

Unreasonable Customer Conduct Protocol (Abridged)

(A383873)



opportunity » growth » lifestyle

Frankston City Council is committed to being accessible and responsive to all members of our community. While Council has also developed Feedback Handling Protocols, which outline how Council manages feedback, sometimes the conduct of our customers is unreasonable; impacting on our ability to provide a consistent service to all or threatening the health and safety of Officers.

The Unreasonable Customer Conduct Protocol enables better management of unreasonable customer conduct and inappropriate behaviours while ensuring appropriate action is taken to support Officers.

Objectives

- Establish a clear and consistent approach for the identification and management of inappropriate behaviour and unreasonable complainants
- Clarify the roles and responsibilities of Council Officers
- Ensure equity and fairness in responding to requests for service
- Ensure Council considers the health, wellbeing and safety of Council Officers

Scope

This Protocol:

- Applies to all Council employees, contractors and volunteers providing service delivery on behalf of Frankston City Council.
- Covers all inappropriate behaviours and unreasonable complainant conduct across the full range of Council services
- Applies to all communications channels, including but not limited to in person, telephone, in writing (mail, email, letters to media) and social media.

Guiding principles

Our customer experience vision is that *“Our customers are informed, supported and respected”*. To enable us to achieve our vision as an organisation we must commit to delivering customer service excellence. This vision is underpinned in the strategy by the following principles:

Accessible - *We provide choice and convenience*

Responsive - *We are timely, proactive and display empathy*

Seamless - *We strive to deliver a consistent experience regardless of channel*

Personable - *We are open, friendly and approachable*

Frankston City Council has a duty of care to the community and an obligation to provide a safe workplace and has adopted a zero tolerance policy towards any harm, abuse or threats directed towards our Officers. In relation to inappropriate behaviour and unreasonable complainant conduct (UCC) there are further Guiding Principles, including:

Preventative Principles

- We will endeavour to manage a complainant's expectations at the outset
- We insist on respect and cooperation
- We will implement clear and consistent procedures

Management Principles

- We will exercise ownership and control over complaints
- We will focus on specific, observable conduct, not the person, as the problem
- We will endeavour to respond appropriately and with consistency to individual complainants and complaints
- We will provide effective and timely communication
- We acknowledge that UCC does not preclude there being a valid issue

Accountability Principles

- We will maintain a calm and professional demeanour
- We will always show respect
- We will remain impartial
- We will ensure Officers have appropriate training, guidance and support

Types of incidents

Inappropriate behaviour during a telephone call

If a customer is behaving unreasonably during a telephone call, the Officer may manage the situation by:

- Naming the behaviour and warning the customer that it is unacceptable
- Warning the customer that if their behaviour continues the conversation will be ended
- Following through by ending the call if the behaviour continues

During the call it is recommended that the Officer complete the Aggressive / Abusive Caller Checklist to assist with future management of UCC.

If this is a repeated behaviour (eg two or more times within six months) the CEO may issue a written warning and consider alternate service delivery options.

Inappropriate or threatening behaviour in person

If a customer is behaving unreasonably in a Council facility or event, an Officer can manage the situation by:

- Naming the behaviour and warning the customer that it is unacceptable
- Warning the customer that if their behaviour continues they will be asked to leave
- Following through by asking the customer to leave if the behaviour continues

At no point should the Officer further endanger themselves or put themselves at risk in responding to the customer. Officers are encouraged to follow the relevant security procedures if they feel threatened with behaviour that includes aggression, threats of violence or extreme anger.

If they do not feel comfortable in dealing with the situation they should contact their supervisor and/or nearby Officers.

If Officers feel there is a threat to their safety the Police should be called immediately and duress buttons pressed (where available).

If this is a repeated behaviour (eg two or more times within six months) or deemed unsafe to Officers, the CEO may issue a written warning and / or consider alternate service delivery options.

