



### 3.10 – UNREASONABLE CONTACT POLICY

#### 1. INTRODUCTION

The purpose of this policy is to assist staff members in managing unreasonable correspondence, including unreasonable or persistent complaints.

#### 2. POLICY OBJECTIVE

The aim is to ensure that staff:

- Feel confident in taking action to manage unreasonable correspondence
- Act fairly and consistently when responding to unreasonable correspondence
- Are aware of their roles and responsibilities and feel supported in dealing with unreasonable correspondence
- Are aware of the processes that are required to be followed to record and report unreasonable correspondence incidents

#### 3. POLICY SCOPE

This Policy applies to all Councillors and staff employed by the Norfolk Island Regional Council (NIRC) including volunteers and contractors.

This Policy applies to all of service areas and Departments of Council, including those services delivered by Council on behalf of the Federal (Commonwealth) Government.

This Policy applies to formal correspondence emailed to [regionalcouncil@nirc.gov.nf](mailto:regionalcouncil@nirc.gov.nf) or general correspondence emailed to [customercare@nirc.gov.nf](mailto:customercare@nirc.gov.nf)

This Policy is not designed to address violent or threatening behaviour which needs an urgent response and relates to Work Health and Safety.

#### 4. DEFINITIONS

**Unreasonable Conduct (UC)** – Unreasonable or persistent phone calls, complaints and written correspondence (or as contained within submissions) for the purpose of this Policy are characterised in the following ways:

- a) Behaviour which is persistent, harassing, prolific, repetitious
- b) Displays an insistence on pursuing unmeritorious issues and/or unrealistic outcomes beyond reason
- c) Displays an inability to accept reasonable and logical explanations including final decisions
- d) Displays an insistence upon pursuing meritorious complaints or issues in an unreasonable manner, including unreasonable demands regarding Council's operations or outcomes
- e) A "scatter gun" approach, with copies of letters being sent to several recipients on a regular basis, often including numerous Council staff as well as the media, Councillors, Office of the Administrator and/ or Members of Parliament
- f) Repeated and/or frequent requests for information, excluding requests made under FOI
- g) A lack of cooperation with Council staff

**Unreasonable Persistence** – continued, incessant and unrelenting conduct by a person that has a disproportionate and unreasonable impact on Council, its staff, services, time and/or resources. Including:

- a) Persisting with a complaint even though it has been comprehensively considered by the council, and even where all avenues of internal review have been exhausted
- b) Reframing a complaint in an attempt to get it taken up again
- c) Showing an inability to accept the final decision
- d) Persisting in interpreting the law or policy in a way that is not in accordance with generally accepted or expert views on the issue and insisting that action be taken accordingly
- e) Demanding a review because it is available but not arguing a case for a review
- f) Bombarding Council offices and staff with phone calls, visits, letters, emails (including cc'd correspondence) after being asked not to do so
- g) Contacting different people within the organisation and/or externally in order to achieve a different outcome to the request

**Unreasonable Demands** - Demands made by a person, either expressly stated or implied, that has a disproportionate and unreasonable impact on Council, its staff, services, time and/or resources. Including:

- a) Insisting on outcomes that are unattainable i.e. demanding outcomes that are beyond a council's power to deliver, demanding unreasonable outcomes, wanting to turn back time, unreasonable prosecution of individuals
- b) Insisting on a 'moral' outcome i.e. justice in the community interest, when really a personal interest is at stake
- c) Demanding an apology and/or compensation when no reasonable basis for expecting such outcomes exists
- d) Wanting revenge, retribution
- e) Wanting what is not possible or appropriate i.e. copies of sensitive documents, private contact details of staff, other complainants etc.
- f) Issuing instructions and making demands as to how a complaint should be handled
- g) Making unreasonable resource demands, expecting resources in excess of or out of proportion to the severity of the issue
- h) Wanting regular and lengthy phone contact where it is not warranted
- i) Demands for action that are out of proportion to the significance of the issue
- j) Moving the goal posts — changing the desired outcome
- k) Shopping for a sympathetic ear in the council — demanding to talk to a Manager or the General Manager personally
- l) Placing the complaint handler or the Council on an extensive email copy list and expecting responses to numerous emails
- m) Emotional blackmail and manipulation with the intent to intimidate, harass, shame or portray themselves as being victimised when this is not the case. Presenting as overly needy or dependent.
- n) Consistently creating complexity unnecessarily

