

Policy Name	Unreasonable Complainant Conduct
Policy Number	CS40
Responsible Section	Governance
Responsible Department	Corporate Services
Date Last Adopted	13 April 2021
Date of Next Review	April 2024
Applicable Legislation	Local Government Act 1999
Related Governance Documents	Public Integrity – Complaints & Investigations Policy Unreasonable Complainant Conduct Procedure Social Media Moderation Guidelines NSW Ombudsman Unreasonable Complainant Conduct Manual
City Plan Theme	Leadership

1. PURPOSE/OBJECTIVE

This policy aims to assist staff in the management of unreasonable complainant conduct. The policy establishes a framework for how the City of Port Adelaide Enfield (“the Council”) will manage unreasonable complainant conduct.

The aim of this policy is to;

- ensure we work and perform our functions in a way that appropriately manages the limited resources, both human and financial;
- maintain the health, safety and security of our staff;
- provide transparency in decision making and the need to provide a fair and objective procedure for the review of all decisions and services provided.

2. SCOPE

This Policy covers Unreasonable Complaint 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.

This policy applies to unreasonable complaints made to the Council except where other mechanisms for appeal or resolution apply, including but not limited to the following issues:

- complaints related to competitive neutrality;
- allegations of a breach of conflict of interest obligations by an elected member or employee – to be referred to the Council Member Code of Conduct or the Staff Member Code of Conduct;
- internal staff complaints – to be referred to various human resources policies; and/or
- any matters before a Court, Tribunal, the South Australian Police, a Minister of the Crown, a South Australian or Federal Government Department, the Office for Public Integrity or the South Australian Ombudsman.

3. POLICY

The objective of this policy is to establish a policy position for handling unreasonable complainant conduct which has arisen following our complaints management processes articulated in the Public Integrity – Complaints and Investigations Policy.

We aim to:

- ensure that a customer understands what the Council is able or unable to do in relation to their requests.
- prevent the Council's limited resources being utilised towards malicious, frivolous, unreasonable, persistent or vexatious requests or complaints;
- outline the considerations to be taken into account in determining whether a request or complaint is frivolous, malicious or vexatious; and
- 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.

3.1 Complaints and Requests for Service

Council's Public Integrity – Complaints and Investigations policy details how a customer can make a complaint, request a new service or improvement to an existing service. The policy also details how Council will respond to these complaints and requests.



3.2 Malicious, Frivolous or Vexatious Complaints or Requests for Service

If the Chief Executive Officer (CEO) or a Director 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.

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

- any similar requests previously made by the person or their immediate family (i.e. about the same service);
- the response and outcome to previous requests made by the person (if any);
- whether the service is capable of being provided by or required to be provided by the Council;
- the outcomes sought by the person; and
- the resources required to provide the service (to ensure that it is not an unreasonable diversion of public resources).

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

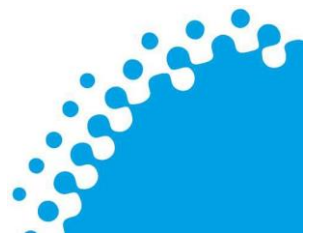
3.3 Unreasonable Complainant Conduct

Complainants may be aggressive and verbally abusive towards our staff, threaten harm and violence, bombard our offices with unnecessary and excessive phone calls and emails, make inappropriate demands and refuse to accept our decisions and recommendations in relation to their complaints. When complainants behave in these ways we consider their conduct to be 'unreasonable'.

Unreasonable complainant conduct is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial Work Health and Safety, resource or equity issues for our organisation, our staff, other customers or the complainant himself/herself. Unreasonable complainant conduct can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

When working with unreasonable complainant conduct on social media, staff will be directed to the following relevant information resources: [Social Media Moderation Guidelines](#).



4. DEFINITIONS

Complainant is a customer that has lodged a complaint with Council or to the Ombudsman, Minister, OPI or ICAC.

Frivolous complaint or request lacks substance or merit, or is otherwise trivial in nature.

Malicious complaint or request is motivated by improper, vicious, or mischievous purposes.

Unreasonable complainant conduct is any behaviour by a current or former complainant which, because of its nature or frequency, raises Work Health and Safety issues, resource or equity issues for the parties to a complaint.

Vexatious Complaint 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:

- it comprises false allegations, and cannot possibly succeed;
- there is an absence of any reasonable grounds for lodging the complaint; and/or the complainant does not have sufficient interest in the matters that are the subject of complaint.

5. RESPONSIBILITIES

Chief Executive Officer (CEO), Directors– have the responsibility and authority for completely terminating a complainant's access to the City of Port Adelaide Enfield services as outlined in this policy.

The CEO or Directors are responsible for nominating a case manager to manage cases of unreasonable complainant conduct.

Case Manager – the nominated staff member is responsible and has authority for completely terminating a complainant's access to the City of Port Adelaide Enfield services as outlined in this policy and also has the authority to impose any service changes/restrictions as outlined in this policy.

The nominated case manager is also responsible for recording, monitoring and reviewing cases where this policy is applied to ensure consistency, transparency and accountability in the application of this policy.

Managers – are responsible for supporting staff to apply the strategies in this policy and the associated Procedures.

Managers are also responsible for ensuring staff members are trained in dealing with Unreasonable Complainant Conduct.

Ensure staff are provided with proper support and assistance if required.



Staff – are responsible for familiarising themselves with this policy as well as the Unreasonable Complainant Procedures.

Staff are also responsible for recording all incidents of unreasonable behaviour that they experience or witness. Quality file notes of all incidents are to be recorded in Council's Record Management System.

5.1 Review

This Policy and Procedure will be reviewed by the Governance Manager every three years, but may be actioned earlier according to feedback received and/or contextual changes.

5.2 Availability of Policy

This Unreasonable Complainant Conduct policy and related procedure will be made available on the website www.cityofpae.sa.gov.au

