

3.1. Effectively managing complainants and their expectations from the outset

Initial interactions with complainants are one of the most important stages in the complaints process. The way you start the first contact with a complainant is likely to significantly affect all future interactions. Complainants are more likely to respond positively to you, your organisation and the complaints process if right from the beginning they feel listened to, understood, and treated fairly and with respect.

A positive start also includes a thorough explanation of:

- the process
- what will happen next
- likely timescales
- the possible or likely outcomes in their matter.

If a complainant seems to have unrealistic expectations, make sure you explain to them the impossibility of such unlikely outcomes.

3.1.1. Communication styles and patterns

Your initial contact with a person who has or is about to make a complaint, whether on the phone or in person, is the best time to assess their dominant communication style and decide how to adapt your own questioning, listening or even speaking styles. You may not get it right the first time but it is much better to start with a questioning mind than to incorrectly assume you both share a similar idea of what respect and courtesy look and sound like.

Most of us evaluate other people's communication based on the way we like to communicate, so understanding others means we first have to understand ourselves. Think about how you present information and how you prefer to receive it. This will help you adapt, rather than be judgemental when you receive it in other styles. Thinking about another person's behaviour in terms of categories of communication – rather than in judgemental terms, such as longwinded or dishonest – may allow you to treat them as someone who is culturally different rather than unreasonable.

See – 3.3. Cultural communication styles.

3.1.2. Establishing the ground rules

Many of the people we perceive to be acting unreasonably do not recognise that for their issue of concern to receive the attention and consideration it needs, they need to exercise their 'right' to complain in ways that respect the rights of the other parties involved in the issue they are complaining about. This includes:

- treating the people handling their matter with courtesy and respect and clearly identifying their issues of complaint
- providing all relevant information about their issue – to the best of their ability
- cooperating with any requests for information, inquiries or investigations
- acting honestly.

These responsibilities may seem obvious to complaint handlers, but many people whose behaviour becomes problematic are either unaware of or give little thought to them. Some are also unaware of or overlook that exercising their own rights is, in most cases, conditional on accepting and respecting the rights of others to do the same. This includes the rights of a case officer to dignity, physical and emotional safety, and respect. It also includes the rights of other people to an equitable share of public resources.

To help complainants clearly understand their rights and responsibilities, organisations should consider adopting a set of ground rules or 'rules of engagement' for accessing their services. These should include the rights and responsibilities of all key parties to the complaints process. This information should be clearly available on the organisation's website.

Complaint handlers should be responsible for ensuring that all parties to the complaint process are aware of these ground rules. In particular, complainants should be made aware of the ground rules either when they make their complaint or when their conduct starts to be problematic. Any questions they may have about those ground rules should be answered, within reason.

3.1.3. Managing expectations

People who raise issues of concern with you or your organisation are unlikely to be aware of your organisation's role, procedures and practices for dealing with complaints. They may believe they can dictate one or more of the following in relation to their matter:

- how your organisation will handle it
- what priority will be given to it
- who within the organisation will deal with it
- the type and level of involvement they will have
- how long it will take to deal with their matter
- what the outcome will be – for example, not uncommonly expecting that they will receive significant financial compensation or that someone will be fired.

It is essential to check and manage complainant expectations as early as possible to minimise the chance of disappointment, anger or frustration at a later stage.

As early as possible in the process, complainants should be informed about:

- the roles and functions of the case officer and your organisation as it relates to their issue of concern
- the complaints processes and procedures that will be followed by the organisation
- how their matter will be dealt with – in general terms
- the likely time frames for completing key tasks relating to their matter
- the likely and unlikely outcomes that you or your organisation might be able to achieve
- their responsibilities – including acting honestly, cooperating with and respecting the case officer
- the responsibilities of the organisation and the case officer in relation to them and their complaint.

Information to help manage or check complainant expectations can be communicated at a number of different stages:

- Before a complaint is made – in publicly available information materials such as brochures and leaflets and on the organisation’s website.
- When a complaint is made – during an initial interaction with a complainant, either over the phone or in person.
- Immediately after a complaint is made – in a letter acknowledging receipt of their complaint.
- While the complaint is being dealt with – during any interactions with the complainant about the progress of their complaint, either over the phone, face-to-face or in written or electronic communications.
- Immediately before the final letter is sent or in the final letter – in a telephone or face-to-face conversation explaining the outcome of the complaint and the reasoning behind it.
- After a complaint has been closed (possibly on an ongoing basis) – in cases of extreme persistence, it may be necessary to continue managing the complainant’s expectations after you have sent the final letter, or even after the decision on the complaint has been reviewed.

