

Unreasonable Complainant Conduct (UCC)

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This document outlines the procedure for managing Unreasonable Complainant Conduct when dealing with members of the public.

Statement

NSW Industry is committed to being accessible and responsive to all complainants who contact us for assistance or with a complaint. At the same time, our ability to provide consistently high levels of customer service depends on:

- our ability to complete our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our staff
- our ability to allocate our resources fairly, including when dealing with the volume of complaints we receive

When complainants behave unreasonably in their dealings with us, their conduct can significantly affect our success. To effectively manage such situations, we will take proactive and decisive action to address any complainant conduct that negatively and unreasonably affects us.

This Unreasonable Complainant Conduct (UCC) procedure provides staff with a framework and ensures the public are aware of how we will manage instances of UCC. This is to be read in conjunction with the Department's Service Related Complaints Policy and is based upon the NSW Ombudsman's Unreasonable Complainant Conduct Model Policy.

The aim of this procedure is to ensure all 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 about the management of UCC and how this procedure will be used
- understand the types of circumstances when it may be appropriate to manage UCC

In our dealings with customers, staff will:

- be accessible
- communicate clearly
- be accurate and consistent
- be responsive, completing actions in a timely manner
- value and encourage feedback, driving continual improvement

Our actions will be:

- fair and impartial
- professional
- respectful
- accountable
- transparent

The Department expects complainants to:

- clearly identify the issues in the complaint, or ask for help from our staff to do so

- give us all the available information in support of the complaint in a clear format at the time of making the complaint, without anything that is intentionally misleading or incorrect
- cooperate with our inquiries or investigations
- treat our staff with courtesy and respect

These Expectations and Mutual Responsibilities are detailed at Appendix A

If complainants do not meet these expectations, we may set limits or conditions on the handling of their complaint.

Most complainants act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration or anger about their complaint.

In a small number of cases, however, some complainants can behave in ways that are inappropriate and unacceptable despite our best efforts to help them through the complaints-handling process. These complainants may:

- be aggressive and verbally abusive towards our staff
- threaten harm and violence
- bombard our offices with unnecessary and excessive phone calls and emails
- make inappropriate demands on our time or resources and refuse to accept our decisions and recommendations about their complaints

When complainants behave in these ways we consider their conduct to be 'unreasonable'.

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 NSW Industry, our staff, other services users and complainants, or the complainant themselves.

Definitions

For the purpose of this procedure, UCC can be divided into five categories:

- unreasonable persistence
- unreasonable demands
- unreasonable lack of cooperation
- unreasonable arguments
- unreasonable behaviours

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 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 without arguing or presenting a valid case for reconsideration
- 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 with phone calls, visits, letters and emails after repeatedly being asked not to do so
- Contacting different people within our organisation and externally to get a different outcome or more sympathetic response to their complaint – internal and external forum shopping

Unreasonable demands

Unreasonable demands are any demands made by the complainant which have unreasonable impacts on our staff, time and resources. Some examples of unreasonable demands by complainants include:

- issuing instructions and making demands about how we should handle their complaint, the priority to be given, or the outcome to be achieved

- insisting on talking to a senior manager such as the Director General DPI, Deputy Secretary or Secretary personally when it is not appropriate or warranted
- emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame or portray themselves as innocent victims when that is not the case
- demanding answers to questions for which a comprehensive response has already been provided
- insisting on outcomes that are not possible or appropriate in the circumstances, such as for someone to be sacked or prosecuted, an apology or compensation when there is no reasonable basis for expecting this

Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness or inability by a complainant to cooperate with our staff, systems or processes that results in a disproportionate and unreasonable use of our time or resources. Examples of unreasonable lack of cooperation include:

- Sending a constant stream of incomprehensible or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about 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 or with extreme intensity that a particular solution is the only correct possibility in the face of valid contrary arguments and explanations
- Displaying unhelpful behaviour – such as withholding information, acting dishonestly or misquoting others

Unreasonable arguments

Unreasonable arguments may include any argument which is not based on reason or logic, is false or inflammatory, trivial or incomprehensible with a disproportionate and unreasonable impact upon our staff, services, time or resources. Examples of unreasonable arguments include:

- failing to follow a logical sequence
- not being supported by any evidence, or based on conspiracy theories
- rejecting all other valid and contrary arguments
- being trivial when compared to the amount of time, resources and attention that the complainant demands
- being false, inflammatory or defamatory

Unreasonable behaviours

Unreasonable behaviour is conduct that is unreasonable in all circumstances, because it unreasonably compromises the health, safety and security of our staff. Examples of unreasonable behaviour include:

- acts of aggression, verbal abuse, derogatory, racist or grossly defamatory remarks
- harassment, intimidation or physical violence
- rude, confronting and threatening correspondence
- threats of self-harm or to third parties
- threats with a weapon
- threats to damage property, including bomb threats
- stalking - in person or online

Notifying a UCC Incident

Any incidents of UCC experienced by a staff member are to be reported to their manager, recorded and referred to the responsible Executive Director/Deputy Director General or equivalent Band 2 Senior Executive (ED/DDG) by the following working day using the UCC Incident Form at Appendix B.

Details of the conduct causing concern and any information such as the history, issues and previous actions to address UCC should be provided, together with suggestions on what further action may be required.

Responding to and managing UCC

UCC incidents will generally be managed by limiting or adapting the ways we interact with or deliver services to a complainant. We do this by restricting:

- who they have contact with – limiting a complainant to only being able to make contact through a specified staff member
- what they can raise with us – restricting the subject matter of communication we will consider and to which we will respond
- when they can have contact – limiting a complainant's contact to a particular time, day or length of time, or curbing the frequency of their contact with us
- How they can make contact – limiting or modifying the forms of contact the complainant can have with us. This can include modifying or limiting 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 we recognise discretion will need to be used to adapt these to suit a complainant's personal circumstances, level of competency and literacy. We also recognise more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

Who – limiting the complainant to a specified staff member

Where a complainant tries to continually forum shop by contacting different staff, changes the issues of their complaint, repeatedly reframes their complaint, or raises an excessive number of complaints, it may be appropriate to restrict their access to a specified staff member who will exclusively manage their complaint and interactions with us. This is to ensure complaints are dealt with consistently and can minimise the chances for misunderstandings, contradictions and manipulation.

Complainants who are restricted to a sole contact person will be given the contact details of one additional staff member who they can contact if their primary contact is unavailable, such as being on leave or is otherwise unavailable for an extended period of time.

The responsible manager should support the staff member nominated as the contact by monitoring their interactions to identify any problems or signs of 'burn out' which may warrant a review of those arrangements.

What – restricting the subject matter of communications

Where complainants repeatedly send written communications, letters, emails, or online forms which raise trivial or insignificant issues, contain inappropriate or abusive content or relate to a complaint or issue which has already been comprehensively considered or reviewed (at least once) by the Department, we may restrict the type of complaint the complainant can raise or to which we will respond. Examples include:

- Refusing to respond to correspondence which raises an issue which has already been comprehensively addressed, that raises trivial issues, or is not supported by the evidence. The complainant will be advised that future correspondence of this nature will be read and filed without acknowledgment unless it provides valid additional information that we decide warrants further attention or action
- Restricting the complainant to one complaint or issue per month. Any attempts to circumvent this restriction, such as by raising multiple complaints or issues in the one complaint letter, may result in placing modifications or further restrictions on their access
- Returning correspondence to the complainant and requesting they 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 or further UCC incidents

When – limiting when and how a complainant can contact us

If a complainant's telephone or written contacts with us places an unreasonable demand on our time or resources because it is unnecessarily lengthy (disorganised or voluminous correspondence) or affects the health and safety of our staff because it involves behaviour that is

persistently rude, threatening, abusive or aggressive, we may limit when and how the complainant can interact with us.

