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Classification:	General
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Last Reviewed:	
Next Review Date:	May 2020
Responsible Officer:	Chief Executive Officer
Applicable Legislation:	<i>Local Government Act 1999</i>
Relevant Policies:	
Related Procedures:	
Compliance Standard:	

PURPOSE

To set guidelines for managing unreasonable complainant conduct.

Complainant Behavior

- On occasion, complainants can act in ways which:
 - are unreasonably persistent
 - involve unreasonable demands
 - exhibit a lack of cooperation
 - demonstrate unreasonable arguments.
- The District Council of Robe recognises that all members of the public have the right to access the Council and to have their approach considered objectively, impartially and professionally.
- The District Council of Robe acknowledges that the nature or the method of a complainant's approach should not influence the Councils consideration of the issues raised.
- However, staff of District Council of Robe do not have to tolerate abuse, threats or aggression. The safety and wellbeing of staff is paramount.

The Importance of Managing Unreasonable Conduct

To ensure equity and fairness:

- The District Council of Robe is accountable for the use of its resources.
- The District Council of Robe must facilitate the making of a complaint by a member of the public
- Resources must be allocated fairly according to the substance and seriousness of the issue.

To improve efficiency:

- Unreasonable conduct by a complainant can result in a large drain on the resources of the Council.
- Unreasonable complainant conduct must be managed to improve efficiency in the use of the Councils resources.

To ensure work health and safety:

- The District Council of Robe has an obligation to provide staff with a safe workplace.

Expectations of Complainants Conduct

When members of the public approach the District Council of Robe it is expected that they will treat staff with respect and courtesy and will adhere to the following standards:

- speak politely and with courtesy
- not make threats
- refrain from using abusive language
- not act aggressively or in a threatening manner
- provide all reasonable and relevant information about their complaint
- limit contact to reasonable and required communications
- inform the District Council of Robe staff of any disability that may affect their behavior

Expectations of Conduct of Staff of the District Council of Robe

The District Council of Robe has the right to decide how to deal with a complaint. This includes:

- making decisions on whether the issue/s will be investigated
- who will conduct the investigation
- the time and resources that will be allocated to the complaint
- the assistance the complainant needs to provide
- how the complaint will be resolved

However, staff of District Council of Robe are expected to:

- treat all complainants fairly and with respect
- demonstrate impartiality
- act professionally
- show respect for all complainants
- keep the complainant informed of the progress of their complaint
- deal with the complainant using the powers that have been delegated to them by the Council and in accordance with District Council of Robe's policy's and the legislative requirement of the Local Government Act and the Freedom of Information Act

If a complainant wishes to complain about a member of staff of the District Council of Robe it shall be managed in accordance with the provisions of Council's Code of Conduct for Employees.

Extract from Employees code of conduct

Complaints

Any person may make a complaint about a Council employee under this Code.

Complaints about an employee's behaviour that is alleged to have breached this Code should be brought to the attention of the Chief Executive Officer of the Council, or a delegated person.

Complaints about a Chief Executive Officer's behaviour that is alleged to have breached the Code should be brought to the attention of the Council's Principal Member. A complaint may be investigated and resolved according to the disciplinary processes of that Council.

In considering the lodgement of a complaint against a Council employee for a breach of the Code, Public Officers should be mindful of the obligations outlined in the Independent Commissioner Against Corruption—Directions and Guidelines

Preventing Unreasonable Conduct

It is important that all complaints to the District Council of Robe be managed well from the outset to minimise:

- delays
- misunderstandings
- Unrealistic expectations.

Clear communication with complainants is the key to managing their expectations and minimising unreasonable conduct. Staff of the District Council of Robe should ensure that complainants understand what the Council can and cannot do, for example by:

- giving complainants as much relevant and accurate information as possible
- explaining the role of District Council of Robe
- explaining how the complaint will be handled
- informing the complainant of the anticipated timeframe
- explaining any further action or information required by the complainant
- keeping the complainant informed of the progress of their complaint
- Informing the complainant of the possible outcomes.

