



Queen Margaret University

CONSUMER DISPUTE RESOLUTION  
CENTRE



**Improving your complaints process  
for complainants and for you: a brief  
guide for organisations**

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## 1. About this guide

We hope that this guide will help your organisation to improve its complaints handling process, to the benefit of the organisation, its staff and its customers. The guide looks at why good complaints handling is important, and what consumers want and expect when they make a complaint. It then goes on to consider what we refer to as the 'three Ps' of good complaints handling:

- Principles
- Practice
- Process

The guide draws on: 1) [the Dispute System Design model which we have developed](#); 2) our own consumer research; and 3) [other publications setting out good practice principles for complaints handling](#).

The guide assumes that your organisation already has a complaints process in place. There may be scope, however, to review and/or re-design your complaints system, to ensure that it better meets the needs of both your organisation and those who complain.

There may also be specific complaints requirements or guidelines applicable to your own sector, which are set out by your regulator and /or your professional or trade body. If your organisation is authorised by the Financial Conduct Authority (FCA) to provide financial services, for example, you will be required to follow the FCA complaints handling rules. If you are a public authority, you may be required to follow complaints guidance issued by the ombudsman which oversees your sector.

This guide is intended to complement and perhaps expand on these requirements and guidelines.

It is intended for use by both private and public-sector organisations.

*For further information about how we can assist you with a) improving or reviewing your complaints system and/or b) ensuring that your staff receive expert training in all aspects of complaint handling, please see section 7 (Further Help and Advice).*

## 2. Why is good complaints handling important?

Complaints provide valuable customer feedback and insight from the perspective of the customers who use your products or services. They offer an opportunity to improve your processes and service delivery, helping to maintain or even increase customer loyalty and satisfaction. They can also provide an early warning that something is not working, helping you to identify problems and improve your service provision.

A good complaint handling process can offer many benefits to your organisation. These include:

- Helping you to understand and manage customer expectations
- Increased customer trust, confidence and satisfaction
- Increased customer loyalty
- Reduced disruption to your service provision
- Early warning of possible problems
- Prevention of repeat complaints
- Increased satisfaction and engagement among your staff
- Saving time and money by resolving problems early and efficiently
- An enhanced reputation

### Getting the culture right

If these benefits are to be achieved, an organisation needs to get its complaints management culture right. It should demonstrate a strong commitment to effective and efficient complaints handling, focused on the needs of its customers. Complaints should be valued as providing important customer feedback, helping the organisation to improve its services. This should come from the top down - senior management should show this commitment, and promote this throughout the organisation, setting a good example for all staff.

This commitment to good complaints handling should be reflected in the organisation's policy and procedures for resolving complaints. It should also be demonstrated by a commitment to providing adequate training, development and support for complaints handling staff to help them to do their job effectively. You can find further information on training and development for staff in section 7 of this guide.

## 3. What is a 'complaint'?

This may seem obvious, but it is important that your organisation has a clear and well understood definition of what a 'complaint' is. This will ensure that everyone within your organisation can clearly recognise a complaint when it is made, and knows how to deal with it appropriately.

Most public-sector organisations and industry regulators use some variation on the following wide definition:

### ***'any expression of dissatisfaction'***

This definition demonstrates that the organisation is focused on the needs of its customers, placing responsibility for resolving their dissatisfaction on the organisation, rather than requiring the customer to initiate a complex and formal process which may not be necessary.

It also recognises that:

- complaints may be made orally or in writing
- the complainant does not need to use the word 'complaint'.

A complaint could include one or more of the following problems:

- a delay in something that has been done
- a failure or refusal to do something
- poor quality of something that has been done
- a mistake that has been made
- provision of an inappropriate service or product
- removal or withdrawal of a service or product
- safety concerns about a service or product
- a staff member's behaviour
- a policy that is wrong, has been unfairly implemented, or has been incorrectly applied.

#### 4. Principles of good complaints handling<sup>1</sup>

There are a number of fundamental principles which should underpin a good complaint handling process. Good complaints handling should:

##### a. Be customer-focused

The process should be designed to meet and understand both the needs of those who complain and the outcome that they are seeking.

##### b. Be free, simple and easy to use

The process should be available and easily accessible to all of those who may need to use it.

