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Managing 'High Conflict' Behaviour

18 June 2013

Why manage 'high conflict' behaviour?

- Research by the Australian Ombudsmans confirm that a high proportion of information rights applications are made by individuals displaying high conflict behaviour
- At OIC, a small number of applicants have demanded a majority of OIC's external review resources
- Unreasonable behaviour is not limited to applicants but also other stakeholders
- ***Poll question – Which of the following stakeholders do you consider to have demonstrated 'high conflict' behaviour in the past?***
 - *A) Applicants*
 - *B) Internal stakeholders e.g. agency officers from different business units*
 - *C) Third parties*



How will this webinar assist?

- Dealing with high conflict behaviour is an unavoidable part of an RTI officers job
- Failure to deal with high conflict behaviour appropriately could result in a strain on agency resources, larger review applications and personal stress for the RTI practitioner
- Prof Tania Sourdin and Bill Eddy are internationally recognised experts in dealing with high conflict behaviour
- During this webinar we will demonstrate how to identify and manage different types of high conflict behaviour

Please type any questions you have during the webinar in the chat box and we will endeavour to answer them throughout the webinar



Discussion and Skills

Bill Eddy

High Conflict Institute

Prof Tania Sourdin

Monash University

Communication skills ...



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- Explanation
- Summary
- Reflection
- Listening, summary skills
- More specific skills...





1. Connecting with E.A.R. statements

Examples:

- ***“I can really understand this is difficult and frustrating.”***
- ***“I want to listen carefully and pay attention to your concerns about this problem.”***
- ***“I appreciate that you want to resolve this issue and that you have been working towards this.” (respect)***



Fears and EARs for HCPs

Their fear

Any of these below can hear any of these responses →→→

- Being abandoned
- Being seen as inferior
- Being ignored
- Being dominated
- Being taken advantage of

Your EAR response

- I want to assist you
- I respect your efforts
- I'll pay attention
- I'll listen
- They're just rules we all have to follow
- I understand this can be frustrating
- I'll work with you on this
- I know this is confusing
- I care about you and want you to succeed



Cautions about E.A.R.

- Avoid believing or agreeing with content
- Avoid volunteering to 'fix it' for them (in an effort to calm down their emotions)
- Be honest about empathy and respect (find something you truly believe)
- Keep an arms-length relationship
- You don't have to listen forever
- You don't have to use words or these words

See Article: *Calming Upset People with E.A.R.*



"I'd rather be a huge part of the problem than a tiny part of the solution."



High conflict

Behaviour

- Seeking ‘all-or-nothing’ solutions to problems
- Emotional extremes: yelling, crying, criticising those who would help them
- Extreme behaviours: lying, stealing, spreading rumors, threatening violence, violence, etc.
- Focus on blaming others

Personalities

- ***Repeated pattern*** of high conflict behaviour, not just situational; may or may not have personality disorders or traits
- ***Highly defensive*** about their own behaviour
- ***Ordinary methods*** of conflict resolution don’t work, such as logical arguments, negative feedback or trying to lead them to insights about their past behaviour

Common issues of 'High Conflict' personalities

#1: LACK OF SELF-AWARENESS

- Don't reflect on their own behaviour
- Don't recognise their own role in their conflicts

#2: LACK OF BEHAVIOUR CHANGE

- Not trying to change – highly defensive about self
- Stuck in the cycle of high conflict thinking

#3: EXTERNALISING RESPONSIBILITY

- Repeatedly feel helpless and vulnerable
- Trying to protect themselves by attacking others
- **HCPs** preoccupied with specific 'Targets of Blame'



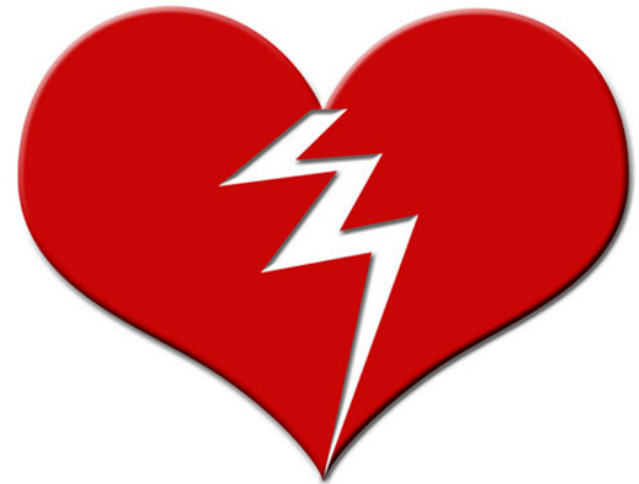
"What sort of flowers say, 'I promise to obey the restraining order'?"

