



# CENTRAL TABLELANDS WEEDS AUTHORITY

(Legal Entity Upper Macquarie County Council)

## Unreasonable Complainant Conduct Policy

Adopted by:	Central Tablelands Weeds Authority
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Authorised by:	General Manager, Tim Johnston

**Central Tablelands Weeds Authority**

The Local Control Authority for weed biosecurity in the local government areas of Bathurst Regional Council, Blayney Shire Council, Oberon Council and Lithgow City Council.

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# POLICY: Unreasonable Complainant Conduct

## Statement of Support

Central Tablelands Weeds Authority (CTWA) is committed to being accessible and responsive to all complainants who approach our office for assistance and/or with a complaint. At the same time the success of our business depends on:

- Our ability to complete tasks and perform our functions in the most effective and efficient ways possible.
- The health, safety and security of our staff.
- Our ability to allocate our resources fairly and equitably across the complaints we receive.

## Objective

This Policy and the supporting procedures have been developed to assist CTWA to better manage unreasonable complainant conduct (UCC) in conjunction with CTWA's current Complaints Policy.

The aim of the UCC Policy is to ensure that staff managing complaints:

- Feel confident and supported in taking action to manage a potential UCC.
  - Act fairly, consistently, honestly and appropriately when responding to UCC.
  - Are aware of their roles and responsibilities in relation to the management of UCC and how this Policy will be implemented.
  - Understand the different circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
    - The strategies provided in the *Managing Unreasonable Complainant Conduct Practice Manual (2nd edition)* ('practice manual') including the strategies to change or restrict a complainant's access to our services.
    - Alternative dispute resolution strategies to deal with conflicts involving complainants and members of our organisation.
    - Legal instruments such as trespass laws/legislation to prevent a complainant from coming onto our premises and orders to protect specific staff members from any actual or apprehended personal violence, intimidation or stalking.
  - Have a clear understanding of the criteria that will be considered before we decide to change or restrict a complainant's access to our services.
  - Are aware of the processes that will be followed to record and report UCC incidents as well as the procedures for consulting and notifying complainants about any proposed actions or decisions to change or restrict their access to our services.
- Are familiar with the procedures for reviewing decisions made under this Policy, including specific timeframes for review.

## **Legislative requirements**

The development of this Policy has been informed by the following legislation:

- Ombudsmen Act 1974
- Community Services (Complaints, Reviews, Monitoring) Act 1993
- Public Interest Disclosures Act 1994

## **Related policies, plans, guidelines etc**

- Australian and New Zealand Standard Guidelines for complaint handling in organizations AS/NZS 10002:2014
- NSW Ombudsman Effective Complaint Handling Guidelines, 3rd Edition, February 2017
- CTWA Public Interest Disclosure Internal Reporting Policy 23 February 2024
- CTWA Access to Information Policy November 2021
- CTWA Complaints Policy June 2024

# 1. Defining Unreasonable Complainant Conduct

## 1.1 Definition

Most complainants who contact CTWA act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger regarding their complaint. However, in a very small number of cases some complainants behave in ways that are inappropriate and unacceptable, despite our best efforts to assist them.

In these cases, complainants act in an aggressive and verbally abusive manner toward our staff and in rare cases threaten bodily harm, violence and/or make excessive and unnecessary phone calls and emails to our offices putting inappropriate demands on our time and resources.

When complainants behave in the manner described we consider their conduct 'unreasonable'.

Unreasonable Complainant Conduct (UCC) is any behaviour by a current or former complainant which, due to the nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff or other service users and complainants.

## 1.2 Categories of Unreasonable Complainant Conduct

### A. Unreasonable Persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.

### B. Unreasonable Demands

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.

### C. Unreasonable Lack of Cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with our organisation, staff or complaints system and processes, which results in a disproportionate and unreasonable use of our services, time and/or resources.

### D. Unreasonable Arguments

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false, inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon our organisation, staff, services, time and/or resources.

### E. Unreasonable Behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances, regardless of how stressed, angry or frustrated that complainant is, because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant themselves.

CTWA has a zero tolerance policy towards any harm, abuse or threats (verbal or physical) directed towards our staff. Any conduct of this manner will be dealt with under this Policy and in accordance with our duty of care and workplace health and safety responsibilities.

The General Manager will determine when a person has access restrictions imposed on them. A review date will be set for six months from the date the restrictions are imposed. A person who has had access restrictions imposed on them has the right to request a review of this decision. An appeal should be made to CTWA's Chairman who will request that the General Manager review the restrictions and provide a response.

### **1.3 General Managers Reporting Obligation**

The General Manager must report to Council all persons who have access restrictions imposed on them. The report will describe the unreasonable conduct, what restrictions have been imposed, the review dates and keep Council informed of review outcomes.

