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# **Complaints Policy**

**Classification:**

Official

**Document custodian:**

Executive Management Team

**Target audience:**

The public and all Social Care Wales Staff

**Other policies that should be read in conjunction with this policy:**

Unacceptable Behaviour Policy

**Policy author:**

Complaints Officer

**Date approved:**

July 2022

**Review date:**

Three-year cycle – July 2025

**Impact assessments:**

Equality of opportunity

Welsh language

Data protection

**Impact assessment outcomes:**

This policy has been screened for relevance to equality / Welsh language / data/ climate change / Future Generations. No potential negative impact has been identified

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| **Version** | **Date** | **Issued by** | **Comments** | **Approved by** | **Approval date** |
|  | September 22 | Complaints Officer |  | EMT | July 22 |

**How we handle complaints about Social Care Wales**

**What does this policy cover?**

The guidelines and process outlined in this document covers both positive and negative feedback regarding Social Care Wales’s work and the behaviour of our staff, especially whether we’ve followed the law and/or our own guidelines. This policy also deals with complaints regarding our compliance with the [Welsh language standards](https://socialcare.wales/about/how-we-work).

The policy explains how to make a complaint, the process we follow to investigate it appropriately and guidance on appealing decisions.

There is a different policy for handling complaints against our Board members, but you can still contact us first with your concerns and we’ll advise you further on how to proceed.

**What doesn’t this policy cover?**

Part of our role is to regulate social care professionals in Wales and that means investigating complaints about their conduct. This is a separate process managed by a different policy and can be found on the Social Care Wales [website](https://socialcare.wales/dealing-with-concerns/codes-of-practice-and-guidance).

Other complaints we cannot take forward include:

* any comments about the laws we work under, for example, the Regulation and Inspection of Social Care (Wales) Act 2016
* any complaints about the quality of social care services you or someone you know receives, or the organisations that provide them
* complaints from students about something that happened on their course or assessment
* complaints regarding Fitness to Practise (FtP) hearings or decisions, although we can investigate complaints regarding mal administration by our FtP team.
* appeals against a decision made by a fitness to practise panel at a hearing.

You can find a list with the relevant contact details for queries and/or complaints referring to the above at the end of this policy.

**Complaints**

**What principles do we follow regarding complaints?**

With every complaint we receive the ways we investigate them will be the same. We will look at:

* Whether we followed our policies and processes
* Whether our staff behaved as we expect them to.

If you believe that one of those things did not happen, then we will investigate and put things right if we haven’t met the standards we set ourselves.

Our approach to complaints is underpinned by our organisation’s values:

**Respect Everyone –** We will always listen to your concerns and complaints whilst valuing your views and opinions.

**Professional Approach –** We will be objective about your concerns and follow the processes in place. Where an error has been made, we will look to rectify it and learn from it.

**Always Learning –** We will use your feedback, whether positive or negative, to continuously improve our services.

**Involve People –** Our aim is to make the feedback and complaints processes as straightforward and transparent as possible to encourage any feedback you may have regarding Social Care Wales’s work.

**How can you complain?**

To log a complain about our work, processes, or staff members we can be contacted in both Welsh and English through the following channels:

* Online Complaint Form
* Email: complaints@socialcare.wales
* Post: Social Care Wales

South Gate House

Wood Street

Cardiff

CF10 1EW

Social Care Wales will need to have a written record of the complaint. Although a letter or email will be accepted as a complaint, it is recommended that a‘Complaint Form’ (Appendix 1) is completed appropriately with as much information as possible. This information should include the following:

* area of your complaint
* names of staff involved
* when it happened
* what you’re unhappy about
* what would you like to see done about it
* how you would like us to keep in touch with you about it.

If completing the form is not possible, you can share your complaint with a member of Social Care Wales’s staff over the phone at 0300 303 3444. The member of staff will complete the form for you although you will be asked to proofread it to ensure that it is correct before submission. We are also happy to work with someone acting on your behalf about a complaint if we’re clear they are supporting you.

**What can you expect when you complain?**

**Stage 1 Complaint**

If it’s clear a mistake has been made Social Care Wales will look to fix it as quickly as possible. These are called ‘Stage 1 Complaints’ and will be dealt with by the relevant team manager and will be recorded and reviewed appropriately by the Complaints Officer.

**Stage 2 Complaint**

Some complaints will need more time to consider, these cases will be picked up by a Director or Senior Manager who is independent of the area of the complaint as well as a member of the Compliance Team. The Complaints Officer will investigate the complaint to determine whether the complaint should be upheld (the process was not followed/staff acted inappropriately). This is called a ‘Stage 2 Complaint’.

For ‘Stage 2 Complaints’ an acknowledgement of the complaint will be sent within **3 working days** of receiving it from the complainant. This acknowledgement will highlight the next steps of the complaints process.

We aim to complete each investigation within **20 working days.** There may be rare occasions where more time is required to complete a full investigation, the complainant will be notified where this is the case.

