

1. PROTOCOL OBJECTIVES

1.1 Wollondilly Shire Council (Council) is committed to being accessible and responsive to all customers who approach us for assistance and/or with a complaint. At the same time the success of our organisation depends on:

- Our ability to do our work and perform our functions in the most effective and efficient ways possible
- The health, safety and security of our staff
- Our ability to allocate our resources fairly across all the complaints we receive.

When customers behave unreasonably in their dealings with us, their conduct can significantly affect our success. As a result, Council will take proactive and decisive action to manage any customer conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this Protocol.

2. BACKGROUND

2.1 This Protocol aims to ensure that all staff:

- Feel confident and supported in taking appropriate action to manage unreasonable customer conduct.
- Act fairly, consistently, honestly and respectfully when responding to unreasonable customer conduct.
- Are aware of their roles and responsibilities in relation to the management of unreasonable customer conduct and how these Protocols will be used.
- Understand the types of circumstances when it may be appropriate to manage unreasonable customer conduct.
- Have a clear understanding of the criteria that will be considered before deciding to use any of the strategies detailed in this Protocol.
- Are aware of the processes that will be followed to record and report unreasonable customer conduct incidents as well as the Protocols for consulting and notifying customers about any proposed actions or decisions to change their access to the Council.

2.2 This Protocol has been developed in line with the NSW Ombudsman's Unreasonable Customer Conduct Model Policy published in May 2012.

3. APPLICABILITY

3.1 This Protocol applies to all staff of Council.

4. GUIDELINES

4.1 UNREASONABLE CUSTOMER CONDUCT

The NSW Ombudsman's Model Policy for UCC states:- *“Most customers who come to our office act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about their complaint. However in a very small number of cases some customers behave in ways that are inappropriate and unacceptable – despite our best efforts to help them. They are aggressive and verbally abusive towards staff. They threaten harm and violence, bombard our officers with unnecessary and excessive phone calls and emails, make inappropriate demands on our time and our resources and refuse to accept our decisions and recommendations in relation to their complaints. When complainants behave in these ways we consider their conduct to be ‘unreasonable’.”*

Unreasonable customer conduct ('UCC') is any behaviour by a current or former customer which, because of its nature or frequency raises substantial health, safety, resource or equity issues for Council, our staff, other service users and customers or the customer himself/herself.

UCC can be divided into five categories of conduct:

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

These categories are defined in the following paragraphs, using the definitions and examples of behaviour from the NSW Ombudsman's Model Policy.

4.1.1 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:

- An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
- Persistently demanding a review simply because it is available and without arguing or presenting a case for one.
- Pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their complaints.
- Reframing a complaint in an effort to get it taken up again.
- Bombarding our staff/organisation with phone calls, visits, letters, emails (including cc'd correspondence) after repeatedly being asked not to do so.

- Contacting different people within Council and/or externally to get a different outcome or more sympathetic response to their complaint – internal and external forum shopping.

4.1.2 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 we have/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a Manager or the Chief Executive Officer personally when it is not appropriate or warranted.
- Emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame, seduce or portray themselves as being victimised – when this is not the case.
- Insisting on outcomes that are not possible or appropriate in the circumstances – e.g. for someone to be sacked or prosecuted, an apology and/or compensation when no reasonable basis for expecting this.
- Demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly.

4.1.3 Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with Council, staff, or complaints system and processes that result in a disproportionate and unreasonable use of our services, time and/or resources. Some examples of unreasonable lack of cooperation include:

- Sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about – only where the customer is clearly capable of doing this.
- Providing little or no detail with a complaint or presenting information in ‘drips and drabs’.
- Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- Arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, and so forth.

4.1.4 Unreasonable arguments

Unreasonable arguments include any arguments that are not based in 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 a logical sequence.
- Are not supported by any evidence and/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.

4.1.5 Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a customer is – because it unreasonably compromises the health, safety and security of our staff, other service users or the customer himself/herself. Some examples of unreasonable behaviours include:

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

All staff should note that Council has a zero tolerance policy towards any harm, abuse or threats directed towards them. Any conduct of this kind will be dealt with under this Protocol and in accordance with our duty of care and work health and safety responsibilities.

4.2 RESPONDING TO AND MANAGING UCC

4.2.1 Changing or restricting a customer's access to Council

UCC incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to customers by defining:

- **Who they have contact with** – limiting a customer to a sole contact person/staff member in Council.
- **What they can raise with us** – restricting the subject matter of communications that we will consider and respond to.

- **When they can have contact** – limiting a customer’s contact with Council to a particular time, day, or length of time, or curbing the frequency of their contact with us.
- **Where they can make contact** – limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office.
- **How they can make contact** – limiting or modifying the forms of contact that the customer can have with us. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to Council premises, contact through a representative only, taking no further action or terminating our services altogether.

When using the restrictions provided in this section we recognise that discretion will need to be used to adapt them to suit a customer’s personal circumstances, level of competency, literacy skills, etc. In this regard, we also recognise that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

4.2.2 **Who – Limiting the customer to a sole contact point**

Where a customer tries to forum shop internally within our organisation, changes their issues of complaint repeatedly, reframes their complaint, or raises an excessive number of complaints it may be appropriate to restrict their access to a single staff member (a sole contact point) who will exclusively manage their complaint(s) and interactions with Council. This will ensure they are dealt with consistently and will minimise the chances for misunderstandings, contradictions and manipulation.

