

# Unreasonable complainant conduct: interim practice manual

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A joint project of the Australian  
Parliamentary Ombudsman

August 2007

## Participating Ombudsman offices

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## Foreword

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This interim practice manual has been prepared to assist staff of public sector agencies in their interactions with a small proportion of complainants whose conduct is challenging and unreasonable. The manual proposes a framework of strategies for managing unreasonable complainant conduct.

There may be a variety of reasons why a person's conduct is unreasonable. Whatever the reason, a public sector agency should not assume that the person does not have a valid complaint.

It is a serious step for a public sector agency to decide it will no longer reply to correspondence on a particular topic. However, it is not productive, nor is it an equitable use of resources, to continue to engage in correspondence when all avenues for internal review have been exhausted.

The following need to be in place before an agency ceases to respond to a complainant on a particular issue:

- a complaint management system that complies with my good practice guide must be in place
- the client must have been provided with the opportunity to exhaust the internal complaints process
- a senior officer must have reviewed the handling of the complaint
- written reasons for the agency's position on the matter must have been recorded
- the complainant should be advised that they may contact my office to have the matter reviewed.

This manual has grown out of a joint project of all Australian Ombudsman offices. Because of the strong interest in the project this manual is now made available to all Victorian public sector bodies. I hope that agencies find this interim practice manual useful and encourage you to provide feedback to the project team.

G E Brouwer  
OMBUDSMAN

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# Feedback

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This is an interim practice manual. So that we can make the final practice manual as useful as possible, we would appreciate it if you could let us know the following:

What do you consider to be the biggest challenge in dealing with unreasonable complainant conduct?

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What section(s) of the interim practice manual did you find most helpful?

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What sections(s) of the interim practice manual did you find least helpful?

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What other information would you like to see included in the final practice manual?

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Was it easy / not so easy / difficult to navigate the interim practices manual?

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How could the layout and organisation of information be improved in the final manual?

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What strategies, approaches or scripts not mentioned in the interim manual have you used that you have found effective?

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Do you have any ideas for strategies, approaches or scripts that you think could be useful and that should be tested?

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Please send this feedback form to:  
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Or email your comments to:  
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I PERSONALLY THINK WE DEVELOPED LANGUAGE  
BECAUSE OF OUR DEEP NEED TO COMPLAIN

Lily Tomlin



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# Part A: Introduction

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## 1.1 Background – unreasonable complainant conduct

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At Ombudsman offices, we deal with many thousands of complainants each year. Most act responsibly. We also deal with many complainants who have come to the end of their tether. Some are justifiably upset, angry and generally difficult because they are caught up in some outrageous wrong. Others are difficult for reasons that go beyond the circumstances of their case and these people are often very difficult. They make up a very small percentage of our complainant population, but they take up an inordinate amount of time and resources and cause much stress to staff and, indeed, themselves. Apart from the obvious impact on staff and resources, there is also an equity issue in relation to the resources available to deal with other complaints — the more resources devoted to dealing with one complaint, the less that is available to deal with all other complaints.

Widespread anecdotal evidence suggests that complaint handlers generally share this experience. What's more, the number of complainants who present as difficult seems to be on the increase and the nature of the difficulties they present seems to be getting more complex.

It is very common for difficult complainants to change the focus of their complaints from the substantive issue to how their complaint is being handled by the agency or particular staff of the agency. So the substantive complaint can be followed by a string of complaints about the handling of their case. And the same person's complaint can often be found in a number of agencies at the same time; it can form the basis for FOI applications and ultimately may end up as a review application, or indeed a string of review applications, to relevant external review bodies. However, we must always keep in mind that unreasonable conduct does not preclude the existence of a valid issue.

Most people would prefer not to deal with difficult people. In fact, most people will actively try to avoid or minimise circumstances where they have to deal with such people. This reflects normal human nature. This avoidance approach seems to often be reflected in the culture or approach of at least those parts of organisations responsible for dealing with complaints. Difficult complainants are seen as a nuisance, an irritant, a side issue on the periphery of and interfering in the pursuit of the core complaint handling business.

Professor Paul Mullen, Professor of Forensic Psychiatry Monash University and Clinical Director of the Victorian Institute of Forensic Mental Health and Dr Grant Lester, Consultant Psychiatrist, Victorian Institute of Forensic Mental Health, have done some work in this area together with Beth Wilson and Lynn Griffin. They have identified a group of complainants they call 'unusually persistent complainants' who, they found in their study, 'pursued their complaints for longer, supplied more written material, telephoned more often and for longer, intruded more frequently without an appointment and ultimately were still complaining when the case was closed'.<sup>1</sup>

They found that these complainants often wanted what a complaint handling system could not deliver — vindication, retribution, revenge. They associated the behaviour of these complainants with querulousness.

It is obviously appropriate for psychiatrists to look at the person and come up with a diagnosis and perhaps, based on that, an approach to dealing with that person. However, we are complaint handlers, not psychiatrists. We are not competent to analyse the psychology of complainants, and even if we had such competency, it is not our role. Our expertise is complaint handling. We must manage complainant behaviour by managing our response to complaint-related conduct.

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<sup>1</sup> Lester G, Wilson B, Griffin L Mullen P E., Unusually persistent complainants, British Journal of Psychiatry, 2004, 184, p354

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## 1.2 New approach for dealing with unreasonable complainant conduct

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For organisations to be able to appropriately deal with so called ‘difficult’ complainants, in many cases a fundamental shift will need to occur in the culture or approach of those organisations. That change in culture requires an agency:

- to realise that dealing with unreasonable complainant conduct is an unavoidable and integral part of its core work
- to give this work proper priority and adequate resources, and
- to give front line and complaint handling staff the support, encouragement, guidance, training and direction necessary to overcome the natural tendency of most people to avoid involvement with people who are acting unreasonably.

The approach set out in this manual is also based around a number of other principles, including:

- unreasonable complainant conduct should be managed by complaint handlers based on responding appropriately to observable conduct, not on an assessment of the psychological state or possible motives of such complainants
- there are a range of reasonable and appropriate management strategies available to complaint handlers for responding to different types of observable unreasonable conduct
- these management strategies reflect the distinction between ‘issues’ and ‘complaints about issues’ — while the complaint handler ‘owns’ the complaint, the complainant generally ‘owns’ the issue.

## 1.3 Terminology

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We have called the conduct of those who are difficult unreasonable conduct, in line with legislative provisions which allow Ombudsman offices to decide that agencies’ conduct is or was unreasonable. It must be stressed that unreasonableness in this context refers to conduct that goes beyond the norm of situational stress that many complainants experience.

The terminology used in this approach is important. Many terms are in use to refer to people who are seen as being difficult: ‘difficult complainants’, ‘resource-intensive complainants’, ‘high maintenance complainants’, ‘vexatious complainants’, ‘high conflict people’ and so on. The terminology used can influence how complainants found to be difficult are perceived and responded to. Focusing terminology on the person can lead to a one-size-fits-all response to complainants. The approach outlined in this manual aims to avoid this.

## 1.4 Focus on observable conduct

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Focusing on observable conduct:

- allows for the fact that many people often generically labelled as ‘difficult’ complainants will exhibit different types of unreasonable conduct that warrant different management responses — this enables more focused management strategies that target particular conduct
- allows for implementation by people who are not mental health professionals or social workers
- facilitates greater transparency in interactions between complaint handlers and complainants for the purpose of responding to or dealing with unreasonable conduct (indicating to a person that you believe they are acting unreasonably is likely to have a more positive result than indicating that a person is being vexatious, querulous, or even difficult), and

- 
- facilitates the separation of behaviour from the issue in question so that the issue can be effectively addressed.

The key concepts involved in the approach to managing unreasonable complainant conduct advocated in this manual are set out in Annexure 3.

## 1.5 What the new approach aims to achieve

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The new approach recognises that dealing with unreasonable complainant conduct is part of core complaint handling work. It provides systematic management strategies to assist staff in dealing with unreasonable complainant conduct and it ensures that complaint handling and front line staff and their supervisors have comprehensive training and ongoing support for their work with unreasonable conduct. Overall, the approach set out in this manual aims to:

- minimise the adverse impact of unreasonable complainant conduct on resources, processes and performance of complaint handlers
- minimise staff stress
- minimise the possible detriment to the complainants whose conduct is unreasonable but who may have a valid issue
- ensure as much as possible consistency of complaint handling practices.

## 1.6 Some comments about the manual

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The manual has been developed by complaint handling practitioners and is designed to provide practical strategies to fit the skill base of those who need to deal with unreasonable complainant conduct as part of their every day work.

This manual is designed to provide guidelines and suggestions which may assist staff in dealing with unreasonable complainant conduct. It is not intended to be prescriptive in any way. The strategies outlined in the manual need to be adopted by agencies to suit their particular circumstances. They should supplement, not replace existing, operational policies and procedures. This manual is the first in what will very likely turn out to be a number of revisions which will incorporate the experience of the unreasonable complainant conduct project.

## 1.7 The unreasonable complainant conduct project

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The unreasonable complainant conduct project started its life in the NSW Ombudsman's office in 2006 when management strategies that were first developed in 1998 to assist staff to better interact with complainants whose behaviour was challenging, were reviewed and a new approach adopted. Interest in the project grew and later on that year, all Parliamentary Ombudsman offices in Australia agreed to become involved. In early 2007, staff from the NSW office conducted a training seminar around Australia, training over 300 Ombudsman office staff in using the new approach. An unreasonable complainant conduct practice manual suitable for Ombudsman application was developed to support the new approach.

The project includes a year long trial of the management strategies for unreasonable complainant conduct to be concluded in April 2008. The intention of the project always has been to use the knowledge and experience gained during the trial to produce a definitive version of the practice manual which would also be adapted to suit the needs of agencies within Ombudsman jurisdictions. This will still happen. However, given the very strong interest in the project and demand for the manual from around the country, we have produced this interim version to fill the gap until the final version is ready.



