

## City of Greater Geraldton

### 4.28 MANAGING UNREASONABLE CUSTOMER CONDUCT

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#### SUSTAINABILITY THEME

#### Leadership

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#### OBJECTIVES

To provide principles and guidance as the basis for a fair, equitable and transparent mechanism for dealing with unreasonable conduct by customers that will achieve an effective balance between:

- meeting the genuine needs of customers fairly and equitably;
- providing a safe working environment for staff, volunteers and elected members;
- providing a safe experience for customers of the City; and
- 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.

#### POLICY STATEMENT

This policy applies to employees, volunteers, elected members, community members and customers of the City.

#### POLICY DETAILS

The City of Greater Geraldton is committed to being accessible and responsive to all customers who approach the City for assistance, raising legitimate and important concerns, enquiries or requests and to ensuring the equitable allocation of the City's resources across all the enquiries, requests, concerns and complaints received.

The Council and the Administration are also committed to ensuring the health, safety and security of its employees and all visitors to its facilities.

The Council, the City Administration and the City's customers have a shared responsibility to ensure that the City's resources are used efficiently, effectively and equitably to achieve a net public benefit for the community as a whole.

Customer satisfaction is an aspiration and measurable priority for the City of Greater Geraldton. However, at times the expectations or demands of a person may exceed the City's ability to deliver.

Most customers, including most complainants, act reasonably and responsibly in their interactions with the City, even when they are experiencing high levels of distress, frustration or anger about their complaint.

However it is acknowledged that whatever standard of professional and positive customer service the City achieves, there will always be a small percentage of customers whose issues cannot be dealt with to their satisfaction and who choose to engage in unreasonable conduct in their efforts to obtain their desired outcome. They may be aggressive, verbally abusive or threaten harm to elected members, staff or volunteers, bombard staff with unnecessary and excessive phone calls and emails, make inappropriate demands on staff time and City resources and refuse to accept decisions, explanations and recommendations even after exhausting all internal and external review processes.

Although the percentage of customers who behave this way is very small, they consume a disproportionate amount of the City's time and resources, and cause serious stress to staff and witnesses. In these situations

the City will take steps to manage conduct causing disruption to the work of the City and excessive diversion of resources, or that puts at risk the health, safety and wellbeing of staff, volunteers, other customers and elected members. Dealing with unreasonable conduct by customers is a recognised source of staff stress in the public sector in Australia and internationally.

However, even when a person's behaviour may be unreasonable, their complaint or concern should be impartially assessed on its merits and if valid, must be handled appropriately and in accordance with the City's adopted Complaint Management Policies and Procedures.

## **POLICY OUTCOMES**

### **1. Equity and Fairness**

Ensuring all customer complaints and concerns are dealt with equitably and fairly and resources are allocated on the basis of genuine need and merit.

### **2. Efficiency**

Improving overall efficiency by having an appropriate process and allocating sufficient time and resources to deal with unreasonable conduct.

### **3. Health and Safety**

Complying with work health and safety requirements and duty of care obligations associated with managing the impacts of unreasonable conduct on staff health, safety and security, and implementing measures to mitigate or control those risks.

### **4. Transparency**

Publishing clear expectations for interactions between customers and staff, including definitions of unreasonable conduct and the consequences that will be applied when such conduct is encountered.

## **RIGHTS AND RESPONSIBILITIES**

### **5. Members of the Community**

All members of the community have the right to ask questions about the City and the services it provides, express opinions about the City and the City's services and lodge complaints about the City and the City's services.

However the right of customers to ask questions, express opinions and lodge complaints is not unqualified and the City may, and in some cases is legally obligated to, take action when faced with unreasonable conduct.

### **6. Employees, Volunteers and Elected Members**

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

### **7. The Organisation - City of Greater Geraldton**

It is the City's responsibility to:

- eliminate or reduce risks to mental and physical health and safety under Occupational Safety and Health legislation.
- ensure that its resources are allocated efficiently, effectively and equitably.

