



Gofal Cymdeithasol **Cymru**
Social Care **Wales**

Compliments, Concerns and Complaints policy

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5	24 March 2017	Kate Salter	Updated and reviewed – Social Care Wales		

Compliments, concerns and complaints

1. Introduction

- 1.1 Social Care Wales is committed to providing a high quality of service to everyone we deal with in all areas of our work and activity. This 'Compliments, concerns and complaints' policy provides a framework for handling this feedback and will help us to recognise high quality work as well as continuously improving the service we provide.
- 1.2 There may be occasions when our customers want to inform us of the excellent service they have received or times however, where service users or those people who come into contact with Social Care Wales feel they have not been dealt with as well as they should. If any of these occasions arise we want to know so that appropriate action can be taken.
- 1.3 There are separate channels for complaints relating to:
- Social work training e.g. students wishing to complain about something that occurred on their programme or in their assessment.
 - Conduct of a social worker
 - Appeals against a decision made by a Social Care Wales Registration Committee regarding an application for registration or a decision of the Conduct or Health Committee
- 1.4 Appendix A outlines who the complainant needs to contact in these instances.

2. Legislation

- 2.1 There is no specific piece of legislation that covers complaints but the following provide recourse to legal redress, should any of the following Acts be breached during the course of Social Care Wales' activities.

Equality Act 2010
Protection from Harassment Act 1997
The Human Rights Act 1998
Welsh Language Act 1993
Data Protection Act 1998
The Freedom of Information Act 2000

3. Purpose

Definitions

3.1 Compliments

A compliment is a deliberate expression of gratitude for a service or response which has been courteously or quickly provided or which is otherwise specifically singled out for praise by a customer. Casual or incidental remarks or comments should not be included.

3.2 Concerns

A matter of concern that a member of the public would like to express (via phone, e-mail or letter) to us as it is causing unhappiness or anxiety.

3.3 Complaints

The public service ombudsman's definition of a complaint has been used as the benchmark for our definition.

“A complaint is an expression of dissatisfaction by one or more members of the public about Social Care Wales' action or lack of action or about the standard of a service, whether the action was taken or the service provided by us or by a person or body acting on our behalf.”¹

3.4 Our policy covers complaints relating to:

- Conduct of staff;
- Data Protection Act (DPA)/Freedom of Information (Fol) Act challenge or breach;
- Delay in processing;
- Equality and diversity/Welsh Language issues;
- Failure to act on request;
- Lack of communication;
- A registrant who is the subject of a false alert²;
- Lost documents;
- Maladministration;
- Quality of communication.

3.5 Further clarity on the categories of complaints can be found in Appendix B. We will not normally consider complaints relating to incidents that have occurred after 6 months.

3.6 Our complaints policy does not cover:

- Comments about policies or challenges to legislation;
- Request for a service;
- Request for information, possibly under the Data Protection Act and/or the Freedom of Information Act.

Principles

3.7 The key principles which underpin this policy, in line with the Public Service Ombudsman Wales on Principles for Remedy, are:

- easy to access and simple to operate: in particular, complaints will be resolved as close to the point of issue as possible (Getting it Right);
- effective: complaints are taken seriously and investigated thoroughly (Putting things right);
- open and transparent: the process is clear and unequivocal and all parties are kept fully informed (Being open and accountable);

¹ Guidance to Local Authorities', Public Services Ombudsman for Wales, September 2006

² European Union (Recognition of Professional Qualifications) Regulations 2015

- considerate: we will deal with people in a courteous and helpful manner (Being customer focused);
- fair and equal: all involved in the process will be treated equally, regardless of their religious beliefs, political opinion, racial group, age, marital status, sexual orientation, gender, disability, whether they have dependents or not, or any other characteristic (Acting fairly and proportionately);
- lawful: we will operate within the limits of its statutory authority (Acting fairly and proportionately);
- timely: with time limits for action and a commitment to keep people informed at all stages of the process. (Being open and accountable); and
- continuous improvement: using the lessons learned from complaints to ensure that maladministration or poor quality service is not repeated (Seeking continuous improvement).

