



Version Control and Objective ID	Version No: 1	Objective ID: A9717659
Name of parent policy/administrative directive	Unreasonable Customer Conduct Policy	
Approved by General Manager on	12 January 2024	
Date of Review	12 January 2028	

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1. Background

Ipswich City Council (Council, we, our, us) recognises that customers have the right to question and/or complain about Council's decisions and/or its management of issues that affect them. Unfortunately, for some customers exercising those rights, their mindset can lead to escalated behaviour, including aggressive and abusive conduct towards the organisation and staff handling their matters. This could be about the core issues of their matter, how it was handled or its outcome. We call this unreasonable customer conduct (**UCC**).

Unreasonable conduct is any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the management of a matter. These people can be:

- the organisation responsible for handling a matter
- the case officer(s) dealing with a matter
- any subjects of a matter
- the person who raised a matter (potentially including members of their families and friends)
- other people who raise a matter
- and other service users.

How we manage interactions with our customers can have a significant effect on the quality of future interactions. Council has provisions under its [Customer Charter](#), [Employee Code of Conduct](#) and Councillor Code of Conduct that set clear expectations for councillors and officers regarding their interactions with customers such as:

- Treat customers fairly and respectfully
- Act professionally and impartially
- Be solutions driven with a customer centric approach
- Clearly communicate processes and outcomes

Our Customer Charter in conjunction with Conditions of Entry signage:

- state the standards customers are entitled to expect from Council when accessing our services or visiting our facilities and what they can expect from us
- set out the conduct expected from customers
- identify the rights and responsibilities of both parties (which are publicly available).

Councillors, Council officers (officers) and our customers (including members of the public) have a right to dignity, physical and emotional safety, and respect.

While most customers using our services and members of the public using our facilities behave in a cooperative and respectful way, councillors and officers are often required to deal with UCC.

We recognise UCC as any conduct which raises substantial health, safety, resource or equity issues for Council, councillors, officers, and customers, including members of the public using/attending Council facilities. UCC is not limited to telephone communications or face to face interaction. It can occur online or in written correspondence.

We determine that a customer's conduct is unreasonable if it has unacceptable consequences (raises substantial health, safety, resource, or equity issues) for one or more of the parties exposed to the conduct. Determining the specific point when the negative impacts of a customer's conduct become so significant that they become unacceptable, and therefore unreasonable, is not always easy.

Overt violence or aggression is always unacceptable and easy to identify. However, where a customer displays conduct that is emotionally manipulative, passive aggressive or acts in other subtly negative ways, it is more difficult to specify or explain at what point their conduct has become unreasonable.

Identifying customer conduct in terms of behaviours assists Council, councillors, and its officers to avoid labelling customers and subsequently treating them as a label (e.g., serial complainant, pest etc). Recognising UCC behaviours and separating them from the person makes it easier to step back and consider an approach to the management of both the behaviours and any personal issues that may have contributed to the UCC.

There is no one size fits all approach to managing UCC. 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

The primary purpose of this procedure is to direct Council's Complaints Management Unit (CMU) in the management of referred UCC.

It also provides guidance to councillors and officers to take a systematic and consistent approach to managing their interactions with customers, with the aim to prevent UCC where possible, and to better understand their responsibilities for the initial management of UCC.

This is provided through a series of suggestions and strategies to deal with customers, in particular, those who behave unreasonably.

This guidance will also assist councillors and officers to ensure that they:

- Feel confident and supported in taking action to manage UCC
- Act fairly, consistently, honestly, and appropriately when responding to UCC
- Are aware of their roles and responsibilities in relation to the management of UCC

- Understand the types of circumstances when it may be appropriate to manage UCC using one or more of the mechanisms contained in this procedure and the supporting reference material
- Have a clear understanding of the criteria that will be considered before a decision is made to change or restrict a customer's access to Council and/or its services
- Are aware of the processes that will be followed to record and report UCC incidents, as well as the procedures for consulting and notifying customers about any proposed actions or decisions, to change or restrict their access to us and/or our services
- Are familiar with the processes for reviewing decisions made under the UCC Policy and outlined in this procedure, including specific timeframes for review

2.1 Management Principles

When managing UCC, councillors and officers should be guided by the following principles in this procedure:

- Safety and wellbeing are paramount
- The approach and strategies are equally applicable to councillors and officers
- Many of the strategies require support and approval from supervisors, the CMU, and senior managers
- All councillors, officers, and customers (including members of the public) have rights and mutual obligations that must be observed and respected
- All customers are treated with fairness and respect
- All complaints or issues raised are considered on their merits
- Unreasonable conduct does not mean there is not a valid issue that requires resolution
- The substance of a complaint/issue dictates the level of resources dedicated to it, not a customer's demands or behaviour
- Decisions to change or restrict a customer's access to services as a result of their behaviour will be made in conjunction with the CMU, senior managers and the CEO when required, and will be made in accordance with any relevant legislation and clearly defined policies and procedures

2.2 Primary Objectives

Perceived failings in Council's actions or processes when arriving at decisions or outcomes on matters affecting customers are often a catalyst for complaints. Customers who feel they have been heard, understood, properly informed, and treated fairly and with respect are more likely to respond positively even when faced with negative outcomes.

By Council applying good standards of communication and fair administrative practices many complaints may be reduced or avoided and UCC reduced.

Council's primary objectives in managing UCC are to:

- Ensure equity and fairness through appropriate allocation of resources based on merits, rather than demands or conduct
- Improve efficiency and commitment to appropriate resource allocation by providing awareness of the consequences of failing to deal with UCC
- Protect the health and safety of councillors, officers, customers (including members of the public) and other affected persons

2.3 Strategies

Strategies selected for responding to UCC should align with these principles and objectives.

It is important to recognise that there is no 'one size fits all' approach to managing UCC. Strategies in this procedure should be adapted to suit the circumstances of each case and **should supplement** rather than replace **existing safe working procedures**.

2.4 Observable Conduct

The guidelines in this procedure for managing UCC are based on the recognition that the most effective way to manage UCC is to deal with a customer's observable conduct and the context of their communications, rather than speculating on the possible reasons for them (except those that relate to their complaint).

This ensures that:

- Councillors and officers who are not mental health professionals, counsellors, or social workers (and who are not experts in psychoanalysis or behavioural psychology) are able to confidently manage UCC.
- Council can take a more focused approach to dealing with UCC by responding directly to the things and behaviours observed, rather than the things that are assumed or suspected.
- A customer's behaviour does not negatively affect their issue or complaint (if valid) or the level of attention that Council gives to it.
- Council manages UCC and its impacts in ways that are transparent, reasonable, and fair.

2.5 Commitment to the approach

Management commitment and support for the approach to managing UCC across the organisation is critical to its success.

By Council ensuring that complaint handling and managing UCC is recognised as a core organisational responsibility rather than a peripheral issue, and is given proper priority and adequate resources, is a way this can be achieved.

