



Life Sciences Hub Wales Document Control

POLICY	<i>Complaints Policy and Procedure – Welsh Language</i>		
ISSUE DATE	<i>04 February 2022</i>	REVIEW DATE	<i>February 2023</i>
VERSION	<i>2.00</i>	OWNED BY	<i>Operations Director</i>
SCOPE	<i>The Policy and Procedures herein applies to all employees</i>		
ASSOCIATED DOCUMENTS	<i>Welsh Language Policy Welsh Language Standards – Compliance Notice</i>		

APPROVED BY	<i>ARAC</i>	DATE	<i>13 February 2017</i>
RESPONSIBILITY FOR IMPLEMENTATION & TRAINING	<i>CEO Operations Director Head of Governance</i>		
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Revisions		
Date:	Author:	Description:
November 2021	Ian Bevan, DPCM	Review and update based on advice from Welsh Language consultant. Minor amendments made. A Welsh Language version of the document will also be produced.
March 2020	Ian Bevan DPCM	Review of Policy, removal of guide to external Complaints Guide
February 2017	Gemma Bafico Operations Manager	Creation of initial document

Complaints Policy and Procedure – Welsh Language

1. Purpose

Life Sciences Hub Wales Ltd (“the Company”) is committed to providing an excellent Welsh Language service. The Company welcomes the use of Welsh and encourages the use of Welsh in the conduct of its business and delivery of services.

The Welsh Language (Wales) Measure 2011 establishes a legal framework to impose a duty on some organisations to comply with one or more standards in relation to the Welsh language. The Company is required to comply with the Welsh Language Service Standards placed on Welsh Ministers.

This policy is intended to ensure that all complaints regarding the Welsh language are handled fairly, consistently and wherever possible resolved to the complainant’s satisfaction and in accordance with the requirements regarding the handling of complaints under the Welsh Language Standards.

The Welsh Language Policy and the Service Standards applicable to the Company should be referred to in conjunction with this policy.

2. Scope

Life Sciences Hub Wales Ltd is committed to providing a quality Welsh language service for its stakeholders and working in an open and accountable way that builds trust and respect.

The Company views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person, people or organisation that has made the complaint.

Employees are expected to manage any expression of dissatisfaction made to or about the Company, including but not limited to its services and employees, in accordance with the Policy.

The Compliance Notice issued by the Language Commissioner under the Welsh Language Measure specifies the Service Standards with which the company must comply.

Complaints made regarding the Welsh language that fall within the scope of the Service Standards will be addressed in line with those Standards and the Regulations. Whereas, complaints that fall outside those Standards, will be dealt with by following this policy and the company’s generic Complaints Policy.

Company employees are able to make a complaint with regard to the Operational Standards linked to internal use of Welsh in accordance with this policy (and procedure).

3. Principles

It is the Company's policy to acknowledge and investigate every complaint that it receives regarding the Welsh language.

The Company welcomes and encourages the use of Welsh in its business activities and for stakeholders to engage with the Company in their preferred language.

A complainant is welcome to make a complaint in Welsh and will be dealt with no less favourably for doing so. All time targets for handling complaints will be the same for complaints received in Welsh and English. The Company receives complaints in writing or orally for the informal stage and in writing, when following the formal procedure and appeal procedure.

4. Responsibilities

All team members have a responsibility to deal appropriately and swiftly with any complaint and to follow this policy and complaints procedure.

The main contact for the Welsh language within the Company is the Head of Governance, Risk and Compliance. This role also includes overall monitoring and reporting on the complaints made regarding the Welsh language and to report complaints under the remit of the Welsh Language Standards to the Welsh Government.

5. Monitoring and Reporting

All complaints regarding the Welsh language will be recorded and reported in the annual Welsh language report and reported to Welsh Government.

Monitoring and investigating complaints will help the company to learn and improve for future practice.

6. Complaints Procedure

6.1 Introduction

The Company's policy and procedures aim to ensure that complaints are handled in a timely manner with an efficient outcome, that the expectations of the complaint are managed throughout the life of the complaint i.e. it should be made clear what will happen to the complaint, who will have ownership of it, what activities will happen and the likely timeframe within which the Company will respond formally or informally and how it will respond.

