

# Managing unreasonable complainants

## Overview

This policy explains what unreasonable complainant behaviour is and how we will deal with people who make unreasonable complaints.

## Scope

This policy applies to all employees of St George Community Housing and their subsidiaries (we, our and us).

## Guiding principles

We will:

- Make sure that complaints and correspondence are managed fairly and that we are transparent when making decisions and providing responses.
- Protect the health and safety of our team members
- Apply the principles and strategies outlined in the NSW Ombudsman's Practice manual for Managing Unreasonable Complainant Conduct.
- Meet our legal obligations.

## Unreasonable complainant behaviour

Unreasonable behaviour by a complainant is any behaviour that, because of the type and frequency of the behaviour, raises substantial health, safety, resource or equity issues for those involved. This may include:

- Repeated and unnecessary telephone calls or visits to our offices
- Frequent written correspondence providing large amounts of irrelevant information
- Being dishonest
- Threatening harm
- Intentionally providing misleading information or deliberately withholding information that is relevant to their complaint
- Making inappropriate demands on our time and resources

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- Making unsubstantiated accusations or defamatory comments about our team
  - Insisting on things they are not entitled to and outcomes that are clearly not possible, realistic or are appropriate in the circumstances
  - Ongoing representations to external agencies for matters that have been previously investigated and finalised
  - Refusing to accept our decisions and recommendations
  - Continuing to demand further action even after they have exhausted all available review options

## Roles and responsibilities

### **Group Executive, CEO, or the CEOs delegate**

The Group Executive, CEO, or the CEOs delegate, is responsible for:

- Deciding whether to change or restrict a person's access to our services as outlined in this policy
- Making sure decisions are recorded and reviewed
- Reviewing breaches of service restrictions and deciding whether to change a service restriction or restrict access further.

### **Heads of**

Our Heads of are responsible for helping their teams to apply this policy, identifying when behaviour becomes unreasonable and supporting their team members who are affected by unreasonable complainants.

### **All employees**

Our team is authorised and encouraged to use the strategies and scripts outlined in the NSW Ombudsman's Manual *Managing Unreasonable Conduct by a Complainant*.

Our team must report any incidents involving unreasonable complainant behaviour that they experience or witness, including any breaches of a service restriction, to their Lead, Head of, or Group Executive. If the incident impacts the health and/or safety of someone in our team, it must also be reported as a work health and safety incident and appropriate action taken.

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## Our response to unreasonable complainants

We may decide to change the way we provide services to an unreasonable complainant or limit access to our services. This could include changing:

- What they can raise with us – for example, we might restrict what they can talk to us about and what issues we will respond to, including not responding to matters that have already been addressed.
- When they can have contact – for example, we might limit contact to a time, day, or length of time, or limit the frequency of their contact with us.
- Where they can make contact – for example, we might limit the locations where the person can meet face-to-face with our team members.
- How they can make contact – for example, we might limit the type of contact that the person can have with us such as limiting face-to-face meetings, telephone and written communications, prohibiting access to our premises, or making contact only through a representative.

If we decide to restrict access, we will advise the person in writing and keep records relating to our decisions.

Any decision to change or restrict access to our services will include a time limit and will be reviewed prior to the end of the time limit.

We may also take other legal action to protect our team such as seeking an order for specific performance or an Apprehended Violence Order.

We will only terminate our services when it seems unlikely that the person will change their behaviour or where their behaviour is a significant risk.

## Appeals

Complainants are allowed one request for a review of the decision to change or restrict access to our services. Refer to our Appeals policy for more information.

If a complainant is still unhappy after a review, we will appoint an independent third party to review our decision to make sure that we have acted fairly, reasonably and consistently, and have observed the principles of good administrative practice including, procedural fairness. We will consider the recommendation made by the third party as an independent reviewer, as well as our obligations to our team and other customers.

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## Reviewing service restrictions

If we decide to restrict services, we will review the situation to make sure the arrangement is working. A review will be done every 6 months, or on request by a team member or following any further incidents of unreasonable behaviour by the complainant.

Following a review, we will tell the complainant the outcome of the review in writing and notify all relevant team members about the outcome of the review including if the restriction has been withdrawn or extended.

## Training and assistance for our team

We will provide ongoing training about unreasonable complainants to our frontline teams to help them to recognise and better deal with unreasonable complainants and difficult/complex conversations and emails.

We will also help team members who are impacted by unreasonable complainants. This may include debriefing, formal assistance through our Employee Assistance Program or assistance with legal remedies.

## Relevant laws, regulations, or standards

- [Work Health and Safety Act 2011 \(NSW\)](#)

## Related documents and resources

- NSW Ombudsman's [Managing Unreasonable Conduct by a Complainant](#)
- Policy: Appeals, Complaints and Feedback

## Policy information

<b>Version:</b>	2
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