

# Managing Unreasonable Conduct towards QPRC and its Employees Policy

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## **PURPOSE:**

The purpose of this policy is to provide people and our employees of Queanbeyan-Palerang Regional Council (QPRC) with the framework for managing unreasonable conduct toward QPRC and/or its employees.

QPRC is committed to being accessible and responsive to all persons regardless of ethnic identity, national origin, religion, linguistic background, sex, gender expression, sexual orientation, physical ability or other cultural or personal factors.

At the same time the success of our organisation depends on:

- Our ability to do our work and perform our functions in the most effective and efficient ways possible.
- The health, safety, and security of our employees, and
- Our ability to allocate our resources fairly across all the requests we receive.

When people behave unreasonably in their dealings with us, their conduct can significantly affect our success. As a result, QPRC will proactively and decisively to manage any conduct that negatively and unreasonable affects us and will support our staff to do the same in accordance with this policy.

## **SCOPE:**

This policy applied to the management of unreasonable conduct towards QPRC and its employees.

## **DEFINITIONS:**

- Contractors – A company or person engaged by QPRC to manage or deliver services
- People/Person – Residents, visitors, patrons and businesses who engage with QPRC and its services
- Employees – For the purposes of this Policy, “employees” refers to all QPRC staff including permanent (whether full-time or part-time), temporary, casual staff, apprentices together with agency contractors (labour hire), work experience students and volunteers.
- Workers – All employees, contractors, work experience students and volunteers.

## **RELEVANT LEGISLATION:**

- Government Information (Public Access) Act 2009
- Health Records and Information Privacy Act 2002
- Local Government Act 1993
- Ombudsman Act 1974
- Privacy and Personal Information Protection Act 1998
- Public Interest Disclosures Act 2022

## **POLICY STATEMENT:**

Most people act reasonably and respectfully in their interaction with us, even when they are experiencing high levels of distress, frustration and anger about their request or complaint.

However, despite our best efforts to help them, in a very small number of cases some people display inappropriate and unacceptable behaviour. They can be aggressive and verbally abusive towards our employees, threaten harm and violence or bombard our offices with unnecessary and excessive phone calls, texts and emails. They make inappropriate demands on our time and resources or refuse to accept our decisions and recommendations in relation to their requests and complaints. When people behave in these ways, we consider their conduct to be 'unreasonable.'

Communications which do not adhere to, or meaningfully engage with, the values, standards and goals to which QPRC has committed, and in particular communications which include racist, discriminatory or offensive language, may not be responded to and may be reported to external agencies where appropriate.

## **Defining unreasonable conduct toward QPRC and its employees**

Any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for QPRC, our employees, other service users or the person themselves.

Unreasonable behaviour can be divided into five categories of conduct:

1. Unreasonable persistence
2. Unreasonable demands
3. Unreasonable lack of cooperation
4. Unreasonable arguments
5. Unreasonable behaviours

### **Unreasonable Persistence**

Unreasonable persistence is conduct by a person that has a disproportionate and unreasonable impact on QPRC's employees, services, time and/or resources.

Some examples of unreasonably persistent behaviour include:

- An unwillingness to accept reasonable and logical explanations including final decisions made by QPRC
- Persistently contacting QPRC about the same matter when it has been comprehensively considered and dealt with.
- Targeting QPRC with multiple requests about a range of issues, whether related or not, which separately or together require an unreasonable or unfair allocation of QPRC resources.
- Refusing to accept QPRC's position when told that further action cannot or will not be taken on their requests or complaints.
- Reframing a request or a complaint with the same information to get it reconsidered.
- Persistently demanding a review simply because it is available, and without arguing or presenting a case for one.
- Multiple and repeated phone calls, visits, letters and emails (including cc'd correspondence) after repeatedly being asked not to do so.

- Contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their request or complaint – this is known as internally and external forum shopping.

### **Unreasonable Demands**

Unreasonable demands are demands (express or implied) that are made by a person that have a disproportionate or unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:

- Issuing instructions and making demands about how we have/should handle their request or complaint, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a senior manager, Director or the General Manager personally when the reasons that this is not appropriate or warranted have been carefully explained to the complainant.
- Emotional blackmail and manipulation resulting in intimidation, harassment, shaming or portraying themselves as being victimised – when this is not the case.
- Insisting on outcomes that are not possible or appropriate in the circumstances – EG for someone to be fired or prosecuted, or for an apology and/or compensation when there is no reasonable basis for expecting this.
- Demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly.
- Expecting responses to requests which separately or together require an unreasonable or unfair allocation of QPRC resources.

