



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Complaints procedure about acts or omissions relating to the exercise of the Commissioner's functions

Background

The principal aim of the Welsh Language Commissioner, an independent organisation established under the Welsh Language Measure (Wales) 2011, is to promote and facilitate the use of Welsh. This entails raising awareness of the official status of the Welsh language in Wales and imposing standards on organisations. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles will underpin the work:

- In Wales, the Welsh language should be treated no less favourably than the English language
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so

Contact details:

- Tel: 0345 6033 221
- Email: post@cyg-wlc.wales
- Website: welshlanguagecommissioner.org

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

Contents

1	Introduction	1
2	When should this procedure be used?	1
3	Have you already requested a service?	1
4	How to complain	2
5	Dealing with your complaint	2
6	What we expect from you	4
7	The Ombudsman	4
8	Learning Lessons	5

1 Introduction

- 1.1 Anyone can submit a concern or complaint to the Welsh Language Commissioner. Where possible, we will rectify any errors we may have made and provide any service you are entitled to receive which hasn't been provided. If we have done something incorrectly, we will apologise and, where possible, we will seek to remedy that. We also try to learn from our errors and use the information gleaned to improve our services.
- 1.2 This procedure has been prepared in accordance with section 14 of the Welsh Language Measure (Wales) 2011. There is separate advice on making a complaint about an organisation's use – or lack of use – of the Welsh language or if you feel that someone has interfered with your freedom to use Welsh. This procedure applies if you wish to complain about the Commissioner as an organisation.

2 When should this procedure be used?

- 2.1 When you express your concern or complaint to us, we will usually respond in the manner described below. However, you may sometimes have a statutory right of appeal, therefore, rather than investigating your concern, we will explain to you how to do this. If you are concerned about issues outside of our responsibility, we will inform you how to report your concerns.
- 2.2 This procedure does not apply if your complaint relates to the Freedom of Information Act 2000 or the Data Protection Legislation. Under these circumstances, please contact:

Senior Officer - Governance
Welsh Language Commissioner
Market Chambers
5-7 St Mary Street
Cardiff
CF10 1AT

Tel: 0345 6033 221
Email: post@cyg-wlc.wales

3 Have you already requested a service?

- 3.1 If you are contacting us to request a service for the first time, this policy does not apply. You should give us an opportunity to respond to your request first.
- 3.2 If you request a service and are unhappy with our response, you can report your concern using one of the methods below.

4 How to complain

4.1 You can express your complaint in any of the following ways:

- You can complain to the officer you are already in contact with.
- If you would like to complain over the phone, you can contact our Senior Officer – Governance, who is our central point of contact for complaints about the organisation, on 0345 6033 221.
- You can send us an email to the following address: post@cyg-wlc.wales
- You can write us a letter and send it to the following address:

Welsh Language Commissioner
Market Chambers
5-7 St Mary Street
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4.2 As a rule, we can only consider your concerns if you inform us within 12 months. This is because it is better to investigate your concerns whilst the issues are still fresh in everyone's mind.

4.3 We can only consider concerns brought to our attention later than this under exceptional circumstances. You will have to provide powerful reasons to explain why you were unable to bring the concern to our attention sooner and we will need sufficient information regarding the issue in order to consider it appropriately. We will not consider any concerns about issues which occurred more than three years ago under any circumstances.

4.4 If you are expressing a concern on behalf of someone else, we will need their agreement for you to act on their behalf.

4.5 The Commissioner's officers will try to support you in making your concerns known to us. Copies of this procedure are available in English and Welsh and in audio format, large print and so on, and if you need additional support, we will try to put you in touch with someone who can help.

5 Dealing with your complaint

5.1 We will ask you to state your preferred method of contact and whether you have any specific requirements, for example, a disability. We will ensure that you are not disadvantaged in future dealings with us because you have expressed a concern or complaint.