This may include limiting:

- their telephone calls to a particular time of the day or days or the week
- the length or duration of telephone calls and written correspondence
- the frequency of their telephone calls or written correspondence

Depending on the nature of the service involved we may, for example, limit:

- telephone calls to one every two weeks
- written communications to once every two weeks

For irrelevant, lengthy, disorganised or frequent written correspondence we may also:

- require the complainant to clearly identify how the submitted information or supporting materials relate to the central issues we have identified in their complaint
- restrict the frequency with which complainants can send emails or other written communications
- restrict a complainant to sending emails to a specified email account

Writing only restrictions

When a complainant is restricted to 'writing only' they may be restricted to written communications with us through:

- email only to a specified email account
- Australia Post only
- Some other form of written contact where applicable

If it is not suitable for a complainant to enter our premises to hand deliver their written communication this must be specified when the 'write only' restriction is advised to them.

Any communications that are received in a manner that contravenes a 'write only' restriction will either be returned to the complainant or read and filed without acknowledgement.

Completely terminating a complainant's access to our services

In some cases, and as a last resort when all other strategies have been considered or attempted, it may be necessary to terminate a complainant's contact with us and access to our services. This is an extreme sanction and can only be imposed by the Director General DPI, relevant Deputy Secretary or equivalent Band 3 Senior Executive.

A decision to have no further contact with a complainant will only be made if it appears the complainant is unlikely to modify their conduct or their conduct poses a significant risk to our staff or other parties because it involves one or more of the following types of conduct:

- acts of aggression, verbal or physical abuse, threats of harm, harassment, intimidation, stalking, assault
- threats with a weapon or common office items that can be used to harm another person or themselves
- conduct that is otherwise unlawful

In these cases, the complainant will be sent a letter notifying them their access has been terminated.

Procedure for changing or restricting a complainant's access to our services

When the ED/DDG receives a UCC incident form they will contact the staff member and their manager to discuss the incident. They will seek information on:

- the circumstances that gave rise to the UCC incident
- the impact of the complainant's conduct on staff, time and resources
- the complainant's responsiveness to the staff member's warnings or requests to stop the behaviour
- any actions the staff member has taken to manage the complaint's conduct
- suggestions made by relevant staff on ways to manage the situation

Criteria to be considered

Following consultation with the reporting staff member, their manager and any other relevant staff the ED/DDG will also review available information about the complainant's prior conduct and history:

- whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances)
- whether the complainant has reasonable grounds to feel aggrieved and the merits of their argument
- the likelihood 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 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 dependants
- whether the complainant's personal circumstances have contributed to the behaviour. For example, whether the complainant is a vulnerable person who is under significant stress
- the degree to which the complainant's response or conduct was disproportionate to the circumstances
- whether there are any statutory provisions which would limit the types of limitations that can be put on the complainant's contact with us or access to our services

Once the ED/DDG 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 for in this procedure.

Decision to treat a complainant as unreasonable

Appendix C includes a checklist of issues for the ED/DDG to consider, and formally documents their decision on what action is to be taken.

Providing a warning letter

Unless a complainant's conduct poses a substantial risk to the health and safety of staff or other third parties it is expected the initial response will be to issue a written warning about their conduct.

The warning letter will:

- Specify the date, time and location of the UCC incident
- Explain why the complainant's conduct is problematic
- List the types of access changes and restrictions that may be imposed if the behaviour continues- not every possible restriction should be listed, only those that are most relevant
- Provide clear and full reasons for the warning being given
- Include an attachment of our expectations and ground rules - Appendix A
- Provide the name and contact details of the staff member who they can contact about the letter
- Be signed by the ED/DDG

Providing a notification letter

If a complainant's conduct continues after they have been given a written warning, or if the reported incident involves extreme cases of overt aggression, violence, assault or other unlawful or unacceptable conduct; the ED/DDG has the discretion to immediately send a notification letter to restrict access to our services.

This notification letter will:

- specify the date, time and location of the continued UCC
- explain why the complainant's conduct is problematic
- identify the change 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 – this should not exceed 12 months
- indicate the time period for when the restrictions will be reviewed – this should be at 3 or 6 month intervals depending upon the nature of the UCC
- provide the name and contact details of an officer who they can contact about the letter and/ or request a review of the decision
- be signed by the relevant ED/DDG

Notifying relevant staff about access changes/ restrictions

The ED/DDG will notify relevant staff about any decisions to change or restrict a complainant's access.