### **Unreasonable Lack of Cooperation**

Unreasonable lack of cooperation is an unwillingness and/or inability by a person to cooperate with QPRC's employees or request and complaints system processes – resulting in a disproportionate and unreasonable use of our services, time and/or resources.

Some examples of unreasonable lack of cooperation include:

- Sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about – only where the person is clearly capable of doing this.
- Providing little or no detail with a request or complaint or presenting information in an ad hoc manner.
- Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- Arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, and so forth.

### **Unreasonable Arguments**

Unreasonable arguments include arguments that are not based on reason or logic, that are incomprehensible, false or inflammatory, trivial or incoherent and disproportionately and unreasonably impact upon our organisation, employees, services, time or resources.

Arguments are unreasonable when they:

- Follow an illogical sequence
- Are not supported by any evidence and/or are based on conspiracy theories

- Lead a person to reject all other valid and contrary arguments
- Are trivial when compared to the amount of time, resources and attention that the person demands
- Are false, inflammatory or defamatory.

### **Unreasonable Behaviour**

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a person is – because it unreasonably compromises the health, safety and security of our staff, other service users or the person themselves.

Some examples of unreasonable behaviours include:

- Acts of aggression, verbal abuse and derogatory, racist, or grossly defamatory remarks
- Harassment, intimidation or physical violence
- Rude, confronting and/or threatening face to face or phone contact or 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)
- Emotional manipulation

QPRC has a zero-tolerance policy towards any harm, abuse or threats directed towards employees.

## **MANAGING UNREASONABLE CONDUCT TOWARDS QPRC AND ITS EMPLOYEES**

### **Changing or restricting a person's access to QPRC**

Unreasonable conduct incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to people by restricting:

- **Who they have contact with** – for example, limiting a person to a sole contact person/staff member in our organisation
- **What they can raise with us** – for example, restricting the subject matter of communications that we will consider and respond to.
- **When they can have contact** – limiting a person's contact with our organisation to, for example, a particular time, day or length of time, or curbing the frequency of their contact with us.
- **How they can make contact** – for example, limiting or modifying the forms of contact that the person can have with us. This can include modifying or limiting face to face interviews, 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 that discretion will need to be used to adapt them to suit a person's personal circumstances. In this regard, we also recognise that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

### **Who – limiting the person to a sole point of contact**

Where a person tried to forum shop internally within our organisation, changes their issues of request or complaint repeatedly, reframes their request to complaint, or raises an excessive number of requests or complaints, it may be appropriate to restrict their access to a single

staff member (a sole contact point) who will exclusively manage their complaint(s) and interactions with QPRC. This may ensure they are dealt with consistently and may minimise the chances for misunderstandings, contradictions and manipulation.

People 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 due to taking leave or is otherwise unavailable for an extended period of time.

### **What – restricting the subject matter of communications that QPRC will consider**

Where a person repeatedly requests information that has already been provided, QPRC may refuse to respond to further requests, unless required to do so under the GIPA Act. The person will be advised that future correspondence requesting information that has already been provided will be read and filed without acknowledgement.

### **How – applying the Government Information (Public Access) Act 2009 (GIPA Act)**

Under the GIPA Act:

- A person requesting information from QPRC cannot be prohibited from contacting QPRC.
- QPRC cannot be required to consider an informal request, or to provide information in response to such a request
- QPRC must consider all section 41 access applications (Formal GIPA) it receives.

Where a request for information causes concern for an employee because the person demonstrates unreasonable conduct, the employee should refer the request to the Governance, Legal and Risk team.

If the Governance, Legal and Risk team decides not to deal with the information request, it will advise the person that they have the option of lodging a section 41 access application (Formal GIPA). Access applications are managed by the Governance, Legal and Risk team in accordance with the GIPA Act. The GIPA Act (section 60) allows for refusal to deal with a Formal Access Application on the following grounds:

- Unreasonable and substantial diversion of resources
- Applicant has previously been provided with the information
- Applicant has previously applied for the same information, and the earlier application has been decided, and there are no reasonable grounds to believe revisiting the matter would result in a different decision.

