

***Customer Requests for  
Service, Information and  
Complaints Policy***

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<b>Classification:</b>	Legislative
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<b>Responsible Officer:</b>	Chief Executive Officer
<b>Applicable Legislation:</b>	<i>Local Government Act 1999</i>
<b>Relevant Policies:</b>	Customer Service Policy
<b>Related Procedures:</b>	Procedure for Internal Review of Council Decision
<b>Compliance Standard:</b>	

**1. PURPOSE**

1.1. This policy establishes a framework for how the District Council of Robe ("the Council") will respond to customer requests for service and information, and to a customer who is dissatisfied with a process, product or service offered or provided by the Council.

1.2. The Council:

- 1.2.1. is committed to ensuring individual and community expectations in response to requests for service and requests for information are met;
- 1.2.2. strives to ensure that such requests are managed in such a way as to appropriately manage the limited resources, both human and financial, available to the Council and that public funds are appropriately managed and utilised;
- 1.2.3. welcomes complaints as a form of feedback that will ultimately identify service improvement opportunities;
- 1.2.4. values integrity, responsible management, fairness and equity, and will continue to strive to maintain the highest standards in its dealings with its customers while meeting the needs of the community;
- 1.2.5. promotes responsible management of customer complaints within the Council's resource limitations, and in particular, in working towards resolving ongoing customer concerns or complaints, the Council is mindful of not over committing resources and funds to the detriment of the community at large;
- 1.2.6. is committed to identifying, investigating and where possible resolving complaints and grievances;

- 1.2.7. considers that principles of economy, efficiency, effectiveness, fairness, impartiality and responsiveness should underpin Council service delivery; and
- 1.2.8. recognises the importance of transparency in decision making and the need to provide a fair and objective procedure for the review of all decisions and services provided.
- 1.3. The considerations articulated above are of utmost importance in the Council's endeavours to retain the trust, confidence and support of its community.

## 2. **LEGISLATIVE AND STRATEGIC FRAMEWORK**

### 2.1. **Local Government Act 1999**

Section 270 of the *Local Government Act 1999* ("the Act") requires Council to:

- establish procedures for the internal review of Council decisions; and
- develop and maintain policies, practices and procedures for dealing with:
  - any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; or
  - complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.

This policy, in conjunction with the Council's Procedure for the Internal Review of Council Decision, has been adopted in accordance with the Council's obligations under section 270 of the Act. Specifically, this policy applies in relation to requests for provision of or improvement of a service provided by the Council, request for provision of information and/or customer complaints about the actions of the Council, its employees or other persons acting on its behalf.

### 2.2. **Ombudsman Act 1972**

Establishes the office of the SA Ombudsman who, subject to the *Ombudsman Act 1972*, is responsible for investigating administrative acts, which include decisions of the Council and its employees.

### 2.3. **Independent Commissioner Against Corruption Act 2012**

Establishes the Office for Public Integrity, which is responsible for:

- identifying and investigating allegations of corruption; and
- assisting in the prevention or minimisation of corruption, misconduct and maladministration in public administration, including through referral of potential issues, education and evaluation of practices, policies and procedures.

### 2.4. **Freedom of Information Act 1991**

Provides a legally enforceable right to be given access to certain documents held by the Council.

### 2.5. **Whistleblowers Protection Act 1993**

Provides protection for any person who makes an appropriate disclosure of public interest information (as defined by this Act).

### 3. REFERENCES

- 3.1. The Council's Customer Service Goals: these require staff to treat customers with respect and actively listen to understand their needs, respond to customer's issues professionally and promptly and to keep customers informed.
- 3.2. Managing Unreasonable Complainant Conduct practice manual (2<sup>nd</sup> edition) published by the NSW Ombudsman and available at:  
[http://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0004/3568/GL\\_Unreasonable-Complainant-Conduct-Manual-2012\\_LR.pdf](http://www.ombo.nsw.gov.au/_data/assets/pdf_file/0004/3568/GL_Unreasonable-Complainant-Conduct-Manual-2012_LR.pdf) .
- 3.3. Procedure for Internal Review of Council Decision.
- 3.4. Code of Conduct for Council Members & Code of Conduct for Council Employees.

