



QUEENSLAND  
OMBUDSMAN



# Managing unreasonable complainant conduct

RESOURCE

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# Our role

Our role is established under these three acts:

- *Ombudsman Act 2001*
  - Under the Ombudsman Act, the Office of the Queensland Ombudsman investigates complaints about the actions and decisions of state government departments and agencies (including state schools and TAFE), local governments and public universities. Our complaints assessment and investigation service is free and independent.
  - We give people a timely, effective and independent way to have administrative actions of agencies investigated.
  - We improve the quality of decision-making and administrative practice in government agencies.
- *Public Interest Disclosure Act 2010*
  - We review the management of public interest disclosures, provide education and advice to agencies as the oversight agency.
- *Inspector of Detention Services Act 2022*
  - We promote the humane treatment of detainees and the prevention of harm through reviews, inspections and independent reporting.

## Terminology

In this resource, we use the word 'agency' to describe all of the Queensland state government departments, local councils, public universities and government authorities that we can investigate.

# Purpose

In 2006, the Australasian Parliamentary Ombudsman developed a project about managing unreasonable complainant conduct (UCC). The project's focus was to develop clear, practical strategies to help agencies and their staff manage unreasonable conduct.

This project resulted in the creation of several comprehensive publications by the NSW Ombudsman to assist with the identification and management of UCC. An increasing number of public agencies have used these publications to help them develop their own policies, procedures and guidelines to support staff.

This resource has been developed as a quick reference for public sector staff on identifying and managing UCC. Its purpose is to provide:

- a basic model and guiding approach for identifying and managing UCC
- an awareness of the principles of managing UCC
- reference to further resources for assistance.

This resource is not intended to be prescriptive or a complete guide for managing all UCC. Staff using the approach set out in this resource should be mindful to follow the suggested references to ensure adaption of suitable approaches for the circumstances of each case.

Many of the suggested approaches require management support. It is recommended that supervisors, senior managers and staff who frequently experience UCC read and fully familiarise themselves with the relevant content of this resource. This also includes seeking advice on matters not dealt with by this guide, such as:

- strategies for prevention of UCC
- use of legal mechanisms
- alternate dispute resolution
- dealing with online conduct.

The safety of staff, the complainant, and other parties who may be exposed to unreasonable conduct is paramount. Strategies must always be considered in the context of your agency's security protocols and procedures which take priority (unless instructed otherwise by supervisors or senior managers).

## Related documents

This resource should be read in conjunction with the following documents published by the NSW Ombudsman:

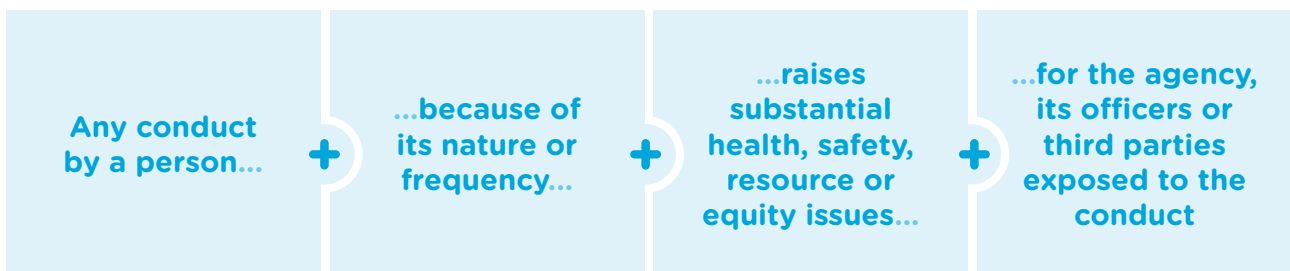
- ***Managing Unreasonable Conduct by a Complainant – A manual for frontline staff, supervisors and senior managers 2021***  
[www.ombo.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0008/125756/Managing-unreasonable-conduct-by-a-complainant-manual.pdf](http://www.ombo.nsw.gov.au/__data/assets/pdf_file/0008/125756/Managing-unreasonable-conduct-by-a-complainant-manual.pdf)
- ***Managing Unreasonable Conduct by Complainant Model Policy***  
[www.ombo.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0004/128092/Managing-unreasonable-complainant-conduct-a-model-policy.pdf](http://www.ombo.nsw.gov.au/__data/assets/pdf_file/0004/128092/Managing-unreasonable-complainant-conduct-a-model-policy.pdf)
- ***Model Guidelines – Managing and Responding to Threats, Aggressive Behaviour and Violence from Members of the Public (model guidelines)***  
[www.ombo.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0007/129355/Model-Guidelines-For-Managing-and-Responding-to-Threats,-Aggressive-Behaviour-and-Violence.pdf](http://www.ombo.nsw.gov.au/__data/assets/pdf_file/0007/129355/Model-Guidelines-For-Managing-and-Responding-to-Threats,-Aggressive-Behaviour-and-Violence.pdf)

## Other useful references

- ***Australian Standard 10002:2022 Guidelines for complaint management in organizations (ISO 1002:2018, NEQ)(The Australian Standard)***  
[www.standards.org.au/standards-catalogue/sa-snz/other/qr-015/as--10002-colon-2022](http://www.standards.org.au/standards-catalogue/sa-snz/other/qr-015/as--10002-colon-2022)
- ***Queensland Public Service Customer Complaint Management Framework and Guideline***  
[www.forgov.qld.gov.au/\\_\\_data/assets/pdf\\_file/0032/405788/Queensland-Public-Service-Customer-Complaint-Management-Framework.pdf](http://www.forgov.qld.gov.au/__data/assets/pdf_file/0032/405788/Queensland-Public-Service-Customer-Complaint-Management-Framework.pdf)  
[www.forgov.qld.gov.au/employment-policy-career-and-wellbeing/directives-policies-circulars-and-guidelines/queensland-public-service-customer-complaint-management-guideline](http://www.forgov.qld.gov.au/employment-policy-career-and-wellbeing/directives-policies-circulars-and-guidelines/queensland-public-service-customer-complaint-management-guideline)
- ***Staff safety in the workplace: Guidelines for the protection and management of occupational violence for Victorian Child Protection and community-based Juvenile Justice staff.***  
[www.cpmanual.vic.gov.au/sites/default/files/Safety%20in%20the%20workplace%20-%20CP-and-YJ\\_staff\\_safety%204201.pdf](http://www.cpmanual.vic.gov.au/sites/default/files/Safety%20in%20the%20workplace%20-%20CP-and-YJ_staff_safety%204201.pdf)
- ***Human Rights Act 2019 – Queensland legislation***  
[www.legislation.qld.gov.au/view/html/asmade/act-2019-005](http://www.legislation.qld.gov.au/view/html/asmade/act-2019-005)
- ***Queensland Human Rights Commission***  
[www.qhrc.qld.gov.au/](http://www.qhrc.qld.gov.au/)

# What is UCC?

Unreasonable complainant conduct is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for your agency, your staff, other service users and complainants or the complainant. A complainant's conduct is unreasonable if it has unacceptable consequences for one or more of the parties to a complaint or other third parties exposed to the conduct.



Identifying the specific point when the negative impacts of a complainant's conduct becomes so significant that they become unacceptable and therefore 'unreasonable' is not always easy. This can be straightforward in some situations, such as overt violence or aggression. However, where a complainant displays conduct that is emotionally manipulative, passive aggressive or acts in other subtle ways, it can be far more difficult to specify or explain why you consider their conduct to be unreasonable. Complicating this, conduct that may be reasonable in one set of circumstances may be unreasonable in another.

## Categories of UCC

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

*The Australian Standards describes UCC categories in more detail in Appendix E 'Unreasonable conduct by complainants'.*

**Note:** Placing labels on people should be avoided as it can negatively influence the proper assessment of the merits of a complaint. Focus on and respond to observable conduct.

Complaints may be assessed as vexatious or frivolous – refer to your agency's complaint policy.

