

Unreasonable Customer Conduct Policy

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1. Purpose

This policy aims to assist Council employees with the management of unreasonable customer conduct. In addressing unreasonable customer conduct, it is Council's priority to ensure Council resources are being utilized effectively and the health, safety and wellbeing of all persons involved are protected.

2. Scope

This policy applies to the management of unreasonable customer conduct and those adversely affected by unreasonable customer conduct as defined in this policy.

This includes customers, Council employees, Councillors, volunteers, and contractors of Towong Shire Council

3. Objectives

This policy aims to:

- Ensure the health, safety and wellbeing of those employed or involved with Towong Shire Council (Council);
- Ensure Council services and resources are fair and equitable for all customers;
- Identify what constitutes unreasonable customer conduct; and
- Ensure those employed or involved with Council feel empowered and supported in taking appropriate action to manage unreasonable customer conduct.

4. Policy Details

4.1 Statement on Unreasonable Customer Conduct

Council is committed to providing high quality service to all customers who contact us to utilise our services, request information or assistance or make a complaint. We recognise that all community members have a right to ask questions, express opinions, and submit complaints. However, there must also be a balance with respect to the rights of employees and Councillors, including safety and respect.

This policy establishes Council's commitment to taking a proactive and decisive approach in managing all conduct that negatively impacts those involved with Council. Such negative impacts may reduce our ability to assist customers, allocate resources fairly or maintain our obligation to maintain a workplace which protects the health, safety and wellbeing of Council employees and Councillors, as required under the *Occupational Health and Safety Act 2004*.

The impacts of encountering unreasonable customer conduct do not benefit the Towong Shire community, or those involved with Council and can have lasting negative outcomes if not managed appropriately.

4.2 Defining Unreasonable Customer Contact

Unreasonable customer conduct is any behaviour which, due to its nature or frequency, raises substantial health, safety, resource or equity issues for those involved with Council, other service users and customers or the customer themselves.

Unreasonable customer conduct can be broken down into five (5) categories:

1. Unreasonable demands
2. Unreasonable persistence
3. Unreasonable arguments
4. Lack of cooperation
5. Unreasonable behaviour

4.2.1. Unreasonable Demands

Unreasonable demands are demands (both express or implied) that are made by a customer that have an unreasonable or disproportionate impact on the Council, employees, services and/or resources.

Some examples of unreasonable demands include the following:

- Insisting on outcomes that are not possible or appropriate in the circumstances.
- Demanding services that are of a nature or scale that cannot be provided.
- Providing instructions/demands about how a request or complaint should be handled, the priority it should be treated as or the expected outcome.
- Insisting on a moral outcome, for example, justice in the community interest, when a personal interest is clearly at stake.
- Demanding on talking to the Councillors, or Chief Executive Officer when it is not appropriate or warranted.

4.2.2. Unreasonable Persistence

Unreasonable persistence is continued and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on the Council, employees, services and/or resources.

Some examples of unreasonable persistence include the following:

- Persistently contacting the Council about the same matter when it has been reasonably considered and dealt with.
- An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
- Contacting the Council with multiple requests about a range of issues, whether related or not, which accumulatively require an unreasonable or disproportionate allocation of Council resources.
- Continuously contacting employees with phone calls, visits, letters, or emails after repeatedly being asked not to do so.

4.2.3. Unreasonable Arguments

Unreasonable arguments include any arguments that are not based on reason or logic, that are incomprehensible, false or inflammatory, trivial and that unreasonably impact upon the Council, employees, services and/or resources.

Arguments will be considered unreasonable when they:

- Fail to follow a logical sequence.
- 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.
- Are false, inflammatory or defamatory.

4.2.4. Lack of Cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with our employees, or request and complaints processes that results in a disproportionate and unreasonable use of our services and/or resources.

Some examples of lack of cooperation include the following:

- Cannot or will not accept that Council is unable to assist them or is unable to provide any further level of service other than that provided already.
- Refusing to define the underlying issues.
- Refusing to follow reasonable instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- Displaying unhelpful behaviour such as withholding information, acting dishonestly or misquoting others.

4.2.5. Unreasonable Behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances, regardless of how stressed, angry or frustrated a customer is, as it unreasonably compromises the health, safety and wellbeing of those involved with Council, other service users or the customer themselves.

Some examples of unreasonable behaviour 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.

Council has zero tolerance towards any harm, abuse or threats directed towards staff. Any conduct of this kind will be dealt with under this policy, and in accordance with our duty of care and work health and safety responsibilities.

