

POLICY

Dealing with Difficult Customers

Contents

| | |
|---|----|
| 1. Purpose..... | 4 |
| 2. Scope..... | 4 |
| 3. Policy details..... | 4 |
| 3.1 Objective | |
| 3.2 Dealing with complex behaviour | |
| 3.3 Prevention | |
| 3.4 Response | |
| 3.5 Managing unreasonable behaviour | |
| 3.6 Implementing restrictions on access | |
| 3.7 Security | |
| 3.8 Social media | |
| 3.9 Support for staff | |
| 4. Roles and responsibilities | 9 |
| 5. Breaches | 10 |
| 6. Human Rights Charter compatibility | 10 |
| 7. Gender Impact Assessment..... | 10 |
| 8. Supporting documents..... | 10 |
| 9. Definitions and abbreviations | 10 |
| 10. Approval..... | 11 |

DOCUMENT UNCONTROLLED WHEN PRINTED

| Document Control | | |
|---------------------------------------|-----------------------------------|------------------------|
| Policy number 131 | Status Adopted | Approved by Council |
| Date approved 30 July 2024 | Next review date July 2028 | |
| Directorate Customer and Community | Department Customer Experience | External |

REVISION RECORD

| Date | Version | Revision description |
|--------------|---------|----------------------|
| 30 July 2024 | 1.0 | Adopted by Council |
| | | |

1. Purpose

This policy aims to assist Alpine Shire Council (Council) employees with the management of complainants who respond to Council in a manner which can be considered threatening, intimidating or extreme and which can have occupational health and safety risks for Council employees, volunteers, contractors or Councillors.

It intends to maintain a balance between the needs and rights of customers, the organisation and the public, while ensuring the safety and wellbeing of staff members, volunteers, contractors and Councillors.

2. Scope

This policy applies to all customers, Council employees, volunteers, contractors and Councillors of Council.

3. Policy details

3.1 OBJECTIVE

This policy aims to:

- Ensure Council services are delivered and resources deployed in a way which is fair and equitable for all Council customers;
- Ensure the health and safety of Council staff, volunteers, contractors and Councillors is not impacted in the workplace;
- Provide definitions of unreasonable behaviour and conduct;
- Provide guidance for Council customers, staff, volunteers, contractors and Councillors for the assessment and determination of complaints considered in accordance with this policy;
- Ensure that staff and Councillors are aware of their roles and responsibilities in relation to the management of unreasonable customer conduct and how these procedures will be used; and
- Ensure that staff and Councillors feel confident and supported in taking appropriate action to manage unreasonable customer conduct.

3.2 DEALING WITH COMPLEX BEHAVIOUR

Council welcomes constructive feedback, complaints and community concerns as long as customer behaviour is reasonable and respectful.

Council encounters a range of complex customer behaviours, ranging from slightly challenging to clearly unreasonable.

Our responses will be graduated as follows:

- Prevent where possible.
- Respond to complex behaviour.
- Manage behaviour that is or becomes unreasonable.
- Limit access as a last resort.

This framework is based on the Victorian Ombudsman's 'Good Practice Guide: Managing Complex Complainant Behaviour'.

'Complex behaviour' is any behaviour that officers find challenging. Officers can deal with most types of behaviour using prevention and responding strategies.

Behaviour becomes 'unreasonable' when, because of its nature or frequency, it raises health, safety, resource or equity issues for employees, volunteers, contractors or Councillors and other people who use our services. Officers can deal with this behaviour using management strategies or recommending limits on the person's access to our services. These strategies are detailed in the Dealing with Difficult Customers Procedure.

Unreasonable behaviour includes verbal abuse, threats to turn up at an officer's residence, threats to harm officers or other people, and violence.

This behaviour is never acceptable. If officers are unsure about whether a person's behaviour has moved from complex to unreasonable, they should consult a manager or experienced colleague.

3.3 PREVENTION

Preventing complex customer behaviour is the essential first step to keep behaviour from escalating.

In the first instance, high quality customer service, including reasonable response times, regular customer communication and customer expectation management is essential to prevent escalation of customer behaviour.

Should customer service be lacking, or customer expectations not be met by staff (reasonably or otherwise), effective complaints handling aims to prevent complex customer behaviour from becoming problematic.

Our Complaints Policy outlines how we respond to complaints.

3.4 RESPONSE

Officers will initially respond to angry or emotional behaviour by attempting to defuse the situation using the following sequence of actions:

- Taking control of their own response, which may include taking a break or arranging to speak with the person at another time if the matter is not urgent.
- Reconnecting after a break if needed once the customer has had a chance to calm down.
- Giving the person a reasonable opportunity to express themselves and acknowledging their feelings.
- Refocusing the discussion onto the complaint when the person's feelings are under control enough to discuss the matter.
- Problem solving using good complaint handling techniques.
- Communicating next steps to the customer if a resolution is not achieved at the time.

