

3309 - Unreasonable Customer Conduct

Administration Directive



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PURPOSE

This Directive guides Council employees to effectively identify and manage unreasonable customer conduct ('UCC') in a fair, consistent, transparent and appropriate way, to:

- Protect the health and safety of any person involved in a Council interaction;
- Ensure fairness in the interaction process; and
- Improve efficiency and commitment to appropriate resource allocation in all customer service delivery and complaints processes.

SCOPE

North Burnett Regional Council is committed to delivering quality services to the community, meeting its obligations to provide a safe and healthy workplace for its employees and visitors, and to use its resources equitably and efficiently.

While Council has an expectation that its employees treat people with courtesy and respect, there is an expectation that this courtesy will be returned. Council does not tolerate behaviour that is offensive, abusive, threatening, psychologically harmful or in Councils opinion consumes disproportionate resources.

Council will consider the individual circumstances of an UCC interaction and provide reasonable and proportionate responses that are designed to manage the impacts of the conduct whilst attempting to resolve any underlying or substantive issue. Nothing in this directive limits the Council, or a legal requirement of Council, to take appropriate action where the circumstances require, such as where the UCC involves an imminent threat to the mental or physical health or well-being of an employee, or another visitor and/or customer, or the failure to obey a lawful instruction.

Council's response to UCC will, as far as is practicable, allow the individual or group involved with the UCC to continue to communicate with Council in a controlled and appropriate manner which will support Council's zero tolerance approach to any form of occupational violence or intimidation.

DEFINITIONS

For the purposes of this directive the following definitions will apply.

Term	Definition
Council	Means North Burnett Regional Council (NBRC).
Employee	Has the same meaning as Worker under the <i>Work Health and Safety Act 2011</i> (Qld). The term "Employee" for the purpose of this directive will include full time, part time and casual employees, contractors, labour hire employees, volunteers, work experience students and trainees.
UCC	Means unreasonable customer conduct.
Unreasonable customer conduct	Means any behaviour which, because of its nature or frequency, raises health, safety, resource or equity issues for Council, its staff, other service users and customers, or the customer themselves. Examples of unreasonable customer conduct are set out in this directive and broadly under five separate categories of conduct: <ul style="list-style-type: none">A. Unreasonable persistenceB. Unreasonable demandC. Unreasonable lack of cooperationD. Unreasonable argumentE. Unreasonable behaviour.

Term	Definition
Visitor	Includes any person accessing Council worksite facilities for Council services or business activity.

DIRECTION

UNREASONABLE CUSTOMER CONDUCT

The majority of Council’s customers act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about their situation.

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 may be aggressive and/or verbally abusive. They may threaten harm and violence, bombard Council’s offices with unnecessary and excessive phone calls and/or emails, make inappropriate demands on Council’s time and/or Council’s other resources, and/or refuse to accept Council’s decisions and recommendations. When customers behave in these ways Council considers their conduct to be ‘unreasonable’.

UCC can be divided into five categories of conduct:

- A. Unreasonable persistence (Querulants)
- B. Unreasonable demand
- C. Unreasonable lack of cooperation
- D. Unreasonable argument
- E. Unreasonable behaviour

A. Unreasonable Persistence (Querulants)

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on the Council, its employees, visitors, services, time and/or other resources.

Some examples of unreasonably persistent and querulant behaviour include:

- An unwillingness or inability to accept Council’s explanations including final decisions that have been comprehensively considered and dealt with.
- Persistently contacting the Council about the same matter when it has previously been comprehensively considered and dealt with.
- Targeting the Council with multiple requests about a range of issues, whether related or not, which separately or together require an unreasonable or unfair allocation of Council resources.
- Refusing to accept Council’s position when told that further action cannot or will not be taken on their issue.
- Reframing a complaint in an effort to get it taken up again.
- Repeatedly communicating with Council or its employees, including via phone calls, visits, letters, and emails (including cc’d correspondence), after repeatedly being asked not to do so.
- Contacting different people within Council and/or externally to seek a different outcome or response to their issue – (for example, internal and external “forum shopping”).

B. Unreasonable Demands

Unreasonable demands are demands (express or implied) that are made by a customer that have a disproportionate and unreasonable impact on the Council, employees, services, time and/or resources.

