

2.5. Strategies for managing unreasonable demands

The principle underlying the strategies and script ideas for managing unreasonable demands is about setting limits. When setting limits, you should:

- identify the unreasonable demand
- expressly tell the person that the demand will not be met
- state why they need to stop making the demand (identify the limits)
- offer the person a choice, if possible
- enforce the limits, as appropriate.

For example:

You've asked that I read your letter/email/complaint form right away because you want to come in and discuss it with me this afternoon. Unfortunately, this isn't possible because I have other equally pressing matters that I need to tend to first because they came in before yours. If you like, I can make time to discuss your matter with you on Thursday. By that time, I will have had an opportunity to read through your letter/email/complaint form and think about the issues that you've raised.

Some people will resort to emotional manipulation. This can include:

- threats of self-harm and/or harm to others
- threats to harass or otherwise create difficulties for you/your organisation
- threats to embarrass you/your organisation by taking their issue to an oversight body or the media
- pleading with you/your organisation to act in a certain way/help them because you are their last resort – that they have nowhere else to go.

They may also make statements about you/your organisation:

- being powerless
- not doing your job or performing your duty
- being biased or colluding with the people or organisations the subject of their issues of concern
- protecting yourselves by not taking on perceived powerful interests
- being a waste of time and/or money.

This type of behaviour should be recognised for what it is – an attempt by a person to bully, coerce or manipulate you to comply with their demands about how and when their issue should be dealt with. Although it is generally important to be able to empathise with people who are raising concerns, you should avoid doing so if they are being emotionally manipulative. In these situations, showing anything that could be perceived as weakness will only reinforce their behaviour. You should also recognise that in these situations you are actually in a position of control as the person is trying to get you to do something.

2.5.1. Makes demands about how their matter should be handled, including insisting on an immediate response

While complainants 'own' the issues that are the subject of their complaints, complaint handlers effectively 'own' how complaints made to them will be handled. Inform the complainant that it is you/your organisation and not them that must decide how the complaint will be handled, by whom, the amount of resources to be dedicated to it, the priority it will be given and the outcome.

Tell them clearly and firmly from the outset how the organisation intends to deal with the matter.

Be honest and upfront about what will and will not happen and what is and is not possible.

If applicable, explain that an immediate response is not possible because:

- there are other demands on your/your organisation's time and resources that make it impossible to respond immediately
- there are processes that must be followed that do take time
- to be fair to everyone, other than in exceptional cases you/your organisation deals with complaints on a first come, first served basis – and there are other complaints that came in before theirs.

2.5.2. Insists that you/your organisation respond to every point they have raised, including minor or irrelevant issues

Clarify the central issues of the complaint with the complainant early on and make it clear that these are the only issues that you/your organisation intend to address.

Where a person has raised a large number of issues in a complaint, particularly if many are of minor importance or irrelevant, tell the person that not every issue they have raised will be responded to. If appropriate, tell them that there is no legal obligation on you or your organisation to respond to every point that they have raised.

In giving a person such a message, it is never a good idea to use words such as 'unimportant', 'trivial', 'frivolous', 'vexatious' or 'not in good faith' as the person will be insulted or feel disrespected, which may only inflame the situation.

2.5.3. Insists on talking to a supervisor or senior manager personally, because they disagree with you/your decision

Tell the person 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.

If applicable, tell them that the advice you have given them/the decision that has been made will not change by talking to a supervisor/senior manager because they have already confirmed the advice.

Where relevant, refer the person back to the original case officer or reviewer who dealt with their matter to ensure consistency.

Any organisation whose staff regularly deal with concerns raised by members of the public should adopt a policy about the circumstances where a person raising concerns may or should be referred to a more senior officer. These circumstances will depend on factors such as the importance to the organisation of repeat custom, the authority delegated to staff at different levels to make decisions to resolve complaints, etc.

Some people 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'. Depending on your organisation's approach to these requests, you should not automatically escalate such calls/demands if they are solely motivated by a disagreement with the advice you have given.

