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“It’s the most ethical job I have ever had”: Complaint handling and fair decision making in the financial industry.

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Abstract

This exploratory study focuses on complaint handling in the financial industry to explore how complaint handling professionals interpret the requirement to treat customers fairly. Drawing on a small qualitative case study undertaken with a major UK financial institution, it is a novel attempt to integrate the literatures on ethical and fair decision making and apply them to the practice of complaint handling. Our contribution is to highlight: (1) the impact that institutional structures and processes play on the day to day practice of fair decision making; (2) how constructions of fairness vary between complaint handlers with some adopting an explicit ethical and moral focus; and (3) the active role group support and dialogue plays in supporting individual complaint handler's fair decision making. Several practical implications arise from this in relation to how organisations can support fair decision making.

Key words

Fairness - Fair decision making – ethical decision making – complaint handling – financial industry.

PART 1: INTRODUCTION AND BACKGROUND

It is widely recognised that fair and effective complaint handling is important for organisations in terms of customer satisfaction and building trust, but despite this, the day to day practice of how individual complaint handlers (CHs) approach fairness is, to our knowledge, relatively under explored in the literature. This article, therefore, explores how CHs interpret and relate to the need to resolve complaints fairly in the financial industry.

There are two main reasons for undertaking this research. First, a requirement to treat customers fairly is a regulatory requirement in the financial industry in the UK, but it is difficult for individual CHs to make judgements about fairness due to the perceived subjectivity in a fairness standard (Barclay et al., 2017; Gilad, 2014, Fortin and Follenz, 2008). Our aim was to explore how CHs conceptualised fairness in practice. Second, considering the important role internal CHs play in working out what is fair, relatively little attention has been paid in the literature to how they perform this role. Existing research tends to approach fairness either from the perspective of the broader corporate actors (e.g. Burdon and Surour, 2018, Gilad, 2011; Parker and Gilad, 2011), or on how those on the receiving end of decisions (employees or customers) experience fairness (Letwin et al., 2016; Barclay et al., 2017). In contrast there is a significant literature on ethical decision making written from the perspective of the decision maker and this article, therefore, is a novel attempt to apply it in the context of fair complaint handling.

The research for this study was conducted within a large international financial services company based in the UK. Since 2001, the financial industry in the UK has been under a duty to “pay due regard to the interests of its customers and treat them fairly” (Principle 6 of the Financial Conduct Authority's (FCA) Handbook (FCA, 2001)). Despite this, the financial industry in the UK has continued to be subject to a series of industry-wide mis-selling scandals and high volumes of complaints (Gilad, 2011; Gond et al., 2014; Parliamentary Commission

on Banking Standards, 2013). The requirement to treat customers fairly is pivotal at the point of complaint and a firm's approach to complaints is seen by the regulator as a good indicator of whether a culture of treating customers fairly exists (FCA, 2010). Firms are subject to specific rules that require them to investigate complaints "impartially," and to assess complaints "fairly, consistently and promptly" (DISP 1.4, FCA, 2001). Customers who are unhappy with the outcome of their complaint also have free access to the Financial Ombudsman Service (FOS) which has effectively replaced the courts as the primary route to resolve financial disputes in the UK (Cartwright, 2011). FOS will make a determination based on what is "fair and reasonable" (DISP 3.6, FCA, 2019) and in 2017/18 they resolved 400,658 complaints (FOS, 2019). The regulator's (FCA) thematic review in 2014 found that while firms had improved their complaint handling, they could do more to deliver fair complaint handling by moving away from a tick box approach, and reducing reliance on policies and processes which limit the ability of employees to use their judgement to treat customers fairly (FCA, 2014). A recent review of non-deposit taking mortgage lenders highlighted similar issues (FCA 2018) and complaint levels remain high across the industry.

The article is structured as follows. Part 2 sets out the theoretical context by examining fairness theory and considering how current literature on business ethics may apply to fair decision making. Part 3 explains the research method and provides the background to the case study. Part 4 sets out the results. Part 5 discusses the implications of the case study focusing on a series of empirical and theoretical insights that are derived from the data. Part 6 presents the conclusions and reflects on what the research adds to existing scholarship, the practical implications and future research directions.

PART 2: THEORETICAL CONTEXT.

Fairness perceptions and decision making

The concept of fairness has received much attention in the academic literature across a wide range of disciplines (for reviews of the literature see Barclay et al., 2017; Colquitt et al., 2013; Gelbrich and Roschk, 2011; Orsinger, et al. 2010; Rupp et al., 2014; Pattnaik and Tripathy, 2019). Fairness is strongly associated with the concept of justice; only recently has the literature started to differentiate them (Barclay et al., 2017; Fortin et al., 2016). Justice tends to be defined in terms of adherence to a set of rules that reflect "appropriateness" in decision making contexts (Colquitt and Roddell 2015 p. 100. See also Barclay et al., 2017; Goldman and Cropanzano 2015). In contrast, fairness is defined in terms of subjective and evaluative judgements about rules and standards, which reflect global assessments of the fairness of the decision (Colquitt and Roddell 2015 and Barclay et al., 2017). The literature increasingly highlights the subjectivity of fairness experiences, and scholars have increasingly called for a refocusing on this (for a discussion of the relevant literature see Barclay et al., 2017).

