

UNREASONABLE COMPLAINANT CONDUCT (UCC) POLICY

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1 Purpose and Objective

Housing Plus is committed to being accessible and responsive to all complainants who approach us for assistance and/or with a complaint. At the same time the success of our service delivery 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 staff.
- Our ability to allocate our resources fairly across all the complaints we receive.

When complainants behave unreasonably in their dealings with us, their conduct can significantly affect our service delivery outcomes. As a result, Housing Plus will take proactive and decisive action to manage any complainant conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

This policy has been developed to assist all staff members to better manage unreasonable complainant conduct (UCC). Its aim is to ensure that all staff:

- Feel confident and supported in taking action to manage UCC.
- Act fairly, consistently, honestly and appropriately when responding to UCC.
- Are aware of their roles and responsibilities in relation to the management of UCC and how this policy will be used.
- Understand the types of circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
- Strategies to change or restrict a complainant's access to our services.
- Alternative dispute resolution strategies to deal with conflicts involving complainants and members of our organisation.
- Legal instruments such as trespass laws/legislation to prevent a complainant from coming onto our premises and orders to protect specific staff members from any actual or apprehended personal violence, intimidation or stalking.
- Have a clear understanding of the criteria that will be considered before we decide to change or restrict a complainant's access to our services.
- Are aware of the processes that will be followed to record and report UCC incidents as well as the procedures for consulting and notifying complainants about any proposed actions or decisions to change or restrict their access to our services.
- Are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.
- To protect staff from the stress – including in some cases affecting their right to dignity, reputation, physical and emotional safety, wellbeing and work performance.

2 Scope

- a. This policy applies to all Housing Plus employees, management, and contractors, and volunteers.

- b. This policy describes the organisation's objectives and policies regarding Unreasonable Complainant Conduct management.

3 References

3.1 Policies

- External Complaints and Compliments Policy
- Appeals Policy
- Grievance Resolution Policy
- Anti-Social Behaviour Policy
- Code of Conduct Policy
- Privacy Policy
- Housing Plus Complaints Procedure
- Housing Plus Managing Unreasonable Complainant Conduct Procedure
- Commonwealth Ombudsman; Managing unreasonable complainant conduct – NSW Ombudsman, August 2021
- NSW Registrar of Community Housing; Guidelines for Managing Unreasonable Complainant Conduct – 07 June 2024

4 Definitions

Term: Company

Definition: Housing Plus, ABN 83 147 459 461, and all of its related and associated entities

Term: Employee

Definition: An individual who is directly engaged and paid by the Company as an Employee

Term: Manager

Definition: An Employee who has direct reports (includes Executive, Senior Management and Team Leaders). In situations involving volunteers, 'Manager' refers to the Volunteer Supervisor

Term: Executive

Definition: A member of the Executive team

Term: Volunteer or Other Stakeholders

Definition: Collectively refers to any individual(s) who is not an Employee but who carries out work (whether paid or unpaid) for the Company, including (but not limited to) work as a volunteer, contractor, secondee, consultant or subcontractor, labour hire company, an apprentice or trainee, and a student gaining work experience.

Term: Work Environment

Definition: Includes but is not limited to:

- During and outside normal working hours.
- All functions, events and places which are work related (e.g. Including working from home under the flexible work policy, work lunches, conferences, Christmas parties and client functions).
- During the recruitment process, any environment which has sufficient connection to employment; decisions about promotions and other career opportunities, or in the termination of employment.
- In the course of providing goods and services.

Term: Complaint

Definition: is any expression of dissatisfaction made by, or on behalf of, a tenant/applicant of a Community Housing Provider (CHP), a member of the public, or by an organisation in the community housing sector, where the complainant is unhappy with the standard or, type of a service and requests a changed outcome.

Term: Unreasonable complainant conduct (UCC)

Definition: 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 our organisation, our staff, other service users and complainants or the complainant himself/herself.

Term: Housing Plus Incident Management System

Definition: is used to manage all types of incidents, WHS, Suggestions, Risks, Compliments, Complaints, or Grievances.

Term: Housing Act

Definition: The NSW Housing Act 2001.

Term: Housing Regulation

Definition: The National Regulatory System for Community Housing Providers ([Adoption of National Law Act 2012 \(NSW\)](#))

Term: Evidence Guidelines

Definition: Housing Regulations Evidence Guidelines issued by the National Register of Community Housing.

