

Webinar: De-escalation skills in student complaint handling



Sarah Bendall

Welcome. My name is Sarah Bendall. I'm the first Assistant Ombudsman with the National Student Ombudsman. I'm on Bunurong Country and I acknowledge the Bunurong people as the traditional custodians of the lands on which I'm coming to you from. And I pay my respects to their elders past, present and emerging, and extend that respect to all Aboriginal and Torres Strait Islander people with us today.

A very warm welcome to everyone to this webinar, which is on de-escalation skills in student complaints handling. Having the skills to de-escalate conflict is absolutely fundamental to good complaints handling. And I'm sure many of us here today have been in complaints handling situations where you know that you could have contributed to a good outcome, but where the engagement has become so heated so quickly that things have become completely derailed. Or in situations where you've worried about giving complaints outcome information to a student and put off making that phone call because you're just so worried about the reaction that you might get. This session today is all about teaching you the skills to better handle complaints like that.

So now it is my absolute pleasure to introduce Shiv Martin. Shiv is a nationally accredited mediator, practising lawyer and experienced trainer, and she brings more than 15 years' experience across law, psychology, mediation, conciliation and public sector dispute resolution. Shiv, I know, is absolutely passionate about de-escalation skills and hugely knowledgeable. So, I'm really excited to have her here today to share her knowledge and experience with you.

Also with me today is April Vocale. April is a member of the NSO's newly established Education Advisory Group. She's the Manager of Student Complaints and Integrity at Victoria University, and April has kindly agreed to join our conversation to pose some practical questions to Shiv, for Shiv to unpack at the end of Shiv's formal presentation.



April Vocale (She/Her)

Thanks, Sarah. Hi, everyone.

SM Shiv Martin

Thank you.



Sarah Bendall

And I think I think I cut Shiv off before she was going to say thank you, but it's all OK everyone, because she is now going to start her formal presentation. So, take it away, Shiv. Thank you.

SM Shiv Martin

Thank you, Sarah. And yes, I've got lots, lots to share with everyone over the next 40 minutes or so. But to start with, I am joining everyone here from Meangin, Brisbane, and I'd like to pay my respects to the elders past and present of the Turrbal and Jagera people.

So as Sarah mentioned, the work that I do that brings me to this conversation is in conflict. I worked within complaints organisations for a long time, early resolution, mediation, conciliation, investigations, decision making, and over the past few years, I've been more focused on training and working as an independent mediator or facilitator at the really pointy end of conflict. And so almost every conversation I have aside from this one and the training conversations are in a space of emotional escalation. And so, I'd love to spend the next little while sharing some of the key principles and tools that I hope will be helpful to you. Now, let me just take a second to share my slides and make sure I get that right. So, give me a second here.

All right. Excellent. Hopefully you can all see that now nice and clearly. So, focus for today, three things. Wellbeing first, and then I would like to talk about the principles that inform how we respond. And I want to share with you some practical tools.

And really importantly, as Sarah mentioned at the start, I have studied in law and in psychology. And what I know with this work is those things, especially complaints handling and de-escalation, principles and learnings from both those spaces go hand in hand. And so, I'll talk you through some more around that.

But let's just start with a definition, right? Our topic today is de-escalation. De-escalation is the work of moving an interaction from threats and heat towards safety, clarity, and choice. So it's about being able to do the work of problem solving, of complaints management, of assessment, of investigation, whatever that work needs

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to be in environments of calm, of clarity, of choice, where we're listening to each other. De-escalation is not about complying about giving in or fixing in the moment. And one thing that will be a theme, I'm sure, out of our conversation today is that we've got to always read the room, right? And I talk about this phrase that I use a lot, which is tools, not rules, right? And the reason I use this phrase, tools, not rules, is that when we talk about de-escalation, we walk into every conversation with a series of skills, approaches, strategies, but then we've got to be present, we've got to listen, and we've got to remember the context, prior interactions in deciding what's needed for that conversation.

And what makes us, what informs us on which tool to pull out at the time is principles. Ok? So we don't have scripts, although I'll give you some suggested phrases today. I won't leave you empty-handed with that. But we can't script an interaction when it comes to de-escalation. Right? There isn't an every time cut and paste this approach. We have a bunch of strategies and skills I'm going to teach you. And then there are these three filters. Ok, and these are my principles for ensuring that the approach we take is going to be the best one. And the three principles that I filter any interaction through in terms of what do I do next? Is it safe? Is it inclusive? And is it fair? And any of these, I mean, especially safety first, need to inform what we do next, right? So I'll talk you through this some more as I teach you some of those tools and we'll keep coming back to it. Because, you know, when we talk de-escalation, I'm sure each of you can close your eyes and think about the last heated conversation you had, whether that was on a phone call, whether that was in person, or whether it was an email that landed in your inbox at 2am with loads of capital letters, right? We have lots of different heated interactions. And in some cases, it might be someone who's very distressed, had something very concerning that's happened in their lives. You're there to support them and it's the first conversation you've had.

In other cases, it could be someone who's emailing you, calling you every day, perhaps their response is disproportionate to the issue that is at hand and there is not much you can do to support, right? So we cannot have a framework that applies right across the spectrum, but we can have principles that should apply regardless of what the interaction was.

And the first principle, and this comes to safety, is our own wellbeing. And, you know, reflecting before this course as well, I look back at the times that I've maybe not said the right thing. Maybe it's actually with my kids after work, right, where I go, oh, I

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should have listened, or maybe I should have taken a different approach.

And the reason I haven't got it right and the reason I haven't done the best I can has nothing to do with the skills I have, right? It's because of the energy I had in that moment. And it might be because I'm dealing with something myself. It might be just because I'm exhausted, right? It might be because I'm quite stressed about the next thing and I'm in a mode of, you know, I've got to prepare for this or I've got to pack for a flight and I cannot deal with this conversation at this moment, right? So, and I have a lot of the work I've done in complaints is in a commission or a tribunal. And what I notice on files that get escalated, escalated, escalated, all the way to review level, is that the staff that may have engaged early on, often it's not actually about their skills. It's actually where they were that day that conversation happened. Were they overwhelmed? Were they exhausted? Were they put on the spot? So I think the first thing when we talk about this de-escalation conversation is checking our oxygen first, and we don't have to carry it all, all of the time, and we cannot steady someone else if we're not on steady ground. And that might be as simple as just having somebody else with you in the conversation. You know, sometimes it might be you that has to take that phone call on that day. But can you call in a buddy just to sit with you? And you know, I talk about it as almost a support person for the complaints handler. But I think that makes a big difference when you can share the load and have that pre-brief and debrief buddy, you know? Now, here's a piece that I'm going to run through so quickly, but it's such an important piece to think through, which is the science around, you know, the amygdala hijack and the fight, flight, freeze responses.

