

Unreasonable Customer Conduct Policy – v1.0

November 2023

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Acknowledgement of Country

Cardinia Shire Council (Council) recognises and values the Bunurong and Wurundjeri tribes as the original inhabitants of the land that makes up Cardinia Shire.

Council's name is derived from the Kulin nation word 'Kar-din-yarr', meaning 'look to the rising sun' or 'close to the sunrise'.

Council's logo, which includes a motif of the rising sun, reflects this meaning.

Council is committed to developing and strengthening relationships through reconciliation. Council supports the reconciliation process, which promotes mutual respect and understanding of the Aboriginal peoples and of all ethnic groups and their history and culture in our community.

Purpose of the Unreasonable Customer Conduct Policy

Council is committed to being accessible and responsive to all customers who approach our office for assistance and/or with a request.

At the same time the success of our operations depends on:

- our ability to do our work and perform our functions in the most effective and efficient ways possible,
- the health, safety and security of our Officers and Contractors, and
- our ability to allocate our resources fairly across all the requests we receive.

When customers behave unreasonably in their dealings with us, their conduct can significantly affect our success. As a result, Council will take proactive and decisive action to manage any customer conduct that negatively and unreasonably affects us and will support our Officers and Contractors to do the same in accordance with this policy.

Customer Service Standards

Council is committed to providing outstanding service to the community and any individual or organisation conducting business with Council. Employees are expected to strive to provide excellent customer service.

Council sets service and performance standards for many of its services and these are reported quarterly to the Senior Leadership Team and Council. Officers and Contractors are expected to comply with these standards.

Further information on this can be found in Council's [Employee Code of Conduct](#).

Child Safe Commitments

Council has zero-tolerance towards abuse and neglect of children and young people. Council is committed to the rights of all children to feel safe and be safe when participating in Council activities, services and programs.

Further information on this can be found in Council's [Child Safe Policy](#)

Defining Unreasonable Customer Conduct

Most customers who interact with us act reasonably and responsibly. However, in a very small number of cases, some customers behave in ways that are inappropriate and unacceptable – despite Council’s best efforts to help them.

Unreasonable customer conduct is any behaviour by a current or former customer which, because of its nature or frequency raises substantial health, safety, resource or equity issues for Council, our Officers, Contractors, other service users and customers, or the customer themselves.

Unreasonable customer conduct can be divided into five categories of conduct:

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

Unreasonable Persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on Council’s Officers, Contractors, services, time and/or resources. Where a customer is appropriately following Council’s [Complaint Policy](#) it will not be considered unreasonable persistence.

Some examples of unreasonably persistent behaviour include:

- An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
- Persistently demanding a review simply because it is available and without arguing or presenting a case for one.
- Pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their requests.
- Reframing a request to get it taken up again.
- Bombarding our Officers, Contractors, or organisation with phone calls, visits, letters, emails (including cc’d correspondence) when not warranted.
- Contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their request.

Unreasonable Demands

Unreasonable demands are any demands (expressed or implied) that are made by a customer which have a disproportionate and unreasonable impact on Council’s Officers, Contractors, services, time and/or resources. Some examples of unreasonable demands include:

- Issuing instructions and making demands about how Council have/should handle their request, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a senior manager, the CEO or a General Manager personally when it is not appropriate or warranted.
- Raising issues beyond Council’s responsibility.
- Asking for a resolution that is impractical or disproportionate or insisting that more time be spent on a request than is warranted.
- Demanding services that are of a nature or scale that Council cannot provide.
- Demanding information that customers are not entitled to.

Unreasonable Lack of Cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with Council's Officers, Contractors, or requests system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources. Some examples of unreasonable lack of cooperation include:

- Sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of request or explaining how they relate to the core issues being complained about.
- Providing little or no detail with a request and refusing to provide further information when asked.
- Refusing to follow or accept reasonable instructions, suggestions, or advice.
- Arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others etc.

Unreasonable Arguments

Unreasonable arguments include any arguments that are exaggerating issues, holding irrational beliefs, being obsessed with irrelevancies or trivialities, refusing to consider counter-arguments, being guided by conspiracy theories or unreasonably impact upon Council's Officers, Contractors, services, time, and/or resources. Arguments are unreasonable when they:

- fail to follow a logical sequence,
- are not supported by any evidence and/or are based on conspiracy theories,
- 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, or
- are false, inflammatory or defamatory.

Unreasonable Behaviours

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a customer is – because it unreasonably compromises the health, safety and security of Council's Officers and Contractors, other service users or the customer themselves. Some examples of unreasonable behaviours include:

- Acts of aggression, verbal abuse, derogatory, racist, 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.

All Council's Officers and Contractors should note that Council has a zero-tolerance policy towards any harm, abuse or threats directed towards them. Any conduct of this kind will be dealt with under this policy and in accordance with our duty of care and occupational health and safety responsibilities.

Actions Council May Take in the Event of Unreasonable Conduct

When using the restrictions provided in this section, Council recognise that discretion will need to be used to adapt them to suit a customer's personal circumstances.

