

| <b>UNREASONABLE CUSTOMER CONDUCT POLICY</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| Type                                        | Governance                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| GDS Category                                | Governance – Public                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Responsible Officer                         | General Manager Corporate Services                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Policy Adopted                              | 23 June 2025                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Review Period                               | 2 yearly                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Last Reviewed                               | New Policy                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Next Review Date                            | 26 June 2027                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Policy Version Number                       | 1.0                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Applicable Legislation                      | <ul style="list-style-type: none"> <li>• Local Government Act 1999</li> <li>• Work Health and Safety Act 2012</li> <li>• Freedom of Information Act 1991</li> <li>• Independent Commission Against Corruption Act 2012</li> <li>• Ombudsman Act 1982</li> <li>• Public Interest Disclosure Act 2018</li> <li>• Disability Inclusion Act 2018</li> <li>• Equal Opportunity Act 1984</li> </ul>                                                      |
| Related Documents                           | <ul style="list-style-type: none"> <li>• Behavioural Management Policy and Behaviour Support Procedure</li> <li>• Fair Treatment Policy</li> <li>• Employee Assistance Program (EAP)</li> <li>• Complaints Management Policy</li> <li>• Privacy Policy</li> <li>• WCC Customer Experience Standards</li> <li>• Unreasonable Customer Conduct Procedure</li> <li>• Fraud, Corruption, Misconduct and Maladministration Prevention Policy</li> </ul> |
| Public Consultation Required                | No                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Document type                               | Discretionary                                                                                                                                                                                                                                                                                                                                                                                                                                      |

## POLICY OBJECTIVE

Whyalla City Council (WCC) acknowledges and supports a customer's right to complain about issues that affect them. WCC's Complaints Management Policy sets out processes for handling complaints, acknowledging that when handled well, complaints are an opportunity to receive feedback from customers that assist with improving business and service processes. Effectively managing unreasonable customer conduct (UCC) is recognised as a core component of complaints management and handling at WCC.

This policy sets out how WCC will deal with UCC in a way that is fair and balances the interest of customers, Councillors and staff, WCC as an organisation and the community. This policy also sets out when and how WCC officers will make decisions about any service restrictions and reviews of these decisions.

WCC's response to UCC will, as far as possible, allow the customer involved in the UCC to continue to interact with WCC in an appropriate manner which supports WCC's zero tolerance approach to occupational violence.

### 1. SCOPE

This policy applies to WCC Councillors and WCC officers (including staff, volunteers, agents and contractors engaged by or authorised by WCC) who deal with customers using WCC services.

This policy covers UCC across the full range of services requested by customers and provided by WCC and all communication channels including face to face, telephone, post, email, letters to the media and social media.

This policy does not detract from WCC's ability to take action under other legislation. For example, making an application under the *Freedom of Information Act 1991* or the *Ombudsman Act 1972* to have a customer declared a vexatious applicant.

This policy does not limit a customer's right to apply for information under the *Freedom of Information Act 1991* or make a public interest disclosure under the *Public Interest Disclosure Act 2018*.

### 2. DEFINITIONS

|                         |                                                                                                                                                                                                                                                                                                                                                            |
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| <b>Complaint</b>        | Means an expression of dissatisfaction, verbally or in writing, by an individual or group who is directly affected by an action of WCC or its staff, including a failure to take action and may include a complaint, public interest disclosure, a fraud or corruption complaint, complaint about the public official and/or complaints about Councillors. |
| <b>Councillors</b>      | Means the elected representatives of WCC                                                                                                                                                                                                                                                                                                                   |
| <b>Council premises</b> | Includes WCC owned and operated facilities, as well as locations (such as work sites) where Councillors and WCC officers are performing work duties.                                                                                                                                                                                                       |