### 4. DEFINITIONS

- 4.1. A **complaint** is made when a customer:
  - 4.1.1. expresses or infers dissatisfaction with the Council's decisions, policies, procedures, charges, employees, agents or the quality of Council services; or
  - 4.1.2. forms and notifies the Council of his/her belief that the Council has failed to act upon a request for service within reasonable timeframe; or
  - 4.1.3. forms and notifies the Council of his/her belief that the conduct of a Council staff member is unsatisfactory.
- 4.2. **Complaint Resolution** – a complaint is resolved when a customer is satisfied that the Council has made its best attempt to address and resolve the issues raised by the complainant. It is possible that a customer may not be completely satisfied with the outcome but the complaint is taken to have been resolved where the customer accepts the outcome and does not seek to escalate the complaint any further.
- 4.3. **Complainant** – a customer who is dissatisfied with the service delivery of the Council or the handling of a Request for information.
- 4.4. **Customer** – is a natural person and includes a ratepayer, resident, visitor to the Council's area or a person who uses a Council service.
- 4.5. **Internal Review of a Council Decision** – when a customer seeks a review of a decision made by the Council, an employee of the Council, or persons acting on behalf of the Council. These are dealt with under the Council's Procedure for Internal Review of Council Decision.
- 4.6. A **F frivolous** complaint or request is a complaint or request that lacks substance or merit, or is otherwise trivial in nature.
- 4.7. A **Malicious** complaint or request is a complaint or request that is motivated by improper, vicious, or mischievous purposes.

- 4.8. **Persistent** – a person is persistent if he/she refuses to give up or let go of an issue and/or is obstinate and/or continues to raise an issue notwithstanding the Council having reasonably communicated its position to the person in respect of that issue.
- 4.9. **Request for information** is a request for information or documents held by the Council, which may fall into one of four categories:
- 4.9.1. Requests for access to information or documents pursuant to the *Freedom of Information Act 1991*;
  - 4.9.2. Requests for access to information or documents that are made publicly available by the Council, whether under the provisions of the *Local Government Act 1999*, other statutory obligations, or at the discretion of the Council;
  - 4.9.3. Requests for access to information or documents to information or documents that have been ordered as confidential by the Council pursuant to Section 91 of the *Local Government Act 1999*;
  - 4.9.4. Requests for access to other information or documents that do not fall into any of the above categories.
- 4.10. **Request for service** is a request that the Council provide a particular service. A request for improvement of a service will be treated in the same manner as a complaint for the purposes of this policy.
- 4.11. **Unreasonable complainant conduct** is 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 parties to a complaint.
- 4.12. A **Vexatious** complaint or request is a complaint or request that is made to harass, annoy, delay or cause detriment or trouble to the Council or a third party. A complaint may be considered vexatious if:
- 4.12.1. it comprises false allegations, and cannot possibly succeed; or
  - 4.12.2. there is an absence of any reasonable grounds for lodging the complaint; or
  - 4.12.3. the complainant does not have sufficient interest in the matters the subject of the complaint.

## 5. **POLICY**

### 5.1. Objectives & Application

- 5.1.1. The objective of this policy is to establish clear guidelines and procedures for handling requests and complaints in the interests of improving service delivery and to:
- 5.1.2. improve customer service through effective management of complaints;
- 5.1.3. facilitate the management of requests for service and requests for information;
- 5.1.4. facilitate the resolution of complaints in a timely manner;
- 5.1.5. ensure that a customer understands what the Council can and cannot do and, will and will not do;

- 5.1.6. ensure resolution processes in relation to complaints are equitable, transparent and accountable;
  - 5.1.7. require all complaints to be recorded in the Council's Electronic Records System to enable tracking and effective response;
  - 5.1.8. prevent the Council's limited resources being utilised towards malicious, frivolous, unreasonable, persistent or vexatious requests or complaints;
  - 5.1.9. outline the considerations to be taken into account in determining whether a request or complaint is frivolous, malicious or vexatious; and
  - 5.1.10. define what constitutes unreasonable complainant conduct, to outline the options available to Council to manage unreasonable complainant conduct and the circumstances in which it is appropriate to implement these options.
- 5.2. This policy applies to complaints made to the Council except for complaints involving the following issues:
- 5.2.1. complaints related to competitive neutrality;
  - 5.2.2. allegations of a breach of conflict of interest obligations by an elected member or employee - refer to the Code of Conduct for Council Employees and the Code of Conduct for Council Members;
  - 5.2.3. internal staff complaints – refer to various human resources policies; and
  - 5.2.4. any matters before a Court, Tribunal, South Australia Police, a Minister of the Crown, a South Australian or Federal Government department, or the South Australian Ombudsman.
- 5.3. The Council has certain obligations under work, health and safety legislation to provide a safe working environment. Council is mindful of the stress that dealing with difficult customers can place on Council staff.
- 5.4. Management will always provide support to staff when dealing with difficult customers.
- 5.5. Nothing in this policy is intended to prevent a person from lodging a complaint with an external authority (such as SAPOL, the Office for Public Integrity, the Office of Local Government or the Ombudsman).

