



Council Policy

Unreasonable Complainant Conduct Policy

Department/Unit	Communications, Governance & Risk	First Implemented	May 2019	Review Date	May 2029
Origin	Communications, Governance & Risk, Coordinator	Reviewed	January 2025	Version	2
Authorising Officer	Endorsement by Council	Effective From	21 May 2025	Records Reference	E513/2

Deleted: Governance

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Purpose/Objective

This policy defines unreasonable complainant conduct (UCC) and guides Mansfield Shire Council (Council) staff to:

- ▶ recognise and manage unreasonable complainant conduct;
- ▶ act fairly, consistently and appropriately when responding to unreasonable complainant conduct; and
- ▶ clarify roles and responsibilities in managing unreasonable complainant conduct.

Deleted: To assist Mansfield Shire Council staff handling complaints to:

Council's goal in implementing this policy is to minimise the potential adverse impacts of unreasonable complainant behaviour by responding to UCC in a reasonable and proportionate manner.

Policy Statement

Council is committed to providing a safe and healthy workplace for all Council employees.

Officers are expected to treat people with courtesy and respect and it is reasonable to expect that this courtesy be returned.

Behaviour that is offensive, abusive, threatening or consumes disproportionate resources will not be tolerated. This includes deliberate efforts to disrupt Council business/operations including Council meetings and unreasonable, offensive or defamatory arguments.

It is recognised that people who demonstrate challenging behaviour often have a legitimate grievance and Council officers will continue to deal with complaints on their merits and in accordance with Council's *Complaint Handling Policy* and *Customer Service Charter*.

The police will be notified of any incidents of threatening behaviour and anything that may be considered to be a criminal act (the police can decide whether that is the case).

Scope

This policy covers UCC across the full range of Council services including customer service, finance and rates, building and planning. It includes complaints received through Council's communication channels with the community/external stakeholders, including, but not limited to the following:

- ▶ Face to face interactions
- ▶ Telephone conversations
- ▶ Written correspondence including email
- ▶ Council's social media channels.

It is important to note that 'unreasonable conduct' can happen anywhere. It is not limited to telephone calls or face-to-face interactions. It can also take place online or in written correspondence.

As long as the person's unreasonable conduct arises during the course of, or as a direct result of, professional work/services provided by Council, it can legitimately be thought of as 'unreasonable conduct' for the purposes of this policy.

This policy applies to all customers, Council employees, Councillors, contractors, consultants, and volunteers and other authorised personnel of Mansfield Shire Council.

Where a complaint is outside of Council's responsibility we will assist by providing guidance to the appropriate agency, authority or service provider.

Nothing in this Policy prevents Council taking appropriate alternative action to that set out in this Policy and associated Procedures following receipt of advice from Victorian Police, lawyers or third party agencies.

Unreasonable Complaints and Behaviour

Council staff may encounter a spectrum of challenging or complex behaviours, from slightly confronting to clearly unreasonable. Council's responses will be graduated as follows.



Most types of complex behaviour can be managed using preventive and responsive customer service strategies to de-escalate conflict and re-focus the interaction back to the substantive issue at hand.

Behaviour becomes 'unreasonable' when, because of its nature or frequency, it raises health, safety, resource or equity issues for Council, Council officers and other people who use Council services. Unreasonable behaviour includes verbal abuse, threats to harm officers or other people and violence. This behaviour is never acceptable.

Commented [CY1]: Is this necessary?

Commented [TT2R1]: I think it might be, actually - we don't want to bind ourselves to only acting within what we have said.

Deleted: The procedures set out in this policy should be applied in rare instances where a complainant's conduct exceeds what most people would consider reasonable in the circumstances.¶

Council recognises unreasonable conduct by complainants as falling into five broad categories of unreasonable behaviour as identified in 'Managing unreasonable conduct by a complainant - A manual for frontline staff, supervisors and senior managers' by the Australasian Parliamentary Ombudsman (this resource can be found hyperlinked).

