

# Managing unreasonable conduct by a complainant – guidelines and procedures

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Read this document with the Complaint resolution policy, Complaint resolution for schools and corporate guidelines and procedures and the Internal review of complaints guidelines and procedures.

## 1. Introduction

The Northern Territory (NT) Department of Education (the department) is committed to positive partnerships with students, families and our school communities. We welcome feedback and complaints as opportunities to learn, grow and improve.

Our commitment to being accessible and responsive to all complainants depends on:

- the ability of staff to work effectively and efficiently
- the health, safety, and security of our staff
- the ability to allocate resources fairly across all complaints received.

When complainants behave unreasonably in their dealings with us, their conduct can significantly affect our success. These guidelines and procedures have been developed to provide a robust and standardised approach to managing instances of unreasonable conduct by complainants (UCC) and aim to ensure that department staff:

- are aware of warning signs and minimisation techniques for UCC
- feel confident and supported in taking action to manage UCC
- act fairly, consistently, honestly, and appropriately when responding to UCC
- understand their roles and responsibilities in relation to the management of UCC, and how these guidelines should be used
- understand the types of circumstances where it may be appropriate to manage UCC using one or more of the following mechanisms:
  - the strategies for restricting access to services provided in the [Managing unreasonable conduct by a complainant](#) – a manual for frontline staff, supervisors and senior managers (the NSW Ombudsman practice manual) published by the NSW Ombudsman in 2021
  - alternative dispute resolution strategies to deal with conflicts involving complainants
  - legal instruments such as trespass directions or warnings, to prevent a complainant from coming onto department premises, and orders to protect specific staff or volunteers from any actual or apprehended personal violence or intimidation
- understand the criteria to be considered before deciding to restrict a complainant's access to services
- are aware of the processes for recording and reporting UCC incidents
- follow the procedures for consulting and notifying complainants about any proposed decision to restrict their access to services
- understand the requirement to periodically review decisions made using these guidelines.

Restrictions on complainant's access to services must be applied cautiously. Care and education services must continue to be available to children and students.

A complainant’s personal needs and circumstances must always be considered and any decision to restrict access to services must not go beyond what is appropriate and necessary to manage their conduct. For these reasons, a decision to change or restrict a complainant’s access to services can only be made at the principal or corporate director level, or above.

In all cases, the department will strive to keep at least one line of communication open with a complainant. In rare cases, and only as a last resort, when all other strategies have been considered, a complainant’s access to services may be completely restricted.

Nothing in these guidelines limits the capacity and legal requirement of the department to take appropriate action in certain circumstances, such as where the UCC involves an imminent threat to the mental or physical health or well-being of another person, or a failure to obey a lawful instruction.

## 2. Implementation in schools and corporate

Principals and corporate leaders are responsible for the effective implementation and operation of these guidelines and procedures in their school or corporate business area. Operating procedures and administrative arrangements, including the nomination of approved decision makers, must be established in each school and corporate business area, and communicated to relevant staff.

## 3. Definitions

These definitions are specific to managing unreasonable conduct by a complainant and are additional to the definitions provided in the Complaint resolution for schools and corporate guidelines and procedures.

Definitions	Full form
Approved decision maker	School principal or corporate staff at director level or above. A principal or corporate leader may nominate other approved decision makers within their school or corporate business area.
Internal review of decision	An impartial examination of a decision to impose restrictions on a complainant’s access to services.
Internal review officer	The person responsible for reviewing a decision to a complainant’s access to services. The review officer must be someone who was not involved in the original decision to restrict access to services.
Restriction period	The length of time the restriction will apply to a complainant’s access to services. The restriction period can be no greater than 12 months.
Restriction review	A review by the approved decision maker of the ongoing effectiveness and appropriateness of the restrictions applied to a complainant’s access to services. A restriction review may result in the restriction being removed, maintained, or modified.
Suitable person	A person with the skills, knowledge and experience relevant to the internal review of a decision to impose restrictions on access to services.

## 4. Defining unreasonable conduct by a complainant

Unreasonable conduct by complainants 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 the department, its staff and volunteers, other service users, or the complainant themselves.

Unreasonable conduct by complainants can be divided into five categories of conduct and can be across one or more categories:

- unreasonable persistence
- unreasonable demands
- unreasonable lack of cooperation
- unreasonable arguments
- unreasonable behaviour.

## 4.1. 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, or resources. Some examples of unreasonably persistent behaviour include:

- an unwillingness or inability to accept reasonable and logical explanations, including final decisions, when it is evident the complainant does understand the information provided
- persistently demanding a review without providing reasons or presenting a case for one
- refusing to accept that we cannot or will not take further action on their complaint after exhausting all available options
- reframing a complaint to try and get it taken up again
- multiple and repeated phone calls, visits, letters, emails including cc'd correspondence after we have repeatedly asked them not to
- contacting different people within or outside our organisation to get a different outcome or a more sympathetic response to their complaint – this is known as internal and external forum shopping.

## 4.2. Unreasonable demands

Unreasonable demands are any demands expressly made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time, or resources. Some examples of unreasonable demands include:

- issuing instructions and making demands about how to handle their complaint, the priority it should be given, or the outcome to be achieved
- insisting on talking to a senior manager or the Chief Executive (CE) personally after the reasons for not granting the request have been clearly explained
- emotional blackmail and manipulation, resulting in staff feeling intimidated or harassed
- insisting on outcomes that are not possible or appropriate in the circumstances, for example asking for someone to be fired or prosecuted, a student to be expelled, or for an apology or compensation when there is no reasonable basis for this
- demanding services of a nature or scale that we cannot provide, even after we have explained this to them repeatedly.

### 4.3. Unreasonable lack of cooperation

Unreasonable lack of cooperation is 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. Some examples of unreasonable lack of cooperation include:

- sending a constant stream of complex or disorganised information without explaining how the material relates to their complaint where the complainant is clearly capable of doing this
- providing little or no detail around their complaint or providing information in dribs and drabs
- refusing to follow or accept instructions, suggestions, or advice without good reason
- arguing that a particular solution is the correct one in the face of valid contrary arguments and explanations
- unhelpful behaviour such as withholding information, acting dishonestly and misquoting others.

### 4.4. Unreasonable arguments

Unreasonable arguments include arguments that are not based on any reason or logic; that are incomprehensible, false, or inflammatory, and that disproportionately and unreasonably impact upon our organisation, staff, services, time, or resources. Arguments are unreasonable when they:

- fail to follow a logical sequence that the complainant can explain to staff
- are not supported by any evidence or are based on conspiracy theories
- lead a complainant to reject all other valid and contrary arguments
- are trivial when compared to the amount of time and resources that the complainant demands
- are false, inflammatory, or defamatory.

### 4.5. Unreasonable behaviour

Unreasonable behaviour is 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, students or volunteers, other service users or the complainant themselves. Some examples of unreasonable behaviours include:

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

The department has zero tolerance for harm, abuse or threats directed towards our staff and will take proactive and decisive action in response to such behaviour in accordance with our duty of care and work health and safety responsibilities.

## 5. Roles and Responsibilities

These roles and responsibilities are specific to managing unreasonable conduct by a complainant and are additional to the roles and responsibilities in the Complaint resolution in schools and corporate guidelines and procedures.

### 5.1. All staff

All staff are responsible for:

- being fair, reasonable, and professional in all interactions with complainants
- being familiar with these guidelines and procedures
- reporting all UCC incidents they experience or witness to their line manager within 24 hours
- reporting all non-compliance by a complainant with an imposed restriction to their line manager within 24 hours
- taking all reasonable steps to prevent reprisal or perception of reprisal against complainants.

### 5.2. Complaint managers

Complaint managers are also responsible for:

- being familiar with and using the strategies and scripts for managing different types of unreasonable conduct by a complainant
- making complainants who exhibit early signs of or engage in UCC aware of these guidelines and procedures and providing adequate warning of the consequences of unreasonable conduct
- applying these guidelines and procedures in a fair and consistent manner
- keeping good records of interactions with complainants and the decisions and actions taken to manage UCC
- participating in training and awareness activities for managing unreasonable conduct.

### 5.3. Line managers

Line managers are also responsible for:

- providing guidance, advice and oversight to complaint managers
- monitoring staff well-being and ensuring proper care and support is provided after a stressful interaction with a complainant, including debriefing and support through an employee assistance program as required
- giving timely consideration to, and if appropriate, timely escalation of requests from staff to manage a complainant's UCC in accordance with these guidelines and procedures
- monitoring complainant compliance with restrictions on access to services, and the effectiveness of the restrictions in managing the complainant's conduct
- ensuring good records of interactions with complainants and the decisions and actions taken to manage UCC are kept.



