

Unreasonable Customer Conduct Policy

NOTE: Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Corporate, Governance & Strategy Branch. A hard copy of this electronic document is considered uncontrolled when printed.

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1. POLICY STATEMENT

South Burnett Regional Council ('Council') is committed to delivering quality services to the community, meeting its obligations to provide a safe and healthy workplace for all Council representatives and to use resources equitably and efficiently.

2. SCOPE

This policy applies to all Council representatives that become involved in situations of Unreasonable Customer Conduct ('UCC').

The objective of this policy is to assist Council representatives when managing UCC.

3. GENERAL INFORMATION

Council representatives and members of the public have a right to dignity, physical and emotional safety and respect. While the vast majority of customers behave in a cooperative and respectful way, at times Council representatives may be confronted with behaviours that are classified as UCC.

If a customer's conduct is considered unreasonable, Council is justified and authorised to take reasonable and proportionate steps to restrict or terminate contact or implement alternative service arrangements to manage the impacts of the conduct.

When customers behave unreasonably in their dealings with Council, the conduct can significantly affect Council's operations and have a negative impact on the wellbeing of Council representatives. Council will take proactive and decisive action to manage any customer conduct that negatively and unreasonably affects Council and will support Council representatives to do the same in accordance with this policy.

3.1. Customer complaints

Complaints are an essential part of any accountability process and Council believes that good complaints management is an integral part of quality customer service. Council's Complaint Management Policy sets out processes for handling complaints. Feedback and complaints are valued so Council can continually improve its processes and service delivery.

This policy complements the complaint management process by providing Council's policy position on dealing with UCC in the complaints process.

3.2. Principles

This policy guides Council representatives to effectively identify and manage UCC in a fair, consistent, transparent and appropriate way to:

- protect the health and safety of Council representatives and customers;
- ensure fairness in the complaints process; and
- improve efficiency and commitment to appropriate resource allocation in all customer service delivery and the complaints process.

3.3. Human Rights

Council and will act and make decisions in a way that is compatible with human rights pursuant to the *Human Rights Act 2019* and give proper consideration to a human right relevant to the decision.

3.4. Categories of UCC

UCC can be defined under five (5) categories and is recognised as any behaviour by a current or former customer (individual or group) which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for all parties.

Categories of Conduct	Guidelines of what the conduct may involve
Unreasonable Persistence	<p>Unreasonable persistence is continued and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on Council, staff, services, time and/or resources. Examples of unreasonable persistence include:</p> <ul style="list-style-type: none">• persisting with issues even though they have been dealt with to finality;• unwillingness to accept final decisions;• repeatedly contacting Council by phone calls, visits, letters, emails (including Cc'd correspondence) after being asked not to do so; and/or• lodging requests for service that, compared to requests of a similar nature lodged by other customers, are considered unreasonable in number.
Unreasonable Demands	<p>Unreasonable demands are any demands (express or implied) that are made by a customer that have a disproportionate and unreasonable impact on Council, staff, services, time or resources. Examples of unreasonable demands include:</p> <ul style="list-style-type: none">• 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;

	<ul style="list-style-type: none"> • 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 the Mayor, Councillor, Chief Executive Officer ('CEO'), or a General Manager 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; and/or • demanding or requesting to discuss a complaint, including contacting Council representatives by their personal email or social media accounts.
Unreasonable Lack of Cooperation	<p>Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with Council, staff, or complaints system and processes that results in a disproportionate and unreasonable use of services, time and/or resources. Examples of unreasonable lack of co-operation include:</p> <ul style="list-style-type: none"> • sending a constant stream of comprehensive and/or disorganised information without clearly defining any issue of complaint, or explaining how they relate to the core issue/s being complained about – (only where the customer is clearly capable of doing this); • 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 Council's instructions, suggestions or advice without a clear or justifiable reason for doing so; and/or • arguing frequently, and/or with intensity, that a particular solution is the correct one in the face of valid contrary arguments and explanations.