The following section has some ideas and suggestions for checking and managing a complainant’s expectations that you can use during your interactions with them.

3.1.4. Testing and managing expectations

Testing expectations

This requires finding out what the person expects and wants.

- What can we do to resolve this in a way that is fair to everyone? – this is likely to be a particularly effective question, as you are asking them to think about their issues from the perspective of all parties. What were you hoping to achieve by bringing your issue to our attention?
- What did you hope to achieve when you decided to contact us?
- What do you think our organisation can do for you?
- What outcome are you hoping for?
- Let’s have a look at your goals in this situation.
- How do you propose that we resolve this?
- Let me explain what happens when you make a complaint.
- Do you understand how the complaints process works at this organisation?

Defining the issues of complaint

This requires clarifying the complainant’s issues to determine whether they can be dealt with by your organisation.

- As I understand it, your issue (s) is/are about ... and ... Is this correct? [allow for clarification] And you want ... to happen. Is that correct?

- Your issue(s) appear(s) to be about ... and Is this correct? [allow for clarification] ... is an issue we can look at, but ... and ... aren't things we can take up because
- Are you saying that ...?
- Let me see if I understand your issue(s).
- And am I correct that you want ... to happen?
- Can you share that with me one more time just to make sure I understand you completely?
- Thank you for going to the trouble of explaining this to me. As I understand it you're saying

If the complainant is rambling, you could say:

- I don't need that level of detail to be able to do something about your issue of concern. Tell me about
- So I don't waste your time, why don't you tell me about
- Tell me what the key issue is that you're complaining about.

Retesting and reframing expectations

This requires correcting any misunderstandings and expectations that are unrealistic or unreasonable.

- Are you aware of what our organisation can do? [often the answer is 'not really'] Perhaps I could tell you a bit about how we work and what we can and can't do.
- Let me give you an idea of what our organisation can do.
- ... is what we can do We can't do
- I realise that you want We can/can't do ... because
- ... won't happen because However, ... might be possible.
- We won't do ..., but we may/will be able to
- So that you're not disappointed later on, I should clarify now that it is very unlikely that we'll be able to do ... because
- It seems to me you're hoping we can do I have to tell you now that this will not be possible because

Redefining expectations

This requires correcting any unrealistic or unreasonable expectations, especially those relating to timeliness.

- I'm calling because I said that we would get back to you by Unfortunately due to [state reasons] we haven't been able to do this. I can call you in a couple of days, if you like, to let you know exactly when we can have it done. I apologise for the delay.
- I know you were expecting that ... would happen today, but it will not be possible. It is likely that it will happen
- I'm sorry, but we won't be able to However, we can

Preparing the person for disappointment

This requires Delivering bad news as early as possible to avoid the person developing unrealistic expectations about how their issue will be handled and possible outcomes.

- I wanted to call you and tell you about my/our decision/the outcome of your complaint before I send out my letter, because I know the outcome isn't what you'd hoped for [explain].
- I wanted to call you and tell you directly why we won't be able to take up your complaint, before I send you a letter saying this [explain].
- I will, of course, send you my decision in writing, but speaking with you means I can also answer any questions you may have about my decision/the outcome.

Although these conversations are not easy, they allow you to discuss the 'bad news' on your own terms and at a time when you are mentally prepared to do so – instead of some hours, days or weeks after you have sent the complainant their final letter and they have had time to script or rehearse a response to your bad news.

Case study – Managing expectations

A woman complained to an Ombudsman about an agency's decision to suspend and then cancel her 'Parenting Payment' welfare benefit. The agency claimed that they sent the complainant a letter notifying her that she had surplus payments owing to her and – when she failed to respond – they cancelled her payments. Although the complainant's payments were restarted sometime later, the agency refused to pay her the surplus amount and so she appealed the matter to the Social Security Appeals Tribunal and then the Administrative Appeals Tribunal (AAT).

Both tribunals affirmed the agency's decision stating that it complied with the relevant legislation – that is, that surplus amounts may not be paid if a decision to cancel payment is subsequently overturned and a review is not requested within 13 weeks – which the complainant had failed to do. At the same time, the AAT acknowledged that the complainant had provided correct bank account details and that there was evidence of mail regularly going missing in her neighbourhood. This substantiated her claim that she had not received any letters notifying her of the surplus owing to her.