2.6 The benefits of using this Procedure

By councillors and officers using this procedure they can be confident that:

- All customers, regardless of whether their behaviour is challenging, will be treated with fairness and respect

- Customers' rights will be observed
- By taking control of interactions with customer, they can separate the way they manage the customer's behaviour from the way they deal with the customer's issue
- They will be able to implement the strategies, while also relying on their own professional knowledge, skills, and experience to deal with UCC
- their safety and stress levels when dealing with UCC can be being monitored
- The impact of UCC on organisational resources will be reduced
- All complaints, not just those where UCC is an issue, will be dealt with in an equitable, fair, and consistent way

3. Regulatory Authority

Criminal Code Act 1899

Human Rights Act 2019

Information Privacy Act 2009

Local Government Act 2009

Local Government Regulation 2012

Local Law No. 1 (Administration) 2013

Queensland Health and Safety Act 2004

Right to Information Act 2009

4. Human Rights Commitment

Council has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when approving and/or amending this procedure. When applying this procedure, 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.

5. Roles and Responsibilities

All councillors and officers are responsible for:

- Identifying warning signs of UCC and management of initial interactions when warning signs are apparent, using guidance/actions outlined in this procedure and following safe working procedures
- Undertaking an initial assessment of whether conduct is reasonable
- Reporting details of UCC incidents in Velocity EHS (for councillors this will mean reporting incidents to the CEO for input into Velocity EHS and notification to the CMU for inclusion in the UCC Register)
- Referring UCC to the CMU where initial management actions have failed

All Supervisors and Managers are responsible for:

- Implementing safe working procedures

- Ensuring frontline staff are provided with proper training for conflict resolution
- Ensuring officers are provided with necessary assistance including medical, security and/or Queensland Police Service (QPS) assistance, and support programs such Employee Assistance Program
- Supporting officers to apply strategies for managing UCC

NOTE: If the incident is considered UCC and it cannot be managed by councillors or officers the matter **must** be escalated to the CMU by using the **UCC Referral Application Form** which provides a brief/memorandum setting out the history of the matter, basis of initial assessment etc.

The CMU are responsible for:

- Providing advice (when requested) to councillors (and/or their support staff) and officers in relation to managing UCC incidents before they are referred to the CMU
- Responding to referred UCC and using the guidelines set out in this UCC Procedure, [The Ombudsman New South Wales Manual for Managing unreasonable Conduct by a Complainant](#) and the [Qld Ombudsman's Managing Unreasonable Complainant Conduct Resource](#):
 - Assessing whether conduct is reasonable
 - Categorising conduct
 - Considering and selecting strategies to manage the UCC if it can't be managed initially by the operations or councillors either under a safe working procedure or by issuing a "warning letter" to the customer
 - Conducting a Human Rights Impact Assessment on any considered strategy
 - Communicating in writing to the customer any implemented strategies
 - Assessing and responding to any objection (appeal) raised by a customer being managed under a UCC strategy
 - Advising all relevant stakeholders within Council of any implemented strategies, including activating caution notes on customer profiles
 - Conducting reviews on implemented strategies when required
 - Recording and reporting on all referred UCC cases
 - Providing 'learnings' and recommendations to the relevant operational areas following the resolution of a referred UCC to facilitate continuous improvement in the management of UCC

6. Key Stakeholders

Any changes to this procedure will be communicated to the organisation by an email to the General Managers and their support staff for dissemination to relevant officers within their department. Councillors and their support staff will be notified of changes to this procedure by email.

7. Education and Training Requirements

- All Customer Liaison Officers (CLOs) in the CMU must receive ongoing training in managing UCC.
- All frontline officers must receive ongoing training in conflict resolution.

8. Managing UCC

The process for managing UCC will follow the principles outlined in this section and will enable all officers and councillors to:

- Identify warning signs for UCC
- Assess the reasonableness of the conduct
- Manage initial UCC incidents/interactions using existing safe working procedures
- Know when to escalate UCC to the CMU for assistance/management
- Be aware of the importance of incident reporting

8.1 Core Objectives and Principles

The approach to managing UCC in this procedure has three core objectives.

These are to:

- Ensure equity and fairness for all customers – regardless of their conduct, ethnic identity, national origin, religion, linguistic background, sex, gender expression, sexual orientation, physical ability or other cultural or personal factors
- Effectively manage resource allocation and improve efficiency in handling complaints
- Protect the health and safety of councillors and officers who interact with people whose conduct is unreasonable

To achieve these objectives, councillors and officers also need to be guided by three categories of broad underlying principles – prevention, management, and accountability

8.1.1 Ensure equity and fairness

Make sure that all current and potential complaints are dealt with equitably and fairly – regardless of ethnic identity, national origin, religion, linguistic background, sex, gender expression, sexual orientation, physical ability or other cultural or personal factors – and

resources are distributed on the basis of the merits of the complaint or issue raised (service requests), rather than a customer's demands or conduct.

8.1.2 Improve effectiveness and efficiency

Improve overall effectiveness and efficiency by allocating sufficient time and resources to dealing with unreasonable conduct which, if left unmanaged, can become a burden on the resources of Council.

8.1.3 Protect health and safety

Comply with workplace health and safety, and duty of care obligations by identifying the potential risks posed by UCC to the health, safety and wellbeing of councillors and officers and implementing measures to eliminate or control those risks.

8.2 Prevention Principles

8.2.1 Manage expectations from the outset

Manage the expectations of customers raising issues or making complaints from the beginning of the process to ensure that they are reasonable and realistic. Unmet expectations are one of the primary triggers for UCC.

8.2.2 Recognise and respond to cultural differences

Some customers who make complaints come from cultural backgrounds that are different from the dominant culture in which Council operates. They may be acting in a way that is seen as respectful and polite within their own culture, but not within our organisation. This may mean that councillors and or officers have to tell them about our written policies, procedures, and mechanisms as well as the unwritten expectations for respectful behaviour, cooperation, and transparency. Councillors and officers should also be taught to recognise some of the specific dominant behavioural and communication patterns that they may encounter in the course of doing their jobs.

8.2.3 Insist on respect and cooperation

Insist that customers show respect for and cooperate with councillors and officers as a prerequisite to receiving services and having any further contact with, or communication from the organisation.

It is also vital that complaint handlers and frontline officers show the same respect and courtesy to the customers who make complaints or utilise and/or visit Council services/premises, regardless of how those people may behave towards them.

8.2.4 Implement policies and procedures

Implement appropriate safe working policies and procedures for managing unreasonable conduct and ensure that all staff are familiar with and receive training on how to apply them.

8.3 Management Principles

8.3.1 Exercise ownership and control over complaints

Exercise ownership and control over complaints and ensure that customers who make complaints are aware that Council and its officers effectively ‘own’ the complaint. This means making it clear whether it will be dealt with, and if so by whom, how quickly it will be dealt with, the priority and resources it will be given, the appropriateness of the outcome achieved, and so on. Customers who make complaints ‘own’ their issue – they can raise it in any other forum, including oversight agencies, the courts and tribunals, the media or with a politician.

8.3.2 Focus on specific, observable conduct

Move away from any approach that labels or categorises people as ‘difficult’. Other terms used to describe those with problematic behaviours include resource-intensive, high maintenance or high conflict customers, vexatious or querulous complainants. These terms all focus on labelling the customer as being difficult or challenging, rather than on managing how to respond to their behaviour – which is the real issue. Also, when these terms are used by officers to describe certain customers who make complaints, it can negatively influence how these people are perceived and dealt with by other officers.

