

## Ordinary Meeting

**Meeting Date:** Tuesday, 28 April, 2026

**Location:** The Studio, Shoalhaven Entertainment Centre, Bridge Road, Nowra

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# Unreasonable Customer Conduct Policy

DRAFT

<b>Adoption Date:</b>	
<b>Amendment Date:</b>	Draft for Public Exhibition – 7 April 2026
<b>Minute Number:</b>	
<b>Next Review Date:</b>	
<b>Directorate:</b>	City Performance
<b>Record Number:</b>	D23/725 (4734e)

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## 1. Introduction

### 1.1. Purpose

Shoalhaven City Council is committed to being accessible and responsive to all customers and those who approach us with complaints. At the same time our success depends on:

- Our ability to do our work and perform our functions in the most effective and efficient ways possible.
- The health, safety, wellbeing, and security of our staff and those who work with us, and;
- Our ability to allocate our resources fairly across all customer enquiries we receive.

When customers behave unreasonably in their dealings with us, their conduct can significantly affect our success.

As a result, Shoalhaven City Council will take proactive and decisive action to manage any customer conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy and its related procedures.

### 1.2. Objectives

The objectives of this policy are to assist staff to better manage unreasonable customer conduct. Its aim is to ensure that all staff:

- Feel confident and supported in taking action to manage unreasonable customer conduct.
- Act fairly, consistently, honestly, and appropriately when responding to unreasonable customer conduct.
- Are aware of their roles and responsibilities in relation to the management of unreasonable customer conduct and how this policy will be used.
- Understand the types of circumstances when it may be appropriate to manage unreasonable customer conduct.
- Have a clear understanding of the criteria that will be considered before we decide to change or restrict a customer's access to our services.
- Are aware of the processes that will be followed to record and report unreasonable customer conduct incidents as well as the procedures for consulting and notifying customers about any proposed actions or decisions to change or restrict their access to our services.
- Are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.

### 1.3. Scope

This policy applies to all staff and elected Councillors of Shoalhaven City Council.

Customers are defined as individuals, organisations, groups or bodies that have interaction with Shoalhaven City Council and/or individual staff or councillors in their capacity as a Council official.

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This policy authorises staff and councillors to manage their interactions with customers whose conduct is identified as unreasonable. This policy distinguishes between the strategies that frontline staff are authorised to use and those that must be considered and acted on at a senior management level e.g. those that seek to change or restrict a customer's ability to access our services.

This policy should not be seen as a quick solution for dealing with customers who are viewed as being annoying or a nuisance. It is intended to be applied in cases where a customer's conduct raises the types of safety, resource and equity issues identified in this policy.

This policy is based on the NSW Ombudsman's Unreasonable Complainant Conduct Model.

## **2. Defining unreasonable customer conduct**

### **2.1. Unreasonable customer conduct**

Most customers who come to Shoalhaven City Council interact reasonably and responsibly with us, even when they are experiencing elevated levels of distress, frustration or anger about an issue or service that is important to them.

However, in a very small number of cases some customers behave in ways that are inappropriate and unacceptable – despite our best efforts to help them. They may be aggressive or verbally abusive towards staff or councillors or threaten harm and violence. They may bombard Council with unnecessary and excessive phone calls or emails, make inappropriate demands on our time and our resources, and refuse to accept our decisions and recommendations in relation to their requests or complaints. They may make published public comment which is inappropriate, derogatory or defamatory towards our staff or elected Council representatives. When customers behave in these ways, we consider their conduct to be 'unreasonable.'

Unreasonable conduct of customers ('UCC') is any behaviour by a current or former customer which, because of its nature or frequency raises substantial health, safety, wellbeing, resource or equity issues for our organisation, our staff, Councillors, other service users and customers or the customer himself/herself.

Unreasonable customer conduct can be divided into five categories of conduct:

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

Shoalhaven City Council has a zero-tolerance policy towards any harm, abuse or threats directed towards staff and councillors. Any conduct of this kind will be dealt with under this policy and in accordance with our duty of care and work health and safety responsibilities (Work Health and Safety Policy POL23/64), including escalation to NSW Police.

