

	PROCEDURE	Version:	2
	Unreasonable Customer Conduct	Date Adopted:	08 Oct 2024
		Next Review Due:	Oct 2028

1. STATEMENT

This procedure relates to the [Customer Experience Policy](#).

2. PURPOSE

Council is committed to being accessible and responsive to all customers. At the same time, Council's effectiveness in responding to customers depends on:

- Council's ability to perform its functions in the most effective and efficient way
- the health, safety and security of staff, and
- the ability to allocate resources fairly across all the service requests received.

When customers behave unreasonably in their dealings with Council, their conduct can significantly affect Council's ability to perform its functions effectively, efficiently and safely.

This policy describes Council's procedures to reduce the likelihood of unreasonable conduct by customers and the process for managing unreasonable conduct when it occurs. It establishes a hierarchical approach to enable Council to take fair, reasonable and decisive action to manage customer conduct that negatively and unreasonably affects the health, safety and security of staff and Council operations.

3. DEFINITIONS

Please refer to the [Customer Experience Policy](#) for definitions that apply to this procedure.

4. PROCEDURE

4.1 What is unreasonable customer conduct

All persons contacting Council will be treated with fairness and respect. However, occasionally the conduct of customers can be unreasonable. This may take the form of, but is not limited to:

- unreasonable persistence:** persons persisting with their issues even though they have been dealt with to finality, refusing to accept final decisions and sending excessive amounts of correspondence.
- unreasonable demands:** insisting on outcomes that are unattainable, changing the criteria and parameters of demands or demanding to have their complaints dealt with in particular ways.
- unreasonable lack of cooperation:** providing disorganised, excessive or irrelevant information, being unwilling to consider other valid viewpoints, or refusing to define issues of complaint when they are capable of doing so.
- unreasonable arguments:** seeing cause and effect arguments where there are none, holding conspiracy theories unsupported by evidence, irrationally interpreting facts or laws and refusing to accept other more reasonable interpretations.
- unreasonable behaviour:** extreme anger, aggression, threatening or violent conduct. This includes making excessive demands, frequently contacting Council and making malicious, frivolous or vexatious requests or complaints.

4.2 Preventing unreasonable conduct

It is important that all customer requests be managed well from the outset to minimise:

- delays
- misunderstandings or
- unrealistic expectations.

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Clear communication with customers is the key to managing customers' expectations and minimising unreasonable conduct. Council staff should ensure that customers understand what the Council can and cannot do, by, for example:

- giving customers as much relevant and accurate information as possible
- explaining the role of the Council
- explaining how their request or complaint will be handled
- informing the customer of the anticipated timeframe
- explaining any further action or information required by the customer
- keeping the customer informed of the progress of their request or complaint, and
- informing the customer of the possible outcomes.

4.3 Frontline handling of unreasonable customer conduct

Despite implementing prevention practices, there may be instances where customers are unreasonable in their conduct. If Council staff consider a customer's behaviour to be unreasonable, they can:

1 st Warning	Advise the customer that their conduct is unreasonable and explain why it is unreasonable.
2 nd Warning	If the behaviour continues, Council staff can give a 2nd warning and stop the conversation. Examples include: • advise that you will not continue discussing the matter and may terminate the call • politely request that the customer leaves the office or area.
Duress Alarm/ Exit Situation	If at any time Council staff feel the situation has become unsafe, threatening or violent, they can request the police to attend and will follow the Duress Alarm Procedure. If the behaviour occurs outside of Council offices, staff will remove themselves from the situation and go directly to a safe location.

4.4 Continued unreasonable customer conduct

Details of customers who are unreasonable in their conduct will be flagged in the CRM by the Chief Executive Officer (CEO).

When a person is continuing to show unreasonable conduct, a decision may be made by the Council and/or the CEO to apply restrictions on contact with the person.

Where a decision is made to place restrictions on Council's interactions with a customer, the CEO will write to the person notifying them of the action, the restrictions that Council will be implementing and the reasons for the restrictions.

Where the unreasonable conduct is directed at the CEO, the CEO will refer the matter to Council for the decision to place restrictions.