Term: Internal Complaint or Grievance

Definition: is a complaint, or grievance, about a Housing Plus service, processes or staff member(s), from a Housing Plus employee.

Term: Internal suggestion

Definition: A suggestion about Housing Plus services or process, from a Housing Plus employee.

Term: Appeal

Definition: An appeal is made against a policy decision, where as a complaint is made against the provision (or not) of a service.

Term: Housing Appeal Committee (HAC)

Definition: The NSW Housing Appeals Committee is an independent agency which deals with appeals from people who are unhappy with decision made by social housing providers.

Term: *NSW Civil and Administrative Tribunal (NCAT)*

Definition: provides specialist independent tribunal services in NSW.

Term: *Australian Securities & Investments Commission (ASIC)*

Definition: is an independent Australian government body that acts as Australia's corporate regulator. ASIC's role is to enforce and regulate company and financial services laws to protect Australian consumers, investors and creditors. ASIC's authority and scope is determined pursuant to the Australian Securities and Investments Commission Act, 2001 (Cth).

ASIC is responsible for the administration of all or parts of the following legislation:

- Corporations Act, 2001 (Cth)
- Insurance Contracts Act, 1984 (Cth)
- National Consumer Credit Protection Act, 2009 (Cth)

Term: NSW Federation of Housing Associations

Definition: NSW Federation of Housing Associations provides services, information, and training for community housing association providers in NSW, Australia.

Term: NSW Register of Community Housing

Definition: The Registrar of Community Housing is responsible for registering and regulating CHPs in New South Wales under the National Regulatory System for Community Housing (NRSCH). The Registrar is an independent statutory officer reporting directly to the Minister for Family and Community Services.

The Registrar is also commissioned by the Aboriginal Housing Office to undertake and report on performance assessments of Aboriginal Community Housing Providers in the Provider Assessment and Registration System (PARS) under the Aboriginal Housing Act 1998 (NSW).

Term: Community Housing Directorate

Definition: In New South Wales, community housing is provided by the not-for-profit sector and administered by the Community Housing Directorate. Community housing is part of the broader social housing system, offering those most in need, access to affordable and appropriate housing.

The Community Housing Directorate plays a major role in the sector's strategic development and in ensuring that community housing is effectively managed, operates in the public interest and is accountable to Government. In particular, it administers the accreditation and registration programs, which support the maintenance of the high standards in the sector.

The role of the Community Housing Directorate is to:

- Set the strategic directions for community housing in partnership with CHPs.
- Plan new community housing developments.
- Fund CHPs.
- Help CHPs to continually improve the services they offer tenants.

5 Responsibilities

5.1 Executive

- a. Encouraging an environment where UCC are handled seriously and thoroughly with support from Executive and Managers.
- b. Ensuring an effective UCC management system is developed and in place for the organisation.
- c. Ensuring appropriate resources are available and utilised for effective UCC management.
- d. Reporting to the Housing Plus Board of Directors in accordance with the governance provisions.
- e. Nominating an executive staff member within the organisation who is responsible for:
 - i. Ensuring monitoring and risk rating of UCCs.
 - ii. Ensuring local actions are implemented to eliminate or minimise similar problems from occurring.
 - iii. Reporting of UCC occurrences to Housing Plus Board of Directors at each Board Meeting.
 - iv. Implementing policies and local procedures that support staff, including staff training on UCC management.

5.2 Executive

- a. Responsible for ensuring adoption and implementation of Policy within their Department/Teams and provide assurance of compliance.
- b. Establishing UCC management objectives within areas of responsibility.

5.3 Compliance and Assurance Manager

- a. Responsible for ensuring dissemination and regular review of Policy.
- b. Provide assurance of compliance with the Policy.

5.4 Management

- a. Take the role of UCC Manager as per this policy
- b. Developing local policies and procedures for UCC Management
- c. Manage any actions and/or strategies that effectively change or restrict a complainant's access to our services
- d. Responsible for ensuring adoption and implementation of Policy within their Department/Teams and provide assurance of compliance
- e. Coordinates and implements policy through their areas of responsibility service
- f. Oversees training for their staff.

5.5 Employee Responsibilities

- a. Receive and process UCC as per this policy
- b. Understand and comply with Housing Plus policies regarding UCC management.

6 Policy

This policy applies to unreasonable complainant conduct in relation to all complaints about Housing Plus services made by clients, members of the public or external organisations.

