



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

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# The Welsh Language Commissioner's Policy on Unacceptable Behaviour by Complainants

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## Background

The principal aim of the Welsh Language Commissioner, an independent organisation established under the Welsh Language Measure (Wales) 2011, is to promote and facilitate the use of Welsh. This entails raising awareness of the official status of the Welsh language in Wales and imposing standards on organisations. This, in turn, will lead to the establishment of rights for Welsh speakers.

There are four principles which are foundational to the Commissioner's work, namely:

- The official status which the Welsh language has in Wales
- The duties to use Welsh which are (or may be) imposed by law, and the rights which arise from the enforceability of those duties
- That the Welsh language should be treated no less favourably than the English language in Wales
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

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# 1 Introduction

- 1.1 This policy sets out how the Commissioner will deal with any complainant who behaves or acts in a way we consider to be unacceptable. The term 'complainant' includes anyone acting on behalf of a complainant or who contacts the Commissioner in relation to a complaint, whether this be a complaint about an organisation's or an individual's use of the Welsh language or a complaint about the Commissioner herself. In the case of a complainant who has lodged a complaint about an organisation subject to the Welsh language standards, this policy should be read alongside the Commissioner's Enforcement Policy.

## 2 The policy's aim

- 2.1 Make it clear to all complainants, both in the first contact and throughout their dealings with us, what we can or cannot do in relation to their complaint. In doing so, the aim is to be open and not to raise hopes or expectations if they are not likely to be met.
- 2.2 Deal fairly, honestly, consistently and appropriately with all complainants, including those who behave or act in an unacceptable manner. All complainants have a right to be heard, understood and respected, as do the Commissioner's officers.
- 2.3 Provide a service that can be used by all complainants. However, if a complainant behaves or acts in an unacceptable manner, we reserve the right to restrict or prevent their use of our service.
- 2.4 Ensure that other complainants and the Commissioner's officers do not suffer any disadvantage as a result of complainants who behave or act in an unacceptable manner.
- 2.5 A copy of this policy is available in Welsh. If you need additional support, we will try to help you or put you in touch with someone who can help you.
- 2.6 The Commissioner is prepared to make reasonable adjustments where disability affects the way a complainant behaves or acts. The Commissioner also acts with care, fairness and gives due consideration of the circumstances of the complainant when implementing this policy. This may be physical and/or mental health conditions, and also the impact of change in the complainant's life, whether that be loss through bereavement, quality of life or life expectancy.
- 2.7 The Commissioner may refer a complainant to independent advocacy organisations or support where appropriate.

## 3 Defining unacceptable behaviour or actions by complainants

- 3.1 Individuals can behave or act out of character when they are in difficulty or if they are worried about something. We do not regard forceful or determined behaviour as unacceptable behaviour.

3.2 However, the conduct of a complainant who is angry, demanding or unnecessarily persistent may result in unreasonable pressure on us. This is what is considered unacceptable, and is what this policy seeks to manage. We have grouped these behaviours and actions under three broad headings. In the case of a complainant who has complained about an organisation subject to the Welsh language standards, it should be noted that there is a specific provision in the Commissioner's Enforcement Policy relating to the meaning of 'frivolous and vexatious' complaints.

### **Aggressive or abusive behaviour or action**

3.3 Violence is not limited to an action that could lead to bodily harm. It also includes behaviour or language (verbal or written) that may make the officers feel frightened, threatened or insulted.

3.4 Aggressive or abusive behaviour can include threats, physical violence, personal verbal abuse, abusive comments and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

3.5 We expect our officers to be treated courteously and with respect. Violence or abuse towards officers is unacceptable. The Commissioner's officers understand the difference between aggression and anger. The anger felt by many complainants involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards our officers.

### **Unreasonable demands**

3.6 A complainant may make what are considered to be unreasonable demands on us due to the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.

3.7 Unreasonable requirements may include demanding responses within an unreasonable timescale, requiring to see or speak to a particular officer, telephone calls or persistent letters, repeatedly changing the substance of the complaint or raising irrelevant issues.