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# Part B: Key messages for complainants, staff and management

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## 2.1 Complainants

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Complainants are often not aware of the agency's role in dealing with their complaint. They can hold unrealistic expectations about what will happen as a result of their complaint. They may believe that they have the right to dictate how the agency will handle their complaint, including how the agency's inquiries should proceed and what the outcome should be. Some complainants have an unrealistic expectation that significant action will be taken as a result of their complaint, for example they will receive monetary compensation or that a particular staff member will be dismissed. Complainants sometimes think that their complaint is more important than any other complaint the agency is handling and they therefore expect such things as 'on demand' attention from staff, urgent consideration of their matter, the provision to them of significant amounts or particular types of information and so on.

It is essential for the good management of all complaints in general, and unreasonable complainant conduct in particular, to manage the complainants expectations from the very beginning of the complaint handling process.

The complainant needs to be made aware of:

- the agency's role
- the complaint handling process
- the time frame of the complaint handling process
- what is expected of the complainant
- what the responsibilities of the agency are in relation to the complainant.

There are a number of ways complainant expectations can be managed:

- the letter acknowledging receipt of the complaint can provide detailed information about the complaint handling process, as well as the respective rights and responsibilities of the agency and the complainant.
- some basic ground rules can be established. These can either stand alone, for example as a hand-out to complainants, and/or they can be included in the information provided in the acknowledgement letter. Annexure 2 provides model ground rules.
- complainant expectations can be tested and managed in the course of handling the complaint. Suggestions about how this might be done can be found in Section 3.2.1 Managing all complaints well from the outset.

## 2.2 Staff and management

The messages for staff and management set out in Table 1 below underpin the strategies for managing unreasonable complainant conduct. They are the tools that staff need to effectively implement the strategies and they are described by the acronym BEST PRACTICE. The specific skills and resources needed to respond to each key message are listed in the following Table:

Table 1

	Key Message	Skills and resource requirements
<b>B</b>	Boundaries are clear	<b>Staff:</b> <ul style="list-style-type: none"> <li>• communication skills for boundary setting</li> <li>• a clear understanding of what is expected of them in their response to unreasonable conduct</li> </ul>
	Boundaries between the complainant and the agency are made clear. The complainant 'owns' the issue, the agency 'owns' the complaint.	
<b>E</b>	Expectations are managed	<b>Staff:</b> <ul style="list-style-type: none"> <li>• scripts for managing expectations</li> <li>• communication skills for dealing with complainant expectations, especially unreasonable expectations</li> </ul> <b>Management:</b> <ul style="list-style-type: none"> <li>• ensures clear public information about the agency's role</li> <li>• provides clear model texts for staff guidance</li> </ul>
	Expectations are kept realistic and are managed from the beginning and during the course of the complaint through the provision of appropriate information in writing and verbally.	
<b>S</b>	Support from management is strong and consistent	<b>Management:</b> <ul style="list-style-type: none"> <li>• ensures clear policy, delegations</li> <li>• provides clear supervision, 'line of command' and backing</li> <li>• ensures that staff responsible for dealing with unreasonable conduct are adequately supported</li> </ul>
	Staff are well supported by the provision of resources, appropriate delegations and supervision. (Supervision is invisible to the complainant. It only becomes visible at strategic times, for example when complaints about the case officer's handling of the matter arise.) Management backs the decisions staff make when dealing with unreasonable complainant conduct.	
<b>T</b>	Training is comprehensive and ongoing	<b>Management:</b> <ul style="list-style-type: none"> <li>• ensures the provision of appropriate training at the outset <u>and</u> on an ongoing basis</li> </ul>
	Staff receive comprehensive, ongoing, formal and on-the-job training for dealing with unreasonable complainant conduct.	

	Key Message	Skills and resource requirements
P	Practices are maintained in a normal manner	Staff: <ul style="list-style-type: none"> <li>communication skills required to stay on the outside of the complainant's logic/reality where it is not logical, realistic or reasonable</li> </ul>
	Staff maintain normal practices in abnormal situations so that they do not act as 'saviours' or 'persecutors'.	
R	Responsibilities are clear and mutual	Staff: <ul style="list-style-type: none"> <li>communication skills in holding complainants responsible for their actions</li> </ul> Management: <ul style="list-style-type: none"> <li>provides staff with a code of conduct</li> <li>ensures complainants are aware of what is expected of them through information provided to the public and the text in written acknowledgements of complaints</li> <li>ensures staff receive appropriate general complaint handler training from the beginning</li> </ul>
	Staff are responsible for professional behaviour and thorough work in assessing and processing a complaint. Complainants are informed of their responsibilities when appropriate and are held responsible for providing clear information about their complaint in understandable form and for providing all the information in a truthful and timely manner.  (see Appendix 2 for model ground rules)	
A	Authority is exercised	Staff: <ul style="list-style-type: none"> <li>communication skills involved in staying in charge of the process</li> <li>communication skills in asserting authority</li> </ul> Management: <ul style="list-style-type: none"> <li>provides the backing necessary for staff to act authoritatively</li> </ul>
	Staff have the training, knowledge and experience, and hence the authority, to manage the case. Staff dictate the direction and progress of the case, not the complainant. Staff are in charge of the specific interaction with the complainant and their actions are backed up by their organisation.	
C	Communication is effective	Staff <ul style="list-style-type: none"> <li>communication skills generally</li> <li>communications skills in setting limits</li> <li>interpersonal and negotiation skills</li> </ul>
	Communication with the complainant is clear, comprehensive, timely and firm.	

	Key Message	Skills and resource requirements
T	Time is sufficient	<b>Management:</b> <ul style="list-style-type: none"> <li>provides the best possible case management systems</li> </ul>
	Management ensures as much as possible that staff have sufficient time to properly consider and deal with a complaint and to make sound decisions.	
I	Impartiality is maintained	<b>Staff:</b> <ul style="list-style-type: none"> <li>an understanding of concepts of impartiality and neutrality</li> <li>scripts for explaining case officer's role to the complainant</li> <li>communications skills generally</li> </ul>
	Staff act impartially and maintain neutrality.	
C	Consistency of practice is in place	<b>Staff:</b> <ul style="list-style-type: none"> <li>understand the importance of consistent responses</li> </ul> <b>Management:</b> <ul style="list-style-type: none"> <li>ensures commitment to the agreed approach for dealing with unreasonable complainant conduct</li> <li>provides adequate staff supervision</li> </ul>
	Strong policy direction and supervision ensures consistency of practice in dealing with particular complainants and in dealing with all complaints across the organisation.	
E	Equanimity is maintained	<b>Staff:</b> <ul style="list-style-type: none"> <li>skills in self-control</li> <li>skills in self care</li> <li>communication skills generally</li> </ul> <b>Management:</b> <ul style="list-style-type: none"> <li>ensures debriefing opportunities are in place when needed.</li> </ul>
	Staff are encouraged to remain calm and even-tempered during difficult interactions with complainants. Debriefing is available where interactions prove stressful for staff.	

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# Part C: Strategies for managing unreasonable complainant conduct

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## 3.1 Categories of unreasonable complainant conduct

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The various types of complainant conduct that can be unreasonable can conveniently be grouped into five categories:

1. unreasonable persistence
2. unreasonable demands
3. unreasonable lack of cooperation
4. unreasonable arguments
5. unreasonable behaviour

As set out in Table 2 below, each category of unreasonable conduct has a corresponding strategy for managing that conduct.

The strategies put in place to manage each category of unreasonable complainant conduct must be based on the clear understanding that:

- every complainant deserves to be treated with respect
- in the absence of very good reasons to the contrary, members of the public have a right to access the agency
- no complainant, regardless of how much time and effort is taken up in responding to their complaint, should be unconditionally deprived of having their complaint properly and appropriately considered
- it is important to remember that a complainant whose conduct is unreasonable may have a legitimate complaint
- the substance of the complaint dictates the level of resources allocated to it, not the complainant's wishes, demands or behaviour.

Annexure 1 provides script ideas to assist in verbal communication with complainants.

## 3.2 Management strategies to address each category of unreasonable conduct

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Table 2 groups unreasonable conduct and lists corresponding management strategies. It is intended to be used as a guide to identifying unreasonable conduct and deciding how to deal with it. Clearly each case is different and dependent on individual differences between complainants, personal characteristics of the case officer, agency involved and the facts of the case. In deciding on a strategy, case officers need to exercise individual judgment and imagination. The table should not be used as a mechanistic translation of conduct into 'matching' strategy.

It is intended that Table 2 should grow and develop as it is put to use. Any suggestions for additions or changes are invited and can be sent to:

Helen Mueller  
NSW Ombudsman's Office:  
hmueller@ombo.nsw.gov.au.

