

# **The Office's management of complainant's demonstrating challenging or unreasonable behaviour policy and procedure, for external stakeholders**

## **1. Policy statement**

The Queensland Ombudsman is committed to delivering an accessible and responsive service when dealing with the public, in accordance with the Office of the Queensland Ombudsman (QO) Service Delivery Charter, while also ensuring the health and safety of officers under the *Work Health and Safety Act 2011*.

The Ombudsman expects officers to be respectful and to provide clear and accurate information. However, the Ombudsman has zero tolerance for behaviour towards officers that is offensive, abusive or threatening or, which, because of its nature or frequency, raises health, safety, or equity issues, or consumes disproportionate resources.

This document outlines the Office's approach to managing unreasonable behaviour in a fair and balanced way that delivers an appropriate service and maintains the safety of officers.

## **2. Principles**

To deliver its functions, the Office holds significant expertise in complaint handling and the associated professional, responsive and advice-based communication necessary to deliver an effective service to complainants.

The Office has a responsibility to properly consider the subject matter of each complaint, regardless of the behaviour demonstrated by the person presenting the complaint.

Officers may be required to manage challenging behaviour, which is any behaviour an officer finds difficult to deal with or respond to at a point in time.

Behaviour becomes unreasonable when, due to its nature or frequency, it raises health, safety, resource or equity issues for the Office, its officers or other service users.

Unreasonable behaviour is not tolerated and requires proactive management strategies.

## **3. Application/scope**

This document applies to all Ombudsman officers dealing with people who have brought a complaint to the Office.

## **4. Procedures**

### **4.1 Defining and responding to challenging behaviour**

Challenging behaviour is any behaviour which an officer finds difficult to deal with or respond to at a point in time. The threshold of behaviour considered challenging by

an officer may differ over time, depending on the officer's circumstances or experience at that time. Different officers also will define challenging behaviour differently.

Officers are expected to deal with challenging behaviour in the first instance by using de-escalation strategies to defuse emotion and re-focus the conversation to mitigate the impact of the behaviour. This will ensure the officer's well-being, proper use of resources and productivity are maintained. Such strategies include:

- treating complainants politely and respectfully, including listening to concerns, explaining decisions and providing opportunities to discuss or comment on any preliminary findings
- making reasonable adjustments to assist complainants with a disability to access QO's services
- using plain English
- managing expectations about the complaint process and possible outcomes
- being responsive and timely in their dealings with complainants
- having difficult conversations with complainants where they are appropriate or necessary.

## 4.2 Defining unreasonable behaviour

Behaviour becomes unreasonable when, due to its nature or frequency, it raises health, safety, resource or equity issues for the Office, its officers or other service users.

Unreasonable behaviour is not limited to verbal communication but may appear in written correspondence, via the internet or on social media.

Such behaviour has five distinct categorises, shown below:

Category	Definition	Examples
<b>Unreasonable persistence</b>	Significant instances of repeat contact after a matter has been comprehensively considered and finalised.	<i>Multiple telephone calls, significant volumes of emails containing the same information</i>
<b>Unreasonable demands</b>	Inappropriately issuing instructions to officers.	<i>Input about QO's handling of a complaint, the priority it should be given or the outcome that should be achieved</i>
<b>Unreasonable lack of cooperation</b>	Refusing to provide information necessary to assess or investigate a complaint.	<i>Requiring detailed and unjustified explanations for any information request</i>
<b>Unreasonable arguments</b>	Arguments not based on reason or logic; arguments that are trivial when compared to the amount of time, resources and attention that the complainant demands; making vexatious allegations.	<i>Insisting on conclusions not supported by evidence</i>

Category	Definition	Examples
<b>Unreasonable actions and statements</b>	Forcefully insulting, criticising or denouncing an officer, including threatening behaviour where the complainant's communication causes an officer to believe they and/or their reputation and/or the Office's reputation are in danger of harm.	<i>Communicating in a manner that is intended to harm an officer verbally or physically; acts of anger, hostility or aggression; derogatory, racist, sexist, homophobic, or grossly defamatory remarks; offensive or humiliating remarks about an officer's intelligence or physical appearance; yelling; threat of harm from the complainant</i>

### 4.3 Responding to unreasonable behaviour

All incidents of identified unreasonable behaviour must be recorded:

- as a collection of evidence of incidents of unreasonable behaviour that may support subsequent response strategies
- to prompt a senior officer follow-up, to provide advice and support the officer's welfare
- as input to a quarterly review of occurrences of unreasonable behaviour by the Office
- to support ongoing monitoring to identify training or opportunities for continuous improvement.

