

10 Managing unreasonable complainant conduct

The following The Indian Model School tips will help staff to identify and deal with unreasonable conduct by a complainant.

While the majority of parents have legitimate concerns and genuinely seek resolution, a small proportion of complainants demonstrate unreasonable concerns and unreasonable and uncooperative behaviour. A complainant with unreasonable conduct can be unusually persistent, pursue complaints for longer, supply more written material, telephone more often and for longer, and require more meetings. They are often still complaining after the complaint is closed. Such complainants sometimes want what a complaint handling system cannot provide – vindication, retribution and revenge.

There are five types of unreasonable conduct:

- unreasonable persistence
- unreasonable demands
- unreasonable lack of cooperation
- unreasonable arguments
- unreasonable behaviour.

Action to manage unreasonable complainant conduct must be based on the clear understanding that:

- unless there are extremely good reasons otherwise, all members of the school community have a right to make a complaint or raise a concern
- every complainant deserves to be treated with respect
- every complainant, regardless of how much time and effort is required to respond to their complaint, should have their complaint properly considered
- the complaint of a complainant whose conduct is unreasonable should be considered as legitimate until proved otherwise
- the substance of a complaint should dictate the level of resources allocated to it, not the complainant's wishes, demands or behaviour.

Unreasonable persistence

Unreasonable persistence is often characterised by the complainant:

- persisting even though the complaint has been comprehensively addressed
- reframing the complaint
- demanding a review of the complaint
- making an issue out of trivial things, repeatedly.

The following tips — based on saying 'no' — will help you deal with unreasonable persistence.

- Communicate clearly.
- If after investigating the complaint there is nothing further you can do, and no resolution has been reached, or mutually agreed remedy, escalate the complaint to the regional office in line with Departmental policy.
- Where appropriate, make it clear that there will be no further correspondence or contact with the school about the complaint.
- Do not allow the complainant to reframe the complaint to restart the process.
- End phone calls that are unproductive.
- Assert the school's position. For example, you might say, 'I acknowledge that your view is different; however, the school policy is ...'.

Unreasonable demands

Unreasonable demands are often characterised by the complainant:

- insisting on unattainable outcomes
- insisting on a moral outcome for example, justice in the community interest, when really a personal interest is at stake
- wanting revenge or retribution
- making demands about the way the complaint should be handled
- providing extraordinary detail which is not relevant to the complaint
- wanting regular and lengthy phone contact
- moving the goal posts
- creating complexity when there is none.

The following tips — based on setting limits — will help you deal with unreasonable demands:

- Let the complainant know about the school's concerns and complaints procedures; that is, have a plan and stick to it.
- Make it clear that the school will decide how the complaint will be handled.
- Clarify the limitations of the concerns and complaints procedures.
- Avoid being drawn into unproductive arguments and personal attacks.
- Restrict contact to defined times and staff members where necessary.
- Respond only to emails and letters addressed to the school directly. Do not respond to mail where the school is copied in.
- Limit contact to writing only.
- Do not do things for an unreasonably demanding complainant just to appease them that the school would not normally do for any other complainant.
- As a last resort, inform the complainant that the school finds their approach unreasonable and set terms and conditions for further contact.

Unreasonable lack of cooperation

Unreasonable lack of cooperation is often characterised by the complainant:

- presenting a large quantity of information that is not organised
- presenting information in dribs and drabs, or withholding information
- refusing to define the issues underlying the complaint
- focusing on principles rather than issues
- changing the complaint.

The following tips — based on setting conditions — will help you deal with unreasonable lack of cooperation.

- Where they are capable of doing so, require complainants to organise or summarise their supporting information before you will consider the complaint. Make it clear that the school will not look at the complaint until they present all the required information.
- Require complainants to clearly define what their issues are.
- Terminate consideration of the complaint if it is established that the complainant has been misleading or untruthful.

Unreasonable arguments

Unreasonable arguments are characterised by the complainant:

- advancing irrational beliefs (such as seeing cause and effect links where there are clearly none)
- advancing and sticking to what is clearly a conspiracy theory unsupported by evidence
- insisting that a particular solution is the correct one
- insisting on the importance of an issue that is clearly trivial.

Unreasonable arguments are best countered by declining or discontinuing the school's involvement. A groundless complaint should be declined at the outset, or discontinued as soon as it becomes clear that it is groundless.

Where unreasonable and reasonable arguments are mixed together, the school should refuse to consider the unreasonable arguments.

Unreasonable behaviour

Unreasonable behaviour is when the complainant:

- is very rude or aggressive, makes threats or harasses others
- sends rude, confronting or threatening letters
- makes threats to harm themselves or others
- is very manipulative (such as overly ingratiating, cries as a tactic or makes veiled or implied threats).

Unreasonable behaviour requires the school to have risk management protocols to deal with aggression, anger and threats of harm that are made in writing, by telephone or in person; and to set limits and conditions.

The following tips will help you deal with unreasonable behaviour:

- Return letters that use rude or intemperate language and ask the complainant to restate their complaint in more moderate language.
- End a telephone call or interview if the complainant engages in unreasonable behaviour. If the complainant wants further contact, specify your expectations of reasonable behaviour.