Saying ‘unreasonable conduct by a customer’ allows us to focus on the problematic behaviour and respond to it openly and transparently.

8.3.3 Respond appropriately and consistently

Make full use of the framework and strategies in [Managing unreasonable conduct by a complainant \(nsw.gov.au\)](#) and the [Qld Ombudsman's Managing Unreasonable Complainant Conduct Resource](#) in conjunction with this procedure when dealing with unreasonable conduct. The framework provides a series of strategies and a ‘thinking tool’ that can be used to prevent and respond to such conduct. It can also ensure consistency in how matters are dealt with individually and across the organisation.

8.3.4 Communicate effectively

Provide customers who raise service requests (SR) or make complaints with clear, timely, firm and culturally or personally appropriate communication – including regularly informing them about the status of their SRs/complaints, even if there has been no progress.

If customers who have raised a SR or made a complaint are not kept informed about the progress of their SR/complaint, they are more likely to reach negative assumptions about how they are being dealt with. This includes assuming that no one is working on the SR/complaint, that it is the subject of a significant investigation (when it is not), or that there has been a mistake.

8.4 Accountability Principles (Supervisors, Senior Managers, and councillors)

8.4.1 Commitment

Management commitment and support for the approach to managing UCC is critical to its success.

Supervisors and senior managers need to:

- Actively endorse and support the use of the strategies by officers at all levels
- Demonstrate commitment to the approach by applying it consistently
- Support officers with the necessary policies, procedures, and authorisations to use the strategies in this procedure. Officers need to be clearly informed of what they are and are not specifically authorised to do in relation to UCC under departmental safe working procedures, and when to defer matters to nominated senior managers for further action
- Provide officers with adequate and ongoing training, supervision, and guidance in their dealings with UCC

Councillors (in order to be supported under the UCC Policy) need to:

- Consider guidelines and strategies in this procedure to manage initial interactions
- Actively engage in, and abide by, any implemented strategies, in particular restricted communication plans, to ensure the efficacy of those plans

8.4.2 Supervision

Make sure that supervision, as far as the customer engaging in UCC is concerned, happens 'behind the scenes', except in limited circumstances.

For example, this could be when an officer decides they are unable to manage the customer's conduct, and/or that access to a senior manager will defuse the situation.

It is usually not necessary or appropriate to allow an issue or complaint to be escalated to a supervisor just because the customer who raised the issue/complaint demands it. Customers who are treated this way can feel that they are getting preferential treatment in having their matter escalated or can make false assumptions about the importance of their issue. Also, once a customer has engaged a senior manager, they may well continue to expect similar treatment in their future interactions with the organisation – especially when they do not get their own way.

Unless a customer who has made a complaint wants to make a complaint about an officer (which they should be directed to escalate to the CMU if at all possible), officers should be strongly encouraged not to escalate calls/contact to supervisors and senior managers where possible. Supervisors also play an important role in ensuring that officers are provided adequate support with handling individual instances of UCC.

8.4.3 Recognition

It is important that management recognises that managing UCC is a core organisational responsibility and is given proper priority and adequate resources. This includes ensuring that

officers are given adequate time to deal with these cases. Although this may require greater initial investment in terms of time, training, and supervisory support, taking this approach is likely to result in significant overall savings for the organisation.

8.5 Accountability Principles (All Staff - Including councillors)

8.5.1 Remain calm

It is important that councillors and officers remain calm in the face of conduct that they find to be unreasonable and maintain control over their emotions and reactions to such conduct. Keep in mind that ‘calmness’ does not preclude adapting communication style or refusing to accept abuse.

8.5.2 Show respect

Show respect to all customers you interact with, including customers who may attempt to provoke you. ‘Showing respect’ may require you to adapt how you hear a customer’s expressive, circular, or somewhat unfamiliar communication style. With training and practice you may even develop the ability to adapt your own preferred communication styles.

Words or actions that people interpret as disrespectful are a significant trigger for some customers to react in ways we find to be challenging, if not unreasonable. Showing respect is therefore fundamental to preventing, or successfully managing, UCC. Everybody believes they deserve respect no matter how they behave – and a failure to show respect will invariably lead to a negative response from any customer you are dealing with. As a result, it does not matter how a customer treats or responds to you – you should treat them with respect. This is not about faking an emotional response, but about words and actions – being courteous, polite, attentive, and responsive in ways that the customer will recognise.

8.5.3 Demonstrate impartiality

Demonstrate impartiality throughout the complaints process and do not act as an advocate – particularly when dealing with customers who try to pressure, intimidate, or manipulate you. The obvious exception to this is if advocacy is a part of your job.

8.5.4 Be professional

Understand that you must promote productive and professional interactions with all customers you interact with at work. Be professional in all your dealings with them, even when they are acting unreasonably.

8.6 UCC Categories

This procedure divides unreasonable conduct into five broad categories:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

The procedure provides an overarching strategy for managing each one. It also identifies the specific behaviours that fall under each category and provides corresponding options for each.

8.6.1 Unreasonable persistence

This includes customers persisting with their issues even though they have been finalised, refusing to accept a final decision, and sending excessive amounts of correspondence and/or telephone contact. The best approach for dealing with unreasonable persistence is to say 'no' – not necessarily using the word but the same principle (See S 2.3 & 2.4 [Managing unreasonable conduct by a complainant \(nsw.gov.au\)](#)).

8.6.2 Unreasonable demands

This includes customers insisting on outcomes that are unattainable, moving the goal posts or demanding to have their matters dealt with in particular ways. The best approach for dealing with unreasonable demands is setting limits – such as limiting how often they can telephone the organisation, who they can call and for how long (See S 2.5 & 2.6 [Managing unreasonable conduct by a complainant \(nsw.gov.au\)](#)).

8.6.3 Unreasonable lack of cooperation

This includes customers providing disorganised, excessive, or irrelevant information, failing to provide relevant information that might not suit their position or argument, being unwilling to consider other valid viewpoints, or refusing to define their issues of concern when they are capable of doing so. The best approach for dealing with unreasonable lack of cooperation is setting conditions – such as requiring the customer to define their issues of concern, organise information they have submitted in support of their complaint, or supply all relevant information in their possession at the outset (See S 2.7 & 2.8 [Managing unreasonable conduct by a complainant \(nsw.gov.au\)](#)).

8.6.4 Unreasonable arguments

This includes customers seeing reason for arguments where there is none, holding conspiracy theories unsupported by evidence, or irrationally interpreting facts or laws and refusing to accept other interpretations. The best approach for dealing with unreasonable arguments is declining and discontinuing – for example, refusing to deal with complaints (or aspects of complaints) that are not supported by any evidence or are clearly illogical. (See S 2.9 & 2.10 [Managing unreasonable conduct by a complainant \(nsw.gov.au\)](#)).