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**2.1.1 Unreasonable persistence**

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on our organisation, staff and councillors, services, time, or resources. Some examples of unreasonably persistent behaviour include:

- An unwillingness or inability to accept reasonable and logical explanations, including final decisions that have been comprehensively considered and dealt with (even when it is evident the customer does understand the information provided).
- Persistently demanding a review simply because it is available, and without arguing or presenting a case for one.
- Persistently demanding a review when disagreeing with the outcome of an appropriate process or decision.
- Pursuing and exhausting all available review options, even after we have explained that a review is not warranted – and refusing to accept that we cannot or will not take further action on their complaint.
- Reframing a complaint or issue to have it reconsidered.
- Multiple and repeated phone calls, visits, letters, emails (including cc'd correspondence) after we have repeatedly asked them not to.
- Contacting different people within or outside our organisation to get a different outcome or a more sympathetic response to their issue or complaint – this is known as internal and external 'forum shopping.'
- Lodging a number of customer requests (online, by telephone or in person) about a single topic or issue.

**2.1.2 Unreasonable demands.**

Unreasonable demands are any demands expressly made by a customer that have a disproportionate and unreasonable impact on our organisation, staff and councillors, services, time, or resources. Some examples of unreasonable demands include:

- Issuing instructions and making demands about how to handle their issue or complaint, the priority it should be given, or the outcome to be achieved.
- Insisting on talking to a senior manager, director, or CEO personally when the reasons that this is not appropriate or warranted have been carefully explained to the customer.
- Emotional blackmail and manipulation resulting in intimidation, harassment, shaming, seduction or portraying themselves as being victimised when this is not the case.
- Insisting on outcomes that are not possible or appropriate in the circumstances, for example asking for someone to be fired or prosecuted, or for an apology or compensation when there is no reasonable basis for this.
- Demanding services of a nature or scale that we cannot provide, even after we have explained this to them repeatedly.

**2.1.3 Unreasonable lack of cooperation**

Unreasonable lack of cooperation is when a customer is unwilling or unable to cooperate with us, our staff, or our complaints process – resulting in a disproportionate and unreasonable use

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of our services, time, or resources. Some examples of unreasonable lack of cooperation include:

- Sending us a constant stream of complex or disorganised information without clearly defining the issue at hand or explaining how the material provided relates to their issue or complaint (where the customer is clearly capable of doing this).
- Providing little or no detail around their issue or complaint or providing information in 'drips and drabs.'
- Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- Arguing that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- Unhelpful behaviour such as withholding information, acting dishonestly and misquoting others.

2.1.4 Unreasonable arguments

Unreasonable arguments include any arguments that are not based on any reason or logic, which are incomprehensible, false, or inflammatory, trivial, or delirious, and that disproportionately and unreasonably impact upon our organisation, staff and councillors, services, time, or resources. Arguments are unreasonable when they:

- fail to follow a logical sequence that the customer can clearly explain to us
- are not supported by any evidence or are based on conspiracy theories.
- lead a customer to reject all other valid and contrary arguments.
- are trivial when compared to the amount of time, resources, and attention that the customer demands.
- are false, inflammatory, or defamatory.

2.1.5 Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances (regardless of how stressed, angry, or frustrated a customer is) because it unreasonably compromises the health, safety, wellbeing and security of our staff, councillors, other service users, or the customer themselves. Some examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks
- persistent demands, challenges, negative remarks, and disruptive behaviours, which have a cumulative impact over time on staff, other customers and service delivery.
- harassment, intimidation, or physical violence
- rude, confronting, or threatening correspondence
- requests or insistence that Council officials respond to questions about their personal or private circumstances that are not related to the business of the Council.
- threats of harm to self or third parties, threats with a weapon or threats to damage property, including bomb threats
- harassment, verbal abuse or improper personal reflections or stalking, in person or online.
- emotional manipulation.

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- Where a customer attends premises in a manner that is offensive and disruptive to others, for example, inappropriately dressed, poor personal hygiene, or odour.

