



DEALING WITH UNREASONABLE CUSTOMER CONDUCT POLICY P3.0106.3

DEALING WITH UNREASONABLE CUSTOMER CONDUCT POLICY

DIRECTORATE: Customer and Corporate Strategy

BRANCH: Legal and Governance

CATEGORY: 3

1. Purpose

- 1.1. The purpose of this Policy is to provide guidance on managing customer conduct that negatively and unreasonably affects Council officials.

2. Alignment with Community Strategic Plan

- Council's Community Strategic Plan 2025-2040 identifies five key directions to guide Council towards achievement of the vision that "Camden is a diverse, vibrant community embracing sustainable growth, honouring heritage, and protecting our environment together". The following objectives and strategies are applicable to this Policy and relevant to the key direction of Leading:
 - L2.1 Celebrate a culture of trust, collaboration and excellence
 - L2.3 Champion a responsive customer experience.

3. Scope

- 3.1. This Policy applies to all Council officials, third parties and members of the public.

4. Objectives

- 4.1. The main objectives of this Policy are to:
- Ensure that unacceptable conduct by customers is managed in a fair, consistent, honest and appropriate manner
 - Outline relevant roles and responsibilities
 - Protect the health, safety and security of Council officials and contractors from unreasonable conduct.

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5. Policy Statement

5.1 Responding to and Managing Unreasonable Customer Conduct

Changing or Restricting a Customer's Access to Council Services

5.1.1. Unreasonable customer conduct will generally be managed by limiting or adapting the ways that Council interacts with and/or delivers services to customers by restricting: Who they have contact with - limiting a customer to a sole contact point/Council within the organisation; Official What they can raise with Council - restricting the subject matter of communications that will be considered and responded to; When they can have contact - limiting a customer's contact with Council to a particular time, day, or length of time, or curbing the frequency of their contact with Council; Unreasonable customer conduct will be managed by limiting or adapting the ways that Council interacts with and/or delivers services to customers by restricting: • Who the customer has contact with • What they can contact Council about • When, where and how they can contact Council Alternatively, a customer's access to Council services may be terminated. Where they can make contact - limiting the locations where face-to-face interviews are conducted to secured facilities or areas of the office; and How they can make contact - limiting or modifying the forms of contact that the customer can have with Council. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to Council premises, contact through a representative only, taking no further action or terminating provision of services altogether.

5.1.2. When applying restrictions to a customer's access to Council services, Council recognises that discretion will need to be used to adapt them to suit a customer's personal circumstances such as level of competency, literacy skills, and cultural background. In this regard, Council also recognises that more than one strategy may be needed in individual cases to ensure their appropriateness and efficacy.

Who - Limiting the Customer to a Sole Contact Point

5.1.3. Where a customer tries to forum shop internally within Council, changes their issues of complaint repeatedly, constantly reframes their complaint, or raises an excessive number of complaints, it may be appropriate to restrict their access to a single Council official (a sole contact point) who will manage their complaint/s and interactions with Council.

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- 5.1.4. This may help ensure they are dealt with consistently and may minimise the incidence of misunderstandings, contradictions and manipulation. To avoid 'burnout', the sole contact officer's supervisor will provide them with regular support and guidance as needed. The Complaints Coordinator will also review the arrangement every six months to ensure that the officer is managing/coping with the arrangement.
- 5.1.5. Customers who are restricted to a sole contact person will also be given the contact details of one additional staff member who they can contact if their primary contact is unavailable, for example, if they go on leave or are otherwise unavailable for an extended period of time.

