dignity of the man of virtue” (p.120). Baggini (2008) asserts that complaints lie at the heart of campaigns to create a better and more just world. The shift to a ‘rights based’ culture and the increased legalisation of normative discourse has contributed to an increasingly legalistic grievance culture, placing law above other approaches to complaints (Baggini, 2008). Consequently, as a society we tend to undervalue complaints (as opposed to other forms of ‘disputing’) and a negative rhetoric can exist, dismissing complaints as ‘whinging’, ‘grumbling’ or ‘moaning’, thus undermining a culture of learning. In my view complaints are inevitable, and current approaches to complaints based on a narrow, legalistic perception is limiting our ability to learn from them.

I also believe that power imbalances have resulted in organisational and structural approaches that pitch complainants against employees and complainants against complaint handlers, and that gender may play a part in this. Factors commonly found in consumer/citizen complaints include apathy, lack of awareness and fatalism. As Crotty (2003) points out, the oppressed (e.g. employees in this case) can become like the oppressor. For example, complainants’ sense of powerlessness and lack of knowledge leads to non-complaining behaviours - complaint systems, and the employees who work within them, seek to “cool” out complaints as a result of complex complaint processes, miseducation or pacification techniques (see for example Nader 1979; Fortin and Follenz 2008). In terms of gender, the majority of complaint handlers with whom I come into contact are female, and their role in relation to conflict resolution can be dismissed as ‘customer service.’ Unlike lawyers and other dispute resolution specialists such as mediators, complaint handling is not recognised as a profession in its own right, and I believe that gender may be a contributing factor to this undervaluing. I believe, therefore, that complainants and employees lack power and my values include a *rejection of free market solutions* and a belief in the *importance of regulation* to address abuses of power.

My values include a belief in the importance of *collective responsibility* and the need for *collaborative, and cooperative* approaches. I recognise the importance of individual agency and seek to provide opportunities for co-creation. Complaints may relate to everyday problems, but can include complex issues exposing blind spots and ‘messy joins’ that require collaborative approaches. Since a perception of fairness includes a subjective element, binary win/lose solutions are unhelpful. Instead a commitment to participative methods is required, including dialogue involving both complainants and organisational

perspectives. I believe in the importance of the public sector in delivering essential services, and I have faith that empowered citizens, consumers and public and private service providers can collaborate to co-produce effective and innovative solutions.

My values also include a commitment to *ethical fairness*. Fairness includes criteria relating to global perceptions of the fairness of a situation, e.g. whether there is equality of access, whether individuals can participate effectively, whether decisions are transparent, whether decisions are consistent (Colquitt and Rodell, 2015; Barclay et al., 2017). However, fairness is inherently subjective, and perceptions of fairness will depend on individual interpretations of the fairness of a situation depending on how a decision affects them (Fortin and Follenz, 2008; Gilad, 2014; Fortin et al. 2016; Barclay et al., 2017). For that reason, my values are underpinned by an approach to fairness that also takes into account ethical considerations.

Finally, my values include a commitment to bringing about change and the importance of *praxis*. There is an emancipatory focus in my research, whereby I hope to bring about change to redress power imbalances by creating the conditions for individuals to become empowered to take action. Mapping my values has highlighted how I believe in the agency of individuals to bring about change, but that structural barriers and power imbalances may operate to restrict this. I also believe in the power of reflexivity in ‘raising consciousness’. Emancipation happens when a person feels empowered to act and, through reflective learning, comes to know how such action can be normalised. Freire (1972) argues that learning should be a collaborative and emancipatory activity. I have proactively engaged with practitioner short courses for the past twenty years and they were an important part of the impact case study I led for REF21 (Appendix 2). While I cannot claim the same level of ‘conscientization’ as Freire, my impact work has consistently included a participant focused reflective element, influenced by my underpinning values. As argued earlier, I believe in the collective responsibility of complaint systems to adopt collaborative approaches to resolve and learn from complaints based on active participation in decision making.

2.2 Research philosophy

Ontology and epistemology

The philosophical position that underpins my CA is based on a constructionist ontology and an interpretivist epistemology. My approach to knowledge is that there is no ‘one truth’, only versions of it. I believe that all knowledge is constructive and that “knowers are active contributors” to it (Fay, 1996, p.75). My underlying philosophical position makes explicit the relationship between the mind and the world. I believe knowledge is developed from our everyday experiences and that since those experiences are subjective, power influenced and relational, our values, biases and positionality cannot be ignored (Clark et al., 2021). Who we are, our previous experiences, our culture, language and environment all provide us with an understanding of the world through which we identify reality

(Howell, 2014). Culture and society both make us, and are influenced by us (Fay, 1996), meaning that the way in which we make sense of the world is “culturally defined and historically situated” and that as individuals we do not create meaning but we construct it (Crotty, 2003, p.44). Following on from this I believe reality is not fixed and is of the mind and that a person’s ideas are not simply true or false but are deeply ingrained in the way we live (Fay, 1975; Howell, 2014). This has important implications for complaints where there is likely to be more than one ‘truth’.

Critical theory

This appraisal will be using critical theory as a framework for critiquing my publications. Critical theory arises out of the problems of everyday life and is constructed with a view to resolving them (Fay 1975). It does not reflect a single approach and provides a broad umbrella for a range of theoretical perspectives (Hammersley 1995; Kincheloe and McLaren 1998; Johnson and Duberley 2000; Kelemen and Rumens 2008). While there is a great deal of diversity in the works of critical theorists there are a number of common features, including a focus on: (1) ideology - how power relations are socially, structurally and historically constructed and cannot be disconnected from fundamental values; (2) praxis - the need to bring about social change and emancipatory action; (3) reflexivity; and (4) the likelihood of encountering false consciousness (see for example Fay 1975; Blaikie 1993; Harvey 1990; Prasad and Caproni 1997; Kincheloe and McLaren 1998; Crotty 2003).

To date, I have adopted an interpretivist approach in my published research, focusing on understanding the perspectives and behaviours of different actors in complaint systems, and I have not always been transparent about my values. Fay (1975) criticises interpretivism for placing too much emphasis on individual accounts of experience and failing to take sufficient account of how experiences and beliefs are influenced by the historical and prevailing social order and culture (see also Crotty, 2003). Critics also argue that interpretivism reinforces the status quo (Fay, 1975; Alvesson and Wilmott, 1996; Kincheloe and McLaren, 1998; Crotty, 2003); is “implicitly conservative” (Fay, 1975, p.76); and is “by and large ... an uncritical form of study” (Crotty, 2003, p.112). As a result, an interpretivist approach “makes it sound as if all conflict (or breakdown in communication) is generated by mistaken ideas about social reality rather than by the tensions and incompatibilities inherent in reality itself” (Fay, 1975, p.90).

I recognise that these criticisms could be levelled at my publications, which do not explicitly address power, even though my reflections on my values have revealed this is an important factor influencing my research. Until now, I have been wary of abandoning the perception of value neutrality because I thought critical theory was in some way pre-judging the issue. An important moment for me was realising that it is possible to be explicit about values while still ensuring that my interpretation is rooted in the data and open to alternative viewpoints. Adopting a reflexive approach for this CA, where I have engaged deeply with my research and values, has highlighted an intimate connection between the ideas a researcher has and the sort of life they lead, and that it is not possible to have a neutral attitude

to the ideas we hold (Fay 1975). Critical theory can be a helpful framework for challenging my normative and universal claims and those of others. My research can fit within a critical management framework that seeks to address the “moral and ethical issues of management” (Keleman and Rumens 2008, p.11) and understand and challenge how management practices and institutions are developed and legitimised, “within relations of power and domination such as capitalism” (Johnson and Duberley, 2000, p.123). One of the aspects of critical theory that particularly resonates is the issue of ‘false consciousness’, and how critical theorists may find their assertions rejected by the people they are researching and seeking to enfranchise. I recognise that this fear has limited my interpretation and is one of the reasons why, in the past, I have not been explicit about my values and goals for my research. I feel reassured that false consciousness is common in critical theory and rejection should be seen as a step on the way to bringing about social change. Overall, Fay highlights the importance of identifying the “ethical commitment” of research (Fay 1987, p.87). In that respect, this CA will be using a lens informed by critical theory to critique my publications in terms of how current approaches to complaints support the status quo, and are acting as a barrier to shifting the culture and design of complaint systems.

