

Managing Unreasonable Complaints

Policy Number 111 | Edited April 2020

1. Purpose

This policy explains what will happen if a tenant makes an unreasonable complaint or continues to contact Pacific Community Housing in an unreasonable and persistent way.

2. Scope

This policy applies to all tenants living in a property owned or managed by Pacific Community Housing.

3. Principles

Pacific Community Housing is committed to being accessible and responsive to all complainants who contact us for assistance with a complaint or a way to improve services. At the same time the success of Pacific Community Housing to provide quality affordable housing services 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 Pacific Community Housing staff.
- Our ability to allocate our resources equally and fairly across all tenants.

When complainants behave unreasonably in their dealings with us, their conduct can significantly affect our ability to work effectively for the benefit of all. As a result, Pacific Community Housing will take proactive and decisive action to manage any complainants or ongoing behaviour that negatively and unreasonably affects our ability to function as an efficient provider of affordable housing.

4. What is Deemed to be Unreasonable

The five categories Pacific Community Housing deems to be unreasonable conduct are:

- Unreasonable persistence.
- Unreasonable demands.
- Unreasonable cooperation.
- Unreasonable arguments.
- Unreasonable behaviour.

5. Definitions

Unreasonable Persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on Pacific Community Housing staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include, but is not limited to:

- An unwillingness to accept reasonable requests and considerations.
- Continually appealing a reasonable decision following a complaint.
- Reframing a complaint in an attempt to have a decision reviewed.
- Constantly contacting staff by phone, email, letter or visits.
- Bypassing Pacific Community Housing to contact 3rd party contractors directly to get their demands met.

Unreasonable Demands

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on Pacific Community Housing staff, services, time and/or resources. Some examples of unreasonable demands include, but is not limited to:

- Insisting on talking to a Senior Manager when it is not warranted.
- Issuing instructions to staff or contractors on how things should be conducted.
- Using emotional blackmail or threats with the intention to guilt, intimidate or shame.
- Demanding services that are of a nature or scale that Pacific Community Housing cannot provide.

Unreasonable Cooperation

Unreasonable cooperation is an unwillingness and/or inability by a complainant to cooperate with Pacific Community Housing staff, or complaints system and processes that result in a disproportionate and unreasonable use of our services, time and/or resources. Some examples of unreasonable cooperation include, but is not limited to:

- Writing a letter or issuing a complaint which is unreasonably lengthy, incomprehensible, disorganised or intended to harm the reputation of Pacific Community Housing instead of dealing with the situation.
- Giving little detail when making a complaint.
- Refusing to follow reasonable instructions, suggestions or advice.
- Acting dishonestly or giving misinformation.

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 Pacific Community Housing staff, services, time, and/or resources. Arguments that are unreasonable may include, but are not limited to:

- Failing to follow a reasonable and logical order.
- Not being supported by evidence.
- Being trivial when compared to the amount of time and resources the complainant demands.
- Being intentionally inflammatory or defamatory.

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 Pacific Community Housing staff or the complainant. Some examples of unreasonable behaviours may include, but is not limited to:

- Acts of aggression including physical or verbal abuse.
- Derogatory, racist, sexist or defamatory remarks.
- Harassment, intimidation or emotional manipulation.
- Rude, confronting or threatening correspondence.
- Stalking (in person or online).

6. Managing Unreasonable Behaviour

Should Pacific Community Housing deem a tenant's behaviour to be unreasonable according to the above five descriptions of unreasonable behaviour, Pacific Community Housing will initially serve a formal warning letter to the tenant about their conduct and outlining what Pacific Community Housing reasonably requires of them. The formal letter of warning may include, but is not limited to:

- Who the tenant may have contact with at Pacific Community Housing.
- How they are allowed to make contact.
The length of time they may visit or the length of phone calls made.
- What they are and are not allowed to raise with Pacific Community Housing.

If the tenant continues with the unreasonable behaviour a second warning letter will be issued reminding them of the above requirements and also issuing a warning of possible:

- Refusal to respond to their correspondence.
- Return all correspondence to the tenant.
- Restrictions on allowing only one complaint per month.
- Eviction should their behaviour remain unreasonable.
- Intervention from police and/or other authorities if needed.

7. Legislative Framework and Related Policies

- Complaints – Form
- NRSCH Complaints Management - Policy
- NRAS Regulations
- Residential Tenancies Act 2010