

Unreasonable Complainant Contact Policy

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1. Introduction

Wagga Wagga City Council supports residents and visitors to Wagga Wagga having the right to express their views and ask questions about Council services. Indeed, customers' comments and suggestions are imperative in helping Council shape and improve the services it provides.

This policy sets out Council's approach to the communication received from customers that Council considers unreasonable or unacceptable and the action it will take in order to manage the situation.

It is important to note that this Policy is separate to Council's Complaint Handling Policy (POL 103) which deals with the complaints management process and the alternate options available to the community in making complaints including the NSW Ombudsman, the Independent Commission against Corruption (ICAC) and the NSW Office of Local Government.

People who complain to Council can be distressed, angry or upset. This may be because of the problem they are complaining about, or it may be related to their own personal circumstances. Dealing with distressed, angry and upset people is a normal part of complaint handling and Council staff are trained to deal fairly, objectively and empathetically with all complainants.

In some cases, however, a complainant's conduct can go beyond what is acceptable. They may contact Council repeatedly, provide false and misleading information, demand outcomes that are not practicable, be unwilling to accept the complaint handler's decision and react in an unreasonable manner, threaten harm to themselves or others, or be violent.

It is important that Council manages unreasonable complainant conduct for several reasons:

- Council's resources are limited and must be used efficiently in dealing with other customer requests and other functions. All customers are entitled to a fair share of time and resources and a consistent approach by Council in dealing with their issues.
- Council is responsible for ensuring the health and safety of its staff. Ensuring that all staff are properly trained, supervised and supported in dealing with unreasonable conduct will minimise staff stress.

- Unreasonable conduct can make it harder for Council to resolve a complaint. It can lead to the complaint issue being blurred, the investigation sidetracked, and the process needlessly prolonged.
- A Complaint investigation that is drawn out is less likely to end satisfactorily. The person may change the focus of their grievance to the way their complaint was handled. The ongoing relationship between the person and the Council can be damaged.
- This Policy is based on the 'Managing unreasonable conduct by complainants Model policy' published by the NSW Ombudsman.

2. Purpose

2.1 Policy aims

This policy was developed to assist all staff members to better manage unreasonable conduct by complainants as follows:

- Ensure fair and open access for all residents, visitors and members of the business community to Council's services including those in the community who have difficulty in dealing with Council as an authority.
- It is Council's responsibility to treat all customers fairly and with respect. Staff need to show impartiality and professionalism when faced with challenging behaviour. This does not mean that staff should tolerate conduct that is threatening, aggressive or abusive.
- Ensure other customers and Council employees and elected members do not suffer any disadvantage from customers who act in an unacceptable manner.
- Meet the standards set out in our Customer Service Charter.
- Minimise the impacts of unreasonable or unacceptable communication on resources, processes and staff.

2.2 Scope

The principles set out in this policy only apply to Council's dealings with people when they have contact with Council.

3. Policy Provisions

Defining unreasonable conduct by a complainant

3.1 Unreasonable conduct by a complainant

Most of our customers act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about their request or complaint.

However, in a very small number of cases some customers behave in ways that are inappropriate and unacceptable – despite our best efforts to help them. They are aggressive and/or verbally abusive towards our staff. They threaten harm and violence, bombard our offices with unnecessary and excessive phone calls and emails, make inappropriate demands on our time and our resources and refuse to accept our decisions and recommendations in relation to their

requests or complaints. When customers behave in these ways we consider their conduct to be 'unreasonable'.

Unreasonable Conduct by Customers ('UCC') is any behaviour which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and customers or the customer themselves.

Unreasonable conduct by customers can be divided into five categories of conduct:

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

3.1.1 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, 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.
- Targeting Council with multiple requests about a range of issues, whether related or not, which separately or together require an unreasonable or unfair allocation Council resources.
- Pursuing and exhausting all available review options when it is not warranted and refusing to accept Council's position when told that further action cannot or will not be taken on their requests or complaints.
- Reframing a complaint in an effort to get it taken up again.
- Multiple and repeated phone calls, visits, letters, emails (including cc'd correspondence) after we have repeatedly asked them not to.
- Contacting different people within or outside our organisation to get a different outcome or a more sympathetic response to their complaint – this is known as internal and external 'forum shopping'.

3.1.2 Unreasonable Demands

Unreasonable demands are demands (express or implied) that are made by a customer that have a disproportionate and unreasonable impact on the Council, staff, services, time and/or resources.

