

MANAGING UNREASONABLE CUSTOMER CONDUCT

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Introduction

Most of our customers interact with us reasonably and responsibly, even in stressful situations. However, some customers behave in an unreasonable way. When these situations occur, Waka Kotahi wants:

- to continue responding to our customers and giving them a high standard of service
- to protect the health and safety of our staff
- to use our resources efficiently.

Purpose

This document outlines Waka Kotahi NZ Transport Agency's guidelines for dealing with unreasonable customer conduct and provides guidance for Waka Kotahi staff who work with our customers. It defines unreasonable customer conduct and sets out how we respond when unreasonable conduct arises. This guideline doesn't apply to face-to-face interactions with customers, or the day-to-day operations of the Waka Kotahi contact centre where already established complaints policies are applicable. This approach applies to ongoing and frequent unreasonable behaviour.

Definition of terms

Unreasonable customer contact is any behaviour by a customer that, because of its nature or frequency, causes substantial health, safety, resource or equity problems for Waka Kotahi, our staff, our other customers, or the customer him or herself.

Examples of unreasonable customer conduct include one or a combination of:

- aggression, verbal abuse, or threats of harm or violence
- prolific communication by letter, telephone, email or social media
- inappropriate demands on our resources
- an unreasonable refusal to accept a Transport Agency decision or recommendation.

Process for managing unacceptable customer conduct

Waka Kotahi's process for managing unreasonable customer conduct is described in this section. The process diagram can be found as Appendix A.

Step 1: report the conduct

Any staff member who experiences customer conduct that he or she thinks is unreasonable should report it to their manager within 24 hours. The staff member must include all relevant¹ information that we hold about the customer.

Step 2: assess the conduct

Within 24 hours the staff member's reporting manager must review the information provided by his or her staff member and assess if the conduct experienced was unacceptable according to the guideline and needs to be escalated.

- If the reporting manager disagrees that the conduct was unreasonable, he or she should discuss this decision with the staff member.
- If the reporting manager agrees that the conduct was unreasonable, he or she should escalate the matter by forwarding it to a senior manager within the business group working with the customer.

Step 3: decide whether to respond to the conduct

The senior manager must review the information provided within 24 hours and decide if the conduct described is unreasonable in terms of this policy. This is done in consultation with the Manager Ministerial Services. To help make this decision, the senior manager may request more information from the reporting manager or staff member who experienced the conduct.

- If the senior manager disagrees that the conduct was unreasonable, he or she should discuss this decision with the reporting manager.
- If the senior manager agrees that the conduct was unreasonable, he or she must decide if Waka Kotahi needs to impose restrictions on the customer.
 - If the senior manager concludes that no restrictions are needed, he or she must ask the reporting manager to prepare a warning letter. The warning letter will be signed and issued by the Manager Ministerial Services.
 - If the senior manager concludes that a warning is not sufficient, he or she must decide what restrictions should be imposed on the customer (step 4).

Step 4: decide which restrictions to impose on a customer

Once a senior manager has decided that Waka Kotahi needs to impose restrictions on a customer, he or she is responsible for deciding which restrictions to impose.

Waka Kotahi uses various ways to manage or restrict a customer's interaction (see options 1 to 5 below). In some cases, a combination of more than one response option may be needed.

In all cases the senior manager must:

- consider what risk the customer poses to Waka Kotahi and which option would best mitigate that risk
- impose the least restrictive response necessary
- choose a response that is relevant to the subject of the unacceptable conduct (for example, a highways issue should not restrict a customer's ability to renew a driver licence)
- adapt the response to the customer's personal circumstances, if necessary.

At any point, the senior manager must discuss the appropriateness of a proposed response with the Manager Ministerial Services.

¹ Information is relevant if it relates to the customer; his or her reason for interacting with Waka Kotahi; or any previous interactions he or she has had with Waka Kotahi about similar issues, or when similar conduct has been displayed.

Once the senior manager has decided which restrictions to impose on the customer, he or she must tell Waka Kotahi's Legal team, Manager Ministerial Services, and the Director Regional Relationships (if appropriate) by sending them an email. An entry must also be made into [Korero Mai](#) – this will ensure the Security teams are made aware of the sanctions imposed.

Option 1: restricting a customer's contact to a sole contact point

When

Consider using this option when a customer seeks out multiple points of contact at Waka Kotahi Agency to try and elicit a favourable or inconsistent response.

Why

This response can help ensure that Waka Kotahi deals with the customer consistently, allows fewer opportunities for misunderstandings to occur, and reduces the customer's ability to manipulate staff.

How

If a customer's contact point is restricted to a single person, rather than a team, that person's reporting manager must provide him or her with appropriate support and guidance.

The reporting manager and senior manager who imposed the restriction should review this arrangement every three months to check if it is still needed, and how the staff member is coping.

The customer should continue to have access to Waka Kotahi's other services through all the usual communication methods.

Option 2: restricting a customer's contact to certain subjects

When

Consider using this option when a customer repeatedly sends letters, emails or online forms that are about insignificant issues, matters that have already been comprehensively considered, or that contain inappropriate or abusive content.

