

# Managing Unreasonable Customer Behaviour Policy

<b>Policy Type: Operational Policy</b> <b>Policy Owner: Leanne Hartill</b>	<b>Policy No.: OP- 42</b> <b>Review Date: June 2022</b>
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## Policy Objectives

This policy has been developed to assist staff to better manage unreasonable customer behaviour and aims to ensure that all staff:

- Feel confident and supported in taking reasonable and lawful action to manage unreasonable customer behaviour.
- Act fairly, consistently, honestly and appropriately in accordance with the employee code of conduct when responding to unreasonable customer behaviour.
- Are aware of their roles and responsibilities in relation to the management of unreasonable customer behaviour.
- Understand the types of circumstances when it may be appropriate to manage unreasonable customer behaviour using one or more of the following mechanisms:
  - Strategies to change or restrict a customer's access to our services.
  - Alternative dispute resolution strategies to deal with conflicts involving customers
  - Legal instruments to prevent a customer from coming onto our premises
  - Orders to protect specific staff members from any actual or potential personal violence, intimidation or stalking.
- Have a clear understanding of the criteria that will be considered before the City decides to change or restrict a customer's access to our services.
- Are aware of the processes that will be followed to record and report unreasonable customer behaviour incidents as well as the procedures for consulting and notifying customers 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.

## Policy Scope

This policy covers all City of Melville staff, volunteers, contractors; and all, residents, ratepayers and customers who interact with the City administration.

## Policy Statement

The City of Melville is committed to being accessible and responsive to all customers who approach our offices for assistance and/or with a complaint. At the same time the success of our responses depend on:

- our ability to do our work and perform our functions in the most effective and efficient ways possible
- the health and safety of staff, and

- our ability to allocate our resources fairly and equitably across all the complaints/task requests we receive.

When customers behave unreasonably in their dealings with staff, their conduct may significantly affect our success. As a result, the City will take proactive and decisive action to manage any customer behaviour that negatively and unreasonably affects the City or its staff and will support staff to do the same in accordance with this policy.

Unreasonable customer behaviour may also impact the safety of others utilising our City facilities.

## **DEFINING UNREASONABLE CUSTOMER BEHAVIOUR**

### **i. Unreasonable customer behaviour**

Most customers behave reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about their request or complaint. However in a small number of cases some customers behave in ways that are inappropriate and unacceptable – despite the best efforts of staff and intentions to help them. They are aggressive and verbally abusive towards staff and other members of the public. They threaten harm and violence, bombard City of Melville officers with unnecessary and excessive phone calls and emails, make inappropriate demands on their time and resources and refuse to accept decisions and recommendations in relation to their complaints or requests. If customers behave in these ways we consider their conduct to be ‘unreasonable’.

Unreasonable behaviour is a standard of conduct that does not meet the objective standard of the “reasonable person test” and falls into three broad groupings:

- Habitual or obsessive conduct. This includes behaviour by a person who:
  - Cannot ‘let go’ of their complaint;
  - Cannot be satisfied despite the best efforts of the agency; and
  - Makes unreasonable demands on the City where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers);
- Rude, angry and harassing conduct; or
- Aggressive conduct.

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

The City of Melville has zero tolerance towards any harm, abuse or threats directed towards staff. Conduct of this kind will be managed under this policy, and in accordance with our duty of care and occupational health and safety responsibilities. Occupational Health and Safety requires the City to exercise its duty of care and mitigate or eliminate hazards. Unreasonable behaviour by a person could be deemed as a temporary or ongoing hazard.

## **ii. Unreasonable persistence**

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on the City staff, 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 arguing or 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 in an effort to get it taken up again.
- Bombarding our staff/organisation with phone calls, visits, letters, and emails (including cc'd correspondence) after repeatedly being asked not to do so.
- Contacting different people within the City and/or externally to get a different outcome or more sympathetic response to their complaint/request – internal and external forum shopping.

## **iii. Unreasonable demands**

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

- Issuing instructions and making demands about how the City should handle their complaint/request, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a senior manager or the *[CEO / Director]* personally when it is not appropriate or warranted.
- Emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame, seduce or portray themselves as being victimised – when this is not the case.
- 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.
- Demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly.

## **iv. Unreasonable lack of cooperation**

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with the City, staff, or accept internal policies 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 complainant is clearly capable of doing this.
- Providing little or no detail with a complaint or presenting information in 'drips and drabs'.
- 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.

## **v. Unreasonable arguments**

Unreasonable arguments include any conversations that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon the City, staff, 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 complainant to reject all other valid and contrary positions
- are trivial when compared to the amount of time, resources and attention that the complainant demands
- are false, inflammatory or defamatory.

## **RESPONDING TO AND MANAGING UNREASONABLE CUSTOMER BEHAVIOUR**

### **i. Changing or restricting a customer's access to our services**

Unreasonable customer behaviour will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to customers by restricting:

- **Who they have contact with** – e.g. limiting a complainant to a sole contact person/staff member in our organisation.
- **What they can raise with us** – e.g. restricting the subject matter of communications that we will consider and respond to.
- **When they can have contact** – e.g. limiting 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** – e.g. limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office.
- **How they can make contact** – e.g. limiting or modifying the forms of contact that the customer 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 using the restrictions provided in this section it is recognised that discretion will need to be used to adapt them to suit a customer's personal circumstances, level of competency, literacy skills, etc. In this regard, it is also recognised that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

### **ii. Who – limiting the customer to a sole contact point**

Where a customer tries to 'shop around' internally within the organisation, 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 staff member (a sole contact point) who will exclusively manage their complaint(s) and interactions with the City. This will ensure they are dealt with consistently and may minimise the chances for misunderstandings, contradictions and manipulation.

