



Unreasonable Complainant Conduct Policy



Te Kaunihera-ā-Rohe o Ngāmotu
**New Plymouth
District Council**



Policy Statement

The New Plymouth District Council (Council) is committed to being accessible and responsive to all its customers, including those who approach Council with a complaint, regardless of ethnicity, religion, linguistic background, sex, gender expression, sexual orientation, physical ability or other cultural or personal factors.

At the same time, the success of Council depends on:

- Council's ability to do our work in the most effective and efficient ways possible
- The health, safety, wellbeing and security of our employees, contractors and volunteers
- Council's ability to allocate its resources fairly across all customers we serve

The Council is also committed to ensuring the health and safety of its employees and will take action to protect its employees, visitors, and contractors from any behaviour which can be described as unreasonable, including threatening, confrontational, or potentially violent situations.

When customers behave unreasonably, their conduct can significantly affect the successful conduct of Council's work. We will act proactively and decisively to manage any customer behaviour that negatively or unreasonably affects Council staff in accordance with this policy.

For the purpose of this policy, any reference to Council employees or staff includes Council volunteers and contractors.

This policy does not apply to elected members; this is covered by the Councils Code of Conduct for Elected Members.

This website and all its content is owned by New Plymouth District Council and is subject to copyright. Website visitors may reproduce, store and use the content of this website for personal, informational and non-commercial purposes only.

Except as stated in the above paragraph, no portion of the content of the website, including text, graphics, photos and the Council logo, may be copied or used without the written permission of the Council.



Purpose

The purpose of this Policy is to provide guidance to Council's employees to better manage unreasonable customer conduct and minimise the risks to the health, safety and security of employees, visitors and contractors.

This Policy also seeks to define unreasonable customer behaviour and explain the types of unreasonable behaviour.

In a very small number of cases, some customers behave in ways that are inappropriate and unacceptable. They can continuously contact us with unnecessary or excessive phone calls and emails, make inappropriate demands on our time and resources, contact multiple members of staff or departments, or refuse to accept our decisions and recommendations in relation to their complaints or concerns. When customers behave in these ways, we consider their conduct to be 'unreasonable'.

To achieve the purpose of this Policy, Council will focus on:

- Ensuring equity and fairness for all customers and ensuring that resources are distributed on merit rather than a customer's demands or conduct.
- Protecting the health, safety and wellbeing of employees by identifying the potential risks posed by unreasonable customer behaviour and implementing measures to eliminate, mitigate, or control those risks.
- Adhering to Council's processes when making decisions about how to respond to and address unreasonable customer conduct to best support and protect its employees.

Relevant Legislation and Related Documents

The following documents set out further information relevant to this Policy:

- Health and Safety at Work Act 2015
- Local Government and Official Information and Meetings Act 1987
- Managing Unreasonable Complainant Conduct: A Manual for Frontline Staff, Supervisors and Senior Managers (Office of the Ombudsman, October 2012)¹

¹ Some material from this publication has been copied and included in this policy with the Ombudsman acknowledged as the source of the material



Roles and Responsibilities

The Council is committed to ensuring that all employees and customers are aware of, and understand, this Policy.

Employees should familiarise themselves with this Policy as well as:

- *Managing Unreasonable Complainant Conduct: A Manual for Frontline Staff, Supervisors and Senior Managers* (Office of the Ombudsman, October 2012) available here: [managing_unreasonable_complainant_conduct_manual_october_2012.pdf](#)

Employees are responsible for recording and reporting all unreasonable customer conduct incidents they experience or witness in Pinnacle or to their Manager as soon as possible, including their or any other employee's response to such incidents.

All employees who deal with customers in the course of their work will receive appropriate training and information on using this Policy and recognising and managing unreasonable customer conduct on induction and refreshed on a regular basis.

Definition of Unreasonable Customer Conduct

Unreasonable customer conduct is behaviour that, because of its nature or frequency, impacts the health, safety, wellbeing, resources or equity for Council, its employees, contractors, service users or customers (including the customer acting unreasonably).

Unreasonable customer conduct can be divided into 5 categories of customer behaviour².

