

Dealing with Difficult Customer Behaviour Policy

(Policy Number – L-GOVPOL008)
(Policy Type – Council)

1 Aim

The aim of this policy is to:

- To provide councillors and staff with support for dealing with difficult customer behaviour.
- To ensure that all customers are treated fairly and equitably.
- To ensure that Council resources are used efficiently and effectively.

2 Policy Statement

Kentish Council is a customer focussed organisation, dedicated to ensuring that all customers are treated fairly and reasonably. Council is committed to:

- balancing the rights of customers to make complaints, with the rights of councillors and staff to feel respected and safe within the workplace, and
- the equitable allocation of time and resources to all customers.

Customer Service Expectations

Council expects its councillors and staff will at all times:

- treat customers with respect and courtesy;
- act with integrity and honesty; and
- respond to customer enquiries in a prompt and efficient manner.

In return Council expects its customers will equally treat all councillors and staff with respect and courtesy. Council will not accept:

- threatening or aggressive behaviour by customers towards councillors and staff; or
- behaviours that place unreasonable demands on resources.

This Policy:

- provides guidance for customers, councillors and staff on how unreasonable behaviours will be managed.
- ensure councillors and staff are aware of their roles and responsibilities in relation to the management of unreasonable customer conduct and how these procedures will be used.
- ensure Councillors and staff feel confident and supported in taking appropriate action to manage any unreasonable customer conduct.

3 Policy Detail

Purpose	Description
Rights of Public Access	<p>Council recognises that in the absence of good reasons, members of the public have a right of access to councillors and staff to seek advice, assistance and/or services offered.</p> <p>Criticism of, and complaints against Council are at times expected. Complaints are a legitimate and necessary part of the relationship between the Council and its community. Complaints are a valuable means of reflecting on the operations of the Council and improving both the delivery of services and the quality of Council's relationship with the community.</p> <p>This Policy should be read in conjunction with the Kentish Council Customer Service Charter.</p>
Difficult Customer Behaviour	<p>It is not unusual or unreasonable for a customer to have expectations of service or standards that are beyond what Council can provide. Customers may become angry or frustrated from time to time.</p> <p>A customer may exhibit behaviour that is issue-related and not intended as a personal attack against a staff member or a councillor including:</p> <ul style="list-style-type: none"> • controlled anger; • controlled frustration; or • controlled agitation. <p>When these normal responses become uncontrolled, and the customer becomes aggressive or unreasonable the behaviour may be deemed difficult.</p> <p>Similarly if a customer continues to make unrelenting or insatiable demands after Council has already replied, the behaviour may be termed difficult. The General Manager will need to be provided with compelling evidence that the customers behaviour has become intolerable before determining they will be subjected to this Policy.</p>
Managing Customer Behaviour	<p>When dealing with all customers, councillors and staff should always uphold the Council's customer service expectations. Councillors and staff are expected to respond to the customer's needs professionally, and to make attempts to efficiently resolve an issue. When dealing with customer behaviour that is becoming angry, frustrated, or agitated the councillors or staff should:</p> <ul style="list-style-type: none"> • make reasonable efforts to calm the customer; • whenever possible, focus on the issue at hand rather than taking offence to the customer's anger or frustration; • remain calm, professional, and courteous; • consider seeking advice or assistance from other staff members or a supervisor who may be better equipped to resolve the situation; and

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	<ul style="list-style-type: none"> consider scheduling a later meeting with the customer (if appropriate) to allow time for further information to be obtained. <p>The balance of this Policy outlines the circumstances in which Council may limit the nature and scope of its responses to difficult customer behaviour.</p> <p>Whenever a staff member feels uncomfortable with, or offended by, the behaviour of a customer they should immediately seek the support of their team leader and/or manager.</p>
Examples of Difficult Behaviour	<p>There are various types of difficult customer behaviour including:</p> <ol style="list-style-type: none"> Those who cannot let go – i.e. people who are unreasonably persistent and who: <ol style="list-style-type: none"> make excessive phone calls; or seek to exercise excessive personal contact; or engage in lengthy or continual correspondence. Those who cannot be satisfied – i.e. people who: <ol style="list-style-type: none"> 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 complaint/s or concern/s. Those who make unreasonable demands – i.e. people who make unreasonable demands on Council whether by: <ol style="list-style-type: none"> the amount of information; or the value and scale of services they seek; or the number of approaches they make. Those who are rude and abusive – i.e. people who: <ol style="list-style-type: none"> engage in personal abuse; or make inflammatory statements or comments; or make statements or comments clearly intended to intimidate.
Zero Tolerance to Aggressive Behaviour	<p>Council has a zero tolerance regarding aggressive, intimidatory, or violent behaviour towards councillors and staff, similarly for abusive, humiliating and bullying behaviour.</p> <p>Council has a duty to ensure as far as possible, it reduces the risk of such behaviour towards councillors and staff.</p>
Principles for Limiting Access	<p>The General Manager may limit the nature and scope of customer</p>