Table 2

Conduct category	Unreasonable conduct (trigger)	Management strategies
Unreasonable persistence	<p>Unreasonable persistence includes:</p> <ul style="list-style-type: none"> <li>• persisting with a complaint even though it has been comprehensively considered by an agency, and even where all avenues of review have been exhausted</li> <li>• reframing a complaint in an attempt to get it taken up again</li> <li>• showing an inability to accept the final decision</li> <li>• persisting in interpreting the law or policy in a way that is not in accordance with generally accepted or expert views on the issue and insisting that action be taken accordingly</li> <li>• persisting in wanting to know where to go next when it has been explained that there is nowhere else to go</li> <li>• demanding a review because it is available but not arguing a case for a review</li> <li>• making an issue out of anything</li> <li>• getting gratification from the process of regular contact with the case officer, possibly including inventing unnecessary reasons for having such contact.</li> </ul>	<p>Strategies for dealing with unreasonable persistence are about saying 'no':</p> <ul style="list-style-type: none"> <li>• communicating clearly and transparently, eg. telling complainants firmly that something is 'not going to happen'</li> <li>• to the 'where-do-I-go-to-now' question, telling complainants that not all problems have an institutional solution and they may have reached the end of the line</li> <li>• requiring complainants who want a review to provide an argument for one, ie. to tell us how we have erred or provide new information; if they don't, their file will remain closed</li> <li>• providing one review only</li> <li>• maintaining a 'no means no' stance following review</li> <li>• adopting, when appropriate, a firm no-further-correspondence/contact stance and requiring any variation from this to be authorised at a high level</li> <li>• not allowing complainants to reframe the complaint to re-enter the process, unless they raise new and important issues</li> <li>• ending telephone calls that are unproductive</li> <li>• asserting the agency's position, eg. 'I acknowledge that your view is different, however we see it this way', or 'I acknowledge that your view differs from ours, however, our job is to make a decision about.... and this is what we have decided'</li> <li>• making it clear that our decision is final and, for better or worse, we have made our decision.</li> </ul> <p>Managing unreasonable persistence also includes:</p> <ul style="list-style-type: none"> <li>• managing expectations from the outset, including ensuring initial expectations are realistic</li> <li>• adopting a firm and authoritative communication style both in writing and verbally</li> <li>• defining key issues and keeping the focus on them</li> </ul>

Conduct category	Unreasonable conduct (trigger)	Management strategies
Unreasonable demands	<p>Unreasonable demands include:</p> <ul style="list-style-type: none"> <li>• insisting on outcomes that are unattainable (not-in-jurisdiction issues, wanting the department shut down, wanting to turn back time, prosecution of individuals)</li> <li>• insisting on a 'moral' outcome, eg. justice in the community interest, when really a personal interest is at stake</li> <li>• demanding an apology and/or compensation when no reasonable basis for expecting such outcomes exists</li> <li>• wanting revenge, retribution</li> <li>• wanting what is not possible or appropriate, eg. copies of sensitive documents, private contact details of staff, other complainants or whistleblowers, etc.</li> <li>• issuing instructions and making demands as to how a complaint should be handled</li> <li>• providing supporting details that are extraordinarily detailed when such detail is not relevant to the complaint</li> <li>• making unreasonable resource demands, expecting resources in excess of or out of proportion to the seriousness of issue</li> <li>• wanting regular and lengthy phone contact where this is not warranted</li> <li>• showing reactions or demands for action that are out of proportion to the significance of the issue</li> <li>• moving the goal posts—changing the desired outcome</li> <li>• shopping for a sympathetic ear in the organisation—demanding to talk to a supervisor or the CEO personally</li> <li>• placing us on an extensive email copy list and expecting responses to numerous emails</li> </ul>	<p>Strategies for dealing with unreasonable demands are about setting limits:</p> <ul style="list-style-type: none"> <li>• letting complainants know in advance how the agency intends to deal with the complaint, ie. having a plan and sticking to it</li> <li>• making sure the complainant is clear that the agency decide how the complaint should be handled</li> <li>• clarifying the limitations of the particular complaint handling system</li> <li>• avoiding being drawn into hypothesising, catastrophising, conspiracy theories, unproductive argument and personal attacks more generally</li> <li>• restricting contact to defined times and staff members where necessary</li> <li>• responding only to emails and mail addressed to the agency directly/not responding to mail where the agency is copied in</li> <li>• ending telephone calls that are unproductive—limiting contact to writing only</li> <li>• not doing for unreasonably demanding complainants something the agency would not normally do for any other complainant, just to appease them</li> <li>• as a last resort, informing the complainant that the agency finds his or her interaction with us unreasonably demanding and setting defined limits for further contact.</li> </ul> <p>Managing unreasonable demands also includes:</p> <ul style="list-style-type: none"> <li>• managing expectations from the outset, including ensuring initial expectations are realistic</li> <li>• adopting a firm and authoritative communication style both in writing and verbally</li> <li>• defining key issues and keeping the focus on them.</li> </ul>

Conduct category	Unreasonable conduct (trigger)	Management strategies
Unreasonable demands (Cont'd)	<ul style="list-style-type: none"> <li>• consistently creating complexity where there is none.</li> <li>• presenting as overly needy or dependent (eg wanting to transfer responsibility for the complaint handler or agency)</li> </ul>	
Unreasonable lack of cooperation	Unreasonable lack of cooperation includes: <ul style="list-style-type: none"> <li>• presenting a large quantity of information which is not organised, sorted, classified or summarised, where the complainant is clearly capable of doing this</li> <li>• presenting information in dribs and drabs — refusing to present all available information at the outset</li> <li>• refusing to define issues of complaint ('the attached speaks for itself' — usually a large quantity of information) where the complainant is clearly capable of doing this</li> <li>• focusing on 'principles' rather than substantive issues</li> <li>• changing the complaint, raising new issues in the process of our consideration</li> <li>• displaying unhelpful behaviour, eg. withholding information, dishonesty, misquoting others, swamping agency with documents.</li> </ul>	Strategies for dealing with unreasonable lack of cooperation are about setting conditions: <ul style="list-style-type: none"> <li>• requiring complainants to organise or summarise the information they have provided before we will look at the complaint (where they are clearly capable of doing this)</li> <li>• requiring complainants to define what their issues are or to pursue further inquiries before we will look at the complaint</li> <li>• telling complainants that we will not look at their complaint until all the information has been presented</li> <li>• ending our involvement in the complaint where it is discovered that the complainant has been wilfully misleading or untruthful in a significant way.</li> </ul> Managing unreasonable lack of cooperation also includes: <ul style="list-style-type: none"> <li>• managing expectations from the outset, including ensuring initial expectations are realistic</li> <li>• adopting a firm and authoritative communication style both in writing and verbally</li> <li>• defining key issues and keeping the focus on them</li> </ul>

Conduct category	Unreasonable conduct (trigger)	Management strategies
Unreasonable arguments	<p>Unreasonable arguments include:</p> <ul style="list-style-type: none"> <li>• holding irrational beliefs, eg. seeing cause and effect links where there are clearly none</li> <li>• holding what is clearly a conspiracy theory unsupported by any evidence</li> <li>• insisting that a particular solution is the only correct one in the face of valid contrary or alternative arguments</li> <li>• interpreting facts in a clearly irrational/unreasonable way and insisting this interpretation is the correct one.</li> <li>• insisting on the overwhelming importance of an issue that is clearly trivial.</li> </ul>	<p>The strategy for dealing with unreasonable arguments in complaints is primarily about declining or discontinuing our involvement.</p> <p>Complaints that are based on unreasonable arguments need to be declined at the outset, or discontinued as soon as it becomes clear that the arguments are unreasonable or the complaint is otherwise groundless.</p> <p>Alternatively, where unreasonable arguments are mixed with reasonable arguments, the strategy should be to refuse to deal with the unreasonable portion.</p> <p>This category of conduct is often associated with mental illness. General principles for speaking with people with mental illness are listed in Appendix 1, Scripts No 3 (Raises bizarre or incomprehensible issues).</p>
Unreasonable behaviour	<p>Unreasonable behaviour includes:</p> <ul style="list-style-type: none"> <li>• displaying confronting behaviour, eg. rudeness, aggression, threats</li> <li>• sending rude, confronting, threatening letters</li> <li>• making threats of self harm</li> <li>• making threats of harm to others</li> <li>• displaying manipulative behaviour (overly ingratiating, tears, veiled threats).</li> </ul>	<p>The strategies for dealing with unreasonable behaviour include protocols for dealing with aggression, anger and threats of harm in writing, on the phone and in person and setting limits and conditions.</p> <p>Also:</p> <ul style="list-style-type: none"> <li>• Return letters framed in rude and intemperate language and request that the complainant reframe their concerns in more moderate language</li> <li>• End telephone calls and interviews where the complainant becomes abusive and confronting (see Appendix 1, Scripts No 1 for suggestions about how to do this)</li> <li>• Set conditions to encourage acceptable behaviour where the complainant wants further contact with the organisation.</li> </ul>

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### 3.3 Using the management strategies during the complaint handling process

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#### 3.3.1 Managing all complaints well from the outset

It is of course important that every complaint is managed as well as it possibly can be from the beginning to minimise the chances of unnecessary delays, misunderstandings and unrealistic expectations about the agency's role and powers. In general terms, the agency should always try to ensure that:

- complainant expectations are managed to ensure they are realistic from the outset
- a firm and clear communication style is adopted both in writing and verbally
- the communication style is appropriate to the specific complainant
- complainants understand the agency's role
- complainants are made aware of their responsibility to provide information and cooperate
- the key issues that the agency is going to address are defined and the focus on them is maintained
- clear reasons for the agency's decisions are provided
- unnecessary delays are avoided.

Specific strategies for managing complaints well from the outset may include:

- Decline at the outset complaints that contain unreasonable arguments.
- Decline at the outset 'trivial' complaints (for example on the basis of limited resources, lack of utility, no good purpose being served in taking the matter further, etc).
- Send an acknowledgement letter which spells out in detail what the agency can do and cannot do, and what the agency's complaint handling processes are.
- Generally speaking, make and maintain telephone contact where possible and appropriate.
- Where possible and appropriate, ring the complainants before taking up a complaint to clarify or confirm the issues of their complaint. 'As I understand it, you are complaining about... is this correct?' (Where appropriate, check that the complainant has understood the points made in the acknowledgement letter if one has been sent.)
- Reality test the complainant's expectations. 'What do you hope to get from this process?' 'What do you expect the outcome to be?' 'What did you hope to achieve when you decided to contact us?' At this stage, address and correct any unrealistic expectations.
- Clarify the limitations of the agency's complaint handling system rather than challenge the complainant's demands and make sure the complainant is clear about what the agency can do, what it can't do, and what it will do and what it won't do.
- Keep complainants informed of progress on their complaint. If there is going to be a delay, ring and explain why.
- If it is likely that the complainant is going to be very disappointed with the final decision, ring and explain the decision and the reasons for it before sending the letter.
- Structure of the final letter: consider providing reasons for the decision before stating the decision rather than the other way around. This will maximise the likelihood of the complainant focusing on the argument underpinning the agency's decision.
- Show empathy when telling the complainant their complaint will not be taken up or that their complaint has not been found sustained.
- Identify complaints that are likely to or do involve unreasonable conduct as soon as possible and ensure that the case is strategically managed with supervision (see Part D Complaint characteristics — warning signs to look out for page 22).