How

This option can involve:

- refusing to respond to correspondence that is about an insignificant issue, a matter that has already been comprehensively considered, or a matter that is not supported by evidence
- restricting how often the customer can correspond with Waka Kotahi. (If the customer attempts to circumvent this restriction by raising multiple issues in the one communication, Waka Kotahi can modify or strengthen its response)
- refusing to consider correspondence that contains offensive or inappropriate content until the content is removed.

Option 3: restricting a customer's methods to contact the Transport Agency

When

Consider using this option when a customer's telephone, written or face-to-face contact with Waka Kotahi is placing unreasonable demands on resources, or is impacting on the health, safety and security of our staff.

How

This option can involve:

- limiting the customer's contact with Waka Kotahi to a particular time of the day, or particular days of the week
- limiting the frequency or duration of telephone calls, letters, emails or face-to-face meetings.

If Waka Kotahi is receiving correspondence that is overly long, frequent, disorganised or irrelevant, this option can also involve:

- requiring the customer to tell us how the information or materials he or she sends us relate to the matter he or she is raising
- restricting the customer to sending emails to a particular email account (for example, Waka Kotahi's main email account)
- blocking the customer's email address and requiring him or her to communicate with us by post.

If a Waka Kotahi staff member receives a communication from the customer in a manner that contravenes the restriction, he or she should return it to the customer, or file it without acknowledging it.

Option 4: restricting a customer to contacting Waka Kotahi through a representative

When

Consider using this option when it is not practicable for Waka Kotahi to completely restrict a customer's contact with Waka Kotahi.

How

The customer can nominate a representative, but the representative must be approved by the decision maker.

The manager imposing the restrictions must assess the suitability of the customer's representative by considering his or her competency, literacy, behaviour, and relationship with the customer.

If the manager imposing the restrictions assesses that the customer's representative may exacerbate the problem, the customer will be asked to nominate a different representative.

Option 5: terminating a customer's access to Waka Kotahi services

The Chief Executive is the only person that can decide to use this option.

When

Consider using this option if other types of restrictions have been unsuccessful or are considered unsuitable.

How

If a senior manager recommends that Waka Kotahi terminates a customer's access to all services, they must brief the Chief Executive on the case who will then make their decision whether to terminate a customer's access to Waka Kotahi services.

Step 5: notify the customer and relevant staff about the restrictions

Once a senior manager or the Chief Executive has decided which restrictions to impose on the customer, he or she must ask the reporting manager to prepare a **notification letter**. The notification letter will be signed and issued by the Manager Ministerial Services.

The Manager Ministerial Services will notify relevant staff about the restrictions placed on the customer. He or she will also update the Waka Kotahi case management system and UCC database with a record of the restrictions imposed and their duration.

Appealing restrictions

A customer who has had restrictions imposed on them can appeal that decision. A customer's appeal should usually be made clearly and concisely in writing, unless this is impracticable.

When Waka Kotahi receives an appeal, it must be reviewed by a senior manager who was not involved in the decision to restrict the customer's access to Waka Kotahi services. This manager must review the customer's appeal, and any accompanying information the customer provides, alongside Waka Kotahi's record of the initial decision, and its supporting information.

If a customer appeals the Chief Executive's decision to restrict his or her access to all of Waka Kotahi's services, this appeal should be made in the form of a complaint to the Office of the Ombudsman.

Reviewing restrictions

Waka Kotahi must review any restrictions it imposes on a customer. The timeframe and frequency for reviewing the restrictions is decided when they are imposed and explained to the customer in the notification letter.

Restrictions must be reviewed at **least** every 12 months from the date of decision.

The restrictions must be reviewed before they can be amended, extended or added to.

The Manager Ministerial Services is responsible for reviewing the restrictions.

Waka Kotahi's process for reviewing restrictions placed on customers is described in this section and set out in the process diagram at Appendix B.

Step 1: decide if the restrictions need to continue

When it is time to review the restrictions, if the Manager Ministerial Services decides the restrictions can now lapse they must issue the customer with a **review outcome letter**.

The Manager Ministerial Services will notify relevant staff that the restrictions placed on the customer have now ended, will update the Waka Kotahi case management system and UCC database, and record the decision in InfoHub.

Step 2: review the restrictions

The Manager Ministerial Services may consider that a review of the restrictions is necessary to decide if they can be removed or should be extended or changed.

The Manager Ministerial Services must issue the customer with an **upcoming review letter**. The letter should invite the customer to take part in a review meeting, unless, under exceptional circumstances, there is a valid reason to exclude the customer.

During the review, the Manager Ministerial Services must consider the customer's conduct towards, and communication with, Waka Kotahi during the restriction period; and any information or arguments the customer presents. The Manager Ministerial Services may also consult any staff members who have had contact with the customer during the restriction period.

Following the review, the Manager Ministerial Services must issue the customer with a **review outcome letter**.

The Manager Ministerial Services will notify relevant staff that the restrictions placed on the customer have ended, been extended or been changed. He or she will also update the Waka Kotahi case management system and UCC database and record the decision in InfoHub.

