

Challenging Complainants as Critical Friends?

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“Your most unhappy customers are your greatest source of learning.”



Bill Gates



Today

- What can we learn from challenging complainants?
- Insights from ESRC funded project with Dr Naomi Creutzfeldt (Westminster)
- Looked at groups protesting about complaints and ombudsman systems



The ombudsman watchers

- Who are the watchers:
 - Groups of former complainants critical of complaint and ombudsman systems
 - Set up campaigns to pursue their own complaints and reform public complaint systems
 - Campaign online, organise conferences, seek to influence policymakers, etc.
- Academic interest – collectivisation of dissatisfaction and idea of ‘legal protest’

(Creutzfeldt and Gill 2015)

Method

- Groups studied: LGO Watch, PHSO the Facts, Accountability Scotland
- Meetings with two of the groups and ombudsman schemes
- Analysis of online content (websites, blogs, parliamentary submissions, etc.)



My approach today

- Trying to understand the subjective perspectives of very dissatisfied complainants
- Setting those views in the context of other research on the complaint experience
- Deliberately focusing on complaint experiences that have been unsatisfactory



Two possible insights from the 'watchers'

The nature of complaint experiences – looking at things from complainants' perspectives when things go wrong

What people want from a complaint process – especially when the complaint is not upheld



Insights about the experience of complaining



Context

49% of those who experience a problem with a public service do not complain (Which? 2015)

90% of consumers will complain to a high street retailer, bank or tradesperson (NAO 2015)

35% Nothing would be done

35% Not worth the effort (Which? 2015)

Only **31%** of complainants are satisfied with the result of their complaint (NAO 2015)



Power imbalance

“People are effectively taking the government on when they complain about a public service – this is very scary and difficult to do.”
(Accountability Scotland)

“... consumers feel that they do not have the time and capability to deal with large organisations that have more sophisticated complaints handling teams than individual consumers.” (DJS 2016)



Defensiveness

“A major problem with the complaints system... [is that] colleagues are charged with investigating the behaviour of colleagues... a defensive approach is adopted early on.” (Accountability Scotland)

“People raised the perception that public services ‘close ranks’... rather than try to resolve the complaint. They think there is a vested interest in protecting the staff.” (Which 2015)



‘Shock’ of subjective injustice

“Many of those who had contacted LGO Watch... were highly articulate, professional people, with a university education, **shell-shocked** at how they had been let down”.
(LGO Watch)

“... those consumers who had received a less favourable outcome expressed shock and surprise that the outcome had not been in their favour and indicated that they had found the whole process stressful” (Gill et al 2017 – forthcoming)



Impact of complaining

Financial/ work, Emotional,
Personal relationship, Physical
and mental health

“There is a gulf between professional complaint handlers who [think] complaint handling is the speedy ‘disposal’ of grievances and those who see complaints as a personal trauma without end.” (PHSO the Facts)

33% wished they had not bothered
26% were put off complaining again
(Which? 2015)

44% felt **angry** about the way complaint handled
46% felt complaining had made experience **stressful**.
(Which? 2015)



Insights into what complainants want from complaint processes



Being supported

“... representation of complainants can be required ... even though they are tenacious, articulate and resourceful they had found it very difficult ... How then would more vulnerable, less able people cope?” (PHSO the Facts)

“The representation and practical assistance provided by complaints advocacy services... can play a helpful role... Whilst these services exist in health, they are not always available when people need them or across public services.” (Which? 2015)



Being heard

“A lack of broad public accountability and a sense of powerlessness to have concerns fairly heard is resulting in public apathy... and a feeling that the system will not listen” (LGO Watch)

52% of people do not complain because they do not feel their complaint will be heard and taken seriously (Citizens Advice 2015)



Being believed

“It should be for the public body to prove a complaint is unfounded rather than for the complainant to prove the case with restricted access to evidence” (PHSO the Facts)

“[A presumption of honesty] means that unless there is a record to prove a public body has acted in a certain way, the account of the complainant will be accepted.” (Accountability Scotland)