The thing with de-escalation is it's not about solving the problem or progressing the complaint. It's actually about creating the conditions or the environment so that a constructive conversation can occur. And what we see in complaints world and conflict world is that many people, our stakeholders, come to the table in this fight, flight, freeze response, right? We see people displaying all the signs in the red box, overcome by strong emotions, sometimes physically unable to communicate. They might just be crying or just unable to get out words. You know, the science around the amygdala hijack tells us that people that are sort of displaying those strong emotions, including ourselves, right, any human, what it does in terms of our cognitive ability is what's important here, which is we can't process large amounts of information. We can't access memories accurately or retain memories accurately, especially if we need someone to recount what's happened and provide us with

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details that we can use or remember what we're saying to them as well. So memory is impaired. There's an external focus of blame. We're not open to considering ourselves and the problem, it's the threat around me I need to deal with. There's rushed decision making, it's black and white thinking, and what that person is looking for is in the moment safety. What do I need to say, do to feel better right now? But when it comes to any kind of complaints management dispute resolution, any kind of work I've done in this space, it's about what's happened, what has happened as a result, where are we now, and what do we need next to resolve the issue. We need someone to be able to think about a whole timeline, and what we need them to do is be in this green box, calm and considered, regulating their emotions considering actions, self-reflection, open to changing direction, better memory recall and consideration of facts, ability to listen to us and potentially empathise with others. And the most important thing is we need them to think about the future and not just say and do the things in the moment.

And that's the saddest thing with de-escalation, I think why we have an obligation to be good at it for our stakeholders. Because some of the worst mistakes happen in those moments of high emotion where the student or whoever is making the complaint actually does things against their own interests. They say things, or I will never accept that, I'll never see them again, or maybe even walk into threats, right, that then lead them down a path that they themselves don't want to be going down. So our work is, in de-escalation work, is using the skills that are available to us, which I'm going to acknowledge is not always enough, but what we can do within our control to bring someone from this red box to this green box.

So here is a bundle of my 7 favourite skills. But you know, this actually comes from counselling and psychology work. And if anyone has had a session in counselling or I have had I have had grief therapy and what I've recognised is you lose someone you love and you go into a session with a counsellor and you spend maybe an hour talking to them and you walk out at that hour feeling better. But the person you love isn't back. You know, the facts haven't changed. But that hour you've spent with someone has really shifted your thinking. You know, sometimes it can give you some self-reflection. It can feel like lifting a cloud. It gives you clarity and calm.

And this is where the de-escalation skills come from, is what we see psychologists and counsellors doing every day to move people from this feeling of threat, of overwhelm, of distress into another space where the problem hasn't been solved, if that makes sense. Like the loss is still the loss. The harm, the damage is still there. It's

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just our ability to react how we react and how we reason around it that has shifted. So what are the things that we do in that hour, in that counselling session? Ok, what do we do? We acknowledge impact and we label emotions. So we don't tell someone, just calm down, because when has that ever worked, right? We don't reduce it. Like, it's ok, there's all these other things you can look forward to. Yeah, let that one go, right? Or just wait a while, you'll get over it. We don't do that. Although, it's ok if you do. I do too. This is what I mean by compassion fatigue by the end of the day, especially with my kids. I'm like, build a bridge and get over it, love. I'm not getting into that. But the idea is that, you know, when we're focused and we're ready to go, the work we do actually involves sitting with the discomfort.

of the emotion and going, that's really hard. That's terrible that happened. I can see how upset that has made you, and I can see the impact of this on you. Right? So that is the piece around emotional labelling and acknowledgement of impact, ok, it's validating the emotions and impact for that person. Not validating or fixing the facts or the narrative, but just saying like, I get it. You can be upset, you can be angry, you can be frustrated, you can be disappointed. And that's something that you are entitled to be. We're not dismissing their emotion.

But I will be, I will come back to it. That doesn't excuse any kind of behaviour that results from that emotion for sure. But it's recognising that as the first piece. The second piece is time. And there's this great research around the amygdala hijack about when we are threatened, how long it takes for our body to go back into a calm state.

And the reason is actually 18 minutes with no further threat. And why it's so specific is because scientists have measured the level of cortisol and adrenaline and a few other hormones in our system, because what it is a physical reaction, right? So escalated emotions is our brain sending hormones and blood and doing things inside that aren't just, that aren't actually thinking or reasoning. And so what it does is it flushes our system. There's a threat. It releases adrenaline and cortisol. What that does is send the blood away from our brain, and I'm simplifying this, incredibly, but away from the thinking areas of our brain, into the running areas, into the freezing areas, into the fighting areas. So actually, time for a coffee, for a walk, for some fresh air, focusing on our needs below the neck in terms of stretching, taking deep breaths and let's just say their belly breaths, right? Just taking care of the physical needs of someone in that moment. Have they got a comfortable seat? That's going to be essential because actually we're working with what's happening inside that person's

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body and that is blood rushing to every other part of their body, but the part that's reasoning.

Right.

Next piece is choice. When, you know, when someone is in a heightened state, the last thing they want to feel is cornered and stuck. And there might not be lots of choice, but what I'm talking about is choice around process. Would you like to keep talking today or would it be easier if we spoke tomorrow? Do you want me to put this in writing? Would it be helpful if we had someone else in the conversation too? You know, would you like to, should we take a walk outside and keep talking in some fresh air? You know, choices around the process as opposed to the outcomes, because they might not have too many there, but still making that person feel like they're not cornered is our goal.

This next one ties into that, avoiding that cornered feeling, which is options for support, right? And it might not be you, it often isn't, but having quick access to referrals and ideas around how people can access supports so that you can offer that to them.

No further negative feedback. Some of the stuff we do in de-escalation is actually very easy if we say as little as possible. So I have an article on my website where I say if you had a 30 minute heated phone call, sometimes speaking for less than two minutes of that 30 minutes is the most helpful. Like we don't need to give too much negative feedback, if any. We just need to keep the door open, be present, be calm, listen, acknowledge, repeat what you're hearing and give choices around how we can proceed with this process. It's not about giving bad news at that time.

Ok, and the last thing, and this is particularly the case if you are in person, but it's also relevant on the phone, is that neutral open body language. And I, you know, we can talk forever about smiling and not smiling. I discourage smiling. Definitely not grumpy face. It's worth working on it because I have had supported many staff who have gotten in trouble for smiling, right? And equally, you don't want to look angry and closed off, but it's this in the middle. And I guess the smiling piece is that someone's in distress, someone's unhappy. We don't want to greet them with a big cheery grin, but we also don't want to drag the mood down any further than it is. So that comes into body language, but the idea is that we're trying to be neutral, calm, Zen.

All right, so that's a bit around your principles. Now, last 20 minutes, I want to smash you with some skills. Ok, and I know the session's going to be recorded. You can

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come back to these. I've got some suggested approaches on the screen, but I did say, say as little as you can.

But we can't get away with saying nothing, right? And I have found, so when I started in complaints world many, many years ago, my challenge in de-escalation was not to go too far in that I didn't want to feel like I was apologising for something when I had nothing to apologise for. I was trying to be someone's friend when actually I was an independent assessor of complaint. I really wanted to be careful in a space where I was showing empathy and care that I wasn't overstepping the mark. Yeah, and the challenge for us when we learn how to validate and empathise, and this is where we have to be careful taking skills out of counselling and psychology world, because we don't have a therapeutic patient relationship with this person. So, it's important for us to come up with phrases and ways of managing and limiting our boundaries. So, let's capture some of that learning and expertise. But then let's bring in our boundaries. It's so important here.

