

Managing Unreasonable Customer Conduct Procedure

TransLink Division

November 2016

Contents

1. Introduction	3
2. Managing Unreasonable Customer Conduct	3
3. Roles and Responsibilities	4
3.1 Employees and contractors	5
3.2 Managers	5
3.3 Directors and Executive Directors	5
3.4 General Manager	5
4. Monitoring	6
5. Right to appeal	7
6. Recordkeeping and Privacy	8

1. Introduction

TransLink Division aims to treat our customers fairly and equally. When customers behave unreasonably in their dealings with our employees and contractors, the nature or frequency of certain conduct can significantly affect our performance.

These procedures support TransLink employees and contractors in enacting the strategies for managing unreasonable customer conduct. The Queensland Ombudsmen's office supports public organisations in managing persistent and disruptive effects of customer conduct on public resources. The following procedures have been developed with reference to the *Managing Unreasonable Complainant Conduct Practice Manual (2nd edition)*, prepared by the Queensland Ombudsman's office.

2. Managing Unreasonable Customer Conduct

Unreasonable customer conduct (UCC) can be defined under five categories as any behaviour by a current or former customer which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for our organisation, our employees and contractors, other service users and/or the complainants themselves.

Categories of conduct	Guidelines of what the conduct may involve
Unreasonable persistence	Refusing to accept a final decision even though the complaint has been dealt with to finality, or inflexibly persevering with an issue by continuing to contact us or re-framing an old complaint without providing reasonable grounds or new information.
Unreasonable demands	Raising issues outside our responsibility, asking for outcomes that are unattainable or disproportionate to the issue, requesting actions that are inappropriate or demanding for the complaint to be dealt with in a particular way.
Unreasonable lack of cooperation	Providing disorganised, excessive or irrelevant information, refusing to provide key documents or to define the issues of the complaint, dishonestly presenting the facts or being unwilling to consider other valid viewpoints.
Unreasonable arguments	Exaggerating issues, seeing cause and effect arguments where there are clearly none, holding conspiracy theories or irrational beliefs, raising issues which lack merit and are unsupported by evidence or irrationally interpreting facts or laws and refusing to accept other more reasonable interpretations.
Unreasonable behaviours	Abusive, offensive, harassing, violent, manipulative or threatening behaviour towards employees and contractors, property, the department, other members of the public or self-harm.

Once UCC has been identified, investigated and action approved, a letter must be sent to the customer informing them why we have classified their behaviour as unreasonable and what actions we propose to take should the behaviour continue. The customer's future conduct will be monitored and if the unreasonable conduct continues the proposed actions will be enacted, minimising the impact of their conduct to our employees, contractors and business. Actions imposed by the Division should be appropriate to manage the level of impact to enable us to deliver our business and minimise impact to employees and contractors.