When making judgements about the fairness of decision making, justice theory, spanning multiple theoretical disciplines (Barclay et al., 2017; Rupp, et al., 2014), emphasises the different types of justice that underpin perceptions of fairness. Organisational justice scholars primarily use a three construct model of fairness that includes distributive justice, procedural justice and interactional justice (Colquitt et al., 2001; 2013; Rupp et al., 2014; Pattnaik and Tripathy, 2019). These constructs are distinct but highly related (Folger 1987). There is also an extensive marketing literature on justice theory focusing on service recovery and complaint handling that also draws on the same three construct model (Gelbrich and Roschk, 2011 and Orsinger, et al. 2010). Both sets of literature highlight how an individual's experience of the fairness of a decision is influenced by (1) distributive justice, namely whether they perceive the outcome as fair. In the context of satisfaction with complaint handling this would include

whether they received any compensation or redress; (2) procedural justice, namely whether the individual perceive the procedures used are fair e.g. whether they are timely and give them an opportunity to voice their complaint and (3) interactional justice, namely whether they perceive as fair the quality of the interpersonal treatment they receive e.g. being dealt with by a friendly, respectful and polite employee.

Overall, the literature on fairness highlights the following. First, the way individuals perceive and experience fairness is largely subjective (Barclay et al., 2017; Finkel, 2001; Fortin and Follenz, 2008; Fortin et al., 2016; Wilson and Wilson, 2007). The subjectivity of fairness arises because, while fairness is associated with global perceptions of the decision, the circumstances of the decision are also associated with an individual's cognition of their own needs, motives, heuristics, emotions and desires, which in themselves may vary at different times (Barclay et al., 2017).

Second, this subjectivity, when combined with the managerialism ethos of much of this literature, has led to criticism that there is a gap between a normative standard of fairness (what is objectively fair) and perceived fairness (Barclay et al., 2017; Fortin and Follenz, 2008; Fortin et al., 2016). Similar criticisms can also be levelled at the service recovery literature, which argues that organisational procedures that encourage fast responses for example, help foster a perception that "employees are concerned with customers' problems and that customers are treated in a respectful way" (Gelbrich and Roschk 2011 p. 39). This customer satisfaction approach to fairness perceptions highlights how the decision on whether something is fair may fail to take account of any broader moral or ethical dimensions, and instead be based on whether the customer 'feels' it is fair. This approach to complaint handling is potentially significant in relation to financial complaints since banks in the past have tended to be misplaced in their optimism about their ability to treat customers fairly (Gond et al., 2014). The regulator has been keen to stress that there is a difference between satisfying consumers and treating them fairly (Gilad, 2014).

Third, while there are extensive literatures on perceptions of fairness from the perspective of the individual at the receiving end of the fairness determination, there is little, if any to our knowledge, examining fairness from the perspective of those responsible for fair decision making (Ambrose et al., 2019; Ambrose and Schminke, 2009; Barclay et al., 2017). The research that does exist tends to focus on how they manage the fairness perceptions of others (e.g., Leventhal, 1980). Less attention has been paid to understanding the fairness-related motives and perceptions of managers, and almost none treats employees as the actors of fairness decisions (Ambrose et al., 2019; Ambrose and Schminke, 2009; Barclay et al., 2017).

Ethical decision making and fairness: Lessons to be learnt?

In contrast to fairness there is an extensive literature on ethical decision making written from the perspective of the individual decision maker (for reviews of the various literature see Craft, 2013; O'Fallon and Butterfield, 2005; Islam, 2019; Lehnert et al., 2015). This literature is likely to be relevant to fair decision making for a number of reasons. Fair and ethical decision making share some common features. Both concepts are subjective and context dependent and both make assumptions about people's ability to "do the right thing" (e.g. Cova et al., 2018; Fortin et al., 2016; Folger et al., 2005; Trevino, 1986; Rupp et al., 2014). Judgements about fairness and ethics, both depend on who makes the judgement (Cova et al., 2018). They are also linked, as a sense of fairness is grounded in basic ethical assumptions regarding normative treatment (Folger et al., 2005). In addition, while ethical decision making is wider than fair decision making, treating others fairly is also an essential element of ethical behaviour (Brown et al., 2005). Employees face, therefore, a constant challenge when making judgements on both ethics and fairness (Fortin et al., 2016).

