

# Complaints Policy

**September 2023**

**This document is available in Welsh.**

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## Introduction

### Equal Opportunities

ColegauCymru shall comply with all statutory duties in respect of equal opportunities in the areas of age, disability, gender reassignment, marriage, and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. ColegauCymru shall also comply with the Human Rights Act 1998 and any subsequent enactments or modifications.

### Sustainability

ColegauCymru will comply with all statutory duties in respect of sustainable development by seeking to improve the long-term economic, social and environmental wellbeing of people and communities. This needs to be done in ways which promote social justice, equality of opportunity and which enhance the natural and cultural environment while respecting its limits.

### Welsh Language

The Welsh Language Measure of 2011 ensures the equal status of the Welsh language alongside the English language. This law has created the role of a Welsh Language Commissioner and has introduced a number of Welsh Language Standards with which ColegauCymru are under a statutory duty to comply. This includes conducting Welsh Language Impact Assessments for all new and revised policies.

## Overview Statement

ColegauCymru aims to provide a high standard of service in all aspects of its provision.

Most people who access the services of ColegauCymru do not experience any problems. However, ColegauCymru recognises that sometimes things can go wrong, and when they do, ColegauCymru would like to know about it so that it can be put right. ColegauCymru is committed to taking prompt action to ensure that it achieves its aim of providing a high-quality service. The aim of the Complaints Policy is to give a quick yet thorough response that answers all concerns appropriately.

The Designated Complaints Officer (DCO) is responsible for the appropriate handling of all complaints at ColegauCymru. The DCO will ensure matters are resolved as quickly as possible in line with the ColegauCymru Complaints Policy.

ColegauCymru annually reviews the nature and number of all complaints. The monitoring and review of complaints contributes to the process of self-assessment leading to an improved quality of service.

## Definition of a Complaint

ColegauCymru defines a complaint as follows:

“An expression of dissatisfaction by one or more stakeholders about the actions of ColegauCymru action or lack of action or about the standard of service provided by ColegauCymru or on its behalf which has had a negative effect on the complainant’s experience.”

Complaints involving safeguarding matters, disclosure of matters of public interest, serious concerns such as alleged fraud, maladministration or unlawful activities should be directed to the DCO immediately for referral to take place under the appropriate policy and be referred to the appropriate senior member of staff.

Following initial review, complaints regarding the conduct of a member of staff will be dealt with in accordance with the ColegauCymru HR procedures if appropriate. For reasons of confidentiality, no

information will be provided about any actions, which ColegauCymru make take in relation to a member of staff.

### A complaint is not

- a routine first-time request for a service
- a request for information, or an explanation of policy, or practice
- a disagreement with an academic judgement/assessment decision
- claim for compensation from ColegauCymru
- issues that are in court, or have already been heard by a court, or tribunal or disagreement with a decision where a right of appeal exists, for example the academic appeals process
- a request for information under the Data Protection and Freedom of Information Acts
- a grievance by a member of staff
- an attempt to reopen or reconsider a complaint that has been concluded or given a final decision on

## Complaints Handling Procedure

### Who can make a Complaint?

Anyone who uses the services of ColegauCymru can make a complaint.

### The Timeliness of a Complaint

All complaints should be submitted no more than four months after the last occurrence of the issue leading to the complaint.

### How to make a Complaint

If an individual wishes to make a formal complaint, they must detail that complaint in writing to the Chief Executive who will forward it to the DCO. An individual can make a complaint in either Welsh or English. Complaints against the Chief Executive can be made directly to the DCO.

Full address, contact number and email address details should be included in the complaint letter. This will ensure that the DCO sends any correspondence to the correct address.

The following headings should be used in a letter of complaint:

1. What has happened?
2. When did it happen?
3. Who was involved?
4. Detail the desired outcome to the complaint.

Please ensure that you clearly identify the main points of your complaint. Do not include any unnecessary detail.

Clearly identify the main points of the complaint and do not include any unnecessary details.

The organisation address is: ColegauCymru, Unit 7, Greenmeadow Springs, Tongwynlais, Cardiff, CF15 7AB.

The organisation email address is: hello@collegeswales.ac.uk

### Three Stage Procedure

ColegauCymru will adopt a three-stage procedure for dealing with complaints:

**Stage 1 Immediate Resolution** For issues that are straightforward and easily resolved requiring little or no investigation.

**Stage 2 Investigation** For issues that have not been resolved at the frontline stage or that are complex or 'high risk' requiring further investigation or referral under another policy.

