



SHIRE COUNCIL
Blayney

Unreasonable and Unreasonably Persistent Customer Policy

Policy	2J
Officer Responsible	Director Corporate Services
Last Review Date	21/11/2022

Strategic Policy

1. Policy Statement

Council is committed to putting the customer at the heart of everything we do.

Blayney Shire Council is committed to:

- Ensuring that all customers are treated fairly and reasonably.
- Providing guidance, education and training as appropriate for staff and Councillors in dealing with customers.
- Ensuring that Council resources are used efficiently and effectively when dealing with customers.
- That unreasonable requests, persistent behaviour and harassment is reduced.

2. Scope

This policy applies to all dealings with customers by Blayney Shire Council staff and elected members, and in particular those difficult customers who:

- Cannot be satisfied;
- Make unreasonable demands;
- Constantly raise the same issue with different staff; and/or
- Are rude, abusive or aggressive.

This policy is not intended to prevent customers from raising legitimate and important concerns, enquiries or requests, or from pursuing them. However, Blayney Shire Council has a duty to ensure that it provides value for money services for all its residents and local communities. An unreasonable or unreasonably persistent customer can take up a disproportionate amount of time that can hinder the other work of staff. The Council must therefore ensure that it uses its resources wisely and limits the amount of time spent on queries that it considers unreasonable or unreasonably persistent.

Staff working for Council have a right to undertake their work free from all types of discrimination, abuse and harassment. As part of Council's commitment to promoting equality of opportunity and diversity, and to challenging discrimination, Council has a duty to protect the safety and welfare of its staff. We therefore shall not tolerate what we consider to be unacceptable behaviour by unreasonable or unreasonably persistent customers.

We would not normally limit the contact that our customers may have with the Council. However, in accordance with this policy, we may decide to do so if customers behave unreasonably, are unreasonably persistent, if staff experience unacceptable behaviour, staff feel threatened or are harassed both within and outside the workplace.

3. Definitions

For the purposes of this policy unreasonable or unreasonably persistent customers are defined as being those which, because of the frequency or nature of their contact, hinder the Council's consideration of complaints,

enquiries or requests. Officers may recognise one or more of the following indicators as characteristic of unreasonable or unreasonably persistent customers. They make complaints, requests, concerns or enquiries that:

- clearly do not have any serious purpose or value
- are obviously vexatious in nature
- are designed solely to cause disruption or annoyance
- have the effect of harassing the Council or its staff or can otherwise fairly be characterised as obsessive or unreasonable
- take up an unreasonable amount of Officer time and hinder the other work of the Council.

Unacceptable behaviour can include:

- abusive, offensive or threatening behaviour
- behaviour which amounts to bullying or harassment

The following customer actions/behaviours can cause this policy to be invoked:

- unwillingness to comply with Council procedures
- insisting on issues or requests being dealt with in ways which are incompatible with Council procedures or with good practice
- making unreasonable demands of Officers or setting unreasonable timescales for response
- making unreasonable requests in relation to who should deal with their complaint, enquiry or request, or how it should be dealt with
- repeatedly being unwilling to accept documented evidence
- insisting that no response has been received or that the response is unacceptable
- sending a high volume of letters, emails and/or phone calls (sometimes to multiple recipients)
- continuing to add new, or making trivial, complaints, requests or enquiries
- repeatedly complaining or making repeat requests about similar issues after they have already been dealt with
- making many complaints, requests or enquiries about different issues in succession
- refusing to specify the grounds of a complaint, despite offers of assistance with this from Council's staff
- making groundless complaints about the staff dealing with the complaint or request, and seeking to have the staff replaced
- refusing to accept that issues or requests are not within the remit of a procedure despite having been provided with information about the procedures scope; for instance if the customer has been advised that a complaint or request is within the remit of another authority, yet refusing to accept this
- changing the basis of a complaint or request as it proceeds and/or denying statements made at an earlier stage
- introducing trivial or irrelevant new information which the customer expects to be taken into account, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered

- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved
- adopting a 'scattergun' approach; pursuing complaints or requests with the Council and, at the same time, with a Members of Parliament/ a Councillor/legal services/local police/solicitors/ the Ombudsman
- submitting repeat complaints or requests, with minor variations, after the processes have been completed
- refusing to accept a decision

4. Dealing with matters under this policy

Matters under this policy will be dealt through the Unreasonable and Unreasonably Persistent Customer procedure.

5. General

In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate Council file.

Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager will advise Councillors as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the ICAC, Office of Local Government and the NSW Ombudsman for information.

6. Other relevant documents

Unreasonable and Unreasonably Persistent Customer Procedures

2C Complaints Management Policy

Local Government Act 1993

Government Information (Public Access) Act 2009

NSW Ombudsman Publications:

- 'Better Service & Communication Guidelines for Local Government'
- 'Managing Unreasonable Complainant Conduct Practice Manual'

End of Policy

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