

Document 4

POLICY – UNREASONABLE COMPLAINANT CONDUCT AND RISKS OF HARM

ENDORSED DECEMBER 2024

About this document

Purpose

- To provide information to assist staff in identifying, preventing, and managing unreasonable complainant conduct (UCC).
- To provide information to assist staff to assess, implement and review service restrictions.

s 22



s 22



Contents

s 22



What is 'Unreasonable Complainant Conduct' (UCC)?..... 5

s 22



OFFICIAL

s 22



OFFICIAL

s 22



s 22

What is 'Unreasonable Complainant Conduct' (UCC)?

Behaviour becomes unreasonable when, because of its nature or frequency, it raises health, safety, resource or equity issues for our Office, our staff and other people who use our services.

Unreasonable conduct includes, but is not limited to, unreasonable behaviour or arguments, unreasonable demands, obscene language, harassment, abuse, threats to damage property, threats to harm officers or other people, violence, unreasonable lack of cooperation and unreasonable persistence. This behaviour is never acceptable and will not be tolerated by the Office. UCC might fit into multiple categories and a person's conduct may be unreasonable *and* pose a risk of harm or threat. Unreasonable conduct may occur that is not defined within this policy and may require the exercise of judgement.

If staff are unsure about whether a person's behaviour is unreasonable, they should consult a manager or supervisor or another experienced colleague.

s 22

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]

OFFICIAL

§
2
2

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Risks of Harm, Threats and Unreasonable Complainant Conduct Categories

s 22 [REDACTED]

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] t.
Unreasonable persistence	Complainant repeatedly contacts the Office about a complaint/issue that has already been comprehensively considered and/or reviewed by our Office, or is currently being considered during an investigation. This can include where a complainant: <ul style="list-style-type: none">• tries to 'forum shop' within the Office

	<ul style="list-style-type: none">• repeatedly changes the issues in their complaint• repeatedly reframes their complaint• raises trivial or insignificant issues. <p>Complainant repeatedly makes complaints that are frivolous, vexatious or not made in good faith</p> <ul style="list-style-type: none">• e.g. Complainant calls, visits and/ or emails the Office repeatedly within a short period of time, without good reason. <p>Complainant repeatedly requests a review or makes repeated complaints about the same or similar matters.</p>
s 22 [REDACTED]	s 22 [REDACTED]

s 22 [REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Roles and responsibilities

The following table sets out the responsibilities based on level within the Office.

Role level	Responsibilities
Complaint or Investigations Officers (APS4–6) or any staff member taking a complaint in-person	<ul style="list-style-type: none">Managing initial response to UCC including providing a warning, terminating the call, directing the person to leave the premises or stopping reading correspondence with disturbing images or wording.s 22 [REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

OFFICIAL

s 22



OFFICIAL

s 22



Responding to and managing UCC

s 22



4. Explaining to complainants that their contact is unreasonably persistent and providing a timeframe for them to wait before contacting the Office again.

s 22



OFFICIAL

s 22



OFFICIAL

s 22



s 22



¹ *Disability Discrimination Act 1992* (Cth) and *Racial Discrimination Act 1975*

OFFICIAL
OFFICIAL

s 22



OFFICIAL

s 22



OFFICIAL

s 22



OFFICIAL

s 22



OFFICIAL

s 22





APS6 – Senior Investigation Officers, Senior Complaint Officers and Team Leaders

Classifications:	APS Level 6
Job Type:	Permanent
Salary:	\$94,563 - \$105,910 plus 15.4% Superannuation
Reference No:	013_03/25
Locations:	Canberra, Sydney, Brisbane, Melbourne, Adelaide, Perth
Branch:	Various
Security Clearance:	Ability to obtain and maintain, as a minimum, a Baseline or Negative Vetting 1 security clearance appropriate to the position.
Pre-employment:	Some roles require a pre-employment psychological assessment.

Who we are:

We are the Office of the Commonwealth Ombudsman, National Student Ombudsman and ACT Ombudsman (the Office). The Office safeguards the community in its dealings with the Australian Government, some private sector organisations and higher education providers. The Office primarily does this by handling complaints, conducting investigations, performing audits and inspections, making recommendations and encouraging good administration.



The Commonwealth Ombudsman provide assurance that the agencies and entities we oversee act with **integrity** and treat people fairly **influence systemic improvement** in government administration.

