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| <p>PURPOSE</p> | <p>To specify responses to customers relating to unsuitable customer conduct and unreasonable or excessive demands placed upon Mornington Peninsula Shire (the Shire) staff, Councillors and resources. It includes options for redress for the Shire and identifies limits on communications with and services from the Shire.</p> <p>The Shire is committed to balancing the rights of customers to make complaints, with the rights of staff and Councillors to safety and respect and the equitable allocation of time and resources to all customers.</p> <p>This policy should be considered in conjunction with the Victorian Ombudsman's "Managing Unreasonable Complainant Conduct Practice Manual" and the following Shire policies:</p> <ul style="list-style-type: none"> • Complaints Handling Policy; • Meeting Procedure and Common Seal Local Law; • Councillor Code of Conduct; and • Staff Code of Conduct Policy. |
| <p>OBJECTIVES</p> | <p>This Policy aims to:</p> <ul style="list-style-type: none"> • Ensure Shire services and resources are fair and equitable for all Shire customers; • Ensure the health and safety of Shire staff and Councillors; • Provide definitions of unreasonable complaints and conduct; • Provide guidance for Shire customers, staff and Councillors for the assessment and determination of complaints considered in accordance with this policy. |
| <p>SCOPE</p> | <p>Applies to all customers, staff and Councillors of the Shire.</p> |
| <p>DEFINITIONS</p> | <p>Councillors: Elected members to the Council of the Mornington Peninsula Shire in accordance with the relevant sections of the Local Government Act 1989 (as amended).</p> <p>Customer: Includes residents, ratepayers, members of the public or groups, visitors and businesses of the Shire.</p> <p>Staff: All staff of the Shire whether employed full time, part time or casual.</p> |

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| POLICY | <p>In most instances customers, staff and Councillors are initially required to consider a complaint in accordance with the Shire's Complaints Handling Policy.</p> <p>A complaint should be lodged in the first instance with the Shire. If this complaint and any subsequent review provided for under the Complaints Handling Policy does not resolve the matter, the customer may complain, depending on the nature of the complaint, to an external body such as the Office of the Victorian Ombudsman or Local Government Victoria.</p> <p>When a complaint has been managed within the requirements of the Complaints Handling Policy, the Managing Unreasonable Complainant Conduct Policy may then be considered.</p> <p>In certain circumstances, such as in the case of 'Rude, Abusive or Aggressive Customers', the Complaints Handling Policy may not necessarily be consulted, rather the Managing Unreasonable Complainant Conduct Policy may be initiated as the primary policy.</p> <p>The Shire does not impose any limitations which may impede the statutory rights of the customer to information, pursuant to the requirements of the Local Government Act 1989 or under the provisions of the Freedom of Information Act 1982.</p> <p>Council's Responsibilities</p> <p>The Shire is committed to providing a quality service to the public. Shire staff and Councillors will:</p> <ul style="list-style-type: none">• Treat individuals courteously, attentively and sensitively;• Give information and advice clearly and with a level of complexity appropriate for the situation;• Allow customers a voice and listen to their views;• Ensure customers receive full and appropriate level of service;• Follow fair and just procedures;• Act impartially;• Make decisions based on merit;• Maintain confidentiality and privacy of personal information; and• Use resources efficiently and effectively. <p>Each issue considered in accordance with this policy will be assessed on its merits.</p> <p>Customer's Responsibilities</p> <p>Customers have a responsibility to conduct themselves with an appropriate level of courtesy and respect to Shire staff and Councillors who are dealing with their request for service.</p> |
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POLICY (CONT'D)

Unreasonable Complainants

This section identifies instances of complaints which may be considered in accordance with this policy and provides guidance for Shire customers, staff and Councillors for the assessment and determination of a complaint under this policy.

Customers who Cannot be Satisfied

Includes customers who:

- Persist with a complaint even when it has been comprehensively considered and responded to;
- Persist in raising a complaint even though all avenues of review have been exhausted;
- Do not accept the level of service that has been provided in accordance with budget provisions and general acceptance of service standards;
- Do not accept that the Shire cannot provide any further assistance in a matter;
- Cannot provide any assistance at all; or
- Do not agree with Council's or a staff member's action in addressing their concern following the provision of written responses from the Council.

Customers who make Unreasonable Demands (Inappropriate use of Council Staff and Resources)

Includes customers that make significant demands on Council staff, which unreasonably divert Council's resources away from intended functions and/or the Shire's ability to attend to other customer's demands. This may take the form of a request for large amounts of information or an escalated scale of assistance or level of service normally provided, or numerous requests for information, assistance or service.

Customers who Constantly Raise the Same Issue (Repetitive Enquiries)

Includes customers who constantly raise the same issues.

Procedure

The following procedure will be followed for all Unreasonable Complainants (*Customers Who Cannot be Satisfied, Customers who make Unreasonable Demands and Customers who Constantly Raise the Same Issue*) considered in accordance with this policy.

Shire staff or Councillors wishing to have a complaint considered in accordance with this policy must consult with the Manager – Governance and Corporate Support who, following consultation with the relevant Manager and/or Director, will make a determination.