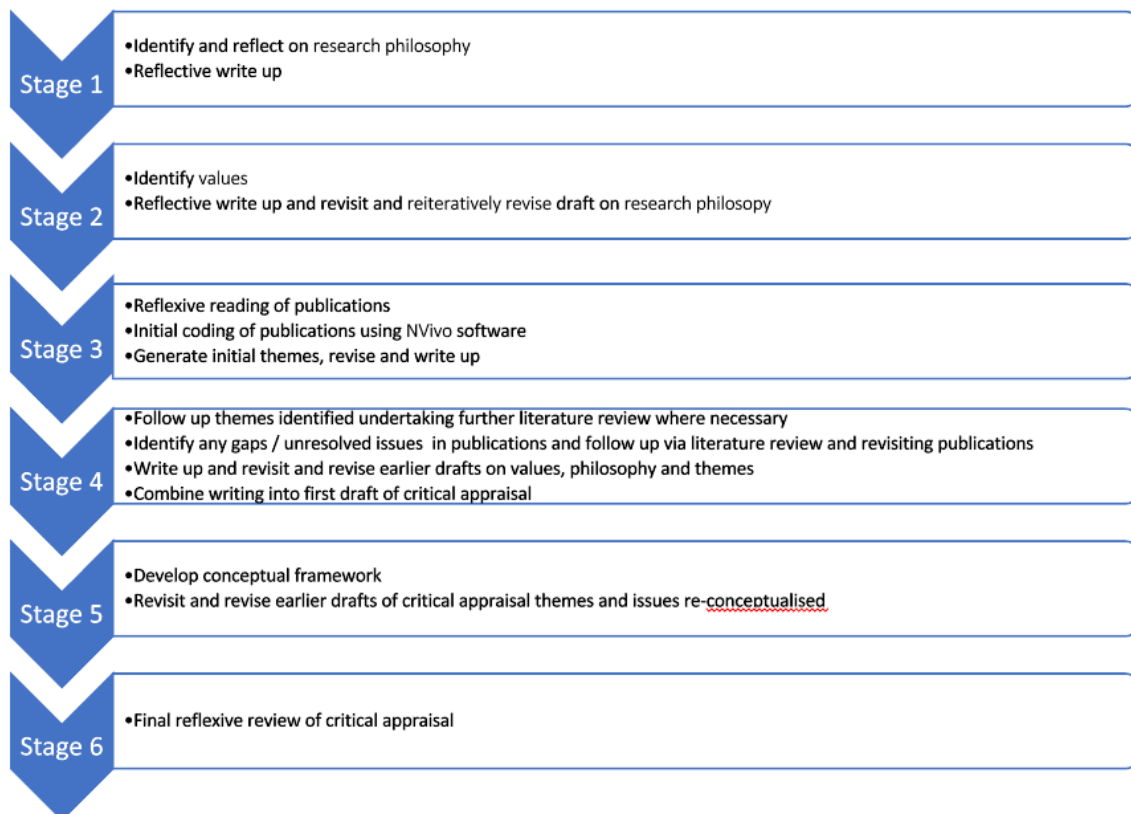
Consistent with a critical theory informed approach, I have also adopted a reflexive approach. Critical theorists highlight how critical social science is inherently reflexive and an essential part of it (Fay, 1975; Blaikie, 1993; Harvey, 1990; Prasad and Caproni, 1997; Kincheloe and McLaren, 1998; Crotty, 2003). Howell (2013, p.186-7) refers to reflexivity as “intensive scrutiny” and that “reflexivity permeates the whole research process through continually challenging the researcher to be aware of ideology, culture and politics of the situation and the self”. I believe I have adopted a reflective rather than reflexive approach to my research in the past, and realise I have tended to focus on certain aspects (such as data analysis) and have not considered in depth its relationship with self and other. I have also avoided engaging too deeply in theoretical development, and on occasion questioned its value for praxis. For this CA I have adopted a deeply reflexive approach throughout, starting with a reflection on my values and consciously allowing my values to influence the critical process for this CA.

2.3 Methodology

Figure 2 sets out the stages I followed when developing this CA. After identifying values and research philosophy, I undertook a close re-reading of my publications. I subsequently uploaded my publications to NVivo and reflexively critiqued them using an inductive approach. I did not approach my publications with any preconceived views in terms of what I was looking for. I treated my publications as data and carried out the analysis inductively and iteratively, adopting a lens informed by critical theory. I used NVivo because I find it helpful for breaking down data and reordering it, helping me detect patterns that are not immediately visible. After initial coding, I sought to identify key themes using Braun and Clarke’s (2021) reflexive thematic analysis. I also identified some areas that felt unresolved in my publications, that I revisited by following up these issues in my publications and the literature. Following on from this I have reiteratively revised my writing over the past nine months, intensively scrutinising my thinking and drawing out my findings over and above the individual

research findings and further following up in literature where appropriate. From this reflexive engagement with the publications, I identified five specific contributions to knowledge. These are discussed in Part 3. While noting the limitations of my methodology, and that no claims to generalisability are being made, I subsequently developed a conceptual framework that draws together the main findings relating to the participatory, reflexive and ethical elements of complaint systems. This is discussed in Part 4.

Figure 2: Methodological stages in developing this CA



Part 3: Key Contributions

In this section, I explore five contributions to knowledge generated from my research: (1) the impact of power asymmetries on complaints and the institutionalisation of complaints; (2) how gender may influence complaints; (3) consumerist perspectives on public sector complaints; (4) subjectivity and the ontological positioning of complaints; and, (5) fairness theory, subjectivity and complainant expectations.

3.1 Power and the institutionalisation of complaints

Having adopted a lens informed by critical theory, it is not surprising that power developed as an important theme when critiquing my papers, since I actively sought out references to it. While I did not explicitly address power imbalances in P1 to P6, the process of undertaking this CA has demonstrated that inequality of power has always been an *implicit* element of my research. A point my publications repeatedly make, in common with the literature on consumer disputes, is that consumer to business disputes often feature inequality of bargaining power, information asymmetries, repeat business players and the potential for fraudulent practices. While P5 (p.3) notes that consumer disputes are often described by some as being “low value, high volume and largely transactional disputes”, my research argues that these everyday problems are important for individual consumers and that collective consumer harm can be significant. My interest in public sector disputes (P4 and P6) reflects similar concerns, highlighting the “asymmetrical and systemic power which can permeate public service complaint systems” (P6 p.285).

In terms of access to justice, my publications highlight the difficulty consumers and citizens have in accessing complaint systems and in participating effectively. One of the novel contributions of my body of research is to recognise that this inequality of bargaining power does not only apply to complainants. Many of the dysfunctional elements of UK complaint systems, such as their adversarial nature, are also experienced by employees who have been complained about (P4 and P6) and complaint handlers (P7). My publications highlight how complaint systems harm the interests of those who work within them as much as those who complain to them. Complainants and employees therefore have shared interests, as both lack the power and agency to facilitate change. My research calls for a shift to a less adversarial model of complaint handling based around more participative processes (P5), and a new model of ‘therapeutic complaint resolution’ (P4 and P6).

Applying critical theory as a framework, I can now see that I have been too cautious about explicitly addressing structural power. Overall, my publications demonstrate that power asymmetries limit the agency of individual actors to resolve complaints, disenfranchising the voices of those at the sharp end of complaints. A deeply ingrained adversarial culture in the UK prevents engagement with meaningful dialogue which, in a context of complaints where many versions of truth can reside, mitigates against resolution. I now see that by adopting an interpretivist approach I placed too much confidence in the actors’ perceptions of the situation as being the “natural order of things” (Johnson and Duberly, 2000, p.16). Instead of tackling issues head-on, I tend to ‘flag’ issues rather than arguing for a position directly aligned with my values and addressing power imbalances. To use P1 as an example, the dispute design model aimed to address some of the design choices that were leading to confusion, inconsistencies, and lack of trust in the existing landscape of consumer alternative dispute resolution (ADR) in the UK. The intention was not to prescribe what consumer ADR ‘should’ look like, but to present a framework to help make good design choices. Indeed, P1 critiques other design models on the basis that they imposed a normative standard and argued instead that our dispute design model would provide a framework for

principled decision making. However, the model stops short of advocating for any particular values other than singling out the importance of accessibility. I think I avoided being too explicit about my values out of fear of my research being rejected out of hand (P1, P5), or for fear of causing offence to those I researched (P7).

Fay (1975) highlights how the role of critical theory is to discover the set of conditions that give rise to a given set of rules. Linked with power, therefore, my research highlights one of those conditions - the impact of institutional effects on complaints. For the purposes of this appraisal, 'institutionalisation' refers to the way beliefs, values, behaviours and norms become widely accepted and embedded in an organisation and in the academic literature (Reiter and Klenk, 2019). P7 concludes that the framing of fairness decisions by complaint handlers in the financial industry were strongly influenced by the institutional frameworks surrounding them. However, until undertaking this CA I was less aware of how clearly institutionalisation appeared as a thread throughout my earlier work too. Institutionalisation arises in two ways. First, it relates to the way ADR has developed as the primary route by which consumers resolve their complaint (P1, P2, P5). In these publications, the "institutionalisation of ADR" is tied in with ideas related to the legitimacy of ADR as an alternative to courts and becoming part of the mainstream disputing landscape. This institutional focus on ADR as an alternative to courts addresses narratives that privilege legal analysis and argues that consumers receive an inferior form of justice from ADR (Genn, 2009, 2013; Mulcahy, 2012; Eidenmuller and Engel, 2014; Wagner, 2014 - see discussion in P1 and P5). In contrast, my body of work recognises the importance consumer ADR plays in the institutional framework for resolving consumer disputes and argues for greater accountability of it. P1 draws attention to literature which points out the power dispute system designers have in 'designing justice' and that the quality of the dispute systems will depend on how they exercise their power (Bingham, 2008). P1 takes this forward by developing design principles that provide a framework for the consumer interest to be addressed taking account of regulatory concerns and the need for effective checks and balances. P5 also highlights the democratic accountability of consumer ADR by emphasising the importance of consumers being able to participate effectively in its decision making.

Secondly, institutionalism appears as a theme regarding how organisational and ADR norms develop in relation to everyday complaints demonstrating, "the critical role that institutional structures have on shaping the behaviour of the disputing parties" (Shariff 2003, p.135). The model P1 developed for dispute design highlights the importance of 'dispute resolution philosophy' as a "first order decision", and how decisions on philosophy underpin "second order decisions" relating to process options, architecture, powers and decision maker attributes. The detail of how consumer ADR resolves disputes and shapes behaviour is also addressed in P3 and P5 by emphasising the need for inclusive processes that focus on effective participation. In terms of institutional responses to complaint systems, P4 (p.6) highlights the dysfunctional effects of accountability frameworks when "holding bureaucrats to account through complaint mechanisms". P4 and P6, argue for more therapeutic approaches to complaint

resolution, to reduce negative effects and address cultural issues. Institutional effects are also directly addressed in P7, which asks how individual complaint handlers strive to act fairly when they are employed by the organisation being complained about. The ideas people have are deeply ingrained in organisational norms, and individuals such as complaint handlers can systematically misunderstand their own motives, wants and actions (Fay, 1996). Nader (1979, p.1014) argues that retail complaint systems manipulate consumers in order to “lower the complainant's expectations or to force him to re-evaluate his initial sense of injustice”, and its complaint handlers fail to compensate for market inequalities and instead, “reinforce them” (p.1008). My case study research for P7 found the ability of complaint handlers to act fairly was buttressed by hefty institutional structures. A complaint handler’s conceptualisation of fairness was closely linked with institutional frameworks, and the agency of individual complaint handlers to act fairly was both constrained and facilitated by the institution. Indeed, the pocket of excellent practice observed in the case study research for P7 served to highlight how this operated by exception, and the reality for the majority of complaint handlers was that their agency was limited, reducing the opportunity for more participative, reflexive and ethical approaches to complaints.

3.2 Gender and complaints

I contend that complaints are gendered, and undertaking this CA has provided an opportunity to explore how complaints can be understood when viewed through a gendered lens. We know that gender is performed extensively at work and that organisations are not gender neutral; rather, they are inherently gendered (Hochschild, 1983; Acker, 1990; Butler 1990; Martin 2006). As Acker (1990) argues, organisations and jobs are inherently gendered masculine “through an underlying substructure of gender difference, which reflects the interests of men” (Bates, 2021, p.6). Organisational structures, therefore, will reward some positions with more power than others, and relations within organisations are structured accordingly. Overall, male employees have more power, control resources, and influence than women (Lukes, 2005; Martin, 2006).

Surprisingly little has been reported about the demographics of complaint handlers. A review of annual reports from Public Services ombuds in the UK indicate that the majority of their employees are female, ranging from 59% at the Parliamentary and Health Services Ombudsman (PHSO) to 76% at the public services ombuds in Scotland and Wales (PHSO, 2021, p.82; PSOW, 2021, p.82; SPSO, 2021, p.70). There is no inherent reason why complaint handling roles should be female dominated, and it appears to be based on its association with customer service and its need for emotional and affective skills. My publications have also recognised the importance of emotional and relational skills for therapeutic complaint resolution (P3-7). Occupations that emphasise emotional intelligence are traditionally dominated by women, based on stereotypical assumptions about females being more empathic, emotionally engaged and collectivist (Hochschild, 1983; Mattila et al., 2003; Guy and Newman, 2004; Mastracci et al., 2006). Female dominated roles are associated with lower pay and limited career prospects because skills based on emotional intelligence are not valued in the same way as traits

traditionally associated with men (Guy and Newman, 2004; Kerfoot and Korczynski, 2005; Johnston, 2019). As Hochschild (1983) and the extensive literature that has developed from her work demonstrates, emotional labour is often rendered invisible in jobs (Guy and Newman, 2004). When a field is 'feminised', there exists a tendency for that field to be devalued (Deutsch 2007). The institutional effect is a 'penalty for caring' on women since the emotional labour performed by women is not valued as highly. (Guy and Newman, 2004, p.292; Thory, 2013; Ganapati et al., 2022).

Using West and Zimmerman's (1987) concept of 'gender as doing', to be an employee is 'to do' gender because it involves conforming to a masculine ideal over what is valued in the workplace and workplaces tend to devalue the work that women do (Bolton and Muzio, 2008). How does gender, therefore, impact on complaints? The emotional and affective skills required for complaint resolution are associated with 'feminised work practices' (Guy and Newman, 2004; Thory, 2013; Glinsner et al., 2019), and, in my view, this leads to complaint handling being less valued than other forms of dispute resolution. Complaint resolution's association with 'customer service' means that it is more likely to be seen primarily as a by-product of service, rather than a skilled profession in its own right. Occupations afforded the status of 'profession' are historically and culturally situated (Guy and Newman, 2004; Bolton and Muzio, 2008) and shaped by gender, class and ethnicity (Kerfoot and Korczynski, 2005; Bolton and Muzio, 2008). The privileging of a masculine legal public discourse (Baggini 2008; Acker, 1992; Guy and Newman, 2004) means that complaint resolution, associated with feminised work practices, has not been given the same professional status as other dispute specialisms such as lawyering, arbitrating or mediation. As highlighted earlier, even the act of complaining may be considered "effeminate" and "unworthy" (Norlock, 2018, p.120).

The question I now ask myself is whether, by highlighting the importance of skills such as empathy, emotional intelligence and communication, my publications are unwittingly reproducing gender effects in complaints, and if so how that should be addressed? Swan (2008, p99) argues that, emotions can be a source of additional power for men as they can enhance their workplace capital by demonstrating "feminised emotional subjectivities". In contrast, women do not receive credit for the same emotional labour (Swan, 2008; Guy and Newman, 2004; Thory, 2013). Glinsner et al.'s 2019 research with civil servants working in unemployment offices found that they argued that this role required high levels of professional expertise to counteract the structural effects of their role being associated with more feminised work practices. It appears that similar effects may be found in complaints. While the participants in the case study for P7 were predominately male (10 out of 13), they were atypical in terms of the level of seniority and institutional support and worked outside the usual complaint handling structures. Like Glinsner et al.'s civil servants, they also argued they were an "elite" group of complaint handlers to offset any impact from being associated with a predominately female role, and gained extra credit for their 'empathic' and 'philosophical' approach. Overall, the impact of gender on complaints is underdeveloped and, going forward, viewing complaints through this lens could be a useful way of gaining a deeper understanding.

3.3 Consumers, citizens and public sector complaints

One of the unresolved issues in my research in relation to public sector complaints, is the negative conceptualisation of ‘consumers’ in public services. This CA has been an opportunity to consider this in more detail. My interest in complaints arose initially via my interest in consumer to business disputes. As my research has increasingly focused on public sector disputes I have struggled to reconcile my pro-‘consumer’ values with the negative narrative around ‘consumerism’ in contemporary public administration and administrative justice literature (e.g. Haque, 2000; Fountain, 2001; Aberbach and Christensen, 2005; Allsop and Jones, 2007; Brewer, 2007; Jung 2010; O’Brien, 2015, 2018).

Consumerism has been referenced as a driver for public sector reform since the mid 1980s, and in this literature ‘consumerism’ is associated with neoliberalism and New Public Management (NPM). This links it with private sector market solutions emphasising efficiency, economy, competition, and value-for-money (Haque, 2000, p. 601; Allsop and Jones, 2007; Brewer, 2007; Adler, 2010). The terms ‘citizen’ and ‘consumer’ are reflections, therefore, of wider social, political and philosophical positions (Clarke and Newman, 2007). A consumerist frame is characterised by a more “antagonistic vision of the relationship between state and individual, reflecting the sort of conflict of interests typically prevailing between commercial producers and consumers” (O’Brien, 2018, p.40). The ‘consumer’ in public services has, therefore, become synonymous with an individualistic model of citizenship where self-interest predominates and individual citizens are given rights to be enforced (Aberbach and Christensen, 2005). In widely cited research on health care reforms, Allsop and Jones (2008, p.241) conclude that, “in short, in moving towards a consumerist model, some of the guarantees of openness, independence and fair play that protect the citizen seem to have been lost.”

Approaching this literature from my values background, it is difficult to accept such a negative vision of consumers. In my view the rhetoric regarding consumers in this literature, fails to take account of the significant power imbalances that exist for consumers. The marketisation of public services reflects an idealised version of the private sector where the consumer and businesses compete as equals, and overlooks the fact that consumers in the private sector require significant regulatory inputs. It also fails to consider that, in satisfying consumer expectations, businesses make significant effort to ‘shape’ those expectations in the first place (Fountain 2001; Aberbach and Christensen 2005). While governments may have adopted the language of ‘consumerism’ to justify the restructuring and dismantling of public services, it is my contention that this is not ‘consumerism’ and it should not be labelled as such. It is instead a ‘managerial’ model driven by a private sector ethos and profit and loss norms that emphasise economic performance and markets (Aberbach and Christensen 2005). It plays into narratives that undermine consumer voice and participation more generally, and fails to take into account that many consumers are also looking for high levels of participation, as I demonstrate in P5. Clarke and Newman (2007) found that people have greater capacity to engage in complex forms of relational reasoning about public services in the context of health than the binary distinction between consumers and citizens suggests. My research also suggests that consumers are more open to collectivist and collaborative

approaches than the literature on NPM suggests. The hijacking of consumer rhetoric by NPM ideology, therefore, is an attempt to undermine and create divisions between complainants in the public and private sectors. In contrast, my research demonstrates that consumers share many characteristics with citizens, and that they have more similarities than differences, and that complaining, in itself, is an act of citizenship.

3.4 Subjectivity and the ontological positioning of complaints

My publications draw attention to the tension within complaints where parties to the disputes have different versions of truth and where subjectivity and perspectivism play a part. What we complain about, what we think about and how we deal with complaints tells us a lot about society's underlying values. Complainants experience multiple instances of disappointment – in terms of delay, the type of remedy possible, the quality of the interaction, the frequency of the problem and role dissonance. The complex narrative of many complaints (van Dael et al., 2020) and the shared experience of a complaint situation means more than one perspective exists. The fact there may be room for disagreement means that resolution consists of tradeoffs between different interests. Complaints are, therefore, shared problems that require collaborative and creative approaches to achieving resolution.

In this CA I have, therefore, adopted an ontological and epistemological position in relation to complaints. This recognises that 'complaints' are social constructs and should be considered in light of cultural, personal and political perspectives in a context where reality is "dynamic, diverse, multi-connected and complex" (Wessels 2021, p.433). The idea of complaints as social constructs is important, because a person's experience of a complaint will be affected by whether they are the person making the complaint, the person or organisation being complained about, or an external ADR body. The conscious and unconscious approach to meanings by actors within complaint systems will have a direct impact on perceptions of the experience by the different parties involved. In this respect I am influenced by conflict theory literature that highlights the interdependency of parties in conflict (Deutsch, 1973; Moore 2014) and that how "parties co-create their experience of a conflict is an essential part of the conflict story" (Mayer 2012, p.8). This co-creation of a complaint situation to create shared meaning places individual actors and their perceptions at the centre of complaints and recognises the relativity of truth.

I am not suggesting that an objective reality of a complaint never exists. As Crotty (2003) points out, constructionism does not simply mean that all knowledge is subjective, as we have something to work with - namely the world and objects in it. However, perspectivism means that we may all live differently in the same world and reality will be shaped by history, structure and values formed over time (Fay, 1996; Howell, 2014). The way that a complaint is experienced, and its impact, will therefore vary and, even if we agree on what happened, we may not agree on how the complaint should be resolved. Accepting the position that there is no one truth in relation to complaints means recognising the

importance of subjectivity and its implications for complaint resolution. Users of complaint systems are not homogenous and account has to be taken of different perspectives and expectations. Even if we favour one version of truth over another, there still needs to be room for different perspectives on resolutions in terms of financial, emotional or practical solutions. From a constructionist perspective, therefore, complaint systems need to be comfortable with a degree of ambiguity, and accept that institutional approaches relying on binary true-false positions will struggle to resolve complaints effectively.

3.5 Complaints, fairness theory and meeting expectations

Linked to the subjectivity of complaints is the issue of ‘procedural justice’ or ‘justice theory’. Significant literature exists in relation to both, and the findings are broadly similar. I have drawn on this, depending on the disciplinary preference of the journal where my research has been published. For the purposes of this CA, I will use the terms ‘fairness theory’ to reference both sets of literature.

I have been conflicted over the value of fairness theory in relation to analysing user experience of dispute processes. On the one hand, it is the dominant paradigm in relation to fairness in the academic literature (Thibaut and Walker, 1975; Lind and Tyler, 1988). It also tends to resonate strongly with complaint handlers, and I have used it to help them identify why the interactional elements of good complaint handling are so important. Indeed, my body of work suggests that these communication-based, person-centred, relational elements are essential (P3 - P7). P4, specifically argues that therapeutic complaint resolution should take account of ‘procedural justice’. On the other hand, I have also argued that there are limitations to ‘procedural justice’ theory and called for a greater focus on participation as an “alternative and complementary” framework for improving customer experience of consumer ADR (P5). Other literature also shows that procedural justice has limitations in the context of consumer ADR (Creutzfeldt, 2016; Creutzfeldt and Bradgate, 2018; BEIS, 2018). I have also argued that fairness theory can be used as a mechanism to appear to be fair rather than be fair, and that fairness should include an ethical dimension (P7).

The first point to note is that while the socio-legal and psychological literature favour the two construct model of ‘procedural justice’ my preference is for the three construct model of justice theory found in the organisational justice and service quality literature. Meta-reviews in the business literature highlight how interactional justice has a stronger effect on satisfaction than procedural justice (Colquitt et al., 2013; Orsingher et al., 2010; Gelbrich and Roschk, 2011; Rupp et al., 2014; Pattnaik and Tripathy, 2019). As a qualitative researcher, I am not restricted to existing survey constructs on ‘procedural justice’, and in contrast to what Van de Bos et al (2014) argue (their work is based on quantitative methods) I find the distinction between the procedural and interactional elements of complaint handling clearly identifiable in my qualitative data and practice. Since it is these interactional elements that feed into the participative and reflexive elements that my work argues for, I favour the three construct model.

My concerns with respect to fairness relate to how it can be interpreted in practice, potentially resulting in a ‘fairness by numbers’ approach. I am keenly aware there is a danger that the interactional and procedural elements of fairness are used by organisations as a means of being ‘seen to be fair’ rather than actually ‘being fair’ (see discussion in P7). In this respect I am influenced by Fortin and Follenz (2008) and Fortin et al. (2016), who highlight how justice theory in organisations can be used as a way of delivering a ‘perception’ of fairness, rather than being fair *per se* using a normative standard of fairness. The lack of power experienced by complainants, and those who are complained about, makes them susceptible to being manipulated into thinking that something is fair when it is not (see also Nader, 1979; Gilad, 2008). While individuals may have the best intentions in relation to resolving complaints fairly, my publications suggest that there can be significant institutional barriers preventing this. Reminiscent of the earlier discussion on the impact of NPM, therefore, fairness theory can be associated with a ‘managerial approach’ to justice focusing on ‘customer’ satisfaction rather than a values-based approach to fairness.

The subjectivity of fairness is particularly challenging when we reflect that, as argued earlier, complaints themselves are social constructs, inherently subjective and should be considered in light of the cultural, personal and political context. A question that I am essentially trying to answer through my publications is, therefore, how I can reconcile this constructionist approach to complaints which champions subjectivity and perspectivism, with a critique that also highlights how the subjectivity of fairness can result in an approach to complaint resolution that may not be consistent with my values. I realise I appear to be critiquing fairness on the grounds of its subjectivity while also arguing that complaints are inherently subjective.

Fairness is inherently subjective, and this can lead to a gap between a normative standard of fairness and perceived fairness (Fortin and Follenz, 2008; Gilad, 2014; Fortin et al., 2016; Barclay et al., 2017). Fairness is associated with a global perception of fairness - the intuitive reaction to the circumstances of a situation as being fair or not (*it’s not fair*) (see Finkel, 2001)). At the same time, the way individuals perceive and experience fairness is largely subjective (is it fair *on me*) (Barclay et al., 2017; Fortin and Follenz, 2008; Fortin et al., 2016; Wilson and Wilson, 2007). The danger is that those most impacted by complaints have the least power, and are manipulated into believing something is fair when normatively it is not. The risk of this increases when we consider: (1) there is a dominant discourse in relation to complaints as being “grumbles, gripes and grievances” (Simmons and Brennan 2013; Baggini 2008; Norlock 2018); (2) the process of complaining and complained about is seen as being inherently negative (Kowalksi, 1996; National Audit Office, 2015; Citizens Advice, 2016; Slater and Higginson, 2016; van Dael et al., 2020 as well as P3,4 and 5); (3) organisations spend significant time and money in influencing consumer expectations (Fountain, 2001); and (4) the emphasis that the contemporary complaints literature places on ‘managing’ complainant expectations (Gilad, 2008; Bismark et al., 2011; Creutzfeldt, 2016). Often this is about trying to lower expectations by telling

complainants what cannot be done, rather than looking to see how services can be better designed to meet consumer expectations in the first place (Nader, 1979; Bismark et al., 2011 and discussion in P5).

This reflection on fairness has brought me full circle to questions about power and its impact on complaints. My publications collectively demonstrate that approaches to complaints handling based on participation, reflexivity and ethics can help to shift the current design and culture underpinning complaints to one that is more consensual, takes account of the perspective of all parties affected and does not drive anti-therapeutic practices. These ideas are taken forward in the conceptual framework set out in the final Part.

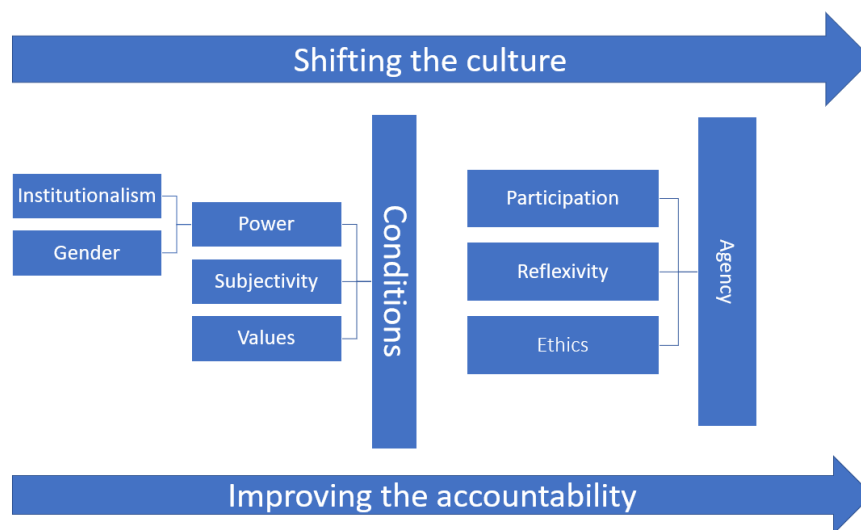
Part 4. Conceptual framework, implications for practice and future research

In this final section, I set out a conceptual framework, based on the synthesis of the collective contributions developed from my publications addressing the two research questions set out at the start of this CA. This section concludes by applying the framework to practice explaining how it can have an impact on current approaches to complaints and setting out an agenda for future research.

4.1 Framework shifting the design and culture of complaints: Participation, reflexivity and ethics

The conceptual framework shown in Figure 3 identifies three fundamental conditions that must be addressed to improve the design, culture and accountability of a complaints system. The three conditions are: power asymmetries, subjectivity and values. The framework argues that these conditions can be addressed by approaches based on participation, reflexivity and ethics, and that these elements can give agency to complaint actors to shift the culture and design around complaints and ensure greater accountability for learning.

