

# Managing Unreasonable Complainant Conduct Policy

## Policy Approval and Distribution

Approved by	Council Resolution
Responsible Officer	Team Leader of Customer Service
Council Service Unit	Finance and Customer Service
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## Version Control

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0.1	17-09-2019	Endorsed by the Consultative Committee.	N/A
1.0	24-09-2019	Adopted by Council.	319/2019

## Introduction

Cootamundra-Gundagai Regional Council supports residents and visitors having the right to ask questions or provide feedback about Council services. Communication with our customers including comments and suggestions assist Council to adapt and improve services provided.

## Purpose

This policy has been developed to assist all staff members to better manage unreasonable complainant conduct ('UCC'). Its aim is to ensure that all staff:

- Feel confident and supported in taking action to manage UCC.
- Act fairly, consistently, honestly and appropriately when responding to UCC.
- Are aware of their roles and responsibilities in relation to the management of UCC and how this policy will be used.
- Understand the types of circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
  1. The strategies provided in the NSW Ombudsman, *Managing Unreasonable Complainant Conduct Practice Manual (2nd edition)* ('practice manual) including the strategies to change or restrict a complainant's access to our services.
  2. Alternative dispute resolution strategies to deal with conflicts involving complainants and members of our organisation.
  3. Legal instruments such as trespass laws/legislation to prevent a complainant from coming onto our premises and orders to protect specific staff members from any actual or apprehended personal violence, intimidation or stalking.
- Have a clear understanding of the criteria that will be considered before we decide to change or restrict a complainant's access to our services.
- Are aware of the processes that will be followed to record and report UCC incidents as well as the procedures for consulting and notifying complainants about any proposed actions or decisions to change or restrict their access to our services.

- Are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.

## Scope

This policy applies to all Cootamundra-Gundagai Regional Council staff, volunteers and elected members.

## Definitions

### Unreasonable complainant conduct

Most complainants who come to our office act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about their complaint. However in a very small number of cases some complainants behave in ways that are inappropriate and unacceptable – despite our best efforts to help them. They are aggressive and verbally abusive towards our staff. They threaten harm and violence, bombard our offices with unnecessary and excessive phone calls and emails, make inappropriate demands on our time and our resources and refuse to accept our decisions and recommendations in relation to their complaints. When complainants behave in these ways we consider their conduct to be 'unreasonable'.

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 himself/herself. UCC can be divided into five categories of conduct:

- **Unreasonable persistence.** Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources
- **Unreasonable demands.** Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.
- **Unreasonable lack of cooperation.** Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with our organisation, staff, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources.
- **Unreasonable arguments.** Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon our organisation, staff, services, time, and/or resources.
- **Unreasonable behaviour.** Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant himself/herself.

## Legislative Framework

- Local Government Act 1993
- Work, Health & Safety Act 2011
- Government Information (Public Access) Act 2009
- Public Interest Disclosure Act 1994
- Managing Unreasonable Complainant Conduct Practice Manual, 2<sup>nd</sup> Edition, published by the NSW Ombudsman.

## Related CGRC Policies and Procedures

- Unreasonable Complainant Procedure
- Code of Conduct Policy
- Code of Conduct Procedure
- Complaints Handling Policy
- Complaints Handling Procedure
- Dealing with Aggressive People Policy
- Dealing with Aggressive People Procedure

## Review Period

This document is to be reviewed every four (4) years, to ensure that it remains relevant.

## Policy Statement

Cootamundra-Gundagai Regional Council is committed to being accessible to all complainants who approach our office for assistance and/or with a complaint. At the same time, the success of our office depends on the health, safety and security of the staff whilst performing their duties in an effective, efficient and fair manner.

When complainants behave unreasonably in their dealing with our staff, their conduct can significantly affect our success. As a result, Cootamundra-Gundagai Regional Council will take proactive and decisive action to manage any complainant conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

## ROLES AND RESPONSIBILITIES

### All staff

All staff are responsible for familiarising themselves with this policy and are also encouraged to explain the contents of this document to all complainants particularly those who engage in UCC or exhibit the early warning signs for UCC.

### Managers

All managers are responsible for supporting staff to apply the strategies in this policy. Managers are also responsible for ensuring compliance with the procedures identified in this policy. Following a UCC and/or stressful interaction with a complainant managers are responsible for providing affected staff members with the opportunity to debrief and vent their concerns either formally or informally. Managers will also ensure that staff are provided with proper support and assistance including medical and/or police assistance and support through programs such as Employee Assistance Program (EAPS), if necessary.

## RESPONDING TO AND MANAGING UCC

### Changing or restricting a complainant's access to our services

UCC incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to complainants by restricting:

- Who they have contact with
- What issues they can discuss
- When they can have contact
- Where they can make contact
- How they can make contact

When using the restrictions provided we recognise that discretion will need to be used to adapt them to suit a complainant's personal circumstances, level of competency, literacy skills, etc. In this regard, we also recognise that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

### **Completely terminating a complainant's access to our services**

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the General Manager may decide that it is necessary for our organisation to completely restrict a complainant's contact/access to our services.

If the General Managers determines that we cannot terminate our services to a complainant in a particular case or that we/our staff bear some responsibility for causing or exacerbating their conduct, they may consider using alternative dispute resolution strategies ('ADR') such as mediation and conciliation to resolve the conflict with the complainant and attempt to rebuild our relationship with them. However, we recognise that in UCC situations, ADR may not be an appropriate or effective strategy particularly if the complainant is uncooperative or resistant to compromise. Therefore, each case will be assessed on its own facts to determine the appropriateness of this approach