POLICY (CONT'D)

Unreasonable Complainants (Cont'd)

Procedure (Cont'd)

In certain circumstances, the Manager Governance and Corporate Support may nominate an alternate officer such as a relevant Manager or Director to determine matters and/or review determinations.

The Manager – Governance and Corporate Support will notify the complainant in writing of the determination and any subsequent actions or recommendations required and also inform relevant staff or Councillors of the outcome.

The Shire may determine to place limits on staff or Councillors providing further services to and communications with customers in relation to the matter concerning the complaint only, as follows:

- Not accept any further phone calls;
- Not grant any further face to face interviews;
- Require all further communications to be in writing; and
- Any further correspondence will only be acknowledged and responded to if new information or issues have been raised that warrant a review of, or a new action.

Any limitations imparted will not impede the statutory rights of a customer to information, pursuant to the requirements of the Local Government Act 1989 or under the provisions of the Freedom of Information Act.

Customers assessed and limited in services from and communications with the Shire, have the right to make further representations to the Shire for a review of determinations. Refer to 'Review of Actions Initiated'.

Rude, Abusive or Aggressive Customers

Includes customers that make rude or otherwise vulgar noises, expressions or gestures, verbal abuse of either a personal or general nature, intimidating, threatening or offensive behaviour, physical violence against property or physical violence against persons or threats of violence. May also include customers who repeatedly talk over staff, Councillors or other customers or will not allow staff to appropriately respond to the customer's enquiry.

Procedure

If staff or Councillors are of the opinion that a customer has contravened the above protocol, in a conversation either in person or over the telephone, the officer should immediately warn the caller that if the behaviour continues the conversation will be terminated.

POLICY (CONT'D)

Rude, Abusive or Aggressive Customers (Cont'd)

Procedure (Cont'd)

If the behaviour continues after the warning, the conversation may be terminated immediately and any subsequent attempts by the customer to make contact can be refused by that person.

When a conversation has been terminated for the above reasons, staff must notify their Team Leader, Manager or Director immediately. Dependent on the circumstances and the nature of any personal abuse or intimidation, the Manager or Director may discuss the matter with the Manager Governance and Corporate Support who may determine to take appropriate action with an external agency, including the provision of incident reports or complaints to Victoria Police.

Any correspondence received that is deemed by staff or a Councillor to contain threats, defamatory statements or intimidatory or inflammatory material must be directly referred to the Manager – Governance and Corporate Support for assessment and response.

Review of Actions Initiated

Customers assessed and limited in services from and communications with the Shire, have the right to make further representations to the Shire for a review of determinations.

The Director – Sustainable Organisation shall consider these further representations and advise the customer in writing of the outcome of this final review process.

The Shire's Complaints Handling Policy details options for redress if the customer is not satisfied that the Shire has fulfilled its commitments.

Whilst complaints should be lodged in the first instance with the Shire, if the complaint or any subsequent review does not resolve the matter, the customer may complain, depending on the nature of the complaint, to an external agency such as IBAC, Office of the Victorian Ombudsman or Local Government Victoria.

The Manager Governance and Corporate Support is responsible for maintaining a list of complainants whose access to the Shire has been restricted, including the specific directions for each individual.

Unacceptable Behaviour at Meetings of Committees and Council

The appropriate Chairperson will deal with any such behaviour in accordance with Meeting Procedure and Common Seal Local Law.

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| <p>POLICY (CONT'D)</p> | <p>Alternatives When Serious Actions are Required</p> <p>Council is equally committed to providing quality service, effective dispute resolution, the right of members of the public to participate in the affairs of the Shire and a safe and healthy environment for its officers and councillors.</p> <p>Should a conflict between member/s of the public and the Shire and/or its officers or councillors escalate to an unacceptable level, the Shire or an officer may initiate further proceedings which could include but is not limited to defamation proceedings, apprehended violence or intervention orders or the declaration of a prohibited person in accordance with the Summary Offences Act S9(1)(d) and (g).</p> <p>Such actions should only be considered when all other reasonable and appropriate alternatives to resolving disputes have been attempted, with the Chief Executive Officer to be the final signatory for actions instigated by the Shire.</p> <p>In the case of action taken between the Shire, an officer or Councillor, Council may contribute towards the cost of any mediation.</p> |
| <p>RESPONSIBILITY</p> | <p>All Shire staff and Councillors.</p> <p>Manager Governance and Corporate Support for reviewing and updating this policy as required.</p> |
| <p>RELATED POLICIES</p> | <ul style="list-style-type: none"> • Complaints Handling Policy; • Privacy Policy; • Meeting Procedure and Common Seal Local Law; • Staff Code of Conduct; and • Councillor Code of Conduct. |
| <p>RELATED LEGISLATION</p> | <ul style="list-style-type: none"> • Local Government Act 1989; • Protected Disclosure Act 2012; • Charter of Human Rights and Responsibilities Act 2006; • Information Privacy Act 2000; • Freedom of Information Act 1982; and • Occupational Health & Safety Act 2004. |

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| REFERENCES | Ombudsman Victoria – ‘Managing Unreasonable Complainant Conduct Practice Manual’ 2 nd Edition August 2012. |
| REVIEW | This Policy shall be subject to review within 12 months of the next general Council elections to be held in 2016. |