

Managing Unreasonable Complainant Conduct Policy

Approval Body:	Council
Endorsement Date:	30 June 2018
Council Plan Reference:	NA
Current Version:	3.0 <i>Council policy documents change from time to time and it is recommended that you consult the electronic reference copy on Casey Council's Website to ensure that you have the current version. Alternatively, you may contact Customer Service on 9705 5200.</i>
Compulsory Review Cycle:	4 years
Review Date:	30 June 2022 <i>It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively.</i> <i>Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.</i>
Responsible Department:	Governance
Relevant Legislation:	NA
Relevant Council Documents:	Add here (only note external documents when the strategy requires Councillor endorsement. Residents will not be able to see the internal documents).
Breaches:	NA
ECM ID:	10643921

1. Purpose and Intent

This policy guides Council's management of Unreasonable Complainant Conduct (UCC) to minimise the risks inherent in such conduct in a manner which is both reasonable and proportionate.

2. Scope

This policy covers Unreasonable Complainant Conduct across the full range of Council services and via all communication channels, including but not limited to face to face, telephone, mail, email, letters to the media, and social media.

3. Definitions

Key term	Definition
Council	means Casey City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989
Councillors	means the individuals holding the office of a member of Casey City Council
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.

4. Policy

UCC is recognised as a significant problem across all levels of government, including local government. The Commonwealth Ombudsman published the "Better Practice Guide to Managing Unreasonable Complainant Conduct" in June 2009. The second edition of the Victorian Ombudsman's own guide, "Managing Unreasonable Complainant Conduct Practice Manual", was published in May 2012.

In the May 2012 guide, the Victorian Ombudsman summarised why UCC needs to be managed as follows:

Although complainants who behave unreasonably are very few in number, their behaviour can have profound effects on an organisation's resources and efficiency levels, and the productivity, safety and wellbeing of its staff.

Particularly troublesome for Council are the resulting equity issues, i.e. the management of UCC draws resources away from the delivery of services to customers generally, and the negative impact, including stress, on those dealing with UCC, whether they be other customers, Councillors, volunteers, or staff.

4.1. Guiding Principles

It is recognised that all members of the community have a right to ask questions about Council and the services it provides, express opinions about Council and Council services and to lodge complaints about Council and Council services.

However, the right to ask questions, express opinions and lodge complaints is not unqualified and Council may, and in some cases is legally obliged to, take action when faced with UCC.

Council's responses to UCC will be reasonable and proportionate, and will, as far as is practicable, allow the individual or group involved in the UCC to continue to communicate with Council in a controlled manner.

Council's responsibilities to eliminate or reduce risks to mental and physical health and safety under Occupational Health & Safety legislation are recognised as a fundamental consideration when dealing with UCC.

Council's responsibilities to ensure that resources are allocated equitably are recognised as a fundamental consideration when dealing with UCC.

Nothing in this policy limits the capacity and legal requirement of Council to take appropriate action where the circumstances so dictate, such as where the UCC involves an imminent threat to the mental or physical health or well-being of another customer, Councillor, volunteer or staff member, or the failure to obey a lawful instruction.

4.2. Types of UCC

UCC is generally recognised as falling into five categories:

1. Unreasonable persistence
2. Unreasonable demands
3. Unreasonable lack of cooperation
4. Unreasonable arguments
5. Unreasonable behaviour

4.3. Strategies for dealing with UCC

The appropriate strategy for dealing with UCC will depend on the specific circumstances. Managing UCC generally involves placing a reasonable and proportionate limitation on one or more of the following:

- Subject matter of communications, such as where a reasonable person would believe that a specific issue has been adequately addressed.
- Timing of communications, including time of day, and frequency or duration of contact.
- Access, including prohibiting entry to Council premises.
- Method of communication, such as all contact to be via a single email address.

In determining the most appropriate strategy of dealing with UCC under a specific set of circumstances, Council may also consult guidelines on dealing with such conduct which have been published by government integrity agencies.

4.4. Notification and management

In determining the appropriate process for notifying the individual or group and managing the UCC, the Director Corporate Services will consider all relevant factors, including:

- The specific nature of the UCC;
- The history of Council's dealings with the individual or group involved in the UCC;
- The immediacy of any risks arising from the UCC;
- The negative impact of UCC on the equitable allocation and use of Council resources;

Whether the process, as well as the strategy, are reasonable and proportionate in the circumstances.

Where practicable, i.e. where the UCC is yet to escalate to the stage where it is believed to pose an imminent threat to the mental or physical health or well-being of another customer, Councillor, volunteer, or staff member, the Director Corporate Services shall send a warning letter to the individual or group involved in the UCC.

Where practicable, if the individual or group involved in the UCC does not modify their behaviour, or if the UCC poses an imminent, or ongoing and increasing threat to the health and well-being of another customer, Councillor, volunteer, or staff member, the Director Corporate Services shall send a notification letter advising of the limitations which the Director Corporate Services has determined to be appropriate.

The Director Corporate Services shall review the limitations placed on the individual or group involved in the UCC as required at least every twelve months with this review to align with the start of the financial year. In undertaking this review, the Director Corporate Services shall consider the following:

1. The level of compliance with the MUCC arrangements;
2. Evidence of willingness to modify conduct;
3. Factors relevant to:

- The need to ensure that resources are equitably distributed across Council's customers, as opposed to being disproportionately allocated to dealing with UCC, and
 - Council's occupational health & safety responsibilities.
4. Whether any continuing strategies to manage UCC are reasonable and proportionate in the circumstances.

4.5. Appeal

An individual or group subject to limitations imposed in response to UCC and indicating a desire to appeal such limitations shall be advised to direct such an appeal to the Victorian Ombudsman or other appropriate government integrity agency.

4.6. Reporting

The arrangements in place to manage UCC will be reported to Council's Audit & Ethics Committee annually.

4.7. Responsibilities

Unless otherwise determined by the CEO:

Who	What
Director Corporate Services	Responsible for determining the appropriate strategy to be used to manage UCC in the case of a particular individual or group. Shall review the limitations placed on the individual or group involved in the UCC as required at least every twelve months with this review to align with the start of the financial year.
Manager Governance	Responsible for overseeing arrangements in place to manage UCC.

4.8. Breaches

NA

5. Relevant Forms

NA

6. Document History

Date approved	Change Type	Version	Next Review Date
2 August 2019	Administrative: Transfer to new template	3.0	30 June 2022
6 June 2018	Administrative	2.1	30 June 2022