

Community Legal Centres Program

Managing Unreasonable Conduct Policy

1. Overview

This policy is intended to provide guidance to staff in the Community Legal Centre Program (**CLCP**) Unit at Legal Aid NSW to identify and deal with behaviours that are unreasonable and may arise in the course of their work with service providers and other stakeholders.

For the purposes of this policy, CLCP staff includes temporary staff, contractors, consultants and any other individual who supports service providers in the provision of CLCP services at Legal Aid NSW on a paid or voluntary basis.

The information in this policy is based on [Legal Aid NSW's Unreasonable client conduct policy](#), which is based on the *Managing unreasonable conduct by a complainant manual* by the NSW Ombudsman. It has been adapted to suit the work and responsibilities of the Community Legal Centres Program Unit (**CLCP Unit**) at Legal Aid NSW, which is focused on external organisations and stakeholders.

2. Purpose

The CLCP Unit at Legal Aid NSW administers funding to 34 non-government organisations, including both generalist and specialist Community Legal Centres (**CLCs**) and the sector's peak body Community Legal Centres NSW (**CLCNSW**). This funding is administered on behalf of the Commonwealth and NSW governments and the Public Purpose Fund. Funding decisions are made by the state and federal Attorneys General and are administered through service agreements between Legal Aid NSW and each provider.

We are dedicated to being accessible and responsive to all CLCP service providers, their personnel and stakeholders, regardless of ethnic identity, national origin, religion, linguistic background, sex, gender expression, sexual orientation, physical ability or other cultural or personal factors.

We maintain zero-tolerance toward any harmful, offensive, abusive, or threatening behaviour directed toward our staff or others.

The success of the CLCP Unit relies on:

- Our ability to do our work in the most effective and efficient ways possible.
- The health, safety, and security of our staff.
- Our capacity to allocate resources fairly and equitably among all individuals and stakeholders we engage with.

When CLCP service provider individuals and stakeholders behave unreasonably in their communications and interactions with us, their conduct can significantly affect our success.

The Legal Aid NSW Executive and CLCP Unit will proactively and decisively manage any conduct that negatively and unreasonably impacts the Unit and will support individual staff to raise and report unreasonable conduct, in accordance with this policy.

3. Scope

This policy relates to the CLCP, which includes working with CLCP service provider organisations, their personnel (officers, employees, volunteers, agents, contractors and subcontractors), their board or management committee members, CLCP stakeholders and anyone who the CLCP Unit interacts with, who display behaviours that are unreasonable, as defined in *Part 5 – What is unreasonable conduct?*

4. Objectives and guiding principles

The main objectives of this policy include:

- defining clearly what unreasonable conduct is.
- outlining a transparent and consistent approach to dealing with unreasonable conduct.
- managing or eliminating potential risks to the health, safety and security of staff because of unreasonable conduct.
- helping CLCP staff and others to feel confident and supported to manage unreasonable conduct.
- improving efficiency and commitment to appropriate resource allocation by proactively and decisively managing unreasonable conduct.

The CLCP Unit is guided by the following principles when managing unreasonable conduct:

- **Fairness and impartiality:** We will treat all individuals with respect and without bias, ensuring that decisions are made objectively and based on the facts.
- **Consistency & Transparency:** We will apply policies and procedures consistently to all individuals to maintain fairness and transparency
- **Clear communication:** We will communicate expectations and consequences clearly to all parties involved and ensure that individuals understand what constitutes unreasonable conduct and the potential repercussions.
- **Safety and well-being:** We will prioritise the health, safety and well-being of our staff and our stakeholders. This includes taking appropriate measures to protect them from harmful or threatening behaviour.
- **Legal and ethical compliance:** We will ensure that all actions taken are in compliance with relevant laws and ethical standards.

5. What is unreasonable conduct?

For the purposes of this policy, unreasonable conduct is defined as any behaviour by individuals which, because of its nature or frequency, raises a disproportionate impact on the health, safety, and resources of our staff, Legal Aid NSW and other individuals.

Unreasonable conduct may include but is not limited to:

- behaviour toward our staff that is aggressive, offensive or abusive in nature.
- threats of harm and violence.
- persistent, frequent or unrelenting requests or demands for information.
- unnecessary and excessive phone calls, emails, correspondence, or comments on social media.
- unwillingness or refusal to accept decisions and recommendations in relation to complaints, representations, or other enquiries, including those relating to reports, funding requests and other CLCP matters.

