10.4.2 Public Exhibition - Unreasonable Conduct and Complainant Management Policy

Directorate: Corporate Services
Business Unit: Corporate Governance and Risk

Author: Rylee Goodman, Governance Manager (Acting)
Manager: Lisa Davey, Executive Manager Corporate Governance and Risk (Acting)
Approver: Flora Lepouras, Executive Director Corporate Services (Acting)

Executive Summary

The purpose of this report is to seek endorsement of the amended Unreasonable Conduct and Complainant Management (Policy) for the purposes of public exhibition for a period of 28 days calling for submissions. If any relevant submissions are received as a result of public exhibition that require further consideration, a further report will be submitted to Council for consideration detailing the public exhibition outcomes and other recommendations regarding adoption.

Recommendation

That:

1. **Council endorse the amended Unreasonable Conduct and Complainant Management Policy to be placed on public exhibition for a period of 28 days.**
2. **If no relevant submissions are received as a result of public exhibition that require further consideration, that Council adopt the Unreasonable Conduct and Complainant Management Policy.**

Background

Council currently has a Policy on 'Managing Unreasonable Complainant Conduct', which was last adopted by Council on 4 August 2015 to ensure currency. This Policy was originally based on the NSW Ombudsman's model 'Managing Unreasonable Conduct by a Complainant Policy'. This policy is distinct from Council's Complaint Handling Policy, which outlines the process for receiving, assessing, and resolving complaints in a fair, transparent, and timely manner. The Unreasonable Conduct and Complainant Management Policy addresses situations where a customer's behaviour becomes unreasonable and adversely affects staff wellbeing, service delivery, or the integrity of the complaint process.

A comprehensive review has now been undertaken and as a result, significant amendments including a complete re-write of the Policy are proposed to ensure the Policy reflects Council's current practices for managing unreasonable conduct from customers interacting with Council staff, Council's services and facilities.

The Policy name has been renamed to 'Unreasonable Conduct and Complaint Management Policy' and broadened to further address how Council will respond to instances of unreasonable conduct by customers. The definition of 'customers' is outlined in section 5 under Definitions. Under the Policy, unreasonable conduct is defined as "any behaviour which, because of its nature or frequency raises substantial health, safety, wellbeing, resource or equity issues for Council, staff, other service users and customers or the customer themselves" and is divided into five categories:

- Unreasonable Persistence
- Unreasonable Demands
- Unreasonable Lack of Cooperation
- Unreasonable Arguments
- Unreasonable Behaviours

The updated Policy provides clear guidance to staff and the community on Council's position, roles and responsibilities, types of restrictions that may be imposed and the formal process to be followed and rights of review, while also supporting the wellbeing of staff and the community.

As this is a Council Policy and substantial amendments are recommended, it is presented to Council for endorsement to place the Policy on public exhibition for a period of 28 days. If no relevant submissions are received as a result of public exhibition that require further consideration, it is recommended that Council adopt the Unreasonable Conduct and Complainant Management Policy.

It is noted that a tracked-changes copy is not practical to include to this report, as the current Policy is an extract from the NSW Ombudsman *Model of Managing Unreasonable Conduct by a Complainant* and the amended Policy has been completely re-written in its entirety. The amended Policy is provided as **Attachment 1** and the current version provided as **Attachment 2**.

Council Implications

FINANCIAL / RESOURCES

Nil

LEGISLATION AND POLICY (INCLUDING ADVOCACY, STRATEGIC AND OTHER PLANS)

Managing Unreasonable Conduct by Complainants - Model Policy (NSW Ombudsman)

SOCIAL IMPACT

Public exhibition of the Policy will allow the community to provide their comments on the draft amended Policy.

SUSTAINABILITY CONSIDERATIONS

Not Applicable

LEGAL CONSIDERATIONS

Not Applicable

RISK CONSIDERATIONS

- WHS and Public Risk - Adopting this policy strengthens Council's ability to manage challenging interactions in a fair, transparent and consistent way, ensuring escalating behaviour is identified and addressed appropriately. This supports Council in mitigating increased work health and safety risks to staff and safeguarding public safety by providing clear processes for responding to unreasonable conduct.

Link to Community Strategic Plan

This report supports the following objectives, strategies and actions of the Community Strategic Plan:

4.2 We are responsible leaders

4.2.1 Council is transparent and trusted to make decisions that reflect the values of the community collectively

4.2.1.02 Comply with Local Government legislation, Council policies, procedures, systems and frameworks

Previous Council Resolutions

4 August 2015

Consultation

Executive Leadership Team
Senior Leadership Team

Political Donations Disclosure

Not Applicable

Options

Nil

Conclusion

It is recommended that Council endorse the draft amended Unreasonable Conduct and Complainant Management Policy for the purposes of public exhibition.

Attachments

1. Amended - Unreasonable Conduct & Complainant Management Policy
2. Current - Managing Unreasonable Complainant Conduct Policy