



1.2.18 DEALING WITH CHALLENGING BEHAVIOUR POLICY

Administration

Title:	1.2.18 DEALING WITH CHALLENGING BEHAVIOUR POLICY
Adopted:	12 December 2024
Reviewed:	Biennially (last reviewed 30 April 2025)
Associated Legislation:	<i>Local Government Act 1995</i> <i>Freedom of Information act 1994</i> <i>Public Interest Disclosure Act 2003</i>
Associated Documents:	Shire of Mingenew Customer Service Charter Code of Conduct for Employees
Review Responsibility:	Manager Governance & Community
Delegation:	Nil.

Previous Policy Number/s N/A

Objective:

This policy explains how the Shire of Mingenew staff will deal with persons who:

- are aggressive complainants;
- are rude, abusive, and harassing complainants;
- cannot be satisfied despite the best efforts of the Shire;
- constantly raise the same issue with different staff; and/or
- make unreasonable demands on the Shire where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers).

Scope

All workers (including employees, volunteers and contractors) with potential customer interaction.

Policy Statement:

The Shire of Mingenew is committed to delivering excellence in customer service however, at times, a customer's demands or expectations may exceed the Shire's ability to deliver.

As a general rule, when a person approaches the Shire with a request, application, concern or complaint they first need to be heard, understood and respected. These expectations are outlined within the Shire's Customer Service Charter.

Customers have a right to:

- be given an apology if required;
- be given information or an explanation;
- have action taken to address their concerns or fix their problem; and
- have the matter dealt with quickly, fairly and properly.

A. Customers who cannot be satisfied:



Customers who cannot be satisfied include members of the public or groups who do not accept that the Shire is unable to assist them, provide any further assistance or level of service than has been provided already and/or disagree with the action the Shire has taken in relation to their complaint or concern.

If, in the opinion of the Chief Executive Officer, a person cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the customer continues to write, telephone, email and/or visit, the following actions may be taken:

- The Chief Executive Officer may write to the customer, restating the Shire's position on the matter if necessary, advising that if the customer continues to contact the Shire regarding the matter, the Shire may:
 - not accept any further phone calls from the customer;
 - not grant any further meetings;
 - require all further communication to be put in writing; and
 - continue to receive, read and file correspondence but only acknowledge or otherwise respond to it if:
 - o the customer provides significant new information relating to their complaint or concern;
 - or
 - o the customer raises new issues which in the Chief Executive Officer's opinion warrant fresh action.
- The Chief Executive Officer shall advise Councillors of a person who is deemed to be '*a person who cannot be satisfied*', the person's concerns, and any proposed management strategy by Shire Officers.

B. Customers who make unreasonable demands:

Customers who make unreasonable demands include members of the public whose demands on the Shire start to significantly and unreasonably divert Shire resources away from other functions or create an inequitable allocation of resources to other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.

If in the opinion of the Chief Executive Officer a customer is making unreasonable demands on staff and the customer continues to write, email, telephone and /or visit the offices the following actions may be taken:

- The Chief Executive Officer may write to the customer advising them of the Shire's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands, staff may:
 - Not respond to any future correspondence and only take action where, in the opinion of the Chief Executive Officer the correspondence raises specific, substantial and serious issues; or
 - Only respond to a certain number of requests in a given period.
- If the customer continues to contact staff after being advised of the proposed course of action, the Chief Executive Officer may, after considering representations from the customer, advise the customer that either or both of the points listed above will now apply.

C. Customers who constantly raise the same issue with different staff:



If, in the opinion of the Chief Executive Officer, a customer is constantly raising the same issues with different staff or elected members, the Chief Executive Officer may notify the customer that:

- only a nominated staff member will deal with them in the future;
- they must make an appointment with that person if they wish to discuss a matter; or
- all future contact with Shire must be in writing.

The customer may wish to make a formal complaint in accordance with the Shire's Customer Service Charter.

D. Customers who are rude, abusive or aggressive:

The Shire of Mingenew will not tolerate or condone intimidating or offensive behaviour toward staff members by members of the public under any circumstances. Any staff member who is the victim of such behaviour may, at their own discretion, refuse service and if warranted, report the matter to Police for further action.

Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of a personal or general nature, threatening or offensive behaviour, physical violence against property or physical violence against a person.

If, in the opinion of any staff member, rude, abusive or aggressive comments or statements are made in telephone conversations, in written form, including email, or in person, the staff member may:

- warn the customer that if the behaviour continues the conversation or interview/meeting will be terminated;
- terminate the conversation or interview/meeting if the rude, abusive or aggressive behaviour continues after a warning has been given.

Where a conversation or interview/meeting is terminated, the staff member must notify their relevant Line Manager of the details as soon as possible.

Where a member of the public has displayed inappropriate behaviour towards a worker, and a worker is required to enter the person's property for a valid reason in the course of Shire business, and is authorised to do so, the worker may be accompanied by another more senior, experienced worker or the police, as appropriate. This may also be appropriate where the Shire business is in response to a non-compliance matter, where the likelihood of inappropriate behaviour increases.

If in the opinion of the Chief Executive Officer any correspondence to the Shire contains personal abuse, inflammatory statements or materials clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon.

Violence, damage to property or threatening behaviour may be reported to the Police, depending on the severity of the actions

E. Documentation and reporting:

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



If an elected member feels that a customer is being difficult in a manner specified in this policy, they may notify the Chief Executive Officer who will consider taking action as per avenues described above.

Where the Chief Executive Officer determines to limit a customer's access in any of the ways specified in this policy, the Chief Executive Officer will advise Councillors as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the Department of Local Government and the Western Australian Ombudsman for information.

Right of Appeal

Customers are entitled to one appeal 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 arguments along with all relevant records regarding the customer's past conduct. They will advise the customer of the outcome of their appeal by letter which must be signed off by the Chief Executive Officer. The staff member will then refer any materials/ records relating to the appeal to be kept in the appropriate file.

If a customer 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 the Shire has acted fairly, reasonably and consistently and have observed the principles of good administrative practice including, procedural fairness.

Managing health and safety

Dealing with customers who are demanding, abusive, aggressive or violent can be extremely stressful and at times distressing or even frightening for Councillors and staff – both experienced and inexperienced. It is perfectly normal to get upset or experience stress when dealing with difficult situations.

As an organisation, Council has a health and safety responsibility to support workers who experience stress as a result of situations arising at work and will do its best to provide Councillors and staff with debriefing and counselling opportunities, as needed. The Employee Assistance Program is also available on an as needs basis.