



# MANAGING UNREASONABLE COMPLAINANT CONDUCT POLICY

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2.			
3.			
4.			
5.			

## 1. SCOPE

This policy applies to all dealings with customers by the Goondiwindi Region Council staff and acknowledges that the management of complainant expectations is fundamental in the way we do business.

## 2. PURPOSE

Goondiwindi Regional Council is committed to being accessible and responsive to all complainants who make contact with Council. At the same time, the ability of Council to provide services depends on our ability to use and allocate our resources fairly, effectively and efficiently across all complaints and complainants.

Council is therefore committed to ensuring that all complaints are dealt with equitably and that all of our staff members are aware of their roles and responsibilities, have the skills to appropriately manage complainant conduct, including unreasonable conduct, and are adequately supported by senior management and Council to take action to deal with such conduct. Council is also committed to protecting and promoting Human Rights and will consider human rights when applying this policy.

This policy has been developed to assist staff to better manage complainants who display unreasonable behaviours in their interactions with us. It identifies the specific authority vested in all staff members to take action to manage unreasonable complainant conduct (UCC) and also identifies the processes and procedures that staff should follow when dealing with such conduct.

Staff members who use and follow this policy and affiliated procedure can be confident that they will be supported by senior management and Council.

Note: this policy must not be used a quick solution to deal with complainants who are difficult to deal with or who we want to avoid. It is only applied to cases where unreasonable complainant conduct is an issue – as described in this document.

### **3. PRINCIPLES / RESPONSIBILITIES**

#### General Principles

#### What is Unreasonable Complainant Conduct?

- Unreasonable complainant conduct is behaviour by a complainant, which because of its nature or frequency raises substantial health, safety, resource or equity issues for the parties to a complaint. This can include:
  - Unreasonable persistence
  - Unreasonable demands
  - Unreasonable lack of cooperation
  - Unreasonable arguments
  - Unreasonable behaviour

Specific examples of unreasonable conduct are included in Attachment A.

Alternative service arrangements are alternative forms of service delivery that vary from the usual methods used by Goondiwindi Regional Council. Council may impose an alternative service arrangement to vary or restrict the type of interaction or access that a complainant has with it and its staff to manage the impacts of his/her conduct, particularly when it is characterised as 'unreasonable'. Where the complainant conduct falls into more than one of the categories listed above, the alternative service arrangements will reflect this.

#### General Responsibilities

All staff members are responsible for familiarising themselves with this policy and the accompanying *Managing Unreasonable Complainant Conduct Procedure*.

The Chief Executive Officer is responsible for:

- Determining whether a complaint's behaviour is unreasonable
- Electing to impose an alternative service arrangement on any individual whose behaviour is determined to be unreasonable
- Where appropriate, notifying external regulators (Qld ombudsman etc.) when a complainant is subject to an alternative service arrangement.

Council's Legal Officer is responsible for:

- recording, monitoring and reviewing all cases where this policy is used to ensure that it is applied consistently and appropriately and to ensure transparency and accountability for all decisions made under this policy
- providing the Chief Executive Officer with an update whenever a complainant's behaviour is determined to be unreasonable
- where appropriate, informing Councillors when a decision has been made to limit/alter the form of an unreasonable complainant's access to Council services.

#### 4. REFERENCES AND LEGISLATION

This policy is supported by the strategies set out in the *Managing Unreasonable Complainant Conduct Procedure*. Staff should refer to the procedure for further information.

There is a Managing Unreasonable Complainant Conduct Practice Manual available at [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au).

Managing Unreasonable Conduct by Complainants Practice Manual  
NSW Ombudsman

Human Rights Act 2019  
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005>

Vexatious Proceedings Act 2005  
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2005-044>

#### “Attachment A”

- wanting regular and lengthy phone contact where this is not warranted
- showing reactions or demand for action that are out of proportion to the significance of the issue
- moving the goal posts — changing the desired outcome
- shopping for a sympathetic ear in the office — demanding to talk to a supervisor or the Chief Executive Officer personally
- placing us on an extensive email copy list and expecting responses to numerous emails
- consistently creating complexity where there is none.
- presenting as overly needy or dependent (e.g. wanting to transfer responsibility for their wellbeing to the organisation).