##### c. Be clearly communicated, and understood by all involved

The process should be well publicised. It should be communicated, and capable of being accessed, through a variety of channels. It should be understood by all staff within the organisation.

##### d. Be responsive, timely and flexible

Complaints should be dealt with promptly within clear timescales, and complainants should be kept informed about their progress. While consistency in decision-making is important, there should be room for some flexibility when required in the circumstances.

##### e. Be objective, impartial and fair

The process should be objective, impartial and evidence based. Complainants should be treated with respect and fairness. Staff who have been complained about should also be treated fairly.

##### f. Be proportionate and consistent

Investigation processes and decision-making should be proportionate and appropriate to the circumstances. They should also be consistent, while allowing for flexibility to meet the needs of each individual complainant.

##### g. Be open and accountable

Clear and accurate information should be published about the complaints handling

process, and the standards applied. Decisions should explain clearly the reasons why they were reached, and what will be done to put things right, where appropriate.

##### h. Put things right, so far as possible

Where the organisation has failed to get things right, it should so far as possible take steps to put things right and return the complainant to the position they were in prior to their complaint.

##### i. Seek early resolution

The process should aim to resolve complaints at as early a stage as possible.

##### j. Deliver continuous improvement

Organisations should learn from the complaints they receive in order to improve the services they offer.

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<sup>1</sup> This section draws on the following: British Standards Institute (2015); Hill (2012); George et al (2007); Scottish Public Services Ombudsman (2011); Parliamentary and Health Service Ombudsman (2009); British and Irish Ombudsman Association (2007). See Annex 2 for full details.

## 5. Putting the principles into practice

In putting these principles into practice, it is important to consider and understand what consumers want and expect when they make a complaint.

Each individual consumer will have their own views and expectations about how their particular complaint should be dealt with, making it difficult to take a 'one-size-fits-all' approach. However, research shows that consumers would like to see the following from a complaints process<sup>2</sup>:

- To be treated with respect, courtesy and fairness, and as a 'valued customer'
- To be listened to and feel understood
- A recognition that their complaint is individual and unique
- Clear information about how to complain from the start of the process
- A process that is simple, quick and easy to navigate
- To be given clear timescales which are met where possible, and to be kept up to date with progress of the complaint
- A named point of contact to ensure continuity
- Trained staff with the appropriate expertise, who are empowered (within agreed parameters) to offer a solution, without having to defer to anyone else
- Reassurance that action will be taken to ensure that the situation will not happen again
- A meaningful apology from the organisation if it is at fault

Bearing in mind the principles set out in [section 4](#), and what complainants want from a complaints process, how can your organisation best put these principles into practice?

In this section, we set out some detailed questions relating to each principle which your organisation might wish to consider in relation to its complaints process. Where the answer to any of the questions is 'no' or 'don't know', you may wish to consider whether changes are needed to ensure that the process fully takes the principles into account.

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<sup>2</sup> See for example Gill et al (2017); Slater and Higginson (2016); Parliamentary and Health Service Ombudsman et al (2014); Consumer Focus (2012). See Annex 2 for full details.

### a. Customer-focused

- Does the process clearly recognise the different needs of individual customers?
- If it does, is it sufficiently flexible to meet those individual needs?
- Are complainants listened to, respected and treated with courtesy and sensitivity?
- Are complainants made to feel that they are valued customers?
- Do complainants feel that both their complaint and the remedy they are seeking has been understood, and that they are supported in making their complaint?
- Are complainants, where possible, given a named point of contact who will deal with their complaint from the outset?
- What steps are in place to ensure that complainants are given clear information about what they can expect from the process from the start?

### b. Free, simple and easy to use

- Is the process free of charge?
- Is it available and easily accessible to all of those who may need to use it, including vulnerable customers? (see the box on [page 8](#) for more on this)
- Is it simple, clear and capable of being easily understood by everyone, without the need for any specialist knowledge?
- Does it have as few stages as possible?

## Vulnerable customers

While it is important to ensure that a complaints process is accessible to all, it can be particularly challenging to ensure that it meets the needs of vulnerable customers. Vulnerable customers are less likely to make a complaint in the first place, and should be encouraged by organisations to do so, so that it can be ensured that their needs are met.