8.6.5 Unreasonable behaviours

This includes extreme anger, aggression, threats or other threatening or violent conduct. The best approach for dealing with unreasonable behaviours is setting limits and conditions about acceptable and unacceptable behaviour and, if necessary, applying safe working procedures and procedures (See S 2.11 & 2.12 [Managing unreasonable conduct by a complainant \(nsw.gov.au\)](#)).

Threats or other threatening or violent conduct are not acceptable in any culture. However, where relevant, reference should be had to S 3.3 *Cultural communication styles* in [Managing unreasonable conduct by a complainant \(nsw.gov.au\)](#) to see if the person's expressive

communication style makes it appear as if they are angry or aggressive when they are actually displaying passion for their cause.

8.7 Early Warning Signs

It is important that all councillors and officers are able to identify the early warning signs of UCC in order for Council to effectively respond to and manage UCC.

Early intervention is typically the most effective way to prevent and/or minimise the impacts of UCC and there are several early warning signs of UCC. By identifying some of these warning signs councillors and officers may be able to see difficult and potential UCC cases and prepare for them before they escalate.

Early warning signs of UCC include:

8.7.1 Customer History - where the customer has:

- Raised a number of service requests on the same issue that is deemed an excessive amount compared to requests made on the same issue by other customers
- Made a number of previous complaints and review requests to Council about their issue (or related issues)
- Contacted various other government agencies, MPs, Ministers, or oversight bodies about their issue
- Made a number of access to information requests for their issue
- Complained about an officer's (or Council's) integrity or competence largely or solely because they were dissatisfied with the outcome or level of attention they were given etc.
- Suffered disproportionate losses in their personal and/or professional lives as a result of pursuing their issue – e.g., financial, or social problems, employment or career related problems or clinical depression
- A known history of physical violence or serious verbal threats, including having a previous history with QPS in relation to such issues
- Safety alerts on their customer profile either at Council or another organisation
- A history of substance abuse or mental health issues (only in some cases)

8.7.2 Style of Writing – where the customer's electronic or written communications contain:

- Text that is UPPERCASE, lowercase, underlined, bolded, highlighted, in different colours, fonts or sizes.
- Extensive and/or inappropriate uses of technical language – e.g., legal, or medical terminology
- A formatting or reporting style that appears to imitate an official style – e.g., QPS operational format

- Excessively dramatic language and/or idiosyncratic emphasis
- Multiple Cc's addressed to various people and/or organisations
- Text or notes all over the page(s), including in the margins
- References to themselves in the third person by name or as 'the victim' or 'the defendant'
- Repeated restatements of their issue, often done in different ways
- An excessive number of pages and/or supporting information, most of which are irrelevant e.g., photocopies, press clippings, diary entries or testimonials.

8.7.3 Interaction with Council – where the customer:

- Is rude, confronting, angry, aggressive, or unusually frustrated
- Is overly complimentary or manipulative or makes veiled threats
- Makes excessive phone calls, sends excessive amounts of information and correspondence, or regularly makes appointments to discuss their complaint when this is not needed
- Gives forceful instructions about how their complaint should be dealt with and/or by whom
- Has an unreasonable or unusual sense of entitlement
- Displays an inability to accept responsibility and blames others
- Expresses a general dissatisfaction with a person, agency or 'life in general' at the outset and without clear reasons for doing so
- Appears to have a low anger threshold and very little self-control
- Attempts contact while under the influence of drugs or alcohol
- Refuses to define their issues of complaint when they are clearly capable of doing this
- Is resistant to explanation if this runs counter to their own views
- Refuses to accept advice, even if it is clearly valid and reasonable
- Intentionally harasses, intimidates, embarrasses, or annoys the people they are interacting with to get their own way
- Provides information in a piecemeal manner, even though they have been asked to provide all relevant information relating to their complaint or intentionally withholding information
- Provides false information
- Displays an inability to 'let go' and move on from their issue/complaint

- Makes excessive demands on resources

8.7.4 Outcome Sought – where the customer wants:

- A manifestly unreasonable amount of organisational time and resources to be spent dealing with their complaint – e.g., wants it dealt with by a specific senior officer
- Financial compensation that is manifestly inappropriate or unreasonable in the circumstances
- An outcome that is altogether illogical or irrational
- An apology when it is clearly not warranted, or the terms of the apology sought are clearly unreasonable
- Vindication, revenge, or retribution
- Their issue pursued based on a matter of ‘principle’ or the public interest when their interests are clearly personal

8.7.5 Reaction to News - that their complaint will not be taken up, will not be pursued further or an outcome/decision they disagree with, the customer:

- Refuses to accept the decision made/outcome reached in their matter
- Reframes their complaint in an attempt to have it taken up again
- Provides previously withheld information in an attempt to have their case reopened
- Raises a range of minor or technical issues and argues that they somehow invalidate the decision/outcome of their complaint
- Expects a review of the decision/outcome simply because they are dissatisfied with it and without making a clear argument for one
- Demands a second review when they have already had the benefit of one
- Takes their complaint to other forums alleging bias or corruption on the part of the case handler or organisation, simply because the decision went against them

8.8 When Does Conduct Become Unreasonable?

A customer’s conduct needs to be considered unreasonable in order for Council and its officers to justify taking steps to restrict or terminate contact or implement alternative service arrangements to manage the impacts of that conduct.

Remembering we determine that a customer’s conduct is unreasonable if it has unacceptable consequences (raises substantial health, safety, resource, or equity issues) for one or more of the parties exposed to the conduct. Identifying the specific point when the negative impacts of a customer’s conduct become so significant that they become unacceptable, and therefore unreasonable, is not always easy.

The following list of criteria is provided to assist officers to assess whether a customer's conduct is, or has become, unreasonable. The criteria will need to be considered in each individual case to determine whether the conduct in question is unreasonable.

They are:

1. The merits of the case:

- Is there substance or value in the customer's matter?
- Is there an inherent right or wrong in the matter?
- Does it appear that the customer may have suffered a relatively substantial loss, either in financial terms or impact on their wellbeing?

2. The customer's circumstances:

- Does the customer have the health, intellectual, linguistic, financial, and social resources needed to cooperate and meet the requirements of the complaint process? If they do, then more can be expected of them in terms of their conduct than if some or all of these resources are absent
- Are there any cultural influences that may be affecting the customer's conduct that have the potential to be misinterpreted – e.g., in some cultures people prefer to talk quite closely which others may perceive as being intrusive. Also, in certain cultures there are underlying apprehensions or reluctances to engage with government or authority figures which may affect interactions

3. Proportionality

- Is the customer's behaviour/reaction proportionate when compared to the loss or harm they have suffered?
- Are the customer's demands on time and resources proportionate to the seriousness of their issue – e.g., wanting it dealt with by a supervisor or senior officer?

4. The customer's responsiveness

- Do calming measures and explanations help to settle the customer down?
- Is this the first time the customer has displayed this type of behaviour, or has it occurred in the past?
- Has the customer been warned previously about their conduct?

5. Personal boundaries

Have your personal boundaries been crossed? For example, do you feel unusually stressed, anxious, threatened or otherwise uncomfortable when interacting with the customer? Note: everyone's personal boundaries are different. Some of us may have a high tolerance for swearing, raised voices or insults, but others will not.