4. Procedures

Compliments

- 4.1 As well as continuously improving from the complaints that we receive we would also like you to tell us when we do things well. You can make your complimentary comments by telephone or writing to any members of staff or to email them through to our Chief Executive. These complimentary comments will be then be fed back to the individual/teams involved as part of our performance management process.

Concerns

- 4.2 We would also like you to express to us your concerns which may be causing you unhappiness or anxiety relating to our work. If you would like to express a concern you should contact the team concerned as quickly as possible. You can make your concerns in writing to either the relevant team or to our information e-mail address – info@socialcare.wales. Your concern will be dealt with by the appropriate team and you will receive a response to your concerns raised.

Complaints

- 4.3 There are four possible stages in the procedure to complain about services provided by Social Care Wales:
1. stage one – concerns
 2. stage two – complaints
 3. stage three – review
 4. stage four – consultation with the Public Services Ombudsman for Wales
- 4.4 It is not necessary to go through the procedure stage by stage, because stages one and two may be accessed separately. The review stage is available only after the formal procedure has been undertaken. Complainants are also entitled to complain about us to the Public Service Ombudsman for Wales whose contact details are in Section 7.
- 4.5 The Ombudsman has powers to investigate complaints about us provided he is satisfied that the body concerned has been given a reasonable opportunity to investigate and respond to the complaint. It is hoped, however, that most complaints may be dealt with satisfactorily through our own internal procedures.

Stage one – concerns

- 4.6 In the first instance any person or organisation who is unhappy about the service provided by Social Care Wales or a member of its staff, should ideally, talk to the person with whom they have had contact.
- 4.7 The member of staff, or their line manager, may be able to resolve the problem satisfactorily without delay. The line manager, will detail action taken as a result of the concern being raised and note the views and comments and keep a record of any contacts and discussions in relation to the concern. It is our duty and responsibility to resolve such issues both quickly and amicably. If an informal agreement cannot be achieved, a formal complaint may be made by completing the official complaints form, or by writing to Social Care Wales.

Stage two – complaints

- 4.8 To ensure complaints are dealt with promptly, we will require from the complainant (or from someone who will act on their behalf, duly authorised in writing) the following information, in writing and preferably on the official complaints form:
- Information about the complainant or the organisation.
 - Registrants or applicants for registration must provide details of when they made contact with Social Care Wales; the nature of the problem, what has happened, how this came about, significant dates and as much relevant detail as possible.
 - What has been done so far to try to put the situation right, and whether this has been successful; whether complaint(s) or appeal(s) have been made to other bodies or organisations and if so, what is the name of the body or organisation and which officers were dealt with and what was the outcome.
 - Why has the complaint been addressed to Social Care Wales.
 - Contacts the registrant or member of the public has had with the Social Care Wales previously.
 - What is expected of Social Care Wales in response to the complaint, and what the complainant is seeking as an outcome?
- 4.9 Complainants are advised to keep a copy of the official complaints form or letter they send and any supporting documentation provided. If requested Social Care Wales will direct the complainant to independent support to assist in framing the complaint.
- 4.10 On receipt of a complaint form or letter, the action to be taken will be considered, depending on the nature of the complaint. An acknowledgement will be sent within 5 working days to the complainant. Further information may be requested as required. An initial response will be provided within 20 working days. The complainant will be advised as to whether the complaint is within Social Care Wales' remit and if so what action will be taken and the likely time scale for this.
- 4.11 When an investigation has been completed, the Head of Service³ (relevant to the nature of the complaint) will write to the complainant to explain what has been done, the conclusion that has been arrived at and why. The complainant will also be informed about any further action we may take.

³ This term refers to the Heads of the Workforce Development department, the relevant Director of the appropriate Department, a Manager of the team or work stream.

