



NORTHERN TERRITORY

CONSUMER

AFFAIRS

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UNREASONABLE CLIENT CONDUCT POLICY

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Introduction

Northern Territory Consumer Affairs regulates and administers consumer protection legislation in the Northern Territory. People contact us for information about rights and responsibilities under the legislation that we administer. We also help people resolve consumer complaints and disputes.

We aim to provide professional, accessible services and always strive to improve the way we work. Our ability to achieve this depends on being able to conduct our work efficiently and apply our limited resources in a fair way. The wellbeing and safety of our staff is also of the utmost importance in providing our services.

Our Customer Service Charter sets out our commitment to stakeholders including:

- Treating people with fairness and respect
- Providing accessible, accurate and consistent information
- Respecting people's privacy.

We understand that sometimes people feel frustrated and upset when they contact us for help. While most people treat our staff with courtesy and respect, some people may at times behave in a way that makes it difficult for us to provide timely and efficient services.

Our office will always consider a client's individual issue or complaint on its own merit. This policy sets out what we consider to be unreasonable client behaviour, and how we will deal with such conduct in a way that balances the needs of our clients, staff and organisation.

Unreasonable client conduct

Unreasonable client conduct (UCC) is any behaviour by a current or former client which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and clients, or the client themselves.

There are generally 5 categories of UCC.

Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a client that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Unreasonably persistent behaviour includes but is not limited to:

- An unwillingness or inability to accept reasonable and logical explanations (including final decisions) that have been comprehensively considered and dealt with.
- Persistently demanding a review simply because it is available and without arguing or presenting a case for one.
- Pursuing and exhausting all available review options when it is not warranted and refusing to accept that further action cannot or will not be taken on their complaints.
- Reframing a complaint in an effort to get it taken up again.
- Bombarding our staff/organisation with phone calls, visits, letters, and emails (including cc'd correspondence) after repeatedly being asked not to do so.
- Contacting different people in our organisation and/or externally to get a different outcome or more sympathetic response to their complaint – internal and external 'forum shopping'.

Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a client 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/should have handled their complaint, the priority it was/should be given, the outcome that was/should be achieved, or imposing self-executing timeframes.
- Insisting on talking to a senior manager or the Commissioner of Consumer Affairs personally when it is not appropriate or warranted.
- Emotional blackmail and manipulation with the intention to instil guilt, intimidate, harass, shame, or portray themselves as being victimised when this is not the case.
- Insisting on outcomes that are not possible or appropriate in the circumstances – for example, for someone to be sacked or prosecuted, an apology and/or compensation when 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.

Unreasonable lack of cooperation

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

Unreasonable lack of cooperation includes but is not limited to:

- Sending a constant stream of comprehensive and/or disorganised or voluminous information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about – where the client is clearly capable of doing this.
- Providing little or no detail with a complaint/enquiry or presenting information in ‘drips and drabs’.
- Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.

- Arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, etc.

Unreasonable arguments

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

- Fail to follow a logical sequence
- Are not supported by any evidence and/or are based on conspiracy theories
- Lead a client to reject all other valid and contrary arguments
- Are trivial when compared to the amount of time, resources and attention that the client demands
- Are false, inflammatory or defamatory.

Unreasonable behaviours

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

- Acts of aggression, verbal abuse, and derogatory, racist, or grossly defamatory remarks
- Harassment, intimidation, actual or threats of 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)
- Unreasonable expectation that public servants have to do what the client wants because we are tax payer funded
- Emotional manipulation.

Responding to UCC

We will be respectful of our clients, irrespective of a person's personal background, attributes or other factors.

When clients behave in an unreasonable way, this can have a significant impact on the successful conduct of our work. It can also affect the health and wellbeing of our staff. So, we will respond in a proportionate way to manage the risks arising from the UCC that we may experience.

UCC will generally be managed by changing, restricting or terminating the ways we interact with and provide services to clients. The strategies we use will depend on the type of behaviour, while also regarding a client's personal circumstances (such as accessibility needs and level of literacy and competency).

In extreme cases of UCC where the staff have been subject to physical threats, the Northern Territory Police may be contacted.

Modifying or restricting a client's access to our services

Continuing incidents of UCC may be managed by modifying or limiting the ways that we interact with our clients, using one or more of the following strategies.

Limiting who they have contact with

It may be appropriate to restrict a client's access with our office to a single staff member in our organisation, particularly where the client has:

- Attempted to 'forum shop' among different staff members
- Repeatedly changed the subject or nature of their complaint or issue
- Continuously reframed their complaint or issue
- Raised an excessive number of complaints or issues.

By limiting client access to a single contact point, we aim to minimise the risk of inconsistencies and misunderstandings, and potential for manipulation. An additional contact person will be provided to the client if the primary contact is unavailable, such as when on leave.

