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PROJECT REPORT

Trusting the middle-man: Impact and legitimacy of ombudsmen in Europe

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First things first: A special thank you to all the participating ADR providers!

I am very grateful for the participation of all the ADR bodies in my research project. This is the first cross-sector and cross-country comparison of peoples' expectations and experiences of ADR bodies. I want to thank all of the ombudsmen and their staff for their support in my research and trust in me! I am very grateful for our collaboration, which extended from the early stages of the survey design to sending out the questionnaire and finalizing the individual reports. These are all available on the project website.

I hope that this project's findings will contribute to a better understanding of people's expectations towards ADR providers. It might even help manage consumers' expectations better. It offers a window into recent users' self-reported attitudes to, and perceptions of, ombudsmen procedures. This report presents the comparative statistics of my research project's findings, warts and all.

Also, I am most grateful for Ondrej Zika's help in putting together the final database, creating the graphs, the analysis, and for his patience in explaining it all to me.

Without the support of the Economic and Social Research Council (grant number ES/K00820X/1) this project would not have been possible.

1. OVERVIEW

Summary of key findings

- ❖ **Distinctive sociodemographic characteristics of the sample**
A typical respondent to the survey was male, middle-aged, and educated (ethnicity was only asked for the UK sample: British and white).
- ❖ **National distinctions in expectations of ADR providers**
The data showed that the German respondents expected a legalistic and formal ADR procedure; whereas the UK respondents value being listened to, preventing others from having the same problem and being treated with respect. The French respondents seemed unsure about what to expect from the ADR procedure overall.
- ❖ **UK sample: difference in expectations of public and private ADR providers**
The UK respondents report stark differences in their experiences with public and private sector ADR providers.
- ❖ **Importance of staff interaction at first contact with ADR body (staff procedural justice)**
There is a high importance placed on the quality of respondents' interaction with the staff at first contact.
- ❖ **Peoples expectations are very (too) high**
Respondents' expectations are very high; this is influenced by their complaint journey before contacting the ADR provider.
- ❖ **Expectations management**
If expectations were managed better at first contact and regular high quality communication were ensured, then the consumer would understand what to expect; this has an effect on overall outcome acceptance.
- ❖ **Trust in ombudsmen**
Providing procedures that users perceive as fair increases public trust and institutional legitimacy in ombudsmen.

The research project: impact and legitimacy of ombudsmen in Europe

The research objective for my project¹ was to compare levels of engagement and trust in ombudsman systems in France, Germany and the UK. With that objective in mind, the research questions aimed to elicit data about: (1) what citizens expect from the ombudsman process, and to understand their level of engagement in the ombudsman complaints processes in each country; (2) the extent to which ombudsmen explain their decisions and thereby engage in the process; (3) the role the individual ombudsman plays, measured by media profile and public exposure, in order to understand better the place and status of the ombudsman within society and understand users' levels of engagement and trust as reflected in the media.

The ombudsman landscape throughout EU Member States presents a variety of institutional and jurisdictional arrangements, operational styles and decision-making processes. Although this poses some challenges in being able to conceptualize a unified ombudsman institution, it offers distinct advantages for the study of the relationship between decision-making practices on the part of the ombudsmen and perceptions of procedural justice and levels of trust on the part of users across different jurisdictions and cultures. Despite the significance of ombudsmen to our constitutional and civil-justice landscapes, very little is known about users' perceptions of the fairness of the procedures and practices and the significance of these perceptions for levels of trust in particular ombudsman offices.

This project fills this gap, providing important data and knowledge that will be directly relevant to the development of national policies and multiple EU-level networks of policy-making. It is also a good benchmarking exercise, comparing customer satisfaction across ombudsmen. Because the research addresses public attitudes to and use of ombudsmen, it will impact on and be pertinent to the public, to consumer groups, to ombudsmen and to policy-makers at national and EU level. Academic debate will be encouraged in order to engage in collaboration with practitioners and representatives of the public.

This report builds on the UK report and individual ombudsmen reports that are available on the project website: <https://www.law.ox.ac.uk/trusting-middle-man-impact-and-legitimacy-ombudsmen-europe/project-reports>.

¹ <https://www.law.ox.ac.uk/projects/Ombudsmen>

Structure of the report

The report is presented in six parts. Following this overview of the research project, the second part describes the **methodology** and provides an outline of the sample of the study, explains the weighting and analysis, and highlights some of the limitations. Part three, **Descriptive statistics**, introduces the sample and provides some key elements in the first part of the contact with the ADR provider. Part four, **Levels of satisfaction and importance of interaction with ombudsman staff**, highlights one of the main findings of this project, namely the importance of users' expectations and experiences of the staff in relation to overall perceived fairness. Part five, **Is it all about the outcome?**, provides a series of answers to questions about users' outcomes. This part highlights that users are able to separate the outcome from the overall perception of fairness of a procedure. The following section, part six, showcases the **legitimacy measures** of the survey including variable correlations. Finally, the **conclusion** brings together the main findings.



Rather than providing an overall executive summary, the key messages from the data are highlighted in speech bubbles next to the relevant graphs and tables. I hope this will help the reader to understand the key messages in context.

2. METHODOLOGY




The project mainly involved collecting data by sending out satisfaction surveys by post and email through the ombudsmen. The distribution of letters and emails was chosen to represent typical ombudsman users' habits for the individual schemes studied in this project. The survey was sent out to people who had recently been through a procedure with an ombudsman. The study included fourteen ADR providers in total, from the UK, Germany and France. ADR bodies are typically free of charge for the consumer; ideally ADR should provide fast, accessible and transparent justice.

Overview of ADR bodies in this study


UNITED KINGDOM²

 <p>Parliamentary and Health Service Ombudsman</p>	(PHSO)	Makes final decisions on complaints that have not been resolved by the NHS in England, UK government departments or other UK public organizations.
<p>Local Government OMBUDSMAN</p>	(LGO)	Looks at complaints about councils and some other authorities and organizations, including education admissions appeal panels and adult social care providers (such as care homes and home care providers).
<p>LEGAL OMBUDSMAN</p>	(LeO)	A scheme set up to help resolve legal service disputes. They can look into complaints about all sorts of regulated legal service providers: solicitors; barristers; licensed conveyancers; cost lawyers; legal executives; notaries; patent attorneys; trade mark attorneys; law firms; and companies providing legal services such as claims management companies.
 <p>Financial Ombudsman Service</p>	(FOS)	FOS looks at complaints about most financial problems involving: PPI (payment protection insurance); banking; insurance; mortgages; credit cards and store cards; loans and credit; payday lending and debt collecting; pensions; savings and investments; hire purchase and pawnbroking; money transfer; financial advice; stocks; shares; unit trusts; and bonds.





² PHSO: <http://www.ombudsman.org.uk>; LGO: <http://www.lgo.org.uk>; LeO: <http://www.legalombudsman.org.uk>; FOS: <http://www.financial-ombudsman.org.uk>; OS: <https://www.ombudsman-services.org>

 <p>Energy</p>	(OS:E)	OS:E deals with problems with energy bills; problems resulting from an energy company's sales activity; problems resulting from switching gas or electricity supplier; physical problems relating to the supply of energy to a home or small business, such as power cuts and connections; micro generation and feed-in tariffs (FITs); and problems relating to the provision of services under the Green Deal.
 <p>Communications</p>	(OS:C)	Looks at billing problems; problems resulting from a company's sales activity; problems resulting from switching from one company to another; poor service, for example, failing to act on a request; premium rate services (PRS); pay TV; voice-on-demand (VOD); and mobile phone handsets.
 <p>Property</p>	(OS:P)	Deals with apparent breaches of obligations; unfair treatment; avoidable delays; failure to follow proper procedures; rudeness or discourtesy; not explaining matters; and poor or incompetent service.


GERMANY³

 <p>Deutscher Bundestag</p> <p>Petitionsausschuss</p>	(PetA)	The <i>Petitionsausschuss</i> in Germany, also called the 'parliament's seismograph', has a mandate to examine the impact of legislation on ordinary people. Any letters with requests or complaints addressed to the <i>Bundestag</i> (the lower house of the German parliament) are passed on to the Committee, which examines and deliberates on these petitions. This makes it a 'seismograph', which records the mood among the population, on the basis that citizens are best placed to say whether legislation is achieving its intended aims or causing new problems and, therefore, needs to be reviewed critically, or whether the <i>Bundestag</i> should take action to address a particular concern. In 2015 there were 15,325 petitions filed by individuals.
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³ PetA: <https://www.bundestag.de/petition> ; söp: <http://www.soep-online.de>; VO: <http://www.versicherungsombudsmann.de/home.html>; SchliE: <https://www.schlichtungsstelle-energie.de>; SchliT: <http://www.bundesnetzagentur.de/DE/Sachgebiete/Telekommunikation/Verbraucher/Streitbeilegung/Streitbeilegung.html>

 <p>Schlichtungsstelle für den öffentlichen Personenverkehr e.V.</p>	(söp)	<p>Söp was founded in December 2009 and deals with complaints about travel by train, bus, aeroplane and ship. In 2013 the söp completed 3,576 cases. For the present study, only airline disputes are considered, which were dealt with online. These are mainly about delays, cancellations and baggage.</p>
	(VO)	<p>The insurance ombudsman was founded in 2001. The insurance ombudsman can issue a binding decision on a complaint up to 10,000 Euro against the insurer.</p>
	(SchliE)	<p>The conciliation body for energy is an independent and neutral institution that deals with disputes between energy companies and their consumers. The Conciliation Body Energy is jointly funded by the Verbraucherzentrale Bundesverband e.v. and the associations of the energy market.</p>
 <p>Schlichtungsstelle Telekom</p>	(SchliT)	<p>The Conciliation Body Telecommunication aims to settle disputes between providers of telecommunication services and their customers. The conciliation body has been running since 1999 as a neutral body, created by the <i>Telekommunikationsgesetzes</i> (TKG). In April 2016 the Conciliation Body Telecom was renamed Consumer Conciliation Body of the <i>Bundesnetzagentur</i>.</p>

FRANCE⁴

 <p>Le médiateur national de l'énergie</p>	(MedE)	<p>The National Energy Ombudsman is an independent public authority established by the law of 7 December 2006 on the energy sector and as such has full guarantees of independence: financial independence; legal personality; and the government appoints the ombudsman for a term of 6 years which is non-renewable. The National Energy Ombudsman has two statutory tasks: (1) to participate in informing consumers about their rights (www.energie-info.fr); and, (2) recommending solutions to disputes</p>
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⁴ MedE: <http://www.energie-mediateur.fr>; MedT: <http://www.mediateur-telecom.fr/home>

		(www.energie-mediateur.fr). The ombudsman reports to Parliament.
	(MedT)	MedT gives opinions based on law and equity on disputes between telecoms providers and consumers. They host an annual event to present their activities to all stakeholders in the sector (consumer associations, ARCEP, DGCCRF and telecoms providers).

Public and private distinction in this report, and terminology

I would like to clarify the distinction between public and private ADR bodies in this report. The boundaries are blurry, and we can argue that many ombudsmen are actually a mixture of both. For the purpose of this report, the graphs and tables do not look at individual ombudsmen; rather, they are grouped into the following categories, by countries:

PUBLIC SECTOR

- ❖ Parliamentary and Health Services Ombudsman (UK)
- ❖ Local Government Ombudsman (UK)
- ❖ Petitionsausschuss (Germany)

PRIVATE SECTOR

- ❖ Le médiateur national de l'énergie (France)
- ❖ Le médiateur des communications électroniques (France)
- ❖ Schlichtungsstelle Telekom (Germany)
- ❖ Schlichtungsstelle für den öffentlichen Personenverkehr (Germany)
- ❖ Versicherungsombudsmann (Germany)
- ❖ Schlichtungsstelle Energie (Germany)
- ❖ Legal Ombudsman (UK)
- ❖ Financial Ombudsman Services (UK)
- ❖ Ombudsman Services: Energy (UK)
- ❖ Ombudsman Services: Communications (UK)
- ❖ Ombudsman Services: Property (UK)

Another point to mention here is that there is no consistent terminology in the names of the ADR providers in this study (across countries); therefore, I chose to use the terms *ombudsman* and *ADR provider* interchangeably throughout this report. Also, the women who have the job title 'Ombudsman' are happy for me to refer to them as such.

Weighting

The dataset used in the analysis was weighted to reflect the actual frequency of cases for each of the ADR providers. This involved collating data on the frequency of cases from annual reports, calculating the relative proportion of each scheme and then weighting the dataset to reflect these proportions. This was necessary as FOS deals with significantly more cases than all its colleagues (see Table 1). Due to the variations in terminology of publishing data in annual reports throughout the ADR providers, I did my best to find the relevant case numbers, referring to cases that have been accepted for a complaints procedure.

Two points are important to mention here: First, the number of cases listed for the PHSO (see Table 1) reflect the number of cases that went through the whole complaints procedure. The amount of 25,000 would have been the more appropriate one to have listed in Table 1 and used for the analysis. However, as the statistical analyses were already done by the time this was brought to my attention, we did not incorporate this change of weight to the main report. Figures 1a and 1b demonstrate the minimal change in percentages induced by changing the PHSO cases from 3,900 to 25,000.

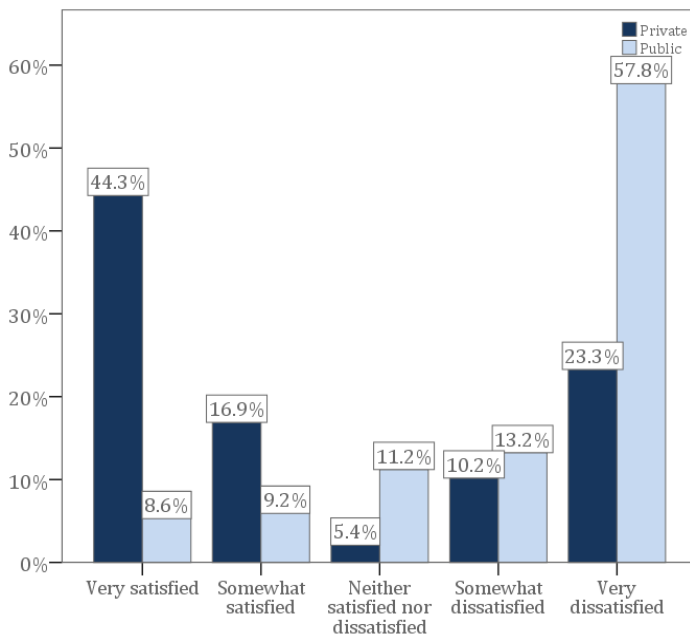


Figure 1a: Satisfaction with dealings, without FOS, PHSO number of cases at 3,900

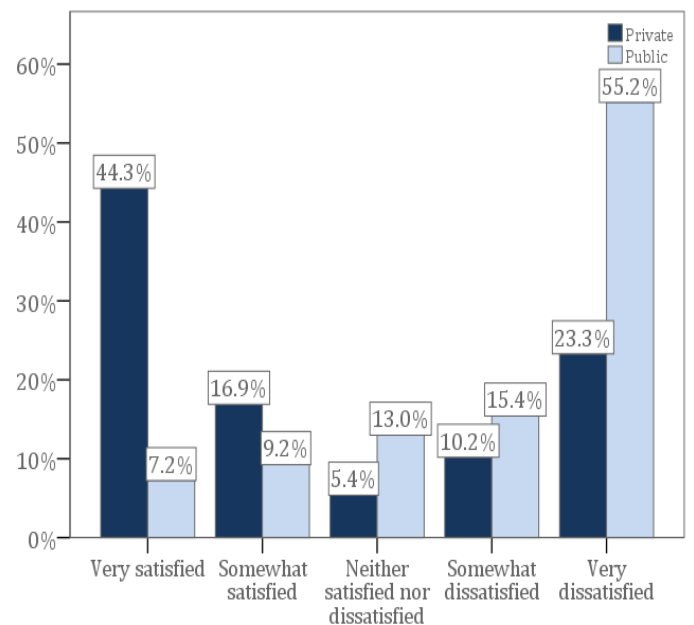


Figure 1b: Satisfaction with dealings, without FOS, PHSO number of cases at 25,000

Second, although I have all the figures and graphs with and without FOS, the difference was not significant so I chose to include the figures in the text where necessary, rather than adding more graphs.

Table 1. Number of cases dealt with by ADR provider 2013/14 (from annual reports)

ADR bodies	Cases dealt with 2013/14
United Kingdom	
FOS	518,778
OSE	46,632
OSC	15,173
LeO	8,055
LGO	4,780
PHSO	3,900
OSP	934
Germany	
VO	12,429
PetA	9,498
SchliE	7,500
Söp	4,813
SchliT	930
France	
MedE	14,412
MedT	7,922

In this report, five separate weightings were applied⁵:

1. By ombudsman – including FOS
 2. By ombudsman – excluding FOS
 3. By sector (private/public) UK only – excluding FOS
 4. By country – private only – including FOS
 5. By country – private only – excluding FOS
- 1) A weight was applied to return the relative proportions of each scheme to their actual proportions. This was used when looking at all respondents or cases (typically referred to as **‘all respondents’** in the report).
 - 2) The second weight was similar in construction to 1, but excluded FOS cases to avoid them exerting excessive influence (since FOS cases are so much more frequent than cases for other schemes). This weight was used to look at all data, but excluding FOS cases (typically referred to as **‘all respondents excluding FOS’** in the report).

⁵ Although the weights are listed here, I will not use all these weights for every single theme I introduce below.

- 3) A third weight applied weights to **UK** public and private schemes independently (so they could be compared). This weight was used to produce statistics for public and private schemes without FOS (typically referred to as '**UK private/public excluding FOS**' in the report).
- 4) The fourth weighting was by country. Only private ADR bodies were included in this comparison (public schemes significantly skewed the UK overall numbers, yielding the percentages for the three countries hard to compare). These are referred to as '**private including FOS**'.
- 5) The fifth weight replicated 4 but excluded FOS from the comparison (typically referred to as '**private excluding FOS**').

Brief theoretical context

This report aims to be mainly descriptive and offers many detailed visuals that might be of interest to other academics who study ombudsmen as well as to ombudsmen themselves. This study, as with most academic endeavours, set out with a theory to test and this informed the methodology. My project, broadly speaking, tested for procedural-justice measures and whether there are culturally specific patterns in expectations and use of ombudsmen. According to a vast body of literature, if a set of procedural criteria is met, people are able to separate the experienced procedure from the outcome and accept an outcome even if it is not in their favour. Tyler et al⁶ described these four criteria to be: having a voice, being heard, being treated with respect and courtesy, and feeling the person dealt with is neutral. I was curious to test how important procedural justice is in a setting that had not been exposed to this line of investigation yet, especially as all the ombudsmen and complaint handlers I spoke to were very sure that it is all about the outcome: if a person does not receive the outcome they expect, they will not like the ADR provider, no matter how they experienced the procedure. My data suggests otherwise: it is more complex than that.

Measuring trust and legitimacy

To consider public trust and institutional legitimacy, the interactions with and users' expectations of people delivering a procedure are significant. Legitimacy measures were applied following Beetham⁷: legality (acting according to the law); shared values (same sense of right and wrong); and consent (moral obligation to follow the decision).

In this study the trustworthiness of an ADR body, through the eyes of their users, was assessed within several measures. These were a combination of

⁶ Tom Tyler (2006) *Why people obey the Law*. Princeton University Press.

⁷ David Beetham (1991) *The Legitimation of Power*. Palgrave Macmillan.

respondents' perceptions of the ombudsman's procedural fairness, including measures of voice, neutrality, respect and trustworthiness.

This report presents (through many graphs) the main measures that, put together and analyzed statistically, make up antecedents of procedural justice – legitimacy and trust.

Methodology

The data collected through online surveys was exported to individual ombudsman databases. Summary documents provided by the survey website were kept for later checks. A common key (naming convention) was established in order to allow for importing all individual data sets into one final database. Unfortunately, some questions were not directly comparable due to coding differences. Where possible, the answers were re-coded to allow for comparison. Where not possible, the comparison between countries was not made. Once the final database was ready, descriptive statistics per country were run and compared with raw summaries provided by the survey website. This was done to catch any discrepancies introduced by data handling. SPSS version 23.0 was used to analyse the data (for both descriptive and inferential statistics) and to create figures. To explore relationships between variables, Pearson's correlation was used. To determine the predictability of independent variables on overall satisfaction and willingness to accept the outcome, we ran linear regressions.

Limitations

It is very clear to me, and to all of you with an interest in and knowledge of ombudsmen, that the complaints people bring to private sector ombudsmen are different to those brought to public sector ombudsmen. There are so many factors that play a role and influence a complaint journey through an ADR body. This report by no means suggests that the types of complaints are comparable. What this report does suggest, however, is that the people who approach an ombudsman, whether for a public or private complaint, share sets of expectations. To understand these shared expectations, the survey asked people who had been through an ADR procedure what they expected, what happened and what outcome they received – not about any detail of their complaints. I am also aware of the possibility that people who are upset might be more inclined to respond to a survey, as can be seen in the public sector responses.

Fourteen ADR providers participated in the study and for most of them the response rate was sufficient; for some, however, there were too few responses to be able to evaluate them in a meaningful way. They are included in the overall sample in this report but not taken into consideration for my other

academic publications. They are *Petitionsausschuss* and *Bundesnetzagentur* (Germany), and Ombudsman Services: Property (UK).

Finally, some of the responses in the French dataset could not be used in the analysis. The reason for this is that when translating the questions from English to French subtle differences were introduced and, as the data suggests, those changes significantly influenced the way people understood the question and thereby the way they answered it. Therefore, some of the following country comparisons exclude France.

Having said all of this, I hope that this project will provide a fruitful ground for discussion, comparison and food for thought. The report takes a bottom-up view, asking users of the complaint systems about their perceptions and expectations. I believe that the study is a contribution to the academic and practitioner world by starting to build a comparative view of people's perceptions of ombudsmen across sectors and across countries. Theoretical considerations (procedural justice, administrative justice, legal consciousness and legal culture) have been explored in academic publications. This report provides mostly descriptive statistics to highlight the main findings and trends of the dataset. For some parts I add my thoughts about why respondents might have chosen to answer a question in a specific manner, informed by respondents' answers to open-ended survey questions and options to comment on their replies, but there are usually a multitude of reasons that could provoke the choices respondents made. Here, I merely offer suggestions for the trends my data shows.

3. DESCRIPTIVE STATISTICS

This part provides an overview of the sample, including the response rates and the demographics. It goes on to show the factors that were reported as the most important in a decision to complain as well as how respondents heard about the ADR provider and what the main means of communication was.

The sample of this study

Overall the survey had 3,190 responses. The following graphs show the distribution of responses by country (Figure 2), the private/public distribution (Figure 3), and the number of respondents by ADR provider (Figure 4); finally, Figure 5 shows the responses per ADR provider by country.

The public sector participation in the study was not as wide reaching as the private sector participation, due to the simple fact that there are more private ADR providers than public ones. So that the data is not prejudiced by the public responses, the graphs for this report only include the public ombudsmen when illustrating the whole sample and the UK private/public comparison. They are excluded from the country comparisons; these are focused on the private ADR bodies.

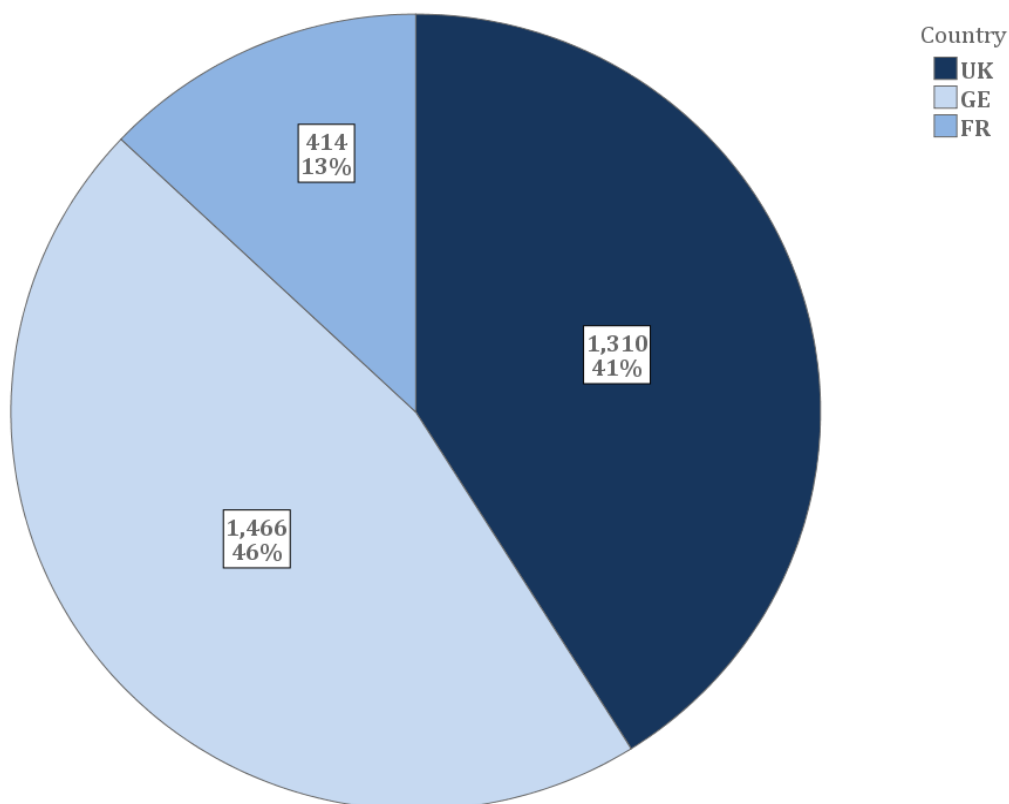


Figure 2. Responses to the survey by country

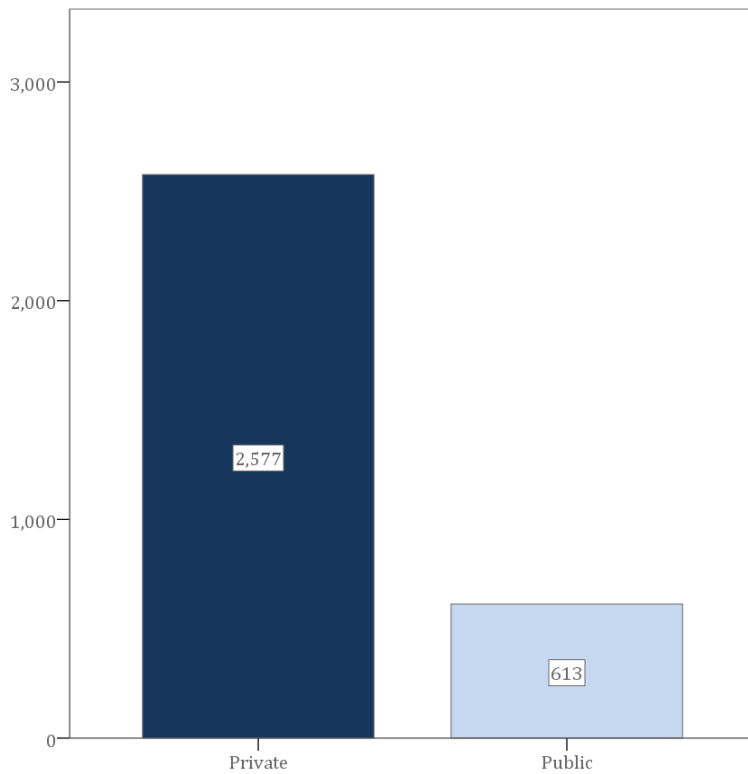


Figure 3. Distribution of public and private ADR providers in the sample

The following two graphs show the response rates to the study by scheme (Figure 4) and by country (Figure 5).

