



Unreasonable Conduct Policy

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Unreasonable Conduct Policy

1. Preamble

- 1.1. The Kangaroo Island Council is committed to being accessible and responsive to all customers who approach the office for assistance, service and/or with a complaint. At the same time the success of the office in responding to customer enquires depends on:
- a) Council's ability to do work and perform functions in the most effective and efficient ways possible.
 - b) the health, safety, and security of staff, and
 - c) the ability to allocate resources fairly across all the requests received.
- 1.2. When customers behave unreasonably in their dealings with Council, their conduct can significantly affect Council's ability to successfully respond. As a result, the Kangaroo Island Council will take proactive and decisive action to manage any customer conduct that negatively and unreasonably affect Council and will support staff to do the same in accordance with this policy.

2. Purpose

- 2.1. This policy has been developed to assist all staff members to better manage unreasonable customer conduct (UCC). Its aim is to ensure that all staff:
- a) Feel confident and supported in taking action to manage UCC.
 - b) Act fairly, consistently, honestly, and appropriately when responding UCC.
 - c) Are aware of their roles and responsibilities in relation to the management of UCC and how the policy will be used.
 - d) Understand the types of circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
 - e) Are aware of and understand the strategies provided in the *Managing Unreasonable Complainant Conduct Practice Manual (2nd edition)* (practice manual) including the strategies to change or restrict customer access to services.
 - f) Have knowledge of alternative dispute resolution strategies to deal with conflicts involving unreasonable behaviours toward members of the organisation.
 - g) Have access to legal instruments such as trespass laws/legislation/Intervention Orders to prevent individuals from coming onto the premises and orders to protect specific staff members from any actual or apprehended personal violence, intimidation, or stalking.
 - h) Have a clear understanding of the criteria that will be considered before we decide to change or restrict a customer's access to Council's services.

- i) Are aware of the processes that will be followed to record and report UCC incidents as well as the procedures for consulting and notifying customers about any proposed actions or decisions to change or restrict their access to Council's services.
- j) Are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.

3. Scope

3.1. All Kangaroo Island Council employees

4. Definitions

4.1. **CEO** means the Chief Executive Officer of the Kangaroo Island Council.

4.2. **Council** means the Elected Body.

4.3. **Kangaroo Island Council (KIC)** means the administration.

4.4. **UCC** means unreasonable customer conduct

5. Policy Statement

5.1. Defining unreasonable customer conduct

5.1.1. Unreasonable customer conduct

Most customers act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration, and anger about their matters of concern.

However, in a very small number of cases some customers behave in ways that are inappropriate and unacceptable – despite Council's best efforts to help them. They can be aggressive, verbally abusive, highly emotional and threatening towards staff. They can threaten harm and violence, bombard Council's offices with unnecessary and excessive phone calls and emails, make inappropriate demands on Council's time and resources and refuse to accept decisions, recommendations, and reasoning in relation to their matters of concern.

When customers behave in these ways, Council 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 the organisation, staff, other service users and customers or the customer themselves.

UCC can be divided into five categories of conduct:

- a) Unreasonable persistence
- b) Unreasonable demands
- c) Unreasonable lack of cooperation
- d) Unreasonable arguments
- e) Unreasonable behaviours

5.1.2 Unreasonable Persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by customer that has a disproportionate and unreasonable impact on the organisation, staff, services, time and/or resources. Some examples of unreasonable persistent behaviour include:

- a) An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
- b) Persistently demanding a review simply because it is available and without arguing or presenting a case for one.
- c) 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 matters of concern.
- d) Bombarding staff/organisation with phone calls, visits, letters, emails (including cc'd correspondence) after repeatedly being asked not to do so.
- e) Contacting different people within the organisation and/or externally to get a different outcome or more sympathetic response to their matter - internal and external forum shopping.

5.1.3 Unreasonable demands

Unreasonable demands are any demands (expressed or implied) that are made by a customer that have a disproportionate and unreasonable impact on the organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:

- a) Issuing instructions and making demands about how Council have/should handle their matter, the priority it was/should be given, or the outcome that was/should be achieved.
- b) Insisting on talking to a Director / Senior Manager, Manager or Chief Executive Officer personally when it is not appropriate or warranted.
- c) 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.
- d) 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.
- e) Demanding services that are of a nature or scale that Council cannot provide when this has been explained to them repeatedly.

