

# Unreasonable Complainant Contact Policy

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Wagga Wagga City Council supports residents and visitors to Wagga Wagga having the right to express their views and ask questions about Council services. Indeed, customers' comments and suggestions are imperative in helping Council shape and improve the services it provides.

This policy sets out Council's approach to the communication received from customers that Council considers unreasonable or unacceptable and the action it will take in order to manage the situation.

It is important to note that this Policy is separate to Council's Complaints Management Policy – POL 103. POL 103 deals with the complaints management process and the alternate options available to the community in making complaints including the NSW Ombudsman, the Independent Commission against Corruption (ICAC) and the NSW Office of Local Government.

People who complain to Council can be distressed, angry or upset. This may be because of the problem they are complaining about, or it may be related to their own personal circumstances. Dealing with distressed, angry and upset people is a normal part of complaint handling and Council staff are trained to deal fairly, objectively and empathetically with all complainants.

In some cases, however, a complainant's conduct can go beyond what is acceptable. They may contact Council repeatedly, provide false and misleading information, demand outcomes that are not practicable, be unwilling to accept the complaint handler's decision and react in an unreasonable manner, threaten harm to themselves or others, or be violent.

It is important that Council manages unreasonable complainant conduct for several reasons:

- Council's resources are limited and must be used efficiently in dealing with other customer requests and other functions. All customers are entitled to a fair share of time and resources and a consistent approach by Council in dealing with their issues.
- Council is responsible for ensuring the health and safety of its staff. Ensuring that all staff are properly trained, supervised and supported in dealing with unreasonable conduct will minimise staff stress.

- Unreasonable conduct can make it harder for Council to resolve a complaint. It can lead to the complaint issue being blurred, the investigation sidetracked, and the process needlessly prolonged.
- A Complaint investigation that is drawn out is less likely to end satisfactorily. The person may change the focus of their grievance to the way their complaint was handled. The ongoing relationship between the person and the Council can be damaged.
- This Policy and the accompanying procedures is based on the 'Better Practice Guide to Managing Unreasonable Complainant Conduct' published in June 2009 by the Commonwealth Ombudsman.
- Within the 'Better Practice Guide to Managing Unreasonable Complainant Conduct' it is recognised that:
  - Dealing with difficult complainants is core business;
  - This work requires proper priority and adequate resources;
  - Support is required for front line and complaint handling staff in the form of support, encouragement, guidance, training, and direction to minimise avoidance of complainants;
  - Unreasonable complainant conduct should be managed by responding appropriately to observable conduct not perceptions of motives or psychological states;
  - There are a range of reasonable and appropriate management strategies available to manage different types of observable unreasonable conduct.
  - This is management of the 'complaints about issues' not the original management of the issue.

### Purpose

- Ensure fair and open access for all residents, visitors and members of the business community to Council's services including those in the community who have difficulty in dealing with Council as an authority.
- It is Council's responsibility to treat all customers fairly and with respect. Staff need to show impartiality and professionalism when faced with challenging behaviour. This does not mean that staff should tolerate conduct that is threatening, aggressive or abusive.
- Ensure other customers and Council employees and elected members do not suffer any disadvantage from customers who act in an unacceptable manner.
- Meet the standards set out in our Customer Service Charter.
- Minimise the impacts of unreasonable or unacceptable communication on resources, processes and staff.

### Scope

The principles set out in this policy only apply to Council's dealings with people when they have contact with the Council.

## Policy Provisions

### Unreasonable or Unacceptable Communication

#### Abusive, offensive or slanderous language

Council does not accept that employees or elected officials should be subjected to abusive, offensive or slanderous language even that part of speech that comes to the fore when the customer is under stress, as this may offend the employee or elected official. What is deemed to be offensive will differ between individuals but can include cultural racial or religious references. Every employee and elected official has the right not to suffer language they would consider as offensive.

#### Unmanageable Demands

Although not always intentionally, customers may make what Council considers unmanageable demands due to the amount of information they seek; the nature and scale of service they expect; or, the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer.

Examples of this include:

- demanding responses within an unreasonable time-frame;
- insisting on seeing or speaking to a particular employee;
- excessive telephone calls, emails, faxes or letters;
- sending duplicate requests to more than one employee; or,
- requiring responses to correspondence where the content is malicious.

Council will consider this contact to be unacceptable and/or unreasonable if it starts to impact substantially upon workload, for example by taking up, in comparison to the issues raised, an excessive amount of employees' time to the disadvantage of other customers or service delivery.

Council will take no action on behalf of a complainant where the complaint is deemed to be trivial, frivolous, vexatious or not made in good faith.

#### Unreasonable Persistence

Council recognises that some customers will not or cannot accept that Council is unable to assist them further or provide a level of service other than that provided already. Customers may persist in disagreeing with the action or decision taken in relation to their concerns or they may contact Council persistently about the same issue.

Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a complaint; persistent refusal to accept explanations relating to what Council can or cannot do; and, continuing to contact the Council without presenting any new information.

It is not necessarily the manner in which these customers communicate with the Council that is unreasonable, but their perseverance in contacting Council after its decision has already been explained.

## **Managing Communication**

How Council decides to manage the communication referred to in this policy depends on the nature and the impact it has on individual employees or the Council as a whole. However, Council may need to manage the unacceptable action by restricting the customer's contact with it.

