

Unreasonable Customer / Complainant Conduct Policy

PURPOSE

To provide a framework for the management of unreasonable service requests and complainant conduct.

SCOPE

All City of Launceston officers and Councillors with potential customer interaction.

OUR VALUES:



**Our people
matter**



**We care about
our community**



**We bring an
open mind**



**We go home
safe and well**

POLICY

City of Launceston is committed to the delivery of quality service to its customers in accordance with its legislative responsibilities and constraints. It has, amongst other things, the legislative functions of representing and promoting the interests of the community and to provide for the good governance of the Municipal Area. These functions are performed within the financial resources that City of Launceston has access to.

At times, a customer's service expectations may exceed City of Launceston's ability to deliver. Additionally, in some circumstances a customer's behaviour may amount to unreasonable conduct to which this policy applies.

In line with our values, City of Launceston is committed to providing a safe working environment and recognises the pressures that dealing with unreasonable service requests and complainants can place on staff. Management will always provide support to staff when dealing with unreasonable customers and/or complainants.

A customer's conduct may be unreasonable for a variety of reasons, including:

- not accepting a reasonable explanation or response provided by City of Launceston staff;
- making unreasonable, vexatious or frivolous demands of City of Launceston, its resources and its staff;
- continually raising the same or similar issues without reasonable basis; and/or
- behaving in a rude, abusive, threatening or aggressive manner.

This policy sets out how City of Launceston will manage unreasonable service requests and complainant conduct.

1. Not accepting a reasonable explanation

At times a customer may not accept a reasonable explanation provided to them by a City of Launceston staff member. This includes situations in which the assistance requested cannot be provided, or where a customer disagrees with the action City of Launceston has taken in relation to their issue, complaint or concern. This may lead to the customer/complainant continuing to pursue that action against City of Launceston staff in circumstances that are unreasonable.

The City of Launceston's Complaint Handling Procedure should be used as a reference to ensure appropriate actions have been taken to manage the initial complaint, issue or concern.

1.1 If in the opinion of the Chief Executive Officer (CEO) or an authorised officer, all reasonable avenues of internal review have been exhausted in relation to the issue, and a customer/complainant will not accept the result and continues to write, email, telephone, text or otherwise contact City of Launceston regarding the issue, the CEO or an authorised officer may write to the customer/complainant to restate City of Launceston's position in relation to the complaint and advise that City of Launceston officers will:

- 1.1.1 not accept any further phone calls from the customer/complainant;
- 1.1.2 not grant any further interviews or meetings;
- 1.1.3 require all further communication to be in writing; and
- 1.1.4 continue to receive, read and file correspondence but only acknowledge or otherwise respond if:
 - (a) the customer/complainant provides significant new information relating to their complaint or concern; or
 - (b) the customer/complainant raises new issues which in the CEO's opinion, warrant fresh action.

2. Customers/complainants who make unreasonable, vexatious or frivolous demands

Some customers/complainants may make unreasonable, vexatious or frivolous demands of City of Launceston by seeking outcomes, or requesting information that significantly and unreasonably diverts City of Launceston's resources away from its other functions, or creates an inequitable allocation of resources to other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.

For example, a customer/complainant may contact City of Launceston staff multiple times per week or month, seeking information, explanation and/or outcomes on a range of issues.

Vexatious or frivolous demands can be viewed as those demands that are initiated for the purpose of causing trouble or annoyance and/or where futile expense would be involved in allowing the demand to proceed.

- 2.1 If in the opinion of the CEO or an authorised officer a customer/complainant is making unreasonable, vexatious or frivolous demands on City of Launceston's resources, and the customer/complainant continues to write, email, telephone, text and/or visit the City of Launceston staff, the CEO or an authorised officer may write to the customer/complainant, advising of City of Launceston's concern and requesting that they limit and focus their requests.

If the customer/complainant continues to place unreasonable demands upon City of Launceston, the CEO, or an authorised officer may direct staff to not respond to any future correspondence and only take action where, in the opinion of the CEO, or an authorised officer, the correspondence raises specific, substantial and serious issues.

3. Customers/Complainants who continually raise the same issue with different staff

A customer/complainant may engage in unreasonable complainant conduct by continually raising the same issue with different City of Launceston officers, seeking a different result. This is not an appropriate use of City of Launceston resources.

