



Unreasonable Complainant Conduct **Policy**

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Policy owner:	Communications, Marketing & Customer Engagement
Approved by:	Chief Executive Officer
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Purpose

This policy has been specifically developed to assist Central Coast Council (CCC), its Officers and Councillors, when managing unreasonable complainant conduct.

Policy summary

1. Council is committed to being accessible and responsive to all complainants. However, Council will take proactive and decisive action when complainants act unreasonably.
2. This policy aims to provide clear direction for Central Coast Council (CCC) staff to manage cases of unreasonable complainant conduct.

Scope

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. This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the Chief Executive Officer (CEO).

Background

1. This policy will only be implemented if all other methods of dispute resolution have been exhausted.
2. This Policy incorporates the principles of the NSW Ombudsman's Managing Unreasonable Complainant Conduct Manual (2012) and Unreasonable Complainant Conduct Model Policy (2013).
3. Central Coast Council has a zero-tolerance policy towards any harm, abuse or threats directed towards staff. 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.

General

1. Council will be guided by the NSW Ombudsman's guidelines; Unreasonable Complainants will generally be managed by limiting or adapting the ways that complainants can interact with Council and/or access council services including the following:
 - a) limiting contact person(s) – eg. appointing a sole contact person in Council for the complainant;
 - b) limiting subject matter – eg. limiting the subject matter of communications that will be considered and responded to under the complaint;
 - c) limiting contact times – eg. limiting a complainant's contact to a specific time, day, length of time, or curbing the frequency; and/or
 - d) limiting contact channels – eg. 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.
 - e) threatening and abusive emails will be reported to the New South Wales Police and the email address will be blocked.
 - f) threatening and abusive comments on social media may result in Council moderating and removing the comments or access to Council pages.

2. A decision may be made to:
 - a) terminate Council services
 - b) decline to acknowledge or act on any future complaints; and/or
 - c) have no further contact with complainant.
 - d) Take no further action on a complaint and advising the complainant that no action will be taken unless the complainant has new information.

3. 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:
 - a) acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault, etc.;
 - b) damage to property while on our premises;
 - c) threats with a weapon or common office items that can be used to harm another person or themselves;
 - d) physically preventing a staff member from moving around freely, either within their office or during an off-site visit – eg entrapping them in their home; and/or
 - e) conduct that is otherwise unlawful.

4. Under this Policy all decisions made to limit, withdraw, change or restrict a complainant's access to Council services must be approved by the CEO.

Review

1. The policy incorporates the principles of the NSW Ombudsman's Managing Unreasonable Complainant Conduct Manual (2012) and Unreasonable Complainant Conduct Model Policy (2013) and is reviewed and evaluated annually by the Unit Manager, Communications, Marketing and Customer Engagement to confirm it still complies with all relevant legislation, government policy and Central Coast Council policies.
2. The policy is implemented and monitored by the Customer Feedback and Improvement Officer with oversight from the Internal Ombudsman using the Unreasonable Complainant Conduct Procedures.
3. 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.

Records management

1. On advisement of the Internal Ombudsman, 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 customer record in CX.

Definitions

1. **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.
2. **Unreasonable complainant conduct** may be divided into five categories:
 - 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.

Related resources

Associated Documents:

- a) [Central Coast Council Code of Conduct](#) (March 2019)
- b) [Policy for Complaints and Feedback Management](#) (July 2019)
- c) [Ombudsman NSW Complaint Management Framework](#) (June 2015)
- d) [Ombudsman NSW Managing Unreasonable Complainant Conduct Manual](#) (2012)
- e) [Ombudsman NSW Unreasonable Complainant Conduct Model Policy](#) (2013).

History of revisions

Amendment history	Details
<p>Original approval authority details</p>	<p>Chief Executive Officer / Council</p> <hr/> <p>September 2016 D12818845</p> <hr/> <p>Creation of the Unreasonable Complainant Conduct Policy</p>
<p>Version # 2</p>	<p>September 2017</p> <hr/> <p>CM document number D12818837</p> <hr/> <p>Final Version</p>
<p>Version # 3</p>	<p>July 2019</p> <hr/> <p>CM document number D13678166</p> <hr/> <p>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</p>
<p>Version # 4</p>	<p>28/09/2021</p> <hr/> <p>CM document number D14869666</p> <hr/> <p>Review of policy including new template and update naming conventions of authority officers.</p>