- Unreasonable persistence – this can include customers persisting with their demands or issues even though they have been dealt with to finality in Council's opinion, refusing to accept final decisions, or sending excessive amounts of correspondence.
- Unreasonable demands – this can include customers insisting on outcomes that are unattainable, moving the goal posts, or demanding to have their demands or issues dealt with in particular ways.
- Unreasonable lack of cooperation – this can include customers providing disorganized, excessive or irrelevant information, being unwilling to consider other valid viewpoints, or refusing to define their issues of complaint when Council believes they are capable of doing so.
- Unreasonable arguments – this can include customers seeing cause and effect arguments where there are clearly none, holding conspiracy theories unsupported by evidence, or irrationally interpreting facts or laws and refusing to accept other more reasonable interpretations.

² Managing Unreasonable Complainant Conduct: A Manual for Frontline Staff, Supervisors and Senior Managers (Office of the Ombudsman, October 2012) at page 13.



- Unreasonable behaviours – this can include customers exhibiting anger, aggression, threats or other threatening or violent conduct, including intimidation.

Unreasonable customer conduct is conduct that is unreasonable in all circumstances, regardless of how stressed, angry or frustrated the customer may be. Such unreasonable behaviour can compromise the health, safety and security of employees, Council resources, Council facility users or the customer themselves. Examples include:

- Acts of aggression, verbal abuse, derogatory, racist or defamatory remarks;
- Harassment, intimidation or physical violence;
- Rude, confronting and threatening correspondence or interactions;
- Threats of harm to person or property damage (including bomb threats);
- The use of social media to publish a Council employee's personal details or to incite harm to or harassment of the employee;
- Where community members have a person or civil dispute and attempt to unreasonably involve Council in the dispute;
- Contacting Council with multiple service requests in attempt to manipulate an outcome;
- Contacting multiple Council employees or teams for the purpose of seeking a different outcome;
- Stalking (online or in person); and
- Emotional manipulation;
- Claims about Council or staff found to be false.

Council has a zero-tolerance policy towards any harm, abuse, or threats directed towards any of its employees. Any conduct of this kind will be dealt with under this Policy and notified to the Police where appropriate.

Informal behaviour management strategies

In the first instance, where the unreasonable customer conduct is not of a threatening nature, Council employees may respond using informal behaviour management strategies, such as conflict management or de-escalation techniques, to try to manage the customer's expectations and try to resolve any issues.

This may include limiting the customer to a sole contact point, to ensure that they are dealt with consistently and to minimise the chances of misunderstandings, contradictions and/or manipulation.

If the sole contact person is unavailable for an extended period or is no longer suitable, a new contact person will be appointed.

Specific strategies and scripts for managing each of the different categories of unreasonable customer conduct (unreasonable persistence, unreasonable demands, unreasonable lack of cooperation, unreasonable arguments



and unreasonable behaviours) are comprehensively provided in [Part 5](#) of the Ombudsman's, Managing Unreasonable Complainant Conduct: A Manual for Frontline Staff, Supervisors and Senior Managers.

Formal restrictions

If the customer's unreasonable conduct continues the Council may decide to impose formal restrictions. The history of the unreasonable conduct, the reasons for the decision to impose formal restrictions and why the restrictions were selected will be formally documented by the Manager concerned in consultation with the employee or team dealing with the customer. The decision to impose formal restrictions will then be reviewed and signed off by the Chief Executive (or their delegate).

The restrictions imposed will be chosen to appropriately address the circumstances of each case to best manage and minimise the unreasonable conduct. The restrictions are not designed or intended to punish the customer but simply deter the unreasonable conduct and its impact on Council, its employees and/or other customers.

Possible restrictions may include:

- a) **Who** a complainant can make contact with, within the Council.
Including limited contact to a single appointed contact person in Council
- b) **What / the subject matter** we will respond to.
Including restricting the subject matter that we will consider and respond to.
- c) **When** a customer can make contact with us.
Including placing limits on the number of times a customer can contact us or limited the customer's contact with us to a particular time, day, or length of time.
- d) **Where** a customer can interact with us.
Including limited the locations where contact occurs, whether we will interact face-to-face, on Council premises or in a neutral location.
- e) **How** a customer can contact us.
Including limited or modifying the channels of contact that the complainant can have with us. This can include requiring 'writing only' contact; or restricting access to direct staff emails and only allowing access through one of the Council's general email accounts; prohibiting access to our premises; or contact through a customer's representative only.



