“Analysis in schemes to resolve disputes between financial service providers and consumers in Ireland”

Submitted By:

Olga Alicia Anahi Villarreal Castro

A dissertation presented to the

FACULULTY OF LAW

INDEPENDENT COLLEGE DUBLIN

MA in Dispute Resolution

November 2021

Dissertation Submission Form

LEARNER NUMBER:	51710480
NAME:	Olga Alicia Anahí Villarreal Castro
COURSE:	MADR
DISSERTATION TITLE:	Analysis in schemes to resolve disputes between financial service providers and consumers in Ireland
SUPERVISOR NAME:	Dr. Richard Brophy
WORD COUNT:	15,019
DUE DATE:	05/11/2021
DATE SUBMITTED:	05/11/2021

I certify that:

- This dissertation is all my own work, and no part of this dissertation has been copied from another source: Yes ✓ No ☐
- I understand that this dissertation may be checked for plagiarism by electronic or other means and may be transferred and stored in a database for the purposes of data-matching to help detect plagiarism: Yes ✓ No ☐
- This dissertation has not previously been submitted in part or in full for assessment to any other institution: Yes ✓ No ☐
- I consent to the retention of my dissertation (hardcopy) in the library for the purpose of future research: Yes ✓ No ☐
- I consent to the inclusion of my dissertation in an electronic database maintained by the library: Yes ✓ No ☐

(Note that if no check boxes are selected, this dissertation will be regarded as NOT properly submitted, and may be subject to a late submission penalty)

Name: Olga Alicia Anahí Villarreal Castro

Date: *05/11/2021*

Table of Contents

List of Table/Figures

Acknowledgements

I would like to thank the following people for helping with this research project:

My Networking LinkedIn red, for your participation in this study.

Dr. Richard Brophy, my tutor, who guided me so positively and who always made me feel confident in my abilities after coming off the phone to her.

My family, friends and classmates for their patience and encouragement.

and the end but not less important to my Sister, Daniela, for all of this time always gave me all the support: You have been amazing, and I will now clear all the papers off the kitchen table as I promised!

1. Introduction

1.1 Background of the Study

Across the first decade of the twenty-first century, a large new stream of writing on conflict management in the United States appeared, including normative, descriptive, and a mix of the two types of literature. According to the findings of this study, the employment of diverse approaches and practices inspired by alternative conflict resolution is becoming more widespread in Irish businesses. (ADR) is a method of dealing with difficulties (Colvin 2003a; Lipsky, Seeber, and Fincher 2003; Bendersky 2007). After years of pioneering research, the Irish government conducted a large-scale survey on a national scale in 2008. The survey looked at the extent to which firms with 50 or more customers in the private and state-owned commercial sectors were following the US model and implementing ADR-inspired conflict management practices (Teague, Roche, and Hann 2012). This study indicated that few businesses had implemented alternative dispute resolution processes for handling individual personnel issues except for formal open-door policies. There was a tendency for the pattern of doing so to be fundamentally haphazard and unsystematic. The trend in bigger firms was comparable to the trend in the entire population (Roche and Teague 2012; Teague et al. 2012).

Even though multinational corporations controlled by the United States were more likely to have implemented certain alternative dispute resolution practices, such as establishing "hotline" or "speak up" services and appointing organizational ombudsmen, they were less likely to have implemented other ADR practices, such as the use of "consumer advocates" or the hiring of specialists to assist in the resolution of complaints (Teague et al. 2012: 597). According to the findings of the second research on conflict management at non-union multinationals (mostly from the United States) in Ireland, there was minimal evidence that these companies implemented conflict management systems in their Irish subsidiaries (Doherty and Teague 2012). Furthermore, according to an Irish survey conducted in 2008, communal ADR methods were more widespread in Ireland than individual ADR techniques. However, most large and small businesses retained control over the majority of collective ADR methods (Roche and Teague 2011: 445; Teague et al. 2012: 595). A latent class analysis revealed that approximately 25% of primarily non-union firms used a set of collective ADR practices to deal with conflicts and resolve disputes, including brainstorming, problem-solving, and associated techniques, as well as interest-based bargaining and extensive formal communications about the impending change, to deal with conflicts and resolve disputes Also according to Roche and Teague (2011), 5 per cent of primarily unionized firms combined these techniques with conventional conflict resolution procedures and recruited the aid of external experts to support early disagreement settlement in order to reduce the likelihood of litigation. There is no evidence that these clusters of endeavours to embrace alternative dispute resolution (ADR) were the product of deliberate efforts to build conflict management systems (albeit those confined to group conflict). This study from Ireland in 2008 indicated that the adoption of ADR-inspired conflict management tactics was not as widespread, transformational, or systematic as the trend shown by previous studies from the United States. Despite this, the surprising outcome led to some important concerns to be discussed. An important question was if businesses in Ireland were not distributing ADR-inspired conflict management innovations based on the US model because they chose to remain with tried-and-true

conflict management tactics, which was the most significant of the questions. Or were they using tactics that had yet to be found to enhance their conflict management practices? This article presents the findings of an extensive empirical study on conflict management innovations in commercial and public sector organizations in Ireland, which was carried out to highlight these issues by the authors. Whatever their level of wealth, financial services are a crucial part of everyone's daily existence. Therefore, to be successful, they must be aware of and have access to all relevant means of grievance resolution that are available to them and be knowledgeable about how to use them. Consumer protection institutions have been formed in the European Union (EU) and in each of its member states to ensure that consumers in the financial services sector in Europe may be guaranteed of receiving a high degree of protection. Even though litigation is a common and easily available means of resolving disputes, alternative dispute resolution methods have been formed in various sectors to resolve disputes. These supplemental ways are referred to as Alternative Dispute Resolution (ADR) processes, the word used to refer to them.

When it comes to alternative dispute resolution (ADR), mediation or arbitration are the most often utilized methods in Ireland. They are employed in the vast majority of instances involving organizations or between people and businesses. A neutral party, often known as a third party, is an important component of the process in the financial services business for clients since it ensures that their interests are being protected. Third-party conflict resolution techniques include the services of an ombudsman, a mediator, and a complaint board, to name a few. Petrauskas et al. (2012) describe how they "help in resolving conflicts between customers and service providers by recommending or enforcing a solution or by bringing the parties together to urge them to settle by common accord" (p. 182). When it comes to forming these mediation institutions, various countries in the European Union have distinct policy mandates in terms of implementation.

The majority of the time, the developed ADR systems are centralized for the whole country, while they may also be localized in other cases. Depending on the nature of the dispute they are entrusted with settling, there may be variances in the functions and scope of activity across organizations in the same sector, even within the same industry. Similarly to financial institutions, there are differences in how they are supported, including whether they are centrally sponsored organizations funded by the government or founded by players in the private sector or by groups of financial service providers, among other things.

A review of the consumer perspective, as well as a comparative analysis with similar services in other EU member states, as well as other countries such as the United States of America, is necessary in order to truly understand and analyse the role and effectiveness of alternative dispute resolution programs for financial services in Ireland (USA). It is necessary to thoroughly investigate the differences in procedures and their significance to the end Mediation outcomes and perceptions of those outcomes and enforceability.

1.2 Aim of the Study

The research aims to analyse the schemes to resolve disputes between financial service providers and consumers in Ireland through alternative dispute resolution mechanisms. Thus, the objectives of this research are:

- To critically assess the impact of decreasing consumer trust in financial institutions due to unresolved complaints.
- To explore the different schemes of ADR with Financial Services and Pensions Ombudsman in Ireland.
- To determine the level of satisfaction with Complaints closed through Dispute Resolution Service in Ireland.

1.4 Research Questions

Keeping those points in mind, the research question that has been arrived at for the study is as follows:

In what ways can the ADR methodologies used in the financial services sector be modified to improve consumer perception of the conflict resolution process in the sector?

1.5 Contribution to Literature

Financial institutions often have centralized complaint resolution procedures. Precedent and continuity serve as the foundation for these organized systems of conflict settlement. According to the conventional dispute resolution system, consumers have generally pursued related claims against financial services via state or federal litigation (Mahoney and Klass, 2007).

Non-adversarial methods were developed to settle conflicts in place of the old adversarial ones. It was these that came to be known as ADR systems (alternative dispute resolution).

According to Mahoney and Klass (2007), ADR systems are less organized than conventional systems since "financial institutions can unilaterally build their ADR system. Because of their adaptability, these systems and implemented may differ significantly across and even within organizations (Mahoney and Klass, 2007).

In order to acquire a fair picture of the dispute resolution systems now employed for their clients, I have used my dissertation as a chance to investigate the dispute resolution process in several Irish organizations. I am going to investigate the mechanism in Ireland for resolving client disputes in the financial industry. Organizations from Ireland's many sectors, including the financial industry, are represented here.

My research targets include the following businesses: Banks, investment dealers, fund management firms, and trust managers are examples of this group. This allows me to examine any inequalities in satisfaction with the conflict resolution mechanisms in the community.

The customers I survey have a wide range of experience with the financial services they have

used in the past or are now utilizing.

As part of my study, I have looked at some of the most recent articles written by experts in dispute resolution methods. For instance, Budd and Colvin's 2008 paper: improved measures for conflict resolution procedures: efficiency, equality, and representation. According to this study, it is possible to compare and build conflict resolution methods that are efficient and equitable. As the efficient, profitable use of finite resources, efficiency addresses productivity, competitiveness and economic prosperity problems in a short or rational time frame for providing client solutions, as the name implies. When we talk about equity, we are talking about treating users and financial institutions fairly. In order to improve their service, customers need the chance to have a say in how financial services are run.

Three Metrics for Customers Complaint Dispute Resolution

Dimension/definition	**Dispute resolution concerns**
Efficiency • Effective use of scarce resources	Cost Sped/ Time Competitiveness
Equity • Fairness and justice	Unbiased decision making Effective remedies Consistency Reliance on evidence Opportunities for appeal

	Protections against reprisal
Voice • The ability to participate and affect decision making	Hearings Obtaining and presenting evidence Representation by advocates and use of experts • Input into design and operation of a dispute resolution system • Participation in determining the outcome

This examination of the literature will look at both old and innovative conflict resolution approaches. Litigation in a court of law is the standard method of resolving disputes. The most well-known method of resolving a financial services disagreement is negotiation. There are non-adversarial dispute resolution ADR methods that are more recent.

1.6 Structure of the Dissertation

The following is the structure of this thesis:

A critical overview of the available literature on the key drivers of the contemporary work environment and their influence on developing conflict management practice in Ireland is presented in Chapter 2, Literature Review, divided into two sections.

A discussion of research techniques and their underlying philosophical foundations is included in Chapter 3 (Research Methodologies), which also addresses the mixed-methods approach used to conduct this study and some of the obstacles encountered.

Data Analysis and Findings is the fourth chapter of the dissertation and contains the summary data, the analysis of the data, and the study's findings.

Following the Literature Review, the findings of Chapter 5 are summarized and discussed in detail. The findings of Chapter 5 are significant to the research questions and are discussed in light of Chapter 4.

Section VI, Conclusions and Suggestions, summarizes the results concerning the study topics and gives recommendations for future lines of investigation based on the findings of this research.

2. Literature Review

2.1 Introduction

Consumers' lives are significantly influenced by the financial services they get. Therefore, customers must make educated decisions and ensure that they are adequately insured in the case of a crisis before purchasing any insurance. For the EU's financial services market to operate properly, the EU and national governments are committed to providing consumers with a high degree of protection as a vital component of that market. Their work is focused on consumer credit, financial services marketing via the internet, and ensuring that consumer interests are taken into account in other EU financial rules.

This assumption is supported by a large number of EU-wide research and investigations. In September 2011, the European Commission initiated an investigation into websites that offered consumer credit to assess if users were receiving the information needed by EU consumer law1 before signing a consumer credit contract with the website. National enforcement agencies reviewed over 500 websites in the 27 EU member states and Norway, and Iceland. They identified 70 per cent (393 websites) as needing additional investigation due to the following serious problems:

- Marketing materials were deficient in providing standard information.
- Offers were deficient in providing key information necessary for decision-making.
- Charges were supplied deceptively.

National enforcement authorities will now contact financial institutions and credit intermediaries to get an explanation or to request remedial action in connection with the suspected infractions. In the sweep operation, investigators looked at how firms are applying the Consumer Credit Directive (which was recently approved in the Member States), intended to make credit offers more understandable and comparable for consumers to compare. When customers seek credit, they commonly discover that credit is more costly than before because crucial information is unclear or absent from the application. Credit for consumers is not always easy to comprehend, so European

regulation is in place to aid consumers in making informed financial decisions. The need for companies to provide customers with accurate and crucial information has risen as a consequence. This will be accomplished via collaboration with national enforcement agencies, which is the Commission's duty.

When customers cannot settle their disputes with financial service providers bilaterally, only a small percentage of them contemplate going to court. Customers and financial service providers have been referred to alternative dispute resolution (ADR) procedures such as ombudsmen, mediators, and complaint boards, which have been created in the numerous Member States to resolve out-of-court conflicts between them. In general, these alternative dispute resolution (ADR) processes provide a much quicker and less costly alternative to going to court for settling disputes than going to trial. As a consequence, they are highly regarded by both customers and financial service providers. ADR systems also help increase access to justice since they enable consumers to address disputes outside of the courts, which is considered a positive development. Additionally, they help increase client trust in financial services by guaranteeing that customers have redress if anything goes wrong with their transactions.

As part of its accompanying Communication 'A single market for twenty-first-century Europe' (EUR-Lex - 52007DC0724 - EN – EUR-Lex, n.d.), the European Commission announced that its services would continue to investigate ways to improve alternative redress mechanisms in the financial services sector, given that gaps in their geographical and sectoral coverage remained. ADR programs are not available to all financial service organizations, and not all financial service companies educate their consumers about them either. Consumption and business alike benefit from the European Union's single market. It has contributed to the creation of employment and the acceleration of growth, competitiveness, and innovation.

As previously stated, the single market has also played an important role in the seamless functioning of the European Union's economic and monetary policies. The single market must provide better

outcomes and advantages to fulfil the expectations and concerns of consumers and businesses. Consumer protection may be provided by guaranteeing high standards in various areas, including the availability and quality of products, price, rights, and the prevention of unfair economic activities and the abuse of a dominating position, among other things. Nonetheless, the single market can provide consumers with greater value in vital areas such as energy or telecommunications, as well as in sectors that are fragmented or characterized by a lack of effective competition, among other things. In addition, the safety and quality of products and services and market oversight must be improved and strengthened.

Consumers must be educated and empowered in areas like food safety, medicines, and retail financial services to reap the full benefits of the single market and its benefits.

Consumer rights, especially contractual rights and restitution, should be re-examined in this context to move toward a simple, comprehensive protection framework.

The European Parliament requested that consumers access alternative dispute resolution mechanisms on a national and cross-border basis in its June 2008 resolution on the Green Paper on retail financial services (Commission, 2015) and urged the Commission to promote best practices in alternative dispute resolution.