**Stage 3 Appeal** For issues that have not been resolved to the reasonable satisfaction of the complainant.

## Stage 1

### **Immediate Resolution**

For issues that are straightforward and easily resolved requiring little or no investigation:

- We will acknowledge the complaint within 5 working days of the date that it is received;
- We will aim to resolve the complaint within 20 working days;
- We will contact the complainant within the 20 working day period if we believe that it may take longer to investigate the complaint.

If the complainant is dissatisfied with the outcome of Stage 1, they must notify the DCO. The complaint will then progress to Stage 2. ColegauCymru will aim to provide a full written response within 15 working days from the date the complainant informed the DCO that they were dissatisfied with the outcome.

## Stage 2

### **Investigation**

For issues that have not been resolved at the frontline or that are complex or 'high risk' requiring further investigation or referral under another policy.

The complaint will be formally investigated by a the DCO who will provide a report with recommendations and findings.

The complainant will receive an acknowledgement letter normally within 5 working days informing them that the DOC has been appointed to the investigation.

ColegauCymru will aim to provide a full written response normally within 15 working days of receiving the complaint. If the investigation is ongoing, the DCO will inform the complainant.

With complaints which are dealt with under human resources procedures, no information will be provided about any actions which ColegauCymru may take in relation to a member of staff, or reasons of confidentiality.

## Stage 3

### **Appeal**

For issues that have not been resolved to the reasonable satisfaction of the complainant. If the outcome of the investigation does not reasonably satisfy the expectation of the complainant, they may opt to appeal. The right of appeal may only be considered:

- if there is new evidence, which was not made available at an earlier stage;

- where the complainant feels that the investigation was not carried out fairly or thoroughly; and/or
- the findings were not borne out by the evidence.

The complainant must appeal in writing to the Chief Executive (or to a member of the Senior Management Team if the complaint relates to the Chief Executive) and this must be within 15 working days of receiving the ColegauCymru response. A senior member of staff will chair an appeal hearing. The hearing will consider all the documentation relating to the Stage 2 investigation and any new evidence provided by the complainant.

The person who chairs the appeal will send a written response to the appellant normally within 15 working days of hearing the appeal.

A complainant has the right to bring someone with them to the appeal hearing e.g. a trade union representative, a friend, a family member or advocate; however, they are not permitted to bring a legal representative.

Ideally, an appeal meeting will take place normally 10 working days after the appeal notice is received.

In the absence of the complainant, an appeal panel may opt to hear an appeal if suitable notice has been given. The findings must be recorded and the complainant notified of the outcome.

The outcome of the appeal will be the final decision of ColegauCymru.

### Anonymous Complaints

ColegauCymru values all feedback and this means that all complaints including anonymous submissions will be treated appropriately and action taken to consider them further, wherever it is correct to do so. In principle, ColegauCymru will consider an anonymous complaint if there is sufficient information to be able to make further enquiries. If sufficient information is not available, the complaint will be recorded and no further action taken. A judgement not to pursue an anonymous complaint will be made by the DCO.

### Vexatious Complaints

A vexatious complaint can be defined as manifestly, unjustified, inappropriate, or improper use of a formal procedure. Complainants will be advised by the DCO where it is felt that the nature or number of complaints made by them is deemed to be vexatious. The DCO will seek advice on this determination from a senior post holder as appropriate.

## Recording, Monitoring and Reporting Complaint

ColegauCymru will record all complaints systematically; this enables ColegauCymru to carry out management reporting.

The DCO will record and monitor all complaints. The following details will be recorded:

- Date received
- Date closed
- The complainant's name
- A summary of the complaint
- The category into which it falls
- The complaint's outcome at each stage

- Any other information deemed relevant

ColegauCymru produces termly reports on complaints and an annual report. ColegauCymru will keep copies of complaints for two academic years. In some circumstances, ColegauCymru may be required to keep records for a longer period e.g. insurance claim.

### Policy Review

This policy and procedure will be reviewed annually.

## Appendix to Complaints Policy

Complaints relating to the Welsh Language Standards imposed on ColegauCymru under the Section 44 Welsh Language (Wales) Measure 2011 Compliance Notice.

### Dealing with Complaints relating to the Welsh Language

Complaints relating to the Welsh Language Standards which ColegauCymru must comply with will be dealt with in the same way as any other complaint by using the ColegauCymru Complaints Procedure. Any complaint should be directed to the Chief Executive.

The organisation address is: ColegauCymru, Unit 7, Greenmeadow Springs, Tongwynlais, Cardiff, CF15 7AB.