## Preventing UCC

How our interactions with clients are managed can have a significant effect on the quality of future interactions. Perceived failings in our actions or the methods engaged in when arriving at decisions or outcomes on matters affecting clients are often a catalyst for complaints. Complainants who feel they have been heard, understood, properly informed and treated fairly and with respect are more likely to respond positively even when faced with negative outcomes. By applying good standards of communication and fair administrative practices many complaints may be reduced or avoided.

The Queensland Public Service Customer Complaint Management Framework and Guideline provides agencies and their employees with detailed information about customer complaints management. The Framework and Guideline apply to public service entities as defined under section 9 of the *Public Sector Act 2022* and customer complaints as defined under section 264(4) of the Act.

People have a right to complain about perceived failures or matters affecting them. Unfortunately, some complainants don't consider that a condition of being able to exercise their rights is respect for the rights of others. This includes the rights of staff and other members of the public to dignity, physical and emotional safety, and respect.

Strategies that may assist in preventing and minimising UCC are:

- **Set clear expectations for staff regarding their interactions with clients**, such as:
  - treat clients fairly and respectfully
  - remain calm
  - act professionally and impartially
  - clearly communicate processes and outcomes.
- **Establish ground rules about standards of client conduct by making your agency's expectations clear and publicly available.** Expectations may include:
  - not being threatening, aggressive or abusive towards staff
  - being polite, courteous and cooperative
  - limiting the extent of communications to what is reasonable and required.
- **Clearly communicate:**
  - what the agency can/cannot do
  - what the complainant can expect in terms of communication
  - who will be involved
  - processes, timelines and possible outcomes.
- **Identify, test and manage client expectations at the earliest opportunity and at suitable stages**, such as:
  - during initial interactions
  - at acknowledgement
  - while the complaint is being handled
  - when delivering final outcomes.

Testing and managing expectations involves:

- defining the complaint issues
  - identifying what the complainant wants
  - correcting misunderstandings
  - redefining unrealistic/unreasonable expectations.
- **Implement appropriate policies and procedures to provide staff with guidance on managing UCC.**
  - **Exercise ownership and control over complaints and ensuring complainants are aware that while they 'own' their issue and are free to raise it in any forum they like, the agency will decide if and how their complaint will be dealt with**, including by whom, how quickly, the resources that will be applied and the outcome.

- **Avoid labelling or categorising complainants as 'difficult' as this can negatively influence how we deal with them.** Instead focus on identifying and responding to the problematic behaviours.
- **Applying the strategies appropriately and consistently** to help influence change in how matters are approached and dealt with both individually and across the public sector.
- **Recognising the early signs of complainant anger and using effective techniques to try to diffuse or avoid escalation of anger**, such as:
  - remaining calm and respectful
  - controlling your own emotions
  - empathising, acknowledging the complainant's emotions and point of view (without agreeing)
  - giving an opportunity to vent
  - finding points of agreement
  - clarifying your personal boundaries and what you expect from the complainant
  - speak as an equal using non-confrontational language, and apologise if necessary.

Try to avoid:

- responding to jibes
- arguing
- defending
- denying
- giving excuses
- being too formal or bureaucratic
- invading personal space
- suggesting the complainant needs therapy or counselling.

### Importance of records

Importantly, effective management of unreasonable conduct, such as persistence or aggression, often depends on the availability and quality of the records kept about previous interactions. Always make comprehensive, accurate and contemporaneous records of your observations of client behaviour and interactions.

For further guidance, refer to *Managing Unreasonable Conduct by a Complainant - A manual for frontline staff, supervisors and senior managers 2021*.

## Principles and objectives

When managing UCC, staff should be guided by the following principles:

- staff safety and well-being are paramount
- the approach and strategies are equally applicable to all staff within an agency
- many of the strategies require support and approval from supervisors and senior managers
- both staff and members of the public have rights and mutual obligations that must be observed and respected
- all complainants are treated with fairness and respect
- all complaints are considered on their merits
- unreasonable conduct does not preclude there being a valid issue
- the substance of a complaint dictates the level of resources dedicated to it, not a complainant's demands or behaviour
- decisions to change or restrict a complainant's access to services as a result of their behaviour will be made by senior managers in accordance with clearly defined policies and procedures.

The primary objectives of managing UCC are to:

- ensure equity and fairness through appropriate allocation of resources based on merits, rather than demands or conduct
- improve efficiency and commitment to appropriate resource allocation by providing awareness of the consequences of failing to deal with UCC
- protect the health and safety of staff, complainants and other affected persons.

Strategies selected for responding to UCC should align with these principles and objectives.

*For further guidance, refer to [Managing Unreasonable Conduct by a Complainant - A manual for frontline staff, supervisors and senior managers 2021](#).*

## Model for identifying and developing strategic response to UCC

Identify warning signs	Assess the reasonableness of the conduct	Categorise the conduct	Consider and select strategies	Implement strategies and monitor
<p><b>Indicators:</b></p> <ul style="list-style-type: none"> <li>complainant's history</li> <li>style/content of communication</li> <li>interaction with agency</li> <li>outcomes sought</li> <li>reactions to advice/outcomes</li> </ul>	<p><b>Criteria:</b></p> <ul style="list-style-type: none"> <li>likely level of impact/risk on staff, clients, service delivery</li> <li>merits of issues</li> <li>assess compatibility with human rights</li> <li>complainant's circumstances</li> <li>proportionality</li> <li>responsiveness</li> <li>personal boundaries breached</li> <li>unreasonable under any circumstance</li> </ul>	<p><b>Categories:</b></p> <ul style="list-style-type: none"> <li>persistence</li> <li>demands</li> <li>level of cooperation</li> <li>arguments</li> <li>behaviour</li> </ul>	<p><b>Considerations:</b></p> <ul style="list-style-type: none"> <li>history of complainant's interactions with agency</li> <li>previous successful communication techniques</li> <li>likely level of impact/risk on staff, service delivery</li> <li>personal thresholds and skill level of the complaint handlers</li> <li>agency policy, procedures and protocol</li> <li>jurisdictional issues</li> </ul>	<p><b>Implement:</b></p> <ul style="list-style-type: none"> <li>take actions to put strategies into practice</li> <li>record assessment and strategy</li> <li>communicate strategy</li> </ul> <p><b>Monitor:</b></p> <ul style="list-style-type: none"> <li>complainant's response</li> <li>staff response - signs of stress</li> <li>level of success for agency</li> <li>respond/alter strategy as required</li> </ul>

**NOTE**

All complaints are to be considered on their merits. UCC does not mean that the issues raised will be invalid or lacking substance.

# Identify warning signs

Identification of warning signs of UCC at the earliest opportunity is vital to enable good preparation for prevention and minimisation of the impacts of UCC. Identification presents an opportunity to reduce the potential stress related to such interactions and to ensure complainants and their issues are managed by the most efficient and effective means.

Seeing complainant conduct in terms of behaviours assists staff and their agency to avoid de-personalising complainants and treating them as a label (e.g. serial complainant or frequent flyer). Separating a person and their behaviours from the problem/s raised helps to control our perceptions about their personalities, making it easier to step back and consider our approach to the management of both the behaviours and issues.

Indicators may be obvious or subtle, others may only become apparent later in the complaints process. Warning signs may be:

- complainant's history (e.g. numerous contacts and complaints, displays of behaviour, known substance abuse or mental health issues)
- look and content of communication (e.g. use of bolding, highlighting, different colours and fonts, inappropriate language, dramatic language, lengthy or excessive submissions)
- complainant's interactions with the agency (e.g. rudeness, anger, aggression, manipulation, uncooperative)
- outcomes sought (e.g. excessive use of agency resources, not linked to or proportional with seriousness of the issues raised)
- complainant's reactions to advice or outcomes (e.g. refusal to accept decisions or outcomes, reframing and resubmitting issues, escalating complaints without reasonable grounds).