The British Standard on Inclusive Service Provision (British Standards Institute, 2010) states that organisations should identify 'risk factors' which can make consumers more susceptible to detriment, and suggests that they should take action to address these. Common risk factors include: age; disability or other impairment; mental health issues; low income; sudden change in circumstances; and the complexity of the product.

While certain groups may be identified as more likely to be vulnerable, there is currently a move away from defining vulnerable customers by their personal characteristics towards a wider approach, which also takes into account people's broader circumstances and the nature of the product or service involved. Research suggests that most of us will experience vulnerability at some time in our life; a recent study found that 50% of UK consumers had one or more characteristics of potential vulnerability (Financial Conduct Authority, 2017).

It is therefore important that complaints processes are as accessible as possible, to ensure that all customers can use them. This might include ensuring that:

- complainants can contact the organisation to complain through as many different communication channels as possible, at times which suit them
- all complaints literature is written in plain language, including commonly used languages and other accessible formats
- a translation service is made available
- support in making a complaint can be provided, either by the organisation itself or by signposting them to an independent advocacy or advice organisation.

It should be remembered that getting things right for vulnerable customers will improve the process for all of your customers!

## c. Clearly communicated, and understood by all involved

- Is the process well publicised and clearly communicated through a variety of channels, to ensure that customers are aware of it?
- Can it be accessed through a variety of communication channels, including an easy to find telephone number (a dedicated complaints line if possible) and through social media?
- Have all customer-facing staff within the organisation been trained to recognise a complaint and know where to direct a customer with a complaint, in line with the organisation's complaints process?
- Is the process communicated to complainants in a clear and consistent format from the start, and referred to at all stages throughout the process?
- If there is any deviation from the stated process, is this clearly explained to the complainant, and reasons given for this?

## d. Responsive, timely and flexible

- Are complaints dealt with promptly, avoiding unnecessary delay?
- Are complaints dealt with in line with clear and transparent timescales, which are communicated to complainants when their complaint is received?
- Where there are good reasons why timescales for dealing with a complaint cannot be met (for example, in particularly complex cases), are complainants kept informed of those reasons, and how long the process is likely to take?
- Do staff dealing with complaints have sufficient authority and autonomy to make decisions about complaints early in the process where appropriate?
- Is there room for some flexibility within the process, where the circumstances require this?

#### **e. Objective, impartial and fair**

- Is the process objective and evidence based? If so, is this clearly demonstrated?
- Do complaints handling staff treat complainants fairly and with respect?
- Where staff members have been complained about, are they told about this, and given an opportunity to respond?
- Are complaints handling staff ever involved in investigating where they have been the subject of the complaint, or were involved in its handling? If they are, how might this be avoided?
- What measures (e.g. target-setting and line management reporting) are in place to ensure that staff are not put in a position where a conflict of interest might prevent the proper recording or resolution of complaints?

#### **f. Proportionate and consistent**

- Does the process allow for investigation and decision-making methods to be adjusted to ensure that they are proportionate and appropriate to the circumstances, including the nature of the complaint and the impact on the complainant?
- Are investigation processes and decisions consistent for all complaints, while allowing for flexibility to meet the needs of each individual complainant?
- Does the complaints process set out clearly who will deal with complaints at the various stages of the process, or in certain defined circumstances?

#### **g. Open and accountable**

- Does your organisation publish clear and accurate information about: 1) how to complain; 2) the scope of complaints the organisation can consider; 3) what customers can and cannot expect from the complaint handling process, including timescales and likely remedies; and 4) how, when and where to take things further if necessary?
- Does the organisation publish clear and detailed quality standards for complaint handling, together with a clear explanation of what will happen if these standards are not met?

- Do decisions on complaints include clear and honest evidence-based explanations, and give clear reasons for the decision made?
- When things have gone wrong, is this explained fully to the complainant? Are they told what will be done to put things right as quickly as possible?

#### **h. Put things right, so far as possible**

- Where your organisation has failed to get things right and this has led to injustice or hardship, does it take steps to put things right?
- What efforts are made to ensure that complainants achieve the outcome they are looking for, so far as possible?
- If possible, are complainants returned to the position they were in before the matter complained about happened?
- If that is not possible, are they provided with another appropriate remedy?