So, I've got these two donkey ears, so you remember EAR. Ok. So, the EAR is when someone is distressed and you want to spend a moment empathising and validating, but not agreeing, you want to stop short. You want to reach for a bucket of phrases and skills that convey empathy, attention, and respect. And I've given you an example. I can see how much this matters to you. This decision has a significant impact. Attention. I'm here to understand what's happened. Tell me more about where you're at, at the moment. It must be disappointing when you don't have your work recognised. Thank you for talking me through your concerns so openly. So, it's just I'm here and recognising the emotions. I'm listening and I respect what you've been through. I'm not agreeing that you've got a point or that you should get the outcome you want. I'm just here to ensure that you feel heard. Ok. Now, those phrases, empathy, attention and respect, if any of you like reading or an audio book, highly recommend this book on the slide here by Fisher and Shapiro. And it's about, and they are part of the broader Harvard negotiation project. But it's about how we use emotions as we negotiate and how we speak to emotional needs of every person. And this is not just someone who's unwell, who's really heightened, who's unreasonable. All of us need these. And when we convey empathy, attention, respect, and create the conditions for a successful conversation. It's about speaking to these five concerns. And I encourage you to get the book and read it because it's brilliant, but you can also find some great short videos online made by these guys.

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The 5 core concerns we all need. If we feel these five things in a negotiation, in a conversation, we will feel the space of calm and safety and clarity. The first one is appreciation, which is someone recognises us, the work we've put in, the effort we've put in, the experience we've had, the impacts that has had on us.

The next is affiliation, and that is that we are seen as a person, not a number. There is a connection. At least the person on the other end of the line has learnt my name. At least they want to know a little bit more about what's happened, or they're not making me repeat my story five or six times. They've recognised that. So, a bit of... we're talking to humans here and not tickets or numbers or cases. All right, so that's the next one.

Third one is autonomy, which is I would love to not be a passenger through this process. Potentially I've made this complaint. Potentially I feel like I have been the victim of something that I shouldn't have been. But even so, I don't want to be made to feel like other people get to make decisions for what's best for me. I want to have some autonomy, some choice in what happens next.

The next one is status. Ok. Am I being treated as an equal? Am I being respected? Is the information being conveyed to me in a way that makes me feel like I understand? Or is it being conveyed to me in a way that makes me feel really out of my depth? Right, so it's that status. How do I feel at this table? Like an equal or do I feel like the problem?

And the last thing is role. And you'll see this in, again, in any sort of great negotiation or even sort of mediation session or therapy session when somebody is upset, right? We do give them space to sort of regulate their emotions. We give them choice, but we'll also give them a role in the next steps. We don't just say, you calm down, you go home, you relax, you have a long bubble bath and just chill out. I'll take it from here. Right? We give them a choice about what comes next, but we also give them a task.

And that's something that's important in our emotional needs, which is that we feel useful, like we feel relevant. So, there's a lot to these five core concerns and I'll let you do your research after this session. But when I talk about validating and acknowledging, and empathising, I don't talk about giving in or telling, giving people outcomes that maybe they weren't entitled to or apologising for something you don't have to. I talk about running your process and having your conversations in a way that really speaks to these core concerns. And you know, as you spend time with these principles, you might think back to conversations you've had. You know, there

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are negotiations where someone might come into the room and go, ok, Shiv, I've considered your complaint. Thanks for that. Here's \$100. Take it or leave it. And I might go, whoa, hold on a minute. I mean, \$100 is great. Maybe I'll take the \$100. I mean, that would have been great. But, what did you do? Like, did you ask me what I wanted? Have you really understood the complaint? Or are you just trying to get rid of me with some money? You know, those are the things where often, and as a mediator, I often sit back and say to parties, look, you know, you might have an outcome that's completely reasonable, right? But is it possible that the way you've arrived at that outcome and the way you've communicated it to that person hasn't actually addressed their core concerns? And this really big sort of reframing of the science of emotions here, which is that, you know, back in the day, we would have thought there's facts and there's feelings, and we've got to deal with those feelings, get them out of the room so we can figure out the facts. But what we know now is, and this is scary to think about, but I'll go there because it's true, is that the feelings form this sort of layer around the facts. So, what we hear, what we remember, what we perceive as fact is actually filtered through this layer of feelings for all of us. And so what we remember, what we see is important, even conversations are remembered through that lens.

And so this piece, this book and many others around using emotions, it's not just for de-escalation, it's essential for de-escalation, but it's for any kind of complaint conversation.

Now I want to shift now to boundaries. Ok, because so far I'm talking about empathy and creating the condition for the other person to feel calm and certain and clear about where we're at. Ok, but we also need to keep ourselves in that space.

And so an important piece is making sure you're clear on the while I cannot, I can help you do this, I can't do this, but here's a way forward. Ok. And in terms of role clarity, I've got a really simple framework here, which is you start with acknowledging the impact. I can hear that, you know, the system is quite difficult to navigate, and we are finding it hard to figure out what to do next. My role here is to do these things. But here are some options for some other support services that might be able to fill in more of those gaps.

Right? So, being really positively framing the limits that you have and identifying pathways forward. And this is where at the start I said, you know, it might be helpful to have a go-to list of referral pathways or other resources that sit around it because it's really helpful when you are giving your limits, setting your limits to follow pretty

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tightly with, but here's something you could do moving forward. Doesn't have to be something you will do yourself but just giving that other person a choice and a different pathway.

So the last piece I want to share with you in the last 10 minutes we have left is avoiding the hook. Ok. There's this funny thing our brains do and we all do it. Ok. There's this very funny thing we do that when we're on unsteady ground, when we're feeling threatened, when we're a bit emotional, we have this tendency to pull others down with us. Ok, and you might recognise that yourselves. You know, you might have had a fight with a friend or a colleague at work that day, and then you got home and you tell your partner, and maybe your partner says something that's a little bit not on your side, and you're like, all right, let's go, I'll fight you as well. Right? And it's this thing around when we are heightened, when we are angry, when we are upset, we tend to bait the people around us for a fight. Ok, and I'm sure you can recognise that. It's, you know, kids and toddlers do it really well. Unfortunately, some highly emotional adults do that too, right? And it's recognising that it's part of the job, ok, is that recognising that if you work in complaints and conflict long enough, it's only a matter of time before someone who is unhappy, who is distressed, who's not satisfied, starts bringing you into it. And it could be your qualifications. It could be your independence. It could be your credibility. It could be the way you're looking at them. It could be your gender, right? It could be all sorts of things. And I call these the hook, ok? The thing is, people are baiting you and once they have you hooked and you're reactive, then we're in trouble, ok? Because we have to keep ourselves out of it.

So, sometimes I'm managing somebody's complaint and they go, look, of course, you're going to tell me it's going to take another two weeks. I mean, I don't think you know what you're talking about. What degree do you have anyway? How long have you been here? You know what? I don't think you know what you're doing. Right. So that is a, they're baiting me there. Ok, and they've got a hook there.

And what I have to be so careful of is not entering that conversation at that level.

And so this is a framework, the CARP framework, that I, you know, I started, I learned this framework 15 years ago and I love it because it has given me a go-to for when I feel my own emotions coming into the show. And most of the time, that's when, you know, it's targeted at me. And there's this distinction between people who make physical violence threats clearly beyond acceptable, beyond the line, sort of beyond the red line, sort of behaviours. But then there's this bucket of behaviours which are

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not quite that bad, but still kind of try to bring us into it. Right? And that's this bucket of behaviours where they're trying to challenge our credibility, our independence. Maybe they'll say something like, well, I better not catch you doing that. I know that's a sign that you'll do this. Is this the sort of slight kind of threats that aren't quite clearly crossing a line, but you know, it's there to sort of make you feel a bit unsteady, potentially even influence you into giving in, all right?

