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**NAME OF POLICY:** Unreasonable Complainant Conduct Policy & Procedure

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**POLICY MANUAL:** Governance

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## BACKGROUND

The Council is committed to being accessible and responsive to all complainants who approach the Council for assistance or seek to lodge a complaint. At the same time, our ability to provide the broad range of services that we provide to our local community depends upon:

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

When complainants behave unreasonably in their dealings with us, their conduct can significantly affect our ability to do this. While infrequent, if not properly managed, unreasonable complainant conduct can become a significant drain on the Council's resources. As a result, the Council will take proactive, fair and decisive action to manage any complainant conduct that negatively and unreasonably affects the Council's operations or staff and will support Council staff to do the same.

This Policy & Procedure provides a framework for recognising and managing unreasonable complainant conduct and outlines the roles and responsibilities of Council staff.

## KEY PRINCIPLES

This Policy is based upon the following principles:

- 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;
- unreasonable complainant conduct does not prevent there being a valid issue;
- application of this Policy should not go beyond what is appropriate and necessary to manage a complainant's conduct and must be proportionate to their personal circumstances;
- the substance and merits of a complaint govern the level of resources dedicated to it, not a complainant's demands or behaviour; and
- staff safety and well-being are paramount when dealing with unreasonable complainant conduct.

## SCOPE

This Policy & Procedure applies to all Council staff, Volunteers, contractors and Elected Members that receive complaints made by members of the public to or about the Council, or otherwise deal with complainants.

The focus of this Policy is upon managing the conduct and behaviour of a complainant. That behaviour may be exhibited in person, over the phone, in writing, electronically (e.g. by email, social media or via submission forms on the Council's website), or a combination of these. The behaviour may occur on one occasion or over a number of occasions.

The substance of any complaint will be dealt with under the Council's *Complaints Handling Policy & Procedure* (or other relevant Council Policy, depending on the nature of the complaint), which provides a framework for receiving and responding to complaints made by members of the public to or about the Council.

This Policy & Procedure forms part of the Council's Complaint Handling Framework, which includes the following policies and procedures:

- Complaints Handling Policy & Procedure
- Elected Member Code of Conduct Complaints Handling Policy; and
- Review of Decisions Policy & Procedure.

## **POLICY**

### **Unreasonable Complainant Conduct**

Unreasonable complainant conduct is 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 Council, Council staff, Volunteers, contractors or Elected Members, other service users and complainants, or the complainant themselves.

Unreasonable complainant conduct can be divided into five key categories of conduct:

- unreasonable persistence;
- unreasonable demands;
- unreasonable lack of cooperation;
- unreasonable arguments; and
- unreasonable behaviours.

A complainant may demonstrate behaviours from one or more of these categories.

#### Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on the Council, Council staff, Volunteers, contractors or Elected Members, Council services, time and/or resources. Some examples of unreasonably persistent behaviour include:

- an unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with;
- persistently demanding a review simply because it is available and without arguing or presenting a case for one;
- pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their complaints;
- reframing a complaint in an effort to get it considered again;
- bombarding the Council or Council staff, Volunteers, contractors or Elected Members, with phone calls, visits, letters, emails (including cc'd correspondence) after repeatedly being asked not to do so; or
- contacting different people within the Council and/or externally to get a different outcome or more sympathetic response to their complaint (internal and external forum shopping).

#### Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on the Council, Council staff, Volunteers, contractors or Elected Members, Council services, time and/or resources. Some examples of unreasonable demands include:

- issuing instructions and making demands about how the Council has/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved;
- insisting on talking to a senior manager, the CEO or the Mayor personally when it is not appropriate or warranted;
- emotional blackmail and manipulation with the intention to intimidate, harass, shame, seduce or portray themselves as being victimised – when this is not the case;
- insisting on outcomes that are not possible or appropriate in the circumstances – e.g. for someone to be sacked or prosecuted, an apology and/or compensation when no reasonable basis for expecting this; or
- demanding services that are of a nature or scale that the Council cannot provide when this has been explained to the complainant.

#### Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with the Council, Council staff, Volunteers, contractors or Elected Members, or the Council's complaints handling process that results in a disproportionate and unreasonable use of the Council's services, time and/or resources. Some examples of unreasonable lack of cooperation include:

- sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues of the complaint (where the complainant is capable of doing this);
- providing little or no detail with a complaint or presenting information in 'dribs and drabs';
- refusing to follow or accept the Council's instructions, suggestions, or advice without a clear or justifiable reason for doing so;
- arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations; or
- displaying unhelpful behaviour – such as withholding information, acting dishonestly or misquoting others.

#### Unreasonable arguments

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon the Council, Council staff, Volunteers, contractors or Elected Members, Council services, time, and/or resources. Arguments are unreasonable when they:

- fail to follow a logical sequence;
- are not supported by any evidence and/or are based on conspiracy theories;
- lead a complainant to reject all other valid and contrary arguments;
- are trivial when compared to the amount of time, resources and attention that the complainant demands; or
- are false, inflammatory or defamatory.

#### Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated a complainant is – because it unreasonably compromises the health, safety and security of Council staff, Volunteers, contractors or Elected Members, other service users or the complainant themselves. Some examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks;
- harassment, intimidation or physical violence;
- rude, confronting and threatening correspondence;
- threats of harm to self or third parties, threats with a weapon or threats to damage property, including bomb threats;
- stalking (in person or online); or
- emotional manipulation.

The Council has a zero-tolerance policy towards any harm, abuse or threats directed towards Council staff, Volunteers, contractors or Elected Members. Any conduct of this kind will be dealt with in accordance with the Council's duty of care and occupational health and safety responsibilities, and may result in a refusal to take further action on a complaint or to have further dealings with a complainant. In certain cases, legal action may also be considered.

## **Roles and Responsibilities**

### Responsible Officer

The Council's General Manager, Governance & Community Affairs is responsible for oversight of the Council's management of unreasonable complainant conduct under this Policy and is the primary contact for Council staff in relation to the application of this Policy & Procedure.

### Council staff

All Council staff are responsible for familiarising themselves with this Policy and the Council's *Complaints Handling Policy & Procedure* and their obligations under each Policy.

Staff should be mindful to identify the early warning signs of unreasonable complainant conduct when dealing with complainants and are encouraged to explain this Policy and the 'Rights and Responsibilities of the Parties to a Complaint' (Attachment B to the Council's *Complaints Handling Policy*) to complainants.

Staff are empowered and authorised to deal with complainants in accordance with the strategies and processes set out in this Policy and the Council's *Complaints Handling Policy*. Matters will not be escalated to a senior manager, the Chief Executive Officer or the Mayor simply because this is requested by a complainant. This can establish a precedent for future dealings with the complainant, can give an inaccurate indication of the importance of their complaint, and does little to manage the behaviour of the complainant.

All staff members are responsible for ensuring that all corporate records in relation to unreasonable complainant conduct and any action taken under this Policy are recorded in the Council's Customer Request Management System.

### Council Volunteers, contractors and Elected Members

Elected Members who experience or witness unreasonable complainant conduct must report this to a General Manager or the Chief Executive Officer and should not engage further with the complainant.

Council Volunteers and contractors who experience or witness unreasonable complainant conduct must report this to their relevant contact person at the Council (e.g. the Volunteer Services Coordinator, or the relevant project manager).

The matter will be dealt with by the relevant Council staff member staff from that point onwards in accordance with this Policy.

### Managers

Managers (and General Managers and the Chief Executive Officer, where relevant) are responsible for overseeing, reviewing and monitoring all cases of unreasonable complainant conduct where this Policy is applied.