The sole contact officer’s supervisor will provide them with regular support and guidance as needed. The relevant Director will review the arrangement every six months to ensure that the officer is managing/coping with the arrangement.

Customers who are restricted to a sole contact person will be given the contact details of one additional staff member who they can contact if their primary contact is unavailable due to taking leave or are otherwise unavailable for an extended period of time.

4.2.3 **What – Restricting the subject matter of communications that we will consider**

Where customers repeatedly send written communications, letters, emails, or online forms that raise trivial or insignificant issues, contain inappropriate or abusive content or relate to a complaint/issue that has already been comprehensively considered and/or reviewed (at least once) by Council, we may restrict the issues/subject matter the customer can raise with us/we will respond to. For example, we may:

- Refuse to respond to correspondence that raises an issue that has already been dealt with comprehensively, that raises a trivial issue, or is not supported by clear/any evidence. The customer will be advised that future correspondence of this kind will be read and filed without acknowledgement unless we decide that we need to pursue it further in which case, we may do so on our ‘own motion’.

- Restrict the customer to one complaint/issue per month. Any attempts to circumvent this restriction, for example by raising multiple complaints/issues in the one complaint letter may result in modifications or further restrictions being placed on their access.
- Return correspondence to the customer and require them to remove any inappropriate content before we will agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for our records to identify repeat/further UCC incidents.

4.2.4 **When – Limiting when and how a customer can contact us**

If a customer's telephone, written or face-to-face contact with Council places an unreasonable demand on our time or resources because it is overly lengthy (e.g. disorganised and voluminous correspondence) or affects the health safety and security of our staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, we may limit when and/or how the customer can interact with us. This may include:

- Limiting their telephone calls or face-to-face interviews to a particular time of the day or days of the week.
- Limiting the length or duration of telephone calls, written correspondence or face-to-face interviews. For example:
 - Telephone calls may be limited to 10 minutes at a time and will be politely terminated at the end of that time period.
 - Lengthy written communications may be restricted to a maximum of 15 typed or written pages, single sided, font size 12 or it will be sent back to the customer to be organised and summarised – This option is only appropriate in cases where the customer is capable of summarising the information and refuses to do so.
 - Limiting face-to-face interviews to a maximum of 45 minutes.
- Limiting the frequency of their telephone calls, written correspondence or face-to-face interviews. Depending on the natures of the service(s) provided we may limit:
 - Telephone calls to 1 every two weeks/month.
 - Written communications to 1 every two weeks/month.
 - Face-to-face interviews to 1 every two weeks/month.

For irrelevant, overly lengthy, disorganised or frequent written correspondence we may also:

- Require the customer to clearly identify how the information or supporting materials they have sent to us relate to the central issues that we have identified in their complaint
- Restrict the frequency with which customers can send emails or other written communications to Council
- Restrict a customer to sending emails to a particular email account (e.g. the organisation's main email account) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

Writing only restrictions

When a customer is restricted to 'writing only' they may be restricted to written communications through:

- Australia Post only.
- Email only to a specific staff email or our general office email account.
- Fax only to a specific fax number.
- Some other relevant form of written contact, where applicable.

If a customer's contact is restricted to 'writing only', the nominated Manager will clearly identify the specific means that the customer can use to contact Council (e.g. Australia Post only). Also, if it is not suitable for a customer to enter Council premises to hand deliver their written communication, This must be communicated to them as well.

Any communications that are received by Council in a manner that contravenes a 'write only' restriction will either be returned to the customer or read and filed without acknowledgement.

4.2.5 Where – Limiting face-to-face interviews to secure areas

If a customer is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to our premises, we may consider restricting our face-to-face contact with them.

These restrictions may include:

- Restricting access to particular secured premises or areas of the office – such as the reception area or secured room/facility.
- Restricting their ability to attend our premises to specified times of the day and/or days of the week only – for example, when additional security is available or to times/days that are less busy.
- Allowing them to attend our office on an 'appointment only' basis and only with specified staff. Note – during these meetings staff should always seek support and assistance of a colleague for added safety and security.
- Banning the customer from attending our premises altogether and allowing some other form of contact – e.g. 'writing only' or 'telephone only' contact.

Contact through a representative only

In cases where we cannot completely restrict our contact with a customer and their conduct is particularly difficult to manage, we may also restrict their contact to: contact through a support person or representative only. The support person may be nominated by the customer but must be approved by the nominated Manager.

When assessing a representative/support person's suitability, the nominated Manager should consider factors like: the nominated representative/support person's competency and literacy skills, demeanour/behaviour and relationship with the customer. If the nominated Manager determines that the representative/support person may exacerbate the situation with the customer the customer will be asked to nominate another person or we may assist them in this regard.

4.2.6 Completely terminating a customer's access to our services

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the nominated Manager may decide that it is necessary for Council to completely restrict a customer's contact/access to our services.

A decision to have no further contact with a customer will only be made if it appears that the customer is unlikely to modify their conduct and/or their conduct poses a significant risk for our staff or other parties because it involves one or more of the following types of conduct:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault.
- Damage to property while on our premises.
- Threats with a weapon or common office items that can be used to harm another person or themselves.
- Physically preventing a staff member from moving around freely either within their office or during an off-site visit – e.g. entrapping them in their home.
- Conduct that is otherwise unlawful.