The behaviour of a complainant may fall into one or more of these categories:

Behaviour	Examples (as defined by the Victorian Ombudsman)
<u>1. Unreasonable persistence</u>	<ul style="list-style-type: none"> • <u>bombarding Council with calls, visits or information when not warranted</u> • <u>contacting different Council officers seeking a different answer</u> • <u>reframing an old complaint so it looks like there are new issues</u> • <u>refusing to accept the decision after you have investigated the complaint, explained the outcome and answered questions</u> • <u>questioning the skills or competence of the complaint handler</u>
<u>2. Unreasonable demands</u>	<ul style="list-style-type: none"> • <u>insisting on an immediate response or priority that is not warranted</u> • <u>insisting Council respond to every point, no matter how minor</u> • <u>demanding information they are not entitled to (eg staff contact details)</u> • <u>insisting that Council's Chief Executive Officer, or a manager, handle the complaint when it is not warranted</u> • <u>instructing Council officers on how to investigate the complaint</u>
<u>3. Unreasonable lack of co-operation</u>	<ul style="list-style-type: none"> • <u>sending voluminous amounts of information</u> • <u>providing little or no information about the complaint</u> • <u>presenting information in 'dribs and drabs'</u> • <u>refusing to comply with reasonable requests for information</u>
<u>4. Unreasonable arguments</u>	<ul style="list-style-type: none"> • <u>insisting on the importance of minor issues</u> • <u>making unsubstantiated allegations (eg bias or corruption)</u> • <u>insisting on 'cause and effect' without evidence</u>
<u>5. Unreasonable behaviours</u>	<ul style="list-style-type: none"> • <u>verbal abuse</u> • <u>aggressive behaviour</u> • <u>harassment</u> • <u>making threats</u>

Behaviour associated with a possible disability

Where complex behaviour may be a symptom or manifestation of a disability, officers need to consider Council's obligations under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and the *Equal Opportunity Act 2010* (Vic).

Definitions

Term	Definition
Complainant	A person or organisation that makes a complaint
Unreasonable complainant conduct (UCC)	Any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the council and its staff, or the complainants themselves. ▼
Unreasonable persistence	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	Demands (expressed or implied) that are made by a complainant that have a disproportionate and unreasonable impact upon our organisation, staff, services, time and/or resources. ▼
Unreasonable lack of co-operation	Unwillingness and/or inability by a complainant to co-operate with our organisation, staff or complaints system that results in a disproportionate and unreasonable use of our services, time and/or resources. ▼
Unreasonable arguments	Arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or vexatious and that disproportionately and unreasonably impact upon the organisation, staff, services, time and/or resources. ▼
Unreasonable behaviour	Conduct that is unreasonable in all circumstances - regardless of how stressed, angry or frustrated a complainant is – because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant. ▼

Responsibilities

This policy acknowledges that individual frontline staff in all service areas have a large and vital role to play in managing complaints made to Council however all staff have a role to play in complaint handling within the organisation.

Deleted: All staff should note that Mansfield Shire Council has a zero tolerance policy towards any harm, abuse or threats directed towards them. Any conduct of this kind will be dealt with under this policy, and in accordance with our duty of care and occupational health and safety responsibilities. ¶

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Unreasonable complainant conduct can be in the form of any of the following: ¶
Unreasonable persistence; ¶
Unreasonable demands; ¶
Unreasonable lack of co-operation; ¶
Unreasonable arguments; and ¶
Unreasonable behaviours.

Deleted: Some examples of unreasonably persistent behaviour include: ¶
An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with. ¶
Persistently demanding a review simply because it is available, without presenting a case for one ¶
Pursuing and exhausting all available review options when it is not warranted and refusing to accept that further action cannot or will not be taken on a complaint. ¶
Reframing a complaint in an effort to get it taken up again. ¶
Bombarding our staff/organisation with phone calls, visits, letters and emails (including cc'd correspondence) after repeatedly being asked not to do so. ¶

Deleted: Some examples of unreasonable demands include: ¶
Issuing instructions and making demands about how we have/should handle their complaint, the priority it was/should be given, or the outcome that was or should be achieved. ¶
Continually insisting on talking to a senior manager or the CEO personally when it is not appropriate or warranted. ¶

Deleted: Some examples of unreasonable lack of co-operation include: ¶
Sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about. ¶
Providing little or no detail when lodging a complaint and/or presenting information sporadically. ¶

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Arguments are considered unreasonable when they: ¶
Fail to follow a logical sequence ¶
Are not supported by any evidence and/or are based on conspiracy theories ¶
Lead a complainant to reject all other valid and contrary arguments ¶
Are trivial when compared to the amount of time, resources and attention that the complainant demand... ¶

Deleted: Some examples of unreasonable behaviours include: ¶
Acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks ¶
Harassment, intimidation or physical violence ¶
Rude, confronting and threatening communications, including correspondence ¶

Council officers who believe a complainant's behaviour is unreasonable should refer the matter to a relevant manager or to the Coordinator Communications, Governance & Risk.

