



Policies, Procedures and Guidelines

Unreasonable Customer Conduct Policy

BACKGROUND

Lachlan Shire Council is committed to being accessible and responsive to all customers who approach Council for assistance or with a complaint. At the same time, the success of Council's organisation depends on;

- the ability to do its work and perform its functions in the most effective and efficient ways possible,
- the health, safety and security of Councillors and staff, and
- the ability to allocate resources fairly across all the customer interactions Council receives.

When customers behave unreasonably in their dealings with Council, their conduct can significantly affect successful outcomes. As a result, Council will take proactive and decisive action to manage any customer conduct that negatively and unreasonably affects its services to the community, and supports Councillors and staff to do the same in accordance with this procedure.

OBJECTIVE

This policy has been developed to assist all staff members to better manage unreasonable complainant conduct ('UCC'). Its aim is to ensure that all staff:

- Feel confident and supported in taking action to manage UCC.
- Act fairly, consistently, honestly and appropriately when responding to UCC.
- Are aware of their roles and responsibilities in relation to the management of UCC and how this policy will be used.
- Understand the types of circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
 - Strategies to change or restrict a complainant's access to our services.
 - Alternative dispute resolution strategies to deal with conflicts involving complainants and members of our organisation.
 - Legal instruments such as trespass laws/legislation to prevent a complainant from coming onto our premises and orders to protect specific staff members from any actual or apprehended personal violence, intimidation or stalking.
- Have a clear understanding of the criteria that will be considered before we decide to change or restrict a complainant's access to our services.
- Are aware of the processes that will be followed to record and report UCC incidents as well as the procedures for consulting and notifying complainants about any proposed actions or decisions to change or restrict their access to our services.
- Are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.

Further Information: ☎ 0268951900 ✉ Email: council@lachlan.nsw.gov.au				Page 1 of 6
Version: 1	Commencement Date: August 2019	Last Review Date: August 2021	Next Review Date: August 2021	TRIM No. D19/13890

Unreasonable Customer Conduct Policy

SCOPE

This policy applies to all Council staff, volunteers, Councillors and complaints.

POLICY

Unreasonable complainant conduct

Most complainants who come to our office act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger in relation to their complaint. However in a very small number of cases some complainants behave in ways that are inappropriate and unacceptable – despite our best efforts to help them. They are aggressive and verbally abusive towards our staff. They threaten harm and violence, bombard our offices with unnecessary and excessive phone calls and emails, make inappropriate demands on our time and our resources 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 (‘UCC’) is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant himself/herself.

UCC can be divided into five categories of conduct:

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

1. Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include:

- An 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 further action cannot or will not be taken on their complaints.
- Reframing a complaint in an effort to get it taken up again.
- Bombarding our staff/organisation with phone calls, visits, letters, and emails (including cc'd correspondence) after repeatedly being asked not to do so.
 - Contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their complaint – internal and external forum shopping.

Further Information: ☎ 02 6895 1900 ✉ Email: council@lachlan.nsw.gov.au				Page 2 of 6
Version: 1	Commencement Date: August 2019	Last Review Date: August 2019	Next Review Date: August 2021	TRIM No. D19/13890

Unreasonable Customer Conduct Policy

2. Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:

- Issuing instructions and making demands about how we have/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a member of the Executive Leadership Team or The General Manager personally when it is not appropriate or warranted.
- Emotional blackmail and manipulation with the intention to guilt trip, 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 sacked or prosecuted, an apology and/or compensation when no reasonable basis for expecting this.
- Demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly.

3. Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with our organisation, staff, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources. Some examples of unreasonable lack of cooperation include:

- Sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about – only where the complainant is clearly capable of doing this.
- Providing little or no detail with a complaint or presenting information in ‘drips and drabs’.
- Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- Arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, and so forth.

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 upon our organisation, staff, services, time, and/or resources. Arguments are unreasonable when they:

- fail to follow a logical sequence
- are not supported by any evidence and/or are based on conspiracy theories
- lead a complainant to reject all other valid and contrary arguments

Further Information: ☎ 02 6895 1900 ✉ Email: council@lachlan.nsw.gov.au				Page 3 of 6
Version: 1	Commencement Date: August 2019	Last Review Date: August 2019	Next Review Date: August 2021	TRIM No. D19/13890

Unreasonable Customer Conduct Policy

- are trivial when compared to the amount of time, resources and attention that the complainant demands
- are false, inflammatory or defamatory.