#### **i. Seek early resolution**

- Does the process aim to resolve complaints as early as possible, and so far as possible, to the complainant's satisfaction?
- Are staff trained and empowered to assess and resolve complaints at the earliest opportunity, starting from the first point of contact?
- Is the outcome which the complainant is looking for clarified at the start of the process?
- What measures are in place to ensure that the early resolution of complaints is not prioritised over the achievement of a fair outcome?

#### **j. Deliver continuous improvement**

- Does your organisation use learning from complaints in order to improve its services?
- Does your organisation record and analyse complaints in order to identify any systematic or recurring problems, and use this information to improve its systems, in order to reduce complaint levels?

## 6. What does a good complaint handling process look like?

Bearing in mind the principles and questions set out above, what should a good complaints handling process look like? The intention behind this guide is not to consider the actual mechanics or technical details of the process, such as process flow, but to look at the general principles which should govern how that process is designed.

In line with the principles set out in this guide, **the process should be simple, with as few stages as possible**, and aim to resolve complaints as early, and as close to the point of service delivery, as possible.

A typical complaints process will have 2-3 stages, with set timescales for each of these stages. Complainants should also be given an idea of the time which the entire process will take at the outset.

Complaints should only be escalated to the next stage of the process where:

- 1) attempts to resolve the matter at the previous stage have failed and the customer requests that the complaint is escalated (or re-examined)
- 2) it is apparent that the current stage is not suitable for the severity or complexity of the particular complaint; or
- 3) there has not been sufficient progress within the stated timescale without good reason.

The main focus of complaints handling should be on the outcome for the complainant, rather than on the detail of the process itself.

### Good practice example – Scottish public services complaints

The Model Complaints Handling Procedure produced by the Scottish Public Services Ombudsman (SPSO) is the basis for the model followed by all Scottish public bodies. It has 3 stages in total - 2 internal stages and 1 stage external to the organisation. If a complaint cannot be resolved within the organisation, the customer has the right to approach the ombudsman if they remain dissatisfied.

#### 1. Frontline resolution

**Appropriate:** Where the problem is simple, straightforward and easily resolved, requiring little or no investigation.

**Action taken:** 'On the spot' apology, explanation or other action to resolve the complaint quickly, in 5 working days or less, unless there are exceptional circumstances.

**Addressed by:** Any member or staff, or referred to the appropriate point for frontline resolution.

#### 2. Investigation

**Appropriate:** Where the problem has not been resolved at the frontline or is complex, serious or 'high risk'.

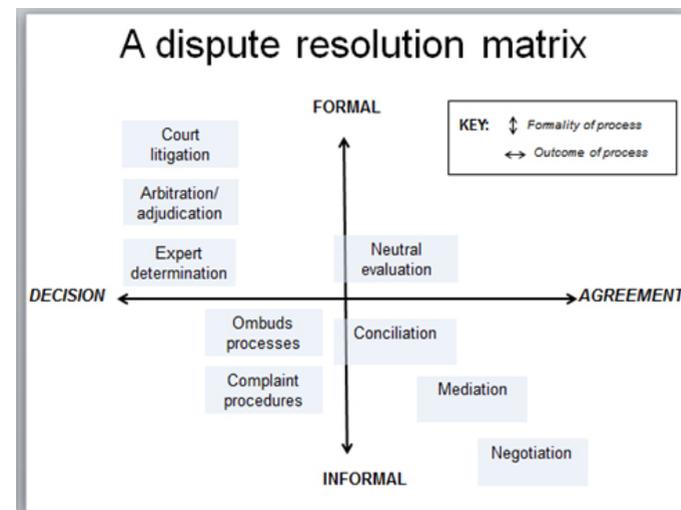
**Action taken:** A thorough, robust and evidence based investigation is conducted. A definitive response is provided within 20 working days, following a thorough investigation of the points raised.

**Addressed by:** Signed off by senior management

#### 3. Independent External Review by SPSO

**Appropriate:** Where the problem has not been resolved by the service provider.

A good complaints handling process should ensure that the most appropriate means of resolution is available, depending on the nature and circumstances of the complaint. There are a number of different dispute resolution methods which might be used in dealing with complaints. These range from very informal approaches, such as negotiation, to very formal methods such as court processes. The dispute resolution matrix below shows a variety of possible approaches to dealing with disputes, according to: 1) how formal or informal they are and 2) the extent to which they are focused either on agreement between the parties or on a decision being made (Gill et al, 2014).



