

## Unreasonable Complainant Conduct

### Head of Power

*Local Government Act 2009*  
Local Government Regulation 2012

### Objective

The objective of this Policy is to assist Councillors and Council officers when managing unreasonable complainant conduct.

The Council is committed to being accessible and responsive to all complainants.

However, Council will take proactive and decisive action when complainants conduct themselves unreasonably.

### Definitions / Application

**“Unreasonable complainant conduct (UCC)”** - is any conduct by a complainant which, because of its nature raises health, safety, or equity issues for the Council or has a disproportionate and unreasonable impact on Councillors, Council officers, services, time or resources.

Unreasonable complainant conduct can be divided into five categories:

1. Unreasonable persistence  
Continued, incessant or unrelenting conduct by a complainant.
2. Unreasonable demands  
Demands (expressed or implied) that are made by a complainant that have a disproportionate and unreasonable impact on Councillors, Council officers, services time and/or resources.
3. Unreasonable lack of cooperation  
An unwillingness and/or inability by a complainant to cooperate with Councillors, Council officers and/or Council's customer service processes.
4. Unreasonable complaints  
Any complaints that are not based on reason or logic, incomprehensible, false or inflammatory, or trivial or vexatious.
5. Unreasonable behaviours  
Conduct that compromises the health, safety and security of Councillors and/or Council officers including abuse, threats or harm directed towards them.

### Policy Statement

#### Roles and Responsibilities

UCC will generally be managed by limiting or adapting the ways that complainants can interact with Councillors and Council Officers and/or access council services including:

- Limiting Contact person/s – eg. appointing a sole contact person in Council for the complainant or the particular complaint.
- Limiting subject matter – eg. limiting the subject matter of communications that will be considered and responded to under the complaint.

- Limiting contact times – eg. limiting a complainant’s contact to a particular time, day, length of time, or curbing the frequency.
- Limiting contact channels – eg. limiting or modifying the forms of contact that the complainant can have with Council including face-to-face interviews, telephone and written communications, prohibiting access to Council premises, and making contact through a representative only.

In specific instances a decision may be taken to:

- take no further action on the complaint; and/or
- terminate Council services altogether; and/or
- decline to acknowledge or take action on any future complaints.

Under this Policy the CEO may change or restrict a complainant’s access to Council services. In taking action under this Policy, the CEO will consult with the Mayor and/or Divisional Councillors, and take into account all relevant factors associated with a complainant’s dealings with Council including their prior conduct and history with Council.

#### Process

In dealing with UCC, the CEO will undertake the following:

1. Provide a warning letter  
Unless a complainant’s conduct poses a substantial threat to the health and safety of Councillors or Council officers, the CEO will provide the complainant with a written warning about their conduct in the first instance.
2. Provide a notification letter  
If a complainant’s conduct continues after they have been given a warning letter or in cases of aggression, violence, assault or other unlawful/unacceptable conduct, the CEO has the discretion to send a notification letter immediately restricting the complainant’s access to Council services and premises. Details of these complainants and the restrictions imposed will be kept in a register.
3. Notify relevant staff about access changes/restrictions  
Where appropriate, the CEO will notify the Mayor, Councillors and relevant Council officers about any decisions to change or restrict a complainant’s access to Council’s services and premises, in particular reception and security staff in cases where a complainant is prohibited from entering Council premises.
4. Continued monitoring  
Once a complainant has been issued with a warning letter or notification letter, the CEO will review the complainant’s record/restriction as required, on request by the Mayor or a Councillor, or following any further incidents of UCC that involve the particular complainant to ensure that they are complying with the restrictions and that the arrangement is working.

If the CEO determines that the restrictions have been ineffective in managing the complainant’s conduct or are otherwise inappropriate, the CEO may decide to modify the restrictions, impose further restrictions or terminate the complainant’s access to Council services altogether.

Conversely, the CEO may determine that the restrictions be removed and that the complainant can contact the Council using any of its normal servicing options.

Each time a review is conducted, the complainant will be notified in writing about the outcome.

5. Right of appeal  
A complainant is entitled to appeal a decision to change/restrict access to Council services by lodging an Administration Action Complaint with Council.

### Related Documents

This Policy complements and is to be implemented in conjunction with other Council policies, directives and relevant documents published by other agencies including, but not limited to:

- Related Links: Queensland Ombudsman's 'Managing Unreasonable Complainant Conduct Manual' 2nd edition.
- New South Wales Ombudsman's Unreasonable Complainant Conduct 'Model Policy'.

### Review and evaluation

This policy will be reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents. Reviews of this policy will occur as required, or at least once every four years.

### Responsibility

This Policy is to be:

- (1) implemented by the Manager Governance and Executive Services; and
- (2) reviewed and amended in accordance with the "Review Triggers" by Manager Governance and Executive Services.

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