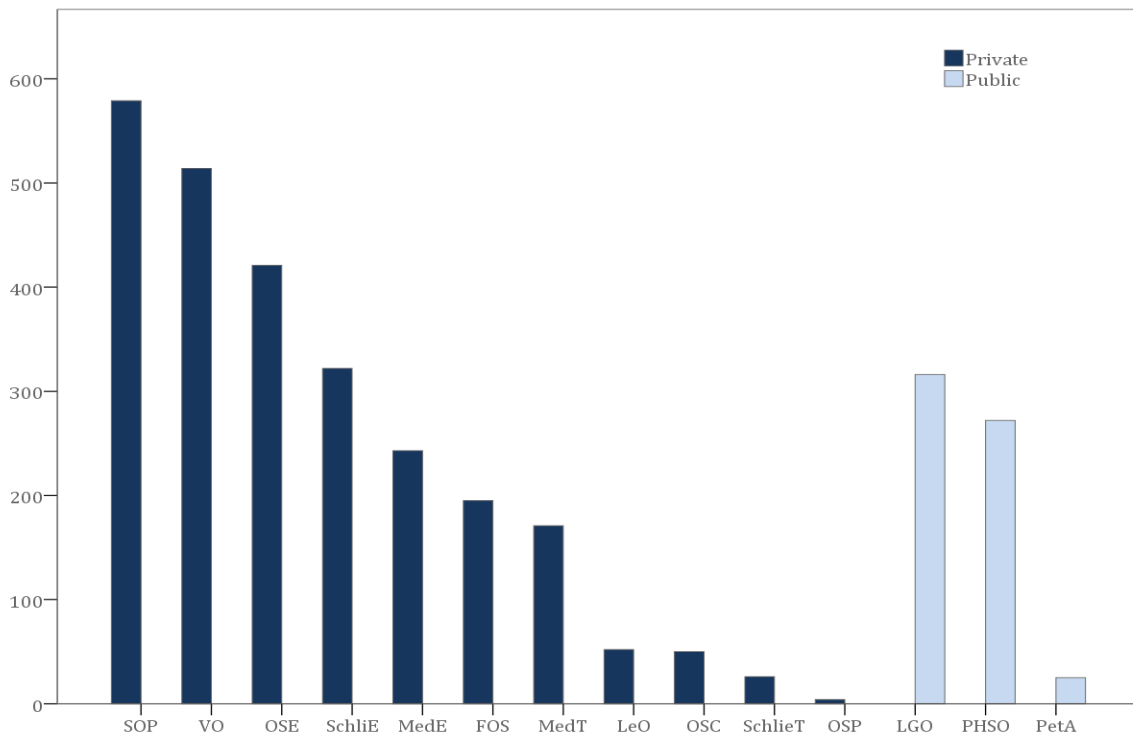


Figure 4. Number of responses by ADR body (private/public split)

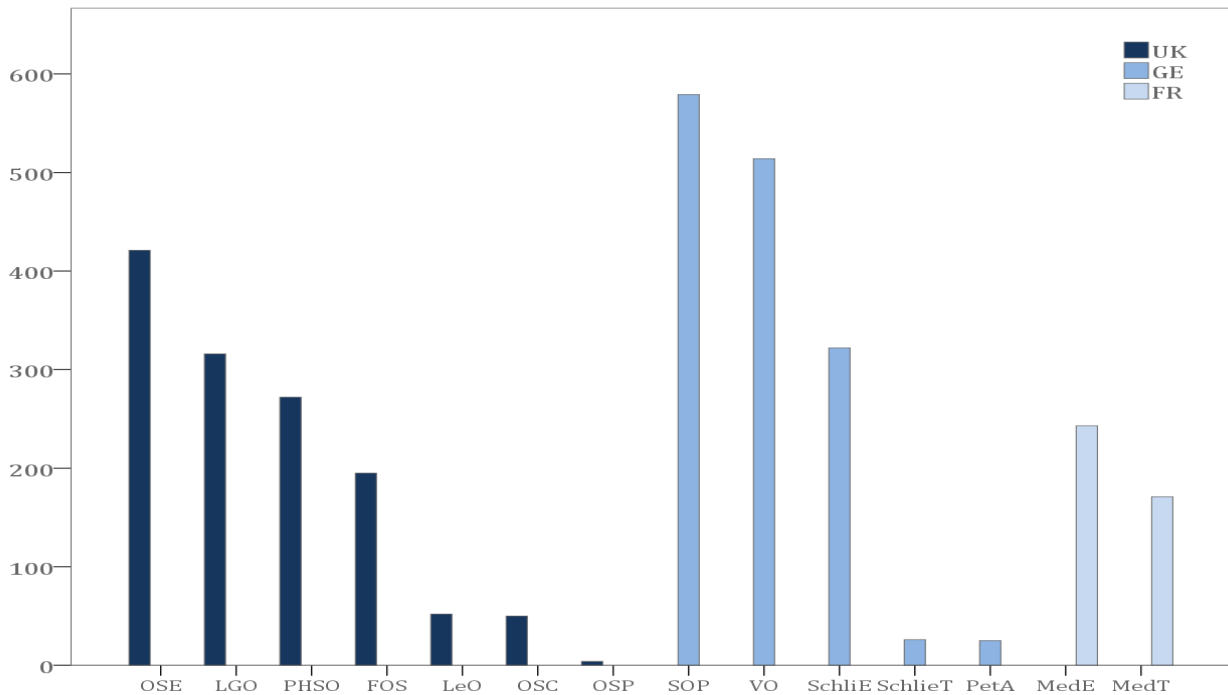
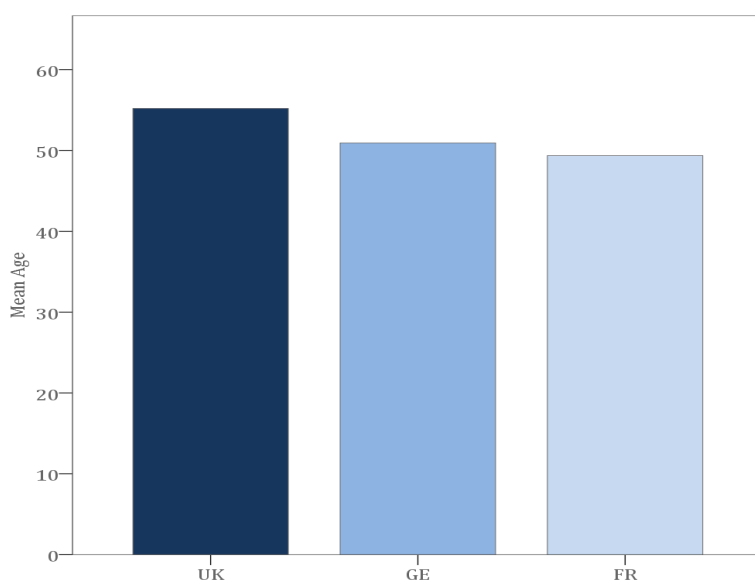


Figure 5. Number of responses of ADR body by country

Demographics

The respondents present a distinctive pattern of age, gender and education. I will not generalize this outwards to all users of ombudsmen; however, it does seem to replicate a typical user of an ombudsman. Figure 6 shows that the mean age by country is over 50 years old. The overall gender distribution was 63.1% men and 36.69% women. In the German and UK samples more males participated in the survey, whereas in France a balance between the genders can be seen (Figure 7).



The mean age of the sample was over 50 years old.

Figure 6. Mean age of respondents by country

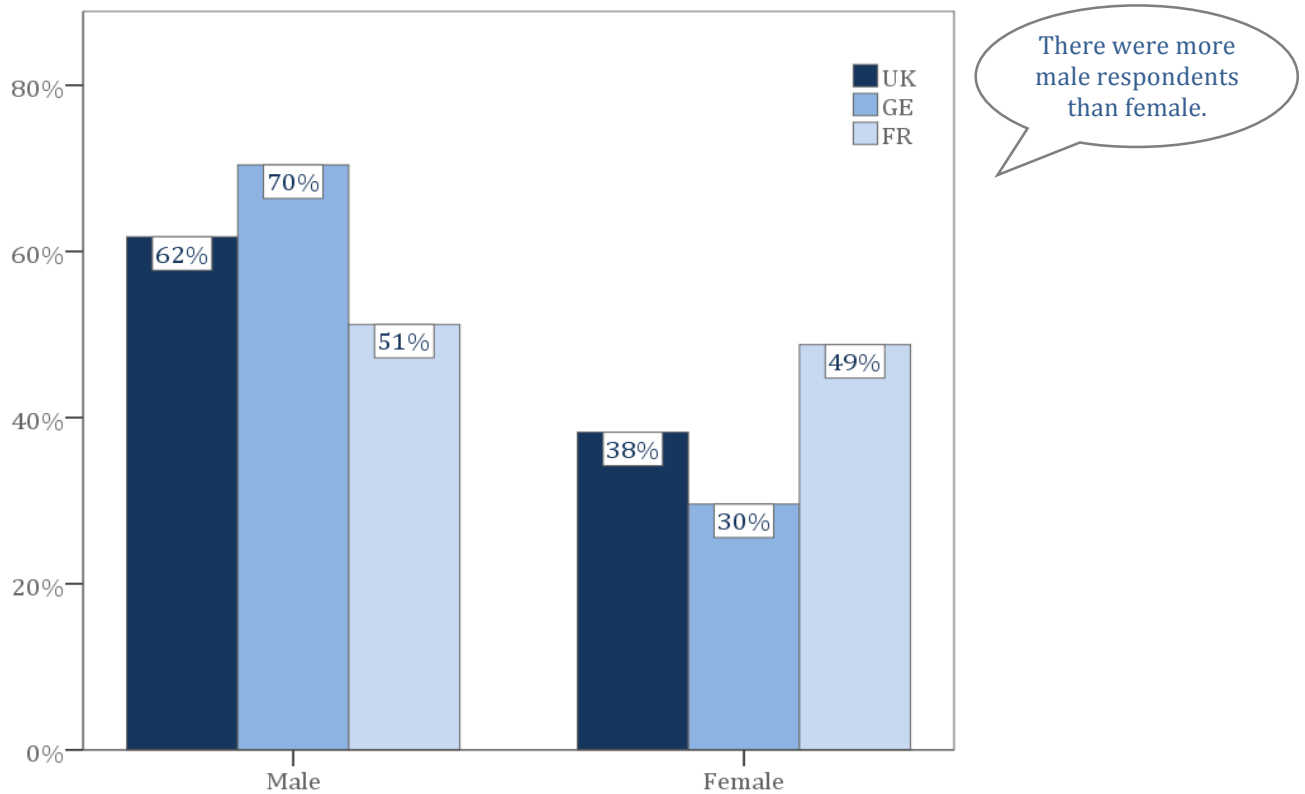


Figure 7. Overall gender distribution of the sample, by country

When asked about their level of education, the majority of the sample reported a high level of education. Split between countries, the UK sample is in Table 2, and the German sample is in Table 3; unfortunately there is no data on level of education available for the French sample.

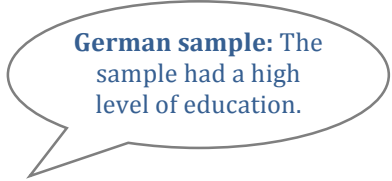
Table 2. Level of education, UK sample

	%
Bachelor degree or equivalent	30.17
Masters degree or equivalent	17.75
Diploma or equivalent	14.62
Five or more GCSEs or equivalent	9.18
Two or more A-levels or equivalent	9.02
14 GCSEs or equivalent	7.00
Other	5.29
Doctoral degree	4.20
Skills for life	2.95

UK sample:
The sample had a high level of education.

Table 3. Level of education, German sample

	%
Bachelor or Masters degree	39.90
GCSEs (equivalent)	26.83
A-levels (Abitur)	12.96
Doctoral degree	6.10
Habilitation	5.37
Other	4.73
Skills for life	4.11



German sample: The sample had a high level of education.

Factors that were most important in a decision to complain

Respondents were asked how important they felt a range of factors were in their decision to complain. The factors were: resolving the problem; getting someone to listen; getting an apology; financial compensation; changing the procedures of the organization; preventing others from having the same problem; being treated with respect; getting an impartial view; and getting what is lawfully mine.

Figure 8 shows the responses of public and private ombudsmen users in the UK sample. It is interesting to see that, besides resolving the problem, for respondents of the public sample it was very important to prevent others from having the same problem. This follows the general narrative I found in my qualitative data; users of public ombudsmen seek accountability, want to change the system and prevent others from suffering the same problems. Further, usually a complaint brought to a public ombudsman is complex, involves a multitude of bodies and might include different procedural steps than a complaint brought to a private ombudsman. Another example of this is the comparably low number of respondents seeking financial compensation from the public procedures.

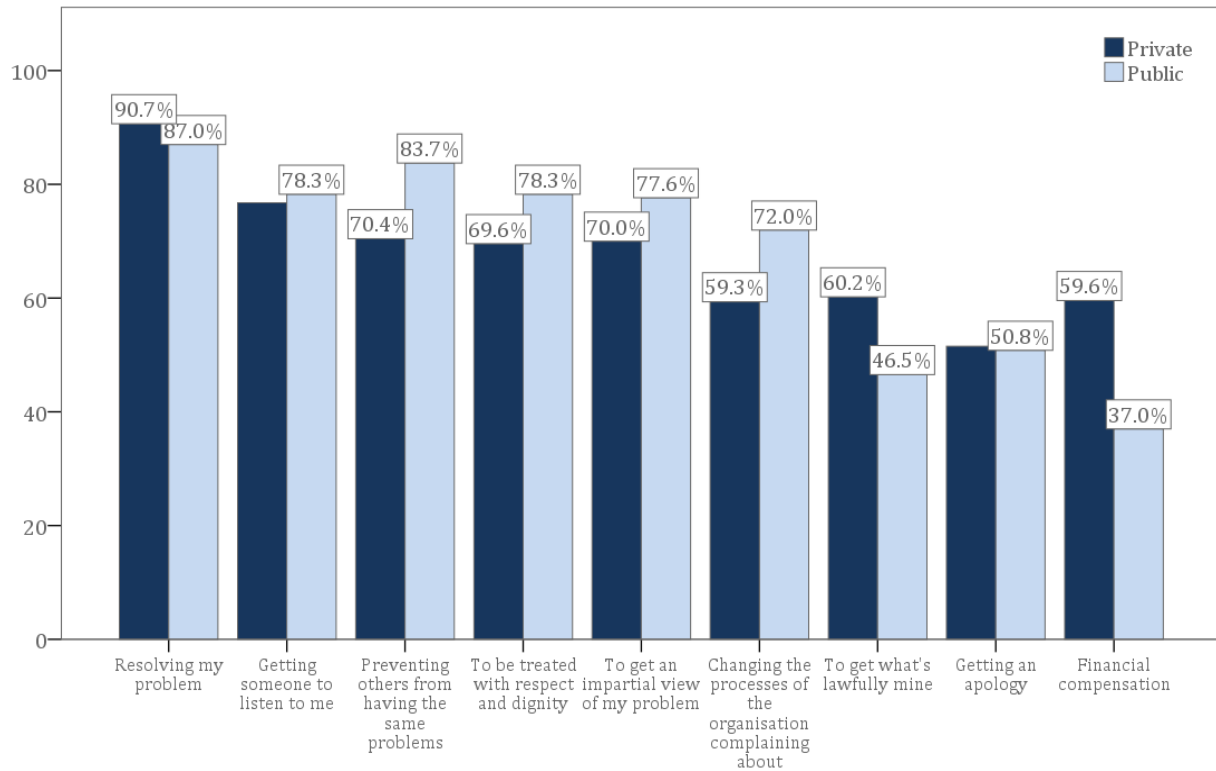


Figure 8. Importance in the decision to complain to the ombudsmen – UK private/public excluding FOS

Figure 9 presents the responses in a country comparison between Germany and the UK. (Due to a stark difference found in the French sample, we discovered that the question could have been misinterpreted and therefore we chose to exclude France from this graph.)

Besides the fact that resolving the problem was the most important factor in complaining for both countries, some country specific choices can be clearly identified. For example, in the UK sample getting an apology (48.7%) was far more important than for respondents in the German sample (18.8%). On the other hand, getting what is lawfully mine (Germany: 83%; UK: 61.6%) and getting financial compensation (Germany: 81.4%; UK: 61.9%) were the most important reasons to complain reported by the German sample. When excluding FOS from the sample, the UK percentages did not change much.

I believe that these trends are due to the national legal culture that produces a specific disputing behaviour and expectation of a dispute resolution system. In Germany, all ombudsmen are retired judges and their staff are lawyers. This means that, although they are providing informal dispute resolution, their work reflects the power of the law. I think that this influences how people experience the ADR procedures as well as influencing their outcome acceptance. There is a propensity to accept an outcome that is detailed by a judge and based explicitly on the law. I argue that the remainder of the data below supports this narrative.

In the UK, getting an apology is one of the most important factors in an individual's decision to complain. The notion of getting the company that caused the complaint to acknowledge they were wrong and to change their procedures seems very important. I would argue that this is also a cultural impulse; it appears to be important for respondents in the UK sample to hear from the company that they made a mistake and to get an apology. Also, the importance of being treated with respect and trying to prevent others from having the same problem reveals significant differences in comparison to the German sample.

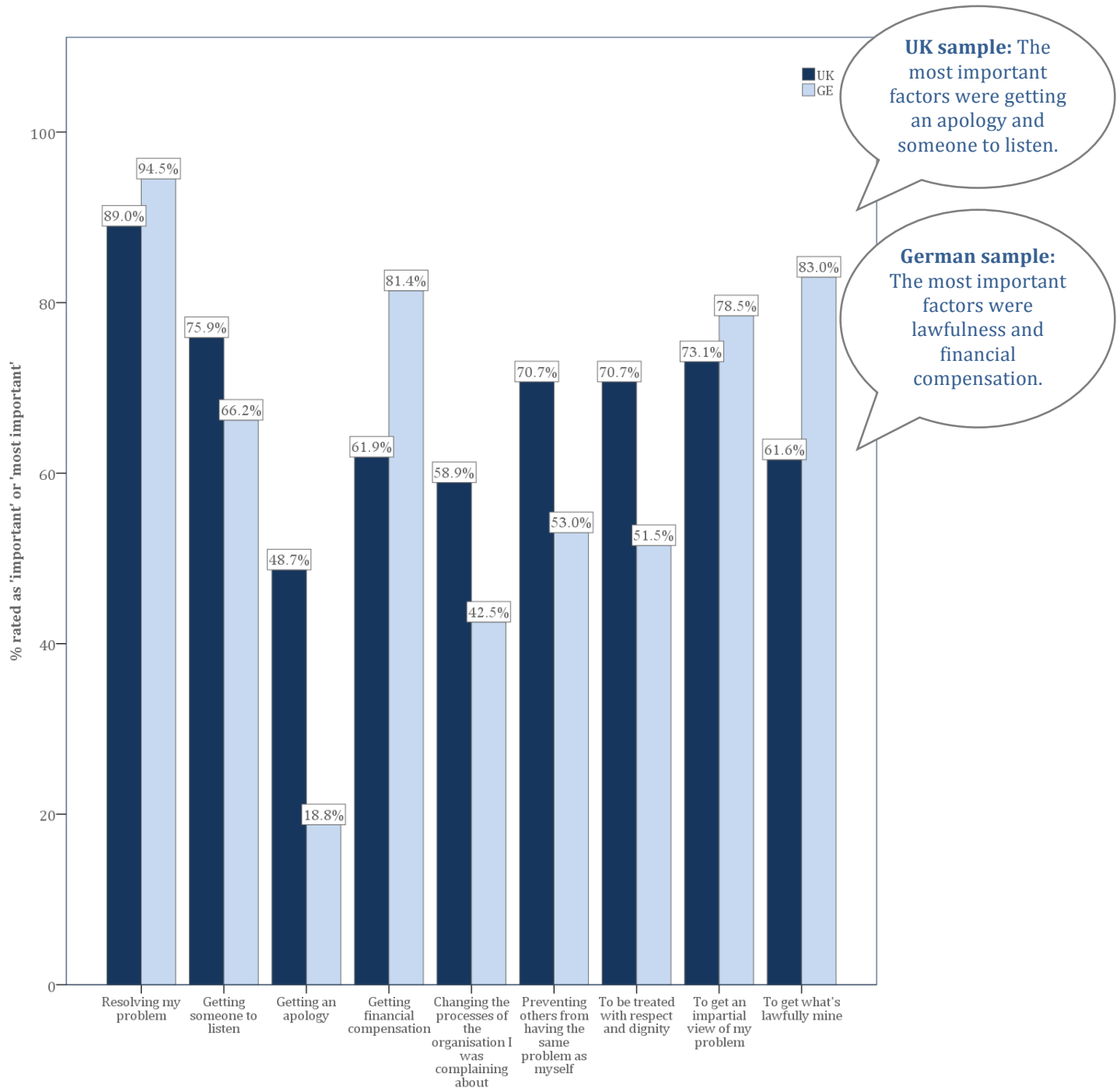


Figure 9. Importance in the decision to complain to the ombudsman – private including FOS

How did respondents hear about the ADR provider?

There are several ways in which a person can hear about an ADR body; ideally, the company that is complained about will direct the consumer to the ADR body after their internal complaints process did not produce a result for the consumer. The majority of the overall sample (excluding FOS) reported that they heard about the ADR body through an internet search (31.59%) and from the company complained about (19.87%) (see Figure 10).

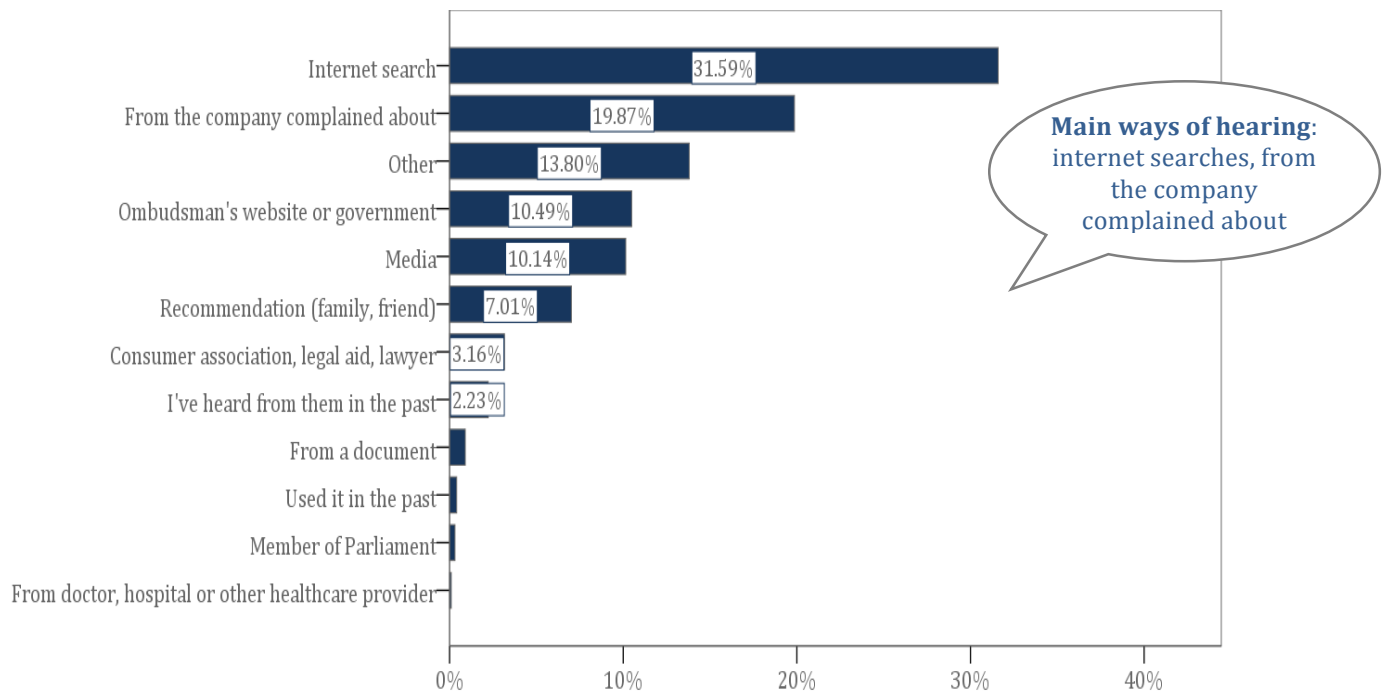


Figure 10. How did you hear about the ombudsman? – all respondents excluding FOS

The following graphs show that the pattern remains the same. Looking at the UK public and private ombudsmen (Figure 11), people reported they heard about the private ADR bodies through an internet search (29%) and through the company complained about (28%). Similarly, 27% of the public ombudsmen were found via the public body complained about and 25% through an internet search. In a country comparison of the private ombudsmen (Figure 12), the two main channels were the internet and the companies complained about. Comparing results by country, the German and French respondents mostly heard about the ombudsman through the internet (Germany: 40%; France: 41%), whereas 30% of the UK respondents heard about the ombudsman from the company complained about.

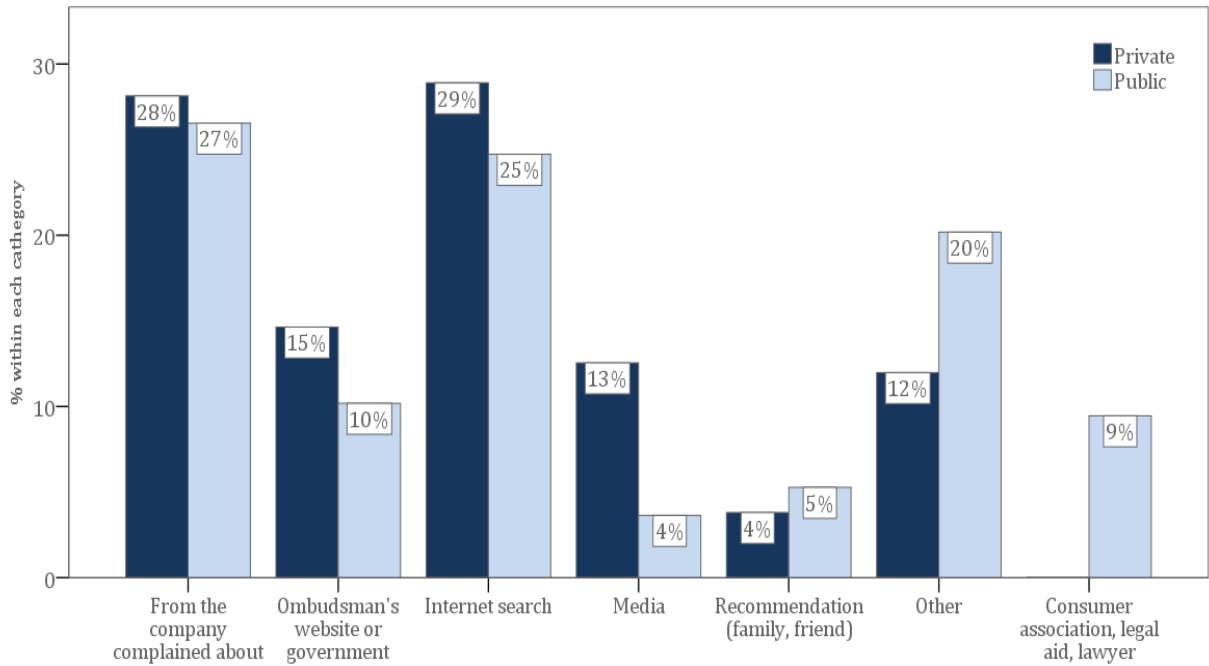


Figure 11. How did you hear about the ombudsmen? – UK private/public excluding FOS

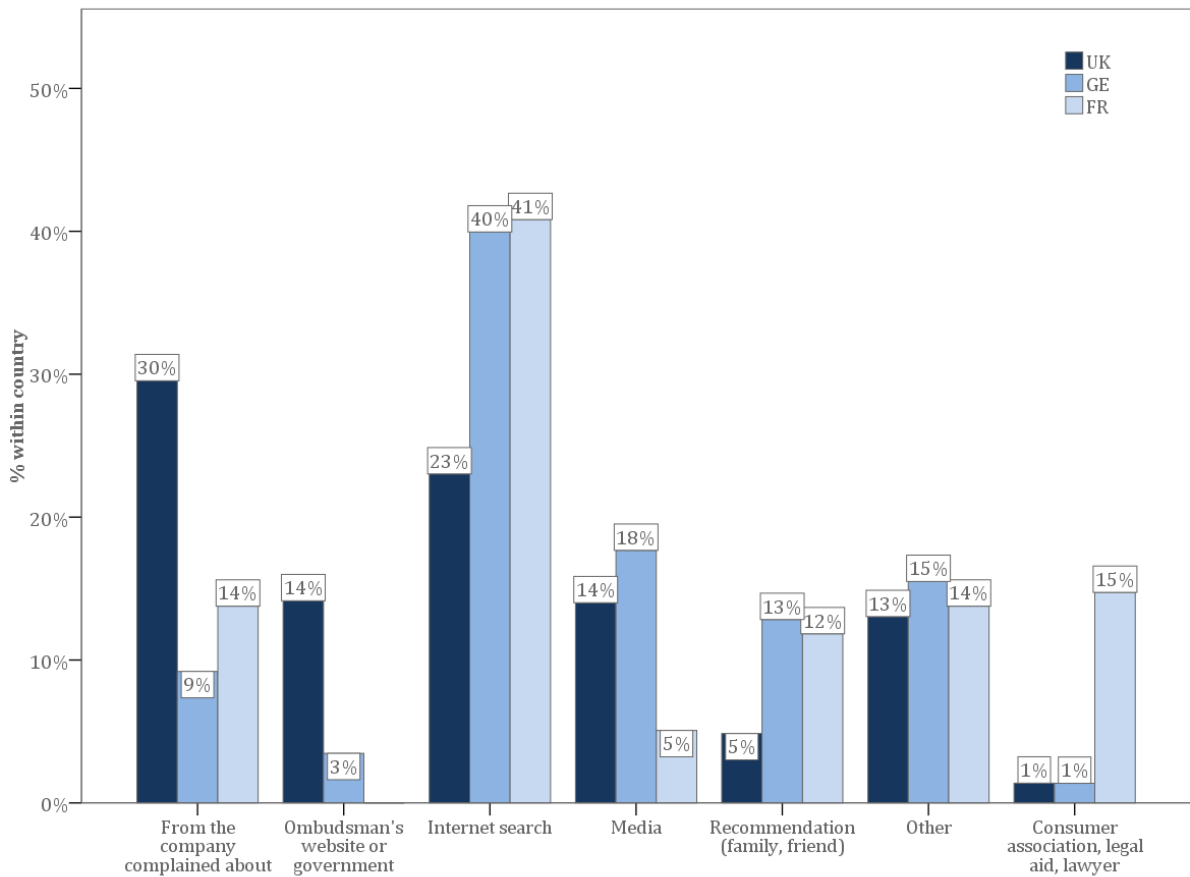


Figure 12. How did you hear about the ombudsmen? – private including FOS

How did you mostly communicate with the ADR provider?

The next graphs show how people communicated with the ADR providers. As can be seen in Figure 13, all respondents (excluding FOS) in the sample predominantly used email (76.1%), phone (55.4%) and letters (21.3%) to communicate with the ADR provider during the procedure.

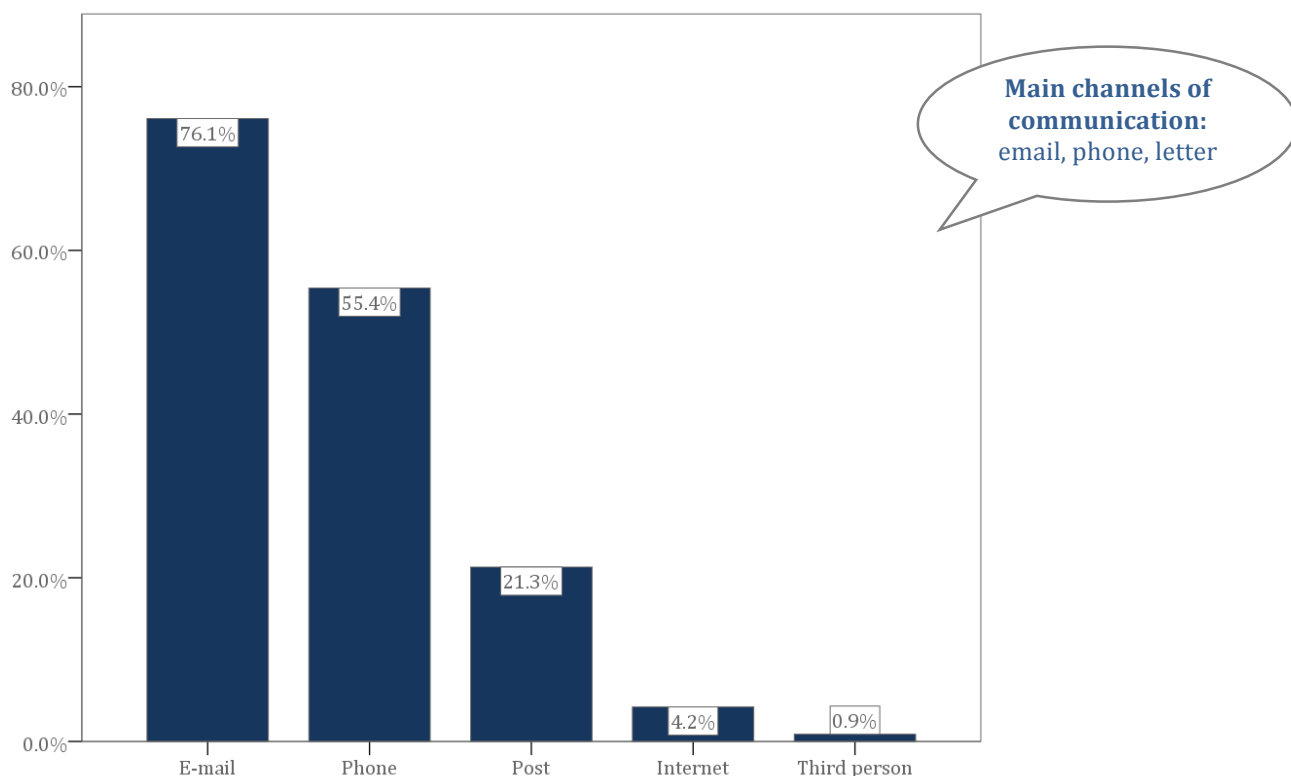


Figure 13. Main communication channel with ombudsman –all respondents excluding FOS

Looking at the UK sample (Figure 14), email, phone and letters remain the leading channels; however, letters are used more often in the public sample (29.9%) as compared to the private sample (19.2%).

