



Mildura Rural City Council

Unreasonable Customer Conduct Policy

Policy – CP006

Prepared	Reviewed	Approved	Date	Council Minute No.
Governance	Executive Leadership Team	Council	December 2021	2021/0301
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1. The purpose of this policy is

To ensure that unreasonable customer conduct (UCC) is managed fairly, effectively and consistently.

This policy seeks to:

- ensure equity and fairness for the community,
- improve Council resource allocation and efficiency, and
- protect the health, safety and security of complainants, Councillors, Council staff and third parties.

2. Policy Statement

We are committed to being accessible and responsive to all members of the community who approach us for assistance, or with a complaint.

It is recognised that all members of the community have a right to ask questions, express opinions, and lodge complaints about us and the services we provide. However this right must be balanced with the rights of staff and Councillors to safety and respect, and the equitable allocation of time and resources to all customers.

When customers behave unreasonably, their conduct can have a significant impact on our ability to assist the customer, and on our staff. As a result, we will take proactive and decisive action to manage all conduct that negatively and unreasonably affects staff.

3. Defining Unreasonable Customer Conduct (UCC)

UCC is any behaviour, which because of its nature or frequency, raises substantial health, safety, resource or equity issues for Council staff, other service users or the customer themselves.

UCC can be divided into five categories of conduct:

3.1 Unreasonable Persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on Council staff, services, time and/or resources.

Some examples of unreasonably persistent behaviour include:

- Unwillingness, or inability to accept reasonable explanations including final decisions that have been comprehensively considered and dealt with.
- Persistently contacting Council about the same matter when it has been comprehensively considered and dealt with.
- Reframing a complaint or request in an attempt to get it reconsidered.
- Refusing to accept further action cannot, or will not be taken in response to a complaint or request.
- Persistently demanding a review without presenting a case for one.
- Contacting different staff members to get a different outcome or more sympathetic response.
- Submitting excessive amounts of communication after being asked not to do so.

3.2 Unreasonable Demands

Unreasonable demands are any demands (express or implied) that are made by a customer that have a disproportionate and unreasonable impact on Council staff, services, time and/or resources.

Some examples of unreasonable demands include:

- Issuing instructions and making demands about how a complaint or request should be handled, the priority it was given or the outcome.
- Insisting on talking to the Mayor, Councillors, CEO or a General Manager when it is not appropriate or warranted.
- Insisting on a moral outcome, for example, justice in the community interest, when really a personal interest is at stake.
- Insisting on outcomes that are not possible or appropriate in the circumstances.
- Demanding services that are of a nature or scale that cannot be provided.

3.3 Unreasonable Lack of Cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with Council staff, or the complaints system, that results in a disproportionate and unreasonable use of Council services, time and/or resources.

Some examples of unreasonable lack of cooperation include:

- Presenting a large quantity of information that is not organised.
- Providing little or no detail with a complaint or request, or presenting information in dribs and drabs.
- Refusing to define the underlying issues.
- Refusing to follow reasonable instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- Arguing frequently or with extreme intensity that a particular solution is the correct one, despite valid contrary arguments and explanations.
- Displaying unhelpful behaviour such as withholding information, acting dishonestly or misquoting others.

3.4 Unreasonable Arguments

Unreasonable arguments include any arguments that are not based on reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon Council staff, services, time, and/or resources.

Arguments are unreasonable when they:

- Fail to follow logical sequence.
- Are not supported by any evidence, or are based on conspiracy theories.
- Lead a customer to reject all other valid and contrary arguments.
- Are trivial when compared to the amount of time, resources and attention that the customer demands.
- Are false, inflammatory or defamatory.

3.5 Unreasonable Behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated a customer is – because it unreasonably compromises the health, safety and security of Council staff, other service users or the customer themselves.

Some examples of unreasonable behaviour include:

- Acts of aggression, verbal abuse, derogatory, racist or grossly defamatory remarks.
- Harassment, intimidation or physical violence.
- Rude, confronting and threatening correspondence.
- Emotional manipulation.
- Threats of harm to self or third parties, threats with a weapon or threats to damage property.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language, whether verbal or written, that may cause staff to feel afraid, threatened or abused, and may include threats, personal verbal

abuse, derogatory remarks or rudeness. Council also considers inflammatory statements and unsubstantiated allegations to be abusive behaviour.

Council has a zero tolerance policy towards any acts of aggression, abuse or threats, and any conduct of this kind will be managed in accordance with the Workplace Violence Policy CP009.

4. Managing Unreasonable Customer Conduct

UCC incidents will generally be managed by limiting or adapting the ways that Council interacts with, and/or delivers services to customers by restricting:

- Who they have contact with
- What they can raise with Council
- When they can have contact
- Where they can make contact
- How they can make contact

In rare cases, and when all other strategies have been considered and/or attempted, it may be necessary to completely restrict a customer's contact and/or access to Council services.

UCC will be managed in accordance with the 'Unreasonable Customer Conduct Procedures'.

5. Implementation

General Manager Corporate is responsible for implementing this policy.

6. Definitions

Executive Leadership Team (ELT)	Consists of the Chief Executive Officer and General Managers
Unreasonable Customer Conduct	Unreasonable customer conduct (UCC) can be defined as any behaviour by a current or former customer which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint.

7. Legislation and other references

7.1 Legislation

For further information related to this policy see:

- *Occupational Health and Safety Act 2004*
- *Occupational Health and Safety Regulations 2017*

7.2 Documents

This Policy is to be read in conjunction with the following documents:

- Customer Complaints Policy CP048
- Library Service Membership and Usage Policy OP048
- Occupational Health & Safety Policy OP142
- Workplace Violence Policy CP009
- Unreasonable Customer Conduct Procedures
- Victorian Ombudsman Good Practice Guide - Dealing with Challenging Behaviour

8. Risk Assessment Reference

Please tick the corporate governance risk(s) that this policy is addressing.

Risk Category	✓	Risk Category	✓
Asset Management		Financial Sustainability	
Committees		Human Resource Management	
Compliance – Legal & Regulatory		Leadership & Organisational Culture	✓
Contract Management		Occupational Health & Safety	✓
Contract Tendering & Procurement		Organisational Risk Management	✓
Corporate Governance		Project Management	
Environmental Sustainability		Public Image and Reputation	✓