

POLICY

CORP009 Dealing with Difficult and Vexatious Customers Policy



1 Purpose

Council is committed to balancing the rights of customers to make complaints, with the rights of staff and Councillors to safety and respect, and the equitable allocation of time and resources to all customers.

Council needs to manage unsuitable customer conduct and unreasonable or excessive demands placed upon Council staff, Councillors and resources. This will include having options for redress for Council and identifying limits on communications with, and services from, Council.

This policy aims to assist Council employees with the management of complainants who respond to Council in a manner which can be considered threatening, intimidating or extreme and which can have occupational health and safety risks on Council employees.

2 Scope

This policy applies to all employees and Councillors of Hindmarsh Shire Council.

3 Objective

This policy aims to:

- ensure Council services and resources are fair and equitable for all Council customers;
- ensure the health and safety of Council employees and Councillors;
- provide guidance on what constitutes an unreasonable complaint and/or conduct;
- provide guidance to Council customers, staff and Councillors for the assessment and determination of complaints considered in accordance with this policy; and
- ensure that staff and Councillors feel confident and supported in taking appropriate action to manage unreasonable customer conduct.

4 Right of Public Access:

- Council recognises that members of the public have a right to access Council employees to seek advice, assistance or the services that Council offers.
- Council recognises that members of the public have a right to access Councillors to seek advice on Council's strategic direction.

- Criticism of, and complaints against Council are a welcome, legitimate and necessary part of the relationship between Council and its local community. They are a valuable means of reflection on the operations of Council and the quality of Council's relationship with the local community.
- Nobody shall be unconditionally deprived of the right to have complaints or concerns addressed. However, Council also has an obligation to use its resources efficiently and effectively and has an obligation to maintain the health and safety, as far as practicable, of its employees as an employer.
- Accordingly, Council has decided that there are circumstances in which it will limit the nature and scope of its response to difficult customers.

5 Difficult / Vexatious Customers:

This policy shall apply to the varied types of difficult and vexatious customers other than those customers that are aggressive (see part 6 of this policy).

Categories of difficult and vexatious customers:

5.1 A customer who cannot let go – ie, people who are unreasonably persistent and who:

- make excessive phone calls; or
- seek to exercise excessive personal contact; or
- engage in lengthy correspondence.

5.2 A customer who cannot be satisfied – ie, people who demonstrate an unreasonable lack of cooperation as they:

- cannot or will not accept that Council is unable to assist them; or
- cannot or will not accept that Council is unable to provide any further level of service other than that provided already; or
- disagree with the action Council has taken in relation to a particular complaint or concern.

5.3 A customer who makes unreasonable demands – ie, people who make unreasonable demands on Council whether by:

- the amount of information; or
- the value and scale of the services they seek; or
- the number of approaches they make.

5.4 A customer who is rude and abusive – ie, people who:

- engage in personal abuse; or
- make inflammatory statements or comments; or
- make statements or comments clearly intended to intimidate.

6 Aggressive behaviour

- Council has zero tolerance for violence and aggressive behavior towards Council employees, volunteers, contractors and Councillors. Council has a duty to ensure that as far as practically possible, it reduces the risk of violence, aggressive, or threatening behaviour towards its employees during the course of their work.
- Any employees, volunteers, contractors and Councillors who are the victim of aggressive behavior may at their own discretion, report the matter to police for further action.

7 Sexual harassment

- Council has zero tolerance for sexual harassment from customers towards Council employees, volunteers, contractors and Councillors.
- Where an employee, volunteer, contractor or Councillor is sexually harassed by a member of the community, 8.2.3 of this policy is to be followed.
- Any employee, volunteer, contractor or Councillor who is the victim of sexual harassment behavior may at their own discretion, report the matter to police for further action.

8 Limiting access

Guiding principles on limiting access:

8.1 Council will limit the nature and scope of access in the following circumstances:

- where full access would likely compromise Council's health and safety obligations as an employer;
- where full access would likely compromise any statutory obligations to which Council is subject;
- where full access would likely be wasteful of Council's resources whether through excessive contact or use of services;
- where full access would be likely to encourage or allow rude and abusive behavior.

8.2 Limiting access in particular circumstances

8.2.1 Not replying to written communications

Where Council receives a written communication that contains substantial and clearly inappropriate content such as abusive or threatening language or adverse personal reflections on individuals, a written notification shall be sent to the author of the written communication:

- asking that they reframe the communication so as to exclude the inappropriate content; and
- advising that in the event that a further substantial and clearly inappropriate communication is received by Council, Council will not give a substantive reply other than to outline that such communication provides evidence of or alerts Council to a matter of public safety, criminal act, a failure to comply with a legal duty or other malpractice by or on behalf of Council.