There are a number of ethical decision making models, and reviews of the relevant literature highlight the importance of individual, organisational (or situational), and moral intensity factors that influence ethical decision making (for reviews see Craft, 2013; O’Fallon and Butterfield, 2005; Islam, 2019; Lehnert et al., 2015). Ambrose and Schminke (2009) are one of the few examples of scholars who have attempted to integrate the literatures on fairness and ethics by proposing a five component model of fair behaviour based on Rest’s (1986) four component model of ethical behaviour. They highlight the lack of empirical research on this aspect of individual decision making, and warn of the dangers of generalising from the fairness literature where the focus is the individual at the receiving end of the fairness decision rather than the actor. Key questions they raise include whether individuals can be schematic for fairness, arguing that fairness and being fair may be central aspects of some individual’s self-concept. They also consider the impact of justice climate, and whether fair decision making is more likely in organisations and departments with strong and positive justice climates. Research on justice climate in relation to co-workers highlights how the more organic the structures are within organisations, the greater the need for fair climates (Ambrose et al., 2019). This is because as employees are given freedom to make decisions, the more they will rely on whether the climate is fair in deciding how to act (Ambrose et al., 2019). Homburgh and Furst (2005) note that both organic and mechanistic approaches are used in complaint handling, with mechanistic approaches being more important in business to consumer contexts.

The research on justice climates also complements scholarly work on moral agency which is also relevant to the context of complaint handling. Moral agency is defined as “the agency exercised by organisational actors in pursuit of ethical practice” (Wilcox 2012, p. 86). It requires two preconditions: first, a capacity for self-reflection and the critical examination of social and contextual structures; and second, a sense of accountability to others (MacIntyre, 1999). Wilcox (2012) argues that institutional structures can widen the scope for moral agency, when they provide reflective relational spaces which provide opportunities for critical questioning of organisational approaches. The importance of reflective approaches is supported by Chalmer’s (2016) reflexive model of ethical fairness for complaint handling in financial services, which is one of the few examples of a conceptual model that combines fairness and ethical perspectives and applies them to complaint handling. It does this by conceptualising CHs as “boundary spanners,” arguing that fairness decisions should move away from normative perspectives to a more ethical approach based on an interpretivistic and reflexive approach. Drawing on Williams (2011, 2013), Chalmers argues that CHs work across inter and intra organisational boundaries to resolve complaints requiring a range of networking, entrepreneurial, interpretation and organisational skills. As a result CHs are subject to complex power dynamics, both internally and externally, in terms of the influence of the organization over fair decision making as well as the wider external regulatory environment. Wilcox (2012) highlights the essential role organisations play in facilitating those reflexive moments to support the exercise of moral agency.

In summary, the research highlights the multifoci nature and subjectivity of both ethical and fair decision making, providing a conceptual framework to consider how individual CHs interpret the need to resolve complaints fairly, which is now explored in the case study below.

PART 3: METHODOLOGY

As the main purpose of the research was situating and understanding fairness in the organisational context of employee decision making relating to complaint handling, the research design is a qualitative case study approach. While quantitative approaches dominate the business ethics literature (Lehnert et al., 2015; O’Fallon and Butterfield, 2005) qualitative methodologies can also play a valuable role in building understanding of ethics (Clegg et al., 2007; Lehnert et al., 2015) and fairness (Campbell and Cowton 2015). Our research was

influenced by Clegg et al., (2007) who focus on ethics as lived practice, researching on a micro level to explore how contextual and situational factors shape ethics in organisations. We adopted, therefore, a qualitative, interpretive methodology that facilitated exploration of fairness as practice.

A case study approach was adopted as they are appropriate in answering why and how questions, to build theory and to refine understanding (Stake, 1995; Yin, 2014). Stake (1995) suggests that two criteria should inform the case study selection. Firstly, whether the case study maximises the opportunity to learn, and secondly, given that time and access for fieldwork are limited, whether the case is accessible. On this basis the organisation selected as the case study was a long established major financial institution incorporating a number of well-known high street brands with an international presence. It has been subject to a high degree of public scrutiny as well as enforcement action for poor complaint handling in the past. It has reported significant efforts in recent years to improve its complaint handling and adopt a more customer focused approach. It is an instrumental case study (Stake 1995) because these characteristics are fairly typical of the UK's financial industry in recent years, and the case was a tool to better understand complaint handling more generally. Convenience sampling was used as two members of the research team had established good relationships with the organisation.

The research was undertaken with CHs working within two specialist teams of 22 employees dealing with 'executive complaints'. These teams were selected on the basis that they dealt with a diverse range of customer complaints and have a high degree of discretion on how to resolve them. In addition to complaints sent to senior executives they also deal with 'VIP' complaints referred via members of parliament or the media, and particularly complex and sensitive cases. The majority of the team members are based at the UK headquarters of the organisation. The method that was adopted was semi-structured interviews (Stage 1) and focus groups (Stage 2). Interviewees were selected purposively to ensure a range of complaint handler backgrounds and experiences was obtained to reflect the diversity of attitudes and experiences within the teams (Silverman, 2013). The selection criteria was CHs whose role was primarily to deal with customer complaints; a minimum one years' experience, a range in the length of service, and included the two team managers.

