



## **4. COMMUNITY LIAISON**

Policy 4.6

Customer Service and Unreasonable Complainants Policy

**Version 4**

## **4. COMMUNITY LIAISON**

### **4.6 CUSTOMER SERVICE AND UNREASONABLE COMPLAINANTS POLICY**

#### **OBJECTIVES:**

- To provide guidance for staff and Councillors in dealing with customers
- To ensure that Council resources are used efficiently and effectively when dealing with customers
- To ensure that all customers are treated fairly and reasonably
- To provide a mechanism for dealing with unreasonable complainants, having regard to staff wellbeing and safety

#### **LEGISLATION AND REGULATORY FRAMEWORK**

The following legislation and regulatory framework is applicable to this policy:

- Local Government Act 1993
- Government Information (Public Access) Act 2009
- Freedom of Information Act, 1982 (Federal)
- Lithgow City Council Code of Conduct
- State Records Act 1998
- NSW Ombudsman Unreasonable Complainant Conduct Guidelines

#### **COUNCIL POLICIES**

The following Council policies should be referred to in conjunction with this policy:

- Policy 9.16 Corporate Image

#### **COMMUNITY STRATEGIC PLAN**

This policy supports the sentiments expressed by the community during the preparation of the Community Strategic Plan ~ Our Place, Our Future that "Council focuses on strong civic leadership, organisational development and effective governance with an engaged community actively participating in decision making processes affecting their future".

- GL3 We are all valued citizens
- GL3.1 We provide prompt, knowledgeable, friendly and helpful advice.

#### **POLICY:**

##### **1. SERVICE COMMITMENT**

- 1.1 Council staff and Councillors will meet the needs of our customers in a professional and ethical manner with courteous and efficient service.

- 1.2 Council's service commitment:
  - a) Treat you fairly and with respect;
  - b) Offer friendly and polite service;
  - c) Deal with your comments, suggestions and complaints positively;
  - d) Respond to your enquiries promptly and efficiently;
  - e) Act with integrity and honesty;
  - f) Focus on solutions for you, the customers where possible; and
  - g) Value your personal information by maintaining your confidentiality.
- 1.3 Council staff will strive to respond to all correspondence received from customers within fourteen (14) days. An acknowledgement letter may be sent where investigations are such that more than 14 days are required to respond.
- 1.4 All mail correspondence will be sent to Council's Records Section for recording.
- 1.5 Telephone calls to Council's switchboard will be answered as quickly and efficiently as possible.
- 1.6 Council staff will answer incoming calls by clearly stating their name, department and/or position. Unanswered calls will divert to another member of staff or to voice mail. Voice mail messages will receive a response within 24 hours.
- 1.7 Staff making outgoing calls will identify themselves by name and department and/or position, and shall clearly outline the purpose of the call.
- 1.8 Reception area and customer service centre staff will greet customers as quickly as possible and in a professional and helpful manner.
- 1.9 Staff required to visit a customer external to Council facilities will attempt to contact the customer first and make an appointment. At the beginning of a Council visit, staff will clearly identify themselves and the purpose of the visit.
- 1.10 Staff will comply with Council's Code of Conduct in their dealings with customers and in particular conduct their exchanges with regard to the key principles in the Code of integrity, objectivity, accountability, openness and respect. Decisions and advice should be premised on relevant legislation and Council's administrative procedures.

## **2. CUSTOMER SERVICE RESPONSIBILITY**

- 2.1 All Councillors, staff, contractors and volunteers are responsible for the provision of quality customer service. They should perform their duties in a professional and responsible manner and treat members of the public fairly, respectfully and consistently, in a non-discriminatory manner and with proper regard for rights and obligations.
- 2.2 Each staff member is accountable for the quality of customer service delivered through their own work or the quality of output of any project or work team(s) of which they are a member.
- 2.3 Directors, Managers, Team Leaders and Supervisors are responsible for working in consultation with their teams to develop and implement customer focused systems and processes that respond to and satisfy internal and external customer needs and expectations.
- 2.4 Staff will be provided with the appropriate tools, information and training to provide quality customer service.

