

Unreasonable Customer Behaviour

Policy



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Document control

CD number	CD18547		
Policy owner	Customer Experience & Business Improvement		
Adoption date	17 May 2023	Scheduled review date:	17 May 2025

This policy is aligned with the governance principles and supporting principles as specified in the Local Government Act 2020.

Relevant legislation	<ul style="list-style-type: none"> • Local Government Act 2020 • Charter of Human Rights and Responsibilities Act 2006 • Freedom of Information Act 1982 • Independent Broad-based Anti-Corruption Commission Act 2011 • Privacy and Data Protection Act 2014 • Public Interest Disclosures Act 2012 • Occupational Health and Safety Act 2004 • Occupational Health and Safety Regulations 2017 • Gender Equality Act 2020 • Victorian Ombudsman Act 1973 • Equal Opportunity Act 2010
Related policies & procedures	<p>CD18548 Unreasonable Customer Behaviour Guidelines</p> <p>CD16738 (v5) Banyule Complaint Handling Policy</p> <p>CD5508 Banyule Service Promise</p> <p>CD16435 Privacy Policy</p> <p>CD5975 Information Privacy Guidelines</p> <p>CD15753 Staff Code of Conduct</p> <p>CD15487 Protected Disclosures Procedures</p> <p>CD13059 Human Rights Guidelines for Staff</p> <p>CD14841 Bullying and Harassment Policy</p> <p>CD16674 Councillor and Staff Interaction Protocols</p> <p>CD18363 Occupational Violence Procedures</p>

Purpose

Banyule City Council is committed to providing a high level of service to all customers who contact us to utilise our services, requests service, request information or make a complaint. Council's ability to succeed depends on:

- Our ability to do our work and perform our functions in the most effective and efficient ways possible
- The health, safety wellbeing and security of our staff
- Our ability to allocate resources fairly across all requests we receive.

When customers behave unreasonably in their dealings with Banyule City Council, their conduct can significantly impact staff success and wellbeing as well as the effective and efficient delivery of services to all people in our municipal community. In the long term, the cumulative effect on mental health of staff and delivery of services can be profound. As a result, Banyule will take proactive and decisive action to manage any customer conduct that negatively and unreasonably affects staff and delivery of services and will support teams to do the same in accordance with this policy. Banyule City Council has zero tolerance for those customers whose behaviour can be deemed unreasonable, offensive, abusive or threatening towards our staff, Councillors or members of the public, or otherwise an unreasonable diversion of Council's already finite resources.

Scope

This policy applies to the management of unreasonable customer behaviour and those adversely affected by unreasonable behaviour, as defined in this policy.

This policy is part of a suite of policies, procedures and guidelines which are aimed at ensuring Banyule City Council remains a safe work environment. In the instance that a customer is displaying behaviour where they threaten or intend to hurt themselves or others, staff should refer to the procedures outlined in the Occupational Violence Procedure.

Guiding Principles

Banyule Service Promise

The Banyule Service Promise outlines:

- Our commitment to you on the type and level of service you can expect to receive
- Your rights
- How complaints will be handled.

The Banyule Service Promise forms the foundation of Customer Service at Banyule and will inform how Council builds and delivers services, creates processes and procedures, writes policies, and supports staff to deliver exceptional service.

Respectful

Banyule will:

- Listen and work to understand the individual needs of each customer
- Help customers understand their rights, entitlements, and obligations
- Be empathetic and helpful, even if we have to say 'no'

Accessible

Banyule will:

- Assist all individuals equally
- Ensure our facilities and buildings are accessible
- Have a range of options to contact council

Proactive

Banyule will:

- Provide a timely response to each request
- Inform customers of service disruptions or schedule changes
- Seek feedback to improve our service

Accountable

Banyule will:

- Be honest, open, and accountable for our actions
- Communicate clearly, accurately, in plain language and within appropriate time frames
- Meet reasonable expectations wherever possible and explain when we cannot

Consistent

Banyule will:

- Provide consistent service regardless of how people contact us
- Provide accurate information
- Provide a contact name and number of the person handling the matter

Defining Unreasonable Customer Behaviour

Unreasonable customer behaviour ('UCB') is any behaviour which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and customers or the customer themselves.

