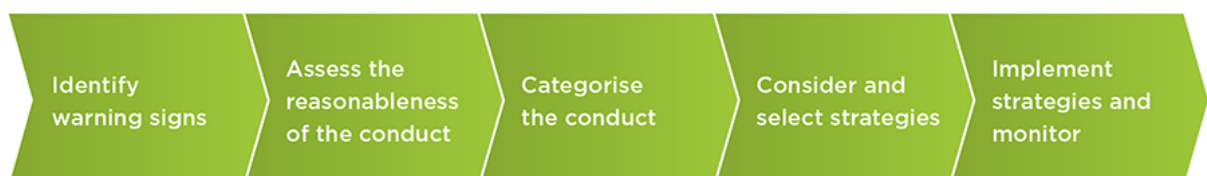


Identifying and managing unreasonable complainant conduct

While most complainants behave in a cooperative and respectful way, officers are often confronted with [unreasonable complainant conduct](#) (UCC).

Organisations should have policies or guidelines that outline the conduct expected of their staff and complainants. All officers who handle complaints should be trained [how to effectively manage UCC](#).



1. Identify warning signs:

Warning signs may appear from multiple sources such as:

- the complainant's history – frequent contact and complaints, previous displays of UCC, known substance abuse or mental health issues
- the complainant's style and content of communication – use of bolding, highlighting, differing colours and fonts, inappropriate language, dramatic language, lengthy or excessive submissions
- the complainant's previous interactions with the agency – rudeness, anger, aggression, manipulation and a refusal to cooperate
- the complainant's requested outcomes – disproportionate or unlinked to the issues raised
- the complainant's reaction to advice or outcomes – a refusal to accept decisions, reframing and resubmitting issues and escalating complaints without reasonable grounds.

When managing initial interactions where early warning signs are apparent:

- avoid over-reacting or being judgemental
- use an appropriate communication style
- assess whether the conduct poses a risk to safety or resourcing implications
- think strategically by separating the person's conduct from the issues they have raised

- seek guidance from colleagues or a supervisor to develop an action plan
- be positive and open-minded
- make a comprehensive record of interactions, including relevant observations about the complainant's conduct.

Record details of interactions/observations including:

- complainant and attending officer's names
- location of interaction
- details of any other person present
- date, start and finish time of interaction
- summary of issues discussed – questions asked, advice given, agreed outcomes
- observations of conduct - specific details or any threats or abusive words
- any other relevant details.

2. Assess whether conduct is reasonable

A complainant's conduct is not necessarily unreasonable just because it is seen as challenging or difficult to manage. When conducting your assessment consider the following:

- likely impact on staff, other clients and service delivery
- merit of the issues raised
- assess compatibility with human rights
- complainant's circumstances
- proportionality
- responsiveness

- whether personal boundaries have been breached.

3. Categorise conduct

The objective of categorising conduct is not to label the complainant. It is designed to identify conduct that may affect the way officers manage a complaint, and respond using suitable strategies.

UCC can be divided into five categories:

- persistence
- demands
- level of cooperation
- arguments
- behaviour.

4. Consider and select strategies

More than one suitable strategy may be identified. [Select the strategy](#), or a combination of strategies that are likely to be most effective at stopping or minimising the effect of the UCC. Strategies should take account of the circumstances surrounding each complaint. Relevant factors to consider include:

- history of complainant's interactions with organisation
- previous successful communication techniques
- likely level of impact on staff, other clients and service delivery
- personal thresholds and skill level of complaint handlers
- organisation policy, procedures and protocol.

5. Implement and monitor strategies

Selected strategies to minimise unreasonable conduct by a complainant should be implemented as soon as practicable to avoid escalated UCC. Comprehensive and timely record keeping is important.

Records should address:

- officer's observations of the conduct, verbatim accounts, recordings of calls or CCTV
- the complainant's previous responses
- the assessment or reasons the conduct is considered unreasonable
- the UCC category/categories identified
- any risk assessment carried out
- the strategies selected, including how they will be implemented, who will be involved, how strategies will be communicated, under what circumstances any restrictions will be reviewed or removed.

Record and monitor the strategies used to inform whether changes are required. Issues for monitoring include:

- complainant conduct – response to strategies and any attempts to bypass restrictions
- officers response – signs of stress, ability to successfully use strategies
- level of success for the agency.

Success can be measured by looking at how outcomes match the objective of the strategies used.

The timing of monitoring may vary. It may be ongoing, or a

simple review when the complaint is finalised may be all that is required. Methods of monitoring include debriefings with officers, reviewing the management of complaints and obtaining feedback from officers and complainants.

Strategies should be communicated to all relevant officers, and depending on the strategies selected, the complainant. Consider the most appropriate methods – debriefing, email alert, a meeting or written correspondence.

In serious cases of overt aggression, violence and unlawful conduct, management should notify the complainant about the restriction or withdrawal of services, the reasons for the decision and any right of review or appeal through the agency's [complaints management system](#). Where a complainant's conduct could pose an unacceptable risk, consider the need for broader communication or notify the police.

Strategies and script ideas for managing unreasonable complainant conduct

For a series of scenarios, strategies and scripted responses to deal with complainants who behave unreasonably, please refer to [New South Wales Ombudsman, Managing unreasonable conduct by a complainant - A manual for frontline staff, supervisors and senior managers](#).

For more information

We have a suite of resources to help you manage unreasonable complainant conduct:

- [**Quick guide** \(PDF 72.3KB\)](#) - a prompt for officers to print and keep at their workstation
- [**Resource** \(PDF 792.7KB\)](#) - a valuable reference with strategies and script ideas
- [**Training**](#) - interactive, practical training, with group exercises and case studies.

Additional resources include:

- [Ombudsman New South Wales - Managing unreasonable conduct by complainants - Model policy](#)
- [Commonwealth Ombudsman - Guidance-for-complaint-handlers-on-dealing-with-risks-of-harm](#)

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