	<b>PROCEDURE 400</b>	Version:	1
	<b>Unreasonable Customer Conduct</b>	Date Adopted:	12 Nov 2019
		Next Review Due:	Oct 2023

This procedure relates to the Customer Experience Policy.

## 1. DEFINITIONS

Please refer to Customer Experience Policy for definitions that apply to this procedure.

## 2. PROCEDURE

### 2.1 What is Unreasonable Customer Conduct

As per Customer Experience Policy 28, 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, moving the goal posts 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 their issues of complaint when they are capable of doing so.
- **unreasonable arguments:** seeing cause and effect arguments where there are clearly none, holding conspiracy theories unsupported by evidence, and irrationally interpreting facts or laws and refusing to accept other more reasonable interpretations
- **unreasonable behaviour:** extreme anger, aggression, threats or other threatening or violent conduct. This includes making excessive demands, frequently contacting Council and making malicious, frivolous or vexatious requests or complaints.

### 2.2 Preventing Unreasonable Conduct


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

- delays;
- misunderstandings; or
- unrealistic expectations.

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, for example by:

- 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.

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## 2.3 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 <sup>st</sup> Warning       | Advise the customer that their conduct is unreasonable and explain why it is unreasonable.   |
| 2 <sup>nd</sup> Warning       | <p>If behaviour continues Council Staff can give a 2<sup>nd</sup> warning and stop the conversation. Examples:</p> <ul style="list-style-type: none"> <li>• Advise that you will not continue discussing the matter and may terminate the call.</li> <li>• Politely request the customer leave the office or area.</li> </ul>              |
| Duress Alarm / Exit Situation | <p>If at any time Council staff feel the situation has become threatening, aggressive or violent they can request for the police to be called and will follow the <i>Duress Alarm Procedure</i>.</p> <p>If occurring outside of Council offices remove yourself from the situation and head to a location where you will be supported.</p> |

## 2.4 Continued Unreasonable Customer Conduct


Details of customers who are unreasonable in their conduct may be entered into an At Risk Register by the CEO.

When a person is continuing to show unreasonable conduct, a decision may be made to apply restrictions on contact with the person and may be managed or dealt with in accordance with the *Customer Experience Policy*.

Where the decision has been made to assign or place restrictions on the customer, the Chief Executive Officer (CEO) will write to the customer notifying of the proposed actions and restrictions that Council will be taking and why. Restrictions may include, but are not limited to:

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)
First Level Handling	Restricting Contact to one member of Council Staff (the customer will not make any further contact with other Council employees on the matter)	<p>The CEO may nominate an officer to handle the complaint with the customer.</p> <p>The customer will be notified, preferably in writing if possible, of the name and contact details of the officer who will be handling the complaint.</p>

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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)
Escalation First Response	No further complaints or comments on the issue will be acknowledged	Where the customer has contacted Council outside of their contact person or continued the unreasonable conduct with the Contact person. The CEO will contact the customer, preferably in writing (if possible), advising that all future comments and complaints on the matter will not be acknowledged, unless new evidence, new details or new information is presented.
Escalation Second Response	No further contact with Council on this matter moving forward	Where unreasonable conduct is continuing, and the customer is not following restrictions applied the CEO will contact the customer, preferably in writing, advising no further contact to be made on this matter.
Final Response	No further contact with Council or at Council facilities on any matter	When contact has been made since the Escalation Second Response step, the CEO will contact the customer, preferably in writing if possible, advising that all communications and contact is to cease, and no further contact is to be made at Council facilities.

The customer will be provided an opportunity to respond to the proposed actions within 10 days of receiving the written correspondence

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

If no comments are received the CEO will continue as though there are no objections.

If restrictions are not applied the customer may receive a warning letter advising that the CEO has reviewed the actions and decided not to pursue restrictions at this time.

The CEO will notify all staff of any customer who has had restrictions applied and the customer's name and address will be recorded in Council's Risk Register.


## 2.5 Reviewing Customers with Restrictions

The restrictions will be recorded against the customers details and reviewed annually by the Executive Leadership Team (ELT).

After the 12-month period the customer will be notified in writing of the Council decision to

- Revoke the restrictions or
- Continue the restrictions for another 12-month period.

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### 3. REVIEW

This Procedure will be reviewed every four years after each general election.

Reviews must be done in consultation with the ELT, Council Staff and Council Members.

### 4. AVAILABILITY

This Procedure is available for inspection without charge at the following location during ordinary business hours:

- Principal Office, "Civic Centre", George Street, Millicent
- Council Website: [www.wattlerange.sa.gov.au](http://www.wattlerange.sa.gov.au).

A copy of the Procedure may be purchased from the Principal Council Office upon payment of a prescribed fee in accordance with Council's Schedule of Fees and Charges.

### 5. REFERENCES & FURTHER READING

References	<ul style="list-style-type: none"> <li>• Managing Unreasonable Complainant Conduct Practice Manual, Endorsed by Australian Parliamentary Ombudsman</li> </ul>
Relevant Legislation:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1999</i></li> <li>• <i>Development Act 1993 &amp; Planning, Development &amp; Infrastructure Act 2016;</i></li> <li>• <i>Expiation of Offences Act 1996;</i></li> <li>• <i>Freedom of Information Act 1991</i></li> </ul>
Relevant Policies / Procedures / Guidelines	<p>This Procedure should be read in conjunction with:-</p> <ul style="list-style-type: none"> <li>• Policy – Code of Conduct for Council Employees</li> <li>• Policy – Code of Conduct for Council Members</li> <li>• Policy – Whistleblowers Protection</li> <li>• Policy – Fraud &amp; Corruption Prevention</li> <li>• Policy Customer Experience</li> <li>• Procedure - Internal Review of Council Decisions</li> <li>• Procedure - Request for Service</li> <li>• Procedure – Compliments and Complaints Handling</li> <li>• Procedure – Duress Alarm</li> </ul>

### 6. ADOPTION & AMENDMENT HISTORY

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

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