

Managing challenging situations in complaint handling



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About this guide

This guide explains what you can do when you are considering a complaint and find yourself in a challenging situation.

This includes situations where:

- you find it difficult to engage with the person who has made the complaint
- the person uses behaviour that you find challenging, or that is unreasonable or unacceptable.

We define unreasonable or unacceptable behaviour as any behaviour by a person that raises substantial health, safety, resource or fairness issues for the people involved - either because of the type of behaviour or how often it happens.

This guide is one of the '[Good complaint handling](#)' series, designed to help you meet the [NHS Complaint Standards](#). Read this guide and the other 'Good complaint handling' guides alongside the [model complaint handling procedure](#). You can find guides to related topics on [our website](#).



This guide does not give instructions for how to respond in every situation. Each situation is different, and it is not possible to say what the correct response is in every case. But it sets out principles you can use in the decisions you make.



Always use careful judgement when you make these decisions and get help and support from relevant colleagues.

Standards and regulations that cover NHS complaints

- [NHS Complaint Standards](#) provide expectations to help you deliver good complaint handling in your organisation.
- The [Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#) set out what the law says you must do.
- Under the [Equality Act 2010](#), public sector organisations have to make their services accessible to disabled people as well as everyone else.

What the Complaint Standards say

Promoting a learning culture

- Senior staff make sure staff are supported and trained in all aspects of dealing with complaints, from identifying a complaint to issuing a response, so that they meet the expectations set out in the Complaint Standards. This should include how to manage challenging conversations and behaviour.

Welcoming complaints in a positive way

- Organisations clearly publicise how people can raise complaints in a range of ways that suits them and meets their specific needs. They make it easy for everybody to understand how the process works. This includes being clear about who can make a complaint and what will happen next.
- Organisations make sure people know how to get advice and support when they make a complaint. This includes giving details of appropriate independent complaints advocacy and advice providers, any Patient Advice and Liaison service (PALs), and other support networks.

Being thorough and fair

- Staff give everyone involved in a complaint the opportunity to give their views and respond to emerging information, where appropriate. They take everyone's comments into account and act openly and transparently and with empathy when discussing this information.
- When a complaint does not suit early resolution and needs more detailed consideration and investigation, this is done fairly. Where possible, staff who have not been involved in the issues complained about should look at the complaint. If this is not possible, the person looking into the complaint should openly demonstrate they are acting fairly when they consider all the issues.

What the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 say

These regulations apply to all complaints handled under your complaint handling procedure.

- Regulation 3 says your organisation 'must make arrangements ... for the handling and consideration of complaints'. The arrangements must make sure that: 'complainants are treated with respect and courtesy' and that you give them 'so far as is reasonably practical - assistance to enable them to understand the procedure ... or advice on where they may obtain such assistance'.

What to do

Everyone has the right to make a complaint and to expect a thorough and timely investigation and response. Sometimes a person who makes a complaint might behave or engage in a way that makes the process difficult to manage.

Why this might happen

By the time someone has reached the point of making a complaint, they may have been through a frightening or upsetting experience. They could be distressed, traumatised or grieving, or might be feeling let down.

People with certain health conditions (including some neurological or mental health conditions, such as anxiety) may find it difficult to regulate their emotions, making the situation even harder for them to manage.

Someone in these circumstances may:

- express themselves very strongly, aggressively or rudely - whether in writing, on social media or by phone
- call and email frequently, making it hard for staff to work on their complaint or other complaints
- refuse to cooperate
- make multiple complaints in a short period of time
- make the same complaint in different ways (for example, by email and over the phone).

These behaviours can have a big impact on staff. They may take up so much time that staff cannot work on other people's complaints. Or they may cause staff levels of distress, fear or anxiety that no one should have to go through at work.



If someone is clearly emotional, it is important to respond with compassion and try to understand the feelings behind their behaviour. When someone feels heard and understood, they are more likely to communicate, so stay calm and reassure them that you want to listen and understand them. Of course, this must not be at the expense of staff wellbeing. It is important to find a balance.

Avoiding contact

A different, but equally challenging, situation may happen if the person making the complaint does not respond. To investigate a complaint successfully, you need the person to work with you. For example, they may need to:

- complete consent forms
- agree which issues you will look into
- respond to requests for information and evidence
- comment on what you have found.