## 5.4. Principals and corporate leaders

Principals and corporate leaders are also responsible for:

- ensuring staff are aware of and can access these guidelines and procedures
- empowering staff to recognise, report and manage UCC
- supporting staff to apply the strategies and scripts for managing UCC
- receiving and reviewing UCC reports submitted to them by staff
- reviewing requests from staff seeking to issue warning letters to complainants about their conduct and potential restriction on their access to services
- making the final decision on proposals to change or restrict a complainant's access to services
- ensuring staff are aware the final decisions can only be made by an approved decision maker
- ensuring changes to complainant's access to services are the least restrictive options for managing the conduct
- ensuring decisions to restrict a complainant's access to services are procedurally fair
- ensuring complainant requests for review of decisions to impose restrictions are managed in line with the department's Internal review of complaints guidelines and procedures
- reviewing restrictions within specified timeframes
- providing copies of all warning and notices of decisions made under these guidelines to [resolution.doe@education.nt.gov.au](mailto:resolution.doe@education.nt.gov.au)
- ensuring all reasonable steps are taken to prevent reprisal or perception of reprisal against complainants
- ensuring staff participate in managing UCC training and awareness activities.

## 5.5. School Operations

School Operations are responsible for:

- promoting and supporting the application of these guidelines and procedures in schools
- promoting accountability, transparency and consistency in decision making in the application of these guidelines and procedures
- providing information, advice and enabling support to school staff managing UCC
- seeking information, advice and enabling support in the management of UCC when required
- maintaining records of interactions with complainants and the decisions and actions taken to manage UCC.

## 5.6. Resolution Unit

The Resolution Unit is responsible for:

- developing, promoting, and maintaining effective guidelines and procedures for managing UCC
- developing and delivering staff training and awareness program for managing UCC

- providing information, advice and enabling support to schools and corporate business units managing UCC
- receiving and coordinating all requests for an internal review of decisions to restrict access to services
- developing and maintaining systems to record and report on UCC incident data
- seeking feedback and analysing UCC incident data to evaluate the effectiveness of these guidelines and procedures in managing and reducing the incidence of UCC.

## 5.7. Chief Executive

The Chief Executive is responsible for:

- upholding the department's commitment to safe and healthy work and learning environments
- ensuring guidelines and procedures for managing UCC are established and applied across the department.

# 6. Guidelines for managing unreasonable conduct by a complainant

## 6.1. Accessibility

Not everyone in the community has the same communication preferences or needs. The more difficult it is for a complainant to communicate with the department, the more likely they will become frustrated and behave in a way that negatively impacts staff.

Overcoming communication barriers may assist in minimising UCC and the department must make reasonable accommodations for, and avoid discriminating against, complainants because of attributes such as: age, race, sex, gender or disability, including mental illness.

These guidelines refer to communicating with complainants in writing. Where this is not appropriate, arrangements must be made for the provision and acceptance of information by other culturally, linguistically, or personally appropriate means.

For more information, read the Complaint resolution for schools and corporate guidelines and procedures.

## 6.2. Cultural responsiveness

Communication styles and patterns vary from person to person and culture to culture. Staff who find a complainant's conduct unreasonable must consider whether there may be a cultural difference in communication contributing to this assessment.

For information and guidance on common cultural communication styles, refer to the NSW Ombudsman practice manual.

### 6.3. Minimising exacerbation of unreasonable conduct

Complainants should always be treated with dignity and respect. Strategies that may assist in preventing and minimising UCC include:

- Setting expectations about complainant conduct. The Individual rights and mutual responsibilities in complaint resolution information sheet should be provided to all complainants
- communicating clearly about what complainants can expect from staff and the complaint process
- identifying and managing complainant expectations at the earliest opportunity
- exercising ownership over the process by ensuring complainants understand they own the issues of complaint, while the staff control the management of the complaint
- avoiding labelling of complainants as difficult, which may affect how we deal with them
- applying communication and management strategies appropriately and consistently
- recognising the early signs of complainant anger and using effective techniques to diffuse or avoid escalation of the anger.

Despite best efforts, sometimes we may get it wrong and trigger or exacerbate UCC. Mistakes can be made, complaints and cases can be mishandled, delays can occur, and processes and procedures are sometimes complex, culturally inappropriate, or unresponsive to the needs of certain complainants. In these circumstances, and in any circumstance where the department has contributed to a complainant's unreasonable conduct, we should immediately rectify the problem – including by providing the complainant with an apology.

For information on making apologies, refer to: [Apologies – A practical guide](#), NSW Ombudsman.

