Shellharbour CITY COUNCIL

Policy

Unreasonable Conduct and Complainant Management

Policy Owner: Executive Manager Corporate Governance and Risk (Public Officer)	
Date Last Adopted: 24 February 2026	**Review Date: 24 February 2030**

1. Policy Statement/Objective(s)

Shellharbour City Council (Council) is committed to protecting the health, safety, and wellbeing of its staff while remaining accessible and responsive to all members of the community who approach Council for assistance, use its facilities and/or wish to make a complaint. At the same time the success of Council depends on:

- Ability to do work and perform functions in the most effective and efficient ways possible
- The health, safety and security of staff, and
- The ability to allocate resources fairly across all complaints and service requests received.

Unreasonable conduct by complainants or customers, whether in their interactions with staff or within Council facilities can significantly impact our ability to deliver services and maintain a safe working environment. As a result, Council will take proactive and decisive action to manage such behaviour and will support staff in doing so, in accordance with this policy.

The objectives of the policy are to:

- Deliver services to customers in accordance with Council's Customer Service Charter
- Provide a clear escalation pathway from general complaints to those deemed unreasonable
- Support staff in managing unreasonable or inappropriate conduct effectively
- Protect the safety and wellbeing of staff from any unreasonable behaviour
- Protect and maintain the integrity of Council's services and facilities

2. Scope

This policy applies to all Council officials receiving or managing complaints from the public made to or about Council, regarding council services, practices, procedures, guidelines, products, systems, staff and complaint handling.

Further, this policy applies to customers when interacting with any Council official via all forms of communication and when entering/using Council services and facilities.

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3. Definitions

BeSafe	BeSafe is a system used by Council to document and report WHS incidents within the workplace or organisation. This reporting mechanism is crucial for identifying potential hazards, preventing future incidents, and ensuring compliance with safety legislation.
Council	Shellharbour City Council
Customer	For the purposes of this policy, a Customer refers to any individual who: - Accesses Council services; - Enters, uses or occupies Council facilities; - Makes contact with Council in any capacity; or - Lodges a complaint or raises a concern with Council (complainant). This includes current and former customers and members of the public who interact with Council, regardless of the nature or purpose of the interaction.
Unreasonable Conduct Register (UCR)	The Unreasonable Conduct Register (UCR) is an internal Council Register which is kept to maintain any reported unreasonable conduct in line with this policy.

4. Variation and Review

Council reserves the right to review, vary or revoke this policy.

Review History -

Date Policy first adopted - version 1	12/12/2006
Date reviewed (no change) - version 2	12/06/2007
Date amendment adopted - version 3	10/11/2009
Date amended (typographical correction only) - version 4	07/07/2014
Date amendment adopted - version 4	04/08/2015
Date reviewed – no changes - transferred to new template - version 5	04/08/2021
Date reviewed – minor amendments - version 6	12/09/2024
Date amended and adopted by Council – version 7	24/02/2026
Date authorised by CEO following Public Exhibition – version 8	27/03/2026

5. Policy

See Attachment 1 for the policy.

6. References and Related Documents

- *Local Government Act 1993*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*

- Office of Local Government
- NSW Ombudsman Manual – Managing Unreasonable Conduct by a Complainant
- Shellharbour City Council - Complaint Handling Policy
- Shellharbour City Council - Customer Service Charter
- Shellharbour City Council - Work Health & Safety Policy
- Compliments, Complaints and Feedback Form

7. Attachments

- Attachment 1 – Unreasonable Conduct and Complainant Management Policy

Policy Authorised by:

Name: Council Resolution Number: 12/2026

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Unreasonable Conduct and Complainant Management Policy

Based on the NSW Ombudsman Managing Unreasonable Conduct by a Complainant Manual

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1. Introduction

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.

Council is committed to providing a safe and respectful environment for staff and ensuring fair and equitable access to services for all members of the public. However, there may be instances where individuals - whether customers or complainants - engage in conduct that is unreasonable, inappropriate, or hostile.

