

MANAGING UNREASONABLE CUSTOMER CONDUCT

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IMPORTANT: Before using this policy, all incidents which rise to the level required for the policy must be logged in Korero Mai. Please see step one below for further information.

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, NZ Transport Agency Waka Kotahi (NZTA) 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 the NZTA guidelines for dealing with unreasonable customer conduct and provides guidance for NZTA 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 our contact centre where already established complaints policies are applicable. This approach applies to ongoing and frequent unreasonable behaviour.

Definition of terms

Unreasonable customer conduct is any behaviour by a customer that, because of its nature or frequency, causes substantial health, safety, resource or equity problems for NZTA, our staff, our other customers, or the customer themselves.

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

- aggression, verbal abuse, or threats of harm or violence
- prolific communication by any of the following means: letter, telephone, email or social media messages, posts, or comments
- inappropriate demands on our resources
- an unreasonable refusal to accept a NZTA decision or recommendation.

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 become upset or experience stress if you are dealing with a difficult situation involving a customer.

NZTA 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 NZTA 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 / National 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 NZTA 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.

Use of the RAPID decision-making framework

This policy uses the RAPID (Recommend, Agree, Perform, Input, Decide) decision-making framework to enable clear and productive decision-making within the UCC policy. RAPID is used at NZTA to identify who makes the decision and who needs to be involved, when and in what capacity to support the quality of decision making. The strength of the framework is being clear upfront who is the Decider, with the other 4 roles supporting them to make a sound decision. RAPID sits alongside and doesn't override our delegations framework. You should always apply the appropriate delegations where relevant and consider them when assigning roles.

While RAPID is used for the initial application of the policy, it does not apply to the restriction review process, which is run by the Manager Ministerial Services in consultation with the parties involved in the original decision.

More information about RAPID can be found on the relevant OnRamp page:

<https://onramp.nzta.govt.nz/core-internal-services/risk-and-assurance/rapid-decision-making-framework/>

Key roles for this policy, using RAPID

The key roles for this policy, using the RAPID framework, are as follows:

- **INPUT:** Our people who have experienced the conduct, their reporting manager, internal stakeholders – including subject matter experts – as well as key teams such as Pou Arahi, Security Teams, and Legal Services.
 - Their role is to provide input that is considered but there is not an obligation include it in the final recommendations, or for the DECIDE to act on the advice.
- **AGREE:** Senior / National Manager or Group General Manager to which the impacted staff and their people leader report into.
 - Their role is to formally agree with the recommendation. Their input must be considered by the DECIDE.
- **RECOMMEND:** The Reporting Manager of the persons experiencing the conduct
 - Their role is to, based on all input and analysis, recommend a decision that needs to be made.
- **DECIDE:** The Manager Ministerial Services with responsibility for the UCC policy, that will be making the decision on the case.
 - Their role is to make the final decision, ensuring that the views of the AGREE are considered.
- **PERFORM:** The Manager Ministerial Services with responsibility for the UCC policy.
 - Their role is to action the decision, record it, and send any warning or notification letters to the person subject to the policy.

Process for managing unacceptable customer conduct

The process for managing unreasonable customer conduct at NZTA is described in this section. The process diagram can be found as Appendix G.

Step 1 (INPUT): report the conduct in Korero Mai, followed by the UCC Form

Any staff member who experiences customer conduct they believe is unreasonable should record this by logging a new entry into Korero Mai – this will ensure that our Security teams are made aware of the incident / conduct and that the UCC policy may be used to sanction the individual.

The staff member should then fill in **section A of the *Unreasonable Customer Conduct form (UCC form)*** (appendix A) within 24 hours. The staff member must include all relevant¹ information that we hold about the customer.

The staff member should send the UCC form to their reporting manager for consideration.

Step 2 (RECOMMEND, INPUT): assess the conduct

Within 24 hours, the staff member's reporting manager (RECOMMEND) must review the information provided by their staff member (INPUT) and assess if the conduct experienced was unacceptable according to the guideline and needs to be escalated.

The reporting manager records their decision in **section B of the UCC form**.

- If the reporting manager disagrees that the conduct was unreasonable, they should discuss this decision with the staff member, and send the UCC form to the Ministerial Services team via email to official.correspondence@nzta.govt.nz.
- If the reporting manager agrees that the conduct was unreasonable, they should escalate the matter by forwarding the UCC form to the relevant Senior/National Manager (AGREE) within the business group working with the customer, to seek their agreement.

Step 3 (AGREE, RECOMMEND): decide whether to respond to the conduct

When the Senior/National Manager receives a UCC form, they must review it within 24 hours and make a recommendation as to whether the conduct described is unreasonable in terms of this policy. This should be done in consultation with the Manager Ministerial Services (DECIDE). To help make this decision, the Senior/National Manager may request more information from the reporting manager or staff member who experienced the conduct.

