

POLICY NAME

Managing Difficult Customer Behaviour

REVIEW DATE

June 2020 – currently under review

POLICY TYPE

Internal Management Policy

RELATED DOCUMENTS

Complaints Management Policy

DATE ADOPTED

12 August 2013

COUNCIL MINUTE NUMBER

N/A

RESPONSIBLE DEPARTMENT

Legal and Governance

Purpose

To Provide staff with support for dealing with difficult customer behaviour, to ensure that all customers are treated fairly and equally, and to ensure that Council's resources are used efficiently and effectively.

Policy statement

Penrith City Council is a customer focused organisation, dedicated to ensuring that all customers are treated fairly and reasonably. Council recognises that all members of the public have a right to access Council's services and to seek assistance from staff when needed. Council's staff will strive to meet the needs of customers in a courteous and efficient manner.

Council expects its staff to:

- treat all customers with respect and courtesy
- with integrity and honesty, and
- respond to customer enquiries promptly and efficiently.

In return, Council expects customers to treat its staff with respect and courtesy. Council will not accept:

- threatening or aggressive behaviour by customers towards its staff, or
- behaviours that place unreasonable demands on Council's resources.

Scope

This policy applies to all councillors, staff and customers.

Contents

Definitions.....	3
Introduction.....	3
Difficult Customer Behaviour.....	3
Managing Difficult Customer Behaviour.....	3
Unreasonable Customer Behaviour.....	4
Managing Unreasonable Customer Behaviour.....	4
Managing Customers Who Continually Make Unreasonable Demands.....	5
Managing Customers Who Continually Raise the Same Issue with Different Staff.....	5
Unacceptable Customer Behaviour.....	5
Managing Unacceptable Customer Behaviour.....	6
Recording of Incidents.....	7
Warning Letters.....	7
Repeated Incidents.....	7
Notification to Councillors.....	8
Staff Support and Training.....	8
References.....	8
Policy Contact.....	8
Document Control.....	9

Definitions

<i>Authorising Officer</i>	General Manager, Assistant General Manager, Executive Manager, Chief Governance Officer and the Public Officer
<i>Difficult Customer Behaviour:</i>	frustrated or agitated behaviour (usually issue focused) that does not exceed acceptable standards of behaviour
<i>Unreasonable Customer Behaviour:</i>	unwarranted customer conduct including: <ul style="list-style-type: none">• unreasonable persistence• unreasonable demands• unreasonable lack of cooperation• unreasonable arguments
<i>Unacceptable Customer Behaviour:</i>	Threatening, rude or aggressive behaviour that will not be tolerated by Council

Introduction

This policy deals with three broad types of customer behaviour:

- Difficult Customer Behaviour
- Unreasonable Customer Behaviour, and
- Unacceptable Customer Behaviour

Difficult Customer Behaviour

There is a difference between difficult customer behaviour and unreasonable or unacceptable behaviour. Often a customer exhibits frustration that is issue-related and not intended as a personal attack against a Council officer. Examples include instances of:

- controlled anger
- controlled frustration, or
- controlled agitation

Council appreciates that customers may become angry or frustrated from time to time. It is not unreasonable for a customer to express controlled anger or frustration, or to make complaints about Council's decisions, staff or processes.

Managing Difficult Customer Behaviour

When dealing with difficult situations, staff should not abrogate their responsibilities to uphold Council's customer service expectations. Staff are expected to respond to the customer's needs professionally, and to make attempts to quickly and efficiently resolve the issue that is causing the customer's frustration.

When dealing with difficult customer behaviour staff should:

- make reasonable efforts to calm the customer
- focus on the issue at hand rather than taking offence to the customer's anger or frustration
- remain calm, professional and courteous
- consider seeking advice or assistance from other staff members or a supervisor who may be better equipped to resolve the situation, and
- consider scheduling a later meeting with the customer (if appropriate) to allow time for further guidance and information to be obtained.

If a staff member feels that they do not have the capacity or training to confidently handle difficult situations they are required to seek the appropriate training by discussing their needs with their supervisor.

If staff training is required supervisors may need to consider the following actions:

- arrange training that helps staff identify, prevent and defuse potentially difficult situations
- support staff with strategies and skills to deal with difficult customers
- make enquiries with Council's Learning and Development Section to identify potential training opportunities, and
- arrange or provide suitable training to update the staff member's technical skills and knowledge.

Where necessary, supervisors should offer guidance to staff when dealing with difficult situations and encourage staff to attend any known trouble situations in pairs.

Unreasonable Customer Behaviour

Council has an obligation to use resources efficiently and effectively. While Council acknowledges a customer's entitlement to make requests and complaints, it reserves the right to cease responding to customers that continually exhibit unreasonable customer behaviour.

