

Presentation by Victorian Ombudsman Deborah Glass OBE to the African Ombudsman Research Centre (AORC). (Format: pre-record)

SLIDE 1: intro slide and acknowledge of country

I'm joining you today from Melbourne, Australia, which is also known as Naarm, and is the traditional land of the Wurindjeri people of the Kulin Nation. It is an important Australian tradition to acknowledge our First Peoples and to acknowledge this land belongs to them.

Ombudsmen around the world have a lot in common – whether it's the work we do or frequent challenges, like funding and getting government to listen.

But perhaps most common is our experience of dealing with challenging behaviour from people who use our services. And we know that people who handle complaints in government often say the hardest part of their job is handling the behaviour of some people who complain.

Today I'm going to talk about some of the key things my office has learnt over the years in dealing with this. We've produced guides, and I was pleased to contribute an IOI Best Practice paper on the subject. We also offer training – that goes for 6 and a half hours – so today I am going to try to give you the highlights in the next 15 minutes.

CLICK for slide 2: In summary, we recommend a graduated approach for complaint handlers dealing with challenging behaviour, including, **preventing, responding, managing** and ultimately **limiting**.

These stages recognise complaint handlers encounter a spectrum of behaviour, from slightly confronting to clearly unreasonable, and that responses to such behaviour should be equally graduated.

I'm going to talk about each step briefly, but first, a word on what we mean by challenging behaviour. Because **dealing effectively with behaviour which challenges us – starts with us**.

We need to understand our own triggers – and we are all different. We can all feel impatient or angry. So we need different techniques to deal with those circumstances when we are not at our best.

CLICK for slide 3: Prevent

By far the best way of dealing with challenging behavior is to avoid it happening in the first place. There are some simple techniques to do this, but mostly, this is basic good complaints handling.

Let's start with welcoming complaints. If it's easy to complain, if people think you care about their feedback, that you want to know why they're not happy, and that you might actually do something about it, their unhappiness is much less likely to escalate into challenging behaviour.

CLICK for slide 4: (managing expectations and being human) Then in dealing with the complaint, manage their expectations about the process and the outcome. If you say you're going to do something in a certain timeframe, stick to it – or explain why the timeframe may have changed.

Ask what outcome they are trying to achieve, and if it's not realistic, say so, and why. Don't avoid difficult conversations – they will get harder and harder the longer you leave them. *I know you want me to fire the head of the agency, but **this process** is just not going to deliver **that outcome**.*

And talk like a human being (not a bureaucrat) and avoid jargon or legalese.

For example: instead of *"This is in our policy in accordance with section blah blah of our legislation"* you could say: *"We ask people to do X because it helps Y"*.

By following these core principles of good complaints handling it's amazing how many complaints simply don't turn into challenging behaviour.

CLICK for slide 5: Respond

But if you can't prevent it - if a person's behaviour starts to rise in intensity, or they come to us in an already emotionally heightened state, we need to **respond** to it – to avoid further escalation.

What can we do?

First, be aware of communication needs. There are many reasons people communicate in challenging ways. The person may have a disability or other vulnerabilities. The best way to find out is to ask. *How can I best communicate with you?*

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It's all about speaking to people in a way they will understand. Meeting people's communication needs wherever possible shows respect and avoids frustrating them unnecessarily.

But what if a person is shouting at us? This can get in the way of working through the problem. We need to **help them** to defuse their emotions and become calmer.

For example, if you just hang up the telephone when a person starts shouting, the caller is likely to get angrier and try to escalate a complaint.

CLICK for slide 6: CARP

We recommend the **CARP** strategy: **CONTROL/ ACKNOWLEDGE/ REFOCUS/ PROBLEM SOLVE**

Control – ourselves and our emotions. Don't be drawn into arguments. If someone is shouting at you, stay calm and don't shout back. Sometimes people just need to yell – it's not personal. It can be useful to stay quiet while someone is shouting – eventually they'll stop to see if you're still there. At that point, you:

Acknowledge – show you have heard about their experience/feelings/ the impact of the issue on them. Reflect their language back to them to indicate they have been heard.

I can hear you're really upset about....

Refocus – help shift the person from a 'feeling' state to a 'thinking' state. Ask fact based questions and remind them of the purpose of your conversation – to try to resolve the problem.