This paper was created to gather feedback from stakeholders on how alternative dispute resolution methods in the financial services industry, which offer consumers personalized redress, might be enhanced further. This consultation, while complementary, is distinct from the work being done by the Directorate-General for Health and Consumer Protection on collective redress, which is more comprehensive in scope, both in terms of the sectors addressed and in that it is not limited to alternative dispute resolution but also includes judicial remedy.

There will be three key areas covered in the literature review: defining ADR and its application, identifying easily available ADR models, and preliminary evaluation of best practices in other countries with ADR rules in place.

2.2 Alternative Dispute Resolution (ADR)

In all alternative dispute resolution schemes, including those in the field of financial consumer services, the central feature is the involvement of a so-called 'neutral' or 'third party' (such as an ombudsman, a mediator, or a complaint board) who assists the consumer and service provider in resolving their dispute by proposing or imposing a solution, or by bringing the parties together to persuade them to reach an agreement through common consent. Currently, available alternative dispute resolution schemes in various Member States either cover specific sectors (e.g., the Italian Banking Ombudsman scheme, the German Insurance Ombudsman scheme, and the French Ombudsman of the Financial Markets Authority) or cover all financial services sectors (e.g., the UK Financial Ombudsman Service, the Malta Financial Services Authority's Consumer Complaints Manager, and the Dutch Financial Services Co) (e.g. the Swedish National Board for Consumer Complaints, the Lithuanian State Consumer Protection Authority). While most alternative dispute resolution programs are managed at the national level, some, such as the Lisbon Arbitration Centre for Consumer Conflicts, are regional in scope. The Bank of Spain's Complaints Service and the Irish Financial Services Ombudsman's Bureau are examples of ADR schemes established by public authorities. Others, typically by associations of financial service providers (e.g., the German Cooperative Banks' Ombudsman) or by associations of financial service providers working in collaboration with consumer organizations, are examples of ADR schemes established by private actors, such as associations of financial service providers working in collaboration with consumer organizations (the Danish Complaint Boards).

Furthermore, ADR systems use a variety of different approaches. Specific alternative dispute resolution methods determine how a conflict should be settled. This decision may be binding on both the client and the financial service provider (e.g., the Lisbon Arbitration Centre for Consumer Disputes), or it may be binding on just the financial service provider (e.g., the Financial Services Ombudsman Service) (e.g. the UK Financial Ombudsman Service). A suggestion is presented to the parties in other kinds of alternative conflict resolution; they may choose whether or not to adopt the plan (e.g. the Finnish Consumer Disputes Board). The vast majority of alternative dispute resolution (ADR) programs do not take a position on the best strategy to resolve the problem but rather help the parties achieve an agreement. However, they may sometimes offer an informal recommendation (e.g. the Belgian Insurance Ombudsman). Specific ADR systems make use of many different strategies. For example, at the Dutch Financial Services Complaints Institute, complaints are initially settled via mediation, and if mediation proves unsuccessful, an arbitration proceeding may be initiated to resolve the problem.

Customers must have confidence in financial services and the financial sector as a whole in order for governments and financial firms to succeed. The World Bank Report states that one way for increasing consumer trust is to offer accessible, transparent, and fair channels for conflict/dispute resolution (Thomas and Frizon, 2012). Several alternative dispute resolution (ADR) systems have been proposed throughout history, apart from the court system. A financial ombudsman is well-known in the financial services business and may be called to resolve particular concerns or conflicts. In addition to resolving disputes, financial ombudsmen reply to "customer enquiries and actively share lessons learnt from their work to aid governments, regulators, financial institutions, and consumers in better things in the future" (Thomas and Frizon, 2012, p. 6).

There are two types of alternative dispute resolution bodies in Ireland: those formed by the central government and those established privately by parties involved in a specific sector. These functions are controlled separately and use various dispute resolution techniques, including adjudication, arbitration, and mediation to resolve disputes. An investigation by the European Consumer Centre Ireland in 2012 found that "ADR use in Ireland was much greater than the EU standard, with approximately 1.5 incidents per 1000 persons, compared to the EU average of 0.99." (2012); (ECC-I, 2012). However, according to the most current estimates, the percentage of Irish inhabitants who use financial services drops to 1 in every 1000 persons in the country (FSPO, 2020). Appendices B through F includes further information on the types of complaints that have been received.

Another essential component of Ireland's alternative dispute resolution setting is the Small Claims Procedure (SCP), which does not qualify as ADR under Irish law but may be considered as such. This is because, while being within the jurisdiction of the court, this process does not need the employment of legal counsel. The Small Claims Procedure (SCP) is an alternative method of initiating and resolving civil procedures involving minor claims, as provided for by the District Court (Small Claims Procedure) Rules, 1997 and 1999, as amended by Statutory Instrument No. 519 of 2009, Order 53A, and other relevant legislation. For the time being, the maximum amount that may be recovered under the SCP is €2,000. This also creates a simple mechanism for customers to get conflict or dispute resolution without going to court for small claims, which is beneficial.

Finally, the FIN - NET service is the second important tool offered to customers in the European Union (EU). Customers were forced to seek help from alternative dispute resolution (ADR) services in the nation. The financial services organization was headquartered before the FIN - NET was established, which might be difficult for the customer. Fin-Net allows customers to seek an out-of-court dispute resolution process from the comfort of their home nation inside the European Union. (2012) (Petrauskas et al.).

As a director, officer, or client of a financial services firm, you must adhere to the organization's Code of Ethics and Business Conduct (COEBC) standards. All other firm policies and procedures, including the officer and customer Codes of Conduct, should be considered in combination with this document when interpreting it. The Code of Ethics does not address all legal and ethical concerns or attempt to be comprehensive. No code can anticipate the multiplicity of difficulties that may arise in every Company. Compliance with this Code, as well as the firm's other corporate policies and procedures, as well as the letter and spirit of all applicable laws and regulations, and most importantly, the exercise of sound judgment in the conduct of business operations, demonstrates a commitment to the firm's principles. For the most part, financial institutions are subject to many local and international norms and regulations. A Financial service provider needs to understand the laws regulating its duties and adhere to both the letter and the spirit of the laws that govern those commitments. The individual must refrain not only from actual impropriety but also from the appearance of impropriety in order to fulfil this requirement. There is a slew of essential rules, legislation, and regulations in place.

A wealth of additional information may be found in other relevant company rules and procedures, such as the officer and customer Codes of Conduct. In no way should this be construed as a complete list of all of the applicable laws, rules, regulations, and policies that must be followed by everyone subject to this Code while fulfilling his or her responsibilities at a specific financial institution.

Additionally, conflicts of interest might arise because of the numerous customers, counterparty, and supplier relationships. Examples include disputes between different customers or disputes between customers and the retailer.

The Company in its entirety. Officers and customers are each responsible for identifying and addressing issues in a way that is consistent with regulatory requirements and Company standards and procedures. Once a potential conflict has been reviewed and approved, consumers and officers must promptly notify the original approvers of any changes to the external activity's business structure, ownership, or participation in an external activity that has been previously approved. Consumers and officers must notify the original approvers of any changes to the external activity's business structure, ownership, or participation in an external activity that has been previously approved. The earlier permission may be re-evaluated at this time.

Officers and customers are not authorized to have employment outside of the organization that might impair their ability to carry out their responsibilities for the Company. However, although it is hard to describe every event that might result in a conflict of interest, the following are examples of circumstances that could result in a conflict of interest and, as a consequence, would need to be reported to and approved by the Company's regulatory body.

Daily responsibilities may position the individual in situations where he or she may be exposed to potential conflicts of interest. Try to avoid making outside investments or engaging in any outside activity or forming any outside interest or link that might impair judgment or interfere with (or give the perception that it is interfering with) any portion of the Company's obligations to its customers or shareholders.

2.3 Theoretical underpinnings of Mediation, Arbitration and Adjudication

Present the theoretical underpinnings for arbitration, Mediation, and adjudication concepts, respectively, based on an examination of the literature in each of these areas. This will allow us to provide a platform to analyse the perception of the ADR system, its effectiveness, and its design in this research.

However, although some academics have expressed concern about the absence of defined, scholarly Mediation theory, this should not be construed to mean that the profession is completely devoid of a theoretical basis. Because theory may be described as "when and why" of intervention, it was clear that mediators needed a theory to guide their activities, no matter how naive or opaque the theory seemed to be. The use of articulated, theoretical concepts in developing explanatory and interpretive frameworks for "the when and why" of practice does not imply that such theoretical frameworks are restricting. Indeed, even when not relying on formal academic frameworks for their mediation practice, mediators might actively create their theoretical frameworks to give their work a sense of purpose and organization. Because mediators, like all other social actors, are "lay theorists," which means that they are individuals who have developed their languages, frames of reference, interpretative schemes and resources, along with explanations for their social environments and actions, on their terms. Mediators constantly return to their chosen theoretical frameworks - regardless of the source of their inspiration for doing so - to analyse unfolding interactions and make judgments about when and how to intervene as a result of their readings. 6 Those choices, in turn, reflect the intervention aims of the mediators, which are based on their ideological interpretations of the social environment and social behaviour. As Mediation practice evolved, mostly due to a lack of clear, academic theoretical frameworks, it became more complex. In order to clarify Mediation as a distinct social process, eight practising mediators tended to construct and express their own "lay" theoretical frameworks by relying on (1) "mythology," (2) "imported" theories, and (3) skills and techniques that were assumed to be theory-free, among other sources.

As Kolb and Kressel pointed out, the data does not support these mythical interpretations of the practice of Mediation, which are contrary to popular belief. As a result, a substantial body of research has demonstrated that mediators do not share similar objectives and orientations, are not "neutral" in the strictest sense of the word, and actively influence what parties can and cannot do during a Mediation session in a variety of ways, many of which are coercive. The mystique, on the other hand, lingers. For example, it is difficult to find a practitioner-oriented book or training manual in Mediation that makes major reference to or attempts to explain the corpus of research indicated above. Whenever any part of this research is mentioned, it is often dismissed as evidence of "bad behaviour" or conduct that does not live up to the mythology. Rather than accept opposing study findings and risk being left with no frame at all, it seems preferable for mediators, and even some mediation specialists, to maintain the mythical frame and ignore contradictory study results. Myths serve a certain function. Mythology fills the void left by the absence of an articulated theory by giving some kind of "intellectual and emotional framework" for mediators to operate within.

Interacting directly with their counterparts with the assistance of a neutral professional trained in negotiation and conflict resolution is what Mediation is all about. It allows people involved in a dispute to discuss and resolve their differences without the need for a third party to intervene.

The fact that Mediation is a voluntary and private process is critical to the process because it allows for "better results: increased satisfaction with the process and outcomes, increased settlement rates, and greater adherence to settlement agreements," according to the American Arbitration Association (Law Reform Commission, 2010, p.32). In many cases, the Mediation may be completed in a single day after one- to two-hour preliminary meetings with the primary parties have taken place.

The process of looking for and analysing information to determine the 'facts of the case,' on the other hand, is known as investigation. In-depth investigations take a long time to complete – an average complex case will take between eight and ten months – and are expensive for both the individuals involved in terms of stress and reputational damage, as well as the organization that contracted with them in terms of management time, financial expenses, and relationship/reputational damage.

In the course of Mediation, the parties involved develop solutions that have been carefully planned to meet their requirements and interests. The inquiry determines whether or not the complaint is true or false; it does not address underlying issues or make any steps to change the condition in question.

The popularity and acceptability of Mediation have expanded in the Republic of Ireland (ROI) during the past few years, particularly in civil, commercial, and family disputes.

According to the current Irish government, Mediation in commercial, civil, and familial disputes would be encouraged and made easier to access to "accelerate conflict resolution, reduce legal costs, and lessen the stress associated with litigation."

'Legal actions that are being contested' (Programme for Government, 2011, p.21). Even though the EU Directive 2008/52 on the use of Mediation in civil and commercial proceedings is primarily concerned with cross-border disputes between member states, the Directive actively promotes the use of the Directive's provisions for internal mediation procedures, noting that Mediation can be a cost-effective and expeditious alternative to litigation in civil and commercial cases by tailoring methods to the interests of the parties involved. Agreements achieved via Mediation are more likely to be adhered to voluntarily and help the parties maintain an amicable and long-lasting working relationship. These benefits are magnified in instances when there are cross-border elements.

When the parties or the court desire it, new court procedures adopted in November 2010 allow for the suspension of any civil case to allow for Mediation or conciliation to resolve the issue in question. Additionally, a Mediation Bill is scheduled to go into effect in early 2014, providing a measure of governmental regulation and acknowledgement to the practice of Mediation in the United States.

According to the Draft Directive, natural persons in charge of an ADR proceeding must be objective in their decision-making. According to the legal premise that no one should be a judge in their case, this is the situation. Assumedly, the need for impartiality extends to the appearance of impartiality to individuals who may be interested in participating in the procedures. In other words, the FSO must be independent of the government and any other body or individual and considered to be such by the public.

In the Financial Services Ombudsman Council (FSOC), the Financial Services Ombudsman (FSO) and any Deputy Ombudsman are appointed (the Council). The Minister of Finance selects this Council, which has the following responsibilities for the next five years:

- Determine the levies and costs that the FSO must pay in exchange for the services provided.
- Considering the Bureau's effectiveness as a whole
- Providing advice to the FSO on any subject.

All financial service providers that are either (a) authorized and supervised by the Central Bank of Ireland or (b) authorized and supervised by an authority in another European Economic Area country that performs functions comparable to those of Ireland's Central Bank are subject to the oversight of the Financial Services Ombudsman.

2.4 Models of ADR in EU and Ireland

There are various aspects of an ADR that need to be considered for proper appraisal of the same. Gill, et al. (2014), suggest that the following parameters categorize or define an ADR system.

Item	**Type/Categories**
Funding	Public/ Private
Jurisdiction	Voluntary/ Compulsory
Goals	Redress/ Prevention
Emphasis	Public Interest/ Party Interest

Structure	Single Stage/ Multi-Stage
Process	Inquisitorial/ Adversarial
Decision maker	Individual/ Panel
Technology	High Tech/ Low Tech
Settlement type	Imposed Decision/ Party Agreement
Outcome	Binding/ Not Binding

The Financial Services and Pensions Ombudsman (FSPO) in Ireland follows a similar model. However, in the case of litigation, the court may require proof of out-of-court mediation attempts. In addition, the FSPO's principal function is to mediate. Since it is a public institution sponsored by the government in conjunction with industry parties, the focus has been primarily on the public interest, emphasising face-to-face mediation. Although the method is rigid and formal, it may be used in various ways to fulfil the needs of every given situation. Having two parties face-to-face in a mediation process requires a lot of time and effort on the part of the mediator. Therefore the system relies significantly on them. This kind of approach is good for "high value" scenarios but not so much for lesser value ones. So far, the Small Claims Service has been able to provide much better and faster service. The system can also handle a greater volume of complaints as a result of this. Registration and assessment, dispute resolution service, investigation service and legal review are all part of the multi-stage framework of the Federal Trade Commission (FSPO) (FSPO, 2020). As of this writing (Gill, et al., 2014). Most settlements are reached via an agreement among the parties, and the agreements reached are not legally enforceable.