Some examples of unreasonable demands include:

- Issuing instructions and making demands about how Council has/should handle their issue, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a senior officer, General Manager or CEO personally when it is not appropriate or warranted.
- 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.
- Insisting on outcomes that are not possible or appropriate in the circumstances – e.g. for someone to be terminated or prosecuted, an apology and/or compensation when there is no reasonable basis for expecting this.
- Demanding services that are of a nature or scale that Council cannot provide when this has been explained to them repeatedly.
- Expecting responses to requests which separately or together require an unreasonable or unfair allocation of Council resources.

C. Unreasonable Lack of Cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with us in good faith, that results in a disproportionate and unreasonable use of Council's services, time and/or resources.

Some examples of unreasonable lack of cooperation include:

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

D. Unreasonable Argument

Unreasonable argument includes any argument that is not based on reason or logic, that is incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impacts upon Council, employees, services, time, and/or resources.

Arguments are unreasonable when they:

- Fail to follow a logical sequence.
- Are not supported by any evidence and/or are based on conspiracy theory.
- Lead a customer to reject all other valid and contrary opinion.
- Are trivial when compared to the amount of time, resources and attention that the customer demands.

E. Unreasonable Behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a customer is – because it may unreasonably compromise the health, safety and security of Council employees, other service users or the customer themselves.

A customer's access to Council's services and Council premises may be restricted (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect employees and

visitors from personal violence, intimidation or stalking by a customer. Any conduct of this kind referred to the appropriate authorities for example the Queensland Police Service, and/or other local or interstate agencies as appropriate, may be without notice to the person causing the behaviour.

Some examples of unreasonable behaviours include:

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

RESPONDING TO AND MANAGING UNREASONABLE CONDUCT BY A CUSTOMER

The health and safety of Council's employees and visitors is a priority consideration when considering how to respond to and manage UCC.

When considering how to respond to and manage UCC, Council may also consider:

- the nature of the UCC;
- the particular circumstances of the customer and the matters being enquired about;
- the matters set out in this section of the directive;
- any other options available to Council at law (for example, if specific legislation allows Council to seek a specific remedy, such as Council's ability under the *Right to Information Act 2009* as an agency to apply to the Information Commissioner for a declaration that a person is a vexatious applicant).

The following sections of this directive sets out, in a non-exhaustive way, how Council might consider dealing with UCC.

CHANGING OR RESTRICTING A CUSTOMER'S ACCESS TO THE COUNCIL

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

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

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

WHO – LIMITING THE CUSTOMER TO A SOLE CONTACT POINT

Where a customer tries to forum shop internally within Council, changes their issues repeatedly, reframes their complaint, or raises an excessive number of complaints, it may be appropriate to restrict their access to a single staff member (a sole contact point) who will exclusively manage their complaint(s) and interactions with Council. This aims to ensure the person is dealt with consistently and may minimise the risk of further UCC.

Customers who are restricted to a sole contact person will be given the contact details of one additional staff member who they can contact if their primary contact is unavailable due to taking leave or is otherwise unavailable for an extended period of time.

WHAT – RESTRICTING THE SUBJECT MATTER OF COMMUNICATIONS THAT THE 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 complaint/issue that has already been comprehensively considered and/or reviewed (at least once) by Council, Council may restrict the issues/subject matter the customer can raise with us or that Council will respond to. For example, Council may:

- 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 evidence. (The customer will be advised that future correspondence of this kind will be read and filed without acknowledgement unless Council decides that it needs to pursue it further in which case, Council may do so on Council's 'own motion').
- Restrict the customer to communicating with Council at certain frequencies or intervals. Any attempts to circumvent this restriction, for example by raising multiple complaints/issues in the one complaint letter may result in modifications or further restrictions being placed on their access.
- 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 Council's records to identify repeat/further UCC incidents).

WHEN – LIMITING WHEN A CUSTOMER CAN CONTACT THE COUNCIL

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

- Limiting their telephone calls or face-to-face interviews to a particular time of the day or days of the week.
- Limiting the length or duration of telephone calls, written correspondence or face-to-face interviews.
- Limiting the frequency of their telephone calls, written correspondence or face-to-face interviews.
- For irrelevant, overly lengthy, disorganised or frequent written correspondence Council may:
 - Require the customer to clearly identify how the information or supporting materials they have sent to us relate to the central issues that Council has identified in their complaint.
 - Restrict the frequency with which customers can send emails or other written communications to Council's office.
 - Restrict a customer to sending emails to a particular email account (e.g. the organisation's main email account) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

HOW - LIMITING HOW A CUSTOMER CAN CONTACT THE COUNCIL

Writing only restrictions

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

- Australia Post only
- Email only to a specific email or generic email account
- Fax only to a specific fax number, or
- Some other relevant form of written contact, where applicable.