Unreasonable conduct may include, but is not limited to:

- Aggressive, intimidating, or offensive behaviour;
- Excessive or persistent demands that place undue strain on Council resources;
- Compromises the health, safety, or wellbeing of staff or other service users.
- Damaging council facilities or property
- Inappropriate or unreasonable use of council facilities and services

In response to such conduct, Council staff may:

- Request the individual to leave the premises;
- Terminate a telephone call after issuing a warning if the behaviour continues.

For serious or repeated instances of unreasonable conduct, Council may implement further measures, including:

- Restricting communication to written correspondence or designated contact channels;
- Limiting access to specific officers, times, or facilities;
- Imposing service restrictions where necessary to protect staff

All Council facilities have response procedures in place to support staff in managing inappropriate behaviour. While Supervisors or Managers may intervene early to de-escalate situations, any staff member has the authority to ask an individual to leave if warranted.

If an individual refuses to leave or engages in anti-social behaviour that poses a risk to staff or others, police will be contacted. In cases involving alleged criminal activity, staff must report the incident to police, record the event number in ECM and notify the relevant Executive Manager and Executive Director. Where staff safety is impacted, a report must also be logged in BeSafe.

2. Defining Unreasonable Conduct

Unreasonable conduct of a customer ('UCC') is 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.

The NSW Ombudsman provide guidance to government agencies to help implement a systematic and consistent approach to managing complainants. The below definitions have been divided into five categories sourced from the NSW Ombudsman Manual on 'Managing Unreasonable Conduct by a Complainant.'

2.1 Unreasonable Persistence

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

This type of behaviour can include:

- Repeatedly raising the issue despite receiving a response
- Refusing to accept explanations or outcomes
- Persistently contacting staff or lodging complaints in a way that disrupts normal operations
- Lodging a large number of Customer Requests (including; online, emails, by telephone, in-person) about a single topic or issue

2.2 Unreasonable Demands

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

This type of behaviour can include:

- Insisting on outcomes that are not possible or not available.
- Requesting immediate responses or priority treatment without valid justification.
- Demanding that only specific staff handle their case.
- Insisting on speaking with a Senior Manager or Chief Executive Officer when it is not appropriate or warranted
- Expecting extensive resources to be devoted to their issue, beyond what is reasonable or fair.

2.3 Unreasonable Lack of Cooperation

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

This type of behaviour can include:

- Refusing to follow complaint handling procedures or provide necessary information.
- Ignoring requests for clarification or documentation.
- Withholding key facts or deliberately providing misleading information.
- Frequently changing the basis of the complaint or introducing new issues mid-process.

2.4 Unreasonable Arguments

Unreasonable arguments include arguments that are raised by a complainant that are not based in reason or logic, that are incomprehensible, false or inflammatory, and/or that trivialise or distort the issues.

This type of behaviour can include:

- Making conspiracy-based claims or accusations.
- Repeatedly presenting irrelevant or illogical information.
- Misrepresenting facts or refusing to acknowledge evidence.
- Using inflammatory or offensive language to argue a point.

2.5 Unreasonable Behaviours

Unreasonable behaviour is conduct that is unreasonable in all circumstances. It is conduct that is rude, aggressive, abusive, threatening, or otherwise inappropriate and which has a disproportionate and unreasonable impact on staff, services or resources. Regardless of how frustrated, angry or stressed a customer is – this behaviour is not tolerated and compromises the health, safety and security of our staff, other service users or the customer themselves.

This type of behaviour can include:

- Verbal abuse, aggression, derogatory, racist, emotional manipulation, harassment of any kind, shouting, or using offensive language.
- Sexual harassment, assault or intimidatory behaviour including indecent exposure.
- Threats of self-harm or to others, threats with weapons, threats to damage of property or threats of this kind.
- Aggressive gestures or intimidating body language.
- Disrespectful, rude or disruptive conduct in meetings, communications, or correspondence.
- Not following the direction provided by staff.
- The use of council facilities that is considered unreasonable, for example: rough sleeping, building structures for temporary use or causing environmental damage.
- Where a customer enters council facilities in a manner that is offensive to others, for example: personal hygiene, or standard of dress.
- Harassment or stalking (in-person and online).

