

6.10 Managing Unreasonable Behaviour by Customers

Objective

The purpose of this policy is to provide guidance as to the basis for a fair, equitable and transparent mechanism for dealing with unreasonable behaviour by customers in order achieve 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 Shire resources are used efficiently, effectively, and equitably to manage the Shire's responsibilities to discharge its statutory functions and represent the interests of all persons in the District.

Definitions

Council means the elected representatives, Council Members that form the governing body of the Shire of East Pilbara Council.

Shire means the Shire of East Pilbara which is the organisation that is responsible for the administration of Council affairs and operations and the implementation of Council policies, procedures and strategies.

Shire's Administration means the Shire of East Pilbara which is the organisation that is responsible for the administration of Council affairs and operations and the implementation of Council policies, procedures and strategies.

Community refers to "the public" including ratepayers, residents and visitors. All people who live, work, study, recreate, conduct business or use the services, facilities and public places in the SoEP.

Policy

The Shire is committed to being accessible and responsible to all customers who approach the Shire for assistance, raising legitimate and important concerns, enquiries, or requests. The Shire aspires to deliver outstanding customer service as a priority in accordance with the Shire of East Pilbara Customer Charter and this is reflected in everything they do.

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

- a) ensure the equitable allocation of the Shire's resources across all the enquiries, requests, concerns, and complaints received.
- b) ensure the health, wellbeing, safety and security of its employees, contractors, consultants and volunteers; and
- c) consider the net public benefit for the community in the allocation of time and resources.
- d) Meet its statutory obligations under LG Act and various other legislation / regulations.

Unfortunately, at times the expectations or demands of a person may exceed the Shire's ability to deliver which results in a variety of forms of unreasonable behaviour or conduct.

What Constitutes Unreasonable Behaviour?

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

This may include cases across all communication channels. In person, via email, phone and or via social media. In a small number of cases, customers behave in a way that is inappropriate and may demonstrate the following unreasonable types of conduct:

- a. Unreasonable persistence
- b. Unreasonable demands
- c. Unreasonable lack of cooperation
- d. Unreasonable argument or
- e. Unreasonable behaviour

This conduct may take many forms as outline below.

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

Examples of unreasonable persistence include:

- persisting with issues even though they have been dealt with to finality.
- unwillingness to accept final decisions.
- attempting to engage with different departments across Council by contacting different officers across the organisation, including senior managers, the CEO, Mayor and Councillors in the hope of getting a different outcome.
- engaging with external organisations and individuals, by contacting State and Federal Members, associated entities, and other government agencies in the hope of getting a different outcome to the complaint.
- repeatedly contacting Council by phone calls, visits, letters, emails (including Cc'd correspondence) after being asked not to do so;
- lodging requests for service that, compared to requests of a similar nature lodged by other customers, are considered unreasonable in number. Unreasonable demands are any demands (express or implied) that are made by a customer/complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time or resources.

Examples of unreasonable demands include:

- raising issues outside of Council's responsibility.
- asking for outcomes that are unattainable or disproportionate to the issue e.g., termination or prosecution of an officer, an apology and/or compensation with no reasonable basis.
- requesting actions that are inappropriate or demanding for issues to be dealt with in a particular way, including requesting an immediate response.
- demanding answers to questions that have already been responded to comprehensively and or repeatedly.
- changing their issues or desired outcome while their matter is being dealt with.

- demanding information that is not permitted to be disclosed/provided e.g., copies of sensitive documents, names, personal contact details of staff.
 - insisting on talking to a senior manager, CEO, Mayor or Councillor personally when it is not appropriate or warranted.
 - making threats with the intent to intimidate, harass, shame, seduce or portray themselves as being victimised when this is not the case.
 - seeking regular and/or lengthy phone calls or face to face contact when it is not warranted.
 - demanding or requesting to discuss complaint matters outside of office hours, including contacting Council Officers, Mayor or Councillors by their personal email or social media accounts.
- Unreasonable lack of cooperation Unreasonable lack of cooperation is an unwillingness and/or inability by a customer/complainant to cooperate with our organisation, staff, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources.