Some examples of unreasonable demands include:

- Issuing instructions and making demands about how we have/should handle their request or complaint, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a senior manager, Director or the General Manager personally when it is not appropriate or warranted.
- Emotional blackmail and manipulation with the intention to guilt trip, 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 there is no reasonable basis for expecting this.
- Demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly.
- Expecting responses to requests which separately or together require an unreasonable or unfair allocation of Council resources.

3.1.3 Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with our organisation, staff, or request and complaints system and processes that results in a disproportionate and unreasonable use of our 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 being complained about – only where the customer is clearly capable of doing this.
- Providing little or no detail with a request or complaint or presenting information in ‘drips and drabs’.
- Refusing to follow or accept our 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.
- Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, and so forth.

3.1.4 Unreasonable arguments

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

Arguments are unreasonable when they:

- Fail to follow a logical sequence.
- Are not supported by any evidence 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.
- Are false, inflammatory, or defamatory.

3.1.5 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 our staff, 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, or 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.
- Emotional manipulation.

Council has zero tolerance towards any harm, abuse or threats directed towards staff. Any conduct of this kind will be dealt with under this policy and the Work Health & Safety Policy (POL 080).

4. Roles and responsibilities

4.1 All staff

All staff are responsible for familiarising themselves with this policy as well as the Individual Rights and Mutual Responsibilities of the Parties to a Complaint document at Appendix A. Staff are also encouraged to explain the contents of this document to all complainants, particularly those who engage in UCC or exhibit the early warning signs of UCC.

Any strategies that change or restrict a complainant's access to our services must be considered at manager level or higher as provided in this policy.

Staff are also responsible for recording and reporting all UCC incidents they experience or witness (as appropriate) to their Manager as soon as possible following the incident.

4.2 The General Manager

The General Manager, in consultation with relevant staff, has the responsibility and authority to change or restrict a complainant's access to our services in the circumstances identified in this policy. When doing so they will consider and aim to impose any service changes or restrictions in the least restrictive ways possible. Their aim when taking such actions will not be to punish the complainant, but rather to manage the impacts of their conduct.

When applying this policy, the General Manager will also aim to keep at least one open line of communication with a complainant. However, we do recognise that in extreme situations all forms of contact may need to be restricted for some time to ensure the health, safety, and security of our staff or third parties.

The Complaints Coordinator is responsible for recording, monitoring, and reviewing all cases where this policy is applied to ensure consistency, transparency, and accountability for the application of this policy. They will manage and keep a file record of all cases where this policy is applied.

4.3 Senior Managers

All senior managers are responsible for supporting staff to apply the strategies in this policy. Senior managers are also responsible for ensuring compliance with the procedures outlined in this policy, and that all staff members are trained to deal with UCC – including on induction and further training as required.

After a stressful interaction with a complainant, senior managers should provide affected staff members with the opportunity to debrief their concerns either formally or informally. Senior managers will also ensure that staff are provided with proper support and assistance including medical or police assistance, and if necessary, support through programs like the Employee Assistance Program.

Senior managers may also be responsible for arranging other forms of support for staff, such as appropriate communication or intercultural training.

4.4 Community Facilities Managers

Community Facilities include Council managed facilities e.g., Oasis Aquatic Centre, Visitor Information Centre, cultural facilities etc. Council facility managers may, in accordance with facility Policy, place general restrictions or bans on customers who demonstrated unreasonable behaviours contacting or accessing council services. For example, 'Restricting, removing and/or banning individuals from Oasis Aquatic Centre Policy'.

4.5 Complaints Coordinator

The Complaints Coordinator has the responsibility and authority to provide advice to the General Manager, Directors, Managers and staff, on changing or restricting a customer's access to Council in the circumstances identified in this policy.

The Complaints Coordinator is also required to:

- Ensure that all relevant staff members are aware of the provisions of this policy
- Are responsible for supporting staff to apply the strategies in the policy and procedure and are responsible for ensuring compliance
- Responsible for recording, monitoring and reviewing all cases where UCC is applied, to ensure consistency, transparency and accountability for the application of these procedures
- They will also manage and keep a record of all cases where these procedures are applied

The Complaints Coordinator is also responsible for maintaining currency and accuracy of information held centrally about UCC and changes to customer's access to our services.

4.6 Team Leader Customer Service

The Team Leader Customer Service acts as a central point of escalation and will be notified by business unit managers and the Complaints Coordinator of any proposed changes or restrictions to a customer's access.