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### 3.3.2 Managing complaints as soon as difficult conduct manifests

As soon as difficult conduct manifests, consider using some of the following strategies:

- Consult with the person responsible within the agency for supervising unreasonable complainant conduct.
- Make a plan to manage the complaint and the complainant's interaction with your agency. Let the complainant know what it is and stick to it as closely as possible.
- Ensure the complainant has had the opportunity to clarify the complaint where it is not clear.
- Test and reframe the complainant's expectations where possible and preferably by telephone. State clearly what will and will not happen and what the agency's role is.
- Redefine/reassert key issues and stick to them.
- Make sure the complainant is clear that the agency decides how the complaint should be handled (effectively the agency 'owns' the complaint while the complainant 'owns' their issue)
- Avoid giving sympathy for experiences unrelated to the complaint, premature opinions or comments on past matters.
- If empathy is appropriate, empathise with the distress of the complainant. 'I can see you are stressed, distressed by your experience' without agreeing with their perspective.
- Avoid being drawn into hypothesising, catastrophising, conspiracy theories, unproductive argument and personal attacks more generally.
- Avoid doing for a complainant anything the agency would not normally do for other complainants just because they are displaying unreasonable demands or persistence.
- Return to the complainant correspondence containing personal abuse, inflammatory statements or material clearly intended to intimidate. Ask for the letter to be framed in more temperate language before the complaint will be looked at. The exception to this is if the correspondence contains evidence of a criminal offence, breaches of the law or threats to the safety of people or property. (A copy of any letter referred back to a complainant would normally be retained for the records.)
- End telephone calls that are unproductive, abusive or confronting.
- Require complainants to organise or summarize large quantities of disorganised information before the agency will take further action (where the complainant is clearly capable of doing this).
- Where issues are too general or vague, require complainants to define what their issues are before the agency will look at the complaint.
- Where information is being provided in dribs and drabs, require complainants to provide all the relevant information in their possession before the agency will start to look at their complaint.

### 3.3.3 Managing chronic ongoing difficult conduct

Where there is chronic ongoing difficult conduct consider using some of the following strategies:

- Consult with the person responsible within your agency for supervising unreasonable complainant conduct
- Revise the plan for managing the complaint and the complainant's interaction with the agency, and let the complainant know what the rules for ongoing interaction will be and stick to them as closely as possible
- Test and reframe the complainant's expectations where necessary and preferably by telephone. State clearly what will and will not happen and what the agency's role is

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- Redefine/reassert key issues and stick to them
  - Make sure the complainant is reminded that the agency decides how the complaint should be handled
  - Avoid being drawn into hypothesising, catastrophising, conspiracy theories, unproductive argument and personal attacks more generally
  - Avoid intermittent reinforcement of unreasonable behaviour by occasionally giving in to the complainant's unreasonable demands
  - End telephone calls that are unproductive abusive or intimidating
  - Avoid doing for complainants anything the agency would not do for other complainants just because they are showing unreasonable demand or persistence (an exception could be where there is a good chance that doing something out of the ordinary/extra may short-cut what could well otherwise become a more lengthy and messy process)
  - Require complainants to organise or summarize large quantities of information before the agency will continue to look at the complaint (where complainant is clearly capable of doing this)
  - Respond only to emails and mail addressed to the agency directly and do not responding to cc's/copies (use with discretion, sometimes copies are important!)
  - Limit contact to writing only where telephone calls are unreasonably frequent or confronting
  - In-person contact and, to a lesser degree telephone calls, are strategic actions and occur only if the case officer feels there is a need for them, not because the complainant demands them
  - Limit contact to a defined officer and/or contact time where a complainant's demands for contact are unreasonable or where the complainant is 'shopping' for a more sympathetic ear in the agency
  - End the agency's involvement where willful, misleading or untruthful conduct is discovered.
  - As a last resort, enforce some form of limited exclusion from contact with the agency or its staff where there is chronic unreasonable demands, persistence, and uncooperative conduct
  - When drafting the final letter, make sure to give the complainant precise reasons for the decision, even where you expect that explanations and reasons will have no effect. Bear in mind when drafting the other potential audiences, ie the person or body the complainant is likely to go to next such as the media, an MP, a Minister, the Ombudsman etc. Detailed reasons will make the case clear to such persons or bodies. This letter needs to give the full history of the matter and needs to stand on its own without presupposing knowledge of previous correspondence.

#### 3.3.4 The review process

Where complainants express dissatisfaction with the agency's decision consider using some of the following strategies:

- provide for only one review, unless a substantive new issue is raised
- as a precondition to any review, require complainants to give reasons or an explanation as to how the agency has erred (just expressing their disagreement or disappointment with the decision should not be enough) and/or to provide new information within a defined timeframe. If they do not do this, the case should remain closed
- attempt to give review decisions by telephone where this is possible under the specific jurisdiction. Review decisions given by telephone can be productive where the matter is relatively straightforward. Give the complainant ample time to discuss and vent but be firm. Avoid further correspondence if possible

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- if the complainant wants the review decision in writing, consideration should be given to have it signed at a high level, for example by the CEO
  - No further correspondence should generally be entered into after the review, unless a substantive new issue is raised and any variation from this should be authorised at a high level
  - Be alert for complainants who merely reframe their complaint in an attempt to re-enter the process
  - Assert the agency's position whilst acknowledging that the complainant's position is different.

Annexure 1, Script No 2 provides possible responses to complainant's persistent expressions of dissatisfaction and demands for their complaint to be addressed by the director, CEO or some other body.

### 3.3.5 Managing serious aggression, anger and threats of harm

#### Agencies

To deal with serious anger, aggression and threats of harm, agencies need to have in place appropriate security measures and protocols based on the circumstances of their specific interactions with the public. These security measures and protocols need to address expressions of intense anger, serious aggression and direct threats of harm towards staff members of the agency, threats of harm to others outside the agency, and threats of self-harm. The following are some of the main issues to be considered in developing such protocols:

- The layout of public contact areas need to be such that staff can safely and quickly remove themselves from a seriously threatening situation
- In an interview situation where it is possible that a serious threat might be an issue, a minimum of two staff members should be present
- Duress alarms need to be provided for staff to use in public contact situations and appropriate staff members need to be on alert to respond to activated alarms
- Staff members need to be provided with an emergency reporting protocol and appropriate telephone numbers for building security, the police, appropriate mental health crisis services
- In a situation where a complainant makes a serious threat of harm to someone outside the agency, subject to any applicable secrecy obligations, a reporting protocol needs to be in place to alert any such person or their agency of such a threat.
- Protocols to assist staff in the management of serious threats of self-harm by complainants need to be in place, including how to speak to a person who makes such a threat and when and whom to report such a threat to.
- Detailed records need to be kept of all serious incidents
- Staff debriefing and counseling needs to be provided when needed or requested (see Part F — Stress and what to do about it).

#### Staff

Staff, for the sake of their own safety, need to be particularly alert to communication strategies for seriously angry, aggressive and threatening complainants:

- Intensely angry or aggressive people are unable to reason. It is pointless trying to debate an issue with a person in this state. The safety of staff and other members of the public is the primary consideration when dealing with this person.

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- Under no circumstance argue, react to attack or verbally defend when dealing with an intensely angry or aggressive person. Any of these approaches is highly likely to make the situation worse.
  - If dealing with an intensely angry or aggressive person in a face-to-face situation, adopt a non-threatening, but firm physical stance. Stand straight and balanced on both legs, hold arms by the side of the body, possibly with the palms of the hands open. Your body needs to say: “I am not a threat”.
  - Stand at a distance from the angry person. This is for your own safety and to avoid giving the person a sense that there is an attempt to over-power them.
  - End telephone calls with an intensely angry or aggressive person. If you can, provide a warning, before doing so. If the language is extremely confronting or abusive, it is quite reasonable to hang up without a warning.
  - Breathe deeply, speak slowly in a moderate voice. Reflect before you speak. The aim is to not exacerbate the situation.
  - Security and OH&S needs dictate that the person may need to be escorted off the premises. Take steps to effect this in accordance with your agency’s risk management protocols.
  - Take all threats seriously and bring into play your organization’s risk management protocols.

Appendix 1, Script No 3 provides ideas for dealing with threats and abuse.

## 3.4 Supervision

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When it becomes apparent that unreasonable complainant conduct is involved, and it seems that it will be ongoing, the matter should be discussed between the relevant case officers and their immediate supervisor. It is important to make a plan about how this specific case will be managed and to stick to the plan as closely as possible without being inflexible.

Case officers need to be clear that they have the support of their supervisor and management in their handling of the matter. Such support enables the case officer to make confident, clear decisions and to act firmly in the face of unreasonable complainant conduct.

As far as the complainant is concerned, the case officer should be seen as having the authority to handle the case. It is not appropriate to escalate the complaint to the supervisor just because the complainant asks for this, unless a complaint is made about the case officer’s handling of the matter. If this occurs, the supervisor should deal with the complaint against the case officer and if there is no substance to it, responsibility for the matter should be handed back to the case officer.

Supporting and protecting staff has the highest priority.

## 3.5 Limiting access and services

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### 3.5.1 Introduction

Where unreasonable complainant conduct is involved, consideration may need to be given to limiting the complainants contact with the agency. Contact can be limited in terms of the times a complainant may make contact, the officers the complainant may have contact with, and the frequency and form in which the contact may take place.

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Steps to limit access to an agency should only be taken with the greatest reluctance, where to act differently would be to rob other meritorious matters of the resources to which they are entitled, or compromise the agency's obligations as an employer.

Where limitations are placed on contact with specific officers, consider whether contact should be spread among two or three officers. Depending on the circumstances, limiting contact to one officer may place an unacceptable burden on that officer.

Decisions to place limitations on contact need to be approved by the CEO or a senior delegate, who also signs any letters informing the complainant of those limitations.

### 3.5.2 Appropriate steps prior to limiting access to an agency

The steps that may be appropriate in the few circumstances where it is justifiable to limit access to the agency will depend on the circumstances of each case. For example if a person or group is sending a constant stream of letters to an agency on a wide range of issues, it may be appropriate, if the demands placed on the agency by the correspondence are excessive, to notify the person or group either that only significant and serious issues will be addressed by the agency, or only a certain number of issues will be addressed by the agency in any given period and therefore the person or group should limit and focus their requests accordingly.