Inappropriate behaviour on social media

All Council owned or managed social media platforms are monitored. In accordance with the

Social Media Protocols posts must be removed as soon as possible if they are:

- Deemed to be false or untrue, offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist or slanderous
- Personal in nature, mention a person by name or provide details, images or commentary which may identify an individual
- Of a political nature/bias
- Unlawful in any way
- Not related to Council – including promotion of commercial services or products

If an individual continues to post inappropriate content on Council pages, they will receive a warning via a private message. After two warnings within a six month period they will be blocked from being able to post further.

Inappropriate behaviour in writing

If the language, tone or intent of any correspondence with Council is deemed offensive, aggressive, threatening or abusive, the responding Officer may manage the situation by:

- Corresponding to the customer and in doing so, name the behaviour and warn the customer that it is unacceptable
- Warning the customer that if their behaviour continues alternate service delivery options will be considered

If an unreasonable complainant corresponds with Council via email the responding Officer may use Council's generic Customer Service email address to reply.

Threats to Officers / Critical incidents

Threats to an Officer's safety or wellbeing must be immediately reported to the relevant Manager and the Manager Human Resources.

All threats to an Officer's safety or wellbeing will be treated seriously and will be reported to the Police.

Officers shall be provided all appropriate support to enable a report to be lodged with the Police.

Reporting inappropriate behaviour and UCC Incidents

Officers are responsible for the recording of all inappropriate behaviour or UCC incidents they experience or witness through Council's incident reporting system within 24 hours of the incident occurring.

The report will be raised with the supervisor, OH&S Team and Coordinator Risk Management for review.

Where the Police are involved in any incident, the Officer involved may be required to lodge a formal report. In this case, Officers should be supported to be able to do this within business hours, preferably within 48 hours of the incident.

The health and wellbeing of all Officers should be monitored and supported after an incident. This includes access to Employee Assistance Program (EAP).

Changed service delivery options

Feedback Handling Protocols

Changes to service delivery options should only be considered where Council's Feedback Handling Protocols have been implemented or there is clear risk to an Officer's safety and wellbeing.

Escalation resulting in changed service delivery options

In the absence of very good reasons to the contrary, all customers have the right to access public services. It is Council's desire to provide services, facilities and activities to all members of the community. Council officers cannot arbitrarily restrict access.

However, if a customer demonstrates inappropriate behaviour as defined in this protocol, the CEO may need to consider options to deliver services in a different way that protects the health and safety of Officers and other customers.

Repeated or excessive inappropriate behaviour or UCC incidents will generally be managed by limiting or adapting the way that we interact with and / or deliver services to customers and complainants by restricting:

Who they have contact with - limiting a customer/complainant to a sole contact person in the organisation.

Where they can make contact - limiting the locations where we will service and interact with the customer / complainant, ensuring it is secure and in plain sight.

How they can make contact - limiting or modifying the contact the customer/ complainant has with officers. This can include modifying or limiting face to face interactions, telephone and written communications, prohibiting access to Council service outlets or restricting contact to only one representative.

Timeframes for changed service delivery options – In such circumstances we will clearly state in writing for how long any changed service delivery conditions will be applied.

The timeframe and form of changed service delivery option is to be determined by the relevant Officer (refer to Roles and Responsibilities) and approved by the CEO where the changed service delivery exceeds one month.