The sample size was not determined *a priori* although a guide figure of 12 – 15 interviews was provided to the case study organisation when seeking their agreement to take part. Stage 1 consisted of thirteen individual interviewees that took place in March / April 2018. 11 interviews were face to face while two interviews were undertaken via telephone with two individuals who worked in a different office. The average time for the interviews was 39 minutes. The interview data was professionally transcribed and then uploaded to the Nvivo software which was used for organizing and coding the data. It was coded inductively by the lead author following Bazeley and Jackson (2013). The approach to thematic analysis and theoretical development was iterative and drawn from Miles et al. (2014). Through this process the lead author was able to note patterns, themes, irregularities and identify clustering and draw verifiable conclusions as recommended by Miles et al. 2014. Since the intention was to look at fairness as practice, no preconceived ideas regarding a particular framework existed.

It was subsequently decided that follow up focus groups after the data analysis would be a helpful way to test whether the findings were "ringing true" (Smith 2018, p. 140), to clarify inconsistencies and explore in a group context approaches to fairness. It also reflected the high degree of interest the research was generating with the CHs who were keen to be involved as the findings developed. Stage 2 consisted of two focus groups with eight CHs in December 2018. Six of these CHs had been interviewed as part of the initial study. Each focus group also included an experienced member of the team who had not been interviewed as part of the

initial data gathering exercise. The focus groups took an average 47 minutes. They were not transcribed but were recorded and notes taken by the lead author. The focus groups provided an additional opportunity to sense check the main findings and on this basis we were able to conclude that data saturation had been reached. A number of steps were also taken to address external validity, which included paying particular attention to counter evidence and reviewing and recoding interview transcripts that appeared at odds with the main findings (Miles et al., 2014). The focus groups were also an effective tool for testing external validity of the initial analysis and refining as appropriate.

PART 4: RESULTS

Based on qualitative clustering the following 4 influences emerged relating to how CHs approached fair decision making: (a) institutional structures supporting fairness; (b) conceptualisations of fairness; (c) individual approaches to decision making; (d) importance of the team in empowering individual CHs to act fairly

Institutional structures

It was clear that there were a number of institutional structures, policies and processes that supported this group of CHs in their decision making. There was a strong sense of pride in working within these complaint teams as they represented an elite group of CHs who provided the “*most sophisticated complaint handling in the bank*”, doing, “*the most ethical job in the bank*”. (CH11) and the, “*last bastion of fairness before [a complaint] goes to the Financial Ombudsman*” (CH4). The case load was seen as being more varied and complex than other complaint handling teams. They also noted that they had more time and more contacts which allowed them to resolve complaints. CHs were called complaint “managers” and they agreed that this gave them a status that other CHs did not have. CH7 noted that despite the relentless nature of the workload that, “*at the end of the day, you’re probably doing the most important job in the bank.*”

There was strong consensus that they had more autonomy to resolve complaints than CHs in other teams and were able to make decisions that went against company policy, if it was the right thing to do. Complaint teams embedded within departments were more likely to be set daily targets which were perceived negatively, and to be constrained by departmental processes. Other complaints teams were likely to find it more difficult to, “*step outside the process*” (CH1 and CH3) and were more, ‘*soaked in that culture*’ (CH2).

All had experienced challenges, “*pushback*” (CH10) internally but nonetheless were encouraged to identify problems and to challenge where appropriate which became easier with experience. They did not feel there were any barriers to doing the right thing including acting fairly and felt well supported in making that decision.

In terms of culture, reference was made to the changes that had taken place in terms of complaint handling. ‘Doing the right thing,’ a company value, appeared to be clearly embedded within the team as CHs repeatedly mentioned it, and reference was made to other organisational tools such as checklists to support fair complaint handling. The burden of proof had also shifted to the organisation and where evidence was no longer available the consumer’s word would be taken.

Despite the fact that they had more autonomy to override policy a number of CHs commented that the executive complaint teams were now seen as part of the complaints structure and this had led to some changes not all of which were seen as positive, “*now we’re part of the complaints world, there’s definitely a change in that where we’re starting to see that sameness, same rules, same approach and things like that.*” (CH2). The impact of QA procedures and

reporting mechanisms was commented on negatively by some CHs in terms of an increasing emphasis on performance indicators relating to numbers, volumes and closing complaints quickly, rather than being more service focused. A change in the reporting structure had also seen the Executive Complaints teams no longer reporting directly to the Chief Executive.

