



Procedure

Customer complaints management – Managing unreasonable complainant conduct

Implementation Date: 07/01/2020
Version: 1.0

Audience

Department-wide

Purpose

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

Overview

A complaint is a customer complaint if it involves an expression of dissatisfaction about the service or action of the department, or its staff, and the complainant is directly affected by the service or action. The Department of Education (the department) appreciates and acknowledges a customer's right to make a complaint. The department expects, however, that complainant conduct will be appropriate and 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, raises substantial health, safety, wellbeing, resource or equity issues for the department, its staff, other service users or the complainant themselves.

Unreasonable conduct can arise at any time in the customer complaints management process. Where unreasonable conduct is identified, this procedure is to be used to enable the customer complaint or internal review to be productively resolved, or otherwise to terminate contact with the complainant. Unless the complaint is frivolous or vexatious, the complaint will still be addressed even if contact with the complainant is terminated.

This procedure is to be read in conjunction with the:

- Customer complaints management [framework](#) and [policy](#) (if the conduct arises during the management of the original customer complaint)
- [Internal review procedure](#) (if the conduct arises during an internal review).

Responsibilities

Complainant

- cooperate in a respectful way and understand that unreasonable conduct will not be tolerated
- comply with any management strategies imposed by the department
- understand that the department may terminate contact if conduct is unreasonable, but the complaint will still be dealt with, unless it is frivolous or vexatious.

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

- manage the customer complaint or internal review in accordance with the Customer complaints management [framework](#), [policy](#) and [procedure](#) or [Internal review procedure](#)
- act fairly, reasonably and ethically in all interactions with a complainant, including considering the complainant's circumstances
- manage complainant expectations at all stages of the process and ensure complainants understand their responsibilities
- help complainants understand reasonable and unreasonable conduct
- set boundaries and clearly explain the consequences of unacceptable conduct
- monitor complainant conduct and use suitable strategies to manage unreasonable conduct
- escalate unreasonable complainant conduct to a principal, deputy principal, supervisor or manager if support is required
- use clear but respectful language to communicate with complainants
- focus on personal health, safety and wellbeing, and seek support or debrief where required
- keep an up-to-date customer complaints register
- maintain appropriate records to support each step in the management of unreasonable complainant conduct.

Additional responsibilities for principals or deputy principals

- seek advice or escalate unreasonable complainant conduct matters to the regional office if support is required
- support staff 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
- support staff to participate in training about how to manage unreasonable complainant conduct
- give staff opportunities to debrief after managing unreasonable complainant conduct.

Additional responsibilities for supervisors or managers in regional offices and central office divisions

- support staff to manage unreasonable complainant conduct

- ensure that matters requiring action are still addressed, even if contact with the complainant is terminated
- support staff to participate in training about how to manage unreasonable complainant conduct
- give staff opportunities to debrief after managing unreasonable complainant conduct
- report to regional or divisional management on matters involving unreasonable complainant conduct.

Regional Director or Deputy Director-General (or nominated Assistant Director-General)

- terminate contact with a complainant displaying unreasonable conduct if appropriate in the circumstances.

Customer complaints coordinators, Strategy and Performance

- provide advice and guidance to staff involved in customer complaints management
- organise training to ensure staff understand the department's customer complaints management approach and their responsibilities, including for managing unreasonable complainant conduct.