What – Restricting the Subject Matter of Communications Council Will Consider

- 5.1.6. Where customers repeatedly send letters, emails, or online forms that raise trivial or insignificant issues, contain inappropriate or abusive content, or relate to a matter that has already been comprehensively considered and/or reviewed (at least once) by Council, Council may restrict the issues the customer can raise with Council.
- 5.1.7. For example, Council may refuse to respond to correspondence that raises an issue that has already been dealt with, that raises a trivial issue, or is not supported by evidence. The customer will be advised that future correspondence of this kind will be read and filed without acknowledgement unless Council decides that it needs to pursue it further, in which case Council may do so on its 'own motion' Restrict the customer to one complaint or issue per month. Any attempts to circumvent this restriction, for example by raising multiple complaints or issues in the one letter, may result in modifications or further restrictions being placed on their access and/or Return correspondence to the customer and require them to remove any inappropriate content before Council will agree to consider its contents. Council will also keep a copy of the inappropriate correspondence for its records to identify repeat unreasonable customer conduct incidents.

When and How – Limiting When and How a Complainant Can Contact Council

- 5.1.8. If a customer's contact with Council places an unreasonable demand on Council's time or resources or affects the health, safety and security of Council Officials because it involves behaviour that is persistently rude, threatening, abusive or aggressive, Council may limit when and/or how the customer can interact with Council.

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- 5.1.9. This may include:
- Limiting their telephone calls or face-to-face interviews 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 interviews, for example:
 - o Telephone calls may be limited to 10 minutes at a time and will be politely terminated at the end of that time period
 - o Lengthy written communications may be restricted to a maximum of 15 typed or written pages, single sided, font size 12 or it will be sent back to the customer to be organised and summarised – This option is only appropriate in cases where the customer is capable of summarising the information and refuses to do so
 - o Limiting face-to-face interviews to a maximum of 45 minutes and/or
 - Limiting the frequency of their telephone calls, written correspondence or face-to-face interviews and, depending on the nature of the service(s) provided Council may limit:
 - o Telephone calls to one every two weeks/month
 - o Written communications to one every two weeks/month, and/or
 - o Face-to-face interviews to one every two weeks/month.
- 5.1.10. For irrelevant, overly lengthy, disorganised or very frequent written correspondence Council may also:
- Require the customer to clearly identify how the information or supporting materials they have sent to Council relate to the central issues that Council has identified in their complaint
 - Restrict the frequency with which customers can send emails or other written communications to Council, and/or
 - Restrict a customer to sending emails to a particular email account (e.g., Council's main email account) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

'Writing Only' Restrictions

- 5.1.11. When a complainant is restricted to 'writing only' they may be restricted to written communications through:
- Australia Post only
 - Email only to a specific Council official email or Council's general office email account
 - Fax only to a specific fax number, and/or
 - Some other relevant form of written contact, where applicable.
- 5.1.12. If a customer's contact is restricted to writing only, the General Manager will clearly identify the specific means that the customer can use to contact Council (e.g., Australia Post only). If it is not appropriate for a customer to enter Council premises to hand deliver their written communication this must be communicated to them as well.
- 5.1.13. Any communications received by Council in a manner that contravenes a 'writing only' restriction will either be returned to the customer or read and filed without acknowledgement.

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Where – Limiting Face-to-Face Interviews to Secure Areas

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

5.1.15. These restrictions can include:

- Restricting access to particular secured premises or areas of the office such as the reception area or a secured room or facility;
- Restricting their ability to attend Council premises to specified times of the day and/or days of the week only – for example, when additional security is available or to times/days that are less busy. Allowing them to attend Council's office on an 'appointment only' basis and only with specified staff. (Note: during these meetings staff should always seek support and assistance of a colleague for added safety and security), and/or
- Banning the customer from attending Council premises altogether and allowing some other form of contact – e.g., 'writing only' or 'telephone only' contact.

Contact Through a Representative Only

5.1.16. In cases where Council cannot completely restrict its contact with a customer and their conduct is particularly difficult to manage, Council may require them to contact Council through a support person or representative only. The support person may be nominated by the customer but must be approved by the General Manager.

