

The importance of respect in effective complaint handling

Respectful Treatment

Treating all parties to a complaint with respect

Respect and dignity go hand-in-hand. Dignity is the universal human need for:

- **acceptance and recognition** – when people feel they are valued and appreciated, and are not being negatively judged
- **attention or acknowledgement** – when people feel they have the full attention of those they are dealing with
- **fairness** – when people believe they are being treated fairly
- **safety or security** – for example when people do not fear that they will be humiliated
- **trust** – when people believe they are being given the benefit of the doubt

Treating others with respect acknowledges their inherent dignity and self-worth.

Research shows that maintaining one's dignity (and associated self-respect) is a fundamental human need, and that people are likely to react as intensely to a threat to their dignity as they are to a threat to their physical safety (to freeze, flee or fight). Violations of dignity caused by disrespect, and trauma caused by humiliation, can trigger a range of powerful reactions including anger, shame and even violence. Many entrenched disputes and unresolved conflicts can be traced back to an initial real or perceived violation of a person's dignity or sense of identity. Complainants who

feel they have been disrespected may believe their complaints were not believed or taken seriously, or their competence and ethics were questioned. These reactions can lead to a quest for vindication, retribution or revenge – all motivated by the need to restore self-respect. Consistently showing respect is therefore fundamental to good complaint handling and dispute resolution.

A complaint-related dispute can escalate when there is a failure to respond appropriately to a complaint at the outset and the relationship between the parties breaks down. A complaint handler may therefore be dealing with a person who feels their dignity has already been violated by either the person or agency that they complained about originally, or the person who first responded to their complaint.

Although no single approach is guaranteed, the following strategies can help complaint handlers to avoid disrespecting a complainant or to try to address violated dignity. They are based on the complaint handling experience of the NSW Ombudsman over the past 40 years, and informed by approaches developed by social scientists and psychologists in their work on justice theory/procedural justice and motivational interviewing.

Some of the strategies listed below are particularly relevant at the initial stages of handling a complaint, while others should be useful if you have to, for example, explain an unfavourable outcome.

Strategies for treating people with respect

Acceptance and recognition

Using inclusive language

Use inclusive language such as 'I' and 'we', rather than 'you' or 'my agency'. An 'I' message conveys that you are communicating and sharing concerns with the complainant and seeking a resolution. A 'we' message suggests cooperation between you and the complainant – for example, 'We could look at it this way' or 'How can we resolve this?' On the other hand, a 'you' message may be interpreted as distancing or criticising them.

Avoiding language of dominance, power or control

Where you need to explain to a person that you have reached a conclusion different to theirs, where possible avoid using language or a tone of voice that conveys an impression of dominance, power or control. Alternatively, you may need to explain any limitations that have impacted on your discretion to take their matter forward, for example, that limited information was available to you, that you do not have the resources to devote more time or attention to the issue, or that you are powerless to take the matter further..

Avoiding unnecessary challenges to a person's sense of identity

Examples would include circumstances where an attempt is being made to address the conduct of complainants that is considered to be unreasonable or of staff members that is alleged to be bullying. Practical experience indicates that it is likely the individuals concerned would reject any attempt to label them as an unreasonable complainant or a bully as this would challenge their very sense of identity. If the primary objective of the complaint handler in such circumstances is to address the problems created by such conduct or to explain why certain actions are being taken in response to such conduct, it may well be more effective to frame the message in terms of perceptions of the conduct (e.g. that the complaint handler perceives the conduct to be unreasonable or other staff perceive the conduct to be bullying). Such messages focus on perceptions and motivation rather than blaming and shaming. While most people are unlikely to

accept such labels as an accurate description of who they are, they may be more likely to accept that other people could perceive their conduct to be unreasonable or bullying and prefer not to have such a reputation.

Attention or acknowledgement

Active listening

People feel respected if they feel they have been heard. Allow a reasonable period of time to patiently and calmly listen to a complainant's story or explanation and understand their perspective about the issues.

Reflective listening

Although it is generally best not to interrupt or challenge a person when they are explaining their story, you can show them that you are listening by repeating key words or phrases – 'echoing' what the person has said. A similar approach is to reflect back your understanding of what they have said – 'paraphrasing'. This should be done thoughtfully. Paraphrasing is preferable to echoing because it conveys your understanding of their story – using your own words to capture that story. When done thoughtfully, paraphrasing is unlikely to be interpreted as disrespectful or to generate resistance because it shows that you have been listening attentively. People are likely to appreciate that you genuinely want to understand what they are saying, plus it allows them to correct any misunderstandings. It also allows you to slow down or take back control of the conversation if that is needed. Reflective listening can be particularly important if a person is highly emotional and reacting in an instinctive rather than reasoned and thoughtful way.