We aim to achieve our purpose by:

- independently and **impartially** reviewing complaints and disclosures about government administrative action and
- **influencing** government agencies to be accountable, lawful, fair, transparent and responsive
- providing a level of assurance that law enforcement, **integrity** and regulatory agencies a complying with legal requirements when using covert, intrusive and coercive powers

The National Student Ombudsman (NSO) is the primary complaints escalation body for higher education students, enrolled at a TEQSA-registered provider.

The NSO has powers to consider a broad range of issues that may impact students, including student safety and wellbeing. Our services include:

- Complaint resolution through a variety of pathways including restorative engagement, alternative dispute resolution and formal investigations
- Proactively addressing systemic issues
- Undertaking education and outreach activities across the higher education sector
- Sharing findings with higher education providers and regulators, recommending actions to improve their policies and practices



The ACT Ombudsman manages complaints about unfair treatment by ACT government agencies.

We aim to make the ACT better for the community, by working with government and organisations to:

- improve their decision-making and complaints-handling
- ensure they comply with their obligations of reporting allegations of misconduct towards children
- encourage them to take a pro-active approach to disclosing information to the public.





Our opportunities

We are seeking both Senior Investigation Officers, Senior Complaint Officers and Team Leaders at the APS 6 level. These roles are varied across branches. We are looking for people who have a strong sense of curiosity, the courage to challenge ideas and energetic enthusiasm. With broad experience working in complaint handling, investigations or a similar public facing environment, and who are comfortable working with the public by phone, in writing or in person.

Full-time and Part-Time roles are available. Operational needs will often require you to work part of the week in your local office with flexibility requests considered on a case by case basis. Offers will be based on candidate performance and operational requirements.

This process will also be used to establish a merit pool for future vacancies across the Office arising from the date of advertisement.

What we can offer you



Roles and responsibilities

Duties are to be performed under broad direction of your supervisor and in accordance with the APS Code of Conduct, upholding the APS Values and upholding the office values of independence, impartiality, integrity, accessibility, and professionalism. Responsibilities and duties will be performed in line with APS Work Level standards for the classification and function of each position.

Roles may be available across the following Job Families. Please indicate in your application both the job family you are applying for as well as your interest in any specific team

Job Family	Description
Investigations	The OCO Complaints Investigations Team work with a diverse range of internal and external stakeholders to investigate complex and sensitive matters across ACT, Commonwealth and Industry jurisdictions.



	<p>Investigations Officers will identify systemic issues and make recommendations including suggestions and comments to providers. They will promote quality improvement strategies across various jurisdictions to develop, improve and implement good administrative practices.</p> <p>The OCO Strategic Investigations (SI) team conducts investigations into serious and systemic issues in administrative practices within Government to influence systemic improvement. The Senior Strategic Investigations Officer will contribute to own motion investigations and lead other projects as required. This includes analysing information obtained through complaints, investigations, stakeholder engagement and other avenues to assist with the development of considered and persuasive approaches to influence individual outcomes and/or improvement in public administration.</p> <p>The NSO Complaint Investigations Team investigates complaints from higher education students, particularly where they have not been resolved through initial attempts. The Senior Investigation Officer works with the student and the provider using a range of dispute resolution and investigation tools. The Officer will also prepare investigation reports, with recommendations, suggestions and comments for higher education providers. Senior Investigation Officers support the APS5 Investigation Officers in the team, and work with more complex, sensitive complaints including complaints involving gender-based violence.</p> <p>The NSO Strategic Investigations Team conduct investigations and inquiries into serious and systemic issues in administrative practices identified within the NSO jurisdiction. The Senior Strategic Investigations Officer will contribute to own motion investigations and lead other projects as required. This includes analysing information obtained through complaints, investigations, stakeholder engagement and other avenues to assist with the development of considered and persuasive approaches to influence individual outcomes and/or improvement in public administration.</p>
<p>Complaints</p>	<p>The OCO Complaint teams work in a public-facing environment and receive, assess, and impartially resolve complaints received by the Office.</p> <p>The NSO Complaints Team is the initial point of contact for higher education students and will work efficiently and effectively with students to identify a resolution to their complaint.</p> <ul style="list-style-type: none"> • Team Leaders lead a team by setting priorities, maintaining team cohesion, and ensuring quality outputs. including providing technical support and guidance, supporting their wellbeing and assisting the Assistant Director with HR and performance matters. • The Senior Complaint Officer will maintain their own caseload of more complex or sensitive complaints. The Officer will utilise a range of informal dispute resolution techniques including making decisions to refer matters to investigation. The Officer will also support APS 5 Officers through assisting with escalated complaints and enquiries.



