

Cessnock City Council Unreasonable Customer Conduct (UCC) Guidelines

Date Adopted **22/05/2023** Revision: **2**

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PART A - INTRODUCTION

1. GUIDELINE OBJECTIVES

- 1.1. To support the implementation of the Unreasonable Customer Conduct (**UCC**) Policy.
- 1.2. To set out the appropriate steps for Council Officials to follow when dealing with UCC.

2. GUIDELINE SCOPE

This policy applies to all situations involving UCC experienced by Council Officials at Council premises and by Council Officials in the performance of their official duties, whether or not this takes place at Council premises.

PART B - REPORTING AND DEEMING CUSTOMERS UNREASONABLE

3. REPORTING AN INCIDENT

- 3.1. Council Officials who encounter a Customer who acts unreasonably in accordance with Council's *UCC policy* must:
 - 3.1.1. Notify their direct supervisor immediately of the incident;
 - 3.1.2. Complete the [UCC Incident Form](#) within 24 hours of the incident or as soon as practicable following the incident; and
 - 3.1.3. The form will automatically be actioned to the Public Officer for review. A file note of the incident should also be saved into Council's Corporate Information System.
- 3.2. The Public Officer will decide on the necessary and appropriate course of action for responding to and managing the Customer's conduct.
- 3.3. Incidents posing imminent threat to either Council Officials or members of the public attending Council premises, are to be reported in accordance with Council's relevant Building Emergency Procedures.

4. CONSULTING WITH RELEVANT COUNCIL OFFICIALS

- 4.1. When the Public Officer receives an *UCC Incident Form* from a Council Official they are responsible for contacting the Council Official to discuss the incident and the following:
 - 4.1.1. The circumstances that gave rise to the incident, including the Customer's situation, personal and cultural background, and perspective;
 - 4.1.2. The impact of the Customer's conduct on Council's time, resources, etc.;
 - 4.1.3. The Customer's response to the Council Official's warnings/requests to stop the UCC;
 - 4.1.4. The actions the Council Official took to manage the Customer's conduct, if any; and
 - 4.1.5. Any suggestions made by relevant staff on ways the situation could be managed.

- 4.2. The Public Officer is responsible for making records of any conversations, information gathering, interviews or research conducted with respect to the incident in Council's Corporate Information System and in accordance with Council's Records Management Policy.

5. CRITERIA TO BE CONSIDERED

- 5.1. The Public Officer is responsible for searching Council's Corporate Systems for information about the Customer's prior conduct and history with Council. They will also consider the following criteria:
- 5.1.1. Whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances);
 - 5.1.2. Whether the Customer's case has merit;
 - 5.1.3. The likelihood that the Customer will modify their Unreasonable Conduct if they are given a formal warning about their conduct;
 - 5.1.4. Whether changing or restricting access to Council services will be effective in managing the Customer's behaviour;
 - 5.1.5. Whether changing or restricting access to Council services will affect the Customer's ability to meet their obligations, such as reporting obligations;
 - 5.1.6. Whether changing or restricting access to Council services will have an undue impact on the Customer's welfare, livelihood or dependents etc;
 - 5.1.7. Whether the Customer's personal circumstances have contributed to the behaviour, for example, the Customer's cultural background may mean their communication patterns differ from those of Council Officials or Council's standards, or the Customer is a vulnerable person who is under significant stress as a result of one or more of the following:
 - i. Homelessness,
 - ii. Physical disability,
 - iii. Illiteracy or other language or communication barrier,
 - iv. Mental or other illness,
 - v. Personal crises, or
 - vi. Substance or alcohol abuse.
 - 5.1.8. Whether the Customer's response/conduct in the circumstances was moderately disproportionate, grossly disproportionate or not at all disproportionate;
 - 5.1.9. Whether there are any statutory provisions that would limit the types of limitations that can apply on the Customer's contact/access to Council services.
- 5.2. Once the Public Officer has considered these factors, they will decide on the appropriate course of action using the *Public Officer Considerations for Modifying or Restricting Access Checklist* (Appendix B). They may suggest formal or informal options for dealing with the Customer's conduct which may include one or more of the strategies provided by the *UCC Policy* or these Guidelines.

6. ISSUING A WARNING LETTER (Appendix C)

- 6.1. Unless a Customer's conduct poses a substantial risk to the health and safety of Council Officials or other third parties, the Public Officer can issue the Customer with a written warning about their conduct in the first instance. If the Customer is unable to read the letter, it will be followed/accompanied by a telephone call, using an interpreter if necessary. The warning letter will:
- 6.1.1. Specify the date, time and location of the incident;
 - 6.1.2. Explain why the Customer's conduct is problematic;
 - 6.1.3. List the types of access changes and/or restrictions that may be imposed if the behaviour continues. (**Note:** not every possible restriction should be listed – only those that are most relevant);
 - 6.1.4. Provide clear and full reasons for the warning being given;
 - 6.1.5. Include a copy of the *UCC policy*;
 - 6.1.6. Provide the name and contact details of the Council Official who they can contact about the letter; and
 - 6.1.7. Be signed by the Public Officer or General Manager.
- 6.2. If however the Customer's conduct does pose a substantial risk to the health and safety of Council Officials or other third parties, the Public Officer is to issue a letter of restriction without issuing a warning letter first and take any other appropriate action.

7. ISSUING A LETTER OF RESTRICTION (Appendix D)

- 7.1. If a Customer's conduct continues after they have been given a written warning or in extreme cases of overt aggression, violence, assault, or other unlawful/unacceptable conduct, the Public Officer has the discretion to send a letter restricting the Customer's access to Council services (without prior or further written warning). If the Customer is unable to read the letter (due to literacy issues, non-English speaking, etc.) the restriction letter will be followed/accompanied by a telephone call, using an interpreter if necessary. The restriction letter is to:
- 7.1.1. Specify the date, time and location of the incident during which the Customer exhibited UCC;
 - 7.1.2. Explain why the Customer's conduct is problematic;
 - 7.1.3. Identify the change and/or restriction that will be imposed and what it means for the Customer;
 - 7.1.4. Provide clear and full reasons for this restriction;
 - 7.1.5. Specify the duration of the change or restriction imposed, which will not exceed 12 months;
 - 7.1.6. Indicate a time period for review and rights of appeal, if any;
 - 7.1.7. Be signed by the Public Officer or the General Manager.

8. NOTIFYING RELEVANT COUNCIL OFFICIALS ABOUT ACCESS CHANGES / RESTRICTIONS

- 8.1. The Public Officer is responsible for notifying relevant Council Officials about any decisions to change or restrict a Customer's access to Council services, in particular, Council's Customer facing Council Officials in cases where a Customer is prohibited from entering Council premises.
- 8.2. The Public Officer is also responsible for updating the *UCC Register* with a record outlining the nature of the restrictions imposed and their duration.
- 8.3. The Public Officer is responsible for advising the Safety and Risk Coordinator of any incidents reported that may need to be added to the Property Risk Register.

PART C – MANAGING AND RESPONDING TO UNREASONABLE CUSTOMER CONDUCT

9. WHO – LIMITING THE CUSTOMER TO A SOLE CONTACT POINT

- 9.1. Where a Customer tries to forum-shop within Council, changes their issues of complaint repeatedly, constantly reframes their complaint, or raises an excessive number of complaints, it may be appropriate to restrict their access to a single Council Official who will manage their complaint(s) and interactions with Council.
- 9.2. This will ensure they are dealt with consistently and may minimise the incidence for misunderstandings, contradictions and manipulation.
- 9.3. To avoid 'burnout', the sole contact person's supervisor will provide them with regular support and guidance needed. The Public Officer will also review the arrangement every 6 months to ensure that the sole contact person is managing/coping with the arrangement.
- 9.4. Customers who are restricted to a sole contact person will however be given the contact details of one additional Council Official who they can contact if their primary contact is unavailable – e.g. they go on leave or are otherwise unavailable for an extended period of time.
- 9.5. Where a Customer defies such restrictions and contacts Council Officials other than the primary and secondary contact officers, the Customer's contact with Council will be recorded but no action will be taken, other than informing the primary and secondary contact officers.