For further guidance on strategies for responding to UCC which may avoid the need for restrictions, see Strategies and script ideas.

### 6.4. Alternative dispute resolution options

Alternative dispute resolution is regularly considered as part of the complaint resolution process as an option to resolve disputes and repair relationships. When UCC or potential UCC is identified, renewed consideration should be given to alternative dispute resolution (ADR) strategies such as mediation, conciliation or conflict coaching by an independent third party. This will be particularly important where the department:

- cannot completely restrict communication with the person
- has considered or attempted reasonable management strategies to manage the dispute
- bears some responsibility for causing or exacerbating the person's conduct.

It is recognised that in some UCC situations, ADR may not be an appropriate or effective strategy, and each case will be assessed on its own facts to determine the suitability of this approach. For information and guidance on considering ADR in the context of UCC, refer to the NSW Ombudsman practice manual.

## 6.5. Restricting access to services

When a complainant's conduct raises substantial health, safety, resource or equity issues for the department, its staff and volunteers, other service users, or to the complainant themselves, the department may decide to restrict or change the way the department interacts with, or delivers services to complainants, in the following ways:

- who they have contact with, for example, limiting a complainant to a sole contact person
- what they can raise with the department, for example, restricting the subject matter of communications that the department will consider and respond to
- when they can have contact, for example, limiting a complainant's contact with the department to a particular time, day, or length of time, or curbing the frequency of their contact
- where they can make contact, for example, limiting the locations where the department will conduct face-to-face
- how they can make contact, for example, limiting face to face meetings or requiring contact with the department to be made through a representative only.

## 6.6. Consider human rights when managing unreasonable conduct

The department is committed to embodying the [National Principles for Child Safe Organisations](#), and more broadly to upholding the requirements enshrined in various United Nations conventions to which Australia is a signatory, including the [Convention on the Rights of the Child](#). The complainant's human rights and the best interests of any child involved in the complaint must be considered when making decisions to change or restrict access to department services.

Proper consideration means:

- understanding in general terms which rights might be relevant
- understanding whether those rights will be interfered with by the decision, and if so, how
- considering the possible impact of the decision on a person's human rights and how this might affect the person
- identifying other, possibly opposing interests or obligations that will need to be balanced in the decision
- balancing competing private and public interests.

The least restrictive measures to effectively manage the UCC while maintaining engagement with the complainant must be used. Discretion must be applied to ensure appropriate consideration of a complainant's individual needs and circumstances when deciding to restrict access. In this regard, the department recognises that more than one strategy may need to be used in individual cases.

# 7. Strategies for managing unreasonable conduct

## 7.1. Who: limiting the complainant to a sole contact point

When a complainant tries to forum-shop internally within the department; changes their issues of complaint repeatedly; reframes the same complaint; or raises an excessive number of complaints, it may be appropriate to restrict their access to a single staff member who will manage their complaints and their

interaction with the department. This helps ensure they are dealt with consistently and may minimise the risk of misunderstandings, contradictions, or manipulation.

The sole contact person's line manager is responsible for monitoring staff well-being and ensuring proper care and support is provided.

Complainants who are restricted to a sole contact person must be provided the contact details of one additional staff member who they can contact if their primary contact is unavailable.

## 7.2. What: restricting the subject matter of communications

Where complainants repeatedly send letters, emails, or online forms that raise trivial or insignificant issues; contain inappropriate or abusive content; or relate to a complaint or issue that has already been considered or reviewed, the department may restrict the issues or subject matter that will receive a response. The department may:

- refuse to respond to correspondence that raises an issue that has already been dealt with; that raises a trivial issue; or that is not supported by evidence. The complainant will be advised that future correspondence of this kind will be read and filed without acknowledgement unless the department decides to pursue it further
- restrict the complainant to one complaint or issue per month. Any attempts to circumvent this restriction, for example, by raising multiple complaints or issues in the one complaint letter, may result in modifications or further restrictions being placed on their access
- return correspondence to the complainant and require them to remove any inappropriate content before the contents will be considered. A copy of the inappropriate correspondence will be kept on record to identify repeat UCC incidents.

