

1 PURPOSE

The purpose of this policy is to provide the community and staff guidance on how City of Darwin will respond to customer behaviour that is considered threatening, intimidating or extreme and can have physical and emotional health and safety risks for our staff. This policy acknowledges the risks inherent in such conduct and aims to minimise the consequences of such behaviour in a reasonable and proportionate manner.

2 SCOPE

This policy aims to:

- Provide definitions and examples of unreasonable conduct
- Provide guidance for customers and staff on our response to unreasonable conduct.
- Ensure that staff feel confident and supported in taking appropriate action to manage unreasonable customer conduct.
- Ensure that customers are dealt with fairly, consistently, honestly and appropriately.

3 POLICY STATEMENT

We are committed to being accessible and responsive to all customers who approach us for assistance, raising legitimate and important concerns, enquiries or requests and to ensuring a timely response to all enquiries, requests, concerns and complaints received.

We are also committed to ensuring the health, safety and security of employees and all visitors to our facilities.

The majority of customers act reasonably and responsibly in their interactions with us, even if they are experiencing distress, frustration or anger about a particular matter. However, in a very small number of cases, customers can engage in conduct that is considered to be unreasonable.

Unreasonable Customer Conduct (UCC) can be divided into five categories of conduct:

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

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UCC incidents will generally be managed by limiting or adapting the ways that we interact with and/or delivers services by:

- Limiting a customer to a sole contact person/staff member.
- Restricting the subject matter of communications that we will consider and respond to.
- Limiting a customer’s contact with us to a particular time, day or length of time or curbing the frequency of their contact.
- Limiting the locations where we will conduct face-to-face meetings to secured facilities or areas.
- Limiting or modifying the forms of contact that customer can have with us.

Any restrictions must be reasonable, proportionate and justifiable in the circumstances. In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the Chief Executive Officer may decide that it is necessary for us to completely restrict a customer’s contact/access to our services.

A decision to have no further contact with a customer can only be made by the Chief Executive Officer. It will only be made if it appears that the customer is unlikely to modify their conduct, and/or their conduct poses a significant risk for our staff or other parties because it involves such conduct as:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault (including spitting or deliberately coughing).
- Damage to our property.
- Threats with a weapon or common office items that can be used to harm another person or themselves.
- Physically preventing a staff member from moving around freely either within our premises or during an off-site visit.

A customer’s access to our services and premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect members of staff.

When using the restrictions provided in this section, we recognise that discretion will need to be used to adapt them to suit a customer’s personal circumstances, level of competency, disabilities, literacy skills etc. 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.

Any restrictions placed on a customer’s access restrictions will be reviewed by senior management at reasonable intervals. The *Information Act* (the Act) provides our customers with a general right of access to information held by us unless there is an overriding public interest consideration against the disclosure of the legislation. These considerations are outlined in the Act. Nothing in this policy is intended to prevent customers from exercising their rights under the Act.

4 DEFINITIONS

Customer – any person engaging with us. This may include, but is not limited to, individuals paying outstanding rates, fees and penalties, individuals seeking information, individuals using our facilities, vendors, potential vendors, or employment candidates.

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Type of Unreasonable Customer Conduct	Definition	Examples
Unreasonable Persistence	Continued, incessant and unrelenting conduct by an individual or group that has a disproportionate and unreasonable impact on our staff, services, time and resources.	<ul style="list-style-type: none"> • Bombarding us with calls, emails, visits or information when not warranted. • Reframing an old complaint so its looks like there are new issues. • Refusing to accept the decision after the complaint or concern has been investigated and the outcome explained. • Contacting different officers seeking a different answer.
Unreasonable Demands	Demands (express or implied) that are made by an individual or group and that have a disproportionate and unreasonable impact on our staff, services, time and/or resources.	<ul style="list-style-type: none"> • Insisting on an immediate response or priority that is not required. • Demanding information that they are not entitled to. • Insisting that a senior person deal with their matter when that is not required. • Instructing the organisation how to handle the issue.
Unreasonable Lack of Co-Operation	Unwillingness and/or inability by a complainant to cooperate with our organisation, staff or the complaints system and processes that result in a disproportionate and unreasonable use of our services, time and/or resources.	<ul style="list-style-type: none"> • Withholding information to support a request. • Refusing to comply with reasonable requests for information. • Sending voluminous amounts of unnecessary information.
Unreasonable Arguments	Arguments that are not based on reason or logic, that are incomprehensible, false or inflammatory, trivial or malicious and that disproportionately and unreasonably impact upon our staff, services, time and/or resources.	<ul style="list-style-type: none"> • Insisting on the importance of minor issues. • Making malicious/vexatious allegations eg. bias, corruption or conflict of interest. • Imputing motive or consequence.
Unreasonable Behaviour	Conduct that is unreasonable and unacceptable in all circumstances by the normal standards of society, regardless of how stressed, angry or frustrated a person is, because it unreasonable compromises the health, safety and security of all involved parties.	<ul style="list-style-type: none"> • Assault (including spitting and/or deliberately coughing). • Verbal abuse. • Aggressive or intimidatory behaviour. • Harassment. • Making threats.

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5 LEGISLATIVE REFERENCES

Nil

6 PROCEDURES AND RELATED DOCUMENTS

Policy – Privacy - 033

Procedure – Customer Conduct 2021.010.I.R

Policy – Customer Feedback - 098

Procedure – Customer Feedback 2023.010.I.R

7 RESPONSIBILITY AND APPLICATION

The Chief Financial Officer is accountable for the operation of this policy. This policy will be reviewed every four years or at other such time as is deemed necessary.

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