3. Roles and Responsibilities

All Staff

All staff are encouraged to communicate the key principles of this policy to customers, particularly those exhibiting unreasonable conduct or early indicators of such behaviour. Staff are supported in applying the strategies and scripts provided by the NSW Ombudsman (outlined in *Part 2* of the *Managing Unreasonable Conduct by a Complainant*).

All staff are responsible for reporting incidents of unreasonable conduct by a customer. This is to be recorded in an email forwarded to their line manager and/or relevant Executive Manager.

In any event where a staff member has been put at risk, staff should log the incident in BeSafe and notify their relevant line manager and/or Executive Manager.

Work Health and Safety Unit

The Work Health and Safety (WHS) unit are responsible for receiving and following up on any reports made in BeSafe.

The WHS unit should be made aware of any incidents via a report by staff in BeSafe. The WHS unit are available to assist staff as needed.

People & Culture

If a staff member has concerns or a complaint about an action or decision that adversely affects them or they are unhappy about any other matter within Council, they are encouraged to raise their complaint with their supervisor or the People and Culture team.

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People and Culture can provide additional information of support services that are available at Council.

Executive Managers

Executive Managers are responsible for the health and safety of staff within their business unit and should ensure that staff are provided with the appropriate support and assistance including: formally or informally debriefing with staff after a stressful or impactful interaction, seeking medical or police assistance and/or referral to the Employee Assistance Program.

Executive Managers are responsible for ensuring any incidents or risk to staff has been recorded in BeSafe. The Executive Manager will conduct an initial assessment to determine if further action may be required through this policy.

An Executive Manager can request a warning letter to restrict access to Council services or facilities through the Public Officer. This will be recorded in the Unreasonable Conduct Register.

Additionally, an Executive Manager can request approval from the relevant Executive Director including their findings and recommendations to place restrictions on customers such as; banning notices from certain facilities or banning contact via telephone with council staff due to unreasonable conduct.

Executive Managers and Executive Directors are responsible for ensuring that their staff are informed of any relevant matters in the Unreasonable Conduct Register that may relate or affect their respective areas.

Executive Directors

Executive Directors are responsible for reviewing unreasonable conduct that is referred by Executive Managers and staff in their area and determine the action to be taken.

An Executive Director's approval is required for issuing banning notices or placing restrictions on a customer's access to Council services and facilities. The Executive Director must provide the restriction letter (using the draft template) to the Public Officer for final approval, signing and issuing to the customer.

The Executive Director is responsible for reviewing any restrictions in place at the end of the review / expiry period and determining if the restriction can be lifted or if there is further action required due to the ongoing unreasonable conduct.

Executive Managers and Executive Directors are responsible for ensuring that their staff are informed of any relevant matters in the Unreasonable Conduct Register that may relate or affect their respective areas.

Public Officer

The Public Officer (Complaints Coordinator) will maintain the Unreasonable Conduct Register and ensure information is kept up to date. The Public Officer will inform relevant staff when the review or expiry date of a restriction in place is coming up.

The Public Officer can provide advice to the Executive Managers and Executive Directors prior to placing restrictions or banning a customer.

The Public Officer will have oversight of all warnings, restrictions and banning notices being issued to a customer with these letters being signed off by the Public Officer.

The Public Officer will report any serious matters to the Chief Executive Officer as required and determine if a sign off is required by the Chief Executive Officer.

Chief Executive Officer

The Chief Executive Officer is responsible for conducting internal reviews upon request of the customer. The Chief Executive Officer may approve any change or restriction to a

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customer's access to Council services and facilities in the circumstances identified within this policy.

