



MANAGING UNREASONABLE COMPLAINANT CONDUCT POLICY

D5-34

Page 1 of 19

Policy Owner: Executive Manager Governance

Policy Category: Operational

Direction: 5. Our Civic Leadership

1. STATEMENT OF INTENT

- 1.1 North Sydney Council is committed providing a safe workplace for its staff and effective management of Council resources in dealing with unreasonable complainants.
- 1.2 Most public sector agencies will, at some time, deal with customers who are unreasonable. Council will take proactive and decisive action to manage any complainant conduct that negatively and unreasonably affects the staff and/or organisation and will support our staff to do the same in accordance with this policy.
- 1.3 Council has a zero tolerance policy towards any harm, abuse or threats directed towards staff and Councillors. Any conduct of this kind will be dealt with under this policy and in accordance with our duty of care and work health and safety responsibilities.
- 1.4 This policy should be read in conjunction with Council's *Complaints Handling Policy*.
- 1.5 This Policy has been developed to assist all staff to manage unreasonable complainant conduct (UCC). Its aim is to ensure that all staff:
 - a) are aware of their roles and responsibilities in relation to the management of UCC and how this Policy will be used;
 - b) feel confident and supported in taking action to manage UCC;
 - c) act fairly, consistently, honestly and appropriately when responding to UCC i.e. UCC should be managed by responding appropriately to observable conduct not perceptions of motives or psychological states;
 - d) understand the types of circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
 - Strategies outlined in Appendix A or the *NSW Ombudsman's Managing Unreasonable Complainant Conduct Practice Manual (May 2012)*;
 - Alternative dispute resolution strategies to deal with conflicts involving complainants and Council; and

-
- Legal instruments such as trespass laws/legislation to prevent a complainant from coming onto Council premises and orders to protect specific staff members from any actual or apprehended personal violence, intimidation or stalking.
 - e) have a clear understanding of the criteria that will be considered before we decide to change or restrict a complainant's access to Council services;
 - f) 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 Council services; and
 - g) are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.
- 1.6 All staff should note that North Sydney Council has a zero tolerance policy towards any harm, abuse or threats directed towards them. Any conduct of this kind will be dealt with under this policy, and in accordance with our duty of care and occupational health and safety responsibilities.

2. ELIGIBILITY

- 2.1 This Policy applies to all Council staff, Councillors and contractors working on behalf of Council.

3. DEFINITIONS

- 3.1 Unreasonable complainant conduct

Most complainants who come to our office act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about 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 help them. They are aggressive and 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 complaints. When complainants behave in these ways we consider their conduct to be 'unreasonable'.

Unreasonable complainant conduct ('UCC') is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant himself/herself.

UCC can be divided into five categories of conduct:

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

3.2 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. 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.
- persistently demanding a review simply because it is available and without arguing or presenting a case for one.
- pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their complaints.
- reframing a complaint in an effort to get it taken up again.
- bombarding our staff/organisation with phone calls, visits, letters, emails (including cc'd correspondence) after repeatedly being asked not to do so.
- contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their complaint - internal and external forum shopping.

3.3 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. Some examples of unreasonable demands include:

- Issuing instructions and making demands about how we have/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a senior manager 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 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.

3.4 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 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 complainant is clearly capable of doing this.
- providing little or no detail with a 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.

3.5 Unreasonable arguments

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

- fail to follow a logical sequence
- are not supported by any evidence and/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.

3.6 Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances - regardless of how stressed, angry or frustrated that a complainant is - because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant himself/herself. Some examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks
- harassment, intimidation or physical violence.
- rude, confronting and 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.

3.7 Public Officer - is a member of Council's senior staff, appointed under *the Local Government Act 1993*. The functions of the Public Officer include dealing with complaints from the public concerning Council's affairs.

