



## **Unreasonable Complainant Conduct – Staff Procedure**

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## 1. INTRODUCTION

Adelaide City Council is committed to being accessible and responsive to all complainants who approach us for assistance and/or with a complaint. At the same time Council's success depends on:

- our ability to do our work and perform our functions in the most effective and efficient ways possible
- the health, safety and security of our staff
- our ability to allocate our resources fairly across all the complaints we receive.

When complainants behave unreasonably in their dealings with us, their conduct can significantly affect our success. As a result, Adelaide City Council will take proactive and decisive action to manage any complainant conduct that negatively and unreasonably affects us. The Customer Advocacy team will support our staff to do the same in accordance with this procedure.

Please note that throughout this document reference is made to the Unreasonable Complainant Conduct Practice Manual 2012, available at:

[http://www.ombo.nsw.gov.au/data/assets/pdf\\_file/0004/3568/GL\\_Unreasonable-Complainant-Conduct-Manual-2012\\_LR.pdf](http://www.ombo.nsw.gov.au/data/assets/pdf_file/0004/3568/GL_Unreasonable-Complainant-Conduct-Manual-2012_LR.pdf)

## 2. OBJECTIVES

This procedure has been developed to assist the Customer Advocacy team to support staff to better manage unreasonable complainant conduct ('UCC'). Its aim is to ensure that staff:

- Feel confident and supported in taking action to manage UCC.
- Act fairly, consistently, honestly and appropriately when responding to UCC.
- Are aware of their roles and responsibilities in relation to the management of UCC and how this policy will be used.
- Understand the types of circumstances when it may be appropriate to manage UCC using one of strategies outlined in this procedure
- Have a clear understanding of the criteria that will be considered before we decide to change or restrict a complainant's access to our services.
- Are aware of the processes that will be followed to record and report UCC incidents as well as the procedures for consulting and notifying complainants about any proposed actions or decisions to change or restrict their access to our services.
- Are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.

## 3. DEFINING UNREASONABLE COMPLAINANT CONDUCT

### 3.1 Unreasonable complainant conduct

Most complainants who contact 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.

For more examples of unreasonable persistence see pages 39 – 43 of the practice manual.

### 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, the CEO or Lord Mayor 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 – eg 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.

For more examples of unreasonable demands see pages 50 – 54 of the practice manual.

### 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 result 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 ‘dribs 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.

For more examples of unreasonable lack of cooperation see pages 64 – 65 of the practice manual.

### **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.

For more examples of unreasonable arguments see pages 69 – 71 of the practice manual.

### **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.

For more examples of unreasonable persistence see pages 77 – 85 of the practice manual.

Adelaide City Council has a zero tolerance policy towards any harm, abuse or threats directed towards staff. Any conduct of this kind will be dealt with under this procedure and in accordance with our duty of care and occupational health and safety responsibilities.

## **4. ROLES AND RESPONSIBILITIES**

### **4.1 All staff**

All staff have the responsibility to provide the highest level of customer service to all customers of Council, including complainants.

Staff need to ensure that all current and potential complaints are dealt equitably and fairly and resources are distributed on the basis of a complaint's merits, rather than a complainant's demands or conduct. For example, priority should not be given to customers simply because they are loud or persistent.

Staff are responsible for recording and reporting all UCC incidents they experience or witness (as appropriate) to their immediate Team Leader within 24 hours of the incident occurring. In addition an incident report should be made to allow for correct reporting, and allow for WHS to drive any actions that are required as a result of the incident.

Staff can seek advice from the Customer Advocacy team when the strategies they are using are not effective and the complainant continues to be demanding, prevents a fair delivery of services, or presents a safety concern for our staff.

## **4.2 Senior Managers**

All Senior Managers are responsible for supporting staff to apply the strategies in this policy. For staff in roles with high customer interaction, their Senior Manager should support their attendance to the Unreasonable Complainant Training offered by the Customer Advocacy team, should they express an interest.