Online services

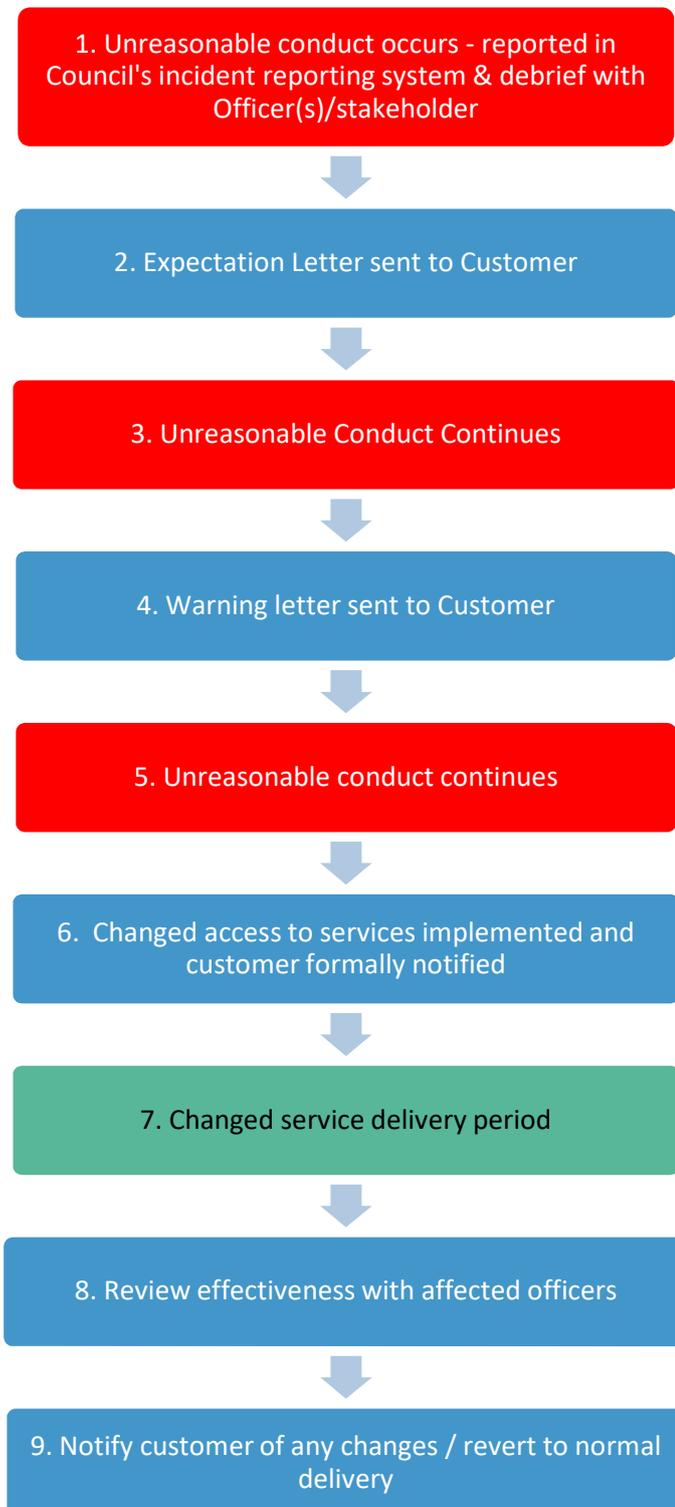
Generally customers and / or complainants that have service delivery restrictions imposed will continue to have access to Council's online services (except where there are specific circumstances where this cannot be supported).

Issues to be considered when changing service delivery options

Following consultation with the affected Officer attention will be focused on the following considerations:

- The safety and welfare of Officers is paramount
- Whether the conduct in question, involved unacceptable anger, aggression, violence or assault
- Whether changing or restricting access to our services will be effective in managing the customer/complainant's behaviour
- The likelihood that the customer/complainant's behaviour will change if given a formal warning
- Whether the customer/complainant's response was disproportionate, grossly disproportionate or not at all disproportionate
- Whether there are any statutory provisions that would modify the type of limitations that can be placed on the customer/complainant's access to Council services
- Whether there are extenuating circumstances or special conditions that should be considered when determining changed service delivery options (eg. accessibility)
- Length of any restriction and the process for review and removal of such restrictions

**Procedure for changing access to services
(except where aggressive or threatening
behaviour – go straight to step 6)**



Post changed service delivery decision

Notifying relevant Officers

All staff that may be impacted by the customer/ complainant will be informed of any changed service delivery options. These Officers will need to be provided with:

- The individual/organisation's name
- What the changed service delivery options are
- Who to notify if there is a perceived breach
- If possible, where there is a photograph of the customer/complainant – this is to be distributed to assist officers with identification. Any such image is to be placed in a location that is not visible to other customers or to Officers to whom it is not relevant so as to protect the individual's privacy
- Where there is a relevant system (eg. library membership, GIS, Pathway) that can flag with Officers any changed service delivery options, these are to be triggered for the period of the restriction

Continued monitoring and reassessment

Prior to the conclusion of the changed service delivery options period, a review will take place. This review will determine if the restrictions/ arrangement has been effective.

This review will be conducted by the Manager of the Department with which the customer/ complainant has the most dealings.

The customer/complainant will then be advised in writing of any new restrictions or the removal of the restrictions.

Roles and responsibilities

As Council has a responsibility to ensure all our customers are given fair and reasonable access to Council services, any change in service delivery option must demonstrate that natural justice has prevailed. This includes managing expectations and providing a warning letter outlining the consequences of continued unreasonable conduct. Managers and Coordinators must ensure that this has occurred.

The relevant Director or CEO must sign-off on any letters notifying of changed service delivery.

All relevant Officers, EMT and Councillors must be notified of any changed service delivery options.

The following additional responsibilities apply:

All Officers

- Ensure compliance with any localised safety or security procedures
- Report any incidents using Council's incident reporting system within 24 hours
- Inform their Manager and Manager Human Resources if they (or another Officer) were subject to threatening behaviour
- Lodge a report with the Police within 24 hours of the Police being involved

Team Leaders, Coordinators and Managers

- Ensure that all Officers work in a safe environment
- Ensure that Officers are safe and well after an incident and fit to fulfil their role
- Ensure incidents are reported within 24 hours (including Police reports)
- Assess and debrief on any reported incidents and follow up on any rectification works (eg. compliance with safety procedures, training needs, process breakdown)
- Note if there are a number of incidents that stem from one customer/complainant (ie UCC identification)

- Ensure that the Manager Community Relations is aware of any changed service delivery so that other relevant Officers may be notified.

Occupational Health and Safety (OH&S) Team

- Review the incident reports and attend the debrief with Supervisors/Managers in relation to any outcomes (eg. compliance with safety procedures, training needs, WorkCover implications)
- Note and report if there are a number of incidents (either within the one team or across the organisation) that stem from one customer/complainant (ie UCC identification)

Coordinator Risk Management

- Review the incident reports and attend the debrief with Supervisors/Managers in relation to any rectification works (eg. compliance with safety procedures, development requirements, process breakdown)
- Note if there are a number of incidents (either within the one team or across the organisation) that stem from one customer/complainant (ie UCC identification)

Manager Human Resources

- Contract manage the supply of an EAP service
- Facilitate priority access to EAP if there is a critical incident

Manager Community Relations

- Maintain a register of changed service delivery
- Communicate between relevant departments to ensure awareness of any change in service delivery options
- Notify Council's Internal Ombudsman of any changed service delivery options

Manager Administration and Corporate Projects (Internal Ombudsman)

- Ensure compliance with privacy legislation is maintained
- Respond to issues raised with the Internal Ombudsman
- Liaise with the Victorian Ombudsman where appropriate

Buildings and Facilities Department

- Provision of authorised access to the relevant CCTV footage
- Assisting in the regular testing of duress and assistance buttons

Appeal process

Customers or complainants may appeal the decision regarding changed service delivery options with Council's Internal Ombudsman or the Victorian Ombudsman.

Full contact details for the Ombudsman will be provided in all correspondence.

