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# What we do when we get your complaint about a public service provider in Wales

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## Introduction

This fact sheet explains what happens after you complain to us about a public body in Wales. It also explains what different approaches we can take to help resolve your complaint.

## Meeting your needs

We want to make it easy for everyone to use our services. We can't advocate for you but we can point to you an organisation that can help. We can also change the way we communicate with you depending on your needs. Please let us know what your needs are, and we will do our best to help. You can find more information about the support we can offer [here](#).

## Proportionality

Not every complaint that we receive will go through every stage of our process below.

Sometimes, we will have to think if it would be proportionate for us to look at the complaint. We have limited resources (money and staff). We need to use our resources to focus on the complaints which are the most serious, where we may be able to make a real difference and where we may be able to improve public services for everyone.

We carefully look at all complaints we receive. We can sometimes see that someone has not had a good service or that something has not been done properly. We really understand that this feels wrong for the person involved. But we cannot look into all these complaints, and we have to make difficult decisions about what we can and can't look at.

We can tell you more about this if we decide not to look into complaint.

## Check

### What we will do

When you first contact us, we will check if we can look into your complaint. This includes checking that:

- we can look into the organisation you are complaining about. You can find a list of the main organisations we can look into [here](#).
- we can look at the issue you are complaining about. On our website, we have detailed [factsheets](#) explaining what we can and cannot look in relation to specific services, for example healthcare, social care, housing, education and other.
- we have enough information about your complaint.

## **What can we decide?**

If we can look into your complaint, we will let you know (see 'Assess').

If we cannot look into your issue further, we will let you know. We will do our best to suggest what you can do next. If we know of an organisation that could help, we will give you more information about it.

## **Assess**

### **What we will do**

We will look at your complaint in more detail. For example, we will think whether:

- you have already complained to the organisation and you gave it enough time to respond. We think that 12 weeks is a reasonable time for them to give you a final reply. However, this may take longer for cases related to health or social care and social services.
- you complained to us within a year of knowing about the issue
- you have (or had) the option of taking legal action instead to put things right for you
- another organisation is better placed to deal with your complaint
- there are signs that the organisation potentially got things wrong and that it had a negative effect on you or the person you are complaining for
- there is more that the organisation could do to put things right for you.

## **What can we decide?**

We are an independent decision-maker. To be fair to you and the organisation you have complained about, we will look at the evidence and the facts before we make a decision.

As we assess your complaint, we can:

- decide to investigate your complaint (see 'Investigate')
- arrange early action for the organisation to put things right for you. We will write to you to explain what we have arranged and we will close your complaint. We will make sure that the organisation did what it agreed to do (see 'Follow up').

If we can't do either of these things, we will write to you to tell you why. We will also send the organisation a copy of our decision which will not include your personal details.

Sometimes, we may ask the organisation you complained against to consider the issues and respond to you. We usually do this when we think that the organisation has not previously had a reasonable opportunity to consider the complaint.

We close most of our complaints at 'Assess'. We only investigate about 1 in 10 of our complaints, usually when the issue is very complicated or if it may affect other people.

## **How long will it take?**

Most complaints are responded to within 6-9 weeks. However, if your complaint requires more in depth assessment and consideration by our Assessment or Investigation Teams, due to the current high level of demand for our service, it may take at least 12 weeks for your case to be allocated to an officer. We will update you at this time.

# Investigate

## What we will do

We will talk to you about the investigation process. We will then write to you to let you know when the investigation starts and confirm what we are investigating.

We'll gather all the information we need, including from you and the organisation you have complained about. We will also often ask for advice from professional advisors. We will then make our decision on your complaint.

## What can we decide?

As we investigate your complaint, we can:

- complete the investigation and decide to uphold your complaint
- complete the investigation and decide not to uphold your complaint
- decide to settle the complaint where the organisation can take action to put things right
- decide to end the investigation early if we find that there is not enough evidence to show that the organisation has done something wrong

If we uphold your complaint, we will recommend what the organisation should do to put things right.

At the end of the investigation we will explain what we found and why we did or did not uphold your complaint.

Of the complaints we investigate each year, we uphold or settle around 7 out of 10.

## How long will it take?

An investigation can take around 12 months from when you first complain to us. When the complaint is very complicated it can take us longer to investigate it. We will keep in touch with you during the investigation.

## **Follow up**

### **What we will do**

When we arrange early action for the organisation to put things right for you, or we settle or uphold your complaint after we investigated, we will recommend what the organisation should do to put things right for you.

We will tell the organisation how much time it has to show us that it did what it promised to do.

If the organisation does not show us that it acted on our recommendations, we will take further action.

## **If you remain unhappy with our decisions**

Once we have made our final decision about your complaint our task is effectively ended and we close our complaint file.

We will not reopen a case only because you may disagree with our decision. However, for some types of decisions you can ask us to review your case within 4 weeks of our decision. You may ask for this review if:

- the decision was not to investigate your complaint

- the decision was to exclude part of your complaint from an investigation

And

- you can show why we did not properly consider the information you sent us, and that this affected our decision.

## **Communicating with us**

In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.

We believe that all complainants should have the right to be heard, understood and respected. However, our staff also have the same rights. We, therefore, expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence.