

# EQUAL SERVICE

Guidelines for responding to  
challenging behaviours



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## *Guidelines for responding to challenging behaviours*


Difficult behaviour can take many forms including unreasonable demands or persistence, inappropriate behaviour, offensive language, and threats to self harm, harm another or damage property.

In dealing with challenging behaviour, it is important to ensure that you respect the rights of the person involved. Some people who exhibit difficult behaviour may have an underlying health issue or a disability.

The *Equal Opportunity Act 1995* makes it unlawful to discriminate against someone due to his or her impairment, such as a mental illness or cognitive disability. Impairment is one of many attributes protected under the legislation; others include physical features, parental status, race or pregnancy. You cannot treat someone less favourably when providing goods or services, regardless of whether you are aware of the person's impairment. If you refuse someone service on this basis, it may be against the law and grounds for a discrimination complaint against you.

While there are some exceptions under the Act, such as where there is a risk to health and safety, the best way to avoid a complaint of discrimination and reduce the negative impact of discrimination is to treat all consumers in a fair and equal manner.





It may be more difficult for a person with mental health issues to communicate effectively and to understand some ideas or concepts. When discussing a person's difficult behaviour, it is helpful to focus on the behaviour that is causing the problem, and not the person exhibiting the behaviour. Speak to the person in the same way as you would someone who was not exhibiting difficult behaviour. Maintain a professional approach, treat the person with dignity and listen to what they say. For example, treating a person respectfully and explaining to them why they cannot enter or why they must leave will help them to understand what they must do in order to access your goods or services.

Once you have provided them with information about the standards you expect to be met on the premises, you should give them the opportunity to correct their behaviour. If they are unable to manage this, or unwilling to change their conduct, then you can ask them to leave the premises.

Do not treat a consumer aggressively as this may heighten any confusion or stress they are experiencing. If you do have to ask them to leave, you might like to ask them if they would like you to call a support worker or advocate, who can assist them with their needs. Alternatively, you could offer the person use of a phone to make the call themselves.

# Tips

The following tips may also be useful:

- Clearly explain the reasons for your decisions. Check that what you are saying has been understood and ask if they have any other questions.
- If empathy is appropriate, empathise with the distress of the person, without agreeing to their perspective.
- You do not have to comply with unreasonable demands or treat someone more beneficially than others on the basis that they are very persistent or displaying difficult behaviour.
- Where difficult conduct is ongoing, it may be necessary to have a plan to deal with the conduct and ensure that the plan is clearly explained to the person. It may also be necessary to explain how you will deal with difficult conduct in the future. Make sure that any plan you make is reasonable and is followed.
- Acknowledge any threats to self-harm or harm to another or property. If the threat is not overt, ask whether they are saying they will self-harm, harm another or property. If this is confirmed, tell them that you will have to inform the appropriate health or police agency and do this.

## Resources

### Victorian Equal Opportunity and Human Rights Commission

Provides free information and advice on the *Equal Opportunity Act*. Investigates and conciliates complaints of discrimination, sexual harassment and racial and religious vilification.

Advice Line      03 9281 7100  
Toll Free        1800 134 142 (regional callers)  
Website         [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

### PILCH Homeless Persons' Legal Clinic

Provides free legal information and advice to people who are homeless or at risk of homelessness.

Free call         1800 606 313  
Website         [www.pilch.org.au](http://www.pilch.org.au)

### Council to Homeless Persons' Homelessness Advocacy Service

Provides information, advocacy and advice to improve outcomes for people experiencing homelessness or at risk of homelessness.

Phone            03 9419 8529  
Website         [www.chp.org.au](http://www.chp.org.au)

### Department of Human Services

To assist someone access housing and support services, call 1300 650 172 and ask for the Community Housing and Homelessness Programs area of your regional office.

### Dispute Settlement Centre of Victoria

Can provide free mediation and dispute resolution advice for a wide range of disputes. Call 03 9603 8370 or 1800 658 582 (regional callers)

#### Disclaimer

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