6. Conduct that is unreasonable and unacceptable under all circumstances

- Does the conduct involve aggression, harassing words or actions, threats, violence, or assault which should not be tolerated under any circumstances?
7. Jurisdictional issues
- Is there any law, legislation or policy that might limit or affect the types of strategies you can use to manage the customer's conduct? For example, does the customer have a statutory right to the services provided by Council thereby preventing us from terminating their access to those services?

8.9 Manage Initial Interactions

Managing customer behaviour is a core function of a customer service role. Frontline officers are trained in managing conflict resolution and basic customer service skills to enable them to interact successfully and safely with customers.

Councillors also receive training to support them to interact with their constituents successfully and safely.

It is important that councillors and officers know how to respond in a situation where a customer's behaviour becomes unreasonable in order for the situation to be managed appropriately.

One of the key components in being able to achieve this is by recognising the early signs of customer anger and using effective techniques to try and diffuse or avoid escalation of anger, such as:

- Remaining calm and respectful
- Controlling your own emotions
- Empathising, acknowledging the customer's emotions and point of view (without agreeing)
- Giving an opportunity to 'vent'
- Finding points of agreement
- Clarifying your personal boundaries and what you expect from the customer
- Speak as an equal using non-confrontational language and apologise if necessary.

Try to avoid:

- Responding to jibes
- Arguing
- Defending
- Denying
- Giving excuses

- Being too formal or bureaucratic
- Invading personal space
- Suggesting the customer needs therapy or counselling

When managing initial interactions where early signs are apparent:

- Avoid over-reacting or being judgemental
- Use an appropriate communication style
- Assess whether the conduct poses a risk to safety or resourcing implications
- Think strategically by separating the customer's conduct from the issues they have raised
- Seek guidance from a supervisor or the CMU to develop an action plan
- Be positive and open-minded
- Make a comprehensive record of interactions, including relevant observations about the customer's conduct

Each department has developed its own safe working procedures relevant to the different environments in which officers may interact with customers.

While those safe working procedures should be adhered to, the following provides general advice on initial actions which may be taken, including but not limited to:

- Intervene and de-escalate the customer's behaviour using the standard de-escalation techniques in your department's safe working procedure
- Advising that no further assistance can be provided and ending the face-to-face interaction
- Providing a verbal warning and ending a phone call
- Escalating the matter to a supervisor
- Removing yourself from the situation to a safe position
- Request the customer leave Council premises
- Have the customer removed from Council premises (which may include security/QPS involvement)
- Escalate if the conduct threatens the immediate wellbeing of yourself or another customer and follow your department's safe working procedure. QPS may need to be called in these circumstances by phoning 000.

8.10 Reporting Incidents

Council is committed to ensuring that incidents which cause harm (or potential harm) to officers and all other persons affected by its work operations, are reported, investigated, and

managed so that all officers are able to perform their role safely and with the knowledge that incidents will be investigated to prevent recurrence in future.

Council's [Incident Reporting and Investigation Procedure](#) defines the requirements for all incidents to be reported and investigated, and any preventative and corrective actions implemented to eliminate or minimise the risk of harm, as well as the prevention of future occurrences.

Under that procedure it is the role of officers to:

- immediately notify their supervisor of all incidents, including near misses, in accordance with the timeframes and requirements of the procedure
- participate in the incident investigation process and provide any additional information where required

The Workplace and Wellbeing Manager will provide the CMU a copy of reported UCC incidents for monitoring.

NOTE: Councillors will need to report any incidents to the CEO for inputting in Velocity EHS. The CEO's Office will advise the CMU of the reported incident for inclusion in the UCC Register.

8.11 When to Escalate UCC to the CMU

If customer conduct is considered UCC, and it can't be managed using safe working procedures or initial strategies, the matter must be escalated to the CMU by using the **UCC Referral Application Form** which includes a brief/memorandum outlining the history of the matter, basis of initial assessment etc.

In most cases, the CMU will advise to provide the customer with a written warning (template letter provided by the CMU) in relation to their conduct/behaviour. The CMU have resources to assist officers in maintaining healthy stakeholder relationships when current communication methods have been exhausted and become ineffective.

NOTE: Should the customer's conduct (regarding the issue at hand) continue after receipt of their warning, the matter **must** then be referred back to the CMU for further consideration.

8.12 Managing Escalated UCC

Once the UCC behaviour has been identified there are a number of ways in which Council can manage this behaviour. When using the strategies provided in this procedure and the [Managing unreasonable conduct by a complainant \(nsw.gov.au\)](#), discretion will need to be used to adapt them to suit a customer's personal circumstances, level of competency, literacy skills, etc. In this regard, more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

A Human Rights Impact Assessment must be undertaken on any considered strategies prior to implementation.

Any strategies where possible, must be communicated to the customer in writing and should include the following:

- Reasons why the strategy has been implemented
- Clear advice on the conditions of the strategy
- How to appeal the strategy
- The review period of the strategy

Communication of any implemented strategy must be distributed to all relevant stakeholders, caution notes will be created on customer profiles in Council systems to alert staff of any implemented plans, and the UCC Register will be updated.

8.13 Changing or Restricting a Customer's Access to Council Services

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

- Who they have contact with – e.g., by limiting a customer to a sole contact point 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 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 in extreme circumstances, prohibiting access to Council services altogether.

8.13.1 Who – Limiting the Customer to a Sole Contact Point

Where a customer tries to forum shop internally within Council, changes their issues of concern repeatedly, reframes their issues/complaint, or raises an excessive number of concerns or queries it may be appropriate to restrict their access to a sole contact point who will exclusively manage their interactions with Council. This may ensure they are dealt with consistently, and may minimise the chances for misunderstandings, contradictions, and manipulation.

To avoid staff 'burn out' the sole contact officer's supervisor will provide them with regular support and guidance as needed. Also, that supervisor will review the arrangement every four weeks to ensure that the officer is managing/coping with the arrangement.

Customers who are restricted to a sole contact point will however be given the contact details of one additional officer who they can contact when and if their primary contact is unavailable – e.g., they go on leave or are otherwise unavailable for an extended period.

It is recognised in most instances when limiting contact that the contact point provided will be the CMU. The Complaints Management Team Leader will provide any required support to the nominated Customer Liaison Officer/s.

8.13.2 What – Restricting the Subject Matter of Communications that Council will Consider

Where customers repeatedly send written communications, letters, emails, or online forms that raise trivial or insignificant issues, are queries that have already been addressed or are relating to information that is not publicly available (and they have been advised of this), contain inappropriate or abusive content or relate to a complaint/issue that has already been comprehensively considered and/or reviewed (at least once) by Council, then Council may restrict the issues/subject matter the customer can raise with Council and that will be responded to.

For example, Council may:

- Refuse to respond to correspondence that raises an issue that has already been dealt with comprehensively, that raises a trivial issue, or is not supported by clear/any evidence. The customer will be advised that future correspondence of this kind will be read and filed without acknowledgement unless the decision is made that Council will need to pursue it further in which case, Council may do so on its 'own motion'.
- Restrict the customer to one complaint/issue per week. Any attempts to circumvent this restriction, for example by raising multiple complaints/issues in the one piece of correspondence may result in modifications or further restrictions being placed on their access.
- Return correspondence to the customer and require them to remove any inappropriate content before Council will agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for Council records to identify repeat/further UCC incidents.