All incidents of UCC should be recorded and then reported to appropriate supervisors/managers following appropriate procedures. Reporting assists in:

- effective management and tracking of incidents
- appropriate and timely response
- minimisation of risks to staff, complainants, third parties
- ensuring any complainants are complying with any restrictions already placed on them.

Records should be factual and professional, taking care to avoid statements of personal opinion about the complainant or speculation about their thoughts or motives. Record details of interactions/ observations including:

- complainant's name
- officer's name
- location of interaction
- details of any other person present
- date and start and finish time of interaction
- summary of issues discussed, including questions asked, advice given, agreed outcomes, specific details of any threats or abusive words (record the exact words used)
- any other relevant details.



## How to manage unreasonable conduct

Handle initial interactions appropriately. Where UCC indicators are present, the quality of your initial responses and interactions may be pivotal to the efficient ongoing management of the complainant and their issues.

- don't act prematurely, and avoid over-reactions, labelling or being judgemental
- assess whether the conduct poses a risk to yours, or others' safety
- consider an appropriate communication style to minimise or influence conduct
- think strategically – separate the person and their behaviour from the issues raised then consider appropriate responses for each

- if possible seek guidance from colleagues or a supervisor to discuss or develop an action plan
- set limits - name the concerning behaviour to the complainant and inform them of your boundaries
- try to be positive and open-minded
- make a clear record of interactions and of your observations relating to the complainant's behaviour – it is likely the complainant is making their own records.

For further guidance, refer to *Managing Unreasonable Conduct by a Complainant – A manual for frontline staff, supervisors and senior managers 2021*.

## Assess the reasonableness of the conduct

Assess the reasonableness of the conduct by considering the following criteria. Make a factual record of the criteria considered and the outcome of your assessment.

The following criteria will need to be balanced against each other in each case to determine whether the conduct in question is unreasonable:

- the level or potential level of impact/risk on - staff, clients, service delivery
- the merits - including the substance of the complainant's matter, the extent of injustice, loss or impact on the complainant
- assess compatibility with human rights
- the complainant's circumstances - including their health, intellectual, linguistic, cultural influences, social resources
- proportionality - over-reactions, demands proportionate to the seriousness of their issue
- complainant's responsiveness - history of complainant's behaviour, response to calming measures
- personal boundaries - have they been crossed (both yours, or those of others involved)
- conduct that is unreasonable under all circumstances - aggression, harassing words or actions, threats, violence or assault.

For further guidance, refer to *Managing Unreasonable Conduct by a Complainant – A manual for frontline staff, supervisors and senior managers 2021*.

# Categorise the conduct

Consider the outcome of your assessment regarding the reasonableness of the conduct, then determine which category/categories of conduct the identified behaviour falls into.

UCC can be divided into five categories - **persistence, demands, lack of cooperation, arguments** and **behaviour**. See table on pages 9-11 for basic response strategies.

The action of categorising conduct assists the complaint handler to:

- avoid the distraction of speculating about the complainant's motivations
- avoid the risk of incorrectly or offensively 'labelling' complainants
- separate the complainant's personality or conduct from the issues of the complaint
- reduce the risk of treating the person, rather than their conduct as the problem
- retain a more impartial and strategic focus by responding directly to observed behaviour, rather than assumptions or suspicions

- retain focus on the problematic conduct and the effect this conduct may have on the management of the complaint
- focus on the problematic behaviour and respond to it openly and transparently
- identify the strategies for responding to the conduct.

It is important to remember that the purpose of categorising conduct is not to label or post-box a complainant. The purpose is to focus the complaint handler on identifying observable conduct which may negatively impact on the management of the complaint and to determine a suitable strategic approach to respond.

For further guidance, refer to *Managing Unreasonable Conduct by a Complainant – A manual for frontline staff, supervisors and senior managers 2021*.

# Consider and select strategies

Once the category of conduct has been established consider appropriate strategies for its management. When selecting strategies have regard to the principles and objectives (see p. 4).

Strategies should be selected taking account of the individual circumstances of each matter. Some factors are likely to have already been identified if there were early warning signs. Factors for consideration are:

- history of complainant's interactions with agency
- previous successful communication techniques
- likely level of impact/risk on – staff, clients, service delivery
- personal thresholds and skill level of the complaint handlers
- agency policy, procedures and protocols
- any jurisdictional issues.

The table on pages 9-11 lists examples and strategies for managing common behaviours that fall under the five categories of conduct.

**Note:** A number of strategies involve modifying or restricting a complainant's access.

Additional guidance and a Model for changing/restricting/withdrawing complainant access for UCC are provided on page 13.

For further guidance, refer to *Managing Unreasonable Conduct by a Complainant – A manual for frontline staff, supervisors and senior managers 2021*.

	Examples	Basic strategies
<b>Persistence</b>	<p>Unrelenting conduct causing disproportionate and unreasonable impact on the agency, its staff, services, time and/or resources:</p> <ul style="list-style-type: none"> <li>• persists with unconventional interpretations of policy or law</li> <li>• unwilling/unable to accept reasonable/logical explanations even after comprehensive consideration and response</li> <li>• demands review because it is available often without presenting an arguable case for review</li> <li>• pursues and exhausts all available review options</li> <li>• refuses to accept a complaint is closed or that further action cannot or will not be taken</li> <li>• uses contrived arguments to garner support for further consideration</li> <li>• over-repetitive phone calls, visits, letters, emails (including cc'd correspondence), sometimes after being asked to stop</li> <li>• internal/external forum shopping - seeking contact with others within an agency in the hope of receiving a different outcome or more sympathetic response.</li> </ul>	<ul style="list-style-type: none"> <li>• use your agency's review processes effectively and once only</li> <li>• once full consideration and response has been provided be prepared to say 'NO - the issue will not be considered further' and stick to it (if appropriate and there are no jurisdictional issues)</li> <li>• do not accept repeated complaints on the same issue (unless significant new information is received)</li> <li>• use verbal communication strategies such as silence, repetition, and limiting duration of contact to reduce/stop interruptive behaviour</li> <li>• name the behaviour and ask the complainant to 'STOP'</li> <li>• set the pace of communication by only responding at suitable intervals</li> <li>• clarify how, when, and with whom the complainant should communicate and about what, then retain a firm position</li> <li>• terminate unproductive communication and clearly state the 'when and why' the communication is to be terminated</li> <li>• advise of appropriate methods of internal/external review (without referring just to appease the complainant).</li> </ul>
<b>Demands</b>	<p>Express or implied demands causing disproportionate and unreasonable impact on the agency, staff, services, time and/or resources:</p> <ul style="list-style-type: none"> <li>• issuing instructions/demands on how their complaint should be handled, the priority it should be given, or the outcome that should be achieved</li> <li>• insisting on talking personally to senior officers/managers/executives when it is not appropriate or warranted</li> <li>• emotional blackmail and manipulation intended to cause guilt, intimidate, harass, shame, seduce or portray themselves as victimised (when this is not the case)</li> <li>• insisting on impossible or inappropriate outcomes for the circumstances (e.g. revenge, for someone to be sacked or prosecuted, or provision of an apology/compensation without a reasonable basis)</li> <li>• demanding services of a nature/scale beyond what the agency can provide when this has been explained to them repeatedly</li> <li>• moving the goal posts/changing complaint issues while the complaint is still being dealt with.</li> </ul>	<ul style="list-style-type: none"> <li>• set limits and manage expectations by advising who will deal with a complaint, what can be done, and how it will be handled</li> <li>• identify the central issues of complaint, seek the complainant's agreement on these issues and stay focused on them</li> <li>• identify and advise the complainant of the unreasonable demands</li> <li>• advise why demands cannot or will not be met</li> <li>• state why the complainant must stop making the demand</li> <li>• avoid escalating calls/demands where the complainant's sole motivation is disagreement with your advice</li> <li>• end unproductive communications (with suitable warning and explanation)</li> <li>• offer the complainant a choice (if possible) then enforce the limits appropriately</li> <li>• ask the complainant to wait for the matter to be finalised before raising their dissatisfaction</li> <li>• avoid empathising where complainants are being emotionally manipulative.</li> </ul>

	Examples	Basic strategies
Lack of cooperation	<p>Unwillingness/inability to cooperate with the agency, its staff, and processes causing disproportionate and unreasonable impact on the use of services, time and/or resources:</p> <ul style="list-style-type: none"> <li>• sending streams of comprehensive/disorganised information without clearly defining issues or explaining the relationship with the issues complained about (where the complainant is clearly capable of doing this)</li> <li>• providing little or no details, irrelevant information, or 'trickle feeding' information</li> <li>• refusing to follow or accept instructions, suggestions, or advice without clear or justifiable reasons</li> <li>• arguing frequently and/or with extreme intensity that particular solutions are correct despite valid contrary arguments and explanations having already been provided by the agency</li> <li>• displaying unhelpful behaviour (e.g. withholding information, acting dishonestly, misquoting others).</li> </ul>	<ul style="list-style-type: none"> <li>• 'set conditions' or require something of the complainant as a precondition to taking action or performing a service, such as requesting the complainant cease sending information or to organise/summarise their submissions</li> <li>• advise of the consequences for failure to cooperate or provide information within requested timeframes - such as no action or delayed action by your agency</li> <li>• describe the types of information they could provide to help</li> <li>• refuse to action a matter if the complainant has wilfully misled or been untruthful in a significant way</li> <li>• return correspondence with inappropriate content and request for it to be removed before further consideration</li> <li>• end unproductive phone calls and interviews</li> <li>• follow up any verbal instructions and confirm meeting outcomes in writing with the complainant.</li> </ul>
Arguments	<p>Submissions not based on reason or logic, or incomprehensible, false or inflammatory, trivial or delirious causing disproportionate and unreasonable impact on the agency, staff, services, time, and/or resources. Arguments are unreasonable when they:</p> <ul style="list-style-type: none"> <li>• are irrational or fail to follow a logical sequence</li> <li>• are exaggerated, not supported by any evidence and/or are based on conspiracy theories</li> <li>• lead to the rejection of all other valid and contrary arguments (refusing to see the other side of the argument)</li> <li>• are focussed on the irrelevant or are trivial when compared to the amount of time, resources and attention being demanded</li> <li>• are false, inflammatory or defamatory.</li> </ul>	<ul style="list-style-type: none"> <li>• 'decline or discontinue' involvement by politely refusing, or stopping, from doing something once it becomes apparent a complaint issue is groundless or there is no practical purpose in pursuing it</li> <li>• explain that complaints are not taken up unless supported by evidence and are sufficiently serious (clarify what that evidence might be)</li> <li>• firmly explain that your agency decides on the importance of an issue and the level of resources (if any) dedicated to it</li> <li>• refuse to engage further (unless the complaint contains issues requiring response or further issues requiring response are introduced)</li> <li>• avoid being drawn into responding to conspiracy theories, unproductive arguments and personal attacks</li> <li>• recognise differing points of view while asserting and maintaining your agency holds its own views</li> <li>• keep responses firm and as brief as possible</li> <li>• test, reset and manage complainant expectations</li> <li>• refer to another appropriate entity where they can raise their issues (courts, minister or ombudsman)</li> </ul>

For further guidance, refer to *Managing Unreasonable Conduct by a Complainant – A manual for frontline staff, supervisors and senior managers 2021*.

## Behaviour

Examples	Basic strategies
<p>Conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated a complainant is – because it unreasonably compromises the health, safety and security of staff, other parties or the complainant. Risks associated with some behaviour may be low. However, high and extreme risk behaviours are associated with this category:</p> <ul style="list-style-type: none"> <li>• acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks</li> <li>• harassment, intimidation or physical violence</li> <li>• rude, confronting and threatening correspondence</li> <li>• threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats</li> <li>• stalking (in person or online)</li> <li>• emotional manipulation.</li> </ul>	<p><b>IMPORTANT REMINDER:</b> Your safety and that of other staff, the complainant, and other parties who may be exposed to any unreasonable conduct is paramount.</p> <p>Strategies must always be considered in the context of your agency's security protocols and procedures which will take priority (unless instructed otherwise by supervisors or senior managers).</p> <p>It is vital for future safety that suitably detailed records are made of all behavioural observations, the actions and strategies engaged by staff to manage the behaviours, and how the complainant responded.</p> <p>The differing interpersonal skills, boundaries and thresholds of staff should be considered and recognised as an important factor when selecting appropriate strategies.</p> <ul style="list-style-type: none"> <li>• remain calm but responsive</li> <li>• attempt to calm and influence - be mindful of your own presentation and language selection</li> <li>• set limits (establishing boundaries and placing limits on services) and enforce them</li> <li>• set conditions (requiring something from the complainant as a precondition of performing a service or taking action) and enforce them</li> <li>• name any behaviours and ask the complainant to stop or change them</li> <li>• outline consequences if behaviour continues, and offer the complainant choices if possible</li> <li>• give clear warning that abusive communications will be terminated and if the behaviour continues terminate</li> <li>• if in public areas with an audience consider moving the complainant to a more private setting (if this can be done safely)</li> <li>• politely ask the complainant to leave and advise that security or the police will be called if they will not leave – follow through.</li> </ul>

For further guidance, refer to

- *Australian Standard*
- *Managing Unreasonable Conduct by a Complainant – A manual for frontline staff, supervisors and senior managers 2021*
- *Unreasonable Complainant Conduct – Model Policy, and Model Guidelines – Managing and Responding to Threats, Aggressive Behaviour and Violence from Members of the Public (model guidelines)*

## Changing/restricting/ withdrawing access

Common strategies for managing the various categories of conduct involve changing, restricting or in severe cases withdrawing access to staff and services. Such decisions should only be made in exceptional circumstances and when other strategies are not appropriate or have been ineffective. These decisions will be made by senior managers in accordance with clearly defined policies and procedures. Jurisdictional issues such as any law, legislation or policy that might limit or affect the types of strategies you can use to manage the complainant's conduct should always be considered.

Senior managers should consult with the staff who witnessed the conduct and those likely to have future contact with the complainant to discuss the:

- circumstances leading to the UCC
- impacts or risks the UCC may have on the agency, staff, resources and any third parties
- complainant's history – is it repeated conduct, what strategies have been engaged and how have they responded?
- staff's views on effective options for managing the conduct

Withdrawal of services should only be considered for more extreme cases, such as where a complainant engages in consistent abuse, harassment or stalking of staff (or family members), physical violence and property damage, threats to staff or others, produces a weapon or makes bomb threats, entraps or is violent towards staff during a home visit, or engages in conduct that is otherwise unlawful.

Use of these restrictions requires discretion and the affording of natural justice through warnings to ensure the treatment chosen/imposed suits a complainant's personal circumstances (and that of dependants). More than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy. Factors for consideration are:

- the conduct – overt anger, aggression, violence and the extent (if any) to which it was disproportionate to the circumstances experienced
- whether the agency, or its staff, played a role in exacerbating the conduct
- the merit of the complaint issues
- the success of previously engaged strategies and the likelihood of positive behavioural response to a formal warning or implementation of restrictions
- whether other strategies requiring less restriction of access could be appropriate
- the affect any conditions imposed may have on the ability of the complainant to meet any obligations
- any undue impacts on welfare, livelihood, or dependants of the complainant
- the vulnerability of the complainant – homelessness, disability, illiteracy and communication abilities, illness, substance abuse, or any personal crises
- the personal boundaries of the case officer and other staff attending to the complainant
- any jurisdictional issues – such as lawful rights to access services.