The table below outlines five main categories of conduct that we consider are unreasonable:

Unreasonable conduct	
Behaviour	Examples
Unreasonable persistence is continued and unrelenting conduct from individuals that has a disproportionate and unreasonable impact on our team, staff, services, time or resources.	<ul style="list-style-type: none">• An unwillingness or inability to accept reasonable and logical explanations• Pursuing and exhausting all available review options and refusing to accept that no further action will be taken• Reframing a complaint, representation, or enquiry in an effort to have it considered again• Excessive phone calls and correspondence to different people within or outside our organisation or team to get a different outcome.
Unreasonable demands can be expressly made or implied, have a disproportionate and unreasonable impact on our organisation, team, staff, services, time or resources, and include demands for action and outcomes that are not reasonably possible.	<ul style="list-style-type: none">• Issuing forceful instructions about the handling of their matter and the priority it should be given, often setting unrealistic timeframes• Insisting on outcomes that are not possible or reasonable in the circumstances or within the boundaries of legislation and delegations.• Consistently insisting on talking to a senior manager and escalating routine matters when it is not appropriate and when the reasons why it is not appropriate have been explained.

Behaviour	Examples
<p>Unreasonable lack of cooperation is when individuals are unwilling or unable to cooperate with us, our staff or our processes, resulting in a disproportionate and unreasonable use of our services, time and resources.</p>	<ul style="list-style-type: none"> • Sending a constant stream of unclear, irrelevant, complex or disorganised information without clearly defining the issue or explaining how the material relates to their matter. • Displaying uncooperative or misleading behaviour such as withholding information, not providing clear reasons about why information is being sought, and misquoting others. • Persistently failing to provide additional reporting information or corrections, refusal to improve the quality of reporting to an acceptable standard without reasonable excuse. • Persistently deviating from a pre-agreed agenda for a meeting or discussion and hijacking communication forums.
<p>Unreasonable arguments include any arguments that are not based in reason or logic, are incomprehensible, irrational, false, inflammatory, trivial or immaterial and disproportionately impact on our organisation, team, staff, services, time or resources.</p>	<ul style="list-style-type: none"> • Arguments that: <ul style="list-style-type: none"> ○ are irrelevant, not factual or are unsupported by evidence ○ illogically or irrationally deny any responsibility for action or inaction ○ reject all other valid and contrary arguments that are trivial when compared to the amount of time, resources, and attention the matter demands.
<p>Unreasonable behaviour is conduct that is unreasonable in all circumstances, regardless of how stressed, angry, frustrated individuals are, because it unreasonably compromises the health, safety and security of our staff, other individuals or themselves.</p>	<ul style="list-style-type: none"> • Baseless attacks on the intentions, motivations, ethics or conduct of staff, including ridiculing organisations and their staff to intentionally embarrass or humiliate them or worse. • Engaging in conduct that may bring Legal Aid NSW or the CLC Program into disrepute, or lead to reputational proceedings being commenced. • Acts of aggression, harassment, intimidation, or physical violence including stalking in-person or online. • Derogatory, racist or grossly defamatory remarks. • Threats of harm to self or third parties, threats with a weapon or threats to damage property, including bomb threats.

6. Managing unreasonable conduct

To address serious or repeated incidents of unreasonable conduct, we may implement one of more of the following measures:

- **Limit or adapt contact:** Nominating an alternative contact person or restricting interactions to a single point of contact within an organisation.
- **Restrict subject matter:** Limiting the topics of communication.

- **Written communication only:** Requiring all communications to be in writing.
- **Lodging or escalating complaints:** Notifying organisations/employers about the conduct for action and appropriate resolution.
- **Exercising our rights under the Service Agreement:** Where the individual is employed by a CLCP service provider, this may include conducting an investigation, issuing a dispute notice, or in exceptionally egregious cases, objecting to personnel or other serious measures.

As above, the CLCP Service Agreement includes provisions allowing Legal Aid NSW to object to any personnel assigned by a CLC to provide services if, in our reasonable opinion, they pose an unacceptable risk to any person who receives the benefit of the services.

We will exercise discretion in assessing the overall situation, considering the individual's circumstances and any potential risks to CLCP service delivery. Any proposed actions will be communicated to the individual and/or organisation in writing.

7. Alternative dispute resolution

Where the individual is employed by a CLCP service provider or funded organisation, it may be relevant to refer to the CLCP Service Agreement to address the unreasonable conduct. For example, the CLCP Service Agreement has a formal dispute resolution process. If an individual or organisation believes a dispute has arisen in relation to unreasonable conduct they can issue a written dispute notice to the Manager CLCP Unit, setting out reasonable particulars of the matters in dispute. The CLCP Service Agreement sets out the agreed process to deal with disputes, including timeframes for a 'good faith' discussion with a complainant as a first step. In these cases, individuals or organisations can refer to their CLCP Service Agreement for more details about this process.

If you are dissatisfied with a decision or the way a matter has been handled, you can make a complaint about our team to [Legal Aid NSW](#), or about Legal Aid NSW to the [NSW Ombudsman](#).