4. PROVISIONS

4.1 Core Objectives

Council's core objectives for managing unreasonable complainant conduct are:

- 4.1.1 Equity and Fairness - ensuring that all current and potential complaints are dealt with equitably and fairly and resources are distributed on the basis of a complaint's merits, rather than a complainant's demands or conduct.
- 4.1.2 Efficiency - improving overall efficiency by allocating sufficient time and resources to dealing with UCC which, if left unmanaged, can put a strain on Council's resources.
- 4.1.3 Health and Safety - complying with work health and safety and duty of care obligations posed by UCC to staff health, safety and security and implementing measures to eliminate or control those risks.

4.2 Guiding Principles

Council's guiding principles for the management of unreasonable complainant conduct are:

Identifying Unreasonable Complainants

Early intervention is the most effective way to prevent and/or minimise the impacts of UCC. Early warning signs ('triggers') of UCC include, but are not limited to the following factors:

- a) complainant's history;
- b) style of writing;
- c) interaction with Council;
- d) outcomes sought; and/or
- e) reaction to news that their complaint will not be taken up, will not be pursued further or an outcome/decision they disagree with.

The following criteria will be used by Council to assess whether a complainant's conduct is, or has become, unreasonable. These criteria need to be balanced against each other in each case to determine whether the conduct in question is unreasonable:

- a) the merits of the case;
- b) the complainant's circumstances;
- c) proportionality;
- d) the complainant's responsiveness;
- e) personal boundaries;
- f) conduct that is unreasonable and unacceptable under all circumstances; and
- g) jurisdictional issues

Responding to and Managing UCC

UCC being dealt with under this policy shall be responded to within the same service levels as outlined Council's *Complaints Handling Policy*.

Appendix A outlines Council's framework for how UCC is managed, these strategies are based on Part 5 of the *NSW Ombudsman Managing Unreasonable Complainant Conduct Practice Manual*

The strategies will be applied flexibly to suit the circumstances of the complainant and the complaint being dealt with.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 All staff are required to comply with the provisions of this policy and related guidelines/procedures, including Appendix A and *NSW Ombudsman's Managing Unreasonable Complainant Conduct Practice Manual*.

- 5.2 All Managers and Directors and are responsible for supporting staff to apply this policy, as well as related guidelines/procedures. Directors are also responsible for ensuring compliance with the procedures identified in this policy and ensuring that all staff members are trained to deal with UCC - including on induction.
- 5.3 All staff are responsible for recording and reporting all UCC incidents they experience or witness (as appropriate) within 24 hours of the incident occurring, using the Incident Report form which must be registered in Council's electronic document management system.
- 5.4 Following a UCC incident and/or stressful interaction with a complainant, the responsible Manager and/or Director is responsible for providing affected staff members with the opportunity for support through Employee Assistance Program (EAPS), and/or to debrief either formally or informally, as necessary.
- 5.5 The General Manager, in consultation with relevant staff, has the responsibility to change or restrict a complainant's access to Council services in the circumstances identified in this policy or in accordance with section 17 of the Library Regulation.
- 5.6 The Public Officer is responsible for assisting the General Manager to record, monitor and review all cases where this policy is applied to ensure consistency, transparency and accountability for the application of this policy.
- 5.7 The Complaints Review Panel may convene when required to review complaints where the complainant is dissatisfied with the initial outcome from Council.
- 5.8 Council's Solicitor is responsible for organising legal advice as required under this policy.
- 5.9 The Librarian in Charge, Managers and Directors are responsible for 'on the spot', general one day exclusions from Stanton Library and for documenting and notifying the relevant Council officers for information and/or further action under section 17 of the Library Regulation.
- 5.10 This Policy shall be reviewed every four years by Council's Public Officer or as required in response to advice from the NSW Ombudsman.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Access to Council Documents Policy
- Code of Conduct - Councillors and Staff
- Code of Conduct - Contractors, their Staff and Business Associates
- Complaints Handling Policy
- Customer Service Policy
- Customer Services Procedures - Procedure 1: General (Section 22)
- Delegations of Authority
- EEO Management Plan
- Enterprise Risk Management Policy
- Internal Reporting - Public Interest Disclosures Policy
- Open Government Policy
- Work Health and Safety Policy (staff policy)
- Privacy Management Plan
- Procurement Policy