4. Types of Restrictions

Depending on the nature and severity of the conduct, restrictions may include:

- Limiting contact to a single point of contact within Council
- Requiring all communication to be in writing
- Restricting the frequency or duration of contact
- Prohibiting face-to-face contact or access to certain Council premises
- Requiring contact to occur only through a representative
- Blocking email addresses or phone numbers used to harass staff
- Withdrawing access to services
- Issuing banning notices
- Taking legal action

If staff become a victim of any unlawful conduct, they have the right to exercise their legal rights in response to such conduct – including seeking a legal order such as an apprehended violence order (AVO).

5. Decision-Making

All decisions to restrict access or ban a customer from Council services and facilities must:

- Be based on documented evidence of unreasonable conduct.
- Be proportionate to the risk posed to staff or Council operations.
- Be reasonable and consistent in line with this policy.
- Be approved by the Public Officer or the Chief Executive Officer.
- Be communicated in writing to the customer, including:
    - The reasons for the restriction.
    - The nature and duration of the restriction.
    - The process for appeal.

6. Unreasonable Conduct Register

Council will maintain an Unreasonable Conduct Register (UCR) of unreasonable customer conduct which will be maintained by the Public Officer. All matters identified in accordance with this policy will be added to the Register. This will include incidents of warning notifications being issued. The Register will record:

- Details of the person/s
- Date of incident (first occurrence)
- Incident details
- Details of the warning or restriction provided
- Expiry of restriction

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- Responsible Officer (used for Council Review purposes)
- Date reviews conducted

This Register will be made available internally for authorised staff to view as required in the course of their duties. An alert may also be placed on the customer's record in the Customer Request Management System and in other internal system considered appropriate.

The Public Officer will ensure that the Register contains a list of review and expiry dates for any restricted access arrangements and will provide adequate notice to relevant review officers for any upcoming review of expiry of restricted access arrangements.

7. Process of Managing Unreasonable Customer Conduct

Step 1: Unreasonable Conduct Occurs

- A complaint is received or an incident of unreasonable conduct occurs.
- Advise the customer that their conduct is unreasonable and explain why.
- If staff have been put at risk due to the incident or nature of the complaint, a BeSafe ticket should be logged and the line manager should be notified of the incident.

Step 2: Notify Line Manager or Executive Manager

- Line manager or Executive Manager to discuss the incident with the staff member and ensure they are supported.
- Ensure any safety concerns or relevant reports are made in BeSafe.
- Determine if the customer can be dealt with through Council's Complaint Handling Policy or if further escalation is required through this policy.
- If resolution can be made by the Executive Manager, no further action is required through this policy.
- The Executive Manager can approve warning letters to be issued to a customer as required with the sign off from the Public Officer.
- If further action is deemed required, the Executive Manager is to provide a report to the relevant Executive Director for consideration with the findings and recommendations for restriction to Council services and facilities.

Step 3: Report to Executive Director

- The Executive Director receives a report from the Executive Manager to place restrictions on Council services or facilities for a customer.
- The Executive Director is to review the report and determine appropriate action.
- Should restrictions to Council services and facilities be approved by the Executive Director, final approval and sign off is required by the Public Officer.

Step 4: Report to Public Officer

- The Public Officer can provide advice to Executive Managers and Executive Directors as required.
- The Public Officer will receive all warning, restrictions to Council services and banning notices to Council services and facilities to approve and sign off before issuing to the customer.

- All warning, restrictions and banning notices issued to a customer will be recorded in the Unreasonable Conduct Register by the Public Officer.

Step 5: Unreasonable Conduct Register

- The Unreasonable Conduct Register will be updated accordingly by the Public Officer with the relevant details.

Step 6: Notify the Customer

- The Public Officer will issue the warning, restriction or banning notice to the customer.
- The customer will be notified by the Public Officer if there is an expiry period and how the customer can request an Internal Review of this decision (not applicable to warning letters).

Step 7: Review and Outcome

- The restriction will be reviewed at the end of **12 months** or on the **expiry date** (whichever comes first).
- The Public Officer will notify the relevant Executive Director towards the end of the review or expiry date of the restriction.
- The restriction will be reviewed by the Executive Director in which they will consider if the restrictions can be lifted or if further action is required.
- The customer will be notified out the outcome at the end of this period.