The Director Governance & Information Requests (DGIR) is also to be provided with a record outlining the nature of the restrictions imposed and their duration.

Appealing a decision to change or restrict access to our services

Complainants are entitled to one appeal of a decision to change or 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. The complainant will be advised of the outcome of their appeal by the DG/DS.

When finalised, records relating to the appeal process and decision are to be referred to the DGIR.

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

Non-compliance with 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 as a file note with a copy forwarded to the ED/DDG who will decide whether any action needs to be taken to modify or further restrict the complainant's access to our services.

Periodic reviews of all cases where this procedure is applied

Once a complainant has been issued with a notification letter, the ED/DDG will review the complainant's behaviour and compliance with any restrictions in accordance with the timeframes specified in the notification letter (3 – 6 months) or alternatively following any further incidents of UCC.

If the ED/DDG considers the restrictions imposed have been ineffective in managing the complainant's conduct or are otherwise inappropriate they further consider the options available to address those concerns.

Notifying the complainant of an upcoming review

The ED/DDG will invite the complainant to participate in the review process unless they determine that invitation will provoke a negative response from the complainant (ie further UCC). The invitation will be given and the review will be conducted in accordance with the complainant's access restrictions, ie if contact has been restricted to writing only then the invitation to participate will be in writing and will seek written submissions.

Criteria to be considered during review

When conducting a review, the ED/DDG will consider:

- The complainant's conduct and nature of any contact during the restriction period
- any information or arguments put forward by the complainant
- any other relevant information

The ED/DDG may also consult any staff members who have had contact with the complainant during the restriction period. Where the review is of a previous decision to terminate all access to services the ED/DDG will provide their report and recommendations to the DG/DS for consideration.

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 may not be an accurate representation of their level of compliance. Where relevant, this should be considered in context during the review.

Notifying a complainant of the outcome of review

The ED/DDG or DG/DS (depending upon the level of restriction being reviewed) will notify the complainant of the outcome of their review using the appropriate/relevant method of communication as well as a written letter explaining the outcome, as applicable. The review letter will:

- briefly explain the review process
- identify the factors that have been taken into account during the review
- explain the decision or outcome of the review and reasons

In addition, if the outcome of the review is to maintain or modify the restriction, the review letter will:

- indicate the nature of the new or continued restriction
- state the duration of the new restriction period
- provide the name and contact details of the Ed/DDG who can be contacted to discuss the letter
- be signed by the ED/DDG or DG/DS

Recording the outcome of a review and notifying relevant staff

Consistent with other decisions made under this procedure, the ED/DDG is responsible for keeping a record of the outcome of the review and notifying all relevant staff and the DGIR of the outcome of the review, including if the restriction has been withdrawn.

Roles and responsibilities

All staff

All staff are encouraged to familiarise themselves with this procedure and explain the implications and options available to complainants exhibiting the early warning signs of possible UCC.

Any UCC incidents they experience or witness are to be reported by the next working day to their ED/DDG using the UCC Incident Reporting Form at Appendix B.

Managers

Managers are to support their staff in applying these strategies and monitor possible adverse reactions through them being exposed to UCC. Any concerns regarding staff welfare should be discussed with the Health & Safety team.

Executive Directors and Deputy Directors General

Executive Directors, Deputy Directors General and equivalent Band 2 Senior executives have 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 aim to impose any service changes or 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.

The *Consideration of Whether to Modify or Restrict a Complainant's Access* form at Appendix C is to be completed as a checklist and record of their decision.

When considering what action to take the aim includes to keep at least one open line of communication with a complainant. However, we do recognise that in extreme situations all forms of contact may need to be restricted for some time to ensure the health, safety and security of our staff or third parties.

The ED/DDG is also responsible for recording, monitoring and reviewing all cases where such restrictions are imposed to ensure consistency, transparency and accountability. They are also required to refer all relevant documentation to the DGIR for recording in a centralised file of UCC actions.

