



3.10 – UNREASONABLE CONTACT POLICY

1. INTRODUCTION

Norfolk Island Regional Council (NIRC) supports residents and visitors having the right to express their views and ask questions about Council services. Indeed, customers' comments and suggestions are imperative in helping Council shape and improve the services it provides.

This Policy sets out Council's approach to managing communication and formal correspondence received from customers that Council considers unreasonable or unacceptable, and the action it will take to manage the situation.

It is important to note that this Policy is separate to Council's Complaints Handling Policy (3.06).

People who raise issues or complain to Council can be distressed, angry or upset. This may be because of the nature of the issues being raised, the problems they are complaining about, or it may be related to their own personal circumstances. Dealing with distressed, angry and upset people is a normal part of managing customer feedback, and Council staff are trained to deal fairly, objectively and empathetically with all matters that are raised with them.

In some cases, a customer's conduct can go beyond what is acceptable. They may contact Council repeatedly, provide false and misleading information, demand outcomes that are not practicable, be unwilling to accept the Council officer's decision and react in an unreasonable manner, threaten harm to themselves or others, or be violent.

It is important that Council manages unreasonable conduct for several reasons:

- Council's resources are limited and must be used efficiently in dealing with other customer requests and other functions. All customers are entitled to a fair share of time and resources and a consistent approach by Council in dealing with their issues.
- Council is responsible for ensuring the health and safety of its staff. Ensuring that all staff are properly trained, supervised and supported in dealing with unreasonable conduct will minimise staff stress.
- Unreasonable conduct can make it harder for Council to respond to an issue or resolve the matter. It can lead to the issue being blurred, the investigation side-tracked, and the process needlessly prolonged.
- A matter being considered or investigated that is drawn out is less likely to end satisfactorily. The ongoing relationship between the person and the Council can be damaged.

2. POLICY OBJECTIVE

It is Council's responsibility to treat all customers fairly and with respect. Staff need to show impartiality and professionalism when faced with challenging behaviour. This does not mean staff should tolerate conduct that is threatening, aggressive or abusive.

The aim is to ensure:

- Fair and open access for all residents, visitors and members of the community to Council's services.
- Other customers and Council employees and elected members do not suffer any disadvantage from customers who act in an unacceptable manner.
- Minimise the impacts of unreasonable or unacceptable communication or correspondence on resources, processes and staff.
- Staff feel confident in taking action to manage unreasonable communication and correspondence.
- Staff can act fairly and consistently when responding to unreasonable communication and correspondence.
- Staff are aware of their roles and responsibilities and feel supported in dealing with unreasonable communication and correspondence.
- Staff are aware of the processes that are required to be followed to record and report incidents of unreasonable communication and correspondence.

3. POLICY SCOPE

This Policy applies to Council's dealings with customers when they have contact with the Council.

This Policy applies to all Councillors and staff employed by NIRC, including volunteers and contractors.

This Policy applies to all service areas and departments of Council, including those services delivered by Council on behalf of the Federal (Commonwealth) Government.

This Policy is not designed to address violent or threatening behaviour which needs an urgent response and is to be managed under Council's Work Health and Safety legislation and related policies.

4. DEFINITIONS

Unreasonable Conduct (UC) – Unreasonable or persistent phone calls, complaints and written correspondence (or as contained within submissions) for the purpose of this Policy are characterised as behaviour which may include, but is not limited to:

- a) Is persistent, harassing, prolific, and repetitious.
- b) Displays an insistence on pursuing unmeritorious issues and/or unrealistic outcomes beyond reason.
- c) Displays an inability to accept reasonable and logical explanations including final decisions.
- d) Displays an insistence upon pursuing meritorious complaints or issues in an unreasonable manner, including unreasonable demands regarding Council's operations or outcomes.
- e) Is a "scatter gun" approach, where copies of letters and/or emails are sent to several recipients on a regular basis, often including numerous Council staff as well as Councillors, the Office of the Administrator and/ or Members of Parliament and, the media.
- f) Has repeated and/or frequent requests for information, excluding requests made under FOI.
- g) Demonstrates a lack of cooperation with Council staff.

Unreasonable Persistence (UP) – Continued, incessant and unrelenting conduct by a person that has a disproportionate and unreasonable impact on Council, its staff, services, time and/or resources, including but not limited to:

- a) Persisting with an issue or complaint even though it has been comprehensively considered by the council, and even where all avenues of internal review have been exhausted.