10. WHAT – RESTRICTING THE SUBJECT MATTER OF COMMUNICATIONS THAT COUNCIL WILL CONSIDER

- 10.1. Where Customers repeatedly send letters, emails, or online forms that raise trivial or insignificant issues, contain inappropriate or abusive content, or relate to a complaint/issue that has already been comprehensively considered and/or reviewed (at least once), Council may restrict the issues/subject matter the Customer can raise with Council. For example, Council may:
 - 10.1.1. Refuse to respond to correspondence that raises an issue that has already been dealt with, that raises a trivial issue, or is not supported by evidence. The Customer will be advised that future correspondence of this kind will be read and filed without acknowledgement unless Council decides that it needs to pursue it further in which case, Council may do so on its 'own motion'.
 - 10.1.2. Restrict the Customer to one complaint/issue per month. Any attempts to circumvent this restriction, for example by raising multiple complaints/issues in the one letter may result in modifications or further restrictions being placed on their access.
 - 10.1.3. Return correspondence to the Customer and require them to remove any inappropriate content before Council will agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for Council's records to identify repeat/further UCC incidents.

- 10.1.4. The Public Officer is responsible for signing off on any correspondence involving the restrictions imposed within clause 7, in consultation with the relevant subject matter expert.

11. WHEN – LIMITING WHEN AND HOW A CUSTOMER CAN CONTACT COUNCIL

11.1. If a Customer's telephone, written (including via social media) or face-to-face contact with Council places an unreasonable demand on Council time or resources or affects the health, safety and security of Council Officials because it involves behaviour that is persistently rude, threatening, abusive or aggressive, Council may limit when and how the Customer can interact with Council. This may include:

11.1.1. Limiting telephone calls or face-to-face interviews to a particular time of the day or days of the week.

11.1.2. Limiting the length or duration of telephone calls, written correspondence or face-to-face interviews. For example:

i. Telephone calls may be limited to ten (10) minutes at a time and will be politely terminated at the end of that time period.

ii. Lengthy written communications may be restricted to a maximum of fifteen (15) typed or written pages, single sided, font size 12 or it will be sent back to the Customer to be organised and summarised – This option is only appropriate in cases where the Customer is capable of summarising the information and refuses to do so.

iii. Limiting face-to-face interviews to a maximum of forty five (45) minutes.

11.1.3. Limiting the frequency of their telephone calls, written correspondence or face-to-face interviews. Depending on the nature of the service(s) provided, Council may limit:

i. Telephone calls to one (1) every two (2) weeks/months;

ii. Written communications to one (1) every two (2) weeks/months;

iii. Face-to-face interviews to one (1) every 2 weeks/months.

11.2. For irrelevant, overly lengthy, disorganised or frequent written correspondence Council may also:

11.2.1. Require the Customer to clearly identify how the information or supporting materials they have sent to Council relate to the central issues that Council has identified in their complaint.

11.2.2. Restrict the frequency with which Customers can send emails or other written communications to Council.

11.2.3. Restrict a Customer to sending emails to a particular email account (e.g. Public Officer's email account publicofficer@cessnock.nsw.gov.au) or block their emails altogether and require that any further correspondence be sent via post only.

11.2.4. Require the Customer to nominate a single email address and Council will only respond to communication sent from that email address. If the Customer does not have an email address, communication will be via post only.

12. WRITING-ONLY RESTRICTIONS

- 12.1. When a Customer is restricted to 'writing only' they may be restricted to written communications through:
- 12.1.1. Post only.
 - 12.1.2. Email only to a specific Council Official email or the Public Officer's email account (publicofficer@cessnock.nsw.gov.au).
 - 12.1.3. Some other relevant form of written contact, where applicable.
- 12.2. If a Customer's contact is restricted to 'writing only', the Public Officer will clearly identify the specific means that the Customer can use to contact Council (e.g. via post only or email: publicofficer@cessnock.nsw.gov.au) in the warning letter or letter of restriction. This includes Council only responding to communication from the Customer if sent from their nominated email address and only on specific matters.
- 12.3. If it is not appropriate for a Customer to enter Council premises to hand deliver their written communication, this must be communicated to them as well.
- 12.4. Any communications that are received by Council in a manner that contravenes a 'write only' restriction will either be returned to the Customer or read and filed without acknowledgement.

13. WHERE – LIMITING FACE-TO-FACE INTERVIEWS TO SECURE AREAS

- 13.1. If a Customer is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits, Council may consider restricting face-to-face contact with them. These restrictions may include:
- 13.1.1. Restricting access to particular secured premises or areas of Council – such as the reception area or secured room/facility.
 - 13.1.2. Restricting their ability to attend Council premises to specified times of the day and/or days of the week only – for example, when additional security is available or to times/days that are less busy.
 - 13.1.3. Allowing them to attend Council on an 'appointment only' basis and only with specified a Council Official (for these meetings, Council Officials should enlist the support and assistance of a colleague for added safety and security).
 - 13.1.4. Banning the Customer from attending Council premises altogether and allowing some other form of contact – e.g. 'writing only' or 'telephone only' contact.

14. CONTACT THROUGH A SPECIFIC SUPPORT PERSON / REPRESENTATIVE ONLY

- 14.1. In cases where Council cannot completely restrict contact with a Customer and their conduct is particularly difficult to manage, Council may also restrict their contact to contact through a support person/representative only. The support person may be nominated by the Customer but must be approved by the Public Officer.
- 14.2. When assessing a representative/support person's suitability, the Public Officer should consider factors like: the nominated representative/support person's competency and literacy skills, demeanour/behaviour and relationship with the Customer. If the Public

Officer determines that the representative/support person may exacerbate the situation with the Customer, the Customer will be asked to nominate another person.

15. COMPLETELY TERNINATING A CUSTOMER'S ACCESS TO COUNCIL SERVICES

- 15.1.** In rare cases, and as a last resort when all other strategies have been considered, the Public Officer or General Manager may decide that it is necessary for Council to completely restrict a Customer's contact/access to Council services.
- 15.2.** A decision to have no further contact with a Customer will only be made if it appears that the Customer is unlikely to modify their conduct and/or their conduct poses a significant risk for Council Officials or other parties because it involves one or more of the following:
- 15.2.1. Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault;
 - 15.2.2. Damage to property while on Council premises;
 - 15.2.3. Threats with a weapon or common office items that can be used to harm another person or themselves;
 - 15.2.4. Physically preventing a Council Official from moving around freely either within their office or during an off-site visit – e.g. entrapping them in their home;
 - 15.2.5. Conduct that is otherwise unlawful.
- 15.3.** In these cases, the Customer will be sent a letter of restriction notifying them that their access has been restricted completely.
- 15.4.** A Customer's access to Council services and/or premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect Council Officials from personal violence, intimidation or stalking by a Customer.

16. RIGHT OF APPEAL

- 16.1.** Unreasonable Customers have right to one appeal of a decision to change/restrict their access to Council services only in incidents where they have not intimidated, stalked or exhibited UCC. Such rights, if any, will be outlined in the letter of restriction sent to them.
- 16.2.** Unreasonable Customers will be given 10 working days to appeal the Public Officer's decision to change or restrict their access to Council services by writing to the General Manager.
- 16.3.** While generally requests for appeal will not be accepted outside the 10 working day period, the General Manager has the discretion to do so where the Unreasonable Customer has provided compelling reasons for not submitting their request for appeal within the nominated period.
- 16.4.** In making their assessment, the General Manager is to consider any additional information the Unreasonable Customer provides in their request for appeal and the same criteria outlined in clause 5.
- 16.5.** The General Manager has 15 working days, from the date Council receives the request for appeal, to make a determination and provide a response back to the Unreasonable Customer. During this time, the original decision outlined in the letter of restriction

remains in force and will only be lifted if the General Manager reverses that decision as a result of the request for appeal.

- 16.6.** If an Unreasonable Customer is still 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 has observed the principles of good administrative practice, including procedural fairness.

PART D – PERIODIC REVIEWS

17. NOTIFYING THE CUSTOMER OF AN UPCOMING REVIEW (Appendix E)

The Public Officer will invite the Unreasonable Customer to participate in the review process unless they determine that this invitation will provoke a negative response from the Unreasonable Customer. The invitation will be given and the review will be conducted in accordance with the Unreasonable Customer's access restrictions (e.g. if contact has been restricted to writing only then the invitation to participate and put forward their case will be done in writing).

