
WELSH STATUTORY INSTRUMENTS

2014 No. 1794

**The Social Services Complaints
Procedure (Wales) Regulations 2014**

PART 4

**HANDLING AND INVESTIGATION OF
COMPLAINTS BY LOCAL AUTHORITIES**

Local authority action upon receiving a complaint

15.—(1) A complaint may be made orally or in writing.

(2) A local authority must acknowledge receipt of the complaint not later than 2 working days after the day on which it receives it.

(3) Where a complaint is made orally, the local authority must, at the same time that it acknowledges receipt of the complaint —

- (a) make a formal written record of the complaint; and
- (b) provide a copy of the written record to the complainant.

(4) At the same time that it acknowledges receipt of the complaint the local authority must—

- (a) provide the complainant with details of its complaints procedure;
- (b) offer assistance and guidance to the complainant on following the complaints procedure or advice on where such assistance and guidance may be obtained;
- (c) notify the person making the complaint that they may request that the local authority investigate the complaint in accordance with regulation 17.

Local Resolution

16.—(1) The procedure followed by the local authority in considering complaints under this regulation need not involve an independent investigator.

(2) The local authority must offer to discuss the complaint with the complainant in an attempt to informally resolve the complaint.

(3) Any discussion that takes place in accordance with paragraph (2) must be held within 10 working days of the date upon which the local authority acknowledges receipt of the complaint.

(4) The time limit for any discussion that takes place in accordance with paragraph (2) may, in exceptional circumstances, be extended by agreement between the local authority and the complainant.

(5) Where the local authority resolves the matter to the satisfaction of the complainant then the local authority must provide the complainant with written details of the terms of the resolution within 5 working days of the date upon which the complaint is resolved.

Formal Investigation

17.—(1) Where—

- (a) the complainant has—
 - (i) made a request in accordance with regulation 15(4)(c); or
 - (ii) refused an offer of discussion under regulation 16(2); or
- (b) the complaint has not been resolved to the satisfaction of the complainant following any discussion that has taken place in accordance with regulation 16(2);

the local authority must consider the complaint in accordance with this regulation.

(2) The local authority must compile a formal written record of the complaint and send it to the complainant with an invitation to the complainant to comment on its accuracy.

(3) The local authority must consider any comments made by the complainant under paragraph (2) and in the light of those comments make any amendments to the record that are necessary to ensure it is, in the opinion of the local authority, an accurate record of the complaint.

(4) The local authority must—

- (a) appoint an independent investigator; and
- (b) together with the independent investigator, investigate the complaint in a manner appropriate to resolve it speedily and efficiently; and
- (c) during the investigation, keep the complainant informed, as far as reasonably practicable, as to the progress of the investigation.

Response

18.—(1) The local authority must within 25 working days of the “start date” as defined in paragraph (2) send the complainant a written response which—

- (a) summarises the nature and substance of the complaint;
- (b) describes the investigation undertaken in accordance with regulation 17(4)(b);
- (c) where appropriate, contains an apology;
- (d) identifies what action if any, will be taken in light of the outcome of the investigation;
- (e) contains details of the right to complain to the Public Services Ombudsman for Wales;
- (f) offers the complainant the opportunity to discuss the contents of the response with the complaints officer or a person acting on his or her behalf; and
- (g) is signed by the Director of Social Services or a person acting on his or her behalf.

(2) For the purposes of this regulation, the “start date” means the date on which the local authority produces the final written record of the complaint in accordance with regulation 17(2) or 17(3).

(3) If exceptional circumstances mean that the local authority is not able to send a written response in accordance with the time limit in paragraph (1) then it must advise the complainant of the reasons for the delay and when a response may be expected.

(4) A response sent in accordance with paragraph (3) must be sent to the complainant as soon as reasonably practicable and no later than 6 months beginning on the day upon which the local authority received the complaint.

Complaints involving more than one local authority

19.—(1) In any case where it appears to the complaints officer that a complaint is or may be a complaint which relates to the exercise of functions by more than one local authority the complaints officer must, as soon as reasonably practicable—

- (a) notify the other local authority or local authorities involved and decide with the complaints officer of each of them which local authority will take the lead in handling the complaint; and
 - (b) notify the complainant.
- (2) The complaints officer of a local authority which is the lead local authority must ensure that—
- (a) any part of the complaint relating to the actions of the lead local authority is considered under this Part of the regulations;
 - (b) the complainant is kept informed about the progress of the investigation;
 - (c) the response required under regulations 16(5) or 18(1) so far as reasonably practicable includes a response on any matter which was the responsibility of another local authority mentioned in paragraph (1).
- (3) The complaints officer of a local authority which is not the lead local authority must—
- (a) ensure that any part of the complaint relating to the actions of its local authority is considered under these Regulations; and
 - (b) advise the complaints officer of the lead local authority of any resolution of the complaint under regulations 16(5) or 18(1).