There are already ADR systems in place in a few countries that cover the whole financial services industry. There are often no legislative hurdles to establishing an ADR in Member States whose ADR systems do not already encompass all financial services. It has been reported by several countries in Europe and the rest of the world that ADR systems are either being established or are being proposed.

Because of its well-developed judicial system and the availability of other, less formal methods, just one Member State considers fostering ADR programs unnecessary.

Latvia, Lithuania, Luxembourg, and Romania have expressed their wish to encourage existing ADR systems to join FIN-NET. As part of certain EU financial services legislation, Member States are required to ensure the development of ADR schemes. In Austria, Cyprus, Estonia, Latvia, Lithuania, Luxembourg, Poland, Romania, and Liechtenstein, financial service providers are not obligated to inform clients of the availability of a relevant ADR scheme.

ADR programs are mandated for all financial service providers in seven EU countries (Denmark, Ireland; the Netherlands; Slovenia; Spain; Sweden, the United Kingdom, and Norway). In several sectors, the other Member States share this obligation. Furthermore, there are comparable duties in the insurance business in Belgium and Bulgaria, the payment sector in Bulgaria, and the Czech Republic and France's banking sector. Financial service providers in Finland, Germany, Hungary, Portugal, and Slovakia are obligated to inform their consumers about an ADR scheme when a contract is signed at a distance.

Financial service providers are under no obligation to inform their clients about FIN-NET in any Member State. The presence of an ADR system must be included in the contractual information provided to customers by financial service providers following EU legislation regulating financial services.

It is the most common form of financial arbitration in Western Europe.

Financial ombudsman-ship has evolved from a niche concentration on a particular financial sector (such as banking or insurance) to one that encompasses the whole industry. Complaints departments within financial regulators, complaint boards (headed by an independent person and consisted of an equal number of consumer and industry representatives), and regional arbitration have been established in some nations.

It's possible to find examples of an ombudsman system developed by industry, an ombudsman scheme established by industry without a governing body, and an ombudsman scheme established by law.

Many countries and sectors now have financial ombudsmen. Additionally, they must adhere to fundamental ombudsman criteria like independence or effectiveness, which must be considered. The banking sector needs an ombudsman to safeguard its interests. If an ombudsman board of directors is to be established, it must be decided if there should be one ombudsman or a number of them. Another consideration is whether or not an independent agency should govern the financial ombudsman. Inquiry and case processing methods, the financial ombudsman's decision-making foundation, and whether ombudsman conclusions are legally binding are among the important procedural concerns of the financial ombudsman.

As long as an institution is not adhering to the standards of ombudsman-ship, including independence and efficacy, it should not be called an ombudsman. The ombudsman must have the legal and technical expertise to handle financial matters authoritatively. The selection and governance procedures must reflect this.

Financing may come in the form of an ombudsman fee, the cost of resolving a claim for covered financial companies, or any combination of the two options above. For those already struggling, even a little increase in the cost of goods would be a deterrent.

Confidence in the financial services industry is essential, among other reasons, to its success. In order to maintain consumer trust, the following conditions must be met:

/making sure that financial institutions are run by people with the necessary skills and experience, prudential regulation is implemented.

to ensure that financial institutions are treating their consumers fairly via business regulation or industry regulations;

- mechanisms to protect clients in the event of the bankruptcy of a major financial institution; and
- procedures for consumer and financial institution dispute resolution that are readily available and user-friendly; and

They were building customer trust through educating them on financial matters, including their rights and duties.

This study focuses on consumer-financial business conflicts schemes. Attention should be paid to the concerns of consumers. Rather than conflicts, many of them are just questions. The public's faith is undermined if these situations are not properly addressed.

- In addition to letting customers know how to file a complaint, businesses should also assign a department or somebody to deal with complaints. When complaints are filed, the files should be inspected by regulators.

2.5 Management of a National ADR Structure

The most acceptable model or strategy for alternative dispute resolution in consumer disputes in Ireland, the following characteristics of an ADR scheme must be considered:

- Procedure: How a disagreement is resolved, from the first reporting of a complaint through its ultimate conclusion.
- Involvement: Whether ADR participation should be required or optional.
- Binding/non-binding judgments: Should an ADR entity's rulings be binding on one or both parties, or neither?
- Consumer cost: Should customers be able to use a specific ADR scheme for free, or should there be a "moderate" fee? Should the "loser pays" principle be followed?
- Financing: Whether an ADR scheme should be publicly or privately funded, or both, and the ramifications of each.

Prior to addressing the above, it is important to note Hodges conclusion's that consumer ADR is "different from other manifestations of ADR," so much so that he recommends the abbreviation CADR for ADR in the domain of consumer disputes. Hodges questions the concept of ADR as a collection of conflict resolution procedures that occur in the shadow of the court process and contrasts it to CADR, in which a problem exists and any of the dispute resolution strategies, including the court process, may be employed to resolve it (but this option is rarely used).

CADR is not especially reliant on "the capacity to resort to a judicial process in order to settle C2B issues" in this respect. This perspective, it is argued, may be beneficial for establishing an ADR process for consumer disputes, preventing the resulting system from devolving into an "ad hoc" method for resolving individual disputes that do not comply with the proposed Directive.

Procedure

Any method for resolving a disagreement should begin with direct interaction between the merchant and the customer. According to evidence, a significant proportion of complaints are handled by direct contact with the merchant and often arise due to misconceptions or communication issues. Consumer access to information may affect an ADR body's efficiency since many ADR organizations indicate that a considerable portion of first contacts are requests for information,448 rather than complaints, or are complaints that fall beyond the scope of that institution. In this sense, it benefits the efficiency of all ADR bodies if consumers are adequately informed about the ADR body's jurisdiction prior to initiating contact. A well-publicized national consumer counselling agency, such as Norway's Consumer Council, is critical in this respect.

After the trader has had a fair amount of time to settle the disagreement, the second stage in the procedure should entail the trader requesting the assistance of an ADR organization.

Participation

The bulk of ADR proceedings in Europe are based on the voluntary involvement of dealers and consumers. The proposed Directive does not require merchants to participate in ADR processes on a

required basis, but it does not exclude national legislation mandating participation. Recent discussion has centred on the obligatory use of alternative dispute resolution (ADR) (before a disagreement may be brought to the courts) and the consequences this may have for the right of access to the courts guaranteed by Article 6 of the European Convention on Human Rights (ECHR). In the Alassini case, the European Court of Justice determined that an Italian law requiring certain disputes to be resolved outside of court before being admissible in court proceedings served legitimate public interest objectives, noting that: "An optional out-of-court dispute resolution procedure is inefficient in comparison to a mandatory one that must be conducted before any legal action can be brought." Mandatory participation in ADR schemes may be employed if it is argued that adopting such processes would have a behavioural impact on participating dealers. According to Hodges, the behavioural component of an ADR scheme may be used to so-called "rogues," where membership in a specific scheme is mandated by law, resulting in the scheme working to "clean up a market and strengthen the competitive position of strong enterprises." Specific ADR systems essentially require participation by requiring that authorization to operate in a sector be conditional on an agreement to participate in the sector's ADR scheme. This happens in some of the economy's most tightly regulated sectors, such as financial services.

Decisions that are either binding or non-binding.

It is widely accepted that consumer ADR system rulings should not be binding on consumers, following Article 6 of the ECHR, i.e., the right of access to the courts. Any judgment that has a binding impact on traders may have an influence on customers' confidence and faith in the ADR scheme, hence influencing the scheme's use. The binding character of judgments may be specified by legislation, as is the case with FSO rulings, or by previous agreement of the trader, as is the case with the Dutch SGC system. The case for traders being bound by consumer ADR scheme decisions becomes more robust when the scheme is seen as having a regulatory function to play. Hodges et al. highlight that lawmakers have the authority to enforce obligatory participation in a consumer ADR

system and adherence to its rulings. Compliance is a logical outgrowth of any consideration of the binding nature of consumer ADR scheme rulings. In this sense, the Norwegian system is unique. It incorporates both binding and non-binding conclusions. The CDC's rulings are binding if not challenged within four weeks of their issuance and the private complaints board's recommendations are non-binding. As previously stated, some complaint boards broadcast traders' identities who disregard any recommendations made against them.

The practice of "naming and shaming" people who fail to comply may effectively ensure high compliance rates. This is particularly true when the media have a role in disseminating this knowledge. Hodges identifies techniques for increasing compliance with non-binding decisions, including the following: a] Dutch-style trade association guarantees; b] Enlisting regulator pressure; c] Using an intermediary to obstruct trade, such as a chargeback mechanism; and d] Using a fast-track enforcement mechanism in the courts. When developing a national consumer ADR framework, it is said that when determining whether any judgments or recommendations should be binding or not, it is critical to bear in mind that the efficacy of any ADR system ultimately depends on consumer use and trader involvement. While every attempt should be made to adopt a similar approach to consumer ADR across all sectors, some sectors' unique features may need a different approach to the problem of binding or nonbinding choices.

Consumers' Costs

As previously stated, the Draft Directive requires Member States to guarantee that ADR processes are "free or inexpensive for consumers."

Hodges asks for consumer ADR schemes to be free of charge to customers in his "Model for a National Consumer ADR Architecture," however Richards believes that "ADR does not have to be free: consumers expect to pay for services." However, it must be inexpensive."

As previously stated in this study, the ADR system administered under the SGC charges consumers for its use in order to ensure that complainants give their disagreement and the ADR procedure the

attention and gravity they deserve. In this manner, a consumer case fee may act as a filter, "weeding out" erroneous or vexatious claims. Incorporating a case fee may be seen as a viable financing strategy, and a particularly alluring one, in light of bridging any potential financial gaps between the cost of creating the ADR program and voluntary contributions from the State, the business sector, or both. However, attention should be used to determine the amount of any case fee charged to consumers, since it may operate as a filter, preventing many genuine claims of little monetary value from passing. This might effectively result in the non-resolution of a substantial number of consumer disputes resulting from consumers abandoning claims on cost-benefit grounds. While it may be justified to introduce case fees on a sliding scale proportional to the value of the claim, it is submitted that any proposed fee in the Irish context should be comparable to or less than the €25 SCP fee in order to encourage consumer use for claims with a similar monetary limit, i.e., €2,000. It is self-evident that an ADR system that provides a comparable assurance about payment of a successful claim, such as the one administered by the SGC, may be seen as a more attractive alternative by consumers, even if the initial case charge is more than the price for a SCP application.

Funding

As the European Parliament highlighted, "the issue of who pays for ADR systems... may be addressed in a variety of ways, including by the government, claimants, service users, and industrial sectors." Whichever path any nation takes, a critical concern will be ensuring that independence is not jeopardized by the financing source.

Hodges observes that all major schemes are funded by a yearly charge levied on members or mandated by legislation, as well as a separate case fee. In certain circumstances, no price is levied for the first or second case, whereas in others, fees grow according to the volume of claims received.

Jukys and Ulbaite observe that both private and state sponsorship of ADR systems may affect their independence. It is accepted that finance is a complex problem, not only in terms of preserving the apparent independence of any ADR program, but also in light of the economic difficulties now

confronting both corporations and the State. In such conditions, supporting a national consumer ADR system becomes a delicate balancing act between the necessity to rein in government expenditure and the need to avoid imposing further financial obligations on economically vulnerable merchants.

The funding mechanism for consumer ADR programs will vary according on the type adopted. Where specific sector ADR schemes cover certain sectors of the economy, they may be supported by membership fees charged to dealers. 476 These costs may grow as the number of claims received increases, however this may need to be evaluated on a market share basis to prevent unjustly penalizing companies with an extensive customer base. Additionally, there may be a problem in that specific complaints are more expensive to handle than others, depending on their intricacy.

First and foremost, it is vital to emphasize that Hodges' conclusion that consumer ADR is "distinct from other manifestations of ADR" is so firm that he advocates the acronym CADR for alternative dispute resolution in the context of consumer conflicts. Hodges challenges the notion of alternative dispute resolution (ADR) as a collection of conflict resolution procedures in the shadow of the court process and contrasts it with conflict resolution (CADR), in which a problem exists. Any dispute resolution strategies, including the court process, may be used to resolve it (but this option is rarely used).

When it comes to resolving C2B concerns, CADR does not rely heavily on "the ability to turn to a legal procedure in order to do so." In this view, it is suggested that establishing an ADR procedure for consumer complaints may be advantageous since it prevents the emerging system from devolving into an "ad hoc" mechanism for resolving individual disputes that do not conform with the proposed Directive.

The first step in settling a dispute is the procedure. The first step in any technique should be direct engagement between the merchant and the client (also known as direct interaction). According to the research, many complaints are resolved by direct dialogue with the merchant and are often the result of misunderstandings or communication problems. Given that many ADR organizations report that a significant part of initial contacts is requested for information,448 rather than complaints, or are complaints that fall beyond the jurisdiction of that institution, access to information by consumers may have an impact on the efficiency of that body. When customers are sufficiently educated about the ADR body's jurisdiction prior to commencing contact with the ADR body, it is beneficial to the efficiency of all ADR bodies. After the trader has given himself or herself a reasonable amount of time to resolve the disagreement, the second stage of the procedure should entail the trader requesting the assistance of an alternative dispute resolution (ADR) organization. A well-publicized national consumer counselling agency, such as Norway's Consumer Council, is critical in this regard.

Participation

The majority of alternative dispute resolution (ADR) processes in Europe are based on the voluntary participation of dealers and customers. However, although the proposed Directive does not oblige merchants to engage in ADR proceedings on an as-needed basis, it does not exclude national law requiring involvement in such processes. An important topic of discussion recently has been the requirement for the use of alternative dispute resolution (ADR) before a disagreement can be brought to court, as well as the implications this may have for the right to access justice guaranteed by Article 6 of Europe's European Convention on Human Rights (ECHR). Specifically, in the Alassini case, the European Court of Justice found that an Italian law requiring certain disputes to be resolved outside of court before being admissible in court proceedings served legitimate public interest objectives, noting that "an optional out-of-court dispute resolution procedure is inefficient in comparison to a mandatory out-of-court dispute resolution procedure that must be conducted before any legal action can be brought." Participation in alternative dispute resolution schemes may be made mandatory if it is shown that implementing such procedures will negatively influence the behaviour of participating dealers. The behavioural component of an ADR scheme, according to Hodges, may be used to prosecute so-called "rogues" in situations where participation in a particular scheme is compelled by law, resulting in the system acting to "clean up a market and boost the competitive position of strong firms." The involvement in specific ADR systems is fundamentally required by the need that license to operate in a sector be conditional on consent to participate in the sector's ADR scheme, as described above. This occurs in some of the most strictly regulated areas of the economy, such as the financial services industry.