Recordkeeping

Ministerial Services must keep a record of every time the policy is applied. It must also record how many times the policy is used every year.

Waka Kotahi must store this information and make it available when required by [Ombudsmen Act 1975](#), the [Official Information Act 1982](#), the [Privacy Act 2020](#) and the [Public Records Act 2005](#).

Managing staff stress

Dealing with demanding, abusive, aggressive or violent customers can be stressful, distressing or frightening for our staff. It is perfectly normal to get upset or experience stress if you are dealing with a difficult situation involving a customer.

Waka Kotahi is a responsible employer that supports staff who experience stress at work. We will do our best to provide staff with debriefing and counselling opportunities when they need them. To do this, we need all Waka Kotahi staff to help identify and report stressful incidents and situations.

Debriefing means talking things through after a difficult or stressful incident. It is an important way to 'offload' or deal with stress. After a stressful phone call, many staff naturally debrief with colleagues. However, after a significant incident, debriefing can also be done with a supervisor or senior manager, or with a team. We encourage all staff to take part in an appropriate level of debriefing.

When they need to, staff can also use the [Employee Assistance Programme \(EAP\)](#), which is a free, confidential counselling service. To make an appointment, call 0800 327 669.

Staff can also discuss difficult situations with the Waka Kotahi mental health first aider. The details are available on each office's health and safety noticeboard.

If you need more information please talk to your reporting manager, who can offer you support and consider what other help you may need.

Review

This procedure will be reviewed every two years by the Manager Ministerial Services.

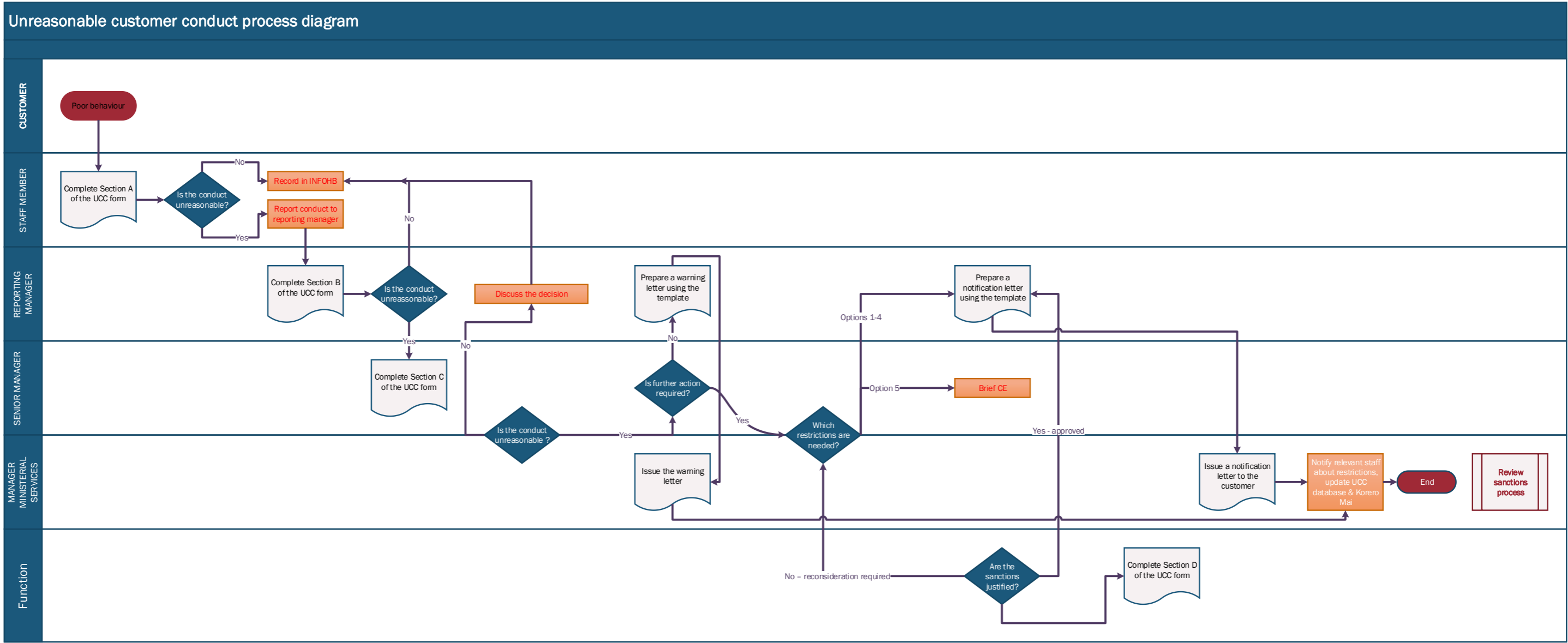
Related Waka Kotahi documents

- GOTCHA system – Complaints and Reporting of Threats.

Contact

For further information about these guidelines, contact the Manager, Ministerial Services.

Appendix A: Unreasonable customer conduct process diagram



Appendix B: Unreasonable customer conduct review process diagram