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	<p>access in the following circumstances:</p> <ul style="list-style-type: none"> a) where full access may compromise Council's obligations as an employer; b) where full access may compromise any statutory obligations to which Council is required to comply with; c) where full access is likely to waste Council resources, whether through excessive contact or use of services; or d) where full access may encourage or allow rude and abusive behaviour.
<p>Limiting Access in particular circumstances</p>	<ul style="list-style-type: none"> a) Not replying to written communications: <ul style="list-style-type: none"> Where Council receives a written communication that contains substantial and inappropriate content such as: <ul style="list-style-type: none"> • abusive or threatening language; or • adverse personal reflections on individuals; <p>a written notification will be sent to the author requesting they refrain from using the inappropriate content and advising that should further inappropriate communication is received, Council will not give a substantive reply other than to the extent that such communication provides evidence of or alerts the Council to a matter of public safety, a criminal act, or a failure to comply with a legal duty by Council.</p> b) Terminating telephone calls: <ul style="list-style-type: none"> (i) Where a caller uses inappropriate language such as abusive or threatening language or casting adverse personal reflections on individuals then the caller will be warned that unless the caller is prepared to speak in a different way, the call may be terminated. If the caller continues to use inappropriate language the call may be terminated. Prior to disconnecting the call it is to be made clear to the caller that they may call back when they are prepared to speak in a different way. (ii) In cases of persistent callers using inappropriate language a written notification shall be sent to the caller advising that if any further inappropriate telephone calls are made, not only will the call be terminated but also that for a specified period all contact with Council will only be accepted in writing. (iii) If threats against councillors or staff are made, the caller shall be reported to the police. c) Limiting face to face contact: <ul style="list-style-type: none"> (i) Where, during a personal attendance a customer uses inappropriate language or behaves inappropriately, the customer may be notified that unless they are prepared to

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	<p> speak or behave in a different way, they will be requested to leave the premises. If the customer, after being warned, then continues to use inappropriate language or behaves inappropriately, they will immediately be requested to leave the premises. </p> <p> (ii) Where a person refuses to leave the premises after being requested to do so, Police assistance will be requested. </p> <p> (iii) The customer may be notified in writing that any future attendance in person may need to be arranged by appointment and only on the condition the customer is prepared to speak or behave appropriately. Such arrangement shall be for a specified period as determined appropriate by the General Manager. </p> <p> (iv) In cases of persistent personal attendances where the customer uses inappropriate language or behaves inappropriately the General Manager may provide the customer with a written notification advising that for a specified period all future business will only be accepted in writing. </p> <p> d) Excessive access Where a customer: </p> <p> (i) makes excessive phone calls, or </p> <p> (ii) makes excessive visits to the Council Offices, or </p> <p> (iii) engages in excessive written communications, or </p> <p> (iv) raises the same issues with different staff </p> <p> the General Manager may nominate a member of staff to deal with all future contact with the customer and shall advise the customer in writing of these arrangements. </p>
<p>If the customer is not satisfied</p>	<p> Customers who cannot be satisfied include members of the public or groups who do not accept Council is unable to assist them, provide any further assistance or level of service than that which has already been provided and/or disagree with the action Council has taken in relation to their complaint or concern. </p> <p> If in the opinion of the General Manager, all appropriate avenues of internal review or appeal to resolve an issue have been exhausted and the customer continues to write, telephone, email and/or visit Council, the following actions may be taken: </p> <p> a) the General Manager may write to the customer restating the Council's position on the matter if necessary, and advising if the customer continues to contact Council regarding the matter, Council may: </p> <p> (i) not accept any further phone calls from the customer; </p> <p> (ii) not grant any further interviews or meetings; </p> <p> (iii) require all further communication to be put in writing; and </p>