Decisions that are either legally binding or non-legally binding are classified as follows:

Following Article 6 of the European Convention on Human Rights, which guarantees the right of access to the courts, it is commonly acknowledged that consumer ADR system decisions should not be binding on consumers. Any ruling that has a legally binding effect on traders may impact consumers' trust and faith in the ADR scheme, affecting the scheme's utilization due to that judgment. The binding nature of judgements may be determined either by law, as is the case with FSO decisions, or by prior agreement of the parties, as is the case with the Dutch SGC system, which is a kind of collective bargaining. When the scheme has a regulatory role, the argument for traders being bound by consumer ADR scheme decisions becomes more compelling. Hodges and colleagues point out that legislators have the right to compel mandatory participation in a consumer ADR system as well as obedience to its rules and decisions. A discussion of compliance logically follows any evaluation of the legally binding character of consumer ADR program verdicts. As a result, the Norwegian system is unusual in this regard. It includes both legally binding and non-legally binding findings. The Centers for Disease Control and Prevention's judgements are binding if they are not contested within four weeks of their release, while the recommendations of the private complaints board are non-binding. In addition, as previously noted, specific complaint forums publish the names of traders who choose to ignore any recommendations made against them.

The practice of "identifying and shaming" persons who do not comply may successfully increase compliance rates. Especially when the media is involved in the dissemination of this information, this is the case. Hodges outlines several approaches for promoting compliance with non-binding judgments, such as the ones described below: Use of a trade association guarantee in the Dutch manner; enlisting the help of regulators; the use of an intermediary to hinder commerce, such as the chargeback mechanism; and the use of a fast-track enforcement mechanism in the courts are all options. Among the considerations in developing a national consumer, the ADR framework is whether any judgments or recommendations should be binding or not and whether any judgments or recommendations should be binding or nonbinding. According to the authors, it is also important to remember that the effectiveness of any ADR system ultimately depends on consumer use and trader participation. As far as possible, a uniform approach to consumer ADR should be used across the industry; nonetheless, given the particular characteristics of specific sectors, distinct response to the issue of binding or nonbinding options may be required.

Consumers' Expenses as previously noted, the Draft Directive requires the Member States to ensure that alternative dispute resolution mechanisms are "free or affordable for consumers."

In his "Model for a National Consumer ADR Architecture," Hodges proposes that consumer ADR schemes be provided free of charge to customers. On the other hand, Richards feels that "ADR does not have to be free: consumers expect to pay for services." "However, it must be reasonably priced."

Consumers are charged a fee for using the ADR system operated by the SGC, as previously noted in this research, in order to guarantee that complainants give their dispute, as well as the ADR process, the attention and severity they deserve. Using this approach, a consumer case fee may serve as a filter, "weeding out" frivolous or vexatious claims. A case fee may be considered a viable financing strategy and one that is particularly appealing in light of the need to bridge any potential financial gaps between the costs of establishing the ADR program and voluntary contributions from the government, the private sector, or a combination of the two sources. It is essential to pay close attention to the amount of any case fee paid to customers since this price may act as a filter, preventing many absolute claims with little monetary value from being processed. This might effectively result in the non-resolution of a significant number of consumer disputes due to consumers dropping claims based on cost-benefit considerations, for example. However, while it may be justified to introduce case fees on a sliding scale proportional to the value of the claim, it is proposed that any proposed fee in the Irish context should be comparable to or less than the €25 SCP fee in order to encourage consumer use for claims with a similar monetary limit, namely, €2,000, in order to encourage consumer use. A consumer-friendly alternative dispute resolution system, such as the one administered by the SGC, provides comparable assurance about payment of a successful claim is self-evidently preferable to an SCP application, even if the initial case charge is higher than the price of the SCP application.

Funding

According to the European Parliament, "the question of who pays for alternative dispute resolution systems. May be handled in several ways, including by the government, claimants, service users, and industry sectors." Whatever course a country chooses, one of the most important considerations will be ensuring that the funding source does not threaten independence.

He points out that all large schemes are supported by a fee placed on members or required by law, as well as a separate case fee, according to Hodges. Depending on the conditions, there may be no charge for the first or second case. However, in other cases, costs increase directly to the number of claims received.

Jukys and Ulbaite point out that both corporate and public support of alternative dispute resolution methods may impact their independence. It is widely acknowledged that money is a challenging subject, not only in terms of maintaining the appearance of independence of any ADR program but also in light of the economic challenges that both companies and the government are now experiencing. Supporting a national consumer dispute resolution system becomes a tricky balancing act between the need to keep government expenditures under control and the need to avoid placing additional financial burdens on economically weak merchants in such circumstances.

The financing strategy for consumer ADR programs will differ depending on the kind of program that is implemented. Membership fees may maintain particular sector ADR schemes that only cover specific sectors of the economy levied on dealers in those industries. 476 These costs may rise due to an increase in the number of claims received; however, this may need to be considered on a market share basis to avoid unfairly punishing enterprises with a large number of customers. Additionally, depending on the complexity of the complaint, particular complaints may be more costly to resolve than others.

However, it is essential to note that many systems charge merchants for more than just a dispute resolution facility: they may also be required to pay for the management of an arbitration or mediation program.

Also, worth noting is the fact that some dispute resolution schemes charge merchants for more than just a dispute resolution facility: they may also charge merchants to administer a self-regulatory code of conduct, which provides additional value to traders and includes their input to the trade association (might be an insurance against the imposition of more costly regulation). Second, the system may provide information and advice to current or potential consumers who might otherwise need more financial assistance from the system. When a residual body serves as a "catch-all" alternative dispute resolution organization for traders who are not covered by a sectoral scheme, the number of cases received impacts the budget required and, therefore, on the funding method used to fund the organization. According to Hodges ' research, a residual scheme may be permitted by law to collect case costs from traders who have been allowed to respond to cases brought against them via the system's open and fair mechanisms.

2.6 Research Gap

The literature suggests that the modern solution financial complaints are in flux, reflecting and responding to a complex mix of external and internal factors. The move towards interest-based complain-solution systems is generally viewed as being directly in response to financial market needs. However, the literature recognises that while essential changes are taking place about interest-based conflict management complaint systems, there is little empirical evidence inside of Ireland to assess the extent to which these new practices are being adopted.

The extant literature presents a compelling argument for innovation, improved customer satisfaction and enhanced cohesion as central to the adjustment of organisations to financial market conditions and suggests a growing, though not uncontested, recognition of the ADR practice in this new solution model to users of these services.

Through this study, I propose to examine whether the experience of the individuals who use financial services have been received optimal solutions by the company who is bringing the service or external organisations might shed some light on this contention.

In the next chapter, Research Methodology, the different methodologies are considered, and the chosen methodology for this research task is discussed.

3. Research Methods

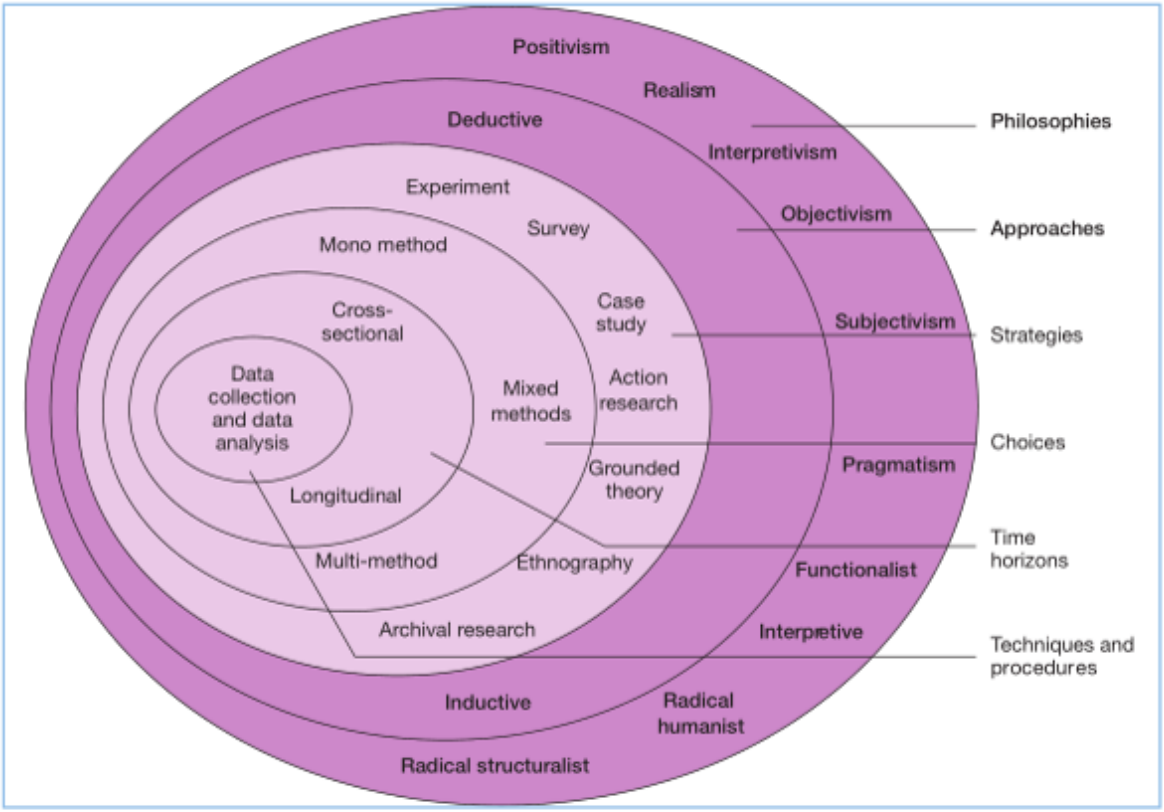
3.1 Introduction

Methodology relates to the design and choice of particular research methods and their justification concerning the research project. King and Horrocks (2010, p.8) suggest that epistemology, the philosophical theory of knowledge, is vital to any methodological approach and requires an explicit understanding of the philosophical and theoretical positions informing the research process.

In this chapter the two, fundamental philosophical perspectives of positivism and constructivism are discussed and the different methodological approaches considered.

A selection of research strategies and their appropriateness to the chosen research topic is examined, and the rationale for the chosen research approach is discussed. The methods of data collection and the procedures followed are also outlined in detail. The approach to data analysis and presentation of the actual data and findings is discussed in Chapter 4, Data Analysis and Results.

The research onion will be used to guide the research methodology development. Thus, the philosophies will be the starting point, then the research approach, research strategy, research population, and sampling techniques will be explained.



Source: Saunders et al. (2019, p.102)

3.2 Research Philosophes

According to King and Horrocks (2010, p.11-p.12), *scientific* approaches are grounded in an ontological framework based on the development and application of general laws or principles to explain a given phenomenon. This *positivist* approach is *nomothetic,* i.e. 'situated within the epistemological tradition of *objectivism'* where objects in the world have meaning or *truth*, 'that exists independently from any subjective consciousness of them'.

By its nature, *positivist* research relies on *quantitative* methods of research that deliver precise and definite measurements that can be compared with group norms and applied to accepted principles. Provided the examination is conducted within the same parameters and to the same specifications, it will repeatedly yield the same results.

Robson (2002, p.20-21) describes positivism as the search for 'the existence of a constant relationship… between two variables' that can be explained in terms of general law.

The *constructionist* approach is grounded in an ontological framework that views society not as a pre-existent 'real' entity but rather as the product of social practices and engagement (King and Horrocks, 2010, p.9/p.20-p.21).

King and Horrocks (2010, p.20-p.22) suggest that the *constructivist/constructionist* approach relies on *qualitative* methods, such as open survey and observations, that allow for the joint construction of meaning by the researcher and the participants.

If we consider *positivism* and *constructionism* as the extremes of a continuum, their contrasting features might be set out in *Table 1 below*.

Table 1: Comparison of the *positivist* and the *constructionist* approach (Abridged from: King and Horrocks, 2010; Kenny, 2005; Robson, 2002)

	Positivist approach	**Constructionist approach**
Epistemological basis	One version of reality: Objects have meaning that exist independent from any subjective consciousness	Multiple versions of reality: knowledge and meaning is context-dependent
Ontological framework	The object or phenomenon under examination can be reduced to variables that can be measured	The world is unstructured – knowledge is relative to our specific culture and social frames of reference and open to interpretation
Knowledge sought	Scientific 'truths' that are objective and value-neutral	Subjective knowledge that is brought into being through dialogue

System type	'Closed' system	'Open' system
Causation	Constant conjunction subject to universal causal laws	The conception of causation is one in which entities act as a function of their basic structure
Type of data	Hard facts derived from scientifically generated data that can be statistically analysed	Narratives that are historically and culturally situated – words as units of analysis
Type of question	Questions about how an event or phenomenon relates to a general law or sets of laws	Questions about the beliefs people hold and the meanings they attach to action.
Research type	Quantitative (surveys, questionnaires etc)	Qualitative (survey, observation, focus groups etc.)
Design approach	Pre-determined research design	Emergent research design
Role of researcher	Objective and 'bias free'* - the researcher has no demonstrable impact on the outcome of the research	Researcher is co-producer and central to the interpretation of meaning – *reflexivity* of the researcher critically relevant to the construction of meaning

Role of participants	Research objects (including participants) seen as scientific objects and informants or producers of data	Participants as partners and 'experts' whose views are sought
Scale of study	Large-scale studies	Small-scale studies
Findings	Independent of context and researcher bias	Context dependent

* That a researcher can be bias-free is a contested notion. Sarantakos (1998, p.43-p.45) (cited in Robson, 2002, p.25) contends that standardisation of process and distance from the research topic do not guarantee objectivity as the perceptions and meanings of the researcher inform the research process.

While neither a pure *positivist* nor pure *constructionist* position is suitable for this proposed research, a position between the two, which might draw on aspects and features of each, seems an appropriate approach.

This is in line with Garnett and Nikolou-Walker's (2011, p.1) argument for a *critical theory* approach, which incorporates both the scientific (*positivist)* paradigm and the interpretive *(constructionist)* paradigm, but which is concerned with praxis – 'action that is informed by reflection to emancipate'.

King and Horrocks' (2010, p.19-p.21) similarly positioned *contextual* approach articulates the balance required in the exploration of meaning in context:

From an ontological perspective, relativism would be the most prudent frame for the study. Although the study does undertake evidence-based considerations, the data thus obtained will be presented through the lens of the perception of the Irish consumers. This means that the results will be influenced by their knowledge, experience and beliefs.

An interpretivist approach will be needed, given that the data analysed for the study will be done in the service of eventually understanding the inherent subjective perceptual qualities of the current system.

As necessitated by the research questions and the research objectives, a qualitative data collection and analysis procedure will have to be undertaken. As such, an inductive approach will be the choice for this study. The approach, as suggested, will be to get a complete overview of perspective through the data collection and then evaluate the data to form meaningful inferences and identify observable patterns.