5.1.17. When assessing a representative or support person's suitability, the General Manager should consider factors such as their level of competency and literacy skills, demeanour and behaviour, and relationship with the customer. If the General Manager determines that the representative or support person may exacerbate the situation with the customer, the customer will be asked to nominate another person and Council may assist them in this regard.

Completely Terminating a Customer's Access to Council Services

5.1.18. In rare cases, and as a last resort when all other strategies have been considered, the General Manager (or the Executive Leadership Group in instances referred to them for consideration) may decide that it is necessary for Council to completely restrict a customer's contact and/or access to Council services.

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5.1.19. A decision to have no further contact with a customer will only be made if it appears that the customer is unlikely to modify their conduct and/or their conduct poses a significant risk for Council Officials or other parties because it involves one or more of the following:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault
- Damage to property while on Council 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 – e.g., entrapping them in their home; or Conduct that is otherwise unlawful.

5.1.20. In these cases, the customer will be sent a letter notifying them that their access has been restricted as outlined in clause 5.3 below.

5.1.21. A customer's access to Council services and Council premises may also be restricted (directly or indirectly) using legal mechanisms such as trespass laws and other legislation or legal orders to protect Council Officials from personal violence, intimidation or stalking by a customer.

5.2.1. If the General Manager (or the Executive Leadership Group in instances referred to them for consideration) determines that Council cannot terminate its services to a customer in a particular case or that Council or its Officials bear some responsibility for causing or exacerbating their conduct, they may consider using alternative dispute resolution strategies such as mediation and conciliation to resolve the conflict with the customer and attempt to rebuild the relationship with them.

5.2.2. If using alternative dispute resolution is considered to be an appropriate option in a particular case, it will be conducted by a suitably qualified independent third party to ensure transparency and impartiality.

5.2.3. However, Council recognises that in unreasonable customer conduct situations alternative dispute resolution may not be an appropriate or effective strategy, particularly if the complainant is uncooperative or resistant to compromise. Therefore, each case will be assessed on its own facts to determine the appropriateness of this approach.

Consulting with Relevant Staff

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5.3.1. When the Complaints Coordinator receives notification of an unreasonable customer conduct incident, they will contact the Council Official concerned to discuss the incident within ten working days.

5.3.2. They will discuss:

- The circumstances that gave rise to the unreasonable customer conduct incident, including the customer's situation, personal and cultural background, and perspective
- The impact of the customer's conduct on Council, relevant Council Officials, time, resources etc.
- The customer's response to the Council Official's warnings or requests to stop the unreasonable behaviour; • What the Council Official has done to manage the customer's conduct (if applicable); and • Any suggestions made by relevant staff (including the Council Official's supervisor) on ways that the situation could be managed.

Criteria to be Considered

5.3.3. Following consultation with relevant Council Officials, the Complaints Coordinator will search Council's EDMS and Unreasonable Customer Conduct Register for information about the customer's prior conduct and history with Council.

5.3.4. The Complaints Coordinator will also consider the following criteria:

- Whether the conduct in question involved overt anger, - aggression, violence or assault (which is unacceptable in all circumstances)
- Whether the customer's case has merit
- The likelihood that the customer will modify their unreasonable conduct if they are given a formal warning about their conduct
- Whether changing or restricting access to Council services will:
 - Be effective in managing the customer's behaviour
 - Affect the customer's ability to meet their obligations, such as reporting obligations, and
 - Have an undue impact on the customer's welfare, livelihood or dependents etc

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- Whether the customer's personal circumstances have contributed to the behaviour, for example, the customer's cultural background may mean their communication patterns differ from those of Council's Officials or Council's standards, or the customer 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, and
 - Substance or alcohol abuse
- Whether the customer's response and/or conduct in the circumstances was moderately disproportionate, grossly disproportionate or not at all disproportionate, and
- Whether there are any statutory provisions that would limit the types of limitations that can be applied to the customer's contact with or access to Council services.

