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Managing Unreasonable Complainant Conduct Policy

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Version	Issue Date	Author	Reason for Change
0.1	24 May 2011	Customer Service	Initial Creation of Document Endorsed by Council
1.0	1 August 2011	Customer Service	Implementation date
2.0	23 April 2021	Communications and Engagement	Document transitioned to new template, revised for plain English and made consistent with current best practices for policies. Procedures removed and placed in their own document.

Managing Unreasonable Complainant Conduct Policy		
Owner: Communications and Engagement	Accountability: Feedback and Business Improvement Coordinator	Endorsed: 24 May 2011
Trim Reference: D21/54776	Review date: 31 March 2023	Page 2 of 9

Managing Unreasonable Complainant Conduct Policy

Contents

1. Scope.....	4
2. Purpose	4
3. Principles / Responsibilities	4
4. References and Legislation	6
5. Endorsement and Approval	6
6. Attachment A – Examples of Unreasonable Complainant Conduct	7

Managing Unreasonable Complainant Conduct Policy		
Owner: Communications and Engagement	Owner: Feedback and Business Improvement Coordinator	Endorsed: 24 May 2011
Trim Reference: D21/54776	Review date: 31 March 2023	Page 3 of 8

1. Scope

This policy applies to all dealings with customers by the City of Ryde staff and acknowledges that the management of complainant expectations is fundamental in the way we do business.

2. Purpose

The City of Ryde is committed to being accessible and responsive to all complainants who make contact with Council. At the same time, the ability of Council to provide services depends on our ability to use and allocate our resources fairly, effectively and efficiently across all complaints and complainants.

Council is therefore committed to ensuring that all complaints are dealt with equitably and that all of our staff members are aware of their roles and responsibilities, have the skills to appropriately manage complainant conduct, including unreasonable conduct, and are adequately supported by senior management to take action to deal with such conduct.

This policy has been developed to assist staff to better manage complainants who display unreasonable behaviours in their interactions with us. It identifies the specific authority vested in all staff members to take action to manage unreasonable complainant conduct (UCC) and also identifies the processes and procedures that staff should follow when dealing with such conduct. Staff members who use and follow this policy and procedure can be confident that they will be supported by senior management.

Note: this policy must not be used a quick solution to deal with complainants who are difficult to deal with or who we want to avoid. It is only applied to cases where unreasonable complainant conduct is an issue – as described in this document.

3. Principles / Responsibilities

General Principles

- What is Unreasonable Complainant Conduct?
 - Unreasonable complainant conduct is behaviour by a complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the parties to a complaint. This can include:
 - Unreasonable persistence
 - Unreasonable demands

Managing Unreasonable Complainant Conduct Policy		
Owner: Communications and Engagement	Accountability: Feedback and Business Improvement Coordinator	Endorsed: 24 May 2011
Trim Reference: D21/54776	Review date: 31 March 2023	Page 4 of 9

- Unreasonable lack of cooperation
 - Unreasonable arguments
 - Unreasonable behaviour
- Specific examples of unreasonable conduct are included in **Attachment A**
- Alternative service arrangements are alternative forms of service delivery that vary from the usual methods used by the City of Ryde. Council may impose an alternative service arrangement to vary or restrict the type of interaction or access that a complainant has with it and its staff to manage the impacts of his/her conduct, particularly when it is characterised as ‘unreasonable’. Where complainant conduct falls into more than one of the categories listed above, the alternative service arrangements will reflect this.

General Responsibilities

The **General Manager** is responsible for:

- Determining whether a complaint’s behaviour is unreasonable
- Electing to impose an alternative service arrangement on any individual whose behaviour is determined to be unreasonable
- Where appropriate, notifying external regulators (ICAC, NSW Ombudsman etc.) when a Complainant is subject to an alternative service arrangement

The **Feedback and Business Improvement Coordinator** is responsible for:

- recording, monitoring and reviewing of all cases where this policy is used to ensure that it is applied consistently and appropriately and to ensure transparency and accountability for all decisions made under this policy
- providing the Civic Services Manager with an update whenever a complainant’s behaviour is determined to be unreasonable

The **Civic Services Manager** is responsible for:

- where appropriate, informing Councillors when a decision has been made to limit/alter the form of an unreasonable complainant’s access to Council services

4. References and Legislation

This policy is supported by the strategies set out in the *Managing Unreasonable Complainant Conduct Procedure*. Staff should refer to the procedure for further information.

Managing Unreasonable Complainant Conduct Policy		
Owner: Communications and Engagement	Accountability: Feedback and Business Improvement Coordinator	Endorsed: 24 May 2011
Trim Reference: D21/54776	Review date: 31 March 2023	Page 5 of 9

Managing Unreasonable Complainant Conduct Policy

In addition, there is a *Managing Unreasonable Complainant Conduct Practice Manual* available at www.ombo.nsw.gov.au.

Other references

- Customer Feedback Policy (including complaint management procedures)
- NSW Ombudsman Publication – “Dealing with Difficult Complainants” June 2009
- NSW Ombudsman Publication – “Managing Unreasonable Complainant Conduct Practice Manual” May 2009 and draft manual April 2011

5. Endorsement and Approval

This policy was adopted by Council on 24 May 2011 and will be in effect from 23 April 2021. All previous iterations of this policy are superseded at this time.

