



Llywodraeth Cymru
Welsh Government

Our ref: ATISN 13347
Date: 6 September 2019

Dear

ATISN 13347

Thank you for your request, which I received on 8 July 2019. You asked for:

“...a copy of the guidance document: referred to: the guidance provided to staff on the management of complaints confirming they can refuse to respond to individuals if they find themselves subject to unacceptable behaviour.”

I have concluded that we are able to provide you with the appropriate extracts of the guidance relating to your request. Full disclosure of the guidance cannot be provided as this falls outside of the scope of your request.

We have attached the relevant and disclosable extracts in Annex A.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.



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However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

WELSH GOVERNMENT HR GUIDANCE AND PROCEDURES

MANAGING UNACCEPTABLE COMMUNICATIONS

Introduction

From time to time members of staff may be subject to communications from outside or within the organisation, which are unacceptable because of their nature. This may be because the nature of the communication is malicious, vexatious or persistent, even after the issue raised has been addressed. Customers or service users may also make unreasonable and unacceptable demands by seeking inordinate amounts of information, by having inappropriate expectations of the nature and scale of the service they will receive or by the number of approaches, they make.

What amounts to an unreasonable or unacceptable demand will depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer / service user and the impact they have on workload, time and resources. Examples of actions include, demanding responses within an unreasonable timescale, continual phone calls or letters, repeatedly changing the substance of a complaint or raising unrelated concerns. Such communications may be because a member of staff is dealing with a contentious policy issue, the customer / service user is unhappy with the response to the issue they have raised or the member of staff simply happened to be the person who picked up the phone. In all cases where communication is considered to be unacceptable, measures can be put in place to address the problem by other means or to cease the communication altogether.

There is no legal definition of the terms 'malicious' or 'vexatious' but they are generally understood to include communications which are offensive in tone or language, persistent to the point of constituting a nuisance, or occur because someone has an ulterior motive which is not merely the answering of the particular issue they have raised (e.g. they are ultimately seeking some form of compensation or consider they have a grievance against an individual or the organisation).

The method of communication could be by telephone, e-mail or correspondence. Whatever the method, staff in receipt of such communications can find them upsetting, frightening or frustrating. This guidance note sets out various means by which unacceptable communications can be addressed and provides information about sources of help for someone who has a particularly unpleasant or worrying experience to cope with their reaction.

Whatever form the unacceptable communication takes, it may be decided that contact or the methods of contact with the customer/service user should be restricted. The deputy director will review the case and inform the customer/service user in writing that, either the restricted contact arrangements will remain in place or a different course of action has been agreed. Relevant staff will be made aware of any restrictions in place and any case files duly noted.

Staff need to bear in mind that, even if communication is unacceptable, there may be a valid Freedom of Information or Data Protection request being made within the overall message.

Unacceptable correspondence

If staff are in receipt of malicious or vexatious correspondence and it is of a threatening or abusive nature, they should advise OFMCO Departmental Security Unit so that appropriate action can be taken.

If the correspondence is of a persistent nature, staff should seek permission to refuse to respond, giving details of the history and nature of contact, provided they are satisfied that there is no viable Freedom of Information or Data Protection request contained within it. A record should be kept on file of the correspondence received. This action does not preclude the correspondent from writing to another member of staff about another legitimate matter.