#### Unreasonable lack of cooperation

- presenting a large quantity of information which is not organised, sorted, classified, summarised, where the complainant is clearly capable of doing this
- presenting information in dribs and drabs — refusing to present all information at the outset
- refusing to define issues of complaint (‘the attached speaks for itself’ — usually a large quantity of information) where the complainant is clearly capable of doing this
- focusing on principles rather than substantive issues
- changing the complaint, raising new issues in the process of our consideration
- displaying unhelpful behaviour, e.g. withholding information, dishonesty, misquoting others, swamping organisation with documents.

### Unreasonable arguments

- holding irrational beliefs, e.g. seeing cause and effect links where there are clearly none – is it unreasonable to hold an irrational belief or is it the resulting demands/behaviours that are?
- holding what is clearly a conspiracy theory unsupported by any evidence
- insisting that a particular solution is the correct one in the face of valid contrary or alternative arguments
- interpreting facts in a clearly irrational/unreasonable way and insisting this interpretation is the correct one.
- insisting on the importance of an issue that is clearly trivial.

### Unreasonable behaviour

- displaying confronting behaviour, e.g. rudeness, aggression, threats.
- sending rude, confronting, threatening letters
- making threats of self-harm
- making threats of harm to others.
- displaying manipulative behaviour (overly ingratiating, tears, veiled threats).



# MANAGING UNREASONABLE COMPLAINT CONDUCT PROCEDURE

## 1. SCOPE AND PURPOSE

This Policy relates to dealing with unreasonable customer conduct.

## 2. ROLES AND RESPONSIBILITIES

### ALL STAFF

All staff are responsible for familiarising themselves with this procedure and related documents and should be capable of putting it into practice in appropriate cases. Staff members are also responsible for reporting and monitoring all incidents of unreasonable complainant conduct. Monitoring, and therefore management of unreasonable complainant conduct, will only be effective if staff members keep accurate and contemporaneous records of their interactions with complainants in Council's Record System. Staff members who form the opinion that management action may need to be taken under this policy to deal with a complainant's conduct must notify their Director providing evidence in support of such action.

### CHIEF EXECUTIVE OFFICER

The Chief Executive Officer in consultation with the relevant staff member will determine the appropriate course of action for dealing with the complainant's unreasonable conduct under this procedure.

It should be noted the Chief Executive Officer may delegate administrative aspects of dealing with unreasonable conduct under this policy and procedure.

### LEGAL OFFICER

Council's Legal Officer is responsible for the management and administration of alternative service arrangements under this policy as well as maintaining a register of security incidents.

### ALL EXECUTIVE TEAM MEMBERS AND SERVICE UNIT MANAGERS

All Executive Team members are responsible for supporting staff to apply the strategies in this policy and procedure, and to ensure compliance with the processes and procedures identified below.

## 3. COUNCIL'S STATUTORY OBLIGATIONS TO PROVIDE ACCESS

Council has statutory obligations to provide access, these obligations are described below:

- The right to access Council information – members of the public have the right to access certain information held by Goondiwindi Regional Council. Council is required to allow members of the public to access other information unless satisfied that allowing access would be contrary to the public interest or breach other statutory obligations.

#### 4. ALTERNATIVE SERVICES ARRANGEMENTS OPTIONS

In cases where staff members are unable to manage a complainant's conduct using customer service strategies and those suggested in the Managing Unreasonable Complainant Conduct Practice Manual, 2nd edition, 2011 (Qld Ombudsman), or where a complainant's conduct is so unreasonable that it requires immediate and decisive action by Council, we will consider imposing an alternative service arrangement under this part to manage the complainant's behaviour.

Any proposed service arrangements will require the Chief Executive Officer's approval.

Unreasonable complainant conduct will be managed by limiting or adapting the ways in which we interact and/or deliver services to complainants by doing one or more of the following:

- **Who** – limiting the complainant to a sole contact point/staff member within Council
- **What** – restricting the subject matter that we will consider
- **When** – limiting a complainant's contact with our organisation to a particular time, day, or time limit or curbing the frequency of their contact
- **Where** – limiting the locations where face-to-face interviews are held to secured venues, facilities or rooms or in areas of the office which are highly accessible and visible to other staff members.
- **How** – limiting or modifying how the complainant can contact our office – i.e. the forms of contact that the complainant can have with our organisation. This can include modifying or limiting:
  - face-to-face interviews, including prohibiting access to our premises
  - telephone communications
  - written communications
  - contact through a representative only
  - no further action

When we decide to impose an alternative service arrangement to manage a complainant's conduct, we will always provide the complainant with clear reasons 'why' we have decided to take such action. These reasons will be provided in a letter signed by the Chief Executive Officer and will provide a full explanation of the option(s), if any, that are available to the complainant for interacting with our organisation.