In this regard, we also recognise that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

Actions Council may take in the event of unreasonable conduct include:

- Limiting the customer to a sole contact point.
- Restricting the subject matter of communications that Council will consider.
- Limiting when and how a customer can contact Council.
- Limiting face-to-face interactions to secure areas.
- Limiting contact through a representative only.
- Restricting the access to Council premises or facilities.

The General Manager Customer, People and Performance has the responsibility and authority to change or limit a customer's access to Council in line with this policy. Any strategies employed will consider the impact to the customer and adhere to the [Charter of Human Rights and Responsibilities Act 2006](#).

Alternative Dispute Resolution

If the General Manager Customer, People and Performance determines that services to a customer cannot be limited or restricted in a particular case or that we bear some responsibility for causing or exacerbating their conduct, Council may consider using alternative dispute resolution strategies such as mediation and conciliation to resolve the conflict with the customer and attempt to rebuild our relationship with them.

A decision as to whether or not to participate in Alternative Dispute Resolution is made on a case-by-case basis and is considered appropriate in the absence of any previous Alternative Dispute Resolution strategies.

Early engagement with the customer prior to formal intervention under the policy should be attempted where practical.

Changing or Restricting Access

When determining if a customer's access should be changed the General Manager Customer, People and Performance will consult with relevant Officers and/or Contractors on the following:

- The circumstances that gave rise to the conduct/incident(s).
- The impact of the customer's conduct on Council, relevant people, our time, resources, etc.
- The customer's responsiveness to the Officers and/or Contractors warnings/requests to stop the behaviour.
- The actions relevant people have taken to manage the customer's conduct, if any.
- The suggestions made by relevant people on ways that the situation could be managed.

Criteria to be Considered

The following criteria will be considered when determining if a customer's access should be changed;

- Whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances).
- Whether the customer's case or complaint has merit.
- The likelihood that the customer will modify their unreasonable conduct if they are given a formal warning about their conduct.
- Whether changing or restricting access to our services will be effective in managing the customer's behaviour.
- Whether changing or restricting access to our services will affect the customer's ability to meet their obligations, such as reporting obligations.
- Whether changing or restricting access to our services will have an undue impact on the customer's welfare, livelihood or dependents etc.
- Whether the customer's personal circumstances have contributed to the behaviour.
For example, the customer is a vulnerable person who is under significant stress as a result of one or more of the following:
 - Homelessness
 - Physical disability
 - Illiteracy or other language or communication barrier
 - Mental or other illness
 - Personal crisis
 - Substance or alcohol abuse
- Whether the customer's response/conduct in the circumstances was moderately disproportionate, grossly disproportionate or not at all disproportionate.
- Whether there are any statutory provisions that would limit the types of limitations that can be put on the customer's contact/access to our services.
- Whether we bear some responsibility for causing or exacerbating their conduct.

Once we have considered these factors a decision will be made on the appropriate course of action.

Providing a Written Warning

Unless a customer's conduct poses a substantial risk to the health, safety and wellbeing of Officers and/or Contractors or other third parties, the Customer may be provided with a written warning about their conduct in the first instance.

Providing a Notification Letter Notice of a Decision

If a customer's conduct continues, after they have been given a written warning or in extreme cases of overt aggression, violence, assault or other unlawful/unacceptable conduct, Council has the discretion to restrict the Customer's access to Council Services immediately without prior written warning. The Customer will be provided a notice of that decision in writing where appropriate and possible.

Where necessary, police will be notified.

Continued Monitoring/Oversight Responsibilities

Once a customer has been issued with a warning letter or notification letter Council will review the customer's record/restriction every 12 months, on request by one of our people, or following any further incidents of Unreasonable Customer Conduct that involve the customer to ensure that they are complying with the restrictions/the arrangement is working.

If Council determine that the restrictions have been ineffective in managing the customer's conduct or are otherwise inappropriate Council may decide to either modify the restrictions or impose further restrictions.

Appealing a Decision to Change or Restrict Access

Customers are entitled to one appeal of a decision to change/restrict their access to our services. This review will be undertaken by a General Manager who was not involved in the original decision to change or restrict the customer's access. The General Manager will consider the customer's perspective along with all relevant records regarding the customer's past conduct. They will advise the customer of the outcome of their appeal by letter which must be signed off by the General Manager Customer, People and Performance.

The General Manager will then refer any materials/records relating to the appeal, to the General Manager Customer, People and Performance, to be stored in accordance with our privacy policy.

If a customer continues to be dissatisfied after the review process, they should be advised to contact the Victorian Ombudsman at <https://www.ombudsman.vic.gov.au>.

Periodic Reviews

All unreasonable customer conduct cases where this policy is applied will be reviewed 12 months after the service change or restriction was initially imposed or continued/upheld.

Legislation and Related Documents

- [Information Privacy Act 2000](#)
- [Privacy and Data Protection Act 2014](#)
- [Local Government Act 2020](#)
- [Local Government Act 1989](#)
- [Charter of Human Rights and Responsibilities Act 2006](#)
- [Cardinia's Complaint Policy](#)
- [Customer Service Charter - Draft v1.1.docx](#)
- [Cardinia Shire Councils Employee Code of Conduct](#)
- [Cardinia Shire Councils Child Safe Policy](#)

Review of the Unreasonable Customer Conduct Policy

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Responsible officer	Coordinator Customer Support		
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