



Unreasonable Complaints Policy

Adopted 17 August 2016

Recommendation Number 19 / 0816

Review Date August 2018

1 Purpose

The objective of this Policy is to assist Councillors and Council officers when managing unreasonable complainant conduct.

The Council is committed to being accessible and responsive to all complainants however, Council will take proactive and decisive action when complainants conduct themselves unreasonably.

2 Definitions

“Unreasonable complainant conduct (UCC)” - is any conduct by a complainant which, because of its nature raises health, safety, or equity issues for the Council or has a disproportionate and unreasonable impact on Councillors, Council officers, services, time or resources.

Unreasonable complainant conduct can be divided into five categories:

2.1 Unreasonable persistence

Continued, incessant or unrelenting conduct by a complainant.

2.2 Unreasonable demands

Demands (expressed or implied) that are made by a complainant that have a disproportionate and unreasonable impact on Councillors, Council officers, services time and/or resources.

2.3 Unreasonable lack of cooperation

An unwillingness and/or inability by a complainant to cooperate with Councillors, Council officers and/or Council's customer service processes.

2.4 Unreasonable complaints

Any complaints that are not based on reason or logic, incomprehensible, defamatory, false or inflammatory, or trivial or vexatious.

2.5 Unreasonable behaviours

Conduct that compromises the health, safety and security of Councillors and/or Council officers including abuse, threats or harm directed towards them.

3 Policy Statement

Roles and Responsibilities

Unreasonable Complainants will generally be managed by limiting or adapting the ways that complainants can interact with Councillors and Council Officers and/or access council services including:

- Limiting Contact person/s – eg. appointing a sole contact person in Council for the complainant or the particular complaint.
- Limiting subject matter – eg. limiting the subject matter of communications that will be considered and responded to under the complaint.
- Limiting contact times – eg. limiting a complainant's contact to a particular time, day, length of time, or curbing the frequency.
- Limiting contact channels – eg. limiting or modifying the forms of contact that the complainant can have with Council including face-to-face interviews, telephone and written communications, prohibiting access to Council premises, and making contact through a representative only.

In specific instances a decision may be taken to:

- take no further action on the complaint; and/or
- terminate Council services altogether; and/or
- decline to acknowledge or take action on any future complaints.

Under this Policy the Council Chief Executive Officer may change or restrict a complainant's access to Council services. In taking action under this Policy, the Chief Executive Officer will consult with the Mayor and/or Councillors, and take into account all relevant factors associated with a complainant's dealings with Council including their prior conduct and history with Council.

4 Process

In dealing with UCC, the Chief Executive Officer will undertake the following:

4.1 Provide a warning letter

Unless a complainant's conduct poses a substantial threat to the health and safety of Councillors or Council officers, the Chief Executive Officer will provide the complainant with a written warning about their conduct in the first instance.

4.2 Provide a notification letter

If a complainant's conduct continues after they have been given a warning letter or in cases of aggression, violence, assault or other unlawful/unacceptable conduct, the Chief Executive Officer has the discretion to send a notification letter immediately restricting the complainant's access to Council services and premises. Details of these complainants and the restrictions imposed will be kept in a register.

4.3 Notify relevant staff about access changes/restrictions

Where appropriate, the Chief Executive Officer will notify the Mayor, Councillors and relevant Council officers about any decisions to change or restrict a complainant's access to Council's services and premises, in particular Council staff in cases where a complainant is prohibited from entering Council premises.

4.4 Continued monitoring

Once a complainant has been issued with a warning letter or notification letter, the Chief Executive Officer will review the complainant's record/restriction as required, on request by the Mayor or a Councillor, or following any further incidents of Unreasonable Complaints that involve the particular complainant to ensure that they are complying with the restrictions and that the arrangement is working.

If the Chief Executive Officer determines that the restrictions have been ineffective in managing the complainant's conduct or are otherwise inappropriate, the Chief Executive Officer may decide to modify the restrictions, impose further restrictions or terminate the complainant's access to Council services altogether.

Conversely, the Chief Executive Officer may determine that the restrictions be removed and that the complainant can contact the Council using any of its normal servicing options. Each time a review is conducted, the complainant will be notified in writing about the outcome.

4 Process

4.5 Right of appeal

A complainant is entitled to appeal a decision to change/restrict access to Council services by lodging a written submission outlining the reasons for appeal with Council.

5 Further Information

Members of the public may inspect this Policy on the Council's website www.southernmallee.sa.gov.au and at the principal office of the Southern Mallee District Council at Day Street, Pinnaroo SA 5304.

On payment of a fee, a copy of this Policy may be obtained from the Council, or otherwise may be downloaded for free from the Council's website.

Any queries in relation to this Policy should be directed to the Chief Executive Officer contactable at the principal office on 8577 8002.

6 Policy Review

This policy will be reviewed in two years or as required by the Council.

The Council may at any time alter this policy, or substitute a new policy.