More details on the manner in which an alternative service arrangement may be implemented can be found in **Attachment A**.

#### 5. CONCILIATION

In cases where we cannot terminate our contact or relationship with a complainant and it is apparent that Council bears some responsibility for causing or exacerbating the complainant's unreasonable behaviour, the Chief Executive Officer may decide that conciliation be used to resolve the situation and rebuild our relationship with that complainant.

The conciliation will be undertaken by an independent third-party conciliator who can assist us to reach a solution that both we and the complainant consider to be satisfactory in the circumstances.

Conciliation may however be inappropriate or ineffectual in cases where a complainant is inflexible and demonstrates an unwillingness to participate in the process in good faith.

## 6. UNREASONABLE CONDUCT MANAGEMENT PROCESS

a) When the Legal Officer receives notification of unreasonable complainant conduct, they will contact the staff member concerned to discuss the situation and may suggest informal ways for dealing with the complainant's conduct.

The Legal Officer will discuss with the staff member:

- the incident(s) that have led them to consider the complainant's conduct to be unreasonable, including whether the staff member or Council has done something to contribute to the complainant's unreasonable behaviour
- the impact of the complainant's conduct on the staff member
- whether the complainant was responsive to any warnings
- the level of disruption caused by the complainant's conduct
- any actions which have been taken to manage the complainant's conduct
- the alternative service arrangement(s) that the staff member thinks would be most appropriate in the circumstances.

The Legal Officer will review information about the complainant's prior conduct and history with Council and will give consideration to:

- Human Rights
- whether the type of conduct concerned involved overt anger, aggression, violence or assault
- whether the complainant's case has merit
- the likelihood of the complainant modifying his/her unreasonable behaviour, if he/she is given a warning
- whether imposing an alternative service arrangement would be effective in managing the complainant's behaviour
- whether imposing an alternative service arrangement would affect the complainant's ability to meet his/her obligations, such as reporting obligations
- whether imposing an alternative service arrangement would have an undue impact on the complainant's welfare, livelihood or dependents, etc.
- whether the complainant's personal circumstances may have contributed to the behaviour – e.g. is the complainant a vulnerable person who is under significant stress as a consequence of one or more of the following:
  - homelessness
  - physical disability
  - illiteracy or other language or communication barrier
  - mental or other illness

- personal crises
- substance or alcohol abuse, etc.
- whether the complainant's unreasonable conduct was proportional, in the circumstances
- whether there are any statutory provisions that would limit the types of alternative service arrangements that we can use to manage the complainant's conduct

As a result of the above, the Legal Officer will provide a report to the Chief Executive Officer.

Once the Chief Executive Officer has considered these factors, he/she will decide whether it is necessary to take any action to manage the complainant's conduct. If so, the Legal Officer will provide the complainant with a written warning signed by the Chief Executive Officer detailing the nature of the proposed action and identify the conduct that has caused Council to be concerned.

Note: Alternative service arrangements, in particular those that restrict a complainant's ability to access Council services, must never be imposed in a way that avoids or limits an access or service right that a complainant has been afforded under statute.

b) Written warning to be provided to complainant;

The Legal Officer will issue a written warning, signed by the Chief Executive Officer, about the unreasonableness of his/her conduct and will outline the potential action(s) that may be taken to manage his/her conduct if the behaviour continues.

The warning letter will:

- provide specific details about the date, time, location of the incident/unreasonable conduct
- identify the specific behaviour(s) that have caused Council to be concerned
- clearly state the types of restrictions that may be imposed on the complainant's access if the behaviour continues, in general terms
- where possible refer the complainant to any relevant customer service/complaint handling policies, which outline the standards of behaviour that we expect from people who complain to Council.
- provide the name and phone number for the Legal Officer who the complainant can contact about the letter
- be signed by the Chief Executive Officer or his/her delegate.

The Legal Officer will record the details of all written warnings.