5. Unreasonable behaviours

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant himself/herself. Some examples of unreasonable behaviours include:

- Acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks
- Harassment, intimidation or physical violence.
- Rude, confronting and threatening correspondence.
- Threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats.
- Stalking (in person or online).
- Emotional manipulation.

All staff should note that *Lachlan Shire Council* has a zero tolerance policy towards any harm, abuse or threats directed towards them.

Any conduct of this kind will be dealt with under this policy and in accordance with our duty of care and occupational health and safety responsibilities.

RESPONDING TO AND MANAGING UNREASONABLE CUSTOMER CONDUCT

Changing or restricting a complainant's access to our services

UCC incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to complainants by restricting:

- **Who they have contact with** – e.g. limiting a complainant to a sole contact person/staff member in our organisation.
- **What they can raise with us** – e.g. restricting the subject matter of communications that we will consider and respond to.
- **When they can have contact** – e.g. limiting a complainant's contact with our organisation to a particular time, day, or length of time, or curbing the frequency of their contact with us.
- **Where they can make contact** – e.g. limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office

WRITING ONLY RESTRICTIONS

When a complainant is restricted to 'writing only' they may be restricted to written communications through:

- Australia Post only
- Email only to a specific staff email or our general office email account

Further Information: ☎ 02 6895 1900 ✉ Email: council@lachlan.nsw.gov.au				Page 4 of 6
Version: 1	Commencement Date: August 2019	Last Review Date: August 2019	Next Review Date: August 2021	TRIM No. D19/13890

Unreasonable Customer Conduct Policy

- Fax only to a specific fax number
- Some other relevant form of written contact, where applicable.

In cases involving threats of violence towards our staff or councillors, the complainant may not be able to hand deliver their written correspondence.

If a complainant's contact is restricted to 'writing only', the General Manager will clearly identify the specific means that the complainant can use to contact our office.

CONTACT THROUGH A REPRESENTATIVE ONLY

In cases where we cannot completely restrict our contact with a complainant and their conduct is particularly difficult to manage, we may also restrict their contact to contact through a support person or representative only. The support person may be nominated by the complainant but must be approved by the General Manager.

If a member of the Executive Leadership Team determines that the representative/support person may exacerbate the situation with the complainant the complainant will be asked to nominate another person or we may assist them in this regard.

COMPLETELY TERMINATING A COMPLAINANT'S ACCESS TO OUR SERVICES

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the General Manager may decide that it is necessary for our organisation to completely restrict a complainant's contact/access to our services.

A decision to have no further contact with a complainant will only be made if it appears that the complainant is unlikely to modify their conduct and/or their conduct poses a significant risk for our staff or other parties because it involves one or more of the following types of conduct:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault.
- Damage to property while on our premises.
- Threats with a weapon or common office items that can be used to harm another person or themselves.
- Physically preventing a staff member from moving around freely either within their office or during an off-site visit – e.g. entrapping them in their home.
- Conduct that is otherwise unlawful.

A complainant's access to our services and our premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect members of our staff from personal violence, intimidation or stalking by a complainant.

APPEALING A DECISION TO CHANGE OR RESTRICT ACCESS TO OUR SERVICES

Complainants are entitled to one appeal of a decision to change/restrict their access to our services. This review will be undertaken by a senior staff member who was not involved in the

Further Information: ☎ 02 6895 1900 ✉ Email: council@lachlan.nsw.gov.au				Page 5 of 6
Version: 1	Commencement Date: August 2019	Last Review Date: August 2019	Next Review Date: August 2021	TRIM No. D19/13890

Unreasonable Customer Conduct Policy

original decision to change or restrict the complainant's access. This staff member will consider the complainant's arguments along with all relevant records regarding the complainant's past conduct. They will advise the complainant of the outcome of their appeal by letter which must be signed by the General Manager.

If a complainant continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that we have acted fairly, reasonably and consistently and have observed the principles of good administrative practice including, procedural fairness.

POLICY REVIEW

Council retains the right to vary this document at anytime.

RELATED DOCUMENTS

Customer Service Charter

Customer Complaints Management Framework & Policy

Greg Tory

GENERAL MANAGER

20/8/2019

Further Information: ☎ 02 6895 1900 ✉ Email: council@lachlan.nsw.gov.au				Page 6 of 6
Version: 1	Commencement Date: August 2019	Last Review Date: August 2019	Next Review Date: August 2021	TRIM No. D19/13890