Stage 1 – Informal resolution

5.2 Where possible, we believe it is better to deal with issues at once rather than try to resolve them later. If you have a concern, raise it with the person you are dealing with. He or she will acknowledge receiving your complaint within 5 working days and will try to resolve the issue within **10 working days**.

- 5.3 If there are lessons to be learnt from your concern, the member of staff will bring them to the attention of the Commissioner's Management Team.
- 5.4 If the member of staff is unable to help, he/she will explain why and you can then request a formal review.
- 5.5 In serious cases, Stage 2, conducting a formal review, may be initiated immediately.

Stage 2 – Formal review

- 5.6 We will acknowledge your complaint formally within **5 working days** from the date of receipt and inform you how we intend to deal with it.
- 5.7 We will inform you of who we have asked to investigate your concern or complaint. In serious cases, we may ask an independent investigator to deal with the issue.
- 5.8 We will present our understanding of your concerns and ask you to confirm our understanding. We will also ask you to tell us what outcome you are hoping for.
- 5.9 As a rule, the person considering your complaint will need to see the information we have relevant to your complaint. If you do not wish this to happen, it is important that you inform us.
- 5.10 If there is a simple solution to your problem, we may ask you whether you are happy to accept it. For example, if you have requested a service and we can see immediately that you should have received it, we will offer to provide the service rather than conduct an investigation and prepare a formal response.
- 5.11 We will try to resolve concerns as quickly as possible and we would expect to conduct a formal review within **20 working days**. If your complaint is more complex, we will:
 - Inform you within this period why we believe the investigation could take longer;
 - Tell you how long we expect it to take;
 - Inform you of our progress with the investigation; and
 - Keep you regularly updated, including informing you of any developments which are likely to change our original schedule.
- 5.12 The person investigating your concerns will try to establish the facts first. The scope of this investigation will depend on the complexity and seriousness of the issues you have raised.
- 5.13 In some cases, we may ask for a meeting to discuss your concerns.
- 5.14 We will consider relevant evidence. This could include files, notes of conversations, letters, e-mails or anything relevant to your particular concern. If necessary, we will speak to staff or others involved in the issue and examine our policies and any legal rights and guidance.

The outcome

- 5.15 If we conduct a formal review of your complaint, we will inform you of our findings through your chosen method of communication. If necessary, we will produce a full report. We will explain how and why we arrived at our conclusions.
- 5.16 If we find that we were at fault, we will tell you what happened and why. We will demonstrate how the error affected you. If we were at fault, we will always apologise.
- 5.17 If we find any shortcoming in our systems or our way of working, we will inform you of that shortcoming and how we propose to change in order to prevent a reoccurrence.
- 5.18 If we have failed to provide a service you should have received, we will try to provide it where possible. If we have failed to do something to the expected standard, we will try to remedy that.

6 What we expect from you

- 6.1 Some individuals may behave out of character under challenging circumstances. Although we strongly believe that all complaints have the right to be voiced, heard, understood and respected, we also believe that the same rights apply to our officers. There is a copy of our policy on unacceptable conduct by complainants on our website.

7 The Ombudsman

- 7.1 If we fail to resolve your complaint, you can take your complaint to the Public Services Ombudsman for Wales. The Ombudsman is independent and can investigate your complaint if you believe that you personally, or the person you are complaining on his behalf:
- have been treated unfairly or have received a poor service due to a shortcoming within the providing body;
 - have been personally disadvantaged due to a failure in the service; or
 - have been treated unfairly.
- 7.2 The Ombudsman expects you to bring your concerns to our attention first and give us an opportunity to rectify things. You can contact the Ombudsman using the following contact details:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF355LJ

Tel: 0300 790 0203

Email: ask@ombudsman.wales

Website: www.ombudsman.wales

8 Learning Lessons

- 8.1 The Commissioner's Management Team will consider complaints regularly. We will take your concerns and complaints seriously and try to learn from any errors made.
- 8.2 Where change is needed, we will prepare an action plan identifying what we will do, who will do it and by when we propose to do it. We will inform you when the promised changes have been delivered.