The Policy should be read in conjunction with the following documents and legislation:

- Australian Standard ISO 10002-2006 ‘Customer Satisfaction - Guidelines for Complaints Handling in Organisations’, April 2006
- Compliance and Enforcement Policy
- Complaint Handler’s Toolkit - NSW Ombudsman, June 2004
- Government Information (Public Access) Act 2009
- Library Regulation 2005
- Independent Commission Against Corruption Act 1988
- Local Government Act 1993 - Sections 429A and 478
- Managing Unreasonable Complainant Conduct Practice Manual, NSW Ombudsman, May 2012
- Practice Note No. 9 Complaints Management in Councils NSW, Office of Local Government, July 2009
- Privacy and Personal Information Protection Act 1998
- Public Interest Disclosures Act 1994
- Work Health and Safety Act 2011

Version	Date Approved	Approved by	Resolution No.	Review Date
1	13 August 2012	Council	470	2012/13
2	18 February 2013	Council	61	2016/17
3	25 June 2018	Council	214	2020/21
4	15 December 2021	General Manager	MANEX	2021/22

APPENDIX A: PROCEDURES FOR RESPONDING TO AND MANAGING UNREASONABLE COMPLAINANT CONDUCT (UCC)**1. Changing or restricting a complainant's access to our services**

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

- who they have contact with e.g. limiting a complainant to a sole contact person/staff member in our organisation;
- what they can raise with us e.g. restricting the subject matter of communications that we will consider and respond to;
- when they can have contact e.g. 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 e.g. limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office;
- how they can make contact e.g. 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 our services altogether; and
- 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, level of competency, literacy skills, etc. In this regard, we also recognise that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

2. Who - limiting the complainant to a sole contact point

Where a complainant tries to forum shop internally within our organisation, changes their issues of complaint repeatedly, 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 exclusively manage their complaint(s) and interactions with our office. This may ensure they are dealt with consistently and may minimise the chances for misunderstandings, contradictions and manipulation.

To avoid staff 'burn out' the sole contact officer's supervisor will provide them with regular support and guidance, as needed. Also, the Public Officer will review the arrangement every six months to ensure that the officer is managing/coping with the arrangement.

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 e.g. they go on leave or are otherwise unavailable for an extended period of time.

3. What - restricting the subject matter of communications that we will consider

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

-
- refuse to respond to correspondence that raises an issue that has already been dealt with comprehensively, that raises a trivial issue, or is not supported by clear/any 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/issue per month. Any attempts to circumvent this restriction, for example by raising multiple complaints/issues in the one complaint letter may result in modifications or further restrictions being placed on their access.
 - return correspondence to the complainant and require them to remove any inappropriate content before we will agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for our records to identify repeat/further UCC incidents.

4. When - limiting when and how a complainant can contact us

If a complainant's telephone, written or face-to-face contact with our organisation places an unreasonable demand on our time or resources because it is overly lengthy (e.g. disorganised and voluminous correspondence) 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 and/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. For example:
 - telephone calls may be limited to 10 minutes at a time and will be politely terminated at the end of that time period.
 - lengthy written communications may be restricted to a maximum of 15 typed or written pages, single sided, font size 12 or it will be sent back to the complainant to be organised and summarised - This option is only appropriate in cases where the complainant is capable of summarising the information and refuses to do so.
 - limiting face-to-face interviews to a maximum of 45 minutes.
- Limiting the frequency of their telephone calls, written correspondence or face-to-face interviews. Depending on the natures of the service(s) provided we may limit:
 - telephone calls to 1 every two weeks/ month.
 - written communications to 1 every two weeks/month.
 - face-to-face interviews to 1 every two weeks/month.

