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## 1. Statement

Ipswich City Council (Council) is committed to delivering quality services to the community, meeting its obligations to provide a safe and healthy workplace for its staff and to use resources equitably and efficiently.

While Council has an expectation that its staff treat people with courtesy and respect, there is an expectation that this courtesy is to be returned. Council does not tolerate behaviour that is offensive, abusive, threatening or consumes disproportionate resources.

Council will consider the individual circumstances of unreasonable customer conduct (UCC) and provide reasonable and proportionate responses that are designed to manage the impacts of the conduct as well as resolve any underlying or substantive issue.

Council's responses to UCC will, as far as is practicable, allow the individual or group involved in the UCC to continue to communicate with Council in a controlled and appropriate manner which will support Council's zero tolerance approach to occupational violence.

## 2. Purpose and Principles

This policy and supporting procedure guides Council officers to effectively identify and manage UCC in a fair, consistent, transparent and appropriate way, to:

- Protect the health and safety of Council officers, customers, councillors and others;
- Ensure fairness in the complaints process; and
- Improve efficiency and commitment to appropriate resource allocation in all customer service delivery and the complaints process.

Nothing in this policy limits the capacity and legal requirement of Council to take appropriate action where the circumstances require, such as where the UCC involves an imminent threat to the mental or physical health or well-being of another customer, councillor, Council officer or volunteer, or the failure to obey a lawful instruction.

## 3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan themes:

- Safe, Inclusive and Creative
- A Trusted and Leading Organisation

#### 4. Regulatory Authority

- Local Government Act 2009
- Local Government Regulation 2012
- Human Rights Act 2019
- Occupational Health & Safety Act 2004
- Right to Information Act 2009
- Information Privacy Act 2009
- Criminal Code Act 1899
- Local Law No.1 (Administration) 2019
- Public Interest Disclosure Act 2010

##### Related documents

- Ipswich City Council Unreasonable Customer Conduct Procedure
- Ipswich City Council Complaints Management Policy
- Ipswich City Council Complaints Management Framework
- Employee Code of Conduct
- Councillor Code of Conduct
- Human Rights Policy
- Employee Assistance Program (EAP)
- Ipswich City Council Customer Service Policy
- Ipswich City Council Library Service Policy

##### Reference:

- Managing Unreasonable Complainant Conduct Practice Manual, 2012, 2nd Edition (NSW Ombudsman)

#### 5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

#### 6. Scope

This policy covers UCC across the full range of services requested by customers and provided by Council and via all communication channels, including but not limited to, face to face, telephone, mail, email, letters to the media, and social media.

Councillors, Council staff and members of the public have a right to dignity, physical and emotional safety and respect. While the vast majority of customers/complainants behave in a cooperative and respectful way, at times councillors and Council staff are confronted with behaviours that are classified as UCC.

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

Council’s responsibilities to eliminate or reduce risks 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.

Council acknowledges and supports an individual customer’s right to complain about perceived failings or issues that affect them. Council’s Complaints Management Policy and Procedure set out processes for handling complaints acknowledging that when handled well, complaints are an opportunity to receive feedback from customers that assist with improving its business and service processes. Effectively managing UCC is recognised as a core component of complaints management and handling at Council.

This policy does not detract from Council’s ability to take action under other legislation. For example, making an application under the *Right to Information Act 2009* or the *Information Privacy Act 2009* to the Office of the Information Commissioner Queensland to have a person declared a vexatious applicant.

This policy does not limit an individual’s right to apply for information under the *Right to Information Act 2009* or the *Information Privacy Act 2009* or make a public interest disclosure under the *Public Interest Disclosure Act 2010*.

UCC can be defined under five categories and is recognised as any behaviour by a current or former customer/complainant (individual or group) which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for all parties.