When deciding what approach to use in dealing with complaints, you should bear in mind that a complaints process should aim to be simple and timely, proportionate and seek early resolution. You may therefore wish to consider whether to use one or more informal approaches in the first instance. Some of the most common types of informal approach are briefly described below, together with some of the advantages and disadvantages of informal processes.

### Some common types of informal dispute resolution process

**Negotiation** – a direct discussion between the parties, with the aim of resolving the problem.

**Mediation** - a process where an independent third party (mediator) helps the parties to reach a mutually agreed resolution to the problem.

**Conciliation** – a process where a conciliator helps the parties to try to reach a resolution to the problem. Unlike mediation, where the mediator helps the parties to find their own solution, the conciliator plays a more direct role in resolving the problem.

**Advantages of informal processes** include:

- quicker and less stressful resolution
- lower cost
- flexibility
- informality
- privacy and confidentiality
- a chance for the parties to air their concerns
- the parties have the chance to control the process and the outcome
- trust between the parties
- maintaining relationships between the parties.

**Disadvantages** include:

- the process may not result in agreement
- the co-operation of both parties is required
- any agreement is not legally enforceable

You may wish to use one or more of these dispute resolution approaches, perhaps at different stages of your complaints process.

You may decide, for example, to start with negotiation between the complaint handler and the complainant. If that does not resolve the problem, you might then arrange for conciliation or mediation to take place. While it is important that a complaints process is consistent, it should also be flexible, allowing for the most appropriate approach to resolution in the particular circumstances.

While most complaints should be capable of resolution through informal means, some may be difficult to resolve informally. In some cases, you may need to use a more formal arbitration or adjudication approach, and/or refer a complaint for some form of external review.

### Good practice example – Mediation at the Scottish Legal Complaints Commission

Mediation is an established part of the complaints process at the Scottish Legal Complaints Commission (SLCC), which investigates complaints about legal practitioners in Scotland. Where mediation is considered appropriate, it will be offered to the parties. If the parties agree to it, a mediation meeting is arranged with an independent mediator, to assist the parties to resolve their complaint. The mediation can take place at a face to face meeting, or can be conducted via skype or a telephone conference.

At the mediation, the complainant has the opportunity to explain why they are unhappy and what outcome they are seeking. The legal practitioner has the opportunity to respond to the complainant and give their own point of view, and the parties can then explore potential solutions, with the help of the mediator. If a settlement cannot be reached, the complaint can then be referred for a formal investigation. The outcome of the mediation is confidential and is separate from the investigation stage.

If a settlement is reached, mediation can provide a much quicker way of resolving the matter. It can also help to maintain the ongoing relationship between the parties involved. The experience of the SLCC mediation service has been that around 75% of complaints which go to mediation reach a settlement. (Sources: SLCC, 2016; SLCC, 2018)

## 7. Further help and advice

Should you need any further assistance, we would be happy to discuss this with you. The Consumer Dispute Resolution Centre is based within Queen Margaret Business School at Queen Margaret University. We have unrivalled expertise in consumer dispute resolution between individuals and organisations, both public and private. Our unique focus is on understanding consumer perspectives on dispute resolution and developing the idea that users should be at the heart of dispute resolution systems and processes.

A distinctive feature of our approach is our mix of practitioner and academic staff, which allows us to provide clients with the latest insights from both research and practice. We have close links with our colleagues in both the Business School and the Division of Psychology and Sociology, giving us the opportunity to draw on their expertise where their knowledge and insight can add a unique dimension to our work.

### Our consultancy and research services

We offer a full range of complaints consultancy services, which can be tailored to meet your specific needs. We can undertake a fundamental review or redesign of your complaints system, for example, or a full evaluation of how your complaints process is currently operating.

In addition to developing a Dispute System Design model (see Annex 1), the Centre has a strong track record of delivering research and consultancy for both UK and international clients. These include research projects on understanding consumer perspectives in relation to dispute resolution; the design of effective dispute mechanisms; using complaints as a source of learning and innovation; and the impact of current dispute resolution policy for dispute resolvers.

