

2.7. Strategies for managing an unreasonable lack of cooperation

Managing an unreasonable lack of cooperation is about 'setting conditions'. This involves requiring something of the person seeking assistance as a precondition to taking any action on their issue of concern or performing a particular service/action. For example, a person may be required to organise and summarise unreasonably disorganised and lengthy documentation as a condition to it being accepted and read.

2.7.1. Sends a constant stream of lengthy or disorganised information without clearly defining any issues of concern or explaining how they relate to their concern – where the person has previously demonstrated or should have the ability to do this

Ask the person to organise and summarise the information they have provided as a condition of accepting/addressing their matter.

Ask them to stop sending information, and advise them that if you/your organisation need further information they will be notified immediately.

Do not accept cc'd communications/emails or copies of press articles as requests for you to take any particular action, unless the person expressly indicates such an intention and clearly identifies specific issues of concern that can be appropriately dealt with by your organisation.

Advise the person that every time they send you information you have to take time to read it – taking you away from doing other important work in relation to their matter.

2.7.2. Provides little or no detail about their issue of concern or presents information in 'drips and drabs' – includes anonymous complainants who cannot be contacted or refuse to provide any identifying information when this is required to obtain more detail

Inform the person verbally and/or in writing that you/your organisation can not take their matter forward until all relevant information has been presented.

Describe the types of information that they should provide – for example, copies of official documents, photographs, video footage or other materials that clearly show that the events or actions of concern occurred.

Identify a time frame for the person to provide the requested information, informing them that after this time no further action will be taken on the matter or no additional information will be accepted in relation to the complaint before a decision is made – if it appears the information was intentionally withheld by the complainant.

2.7.3. Provides irrelevant information, including documentation with sexually explicit content

Return correspondence that contains clearly inappropriate content and require the person to remove the inappropriate material before the correspondence will be considered – after making a copy of it for your records.

Inform the person that only certain issues they have raised, for example the central issues, will be dealt with/responded to, and restate what those issues are – so they are clear and preferably there is agreement.

2.7.4. Refuses to follow instructions or accept suggestions and advice

Provide your advice/instructions and stick to them. Do, however, acknowledge any reasons why the person may be resistant to the instruction or advice – for example, they have previously relied on such advice to their detriment.

Explain your responsibilities and theirs and your goals/intentions in pursuing their issue.

See – 3.1. Effectively managing complainants and their expectations from the outset.

Make sure to summarise instructions to ensure they are understood.

Follow up any verbal instructions or advice in writing and clearly indicate a time frame for compliance/action, if relevant.

End unproductive phone calls and interviews if the person is not receptive to instructions, advice or suggestions.

Record meeting topics and outcomes and write to the person outlining the outcomes of the meeting.

2.7.5. Argues frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments

Clearly state that a particular outcome is not possible. If you think your message is not being received in the way you intended, consider whether a direct approach is the most appropriate style of communication with the person.

See – 3.3. Cultural communication styles.

Assert your position clearly and firmly and stick to it – but do acknowledge their viewpoint.

Avoid arguments or trying to reason with people who are unwilling to consider other logical and reasonable points of view. No amount of reasoning is likely to convince such people to calm down or to accept your point of view or decision.

Advise them of their one review option and, if they have already exercised that option, firmly advise them that the issue will not be reconsidered unless exceptional circumstances exist.

End unproductive phone calls and interviews if the person is not receptive to your explanation or point of view.

2.7.6. Displays unhelpful behaviour – withholds information, is dishonest, acts illegally, is unethical, misleading or otherwise misquotes others

Terminate your/your organisation's involvement with the person if you discover that they have purposely and significantly misled you have been untruthful about their matter.

Specifically identify the problematic behaviour and ask that they stop it if they wish to have their matter pursued further.

Restate the ground rules or 'rules of engagement' and emphasise that if they do not comply with them their matter will not be dealt with further.

See – 3.1. Effectively managing complainants and their expectations from the outset.

Record meeting topics and outcomes and write to the person outlining the outcomes of the meeting.

Refer the behaviour to the relevant authority if necessary – for example, unlawful conduct such as fraud.