All staff should note that Shoalhaven City Council has a zero-tolerance policy towards any harm, abuse or threats directed towards Council workers, including conduct that creates a physical or psychosocial risk. Any conduct of this kind will be dealt with under this policy, our procedure for Zero Tolerance – Preventing and Responding to Workplace Aggression and Violence and in accordance with our duty of care and work health and safety responsibilities.

### **3. Roles and responsibilities**

#### **3.1. All Staff**

All staff are responsible for familiarising themselves with this policy and the accompanying procedures and for managing front line contact with customers.

All staff are responsible for recording and reporting unreasonable customer incidents they experience or witness to their manager, Manager - Customer and Community Services, the Chief Work Health and Safety Officer or the Public Officer within 24 hours of the incident occurring.

Councillors are responsible for reporting unreasonable customer incidents they experience or witness to the Chief Executive Officer.

#### **3.2. Managers and Supervisors**

All managers and supervisors are responsible for supporting staff to apply the strategies in this policy and ensuring that staff are provided with proper support and assistance.

#### **3.3. Department Managers and Directors**

Department Managers will outline incidents of unreasonable customer conduct and make recommendations to their Director and/or CEO for action to be taken in response to the conduct as outlined in the procedure. When doing so they will aim to impose any service changes/restrictions in the least restrictive ways possible.

The Executive Leadership team are authorised to determine the appropriate strategies to be applied to a customer in response to conduct or a review of strategies under this policy (with the exception of completely terminating a customer's access to our services).

#### **3.4. The Chief Executive Officer**

The CEO will receive reports of UCC incidents from Councillors and arrange for consideration of the customers conduct in accordance with this policy. The CEO will provide support and assistance to Councillors who are subject to incidents of Unreasonable Customer Conduct.

The CEO has the responsibility and authority to completely terminate a customer's access to our commercial or other services where they consider this is warranted to protect the safety and wellbeing of staff and Councillors. The CEO may delegate this responsibility to a Director.

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**3.5. The Manager – Community and Customer Services**

The Manager – Community and Customer Services is responsible for recording and monitoring all cases where customer’s access has been restricted, to ensure consistency, transparency and accountability. They will report anomalies and any actions required to the Executive Leadership Team.

**3.6. The Public Officer**

The Public Officer will assist with reporting to and coordinating responses from external agencies with respect to conduct and any restrictions related to this policy.

**4. Responding to and managing unreasonable complaint conduct**

At times, some members of the public may act inappropriately toward Council staff or may make onerous demands on Council resources. In situations where a customer is behaving inappropriately, which is defined as any unacceptable or hostile behaviour that creates an intimidating, frightening or offensive situation and/or adversely affects work performance, Council staff may:

- Ask the customer to leave the premises or.
- Terminate the telephone call after a warning is issued and behaviour continues.

For serious behavior, Council may:

- Instruct the customer that the conversation will be ending at that time and further communication must be in writing or by telephone or;
- Advise the customer that access to Council officers will be restricted to certain times and with a designated officer or case manager; or
- Restrict access of a customer to a service or facility.

Whilst in some circumstances a Team Leader/Supervisor will become aware of the situation before it escalates and may ask that a customer leave the premises, any staff member may ask a customer to leave the premises if they feel it is warranted, In the event of a customer refusing to leave the premises or displaying anti-social behaviour such that a staff member, councillor or another customer feels at risk, the police will be contacted.

Council staff are to follow the Zero Tolerance Procedures following incidents of this kind.

If a customer is found to have committed a criminal activity that impacts on our services or staff, police should be called, and an event number recorded in the relevant internal system. If a staff member or councillor has been put at risk by the alleged criminal activity, an appropriate WHS Incident report should occur.

**4.1. Changing or restricting a customer’s access to our services**

Unreasonable customer conduct incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to those customers by restricting:

- **Who they have contact with** – e.g. limiting a customer to a sole contact person/staff member in Council.













































































































































































































































































































































































































































































































































































































































































































































































































































































































































