
WELSH STATUTORY INSTRUMENTS

2005 No. 3366

**The Social Services Complaints
Procedure (Wales) Regulations 2005**

PART V

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

Making a complaint

15.—(1) Where a person wishes to make a complaint under these Regulations, he or she may make the complaint to any member of the staff of the local authority employed or engaged in relation to the social service functions of the authority.

(2) A complaint under paragraph (1) may be made orally or in writing (including electronically).

Advice about the availability of advocacy services

16. The local authority must inform the complainant of the availability of any advocacy services which the complaints officer believes may be of assistance to the complainant.

Withdrawal of complaints

17.—(1) A complaint may be withdrawn orally or in writing at any time by the complainant.

(2) The local authority must as soon as possible write to the complainant to confirm the oral withdrawal of a complaint.

Local resolution

18.—(1) The local authority must take all reasonable steps to resolve the complaint as soon as is reasonably practicable and subject to paragraph (2), within 10 working days beginning on the date the complaint was made.

(2) The period referred to in paragraph (1) may be extended upon request by the complainant or with the complainant's agreement by up to a further 10 working days.

(3) For the purposes of paragraph (1), the local authority may in any case where it would be appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the complaint.

(4) Where the complaint is resolved under paragraph (1), the local authority must confirm in writing to the complainant the agreed resolution.

(5) Where the complaint has not been resolved within 20 working days, the local authority must, as soon as practicable, notify the complainant in writing of:

- (a) the complainant's right to request that the complaint be formally considered;
- (b) the procedure for requesting such further consideration; and

(c) the date by which such a request must be made having regard to the provisions of paragraph (6).

(6) The complainant may request orally or in writing that the complaint be formally considered under regulation 19 at any time within 30 working days of the date on which the complaint was first made.

Formal consideration

19.—(1) Where the complainant has requested formal consideration of the complaint, subject to regulations 12, 13 and 14 the local authority must investigate the complaint to the extent necessary and in the manner which appears to the authority most appropriate to resolve it speedily and efficiently.

(2) The local authority must compile a formal written record of the complaint as soon as is reasonably practicable, 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 which are necessary to ensure it is, in the opinion of the authority, an accurate record of the complaint.

(4) Except where arrangements have been made under regulation 18(3) the local authority may in any case where it would be appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the complaint.

(5) The local authority must—

- (a) explain to the complainant how the complaint will be investigated; and
- (b) send a copy of the complaint to any person who is the subject of the complaint unless—
 - (i) this has already been done; or
 - (ii) notification at that time would prejudice the consideration of the complaint.

(6) The local authority may—

- (a) invite the complainant and any other person whom the authority considers may be able to assist with the resolution of the complaint to be interviewed; and
- (b) take such advice as appears to the complaints officer to be required.

(7) Where any person is interviewed in accordance with paragraph 6(a) the local authority must—

- (a) send a copy of the draft record of the interview to the person interviewed;
- (b) invite that person to comment on the accuracy of the draft record;
- (c) consider any comments made by the person; and
- (d) in the light of those comments make any amendments to the record which, in the opinion of the authority, are necessary to ensure that the record is accurate.

(8) The local authority must take all reasonable steps to keep the complainant informed about the progress of its formal consideration of the complaint.

Response

20.—(1) The local authority must prepare a written response to the complaint which—

- (a) summarises the nature and substance of the complaint;
- (b) describes the investigation under regulation 19 and summarises the conclusions;
- (c) explains what action will be taken to resolve the complaint;

- (d) where appropriate, contains an apology to the complainant; and
- (e) identifies what other action, if any, will be taken in the light of the complaint.

(2) Subject to paragraph (3), the response must be sent to the complainant within 25 working days beginning on the date on which the local authority received the request from the complainant for formal consideration.

(3) If, in the case of—

- (a) any complaint where there has been difficulty in the determination of its nature or substance;
- (b) a complaint involving more than one body;
- (c) a complaint which has been treated as subject to concurrent consideration under regulation 12; or
- (d) any other complaint where the complainant has agreed to a later response,

it is not possible for the response to be sent within 25 working days the local authority must notify the complainant of the reason for the delay, the date by which it expects to send the response and must send that response as soon as reasonably practicable.

(4) The response must include information about—

- (a) the complainant's right to request an independent panel hearing in accordance with regulation 22;
- (b) the procedure for requesting such a hearing; and
- (c) the time within which such a request must be made.

(5) Copies of the response prepared in accordance with paragraph (1) must be sent—

- (a) to any person who was the subject of the complaint;
- (b) where the complaint involves more than one body to the complaints officer of each body;
- (c) where the complaint relates to a service described in regulation 10(1)(c) to the NHS body with whom the arrangement was made;
- (d) where the complaint is a care standards complaint mentioned in regulation 14, to the person registered under the Care Standards Act 2000 as the provider in respect of the establishment or agency.