The Senior / National Manager records their recommendations about the conduct and how to respond to it in **section C of the UCC form**.

- If the Senior/National Manager disagrees that the conduct was unreasonable, they should discuss this decision with the reporting manager, who will then provide an update to the Manager Ministerial Services.
- If the Senior / National Manager agrees that the conduct was unreasonable, they must decide if NZTA needs to impose restrictions on the customer.
 - If the Senior / National Manager concludes that no restrictions are needed, they must ask the reporting manager to prepare a warning letter using the NZTA template (appendix B). The warning letter will be signed and issued by the Manager Ministerial Services with responsibility for the UCC policy.
 - If the Senior / National Manager concludes that a warning is not sufficient, they must decide what restrictions should be imposed on the customer (step 4).

¹ Information is relevant if it relates to the customer; their reason for interacting with NZTA; or any previous interactions they have had with NZTA about similar issues, or when similar conduct has been displayed.

Step 4 (RECOMMEND, INPUT): Consult with appropriate internal stakeholders

In deciding whether to impose restrictions on the customer, the relevant Reporting Manager must consult with appropriate internal stakeholders, where required. This is required to ensure that we are only restricting customers when needed and in a way that does not negatively impact our relationships with our communities, unless absolutely necessary.

Some examples of key internal stakeholders include:

- Directors of Regional Relationships
- Contact Centre Managers
- Te Mātangi (Māori Partnerships Team)
- Legal Services
- Security Team.

Before consulting internally, the Reporting Manager should have some idea of which restrictions they are recommending, these can be found in **section C of the UCC form**.

Step 5 (AGREE, DECIDE): decide which restrictions to impose on a customer

Once a Senior / National Manager has decided that NZTA needs to impose restrictions on a customer, they are responsible for deciding which restrictions to impose and for recording their decisions in **section C of the UCC form**.

NZTA 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/National Manager must:

- consider what risk the customer poses to NZTA 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 pattern of persistent emails to specific staff should manage that issue and not prevent a customer from accessing essential services such as renewing a driver licence or vehicle registration)
- adapt the response to the customer's personal circumstances, if necessary.

At any point, the Senior/National Manager must discuss the appropriateness of a proposed response with the Manager Ministerial Services.

Once the Senior/National Manager has decided which restrictions to impose on the customer, they must tell the Legal Services team, the responsible 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 NZTA to try and elicit a favourable or inconsistent response.

Why?

This response can help ensure that NZTA 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 point, rather than a team, that person's reporting manager must provide them with appropriate support and guidance.

The reporting Manager and the responsible Ministerial Services Manager who managed the restriction process 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 other services provided by NZTA 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 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 NZTA. (If the customer attempts to circumvent this restriction by raising multiple issues in the one communication, NZTA 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 NZTA 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 NZTA 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 NZTA 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 they send us relate to the matter they are raising
- restricting the customer to sending emails to a particular email account or redirecting their emails to that account (for example, the public addresses for Complaints Escalation or Ministerial Services)
- blocking the customer's email address and requiring them to communicate with us by post.

If an NZTA staff member receives communication from the customer in a manner that contravenes the restriction, they should return it to the customer, or file it without acknowledgement. However, it

must still be actioned if the communication contains a request for information under the Official Information Act Request 1982.

Option 4: restricting a customer to contacting NZTA through a representative

When?

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

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 their 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 most NZTA 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/National Manager recommends that NZTA terminates a customer's access to most services, they must record this recommendation in **section C of the UCC form** and brief the Chief Executive on the case.

Having considered the case, the Chief Executive must record their decision in **section D of the UCC form**.

NZTA cannot legally stop individuals from:

- submitting a request under the Official Information Act 1982
- accessing services such as driver licencing or vehicle registration, either by themselves through an approved channel or through an intermediary.

Step 6 (PERFORM): notify the customer and relevant staff about the restrictions

Once a Senior / National Manager, or the Office of the Chief Executive, has recommended which restrictions to impose on the customer, they must ask the responsible Manager Ministerial Services to make a final decision and to prepare a **notification letter** using the NZTA template (appendix C). The notification letter will be signed and issued by the Manager Ministerial Services in the first instance but may be signed by a Senior / National Manager, or a Group General Manager if it is considered appropriate.

The Manager Ministerial Services will notify relevant staff about the restrictions placed on the customer. They will also update the UCC database and NZTA case management systems 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, concisely, and in writing, unless this is impractical.

When NZTA receives an appeal, it must be reviewed by a Senior/National Manager who was not involved in the decision to restrict the customer's access to NZTA services. This individual must review the customer's appeal, and any accompanying information the customer provides, alongside the NZTA record of the initial decision, and its supporting information.