8.13.3 When – Limiting When and How a Customer Can Contact Council

If a customer's telephone, written or face-to-face contact with Council places an unreasonable demand on a councillor or officer's time or resources because it is overly lengthy (e.g., disorganised, and voluminous correspondence), or affects the health safety and security of councillors or officers because it involves behaviour that is persistently rude, threatening, abusive or aggressive, limits may be placed on when and/or how the customer can interact with Council.

This may include:

- Limiting their telephone calls or face-to-face interviews to a time of the day or days of the week
- Limiting the length or duration of telephone calls, written correspondence, or face-to-face interviews. For example:

- Telephone calls may be limited to 10 minutes at a time and will be politely terminated at the end of that time period
- Lengthy written communications may be restricted to a maximum of five typed or written pages, single sided, font size 11 or it will be sent back to the customer to be organised and summarised – This option is only appropriate in cases where the customer is capable of summarising the information and refuses to do so
- Limiting face-to-face interviews to a maximum of 45 minutes
- Limiting the frequency of their telephone calls, written correspondence, or face-to-face interviews. Depending on the natures of the service(s) provided Council may limit:
 - Telephone calls to one every two weeks/month
 - Written communications to one every two weeks/month
 - Face-to-face interviews to one every two weeks/month

For irrelevant, overly lengthy, disorganised, or frequent written correspondence Council may also:

- Require the customer to clearly identify how the information or supporting materials they have sent to Council relate to the central issues that have been identified in their concerns/complaint
- Restrict the frequency with which customers can send emails or other written communications to Council
- Restrict a customer to sending emails to an email account (e.g., Council's CMU email account) or block their email access altogether and require that any further correspondence be sent through Australia Post only

8.13.4 Writing Only Restrictions

When a customer is restricted to 'writing only' they may be restricted to written communications through:

- Australia Post only
- Email only to the generic CMU email account
- Fax only to a specific fax number
- Some other relevant form of written contact, where applicable

If a customer's contact is restricted to 'writing only', the CMU will clearly communicate to the customer the reasons for the restriction, clearly outline whatever restrictions may be in place on the content of the written correspondence and identify the specific means that the customer can use to contact Council (e.g., Australia Post only). Also, if it is not suitable for a customer to enter Council premises to personally deliver their written communication, this must be communicated to them as well.

Any communications that are received by Council in a manner that contravenes a writing only restriction will either be returned to the customer or read and filed without acknowledgement.

8.13.5 Where – Limiting Face-to-Face Interviews to Secure Areas or Attending Council Premises

If a customer is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to Council premises, considerations may be had on restricting Council's face-to-face contact with them.

These restrictions may include:

- Restricting access to secured premises or areas of Council premises – such as the Lobby or secured room/facility
- Restricting their ability to attend Council premises to specified times of the day and/or days of the week only – for example, when additional security is available or to times/days that are less busy
- Allowing them to attend a Council Premises on an 'appointment only' basis and only with specified councillors or officers. Note – during these meetings councillors and officers should always follow safe working procedures and if required, seek support and assistance from Safe City and Asset Protection for added safety and security
- Restricting the customer from attending Council premises altogether and allowing some other form of contact – e.g., 'writing only' or 'telephone only' contact

8.13.6 Contact through a representative only

In cases where Council cannot, or it is not appropriate to completely restrict contact with a customer and their conduct is particularly difficult to manage, Council may choose to restrict their contact to contact through a support person or representative only.

The support person may be nominated by the customer but must be approved by the CMU. In some instances, the CMU may need to seek assistance from Safe City and Asset Protection when assessing suitable support persons.

When assessing a representative/support person's suitability, the CMU should consider factors such as:

- The nominated representative/support person's competency and literacy skills,
- Demeanour/behaviour and relationship with the customer.

If the CMU determines that the representative/support person may exacerbate the situation with the customer, the customer will be asked to nominate another person.

8.13.7 Completely removing a customer's access to our services or premises

In rare and extreme cases, and/or as a last resort when all other strategies have been considered and/or attempted, a briefing will be prepared by the CMU for the relevant General Manager (GM), who in conjunction with the CEO may decide that it is necessary for Council to completely restrict a customer's access to Council services or premises.

Along with a Human Rights Impact Assessment, advice from the Legal Services Team **must** be sought before any decision made to completely remove a customer’s access is implemented.

The CEO **must** inform the Mayor of a decision that has been made to terminate customer’s access to Council’s services or premises.

A decision to have no further contact with a customer will only be considered if it appears that the customer is unlikely to modify their conduct and/or their conduct poses a significant risk for officers or other parties because it involves one or more of the following types of conduct:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault
- Damage to property while on Council premises
- Threats with a weapon or common items that can be used to harm another person or themselves
- Physically preventing an officer from moving around freely either within their office or during an off-site visit – e.g., entrapping an officer in their home
- Conduct that is otherwise unlawful

Consideration will be given to the CMU advising QPS of a decision to remove access and the circumstances that led to that decision if they have not already been advised. In these cases, where possible the customer will be sent a letter notifying them that their access has been removed.

A customer’s access to Council services and/or premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect councillors and officers from personal violence, intimidation or stalking by a customer. These measures may also be required to be used to protect other customers or members of the public who might be subject to a UCC incident on Council premises.

For more information about the types of circumstances where legal mechanisms may be used to deal with UCC, advice must be sought from the Legal Services Team.

8.14 Model for identifying and developing a strategic response to UCC

Identifying Warning Signs	Assess the reasonableness of the conduct	Categorise the conduct	Consider and select strategies	Implement strategies and monitor
<p>Indicators:</p> <p>Customer’s history</p> <p>Style/content of communication</p>	<p>Criteria:</p> <p>Likely level of impact/risk on staff, other customers, service delivery</p>	<p>Categories:</p> <p>1. Persistence</p> <p>2. Demands</p>	<p>Considerations:</p> <p>History of a complainant’s interactions with Council</p>	<p>Implement:</p> <p>Take actions to put strategies into practice</p>

Interaction with Council	Merits of issue	3. Level of cooperation	Previous successful communication techniques	Record assessment and strategy
Outcomes sought	Assess compatibility with human rights	4. Arguments	Likely level of impact/risk on staff, service delivery	Communicate strategy
Reactions to advice/outcomes	Customer's circumstances	5. Behaviour	Personal thresholds and skill level of the complaint handlers	Monitor:
Recordkeeping:	Proportionality		Council policy, procedures and supporting documents	Customer's response
Report all UCC incidents	Responsiveness		Jurisdictional issues	Staff response – signs of stress
Make a factual record of interactions/observations	Personal boundaries breached			Level of success for Council
Handle initial interactions appropriately	Unreasonable under any circumstances			Respond/alter strategy as required