Categories of conduct	Guidelines of what the conduct may involve
Unreasonable Persistence	<p>Unreasonable persistence is continued and unrelenting conduct by a customer/complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Examples of unreasonable persistence include:</p> <ul style="list-style-type: none"> <li>• persisting with issues even though they have been dealt with to finality;</li> <li>• unwillingness to accept final decisions;</li> <li>• attempting to engage with different departments across Council by contacting different officers across the organisation, including senior managers, the CEO, Mayor and councillors in the hope of getting a different outcome;</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>• repeatedly contacting Council by phone calls, visits, letters, emails (including Cc’d correspondence) after being asked not to do so;</li> <li>• lodging requests 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/complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time or resources. Examples of unreasonable demands include:</p> <ul style="list-style-type: none"> <li>• raising issues outside of Council’s responsibility;</li> <li>• asking for outcomes that are unattainable or disproportionate to the issue e.g., termination or prosecution of an officer, an apology and/or compensation with no reasonable basis;</li> </ul>

Categories of conduct	Guidelines of what the conduct may involve
	<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>• 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 staff;</li> <li>• insisting on talking to a senior manager, CEO, Mayor or councillor personally when it is not appropriate or warranted;</li> <li>• making threats 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 Council Officers, Mayor or councillors by their personal email or social media accounts.</li> </ul>
<p>Unreasonable Lack of Cooperation</p>	<p>Unreasonable lack of cooperation is an unwillingness and/or inability by a customer/complainant to cooperate with our organisation, staff, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources.</p> <p>Examples of unreasonable lack of co-operation include:</p> <ul style="list-style-type: none"> <li>• sending a constant stream of comprehensive and/or disorganised information without clearly defining any issue of complaint, or explaining how they relate to the core issue/s being complained about – (only where the customer/complainant is clearly capable of doing this);</li> <li>• refusing to provide key documents that would assist in managing a complaint matter;</li> <li>• dishonestly presenting the facts, or being unwilling to consider other valid viewpoints;</li> <li>• refusing to follow or accept Council’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>
<p>Unreasonable Arguments</p>	<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 upon our organisation, staff, services, time, and/or resources. 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/complainant 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/complainant demands;</li> </ul>

Categories of conduct	Guidelines of what the conduct may involve
	<ul style="list-style-type: none"> <li>are false, inflammatory or defamatory.</li> </ul>
Unreasonable Behaviours	<p>Unreasonable behaviour is conduct that is unreasonable in all circumstances regardless of how stressed, angry or frustrated that a customer/complainant is; because it unreasonably compromises the health, safety and security of our staff, other service users or the customer/complainant. 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>

**Response to Unreasonable Customer Conduct**

Council has a duty of care to ensure the health, safety and wellbeing of Council staff, customers, councillors and Mayor.

Where a councillor or Council staff member 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. The following **initial** actions including, but not limited to, may be taken:

- Removing themselves from the situation;
- Terminating a phone call;
- Advising that no further assistance can be provided;
- Escalating the matter to a manager;
- Directing all contact to be through a specific employee or area;
- Limiting how contact is made with Council;
- Requesting the customer leave Council premises; and
- Having the customer removed from Council premises (which may include security/ Police involvement).

UCC incidents will generally be managed by limiting or adapting the ways that Council interact with and/or deliver services to customers/complainants by restricting:

- **Who they have contact with** – e.g. limiting a customer/complainant to a sole contact person/staff member in Council.
- **What they can raise with Council** – e.g. restricting the subject matter of communications that Council will consider and respond to.
- **When they can have contact** – e.g. limiting their contact with Council to a time, day, or length of time, or curbing the frequency of their contact with Council.
- **Where they can make contact** – e.g. limiting the locations where Council will conduct face-to-face interviews to secured facilities or areas of Council premises.

- **How they can make contact** – e.g. limiting or modifying the forms of contact that the customer/complainant can have with Council. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to Council premises, contact through a representative only, taking no further action or terminating Council services altogether.

All incidents of UCC **must** be documented and escalated to Council’s Complaints Management Unit (**CMU**) for formal reporting purposes and possible further action.