It is preferable for the Governance, Legal and Risk team, rather than other business units, to provide advice to persons regarding access applications.

## **ALTERNATE DISPUTE RESOLUTION**

### **Using alternate dispute resolution strategies to manage conflicts with people**

If QPRC determines that services to a person cannot be terminated in a particular case or that we bear some responsibility for causing or exacerbating their conduct, QPRC may consider using alternative dispute resolution strategies (ADRs) such as mediation and conciliation to resolve the conflict with the person and attempt to rebuild our relationship with them. If an ADR

is considered to be an appropriate option in a particular case, it will be conducted by an independent third party to ensure transparency and impartiality.

A decision as to whether or not to participate in ADR is entirely at the discretion of QPRC and on a case-by case basis.

## **PROCEDURE WHEN CHANGING A PERSON'S ACCESS TO QPRC**

### **Consulting with relevant employees**

When determining if a person's access should be changed, we will consult with relevant employees on the following:

- The circumstances that gave rise to the incident(s) including the person's situation and perspective.
- The impact of the person's conduct on our organisation, relevant staff, our time, resources, etc.
- The person's response to the staff member's warnings or requests to stop the unreasonable behaviour.
- The actions relevant employees have taken to manage the person's conduct, if any.
- Any suggestions made by relevant employees on ways that the situation could be managed.

### **Criteria to be considered**

The following criteria will be considered:

- Whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances).
- Whether the person's case or complaint has merit.
- The likelihood that the person will modify their unreasonable conduct if they are given a formal warning about their conduct.
- Whether changing or restricting access to our services will be effective in managing the person's behaviour.
- Whether changing or restricting access to our services will affect the person'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 person's welfare, livelihood or dependants etc.
- Whether the person's personal circumstances have contributed to the behaviour? For example, the person is a vulnerable person who is under significant stress as a result of one or more of the following:
  - Homelessness
  - Physical disability
  - Illiteracy or other language or communication barrier
  - Mental or other illness
  - Personal crises
  - Substance or alcohol abuse
- Whether the person's response or conduct was moderately disproportionate, grossly disproportionate or not at all disproportionate in the circumstances.
- Whether there are any statutory provisions that would limit the types of limitations that can be put on the person's contact or access to our services.



Once QPRC has considered these factors a decision will be made on the appropriate course of action.

### **Providing a Warning Letter**

Unless a person's conduct poses a substantial risk to the health and safety of staff or other third parties, they will be provided with a written warning about their conduct in the first instance. If the person is unable to read the letter, it will be accompanied by a telephone call, using an interpreter if necessary.

The warning letter will:

- Specify the date(s), time(s), and locations of the incident(s).
- Explain why the person's conduct/incident is problematic.
- List the types of access changes and/or restrictions that may be imposed if the behaviour continues. (Note: not every possible restriction should be listed but only those that are most relevant.)
- Provide clear and full reasons for the warning being given.
- Include an attachment of the *Individual Rights and Mutual Responsibilities of Parties to a Complaint* document.
- Provide the name and contact details of the staff member who they can contact about the letter.
- Be signed a Director or General Manager.

### **Providing a Notification Letter**

If a person's conduct continues, after they have been given a written warning or in extreme cases of overt aggression, violence, assault or other unlawful/unacceptable conduct, the GM has the discretion to send a notification letter immediately restricting the complainant's access to our services (without prior or further written warning).

If the person is unable to read the letter (due to literacy issues, non-English speaking, etc) the letter will be followed or accompanied by a telephone call using an interpreter if necessary.

This notification letter will:

- Specify the date, time, and location of the incident(s)
- Explain why the person's conduct is problematic
- Identify the change and/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, which will not exceed 12 months.
- Indicate a time period for review.
- Provide the name and contact details of the senior officer who they can contact about the letter and/or request a review of the decision.
- Be signed by the General Manager.

Where necessary, Police will be notified.



## **Continued monitoring/oversight responsibilities**

Once a person has been issued a warning letter and/or notification letter, QPRC will review the person's record/restriction every 6 months, on request by a staff member, or following any further incidents that involve the particular person to ensure that they are complying with the restrictions and the arrangement is working. If QPRC determined that the restrictions have been ineffective in managing the person's conduct or are otherwise inappropriate, it may decide to either modify the restrictions, impose further restrictions or terminate the person's access to our services altogether.