Managers, in consultation with the relevant General Manager (or the Chief Executive Officer where relevant), also have the responsibility and authority to change or restrict a complainant's access to the Council's services in accordance with this Policy & Procedure.

Lastly, Managers and Team Leaders are also responsible for supporting and appropriately training staff to deal with unreasonable complainant conduct and ensuring compliance with this Policy. Following an incident of unreasonable complainant conduct, Managers are responsible for providing affected staff members with appropriate support and assistance, including the opportunity to debrief

their concerns (formally or informally), medical or police assistance, or support through the Council's Employee Assistance Program, as required.

### **Managing Unreasonable Complainant Conduct**

In considering the measures to be put in place to manage a complainant's conduct, a combination of informal strategies and more formal restrictions on access to the Council's services may be used. In many cases, Council staff will need to continue corresponding or dealing with a complainant in relation to an existing complaint or other matters, and so practical strategies for managing such interactions 'on the frontline' are needed.

In addition, unreasonable complainant conduct can be managed by limiting or adapting the ways that the Council interacts with and/or delivers services to complainants, including by restricting:

- who they have contact with;
- what they can raise with us;
- when they can have contact;
- where they can make contact; and
- how they can make contact.

Discretion should be used to adapt the following restrictions so that they are proportionate and reasonable considering the nature of the complainant's conduct and their personal circumstances (e.g. their level of competency, literacy skills etc.). Restrictions should be applied in the least restrictive way possible and the aim should not be to punish the complainant, but rather to manage the impacts of their conduct. In some circumstances, more than one strategy may be needed to ensure the efficacy of the Council's management of the unreasonable complainant conduct.

The restrictions set out below can only be implemented by the relevant Manager in consultation with the General Manager, Governance & Community Affairs (or the Chief Executive Officer where relevant), in accordance with the **attached** Procedure.

#### **1. Who – limiting the complainant to a sole contact point**

Where a complainant tries to forum shop internally within the Council, changes their issues of complaint repeatedly, reframes their complaint, or raises an excessive number of complaints it may be appropriate to restrict their access to a single staff member (a sole contact point) who will exclusively manage their complaint(s) and interactions with the Council. This helps to ensure they are dealt with consistently and may minimise the chances for misunderstandings, contradictions and manipulation.

The sole contact officer will be selected on the basis of relevant subject matter expertise and seniority (and any other relevant factors in the circumstances), in order to manage the unreasonable complainant conduct effectively.

Complainants who are restricted to a sole contact person will also be given the contact details of the relevant Manager (or the General Manager or Chief Executive Officer, as relevant) who they can contact if their primary contact is unavailable (e.g. if they go on leave or are otherwise unavailable for an extended period of time).

#### **2. What – restricting the subject matter of communications that the Council will consider**

Where complainants repeatedly make written or verbal communications (including, e.g., letters, emails, online forms, social media) that raise trivial or insignificant issues, contain inappropriate or abusive content or relate to a complaint/issue that has already been comprehensively considered and/or reviewed by the Council, the Council may restrict the issues/subject matter the complainant can raise with the Council and/or that the Council will respond to. For example, the Council may:

- refuse to respond to correspondence that raises an issue that has already been dealt with comprehensively, that raises a trivial issue, or that is not supported by clear/any evidence. The complainant will be advised that future correspondence of this kind will be read and filed without

acknowledgement unless the Council determines that it needs to be pursued further (e.g. if new information is presented), in which case, the Council may do so at its own discretion.

- restrict the complainant to one (1) complaint/issue per month. Any attempts to circumvent this restriction, for example by raising multiple complaints/issues in the one complaint letter may result in modifications or further restrictions being placed on the complainant's access.
- return correspondence to the complainant (or in the case of the Council's social media platforms, hide or remove the relevant content) and require the complainant to remove any inappropriate content before the Council will agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for the Council's records to identify repeat/further unreasonable complainant conduct incidents.

