

Policy No. PP043

# Unreasonable Conduct by Customers Policy

## Unreasonable Conduct by Customers Policy

### 1. INFORMATION ABOUT THIS POLICY

#### POLICY INFORMATION

<b>Date Adopted by Board</b> 24 April 2025	<b>Resolution No.</b> 25/030
<b>Policy Responsibility</b> Corporate Services Manager	
<b>Review Timeframe</b> 4 years	
<b>Last Review</b> April 2025	<b>Next Scheduled Review</b> April 2029

#### DOCUMENT HISTORY

DOCUMENT NO.	DATE AMENDED	SUMMARY OF CHANGES
	DD/MM/YYYY	

#### FURTHER DOCUMENT INFORMATION AND RELATIONSHIPS

<b>Related Legislation</b>	<i>Government Information (Public Access) Act 2009</i> <i>Health Records and Information Privacy Act 2002</i> <i>Local Government Act 1993</i> <i>Privacy and Personal Information Act 1994</i> <i>Public Interest Disclosures Act 1994</i>
<b>Related Policies/ Procedures</b>	P031 Code of Conduct PP020 Complaints Management Policy Customer Service Charter



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## **2. PURPOSE**

This Policy provides the framework within which Council will manage unreasonable conduct by customers. Council has a zero-tolerance approach to anyone that approaches employees, Councillors or any other member of employees in a manner which can be considered threatening, intimidating or extreme.

When customers behave unreasonably in their dealings with us, their conduct can significantly affect our success. As a result, we will take proactive and decisive action to manage any customer conduct that negatively and unreasonably affect us and will support our employees to do the same in accordance with this policy.

## **3. SCOPE**

This policy applies to all customers, employees and Councillors of Goldenfields Water County Council.

## **4. Objectives**

- Ensure the health and safety of Council employees and Board Members;
- Provide guidance on what constitutes an unreasonable complaint or conduct.
- Ensure that employees and Board Members feel confident and supported in taking appropriate action to manage unreasonable customer conduct.
- Deliver a service to our customers in accordance with PP031 Code of Conduct and our Customer Service Charter

## **5. Right of Public Access**

- Council recognises that members of the public have a right to access Council employees to seek advice, assistance or services that Council offers.
- Council recognises that members of the public have a right to access Board Members to seek advice on Council's strategic direction.
- Council recognises that members of the public have a right to make complaints against Council, Board Members and Council employees. Complaints are an essential way for Council to reflect on and improve its practices and its relationship with the community.
- Nobody shall be unconditionally deprived of the right to have complaints or concerns addressed. However, Council also has an obligation to use its resources efficiently and effectively and has an obligation to maintain the health and safety, as far as practicable, of its employees as an employer.

## **6. Unreasonable Conduct**

Most of our customers act reasonably and responsibly in their interactions with us. However, in a small number of cases some customers behave in ways that are unreasonable, despite our best efforts to assist them.

Unreasonable conduct by customers is any behaviour which, because of its nature or frequency, raises health, safety and wellbeing concerns or resource or equity issues for our organisation, our employees, other service users and customers.

Unreasonable conduct can be divided into five categories:

1. Unreasonable persistence
2. Unreasonable demands
3. Unreasonable lack of cooperation
4. Unreasonable arguments
5. Unreasonable behaviours.

## **8.1 Unreasonable persistence**

Unreasonable persistence is continued, incessant or unrelenting conduct by a customer that has a disproportionate and unreasonable impact on our organisation, employees, 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 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 to initiate further action or investigation.
- Overloading Council with phone calls, visits, letters, 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.
- Lodging multiple customer requests (online, by telephone, or in-person) about a single topic or issue.

## **8.2 Unreasonable demands**

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

- A customer who makes unreasonable demands on Council whether by: the amount of information; or the value and scale of the services they seek; or the number of approaches they make.
- Insisting on talking to senior management or the General Manager personally when it is not appropriate or warranted.
- Issuing instructions and making demands about how we have/should deliver a service or handled their complaint, the priority it was/should be given, or the outcome that was/should be achieved.
- 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.