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

Reviewing restrictions

NZTA 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. However, restrictions will typically range from two to six months. Only the most serious conduct should receive a restriction longer than 12 months.

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

The relevant Manager Ministerial Services is responsible for leading the review of the restrictions.

The NZTA process for reviewing restrictions placed on customers is described in this section and set out in the process diagram at Appendix G.

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 record this decision in **section E of the UCC form** and issue the customer with a **review outcome letter** using the appropriate template (appendix D).

The Manager Ministerial Services will notify relevant staff that the restrictions placed on the customer have now ended, will update the NZTA 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 record this decision in **section E of the UCC form** and issue the customer with an **upcoming review letter** using the NZTA template (appendix E). 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, NZTA 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.

The Manager Ministerial Services must record the outcome of the review in **section E of the UCC form** and issue the customer with a **review outcome letter** using the NZTA template (appendix D).

The Manager Ministerial Services will notify relevant staff that the restrictions placed on the customer have ended, been extended or been changed. They will also update the NZTA 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.

NZTA 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](#).

Review

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

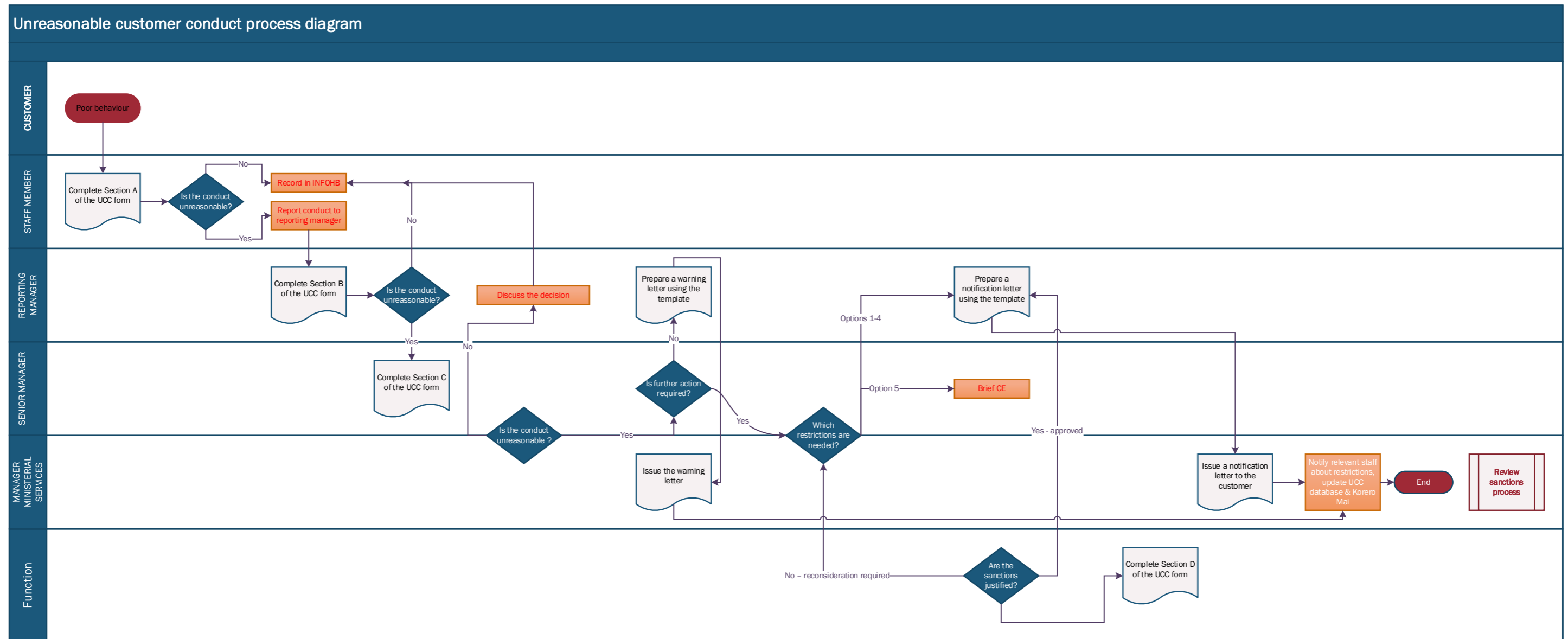
Related NZTA documents

- GOTCHA system – Complaints and Reporting of Threats

Contact

For further information about these guidelines, please contact: official.correspondence@nzta.govt.nz

Appendix G: Unreasonable customer conduct process diagram



Appendix H: Unreasonable customer conduct review process diagram