For irrelevant, overly lengthy, disorganised or 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.

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.

If a complainant's contact is restricted to 'writing only', the Public Officer will clearly identify the specific means that the complainant can use to contact our office (e.g. Australia Post only). Also if it is not suitable for a complainant to enter our premises to hand deliver their written communication, this must be communicated to them as well.

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

5. 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 may include:

- restricting access to particular secured premises or areas of the office - such as the reception area or secured room/facility.
- restricting their ability to attend our premises to specified times of the day and/or days of the week only e.g. when additional security is available or to times/days that are less busy.
- allowing them to attend our office on an 'appointment only' basis and only with specified staff. Note: during these meetings staff should always seek 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.

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 also restrict their contact to contact through a support person or representative only. The support person may be nominated by the complainant but must be approved by the Public Officer.

When assessing a representative/support persons suitability, the Public Officer should consider factors like: the nominated representative/support person's competency and literacy skills, demeanour/behaviour and relationship with the complainant. If the Public Officer determines that the representative/support person may exacerbate the situation with the complainant the complainant will be asked to nominate another person or we may assist them in this regard.

6. Completely terminating a complainant's access to our services

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the General Manager may decide that it is necessary for our organisation to completely restrict a complainant's contact/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 and/or their conduct poses a significant risk for our staff or other parties because it involves one or more of the following types of conduct:

- acts of aggression, verbal and/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; and
- conduct that is otherwise unlawful.

In these cases the complainant will be sent a letter notifying them that their access has been restricted as outlined below.

A complainant's access to our services and our premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect members of our staff from personal violence, intimidation or stalking by a complainant. For more information, about the types of circumstances where legal mechanisms may be used to deal with UCC, please see:

- unauthorised entry onto agency premises - applying the provisions of the *Inclosed Lands Protection Act 1901 (NSW)*
- orders to address violence, threats, intimidation and / or stalking by complainants.

ALTERNATIVE DISPUTE RESOLUTION**Using alternative dispute resolution strategies to manage conflicts with complainants.**

If the General Manager determines that we cannot terminate our services to a complainant in a particular case or that we/our staff bear some responsibility for causing or exacerbating their conduct, they may consider using alternative dispute resolution strategies ('ADR') such as mediation and conciliation to resolve the conflict with the complainant and attempt to rebuild our relationship with them. If ADR is considered to be an appropriate option in a particular case, the ADR will be conducted by an independent third party to ensure transparency and impartiality.

However, we recognise that in UCC situations, ADR may not be an appropriate or effective strategy particularly if the complainant is uncooperative or resistant to compromise. Therefore, each case will be assessed on its own facts to determine the appropriateness of this approach.

PROCEDURE TO BE FOLLOWED WHEN CHANGING OR RESTRICTING A COMPLAINANT'S ACCESS TO OUR SERVICES**1. Consulting with relevant staff**

When the Public Officer receives a UCC incident form from a staff member they will contact the staff member to discuss the incident. They will discuss:

- the circumstances that gave rise to the UCC/incident;
- the impact of the complainant's conduct on our organisation, relevant staff, our time, resources, etc;
- the complainant's responsiveness to the staff member's warnings/requests to stop the behaviour;
- the actions the staff member has taken to manage the complainant's conduct, if any; and
- the suggestions made by relevant staff on ways that the situation could be managed.

2. Criteria to be considered

Following a consultation with relevant staff the Public Officer will search Council's electronic document management system for information about the complainant's prior conduct and history with our organisation. They will also will 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? e.g. 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/conduct in the circumstances was moderately disproportionate, grossly disproportionate or not at all disproportionate;
- whether there any statutory provisions that would limit the types of limitations that can be put on the complainant's contact/access to our services.

Once the Public Officer has considered these factors they will decide on the appropriate course of action. They may suggest formal or informal options for dealing with the complainant's conduct which may include one or more of the strategies provided in the practice manual and this policy.

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 Public Officer will provide them with a written warning about their conduct in the first instance.