## 7.3. When: limiting when a complainant can contact the department

If a complainant's contact with the department places an unreasonable demand on time or resources, or affects the health, safety, and security of staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, the department may limit when and or how the complainant can interact with staff. This may include:

- limiting their telephone calls or face-to-face meetings to a particular time of the day or days of the week
- limiting the length or duration of telephone calls, written correspondence, or face-to-face meetings. For example:
  - telephone calls may be limited to 10 minutes at a time politely ended after that time
  - lengthy written communications may be restricted to a maximum of 10 typed or written pages, single sided, font size 12, or it will be sent back to the complainant to be organised and summarised. This option is only appropriate in cases where the complainant can summarise the information and refuses to do so
  - limiting face-to-face meetings to a maximum of 45 minutes.
- Limiting the frequency of their telephone calls, written correspondence, or face-to-face meetings. Depending on the circumstances, the department may limit:
  - telephone calls to one every week or fortnight or month

- written communications to one every week or fortnight or month
- face-to-face meetings to one every week or fortnight or month.

For irrelevant, overly lengthy, disorganised, or frequent written correspondence the department may:

- require the complainant to clearly identify how the information or supporting materials they sent to the department relates to the central issues identified in their complaint
- restrict the frequency with which emails or other written communications to the department will be acknowledged and responded to
- restrict a complainant to sending emails to a particular email account or block their email access altogether and require that any further correspondence be sent through Australia Post only.

A complainant may be restricted to written communications through:

- Australia Post only
- email only to a specific staff email or a general office email account
- other relevant form of written contact, for example, a web enquiry.

Complainants restricted to written contact only must be informed that any communications that are received by the department in a manner that contravenes the relevant write only restriction will either be returned to the complainant or filed without acknowledgement. If it is not appropriate that a complainant enter department premises to hand deliver their written communication, this must be communicated to them as well.

## 7.4. Where: limiting face-to-face interaction

If a complainant is violent or overtly aggressive, unreasonably disruptive, threatening or demanding, or makes frequent unannounced visits to department premises, the department may consider restricting face-to-face contact with them.

These restrictions may include:

- restricting access to the premises to particular areas, such as the reception area or a secured room
- restricting their ability to attend premises to specified times of the day or days of the week only, for example when additional security is available or to times or days that are less busy
- allowing attendance on an appointment only basis and only with specified staff. For these meetings, staff should enlist the support and assistance of a colleague for added safety and security
- banning the complainant from attending departmental premises altogether and allowing another form of contact, for example writing only or telephone only contact.

In cases where the complainant's conduct is particularly difficult to manage, the department may restrict their contact to contact through a representative or support person only. The support person may be nominated by the complainant but must be agreed by the approved decision maker.

When assessing a representative or support person's suitability, the approved decision maker should consider factors such as literacy skills, demeanour and behaviour, and relationship to the complainant. If the approved decision maker forms a view that the representative or support person may exacerbate the situation with the complainant, the complainant will be asked to nominate another person. The department will assist in this regard if required.

## 7.5. Completely restricting a complainant's access to services

In rare cases, and as a last resort when all other strategies have been considered and attempted, the approved decision maker may decide it is necessary for the department to completely restrict a complainant's access to our services.

A decision to have no further contact with a complainant will only be made if attempts to manage their UCC with other strategies have been unsuccessful, or their conduct poses a significant risk for our staff or other parties because it involves one or more of the following:

- acts of aggression, verbal or physical abuse, threats of harm, harassment, intimidation, stalking, assault
- damage to property while on department premises
- threats with a weapon or common office items that can be used to harm another person or themselves
- physically preventing a staff member from moving around freely either within their office or during an off-site visit, for example, entrapping them in their home
- conduct that is otherwise unlawful.

In these cases, the complainant will be sent a letter notifying them that their access to services has been completely restricted. A copy of the letter must be provided to the Resolution Unit by emailing [resolution.doe@education.nt.gov.au](mailto:resolution.doe@education.nt.gov.au).

The department has zero tolerance for harm, abuse or threats directed towards department staff and will take proactive and decisive action in response to such behaviour in accordance with our duty of care and work health and safety responsibilities.

## 8. Procedure for restricting a complainant's access to services

### 8.1. Consult with relevant staff

A staff member who experiences UCC must make a record of the incident. The UCC incident form should be used for this purpose.

The staff member must notify their line manager of the UCC incident within 24 hours of the incident. This requirement applies to all staff, including staff managing complaints.

The line manager will discuss the incident with all relevant staff, including the complaint manager, to gain an understanding of:

- the circumstances that gave rise to the UCC
- the impact of the complainant's conduct on department staff, students and resources
- the complainant's responsiveness to the staff member's warnings or requests to cease the conduct
- any actions the staff member has taken to manage the complainant's conduct
- the impact on any child of the complainant if restrictions are imposed
- any suggestions made by staff on ways to manage the situation.