So, the CARP method, let's come back to that. This is another brilliant resource. The idea is someone comes at us with a hook like that. We step back and we absolute silence for a couple of seconds, deep breath, and go, it's not me. I'm not getting into this. I'm not responding to the question. If they want to know my qualifications, doesn't matter. It's not relevant.

What I might do is acknowledge though. So, what I might say to someone is, I can see it's really important to you that your complaint is managed fairly, effectively, ok, whatever that is. So, whatever ridiculous thing they say at you, there will be a need, an emotion, a concern that's driving that. Ok, and you can acknowledge that without necessarily answering the question or making it about you. Right, so I can hear that you want your complaint dealt with effectively, and then what I'm here to do is get more information from you about what's happened and outline the next steps. What would be helpful today is if we can talk through ABC.

Now, this framework is just a bit of a get out of gaol card for us if we feel like that spotlight's on me and it shouldn't be. Here's the tool I'll use. Ok, don't take the bait. Acknowledge their feelings. Express that you're here to put in an effort. You're here to help. And here's how I can help.

So, a bit of a summary and a statement here. I've been here before. You guys take forever and you basically have no powers. I mean, you don't even know what you're doing most of the time. Every time I call, there's someone new in the role. How long have you been doing this anyway? Right, I get that. I stop, take a deep breath, and go, I'm not going to make it about me. And I go back and say, look, I can hear that it's important for you to have this complaint managed fairly and as quickly as possible. In the next half an hour, what I'm hoping to do is get some information from you so we can decide next steps promptly. Could I ask you firstly...? And then go ahead. Right. So, we take all of that and turn it into, I'm here to help, here I am, this is what I can do.

Once you learn it, it's incredibly empowering because honestly, there is no conversation you can't use that in. Obviously, like I said, there's red line behaviour. If

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that's the case, don't. If there's a physical threat, you need to follow policies and procedures around that. But conversations where you're a bit concerned, like this feels really icky for me. I'm not sure I'm in the right space here. Use your CARP framework and don't feel sad, scared to be a broken record either. You just repeat that back. They might come back and go, that's not enough. You tell me, where did you go to uni? How many years have you got in this? I want to talk to your manager. And you go back to, I can hear it's important. I'll note this is what you'd like next. For today, this is what I'd like to do. Would you like to proceed? And keep coming back. The last thing, though, is you try that CARP framework. You try and direct someone onto the right track so you can help them. And they refuse to go there. Maybe they start yelling. Maybe they interrupt you. Maybe they keep asking you things that aren't relevant to the complaint. At that point, the last tool you need is an I-statement, and this one will help you end the conversation. Ok, this is interesting. There's a bit of nuance here, because while you're not making the bait, the hook, the issue about you, the way we use I-statements is to say, look, for me to be able to help you today, to be able to support you in the next steps, I need this. Ok, so I feel it's hard to understand what's happening next when you are yelling at me. So, what would be great is if we can take a pause and try this a bit quieter. Or I'm finding it hard to continue to support you when the questions are targeted at my qualifications and me personally. I'd like to focus on what's happened in the complaint so I can figure out the next steps for you.

So, it's really, the I-statement is about, so I can help you, so we can figure out next steps, I need you to shift in this way. And it's just the last tool we have before it's about ending the call or scheduling another time when someone has supports in place. And it's explaining to them that I can't help you or be able to support you in these conditions. So, I need you to start behaving or communicating in a way that actually allows me to provide the value I have to give. Otherwise, this conversation is not useful.

So, that's our last tool. Ok? So, I've given you quite a bit, but I'm excited because April and I will go through some scenarios in a minute and we'll come back to some of these frameworks. But just a short one, I've just explained that we start with our perspective, we name the behaviour, notice the conversation getting off track, describe the impact or effect, might not get onto your main issues if we keep talking on this topic. Here's what I think will be helpful for today.

And if it is the case that some of the behaviour is getting close to crossing a line, it's

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good to refer to policies and procedures. So, I won't be able to continue to help you if you use language like that. So, we can get on track with this conversation, I'd prefer if you don't use those words. Ok. Just if you have a policy or process, refer back to that to say, hey, if you go beyond this line, I can't help you and I really want to help you today. So, let's just walk ourselves back a little bit and let's get back on track. It's a way of managing other people's behaviours that doesn't feel like you're a problem, you're yelling, you should calm down, you should manage your own emotions. Well, that's internally what we're thinking. In reframing it this way, it's about our role and support.

Ok, I can see the gestures, the emojis, the comments and the questions. I haven't read the chat box yet, but I can't wait to get into some of your questions here. The last thing though, one more thing to say is that all these are tools, not rules. You've got to read the room.

And this has been the, and then we've got to take care of ourselves as well. And this has been the most useful tool I've carried. I've worked in conflict for over 17 years now. And the only reason I keep going and I can continue with some energy in this space is because I have spent a lot of time realising that there's a lot of stuff going on for people and there's a lot of unfairness in the world. There's a lot of distress in the world. And when we have an hour or two hours with someone and they are going back into environments, into situations, they have lifelong experiences, cultural experiences, health care needs, there is only so much I can control in how that person reacts and feels. I cannot take that on me. So, at the end of the day, we have all these tools and skills for de-escalation. But ultimately, we can't control whether they work, right? We can improve the chances of it. Sure, we can influence it. But whether these tools are going to land, whether they're going to actually work, depends on hundreds of factors that are outside of our control. And it's just really important for us to keep that reflection with us as we work through this, as we debrief after all these difficult conversations is to go, that conversation happened and then there's been a train wreck afterwards. But was that something I could have prevented?

All right, so there you go. Those are my highlights. That's the highlights reel. But just a quick recap on the takeaways, which is we're focused on calm before content. We're not focused on solving the problems. We're not focused on finding solutions. We're focused on creating conditions, so that can happen. While I have borrowed from some of the principles and learning from counselling and psychology, we are

not therapists, we are not in that sort of relationship, and so we have to set and reinforce our boundaries. In addition to that, there's only so much of this we can take, and we have to cheque our oxygen first and be ready to say, I'm on steady ground before I start working on someone else's steady ground.

And the last thing is tools, not rules. So, remember those principles I said to you at the start. When deciding how to go back to someone who's in that heightened state or what to do with a phone call, think about what's safest, what's most inclusive, and what's most fair in this context.

All right. I think that's all the sort of information I want to share with you today. But I think what we'll do now is Sarah and April, we're going to work through some scenarios, and we will be able to apply some of these principles in a sort of practical sense now.



Sarah Bendall

Thank you so much, Shiv. That was fantastic. And thank you everyone for all your reactions. It really does make a difference when you see those thumbs up and you got some laughs there too, Shiv. I don't know whether you saw. You got some laughs as well in the starts. So, everyone, we can see that there are some questions coming through. Please keep the questions coming because we'll get to them in a little while.



Sarah Bendall

For the next session, though, we're going to have April and Shiv just going back and forth, just road testing some of the skills and the tools that Shiv's been going through with some practical scenarios. So over to you, April and Shiv. Thank you.



April Vocale (She/Her)

Thanks, Sarah, and thank you so much, Kim. That was absolutely wonderful. Some really fantastic skills, and I'm looking forward to unpacking them now with you. So, I've got some scenarios today that come up frequently in the complaint's world in our space. The first one being that complaint handlers often engage with students who are experiencing significant mental health concerns, distress or emotional overwhelm. So, this can include complaints about reasonable adjustments, not being adequately implemented, resulting in fear about disadvantage, whether that's academic. And it'd be really interesting to unpack what kind of practical de-

escalation skills staff can use to keep conversations productive while still maintaining that empathy and procedural boundaries.

