Unreasonable Complaints Policy

Council Policy

Renmark Paringa Council

Responsible Officer	Director Corporate and Community Services
Relevant Legislation	Local Government Act 1999
Adopted	May 2019
Reviewed	October 2024
Next Review	October 2028

Objective

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.

Policy

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:

Unreasonable persistence

Continued, incessant or unrelenting conduct by a complainant.

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.

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.

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

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

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 –For example appointing a sole contact person in Council for the complainant or the particular complaint.
- Limiting subject matter –For example limiting the subject matter of communications that will be considered and responded to under the complaint.
- Limiting contact times –For example limiting a complainant's contact to a particular time, day, length of time, or curbing the frequency.
- Limiting contact channels –For example 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.
- request SAPOL to attend to remove a person(s).
- take action under Section 261(6) of the Local Government Act 1999
- take action to have an individual banned or restrained from entering the designated Council premise(s).

Under this Policy the Chief Executive Officer may change or restrict a complainant's access to Council services.

Process

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

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.

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.

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.

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 a Council service(s) 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.

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.

Document Control

Version #	Approval Date	Approved by	Amendment
1	May 2019	Policy Review Committee	New Policy
2	June 2021	Policy Review Committee	Nil
3	October 2024	Policy Review Committee	Minor typographical and formatting changes