

# Managing unreasonable complainant conduct procedure

## 1. Purpose

This procedure describes the process the Department of State Development and Infrastructure (the department) will take to manage unreasonable complainant conduct to ensure a systematic and consistent approach is applied.

## 2. Scope

This procedure applies to any current or former complainant whose conduct raises substantial health, safety, resource or equity issues for the department, its employees (as defined under the *Public Sector Act 2022*) or other customers.

The Office of Industrial Relations (OIR) is excluded from the scope of this procedure and OIR unreasonable complainant behaviour is managed in accordance with OIR policies and procedures. For more information please visit the [OIR website](#).

## 3. Associated policy

This document is to be read in conjunction with the department's [Customer complaints management policy and procedure](#). (external link)

## 4. Key Principles

The key principles underlying the department's responses to unreasonable complainant conduct include:

- » Employees will treat complainants fairly, with respect and courtesy, and it is expected that complainants will treat employees in the same manner.
- » Employees will communicate clearly with complainants throughout any interaction with the department, so expectations are clearly understood.
- » Employees understand that vulnerability and cultural factors may impact on the way a person is able to interact with the department.
- » The department has zero-tolerance for harm, abuse or threats directed towards its employees and has a responsibility to protect their health and safety.
- » Strategies to manage unreasonable complainant conduct must only be implemented to the extent necessary to enable productive management of the customer complaint.
- » Human rights will be considered at every stage of this process.

## 5. Unreasonable complainant conduct

Conduct is unreasonable if it involves actions or behaviours of a current or former complainant, which because of the nature or frequency, raises substantial health, safety, wellbeing and resource issues for the department, its employees, other service users or the complainant. Unreasonable conduct is not limited to telephone communications or face to face interactions. It can also take place online or in written correspondence.



## 6. Process

This process does not apply if the complainant's conduct creates an immediate risk of harm to a person or departmental property. If such conduct occurs, including threats to self-harm or harm others or harm to public office holders, contact Queensland Police Service (QPS).



### 6.1 Identify warning signs

Early intervention is the most effective way to prevent and/or minimise the impacts of unreasonable conduct. By recognising some of the warning signs, the department may be able to identify difficult and potential cases of unreasonable conduct and manage them better before they become a bigger problem. These warning signs are not the only factors to consider and do not always end in unreasonable conduct, however it is prudent to be aware of the signs and monitor for escalation.

Warning signs can include the complainant's:

- » history – frequency of contact and complaints to the department and previous displays of unreasonable conduct
- » style and content of communication – use of bolding, highlighting, differing colours and fonts, inappropriate language, dramatic language, lengthy or excessive submissions
- » interactions with the department – rudeness, anger, aggression, manipulation and a refusal to cooperate
- » requested outcomes – disproportionate or unlinked to the issues raised, demanding unreasonable immediate action, and
- » reaction to advice or outcomes – a refusal to accept decisions, reframing and resubmitting issues and escalating complaints without reasonable grounds.

When managing initial interactions where early warning signs are apparent:

- » avoid overreacting or being judgemental
- » be objective and separate the person's conduct from the issues they have raised
- » assess whether the conduct poses a risk to safety or resourcing implications
- » use an appropriate communication style
- » seek guidance from colleagues or a supervisor to develop an action plan, and
- » make a comprehensive record of interactions, including relevant objective observations about the complainant's conduct.

### 6.2 Assess whether conduct is reasonable

A complainant's conduct is not necessarily unreasonable just because it is seen as challenging or difficult to manage. Any assessment of a complainant's conduct should be made on a case-by-case basis and consider:

- » likely impact on employees, other clients or service delivery
- » reasonableness of the issues raised
- » complainant's circumstances
- » if demands made are proportionate to the seriousness of their issue
- » if the complainant is responsive to appropriate calming measures, and
- » whether the employee/s feels unusually stressed, anxious, threatened or otherwise uncomfortable when dealing with the complainant.

If the complainant's conduct is assessed as unreasonable, set expected standards of contact with the complainant, which should include:

- » explaining why conduct is unreasonable in the circumstances, and
- » reminding the complainant to cooperate respectfully and not act unreasonably.

If the complainant's conduct continues, it is reasonable to temporarily stop contact until an appropriate course of action or management strategies are discussed between the employee contact and their supervisor / manager. This should also be communicated to the complainant.

