

2.3. Strategies for managing unreasonable persistence

The principle underlying the strategies and script ideas for managing unreasonable persistence is about saying 'no'. Done properly, 'no' should be firm but polite. It should not be defensive or overly apologetic and should make it clear to the person concerned that no amount of pressure will change the decision/position that has been reached.

2.3.1. Interrupts the case officer or does not allow the case officer to speak

There are four different options for dealing with this type of conduct.

1. Reflection, echoing and paraphrasing – in any conversation where you need to interrupt

It is generally best not to interrupt or challenge a person while they are telling their story or giving an explanation. Paraphrasing is a powerful communication tool which allows you to:

- interrupt without triggering resistance or being seen as disrespectful
- get them to listen to you, because people listen very hard to people repeating their views back to them
- take control of the conversation and ensure you have 'got it right' on the spot, because if you have got it wrong the other person will correct you
- where relevant, reflect back to the other person what they have said in ways that highlight the unreasonable nature of any statements – which may well cause them to modify those statements so they are more reasonable
- create empathy because the other person believes you are trying to understand their point of view
- cause the other person to feel they need to listen to your point of view because you have listened to theirs.

2. The silent approach³ – for moderately persistent people

Say nothing – do not speak at all.

Let the person tell their story and 'let off some steam'. Any attempts to interrupt them – other than interrupting to paraphrase or echo what they have said to you – will likely get them more annoyed and keep them talking. This is especially important for people who rely heavily on the use of storytelling and styles of communication that strongly rely on providing context. This is a style of communication that will largely be used on the telephone.

Eventually, the person is likely to stop and ask:

- *Hello, are you there?*
- *Are you listening?*

At this point, you can either state firmly that you wish to speak or guide where the discussion goes next.

3. Bacal R, *Defusing hostile customers workbook*, p 72

If you allow the person to keep talking, you may try to break their monologue by repeating their name, a key word or the last word they said:

- *I know you're upset ... You do sound upset etc.*
- *I know you're upset and would like to tell me about ..., but I need you to let me speak for a moment.*
- *You've been speaking for ... minutes now. I wonder whether I might have a chance to respond to what you've been saying.*
- *Now that you've said what's on your mind, let me make sure I've got it right so we can figure out what to do next.*

Do not back down when they try to interrupt again.

3. Repetition – for very persistent people

Repeat the same word or short phrase over and over until the person hears and processes your message (remember – anger can affect our ability to process information).

- *I recognise that would be upsetting/frustrating for you. Let me explain why this has happened/what we can do next.*

The person continues ...

- *It's clear you're upset/frustrated. Let me explain what has happened/what we can do.*

The person continues ...

- *It is/would be upsetting/frustrating. Can I explain why this has happened/what we can do?*

If the person still continues ...

- *It is upsetting/frustrating. What happened was .../Here's what we/you can do next*

And so on.

4. The 'stop' approach – for people who you know from experience to be extremely persistent

Interrupt the person's monologue at the outset and assert control.

If this does not work, reschedule and terminate the call – preferably for 24–48 hours or sooner if the issue needs your immediate attention:

- *[Mr/Ms ...], I need you to [answer/give me information] before I can get into the details of what happened. Otherwise we'll have to go over this all over again. So tell me about ...*
- *Until you give me [information] I can't respond to what you're saying. You'll have to tell me the whole story over again, which would just be an ineffective use of both our time/the short amount of time available*
- *Before I can help you with ..., I need to get some information from you. Is it okay if I ask you a few questions about ... ?*
- *Unfortunately, I can't really help you until you tell me about ... So can you tell me about ... ?*
- *[Mr/Ms ...], I only have **[X minutes]** for this conversation. In this time I need you to answer **[list questions]**. Once you've answered these questions, we can discuss the problem that you're having further. So beginning with*

At the end of the designated time period, end the call. If necessary, reschedule and remind the person of the information you need from them before you can move forward with their issue/other issues.

2.3.2. Bombards the organisation with phone calls, visits or written correspondence when it is not warranted

Firmly ask the person to stop the behaviour and tell them that they will be contacted when necessary.

Limit phone calls to short intervals – for example, five minutes.

Advise them that they have to book an appointment through the main reception if they want to meet with you (or another staff member), and limit the frequency and length of those meetings as appropriate.

Wait to respond to streams of letters or emails until you receive a number of them (for example, three or four). One way of slowing down constant email communications is to respond by mail. Each communication should still be acknowledged, either by telephone or email, unless they are particularly unreasonable in number – in which case restrictions may be needed.

See – 4.1. Management roles and responsibilities.

2.3.3. Contacts different people within the organisation in the hope of getting a different outcome or more sympathetic response – internal ‘forum shopping’

Avoid having extended conversations with people whose issue is being or has already been dealt with by another case officer.