## Model for changing/restricting/withdrawing complainant access for UCC

Conduct	Strategies	
<ul style="list-style-type: none"> <li>• persistent and otherwise unmanageable forum shopping</li> <li>• repeatedly raises trivial/irrelevant issues</li> </ul>	<b>WHO</b> they may contact	<ul style="list-style-type: none"> <li>• limit complainant to a sole contact person/ staff member with             <ul style="list-style-type: none"> <li>- knowledge of the issues</li> <li>- suitable skills/authority to manage the behaviour</li> </ul> </li> </ul> <p><b>Note:</b> Provide the relevant staff member with suitable support</p>
<ul style="list-style-type: none"> <li>• apparent inability to accept outcomes and repeatedly raising the same issue/s</li> <li>• reframing complaint in order to have it taken up again</li> <li>• persistently requests pursuit of trivial issues</li> <li>• insists on pursuing unreasonable/illogical arguments</li> </ul>	<b>WHAT</b> they may raise	<ul style="list-style-type: none"> <li>• restrict the subject matter of communications that will be considered and responded to             <ul style="list-style-type: none"> <li>- issues already considered and responded to will not receive further response unless information is received indicating further consideration is warranted</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• persistent and/or lengthy and unwarranted contact</li> <li>• engages in an aggressive, threatening or confrontational manner</li> <li>• makes frequent unwarranted contact</li> </ul>	<b>WHEN</b> they may contact	<ul style="list-style-type: none"> <li>• limit the complainant's contact             <ul style="list-style-type: none"> <li>- to a particular time, day, or length of contact</li> <li>- only when a security guard is present; or</li> <li>- curb the frequency of their contact</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• engages in extreme hostility, aggression, or violence</li> <li>• threatens, or acts in a confrontational manner</li> </ul>	<b>WHERE</b> they may contact	<ul style="list-style-type: none"> <li>• limit the locations complainants may interact with staff face-to-face such as             <ul style="list-style-type: none"> <li>- secured facilities on premises</li> <li>- a police station; or</li> <li>- community centre</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• persistent and otherwise unmanageable aggression, confrontation, threats or violent conduct</li> <li>• persistent unwarranted communications, (in-person, over the telephone or by writing) when they have been asked to cease such conduct</li> </ul>	<b>HOW</b> they may make contact	<ul style="list-style-type: none"> <li>• after affording natural justice through warnings, limit or modify the forms of contact that the complainant can have             <ul style="list-style-type: none"> <li>- such as modifying or limiting face-to-face interviews</li> <li>- telephone or written communication</li> <li>- prohibiting access to premises</li> <li>- contact through a representative only, or</li> <li>- taking no further action or in extreme circumstances terminate communications altogether</li> </ul> </li> </ul>

# Implement strategies and monitor

Put the selected strategies into practice by taking the relevant actions.

Often the basic strategies are engaged from the moment UCC is first observed. In such instances where implementation may even be automatic it is still important that their use is recognised and recorded.

In the case of managing a course of conduct (such as persistence), or for responding to more elevated incidents such as violence or aggression, more advanced or considered strategies are engaged. Strategies should:

- be promptly and clearly communicated to relevant staff and other parties (and where suitable, the complainant) ensuring to convey the intent and objectives of the strategies
- have the support of, and be approved by, supervisors or senior managers
- be fully documented on the relevant case file/s
- address methods for documenting, monitoring and reporting on the level of success.

Make a suitable record of the assessment and strategies applied. Any record created should be sufficient to properly inform staff seeking to manage the complainant's future behaviour. For more routine or less serious behaviour a brief record on the client file noting the observed behaviour, any circumstances considered, the strategies engaged and the client's response may be sufficient.

For cases involving persistence or more serious conduct greater detail is required and may include:

- a higher level of detail in relation to any incidents and staff observations of the conduct, such as verbatim accounts, recordings of telephone calls/CCTV
- any history in relation to the complainant and their responses in regard to previous communications and any strategies engaged
- detail of the assessment providing reasons why the conduct is considered unreasonable (see p. 9 for criteria)
- detail of the specific category/categories of behaviour exhibited by the complainant (see p. 9 for criteria)
- details of any risk assessment carried out
- a higher level of detail on the strategies selected, including how they will be implemented, who will be involved, how strategies will be communicated (internally and externally) and to whom, how staff will be supported, and how their success will be measured
- when and under what circumstances any restrictions will be reviewed or removed
- any other relevant information.

Good communication is pivotal to the successful implementation of management strategies. Internally it helps staff to understand the objectives and strategies, assisting them with consistent responses to the complainant and to ensure their interactions are consistent with the strategies selected. Externally it assists the complainant by clearly communicating your agency's expectations and processes to be applied.



Strategies should be communicated to all relevant staff and, depending on the strategies selected, the complainant. Consider the most suitable and effective methods for communicating strategies – debriefing, email alert, convening a meeting, written correspondence. Consider which staff should be notified taking into account the risks associated with public accessibility and any available security measures.

All relevant staff, including case officers and reception staff, should be notified of any decisions to change, restrict or withdraw a complainant's access. Where it is considered a complainant's conduct could pose a risk to staff at your agency's other locations or even outside (at other agencies or in public) consider the need for broader communication to those other agencies or notifying the police service.

Consider any need to communicate the strategies and your agency's expectations to a complainant. Where a complainant's conduct does not pose a substantial risk to the health and safety of staff or third parties consideration should be given to providing a warning letter (for further information, see 7.3 of the model policy).

In extreme cases of overt aggression, violence, unlawful/unacceptable conduct, or a complainant does not comply with conduct requirements after receiving a warning, a senior manager may decide to send a letter notifying of the restriction or withdrawal of services (for further information, see 7.4 of the model policy).

## Monitor

Once strategies have been engaged staff should continue to monitor and record the success of strategies to identify if changes are required.

Issues for monitoring include:

- complainant's conduct - any positive or negative responses to strategies imposed and any attempts made by complainants to bypass restrictions
- staff response – signs of stress, ability to successfully engage strategies
- level of success for agency.

The success can be measured by evaluating to what extent the outcomes achieved met with the intended purpose for the selection of the strategies.

Timing of monitoring may vary – in some cases it may be factored in as an ongoing requirement of managing a particular complaint, other times a simple review at the finalisation of the complaint may be all that is required. Methods of monitoring may include debriefings with staff at suitable periods, reviewing the management of cases, obtaining feedback from staff and complainants.

Review strategies as required, referring to the principles and objectives, and the processes set out in the model.

For further guidance, refer to *Managing Unreasonable Conduct by a Complainant – A manual for frontline staff, supervisors and senior managers 2021*.

# Strategies and script ideas

	Complainant conduct	Suggested strategies
managing unreasonable persistence	Interrupts the case officer or does not allow the case officer to speak.	<ul style="list-style-type: none"> <li>• The silent approach.</li> <li>• Say nothing- do not speak at all.</li> <li>• Let the complainant tell their story and 'let off some steam'.</li> <li>• Don't back down when they try to interrupt again.</li> </ul>
	Contacts different people within the agency in the hope of getting a different outcome or more sympathetic response.  (Internal forum shopping)	<ul style="list-style-type: none"> <li>• Avoid having extended conversations with complainants that are/have already had their complaint dealt with by another case officer.</li> <li>• Make sure you keep accurate and contemporaneous records of all communications and interactions with complainants to minimise the likelihood of 'forum shopping' behaviour.</li> </ul>
	Reframes their complaint in an attempt to get it taken up again.	<ul style="list-style-type: none"> <li>• Identify complainants at the start of a phone call to determine whether their issue has already been raised or dealt with by your agency. If so, refer them to the case officer who previously dealt with their complaint.</li> <li>• Advise them that their issue will not be re-visited unless:               <ul style="list-style-type: none"> <li>- The circumstances of their case have changed substantially and are likely to affect the appropriateness of the decision made/outcome</li> <li>- They provide new and substantial information or evidence that is likely to affect the appropriateness of the decision made/outcome</li> </ul> </li> </ul> <p><b>Note:</b> You should always be careful not to disregard complaints that are sufficiently different from other similar complaints and that require further action by you/your agency.</p>