18. CRITERIA TO BE CONSIDERED DURING A REVIEW (Appendix F)

18.1. When conducting a review, the Public Officer will consider:

- 18.1.1. Whether the Unreasonable Customer has had any contact with the organisation during the restriction period;
- 18.1.2. The Unreasonable Customer's Conduct during the restriction period;
- 18.1.3. Any information/arguments put forward by the Unreasonable Customer for consideration; and
- 18.1.4. Any other information that may be relevant in the circumstances.

18.2. The Public Officer may also consult any Council Officials who have had contact with the Unreasonable Customer during the restriction period. Sometimes an Unreasonable Customer may not have a reason to contact Council during their restriction period. As a result, a review decision that is based primarily on the fact that the Unreasonable Customer has not contacted Council during their restriction period may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations.

19. NOTIFYING AN UNREASONABLE CUSTOMER OF THE OUTCOME OF A REVIEW (Appendix G)

19.1. The Public Officer will notify the Unreasonable Customer of the outcome of their review using the appropriate/relevant method of communication as well as a written letter explaining the outcome, as applicable. The review letter will:

- 19.1.1. Briefly explain the review process;
- 19.1.2. Identify the factors that have been taken into account during the review; and
- 19.1.3. Explain the decision/outcome of the review and the reasons for it.

19.2. If the outcome of the review is to maintain or modify the restriction the review letter will also:

- 19.2.1. Indicate the nature of the new or continued restriction;
- 19.2.2. State the duration of the new restriction period;
- 19.2.3. Provide the name and contact details of the relevant Council Official who the Customer can contact to discuss the letter, if appropriate.

19.2.4. Be signed by the Public Officer, or General Manager in the absence of the Public Officer.

20. RECORDING THE OUTCOME OF A REVIEW AND NOTIFYING RELEVANT COUNCIL OFFICIALS

Like all other decisions made under the *UCC policy*, the Public Officer is responsible for keeping a record of the outcome of the review, updating Council's Corporate Information System and notifying all relevant Council Officials of the outcome of the review including if the restriction has been withdrawn.

21. CONTINUED MONITORING / OVERSIGHT RESPONSIBILITIES

- 21.1.** Once an Unreasonable Customer has been issued with a warning letter or letter of restriction, the Public Officer is responsible for continued monitoring every 12 months thereafter, on request by a Council Official, or following any further incidents of UCC that involve that Unreasonable Customer to ensure that they are complying with the restrictions or the arrangement is working.
- 21.2.** If the Public Officer determines that the restrictions have been ineffective in managing the UCC or are otherwise inappropriate they may decide on a course of action in accordance with the *UCC policy*.

PART E – ASSISTANCE TO COUNCIL OFFICIALS

22. MANAGING COUNCIL OFFICIALS' STRESS

- 22.1.** Dealing with Customers who are demanding, abusive, aggressive or violent can be extremely stressful and even frightening for Council Officials. Council has a responsibility to support Council Officials who experience stress as a result of situations arising at work and will provide Council Officials with debriefing and counselling opportunities, when needed.
- 22.2.** To do this Council requires the help of all Council Officials to identify stressful incidents and situations. All Council Officials have a responsibility to notify relevant supervisors/managers of any stressful incidents involving UCC that they believe require management involvement.

Debriefing

- 22.3.** Debriefing means talking things through following a difficult or stressful incident. It is an important way of 'dealing with stress.'
- 22.4.** Many Council Officials naturally do this with colleagues after a difficult telephone call, but debriefing can also be done with a Supervisor or Manager or as a team following a significant incident. All Council Officials are encouraged to engage in an appropriate level of debriefing, when necessary.
- 22.5.** All Council Officials can access the Employee Assistance Program (**EAP**), a free confidential counselling service.

EAP Contact details:	Auspsych
Opening Hours:	Monday to Friday 8:30am to 5:30pm
To make an appointment:	Please call: 02 4926 1688 Or email: admin@auspsych.com.au

Compensation for injury

- 22.6.** Any Council Officials who suffers injury as a result of any form of UCC from complainants entitled to make a workers' compensation claim. Claims will be determined by Council's Insurer.
- 22.7.** Human Resources will assist wherever possible in processing claims. If Council Officials are the victim of an assault, they may also be able to apply to the Victim's Compensation Tribunal for compensation.

Compensation for damage to clothing or personal effects

- 22.8.** Where damage is suffered to clothing or personal effects as a result of aggression by a Customer, compensation may be sought. Further enquiries can be directed to Council's Safety and Risk team.

Legal assistance

- 22.9.** If a Council Official is physically attacked, or is a victim of UCC by an Unreasonable Customer and the police do not lay charges, the General Manager will consider providing reasonable legal assistance if the Council Official wishes to take civil action against that Customer.

Threats outside the office or outside working hours

- 22.10. Where a Customer threatens a particular Council Official and it appears those threats may be carried out outside normal working hours or outside the office. In such circumstances, the Council Official should contact the Police immediately.
- 22.11. If the Customer is not already deemed Unreasonable, the Council Official is to report such threat to their Supervisor who is responsible for checking the *UCC Register*. If the Customer has already been deemed an Unreasonable Customer, the threats/incident is to be reported to the Public Officer using the *UCC Incident Form*. The Council Official will receive the support of Council.
- 22.12. Requests for assistance for dealing with threats outside the office or outside working hours can be made to the Public Officer in writing.

Escorts home

- 22.13. When a Council Official member fears for their safety following a threat from a Customer, another Council Official may accompany them home or Council can meet the cost of the Council Official going home in a taxi.
- 22.14. If the Customer is not already deemed Unreasonable, the Council Official must report such threats to the Public Officer using the *UCC Incident Form*.
- 22.15. Initial permission to escort someone home should be sought from their supervisor to ensure that the Council Official escorting the other Council Official is paid for doing so. Additionally, these circumstances should be reported to the Public Officer in writing.
- 22.16. Where the escorting may go on for more than a couple of days, written permission should be sought from the Public Officer as this will give them the opportunity to determine if another course of action should be taken.

Telephone threats on home numbers

- 22.17. If a Council Official or their family have been harassed by telephone at their home and they believe it is connected with their employment they may apply to have Council meet the cost of having their telephone number changed and/or made silent.
- 22.18. The Council Official should also contact their telephone carrier, as they may provide an interception/monitoring service.
- 22.19. If assistance is approved, Council will meet the cost incurred for a period up to 12 months.
- 22.20. Once approval is given, the Council Official is responsible for making the necessary arrangements and will be reimbursed after producing a paid account. Applications for reimbursement must be made to and approved by the Public Officer.

Other security measures

- 22.21. If other security measures are necessary, Council will give consideration to providing all reasonable support to ensure the safety and welfare of the Council Official.

Training and awareness

- 22.22. Council is committed to ensuring that all Council Official are aware of and know how to use this *Guideline* and the *UCC policy*. All Council Officials who deal with Customers in the course of their work will also receive appropriate training and information on using this policy and on managing UCC on a regular basis in particular, on induction.

PART F - GENERAL

23. OMBUDSMAN MAY REQUEST COPIES OF COUNCIL RECORDS

- 23.1. Council will keep a *UCC Register* and records of all cases where the *UCC policy* is applied, including a record of the total number of cases where it is used every year.
- 23.2. This data may be requested by the Ombudsman to conduct an overall audit and review in accordance with its administrative functions and/or to inform its work on UCC.

24. ROLES AND RESPONSIBILITIES

All Council Officials

- 24.1. All Council Officials are responsible for recording and reporting incidents of noncompliance by Unreasonable Customers to the Public Officer so that they can be entered into the *UCC Register*.
- 24.2. This should be recorded in a file note and registered into Council's Corporate Information System with an action assigned to the Public Officer who will decide whether any action needs to be taken to modify or further restrict the Customer's access to Council services.