5.3.5. Once the Complaints Coordinator has considered these criteria, the Complaints Coordinator may (in consultation with the relevant Director) decide that in the circumstances the customer conduct is not unreasonable or that it is appropriate to issue a warning letter in accordance with this Policy. In that case, the outcome must be notified to the General Manager, Executive Leadership Group and relevant Senior Managers and Supervisors. However, if the Complaints Coordinator determines that the customer conduct is considered unreasonable such as to warrant consideration of a restriction, a report will be prepared and provided to the General Manager to consider, outlining the investigations undertaken, why the customer conduct is considered unreasonable and providing a recommendation on an appropriate course of action. This may include formal or informal options for dealing with the unreasonable customer conduct which may include one or more strategies outlined in this Policy and/or related guidelines and procedures, including the NSW Ombudsman's Managing Unreasonable Conduct by a Complainant Manual (3rd edition).

5.3.6. The General Manager may resolve to refer the matter to Council's Executive Leadership Group for consideration and determination.

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Providing a Warning Letter

5.3.7. Unless a customer's conduct poses a substantial risk to the health and safety of Council Officials or other third parties, the General Manager (or the Executive Leadership Group in instances referred to them for consideration) or the Complaints Coordinator (in consultation with the relevant Director), may resolve to, in the first instance, provide a customer with a written warning about their conduct. If the customer is unable to read the letter, it will be followed/accompanied by a telephone call, using an interpreter if necessary.

5.3.8. The warning letter will:

- Specify the date, time, and location of the unreasonable customer conduct incident/s
- Explain why the customer's conduct/unreasonable customer 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 Council's ground rules and/or briefly state the standard of behaviour that is expected of the customer
- Provide the name and contact details of the Council Official they can contact about the letter, and
- Be signed by the General Manager, or their delegate, or the Complaints Coordinator.

5.3.9. Regular updates should be provided to the relevant Council official/s throughout the process to advise on progress of the matter.

Providing a Notification Letter

5.3.10. If a customer'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 General Manager (or the Executive Leadership Group in instances referred to them for consideration) or the Complaints Coordinator (in consultation with the relevant Director), has the discretion to send a notification letter immediately restricting the customer's access to Council services (without prior written warning). If the customer 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

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if necessary.

5.3.11. The notification letter will:

- Specify the date, time, and location of the unreasonable customer conduct incident/s
- Explain why the customer's conduct is problematic; Identify the change and/or restriction that will be imposed and what it means for the customer
- 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, unless there are specific safety concerns, the name and contact details of the Council Official (a Senior Manager) they can contact about the letter and/or request a review of the decision, and Be signed, unless there are specific safety concerns, by the General Manager, or his/her delegate, or the Complaints Coordinator.

Notifying	Relevant	Council	Officials	About	Access
Changes/Restrictions					

5.3.12. The Complaints Coordinator will notify relevant Council Officials about any decisions to change or restrict a customer's access to Council services. This may include notifying the Customer Relations team and security staff in cases where a customer is prohibited from entering Council premises.

5.3.13. The Complaints Coordinator will also update the Unreasonable Customer Conduct Register and EDMS with records outlining the nature of the restrictions imposed and their duration. Continued Monitoring/Oversight Responsibilities

5.3.14. Once a customer has been issued with a warning letter or notification letter the Complaints Coordinator will review the customer's record/restrictions every 12 months, on request by a Council Official, or following any further incidents of unreasonable customer conduct that involve the particular customer to ensure that they are complying with their restrictions/the arrangement is working.

5.3.15. If the Complaints Coordinator determines that the restrictions have been ineffective in managing the customer's conduct or are otherwise

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inappropriate, they should report their findings to the General Manager (or the Executive Leadership Group in instances referred to them for consideration) who may decide to either modify the restrictions, impose further restrictions, or terminate the customer's access to Council services altogether.