- This policy is to be endorsed by the Executive Team and adopted by Council.
- This policy should be reviewed annually
- Edits to this policy such as titles, departments or directorate names, updates to legislation or branding updates are considered minor in nature and not required to be formally endorsed
- Substantial changes to this policy are to be endorsed by the Executive Team and adopted by Council.

Managing Unreasonable Complainant Conduct Policy		
Owner: Communications and Engagement	Accountability: Feedback and Business Improvement Coordinator	Endorsed: 24 May 2011
Trim Reference: D21/54776	Review date: 31 March 2023	Page 6 of 9

Attachment A – Examples of Unreasonable Complainant Conduct

Unreasonable persistence

- *persisting with a complaint even though it has been comprehensively considered by the organisation, and where all avenues of review have been exhausted*
- *reframing a complaint in an attempt to get it taken up again*
- *showing an inability to accept the final decision by repeatedly raising the issue after reasonable attempts have been made to provide a reasoned and rational explanation*
- *persisting in interpreting the law or policy in a way that is not in accordance with generally accepted or expert views on the issue and insisting that action be taken accordingly*
- *persisting in wanting to know where to go next when it has been explained that there is nowhere else to go*
- *demanding a review because it is available but not arguing a case for a review*
- *making an issue out of anything*
- *getting gratification from the process of regular contact with the case officer, possibly including inventing unnecessary reasons for having such contact.*

Unreasonable demands

- *insisting on outcomes that are unattainable (is a not-in-jurisdiction issue, wants the department shut down or someone fired from their job, prosecution of individuals)*
- *insisting on a ‘moral’ outcomes, e.g. justice in the community interest, when really a personal interest is at stake*
- *demanding an apology and/or compensation when no reasonable basis for expecting such outcomes exists*
- *wanting revenge or retribution*
- *wanting what is not possible or appropriate, e.g. copies of sensitive documents, names/contact details staff, other complainants or whistle-blowers, etc.*
- *issuing instructions and making demands as to how a complaint should be handled*
- *providing supporting details that are extraordinarily detailed when such detail is not relevant to the complaint*
- *making unreasonable resource demands, expecting resources in excess of or out of proportion to the seriousness of issue, e.g. wanting us to seek expert opinion.*

Managing Unreasonable Complainant Conduct Policy		
Owner: Communications and Engagement	Accountability: Feedback and Business Improvement Coordinator	Endorsed: 24 May 2011
Trim Reference: D21/54776	Review date: 31 March 2023	Page 7 of 9

- *wanting regular and lengthy phone contact where this is not warranted*
- *showing reactions or demand for action that are out of proportion to the significance of the issue*
- *moving the goal posts — changing the desired outcome*
- *shopping for a sympathetic ear in the office — demanding to talk to a supervisor or the General Manager personally*
- *placing us on an extensive email copy list and expecting responses to numerous emails*
- *consistently creating complexity where there is none.*
- *presenting as overly needy or dependent (e.g. wanting to transfer responsibility for their wellbeing to the organisation).*

Unreasonable lack of cooperation

- *presenting a large quantity of information which is not organised, sorted, classified, summarised, where the complainant is clearly capable of doing this*
- *presenting information in dribs and drabs — refusing to present all information at the outset*
- *refusing to define issues of complaint ('the attached speaks for itself' — usually a large quantity of information) where the complainant is clearly capable of doing this*
- *focusing on principles rather than substantive issues*
- *changing the complaint, raising new issues in the process of our consideration*
- *displaying unhelpful behaviour, e.g. withholding information, dishonesty, misquoting others, swamping organisation with documents.*

Unreasonable arguments

- *holding irrational beliefs, e.g. seeing cause and effect links where there are clearly none – is it unreasonable to hold an irrational belief or is it the resulting demands/behaviours that are?*
- *holding what is clearly a conspiracy theory unsupported by any evidence*
- *insisting that a particular solution is the correct one in the face of valid contrary or alternative arguments*
- *interpreting facts in a clearly irrational/unreasonable way and insisting this interpretation is the correct one.*
- *insisting on the importance of an issue that is clearly trivial.*

Managing Unreasonable Complainant Conduct Policy		
Owner: Communications and Engagement	Accountability: Feedback and Business Improvement Coordinator	Endorsed: 24 May 2011
Trim Reference: D21/54776	Review date: 31 March 2023	Page 8 of 9

Managing Unreasonable Complainant Conduct Policy

Unreasonable behaviour

- *displaying confronting behaviour, e.g. rudeness, aggression, threats.*
- *sending rude, confronting, threatening letters*
- *making threats of self-harm*
- *making threats of harm to others.*
- *displaying manipulative behaviour (overly ingratiating, tears, veiled threats).*

Managing Unreasonable Complainant Conduct Policy		
Owner: Communications and Engagement	Accountability: Feedback and Business Improvement Coordinator	Endorsed: 24 May 2011
Trim Reference: D21/54776	Review date: 31 March 2023	Page 9 of 9