Acknowledging feelings

Acknowledge a person's situation, feelings, concerns or point of view. Acknowledging their feelings does not mean that you agree with them – at least not at the initial stage of dealing with a complaint.

It is useful to ask people what they already know about the issue to be discussed

This allows:

- them to demonstrate knowledge, which helps restore dignity
- you to affirm their knowledge, creating empathy

- you to avoid repeating matters of common knowledge, which could be seen as wasting their time or appear dismissive or disrespectful.

It can also alert you to any misunderstandings that should be clarified. This shows respect and allows you to add information to their understanding.

Adding extra information

You may be aware of other information, not known to the complainant, which could be relevant to their complaint issue. Advise the complainant of this other information and how it may be relevant, and check if they understand why you may need to consider it. Professionalism requires that you take this step. The complainant should have an opportunity to question the reliability or relevance of this extra information.

Fairness

Demonstrating the complaint has been taken seriously

Particularly when the outcome of the complaint will not be favourable to the complainant, it is important that you demonstrate that the complaint was taken seriously by outlining the steps taken to assess and inquire into the issues raised.

Managing expectations

Find out the person's expectations about the way their complaint will be dealt with and the likely outcome. Attempt to manage their expectations, particularly if you need to correct an unreasonable or unrealistic expectation. It is important to make sure that a person understands how their complaint will be dealt with and understands that the complaint handling procedure will be fair – even if they end up not being completely satisfied with the outcome.

Safety or security

Avoiding humiliation

Be alert to the risk that when you communicate an unfavourable outcome to the complainant or a person the subject of a complaint, they may feel embarrassed or humiliated. This risk can be minimised by how you explain the reasons for the outcome and by ensuring that the communication occurs privately and confidentially, where that is appropriate.

Focussing on a person's conduct and avoiding labelling the person

It is sometimes necessary to tell a complainant that in your view their conduct is unreasonable. Make sure it is clear that you are saying their complaint related conduct is unreasonable, not labelling the person as unreasonable.

Trust

Acknowledging integrity

A person's views will be based on their subjective perception of what occurred and the harm done to them or others. You should assume that they believe their views are valid, and for this reason avoid using terms that indicate a negative judgement about the complainant or the complainant's motives (such as trivial, vexatious, not in good faith, or anything similar). Explain at the outset that while your final decision may not accord with the complainant's views, this does not necessarily mean you disbelieve what they have said or doubt their honesty or integrity. Your conclusions will need to be based on an objective assessment of the information available to you, and you will attach greater weight to facts that can be proved through analysis, measurement, observation, independent witness statements or research.

If you decline to take up a person's complaint due to lack of evidence, or you cannot substantiate a person's complaint on the available evidence, it is important to explain why. For example where there is not enough information to tell one way or another you could say something along the lines of: *I am expected to make decisions on complaints based on objective evidence. When I have to make an assessment about whether there was an administrative error/inappropriate conduct and I receive conflicting personal perceptions and recollections of those directly involved, it is sometimes difficult to decide that the conduct was wrong/inappropriate.* Another example could be to explain that there has been a misunderstanding about facts or circumstances leading to the complainant having a plausible but different perspective to yours. When the available information clearly disproves the complaint you should avoid saying that the complaint was false, vexatious or anything similar, unless there are strong reasons to do so.

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Apologising for any procedural shortcomings

Admit fault and apologise if you or your agency have been at fault in handling a complaint or conducting an investigation.

Supporting an apology for substantive shortcomings

If the concerns raised by a person are found to have substance you can recommend that an apology be given by an appropriate person. Under the *Civil Liability Act 2002*, s 69, an apology that includes an admission of fault or responsibility does not constitute an admission of liability in most circumstances.

Using hierarchy strategically

If appropriate, a senior officer of an agency can be asked to speak to or communicate with a complainant. This conveys the importance attached to resolving the complaint, and will be accepted as a demonstration of respect towards a person who believes their dignity was violated by the way they were treated or their complaint was dealt with. An apology will generally carry more weight when conveyed by the head of an organisation. There are, on the other hand, practical considerations that constrain senior staff from being directly involved in communicating with complainants. In particular, this approach may not be advisable if a complainant has an unrealistic understanding of the importance or seriousness of their complaint issue. Relying on a senior officer to communicate with a complainant may also be interpreted as a lack of confidence in the ability of the original complaint handler to manage the case.

Contact us for more information

Our business hours are: Monday to Friday, 9am–5pm (*Inquiries section closes at 4pm*)

If you wish to visit us, we prefer you make an appointment. Please call us first to ensure your complaint is within our jurisdiction and our staff are available to see you.

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We can arrange an interpreter through TIS or you can contact TIS yourself before speaking to us.

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