



Unreasonable Complaints Policy

Section 1 - Purpose and Objectives

(1) This policy sets out how we deal with complex behaviour in a way that is fair and balances the interest of complainants, CFA members, CFA and the public.

Section 2 - Scope

(2) This policy applies to all CFA members, Labour hire contractors, consultants, persons interacting with CFA and any person making a complaint about CFA (including Brigades and Groups) or a CFA member.

Section 3 - Policy

(3) CFA is committed to providing an accessible, responsive service to all Victorians. We recognise that CFA members people using our services have diverse backgrounds and needs. We also recognise they will sometimes be angry, frustrated or distressed or act in other ways we find challenging. We employ skilled people who can communicate well and deal with complex issues.

(4) At the same time, we are committed to providing a safe and healthy workplace and using our resources efficiently and fairly. We expect CFA members to treat people with courtesy and respect in accordance with the [CFA Behavioural Standards](#). We expect this courtesy to be returned. We do not tolerate behaviour that is offensive, abusive or threatening or consumes disproportionate resources.

(5) We recognise that people who demonstrate complex behaviour often have a legitimate grievance. CFA members will continue to deal with complaints on their merits, regardless of the person's behaviour.

Dealing with complex behaviour

(6) CFA encounters a spectrum of complex behaviour, from slightly confronting to clearly unreasonable, and our responses will be graduated as follows.

- a. Prevent: where possible
- b. Respond: to complex behaviour
- c. Manage: behaviour that is or becomes unreasonable
- d. Limit: access as a last resort

(7) 'Complex behaviour' is any behaviour officers find challenging. CFA members can deal with most types of behaviour using prevention and responding strategies (see Stage 1 and Stage 2 below).

(8) Behaviour only becomes 'unreasonable' when, because of its nature or frequency, it raises health, safety, resource or equity issues for CFA, CFA members and other people who use our services.

(9) CFA members can deal with this behaviour using management strategies (see Stage 3 below) or recommending

limits on the person's access to our services (see Stage 4 below).

(10) Some behaviours are clearly unreasonable. This includes verbal abuse, threats to harm CFA members or other people, and violence. This behaviour is never acceptable.

(11) In other cases, CFA members need to weigh up the impact of the behaviour along with:

- a. the merits of the person's case the person's circumstances eg are there health, social or other circumstances that make it difficult for the person to control their behaviour?
- b. whether the person's behaviour and requirements are proportionate to the problem they are experiencing the person's responsiveness eg is this the first time the person has behaved this way?
- c. have they responded well when this problem has been raised with them in the past?
- d. also consider empathising with the emotion/situation but requesting that the person express themselves more calmly, respectfully etc (depending on the behaviour).

(12) If CFA members are unsure about whether a person's behaviour has moved from complex to unreasonable, they can consult a manager or experienced colleague.

(13) CFA understands that dealing with complex behaviour can be confronting and CFA has wellbeing support available to CFA members via the [Crisis Support Intranet Page](#) or directly via the CFA Wellbeing Support Line on 1800 959 232.

(14) Manager Assist is available to managers by calling CFA Wellbeing Support Line on 1800 959 232 selecting option 1 and asking for 'Manager Assist'.

Stage One: Prevent

(15) CFA aims to prevent complex behaviour becoming a problem, where possible, by practising good complaint handling. Our Complaint resolution process explains how we respond to complaints.

Stage Two: Respond

Defusing emotional behaviour

(16) CFA members will respond to angry or emotional behaviour in the first instance by attempting to defuse the situation. This involves the following sequence of actions:

- a. Taking control of their own response.
- b. At times CFA members may need to take a break so they can collect themselves.
- c. If this is not possible and the matter is not urgent, CFA members can arrange to speak with the person again at another time. Giving the person reasonable time to express themselves and acknowledging what they are saying and how they feel. When the person's feelings are under control enough to speak about the complaint, refocusing the discussion on to the complaint.
- d. Problem solving using good complaint handling techniques.

Behaviour associated with a possible disability

(17) Where complex behaviour may be a symptom or manifestation of a disability, CFA members need to consider CFA's obligations under the [Equal Opportunity Act 2010](#).

(18) CFA can consult the Legal team where:

- a. they are unsure about whether or how to make reasonable adjustments they believe discrimination may be

justified because the person’s behaviour is a risk to health, safety or property.

Responding to threats of suicide

(19) CFA does not expect CFA members to provide crisis support or counselling to people who talk about suicide. Our role is to check if the person is serious and connect them with people or services that can help.