managing unreasonable persistence

Statement or conduct	Possible responses
<p>You're not listening to me.</p>	<ul style="list-style-type: none"> <li>• Well [name] I have been listening to you. I've been listening to you for [minutes] now and if you allow me to speak...</li> <li>• I'd like to help you, but before I can do that I need to ask you a few questions...</li> <li>• I can see you're concerned and I'd like to help, but I need to ... first.</li> <li>• Let's see what we can do to get things going/get you what you need.</li> </ul>
<p>I want this reviewed/ someone else to handle my complaint.</p>	<ul style="list-style-type: none"> <li>• Our office doesn't just provide a review automatically. If you want one, you'll have to put your request in writing and explain why it's needed. We will then consider it and get back to you.</li> <li>• Before we can review your complaint, you'll have to write in and explain why and how you think we have made an error either in the way we handled your complaint or in the decision we have made...</li> <li>• Simply disagreeing with our decision isn't a reason for us to provide a review/get another officer involved with your complaint. You'll have to make a case for one by ... (explain).</li> <li>• I suggest that you take time to re-read the decision that we sent you and carefully consider if we have made an error or if you simply disagree with the decision. Disagreeing with our decision isn't a reason for us to provide a review.</li> <li>• We can review your complaint if you wish, but I must warn you that we have a one review policy at this office - this means ... (provide relevant details of policy and what it means for the complainant).</li> </ul>
<p>Unproductive/ stressful phone call or interview.</p>	<ul style="list-style-type: none"> <li>• I understand that you're unhappy and I've tried to explain to you how I came to make the decision that I have. But I'm unable to spend any more time explaining it to you. Perhaps you want to put any additional concerns you have in writing and we may try to respond to them.</li> <li>• I feel that I've given you all the information I can about this and our conversation seems to be unproductive/circular.</li> <li>• Because I have other things to attend to, I'll need to end our discussion here. If you still have questions, you can put them in writing and if they require further action by our office we'll let you know.</li> <li>• We've been discussing this for ... minutes now and it's clear that we don't agree on this issue. Unfortunately, I can't spend any more time explaining why I've taken the view that I have, but you can put your concerns in writing if you wish. We would then decide on what action, if any, our office will take.</li> <li>• I don't think this conversation is productive for either of us now and I'll have to end our call/interview. You have my full reasons in the letter I sent you.</li> <li>• I see what you mean, but as I've explained that isn't something that we can help you with.</li> <li>• It seems you want me to say something that I can't. I think it will be best to end our discussion here.</li> </ul>

managing unreasonable demands

Complainant conduct	Suggested strategies
<p>Makes demands about how their complaint should be handled, including insisting on an immediate response.</p>	<ul style="list-style-type: none"> <li>• Inform the complainant that it is you/your agency and not them that decides how the complaint will be handled, by whom, and the amount of resources to be dedicated to it.</li> <li>• Tell them clearly, transparently and firmly from the outset how the agency intends to deal with the complaint.</li> <li>• Be honest and upfront about what will and will not happen and what is and is not possible.</li> <li>• If applicable, explain that an immediate response is not possible because:               <ul style="list-style-type: none"> <li>- there are other demands on your/your agency's time and resources that make it impossible to respond immediately</li> <li>- there are processes that must be followed that do take time</li> <li>- to be fair to everyone, you/your agency deal with complaints on a first come first served basis</li> <li>- there are other complaints that came in before theirs.</li> </ul> </li> </ul>
<p>Insists on talking to a supervisor or senior manager personally, because they disagree with you/your decision.</p>	<ul style="list-style-type: none"> <li>• Tell the complainant clearly and firmly that if they want to make a complaint about you or to request a review of your decision they should do it in writing and provide clear reasons to support their claims/request.</li> <li>• Tell them that the advice you've given them/the decision that's been made will not change by talking to a supervisor/senior manager because they have already approved of the advice, if applicable.</li> <li>• Refer the complainant back to the original case officer or reviewer who dealt with their complaint to ensure consistency.</li> <li>• End phone calls or interviews that are unproductive.</li> </ul> <p><b>Note:</b> Some complainants tend to be more aggressive towards frontline staff because they perceive them as having less authority or power than senior managers. This can result in demands to talk to others with 'more authority'. We generally suggest that you do not escalate such calls/demands if they are solely motivated by a disagreement with the advice you have given.</p>
Statement or conduct	Possible responses
<p><i>You're racist/ sexist. You wouldn't treat me like this if I was/wasn't....</i></p>	<ul style="list-style-type: none"> <li>• <i>Your race/gender/social status has not affected the way I have treated/ I am treating you. We deal with lots of people who raise the issues you are raising ...</i></li> <li>• <i>Your race/gender/social status has not affected any of the work I have done in relation to your complaint. We deal with people from all walks of life and backgrounds.</i></li> <li>• <i>Your race/gender/social status has played no part in the decision I've made.</i></li> <li>• <i>I haven't said anything about your race/gender/social status because it simply isn't relevant to.... and it's unclear to me why you would raise such issues.</i></li> <li>• <i>When did you start thinking that you were being treated differently based on your race/gender/social status?</i></li> <li>• <i>When did you start thinking that we'd allow your race/gender/social status to influence our behaviour?</i></li> <li>• <i>I'm sorry you feel that way, but your race/gender/social status has played no part in the decision I've made.</i></li> </ul>

managing unreasonable demands

Statement or conduct	Possible responses
<p><i>I want to speak with/meet with the director/CEO.</i></p>	<ul style="list-style-type: none"> <li>• <i>For practical reasons the DG/Director/CEO doesn't generally meet or speak directly with complainants, but they have given me a delegation to deal with complaints like yours.</i></li> <li>• <i>I'm authorised to act on the DG's behalf. You can speak to me now and we can see how we go.</i></li> <li>• <i>Unfortunately the DG/Director/CEO isn't able to speak with you, but I'm happy to discuss this with you and attempt to find a solution if you wish/but here's what I can do...</i></li> <li>• <i>I'm sure you can appreciate that the DG/Director/CEO, has a lot of responsibilities and time demands. That is why they have delegated authority to their staff to deal with matters like yours.</i></li> <li>• <i>I understand your frustration/that you're angry/that you disagree with me on this issue and you would like to speak with the DG/Director/CEO about it. However, I can't meet that request. What I can do is...</i></li> <li>• <i>I understand that you disagree with me on this issue, but I'm unable to arrange a meeting with the DG/Director/CEO for you. 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 (apply to suit circumstances of your particular agency).</i></li> <li>• <i>If it's necessary, I can arrange a meeting with the officer handling your complaint. Would you like me to do this for you now?</i></li> <li>• <i>I've already spoken with you at length. A face-to-face meeting will not change the advice I've given you. You can send us additional information in writing and we will then decide if another meeting is necessary.</i></li> </ul>
<p><i>That (outcome) isn't good enough. It's not what I wanted.</i></p>	<ul style="list-style-type: none"> <li>• <i>It's clear that you aren't satisfied with the outcome that we've achieved for you. We, on the other hand, are satisfied with it and have decided not to take any further action.</i></li> <li>• <i>The outcome you're asking for isn't very different from the one we've already achieved for you. We won't spend more time and resources pursuing this issue.</i></li> <li>• <i>To make sure that we distribute our resources fairly and evenly across all complaints, we must think about whether there is a practical purpose in pursuing a different outcome in your case. Our view is that the outcome you're now seeking is not very different from what we've already achieved, and it therefore would not be practical or fair for us to spend any more time and resources on it.</i></li> <li>• <i>If you recall, on ... [date] we discussed the types of outcomes we would be aiming for. We decided that we would try to ... This is what we've achieved and I don't see any practical purpose in pursuing...</i></li> <li>• <i>You're welcome to write to us and explain why you think this outcome is the wrong one/inappropriate/unsatisfactory. If we agree with you, we'll notify you accordingly. Otherwise we'll read and file your correspondence without acknowledgement.</i></li> </ul>

