



NORTHERN MIDLANDS COUNCIL

POLICY MANUAL

UNREASONABLE CUSTOMER CONDUCT

Originated Date: Adopted Date: 16 October 2023 - Min No. 23/0375

Amended Date/s:

Applicable Legislation:

- Local Government Act 1993
- Personal Information Protection Act 2004
- Right to Information Act 2009
- Workplace Health and Safety Act 2012

Objective

To ensure that all customers are treated fairly and reasonably.
To provide guidance, education and training as appropriate for staff and Councillors in dealing with customers.
To ensure that Council resources are used efficiently and effectively when dealing with customers.
To protect the health, safety and security of complainants, Councillors, Council staff and third parties.

Administration: Governance / Corporate Services

Review Cycle/Date: 4 year review, review 2027.

1. POLICY STATEMENT

Council will strive to meet the needs of our customers in a professional and ethical manner with courteous and efficient service, as per Council's adopted Customer Service Charter.

We are committed to being accessible and responsive to all members of the community who approach us for assistance, or with a complaint.

It is recognised that all members of the community have a right to ask questions, express opinions, and lodge complaints about us and the services we provide; however this right must be balanced with the rights of staff and Councillors to safety and respect, and the equitable allocation of time and resources to all customers.

We recognise that our customers often contact us because they require our assistance or advice, and we understand these matters can be sensitive in nature and be accompanied by heightened emotions. Most people who access Council's services act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about their complaint; however, in a very small number of cases some people behave in ways that are inappropriate and unacceptable despite our best efforts to help them.

This policy has been developed to assist our customers to better understand how we manage Unreasonable Customer Conduct (UCC). Its aim is to ensure that all complainants:

- have a clear understanding of the criteria that will be considered before we decide to change or restrict a complainant's access to services
- are aware of the processes that will be followed to record and report Unreasonable Customer Conduct (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.

When customers behave unreasonably, their conduct can have a significant impact on our ability to assist the customer, and on our staff. As a result, we will take proactive and decisive action to manage all conduct that negatively and



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unreasonably affects staff.

2. DEFINING UNREASONABLE CUSTOMER CONDUCT (UCC)

UCC is any behaviour, which because of its nature or frequency, raises substantial health, safety, resource and/or equity issues for Council staff, other service users and/or the customer themselves.

In this policy, UCC is separated into five categories of conduct:

2.1 UNREASONABLE PERSISTENCE

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

Some examples of unreasonably persistent behaviour include:

- Unwillingness, or inability to accept reasonable explanations including final decisions that have been comprehensively considered and dealt with;
- Persistently contacting Council about the same matter when it has been comprehensively considered and dealt with;
- Reframing a complaint or request in an attempt to get it reconsidered;
- Refusing to accept further action cannot, or will not, be taken in response to a complaint or request;
- Persistently demanding a review without presenting a case for one;
- Contacting different staff members to get a different outcome or more sympathetic response;
- Submitting excessive amounts of communication after being asked not to do so.

2.2 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 staff, services, time and/or resources.

Some examples of unreasonable demands include:

- Issuing instructions and making demands about how a complaint or request should be handled, the priority it was given or the outcome;
- Insisting on talking to the Mayor, Councillors, CEO or a General Manager when it is not appropriate or warranted;
- Insisting on a moral outcome, for example, justice in the community interest, when really a personal interest is at stake;
- 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.

2.3 UNREASONABLE LACK OF COOPERATION

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with Council staff, or the complaints system, that results in a disproportionate and unreasonable use of Council services, time and/or resources.

Some examples of unreasonable lack of cooperation include:

- Presenting a large quantity of information that is not organised;
- Providing little or no detail with a complaint, or request, or presenting information in dribs and drabs;
- Refusing to define the underlying issues;
- Refusing to follow reasonable 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, despite valid contrary arguments and explanations;



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- Displaying unhelpful behaviour such as withholding information, acting dishonestly or misquoting others.