### 8.3 Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with our organisation, employees, or complaints system and processes that result 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 customer is clearly capable of doing this.
- Providing little or no detail with a complaint or presenting information in an ad hoc manner.
- 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.

### 8.4 Unreasonable arguments

Unreasonable arguments include any arguments that are not based in reason or logic, which are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon our organisation, employees, 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 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. In circumstances where Council receives correspondence, petitions or any other written notice that is significantly removed from the functions and responsibilities of Council as defined in the *Local Government Act 1993* and, in the opinion of the Public Officer, there may be a safety risk arising from engaging with the lodging party, Council may choose to simply file and not respond.

### 8.5 Unreasonable behaviours

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

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- Acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks.
- Persistent demands, challenges, negative remarks and disruptive behaviours, which have a cumulative impact over time on employees, other customers and service-delivery
- Harassment, intimidation, or physical violence.
- Sexual harassment, assault or intimidatory behaviour, including indecent exposure.
- 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.
- Not following the direction provided by employees.

### 9. Responding to and Managing Unreasonable conduct by a customer

Unreasonable conduct by customers will generally be managed by limiting or adapting the ways in which we interact with and/or deliver services. This may involve limiting access to our services by restricting:

- Who they may have contact with
- What they can raise with us
- When they can have contact
- Where they can make contact
- How they can make contact

When using these restrictions, we recognise that discretion will need to be used by a responsible person to adapt them to suit a customer's personal circumstances, level of competency, literacy skills etc. In this regard we recognize that more than one strategy might need to be used in individual cases to ensure their efficacy.

We are committed to working with support services, carers or parents where appropriate, to assist a customer to access our services.

#### 9.1 Guiding Principles

Council will limit the nature and scope of access in the following circumstances:

- where full access would likely compromise Council's health and safety obligations as an employer;
- where full access would likely compromise any statutory obligations, Council has an employer;
- where full access would likely be wasteful of Council's resources whether through excessive contact or use of services;
- where full access would be likely to encourage or allow rude and abusive behaviour.

## 9.2 Particular circumstances

### WHO – LIMITING THE CUSTOMER TO A SOLE CONTACT POINT

Where a customer tries to seek advice in multiple places internally within Council, changes their issues of complaint repeatedly, reframes their complaint, or raises an excessive number of complaints it may be appropriate to restrict their access to a single employee (a sole contact point) who will exclusively manage their complaint(s) and interactions with our office. This may ensure they are dealt with consistently and may minimise the chances for misunderstandings, contradictions, and manipulation. This type of arrangement should be considered in situations where customers make complaints regularly or on an ongoing basis to

employees who are not able to change the situation being complained about. In such scenarios customers should be advised that complaints should be only directed to a relevant supervisor or manager of the service or facility.

### WHAT – RESTRICTING THE SUBJECT MATTER OF COMMUNICATIONS THAT WE WILL CONSIDER

Where customers repeatedly send written communications, letters, emails, or use online forms that raise trivial or insignificant issues, contain inappropriate or abusive content or relate to a complaint/issue that has already been comprehensively considered and/or reviewed by Council (at least once), Council may restrict the issues/subject matter the customer can raise with Council. For example, Council may

- Refuse to respond to correspondence that raises an issue that has already been dealt with comprehensively, that raises a trivial issue, or is not supported by clear/any evidence. The customer will be advised that future correspondence of this kind will be read and filed without acknowledgement unless Council decides to pursue it further in which case, Council may do so as a matter of course.
- Restrict the customer to one complaint/issue per month. Any attempts to circumvent this restriction, for example by raising multiple complaints/issues in the one complaint letter may result in modifications or further restrictions being placed on their access.
- Return correspondence to the customer and require them to remove any inappropriate content before Council will agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for Council records to identify repeat/further incidents.