There are multiple strategies that qualitative studies can be performed in. However, given the research objectives, the strategy used for this study will be the survey. This method will be preferred over other methods like focus groups and surveys as it allows a much more time ad resource-efficient method of collecting data from a larger sample size which would be necessary to do justice to the scale of this study.

A mixed-method approach will be avoided for this study as it will create additional barriers due to the constraints. As such, a singular survey-based methodology will be used for the study.

3.3 Conceptual Framework

The data for our study was gathered using a multi-method qualitative research approach that included questionnaires, focus consumer groups, and other sources. The surveys were done with a diverse group of persons of varying ages at various phases of their lives (a loan for education, house and car acquisition, credit card users, school insurance). It was decided to conduct surveys to learn about the origins and evolution of ADR in financial organizations users. The surveys were also used to select possible candidates for detailed case studies.

Communications were done with individuals who, in their previous experiences with financial services in Ireland, have played a part in complaint handling, including alternative dispute resolution. An essential aspect of the research design was the creation of a population of users of the case study financial firms in question. It was carried out in a very methodical way to guarantee that the cases chosen reflected the whole range of ADR advances available in Ireland. Organizations were chosen from a demographic list of all those known to have implemented alternative dispute resolution processes. The instances were selected from focus groups and other survey findings published in professional industrial relations magazines, and the list was built from them (in particular, the annual publication Financial Services and Pensions Ombudsman Overview of Complaints 2020). The cases were divided into sub-lists based on the kind of innovation(s) involved, including examples of Mediation, supported negotiation, proactive line management participation, and instances involving several ADR innovations included.

Participants in the case studies were selected from this list based on a mix of factors, including assuring as wide a range of industries and circumstances as feasible while also getting access to the necessary data. The data were analysed according to the topics and concerns offered to participants in the semi-structured questionnaire (which focused on the origin and character of ADR advances). The data from the case studies were analysed using the conventional triangulation process, which included a combination of case study surveys with external and internal data.

3.4 Data Collection

The term "data collection" refers to the act of gathering and organizing information. According to Collis and Hussey (2009), since the study was based on a qualitative research design, the data obtained are often ephemeral and can only be comprehended in the context of the research design. A high degree of validity is achieved by using an interpretative approach, which is frequently used in conjunction with the data gathering process (Collis & Hussey, 2009). Depending on the study approach and design, a variety of data gathering methods might be used. When determining which style of data collecting is most appropriate, the most important elements to examine are how the type of data collection will be utilized to answer the research questions or achieve the study goals, as well as the cost of the data gathering method (Saunders et al., 2012). Because the study technique is based on grounded theory, either surveys or observation would be appropriate methods of data collection (Esterby-Smith et al., 2012; Saunders et al., 2012).

Observation

Observation is an essential method in qualitative research because it allows researchers to capture what people are doing and their attitudes (Saunders et al., 2012). *Observation* is a qualitative data collecting method that involves noting and recording other people's behaviour to learn from it (Ghauri & Gronhaug, 2010). It is rewarding and enlightening to pursue, as it may significantly enhance the research data collected (Saunders et al., 2012). Observational data can help expand the problem's scope (Yin, 2003).

Observation is a daily ability that can be employed in qualitative research (Flick, 2009). Observation is the systematic recording, describing, analysing, and interpreting of people's behaviour. Observation aids the researcher in understanding particular processes (Saunders et al., 2012). The real benefit of observation is that it may be done in a natural context. Moreover, we can capture the dynamics of social behaviour in a manner that questionnaires by surveys cannot (Saunders et al., 2012).

Identifying appropriate methods of data collection

A survey may be used to elicit information about a group of people's qualities, habits, or attitudes. These research instruments may be used to elicit information regarding demographic variables such as gender, religion, ethnic origin, and income.

Additionally, they may gather data about personal experiences, views, and even hypothetical situations. For instance, in this case our time is short and we need collect information from the financial sector user's experiences.

A survey may be conducted in a variety of ways. In one technique known as a structured survey, the researcher poses questions to each participant. In the alternative approach, referred to as a questionnaire, the participant completes the survey independently.

Generally, surveys are standardized to guarantee their reliability and validity. Additionally, standardization is necessary to ensure that the findings can be extrapolated to a broader population.

Also, this survey's open the opportunity to explore with questionaries specific cases.

The geographical position is important.

Field studies may require using a population specified by an official boundary, such as a district or a state, which may be beneficial in certain cases. This may make it easier for the local administrative authorities and the research participants to work together in the future. Furthermore, administrative headquarters have easier access to basic demographic data on the population, such as population size, age distribution (which is necessary for calculating age- and sex-specific rates), and gender distribution (which is necessary for calculating age- and sex-specific rates). On the other hand, administrative borders are not necessarily made up of a homogeneous group of individuals. A specific ethnic group may be required to conduct minor descriptive research in order to assure more genetic or cultural homogeneity since it is ideal that a modest descriptive study does not encompass a large

number of distinct groups of individuals with wildly disparate ways of life and traditions. Additionally, a *population* may be defined in connection to a conspicuous physical feature, such as a river or mountain, that forces people who reside in the area to adhere to a particular level of uniformity in their ways of life, attitudes, and conduct.

In this particular instance, we are analysing Ireland.

Northern Europe's island of Ireland is in the North Atlantic Ocean, between France and the United Kingdom. In the Eurasian Plate, the island is located on the European continental shelf, part of the European continental shelf. The flat middle plains of the island are bordered by mountains on the shore, which are the island's most distinctive geological characteristics. The highest point is Carrauntoohil (Irish: Corrán Tuathail), which rises to 1,041 meters (3,415 feet) above sea level and is the highest point in the country. The western coastline is rocky, with several islands, peninsulas, headlands, and bays dotting the landscape. The River Shannon, which runs south from County Cavan in Ulster to meet the Atlantic Ocean just south of Limerick, divides the island in half. It is the longest river in Ireland at 360.5 km (224 mi) in length with a 102.1 km (63 mi) estuary. Ireland's rivers include several huge lakes, the greatest of which is Lough Neagh, located in Northern Ireland.

On the political front, the island is divided into two parts: the Republic of Ireland, which has jurisdiction over about five-sixths of the island, and Northern Ireland, a constituent nation of the United Kingdom and has authority over the remaining sixth of the island. It is situated roughly 53°N 8°W in the west of the island of Great Britain and has the following coordinates: 53°N 8°W. It has a total land area of 84,421 kilometres squared (32,595 sq mi). It is divided from Great Britain by the

Irish Sea, and it is isolated from the rest of Europe by the Mediterranean Sea. Ireland is the second-largest landmass in the North-Western European Archipalegeo, which includes nearby islands such as Great Britain and the Isle of Man, and is collectively referred to as the British Isles in the United Kingdom. Ireland is the second-largest landmass in the North-Western European Archipelago.

Republic of Ireland's economy is a highly developed knowledge-based economy centred on high-tech services life sciences, financial services, and agriculture, including agri-food production and distribution. Despite being a relatively open economy (5th on the Index of Economic Freedom), Ireland ranks #1 in the world in terms of high-value foreign direct investment (FDI). Ireland is ranked 4th out of 186 countries in the World Bank's global GDP per capita table and 4th out of 187 countries in the IMF's global GDP per capita table.

Having seen unbroken yearly growth from 1984 to 2007, the post-2008 Irish financial crisis had a devastating impact on the economy, exacerbating internal economic woes associated with the collapse of the Irish housing bubble. According to the International Monetary Fund, Ireland initially suffered a technical recession from Q2 to Q3 2007, which was followed by a recession from Q1 2008 to Q4 2009.

Having experienced a year of sluggish economic activity in 2010, the real GDP of Ireland increased by 2.2 per cent in 2011 and by 0.2 per cent in 2012. The development in the export sector was the primary driver of this expansion. The European sovereign-debt crisis prompted a new Irish recession in Q3 2012, which was still in effect as of the second quarter of 2013. According to the European Commission's economic prediction for Ireland published in mid-2013, the country's growth rates will

rebound to a positive 1.1 per cent in 2013 and a 2.2 per cent growth rate in 2014. The stated explanation for the exaggerated GDP growth of 26.3 per cent (GNP growth of 18.7 per cent) in 2015 was that multinational corporations transferring domiciles were engaging in tax inversion activities. Apple Inc.'s reorganization of its Irish business in January 2015, called 'leprechaun economics' by economist Paul Krugman, was revealed to be the primary driver of this gain in the gross domestic product. From that year onward, the Central Bank of Ireland proposed an alternative measure (modified GNI or GNI*) to more accurately reflect the true state of the economy as a result of the tax practices of some multinational corporations, which the Government of Ireland adopted in the following year.

Foreign-owned multinational corporations (FOMs) continue to make major contributions to Ireland's economy, accounting for 14 of the top 20 Irish companies (measured by turnover), employing 23 per cent of the private-sector labour force, and paying 80 per cent of the corporation tax collected.

It was projected that economic growth in Ireland would slow in the second half of 2019, particularly in the case of a chaotic Brexit, as of the middle of 2019.

3.5 Sampling

According to Flick (2007), sampling is one of the most critical aspects of study design, where a sample refers to an isolated part of a larger population (Collis & Hussey, 2009). The selection of a research sample is a vital stage in the design and development of any piece of research, especially when considering the practical and ethical limitations of examining the whole population (Marshall, 1996). A primary goal of qualitative research is to give insight and knowledge into complicated psychological and social problems. As a result, they are instrumental in addressing why and how questions (Marshall, 1996).

After conducting the surveys, those who have had relevant experiences will be contacted to discuss how the ADR helped them resolve customer complaints in the financial sector and whether or not this technique helped them maintain their trust in their primary financial service provider after completing the surveys. Most of the time, sampling is done on purpose; random sampling is quite rare (Flick 2007). As a result, I took advantage of my many networking connections on social media platforms throughout this COVID period, during which face-to-face conversation is not encouraged. This research is guided by a grounded theory research approach, which means that the ultimate choice on sample size will be made during the study's data collection and analysis phase (Flick 2007). The sampling method used is theoretical sampling (Saunders et al., 2012; Struss & Corbin, 1998). According to Rubin and Rubin (1995), the sampling method used in qualitative research should be participatory and adaptable.

In qualitative research, survey sampling should be based on the stage of the data analysis process at which it is conducted.

3.6 Limitations of the Research

Because this is a non-probability selection, there is a possibility that they will not necessarily reflect the larger population. Furthermore, it is crucial to consider the possibility of selection bias in the selection of participants.

Unavoidable limitations that might operate against the time restriction include the potential of non-responsive participants who may not choose to give replies once first contact has been made. Other possibilities include the inability to touch with a subject once they have been selected for the research.

In terms of the approach used, it was a survey. However, because of the limitations on movement and sociability imposed by COVID, they may have to be done online using social media sites.

3.7 Ethical Considerations

The discovery of meaning via context-dependent learning places additional demands on the researcher's ability to adhere to ethical standards.

King and Horrocks (2010) argue that reflexivity is particularly important in a social constructionist epistemology (2010, p.22) based on the researcher's participation in meaning formation.

Reflexivity, according to Gough (2003, p.25) (cited in King and Horrocks, 2010, p.67), is concerned with identifying "hidden agendas," since they will have a direct impact not just on how the study is done but also the whole research process from start to finish.

According to King and Horrocks (2010), if an audience is to comprehend why a researcher 'offers specific interpretations of events and people's lives, then it is vital to have a critical awareness of the theoretical lens through which they [the events and people's lives] are seen."

Potential conflicts of interest were discovered, most notably in my position as a practitioner-researcher with interest in the results of this study. They were handled by maintaining clarity and transparency throughout the project and presenting analysis and conclusions. Ethical considerations and possible ethical difficulties influenced the conception and conduct of this study.

The duty of resolving customer complaints served as a helpful anchor for my approach to this research. The function of reflexivity is critical to ADR, as is the core premise of actively and consciously protecting, to the extent feasible, the parties' well-being throughout a dispute.

The Dispute Resolution Service is a volunteer and private organization dedicated to resolving complaints against financial service providers or pension providers as promptly and informally as feasible.

The Dispute Resolution Officer will act as a mediator between the parties to assist them in reaching an agreement.

Mediation is an informal process that is entirely confidential. It is often conducted over the phone.

An arbitrator must uphold high ethical standards in order to maintain the process's integrity and fairness. So an arbitrator should be accountable to the public, the parties whose rights will be resolved, and all other players. This role may involve pro bono arbitration service.

- impartiality;
- that he or she can serve without regard for the parties, witnesses, or other arbitrators.
- that he or she is fit to serve;
- that he or she can start the arbitration according to the rules and dedicate the time and attention that the parties are entitled to anticipate.

The arbitrator should avoid any corporate, professional, or personal relationships or financial interests that might impact impartiality or give the impression of bias after accepting the appointment. Arbitrators should avoid getting into relationships or acquiring interests for a fair amount of time after a case has been decided that might give the impression of being influenced in the arbitration by the relationship or interest. It is not immoral to serve as an arbitrator where the parties have accepted the appointment or ongoing service after full disclosure of the relevant information in line with Canon II.

- Arbitrators should act in a fair manner to all parties and not be persuaded by outside pressure, public opinion, or self-interest. They should avoid showing favoritism toward or against any party.
- When an arbitrator's power is derived from the parties' agreement, the arbitrator shall not exceed that authority or do less than is necessary to fully execute it. The arbitrator must follow

the processes or guidelines set out in the parties' agreement. An arbitrator is not bound by any agreement, method, or rule illegal or inconsistent with this Code.

- An arbitrator shall conduct the arbitration process fairly and efficiently. Assisting parties or other participants in the arbitration process should be avoided at all costs.
- An arbitrator's ethical requirements begin upon accepting the appointment and continue throughout the process. Also, as stated in this Code, some ethical duties begin as soon as an individual is asked to serve as an arbitrator and continue after the parties have been notified of the decision.
- An arbitrator shall not resign or quit an appointment unless unforeseeable circumstances make it impossible or impractical to continue. An arbitrator may withdraw from a case if the parties fail or refuse to pay the stipulated compensation.

The arbitrator shall return all evidence documents and maintain the secrecy of the arbitration proceedings if he or she withdraws before the arbitration is completed.

4. Findings and Discussion

Based on the responses, the codification of the responses has been done on a multitude of dimensions. The sub-sections that follow provide an overview of the responses.

First, regarding the sources of information regarding the ADR process among the Irish consumers of financial services. The sources of information on ADR used more widely include the consumer's knowledge or research. Due to a short time, it was impossible to analyse the sources of information related to courts used more widely, which differ slightly from ADR sources – while the most popular source was again the consumer's knowledge or research.

The following figure 1 depicts the distribution of respondents in terms of the source of knowledge regarding ADR. There is overlap in the choice of options; 45% claimed as sources for information regarding the knowledge of the ADR process is not clear. The majority do not know about the ADR process that there was a definite lack of information available in the Ireland space towards making people aware regarding the available options for ADR for resolving disputes.

