

DOCUMENT TYPE	Policy
TITLE	UNREASONABLE, VEXATIOUS OR HABITUAL COMPLAINANTS MANAGEMENT
NUMBER:	POL-1022

PURPOSE

To identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be unreasonable, vexatious or habitual.

This policy formalises the actions to be taken by the Shire of Wyndham East Kimberley (Shire) in response to persons whose complaint conduct is considered unreasonable, vexatious, or habitual in nature.

SCOPE

This policy applies to:

- All Shire employees,
- Elected members,
- Contractors and volunteers acting on behalf of the Shire.

POLICY STATEMENTS

*This policy operates as an extension of **POL-2000 – Complaints Management** and is intended to guide the Shire's response when complaint conduct becomes unreasonable or vexatious. All complaints must first be assessed and managed under the standard processes outlined in POL-2000. Only when such processes are exhausted or demonstrably ineffective should the provisions of this policy be considered.*

While the Shire is committed to high standards of customer service, there are instances where a person's ongoing behaviour or complaint conduct may become unreasonable. This includes repeated complaints with no new information, persistent refusal to accept outcomes, or abusive conduct towards staff or elected members.

Guided by the Ombudsman WA Guidelines – Dealing with Unreasonable Complainant Conduct, this policy categorises unreasonable conduct as:

Habitual/Obsessive

- repeated demands despite prior resolution.

Rude, angry, and harassing conduct

- aggressive, intimidating, or offensive behaviour.

Aggressive/Threatening

- includes actual or threatened violence or physical intimidation.

The difficulty in handling such complaints is that they are time consuming and wasteful of resources in terms of Officer and Council member time and displace limited human resources that could otherwise be spent on organisational priorities.

Whilst the Shire endeavours to respond to the needs of all complainants with patience, empathy and sincerity, in line with policy *POL-2000 Complaints Management*, there are times when there

is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

PROCEDURE FOR MANAGEMENT

Before any restrictions are considered:

- Complaints must be assessed under Shire's standard complaints process.
- A written warning should be issued advising the complainant that continued conduct may result in restriction of communication or engagement.

Where a complaint has been considered by the CEO following discussions with the Executive Management Team in accordance with this Policy, but the complainant refuses to accept the decisions and actions, as outcomes of the complaint, the CEO or a Director may advise the complainant, in writing that any single or a combination of the following actions have been determined:

a. Cease Consideration of Repetitive Complaints

- The organisation will not engage further with complaints that are the same or substantially similar to previous complaints and raise no new issues. In exceptional cases involving unreasonable, habitual or vexatious complainants, legal advice may be sought.
- Where a complainant continues to submit repeat requests despite having received a response, a single written notice will be issued advising them to cease. The notice will outline that this policy may be applied if the behaviour persists. The complainant will be informed that new or unrelated concerns will continue to be addressed through standard processes.

b. Return of abusive or intimidating material

- Material containing personal abuse, inflammatory content or intimidation may be returned and disregarded.
- A letter will be issued documenting the reasons, and if applicable, a warning of possible legal steps (e.g., a restraining order).

c. Termination of Telephone Contact

- Staff may terminate calls where the complainant is abusive, following a clear warning.

d. Communication Restrictions

The CEO may impose restrictions such as:

- Written correspondence only,
- Limiting frequency and timing of communication,
- Restricting access to Shire offices or meetings (with or without security).

e. Seeking Legal Advice

In extreme cases, the Shire may:

- Pause all engagement pending legal advice.
- Involve LGIS for risk and liability purposes.
- Notify external authorities if necessary (e.g., WA Police or Ombudsman WA).

NOTIFICATION AND NATURAL JUSTICE

In addition to the above actions:

- Affected individuals will be formally notified in writing.
- They will be provided an opportunity to respond before any restriction is finalised.
- They will be advised of their right to escalate the matter to the Ombudsman WA.

REVIEW

- All restrictions will be reviewed at least every 12 months.
- The complainant must be informed of review outcomes.

SHIRE'S RESPONSE TO LEGAL ACTION

If the Shire suspects that the complainant may take legal action against them, the case should be referred to LGIS (Local Government Insurance Scheme) as required under their terms of service on legal risk.

If the complainant sends a complaint to the Local Government or Department of Local Government, Sport and Cultural Industry (DLGSC), the Shire should proactively follow suit by contacting the same Minister or DLGSC to advise of the Shire's perspective and position.

DOCUMENT AND VERSION CONTROL

Responsible Directorate	Office of the CEO		
Responsible Officer	Chief Executive Officer		
Statutory References	Local Government Act 1995 (WA) State Records Act 2000 Freedom of Information Act 1992 Public Interest Disclosure Act 2003		
Related Documents	PSF-2000 Customer Service Charter POL-2000 Complaints Management Ombudsman WA Guidelines – Dealing with Unreasonable Complainant Conduct DIR-1022 Code of Conduct for Employees POL-1005 Code of Conduct for Council Members Committee Members and Candidates for Local Government Elections		
Amendment History (Adoption and last 3 amendments)			
Version	Date Issued - Resolution Number	Item #	Description of Change
1.0	27/10/2015 - 11155	13.5.4	Council Adoption
Date of Next Review		June 2028	