

Equality and Human Rights Commission

Business and human rights:

Getting the right process
and remedy in place for
customers' complaints



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Commission

What is the aim of this publication?

This publication is for operational managers in medium to large companies operating in England, Scotland and Wales. It is particularly relevant to those who deal with customers and service users across the business and the supply chain. It is part of the Equality and Human Rights Commission guidance on handling and resolving human rights complaints about your business, which also covers complaints from workers and communities about human rights issues.¹

We are grateful to everyone who contributed their expertise to the development of this guide, including Ergon Associates who facilitated its development.

1. EHRC. Business and Human Rights resources: www.equalityhumanrights.com/en/advice-and-guidance/human-rights-and-business

Introduction

A company can have a harmful effect on the human rights of its customers and service users.

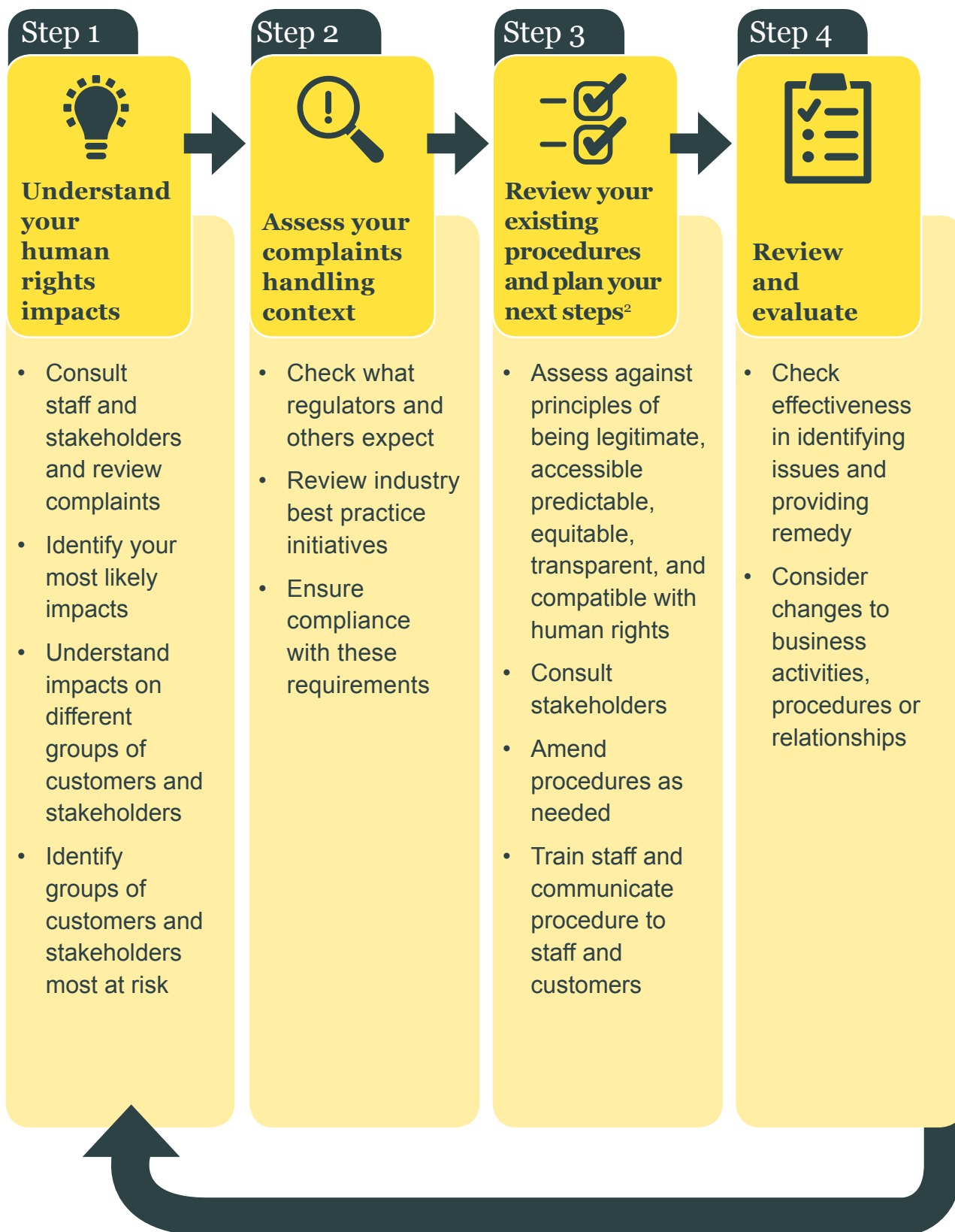
For example, a company might:

- **Discriminate** against hotel guests on the basis of their sexual orientation; against young people by using a high pitch device to prevent them from loitering outside shops; or against disabled customers, by refusing them entry to premises with a guide dog
- Put customers' **privacy** at risk through the misuse of their personal data
- **Neglect** the health and emotional needs of people in a residential care home
- Refuse or terminate gas and electric services with serious **health** impacts for the very young or very elderly in households
- Find its security staff use **unnecessary force** against customers at a nightclub.

Effective complaints procedures can help you avoid lengthy and potentially costly disputes and provide an early warning of emerging risks to your business. Good customer relations can improve customer satisfaction and your business' reputation.

You can develop and implement an effective complaints process for your customers and service users that include human rights issues by following four steps. You can find out more about what companies have done in the case studies at the end of this guide.

Four step guide to getting the right process and remedy in place for customers' complaints



2. Principles referenced in Step 3 are from The UN Guiding Principles on Business and Human Rights. Principle 31. See OHCHR. 2011. Guiding Principles on Business and Human Rights. Page 34. www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

Step 1

Understand your human rights impacts



Your first step is to understand how your business potentially affects the human rights of its customers and service users. You can gather information by:

- Reviewing sector industry guidance, and records of past customer complaints
- Talking to staff who deal with customers
- Talking to customers and consumer rights' organisations
- Considering which customers and service users may be at most risk of human rights harms because they are vulnerable.

Whistleblowers and other third parties

Most complaints and grievance procedures provide remedy for the individuals directly affected by the issue. Third parties, who may not be directly affected by an issue, can also alert you to human right risks you may not have identified yourself. For example, carers' forums may be aware that patients' families are reluctant to raise safeguarding issues with the service provider in case their relative is victimised. Monitoring boards, who volunteer in detention settings, such as immigration centres, police custody or prisons, may identify cases where staff are not following the correct rules and putting the health and wellbeing of detainees at risk. You should take these complaints seriously and investigate them.

Step 2

Assess your complaints handling context



Your complaints procedure must take account of any statutory requirements or other institutions that allow customers to seek redress for their complaints.

National regulatory framework and expectations

Legal requirements

Some companies are required by law to provide a complaints procedure for their customers or other affected parties. Care providers, for example, must provide a complaints system that meets the Health and Social Care Act 2008 regulations.

Regulators

Some regulators require businesses to meet specific criteria in the way they handle and resolve complaints. For example, the Gas and Electrical Markets Authority sets expectations for gas and electricity providers in its Consumer Complaints Handling Standards which are a statutory requirement.

Ombudsman schemes

An Ombudsman is an independent person appointed to investigate complaints about an organisation by customers or service users. Ombudsmen operate in sectors such as health and social care, local government, housing, finance and the legal industry. If an Ombudsman finds that a complaint is justified, he or she will recommend what the company should do to put things right.

You must not interfere with customers' rights to seek redress through the courts, regulators or an Ombudsman. Ombudsmen and regulators will normally require someone making a complaint to try and resolve their concern with your company first. If you fail to respond to the complaint promptly, or to the complainant's satisfaction, they may go directly to the relevant Ombudsman or regulator.

Step 3

Review your existing procedures and plan your next steps



Using the information you gathered in Steps 1 and 2, review how well your company identifies and handles customer complaints relating to human rights, particularly in relation to customers and service users whom you identified as being most at risk of human rights harms.

In most cases, you will want to adapt your existing procedures, but you may need a separate, stand-alone procedure if you identify a significant human rights risk that needs prompt action. For example, you may set up a hotline if you need to recall a potentially dangerous product or if you believe there has been abuse of vulnerable people in your care.

Consider if you need to make improvements to your complaints procedure to improve its transparency, legitimacy, predictability and to increase customer trust in the overall process. For example:

- Does your procedure give an indicative timeframe for each stage of handling a complaint?
- Is the procedure handled by staff with the appropriate seniority, knowledge of human rights and of your complaints procedure?
- Is your procedure applied consistently across your business?
- Are the likely outcomes of your procedure made clear to your customers?
- Are complainants kept informed of the progress of their complaint?