The country comparison (Figures 15) shows different patterns within the three main channels, by country. The French sample reported the majority as letters (52.8%), phone (38.3%) and email (21.8%). The fact that letters are one of the main methods of communication will influence the timeliness of the procedure. The German sample reported email (67.9%), post (26.5%), and phone (13.9%) as their main channels of communication. The UK sample (including FOS) reported email (75.9%), phone (57.7%), and post (36.6%). These percentages only changed slightly once FOS was taken out of the sample. It is interesting to see that in the UK sample the phone was a very common means of communication compared to both other countries.

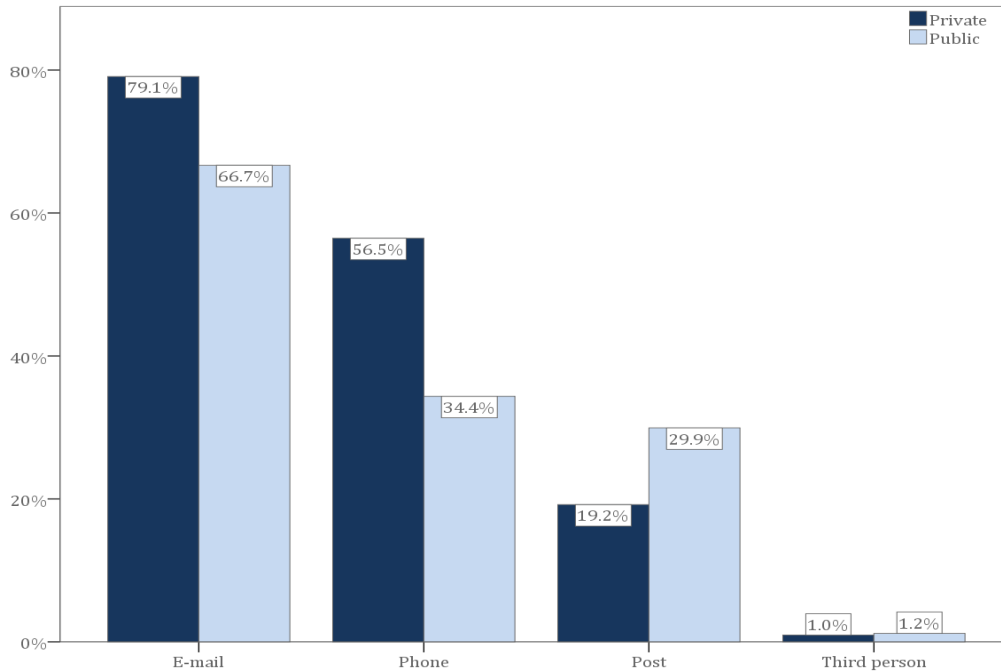


Figure 14. Main communication channel – UK private/private excluding FOS

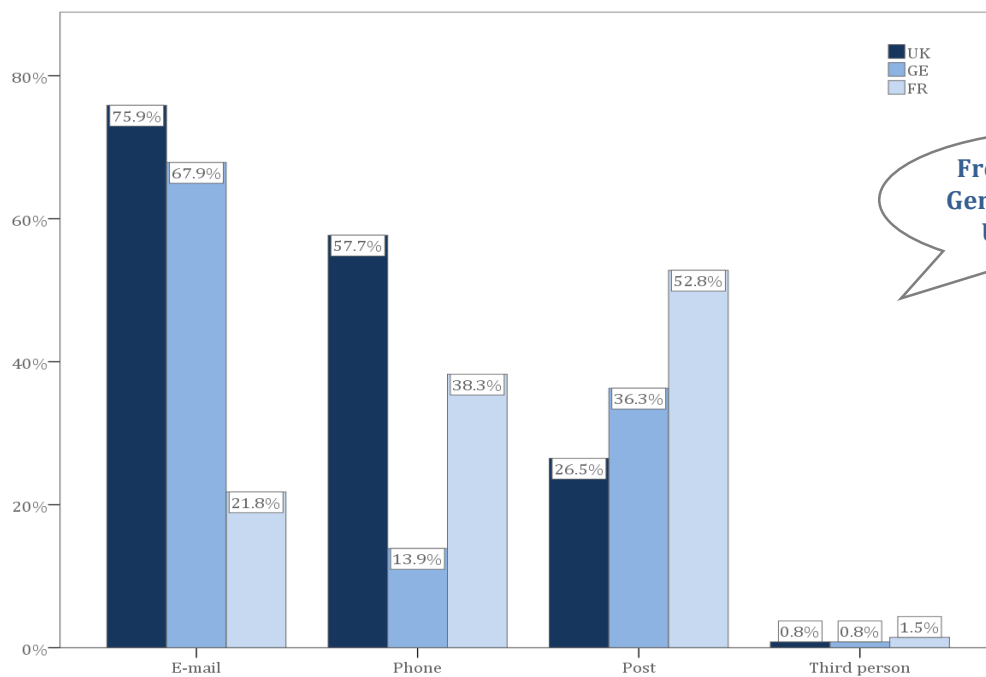


Figure 15. Main communication channel – private including FOS

Expected duration of a case and the actual time it took (self-reported)

The final question presented in this part is based on the fact that people usually have predetermined ideas about how long a procedure ought to take. When these expectations are not met, it influences their overall perception of the

procedure. I tested this in my survey and surely, most people expected a procedure to take between 1 and 3 months (as seen in Table 4 below).

As Table 6 shows, 58.8% of the private sample reported the expected duration as expected, whereas 52.1% of the public sample stated their case took longer than expected.

The country comparison of the private cases (Table 7) shows that the French (52.6%) and German sample (42.6%) reported their cases took the time that they expected; with the UK sample, 47.6% reported the same time and 41.5% reported that it took longer than expected.

Table 4. Expected duration of case and actual duration – all respondents

	Expected Length		Actual Length	
	With FOS	Without FOS	With FOS	Without FOS
Less than 1 month	15.4%	20.7%	10.2%	17.1%
1–3 months	42.5%	64.1%	24%	43.8%
More than 3 months	42.5%	12.8%	65.8%	39.1%

*Percentages are calculated based on actual response; that is, participants that did not answer this question were excluded from this summary.

Table 5. Comparison of expected and actual duration – all respondents

	With FOS	Without FOS
Longer than expected	32.2%	40%
Same as expected	58.1%	44%
Shorter than expected	9.8%	16%

Table 6. Comparison of expected and actual duration – private/public including FOS

	Private	Public
Longer than expected	31.5%	52.1%
Same as expected	58.8%	35.1%
Shorter than expected	9.7%	12.8%

Private: 58.8% felt the actual duration was the same as expected.

Public: 52.1% felt the actual duration was longer than expected.

Table 7. Comparison of expected and actual duration – private including FOS

	United Kingdom	Germany	France
Longer than expected	41.5%	22.5%	32.6%
Same as expected	47.6%	42.6%	52.6%
Shorter than expected	10.9%	35%	14.8%

4. LEVELS OF SATISFACTION AND IMPORTANCE OF INTERACTION WITH OMBUDSMAN STAFF

The following presents some of the main factors contributing to overall consumer satisfaction in this study: the treatment through, and interaction with, members of ombudsmen staff. Responses to questions posed throughout the survey about the staff at various points during the procedure (first contact, during, and overall) are offered.

How satisfied were you with how the ADR provider dealt with your case?

The reported satisfaction of the overall dataset shows that 46.3% were 'very satisfied' and 17.7% were 'somewhat satisfied' with the procedure (Figure 16). These percentages only change slightly when excluding FOS from the sample: 45.1% 'very satisfied' and 18.5% 'somewhat satisfied' (Figure 17). Looking at the UK dataset (Figure 18) the reported satisfaction with the private ombudsmen is 61.8% 'very satisfied' and the public ombudsmen 57.1% 'very dissatisfied'.

Differences became very apparent when looking at the reported satisfaction levels with the individual ADR providers by country excluding FOS (Figure 19).

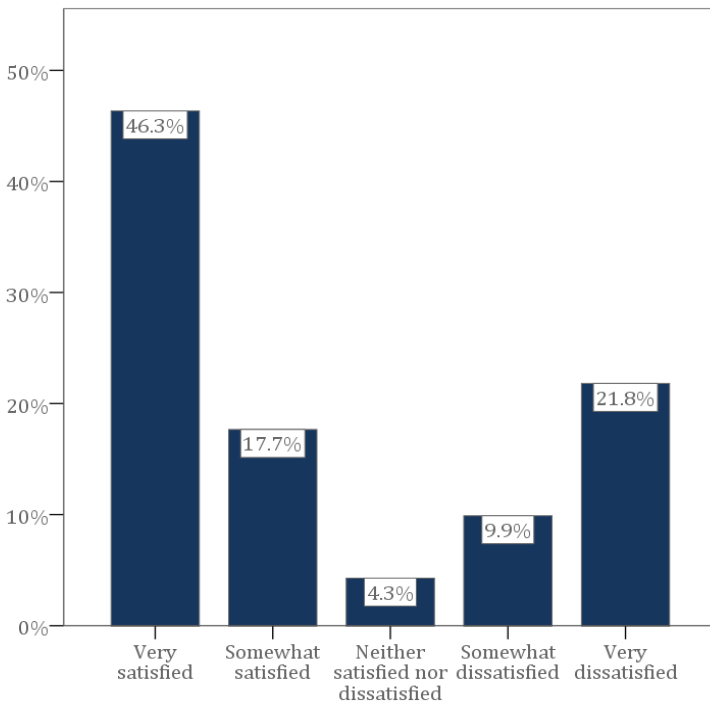


Figure 16. Respondents' satisfaction – all respondents

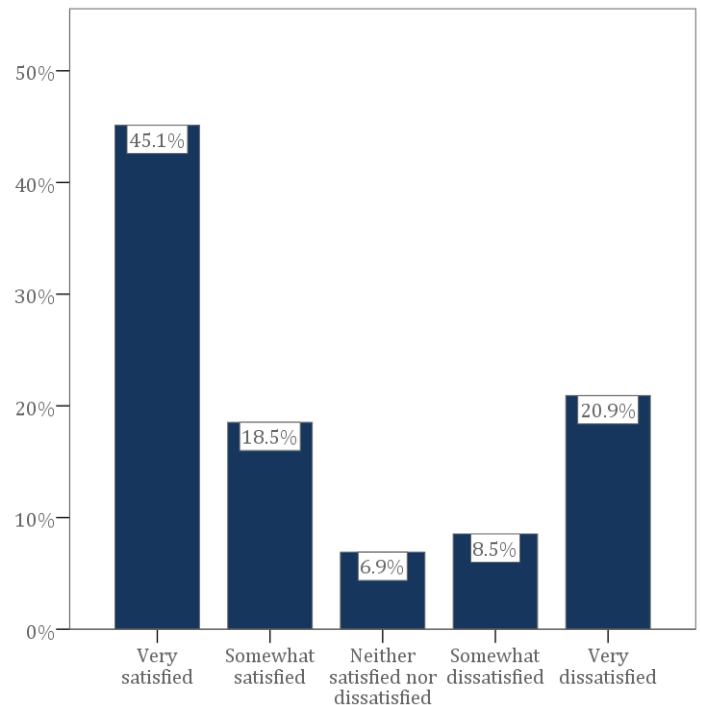


Figure 17. Respondents' satisfaction – all respondents excluding FOS

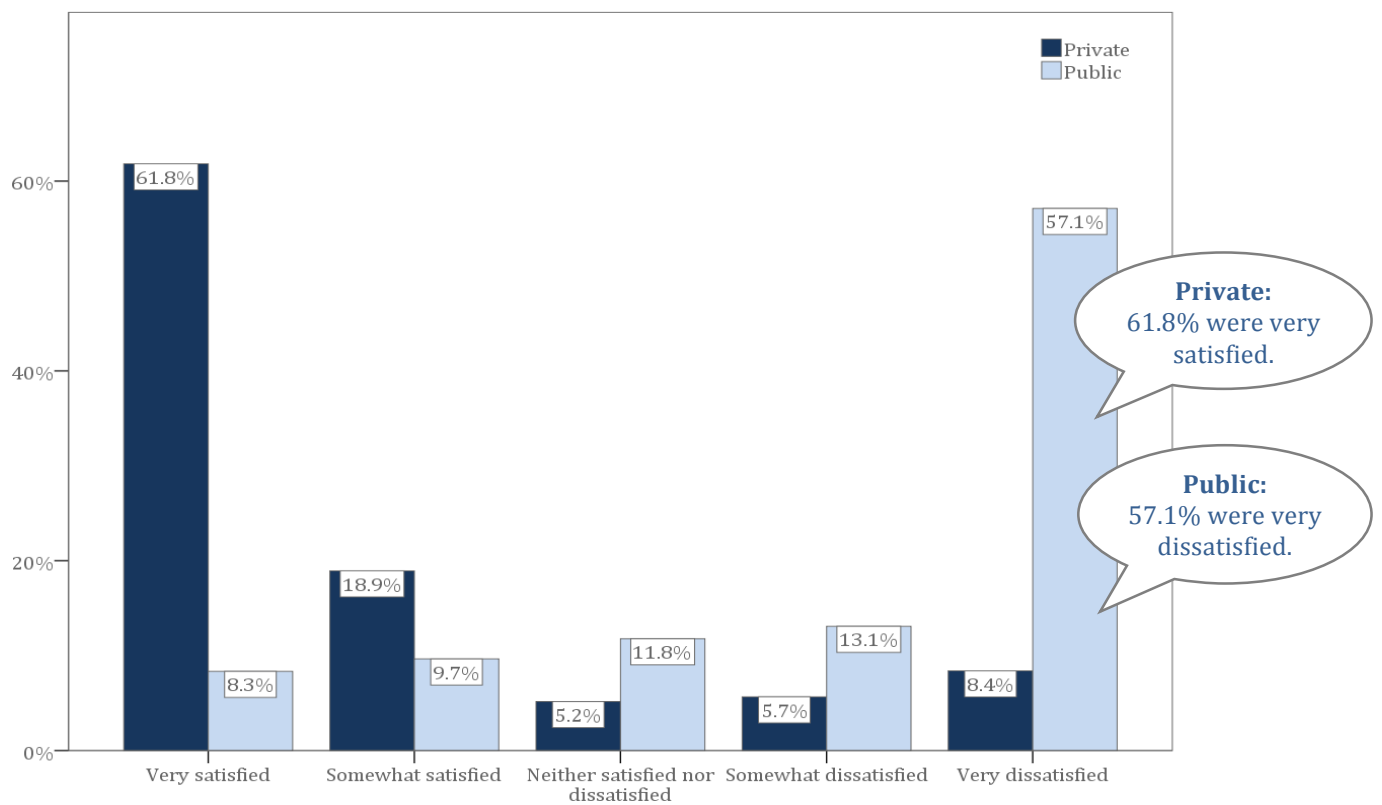


Figure 18. Satisfaction levels with ADR providers – UK private/public excluding FOS

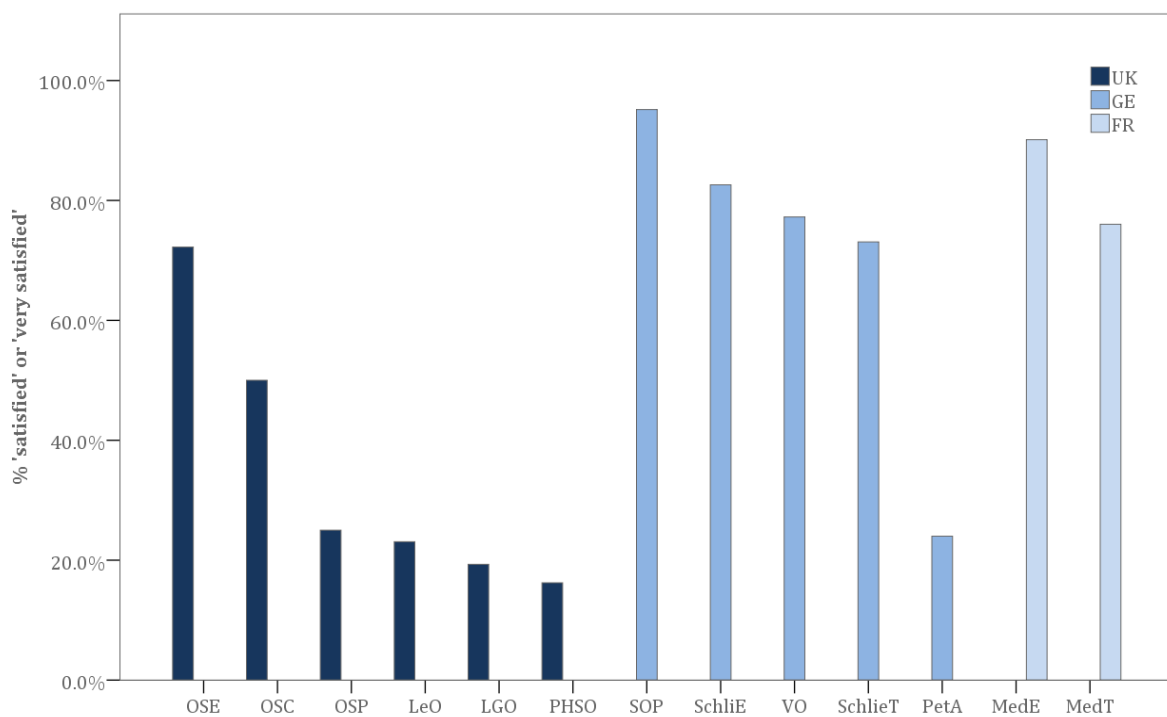


Figure 19. Satisfaction levels with ADR providers – private excluding FOS

The country comparisons of private ombudsmen (Figure 20) show that 47% of the UK respondents were 'very satisfied' as compared to 68% of the German sample and 60% of the French sample. These percentages only change slightly in the UK sample when excluding FOS.

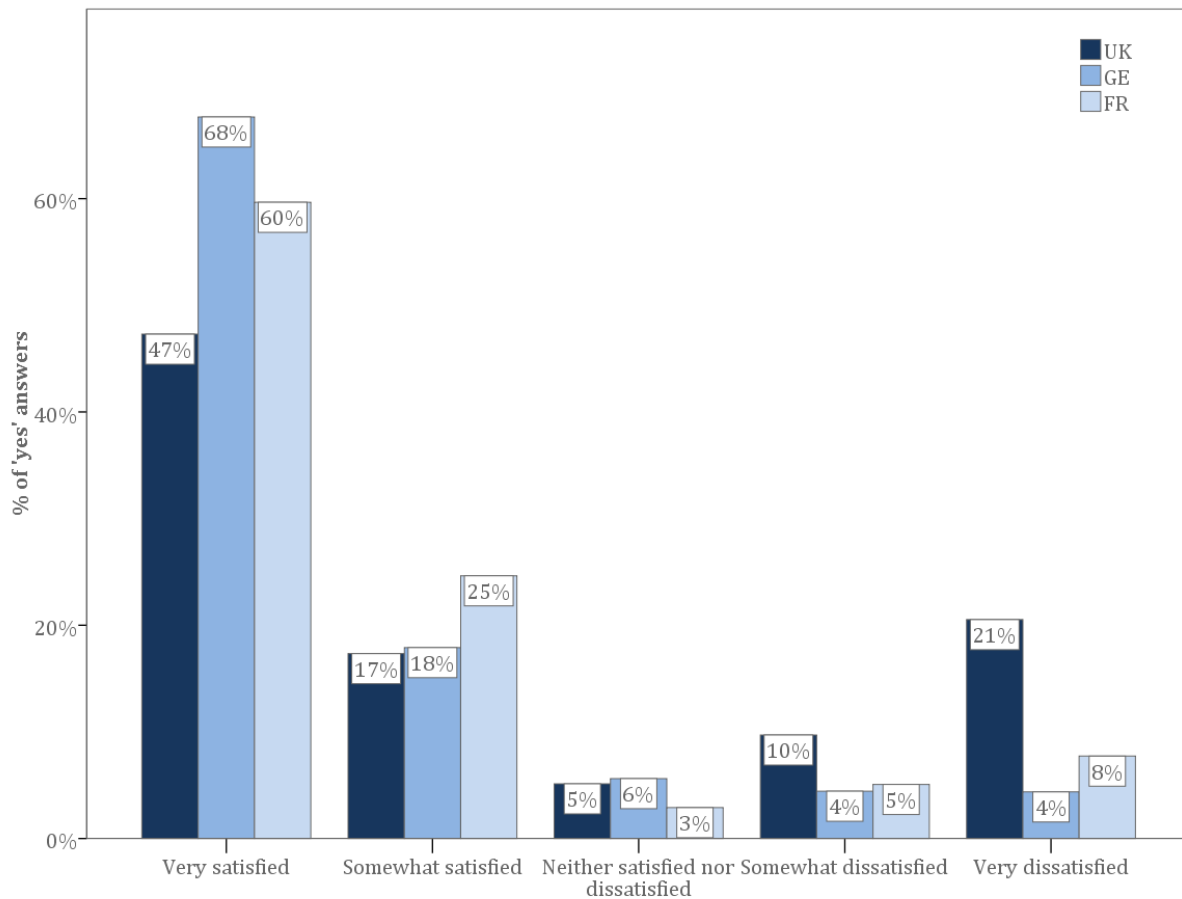


Figure 20. Satisfaction levels with ADR providers – private including FOS

Was the way in which your case was resolved as you expected?

One of the survey questions asked the respondents to state if the case has been resolved according to what they had expected; 29.86% of all respondents answered that it was 'exactly as they expected', 29.70% replied 'not at all what they expected' and 28.77% claimed it was 'close to what they expected' (see Figure 21).

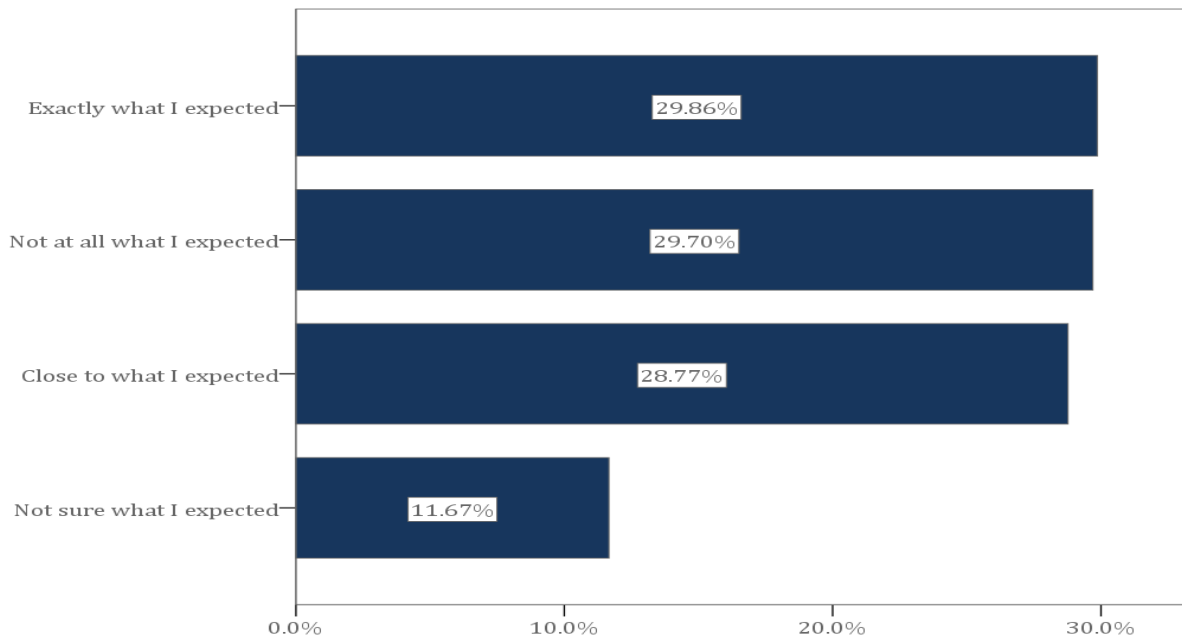


Figure 21. Was the way your case was resolved as you expected? – all respondents

Figure 22 shows the different expectations for the public ombudsmen and private ombudsmen. Here, 30.99% of the private sector respondents said their case was handled exactly as they expected, and 60.82% of the public sector respondents said the resolution was not at all what they expected.

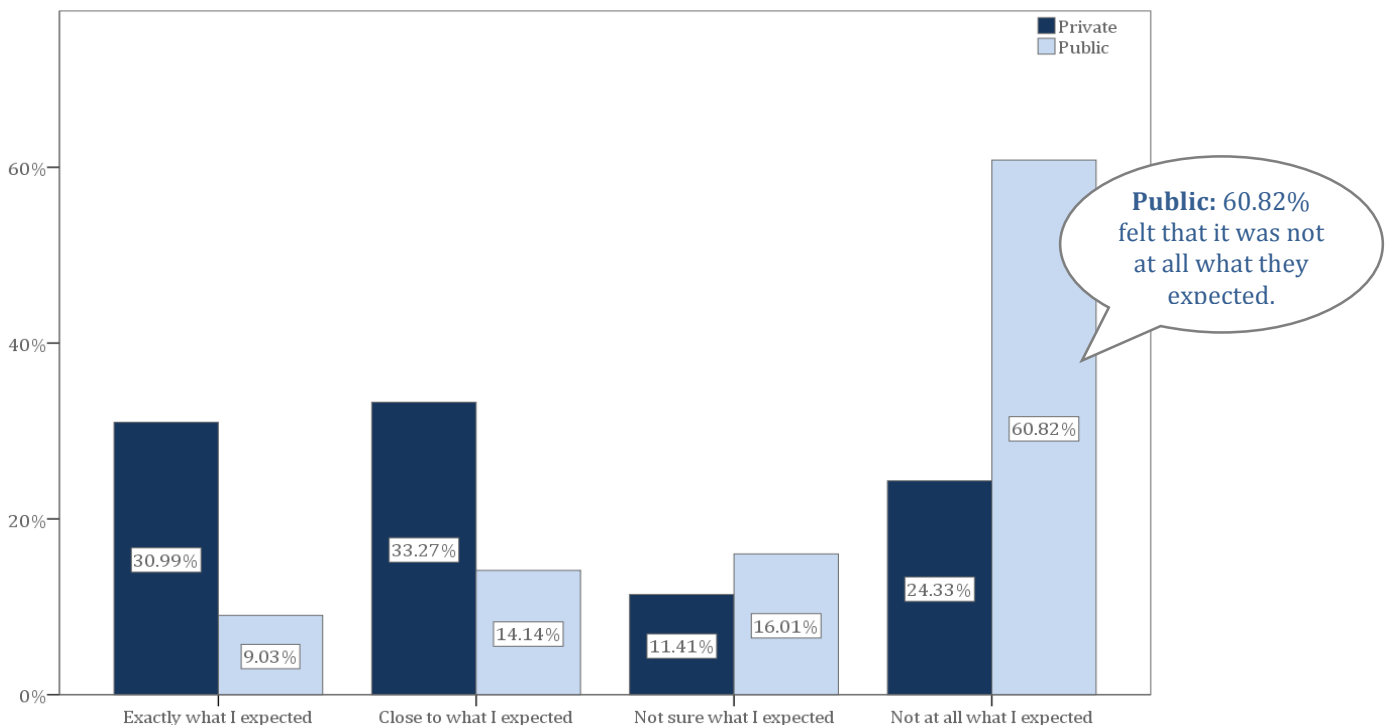


Figure 22. Was the way your case was resolved as you expected? – UK private/public excluding FOS

Looking at the responses by country, interesting trends can be seen (Figure 23). For example, for 58.6% of the German sample the case was resolved exactly as they expected. Another striking finding is that 43.8% of the French sample did not know what to expect. For 26.2% of the UK sample it was not at all what they expected.

