

## **Service 1: Managing Unreasonable Behaviour by Customers**

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### 1. Purpose

The purpose of this policy is to provide guidance as to the basis for a fair, equitable and transparent mechanism for dealing with unreasonable behaviour by customers in order to achieve a balance between:

- a) Meeting the genuine needs of customers, fairly and equitably.
- b) Providing a safe working environment for staff, volunteers and Elected Members; and
- c) Ensuring that City resources are used efficiently, effectively, and equitably to manage the City's responsibilities to discharge its statutory functions and represent the interests of all persons in the District.

### 2. Policy Statement

The City of Kalamunda is committed to being accessible and responsible to all customers who approach the City for assistance, raising legitimate and important concerns, enquiries, or requests.

The City aspires to deliver outstanding customer service as a priority in accordance with the City of Kalamunda Customer Charter and this is reflected in everything the do.

The Council and the City's Administration also have a responsibility to:

- d) ensure the equitable allocation of the City's resources across all the enquiries, requests, concerns, and complaints received.
- e) ensure the health, wellbeing, safety and security of its employees, contractors, consultants and volunteers; and
- f) consider the net public benefit for the community in the allocation of time and resources.
- g) Meet its statutory obligations under LG Act and various other legislation / regulations.

The provision of outstanding customer service is an aspiration and priority for the City of Kalamunda, reflected in a variety of Customer Strategies and measures in place.

However, at times the expectations or demands of a person may exceed the City's ability to deliver.

Unfortunately, at times the expectations or demands of a person may exceed the City's ability to deliver which results in a variety of forms of unreasonable behaviour or conduct.

### What Constitutes Unreasonable Behaviour

It is acknowledged that regardless of the standard of professional and positive customer service the City achieves, there will be a small percentage of customers whose issues cannot be dealt with to their satisfaction, and they engage in unreasonable behaviour in an attempt to obtain their desired outcome. This may include cases across all communication channels. In person, via email, phone and or via social media.

In a small number of cases, customers behave in a way that is inappropriate and may demonstrate the following unreasonable types of conduct:

- a) Unreasonable persistence
- b) Unreasonable demands
- c) Unreasonable lack of cooperation
- d) Unreasonable argument or
- e) Unreasonable behaviour

These conducts may take many forms as outlined below.

#### Unreasonable persistence

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

Examples of unreasonable persistence include:

- persisting with issues even though they have been dealt with to finality.
- unwillingness to accept final decisions.
- attempting to engage with different departments across Council by contacting different officers across the organisation, including senior managers, the CEO, Mayor and Councillors in the hope of getting a different outcome.
- engaging with external organisations and individuals, by contacting State and Federal Members, associated entities, and other government agencies in the hope of getting a different outcome to the complaint.
- repeatedly contacting Council by phone calls, visits, letters, emails (including Cc'd correspondence) after being asked not to do so;
- lodging requests for service that, compared to requests of a similar nature lodged by other customers, are considered unreasonable in number.

#### Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a customer/complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time or resources. Examples of unreasonable demands include:

- ✓ raising issues outside of Council's responsibility.
- ✓ asking for outcomes that are unattainable or disproportionate to the issue e.g., termination or prosecution of an officer, an apology and/or compensation with no reasonable basis.
- ✓ requesting actions that are inappropriate or demanding for issues to be dealt with in a particular way, including requesting an immediate response.
- ✓ demanding answers to questions that have already been responded to comprehensively and or repeatedly.
- ✓ changing their issues or desired outcome while their matter is being dealt with;
- ✓ demanding information that is not permitted to be disclosed/provided e.g., copies of sensitive documents, names, personal contact details of staff.
- ✓ insisting on talking to a senior manager, CEO, Mayor or Councillor personally when it is not appropriate or warranted.
- ✓ making threats with the intent to intimidate, harass, shame, seduce or portray themselves as being victimised when this is not the case.
- ✓ seeking regular and/or lengthy phone calls or face to face contact when it is not warranted.
- ✓ demanding or requesting to discuss complaint matters outside of office hours, including contacting Council Officers, Mayor or Councillors by their personal email or social media accounts.

#### Unreasonable lack of cooperation

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

Examples of unreasonable lack of co-operation include:

- ✓ sending a constant stream of disorganised information without clearly defining any issue of complaint, or explaining how they relate to the core issue/s being complained about
- ✓ refusing to provide key documents that would assist in managing a complaint matter.
- ✓ dishonestly presenting the facts or being unwilling to consider other valid viewpoints.
- ✓ refusing to follow or accept City or Council instructions, suggestions or advice without a clear or justifiable reason for doing so;
- ✓ arguing frequently, and/or with intensity, that a particular solution is the correct one in the face of valid contrary arguments and explanations

### Unreasonable argument

Unreasonable arguments include any arguments that are not based on reason or logic, that are incomprehensible, false, inflammatory or trivial and that disproportionately and unreasonably impact upon our organisation, staff, services, time, and/or resources. Arguments are unreasonable when they:

- fail to follow any logical sequence.
- are not supported by any evidence.
- lead a customer/complainant to reject all other valid and contrary arguments.
- are trivial when compared to the amount of time, resources and attention that the customer/complainant 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 that a customer/complainant is; because it unreasonably compromises the health, safety and security of our staff, other service users or the customer/complainant.

Examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, sexist, 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.

## 3. Detail

All community members have the right to:

- a) ask questions in a respectful manner about the City and the services it provides.
- b) express opinions in a respectful manner about the City about the City's services;  
and
- c) lodge complaints about the City and the City's services.

The right to ask questions, express opinions and lodge complaints is not unqualified. The City may, and in some cases is legally obligated to, act when faced with unreasonable behaviour.

The employee's first obligation is to preserve the health and safety of themselves and others. There is no obligation upon an employee to continue an interaction with a customer who is engaging in verbally / physically abusive or threatening behaviour. The customer should be advised that the interaction will be terminated if the customer is unable to refrain from engaging in the unreasonable behaviour.

If de-escalation of the customer's unreasonable behaviour is unsuccessful or not viable, the customer should be invited to engage again when reasonable behaviour is exhibited, and the interaction terminated. Customer behaviour that involves physical assault of a person, property damage, or serious threats of the same should be reported through an Incident Report to the department and to the police.



On occasions, a customer may have difficulty accepting the department's final decision on their complaint and may seek to engage in ongoing written correspondence or phone calls in an attempt to change the department's position on the matter. In these circumstances, the employee should confirm the written information previously provided to the customer on their external appeal rights and indicate that no further written or verbal correspondence will be entered into in relation to the department's decision.

### **The Impact of Unreasonable Behaviour**

The impact upon those confronted by these behaviours will be in direct conflict with the city duty of care and the disproportionate amount of the City's time and resources and cause serious psychological stress or physical harm to employees and others.

All members of staff, volunteers and Elected Members have the right to be treated with respect and courtesy by members of the community.

The City has a responsibility to eliminate and reduce risks to mental and physical health and safety under Occupational Safety and Health legislation.

The City has a statutory responsibility to ensure resources are allocated efficiently, effectively and equitably. This includes minimising excessive diversion of resources to the personal benefit of individuals.

The City will provide staff with training to provide the best customer service possible, in accordance with its customer charter, while also managing difficult or aggressive customers.

At all times, the City's responses will remain reasonable and proportionate to the nature of the behaviour and its impact on the City's employees and resources. This includes having a due regard to the person's personal circumstances.

As a last resort, the City may limit the person's access to City services in the interest of protecting the City's employees and resources.

Such decisions will be made at a Director level and the person will be informed about the limits, the reasons for the decision and the options for review.

Nothing in this policy limits the capacity and legal requirement of the City to take immediate appropriate action where the unreasonable conduct involves:

- a) an imminent and readily apparent threat to the mental or physical health or well-being of Elected Members, employees, contractors, consultants, volunteers or others; and/or
- b) failure to obey a lawful instruction.

#### 4. Community Consultation

This policy does not require community consultation.

#### 5. Governance

In accordance with the Local Government Act and the Ombudsman.

#### 6. Measures of Success

Review of the volume of complaints and inappropriate behaviour over a 3-year period.

#### 7. Definitions

##### **Unreasonable Behaviour**

Unreasonable behaviour means behaviour that a reasonable person, having regard for the circumstances, would see as victimising, humiliating, undermining or threatening.

##### **Aggressive behaviour**

Aggressive behaviors may be at any point along the scale from verbal aggression to actual physical violence.

##### **City of Kalamunda Customer Service Charter**

The Customer Charter is a statement of standards which summarises our commitment to you. Our vision is to make *'our customers the 'key influencers' in the development, improvement and delivery of our services'*. This means we aim to ensure all customer interactions with the City of Kalamunda are timely and meaningful. If not, we will use your feedback to improve them. This charter lets customers know what you can expect from us, and what to do if you feel these standards are not being met.

##### **Customer Service Principles**

Our customer service principles outline our promise to you.

We aim to ensure that customers:

- receive timely responses
  - have meaningful interactions
  - are made to feel like the only customer
  - are helped to help themselves
  - are informed and will help inform our services.
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Status	Council Requirement		
Related Council Policies	N/A		
Related Council Policies	Code of Conduct for Employees Customer Service Policy – Updated Policy Pending Occupational Health and Safety Policy		
Relevant Delegation	CEO		
Related Internal Procedures	Customer Complaint Handling Processes and Procedure		
Related Budget Schedule	N/A		
Legislation	Equal Opportunity Act 1984 (WA) Local Government Act 1995 (WA) Occupational Health and Safety Act 1985		
Related Budget Schedule	N/A		
Notes	Ombudsman WA – Managing Unreasonable complainant conduct Practice manual City of Ipswich Unreasonable Customer Conduct Policy City of Sydney Unreasonable Conduct by Customers Policy Commonwealth Ombudsman		
Authority	Council		
Adopted	12 October 2021	Next Review Date	12 October 2023