Expressly ask people at the outset if they have already talked to someone about their issue. If so, identify the relevant person and refer them to that person to ensure consistency.

Identify complainants at the start of any contact so you can check for their personal information in your case management system to see if their complaint is being/has already been dealt with – especially when you suspect they are not being truthful.

Make sure you keep accurate and contemporaneous records of all communications and interactions with people raising concerns to minimise the likelihood of this ‘forum shopping’ behaviour.

See – 4.2. Recording and reporting incidents.

2.3.4. Sends their complaint to multiple people/organisations to try and get a different outcome – external ‘forum shopping’

Do not take up matters that have already been dealt with fairly, reasonably and comprehensively by another organisation – unless they raise issues that specifically require further action by your organisation.

Treat cc’d communications as being ‘for your information’ rather than a complaint to your organisation, unless it raises an issue that your organisation decides requires further action.

Ask complainants early on if they have already raised their issue with another organisation.

If they have, ask for copies of any final correspondence from that organisation to help you better understand their issues and decide if additional action is needed by your organisation. However, this information should not be used in a way that would affect your ability to impartially assess the complaint.

Draft final letters as standalone documents that can be used to brief any third party/organisation that the complainant takes their issue to next – for example, the media or the Minister.

See – 2.13. Dealing with anger through effective communication.

2.3.5. Demands a review simply because they disagree with the decision and does not make a case for one

Clearly explain that your organisation has a one review policy and stick to it (if your organisation has adopted such a policy, which is recommended).

Advise them that to receive a review they have to make clear arguments for one. For example, they need to:

- explain how or why you/your organisation has made an error in handling their issue
- explain how or why the decision or outcome reached is inappropriate in the circumstances
- provide new information or evidence that would justify a review.

Have final review letters signed by an appropriate senior officer or the CEO to show that the decision has been made by senior management and further escalation would serve little purpose.

2.3.6. Refuses to accept a final decision after all avenues of review have been exhausted

Maintain a 'no means no' stance after a review.

Avoid arguments or extended discussions with people who are not receptive to your position, particularly if their issue has been dealt with comprehensively.

Refer them back to the final letter or review letter and advise that the letter speaks for itself. If they have additional concerns, they should put them in writing – this will only be responded to if it raises a valid issue or provides substantial new evidence that affects the decision or outcome reached. Failing this, their correspondence will be 'read and filed without acknowledgement or response'.

If the person is 'forum shopping', refer them to the original case officer/case reviewer who dealt with their issue to ensure consistency in the information given and the approach taken towards managing their conduct.

End phone calls or interviews that are unproductive.

2.3.7. Reframes their issue in an attempt to get it taken up again

Do not allow people to reframe their issues, particularly if they have already received a review.

Advise them that their issue will not be revisited unless:

- the circumstances of their case have changed substantially and are likely to affect the organisation's decision/the outcome
- they provide new and substantial information or evidence that is likely to affect the appropriateness of the decision made/outcome.

Identify the complainant at the start of any contact to determine whether their issue has already been raised or dealt with by your organisation. If so, refer them to the case officer who previously dealt with the person or the issue.

Make sure you keep accurate and contemporaneous records of all communications and interactions with people raising concerns to minimise the likelihood of the same issue being revisited.

Note: Be careful not to disregard issues that are sufficiently different from other issues raised by the same person and that require further action by you/your organisation.

2.3.8. Makes an issue out of anything when things do not go their way, including complaining about how their matter was handled or someone's skills or competence

Decline complaints that are not supported by clear evidence or where there is no practical purpose for pursuing them.

Provide people with clear instructions about the threshold that their complaints must meet before they will be taken up. For example, the person should:

- raise a substantial new issue
- support this with clear evidence that suggests that the event/issue they are complaining about happened.

Explain that clear evidence includes:

- copies of official documents
- photographs
- videos
- anything that shows or tends to show that what they are complaining about occurred.

Tell them clearly and firmly that complaints about you/your colleague/your organisation will not change the outcome of their original complaint, except if there has been a clear error – which they will have to explain in writing.

If a person threatens to complain about you, provide them with the information they need to do so.

Although it can be difficult, try not to take unfounded personal attacks or threats to complain about you personally. Often this is an attempt by a person to bully or coerce you to agree to their demands, or to take their frustrations out on you.

2.3.9. Persists in wanting to know where to go next, when it has been explained that there is nowhere else to go

Do not suggest or refer the person to another organisation simply to appease them or 'get rid of them'. Referrals should only be made if the other organisation is likely to be able to help the person and unlikely to contribute to their frustration or anger.

Be honest and upfront if you are not aware of anywhere else for them to raise their issue.

Do not engage in extended discussions that are likely to give the person false hopes about their issue or possibilities of success.