5. Responding to and managing Unreasonable Conduct by Customers

5.1 Changing or restricting a complainant's access to our services

UCC incidents will generally be managed by limiting or adapting the ways we interact with or deliver services to complainants by restricting:

- **Who they have contact with** – limiting a complainant to a sole contact person or staff member in our organisation.

- **What they can raise with us** – restricting the subject matter of communications that we will consider and respond to.
- **When they can have contact** – limiting a complainant's contact with our organisation to a particular time, day, or length of time, or curbing the frequency of their contact with us.
- **Where they can make contact** – limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office.
- **How they can make contact** – limiting or modifying the forms of contact that the complainant can have with us. This can include modifying or limiting face-to-face interviews, telephone, and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating provision of services altogether.

When using the restrictions provided in this section, we recognise that discretion will need to be used to adapt them to suit a complainant's personal circumstances such as level of competency, literacy skills, and cultural background. In this regard, we also recognise that more than one strategy may be needed in individual cases to ensure their appropriateness and efficacy.

5.2 Who: limiting the complainant to a sole contact point

Where a complainant tries to forum-shop within our organisation, changes their issues of complaint repeatedly, constantly 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 manage their complaint(s) and interaction with our office. This may help ensure they are dealt with consistently and may minimise the incidence of misunderstandings, contradictions, and manipulation.

Complainants who are restricted to a sole contact person will, however, be given the contact details of one additional staff member who they can contact if their primary contact is unavailable – for example if they go on leave or are otherwise unavailable for an extended period of time.

5.3 What: restricting the subject matter of communications that we will consider

Where complainants repeatedly send letters, emails, or online forms that raise trivial or insignificant issues, contain inappropriate or abusive content, or relate to an issue that has already been comprehensively considered or reviewed (at least once) by our office, we may restrict the issues the complainant can raise with us. For example, we may:

- Refuse to respond to correspondence that raises an issue that has already been dealt with, that raises a trivial issue, or is not supported by evidence. The complainant will be advised that future correspondence of this kind will be read and filed without acknowledgement unless we decide that we need to pursue it further – in which case, we may do so on our 'own motion'.
- Restrict the complainant to one complaint or issue per month. Any attempts to circumvent this restriction (for example by raising multiple complaints or issues in the one letter) may result in modifications or further restrictions being placed on their access.
- Return the correspondence to the complainant and require them to remove any inappropriate content before we agree to consider its contents. We will also keep a copy of the inappropriate correspondence for our records to help identify repeat UCC incidents.

5.4 When and how: limiting when and how a complainant can contact us

If a complainant's contact with our organisation places an unreasonable demand on our time or resources, or affects the health, safety, and security of our staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, we may limit when or how the complainant can interact with us. This may include:

- Limiting their telephone calls or face-to-face interviews 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 interviews.
- Limiting the frequency of their telephone calls, written correspondence, or face-to-face interviews.

For irrelevant, overly lengthy, disorganised or very frequent written correspondence we may also:

- Require the complainant to clearly identify how the information or supporting materials they have sent to us relate to the central issues that we have identified in their complaint.
- Restrict the frequency with which complainants can send emails or other written communications to our office.
- Restrict a complainant to sending emails to a particular email account (e.g. the organisation's main email account) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

5.5 'Writing only' restrictions

When a complainant is restricted to 'writing only' they may be restricted to written communications through:

- Australia Post only.
- Email only to a specific staff email or our general office email account.
- Fax only to a specific fax number.
- Some other relevant form of written contact, where applicable.

Any communications received by our office in a manner that contravenes a 'writing only' restriction will either be returned to the complainant or read and filed without acknowledgement.

5.6 Where: limiting face-to-face interviews to secure areas

If a complainant is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to our premises, we may consider restricting our face-to face contact with them.

These restrictions can include:

- Restricting access to particular secured premises or areas of the office such as the customer service centre area or a secured room or facility.
- Restricting their ability to attend our premises to specified times of the day or days of the week only – for example, when additional security is available or to times or days that are less busy.

- Allowing them to attend our office on an 'appointment only' basis, and only with specified staff (for these meetings, staff should enlist the support and assistance of a colleague for added safety and security.)
- Banning the complainant from attending our premises altogether and allowing some other form of contact, e.g., 'writing only' or 'telephone only' contact.