Managers and Executive Officers

- ▶ Receive and respond to complaints
- ▶ Perform internal review of complaints
- ▶ Ensuring their staff comply with the principles, practices and any associated procedures of this policy.

Chief Executive Officer (CEO)

- ▶ Overall responsibility for the application of this Policy
- ▶ Approval of procedures to be followed for unreasonable complaints
- ▶ Receive and respond to complaints
- ▶ Perform internal review of complaints

Adherence to this Policy will be overseen by the Communications, Governance & Risk department as the owner of this policy. Any review of this Policy must be made in consultation with the Coordinator Communications, Governance & Risk and Governance & Risk Officer.

Deleted: All staff, volunteers, contractors and Councillors that are direct recipients of a complaint¶
Immediately forward the complaint (or details thereof) to Records and Customer Service staff to be captured and commence the formal process¶
Records and Customer Service staff¶
Receive and record complaints¶
Respond or pass on complaint for action to appropriate Council Officer¶
Council Officers¶
Receive and respond to complaints¶
If unable to respond, refer to Manager¶

Deleted: Governance team

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References / Related Policies

- ▶ Local Government Act 2020
- ▶ Human Rights and Responsibilities Act 2006
- ▶ Equal Opportunity Act 2010
- ▶ Privacy and Data Protection Act 2014
- ▶ Mansfield Shire Council Complaint Handling Policy
- ▶ Mansfield Shire Council Customer Service Charter
- ▶ Mansfield Shire Council Equal Opportunity and Human Rights Policy
- ▶ Mansfield Shire Council Child Safety Policy and Child Safe Code of Conduct
- ▶ Victorian Ombudsman: Good Practice Guide: Managing Complex Complainant Behaviour (February 2022)
- ▶ Australasian Parliamentary Ombudsman: Managing unreasonable conduct by a complainant – A manual for frontline staff, supervisors and senior managers 2021

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Deleted: <#>Freedom of Information Act 1982¶

Deleted: <#>(Victorian Charter)

Deleted: <#>Protected Disclosure Act 2012¶
Independent Broad-based Anti-corruption Commission Act 2011 ¶
Health Records Act 2001¶

Deleted: <#>Resolution

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Deleted: <#>Mansfield Shire Councillors' Code of Conduct and Councillor Charter 2017¶
Mansfield Shire Council Disciplinary Policy 2016¶

Deleted: <#>2017

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Mansfield Shire Council Bullying and Harassment Policy 2017¶

Deleted: <#>Mansfield Shire Council Reportable Conduct Scheme Policy 2018¶
Mansfield Shire Council Infringement Notice Review Procedure ¶
Mansfield Shire Council Aged and Disability Review Procedure ¶
Unreasonable Complainant Conduct Model Policy – Ombudsman NSW¶
Complaints: Good Practice Guide for Public Sector Agencies (Victorian Ombudsman September 2016)

Gender Impact Assessment

The Unreasonable Complaint Conduct Policy has considered the Gender Equality Act 2020 in its preparation but is not relevant to its content. The Policy has been assessed as not requiring a Gender Impact Assessment (GIA) as it is purely administrative in nature and does not benefit any one gender group over any other.

Implementation

This Policy is effective from 21 May 2025.

Deleted: 21 May 2019

Review Date

This Policy is to be reviewed by May 2029.

Deleted: 31 May 2023

Authorisation to Implement Policy

Signed: _____

Councillor

Witnessed: _____

Chief Executive Officer

Approval dated: 21 May 2025

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Mansfield Shire Council reserves the right to review, vary or revoke this Policy at any time.

DRAFT