“The organisation should believe the word of the consumer and so any bias displayed by the organisation should actually be in favour of the consumer.” (DJS 2016)



Being treated fairly

Hearings

Direct contact
with complaint
handler

Opportunity to
state case

Opportunity to
see 'other
side's' evidence

Sympathetic
and human

Leading to
meaningful
change

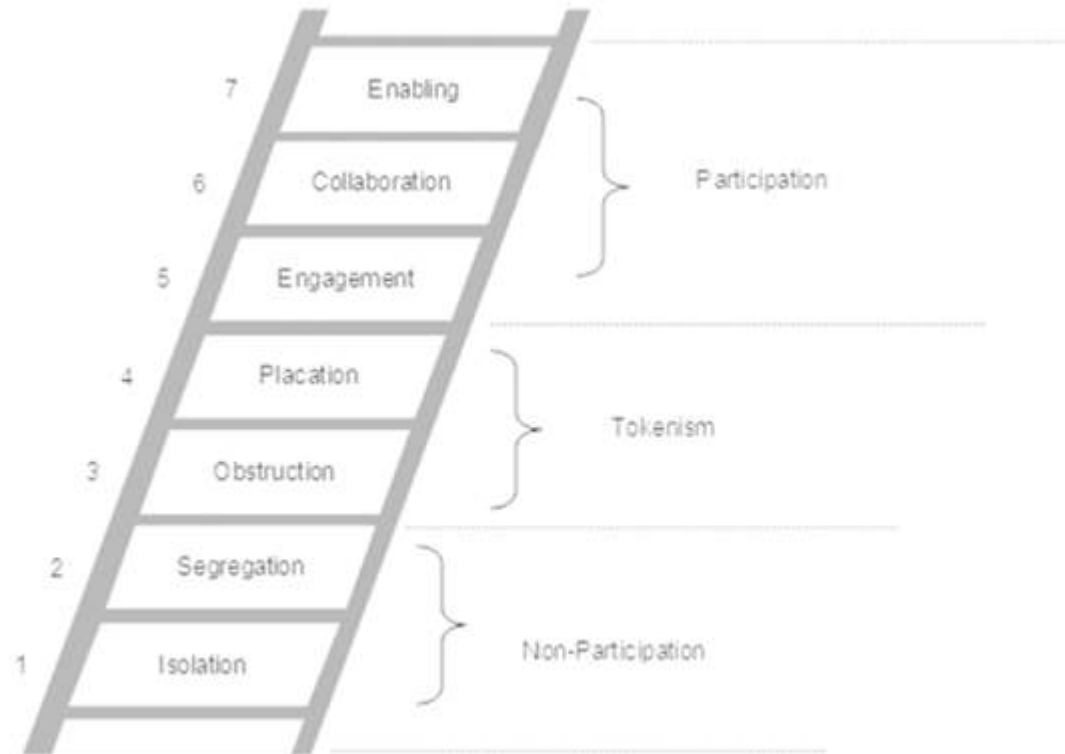


Being allowed to participate

“[We argue for] a new concept of active citizenship and social justice, as well as to the defragmentation and depolarisation of society, where concerned citizens are no longer treated as enemies of vested political interests” (LGO Watch)



A ladder of participation



(McKeever 2013)



Implications for complaint handling?

Action	Rationale
<i>Welcoming complaints</i>	Going the extra mile, given how few people complain
<i>Supporting complainants</i>	Supporting complainants through the emotional impacts of complaining
<i>Re-thinking who gets 'benefit of doubt'</i>	Does the complaint process address structural power imbalances?
<i>Signalling fairness</i>	Doing more to tell people what has been done to ensure fairness
<i>Allowing opportunities for participation</i>	Inviting participation and making people feel "heard"



Greatest source of learning?

Cons

- Unrepresentative
- Objectively 'wrong'
- Out of date
- Time consuming
- Other, better sources of learning



Pros

- Prolonged exposure to processes
- Pressure test of systems and processes
- Develop a certain expertise
- May voice concerns common to others
- Useful in context of low complaint volumes
- Useful if triangulated



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