

89. UNREASONABLE COMPLAINANT CONDUCT POLICY

Purpose

To provide a framework for the responsible management of unreasonable complainant conduct (“UCC”) in alignment with the Council's Unreasonable Complainant Conduct Procedure and current best practices to ensure a fair and consistent approach is applied to interactions with complainants whose conduct is identified as unreasonable as defined.

Scope

This policy applies across Council and will:

- become operable only where a complainant’s conduct raises the types of safety, resource and equity issues identified in the **Managing Unreasonable Conduct by a complainant Manual 2021**¹

Policy Statement

Douglas Shire Council is committed to being accessible and responsive to all complainants who approach our office regardless of ethnic identity, national origin, religion, linguistic background, sex, gender expression, sexual orientation, physical ability or other cultural or personal factors.

At the same time, the success of our office depends on:

- our ability to do our work in the most effective and efficient ways possible
- the health, safety, and security of our staff
- our ability to allocate our resources fairly across all the complaints we receive.

When complainants behave unreasonably, their conduct can significantly affect the successful conduct of our work. Douglas Shire Council will act proactively and decisively to manage any complainant conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

Unreasonable Complainant Conduct (UCC) Principles

Approaches to managing UCC are based upon the clear understanding that:

- All complainants are treated with fairness and respect
- In the absence of very good reasons to the contrary, all complainants have a right to access public services
- All complaints are considered on their merits
- Unreasonable complainant conduct does not preclude there being a valid issue
- The substance of a complaint dictates the level of resources dedicated to it, not a complainant’s demands or behaviour

¹ See NSW Ombudsman - [Managing unreasonable conduct by a complainant - NSW Ombudsman](#)

- Anger is an understandable and, to some degree, an acceptable emotion among frustrated complainants as long as it is not expressed through aggression or violence
- Safety and well-being of Councillors and staff are paramount when dealing with unreasonable complainant conduct
- This policy will not be applied in ways that go beyond what is appropriate and necessary to manage a complainant's conduct and any actions taken must always be proportionate to the complainant's personal circumstances
- This policy will be applied cautiously, sparingly and in the least restrictive manner
- The decision to change or restrict a complainant's access to Council services as a result of their behaviour will only be made at a senior management level and in accordance with Council's Unreasonable Complainant Conduct Procedure.

Reporting

Council will keep records of all cases where this policy is applied, including a record of the total number of cases where it is used every year. This data may be requested by the Queensland Ombudsman to conduct an overall audit and review in accordance with its administrative functions and/or to inform its work on UCC.

Definitions

TERM	DEFINITION
Council	Douglas Shire Council includes all elected representatives, employees, contractors, volunteers, Standing or Advisory Committee, committee members and any entity under direct Council ownership, the management or financial control.
Unreasonable Complainant Conduct (UCC)	This means 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.

Related Documents and References

- Managing Unreasonable Conduct by a complainant Manual 2021
- Unreasonable Complainant Conduct Procedure – Douglas Shire Council
- Administrative Action Complaints Management Policy

Related Legislation

- *Human Rights Act 2019*
- *Vexatious Proceedings Act 2005*
- *Local Government Act 2009*

Policy Review

This policy is to be reviewed every 2 years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

Policy Details

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Revoked/Superseded	

This policy is to remain in force until otherwise determined by Council.