In these cases the customer will be sent a letter notifying them that their access has been restricted.

A customer's access to our services and our premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect members of our staff from personal violence, intimidation or stalking by a customer.

4.3 ALTERNATIVE DISPUTE RESOLUTION

4.3.1 Using alternative dispute resolution strategies to manage conflicts with customers

If the relevant Director and the Chief Executive Officer determine that we cannot terminate our services to a customer in a particular case or that Council staff bear some responsibility for causing or exacerbating their conduct, they may consider using alternative dispute resolution strategies ('ADR') such as mediation and conciliation to resolve the conflict with the customer and attempt to rebuild our relationship with them. If ADR is considered to be an appropriate option in a particular case, the ADR will be conducted by an independent third party to ensure transparency and impartiality.

However, we recognise that in UCC situations, ADR may not be an appropriate or effective strategy particularly if the customer is uncooperative or resistant to compromise. Therefore, each case will be assessed on its own facts to determine the appropriateness of this approach.

4.4 PROTOCOL TO BE FOLLOWED WHEN CHANGING OR RESTRICTING A CUSTOMER'S ACCESS TO OUR SERVICES

4.4.1 Consulting with relevant staff

When a Manager receives a UCC incident form from a staff member they will contact the staff member to discuss the incident.

They will discuss:

- The circumstances that gave rise to the UCC/incident.
- The impact of the customer's conduct on our organisation, relevant staff, our time, resources, etc.
- The customer's responsiveness to the staff member's warnings/requests to stop the behaviour.
- The actions the staff member has taken to manage the customer's conduct, if any.
- The suggestions made by relevant staff on ways that the situation could be managed.

See Attachment 9.1 – Sample Unreasonable Customer Contact Incident Form

4.4.2 Criteria to be considered

Following consultation with relevant staff, the nominated Manager will search Council's systems for information about the customer's prior conduct and history with Council. They will also consider the following criteria:

- Whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances).
- Whether the customer's case has merit.
- The likelihood that the customer will modify their unreasonable conduct if they are given a formal warning about their conduct.
- Whether changing or restricting access to our services will be effective in managing the customer's behaviour.
- Whether changing or restricting access to our services will affect the customer's ability to meet their obligations, such as reporting obligations.
- Whether changing or restricting access to our services will have an undue impact on the customer's welfare, livelihood or dependents etc.
- Whether the customer's personal circumstances have contributed to the behaviour. For example, the customer is a vulnerable person who is under significant stress as a result of one or more of the following:
 - homelessness
 - physical disability
 - illiteracy or other language or communication barrier
 - mental or other illness
 - personal crises
 - substance or alcohol abuse.
- Whether the customer's response/conduct in the circumstances was moderately disproportionate, grossly disproportionate or not at all disproportionate.
- Whether there any statutory provisions that would limit the types of limitations that can be put on the customer's contact/access to our services.

Once the nominated Manager has considered these factors they will decide on the appropriate course of action, in consultation with the Manager Technology, Information & Corporate Strategy. They may suggest formal or informal options for dealing with the customer's conduct which may include one or more of the strategies provided in the practice manual and this Protocol.

See Attachment 9.2 - Sample checklist for the nominated Manager to consider when deciding to modify or restrict a customer's access

4.4.3 Providing a warning letter

Unless a customer's conduct poses a substantial risk to the health and safety of staff or other third parties, the nominated Manager will provide them with a written warning about their conduct in the first instance.

The warning letter will:

- Specify the date, time and location of the UCC incident.
- Explain why the customer's conduct/ UCC incident is problematic.
- List the types of access changes and/or restrictions that may be imposed if the behaviour continues. (Note: not every possible restriction should be listed only those that are most relevant).
- Provide clear and full reasons for the warning being given.
- Include an attachment of the organisation's ground rules and / or briefly state the standard of behaviour that is expected of the customer.
- Provide the name and contact details of the staff member who they can contact about the letter.
- Be signed by the nominated Manager.

See Attachment 9.3 – Sample warning letter

4.4.4 Providing a notification letter

If a customer's conduct continues after they have been given a written warning or in extreme cases of overt aggression, violence, assault or other unlawful/unacceptable conduct the relevant Director has the discretion to send a notification letter immediately restricting the customer's access to our services (without prior written warning).

This notification letter will:

- Specify the date, time and location of the UCC incident(s).
- Explain why the customer's conduct/UCC incident(s) is problematic.
- Identify the change and/or restriction that will be imposed and what it means for the customer.
- Provide clear and full reasons for this restriction.
- Specify the duration of the change or restriction imposed, which will not exceed 12 months.
- Indicate a time period for review.
- Provide the name and contact details of the senior officer who they can contact about the letter and/or request a review of the decision.
- Be signed by the relevant Director or Chief Executive Officer.

See Attachment 9.4: Sample letter notifying a customer of a decision to change or restrict their access to our services

4.4.5 Notifying relevant staff about access changes/restrictions

The nominated Manager will notify relevant staff about any decisions to change or restrict a customer's access to our services, in particular reception and security staff in cases where a customer is prohibited from entering our premises.

The nominated Manager will also update the TRIM file outlining the nature of the restrictions imposed and their duration.

