

Managing Unreasonable Complainant Conduct Procedure

Procedure Approval and Distribution

Approved by	General Manager, Section Manager
Responsible Officer	Team Leader Customer Service
Council Service Unit	Finance and Customer Service
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Procedure

Unreasonable Complainant Conduct (UCC) incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to complainants. This procedure must be followed when changing or restricting a complainant's access to the services of Cootamundra-Gundagai Regional Council (CGRC).

1. All staff members are responsible for recording and reporting incidents by complainants.

This should be recorded in InfoXpert and a copy forwarded to the Manager Finance and Customer Service who will decide whether any action needs to be taken to restrict the complainant's access to our services.

2. Consultation with the relevant staff once a UCC has been reported.

The Manager Finance and Customer Service will contact the staff member to discuss the incident once a UCC Risk Assessment Worksheet has been submitted. They will discuss:

- The circumstances that gave rise to the UCC/incident.
- The impact of the complainant's conduct on our organisation, relevant staff, our time, resources, etc.
- The complainant's responsiveness to the staff member's warnings/requests to stop the behaviour.
- The actions the staff member has taken to manage the complainant's conduct, if any.
- The suggestions made by relevant staff on ways that the situation could be managed.

3. Investigation of complainant's previous conduct and history with CGRC.

The Manager Finance and Customer Service will conduct a search for information regarding the complainant's prior conduct and history with CGRC. They will also consider the following criteria:

- Whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances).
- Whether the complainant's case has merit.
- The likelihood that the complainant will modify their unreasonable conduct if they are given a formal warning about their conduct.
- Whether changing or restricting access to our services will be effective in managing the complainant's behaviour.
- Whether changing or restricting access to our services will affect the complainant's ability to meet their obligations, such as reporting obligations.
- Whether changing or restricting access to our services will have an undue impact on the complainant's welfare, livelihood or dependents etc.
- Whether the complainant's personal circumstances have contributed to the behaviour? For example, the complainant is a vulnerable person who is under significant stress as a result of one or more of the following: - homelessness - physical disability - illiteracy or other language or communication barrier - mental or other illness - personal crises - substance or alcohol abuse.
- Whether the complainant's response/ conduct in the circumstances was moderately disproportionate, grossly disproportionate or not at all disproportionate.
- Whether there any statutory provisions that would limit the types of limitations that can be put on the complainant's contact/access to our services.

Once the Manager Finance and Customer Service has considered these factors they will decide on the appropriate course of action.

4. Providing a warning letter

Unless a complainant's conduct poses a substantial risk to the health and safety of staff or other third parties, the Manager Finance and Customer Service will provide them with a written warning about their conduct in the first instance. The warning letter will:

- Specify the date, time and location of the UCC incident.
- Explain why the complainant's conduct/ UCC incident is problematic.
- List the types of access changes and/or restrictions that may be imposed if the behaviour continues. (Note: not every possible restriction should be listed only those that are most relevant).
- Provide clear and full reasons for the warning being given.
- Include an attachment of the organisation's standard of behaviour that is expected of the complainant.
- Provide the name and contact details of the staff member who they can contact about the letter.
- Be signed by the Manager Finance and Customer Service or preferably the General Manager.

5. Providing a notification letter

If a complainant's conduct continues after they have been given a written warning or in extreme cases of overt aggression, violence, assault or other unlawful/unacceptable conduct the Manager Finance and Customer Service has the discretion to send a notification letter immediately restricting the complainant's access to our services (without prior written warning). This notification letter will:

- Specify the date, time and location of the UCC incident(s).
- Explain why the complainant's conduct/UCC incident(s) is problematic.
- Identify the change and/or restriction that will be imposed and what it means for the complainant.
- Provide clear and full reasons for this restriction.
- Specify the duration of the change or restriction imposed, which will not exceed 12 months.
- Indicate a time period for review.
- Provide the name and contact details of the Manager Finance and Customer Service who they can contact about the letter and/or request a review of the decision.
- Be signed by the Manager Finance and Customer Service or preferably the General Manager.

6. Notifying relevant staff about access changes/restrictions.

The Manager Finance and Customer Service will notify relevant staff about any decisions to change or restrict a complainant's access to our services, in particular reception and security staff in cases where a complainant is prohibited from entering our premises.

7. Continued monitoring/oversight responsibilities.

Once a complainant has been issued with a warning letter or notification letter the Manager Finance and Customer Service will review the complainant's record/restriction every 3 months, on request by a staff member, or following any further incidents of UCC that involve the particular complainant to ensure that they are complying with the restrictions and the arrangement is working. If the Manager Finance and Customer Service determines that the restrictions have been ineffective in managing the complainant's conduct or are otherwise inappropriate they may decide to either modify the restrictions, impose further restrictions or terminate the complainant's access to our services altogether.