- b) Reframing a matter or complaint in an attempt to get it taken up again.
- c) Showing an inability to accept the final decision.
- d) Persisting in interpreting the law or policy in a way that is not in accordance with generally accepted or expert views on the issue and insisting that action be taken accordingly.
- e) Demanding a review because it is available but not arguing a case for a review.
- f) Bombarding Council offices and staff with phone calls, visits, letters and emails (including cc'd correspondence) after being asked not to do so.
- g) Contacting different people within the organisation and/or externally in order to achieve a different outcome to the request.

Unreasonable Demands (UD) - Unwillingness or inability by a person to cooperate with Council, its staff, complaints system and policies and procedures; and demands made by a person, either expressly stated or implied, which has a disproportionate and unreasonable impact on Council, its staff, services, time and/or resources, including but not limited to:

- a) Insisting on outcomes that are unattainable i.e. demanding outcomes that are beyond a Council's power to deliver, demanding unreasonable outcomes, wanting to turn back time, unreasonable prosecution of individuals.
- b) Insisting on a 'moral' outcome i.e. justice in the community interest, when really a personal interest is at stake.
- c) Demanding an apology and/or compensation when no reasonable basis for expecting such outcomes exists.
- d) Wanting revenge, retribution.
- e) Wanting what is not possible or appropriate i.e. copies of sensitive documents, private contact details of staff, other complainants etc.
- f) Issuing instructions and making demands as to how a matter or complaint should be handled.
- g) Making unreasonable resource demands, expecting resources in excess of or, out of proportion to the severity of the issue.
- h) Wanting regular and lengthy phone contactor meetings where it is not warranted.
- i) Demands for action that are out of proportion to the significance of the issue.
- j) Moving the goal posts — changing the desired outcome.
- k) Demanding to talk to a Manager or the General Manager personally and repeatedly.
- l) Placing a Council officer or the Council on an extensive email copy list and expecting responses to numerous emails.
- m) Emotional blackmail and manipulation with the intent to intimidate, harass, shame or portray themselves as being victimised when this is not the case.
- n) Presenting as overly needy or dependent.
- o) Consistently creating complexity unnecessarily.
- p) Presenting a large quantity of information which is disorganised, unsorted, not classified or summarised, where the customer is clearly capable of doing this.
- q) Presenting information in dribs and drabs — refusing to present all available information at the outset.
- r) Focusing on 'principles' rather than substantive issues changing the request and/or complaint and raising new issues in the process of the Council's consideration of the request.
- s) Displaying unhelpful behaviour i.e. withholding information, dishonesty, misquoting others, swamping council with documents.
- t) Refusing to follow or accept Council staff instructions, suggestions and/or advice without a clear and justifiable reason for doing so.

Unreasonable Arguments (UA) - Arguments that are not based on reason and logic, which are trivial and not supported by evidence as well as arguments which are false, defamatory or inflammatory and which have a disproportionate and unreasonable impact on Council, its staff, services, time and/or resources, including but not limited to:

- a) Those which fail to follow a logical sequence.

- b) Holding irrational beliefs i.e. seeing cause and effect links unsupported by evidence.
- c) Conspiracy theory unsupported by evidence.
- d) Insisting that a particular solution, interpretation or argument is the only correct one in the face of valid contrary or alternative argument.
- e) Interpreting facts in a clearly irrational/unreasonable way and insisting this interpretation is the correct one.
- f) Insisting on the overwhelming importance of an issue that is clearly trivial.
- g) Those which are false, inflammatory or defamatory.

Unreasonable Behaviour (UB) - All types of behaviour considered unreasonable, regardless of how stressed, angry and frustrated the customer is, as it unreasonably compromises the health and safety of the customer, Council staff, and other service users, including but not limited to:

- a) Displaying confronting behaviour i.e. rudeness, aggression, verbal abuse, derogatory, racist or defamatory remarks and threats.
- b) Harassment, intimidation or physical violence.
- c) Sending rude, confronting, threatening letters.
- d) Making threats of self-harm and/or making threats of harm to others.
- e) Stalking, either in person or online.
- f) Emotional manipulation and blackmail.

5. LEGAL AND POLICY FRAMEWORK

Local Government Act 1993 (NSW)(NI)

6. IMPLEMENTATION

6.1 Communication

Following adoption by Council this Policy will be made available on Council's website.

6.2 Associated Documents

Customer Service Charter

Complaints Handling Policy 3.06

7. POLICY

7.1 Managing Communication

How Council decides to manage the communication referred to in this policy depends on the nature and the impact it has on individual employees or the Council as a whole. Council may need to manage the unacceptable action by restricting the customer's contact with it.

Restrictions that may be considered are:

- Informing a customer that they can only contact us in person, by telephone, fax, letter or electronically.
- Limiting the frequency responses to correspondence will be sent.
- Appointing a named officer to be the customer's single point of contact.