Complainant conduct	Suggested strategies
<p>Sends a constant stream of comprehensive, disorganised information or an unclear or undefined complaint – when they are capable of doing so.</p>	<ul style="list-style-type: none"> <li>• Get the complainant to organise and summarise the information they have provided as a condition of accepting/proceeding with their complaint.</li> <li>• Expressly ask them to stop sending information, and advise them that if you/your agency need further information they will be notified immediately.</li> <li>• Do not accept cc'd communications/emails or copies of press articles as complaints, unless the complainant expressly indicates that they are intended to be a complaint for your agency and clearly identifies specific issues of complaint – that can be appropriately dealt with by your agency.</li> <li>• Advise them that every time they send you information you have to take time to read it – taking you away from doing other important work in relation to their complaint.</li> </ul>
<p>Provides little or no detail with their complaint or presents information in 'drips and drabs'.</p>	<ul style="list-style-type: none"> <li>• Inform the complainant verbally and in writing that you/your agency will not look at their complaint until all relevant information has been presented.</li> <li>• Describe the types of information that they should provide (e.g. copies of official documents, photographs, videotapes or other materials that clearly show that the events or actions complained about occurred).</li> <li>• Identify a timeframe for compliance for the complainant to provide the requested information, after which time no further action will be taken on the complaint or no additional information will be accepted in relation to their complaint – if it was intentionally withheld by the complainant.</li> </ul>
Statement or conduct	Possible responses
<p><i>See attached/the attached speaks for itself.</i></p>	<ul style="list-style-type: none"> <li>• <i>So we can deal with your complaint properly, we need you to summarise the information that you've sent and explain how it relates to the central issues in your complaint. As it stands, we're having difficulty understanding how they are related.</i></li> <li>• <i>I've had a chance to look at the information you sent and I'm finding it difficult to see how it relates to the issues that you've complained about. Can you summarise this information and clearly explain how it relates to the central issues in your complaint? I would need you to do this in the next [days/weeks] if you want us to proceed with your complaint.</i></li> <li>• <i>For the moment, I don't need this level of detail... (explain).</i></li> <li>• <i>As you can imagine we receive a lot of complaints at this office, so to make sure we deal with all of them fairly we ask complainants to clearly identify their issues of complaint and explain how their supporting documentation relates to these issues...</i></li> <li>• <i>You've sent [number of emails/documents] to our office about your complaint. We don't need this much information right now. If we need it, I'll let you know. Until then, please stop sending this information as it is taking me away from doing other important tasks in relation to your complaint.</i></li> <li>• <i>I previously asked you not to send any more information/emails because it is affecting my ability to deal with your complaint effectively. Again, I don't need this level of detail from you at the moment. I'd appreciate it if you would comply with this request.</i></li> </ul>
<p><i>I can't/won't do that.</i></p>	<ul style="list-style-type: none"> <li>• <i>I feel I've explained your options to you as best as I can. You might want to choose a different path and that is absolutely your decision.</i></li> <li>• <i>It's my role to explain your options to you, but any decision on what you do is clearly yours.</i></li> <li>• <i>Perhaps you'd like to think about what I've just explained to you. We can discuss it again next week if you need me to clarify anything further.</i></li> <li>• <i>So, let me recap. I'm going to do ... and you're going to do ...Is that how you understand it?</i></li> <li>• <i>I understand that you're unhappy with the system, but I still need you to do...</i></li> <li>• <i>This is really the only advice I can give you. You'll have to decide from here what you want to do next.</i></li> </ul>

managing unreasonable arguments

Complainant conduct	Suggested strategies
<p>Insists on the importance of an issue that is clearly trivial.</p>	<ul style="list-style-type: none"> <li>• Do not take up/continue with issues that there is no practical purpose in pursuing.</li> <li>• Explain that complaints are not taken up unless they are supported by evidence and are sufficiently serious. For example, the complaint should:               <ul style="list-style-type: none"> <li>- raise a substantial new issue</li> <li>- be supported by clear evidence that suggests that the event/ issue they are complaining about happened.</li> </ul> </li> <li>• Explain that clear evidence could include:               <ul style="list-style-type: none"> <li>- copies of official documents</li> <li>- photographs</li> <li>- videotapes</li> <li>- other material that shows that what they are complaining about occurred.</li> </ul> </li> <li>• Tell them firmly and confidently that it is the agency and not them who decides on the importance of an issue (i.e. the resources it will dedicate to it).</li> <li>• Advise that any further correspondence about the particular issue is likely to be read and filed without acknowledgment, unless it meets the threshold above.</li> </ul> <p><b>Note:</b> You should be careful not to disregard new issues that are substantially different from the original complaint and that do warrant further action.</p>
<p>Interprets facts or law in ways that are clearly irrational or unreasonable and insists their interpretation is the correct one.</p>	<ul style="list-style-type: none"> <li>• Acknowledge their point of view, but clearly state your own and stick to it.</li> <li>• If reasoning with the complainant doesn't work, refer them to another forum where they can raise their issues – such as the courts if it is a matter of legal interpretation or a Minister or MP if it is a policy or political issue, if appropriate.</li> </ul>
Statement or conduct	Possible responses
<p>The legislation says that your office must.../ I'm entitled to...</p>	<ul style="list-style-type: none"> <li>• <i>I appreciate that you have a certain opinion about how legislation/ document is to be interpreted. We take the position that it should be applied like this.</i></li> <li>• <i>It's obvious that we have different opinions about how this policy/ legislation should be interpreted and applied. We've/I've explained our/my position to you and there is nothing else that we can add to it.</i></li> <li>• <i>Sometimes people have different opinions about the same situation/issue. You and I clearly have different opinions on...</i></li> <li>• <i>I accept that ... is your point of view. I have a different point of view. I think ... For these reasons I won't be taking any further action on your complaint/will take the following action ...</i></li> <li>• <i>I understand that ... is your position. However on assessing the information that has been submitted to us, we have formed a different position – which is that ...</i></li> <li>• <i>Your opinion/position is ... Is there any possibility that there could be another opinion/position?</i></li> </ul>
<p>They're lying to you/ manipulating you/pulling the wool over your eyes and you can't see through them.</p>	<ul style="list-style-type: none"> <li>• <i>You may believe this. However, I'm satisfied with their response. Unless you can prove that they've deliberately misled or misinformed me, my decision stands.</i></li> <li>• <i>I'm very aware of the way responses are made to me. I can assure you that I get copies of reports and documents to substantiate what I'm being told.</i></li> <li>• <i>I appreciate that is your view. The evidence in this case is ...</i></li> <li>• <i>So far I have no reason to believe this. I certainly welcome any evidence you can give me that supports your assertion.</i></li> <li>• <i>I have considered your evidence as well as the evidence provided to us by the agency/ their staff and I can't agree with your assertion, though I do acknowledge that this is your view.</i></li> </ul>

