

2.1. Recognising the early warning signs

Early intervention is the most effective way to prevent and/or minimise the impacts of unreasonable conduct by some complainants, clients or other people who interact with your organisation. By recognising some of the warning signs you may be able to identify difficult and potential cases of unreasonable conduct and manage them better before they become a bigger problem.

These warning signs are not the only factors to consider – none of them is individually determinative and they do not always escalate into unreasonable conduct. Even so, in our experience, they are almost always present in cases where such conduct becomes an issue.

It is important to consider all of the factors that may be influencing a person's behaviour. For example, some cultural groups commonly use certain communication styles that may appear repetitive, aggressive or argumentative. You may want to consider these factors before taking action.

See – 3.3. Cultural communication styles.

The behaviour exhibited by some people may also be influenced by a disability or disorder. While it is important not to engage in diagnosis, in some cases you will know about one or more conditions that may have an impact on a person's behaviour. This will be particularly important when considering restricting a person's access to services or locations.

See – 3.4. Guidance on disability and mental illness.

See – 5.1. Modifying or restricting access to staff, premises or services.

Some of the warning signs of unreasonable conduct are very obvious, but others are subtle. Some may be identified early on and others may only develop or become clear later on in interactions with case officers or organisations. In some cases, this may be at the end of the investigation when an otherwise reasonable and cooperative person discovers that the outcome is not what they expected. Identifying these warning signs should not cause you to be disrespectful, unfair or to act partially.

2.1.1. Some of the early warning signs of unreasonable conduct

The person's history – the person has:

- had a significant number of previous interactions with your organisation about their issue or related issues
- made a significant number of internal review requests about the same issue
- made repeated contact with various other organisations, MPs, Ministers or oversight bodies about their issue
- made a number of access to information requests for information about how their issue had been handled
- complained about a case officer's (or organisation's) integrity or competence without justification, citing concerns largely or solely relating to their dissatisfaction with the outcome of their complaint, the level of attention they were given, etc.
- suffered disproportionate losses in their personal and/or professional lives as a result of pursuing their issue – such as unemployment problems, bankruptcy, clinical depression and/or divorce

- a known history of physical violence or serious verbal threats, including having a previous history with police in relation to such issues
- safety alerts on their file
- a history of substance abuse or mental health issues.

Outcomes sought – the person wants:

- a manifestly unreasonable amount of organisational time and resources to be spent dealing with their issue(s)
- financial compensation that is manifestly inappropriate or unreasonable in the circumstances
- an illogical, irrational or otherwise clearly unjustified outcome
- an apology when it is clearly not warranted or the terms of the apology sought are clearly unreasonable
- revenge or retribution (if this appears to be their primary motivation) as opposed to vindication, which may be entirely reasonable in the circumstances
- their matter pursued as a matter of ‘principle’ or in the ‘public interest’, when the issue is clearly primarily personal.

Style of writing – their electronic or written communications contain:

- text that is UPPERCASE, lowercase, underlined, **bolded**, highlighted or in different colours, FONTS and SIZES
- extensive and/or inappropriate uses of technical language, such as legal or medical terminology
- a formatting or reporting style that appears to imitate an official style
- excessively dramatic language and/or idiosyncratic emphasis
- multiple ccs addressed to various people and/or organisations
- text or notes all over the page(s), including in the margins
- references to themselves in the third person by name or as ‘the victim’ or ‘the defendant’
- repeated restatements of their issue, often done in different ways
- an excessive number of pages and/or supporting information, most of which is irrelevant, for example photocopies, press clippings, diary entries or testimonials.

Interaction with the organisation – the person:

- is consistently rude, confronting or angry, aggressive, or unusually frustrated
- is overly complimentary, ingratiating or manipulative, or makes veiled threats
- makes excessive phone calls, sends excessive amounts of information and correspondence/emails, or regularly makes appointments to discuss their issue(s) when it is not needed
- makes continuing and escalating complaints which often follow one after another
- gives forceful instructions about how their issue ‘must’ be dealt with
- has an unreasonable or unrealistic sense of entitlement about how they should be treated, their issue(s) dealt with or their expected outcome

- displays an inability to accept responsibility and blames others
- is entirely focused on the past and is not interested in moving forward or looking for a resolution
- increasingly attributes improper, immoral, unethical or corrupt motives or intentions to the organisation or individuals the subject of their concerns
- appears to have a low anger threshold and limited self-control
- has a pattern of contact while under the influence of drugs or alcohol
- refuses to define their issues of concern when they are clearly capable of doing so
- has a strong belief that their issue is of far greater importance than the facts show
- resists logical explanation if it is contrary to their own views
- refuses to accept advice, even if it is clearly valid and reasonable
- intentionally harasses, intimidates, embarrasses or annoys the people they are interacting with to get their own way
- provides information in dribs and drabs, despite requests to provide all relevant information or intentionally withholds information
- provides false information
- makes excessive demands on resources – copies, expert opinion etc.

You may want to consider cultural issues further before taking action. For example, those who favour an intellectual communication style may appear confrontational as they tend to use debate and argument to get to know others and establish trust. Also, those who favour an expressive style may appear rude or angry because they tend to use volume, tone and demonstrative body language to show (as well as state) how important their issue is.

See – 3.3. Cultural communication styles.

Reaction to their issue not being dealt with or substantiated, or the inquiries into it being discontinued – the person:

- refuses to accept the decision made/outcome reached in their matter
- continually reframes their issue of concern in an attempt to have it taken up again
- provides previously withheld information in an attempt to have their case reopened
- raises a range of minor or technical issues and argues that they somehow invalidate the decision/outcome of their complaint
- expects a review of the decision/outcome based simply because they are dissatisfied with it and without making a clear argument why the decision was wrong
- demands further reviews if they are not satisfied with the outcome of the previous review
- takes their issue to other forums alleging bias or corruption on the part of the case handler or organisation, simply because the decision went against them.

See – 2.13. Dealing with anger through effective communication.

2.1.2. Things to do when you recognise the early warning signs of unreasonable conduct

If you recognise these early warning signs in your interactions with a particular person, consider the following:

- Make sure that you do not act prematurely – Just because you have identified a potential problem does not mean it will necessarily become one. Avoid being judgemental or overly reactive because the person may just be having a bad day.
- Check your communication style – Think about how you have interacted with, and reacted to, this person. What can you do differently to bring about a different response from them?
- Stop, think, and arm yourself with the strategies – By identifying the potential for trouble early on you have a unique opportunity to think through the appropriate strategies.
- Seek guidance – It is always easier to prevent unreasonable conduct than to deal with it once it becomes a serious problem. Speak to a colleague or consider sitting down with your supervisor to develop an action plan on how you will respond if the person's conduct escalates. Having a plan helps to take some of the stress and anxiety out of the situation.
- Assess the risks – Assess the situation to see if the person's conduct poses an unreasonable level of risk to your health or safety or that of your colleagues/staff. This will usually help you to decide how you should respond in the circumstances.
- Set limits and communicate them to the person – If necessary, talk to the person about the behaviour that has concerned you and inform them of your boundaries.
- Keep an open mind and remain positive – There will be days when you will come across one, two, even three people who will test your patience and your desire for the job. Do not let it drag you down. There is always another day and another person who will remind you why you love doing the work you do.