Reporting

- 24.3. An information report will be presented to the elected Council annually detailing the number of persons deemed to have behaved unreasonably, why they were deemed unreasonable and how Council is handling/managing each Customer in response to their behaviour, including any restrictions imposed and the review date.
- 24.4. ***Privacy and Personal Information Handling*** The personal information collected or received in the process of dealing with difficult or Unreasonable Customers will be used, handled or disclosed as outlined in clauses 9.14-9.19 of the UCC policy and in accordance with Council's Privacy Management Plan.

25. GUIDELINE DEFINITIONS

Council Official	Includes councillors, members of staff of council, administrators, council committee members, volunteers, contractors and delegates of council.
Customer	A customer expressing dissatisfaction with Council policy, procedure, action or quality of service.
General Manager	A reference to the General Manager includes a reference to their delegate.
Public Officer	Council's delegated Public Officer under section 343 of the <i>Local Government Act 1993</i> (NSW) appointed by the General Manager, currently Director Corporate and Community Services. Council Officials acting in the role of Director Corporate and Community Services automatically assume the role of the delegate of the Public Officer during the acting period.
Unreasonable Customer	A Customer that has been declared unreasonable in accordance with this policy due to their Unreasonable Customer Conduct.

Unreasonable Customer Conduct (UCC)	Any behaviour by a current or former Customer which, because of its nature or frequency raises substantial health, safety, resource or equity issues for Council, Council Official, other service users and Customers or the Customer.
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26. GUIDELINE ADMINISTRATION

Business Group	Corporate and Community Services
Responsible Officer	Public Officer
Associated Procedure	UCC Standard Operating Procedure (DOC2020/050669)
Guideline Review Date	Three years from date of adoption unless legislated otherwise
File Number / Document Number	DOC2018/027652
Relevant Legislation (reference specific sections)	<i>Local Government Act 1993</i> (NSW) - Unauthorised entry onto agency premises – applying the provisions of the <i>Inclosed Lands Protection Act 1901</i> (NSW)
Relevant desired outcome or objectives as per Council’s Delivery Program	Objective 1.3 - Promoting safe communities
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> ▪ Records Management Policy (DOC2019/038769); ▪ Unreasonable Customer Conduct Policy (DOC2018/008730); ▪ Code of Conduct (DOC2018/086716); ▪ Complaint Handling Policy (DOC2018/048382); ▪ Complaint Handling Procedure (DOC2019/123194); ▪ Managing unreasonable conduct by complainants - Model Policy (NSW Ombudsman, 2021); ▪ NSW Ombudsman Managing unreasonable conduct by a complainant: A manual for frontline staff, supervisors and senior managers (2021); ▪ UCC Incident Form; ▪ UCC Register (DOC2020/005181 and DOC2019/090243); ▪ Checklist - Public Officer Considerations for Modifying or Restricting Access (DOC2019/115965); ▪ Template Warning Letter (DOC2020/050750); ▪ Template Letter of Restriction (DOC2020/050754); ▪ Template Letter Notifying of an Upcoming Review (DOC2020/050755); ▪ Template Checklist - Review Decision Regarding Access Change/Restriction (DOC2019/115963); ▪ Template Letter Advising Outcome of a Review (DOC2020/050757); ▪ UCC Factsheet - Individual Rights and Mutual Responsibilities (DOC2022/097640)

27. GUIDELINE AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	Decide on the necessary and appropriate course of action for responding to and managing Unreasonable Customers Conduct as per <i>this Guideline</i> .	General Manager or their delegate Public Officer or their delegate
	Accept late, and determine, requests to appeal the Public Officer's determination to modify or restrict a Customer's contact with Council as per <i>this Guideline</i> .	General Manager or their delegate only but not the individual that made the original determination.

28. GUIDELINE HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	18/09/2019 CC78/2019-993	New guideline adopted
2	9/12/2022 ELTCLM56/2022	<p>Periodic review and updating the guideline to implement the 2021 version of the NSW Ombudsman model, including:</p> <ul style="list-style-type: none"> a) Clauses 4.1 and 4.2 – clarifying that the Public Officer can delegate the collation and recording of information regarding UCC incidents to better inform the subsequent assessment. b) Clause 16.2 – implementing the model's requirement that requests for appeal of the Public Officer's or their delegate's decision to change or restrict the UC's contact with Council. c) Clause 16.6 – addition of a new clause prescribed by the model – reiterating the right UCs have to seek external review by the NSW Ombudsman if they are still dissatisfied after the appeal process. d) Clause 17 – removing the discretion the Public Officer had in previous versions of the document to invite the UC to participate in the review process of their contact with Council.

29. APPENDICES

29.1. **Appendix A** – [UCC Incident Form](#)

29.2. **Appendix B** - Checklist - Public Officer Considerations for Modifying or Restricting Access

29.3. **Appendix C** - Template Warning Letter

29.4. **Appendix D** - Template Letter of Restriction

29.5. **Appendix E** - Template Letter Notifying of an Upcoming Review

- 29.6. Appendix F** - Template Checklist - Review Decision Regarding Access Change/Restriction
- 29.7. Appendix G** - Template Letter Advising Outcome of a Review
- 29.8. Appendix H** - Template Checklist – Appeal of Public Officer’s or delegate’s decision to modify or restrict access to Council
- 29.9. Appendix I** - Template Letter Advising Outcome of Appeal Request
- 29.10. Appendix J** – UCC Factsheet – Individual Rights and Responsibilities
- 29.11. Appendix K** – UCC review - Summary of events form
- 29.12. Appendix L** - Process Flowchart

Appendix B

UNREASONABLE CUSTOMER CONDUCT CHECKLIST Public Officer Considerations for Modifying or Restricting Access

Customer name:		COL#	
Case officer:			
SUMMARY OF INCIDENT – Case officer to complete			
Incident Report form			
Merits of Customer's case	<i>Whether the Customer's case has merit. Whether the insistence of the Customer is reasonable</i>		
The Customer's circumstances	<p><i>Whether changing or restricting access to our services will have an undue impact on the Customer's welfare, livelihood, or dependents etc.</i></p> <p><i>Whether the Customer's personal circumstances have contributed to the behaviour – For example, the complainant's cultural background may mean their communication patterns differ from those of our staff or Council's standards, or the Customer is a vulnerable person who is under significant stress as a result of one or more of the following:</i></p> <ul style="list-style-type: none"> - homelessness - physical disability - illiteracy or other language or communication barrier - mental or other illness - personal crises - substance or alcohol abuse 		
Jurisdictional issues	<i>Whether there are any statutory provisions that would limit the types of limitations that can be applied to the Customer's contact with, or access to our services.</i>		
Proportionality of incident vs modification / restriction of access	<p><i>Whether the conduct in question involved overt anger, aggression, violence, or assault (which is unacceptable in all circumstances)</i></p> <p><i>The likelihood that the Customer will modify their unreasonable conduct if they are given a formal warning about their conduct.</i></p> <p><i>Whether changing or restricting access to our services will be effective in managing the complainant's behaviour.</i></p> <p><i>Whether the complainant's response or conduct was moderately disproportionate, grossly disproportionate, or not at all disproportionate in the circumstances.</i></p>		
Responsiveness, including previous conduct	<i>What the complainant's response to the staff member's warnings or requests to stop the unreasonable behaviour was and whether similar behaviour has been exhibited</i>		
What category does the Customer's unreasonable conduct fall in?	<p><i>The Customer's unreasonable conduct falls within one (or more) of the following categories (outline which and why – see Council's UCC Guidelines (DOC2022/057396) and NSW Ombo Manual for more information):</i></p> <ul style="list-style-type: none"> a) <i>Unreasonable persistence</i> b) <i>Unreasonable demands</i> c) <i>Unreasonable lack of cooperation</i> d) <i>Unreasonable arguments</i> 		