To avoid staff 'burn out' the sole contact officer's supervisor will provide them with regular support and guidance – as needed. Also, the *[nominated supervisor]* will review the arrangement every six months to ensure that the officer is managing/coping with the arrangement.

Customers who are restricted to a sole contact person will however be given the contact details of one additional staff member who they can contact if their primary contact is unavailable – e.g. they go on leave or are otherwise unavailable for an extended period of time.

### **iii. What – restricting the subject matter of communications that we will consider**

Where customers repeatedly send written communications, letters, emails, or 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 (at least once) by the City, we may restrict the issues/subject matter the complainant can raise with us/we will respond to. For example, we 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 complainant will be advised that future correspondence of this kind will be read and filed without acknowledgement unless we decide that we need to pursue it further in which case, we may do so of our own volition.
- 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 we will agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for our records to identify repeat/further unacceptable behaviour.

### **iv. When – limiting when and how a customer can contact us**

If a customer's telephone, written or face-to-face contact with the City places an unreasonable demand on our time or resources because it is overly lengthy (e.g. disorganised and voluminous correspondence) or affects the health safety and security 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. This may include:

- Limiting their telephone calls or face-to-face interviews 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 interviews. For example:
  - Telephone calls may be limited to [10] minutes at a time and will be politely terminated at the end of that time period.
  - Lengthy written communications may be restricted to a maximum of [10] typed or written pages, single sided, font size 11 or it will be sent back to the customer to be organised and summarised – This option is only appropriate in cases where the customer is capable of summarising the information and refuses to do so.
  - Limiting face-to-face interviews to a maximum of [45] minutes
  - Limiting the frequency of their telephone calls, written correspondence or face-to-face interviews. Depending on the nature(s) of the service(s) provided we may limit:
    - Telephone calls to [1] every two weeks/ month.
    - Written communications to [1] every two weeks/month.
    - Face-to-face interviews to [1] every two weeks/month.

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

- Require the customer to clearly identify how the information or supporting materials they have sent to us relate to the central issues that we have identified in their complaint/request.
- Restrict the frequency with which customers can send emails or other written communications to the City.
- Restrict a customer to sending emails to a particular email account (e.g. the organisation's main email account) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

### **Writing only restrictions**

When a customer is restricted to 'writing only' they may be restricted to written communications through:

- Australia Post only
- Email only to a specific staff email or the City's general email account
- Some other relevant form of written contact, where applicable.

If a customer's contact is restricted to 'writing only', the *[nominated supervisor]* will clearly identify the specific means that they can use to contact the City (e.g. Australia Post only). Also if it is not suitable for a customer to enter City premises to hand deliver their written communication; this must be communicated to them as well.

Any communications that are received by the City in a manner that contravenes a 'write only' restriction will either be returned to the complainant or read and filed without acknowledgement.

### **v. Where – limiting face-to-face interviews to secure areas**

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

- Restricting access to particular secured premises or areas of the office – such as the reception area or secured room/facility.
- Restricting their ability to attend City 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 City offices on an 'appointment only' basis and only with specified staff. Note – during these meetings staff should always seek support and assistance of a colleague for added safety and security.
- Banning the customer from attending City premises altogether and allowing some other form of contact – e.g. 'writing only' or 'telephone only' contact.

#### **v.i Contact through a representative only**

In cases where the City cannot completely restrict contact with a customer and their conduct is particularly difficult to manage, we may also restrict their contact to be through a support person or representative only. The support person may be nominated by the customer but must be approved by the *[nominated supervisor]*.

When assessing a representative/support person's suitability, the *[nominated supervisor]* should consider factors like: the nominated representative/support person's competency and literacy skills, demeanour/behaviour and relationship with the customer. If the *[nominated supervisor]* determines that the representative/support person may exacerbate the situation with the customer the customer will be asked to nominate another person or the City may assist them in this regard.

## **4.6 Completely terminating a customer's access to our services**

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the *[nominated supervisor and the CEO/Director]* may decide that it is necessary for our organisation to completely restrict a customer's contact/access to our services.

A decision to have no further contact with a customer is only made if it appears that they are unlikely to modify their conduct and/or their conduct poses a significant risk for staff or other parties because 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 – e.g. entrapping them in their home.
- Conduct that is otherwise unlawful.

In these cases the customer will be sent a letter notifying them that their access has been restricted.

A customer's access to City of Melville services and premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect members of staff from personal violence, intimidation or stalking by a customer.

#### **Other References that may be applicable to this Policy**

Legislative Requirements:

Delegated Authority:

Plan / Policy / Framework:

Procedure:

Work Instructions / Process Maps:

Forms / Supporting Documents (internal):

Supporting Documents (external):

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#### **Origin/Authority**

Meeting the Policy was adopted at

Enter date of meeting here

#### **Reviews**

Enter title of reviewer here

Enter date of review here