(20) If a person makes statements about harming themselves, CFA members will:

- a. Ask the person clearly and directly if they are thinking about suicide.
- b. Explain that they are concerned and want to make sure the person is safe.
- c. Alert a manager, who will decide what action to take.

(21) If the person’s safety is at risk or they need immediate help, the manager will contact Victoria Police on 000.

(22) The manager should contact the Wellbeing Duty Officer (1800 959 232 option 4) in order to assess the level of risk and action that needs to be taken.

(23) In other cases, the manager will consider whether to:

- a. encourage the person to speak with someone they trust, or offer information about contacting Lifeline (13 11 14), the Suicide Call Back Service (1300 659 467), SuicideLine Victoria (1300 651 251) or Kids Helpline (1800 55 1800).

(24) Managers will check on the welfare of affected CFA members following a threat of suicide and ensure support is available. CFA has further information on the [Crisis Support Intranet Page](#).

Stage Three: Manage

(25) If a person’s behaviour is or becomes unreasonable, CFA members can apply appropriate and proportionate strategies for managing the behaviour. The strategies will depend on the behaviour type of involved:

Behaviour	Strategy
Unreasonable persistence 1. bombarding CFA with calls or visits that are not warranted 2. contacting different CFA members seeking a different answer 3. reframing an old complaint so it looks like there are new issues 4. refusing to accept the decision after we have investigated the complaint, provided a decision and reasons, answered questions and provided review options 5. questioning the skills or competence of the complaint handler	Saying no 1. ask the person to stop calling or visiting 2. set time limits for discussions 3. transferring the person back to the original complaint handler or their manager 4. declining to consider new issues that are not supported by information or evidence.
Unreasonable demands 1. insisting on an immediate response or priority that is not warranted 2. insisting on a response to every point, no matter how minor 3. demanding information they are not entitled to 4. insisting that the head of your organisation handle the complaint when that is not warranted 5. instructing CFA members how to investigate the complaint.	Setting limits 1. explaining how you will be dealing with the complaint 2. explaining that you will not meet the demand and why 3. 'reality checking' ie explaining that we deal with many complaints and need to decide when and how they are handled.

Behaviour	Strategy
Unreasonable lack of cooperation 1. sending voluminous amounts of information 2. providing little or no information 3. presenting information in 'drips and drabs' 4. refusing to comply with reasonable requests for information.	Setting conditions to motivate action 1. ask the person to take action (eg providing certain information) before you will consider the complaint further.
Unreasonable arguments 1. insisting on the importance of minor issues 2. making unsubstantiated allegations eg bias or corruption 3. insisting on 'cause and effect' without evidence.	Declining or discontinuing involvement 1. requiring evidence before taking a complaint further 2. not investigating issues where there is no practical outcome.
Unreasonable behaviour 1. verbal abuse, aggressive behaviour, harassment or threats.	Setting limits and conditions 1. naming the behaviour and asking the person to stop 2. providing a warning.

(26) When choosing an appropriate strategy, CFA members will consider:

- a. the person's prior conduct eg is the behaviour isolated or part of a pattern?
- b. the nature of the conduct
- c. whether the complainant's personal circumstances are contributing to the behaviour eg health, social circumstances or disability
- d. the likely effectiveness of different strategies
- e. the impact of the strategy on the welfare of the complainant and any dependants
- f. relevant legal obligations, including volunteer compensation

Stage Four: Limiting access - a last resort

(27) CFA can consider limiting access to our services if other strategies have not worked and the person continues to engage in unreasonable behaviour.

(28) Depending on the type of behaviour, we may consider limiting:

- a. who the person can contact eg limiting contact to a named CFA member
- b. what issues we will respond to eg not responding to issues that have already been the subject of an assessment and explanation, unless the person raises new issues that warrant attention
- c. when a person can have contact
- d. where the person can contact us eg limiting locations for face to face meetings to secure areas
- e. how the person can contact us eg confining contact to writing where the person has been verbally abusive.

Deciding to limit access

(29) Decisions about limiting access to services will only be made by the Chief Executive Officer following a recommendation from an Accountable Officer.

(30) In most cases, the Accountable Officer will warn the person of the action we propose to take and give the person an opportunity to stop.