5.7 Contact through a representative only

In cases where we cannot completely restrict our contact with a complainant and their conduct is particularly difficult to manage, we may require them to contact us through a support person or representative only. The support person may be someone nominated by the complainant, but they must be approved by Council.

5.8 Completely terminating a complainant's access to our services

In rare cases, and as a last resort when all other strategies have been considered, the General Manager may decide that it is necessary for our organisation to completely restrict a complainant's contact or access to our services.

A decision to have no further contact with a complainant will only be made if it appears that the complainant is unlikely to modify their conduct, or their conduct poses a significant risk for our staff or other parties because it involves one or more of the following:

- Acts of aggression, verbal or physical abuse, threats of harm, harassment, intimidation, stalking, assault.
- Damage to property while on our premises.
- Threats with a weapon or common office items that can 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.
- Conduct that is otherwise unlawful.

In these cases, the complainant will be sent a letter notifying them that their access has been restricted. The Police may also be notified in these circumstances.

A complainant's access to our services and our premises may also be restricted (directly or indirectly) using legal mechanisms like trespass laws and other legislation or legal orders to protect members of our staff from personal violence, intimidation or stalking by a complainant.

5.9 Social Media

Council will remove any abusive, offensive or slanderous comments from online forums within Council's level of control and where Council is the site administrator. Council will also request third party site administrators to remove any comments relating to Council that are considered abusive, offensive, slanderous or in breach of any Australia law. Council also reserves the right to take further action against third party site administrators where such comments are not removed.

5.10 Managing Customers Seeking Access to Information

The Government Information (Public Access) Act 2009 (GIPA Act) provides customers with a right of access to information held by Council unless there is an overriding public interest consideration against disclosure of the information. The GIPA Act takes into account privacy, copyright and other legislation. Information may be provided proactively, or customers may request information either informally or by a formal access application under the Act.

Information is provided informally, either directly by staff, as part of business operations, or by the Information Management team.

Formal access applications are processed and decided by the Information Management team. Access applications are managed in a structured way under the GIPA Act that includes application and processing fees, defined response times and appeal provisions.

Customers seeking access to information that Council holds who demonstrate unreasonable conduct can be managed using the following strategies:

5.10.1 Who – limiting the customer to a sole contact officer

Where a customer requests the same information from different staff, it may be appropriate to restrict their access to a single staff member (a sole contact officer) who will exclusively manage their request(s) for information. This will ensure they are dealt with consistently and minimise the chances for misunderstandings.

5.10.2 What – restricting the subject matter of communications that Council will consider

Where customers repeatedly request information that has already been provided, Council may refuse to respond to further requests, unless required to do so under the GIPA Act. The customer will be advised that future correspondence requesting information that has already been provided will be read and filed without acknowledgement.

5.10.3 How – applying the GIPA Act

Under the GIPA Act:

- A customer requesting information from Council cannot be prohibited from contacting Council.
- Council cannot be required to consider an informal request, or to provide information in response to such a request.
- Council must consider all formal access applications it receives.

Where a request for information causes concern in a business unit because the customer demonstrates unreasonable conduct, the business unit may refer the request to the Information Management Team, who will assess the request and decide whether to deal with it as an informal request.

If the decision is not to deal with the informal request, the customer will be advised that they have the option of lodging a formal access application. Formal access applications are managed by in accordance with the GIPA Act.

The GIPA Act (s60) allows for refusal to deal with a formal access application on the following grounds:

- Unreasonable and substantial diversion of resources.
- Applicant has previously been provided with the information.
- Applicant has previously applied for the same information, and the earlier application has been decided, and there are no reasonable grounds to believe revisiting the matter would result in a different decision.

6. Alternative dispute resolution

6.1 Using alternative dispute resolution strategies to manage conflicts with complainants

If Council determines that services to a customer cannot be terminated in a particular case or that we/our staff bear some responsibility for causing or exacerbating their conduct, Council may consider using alternative dispute resolution strategies ('ADR') such as mediation and conciliation to resolve the conflict with the customer and attempt to rebuild our relationship with them.

A decision as to whether or not to participate in ADR is entirely at the discretion of Council and on a case-by-case basis.

7. Procedure to be followed when changing or restricting a complainant's access to our services

7.1 Consulting with relevant staff

When determining if a customer's access should be changed we will consult with relevant staff on the following:

- The circumstances that gave rise to the UCC incident(s).
- The impact of the complainant's conduct on our organisation, relevant staff, our time, resources etc.
- The complainant's response to the staff member's warnings or requests to stop the unreasonable behaviour.
- What the staff member has done to manage the complainant's conduct (if applicable).
- Any suggestions made by relevant staff on ways that the situation could be managed.