## **REVIEWING A DECISION TO CHANGE OR RESTRICT ACCESS TO QPRC**

### **Right of Review**

People are entitled to one review of a decision to change or restrict their access to our services. This review will be undertaken by an appropriately delegated Manager, Director or General Manager who was not involved in the original decision to change or restrict a person's access. This person will consider the person's arguments along with all relevant records regarding the person's past conduct. The person will be advised of the outcomes of their review by letter.

If a person continues to be dissatisfied after the review process, they may seek an external review from an oversight agency such as the NSW Ombudsman. The NSW 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.

Note: People making section 41 Formal Access Applications under the GIPA Act have review rights under that Act. The rights of review described in this section do not apply to people making Formal Access Applications under the GIPA Act.

## **PERIODIC REVIEWS OF ALL CASES WHERE A CHANGE OR RESTRICTION TO ACCESS IS APPLIED**

### **Period for review**

All cases where this policy is applied will be reviewed every 6 months and not more than 12 months after the service change or restriction was initially imposed or continued/upheld.

### **Notifying the person of an upcoming review**

QPRC will invite all people who have received a Notification Letter to participate in the review process unless they determine that:

- The invitation is reasonably likely to provoke a negative response from the person (ie further incidents)
- The original issue or concern is resolved.

The invitation will be given, and the review will be conducted in accordance with the person's access restrictions (eg, if contact has been restricted to writing only then the invitation to participate will be done in writing).

## **Criteria to be considered during a review**

When conducting a review, QPRC will consider:

- Whether the person has had any contact with the organisation during the restriction period.
- The person's conduct during the restriction period
- Any information/arguments put forward by the person
- Any other information that may be relevant in the circumstances

Note – Sometimes a person 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 person has not contacted our organisation during their restriction period (apparent compliance with our restriction) may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations.

## **NOTIFYING A PERSON OF THE OUTCOME OF A REVIEW**

QPRC will notify the person of the outcome of their review using the appropriate/relevant method of communication as well as a written letter explaining the outcome, as applicable.

## **RESPONSIBILITIES**

To effectively administer this policy, there is a reliance on employees within this process to review and analyse a person's contact with QPRC. To enable this process staff are responsible for recording all contacts or incidents that they have with a person, regardless of the person being designated an unreasonable complainant. To facilitate the recording of a person's contacts, staff members are to use QPRC's enterprise system ie ECM and CiAnywhere.

Employees will:

- Familiarise themselves with the policy as well as the *Individual Rights and Mutual Responsibilities for the Parties to a Complaint*.
- Speak with their Managers about how this policy relates to any Business Unit specific procedures regarding managing person's behaviours.
- Explain the contents of this document to all people particularly those who engage in unreasonable behaviour or who exhibit the early warning signs of falling within the scope of this policy.
- Report the incident(s) of people exhibiting unreasonable behaviours to their Manager and Director.
- Record and report all incidents they experience or witness (as appropriate) to their Manager within 24 hours of the incident occurring and ensuring details of contacts are recorded.
- Maintain accurate records of contacts with people using QPRC's record keeping systems

While effective application of this policy relies on all staff identifying and reporting incidents, it must be emphasised that any strategies that effectively change or restrict a person's access to our services must be considered at Director level or higher as provided in this policy.

**All Managers will:**

- Provide advice to their Directors or General Manager on changing or restricting a person's access to QPRC in the circumstances identified in this policy.
- Ensure that all relevant staff members are trained to deal with unreasonable complainants – including on induction.
- Support employees to apply the strategies in this policy and are responsible for ensuring compliance.
- Record, monitor and review all cases where a restriction is applied within their business area to ensure consistency, transparency and accountability for the application of this policy.
- Will manage and keep a record of all cases where these procedures are applied.
- Is responsible for arranging support for staff impacted by unreasonable behaviours.