### **1.4 Statement of Individual Rights and Mutual Responsibilities of Parties to a Complaint**

In order for CTWA to ensure that all complaints are dealt with fairly, efficiently, effectively and with consideration of CTWA's workplace health and safety/duty of care obligations, the following rights and responsibilities must be observed and respected by all of the parties to the complaint process:

#### **INDIVIDUAL RIGHTS**

Complainants have the right:

- To make a complaint to express their opinion in ways that are reasonable, lawful and appropriate.
- To a reasonable explanation of the organisation's complaints procedure, including details of the confidentiality, secrecy and/or privacy rights or obligations that may apply.
- To a fair and impartial assessment and where appropriate, investigation of their complaint based on the merits of the case.
- To a fair hearing.
- To a timely response.
- To be informed in at least general terms about actions taken and the outcome of their complaint.
- To be given reasons that explain a decision affecting them.
- To at least one right of review of the decision on the complaint.
- To be treated with courtesy and respect.
- To communicate valid concerns and views without fear of reprisal or other unreasonable responses.

## **CTWA MANAGER RIGHTS**

- To determine whether a matter is a complaint, and if so, how the complaint will be dealt with.
- To finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances.
- To expect honesty, cooperation and reasonable assistance from complainants.
- To expect honesty, cooperation and reasonable assistance from the organisation and people within jurisdiction who are the subject of a complaint.
- To be treated with courtesy and respect.
- To a safe and healthy work environment.
- To modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.

## **SUBJECT OF A COMPLAINT RIGHTS**

- To a fair and impartial assessment and, where appropriate, investigation of the allegations made against them.
- To be treated with courtesy and respect by staff of CTWA.
- To be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated.
- To be informed about the substance of any proposed adverse comment or decision.
- To be given a reasonable opportunity to rebut the allegations during the course of any investigation and before any final decision is made.
- To be informed of the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them.
- To be protected from harassment by disgruntled complainants acting unreasonably.

## **MUTUAL RESPONSIBILITIES**

### **Complainants are responsible for:**

- Treating CTWA staff with courtesy and respect.
- Clearly identifying to the best of their ability the issues of complaint or asking for help from our staff to assist them in doing so.
- Providing to the best of their ability all the relevant information available to them at the time of making the complaint.
- Being honest in all communications.
- Informing the CTWA of any other action they have taken in relation to their complaint.
- Cooperating with staff assigned to assess/investigate/resolve/determine or otherwise deal with their complaint.

### **What occurs when complainants do not meet their responsibilities:**

CTWA has a zero tolerance policy towards any harm, abuse or threats (verbal or physical) directed towards our staff. If complainants do not meet their responsibilities, CTWA may consider placing limitations or conditions on their ability to communicate with staff or access certain services. Any conduct of a criminal nature will be reported to the police and in certain cases legal action may be considered if necessary.

### **CTWA Managers are responsible for:**

- Providing reasonable assistance to complainants who need help to make a complaint and where appropriate, during the complaint process.
- Dealing with all complaints, complainants and people or organisations the subject of complaint professionally, fairly and impartially.
- Giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and conduct of the complainant.
- Giving people or organisation who are the subject of complaint reasonable opportunity to rebut the allegations during the course of any investigation and before any final decision is made.
- Informing people or organisations the subject of investigation (at an appropriate time) about the substance of the allegations made against them and the substance of any proposed adverse comment or decision that they may need to address.
- Keeping complainants informed of the actions taken and the outcome of their complaints,
- Giving complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decision that affects them.
- Giving adequate warning of the consequences of unacceptable behaviour.

If CTWA or its staff fail to comply with these responsibilities, complainants may complain to the Chairman, a Member of Council, the General Manager or the Public Officer. External appeals/complaints can be lodged with the NSW Ombudsmen.

### **CTWA staff are responsible for:**

- Always treating complainants and any people the subject of a complaint with courtesy and respect and in all circumstances.
- Taking all reasonable and practical steps to ensure that complainants are not subjected to any detrimental action in reprisal for making their complaint.

### **Subjects of a complaint are responsible for:**

- Cooperating with the staff of CTWA who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within the applicable jurisdiction.
- Providing all relevant information in their possession to CTWA or its authorised staff when required to do so by a properly authorised direction or notice.
- Being honest in all communication with CTWA and its staff.

- Treating the staff of CTWA with courtesy and respect at all times and in all circumstances.
- Refraining from taking any detrimental action against the complainant in reprisal for them making the complaint.

If subjects of a complaint fail to comply with these responsibilities, action may be taken under relevant laws and/or codes of conduct.

**CTWA is responsible for:**

- Having an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording and reviewing complaints.
- Decisions about how all complaints will be dealt with.
- Ensuring that all complaints are dealt with professionally, fairly and impartially.
- Ensuring that staff treat all parties to a complaint with courtesy and respect.
- Ensuring that the assessment and any enquiry into the investigation of a complaint is based on sound reasoning, logically probative information and evidence.
- Finalising complaints based on outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances.
- Implementing reasonable and appropriate policies/procedures/practices to ensure that complainants are not subjected to detrimental action in reprisal for making a complaint, including maintaining separate complaint files and other operational files relating to the issues raised by individuals who make complaints.
- Giving adequate consideration to any confidentiality, secrecy and/or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

If CTWA fails to comply with these responsibilities, complainants may further pursue their complaint with:

*The Office of the NSW Ombudsman  
Level 24 580 George Street  
SYDNEY NSW 2000  
Telephone: (02) 9286 1000  
Toll Free: 1800 451 524*