## 6. REQUESTS FOR SERVICE

### 6.1. Making a Request for Service

- 6.1.1. Subject to any written direction made in accordance with this policy, a request for service may be lodged with the Council in the following ways:
  - a) in writing by letter sent to Royal Circus, Robe SA 5276 or PO Box 1, Robe SA 5276
  - b) verbally to Council staff
  - c) by email [council@robe.sa.gov.au](mailto:council@robe.sa.gov.au)
  - d) by Council's web site [www.robe.sa.gov.au](http://www.robe.sa.gov.au)

6.1.2. In some cases it may not be possible for the Council to progress a verbal request until the person has particularised his/her concerns in writing. If this is the case, the person making the request will be advised accordingly.

## 6.2. Acknowledgement of Request

6.2.1. Receipt of all requests will be acknowledged within 5 business days.

6.2.2. The staff member responsible for managing the request will keep the person making the request advised of the status of the request.

## 6.3. Malicious, Frivolous or Vexatious Request

If Council or the Chief Executive Officer determines that a Request is malicious, frivolous, or vexatious, this is grounds to dismiss the Request and not take any further action in relation to it.

6.4. A determination that a Request is malicious, frivolous and/or unreasonable, must take into account:

6.4.1. any similar requests previously made by the person (i.e. about the same service);

6.4.2. the response and outcome to previous requests made by the person (if any);

6.4.3. whether the service is capable of being provided by or required to be provided by the Council;

6.4.4. the outcomes sought by the service; and

6.4.5. the resources required to provide the service (to ensure that it is not an unreasonable diversion of public resources).

6.5. A decision to take no further action in respect of a Request that is malicious, frivolous, and/or unreasonable will be communicated to the person making the Request in writing.

6.6. A person that persists in making the same or similar requests for service will be treated as a complainant under this policy, and may be managed and dealt with under the provisions for dealing with unreasonable complainant conduct.

## 7. **REQUESTS FOR INFORMATION**

### 7.1. Making a Request for Information

7.1.1. Any Request for Information that falls under the provisions of the *Freedom of Information Act 1991* must be made in accordance with and will be managed in accordance with the provisions of that Act and any relevant policy.

7.1.2. The Council is required to make certain information and documents publicly available pursuant to the provisions of the *Local Government Act 1999* and other statutory provisions and may also at its own discretion make other information and documents publicly available. Such information and documents are ordinarily available on the Council's website, or otherwise may be available for inspection free of charge at the Council's Principal Office, or a copy provided upon request and upon payment of any applicable fee.

- 7.1.3. Certain information and documents may be ordered to be kept confidential by the Council pursuant to Section 90 and 91 of the *Local Government Act 1999*. Any Request for Information that falls within this category, unless it is a request that should properly be made under Paragraph 7.1.1, will be refused and the customer making the request will be notified, within 5 calendar days, of the reason for the refusal of the Request.
- 7.1.4. Any Request for Information that falls outside the categories in Paragraphs 7.1.1, 7.1.2 and 7.1.3, will be received and considered on its merits, and at the absolute discretion of the CEO, the Request may be granted in part or in full and access provided to the documents or information, or a copy provided upon payment of any applicable fee or cost.
- 7.1.5. Subject to any written direction made in accordance with this policy, a Request for information pursuant to Paragraphs 7.1.2, 7.1.3 and 7.1.4 may be lodged with the Council in the following ways:
- a) in writing by letter sent to Royal Circus, Robe SA 5276 or PO Box 1, Robe SA 5276
  - b) verbally to Council staff
  - c) by email [council@robe.sa.gov.au](mailto:council@robe.sa.gov.au)
  - d) by Council's web site [www.robe.sa.gov.au](http://www.robe.sa.gov.au)
- 7.1.6. In some cases it may not be possible for the Council to progress a verbal request until the customer has particularised his/her concerns in writing. If this is the case, the customer making the request will be advised accordingly.