	e) <i>Unreasonable behaviours</i>	
RECOMMENDATION	Should the Customer be given a warning only? Should restrictions without a warning be imposed instead due to the severity of the Customer's behaviour? If so, what restrictions should be imposed?	
	<p>Where the recommendation is to restrict the Customer's contact with Council, should there be an IT restriction imposed as well?</p> <ul style="list-style-type: none"> An IT restriction is where the IT team impose a restriction to the Customer's email addresses so that any emails sent to anyone within Council are re-directed to the Public Officer's email (or any other nominated email address). <p>E.G. an email sent to council@cessnock.nsw.gov.au from the Customer's email address(es) will be re-directed to publicOfficer@cessnock.nsw.gov.au and will not even appear in the generic Council inbox operated by the Records Team. This however means that the EA for the Public Officer will need to register the received email into TRIM in order for the communication to be captured.</p>	
Signature of Case officer		Date
Tick DETERMINATION - Public Officer to complete		
<input type="checkbox"/>	I have considered the merits of the Customer's case outlined above.	
<input type="checkbox"/>	I have considered the Customer's circumstances outlined above.	
<input type="checkbox"/>	I have considered the jurisdictional issues outlined above.	
<input type="checkbox"/>	I have considered the proportionality of the incident against the recommendation for modification/restriction of access to Council services.	
<input type="checkbox"/>	I have considered the Customer's responsiveness to warnings about their behaviour given to them (if any) and the Customer's past behaviour.	
<input type="checkbox"/>	Along with the case officer concerned, I have considered all reasonable options for managing the Customer's conduct, including those that do not involve restricting their access to Council's services.	
<input type="checkbox"/>	I agree with the recommendation of the case officer and adopt it as my determination.	
<input type="checkbox"/>	I approve for a letter to be sent to the Customer informing them of my determination. The letter is to be based on the template in the UCC Guidelines.	
<input type="checkbox"/>	<i>(only when imposing restrictions otherwise delete)</i> I approve of informing relevant Council Officials of my determination and amending Council's UCC register accordingly.	
<input type="checkbox"/>	<i>(only when imposing restrictions otherwise delete)</i> I approve Council's information management system to be amended to implement my determination (i.e add a memo against the Customer's Name and Address Record).	
<input type="checkbox"/>	<i>(only when imposing restrictions otherwise delete)</i> I approve for an IT restriction to be imposed on the Customer's contact as well	
Name	Date	Signature

RESOURCES

Council's Policy – DOC2018/008730
Council's Guideline – DOC2018/027652

[Managing Unreasonable Conduct by a Complainant: A Manual for frontline Staff, Supervisors and Senior Managers, NSW Ombudsman \(2021\).](#) **Annexure C - Template Warning Letter**

Date

Name Title Company
Street
TOWN STATE Postcode

Contact: [Contact person]
Our ref: [Our ref]

Dear *[name of Customer]*

Your contact with Cessnock City Council

It has been brought to my attention that you recently had *[state the form of contact – e.g. telephone, written or face-to-face]* contact with Council Officials at Council's *[office/facility]* on *[date]*. *[During/In that telephone call/appointment/letter,]* I understand that *[explain the nature of the conduct that has caused the organisation to be concerned – See options below]:*

[example of unreasonable persistence - delete if not applicable]

you have been sending emails to the Mayor and Councillors regarding operational matters. I also note that staff have been handling your enquiries, however, you have been unable to accept the outcome or Council decisions you have been provided and being heavily critical of Council officers in your correspondence to the Mayor and Councillors.

If you wish to lodge a complaint about the service you have received you need to follow Council's [Complaint Handling policy](#). You can lodge a formal complaint using the online form via Council's website.

Your persistent contact with Council relating to already determined issues is occupying a disproportionate amount of time in repeatedly responding to this correspondence and has resulted in an unreasonable diversion of Council resources.

[example of unreasonable behaviour – profanities – delete if not applicable]

you sent Council an email on (date), containing profanities directed at Council and Council staff. This email was one of a string of emails, dating back to (date) sent to Council containing abusive language, directed towards Council and its staff.

I understand that you may be frustrated with (eg) potholes, roadworks, parking fines and trucks driving along INSERT Street, however that does not excuse your unreasonable behaviour

[example of unreasonable behaviour – unreasonable demands - intimidation – delete if not applicable]

the nature of your conduct, during your face to face contact with Council officers at Council's Administration Office included intimidation, unreasonable demands and abuse of Council staff. This interaction with you has caused concern for the safety and welfare of Council staff.

Council considers this type of behaviour to be inappropriate and it must stop. If you continue to behave in this way or in any other way that Council Officials consider to be unreasonable under Council's [Unreasonable Customer Conduct Policy](#), I will be forced to impose restrictions on your contact with Council. This may involve restricting your contact to *[apply the relevant option(s) below and delete as appropriate or add as necessary]:*

- 'Writing only' – this means that we will only accept communications from you in writing, delivered by Australia Post *[if online or other written communications are preferred then explain]*.

- 'Telephone contact only' – this means that you will only be able to contact Council by telephone on a specified time and day of the week.
- 'Face-to-face contact only' – this means that your contact will be limited to scheduled face-to-face meetings with a specified Council Official; or
- any other restriction that Council considers to be appropriate in the circumstances.

I have attached a copy of a document called *Individual rights and mutual responsibilities of the parties to a complaint* for your reference. This document sets out Council's expectations for everyone who complains to Council to act in the ways described in this document.

Privacy

Council is committed to safeguarding the privacy of individuals and handling of personal information. If you decide to contact Council regarding this letter, the personal information you provide will be collected for the purpose of responding to your correspondence or enquiries. The personal information collected or received will be used or otherwise handled for the purpose outlined, related administrative functions, and in accordance with the UCC policy, Council's Privacy Management Plan and [Privacy Statement](#) which can be found on Council's website.

If you have any questions about this letter, you can contact *[provide name and phone number of the nominated relevant manager or the Public officer]*.

Yours sincerely,

Name

Public Officer

Encl: *Individual rights and mutual responsibilities of the parties to a complaint (DOC2019/031115)*

Appendix D – Template Letter of Restriction

Date

Name Title Company

Contact: [Contact person]

Street

Our ref: [Our ref]

TOWN STATE Postcode

Dear [name of Customer]

Decision to restrict your contact with Cessnock City Council

It has been brought to my attention that you [describe the nature of the unreasonable conduct and its impact – e.g. if the Customer has been sending emails to several members of my staff on a daily basis...See options below]

[example of unreasonable persistence - delete if not applicable]

I understand that you have been sending emails to the Mayor and Councillors regarding operational matters. I also note that staff have been handling your enquiries, however, you have been unable to accept the outcome or Council decisions you have been provided and being heavily critical of particular Council officers in your correspondence to the Mayor and Councillors.

If you wish to lodge a complaint about the service you have received you need to follow Council's [Complaint Handling policy](#). You can lodge a formal complaint using the online form via Council's website.

Your persistent contact with Council relating to already determined issues is occupying a disproportionate amount of time in repeatedly responding to this correspondence and has resulted in an unreasonable diversion of Council resources.

[example of unreasonable behaviour – profanities – delete if not applicable]

I understand that you sent Council an email on (date), containing profanities directed at Council and Council staff. This email was one of a string of emails, dating back to (date) sent to Council containing abusive language, directed towards Council and its staff.

I understand that you may be frustrated with (eg) potholes, roadworks, parking fines and trucks driving along [insert] Street, however that does not excuse your unreasonable behaviour.

[example of unreasonable behaviour – unreasonable demands - intimidation – delete if not applicable]

I understand that the nature of your conduct, during your face to face contact with Council officers at Council's Administration Office included intimidation, unreasonable demands and abuse of Council staff. This interaction with you has caused concern for the safety and welfare of Council staff.

I understand that Council Officials have previously advised you that Council considers this conduct unreasonable and unwarranted.

I also wrote to you on [date] and asked you to stop this behaviour. In that letter I advised you that if your behaviour continued, Council would restrict your contact. At the time I also attached a copy of our [Individual rights and mutual responsibilities of the parties to a complaint] which outlines your responsibilities as a Customer.

Because your behaviour has continued, I now consider it necessary to impose certain restrictions on your future contact with Council, as required per Council's [Unreasonable Customer Conduct Policy](#). I therefore give you notice that from *[date]*, and with the exception(s) detailed below, Council will only accept communication from you *[identify permissible form of contact, if any]*.

What this means

This means that you are only to contact our organisation using *[describe the restriction in further details]*. Any communications that do not comply with this restriction will be *[describe what will happen – e.g. phone calls will be terminated immediately or emails/written communications will be read and filed without acknowledgment, emails will be blocked or deleted, no interviews will be granted, etc.]*.