Some people from more hierarchical cultural backgrounds may find it very difficult to accept decisions from any but the most senior person in your organisation. Where applicable, refer them to letters or other correspondence that have been signed by these senior people.

End phone calls or interviews that are unproductive.

2.5.4. Wants regular and/or lengthy phone calls or face-to-face contact when it is not warranted

Avoid spending extensive amounts of time talking to a person early on in the complaints process because they may expect similar treatment later on – when it is not warranted.

If necessary, limit the length and frequency of interactions with the person. For example, you may try to limit interactions to previously agreed appointment days and times when either the person can call you or you will call them with an update on the progress on their matter – even if there has been no progress. If the person agrees to this arrangement you should try to enforce it to the extent possible (for example, if they try to contact you outside of the agreed days and times), unless they are raising an issue or providing evidence that requires your immediate attention.

All communications/interactions with complainants should serve a purpose. Be clear in your mind about the objective you wish to achieve in each interaction and make sure that conversations are focused on the central issues/tasks at hand. Remember that not everybody will use linear or direct styles of communication. Stories, metaphors and examples can still be focused on the central issues but may require you to listen differently.

If a person is sending frequent emails or making frequent calls, slow down the communication process when possible – by responding to emails or phone messages by letter or suggesting that the person send through their concerns in writing. The person should also be firmly advised that any documentation they send should be summarised and a clear explanation provided about how it relates to the core issues of their matter.

End phone calls and face-to-face interviews as soon as possible once it is clear that the person has no new information or issues to discuss.

Make sure that you keep accurate and contemporaneous records of all interactions with particular people so you can identify whether a person's demands on resources are excessive or unreasonable.

When you are concerned that a person's interactions with you/your organisation have become so excessive that they are unreasonable, carefully and cautiously assess (with a supervisor) whether that is the case – and then discuss the possible next steps.

2.5.5. Manipulates situations to cause guilt, intimidate, harass, shame, or wrongly portray themselves as innocent victims

Avoid showing any weakness in these situations and do not attempt to negotiate with people trying to manipulate you.

Stay focused on the central issues that need to be addressed. If the person is not able to keep focused on the central issues after some time, terminate the call or interview and reschedule for another time.

Do not respond to overly complimentary remarks. It is extremely unlikely that the person knows you well enough to make an assessment about your character or skill – good or bad.

Tell any person making threats of self-harm or threats to harm others that this sort of behaviour is unacceptable and the policy of your organisation is that you must terminate such conversations if it continues.

If appropriate, consider referring the person to an advocacy or support service that is better suited to help them – particularly if they have multiple and complex needs that extend beyond the scope of what you/your organisation can do for them.

2.5.6. Wants to discuss your personal life or makes unwanted sexual advances

Maintain clear personal and professional boundaries and avoid idle conversation about personal matters concerning yourself or the person.

Only discuss things that are relevant to the matter at hand and deflect any personal questions.

Any organisation whose staff regularly deal with concerns raised by members of the public should adopt a policy about staff discussing their personal life with people raising concerns with the organisation. If necessary, tell the person that your organisation has a policy that you are not allowed to discuss your personal life.

Explain that you only have a limited time to talk and therefore need to focus on their issues.

If the person is persistent, reschedule the discussion for another time. Alternatively, you might consider putting your questions to the complainant in writing.

You may also consider having the complainant re-assigned to another complaint handler (male or female) who they are less likely to engage in this type of behaviour with.

Some people from more hierarchical cultural backgrounds may interpret friendliness, the use of first names or other displays of informality as signs of friendship. They may then react negatively when you do not act as they expect a friend would – which is to decide in their favour regardless of the merits of their case, take their side in a dispute, etc. They may need to be reminded many times throughout the process, not just at the end, that you are an impartial agent and not their personal advocate.

2.5.7. Contacts you outside of office hours to discuss their matter

Politely refuse to respond to any work related questions from any person who finds a way to contact you outside office hours and always maintain clear personal and professional boundaries.

