



Managing unreasonable complainant conduct procedure

Version: 2.0 | **Version effective:** 22/01/2024

Audience

Department-wide

Purpose

This procedure sets out the process and responsibilities for consistent management of unreasonable complainant conduct arising during the management of complaints.

Overview

The Department of Education (the department) appreciates and acknowledges a person's right to make a complaint. The department expects that complainant conduct will be appropriate, reasonable and must not compromise staff safety and wellbeing.

Conduct is unreasonable if it involves actions or behaviours, which because of the nature or frequency, raise substantial health, safety, resource or equity issues for the department, its staff, other service users or the complainant themselves.

Unreasonable conduct can arise at any time in a complaints management process and should be addressed as early as possible. Where unreasonable conduct is identified, this procedure is to be used to enable the complaint or internal review to be productively resolved by implementing management strategies. Unless the complaint is frivolous or vexatious, the matter complained about will still be dealt with, even if contact with the complainant is terminated.

This procedure applies to complaints processes outlined in the [Complaints and grievances management policy](#) with the exception of individual employee grievances.

Responsibilities

Complainant

- cooperate in a respectful way and understand that unreasonable conduct will not be tolerated

- comply with any management strategies the department implements to deal with the unreasonable conduct
- understand that the department may terminate contact if conduct is too unreasonable to manage, but the complaint will still be dealt with, unless it is frivolous or vexatious
- understand that if the department terminates contact with you this means the department will not continue to engage with you about your complaint and the department's complaints management process for that complaint will be exhausted. New or emergent issues can still be raised with the school or department, if required.

All staff involved in managing complaints or internal reviews (complaints officer or internal review officer)

- communicate the complaint process and what to expect to the complainant throughout the complaint process and ensure complainants understand their responsibilities
- manage complaints based on their merits regardless of the complainant's conduct
- focus on personal health, safety and wellbeing, and seek assistance or debrief where required
- as soon as unreasonable conduct is identified, set boundaries with the complainant by explaining reasonable and unreasonable conduct and clearly define the consequences of unreasonable conduct
- if any person is in immediate danger contact emergency services on 000
- use clear, respectful language to communicate with complainants
- keep written records of instances of unreasonable conduct when they occur
- if the unreasonable conduct continues, use [suitable management strategies](#) (DoE employees only) and maintain appropriate records to support the use of the strategy, such as recording instances of unreasonable behaviour
- act fairly, reasonably and ethically in all interactions with a complainant, including considering the complainant's circumstances
- consider the human rights of the complainant when making decisions and ensure any management strategies used are compatible with human rights
- if additional support is required to manage unreasonable conduct, seek advice and assistance from a principal, deputy principal, supervisor or manager
- where management strategies are unsuccessful and continued engagement with the complainant is unproductive, prepare advice to your regional director or assistant director-general to determine whether contact with the complainant should be terminated
- keep an up-to-date complaint register or record.

Additional responsibilities for principals, deputy principals, supervisors or managers

- support staff to participate in training about how to manage unreasonable complainant conduct
- ensure that even if contact with the complainant is terminated, the complaint is still addressed, unless the complaint is frivolous or vexatious.
- provide advice to staff managing unreasonable complainant conduct when necessary

- give staff opportunities to debrief after managing unreasonable complainant conduct and encourage use of the [Employee Assistance Program](#) (DoE employees only) where required
- principals and deputy principals, [seek advice](#) (DoE employees only) or escalate unreasonable complainant conduct matters to the regional office if support is required
- supervisors and managers, report to regional or divisional management on matters involving unreasonable complainant conduct if support is required.

Regional Director or Assistant Director-General

- review and consider evidence provided by the complaints officer or internal review officer of a complainant's unreasonable conduct to determine whether terminating contact with the complainant is appropriate
- provide written advice to the complainant informing them of the decision to terminate contact.

Process

This process does not apply if a complainant's conduct creates an immediate unacceptable risk of harm to a person or departmental property. If these circumstances arise in a school, follow the [Hostile people on school premises, wilful disturbance and trespass procedure](#). For regions and divisions, the following approach should be adopted:

- immediately bring the matter to the attention of a senior officer/supervisor
- suspend contact with the complainant
- tell the complainant not to present on departmental property
- if necessary, refer the matter to the Queensland Police Service.