#### 4.3.1 Informal response strategies

If a person's behaviour becomes unreasonable and de-escalation strategies are ineffective, officers may apply appropriate and proportionate informal strategies to respond to the behaviour:

##### **Informal strategies for responding to unreasonable behaviour (examples)**

- Name the behaviour, explain why it is a problem, and ask the complainant to stop the behaviour.
- Advise that the telephone call or meeting is not productive and you will write/call again at another time.
- Limit the length of telephone calls or meetings and keep to the allocated time, even if items for discussion remain.
- Provide a warning, if possible, that you will end the phone call or meeting if the behaviour does not stop, and stop the call or meeting if the behaviour continues.
- Return voluminous correspondence and ask the complainant to summarise their complaint

QO officers can implement informal response strategies at their discretion.

If the behaviour continues, the officer should liaise with a senior officer in consideration of formal response strategies.

#### 4.3.2 Formal response strategies

The Office may further respond to unreasonable behaviour by limiting or adapting the way it will interact with a complainant. This may include restricting whom a

complainant may have contact with, how or when they may contact the Office, or the issues the Office will respond to.

#### **Formal strategies for responding to unreasonable behaviour (examples)**

- Advise the complainant that QO will only accept contact in writing.
- Require the complainant to contact QO through a representative such as a lawyer or friend.
- Divert the complainant's email to a designated mailbox that will be reviewed at appropriate intervals.
- Decline to respond to further correspondence about issues that have already been considered.
- Determine that no further contact with the complainant will be undertaken by the Office.

#### **4.3.3 Identifying the appropriate formal response strategy**

Placing formal restrictions on a complainant's access to the Office is a last resort and any such strategies require detailed consideration, in consultation with the officer's manager, and senior officer endorsement and approval.

Any formal strategies must be appropriately tailored to suit a complainant's personal circumstances or special needs, and must consider:

- the nature and degree of the complainant's conduct
- the likely effectiveness and impact of the strategy, and
- any relevant legal obligations (including human rights obligations).

#### **4.3.4 Approval of a formal response strategy**

The recommendation of a formal response strategy requires a written brief to an Assistant Ombudsman.

If the recommendation is endorsed by the Assistant Ombudsman, the complainant must be notified, in writing, of the Assistant Ombudsman's preliminary view, the interim formal response/s in place and the reasons for implementing such a strategy. Further, the complainant must be provided with the opportunity to submit a response within a determined timeframe.

Any complainant submission/s are considered in the Assistant Ombudsman's final decision. The complainant is notified of the final decision in writing. A complainant can request a review of a final decision to manage their contact with the Office.<sup>1</sup>

#### **4.3.5 Reviewing communication plans**

The Office reviews communication plans in place periodically to ensure that the strategy remains effective and necessary.

<sup>1</sup> In accordance with the Office's Complaints management system and internal review policy

#### 4.3.6 Support for officers

The Office recognises that dealing with any form of difficult behaviour can be upsetting and stressful. The Ombudsman is committed to supporting its officers and providing a safe workplace.

The tracking of unreasonable behaviour via the Office's case management system triggers a first, and early welfare response, with a manager or senior officer check in relation to a specific event.

More generally, managers will undertake regular checks on the welfare of officers who have frequent contact with complainants, and can arrange specialist de-briefing and support services where necessary.

All officers are encouraged to monitor the impact of challenging behaviour on their wellbeing, draw on available support and maintain a healthy approach to managing stress. Officers will be expected to undertake formal and informal training, coaching or mentoring arrangements.

#### 4.4 Record-keeping

Officers must maintain full and accurate records of all activities and dealings with complainants who demonstrate difficult behaviour. This includes details of conversations and other communication, actions undertaken and response strategies implemented.

### 5. Authority

- *Queensland Ombudsman Act 2001*
- *Workplace Health and Safety Act 2011*
- *Human Rights Act (Qld) 2019*
- *Anti-Discrimination Act 1991*
- *Disability Services Act 2006*

### 6. Approval and control

<b>Endorsed by:</b>	Deputy Ombudsman
<b>Authorised by:</b>	Queensland Ombudsman
<b>Authorisation date:</b>	<b>2/10/24</b>
<b>Review date:</b>	Two years from date of approval