The line manager must also consider whether the UCC constitutes an occurrence which has, or has potential to, cause physical or mental harm, illness, disease, trauma, fatality, property or environmental damage. If so, a [Work Health and Safety incident report form](#) must also be completed within 24 hours of the incident occurring.

## 8.2. Assess the conduct

Following consultation with relevant staff, the line manager will search available records for information about the complainant's prior conduct and history with the department. Consideration must also be given to the following criteria:

- whether the conduct in question involved overt anger, aggression, violence, or assault – which is unacceptable in all circumstances
- the merit of the complainant's case
- the likelihood that the complainant will modify their unreasonable conduct if they are given a formal warning about their conduct
- whether restricting access to services will be effective in managing the complainant's behaviour
- the impact of restricting access to services on children and students associated with the complainant
- whether restricting access to services will have an undue impact on the complainant's welfare, livelihood, dependents, or human rights
- whether the complainant's personal circumstances have contributed to the behaviour, for example, the complainant's cultural background may mean their communication patterns differ from that of our staff or the department's standards; or the complainant is a vulnerable person who is under significant stress because of one or more of the following:
  - homelessness
  - disability
  - illiteracy or other language or communication barrier
  - mental or other illness
  - personal crises
  - substance or alcohol abuse
- whether staff played a role in exacerbating the complainant's conduct
- whether there are any statutory provisions that would limit the types of restrictions that can be put on the complainant's access to our services.

Having considered the above criteria, the line manager may suggest formal or informal options for dealing with the complainant's conduct, which may include one or more of the strategies provided in these guidelines.



### 8.3. Issue a warning letter

Where a formal response to UCC is considered necessary, the complainant will be issued with a written warning about their conduct. The complainant's individual needs and circumstances must be considered when providing the warning, for example if the complainant is unable to read the letter, it will be accompanied by a telephone call, using an interpreter if necessary.

The warning letter must:

- specify the date, time, and location of the UCC incident or incidents
- explain why the complainant's conduct is problematic
- list the types of access restrictions that may be imposed if the behaviour continues. Note: not every possible restriction should be listed – only those that are being considered
- provide clear and full reasons for the warning being given
- state the standard of behaviour that is expected of the complainant. Include the Individual rights and mutual responsibilities in complaint resolution information sheet, and other attachments if appropriate
- provide the name and contact details of the person they can contact about the letter.

An example warning letter is available on the Policy and advisory library.

A copy of every warning letter issued must also be sent to the Resolution Unit for information by emailing [resolution.doe@education.nt.gov.au](mailto:resolution.doe@education.nt.gov.au).

### 8.4. Making a decision to apply restrictions on access to services

When a complainant's unreasonable conduct continues after they have been issued a written warning, or in extreme cases of overt aggression, violence, assault or other unlawful or unacceptable conduct, the approved decision maker may decide to restrict the complainant's access to services.

When deciding to apply restrictions, the approved decision maker must also decide the restriction period, for example one month, one school term, until end of the school year. Restrictions cannot be applied for a period of longer than 12 months.

A checklist of considerations for deciding to restrict a complainant's access to services is available on the Policy and advisory library.

The approved decision maker must maintain a secure and complete record of their decision, and the reasons for their decision to restrict a complainant's access to department services.

### 8.5. Inform the complainant of restrictions on access

Complainants must be informed in writing of the decision to restrict their access to department services.

The decision letter must:

- summarise the UCC incident or incidents
- specify the date, time, and location of the UCC incident or incidents
- explain why the UCC is problematic

- refer to the previous written warning
- identify the 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 restriction imposed, to a maximum of 12 months
- inform the complainant the restrictions will be reviewed at the conclusion of the restriction period, at which time the restrictions may be removed, maintained, or modified
- inform the complainant of their right to ask the department to review the decision to impose restrictions on their access to services
- provide information about how the complainant can request an internal review
- be signed by the approved decision maker.

An example decision letter is available on the Policy and advisory library.

A copy of the decision letter must also be provided to the Resolution Unit by emailing [resolution.doe@education.nt.gov.au](mailto:resolution.doe@education.nt.gov.au).

## 8.6. Internal review of decision to apply restrictions

Complainants have a right to ask the department to review of a decision to restrict their access to the department's services.