Upset with what she believed was a gross injustice against her, the complainant complained to the Ombudsman with high expectations that they could do something to assist her in recouping the surplus payments.

The Ombudsman's office assisted the complainant to make a claim for Compensation for Detriment caused by Defective Administration (CDDA). However, because the issues involved were quite complex and because English was a second language for the complainant, a lot of time was spent explaining how the legislation worked as well as the CDDA scheme. Staff of the Ombudsman regularly had to manage her expectations by reminding her of the role of the Ombudsman and the fact that the Ombudsman could not force a CDDA decision to be made in her favour. They also had to regularly remind her that although there was a reasonable prospect of success through the CDDA scheme, they were unable to make any guarantees of success.

The complainant's application was subsequently denied. Although she felt that there was an injustice, her understanding of the process, purposes and roles of the relevant schemes and bodies allowed her to rationalise and accept the decision and ultimately put it behind her.

3.1.5. Managing your own expectations

Sometimes we may also have unrealistic and unreasonable expectations about people who make complaints and the complaints process. These expectations can include:

People making complaints will have realistic and reasonable expectations

Some complainants are looking for vindication, retribution, revenge, or for significant compensation or someone to be seriously punished for the wrong they have suffered – things that a complaint handling system is not designed to deliver. Some complainants may also insist on outcomes that are completely inappropriate, impossible or unrealistic.

I can bring all complainants around to my way of thinking if I explain things well enough

Explaining and logical reasoning will not always work, especially when a person has not arrived at their point of view through logical reasoning. Also, some people are so emotionally committed to a particular position that no amount of reasoning will lead them to change their views, acknowledge other more reasonable views, or admit to changing their views if they have indeed done so.

I can resolve all issues to a complainant's satisfaction and maintain good relationships with all complainants

Some complainants will never be satisfied despite your best efforts to resolve their issue. Also some problems may never be fixed. The fact that a person is not satisfied with a decision you have made or the outcome of their complaint does not always mean you have failed or have been unsuccessful in the way you handled their matter. Provided you have done your job properly – including acting fairly, reasonably and impartially – and have reached an outcome that you and your organisation consider to be reasonable and appropriate in the circumstances, the complainant's satisfaction will not be an appropriate measure of your performance.

I can help people who appear to be spiralling out of control over a relatively insignificant issue

Some people cannot be helped out of this situation. They get so consumed and invest so much time and energy into pursuing their issue that they lose perspective and allow their issue to dominate everything in their lives – when it should not. Often the best way to help a person in this situation is to deal with their issue as promptly as possible – giving it due consideration, of course. Otherwise, you may just fuel them and their issue unnecessarily.

3.1.6. Recognising barriers to communication

There are various barriers to effective communication. As a person who deals with people's issues on a daily basis, you may believe that you have communicated effectively with the various parties to a complaint – but this may not have been the case due to a range of factors. These factors may include:

- reasoning challenges – including jumping to conclusions and conspiracy theories
- reasoning capacity – including mental health issues, intellectual disabilities or reduced cognitive capacity
- recall capacity – such as poor recall and selective recall
- distorted or false recollection
- selective attention
- how messages are framed and the order in which information is conveyed
- differing perceptions about fairness and reasonableness
- perceptions about competency
- perceived disrespect
- differing cultural communication styles.

People handling complaints need to recognise the communication problems that can arise because they and the parties to a complaint may well have very different perspectives, objectives, information and knowledge:

- **Perspectives:** The perspective of people who make a complaint is likely to be subjective, biased in their favour and influenced by emotions. The perspective of the people handling a complaint on the other hand should be more objective, impartial and neutral.
- **Objectives:** The outcome a person who makes a complaint may perceive as 'fair' (based on their subjective assessment) may well be different to the outcome the person handling the complaint may consider to be 'reasonable' (based on a more objective assessment).
- **Information:** People who make complaints may jump to conclusions on the basis of the limited information they have, being unaware that there could well be other relevant information. On the other hand, people who handle complaints should recognise the possibility that there is relevant information they are currently unaware of.
- **Knowledge:** Most people who make complaints can be expected to have little or no knowledge about the complaint handling process or the methodology likely to be used in an investigation.

Some people who make complaints hold views so firmly that it is unlikely that facts or reasoning will change their minds. They do not want to believe and are likely to discount contrary evidence. However, there will be some holding strong views who are merely mistaken or who want to believe something to be true, but will still listen to reason. As people who handle complaints might not be able to initially distinguish between the two, it is important to try to correct any misunderstandings about relevant facts and circumstances.