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- Be aware that someone may genuinely have difficulty following your requests. For example, they may not want to share that they have challenges with reading and writing, or they might find the situation very distressing.
 - Always ask if there is anything you can do to make your communication easier for them and signpost them to support from your local NHS advocacy provider.
 - If the person still does not communicate, it is reasonable to tell them that if they will not send you what you need, you cannot continue to work on their complaint.
 - If the lack of contact continues, tell the person that you are stopping considering their complaint. If they are unhappy with that decision, [signpost them to the Parliamentary and Health Service Ombudsman](#).
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What to do: set a positive tone

All organisations that deliver NHS services are committed to offering a high-quality service. This includes making sure they treat everyone with dignity and respect, including when they handle complaints. So you need to:

- ✓ **Help people to engage positively** to help you give them the best possible level of service.
- ✓ **Support and train colleagues** in effective ways to manage challenging interactions.
- ✓ **Identify cases where action is needed** to manage communication, so that any issues are resolved as quickly as possible.
- ✓ **Make sure a person's communication needs do not deny or undermine their right** to have their complaint considered.
- ✓ **Protect yourself and others** if challenging communication is affecting anyone's wellbeing or ability to do their job. Actions can range from getting support from colleagues to contacting security.

What to do: reassure and de-escalate the situation

You are a complaints professional, so many of the people you hear from could be upset and distressed when they first get in touch. They may also be angry and think the only way to get your attention is to shout at you.

Your first task is always to try engaging with them in a positive way and restore their trust in your organisation. In most cases, you can improve communication by:

- ✓ giving the person time to vent
- ✓ asking how they feel and acknowledging their experience
- ✓ asking questions and taking steps to show you want to help, are listening and want to understand their concerns and wishes
- ✓ helping the person feel more in control by discussing how you will handle the complaint, explaining how they will be involved and have their say, and telling them how long the process is likely to take.

Four ways to reassure and de-escalate the situation

Acknowledge the distress

"You must have gone through a lot to feel the way you do."

Respond with compassion

"I am here to listen. It's okay to tell me how you're feeling."

Build trust

"I'm grateful that you've been able to share these thoughts."

Address anger appropriately

"I understand you're angry. Please can you speak without shouting at me? I want to hear what you have to say."

Find out more

See our guide on [clarifying the complaint and explaining the process](#).

What to do: signpost to independent advice and support

Make sure the person knows they can get independent help and support to make their complaint. Give them details of their local NHS advocacy provider.

Encouraging people to work with an advocate can have many benefits - not only for the person making the complaint but for you and your organisation too. An advocate can explain the process and help manage expectations.

If you have not done so already, get in touch with your local NHS advocacy provider and meet them to understand:

- the services they provide
- how they can help people
- the best way to signpost to them.

Specialist support

If someone has experienced a trauma or bereavement, has a physical or mental health condition, or has specific communication needs, they may need additional or specialist support to make a complaint.

If you believe someone might benefit from specialist support, ask them if anything would help or support them to make their complaint. If they have a reasonable suggestion, take steps to action it. Never make assumptions about how a condition may affect someone, or what support they might need.



Every case is different. You have a legal responsibility under the public sector equality duty to consider each person's specific accessibility needs.

If appropriate consent is in place, also discuss the best way to help and engage with the person making the complaint by talking to their:

- carers
- family members
- professional advocate (if they have one)
- GP or the clinical team providing their care.



Make sure the person knows they can get independent help and advice to make their complaint. Signpost them to their local NHS advocacy provider or specialist support organisation.

Find out more

See our guide on [independent NHS complaints advocacy and other specialist advice](#).

See [government guidance on what we mean by reasonable adjustments](#).

What to do: actively manage the situation

Sometimes, despite your best efforts, it may not be possible to establish positive engagement with the person making a complaint. If the situation is putting unreasonable demands on your organisation or affecting your wellbeing or that of others, you need to actively manage it.

The DESC model

The DESC model is a simple and effective way to manage a situation where a person's engagement with you is using up an unfair or disproportionate amount of resource.

- **D**escribe the situation.
- **E**xplain the impact the situation is having.
- **S**uggest how the engagement needs to change.
- **C**onsequences (set out what you can do to help if engagement changes and what will happen if it does not).

The aim of active management is to make sure you can deliver your services while reducing the impact of the challenging situation.

Your organisation should have a policy in place for managing how you engage with service users and those who support them. This should explain the support available to staff and what they should do in these situations.

Find out more





To help you develop a policy, see [‘Sample policy: managing challenging situations’](#).

Option 1: a communication agreement

One option for managing a challenging situation is to try a communication agreement (also known as a communication plan or respect contract) to restore the relationship. Before you suggest this, make sure that:

- you have done your best to keep engaging with the person
- you have made any reasonable adjustments they have asked for
- you have done all you can to de-escalate the situation and nothing has improved.