Behaviour associated with possible disabilities

Where complex behaviour may be a symptom or manifestation of a disability, officers must consider Council's obligations under the Equal Opportunity Act 2010 (Vic).

The Alpine Shire Access and Inclusion Plan provides guidance on avoiding discrimination and making reasonable adjustments for people to access our services.

The procedure for responding to someone with possible disabilities is detailed in the Dealing with Difficult Customers Procedure.

Responding to threats of suicide

Council does not expect officers to provide crisis support or counselling to people who talk about suicide. Our role is to connect them with people or services that can help.

The procedure for responding to someone who is threatening suicide is detailed in the Dealing with Difficult Customers Procedure.

Managers will check on the welfare of impacted officers following a threat of suicide and ensure support is available.

3.5 MANAGING UNREASONABLE BEHAVIOUR

If an individual's behaviour is or becomes unreasonable, officers can employ appropriate and proportionate strategies to manage the behaviour.

The strategies will depend on the type of behaviour involved. These strategies are detailed in the Dealing with Difficult Customers Procedure.

Unreasonable behaviour includes:

- Abusive or threatening behaviour such as:
 - verbal abuse
 - aggressive behaviour
 - harassment
 - threats
- Unreasonable persistence such as:
 - bombarding officers with calls or visits
 - engaging in persistent aggressive or verbally abusive behaviour
 - contacting different officers seeking a different answer when the question has already been addressed
- Unreasonable demands such as:
 - insisting on an immediate response or priority that is not warranted
 - insisting on a response to every point, no matter how minor
- Unreasonable lack of cooperation such as:
 - sending voluminous amounts of information

- providing little or no information
- Unreasonable arguments such as:
 - insisting on the importance of minor issues
 - making unsubstantiated allegations e.g., bias or corruption
- Unreasonable communication and use of digital platforms such as:
 - Aggressive, defamatory or derogatory comments targeting Council staff, Councillors, contractors or volunteers, either on Council-managed platforms or community platforms
 - Persistent and repetitive commentary on the same topic, once the topic has been appropriately addressed by Council staff

3.6 IMPLEMENTING RESTRICTIONS ON ACCESS

Council may consider limiting access to our services if other strategies have not proven effective and the person persists in engaging in unreasonable behaviour.

Depending on the type of behaviour, we may consider limiting:

- Who the person can contact e.g., limiting contact to a named officer.
- What issues we will respond to e.g., not responding to issues that have already been the subject of an assessment and explanation, unless the person raises new issues that warrant attention.
- When a person can have contact.
- Where the person can contact us e.g., limiting locations for face-to-face meetings to secure areas.
- How the person can contact us e.g., confining contact to writing where the person has been verbally abusive.

Decisions about limiting access to services will only be made by a member of Executive (Chief Executive Officer, Director Customer and Community or Director Assets).

In most cases, the member of Executive will warn the person of the action we propose to take in writing and give the person an opportunity to stop, prior to limiting access.

Before approving any limits, the decision maker must be satisfied that:

- The behaviour is unreasonable i.e., poses a risk to the health, safety, equity, or resources of one of the parties involved.
- All alternative strategies have been, or are likely to be, ineffective in managing the risk.
- All relevant factors have been considered including the person's history, the nature of the conduct, the person's personal circumstances and the impact of limiting access on the welfare of the person and their dependants.
- The limits are proportionate to the level of risk posed by the behaviour.
- There is sound evidence to support the decision.
- If the behaviour may be a symptom or manifestation of a disability, the limits are consistent with the Equal Opportunity Act 2010 (Vic).

- The limits are consistent with the Charter of Human Rights and Responsibilities Act 2006 (Vic), and we have documented:
 - which, if any, human rights will be affected; and
 - why we are satisfied that the limits are reasonable and demonstrably justified under section 7 of the Charter.

Informing the Parties

The Executive will inform:

- affected officers about the decision; and
- the person.

This will be in writing (unless another form of communication is more appropriate) and will explain the decision and the reasons for the decision. It will set a timeframe for reviewing the limits and explain the person's options for complaining about the decision.

Reviewing Limits

The Executive will ensure that any limits on a person's access are reviewed within the named timeframe, and at least once every 12 months, to determine if they are effective and still warranted.

The Executive will document the review and inform affected officers and the person of any decision to remove or vary the limits on access.

This process, along with Council's process for seeking an internal review is detailed in the Dealing with Difficult Customers Procedure.

Where limiting access is not appropriate – alternative dispute resolution

The Executive may decide it is not appropriate to limit a person's access e.g., because it would breach legal obligations or unduly affect the welfare of the person.

In these cases, we can consider arranging alternative dispute resolution using an independent third party. The Executive will consider whether alternative dispute resolution is likely to be effective in the circumstances, including the person's willingness to engage genuinely in the process.