6.2 Stage One - Informal Resolution

The majority of issues will, and should, be resolved informally within 10 working days.

The complainant should raise their concerns with a team member who has direct responsibility for the matter in question, to try to achieve a satisfactory resolution.

If appropriate, a meeting should be offered between the complainant and the responsible team member to arrive at an agreed resolution. Such a meeting can be facilitated in Welsh, or in accordance with the language preferences of the complainant.

If a raised concern is about a team member it should be referred to the relevant line manager.

At this informal stage concerns may be raised in person, by telephone or by email.

If the complainant does not feel that their concerns have been addressed by the team member with direct responsibility, then they should make a formal complaint - **see Stage 2**.

The details of all informal complaints, when satisfactorily resolved, should be logged on the Complaints Register.

6.3 Stage 2 – Formal Complaints Procedure

Where complaints are very serious or the matter cannot be resolved informally, the complainant should raise a formal complaint, in writing to the CEO.

The formal procedure is as follows:

6.3.1 Acknowledge

The complaint should be acknowledged by the Strategic Assistant to the CEO within five working days of receipt stating the name of the Investigating Officer (to be appointed by the CEO) and that a response will be provided within 20 working days using a standard template (Annex 2).

6.3.2 Log

The Head of Governance, Risk and Compliance will keep a log of all complaints and record progress and outcomes in the Complaints Register.

This includes reporting the complaint to the Welsh Government, for Welsh language matters.

6.3.3 Assign

The Head of Governance, Risk and Compliance will forward the complaint to the Investigating Officer.

The Investigating Officer should be a member of the Senior Leadership Team to indicate to the complainant the importance the company places on managing complaints effectively, but should not be the same manager who assessed the informal complaint.

6.3.4 Investigate

The role of the Investigating Officer (IO) is to conduct a fact-finding exercise to collect all the relevant information on the matter.

The IO may contact the complainant for further information or to be invited to a meeting. The complainant may be accompanied by a mutually agreed representative, subject to prior notification. An accompanying person cannot take an active part in the proceedings but can offer support to the complainant.

The IO should be fair and objective when giving due consideration to establish and assess the facts of the matter.

The company accepts that some situations may require an extended investigation period. If it is unlikely that a resolution will be achieved within the 20-day investigation period, the IO should advise the complainant in writing providing a revised date.

6.3.5 Resolve

The IO will make a judgement based on the evidence gathered and will decide to,

- dismiss the complaint as unfounded, giving reasons
- uphold or partially uphold the complaint
- propose an amicable settlement
- take appropriate steps to address the issue to avoid a similar problem arising in future

The IO will respond in writing to the complainant setting out,

- the details of the complaint
- the outcome of the investigation
- the rationale the outcome is based on
- a formal apology if the complaint is upheld

- the proposed actions to remedy the complaint

6.3.6 Appeal

If the complainant is dissatisfied with the outcome of the investigation, they may appeal to the CEO within 20 working days of the date on the response letter.

Should it be inappropriate for the CEO to hear the appeal (for example due to direct involvement in the matter under investigation) a member of the company's Board may lead the appeal process.

Receipt of the appeal will be acknowledged within five working days by the IO. The appeal should be made in writing stating the grounds for the appeal and any action they are seeking.

Appeals against the outcome of a complaint may be made on the following grounds:

- There is evidence that procedure was not followed
- There is new evidence which has come to light
- There is evidence that the company has demonstrated bias or prejudice in the process of the investigation, or there is evidence of inaccuracies in the investigation

Whatever the grounds for the appeal, the evidence should be provided.

Appeals may only be made on the grounds set above and may not be submitted to simply dispute the decision arising from the investigation into the complaint.

The CEO or Board member will review the paperwork from the investigation into the complaint and decide to,

- uphold the original decision/dismiss the complaint as unfounded
- uphold, or partially uphold, the complaint
- recommend appropriate steps are taken, where necessary, to address the issue and to avoid a similar problem arising in future

The CEO or Board member will write to the complainant, within 20 working days of receipt of the appeal, detailing the outcome.