SM Shiv Martin

Yes, yes. Oh, there's pretty much the whole thing that I just said. But I think especially when you have someone who has an underlying disability or vulnerability, I think recognising first and foremost that they are the expert in their needs.

And so, I come back to those principles, those core concerns around autonomy and around appreciation and affiliation and saying to someone, look, I can, especially if they volunteer, like, you know, I needed these special adjustments. I didn't get it. I'm feeling unfairly treated. You need to sit back and go, well, you talk to me about what you need, but before we get into the complaint, tell me more about what you need from our supports and process. And recognising though, and this is the boundaries piece, where the limits apply. So, say you have a process which allows for phone calls and emails, but you can't do in-person meetings. Maybe you work remotely, maybe you don't have the space, whatever it is, then you don't say, how would you like us to talk? You might say, look, I want to make sure our conversation is as comfortable for you as possible, that the options I have is this, this and this, what works best. But the thing with the de-escalation piece is we're trying to make someone feel in control and calm and clear on what happens next with some choices. And that is even more important the more vulnerable someone is. And so, whatever we can do to make them feel confident in engaging with our process, the better. And it shouldn't all rest on us. So, having support people and having options for them to take some time and come back to you on what's helpful so that you're not their support person, you are their complaints manager. So that's a couple of things I could think of quickly. Do you have more, April, from your experience as well?

AV April Vocale (She/Her)

I completely agree. I think that role clarity and boundaries, again, we keep coming back to that concept of boundaries and reinforcing them. In these situations, I see staff often trying to solve something immediately or giving too much information too quickly. And that comes back to what you were talking about around memory, cognitive ability, when someone is really distressed.

SM Shiv Martin

Yeah.

AV April Vocale (She/Her)

So, I would say, you know, we need to slow it down, focus on the immediate next step rather than the process in its entirety and acknowledge the emotions. So, you know, I can hear this has been really stressful for you. I would like to focus on what outcome using those I-statements. And something really important that you mentioned is that empathy and agreement are not the same thing, that we can really clearly empathise with what somebody's experiencing and what they're going through and acknowledge that without agreeing with every allegation they're making.

SM Shiv Martin

Absolutely. Absolutely.

AV April Vocale (She/Her)

We might jump into the second one. There's so much more, which is about service delays. So, that's a big one. We have lots of competing priorities in universities and when we look at the sphere of control as well, sometimes a lot of those are not inside our immediate sphere. They're a common source of frustration, whether they involve investigations or amendments to transcripts, accessing documents or other processes. What would you say are some effective ways to communicate about a delay and rebuild trust when students feel like they're not being heard?

SM Shiv Martin

Yeah, oh, this is such a good question because in my view, there isn't a single complaint handling team in the world that isn't experiencing service delays. You know, it's unfortunately a feature of our work and it's always going to be there. The thing with the CARP framework, I actually learned it to start with working in a commission where our service delay and got longer and longer. And the thing with delays is you can acknowledge that there is one without apologising. In some cases, you can apologise if you should. So, examples where you should apologise is if you say to somebody, we will get you a response next week, and then you don't get back

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to them until three weeks later. Then there's a clear commitment that you haven't kept and it's fair to want to apologise. But in other cases, it's someone calling every day and you can't possibly have addressed that complaint in the timeline they want. We don't apologise, but we can acknowledge, say, you know, I can hear that you would like this handled quickly. And you're right, we are experiencing some delays. What I can do for you today is these things. I'm also happy to keep you updated. Would you like that update by email? The other piece around delays is transparency. So, if you imagine going into an emergency room, a hotel, a hospital emergency room, and I've spent a night in an emergency room where I went to them with a twisted ankle and didn't get seen till 6am the next morning and I had a good nap and realised maybe it wasn't that bad that I could fall asleep. But when you're sitting there and you see people coming in with much bigger injuries and you see the, you know, the staff running around busy, you don't sit there going, what about me? Because I hope not. Unfortunately, maybe a very tiny percentage do. But when you can see what's happening and behind the curtain, so to speak, you have a level of empathy and going, look, do you know what? Don't worry about my ankle. You deal with that person who's got blood rushing out of their head right now and you take your time and come back to me. You know what? I probably don't even need it. I'll see you later. But the thing is that transparency of, you know, I know a lot of your teams will publish data or the type of complaints that they're handling so people understand that, you know, you're not sitting around having a party in the background. It doesn't apply to everyone, but I like to think, you know, over 90% of our population would still understand if they have that transparency over what the time is being used for.

AV

April Vocale (She/Her)

I completely agree. That transparency is so important in building that trust and rebuilding it as well if it does become broken at some point. I think something practical university teams can do is, it's so important to start with the letters, the templates that you send out to students. Make sure you're really clear about what the process is, really clear about the time frames. Make those commitments. It's ok to make commitments. And again, importantly, make sure that you have the capacity to follow through because if you say you'll get a weekly update and you don't have the ability to go through with that, that's going to be worse than if you'd not said anything at all.

SM Shiv Martin

That breaks trust. That breaks trust, yeah.

AV April Vocale (She/Her)

Yeah. But even if you've got nothing new to say, no news is still news. So, often we, you know, outside of our sphere of control in universities may be that an academic may not be getting back to us with an answer, or a particular service area might not be responding to us in a timely way.

SM Shiv Martin

Yeah.

AV April Vocale (She/Her)

That isn't something that we can directly control a lot of the time. It's really difficult and it causes a lot of frustration. But what we can control is updating the student. What we can control is that communication, that transparency, letting them know we have requested this information, we're still waiting on an update, you haven't been forgotten. I think that makes all the difference.

SM Shiv Martin

Yeah, absolutely.

AV April Vocale (She/Her)

Ok, our third scenario today, third and final, is around some of the behaviour that we might see. So, complaint handlers sometimes receive repeated emails, communication sent to multiple recipients, so copying in half of the university, or demands for an immediate response.

SM Shiv Martin

Mhm.

AV April Vocale (She/Her)

And so, we've talked a lot about micro skills today in de-escalation. Can we talk a bit

more specifically about holding the line and preventing that further escalation when boundaries that you have put in place aren't being followed by a student?

SM Shiv Martin

Yes, yes, absolutely. I think it starts with putting those boundaries in place to begin with. And it's not just in the skills and the things you say, but also in the systems you have and being clear on this is the expectation, this is what we can do, these are the limits, this is expected time frames. And you know what? Holding on to those boundaries yourself, because I think sometimes the challenge is that organisations might have great boundaries and frameworks in place, but then they get inconsistent. So, starting with ourselves, have we put in boundaries and are we consistently following those is 1. The second though, is there are absolutely people, and this is usually the work I do, is when people are sending like an email a day copied into the whole world and it's like a mailing list you can never get out of. And unfortunately, today with AI as well, it just makes this work monumentally harder. It's coming back to that principle of fairness. Now, fairness is what's not just fair for that person, but fair for all the stakeholders. And a lot of the teams I help have, you know, public funding or funding where you are a complaints team that supports a range of students, hundreds, thousands, right, 10s of thousands. So, you cannot use all your resources or a disproportionate amount of your resources on one person. It's not it's not fair and that, you actually have an obligation not to do that and limit their time. The other thing in complaints world, that's important to remember though, is it's not every person, I've got 10 complaints and therefore everyone gets 110th of my week. Actually, what you need is proportionality.