If you decide to go ahead, take the following steps:

-  Discuss the situation with your manager or a senior colleague.
-  Make sure the person understands why you propose to use a communication agreement.
-  Put a timeframe in place to review the agreement. (The agreement should include a clause stating that it can be lifted if the situation improves.)
-  Arrange for both parties to sign the agreement.

Checklist: what to include in a communication agreement

Start with an explanation of what it aims to achieve that is agreed by all parties. For example: 'This agreement sets out how we will work with Mrs A to make sure that her complaint is dealt with fairly and as quickly as possible.'

Make sure everyone involved in the agreement has an opportunity to say what they would like included in it. This may include:

- ✓ what the person can expect from you
- ✓ what you can expect from them
- ✓ commitments from you, such as:
 - to provide a named contact
 - to listen
 - to investigate the complaint fairly
 - to keep them involved regularly (stating how often you will send updates, etc.)
- ✓ commitments from them, such as:
 - which type of communication they will use (phone, email, in person or, if this is agreed, via a third party such as an advocate)
 - when, and how often, they will make contact
 - details such as not to use offensive or threatening language
- ✓ if appropriate, consequences of not following the agreement, which could include:
 - consequences for you and your organisation: if there is any breach, this can be escalated to a named senior manager
 - consequences for the person: if behaviour continues after a formal warning, this may result in your organisation stopping considering the complaint.

Option 2: specific actions

Another way of managing the situation is to take a specific action such as:

- restricting contact to a particular channel (such as phone, email or a named person)
- not providing direct contact details or staff names (where there is a risk that this could lead to harassment)
- communicating through a third party such as an NHS advocate rather than direct contact
- directing phone calls to an automated service (where excessive phone contact is blocking others from accessing your service or where the person's behaviour is abusive)
- restricting time or volume of contact
- informing the person that future correspondence will be read and placed on file but not responded to (unless new complaints are raised)
- advising the person that your organisation does not deal with calls or correspondence that are abusive, threatening, offensive or discriminatory.



Tip: If you take this option:

- ✓ Consider each case individually and tailor any actions to the person and the situation.
 - ✓ Remember that the behaviour may be caused by something unrelated to you or the complaint.
 - ✓ Make sure the person understands why you are taking the proposed action and how long it will last.
 - ✓ Highlight that the actions are designed to make sure you can deal with their (and others') complaints as fairly and quickly as possible.
 - ✓ Tell them how they can challenge the decision if they disagree with it.
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Deciding to restrict contact



If the behaviour continues, you may decide to end contact with the person. This decision will usually be made by your ‘responsible person’.



Tell the person that if they are unhappy with this decision, they should contact the Parliamentary and Health Service Ombudsman.

Reviewing actions

If you put any actions or requirements in place, a manager or senior colleague should review the decision regularly throughout the complaint process, to check the restriction is still needed and appropriate for the situation.

When immediate action is needed

Some situations may require you to take immediate action - namely, threatening, violent or abusive behaviour towards you or others.

In these situations, you need to feel confident and supported to take immediate action to protect people’s safety and wellbeing. This should be stated clearly in your organisation’s policy.



Tip: Always tell your manager or senior colleague when behaviour like this happens and ask for their advice and support.

Dealing with threatening behaviour

The following sections explain how to deal with threatening behaviour in specific situations.

Situation 1: responding to threatening language or behaviour in person or by phone

Ideally, when threatening, violent or abusive behaviour happens, you should give a verbal or written warning. This gives the person an opportunity to change their behaviour while explaining what will happen if it continues.

- ✓ If someone's behaviour is threatening, abusive or violent, say something like:

'What you just said sounded like a serious threat. When serious threats are made, I need to notify a senior manager and possibly the police. Did you mean what you said?'

or

'The language you have used is offensive and I ask you not to repeat it.'

- ✓ Explain that if the language or behaviour continues, you will end the call or walk away.

If you feel it would be unsafe to give a warning, for example, if the person is displaying extreme behaviour:

- ✓ Say you are ending the call or meeting.
- ✓ Immediately tell your manager, senior colleague or security.
- ✓ Follow the event up with a written warning.

Find out more

See [sample letters](#).

Is it okay for someone to record conversations?




Someone telling you they are recording your conversation can sometimes seem threatening. But remember that there may be several reasons why someone might want to record a conversation and it can be very helpful to both sides. It provides a detailed and accurate record of what was said for future reference.

If the person tells you they are recording, or you suspect they are, this is allowed as long as the recording is for personal use only. Ask them to confirm this and then continue.