Examples of unreasonable lack of co-operation include:

- sending a constant stream of disorganised information without clearly defining any issue of complaint, or explaining how they relate to the core issue/s being complained about
- refusing to provide key documents that would assist in managing a complaint matter.
- dishonestly presenting the facts or being unwilling to consider other valid viewpoints.
- refusing to follow or accept Shire or Council instructions, suggestions or advice without a clear or justifiable reason for doing so;
- arguing frequently, and/or with intensity, that a particular solution is the correct one in the face of valid contrary arguments and explanations. Unreasonable argument Unreasonable arguments include any arguments that are not based on reason or logic, that are incomprehensible, false, inflammatory or trivial and that disproportionately and unreasonably impact upon our organisation, staff, services, time, and/or resources.

Arguments are unreasonable when they:

- fail to follow any logical sequence.
- are not supported by any evidence.
- lead a customer/complainant to reject all other valid and contrary arguments.
- are trivial when compared to the amount of time, resources and attention that the customer/complainant demands.
- are false, inflammatory or defamatory. Unreasonable behaviour Unreasonable behaviour is conduct that is unreasonable in all circumstances regardless of how stressed, angry or frustrated that a customer/complainant is; because it unreasonably compromises the health, safety and security of our staff, other service users or the customer/complainant.

Examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, sexist, 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 community members have the right to:

- a. ask questions in a respectful manner about the Shire and the services it provides.
- b. express opinions in a respectful manner about the Shire about the Shire's services; and
- c. lodge complaints about the Shire and the Shire's services.

The right to ask questions, express opinions and lodge complaints is not unqualified. The Shire may, and in some cases is legally obligated to, act when faced with unreasonable behaviour.

The employee's first obligation is to preserve the health and safety of themselves and others. There is no obligation upon an employee to continue an interaction with a customer who is engaging in verbally / physically abusive or threatening behaviour.

The customer should be advised that the interaction will be terminated if the customer is unable to refrain from engaging in the unreasonable behaviour. If de-escalation of the customer's unreasonable behaviour is unsuccessful or not viable, the customer should be invited to engage again when reasonable behaviour is exhibited, and the interaction terminated.

Customer behaviour that involves physical assault of a person, property damage, or serious threats of the same should be reported through an Incident Report to the department and to the police.

On occasions, a customer may have difficulty accepting the department's final decision on their complaint and may seek to engage in ongoing written correspondence or phone calls in an attempt to change the department's position on the matter. In these circumstances, the employee should confirm the written information previously provided to the customer on their external appeal rights and indicate that no further written or verbal correspondence will be entered into in relation to the department's decision.

The Impact of Unreasonable Behaviour, the impact upon those confronted by these behaviours will be in direct conflict with the Shire duty of care and the disproportionate amount of the Shire's time and resources and cause serious psychological stress or physical harm to employees and others.

All members of staff, volunteers and Elected Members have the right to be treated with respect and courtesy by members of the community. The Shire has a responsibility to eliminate and reduce risks to mental and physical health and safety under Occupational Safety and Health legislation.

The Shire has a statutory responsibility to ensure resources are allocated efficiently, effectively and equitably. This includes minimising excessive diversion of resources to the personal benefit of individuals.

The Shire will provide staff with training to provide the best customer service possible, in accordance with its customer charter, while also managing difficult or aggressive customers. At all times, the Shire's responses will remain reasonable and proportionate to the nature of the behaviour and its impact on the Shire's employees and resources. This includes having a due regard to the person's personal circumstances.

Whilst all reasonable steps will be taken, the Shire may limit the person's access to Shire services in the interest of protecting the Shire's employees and resources. Such decisions will be made by the Chief Executive Officer and the person will be informed about the limits, the reasons for the decision and the options for review.

Nothing in this policy limits the capacity and legal requirement of the Shire to take immediate appropriate action where the unreasonable conduct involves:

- a) an imminent and readily apparent threat to the mental or physical health or wellbeing of Elected Members, employees, contractors, consultants, volunteers or others; and/or
- b) failure to obey a lawful instruction.

Authorisation Details

References:	Customer Service Charter		
Authorised by:			
Date:	27 June 2025	Minute No.	2025/181
Review/Amendment Date		Minute No.	
Next Review	Every Two Years		
Responsible Directorate	Community Experience		
Responsible Officer	Director Community Experience		
File No.			