6.1 Source of Our Obligation

As a CHP, we must comply with the Housing Act (NSW) and Housing Regulations (Regulatory Code) as well as the Evidence Guidelines issued by the National Registrar of Community Housing. Under the Evidence Guidelines all classes of CHPs are required to implement policies and procedures which provide mechanisms for applicant and resident complaints and appeals.

As a CHP, we are the first point of contact with respect to any individual tenancy, applicant or access related complaint.

6.2 What Is Unreasonable Complainant Conduct (UCC)?

'We define unreasonable conduct as any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process'. www.ombo.nsw.gov.au

Most complainants who come to our office act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about their complaint. However, in a very small number of cases some complainants behave in ways that are inappropriate and unacceptable – despite our best efforts to help them. They are aggressive and verbally abusive towards our staff. They threaten harm and violence, bombard our offices with unnecessary and excessive phone calls and emails, make inappropriate demands on our time and our resources and refuse to accept our decisions and recommendations in relation to their complaints. When complainants behave in these ways, we consider their conduct to be ‘unreasonable’.

Unreasonable complainant conduct (UCC) is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant himself/herself.

UCC can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours.

6.2.1 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 and/or resources. Some examples of unreasonably persistent behaviour include:

- An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
- Persistently demanding a review simply because it is available and without arguing or presenting a case for one.
- Pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their complaints.
- Reframing a complaint in an effort to get it taken up again.
- Bombarding our staff/organisation with phone calls, visits, letters, 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 complaint – internal and external forum shopping.

6.2.2 Unreasonable Demands

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and 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 complaint, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a Senior Manager or the CEO personally when it is not appropriate or warranted.
- Emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame, seduce or portray 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 sacked or prosecuted, an apology and/or compensation when there is no reasonable basis for expecting this.
- Demanding a level of service provision, housing upgrade, renovation, etc that exceeds what is reasonably expected and what is provided generally.
- Demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly.
- Expecting services that Housing Plus is not funded to provide, or the complainant is not eligible to receive under the funding agreement.

6.2.3 Unreasonable Lack of Communication

Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with our organisation, staff, or complaints system and processes that results 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 complainant is clearly capable of doing this.
- Providing little or no detail with a complaint or presenting information in ‘drips and drabs’.
- 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.

6.2.4 Unreasonable Arguments

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

- fail to follow a logical sequence
- are not supported by any evidence and/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, resources and attention that the complainant demands

- are false, inflammatory or defamatory.

6.2.5 Unreasonable Behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant himself/herself. Some examples of unreasonable behaviours include:

- Acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks
- Harassment, intimidation or physical violence.
- Rude, confronting and/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).
- Emotional manipulation.
- Defamation of staff or Housing (in person or online).

All staff should note that Housing Plus has a zero-tolerance policy towards any harm, abuse or threats directed towards them. Any conduct of this kind will be dealt with under this policy.

6.3 Responding to and Managing Unreasonable Complainant Conduct

UCC must be flagged as “high priority” and referred to the Chief Executive Officer or CEO delegated nominee. Action must be taken in accordance with our Unreasonable Complainant Conduct processes. While a formal warning letter will generally be issued to a complainant about their conduct, there may be instances where necessary action is taken without a formal warning. UCC incidents will generally be managed by limiting or adapting how we interact with and/or deliver services to complainants by restricting:

- Who they have contact with.
- What they can raise with us.
- When they can have contact.
- Where they can make contact.
- How they can make contact.

Discretion will be required to adapt any action to suit a complainant’s personal circumstances, level of competency, literacy skills etcetera. On this basis, more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

Any actions and/or strategies that effectively change or restrict a complainant’s access to our services must be considered at the level of Executive Management or higher.

Breaches of these may involve law enforcement.

Individual cases will be reviewed quarterly.

6.4 Program Maintenance, Record Keeping and Improvement

In managing UCC, complaints and dispute resolution we have given regard to:

- Our legal and regulatory obligations as well as to various guidelines, codes of practice and standards, published or referenced by regulators.
- Our objectives to improve internal processes and enhance customer experience, loyalty and approval levels.

6.5 Record Keeping

Complete records of all individual UCC, together with data regarding the overall performance of our complaints handling process are recorded through our online complaints management system and are readily accessible to management.