In rare and extreme cases where the complainant's conduct involves overt anger, aggression, violence, assault or other unlawful/unacceptable conduct and poses an immediate threat to the health and safety of Council officers, the Chief Executive Officer has discretion to impose an immediate restriction on the complainant's access, without providing him/her with a prior written warning. The Legal Officer must still notify the complainant, in writing, of the decision to restrict his/her access to Council services in the way described below.

c) Notifying the complainant of a decision to impose an alternative service arrangement, in writing;

The complainant will be notified by letter signed by the Chief Executive Officer that a decision has been made to restrict his/her access. The letter will:



- identify the unreasonable behaviour that caused Council to be concerned
- include the date(s) of the relevant incidents, including details, where possible
- identify the type of alternative service arrangement(s) that will be imposed to manage their behaviour
- specify the duration of the alternative service arrangement, which will not exceed 12 months
- indicate when the decision to impose the alternative service arrangement(s) will be reviewed
- provide the name and contact details of the Legal Officer who the complainant can contact to discuss the letter
- be signed by the Chief Executive Officer.

The Legal Officer is responsible for keeping a register of all complainants whose contact with Council is modified or restricted. The register should contain all correspondence advising complainants of the alternative service arrangements imposed.

The Legal Officer is also responsible for ensuring that information about the alternative service arrangements is accessible to relevant staff outlining the nature of the alternative service arrangements and the date on which it was imposed.

Once a complainant has been issued with a written warning or letter notifying him/her that his/her access restricted or modified, the Legal Officer will monitor the complainant's contact for a period of time to ensure that he/she is complying with the restriction(s) imposed. If the complainant fails to do so, the Legal Officer will advise the Chief Executive Officer, recommending whether further restrictions or service modifications need to be imposed on the complainant's ability to access Council services in order to better manage his/her conduct.

d) Complainant continues to display unreasonable behaviours after an alternative service arrangement has been made;

If a complainant attends Council premises when he/she has been advised we will only communicate with him/her in writing – we will remind the complainant of the Chief Executive Officer's decision outlined in correspondence to him/her and ask him/her to leave and put his/her concerns in writing. Where necessary, we will also warn the complainant that he/she may be escorted from Council premises if they do not leave.

If the complainant does not leave, Council staff may contact the Police requesting assistance.

If we receive a telephone call, from a complainant whose access has been limited to written contact only, staff will remind the complainant that his/her access has been restricted and the type of contact they can have with Council. Staff will then proceed by politely terminating the call, avoiding entering into any debates or discussions with the complainant about their complaint or the decision to limit/modify their access.

If we receive written communications from a complainant in a form other than that described in his/her restriction, e.g. complainant sends email when he/she has been restricted to sending written communications through Australia Post, the written communication will be read and filed without acknowledgment, unless it raises an issue that we decide warrants further investigation. If so, the Legal Officer will review the circumstances and provide any recommendations as to whether the complainant's access restriction needs to be amended in any way.

All staff members are responsible for recording any communications received from complainants in contravention of their access or service restriction. Staff will record all such incidents and will duly notify the Legal Officer who will also keep a record of the incident for consideration when the complainant's access restriction is reviewed.

e) Reviewing decisions to impose alternative service arrangements;

Complainants are entitled to request a review of any decision to implement an alternative service arrangement. A review will be undertaken no less than 6 months and no more than 12 months after any such restriction is imposed, except in exceptional cases.

Complainants will be invited, in writing, by the Legal Officer to participate in the process of review, when appropriate. The complainant should be given the option to participate in the process using written communications, telephone or face-to-face interview, as appropriate.

In cases where an alternative service arrangement has failed to curb the complainant's conduct and the complainant has continued to behave unreasonably throughout the period of restriction, the Chief Executive Officer may decide whether or not to invite the complainant to participate in the review process. If the Chief Executive Officer decides that it is not appropriate for the complainant to participate in the review process, he/she will still notify the complainant, in writing, of the outcome of the review, including explaining the reasons for the decision (i.e. the on-going unreasonable conduct).

When undertaking a review, the Legal Officer will give consideration to:

- all of the records contained that relate to the complainant's conduct during the period of restriction
- whether the complainant has had any contact with Council during the restriction period
- any arguments put forward by the complainant about the appropriateness of the access restriction, in particular, matters relating to his/her personal circumstances e.g. has the complainant's circumstances changed in a way that would render an alternative service arrangement inappropriate or ineffective?

The Legal Officer will also review all records relating to the original decision to impose an alternative service arrangement to manage the complainant's conduct and will consult any staff members who have had contact with the complainant during the restriction period, if necessary.

The Legal Officer will then provide a report to the Chief Executive Officer to make a determination.