- 5.4.1. Customers who have their access changed or restricted are entitled to one appeal of a decision to change and/or restrict their access to Council services. This review will be undertaken by a senior Council Official assigned by the General Manager who was not involved in the original decision to change or restrict the customer's access.
- 5.4.2. This Council Official will consider the customer's arguments and personal circumstances, including cultural background, along with all relevant records regarding the customer's past conduct. They will advise the customer of the outcome of their appeal by letter, which must be signed off by the General Manager. The Council Official will then refer any materials/records relating to the appeal to the Complaints Coordinator to be kept in the appropriate file.
- 5.4.3. If a customer is still dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the NSW Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that Council has acted fairly, reasonably, and consistently and has observed the principles of good administrative practice, including procedural fairness.
- 5.5.1. All Council Officials are responsible for recording and reporting incidents of non compliance by customers.
- 5.5.2. Details of non-compliance by customers should be recorded in a file note in EDMS and a copy forwarded to the Complaints Coordinator to report the matter to the General Manager (or the Executive Leadership Group in instances referred to them for consideration) who will decide whether any action needs to be taken to modify or further restrict the customer's access to Council services.
- 5.6.1. All unreasonable customer conduct incidences where this policy is applied will be reviewed not more than 12 months after the service change or restriction was initially imposed or upheld.
- 5.6.2. The Complaints Coordinator will ask customers if they would like to participate in the review process unless they determine that this invitation will provoke a negative response from the customer (i.e., further unreasonable customer conduct). The invitation will be given and the review will be conducted in accordance with the customer's access restrictions.

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5.6.3. When conducting a review, the Complaints Coordinator will consider:

- All unreasonable customer conduct incidences where this policy is applied will be reviewed not more than 12 months after the service change or restriction was initially imposed or upheld
- Whether the customer has had any contact with the organisation during the restriction period; The customer's conduct during the restriction period
- Any information/arguments put forward by the customer for review, and
- Any other information that may be relevant in the circumstances.

5.6.4. The Complaints Coordinator may also consult any Council Officials who have had contact with the customer during the restriction period.

5.6.5. Sometimes a customer may not have a reason to contact Council during their restriction period. As a result, a review decision that is based primarily on the fact that the customer has not contacted Council during their restriction period may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations.

5.6.6. Once the Complaints Coordinator has reviewed the matter, a report will be prepared and provided to the General Manager to consider and for a decision on the review to be made. The General Manager may resolve to refer the matter to Council's Executive Leadership Group for consideration and determination.

5.6.7. The Complaints Coordinator will notify the customer of the outcome of their review using an appropriate method of communication as well as a written letter explaining the outcome.

5.6.8. The review letter will:

- Briefly explain the review process
- Identify the factors that have been considered during the review, and
- Explain the decision/outcome of the review and the reasons for it.

5.6.9. If the outcome of the review is to maintain or modify the restriction, the review letter will also:

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- Indicate the nature of the new or continued restriction; State the duration of the new restriction period
- Provide the name and contact details of the Council Official who the customer can contact to discuss the letter, and
- Be signed by the General Manager or the Complaints Coordinator.

5.6.10. The Complaints Coordinator is responsible for keeping a record of the outcome of the review, updating EDMS and Council's Unreasonable Customer Conduct Register and notifying all relevant Council Officials of the outcome of the review including if the restriction has been withdrawn.

5.7.1. Dealing with demanding, abusive, aggressive, or violent customers can be extremely stressful, distressing and even frightening for Council Officials. It is perfectly normal to get upset or stressed when dealing with difficult situations.

5.7.2. Council has a responsibility to support Council officials who experience stress as a result of situations arising at work and will do its best to provide Council Officials with debriefing and counselling opportunities, when needed. However, to do this Council also needs the help of all Council Officials to identify stressful incidents and situations. All Council Officials have a responsibility to tell relevant Supervisors and Senior Managers about unreasonable customer conduct incidents, and any other stressful incidents that they believe require management to be involved.