Borderline “*Love-You,* **HATE YOU**” types



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- Fear of abandonment: clinging and manipulation
- Seeks revenge and vindication
- Dramatic mood swings
- Sudden and intense anger, out of proportion
- Impulsive, risk-taking, self-destructive behaviours

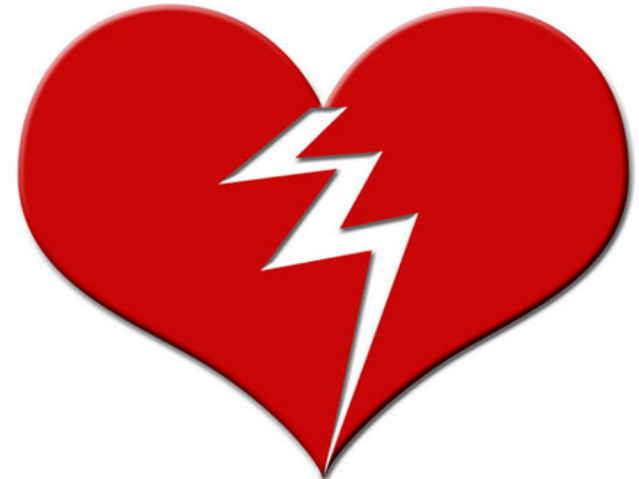


Specific responses for 'Love-You, **HATE YOU**' types



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- Stay calm and matter-of-fact when they get angry
- Listen briefly with empathy
- Acknowledge their upset, but focus on next task
- Have clear boundaries
- Be consistent and predictable
- Maintain a moderate emotional relationship: not too close and not too rejecting





Narcissistic 'I'M VERY SUPERIOR' types

- Fear of being inferior or powerless
- Insulting and demeaning
- Believes in a very superior self-image
- Absorbed in self, own needs, own viewpoint
- Feels entitled to special treatment
- Lacks empathy for others





Specific responses for 'I'M VERY SUPERIOR' types

- Be respectful and resist insulting them (even though you will be tempted because of their arrogance and insensitivity to others)
- Resist their efforts to receive special treatment. Reassure them they are important, but that you have to follow the rules and policies
- Praise them for some positive efforts/skills



Antisocial 'Con Artist' types



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- Fear of being dominated
- Drive to dominate others in weaker positions
- Disregard for social rules and laws
- Antisocial behaviour since before age 15
- Constant lying and deception, even when easily caught (they don't keep track of lies)
- Lack of remorse
- Some enjoy hurting people



Specific responses for 'Con Artist' types



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- Maintain a healthy skepticism
- Pay attention to your gut feelings – they often are the first to tell you to be wary
- Sometimes they are dangerous. Don't accept being bullied – get assistance
- Focus on setting limits and educating about consequences – patiently explain that policies and procedures require certain actions



Histrionic '*ALWAYS DRAMATIC*' types



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- Fears being ignored and left out
- Drive to be center of attention
- Constantly dramatic and theatrical
- Exaggerates and may make up stories
- Difficulty focusing on tasks or making decisions





Specific responses for *'ALWAYS DRAMATIC'* types

- Don't get hooked by their stories. You can always interrupt the drama by moving on to another important tasks
- Plan to spend more time getting ordinary work done with them
- Emphasise how they can help themselves. Give them a sense of empowerment





Paranoid *'I'll Never Trust You'* types

- Fear of being exploited
- Endless doubts about friends, professionals, etc.
- Misinterprets ordinary events or comments as demeaning or threatening
- Bears long term grudges
- Misperceives others as attacking him or her, so 'counter-attacks' first (pre-emptive strikes)
- Fears and expects conspiracies against him or her



Specific responses for *'I'll Never Trust You'* types

- Be as non-threatening as possible. Be reassuring, but don't expect them to trust you
- Don't push them to open up about things. Respect their caution and desire to only reveal what they have to
- Explain that policies require you to do certain things (so it feels less personal)

Live poll



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Q: Have you dealt with a High Conflict Personality?

- A. Yes
- B. No

Q: When was the last time you dealt with a High Conflict Personality?

- A. In the last day
- B. In the last week
- C. In the last month
- D. In the last year



Four key tips for managing HCPs (The “**CARS**” method)

1. **C**ONNECTING with E.A.R.
2. **A**NALYSING choices or proposals
3. **R**ESPONDING with B.I.F.F. responses
4. **S**ETTING LIMITS on behaviour



2. Analyse alternatives: MAKE A LIST

- **Have applicant write a list of** problems, a list of possible solutions or some other writing activity
- Writing and reading lists activate the brain's more logical problem solving skills





2. Analyse alternatives: MAKE A PROPOSAL

- Focus on the future and MAKE A PROPOSAL for the future
- Turn any complaint or past frustration into a proposal
- When they complain, just ask:
“So then, what do you propose?”
- And if someone doesn't like a proposal, ask that person to make a new proposal



2. Analyse alternatives: RESPONDING TO PROPOSALS

- When you hear a proposal, think about it and then just say:
“Yes”, “No”, or “I’ll think about it.”
- Avoid criticising a proposal. Just say:
“Yes” “No” or “I’ll think about it”
- It’s okay to ask questions about a proposal, such as:
“What’s your picture of what this would look like, if I agreed to do it?”
- And if you don’t like a proposal, just propose something else!