If you are concerned that they may use the recording in a public setting, or for other purposes, politely explain your concerns and do not continue the conversation until the recording has stopped.

Situation 2: responding to threatening language in writing

If you receive violent or abusive correspondence:

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-  Your manager or a senior colleague should write to the person and explain that what they have said is not acceptable.
 -  They should then explain that if the person would like your organisation to consider (or continue considering) their complaint, they need to write again using appropriate language.
 -  If the person repeats the behaviour, despite warnings, tell them you are unable to deal with their complaint. Explain that they can contact the Parliamentary and Health Service Ombudsman if they are unhappy with that decision.
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Find out more

See [sample letters](#).

Situation 3: responding to online threats

Online contact, through websites or social media, is a fast-evolving area of communication. Policies might not always reflect the latest technology available.



Discuss any incidents that concern you with senior colleagues.



If appropriate, respond to the person's post with details of how to make their complaint, including contact details, so you can look into the matter.

But, if the posting is threatening, violent or abusive, you will need to take action. This might include:

- blocking accounts or using other technical options available on the relevant platform
- using the relevant social media platform's own reporting mechanisms to ask to have the content removed
- limiting contact with the person through other channels, to reduce the risk to you and your colleagues - such as making sure no one gives the person their personal contact details
- responding to a direct threat on social media in the same way you would respond to any physical threat.

Situation 4: responding to physical threats



When someone physically threatens you, a colleague or someone else, consider reporting it to the police.

The decision will be a matter of judgement. In some cases, it may not be appropriate (for example, if the person withdraws the threat immediately and was clearly not being serious).

But the option of calling the police is an important safeguard and the person who receives the physical threat should be confident and supported to do this when it is needed.



Ideally, the person who has been threatened should not have to decide to inform the police alone. A manager or senior colleague should support the decision and:

- make a clear record of the decision to contact the police and the reason for this
- capture and record any other relevant evidence from the colleague who received the threat and any colleagues who witnessed the event.

Find out more

See [‘Capturing and reporting on learning from complaints’](#).



If the person says they may take their own life or self-harm, refer to your organisation’s safeguarding policies. Inform local services, such as the emergency services or mental health team, if needed.

Alerting the emergency services



If a caller tells you they have hurt themselves or may be about to take their own life, stay on the call and take the following actions.

Call 999 and stay calm.

Get the person's name, where they are and any other information - have they taken tablets, for example.

Tell them you are calling the emergency services.



Tell the emergency services you are calling about someone else.

Give the call handler all the information you have.



Do not hang up the call to the emergency services until someone tells you this is okay.

Stay on the call with the caller.






After the call, take notes about what happened.


Review what happened with your manager.

Look after yourself - take some time to deal with your feelings and access any help you may need.

Documenting your communication

In some cases - particularly if the person's behaviour may present a risk to health or safety, or if there is a public interest in the case - you may need to use the person's communications, and your warning, as evidence in an investigation.

-  Keep a clear and factually accurate record whenever you have had to work to restore a relationship, put restrictions in place, give a warning or notify the police. This can include keeping copies of letters, emails, recordings and screen shots, etc.
-  If you are making a record of a conversation, be factual and quote exactly what was said.
-  Do not give an opinion or paraphrase or reword in your own language. For example, instead of saying 'Mr M was angry, rude and threatening', record 'Mr M shouted loudly. He told me I was 'a total waste of space' and said 'I hope a member of your family dies a horrible death.'

 **Tip:** This type of evidence may be distressing. Make sure it is stored so it cannot be accessed accidentally or unintentionally. Label electronic and paper files to show that they contain distressing material.

Find out more

The Scottish Public Services Ombudsman has produced helpful [strategy and advice phrase cards](#) for dealing with certain situations.

The New South Wales Ombudsman has published a manual on [managing unreasonable conduct by complainants](#) which includes lots of helpful advice and guidance.

The Northern Ireland Public Services Ombudsman (NIPSO) has published free learning resources on [identifying and supporting public service users in vulnerable circumstances](#). These workshop materials give advice on how to recognise when users need extra help and how to support those needs.

See some examples

[Sample policy: managing challenging situations](#)

[Sample letter: for lack of cooperation or engagement](#)

[Sample letter: for de-escalating the situation](#)

[Sample letter: for proposing a communication agreement](#)

[Sample letter: for taking a specific action](#)

[Sample letter: warning letter following threatening or abusive correspondence \(or following a verbal warning\)](#)

[Sample letter: for specific action taken if challenging interaction continues despite earlier warning](#)

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**Let's make
complaints
count!**