The warning letter will:

- specify the date, time and location of the UCC incident;
- explain why the complainant's conduct/UCC incident is problematic;
- list the types of access changes and/or restrictions that may be imposed if the behaviour continues. Note: not every possible restriction should be listed only those that are most relevant;
- provide clear and full reasons for the warning being given;
- include an attachment of the organisation's ground rules and/or briefly state the standard of behaviour that is expected of the complainant;
- provide the name and contact details of the staff member who they can contact about the letter; and
- be signed by the General Manager or Public Officer.

4. Providing a notification letter

If a complainant'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 the Public Officer has the discretion to send a notification letter immediately restricting the complainant's access to our services (without prior written warning).

This notification letter will:

- specify the date, time and location of the UCC incident(s);
- explain why the complainant's conduct/UCC incident(s) is problematic;
- identify the change and/or restriction that will be imposed and what it means for the complainant;
- provide clear and full reasons for this restriction;
- specify the duration of the change or restriction imposed, which will not exceed 12 months;
- indicate a time period for review;
- provide the name and contact details of the senior officer who they can contact about the letter and/or request a review of the decision; and
- be signed by the General Manager or Public Officer.

5. Notifying relevant staff about access changes/restrictions

The Public Officer will notify relevant staff about any decisions to change or restrict a complainant's access to our services, in particular reception and security staff in cases where a complainant is prohibited from entering our premises.

The Public Officer will also liaise with Document Management staff to document a record outlining the nature of the restrictions imposed and their duration.

6. Continued monitoring/oversight responsibilities

Once a complainant has been issued with a warning letter or notification letter the Public Officer will review the complainant's record/restriction every 3 months, on request by a staff member, or following any further incidents of UCC that involve the particular complainant to ensure that they are complying with the restrictions/the arrangement is working.

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

APPEALING A DECISION TO CHANGE OR RESTRICT ACCESS TO OUR SERVICES

Complainants are entitled to one appeal of a decision to change/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 complainant's access. This staff member will consider the complainant's arguments along with all relevant records regarding the complainant's past conduct. They will advise the complainant of the outcome of their appeal by letter which must be signed off by the General Manager.

The staff member will then refer any materials/records relating to the appeal to the Public Officer to be kept in the appropriate file.

If a complainant continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the NSW 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.

NON-COMPLIANCE WITH A CHANGE OR RESTRICTION ON ACCESS TO OUR SERVICES

All staff members are responsible for recording and reporting incidents of non-compliance by complainants. This should be recorded in a file note in Council's electronic document management system and a copy forwarded to the Public Officer who will decide whether any action needs to be taken to modify or further restrict the complainant's access to our services.

PERIODIC REVIEWS OF ALL CASES WHERE THIS POLICY IS APPLIED**1. Period for review**

All UCC cases where this policy is applied 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 continued/upheld.

2. Notifying the complainant of an upcoming review

The Public Officer will invite all complainants 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).

3. Criteria to be considered during a review

When conducting a review the Public Officer 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/arguments put forward by the complainant for review;
- any other information that may be relevant in the circumstances.

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

Note: 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 (apparent compliance with our restriction) may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations.

4. Notifying a complainant of the outcome of a review

The Public Officer will notify the complainant of the outcome of their review using the appropriate/relevant method of communication as well as a written letter explaining the outcome, as applicable. The review letter will:

- briefly explain the review process;
- identify the factors that have been taken into account during the review;
- explain the decision/outcome of the review and the reasons for it;
- if the outcome of the review is to maintain or modify the restriction the review letter will also:
 - indicate the nature of the new or continued restriction.
 - state the duration of the new restriction period.

- provide the name and contact details of the Public Officer who the complainant can contact to discuss the letter.
- be signed by the General Manager or Public Officer.

5. Recording the outcome of a review and notifying relevant staff

Like all other decisions made under this policy, the Public Officer is responsible for keeping a record of the outcome of the review, updating Council's electronic document management system and notifying all relevant staff of the outcome of the review including if the restriction has been withdrawn.

