

Operational Circular

Handling of Complainants who Disrupt the Operation of the Office

Introduction

Many complainants who seek our service are understandably upset, angry and generally difficult because they feel aggrieved by some act of maladministration or have suffered injustice. Others are difficult for reasons that go beyond the circumstances of their case. Sometimes, these complainants express themselves in ways that any reasonable person would consider inappropriate.

2. In extreme cases of unreasonable behaviour, complainants may come to the Office and disrupt our operation, posing significant risk and danger to our staff and other service users. This circular sets out the guidelines for dealing with such situations.

Principles

3. Dealing with unreasonable complainant conduct is part of our core work. A complainant whose conduct is unreasonable may have a legitimate complaint. We should demonstrate professionalism in dealing with all complainants. Show respect, act impartially and remain calm, no matter what the provocation.

4. A complainant's right to make a complaint need to be balanced against the rights of staff to safety and respect, and the rights of other complainants to equal time and resources. The unreasonable conduct of some complainants can actually hinder their ability to achieve appropriate and acceptable outcomes for themselves. The disproportionate drain on the Office's resources that such unreasonable conduct may cause is also unfair to other complainants.

5. We decide how a complaint will be dealt with, by whom, how quickly, with what priority, what resources will be given to it and what the outcome will be – not the complainant. The substance of the complaint dictates the procedure and the level of resources we will apply, not the complainant's wishes, demands or behaviour.

6. We set the rules from the beginning with regard to unreasonable behaviour, focusing on specific, observable conduct, not on the person or motives. We do not tolerate violence, aggression, threats or harassment. We insist that complainants show respect for and cooperate with case officers as a prerequisite to our service. Relevant notices showing the ground rules (**Annex I**) and CCTV arrangement (**Annex II**) are posted in the reception area, interview rooms and on our website.

Unacceptable Complainant Behaviour

7. The following are examples of unacceptable behaviour for complainants visiting the Office. Officers should exercise discretion and common sense to judge whether certain behaviour is acceptable in the particular circumstances of their case:

- Actual or reasonably apprehended physical violence, for example, body contact, clenching a fist, bomb threats, threat with, or threat of possession of, a weapon
- Covert/overt threats of harm to the Office or our staff
- Covert/overt threats of suicide or harming oneself
- Aggressive or intimidating behaviour such as throwing objects or moving furniture around, leaning towards interviewer in a threatening manner, invading interviewer's body space
- Abusive language directed at our staff or which makes any reasonable listener uncomfortable
- Refusal to leave premises, shouting, yelling, lying down or moving away from escort

Advice to Complainant

8. When a complainant's behavior becomes unacceptable, the interviewing officer should point out the unacceptable behaviour and ask the person to stop it. He/she should try to calm the person down and restore order by refocusing attention on the fact and substance at issue.

9. If the complainant's behaviour improves, the officer can continue with the interview and make a file note afterwards about the encounter in the subject case file. If not, the officer should repeat the advice given and warn the complainant that we may have to adjourn the interview/service and ask him/her to leave. Where necessary, the officer should consult his/her seniors on how the situation should be handled.

Asking Complainant to Leave

10. In case the complainant's unacceptable behaviour persists or becomes out of control even after repeated advice, and the officer is of the view that the interview/service should be terminated, he/she should:

- activate the duress alarm as necessary
- tell the complainant that he/she is withdrawing from the scene to consult with seniors
- retreat into a safe area
- report the happenings to his/her own Team Chief (or in the case of a Duty Officer, to

11. Upon his/her activation of the duress alarm, the should start video-recording the interview room and the other public areas (as the complainant may cause a scene there) as well.

12. The Team Chief concerned, in consultation with the relevant as appropriate, should try to diffuse the situation. If the complainant fails upon persuasion to resume the interview in an orderly manner or leave peacefully, the Team Chief should confer with the relevant and on the need to expel the complainant and call security and/or the Police

13. should alert all colleagues by email about the situation.