Unreasonable Arguments	<p>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 Council, staff, services, time, and/or resources. Arguments are unreasonable when they:</p> <ul style="list-style-type: none"> • fail to follow any logical sequence; • are not supported by any evidence; • 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; and/or • are false, inflammatory or defamatory.
Unreasonable Behaviours	<p>Unreasonable behaviour is conduct that is unreasonable in all circumstances regardless of how stressed, angry or frustrated that a customer is; because it unreasonably compromises the health, safety and security of staff, other service users or the customer. Examples of unreasonable behaviours include:</p> <ul style="list-style-type: none"> • 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); and • emotional manipulation.

3.5. Vexatious customers

Vexatious customers are individuals who, due to the nature or frequency of their contacts with Council, hinder the ability for Council to effectively deliver services to customers. Examples of behaviour and actions of vexatious customers include:

- refusing to specify the grounds of a complaint or service request, despite offers of assistance;
- refusing to co-operate with the process for handling complaints or service requests;
- refusing to accept that certain issues are not within the scope of a particular area of Council;
- insisting in the complaint or service request being dealt with in ways which are incompatible with Council policies and/or procedures or with good practice;
- making unjustified complaints about staff who are trying to deal with the issue/s, and seeking to have them replaced;
- changing the basis of the complaint or service request as it proceeds; and/or

- denying or changing statements made at an earlier stage.

3.6. Managing UCC

UCC incidents will generally be managed by limiting or adapting the ways that Council interacts with, and/or delivers services to customers by restricting:

- who the customer has contact with – e.g., limiting a customer to a sole contact person in Council;
- what the customer can raise with Council – e.g., restricting the subject matter of communications that Council will consider and respond to;
- when the customer can make contact – e.g., limiting contact with Council to a time, day, length of time or curbing the frequency of contact with Council;
- where the customer can make contact – e.g., limiting the locations where Council will conduct face to face interviews to secured facilities or areas of Council premises; and/or
- how the customer can make contact – e.g., limiting or modifying the forms of contact that the customer can have with Council. This can include modifying or limiting face to face interviews, telephone and written communications, prohibiting access to Council premises, contact through a representative only, taking no further action or terminating Council services altogether.

In rare cases, and when all other strategies have been considered and/or attempted, it may be necessary to completely restrict a customer's contact and/or access to Council services.

4. DEFINITIONS

Council means South Burnett Regional Council.

Council representative means all Councillors and Council employees including permanent, casual and temporary employees, apprentices, trainees, contractors, volunteers, and work experience students.

Customer means any person or organisation that has interaction with Council. This includes but not limited to residents, ratepayers, business operators, government officers and elected members.

Unreasonable Customer Conduct ('UCC') means any conduct by a customer which, because of its nature raises health, safety or equity issues for Council or has a disproportionate and unreasonable impact on Council representatives, services, time and resources.

Vexatious means, in relation to customers, an individual who complains to Council in a way that causes unnecessary aggravation, frustration or inconvenience rather than to resolve an issue in a timely and respectable manner.

5. LEGISLATIVE REFERENCE

Criminal Code Act 1899 (Qld)

Human Rights Act 2009 (Qld)

Information Privacy Act 2009 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

Local Law No.1 (Administration) 2011

Public Interest Disclosure Act 2009 (Qld)

Right to Information Act 2009 (Qld)

Work Health and Safety Act 2011 (Qld)

Work Health and Safety Regulation 2011 (Qld)

6. RELATED DOCUMENTS

South Burnett Regional Council Complaint Management Policy – Statutory040

South Burnett Regional Council Unreasonable Customer Conduct Procedure – Procedure132

7. NEXT REVIEW

As prescribed by legislation or April 2025

8. VERSION CONTROL

Version	Revision Description	Adopted Date	ECM Reference
1	Development of policy	26 April 2023	2988089



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