## 7.2. Malicious, Frivolous or Vexatious Requests

If Council or the Chief Executive Officer determines that a Request is malicious, frivolous, or vexatious, this is grounds to dismiss the Request and not take any further action in relation to it.

7.3. A determination that a Request is malicious, frivolous and/or unreasonable, must take into account:

- 7.3.1. any similar requests previously made by the person (i.e. about the same or similar information or documents);
- 7.3.2. the response and outcome to previous requests made by the person (if any);
- 7.3.3. the resources required to provide the information (to ensure that it is not an unreasonable diversion of public resources).

7.4. A decision to take no further action in respect of a Request that is malicious, frivolous, and/or unreasonable will be communicated to the person making the Request in writing.

7.5. A person that persists in making the same or similar requests for service will be treated as a complainant under this policy and may be managed and dealt with under the provisions for dealing with unreasonable complainant conduct.

## 8. COMPLAINTS

## 8.1. Lodging Complaints

- 8.1.1. Subject to any written direction to a complainant made in accordance with this policy, complaints or concerns may be lodged with the Council in the following ways:
- a) in writing by letter sent to Royal Circus, Robe SA 5276 or PO Box 1, Robe SA 5276
  - b) verbally to Council staff
  - c) by email [council@robe.sa.gov.au](mailto:council@robe.sa.gov.au)
  - d) By Council's web site [www.robe.sa.gov.au](http://www.robe.sa.gov.au)
- 8.1.2. In some cases, it may not be possible for the Council to progress a verbal complaint until the complainant has particularised his/her concerns in writing. If this is the case, the complainant will be advised accordingly.
- 8.1.3. If it is obvious from a complaint that the complainant is seeking a review of a decision of the Council the matter will be managed in accordance with Council's Procedure for Internal Review of Council Decision.
- 8.1.4. Where the complaint relates to the conduct or behaviour of a staff member, it will be handled by the Chief Executive Officer and may trigger action under the Code of Conduct for Employees. If the complaint relates to the conduct of the Chief Executive Officer it must be directed to the Mayor.
- 8.1.5. A complaint that relates to the conduct of a Council Member must be made to the Mayor (or the Deputy Mayor if the complaint relates to the Mayor) and, will be managed by the Mayor (or Deputy Mayor as the case may be) with appropriate support from the Chief Executive Officer as necessary in accordance with the Code of Conduct for Council Members.
- 8.1.6. A complaint regarding the **Code of Conduct for Council Employees** will be managed according to the following complaint procedure:

### **Complaint procedure**

Where a person alleges —

- an employee (or a relative of an employee) has sought or received a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or to influence the employee in the performance or discharge of the employees functions or duties; or
- an employee has failed to record, or correctly record, details of a gift or benefit received by the employee (or a relative of an employee) on the gift and benefits register; or
- the CEO has not appropriately maintained a register for gifts and benefits received by employees of the council,

they may submit a complaint alleging that an employee of Council has contravened or failed to comply with the Code of Conduct for Council Employees, as prescribed in Schedule 2A of the *Local Government (General) Regulations 2013*.

A complaint must be given to the Chief Executive Officer or delegate (Deputy Chief Executive Officer). In the case of a complaint against the Chief Executive Officer, a complaint must be given to the principal member of the Council, except in circumstance where it would be inappropriate to do so (such as where legislation requires the matter to which the complaint relates to remain confidential).

A complaint will be investigated and resolved according to the industrial and human resource procedures of the Council.

## 8.2. Acknowledgement of Complaint

- 8.2.1. Receipt of all complaints will be acknowledged within 5 business days.
- 8.2.2. The staff member responsible for managing the complaint will keep the complainant advised of the status of the complaint and any ensuing investigation process. Wherever possible, the complainant will be advised of the likely timeframe within which the complaint will be determined.