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

Face to face

If a customer is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to Council's premises, Council will consider restricting Council's face-to-face contact with them.

These restrictions may include:

- Restricting access to particular secured premises or areas of the office – such as the reception area or a secured room/facility.
- Restricting their ability to attend Council's 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.
- Allowing them to attend Council's office on an 'appointment only' basis and only with specified employees. Note – during these meetings employees should always seek support and assistance of a colleague for added safety and security.
- Banning the customer from attending Council's premises altogether and allowing some other form of contact – e.g. 'writing only' or 'telephone only' contact.

Contact through a representative only

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

COMPLETELY TERMINATING A CUSTOMER'S ACCESS TO THE COUNCIL

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the CEO may decide that it is necessary for Council to completely restrict a customer's contact/access to Council's 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 Council's employees or other persons because it involves one or more of the following types of conduct:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault.
- Intentional damage to property while on Council's premises.
- Threats with a weapon or another item that could be used to harm another person or themselves.
- Physically preventing a staff member from moving around freely either within their office or during an off-site visit – e.g. entrapping them.
- Conduct that is otherwise unlawful.

In these cases the customer will be sent a letter notifying them that their access has been terminated. The customer will still be provided with an ability to engage with Council at a defined minimum level based on necessity (for example, if the customer is a ratepayer who needs to pay rates, or so that the customer is able to make bona fide reports to Council of matters of interest to Council). In some circumstances the customer may be required to seek 3rd party representation to correspond with Council on their behalf.

ALTERNATIVE DISPUTE RESOLUTION

In certain circumstances that are considered by the CEO to be appropriate (for example, if the CEO determines that services to a customer cannot be terminated in a particular case, or that employees bear some responsibility for causing or exacerbating the customer's conduct), the CEO 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.

A decision as to whether or not to participate in ADR is entirely at the discretion of the CEO and on a case-by-case basis.

WHEN CHANGING A CUSTOMER'S ACCESS TO THE COUNCIL

Consulting with relevant employees

When determining if a customer's access should be changed Council will consult with relevant employees on the following:

- The circumstances that gave rise to the UCC/incident(s).
- The impact of the customer's conduct on Council, its employee/s, its time and resources, and other factors regarding the impact of the UCC.
- The customer's responsiveness to the employee's warnings/requests to stop the behaviour.
- The actions relevant employees have taken to manage the customer's conduct, if any.
- The suggestions made by relevant employees on ways that the situation could be managed.

Criteria to be Considered

The following criteria may be considered depending on the circumstances. The following is a non-exhaustive list of criteria that Council may consider in these circumstances:

- Whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances).
- Whether the customer's case or complaint has merit.
- The likelihood that the customer will modify their unreasonable conduct if they are given a formal warning about their conduct.
- Whether changing or restricting access to Council's services will be effective in managing the customer's behaviour.
- Whether changing or restricting access to Council's services will affect the customer's ability to meet their obligations, such as reporting obligations.
- Whether changing or restricting access to Council's services will have an undue impact on the customer's welfare, livelihood or dependents etc.
- Whether the customer's personal circumstances have contributed to the behaviour – for example, the customer is a vulnerable person who is under significant stress as a result of one or more of the following:
 - Homelessness
 - Physical disability
 - Illiteracy or other language or communication barrier
 - Mental or other illness
 - Personal crises
 - Substance or alcohol abuse.
 - Whether the customer's response/ conduct in the circumstances was moderately disproportionate, grossly disproportionate or not at all disproportionate.
 - Whether there any statutory provisions that would limit the types of limitations that can be put on the customer's contact/access to Council's services.

Once these factors have been thoroughly considered, a decision will be made on the appropriate course of action, pursuant to the roles and responsibilities within this directive.

Providing a warning letter

Unless a customer's conduct poses a substantial risk to the health and safety of an employee or another person, they will be provided with a written warning about their conduct before any formal restrictive action is taken.

Providing a notification letter

If a customer's conduct continues after they have been given a written warning, or in cases of aggression, violence, assault or other unlawful/unacceptable conduct, the Council may send a notification letter notifying the customer how the UCC is proposed to be dealt with by Council. Where necessary, police will be notified.