**Note: sometimes a complainant may have no cause to contact Council during the period specified in their restriction. Therefore, their lack of contact with the organisation or seeming compliance with the service restriction may not be appropriate for determining whether the restriction has been effective. This will need to be assessed on a case- by-case basis by the Legal Officer and determined by the Chief Executive Officer.**

The complainant will be notified by written communication (by letter) of the outcome of a review. The review letter will:

- explain the processes and procedures that was undertaken during the review
- briefly state the factors that were taken into account when deciding whether to maintain, remove, or amend the alternative service arrangement
- explain the decision/outcome of the review, along with reasons.

If the outcome of the review is that the alternative service arrangement will be maintained or amended, the letter notifying the complainant of the outcome of the review will also:

- indicate the nature of the new or continued alternative service arrangement, including details of how he/she can contact Council and how the organisation will contact him/her
- the duration of the new restriction period

- provide the name and contact details of the Legal Officer who the complainant can contact to discuss the letter
- be signed by the Chief Executive Officer or his/her delegate.

The Legal Officer is responsible for keeping a record of the outcome of the review, as well as ensuring that information about the review is made available to relevant staff. He/she will also update Council's records outlining the outcome of the review and any other relevant information.

Once records are updated all relevant staff who are likely to have contact with the complainant will be notified by the Legal Officer of the outcome of the review, in particular where the complainant's access restrictions have been maintained or modified.

f) Incidents of aggressions, violence, and assault

Any incident of aggression should be reported to the relevant Manager, Director and the Legal Officer as soon as possible and within 24 hours if a staff member is away from Council office(s) when the incident occurs. If an assault occurs, supervisors are responsible for ensuring first aid and/or medical treatment is provided to any staff member or visitor requiring assistance. All assaults that would constitute a criminal offence should be reported to the police.

An incident report must also be submitted to the relevant Director within 24 hours. If the injured person is unable to complete the form, the relevant supervisor or Manager must complete the form in as much detail as possible. The relevant Director is responsible for providing staff with any assistance they may need in dealing with police.

The details of the complainant's conduct will be recorded by the Legal Officer in Council's records system.

g) All other incidents of unreasonable complainant conduct

Staff who form the opinion that a complainant's conduct is unreasonable and warrants action under this policy, must advise the Legal Officer.

All staff members are responsible for making a record of any observed unreasonable complainant conduct. All records should be factual and descriptive of observed behaviour and conduct. Do not use pejorative or offensive terms or attempt to psychoanalyse the complainant.

## **7. MANAGING STAFF STRESS AND DEBRIEFING**

a) Staff reactions to stressful situations

Dealing with complainants who are very demanding, abusive aggressive and/or violent can be extremely stressful and, at times, distressing or even frightening. It is perfectly normal to get upset or experience stress when dealing with difficult situations. Everyone reacts differently to stressful events. Stress can be cumulative, often resulting in a strong reaction to a minor event, which forms part of a chain of stressful events.

Signs of stress can include:

- physical signs such as shock, nausea or fainting immediately after an event, or long-term aches, pains and fatigue
- emotional responses such as anger, fear or depression – this is often reflected by crying or feeling tearful
- difficulty in thinking clearly, making decisions or concentrating on the job

- behavioural changes such as increased irritability, withdrawing from people, insomnia, nightmares or resorting to alcohol or substance abuse more frequently or in greater quantities.

Recognising signs of stress in yourself and others is an important step in dealing with the problem. Council has a responsibility to support staff members who experience stress as a result of situations arising at work.

Council will provide staff with the opportunity to debrief after stressful incidents and will ensure staff members have the appropriate training and support to appropriately engage with people exhibiting unreasonable behaviours.

#### b) Debriefing

Debriefing means talking things through following a difficult or stressful incident. It is an important way of 'off-loading' or dealing with issues. It is usually voluntary, with the exception of operational debriefs, and can occur in a number of different ways.

If a staff member chooses, informal debriefing after a minor incident may be provided by peers, managers or supervisors. Staff members are expected to assist a colleague to debrief if they are asked for this assistance.

Staff may also access an external professional service on a needs basis. All staff can access the Employee Assistance Program – a free, confidential counselling service.

## 8. REFERENCES AND LEGISLATION

There is a *Managing Unreasonable Complainant Conduct Practice Manual* available at [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au).