Unreasonable customer behaviours include:

- requests that place unreasonable demands on Council's staff
- requests that place unreasonable demands on Council's resources
- unreasonable persistence
- unreasonable lack of cooperation
- requests or complaints based on unreasonable arguments

Customers are requested to avoid these types of behaviours and to assist Council's staff in their attempts to resolve difficult situations.

Managing Unreasonable Customer Behaviour

Council will not continually respond to requests that place unreasonable demands on staff or other resources. If staff believe they are experiencing unreasonable customer behaviour they should:

- communicate effectively with the customer to ensure they fully understand the customer's request or complaint
- request additional information from the customer if required
- inform the customer of Council's expectations regarding the making of requests or complaints and outline how the request or complaint will be managed
- record all relevant communication on Council's electronic records management system and other relevant databases as required, and
- discuss the situation with the relevant Supervisor, Manager or Executive Manager.

In extreme circumstances, staff may politely end unproductive phone calls or meetings if the customer continually places unreasonable demands on them or on other resources. If this occurs staff should notify their Supervisor or Manager as soon as possible after the incident and make appropriate records of the incident.

If necessary, staff, supervisors or managers needing to manage unreasonable behaviours may wish to obtain advice from Council's Legal and Governance Department, the Public Officer or the relevant Executive Manager.

Managing Customers Who Continually Make Unreasonable Demands

Unreasonable demands can significantly and unreasonably divert Council's resources away from core functions and create an inequitable allocation of resources for other customers.

Customers who make unreasonable demands include those who display unreasonable persistence, continually use unreasonable arguments or demonstrate an unreasonable lack of cooperation.

If in the opinion of the General Manager, Assistant General Manager, Executive Manager, Chief Governance Officer or Public Officer a customer continually makes unreasonable demands, the authorising officer may:

- write to the customer advising of Council's concerns and request the customer to limit and focus future requests, or
- write to the customer advising that if they continue to place unreasonable demands on the organisation then Council may not respond to any future correspondence and may only take action where, in the opinion of the designated Officer, the correspondence raises specific serious issues.

If the General Manager, Assistant General Manager, Executive Manager, Chief Governance Officer or Public Officer writes to the customer as outlined above, the customer shall be given an opportunity to make representations to the General Manager or authorising officer about Council's proposed course of action.

Managing Customers Who Continually Raise the Same Issue with Different Staff

If in the opinion of the General Manager, Assistant General Manager, Executive Manager, Chief Governance Officer or Public Officer a customer continually raises the same issue(s) with different staff, the authorising officer may:

- notify the customer that only a nominated staff member will deal with their enquiries
- require the customer to make an appointment with the nominated staff member should they wish to discuss the matter at any time in the future, or
- require that all future contact with Council be in writing.

If the General Manager, Assistant General Manager, Executive Manager, Chief Governance Officer or Public Officer writes to the customer as outlined above, the customer shall be given an opportunity to make representations to the General Manager or authorising officer about Council's proposed course of action.

Unacceptable Customer Behaviour

Council considers the following behaviours to be unacceptable:

- threatening or offensive behaviour (including written threats)
- verbal abuse (including swearing at staff, racist or sexist comments)
- vulgar expressions or gestures
- damaging objects (for example, kicking, defacing or destroying property)
- physical assault or violence
- bullying, harassment or intimidation
- entering restricted office areas
- threatening self-harm
- out-of-hours harassment of staff

These and other similar behaviours towards Council's staff will not be accepted by Council at any time. This includes threatening, rude or aggressive comments made towards Council's staff in written correspondence.

Managing Unacceptable Customer Behaviour

Council does not tolerate threatening, rude or aggressive behaviour towards its staff under any circumstances. If in the opinion of any staff member, a customer is exhibiting unacceptable behaviour the staff member may:

- warn the customer that if the behaviour continues or occurs again at any time, the conversation, interview or meeting may be terminated, and
- terminate the conversation, interview or meeting thereafter if the rude, abusive or aggressive behaviour continues or occurs again after the warning was given, or
- immediately remove themselves from the situation without providing an initial warning if they believe they are in immediate danger of physical harm or serious harassment.

Where a conversation, interview or meeting is terminated due to unacceptable customer behaviour the staff member must notify their Supervisor, Manager and/or Executive Manager as soon as possible. The staff member should also record the incident on Council's records management system and on any other relevant databases.

Where appropriate, staff should consider using the following strategies to manage unacceptable customer behaviours:

- ask another staff member to assist or be present when dealing with the customer
- maintain professionalism and a polite, assertive demeanour
- avoid being confrontational towards the customer
- continually assess the risk at each stage of the interaction
- advise the customer when their behaviour has exceeded Council's standards and provide the customer with an opportunity to moderate their behaviour
- seek support or assistance from a more senior staff member rather than bringing the matter to an immediate end
- ensure the safety of members of the public and other staff members
- call security if available
- contact the NSW Police if necessary

Serious cases of unacceptable behaviour amounting to genuine threats, serious harassment, physical force or assault should be referred to the NSW Police immediately.