Continued monitoring or oversight

Once a customer has been issued with a warning letter or notification letter the CEO may review the customer's record/restriction as the CEO considers appropriate to determine whether to modify (including

relax or lift) restrictions, impose further restrictions or terminate the customer's access to Council's services altogether.

REVIEWING A DECISION TO CHANGE OR RESTRICT ACCESS TO THE COUNCIL

Right of review

Customers are entitled to one review of a decision to change/restrict their access to Council's 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 evidence along with all relevant records regarding the customer's past conduct. The customer will be advised of the outcome of their review by letter.

If a customer continues to be dissatisfied after the review 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 has acted fairly, reasonably and consistently and have observed the principles of good administrative practice including, procedural fairness.

Notifying the customer of an upcoming review

The Council might invite the customer to participate in the review process unless they determine that this invitation is reasonably likely to provoke a negative response from the customer (i.e. further UCC). The invitation if 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).

Criteria to be considered during a review

When conducting a review the CEO will consider:

- Whether the customer has had any contact with Council during the restriction period.
- The customer's conduct during the restriction period.
- Any information or evidence put forward by the customer.
- Any other information that may be relevant in the circumstances.

Note – Sometimes a customer may not have a reason to contact Council during their restriction period. As a result, a review decision that is based primarily on the fact that the customer has not contacted Council during their restriction period (apparent compliance with Council's restriction) may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations.

Notifying a customer of the outcome of a review

The Council will notify the customer of the outcome of their review in writing explaining the outcome, as applicable.

HUMAN RIGHTS – GENERAL OBLIGATIONS

In order for the Council to ensure that all matters are dealt with fairly, efficiently and effectively and that work health and safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all of the parties to the UCC process.

Customers have the right to:

- Make a complaint and to express their opinions in ways that are reasonable, lawful and appropriate
- A reasonable explanation of the Council's complaints procedures, including details of the confidentiality, secrecy and/or privacy rights or obligations that may apply
- A fair and impartial assessment and, where appropriate, investigation of their issue based on the merits of the case
- A fair hearing
- A timely response
- Be informed in at least general terms about the actions taken and outcome of their matter
- Be given reasons that explain decisions affecting them

- At least one right of review of a decision
- Be treated with courtesy and respect
- Communicate valid concerns and views without fear of reprisal or other unreasonable response

Employees have the right to:

- Determine whether, and if so, how a matter will be dealt with
- Finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances
- Expect honesty, cooperation and reasonable assistance from customers
- Be treated with courtesy and respect
- A safe and healthy working environment
- Seek to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a customer.

Mutual responsibilities

Customers are responsible for:

- Treating Council employees with courtesy and respect
- Clearly identifying to the best of their ability the matter causing the interaction
- Providing to the best of their ability the Council with all the relevant information available to them at the time of interaction
- Being honest in all communications with the Council
- Informing the Council of any other action they have taken in relation to their matter
- Cooperating with the staff who are assigned to assess/ investigate/resolve/determine or otherwise deal with their complaint.

The rights set out above include and are relevant to particular human rights set out in the *Human Rights Act 2019* (“**HR Act**”), including:

- the right to protection from torture and cruel, inhuman or degrading treatment;
- the right to freedom of expression;
- the right to take part in public life;
- the right to privacy and reputation.

Council has considered the application of the HR Act with respect to the development of this directive. Council considers that, to the extent this directive, if implemented, represents a limitation on the human rights of a customer, that limitation is reasonable and demonstrably justifiable in accordance with section 13 of the HR Act if this directive is applied. Specifically, Council considers the following factors in section 13(2) of the HR Act are relevant:

- the fact that the limitations included in this directive are consistent with a free and democratic society based on human dignity, equality, and freedom;
- the fact that the purposes of the limitation include the preservation of the health and safety of Council employees, and the preservation of Council resources, and the limitation helps to achieve the purpose;
- the fact that there are no less restrictive and reasonably available ways to achieve the purposes of the directive;
- the importance of the limitation having regard to the matters set out in this directive, and the fact that that matter outweighs the importance of preserving a customer’s ability to engage in UCC.