5.1.4 **Unreasonable lack of cooperation**

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with the organisation, staff, or systems and processes that results in a disproportionate and unreasonable use of services, time and/or resources. Some examples of unreasonable lack of cooperation include:

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

5.1.5 **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's staff, services, time, and/or resources. Arguments are unreasonable when they:

- a) fail to follow a logical sequence.
- b) are not supported by any evidence and/or are based on conspiracy.
- c) lead a customer to reject all other valid and contrary arguments.
- d) are trivial when compared to the amount of time, resources and attention that the customer demands.
- e) are false, inflammatory, or defamatory.

5.1.6 **Unreasonable behaviours**

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

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

5.2. UCC incidents will generally be managed by limiting or adapting the ways that Council interact with and/or deliver services to customers by restricting:

- a) **Who they have contact with** – e.g. limiting a customer to a sole contact person/staff member in Council.
- b) **What they can raise with Council** – e.g. restricting the subject matter of communications that Council will consider and respond to.
- c) **When they can have contact** – e.g. limiting a customer's contact with Council to a particular time, day, or length of time, or curbing the frequency of their contact with Council.
- d) **Where they can make contact** - e.g. limiting the locations where Council will conduct face-to-face interviews to secured facilities or areas of the office.
- e) **How they can make contact** - e.g. limiting or modifying the forms of contact that the customer can have with Council. This can include modifying or limiting face-to-face interviews, telephone, and written communications, prohibiting access to the premises, contact through a representative only, taking no further action or terminating services altogether.

When using the restrictions provided in this section, Council 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, Council also recognise that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

5.2.1. **Who – limiting a customer to a sole contact point**

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

To avoid staff 'burn out' the sole contact officer's supervisor will provide them with regular support and guidance – as needed. Also, the Manager 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 however be given the contact details of one additional staff member who they can contact if their primary contact is unavailable – e.g. they go on leave or are otherwise unavailable for an extended period of time.

5.2.2. What – restricting the subject matter of communications that Council 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 concern/issue that has already been comprehensively considered and/or reviewed (at least once) by the office, Council may restrict the issues/subject matter the customer can raise with Council and Council may:

- a) 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 Council decide that it needs to pursue it further.
- b) Restrict the customer to one concern/issue per month. Any attempts to circumvent this restriction for example by raising multiple concerns/issues in the one letter may result in modifications or further restrictions being placed on their access.
- c) Return correspondence to the customer and require them to remove any inappropriate content before Council will agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for records to identify repeat/further UCC incidents.

5.2.3. When – limiting when and how a customer can contact Council

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

- a) Limiting their telephone calls and face-to-face interviews to a particular time of the day or days of the week.
- b) 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; or limiting face to face interviews to a maximum of 30 minutes.
- c) Limiting the frequency of their telephone calls, written correspondence, or face-to-face interviews. Depending on the natures of the service(s) provided Council may limit: telephone calls to [1] every month, written

communication to [1] every month, face-to-face to interviews [1] every month.

- d) For irrelevant, overly lengthy, disorganised or frequently written correspondence Council may also: require the customer to clearly identify how the information or supporting materials they have sent to Council relate to the central issues identified in their matter of concern; restrict the frequency with which customers can send emails or other written communications to the office; restrict a customer to sending emails to a particular email account or block their email address all together and request that any further correspondence be sent through Australia Post only.

5.2.4. Writing only restrictions

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

- a) Australia Post only.
- b) Email only to that specific staff email or general email account.
- c) Some other relevant form of written contact, where applicable.

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

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

5.2.5. 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 the premises, Council may consider restricting face-to-face contact with them.

This may include:

- a) Restricting access to particular secured premises or areas of the office – such as a customer service, board/meeting room or other secured area/facility.
- b) Restricting their ability to attend the 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.
- c) Allowing them to attend the 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.

- d) Banning the customer from attending the premises altogether and allowing some other form of contact – e.g. ‘writing only’ or ‘telephone only’ contact.

Contacting through a representative only

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

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

5.2.6. Completely terminating a customer’s access to services

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the Manager and the Chief Executive Officer may decide that it is necessary for the organisation to completely restrict a customer’s contact/access to 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 staff or other parties because it involves one or more of the following types of conduct:

- a) Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault.
- b) Damage to property while on the premises.
- c) Threats with a weapon or common office items that can be used to harm another person or themselves.
- d) 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.
- e) Conduct is otherwise unlawful.

In these cases, the customer will be sent a letter notifying them that their access has been restricted. Such instances will also be reported to the SA Police.

