

Service 1: Managing Unreasonable Conduct by Customers

1. Purpose

The purpose of this policy is to provide guidance as to the basis for a fair, equitable and transparent mechanism for dealing with unreasonable conduct by customers, achieving a balance between:

- (a) Meeting the genuine needs of customers, fairly and equitably;
- (b) Providing a safe working environment for staff, volunteers and Elected Members; and
- (c) Ensuring that City resources are used efficiently, effectively and equitably to manage the City's responsibilities to discharge its statutory functions and represent the interests of all persons in the District.

2. Policy Statement

2.1 The City of Kalamunda is committed to being accessible and responsible to all customers who approach the City for assistance, raising legitimate and important concerns, enquiries or requests.

2.2 The Council and the City's Administration also have a responsibility to:

- (a) ensure the equitable allocation of the City's resources across all the enquiries, requests, concerns and complaints received;
- (b) ensure the health, safety and security of its employees and volunteers; and
- (c) consider the net public benefit for the community as a whole in the allocation of time and resources.

2.3 Customer satisfaction

This is an aspiration and priority for the City of Kalamunda, reflected in a variety of Customer Strategies and measures we have in place. However, at times the expectations or demands of a person may exceed the City's ability to deliver.

2.4 Unreasonable Behaviour

It is acknowledged that regardless of the standard of professional and positive customer service the City achieves, there will be a small percentage of customers whose issues cannot be dealt with to their satisfaction and engage in unreasonable behaviour in an attempt to obtain their desired outcome.

In a small number of cases, customers behave in a way that is inappropriate and may demonstrate the following unreasonable behaviour:

- (a) Acting aggressively, including verbal abuse or threatening harm;
- (b) Bombarding employees with unnecessary and excessive phone calls and emails;

- (c) Making excessive and inappropriate demands of employee time and the City's resources; and/or
- (d) Refusing to accept decisions, explanations and recommendations, even after exhausting all internal and external review processes.

2.5 The Impact of Unreasonable Behaviour

The small percentage of customers who behave unreasonably consume a disproportionate amount of the City's time and resources and cause serious stress to employees and others.

2.6 Guiding Principles in Responding to Unreasonable Behaviour

All community members have the right to:

- (a) ask questions about the City and the services it provides;
- (b) express opinions about the City about the City's services; and
- (c) lodge complaints about the City and the City's services.
- (d) The right to ask questions, express opinions and lodge complaints is not unqualified. The City may, and in some cases is legally obligated to, take action when faced with unreasonable behaviour.
- (e) All members of staff, volunteers and Elected Members have the right to be treated with respect and courtesy by members of the community.
- (f) The City has a responsibility to eliminate and reduce risks to mental and physical health and safety under Occupational Safety and Health legislation.
- (g) The City has a statutory responsibility to ensure resources are allocated efficiently, effectively and equitably. This includes minimizing excessive diversion of resources to the personal benefit of individuals.
- (h) At all times, the City's responses will remain reasonable and proportionate to the nature of the behaviour and its impact on the City's employees and resources. This includes having a due regard to the person's personal circumstances.
- (i) As a last resort, the City may limit the person's access to City services in the interest of protecting the City's employees and resources. Such decisions will be made at a Director level and the person will be informed about the limits, the reasons for the decision and the options for review.
- (j) Nothing in this policy limits the capacity and legal requirement of the City to take immediate appropriate action where the unreasonable conduct involves:
 - (i) an imminent and readily apparent threat to the mental or physical health or well-being of Elected Members, employees, volunteers or others; and/or
 - (ii) failure to obey a lawful instruction.

Status	Council Requirement		
Related Local Law	N/A		
Related Council Policies	Code of Conduct for Employees Customer Service Policy – Updated Policy Pending		
Relevant Delegation	N/A		
Related Internal Procedures	(Customer Complaint Handling Processes) – Updated Procedure Pending		
Related Budget Schedule	N/A		
Legislation	<i>Equal Opportunity Act 1984 (WA)</i> <i>Local Government Act 1995 (WA)</i> <i>Occupational Safety and Health Act 1984 (WA)</i>		
Notes and Conditions	Ombudsman Western Australia – Managing Unreasonable Complainant Conduct Ombudsman New South Wales – Managing Unreasonable Complainant Conduct – Practice Manual 2 nd Edition Ombudsman New South Wales – Managing Unreasonable Complainant Conduct – a model policy and procedure Victorian Ombudsman – Good Practice Guide to Dealing with Challenging Behaviour City of Melville – Policy CP-107 – Managing Unreasonable Conduct by Customers – Adopted 17 July 2018		
Authority	Council		
Adopted	27 August 2019	Next Review Date	27 August 2021