4.4.6 Continued monitoring/oversight responsibilities

Once a customer has been issued with a warning letter or notification letter the nominated Manager will review the customer's record/restriction every 3 months, or on request by a staff member, or following any further incidents of UCC that involve the particular customer to ensure that they are complying with the restrictions/the arrangement is working.

4.5 APPEALING A DECISION TO CHANGE OR RESTRICT ACCESS TO COUNCIL SERVICES

4.5.1 Right of appeal

Customers are entitled to one appeal of a decision to change/restrict their access to Council. This review will be undertaken by the Chief Executive Officer. The Chief Executive Officer will advise the customer of the outcome of their appeal by letter.

If a customer continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that we have acted fairly, reasonably and consistently and have observed the principles of good administrative practice including, procedural fairness.

4.6 NON-COMPLIANCE WITH A CHANGE OR RESTRICTION ON ACCESS TO COUNCIL SERVICES

4.6.1 Recording and reporting incidents of non-compliance

All staff members are responsible for recording and reporting incidents of non-compliance by customers. This should be recorded in a file note in Council's Electronic Document Management System (TRIM) and a copy forwarded to the Manager Technology, Information & Corporate Strategy who will decide whether any action needs to be taken to modify or further restrict the customer's access to our services.

4.7 PERIODIC REVIEWS OF ALL CASES WHERE THIS PROTOCOL IS APPLIED

4.7.1 Period for review

All UCC cases where this Protocol is applied will be reviewed every 3 months or 6 months (depending on the nature of the service provided) and not more than 12 months after the service change or restriction was initially imposed or continued/upheld.

4.7.2 Notifying the customer of an upcoming review

The nominated Manager will invite all customers to participate in the review process unless they determine that this invitation will provoke a negative response from the customer (i.e. further UCC). The invitation will be given and the review will be conducted in accordance with the customer's access restrictions (e.g. if contact has been restricted to writing only then the invitation to participate will be done in writing).

See Attachment 9.5 - Sample letter notifying a customer of an upcoming review

4.7.3 Criteria to be considered during a review

When conducting a review, the nominated Manager will consider:

- Whether the customer has had any contact with the organisation during the restriction period.
- The customer's conduct during the restriction period.
- Any information/arguments put forward by the customer for review.
- Any other information that may be relevant in the circumstances.

The nominated Manager may also consult any staff members who have had contact with the customer during the restriction period.

Note – Sometimes a customer may not have a reason to contact Council during their restriction period. As a result, a review decision that is based primarily on the fact that the customer has not contacted our organisation during their restriction period (apparent compliance with our restriction) may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations.

See Attachment 9.6 – Sample checklist for reviewing an access change/restriction

4.7.4 Notifying a customer of the outcome of a review

The nominated Manager will notify the customer of the outcome of their review using the appropriate/relevant method of communication as well as a written letter explaining the outcome, as applicable.

The review letter will:

- Briefly explain the review process.
- Identify the factors that have been taken into account during the review.
- Explain the decision/outcome of the review and the reasons for it.

If the outcome of the review is to maintain or modify the restriction the review letter will also:

- Indicate the nature of the new or continued restriction.
- State the duration of the new restriction period.
- Provide the name and contact details of the nominated Manager or nominated officer who the customer can contact to discuss the letter.
- Be signed by the nominated Manager.

See Attachment 9.7 – Sample letter advising the customer of the outcome of the review

4.7.5 Recording the outcome of a review and notifying relevant staff

Like all other decisions made under this Protocol, the nominated Manager is responsible for keeping a record of the outcome of the review, updating TRIM and notifying all relevant staff of the outcome of the review including if the restriction has been withdrawn.

4.8 MANAGING STAFF STRESS

4.8.1 Staff reactions to stressful situations

Dealing with customers who are demanding, abusive, aggressive or violent can be extremely stressful and at times distressing or even frightening for all our staff – both experienced and inexperienced. It is perfectly normal to get upset or experience stress when dealing with difficult situations.

As an organisation, we have a responsibility to support staff members who experience stress as a result of situations arising at work and we will do our best to provide staff with debriefing and counselling opportunities, when needed. However, to do this we also need help of all Council staff to identify stressful incidents and situations. As a result, all staff have a responsibility to notify relevant supervisors/managers of UCC incidents and any stressful incidents that they believe require management involvement.

4.8.2 Debriefing

Debriefing means talking things through following a difficult or stressful incident. It is an important way of 'off-loading' or dealing with stress. Many staff members naturally do this with colleagues after a difficult telephone call, but debriefing can also be done with a supervisor or manager or as a team following a significant incident. We encourage all staff to engage in an appropriate level of debriefing, when necessary.

Staff may also access an external professional service on a needs basis. All staff can access the Employee Assistance Program. A free, confidential counselling appointment can be made by calling 1300 361 008.

Training and/or debriefing will also be provided for staff that may experience an accumulation of incidents. Supervisors will monitor the frequency and nature of any incident experienced by staff and liaise with Employee Relations (ER) to organise training or debriefing.

4.9 OTHER REMEDIES

4.9.1 Compensation for injury

Any staff member who suffers injury as a result of aggressive behaviour from customers is entitled to make a workers' compensation claim. ER will assist wherever possible in processing claims. If you are the victim of an assault, they may also be able to apply to the Victim's Compensation Tribunal for compensation.

