
Warringah Council Policy

Policy No. STR-PL 840

Managing Difficult Behaviour – Customer Access

1. The purpose of this policy is

To ensure all customers are treated fairly and reasonably and Council resources are used efficiently and effectively in responding to customers.

2. Policy statement

All members of the public have a right to access services or seek advice, or assistance from Council. This right should not be deprived without very good reasons outlined in this Policy. Complaints from the public are a valued and legitimate part of the relationship between Council and our customers and provide opportunities for service improvements.

However, Council also has an obligation to use resources efficiently and effectively which may result in a decision to limit the nature and/or scope of responses to matters raised by or service provision to specific customers. Managing difficult behaviour must take account of:

- Council's obligations as an employer to provide a safe workplace
- Unreasonable invasion of privacy
- Excessive use of staff time or Council resources.

3. Principles

3.1 To Whom the Policy applies

This policy applies where customers exhibit the following behaviour:

- The person is not satisfied with the action taken or service provided despite the service or complaint procedure being properly implemented and fully exhausted. This is characterised by:
 - Unwilling to accept evidence relied on or agree with the determination
 - Denying having received an adequate response answering the questions raised
 - Continuing to demand the complaint be revisited
 - Focusing on trivial issues or procedural steps to assert the determination is invalidated
- The person makes unreasonable demands that significantly and unreasonably diverts Council's resources away from other functions or creates an inequitable allocation of resources to other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.

The person is rude, angry, harassing or aggressive to staff or third parties. This includes vulgar noises, expressions or gestures, intimidation, bullying, discrimination, verbal abuse of a personal or general nature, threatening or offensive behaviour, and physical violence against a person(s) or property.

3.2 Managing behaviour that seeks ongoing review of decisions

- (1) The Director writes to the customer restating Council's position on the matter and advising that if the customer continues to contact Council regarding the matter Council may:
 - (a) Require all further communication to be put in writing
 - (b) Continue to receive, read and file correspondence but only acknowledge or otherwise respond to it if:
 - The customer provides significant new information relating to their complaint or concern; or
 - The customer raises new issues which in the Director's opinion, warrant fresh action
 - (c) Appoint a case manager who will be the person's only point of contact at Council regarding the matter.
- (2) This initial letter will inform the person that they may request a review of the Director's decision by Council's Internal Ombudsman within 21 days.
- (3) If after the expiry of 21 days the customer continues to contact Council then their access to Council will be limited in accordance with this policy and the Director's restrictions will apply.
- (4) If the customer requests a review the Internal Ombudsman will raise the matter as a formal complaint in accordance with the Complaints Management Policy and Complaint Management Procedures and Implementation Guidelines.

3.3 Managing behaviour that places unreasonable demands on the organisation

- (1) The Director writes to the customer advising their request(s) are unreasonable and that they limit and focus their requests or the Council may:
 - (a) Not respond to any future correspondence and only take action where, in the opinion of the Director the correspondence raises specific, substantial and serious issues; or
 - (b) Only respond to a certain number of requests on this matter in a given period
 - (c) Appoint a case manager as the only point of contact at Council regarding the matter.
- (2) The initial letter will inform the person that they may request a review of the Director's decision by Council's Internal Ombudsman within 21 days.
- (3) If after the expiry of 21 days the customer continues to contact Council then their access to Council will be limited in accordance with this policy and the Director's restrictions will apply.

- (4) If the customer requests a review the Internal Ombudsman will raise the matter as a formal complaint in accordance with the Complaints Management Policy and Complaint Management Procedures and Implementation Guidelines.

3.4 Managing Rude; Angry; Harassing or Aggressive Behaviour

- (1) The staff member may:
 - (a) Advise the behaviour is unacceptable
 - (b) End the contact with the customer if the behaviour continues
 - (c) If on Council premises request the customer to leave the premises
 - (d) Report the incident
- (2) Nothing in the Policy prevents further action being taken including referring the matter to external agencies (eg Police) or commencing legal action where appropriate. For example any criminal behaviour will immediately be referred to Police and criminal prosecution may occur, similarly if the customer's actions cause damage to property restitution may be pursued via legal means.

3.5 Internal review

The customer may request an internal review by the Internal Ombudsman if their access to Council has been restricted. Nothing in this policy removes the rights of the customer to seek an external review by such agencies as the NSW Ombudsman.

3.6 Reviewing Administrative Controls

To ensure consistency and fairness, administrative controls applied through application of this policy and associated guidelines, will remain in place for a maximum period of 6 months (26 weeks), or a lesser nominated period if applicable, effective from the date of written notification from Council to the affected customer of an incident occurring.

At the conclusion of the 6 months or lesser period, whichever applies, and (in consultation with the affected customer) on the basis the controls have been adhered to thus good behaviours exhibited, the administrative controls should be withdrawn. Written notification of such should be provided by Council to the affected party. In the event the controls have not been adhered to, a decision to implement further administrative controls may be deemed appropriate for a further period as per above.

The review of controls is to be distinguished from the internal review by the Internal Ombudsman (as per 3.5) requested by the customer regarding a ruling made under the policy.

4. Register of Difficult Customers

A register of Difficult Customers will list persons who are both covered by administrative controls and removed from administrative controls. Councillors and relevant members of Council staff will be advised when the register is updated.

5. Guidelines for Councillors

Where a Councillor is aware that a person has been included on the Council's register of Difficult Customers, the Councillor may refer that person (as appropriate), to the relevant Case Manager for that person, or refer to other administrative controls currently in place.

Where a Councillor encounters difficult or unreasonable behaviour from a member of the public, the Councillor may request (whether that person is listed as a Difficult Customer or not) that the person's enquiries be directed to the relevant member of Council staff.

Where a Councillor considers that the behaviour of a member of the public constitutes difficult behaviour in accordance with this policy, the Councillor should advise the General Manager in writing of the relevant behaviour.

6. Amendments

25 June 2009

22 September 2009

24 November 2009

7. Authorisation

This policy was adopted by Council on 28 February 2006.

It is effective from 24 November 2009.

It is due for review on November 2014.

8. Who is responsible for implementing this policy?

Public Officer and all Council staff who deal with members of the public.

9. Document owner

Director Strategy and Policy

10. Trim Reference

DC00028

11. Legislation and references

Australian Parliamentary Ombudsman, "Unreasonable complaint conduct: interim practice manual", August 2007.

Local Government Act (NSW) 1993, see especially s343 – Functions of the Public Officer

NSW Ombudsman, "Dealing with Difficult Complainants", May 1999.

NSW Ombudsman, "Dealing with Difficult Complainants", June 2004.

Warringah Council, "Complaints Management Policy", March 2004 and "Complaint Management Procedures and Implementation Guidelines", March 2004.

Warringah Council, "Managing Difficult Behaviour – Response Guidelines", September 2005.

11.1 Definitions

“Public Officer” the Public Officer for Warringah Council is Director Corporate Services

“Internal Ombudsman” means the Office of the Internal Ombudsman and includes any personnel conducting activities associated with, or on behalf of, the Internal Ombudsman.

