



# Unreasonable Complainant Conduct Policy

# 1. Policy Statement

Auckland Transport is committed to being accessible and responsive to all complainants who contact us. At the same time, the ability of Auckland Transport to provide high quality services depends on:

- our ability to do our work and perform our roles in the most effective and efficient ways possible
- the health, safety and security of our staff
- our ability to allocate our resources fairly across all the complaints we receive.

When complainants behave unreasonably in their dealings with us, their conduct can significantly affect our ability to provide services to other customers. As a result, Auckland Transport will take proactive and decisive action to manage any complainant conduct that negatively and unreasonably affects our business and will support our staff to do the same in accordance with this policy.

We are committed to ensuring all complaints are dealt with equitably and that all of our staff are aware of their roles and responsibilities. This includes having the skills to appropriately manage complainant conduct (including unreasonable conduct) and are adequately supported by senior management to take action to deal with such conduct.

# 2. Scope

This policy applies to UCC across all communication channels except for social media. Refer to the Social Media Policy for rules of conduct on social media.

This policy does not cover alleged unreasonable conduct between staff.

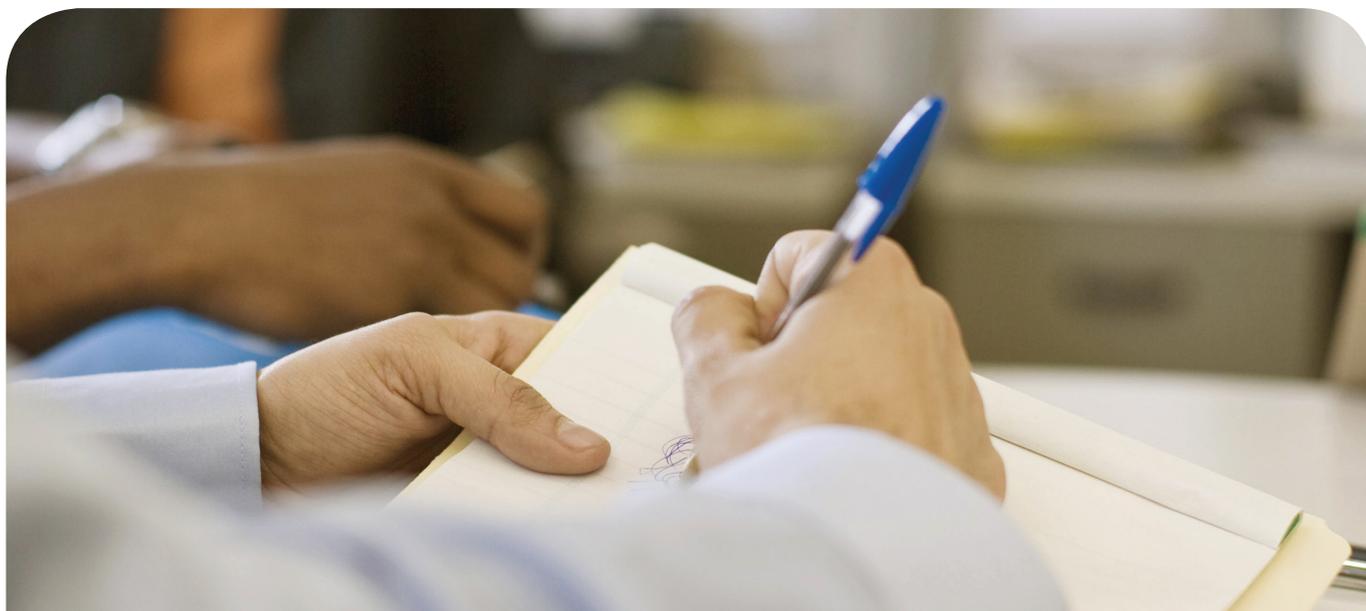
# 3. Objective

This policy has been developed to assist staff to better manage complainants who display unreasonable behaviours in their interactions with us. It's aim, in conjunction with the UCC Procedures, is to ensure that all staff:

- are aware of their roles and responsibilities in relation to the management of UCC and how this policy should be applied
- have a clear understanding of the criteria that will be applied in establishing whether to change or restrict a complainant's access to our services
- are aware of the UCC Procedures that should be followed to record and report UCC incidents as well as the procedures for consulting and notifying complainants about any proposed actions or decisions to change or restrict their access to our services via our contact channels
- act fairly, consistently, honestly and appropriately when responding to UCC
- feel confident and supported in taking action to manage UCC.