Following a UCC and/or stressful interaction with a complainant, Senior Managers are responsible for providing affected staff members with the opportunity to debrief and vent their concerns either formally or informally. Senior Managers will also ensure that staff are provided with proper support and assistance including medical and/or police assistance and support through programs such as Employee Assistance Program (EAP), if necessary.

Senior Managers in consultation with relevant staff, have the responsibility and authority to change or restrict a complainant's access to our services in accordance with their Program area's existing procedures.

## **4.3 The Customer Advocacy Team and/or People & Culture**

The Customer Advocacy team will be trained and authorised to use and support other members of staff to use the strategies and scripts provided in Part 5 of the practice manual to manage UCC, in particular:

- Strategies and script ideas for managing unreasonable persistence: pages 39 – 48.
- Strategies and script ideas for managing unreasonable demands: pages 50 – 63.
- Strategies and script ideas for managing unreasonable lack of cooperation: pages 64 – 68.
- Strategies and script ideas for managing unreasonable arguments: 69 – 76.
- Strategies and script ideas for managing unreasonable behaviours: pages 77 – 88.

The Customer Advocacy team and/or People & Culture, in consultation with relevant staff and the LGA, has the responsibility and authority to change or restrict a complainant's access to our services in the circumstances identified in this procedure. When doing so they will take into account the criteria in Part 7.2 below and will aim to impose any service changes/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 procedure the Customer Advocacy team and/or People & Culture will also aim to keep at least one open line of communication with a complainant. However, it is recognised that in extreme situations all forms of contact may need to be restricted to ensure the health and safety and security of our staff and/or third parties.

The Customer Advocacy team is also responsible for recording, monitoring and reviewing all cases where this procedure is applied to ensure consistency, transparency and accountability for its application. They will also manage and keep a file record of all cases using CRM where this procedure is applied.

## 5. RESPONDING TO, AND MANAGING, UCC

### 5.1 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.

When using the restrictions provided in this section it is recognised 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 appropriateness and efficiency.

### 5.2 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 single point of contact) who will exclusively manage their complaint(s) and interactions with our office. This will ensure they are dealt with consistently and may minimise the chances for misunderstandings, contradictions and manipulation.

The nomination of the single point of contact (SPOC) officer will be based on the most appropriate level of subject matter expertise that is required to manage the unreasonable complainant effectively.

To avoid staff 'burn out' the single point of contact (SPOC) officer's Team Leader will provide them with regular support and guidance – as needed. Also, their Team Leader will review the arrangement every six months in line with the appraisal process to ensure that the officer is managing/coping with the arrangement.

Complainants who are restricted to a SPOC will however be able to contact other members of the Customer Advocacy team if their primary contact is unavailable – e.g. 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 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.

## 5.4 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 3 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 30 minutes.
- Limiting the frequency of their telephone calls, written correspondence or face-to-face interviews. Depending on the nature 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 (eg the organisation's main email account or a designated account) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

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 designated 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', Council will clearly identify the specific means that the complainant can use to contact our office (eg 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.

## 5.5 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 – for example, 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.

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 Senior Management.

When assessing a representative/support persons’ suitability, the Management will consider factors such as: the nominated representative/support person’s competency and literacy skills, demeanour/behaviour and relationship with the complainant. If Management determine 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.

## 5.6 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, Senior Management in collaboration with People & Culture, Governance and LGA 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.
- 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 in Part 7.4 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.

## 5.7 Particular matters where unreasonable complainant procedures will not be applied

Unreasonable complainant procedures will not be applied where a person has a legal right to take a particular course of action, for example:

- To apply for access to information under the Freedom of Information Act 1999;

- To make a deputation request to be heard by the Council under the Local Government Act 1999 and associated Regulations;
- To apply for the review of a Council decision under Section 270 of the Local Government Act 1999; or
- To take action available under the Development Act 1993 or the Expiation of Offences Act 1996.

## **6. ALTERNATIVE DISPUTE RESOLUTION**

If the Customer Advocacy team, People & Culture and Governance determine 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, alternative dispute resolution strategies ('ADR') may be considered, such as mediation and conciliation to resolve the conflict with the complainant and attempt to rebuild our relationship with them. If ADR strategies are 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.