Upon completion of the investigation, the Complaints Officer will write a short report to the person in charge of the process concerned, usually a senior manager, outlining any potential recommendations.

The complainant will then be notified of the outcome in writing.

**What happens if Social Care Wales uphold your complaint?**

The senior manager will write to you to say:

* if we agree with some or all your complaint
* apologise for the distress you have experienced
* explain what should have happened
* explain how we will redress the error.

‘Redress’ means to try and rectify or fix what went wrong. If it is agreed that there was something Social Care Wales could have done better, we will look at how we can stop the issue from happening again.

It could be that the complaint relates to the behaviour of staff and results in a disciplinary matter. In this case, the complainant will be notified and kept up to date although it is likely that the complaint process timeline will be suspended until the disciplinary process is completed.

**What happens if Social Care Wales does not uphold your complaint?**

The most common reasons for a complaint not to be upheld are:

* the policy or process was followed appropriately
* not enough information/evidence provided to support the complaint

Where a complaint is not upheld, the Complaints Officer will continue to communicate with the responsible department leads to discuss the processes in place to ensure the further improvement of Social Care Wales’s services.

**Do we learn from complaints made about us?**

Social Care Wales record and report on the following:

* the number of complaints we receive
* the area of our work they relate
* how quickly they were resolved
* what we learned from each one
* emerging trends or patterns.

This is reported to the Chief Executive, directors and Board members so they can scrutinise us and see how our statistics compare with other organisations similar to Social Care Wales.

**What is unacceptable behaviour?**

Social Care Wales understand that the complaints process can sometimes be frustrating. With that in mind, there may be occasions where a complainant’s actions and behaviour may become demanding, persistent or generally unacceptable towards our staff. In this event, we will send the complainant our [Unacceptable Behaviour Policy](http://scw-intranet/governance/Policies/Complaints/POLICY%20AND%20TEMPLATES/Social%20Care%20Wales%20Policies/Policy%20Development/Appendix%202%20-%20Unacceptable%20Behaviour%20Policy%20-%20ENG.DOCX), an explanation of how they have breached these guidelines and implement some rules for the remainder of the investigation process, such as:

* only let the person contact certain members of staff and at certain times
* ask for contact to be made through another person (third party)
* ban direct contact between the person and members of staff
* ban the person from visiting our premises or attending our events.

If the behaviour is threating towards our staff or in any way criminal, we will also involve the police.

**Appeal**

**Appealing a decision?**

A panel review of the investigation can be requested if the complainant believes it necessary. This is referred to as a ‘Stage 3 Complaint’.

The review panel will be chaired by a member of the Board and involve the Chief Executive as well as a Director or Senior Manager who is independent of the area of complaint. The panel won’t repeat the investigation process, but they will look at:

* whether the complaints process was followed properly
* whether the response to the complaint was reasonable considering the circumstances
* any new information available that may affect the original recommendation.

A statement can be made to the review panel, either face-to-face or in writing, to explain the reasons for the Stage 3 Complaint.

Once the panel has reviewed all the information, they will decide to either:

* uphold the original decision
* change the decision
* send the complaint back to the senior manager to reconsider the complaint.

The chair of the panel will contact the Complainant with the decision of the review panel within **10 working days** of the end of the review and provide suggestions to settle the complaint.

**Who to contact if you’re still concerned?**

You can take your complaint about us to the Public Service Ombudsman for Wales. The [Ombudsman](https://www.ombudsman.wales/about-us/) is: *“independent of all government bodies and has legal powers to look into complaints about public services and independent care providers in Wales*” (taken from <https://www.ombudsman.wales/about-us/>).

You can find the Ombudsman’s contact details at the end of this document.

If you are unhappy with how we have handled your complaint in relation to compliance with the Welsh language standards, please contact the [Welsh Language Commissioner’s Office](http://www.comisiynyddygymraeg.cymru/English/Organisations/Complain/Pages/Complaints-form.aspx):

Phone: 0345 6033 221

E-mail: post@welshlanguagecommissioner.wales

Welsh Language Commissioner
Market Chambers
5–7 St Mary Street
Cardiff CF10 1AT

**Complaints and your data**

We will make a record of your name and contact details when we process your complaint, as well as other personal data that is relevant to your complaint. You can find more information about how we use your data within our [privacy notice](https://socialcare.wales/generic-content/privacy-notice).

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# **Complaint form**

You should complete this form 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 number:

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

# **Section B**

**Please give details of the department or person you are complaining about, where appropriate.**

First name:

Surname:

Work telephone number:

What is your complaint?

|  |
| --- |
| Incident |
|  |

|  |
| --- |
| Date and time of incident(s) |
|  |

|  |
| --- |
| What would a successful outcome look like to you? |
|  |

# **Representative details**

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

First names:

Surname:

Email Address/Address (for correspondence):