Director General DPI and Deputy Secretaries

The Director General DPI, Deputy Secretaries and equivalent Band 3 Senior Executives are responsible for deciding if all contact should be refused due to the unreasonable behaviour of a complainant. This is an extreme sanction and should only be considered if it appears the complainant is unlikely to modify their conduct or their conduct poses a significant risk for our staff or other parties.

Additional Information and Resources

This procedure is based upon extracts from the NSW Ombudsman document [Managing Unreasonable Complainant Conduct – a Model Policy and Procedure](#). That document may provide further information and details on some aspects which were not able to be included in the interests of keeping this Procedure to a reasonable size, including template notification and review letters.

Further examples of UCC behaviours and suggested strategies for dealing with them, including 'scripts' for staff covering discussions with complainants in various circumstances, is available from the [Managing Unreasonable Complainant Conduct Manual \(2nd Edition\)](#) published by the NSW Ombudsman

Related policies & procedures

- NSW Industry Complaints Handling Policy
- NSW Industry Complaints Handling Procedure

Other related documents

- *Managing Unreasonable Complainant Conduct – a Model Policy and Procedure*, NSW Ombudsman
- *Managing Unreasonable Complainant Conduct Manual (2nd Edition)* – NSW Ombudsman

Revision history

Version	Date issued	Notes	By
1.0	08/12/2017	New procedure to address Unreasonable Complainant Conduct	Director Governance & Information Requests

Contact

Director Governance & Information Requests
(02) 9934 0648
complaints@industry.nsw.gov.au

Individual Expectations and Mutual Responsibilities of the Parties to a Complaint

To ensure that all complaints are dealt with fairly, efficiently and effectively and that work health and safety standards and duty of care obligations are adhered to, the following expectations and responsibilities must be observed and respected by all of the parties to the complaint process.

Individual expectations

Complainants have the reasonable expectation:

- to make a complaint and to express their opinions in ways that are reasonable, lawful and appropriate
- to an explanation of the organisation's complaints procedure, including details of the confidentiality, secrecy and/or privacy rights or obligations that may apply
- to a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case
- to a fair hearing
- to a timely response
- to be informed in at least general terms about the actions taken and outcome of their complaint
- to be given reasons that explain decisions affecting them
- to at least one right of review of the decision on the complaint
- to be treated with courtesy and respect
- to communicate valid concerns and views without fear of reprisal or other unreasonable response.

Staff have the reasonable expectation:

- to determine whether, and if so how, a complaint will be dealt with
- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances
- to expect honesty, cooperation and reasonable assistance from complainants
- to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint
- to be treated with courtesy and respect
- to a safe and healthy working environment
- to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.

Subjects of a complaint have the reasonable expectation:

- to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them
- to be treated with courtesy and respect
- to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated
- to be informed about the substance of any proposed adverse comment or decision
- to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made
- to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them
- to be protected from harassment by disgruntled complainants acting unreasonably

Mutual responsibilities

Complainants are responsible for:

- treating Departmental staff with courtesy and respect

- clearly identifying to the best of their ability the issues of complaint, or asking for help from Departmental staff to assist them in doing so
- providing to the best of their ability all the relevant information available to them at the time of making the complaint
- being honest in all communications with the Department
- informing the Department of any other action they have taken in relation to their complaint
- cooperating with the staff who are assigned to assess/ investigate/resolve/determine or otherwise deal with their complaint.

If complainants do not meet their responsibilities, NSW Industry may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

NSW Industry has a zero tolerance policy in relation to any harm, abuse or threats directed towards its staff. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the complainant. Any such conduct of a criminal nature will be reported to police and in certain cases legal action may also be considered.