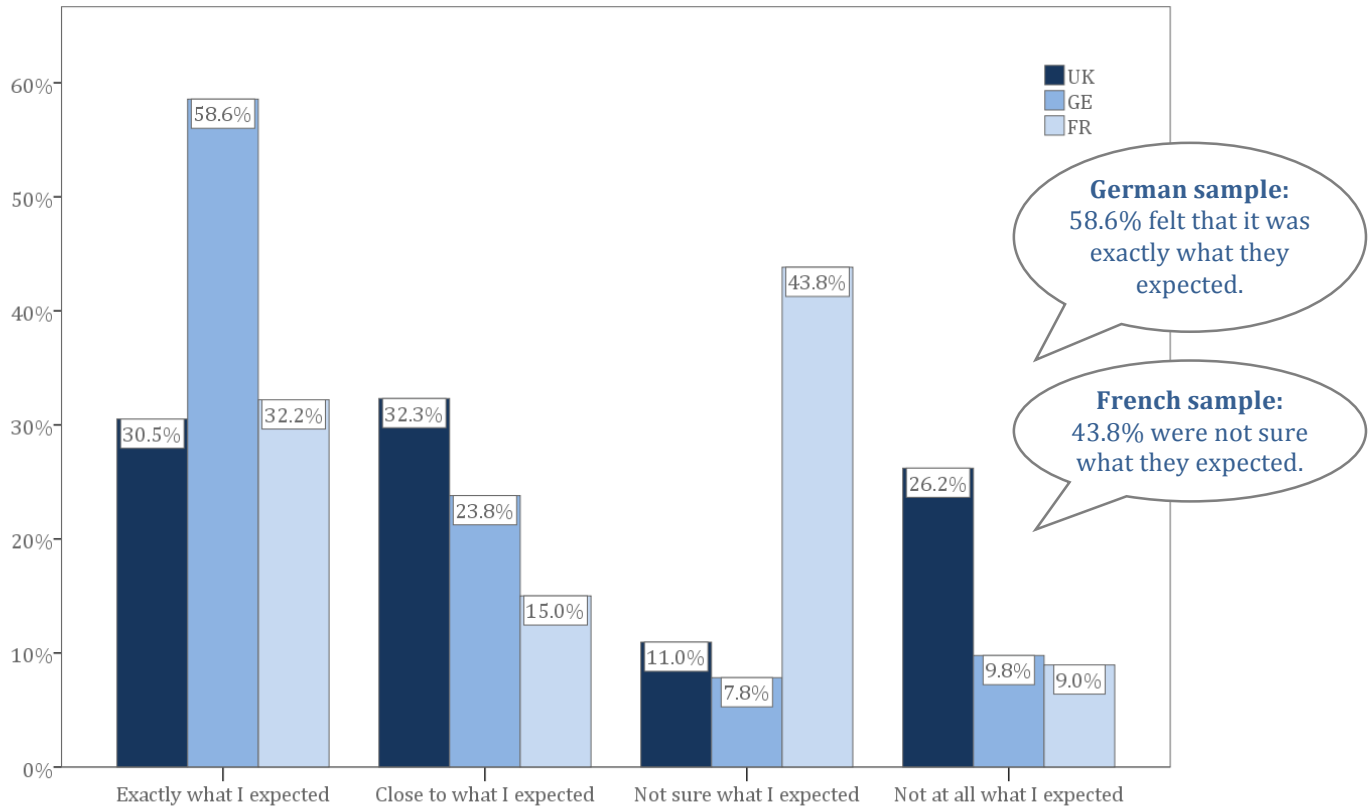


Figure 23. Was the way your case was resolved as you expected? – private including FOS

Respondents' impression of staff at first contact

Respondents were asked to give their impression of ombudsman staff upon initial contact, across a range of domains. Figure 24 shows how respondents felt about ombudsman staff for all respondents. The criteria for procedural justice (mentioned above) are included in all of the questions and inform the statistical analysis.

Respondents reported their impression of the staff was helpful (68.8%), they felt treated with respect and courtesy (67%), and thought the staff were acting with good intent (62.3 %).

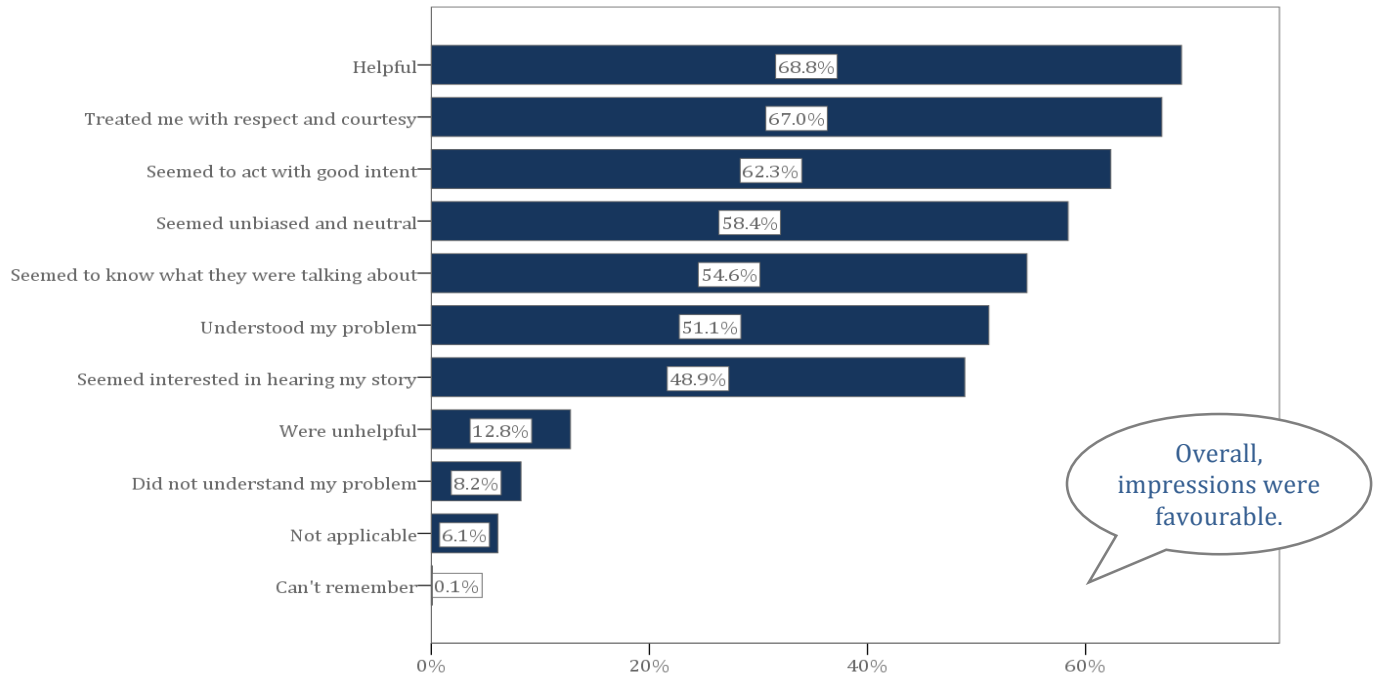


Figure 24. Impression of staff at first contact – all respondents

Figure 25 presents similar UK data in a private/public comparison without FOS. Here I would like to highlight the noticeable difference in experience with the staff at first contact between the users of a public body and a private body.

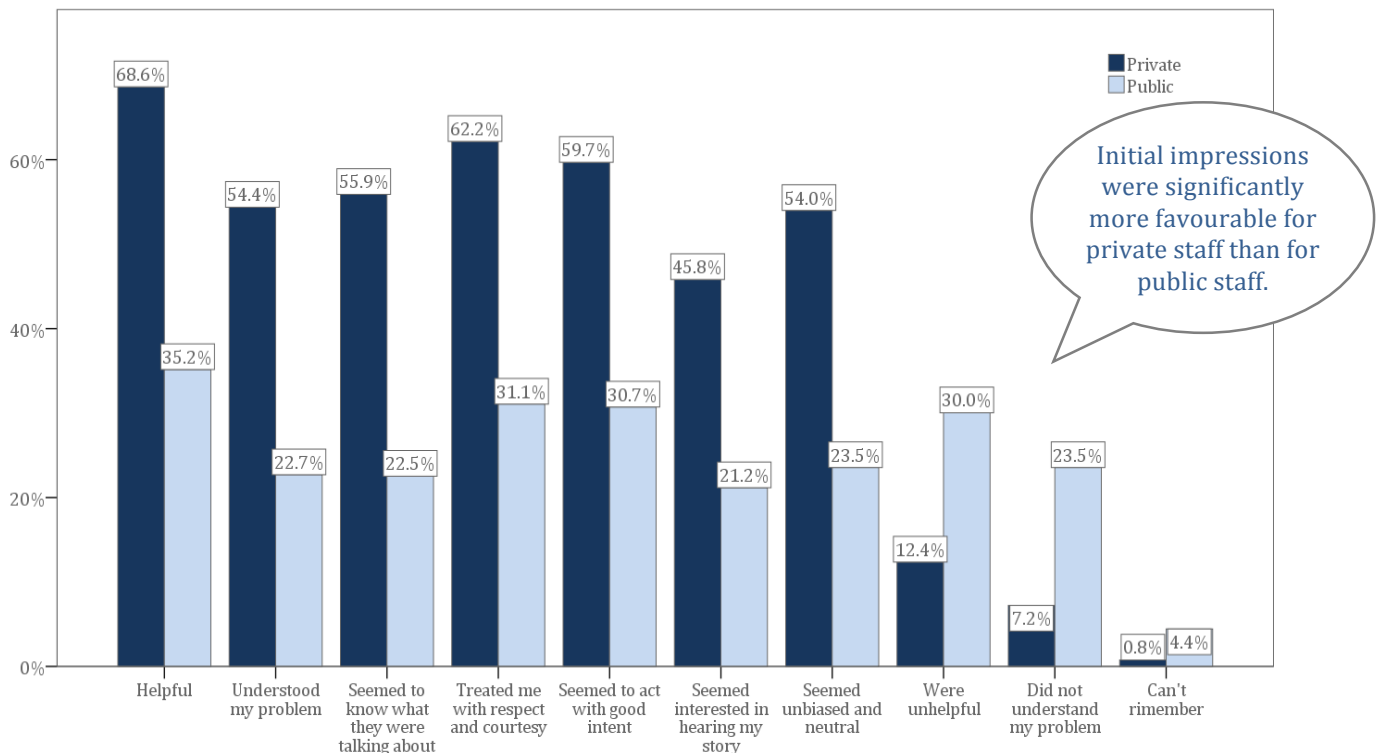


Figure 25: Impression of staff at first contact – UK private/public excluding FOS

Figure 26 presents the country comparison (with FOS). There are a few points to mention here. High levels reported staff being 'helpful' (70%) and who 'understood my problem' (68%) in the German sample. The French sample also reported high levels of staff being 'helpful' (60%) and who 'understood my problem' (66%). For the UK sample the following was noted: 'helpful' (69%), 'treated me with respect' (64%) and 'acted with good intent' (61%). These percentages only change slightly when taking FOS out of the sample: 'helpful' (69%), 'treated me with respect' (62%), and 'acted with good intent' (60%).

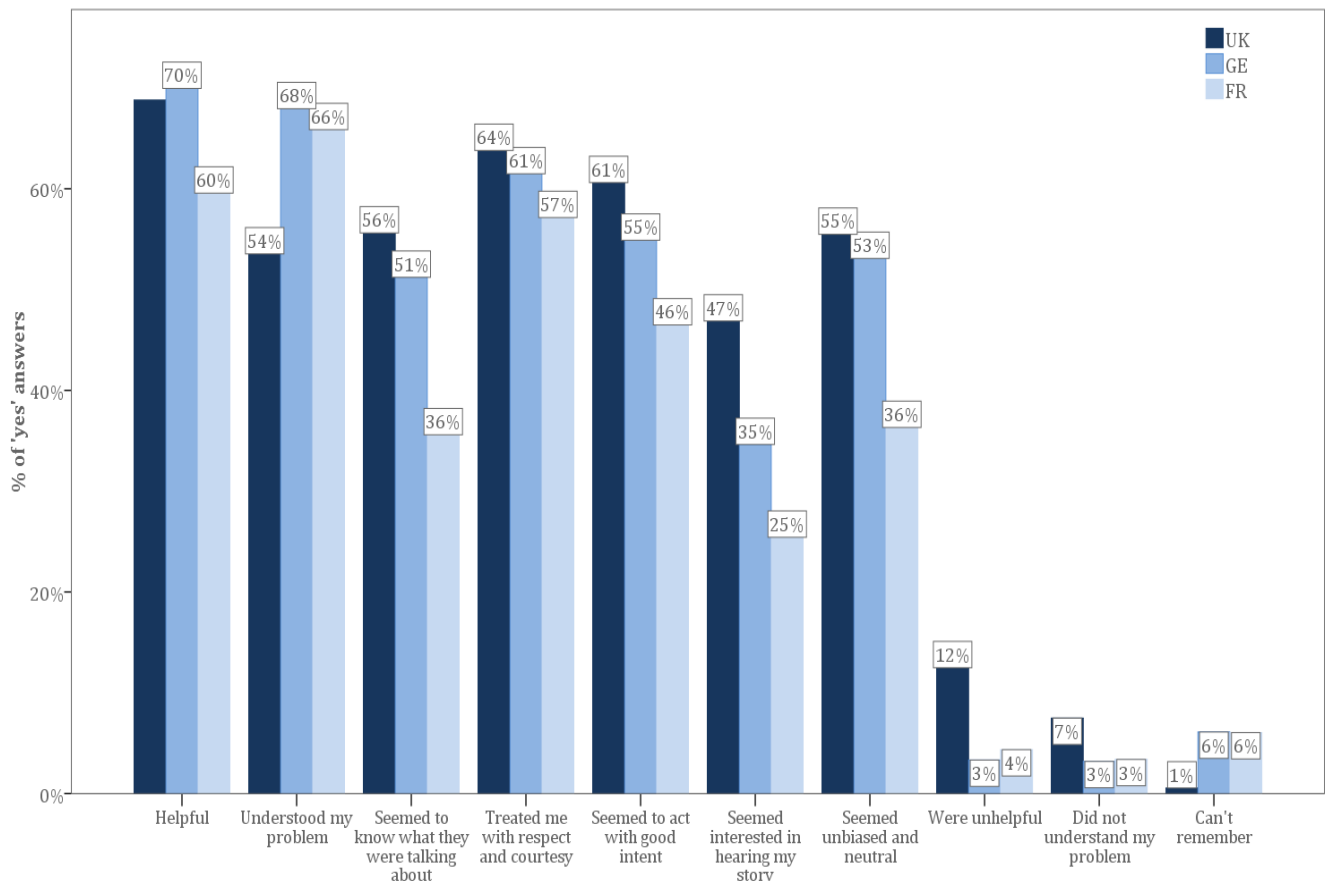


Figure 26. Impression of staff at first contact – private including FOS

Perceptions of staff during the procedure

This question about the staff was posed about halfway through the survey. Respondents were presented with a series of statements relating to how their case was handled (prior to a final decision) and asked the extent to which they agreed or disagreed with them. To answer this question, several answers could be selected. Figure 27 shows the extent to which respondents agreed or disagreed with statements for all cases.

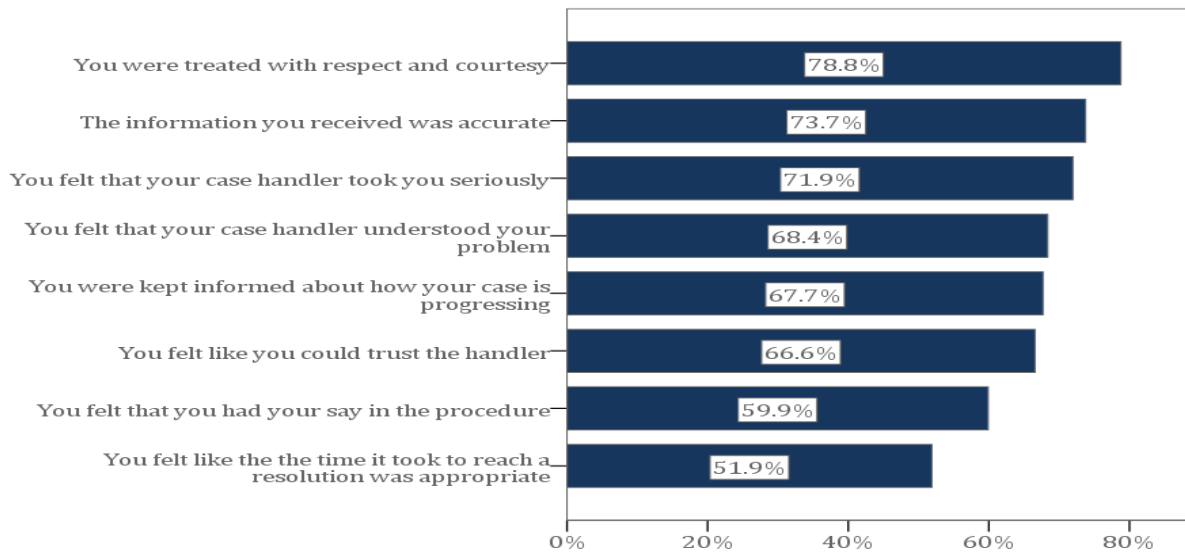


Figure 27. Perceptions of staff during the procedure– all respondents

The following country graphs for the UK (Figure 28), Germany (Figure 29) and France (Figure 30) clearly show that consumers were most concerned with elements of procedural justice throughout the case management. There are slight differences in levels of importance of the criteria. The UK respondents noted that they were treated with respect, the communication was easy to understand and that the information received was accurate. In Germany the respondents noted that they were treated with respect, communication was easy to understand and they were kept informed while the case was progressing. The top three criteria observed by the French respondents in their interaction with the staff were: the information was accurate; they felt that the case handler understood the problem; and they were kept informed as to how the case was progressing.

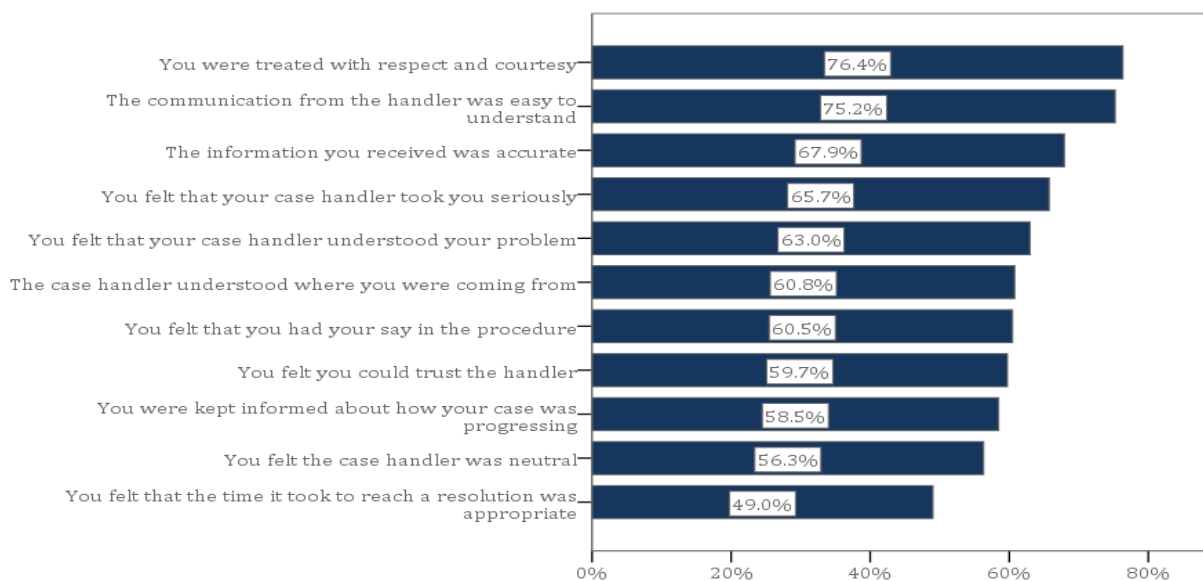


Figure 28. Perceptions of staff during the procedure – UK

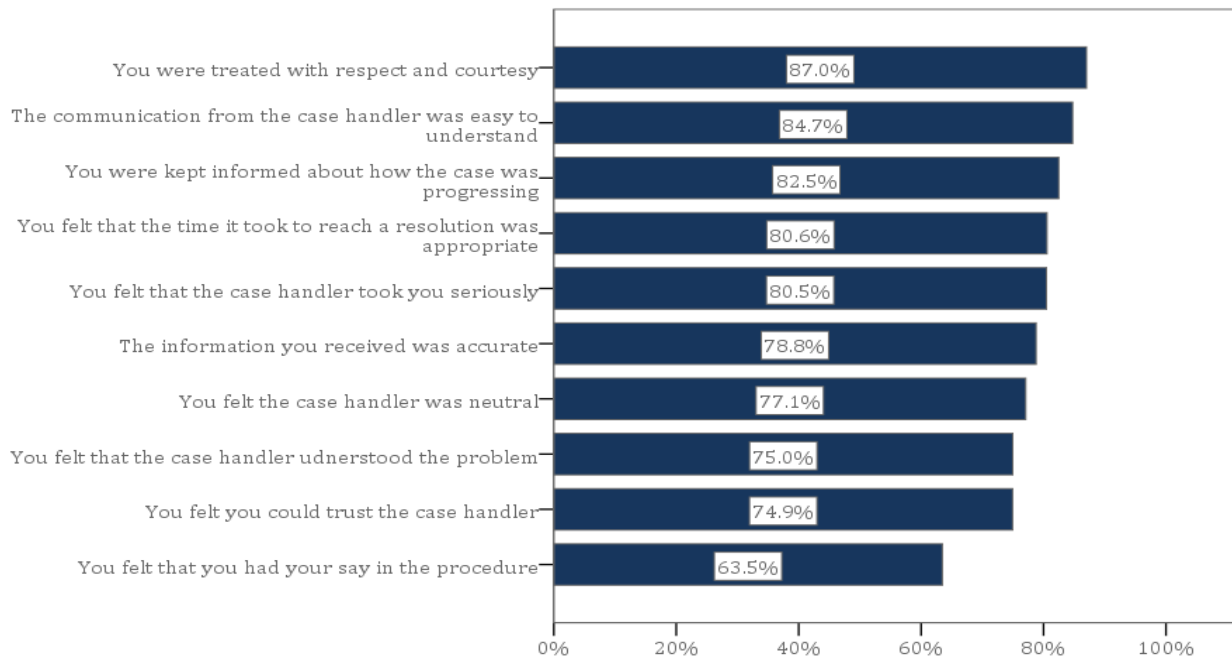


Figure 29. Perceptions of staff during the procedure – Germany

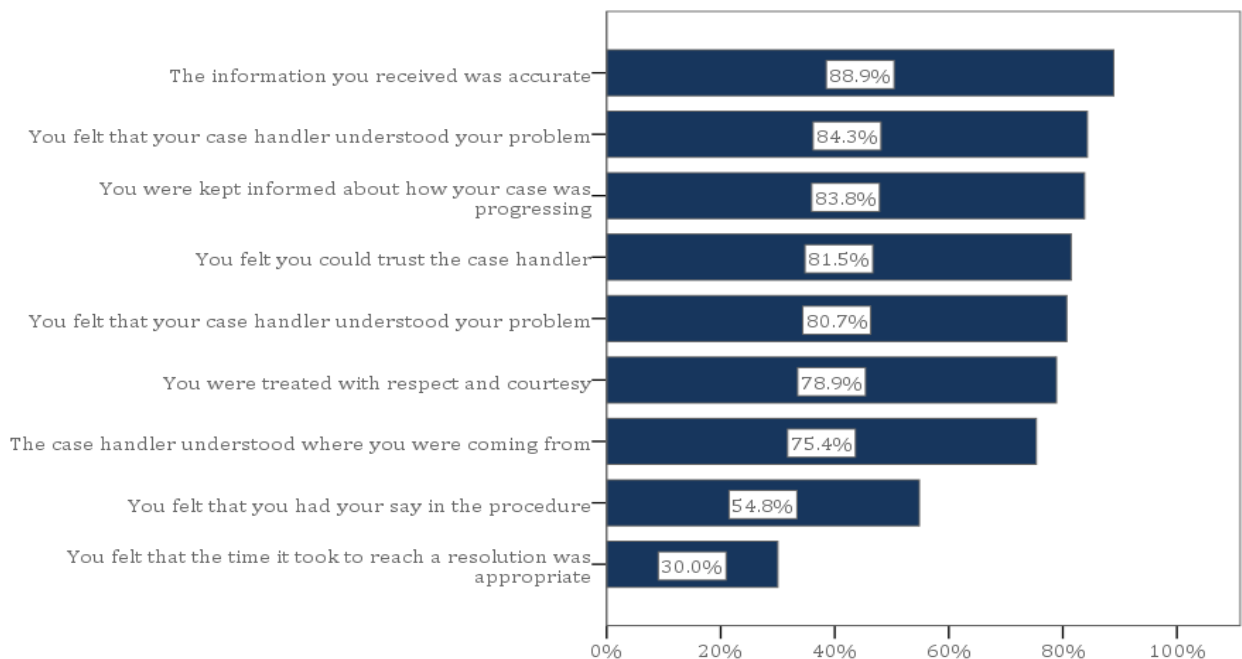


Figure 30. Perceptions of staff during the procedure – France

Perceptions of people dealing with their case throughout the complaint journey

This last section of part four shows responses to the question posed about experiences with the people that were dealing with complaints throughout the complaint journey. This question was posed towards the end of the survey and highlights (as with the above examples) which staff qualities were most

important for complainants. For the overall sample it was important that the people they were dealing with always did what they said they would (70.8%), understood the problem (69.6%), had the authority to deal with the problem and were easy to get in touch with (68.7%) (see Figure 31). Looking at the UK graph that separates public and private ombudsmen (Figure 32), the divide between both is very obvious.

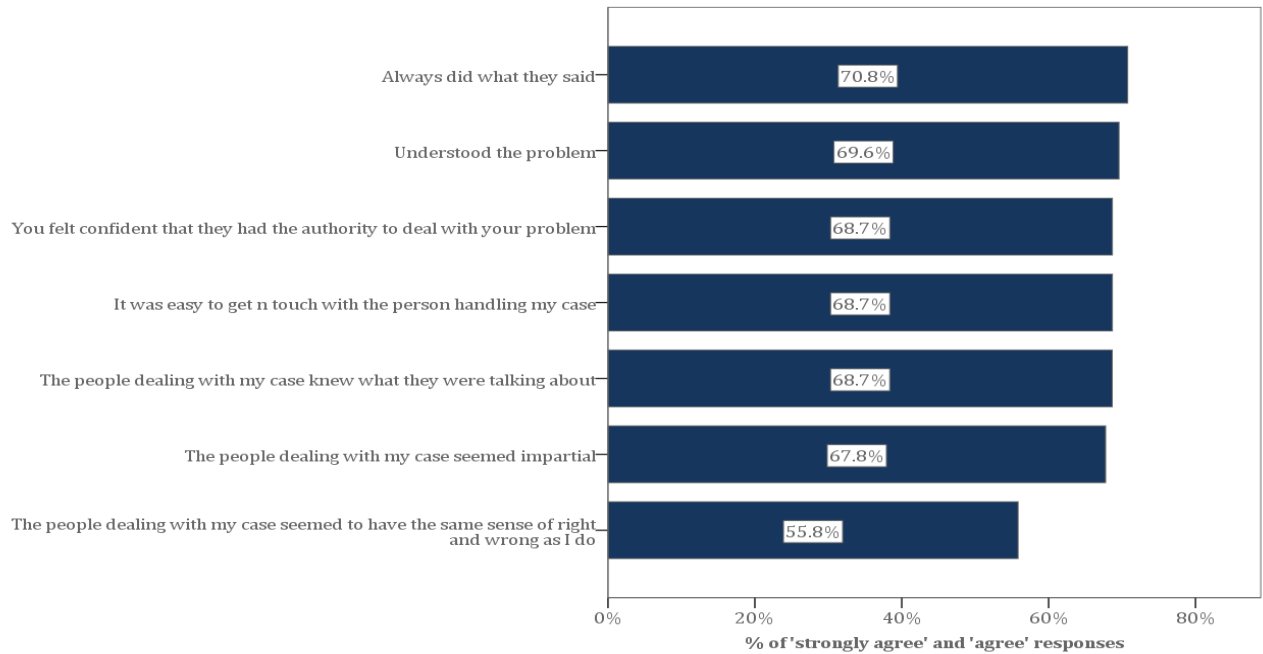


Figure 31. The people that dealt with your complaint – all respondents

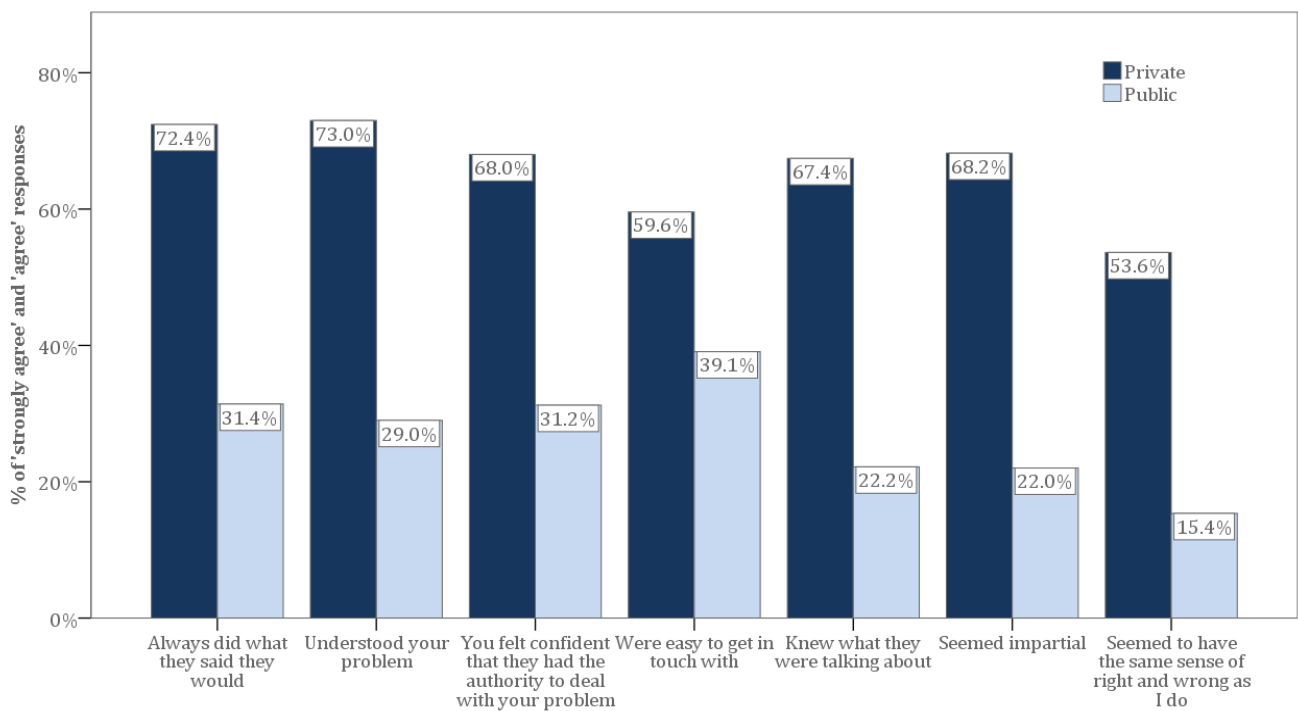


Figure 32. The people that dealt with your complaint – UK private/public excluding FOS

The country comparison (Figure 33) shows a pattern of different levels of perceptions of staff during the complaints procedure. Following the peak of the charts for the French sample, a high rate of satisfaction with the staff can be seen.