So, there's two principles here. You need to be proportionate to the issue. So there, and I've done some work with not unis, but the schools, the Department of Education, complaints from parents. And it's surprising how much time a parent with a very significant issue takes from a parent with almost a non-issue that's willing to talk forever and send you 100 emails. So, coming back then to these are actual legal principles around procedural fairness and proportionality. That's so important in these cases.

AV April Vocale (She/Her)

Yeah, and I think as well, you know, we've got the legal principle, and then there's also the principle of squeaky wheel gets the grease. So, you know, we do need to be

AV conscious of when we're enabling that. And I think I'd love it if everyone here today could go back to their teams and their spaces and not only reflect on their personal ability to set these boundaries, but whether or not they have within their organisations the framework set up to support their boundaries. So, things like, you know, making a single point of contact, having fortnightly updates or having those escalation pathways. It's important to make sure that your team, your workspace is designed to enable and empower you to acknowledge when things need to be managed and when things maybe aren't going well, so you feel that you can put boundaries in place. You know, staff need to be able to talk about this, need to be able to have a safe space to say, hey, this person's name comes up to my inbox, and I feel really anxious about it. How do we reset these boundaries? How do we make sure that moving forward we've got some clarity in these expectations? So, if everyone just has a think about whether or not they feel empowered to do that, it's really important.

SM Shiv Martin

Yeah, and the rule of thumb here actually is interestingly, the more emotionally heightened, the more distressed, the more escalated a conversation is, the more important it is to have boundaries in place because we cannot, and the stakeholder cannot self-regulate to go, that's enough.

They may go around in circles. It'll never be enough sometimes in those distressing, high distress situations. And if you can imagine, again, some of those high clinical therapy situations, you don't get all day. You have very clear hours with a counsellor or a psychologist, because we know that when the emotions are high, and the needs are high, the boundaries create focus because our brains can't do that themselves. So, it's even more important to have real clear structures in place ahead of time so people know what to expect and prepare for in the moment.

AV April Vocale (She/Her)

Absolutely. I think, so that's it for our scenarios today. Thanks for unpacking those with me.

SM Shiv Martin

Thanks, April. Sarah.



Sarah Bendall

Wonderful. Thank you so much, April and Shiv. All right, everyone, we're moving into the 3rd and final chapter of this webinar, which is your Qs that Shiv, April, and if it comes to NSO, I will A for you. There's been quite a lot of questions actually, Shiv and April, which is fantastic to see.



Shiv Martin

Yeah, I could see that.



Sarah Bendall

Keep them coming. I'm going to tackle them in no order, just the ones that I've captured here. The first one, and some of them are a little bit long. So, this first one, Shiv, is how do we handle situations where a student continues to escalate a complaint even after it has been thoroughly investigated, addressed and explained. There comes a point where both the student and the staff involved understand the facts, yet the matter keeps growing. How do we know when we have done enough and when it is appropriate to respectfully close the issue? I'm interested in any tips for managing complainants who threaten... Oh, sorry, actually, that's the second one. Stop there.



Sarah Bendall

So, how do we know if a complaint keeps growing, even though you've done your best to try and resolve the actual original complaint, but it keeps growing?



Shiv Martin

Yeah, I mean, it's a great question. And this is why we have, I hope, like that sort of internal review, someone else, check with a buddy process, because, you know, they might have a legitimate concern. Like they might be unhappy with the decision, the outcome. So, we design processes that are fair, that are defensible, that are sort of clear and accessible, provide enough adjustments. And we go through applying those processes and we open ourselves up for review as needed. And then obviously there are external frameworks too. But I love that even if you don't have a formal internal review, some form of PR check before you go, look, we've done all we can and shut it down, right? And I think there's got to be, and I think April, you might

have better ideas around the procedures, but before it escalates outside of your organisation, if you make a decision as a complaints officer and you're the only one with hands on it. It's always good practise to get a second view in before you close it down. What do you reckon, April?

AV April Vocale (She/Her)

Look, I think all of our complaints processes have internal review and that's a really, really important option. So, make sure that you have that in your communications and not just, you know, also make it accessible. Let them know, don't just link them to a really big slab of policy, like here's the appeals policy. Actually say, if you aren't happy with the process, this is where you can go to raise your concerns. And again, don't just brush them off. If someone is genuinely concerned, have a look at it. We are people as well. We make mistakes. That's all part of it. Nobody is coming into work, certainly, I'm not coming into work and doing a perfect job every day. So, it's important to review our own work as well. Make sure that you have those key messages. If someone is coming back over and over and over, again, that broken record response. Don't change your responses to more and more pressure. Be really clear. And then also, I guess, separate the emotion from the issue. We don't need everyone to agree with a complaint outcome. Often, they won't agree or we aren't able to get an outcome that is satisfactory. We can acknowledge that that's frustrating. Or we can acknowledge that's disappointing. Mostly, hey, this actually, I can understand this is really disappointing because this isn't the outcome you were hoping for.

AV April Vocale (She/Her)

Here are some options for you. But as far as process goes, we've actually exercised the limit for this part of the process. So, we're going to do a warm handover now. We're going to move you to the next stage. So, acknowledging that they're a person with feelings, but being really clear about the process and what you can do.

SM Shiv Martin

Yeah. And the step-down approach, like if you really have to stop communicating with someone, warning them and then stepping down. So, someone comes back to you the day after, I don't like this. And you sort of say, this is what we've done. These are our limits. They come back the next day and go, as we said yesterday, these are

our limits and we'll be unable to communicate with you further on this point. They come back to you again and maybe you don't respond to them straight away, but a little bit later going as discussed. There's probably, you know, it depends. And I think that's coming back to something I said earlier. It's got to be proportional, right? Just not all two complaints are the same. And one might have almost no impact on a person and one might be a very significant impact. So, like we want to be kind in when we cut people off and it to be actually proportionate to the size of the issues at hand as well.

AV April Vocale (She/Her)

Yeah, and that's your tools, not rules. You know, we've got these tools here. It's not going to work for every situation, but also for your staff wellbeing. And it's important that they know that if you say, after this, we are not going to reopen this. We consider this matter closed. We can't communicate with you further about this. and then commitment and then follow through. So, it's important that they have the supports they need.



Sarah Bendall

Thank you both. I'm going to give you a break for a second because there's a couple of questions that have come in directed at the NSO and I'll read them both because they're both related. Ok, first one, how does the NSO consider the impact on university staff when it accepts or re-examine complaints that have already been thoroughly investigated and finalised by the university without procedural fairness? Oh sorry, without procedural issues? And the second one, staff at my university are scared to put in boundaries with unreasonable students due to past experiences with these being escalated to the NSO and the staff being put under huge pressure by being investigated. Does the NSO consider this when assessing matters? So, I think from the NSO perspective in terms of both of those matters, it's important that we all recognise that the NSO exists as an escalated complaints handling entity. And that means that students do have the right to lodge complaints with the NSO if they're unhappy with the outcome of a complaint that's been handled by a provider. So, that is the starting point. But the NSO doesn't investigate or handle complaints where we assess that a provider has already fairly and reasonably resolved a matter. And that's why we receive a much larger number of complaints than we refer to providers.