Staff are responsible for:

- providing reasonable assistance to complainants who need help to make a complaint and, where appropriate, during the complaint process
- dealing with all complaints, complainants and people or organisations the subject of complaint professionally, fairly and impartially
- giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant
- giving people or organisations the subject of complaint a reasonable opportunity to put their case during the course of any investigation and before any final decision is made
- informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them and the substance of any proposed adverse comment or decision that they may need to answer or address
- keeping complainants informed of the actions taken and the outcome of their complaints
- giving complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them
- treating complainants and any people the subject of complaint with courtesy and respect at all times and in all circumstances
- taking all reasonable and practical steps to ensure that complainants are not subjected to any detrimental action in reprisal for making their complaint
- giving adequate warning of the consequences of unacceptable behaviour.

If NSW Industry or its staff fail to comply with these responsibilities, complainants may complain to the Secretary or NSW Ombudsman.

Subjects of a complaint are responsible for:

- cooperating with the staff assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction
- providing all relevant information in their possession when required to do so by a properly authorised direction or notice
- being honest in all communications concerning the investigation of the complaint
- treating the staff investigating the complaint with courtesy and respect at all times and in all circumstances
- refraining from taking any detrimental action against the complainant in reprisal for them making the complaint

If the subject of a complaint fails to comply with these responsibilities this may be managed as a breach of the Code of Conduct

NSW Industry is responsible for:

- having an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording and reviewing complaints
- decisions about how all complaints will be dealt with
- ensuring that all complaints are dealt with professionally, fairly and impartially
- ensuring that staff treat all parties to a complaint with courtesy and respect
- ensuring that the assessment and any inquiry into the investigation of a complaint is based on sound reasoning and logically probative information and evidence
- finalising complaints on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances
- implementing reasonable and appropriate policies/procedures/practices to ensure that complainants are not subjected to any detrimental action in reprisal for making a complaint, including maintaining separate complaint files and other operational files relating to the issues raised by individuals who make complaints
- giving adequate consideration to any confidentiality, secrecy and/or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

If NSW Industry fails to comply with these responsibilities, complainants may complain to the Secretary or NSW Ombudsman.

UCC Incident Report

Your name: _____

Date: _____

Name of complainant: _____

Immediate manager: _____ has been informed of incident

This form should be completed if you encounter unreasonable complainant conduct and consider that steps may need to be taken to change or restrict a complainant's access to services provided by our organisation.

After discussing the incident and circumstances and with your immediate manager, complete this form and send it (electronically or hard copy) to your Executive Director, Deputy Director General or equivalent Band 2 Senior Executive within 24 hours of a UCC incident. They will decide on the necessary and appropriate course of action for responding to and managing the complainant's conduct.

Detail the complainant's conduct and why do you consider this conduct to be unreasonable - has it occurred before/repeatedly, caused significant disruptions to our organisation, has or could raise significant health and safety issues for our staff or other persons

What action, if any, have you or your manager taken to deal with or manage the complainant's conduct? Detail any previous verbal warnings and actions to manage their behaviour.

What further action do you consider is required to effectively manage the complainant's conduct?

Note – the decision on the appropriate course of action will be made by the Executive Director, Deputy Director General or equivalent Band 2 Senior Executive.

Is there any other information that might be relevant to this case? If necessary, attach any supporting documentation.

Consideration of whether to modify or restrict a complainant’s access

- I have received a signed and completed Incident Report – copy attached
- I have spoken with the referring officer and their manager to obtain further information
- I have reviewed the complainant’s record and associated information
- In making my assessment I have considered:
 - The circumstances and merits of the complaint

 - The complainant’s situation

 - Responsiveness, including previous conduct. Is behaviour likely to change?

I have considered all reasonable options for managing the complainant’s conduct, including those that do not involve restricting their access to our services, and have decided to:

As a result,

- The complainant will be warned about their conduct in writing, or
- The complainant will be advised in writing of my decision to restrict their access to our organisation.

I have made a record of my assessment and decision about the complainant’s conduct and all relevant staff members will be notified of my decision.

A file note is to be made that notifies any staff dealing with this complainant of the nature of the conduct and the restriction that has been placed on their access, its duration and how they are to deal with the complainant. That includes how any communications from the complainant are to be managed and to whom any such communications should be directed.

Name: _____ Signature: _____

Position: _____ Date: _____

This action to be reviewed on or before - Date: _____