The following process can be applied to unreasonable conduct that arises during the management of a complaint or internal review requested by the complainant if they are dissatisfied with the original complaint outcome or process.

If a complainant has multiple complaints and/or internal reviews in progress with the department, any management strategies implemented can apply to all complaints and reviews involving the complainant.

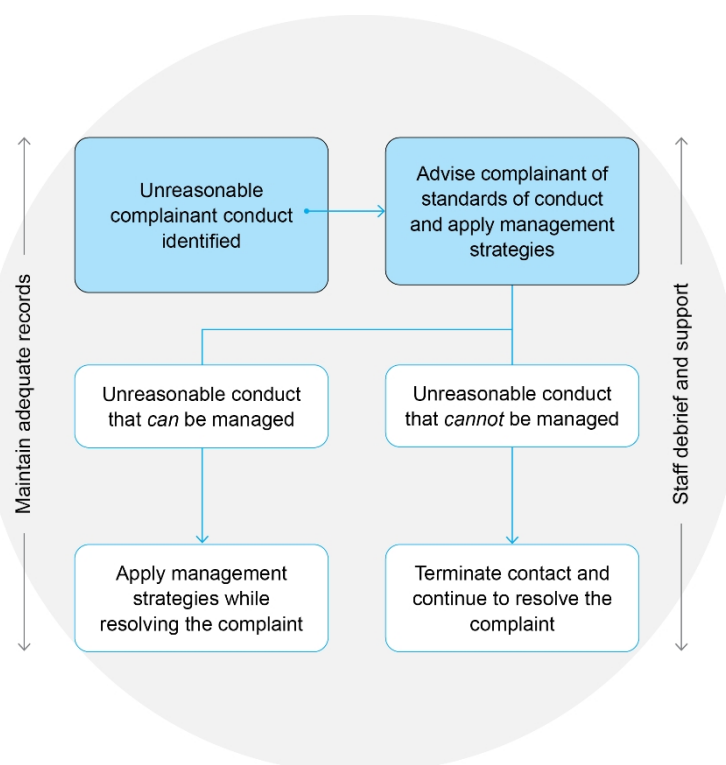


Image 1: Process to manage and resolve unreasonable complainant conduct

1. Unreasonable complainant conduct identified

- The complaints officer or internal review officer will actively monitor the complainant's conduct throughout the complaints management process to identify if it is reasonable or unreasonable.
 - The complaints officer or internal review officer must assess all conduct on a case-by-case basis to decide whether it is unreasonable in the circumstances – i.e. the nature or frequency of the conduct raises substantial health, safety, resource or equity issues for the department, its staff, other service users or the complainant themselves.
 - If unreasonable conduct by the same complainant is identified across a series of complaints, the same management strategy or strategies can be applied to all complaints in the series.
 - The [complainant information sheet](#) will assist complainants to understand different types of unreasonable conduct.
 - The [Good practice guide to managing unreasonable complainant conduct](#) (Good practice guide) (DoE employees only) contains examples of unreasonable conduct and guidance on possible management strategies.
- If the complaints officer or internal review officer considers the complainant's conduct to be unreasonable, this should be recorded in a register and/or records management system.
 - Unreasonable conduct should be recorded when it occurs and in sufficient detail that it provides justification for any future management strategies that need to be put in place.
- If the complaint is being managed at a school by a principal or deputy principal, [assistance for school leaders](#) (DoE employees only) is available at any stage of the complaint management process. The regional office can also provide assistance.

2. Set standards of conduct and apply management strategies

- Once unreasonable conduct is identified, the complaints officer or internal review officer must set expected standards of conduct with the complainant by:
 - explaining why conduct is unreasonable in the circumstances; and
 - reminding the complainant to cooperate respectfully and not act unreasonably.

Examples of unreasonable conduct can be found in the [Good practice guide](#) (DoE employees only)

- The complaints officer or internal review officer must consider the type of unreasonable conduct and use strategies to mitigate or manage the conduct.
 - Strategies must only be implemented to the extent necessary to enable productive management of the complaint or internal review.
 - The human rights of both the complainant and those impacted by the unreasonable conduct must be considered when implementing strategies and this consideration documented.
 - Staff safety and wellbeing is paramount. If a complainant's immediate conduct is inappropriate or unacceptable, it may be necessary to temporarily stop contact with the complainant while management strategies are developed and put in place. For example, if a complainant is shouting or swearing during a phone call, the call should be ended.
 - Refer to the [Good practice guide](#) (DoE employees only) for possible management strategies and information about human rights considerations.
- The complaints officer or internal review officer must explain the management strategies to the complainant, ask them to comply, and warn that ongoing unreasonable conduct may result in further strategies being imposed or possible termination of contact.
 - This explanation can be provided verbally, but must also be provided in writing and saved in the register and/or records management system.
 - The [warning letter template](#) (DoE employees only) can be used for written advice.