7.2 Criteria to be considered

Following a consultation with relevant staff the Complaints Coordinator will review information about the complainant's prior conduct and history with our organisation. They will also consider the following criteria:

- Whether the conduct in question involved overt anger, aggression, violence, or assault (which is unacceptable in all circumstances).
- Whether the complainant's case has merit.
- The likelihood that the complainant will modify their unreasonable conduct if they are given a formal warning about their conduct.

- Whether changing or restricting access to our services will be effective in managing the complainant's behaviour.
- Whether changing or restricting access to our services will affect the complainant's ability to meet their obligations, such as reporting obligations.
- Whether changing or restricting access to our services will have an undue impact on the complainant's welfare, livelihood, or dependents etc.
- Whether the complainant's personal circumstances have contributed to the behaviour – For example, the complainant's cultural background may mean their communication patterns differ from those of our staff or our organisation's standards, or the complainant is a vulnerable person who is under significant stress as a result of one or more of the following:
 - 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 or conduct was moderately disproportionate, grossly disproportionate, or not at all disproportionate in the circumstances.
- Whether there are any statutory provisions that would limit the types of limitations that can be applied to the complainant's contact with, or access to our services.

Once Council has considered these criteria, they will decide on the appropriate course of action.

7.3 Providing a warning letter

Unless a complainant's conduct poses a substantial risk to the health and safety of staff or other third parties, the General Manager will provide them with a written warning about their conduct in the first instance.

7.4 Providing a notification letter

If a customer's conduct continues, after they have been given a written warning or in extreme cases of overt aggression, violence, assault or other unlawful/unacceptable conduct, without prior written warning, Council has the discretion to send a notification letter immediately restricting the customer's access to our services (without prior written warning). Where necessary, police will be notified.

7.5 Continued monitoring/oversight responsibilities

Once a customer has been issued with a warning letter and/or notification letter, Council will review the customer's record/restriction every 6 months or on request by a staff member, or following any further incidents of UCC that involve the particular customer to ensure that they are complying with the restrictions and the arrangement is working.

If Council determines that the restrictions have been ineffective in managing the customer's conduct or are otherwise inappropriate they may decide to either modify the restrictions, impose further restrictions or terminate the customer's access to our services altogether.

8. Appealing a decision to change or restrict access to our services

8.1 Right of review

Customers are entitled to one review of a decision to change or restrict their access to our services. This review will be undertaken by a senior staff member who was not involved in the original decision to change or restrict the customer's access.

This staff member will consider the customer's arguments along with all relevant records regarding the customer's past conduct. The customer will be advised of the outcome of their review by letter.

If a customer continues to be dissatisfied after the review process, they may seek an external review from an oversight agency such as the Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that we have acted fairly, reasonably and consistently and have observed the principles of good administrative practice including, procedural fairness.

Note: customers making formal access applications under the GIPA Act for information from Council have review rights under that Act. The rights of review described in this section do not apply to customers making formal access applications under the GIPA Act.

9. Non-compliance with a change or restriction on access to our services

9.1 Recording and reporting incidents of non-compliance

All staff members are responsible for recording and reporting incidents of non-compliance by complainants. This should be recorded in a file note and forwarded to the General Manager and the Complaints Coordinator who will decide whether any action needs to be taken to modify or further restrict the complainant's access to our services.

10. Periodic reviews of all cases where this policy is applied

10.1 Period for review

All cases where this policy is used will be reviewed every 3 months or 6 months (depending on the nature of the service provided) and not more than 12 months after the service change or restriction was initially imposed or upheld.

10.2 Notifying the complainant of an upcoming review

The Complaints Coordinator will ask complainants if they would like to participate in the review process unless they determine that this invitation will provoke a negative response from the complainant (i.e., further UCC). The invitation will be given, and the review will be conducted in accordance with the complainant's access restrictions. (e.g. if contact has been restricted to writing only then the invitation to participate will be done in writing).

10.3 Criteria to be considered during a review

When conducting a review, the General Manager will consider:

- Whether the complainant has had any contact with the organisation during the restriction period.
- The complainant's conduct during the restriction period.
- Any information or arguments put forward by the complainant.
- Any other information that may be relevant in the circumstances.