8.15 Stepped Guidance on Initial Management of UCC for Councillors and Officers

Step 1.0	<p><u>GUIDANCE FOR ALL OFFICERS INCLUDING COUNCILLORS</u></p> <p><u>Promapps – Recognising and Responding to UCC</u></p> <p><u>Responding to UCC in the Lobby</u></p> <p><u>Respond to UCC in the Library</u></p> <p>Assess the Reasonableness of the Conduct</p> <p>The following criteria will need to be considered in each case to determine whether the conduct is unreasonable:</p> <ul style="list-style-type: none"> The level or potential level of impact/risk on – staff, customers, service delivery
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- The merits – including the substance of the customer’s matter, the extent of injustice, loss, or impact on the customer
- Assess compatibility with human rights
- The customer’s circumstances – including their health, intellectual, linguistic, cultural influences, social resources
- Proportionality – over reactions, demands proportionate to the seriousness of their issue
- Customer’s responsiveness – history of customer’s behaviour, response to calming measures
- Personal boundaries – have they been crossed (both yours, and/or those of others involved)
- Conduct that is unreasonable under all circumstances – aggression, harassing words or actions, threats, violence, or assault

Note:

If the conduct threatens the immediate physical wellbeing of yourself or another customer, please follow your department’s safe working procedure. QPS may need to be called in these circumstances.

Action required – If behaviour is assessed as unreasonable proceed to [Step 2.0](#)

No action required - If behaviour is not assessed as unreasonable

Step 2.0

GUIDANCE FOR ALL OFFICERS INCLUDING COUNCILLORS

Categorise the Conduct

UCC can be divided into five categories – persistence, demands, lack of cooperation, arguments, and behaviour.

Unreasonable Persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.

Some examples of unreasonably persistent behaviour are:

- Persists with unconventional interpretations of policy or law
- Unwilling/unable to accept reasonable/logical explanations even after comprehensive consideration and response
- Demands a review because it is available often without presenting an arguable case for review

- Pursues and exhausts all available review options
- Refuses to accept a complaint that is closed or that further action cannot or will not be taken
- Uses contrived arguments to garner support for further consideration
- Over-repetitive phone calls, visits, letters, emails (including Cc'd correspondence) sometimes after being asked to stop
- Internal/external forum shopping – seeking contact with other councillors or officers in Council in the hope of receiving a different outcome or more sympathetic response

Unreasonable Demands

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.

Some examples of unreasonable demands are:

- Raising issues outside of Council's responsibility
- 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
- Requesting actions that are inappropriate or demanding for issues to be dealt with in a particular way, including requesting an immediate response
- Demanding answers to questions that have already been responded to comprehensively and or repeatedly
- Changing their issues or desired outcome while their matter is being dealt with
- Demanding information that is not permitted to be disclosed/provided e.g., copies of sensitive documents, names, personal details of staff
- Insisting on talking to a senior manager, CEO, Mayor, or councillor personally when it is not appropriate or warranted
- Making threats with the intent to intimidate, harass, shame, seduce or portray themselves as being victimised when this is not the case
- Seeking regular and/or lengthy phone calls or face to face contact when it is not warranted
- 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

Unreasonable Lack of Cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer 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.

Examples of unreasonable lack of co-operation include:

- 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 is clearly capable of doing this)
- Refusing to provide key documents that would assist in managing a complaint matter
- Dishonestly presenting the facts, or being unwilling to consider other valid viewpoints
- Refusing to follow or accept Council’s instructions, suggestions, or advice without a clear or justifiable reason for doing so
- Arguing frequently, and/or with intensity, that a particular solution is the correct one in the face of valid contrary arguments and explanations.

Unreasonable Arguments

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:

- Fail to follow any logical sequence
- Are not supported by any evidence
- Lead a customer to reject all other valid and contrary arguments
- Are trivial when compared to the amount of time, resources, and attention that the customer demands
- Are false, inflammatory, or defamatory

Unreasonable Behaviours

Unreasonable behaviour is conduct that is unreasonable in all circumstances regardless of how stressed, angry, or frustrated a customer is; because it unreasonably

compromises the health, safety and security of councillors and officers, other service users or the customer.

Examples of unreasonable behaviours include:

- Acts of aggression, verbal abuse, derogatory, racist, sexist, or grossly defamatory remarks
- Harassment, intimidation, or physical violence
- Rude, confronting, and threatening correspondence
- Threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats
- Stalking (in person or online)
- Emotional manipulation.

The action of categorising conduct assists an officer to:

- Avoid the distraction of speculating about the customer’s motivations
- Avoid the risk of incorrectly or offensively labelling customers
- Separate the customer’s personality or conduct from the issues raised
- Reduce the risk of treating the customer, rather than their conduct as the problem
- Retain a more impartial and strategic focus by responding directly to observed behaviour, rather than assumptions or suspicions
- Retain focus on the problematic conduct and the effect this conduct may have on the management of the issue raised
- Focus on the problematic behaviour and respond to it openly and transparently
- Identify the strategies for responding to the conduct

Note:

If the conduct threatens the immediate physical wellbeing of yourself, another customer, or the customer themselves, please follow your department’s safe working procedure. QPS may need to be called in these circumstances.

If the behaviour is recognised and categorised as UCC – Proceed to [Step 3.0](#)

No further action required - If behaviour is not assessed as UCC

Step 3.0

GUIDANCE FOR ALL OFFICERS INCLUDING COUNCILLORS

Consider and Select Initial Strategies

Once the category of conduct has been established consider appropriate strategies for its initial management. When selecting strategies, you **must** have regard to the principles and objectives listed in this procedure.

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

The following initial actions including, but not limited to, may be taken:

- Intervene and de-escalate the customer's behaviour using the standard de-escalation techniques in your department's safe working procedure
- Advising that no further assistance can be provided and ending the face to face interaction
- Providing a verbal warning and ending a phone call
- Escalating the matter to a supervisor
- Removing yourself from the situation to a safe position
- Request the customer leave Council premises
- Have the customer removed from Council premises (which may include security/QPS involvement)
- Escalate if the conduct threatens the immediate wellbeing of yourself or another customer and follow your department's safe working procedure. QPS may need to be called in these circumstances by phoning 000

Note:

If the conduct threatens the immediate physical wellbeing of yourself, another customer, or the customer themselves, please follow your department's safe working procedure. QPS may need to be called in these circumstances.

All incidents of UCC **must** be documented in Velocity EHS as per the [Incident Reporting and Investigation Procedure](#) .

NOTE: Councillors will need to report any incidents to the CEO for inputting in Velocity EHS. The CEO's Office will advise the CMU of the reported incident for inclusion in the UCC Register.