### **3. When and how – limiting when and how a complainant can contact the Council**

If a complainant's contact with the Council places an unreasonable demand on the Council's time or resources because it is overly lengthy, irrelevant or disorganised, occurs frequently, or affects the health, safety or security of Council staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, the Council may limit when and/or how the complainant can interact with the Council. This may include:

- limiting their telephone calls or face-to-face interactions to a particular time of the day or days of the week;
- limiting the length or duration of telephone calls, written correspondence or face-to-face interactions;
- limiting the frequency of their telephone calls, written correspondence, emails or face-to-face interactions; and/or
- restricting access to the Council's website and social media platforms and/or hiding or removing content generated by the complainant on the Council's social media platforms (please refer to the Council's *Social Media Policy*).

The Council may also:

- require the complainant to revise their request so that it is clear and concise, in order for the Council to perform an effective review of their complaint;
- require the complainant to clearly identify how the information or supporting materials they have sent to the Council relates to the central issues that the Council has identified in their complaint; and/or
- restrict a complainant to sending emails to a particular email account (e.g. the organisation's main email account or a designated account) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

The Council may consider imposing a 'writing only' restriction, which means that the complainant's communications to the Council are restricted to written communications.

If a complainant's contact is restricted to 'writing only', the Council will clearly identify the specific means that the complainant can use to contact the Council's office (e.g. Australia Post only, or email only to a designated Council email account). If it is not appropriate for a complainant to enter the Council's premises to hand deliver their written communication, this must be communicated to them.

Any communications that are received by the Council in a manner that contravenes a 'write only' restriction or any of the restrictions imposed above will either be returned to the complainant or read and filed without acknowledgement.

#### **4. Where – limiting face-to-face interaction to secure areas**

If a complainant is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to the Council's premises, the Council may consider restricting face-to-face contact with the complainant at one or more of its premises. These restrictions may include:

- restricting access to particular secured premises or areas of the office – such as the reception area or a secured room/facility;
- restricting attendance at the Council's premises to specified times of the day and/or days of the week only – for example, when additional security is available or to times/days that are less busy;
- allowing the complainant to attend the Council's premises on an 'appointment only' basis and only with specified staff (note – during these meetings staff should always seek support and assistance of a colleague for added safety and security); and/or
- banning the complainant from attending the Council's premises altogether and allowing some other form of contact – eg 'writing only' or 'telephone only' contact.

In cases where the Council cannot completely restrict contact with a complainant and their conduct is particularly difficult to manage, the Council may also limit their contact to contact through a support person or representative only. The support person may be nominated by the complainant but must be approved by the relevant Manager in consultation with the General Manager, Governance & Community Affairs (or the Chief Executive Officer where relevant).

When assessing a representative or support person's suitability, the authorised Council staff should consider factors including: the nominated representative/support person's competency and literacy skills, their demeanour and behaviour, and their relationship with the complainant. If the authorised Council staff determine that the representative/support person may exacerbate the situation with the complainant, the complainant will be asked to nominate another person or the Council may assist them in this regard.

#### **5. Terminating a complainant's access to the Council's services**

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the Council's General Manager, Governance & Community Affairs in consultation with the Chief Executive Officer may decide that it is necessary for the Council to completely restrict a complainant's contact/access to the Council's services.

Such a decision will only be made if it appears that the complainant is unlikely to modify their conduct and/or their conduct poses a significant risk for Council staff or other parties because it involves one or more of the following types of conduct:

- acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking or assault;
- damage to property while on the Council's premises;
- threats with a weapon or other items that could be used to harm another person or themselves;
- physically preventing a staff member from moving around freely either within their office or during an off-site visit (e.g. entrapping them in their home); and/or
- conduct that is otherwise unlawful.

A complainant's access to the Council's services and its premises may also be restricted (directly or indirectly) using legal mechanisms and orders including in relation to trespass or to protect Council staff, Volunteers, contractors or Elected Members from personal violence, intimidation or stalking by a complainant.