### 6.3 Categorise conduct

The objective of categorising conduct is not to label the complainant. It is designed to identify conduct that may affect the way the department can manage a complaint and respond using suitable strategies. Unreasonable complainant conduct can be divided into five categories:

- » persistence
- » demands
- » lack of cooperation
- » arguments, and
- » behaviour.

These categories are explained in **Appendix A: Definitions**.

### 6.4 Consider and select strategies

Strategies are outlined in Appendix B, and are strategies suggested by the Queensland Ombudsman. If unreasonable complainant behaviour continues to the extent it raises substantial health, safety, resource or equity issues for the department, departmental employees or other customers, then consideration can be given to placing limitations on the complainant. This will involve the decision maker:

- » considering all evidence and documentation to inform a reasonable decision
- » considering the type of unreasonable conduct (against the five categories defined above) taking into account the circumstances surrounding each individual complaint
- » selecting strategies that are likely to be most effective at stopping or minimising the effect of the unreasonable conduct, outlined in Appendix B
- » consider and document the human rights of both the complainant and those impacted by the unreasonable conduct when deciding appropriate strategies
- » implement strategies only to the extent necessary to enable productive management of the complaint or internal review, and
- » clearly communicate the management strategies with the complainant including how they will be implemented, who will be involved, and under what circumstances the strategies will be reviewed.

### 6.5 Implement and monitor strategies

Selected strategies should be communicated with the complainant and implemented as soon as practicable to avoid escalation of unreasonable complainant conduct.

The strategies implemented then should be monitored to inform whether changes are required. Changes can include removing the strategy or implementing a stricter strategy. Issues for monitoring can include:

- » complainant's response to the strategies and any attempts to bypass restrictions, and
- » impacts on the employees responsible for maintaining the strategy.

The timing and methods of monitoring will vary depending on the individual circumstance.

In serious cases of overt aggression, violence or unlawful conduct, strategies may include limiting or restricting the complainant from contacting the department or ceasing contact with the complainant. In some circumstances the police may also be notified.

## 6.6 Review rights

The complainant may have a right to request a review of a decision that affects them and/or their contact with the department. Details of review rights must be provided to the complainant as part of the decision.

## 7. Responsibilities

Role	Responsibilities
<b>Complainants</b>	<ul style="list-style-type: none"> <li>» Cooperate in a polite, courteous and respectful matter.</li> <li>» Clearly identify the issues of the complaint or ask for help from employees.</li> <li>» Understand unreasonable conduct will not be tolerated.</li> <li>» Not abuse or act in a threatening manner towards employees.</li> <li>» Comply with any strategies imposed by the department to deal with unreasonable conduct.</li> <li>» Understand unreasonable conduct may impact on the ability of the department to investigate and respond to a complaint.</li> </ul>
<b>Employees</b>	<ul style="list-style-type: none"> <li>» Maintain awareness of and comply with this procedure.</li> <li>» Interact fairly, reasonably and ethically with a complainant.</li> <li>» Provide reasonable assistance to complainants where appropriate.</li> <li>» Communicate clearly and respectfully with the complainant.</li> <li>» Give complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances and the conduct of the complainant.</li> <li>» Manage the complaint based on the merits of the complaint and not the behaviour of the complainant.</li> <li>» Clearly explain unreasonable conduct and the consequences of that conduct and give adequate warning of the consequences of unreasonable conduct.</li> <li>» Contact emergency services if any person is in immediate danger.</li> <li>» Document any incidents that impact on workplace health and safety and report to your manager.</li> <li>» Keep written records of instances of unreasonable conduct when they occur.</li> </ul>
<b>Managers and supervisors</b>	<ul style="list-style-type: none"> <li>» Ensure employees are aware of the requirements of this procedure.</li> <li>» Provide advice to employees managing unreasonable complainant conduct when necessary.</li> <li>» Ensure a customer complaint is still properly addressed when strategies are in place to manage unreasonable complainant conduct.</li> </ul>
<b>Decision maker</b>	<ul style="list-style-type: none"> <li>» Make an objective decision on appropriate strategies to manage unreasonable complainant conduct based on the facts of the individual situation.</li> <li>» Review implemented strategies as and when required.</li> <li>» Provide written advice to the complainant of any decisions made to manage unreasonable conduct.</li> <li>» Give proper consideration to, and make a decision compatible with, human rights.</li> </ul>

## 8. Human rights compatibility

The department is committed to respecting, protecting and promoting human rights.

Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When making a decision about a customer complaint, and managing unreasonable complainant conduct, decision-makers must comply with this obligation.

Further information on the Human Rights Act is available from the department's intranet (internal only) and the [Queensland Human Rights Commission \(external link\)](#).

## 9. Definitions

Unless otherwise defined, the terms in this procedure have the meaning as set out in *Public Sector Act 2022* and in Queensland Public Service *Customer Complaint Management Guideline*.

Refer to **Appendix A** for definitions of key terms referred to in this procedure.

## 10. Related documents, forms and templates

- » [Human Rights Act 2019 Queensland Public Service Manager's Toolkit \(internal link\)](#)
- » [Customer Complaints Management Policy and Procedure \(the department\) \(external link\)](#)

## 11. References

- » Australian Standard 10002:2022 Guidelines for complaint management in organisations
- » *Public Sector Act 2022*
- » Queensland Public Service Customer Complaint Management Framework and Customer Complaint Management Guideline
- » *Human Rights Act 2019*

## 12. Further information

For further information or clarification, please contact Integrity and Workplace Relations: [complaints@dSDLGP.qld.gov.au](mailto:complaints@dSDLGP.qld.gov.au).

## 13. Storage of information

All information should be managed in accordance with the [Public Records Act 2002](#), and the whole-of-Government [Records Governance policy](#). In addition, personal information should be managed in accordance with the [Information Privacy Act 2009](#).

## 14. Document control

<b>Document owner</b>	Director, Integrity and Workplace Relations People & Performance, Corporate			
<b>Contact details</b>	<a href="mailto:complaints@dSDLGP.qld.gov.au">complaints@dSDLGP.qld.gov.au</a>			
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1.0	26/06/2024	New procedure	Senior Advisor, IWR	Deputy Director-General, Corporate

## Appendix A: Definitions

The key terms referred to in this procedure are as follows:

Term	Definition
<b>Complainant</b>	» A complainant is a person or their representative, or a departmental representative who makes a complaint to the department. A representative must be authorised to make a complaint on behalf of the person or department e.g. parent/ or relative/person with enduring power of attorney, or officer of a department.
<b>Complaint management framework</b>	» All the policies, procedures, practices, systems, employees and resources used to manage complaints within an agency.
<b>Customer complaint</b>	<p>» A customer complaint is an expression of dissatisfaction about a service or action by someone who is directly affected by the service or action.</p> <p>» Under 264(4) of the <i>Public Sector Act 2022</i> a customer complaint is defined as 'a complaint about the service or action of a public sector entity or its employees, by a person who is apparently directly affected by the service or action'. Examples may include:</p> <ul style="list-style-type: none"> <li>» a decision made, or a failure to make a decision, by employees</li> <li>» an act, or failure to act, of the department</li> <li>» the formulation of a proposal or intention by the department</li> <li>» the making of a recommendation of the department</li> <li>» the customer service provided by employees.</li> </ul>
<b>Decision maker</b>	<p>» Is an appropriate employee within the department, who is assigned to consider and make decisions on unreasonable conduct. Under this procedure, the decision maker is:</p> <ul style="list-style-type: none"> <li>○ for Economic Development Queensland: Director, Service (in consultation with Integrity &amp; Workplace Relations)</li> <li>○ for the rest of the department: Deputy Director-General or equivalent.</li> </ul>
<b>Management strategies</b>	» Strategies that can be applied by a decision maker to manage unreasonable complainant conduct to ensure the efficient and effective resolution of a complaint.
<b>Unreasonable complainant conduct</b>	» Actions or behaviours which because of the nature or frequency, raises substantial health, safety, wellbeing or resource issues for the department, its employees, other service users or the complainant themselves.
<b>Unreasonable arguments</b>	<p>» Can include arguments that:</p> <ul style="list-style-type: none"> <li>○ have no reason or logic</li> <li>○ are incomprehensible, false or inflammatory</li> <li>○ are aggressive, abusive, derogatory, racist or defamatory</li> <li>○ are not supported by evidence, or are based on conspiracy theories</li> <li>○ reject all valid and contrary arguments.</li> </ul>

