

SPSO Complaints Improvement Conference 2020

Theme 1: Resolution

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Complaints

Common reasons for complaint:

- different needs or interests
- misunderstandings
- commitment not kept
- harm done

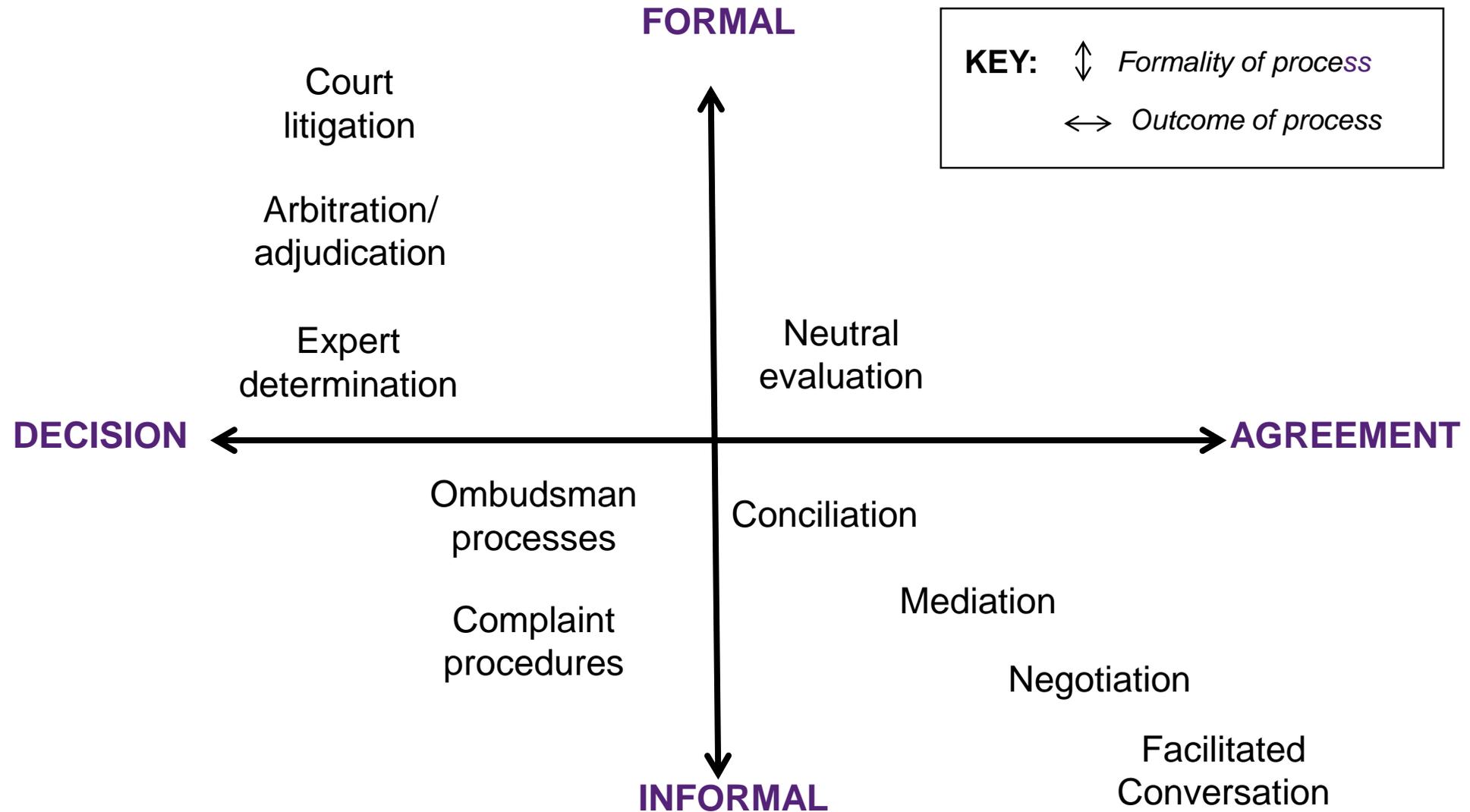
Relationship with the complainant:

- one-off
- short-term
- long-term

Complaint outcomes often experienced as win or lose:

- negative feelings and actions if think have 'lost'
- this can impact on future relationships

A Dispute Resolution Matrix



Fitting the Forum to the Fuss

Room 1 - Screening Clerk

Room 2 - Mediation

Room 3 - Arbitration

Room 4 - Fact Finding

Room 5 - Malpractice Screening Panel

Room 6 - Superior Court

Room 7 - Ombudsman

The **Screening Clerk** would consider five criteria in determining which processes might be fitting:

- the nature of the dispute
- the parties' relationship
- the amount in dispute
- the cost of each process
- the speed of each process

SANDER, F. E. A. and GOLDBERG, S. B. 1994.
Fitting the Forum to the Fuss: A User-Friendly
Guide to Selecting an ADR Procedure.
Negotiation Journal, vol. 10, pp.49–68.

Fitting the Form to the Folks

“Court ADR champions can surely recognize the functional and financial value of widening the doorway and expanding the meeting space in Sander’s Room 1, formerly dominated by the Screening Clerk. With only a few additional resources, the clerk can partner with (or perhaps embody) the convener. Working with clients, they can select and prepare to engage in the appropriate mode of dispute resolution.”

What do People who Complain Want?

They want
what we
all want

- help and for someone to make a genuine effort on their part
- acknowledgement of their situation and feelings
- choices and alternatives

Fix the person, then fix the problem

“Customers do not simply come to the firm for logistical reasons (eg, a broken dishwasher); they come to have their emotions redressed as well. This can be termed **psychological compensation**. Their anger, their anxiety, and their resignation should be dealt with before the logistical problem is solved. Their self-image is at stake...Contact employees should be trained to pay attention to the emotional climate of the complaints and to fix the customer first”

Chebat, J.C. and Slusarczyk, W. 2005. “How emotions mediate the effects of perceived justice on loyalty in service recovery situations: an empirical study”, *Journal of Business Research*, vol. 58 No. 5, pp. 664-73

Settling Disputes

Disputes are generally considered to be disagreements that involve negotiable interests

Dispute settlement therefore refers to the working out of a mutually satisfactory agreement between the parties involved

Dispute settlement is aimed at bringing the dispute to an end, without necessarily dealing with its fundamental causes

Resolving Conflicts

Conflicts are more deeply rooted than disputes

They tend to arise over non-negotiable issues relating to fundamental human needs, such as identity, justice, self-esteem, respect and fairness

To truly resolve a conflict, the solution must go beyond just satisfying the parties' interests

Conflict resolution identifies and deals with the underlying sources of the conflict

Essential to be 'comfortable' working with conflict

To Sum Up

Resolution involves the complaint handler asking some deceptively simple questions

- What is going on here?
- How did this situation arise?
- How is this affecting them?
- How is this affecting me?
- What do they want or need?
- Which approach would best help now?

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