

# Unreasonable Complainant Conduct Policy

## Purpose

This policy sets out Riverina Water's approach to conduct and communication by customers that is considered unreasonable or unacceptable; and is intended to provide a consistent approach to manage these complainants.

## Policy Statement

The performance of Riverina Water, at times, may not be to the satisfaction of customers or other external stakeholders. In those circumstances, Riverina Water is committed to ensuring the opportunity is available to express dissatisfaction through an effective complaints management system and that any complaint received through the system is dealt with courteously, investigated fully and acted on within an appropriate time period.

However, when complainants behave unreasonably their conduct can significantly affect the successful conduct of Riverina Water's work by directly impacting the wellbeing of staff and using disproportionate resourcing, which impacts service delivery for other members of our community.

## Scope

The principles set out in this policy only apply to Riverina Water's dealings with customers who are deemed to meet the criteria of an unreasonable complainant.

## Definitions

Unreasonable complainants are individuals or groups who behave in ways that are inappropriate and unacceptable, despite Riverina Water's best efforts to assist them.

Unreasonable conduct by a complainant 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 Riverina Water, its staff and other customers and complainants or the complainant themselves. It can be defined by five categories of conduct:

- › Unreasonable persistence: continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time, or resources.
- › Unreasonable demands: demands expressly made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time, or resources.

- › Unreasonable lack of cooperation: when a complainant is unwilling or unable to cooperate with us, our staff, or our complaints process – resulting in a disproportionate and unreasonable use of our services, time, or resources.
- › Unreasonable arguments: any arguments that are not based on any reason or logic, that are incomprehensible, false, or inflammatory, trivial, or delirious, and that disproportionately and unreasonably impact upon our organisation, staff, services, time, or resources.
- › Unreasonable behaviours: conduct that is unreasonable in all circumstances (regardless of how stressed, angry, or frustrated a complainant is) because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant themselves.

## Principles

Riverina Water will assess, respond, and manage unreasonable complainant conduct in guidance with the NSW Ombudsman Model Policy and Unreasonable Complainant Conduct (UCC) Manual.

Riverina Water may implement the following methods as required to manage unreasonable complainant conduct:

- › Changing or restricting a complainant's access to services, including;
  - Who they have contact with
  - What they can raise with Riverina Water
  - When they can have contact
  - How they can make contact
- › Limiting the complainant to a sole contact point
- › Limiting when and how a complainant can contact Riverina Water
- › Limiting face-to-face interviews to secure areas
- › In extreme or rare circumstances, completely terminate contact with a complainant
- › Alternate dispute resolution strategies

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

Unreasonable complainants are entitled to one request to appeal a decision to change/restrict their access to Riverina Water. The review of the appeal will be undertaken by staff independent of the original decision. If a complainant continues to be dissatisfied after the appeal process,

they will be advised to seek an external review from an oversight agency such as the Ombudsman.

### **Policy Implementation**

All Riverina Water representatives are responsible for familiarising themselves with this policy.

Staff should know how to access and be familiar with the NSW Ombudsman's model policy and manual available via its website or in the related documents section of this policy.

Staff are responsible for reporting UCC incidents they experience or witness to their supervisor as soon as possible.

In consultation with the Customer and Communications Team Leader, the relevant manager will determine if this policy applies to the complainant.

Any strategies that change or restrict a complainant's access to Riverina Water must be considered by the relevant Director in consultation with the Customer and Communications Team Leader.

### **Non Compliance**

Non-compliance with adopted policy may be considered a breach under the Code of Conduct. As such, any suspected or known non-compliance will be reported to the CEO. (Add any non-compliance information for outside the organisation as applicable)

<b>Policy number</b>	<b>1.23</b>
Responsible area	Customer and Communications
Approved by	Riverina Water Board – Res 23/065
Approval date	22 June 2023
Legislation or related strategy	Local Government Act 1993 Independent Commission Against Corruption Act 1988 Ombudsman Act 1974
Documents associated with this polic	Code of Conduct Guidelines for dealing with Code of Conduct Complaints (DLG) Protected Disclosures Policy Practice Note No 9 - Complaints Management in Councils (DLG) Complaints Management Policy Customer Service Charter Privacy Policy NSW Ombudsman Unreasonable Complainant Conduct Model Policy
Policy history	New
Review schedule	Once every Board term

Policy details may change prior to review date due to legislative or other changes, therefore this document is uncontrolled when printed.

## END OF POLICY STATEMENT