Figure 3: Conceptual framework



Conditions: Power, values and subjectivity

The role of a critical theory is to discover the set of conditions that give rise to the current set of rules (Fay, 1975). Overall, my publications collectively highlight three conditions that give rise to the rules, actions and beliefs governing complaints in the UK to be addressed if the culture and design of complaints is to be improved:

- 1) Power imbalances arising from structural issues and gender
- 2) Subjectivity of complaints
- 3) The values underpinning complaint systems

Power imbalances arising from structuralisation and gender

Firstly, this CA argues that historically, socially, and culturally there are structural issues that have an impact on complaints due to the significant power asymmetries between consumers and businesses, citizens and state, employees and their employers. By locating the complaint experience within relations of power based on structuralisation and gender, it demonstrates how current approaches reflect and reinforce the beliefs, values, norms and rules of those with power. The institutionalisation of complaints in organisations and ADR schemes reinforces current power dynamics, limiting the agency of individual actors to resolve complaints, and disenfranchising the voice of complainants and employees. It reinforces non-complaining behaviours, as complainants perceive they lack power to have any impact when they do complain. It results in a culture for employees where defensiveness and a blame culture reduce accountability for learning the lessons from complaints. In addition, since complaint handling skills are stereotypically associated with feminised work practices, this also contributes to the under valuing of complaints. Consumers, employees and complaint handlers therefore have shared interests in addressing power and the source of this oppression.

Subjectivity

The second fundamental condition to address is the subjectivity of complaints. Current approaches to complaints are critical of the subjectivity of complaints, and current rules, actions and beliefs about complaints are based on this negativity. In contrast, this framework views subjectivity as a fundamental element of any complaint situation, drawing attention to the importance of effective participation to address perspectivism, seeing complaints as shared problems requiring collaborative and creative approaches to resolution. This draws attention to complaint systems being comfortable with ambiguity and not seeing issues simply as true or false. The negative rhetoric around complaining and subjectivity emphasises self-interest, customer satisfaction and individualistic approaches, rather than having an approach to rights based on more collective, societal goals. In contrast, my framework argues that accepting that complaints are subjective means ensuring that the design of complaint systems have the space and flexibility to take this into account to resolve complaints and ensure that learning takes place.

Values

Reflecting on my values at the start of this process highlighted to me how fundamental values are influencing societal and individual approaches to complaints. This CA has argued that what we complain about and the way we think about complaints tells us a lot about the underlying values in society. While values should be shared and agreed, I argue that, as a minimum, when considering complaints they should include a commitment to social justice, ethical fairness and collectivism. This values-based approach is a method for addressing concerns over the subordination of consumer and citizen interests and combats approaches which reinforce existing power relations. It also is a way of taking account of subjectivity, but underpinning it with principles that allow that subjectivity to be addressed. As highlighted earlier, my work differs from mainstream administrative justice and public

administration literature by rejecting the description of managerial approaches to complaints as being 'consumerist'. Instead, I perceive a much higher degree of commonality between the social, political and philosophical positions of consumers and citizens than is reflected in that debate. In common with Clarke and Newman's findings, (2007, p.754) my framework argues that people have much greater capacity to engage in complex forms of relational reasoning about public services than a focus on the binary distinction between consumers and citizens suggests. Complaints should therefore be viewed as conversations building on collectivist values, based on social justice and underpinned by an approach that requires ethical fairness. It is a form of democratic accountability and an act of citizenship in the public and the private sector.

Participation, reflexivity and ethics – leading to agency

Overall, therefore, this conceptual framework situates complaints within a framework of power, underpinning values and subjectivity and highlights the importance of participation, reflexivity and ethics for giving agency to the parties affected by complaints in order to shift the culture and design of complaint systems and deliver learning. Participation, reflexivity and ethics are discussed at length in P5 and P7. Participation is a mechanism for addressing power and is how differences in values and perspective can be identified and explored. It is dependent on parties being able to meaningfully take part in decisions that affect them, and emphasises the collective responsibility of parties to collaborate in decision making. Reflexivity recognises the complexity, messiness and subjectivity of complaints and places a responsibility on parties to a complaint to think deeply about the circumstances of a complaint and act upon these accordingly. Finally, the framework sets out a requirement for complaint systems to be underpinned by ethics. An ethical dimension to fairness ensures that values remain at the forefront of complaint systems, addressing concerns over power imbalances and subjectivity and ensuring that shared values are met. The combination of these principles gives agency to actors within complaint systems to shift the culture around complaints. It also allows greater accountability for learning within complaints, recognising that resolving complaints can involve different perspectives, multiple and complex issues - and the answer is unlikely to be binary.

4.2. Implications for practice

This framework gives rise to several practical implications for complaints. Firstly, the framework's focus on power highlights the continued importance of taking this into account in the design and culture of complaints. In practice, and despite the rhetoric around consumerism, significant barriers to complaining continue to exist. The framework, therefore, is a firm reminder of the role that consumer ADR, complaint systems and complaint handlers have in addressing power differentials. For example it is a way of answering concerns that consumer ADR and ombuds should be cautious of acting in a way that could be construed as being too pro-complainant, thus compromising their impartiality (Gilad, 2009). It is also a way of addressing arguments about consistency by focusing on power differentials and thinking about how equality can be achieved in a context where power is not shared evenly. The

lens of power and gender is also useful for reflecting on the role of complaint handlers in organisations, and whether they have the appropriate status to facilitate change to ensure that learning takes place. Organisations should review organisational and HR policies that may be leading to gendered impacts, such as unfavourably sizing complaint handling jobs against other similar dispute resolution specialists or boundary spanning roles.

Secondly, several process implications arise from placing subjectivity and values at the forefront of complaint systems and then thinking about how to build in participation, reflexivity and ethics. In the context of a complaint where many versions of truth can exist, I have argued that complaint systems must be comfortable with a degree of ambiguity and that complaint systems need to facilitate conversations that accept that complaints are shared problems that require collaborative and creative approaches. This requires dialogue that is qualitatively different than many complaint systems in the UK currently accommodate. In practical terms, therefore, this includes listening to all parties each other, being open to finding solutions, and developing shared values and trust. It directs organisations to listen to the concerns raised with them and not to simply manage expectations. It encourages difficult and challenging conversations and collaborative decisions. It requires a move away from assumptions that 'professionals know best' and a willingness to be open to different views.

Participation is built on good communication, and in that respect many of the interactional elements necessary for more participative approaches are already known. However, focusing communication on the concept of participation makes it clear that it is about *active* engagement, and reviewing where there are emotional, financial or practical barriers to participation. It includes taking time to listen, explain, picking up a phone rather than relying on written communication, and actively collaborating to find solutions. It means having an open culture that welcomes feedback and complaints and is open to new solutions and learning institutions and removing unnecessary barriers to this. The focus on participation also makes it clear that this is something which needs to take place throughout the complaint journey, including in discussions of outcomes. In P5, I showed how participation decreased as it becomes clear to the consumer ADR body that they are not going to be giving the consumer the decision they anticipated, but that this is exactly the point at which more dialogue is required rather than less.

The focus on reflexivity and ethics also makes it clear that individuals and complaint systems need to deeply engage with these complex and messy issues, highlighting the challenging nature of complaint handling. In P7 I identified a number of practical steps that organisations can take to promote reflexivity, including recognizing the importance of team dialogue and having work spaces that facilitate that; ensuring that complaint handling teams include a variety of experiences and backgrounds; and a move away from tick box performance indicator cultures. If organisations are going to be able to respond to the subjectivity of complaints, they need to trust employees and give discretion an ethical underpinning to override policy where appropriate. This CA makes clear that reflexivity applies to all parties since we can only learn to understand different perspectives if we first find out what they are. In relation to

ethics, this directly relates to culture and giving agency to actors who work with and are affected by complaints. It is recognized that in the short-term additional resource may be required to develop new skills and create time to facilitate these conversations. However, there is likely to be many longer term benefits, including having a complaint system that acts therapeutically and is focused on learning, rather than making things worse by driving dysfunctional recurring behaviours - sometimes with tragic consequences, as the Ockenden review (2022) starkly illustrates.

Finally, the framework can also be helpful at a macro level. At a time when system designers are increasingly looking to the use of AI in dispute resolution, the concepts of participation, reflexivity and ethics can provide a helpful framework for ensuring that broader citizen/consumer/employee perspectives are not forgotten. For example, the impact of digitization is likely to mean an increased emphasis on automated processes (and potentially the reintroduction of written communication). The framework's emphasis on participation is a clear reminder to dispute designers of the need to include this aspect.

4.3 Future research

Going forward there are two areas that I would prioritise for future research. Firstly, we still know too little about who complaint handlers are, what they do, and how on a day-to-day basis they successfully resolve complaints. In addition, while my conceptual framework argues for approaches based on practices of participation, reflexivity and ethics in complaint handling, empirically this has been derived from exploratory case study research and, therefore, further research is needed. Gilad's (2008) research into the Financial Ombudsman Service and an extensive literature on street level bureaucrats highlight the strength of ethnographic approaches when exploring the lived experience of bureaucrats. However, organisations have become increasingly reluctant to allow researchers this access (Hammersley, 2018). An encouraging development in recent years has been the growth of active complaint handler networks, in a variety of sectors including health and central and local government). There are some opportunities through these practitioner-led networks to take an ethnographic approach, particularly if a co-designed, action research approach was taken, emphasising practical outcomes. Ombuds and ADR organisations may also be willing to allow access since the role of complaint handlers is fundamental to their core purpose.

Secondly, my conclusions regarding gender are tentative and there is considerable scope to explore further how complaints can be better understood when viewed through a gendered lens. This research could also contribute to the debate about professionalisation, and there has been some debate in the ombuds community and the public sector regarding the need to professionalise this sector (PHSO, 2020; Behrens, 2022). The growth of ADR and ombuds schemes provides a welcome opportunity to challenge the customer service logic that has been applied to complaints. In addition, while this CA only explored power from the perspective of gender, there is a need for research taking account of other

intersectionality characteristics such as race. We already know that BME health professionals are much more likely to be complained about in relation to professional conduct (Atewologun et al., 2019; West et al., 2016) and there is reason to suspect that race will be a factor in the way that complaints are dealt with as illustrated by the recent Windrush scandal (Williams, 2020).

