

2.4. Scripted responses to unreasonable persistence

Statement or conduct	Possible responses
<p>You're not listening to me.</p>	<ul style="list-style-type: none"> • <i>Well [name] I have been listening to you. I've been listening to you for [minutes] now and if you allow me to speak</i> • <i>I'd like to help you, but before I can do that I need to ask you a few questions</i> • <i>I can see you're concerned and I'd like to help, but I need to ... first.</i> • <i>Let's see what we can do to get things going/get you what you need.</i> <p><i>When a person's communication style differs significantly from yours, they may feel that they have not been heard – regardless of your words. Consider whether your approach is the most appropriate style of communication for the person.</i></p> <p><i>See – 3.3. Cultural communication styles.</i></p>
<p>I have more proof/ information or I still haven't told you about ...</p>	<ul style="list-style-type: none"> • <i>Can you please stop ...? [explain – for example, sending me emails every day]</i> • <i>If/when I need more information I'll let you know. Until then, please stop</i> • <i>I already asked you not to send any more information/emails/ ... I ask again that you please stop.</i> • <i>You have emailed/phoned/met with us about this issue [number of times]. Unfortunately we have nothing new to tell you. When we do we'll let you know right away.</i> • <i>Your frequent emails/phone calls/meetings are taking me away from doing other important work relating to your complaint ... Please give me time to get them done because, until I do, I will not have anything new to tell you/I won't be able to read anything new that you sent to me until</i> • <i>I can't deal with your complaint properly while you're sending all of this information. You'll have to decide whether you want to withdraw your complaint while you get your information together, or let us move forward with what I have and the issues we've identified. What's happening now simply isn't working.</i> • <i>Because I've already asked you [number of times] to stop ..., I'll be following this discussion up with a written request that you stop ... I'd appreciate it if you'd agree to stop.</i>
<p>Suspected or actual internal forum shopping.</p>	<ul style="list-style-type: none"> • <i>Have you been in contact with anyone else in the office about this issue?</i> If yes, find out who and redirect them as appropriate. • If no, get their name [with correct spelling] and check the system anyway. Otherwise, log their personal details and complaint/inquiry information as appropriate. • <i>It seems [person] is dealing with your issue. Because they are more familiar with the details of your issue, I'll need to forward your phone call to them.</i>

Statement or conduct	Possible responses
	<ul style="list-style-type: none"> • <i>It looks like [person] has spoken to you about this. One minute, while I check if they are available to speak to you right now.</i> • <i>Our system shows that you've tried to speak with a number of people about this issue. I should remind you that [person] is responsible for handling your complaint. I can get them to call you back if you like. Do you have their phone number?</i> • <i>A lot of work goes into allocating issues/complaints to the right officers and making sure that we use our resources in the best way possible. [Person] is responsible for handling your issue/complaint and is very capable of doing so.</i> • <i>[Person] is responsible for handling your issue/complaint and will do so exclusively, unless we think this needs to change. Would you like me to transfer you over to them now?</i>
<p><i>Be advised that I have notified/cc'd the Ombudsman/Minister/third party.</i></p>	<ul style="list-style-type: none"> • <i>Our policy is to treat cc'd letters and emails as general information and not as an issue/complaint to be actioned by this organisation.</i> • <i>We generally don't respond to cc'd letters and emails, unless</i> • <i>If you want your letter/email to be dealt with as a complaint, you will need to clearly indicate this and identify the specific issues you want us to look at.</i> • <i>For us to deal with your complaint appropriately, we need you to clearly identify the issues you want us to look at and explain how the information you've sent supports each issue.</i> • <i>Have you raised this with another organisation?</i> • <i>[If yes] It would be useful if you included copies of the correspondence that you've received from them about this issue.</i> • <i>It's clear that this has been dealt with by ... organisation(s)/people. Because we haven't found any outstanding issues that we can help you with/it's unlikely we'll get a different outcome for you, we've decided not to pursue this further.</i> • <i>It seems your issue/complaint is being handled by more than one organisation right now. We generally wait until other organisations have finished their investigations before we consider taking up an issue/complaint to minimise repetition. Feel free to contact us again once these investigations are finished if you're still unsatisfied. We'll see if it's something we can help you with then.</i> <p>Take care to avoid situations where a person's issue is declined by all relevant organisations, simply because the person has admitted to sending it to other organisations. Communication between organisations can be useful so long as it does not breach any privacy or confidentiality obligations.</p>

Statement or conduct	Possible responses
<p><i>I want this reviewed/ someone else to handle my issue/ complaint.</i></p>	<ul style="list-style-type: none"> • <i>Our organisation doesn't 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.</i> • <i>Before we can review our decision on your issue/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 issue/complaint or in the decision we have made</i> • <i>Simply disagreeing with our decision isn't a reason for us to provide a review/get another officer involved with your issue/complaint. You'll have to make a case for one by ... [explain].</i> • <i>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.</i> • <i>We can review your issue/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 person].</i>
<p><i>You call that a review? You clearly don't understand what I'm complaining about</i> or <i>You've made the wrong finding [after a review].</i></p>	<ul style="list-style-type: none"> • <i>When someone asks for a review of the decision on their complaint the matter is given to another case officer, usually a more senior officer, who makes a fresh assessment of the case. In your case that officer found ... Our office stands by this finding.</i> • <i>I appreciate that this issue is very important to you, but we won't be taking any further action on it.</i> • <i>Simply disagreeing with our decision isn't a sufficient reason for us to revisit this issue again. We've explained to you in detail [refer to any relevant correspondence here] how and why we made the decision we have. This hasn't changed.</i> • <i>You've had an opportunity to have your complaint reviewed under our one review policy and we are satisfied with the outcome of that review. Any other correspondence that you send to us about this issue will be read and filed without acknowledgement, unless we decide that it requires our attention.</i> • <i>As we explained to you before, we only review decisions once. Because of this we make sure that all reviews are very thorough. Your concerns about how your complaint was dealt with were/ the outcome of your complaint was thoroughly considered and unfortunately we do not agree with the issues you raised.</i> • <i>We'll only reconsider a review decision in highly exceptional cases [explain].</i> • <i>To make sure we distribute our resources fairly to everyone who complains to our office/organisation we only provide one review of a decision. This has been explained to you in the past.</i>

