



Unreasonable Complainant Policy

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Purpose

The purpose of this policy is aims to assist in the management of unreasonable complainant conduct that the Veterinary Surgeons Board of South Australia (VSBSA) will manage unreasonable complainant conduct.

The aim of this policy is to;

- ensure we work and perform our functions in a way that appropriately manages the limited resources, both human and financial.
- maintain the health, safety, and security of our staff; and
- provide transparency in decision making and the need to provide a fair and objective procedure for the review of all decisions and services provided.

Scope

This Policy covers Unreasonable Complaint Conduct to the VSBSA and via all communication channels, including but not limited to face to face, telephone, mail, email, letters to the media, and social media.

This policy applies to unreasonable complaints made to the VSBSA except where other mechanisms for appeal or resolution apply, including but not limited to the following issues:

- complaints related to competitive neutrality.
- allegations of a breach of conflict-of-interest obligations by a board member or employee.
- internal staff complaints – to be referred to various human resources policies; and/or
- any matters before a Court, Tribunal, the South Australian Police, a Minister of the Crown, a South Australian or Federal Government Department, the Office for Public Integrity, or the South Australian Ombudsman.

Objective

The objective of this policy is to establish a policy position for handling unreasonable complainant conduct.

We aim to:

- ensure that a customer understands what the VSBSA is able or unable to do in relation to their requests.
- prevent the VSBSA's limited resources being utilised towards malicious, frivolous, unreasonable, persistent, or vexatious requests or complaints.
- outline the considerations to be taken into account in determining whether a request or complaint is frivolous, malicious, or vexatious; and
- define what constitutes unreasonable complainant conduct, to outline the options available to VSBSA to manage unreasonable complainant conduct and the circumstances in which it is appropriate to implement these options.

Policy

Malicious, Frivolous or Vexatious Complaints or Requests for Service

If the Registrar or the Presiding Member determines that a request is malicious, frivolous, or vexatious, this is grounds to dismiss the request and not take any further action in relation to it.

A determination that a request is malicious, frivolous and/or unreasonable, must consider:

- any similar requests previously made by the person or their immediate family (i.e., about the same service).
- the response and outcome to previous requests made by the person (if any).
- whether the service is capable of being provided by or required to be provided by the VSBSA.
- the outcomes sought by the person; and
- the resources required to provide the service (to ensure that it is not an unreasonable diversion of resources).

A decision to take no further action in respect of a request that is malicious, frivolous, and/or unreasonable will be communicated in writing to the person making the request.

Alternatively, if the complaint is considered to sit outside of the VSBSA's statutory functions which include establishing administrative processes for handling complaints received against veterinary surgeons or veterinary service providers, the Presiding Member may determine to forward any concerns that are raised in relation to the operational matters of the VSBSA to the responsible minister under the *Veterinary Practice Act 2003*. This determination will be made if it is deemed inappropriate to respond to queries relating to operational matters of the VSBSA by the Board and will be reported at the following Board meeting.

Unreasonable Complainant Conduct

Complainants may be aggressive and verbally abusive towards our staff, threaten harm and violence, bombard our offices with unnecessary and excessive phone calls and emails, make inappropriate demands and refuse to accept our decisions and recommendations in relation to their complaints. When complainants behave in these ways, we consider their conduct to be 'unreasonable'.

Unreasonable complainant conduct is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial Work Health and Safety, resource or equity issues for our organisation, our staff, other customers, or the complainant himself/herself.

Unreasonable complainant conduct can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

Responsibilities

The Registrar has the responsibility and authority for completely terminating a complainant's access to the VSBSA services as outlined in this policy.

The Registrar is responsible for managing cases of unreasonable complainant conduct.

The Board and the Registrar are responsible for supporting staff in applying the strategies in this policy and the associated Procedures.

The Registrar is also responsible for ensuring staff members are trained in dealing with Unreasonable Complainant Conduct and ensure staff are provided with proper support and assistance if required.

Terms and Definitions

Term	Definition
Complainant	is a customer that has lodged a complaint with VSBSA.
Frivolous	complaint or request lacks substance or merit or is otherwise trivial in nature.
Malicious	complaint or request is motivated by improper, vicious, or mischievous purposes.
Unreasonable complainant conduct	is any behaviour by a current or former complainant which, because of its nature or frequency, raises Work Health and Safety issues, resource, or equity issues for the parties to a complaint.
Vexatious complaint	is a complaint or request that is made to harass, annoy, delay or cause detriment or trouble to the Board or a third party. A complaint may be considered vexatious if: <ul style="list-style-type: none"> • it comprises false allegations and cannot possibly succeed. • there is an absence of any reasonable grounds for lodging the complaint; and/or the complainant does not have sufficient interest in the matters that are the subject of complaint.

Related Legislation and Documents

Category	Link
Legislative Documents	<ul style="list-style-type: none"> • <i>Veterinary Practice Act 2003</i> • <i>Work Health and Safety Act 2012</i>
Relevant Links	

Feedback

Feedback about this document may be provided by emailing registrar@vsb.sa.gov.au