[Note: the Customer should be clearly informed how they can contact the organisation and how the organisation will contact them].

Your existing complaint *[if applicable]*

This organisation currently has *[one]* file open in your name. This relates to *[state the subject of complaint and describe complaint]*. This file is being handled by *[name of officer and position title]*. While you are able to contact *[name of officer]* *[state nature of contact – e.g. by email]* about this specific matter, all other contact with Council, including any future complaints, must be *[state restriction – e.g. in writing through Australia Post]* *[provide contact details – e.g. address of organisation where post can be sent]*.

Review and appeal of this decision

My decision to restrict your contact with this organisation is effective immediately and will last for *[3 months/6 months/12 months]*. At that time we will review your restriction and decide if it should be maintained, amended or withdrawn.

If you are not satisfied with the restriction, you have the right to one (1) appeal and you must lodge your appeal with me as the Public Officer within 10 working days of the date of this letter, i.e. no later than *[date]*.

Within 15 working days of receiving your request for appeal, you will be advised of the outcome of your request. During this time, the original decision outlined in this letter of restriction remains in force and will only be lifted if the decision is reversed as a result of the request for appeal.

Alternatively, you have a right to contact the NSW Ombudsman at nswombo@ombo.nsw.gov.au or the Office of Local Government at olg@olg.nsw.gov.au and seek their assistance in the matter. Please note, Council may need to provide your personal information to the agency/ies that contacts us about this matter. If you do not wish for this to occur, please inform me of this in writing.

If you decide to contact Council regarding this letter, the personal information you provide will be collected for the purpose of responding to your correspondence or enquiries. The personal information collected or received will be used or otherwise handled for the purpose outlined, related administrative functions, and in accordance with the UCC policy, Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.

I take these steps with the greatest reluctance, but *[state reason for restriction – e.g. the equity and safety of other complainants and my staff]*, leaves me no alternative.

If you have any questions about this letter, you can contact *[provide name and phone number of the nominated relevant manager]*.

Yours faithfully

Name
Public Officer

Encl: *Individual rights and mutual responsibilities of the parties to a complaint (DOC2019/031115)*

Appendix E – Template Letter Notifying of an Upcoming Review

Date

Name Title Company

Contact: [Contact person]

Street

Our ref: [Our ref]

TOWN STATE Postcode

Dear [name of Customer]

Upcoming review of the decision to restrict your contact with Council

It has now been [3 months/6 months/12 months] since restrictions were [imposed/upheld] on your contact with Council. As advised in our letter dated [date], we are now reviewing our decision to ascertain whether the restrictions should be maintained, amended or withdrawn.

We consider it important to give you an opportunity to participate in the review process, so we are therefore inviting you to [apply the relevant option(s)]:

- make submissions in writing through Australia Post [include contact person's name and address]
- schedule a face-to-face interview with [include name of Council Official and provide instructions on how they should go about scheduling the appointment – e.g. calling through the reception line on xxx-xxx-xxxx]
- schedule a telephone interview with [include name of Council Official and provide instructions on how they should go about scheduling the appointment – e.g. calling through the reception line on xxx-xxx-xxxx]

In your letter, you should include information that would be relevant to our review. This includes information about [.....]/During the interview which will not last more than 30 minutes, we will discuss whether:

- you have complied with the current contact restrictions
- the current contact restrictions should be removed
- the current contact restrictions should be amended to better suit your personal circumstances
- the current contact restrictions should be maintained
- any other information that is relevant to our decision.

We must receive your letter by [time and date]/you should confirm your interview with [name of case officer] by [time and date]. If we do not receive it/hear from you by this date, we will assume that you do not wish to participate in this review and will undertake the review based on the information that we have available to us.

Privacy

Council is committed to safeguarding the privacy of individuals and handling of personal information. If you decide to contact Council regarding this letter, the personal information you provide will be collected for the purpose of responding to your correspondence or enquiries. The personal information collected or received will be used or otherwise handled for the purpose outlined, related administrative functions, and in accordance with the UCC policy, Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.

Once the review is completed, we will contact you again by letter notifying you of our decision.

If you have any questions about this letter, you can contact *[provide name and phone number of the nominated relevant manager]*.

Yours faithfully

Name
Public Officer

Appendix F

UNREASONABLE CUSTOMER CONDUCT CHECKLIST Review Decision Regarding Access Change/Restriction

Unreasonable Customer (UC) name:	COL #
---	--------------

Case Officer and title:	
--------------------------------	--

Tick | **CASE OFFICER TO COMPLETE**

<input type="checkbox"/>	The UC has been sent a letter notifying them of the review, or if necessary has been contacted by a more culturally and linguistically appropriate means, notifying them of the review. <i>(Date and Document Number)</i>																				
<input type="checkbox"/>	The UC will/will not participate in the review. <i>(delete one)</i>																				
<input type="checkbox"/>	The UC has/has not scheduled a face-to-face interview. <i>(delete one)</i>																				
<input type="checkbox"/>	The UC has/has not made written submissions. <i>(delete one)</i>																				
<input type="checkbox"/>	The UC has/has not scheduled a telephone interview. <i>(delete one)</i>																				
<input type="checkbox"/>	I have reviewed all the information in the Corporate Information System since Council restricted the UC's contact with Council on <i>(date)</i>																				
<table border="1" style="width: 100%; border-collapse: collapse; background-color: #e0f0e0;"> <tr> <th colspan="5" style="text-align: left; padding: 5px;">Restriction imposed:</th> </tr> <tr> <th style="width: 15%; padding: 5px;">Date</th> <th style="width: 35%; padding: 5px;">Document Ref</th> <th style="width: 15%; padding: 5px;">Profanity used? Y/N</th> <th style="width: 15%; padding: 5px;">Threats made? Y/N</th> <th style="width: 20%; padding: 5px;">Complied with restriction? Y/N</th> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Restriction imposed:					Date	Document Ref	Profanity used? Y/N	Threats made? Y/N	Complied with restriction? Y/N										
Restriction imposed:																					
Date	Document Ref	Profanity used? Y/N	Threats made? Y/N	Complied with restriction? Y/N																	
Overall, the pattern of the UC's behaviour is: <i>(outline the pattern)</i>																					
<input type="checkbox"/>	I have spoken with the case officers who have had contact with the UC during the last <i>[12]</i> months about the UC's conduct during that period. <i>(What is the general summary of your contact with these officers?)</i>																				
<input type="checkbox"/>	I have considered the arguments/statements made by the UC, including the impact of the restrictions on them <i>(explain the UC's position, including if their circumstances have changed etc.)</i> . Note: <i>if the UC is arguing that their circumstances have changed, they should be required to submit evidence to support this claim. (If the customer has not provided anything, please state this here)</i>																				
<input type="checkbox"/>	I have considered whether there are other reasonable/suitable options for managing the UC's conduct, including those that do not involve restricting their access to Council services <i>(list all that apply or if there are none)</i>																				