3.8 These requirements will be considered unacceptable and unreasonable if they begin to have a significant impact on our work and take up a disproportionate share of our time and resources.

### **Unreasonable persistence**

3.9 It is recognised that some complainants will not or cannot accept that we are unable to assist them further or provide a level of service other than that already provided. A complainant may persist in disagreeing with the action or decision taken in relation to their complaint or contact the Commissioner persistently about the same issue.

3.10 Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what the Commissioner can or cannot do and continuing to pursue a complaint without presenting any new information. The way in which these complainants contact us may be entirely reasonable, but it is their persistent behaviour in continuing to act in this way that is unreasonable.

## 4 Managing unacceptable behaviour or actions by a complainant

- 4.1 There are very few instances where a complainant behaves or acts unacceptably. How we respond to cases will therefore depend on the nature of the behaviour or action. If it adversely affects our ability to do our work and provide a service to others, it may be necessary to restrict a complainant's contact with us in order to manage the unacceptable behaviour or action. The aim will be to do this, wherever possible, in a way that allows a complaint to progress to completion through the complaints process.
- 4.2 Personal contact may be restricted, by telephone, letter or electronic medium or by any combination of these. Every effort will be made to try to keep at least one method of contact, but in extreme cases, the right is reserved to ask complainants to contact us only by means of a third party.
- 4.3 The threat or use of physical violence, verbal abuse or harassment towards employees is likely to result in the ending of all direct contact with the complainant.
- 4.4 We will not deal with correspondence that is abusive to employees or contains allegations that lack substantive evidence. When this happens, we will inform the complainant that their language is considered offensive, unnecessary and unhelpful. We will ask them to stop using such language and we will state that we will not respond to their correspondence if they do not stop.
- 4.5 Cases can be brought to the attention of the police, and this will invariably happen if physical violence is used or threatened or if there is a personal attack on an officer.
- 4.6 We will end telephone calls if we consider the caller to be aggressive, abusive or offensive. The employee taking the call has the right to make this decision, to tell the caller that the behaviour is unacceptable and to end the call if the behaviour does not cease.
- 4.7 Where a complainant repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, we may decide to:
  - Take telephone calls from the complainant only at set times and days, or arrange for only one stated officer to deal with calls or correspondence from the complainant in the future;
  - Require the complainant to make an appointment to see a named officer or require the complainant to contact us in writing only;
  - Return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed;
  - Take other action that we consider appropriate. We will always tell the complainant what action is being taken and why.
- 4.8 Where a complainant continues to correspond on a wide range of issues, and this action is considered excessive, then we will inform the complainant that only a certain number of issues will be considered during a given period, and we will ask them to limit or focus their requests accordingly.

- 4.9 A complainant's behaviour may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute the final decision relating to their complaint. In such cases, we will inform the complainant that we will not respond to any further contact from them relating to this complaint. If we continue to receive written correspondence about the complaint, it will be read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

## 5 Deciding to restrict complainant contact

- 5.1 Employees who directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in a manner appropriate to the situation and in accordance with this policy.
- 5.2 Other than those exceptional circumstances, decisions to restrict contact with the Commissioner are only taken after careful consideration of the situation by a Director. Wherever possible, we give a complainant the opportunity to modify their behaviour or action before a final decision is taken.
- 5.3 We will inform a complainant in writing if we restrict future contact, together with the reasons for it, and (if relevant) how long these restrictions will be in place.

## 6 Appealing a decision to restrict contact

- 6.1 A complainant can appeal a decision to restrict contact. A Director who was not involved in the original decision will consider the appeal. They will advise the complainant in writing either that the restricted contact arrangements still applies or that a different course of action has been agreed.

## 7 Recording and reviewing a decision to restrict contact

- 7.1 The Commissioner will record all incidents of unacceptable behaviour or actions by a complainant. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant case file.
- 7.2 A decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach in the future.