If a person is ringing or making constant visits to the agency and raising the same issues with different staff, it may be appropriate to notify that person that calls will only be taken at specific times of specific days and that visits are by appointment only. Further, that only a nominated staff member will deal with the calls in future and any appointments must be made with that staff member

In the small number of cases where it is clear a person will not accept the agency's decision on a matter and all appropriate avenues of internal review or appeal have been exhausted, if the person continues to contact the agency, it may be appropriate for the agency to notify the person that, in future:

- no phone calls will be accepted or interviews granted concerning the specific matter already reviewed
- all further communication with the agency must be in writing, and/or
- correspondence will be received, read and filed but only acknowledged or responded to if the person provides significant, new information relating to their complaint or concern, or raises new issues which, in the agency's opinion, warrant fresh action.

In such circumstances, it is important that adequate documentary records are made and maintained.

### 3.5.3 Withdrawing services or refusing access

The only circumstances where an agency should contemplate withdrawing services or refusing access would be where the person concerned:

- is consistently rude or abusive, or makes threats to staff or other members of the public using the services of or in the premises of the agency
- causes damage to the property of the agency, intimidates or threatens physical harm to staff or other third parties
- is physically violent, or
- produces a weapon.

Depending on the importance of the service to the physical or mental well being of the person concerned, it may be preferable to modify the way a service is provided rather

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than to withdraw or withhold the service completely, even if the person exhibits one or more of the first three mentioned behaviours. Possible strategies might include constructing special security accommodation at the agency's premises, or using specially trained staff for interviewing difficult people, or delivering material to the person's home rather than having it collected from the agency.

Particularly in relation to the last two mentioned behaviours, the matter should be immediately brought to the attention of the police.

#### 3.5.4 Recording service and access restrictions

A senior officer of the agency should maintain a list of people whose access to the agency has been restricted, including the specific directions in relation to each person, for the purposes of ensuring a co-ordinated and consistent response to them.

When a person on the 'no personal contact list' contacts the agency by telephone or in person, he or she should be reminded of the agency's decision in terms outlined in the correspondence, and the conversation or contact politely brought to an end. Correspondence informing these complainants of the decision not to approach the agency except in writing should also warn that they may be escorted from the agency's premises if they do approach, and that telephone calls will be terminated.

#### 3.5.5 Public interest considerations governing access restrictions

Strategies to manage unreasonable complainant conduct may include limiting access to the agency or its services. It is important that such decisions be made within the wider framework of public access rights and responsibilities.

Any approach to the question of limiting the access rights of members of the public to the services provided by an agency must begin with a clear understanding that:

- in the absence of very good reasons to the contrary, members of the public have a right to access agencies to seek advice, help or the services the agency provides
- criticism and complaints are a legitimate and necessary part of the relationship between agencies and their customers or communities, and may lead to improvement within agencies, and
- nobody, no matter how much time and effort is taken up in responding to his or her complaints or concerns, should be unconditionally deprived of the right to have those concerns addressed.

As agencies also have an obligation to use resources efficiently and effectively, at some point it may be necessary and reasonable for an agency to decide to limit the nature or scope of its responses to difficult complainants. However, these situations should be the exception rather than the rule.

To ensure that the issue of restricting access is dealt with appropriately, it is recommended that agencies dealing with the public develop a comprehensive policy on public access. Such a policy should outline the agency's commitments in regard to:

- responding to correspondence, answering telephone enquiries and dealing with face-to-face inquiries from the public at the agency's offices
- service provision to the public, including the agency's guarantee of service and circumstances where the provision of services may be withheld or withdrawn, and
- rights of review or appeal.

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Such policies should also refer to:

- the circumstances where the agency will not answer correspondence, eg correspondence which is abusive towards staff and does not raise any substantive issues, and
- the circumstances where the agency may restrict telephone contact, eg terminating calls where the caller has become abusive.

Please note that agencies cannot develop policies that attempt to avoid or limit statutory access and service rights.

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## Part D: Complaint characteristics — warning signs to look out for

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### 4.1 The content and 'look'

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The content and/or the 'look' of the initial complaint can display characteristics that may, either individually or taken together, indicate that unreasonable conduct is or could be an issue.

Examples of content include:

- is unclear or illogical
- makes illogical requests or demands (wants the department closed down, the clock to be turned back, retribution etc)
- there are expressions of a sense of victimisation or persecution
- there is a loss of focus: the complainant wants 'justice', 'punishment' satisfaction of the 'public good' rather than reasonable reparation of or compensation for a wrong.
- provides unnecessary detail
- provides unnecessary background information
- demands 'justice'
- invokes 'the public interest'
- uses rhetorical questions
- fails to provide necessary detail
- includes incorrect use of legal, technical or scientific terms
- uses third person for self
- consistently makes simple issues complex
- includes overt or covert threats of retribution or self harm if the complaint is not handled in accordance with expectations
- expresses a desire for public acknowledgement of the perceived wrong.

Examples of the 'look' include:

- overuse of the page (eg writing from edge to edge and top to bottom of page, handwritten annotations on official documents)
- idiosyncratic emphasis
- addressed to the agency with copies to many other addressees
- enclosures of large quantities of photocopies/press clippings (whilst this is not in itself indication of unreasonable conduct, together with other forms of unreasonable conduct can be indicative of impending difficulties)
- enclosures of testimonials or medical certificates where this is not relevant to the complaint
- use of highlights in single or multiple colours
- use of extensive underlining
- excessive use of capitalisation/bold/italic texts
- excessive use of punctuation (exclamation marks, inverted commas, question marks).

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# Part E: Communicating well with complainants

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## 5.1 Communicating with people whose conduct is unreasonable

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The following are some things to bear in mind when communicating with complainants whose conduct is unreasonable:

- It is a fact that some people will display conduct that will be unreasonable irrespective of what we do.
- When dealing with unreasonable conduct, completion or satisfaction for the complainant is an unlikely outcome. What we are looking for is containment of the conduct, safety for the organisation and its staff, and protection of our own wellbeing. Often all we can do is not make matters worse.
- Explaining and reasoning often does not work where unreasonable conduct is involved. It is ultimately the complainant's problem, not the case officer's, if the complainant does not want to accept the agency's decision.
- When talking on the phone to complainants who are displaying unreasonable conduct, keep in mind that we may be recorded. Some complainants routinely do this, whether or not it is a breach of listening device legislation.

When we communicate with people whose conduct is unreasonable, we need to be aware of our own emotional response to the complainant. Anger in ourselves leads to a tendency for us to attempt to assert our dominance over complainants. Alternatively, our own fear and anxiety can lead to supplication, where we end up doing what complainants want, just to make them go away.

Generally speaking, an 'acknowledge and do-not-push-back' approach is best in dealing with unreasonable complainant conduct.

## 5.2 Communication do's and don'ts

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The following communication do's and don'ts outline this approach:

Do:

- Echo: repeat some of the words or a phrase the complainant has just used: 'so, Council will not clean up the footpath...' This gives complainants a sense that you have heard what they are saying and may make them feel they do not have to try so hard.
- Express empathy appropriately, that is with their distress, not their perspective: 'that sounds really difficult',
- Acknowledge emotions: 'I've got a sense of how strongly you feel about this', 'I can hear that you are very angry about this'
- Acknowledge the complainant's point of view without agreeing with it: 'I understand that you believe the [...] is at fault here'. Then go on to say that the agency's view is different.
- Apologise where appropriate: 'I am sorry you have had such a terrible time (this is about expressing sympathy), or, 'I am so sorry, I made a mistake' (this is about acknowledging responsibility and expressing regret).
- Using the language of cooperation: 'We could look at it this way', 'Let's stand back and consider...', 'How can we resolve this?'

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Don't:

- Argue, defend, deny: This is really about keeping our ego out of it and keeping the boundaries between us and the complainant clear: 'I accept that this is your view'
- Give excuses: The complainant is unlikely to be interested in or influenced by the fact that you have a heavy workload or have been on leave. If appropriate, acknowledge that there has been a delay/mistake, apologies for it and say what you will do to advance the matter.
- Joke: It is easy to trivialize with humour.
- React to attack: an attack can be neutralized by saying something like 'yes, I know, some people believe this', 'you are entitled to your opinion' or simply 'I see' or 'mmm'.

### 5.3 Useful Communications strategies

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Other useful communication strategies include:

- Dealing with an emotional response by a complainant by modelling calm. Getting the complainant to put words to an emotional state by asking him a question can take him out of an emotional state into a thinking state. For example "Mr Smith, can you clarify something for me. It seems to me you are very upset, is this right?" His likely response "yes, I am upset!" may well bring him to recognise his own emotional state and how it is interfering with communication.
- Where the complainant has lost focus or is being illogical, reframing can make the complainant think about the meaning of what she is saying. "Ms. Smith, let's look at your goals. What will achieving this outcome get for you?"
- In responding to 'hard luck' stories, tears and other expressions of pathos, it is important not to sympathise beyond what is reasonable. Complainants can quickly start to see an overly sympathetic case officer as a saviour, mentor, support person or even advocate. Case officers need to maintain their neutral stance.
- Do what you say you will do. If you warn a complainant that you will end the call if they do not stop being rude, aggressive or unnecessarily angry, you need to do it.
- You need to be consistent in your approach to the complainant. Intermittent reinforcement is reinforcement of the most powerful kind. For example, if a complainant has been told that the agency will only deal with her in writing, but once in a while she can get the case officer to talk to her on the phone, she will have learned that no matter how many times her phone calls are refused, sooner or later someone will talk to her. So she will be likely to try harder to reach a case officer by phone.
- When talking to complainants on the telephone, you need to describe to them what you are doing that they cannot see: 'I am just looking through your file here to see if I can find the letter'. Unexplained hesitations or noises can be misinterpreted, especially by someone who is suspicious.
- When delivering a negative final decision in a letter to the complainant, you should consider setting out all the reasons before stating the decision. This will maximise the chances of the complainant following the argument through to the decision and therefore understanding it.
- Use model paragraphs judiciously and always adapt them carefully to reflect the specific details of the case. When in doubt, it is better to draft your own paragraph and get a supervisor to help where you are uncertain.
- Make concurrent, accurate and descriptive (not interpretative) file notes: "Mr. Smith raised his voice and said he would report me to my supervisor", rather than "Mr. Smith got loud and belligerent".