3.1.7. Treating people who make complaints with respect

Complainants who feel they have not been respected or taken seriously can become focused on a quest for vindication, retribution or revenge. Many entrenched disputes and unresolved conflicts can be traced back to an initial real or perceived violation of a person's dignity or sense of identity. Consistently showing respect is fundamental to good complaint handling.

Dignity and respect are different, but closely related concepts. Showing respect can involve an acknowledgement of a person's fundamental or innate right to dignity as a birthright. Respect can also take the form of the recognition of a person's legal rights, acknowledgement of a person's status or position (deference, honour), recognition of a person's achievements (something earned, esteem), or even the way a person is addressed (courtesy).

Psychologist Donna Hicks has suggested a number of essential elements of dignity that people would like for themselves, including:

- Acceptance of identity – to perceive they are not being negatively judged.
- Inclusion – to perceive they belong.
- Safety – to perceive they are safe from bodily harm and humiliation.
- Acknowledgement – to perceive they are getting your full attention.
- Recognition – to perceive they are appreciated.
- Fairness – to perceive they are being treated fairly.
- Benefit of the doubt – to perceive they are trusted.

Violations of a person's dignity can include any action or treatment that makes the person feel unfairly treated, unworthy or without value. For example:

- humiliation, bullying, exclusion, intimidation or threats
- any other conduct which people perceive as implying or inferring that they are inferior or of little value – including demeaning criticisms, patronising comments, ridicule, contemptuous behaviour or dismissive responses
- behaviour that creates a perception of discrimination based on factors such as gender, race or disability.

The following strategies can help people handling complaints to avoid disrespecting a person who has made a complaint, or try to address violated dignity:

- using inclusive language
- avoiding language of dominance, power or control
- avoiding unnecessary challenges to the person's sense of identity
- active listening
- reflective listening
- acknowledging feelings
- demonstrating that the complaint has been taken seriously
- managing expectations
- focusing on the person's conduct and not labelling the person
- apologising for any procedural failings.

3.1.8. Writing letters

Communicating effectively is also important when you are writing to a person who has made a complaint, particularly a final or review letter/email. Many people who make complaints place a lot of importance on these communications so you need to take time to draft them carefully.

Final letters/emails should be written as 'standalone' documents that clearly explain the:

- issues of complaint
- issues that were investigated and explanations for any that were not
- factors that were taken into account for those that were investigated
- methodology and actions taken
- reasons for the decisions/outcomes reached.

If the conduct of the person who made the complaint is perceived to have been unreasonable, the letter/email should also:

- identify the nature and number of interactions between the person and the organisation and/or its staff – if those interactions were excessive or inappropriate
- in serious cases, identify and explain the nature of the unacceptable conduct in which the person has engaged.

This type of approach can be effective in cases where you know or suspect that the recipient:

- will be very unsatisfied with the contents of the letter/email
- has or will escalate their complaint up the hierarchy – say to the CEO or Minister – or externally to the media for sympathy or for a more favourable outcome.

A comprehensive final letter/email can in these cases be used as the basis for (or attached to) a briefing note response if the escalation is to the CEO or Minister. Alternatively, if the escalation is to a journalist you can ask whether the journalist has been shown the letter by the complainant and, if not, suggest the journalist should ask to see it.

It is also best to give the decision at the end of the final letter/email rather than the beginning to encourage the complainant to read the reasoning underpinning the decision first. This may increase the likelihood of the decision being understood and accepted. Some people – when faced with an adverse decision at the beginning of a letter/email – do not bother to read the whole letter/email before calling to express their dissatisfaction or demand a review.

A letter advising a person of the outcome of a request for review should be short and concise. Long and detailed review decisions sometimes encourage a response arguing about specific details while ignoring the substance of the decision.

We suggest that organisations adopt a 'one review' policy. Review letters/emails should be signed/sent by a senior manager to make it clear to the recipient that the matter has been escalated and considered by management and that there is no benefit in trying to escalate the matter further within the organisation. The letter should include a statement and explanation about how further communications relating to the person's issue of concern will be dealt with. For example, further correspondence about this issue will be 'read and filed without acknowledgement' unless the organisation considers that it requires further action.

If possible, reviews should also generally be done by a different officer – preferably someone more senior – who is likely to be more impartial to the situation.