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| <b>Customer</b>                            | Means anyone (an individual or group) who enters WCC premises and is served by or engages with Councillors or WCC officers, or who contacts Councillors or WCC officers by telephone, letter or electronic communication.                                                                                                                                                                   |
| <b>Occupational (Workplace) Violence</b>   | Means any incident in which WCC officers are abused, threatened or assaulted in circumstances arising out of or in the course of their employment. Incidences include verbal, written, physical or psychological abuse, threats or other intimidating behaviours, intentional physical attacks, aggravated assault, threats with an offensive weapon, sexual harassment and sexual assault. |
| <b>WCC Officers</b>                        | Means WCC staff, volunteers, agents and contractors engaged by or authorised by WCC.                                                                                                                                                                                                                                                                                                        |
| <b>Unreasonable Customer Conduct (UCC)</b> | Means behaviour by a (current or former) customer which because of its nature and frequency, raises substantial health, safety, resource or equity issues for WCC, Councillors, WCC officers and other people who use our services.                                                                                                                                                         |

### **POLICY STATEMENT/APPLICATION**

WCC has a duty of care to ensure the health, safety and wellbeing of Councillors, WCC officers and customers.

WCC's responsibilities to eliminate or reduce risk to mental and physical health and safety under Work Health and Safety legislation and ensure that resources are allocated equitably, are recognised as a fundamental consideration when dealing with UCC.

WCC is committed to:

- delivering accessible, responsive and quality services to the community
- meeting its obligations to provide a safe and healthy workplace for its staff, and
- using resources equitably and efficiently.

WCC Councillors and officers are expected to treat people with courtesy and respect, and this courtesy should be reciprocated. WCC will not tolerate behaviour that is offensive, abusive, threatening or consumes disproportionate resources.

People who demonstrate complex and unreasonable behaviour often have a legitimate grievance, and WCC will consider the individual circumstances around unreasonable customer conduct (UCC) and provide reasonable and proportionate responses designed to manage the impacts of the conduct, as well as resolve any underlying or substantive issue.

When customers display UCC in their dealings with WCC, their conduct can significantly affect the way WCC officers perform their work. Consequently, WCC will act proactively and decisively to manage any customer conduct that negatively and unreasonably affects our operations and will support Councillors and WCC officers to do the same in accordance with this policy.

### **3. RESPONSIBLE PERSON**

General Manager Corporate Services

## 1. Principles

This policy provides guidance to Councillors and WCC officers to effectively identify and manage UCC in a fair, consistent, transparent and appropriate way to:

- Protect the health and safety of Councillors, WCC officers and customers
- Ensure fairness in interactions with customers and the complaints management process, and
- Improve efficiency and commitment to appropriate resource allocation in all customer service delivery and the complaints management process.

Nothing in this policy limits the capacity and legal requirement for WCC to take appropriate action where the circumstances require, such as where the UCC involves an imminent threat to the mental or physical health or wellbeing of another customer or a WCC representative, or the failure to obey a lawful instruction.

## 2. Policy Aims

WCC Councillors, WCC officers 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 WCC Councillors and officers are confronted with behaviours that are classified as UCC.

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

## 3. Categories of unreasonable conduct

UCC can be classified into five categories of behaviour and is recognised as any behaviour by a current or former customer (whether by an individual or group) which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for all parties. The categories are listed in the table below.

| Categories of conduct    | Guidelines of what the conduct may involve                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| Unreasonable persistence | <p>Unreasonable persistence is continued and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on the organisation, staff, services, time and/or resources.</p> <p>Examples of unreasonable persistence include:</p> <ul style="list-style-type: none"><li>• An unwillingness or inability to accept reasonable and logical explanations, including final decisions that have been comprehensively considered and dealt with (even when it is evident the customer does understand the information provided).</li><li>• Persistently demanding a review simply because it is available, and without arguing or presenting a case for one.</li></ul> |