UCB can be divided into five categories of conduct:

- Unreasonable persistence

- Unreasonable (or vexatious) demands
- Unreasonable lack of cooperation
- Unreasonable (or frivolous) argument
- Unreasonable behaviour

Unreasonable Persistence

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

Some examples of unreasonably persistent behaviour include but are not limited to:

- An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
- Persistently contacting the Council about the same matter when it has been comprehensively considered and dealt with.
- Targeting the Council with multiple requests about a range of issues, whether related or not, which separately or together require an unreasonable or unfair allocation of Council resources.
- Pursuing and exhausting all available review options when it is not warranted and refusing to accept the Council's position when told that further action cannot or will not be taken on their requests or complaints.
- Reframing a request or a complaint in an effort to get it taken up again.
- Bombarding 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 our organisation and/or externally to get a different outcome or more sympathetic response to their request or complaint.

Unreasonable Demands

Unreasonable demands are demands (express or implied) that are made by a customer that have a disproportionate and unreasonable impact on the Council, staff, services, time and/or resources.

Some examples of unreasonable demands include but are not limited to:

- Issuing instructions and making demands about how we have/should handle their request or complaint, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a senior manager, Director or the CEO personally when it is not appropriate or warranted.
- 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 there is 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.
- Expecting responses to requests which separately or together require an unreasonable or unfair allocation of Council resources.

Unreasonable Lack of Cooperation

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

Some examples of unreasonable lack of cooperation include but are not limited to:

- 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 request or complaint or presenting incomplete 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 and misquoting others.

Unreasonable Arguments

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon our organisation, 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 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.

Unreasonable Behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated a customer is – because it unreasonably compromises the health, safety, wellbeing and security of our staff, other service users or the customer themselves, or compromises the services that Council provides to the municipal community.

Some examples of unreasonable behaviours include but are not limited to:

- Acts of aggression, verbal abuse and derogatory, racist, or grossly defamatory remarks.
- Harassment, intimidation, or physical violence, including that of a sexual nature.
- Rude, confronting and/or threatening face to face, phone contact, social media or 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.

Council has zero tolerance towards any harm, abuse or threats directed towards staff. Any conduct of this kind will be dealt with under this policy, and in accordance with our duty of care and work health and safety responsibilities.

Managing Unreasonable Customer Behaviour

Changing or restricting access to Banyule City Council

UCB incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to customers. The Manager of the area experiencing UCB incidents may decide to limit the customer by restricting:

- Who they have contact with – for example, limiting a customer 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 – limiting a customer’s contact with our organisation to, for example, 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 – 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, Banyule recognises 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, Banyule also recognise that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy of the adopted strategy.

Decision to change or restrict access to Council staff and/or services will be made by CEO or representative.

Who

Banyule City Council may limit a customer to a sole contact point. When a customer tries to communicate with multiple employees within our organisation, changes their issues of request or complaint repeatedly, reframes their request to a complaint, or raises an excessive number of requests or 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 Council.

This is designed to ensure they are dealt with consistently and to minimise the chances for misunderstandings, contradictions and manipulation. The nomination of a single point of contact will be based on the most appropriate level of subject matter expertise that is required to manage the customer requests and conduct. Customers who are restricted to a sole contact person will be given the contact details of one additional staff member who they can contact when their primary contact is unavailable due to taking leave or is otherwise unavailable for an extended period of time.

What

Banyule City Council may restrict the subject matter of communications that Banyule will consider. When customers repeatedly send written communications, letters, emails, or online forms that raise trivial or

insignificant issues, have inappropriate or abusive content or relate to a complaint/issue that has already been comprehensively considered and/or reviewed (at least once) by the Council, we may restrict the issues/subject matter the customer can raise with us or that 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 evidence. The customer 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 on our 'own motion'. Such a decision might be made where the customer raises new information that has not previously been considered by Council.
- 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 UCB incidents).

When & How

Banyule City Council may limit when and how a customer can contact Council. If a customer's telephone, written, online or face-to-face contact with our organisation 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, wellbeing 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 contact 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 contact.
- Limiting the frequency of their telephone calls, written correspondence or face-to-face contact.
- Limiting communications to written communications only – i.e. 'writing only'.