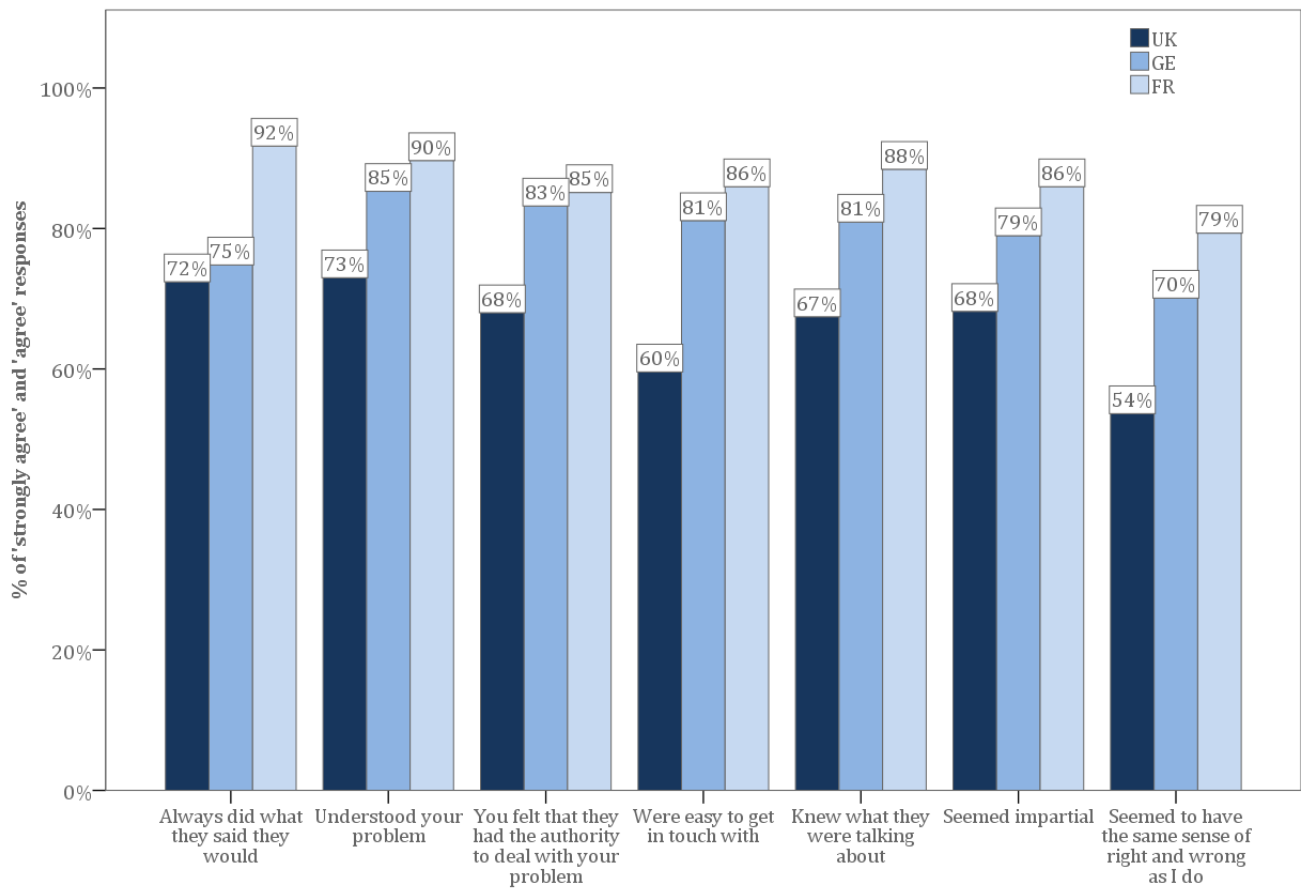


Figure 33. The people that dealt with your complaint – private excluding FOS

5. IS IT ALL ABOUT THE OUTCOME?

Moving on to the next piece of the puzzle – the question about how much the outcome matters in the overall perception of the process – this part shows the responses to questions about perceived fairness, outcome favourability and outcome acceptance.

How fair are the procedures?

The majority of the respondents (61.4%) felt that the procedure was very fair/somewhat fair (Figure 34). Figure 35 for the UK, separating public and private, echoes previous discoveries: there is a divide between perceptions of public and private ADR providers – 48.2% felt that the private bodies had very fair procedures, whereas 42.16% of the public respondents felt the procedures were very unfair.

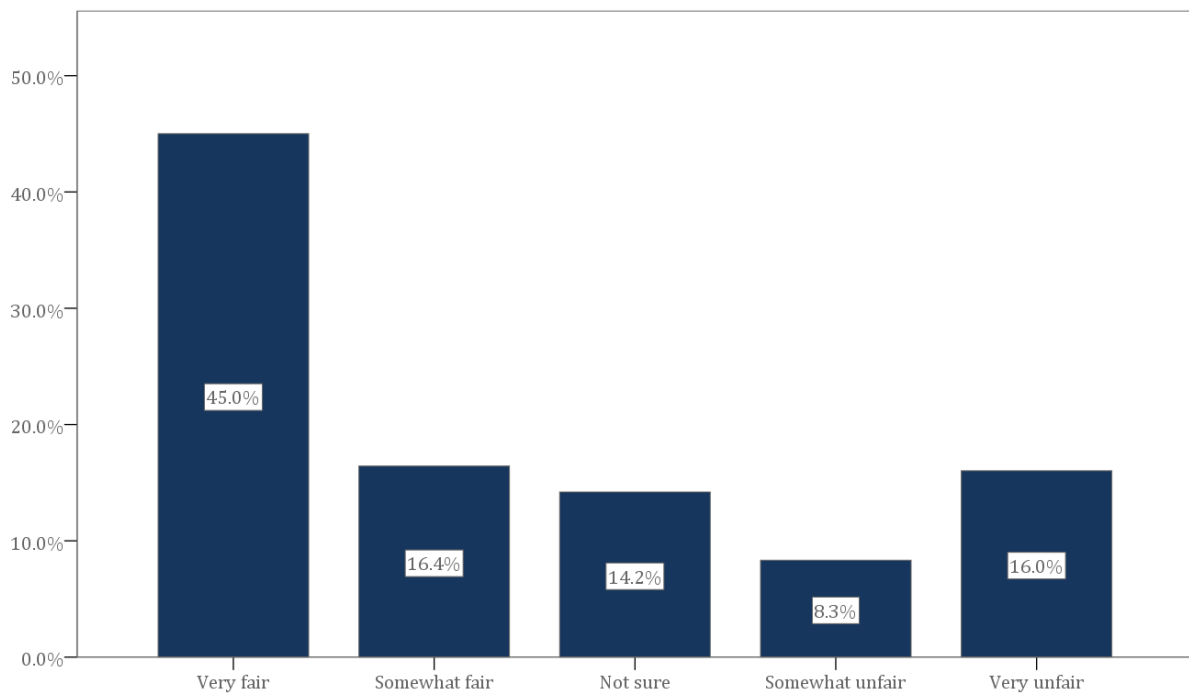


Figure 34. How fair are the procedures? – all respondents

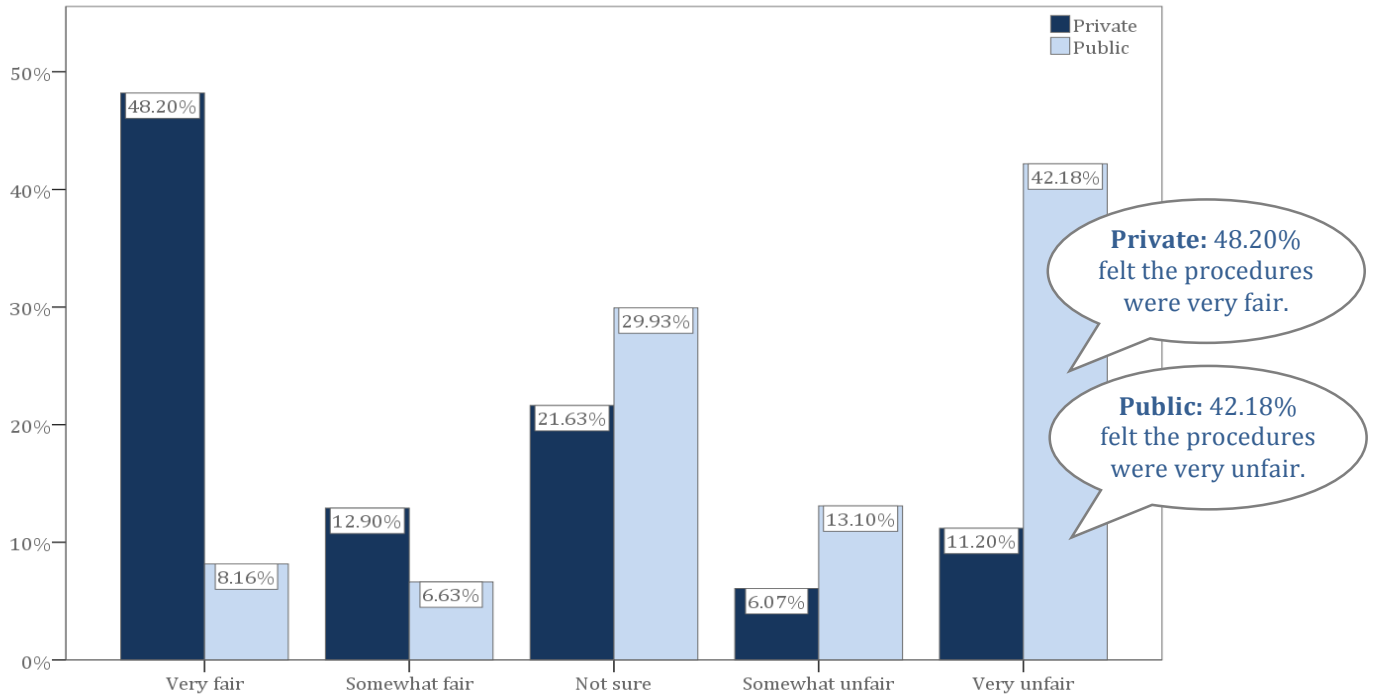


Figure 35. How fair are the procedures? – UK private/public excluding FOS

The country comparison of fairness perceptions of private ombudsmen (Figure 36) shows that the majority of the sample seemed to think the procedure is fair (very fair/somewhat fair). The highest level is reported by the German sample, which might relate to the fact mentioned above about the legality of the whole ADR process.

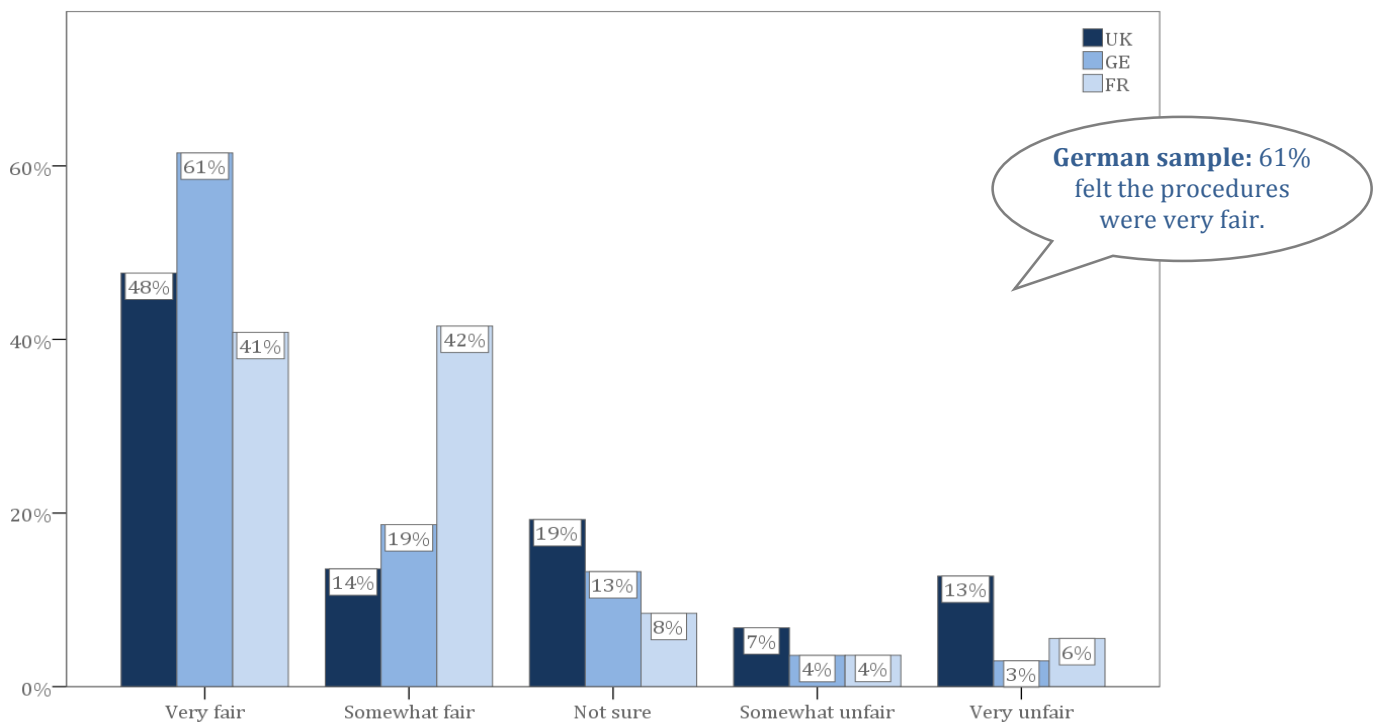


Figure 36. How fair are the procedures? – private including FOS

Was the outcome of your case in your favour?

The next charts show the responses to the question of whether the outcome was a favourable one. Figure 37 shows that for 51.7% of all respondents it was, and for 34.1% it was not. Taking FOS out of the sample, these percentages change to 53.3% in favour and 25.5% not in favour (see Figure 38).

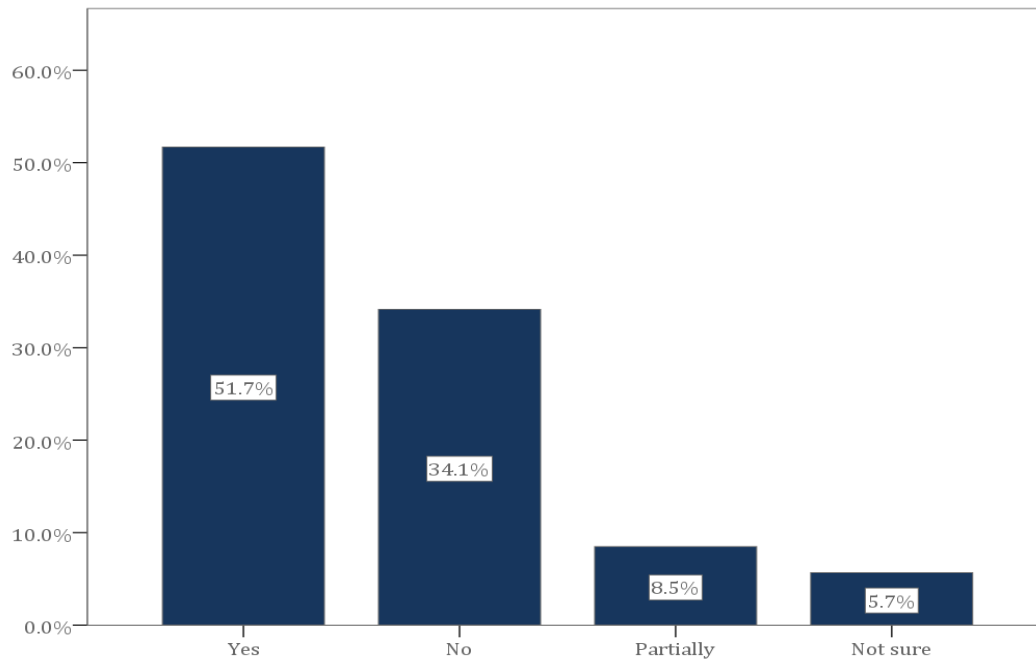


Figure 37. Outcome in favour – all respondents

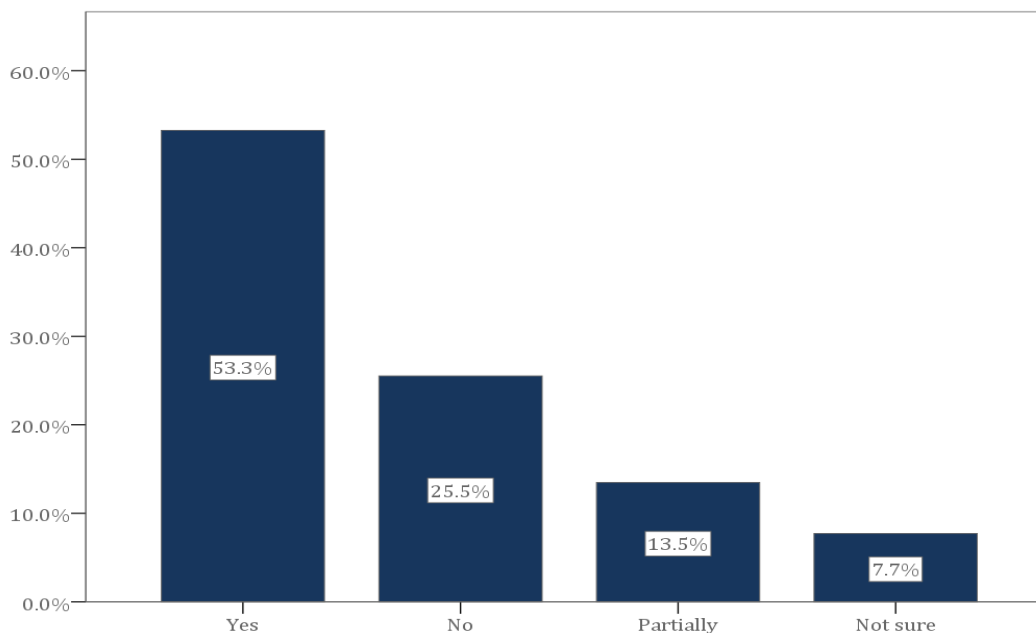


Figure 38. Outcome in favour – all respondents excluding FOS

Following the same pattern between the UK public and private samples, 66.35% reported a favourable outcome in the private cases and 10.39% reported a favourable outcome in the public cases (see Figure 39).

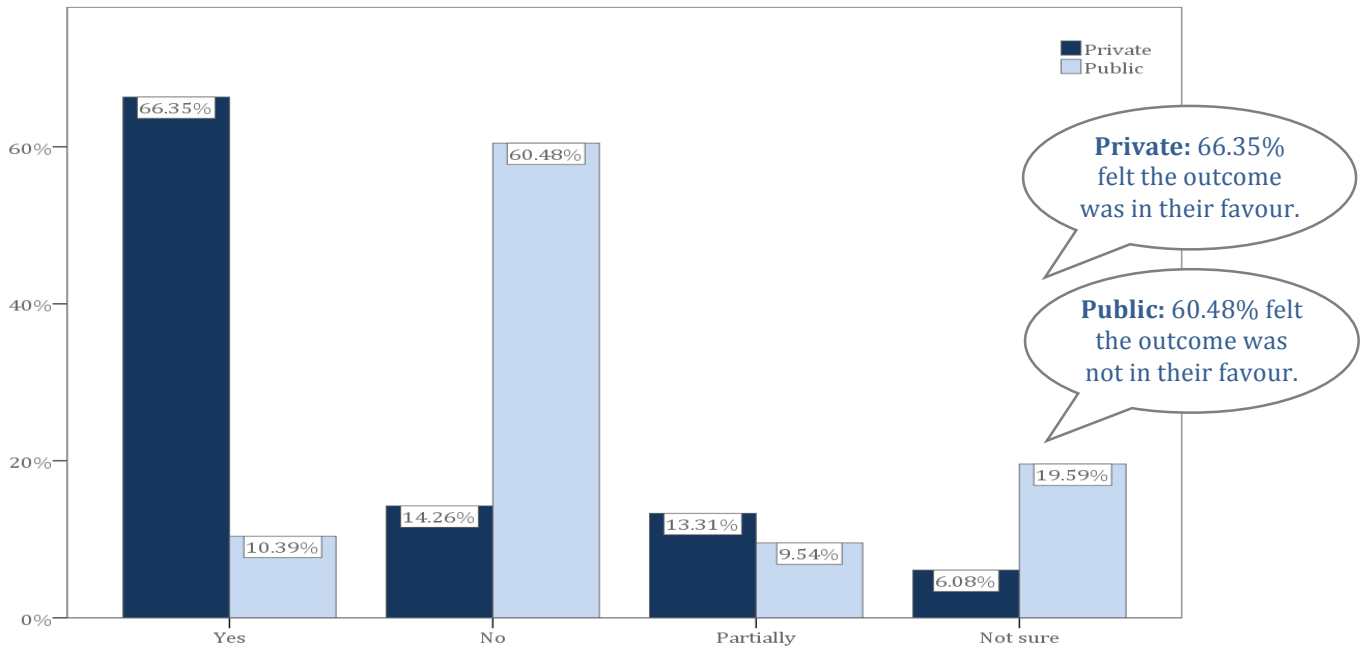


Figure 39. Outcome in favour – UK private/public excluding FOS

The country comparison for the private sector ADR providers in Figure 40 shows that the majority of each sample received a favourable outcome: 66% of the German sample, 62% of the UK sample and 54% of the French sample. Excluding FOS from the UK resulted in 66% of outcomes being in favour.

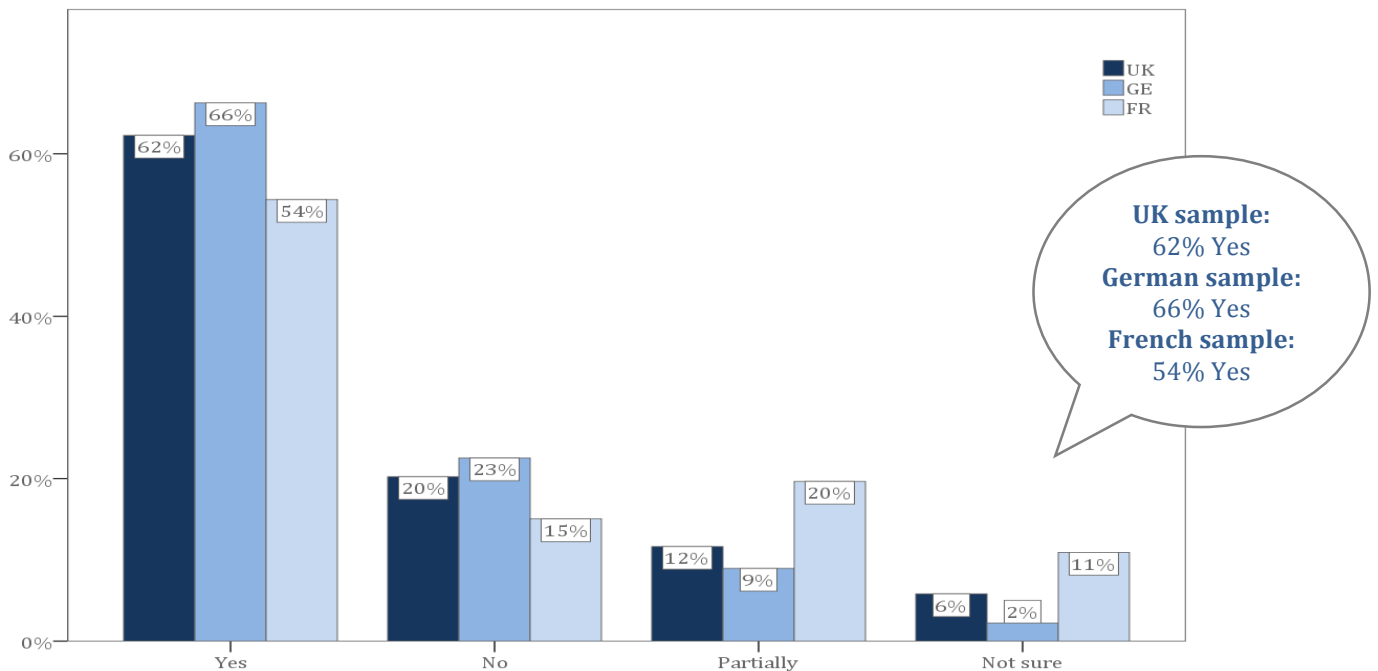


Figure 40. Outcome in favour – private including FOS

Are you willing to accept the outcome?

This section presents responses about outcome acceptance. Respondents were asked if they were willing to accept the outcome they received from the ADR provider. The overall sample responded 'very willing'/'fairly willing' 61.8% (and 62.1% without FOS), 'fairly unwilling'/'very unwilling' 26.9% (and 25.7% without FOS) (see Figure 41).

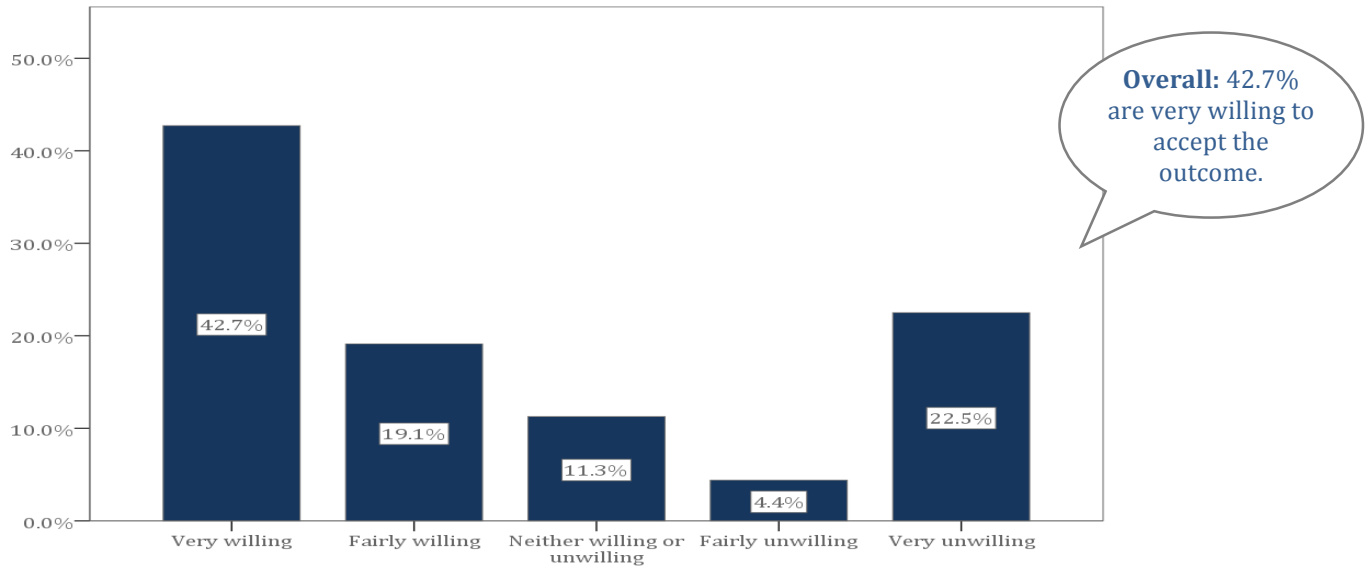


Figure 41. Willingness to accept the outcome – all respondents

The UK comparison of public and private bodies (Figure 42) shows that 52.09% of the respondents using a private ADR scheme are very willing to accept the outcome, whereas 50.94% of the public sector respondents are very unwilling to accept the outcome.

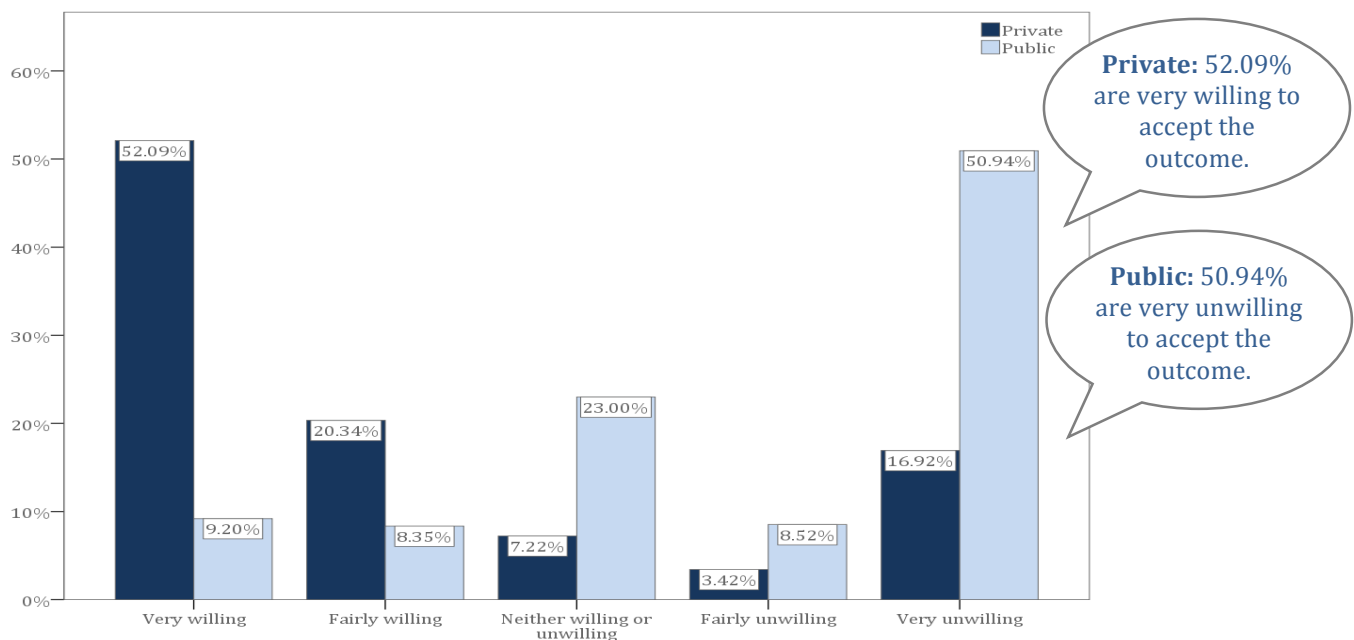


Figure 42. Willingness to accept the outcome – UK private/public excluding FOS

The country comparison (Figure 43) shows that 76% of the German private ombudsman users are very willing to accept their outcome, compared to 49% of the UK sample, and 37% of the French sample. Just looking at the ‘very willing’ choice, I believe that not only are respondents willing to accept the outcome if it is in their favour but also if they feel that they have been treated fairly during the procedure.