4.9.2 Compensation for damage to clothing or personal effects

Where damage is suffered to clothing or personal effects as a result of aggression by a customer, compensation may be sought.

4.9.3 Legal assistance

If a staff member is physically attacked, or is a victim of employment generated harassment and the police do not lay charges, the Chief Executive Officer will consider providing reasonable legal assistance if the staff member wishes to take civil action.

4.9.4 Threats outside the office or outside working hours

Where threats are directed at a particular staff member and it appears those threats may be carried out outside normal working hours or outside Council, the staff member will receive the support of Council. Requests for such assistance should be made to their Manager.

4.9.5 Escorts home

When a staff member fears for their safety following a threat from a customer, another staff member may accompany them home or Council can meet the cost of the staff member going home in a taxi. Ask their Manager for more information.

4.9.6 Telephone threats on home numbers

If a staff member or their family have been harassed by telephone at their home and they believe it is connected with their employment they may apply to have Council meet the cost of having their telephone number changed and/or made silent. The staff member should also contact their telephone carrier, as they may provide an interception/monitoring service.

If assistance is approved, Council will meet the cost incurred for a period up to 12 months. Once approval is given, the staff member is responsible for making the necessary arrangements and will be reimbursed after producing a paid account.

Applications for reimbursement must be approved by the Executive Director Community Services & Corporate Support and/or the Chief Executive Officer.

4.9.7 **Other security measures**

If other security measures are necessary, Council will give consideration to providing all reasonable support to ensure the safety and welfare of the staff member.

4.10 **TRAINING AND AWARENESS**

Council is committed to ensuring that all staff are aware of and know how to use this Protocol. All staff who deal with customers in the course of their work will also receive appropriate training and information on using this Protocol and on managing UCC on a regular basis in particular, on induction.

4.11 **NSW OMBUDSMAN MAY REQUEST COPIES OF OUR RECORDS**

Council will keep records of all cases where this Protocol is applied, including a record of the total number of cases where it is used every year. This data may be requested by the NSW Ombudsman to conduct an overall audit and review in accordance with its administrative functions and/or to inform its work on UCC.

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 **All staff**

All staff are responsible for familiarising themselves with this Protocol.

Staff are also encouraged to explain the contents of this document to all customers particularly those who engage in UCC or exhibit the early warning signs for UCC.

Staff are also responsible for recording and reporting all UCC incidents they experience or witness (as appropriate) to their Team Leader or Manager within 24 hours of the incident occurring on the UCC Incident Form.

5.2 **Managers**

Managers of the section where the UCC incident has occurred will be deemed the nominated Manager. The nominated Manager, in consultation with relevant staff, have the responsibility and authority to provide advice to their Director and the Manager Technology, Information & Corporate Strategy, on changing or restricting a customer's access to the Council in the circumstances identified in this Protocol.

Managers are also responsible for recording, monitoring and reviewing all cases where UCC is applied within their business area to ensure consistency, transparency and accountability for the application of these Protocols. They will also manage and keep a record of all cases where these Protocols are applied.

5.3 **Manager Technology, Information & Corporate Strategy**

The Manager Technology, Information & Corporate Strategy is responsible for ensuring compliance with these Protocols, and will act as a central point of contact and will be notified by the nominated Managers of any changes or restrictions to a customer's access.

The Manager Technology, Information & Corporate Strategy will monitor and review all cases where these Protocols are applied across all business units to ensure consistency, transparency and accountability.

5.4 Directors

Directors are responsible for supporting staff to apply the strategies in this Protocol.

Directors are also responsible for approving any strategies that effectively change or restrict a customer's access to the Council. These include notifying customers of any changes or restrictions to their access to the Shire, and any outcomes of a review of changes to access restrictions that have been applied.

Directors will be responsible for preparing any correspondence that effectively changes or restricts a customer's access to the Council.

They will manage all files in relation to UCC in TRIM to ensure consistency, transparency and accountability.

5.5 Chief Executive Officer

The Chief Executive Officer will approve any decision to completely terminate a customer's access to the Council and review any appeals by customers in regard to change/restrict their access.

6. RELATED POLICIES

- 6.1 Code of Conduct
- 6.2 Complaints Handling Policy
- 6.3 Records/Information Management Policy
- 6.4 Service Charter
- 6.5 Risk Management Policy

7. RELATED PROTOCOLS

- 7.1 Use of Duress Alarm – TRIM 839#47
- 7.2 Response to Duress Alarm – TRIM 839#48

8. RELATED LEGISLATION

- 8.1 Work Health and Safety Act 2011
- 8.2 Local Government Act 1993 and Regulations

9. ATTACHMENTS

- 9.1 Sample Unreasonable Customer Contact Incident Form
- 9.2 Sample checklist for the nominated Manager to consider when deciding to modify or restrict a customer's access
- 9.3 Sample warning letter
- 9.4: Sample letter notifying a customer of a decision to change or restrict their access to our services
- 9.5 Sample letter notifying a customer of an upcoming review
- 9.6 Sample checklist for reviewing a decision regarding an access change/restriction
- 9.7 Sample letter advising the customer of the outcome of a review

10. RESOURCES

- 10.1 NSW Ombudsman's - Unreasonable Complainant Conduct Model Protocol
- 10.2 NSW Ombudsman's - Managing Unreasonable Complainant Conduct – Practice Manual (2nd Edition)