The Council also has the discretion to use alternative dispute resolution strategies such as mediation and conciliation with an independent third party as a management strategy in relation to unreasonable complainant conduct. However, the Council recognises that in some circumstances, alternative dispute resolution may not be an appropriate or effective strategy, particularly if the complainant is uncooperative or resistant to compromise.

### **Periodic Review of Restrictions on Access**

All cases of unreasonable complainant conduct where this Policy is applied to restrict access to Council services will be reviewed every **three (3) months**, unless a longer period of time is justified in the circumstances (considering the nature of the unreasonable complainant conduct and the Council service to which access has been restricted), but in any event, not more than 12 months after the restriction was initially imposed or continued.

The Council has the discretion to conduct a periodic review of restrictions on access at any other time, including upon request by the complainant or following a further incident of unreasonable complainant conduct by the complainant.

The complainant will be invited to participate in the review process unless it is determined that this invitation will provoke further unreasonable complainant conduct from the complainant. The review and any correspondence or communication in relation to it will be conducted in accordance with the complainant's access restrictions (e.g. if contact is restricted to writing only).

The review may result in the complainant's restrictions being retained, modified or removed, further restrictions being imposed, or the complainant's access to the Council's services being completely removed, depending upon the circumstances of the case.

The **attached** Procedure outlines the review process that will be undertaken.

### **Review of a Decision to Restrict Access**

If the complainant is dissatisfied with a decision made by the Council to restrict the complainant's access to the Council's services in accordance with this Policy, the complainant may request a review of the decision under the Council's *Review of Decisions Policy & Procedure*. This Policy reflects the process established by Section 270 of the *Local Government Act 1999* which enables the Council to reconsider all the evidence relied on to make the decision, including new evidence if relevant.

All requests for a review of a decision must be referred to the General Manager, Governance & Community Affairs. Where the decision to restrict the complainant's access to Council services has been made by the General Manager, Governance & Community Affairs, the request must be referred to the Chief Executive Officer.

If a complainant continues to be dissatisfied with the outcome of the internal review process, or would like to have their case considered by an external agency, they may seek an external review from an oversight agency such as the Ombudsman SA.

### **Records Management**

All Council staff, Volunteers, contractors and Elected Members are responsible for recording and reporting incidents of unreasonable complainant conduct (including incidents of non-compliance with restrictions imposed) and action taken by the Council under this Policy.

All corporate records in relation to unreasonable complainant conduct will be captured in the Council's Customer Request Management System and the Council's Electronic Document Management System. The Council will ensure that incidents are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

## UNREASONABLE COMPLAINANT CONDUCT PROCEDURE

If an incident of unreasonable complainant conduct occurs, the Council staff member, Volunteer, contractor or Elected Member who witnessed or experienced the incident will follow the process set out below.

References to a 'Manager' in this Procedure refer to the Manager of the relevant staff member who witnessed or experienced the incident, or where they are a Manager themselves, it will refer to their General Manager. Where a General Manager is concerned, it will refer to the Chief Executive Officer.

### 1. Reporting of incident

The Council staff member who experiences, witnesses or receives a report of an incident of unreasonable complainant conduct will create a record of the incident in the Council's Customer Request Management System and will allocate the incident to their Manager.

Elected Members who experience or witness unreasonable complainant conduct must report this to a General Manager or the Chief Executive Officer, who will be responsible for creating a record of the incident in the Council's Customer Request Management System.

Council Volunteers and contractors who experience or witness unreasonable complainant conduct must report this to their relevant contact person at the Council (e.g. the Volunteer Services Coordinator or the relevant project manager), who will create a record of the incident and allocate the incident to their Manager in the Council's Customer Request Management System.