Should the CEO or Board member judge it appropriate to hold an appeal hearing, this will normally be held within ten working days of receipt of the appeal. The complainant may be accompanied by a mutually agreed representative, subject to prior notification. An

accompanying person cannot take an active part in the proceedings but can offer support to the complainant.

A written notification of the result of the appeal will normally be sent within 10 working days after the appeal hearing.

The decision of the CEO or Board member is final.

6.3.7 Closure of Complaints

A complaint is deemed to be closed if an appeal is not received within 20 working days from the date the investigation outcome is communicated to the complainant.

6.3.8 Record Keeping

All documents in relation to a complaint will be stored electronically on the company's SharePoint site within the Company's Complaints and Positive Feedback folder.

The IO is responsible for ensuring that all documents are saved.

The IO is also responsible for providing the necessary information to the Head of Governance, Risk and Compliance to facilitate the completion of the Complaints Register.

6.3.9 Quality Improvement

The CEO and management team will ensure that relevant action, as necessary, is taken to change procedures or implement staff training to prevent recurrence of complaints.

6.3.10 Monitoring Complaints

The Head of Governance, Risk and Compliance will monitor all logged complaints regarding the Welsh language to ensure the correct procedures are being followed, identify potential trends and thus areas for improvement.

The investigation and resolution will be recorded and reported to the Welsh Government.

The complaint will also be included in the annual report to Welsh Government.

6.4 Statutory complaints under section 93 of the Welsh Language Measure

Complaints received from Language Commissioner regarding the Welsh Language which fall under statutory complaints about the Language Standards, will follow the appropriate external process.

6.4.1 Enforcement Policy

Please refer to the Language Commissioners' website. This policy should be read in conjunction with the Commissioner's Enforcement Policy found here:

[Welsh Language Commissioner Wales](#)

This policy is a statutory document produced in accordance with section 108 of the Welsh Language (Wales) Measure 2011 [Welsh Language Measure].

It is a document setting out advice and information on the Welsh Language Commissioner's [the Commissioner] intended approach to the exercise of the Commissioner's functions under Part 5 of the Welsh Language Measure.

6.4.2 Submitting a complaint to the Commissioner

A person may complain to the Commissioner about the conduct of the company in relation to a standard with which the organisation must comply. The complainant must be a person who has been directly affected by the alleged conduct, or be a person acting on behalf of that person.

The Commissioner will accept written complaints by post, by e-mail, through the website and through social media. In order to ensure accessibility, it is possible for those who cannot submit a written complaint due to their personal circumstances, to contact the Commissioner over the telephone or any other appropriate medium to explain so and to discuss their complaint. The Commissioner will make reasonable provision and provide support for them to submit their complaint through an alternative method.

6.4.3 Informal resolution is encouraged

The Commissioner encourages complainants to complain to the relevant person in the first instance, in order to give that person an opportunity to respond, and offer a resolution. However, it must be made clear that it is not necessary for the complainant to submit a complaint to a relevant person.

6.4.4 Timeframe

A complainant, or a person acting on behalf of the complainant, is expected to submit a complaint to the Commissioner within 1 year of becoming aware of the alleged conduct.

6.4.5 Key Steps

1. Acknowledge receipt of the complaint
2. Ascertain and confirm (if appropriate) that the complaint is valid i.e. falls under the Service Standards, is applicable to the company *and is a valid complaint*
3. *Commissioner considers whether or not to undertake statutory investigation/ requests information from the organisation/ come to a decision on whether an investigation is appropriate*

If yes to above, then the Commissioner

4. carries out statutory investigation
5. presents determination of statutory investigation (including opportunity to make representation on proposals to be made by Commissioner).
6. provides final copies of the decision notice and the statutory investigation report to the parties concerned.

The company will co-operate fully with the Language Commissioner with all initial requests for information and any subsequent statutory investigation.

The company will always do its utmost to reach a reasonable resolution. Any actions proposed by the Commissioner following their investigation, would be addressed fully and swiftly with a view to resolving the matter and improving Welsh language services in future.