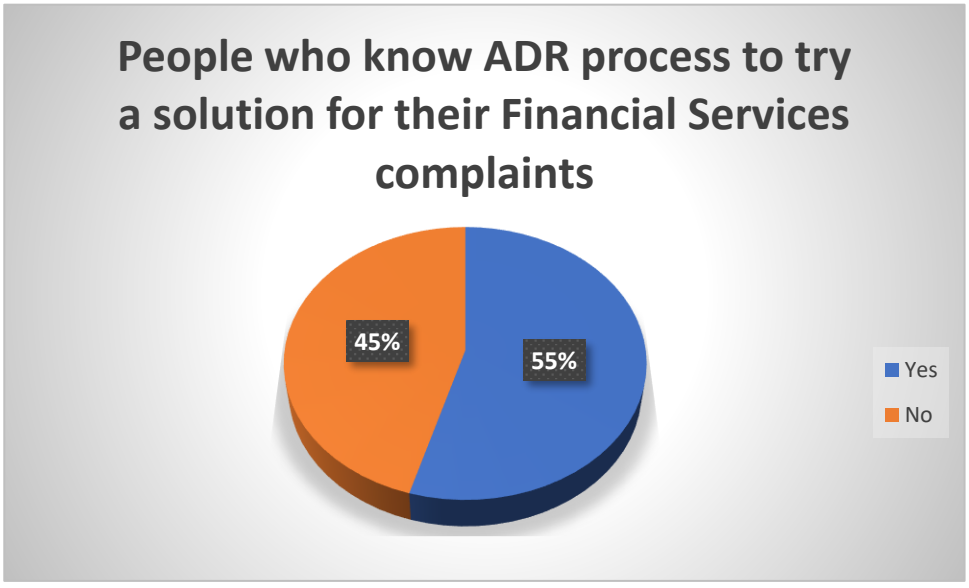


Figure 2 ADR easy-going procedure of Financial Services and Pensions Ombudsman (FSPO)

Next, we also evaluated the monetary value of sum that consumers primarily sought Negotiation

through the ADR process in Ireland for services in the financial segment.

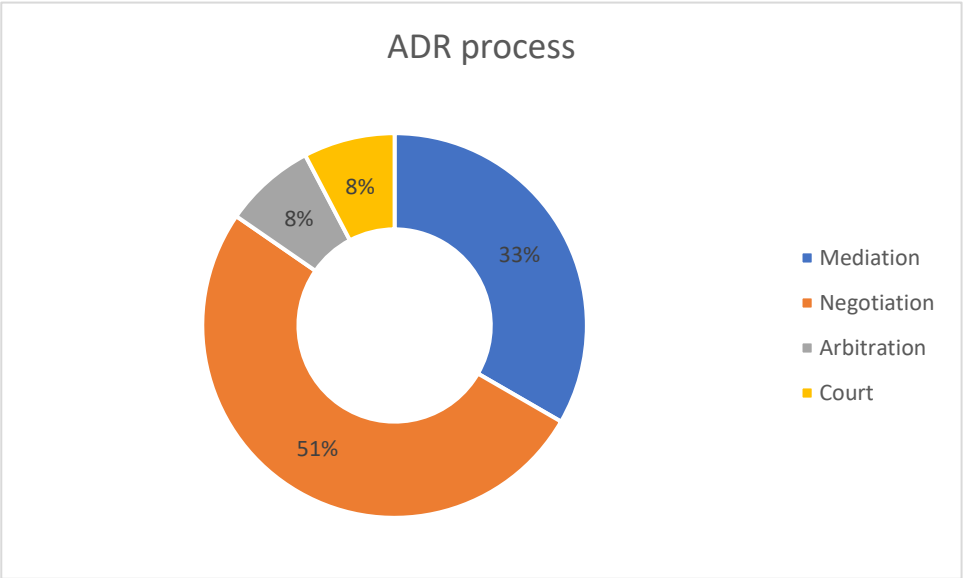


Figure 3. Kind of ADR most used for population study

Without having to make a direct comparison to the choice between the ADR process and the court systems, it is pretty clear that the respondents were more likely to seek ADR process for sums less than €5,000. Although the data collected was form a small sample size, the trend still holds valid given that all of the respondents had at least once sought the services of an ADR service in Ireland. Based in the responses presented in Figure 4, one possible reason for the same could be a lack of trust caused by the unavailability of reliable information regarding ADR options for the consumers in Ireland.

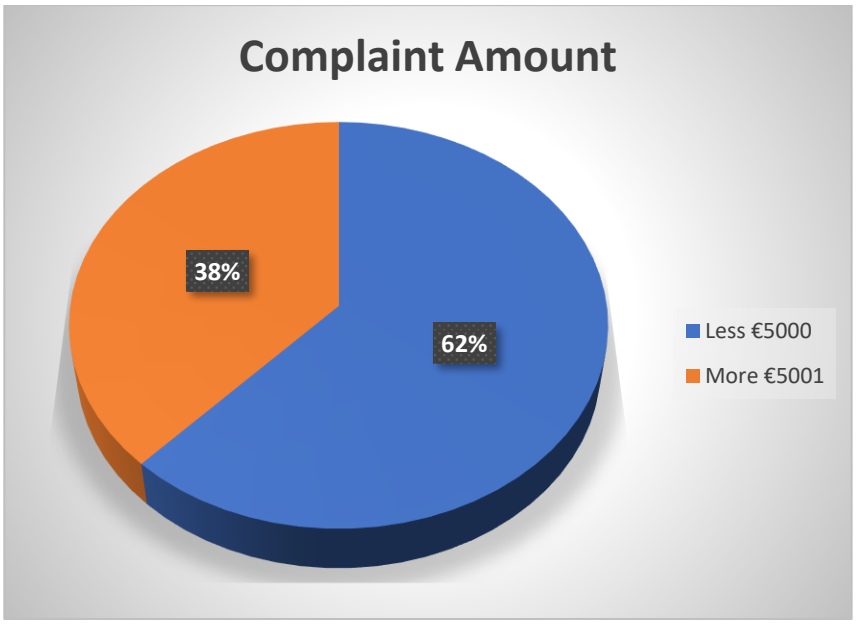


Figure 4. Amount per complaint

Now, the third thing along which the responses are being categorized is that of the effectiveness of the ADR process in their ability to satisfactorily resolve the issues.

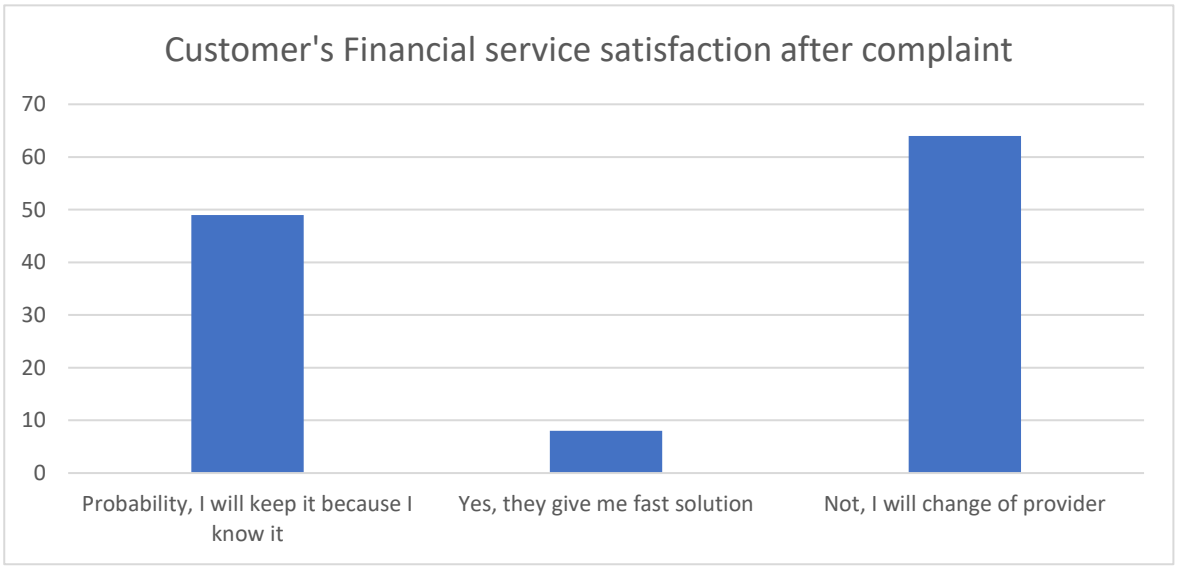


Figure 5. After ADR process, customers decision about keeping or changing their financial provider

As can be seen from the above figure, while more than 60% of the respondents were satisfied with the ADR process for and the results obtained, 3% still decided to take the matter to courts (Figure 3) and 8% were disagree with the ADR process was helpful for them. As gleaned from the responses, the reasons for the same being different for different people. For 27 of the respondents, the process was partially valuable, as they were not binding and the others were themselves dissatisfied with the results. This suggests that there is both, a lack of authority and a lack of trust on the ADR process in Ireland for a significant portion of the cases.

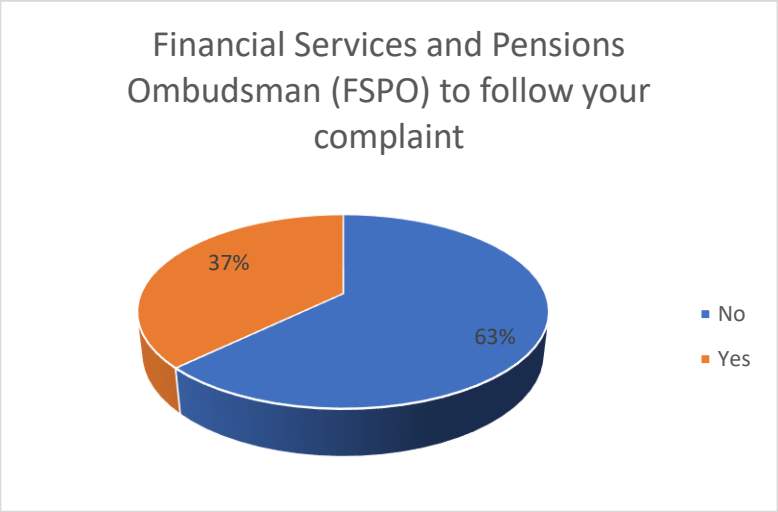


Figure 6. FSPO following complaints

Wit regards to apprehension regarding the use of the same financial provider, the responses can be codified as presented in Figure 7 below.

Clients' reactions to not feeling comfortable with the solution or the process to resolve their complaint are depicted in this table, which indicates that the vast majority are considering changing their service provider, while a significant minority prefer to remain because they are now familiar with the process.

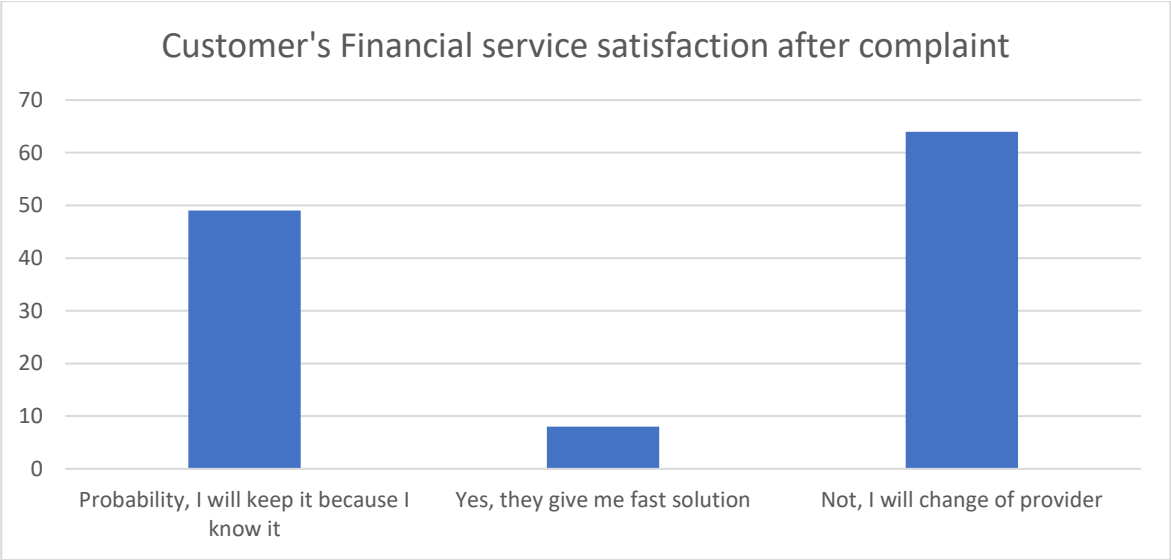


Figure 7. Customer's Financial service after complaint

It is evident from the figure above that customers of financial services in Ireland are concerned about the eventual efficacy of the alternative dispute resolution procedure as well as the lack of clarity surrounding how to use such services.

The Irish ADR process for the financial services industry has been extensively defined, in addition to the previously mentioned issues, and includes specifics on the nature and efficacy of the various forms of alternative dispute resolution. The differences, as well as the four fundamental forms of ADR accessible in the Irish financial services industry (Negotiation, Arbitration, Mediation, and Court), have been outlined, as have the four important types of ADR available.

Arbitration is inefficient, but it is more efficient than litigation since it eliminates a judge and jury. Arbitration takes place in the presence of a single arbiter. Additionally, pre-trial discovery in arbitration is less comprehensive than it is in litigation. This technique was shown to be less cost-effective in our investigation.

Equity: Using arbitrators has been challenged from an equity standpoint, as it increases the risk that arbitrators would be biased against financial companies, who are more likely to be repeat participants in the system than consumers, as seen by the study's results.

Voice: During the Arbitration procedure, the consumer's voice is combined. Consumers may participate in the arbitration selection process, but the employer retains authority over the procedure's creation and implementation. And, unlike the Mediation process, when consumers are involved in the Arbitration process, they have the right to get employer documents to assist in constructing their case. However, the possibility for discovery does not balance the consumer's lack of input in the arbitrator's ultimate decision-making process.

Negotiation: This is one in which "consumers are normally urged to contact the business first, while a few of organizations assert that even the president's door is always open" (Mahoney and Klass, 2007).

Open door policies are efficient because they allow for rapid and inexpensive resolutions since they are a system of unrestricted management decision making. Again, our research indicated that this was the most called case.

Equity: Negotiation, equity is compromised since so much is contingent on personal beliefs, attitudes, and notions of justice. As a result, equity is very changeable, lacking informal hearings and hence lacking in neutrality.

With an Negotiation policy, voice is also diminished. Finally, the manager who responds to the complaint determines the resolution, and the customer has little, if any, input in the matter.