14. If the decision is to expel the complainant, and, if necessary, to call security and/or the Police, with the support of the Team Chief if appropriate, should take control and, depending on the situation, start the following process:

- Give adequate warnings (at least twice) to the complainant (Sample warnings are at **Annex III**).
- If the warnings prove ineffective, call security (through) and/or the Police and ask the complainant to leave the premises (Sample expulsion order is at **Annex III**), preferably in the presence of the security and/or the Police.

15. On Saturdays, the duty Chief would have to perform the above duties on his/her own. He/she should seek to consult senior officers over the phone if necessary.

Safety First

16. Officers should continually assess the situation and never put their own personal safety at risk. Always remain calm and avoid having body contact with complainants. Where a difficult situation arises, acting in pair is more desirable. In general, staff and security are not expected to use any force unless in emergency where “reasonable force” may be used – that is the minimum amount of force necessary to stop an attack or prevent personal injury. If the complainant failed to leave upon persuasion by staff and intervention by security or the Police, we should be patient and persevere until the complainant backs down.

Incident File

17. Serious, repeated or prolonged disruption to our operation may call for police intervention and eventual application for a court injunction. The Team should maintain a separate “incident file” in respect of each complainant who has disrupted the operation of our Office. Officers having interacted with such complainants should record factual information on the interaction in the incident file in addition to the subject case file. All documentary evidence, notes of meetings, audio/video records, etc. should be put in the file. Subjective comments should be avoided as far as practicable, as complainants may seek access to such information.

References and Enquiries

18. This circular deals with a limited range of scenarios only and is drawn and adapted from the manual: "Better Practice Guide to Managing Unreasonable Complainant Conduct" published by the Commonwealth Ombudsman of Australia. Officers are encouraged to make reference to the manual, which is available on the Office LAN. It provides more suggestions (including scripts) to tackle a wide range of unreasonable complainant conduct.

19. Questions on this circular should be directed to

Annex I

Notice to be Posted in Reception Area, Interview Rooms and on Website

Notice to Visitors

Any act or behaviour that disrupts the operation of this Office or causes nuisance or disturbance to the staff or other people is not permitted. We will stop providing service to those who ignore our advice and continue with their misbehaviour. We may also ask them to leave the premises and may call the Police.

Annex II

Notice to be Posted in Common Areas

For security reasons, a closed circuit television (CCTV) surveillance system is in operation in the public areas of this Office. Recordings made will be processed in accordance with the Ordinance.

Notice to be Posted in Interview Rooms

A closed circuit television (CCTV) surveillance system is installed in this interview room where images may be recorded for security reasons. Recordings made will be processed in accordance with the Ordinance.

First Verbal Warning

Mr/Ms XXX, I am [name and title of officer] [and introduce other colleague(s) accompanying him/her (if any)].

You ... [a brief account of the complainant's misbehaviour]. We consider your behaviour improper and you have disrupted our operation and caused a nuisance to our staff and other people.

I ask for your cooperation to stop such misbehaviour in... [state specifically what we want the complainant to do]. Otherwise, we will ask you to leave the premises. We may also call the Police.

Second Verbal Warning

Mr/Ms XXX, I/our colleague(s) have made it clear to you earlier that you have disrupted our operation and caused a nuisance to our staff and other people by [a brief account of the complainant's misbehaviour]. We have asked you to stop such behaviour but you failed to cooperate and comply.

I am now giving you a second warning. Please stop immediately such improper behaviour [state specifically what we want the complainant to do] or we will have to ask you to leave and call the Police [or "we have already called the Police"].

Expulsion Order

Mr/Ms XXX, we have already given you two verbal warnings regarding your misbehaviour and made it clear that if you continue with such misbehaviour, you will be asked to leave. Since you have failed to cooperate with us, we must now ask you to leave the premises immediately.