8. Appealing a decision to change or restrict access to CGRC services

Complainants are entitled to one appeal of a decision to change/restrict their access to our services. This review will be undertaken by a Manager that was not involved in the original decision to change or restrict the complainant's access. This staff member will consider the complainant's arguments along with all relevant records regarding the complainant's past conduct. They will advise the complainant of the outcome of their appeal by letter which must be signed off by the General Manager. The staff member will then refer any materials/records relating to the appeal to the Manager Finance and Customer Service to be kept in the appropriate file. If a complainant continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that we have acted fairly, reasonably and consistently and have observed the principles of good administrative practice including, procedural fairness.

9. Period for review

All UCC cases where this policy is applied will be reviewed every 3 months after the service change or restriction was initially imposed or continued/upheld.

10. Notifying the complainant of an upcoming review

The Manager Finance and Customer Service will invite all complainants to participate in the review process unless they determine that this invitation will provoke a negative response from the complainant (i.e. further UCC). The invitation will be given and the review will be conducted in accordance with the complainant's access. When conducting a review the Manager Finance and Customer Service will consider:

- Whether the complainant has had any contact with the organisation during the restriction period.
- The complainant's conduct during the restriction period.
- Any information/arguments put forward by the complainant for review.
- Any other information that may be relevant in the circumstances.

11. Notifying a complainant of the outcome of a review

The Manager Finance and Customer Service will notify the complainant of the outcome of their review using the appropriate/relevant method of communication as well as a written letter explaining the outcome, as applicable. The review letter will:

- Briefly explain the review process.
- Identify the factors that have been taken into account during the review.
- Explain the decision/outcome of the review and the reasons for it.

If the outcome of the review is to maintain or modify the restriction the review letter will also:

- Indicate the nature of the new or continued restriction.
- State the duration of the new restriction period.
- Provide the name and contact details of the [nominated senior manager or relevant officer] who the complainant can contact to discuss the letter.
- Be signed by the Manager Finance and Customer Service or General Manager.

12. Recording the outcome of a review and notifying relevant staff

The Manager Finance and Customer Service is responsible for keeping a record of the outcome of the review and notifying all relevant staff of the outcome of the review including if the restriction has been withdrawn.

13. Managing Staff Stress

Dealing with complainants who are demanding, abusive, aggressive or violent can be extremely stressful and at times distressing or even frightening for all our staff – both experienced and inexperienced. As an organisation, CGRC has a responsibility to support staff members who experience stress as a result of situations arising at work and will provide staff with debriefing and counselling opportunities, when needed.

14. Debriefing

Debriefing means talking things through following a difficult or stressful incident. It is an important way of 'offloading' or dealing with stress. Many staff members naturally do this with colleagues after a difficult telephone call, but debriefing can also be done with a supervisor or senior manager or as a

team following a significant incident.

15. Compensation for injury

Any staff member who suffers injury as a result of aggressive behaviour from complainants is entitled to make a workers' compensation claim. If you are the victim of an assault, they may also be able to apply to the Victim's Compensation Tribunal for compensation.

16. Compensation for damage to clothing or personal effects

Where damage is suffered to clothing or personal effects as a result of aggression by a complainant, compensation may be sought.

17. Legal assistance

If a staff member is physically attacked, or is a victim of employment generated harassment and the police do not lay charges, the General Manager will consider providing reasonable legal assistance if the staff member wishes to take civil action.

18. Threats outside the office or outside working hours

Where threats are directed at a particular staff member and it appears those threats may be carried out outside normal working hours or outside the office, the staff member will receive the support of the office. Requests for such assistance should be made to the Manager Finance and Customer Service.

19. Escorts home

When a staff member fears for their safety following a threat from a complainant, another staff member may accompany them home or the office can meet the cost of the staff member going home in a taxi. Ask the [nominated senior manager] for more information.

20. Telephone threats on home numbers

If a staff member or their family have been harassed by telephone at their home and they believe it is connected with their employment they may apply to have the office meet the cost of having their telephone number changed and/or made silent. The staff member should also contact their telephone carrier, as they may provide an interception/monitoring service. If assistance is approved, the office will meet the cost incurred for a period up to 12 months.

21. Contacting the police or associated authority

If a staff member fears for their safety following a threat from a complainant or has been harassed by a complainant it is recommended that a senior staff member or manager contact the police or an associated authority to report the incident.