| Categories of conduct | Guidelines of what the conduct may involve                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                       | <ul style="list-style-type: none"> <li>• Pursuing and exhausting all available review options, even after we have explained that a review is not warranted – and refusing to accept that we cannot or will not take further action on their complaint.</li> <li>• Reframing a complaint in an effort to get it taken up again.</li> <li>• Multiple and repeated phone calls, visits, letters, emails (including cc'd correspondence) after we have repeatedly asked them not to.</li> <li>• Attempting to engage with different departments across WCC by contacting different officers, including senior managers, the CEO, Mayor and Councillors with the intention of getting a different or more sympathetic response/outcome (i.e. forum shopping)</li> <li>• Engaging with external organisations and individuals, by contacting State and Federal members, associated entities and other government agencies in the hope of getting a different outcome to the complaint</li> <li>• Lodging request for service that, compared to requests of a similar nature lodged by other customers, are considered unreasonable in number.</li> </ul> |
| 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 Councillors, WCC officers, services, time or other</p> <p>Examples of unreasonable demands include:</p> <ul style="list-style-type: none"> <li>• Raising issues outside of WCC's responsibility</li> <li>• Asking for outcomes that are unattainable or disproportionate to the issue (e.g. termination or</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                       | <p>prosecution of an officer, an apology and/or compensation with no reasonable basis</p> <ul style="list-style-type: none"> <li>• Requesting actions that are inappropriate or demanding for issues to be dealt with in a particular way, including requesting an immediate response</li> <li>• Demanding answers to questions that have already been responded to comprehensively and/or repeatedly</li> <li>• Demanding services of a nature or scale that we cannot provide, even after we have explained this repeatedly</li> <li>• Changing their issues or desired outcome while their matter is being dealt with</li> <li>• Demanding information that is not permitted to be disclosed/provided (e.g. copies of sensitive documents, names, personal contact details of WCC officers)</li> <li>• Insisting on talking to a senior manager, CEO, Mayor or Councillor personally when it is not appropriate or warranted</li> </ul>                                                                                                                                                                                                         |

| Categories of conduct            | Guidelines of what the conduct may involve                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                                  | <ul style="list-style-type: none"> <li>• Making threats or using emotional blackmail or manipulation with the intent to intimidate, harass, shame, seduce or portray themselves as being victimised when this is not the case</li> <li>• Seeking regular and/or lengthy phone calls or face to face contact when it is not warranted</li> <li>• Demanding or requesting to discuss complaint matters outside of office hours, including contacting WCC officers, Mayor or Councillors by their personal email or social media accounts.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Unreasonable lack of cooperation | <p>Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with Councillors or WCC officers, or complaints system and processes that results in a disproportionate and unreasonable use of WCC's services, time or resources.</p> <p>Examples of unreasonable lack of cooperation include:</p> <ul style="list-style-type: none"> <li>• Sending a constant stream of comprehensive and/or disorganised information without clearly defining any issue or complaint, or explaining how they relate to the core issue/s being complained about (but only where the customer is clearly capable of doing this)</li> <li>• Refusing to provide key documents that would assist in managing a complaint matter or providing little or no detail around a complaint or providing information in "drips and drabs"</li> <li>• Dishonestly presenting the facts, misquoting other, or being unwilling to consider other valid viewpoints</li> <li>• Refusing to follow or accept WCC's instructions, suggestions or advice without a clear or justifiable reason for doing so</li> <li>• Arguing frequently and/or with intensity, that a particular solution is the correct one in the face of valid contrary arguments and explanations.</li> </ul> |
| 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 on Councillors, WCC officers, services, time or other resources.</p> <p>Arguments are unreasonable when they:</p> <ul style="list-style-type: none"> <li>• Fail to follow any logical sequence</li> <li>• Are not supported by any evidence</li> <li>• Lead a customer to reject all other valid and contrary arguments</li> <li>• Are trivial when compared to the amount of time, resources and attention that the customer demands</li> <li>• Are false, inflammatory or defamatory.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| Categories of conduct   | Guidelines of what the conduct may involve                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| Unreasonable behaviours | <p>Unreasonable behaviour is conduct that is unreasonable in all circumstances regardless of how stressed, angry or frustrated the customer is; because it unreasonably comprises the health, safety and security of Councillors WCC officers, other service users or the customer.</p> <p>Examples of unreasonable behaviours include:</p> <ul style="list-style-type: none"> <li>• Acts of aggression, verbal abuse, derogatory, racist, sexist or grossly defamatory remarks</li> <li>• Harassment, intimidation or physical violence</li> <li>• Rude, confronting and threatening correspondence</li> <li>• Threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats</li> <li>• Stalking (in person or online)</li> <li>• Emotional manipulation.</li> </ul> |

#### 4. Response to Unreasonable Customer Conduct

Where a Councillor or WCC officer believes that they (or other customers) are being adversely impacted by UCC and after taking into account the individual's circumstances, they have the right to conclude the interaction.

