

1.2. What is unreasonable conduct and why does it happen?

We define unreasonable conduct as any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process.

These can include

- the organisation responsible for handling a complaint,
- the case officer(s) dealing with a complaint,
- any subjects of complaint,
- the person who made the complaint (potentially including members of their families and friends),
- other people who have or make a complaint,
- and other service users.

Unreasonable conduct can happen anywhere. It is not limited to telephone communications or face-to-face interactions. It can also take place online or in written correspondence. So far as a person's conduct is unacceptable and arises during the course of, or as a direct result of, professional work/services provided by an organisation or its staff, it can legitimately be characterised as unreasonable conduct for the purposes of this manual. Organisations can also experience unreasonable conduct from people who are not (yet) complainants, but have an issue with the organisation or its staff.

1.2.1. Why do some people behave unreasonably?

From our experience, there are a wide range of reasons why some people behave unreasonably. Most of the reasons fall into one or more of the following motivational categories:

- Attitudes – they are dissatisfied with a person, an organisation, or the systems and processes with which they are interacting.
- Emotions and personalities – they are highly angry, frustrated or disappointed and express those emotions in unacceptable ways, or they have an inflated sense of entitlement and are unable to accept any personal blame for their issue.
- Aspirations – they are seeking 'justice', a 'moral outcome' or are obsessively pursuing their issue on 'a matter of principle'.
- Vindication – they want to prove that they are right or justified, but this is something complaints processes are generally not designed to deliver.
- Recreational interests – they are carrying out an all-consuming hobby or are making a career of complaining, or they are deriving pleasure from the activities associated with the complaint process or are enjoying the social contact with the case officer or organisation.
- Unmet needs and expectations – their expectations, physical needs or emotional needs are not being met or have not been met.
- Misinterpretations – the behavioural traits and communication patterns of people from different cultural backgrounds may differ from those of the staff or the organisation.

- Revenge and/or retribution – an intention to cause harm that can override all other considerations.
- Ulterior motives – they may make a complaint or series of complaints as a strategy in an ongoing conflict or with the intention of harassing, intimidating, embarrassing or annoying another person or organisation.

Some people who make complaints use the complaints system as an information gathering process for subsequent legal cases, while others may be experiencing personal or mental health problems we cannot control.

While psychiatrists and psychologists look closely at what causes a person's behaviour in order to assess their mental state or make a psychological diagnosis, it is not our role as complaint handlers to do this. Our focus is complaint handling in a culturally sensitive and inclusive manner. We deal with people who are dissatisfied with a service they have received, a failure to follow a process or procedure, or improper/incorrect conduct or decisions.

It is important to stress that most complaint handlers do not have the qualifications to assess and diagnose complainants. Even those who do will rarely have enough face-to-face contact with a complainant to make a valid diagnosis about their mental health.

This means the suggestions in this manual are based on recognising that the most effective way to manage unreasonable conduct is to deal with a person's observable conduct and the content of their communications – rather than speculating on the possible motivations behind them or the person's mental health. This ensures that:

- People who are not mental health professionals, counsellors or social workers are able to confidently manage instances of unreasonable conduct without being experts in psychoanalysis or behavioural psychology.
- Complaint handlers can take a more focused approach to dealing with unreasonable conduct by responding directly to the things and behaviours they observe, rather than the things they assume or suspect.
- A person's behaviour does not negatively affect how their complaints are dealt with (if valid) or the level of attention that is given to them.
- Unreasonable conduct and its impacts are managed in ways that are transparent, reasonable and fair to all those involved in a complaint and the way it is handled.

1.2.2. The impact of unreasonable conduct

Although relatively few people who make complaints behave unreasonably, their behaviour can have profound effects on organisational resources and efficiency levels – as well as staff productivity, safety and wellbeing. The feedback we have received suggests that for most organisations unreasonable conduct by complainants is only an issue in about 3–5% of cases, and can involve just one or two complainants at any one time. However, such unreasonable conduct can:

- Take up approximately 25–30% of an organisation's resources – in some cases this can be a large amount of an organisation's complaint handling resources, as well as the time and attention of senior managers.
- Cause significant equity problems for organisations that are forced to substantially and unreasonably divert resources away from other complaints and functions to manage it.

- Be a major source of stress for the staff members who have to deal with it – including in some cases affecting their right to dignity, physical and emotional safety, wellbeing and work performance.
- Have damaging and sometimes devastating consequences for the people who engage in these types of behaviours. It almost always hinders their ability to achieve appropriate and acceptable outcomes for themselves and, in extreme cases, can result in unemployment, bankruptcy or self-harm.²
- Have negative consequences for external review agencies and regulatory bodies that have to dedicate time and resources to dealing with review requests/applications that have little or no merit and have been escalated by people who cannot ‘let go’ of their issue.

2. Lester G, Wilson B, Griffin L & Mullen PE, (2004) ‘Unusually Persistent Complainants’, *British Journal of Psychiatry*, 184.