

Central Coast Council

Unreasonable Complainant Conduct Policy



Date Adopted: 26/11/2024

Revision: 5

Policy No.: CCC013

Table of Contents

1. Policy Objectives	3
2. Policy Scope	3
3. Policy Statement	3
4. Identifying unreasonable complainant conduct.....	4
5. Strategies for dealing with unreasonable complainant conduct	4
6. Responsibilities.....	6
7. Policy Definitions	6
8. Policy Administration.....	8
9. Policy Authorisations	10
10. Policy History	10

1. Policy Objectives

- 1.1. This Policy has been developed to aid in the identification of unreasonable complainant conduct (**UCC**) and outlines the approach taken by Central Coast Council (**Council**) to respond to these complaints and ensure health, safety, resource and equity issues for the parties to the complaint are effectively managed.
 - 1.2. This Policy is not intended to be used by customers to restrict others reporting matters within the Local Government Area (**LGA**).
-

2. Policy Scope

- 2.1. This Policy covers personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, and any person or organisation employed to work on Council premises or facilities and all activities of the Council.
 - 2.2. This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the Chief Executive Officer (**CEO**).
-

3. Policy Statement

- 3.1. Council's Code of Conduct sets the standard and outlines Council's commitment to being accessible and responsive to all complainants. All members of the community have the right to ask questions about Council and the services it provides, express opinions about Council and its services and to lodge complaints about Council and its services.
 - 3.2. However, in some instances, complainants are not reasonable, and this Policy and the accompanying Procedure provides guidance on how to manage unreasonable complainants.
 - 3.3. This approach provides for all complainants to be treated with fairness and respect with the substance of their complaint, dictating the level of Council resources dedicated to resolving their issue.
 - 3.4. This policy extends to unreasonable complainant conduct on Council-owned social media channels.
 - 3.5. This policy will only be implemented if all other methods of dispute resolution have been exhausted.
 - 3.6. This Policy incorporates the principles of the NSW Ombudsman's Managing Unreasonable Complainant Conduct Manual (2021) and Unreasonable Complainant Conduct Model Policy (2022).
-

4. Identifying unreasonable complainant conduct

- 4.1.** Unreasonable complainant conduct is any behaviour by a complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for Council, Council staff, other service users and complainants or the complainant themselves. It includes unreasonable persistence, demands, arguments, behaviours and lack of cooperation, such as:
- 4.1.1. providing disorganised, excessive or irrelevant information, being unwilling to consider other valid viewpoints or refusing to clearly describe their complaint;
 - 4.1.2. arguments that are not based in reason or logic, that are incomprehensible, false, inflammatory, trivial or refuse to accept other reasonable interpretations; and,
 - 4.1.3. behaviour or conduct that is repetitive, harasses or utilises foul or abusive language, or compromises the health, safety and security of our staff, other service users or the complainant themselves.
- 4.2.** Some complainants may become aggressive and verbally abusive towards our staff, threaten harm and violence, make unnecessary and excessive contact via phone or email, make demands on our time that are disproportionate to available resources or refuse to accept our decisions and recommendations in relation to their complaint. When complainants behave in these circumstances, we consider their conduct to be 'unreasonable'.
- 4.3.** Council has a zero-tolerance policy towards any harm, abuse or threats directed towards staff either verbally or physically. Any conduct of this kind will be dealt with pursuant to this Policy and in accordance with our duty of care and Work, Health and Safety responsibilities.
- 4.4.** Nothing in this policy limits the capacity and legal requirement of Council to take appropriate action where the circumstances dictate, such as where the UCC involves an imminent threat to the mental or physical health or well-being of another customer or staff member, or the failure to obey a lawful instruction. In some instances, Council may also report any threatening behaviour to the New South Wales Police.

5. Strategies for dealing with unreasonable complainant conduct

- 5.1.** In determining the most appropriate strategy for dealing with UCC under a specific set of circumstances, Council will be guided by recommendations for dealing with such conduct which have been published by government integrity agencies, such as NSW Ombudsman.
- 5.2.** Unreasonable complainants will generally be managed by placing a reasonable and proportionate limitation on the ways that complainants can interact with Council and/or access Council services, such as:
- 5.2.1. limiting contact person(s) – e.g., appointing a sole contact person in Council for the complainant;

- 5.2.2. limiting subject matter – e.g., limiting the subject matter of communications that will be considered and responded to under the complaint;
- 5.2.3. limiting contact times – e.g., limiting a complainant’s contact to a specific time, day, length of time, or curbing the frequency; and/or
- 5.2.4. limiting contact channels – e.g., limiting or modifying the forms of contact that the complainant can have with Council including face-to-face interviews, telephone and written communications, prohibiting access to Council premises, and making contact through a representative only.
- 5.2.5. threatening and abusive emails will be reported to the New South Wales Police and the email address will be blocked.
- 5.2.6. threatening and abusive comments on social media may result in Council moderating and removing the comments or access to Council pages.