If a customer's behaviour is or becomes unreasonable, Councillors and WCC officers can apply appropriate and proportionate strategies for managing the behaviour. The strategies will depend on the type and severity of behaviour involved.

UCC incidents will generally be managed by limiting or adapting the ways that WCC interacts with and/or delivers services to customers who engage in UCC. WCC may adapt or restrict customer access to WCC contact methods in some or all of the following ways depending on the circumstances:

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

#### Deciding to limit access

Decisions about limiting access to services will only be made by the delegated decision-maker.

Such decisions are made after having regard to any relevant legislation.

WCC will warn the customer of the action proposed to be taken and give the customer an opportunity to stop. In rare cases, a member of the Executive Management Team may decide to limit access without warning where the health and safety of Councillors or WCC officers is at risk.

Before approving any limits, the decision-maker must be satisfied that:

- The behaviour is unreasonable
- All alternative strategies have been, or are likely to be, ineffective in managing the risk
- All relevant factors have been considered including the customer's history, the nature of the conduct, the customer's personal circumstances and the impact of limiting access on the welfare of the customer and/or their dependents
- The limits are proportionate to the level of risk posed by the behaviour
- There is sound evidence to support the decision
- The limits are consistent with WCC's statutory obligations.

The decision-maker will inform the affected WCC officer and the customer about the decision.

Advice to the customer will be in writing (unless another form of communication is more appropriate) and will explain the decision and the reasons for the decision. It will set a timeframe for reviewing the limits and explain the customer's options regarding review of the decision.

### **Reviewing limits**

The decision-maker will ensure that any limits to a customer's access are reviewed by WCC within the specified timeframe, and at least once every 12 months, to determine if they are effective and still warranted.

The decision-maker will document the review and where necessary to afford procedural fairness or otherwise appropriate, will inform the customer of any decision to remove or vary the limits on access. The decision-maker will also inform affected Councillors and WCC officers.

Should a customer seek review of the decision to modify or limit access, they can request an internal review, which will be conducted by a member of the Executive Leadership Team at the same level as, or more senior to the original decision-maker. Where the CEO was the original decision-maker, an internal review will not be possible and will trigger referral to an external agency. Any request for review must be in writing and submitted to WCC within the specified timeframe for requesting a review.

When dealing with UCC, WCC officers are authorised to end a telephone call or in person contact where the customer engages in aggressive, abusive and/or offensive conduct.

All incidents of UCC must be reported in WCC's Safety Management System (Skytrust) and escalated to the Director Corporate Services for formal reporting purposes and possible further action.

## **5. Behaviour associated with a possible disability**

Where UCC may be a symptom or manifestation of a disability, WCC officers will consider their obligations under the *Disability Inclusion Act 2018 and the Equal Opportunity Act 1984*, together with those obligations about performing our statutory functions under the *Freedom of Information Act 2018*.

WCC is committed to making reasonable adjustments so people can access our services. In some cases, WCC officers may decide not to make reasonable adjustments because the customer's behaviour is a risk to health, safety or property and/or because the request for a reasonable adjustment is not a proportionate or relevant response to WCC statutory functions, including processes or issues for consideration.

## **6. Consideration of Human Rights Impacts**

Any decision to restrict or in any way limit the ability of a customer to interact with or receive services from WCC will only be made after WCC has conducted a formal human rights impact assessment and considered how each of the human rights protected under the *Disability Inclusion Act 2018 and the Equal Opportunity Act 1984* might be affected by the decision and ensuring that the decision is compatible with all other requirements of the *Disability Inclusion Act 2018 and the Equal Opportunity Act 1984*.

## **7. Applying and Monitoring Restrictions and Limitations**

Where a decision has been made to apply a restriction or limitation on a customer's access to WCC, the customer will be provided written notification of the decision and given an opportunity to request a review of the decision.

Where a decision is confirmed, the specific restrictions or limitations will be captured in such a way that Councillors and WCC officers are able to be informed when required. The Director Corporate Services will monitor the customer's contact with WCC on an annual basis as a minimum, or another period considered reasonable and relevant on a risk assessment basis. The customer will be provided with the outcome of this monitoring and advised if the limitation/restriction is to continue, be amended or removed.