11. IMPLEMENTATION STATEMENT

- 11.1 To ensure this Protocol is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:
 - Briefing for all Councillors and inclusion on new Councillor induction program
 - Development of training material and Staff Guidelines to be delivered to front-line staff via face-to-face training and inclusion on Council's intranet
 - Review of Protocol at induction with all new staff and volunteers
 - Communication of Protocol to existing staff via e-mail or hard copy
 - Inclusion of this Protocol on Council's intranet and web site

12. PROTOCOL HISTORY

12.1	Date First Endorsed	11 / 11 / 2015
12.2	Most Recent Endorsement	11 / 11 / 2015
12.3	Next Review Date	31 / 10 / 2018
12.4	Responsible Officer	Manager Information, Technology & Corporate Strategy
12.5	Responsible Department	Community Services and Corporate Support



Luke Johnson
CHIEF EXECUTIVE OFFICER

SAMPLE UNREASONABLE CUSTOMER CONTACT INCIDENT FORM



**Unreasonable Customer Contact
Incident Form**

This form should only be completed if you encounter unreasonable customer conduct and consider that steps may need to be taken to change or restrict a customer's access to services provide by our organisation.

You should complete this form and send it electronically or by hand to [*the nominated Manager*] within 24 hours of a UCC incident. They will decide on the necessary and appropriate course of action for responding to and managing the customer's conduct.

Date: _____

Council officer's name: _____

Name of customer: _____

Customer's reference (if applicable) : _____

Details of the customer's conduct/incident including whether emergency services were contacted:

Why do you consider this conduct to be unreasonable?

For example – has it occurred before/repeatedly, caused significant disruptions to our organisation, has or could raise significant health and safety issues for our staff or other persons.

What action, if any, have you taken to deal with/manage the customer's conduct?

For example – warning the customer 'verbally' about their conduct, other/previous attempts to manage the behaviour etc.

TRIM 5742#57



**Unreasonable Customer Contact
Incident Form**

What do you think should be done to effectively manage the customer's conduct?

Note – the final decision on the appropriate course of action will be made by the nominated Manager.

Is there any other information that might be relevant to this case? If necessary, attach any supporting documentation.

Date: _____

Name: _____

Signature: _____

**SAMPLE CHECKLIST FOR THE NOMINATED MANAGER TO CONSIDER WHEN
DECIDING TO MODIFY OR RESTRICT A CUSTOMER'S ACCESS**



**Checklist to consider when deciding to
Modify or restrict a customer's access**

- I have received a signed and completed incident form from the officer(s) involved (attach copy).
- I have spoken with relevant officer(s) to obtain further information, as needed.
- I have reviewed the customer's record and all the relevant information in it.
- I have referred to and considered Part 7.2 Criteria to be considered which includes an assessment of the following:
 - The merits of the customers case

 - The customer's circumstances

 - Jurisdictional issues

 - Proportionality

 - Organisational or officer responsibility

 - Responsiveness, including previous conduct

TRIM 5742#30



**Checklist to consider when deciding to
Modify or restrict a customer's access**

- Officer's personal boundaries

- Conduct that is unreasonable in all circumstances (assault, threats of harm etc.)

- Along with the officer concerned and *[any other nominated senior officers]*, I have considered all reasonable options for managing the customer's conduct, including those that do not involve restricting their access to our services.

- The customer has been warned about their conduct in writing, and the letter has been signed by the General Manager if applicable.

- The customer has been advised in writing of our decision to restrict their access to our organisation, and the letter has been signed by the General Manager if applicable.

- I have made a record of my assessment and decision about the customer's conduct and all relevant staff members have been notified of my decision.

- A File Note in TRIM has been created and sent to all Frontline staff that details the nature of the conduct that caused us to be concerned, the nature of the restriction that has been placed on their access, its duration, how they are to deal with the customer (including who they should direct any communications from the customer to).

Date: _____

Name: _____

Signature: _____

TRIM 5742#30



Frank McKay Building 62-64 Menangle Street Picton NSW 2571 DX: 26052 Picton
All Correspondence to PO Box 21 Picton NSW 2571
Telephone: 02 4677 1100 Fax: 02 4677 2339
Email: council@wollondilly.nsw.gov.au Web: www.wollondilly.nsw.gov.au
ABN: 93 723 245 808

R U R A L L I V I N G

Our Reference: TRIM No. CG:CG (Trim number and Author/Typist)

#Name
#Address
#Address
#SUBURB NSW Postcode here

#Date

Dear [name of customer]

Your contact with Wollondilly Shire Council [facility name if appropriate]

You recently had [state the form of contact – e.g. telephone, written or face-to-face] with staff at my office on [date]. [During/In that telephone call/appointment/letter,] I understand that you [explain the nature of the conduct that has caused Council to be concerned].

We consider this type of behaviour to be inappropriate and it must stop. If you continue to behave in this way or in any other way that my staff consider is unreasonable, we will impose restrictions on your contact with Council. This may involve restricting your contact to [apply the relevant option(s)]:

- 'Writing only' – this means that we will only accept communications from you in writing, delivered by Australia Post [if online or other written communications are preferred then explain].
- 'Telephone contact only' – this means that you will only be able to contact us by telephone on a specified time and day of the week.
- 'Face-to-face contact only' – this means that your contact will be limited to scheduled face-to-face meetings with a specified member of our staff.

