

## 2.22 Managing Challenging Behaviours Policy

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## Objective

To outline how we at the City of Albany (the City) address challenging behaviour in a fair manner that balances the interests of our customers, staff, organisation, and the public.

## Scope

This policy and guideline apply to all staff and volunteers who may interact with customers.

## The City's Commitment

The City provides an accessible and responsive service to the community. We acknowledge that people using our services come from diverse backgrounds and have varying needs. At times, they may feel angry, frustrated, distressed, or exhibit other challenging behaviours.

As a rule, when someone approaches the City with a request, application, concern, or complaint, they need to be heard, understood, and respected.

The Managing Challenging Behaviours Guideline follows four steps: Prevent, Respond, Manage, and Limit.

## Support to staff

The City recognises that dealing with challenging or unreasonable behaviours can be upsetting and stressful. We are committed to supporting our staff in these situations.

- **Conflict Management:** Conflict can arise during normal interactions with the public. While conflict is not always negative, as long as it remains impersonal, it can lead to a better understanding of different viewpoints.
- **Wellbeing Monitoring:** Staff are encouraged to monitor the impact of challenging behaviour on their wellbeing, access available supports, and maintain a healthy approach to managing stress.
  - Injured staff must immediately report the incident to their line manager, the City's Work Health and Safety Coordinator, and the People & Culture Team. The incident should also be logged on Rapid Global for investigation.
  - Training will be provided to frontline staff on how to appropriately handle challenging behaviour.
  - Managers will regularly check in with staff who handle complaints to ensure their welfare, in addition to any other supervision requirements.
  - The Employee Assistance Program (EAP) is available to all staff members for short-term counselling following an incident with a customer. The People & Culture Team can organise confidential counselling support through the EAP, or staff can contact the provider directly.
  - The Customer Service Handbook contains helpful tips for effective communication.

### **Legislative and Strategic Context**

This policy position and guideline is complimented by the following documents and resources:

- *Local Government Act 1995*
- *Freedom of Information Act 1992*
- *Public Interest Disclosure Act 2003*
- *Equal Opportunity Act 1984*
- *Work Health & Safety Act 2020*

### **Review Position and Date**

This policy and guideline is to be reviewed every two years.

### **Associated Documents**

#### **Council Policy Positions:**

- Employee Code of Conduct
- Code of Conduct for Council Members, Committee Members and Candidates

#### **Administrative Policies & Guidelines:**

- [Customer Service Charter](#)
- [Complaints Service Commitment and Complaints Resolution Policy](#)
- [Employee Code of Conduct](#)
- [Internal Review Policy & Procedures](#)
- Workplace Violence Handbook Policy & Guideline (Internal Document)
- Business Unit Procedures (Internal Documents)

#### **Ombudsman Western Australia Guidelines:**

- [Dealing with unreasonable complainant conduct](#)
- [Conducting administrative investigations](#)

#### **Victorian Ombudsman:**

- [Good Practice Guide to Dealing with Challenging Behaviour Report and Guide](#)

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## 2.22 Managing Challenging Behaviours Guidelines

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The City encounters a spectrum of challenging behaviour, from slightly confronting to clearly challenging and unreasonable, and our responses will be graduated using the following 4 steps:

- Prevent where possible.
- Respond to challenging behaviour.
- Manage behaviour that is or becomes unreasonable.
- Limit access as a last resort.

**‘Challenging behaviour’** is any behaviour staff find challenging. Staff can deal with most types of behaviour using prevention and responding strategies (steps 1 and 2).

Behaviour becomes ‘unreasonable’ when, because of the nature or frequency, it raises health, safety and resource or equity issues for the City, staff and other people who use our services.

Staff can deal with this behaviour using management strategies (step 3) or recommending limits on the person’s access to our services (step 4).

Unreasonable behaviour includes verbal abuse, threats to harm officers or other people and violence. This behaviour is never acceptable.

Challenging behaviour may also indicate the presence of cognitive, emotional, or mental health problems, including substance abuse.

Importantly where a person’s conduct is challenging, they may have a valid concern or complaint, and this should be handled appropriately.

### Prevent

The City aims to prevent challenging behaviour where possible by practising good customer service and complaint handling.

A person’s first contact with the City can set the tone for the rest of their contact with you.

Key principles to help prevent challenging behaviour include:

- Welcome complaints and make it easy for people to make complaints.
- Respond promptly.
- Treat people with respect.
- Active listening.
- Talk like a human and less like a faceless bureaucrat.
- Manage expectations.
- Don’t avoid difficult conversations.
- Reflect and learn.

## Respond

Staff will respond to angry and emotional behaviour in the first instance by attempting to defuse the situation.

