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## Management Policy – HCC Unreasonable Complainant Conduct

### ***Ko te Puutaketanga*** Purpose

The purpose of the unreasonable complainant conduct policy is to manage complainants who behave in unacceptable and inappropriate ways. The policy should ensure that staff:

- feel confident and supported in taking action to manage unreasonable complainant conduct.
- act fairly, consistently, and appropriately when responding to unreasonable complainant conduct (UCC).
- understand the types of circumstances when it may be appropriate to use mechanisms to manage unreasonable complainant conduct.
- make complainants aware of what constitutes unreasonable complainant conduct, and the actions Council staff may take to deal with this to protect the welfare and wellbeing of the staff.

### ***Ko ngaa Tikanga Whakahaere Kaupapahere*** Principles of Policy

The guiding principles for this Policy are:

- Council is committed to providing a safe environment for staff, customers, and members of the public.
- Council is committed to ensuring a fair and equitable allocation of resources to customer enquiries and feedback.
- Customers are to be always treated with courtesy and respect.
- Council staff are to be always treated with courtesy and respect.
- Customer behaviour that creates a health and safety risk for staff or other customers will not be tolerated.
- In a small number of cases a customer may behave in an unreasonable way, and as a last resort, Council will support its staff by using this policy to introduce measures that minimise the potential impact of the behaviour. The aim of applying this policy is not to punish the customer, but to manage the impact of their behaviour.
- A complainant's behaviour will not be viewed as unreasonable just because a customer is determined, angry or frustrated. Council recognises that people may act out of character in times of trouble or distress.

This policy may be applied to complainants who display behaviour that falls within the definition and types of behaviour described in (I.0) and (II.0) below.

The unreasonable complainant conduct policy covers a behaviour by a current or former complainant which raises substantial risk to staff health and safety, unproductive use of staff time or resources which may prejudice the rights of other service users or the community.

**I. Unreasonable Complainant Conduct**

Council recognises that most complainants behave in a reasonable and respectful manner when dealing with our organisation. However, it is inevitable that from time to time, Council will encounter complainants who may act out of character in times of adversity and stress. Such complainants may become disruptive to Council's routine functions and may also impact staff morale and wellbeing.

Council's approach and objective to manage unreasonable complainant conduct are based on the clear understanding that:

- 1.1. they are equally relevant and applicable to all staff within the organisation, including frontline staff, supervisors, and senior managers.
- 1.2. all complainants are treated with fairness and respect and, in the absence of very good reasons to the contrary, all complainants have a right to access public services.
- 1.3. all customer complaints are considered on their merits.
- 1.4. unreasonable complainant conduct does not preclude there being a valid issue.
- 1.5. the substance of a customer complaint dictates the level of resources dedicated to it, not a complainant's demands or behaviour.
- 1.6. anger is an understandable and, to some degree, an acceptable emotion among frustrated complainants if it is not expressed through aggression or violence.
- 1.7. staff safety and wellbeing are paramount when dealing with unreasonable complainant conduct.
- 1.8. the decision to change or restrict a complainant's access to services because of their behaviour will only be made at a senior management level and in accordance with clearly defined policies and procedures.

- 1.9. Council's leadership team will ensure relevant systems, policies and procedures are in place to manage vexatious behaviour and that all staff who interact with complainants will receive training, guidance, and direction about using the strategies suggested in this policy.

## **II. Categories of Unreasonable Conduct**

Unreasonable conduct occurs when the complainant is aggressive, verbally abusive, threatens harm and violence, engages unnecessarily with excessive calls and emails, makes inappropriate demands on time and resources, or refuses to accept our decision by exhibiting the following behaviour:

- unreasonable persistence
- unreasonable demands
- unreasonable lack of cooperation
- unreasonable arguments
- unreasonable behaviours

They may also be dishonest, intentionally provide misleading information or deliberately withhold information that is relevant to their customer complaint. They may insist on remedies they are not entitled to, or outcomes that are not possible or appropriate.