2.4 UNREASONABLE ARGUMENTS

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

Arguments are unreasonable when they:

- Fail to follow 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 not reasonable when compared to the amount of time, resources and attention that the customer demands;
- Are false, inflammatory or defamatory.

2.5 UNREASONABLE BEHAVIOUR

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated a complainant is – because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant themselves. 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.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language, whether verbal or written, that may cause staff to feel afraid, threatened or abused, and may include threats, personal verbal abuse, derogatory remarks or rude/inappropriate language. Council also considers inflammatory statements and unsubstantiated allegations to be abusive behaviour.

Council has a zero tolerance policy towards any acts of aggression, abuse or threats, and any conduct of this kind will be managed accordingly.

3. OPTIONS FOR RESPONDING TO AND MANAGING UCC

Our staff will ensure that all reasonable steps have been taken to assist a member of the public before changing or restricting a complainant's access to our services.

Before deciding to change or restrict a person's access to our services, we will ensure:

- any limits are proportionate to the risk posed by the behaviour;
- we are complying with legal obligations;
- the decision has been properly authorised in accordance with this policy
- the person has been informed in writing about the decision, what access has been restricted or terminated and on what basis, and the option to seek a review of the decision and how they may do so.

3.1 CHANGING OR RESTRICTING A PERSON'S ACCESS

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



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- who they have contact with – for example, limiting a person to a sole contact person/staff member in our organisation;
- what they can raise with us – for example, restricting the subject matter of communications that we will consider and respond to;
- when they can have contact – for example, limiting a person’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 – for example, limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office;
- how they can make contact – for example, limiting or modifying the forms of contact that the person 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.

When applying these restrictions, we recognise that discretion will need to be used to adapt them to suit a complainant’s personal circumstances, such as level of competency or literacy skills. In this regard, we also recognise that more than one approach may need to be used in individual cases to ensure their appropriateness and efficacy.

3.2 COMPLETELY TERMINATING A COMPLAINANT’S ACCESS

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, we 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 including where 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 – for example, entrapping them in their home;
- Conduct that is otherwise unlawful.

Council has a zero-tolerance policy towards any harm, abuse or threats directed towards its staff.

3.3 OTHER MECHANISMS FOR RESTRICTING ACCESS

A person’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.

3.4 NOTIFICATION OF RESTRICTING ACCESS

In the case where a decision has been made to restrict access to services, the person will be advised in writing about the decision, what access has been restricted or terminated and on what basis, and the option to seek a review of the decision and how they may do so.

In some circumstances, a written warning may be issued to a complainant regarding unreasonable behaviour before restricting their access to our services.

4. REVIEW SOUGHT BY COMPLAINANT

Complainants are entitled to seek one review of a decision to change/restrict their access to our services.



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A request for a review of such a decision must be made within 60 days of the person being notified of the decision.

The request must include an explanation of why a review is necessary and any evidence about why it is believed that the decision should not stand.

Complainants requesting a review will be notified of the outcome within 30 days from when the request is received. Requests for review may be undertaken by a delegate nominated by the General Manager or delegate.

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 or Tasmania's Department of Premier and Cabinet's Local Government Division.

The Ombudsman/Local Government Division 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 ([link to the Ombudsman's website](#)).

5. MANAGING STAFF STRESS RELATING TO UCC

Council will follow relevant internal procedures to ensure the appropriate support is provided to staff when necessary. All staff are required to notify their manager of UCC incidents, and any stressful incidents experienced whilst performing normal work duties.

6. GENERAL

In all of the situations referred to in this policy, adequate documentary records must be made and maintained in Council's records system.

Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager will advise Councillors as soon as possible of the relevant circumstances and the action taken, and forward such advice where appropriate, to the Department of Local Government and the Ombudsman for information.

7. OTHER RELEVANT POLICIES/PROCEDURES

Customer Service Charter

8. POLICY REVIEW

This Policy will be reviewed every four (4) years or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.