Staff members who use and follow this policy and procedure can be confident that they will be supported by senior management.

It is important to note that this policy is not and should never be seen as a quick solution to deal with complainants who are difficult to deal with or who we want to avoid. It is intended to be applied to cases when unreasonable complainant conduct is an issue as described in this document and will likely only be used on a very small minority of cases.



## 4. Defining UCC

UCC has been defined by the Office of the Ombudsman as “behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource, or equity issues for the parties to a complaint”.

Examples of behaviours that can be characterised as unreasonable can be divided into five categories as listed below:

### 4.1. Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.

Some examples of unreasonably persistent behaviour can include:

- an unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with
- reframing a prior complaint in an effort to get it taken up again
- bombarding staff with phone calls, visits, letters, emails (including being copied on correspondence) after repeatedly being asked not to do so
- contacting different people within our organisation or externally in an attempt to get a different outcome or more sympathetic response to their complaint.

### 4.2. Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.

Some examples of unreasonable demands include:

- issuing instructions and making demands about how we have handled or should handle their complaint, the priority it was given or should be given or the outcome that was or should be achieved
- insisting on talking to a senior manager of the Chief Executive, Mayor or Elected Members personally when it is neither appropriate or warranted
- emotional blackmail and manipulation with the intention to intimidate, harass or shame staff, or to portray themselves as being victimised, where this is not case
- insisting on outcomes that are not possible or appropriate in the circumstances, such as calling for someone to be dismissed or prosecuted, an apology or compensation where there is no reasonable basis for expecting this
- demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly.



### 4.3. Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with our organisation, staff, or complaints system or processes that result in disproportionate or unreasonable use of our services, time and/or resources.

Some examples of unreasonable lack of cooperation can include:

- sending a constant stream of comprehensive or disorganised information without clearly defining any issue of complaint or explaining how they relate to the core issue being complained about, when the complainant is clearly capable of doing this
- providing little or no detail with a complaint or presenting information in a sporadic or disorganised manner
- refusing to follow or accept our suggestions or advice without a clear or justifiable reason for doing so

### 4.4. Unreasonable arguments

Unreasonable arguments include those that are not based on reason or logic, that are incomprehensible, false or inflammatory, trivial, delusory/deluded/ not supported by any evidence and that disproportionately and unreasonably impact on our organisation, staff, services, time and/or resources.

Arguments are unreasonable when they:

- are not supported by sufficient evidence or are based on conspiracy theories

- lead a complainant to reject all other valid contrary arguments
- have an impact that is disproportionate to the amount of time, resources and attention that the complainant demands
- are false, inflammatory or defamatory