Statement or conduct	Possible responses
<p>You can't be finished with my complaint. You haven't looked at/considered/answered ...</p>	<ul style="list-style-type: none"> • <i>It's unfortunate, but our office/organisation is unable to help you with this issue because This has already been explained to you in some detail.</i> • <i>It seems that you've contacted us before about this issue and were told that There is nothing else that we can do for you in relation to this issue.</i> • <i>It seems this issue/a similar issue may have already been brought to our attention. I'll have to look into it and call you back. Is that okay?</i> • <i>This issue has already been considered by our office/organisation. You were sent a letter on ... explaining our position on it with reasons. Unless you have new evidence or information that is likely to affect our decision, we won't revisit it again.</i> • <i>I think that the correspondence we've already sent to you about this clearly explains why we are unable to deal with it any further. Unfortunately, I have nothing else to add to this.</i>
<p>It's your fault. How could you let this happen?</p> <p>or</p> <p>You're incompetent. Who can I complain to about you/your organisation/the way you handled my complaint?</p>	<ul style="list-style-type: none"> • <i>I can see that you're upset and I'd like to help, but I won't accept you telling me that I am incompetent.</i> • <i>I understand that your issue/complaint is important to you and that you are disappointed with the decision that I've made/what I'm telling you. However, making personal attacks against me is not productive. I'll have to end this conversation if this continues.</i> • <i>I'll have to end this call if we can't keep to the issues.</i> • <i>I'm sorry we weren't able to do what you wanted us to do/had hoped we could do. The fact is ... [explain the case details].</i> • <i>I appreciate that you would have liked us to take up your case. The fact is we are impartial investigators, not advocates for complainants. In this case we have decided</i> • <i>I'm not sure how you want/expect me to respond to this.</i> • <i>You can put your concerns in writing and we'll consider them. If we don't think that they raise a substantial issue that requires our attention, your letter will be read and filed without acknowledgement.</i> • <i>We won't review the decision that has been made about your issue/complaint because However, if you wish you can make a complaint about me and you are free to do so.</i> • <i>One thing I should clarify for you now is that we won't be reviewing our decision about ... because However, if you believe that I/another officer have/has done something wrong, you are welcome to complain about it. A senior manager would look into your complaint and, if it is substantiated, will decide on the appropriate course of action to be taken.</i> • <i>I'm sorry you feel that way. My intention was to conduct an impartial assessment of your complaint to the standard required by my office/organisation, which I believe I have. If you have concerns about what I've done, you're welcome to put your complaint in writing to our office/organisation.</i>

Statement or conduct	Possible responses
Where can I go where my complaint will be taken seriously?	<ul style="list-style-type: none"> • <i>I'm not aware of any other avenues of redress that may be available to you.</i> • <i>It seems you've exhausted all avenues I can think of.</i> • <i>Outside of the organisations you've already contacted, I can't think of anywhere else for you to take your issue/complaint.</i> • <i>I don't want to waste your time by sending you to another organisation that I don't think can help you.</i> • <i>I can't think of another organisation that can help you with this.</i> • <i>Sometimes there are problems that can't be sorted out by any organisation.</i>
I'm going to the media/Minister/Ombudsman etc.	<ul style="list-style-type: none"> • <i>You are free to contact anyone that you think might be able to help you.</i> • <i>That's for you to decide.</i> • <i>You're free to take your matter to any forum you choose.</i> • <i>That option is certainly open to you.</i> • <i>It's for you to decide if you want to contact the media</i> • <i>I have no opinion about whether you should go to the Minister/the media/ ... about this. This is really for you to decide.</i> • <i>That's certainly your right. We would have hoped that you would be satisfied with this outcome/our decision because ... but, it's really up to you which path you want to take.</i> • <i>It's up to you to do what you consider appropriate now.</i> • <i>As I said, that's completely up to you. If that's the case, then I guess we don't have anything else to discuss.</i>
Unproductive/stressful phone call or interview.	<ul style="list-style-type: none"> • <i>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 might want to put any additional concerns you have in writing and we will consider them.</i> • <i>I feel that I've given you all the information I can about this and our conversation seems to be unproductive/circular. 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/organisation we'll let you know.</i> • <i>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/organisation will take.</i> • <i>I don't think this conversation is productive for either of us now and I am going to end our call/interview. You have my full reasons in the letter I sent you.</i> • <i>I see what you mean, but as I've explained that isn't something that we can help you with.</i> • <i>It seems you want me to say something that I can't. I think it will be best to end our discussion here.</i>