For irrelevant, overly lengthy, disorganised or frequent written correspondence we 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.
- Restrict the frequency with which customers can send emails or other written communications to our office.
- Restrict a customer to sending emails to a particular email account (e.g. the organisation's main email account).

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 our general office email account.
- Some other relevant form of written contact, where applicable.

If a customer's contact is restricted to 'writing only', Council will clearly identify the specific means that the customer can use to contact our office. If it is not suitable for a customer to enter our premises to hand deliver written communication, this will be communicated to them as well.

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

Where

Banyule City Council may limit face to face interactions. If a customer is violent or overtly aggressive, or is unreasonably disruptive, threatening or demanding, or continues to visit our premises in contravention of an earlier direction, we will consider restricting our face-to-face contact with them.

These restrictions may include:

- Restricting access to secured premises or areas of the office – such as the reception area or a secured room/facility.
- Restricting their ability to attend our 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 our office 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.
- Restricting the customer from attending our premises altogether and allowing some other form of contact – e.g. 'writing only' or 'telephone only' contact

In cases where we cannot completely restrict our contact with a customer and their conduct is particularly difficult to manage, we may restrict contact through a support person or representatives.

Terminating access to Council Facilities, Programs or Services

In very rare cases, and as an absolute last resort when all other strategies have been considered and/or tried, the CEO 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 will only be made if it appears that the customer is unlikely to modify their conduct and/or their conduct poses a significant risk for Council 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. Victoria Police may also be notified in these circumstances.

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

In addition, the organisation may need to put in place physical measures to limit access of the customer and to inform the Chief Warden if appropriate.

Council recognises that such measures are extreme and should not be lightly imposed. Such measures will only be resorted to in the most serious of cases where the CEO is satisfied that other, less restrictive, measures will not be effective to protect staff and others.

Periodic Reviews of Cases Where a Change or Restriction to Access is Applied

Period of Review

All UCB cases where this policy is applied will be reviewed every three months by the Unreasonable Customer Behaviour Review Panel.

Unreasonable Customer Behaviour Review Panel

The Review Panel is made up of 1 Executive Member and 2 Managers, as selected by the CEO from time to time, to monitor and review all cases where these procedures are applied across all business areas to ensure consistency, transparency, and accountability.

The Review Panel will conduct all periodic reviews of restrictions imposed on customers under this Policy, in accordance with the terms of those restrictions and in consultation with relevant staff. The Review Panel has the responsibility and authority to change or restrict a customer's access to our services in the circumstances outlined in this policy, based on the outcome of its review.

The Review Panel will not include any member of Council staff who was involved in imposing any restrictions subject to review.

Right of Appeal

Customers banned or restricted due to 'unreasonable behaviour' are entitled to **one appeal of a decision** to change/restrict their access to our staff and/or services. Any appeal will be reviewed and determined by an Executive Member who was not involved in the original decision to change or restrict the customer's access.

Unreasonable Customer Behaviour Review Panel

This panel includes one Executive Member and two Managers, as determined by the CEO from time to time.

It will be responsible for conducting periodic reviews of all restrictions imposed on customers under this policy, in accordance with the Unreasonable Customer Behaviour Guidelines.

Diversity and Inclusion Statement

Banyule is a diverse community, made up of people from different cultures, beliefs, abilities, bodies, ages, sexualities, genders and identities. Council is committed to inclusion, access and equity for everyone. These principles foster cohesiveness, empower people and improve the wellbeing of the Banyule community. As a result, Banyule will adapt our communication and engagement practices to reduce barriers to inclusion.

Training and Awareness

Banyule will ensure that all staff are aware of and know how to use this policy along with the Banyule Unreasonable Customer Conduct Guidelines. All staff who deal with customers in the course of their work will receive appropriate training and information on using this policy and on managing Unreasonable Customer Conduct on a regular basis.

Responsible Joseph Linnestad (Customer Experience & Business Improvement Manager)	Date 17 May 2023
Approval Allison Beckwith (Chief Executive Officer)	Date 17 May 2023