So, that check is in place. If there are matters that have come to you where you disagree with that, then I guess I would encourage you to reach out to the complaints officer who has referred the matter to you so that we can talk about that because that's the way the process is established.

And in terms of the second one, which is that staff are scared to put in boundaries with unreasonable students due to past experiences, that is concerning because, you know, obviously the NSO has put this webinar together today to help support the sector to learn de-escalation skills and part of that is exactly as Shiv and April have been talking about, establishing boundaries and being really clear about what is reasonable complainant behaviour and what's unreasonable. And we absolutely support that. So, we do not expect higher education staff to be accepting unreasonable behaviour from students. That's not the expectation from the NSO at all. The NSO is here to investigate matters or support with the resolution of disputes where there is an unresolved dispute from our perspective and that's what we do. So again, if you feel that that hasn't happened in a particular situation, then I would encourage you to reach out to the NSO complaints handler that 's referred a matter to you.

All right. Next question is one that's received a fair few thumbs up. It's a bit of a heavier one, which is, I'm interested in any tips for managing complainants who threaten self-harm or suicide during their communication and or meetings with complaint staff when they don't get the resolution they are seeking. How do you recommend seeking complaint resolution while managing student support and safety? These types of statements are also incredibly damaging and triggering to complaint staff. Where is the line?

SM Shiv Martin

Yeah, this one I've done a lot of work on and about a bit over 10 years ago, I helped a couple of the organisations I was working for at the time, starting to write policies. That was over 10 years ago. So, hopefully we've got some good ones floating around that if you don't have an in-house, you'll find someone who does.

The thing with this, and building on what the last thing you just said, Sarah, is our wellbeing, right? These self-harm threats and holding the weight of that is some of the things that affect us the most in our work. So, I have a bit of a two clicks rule here, which is that you should be able to get to a clear process or policy in two clicks on your screen. So, that could be on your intranet, it could be easily accessible,

or don't bother the IT team, just chuck it on your desktop, download a PDF of it and put it on your desktop. But then, when someone does say something that suggests they're going to harm themselves or someone else, you should have a really clear framework, no matter how senior you are, by the way, of A, B, C, D, E, F, of how we address this, how we make a record, what I say in the moment, how long I keep that call, who I call next.

What we need to do is get that, the weight of that problem, off our shoulders and onto experts that are equipped and trained specifically to manage that as early as possible and with as less of our discretion as possible. Because in these cases, the more that we have to go, were they really serious? Should I call them the next day? Wonder what happened there? The more that's impacting us. So, really clear frameworks you can get to quickly, you can navigate easily is sort of the big one thing. The second thing is, unfortunately, it happens that people just throw that out there as a way, unfortunately, of getting things that they want. We always have to assume they're serious, always. And what I've realised is if I assume they're always serious and they get excess supports or a knock on the door from someone, either they were serious and they really needed those supports, or they weren't serious and now they're a little embarrassed and on notice that you can't be throwing those words around. It's also important to hit the pause on actually substantively carrying on with the complaint work, because that's separate, right? Their wellbeing, their needs in this moment need to be addressed by the relevant authorities. We don't need to progress with the complaint. And also sort of not feeling like they're interrelated or made to feel like they are, I think is an important piece as well. So, that's a little bit from my perspective, but what do you reckon, April?

AV

April Vocale (She/Her)

I completely agree. It's really easy to feel taken hostage by these situations and to feel powerless. So, that's one of the biggest impacts on staff wellbeing is that you feel like you have no control. And something that I would remind everyone is, again, with those boundaries, that also includes role clarity and acknowledging what the role of a complaints manager is. We acknowledge the circumstances. We listen. We connect students with appropriate support. We explain what we're doing and give them that little bit of certainty. Whether or not it is a genuine conversation or a genuine threat is not relevant at the time. We treat everything as though it is. And I think as well, it comes down to, again, setting ourselves up for success. What are our

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processes look like? What do our frameworks look like? Is it easy for you to pick up the phone and call the manager of counselling? Can you contact the wellbeing team? Is there a form? Is there a, you know, you don't have to sit on hold. Is there a way that you can connect really quickly when these circumstances come up, and do you know how to do it? Because as soon as you make sure that you have those processes in place, that wait, it comes off your shoulders. You know that you have received a disclosure and you've passed it on appropriately and that person is now going to get the support that they need. The complaints process, I agree, is separate. It is not; it does not trump someone's wellbeing. And so that automatically takes a back seat. We get them the support they need and then take a moment for yourself. Debriefing as a complaint manager, acknowledging that vicarious trauma is a very real thing that exists and something we need to actively manage all the time in our self-care, making sure we build that into the way we work.

SM

Sarah Bendall

Thank you both, really helpful answers. Next one here, the five emotional needs is a great help to keep in mind. When delivering news such as a student is being discontinued or they don't have a choice for moving forward, don't have a choice for options for moving forward, how do you recommend we continue to give them choice and value their autonomy?

AV

April Vocale (She/Her)

I completely agree. People respond a lot better to choices than directives. So, we're giving them options. When they do get a complaint outcome that they don't agree with, it can feel really disempowering. Again, there's that separating the acknowledgement and the empathy. Like, I understand this is a disappointing outcome, or I understand this is not the outcome you were hoping for. However, and then we move into choices. So, we acknowledge what is going on. And then, I mean, that's the CARP process as well. Like we're acknowledging and we're going to refocus. So yes, this is a really difficult thing. However, here's what you can do. Here's how you can lodge an appeal, or here's how you can get support for some other issues that you may have raised. So, redirect and acknowledge.



Sarah Bendall



I think sometimes it's about how you deliver that message as well. Just thinking really carefully about the mode of communication you take to delivering outcomes that you know are quite high stakes for complainants. There were a fair few questions in registration actually about similar issues to this where attendees were talking about how to manage potential de-escalation for students in the context of bad outcomes for matters that have visa implications and again for the suspension, exclusions and matters where it is really high stakes. And I think that in addition to what Shiv and April has just shared, just really thinking carefully about how you communicate that outcome is important. And sometimes, you know, it might seem like picking up the phone or having a virtual meeting is the harder option and maybe the higher risk option, but it can be better. It can be a much more personal approach to start with that and then follow up in writing. What do you think, Shiv and April?

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Shiv Martin

Yeah, I like a sandwich in that you've made a decision. It's not good news. Trying to call that person to say there is a decision coming, it's not going to be good news. I want you to take time to read it and I'm here to talk about it if you have questions because chances are they need to see your decision in its context. You need to see the details, they need to see the evidence, and they need some time to think about it before they have meaningful questions. But again, it's that appreciation and affiliation core concerns. Like we're not going to farm it out with a reference number and an email out of the blue that lands in someone's inbox if it has such a significant impact on someone. So, taking time out to just give them a 10-minute call. Don't just limit the space for questions because, and I hate putting my lawyer hat on and it's not legal advice today, no legal advice, but we have to be super careful when we've made a carefully considered decision and it's all in the document. The purpose, exactly as Sarah said, the purpose of that call is to the mode and the human touch, but the reasons and the decision should all be there. But then you sandwich it and say, have a read, and if you have questions, I'm still here to chat. So, they feel supported in the delivery of the information, the reason, but the reason is quite clearly and properly made and communicated with the level of formality that it will need. So, that's my strategy. April, what do you think?

