

Unreasonable Complainant Conduct Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Development and Governance	Date Approved:	20/12/2023
Review Officer:	Manager Development and Governance	Review Due:	20/11/2027
Author:	Senior Advisor Governance & Compliance	Commencement:	20/12/2023

1. PURPOSE

To provide a framework for the responsible management of unreasonable complainant conduct (“UCC”) in alignment with Council's *Unreasonable Complainant Conduct Procedure* and current best practice to ensure a fair and consistent approach is applied to interactions with complainants whose conduct is identified as unreasonable as defined.

2. SCOPE

This policy applies across Council and will:

- become operable only where a complainant’s conduct raises the types of safety, resource and equity issues identified in the *Managing unreasonable conduct by complainants*.¹

3. POLICY STATEMENT

Council is committed to being accessible and responsive to all complainants who lodge a complaint. At the same time, Council’s delivery of services to the community depends on:

- our ability to do our work and perform our functions in the most effective and efficient ways possible;
- the health, safety and security of our Councillors and staff who interact with people whose conduct is unreasonable; and
- our ability to effectively manage resource allocation and improve efficiency in handling of all the complaints we receive.

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

3.1 UCC PRINCIPLES

Approaches to managing UCC are based upon the clear understanding that:

- All complainants are treated with fairness and respect;

¹ See NSW Ombudsman, ‘Managing unreasonable conduct by a complainant - (2021)’ pt 1.2. See also Unreasonable Complainant Conduct Procedure (MSC) s 4.

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- In the absence of very good reasons to the contrary, all complainants have a right to access public services;
- All complaints are considered on their merits;
- Unreasonable complainant conduct does not preclude there being a valid issue;
- The substance of a complaint dictates the level of resources dedicated to it, not a complainant's demands or behaviour;
- Safety and well-being of Councillors and staff are paramount when dealing with unreasonable complainant conduct;
- This policy will **not** be applied in ways that go beyond what is appropriate and necessary to manage a complainant's conduct and any actions taken must always be proportionate to the complainant's personal circumstances;
- This policy will be applied cautiously, sparingly and in the least restrictive manner;
- The decision to change or restrict a complainant's access to Council services as a result of their behaviour will only be made at a senior management level and in accordance with Council's *Unreasonable Complainant Conduct Procedure*.

4. REPORTING

Council will keep records of all cases where this policy is applied, including a record of the total number of cases where it is used every year. This data may be requested by the Queensland Ombudsman to conduct an overall audit and review in accordance with its administrative functions and/or to inform its work on UCC.

5. DEFINITIONS

Council – means the Mareeba Shire Council including all elected representatives, employees, contractors, volunteers, a Standing or Joint Standing Committee, committee members and any entity under direct Council ownership, management, sponsorship or financial control.

Unreasonable complainant conduct (UCC) – means any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process.²

6. RELATED DOCUMENTS AND REFERENCES

Administrative Action Complaints Management Policy (MSC)

Managing unreasonable conduct by a complainant (2021) – NSW Ombudsman

Unreasonable Complainant Conduct Procedure (MSC)

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required from time to time.

² See NSW Ombudsman, 'Managing unreasonable conduct by a complainant - (2021)' pt 1.2.