In relation to being impartial, CHs recognised that as employees they could not be 100% impartial but saw themselves as having the *ability* to act impartially. In order to help them act impartially they adopted a number of strategies. CHs tried to think about the banks as a “*separate entity*” and to “*almost distance*” themselves (CH7) from the bank. The fact their teams sat outside any particular department helped as did not having direct knowledge of the subject matter. They regularly accessed the FOS helpline for business if they needed an external perspective. The CHs did not feel they needed to defend the bank, “*we don’t ever feel like we’reneeding to defend the bank’s honour or reputation. We’re more focused on doing the right thing for the customer*”. (CH1)

Conceptualisations of fairness

The research was particularly interested in exploring how CHs conceptualised fairness. Both sets of CHs demonstrated a strongly empathic approach to complaint handling as well as a desire to restore the reputation of the bank and rebuild a good relationship with the customer. Two approaches to fairness also emerged from the interviews. These approaches resonated strongly within the focus groups and individuals self-identified with these conceptualisations. The first of these groups felt there was a clear ethical and moral dimension to their complaint handling, “*I am passionate about always doing the right thing and doing the moral thing and it’s probably the only job in the bank where you’ve got the opportunity to actually do that and make a difference*”(CH9). They felt that the role was more ethical than other positions in the bank and were highly reflective, “*It does feel like the most ethical role I’ve had in the bank*” (CH11). They were more likely to have sleepless nights over their complaints and to comment they found it difficult to make decisions reflecting the complexity of the cases they were dealing with. This group very much saw their role as taking a pro-consumer stance if they could, “*it’s always in the customer’s eyes for me, I would say*” (CH7). Ambrose and Schminke (2009) suggest that fairness and being fair may be central aspects of some individual’s self-concepts and there were some suggestions of this in terms of the way this group of CHs referenced the need for a strong moral compass “*If it doesn’t sit right with me then, I’ll not do it.... I don’t want that on my conscience*” (CH6). They reflected that achieving a morally correct outcome was not always the same as achieving a fair one, “*so you’ve got what’s right for the customer, what’s right for the business..... and what is morally the right thing to do*” (CH9).

The second group we characterised as ‘problem solvers’. ‘Doing the right thing’ (*a company value*) was perceived as being the primary test for deciding fairness and, while some cases were complex, most were straightforward. The CHs talked about ‘putting themselves in the shoes of family and friends’ in terms of working out what was fair as well as ensuring they were happy within themselves with the outcome of a complaint, “*I kind of look at it as – well, if it was me*” (CH5, 8). They were keen to understand what had gone wrong and provide an explanation. *They did not reference ethics or morals like the other group did.* When probed they thought that being ethical was the same as being fair and doing the right thing, “*I think that if you are doing the right thing, then it should be fair and it should be ethical*” (CH5). While some cases could be complex they were confident in their decision making and in most instances did not find resolving complaints difficult. Restoring the reputation of the bank was also seen as important.

Individual approaches to decision making

Many found it hard to articulate exactly what they did in terms of ensuring their decision making was fair. They did not reference formal approaches such as analysing evidence but reference was made of the need to consider not just the outcome but interactional and procedural elements of fairness, demonstrating high degrees of empathy. This was consistent with a customer satisfaction model of justice, where the primary aim is to ensure that the fairness of the decision meets customer expectations, regarding not just outcome but procedural and interactional justice too (Gelbrich and Roschk 2011; Orsinger et. al., 2011).

Cases that caused particular difficulties with fairness were scams, particularly if they included the elderly or the vulnerable. Those who referenced ethics and morality as important to them were more likely to refer to these as, “*morally complex*” (CH11). Other cases mentioned as causing fairness issues were those that ignited biases – a number mentioned bias training they had received – and those where the evidence was finely balanced. CHs commented on the need to be mindful of external audiences when resolving complaints since their decision making was closely scrutinised by the executive. This was an added pressure as CHs did not want their decisions to be overruled.

In terms of how often they experienced problems in working out what was fair, this varied from most cases are difficult (CH6) to 1 – 2 a month (CH11). This issue was further explored in the focus groups who commented that the variation reflected the different types of cases that individual CHs were dealing with – some CHs specialised in more complex cases.

There was widespread agreement on the difficulty of working out what was fair due to the perceived subjective nature of complaints. “*So with complaints– they can be subjective and a lot of it is interpretation*” (CH13). The literature also highlighted the subjective nature of fairness decisions Barclay et al., 2017; Finkel, 2001; Fortin and Follenz, 2008; Fortin et al., 2016; Wilson and Wilson, 2007. The subjectivity arises because the impact of a complaint varies, and two CHs highlighted how they found it particularly challenging treating each complainant individually while also ensuring that customers are treated consistently.

When it came to making a judgement on what the final outcome should be, the CHs also referenced the human element of decision making, and that different CHs (and the Ombudsman) could plausibly reach different decisions, “*it’s not a robot making these decisions. There are other human beings who are making decisions about a case..... and how one person will view it, will potentially be different from other people*” (CH8). CHs referred to the fact that it was a, “*personal judgement*” (CH5), “*judgement call*” (CH8) or “*gut instinct*” (CH6 and 10).

While they accepted personal responsibility for their decision making, it was clear that this was framed by substantial institutional mechanisms which supported the CHs. These included locating these teams outside the usual structure, giving them the status, space and time to explore what the fair thing to do and an ability to step outside policy.

