Managing challenging conduct by complainants for better outcomes in private health

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Introduction

• Unreasonable conduct by complainants is not a recent phenomenon.
• Dealing with people who are upset, difficult or challenging, is an integral part of the complaint handler’s role.
• Challenging conduct that escalates to unacceptable conduct is called ‘unreasonable complainant conduct’.
Health and safety of staff

Unreasonable complainant conduct

Limited resources

Distribution of resources
## Categories of UCC

<table>
<thead>
<tr>
<th>Unreasonable Persistence</th>
<th>• Say ‘no’</th>
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<tbody>
<tr>
<td>Unreasonable Demands</td>
<td>• Set limits</td>
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<tr>
<td>Unreasonable Lack of Cooperation</td>
<td>• Set conditions</td>
</tr>
<tr>
<td>Unreasonable Arguments</td>
<td>• Decline or discontinue</td>
</tr>
<tr>
<td>Unreasonable Behaviour</td>
<td>• Risk management</td>
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</table>
Possible causes or motivations

- Attitudinal
- Aspirational (including a matter or principle, vindication, retribution and revenge)
- Emotional or psychological (including querulance)
- Irrational
- Recreational
Some words of caution

• Not all people who engage in UCC have personality or psychiatric problems, or intend to be a nuisance
• Complaint handling staff are unlikely to have the professional qualifications to identify such types
Querulance

• From the Latin for ‘plaintiff murmuring’ or ‘queri’ - to complain

• Unusually Persistent Complainants
  Lester G, Wilson B, Griffin L, Mullen PE
  British Journal of Psychiatry
  p 184, pp 352-356
Querulence

- Disproportionate behaviour
- Emotionally charged
- Rejection of responsibility
- Quest for vindication, retribution, revenge
- Over-optimistic expectations
Querulance

- Strong belief of great importance
- Incorrect or unfounded premise
- Absolute conviction impervious to reason
- Loss of focus
- Written communication idiosyncratic
• WITH RESPECT TO EVERYONE - PLEASE UNDERSTAND THIS VERY WELL
• I refer to the matters above and to your inadequate response…
• I repeat ALL ISSUES, as people should not be put through (1) the wringer nor

• (2) have to keep resubmitting and escalating

• if you were doing the right thing by the public at large in the first place. – How many times do people have to keep resubmitting their valuable time, energy and end less frustration ….to end up in your unhelpful office is a horrible compounding injustice !. – Therefore regarding your comments on “out of date and irrelevant” and what clearly “appears” to be your lopsided defence – you’re certainly not showing yourself as a proactive public defender…
What may occur as a conflict escalates?

Dr Friedrich Glasl – 9 level model

**Levels:**

- **Win-Win**
  - **Level 1:** Hardening
  - **Level 2:** Debates and polemics
  - **Level 3:** Actions not words
- **Win-Lose**
  - **Level 4:** Images and coalitions
  - **Level 5:** Loss of face
  - **Level 6:** Strategies of threat
- **Lose-Lose**
  - **Level 7:** Limited destructive blows
  - **Level 8:** Fragmentation of the enemy
  - **Level 9:** Together into the abyss
What may occur as a conflict escalates?

Win-Win

1. ‘Hardening’: rational arguments
2. ‘Debates and polemics’: emotional arguments
3. ‘Actions not words’: unilateral actions

Win-Lose

4. ‘Images and coalitions’: negative perceptions about judgement
5. ‘Loss of face’: negative perceptions about morality
6. ‘Strategies of threat’: threats of sanctions
What may occur as a conflict escalates?

Lose-Lose

7. ‘Limited destructive blows’: application of sanctions
8. ‘Fragmentation of the enemy’: targeting members and supporters
9. ‘Together into the abyss’: self-preservation instinct overridden
Detrimental impacts of UCC

- Work health and safety
- Resource implications
- Equity implications impacting on other users of service
- Personal impact on the complainant
Strategies to respond to UCC

- Declining complaints
- Explaining evidentiary requirements
- Managing expectations of the complainant
- Managing expectations of the complaint handler
- Admitting errors and apologising
### UCC online and in social media

<table>
<thead>
<tr>
<th>Threats or defamatory comments</th>
<th>Stalking by a cyber-bully</th>
<th>Vexatious website</th>
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</thead>
<tbody>
<tr>
<td>Personal details posted</td>
<td>Identity theft</td>
<td>Vexatious or malicious online poll</td>
</tr>
<tr>
<td>Victim of a spam campaign</td>
<td>Vulgar, abusive language</td>
<td>False and vexatious allegations</td>
</tr>
</tbody>
</table>
Take a proactive approach

- Develop and adopt policies for responding
- Use tools and alerts for monitoring discussions
- Develop and adopt a social media policy for staff
- Develop and implement rules for complainants on use of social media
- Treat UCC online in the same way as UCC generally
UCC online and in social media

1. Monitor

2. Evaluate
UCC online and in social media

3. Respond

- Who should respond?
- Public responses
- Private responses
- Both public and private responses
- Legal response
UCC online and in social media

4. Follow up / through

5. Support effected staff
A note of caution

“Social media is not going to go away and organisations must give up ambitions to try and ‘control’ the conversation – ultimately they can only hope to influence it”*

*2010 Society of Consumer Affairs Professionals Symposium: Social media and how to manage it in customer relations environment
Conclusions

• Guidance to assist organisations to manage the conduct can be downloaded from our website
  – The Managing UCC Practice Manual
  – The Managing UCC Model Policy
  – Responding to antisocial use of social media and the internet factsheet