- 4.12 If an allegation is made in relation to gross misconduct or dishonesty, the Complaints Officer must be informed immediately. The Complaints Officer will then inform the appropriate Director and the Chief Executive who will decide if Social Care Wales' Disciplinary Procedures should be invoked.
- 4.13 There may be instances where the initial stages of these Complaints Procedures will be superseded by the Council's Disciplinary Procedures. In this case the Complaints process will be suspended pending the outcome of the Disciplinary Procedures. If this is the case the complainant will be informed. On completion of the Disciplinary Procedures a resolution to the complaint should be effected in accordance with this Policy and within a timescale agreed with the complainant.

Stage three: review

- 4.14 If a decision given by the Head of Service is not acceptable to the complainant, they will be advised they can ask for a review of the handling of the complaint to a Review Panel consisting of the Chief Executive, Head of Service (independent of the original complaint) and a Board member (if applicable). The Review Panel will be chaired by the Chief Executive and will decide whether:
- a) there has been a significant breach in the application of this procedure which may have affected the outcome; or
 - b) the response to the complaint is unreasonable taking account of all available information relating to the circumstances; or
 - c) new information is available, relevant to the complaint and not previously available to the Head of Service at the earlier stages.
- 4.15 The complainant will be entitled to make representations to the Panel outlining the reasons for their dissatisfaction with the response to their complaint. These representations can be made in writing or in person to the Review Panel. Once the Panel has reviewed the complaint they must decide either to:
- uphold the decision given by the Head of Service; or
 - revise the decision of the Head of Service; or
 - refer the complaint back to the Head of Service to reconsider the complaint.
- 4.16 The Chief Executive will provide a written response to the complaint and proposals for its resolution, as soon as possible after the review. The response will normally be made within 10 working days of the end of the review, if necessary later, by agreement with the complainant.

Stage four – consultation with the Public Services Ombudsman for Wales

- 4.17 Complainants who are dissatisfied with our response to a complaint can ask for their case to be examined independently by the Public Service Ombudsman for Wales. The powers of the ombudsman are set out in the Public Services Ombudsman (Wales) Act 2005.
- 4.18 The Ombudsman can consider complaints from members of the public who claim to have suffered injustice or hardship as a result of poor administration or service delivery on the part of certain public bodies in Wales. The Ombudsman can take up a complaint provided he is satisfied that the body concerned has had a reasonable opportunity to respond to the complaint.

5. Records, Monitoring and Evaluation

- 5.1 When a compliment, concern or complaint is received the records accumulated as a result will be held in accordance with the Data Protection Act 1998 and the Freedom of Information Act 2000.
- 5.2 We will monitor all compliments, concerns or complaints received, to ensure they are advised of significant issues and to evaluate trends that may help in reaching policy decisions and in reviewing the effectiveness of the administrative systems in place.
- 5.3 An annual report will be prepared by the nominated Complaints Officer covering all complaints stages 1 and 2, and all Review Panel hearings, and this report will be submitted to the Audit and Scrutiny Committee. On a quarterly basis the Audit and Risk Committee receive a brief overview of the complaints received and outcomes of the investigation. In some instances it may be necessary to ask complainants to provide additional information about themselves or their organisation by completing a short monitoring form to enable information to be compiled and evaluated.

6. Roles and Responsibilities

- 6.1 The Chief Executive has the overall responsibility for making sure the Policy is operated fairly and effectively. The Chief Executive will delegate the day to day management of the Complaints Policy to the Designated Complaints Officer. The Complaints Officer for Social Care Wales is the Corporate Governance and Strategy Manager.
- 6.2 Heads of Service are responsible for investigating a complaint that is in their area of authority or as directed by the Chief Executive. They can appoint staff to investigate complaints on their behalf.
- 6.3 Line managers are responsible for ensuring their staff are aware of how to respond to complainants in the first instance, if they are approached in person or by telephone.
- 6.4 Staff are expected to deal with complainants at all times in a polite and courteous manner and make every effort to resolve the matter amicably at the earliest possible stage.