Or any other restriction that we consider to be appropriate in the circumstances.

.../2

TRIM ##

Page 2

I have attached a copy of a document called [Individual rights and mutual responsibilities of the parties to a complaint] for your reference. We expect everyone who complains to Council to act in the ways described in this document.

If you have any questions about this letter, contact [provide name and phone number of the nominated Manager or relevant staff member].

Yours faithfully

Nominated Manager
Title
DIVISION

**SAMPLE LETTER NOTIFYING A CUSTOMER OF A DECISION TO CHANGE OR
RESTRICT THEIR ACCESS TO OUR SERVICES**

[To be signed by the Chief Executive Officer or Manager]



Frank McKay Building 62-64 Menangle Street Picton NSW 2571 DX: 26052 Picton
All Correspondence to PO Box 21 Picton NSW 2571
Telephone: 02 4677 1100 Fax: 02 4677 2339
Email: council@wollondilly.nsw.gov.au Web: www.wollondilly.nsw.gov.au
ABN: 93 723 245 808

R U R A L L I V I N G

Our Reference: TRIM No. CG:CG (Trim number and Author/Typist)

#Name/Company here
#Address
#Address
#SUBURB NSW Postcode here

#Date

Dear [name of customer]

Decision to restrict your contact with Wollondilly Shire Council [facility name if appropriate]

It has come to my attention that you [describe the nature of the unreasonable conduct and its impact – e.g. if the customer has been sending emails to several members of my staff on a daily basis...]

I understand that Council staff have previously informed you that we consider this conduct to be unreasonable and unwarranted.

I also wrote to you on [date] and asked you to stop this behaviour. In that letter I advised you that if your behaviour continued, we would restrict your contact with my organisation. At the time I also attached a copy of our [Individual rights and mutual responsibilities of the parties to a complaint] which outlines your responsibilities as a customer.

Because your behaviour has continued, I now consider it necessary to impose certain restrictions on your future contact with Council. I therefore give you notice that from [date], and with the exception(s) detailed below, Council will only accept communication from you [identify permissible form of contact, if any].

What this means

This means that you are only to contact our organisation using [describe the restriction in further details]. Any communications that do not comply with this restriction will be [describe what will happen – e.g. phone calls will be terminated immediately or emails/written communications will be read and filed without acknowledgment, emails will be blocked or deleted, no interviews will be granted, etc.].

[Note: the customer should be clearly informed how they can contact the organisation and how the organisation will contact them].

.../2

TRIM ##

Page 2

Your existing complaint (if applicable)

Council currently has one file open in your name. This relates to [state the subject of complaint and describe complaint]. This file is being handled by [name of officer and position title]. While you are able to contact [name of officer] [state nature of contact – e.g. by email] about this specific matter, all other contact with Council, including any future complaints, must be [state restriction – e.g. in writing through Australia Post] [provide contact details – e.g. address of organisation where post can be sent].

Review of this decision

My decision to restrict your contact with Council is effective immediately and will last for [3 months/6 months/12 months]. At that time we will review your restriction and decide if it should be maintained, amended or withdrawn.

I take these steps with the greatest reluctance, but [state reason for restriction – e.g. the equity and safety of other customers and Council staff], leaves me no alternative.

Right of Appeal

You are entitled to one appeal of a decision to change/restrict their access to Council. This review will be undertaken by the General Manager. The General Manager will advise you of the outcome by letter.

If you are dissatisfied with the outcome of this appeal process, you may seek an external review from the NSW Ombudsman.

If you have any questions about this letter, you can contact [provide name and phone number of the nominated Manager or relevant staff member].

Yours faithfully

Nominated Manager/Director/General Manager

Title

DIVISION

SAMPLE LETTER NOTIFYING A CUSTOMER OF AN UPCOMING REVIEW
[To be signed by the Chief Executive Officer or Manager]



Frank McKay Building 62-64 Menangle Street Picton NSW 2571 DX: 26052 Picton
All Correspondence to PO Box 21 Picton NSW 2571
Telephone: 02 4677 1100 Fax: 02 4677 2339
Email: council@wollondilly.nsw.gov.au Web: www.wollondilly.nsw.gov.au
ABN: 93 723 245 808

RURAL LIVING

Our Reference: TRIM No. CG:CG (Trim number and Author/Typist)

#Name/Company here
#Address
#Address
#SUBURB NSW Postcode here

#Date

Dear [name of customer]

**Upcoming review of the decision to restrict your contact with Wollondilly Shire Council
[facility name if appropriate]**

It has now been [3 months/6 months/12 months] since restrictions were [imposed/upheld] on your contact with our office. As advised in our letter dated [date], we are now reviewing our decision to ascertain whether the restrictions should be maintained, amended or withdrawn.