## 8.3. Anonymous Complaints

- 8.3.1. If the complainant is anonymous, the complaint will not be progressed unless it is accompanied by sufficient information to enable the complaint to be investigated and/or sufficient evidence to substantiate the allegations therein.
- 8.3.2. If the complainant is unknown, the Council will not be in a position to advise him/her of the progress or the outcome of his/her complaint.

## 8.4. Record of Complaints

A record of all complaints received by the Council will be made in the Council's Electronic Records System.

## 8.5. Confidentiality

- 8.5.1. The Council will ensure that confidentiality is maintained in respect of complaints it receives wherever appropriate and possible.
- 8.5.2. Complaints that are considered by the Council may be considered in confidence subject to the Council being satisfied that there are grounds for confidentiality under section 90(3) of the *Local Government Act 1999* that should, in the circumstances, be utilised by the Council.
- 8.5.3. The complainant may wish to keep their identity confidential. The person handling the complaint should ascertain from the complainant whether this is the case.

## 8.6. Complaints of a Serious Nature

- 8.6.1. Any complaint that alleges serious or systematic misconduct or maladministration and/or corruption will be referred to the Office for Public Integrity without further consideration by the Council.

8.6.2. Complainants may be entitled to protection under the *Whistleblowers Protection Act 1993* if there is disclosure of public interest information.

## 8.7. Procedure for Resolving Complaints

Complaints may vary greatly in their level of complexity and seriousness. Wherever possible complaints will be resolved when first reported, but if necessary officers will escalate complaint handling as set out below.

The complaints procedure consists of a three tiered scheme.

### *1. Immediate response to resolve the complaint*

All staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level.

### *2. Complaint escalated to a more senior officer*

A complaint will be directed to a more senior officer in the Council, where circumstances indicate that the complaint would be more appropriately handled at a higher level. This may occur, for example, where an officer has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision to be made at a more senior level, or where a complaint concerns a matter that ranges across more than one Council work area.

### *3. Internal review of a Council decision by statutory process*

Internal review of a Council decision is available under section 270 of the *Local Government Act 1999*. This is a process established by legislation that enables a Council to reconsider all the evidence relied on to make a decision, including new evidence if relevant. This process is generally a last resort in the complaint handling process, but may also be used in situations which are not able to be resolved by other means, such as a complaint about a decision of the CEO.

While Council prefers to work with its customers to resolve complaints quickly and effectively, a complainant will always retain the right to seek other forms of resolution, such as contacting the Ombudsman, or taking legal action at any time. Note however that as a general rule, the Ombudsman prefers a complaint to be addressed by Council in the first instance, unless this is not appropriate in the circumstances.

## 8.8. Unreasonable Complainant conduct

8.8.1. Occasionally a complainant may engage in unreasonable complainant conduct.

8.8.2. A complainant's conduct is unreasonable if it has unacceptable consequences for the Council, the Council officers who may be involved in managing his/her complaint(s) and/or any other person.

8.8.3. **Unreasonable complainant conduct** includes, but is not limited to:

a) *Using unreasonable persistence by:*

- o persisting with a complaint with the Council even though it has been comprehensively considered and the Council has notified the complainant of and provided reasons for its position in respect of that complaint; and/or

- o even where all avenues of internal review have been exhausted, showing an inability to accept the Council's decision in respect of the complaint.
- b) *Using unreasonable demands* by insisting on outcomes that are unattainable, (e.g. demanding outcomes that are beyond the Council's power to deliver and/or demanding unreasonable outcomes that the Council is not in a position to deliver). Other examples include insisting on a 'moral' outcome, (e.g. Justice in the community interest, when really a personal interest is at stake) and demanding an apology and/or compensation when no reasonable basis for expecting such an outcome exists.
- c) *Using unreasonable arguments* including making irrational assertions that are not based on fact and/or insisting that a particular solution is the only correct one, without consideration for valid contrary or alternative arguments.
- d) *Using unreasonable behaviour* including:
  - o confrontational behaviour that shows a lack of respect for others and otherwise constitutes rude and/or aggressive conduct; or
  - o making threats (whether implied or express) or including inappropriate, offensive, or abusive content in or associated with a complaint; or
  - o continuing with a complaint which is not supported by any evidence and is unsubstantiated; or
  - o making a frivolous or vexatious complaint or a complaint about a matter that is beyond the Council's jurisdiction or outside of the Council's control; or
  - o otherwise making excessive demands on Council's resources, including by making frequent and numerous complaints to the Council that are suggestive of a compulsive course of conduct that is, objectively, without basis other than to complain and consume resources; or
  - o alleging bias and/or corruption on the part of the Council in connection with his/her complaint to third parties simply because the Council's decision was not what the complainant desired or expected.
- e) *Using unreasonable lack of cooperation* including by:
  - o sending excessive amounts of correspondence and large quantities of information which is not organised, sorted, classified or summarised, where the complainant is clearly capable of doing this;
  - o displaying unhelpful behaviours (e.g. withholding information, acting dishonestly, misquoting others);
  - o refusing to define the issue(s) subject of his/her complaint; and
  - o remaining resistant to any reasonable explanation that counters the complainant's views.