Part 5: Conclusion

It is perhaps not a surprise that my conclusions have pointed to a collaborative and collectivist approach to complaints, since my publications were also developed in the spirit of collaboration with other academics. I would like to end this CA, therefore, by paying tribute and giving thanks to these academics without whom this body of work would not exist. Writing this CA has been challenging and required me to become deeply reflexive with my work. It has significantly developed my thinking about complaints, by requiring me to follow up unanswered questions in relation to my values, power, subjectivity, fairness and consumer/citizen perspectives. The conceptual framework developed here has enabled me to identify the key concepts which I believe need to be addressed within complaint systems to improve the culture underpinning complaints, and I have already been able to apply it for this purpose. While complaints remain inevitable, there is no reason why their impact should be negative and I believe that an approach based on participation, reflexivity and ethics can lead to better outcomes for all.

REFERENCES

- Aberbach, J. D. and Christensen, T. (2005) 'Citizens and Consumers. An NPM dilemma,' *Public Management Review*, 7(2) pp. 226–245.
- Acker, J. (1990) 'Hierarchies, jobs, bodies: A theory of gendered organizations'. *Gender & society*, 4(2), pp. 139-158.
- Adler M (2010) 'Understanding and Analysing Administrative Justice'. In: Adler M. (ed) *Administrative Justice in Context*, Hart, Oxford. pp. 129–160.
- Allsop J. and Jones, K. (2008) 'Withering the Citizen, Managing the Consumer: Complaints in Healthcare Settings', *Social Policy and Society*, 7(2), pp. 233-243.
- Atewologun, D., Kline, R., & Ochieng, M. (2019) *Fair to Refer. Reducing disproportionality in fitness to practise concerns reported to the GMC*. General Medical Council. Available at: www.gmc-uk.org/about/what-we-do-and-why/data-and-research/research-and-insight-archive/fair-to-refer. (Accessed: 3 June 2022)
- Alvesson, M., and Willmott, H. (1996) *Making Sense of Management. A Critical introduction*. London: Sage.
- Baggini, J. (2008) *Complaint: From minor moans to principled protests*, London: Profile Books Ltd.
- Barclay, L., Bashshur, M. and Fortin, M. (2017) 'Motivated cognition and fairness: Insights, integration, and creating a path forward', *Journal of Applied Psychology*, 102(6), pp. 867-889.
- Bates, T. (2021) 'Rethinking how we work with Acker's theory of gendered organizations: An abductive approach for feminist empirical research,' *Gender, Work & Organization*, 1–24.
- Behrens, R. (2022) 'Reform of a National Ombudsman Scheme – A Journey' Groves, M. and Stuhmcke, A. (eds) *Ombudsmen in the Modern State*, pp . Bloomsbury: London. Chapter 10.
- Bingham L. (2008) 'Designing justice: Legal institutions and other systems for managing conflict', *24 Ohio State Journal on Dispute Resolution*, 24(1), pp. 1 – 52.
- Bismark M, Spittal M, Gogos A, Gruen R and Studdert D. (2011) 'Remedies sought and obtained in healthcare complaints', *BMJ Quality & Safety* 20, pp. 806-10.
- Blaikie, N. (1993) *Approaches to social enquiry*. Cambridge; Blackwell Publishers Ltd.
- Braun V. & Clarke, V. (2021) 'One size fits all? What counts as quality practice in (reflexive) thematic analysis?', *Qualitative Research in Psychology*, 18(3), pp. 328-352.
- Brewer, B. (2007) 'Citizen or customer? Complaints handling in the public sector', *International Review of Administrative Sciences*, 73(4), pp. 549–556.
- Bolton, S., & Muzio, D. (2008) 'The paradoxical processes of feminization in the professions: the case of established, aspiring and semi-professions', *Work, employment and society*, 22(2), pp. 281-299.
- Butler, J. (1990) *Gender Trouble: Feminism and the Subversion of Identity*. Abingdon: Routledge.
- Citizens Advice (2016) *Learning from Mistakes*. Available at : <https://www.citizensadvice.org.uk/Global/CitizensAdvice/Public%20services%20publications/Learning-from-mistakes.pdf> (Accessed 27 June 2022)

- Clark, T., Foster, L., Sloan, L. and Bryman, A. (2021) *Bryman's Research Methods*. Oxford: Oxford University Press.
- Clarke, J. and Newman, J. (2007) 'What's in a name?', *Cultural Studies*, 21:(4-5), pp. 738-757.
- Colquitt, J. A., & Rodell, J. B. (2015) 'Measuring justice and fairness'. In R. S. Cropanzano & M. L. Ambrose (Eds.), *Oxford library of psychology. The Oxford handbook of justice in the workplace* (p. 187–202). Oxford University Press.
- Colquitt, J. A., Scott, B. A., Rodell, J. B., Long, D. M., Zapata, C. P., Conlon, D. E., & Wesson, M. J. (2013) 'Justice at the millennium, a decade later: A meta-analytic test of social exchange and affect-based perspectives', *Journal of Applied Psychology*, 98 (2), pp.199–236.
- Creutzfeldt, N. and Bradford, B. (2018) 'How do complainants experience the ombuds procedure? Detecting cultural patterns of dispute behaviour: a comparative analysis of users that complain about financial services'. In Hertogh and Kirkham, R. (eds) *Research Handbook on the Ombudsman*. Edward Elgar Publishing pp. 280-297.
- Creutzfeldt, N. (2016) *Trusting the middleman impact and legitimacy of ombudsmen in Europe*. Oxford: Oxford University. Available at: https://www.law.ox.ac.uk/sites/files/oxlaw/ombuds_project_report_nc_2.pdf . (Accessed 15 March 2022).
- Crotty, M. (2003) *The foundations of social research: Meaning and perspective in the research process*. London: Sage.
- Department for Business, Energy and Industrial Strategy.(BEIS, UK) (2018) *Resolving Consumer Disputes: alternative dispute resolution and the court system* Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698442/Final_report_-_Resolving_consumer_disputes.pdf> (Accessed 20th December 2021)
- Deutsch, F.M. (2007) 'Undoing gender', *Gender and Society*, 21(1) pp. 106-127.
- Deutsch, M. (1973) *The Resolution of Conflict: Constructive and Destructive Processes* . New Haven, CT: Yale University Press.
- Eidenmuller H. and Engel M. (2014) 'Against False Settlement: Designing Efficient Consumer Rights Enforcement Systems in Europe', *Ohio State Journal of Dispute Resolution* 29, 261-285.
- Fay, B. (1996) *Contemporary philosophy of social science*. Oxford: Blackwell publishing.
- Fay, B. (1975) *Social Theory and Political Practice*. London: George Allen and Unwin Ltd.
- Finkel, N. (2001) *Not Fair: The typology of commonsense unfairness*. American Psychological Association: Washington.
- Fortin, M. Nadisic, T. and Bell, C. (2016) 'Beyond the Particular and Universal: Dependence, Independence, and Interdependence of Context, Justice, and Ethics', *Journal of Business Ethics*, 137(4), pp. 639-647.
- Fortin, M. and Fellenz, M. (2008) 'Hypocrisies of fairness: Towards a more reflexive ethical base', *Journal of Business Ethics* 78(3), pp. 415-433.
- Fountain, J. (2001) 'Paradoxes of Public Sector Customer Service,' *Governance*. 14 (1) pp.55 – 73.
- Freire, P. (1972) *Pedagogy of the Oppressed*, Penguin: Harmondsworth.

- Ganapati, N. E., Remington, C. L., & Newman, M. A. (2022) 'Emotional labor, gender and public administration' in Shields P. and Elias, N. (eds) *Handbook on Gender and Public Administration*. Edward Elgar Publishing. pp. 68-84.
- Genn, H. (2013) 'What is civil justice for? Reform, ADR and access to justice'. *Yale J of Law and the Humanities*. 24, pp. 397 – 417.
- Genn, H. (2009) *Judging Civil Justice*. Cambridge: Cambridge University Press.
- Gelbrich, K., & Roschk, H. (2011) 'A Meta-Analysis of Organizational Complaint Handling and Customer Responses', *Journal of Service Research*, 14(1), pp24–43.
- Gilad, S. (2014) 'Beyond Endogeneity: How Firms and Regulators Co-Construct the Meaning of Regulation', *Law & Policy*, 36(2), pp.134-164.
- Gilad, S. (2009) 'Juggling Conflicting Demands: The Case of the UK Financial Ombudsman Service', *Journal of Public Administration Research and Theory*, 19(3), pp.661-680.
- Gilad, S., (2008) 'Accountability or Expectations Management? The Role of the Ombudsman in Financial Regulation', *Law and Policy*, 30(2), pp. 227-253.
- Glinsner, B, Sauer, B, Gaitsch, M, Penz, O, Hofbauer, J. (2019) 'Doing gender in public services: Affective labour of employment agents'. *Gender Work Organ.* 26, pp. 983– 999.
- Guy, M., & Newman, M. (2004) 'Women's jobs, men's jobs: Sex segregation and emotional labor,' *Public Administration Review*, 64, pp. 289– 298.
- Hammersley, M. (2018) 'What is ethnography? Can it survive? Should it?', *Ethnography and Education*, 13(1), pp.1-17.
- Hammersley, M. (1995). *The politics of social research*. London: Sage Publications.
- Haque, M.S. (2000) 'Significance of Accountability under the New Approach to Public Governance', *International Review of Administrative Sciences* 66 pp. 599–617.
- Harvey, L. (1990) *Critical Social Research..* London: Unwin Hyman.
- Hochschild, A. (1983) *The managed heart: Commercialisation of human feeling*. London: University of California Press:
- Howell, K. (2013) *An introduction to The Philosophy of Methodology*. Sage Publications: London.
- Johnston, K. (2019) 'Women in public policy and public administration?', *Public Money & Management*, 39(3), pp. 155-165. DOI: 10.1080/09540962.2018.1534421.
- Johnson, P. & Duberley, J. (2000) *Understanding management research* . London: Sage Publications: London.
- Jung, T. (2010) 'Citizens, co-producers, customers, clients, captives? A critical review of consumerism and public services', *Public Management Review*, 12(3), pp. 439-446, DOI: 10.1080/14719031003787940
- Kelemen, M. L. & Rumens, N. (2008) *An introduction to critical management research*. London: Sage Publications .
- Kerfoot, D., & Korczynski, M. (2005) 'Gender and service: new directions for the study of 'front-line'service work'. *Gender, Work & Organization*, 12(5), pp. 387-399.

