



COMMISSION ON
HUMAN RIGHTS AND
ADMINISTRATIVE JUSTICE



▶ WHAT IS CHALLENGING BEHAVIOUR ?

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Human Rights ● Administrative Justice ● Anti-Corruption



PRESENTATION OUTLINE



DEFINING CHALLENGING BEHAVIOUR IN THE CONTEXT OF OMBUDSMAN SERVICE DELIVERY



CONTRASTING CHALLENGING BEHAVIOUR AND UNREASONABLE BEHAVIOUR



RECOMMENDATIONS FOR POLICY GUIDANCE FOR OMBUDSMAN INSTITUTIONS





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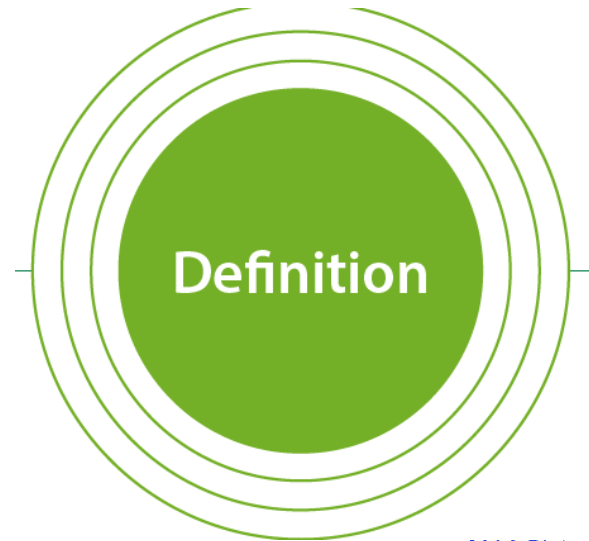
DEFINING CHALLENGING BEHAVIOUR IN THE CONTEXT OF OMBUDSMAN SERVICE DELIVERY





DEFINING CHALLENGING BEHAVIOUR IN THE CONTEXT OF OMBUDSMAN SERVICE DELIVERY

- » “Challenging behaviour” is any behaviour a person finds challenging. Accordingly, understanding of “challenging behaviour” varies from person to person.
- » Rather than classify a person’s behaviour as “unreasonable”, the best approach to adopt is the perspective of the person experiencing the behaviour.
- » Not all challenging behaviour is unreasonable. By reflecting on the types of behaviour a complaint handler finds challenging, they will be in a better position to do the following:





DEFINING CHALLENGING BEHAVIOUR IN THE CONTEXT OF OMBUDSMAN SERVICE DELIVERY *cntd.*

- ▶ Control their reaction to the behaviour so they can respond more effectively.
- ▶ Choose the best strategy for dealing with the behaviour.
- ▶ Look after themselves.
- ▶ It is always necessary for complaint handlers to understand themselves because different people find different behaviours challenging.
- ▶ Some people might find it challenging to deal with a person who seems emotional, is from a different cultural background, speaks a different language, or has a disability.
- ▶ Other complaint handlers might find it challenging to respond to a person who ignores advice, questions their competence or insists on speaking with the manager or head of institution.
- ▶ Complaint handlers therefore need to understand what they personally find challenging if they are to handle complaints well.





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CONTRASTING CHALLENGING BEHAVIOUR AND UNREASONABLE BEHAVIOUR





CHALLENGING BEHAVIOUR AND UNREASONABLE BEHAVIOUR

- ▶ Challenging behaviour is often times compared and contrasted with unreasonable behaviour. The two are not the same. Neither are the approaches to solving them the same
- ▶ Most challenging behaviour can be dealt with through good complaint handling and defusing strategies.
- ▶ On the other hand “Unreasonable behaviour” means any behaviour by a member of the public that, because of its nature or frequency, raises health ,safety, resource or equity issues for an organisation, its staff and other service users. The focus here is on the behaviour rather than the member of the public who is demonstrating it.