Managing Unreasonable Conduct by Complainants Practice Manual  
NSW Ombudsman

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*Vexatious Proceedings Act 2005*

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2005-044>

## **ATTACHMENT A – ALTERNATIVE SERVICE ARRANGEMENTS - ADDITIONAL INFORMATION**

The three principles for managing Unreasonable Complainant Conduct are Health and Safety, Efficiency, Equity and Fairness.

### **1) Who – limiting the complainant to a sole contact point/staff member within Council**

In certain cases, it may be appropriate to restrict a complainant to a sole contact point or staff member who exclusively manages their complaint and/or interactions with Council. This staff member will preferably be a senior experienced officer who is capable of effectively managing the complainant, such as the Legal Officer.

Complainants who are restricted to a sole contact person will be also given the contact information for one other officer within Council whom they can contact when the first identified officer is unavailable.

All other staff members who receive a phone call or other communication from a complainant whose access has been limited in this way should:

- refer the complainant or written correspondence to the appropriate officer, or
- remind the complainant of the nature of their restriction and then politely terminate the call, or
- require the complainant to book an appointment or face-to-face interview, as appropriate.

To avoid staff 'burn out' the decision to restrict a complainant to a sole contact point will be reviewed on a six monthly basis or as requested by the staff member(s) concerned.

### **2) What – restricting the subject matter of the communications made to Council by a complainant**

Where a complainant repeatedly sends written communications (emails, forms, or letters) that do not raise a substantial issue, that include inappropriate information or materials or that relate to a complaint that has been comprehensively considered (and reviewed at least once) by Council, it may be appropriate to limit the issues that they can raise with our office. For instance, we may:

- advise a complainant that any new correspondence that they send to Council will be read and filed without acknowledgement unless it raises a new significant issue, provides new and relevant information on a previous matter or raises any other matter that we consider warrants action by Council
- notify the complainant that only one new correspondence will be responded to each month and he/she may decide which correspondence he/she would like a response for. It may also be appropriate to place a further restriction on the number of issues that will be dealt with in each correspondence to deal with cases where complainants attempt to circumvent the limitation by raising multiple issues in the one complaint ('one issue per letter once a month').

### **3) When – limiting a complainant’s contact with Council to a particular time or day of the week/month or otherwise limiting the duration and/or frequency of our interactions with them**

Where a complainant’s telephone, written or face to face contact with Council places an unreasonable demand on our time and resources and/or raises substantial health or safety concerns, we may consider limiting their ability to interact with Council by:

- limiting the length or duration of telephone calls, written correspondence or face-to-face interviews
- phone calls will be limited to 5 minutes at a time and will be politely terminated at the end of that time period
- voluminous written communications will not exceed 10 pages or they will be sent back to the complainant to be summarised – only appropriate in cases where the complainant is capable of summarising the information, but refuses to do so
- limiting face-to-face interviews to a period not exceeding 30 minutes.
- limiting the frequency of telephone calls, written correspondence or face-to-face interviews
- telephone communications will be limited to 1 per month or other specified number, depending on the service provided
- written communications will not exceed 1 per month, depending on the service provided
- limiting face-to-face interviews to 1 per month, depending on the service provided
- limiting phone calls to a particular time of day that is most suitable for the case officer
- any other appropriate and reasonable arrangement that the Legal Officer considers appropriate in the circumstances.

Any communications that are attempted (or received) by the complainant that fall outside of these arrangements will be politely concluded after reminding the complainant of their next available opportunity to contact us in the proscribed way.

However, if a complainant calls with a genuine emergency, staff should address the issue raised as they would for any other complainant with that same emergency issue.

### **4) Where – limiting face-to-face interviews to secured facilities and areas**

Where a complainant’s conduct poses a substantial health or safety risk for Council officers, other service users or members of the public while on Council premises, we may consider limiting the locations where we conduct face-to-face interviews or visits with complainants. Interviews may be restricted to secured rooms or facilities, office locations or to specific times when it is least likely the complainant’s conduct will disrupt other members of the public. In certain cases, consideration may also be given to setting up a new secure venue where we can deliver services to certain members of the public.

#### **a. Restricting or modifying access to Council premises**

If a complainant is violent or overtly aggressive or is unreasonably disruptive to other service users or makes frequent unannounced visits to Council premises and demands to speak with staff, it may be appropriate to consider restricting or our face-to-face contact with him/her.