## 7. Roles and Responsibilities

All councillors and Council staff are responsible for:

- Identifying warning signs of UCC and management of initial interactions when warning signs are apparent;
- Recording details of interactions/observations into applicable Council electronic record management systems; and
- Initial assessment of whether conduct is reasonable.

All Supervisors and Managers are responsible for:

- Supporting staff to apply strategies for managing UCC;
- Ensuring staff are provided with proper training and assistance including medical and/or Police assistance and support programs such Employee Assistance Program, if necessary.

If considered UCC, the matter **must** be escalated to the CMU by way of a brief/memorandum setting out history of matter, basis of initial assessment etc.

The CMU using the guidelines set out in the UCC Procedure are then responsible for reviewing materials and:

- Assessing whether conduct is reasonable;
- Categorising conduct;
- Considering and selecting strategies to manage the UCC;
- Advising all relevant areas within Council of any implemented strategies;
- Providing recommendations on suitable support to operational areas to manage UCC;
- Conducting reviews on implemented strategies when required; and
- Recording and reporting on all referred UCC cases.

## 8. Key Stakeholders

- Councillors
- Executive Leadership Team (ELT)
- Corporate Services
  - Complaints Management Unit
  - People and Culture
  - Legal and Governance
- Community, Cultural and Economic Development

- Libraries and Customer Services
- Planning and Regulatory Services
  - Compliance
- Infrastructure and Environment

**9. Monitoring and Evaluation**

The successful implementation and effectiveness of this policy will be monitored through the following measures:

- Councillors and Council staff training and induction processes that build understanding and adoption of this policy;
- Councillors and Council staff refer appropriately to the Complaints Management Unit;
- Human rights are appropriately considered when making decisions under this policy and acts and decisions are compatible with human rights;
- All UCC incidents appropriately recorded in the applicable records management system;
- Through provided reports from the CMU, the Workplace Safety and Wellbeing Branch monitor UCC behaviours; and
- Ensure that Hazards and Risk Assessments are conducted at required timeframes.

**10. Definitions**

Complaint	A complaint is an expression of dissatisfaction, orally or in writing, by an individual or group who is directly affected by an administrative action of Council or its staff, including a failure to take action. Section 268(2) of the <i>Local Government Act 2009</i> defines an ‘administrative action complaint’ as a complaint that: (a) Is about an administrative action of a local government, including the following, for example- <ul style="list-style-type: none"> <li>○ A decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;</li> <li>○ An act, or failure to do an act;</li> <li>○ The formulation of a proposal or intention;</li> <li>○ The making of a recommendation; and</li> </ul> (b) Is made by an affected person.
Complainant	An individual or group that makes a complaint about perceived failings or issues that affect them.
Council	Means Ipswich City Council.
Councillors	Elected representatives of the City of Ipswich.
Council Premises	Includes Council owned and operated facilities as well as locations (such as work sites) where Councillors and Council staff are performing work duties.
Council Staff	Anyone employed by or engaged by Council to undertake work on behalf of Council. This includes, permanent and casual employees, contractors, labour hire, temporary staff and volunteers.

Customer	Anyone who enters Council premises and is served by or engages with councillors or Council staff, or who contacts councillors or Council staff by telephone, letter or electronic communication.
Occupational Violence (OV)	<i>Any incident in which employees are abused, threatened or assaulted in circumstances arising out of or in the course of their employment. Incidents include verbal, written, physical or psychological abuse, threats or other intimidating behaviors, intentional physical attacks, aggravated assault, threats with an offensive weapon, sexual harassment and sexual assault.</i>
Supervisor	Means a Council officer employed in a role primarily based on authority over a worker or in charge of a workplace. Also a Manager or Team Leader in this instance.
Unreasonable Customer Conduct (UCC)	Behaviour by a current or former customer/complainant which, because of its nature and frequency, raises substantial health, safety, resource or equity issues.

**11. Policy Owner**

The General Manager (Corporate Services) is the policy owner and the Integrity and Complaints Manager is responsible for authoring and reviewing this policy.