Strategies for defusing emotional behaviour include the following actions:

- **Control** – taking control of your own emotions and the situation and not getting drawn into an argument. Stay professional and be respectful.
- **Acknowledge** – allowing the person time to speak and acknowledging their feelings. ‘I can see this is upsetting - how can I help sort this out for you?’
- **Refocus** – shifting the focus from the way the person feels to the issues.
- **Problem solve** – moving on to discussing and addressing the issues.

Throughout the process, your language, body language and tone need to be consistent with what you are trying to achieve.

If you want to defuse the situation, it is often better to use softer, cooperative language, an open and relaxed posture, and a gentler tone. Use non-threatening hand gestures.

If you want to make it clear that certain behaviour, such as racist or sexist insults, is not acceptable, you may need to vary your tone or use more direct language. Let them know the consequences of their behaviour if it continues or escalates.

Seek help from co-workers or the customer’s carers/family/friends if needed.

Recognise when to disengage, it may be better to end the discussion and try again later.

## Behaviour associated with a disability or mental health

Some types of disability, including mental illness are associated with behaviours that can be challenging for staff. Behaviour that includes verbal abuse, threats to harm staff or other people, violence or a safety risk is not acceptable. Staff are empowered to take immediate appropriate action if such behaviour occurs, considering the ability of the person to understand the issues associated with the behaviour and the capacity to modify the behaviour.

The City has legal obligations to eliminate discrimination based on behaviours that are a symptom or indication of a disability and to make reasonable adjustments when responding so people can access our services.

*For example, a person with autism who has difficulties with social aspects of language may appear to you as blunt or rude. If you refuse service because of their manners, this may be discrimination.*

However, if a person’s behaviour is a risk to safety, health, or property then the interests of other people need to be protected and is not considered discrimination.

## Make reasonable adjustments

The person living with a disability is the best person to tell you what adjustment may be needed to access City services. Ask don’t assume. Treat people with a disability with the same respect as every other person.

Where people with disabilities face challenges with communication, you can make simple adjustments to service delivery. These might be:

- Adapting your communication style such as using simpler language.
- Giving the person more time to explain their complaint or respond to questions.
- Agreeing to contact the person at a certain time of day.
- Allocating one staff member to deal with the complaint (as dealing with many staff may be difficult for some people).

Where the person's behaviour involves aggression or disruption, then consider what is reasonable in these circumstances. Consider all relevant facts and circumstances including:

- The nature of the disability.
- The nature of the adjustment required to accommodate the disability.
- The financial and other effects on the adjustment on the city.
- The consequences of making the adjustment for the city.
- The consequences of not making the adjustment for the person.

Deal with any complaints on their merits, regardless of their behaviour.

### Responding to threats of suicide

The City does not expect staff to provide crisis support or counselling to people who talk about suicide. Our role is to check if the person is serious and connect them with people or services that can help.

If a person makes statements about harming themselves, staff will:

- Check if the person is serious. Say something like 'I'm concerned about what you are saying...Are you thinking of suicide?'
- Explain that you are concerned and want to make sure the person is safe.
- Alert the manager to the situation.

If you believe the person is at high risk of suicide or you are concerned for their safety, or they need immediate help contact the Police on 000.

In other cases, the manager will consider whether to:

- Encourage the person to speak with someone they trust, or
- Offer information about contacting:  
**Lifeline** (13 11 14), the  
**Suicide Call Back Service** (1300 659 467), **Beyond Blue** (1300 22 4636),  
**Mental Health emergency response line** (1300 555 788) or  
**Kids Helpline** (1800 551 800)

Managers will check on the welfare of affected staff following a threat of suicide and ensure support is available.

### Manage

If a person's behaviour becomes unreasonable, appropriate, and proportionate strategies for managing behaviour will be applied. The strategies will depend on the type of behaviour.

The City does not expect our staff to tolerate behaviour that is offensive, abusive, threatening or consumes disproportionate resources.