A fundamental consideration when dealing with unreasonable conduct is to minimise excessive diversion of resources to the personal benefit of individuals at the expense of other customers of the City's services or to the detriment of the City's capacity to undertake its statutory functions.

The City's responses to unreasonable conduct will be reasonable and proportionate to the nature of the conduct and its impact on the City's staff and resources, and will have due regard to the person's personal circumstances.

If as a last resort a person's access to the City's services must be limited to protect the City's staff and resources, this decision will be made at a senior level and the person will be informed about the limits, the reasons for the decision and the options for review.

## **EXTENT OF POLICY LIMITATIONS**

Nothing in this policy limits the capacity and legal requirement of the City to take immediate appropriate action where the unreasonable conduct involves an imminent and readily apparent threat to the mental or physical health or well-being of elected members, employees, volunteers, contractors or other service users or in the case of failure to obey a lawful instruction.

## **IMPLEMENTATION**

The Policy will be implemented through a set of management strategies including operational policies, procedures, staff training and support, public information and reporting mechanisms.

The operational framework to manage unreasonable conduct will specify a series of responses and consequences proportionate to the severity of the conduct and its impact on the City's operations. In implementing this policy, the City will focus on the conduct rather than the person and separate the management of their conduct from the management of their issue.

Only a member of the City's Executive Management Team may impose sanctions that manage the impact of unreasonable conduct by changing or restricting the customer's access to services or staff. This decision will be made in accordance with clearly defined policies and procedures, having due regard to the person's personal circumstances, and will be clearly documented. These restrictions will be reviewed at appropriate intervals not exceeding 12 months.

## **REPORTING TO COUNCIL**

Annually, at the first Audit Committee meeting held after the close of the relevant financial year, the Chief Executive Officer (CEO) will report to the committee, in a report intended for review by the Council, the application of the Policy listing the number of customers to whom the Policy has been applied, the nature of the unreasonable conduct, the action taken or limits imposed, the number of reviews undertaken and their outcomes.

Monthly, through existing communication mechanisms, the CEO will provide information on the application of the policy.

## **REVIEW**

The incidences of unreasonable conduct experienced by the City will be monitored and after 12 months, the CEO will review the effectiveness of the Policy.

Customers may appeal a decision to change or restrict their access, and the subsequent review must be undertaken by the CEO or a member of the City's Executive Management Team not involved in the original decision. A customer dissatisfied with the outcome of the internal review may seek an external review from the WA Ombudsman or other applicable oversight agency.

## **KEY TERM DEFINITION**

**City/s:** City of Greater Geraldton

**Council:** Council of the City of Greater Geraldton

**Executive Management Team:** Chief Executive Officer, all Directors and Chief Financial Officer.

## ROLES AND RESPONSIBILITIES

The Director Corporate and Commercial Services is responsible for implementing this policy.

## WORKPLACE INFORMATION

This policy has drawn extensively on guidance relating to dealing with unreasonable conduct that has been published by other government integrity agencies, particularly the Australasian Parliamentary Ombudsman Project on Managing Unreasonable Complainant Conduct that has been led by the NSW Ombudsman's Office since 2006. These strategies have been adopted internationally and have been reinforced in the recently published Victorian *Ombudsman's Good Practice Guide to Dealing with Challenging Behaviour*.

City of Greater Geraldton - *Public Places and Local Government Property Local Law 2020*

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## POLICY ADMINISTRATION

| Directorate                       | Officer                            | Review Cycle     | Next Due |
|-----------------------------------|------------------------------------|------------------|----------|
| Corporate and Commercial Services | Manager Organisational Development | Biennial         | 2023     |
| Version                           | Decision Reference                 | Synopsis         |          |
| 1.                                | CCS443 – 24 September 2019         | New Policy       |          |
| 2.                                | CCS XXXX                           | Scheduled Review |          |