Mediation: Ombudspersons are non-governmental organizations that may serve as a mediator. "The main responsibility of neutral ombudsmen is to assist customers in discreetly and informally resolving problems. By acting as a "go-between" between the disputant and management, ombudsmen provide customers with the chance to express their grievances and seek a solution privately. The ombudsperson's role is to assist the parties in identifying and settling within a mutually acceptable range" (Mahoney and Klass, 2007). According to replies obtained, all instances involving available ombudspersons were settled completely via the ADR procedure.

Efficiency: While there may be significant expenses involved with hiring an ombudsperson, "the ombudsperson may boost efficiency by creating more cooperative relationships between businesses and consumers" (Budd and Colvin, 2008), as was also apparent in our comments.

Equity: Due to a lack of assurance of equal treatment, the degree of equity is varied. "While they act as a neutral intermediary, they are also consumers." As a result, [consumers] may have reservations about the ombudsperson's perceived independence and capacity to get an equitable resolution to their complaint" (Mahoney and Klass, 2007). However, our investigation indicated that this was not the case.

The voice has a mixed quality. Ombudspersons may provide a more effective voice for consumers since they are typically capable of properly communicating the consumer's case; nevertheless, the ombudsperson is still hired by the organization, and therefore their allegiances may be split.

5. Conclusion

Financial services are an essential part of the lives of all consumers, and thus they must have an awareness of and access to all relevant sources of grievance redressal available to them. In the European Union (EU) and within the member states, institutions have been set up to ensure that a high degree of protection for the consumer can be ensured in the financial services sector (Brophy R., 2016). Although litigation is a common and available path to resolving disputes, other avenues of dispute resolution have been set up across many sectors. These ancillary methods are called the Alternative Dispute Resolution (ADR) mechanisms.

Mediation or Negotiation is the most common form of ADR applied in Ireland in most cases, whether between businesses or between an individual and a business. In the financial services field for the consumers, the main element in this process is the appointment of the neutral party or the third party. These could be an ombudsman, a mediator or a complaint board. As noted by Petrauskas et al. (2012), they help "help the consumer and the service provider resolving their dispute by proposing or imposing a solution or by bringing the parties together to convince them to find a solution by common agreement" (p. 182). Different countries in the EU offer different policy mandates regarding the setting up of these mediating bodies.

In most cases, the ADR schemes brought to use are centrally established for the country, and in other cases, they can be regional. There can be variations in role and scope of operations among bodies in the same sector, depending on the conflict they handle. Differences also exist like the financial bodies, as in whether they are centrally funded agencies funded by the government or established by actors in the private sector or by associations of the financial service providers.

Based on the evaluation, there is still room to improve in the Irish ADR process. The main focus points are making consumers aware of the access to the ADR process and improving the effectiveness

of the process. The key metric that needs to be considered is the rate of escalation, which is the rate at which the issues remain unresolved at the ADR level and are sent over to the court system.

Possible Ireland ADR scheme

There are many approaches that Member States might use to implement proposed EU law within the deadline effectively. However, it is acknowledged that the Commission's goal of total coverage may not be possible without some flexibility from the Member States. This may be essential if monetary constraints prevent a dispute from being accepted by an ADR scheme or where current systems provide excellent access to justice but do not comply with all proposed Directive provisions. Hodges et al. propose requiring empirical proof of a need for a consumer ADR organization before extending coverage to that sector to avoid wasting resources on unnecessary consumer ADR schemes just to provide comprehensive coverage.

As a result, the appropriate ADR mechanism might vary depending on the sector, the claim's value, the parties involved and so on. According to a University of Leuven research, these characteristics vary by jurisdiction. Therefore an ADR method or approach that works in one may not work in another. Further study is needed to determine the best "mix" of ADR procedures or approaches for Ireland to execute the proposed law effectively.

Keeping this in mind, the State might execute the proposed ADR and ODR laws in one of the following ways.

The residual cross-sectoral entity with many sectoral programmes. This concept would comprise privately managed sectoral consumer ADR schemes coexisting with a state-controlled residual ADR body offering a "catch-all" facility for sectors without a specialized consumer ADR scheme. Existing ADR schemes would need to be amended to comply with the new Directive. Existing ADR schemes might be enlarged, or smaller ADR firms or similar business sectors could be amalgamated to establish a single practical and efficient scheme. This strategy would also create new sector-specific

consumer ADR organizations in those areas that produce enough disputes to overwhelm any residual system.

Further study is needed to identify areas with enough conflicts to sustain a specialized consumer ADR institution. While not representative, the NCA, Courts Service, and ECC Ireland figures may be helpful. In 2011, the NCA got the most complaints or queries about autos, true for SCP applications. Tina Leonard claims that SIMI received 379 complaints in 2011, but just 14 disagreements were arbitrated. Legislation might establish new consumer ADR organizations or Ombudsmen in high-profile areas. The proposed Directive and Regulation both need consumer and merchant information. This material may pertain to national, international, internet, and offline consumer conflicts. As previously said, depending on the ultimate scope of the proposed Regulation, it might make some organizational sense for a residual business to provide information.

Thus, one body would answer all ADR enquiries from consumers or merchants, resolve disputes or refer them to the appropriate national or cross-border consumer ADR program. As a result, customers may be less confused about which organization to approach in the event of a disagreement. ADR issues involving consumers would be centralized at the residual company, which might help state oversight tasks under the proposed law. How any residual consumer ADR body resolves disputes is unknown and will be heavily influenced by the volume of claims it receives. For example, an Ombudsman or comparable figure may outsource tasks to competent case managers to settle simple issues. These case managers might then refer complicated conflicts to the Ombudsman at a higher level. When a panel makes judgments, it is essential to include both consumer and commercial interests. A panel with sectoral knowledge may also result in cost savings. However, it may be impracticable for a firm offering consumer ADR to a broad range of business sectors to respond to every complaint. To overcome any seeming lack of competence, a panel of three may be established, with one representative each for consumers and traders and an impartial Chair. The Dublin Dispute Resolution Centre (DDRC), also known as the Dublin International Arbitration Centre, was founded

during this study. The DDRC is a cooperative endeavour between the Bar Council of Ireland and CIArb.

- Representatives of this new effort revealed purpose-built conflict resolution facilities and infrastructure and convenient and cost-effective access to highly skilled legal and analytical staff in the form of freshly certified barristers. They also indicated an interest in discussing the role of the DDRC in Ireland's future consumer ADR environment with all relevant stakeholders. Further research is required to see if the DDRC can aid in the formation of any residual cross-sectoral institution. It is necessary to assess the cost-effectiveness of having access to newly trained barristers, either as part of the residual entity's internal dispute resolution procedure or via Outsourcing (which will be covered in-depth below). To reduce the number of conflicts covered by the residual entity and, therefore, the related expenses, Hodges et al. suggest that a residual consumer ADR system encourage merchants and trade groups to form their sector-specific schemes. Establishing a cross-sectoral consumer ADR institution may be more costly for the State than a system wholly supported by industry. This structure, it is argued, offers the most time-efficient manner of delivering the proposed Directive's comprehensive sectoral coverage.
- ADR firms are developed to cover all consumer sectors.

Using the Dutch model (examined previously in this research), a sector-specific consumer ADR body would be formed in all sectors to offer the proposed Directive's full scope. In order to build a sustainable sectoral ADR institution, the economy will need to be segmented into distinct areas that have the potential to produce consumer conflicts. More study is required on the possible amount of disputes received by any sectoral or residual consumer ADR institution. This model's functioning would be based on a set of sectoral basic terms and conditions or a code of practice agreed upon by corporate leaders and consumer interest organizations. Each sector's consumer ADR system must operate consistently and predictably while also providing the necessary variety to deal with sector-

specific disputes. This uniformity of operation may be easier to observe if the organization representing consumers' interests stays the same for each area.

A fair and consistent method would assist preserve the scheme's quality and minimize misunderstanding among the partners. This would help increase consumer and trader confidence in the program, its suppliers, and the consumer ADR system as a whole. As in the Netherlands, a plan like this would be supported mostly by businesses, making it an appealing choice for the State.

In contrast, the Netherlands has taken 40 years to reach its present level of sectoral ADR coverage. In light of the short timeframe within which each Member State must implement the proposed Directive, adopting a comparable strategy to achieve compliance with the proposed Directive would be unfeasible without a large fiscal stimulus package to accompany it. For example, coverage gaps, financing, case costs, and culture need to be addressed. To be effective within the time allowed for the Member States to convert the proposed legislation into national law, such a system would need widespread industry support for the legislation and consumer ADR in general. When producing this research, it was clear that the Irish business sector was lacking in hunger.

- A residual cross-sectoral entity with outsourced functions

This model's structure is identical to option one's, with a residual entity augmented by several sectoral consumer ADR organizations for high-volume industries. The residual body's involvement in resolving disputes is one of the model's differences. While it would still be involved in the early phases, an external body would handle the ultimate adjudicative or determinative duties that met the conditions set out in the proposed Directive. The residual entity's involvement in handling consumer disputes would be limited to providing information and advice to consumers at the first stage of the dispute resolution process or facilitating communication between the trader and consumer at the second stage. After demonstrating conformity with the Directive, the final step of the dispute resolution process might be outsourced to a newly established organization or one built on the framework of an existing ADR entity. The proposed Directive also highlights allowing traders in one

Member State to be covered by an ADR firm in another Member State, thereby increasing the number of applicants for the external organization position. According to Hodges et al., there is "no structural reason" why consumer ADR firms cannot serve consumers and businesses in other countries, especially if they have sectoral knowledge.

Outsourcing the last phases of the dispute resolution process may allow residual consumer ADR entities to decrease costs by lowering employee numbers and encouraging the external organization to expand ADR coverage and promote the scheme. According to some reports, outsourcing a portion of the consumer ADR process may also cause issues with consumers' perception of the scheme, consumer confusion about whom they should contact in case of a dispute, and an additional challenge in complying with the proposed Directive's ninety-day complaint resolution period Outsourcing may exacerbate the preceding challenges, especially if the external organization is based in another EU member state. Concerns about local legal measures and the impracticality of oral hearings would need to be addressed.

So long as the external dispute resolution organization was fulfilling the same job throughout the several Member States, Irish merchants and the Irish State would lose any competitive advantage from giving consumers and traders a more efficient mechanism.

It is argued that without reliable data on the number of conflicts received by any national residual consumer ADR agency and how many of them need a referral to an external organization for adjudication/determination, any possible providers of that service would be unable to assess its profitability. This, together with the need for the external organization and its plan to conform with the proposed Directive, reduces the pool of eligible applicants.

References

Alternative Dispute Resolution 2021. https://www.citizensinformation.ie/en/consumer/how_to_complain/alternative_dispute_resolution.html

Brophy, R. 2016. *Do we need a new pricing model for motor insurance?* III, 22. https://www.academia.edu/23913913/Do_we_need_a_new_pricing_model_for_motor_insurance

Department of Business Innovation and Skills (DBIS) 2014. *Alternative Dispute Resolution For Consumers*. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/377522/bis-14-1122-alternative-dispute-resolution-for-consumers.pdf

European Consumer Centre Ireland (ECC-I) 2012. *The Implication of the Proposed ADR Directive for the Resolution of Consumer Disputes in Ireland*. https://www.eccireland.ie/wp-content/uploads/2013/07/ECC_ADR_Research_Project_2012.pdf

FSPO 2020. Annual Activities Report 2020. https://www.fspo.ie/about-us/Regulation_10_Reporting.asp

Gill, C., Williams, J., Brennan, C. & Hirst, C. 2014. Models of Alternative Dispute Resolution (ADR): A report for the Legal Ombudsman. *Queen Margaret University*.

Law Reform Commission 2010. *Alternative Dispute Resolution: Mediation And Conciliation*. https://www.lawreform.ie/_fileupload/reports/r98adr.pdf

Petrauskas, F. & Gasiunaite, A. 2012. Alternative Dispute Resolution In The Field Of Consumer Financial Services. *Jurisprudence*, 19(1), pp. 179-194.

Rasnic, C.D. 2004. Alternative Dispute Resolution Rather Than Litigation? A Look At Current Irish And American Laws. *Judicial Studies Institute Journal*, 4(2), pp. 182-198.

Thomas, D. & Frizon, F. (2012). Resolving disputes between consumers and financial businesses: Fundamentals for a financial ombudsman. *The World Bank: Global Program on Consumer Protection and Financial Literacy.*

Ahamat, H. (2009). The Justification and Legal Framework for Liberalising Intra-OIC Trade.

Ariff, M. (1998). Proliferation of Region Grouping: Policy Option For The OIC. *Journal of Economic Cooperation* 19(1): 15-29. ISSN 1308-7800

Blanchard, O. (2011). *Macroeconomics*. Boston: Pearson

[COMCEC] The Standing Committee for Economic and Commercial Cooperation of the Organization of the Islamic Cooperation. 2014. Framework Agreement, PRETAS and Rules of Origin. [Internet]. [diunduh 2015 Juni 1]. Tersedia pada: http://www.comcec.org/EN_YE/icerik.aspx?iid=223

[DEPKEU RI] Departemen Keuangan Republik Indonesia. 2015. ASEAN Free Trade Area. [Internet]. [diunduh 2015 Juni 1]. Tersedia pada: http://www.tarif.depkeu.go.id/Others/?hi=AFTA

[DEPKEU RI] Departemen Keuangan Republik Indonesia. 2015. Indonesia Japan Economic Partnership Agreement. [Internet]. [diunduh 2015 Juni 1]. Tersedia pada: http://www.tarif.depkeu.go.id/Others/?hi=IJEPA

[DIRJEN PAJAK] Direktorat Jendral Pajak. 2006. Dengan Pajak kita wujudkan kemandirian bangsa. Jakarta (ID): DIRJEN PAJAK Pr.

Firdaus, M. (2011). Aplikasi Ekonometrika Untuk Data Panel Dan Time Series. Bogor: IPB press

Gujarati, D N. (2006). *Essential of Econometrics*. Singapore : The McGraw-Hill Companies Inc.

Gundoglu, A S. (2009). Determinant of intra-OIC Trade: Policy or Exchange Rate [catatan penelitian]. *Journal of Economic Cooperation and Development* 30(3): 1-42. ISSN 1308-7800

Ismail MA, Mawar MY. 2012. Malaysia-OIC Trade: Static and Dynamic Gravity Model Approach. *Journal of Economic Cooperation and Development* 33(2): 75-94. ISSN 1308-7800

[ITC] International Trade Center. 2017. Share Export, Unit Value, and Value Export [Internet]. [diunduh pada 2017 Sept 10]. Tersedia pada: http://www.trademap.org

Nazir, M. (2005). Metode Penelitian. Bogor: Ghalia Indonesia

Rahayu A S. (2010). Pengantar Kebijakan Fiskal. Jakarta: Bumi Aksara

Salvatore, D. (1997). Ekonomi Internasional Edisi Kelima. Munandar Haris, penerjemah; Sumiharti Yati, editor. Jakarta (ID): Erlangga. Terjemahan dari: International Economics Fifth Edition.

Sugiyono. (2005). Metode Penelitian Kualitatif. Bandung: Alfabeta.