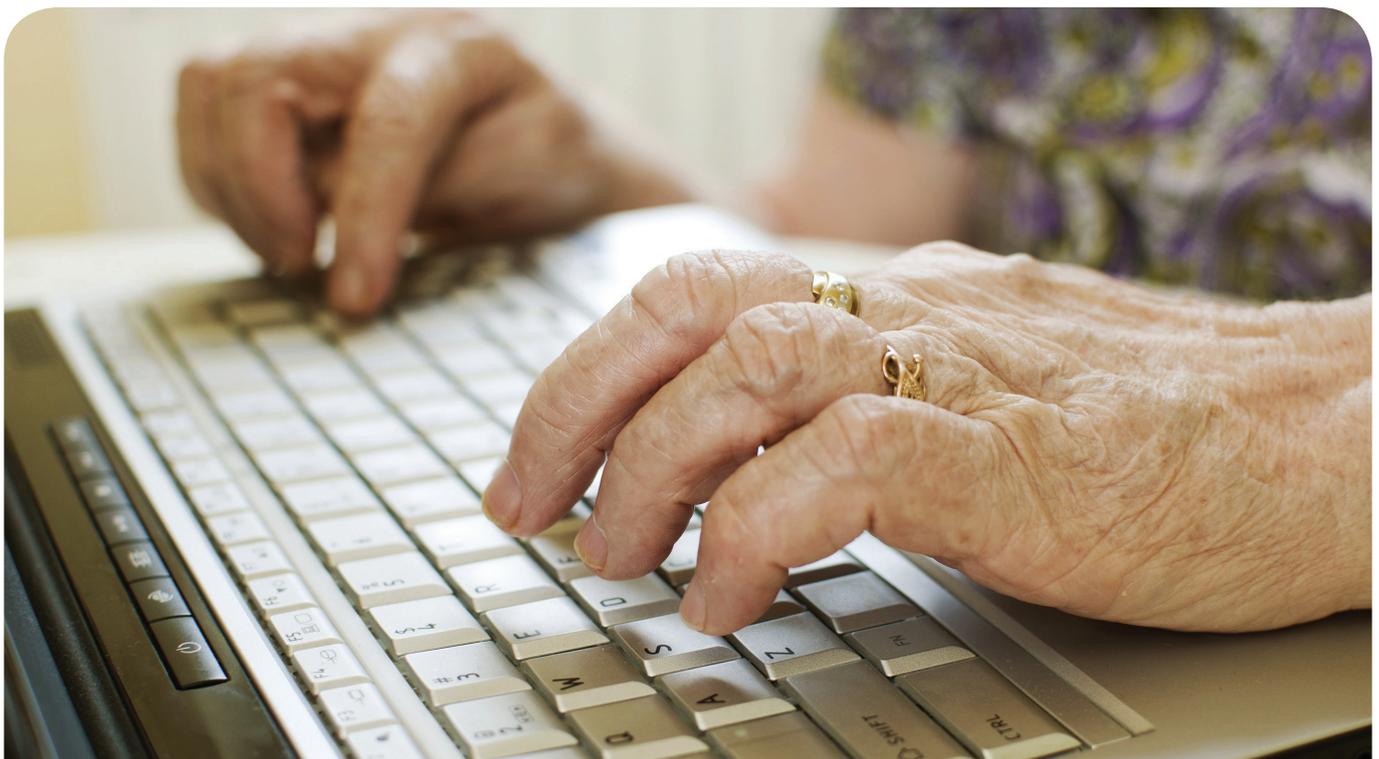
### 4.5. Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant themselves.

Some examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist or grossly defamatory remarks
- harassment, intimidation or physical violence
- rude, confronting and threatening correspondence
- threats of harm to self or third parties, threats with a weapon or threats to damage property, including bomb threats
- stalking (in person or online)
- emotional manipulation.

Conduct involving harm, abuse or threats will be dealt with in accordance with our duty of care and occupational health and safety responsibilities and where appropriate with the Police and courts.



## 5. Responding to and

If conduct is considered unreasonable informal strategies will be used to manage it. If the conduct persists AT will warn the customer. Failing that AT may take action to restrict how they interact with staff:

- **who** they have contact with – including limiting a complainant to a sole contact person /staff member in our organisation
- **what** they can raise with us – including the subject matter that we will consider and respond to
- **when** they can have contact – including limiting a complainant’s contact with our organisation to a particular time, day, or length of time or curbing the frequency of their contact with us
- **where** they can make contact – including limiting the locations where we will conduct face-to-face meetings to secured facilities or areas of the office

- **how** they can make contact – including limiting or modifying the forms of contact that the complainant can have with us. This can include modifying or limiting face-to-face interactions, telephone and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating our services

If a restriction is imposed it should be appropriate and proportionate. It will be reviewed by the Customer Liaison Team (CLT) six months after the imposition. The customer will be informed of the result and whether the restriction is to be lifted or extended.

If a complainant is dissatisfied with the UCC process, they may seek an external review from an oversight agency such as the Ombudsman.



## 6. Key references

The Office of the Ombudsman has published: Managing unreasonable complainant conduct, A manual frontline staff, supervisors and senior managers October 2012 available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

## 7. Policy review process and endorsement

All staff are responsible for forwarding any suggestions they have in relation to this procedure to the Customer Liaison Team. This policy requires endorsement by the Executive Team.

This policy will be reviewed by Executive Team as required and at least every two years.

## 8. Supporting Policies and Procedures

Auckland Transport Complaint Management Policy and Process

Auckland Transport Code of Conduct

Auckland Transport Disciplinary Policy

Auckland Transport Harassment Policy

Auckland Transport Records Management Policy

Auckland Transport Health & Safety Policy

Auckland Transport Social Media Policy

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