- Frankston City Council Internal Ombudsman
Email info@frankston.vic.gov.au
- Victorian Ombudsman
Telephone (+61 3) 9613 6222
Web www.ombudsman.vic.gov.au

Register of changed service delivery

A register of individuals or organisations that have had changed service delivery conditions imposed upon them will be maintained by the Manager Community Relations.

This register (A3572560) will include:

- Name and contact details of the customer/ complainant
- ReM reference to the correspondence advising of the changed delivery service
- The form that the changed service delivery will take
- Photo identification of the customer/ complainant (where available)
- The date at which the changed service delivery conditions will be reviewed
- Any other special conditions

Privacy and confidentiality

Council will do everything to ensure compliance with our responsibility for protecting personal or health information provided by a customer.

If notes are taken during a conversation with a customer, we will ensure that these are stored or disposed of appropriately to ensure protection of privacy.

Photographs of individuals who have demonstrated inappropriate behaviour or UCC may be sourced from security camera footage and distributed to other frontline staff. This will only be done to assist with identification of individuals to ensure Officers respond appropriately to ensure their safety and wellbeing is preserved. Photos will not be distributed more broadly.

Council is committed to full compliance with its obligations under the *Privacy and Data Protection Act, 2014* and *Health Records Act 2001*. For more information contact:

Council's Privacy Officer

Telephone (+61 3) 9768 1671

Email privacyofficer@frankston.vic.gov.au

Definitions

Complainant – a customer (individual or organisation) that may be affected by the action or inaction of Council, who then alerts Council to the issue.

Inappropriate or Threatening Behaviour – any behaviour by a customer attending any Council facility, service, event or program that may impact on the comfort, safety and/or wellbeing of Officers or other customers. This includes anger, aggression, threats or other intimidating, threatening or violent conduct. The customer may / may not have a complaint.

Officers - All employees, contractors and volunteers that are carrying out service delivery on behalf of Frankston City Council.

Pathway – the current corporate software system used for the purpose of recording customer requests for service and feedback.

ReM – the current corporate software system used for managing (storing and retrieving) correspondence.

Unreasonable complainant conduct (UCC) - Any behaviour by a current or former complainant which, because of its nature or frequency, raises health and safety issues or unsupported resourcing demands.

UCC can be divided into five categories of conduct:

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

Unreasonable persistence - Continued and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on the organisation, Officers, services, time and/or resources.

Unreasonable demands - Complainants who insist on outcomes that are unattainable, continue to move the goal post or demand to have their complaints dealt with in a certain way.

Unreasonable lack of cooperation - Unwillingness and/or inability by a complainant to provide organised information. They also are unwilling to consider other viewpoints, refuse to define their issues of complaint adequately or provide excessive or irrelevant information.

Unreasonable arguments - arguments that are not based on reason or logic, that are incomprehensible, false or inflammatory, trivial or that have no supporting evidence.

Unreasonable behaviours - Conduct that is unreasonable in all circumstances - regardless of how angry or frustrated the complainant is. This includes extreme anger, aggression, threats or other threatening or violent conduct. It also

includes rude, confronting and threatening correspondence.

Related corporate documents

- Feedback Handling Protocols (Draft) (A3456455)
- Customer Experience Strategy 2018-2021 (draft)
- Staff Code of Conduct
- Customer Relations Security Procedures (Draft)
- Social Media Protocols (A3187123)
- Register of Changed Service Delivery (A3572560)
- Emergency procedures (to be reviewed)

Related legislation

- *Privacy and Data Protection Act, 2014*
- *Health Records Act 2001*
- *Local Government Act (Victoria), 1989*
- *Public Records (Victoria) Act, 1973*

Other relevant documents

- Victorian Ombudsman, August 2012, “Managing Unreasonable Complainant Conduct – Practice Manual”

Administration

Adoption

This protocol was adopted by Frankston City Council’s Executive Management Team on

3 December 2018

AUTHORISED

Dennis Hovenden
CEO Frankston City Council

Review

This protocol is due for review within four years of the date of adoption.