- Kincheloe, J. and McLaren, P. (1998) 'Rethinking critical theory and qualitative research,' in Denzin, N. and Lincoln, Y. (eds) *The landscape of qualitative research*. Thousand Oaks, CA: Sage, pp. 260 – 99.
- Kowalski, R. (1996) 'Complaints and Complaining: Functions, antecedents, and consequences' *Psychological Bulletin* 119 pp. 179–196.
- Lind E. and, Tyler T. (1988) *The social psychology of procedural justice*. New York: Plenum.
- Lukes, S. (2005) *Power: A Radical View*. 2nd edition. New York: Palgrave Macmillan.
- Martin, P. Y. (2006) 'Practising gender at work: Further thoughts on reflexivity'. *Gender, work & organization*, 13(3), pp. 254-276.
- Mastracci, S. & Bowman, L. (2015) 'Public Agencies, Gendered Organizations: The future of gender studies in public management', *Public Management Review*, 17(6), pp. 857-875,
- Mattila, A.S., Grandey, A.A. and Fisk, G.M. (2003) 'The interplay of gender and affective tone in service encounter satisfaction', *Journal of Service Research*, 6 (2), pp. 136-43.
- Mayer, B. (2012) *The Dynamics of Conflict* (2nd edition). San Francisco: Jossey- Bass.
- Moore, C. (2014) *The Mediation Process: Practical Strategies for Resolving Conflict* (4th ed). San Francisco: Joey Bass.
- Mulcahy, L., (2013) 'The collective interest in private dispute resolution'. *Oxford Journal of Legal Studies*. vol. 33, no. 1, pp. 59-8080.
- Nader, L. (1979) 'Disputing Without the Force of Law'. *Yale Law Journal*. Vol 88 (5), pp. 998 – 1021.
- National Audit Office 2015. *Public service markets: Putting things right when they go wrong* Available at: <https://www.nao.org.uk/wp-content/uploads/2015/06/Putting-things-right.pdf> (Accessed 25 November 2021)
- Norlock, K. J. (2018) 'Can't Complain', *Journal of Moral Philosophy*, 15(2), pp. 117-135. doi: <https://doi.org/10.1163/17455243-20170004>
- O'Brien, N. (2015), 'What Future for the Ombudsman?', *The Political Quarterly*, 86, pp. 72-80.
- O'Brien, N. (2018) 'Ombudsmen and public authorities: a modest proposal' In: Hertogh, M. and Kirkham, R. (eds.) *Research Handbook on the Ombudsman*. Edward Elgar: Cheltenham, UK, pp. 34-52.
- Ockenden, D. (2022) *Ockenden Report: Findings, conclusions and essential actions from the Independent review of maternity services at Shrewsbury and Telford Hospital NHS Trust*. Her Majesty's Stationary Office: HC 1219 Available at: https://www.ockendenmaternityreview.org.uk/wp-content/uploads/2022/03/FINAL_INDEPENDENT_MATERNITY_REVIEW_OF_MATERNITY_SERVICES_REPORT.pdf (Accessed 29 May 2022)
- Orsingher C. Valentini, S. and de Angelis, M. (2010) 'A meta-analysis of satisfaction with complaint handling in services', *Journal of the Academy of Marketing Science*, 38 (2), pp. 169-186.
- Parliamentary and Health Services Ombudsman (PHSO) (2021) *The Ombudsman's Annual Report and Accounts 2020-2021*. Available at: https://www.ombudsman.org.uk/sites/default/files/2021-07/Parliamentary_and_Health_Service_Ombudsman%27s_Annual_Report_and_Accounts_2020-2021.pdf (Accessed 25 June 2022).

Parliamentary and Health Services Ombudsman (PHSO) (2020) Making Complaints Count [online] Available at: <https://www.ombudsman.org.uk/publications/making-complaints-count-supporting-complaints-handling-nhs-and-uk-government-1> (Accessed 6 May 2022)

Pattnaik, S. and Tripathy S. (2019) 'The journey of justice: Recounting milestones over the past six decades', *Management and Labour Studies* 44 (1), pp.58 – 85.

Prasad, P. and Caproni P. (1997) 'Critical theory in the management classroom: Engaging power, ideology, and praxis'. *Journal of Management Education*, 21(3), pp. 284-291.

Public Services Ombudsman for Wales (2021) *Delivering Justice: Public Services Ombudsman for Wales annual report and accounts 2020/21*. Available at: <https://www.ombudsman.wales/wp-content/uploads/2021/07/Annual-Report-and-Accounts-2020-21-Delivering-Justice-FINAL.pdf> (Accessed 25 June 2022)

Reiter, R. and Klenk, T. (2019) 'The manifold meanings of 'post-New Public Management' – a systematic literature review', *International Review of Administrative Sciences*, 85(1), pp. 11–27. DOI: 10.1177/0020852318759736.

Rupp, D. , Shao, R., Jones, K. S. and Liao, H. (2014) 'The utility of a multifoci approach to the study of organizational justice: a meta-analytic investigation into the consideration of normative rules, moral accountability, bandwidth-fidelity, and social exchange', *Organizational behavior and human decision processes*, 123(2), pp.159-185

Scottish Public Services Ombudsman (SPSO) (2021) *Annual report 2020-21* Available at: <https://www.spsos.org.uk/annual-report/2020-21.html> (Accessed 25 June 2022)

Shariff K. (2003) 'Designing institutions to manage conflict: principles for the problem solving organisation', 8 *Harv Negot L Rev*, 8, pp.133 - 170

Simmons, R. and Brennan, C. (2013) *Grumbles, gripes and grievances: the role of complaints in transforming public services*. London: Nesta. Available at: https://media.nesta.org.uk/documents/grumbles_gripes_and_grievances.pdf (Accessed 27 June 2022)

Slater, K. and Higginson, G. (2016) *Understanding Consumer Experiences of Complaint Handling*. [online] Available at: [https://www.citizensadvice.org.uk/Global/CitizensAdvice/Consumer%20publications/Understanding%20consumer%20experiences%20of%20complaint%20handling_DJS%20report%20final_June2016%20\(2\)%20\(1\).pdf](https://www.citizensadvice.org.uk/Global/CitizensAdvice/Consumer%20publications/Understanding%20consumer%20experiences%20of%20complaint%20handling_DJS%20report%20final_June2016%20(2)%20(1).pdf) (Accessed 27 June 2022)

Swan, E. (2008) 'You make me feel like a woman': Therapeutic cultures and the contagion of femininity'. *Gender, Work and Organization*, 15, pp. 88–107.

Thibault J. and Walker L. (1975) *Procedural Justice: A psychological analysis*. Hillsdale NJ: Erlbaum.

Thory K. (2013) 'Gendered Analysis of Emotional Intelligence in the Workplace: Issues and Concerns for Human Resource Development'. *Human Resource Development Review*. 12(2) pp. 221-244. doi:10.1177/1534484312469100

Van den Bos K., Van der Velden, L. and Lind, E.A., (2014) 'On the Role of Perceived Procedural Justice in Citizens' Reaction to Government Decisions and the Handling of Conflict', *Utrecht Law Review* 10(4), pp. 1-26.

van Dael J, Reader TW, Gillespie A, Neves, D. and Mayer E. (2020) 'Learning from complaints in healthcare: a realist review of academic literature, policy evidence and front-line insights'. *BMJ Quality & Safety*, 29, pp. 684-695.

Wagner G. (2014) 'Private law enforcement through ADR: Wonder Drug or Snake Oil', *Common Market Law Review* 51(1), pp.165-194.

Wessels, J. (2021) 'Meaningful knowledge about public administration: Ontological and situated antecedents', *Administrative Theory & Praxis*, 43(4), pp.431-446.

West, C. and Zimmerman, D. H. (1987) 'Doing gender', *Gender & Society*, 1(2), pp.125-151.

West, E., Nayar, S. Taina T. and Al-Haboubi M. (2016) *The progress and outcomes of black and minority ethnic nurses and midwives through the nursing and midwifery council's fitness to practise process final report*. University of Greenwich.

<https://www.nmc.org.uk/globalassets/sitedocuments/other-publications/bme-nurses--midwives-ftp-research-report.pdf> (Accessed 1 June 2022)

Williams, W., (2020). *Windrush lessons learned review: Independent review by Wendy Williams*. (2019–20) HC 93. London: Stationery Office.

Wilson, B. and Wilson, A. (2007) 'Why is fairness 'grubby?' - semantics, etymology and perspectives in dispute resolution', *Texas Wesleyan Law Review Symposium*, 13(2), pp. 795-817.