“I don’t think it’s the other teams couldn’t do it but we probably have more time and more kinda knowledge within the team and contacts and things to be able to step outside the process a bit more and if something’s right for a customer, to be able to make it happen for them. (CH1).

In terms of culture, organisational values such as doing the right thing were firmly embedded, and this was reinforced by recent policy changes such as reversing the burden of proof in favour of the customer. “*If it’s right to do it, it’s right to do it and it doesn’t matter how much money’s involved*” (CH12). This institutionalisation of fairness played a key role in how individual decision makers at a micro level conceptualised fairness and empowered them as individuals to act and override policy where necessary.

Importance of the team in empowering individual CH's to act fairly

One of the key themes emerging from the data was the importance of team and colleagues in supporting CHs to resolve complaints. The team environment was perceived as their primary support mechanism and there was a strong sense of camaraderie. Informal conversations took place up to a couple of times a day to “*check understanding*”, “*bounce off colleagues*” (CH5) or to “*get a second opinion*” (CH13). The subjective nature of complaints, pressure of QA or checking inherent bias were all given as reasons for engaging in these informal conversations. The need to check with colleagues was not limited to the less experienced staff and all CHs valued the importance of those informal conversations and support mechanisms. ‘Sense checking’ with colleagues also fulfilled an important function in terms of helping CHs let off steam and deal with stress.

In addition to informal support mechanisms more formal institutional mechanisms existed to facilitate this. These primarily consisted of “*rounds*” (face to face) or “*audios* (telephone conferencing). These were more formal arrangements where an invite would be sent to 3 to 5 colleagues to meet and their views sought on the complaint they were dealing with. Rounds (and audios) were used for more complicated cases where the CH wanted a wider pool of views and the CH wanted to check they were “*on the same page*” (CH7) and had not missed anything or as a check on their own bias. They were also useful if the CH wanted to formally document the reasons for a decision or to highlight at an early stage to a manager that a complaint may lead to a high pay out or be heavily resisted by another department. The diversity of approaches within the teams was seen as a significant strength “*I always tend to choose quite different people*” (CH4) and the focus groups confirmed that this was a tactic used throughout the teams. Despite the importance of these discussions the final decision rested firmly with the individual CH.

“so that’s the worst time when you’re asking for a wee bit of help so to speakand then you get 6 people, 3 of one opinion and 3 of the other and then it really just comes down to you I just think, right, you’ve just got to go with your gut here and there’s maybe no technically a right or wrong answer, it’s just gonna be a difference of opinion.”(CH6)

Despite this, CH’s felt well supported in their decision making and experienced no barriers to acting fairly. “*So there’s always support. Its never a case of being made.....a scapegoat or being made to do something that you really don’t think is the right thing to do*” (CH7).

PART 5: DISCUSSION

This research set out to explore how individual CHs interpret fairness, and in this part of the article we discuss the findings of our case study and draw a number of conclusions about how fairness is embedded in practice. First, our findings highlight how, even though CHs are responsible for the final decision, their individual constructions of fairness were influenced by an organisational framework which pushes CHs towards a particular approach to fairness. The regulatory requirement to act fairly is buttressed therefore by substantial institutional mechanisms for giving effect to these regulatory provisions. Organisational structures which appeared to support CH decision making included locating these teams outside the usual structure, giving them the status, space and time to explore what the fair thing to do is and an ability to step outside policy. In terms of culture, organisational values such as doing the right thing were embedded and this was reinforced by recent policy changes such as reversing the burden of proof in favour of the customer. This institutionalisation of fairness played a key role in how individual decision makers at a micro level conceptualised fairness. Recent

literature reviews on ethical decision making suggest factors such as the external environment, culture, subjective norms, industry type, training, and ethical codes all influence ethical behaviour and in turn decision making (Craft, 2013; Lehnert et al., 2015; Fortin et al., 2016). Our research suggests that similar effects are likely in the context of fair decision making, and a climate for fairness appears to be closely linked with providing effective institutional structures and frameworks to support this.

Second, the evidence from our study was that a managerial approach to fairness was embedded in the teams we studied which have primarily adopted a customer satisfaction model of fairness, consistent with the service recovery literature which emphasises the importance of delivering customer satisfaction and restoring the reputation of the business (Gelbrich and Roschk, 2011; Orsinger, et al., 2010). It is also consistent with literature on financial regulation which suggests that the financial industry adopted a managerial approach to treating customers fairly based on improving customer experience (Gilad, 2011, 2014; Parker and Gilad, 2011). The fact these CHs were able to operate outside of policy but within an institutional framework which encouraged them to do the right thing highlights both mechanistic and organic approaches to complaint handling. Homburgh and Furst (2005) define organic approaches as being based on shared values and norms. When organic structures are used, then the need for a justice climate which encourages fair behaviour is likely to be greater as employees have to rely on the climate to determine how to act (Ambrose et al., 2019). The evidence from this group of CHs was that this emphasis on company values provided them with the agency to act fairly and they felt supported to do so by the organisations. At the same time the CHs indicated that other CHs within the organisation may not have the same discretion. Seen in this light, what may first have been seen as evidence of broader cultural change in complaint handling may be more limited. In practice, the teams may instead operate as an exception to the general rule, and as a way to soften the edges of policy without the need to operationalise fairness more widely.