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

5.2.7. Alternative dispute resolution

If the Manager and Chief Executive Officer determine that Council cannot terminate services to a customer in a particular case or that 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 the 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, Council 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.

6. Procedure

6.1. PROCEDURE TO BE FOLLOWED WHEN CHANGING OR RESTRICTING A CUSTOMER'S ACCESS TO SERVICES

6.1.1 Consulting with relevant staff

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

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

6.1.2 Criteria to be considered

Following a consultation with relevant staff the relevant Manager will search the adopted case management system for information about the customer's prior conduct and history with the organisation. They will also consider the following criteria:

- a) Whether the conduct in question involved overt emotion, anger, aggression, violence, or assault (which is unacceptable in all circumstances).

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

Once the Manager has considered these factors they will decide on the appropriate course of action. 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 policy.

6.1.3 Providing a warning letter

Unless a customer's conduct poses a substantial risk to the health and safety of staff or other third parties requiring immediate action to amend or restrict access to Council services, the relevant Manager will provide them with a written warning about their conduct in the first instance.

The warning letter will:

- a) Specify the date, time, and location of the UCC incident.
- b) Explain why the customer's conduct/ UCC incident is problematic.
- c) 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).
- d) Provide clear and full reasons for the warning being given.

- e) Include an attachment of the organisation's ground rules and / or briefly state the standard of behaviour that is expected of the customer. See Appendix A.
- f) Be signed by the Manager or preferably the Manager/Chief Executive Officer.

Where a contact address for the customer is not known a warning letter may be served to the customer when they next attend a Council office.

See Appendix D – Sample warning letter.

6.1.4 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 Manager or Chief Executive Officer has the discretion to send a notification letter immediately restricting the customer's access to services (without prior written warning).

This notification letter will:

- a) Specify the date, time, and location of the UCC incident(s).
- b) Explain why the customer's conduct/UCC incident(s) is problematic.
- c) Identify the change and/or restriction that will be imposed and what it means for the customer.
- d) Provide clear and full reasons for this restriction.
- e) Specify the duration of the change or restriction imposed, which will not exceed 12 months.
- f) Indicate a period for review.
- g) 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.
- h) Be signed by the Manager or Chief Executive Officer.

See Appendix E – Sample letter notifying customers of a decision to change or restrict their access to services.

6.1.5 Notifying relevant staff about access changes/restrictions.

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

The Manager will also update the adopted case management system with a record outlining the nature of the restrictions imposed and their duration.

6.1.6 Continued monitoring/oversight responsibilities

Once a customer has been issued with a warning letter or notification letter the Manager will review the complainant's record/restriction every 3 months, 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.

If the Manager determines that the restrictions have been ineffective in managing the customer's conduct or are otherwise inappropriate, they may decide to either modify the restrictions, impose further restrictions or terminate the customer's access to services altogether.

6.2. APPEALING A DECISION TO CHANGE OR RESTRICT ACCESS TO SERVICES

Customers are entitled to one appeal of a decision to change/restrict their access to services.

This review will be undertaken by a senior staff member who was not involved in the original decision to change or restrict the customer's access. This staff member will consider the customer's arguments along with all relevant records regarding the customer's past conduct. They will advise the customer of the outcome of their appeal by letter which must be signed off by the Chief Executive Officer. The staff member will then refer any materials/records relating to the appeal to the Manager to be kept in the appropriate file.

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 Council have acted fairly, reasonably, and consistently and have observed the principles of good administrative practice including, procedural fairness.

6.3. NON-COMPLIANCE WITH A CHANGE OR RESTRICTION ON ACCESS TO SERVICES

All staff members are responsible for recording and reporting incidents of non-compliance by customers. This should be recorded in a file note in the adopted case management system and a copy forwarded to the Manager who will decide whether any action needs to be taken to modify or further restrict the complainant's access to services.

6.4. PERIODIC REVIEWS OF ALL CASES WHERE POLICY IS APPLIED

a) Period for review

All staff members are responsible for recording and reporting incidents of non-compliance by customers. This should be recorded in a file note in the adopted case management system and a copy forwarded to the Manager who will decide whether any action needs to be taken to modify or further restrict the complainant's access to services.

b) Notifying the customer of an upcoming review

The Manager will invite all relevant 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 Appendix F – Sample letter notifying a customer of an upcoming review.

c) Criteria to be considered during a review

When conducting a review, the Manager must consider:

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

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

See Appendix G – Sample checklist for reviewing an access change/restriction.

d) Recording the outcome of a review and notifying relevant staff

Like all other decisions made under this policy, the Manager is responsible for keeping a record of the outcome of the review, updating the adopted case management system, and notifying all relevant staff of the outcome of the review including if the restriction has been withdrawn.