Requests for internal review must be made within 20 business days of the complainant being informed in writing of the decision to impose restrictions on access to services. All requests for internal review must be sent to the Resolution Unit by emailing [resolution.doe@education.nt.gov.au](mailto:resolution.doe@education.nt.gov.au).

Requests for review of a decision to impose restrictions on access to services will be managed in line with the department's Internal review of complaints guidelines and procedures.

## 8.7. Keep staff updated

Relevant staff must be informed about any decisions to restrict a complainant's access to services, in particular reception staff in cases where a complainant is prohibited from entering department premises. Contingency plans for changes to staffing arrangements, planned and unplanned, should also be made by the relevant line manager.

## 8.8. Monitor compliance

All staff who have been informed of restrictions applied to a complainant's access to services have a role in monitoring compliance with these measures. Staff must record and report any incidents of non-compliance with imposed restrictions. Staff must bring the non-compliance to the immediate attention of their line manager.

The approved decision maker has the responsibility and authority to decide what action needs to be taken in response to incidents of non-compliance with imposed restrictions, including making changes to the restrictions on the complainant's access to services.

## 8.9. Review of restrictions

An approved decision maker may review the restrictions placed on a complainant's access at any time.

An approved decision maker must review the restrictions placed on a complainant's access at the end of the restriction period.

A review may result in restrictions on access being removed, maintained, or modified.

Complainants will be invited to participate in the review process unless it is deemed likely that this invitation would provoke a negative response from the complainant, for example further UCC. Communication with the complainant will be conducted in line with the existing access restrictions.

When undertaking a review, the approved decision maker must evaluate the effectiveness and ongoing appropriateness of the restrictions, taking into consideration:

- whether the complainant has had any contact with the department during the restriction period
- the complainant's conduct during the restriction period
- any reasons put forward by the complainant for changes to the restrictions
- any other information that may be relevant in the circumstances, including information from staff and the complainant's contact person within the department, if applicable.

The approved decision maker must decide whether to remove, maintain or modify the restrictions on the complainant's access to services. The approved decision maker must maintain a secure and complete record of their decision, and the reasons for their decision.

## 8.10. Communicate the outcome of the review of restrictions

The approved decision maker must inform the complainant of the outcome of the review of the restrictions in writing. The review letter must:

- explain the review process
- identify the factors that have been considered during the review
- explain the decision or outcome of the review and the reasons for it.

If the outcome of the review is to maintain or modify restrictions for a further period, the review outcome letter must also state:

- the nature of the ongoing restrictions
- the duration of the new restriction period
- provide the name and contact details of the person who the complainant can contact to discuss the letter
- be signed by the approved decision maker.

The approved decision maker must keep staff updated of any changes to restrictions on access, including a decision to remove restrictions, in line with requirements set out in section [7.5](#) of these guidelines.

A copy of the review outcome letter must also be provided to the Resolution Unit by emailing [resolution.doe@education.nt.gov.au](mailto:resolution.doe@education.nt.gov.au).

## 9. Employee wellbeing

Dealing with complainants who are demanding, abusive, aggressive, or violent can be extremely stressful and at times distressing or even frightening for staff. It is normal to become upset or to experience stress when dealing with difficult situations.

The department has a responsibility to support staff who experience stress because of situations arising at work and to provide staff with debriefing and counselling opportunities when needed. All staff have a responsibility to notify their line manager of UCC incidents and any stressful incidents that they believe require management involvement.

Line managers will provide staff with the opportunity to debrief following stressful incidents. In addition, staff can access the free, confidential professional counselling services through our [employee assistance programs](#).

## 10. Ombudsman may request copies of our records

It is a requirement of the NT Public Sector Code of Conduct that all staff take reasonable steps to ensure that information and knowledge relied upon to make decisions or take actions is evidence based, transparent, correct and current.

The Resolution Unit will keep records of all cases where these guidelines are applied, including a record of the total number of cases where restrictions are applied every year. The Ombudsman may request this data to conduct an overall audit and review in accordance with its administrative functions or to inform its work on UCC.

## 11. Feedback

These guidelines form part of the Complaint resolution framework. Staff can provide feedback on these guidelines to the Resolution Unit by emailing [resolution.doe@education.nt.gov.au](mailto:resolution.doe@education.nt.gov.au).

## 12. Complaint resolution framework documents and resources

Complaint resolution policy, guidelines and supporting resources are available to educators on the [Policy and advisory library](#) (staff access only).