- 8.8.4. Unreasonable complainant conduct does not arise if a complainant makes a complaint to an external authority.
- 8.8.5. Where the Council determines that a complainant has engaged in unreasonable complainant conduct the Council may choose to deal with the complainant in accordance with this policy.

## **9. PROCEDURE FOR MANAGING MALICIOUS, FRIVOLOUS, AND/OR VEXATIOUS COMPLAINTS**

- 9.1. If Council or the Chief Executive Officer determines that a complaint is malicious, frivolous, or vexatious, this is grounds to dismiss the complaint and not take any further action in relation to it.
- 9.2. A determination that a complaint is malicious, frivolous and/or unreasonable, must take into account:
  - 9.2.1. any similar complaints previously made by the complainant (i.e. about the same subject matter);
  - 9.2.2. the response and outcome to previous complaints made by the complainant (if any);
  - 9.2.3. whether the complaint has merit and/or is capable of being substantiated based on the information provided;
  - 9.2.4. the outcomes sought by the complainant; and
  - 9.2.5. the resources required to address the complaint (to ensure that it is not an unreasonable diversion of public resources).
- 9.3. A decision to take no further action in respect of a complaint that is malicious, frivolous, and/or unreasonable will be communicated to the complainant in writing.

## **10. DEALING WITH UNREASONABLE COMPLAINANT CONDUCT**

- 10.1. The Council is entitled to expect that members of the public who have a complaint will behave in an acceptable manner that demonstrates respect towards Council staff. The table set out in the Appendix to this policy sets out the manner in which Council staff may deal with unreasonable complainant conduct.
- 10.2. In certain circumstances the Council may limit communication between the Council and a complainant in relation to complaints. Such limitations may be imposed on a complainant whose behaviour:
  - 10.2.1. constitutes unreasonable complainant conduct; or
  - 10.2.2. gives rise to a risk to the safety and/or welfare of Council staff and/or other persons and/or may reasonably be considered to be an excessive drain on Council resources.
- 10.3. Where the Council imposes limitations on a complainant, the Council will notify the complainant in writing, specifying the limits, and the reasons for their imposition.
- 10.4. The options available to the Council in imposing limitations upon communication for the purposes of managing unreasonable complainant conduct are set out below. In making a decision to pursue one or more of these options in respect of a complainant,

the Council (or the Chief Executive Officer as the case may be) will have regard to the following:

- 10.4.1. the number of complaints made to the Council by the complainant and the period within which they have been made;
  - 10.4.2. the nature of and outcome of any previous complaints made by the complainant to the Council;
  - 10.4.3. the costs incurred by the Council (if any) in having addressed the complaints previously made by the complainant;
  - 10.4.4. the principles of equity and procedural fairness; and
  - 10.4.5. any other matters that the Council (or the Chief Executive Officer) deems fit.
- 10.5. The Council is aware of the legitimate right of members of the public to access Council information under the *Freedom of Information Act 1991*. Any limitations imposed on a complainant under this policy will not impede these statutory rights.

10.6. ***Requiring communication in writing***

The Council and/or the Chief Executive Officer may:

- 10.6.1. request that a complainant provide all complaints in writing; and/or
- 10.6.2. decline to respond to any further communication from the complainant unless it is in writing.