4.3 Managing Unreasonable Customer Conduct

Incidents of unreasonable customer conduct will be managed according to the nature and degree of unreasonable conduct. An incident report is required to be completed for the offending incident and emailed to ohs@towong.vic.gov.au

First instance of misconduct

In the first instance where the conduct is unreasonable but not severe enough to warrant a contact management plan, the first step to manage this is to address the behaviour with the resident and set clear expectations of what is required going forward. This would be done via a letter to the resident, using the template provided in the Appendix to the Guidelines that supplement this policy. The letter will be signed by the CEO.

Repeated/Serious misconduct

If the behaviour in the first instance is so severe or if the behaviour has been addressed formally and yet continues, then Council may implement restrictions, limiting or adapting the ways that Council interacts with, and/or delivers services to customers by restricting:

- Who they have contact with
- What they can raise with Council
- How they can have contact
- Where they can make contact

These restrictions will be documented in a Contact management plan as the Section 3.4 of the Guidelines supporting this policy.

4.3.1. Who they have contact with

Council may limit a customer to a sole contact point who will exclusively manage their complaint(s) and interactions with the Council.

This is designed to ensure they are dealt with consistently, minimising the chances for misunderstandings, contradictions and manipulation. The allocation of a single point of contact will be based on the most appropriate level of subject matter expertise that is required to manage the customer requests and conduct.

4.3.2. What they can raise with Council

Council may restrict the subject matter of communications that will be considered.

When customers repeatedly send communications that raise trivial or insignificant issues, or that relate to a matter that has already been comprehensively considered and/or reviewed by the Council, we may restrict the subject matter the customer can raise with us or that we will respond to.

4.3.3. How they can have contact

Council may limit when and how a customer can contact Council.

If a customer's contact with Council places an unreasonable demand on our time or resources because it is overly disorganized or voluminous, or affects the health safety, or wellbeing of our staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, we may limit when and/or how the customer can interact with us.

Where a caller uses inappropriate language (abusive or threatening) or casts personal aspersions on officers, the caller will be advised that unless they are prepared to speak in a different way, the call will be terminated.

4.3.4. Where they can have contact

Council may limit face to face interactions.

If a customer is violent or overtly aggressive, or is unreasonably disruptive, threatening or demanding, or continues to visit our premises in contravention of an earlier direction, we will consider restricting our face-to-face contact with them.

This action may be implemented through legal processes to formally enforce the necessary measures.

4.4 Periodic reviews of Unreasonable Customer Conduct cases

All active unreasonable customer conduct cases applied under this policy will be reviewed every six months (January and July) by the Senior Management Team. The Senior Management Team has the responsibility and authority to change or restrict a customer's access to Council's services in the circumstances outlined in this policy, based on the outcome of its review.

4.5 Training and Awareness

Council will ensure that all staff are aware of and know how to use this policy along with the Towong Shire Council Unreasonable Customer Conduct Guidelines.

All staff who deal with customers in the course of their work will receive appropriate training on dealing with difficult and/or challenging behaviour to promote awareness and understanding of appropriate techniques and considerations in responding to such instances.

4.6 Documentation and Reporting

In all of the situations referred to in this policy:

- adequate records must be made and maintained on the appropriate file; and
- the employees immediate manager should be kept informed off all interactions with difficult customers.

5. Responsibilities

Responsibility	Role/Position
Responsible for approving Contact Management Plans and facilitating periodic reviews of active cases.	Chief Executive Officer
Responsible for escalating unreasonable customer conduct as per the Towong Shire Council Unreasonable Customer Conduct Guidelines.	Directors
Responsible for overseeing organizational deployment and compliance with this policy. Will identify the need to organizational training and facilitate delivery (ref 4.6).	Manager People and Customer
Responsible for complying with this policy.	All Staff

6. Human Rights

The policy gives regard to relevant legislation, principles of natural justice and procedural fairness, community values and Council's resource capacity. It is considered that this policy supports the rights identified in the *Charter of Human Rights and Responsibilities Act (2006)*.

7. Relevant Legislation and Policies

This policy should be read in conjunction with all other relevant Council policies and procedures, as well as relevant legislative requirements.

Related legislation includes:

- *Occupational Health and Safety Act 2004*
- *Occupational Health and Safety Regulations 2017*

Other related guidelines or policies include:

- *Unreasonable Customer Conduct Guidelines*
- *Complaints Policy*
- *OHS Policy*

8. Definitions

Term	Definition
Health	Occupational health is the promotion and maintenance of physical and mental health of all individuals involved with the organization.
Safety	Occupational safety is the process of protecting employees from work related illness and injury.
Senior Management Team	Consists of all Directors and Chief Executive Officer
Wellbeing	Workplace Wellbeing relates to all aspects of working life, from the quality and safety of the physical environment, to how employees feel about coming to the workplace.

Authorised by:



Juliana Phelps
 Chief Executive Officer