If in the opinion of the General Manager, Assistant General Manager, Executive Manager, Chief Governance Officer or Public Officer a customer exhibits unacceptable behaviour towards Council's staff the authorising officer may:

- write to the customer advising that their behaviour towards Council's staff is unacceptable
- notify the customer that only a nominated staff member will deal with their enquiries, or
- in situations involving written correspondence, notify the customer that Council may not respond to any future correspondence that includes unacceptable content.

If the General Manager, Assistant General Manager, Executive Manager, Chief Governance Officer or Public Officer writes to the customer as outlined above, the customer shall be given an opportunity to make representations to the General Manager or authorising officer about Council's proposed course of action.

Recording of Incidents

All incidents of unreasonable and unacceptable customer behaviour should be recorded against the customer's records on Council's Records Management System. Staff should also record information regarding the incident on any other relevant customer service databases used by Council.

When recording the incident staff should describe the incident that occurred, detail their own actions and explain the follow-up actions being taken. Staff should ensure that records are accurate, factually based and unbiased. Personal opinions about a customer should not be added to a customer's records.

Where a customer has later demonstrated that they have modified their behaviour, the customer's file will be updated at the appropriate time.

If warranted by the situation, staff should also complete an incident report with Council's Workforce and Workplace Department.

Warning Letters

In general, warning letters may be used where a customer displays unreasonable or unacceptable behaviour towards Council's staff. Warning letters may be authorised by the General Manager, an Assistant General Manager, Executive Manager, the Chief Governance Officer or the Public Officer. If appropriate a warning letter may be signed by a Manager with the approval of the General Manager, Assistant General Manager, Executive Manager, Chief Governance Officer or the Public Officer.

The intention of a warning letter is to advise the customer that their behaviour has exceeded Council's standards. The customer may also be asked to give assurances that their unreasonable or unacceptable behaviour will not continue.

With respect to a one off incident the authorising officer should consider whether further correspondence could unnecessarily exacerbate the situation. In evaluating this, the authorising officer should have regard to the seriousness of the customer's actions, the likelihood of future incidents, the implications for staff and the implications for other customers.

Repeated Incidents

Repeated instances of unreasonable or unacceptable behaviour should be documented with correspondence to the customer. In addition, the relevant Executive Manager or Manager should discuss the situation with the staff member to determine an appropriate course of action. This may include:

- assigning an alternative officer to take the matter over if it is safe and practicable to do so
- assigning the matter to a more senior officer if it is safe and practicable to do so
- requesting the customer to attend an interview to discuss the situation and gain assurances that they will modify their future behaviour
- suggesting that the customer consider seeking independent representation to help in their dealings with Council in a way that would avoid a reoccurrence of aggressive behaviour
- bringing the matter to the attention of Council's Chief Governance Officer or the Public Officer
- assigning a case manager
- advising the customer that restrictions may be put in place to prevent the customer from communicating with Council's officers (this action may only be made in writing and at the

authorisation of the General Manager, Assistant General Manager, Executive Manager, Chief Governance Officer or Public Officer)

- referring the matter to the NSW Police

The General Manager may establish any alternative protocols necessary for dealing with repeated incidents of unreasonable or unacceptable customer behaviours.

Notification to Councillors

Councillors should be notified of a decision by the General Manager, Assistant General Manager, Executive Manager, Chief Governance Officer or Public Officer to restrict a customer's access to staff when:

- those restrictions are expected to be in place for a period longer than 3-months
- it is reasonable to assume that a Councillor may have contact with the customer
- the customer is prohibited from Council's premises, or
- the General Manager issues an instruction to notify Councillors

Staff Support and Training

Council will provide training to assist staff in carrying out their duties. Staff are responsible for advising supervisors of their training needs and for seeking the appropriate training opportunities.

A Council staff member, who is on or off duty and is the subject of employment generated unacceptable customer behaviour, will be given assistance and support by Council. This includes counselling and access to the services offered by Council's Employee Assistance Program.

The Council's level of support may extend to providing reasonable legal assistance needed by an officer, provided the staff member has not unnecessarily contributed to or been responsible for causing the customer's unacceptable behaviour. Support may also be extended to any immediate family members of staff who might have been subjected to employment generated serious and inappropriate behaviour.

If a staff member commences any form of private legal action and the Council deems this action to be inappropriate or outside appropriate limits, the Council may withdraw legal support for that private action.

If there are any questions about this Policy they can be referred to Council's Legal and Governance Department on 4732 7856.

References

- Local Government Act 1993 (NSW)
- Managing Unreasonable Complainant Conduct Manual 2009 – NSW Ombudsman
- Managing Unreasonable Complainant Conduct Manual 2012 – NSW Ombudsman

Policy Contact

For information regarding this policy please contact the Legal and Governance Department on 4732 7856.

Document Control

Policy History	Date
The policy is currently under review	June 2023