<input type="checkbox"/>	<p>I consider that the restriction should be (explain – leave only the recommendation(s) applicable)</p> <p><i>Maintained – eg because the conduct has continued or is likely to continue, is disproportionate etc.</i></p> <p><i>Removed – eg because the Customer has complied with the restrictions etc.</i></p> <p><i>Amended – eg because the Customer’s circumstances have changed and the current restriction is no longer appropriate.</i></p>			
<input type="checkbox"/>	<p>Where the restriction for the UC’s contact with Council included an IT restriction as well, should it be removed or amended?</p> <p><i>An IT restriction is where the IT team impose a restriction to the UC’s email addresses so that any emails sent to anyone within Council are re-directed to the Public Officer’s email (or any other nominated email address).</i></p> <p><i>E.G. an email sent to council@cessnock.nsw.gov.au from the UC’s email address(es) will be re-directed to publicOfficer@cessnock.nsw.gov.au and will not even appear in the generic Council inbox operated by the Records Team. This however means that the EA for the Public Officer will need to register the received email into TRIM in order for the communication to be captured.</i></p>			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 65%; background-color: #003366; color: white; padding: 5px;">Signature of Case officer</td> <td style="width: 35%; background-color: #003366; color: white; padding: 5px;">Date</td> </tr> </table>		Signature of Case officer	Date	
Signature of Case officer	Date			
Tick DETERMINATION – Public Officer to complete				
<input type="checkbox"/>	I have considered that the UC has had/has not contacted with Council during the restriction period. I note no contact by an UC during the restriction period may not be an accurate representation of their level of compliance/reformed behaviour.			
<input type="checkbox"/>	I have considered the UC’s conduct during the restriction period.			
<input type="checkbox"/>	Along with the case officer concerned, I have considered all reasonable options for managing the UC’s conduct, including those that do not involve restricting their access to Council’s services any further.			
<input type="checkbox"/>	I agree / do not agree with the recommendation proposed.			
<input type="checkbox"/>	I approve the UC to be advised in writing of my decision to maintain/remove/amend the restriction and this letter has been signed by the Public Officer.			
<input type="checkbox"/>	I approve of informing relevant Council Officials of my determination and amending Council’s UCC register accordingly.			
<input type="checkbox"/>	I approve Council’s Corporate Information System to be updated to reflect my decision.			
<input type="checkbox"/>	(only when the restriction or modification included an IT restriction, otherwise delete) I approve for an IT restriction to remain to be imposed / be removed on the UC’s contact as well.			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; background-color: #003366; color: white; padding: 5px;">Name</td> <td style="width: 20%; background-color: #003366; color: white; padding: 5px;">Date</td> <td style="width: 50%; background-color: #003366; color: white; padding: 5px;">Signature</td> </tr> </table>		Name	Date	Signature
Name	Date	Signature		

RESOURCES

Council’s Policy – DOC2018/008730
Council’s Guideline – DOC2018/027652

[Managing Unreasonable Conduct by a Complainant: A Manual for frontline Staff, Supervisors and Senior Managers, NSW Ombudsman \(2021\).](#)

Appendix G – Template Letter Advising Outcome of a Review

Date

Name Title Company
Street
TOWN STATE Postcode

Contact: [Contact person]
Our ref: [Our ref]

Dear [name of Customer]

Review of your contact with Cessnock City Council

I am writing about a review that was undertaken by my organisation on [date] concerning your contact with this office. I understand that you [participated/did not participate] in that review.

Process of review

During the review you were given an opportunity to [explain in general terms how the review what undertaken].

Considerations

After your [interview/reading your submissions], we considered the concerns and suggestions raised in your [interview/letter, etc.], particularly your concerns about [include information that would be relevant – e.g. the Customer said their circumstances had changed]. We also reviewed our records of your conduct and contact with our office over the last [12] months. Our records showed that [provide summary of relevant information – e.g. Our records show that you have continued to send emails to our office, sometimes up to four times a day, throughout the period of your restriction].

[apply if relevant]: These communications were in direct violation of your restriction which limited your contact with our office to [state nature restriction] [explain what the purpose of the restriction was, if appropriate, and the impact of their conduct].

[apply if relevant]: Our records show that you have complied with the restrictions that were imposed on your contact with our organisation.

Decision

[apply if relevant]: Due to [explain reasoning for the decision – e.g. the number of emails that you have sent to our organisation in the last 12 months and] I consider it necessary to maintain the restrictions on your contact with our office for a further 12 months, effective immediately.

[apply if relevant]: Due to [explain reasoning for the decision] I consider it necessary to amend the restrictions on your access to better suit your personal circumstances [explain, including providing clear instructions on how the Customer is to contact us and how we will contact them]. The new restrictions will be effective immediately and will last for [12] months. If your circumstances change again during this period, you may [explain how the Customer can notify of the change].

[apply if relevant]: Due to *[explain reasoning for the decision]* I consider it appropriate to remove the restrictions that have been placed on your access with our organisation, effective immediately. You may contact our organisation using any of our normal servicing options.

Alternatively, you have a right to contact the NSW Ombudsman at nswombo@ombo.nsw.gov.au or the Office of Local Government at olg@olg.nsw.gov.au and seek their assistance in the matter. Please note, Council may need to provide your personal information to the agency/ies that contacts us about this matter. If you do not wish for this to occur, please inform me of this in writing.

If you decide to contact Council regarding this letter, the personal information you provide will be collected for the purpose of responding to your correspondence or enquiries. The personal information collected or received will be used or otherwise handled for the purpose outlined, related administrative functions, and in accordance with the UCC policy, Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.

If you have any questions about this letter, you can contact *[provide name and phone number of the nominated relevant manager]*.

Yours faithfully

Name
Public Officer

Appendix H

UNREASONABLE CUSTOMER CONDUCT CHECKLIST – APPEAL REQUEST

Appeal of Public Officer’s or delegate’s decision for Modifying or Restricting Access

Unreasonable Customer name:		UCC COL#	
Restriction consideration checklist	<i>This is the original document completed when deciding whether to impose restrictions</i>	Imposed Restriction challenged:	

Case officer:	
APPEAL ASSESSMENT – Case officer to complete	
UC’s Appeal submissions	<i>Document number and when they were received by Council</i>
Merits of UC’s case	<i>Whether the UC’s appeal submissions provide any further information that would improve or change the merits of the UCs case from the initial assessment undertaken to restrict their contact with Council.</i>
The UC’s circumstances	<p style="color: #808000;"><i>Whether the UC’s appeal submissions provide any further information that indicates:</i></p> <ul style="list-style-type: none"> ▪ <i>changing or restricting access to our services will have an undue impact on the Customer’s welfare, livelihood, or dependents etc.;</i> ▪ <i>their personal circumstances have contributed to the behaviour – For example, such as their cultural background may mean their communication patterns differ from those of our staff or Council’s standards,</i> ▪ <i>the UC is a vulnerable person who is under significant stress as a result of one or more of the following:</i> <ul style="list-style-type: none"> - <i>homelessness</i> - <i>physical disability</i> - <i>illiteracy or other language or communication barrier</i> - <i>mental or other illness</i> - <i>personal crises</i> - <i>substance or alcohol abuse</i>
Jurisdictional issues	<i>Whether the appeal submissions provide any further information to indicate that there are statutory provisions that would require lifting the restriction.</i>
Proportionality of incident vs modification / restriction of access	<i>Whether the UC’s appeal submissions provide any further information that challenges the original assessment (DOCxxxx/xxxxx) to impose restrictions.</i>
Responsiveness, including previous conduct	<i>The UC’s appeal submissions do not provide any further information that indicates the UC is responsive to warnings or the restriction imposed.</i>

Does the category of unreasonable conduct originally utilised change following the UC's appeal submissions and if so to what?	<i>The UCs appeal submissions do not provide any further information that successfully challenges the category of unreasonable behaviour identified in the original assessment (DOCxxx/xxxx) to impose restrictions.</i>		
Additional comments	<i>Address any issues the UC has raised that has not been discussed above.</i>		
RECOMMENDATION	<i>It is recommended that the restriction noted above remains as originally determined OR</i> <i>It is recommended that the restriction noted above is lifted OR modified.</i>		
Signature of Case officer		Date	
Tick APPEAL DETERMINATION - Public Officer to complete			
<input type="checkbox"/>	I have considered the merits of the Unreasonable Customers' case outlined above and the additional information they submitted to Council as part of their appeal request.		
<input type="checkbox"/>	I have considered the Unreasonable Customers' circumstances outlined above and the additional information they submitted to Council as part of their appeal request.		
<input type="checkbox"/>	I have considered the jurisdictional issues outlined above and the additional information they submitted to Council as part of their appeal request.		
<input type="checkbox"/>	I have considered the proportionality of the incident against the recommendation for modification/restriction of access to Council services.		
<input type="checkbox"/>	I have considered the Unreasonable Customers' responsiveness to the warning(s) about their behaviour given to them, their past behaviour and their response to Council's restriction(s) imposed.		
<input type="checkbox"/>	Along with the case officer concerned and the appeal submissions submitted, I have considered all reasonable options for managing the Unreasonable Customer's conduct, including removing the restrictions imposed.		
<input type="checkbox"/>	I agree with the recommendation of the case officer and adopt it as my determination.		
<input type="checkbox"/>	I approve for a letter to be sent to the Unreasonable Customer informing them of my determination regarding their request for appeal.		
<input type="checkbox"/>	<i>(only when removing restrictions imposed, otherwise delete)</i> I approve of informing relevant Council Officials of my determination and amending Council's UCC register accordingly.		
<input type="checkbox"/>	<i>(only when removing restrictions imposed, otherwise delete)</i> I approve Council's information management system to be amended to implement my determination (i.e request that a memo against the Unreasonable Customer's Name and Address Record about the restriction is removed).		
<input type="checkbox"/>	<i>(only when removing restrictions imposed, otherwise delete)</i> I approve for the IT restriction to be removed from the Unreasonable Customer's contact as well.		
Name		Date	Signature

