

Grŵp Ysgrifennydd Parhaol
Permanent Secretary's Group



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref:
Ein cyf/Our ref: ATISN13395

6 November 2019

Dear Mr Jones

Complaint in respect of request for information ATISN 13395

You requested an internal review of the decision to withhold information following your request for a copy of the full guidance document provided to Welsh Government officials on the subject of "*Managing Unacceptable Communications*"

I have considered your complaint in accordance with the procedure outlined in the [Welsh Government's Practical Guide for Making Requests for Information](#) which is available by post on request or via the internet.

I have reviewed all of the documentation in connection with this case and find that the exemption applied by Darina Davies is correct. Whilst the application was correct, I believe that the explanation could have been clearer in relation to the reasons for the engagement of the exemption. Section 38(1) of the Freedom of Information Act requires us to demonstrate that the disclosure of information would, or would be likely to, (a) endanger the physical or mental health of any individual, or (b) endanger the safety of any individual. The original application of the exemption could have been clearer in stipulating that the release of the guidance could give individuals the tools to potentially circumvent established Welsh Government procedures for handling difficult or unacceptable behaviour, thereby potentially placing staff members in danger. The guidance deals with all aspects of unacceptable behaviour, including face-to-face situations, as well as distance communication, both written and verbal. Being able to determine in advance how staff members will react to certain circumstances could allow some individuals to manipulate situations to their own benefit and place staff members in a potentially hazardous position.

Whilst the document referred to is for internal staff guidance only, I understand that the Complaints Team is currently working on a document which will be available for public use.



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In addition to asking for an internal review of our response you indicated that the only information you actually wanted from the guidance related to any right of appeal that may exist.

There is capacity within the internal guidance to reconsider the decision 'if the customer/service user demonstrates a more acceptable approach and requests that the decision is reviewed'. In your case, however, the Deputy Director of Homes and Places, in his letter of 30 July 2019, has clearly stated that you have persistently refused to accept explanations and assurances relating to the work that they do. Mr Williams stated that his team would endeavour to provide you with information requested in relation to matters that had not been previously addressed. This fulfils his obligations under the policy to review the position if you demonstrate a more acceptable approach.

In conclusion I do not uphold your complaint. If you remain dissatisfied with this response you 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.

Yours sincerely



Peter Kennedy
Cyfarwyddwr Gwasanaethau Corfforaethol
Director Corporate Services