

Policy Title:	Customer Behaviour Policy
Policy Subject:	Governance
Policy Number:	DOC#3628794v3 – CP011
Directorate:	Organisational Services
Department:	Governance and Customer Service
Section:	Governance and Planning
Responsible Officer:	Executive Manager Governance and Customer Service
Adopted Date:	27/02/2019
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Amended Date:	
Risk Assessment:	Medium

1. OBJECTIVE

To establish a Customer Behaviour Policy that ensures that Council can deal effectively with unreasonable behaviour by customers or others dealing with Council, including behaviour which is:

- Aggressive;
- Disruptive towards others;
- Rude, abusive and/or harassing in nature;
- Threatening;
- Defamatory;
- Repetitive in nature and/or where the issue being raised is unable to be satisfied;
- Persistent, excessive or unnecessary;
- Unreasonably demanding, and/or which could divert resources away from other functions or unfairly allocates resources compared with other customers.

2. COMMITMENT

Fraser Coast Regional Council is committed to the provision of timely, efficient, consistent and quality services that meet our customers' reasonable expectations. Council acknowledges the right of persons to provide feedback, both positive and negative, on its services and/or to lodge a complaint about a decision or other action it takes.

However, the success of our service delivery depends on;

- Our ability to perform our functions in the most effective and efficient way possible;
- Our ability to limit the scope of our services to matters which fall within the jurisdiction of Council;
- The health, safety, security and well-being of our staff and contractors; and
- Our ability to respond in a timely manner, given the resources available.

Our success in service delivery is adversely affected when customers behave unreasonably in their dealings with Council, and unreasonable behaviour can significantly affect our staff and can impact on our ability to provide a safe and appropriate work environment.

3. PRINCIPLES

The overarching principles that govern this policy are based on the Ombudsman's Practice Manual.

These principles are that:

- All persons should be treated with fairness and respect.
- In the absence of very good reasons to the contrary, all persons have a right to access Council services.
- Staff safety and well-being are paramount when dealing with unreasonable behaviour.
- The policy applies to behaviour towards all staff in the organisation including frontline staff, supervisors and senior managers.
- All complaints and requests are considered on their merits and unreasonable conduct does not preclude there being a valid issue.
- The substance of a service request or complaint dictates the level of resources dedicated to it, not the person's demands or behaviour.
- Anger is an understandable, and to some degree, and acceptable emotion, as long as it is not expressed unreasonably.
- The decision to change or restrict access to services as a result of unreasonable behaviour will only be made at a senior management level and in accordance with clearly defined policies and procedures.
- Senior managers will ensure that relevant systems, policies and procedures are in place to manage unreasonable behaviour, and that staff will receive training, guidance and direction.

4. UNREASONABLE BEHAVIOUR

Council reserves the right to take action where a customer's behaviour is unreasonable and presents a risk to:

- Efficient and effective provision of Council functions;
- The health and safety of staff or others; or
- Maintenance of responsive customer service.

Unreasonable behaviour may include:

- Unreasonable persistence, such as :
 - where a person will not accept Council's decision on a matter;
 - excessive amounts of correspondence, numerous phone calls or visits raising the same issues; and/or
 - circumstances where a person or group is sending/making continuous complaints on a wide range of issues which place unreasonable demands on Council resources;

- Unreasonable demands;
- Unreasonable lack of cooperation;
- Unreasonable arguments; and/or
- Unreasonable behaviour generally, including aggressive, abusive or offensive conduct and threatening behaviour, and any harassing or predatory behaviour.

