

# Unreasonable Customer Conduct

## Policy Objective

This policy explains how Town of Bassendean (Town) staff and Councillors will deal with persons whose conduct is considered unreasonable, which includes:

- large volumes of correspondence;
- repeated questions about the same topic to which an answer has already been provided;
- communication which has no relevance to the services provided by a Local Government;
- aggressive, threatening or intimidatory behaviour;
- harassing, angry or rude behaviour;
- obsessive, querulous or habitual behaviour, for example where:
  - a customer will not 'let go' of an issue or complaint;
  - reasonable balance or perspective is not evident;
  - unreasonable demand is placed on staff or resources which diverts staff or resources away from other functions and work;
  - despite our best efforts at providing assistance, the customer is not satisfied; or
  - they constantly raise the same issue with different staff.

This policy formalises the actions to be taken for customers whose conduct is unreasonable and is to be read in conjunction with the Town's Customer Service Charter (Charter). The two documents work together to determine if a customer is being unreasonable in their conduct (Charter), and then how the Town will act to restrict their access (Policy).

## Policy Statements

At times, a customer's demands or expectations may exceed the Town's ability to deliver.

As a general rule, when a person approaches the Town with a request, application, concern or complaint they first need to be heard, understood and respected. Customers have a right to:

- be given an apology if required;
- be given information or an explanation;
- have action taken to address their concerns or fix their problem; and
- have the matter dealt with quickly, fairly and properly.

### **Customers who cannot be satisfied**

Customers who cannot be satisfied include members of the public or groups who do not accept that the Town is unable to assist them, provide any further assistance or level of service than has been provided already and/or disagree with the action the Town has taken in relation to their complaint or concern.

If in the opinion of the Chief Executive Officer a person cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the customer continues to write, telephone, email and/or visit the following actions may be taken:

- The Chief Executive Officer may write to the customer restating Town's position on the matter if necessary and advising that if the customer continues to contact the Town regarding the matter, the Town may:
  - not accept any further phone calls from the customer;
  - not grant any further interviews;
  - require all further communication to be put in writing; and
  - continue to receive, read and file correspondence but only acknowledge or otherwise respond to it if:
    - the customer provides significant new information relating to their complaint or concern;
    - the customer raises new issues which in the Chief Executive Officer's opinion warrant fresh action; and
    - The Chief Executive Officer shall advise Councillors of a person who is deemed to be 'a person who cannot be satisfied', the person's concerns, and any proposed management strategy by Town Officers.

### **Customers who make unreasonable demands**

Customers who make unreasonable demands include members of the public whose demands on the Town start to significantly and unreasonably divert Town resources away from other functions or create 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.

If in the opinion of the Chief Executive Officer a customer is making unreasonable demands on staff and the customer continues to write, email, telephone and /or visit the offices the following actions may be taken:

- The Chief Executive Officer may write to the customer advising them of the Town's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands, staff may:
  - Not respond to any future correspondence and only take action where, in the opinion of the Chief Executive Officer the correspondence raises specific, substantial and serious issues; or
  - Only respond to a certain number of requests in a given period.

If the customer continues to contact staff after being advised of the proposed course of action, the Chief Executive Officer may, after considering representations from the customer, advise the customer that either or both of points listed above will now apply.

### **Customers who constantly raise the same issue with different staff**

If in the opinion of the Chief Executive Officer a customer is constantly raising the same issues with different staff or elected members the Chief Executive Officer may notify the customer that:

- only a nominated staff member will deal with them in the future;
- they must make an appointment with that person if they wish to discuss a matter; or
- all future contact with Town must be in writing.

The customer may wish to make a formal complaint in accordance with the Code of Conduct.

### **Customers who are rude, abusive or aggressive**

The Town will not tolerate or condone harassing, intimidating or offensive behaviour toward staff members by members of the public under any circumstances. Any staff member who is the victim of such behaviour may, at their own discretion, report the matter to Police for further action.

Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of a personal or general nature, threatening or offensive behaviour, physical violence against property or physical violence against a person.

If in the opinion of any staff member rude, abusive or aggressive comments or statements are made, the staff member may:

- warn the customer that if the behaviour continues the conversation or interview/meeting will be terminated; and
- terminate the conversation or interview/meeting if the rude, abusive or aggressive behaviour continues after a warning has been given.

Where a conversation or interview/meeting is terminated, the staff member must notify their relevant Line Manager of the details as soon as possible.

If in the opinion of the Chief Executive Officer any correspondence to the Town contains personal abuse, inflammatory statements or materials clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon.

Violence, damage to property or threatening behaviour may be reported to police, depending on the severity of the actions.

### **Documentation and reporting**

In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate file.

If an elected member feels that a customer is being difficult in a manner specified in this policy, they may notify the Chief Executive Officer who will consider taking action as per avenues described above.

Where the Chief Executive Officer determines to limit a customer's access in any of the ways specified in this policy, the Chief Executive Officer will advise Councillors as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the Department of Local Government and the Western Australian Ombudsman for information.

### **Scope**

All employees with potential customer interaction.

### **Legislative and Associated Documents Relating to this Policy**

This policy is complimented by the following documents and resources:

- Legislation:
  - Local Government Act 1995
  - Freedom of Information Act 1994
  - Public Interest Disclosure Act 2003
- Council Policy Positions:
  - Code of Conduct (Council Members, Committee Members, Staff and Volunteers)
  - Town of Bassendean Customer Service Charter
- Ombudsman Western Australia Guidelines:
  - Dealing with unreasonable complainant conduct
  - Conducting administrative investigations

## Document Control

<b>Directorate</b>	Office of the CEO
<b>Business Unit / Owner</b>	CEO
<b>Inception Date</b>	26 May 2023
<b>Version</b>	1
<b>Next Review Date</b>	2025