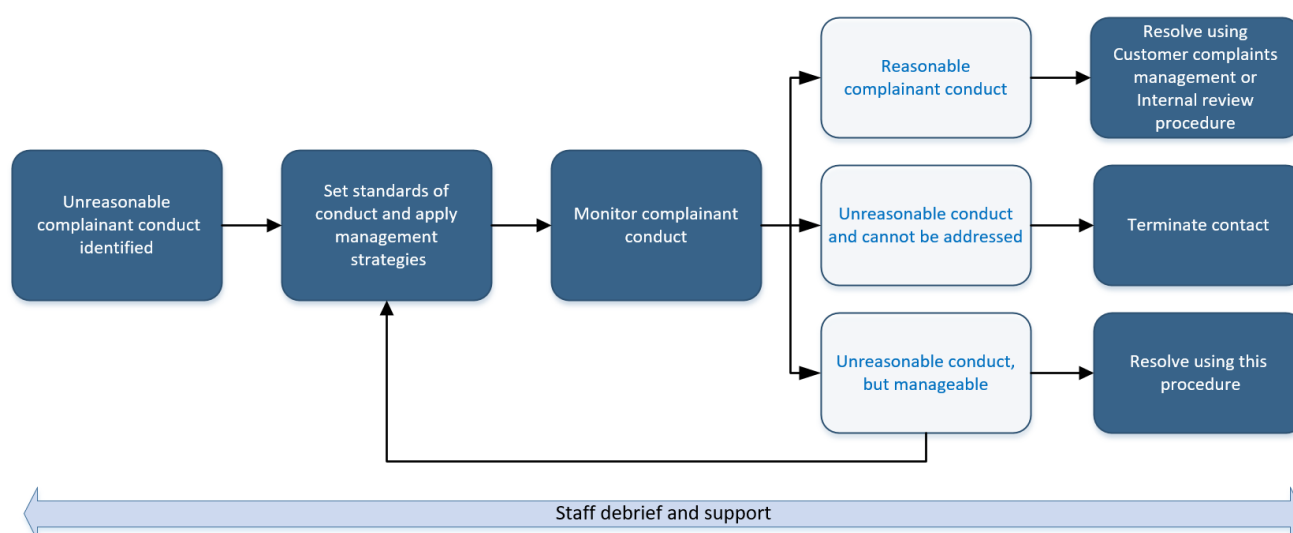
Process

The process **does not apply** to complaints outlined in the [Excluded complaints factsheet](#), as these are not customer complaints.

The process also **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, the [Hostile people on school premises, wilful disturbance and trespass procedure](#) should be followed. 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 original customer complaint that is managed at the frontline or during an internal review requested by the complainant if they are dissatisfied with the original complaint outcome or process.



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.
 1. 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, wellbeing, resource or equity issues for the department, its staff, other service users or the complainant themselves.
 2. The complainant information sheet will assist complainants to understand different types of unreasonable conduct.
 3. The [Unreasonable complainant conduct matrix](#) (the matrix) (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 the register.

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:
 1. explaining why conduct is unreasonable in the circumstances
 2. reminding the complainant to cooperate respectfully and not act unreasonably
 3. the [complainant information sheet](#) may assist complaints officers or internal review officers.
- The complaints officer or internal review officer must consider the type of unreasonable conduct and use strategies to mitigate or manage the conduct.
 1. Strategies must only be implemented to the extent necessary to enable productive management of the customer complaint or internal review.
 2. 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.
 3. Refer to the [matrix](#) (DoE employees only) for possible management strategies.
- 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 termination of contact with the complainant.
 1. This explanation can be provided verbally, but should also be provided in writing and saved in the register and/or records management system.
 2. 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.
 1. 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.
 2. 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 action, based on their assessment of the complainant's conduct. Possible outcomes include:
 1. if the conduct is **no longer unreasonable**, manage and resolve the customer complaint or internal review in the usual way.
 2. if conduct **remains unreasonable, but has improved**, reinforce existing management strategies or escalate to different strategies, 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.
 3. if the conduct is **so unreasonable** that the customer complaint or internal review **cannot be productively resolved**, contact with the complainant may be terminated (step 4). The complaint will still be addressed, unless it is frivolous or vexatious.

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 health, safety, wellbeing or resources.
 1. 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 deputy director-general (or nominated assistant director-general) recommending the termination and explaining why termination is appropriate. This should include evidence that demonstrates:
 1. the complainant has been treated fairly, reasonably and ethically
 2. there has been compliance with the Customer complaints management [framework](#), [policy](#) and [procedure](#) and/or [Internal review procedure](#)

3. 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 deputy director-general (or nominated 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 deputy director-general (or nominated assistant director-general) must provide written advice to the complainant (see [termination letter template](#) (DoE employees only)) about the termination, including:
 1. clearly stating that contact with the complainant about the complaint or internal review has been terminated and no further communication will be entered into about the matter
 2. the grounds for the termination; and
 3. any alternative options available to the complainant (e.g. external review by the Queensland Ombudsman or other review agency).
 - 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.
 1. The complaints officer or internal review officer must still address the complaint or review issue, unless it is frivolous or vexatious.