10.7. ***Not replying to correspondence***

- 10.7.1. Where, following a written response to a complaint, the Council receives further complaints from the same complainant that detail the same or substantially similar matters, the Council may inform the complainant that the Council will not provide a substantive response to any similar complaints.
- 10.7.2. The Council will always notify the complainant of any alternative recourse that may be available to him/her (such as making a complaint to the Ombudsman).

10.8. ***Unreasonable telephone communication***

- 10.8.1. In some circumstances it may be appropriate for a Council officer to inform a complainant that they will no longer deal with his/her complaints over the telephone, and to terminate the call. This will only be done in exceptional circumstances where the complainant is using unreasonable behaviour as described above.
- 10.8.2. Where a complainant repeatedly telephones a Council employee, or employs insulting, threatening or abusive language, they will be requested to limit their communications to written correspondence. This will be communicated to the complainant in writing.

10.9. ***Limiting all contact to a nominated person***

- 10.9.1. Where a complainant is making the same or a substantially similar complaint or multiple complaints to numerous Council officers, the Council or the Chief

Executive Officer may nominate a particular officer to deal with the complainant.

- 10.9.2. The Council will notify the complainant in writing of the name and contact details of the officer who will respond to his/her complaints and specify that no other officer will respond to complaints made by the complainant.

#### **10.10. Restrictions Following Repeat Unreasonable Complainant Conduct**

- 10.10.1. In addition to implementing any of the options specified above, where a complainant repeatedly engages in unreasonable complainant conduct the Council may:

- a) inform the complainant that any further complaints will be acknowledged by the Council without further response unless they detail significant new information or new issues which in the opinion of the Council warrant action; and/or
- b) restrict the times and days that a complaint may be accepted from a complainant by refusing to respond to any complaint from him/her that is received outside the times and other than in the manner notified to the complainant.

- 10.10.2. This action will only be taken as a last resort; with the decision taken by the Chief Executive Officer after all other avenues have been exhausted, and where the complainant is making unacceptable demands on the Council's complaint handling resources.

#### **10.11. Seeking legal advice**

In some instances, it may be appropriate for Council management to seek legal advice with respect to the implications of a suspected malicious, frivolous and/or vexatious complaint and/or regarding unreasonable complainant conduct. A decision to seek legal advice will be made by the Chief Executive Officer or a delegate.

#### **Notice Before Action**

Before pursuing action in relation to a complainant, the Council will write to the complainant to notify him/her of the action that the Council proposes to take and the reasons why and, will invite comments from the complainant within a specified period (that is not less than 7 days) as to why such action should not be taken. The Council will take any relevant comments provided by the complainant into account before determining whether to proceed with the proposed action.

#### **10.12. Review of Action**

- 10.12.1. Where a decision is made to pursue action in relation to a complainant, the Council will review the appropriateness of any restrictions imposed on the complainant every 12 months.
- 10.12.2. If, following a review, the Council considers that the restrictions imposed on the complainant are no longer necessary taking into account the complainant's conduct in the 12 months prior, the Council will:
- a) revoke the restrictions; and
  - b) notify the complainant of its decision in writing accordingly.

### **10.13.Warning to Complainant**

Following the first occasion that a customer engages in unreasonable complainant conduct, wherever practicable, the Council will:

- 10.13.1. notify the customer (either verbally or in writing, depending on the circumstances) that his/her conduct constitutes unreasonable complainant conduct under this policy;
- 10.13.2. depending on the circumstances, either provide the Customer with a copy of this policy or refer him/her to the policy on the Council's website; and
- 10.13.3. notify the customer either verbally or in writing, depending on the circumstances) that the Council may deal with his/her unreasonable complainant conduct in accordance with this policy including, in the case of repeat unreasonable complainant conduct, by restricting his/her access to the Council for the purposes of making complaints.

### **FURTHER INFORMATION**

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: [www.robe.sa.gov.au](http://www.robe.sa.gov.au)

Royal Circus, Robe SA 5276

Copies will be provided to interested parties upon request. Email [council@robe.sa.gov.au](mailto:council@robe.sa.gov.au)

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

### **POLICY REVIEW**

This policy shall be reviewed at least every 24 months or more frequently if legislation or Council needs changes to the content.