Script ideas for dealing with specific verbal interactions with complainants are provided in Appendix 1.

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# Part F: Stress and what to do about it

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## 6.1 Symptoms and indicators of stress

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One of the aims of the approach to managing unreasonable complainant conduct advocated in this manual is to minimise staff stress. The manual is designed to give staff a number of tools and the communication skills to effectively deal with unreasonable complainant conduct. Nevertheless, interactions with complainants who display unreasonable conduct can be stressful even to the most experienced and skilled staff members. Such stress must not be allowed to affect the wellbeing of individual staff members. Symptoms of stress can include:

- chest pains
- headaches
- gastrointestinal problems
- elevated heart rate and blood pressure
- muscular soreness
- fatigue.

(Buck, W.T., Coping with crisis. Risk Management, 42(10), 1995)

This manual aims to provide a number of strategies to assist staff set personal boundaries. They allow staff to maintain a professional stance and to distance themselves from the conduct of complainants. Nonetheless, the conduct of some complainants can result in the personal boundaries of staff members being transgressed. Indicators that this may have happened are:

- feeling guilty for another person's behaviour
- feeling guilty for what has happened to the complainant
- feeling guilty for being unable to provide the resolution that the complainant requests
- over contacting the complainant.

(Queensland Health, Complaints Coordinator's Handbook: Making Feedback Work For You! Brisbane, 2002)

## 6.2 Dealing with stress

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An individual stressful event may be dealt with informally. The staff member may take a break, have a cup of tea or coffee, discuss the incident with a colleague, go for a short walk or do some deep breathing. However, where the event causes more than passing physical and/or psychological discomfort, and/or the event is a critical incident (anger, aggression and threats of the more serious kind), the staff member needs to bring this to the attention of their supervisor or other senior officer with a view to managing the situation in accordance with the office's security protocols and debriefing policy. It is important to understand that seeking assistance is not a sign of psychological weakness and talking about an incident will not result in more problems.

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Queensland Health, in its publication *Complaints Coordinator's Handbook: Making Feedback Work For You!*, offers several suggestions for assisting in mental health protection. These are:

- be aware of feelings of self-blame if things do not go to plan
- set manageable goals, breaking them down in to simple steps and be sure to prioritise
- rather than focusing on what you cannot accomplish, think positively and focus on the things you can — making use of planning strategies and rewarding yourself when goals are achieved.
- do not be afraid to ask for assistance if you need it and have the ability to say no without feeling guilty
- ensure that lunch breaks, annual leave and flexi-days are taken and do not regularly take work home to complete
- make use of employee assistance programs and seek professional help if required
- take part in activities in your free time — hobbies provide a good distraction from work.
- be proactive in managing feelings of frustration, anger or resentment and in regulating and modulating how you feel
- humour in the workplace can lighten emotional experiences and provide a broader perspective of a situation.

Queensland Health's suggested means of protecting social health include:

- being part of social networks at work and at home allows distraction from work and provides support
- ensuring you are part of a work team to receive support and be able to discuss issues
- taking part in professional development opportunities to provide networking opportunities.

In order to protect physical health, Queensland Health suggests the following:

- take part in regular physical activity to assist in managing stress
- eat a balanced diet containing fresh foods, whilst minimising consumption of processed foods trial relaxation methods to see what works for you — for example massage, music, yoga, meditation, deep breathing and visualization, or simple tensing and releasing muscle groups

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## Part G: Annexures

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# Annexure 1: Scripts

## 1. Script ideas for tactical actions

Action	Script guide
<p>Ringling the complainant to define the issue/s of complaint before taking up a complaint</p>	<ul style="list-style-type: none"> <li>• I'm calling you because I'm the case officer responsible for dealing with your complaint.</li> <li>• As I understand it, you are complaining about xxx, xxx and xxx. Is this correct? (allow for clarification)</li> <li>• You appear to be complaining about xxx, xxx and xxx. Is this correct? (allow for clarification) xxx is an issue we can look at, but xxx and xxx are not things we can take up because....</li> </ul> <p>Note: At this point, make sure the complainant's expectations are realistic and get an indication from him/her that he/she understands precisely what will be taken up.</p>
<p>Testing and reframing a complainant's expectations where they are unrealistic</p>	<ul style="list-style-type: none"> <li>• Thank you for going to the trouble of explaining this to me. As I understand it you are saying....I should make it clear right at the beginning that it is very unlikely/not possible we will be able to do....</li> <li>• Are you aware of what our office can do? (often the answer is 'not really') Perhaps I could tell you a bit about how our office works and what we can and can't do.</li> <li>• It seems to me you are hoping we can do....I have to tell you right at the beginning that this will not be possible because....</li> </ul>
<p>Ringling a complainant ahead of a decline/discontinue letter where the complainant is likely to be very disappointed</p>	<ul style="list-style-type: none"> <li>• I wanted to call you and tell you about my decision before I send out my letter, because I know you will be disappointed with my decision. (allow for discussion and clarification)</li> <li>• I wanted to call you and tell you in person that we will be unable to investigate your complaint before I send you a letter saying this.</li> <li>• I will, of course, send you my decision in writing, but speaking with each other means I can also answer any questions you might have about my decision.</li> </ul>
<p>Ending an unproductive/stressful phone call or interview</p>	<ul style="list-style-type: none"> <li>• I feel like I have given you as much information as I possibly can about...I can see you are expecting me to say something I cannot. This conversation is now becoming unproductive/circular. I have other matters to attend to, so I must now end this conversation/interview.</li> <li>• I do understand that you are dissatisfied. I have tried to explain to you how I came to make my decision and I'm not able to spend any more time on this.</li> </ul>

Action	Script guide
Ending an unproductive/ stressful phone call or interview (Cont'd)	<ul style="list-style-type: none"> <li>I don't think this conversation is productive for either of us now and I will have to end our call/interview. You have my full reasons in the letter I sent you.</li> </ul>
Terminating an abusive phone call or interview	<ul style="list-style-type: none"> <li>I am feeling uncomfortable with the way you are speaking to me. I will have to end this call/interview if you continue to speak to me like this. (do end it if the abuse continues)</li> <li>I can see that you are upset and while you are upset we can't concentrate on the issues in your complaint. Lets have a breather. I will call you back/come back in.... minutes.</li> <li>I did give you a warning that I would end this call/ interview if you continue to speak to me in this way. I am now ending the call/interview. (take this action decisively)</li> <li>If you do not leave the office now, I will call security and they will escort you from the building. (take this action decisively)</li> <li>Did you call me an 'idiot'? — 'no'. Good, I would have found that very abusive and would have had to end this call/interview. — 'yes'. That's unacceptable name calling and I will end this call/interview (take decisive action).</li> <li>I'm happy to talk to you about this issue, but not while you are yelling at me. I will hang up now and I invite you to call me back in 15 minutes or so</li> </ul>

2. Script ideas for dealing with unreasonable demands and persistence

Comment	Possible responses
I want to speak with the director/ CEO! (where this is clearly inappropriate)	<ul style="list-style-type: none"> <li>• I have delegation to deal with your matter — you can speak with me about your complaint.</li> <li>• For practical reasons, the director does not generally speak directly with complainants, but s/he has given me a delegation to deal with complaints such as yours.</li> <li>• I am authorised to act on the director’s behalf. You can speak to me now and we can see how we go.</li> <li>• I’m sure you can appreciate that the CEO, as head of the organisation, is a very busy person. That is why s/he has delegated authority to his/ her staff to deal with matters like yours.</li> </ul>
I want to meet with the director/ CEO in person! (where this is clearly inappropriate)	<ul style="list-style-type: none"> <li>• The usual procedure in this office is for complaints to be submitted in writing, as this is the only way to lodge a formal complaint.</li> <li>• If it is necessary, a meeting with the officer handling your complaint can be arranged.</li> <li>• I have already spoken with you at length. A face-to-face meeting will not change the advice I have given you. You can send us additional information in writing and we will decide if a meeting with an officer is necessary.</li> </ul>
I want to speak to your supervisor!	<ul style="list-style-type: none"> <li>• I am happy to put you through if you wish to complain about me. But if it is to dispute my decision, you should put your concerns in writing. My supervisor does not have the time or detailed knowledge of your case to discuss it with you now.</li> <li>• My supervisor has reviewed your file and agrees with my decision (if this is indeed the case).</li> <li>• You may. Can I take your telephone number and I will arrange for her/him to call you.</li> </ul>
I want to come in and meet with you/show you documents! (when this is not appropriate/necessary)	<ul style="list-style-type: none"> <li>• I don’t believe a meeting would assist. If you have additional documents, you can send them to me with a covering letter outlining how they are relevant. If I need to, I will call you to discuss them with you. I believe this is a much better use of our time.</li> <li>• Could you please send me the documents for assessment. I am not in a position to discuss the matter or to decide whether a meeting with you would be useful until I have done this.</li> </ul>