Restricting the subject matter of communications

We may restrict the subject matter of communications where the client has engaged in unreasonable conduct such as continually sending letters, emails or social media comments about insignificant issues or matters that have already been considered by our office, or that contain inappropriate or abusive content. Restrictions may include:

- Refusing to respond to correspondence that raises a matter that is trivial, not supported by evidence, or which has already been considered (and the outcome communicated) by our office.
- Limiting the client to making a certain number of complaints in a given period, such as one per month.
- Returning inappropriate or abusive correspondence to the client and advising such content must be removed before our office will consider the complaint or issue further.

If any of the above restrictions are enacted, the client will be notified in writing and advised that any correspondence received by them will be retained by our office to identify any future re-offending.

Limiting when or how a client can contact us

If UCC places an unreasonable burden on the resources of our office or affects the health, wellbeing and safety of our staff through behaviour that is persistently rude, abusive, threatening or aggressive, we may restrict when and how a client can engage with us. This may include:

- Limiting interactions with our office to a particular time of day or days in the week
- Restricting the frequency of written, verbal or in-person interactions with our office, such as 2 telephone calls per month
- Limiting the duration of interactions with our office (i.e. telephone calls and on-site interviews), or the length of written correspondence
- Restricting who the client may have contact with in our organisation
- Restricting communications with our office to written only
- Blocking a client from a particular email account, mobile number or social media platform and requiring that only written correspondence to our postal address be considered
- Allowing clients to attend our office by appointment only and meet with a specified staff member/s
- Banning a client from attending our premises in person
- Requiring a client to contact us through or with an approved representative, taking into account that person's relationship with the client and their behaviour, competency and literacy.

Terminating a client's access to our services

When all other strategies have been considered and/or exercised and it appears a client is unlikely to amend their conduct, access to our services may be terminated. Full restriction of services and contact will be used as a last resort and with the authority of the Commissioner of Consumer Affairs, in cases where the UCC involves the following:

- Aggressive behaviour, verbal or physical abuse or assault, threats of harm, harassment, intimidation, stalking
- Threatening behaviour with a weapon, including an object that can be used as a weapon to harm a person
- Damage to property while on our premises
- Physically preventing a staff member from moving around freely, either on our premises or off-site
- Other unlawful conduct.

If a client's access to our services is terminated, they will receive a notification letter outlining the UCC and reasons for termination, the duration (not exceeding 12 months) of the termination, and the review process available to them.

Other mechanisms to manage UCC

In rare cases where the above strategies have been unsuccessful, we may also invoke other legal mechanisms to limit a client's access to our organisation, such as through a court order or trespass legislation. This is to ensure the protection of our staff from any extreme behaviour, such as acts of violence, intimidation or stalking by a client.

Notification of a decision about UCC

A written warning will generally be issued to a client who has engaged in UCC, outlining the behaviour and potential consequences according to this policy, should they continue to engage with our office in that way.

Note that NT Consumer Affairs has a zero tolerance of behaviour that intends to threaten, abuse or cause any harm to our staff. Accordingly, this type of UCC can be managed, according to this policy without prior warning.

If the UCC continues and a decision is made to restrict or terminate a client's access to our services, a written notification will be issued by the Deputy Commissioner, outlining the reasons for the decision, the particulars of the restriction/termination, and the process for seeking a review of the decision.

If it is considered that the client is unable to read or comprehend the written notification, this will be followed up with a verbal notification (via telephone call), using an interpreter if necessary.

Review of a decision about UCC

Application for client review

Clients are entitled to request one review of a decision to restrict or terminate their access to our services. The request must be made within 30 days of the notification of the decision, and should be in writing (where possible), outlining the reasons a review is required and including any relevant supporting documentation.

The review will be undertaken by a senior officer independent of the original decision. Notification of the outcome of the review will be provided by the Commissioner of Consumer Affairs within 30 days of receiving the request for a decision review.

If dissatisfied by the outcome of the review, the client can lodge a complaint with an oversight body, such as the Ombudsman NT.

Periodic review

Any decision to restrict or terminate a client's access to our services will be reviewed at least 3 months, but no more than 12 months following notification of the decision, depending on the nature of the conduct involved.

The relevant client will generally be notified of the upcoming review and invited to make a submission for consideration, unless it is considered that the invitation may provoke further UCC. The periodic review will consider the client's conduct throughout the restriction/termination period and submissions made by the client, along with any other relevant information.

Notification of the outcome of the review will be made in writing by the Commissioner of Consumer Affairs, outlining the reasons for the decision and if there is to be any continuation, modification or cancellation of the restriction or termination of services for that client.

The background of the page is composed of several large, overlapping geometric shapes. A dark blue triangle occupies the top-left and middle-left portions. A lighter blue triangle is positioned to its right, overlapping it. A dark grey triangle is located in the bottom-left corner. A white triangle is in the bottom-right corner, overlapping the dark grey one. The overall design is modern and minimalist.

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