6.5. MANAGING STAFF STRESS

a) 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 staff – both experienced and inexperienced. It is perfectly normal to get upset or experience stress when dealing with difficult situations.

As an organisation, Council has a responsibility to support staff members who experience stress as a result of situations arising at work and Council will do its best to provide staff with debriefing and counselling opportunities, when needed. However, to do this Council also need help of all Kangaroo Island Council staff to identify stressful incidents and situations.

As a result, all staff have a responsibility to notify relevant supervisors/senior management of UCC incidents and any stressful incidents that they believe require management involvement.

b) 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 a supervisor or senior manager as a team following a significant incident. Council 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 service.

Further information on service providers and contact details to make an appointment are available on staff notice boards.

6.6. OTHER REMEDIES

a) Compensation for injury

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

b) Compensation for damage to clothing or personal effects

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

c) 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 action.

d) 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 the office, the staff member will receive the support of the office. Requests for such assistance should be made to the Manager or Chief Executive Officer.

e) Escorts home

When a staff member fears for their safety following a threat from a customer, another staff member may accompany them home. Ask the relevant Manager for more information.

f) Telephone threats on home numbers

If a staff member or their family have been harassed by telephone at their home and they believe it relates to their employment they may apply to have the office 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, Kangaroo Island 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 Chief Executive Officer.

g) Other security measures

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

6.7. TRAINING AND AWARENESS

The Kangaroo Island Council is committed to ensuring that all staff are aware of and know how to use this policy. All staff who deal with customers in the course of their work will also receive appropriate training and information using this policy.

6.8. OMBUDSMAN MAY REQUEST COPIES OF COUNCIL RECORDS

The Kangaroo Island Council will keep records of all cases where this policy is applied, including a record of the total number of cases where it is used every year.

This data may be requested by the Ombudsman to conduct an overall audit and review in accordance with its administrative functions and/or to inform its work on UCC.

6.9. AVAILABILITY OF POLICY

This policy will be available for inspection at Council's principal office in Dauncey Street for inspection during ordinary business hours or on the Council's website www.kangarooislandCouncil.sa.gov.au

Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

7. APPENDIX A

Individual Rights and Mutual Responsibilities of Parties

In order for the Kangaroo Island Council to ensure that all complaints are dealt with fairly, efficiently, and effectively and that occupational health and safety standard and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all the parties involved in relation to unreasonable conduct.

8. Individual rights

Customers have the right:

- a) to raise concerns and express their opinions in ways that are reasonable, lawful and appropriate.
- b) to a fair and impartial assessment and, where appropriate, investigation of their concerns based on the merits of the case.
- c) to a fair hearing.
- d) to be informed at least in general terms about the actions taken and outcome of their concerns.
- e) to be given reasons that explain decisions affecting them.
- f) to be treated with courtesy and respect.
- g) to communicate valid concerns and views without fear of reprisal or other unreasonable response.

Staff have the right:

- a) to determine whether, and if so how, concerns will be dealt with
- b) to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances.
- c) to expect honesty, cooperation and reasonable assistance from customers
- d) to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a customer concerns.
- e) to be treated with courtesy and respect
- f) to a safe and healthy working environment
- g) to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a customer.

Subjects of customer concerns have the right:

- a) to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them.

- b) to be treated with courtesy and respect by staff of Kangaroo Island Council
- c) to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated.
- d) to be informed about the substance of any proposed adverse comment or decision
- e) to be given reasonable opportunity to put their case during the course of any investigation and before any final decision is made.
- f) to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them.

Mutual responsibilities

Customers are responsible for:

- a) clearly identifying to the best of their ability their issues of concern or asking for help from staff of the Kangaroo Island Council to assist them in doing so.
- b) providing to the best of their ability the Kangaroo Island Council with all their relevant information available to them at the time of raising concerns
- c) being honest in all communications with the Kangaroo Island Council
- d) informing the Kangaroo Island Council of any other action they have taken in relation to their concerns.
- e) cooperating with the staff who are assigned to assess/investigate/resolve/determine or otherwise deal with their concerns.
- f) treating staff of the Kangaroo Island Council with courtesy and respect

If customers do not meet their responsibilities, the Kangaroo Island Council may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

The Kangaroo Island Council has a zero-tolerance policy in relation to any harm, abuse, or threats directed towards staff. Any conduct of this kind may result in a refusal to take any further action on a concern or to have further dealings with the customer. In certain cases, legal action may also be considered.