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

Complainant	<p>A person, organisation or their representative/advocate making a customer complaint.</p> <p>A complainant is a 'customer' for the purposes of the Customer complaints management framework if they are directly affected by the issue they are complaining about (e.g. a student complaining about something that has happened to them at school), or they are an authorised representative of someone who has been directly affected (e.g. a parent complaining on behalf of their child).</p>
Complaints officer	<p>A complaints officer is a departmental employee who is involved in managing customer complaints. Complaints officers may work in schools, regions or divisions. Their functions may include, but are not limited to, intake, assessment,</p>

	management, resolution, and data entry. The management of a customer complaint may involve one or more complaints officers.
Customer complaint	<p>A customer complaint is defined within section 219(4) of the <i>Public Service Act 2008</i> as a complaint about the service or action of a department, or its staff, by a person who is apparently directly affected by the service or action. Examples may include complaints about:</p> <ul style="list-style-type: none"> • a decision made, or failure to make a decision, by a departmental employee • an act, or failure to act, by the department • the formulation of a proposal or intention by the department • the making of a recommendation by the department • the customer service provided by a departmental employee.
External review	A process conducted by an external review body (e.g. Queensland Ombudsman) to ensure departmental decision-making is fair, reasonable and proper.
Frivolous	A frivolous complaint or internal review is one that is trivial or meritless in nature, and does not justify the resources that would be required to action it.
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 customer complaint was appropriate and/or if the outcome reached was reasonable. An internal review is not a re-investigation of the original customer complaint. Refer to the Internal review procedure for more information.
Internal review officer	<p>An internal review officer is a departmental employee who conducts an internal review. The officer must be:</p> <ul style="list-style-type: none"> • independent from the original customer complaint; and • in a position equal to, or higher than, the original decision-maker and authorised to make internal review decisions (including recommendations), 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	<p>A tool used to capture and record customer complaints data, including information about the complainant, their complaint, how the department has resolved the matter, and any reviews undertaken.</p> <p>The Customer Complaints Management System (CCMS) is the department's enterprise system for recording, assessing, managing, resolving and reporting on customer complaints. The CCMS should be used as the register for regional and divisional customer complaints.</p> <p>Schools can record complaints in a school system or use a local register (DoE employees only).</p>

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"> • unrelenting contact (e.g. excessive and unnecessary phone calls or emails) • demanding conduct (e.g. demanding more reviews than departmental procedures allow, or demanding a different outcome without showing the original decision was incorrect) • unreasonable lack of cooperation (e.g. refusing to identify the issue of complaint or providing disorganised information) • unreasonable arguments (e.g. making irrational claims) • unreasonable behaviour (e.g. aggression or violence to staff, or threatening harm to self and others).
Vexatious	<p>A vexatious complaint or internal review is one that is not brought in good faith, and is instead designed to harass, annoy, or create a resource burden for the department.</p>

Legislation

- [Public Service Act 2008 \(Qld\)](#) section 219A
- [Education \(General Provisions\) Act 2006 \(Qld\)](#) section 46

Delegations/Authorisations

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

Related policies

- [Customer complaints management framework](#)
- [Customer complaints management](#)
- [Enterprise risk management](#)
- [Enterprise risk management framework](#)
- [Managing employee complaints](#)
- [Early childhood education and care complaints management](#)

Related procedures

- [Customer complaints management](#)
- [Internal review](#)
- [Managing employee complaints](#)
- [Education Queensland International – Complaints and appeals](#)

- [Enterprise risk management](#)

Guidelines

- AS/NZS ISO 10002:2014 – Guideline for complaint management in organisations

Supporting information/websites

- [Compliments and customer complaints](#)
- [Customer complaints management](#) (DoE employees only)
- [Good practice guide to dealing with challenging behaviour](#)
- [Managing unreasonable complainant conduct practice manual](#)
- [Unreasonable complainant conduct matrix](#) (DoE employees only)
- [Warning letter template](#) (DoE employees only)
- [Termination letter template](#) (DoE employees only)
- [Case studies](#) (DoE employees only)
- [Information sheet: Unreasonable complainant conduct](#)
- [Unreasonable complainant conduct: frequently asked questions](#) (DoE employees only)
- [Complaints lifecycle guide – CCMS guide](#) (DoE employees only)
- [School complaints register](#) (DoE employees only)
- [Excluded complaints factsheet](#)

Contact

For departmental staff who would like more information about the Customer complaints management framework, policy or procedures, please email customercomplaintsgs@qed.qld.gov.au.

Review date

07/01/2023

Superseded versions

Nil

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