Notification to customer of the decision to impose restrictions

The customer must be formally notified of the decision to impose restrictions, this notification will include:

- What restrictions have been put in place
- Why the restrictions have been put in place (what the behaviour was and why it was considered unreasonable). This may include, where appropriate, a summary or copies of the evidence of unreasonable behaviour
- How the restrictions will impact them and their future interactions with Council while the restrictions are in place
- How long the restrictions will be in place
- What will happen if they contravene these restrictions
- What right of appeal is available
- Details of the review process

Relevant staff throughout the Council should be notified about the restrictions to enable a coordinated approach.

External legal restrictions

Council may also restrict a customer's access to its premises, facilities or services by other legal mechanisms such as:

- Trespass notices; and/or
- Recourse to harassment legislation if a specific employee(s) is subject to personal violence, intimidation (online or stalking); and/or (eg; The Council may seek a restraining order under the Harassment Act 1997)
- Redress under the Harmful Digital Communications Act 2015 (eg the Council may refer the content to Netsafe or initiate proceedings in the District Court)

Appeals of formal restrictions

As the Chief Executive (or their delegate) will sign off any formal restrictions there is no formal right of appeal to Council itself.

However, when the customer is given formal written notice of the restrictions, they will also be advised that if they are unhappy with the decision they can seek an external review of the decision from the Ombudsman or Privacy Commissioner as appropriate. The Ombudsman or Commissioner may investigate the decision and the circumstances in which it was made to ensure that Council has acted reasonably and been procedurally fair to the customer. As set out above, if there is such a challenge, Council will provide an accurate picture of how the unreasonable customer conduct has developed and the decision to impose formal restrictions.



Council's relationship with the customer while restrictions are in place

While restrictions are in place, Council will not ignore interactions, service requests or complaints that relate to unrelated matters; however, how the Council responds to the customer may be different, but still operate within standard customer service levels.

When restrictions end

Once the restrictions have ended, Council will expect the customer to behave reasonably.

Council will exercise its discretion in how to support or manage customers whose restrictions have ended. We recognise the need to balance fairness to the customer with protecting Council staff and minimising exposure to ongoing unreasonable customer behaviour and we will endeavour to act in a manner proportionate to the unreasonable behaviour and degree of risk to the Council.

Overview of Policy

The approach and the strategies suggested in this policy are based on the clear understanding that:

- They are equally relevant and applicable to all staff within Council, including customer facing employees, supervisors and senior managers
- All complainants are treated with fairness and respect
- In the absence of very good reasons to the contrary, all complainants have a right to access public services
- All complaints are considered on their merits
- Unreasonable customer conduct does not preclude there being a valid issue
- The substance of a complaint dictates the level of resources Council will dedicate to it, not a complainant's demands or behaviour.
- Anger is an understandable and, to some degree, an acceptable emotion among a frustrated customer, as long as it is not expressed through aggression or violence.
- Staff safety and wellbeing are paramount when dealing with unreasonable customer conduct.
- The decision to change or restrict a customer's access to services as a result of their behaviour, will only be made at a senior management level (Tier 3 and above) and in accordance with clearly defined policies and procedures.
- Senior managers (tier 3 and above) will ensure relevant systems, policies and procedures are in place to manage customers and unreasonable customer conduct and that all staff who interact with customers will receive training, guidance and direction about using the strategies in this policy and in the Managing Unreasonable Complainant Conduct: A Manual for Frontline Staff, Supervisors and Senior Managers (Office of the Ombudsman, October 2012)



Policy owner:	Integrity and Innovation	Content owner:	Risk, Safety and Wellbeing Lead
Approved by:	Chief Executive	Date approved:	22/07/2025
Review period:	2 years	Next review:	July 2027
Document No:	ECM:	Version:	1.0
Type:	External		

REVISIONS

Rev	Date	Pages	Description	By
1.0	22/07/2025	6	First Published	SHSWA