In all circumstances, a written account of the incident must be created in the Council's Customer Request Management System and include (at a minimum) the following details:

- the date, time and location of the unreasonable complainant conduct incident;
- a description of the complainant's behaviour (e.g. the type of unreasonable complainant conduct, method of communication);
- the circumstances that gave rise to the unreasonable complainant conduct / incident;
- whether the complainant has a new or existing complaint with the Council;
- the complainant's responsiveness to requests / warnings to stop the behaviour;
- the action/s taken to manage the complainant's conduct (if any);
- the complainant's contact details; and
- any other relevant information.

A record of the unreasonable complainant conduct incident must be created in the Council's Customer Request Management System and allocated to the relevant Manager within **one (1) business day**, or immediately if it poses a substantial or immediate risk to health or safety.

Managers should advise their General Manager (or the Chief Executive Officer, where relevant) of the incident.

### 2. Review of incident

In reviewing the incident of unreasonable complainant conduct, the Manager will consult with the relevant staff member, Volunteer, contractor or Elected Member that experienced or witnessed the conduct and may consider the following criteria (in addition to the information recorded above):

- the nature and frequency of the unreasonable complainant conduct (including prior incidents, and whether it poses a substantial or immediate risk to health or safety);
- the impact of the unreasonable complainant conduct on the Council, staff, time, resources etc.;
- whether the complainant's personal circumstances have contributed to their behaviour (e.g. homelessness, physical disability, illiteracy or other language or communication barrier, mental or other illness, personal crises, substance or alcohol abuse);
- whether the complainant's response / conduct in the circumstances was disproportionate;
- the likelihood that the complainant will modify their conduct if they are given a formal warning;
- whether changing or restricting access to the Council's services would be effective in managing the complainant's behaviour (and consideration of the most proportionate and least restrictive measures that could be put in place); and

- whether any statutory provisions limit the type of restrictions that can be put in place regarding the complainant's access to the Council's services.

In determining the measures to be put in place to manage the complainant's conduct, the Manager may consider informal 'frontline' strategies for staff in dealing with the complainant and/or formal restrictions on access (as set out in the Policy above).

Once the Manager has undertaken a review of the incident of unreasonable complainant conduct, they will decide on an appropriate course of action to manage the complainant's behaviour.

### 3. Warning letter

Unless the complainant's conduct poses a substantial or immediate risk to health or safety, the Manager will provide the complainant with a written warning about their conduct in the first instance.

The warning letter must be provided within **five (5) business days** of the unreasonable complainant conduct incident.

The warning letter will:

- specify the date, time and location of the unreasonable complainant conduct incident;
- describe the complainant's behaviour and why it is considered unreasonable complainant conduct;
- explain why the complainant's behaviour is problematic;
- list the types of restrictions on access that may be imposed if the behaviour continues;
- provide clear and full reasons for the warning being given;
- include an attachment of the Council's 'Rights and Responsibilities of the Parties to a Complaint' (see Attachment A to the *Complaints Handling Policy & Procedure*); and
- provide the name and contact details of the Manager as the point of contact for the letter.

### 4. Notification letter & imposing restrictions on access

If a complainant's conduct continues after they have been given a written warning or if their conduct poses a substantial or immediate risk to health or safety, the Manager will send a notification letter to the complainant advising of any restrictions that will be imposed on the complainant's access to the Council's services.

Any restrictions on access will be determined by the relevant Manager in consultation with the General Manager, Governance & Community Affairs (or the Chief Executive Officer where relevant), and in accordance with the provisions of the above Policy.

The notification letter will:

- specify the date, time and location of the unreasonable complainant conduct incident/s;
- describe the complainant's behaviour and why it is considered unreasonable complainant conduct;
- explain why the complainant's behaviour is problematic;
- identify the restriction/s on access that will be imposed and what this means for the complainant;
- provide clear and full reasons for the restriction/s;
- specify how long the restrictions will be in place and when they will be reviewed (within three (3) months); and
- provide the name and contact details of the Manager as the point of contact for the letter.