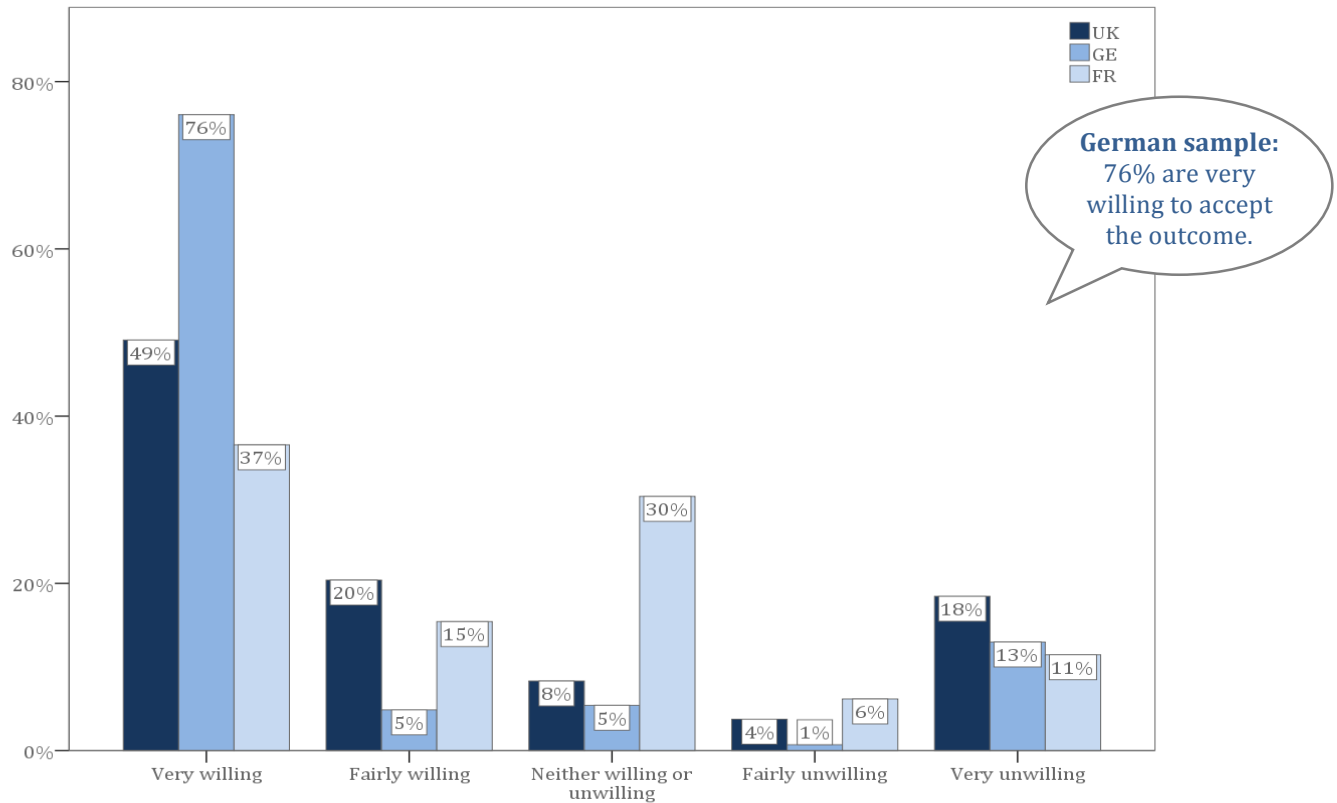


Figure 43. Willingness to accept the outcome – private including FOS

If you are unwilling to accept the outcome, what will you do next?

For those who reported that they were unwilling to accept the outcome, a further question was posed as to what they would do next (see Figure 44). The largest amount of respondents ticked ‘other’ (42.6%). When looking at the open-ended response option it transpired that most people did not know yet whether they were going to take any further action or not. In line with my expectations, 27.6% of the overall sample said they would do nothing (as they felt exhausted and had spent enough time and energy dealing with it already). Looking at the UK graph (Figure 45), that separates public and private bodies, it can be seen that here also the option ‘other’ was chosen (public: 34.66%; private: 35.33%), and 26.63% of the respondents using the private sector said they will take no further action as compared to 18.16% of the public ADR body users. For most of the respondents who chose ‘other’, it was too soon after their outcome and they were still thinking about options, or they did not know what to do next.

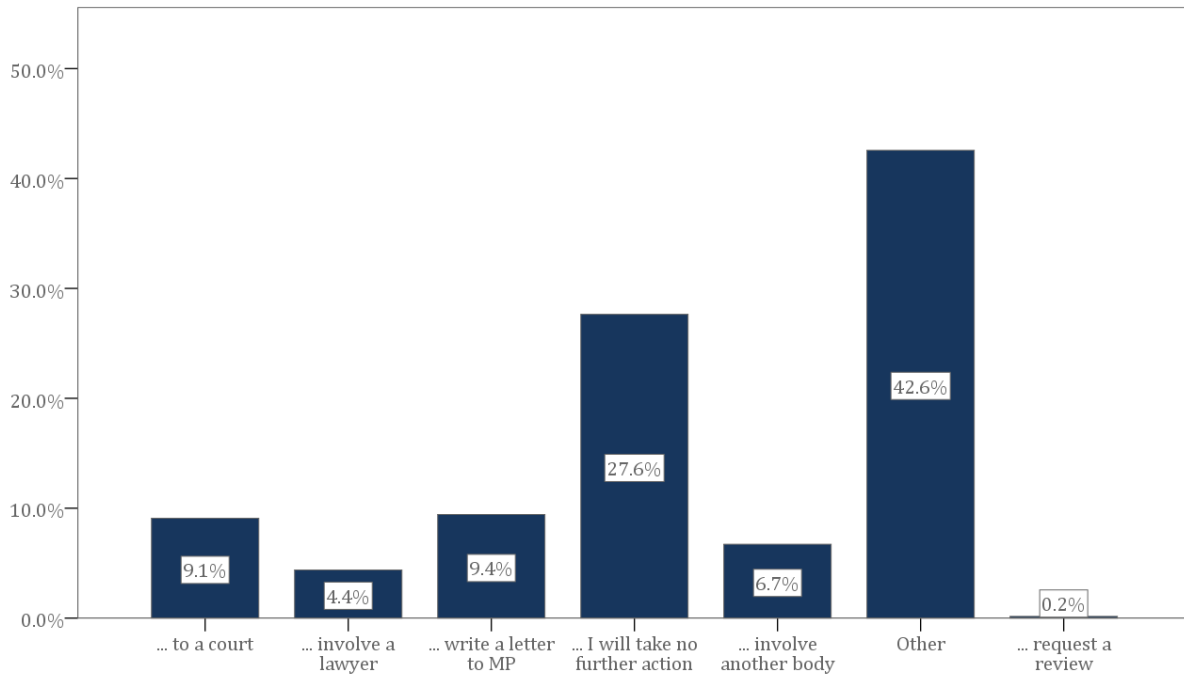


Figure 44. If unwilling to accept outcome, what next? – all respondents

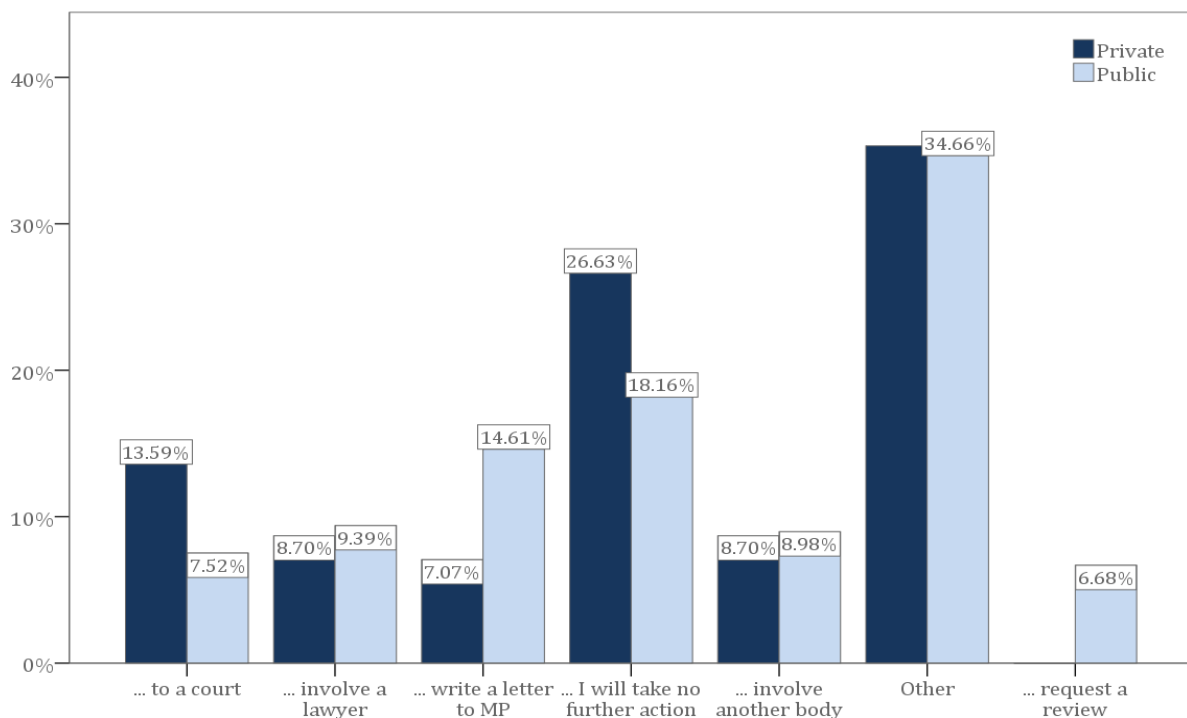


Figure 45. If unwilling to accept outcome, what next? – UK private/public excluding FOS

The country comparison (Figure 46) sheds more light on national distinctions. The same pattern of the two top actions – ‘other’ and ‘I will take no further action’ – is apparent. I would like to comment on the German sample in this graph. The German respondents would choose to take their case to court

(16%), involve a lawyer (12%), and involve another body (8%) if they did not receive the outcome they expected. A possible reason for the 46% of German respondents, 27% of UK respondents and 15% of French respondents who were unwilling to accept the outcome yet will not take any further action is that they are fed up, exhausted and feel they have spent enough time and energy on dealing with the complaint. The respondents who ticked 'other' were mainly still deciding if they wanted to take any further action.

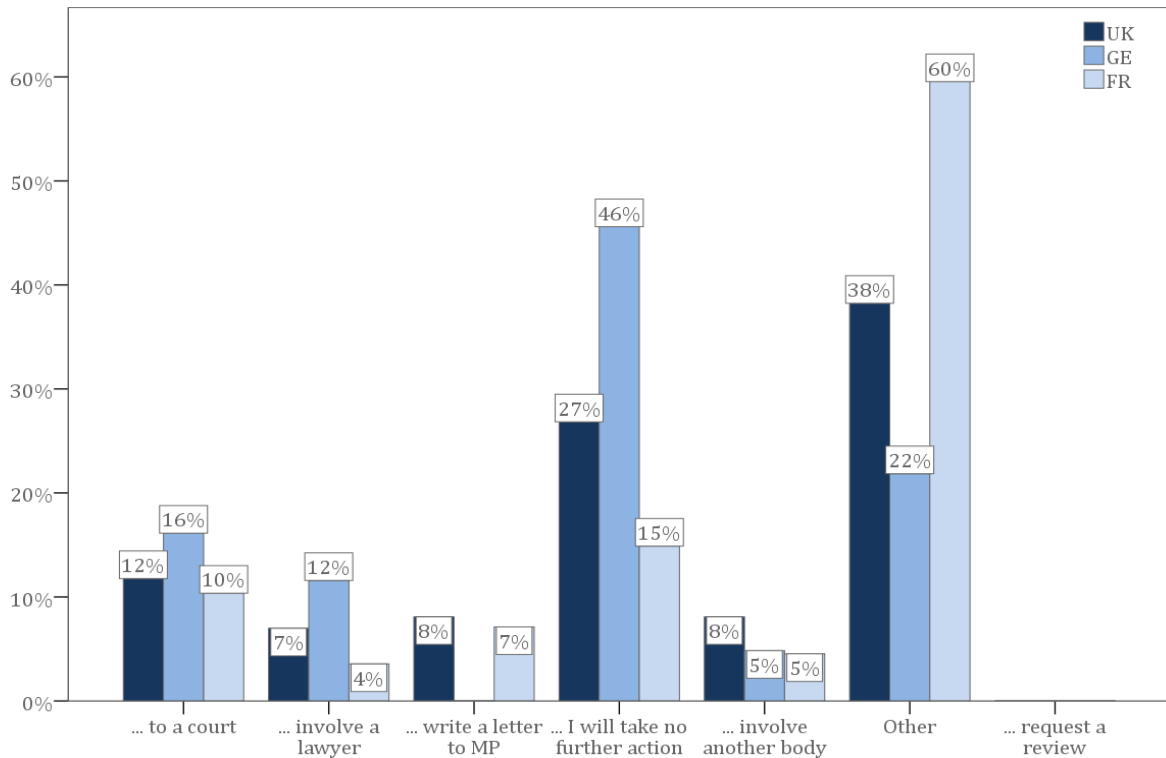


Figure 46. If unwilling to accept outcome, what next? – private including FOS

Considering the outcome of your case, would you agree that...

The respondents were asked to comment on the quality of decision-making they experienced. Of the overall sample, 72.6% stated that their outcome was explained clearly but only 52.2% felt that the time it took was appropriate (see Figure 47). The next UK graph (Figure 48), separating public and private, continues in the previously found pattern with a strong divide between answers according to perceptions of public and private bodies.

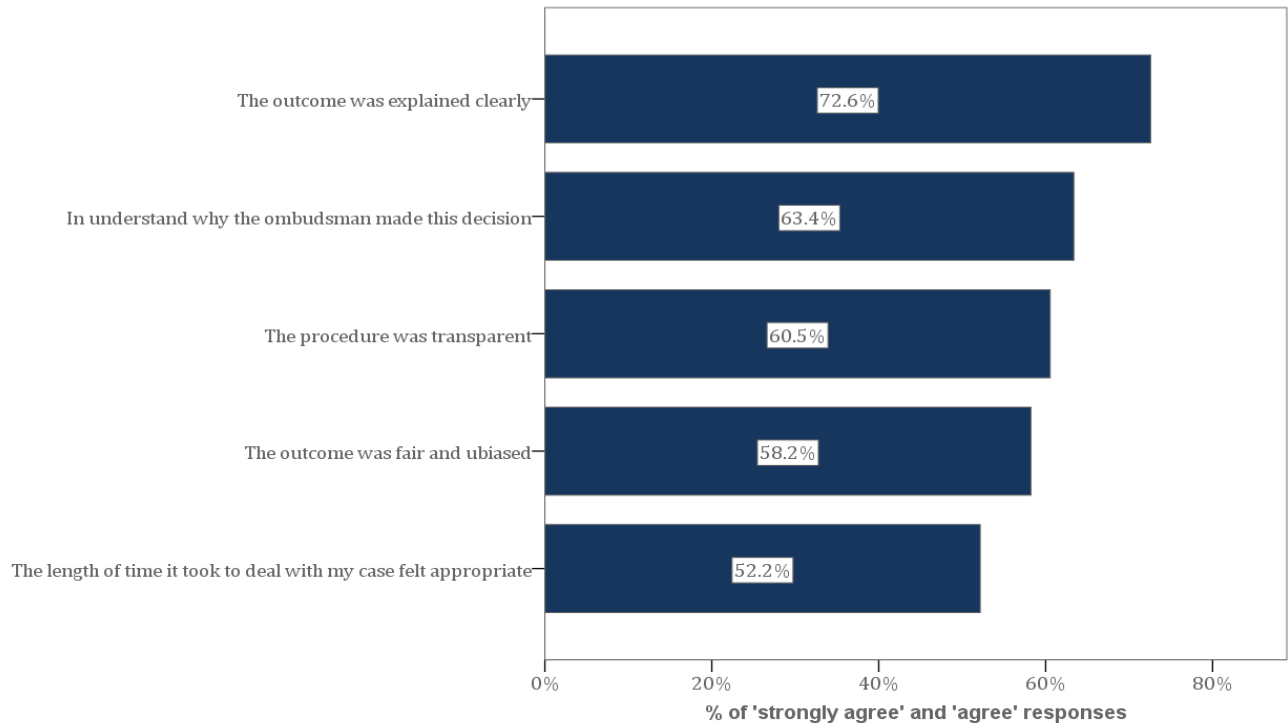


Figure 47. Considering the outcome of your case – all respondents

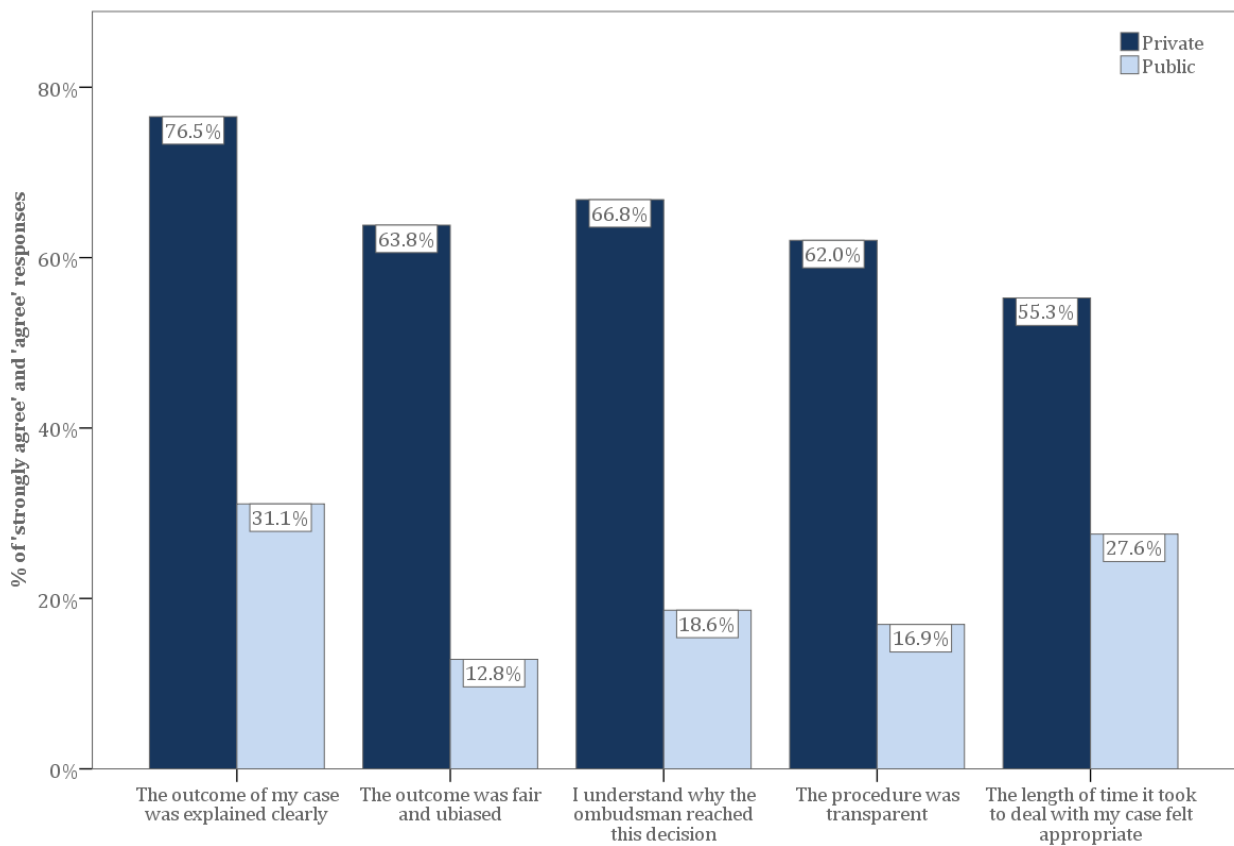


Figure 48. Considering the outcome of your case – UK private/public excluding FOS

Looking at the country comparison of private ombudsmen (Figure 49), it can be seen that the majority of the sample felt that the outcome was explained clearly to them (UK: 75%; Germany: 82%; and France: 88%). For all other measures the majority of the sample reported positive experiences. The chart for the UK is interesting as it shows that 54% of the sample felt the procedure took longer than expected.

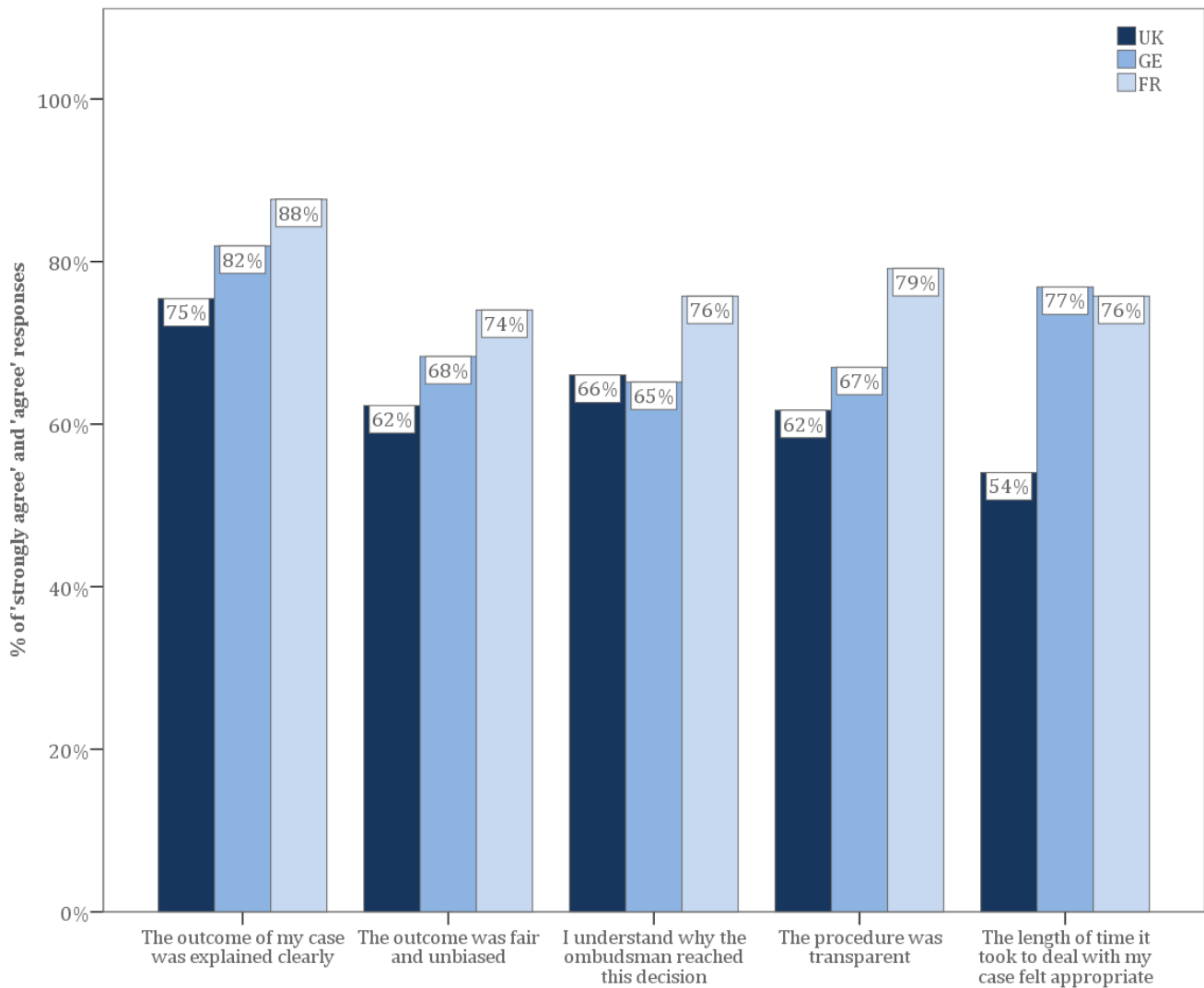


Figure 49. Considering the outcome of your case – private including FOS

Was the outcome of your case what you expected?

Respondents were asked if the outcome reflected what they expected. Figure 50 shows that 30.8% said it was exactly what they expected and 24.2% said it was close to what they expected; 11.4% were not sure what to expect and for 33.7% it was not at all what they expected. These percentages changed slightly when excluding FOS: 'exactly what I expected' 34.6%; 'close to what I expected' 26.6%; 'not sure what I expected' 11.7%; and 'not at all what I expected' 27.1%.

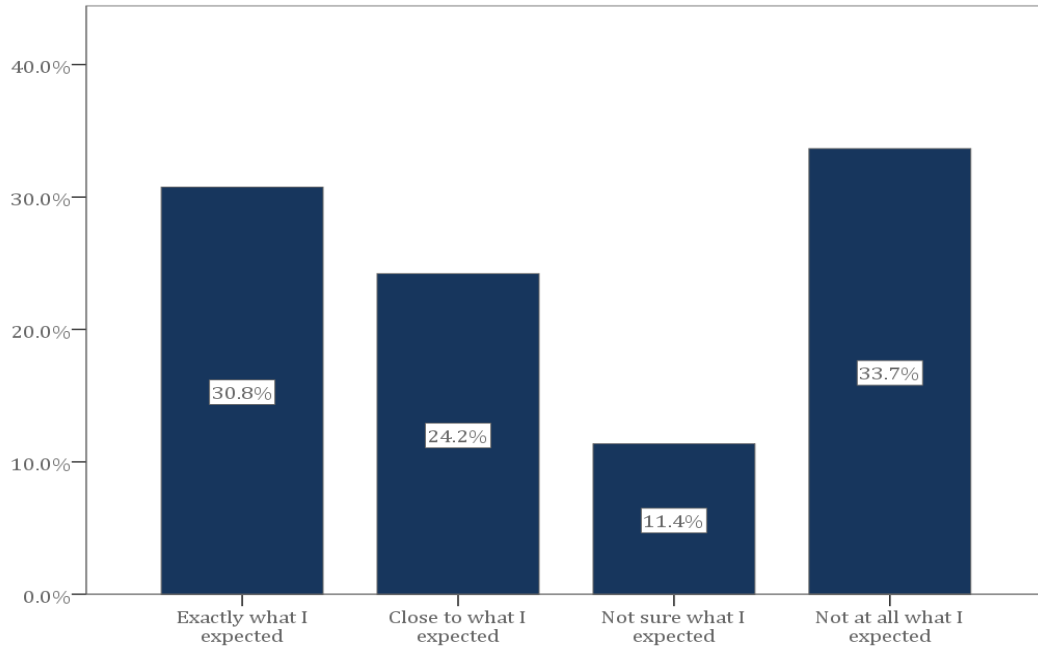


Figure 50. Was the outcome what you expected? – all respondents

Expectations reported by the UK sample (Figure 51) were aligned with the above mentioned private/public divide. Notably, for 57.31% of the public sector respondents the outcome was not at all what they expected and for the private sector it was 26.24%.

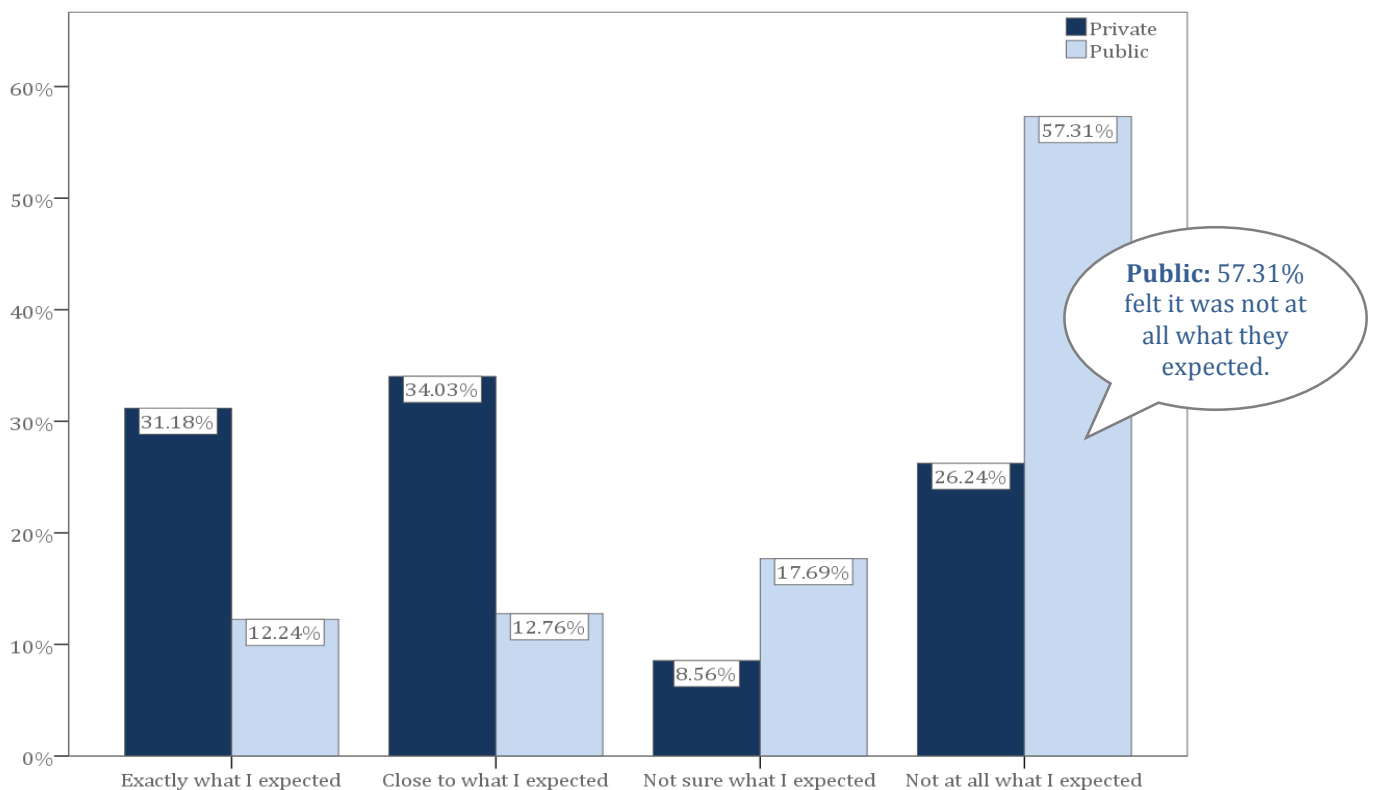


Figure 51. Was the outcome what you expected? – UK private/public excluding FOS

Breaking down the outcome expectance into country specific units (Figure 52), it is apparent that 58% of the German sample got exactly the outcome they expected, compared to 48% of the French sample and 31% of the UK sample. Another interesting column is the one that shows that 26% of the UK sample reported that they did not get at all what they expected. I suspect the reasons for respondents reporting that they did not get what they expected might be related to expectations being too high from the outset as well as expectations not being managed throughout the complaint journey.