MANAGING CUSTOMERS SEEKING ACCESS TO INFORMATION

The *Right to Information Act 2009* (RTI Act) provides Council’s customers with a general right of access to information held by the Council unless there is an overriding public interest consideration against disclosure of the information, and as long as releasing the information is consistent with privacy, copyright and other legislation. Information is provided proactively, and customers may make either an informal request or a formal access application under the Act.

Information may be provided via the informal process either directly by employees as part of business operations, or formally under the RTI process by Governance, as required. All requests for information are assessed and determined in accordance with the legislation.

For more information regarding Council's principles regarding public access to information and the process of managing requests for such access please refer to the Council's Right to Information Policy.

ROLES AND RESPONSIBILITIES

To effectively administer this directive, there is a reliance on employees within this process to review and analyse a customer's contact with the Council. To enable this process employees are responsible for recording all contacts that they have with a customer; regardless of the customer being designated UCC.

To facilitate the recording of customer contacts, employees are to use Council's enterprise system.

All Employees

- are responsible for familiarising themselves with this directive
- are responsible for speaking with their Manager about how this directive relates to any Business Unit specific procedures regarding managing customer behaviours
- are encouraged to explain the contents of this document to all customers particularly those who engage in UCC or exhibit the early warning signs for UCC
- give adequate warning of the consequences of unacceptable behaviour
- must report any UCC incident to their Manager within 24 hours of the incident occurring
- are responsible for familiarising themselves with Customer Service Standards and understanding the immediate measures that can be taken when confronted by abusive, offensive or threatening behaviours.
- completion of Risk Assessment
- completion of WHS Incident Report Form

While effective application of this directive relies on all employees identifying and reporting UCC incidents, it must be emphasised that any strategies that effectively change or restrict a customer's access to Council's services must be first considered at the Executive Management level.

Managers

- the Manager, in consultation with relevant employees, has the responsibility and authority to provide advice to their General Manager, on changing or restricting a customer's access to the Council in the circumstances identified in this directive
- responsible for supporting their employees to apply the strategies in directive
- responsible for monitoring and reviewing all cases where UCC restrictions are applied within their business area to ensure consistency, transparency and accountability in the application of this directive
- Ensuring their employees complete a WHS Incident Report for every UCC interaction.
- Completion of a risk assessment that is to accompany any request to change or restrict a customer's access to the Council.

People and Performance Partner

Depending on the circumstances, People and Performance may be responsible for arranging other forms of support for employees as required.

Manager Customer Service

- Will act as a central point of escalation and will be notified by business unit managers of any **proposed** changes or restrictions to a customer's access.
- Notifying customers of any changes or restrictions to their access to the Council, and any outcomes of a review of changes to access restrictions that have been applied.
- responsible for maintaining currency and accuracy of information held centrally about UCC and changes to customer's access to Council's services.

General Manager

- Responsible for determining the extent of limiting a person's contact / access to Council, other than deciding to completely terminate a customer's direct contact / access with the Council.

UCC Review Panel

The Review Panel will consist of the Executive Leadership team who will monitor and review on appeal all cases where these procedures are applied across all business areas to ensure consistency, transparency and accountability.

The Review Panel, in consultation with relevant employees, has the authority to change or restrict a customer’s access to Council services in the circumstances identified in this directive. When doing so they will consider the criteria and will aim to impose any service changes/restrictions in the least restrictive ways possible. Their aim, when taking such actions will not be to punish the customer, but rather to manage the impacts of the customers conduct.

When applying the directive the Review Panel will also aim to keep at least one open line of communication with the customer. However, Council does recognise that in extreme situations all forms of contact may need to be restricted for some time to ensure the health and safety and security of Council’s employees and/or third parties. In these circumstances the customer may be required to seek 3rd party representation to correspond with Council on their behalf.

Chief Executive Officer

The CEO is responsible for deciding to completely terminate a customer’s direct contact / access with the Council.

APPLICABLE LEGISLATION AND REGULATION

Applicable legislation and regulation:

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Human Rights Act 2019*
- *Right to Information Act 2009*
- *Information Privacy Act 2009*
- *Criminal Code Act 1899*
- *Work Health and Safety Act 2011*

RELATED DOCUMENTS

Related documents are:

- Risk Assessment Form
- WHS Incident Report Form
- Policy 1116 - Administrative Action Complaints

APPROVAL

This directive will be reviewed every four years by the Customer Experience & Communities Manager and is due for review in May 2027.

REVISION HISTORY

Version	Meeting	Approval Date	History
1	General	24 May 2023	New