So what is it you want to happen? How can I help you?

Problem solve – talk about the next steps needed for resolution.

Active listening is an important component of this strategy.

Here are some handy tips for dealing with people who are angry or upset, to help move the conversation forward:

- Drawing the person's attention to how long they have been talking. For example: *"I've been listening to you for 20 minutes and it sounds like a lot has happened. I need to ask some questions now so I can work out if I can help you".*

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- Repeating a simple, helpful message until the person hears you. For example: *"Ok, let me explain what we can do".*
- Make another time to talk. For example: *"I can hear you're upset at the moment. I can make a time to call you tomorrow to talk about your complaint. What time would suit you?"*
- Use a firm voice.

"Mr Potter, I'm trying to help you and you're yelling at me. We can talk about your complaint or we can leave it here. Which would you prefer? "

CLICK for slide 7: Manage

If none of those work, you may need to Manage behaviour that becomes unreasonable.

We define unreasonable behaviour as behavior that 'gets in the way' of us doing our job. There are many ways behaviour can be unreasonable, and each requires a different strategy.

For relentless persistent behaviour – e.g. hundreds of calls or emails every day. You say 'no' and repeat as often as necessary. You set time limits for conversations, respond just once a day or week to voluminous emails, and make clear you don't accept new complaints about the same issue if not supported by real new information.

For unreasonable demands – e.g. *I expect you to reply today to each of my emails.* Set limits and manage expectations: for example, explain your process, provide a 'reality check' by telling the person you will not be meeting their demand and why. A simple way to help people understand is to explain – *you 'own' the complaint, we 'own' the process.*

For unreasonable arguments – politely decline or discontinue involvement for complaints where there is no practical outcome or purpose, or it becomes clear that the issue is groundless. Keep responses firm and as brief as possible.

For unreasonable conduct such as abuse, aggression, threats and the like – set limits and conditions. Make clear that the conduct is not acceptable. Unless safety is at risk, a person should be given a warning and an opportunity to change:

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- Name the behaviour and explain why it is a problem. E.g. *"Mr Jones, you've been calling me every day about your complaint. I know you want this fixed, but I can't find out what happened if I spend all my time on the telephone."*
- Explain the consequences if the person does not stop. *"Mr Jones, you're yelling at me. I can't speak to you like this. Please lower your voice or I will need to end this call."*
- If there is no change, back up your words with action. Stay polite and respectful. *"Mr Jones, I'm going to end this call now. You're welcome to call back another day. Goodbye"*

Finally, be sure to document the unreasonable behaviour in your records and how the person responded – this will help others in your organisation and support any decision you may need to make to limit access.

CLICK for slide 8: Limit

And finally, as a last resort, Limit access

Most people who work in complaint handling have come across people whose sense of grievance is so deep, or whose behaviour is so entrenched, that nothing makes a difference.

This means there may be times when nothing you try works and you need to limit a person's access to your services, in order to protect staff and resources.

You can consider limiting:

- **Who** the person can contact. It can be helpful to make sure only one person – who is familiar with the issues – deals with the person.
- **What issues** you will respond to. E.g. making clear you will not respond to matters already dealt with.
- **When** the person can contact you. e.g. one call every Friday.
- **How** the person can contact your e.g. only in writing, or through a representative.

When you limit access:

- Make sure the decision is made by an appropriately senior person, is documented with rationale, and subject to regular review.
- The person must be informed of the limits and how they can continue to access services.

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You still need to assess complaints from the person even after limiting access to your service. There can still be a legitimate grievance at the heart of these complaints. But if there is nothing new, you don't need to spend time on responding.

Finally... let me tell you about one of my most persistent complainants. Relentless, persistent, unreasonable and abusive. She has actually been complaining about the Ombudsman since the 1970s. When I tried to work out what they were about, the complaints themselves simply merged into a giant dissatisfaction with the Ombudsman. I tried all these techniques when I became Ombudsman – then she began stalking me when I made speeches, and on social media. We haven't responded to her for years now and she has finally gone quiet. But I am quite sure – unless old age eventually carries her off – she will present the next Ombudsman with yet more challenging behaviour. I wish her or him good luck!

That's a very quick overview to a big topic – but I hope it gives you something to think about, and some tips and techniques on a subject that affects us all. Good luck!