

Title	Dealing with Unreasonable Customer Conduct
Council Resolution	Item 14 (26 March 2018) as per Council Minutes
Responsible Directorate	Community, Economic Development and Business
Due for Review	Four (4) years from Council Resolution Date
Strategic Plan Reference	<u>Making Lives Better</u> 1.3 Facilitate and/or deliver services to our community <u>Leading our Community</u> 4.1 Govern in the best interests of our community 4.2 Prioritise resources to achieve our communities' goals
ECM	Council Policy

PURPOSE

The purpose of this policy is to provide guidance to staff on how to deal with unreasonable conduct by customers.

SCOPE

This policy applies to all customers of Council.

To avoid any doubt, this policy does not apply to Council employees who engage in unreasonable customer conduct in the course of their employment with Council.

STATUTORY REQUIREMENTS

Acts	<i>Local Government Act 1993</i> <i>Work Health and Safety Act 2012</i> <i>Personal Information Protection Act 2004</i> <i>Right to Information Act 2009</i>
Regulations	N/A
Other relevant documents	Glenorchy City Council Customer Service Charter 2017 Guidelines for Managing Unreasonable Conduct by Complainants (Office of the Tasmanian Ombudsman, 2013)

DEFINITIONS

customer	Any person who has dealings with Council.
unreasonable customer conduct	Any behaviour by a current or former customer which, because of its nature or frequency, adversely impacts the health or safety of Council's staff, other service users and customers or the customer himself/herself, or the ability of Council to equitably utilise its resources to provide services to the community. Unreasonable customer conduct includes the following, as defined in of this policy: <ul style="list-style-type: none"> • unreasonable demands • unreasonable persistence • unreasonable arguments • unreasonable lack of cooperation, and • unreasonable behaviour.

POLICY STATEMENT

1. Introduction

Glenorchy City Council is committed to our community and to giving customers outstanding service in accordance with Council's Customer Service Charter 2017. However, at times Council's obligation to provide services or outcomes may be inconsistent with customers' requests or expectations.. This may result in unpleasant dealings or interactions.

This policy sets out the actions that Council will take in response to unreasonable customer conduct.

This policy should be considered in conjunction with Council's Customer Service Charter 2017 and the 'Guidelines for Managing Unreasonable Conduct by Complainants', issued by the Office of the Tasmanian Ombudsman (2013).

2. Overarching principles

Council will give fair consideration to customer requests and dealings, whilst ensuring that:

- investigating and resolving the customer's request does not excessively or unreasonably use Council's resources
- Council's response to complaints is proportionate to the circumstances, having regard to the resources of Council that are available to serve the community and to principles of equity and fairness, and
- the health and safety of staff is protected and compliance with workplace health and safety and duty of care obligations are met.

In exchange, Council requires that customers:

- treat our staff with mutual respect
- respect the privacy and rights of other community members
- give us accurate and complete information to work with
- work with us to solve problems, and
- give us constructive feedback on how we can continue to improve our service

3. Types of unreasonable customer conduct:

The following are examples of different types of unreasonable customer conduct which will not be tolerated by Council.

3.1 Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances, regardless of the situation, because it places the health, safety and security of staff in an unreasonable position.

Examples of unreasonable behaviour include:

- displaying confronting behaviour such as, rudeness, aggression, threats, discriminatory comments or harassment
- sending rude, confronting or threatening letters
- making threats of self-harm

- making threats of harm to others
- displaying manipulative behaviour (e.g. overly ingratiating, tears or veiled threats), or
- deliberately misrepresenting facts or circumstances related to their complaint (including misquoting Council officers) in the public arena or in dealings with Council staff.

Unreasonable behaviour will not be tolerated by Council in any form.

3.2 Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a customer, that have a disproportionate and unreasonable impact on Council's, staff, services, time and/or resources (having regard to all the relevant circumstances).

Some examples of unreasonable demands include:

- issuing instructions and making demands about a process or outcome
- insisting on talking to a senior manager personally when it is not appropriate or warranted
- emotional blackmail and manipulation with the intention to intimidate, harass, shame, seduce or portray themselves as being victimised, when this is not the case
- insisting on outcomes that are not possible or appropriate in the circumstances (e.g. for someone to be disciplined or prosecuted, an apology and/or compensation when there is no reasonable basis for expecting this), or
- demanding services that are of a nature or scale that Council cannot (or has no legal obligation to) provide when this has been explained previously.

3.3 Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on Council's, staff, services, time or resources (having regard to all the relevant circumstances).

Some examples of unreasonably persistent behaviour include:

- unwillingness or inability to accept reasonable and logical explanations, including final decisions that have been comprehensively considered and dealt with
- persistently demanding a review simply because it is available and without arguing or presenting a case for one
- pursuing and exhausting all available review options when it is not warranted, and refusing to accept that further action cannot or will not be taken on complaints
- re-framing a complaint in an effort to get it taken up again
- bombarding Council with phone calls, visits, letters, and emails (including copying staff into email correspondence) after previously being asked not to do so, and
- contacting different people within Council or externally to get a different outcome or a more sympathetic response to their complaint (internal and external forum shopping).