MANAGING STAFF STRESS**1. Staff reactions to stressful situations**

Dealing with complainants who are demanding, abusive, aggressive or violent can be extremely stressful and at times distressing or even frightening for all our staff - both experienced and inexperienced. It is perfectly normal to get upset or experience stress when dealing with difficult situations.

As an organisation, we have a responsibility to support staff members who experience stress as a result of situations arising at work and we will do our best to provide staff with debriefing and counselling opportunities, when needed. However, to do this we also need help of all [name of organisation] staff to identify stressful incidents and situations. As a result, all staff have a responsibility to notify relevant supervisors/senior managers of UCC incidents and any stressful incidents that they believe require management involvement.

2. Debriefing

Debriefing means talking things through following a difficult or stressful incident. It is an important way of 'off-loading' or dealing with stress. Many staff members naturally do this with colleagues after a difficult telephone call, but debriefing can also be done with a supervisor or senior manager or as a team following a significant incident. We encourage all staff to engage in an appropriate level of debriefing, when necessary.

Staff may also access an external professional service on a needs basis. All staff can access the Employee Assistance Program - a free, confidential counselling service.

OTHER REMEDIES**1. Compensation for injury**

Any staff member who suffers injury as a result of aggressive behaviour from complainants is entitled to make a workers' compensation claim. [Personnel] will assist wherever possible in processing claims. If you are the victim of an assault, they may also be able to apply to the Victim's Compensation Tribunal for compensation.

2. Compensation for damage to clothing or personal affects

Where damage is suffered to clothing or personal effects as a result of aggression by a complainant, compensation may be sought.

3. Legal assistance

If a staff member is physically attacked, or is a victim of employment generated harassment and the police do not lay charges, the General Manager will consider providing reasonable legal assistance if the staff members wishes to take civil action.

4. Threats outside the office or outside working hours

Where threats are directed at a particular staff member and it appears those threats may be carried out outside normal working hours or outside the office, the staff member will receive the support of the office. Requests for such assistance should be made to the Manager Human Resources.

5. Escorts home

When a staff member fears for their safety following a threat from a complainant, another staff member may accompany them home or the office can meet the cost of the staff member going home in a taxi. Ask the Manager Human Resources for more information.

6. Other security measures

If other security measures are necessary, the office will give consideration to providing all reasonable support to ensure the safety and welfare of the staff member.

TRAINING AND AWARENESS

North Sydney Council is committed to ensuring that all staff are aware of and know how to use this policy. All staff who deal with complainants in the course of their work will also receive appropriate training and information on using this policy and on managing UCC on a regular basis in particular, on induction

OMBUDSMAN MAY REQUEST COPIES OF OUR RECORDS

North Sydney Council will keep records of all cases where this policy is applied, including a record of the total number of cases where it is used every year. This data may be requested by the Ombudsman to conduct an overall audit and review in accordance with its administrative functions and/or to inform its work on UCC.

SPECIFIC PROVISIONS UNDER LIBRARY REGULATION 2005:

The *Library Regulation 2005* provides the following:

- (1) A library staff member may direct any person to leave the library, and not to re-enter the library for such period as the staff member directs, if the staff member is of the opinion that:
 - (a) the person has contravened any provision of this Part, or
 - (b) the person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.

-
- (2) A person to whom such a direction is given must not fail to comply with the direction.
Maximum penalty: 2 penalty units.
- (3) The period for which a person may be excluded from the library by such a direction must not exceed the maximum period determined by the governing body of the library.

For the purpose of section (3) the following maximum exclusion periods will apply:

Period between incidents	Maximum exclusion period
30 days	12 months exclusion
3 months	6 month exclusion
6 months	3 month exclusion
12 months	1 month exclusion
24 months	A further verbal warning

Management of any exclusions under this provision will be done in accordance with this Policy.