The Manager will notify relevant staff about any decisions to restrict a complainant's access to the Council's services (in particular, Customer Service and security staff), and will update the Council's Customer Request Management System to reflect the restrictions imposed and relevant review dates.

## 5. Monitoring and review of restrictions

The relevant Manager will be responsible for ensuring ongoing monitoring and oversight of the complainant's case after restrictions have been imposed, including regular consultation with relevant staff members and reviewing the Council's records in relation to the complainant's unreasonable complainant conduct.

The Manager will undertake a review of the restrictions on the complainant's access to Council services every **three (3) months**, unless a longer period of time is justified in accordance with the above Policy (but in any event, not more than 12 months after the restriction was imposed or continued).

The Council also has the discretion to conduct a periodic review of the restrictions on access at any other time, including upon request by the complainant or following a further incident of unreasonable complainant conduct.

The complainant will be notified in writing of the upcoming review and invited to participate in the review process, unless the Manager determines that this invitation will provoke further unreasonable complainant conduct by the complainant. The review and any correspondence or communication in relation to it will be conducted in accordance with the complainant's access restrictions (e.g. if contact has been restricted to writing only).

The complainant will be invited to make submissions in relation to the restrictions that have been imposed on their access to the Council's services under this Policy, within **fourteen (14) business days** of the Council's letter advising of the review.

In undertaking the review, the Manager may consider:

- the effectiveness of the restrictions imposed to-date in managing the complainant's conduct;
- whether any further incident/s of unreasonable complainant conduct or non-compliance with restrictions has occurred since the restrictions were imposed;
- whether the restrictions should be retained, removed or modified or if further restrictions should be imposed (including complete removal of all access to the Council's services), and the timeframe for any continuing or additional restrictions;
- any submissions made by the complainant in relation to their case;
- any information provided by relevant staff members who have had contact with the complainant during the restriction period; and
- any other relevant information.

Any continuing or additional restrictions on access to the Council's services will be determined by the relevant Manager in consultation with the General Manager, Governance & Community Affairs (or the Chief Executive Officer where relevant), and in accordance with the provisions of the above Policy.

### Notification of outcome of review

Upon completion of the review and within **fourteen (14) business days** of the closing date for submissions from the complainant, the Manager will send a letter to the complainant advising of the outcome of the review. The review letter will:

- explain the review process and identify the factors taken into account during the review;
- identify any restriction/s on the complainant's access to Council services that will be retained, removed or modified, and any further restrictions that will be imposed, and what this means for the complainant;
- provide clear and full reasons for the restriction/s;
- specify how long the restrictions will be in place and when they will be reviewed; and
- provide the name and contact details of the Manager as the point of contact for the letter.

The Manager will notify relevant staff about any changes to the complainant's restrictions on access (in particular, Customer Service and security staff), and will update the Council's Customer Request Management System to reflect the restrictions imposed and relevant review dates.

At any time, if it is considered necessary in the circumstances to escalate management of a complainant's unreasonable complainant conduct under this Policy & Procedure, the matter may be escalated to the relevant General Manager or to the General Manager, Governance & Community Affairs.

### **Internal review of complaint**

If the complainant is dissatisfied with a decision made by the Council to restrict the complainant's access to the Council's services in accordance with this Policy, the complainant may request a review of the decision under the Council's *Review of Decisions Policy & Procedure*.

All requests for a review of a decision must be referred to the General Manager, Governance & Community Affairs. Where the decision to restrict the complainant's access to Council services has been made by the General Manager, Governance & Community Affairs, the request must be referred to the Chief Executive Officer.

### **REVIEW PROCESS**

This Policy & Procedure will be reviewed within 12 months of the next Local Government General Elections to be conducted in November 2022, and otherwise as required.

### **INFORMATION**

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's Manager, Governance, Legal & Property, telephone 8366 4507.

### **ADOPTION OF THE POLICY**

This Policy was adopted by the Council on 3 August 2020.

### **TO BE REVIEWED**

August 2023