AV

April Vocale (She/Her)

Yeah, I think and practically as well, I agree those phone calls are really, really helpful,

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whether or not you're delivering the outcome over the phone or saying, hey, I'm going to send you an email soon and I just wanted to make sure that you're maybe in a place where you've got some support or I just, I know this might be difficult for you. So, please have a read and then if you've got any questions at all, let me know to follow up. I think it's really important. Universities can spend a lot of time on policy and procedure and really, especially in complaints, like we're all very, we can be quite legal minded as well and very into the details and the process. And so, we spend a lot of time taking humans out of this. But at the end of the day, our role as a complaint manager is at the very height of things to put people back in. Like there's a reason that we do this and bots don't do this. Bots don't run complaint. Well, I hope they don't, but they don't run complaint processes. People do because there's a quite dehumanising element to going through and having something that's really concerning go through this process. And it might not be the most important thing to you that day, but the person receiving that outcome, it's going to be really, really important to. And it's our job to put the people back into the process.



Sarah Bendall

I love that, April. You've given us two t-shirt slogans there. Bots can't rock complaints. Put the people back in the process. Excellent. One question which hasn't come up, which I thought would come up, is around when you actually get into the space of thinking about if a complainant is vexatious or not. And it's interesting that it hasn't come up. I think it is a reflection of everybody here's desire to really try and maintain a complaint handling process and really achieve that outcome. You know, but it is a feature of de-escalation training. Sometimes you need to know where the line is. So how do you, what is your advice for when people should start to think about if the behaviour is just really crossing that line in a sustained way?

SM

Shiv Martin

Yeah. Oh, this is a great question, Sarah. And we've got another hour for the question. But I think, I know, firstly, always, we always separate the behaviour from the merits. The complaint is assessed on its merits, but certain behaviours should be limited out of fairness to others. And this is the area of what is the vexatious complainant, there's quite a lot of law around it. What's important to remember always is that it's an extremely high bar and we have to be very careful before we jump to that label. That said, they exist. There have been plenty in the court

proceedings at least, and I have had to navigate those in my work as well, and it's very much about being specific as to the behaviours that are unacceptable, whether that, and with reference to fairness and proportionality again, and safety. There's vexatious complainant behaviour that's impacting on the safety of staff or the wellbeing of staff. We specifically outline the behaviour, its impact. If it's vexatious complainant behaviour that's having an impact on the fair allocation of resources and the agency's ability to do the work that it has to do, then we are very clear around this is the behaviour, this is the impact, this is the principle, and we step up limits. And there's lots of ombudsman guidance on this, but there is a staircase before you cut people off and you give warnings and you make adjustments and you limit only as far as necessary to manage the impact of the behaviour. So, you might not need to cut someone off. You might just say we can't take phone calls from you and you just sort of step it up. So, those are some of the tools, but it's definitely worth looking at the ombudsman's material on that, because I know that you've got lots of guidance around what needs to happen on the way to declaring someone vexatious, which shouldn't happen too often.

AV

April Vocale (She/Her)

I agree. I think, look, vexatious complaints are a very real thing and they do occur, but we also tend to label them vexatious quite quickly. And so, it can be really damaging to the complaints process itself to when people label something as vexatious, there's that tendency to disregard concerns and label them as irrational or invalid where somebody can be, again, let's separate the person and the problem. Someone's concerns can be really, really valid and they can be having a, you know, a genuinely terrible experience that they want to complain about. Their behaviour about that is linked to the experience they're having. It doesn't, we're not creating excuses for that behaviour, but we do need to cordon that off from the actual complaint itself, look at that on its merits, and then manage the behaviour separately. And whether you do that in your complaints team, whether there's another team, like I say the community team or other part of the university that you might call in, you know, we don't manage complaints in a bubble. I've talked before about picking up the phone and calling wellbeing. Do you have other teams that can come in and give you advice on educative responses or, you know, talking about student conduct policies, talking about expected behaviours? Like, let's just set it out really clearly, rather than going, well, that's vexatious, think about is the behaviour

preventing the complaint from progressing? Is it impacting staff wellbeing? What boundaries are in place? Have they been crossed? And then going back to processes, you know, every complaint management team should know when they can escalate things and how to do it. And that goes down to making sure that everyone feels supported at work.



Sarah Bendall

Thank you both. We are at 3.26. We're almost there. Very quickly, I love this question, any plans to have a conference? Thank you very much, anonymous. That is exactly the type of question we want to see in the surveys, which will pop up soon, because remember, the more people complete the surveys and give us your guidance on the types of things you want us to have, webinars on, the more we can do, or maybe even a conference, you never know. There was a question here that says, if my institute's wellbeing team does not work full week, how can I escalate to any external institution for cases when students show intentions to harm themselves or others? I might just respond quickly to that one so we have time for one more. And I think that's a really good question in that it just emphasises the need to have in place for staff really solid referral pathways. So, if you don't already have a list of reliable external referral pathways that you can refer students to, then please create one because it's really important for staff to have that available. The last question, which I missed earlier, which came a bit earlier on, I will read now, last and final. In the scenarios I work in, interactions are often face-to-face, transient, don't have any form of ticketing or inquiry or logging until after the fact and users present with a sense of urgency. What parts of Shiv's approaches are most useful in that context?



Shiv Martin

You want to take this one first April or?



April Vocale (She/Her)

So, I think if we're talking about physical environments here, and you mentioned that there's some unpredictability in that as well. So, what we really need to do here is that preparation. Preparation is key, and that is not just our typical, the way we've been talking about boundaries. We're talking about physical boundaries and space awareness. Are you set up in a space? Do you know where the exits are? Is the room appropriate? Are there other staff members close by or available with you? Do you

know what to do if someone presents as agitated or aggressive or dysregulated? Is there a process behind it? Having the preparation will change the game for those situations.

SM Shiv Martin

I absolutely agree, like being prepared and knowing it's going to be part of the work and that we have the tools, resources ready to go. De-escalation only works if we feel calm and on steady ground. So, if that means, if you feel genuinely afraid, uncomfortable, telling someone some bad news in person and your preference is to do it online because that's the way you can be more confident, then that's ok. I always prefer though that we try the in person with a buddy, you know, so always remember you don't have to do it alone and just having one extra person, they don't even have to be in the complaints team, whoever you find walking around that you can trust to be like, hey, help me out here. Just to have another person in this space is so helpful. And yes, if you are in an organisation where you might be on your own late in the evening where someone comes in, you know, really angry and agitated, having an environment ready where you feel confident and safe is essential. And I think absolutely exactly what April said. There's a little bit more we could do around body language and gestures. I mentioned the don't smile piece, don't frown either, but there's a bit more around how you present that will help, especially if someone comes to you not angry and violent, but more just really upset and distraught. There's actually a different thing you would do of actually sitting without a wall between you both and sitting down for a conversation. There's also skills around taking it to a public space if someone is being a bit angry. Actually, can we go for a walk outside? Can we meet somewhere where other people might see us? So, lots of different tools depending on the emotion, but we prepare for exactly what April said. We have a plan in place for all of those.

 **Sarah Bendall**

Fabulous. Thank you so much, both Shiv and April. We're now at time, everybody. We're going to pop up the survey QR code in a second, but please join me in thanking Shiv and April for their time today. Thank you, everyone.

SM Shiv Martin

Thanks, April. Thanks, Sarah. Thank you. It's been great.



Sarah Bendall

Please complete that survey.



April Vocale (She/Her)

Thank you, everyone.

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