Step 8: Ongoing Unreasonable Conduct

- If the unreasonable conduct continues, the Public Officer and Chief Executive Officer can determine if legal action or enforcement of NSW Police is required.

8. Customer Appeal Process and Expiry Review

8.1 Right to Appeal

Customers are entitled to one appeal of a decision that has impacted their access to Council services or facilities.

Upon a restriction being applied to a customer, Council will advise the customer of the review process and their rights. The customer will have up to 10 business days to advise Council if they wish to proceed with an internal review of decision.

The internal review will be conducted by the Chief Executive Officer. All reviews will be conducted within a 14-business day timeframe.

The review will consider; the customer's arguments, relevant records regarding the customer's past conduct, if warnings were issued, if the restriction aligns with this policy, if less restrictive measures were considered and the NSW Ombudsman Manual – Managing Unreasonable Conduct by a Complainant.

The Chief Executive Officer will advise the customer of the outcome of their internal review in writing. Details of the outcome will be updated in Council's Unreasonable Conduct Register and relevant staff will be notified if any change of decision is made.

If the customer continues to be dissatisfied with the decision, they may seek an external review from an oversight agency such as the NSW Ombudsman. The NSW Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that Council have acted fairly, reasonably and consistently

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and have observed the principles of good administrative practice including, procedural fairness.

8.2 Review of Expired Conduct

All conduct recorded in the Unreasonable Conduct Register are required to be reviewed at the end of the restriction period that was applied or on a 12-monthly periodical basis, whichever date falls first.

The review will be conducted by the Executive Director and an update on their findings will be provided to the Public Officer.

The criteria to be considered during the review of decision are:

- Whether the customer had any contact with Council during the restriction period.
- The customer's conduct during the restriction period.
- Any information arguments put forward by the customer for review.
- Any other information that may be relevant in the circumstances.

Should the decision be made to extend or modify the restriction/s, Council will notify the customer of the outcome in writing, signed by the Public Officer or Chief Executive Officer. The Unreasonable Conduct Register is to be updated and the relevant Executive Director and/or Executive Manager will communicate the outcome to relevant staff. The letter issued to the customer will:

- Indicate the nature of the new or continued restriction.
- State the duration of the restriction period.
- Provide Council contact details for the customer should they wish to discuss the letter.
- Advise the customer's right of appeal (if not already used).

If the review results in the restrictions being removed, Council will notify the customer of the outcome to advise the restrictions have been removed/expired and the Unreasonable Conduct Register is to be updated to close this matter. The relevant Executive Manager will communicate the outcome to relevant staff. The letter to the customer will:

- Briefly explain the review process undertaken
- Identify the factors that were considered during the review
- Explain the decision/outcome of the review

9. Staff Wellbeing

Council is committed to the health and welfare of staff. Council recognises the importance of providing support for staff to maintain a safe and healthy working environment.

Council encourages staff to seek support or further information in a number of ways, including speaking to:

- Line Manager or Supervisor
- Executive Manager
- Executive Director
- Work Health and Safety unit
- People & Culture

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- The Public Officer
- Union representative
- Employee Assistance Program (EAP)

Ongoing Safety Concerns

In circumstances where a staff member has genuine concerns for their personal safety following a threat from a customer, Council will implement appropriate security measures. These measures will be determined in consultation with the relevant Executive Director, Public Officer, and/or Chief Executive Officer.

Security arrangements may include, but are not limited to:

- Providing an escort to a safe location as identified by the staff member;
- Facilitating temporary relocation to an alternative worksite, where operationally feasible;
- Acting in accordance with advice provided by NSW Police or other relevant authorities.

Council will bear the reasonable costs associated with implementing these safety measures.

10. Community Wellbeing

Council recognises that customers engaging with our services may be experiencing personal hardship, including mental health challenges, homelessness, experiencing family and domestic violence or social isolation. In line with our commitment to respectful and inclusive service delivery, we aim to support community wellbeing by promoting access to appropriate health and social services.

We encourage members of the public who may be experiencing personal hardship to seek assistance from available services.

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