7. Contact addresses

Chief Executive Social Care Wales South Gate House Wood Street Cardiff CF10 1EW	
Tel:	029 2022 6257
Fax:	029 2038 4764

E-mail:	info@socialcare.wales
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Care Standards Tribunal Mowden Hall, Staindrop Road, Darlington, DL3 9BG	
Telephone number: E-mail address:	
Tel:	01325 392712
E-mail address:	CST@tribunals.gsi.gov.uk
Website:	https://www.gov.uk/guidance/appeal-to-the-care-standards-tribunal

Public Services Ombudsman For Wales 1 Ffordd yr Hen Gae Pencoed CF35 5LJ	
Tel:	0300 790 0203
Fax:	(01656) 641199
E-mail:	ask@ombudsman-wales.org.uk
Website:	www.ombudsman-wales.org.uk

Communication channel for complaints outside of this policy

The table below identifies the appropriate channels for complaints received.

Factor	Actions Required:
Students wishing to complain about something that occurred on their programme or in their assessment	They would be expected to use the complaints and/or appeal procedures of the institution in question. However, we are concerned to see that these procedures are available and that they are properly carried out.
Complaint regarding the conduct of a social care worker	The telephone call should be transferred through to the Fitness to Practise Team, Social Care Wales
Appeals against a decision made by a Social Care Wales Registration Committee regarding an application for registration or a decision of a Health or Fitness to Practise Committee	<p>The caller should be directed to the Care Standards Tribunal</p> <p>Care Standards Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG</p> <p>Telephone number: 01325 392712 E-mail address: CST@tribunals.gsi.gov.uk</p>

Categories for Complaints

Conduct of staff

Where the behaviour of a named individual or team has not met the standards expected by the customer.

Data Protection Act (DPA)/Freedom of Information (Fol) Act challenge or breach

Where a breach of the Data Protection Act/Freedom of Information Act has occurred or where there is a challenge to information which has been supplied.

Delay in processing

Where the length of time taken to undertake an activity has been viewed as excessive by the customer.

Equality and diversity issue

Where an individual feels they have been treated differently or unfairly as a result of age, gender, religion, sexual orientation, race or disability.

Failure to act on request

Where a request made by a customer has not been carried out by Social Care Wales including where Social Care Wales procedures will not allow the request to be carried out.

Lack of communication

When information has not been shared with customers as frequently or fully as expected or required.

A registrant who is the subject of a false alert

A Social Worker or Social Care Manager who is the subject of a false alert under section 67(8)(c) of the European Union (Recognition of Professional Qualifications) Regulations 2015.

Lost documents

Where a customer has been asked to resubmit paperwork as it had been mislaid or not received by Social Care Wales.

Maladministration

Where there has been a problem with Social Care Wales administration processes.

Quality of communication

Where the tone of correspondence from Social Care Wales has been perceived as inappropriate or offensive or unclear.



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Complaint Form

This form should be completed if you are dissatisfied with any service provided by Social Care Wales and wish the matter to be investigated further.

Section A **Personal Details**

First Names:

Surname:

Address:

Post Code:

Telephone No:

What address do you want correspondence sent to if different from above?

Access Needs/Other Requirements

Please state in the box below if you require wheelchair access/induction loop/sign language/interpreter/easy English interpreter/personal assistant/accessible format/mentor support, or any other requirements. This is if you need to visit our offices.

Section B

Please give details of the Department or Person you are complaining about, where appropriate.

First name:

Surname:

Office Address:

Work Tel No:

What is your complaint?

Incident (Summary)

Dates & Time of Incident(s)

Key Parties Involved

Action Taken

Full circumstances of the complaint or incident in detail (please continue on a separate sheet of paper if necessary)

What redress or outcome are you looking for?

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Please try and specify the grounds of your complaint.

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Have informal attempts been made to resolve this matter? If so please detail.

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Representative Details

Do you have a colleague/trade union representative/support worker you wish you to accompany you through the procedure?