5. MANAGEMENT OF UNREASONABLE BEHAVIOUR

The CEO or their delegate may assess the behaviour of the customer or other person dealing with Council against the criteria of unreasonable behaviour in this policy. Where it is determined that the person's behaviour has been unreasonable Council has the right to undertake action. This action can include:

- Banning of the customer from making telephone contact with Council other than through an approved representative acting on their behalf;
- Banning of the customer from making email contact with Council other than through a designated email address;
- Banning of the customer from making email contact with Council;
- Banning the customer from using some of Council's services;
- Banning the customer from accessing some or all of Council's buildings;
- Allowing contact to take place with one named Council officer only;
- Requiring any contact to be made in the presence of an appropriate witness;
- Placing limits on the number of contacts to be made and/or duration of contacts;
- Blocking the customer on Council's social media channels;
- Declining to respond to any further contact on a particular matter except where required by law, and designating a contact officer who will determine whether any future contact falls within the boundaries set.

The restriction will be put in place for a period of time to be determined by the CEO or their delegate, and wherever possible the person will be advised of the action and the period of time that the action will apply.

At the expiration of the time period the CEO or their delegate may continue or amend the restriction(s) based on the behaviour of the person.

Where the behaviour is extreme or threatens the safety and welfare of officers, Council may refuse all contact with the customer and not action requests.

Any event which impacts the health and safety of staff will be reported through internal Safety Management systems.

Additional actions such as reporting matters to Police or taking legal action are also open to Council based on the assessment of risk. All physical assaults or threats will be reported to Police.

6. NATURAL JUSTICE

To ensure that decision making is fair and reasonable, the principles of natural justice and procedural fairness will be applied in relation to any actions taken by Council under this policy. These principles include:

- The right to a fair hearing and right of reply;
- The absence of bias;
- Decisions based on evidence reflecting the standard of proof; and
- The proper examination of all issues.

The customer will be advised in writing to explain:

- the decision that has been made,
- avenues for appeal.

7. AUTHORITY

The Chief Executive Officer, Directors and staff are responsible for ensuring this policy is understood and adhered to.

- The **Chief Executive Officer** (CEO) is committed to promoting an effective service for the whole community and to protect the health and safety of staff.
- The **Director of Organisational Services** (DOS) is committed to ensuring the implementation of this policy.
- **All Staff** act professionally and respectfully at all times; implement restrictions as directed; complete incident reports when impacted by unreasonable customer behaviour.

8. PRIVACY PRINCIPLES

A person whose behaviour has been assessed as unreasonable may want to know more about how Council is handling information about their behaviour. However, due to the privacy principles Council is unable to provide information that discloses personal information about other individuals involved, or witnesses.

9. PROCESS FOR MANAGING UNREASONABLE CUSTOMER BEHAVIOUR

In dealing with unreasonable customer behaviour, the following steps will be undertaken:

Provide a warning

Unless a customer's behaviour poses a substantial threat to health and safety or the security of premises the customer will be provided with a warning about their behaviour in the first instance. This warning will be in written form where practicable.

Provide notification

If the customer's unreasonable behaviour continues after they have been given a warning, or in cases where the behaviour poses a substantial threat to health and safety or the security of premises, the customer will be advised of restrictions to be applied. The customer will be given a right of reply for these restrictions before they are enacted. Where practicable this notification will be in writing.

Advise relevant staff and keep records of action taken

Where appropriate, the Mayor, Councillors and relevant Council officers will be advised about any decisions to change or restrict a customer's access to Council's services and premises. This information will also be recorded in relation to the customer in Council's electronic record keeping systems.

Continue monitoring

Once a customer's access to Council services or premises has been restricted these restrictions will be reviewed as required. If the restrictions have been ineffective in managing the customer's behaviour or are otherwise inappropriate, they may be modified.

Each time a review is conducted, the complainant will be notified of the outcome.

10. REVIEWS

The customer has the right to internal review of any decision made under this policy through the administrative action complaint process.

11. RELATED DOCUMENTS

The following related documents support the application of this policy:

- *Customer Service Charter*
- *Complaints Management Policy*

12. DEFINITIONS

Behaviour means the way a person acts or conducts themselves towards others.

Customer means any external person or organisation that Council has dealings with.