Staff are responsible for:

- a) providing reasonable assistance to customers who need help to raise their concerns and, where appropriate, during the investigation process
- b) dealing with concerns, customers and people or organisations the subject of concern professionally, fairly, and impatiently

- c) giving customers or their advocates a reasonable opportunity to explain their concerns, subject to the circumstances of the case and the conduct of the customer.
- d) giving people or organisations the subject of concern a reasonable opportunity to put their case during the course of any investigation and before any final decision is made.
- e) informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them and the substance of any proposed adverse comment or decision that they made need to answer or address.
- f) keeping customers informed of the actions taken and the outcome of their concerns.
- g) giving customers and any people the subject of concerns with courtesy and respect at all times and in all circumstances.
- h) taking reasonable and practical steps to ensure that customers are not subjected to any detrimental action in reprisal for raising their concerns.
- i) giving adequate warning of the consequences of unacceptable behaviour.

If the Kangaroo Island Council or its staff fail to comply with these responsibilities customers may further raise their concern with the Chief Executive Officer or the SA Ombudsman.

Subjects of customer concerns are responsible for:

- a) cooperating with the staff of Kangaroo Island Council who are assigned to handle the concerns, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction.
- b) providing all relevant information in their possession to the Kangaroo Island Council or its authorised staff when required to do so by a properly authorised direction or notice.
- c) being honest in all communications with Kangaroo Island Council staff.
- d) treating the staff of Kangaroo Island Council with courtesy and respect at all times and in all circumstances.
- e) refraining from taking any detrimental action against the customer in reprisal for them raising concerns.

If subjects of a customer concern fail to comply with these responsibilities, action may be taken under relevant laws and/or codes of conduct.

The Kangaroo Island Council is responsible for:

- a) having an appropriate and effective request for service and complaint handling system in place for receiving, assessing, handling, recording, and reviewing requests for service and complaints

- b) ensuring that all customer concerns are deal with professionally, fairly and impartially.
- c) ensuring that staff treat all parties to a customer concern with courtesy and respect.
- d) ensuring that the assessment and any inquiry into the investigation of a concern is based on sound reasoning and logically probative information and evidence.
- e) finalising matters of concern on the basis of outcomes that the organisation or its responsible staff, consider to be satisfactory in the circumstances.
- f) implementing reasonable and appropriate policies/procedures/practices to ensure that customers are not subjected to any detrimental action in reprisal for raising their concerns.
- g) giving adequate consideration to any privacy implications that may arise in the handling of customer concerns and the conduct of investigations.

If the Kangaroo Island Council or its staff fail to comply with these responsibilities, customers may complain to the Chief Executive Officer or the SA Ombudsman

SIGNED:



Chief Executive Officer

Date: 13 June 2024

History:		
Date Reviewed:	Version:	Reason for Amendment:
11 June 2024	Version 1	New Policy

9. APPENDIX B

Sample UCC 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 services provided by Council.

You must complete this form and send it electronically or by hand to the 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: _____ Case Officer's name: _____

Name of Customer: _____ Customer's case file number: _____

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 Council, has or could raise significant health and safety issues for Council 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.

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 Manager.

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

10. APPENDIX C

Sample checklist for the Manager to consider when deciding to modify or restrict a customer's access.

- ☐ I have received a signed and completed incident form from the caser officer(s) involved (attach copy).
- ☐ I have spoken with relevant case 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 6.4 Criteria which includes an assessment following

The merits of the customers case

The customer's circumstances

Proportionality (Is the response reasonably appropriate and adapted to the situation?)

Organisational or case officer responsibility

Responsiveness, including previous conduct

Case officer's personal boundaries

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

Along with the case officer concerned and any other relevant officers, I have considered all reasonable options for managing the customer's conduct, including those that do not involve restricting their access to Council services.

- ☐ The customer has been warned about their conduct in writing, and the letter has been signed by the Manager, Manager or Chief Executive Officer.
- ☐ The customer has been advised in writing of the decision to restrict their access to Council and the letter has been signed by the Chief Executive Officer.
- ☐ I have made record of my assessment and decision about the customer's conduct and all relevant staff members have been notified of my decision.
- ☐ An electronic alert has been created in the adopted case management system that notified any staff dealing with this customer of 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: _____ Signature: _____

11. APPENDIX D

Sample warning letter

[To be signed by the CEO or Manager]

Council reference: [reference]

Contact: [case officer]

Telephone: [number]

[Date]

[Name of customer]

[Address of customer]

Dear [name of customer]

Your contact with the Kangaroo Island Council

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 the organisation to be concerned].