3. Monitor complainant conduct

- Once management strategies are in place, the complaints officer or internal review officer will monitor the complainant's conduct and determine if it remains unreasonable. Each instance of unreasonable conduct should be recorded in the register and/or records management system.
 - Factors to be considered include:
 - how long the strategies have been in place and if the complainant has had reasonable opportunity to comply
 - the degree of compliance or non-compliance with the management strategies
 - any other factors relevant in the circumstances.
 - The frequency of monitoring will depend on the type of conduct, for example:
 - persistent contact multiple times a day may need active, daily monitoring
 - aggressive behaviour may only need monitoring when contact with the complainant occurs.

- The complaints officer or internal review officer will take further action, based on their assessment of the complainant's conduct. Possible outcomes include:
 - if the conduct is no longer unreasonable, manage and resolve the complaint or internal review in the usual way.
 - if conduct remains unreasonable, but has improved, reinforce existing management strategies or implement a different strategy, and again warn the complainant of the consequences of ongoing unreasonable conduct. This can be repeated as many times as it is productive to do so.
 - if the conduct is so unreasonable that the complaint or internal review cannot be productively resolved, contact with the complainant may be terminated (see step 4).
 - The complaint issues will still be dealt with, unless it is frivolous or vexatious and an outcome is to be provided to the complainant. However, there is no need to have ongoing engagement with the complainant about the complaint or internal review matter(s) to which the termination relates. Any new or emergent issues can still be raised with the school or department.
 - If termination occurs, the department's complaints process for this matter(s) will also be exhausted (for instance - there is no need to offer internal review if one has not been completed).

4. Termination

- Termination is a last-resort, which should only be considered if the complainant's conduct is so unreasonable that continued engagement is unproductive and/or inappropriately burdens anyone's health, safety or wellbeing or departmental resources.
 - Staff safety and wellbeing is paramount. If a complainant's immediate conduct is inappropriate or unacceptable, it may be necessary to temporarily stop contact with the complainant while the termination process is undertaken. For example, if a complainant is shouting or swearing during a phone call, the call should be ended.
- To commence the termination process, the complaints officer or internal review officer must prepare advice for the regional director or assistant director-general recommending the termination and explaining why termination is appropriate. This should include evidence that demonstrates:
 - the complainant has been treated fairly, reasonably and ethically and proper consideration has been given to their human rights
 - the complaints officer has complied with the [Complaints and grievances management policy](#) and relevant complaints procedure and/or any relevant internal review procedure
 - there are no reasonable prospects of engaging productively with the complainant and continued engagement would create unreasonable risks to staff or others, and/or unreasonably burden departmental resources.
- The regional director or assistant director-general must not terminate contact with the complainant unless satisfied termination is appropriate. The evidence provided by the complaints officer or internal review officer (as outlined in the previous point) should inform the decision to terminate contact.
- The regional director or assistant director-general must provide written advice to the complainant (see [termination letter template](#) (DoE employees only)) about the termination, including:
 - clearly stating that:

- contact with the complainant about the complaint, series of complaints or internal review has been terminated and there will be no ongoing communication or engagement about the matter(s); and
 - the department's complaints process for these matters is exhausted.
- the grounds for the termination
 - any alternative options available to the complainant (for example, external review by the Queensland Ombudsman or other review agency); and
 - how the complainant can raise any new or emergent issues with the school or department.
- The complaints officer or internal review officer must update the register to reflect the termination of contact with the complainant and save any records in the department's records management system.
 - The complaints officer or internal review officer must still address the complaint or review issue, unless it is frivolous or vexatious. An outcome should be provided to the complainant once completed.
 - If the complainant continues to contact the department about the same issues following termination, the complaints officer or internal review officer is not required to continue communications with the complainant. However, if new complaint issues are raised, these must be considered in accordance with the relevant complaints procedure.