We adopt the guiding principle that whenever dealing with UCC, and in particular when recording information relating to a complainant and/or complaint, that this information may at some time in the future, be requested by the complainant or a regulator, or may be made public as a result of litigation (whether related to or unrelated to the particular complaint). Our records are maintained in a format which allows them to be provided to a regulator, or a complainant, if so requested.

In the event that any particular information relating to UCC and/or complaint is requested by an external party, we will consider all of the circumstances of the request and if necessary, seek legal advice as to what, if any information, we are legally required to provide.

Records with respect to training undertaken by our staff and representatives relating to UCC management and complaints handling program are maintained on our intranet (SharePoint).

All records are maintained for a minimum of seven (7) years.

6.6 Maintenance and Improvement

All UCC matters and associated complaints are classified and then analysed to identify systematic, recurring and single incident problems and trends, and to eliminate the underlying cause.

We continually monitor the overall performance of our complaints handling processes having regard to the size, nature and complexity of our organisation and to historical complaints data. This includes taking action to determine the levels of satisfaction of complainants.

The program is reviewed periodically (at least once every 2 years) to ensure that it continues to be effective and efficient. The information obtained from these reviews is used to continually improve the program.

7 Reporting

All UCC matters are logged through our online complaints management system which is maintained in real time allowing a variety of reports to be produced that allow analysis of complaints as they occur. These reports can be produced on an as-needs basis.

7.1 Reporting to the Board of Directors

It is critical that the Board of Directors and senior management are notified of appropriate significant UCC as quickly as possible and on an annual basis are provided an analysis of the previous year's UCC activities.

Appropriate UCC include those that are reported to the Registrar and of serious nature including any that relate to work health and safety, allegations of fraud or the behaviour and conduct of the CEO.

Annual review report to Board by the CEO includes:

- Report Unreasonable Complainant Conduct (UCC)
- Details and analysis of UCCs and actions undertaken
- UCC resolutions.

7.2 Reporting to the Registrar, Community Housing

Under the Evidence Guidelines, we must notify the Registrar, Community Housing of any incident relating to its operations that damages or may damage the reputation of the community housing sector.

If the Complaints Manager identifies a UCC which may damage the reputation of the community housing sector, they must advise the CEO immediately.

The CEO will then determine whether to notify the Registrar.

7.3 Community Housing (NSW) Fact Sheets & Useful Websites

Community and Private Market Housing has published a series of fact sheets to assist tenants and community housing provides better understand its Complaints, Issues and Appeals Management Framework:

- Fact Sheet - Community Housing Related Complaints - General
- Fact Sheet - Applicant for Community Housing - Complaints and Appeals
- Fact sheet - Tenant of Community Housing - Complaints and Appeals
- Complaints, Issues and Appeals Management Referral Map
- Fact Sheet - Registrar of Community Housing
- Fact Sheet - Roles and Responsibilities - Community Housing

The following websites are also relevant within the overall complaints management and appeals process:

- Homes NSW Complaints and Appeals
- Homes NSW Appeals Committee
- NSW Civil and Administrative Tribunal (NCAT)
- Australian Investments and Securities Commission
- NSW Tenants Advice and Advocacy Services
- NSW Federation of Housing Associations

8 Training

The UCC policy and process is applicable to all staff and is a component of mandatory training.

8.1 New Staff Training

All staff must satisfactorily complete the Complaint Management Training Module within 3 weeks of commencing their role. (UCC training to be included in this module)

8.2 Recurrent Training

All staff must satisfactorily complete Complaints Management Refresher training on a 2 yearly basis.

8.3 Special Training

All staff will need to satisfactorily complete additional complaints management training where there are major changes in policy and procedure. Where there is a breach in the Complaints Management Policy and/or Procedure, individual staff may require additional refresher training.

9 Appeals and Reviews of Decisions

Decisions made under this policy can be reviewed or appealed. For more information, refer to the *Customer Feedback, Complaints and Appeals Policy*.

10 Document Control

10.1 Document History

Action	Responsible Person	Date
Created Draft	Sarah Priestley Jenelle Woolf Shay Robertson	June 2021
Reviewed	Liz Stamatelos Justin Cantelo	July 2021
Approved	David Fisher	August 2021
Reviewed	Therese Short Chris Maybin Lena Jenson Harmony Meath Liz Stamatelos	August 2024 October 2024 January 2025

Approved	Justin Cantelo	February 2025
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