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Restrictions will be applied in accordance with the following response levels:

Response Level	Restriction Applied	Action by the CEO (Note: If there is a risk to safety nothing prevents the CEO from immediate escalation as appropriate)
Level 1 Restriction	Restricting contact by the customer to one member of Council staff for a particular matter (the customer will not make any further contact with other Council employees on the matter).	The CEO may nominate an officer as a single point of contact within Council to handle the complaint with the customer. The customer will be notified, in writing (if possible), of the name and contact details of the officer who will be handling the complaint. The selection of a single point of contact officer will be based on the appropriate level of subject matter expertise required to manage the complainant effectively.
Level 2 Restriction	Council reserves the right to not acknowledge any further complaints or comments on the matter.	Where the unreasonable customer conduct continues the CEO will contact the customer in writing (if possible), advising that Council reserves the right to not acknowledge future comments or complaints on the matter, unless significant new evidence, details or information are presented.
Level 3 Restriction – Final Response	Restricting contact by the customer with Council to 'writing only' by email or post to the CEO on any matter, and Council reserves the right to not acknowledge any communication on any matter.	In rare cases and as a last resort, where the unreasonable conduct continues (e.g. places an unreasonable demand on resources, is aggressive, threatening or abusive), the CEO may decide it is necessary to further restrict a customer's contact with Council. In these cases, the CEO will advise the customer in writing (if possible) that the customer is restricted to only communicating in writing to the CEO, and they are not permitted to access Council facilities. Written communications will be limited to Australia Post or email only to the CEO. The customer will be informed that it is not permissible to enter Council premises to hand deliver written communications. Council reserves the right to not acknowledge or respond to any communications from the customer.

Where it is possible to contact the customer in writing, the customer will be provided an opportunity to respond to the proposed actions within ten (10) working days of receiving the written correspondence.

Feedback received from the customer will be reviewed and assessed prior to determining whether to proceed with the proposed action and restrictions.

If no comments are received, the CEO will continue as though there are no objections to the proposed action.

If restrictions are not applied in the first instance, the customer may receive a warning letter advising that the CEO has reviewed the customer's behaviour and decided not to pursue restrictions at this time.

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The CEO will notify all staff of the details of any customer who has had restrictions applied to them, and the customer's details and restrictions will be recorded in Council's CRM.

4.5 Exceptions to restricted contact

Despite restrictions being applied to contact with a customer due to unreasonable conduct, there may be instances (e.g. statutory obligations or legal rights) requiring a customer to be contacted, or communication from a customer to be acknowledged. Examples include a customer's right to:

- apply for the review of a Council decision under section 270 of the *Local Government Act 1999*
- exercise a provision of the *Planning, Development and Infrastructure Act 2016* or the *Expiation of Offences Act 1996*
- make a written request to the Council for a deputation under the *Local Government Act 1999*
- apply for access to information under the *Freedom of Information Act 1999*.

The above Acts include processes for dealing with unreasonable complaints.

Where such statutory obligations to contact the customer exist, the CEO should be notified. The CEO will ensure that these are actioned by the CEO or a nominated member of Council staff.

4.6 Removing restrictions

The restrictions will be recorded against the customer's details in the CRM.

Restrictions put in place by Council resolution can only be revoked by a subsequent Council resolution to remove the restrictions.

Restrictions put in place by the CEO may only be revoked by the CEO.

A person may request for their restrictions to be removed. This request must be made in writing to the CEO, specifying the reasons justifying their removal. Requests will be considered on a case-by-case basis and restrictions will only be revoked where sufficient information justifying their removal is presented.

5. REVIEW

This procedure will be reviewed every four (4) years in consultation with the ELT, Council staff and Council members.

6. AVAILABILITY

This procedure is publicly available on Council's website: www.wattlerange.sa.gov.au.

A printed copy may be purchased from Council offices upon payment of the relevant fee in Council's Fees and Charges Schedule.

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7. REFERENCES & FURTHER READING

References	Managing Unreasonable Complainant Conduct Practice Manual, endorsed by the Australian Parliamentary Ombudsman
Relevant Legislation:	<i>Local Government Act 1999</i> <i>Freedom of Information Act 1991</i>
Relevant Policies / Procedures / Guidelines	This procedure should be read in conjunction with: - Corporate Standards for Employees - Behavioural Standards for Council Members - Customer Experience Policy - Public Interest Disclosure Procedure - Fraud and Corruption Prevention Policy - Internal Review of Council Decisions Procedure - Request for Service Procedure - Compliments and Complaints Handling Procedure - Duress Alarm Procedure

8. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of this procedure.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	12 November 2019	Council	New procedure	Folio 8697; Item 15.2.12
2	08 October 2024	Council	Reviewed	Folio 11108; Item 15.2.4

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