You can find further details about our consultancy and research services on our website at:

<https://www.qmu.ac.uk/research-and-knowledge-exchange/research-centres-institutes-and-groups/consumer-dispute-resolution-centre/>

## Staff training and development

Investment by organisations in recruiting the right staff, training those staff and developing their complaint handling skills is a crucial aspect of improving their complaints processes. Good, well trained complaints handling staff can help to defuse complaints, and stop them escalating unnecessarily to a further stage in the process. This can save organisations time and money, reduce the pressure and stress on staff, and can help ensure that those who complain feel that they are listened to, and valued, increasing their loyalty as customers.

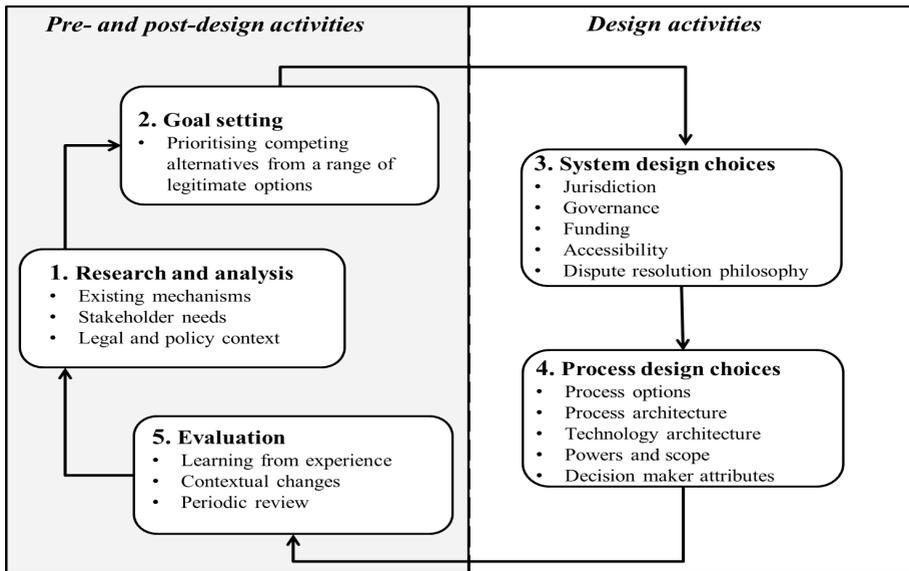
Complaints handling staff require appropriate training to give them the necessary knowledge and confidence to resolve complaints well. While this may involve training in both specific subject areas and the detail of practices and procedures, it is also important to ensure that staff are equipped with the necessary 'soft' skills, such as listening, empathising and communicating well with customers, to help them to deal with complaints well.

The Consumer Dispute Resolution Centre is a well-respected, leading provider of ombudsman and complaint handling courses. We offer a variety of courses for complaints handling staff, ranging from a one-day CPD training course to a certificate in complaint handling, or a postgraduate (Masters) qualification in complaints handling. You can find further details of our training courses and academic qualifications for complaints handling staff on our website at:

<https://www.qmu.ac.uk/research-and-knowledge-exchange/research-centres-institutes-and-groups/consumer-dispute-resolution-centre/>

## Annex 1 - Our Dispute System Design Model

Most existing dispute resolution processes have evolved gradually over time, building on traditional systems in a piecemeal fashion. Dispute System Design involves the design of new complaints handling systems, and reviewing existing processes, by following an objective, rational, design led approach. Through our research, we have developed a Dispute System Design model for consumer dispute resolution, as shown below. This sets out a series of five steps for designing a consumer dispute resolution system in a rational and systematic way.



Brennan et al. (2015, p.3)

This guide assumes that the decisions to be made about steps 1-3 of this model have already been taken. It therefore focuses mainly on step 4 of the model- process design; in other words, the complaints process itself.

There is, however, always scope for improving all aspects of any dispute resolution system. Our model provides a useful starting point for considering possible changes/improvements. We would be pleased to discuss with you how we might assist you with this. Please see [Section 7](#) for further information.

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### **Further information**

If you are interested in any aspect of our consultancy and research services, we would be very happy to discuss your needs and how we might assist you in meeting these. Please contact Carol Brennan, our Director, for further information on this at: [cbrennan@qmu.ac.uk](mailto:cbrennan@qmu.ac.uk) or tel: 0131 474 0000.