Comment	Possible responses
<p>I want to come in and meet with you/show you documents! (when this is not appropriate/necessary) (Cont'd)</p>	<ul style="list-style-type: none"> <li>• If I require more information, I will contact you. Otherwise, the summary of issues you have provided is adequate.</li> <li>• It is generally better if we can have a look at the documents before we decide whether a meeting with you is useful. In the end we have to rely on documentary evidence anyway. Say-so evidence is not enough.</li> </ul>
<p>I demand an urgent response to my complaint (when this is not warranted)</p>	<ul style="list-style-type: none"> <li>• I appreciate that what you are complaining about is distressing/causing you concern. I will not be able to look at it/call council/do my review immediately. There are other matters that I have to deal with ahead of yours because they came in before yours.</li> <li>• What I can tell you is that I will most likely be able to assess your complaint/call the department on.... You can call me after that date if you would like an update.</li> <li>• I know you feel your complaint is urgent. I have assessed the matter and I have decided I should call the officer concerned/department/council. I will be able to do this some time this week.</li> <li>• I'm sure you know we have competing priorities, most people feel their complaint is the most important one.</li> <li>• We have processes to ensure everyone's complaint gets dealt with fairly. I will be assessing the matter/contacting the agency within the next two weeks.</li> </ul>
<p>Does not accept the case officer's advice</p>	<ul style="list-style-type: none"> <li>• If I have explained to the best of my ability what your options are. You might want to choose a different path and that is absolutely your decision.</li> <li>• It's my role to explain to you your options, but any decision on what you do is clearly yours.</li> <li>• Perhaps you would like to think about what I just explained to you. We can discuss it again next week if you would like to matter clarified.</li> <li>• Sometimes people have a different view on the same matter. You and I clearly have a different view on your complaint, and as I have explained, I have decided what action this office will be taking and we will not be taking this matter any further.</li> <li>• I understand that.....is your view. I have taken a different view. My view is.....For this reason I will be taking no further action on your complaint.</li> </ul>

Comment	Possible responses
Does not accept the case officer's advice (Cont'd)	<ul style="list-style-type: none"> <li>• I understand that.....is your view. However, in this case the matter is quite clear. This agency is not able to deal with your matter.</li> <li>• I'm feeling that you want me to give you the answers. I don't have the answers to this.</li> </ul>
Interrupts case officer/does not allow case officer to speak	<ul style="list-style-type: none"> <li>• Do not speak at all. Eventually complainant might say, 'hello, are you there?'; at which point the response might be 'I am, and could I now have the opportunity to speak?'</li> <li>• To break into a complainant monologue, repeat their name or repeat a key word or last word they said.</li> <li>• You have been speaking for three minutes now. I wonder whether I might have the opportunity to respond to what you have been saying</li> </ul>
Responding to hypothesising, catastrophising, conspiracy theories, unproductive argument	<ul style="list-style-type: none"> <li>• I can't do anything about an event that hasn't yet happened.</li> <li>• Some of the things you are asking about are hypothetical. I can only respond in detail to an actual event.</li> <li>• If..... happens in the future, you can ring me.</li> <li>• People often feel that a certain person/agency has caused a problem for them. We need clear evidence to support what you are saying before we can follow it up.</li> <li>• I understand that you have that view. This office takes a different one. We cannot do what you are asking because....</li> <li>• I can see that you think this is the worst thing that could happen. Perhaps we could have a closer look at how it is. (Ask a series of questions: What would make the situation better? What are you hoping to achieve by contacting us? What did you hope we could do for you? Then manage expectations.)</li> </ul>
Raises global conspiracy theories but refuses to provide specific evidence	<ul style="list-style-type: none"> <li>• There are sometimes complaints where people believe something wrong has happened, but there isn't any evidence. I can only suggest that if you do get some evidence, you send it to me.</li> <li>• I know you will understand that this office cannot act on a complaint without evidence.</li> <li>• You are explaining your concerns well, but without any clear evidence, I can't follow this matter up.</li> </ul>

Comment	Possible responses
<p>Raises bizarre or incomprehensible issues</p>	<p>These complaints are often by people with mental illness.</p> <p>General principles:</p> <ul style="list-style-type: none"> <li>• Speak to them in the same tone as you would to anyone else.</li> <li>• Treat them with dignity</li> <li>• Listen carefully to what they are saying.</li> <li>• Avoid arguments</li> <li>• Ask questions about what they are saying and check for evidence. Sometimes a person might be delusional but may still have a legitimate complaint, The ability to provide evidence or point to factual information will be the key: <ul style="list-style-type: none"> <li>— To take this further, we would need clear evidence, like photos, documents or medical certificates....</li> </ul> </li> <li>• Reflect back to them what they are saying without agreeing: <ul style="list-style-type: none"> <li>— So, aliens are following you.</li> </ul> </li> <li>• Acknowledge emotions, their and yours: <ul style="list-style-type: none"> <li>— I am feeling frustrated listening to you so I can only imagine how frustrated you must be feeling about....</li> </ul> </li> <li>• Empathise with both lows and highs: <ul style="list-style-type: none"> <li>— I can see you are feeling really bad about this/ you are feeling really elated about this</li> </ul> </li> <li>• There is unlikely to be an issue this agency can take up in these cases but see whether the person may be able to come up with a solution of their own: <ul style="list-style-type: none"> <li>— Is there any other way you may be able to achieve this/make sure this doesn't happen again....?</li> </ul> </li> <li>• In these cases it is important to recognise one's own personal and professional limitations.</li> </ul>
<p>Wants to be told where to go next when the end of the line has been reached</p>	<ul style="list-style-type: none"> <li>• I'm not aware of another avenue of redress now available to you.</li> <li>• This is for you to decide.</li> <li>• It seems you've exhausted all avenues I can think of.</li> <li>• I don't want to waste your time by sending you on a wild goose chase.</li> <li>• I can't conjure up another body that can fix it for you.</li> <li>• Sometimes there are problems that can't be sorted out by a government agency.</li> <li>• I have no opinion about whether you should go to the media about this. This is really for you to decide.</li> </ul>

3. Script ideas for dealing with threats and abuse

Complainant conduct	Possible responses
<p>Abusive language which is not specifically directed at the officer speaking to them. This may be just their normal communication style or an expression of distress, but it makes the case officer feel uncomfortable</p>	<ul style="list-style-type: none"> <li>• I can hear/see that you are upset/angry, and I feel uncomfortable when you speak in that way. Could you please stop using swear words.</li> <li>• (after a warning) I will have to end this conversation if you do not stop using swear words.</li> <li>• (after a warning) Using swear words when you speak to me is making me feel uncomfortable. I will end this conversation now and you can call me back in... minutes when you feel a little less upset/angry.</li> <li>• I want to hear your side of the story. Please stick to the facts to help me understand what happened.</li> </ul>
<p>Use of abusive language which is specifically directed at the case officer</p>	<ul style="list-style-type: none"> <li>• I feel uncomfortable when you speak to me like that/it is inappropriate to speak to me like that. Please stop it.</li> <li>• (after a warning) If you don't stop talking to me like that, I will end this call and report your conduct to my supervisor</li> <li>• Did you call me a # \$ % ? ... I can't talk to you while you call me names. I will end this call now and when you feel you are able to speak to me civilly/in more moderate language, you can call me back.</li> </ul>
<p>Covert threats of harm to the agency (property threats)</p>	<p>General principle: make the threat overt by naming it:</p> <ul style="list-style-type: none"> <li>• It seems to me that you are saying you will do something to damage our offices. Is this correct?... If this is correct I will have to report your threat to my supervisor. It may also have to be reported to the police.</li> </ul>
<p>Overt threats of harm to the agency (property threats)</p>	<ul style="list-style-type: none"> <li>• Did you just say you were going to throw a brick through our door?... If this is what you said, I will have to end this call/interview right now and report your threat to my supervisor. We will also have to call the police (or whatever the risk management protocol is).</li> </ul>

Complainant conduct	Possible responses
Covert threats of harm to the case officer	<p>General principle: make the threat overt by naming it:</p> <ul style="list-style-type: none"> <li>• It seems to me you are saying that you are going to do something to hurt me. Is this correct? If this is correct, I will have to report your threat to my supervisor. I may also have to report it to the police.</li> </ul>
Overt threats of harm to the case officer	<ul style="list-style-type: none"> <li>• Did you just say you were going to follow me home and hurt me and my family?... If this is what you said, I will have to end this call/interview right now and report your threat to my supervisor. We will also have to call the police (or whatever the risk management protocol is).</li> </ul>
Covert or overt threats of harm to self	<ul style="list-style-type: none"> <li>• It seem to me that what you are saying is you will hurt yourself if I do not do what you want me to. Is this what you are saying?</li> <li>• Are you threatening to kill yourself? If you are threatening to kill yourself, I will have to end this conversation immediately and report what you have said to me to my supervisor. We will then contact (the appropriate agency).</li> </ul>
<ul style="list-style-type: none"> <li>• 'If you do not....then....' threats</li> <li>• Emotional manipulation to make the case officer feel sympathy:</li> <li>• 'I've had such a hard time. I've just lost all my money and my wife has left me...'</li> <li>• or guilt: 'you're my last hope, if you don't help me I don't know what I'll do'</li> <li>• or defensiveness: 'I just knew you wouldn't want to help me, you bureaucrats are useless...'</li> </ul>	<p>General principle: you are a professional officer, not a saviour or counsellor. It is important to separate out the emotional and deal with the factual:</p> <ul style="list-style-type: none"> <li>• I do understand that you really want our office to solve this problem for you. As I have already explained to you, we can't.</li> <li>• I am aware that this problem has cost you a lot of money/caused a lot of stress for you and your family and in your position I would feel upset too. I have looked at your complaint from the point of view of this office's powers under the... Act and, as I have already explained to you, we are not able to do anything to help you.</li> <li>• I appreciate you are disappointed that we won't be able to take your matter up. The [enabling legislation or agency charter] governs what we can and cannot do. Your matter is one the [enabling legislation or agency charter] specifically says we cannot deal with/is not within our jurisdiction.</li> <li>• I appreciate that you want us to continue to deal with your complaint. In the end it is the... Act that governs what we can and cannot do/in the end it is the [CEO] who makes the decision about how a complaint will be dealt with.</li> </ul>