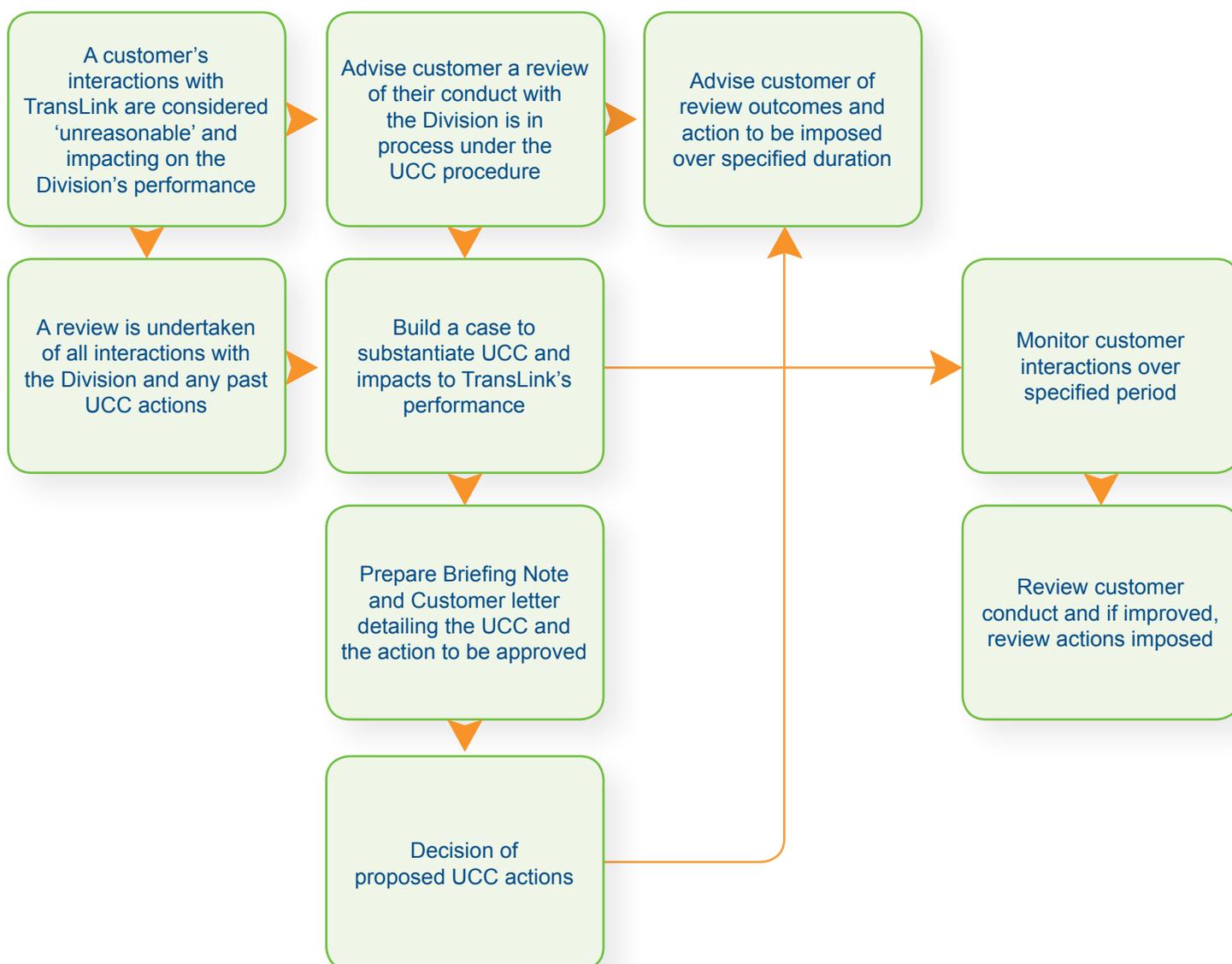
Proposed management techniques we are most likely to consider are:

- when and how a customer can contact us
- the length of time restrictions will be in place
- limiting customer to a sole contact point
- complaints will be acknowledged and filed but no response will be provided
- completely terminating all communication with the customer.

A decision to have no further contact with a customer will only be made if there is a documented history of contact with a customer warning them of the proposed consequences of their unreasonable conduct and when these procedures have been enacted.

3. Roles and Responsibilities

UCC procedure flowchart



3.1 Employees and contractors

TransLink Division employees and contractors should familiarise themselves with this procedure as they are responsible for identifying, collating and reporting all UCC incidents they experience or witness (as appropriate) to their direct manager.

Employees and contractors must ensure the following steps have been undertaken before escalating a potential UCC issue to their direct manager.

- Contact all other customer facing teams within the Division, including but not limited to Social Media, Contact Centre, Passenger and School Transport Offices, Taxi and Limo Services, Correspondence and Customer Relations, to understand the nature of their interactions with the customer and to ensure the customer has not been the subject of a UCC process previously.
- Collate the case of evidence to justify the reasons the customer is to be reviewed under the UCC procedures, including the scope of key issues, timeframe of the interactions, impact to performing the Division's business, impact to employees and contractors and the category of unreasonable behaviour that applies to this case.

Once all interactions and information have been collected, a report or spreadsheet is to be prepared to inform their direct manager of all the relevant facts to enable effective evaluation of the UCC review. The report should contain the following information:

- Record Type eg, phone call, email etc
- Date
- Reference Number
- Number of interactions
- Content/theme of complaint
- What action has been taken to date
- Time and date complaint logged
- Response date
- Latest response to customer
- Overall response timeline.