First Names:

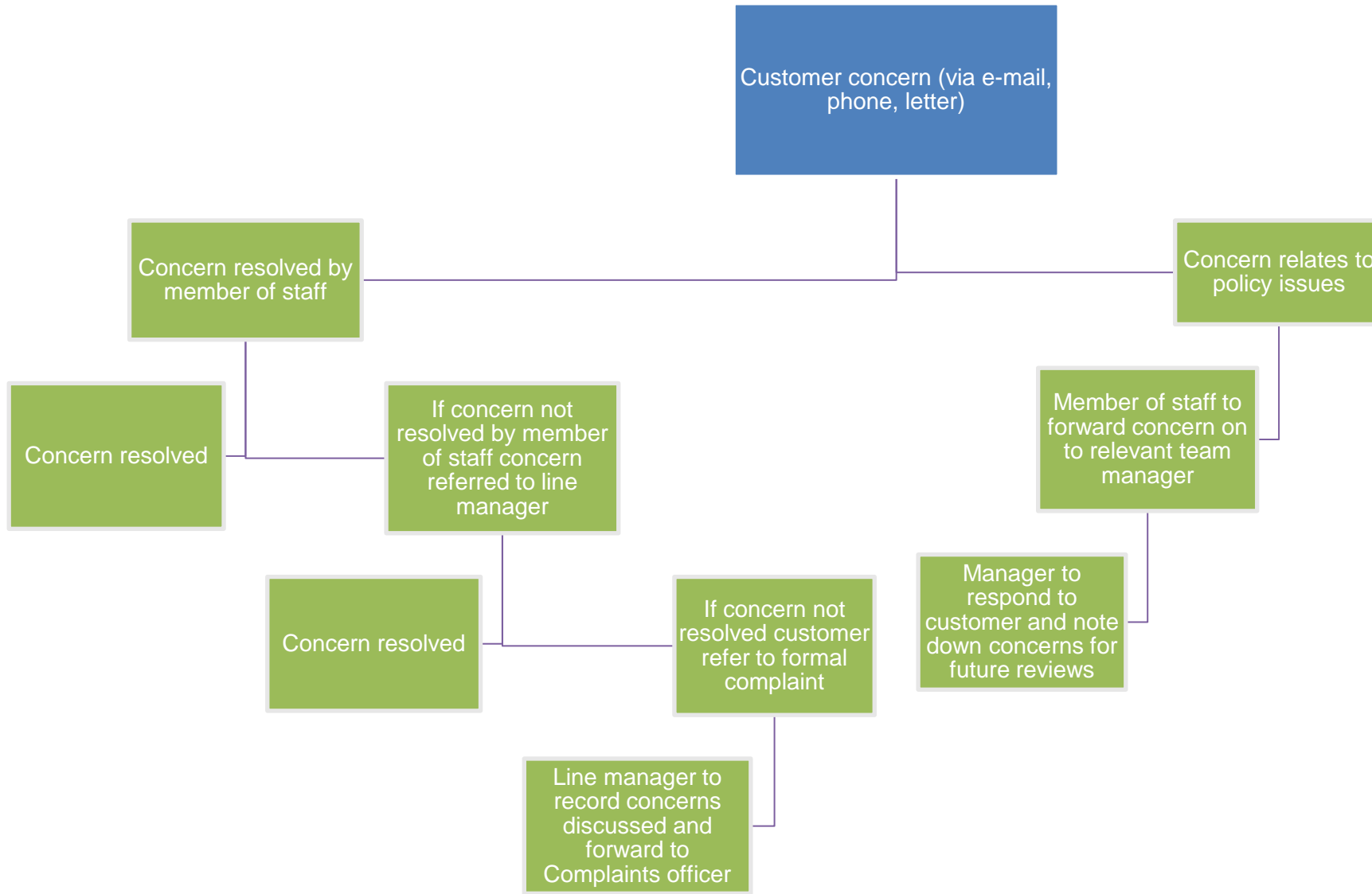
Surname:

Address:

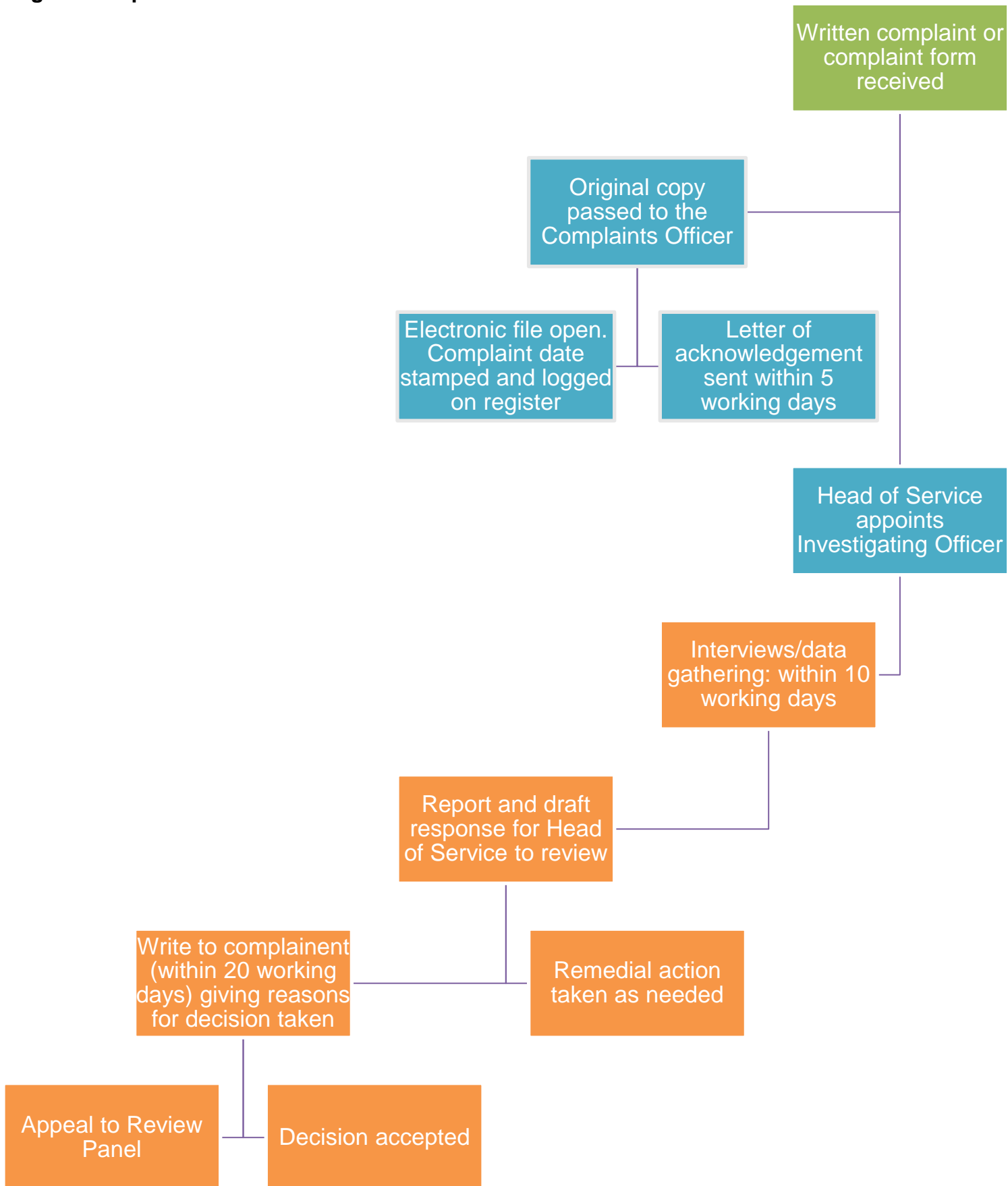
Telephone No:

For Official Use Only	
Registration No:	
Date:	Key Contact:

Stage 1: Concerns



Stage 2: complaints



Stage 3: Review