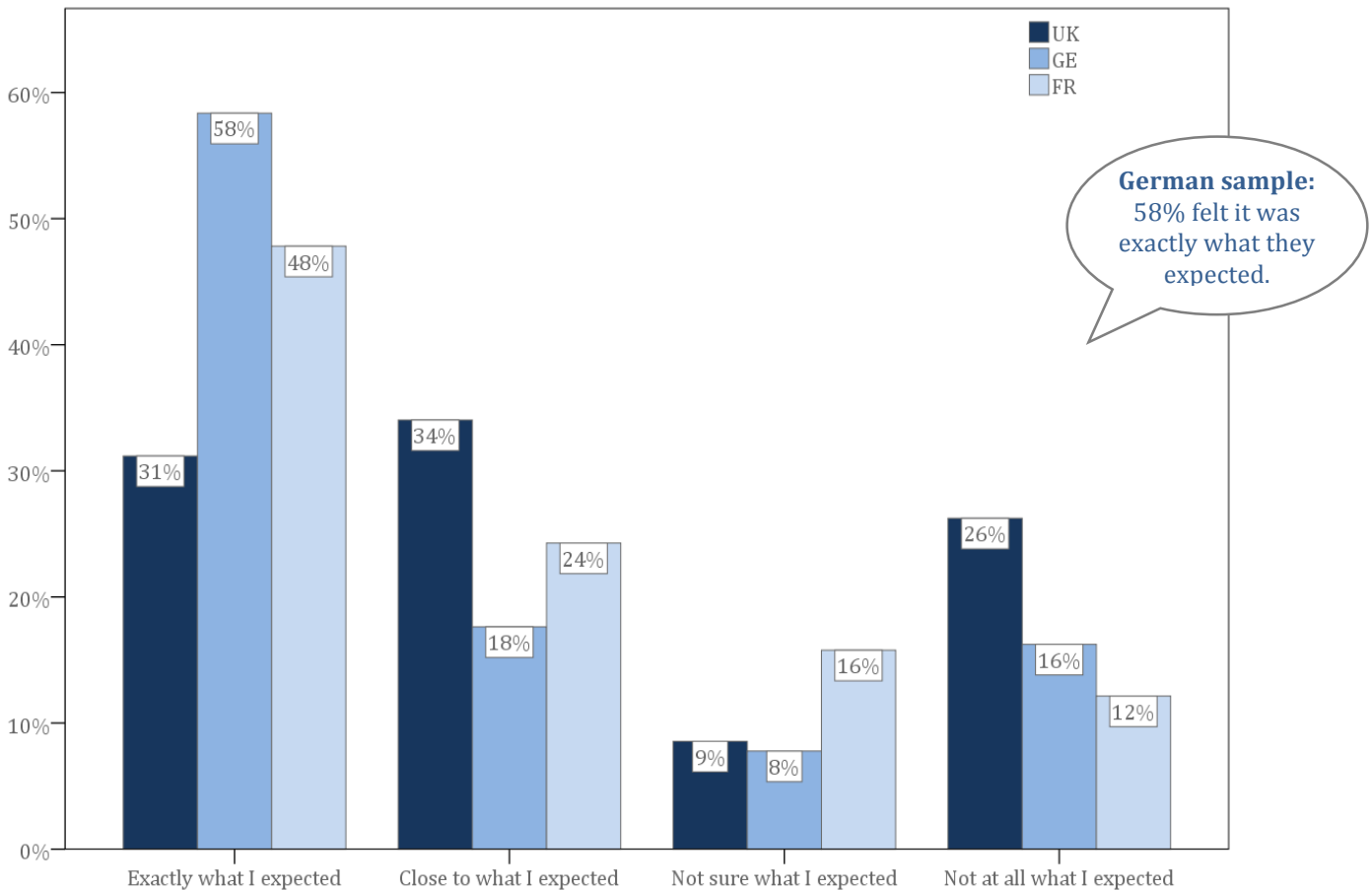


Figure 52. Was the outcome what you expected? – private including FOS

Do you think other people would get the same outcome as you?

A part of people feeling treated fairly and an of institution being legitimate is people thinking that others are treated the same by the institution. The answers to the question of whether others would get the same outcome are shown in Figures 53–55.

From the overall sample, 33.9% thought others would receive the same outcome as they did, and 32.5% thought that it was very likely that they would.

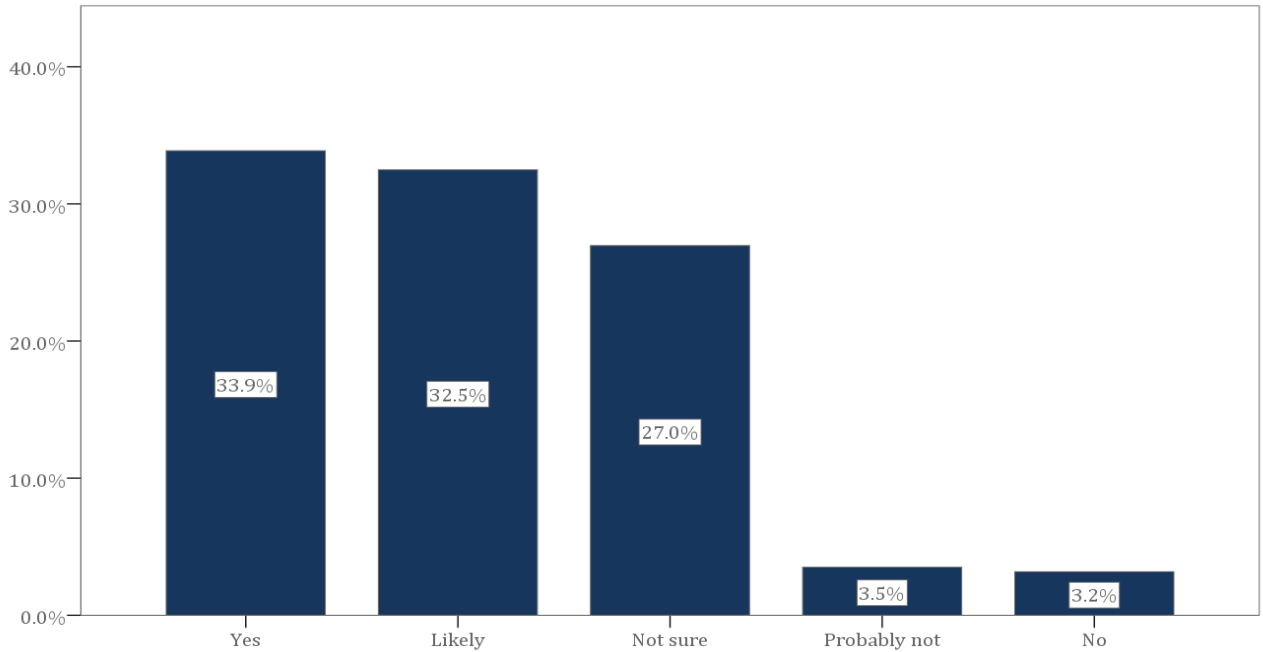


Figure 53. Do you think others would get the same outcome? – all respondents

Of the respondents from the private sector in the UK sample (Figure 54), 33.27% reported that they thought that people would get the same outcome and 32.32% that it was likely they would, as compared to 37.37% and 17.58% in the public sector.

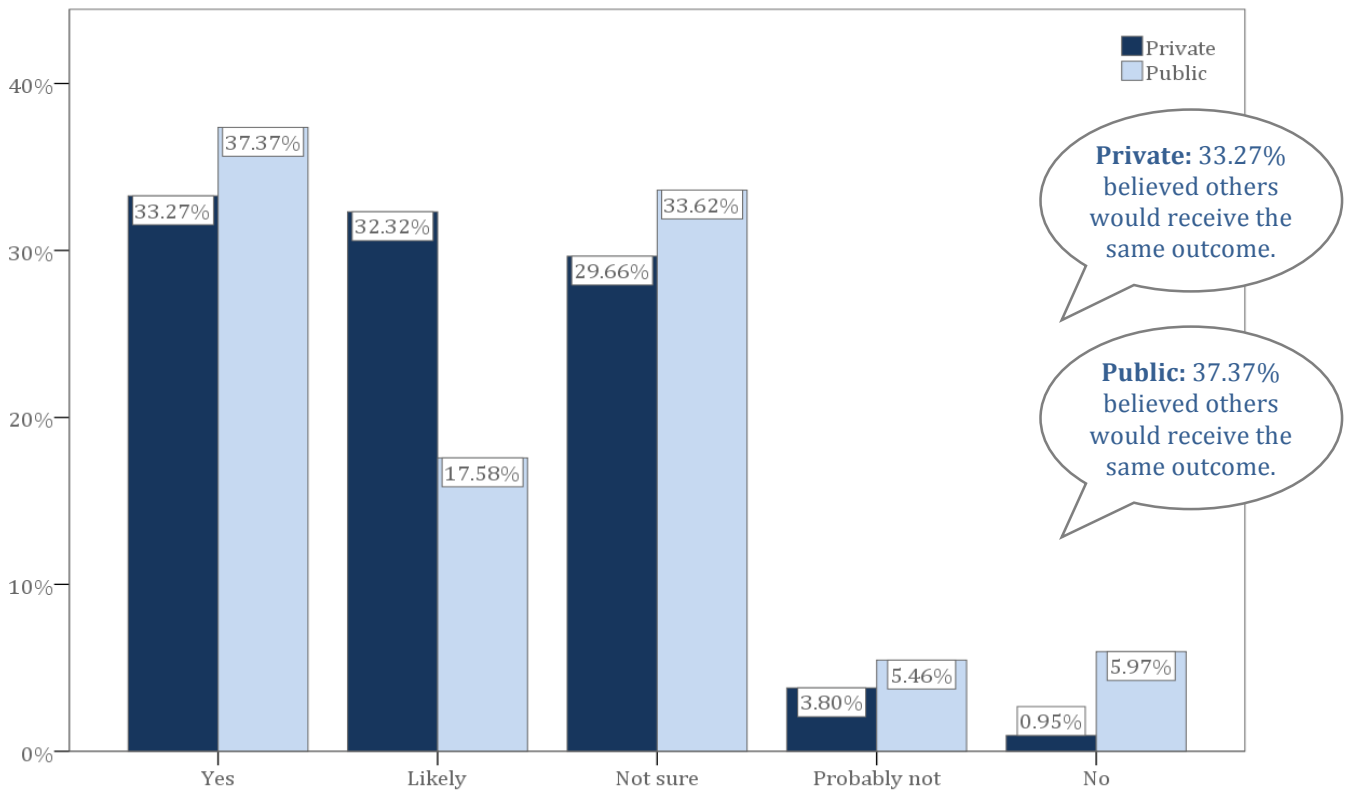


Figure 54. Do you think others get the same outcome? – UK private/public excluding FOS

In the country comparison (Figure 55), 52% of the French sample thought others would get the same outcome as themselves, compared to 46% of the German sample and 33% of the UK sample.

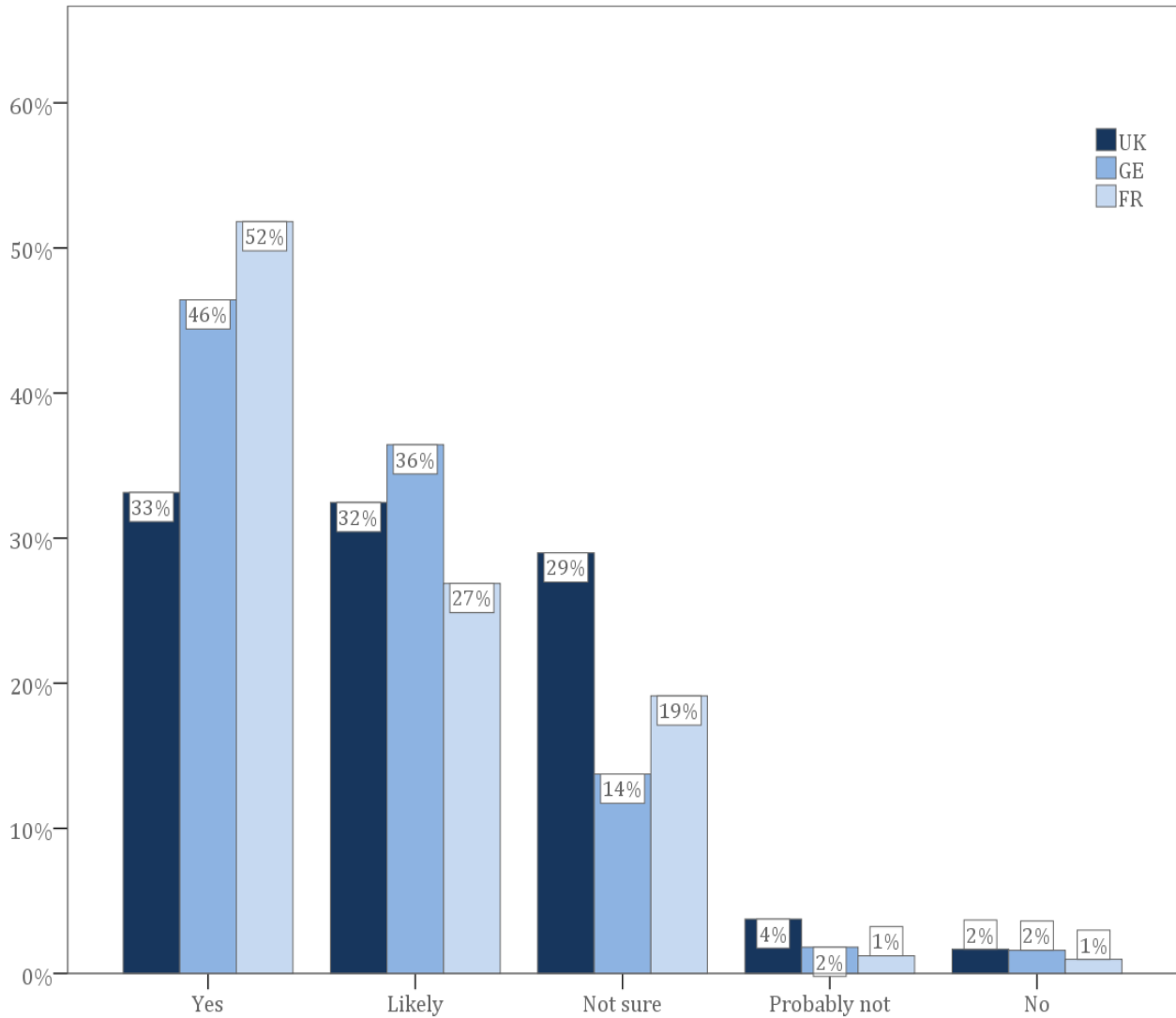


Figure 55. Do you think others get the same outcome? – private including FOS

Do you feel you had control over the outcome?

When asking respondents about the control they felt they had over the outcome, 13.2% thought it was likely that they did and 43.2% thought they did not (see Figure 56). Excluding FOS from the sample changed these percentages to 23.1% thinking they had control and 31.3% saying they felt they had no control.

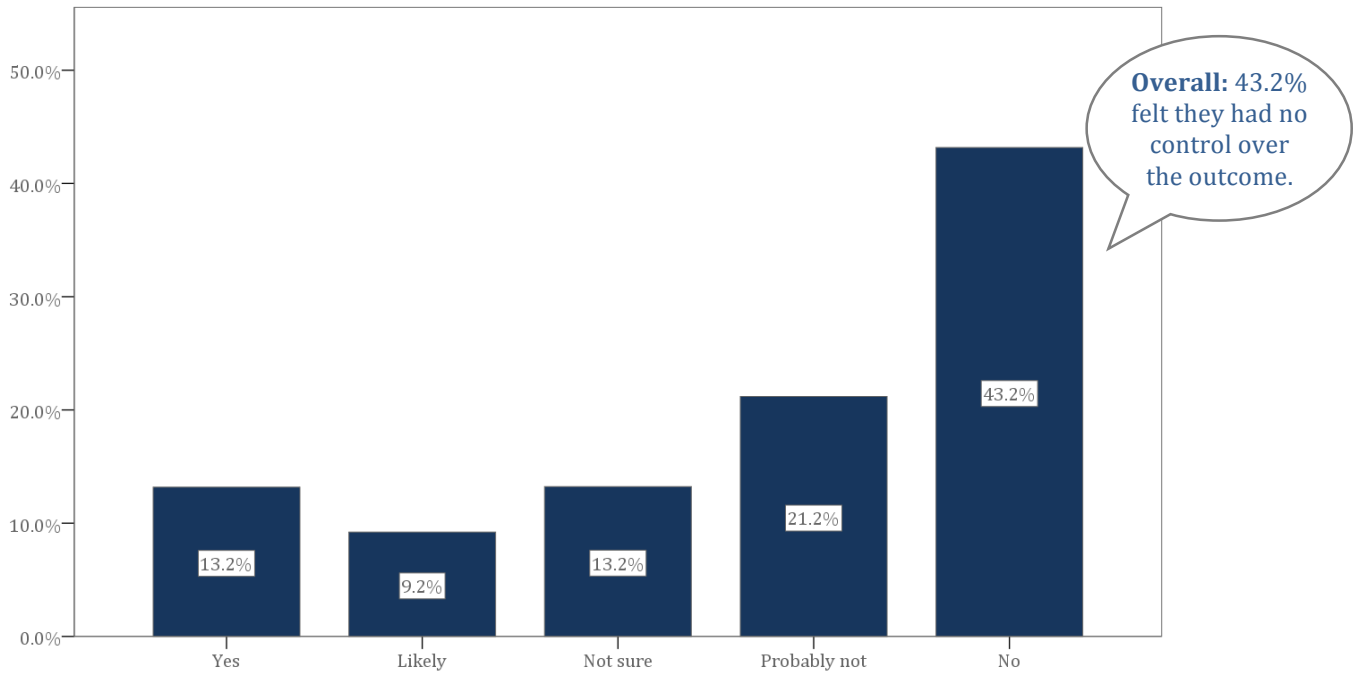


Figure 56. Do you feel you had control over the outcome? – all respondents

The UK graph (Figure 57) shows that 68.20% of the users of public schemes thought they did not have any influence on the outcome and 28.14% of the people going through a private complaint felt they had no control over the outcome.

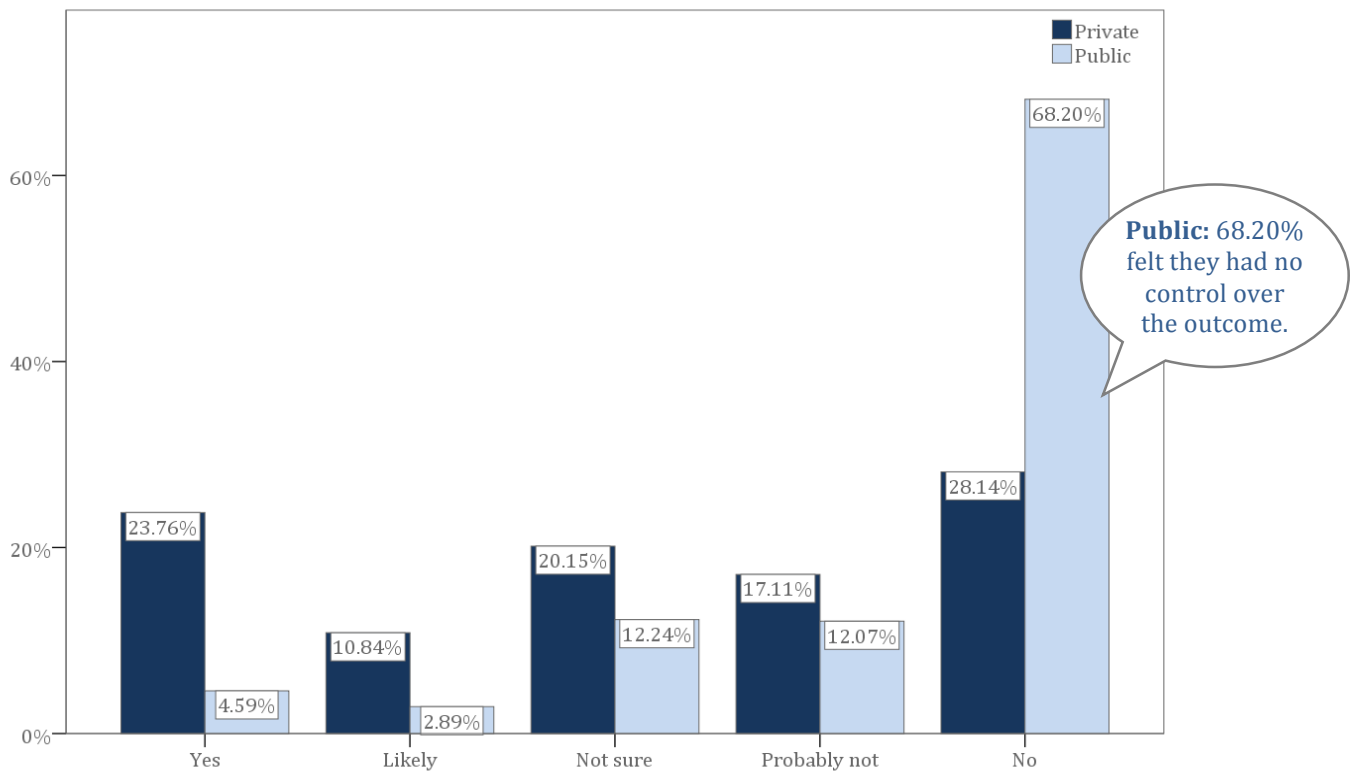


Figure 57. Do you feel you had control over the outcome? – UK private/public excluding FOS

Looking at the country breakdown (Figure 58) it is apparent that 56% of the German sample felt they had control over the outcome. This may relate to the fact that they were dealing with lawyers and felt they had input in the complaint process. Further, it is not uncommon in Germany to be represented by a lawyer in the procedure with the ombudsman – so this might influence the feeling of control for the consumer.

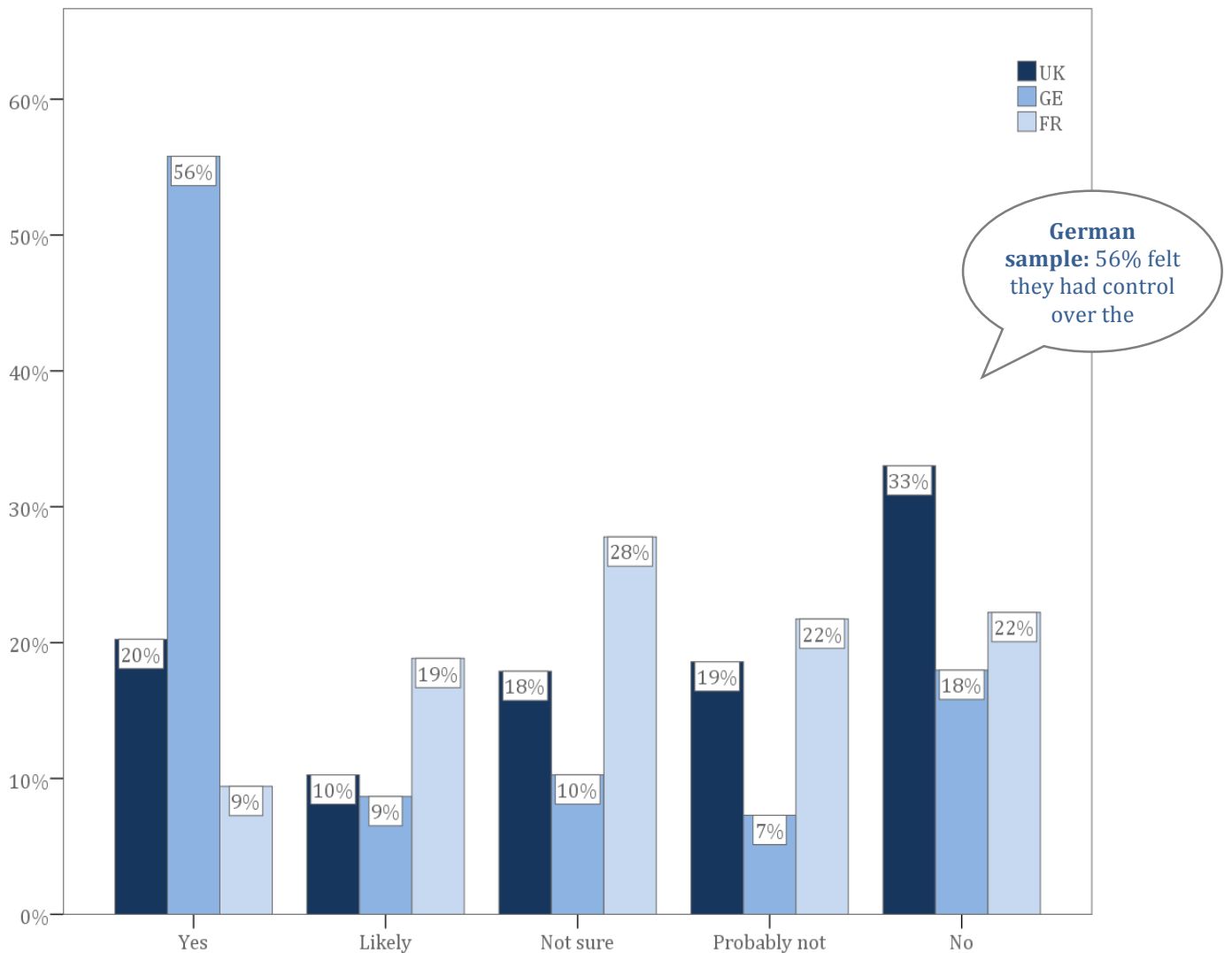


Figure 58. Do you feel you had control over the outcome? – private including FOS

6. LEGITIMACY MEASURES

Evaluations about the legitimacy of an institution are shaped by perceptions of the fairness of its procedures, and more specifically, the quality of interpersonal treatment and the quality of decision-making. If people feel that the institution is legitimate they are more inclined to feel an obligation towards it and a responsibility to cooperate with it. They are also more likely to accept its decisions. The following presents some of the questions in the survey that probed legitimacy measures.

Are you likely to recommend the ombudsman to others?

In response to the question of whether people would recommend the ombudsman to others, 57.7% of the overall sample said it was very likely (Figure 59). Taking FOS out of the sample changed this to 56.7%.

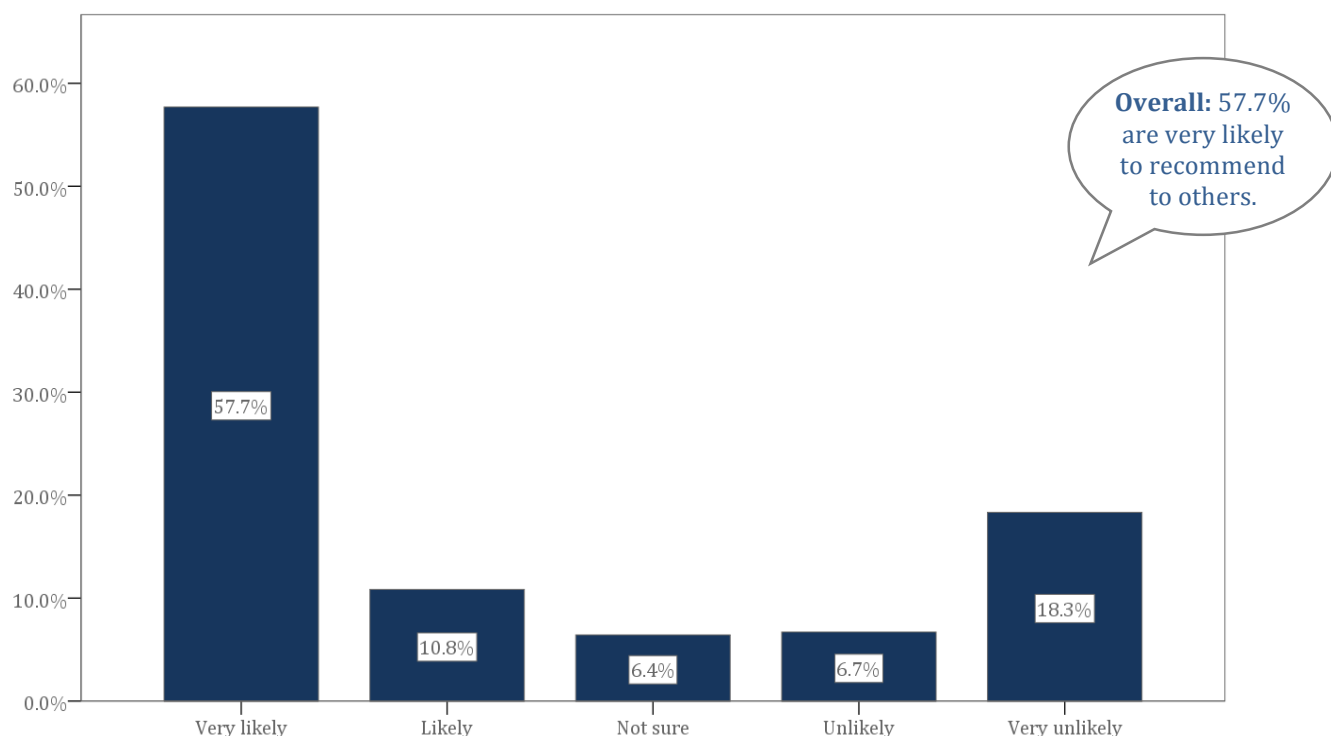


Figure 59. How likely are you to recommend the ombudsman to someone else? – all respondents

Of the UK respondents, 56.74% would recommend the private sector ombudsmen they used, and 52.38% of the public users would not recommend this service to others (see Figure 60).