The decision to restrict a customer's interaction with the Division will be based on the category of unreasonable behaviour, the frequency and the nature of their complaints along with the impact to the Division, employees and contractors.

3.2 Managers

The lead manager of the UCC review will be of the team most impacted by the UCC case. The managers of each team affected by the UCC are responsible for contributing to the UCC review and will be the central point of contact for their business unit. Each manager will also be responsible for recording, monitoring and reviewing all

UCC incidents reported by employees and contractors where UCC enforcement has been recommended. Managers will also be accountable for the application of these procedures.

The lead manager must ensure the following steps have been undertaken before obtaining approval from their Director or Executive Director

- Review information collated to substantiate the UCC to assess the frequency and nature of the customers conduct.
- Consider the level of risk to all involved and any other relevant factors that inform what level of action is required to manage the conduct and impacts of the conduct.
- Assess the most appropriate action to take, such as setting limits, conditions and/or changing how a customer can complain/communicate with us.
- Prepare a briefing note to summarise the background, review outcome, the recommended action for the application of these procedures and the proposed UCC management technique (as per Section 2).
- Compose a letter to the customer advising them that a review of their conduct has been undertaken, the impacts of their conduct to our business, the outcome of the UCC review and proposed action. This letter must outline the types of conduct the decision was based on and what communication limitations are to be imposed, when or the trigger for this to be implemented and over what time period.
- Submit the briefing note and customer letter for approval to the relevant General Manager, with copies provided to the Directors and Executive Directors of the teams also impacted by the UCC.

3.3 Directors and Executive Directors

Directors are responsible for approving the proposed approach outlined in the briefing note and customer letter advising of the UCC review. Once final approval is received, the Directors are also responsible for supporting employees and contractors to apply these procedures.

Approval is then escalated to the Executive Directors for each area being impacted by the UCC for their review and approval before final approval is requested from the General Manager of the branch.

3.4 General Manager

General Managers are responsible for reviewing all the information documented to substantiate the recommendation to apply the UCC procedures. They will be the final approval of any decision to limit or terminate communication the customer has with the Division and will sign the customer letter to inform the customer of the decision and action to be taken.

The approved letter signed by the General Manger will be sent out by the business area that initiated the UCC review be undertaken.

4. Monitoring

Customer interactions will be monitored by the manager responsible for enacting the UCC procedure. The manager will monitor any contact made across any of the customer channels by the complainant every month for a period of six months.

A review of each UCC case must be conducted every 6 months by the manager responsible for enacting the UCC procedure, to reassess the limitation or restriction and decide on whether the restriction will be lifted or other strategies be enforced if the unreasonable behaviour continues.

5. Right to appeal

Customers are entitled to one appeal of a decision to restrict their communication and their way to submit complaints to the Division. This review will be undertaken by the Office of the Deputy Director General. The Deputy Director General's office will consider the customers appeal and take into account all relevant records regarding the customers past conduct. The outcome of this review will be approved by the Deputy Director General and sent to the customer in writing by letter or email.

Customers who are dissatisfied with the appeal process, can request an external review by lodging their request directly with the Queensland Ombudsman, Public Service Commission or other relevant authority.

6. Recordkeeping and Privacy

Recordkeeping is mandatory across whole-of-government. Complaint records/files are created, captured, maintained and kept in line with the *Public Records Act 2002* and the TMR Recordkeeping Framework (see section 4 of TMR Complaint Management Procedures). Recordkeeping is the responsibility of all employees of Queensland Public authorities.

All documentation that is used to document the case for the UCC review must be recorded into TransLink's record keeping system, RM8 and saved into the following container: Unreasonable Customer Conduct reviews.

Information that needs to be recorded are:

- Information collated for UCC review request – includes copies all written and verbal communication to and from the customer
- Briefing note seeking approval to apply the procedure – drafts and final
- Letter sent to the customer – draft and final.

Personal information collected during the review of alleged or confirmed cases of UCC is managed according to the *Information Privacy Act 2009*.