**Unreasonable Demands** - Unwillingness or inability by a person to cooperate with Council, its staff, complaints system and policy and procedures that has a disproportionate and unreasonable impact on Council, its staff, services, time and/or resources. Including:

- a) Presenting a large quantity of information which is disorganised, unsorted, not classified or summarised, where the complainant is clearly capable of doing this
- b) Presenting information in dribs and drabs — refusing to present all available information at the outset
- c) Focusing on 'principles' rather than substantive issues

- d) Changing the request and/or complaint and raising new issues in the process of the Council's consideration of the request
- e) Displaying unhelpful behaviour i.e. withholding information, dishonesty, misquoting others, swamping council with documents
- f) Refusing to follow or accept Council staff instructions, suggestions and/or advice without a clear and justifiable reason for doing so

**Unreasonable Arguments** - Arguments that are not based on reason and logic, which are trivial and not supported by evidence as well as arguments which are false, defamatory or inflammatory and that has a disproportionate and unreasonable impact on Council, its staff, services, time and/or resources. Including:

- a) Those which fail to follow a logical sequence
- b) Holding irrational beliefs i.e. seeing cause and effect links unsupported by evidence
- c) Conspiracy theory unsupported by evidence
- d) Insisting that a particular solution, interpretation or argument is the only correct one in the face of valid contrary or alternative argument
- e) Interpreting facts in a clearly irrational/unreasonable way and insisting this interpretation is the correct one
- f) Insisting on the overwhelming importance of an issue that is clearly trivial
- g) Are false, inflammatory or defamatory

**Unreasonable Behaviour** - All types of behaviour considered unreasonable, regardless of how stressed, angry and frustrated the complainant is, as it unreasonably compromises the health and safety of Council staff, other service users and/or the person making the complaint. Including:

- a) Displaying confronting behaviour i.e. rudeness, aggression, verbal abuse, derogatory, racist or defamatory remarks and threats
- b) Harassment, intimidation or physical violence
- c) Sending rude, confronting, threatening letters
- d) Making threats of self-harm and/or making threats of harm to others
- e) Stalking, either in person or online
- f) Emotional manipulation and blackmail

## 5. **LEGAL AND POLICY FRAMEWORK**

*Office of Local Government, Practice Note 9 "Complaints Handling in Councils" section 10: Strategies for dealing with unreasonable conduct.*

*NSW Ombudsman Good Conduct and Administrative Practice Guidelines*

## 6. **IMPLEMENTATION**

### **6.1 Communication**

Following adoption by Council this Policy will be made available on Council's website.

### **6.2 Associated Documents**

Customer Service Charter

Complaints Handling Policy

## 7. POLICY

- a) Correspondence received by Council, will be loaded into an electronic system for monitoring purposes.
- b) The Complaints Officer or General Manager will directly assess the correspondence as unreasonable, or a staff member who identifies correspondence or complaints as unreasonable will forward the item to the Complaints Officer.
- c) The Complaints Officer or General Manager will assess the documentation against the criteria bearing in mind residents' right to complain and correspond with Council on matters of their concern.
- d) If assessed that the correspondence or complaint is unreasonable, the complaint will be forwarded to the Public Officer for a second opinion.
- e) If the Public Officer assesses the correspondence as unreasonable, Council will advise the correspondent in writing that their complaint and/or correspondence has been determined to be unreasonable, giving the reason for that decision based on the definitions in this policy.
- f) Where threats of violence or harm to a person, or other illegal activities are threatened, Council will refer the correspondence to the Police.
- g) The correspondent should be advised that if no substantive new issue is raised, any future correspondence will not receive a response.
- h) Council's Records Officer will keep a register of unreasonable complaints and correspondence.

## 8. REVIEW AND VERSION CONTROL

Policy Number	3.10		Responsible Officer	Manager Customer Care
Effective Date	20 September 2017		Next Review Date	2020
Version Number	<b>Version</b>	<b>Resolution No.</b>	<b>Effective Date</b>	<b>Version description</b>
	V1	2017/152	20 September 2017	Developed and adopted