Term	Definition
<b>Unreasonable behaviour</b>	<ul style="list-style-type: none"> <li>» Can include:                             <ul style="list-style-type: none"> <li>○ acts of aggression, verbal abuse, derogatory, racist or defamatory remarks</li> <li>○ harassment, intimidation or physical violence</li> <li>○ rude, confronting or threatening correspondence</li> <li>○ threats of harm to self or others, threats with a weapon or threats to damage property</li> <li>○ stalking on person or online</li> <li>○ emotional manipulation.</li> </ul> </li> </ul>
<b>Unreasonable demands</b>	<ul style="list-style-type: none"> <li>» Can include:                             <ul style="list-style-type: none"> <li>○ demands about how the complaint should be handled</li> <li>○ insisting on an outcome that is not possible or appropriate in the circumstances</li> <li>○ intimidation, harassment, shaming or claiming to be victimised when this is not the case</li> <li>○ demanding services of a nature or scale that cannot be provided. Even after this has been repeatedly explained.</li> </ul> </li> </ul>
<b>Unreasonable lack of cooperation</b>	<ul style="list-style-type: none"> <li>» Can include:                             <ul style="list-style-type: none"> <li>○ sending a constant stream of complex or disorganised information without clearly defining the issue or explaining how the material provided relates to the complaint</li> <li>○ providing little or no detail about the complaint or providing information in 'drips and drabs'</li> <li>○ refusing to follow or accept instructions, suggestions or advice without a clear or justifiable reason</li> <li>○ unhelpful behaviour such as withholding information, acting dishonestly or mis-quoting others.</li> </ul> </li> </ul>
<b>Unreasonable persistence</b>	<ul style="list-style-type: none"> <li>» Can include:                             <ul style="list-style-type: none"> <li>○ unwillingness or inability to accept reasonable and logical explanations, including final decisions that have been comprehensively explained</li> <li>○ reframing a complaint in an effort to have the complaint taken up again</li> <li>○ multiple and repeated phone calls, visits, letters, and/or emails after being repeatedly asked to cease this contact</li> <li>○ contacting different people within or outside the department to get a different outcome</li> </ul> </li> </ul>

# Appendix B: Strategies to manage unreasonable complainant conduct

## *Strategies to be applied throughout the complaints management process*

The below strategies align to information from the [Queensland Ombudsman](#). These strategies should be applied throughout the complaints management process.

Strategy
» Set clear expectations for employees who deal with complaints. Employees should treat complainants fairly and respectfully, remain calm, act professionally and impartially and clearly communicate outcomes. Complainants who feel they have been heard, properly informed and treated with respect are more likely to respond positively, even when faced with a negative outcome.
» Establish ground rules about the conduct expected of complainants and make the organisation's expectations clear and publicly available
» Clearly communicate relevant information to complainants. Let them know what the department can/cannot do, what communication they can expect, who will be involved, the organisation's processes, timeliness and possible outcomes
» Identify, test and manage complainant expectations at the outset, and throughout the complaints process. This involves defining the complaint issues, identifying the complainant's requested outcomes, correcting misunderstandings, and redefining unrealistic/unreasonable expectations
» Exercise ownership of complaints. Make sure complainants are aware that the organisation will decide if and how their complaint will be dealt with.
» Avoid labelling complainants as this can negatively influence how they are dealt with. Respond to observable conduct instead.
» Recognise the early signs of anger and use techniques to avoid escalation.
» Make and keep good records of complainant interactions.

## *Strategies that require approval by the relevant decision maker*

If the above strategies have been implemented and unreasonable complainant conduct continues, the following strategies can be considered as appropriate and approval given by the decision maker to apply the strategy.

Strategy
» <b>Who</b> the complainant can have contact with – i.e. limiting a complainant to a sole contact employee or email address in the department.
» <b>What</b> the complainant can raise – restricting the subject matter of communication the department will consider and respond to.
» <b>When</b> the complainant can have contact – limiting a complainant's contact with the department to a particular time, day, or length of time, or curbing the frequency of their contact with the department.
» <b>How</b> the complainant can make contact – limiting or modifying the forms of contact that the complainant can have with the department including face-to-face, telephone, and written communications, prohibiting access to departmental property, and contact through a representative only. Accessibility requirements of the complainant must be considered.
» <b>Cease contact</b> can be considered as a last resort. There must be documented evidence that other strategies have been attempted and documented reasoning why ceasing contact is appropriate in the circumstance. If the substance of the complaint is genuine, the complaint itself will still be dealt with and outcome provided to the complainant.