We consider it important to give you an opportunity to participate in the review process, so we are therefore inviting you to [apply the relevant option(s)]:

- make submissions in writing through Australia Post [include contact person's name and address]
- schedule a face-to-face interview with [include name of staff member and provide instructions on how they should go about scheduling the appointment – e.g. calling though Customer Service on 02 467 1100]
- schedule a telephone interview with [include name of staff member and provide instructions on how they should go about scheduling the appointment – e.g. calling though Customer Service on 02 467 1100]

In your letter, you should include information that would be relevant to our review. This includes information about [.....]. During the interview, which will not last more than 30 minutes, we will discuss whether:

- you have complied with the current contact restrictions
- the current contact restrictions should be removed

.../2

TRIM ##

Page 2

- the current contact restrictions should be amended to better suit your personal circumstances
- the current contact restrictions should be maintained
- any other information that is relevant to our decision.

We must receive your letter by [time and date] and you should confirm your interview with [name of case officer] by [time and date]. If we do not receive it/hear from you by this date, we will assume that you do not wish to participate in this review and will undertake the review based on the information that we have available to us.

Once the review is completed, we will contact you again by letter notifying you of our decision.

If you have any questions about this letter, you can contact [provide name and phone number of the nominated Manager].

Yours faithfully

Nominated Manager
Title
DIVISION

ATTACHMENT 9.6
**SAMPLE CHECKLIST FOR REVIEWING A DECISION REGARDING AN
ACCESS CHANGE/RESTRICTION**



**Checklist for Reviewing a Decision
Regarding an Access Change/Restriction**

- The customer has been sent a letter notifying them of the review.
- The customer will/will not participate in the review.
- The customer has/has not scheduled a face-to-face interview
- The customer has/has not made written submissions
- The customer has/has not scheduled a telephone interview
- I have reviewed all the information in the relevant system/s from the last 12 months [or relevant period of the restriction] about the customer's:
 - contact with the office (explain form of contact)

 - conduct during that contact (explain if conduct reasonable or unreasonable)

- I have spoken with the Council officers who have had contact with the customer during the last 12 months about the customer's conduct during that period.
- I have considered the arguments/statements made by the customer, including the impact of the restrictions on them (explain customer's position, including if their circumstances have changed etc.) Note: if the customer is arguing that their circumstances have changed, they should be required to submit evidence to support this claim.
- I have considered whether there are other more reasonable/suitable options for managing the customer's conduct, including those that do not involve restricting their access to our services (list all that apply).

- I consider that the restriction should be (explain):
 - maintained – e.g. because the conduct has continued or is likely to continue, is disproportionate etc.

TRIM 5742#58



**Checklist for Reviewing a Decision
Regarding an Access Change/Restriction**

- removed – e.g. because the customer has complied with the restrictions etc.
- amended – e.g. because the customer's circumstances have changed and the current restriction is no longer appropriate.

- I have discussed my decision with [other nominated senior officers]
- The customer has been advised in writing of my decision to maintain/remove/ amend the restriction and this letter has been signed by the nominated Manager
- The relevant system and the UCC register have been updated to reflect my decision.

Date: _____ Signature: _____

TRIM 5742#58



Wollondilly
Shire Council

Frank McKay Building 62-64 Menangle Street Picton NSW 2571 **DX:** 26052 Picton
All Correspondence to PO Box 21 Picton NSW 2571
Telephone: 02 4677 1100 Fax: 02 4677 2339
Email: council@wollondilly.nsw.gov.au Web: www.wollondilly.nsw.gov.au
ABN: 93 723 245 808

R U R A L L I V I N G

Our Reference: TRIM No. CG:CG (Trim number and Author/Typist)

#Name
#Address
#Address
#SUBURB NSW Postcode here

#Date

Dear [name of customer]

Review of your contact with Wollondilly Shire Council [facility name if appropriate]

I am writing about a review that was undertaken by my organisation on [date] concerning your contact with this office. I understand that you [participated/did not participate] in that review.

Process of review

During the review you were given an opportunity to [explain in general terms how the review what undertaken].

Considerations

After your [interview/reading your submissions], we considered the concerns and suggestions raised in your [interview/letter, etc.], particularly your concerns about [include information that would be relevant – e.g. the customer said their circumstances had changed]. We also reviewed our records of your conduct and contact with our office over the last 12 months. Our records showed that [provide summary of relevant information – e.g. Our records show that you have continued to send emails to our office, sometimes up to four times a day, throughout the period of your restriction].

[apply if relevant]: These communications were in direct violation of your restriction which limited your contact with our office to [state nature restriction] [explain what the purpose of the restriction was, if appropriate, and the impact of their conduct].

.../2

TRIM ##

Page 2

[apply if relevant]: Our records show that you have complied with the restrictions that were imposed on your contact with our organisation.

Decision

[apply if relevant]: Due to [explain reasoning for the decision – e.g. the number of emails that you have sent to our organisation in the last 12 months and] I consider it necessary to maintain the restrictions on your contact with our office for a further 12 months, effective immediately.

[apply if relevant]: Due to [explain reasoning for the decision I consider it necessary to amend the restrictions on your access to better suit your personal circumstances [explain, including providing clear instructions on how the customer is to contact us and how we will contact them]. The new restrictions will be effective immediately and will last for 12 months. If your circumstances change again during this period, you may [explain how the customer can notify of the change].

[apply if relevant]: Due to [explain reasoning for the decision] I consider it appropriate to remove the restrictions that have been placed on your access with our organisation, effective immediately. You may contact our organisation using any of our normal servicing options.

If you have any questions about this letter, you can contact [provide name and phone number of the nominated Manager].

Yours faithfully

Nominated Manager

Title

DIVISION