

# Unreasonable Complainant Conduct Policy

## 1. Purpose

- 1.1 The Unreasonable Complainant Conduct Policy (the UCC Policy) provides a framework for Our People and Customers to understand what unreasonable complainant conduct (UCC) is and why it is important for AlburyCity to have a consistent management approach to UCC by complainants.

## 2. Scope

- 2.1 The UCC Policy relates to the management of unreasonable conduct by AlburyCity's customers as defined in this UCC Policy and associated Unreasonable Complainant Conduct Procedure.
- 2.2 The UCC Policy applies to all Our People, including Councillors, Contractors and Volunteers who may experience UCC whilst undertaking duties on behalf of AlburyCity.
- 2.3 The UCC Policy applies to AlburyCity customers to the extent that any UCC will be dealt with according to this UCC policy and associated Procedure. The Policy and Procedure will be publicly available.
- 2.4 The UCC Policy does not apply to workplace-related grievances or internal complaints.

## 3. Content

- 3.1 AlburyCity Council is committed to being accessible and responsive to all complainants who approach our office regardless of ethnic identity, national origin, religion, linguistic background, sex, gender expression, sexual orientation, physical ability or other cultural or personal factors.
- 3.2 At the same time, the success of our operations depends on:
- our ability to do our work in the most effective and efficient ways possible
  - the health, safety, and security of Our People
  - our ability to allocate our resources fairly across all the complaints we receive.
- 3.3 When complainants behave unreasonably, their conduct can significantly affect the successful conduct of our work by directly impacting the wellbeing of Our People and using

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up disproportionate resourcing which impacts service delivery for other members of our community.

3.4 Unreasonable conduct by a complainant 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 People, other service users and complainants or the complainant themselves. It can be defined by five (5) categories of conduct:

1. unreasonable persistence
2. unreasonable demands
3. unreasonable lack of cooperation
4. unreasonable arguments
5. unreasonable behaviours

These categories are further defined in section 4 of the Unreasonable Complainant Conduct Procedure, Defining Unreasonable Conduct by a Complainant.

3.5 The UCC Policy and associated Procedure should support Our People to:

- identify UCC
- feel confident and supported in taking action to manage UCC in accordance with the Unreasonable Complainant Conduct Procedure
- act fairly, consistently, honestly, and appropriately when responding to UCC
- understand the roles and responsibilities for managing UCC, and when this Policy should be used
- understand under what circumstances and when it may be appropriate to manage UCC using one or more of the following mechanisms:
  1. the strategies provided in the 'Managing unreasonable conduct by a complainant manual' (3rd edition) 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 or other legislation to prevent a complainant from coming onto our premises, and orders to protect specific team members from any actual or apprehended personal violence, intimidation, or stalking.
- understand the criteria we will consider before we decide to change or restrict a complainant's access to our services
- be aware of the processes that will be followed to record and report UCC incidents, and the procedures for consulting and notifying complainants about any proposed action or decision to change or restrict their access to our services
- understand the procedures for reviewing decisions made under this UCC Policy and associated Procedure, including specific timeframes for review.

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- 3.6 AlburyCity will act proactively and decisively to manage any complainant conduct that negatively and unreasonably affects us and will support Our People to do the same in accordance with this UCC Policy.
- 3.7 This UCC Policy and associated Procedure should not be seen as a quick solution for dealing with complainants who are angry or frustrated. It is intended to be applied in cases where UCC is a real issue; where a UCC raises the types of safety, resource and equity identified in this UCC Policy and associated Procedure. The UCC Policy and associated Procedure should only be applied as a last resort, when Council is satisfied that all reasonable actions have been taken to resolve a complaint.
- 3.8 This UCC Policy does not diminish a customer's right to seek external review of AlburyCity's decisions or actions through an appropriate NSW Government agency and/or legal avenues.

## 4. Confidentiality

Complaints made to council are treated confidentially and complaint details are only disclosed to relevant officers required to effectively resolve a complaint. Any personal information collected during the complaints process will be treated in accordance with AlburyCity's Privacy Policy, AlburyCity's privacy Management Plan and the *Privacy and Personal Information Protection Act 1998*.

## 5. References

### Related Council Policies and Plans

- AlburyCity Feedback and Complaints Management Policy
- AlburyCity Feedback and Complaints Management Procedure
- Privacy Management Plan
- Code of Conduct
- Disciplinary Procedures
- Employee Grievance Policy Procedure
- Fraud Recognition and Control
- Procurement Policy
- Internal Investigation Procedures
- Child and Young Persons Protection Procedures
- Customer Service Charter
- Internal Reporting Policy and Procedure, and
- Compliance and Enforcement Policy

### External references – Acts and Regulations

- NSW Ombudsman - Managing unreasonable conduct by a complainant manual (3<sup>rd</sup> edition)
- NSW Ombudsman - Managing unreasonable complainant Conduct Model Policy, August 2021
- Privacy and Personal Information Protection Act 1998 (NSW)
- Freedom of Information Act 1982 (Cth)

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- Protected Disclosures Act 1994 (NSW)
- Local Government Act 1993 (NSW)
- Anti-Discrimination Act 1977 (NSW)
- Health Records and Information Privacy Act 2002 (NSW)
- Education and Care Services National Law Act 2010
- Education and Care Services Regulation 2017
- NSW Office of Local Government, Practice Note 9, Complaints Management in Council; and
- Unauthorised entry onto agency premises – applying the provisions of the Enclosed Lands Protection Act 1901 (NSW)

## 6. Authorisation

<b>Owner</b>	<b>Directorate</b>	Business, Growth and Community – Engagement
	<b>Responsible Officer</b>	Team Leader Customer Experience
<b>Authorisation</b>	Council	
<b>Review Date</b>	September 2027	
<b>Register</b>	This Policy is included in the Public Policy and Procedure Register.	
<b>Record of Amendments</b>	September 2022	Developed UCC Policy

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