Our ideal candidate:

Our Ideal investigate staff will have an investigative mindset, have sound judgement, be highly motivated, detail oriented and a highly effective communicator with the public and other stakeholders. Our ideal complaints staff will have an ability to work effectively in a public facing environment, a positive approach to communicating and be comfortable on the telephone.

Are you someone with a demonstrated ability to excel in the following:

1. **Team leader:** Set priorities for the work area, maintain team cohesion, and ensure quality of outputs for the work area
2. **Decision making:** Using strong analytical skills to make decisions, preferably in a statutory decision making context. Using information from diverse policies, procedures and other materials including understanding and correctly applying legislative provisions.
3. **Communication:** Highly effective written and verbal communication skills to provide clear and accurate information to a range of internal and external stakeholders, including on sensitive and complex matters. Writing formal reasons for decisions for complex matters and produce concise reports that clearly articulate the rationale for recommendations.
4. **Client engagement:** Working in a public-facing environment and effectively, efficiently and articulately engage with the public verbally, in writing, and in person across multiple channels, such as phone, webforms, email and in person.
5. **Teamwork:** Working effectively and cooperatively as a member of a team and participating in corporate activities and project work; building and sustaining positive working relationships with immediate team members and colleagues across the agency.
6. **Managing workload:** Managing work responsibilities, including exercising judgment in a timely and efficient manner, seeking advice, escalating complex matters appropriately and proactively managing an independent workload/caseload and adhering to timeframes.
7. **Professional, impartial and resilient:** Working with sensitive, complex and challenging subject matter professionally and impartially.

Desirable Qualifications , Experience or Training

- Understanding trauma informed principles and applying them in day-to-day work.
- Experience in administrative review, statutory decision making, and managing a caseload is highly regarded.
- For Investigations Officers - Certificate IV in Government (Investigations) or higher

Our structure:

The Office is organised into six branches, with a Strategic Insights Team and Executive Support Team reporting directly to the Ombudsman and Deputy Ombudsman.

Branch	Description
Complaints	As the core entry point for complainants to contact the Office, the Complaints Branch activities include complaint assessment and early resolution.
Investigations	The Investigations Branch dedicates staff to undertaking investigations across ACT, Commonwealth and Industry functions including Own Motion Investigations. The Commonwealth Public Interest Disclosure scheme is also managed by the Investigations Branch



Branch	Description
Defence, investigations, ACT and Legal (DIAL)	The DIAL Branch also undertake Own Motion Investigations. In addition, the Office's Legal Team sit in this branch along with management of the ACT Ombudsman function and the Defence Abuse Reparation Scheme.
Policy and Assurance	The Policy and Assurance Branch assesses the appropriateness of the detention of individuals who have been in long-term immigration detention, visits Commonwealth places of detention to ensure individuals are treated humanely, oversees the proper use of covert and intrusive powers by law enforcement agencies, and manages the Office's internal policy team.
Corporate	The Corporate Branch oversee the Office's core corporate functions including Human Resources, ICT and Security, Finance, Communications, Engagement, Performance, Business Intelligence and Property.
National Student Ombudsman	The National Student Ombudsman (NSO) branch takes escalated complaints from students about their higher education providers, conducts complaint and strategic investigations, and undertakes outreach, education and restorative engagement roles with respect to the NSO functions.

Eligibility

The successful candidate must:

- be an Australian citizen,
- undergo a National Criminal History records check and
- be able to obtain and maintain a security clearance at a level appropriate to the position offered. The level of the security clearance will be dependent upon the requirements of the position.

Some work can involve exposure to potentially distressing information and materials. It is important we are confident you will be able to engage with this work without experiencing harm to your wellbeing. This means we may require the successful candidate for certain positions to undergo a pre-employment psychological assessment as part of this selection process.

RecruitAbility

RecruitAbility applies to this vacancy. Details about the RecruitAbility scheme can be found at the Australian Public Service Commission's [website](#).



How to apply

If you are excited about this opportunity, please tell us in no more than **700 words**:

- Why you want to apply for this role
- How your skills and experience address the qualities referenced in our ideal candidate information.

Your application must be submitted via the link in the [current vacancies page](#) by 11:30pm AEST on **4 April 2025**. You will also be asked to submit a current Resume (maximum 2 pages) and contact details for two referees including your current direct supervisor. First time applying for a role in the Australian Public Sector? [Cracking the Code](#) provides useful hints and tips.



For questions about specific roles, please contact:

For questions about the recruitment process, please contact recruitment_1@ombudsman.gov.au