Council will always try to maintain at least one form of contact. Where necessary, this contact may be through a Council nominated third party.

a) Abusive or offensive language

The threat or use of verbal abuse or harassment towards employees is likely to result in the ending of all direct contact with the customer. Incidents may be reported to the Police. This will always be the case if physical violence is threatened.

b) Correspondence

Council will not deal with correspondence (letter, fax or electronic) that is abusive to employees or contains allegations that lack substantive evidence. When this happens Council will tell the customer that it considers the content of their communication to be offensive, unnecessary and unhelpful.

Council will request the customer to cease such action and state that if they do not stop, further correspondence will not be responded to. Council reserves the right to require future contact to be through a third party.

c) Telephone calls

Council employees will end telephone calls if they feel the caller is being aggressive, abusive or offensive. The employee taking the call has the right to make this decision. In most cases the caller will be advised that the behaviour is unacceptable and that the call will be ended if the behaviour does not stop. On the rare occasion when the employee is unable to continue with the call, they have the right to disconnect it without warning.

d) Face to face

Council employees will ask a customer to leave Council property or premise/place of work if they feel the customer is being aggressive, abusive or offensive. The employee dealing with the customer has the right to make this decision. In most cases the officer will advise the customer that their behaviour is unacceptable and that they will be asked to leave if the behaviour does not stop. If a customer refuses to leave the premises, the Police may be called.

e) Unreasonable Demands

Where a customer repeatedly telephones, visits Council offices, sends irrelevant documents, or continually raises the same issues, Council may decide to adopt one or more of the following restrictions:

- Only take telephone calls from the customer at set times, on set days or by arrangement.
- Arrange for one named employee to deal with all future calls or correspondence from the customer.
- Limit communication to writing only.
- Only respond to communication at a set frequency (eg: monthly basis)
- Inform the customer that their correspondence will be read, to ensure no new issues have been made, acknowledged and filed.
- Require the customer to make an appointment to see a named employee before visiting the office.
- Return documents received to the customer or, in extreme cases, advise the customer that further irrelevant documents will be destroyed.
- Take other action that Council considers appropriate.

f) Unreasonable persistence

Where a customer continues to correspond on a wide range of issues, and this action is considered excessive, Council may decide to adopt one or more of the following restrictions:

- Inform the customer that Council will limit the number of issues it will consider in a given period.
- Ask the customer to limit or focus their requests accordingly.
- Arrange for one named employee to deal with future calls or correspondence from the customer.

A customer's action may be considered unreasonably persistent if, after all internal review mechanisms have been exhausted they continue to dispute the Council's decision relating to the issues raised. In these circumstances, the customer will be told that they will be required to make all future contact on the issue in writing. Any correspondence will be read and filed but only acknowledged or responded to if new information relating to the issue is provided.

g) Social Media

Council will remove any abusive, offensive or slanderous comments from online forums within Council's level of control and where Council is the site administrator. Council will also request third party site administrators to remove any comments relating to Council that are considered abusive, offensive, slanderous or in breach of any legislation that applies to Norfolk Island. Council also reserves the right to take further action against third party site administrators where such comments are not removed.

7.2 Restricting Contact

With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact will only be taken after careful consideration by the General Manager.

To ensure equality for all our customers an impact assessment must be carried out before a restriction is determined to consider potential problems a restriction may pose on the customer.

When a decision has been made and approved, customers will be told in writing:

- Why a decision has been made to restrict future contact.
- The restricted contact arrangements.
- If relevant, the length of time that these restrictions will be in place.

Note: Employees who directly experience aggressive or abusive behaviour from a customer have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation. These may include such actions as ceasing the phone call or asking the customer to leave the premises.

a) Appealing a decision to restrict contact

A customer can appeal a decision to restrict contact. The appeal will be considered by the General Manager or his/her nominee not involved in the original decision. The customer will be advised in writing whether the restricted contact arrangements still apply, or a different course of action has been agreed.

b) Recording and reviewing a decision to restrict contact

Where it is decided to restrict contact, an entry noting this will be made in relevant files held by the Council. The name and contact details of the customer and the restriction applied will also be added to the Restricted Contact Central Register. The name will only be held on the Register for the period the restriction applies. The Restricted Contact Register will be reviewed annually. If the customer demonstrates a more acceptable approach, restrictions to contact may be revoked.

8. REVIEW AND VERSION CONTROL

Policy Number	3.10		Responsible Officer	Manager Customer Care
Effective Date	20 September 2017		Next Review Date	November 2022
Version Number	Version	Resolution No.	Effective Date	Version description
	V1	2017/152	20 September 2017	Developed and adopted
	V2	2019/236	20 November 2019	Reviewed
	V3	2021/96	16 July 2021	Reviewed and updated