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	<p>(iv) continue to receive, read and file correspondence but only acknowledge, or otherwise respond to it, if:</p> <ul style="list-style-type: none"> • the customer provides significant new information relating to their complaint or concern; or • the customer raises new issues which in the General Manager’s opinion, warrant fresh action. <p>b) the General Manager shall advise councillors of the customer’s concerns, and any proposed management strategies to be undertaken by Council staff.</p>
<p>Unreasonable Demands</p>	<p>In general customer demands should not divert Council’s resources away unreasonably from other functions or create an inequitable allocation of resources to other customers. Such demands may occur from the amount of information requested, the nature or standard of services sought or the number of approaches seeking information, assistance, and/or service.</p> <p>If in the opinion of the General Manager a customer is making unreasonable demands on Council and the customer continues to write, email, telephone and /or visit the offices the following actions may be taken:</p> <p>a) the General Manager may write to the customer advising them of Council’s concern and requesting they limit and focus their requests and that if the customer continues to place unreasonable demands, Council may:</p> <ul style="list-style-type: none"> (i) not respond to any future correspondence and only take action where, in the opinion of the General Manager the correspondence raises specific, substantial and/or serious issues; or (ii) only respond to a certain number of requests within a specified period. <p>b) if the customer continues to contact Council after being advised of Council’s proposed course of action, the General Manager may, after considering representations from the customer, advise the customer that either or both of points (i) and (ii) above will apply.</p>
<p>Customers Who Constantly Raise the Same Issue with Different Staff</p>	<p>If in the opinion of the General Manager, a customer is constantly raising the same issues with different staff or councillors, the General Manager may notify the customer that:</p> <ul style="list-style-type: none"> a) a nominated staff member will deal with them in the future; b) they must make an appointment with that person if they wish to discuss a matter; or c) all future contact with Council must be in writing.

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Customers Who are Rude, Abusive or Aggressive	<p>Rude, abusive, and/or aggressive behaviour may include offensive gestures, verbal abuse, threatening behaviour, physical violence against property or physical violence against a person.</p> <p>If in the opinion of any staff member or councillor, rude, abusive or aggressive comments or statements are made in telephone conversations or in person, the staff member or councillor may:</p> <ol style="list-style-type: none"> a) warn the customer, that if the behaviour continues, the conversation or interview/meeting will be terminated; b) terminate the conversation or interview/meeting if the rude, abusive or aggressive behaviour continues after a warning has been given. <p>Where a conversation or interview/meeting is terminated, the staff member must notify the relevant manager of the details as soon as possible.</p> <p>If in the opinion of the General Manager any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon.</p> <p>Violence, damage to property or threatening behaviour may be reported to police, depending on the severity of the actions.</p>
Reporting	<p>Council will maintain detailed records on file of every situation as it relates to this policy.</p> <p>If a councillor or staff member feels a customer is being difficult in a manner specified in this policy, they must notify the General Manager who will consider taking action in line with the procedures described above.</p> <p>Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager will advise the Mayor and councillors as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the Department of Premier and Cabinet's Local Government Division for information.</p>
Right to Review	<p>If a customer believes this policy has been used against them unfairly, they may make a complaint to the Tasmanian Ombudsman or the Local Government Division.</p>

4 Associated Documents and References

4.1 Local Government Act 1993 Reference

S.20 Functions and powers

- (1) In addition to any functions of a council in this or any other Act, a council has the following functions:
 - (a) to provide for the health, safety and welfare of the community;

- (b) to represent and promote the interests of the community;
- (c) to provide for the peace, order and good government of the municipal area.

4.2 Other Legislation Reference

- *Personal Information Protection Act 2004*
- *Right to Information Act 2009*
- *Workplace Health and Safety Act 2012*

4.3 Strategic Plan Reference

Area	1	Governance
Program	1.2	Governance
Objective	1.2	Provide consistent, accountable, transparent and effective governance
Strategy	1.2.9	Ensure Council information meets community and stakeholder interests, is accessible, easy to understand and complies with legislative requirements

4.4 Other Associated Documents

- Customer Service Charter
- Model Code of Conduct (Councillors)
- Code of Conduct (Staff)

APPROVED BY COUNCIL: 12 February 2024 Minute: 12.2

EFFECTIVE DATE: 12 February 2024

ADMINISTERED BY: General Manager

This policy will be reviewed periodically to ensure its relevance in terms of community needs and expectations and Council goals, targets, budget and statutory requirements.