Complainant conduct	Suggested strategies
<p>Foul language and swearing that is part of their normal communication style or an expression of distress, but still makes you feel uncomfortable.</p>	<ul style="list-style-type: none"> <li>• Attempt to calm the complainant.</li> <li>• Tell them that you are uncomfortable with their choice of words and politely ask that they change them.</li> <li>• Ask them to stop and warn that you will have to end the call if they continue.</li> <li>• If it continues, end the call and make a note of the conversation.</li> <li>• You may also wish to invite the complainant to call back when they are prepared to use more appropriate language. Avoid saying ‘<i>We need time out here so we can calm down</i>’, as this is likely to escalate the situation.</li> <li>• If you do tell the complainant to call back, make sure to give them clear instructions about who they can contact, when and how (e.g. method of communication).</li> <li>• With a supervisor/senior manager, you may also consider whether:             <ul style="list-style-type: none"> <li>– to take further calls from the complainant and, if so, who should take them</li> <li>– further calls should be automatically put through to voicemail, if possible</li> <li>– to inform reception about what they can do with any further calls.</li> </ul> </li> </ul> <p><b>Note:</b> Whether or not this behaviour is unreasonable will depend on the circumstances of the case.</p>
<p>Attends the premises while under the influence of drugs, alcohol or other substances.</p>	<p>Drugs and alcohol increase aggression and reduce impulse control. Therefore, aggression among these complainants can be very unpredictable and they are more likely to be easily provoked or frustrated. When dealing with such complainants you should:</p> <ul style="list-style-type: none"> <li>• Stay calm.</li> <li>• Be assertive and firm.</li> <li>• Use non-threatening words and tone – avoid using words like ‘drunk’ in their presence.</li> <li>• Not argue – as it is usually pointless when a complainant is intoxicated and could lead to physical violence.</li> <li>• Ignore abusive words.</li> <li>• Keep your distance and do not touch the complainant, if possible.</li> <li>• Show concern for their safety and comfort – you might offer them water.</li> <li>• Repeat statements like a ‘broken record’.</li> <li>• Seek assistance including calling a colleague, security or police as appropriate.</li> <li>• Look for a workable compromise, if possible. For example if they are insisting on meeting with you immediately, suggest that you will meet with them in a day or two when you have more time to discuss their concerns.</li> <li>• If you make arrangements to meet with the complainant another time (i.e. when they are sober) you should consider talking to your supervisor/senior manager about having another staff member or security or police officer present during that meeting – if you have any apprehensions about it.</li> </ul> <p><b>Note:</b> Depending on the circumstances, one of more of the other suggested approaches in this section may be applicable.</p>



managing unreasonable behaviour

Complainant conduct	Suggested strategies
<p>Aggressive, abusive, harassing or otherwise confronting phone calls.</p>	<ul style="list-style-type: none"> <li>• Attempt to calm the complainant down and stay calm yourself.</li> <li>• Remind complainants that calls are being recorded (for those agencies who do it).</li> <li>• If the complainant does not calm down, explain that you consider their language/ aggressive behaviour to be unacceptable and ask them to stop.</li> <li>• If it continues, warn the complainant that you will end the call (you may mute the phone and seek assistance, if necessary) – but do not hang up.</li> <li>• If it continues, tell the complainant that the call is being terminated and follow through, unless the call should be traced – in this case you should mute your phone, but do not hang up.</li> <li>• Report the incident to reception/inquiries staff immediately in case the complainant rings back.</li> <li>• With a supervisor/senior manager, you may also consider whether:               <ul style="list-style-type: none"> <li>– to take further calls from the complainant and, if so, who should take them</li> <li>– further calls should be automatically put through to voicemail, if possible</li> <li>– to inform reception about what they can do with any further calls.</li> </ul> </li> <li>• Make a file/case note of the discussion, fill out a security incident form, and direct it to the appropriate supervisor/senior manager.</li> </ul> <p><b>Note:</b> If the abusive complainant has been previously told only to contact the office in writing, you should immediately remind them of this and terminate the call.</p>
Statement or conduct	Possible responses
<p><i>F#\$%! F#\$%*!&amp;! F#\$%! S@*!&amp;!</i>            – swearing is part of their normal communication style or a consequence of being distressed.</p>	<ul style="list-style-type: none"> <li>• <i>I want to hear your side of the story. Please stick to the facts to help me understand what happened.</i></li> <li>• <i>I can hear/see that you're upset/angry. However, I'm uncomfortable with you swearing. Please stop swearing.</i></li> <li>• <i>[Mr/Ms/name] I'll try to do what I can to resolve this situation, but can you please avoid using swear words. They are distracting us from ...</i></li> <li>• <i>I'll have to end this conversation if you don't stop using swear words.</i></li> <li>• <i>I've asked you at least [number of times] to stop using swear words. I'm going to end the call here and may have another officer call you back.</i></li> </ul>
<p>Aggressive behaviour face-to-face.</p>	<ul style="list-style-type: none"> <li>• <i>When you get too close to me, I feel trapped. I'd like you to step back or I'm going to have to ask you to leave.</i></li> <li>• <i>I've said all that I can about this. I'll have to end our interview here to deal with other people who are waiting.</i></li> <li>• <i>I'm happy to talk with you about your complaint, but not while you're swearing at me. I'll have to end this interview if you don't stop.</i></li> <li>• <i>I'm a bit thirsty. Would you like me to get you a drink while I get one for myself? (leave the room and seek assistance, if necessary or just take a short time out).</i></li> <li>• <i>It's clear that you're upset/angry ...</i></li> <li>• <i>It's quite difficult for us to focus on the issues that we need to when you're [state conduct]. I'm happy to continue with the interview so long as you stop ...</i></li> <li>• <i>I'm afraid I have to ask you to leave now. If you've any outstanding concerns you can put them in writing.</i></li> <li>• <i>I'm going to leave the room now. You can call me when you're ready to use more appropriate language.</i></li> </ul>

## Example warning letter to provide an opportunity for natural justice before imposing restrictions

Date ...

**CONFIDENTIAL**

Mr/Ms ...  
[address]

Dear Mr/Ms ...

I have formed the preliminary view that you have engaged in the following unreasonable behaviour:

*[In chronological order, set out each instance of unreasonable behaviour in detail. Describe what was said and/or done. Consider whether it is appropriate to use job titles only or pseudonyms for any officers involved.]*

1. On x date at x time at x place you ...
2. Between x date and y date you ...

Further, I have formed the preliminary view that this unreasonable behaviour:

- has interfered with the health and safety of [agency name] officers and if repeated, will continue to do so. [and/or]
- has consumed a disproportionate amount of resources and unreasonably interfered with the Office's ability to provide services to other members of the public, and if it persists, will continue to do so.

Because of this I have formed the preliminary view that it is necessary to place the following restrictions on how you communicate with this Office:

1. ...
2. ...

I invite you to provide submissions about:

1. whether you have engaged in the alleged unreasonable behaviour described above; and
2. why you should not be subject to the communication restrictions set out above.

Any submissions should be addressed to me and emailed to [email address] by [date - provide a reasonable period of time].

When I have received your submissions, I will make a final decision about whether you behaved unreasonably and whether the communication restrictions should continue. If you do not make submissions I will make a final decision without them.

The communication restrictions will remain in place until I make my final decision. No internal review is available against a decision to implement interim communication restrictions. However, final decisions can be internally reviewed in accordance with the [Complaints management and internal review policy].

Yours sincerely  
[Manager's name]

## Example final letter to restrict telephone contact

Date ...

**CONFIDENTIAL**

Mr/Ms ...  
[address]

Dear Mr/Ms ...

I refer to my letter to you dated ... in which I asked you for your response to my preliminary view that you had engaged in unreasonable behaviour.

I have considered your response. I am now in a position to form a final view.

My view is that you have engaged in unreasonable behaviour, in that you have [describe behaviour].

Our office/department/agency is committed to providing a safe working environment for our staff. Our officers are recruited on the basis of their skills, experience and ability to undertake the statutory functions provided in the [... Act ...]. Our officers' roles are to undertake an independent, impartial and unbiased assessment of complaints. Their role does not include, and they are not expected to tolerate, insulting and offensive remarks from complainants.

To ensure the safety and well-being of our officers, the following Communication Plan will be implemented, commencing immediately:

- All correspondence between this office/department/agency and yourself will be via email until the investigation of your complaint is finalised.
- Telephone calls will not be received from you. If you telephone this office/department/agency you will be reminded that communication must in writing via email.
- Meetings are not available to you.

A review of this Communication Plan will take place after ... months or at such time that I am satisfied that it is no longer required. The Communication Plan does not create a barrier to your ability to seek, access or provide information that is relevant to your complaint to this office/department/agency via email.

In the interim I will continue to manage the investigation of your complaint which I expect is likely to take up to ... [days/weeks/months] to complete before an opinion can be formed.

You will be provided with an opportunity to comment upon any information, or to make further submissions about any issues, before a final opinion is formed.

Yours sincerely  
[Manager's name]

## Public

This document is released to the public space. It is approved for public distribution and readership.

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We acknowledge the Traditional Owners of the land throughout Queensland and their continuing connection to land, culture and community. We pay our respects to Elders past and present.

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