**Manager Governance, Legal & Risk will:**

- Act as a central point of escalation and will be notified by business unit managers of any proposed changes or restrictions to a person's access.
- Prepare any correspondence that effectively changes or restricts a person's access to QPRC on behalf of Directors and the GM.
- Is responsible for maintaining current and accurate information held centrally about incidents and changes to a person's access to our services.
- Ensure that requests for information that are received by the Access to Information Team by business unit managers are dealt with according QPRC procedures and the GIPA Act.

**Directors will:**

- Support employees to apply the strategies in this policy.

**The General Manager will:**

- Approve any decision to completely terminate a person's contact/access to QPRC

**CONSULTATION**

This policy was developed to align with the NSW Ombudsman's Managing Unreasonable Conduct by Complainants – Model Policy (July 2022)

## APPENDIX A

### **INDIVIDUAL RIGHTS AND MUTUAL RESPONSIBILITIES OF THE PARTIES TO A COMPLAINT**

In order for QPRC 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 rights and responsibilities must be observed and respected by all of the parties to the complaint process.

#### ***Individual rights<sup>1</sup>***

##### **1.1.1 Complainants have the right:**

- to make a complaint and to express their opinions in ways that are reasonable, lawful, and appropriate, regardless of cultural background, national origin, sex, sexual orientation, gender expression, disability or other cultural or personal characteristics<sup>2</sup>
- to a reasonable explanation in a wide range of languages of the organisation's complaints procedure, including details of the confidentiality, secrecy 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<sup>3</sup>
- to a fair hearing<sup>4</sup>
- to a timely response
- to be informed in at least general terms about the actions taken and outcome of their complaint<sup>5</sup>
- to have decisions that affect them explained to them
- to at least 1 review of the decision on the complaint<sup>6</sup>
- to be treated with courtesy and respect
- to communicate valid concerns and views without fear of reprisal or other unreasonable response.<sup>7</sup>

##### **1.1.2 Staff have the right:**

- to determine whether, and if so how, a complaint will be dealt with

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<sup>1</sup> The word 'rights' is not used here in the sense of legally enforceable rights (although some are), but in the sense of guarantees of certain standards of service and behaviour that a complaint handling system should be designed to provide to each of the parties to a complaint.

<sup>2</sup> Differences of opinion are normal: people perceive things differently, feel things differently and want different things. People have a right to their own opinions, provided those opinions are expressed in acceptable terms and in appropriate forums.

<sup>3</sup> While degrees of independence will vary between complaint handlers, all should assess complaints fairly and as impartially as possible, based on a documented process and the merits of the case.

<sup>4</sup> The 'right to be heard' refers to the opportunity to put a case to the complaint handler/decision-maker. This right can be modified, curtailed or lost due to unacceptable behaviour, and is subject to the complaint handler's right to determine how a complaint will be dealt with.

<sup>5</sup> Provided this will not prejudice on-going or reasonably anticipated investigations or disciplinary/criminal proceedings.

<sup>6</sup> Such a right of review can be provided internally to the organisation, for example by a person not connected to the original decision.

<sup>7</sup> Provided the concerns are communicated in the ways set out in relevant legislation, policies and/or procedures established for the making of such complaints/allegations/disclosures/etc.

- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances<sup>8</sup>
- 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<sup>9</sup>
- to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.<sup>10</sup>

### **1.1.3 Subjects of a complaint have the right:**

- to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them
- to be treated with courtesy and respect by staff of QPRC
- to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated<sup>11</sup>
- 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<sup>12</sup>
- 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***

### **1.1.4 Complainants are responsible for:**

- treating staff of QPRC with dignity and respect
- clearly identifying to the best of their ability the issues of complaint, or asking for help from the staff of QPRC to assist them in doing so
- providing QPRC to the best of their ability, with all the relevant information available to them at the time of making the complaint
- being honest in all communications with QPRC
- informing QPRC of any other action they have taken in relation to their complaint<sup>13</sup>
- cooperating to the best of their ability with the staff who are assigned to assess/investigate/resolve/determine or otherwise deal with their complaint.

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<sup>8</sup> Some complaints cannot be resolved to the complainant's satisfaction, whether due to unreasonable expectations or the particular facts and circumstances of the complaint [see also footnote 25].

<sup>9</sup> See for example WH&S laws and the common law duty of care on employers.

<sup>10</sup> Unacceptable behaviour includes verbal and physical abuse, intimidation, threats, etc.