When reviewing whether your existing complaints procedure is accessible and fair, you should consider if:

- Your complaints procedures are accessible to all customers
- Your procedures assure customers that they will not be victimised when they make a complaint or face discrimination because they have a characteristic protected in UK law, such as their gender, race, nationality, age, disability, region or belief or sexual orientation
- Customer service staff need training so they can identify human rights issues, and vulnerable people, in the complaints you receive
- Your procedures allow third parties to raise complaints on behalf of customers.

Discuss your proposed changes with customers and consumer rights groups, service users and advocacy groups, to ensure your complaints procedures identify human rights issues, are fair and accessible and fit for purpose and to increase trust and transparency in your procedures. For example, you could invite customers, including those who have complained before, to complete a short survey about the proposed new procedure to gauge their views. Consider how you will tell relevant parties about your changes, including those most at risk of human rights harms.

Step 4

Review and evaluate your changes



Once you have made changes to the way you handle customer and service user complaints, you should review your procedure regularly to check it serves the needs of your business and customers or service users, and provides suitable remedy. Remedies can range from an apology and action to stop the problem happening again, to financial compensation, or internal penalties. Consider what those affected might regard as an effective remedy as well as what you think is appropriate, and ask them if possible. If there are any changes to your business activities, procedures or relationships, or your human rights impacts, you should consider whether this affects your complaints procedure and whether you need to make any changes.

Good practice

Understand your human rights impacts

Understanding the needs of vulnerable customers

British Gas talked to people with mental health conditions and relevant charities to understand how to improve their access to the company's complaints process. They learned that people suffering anxiety were unlikely to call customer service hotlines because they found it distressing. As a result, British Gas set up a webchat which any customer can now use to report problems to customer services. By better understanding the needs of a specific group of customers, British Gas was able to take steps to improve its customer service for everyone.

Assess your grievance handling context

Offering choice for customers and promoting the role of the Ombudsman

Customers visiting the website of mobile network operator Talkmobile, require only one click to reach the company's complaints procedure. In line with Ofcom requirements, the company allows customers to make complaints using email, webchat or by calling a customer service officer. It tells complainants how, by whom and within what timeframes complaints are investigated. The company also provides information on the Ombudsman Services Communications, if customers are dissatisfied with the way Talkmobile resolves their complaint. People with visual impairments can ask for information in formats such as large print or Braille.

Review your existing procedures

Improving access for all customers

Sovereign Housing Association has a specific procedure for complaints about anti-social behaviour. When reporting this type of complaint, customers are asked whether:

- They believe that the incident is linked to their religion, gender, disability, sexual orientation or age
- The incident has had an impact on their mental or physical health, and
- They or their family have felt intimidated by neighbours or company representatives.

These questions help the company identify complaints related to discrimination, harassment or customers' health while avoiding technical or 'human rights' language that might not be understood by customers. It also acknowledges the diversity of the housing association's tenants and the significant impact anti-social behaviour can have on tenants' feelings of safety and wellbeing.

Plan your next steps

Offering a complaints process to help those most at risk of human rights harms

Energy supplier, British Gas, trains frontline customer service staff to identify vulnerable customers or serious human rights-related complaints and to refer these to a specialist team in the customer service unit. This specially trained team then carries out further investigations to help ensure the complaint is dealt with effectively and fairly.

British Gas also has a long-standing relationship with the Citizen's Advice Bureau (CAB) to which many customers bring their complaints. CAB advisors escalate complaints from vulnerable customers to the CAB's Extra Help Unit, which works with British Gas to resolve such cases. British Gas also advertises CAB's advisory services and provides a CAB brochure on consumer rights on its website.

Contacts

This publication and related equality and human rights resources are available from the Commission's website: www.equalityhumanrights.com.

For advice, information or guidance on equality, discrimination or human rights issues, please contact the Equality Advisory and Support Service, a free and independent service.

Website **www.equalityadvisoryservice.com**

Telephone **0808 800 0082**

Textphone **0808 800 0084**

Hours **09:00 to 19:00 (Monday to Friday)**

10:00 to 14:00 (Saturday)

Post **FREEPOST Equality Advisory Support Service FPN4431**

Questions and comments regarding this publication may be addressed to: **correspondence@equalityhumanrights.com**.

The Commission welcomes your feedback.

Alternative formats

This publication is also available as a Microsoft Word file from **www.equalityhumanrights.com**. For information on accessing a Commission publication in an alternative format, please contact: **correspondence@equalityhumanrights.com**.

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