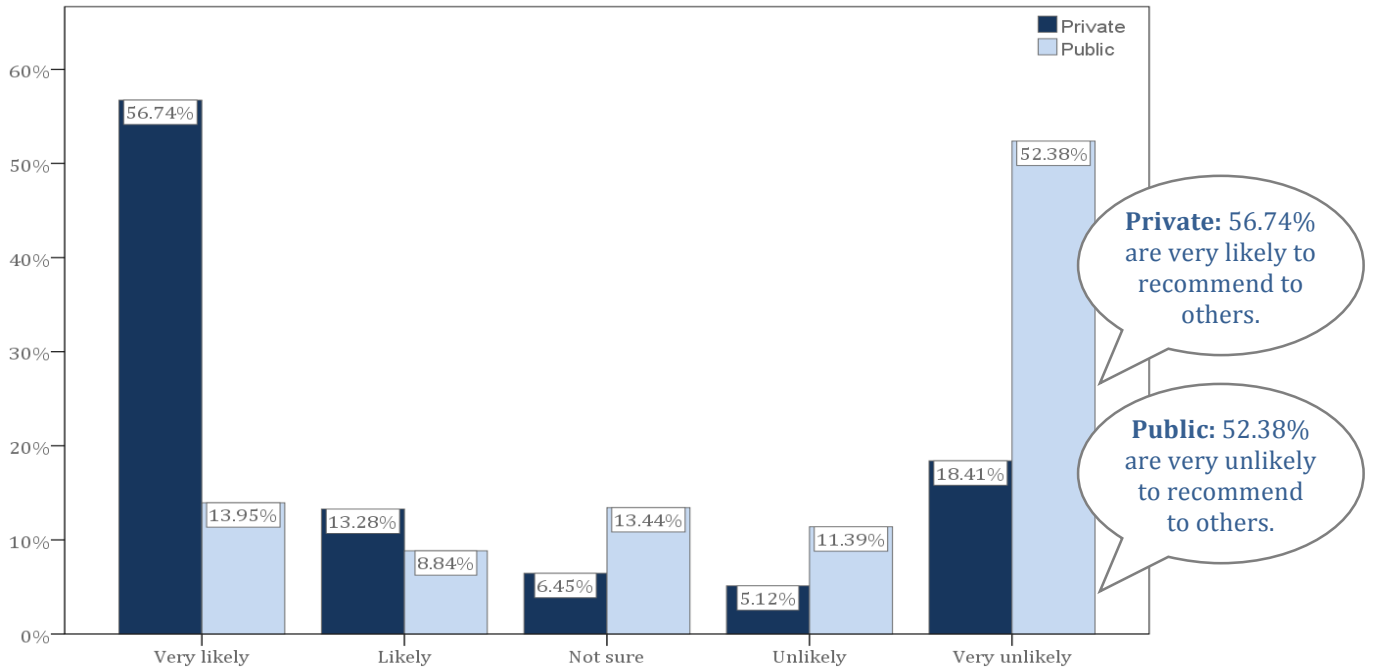


Figure 60. How likely are you to recommend the ombudsman to someone else? – UK private/public excluding FOS

Figure 61 shows a country comparison. Here it is clearly visible that the majority of the sample would recommend the ombudsman. The percentages are 57% for the UK sample and 79% for the German and French samples.

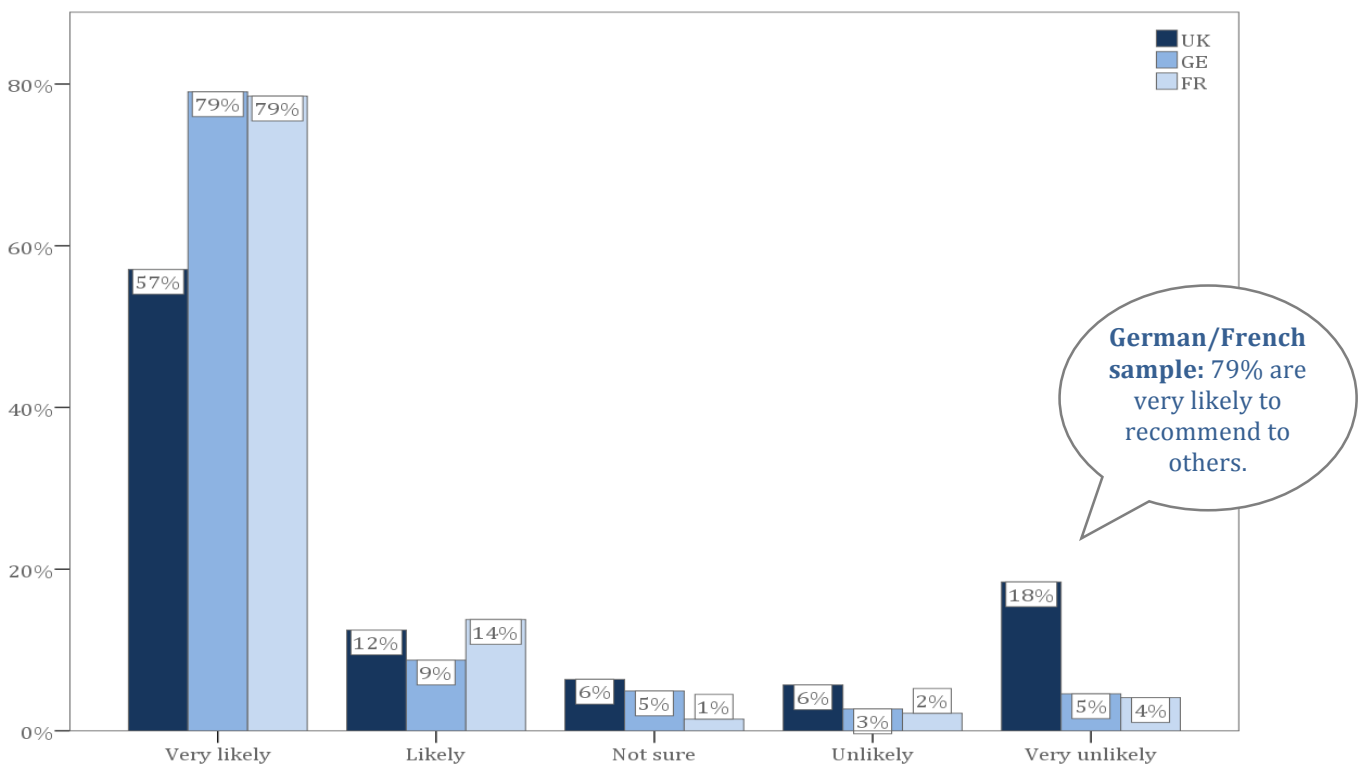


Figure 61. How likely are you to recommend the ombudsman to someone else? – private including FOS

Confidence in the ombudsman?

The overall sample (Table 8) reported 50.2% confidence in the ombudsman; this changed to 47.8% when excluding FOS. Looking at Table 9 for the UK, it can be seen that 50.7% of the private ombudsman users had confidence and only 12.4% reported confidence in the public sector body.

Table 8. Confidence in the ombudsman – all respondents

	With FOS	Without FOS
Yes	50.2%	47.8%
Likely	12.4%	16.0%
Not sure	11.1%	11.8%
Probably not	5.2%	5.3%
No	21.0%	19.1%

Overall: 50.2% had confidence in the ombudsman.

Table 9. Confidence in the ombudsman – UK private/public including FOS

	Private	Public
Yes	50.7%	12.4%
Likely	12.5%	5.7%
Not sure	11.1%	15.8%
Probably not	5.2%	10.4%
No	20.5%	55.7%

Private: 50.7% had confidence in the ombudsman.

Public: 12.4% had confidence in the ombudsman.

Looking at the country split (Table 10), the German respondents reported a confidence level of 66.8%, followed by France at 54.4% and the UK at 47.9%. This percentage changed slightly for the UK when excluding FOS (46.9%).

Table 10. Confidence in the ombudsman –private including FOS

	United Kingdom	Germany	France
Yes	47.9%	66.8%	54.4%
Likely	14.6%	14.9%	25.6%
Not sure	10.3%	10.7%	13.6%
Probably not	6.0%	2.3%	2.0%
No	21.2%	5.3%	4.4%

Did the ombudsman act according to the law?

When asking about the perceived lawfulness of the ADR body I was testing for not only legitimacy measures but also trying to get an idea about where people place the ADR body within the legal system. Do they think that informal justice provided by ADR is outside the law, or that it is bound by legal norms?

When asked the question of lawfulness of the ombudsman, of the overall sample (Table 11), 54.1% thought the private ADR bodies acted according to the law, this changed to 49.2% when excluding FOS.

A divide is visible, again, in the UK sample between the public and private bodies: 54.7% claimed the private bodies were acting according to the law, whereas only 15.3% of the public ombudsmen users thought the ombudsman was acting according to the law (Table 12).

Table 11. Does the ombudsman act according to the law? – all respondents

	With FOS	Without FOS
Yes	54.1%	49.2%
Likely	18.9%	22.4%
Not sure	15.3%	19.3%
Probably not	4.9%	3.4%
No	6.7%	5.7%

Overall: 54.1% felt the ombudsman had acted in accordance with the law.

Table 12. Does the ombudsman act according to the law? – UK private/public including FOS

	Private	Public
Yes	54.7%	15.3%
Likely	18.9%	17.6%
Not sure	15.1%	33.7%
Probably not	4.9%	7.9%
No	6.4%	25.5%

Private: 54.7% felt the ombudsman had acted in accordance with the law.

Public: 15.3% felt the ombudsman had acted in accordance with the law.

Looking at the individual countries (Table 13), 66.3% of the German sample thought the ombudsman acted according to the law, followed by the French at 57.5%, and the UK at 50.4%. The UK percentage changed to 48.5% when taking FOS out.

Table 13. Does the ombudsman act according to the law? –private including FOS

	United Kingdom	Germany	France
Yes	50.4%	66.3%	57.5%
Likely	23.4%	20.2%	20.8%
Not sure	17.4%	10.5%	17.5%
Probably not	3.7%	1.1%	1.5%
No	5.1%	1.9%	2.8%

UK sample:
50.4% Yes
German sample:
66.3% Yes
French sample:
57.5% Yes

I felt a moral obligation to follow the ombudsman's recommendation

The answers to this question were aimed at finding out if people thought they had to follow the recommendations they received from the ombudsmen. The figures below are percentages taken from the valid responses.

Of the overall sample, 35.5% thought they had to follow the ombudsman's recommendation (Table 14). Table 15 shows that 33.2% of the private sector UK sample felt they had to follow the recommendation compared to 10.1% of the public scheme users.

Table 14. Moral obligation to follow recommendation – all respondents

	With FOS	Without FOS
Yes	35.3%	31.6%
Likely	18.8%	20.4%
Not sure	20.2%	20.9%
Probably not	6.2%	5.2%
No	19.5%	22.0%

*Percentages of valid responses

Table 15. Moral obligation to follow recommendation – UK private/public excluding FOS

	Private	Public
Yes	33.2%	10.1%
Likely	21.4%	7.0%
Not sure	20.6%	24.6%
Probably not	5.0%	7.0%
No	19.8%	51.3%

Table 16. Moral obligation to follow recommendation – UK private/public including FOS

	Private	Public
Yes	35.7%	10.1%
Likely	18.9%	7.0%
Not sure	20.1%	24.6%
Probably not	6.2%	7.0%
No	19.1%	51.3%

The country split (Table 17) shows that 37% of the UK sample, 35.9% of the German sample and 29.6% of the French sample feel obliged to follow the recommendations they received. This percentage changed to 37.2% when excluding FOS.

Table 17. Moral obligation to follow recommendation –private including FOS

	United Kingdom	Germany	France
Yes	37.0%	35.9%	29.6%
Likely	20.4%	20.8%	29.4%
Not sure	17.9%	19.6%	25.1%
Probably not	5.1%	4.7%	6.6%
No	19.7%	19.1%	9.3%

Overall, how satisfied were you?

As a last question, the overall satisfaction level was probed. Of the overall sample, 49.2% respondents reported they were very satisfied (Figure 62). Following the pattern discussed above, 51.04% of the private sector UK sample reported overall satisfaction and 57.31% of the public users reported they were very dissatisfied with the overall procedures (see Figure 63).

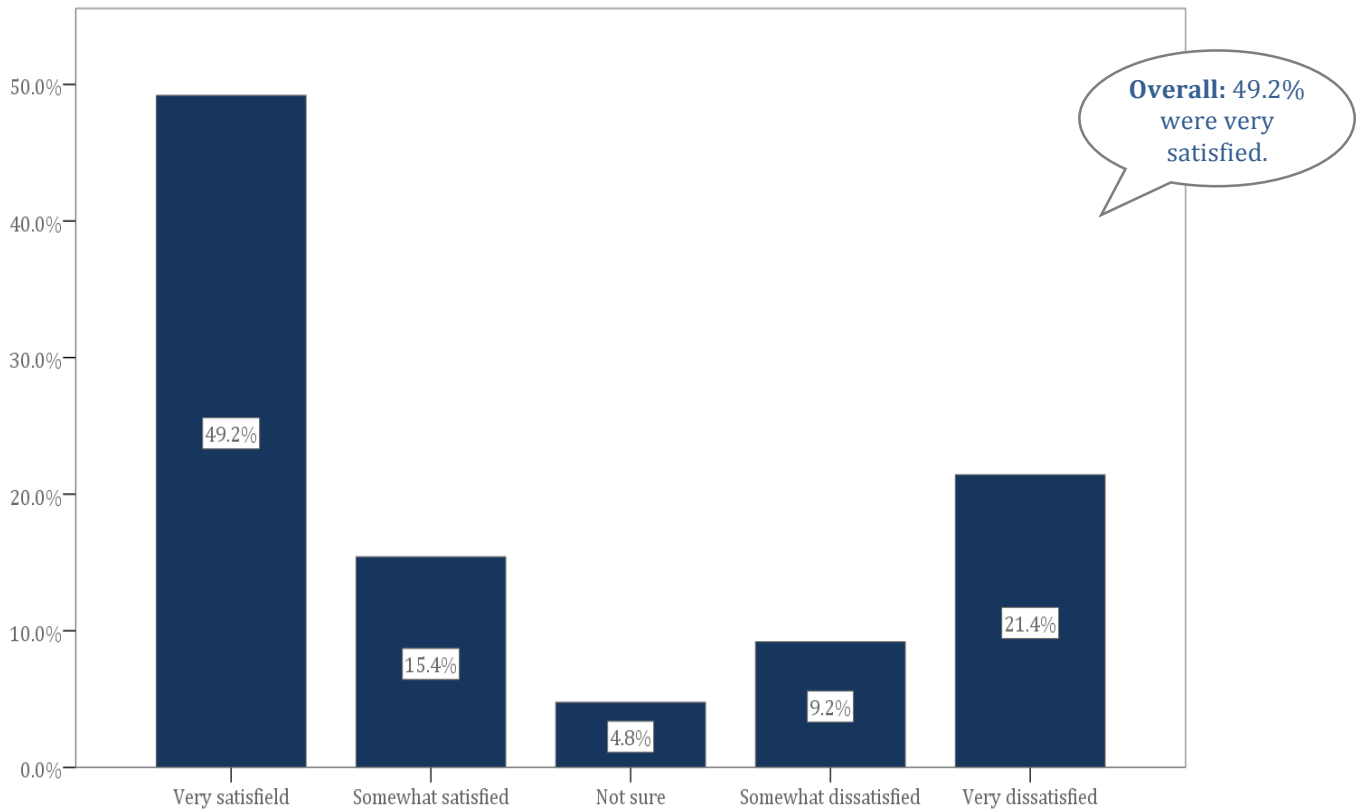


Figure 62. Overall satisfaction – all respondents

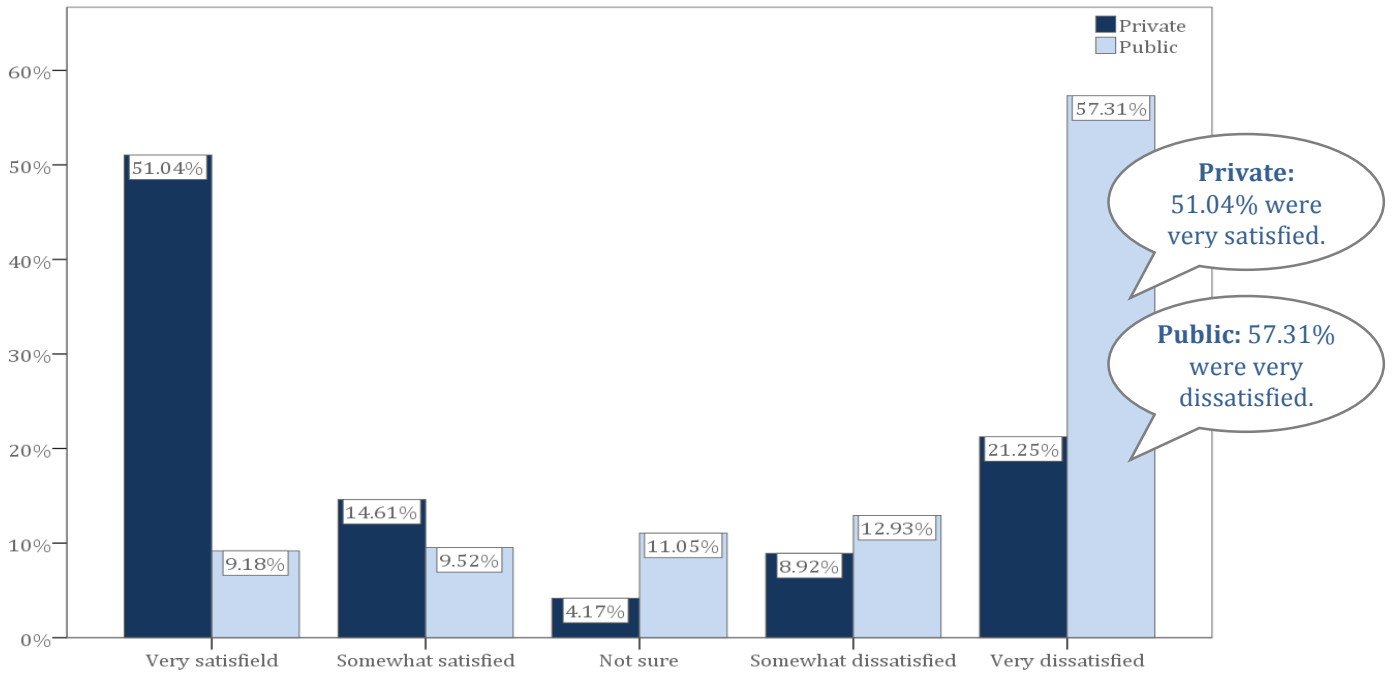


Figure 63. Overall satisfaction – UK private/public excluding FOS

The reported overall satisfaction levels by country (Figure 64) show that 68% of the German sample, 63% of the French sample and 51% of the UK sample were satisfied with the overall procedure.

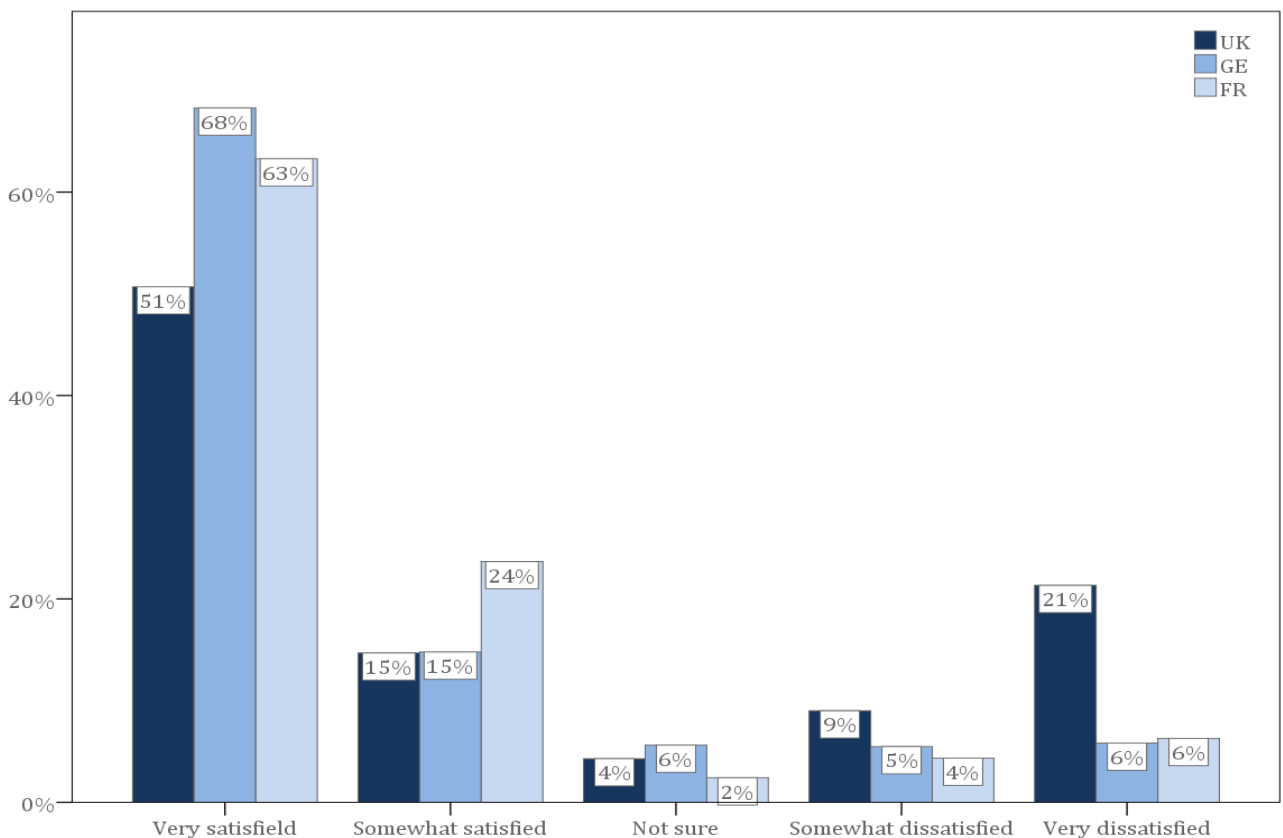


Figure 64. Overall satisfaction – private including FOS

So how does all of this fit together? The next part will highlight how the above (endless) charts are related to one another. Recall that the survey questions were posed accordingly in order to test the importance of procedural justice in the ombudsman context and explore legitimacy and trust. The next part provides some correlations and regressions.

Variable correlations

To determine relationships between survey variables, exploratory correlation analyses were run. Table 18 below lists variables that significantly correlate (at $p < 0.01$) with our two most important outcome measures: willingness to accept outcome and overall satisfaction.

Table 18. Correlations

		Willing to accept the outcome	Overall satisfaction
Resolution as expected	Pearson Correlation	.672	.724
	Sig. (2-tailed)	.000	.000
Process length	Pearson Correlation	.282	.313
	Sig. (2-tailed)	.000	.000
Outcome expected	Pearson Correlation	.694	.716
	Sig. (2-tailed)	.000	.000
Willing to accept the outcome	Pearson Correlation	1	.800
	Sig. (2-tailed)		.000
Perceived control over outcome	Pearson Correlation	.614	.631
	Sig. (2-tailed)	.000	.000
Confidence in ombudsman	Pearson Correlation	.663	.850
	Sig. (2-tailed)	.005	.000
Ombudsman lawfulness	Pearson Correlation	.683	.796
	Sig. (2-tailed)	.004	.000
Process fairness	Pearson Correlation	.765	.870
	Sig. (2-tailed)	.000	.000
Would recommend	Pearson Correlation	.759	.909
	Sig. (2-tailed)	.000	.000
Overall satisfaction	Pearson Correlation	.800	1
	Sig. (2-tailed)	.000	

To further determine which independent factors predict willingness to accept outcome and overall satisfaction, linear regression was run.

1) Willingness to accept outcome

Resolution expectancy, process length, control over outcome, perceived process fairness and overall satisfaction were included as predictor variables. All except process length were found to significantly predict willingness to accept outcome ($F(1,6) = 1054.26, p < 0.001$). Table 19 summarizes Beta parameters, t-statistics and significance levels for individual independent variables. The best predictors of whether people were willing to accept the outcome were overall satisfaction and perceived process fairness.

Table 19: Regression coefficients for willingness to accept outcome

Model		Standardized Coefficients		
		Beta	t	Sig.
1	Q13_ResolutionAsExpected	.039	2.160	.031
	Q19_ActualProcLength	-.005	-.471	.638
	Q23_OutcomeExpected	.192	10.741	.000
	Q29_ControlOverOutcome	.080	5.338	.000
	Q32_HowFairProc	.216	9.694	.000
	Q34_OverallSatis	.396	16.193	.000

2) Overall satisfaction

Resolution expectancy, process length, control over outcome, perceived process fairness and perceived fairness were included as predictor variables. All except process length were found to significantly predict willingness to accept outcome ($F(1,6) = 2315.60, p < 0.001$). Table 20 summarizes Beta parameters, t-statistics and significance levels for individual independent variables. The best predictor of overall satisfaction was by far perceived process fairness as it explained 52.3% of variance in the overall satisfaction variable.

Table 20: Regression coefficients for overall satisfaction

Model		Standardized Coefficients		
		Beta	t	Sig.
	Q13_ResolutionAsExpected	.164	12.497	.000
	Q19_ActualProcLength	.007	.813	.416
	Q23_OutcomeExpected	.077	5.708	.000
	Q29_ControlOverOutcome	.031	2.783	.005
	Q32_HowFairProc	.523	38.854	.000
	Q25_WillingToAccept	.216	16.193	.000

3) Process fairness

To further test whether perceived fairness influences how willing people are to accept the outcome we ran a t-test using outcome acceptance as independent variable and process fairness as dependent variable. The result shows that respondents were significantly more likely to accept the outcome when they perceived the process as fair, $t(2653) = -62,88, p < 0.001$.

This whistle stop tour through correlations and regressions demonstrates that procedural justice does matter in the ombudsman context. However, the perceptions of process fairness are not clearly distinguishable from the received outcome. This means that people are more outcome focussed compared to more formal settings (e.g. criminal justice).

In an academic paper⁸ we explore whether the theory of procedural justice could explain, as it does in other contexts, why people accept decisions handed down by authorities. The ombuds is a hybrid model in the justice system and we explored what motivates people to accept a decision made by an ombuds. In a nutshell, we found that outcome favourability and procedural justice are key factors in shaping decision-acceptance.

If users of the ADR system experience procedural justice (amongst other things) then legitimacy and trust is built.

⁸ Creutzfeldt, N. & Bradford, B. (2016 *forthcoming*) 'Dispute Resolution outside of courts: procedural justice and decision-acceptance among users of ombuds services in the UK'.

6. CONCLUSIONS

I hope that this report has provided some insights into consumers' expectations of ADR procedures. As mentioned above, I intended it to be a fairly descriptive summary of my findings with a few added flavours of some of my thoughts about why certain patterns are found in the data. Influenced by thoughts about access to justice and expectations of the informal system, I can conclude that there is still a lot of work to be done to fully understand the changing needs of users of the growing ADR system.

Main findings of the report

Clear narratives my data provides are around:

- ❖ **A distinctive sociodemographic group uses ombudsmen**
This is possibly the same group that are able to navigate through the formal justice system.
- ❖ **National distinctions in expectations of the provision of ADR**
These are possibly based on peoples' legal cultures and legal socialization.
- ❖ **A stark divide between satisfaction levels of private and public sector ombudsmen in the UK**
This involves a complex set of explanations, starting with different types of complaints, different levels of complexity of complaints, levels of impact on personal circumstances....
- ❖ **The importance of the quality of the initial contact with the staff**
Staff procedural justice – voice, being heard, treated respectfully and neutrality – is very important in the ombudsman context and promotes outcome acceptance.
- ❖ **Peoples' expectations are mostly too high or they do not know what to expect**
An ADR body can only be contacted after unsuccessfully completing the internal complaints procedure with the body complained about – this means the person approaching the ombudsman has already been through a very unsatisfying procedure and are filled with emotions.
- ❖ **Expectations management**
The data suggests that if expectations were managed better at first contact and high quality regular communication throughout the complaint journey were to be provided, people would know what to expect and this has an effect on outcome acceptance.

This report provided comparative data on expectations and perceptions of recent users of ombudsmen in Germany, the UK and France. It is the first study of its kind in applying the same methodology (survey) throughout many different ADR providers. Appreciating the limitations and difficulties in comparing all these ombudsmen, I do hope that my study contributes to a discussion about how procedures can be better suited to consumer expectations and where these expectations are unable to be met. The value of procedural justice and transparent communication is evident and applicable to all bodies.

Future research...

It has been a very interesting and steep learning curve for me to conduct this large project. If I am honest, I feel that I have only explored the tip of the iceberg of perceptions, expectations, legitimacy and trust in relation to ombudsmen, ADR and informal justice. I hope that my study provides some insights into peoples' expectations of ombudsmen in different countries and in different sectors. This report is intentionally descriptive in order to share my findings in detail so others might use them and expose further interesting bits of my data. I will upload my database to the ESRC repository for public use, in due course.

I have used my data to explore questions of procedural justice, legitimacy, trust and cultural specific disputing behaviour in informal dispute resolution. The resulting publications can be found in academic publications on my staff website at Westminster:

<https://www.westminster.ac.uk/about-us/our-people/directory/creutzfeldt-naomi>;

and on my project website at Oxford:

<https://www.law.ox.ac.uk/trusting-middle-man-impact-and-legitimacy-ombudsmen-europe>.

Some projects developed out of this one:

- 1) A project on online critics of the ombudsmen. Together with Chris Gill from QMU in Edinburgh, I conducted a study into the phenomenon of online activism through 'ombudsman watcher' websites (<https://www.law.ox.ac.uk/research-and-subject-groups/online-critics-ombudsmen>).
- 2) I am conducting small-scale case-study research into (self-declared) vulnerable consumers that have recently been through a procedure with Ombudsman Services: Energy and the Local Government Ombudsman. Intrigued by the demographic pattern that seemed to manifest itself in my dataset, we are exploring how vulnerable groups experience an ADR procedure. This might develop into another project on energy poverty and vulnerability.

Please contact me if you have any queries, comments or would like copies of my other publications.

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