	<p>Action required - If the UCC cannot be managed initially using safe working procedures escalate to the CMU - Proceed to Step 4.0</p> <p>No further action required - If the UCC has been managed using initial strategies and has been reported.</p>
<p>Step 4.0</p>	<p><u>GUIDANCE FOR ALL OFFICERS INCLUDING COUNCILLORS</u></p> <p>Using the UCC Referral Assessment Form refer the UCC to the CMU for their assessment and advice on which is the most suitable strategy to manage the UCC.</p>

8.16 Step Procedure for the CMU for Managing Referred UCC

<p>Step 1.0</p>	<p><u>CMU – CUSTOMER LIASON OFFICERS</u></p> <p>Responding to Referred UCC</p> <p>The CMU will assess the referred UCC incident (considering strategies in Managing unreasonable conduct by a complainant (nsw.gov.au)) and determine a strategy to manage it.</p> <p>All incidents are assessed on a case by case and in some situations it may be determined that the incident should be managed in the first instance by a warning letter being issued by the referring councillor/officer (referring officer).</p> <p>In that instance the CMU will provide the referring officer with the relevant warning letter template and advice on how that letter should be progressed, including that any drafted letters must be approved by the CMU prior to release. The CMU will create a UCC warning file in Objective and store this advice. The UCC Register will also be updated to capture this warning.</p> <p>The warning letter will inform the customer why we consider their behaviour as unreasonable and what actions are proposed should the behaviour continue.</p> <p>The referring officer will also provide a copy of the warning letter to the CMU which will be stored in the relevant file.</p> <p>This approach affords the opportunity for councillors and officers to meet obligations for managing customer behaviour.</p> <p>Advice is to be provided to the referring officer that they must monitor the customer’s future conduct and if the unreasonable conduct continues, the CMU must be advised so a further strategy can be considered. Generally, this will be the strategy outlined in the warning letter.</p>
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	<p>Action required - If a referred matter cannot be managed by the issuing of a warning letter - Proceed to Step 2.0</p> <p>No further action required - If the UCC can be managed using the warning letter.</p>
<p>Step 2.0</p>	<p><u>CMU – CUSTOMER LIASON OFFICERS</u></p> <p>Managing Referred UCC</p> <p>A UCC file must be created and managed following internal work instructions/Promapp:</p> <p>Setting up an Unreasonable Customer Conduct file</p> <p>The referred matter will be reviewed and assessed using the guidelines in this procedure and the <i>Managing unreasonable conduct by a complainant</i> (nsw.gov.au)</p> <p>Consider and Select Strategies</p> <p>Strategies imposed by the CMU should be appropriate to enable us to deliver our services and minimise impact to employees and other customers.</p> <p>Generally, UCC incidents will be managed by limiting or adapting the ways that Council interacts with and/or deliver services to customers by restricting:</p> <ul style="list-style-type: none"> • Who they have contact with – e.g., limiting a customer 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 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 <p>The proposed strategy must be subject to a Human Rights Impact Assessment (HRIA).</p> <p>All strategies must be approved by the Complaints Management Team Leader.</p>

Any strategies where possible, **must** be communicated to the customer in writing and **must** include the following:

- reasons why the strategy has been implemented
- clear advice on the conditions of the strategy
- how to appeal the strategy
- the review period of the strategy

Communication of any implemented strategy **must** be distributed to all relevant stakeholders, a caution note **must** be created on the customer profile in Council systems to alert staff of any implemented plans, and the UCC Register **must** be updated.

The customer's behaviour will be monitored for the duration of any implemented strategy and the UCC Register updated with any breaches of conditions.

At the end of the review period an assessment will be undertaken of the customer's conduct for the duration of the implemented strategy and an outcome of that assessment will be provided in writing to the customer. This assessment must be approved by the Complaints Management Team Leader.

The UCC Register will be updated with review outcomes and advice provided to the relevant business areas. Any caution notes must also be removed.

If the decision is made to extend the strategy another HRIA must be completed, and approval must be sought from the Team Leader.

The customer must be notified in writing if an extension has been implemented and the customer will be provided advice on the reasons why, along with advice on how they can appeal that decision.

NOTE: Any strategy that involves removing permanent access to a Council service will only be considered if there is a documented history of contact with a customer warning them of the proposed consequences of their unreasonable conduct, and only after these strategies have been enacted and are unsuccessful in managing the UCC. Alternatively, this will only be considered if the UCC is so extreme that an officer's safety cannot be guaranteed.

These UCC cases **must** be referred to the relevant GM by way of a briefing from the CMU.

The GM will then consider removing permanent access to a Council service and in conjunction with the CEO, will determine if this is an appropriate approach to manage the UCC. Any decision made at this level must have a HRIA completed and advice sought from the Legal Services Team before being implemented.

	<p>The GM will advise the CMU of any decision made so any required correspondence on this decision can be drafted and released to the customer where possible.</p> <p>Any notification required to the organisation will be undertaken by the CMU.</p> <p>Action required - If a customer objects to an implemented strategy - Proceed to Step 3.0</p> <p>No further action required - If no objection is received.</p>
<p>Step 3.0</p>	<p><u>CMU - COMPLAINTS MANAGEMENT TEAM LEADER</u></p> <p>Managing a Right to Appeal</p> <p>Customers are entitled to one appeal of a decision to restrict how they engage with Council. The Complaints Management Team Leader will assess and respond in writing to any objection (appeal) raised by a customer being managed under a UCC strategy.</p> <p>Customers who are dissatisfied with the appeal process, can request an external review by escalating their concerns directly with the Queensland Ombudsman. Advice on the available review rights will be included in the appeal response.</p>

9. Monitoring and Review

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

- Councillors and officers training and induction processes that build understanding and adoption of this Procedure
- Councillors and officers refer appropriately to the CMU
- Human rights are appropriately considered when making decisions under the UCC Policy and Procedure, acts and decisions are compatible with human rights
- All UCC incidents appropriately recorded in the applicable records management system
- Through self-generated reports the CMU monitors behaviours
- Through EHS reports the Workplace Safety and Wellbeing Branch monitor UCC behaviours
- Ensure that Hazards and Risk Assessments are conducted at required timeframes

10. Related Documents

- Ipswich City Council Unreasonable Customer Conduct Policy
- Ipswich City Council Complaints Management Policy
- Ipswich City Council Complaints Management Procedure

- 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

11. Definitions

Constituent	A person who is represented politically by a designated government official or officeholder, especially when the official is one that the person represented has the opportunity to participate in selecting through voting or perhaps through other methods of indicating political confidence and support.
Complaint	<p>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.</p> <p>Section 268(2) of the Local Government Act 2009 defines an ‘administrative action complaint’ as a complaint that:</p> <p>(a) Is about an administrative action of a local government, including the following, for example</p> <ul style="list-style-type: none"> ○ A decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision ○ An act, or failure to do an act ○ The formulation of a proposal or intention ○ The making of a recommendation; and <p>(b) Is made by an affected person.</p>
Complainant	An individual or group that makes a complaint about perceived failings or issues that affect them.
Council	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 Officer	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)	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 behaviours, intentional physical attacks, aggravated assault, threats with an offensive weapon, sexual harassment, and sexual assault.
Supervisor	Means a Council officer employed in a role primarily based on authority over a worker or in charge of a workplace (for example, a Team Leader, Section or Branch Manager or General Manager).
Unreasonable Customer Conduct (UCC)	Behaviour by a current or former customer/complainant/constituent which, because of its nature and frequency, raises substantial health, safety, resource, or equity issues.

12. Process Model

[Recognising and Responding to Unreasonable Customer Conduct \(UCC\)](#)

13. Procedure Owner

The Corporate Governance Manager is the procedure owner, and the Complaints Management Team Leader is responsible for authoring and reviewing this procedure.