“Unreasonable behaviour”





CHALLENGING BEHAVIOUR AND UNREASONABLE BEHAVIOUR *cntd.*

► Unreasonable behaviour can include:

- A. Repeated contact by an individual after the institution has comprehensively considered and finalised a complaint or enquiry they have made
- B. Persistent demands by an individual on how the institution should handle a complaint, the priority it should be given, or the outcome that should be achieved
- C. Constant and repeated arguments by individuals that are not based on logic or argument, that are incomprehensible, false, inflammatory, trivial or outside the scope of the institution's functions and services



Complaint





▶ CHALLENGING BEHAVIOUR AND UNREASONABLE BEHAVIOUR *cntd.*

- ▶ Acts of aggression, personal insults and other verbal abuse, threats, derogatory, discriminatory or defamatory remarks
- ▶ Unreasonable behaviour is not limited to telephone communications, email, webchat or face to face interactions. It can occur over the internet, on social media, in public locations or in written correspondence
- ▶ Unreasonable behaviour includes behaviour
 - A. By a current or former party to a complaint
 - B. That occurs only once, several times or frequently
 - C. That raises a substantial health, safety, resource or equity issue for the staff of the institution and other service users



Agresion Etc.





CHALLENGING BEHAVIOUR AND UNREASONABLE BEHAVIOUR *cntd.*

- ▶ Some manuals list five categories of what they call “unreasonable conduct by complainants”:
 - ❑ Unreasonable persistence
 - ❑ Unreasonable demands
 - ❑ Unreasonable lack of cooperation
 - ❑ Unreasonable arguments
 - ❑ Unreasonable behaviours



Complainants





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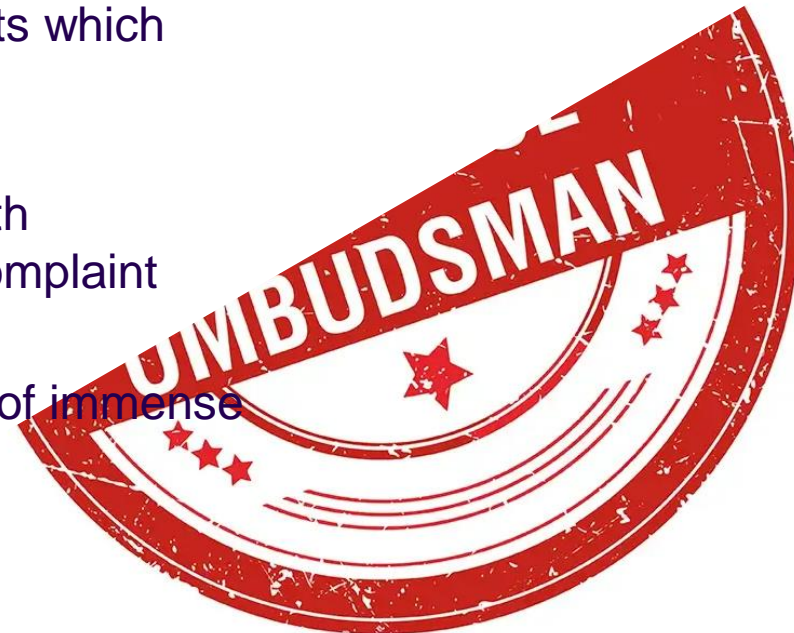
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RECOMMENDATIONS

- ▶ Ombudsman Institutions and other governmental complaint handling bodies by the nature of their work deal on a daily basis with challenging behaviours from complainants and there is the need to build capacity of staff in terms of skills and strategies to identify, manage and/or defuse such challenging behaviours.
- ▶ On the other hand staff of Ombudsman Institutions must also be protected from unreasonable behaviours from complainants which pose health, safety and resource and equity issues on the organisation and staff.
- ▶ Adoption of policies, manuals and guidance on Dealing with Challenging behaviour and Unreasonable behaviour for complaint handling is recommended for all Ombudsman Institutions.
- ▶ A model guidance or policy by IOI and/or AORC would be of immense assistance in this direction.





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Thank you.