Restrictions can include:

- permitting attendance at Council premises to specified times only, for example, when additional security is available or when they are less likely to disrupt other members of the public.
- permitting attendance on an appointment only basis with a particular member of staff (note: even though the complainant may be restricted to a particular staff member, where possible, this staff member should be accompanied by a colleague for safety and security purposes).
- requiring that the complainant only attend interviews with a support person or representative that has been previously approved by Council.
- restricting access to a particular premises or area of the office –e.g. reception area or secured room/facility, if appropriate.
- banning the complainant from attending our premises altogether and then implementing an alternative service arrangement such as limiting the complainant to written contact only or ‘telephone only’ contact.
- any other appropriate and reasonable service modification or restriction that the Chief Executive Officer considers appropriate in the circumstances.

Where a complainant’s access to Council premises has been restricted and he/she nevertheless attempts to enter Council premises in violation of this restriction, staff should:

- provide him/her with a verbal warning instructing him/her to leave Council premises
- advise him/her that we will contact the police if he/she does not comply with our requests or directions to leave Council premises
- advise him/her not to attend Council premises again, unless he/she is instructed otherwise.
- advise him/her that we will contact the police if he/she does not comply with our requests or directions to leave Council premises
- advise him/her not to attend Council premises again, unless he/she is instructed otherwise.

All front line and Customer Service staff should be made aware of the identity of any complainants who are restricted from accessing Council premises and should be advised of what actions they should take when such complainants attend Council premises.

If a complainant is admitted to Council premises before his/her identity is established then he/she should be promptly and firmly advised by reception staff to leave the premises (and return only in accordance within the terms of his/her restriction, if he/she is not banned altogether).

#### **b. Using legal powers to restrict access to Council premises**

As a last resort or in rare cases of extreme personal violence, intimidation, stalking, or other criminal conduct, it may be appropriate for the Chief Executive Officer to lawfully restrict a complainant’s access to our premises or for a staff member to obtain a personal apprehended violence order (AVO) to deal with a complainant’s conduct. The law provides a basis for taking civil and/or criminal action in relation to trespass. It empowers owners, occupiers, or persons in charge of a premise to require another person to leave their premises in certain circumstances.

An AVO, on the other hand, is a legal order obtained by an individual from the Local court under the Crimes (Domestic and Personal Violence) Act. AVOs aim to protect people from personal violence, threats, harassment or intimidation by restricting the conduct and movements of their aggressor (in this case the complainant). To apply for an AVO, a person must have a reasonable

and genuine fear of actual or threatened; personal violence, intimidation, stalking or other seriously inappropriate behaviour.

Goondiwindi Regional Council will only use legislation or court action or support the use of AVOs to deal with unreasonable complainant conduct in extreme cases. These options can have serious implications for complainants under the civil and/or criminal law and careful consideration must be had to other alternative arrangements in managing the complainant's conduct.

At the same time, it should be noted that alternative service arrangements are not replacements for laying a criminal charge against a complainant who engages in conduct that amounts to a criminal offence. Staff should therefore be advised about circumstances where it will be appropriate to report the complainant's conduct to police.

**Note: Because AVOs are a personal remedy, they will not assist with Council issues in cases where unreasonable complainant conduct is an issue.**

### **c. Restricting or modifying telephone communications**

Where a complainant engages in confronting behaviour, for example, swearing, rudeness, threats, aggression abusive conduct or is otherwise uncooperative during telephone communications, we may limit or modify his/her telephone contact with Council. Modifications can include:

- limiting the length or duration of telephone calls, for example, to twenty minute intervals
- limiting the number of times (or frequency) that a complainant can phone Council within a specified period, for example, to once a month phone calls, depending on the type of service we are providing or to a particular day of the week
- limiting whom they can contact, often to one case officer or to a specific phone line(s), message bank(s) or fax machines, if appropriate
- limiting the subject matter that they can phone Council about. For instance, we may restrict their ability to phone our office about a particular issue if that issue has been dealt with to finality and has been the subject of at least one review
- any other appropriate and reasonable alternative service arrangement that the Chief Executive Officer considers appropriate in the circumstances.
- mandatory call recording to provide a level of protection for customer service officers when dealing with unreasonable complainant conduct.

As an alternative to telephone contact and face-to-face interviews, we may also consider limiting a complainant's contact to 'writing only'. 'Writing only' restrictions may include limiting the complainant to written communications through Australia Post only or through one or more of our online services, including emails or online forms.