Appendix 1: Summary of publications contributing to the critical appraisal and my contribution

Table 3: Publications and individual contributions

PUBLICATION	JW ¹ CONTRIBUTION	QUALITY INDICATORS	CONTRIBUTION
<p>PUBLICATION 1</p> <p>Gill, C., Williams, J., Brennan, C., and Hirst, C. (2016) 'Designing Consumer Redress: a dispute system design (DSD) model for consumer-to-business disputes', <i>Legal Studies</i>, 36 (3), pp. 438-463.</p>	45%	<p>This journal article was developed from commissioned research: Gill, C., Williams, J., Brennan, C. And Hirst, C. (2014). <i>Models of Alternative Dispute Resolution</i>. Birmingham: Legal Ombudsman.</p> <p>The dispute design research (1) identified how many ADR schemes have developed in an adhoc and piecemeal fashion and our research highlighted the need for a more systematic approach to dispute design which could improve complaint handling and lead to better lead to better customer experiences. The research developed a model to be used by schemes and policy makers to help them do this 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.</p>	<p>CG (45%) and JW (45%) were jointly responsible for the original conception of the journal and jointly completed the literature review and developed the model on which this article was based. CG led on writing the introduction and background information and the discussion section. JW lead on the literature on dispute design and on the description of the model. CG led the commissioned research project and all four authors undertook interviews for the commissioned research. CB (5%) and CH (5%) also reviewed the draft of the article. Final approval of the version to be published was undertaken by all the authors.</p>
<p>PUBLICATION 2</p> <p>Williams, J. and Gill, C. (2016) 'A dispute system design</p>	70%	<p>Following on from the publication of the 2016 journal article JW and CG were invited to contribute a book chapter to Cortes book (Williams and Gill 2016). This</p>	<p>These book chapters build on Gill et al., 2016 and were developed by Williams who lead on both book chapters. Williams and Gill (2016) developed the</p>

¹ JW = Jane Williams

<p>perspective on the future development of consumer dispute resolution’, in Cortes, P. (ed.), and <i>The Transformation of Consumer Dispute Resolution in the EU</i>, Oxford University Press: Oxford, pp. 371-391. ISBN 9780198766353 (doi: 10.1093/acprof:oso/9780198766353.001.0001)</p> <p>Williams, J. and Gill, C. 2017. <i>Designing justice: Dispute system design and consumer redress</i>. In <i>La resolution de conflictos de consume</i>. F.E. De La Rosa (ed.) Thomson Reuters: Navarra.</p>		<p>chapter developed the 2016 journal article by providing additional detail on the empirical work which underpinned the journal article and providing more practical guidance for consumer ADR organisations on the model. Subsequently, JW and CG were invited to provide a chapter applying the model to a Spanish context (Williams and Gill (2017)). JW was also funded by the Spanish Government to present the findings of the research at a conference in Granada in November 2016.</p>	<p>literature review and these book chapter draws more directly on the underpinning empirical research using case studies to demonstrate the application of the model</p>
<p>PUBLICATION 3 Brennan, C., Sourdin, T., Williams, J., Bursteyner, N. and Gill, C. (2017) ‘Consumer vulnerability and complaint handling: challenges, opportunities and dispute system design’, <i>Int J Consumer Stud.</i> 2017, 41(6), 638– 646. (doi:10.1111/ijcs.12377)</p>	35%	<p>This international research in association with colleagues in Australia highlights the need for complaint processes to consider 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 and in doing so draws on my earlier dispute design research.</p>	<p>CB (25%), CG (5%) and TS (30%) were responsible for the original conception of this article. JW (35%) and NB (5%) completed the review of the relevant literature that underpins the article. JW drafted the article and CB and TS provided critical revision of the article. Final approval of the version to be published was undertaken by all the authors.</p>

PUBLICATION	JW CONTR	QUALITY INDICATORS	CONTRIBUTION
-------------	----------	--------------------	--------------

	IBUTIO N		
<p>PUBLICATION 4 Gill, C., Sapouna, M., Hirst, C. and Williams J. (2019) ‘Dysfunctional accountability in complaint systems: The effects of complaints on public service employees’. <i>Public Law</i> Oct, pp. 644-664.</p>	20%	<p>This research demonstrates that complaints can have a significant effect on the wellbeing and work practice of housing and planning employees. At the same time, the data suggest differences compared to the healthcare sector, with effects on work practice being: more moderate; less prevalent in such areas as defensiveness and avoidance; and more likely to include positive effects. It extends academic literature on therapeutic jurisprudence by extending it to service recovery in the public sector and highlighting the need for a more therapeutic approach to complaint handling which supports all the actors in the complaint handling process including employees</p>	<p>JW undertook half of the 16 of the interviews that formed the basis of the qualitative data that informed the journal article which was based on mixed methods, reviewed the qualitative data analysis and provided comments on the draft and final versions of this article.</p>
<p>PUBLICATION 5 Williams, J., Gill, C., Creutzfeldt, N., and Vivian N. (2020) ‘Participation as a framework for analysing consumers’ experiences of alternative dispute resolution’, <i>Journal of Law and Society</i> 47(2) pp. 271-297 (doi: 10.1111/jols.12224)</p>	65 %	<p>This research generated new theoretical insights based on empirical work arguing that, despite the fact that many consumer complaints are seen as low value, transactional disputes and contrary to policy maker assumptions, consumers expect high levels of participation from ADR. Theoretically, it applied a ladder of legal participation, adapted from McKeever (2010), to argue that consumer participation in complaints processes is essential highlighting the distinction between genuine and tokenistic provision of ADR. This framework provides a complementary approach to procedural justice theory which has been the dominant theoretical framework in recent years but whose application to consumer ADR has been questioned.</p>	<p>This paper was developed from commissioned research funded by Citizens Advice Gill, C., Creutzfeldt, N., Williams, J., O’Neil S., and Vivian, N. (2017). Confusion, gaps and overlaps: A consumer perspective on the UK’s alternative dispute resolutions (ADR) landscape. JW and CG were responsible for the conception and design of the journal article. JW lead the qualitative data collection that underpinned the journal article and completed half the data collection. JW was responsible for the data analysis and interpretation and led drafting of the article. CG provided the critical review and amendment of the draft article. (35%) CG also led the original commissioned research project. . NC (2.5%) provided editorial input to the final version of the paper. NV (2.5%) completed the other half of the qualitative data collection. Final approval of the version to be published was undertaken by all the authors.</p>

<p>PUBLICATION 6 Williams, J., Gill, C and Hirst, C (2022) ‘Towards therapeutic complaint resolution’ Groves, M. and Stuhmcke, A. (eds) <i>Ombudsmen in the Modern State</i>, Bloomsbury: London. Chapter 12.</p>	<p>50%</p>	<p>This book chapter extends earlier research by Gill et al in 2019 by considering the role of UK public service ombuds and the extent and nature of problems with UK internal public service complaint systems. It moves on to consider therapeutic jurisprudence and its application to complaint systems and then explore the extent to which current redress designer role of public services ombuds in the UK supports more therapeutic approaches. The chapter concludes by arguing that in the context of UK public services, where ongoing relationships are at the heart of citizen-state interactions, ombuds play a key role as therapeutic actors in designing, encouraging, and modelling an ethic of care for the wellbeing of everyone affected by complaint systems. The book includes chapters from a variety of international perspectives and is being published in Australia.</p>	<p>JW, CG and CH were jointly responsible for the development of this book chapter. This article was developed from work originally developed by CG (25%) who also provided critical review of the chapter. JW (50%) wrote the sections on the complaints landscape and on the role of ombuds in encouraging therapeutic approaches to complaint handling put together the article and liaised with the book editors. CH (25%) wrote the introduction, the section describing the original empirical research and the case study and the final section looking towards a model of therapeutic complaint resolution.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

ADDITIONAL PUBLICATION

PUBLICATION	CONTRIBUTION BY JW	QUALITY INDICATORS	CONTRIBUTION
<p>Publication 7 Williams, J., Gill, C., and McBurnie, G. (2021) “‘It’s the most ethical job I have ever had’”: Complaint handling and fair decision making, <i>International</i></p>	<p>80%</p>	<p>Despite the importance of individual complaint handlers to consumers’ complaint journeys understanding individual complaint handlers approach to fairness is an under-researched area. The contribution of this research is to generate a new conceptual model which highlights: (a) the impact that institutional structures and processes play on the day to day practice of fair decision making; (b) how constructions of fairness vary between complaint handlers</p>	<p>The candidate (JW) was responsible for the original conception and design of this journal article. They are also responsible for the data collection, data analysis, interpretation, and drafting of the article. They also addressed the reviewers’ comments from the journal. CG (20%) input related to providing critical input and reviewing an early draft and the final submission of the journal article. GMcB (5%) reviewed the initial draft</p>

<i>Journal of Business Governance and Ethics.</i> 15(4), pp. 357-375.	with some adopting an explicit ethical and moral focus; and (c) the active role group support and dialogue plays in supporting individual complaint handler's fair decision making	paper and the final revised paper. Final approval of the version to be published was undertaken by all the authors.
--------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------

APPENDIX 2: Copies of emails from co-authors confirming contribution [REMOVED AS CONTAINED PERSONAL DETAILS]

APPENDIX 3: JANE WILLIAMS: ACADEMIC CV contribution [REMOVED AS CONTAINED PERSONAL DETAILS]

APPENDIX 4: IMPACT CASE STUDY

Institution: Queen Margaret University		
Unit of Assessment: UoA 17		
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: 2013 – 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 to date
Carol Brennan	Reader	1987 to 2019
Chris Gill	Senior Lecturer	2012 - 2017
Carolyn Hirst	Lecturer	2010 – 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		
<p>1. Summary of the impact (indicative maximum 100 words)</p> <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>		

(2) Improvements in consumer experience as result of research informed changes in organisational policy and practice that foster implementation of learning from complaints.

(3) Provision of improved support for public sector employees who have been complained about to promote learning and reduce adverse effects on individual performance.

2. Underpinning research (indicative maximum 500 words)

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.

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. QMU's research is focused on two main strands:

- 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.

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 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 (indicative maximum of six references)

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 (indicative maximum 750 words)

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 (indicative maximum of 10 references)

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 Compliant 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/spsso/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

APPENDIX 5: Copies of articles and book chapters Publications 1 -6 . See also sepearate zipped file .



Publication 1 to 7.zip