

1.12 Managing Unreasonable Complainant Conduct

Introduction

Objective

History Adopted

1. Purpose and Intent

This policy guides Council's management of Unreasonable Complainant Conduct (UCC) to minimise the risks inherent in such conduct in a manner which is both reasonable and proportionate.

2. Scope

This policy covers Unreasonable Complainant Conduct across the full range of Council services and via all communication channels, including but not limited to face-to-face, telephone, mail, email, letters to the media, and social media.

3. Policy

UCC is recognised as a significant problem across all levels of government, including local government.

Although complainants who behave unreasonably are very few in number, their behaviour can have profound effects on the Shires resources and efficiency levels, and the productivity, safety and wellbeing of its staff.

Particularly troublesome for Council are the resulting equity issues, i.e. the management of UCC draws resources away from the delivery of services to customers generally, and the negative impact, including stress, on those dealing with UCC, whether they be other customers, Councillors, volunteers, or staff.

4.1. Guiding Principles

It is recognised that all members of the community have a right to ask questions about Council and the services it provides, express opinions about Council and Council services and to lodge complaints about Council and Council services.

However, the right to ask questions, express opinions and lodge complaints is not unqualified and Council may, and in some cases is legally obliged to, take action when faced with UCC.

Council's responses to UCC will be reasonable and proportionate, and will, as far as is practicable, allow the individual or group involved in the UCC to continue to communicate with Council in a controlled manner.

Council's responsibilities to eliminate or reduce risks to mental and physical health and safety under Occupational Health & Safety legislation are recognised as a fundamental consideration when dealing with UCC. Council's responsibilities to ensure that resources are allocated equitably are recognised as a fundamental consideration when dealing with UCC.

Nothing in this policy limits the capacity and legal requirement of Council to take appropriate action where the circumstances so dictate, such as where the UCC involves an imminent threat to the mental or physical health or well-being of another customer, Councillor, volunteer or staff member, or the failure to obey a lawful instruction.

4.2. Types of UCC

UCC is generally recognised as falling into five categories:

1. Unreasonable persistence
2. Unreasonable demands
3. Unreasonable lack of cooperation
4. Unreasonable arguments
5. Unreasonable behaviour

4.3. Strategies for dealing with UCC

The appropriate strategy for dealing with UCC will depend on the specific circumstances.

Managing UCC generally involves placing a reasonable and proportionate limitation on one or more of the following:

- Subject matter of communications, such as where a reasonable person would believe that a specific issue has been adequately addressed.
- Timing of communications, including time of day, and frequency or duration of contact.
- Access, including prohibiting entry to Council premises.
- Method of communication, such as all contact to be via a single email address.

4.4. Notification and management

In determining the appropriate process for notifying the individual or group and managing the UCC, the CEO will consider all relevant factors, including:

- The specific nature of the UCC;
- The history of Council's dealings with the individual or group involved in the UCC;
- The immediacy of any risks arising from the UCC;
- The negative impact of UCC on the equitable allocation and use of Council resources;
- Whether the process, as well as the strategy, are reasonable and proportionate in the circumstances.

Where practicable, i.e. where the UCC is yet to escalate to the stage where it is believed to pose an imminent threat to the mental or physical health or well-being of another customer, Councillor, volunteer, or staff member, the CEO shall send a warning letter to the individual or group involved in the UCC.

Where practicable, if the individual or group involved in the UCC does not modify their behaviour, or if the UCC poses an imminent, or ongoing and increasing threat to the health and well-being of another customer, Councillor, volunteer, or staff member, the CEO shall send a notification letter advising of the limitations which the CEO has determined to be appropriate.

The CEO shall review the limitations placed on the individual or group involved in the UCC as required at least every twelve months with this review to align with the start of the financial year. In undertaking this review, the CEO shall consider the following:

1. The level of compliance with the MUCC arrangements;
2. Evidence of willingness to modify conduct;
3. Factors relevant to
 - The need to ensure that resources are equitably distributed across Council's customers, as opposed to being disproportionately allocated to dealing with UCC, and
 - Council's occupational health & safety responsibilities.
4. Whether any continuing strategies to manage UCC are reasonable and proportionate in the circumstances.

4.5. Responsibilities

Unless otherwise determined, by the CEO:

– End of Policy

COMMENT

Nil