The Complaints Coordinator may also consult with any staff members who have had contact with the complainant during the restriction period.

Sometimes a complainant may not have a reason to contact our office during their restriction period. As a result, a review decision that is based primarily on the fact that the complainant has not contacted our organisation during their restriction period may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations.

10.4 Notifying a complainant of the outcome of a review

Council will notify the customer of the outcome of their review using the appropriate/relevant method of communication as well as a written letter explaining the outcome, as applicable.

Legislative Context

- Work, Health & Safety Act 2011
- Local Government Act 1993

Related Documents

- Code of Conduct
- Complaints Handling Policy (POL 103)
- Work, Health and Safety Policy (POL 080)
- Public Access to Information Policy (POL 108)
- Customer Service Charter
- Restricting, Removing and/or Banning Individuals from Oasis Aquatic Centre Policy

Definitions

Term	Definition
Employee(s)	Employees, elected members, volunteers or contractors for the purposes of this policy
Senior Managers	Executive Team members, Level 3 Managers and Council Facility Managers

Revision History

Revision number	Council resolution	Council meeting date
1	Res No: 13/004	29 January 2013
2	Res No: 13/224.1	26 August 2013
3	Res No: 17/279	28 August 2017
4	Res No. 22/354	17 October 2022
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Appendix A – Individual rights and mutual responsibilities of the parties to a complaint

In order for Wagga Wagga City Council to ensure that all complaints are dealt with fairly, efficiently, and effectively and that work health and safety standards and duty of care obligations are adhered to, 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 and to express their opinions in ways that are reasonable, lawful, and appropriate, regardless of cultural background, national origin, sex, sexual orientation, gender expression, disability or other cultural or personal characteristics
- to a reasonable explanation in a wide range of languages of the organisation's complaints procedure, including details of the confidentiality, secrecy 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 the actions taken and outcome of their complaint to have decisions that affect them explained to them
- to at least 1 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 response.

Staff have the right:

- to determine whether, and if so how, a 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 organisations and people within jurisdiction who are the subject of a complaint
- to be treated with courtesy and respect
- to a safe and healthy working environment
- to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.

Subjects of a complaint have the right:

- 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 Wagga Wagga City Council
- 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 put their case during the course of any investigation and before any final decision is made
- to be told 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 staff of Wagga Wagga City Council with dignity and respect
- clearly identifying to the best of their ability the issues of complaint, or asking for help from the staff of Wagga Wagga City Council to assist them in doing so
- providing Wagga Wagga City Council, to the best of their ability, with all the relevant information available to them at the time of making the complaint
- being honest in all communications with Wagga Wagga City Council
- informing Wagga Wagga City Council of any other action they have taken in relation to their complaint
- cooperating to the best of their ability with the staff who are assigned to assess/investigate/resolve/determine or otherwise deal with their complaint.

If complainants do not meet their responsibilities, Wagga Wagga City Council may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

Wagga Wagga City Council has a zero-tolerance policy in relation to any harm, abuse or threats directed towards its staff. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the complainant. Any conduct of a criminal nature will be reported to police, and in certain cases legal action may also be considered.

Staff are responsible for:

- providing reasonable assistance, including cultural and linguistic 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 the conduct of the complainant
- giving people or organisations the subject of complaint a reasonable opportunity to put their case 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 them¹⁶ and the substance of any proposed adverse comment or decision that they may need to answer or address
- keeping complainants informed of the actions taken and the outcome of their complaints
- giving complainants explanations that are clear and appropriate to their circumstances, and adequately explaining the basis of any decisions that affect them

- treating complainants (and people who are the subject of complaints) with courtesy and respect at all times 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
- giving adequate warning of the consequences of unacceptable behaviour.

Subjects of a complaint are responsible for:

- cooperating with the staff of Wagga Wagga City Council who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction
- providing all relevant information in their possession to *Wagga Wagga City Council* or its authorised staff when required to do so by a properly authorised direction or notice
- being honest in all communications with *Wagga Wagga City Council* and its staff
- treating the staff of the *Wagga Wagga City Council* 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.

Wagga Wagga City Council is responsible for:

- maintaining an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording, and reviewing complaints
- making 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 inquiry into the investigation of a complaint is based on sound reasoning and logically probative information and evidence
- finalising complaints on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances
- implementing reasonable and appropriate policies, procedures, and practices to ensure that complainants are not subjected to any 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
- adequately considering any confidentiality, secrecy or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.