Managing Unreasonable Complainant Conduct

Despite implementing prevention practices, there will be instances where complainants are unreasonable in their conduct. Staff should not 'reward' unreasonable conduct by providing the complainant with a more timely or different response than would otherwise be provided.

This is not equitable.

District Council of Robe Staff should manage unreasonable complainant conduct in accordance with the following table.

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

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

Types of conduct	Examples of complainant conduct	Strategies for dealing with conduct
Unreasonable behavior	<ul style="list-style-type: none"> • displaying confronting behavior • being rude • being aggressive • making threats of self-harm • making threats of harm / violence to others 	<ul style="list-style-type: none"> • staff will not tolerate unreasonable behavior • complainant is to be told that threats are unacceptable and may be reported to police • rude correspondence will not be responded to, complainant is asked to reframe their complaint in more moderate terms • 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 • 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 • 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

Limiting or Withdrawing a Complainant’s Access to the District Council of Robe

A decision to limit a complainant’s access to the District Council of Robe must be made by the elected body of the District Council of Robe at a Council meeting. If a complainant’s unreasonable behavior persists or becomes extreme one of the following steps must be taken:

1. Issue the complainant with a final warning outlining expectations and repercussions
 - This is to be in writing and is to inform the complainant that their access to the District Council of Robe may be limited or withdrawn if their behavior continues.
 - Warning letters need to be signed off by the Chief Executive or Mayor.

2. Place limitations on the complainant's right to access the District Council of Robe.

- The contact may be limited in terms of:
 - the times a complainant may make contact
 - the staff the complainant may have contact with
 - the form in which the contact may take place i.e. the complainant may be directed that he or she can only make contact in writing and not via telephone or in person.
- Any limitations on a complainant's right to approach the District Council of Robe must take into account that person's individual circumstances. For example, a person who is illiterate should not be required to communicate in writing.
- A complainant can request the District Council of Robe to review a decision to limit their right to access after 3 months from the date of the restriction.

3. Withdraw a complainant's right to access the District Council of Robe

- It may be appropriate to refuse access to a complainant. The circumstances in which this would be done include where the complainant:
 - is consistently abusive
 - makes threats to staff
 - causes damage to the property of the District Council of Robe
 - intimidates or threatens physical harm to staff or third parties
 - is physically violent
 - produces a weapon
- In circumstances where complainant's conduct is abusive or threatening (as listed above) the matter should be reported to the Elected Members of the Council, the Mayor and also to the police. Refer 10. Threats to others – below.
- If a person is refused access to the District Council of Robe, alternative contact arrangements may be considered. For example, contact may be possible via an advocate or nominee for the complainant. The Council will first, determine when it would be appropriate to consider such arrangements and secondly, approve the person nominated.
- A complainant can request the District Council of Robe to review a decision to limit their right to access after 3 months from the date of the restriction.
- Staff safety will always be the first consideration.

Note:

- A person's access to the district Council of Robe must not be restricted or withdrawn without giving the complainant written notice in their language.
- The written notice is to provide the complainant with clear information about the decision and why it has been made.
- The written notice should include:
 - a description of the complainant's unacceptable behavior
 - the consequences of the complainant's behavior
 - the Council's directive
 - the complainant can request a review of the decision after 3 months.
- The written notice is to be approved and signed by the Chief Executive or Mayor.

4. Threat of self-harm
Where a complainant expresses thoughts of suicide or other self-harm, the threat must be taken seriously. The matter should be reported to the Mental Health Triage Service/Assessment and Crisis Intervention Service by telephoning 131 465. If there is any doubt about reporting the matter, the staff member should consult the Chief Executive or the Deputy Chief Executive.
5. Threats to others
Where a complainant threatens you, another individual or organization, the threat must be taken seriously. The matter should be reported to the Chief Executive and also to the police and Chief Executive of the organization.
6. Reporting of unreasonable conduct
Council staff will report all incidents of unreasonable conduct behavior they experience or witness to the Chief Executive by email.

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

Royal Circus, Robe SA 5276

Copies will be provided to interested parties upon request. Email 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 may be amended at any time and must be reviewed at least every four years since its adoption (or latest amendment).