5. Debrief and support options

Principals, deputy principals, supervisors or managers must ensure [support and debriefing options](#) (DoE employees only) are available to complaints officers and internal review officers managing or exposed to unreasonable complainant conduct.

Definitions

Term	Definition
Complainant	A person, organisation or their representative/advocate making a customer complaint.
Complaints officer	A complaints officer is a departmental employee managing a complaint. Complaints officers may work in schools, regions or divisions. Their functions may include, but are not limited to, intake, assessment, management, resolution, and data entry. The management of a complaint may involve one or more complaints officers.
Complaint	An expression of dissatisfaction about a service or action by someone who is directly affected by the service or action.
External review	A process conducted by an external review body (for example, Queensland Ombudsman or Queensland Human Rights Commission) to ensure departmental decision-making is fair, reasonable and proper.
Frivolous	A frivolous complaint or internal review is one with no serious purpose or value, and does not justify the resources required to action it.

Term	Definition
Internal review	A process conducted by appropriately trained departmental staff on request from the complainant which examines if the complaint management process for the original complaint was appropriate and/or if the outcome reached was reasonable. An internal review is not a re-investigation of the original complaint.
Internal review officer	<p>An internal review officer is a departmental employee who conducts an internal review. The officer must:</p> <ul style="list-style-type: none"> • be independent from the original complaint; and • for customer complaints, be in a position equal to, or higher than, the original decision-maker, or nominated by such a person; <p>Internal review officers will be regional or divisional staff. An internal review may involve more than one internal review officer.</p>
Management strategies	Strategies that can be applied by a decision maker to manage unreasonable complainant conduct to enable the efficient and effective resolution of a complaint.
Register	A tool used to capture and record complaints data, including information about the complainant, their complaint, how the department has resolved the matter, and any reviews undertaken.
Unreasonable complainant conduct	<p>Conduct is likely to be unreasonable where it involves actions or behaviours which because of the nature or frequency, raises substantial health, safety, wellbeing, resource or equity issues for the department, its staff, other service users or the complainant themselves. Examples include:</p> <ul style="list-style-type: none"> • persistent contact (for example, excessive and unnecessary phone calls or emails) • demanding conduct (for example, demanding more reviews than departmental procedures allow, or demanding a different outcome without showing the original decision was incorrect) • unreasonable lack of cooperation (for example, refusing to identify the issue of complaint or providing disorganised information) • unreasonable arguments (for example, making irrational claims) • unreasonable behaviour (for example, aggression or violence to staff, or threatening harm to self and others).
Vexatious	A vexatious complaint or internal review is without reasonable or sound basis in fact, has little chance of succeeding and is instead designed to harass, annoy, or create a resource burden for the department.

Legislation

- [Public Sector Act 2022 \(Qld\)](#) section 264
- [Education \(General Provisions\) Act 2006 \(Qld\)](#) section 46
- [Human Rights Act 2019 \(Qld\)](#)

Delegations/Authorisations

- [Delegation of Director-General's powers under Education \(General Provisions\) Act 2006](#) section 46

Policies and procedures in this group

- [Complaints and grievances management policy](#)
- [Customer complaints management - Internal review procedure](#)
- [Customer complaints management procedure](#)
- [Complaints and appeals – subclass 500 \(schools\) visa procedure](#)
- [Complaints involving the 'public official' \(Director-General\) procedure](#)
- [Individual employee grievances procedure](#)
- [Information privacy and right to information procedure](#)
- [Making and managing a public interest disclosure procedure](#)
- [Reporting fraud and corruption procedure](#)

Supporting information for this procedure

- [Complainant information sheet](#)

Other resources

- [Managing complex complainant behaviour](#)
- [Managing unreasonable conduct by a complainant practice manual](#)
- [Good practice guide to managing unreasonable complainant conduct](#) (DoE employees only)
- [Warning letter template](#) (DoE employees only)
- [Termination letter template](#) (DoE employees only)
- AS/NZS ISO 10002:2022 – Guideline for complaint management in organisations

Contact

Please refer to the relevant procedure for contact information.

For departmental staff who would like more information about this procedure, please email customercomplaintsgs@qed.qld.gov.au

Review date

22/01/2027

Superseded versions

Previous seven years shown. Minor version updates not included.

1.0 Customer complaints management – Managing unreasonable complainant conduct procedure

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