RESOURCES

Council's Policy – DOC2018/008730; Council's Guideline – DOC2018/027652

[Managing Unreasonable Conduct by a Complainant: A Manual for frontline Staff, Supervisors and Senior Managers, NSW Ombudsman \(2021\).](#)

Appendix I – Template Letter Advising Outcome of Appeal Request

Date

Name Title Company

Contact: [Contact person]

Street

Our ref: [Our ref]

TOWN STATE Postcode

Dear *[name of Customer]*

Decision to restrict your contact with Cessnock City Council

I refer to Council's letter dated *[date]* advising of certain restrictions on your contact with Council and your request for appeal of those restrictions received on *[date]*.

Consideration of your request for appeal

I have carefully considered your appeal submissions, the merits of the case and your circumstances, jurisdictional issues and the proportionality of Council's restrictions on your contact.

The decision to impose restrictions is not taken lightly and has been made after careful consideration of all factors. My decision to restrict the method of your contact with Council remains. This is effective from *[date]* and will last for *[period of restriction]* months.

What this means

The restrictions imposed on you means that Council will only accept communication from you *[describe restriction]*.

Any communications that do not comply with the above restriction will not be responded to e.g. telephone calls will be terminated, written communication sent directly to Council officers will be read and filed without acknowledgement.

Communications that comply with the above restriction will be considered by the Public Officer and forwarded to the appropriate officer within Council for action and any necessary response as appropriate will be provided.

The restriction does not restrict your access to Council facilities or use of Council services, including but not limited to Council meetings, visiting libraries or swimming pools, or utilising waste facilities. Nor does this restriction limit your ability to communicate with Council or your legislative rights. Rather, this restriction limits the method by which you communicate with Council – that is, by email to publicofficer@cessnock.nsw.gov.au.

Review

The decision to restrict the method of your contact with Council will last for *[period of restriction]* months, until *[date]*. At that time, Council will review your restriction and decide if it should be maintained, amended or withdrawn.

If you are still dissatisfied with the outcome of your appeal request you can contact the NSW Ombudsman at nswombo@ombo.nsw.gov.au and [request for them to conduct an external review](#). Please note, Council may need to provide your personal information to the agency/ies that contacts us about this matter. If you do not wish for this to occur, please inform me of this in writing.

If you decide to contact Council regarding this letter, the personal information you provide will be collected for the purpose of responding to your correspondence or enquiries. The personal information collected or received will be used or otherwise handled for the purpose outlined, related administrative functions, and in accordance with the UCC policy, Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.

If you have any questions about this letter, you can contact *[provide name and phone number of the nominated relevant manager]*.

Yours faithfully
Name
Public Officer

Appendix J – UCC Factsheet – Individual Rights and Responsibilities

Individual Rights and Mutual Responsibilities of the Parties to a Complaint

In order for Cessnock City Council (**Council**) to ensure that all complaints are dealt with fairly, efficiently and effectively and that work health and safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all of the parties to the complaint process.

Individual rights

Complainants have the right:

- to make a complaint and to express their opinions in ways that are reasonable, lawful and appropriate, regardless of cultural background, national origin, sex, sexual orientation, gender expression, disability or other cultural or personal characteristics,
- to a reasonable explanation in a wide range of languages of the organisation's complaints procedure, including details of the confidentiality, secrecy and/or privacy rights or obligations that may apply,
- to a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case,
- to a fair hearing,
- to a timely response,
- to be informed in at least general terms about the actions taken and outcome of their complaint,
- to have decisions that affect them explained to them,
- to at least one review of the decision on the complaint,
- to be treated with courtesy and respect,
- to communicate valid concerns and views without fear of reprisal or other unreasonable response.

Staff have the right:

- to determine whether, and if so how, a complaint will be dealt with,
- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances,
- to expect honesty, cooperation and reasonable assistance from complainants,
- to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint,
- to be treated with courtesy and respect,
- to a safe and healthy working environment,
- to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.

Subjects of a complaint have the right:

- to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them,
- to be treated with courtesy and respect by staff of Council,

- to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated,
- to be informed about the substance of any proposed adverse comment or decision,
- to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made,
- to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them,
- to be protected from harassment by disgruntled complainants acting unreasonably.

Mutual responsibilities

Complainants are responsible for:

- treating staff of Council with dignity and respect,
- clearly identifying to the best of their ability the issues of complaint, or asking for help from the staff of Council to assist them in doing so,
- providing Council, to the best of their ability, with all the relevant information available to them at the time of making the complaint,
- being honest in all communications with Council,
- informing Council of any other action they have taken in relation to their complaint,
- cooperating to the best of their ability with the staff who are assigned to assess/ investigate/resolve/determine or otherwise deal with their complaint.

If complainants do not meet their responsibilities, Council may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

Council has a zero-tolerance policy in relation to any harm, abuse or threats directed towards its staff. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the complainant. Any such conduct of a criminal nature will be reported to police, and in certain cases legal action may also be considered.

Staff are responsible for:

- providing reasonable assistance, including cultural and linguistic assistance, to complainants who need help to make a complaint and, where appropriate, during the complaint process,
- dealing with all complaints, complainants and people or organisations the subject of complaint professionally, fairly and impartially,
- giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant,
- giving people or organisations the subject of complaint a reasonable opportunity to put their case during the course of any investigation and before any final decision is made,
- informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them and the substance of any proposed adverse comment or decision that they may need to answer or address,
- keeping complainants informed of the actions taken and the outcome of their complaints,
- giving complainants explanations that are clear and appropriate to their circumstances, and adequately explaining the basis of any decisions that affect them,
- treating complainants (and people who are the subject of complaints) with courtesy and respect at all times and in all circumstances,
- taking all reasonable and practical steps to ensure that complainants are not subjected to any detrimental action in reprisal for making their complaint,

- giving adequate warning of the consequences of unacceptable behaviour.

If Council or its staff fail to comply with these responsibilities, complainants may complain to the Public Officer in writing to Cessnock City Council, PO Box 152, Cessnock NSW 2325.

Subjects of a complaint are responsible for:

- cooperating with Council staff who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction,
- providing all relevant information in their possession to Council or its authorised staff when required to do so by a properly authorised direction or notice,
- being honest in all communications with Council and its staff,
- treating the staff of Council with courtesy and respect at all times and in all circumstances,
- refraining from taking any detrimental action against the complainant in reprisal for them making the complaint.

If subjects of a complaint fail to comply with these responsibilities, action may be taken under relevant laws and/or codes of conduct.

Council is responsible for:

- maintaining an appropriate and effective complaint handling system in place for receiving, handling, recording and reviewing complaints,
- decisions about how all complaints will be dealt with,
- ensuring that all complaints are dealt with professionally, fairly and impartially,
- ensuring that staff treat all parties to a complaint with courtesy and respect,
- ensuring that the assessment and any inquiry into the investigation of a complaint is based on sound reasoning and logically probative information and evidence,
- finalising complaints on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances,
- implementing reasonable and appropriate policies/procedures/practices to ensure that complainants are not subjected to any detrimental action in reprisal for making a complaint, including maintaining separate complaint files and other operational files relating to the issues raised by individuals who make complaints,
- adequately considering any confidentiality, secrecy and/or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

If Council fails to comply with these responsibilities, complainants may complain to the Public Officer in writing to Cessnock City Council, PO Box 152, Cessnock NSW 2325.

Appendix K – UCC review - Summary of events form

Summary of Events Form

Customer: Address: E-mail: Phone: Ref:			
Document #	Date	Details from	Details

Appendix L - Process Flowchart (DOC2022/179763)