Restrictions that may be considered are: informing a customer that they can only contact us in person, by telephone, fax, letter or electronically; limiting the frequency responses to correspondence will be sent; and, or appointing a named officer to be the customer's single point of contact. Council will always try to maintain at least one form of contact. In these cases the Council will only respond to communication through a third party.

## **Abusive or offensive language**

The threat or use of verbal abuse or harassment towards employees is likely to result in the ending of all direct contact with the customer. Incidents may be reported to the Police. This will always be the case if physical violence is threatened.

## **Correspondence**

Council will not deal with correspondence (letter, fax or electronic) that is abusive to employees or contains allegations that lack substantive evidence. When this happens Council will tell the customer that it considers the content of their communication to be offensive, unnecessary and unhelpful. Council will request the customer to cease such action and state that if they do not stop, further correspondence will not be responded to. Council reserves the right to require future contact to be through a third party.

## **Telephone Calls**

Council employees will end telephone calls if they feel the caller is being aggressive, abusive or offensive. The employee taking the call has the right to make this decision. In most cases the caller will be advised that the behaviour is unacceptable and that the call will be ended if the behaviour does not stop. On the rare occasion when the employee is unable to continue with the call, they have the right to disconnect it without warning.

## **Face to face**

Council employees will ask a customer to leave Council property or premise/place of work if they feel the customer is being aggressive, abusive or offensive. The employee dealing with the customer has the right to make this decision. In most cases the officer will advise the customer that their behaviour is unacceptable and that they will be asked to leave if the behaviour does not stop. If a customer refuses to leave the premises, the police may be called.

## **Unreasonable Demands**

Where a customer repeatedly telephones, visits Council offices, sends irrelevant documents, or continually raises the same issues, Council may decide to adopt one or more of the following restrictions:

- Only take telephone calls from the customer at set times, on set days or by arrangement.
- Arrange for one named employee to deal with all future calls or correspondence from the customer.

- Limit communication to writing only.
- Only respond to communication at a set frequency (eg: monthly basis)
- Inform the customer that their correspondence will be read, to ensure no new issues have been made, acknowledged and filed.
- Require the customer to make an appointment to see a named employee before visiting the office.
- Return documents received to the customer or, in extreme cases, advise the customer that further irrelevant documents will be destroyed. Take other action that Council considers appropriate.

### Unreasonable persistence

Where a customer continues to correspond on a wide range of issues, and this action is considered excessive, Council may decide to adopt one or more of the following restrictions:

- Inform the customer that Council will limit the number of issues it will consider in a given period.
- Ask the customer to limit or focus their requests accordingly.
- Arrange for one named employee to deal with future calls or correspondence from the customer.

A customer's action may be considered unreasonably persistent if, after all internal review mechanisms have been exhausted, they continue to dispute the Council's decision relating to the issues raised. In these circumstances, the customer will be told that they will be required to make all future contact on the issue in writing. Any correspondence will be read and filed but only acknowledged or responded to if new information relating to the issue is provided.

### Social Media

Council will remove any abusive, offensive or slanderous comments from online forums within Council's level of control and where Council is the site administrator. Council will also request third party site administrators to remove any comments relating to Council that are considered abusive, offensive, slanderous or in breach of any Australia law. Council also reserves the right to take further action against third party site administrators where such comments are not removed.

### Restricting Contact

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact will only be taken after careful consideration by the General Manager.

To ensure equality for all our customers an impact assessment, must be carried out before a restriction is determined to consider potential problems a restriction may pose on the customer.

When a decision has been made and approved, customers will be told in writing:

- Why a decision has been made to restrict future contact
- The restricted contact arrangements
- If relevant, the length of time that these restrictions will be in place

Please note: Employees who directly experience aggressive or abusive behaviour from a customer have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation. These may include such actions as ceasing the phone call or asking the customer to leave the premises.

### **Appealing a decision to restrict contact**

A customer can appeal a decision to restrict contact. The appeal will be considered by the General Manager or his/her nominee not involved in the original decision. The Customer will be advised in writing whether the restricted contact arrangements still apply, or a different course of action has been agreed.

### **Recording and reviewing a decision to restrict contact**

Where it is decided to restrict contact, an entry noting this will be made in relevant files held by the Council. The name and contact details of the customer and the restriction applied will also be added to the Restricted Contact Central Register. The name will only be held on the Register for the period the restriction applies.

The Restricted Contact Register will be reviewed annually. If the customer demonstrates a more acceptable approach, restrictions to contact may be revoked.

As this Register is a Council document, it may be subject to the provisions of the Government Information (Public) Access Act 2009.



## Legislative Context

- Work, Health & Safety Act 2011

## Related Documents

- Customer Service Charter
- Complaints Handling Policy (POL 103)
- Dealing with Difficult Customers Procedure

## Definitions

Term	Definition
Employee(s)	Employees, elected members, volunteers or contractors for the purposes of this policy

## Revision History

Revision number	Council resolution	Council meeting date
1	Res No: 13/004	29 January 2013
2	Res No: 13/224.1	26 August 2013
3	Res No: 17/279	28 August 2017
4	Res No. 22/354	17 October 2022