<sup>11</sup> Other than where there is an overriding public interest in curtailing the right, for example where to do so could reasonably create a serious risk to personal safety, to significant public funds, or to the integrity of an investigation into a serious issue. Any such notifications or opportunities should be given as required by law or may be timed so as not to prejudice that or any related investigation.

<sup>12</sup> Depending on the circumstances of the case and the seriousness of the possible outcomes for the person concerned, a reasonable opportunity to put their case, or to show cause, might involve a face to face discussion, a written submission, a hearing before the investigator or decision maker, or any combination of the above.

<sup>13</sup> For example, whether they have made a similar complaint to another relevant person or body or have relevant legal proceedings on foot.

If complainants do not meet their responsibilities, QPRC may consider placing limitations or conditions on their ability to communicate with staff or access certain services. QPRC 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.<sup>14</sup> Any conduct of a criminal nature will be reported to police, and in certain cases legal action may also be considered.

#### **1.1.5 Staff are responsible for:**

- providing reasonable assistance, including cultural and linguistic 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<sup>15</sup>
- informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them<sup>16</sup> and the substance of any proposed adverse comment or decision that they may need to answer or address<sup>17</sup>
- keeping complainants informed of the actions taken and the outcome of their complaints<sup>18</sup>
- giving complainants explanations that are clear and appropriate to their circumstances, and adequately explaining the basis of any decisions that affect them
- treating complainants (and people who are the subject of complaints) with courtesy and respect at all times and in all circumstances
- taking all reasonable and practical steps to ensure that complainants<sup>19</sup> are not subjected to any detrimental action in reprisal for making their complaint<sup>20</sup>
- giving adequate warning of the consequences of unacceptable behaviour.

#### **1.1.6 Subjects of a complaint are responsible for:**

- cooperating with the staff of QPRC who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction<sup>21</sup>
- providing all relevant information in their possession to QPRC or its authorised staff when required to do so by a properly authorised direction or notice
- being honest in all communications with QPRC and its staff
- treating the staff of the QPRC with courtesy and respect at all times and in all circumstances

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<sup>14</sup> Other than in circumstances where the organisation is obliged to have an ongoing relationship with the complainant.

<sup>15</sup> See footnote 11.

<sup>16</sup> Other than where an allegation is so lacking in merit that it can be dismissed at the outset.

<sup>17</sup> See footnote 11.

<sup>18</sup> See footnote 5.

<sup>19</sup> 'Complainants' include whistleblowers/people who make internal disclosures.

<sup>20</sup> 'Complaints' includes disclosures made by whistleblowers/people who make internal disclosures.

<sup>21</sup> This does not include any obligation to incriminate themselves in relation to criminal or disciplinary proceedings, unless otherwise provided by statute.

- refraining from taking any detrimental action against the complainant<sup>22</sup> in reprisal for them making the complaint.<sup>23</sup>

If subjects of a complaint fail to comply with these responsibilities, action may be taken under relevant laws or codes of conduct.

#### **1.1.7 QPRC is responsible for:**

- maintaining an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording, and reviewing complaints
- making decisions about how all complaints will be dealt with
- ensuring that all complaints are dealt with professionally, fairly, and impartially<sup>24</sup>
- 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<sup>25</sup>
- implementing reasonable and appropriate policies, procedures, and practices to ensure that complainants<sup>26</sup> are not subjected to any detrimental action in reprisal for making a complaint<sup>27</sup>, including maintaining separate complaint files and other operational files relating to the issues raised by individuals who make complaints
- adequately considering any confidentiality, secrecy or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

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<sup>22</sup> See footnote 19.

<sup>23</sup> See footnote 20.

<sup>24</sup> See footnote 3.

<sup>25</sup> Once made, complaints are effectively 'owned' by the complaint handler who is entitled to decide (subject to any statutory provisions that may apply) whether, and if so how, each complaint will be dealt with, who will be the case officer/investigator/decision-maker/etc, the resources and priority given to actioning the matter, the powers that will be exercised, the methodology used, the outcome of the matter, etc. Outcomes arising out of a complaint may be considered by the complaint handler to be satisfactory whether or not the complainants, any subjects of complaint or the organisation concerned agrees with or is satisfied with that outcome.

<sup>26</sup> See footnote 19.

<sup>27</sup> See footnote 20.