5.3. A decision may be made to:

- 5.3.1. terminate or limit access to Council services;
- 5.3.2. decline to acknowledge or act on any future complaints;
- 5.3.3. have no further contact with complainant about an issue; and/or
- 5.3.4. take no further action on a complaint and advising the complainant that no action will be taken unless the complainant has new information.

5.4. A decision to have no further contact with a complainant will only be made if it appears that the complainant is unlikely to modify their conduct and/or their conduct poses a significant risk for our staff or other parties that may include:

- 5.4.1. acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault, etc.;
- 5.4.2. damage to property while on our premises;
- 5.4.3. threats with a weapon or common office items that can be used to harm another person or themselves;
- 5.4.4. physically preventing a staff member from moving around freely, either within their office or during an off-site visit – e.g. entrapping them in their home; and/or
- 5.4.5. conduct that is otherwise unlawful.

5.5. Under this Policy, all decisions made to limit, withdraw, change or restrict a complainant’s access to Council services must be approved by the Chief Executive Officer.

6. Responsibilities

Compliance, monitoring and review

6.1. The following staff have identified roles under this Policy:

Unit Manager Communications, Marketing and Customer Engagement

6.1.1. The Unit Manager Communications, Marketing and Customer Engagement is responsible for reviewing and evaluating this Policy to confirm it still complies with all relevant legislation, government policy and Central Coast Council policies.

Customer Feedback and Improvement Officer

6.1.2. The Customer Feedback and Improvement Officer is responsible for implementing and monitoring this Policy using the Unreasonable Complainant Conduct Procedures.

Disclosures and Investigations Coordinator

6.1.3. The Disclosures and Investigations Coordinator is responsible for implementing and monitoring this Policy using the Unreasonable Complainant Conduct Procedures.

6.2. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.

Reporting

6.3. No additional reporting required.

Records management

6.4. Staff must maintain all records relevant to administering this protocol in accordance with Council's [Information and Records Management Policy](#). The Customer Feedback and Improvement Officer will ensure all documentation related to unreasonable complainant conduct will be stored in the electronic document management system Content Manager (CM) and a note added to the customer record in CX.

7. Policy Definitions

Act	means the <i>Local Government Act 1993</i> (NSW)
Council	means Central Coast Council
Complainant	is the term used to describe a member of the community, staff or organisation who has lodged a complaint with Central Coast Council.
Unreasonable complainants	are individuals or groups who behave in ways that are inappropriate and unacceptable, despite Council's best efforts to assist them. Unreasonable Complainant Conduct (UCC) is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant
Unreasonable complainant conduct	<p>may be divided into five categories:</p> <ul style="list-style-type: none"> a) Unreasonable persistence - Continued, incessant or unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. b) Unreasonable demands - Demands (expressed or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. c) Unreasonable lack of cooperation - An unwillingness and/or inability by a complainant to cooperate with Council and/or Council's customer service and complaint resolution processes. d) Unreasonable complaints - Any complaints that are not based on reason or logic, incomprehensible, false, inflammatory, trivial or vexatious. e) Unreasonable behaviour - Conduct that compromises the health, safety and security of Councillors and/or Council officers including abuse, threats or harm directed towards them.

8. Policy Administration

Business Group	Community and Recreation Services
Responsible Officer	Director Community and Recreation Services
Associated Procedure (if any, reference document(s) number(s))	Unreasonable Complaints Conduct Procedure
Policy Review Date	Four years from date of adoption unless legislated otherwise.
File Number / Document Number	D16124039
Relevant Legislation (reference specific sections)	<p>This Policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> ▪ Government Information (Public Access) Act 2009 ▪ Health Records and Information Privacy Act 2002 ▪ Independent Commission Against Corruption Act 1988 ▪ Local Government Act 1993 ▪ Ombudsman Act 1974 ▪ Privacy and Personal Information Protection Act 1998 ▪ Public Interest Disclosures Act 2022 ▪ State Records Act 1998
Link to Community Strategic Plan	<p>Theme 4: Responsible</p> <p>Goal G: Good governance and great partnerships</p> <p>R-G1: Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.</p>
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> ▪ Information and Records Management Policy ▪ Code of Conduct ▪ Delegations Register ▪ Complaints and Feedback Management Policy ▪ NSW Ombudsman Complaint Management Framework ▪ NSW Ombudsman Managing Unreasonable Conduct

[by Complainants – Manual](#)

- [NSW Ombudsman Managing Unreasonable Conduct by Complainants – Model Policy](#)
-

9. Policy Authorisations

No.	Authorised Function	Authorised Business Unit / Role(s)
N/A	N/A	N/A

10. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	September 2016	Creation of the Unreasonable Complainant Conduct Policy
2	September 2017	Final Version
3	July 2019	Review of the policy to update new template, Code of Conduct Policy date change and update naming conventions of authority officers. Procedures removed from Policy and separated into new document
4	28 September 2021	Review of policy including new template and update naming conventions of authority officers
5	26 November 2024 Adopted Ordinary Council Meeting Minute No. 468/24	Review of policy including new template, substantive wording changes but no changes to intent, and following public exhibition of changes.