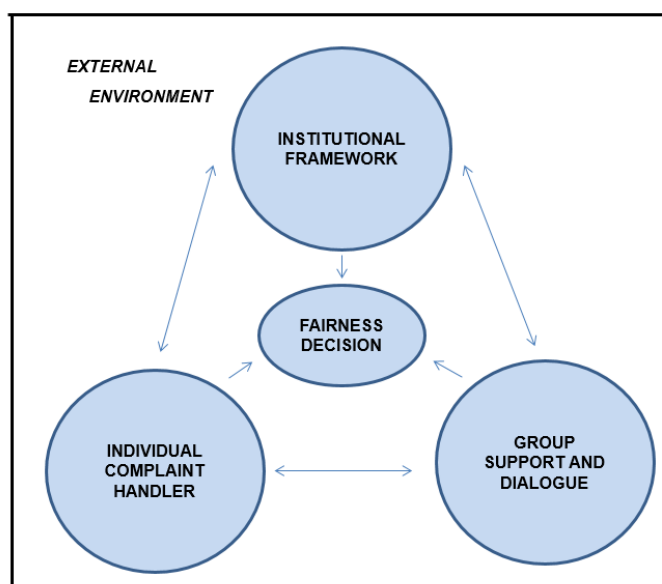
The third area our data points to is the active role teams play in constructing and reinforcing a shared understanding of fairness and the internalisation of cultural norms. There is limited research on how groups influence ethical decision making (Craft, 2013; Trevino et al., 2006). Research on how fairness operates in teams also focuses more on its impact on team performance rather than the individual decision maker (Colquitt et al., 2002). In the context of our data, the importance of group dialogue and support emerged as a strong theme. While respecting individual decision making, the CHs repeatedly highlighted the importance of their colleagues in terms of developing their thinking on their complaint practice. These discussions facilitated the development of team norms around the tests used and embedded them particularly around 'doing the right thing'. In this context individual differences were celebrated and sought out. This may help to explain why two different approaches to complaint handling were identified as teams embraced employees who offered complementary approaches to complaint handling. Wilcox (2012) suggests that moral agency is facilitated by self-identification with a set of institutional norms within a particular profession and there was evidence this existed. The team space became "reflective relational spaces" (Wilcox, 2012, p. 93) and informal conversations and formalised processes facilitated candid discussion of what the fair thing to do was. In turn this led to the collective and mutual reinforcing of professional norms, the third element of Wilcox's model of moral agency. These structures did not prescribe or determine what decision to make (decision making remained firmly with the individual CH) but by providing critical and relational spaces for these discussions to take place, the CHs were supported to exercise their moral agency. These spaces, therefore, appeared to provide the "moments of reflexivity" that Chalmers' (2016, p.582) model of ethical fairness in complaint handling suggests is essential for fair decision making and extends it by emphasising the importance of the team safe space.

Finally, despite the importance of the organisational context our data also showed that there was some scope for different constructions of fairness between individuals. Schminke et al., (1997) suggest that an individual's ethical framework is important for understanding how recipients respond to the fairness of a decision, and our assumption was that CHs ethical framework may also be important when making fairness decisions. Two approaches were detected, and we tentatively suggest that those who, unprompted, identified a moral and ethical element to their decision making reflecting a deontological approach to ethics where actions were only seen as ethical if they conformed to a set of moral principles (Forsyth 1980). In contrast those who adopted a more pragmatic approach reflected a more theological or utilitarian approach to fairness, where actions are ethical to the extent they improve the outcomes of the individual complaint being considered (Forsyth, 1980). Our methodology means that we were unable to reach any conclusions on whether the decisions were fair *per se*. There was some evidence that those who referenced ethics as a framework for conceptualising fairness took a broader and more pro-consumerist approach to decisions. They also referred more to the complexity of the cases they dealt with. In practice the difference may be rhetorical since it also appeared that both groups adopted similar tests when making the final decision on fairness highlighting the importance of being empathetic and using interpersonal skills to build a relationship with the complainant consistent with justice theory (Gelbrich and Roschk, 2011; Orsinger, et al. 2010). The empathetic approach taken by CHs is consistent with Gilad's (2008) work at the Financial Ombudsman where she found CHs display of empathy was used to facilitate decision acceptance with the outcome of their complaints.

PART 6: CONCLUSIONS

While exploratory this study provides several contributions to the literature on the ethics and fairness of complaint handling. First, this research highlights the role individual CHs play in terms of deciding the outcomes of complaints, and how their fair decision making is facilitated and constrained by the institutional framework and a team environment which encourages dialogue and empowers CHs to act with the moral agency to act fairly. As illustrated by Figure 1, fair decision making takes place within an external environment which includes law and policy as well as the impact of key stakeholders such as the regulator and ombudsman. The institutional framework, individual CHs, and the creation of team relational spaces where CHs are free to explore their thinking on fairness then combine to influence each other and ultimately the outcome in terms of the decision on fairness.