- 3.1 If in the opinion of the CEO or an authorised officer, a customer/complainant is continually raising the same issues with different officers without reasonable basis, the CEO or authorised officer may notify the customer/complainant that:
- 3.1.1. only a nominated staff member will deal with them in the future;
 - 3.1.2 they must make an appointment with that person if they wish to discuss a matter; or
 - 3.1.3 all future contact must be in writing.

4. Customers/Complainants who are rude, abusive, derogatory and/or aggressive

Rude, abusive, derogatory and/or aggressive behaviour is considered to constitute unreasonable conduct. This may include offensive gestures, threats, verbal abuse, physical violence against property or physical violence against a person.

- 4.1 If in the opinion of any City of Launceston staff member, a customer engages in unreasonable complainant conduct by being rude, or making abusive or aggressive comments, the officer may:
- 4.1.1 warn the complainant that if the behaviour continues, the conversation or interview/meeting will be terminated; and
 - 4.1.2 terminate the conversation immediately if the behaviour continues; or
 - 4.1.3 terminate the conversation or interview/meeting immediately if the rude, abusive or aggressive behaviour is deemed excessive.

Where a conversation or interview/meeting is terminated, the staff member must notify their immediate Manager. Dependent on the individual circumstances, the Manager will determine if the lodgement of an Incident Statement Form (21-Fm-108) is required. If this is deemed as necessary, this should be actioned by the staff member as soon as possible following the incident.

Violence, damage to property or threats will be reported to police.

5. Steps to be taken before limiting access to City of Launceston resources

City of Launceston will only limit access to its resources where it is justified in doing so and with the greatest reluctance. Access will only be limited where there are safety concerns for staff or to ensure other meritorious cases are not robbed of the resources to which they are entitled.

A decision to limit access to City of Launceston resources is predicated on a determination of a complainant's conduct being unreasonable, vexatious or frivolous. Consideration should be given to the warning signs of unreasonable complainant conduct, listed at pp 13-15 in the Ombudsman Tasmania's "Guidelines for Managing Unreasonable Conduct by Complainants".

- 5.1 Before a decision to restrict access is given to a customer/complainant in relation to points 2-4, the CEO, or authorised officer must:
- 5.1.1 consider the conduct in question and determine whether it amounts to unreasonable complainant, vexatious or frivolous conduct in all the circumstances;
 - 5.1.2 consider how the conduct in question is impacting or is likely to impact the management of the resources of City of Launceston;
 - 5.1.3 provide the affected customer/complainant with notice of that intention;
 - 5.1.4 provide an opportunity to the affected customer/complainant to provide representations in relation to that intention;
 - 5.1.5 consider any representations received and how implementing the intended direction would, in all the relevant circumstances, be in the public interest. Guidance may be taken from the consideration of the matters listed in Schedule 1 of the *Right to Information Act 2009* (Tas).

On request from a person affected by a decision made under 5.1, the CEO, or an authorised officer will review the decision after a period of 12 months.

Documentation and reporting

Upon the initiation of a limited access scenario, the communication detailing the notice of intention to restrict access is to be registered in ECM as an Unreasonable Complainant and tasked to the Executive Leadership and Senior Leadership Teams to ensure organisation wide awareness.

City of Launceston officers are required to maintain records of situations affected by and decisions made in respect of this policy within the CRM system.

Right of review

A customer/complainant who believes they have been unreasonably affected by a direction or decision made in accordance with this policy, by an officer other than the CEO, may make a formal complaint to the CEO in accordance with the Customer Service Charter.

A customer/complainant who believes they have been unreasonably affected by a direction or decision of the CEO under this policy can lodge a formal complaint with the Ombudsman under the *Ombudsman Act 1978* (Tas).

PRINCIPLES

City of Launceston's Organisational Values apply to all activities.

RELATED POLICIES & PROCEDURES

Complaints Handling Procedure 05-Prx-001

Customer Service Charter 05-Plx-008

Incident Statement Form 21-Fm-108

RELATED LEGISLATION

Local Government Act 1993 (Tas)

Ombudsman Act 1978 (Tas)

Personal Information Protection Act 2004 (Tas)

Right to Information Act 2009 (Tas)

REFERENCES

Ombudsman Tasmania: *Guidelines for Managing Unreasonable Conduct by Complainants* (January 2013)

DEFINITIONS

"Authorised Officer" means the holder of a position of General Manager and includes any officer acting in those positions.

REVIEW

This policy will be reviewed no more than two years after the date of approval (Version) or more frequently, if dictated by operational demands.