3.7 SECURITY

- If staff feel threatened during a face-to face encounter with a customer in the Bright office, Alpine Shire Libraries, Visitor Information Centres or during home visits a duress alarm is available.
- If staff feel threatened during a face-to-face encounter in the field i.e., outdoor staff during mowing, maintenance, on a work site, someone's private property, etc., they are required to remove themselves from the situation and report the incident to their manager. They are also required to complete an OH&S incident report.

- Any employee who is the victim of aggressive behaviour may at their own discretion report the matter to police for further action.
- If any staff member feels that they are at risk of physical harm, they are strongly encouraged to contact 000 immediately for assistance in addition to taking the above actions.

3.8 SOCIAL MEDIA

In the case that a Council employee or Councillor is being harassed on social media (including but not limited to Facebook, Instagram, YouTube and LinkedIn) by a member of the public, Council will contact the moderator or owner of the page and request the posts be immediately removed.

Employees are reminded not to comment on any post where the subject is related to Council activities, however well-intentioned the comment may be.

If the page owner or moderator does not remove the comments within 48 hours, Council will use its discretion and may refer the matter to Victoria Police.

3.9 SUPPORT FOR STAFF

Dealing with complex or unreasonable behaviour can be upsetting and stressful. We are committed to supporting our employees, contractors, volunteers and Councillors.

Managers will speak with officers who handle complaints regularly to check their welfare, in addition to any other supervision arrangements.

Officers are encouraged to monitor the impact of complex behaviour on their wellbeing, draw on available supports and maintain a healthy approach to managing stress.

An Employee Assistance Program is available to support staff in managing the impact of complex customer behaviour, as well as the impact of workplace and day-to-day stressors on their mental health.

Officers who are injured at work must report this in accordance with Council's Health and Safety Policy.

Further information on the support available to staff is detailed in our Dealing with Difficult Customers Procedure.

4. Roles and responsibilities

All officers are authorised to apply the strategies in this policy relating to prevent, respond to, and manage complex behaviours.

Officers must consult a manager if:

- a person threatens suicide; or
- a person makes threats to harm a staff member or another person.

Decisions to limit access to services may only be made by a member of Executive (Chief Executive Officer, Director Customer and Community or Director Assets).

5. Breaches

Breaches of this policy by members of the public may result in limitations on accessing services or other appropriate measures, as determined by the Executive.

6. Human Rights Charter compatibility

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006 [Vic]* ensuring the protection of human rights and dignity.

7. Gender Impact Assessment

The implications of this policy were assessed in accordance with the requirements of the Gender Equality Act 2020. The Gender Impact Assessment showed that staff training on customer management must take into account the limitations to access and varied communication styles of a diverse community, while also ensuring gender bias does not impact the way complex customer behaviour is managed.

8. Supporting documents

This policy should be read in conjunction with all other relevant, Council policies and procedures, as well as relevant legislative requirements.

Related Legislation

- *Local Government Act 1989 [Vic]*
- *Local Government Act 2020 [Vic]*

Related Guidelines, Operational Directives or Policies

- Complaints Policy
- Equal Opportunity, Discrimination and Harassment Policy
- Health and Safety Policy
- Alpine Shire Access and Inclusion Plan
- Victorian Ombudsman 'Good Practice Guide: Managing Complex Complainant Behaviour'.

Related Procedures

- Dealing with Difficult Customers Procedure

9. Definitions and abbreviations

| Term | Meaning |
|------------------------|---|
| Unreasonable behaviour | Behaviour that poses risks to health, safety, equity, or resources, as outlined in this policy. |

| Term | Meaning |
|-------------------|--|
| Complex behaviour | Any behaviour that officers find challenging. Officers can deal with most types of behaviour using prevention and responding strategies. |
| Executive | Senior leadership, made up of the Chief Executive Officer, Director Assets and Director Customer and Community. Only a member of Executive can make the ultimate decision to limit service access. |
| Manager | The senior officer responsible for recommending limitations on service access for ultimate decision by a member of Executive. |

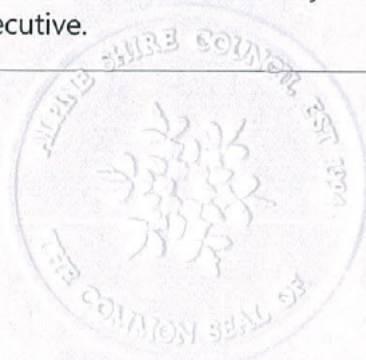
10. Approval

THE COMMON SEAL OF THE ALPINE SHIRE COUNCIL was hereunto affixed this 30th day of July 2024 in the presence of:

SARAH NICHOLAS
COUNCILLOR

SIMON KELLEY
COUNCILLOR

WILL JEREMY
CHIEF EXECUTIVE OFFICER



Version 1 of the Dealing with Difficult Customers Policy was signed and sealed at the Ordinary Council Meeting held on 30 July 2024.

The original hard copy is held in Council's records.