### **3. UNREASONABLE COMPLAINANTS**

- 3.1 Unreasonable complainants are individuals or groups who behave in ways that are inappropriate and unacceptable, despite Council's best efforts to assist them. Unreasonable complainant conduct is any behavior by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for Council, our staff, other service users and complainants or the complainant.
- 3.2 Unreasonable complainants conduct may be divided into the following categories:
- a) Unreasonable persistence - continued, incessant or unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on Council, staff, services, time and/or resources;
  - b) Unreasonable demands - demands (expressed or implied) that are made by a complainant that have a disproportionate and unreasonable impact on Council, staff, services, time and/or resources;
  - c) Unreasonable lack of cooperation - an unwillingness and/or inability by a complainant to cooperate with Council and/or Council's customer service and complaint resolution processes;
  - d) Unreasonable arguments - any complaints that are not based on reason or logic, incomprehensible, false, inflammatory, trivial or vexatious; and/or
  - e) Unreasonable behaviors - conduct that compromises the health, safety and security of Councillors and/or Council officers including abuse, threats or harm directed towards them.

### **4. UNREASONABLE COMPLAINANTS – GUIDELINES**

- 4.1 As per the NSW Ombudsman's guidelines, unreasonable complainants will generally be managed by limiting or adapting the ways that complainants can interact with Council and/or access council services including:
- a) Limiting contact person(s) – e.g. appointing a sole contact person in Council for the complainant for the particular complaint;
  - b) Restricting subject matter – e.g. limiting the subject matter of communications that will be considered and responded to under the complaint;
  - c) Limiting contact times – e.g. limiting a complainant's contact to a particular time, day, length of time, or curbing the frequency;
  - d) Limiting contact locations – e.g. limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office; and/or
  - d) Limiting contact channels – e.g. limiting or modifying the forms of contact that the complainant can have with Council including face-to-face interviews, telephone and written communications, prohibiting access to Council premises, and making contact through a representative only.
- 4.2 A decision may be made to:
- a) Take no further action on the complaint;
  - b) Terminate Council services altogether;
  - c) Decline to acknowledge or take action on any future complaints; and/or
  - d) Have no further contact with complainant.
- 4.3 A decision to have no further contact with a complainant will only be made if it appears that the complainant is unlikely to modify their conduct and/or their conduct poses a significant risk for our staff or other parties that may include:
- a) Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault, etc.;

- b) Damage to property while on our 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; and/or
  - e) conduct that is otherwise unlawful.
- 4.4 Under this Policy all decisions made to limit, withdraw, change or restrict a complainant's access to Council services must be approved by the General Manager. The following actions may be taken:
- a) The General Manager may write to the customer advising them of Council's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands on the organisation Council may:
    - i) not respond to any future correspondence and only take action where, in the opinion of the General Manager the correspondence raises specific, substantial and serious issues; or
    - ii) only respond to a certain number of requests in a given period.
  - b) The customer shall be given an opportunity to make representations about Council's proposed course of action and will be referred to Council's Code of Conduct for options available to them by way of formal complaint about particular staff or via submissions they might make to the NSW Ombudsman, Office of Local Government or ICAC.
  - c) If the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that either or both of points i) - ii) above will now apply.
- 4.5 Complainants are entitled to one appeal of a decision to change/restrict their access to our services. This review will be undertaken by a Director who was not involved in the original decision to change or restrict the complainant's access. This Director will consider the complainant's arguments along with all relevant records regarding the complainant's past conduct. They will advise the complainant of the outcome of their appeal by letter which must be signed off by the reviewing Director. Any materials/records relating to the appeal are to be kept in the appropriate file.
- 4.6 If a complainant 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 has acted fairly, reasonably and consistently and have observed the principles of good administrative practice including, procedural fairness.

## **5. VEXATIOUS COMPLAINTS**

- 5.1 If in the opinion of the General Manager a person continues to make representation by way of correspondence, telephone, e-mail or personal representation, that has no basis in fact and/or is considered to be undertaken in with frivolous or mischievous motives then the General Manager may declare such person to be a vexatious complainant. The General Manager may then take the same action as outlined in 'Unreasonable Complainants - Guidelines' clause 4.4.

## 6. GENERAL

6.1 In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate Council file.

6.2 Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager must advise the Council, ICAC, the Office of Local Government and the NSW Ombudsman for their information.

<b>Maintained by Department:</b>	Corporate & Community	<b>Approved by:</b>	Council	<b>Exhibition: 21 Dec06 23 April 2018</b>	
<b>Reference:</b>	Dataworks: Policy Register	<b>Council Policy No:</b>	4.6	<b>Effective Date:</b>	4 Nov 08
<b>Min No:</b>	07-52 V1 P08-136 V2 V3- 14-62 V4 – 18-168	<b>Version No:</b>	4	<b>Reviewed Date:</b>	Nov 2009 Aug 2013 Feb 2014 April 2018 June 2022
<b>Attachments:</b>					