(31) Before approving any limits, Chief Executive Officer must be satisfied that:

- a. the behaviour is unreasonable ie poses a risk to the health, safety, equity or resources of one of the parties involved
- b. all alternative strategies have been, or are likely to be, ineffective in managing the risk

- c. all relevant factors have been considered including the person's history, the nature of the conduct, the person's personal circumstances and the impact of limiting access on the welfare of the person and their dependants
- d. the limits are proportionate to the level of risk posed by the behaviour
- e. there is sound evidence to support the decision
- f. the limits are consistent with the [Charter of Human Rights and Responsibilities Act 2006](#) and we have documented:
 - i. which, if any, human rights will be affected
 - ii. why we are satisfied that the limits are reasonable and demonstrably justified under section 7 of the Charter
- g. if the behaviour may be a symptom or manifestation of a disability, the limits are consistent with the [Equal Opportunity Act 2010](#).
- h. Requirements under the [Country Fire Authority Act 1958](#) or [Country Fire Authority Regulations 2014](#).

(32) The Accountable Officer will ensure that the decision and reasons are documented.

Informing the parties

(33) Accountable Officer will inform:

- a. affected CFA members about the decision
- b. the person. This will be in writing (unless another form of communication is more appropriate) and will explain the decision and the reasons for the decision. It will set a timeframe for reviewing the limits (see below) and explain the person's options for complaining about the decision.

Reviewing limits

(34) Accountable Officer will ensure that any limits on a person's access are reviewed within the named timeframe, and at least once every 12 months, to determine if they are effective and still warranted.

(35) Accountable Officer will document the review and inform affected CFA members and the person of any decision to remove or vary the limits on access.

Where limiting access is not appropriate - alternative dispute resolution

(36) The Accountable Officer may decide it is not appropriate to limit a person's access eg because it would breach legal obligations, unduly affect the welfare of the person or a dependant, or our actions have contributed to the behaviour.

(37) In these cases, we can consider arranging alternative dispute resolution using an independent third party.

(38) The Accountable Officer will consider whether alternative dispute resolution is likely to be effective in the circumstances, including the person's willingness to engage genuinely in the process.

Recording and reviewing unreasonable behaviour

(39) CFA members must make notes of incidents of unreasonable behaviour within within 24 hours. Where there is an open matter with the Complaints Resolution team the notes should be added to the relevant file for recording.

(40) The record will:

- a. describe what the person said or did in neutral terms
- b. describe the action the CFA member took in response.

(41) Accountable Officer will review reports regularly to:

- a. ensure strategies are being applied appropriately and consistently
- b. identify possible patterns, and, if appropriate, recommend changes to service delivery that may help prevent complex behaviour becoming a problem in future.

Roles and responsibilities

(42) All CFA members are authorised to apply the strategies in Stages One to Three of this policy (Prevent, Respond and Manage).

(43) CFA members must consult a manager if:

- a. A person threatens suicide a person makes threats to harm a staff member or another person.
- b. Decisions to limit access to services (Stage four) may only be made by the Chief Executive Officer.

Support for staff

(44) CFA recognises that dealing with complex behaviour can be upsetting and stressful and we are committed to supporting CFA members.

(45) We will uphold our legal obligations to provide a safe workplace and support CFA members by:

- a. Providing relevant training.
- b. Managers will speak with CFA members who handle complaints regularly to check their welfare, in addition to any other supervision arrangements.
- c. CFA members are encouraged to monitor the impact of complex behaviour on their wellbeing, draw on available supports and maintain a healthy approach to managing stress.
- d. CFA members who are injured at work should report the matter in CFA Safe.

Section 4 - Definitions

(46) For commonly defined terms refer to CFA's [centralised glossary](#).

Section 5 - Related Documents

(47) Nil

Status and Details

Status	Not Yet Approved
Effective Date	To Be Advised
Review Date	To Be Advised
Approval Authority	
Approval Date	To Be Advised
Expiry Date	Not Applicable
Accountable Officer	Paul Ramage General Manager Governance, Legal and Risk
Responsible Officer	Tim Connor Manager Governance and Business Support
Author	Tim Connor
Enquiries Contact	Governance and Business Support

Glossary Terms and Definitions

"CFA member" - Refers to all CFA volunteers, volunteer auxiliary workers, officers, employees and secondees.

"Accountable Officer" - Accountable Officers have liability to ensure that a task is satisfactorily done. This is a member of the CFA Executive or a Deputy Chief Officer.

"Labour hire contractor" - Personnel provided by a staffing agency for a fee. These personnel are employees of the agency and not CFA.

"Consultant" - A consultant is a particular type of contractor that is engaged primarily to perform a discrete task for an entity that facilitates decision making through: provision of expert analysis and advice; and/or development of a written report or other intellectual output.