5.7.3. Debriefing means talking things through following a difficult or stressful incident. It is an important way of dealing with stress. Many Council Officials do this naturally with colleagues after a difficult telephone call, but Council Officials can also debrief with a Supervisor or Senior Manager (or as a team) following a significant incident. Council encourages all Council Officials to engage in an appropriate level of debriefing, when necessary.

5.7.4. Council Officials may also access an external professional service if required. The Employee Assistance Program (EAP) is available for this purpose.

5.8.1. Information about unreasonable customer conduct allegations, investigations, findings and management is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under this Policy.

5.8.2. Any personal information collected and stored by Council will be used and disclosed only in accordance with the *Privacy and Personal*

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Information Protection Act 1998 and Council's Privacy Management Plan.

- 5.8.3. Disclosure of customer details is not supported by Council but it is required to deal with any requests for access to such details in accordance with Council's Access to Information Policy, the *Local Government Act 1993* and/or the *Government Information (Public Access) Act 2009* (GIPA), whichever is applicable in the circumstances.
- 5.9.1. Council is committed to ensuring that all Council Officials are aware of and know how to use this Policy. All Council Officials who deal with customers in the course of their work will also receive appropriate training and information on using this Policy and on managing unreasonable customer conduct on a regular basis and, in particular, on induction. This should include training to support culturally appropriate communication.

6. Roles and Responsibilities

6.1. Complaints Coordinator

The Complaints Coordinator will be responsible for this Policy and will coordinate the following functions in relation to the Policy:

- Receipt, assessment and processing of unreasonable customer conduct notifications including recommendations for warnings and restrictions.
- Communication with customers about warnings and restrictions.
- Liaison with staff concerning unreasonable customer conduct and advising on the Policy.

6.2. Council officials

Council officials will be responsible for the following functions in relation to the Policy:

- Reporting unreasonable customer conduct as required by the Policy or as otherwise advised by the Manager Legal and Governance.

7. Reporting

- 7.1 There are no reporting obligations required under this Policy.

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8. Evaluation

8.1 The success of this Policy will be measured by

- No reported breaches of this Policy by Council
- Appropriate procedures followed by Council in accordance with this Policy.

9. Review

9.1 This Policy will be reviewed every three years or more frequently as required.

10. Definitions

Act	The <i>Local Government Act 1993</i> (NSW)
Complaints Coordinator	Council's Manager Legal and Governance or, in their absence, the Director Customer and Corporate Strategy
Councillor	A person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor

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Council official	Has the same meaning it has in the Model Code of Conduct for Local Councils in NSW and includes Councillors, members of staff of a Council, Administrators, Council Committee Members, and delegates of Council
Director	A director of a division of Council
ELG	Executive Leadership Group
General Manager	Council's General Manager and includes their delegate or authorised representative
Regulation	The <i>Local Government (General) Regulation 2021</i>
Senior Manager	A manager, howsoever named, of a divisional branch of Council
Staff	Employees, contractors and volunteers undertaking work for Council
Supervisor	A Council officer, howsoever named, to whom staff report but who is not a Senior Manager, Director or General Manager

11. Related Materials

11.1 Related Legislation

- *Government Information (Public Access) Act 2009*
- *Local Government Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *Work Health and Safety Act 2011*

11.2 Related Policies, Procedures and Other Guidance Material

- Agency Information Guide
- Code of Conduct
- Emergency Response Policy
- Feedback Policy
- NSW Ombudsman Managing Unreasonable Conduct by a Complainant Manual
- NSW Ombudsman Managing Unreasonable Conduct by Complainants Model Policy (July 2022)
- Privacy Management Plan
- Work Health and Safety Policy

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Approval and Review	
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Responsible Manager	Manager Legal and Governance
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1	23/07/2019	Council	19/219564	Initial adoption of policy
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3	24/12/2025	Legal and Governance	19/219564	Transfer to new template



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