**APPENDIX**

<b>Types of conduct</b>	<b>Examples of complainant conduct</b>	<b>Strategies for dealing with conduct</b>
Unreasonable persistence	<ul style="list-style-type: none"> <li>• refusing to accept that a complaint is closed</li> <li>• continuing to phone or contact after a matter is closed</li> <li>• re-framing an old complaint</li> <li>• being unable to accept the final decision</li> <li>• persisting in interpreting the policy or the law in a way that is not in accordance with the accepted views on the subject</li> </ul>	<ul style="list-style-type: none"> <li>• be prepared to say 'no'</li> <li>• it may be appropriate to advise the complainant that the issue will not be investigated further</li> <li>• communicate clearly if an unproductive telephone call is to be ended</li> <li>• provide one internal review only</li> <li>• adopt, when appropriate, a firm position of no further contact or correspondence</li> <li>• do not allow the complainant to re-frame the complaint to keep the matter alive unless there are significant new issues</li> <li>• make it clear that the decision of Ombudsman SA is final or in the case of external reviews under the FOI Act advise the complainant of their appeal rights</li> </ul>

<p>Unreasonable demands</p>	<ul style="list-style-type: none"> <li>• insisting on outcomes that are unattainable or not possible</li> <li>• demanding assistance with issues that are out of the Council's jurisdiction</li> <li>• demanding a remedy that is impractical, disproportionate or unavailable</li> <li>• insisting that more time be taken on the matter than is justifiable</li> <li>• wanting revenge</li> <li>• making unreasonable demands on the resources of the Council</li> <li>• wanting unreasonable regular and lengthy contact with the Council</li> <li>• showing reactions or demanding action that is out of proportion with the significance of the issue</li> </ul>	<ul style="list-style-type: none"> <li>• set limits on what will be done i.e. what issues will be investigated, by whom, how communication will happen etc.</li> <li>• be clear with the complainant in advance as to what the Council will do, and the limits</li> <li>• end telephone calls that are unproductive, with a warning</li> <li>• may need to limit contact to written communications only</li> </ul>
<p>Unreasonable lack of cooperation</p>	<ul style="list-style-type: none"> <li>• poor or confused definition of the complaint</li> <li>• providing a large quantity of unnecessary material / information</li> <li>• unhelpful behavior</li> <li>• failing to provide requested information or documents within the given timeframe</li> <li>• dishonestly presenting the facts</li> <li>• constantly re-defining a complaint</li> <li>• focusing on principles rather than substantive issues</li> </ul>	<ul style="list-style-type: none"> <li>• staff need to set limits before proceeding with the matter</li> <li>• require complainants to clarify and summarise information they have provided before proceeding with the matter</li> <li>• require complainants to clearly define what their issues are before the complaint will be looked at</li> <li>• refuse to deal with the matter if it is found that the complainant has been willfully misleading or untruthful in a significant way</li> </ul>
<p>Unreasonable arguments</p>	<ul style="list-style-type: none"> <li>• exaggerating issues</li> <li>• holding irrational beliefs</li> <li>• refusing to consider alternative views</li> <li>• being obsessed with irrelevant or trivial points</li> <li>• having a conspiracy theory that is not supported by any evidence</li> </ul>	<ul style="list-style-type: none"> <li>• decline or discontinue the matter</li> <li>• if unreasonable issues are mixed with reasonable issues, ensure that they are clearly identified and separated and only deal with the reasonable ones</li> </ul>

Unreasonable behavior	<ul style="list-style-type: none"><li>• displaying confronting behavior</li><li>• being rude</li><li>• being aggressive</li><li>• making threats of self-harm</li><li>• making threats of harm / violence to others</li></ul>	<ul style="list-style-type: none"><li>• staff will not tolerate unreasonable behavior</li><li>• complainant is to be told that threats are unacceptable and may be reported to police</li><li>• rude correspondence will not be responded to, complainant is asked to reframe their complaint in more moderate terms</li><li>• if a complainant is behaving unreasonably in a telephone conversation he or she should be warned that their conduct is unacceptable and that if the behavior persists the call will be terminated</li><li>• telephone calls are to be ended if the complainant continues to behave unreasonably after being warned, the Chief Executive or Mayor is to be advised of this action</li><li>• meetings are to be ended if the complainant continues to behave unreasonably after being warned. The Chief Executive or Mayor is to be advised of this action</li></ul>
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