The organisation email address is: [hello@collegeswales.ac.uk](mailto:hello@collegeswales.ac.uk)

The Welsh Language Standards which ColegauCymru must comply with in relation to complaints are:

141 You must keep a record, in relation to each financial year, of the number of complaints you receive relating to your compliance with.

150 You must:

(a) ensure that you have a complaints procedure that deals with the following matters -

(i) how you intend to deal with complaints relating to your compliance with the service delivery standards with which you are under a duty to comply; and

(ii) how you will provide training for your staff in relation to dealing with those complaints.

(b) publish a document that records that procedure on your website; and

(c) ensure that a copy of that document is available in each of your offices that are open to the public.

152 (1) You must produce a report (an “annual report”), in Welsh, in relation to each financial year, which deals with the way in which you have complied with the service delivery standards with which you were under a duty to comply during that year.

(2) The annual report must include the number of complaints that you received during that year which related to your compliance with the service delivery standards with which you were under a duty to comply.

(3) You must publish the annual report no later than 6 months following the end of the financial year to which the report relates.

(4) You must publicise the fact that you have published an annual report.

(5) You must ensure that a current copy of your annual report is available - (a) on your website, and (b) in each of your offices that are open to the public

156 You must:

(a) ensure that you have a complaints procedure that deals with the following matters -

(i) how you intend to deal with complaints relating to your compliance with the policy making standards with which you are under a duty to comply; and

(ii) how you will provide training for your staff in relation to dealing with those complaints.

(b) publish a document that records that procedure on your website; and

(c) ensure that a copy of that document is available in each of your offices that are open to the public.

158 (1) You must produce a report (an “annual report”), in Welsh, in relation to each financial year, which deals with the way in which you have complied with the policy making standards with which you were under a duty to comply during that year.

(2) The annual report must include the number of complaints you received during the year which related to your compliance with the policy making standards with which you were under a duty to comply.

(3) You must publish the annual report no later than 6 months following the end of the financial year to which the report relates.

(4) You must publicise the fact that you have published an annual report.

(5) You must ensure that a current copy of your annual report is available-

(a) on your website; and

(b) in each of your offices that are open to the public.

162 You must:

(a) ensure that you have a complaints procedure that deals with the following matters-

(i) how you intend to deal with complaints relating to your compliance with the operational standards with which you are under a duty to comply; and

(ii) how you will provide training for your staff in relation to dealing with those complaints; and

(b) publish a document that records that procedure on your intranet. You must comply with standard 162 in every circumstance, except:

- publishing the document on your intranet.

164 (1) You must produce a report (an “annual report”), in Welsh, in relation to each financial year, which deals with the way in which you have complied with the operational standards with which you were under a duty to comply during that year.



(2) The annual report must include the following information (where relevant, to the extent you are under a duty to comply with the standards referred to) -

(a) the number of employees who have Welsh language skills at the end of the year in question (on the basis of the records you kept in accordance with standard 145);

(b) the number of members of staff who attended training courses you offered in Welsh during the year (on the basis of the records you kept in accordance with standard 146);

(c) if a Welsh version of a course was offered by you during that year, the percentage of the total number of staff attending the course who attended the Welsh version (on the basis of the records you kept in accordance with standard 146);

(ch) the number of new and vacant posts that you advertised during the year which were categorised as posts where -

(i) Welsh language skills were essential;

(ii) Welsh language skills needed to be learnt when appointed to the post;

(iii) Welsh language skills were desirable; or

(iv) Welsh language skills were not necessary, (on the basis of the records you kept in accordance with standard 148);

(d) the number of complaints that you received during that year which related to your compliance with the operational standards with which you were under a duty to comply.

(3) You must publish the annual report no later than 6 months following the end of the financial year to which the report relates.

(4) You must publicise the fact that you have published an annual report.

(5) You must ensure that a current copy of your annual report is available -

(a) on your website; and

(b) in each of your offices that are open to the public.

### Staff Training

Training for staff in dealing with complaints relating to the Welsh Language Standards with which ColegauCymru must comply.

The DCO will review a complaint and discuss the issues with the appropriate parties under Stage 1 of the Complaints Policy (Immediate Resolution) or to investigate under Stage 2 of the Complaints Policy (Investigation).

All ColegauCymru staff will receive annual update training on dealing with and managing complaints. This training will include dealing with complaints relating to the Welsh Language Standards with which ColegauCymru has to comply. Particular reference will be made to the Welsh Language Standards Regulations (No.2) 2016 and the Compliance Notice - Section 44 Welsh Language (Wales) Measure 2011 for ColegauCymru.