## **III. HCC Customer Feedback Policy**

Council is committed to having a customer feedback policy that is customer focused, responsive, acts fairly and objectively, and prevents detrimental impact on both Council staff and customers.

However, it is inevitable that behaviour of complainants may occasionally become unreasonable where it can directly impact:

- Council's ability to do our work and perform our functions
- the health, safety, and security of our staff, and
- Council's ability to allocate resources fairly across our services

## **IV. The Process**

1. Where staff feel a customer's behaviour could be defined as unreasonable customer conduct, the customer complaints owner should escalate the situation and behaviour to their business unit manager.

2. The business unit manager will refer the situation to the customer feedback manager who will manage all future interaction as the point of contact for Council.
3. Assessment of the/complainant's conduct may result in application of communication restrictions.
4. Any restrictions imposed against the customer to contact Council must be signed off by the chief executive or deputy chief executive.
5. The customer feedback manager will advise the customer in writing of the restrictions, their point of contact and the date the restrictions will be reviewed.
6. A review panel led by the business unit manager, including the chief executive or the deputy chief executive and the customer feedback manager, will review the complainant's conduct over the period of restriction.
7. The customer feedback manager will write to the customer to inform them of the outcome of the review, either to end the restrictions or to extend the restrictions with a new date set for review.

**If the customer is not happy with the outcome of the process at any point, they can contact the Ombudsman <http://www.ombudsman.parliament.nz/> to make a complaint.**

## V. Understanding the impact of Unreasonable Complainant Behaviour

Council	Staff Members and Customer Complaint Owners	Complainants
<ul style="list-style-type: none"> <li>• Loss of focus amongst the affected staff</li> <li>• Unable to effectively and fairly allocate resources.</li> <li>• Unnecessary time and resources diverted in responding to customer complaints made externally.</li> <li>• Loss of reputation and negative publicity</li> <li>• Increased staff turnover and absenteeism leading to added recruitment and cost for staff downtime.</li> <li>• Increased stress leave applications and compensation claims</li> <li>• Duty of care and health and safety issues. Increased financial expenditure on staff counselling and compensation claims.</li> <li>• Damage to property and equipment</li> </ul>	<ul style="list-style-type: none"> <li>• Stress, anxiety, and frustrations</li> <li>• Fear of attending work or reporting incidents</li> <li>• Withdrawal, loss of motivation/engagement and indifference towards the job</li> <li>• Loss of confidence, feelings of powerlessness and /or physical trauma</li> <li>• Reduced productivity and timeliness.</li> <li>• Blame and/or guilt.</li> <li>• Loss of personal or professional reputation</li> <li>• Irritability and deteriorating relationship at work and at home</li> <li>• Emotional exhaustion and/or burnout</li> <li>• Depression and mental health issues</li> </ul>	<ul style="list-style-type: none"> <li>• Unable to achieve the outcome they were expecting.</li> <li>• Obsession or loss of perspective leading to losses that are greater than the original loss suffered.</li> <li>• Increased likelihood of distrust for other organisations and their staff</li> <li>• Stress and anxiety</li> <li>• Damage to reputation and credibility</li> <li>• Damage to career, relationships, and friendships</li> <li>• Personal harm and violent reactions towards others</li> </ul>

## *Ko ngaa Whakamaaramatanga*

## Definitions

Term	Meaning in this policy
Customer complaint	Customer complaints are expressions of dissatisfaction about service delivery that require investigation leading to a logical outcome.
Customer Feedback Manager	The customer feedback manager is responsible for reviewing and making decisions on appeals prior to escalations to the Office of the Ombudsman.

## *Ko ngaa Tohutoro*

## Relevant legislation

- Privacy Act 2020
- Local Government Act 2002
- Health and Safety at Work Act 2015
- Local Government Official Information and Meetings Act 1987