6.5 Appeal against the Welsh Language Commissioner's Decision

LSHW and members of the public can appeal a decision made by the Commissioner in certain circumstances. The [Welsh Language Tribunal - appealing against the result of an investigation by the Commissioner](#) contains a wealth of relevant information. However, for the purposes of policy, LSHW's process is thus:

6.5.1 Appeal by LSHW

LSHW can appeal a decision made (within 28 days) under Section 98 of the Measure on the grounds that:

- The Commissioner was wrong to determine that there was a failure to comply (Section 95(2))
- That the Commissioner's proposed enforcement action is unreasonable or disproportionate (Section 95(4))

In appeal against the proposed enforcement action, the Tribunal can vary that action.

For an appeal on the grounds that the Commissioner was wrong to determine that there was a failure to comply. The Operations Director in this instance will complete the [Welsh Language Tribunal Application Form](#) and tick box 3b.

For an appeal on the grounds that the Commissioner's proposed enforcement action is unreasonable or disproportionate, the Operations Director will complete the [Welsh Language Tribunal Application Form](#) and tick box 3c.

6.5.2 Appeal by a complainant

A complainant (the person that made a complaint which led to the investigation) can appeal to the Tribunal (within 28 days) under Section 99 of the Measure if the Commissioner has determined, following the investigation, that there was no failure to comply.

For an appeal against the Commissioners determination that there was no failure to comply, the complainant should complete the [Welsh Language Tribunal Application form](#) and tick box 3d.

6.5.3 Appealing against an Evidence Notice

Should LSHW receive an evidence notice from the Commissioner and wish to appeal against it, the Operations Director is complete the [Welsh Language Tribunal Application Form](#) and include a statement of the nature of the application. This application should include the reasons for making the application clearly. Further support can be obtained from the [Tribunal](#) in cases where further information may be required.

Annex 1

LSHW Welsh Language Complaint Procedure

Informal Resolution

The majority of issues should be resolved informally within 10 working days.

The complainant should raise their concerns with a team member who has direct responsibility for the matter in question to try to achieve a satisfactory resolution.

If the complaint is against a team member, the complaint should be raised with the relevant line manager.

At an informal stage, concerns may be raised in person, by telephone or by email.

If the informal complaint is satisfactorily resolved, it should be logged on the Complaints Register.

If the complainant feels their concerns have not been addressed by the responsible person, or the complaint is serious, they should raise a formal complaint by writing to the CEO.

Acknowledge – the complaint should be acknowledged by the Strategic Assistant to CEO in writing within 5 working days, stating the name and title of the Investigating Officer (IO) and that a response will be provided within 20 working days.

Log – Head of Governance, Risk & Compliance to keep a log of all complaints, records progress and outcomes on the Complaints Register.

Assign – Head of Governance Risk & Compliance will forward the complaint to the IO.

Investigate -the IO will conduct a fact-finding exercise to collect all relevant information on the matter.

Resolve – IO will make a judgment based on the information gathered and will decide to:

- Dismiss the case as unfounded, giving reasons.
- Uphold/partially uphold the complaint.
- Propose an amicable settlement.
- Take appropriate steps to address the issue to avoid a similar problem arising in the future.

The IO will respond to the claimant in writing.

Appeal – if the complainant is dissatisfied with the investigation, they may appeal to the CEO in writing within 20 working days.

Closure – a complaint is deemed closed if an appeal is not received within 20 working days from the date the investigation outcome is communicated to the complainant.

ANNEX 2

COMPLAINTS ACKNOWLEDGEMENT TEMPLATE

Life Sciences Hub Wales
3 Assembly Square
Cardiff Bay
CF10 4PL

Tel: 029 2046 7030

(Address Block)

(Date)

Dear (Name),

Thank you for your letter/email dated (date), received in our office on (date).

I am sorry that you have been dissatisfied with the service we have provided and can confirm that we will be investigating your concerns.

(Name and title) has been appointed as the Investigating Officer and will contact you to discuss the matter further.

Please find enclosed our complaints procedure, which explains how your complaint will be managed and when we will contact you again.

In the meantime, should you have any queries please do not hesitate to contact me.

Yours sincerely,

Gemma Bafico
Operations Director

Enclosure:

1. Life Sciences Hub Wales Welsh Language Complaints Procedure