Suprayitno, E. (2005). Ekonomi Islam. Yogyakarta: Graha Ilmu

Tang, T C. (2006). Are Imports And Exports In The OIC Member Countries Cointegrated? A Reexamination. *IIUM Journal of Economics and Management* 14(1).

[UNCTAD]. (2017). United Nations Conference on Trade and Development. A Practical Guide to Trade Policy Analysis. [Internet]. [diunduh pada 2017 Sept 10]. Tersedia pada: http://vi.unctad.org/

[WDI]. World Development Indicator. 2017. GDP (Constant 2005 US$), GDP (current USD) [Internet]. [diunduh pada 2017 Sept 10] tersedia pada: http://data.worldbank.org/

[WITS] World Integrated Trade Solution. 2017. Value Export [Internet]. [diunduh 2017 Sept 10] tersedia pada; http://www.wits.worldbank.org

[WTO] World Trade Organization. 2010. Transparency Mechanism For Preferential Trade Agreements. [Internet]. [diunduh pada 2015 Agustus 07]. Tersedia pada: http://ptadb.wto.org/?lang=1

Zahrah, M A. (2012). *Ushul Fiqih*. Jakarta: Pustaka Firdaus

Ahmad Shariff; S.N.F., Omar M., Sulong S.N., Mohd Abd Majid H.A., Mohamad Ibrahim H., Jaafar Z., Ideris M.S.K. (2015), The Influence of Service Quality and Food Quality towards Customer Fulfillment and Revisit Intention, *Canadian Social Science*, Vol.11,

No.8, pp.110-116

Al Nahdi T.S.M., Islam Md. A., (2011), Factors influencing Malaysian Muslims to patronage halal restaurants – ambience as a mediator, *Business Review*, Vol. 6. No. 2, pp.121-133.

Bradley K. (2009), Planning for eco-friendly living in diverse societies, *The International Journal of Justice and Sustainability,* Vol. 14, No. 4, pp.347-363.

Chen, H.-S., Hsieh, T. (2011). The effect of atmosphere on customer perceptions and customer behavior responses in chain store supermarkets. *African Journal of Business Management,* No.5, Vol.24, pp.10054-10066.

Chow Keng Y., Chee Siang D.O., Wai Lok T., Yin Kuan W., (2013), Factors influencing dining experience on customer satisfaction and revisit intention among undergraduates towards fast food restaurants, *Hons Project,* Universiti Tunku Abdul Rahman (UTAR), pp.1-135.

Delwiche, J. (2004). The impact of perceptual interactions on perceived flavor. *Food Quality and Preference,* Vol.15, No.2, pp. 137-146.

Lampila P., Lahteenmaki L., (2007), Consumer's attitude towards high pressure freezing of food, *British Food Journal*, Vol. 109, No. 10, pp.838-851.

Mohd Hairi J., Mohd Salehuddin M.Z., Muhamad Izzat Z., and Zulhan O. (2009). Malaysian gastronomic tourism products: Assessing the level of their acceptance among the western tourists. *South Asian Journal of Tourism and Heritage*, Vol. 28, No.3, pp.423-431.

Namkung, Y., Jang, S., (2007), Does food quality really matter in restaurant: its impact of customer satisfaction and behavioral intentions? *Journal of Hospitality and Tourism Research,* Vol.31, No.3, pp. 387–410.

Omar S.R., Ab. Karim S., Abu Bakar A.Z., Omar S.N., (2015), Safeguarding Malaysian heritage food (MHF): The impact of Malaysian food culture and tourists' food culture

involvement on international loyalty, *Procedia Social and Behavioural Sciences*, Vol. 172, pp. 611-618.

Péneau, S., Hoehn, E., Roth, H.-R., Escher, F., and Nuessli, J. (2006). Importance and consumer perception of freshness of apples. *Food Quality and Preference*, Vol.17, No.1/2, pp. 9- 19.

Pettijohn, L. S., Pettijohn, C. E., Luke, R. H. (1997). An evaluation of fast food restaurant satisfaction: Determinants, competitive comparisons and impact on future patronage. *Journal of Restaurant & Foodservice Marketing*, Vol. 2, No.3, pp.3-20.

Samara J.N., Barry M.H., (2003), Patterns and trends in food sizes, 1977-1998, *Journal of the American Medical Association*, Vol. 289, No. 4, pp. 450-453.

Strobele N., De Castro J.M., (2004), Effect of ambience on food intake and food choice, *Nutrition*, Vol. 20, No. 9, pp. 821-838.

Teguh Widodo, (2013), The influence of Muslim consumer's perception towards halal food product on attitude and purchase intention at retail stores, *Innovation Business*, Vol. 1, No. 1, pp.3-20.

Vloreen Nity Mathew, Amir Abdullah A. M. R., Mohamad Ismail S. N., (2014), Acceptance on halal food among non-Muslim consumers, *Procedia Social and Behavioral Sciences* Vol. 121, pp. 262-271.

Wansink B., Painter J.E., North J., (2005), Bottomless bowls: Why visual cues of portion size may influence intake, *Obesity Research*, Vol. 13, No. 1, pp. 93-100.

Wilkie, Maxine (1995), Scent of a market, *American Demographics*, Vol. 17, No. 8, August, pp. 40-48.

Younes N., (2013), How Perceptions of Middle Eastern culture are related to consumers' willingness to try Middle Eastern food, *A Capstone Project*, pp.1-45.

Zainuddin A., (2012), Middle-Eastern restaurant attributal towards Malaysian patronization

intention, *Master Thesis*, UiTM Shah Alam Malaysia.

Zampollo, F., Kniffin, K. M., Wansink, B., & Shimizu, M. (2011). Food plating preferences of children: The importance of presentation on desire for diversity. *Acta Paediatrica*, Vol. 101, No.1, pp. 61-66.

Zikmund et.al, 2010). Zikmund, W. G., Babin, B., & Carr, J. C. (2010). Business research methods (8th ed.). *Canada: South-Western, Ohio: Cengage Learning.*

Abdul-Rahman, H., Wang, C., Wood, L. C., & Low, S. F. (2012). Negative Impact Induced By Foreign Workers: Evidence in Malaysian Construction Sector. Habitat International, 36(4), 433-443.

Abdul Rahim Abdul Hamid, Bachan Singh and Muhammad Ammar Jamadi (2013). Foreign Labour Employment in Construction Project. *International Journal of Scientific and Research Publications, Volume 3, Issue 11, November 2013 1 ISSN 2250-3153*

Derwing, T., Krahn, H., Foot, J., & Diepenbroek, L. (2005). The Attraction and Retention of Immigrants to Edmonton . The Attraction and Retention of Immigrants to Edmonton

Dyer, L., & Reeves, T. (1995). Human Resource Strategies And Firm Performance: What Do We Know And Where Do We Need To Go? *International Journal of Human Resource Management, 6(3), 656-670.*

Krjcie And Morgan (1970). Determining Sample Size for Research Activities. *Educational And Psychological Measurement Vol 30, Page 607-610.*

Mohd Arif M., Hamimah A., Har Einur B., Mohd Reza E., Ahmad Arzlee H., (2012). Dependency of foreign Workers In Malaysian Construction Industry. *Built Environment Journal (Volume 9, No. 1, 2012, Pages 39 to 50*

Mehta, C., Theodore, N., Mora, I., & Wade, J. (2002). Chicago's Undocumented Immigrants: An Analysis of Wages, Working Conditions, And Economic Contributions. Chicago, University of Illinois, Center for Urban Economic Development.

Musmuliana, Y., & Mustaffa, Y. (2012). Factors Influencing Organizational Performance in Metro Specialist Hospital, Sungai Petani, Kedah Darul Aman (Doctoral dissertation, Universiti Utara Malaysia).

Richard, P. J., Devinney, T. M., Yip, G. S., & Johnson, G. (2009). Measuring organizational performance: Towards methodological best practice. *Journal of Management*.

Richards, P. J., Devinney, T. M., Yip, G. S., & Johnson, G. (2008). Measuring organizational performance as a dependent variable: Towards methodological best practice. *Strategic Management Journal.* Retrieved from http://www. Research gate.

Sangmook Kim (2005). Individual-Level Factors and Organizational Performance in Government Organizations. *Journal of Public Administration Research and Theory, Volume 15, Issue 2, 1 April 2005, Pages 245–261, https://doi.org/10.1093/jopart/mui013*

Suresh, Narayanan and Lai, Yew wah (2014) Migration and development in Malaysia: The impact of immigrant labour in the manufacting sector, 1986-2010/Suresh Narayanan and Lai Yew-Wah. In: National Population Conference on the Inter-Relationship Between Population Dynamics and Development, 26 June 2014, Palm Garden Hotel, IOI Resort, Putrajaya. (Unpublished)

Zaleha, M., Noraini, I., Rusmawati, S., & Suhaila, A. (2011). The Impact of Foreign Workers on Labour Productivity in Malaysian Manufacturing Sector, 5(1), 169-178. doi: ISSN 1823 - 836X

Ali Belshek, J. (n.d.). The influence of culture on the negotiation styles of British Students. Retrieved 2013, from http://research.ncl.ac.uk/ARECLS/volume_3/jalalali.pdf Blackwel,

R. D., Miniard, P. W., & Engel, J. F. (2006). Consumer behavior. Canada: Thomson South-Western.

Bostrom, K. (2011). Consumer behavior of pharmacy customers - choice of pharmacy and over-the-counter medicines.

Childers, T. L., & Rao, A. R. (1992). The influence of familial and peer-based reference groups on consumer decisions . Journal of Consumer Research 198 - 211.

Coakes, S. J. (2005). SPSS: Analysis without anguish. Melbourne: Wiley & Sons.

Lincoln, Nebraska. Farrukh Sial, M., Riaz, N.-u.-A., Nawaz, B., & Gulzar, A. (2011). Impact of Labelling and packaging on Buying Behavior of Young Consumers with Mediating Role of Brand Image. Interdisciplinary Journal of Contemporary Research in Business , 1022-1029.

Field, A. (2009). Discovering Statistics Using SPSS. London : Sage Publications Ltd.

Hussain Shah, S. S., Aziz, J., Jaffari, A. R., Waris, S., Ejaz, W., Fatima, M., et al. (2012). The impacts of brands on consumer purchase intentions. Asian Journal of Business Management 105-110.

J. Kacen, J., & Anna Lee, J. (2002). The influence of culture on consumer impulsive buying behavior. Journal of Consumer Psychology 163-176.

Lacobucci, D. (2001). Measurement. Journal of Consumer Psychology's Special Issue on Methodological and Statistical Concerns of the Experimental Behavioral Researcher 55- 69.

Moschis, G. P. (1987). Consumer socialization: A life-cycle perspective. Lexington, Mass: Lexington Books.

Nayeem, T. (2012). Cultural influences on consumer behaviour. International Journal of Business and Management 78-91.

Pillai, K. R., Rajan, J. S., Variyamveetil, S., Mathew, D. E., & Nath, S. S. (2011). Group norms and consumer behavior. Munich Personal RePEc Archive 1-17.

Roberts, J. A., & Bacon, D. R. (1997). Exploring the subtle relationships between environmental concern and ecologically conscious consumer behaviour. Journals of Business Research 40, 79-89.

Sekaran, U., & Bougie, R. (2010). Research Methodology for Business. United Kingdom: Wiley & Sons.

Solomon, M. R. (2013). Consumer Behavior -Buying, Having and Being. United Kingdom: Pearson Education Limited.

Yakup, D., Mucahit, C., & Reyhan, O. (2011). The impact of cultural factors on the consumer buying behaviors examined through an empirical study. International Journal of Business and Social Science, 109-114.

E. Johnson, J. (2012, May). Use of product reviews as influenced by family, peers, and online social networking usage: A look into modern consumer socialization. 173.

Dudovskiy, J. (2012, August 28). Research methodology. Retrieved 2013, from http://research-methodology.net/consumer-behaviour-and-its-importance-in-themodern-marketplace/

Mohamad Idris, M. N. (2013, March 22). Retrieved 2013, from My Metro: http://www.hmetro.com.my/articles/20130322043121201303220431 21/Article/

Biard, A. 2019. Impact of Directive 2013/11/EU on Consumer ADR Quality: Evidence from France and the UK. *J Consum Policy (Dordr*). 42(1), pp. 109-147.

Pook, L. A. (Ed.). (2016, September 17). The Dilemma of Having Foreign Workers In Malaysia. The Dilemma Of Having Foreign Workers In Malaysia. Retrieved November 30, 2016, from http://www.straitstimes.com/opinion/the-dilemma-of- having-foreign-workers-in-malaysia.

Appendix

A: Questionnaire for the Survey

In what ways can the ADR methodologies used in the financial services sector be modified to improve consumer perception of the conflict resolution process in the sector?
Master of Arts in Dispute Resolution
Purpose This research has an academic purpose only. There is no direct benefit from answering the questionnaire, but your participation will have an importance in the development and further understanding of the topic. Confidentiality Any answers provided will be sent to a link at Survey Monkey, and the data collected will be stored online in an electronic format protected by a password. Information such as name, email address or IP address will not be collected by the platform. As a result of this, all responses are completely anonymous, and no identification is required. Aim The objectives of this research are: • To critically assess the impact of decreasing consumer trust in financial institutions due to unresolved complaints. • To explore the different schemes of ADR with Financial Services and Pensions Ombudsman in Ireland. • To determine the level of satisfaction with Complaints closed through Dispute Resolution Service in Ireland. In case you have any doubts or concerns in relation to this research, you are welcome to contact the research supervisor Dr. Richard Brophy (richard.brophy@independentcolleges.ie) and the research candidate Olga Castro (oavic13@gmail.com) , who is a registered student at Independent College Dublin undertaking the degree of Master of Arts in Dispute Resolution. In case you feel that this research has not been able to maintain ethical principles, please contact Independent College Dublin at the contacts below: Independent College Dublin at Block B, The Steelworks, Foley St, Dublin 1, or by email: info@independentcolleges.ie Proceeding with the questionnaire, you are automatically indicating that:

You have READ and AGREED with the above information. You agree to participate in this research VOLUNTARILY. You are 18 years or over. Thank you for your time and for assisting me in the completion of my master's degree.
What is your age?
Have you been used financial services anytime here in Ireland and it was necessary to make a complaint? For insurance: banks, investment banks, insurance companies, credit card companies, consumer finance companies, government sponsored enterprises, and stock brokerages.
What was the name of the Financial Service that you make a complaint??
What was the amount of your complaint?
The procedure to make a complaint was straightforward and followed adequately for your Financial Institution?
How long take to your Financial Institution gave to you a solution?
Did you have to use Financial Services and Pensions Ombudsman (FSPO) to follow your complaint?
Do you know ADR process by Financial Services and Pensions Ombudsman (FSPO)?
Which ADR process was useful for you?
After making the complaint to your financial service, do you think you would use their services again? Why yes or why not?
Financial Services and Pensions Ombudsman (FSPO) Was useful or would be useful for you?