### 12.1. Overview infographics

- Complaint resolution framework placemat
- Effective complaint resolution process flowchart
- Feedback charter poster

### 12.2. Policy, guidelines, and procedures

- Complaint resolution policy
- Complaint resolution guidelines and procedures for schools and corporate
- Internal review of complaints guidelines and procedures
- Managing unreasonable conduct by a complainant guidelines and procedures

## 12.3. Complainant resources

- Individual rights and mutual responsibilities - information sheet
- 'Your complaint's journey' – leaflet
- 'Where else can I make my complaint?' – information sheet

## 12.4. Staff toolkit complaint resolution

- Complaint record form
- Complaint register template
- Assigning and escalating complaints information sheet
- Acknowledgement of complaint email template
- Complaint closure letter template

## 12.5. Staff toolkit managing unreasonable conduct by a complainant

- Scripts and strategies for managing unreasonable conduct by a complainant
- Unreasonable conduct incident form
- Managing unreasonable conduct process and decision-making checklist
- Restrict access to services warning letter email template
- Restrict access to services decision letter email template

# 13. Related legislation, standards, principles, policy and resources and acknowledgements

## 13.1. Legislation

- *Work Health and Safety (National Uniform Legislation) Act 2011* – <https://legislation.nt.gov.au/Legislation/WORK-HEALTH-AND-SAFETY-NATIONAL-UNIFORM-LEGISLATION-ACT-2011>

## 13.2. Standards and principles

- Australian Standard Guidelines for complaint management in organisations AS10002:2022 – <https://www.standards.org.au/standards-catalogue/sa-snz/publicsafety/qr-015/as--10002-colon-2022>
- Disability Standards for Education 2005 – <https://www.education.gov.au/disability-standards-education-2005>
- Employment Instruction 12 – Code of Conduct – <https://ocpe.nt.gov.au/working-in-the-public-sector/code-of-conduct>
- Managing unreasonable complainant conduct – a manual for frontline staff, supervisors, and senior managers – NSW Ombudsman 2021 – <https://www.ombo.nsw.gov.au/guidance-for-agencies/managing-unreasonable-conduct-by-a-complainant>

- Managing unreasonable conduct by complainants – model policy – NSW Ombudsman July 2022 – <https://www.ombo.nsw.gov.au/guidance-for-agencies/managing-unreasonable-conduct-by-a-complainant>
- Managing unreasonable complainant conduct resource – Qld Ombudsman 2023 – <https://www.ombudsman.qld.gov.au/improve-public-administration/public-administration-resources/managing-unreasonable-complainant-conduct>
- National Principles for Child Safe Organisations – <https://childsafe.humanrights.gov.au/national-principles>

### 13.3. Policy and resources

- Apologies – A practical guide – <https://www.ombo.nsw.gov.au/Find-a-publication/publications/guidelines/state-and-local-government/apologies-2nd-ed>
- Conventions on the Rights of the Child – <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
- Employee Assistance Program – <https://www.teachintheterritory.nt.gov.au/educator-support/educator-wellbeing/employee-assistance-program-eap>
- Family Engagement Charter – <https://education.nt.gov.au/statistics-research-and-strategies/family-engagement-charter>
- Trespass on school grounds – procedure – <https://elearn.ntschoools.net/policies/3878>
- Good decision making guide – <https://elearn.ntschoools.net/pal/delegations#resources15957>
- Work Health and Safety incident report form – <https://elearn.ntschoools.net/policies/4978>

### 13.4. Acknowledgements

These guidelines and procedures and the associated Complaint resolution policy have been informed by reference materials published by the New South Wales Ombudsman, the Queensland Ombudsman and the Victorian Ombudsman. We gratefully acknowledge the work of these organisations in developing public resources designed to assist public sector bodies to create effective complaint management frameworks.

The department also wishes to acknowledge and thank the following agencies for the insights, resources and reference materials that have also informed the development of these guidelines and procedures:

- State and Territory Ombudsman Offices
- Commonwealth Ombudsman
- Departments of Education in other Australian jurisdictions.

Acronyms	Full form
ADR	Alternative dispute resolution
NT	Northern Territory
TRM	Territory Records Manager
UCC	Unreasonable Complainant Conduct

Managing unreasonable conduct by a complainant – guidelines and procedures

<b>Document title</b>	Managing unreasonable conduct by a complainant – guidelines and procedures
<b>Contact details</b>	Quality and Regulations Standards, Resolution Unit, <a href="mailto:resolution.doe@education.nt.gov.au">resolution.doe@education.nt.gov.au</a>
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