#### 4. Script ideas for responding to dissatisfaction and disappointment

Complainant conduct	Possible responses
So you think my complaint isn't important enough!	<ul style="list-style-type: none"> <li>• We will take action on complaints where there is evidence of wrong conduct. Unless you can provide us with evidence to support your complaint, we won't take further action.</li> <li>• All complaints are carefully assessed according our policies and procedures. Sometimes we receive complaints we cannot/do not have the powers to take up.</li> <li>• It may well seem that way... (followed by one of the above)</li> </ul>
Well, I didn't really expect you to do anything about my complaint!	<ul style="list-style-type: none"> <li>• I am sorry you feel that way. If you would like, I can take a few minutes to discuss our role.</li> <li>• I am sorry you are disappointed with the outcome of my assessment. I have set out the reasons for my decision in my letter. You may care to have another read of it.</li> <li>• It appears in this case you were right (explain reasons for not doing anything)</li> <li>• I have considered your complaint and made enquires. I appreciate my actions did not result in an outcome acceptable to you.</li> <li>• We have fully assessed your complaint and we do not consider there is evidence of wrong conduct that would warrant further action.</li> </ul>
They (the agency/the officers) are lying to you/manipulating you/pulling the wool over your eyes/you can't see through them!	<ul style="list-style-type: none"> <li>• You may believe this. I am satisfied, though, with the agency's response. Unless you can prove they have deliberately misled or misinformed me, my decision stands.</li> <li>• I am very aware of the way responses are made to me. I can assure you I get copies of reports and documents to substantiate what I'm being told.</li> <li>• I appreciate that is your view, but the evidence in this case is...</li> <li>• Do you have any evidence that can support this allegation?</li> <li>• So far I have no reason to believe this. But I'll certainly consider any evidence you can give me that supports your assertion.</li> <li>• I have taken into consideration your evidence as well as the evidence provided to us by the agency and I can't agree with your assertion, though I acknowledge that this is your view.</li> </ul>

Complainant conduct	Possible responses
<p>So they (the agency/the officers) are a law unto themselves?</p>	<ul style="list-style-type: none"> <li>• They are required to abide by the law and policies that are relevant to them. They have had to explain their actions to us. I consider that they have reasonably explained their conduct.</li> <li>• Well, no they are not. But the issue here is about a complaint you have brought to this office. Our role is to see whether there is any evidence of wrong conduct. Having looked at your complaint, I have formed the opinion that there simply is not the evidence here.</li> <li>• The agency has to conduct its business and has legitimate authority to make its decisions. We haven't found evidence that it is acting unreasonably in conducting its business.</li> </ul>
<p>You have made enquiries from the very person I am having trouble with!</p>	<ul style="list-style-type: none"> <li>• I am aware of your views of this person, but I find it helpful to contact the person most involved in the matter first, unless I consider it inappropriate. If I am not satisfied with their responses, I will go further up the line until I am satisfied.</li> <li>• You have given us your side of the story. We have also given the agency involved the opportunity to put their side of the story. If we have any concerns, we take the matter up with the agency's senior management/officer's supervisor.</li> <li>• In the interest of fairness, I need to hear how the other party sees the issue. I'm sure you can appreciate that I need to get both sides of the story if the matter is to be resolved.</li> <li>• I understand that you are concerned about that, but it is usually the case that it is fair and relevant to get the versions from both sides of a complaint. You have presented your side and, as an independent body, we need to get their side too.</li> <li>• In a case where the complaint is about the conduct of an officer, we would make enquiries at a higher level.</li> </ul>
<p>He/she (the authority's officer we are dealing with) is incompetent/corrupt/lies!</p>	<ul style="list-style-type: none"> <li>• Do you have evidence that can support this allegation?</li> <li>• We rely on good documentary evidence to make our decisions. Any lies, shortcoming or other discrepancies usually become apparent during the course of our enquiries.</li> <li>• I need to give them a chance to explain their side of the story. If I am not satisfied, I will take it further.</li> <li>• The officer has made a professional judgement and we have viewed documentation in which he/she has given reasons for the decision.</li> </ul>

Complainant conduct	Possible responses
<p>He/she (the authority's officer we are dealing with) is incompetent/corrupt/lies!</p> <p>(Cont'd)</p>	<ul style="list-style-type: none"> <li>• I understand you are annoyed/sceptical/angry about.....but the evidence we have gathered suggests the conduct is not unreasonable/so unreasonable as to warrant action on our part.</li> </ul>
<p>You are colluding with the department!</p>	<ul style="list-style-type: none"> <li>• You may think that. However, I have to make my own assessment of the matter. After looking at your concerns/checking out the relevant policies/seeking information from the department, I consider there is nothing for us to take up.</li> <li>• The fact that you disagree with their decision does not mean they have been unreasonable.</li> <li>• On what do you base this claim?</li> <li>• I do not take sides. We consider the evidence available to us and make our decision impartially.</li> <li>• I understand you are disappointed with my decision/view and I must say I am sorry you see it this way. Our role is to be impartial, and based on the evidence available to us, we cannot see that the agency has acted wrongly.</li> </ul>
<p>You are taking their word for it!</p>	<ul style="list-style-type: none"> <li>• No, that is not correct. I have sought documentation (reports, file notes, correspondence) to assess the decision making process and reasons for the agency's/officer's conclusions.</li> <li>• I am independent of both parties and I am not here to take sides.</li> <li>• It seems you think that because I haven't agreed with your complaint, you think I am simply accepting their word. But my job is to hear and consider both sides of a story and then to decide whether there is any/sufficient evidence that something has gone wrong.</li> <li>• That's not the case. The case is that I have looked at the documentation and I cannot see any evidence to contradict the agency's/officer's position.</li> <li>• I have asked them to explain the situation and I am satisfied with their explanation.</li> </ul>

Complainant conduct	Possible responses
<p>But you've made a decision without interviewing/getting back to me!</p>	<ul style="list-style-type: none"> <li>• I considered the agency's reply adequately addressed your concerns. If you are dissatisfied with it, we can talk about it now (point out any review option if still dissatisfied).</li> <li>• I have carefully considered the information you sent us with your complaint and I have made my decision accordingly. If you have any further information that is pertinent to this case, then you should write to us and let us know that information.</li> <li>• Yes, that's correct. The information you provided in your written complaint was enough information for me to consider the matter and make a decision.</li> <li>• I have assessed all the material — your submission as well as the documents I requested from the department. If I had concluded that an investigation was required, I would have contacted you. However, my decision is that there appears to be no evidence that something went wrong.</li> </ul>
<p>I thought your agency was interested in fairness!</p>	<ul style="list-style-type: none"> <li>• You are correct. We are very interested in what is fair and reasonable.</li> <li>• We have carefully looked at your complaint and we have decided that there does not appear to have been any unfairness in your case.</li> </ul>
<p>What are you good for then?</p>	<ul style="list-style-type: none"> <li>• I appreciate your disappointment/frustration at my decision and why you may ask this question. You may wish to read our annual reports, which explains what we have achieved over the years.</li> <li>• I'm sorry we were not able to do what you wanted us to do/had hoped we could do, but... (explain the case details).</li> <li>• I appreciate that you would have liked us to take up your case, but we are impartial investigators, not advocates for the complainant. In this case we have decided...</li> <li>• If you read our annual reports, you will see all the improvements we have initiated over the years.</li> </ul>
<p>I am going to take this to the media!</p>	<ul style="list-style-type: none"> <li>• That is for you to decide.</li> <li>• You are free to take your matter to any forum you choose.</li> <li>• That option is certainly open to you.</li> </ul>

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## Annexure 2: Model ground rules\*

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In order for (this agency) to ensure a high standard of service to the complainant and to meet its occupational health and safety and duty of care obligations to its staff, the following ground rules will be observed by (the agency's) staff and complainants respectively:

It is the responsibility of (the agency) to:

- deal with complaints professionally, efficiently and impartially
- keep complainants informed of the progress and outcome of enquiries
- provide clear reasons for its decisions
- treat complainants with courtesy and respect

If (the agency) does not meet its responsibilities, the complainant can make a complaint to the.....

It is the responsibility of the complainant to:

- clearly identify the issues of complaint, or ask for help from (the agency's) staff to do this
- give (the agency) all the available information in support of the complaint in an organised format at the time of making the complaint
- co-operate with (the agency's) enquiries or investigations
- treat the (the agency's) staff with courtesy and respect

If complainants do not meet their responsibilities, (the agency) may set limits or conditions on the handling of their complaint. Any abuse, harassment or threats to the safety or welfare of staff at (the agency) will result in the immediate discontinuation of the complaint and contact with the complainant will cease.

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\*The ground rules are a basis for the interaction between the agency and complainants. Agencies may choose to make these explicit through letters, printed materials and information on their website.

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## Annexure 3: Dealing with unreasonable conduct: key concepts

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1. Ensuring equity and fairness
  - in treatment of complainants
  - in resource allocation between complainants [see 1.1]
2. Recognising obligations:
  - of agency to its staff and complainants (eg, OH&S & duty of care)
  - of complainants to agency and its staff [see 2.2 Table 1 at R]
3. Adopting appropriate role:
  - complaint handlers not social workers, saviours or counsellors
  - acting impartiality [see 2.2 Table 1 at I]
4. Exercising ownership and control:
  - recognising that complaint handlers 'own' the complaint; complainants 'own' the issue
  - ensuring the complaint handler retains control over how the complaint is dealt with, eg outcomes and resource allocation [see 2.2 Table 1 at B&A]
5. Managing expectations:
  - promoting reasonable expectations [see 2.1, 2.2 Table 1 at E, 3.3.1]
6. Focusing on observable conduct:
  - unreasonable persistence
  - unreasonable demands
  - unreasonable lack of cooperation
  - unreasonable arguments
  - unreasonable behaviour [see 1.2, 1.4, 3.1, 3.2 Table 2]
7. Responding consistently:
  - saying 'no' (unreasonable persistence)
  - setting limits (unreasonable demands)
  - setting conditions (unreasonable lack of cooperation)
  - declining or discontinuing (unreasonable arguments)
  - risk management (unreasonable behaviour) [see 3.2 Table 2, 3.3, 3.5]
8. Maintaining agency commitment:
  - recognition that dealing with unreasonable complainant conduct is part of core work
  - adequate training for complaint handlers
  - support for complaint handlers [see 1.2, 2.2 Table 1 at S&T, 3.4]

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