3.4 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 Council's staff, services, time, or resources (having regard to all the relevant circumstances).

Arguments are unreasonable when they:

- fail to follow a logical sequence
- are not supported by any evidence or are based on conspiracy theories
- lead a customer to reject all other valid and contrary arguments
- are trivial when compared to the amount of time, resources and attention that the customer demands, or
- are vexatious, false, inflammatory or defamatory

3.5 Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness or inability by a customer to cooperate with our organisation, staff, or complaints system and processes which results in a disproportionate and unreasonable use of Council's services, time or resources (having regard to all the relevant circumstances).

Some examples of unreasonable lack of cooperation include:

- sending a stream of comprehensive or disorganised information without clearly defining any issues of complaint or explaining how it relates to the core issues being complained about
- providing little or no detail with a complaint or presenting information in 'drips and drabs'
- refusing to follow or accept instructions, suggestions or advice without a clear or justifiable reason for doing so
- arguing frequently or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations, or
- displaying unhelpful behaviour such as withholding information, acting dishonestly or misquoting others.

4. Managing unreasonable customer conduct

Where the unreasonable customer contact is of a serious nature (such as threatening or abusive behaviour towards Council staff), Council will take whatever action available to it which is appropriate in the circumstances. This may involve:

- calling the police, or
- directing the customer to immediately leave a Council property or
- reporting the behaviour to any other relevant authorities.

Council will otherwise manage unreasonable customer contact by restricting or adapting the ways in which services are delivered to the customer, in accordance with the procedures set out below.

4.1 Initial unreasonable customer conduct

Unless a customer's conduct poses a substantial risk to the health and safety of staff or other third parties, a Director or the General Manager will initially provide the customer with a written warning about their conduct.

The written warning will:

- explain the date, time and general nature of the conduct
- identify which category of unreasonable customer conduct that it falls under
- direct the customer to immediately stop engaging in the unreasonable customer conduct, and
- explain what will happen if the customer does not stop engaging in the unreasonable customer conduct, as directed.

The warning may also state that any further investigations into the matter will be undertaken at the customer's cost, or include any other information that the Director considers relevant.

4.2 Changing or restricting a customer's access to services

Where unreasonable conduct remains ongoing despite warnings, or where the conduct may pose a risk to the health and safety of staff or other parties, Council will change or restrict a customer's access to Council's services.

This will generally occur after a customer has failed to comply with a written warning, but is not required to if, for example, the unreasonable conduct is serious enough to warrant taking immediate action.

Examples of how access to services may be changed or restricted include:

- who the customer has contact with (e.g. limiting a customer to a sole contact person/staff member in Council)
- what the customer can raise with us (e.g. restricting the subject matter of communications that we will consider and respond to)
- when the customer can have contact with Council (e.g. limiting a customer's contact with staff to a particular time, day, or length of time, or curbing the frequency of their contact with us)
- where the customer can make contact (e.g. limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office.
- how the customer can make contact (e.g. limiting or modifying the forms of contact that the customer can have with us). This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating our services altogether.

The authority to change or restrict a customer's access to our services will rest with the relevant Director, or the General Manager. The General Manager or Director must advise the customer in writing of the restrictions that have been imposed and of their right to appeal the decision.

Discretion will need to be used to adapt the particular restriction to suit a customer's personal circumstances, level of competency, literacy skills, and severity of the type of unreasonable customer conduct.

5. Right of appeal

Customers are entitled to appeal the decision to change or restrict their access to services.

An appeal must be in writing and addressed to the General Manager. A review of the decision will be undertaken, taking into consideration all aspects of the issue and Council dealings with the customer. The General Manager may undertake the review or delegate responsibility to an appropriate person.

The customer will be advised in writing of the review and provided with an explanation of the outcome.

If a customer continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman.

6. Review periods of cases where this policy has been applied

In each case where a decision has been made to change or restrict access to services, the case will be reviewed after the service changes or restriction was initially imposed or continued.

The time period for the review will be at the discretion of the relevant Director or the General Manager but must not be more than 12 months. Restrictions may be extended indefinitely, provided the case is reviewed periodically and at least once every 12 months.

The customer will be advised in writing of the review and provided with an explanation of the outcome.

7. Documentation and reporting

Council will maintain a register which documents each time this policy is applied. Each entry into the relevant database must outline the nature of the restrictions imposed, their duration and any other relevant information.

The register is to be maintained by the Manager responsible for Council's customer service function. Council staff members are required to notify the manager of any incident required to be recorded on the register and provide all relevant information.

Council's 'Customer Service Annual Report' required under section 339F of the *Local Government Act 1993* will include details of the occasions that actions were taken under this policy during the reporting period.