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.

South Australian Council of Community Legal Services provides mediation. For further advice and information on how they can assist in specific situations contact Central Community Legal Service on 8342 1800.

## **7. PROCEDURE FOR CHANGING OR RESTRICTING A COMPLAINANT'S ACCESS TO SERVICES**

### **7.1 Consulting with relevant staff**

When Senior Management receives details of an UCC from a staff member they will discuss the contact history. This will cover:

- The circumstances that gave rise to the UCC.
- 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.
- The suggestions made by relevant staff on ways that the situation could be managed.

### **7.2 Criteria assessed**

Following consultation with relevant staff, a search of the corporation systems (TRIM, Pathway & CRM) for information about the complainant's prior conduct and history with our organisation should be conducted. Consideration should also be given to 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 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 Senior Managers and/or the Customer Advocacy team 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 procedure.

### 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 Customer Advocacy team or Senior Manager 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 most relevant).
- Provide clear and full reasons for the warning being given
- 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.
- Be signed by the appointed Customer Advocate or Senior Manager.

The Customer Advocacy team can provide support and guidance in constructing the warning letter.

### 7.4 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 Customer Advocacy team or Senior Manager 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.
- Be signed by the appointed Customer Advocate or Senior Manager.

The Customer Advocacy Team can provide support and guidance in constructing the letter.

## **7.5 Notifying relevant staff about access changes/restrictions**

The UCC may be appointed a Single Point of Contact Officer to handle their enquiries going forward. If so,:

- The Single Point of Contact Officer will notify relevant staff about the decision 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 Single Point of Contact Officer is also responsible for ensuring all relevant staff, the CEO's Office, the Lord Mayor's Office and all Councillors are aware of customers that have been allocated a Single Point of Contact.
- The Single Point of Contact Officer will inform the Customer Advocacy team so a Customer Advocate can also update the Customers with one point of contact list on Oscar and CRM with a record outlining the nature of the restrictions imposed.

## **7.6 Continued monitoring**

Once a complainant has been issued with a warning letter or notification letter, the Customer Advocacy team or Senior Manager will review the complainant's record/restriction every 6–12 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 Customer Advocacy team or Senior Manager determines that the restrictions have been ineffective in managing the complainant's conduct or are otherwise inappropriate they may decide to modify the restrictions, impose further restrictions or terminate the complainant's access to our services altogether.

## **8. RIGHT OF APPEAL**

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 appointed Single Point of Contact Officer or Senior Manager. The staff member will then enter any materials/records relating to the appeal in the corporate systems (Pathway, TRIM or CRM).

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

## **9. 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 our corporate systems (Pathway, TRIM or CRM) and brought to the attention of a Customer Advocacy team 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 CASES**

### **10.1 Period for review**

All UCC cases where this procedure is applied will be reviewed every 6 - 12 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.

### **10.2 Criteria to be considered during a review**

When conducting a review the Customer Advocacy team will consider:

- Whether the complainant has had any contact 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 Customer Advocacy team 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.

### **10.3 Recording the outcome of a review and notifying relevant staff**

Either the appointed Single Point of Contact Officer is responsible for keeping a record of the outcome of the review, entering details into Pathway, TRIM or CRM and notifying all relevant staff of the outcome of the review including if the restriction has been withdrawn (See Part 7.5)

## **11. PROCEDURE REVIEW**

All staff are responsible for forwarding any suggestions they have in relation to this procedure to the Customer Advocacy Team, who along with relevant Senior Managers will review it biennially (every 2 years).

## **12. SUPPORTING DOCUMENTS AND POLICIES**

This procedure is compliant with, and supported by, the following documents:

- Occupational Health Safety and Work and Injury Management Policy Statement (Trim Reference ACC2010/120156)
- Corporate Complaint Handling Operating Guidelines (Trim Reference ACC2011/141865)
- Managing Unreasonable Complainant Conduct – Practice Manual (2<sup>nd</sup> edition)