Council considers 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 to be unreasonable, Council will impose restrictions on your contact with Council. This may involve restricting your contact to [apply the relevant option(s)]:

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

I have attached a copy of a document called [Individual rights and mutual responsibilities of the parties] for your reference. Council expects everyone who deals with this office 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 Manager]

Yours sincerely,

Manager / Chief Executive Officer.

12. **APPENDIX E**

Sample letter notifying a customer of a decision to change or restrict their access to Council services

[To be signed by the CEO or Manager]

Council reference: [reference]

Contact: [case officer]

Telephone: [number]

[Date]

[Name of customer]

[Address of customer]

Dear [name of customer],

Decision to restrict your contact with the Kangaroo Island Council.

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 my staff have previously told you that we consider this conduct to be unreasonable and unwarranted.

I also wrote you on [date] and asked you to stop this behaviour. In that letter I advised you that if your behaviour is 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] 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 my organisation. I therefore give you notice that from [date], and with the exception(s) detailed below, my organisation will only accept communication from you [identify permissible form of contact, if any].

What this means

This means that you are only to contact Council 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 acknowledgement, emails will be blocked or deleted, no interviews will be granted, etc]

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

Your existing concerns (if applicable)

This organisation currently has one file open in your name. This relates to [state the subject of concern and describe concern]. 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 my organisation, including any future concerns 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 this organisation is effective immediately and will last for [3 months/6 months/12 months]. At this 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 my staff], leaves me no alternative.

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

Yours sincerely,

Chief Executive Officer/ Manager

13. APPENDIX F

Sample letter notifying a customer of an upcoming review

[To be signed by the CEO or Manager]

Council reference: [reference]

Contact: [case officer]

Telephone: [number]

[Date]

[Name of customer]

[Address of customer]

Dear [name of customer]

Upcoming review of the decision to restrict your contact with Kangaroo Island Council.

It has now been [3 months/6 months/12 months] since restrictions were [imposed/upheld] on your contact with our office. As advised in the letter dated [date], we are now reviewing the 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 persons 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]
- ☐ Schedule a telephone interview with [include name of staff member and provide instructions on how they should go about scheduling an appointment]
- ☐ The current contact restrictions should be maintained
- ☐ Any other information that is relevant to the decision.

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

- ☐ You have complied with the current restrictions
- ☐ The current contact restrictions should be removed.
- ☐ 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 your case

We must receive your letter by [time and date]/you should confirm your interview with [name of 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 the decision. If you have any question about this letter, you can contact [provide name and phone number of the nominated senior manager].

Yours sincerely,

Chief Executive Officer/Manager

14. APPENDIX G

Sample 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 phone interview
- ☐ I have reviewed all the information in the adopted case management system from the last 112 months [or relevant period of the restriction] about the customer's:
contact with the office (explain other form of contact)

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

- ☐ I have spoken with the case 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 of 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 Council services (list all that apply).

- ☐ I consider that these restrictions should be (explain)
 - Maintained – e.g. because conduct has continued, is likely to continue, is disproportionate
 - 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 relevant 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 CEO.
- ☐ The adopted case management system has been updated to reflect my decision.

Date: _____ Signature: _____

15. **APPENDIX H**

Sample letter advising the customer of the outcome of a review

[To be signed by the CEO or Manager]

Council reference: [reference]

Contact: [case officer]

Telephone: [number]

[Date]

[Name of customer]

[Address of customer]

Dear [name of customer]

Review of your contact with the Kangaroo Island Council.

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 was 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]. Council records show that [provide summary of relevant information e.g. Council records show that you have continued to send emails to Council, 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 Council office to [state nature of restriction] [explain what the purpose of the restriction was, if appropriate, and the impact of their conduct].

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

Decision

[apply if relevant:] Due to [explain reasoning for the decision – e.g. the number of emails that you have sent to Council in the last 12 months and...] I consider it necessary to maintain the restrictions on your contact with the 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 apply effective immediately and will last for 12 months. If your circumstances change again during this period, you may [explain how the complainant 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 Council, effective immediately. You may contact Council using any of the normal servicing options.

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

Yours sincerely,

Chief Executive Officer / Manager.