Invite the person to book an appointment or call you during regular office hours.

If they have called you on your home phone, hang up. Notify your relevant supervisor or senior manager about the phone call and consider talking to them about having your phone number changed or unlisted.

If they have contacted you through your personal email account or through social media, do not respond. Forward or give your relevant supervisor or senior manager a copy of the contact. You can then discuss with them possible options for dealing with the issue. You may also wish to take personal steps to block the email account that the person used to send you their email communication. You should also avoid socialising with or 'befriending' such people online.

2.5.8. Demands answers to questions that have already been responded to comprehensively and/or repeatedly, when they are clearly capable of understanding these responses

End unproductive discussions/arguments about issues that have already been comprehensively responded to.

Refer the person back to the earlier correspondence/conversation and invite them to contact you again after they have read/reconsidered it – but only if they have specific and outstanding questions or issues.

Acknowledge that they are unhappy with your/your organisation's response, but explain that their issue has been comprehensively considered and responded to and will not be revisited.

If necessary, explain the circumstances in which their issue might be reviewed and clearly and firmly advise them that simply disagreeing with the organisation's conclusions or decision is an insufficient basis for doing so.

Be careful dealing with people who may have literacy or other language difficulties and make sure you explain the contents of any written correspondence sent to them. If this is unsuccessful over time, suggest that they ask someone else – such as a family member or support person – to explain the letter/written communication to them.

2.5.9. Demands information that you are not permitted to disclose/ provide – copies of sensitive documents, names and personal contact details of staff

Maintain a 'no means no', stance no matter how much a person tries to convince you otherwise.

Provide clear reasons why this type of information will not be disclosed.

Where relevant, advise the person that they can request certain information from public agencies under relevant access to information legislation (such as the *Government Information (Public Access) Act 2009* (NSW)) if they wish and explain the process for doing so/where they can access such information.

End unproductive phone calls.

2.5.10. Changes their issues or desired outcome while their matter is being dealt with

Clarify the central issues of concern with the person early on in case they change focus later on.

Make it clear that the focus of your investigation will only be on what you or your organisation consider to be the central or most important issues they have raised.

Stick to the initial issues or outcomes agreed to by the person/you/your organisation, unless:

- the circumstances of the case change and give rise to new and substantial issues
- there is new and substantial information or evidence that affects the appropriateness of the outcome achieved or proposed
- the new and desired outcomes are substantially different from the one achieved or proposed and are more suitable in the circumstances.

Ask the person to wait until their matter is resolved and they receive a final letter before raising their dissatisfaction.

Keep records of topics discussed and outcomes of phone calls and face-to-face interviews and write to the person outlining these topics and outcomes, requesting their agreement with a signature – this provides a written record in case the person changes their mind later on.

Note: You should be careful not to disregard new issues that are substantially different from the original matter and warrant further action by you/your organisation.

2.5.11. Insists on outcomes that are unattainable or inappropriate or that they are not 'entitled to'

Clarify the limitations of your system for dealing with concerns raised by members of the public and tell the person clearly and transparently if something is not possible/not going to happen.

Tell the person that you can only base your assessment and investigation on the facts you become aware of, and not their emotions or unsubstantiated recollections – no matter how valid they may be.

Manage their expectations early on by letting them know in advance:

- what can and cannot be done
- how you/your organisation intends to deal with their matter
- the likelihood that they will achieve the outcome they are looking for.

Consider giving them a list of reasonable outcomes that you/your organisation may be able to achieve – being careful not to lead them on or give them false hope.

Avoid the 'I'm entitled to' argument as it rarely ends positively and often only escalates the situation.

'Agree to disagree' about which outcome (the one they want or the one that you/your organisation have proposed) is the most appropriate one without making the person feel their views are invalid.

Keep records of topics discussed and outcomes of phone calls and face-to-face interviews and write to the person outlining them and requesting their agreement with a signature. This provides a written record in case the person changes their mind later on.