Where a complainant's contact is restricted to 'writing only', the Chief Executive Officer should clearly identify, the specific means by which written communications will be accepted from the complainant. For instance, the complainant should be informed if he/she should send any communications through Australia Post or by email to a particular email address or using some other online communication service. Also, if it would not be suitable for a complainant to enter Council premises to submit the written communication then this should be indicated to him/her as well. The complainant will be informed that any attempts by him/her to send communications in a way other than what has been described in their restriction, will be read and filed without acknowledgement.

The Chief Executive Officer will also give careful consideration to whether a 'writing only' restriction will be appropriate to the complainant's personal circumstances. For instance, it is never appropriate to restrict a complainant's access to 'writing only' if that complainant is not proficient in



English, is illiterate or vision impaired or is suffering from some other ailment that would affect their ability to comply with this restriction with relative ease. As a result, this restriction should only be used as a last resort when it has been determined that other alternative service arrangements would be ineffective in managing the complainant's behaviour.

Goondiwindi Regional Council considers this restriction to be a serious one that can involve serious restrictions on a complainant's ability to access Council services. As a result, this decision will only be made by the Chief Executive Officer after careful consideration of other management strategies.

#### **d. Restricting or modifying written access**

Where a complainant sends large quantities of information which are not organised or summarised, when they are capable of doing this, or sends frequent or inappropriate information to Council, we may limit or modify their written contact with Council.

Modifications and restrictions can include:

- requiring that they summarise or organise information and materials as a condition to taking further action on their complaint, if the complainant is capable of doing this.
- requiring that the complainant clearly identify their issues of complaint, as a condition to taking further action on their complaint, if the complainant is capable of doing this.
- requiring that the complainant identify the relevance of voluminous or numerous materials, attachments or other information, if their relevance is not apparent and if the complainant is capable of doing this.
- requiring complainants to take out inappropriate or sexually explicit content from their written communications as a condition to proceeding with their complaint.
- restricting the frequency with which the complainant can send emails or other written communications to Council.
- limiting the amount of correspondence that the complainant can send to Council in the future – e.g. the complainant can send a maximum of 5 pages.
- limiting the subject matter of the written communications that will be responded to – e.g. complaints about a particular subject matter will be read and filed without acknowledgement.

In certain circumstances, we may also restrict a complainant from engaging in a particular form of written contact with Council. For instance, if the complainant is sending numerous, frequent or inappropriate emails, despite being advised against this, we may restrict his/his ability to send email communications to Council by blocking his/her email account/address. We may require that he/she only send written communications through Australia Post if he/she would like a response to that correspondence. Otherwise, it will be read and filed without acknowledgement by Council.

Such restrictions may also be applied to other forms of online communications including online forms and forums, or any other written method of contact that a complainant can have with Council and which may be used unreasonably.

It is essential that in any situation where we are considering restricting or modifying a complainant's written access to Council, we consider the complainant's personal circumstances. For instance, if the complainant is not proficient in English, is illiterate, is vision impaired or is suffering from some other ailment that would affect their ability to comply with that arrangement/restriction. As a result, in such cases, it would be more appropriate to consider other more flexible options that account for this issue.

#### **e. Communications through a representative or support person only**

In cases where a complainant's conduct cannot be easily managed, it may be appropriate to require that any communications with him/her should be done through a representative or support

person acting on his/her behalf. The representative or support person may be chosen by the complainant and will be the medium through which all communications to and from the complainant occurs.

The Chief Executive Officer must endorse the representative or support person before he/she can act on the complainant's behalf.

#### **f. Restricting access to our services all together**

In rare cases, and as a last resort after attempting one or more of the alternative service arrangements listed above, we may decide that it is necessary to terminate a complainant's ability to access our services altogether. A decision to have no further contact can only be made by the Chief Executive Officer, after reviewing the situation and determining that the complainant is unlikely to modify his/her conduct and poses a serious threat to our staff or other service users. We will only consider terminating our services to a complainant if the complainant concerned:

- is consistently abusive, or makes threats to staff or other members of the public using our services or our premises
- causes damage to the property of the organisation, or intimidates or threatens physical harm to staff or third parties
- is physically violent
- produces a weapon

#### **g. Other Agencies**

The Chief Executive Officer may advise complainants that if they are dissatisfied, they may raise any concerns they may have about the manner in which Council has dealt with their matter with the Qld Ombudsman or the Crime and Corruption Commission Qld.