8.2.2 Terminating phone calls

Where a caller uses inappropriate language such as abusive or threatening language or casts personal aspersions on individuals the caller will be advised that unless the caller is prepared to speak in a different way, the call will be terminated. If the caller continues to converse in an inappropriate manner, the call may be terminated provided that it is made clear that the caller may call back if they are prepared to speak in an appropriate manner.

In cases of persistent callers using inappropriate language written notification from the CEO shall be sent to the caller advising that in the event any further telephone calls are made and where the caller uses inappropriate language, not only will the call be terminated, but also that for a specified period all future business will only be transacted in writing or through a nominated and agreed intermediary. If threats against Council or employees are made, the caller shall be reported to police.

8.2.3 Limiting face to face contact

Where, during personal attendance a customer uses inappropriate language or behaves inappropriately, the customer will be notified that unless the customer is prepared to speak or behave in a different way, the personal attendance will be terminated.

If the customer then continues to behave inappropriately or use inappropriate language, the personal attendance may be terminated provided that it is made clear that another personal attendance may be arranged by appointment if the customer is prepared to speak or behave in a different way. Such arrangement will be for such period as the CEO or their delegate deem necessary, provided that the arrangement is reviewed at least every six months and the customer is notified in writing accordingly.

In cases of persistent personal attendances where the customer uses inappropriate language or behaves inappropriately, a written notification shall be sent to the customer advising that in the event that any further personal attendance takes place and the customer uses inappropriate language or behaves inappropriately, not only will the personal attendance be terminated, but also for a specified period all future business will only be transacted in writing or through a nominated and agreed intermediary.

8.2.4 Excessive access

Where a customer:

- makes excessive phone calls, or
- makes excessive visits to Council Offices, or
- engages in excessive written communications, or
- raises the same issues with different staff,

the CEO may nominate a Council employee to handle all contact with the customer for a specified period and shall inform the customer in writing accordingly.

9 Abusing the right to information

Individuals or groups may place excessive demands on the resources of Council in making continual and extensive demands for information such as sending large number of letters, each containing detailed requests for information or being unwilling to accept documented evidence to support an adequate response.

If the CEO is satisfied that the resource demands in responding to such contacts are excessive, they may place limits on the manner and/or degree to which Council responds to such demands (but not so as to prevent the exercise of any statutory rights of the public to information).

10 Declining the right to further investigate complaints

Where having exhausted Council's Complaints Handling Procedure a complainant remains dissatisfied with the outcome of a complaint, the CEO will inform the complainant, in writing, that Council will decline to respond to any further attempted contact or communications concerning the issues raised by the complainant unless significant new information or new issues are raised in which in the opinion of Council warrants action.

If the CEO believes a complainant is deliberately providing fresh information in a selective way they will advise the complainant in writing to immediately pass on all relevant information to Council and will also advise the complainant that if any relevant information is subsequently provided, Council will require a satisfactory explanation as to why the information was not supplied earlier before agreeing to consider that information.

11 Other circumstances in which it may be appropriate to limit access

Where a customer is unwilling to accept that a matter raised by them is not within the scope of Council's responsibility.

Where a customer displays unreasonable demands or expectations and fails to recognise that these are unreasonable such as insisting on responses to be made more urgently than Council's response time.

12 Equality and diversity

Council recognises that in some circumstances, customers may have a mental health problem and/or other disability which causes that customer to have difficulty expressing themselves or communicating clearly and/or appropriately. Where unacceptable behavior is evidenced under these circumstances, Council will consider the individual needs and circumstances of the customer and Council employees before deciding on how best to manage the situation. This may include exploring other ways to deal with the complainant such as access via a relative, friend, carer or other professional. It should always be remembered that the customer has a right to confidentiality and may not want certain people to be involved.

Where a difficult customer is under the age of 18, one form of contact (generally written) must be maintained. It may be possible to arrange to deal with such a customer through their parent or guardian provided that written consent of both the customer and their parent or guardian is first obtained.

13 Documentation and reporting

In all of the situations referred to in this policy:

- adequate records must be made and maintained on the appropriate file; and
- the employee's immediate manager should be kept informed on of all interactions with difficult customers.

14 Related Documents

Council policies

Hindmarsh Shire Council's Complaint Handling Procedure

Hindmarsh Shire Council's Employee Code of Conduct

Hindmarsh Shire Council's Councillor Code of Conduct

Hindmarsh Shire Council Customer Service Charter

Legislation

Local Government Act 2020

Public Interest Disclosure Act 2012

Charter of Human Rights and Responsibilities Act 2006

Privacy and Data Protection Act 2014

Freedom of Information Act 1982

Occupational Health and Safety Act 2004

Other

Ombudsman Victoria – Managing Unreasonable Complainant Conduct Practice Manual 2nd Edition August 2012

Ombudsman Victoria – Complaint Handling Good Practice Guide for Public Sector Agencies September 2016

15 DOCUMENT CONTROL

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