Figure 1: Influencing fair decision making



In terms of defining a future research agenda, the model helps highlight a number of areas to take forward. In making these recommendations we are mindful that there are several limitations to our current exploratory research which include: (1) its case study methodology and its focus on a select group; (2) the fact it has only explored fairness from the perspective of CHs and we did this retrospectively without reference to specific cases; and (3) the inherent difficulties researching issues relating to ethics and fairness since simply asking about ethics or fairness introduces a moral dimension that may not have been perceived otherwise (O’Fallon and Butterfield, 2005) and is likely to influence the answers received, as interviewees will be motivated by a desire to be seen as fair (Greenberg, 1990).

In terms of a future research agenda Figure 1 suggests that institutional factors, individual CHs and group support and dialogue influence, and are influenced by, each other as well as having an impact individually on the final fairness decision. The exploratory nature of our research means that it is not possible to reach any conclusions on what those relationships may be, but they do point towards useful areas to take forward in future research. For example, we concluded that individual constructions of fairness are strongly influenced by centralised directives on what fairness is, and that institutional frameworks may play a greater role influencing how CHs interpret fairness than is found in the ethical literature. Is there something inherent about fairness decisions that require strong institutional framing due to the subjectivity of global perceptions of fairness that Colquitt and Roddell 2015 highlight? In the financial industry one reason for this may be the explicit regulatory requirement to treat customers fairly and the existence of a high profile ombudsman scheme which uses a fair and reasonable standard. Future research should explore whether similar findings are found in other contexts. Our research explores internal complaint handlers – would our findings differ for CHs based in external dispute resolution bodies such as ombuds organisations? In addition our case study highlights pockets of good practice, but we questioned the extent to which these practices are being operationalised more widely. Future research could usefully explore this and the barriers to extending this practice more widely.

Our model also currently separates out group support and dialogue. Arguably group support and dialogue is simply a sub-category of the institutional framework. We separated them out as the relational context of decision making, the importance of dialogue and the role of group dynamics emerged as strong themes from our data, benefiting in our view from further exploration in the context of fairness. Future research therefore should focus on this element to identify whether this element is a stand-alone element or is simply a subset of the institutional

framework. In addition it should explore how the need for a dialogic and supportive team element is typical of complaint handling more widely and its relationship with the wider institutional framework. For example is there a greater need for a dialogic team environment in organic complaint handling structures building on work by Ambrose et al., 2019 in the context of justice climates? In terms of methodology, despite the difficulty in gaining access to organisations, there is considerable merit in our view in considering ethnographic approaches to explore the lived reality of complaint handling practice using case studies in naturalistic settings as recommended by Parker and Gilad (2011) building on Gilad's (2008, 2009) work with the Financial Ombudsman. Our research generated a high degree of interest in the teams of CHs subject to this study, and there is potential to develop a more collaborative approach to the research to deliver this.

In our data we also found two different conceptualisations of fairness with one group of CHs highlighting an ethical element to their approach to fairness which was not referenced by the other group. Whether this in turn leads to a different fairness decisions is something that could be usefully explored in future research since it has significance not just to the fairness of complaint resolution but in terms of the recruitment and selection of CHs, their training, staff retention and their emotional wellbeing. Surprisingly little is known about who CHs are, their qualifications, background, experience, their philosophy or value orientation or the ethical frameworks they use. Ambrose and Schminke (2009) suggest that for some individuals being fair may be central aspects of their self-concept, and there were elements of that in our interviews. The survey instruments developed in the context of research on ethics to identify philosophy and value identification or in relation to trait morality or self-schema, would be a useful starting point for this research. This quantitative approach will complement the naturalistic research recommended above. Our findings suggest that there is considerable merit in ensuring diversity in approaches within teams grappling with fairness issues due to the fact these individual differences have a positive impact on the dialogic element of the team.

Several managerial implications arise from the research in relation to the way the organisational context can support or constrain fair decision making. Managers should note that structural elements that support fairness include ensuring CHs have a high degree of autonomy, the ability to overrule policy, embracing diversity of approaches and a work environment that facilitates interaction and supports debate and reflection. Overall CH structures should do nothing to diminish front line resolution however, where complaints are escalated there appears to be merit in organisations separating complaint handling functions and providing them with the powers to override policy where necessary.

In conclusion, it appears that individual CHs take very seriously their duty to resolve complaints fairly. Our research found that CHs are strongly influenced by the wider organisational context, which plays a pivotal role in dictating the approach to fairness. The frameworks which institutions use to structure their complaint functions have great potential therefore to support a fairer culture of complaint handling. The challenge for the future will be operationalizing this beyond the pockets of good practice observed.

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