<b>BEHAVIOUR</b>	<b>STRATEGY &amp; ACTION</b>
<p><b>Unreasonable persistence/cannot be satisfied:</b></p> <ul style="list-style-type: none"> <li>Bombarding staff with calls or visits that are not warranted.</li> <li>Contacting different staff seeking a different answer.</li> <li>Reframing an old complaint so it looks like a new issue.</li> <li>Refusing to accept a decision after we have investigated and provided a decision.</li> <li>Questioning the skills or competence of the complaint handler.</li> </ul>	<p><b>If the Chief Executive Officer (CEO) is satisfied all appropriate avenues have been exhausted the CEO or delegate may contact the person to advise the City may:</b></p> <ul style="list-style-type: none"> <li>Ask the person to stop calling or visiting.</li> <li>Contact by appointment only.</li> <li>Set time limits for discussions.</li> <li>Decline to consider new issues that are not supported by information or evidence.</li> </ul>
<p><b>Unreasonable demands</b></p> <ul style="list-style-type: none"> <li>Insisting on an immediate response or priority that is not warranted.</li> <li>Insisting on a response to every point, no matter how minor.</li> <li>Demand information they are not entitled to</li> <li>Insisting that the CEO handle the complaint when that is not warranted.</li> <li>Instructing staff on how to investigate the complaint.</li> <li>Making unsubstantiated allegations.</li> </ul>	<p><b>If in the opinion of the CEO a customer is making unreasonable demands of staff, the CEO or delegate may contact the person to explain:</b></p> <ul style="list-style-type: none"> <li>How the City will deal with the complaint.</li> <li>Explain that they limit and focus their requests – only respond to a certain number of requests in a given period.</li> <li>Explain why the City will not meet their demands and why.</li> <li>‘Reality checking’ i.e., explaining that the City deals with many complaints and needs to decide when and how they are handled.</li> <li>Require evidence before taking the complaint further.</li> <li>Not respond to any future correspondence and only take action where in the opinion of the CEO the correspondence raises specific, substantial and serious issues.</li> </ul>
<p><b>Unreasonable lack of cooperation</b></p> <ul style="list-style-type: none"> <li>Sending voluminous amounts of information.</li> <li>Providing little or no information.</li> <li>Presenting information in dribs and drabs.</li> <li>Refusing to comply with reasonable requests for information.</li> </ul>	<p><b>If in the opinion of the CEO a customer is making unreasonable demands the CEO or delegate may contact the person to explain:</b></p> <ul style="list-style-type: none"> <li>Ask the person to take action by providing certain information before the City will consider the complaint further.</li> </ul>
<p><b>Unreasonable behaviour</b></p> <ul style="list-style-type: none"> <li>Verbal abuse, aggressive behaviour, harassment, or threats.</li> </ul>	<p><b>Staff will set limits and conditions.</b></p> <ul style="list-style-type: none"> <li>Refer to business unit procedures if applicable.</li> <li>Name the behaviour and ask the person to stop.</li> <li>Provide a warning.</li> <li>If continues terminate the call, conversation, meeting etc.</li> <li>Where terminated advise relevant line manager of details as soon as possible.</li> <li>Violence or damage to property will be reported to the police.</li> <li>Any correspondence to the City that contains personal abuse, inflammatory statements, or materials clearly intended to intimidate as determined by the CEO or delegate will be returned to sender and not acted upon.</li> </ul>

### **Limit Access – A Last Resort**

The City can consider limiting access to our services if other strategies have not worked and the person continues to engage in unreasonable behaviour.

Depending on the type of behaviour the CEO or delegate may consider limiting:

- Who the person can contact e.g., limiting contact to the named staff member.
- What issues we will respond to e.g. not responding to issues that have already been the subject of assessment and explanation, unless the person raises new issues that warrant attention?
- When a person can have contact.
- Where the person can contact the City e.g., limiting location for face-to-face meetings to secure areas.
- How the person can contact us e.g., confining contact to writing where the person has been verbally abusive.

### **Deciding to limit access**

Decisions about limiting access to services will only be made by the CEO or delegate. In most cases the CEO or delegate will warn the person of the action proposed and give the person an opportunity to stop.

#### **Make sure that:**

- Any limits are proportionate to the risk posed by the behaviour.
- You comply with legal obligations. If the behaviour is associated with a disability, consider equal opportunity laws.
- The decision is made by the CEO or delegate.
- Document the assessment and decision.
- You inform the person of the limits and provide options for review.
- The City reviews the decision at least once every 12 months.

### **Where limiting access is not appropriate – alternative dispute resolution.**

The CEO or delegate may decide it is not appropriate to limit a person's access e.g. because it would breach legal obligations, unduly affect the welfare of the person or our actions have contributed to the behaviour.

In these cases, we can consider arranging alternative dispute resolution using an independent third party.

The CEO or delegate will consider whether alternative dispute resolution is likely to be effective in the circumstances, including the person's willingness to genuinely engage in the process.

### **Documentation and reporting**

In all of the situations referred to in this guideline, adequate documentary records must be made and maintained on the appropriate file.

Where the CEO determines to limit a customer's access in any of the ways specified in this guideline, the Chief Executive Officer will advise Councillors as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the Department of Local Government and the Western Australian Ombudsman for information.