### WHEN & HOW – LIMITING WHEN AND HOW A CUSTOMER CAN CONTACT US

If a customer's contact with Council places an unreasonable demand on Council's time or resources because it is overly lengthy (e.g. disorganised and voluminous correspondence) or affects the health, safety, wellbeing or security of Council employees because it involves behaviour that is persistently rude, threatening, abusive or aggressive, Council may limit when and/or how the customer can interact with Council. This may include:

- Limiting their telephone calls or face-to-face meetings to a particular time of the day or days of the week.
- Limiting the length or duration of telephone calls, written correspondence, or face-to-face meetings.
- Limiting the frequency of their telephone calls, written correspondence, or face-to-face meetings.

For irrelevant, overly lengthy, disorganised or frequent written correspondence Council may also:

- Require the customer to clearly identify how the information or supporting materials they have sent to Council relate to the central issues that Council have identified in their complaint.
- Restrict the frequency with which customers can send emails or other written communications to Council.



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- Restrict a customer to sending emails to a particular email account (e.g. Council's main email account) or block their email access altogether and require that any further correspondence be sent by post only.

### **WHERE – LIMITING FACE-TO-FACE MEETINGS TO SECURE AREAS**

If a customer is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to our premises, Council will consider restricting face-to-face contact with them. These restrictions may include:

- Restricting access to secured premises (e.g. a particular Library or Facility)) or areas of the office – such as the reception area or secured room/facility.
- Restricting their ability to attend Council premises to specified times of the day and/or days of the week only – for example, when additional security is available or to times/days that are less busy.
- Allowing them to attend Council premises on an 'appointment only' basis and only with specified employees. Note – during these meetings employees should always seek support and assistance of a colleague for added safety and security.
- Restricting the customer from attending our premises and/or facilities altogether and allowing some other form of contact – e.g. 'writing only' or 'telephone only' contact. This option will be the likely approach in situations of violence.

### **CONTACT THROUGH A REPRESENTATIVE ONLY**

In cases where Council cannot completely restrict contact with a customer and their conduct is particularly difficult to manage, Council may also restrict their contact to contact through a support person or representative only. The support person may be nominated by the customer but must be approved by the Public Officer. When assessing a representative/support persons suitability, the Public Officer shall consider factors like: the nominated representative/support person's competency and literacy skills, demeanour/behaviour, and relationship with the customer. If it is determined that the representative/support person may exacerbate the situation with the customer, the customer will be asked to nominate another person or Council may assist them in this regard.

## **10. Abusing the right to information**

Individuals or groups may place excessive demands on the resources of Council in making continual and extensive demands for information such as sending many letters, each containing detailed requests for information or being unwilling to accept documented evidence to support an adequate response. If the General Manager is satisfied that the resource demands in responding to such contacts are excessive, they may place limits on the manner and/or degree to which Council responds to such demands (but not to prevent the exercise of any statutory rights of the public to information).

## **11. Declining the right to further investigate complaints.**

Where, having exhausted Council's PP020 Complaints Handling Policy, a complainant remains dissatisfied with the outcome of a complaint, the General Manager will inform the complainant, in writing, that Council will decline to respond to any further attempted contact or communications concerning the issues raised by the complainant unless significant new information or new issues are raised in which in the opinion of Council warrants action. If the General Manager believes a complainant is deliberately providing fresh information in a selective way, they will advise the complainant in writing to immediately pass on all relevant information to

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Council and will also advise the complainant that if any relevant information is subsequently provided,

Council will require a satisfactory explanation as to why the information was not supplied earlier before agreeing to consider that information.

### **12. Documentation and reporting**

In all the situations referred to in this policy adequate records must be made and maintained on the appropriate file. The employee's immediate manager should be kept informed on of all interactions with difficult customers. Reference should be made to PP027 Records and Information Management Policy.

### **13 Aggressive behaviours**

Council has zero tolerance for violence and aggressive behaviour or threats towards Council employees, volunteers, contractors and Board Members. Any employee who is the victim of such behaviour may at their discretion report the matter to the NSW police for further action. Council reserves its right to contact the police at any time during an interaction with a customer if their behaviour may constitute a threat or actual violence or aggressive behaviour.