3. Respond to hostility while avoiding a power struggle

- Remember, distortions of fact are common for HCPs
- Recognise that sometimes people are lying, and that you will never know
- Emphasise that we can deal with the future without knowing all about the past:

“We can accept the uncertainties of this and still move forward.”

- Tell them:

“You might be right!”

“I wasn’t there, but let’s focus on what we can do now.”

“Here’s how I can help you today.”



3. Respond to hostile emails with **B**I**F**F

Brief: Keep it brief. Long explanations and arguments trigger upsets for HCPs

Informative: Focus on straight information, not arguments, opinions, emotions or defending yourself (you don't need to)

Friendly: Have a friendly greeting and closing, to set a friendly tone

Firm: Close the door to further argument or give two choices with a deadline

See article: *Responding to Hostile Mail (BIFF)*



4. SETTING LIMITS by explaining consequences

Explain the positive or negative consequences of doing what you are requesting:

- *“The law requires us to do this...”*
- *“The policies prevent me from doing that...”*
- *“I understand, but someone else might misunderstand your intentions...”*
- *“Take the high road...”*
- *“Choose your battles...”*



SUITS

“To be frank, officer, my parents never set boundaries.”



4. SETTING LIMITS while avoiding power struggles

Give them an E.A.R. Statement:

“I can understand your frustration.”

Then:

Emphasise that they have a choice in regard to the consequences:

“It’s your choice!”

“It’s up to you!”



Dealing with 'High Conflict' representatives

- Many are simply emotionally hooked and uninformed
- Some have high conflict personalities themselves
- **Deal with them in same ways as HCP applicants**
- Educate them, rather than getting angry with them



Dealing with 'High Conflict' repeat applicants

- Avoid engaging in logical arguments
- Avoid power struggles
- Maintain calm, matter-of-fact demeanor (anger and frustration often escalates them)
- Maintain narrow focus on tasks, choices and consequences
- Spend less and less time, and emotional energy
- Keep it **B**rief, **I**nformative, **F**riendly and **F**irm

Summary of key HCP skills



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- 1. CONNECTING:** Listen closely (briefly), then respond with Empathy, Attention and/or Respect (**E.A.R. Statement**)
- 2. ANALYSING:** Have person Make a List, or Make a Proposal
- 3. RESPONDING:** Avoid power struggles.
Be **B**rief, **I**nformative, **F**riendly and **F**irm (**B.I.F.F.**)
- 4. SETTING LIMITS:** Don't make it personal.
Explain policies and consequences of choices.



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Case Scenarios



Case scenario 1

Frodo – Disgruntled former employee

- Former employee
- Employment terminated due to ongoing harassment of co-workers
- Acquired brain injury following a recent stroke
- Has always expressed distrust
- Disputes the circumstances of his termination → added to his distrust of your agency
- Persistently calls, emails appears in person to harass Officers
- Marriage breakdown, no longer sees children → blames your agency
- Application: “Any and all documents in your agency that mention me or relate to me in any way.”



First step...?

Narrow Scope



Case scenario 1

Frodo – Disgruntled former employee

1. What is the best technique to gain useful information from Frodo?
2. If Frodo harasses you during your discussion or behaves inappropriately what should you do?
3. Should you manage Frodo's expectations by telling him that he is unlikely to receive some of the information he is seeking?





Case scenario 2

Manager Mayhem

- Document search request to Manager Mayhem
- *“Who is the applicant?... Why do they want that information?...”*
- Applicant is from the media
- *“Why are they asking for that?... Why aren’t you letting them have that?... You are being elusive and obstructive!... You have no idea the political pressure we’re under here!... There is no way you can get those documents from us!... If you insist, I will make sure that the documents do not exist!...”*





Case scenario 2

Manager Mayhem

1. Should you continue speaking to Manager Mayhem?
2. If Manager Mayhem refuses to stop asking you questions, what techniques can you use to end the conversation?
3. How do you explain to Manager Mayhem that what she proposes to do would constitute misconduct?
4. How do you debrief following a discussion like this one?



Case scenario 3

Hermione – The snake breeder



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- Unauthorised and unregistered pet snake breeder
- Your agency have entered the property and seized snakes that she has bred
- The seized snakes are put down by your agency, in accordance with law
- Significant difficulty with written English, history of drug and alcohol abuse
- At least five recent access applications regarding animal management practices
- Secret Snake Management File does not exist
- Application: “A record of all situations in the past 10 years where your agency has confiscated and put down any reptiles.”
- Phone Conversation: “Overcome by grief... traumatic childhood... life as a snake breeder... dealings with agency”



1. ***Should you continue telephone discussions with Hermione?***
2. ***What techniques should you use to keep your conversation on track?***
3. ***How can you best assist Hermione to give you the information you need?***

Case scenario 3

Hermione – The snake breeder



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- You send Hermione an email
- She calls back immediately from private number
- *“Do not email me again... I’m calling from an untraceable number... All my post and emails are scanned by you... I have no privacy... Do not send me any letters... Only telephone me... I will come and get the documents myself”*



1. How do you respond to this request by Hermione?