



# 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

### 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.

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.

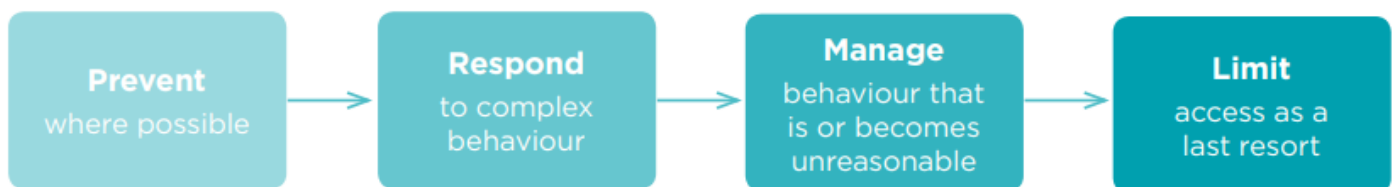
This policy applies to all customers, Council employees, Councillors, contractors, consultants, and volunteers and other authorised personnel of Mansfield Shire Council.

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.

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

### 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.

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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.

## 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

## 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.


## Review Date

This Policy is to be reviewed by May 2029.

## Authorisation to Implement Policy

Signed:  \_\_\_\_\_

Councillor

Witnessed:  \_\_\_\_\_

Chief Executive Officer

Approval dated: 21 May 2025

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