

THE NATIONAL ASSEMBLY FOR WALES COMMISSION

ASSEMBLY PARLIAMENTARY SERVICE

CODE OF PRACTICE ON COMPLAINTS

December 2007

This is the National Assembly for Wales Commission's Code of Practice on Complaints. If you believe you have suffered as a result of maladministration or service failure by us, you may want to make a complaint. This Code sets out the principles and procedures which we will apply when considering complaints.

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The Procedure – In Summary

1. In the first instance raise your complaint or concern with the official with whom you have been dealing.
2. If this fails to satisfy your concerns you should make a formal complaint.
3. You can complain by e-mail, fax, letter or by completing our Complaint Form at Annex B.
4. Your complaint will be investigated by the Chief Executive and Clerk, or by a person nominated by her..
5. We will respond within 15 working days of the date of receipt of the complaint.
6. If you are not satisfied with the outcome, your complaint can be considered by the Public Services Ombudsman for Wales, or the Information Commissioner.

The Code is explained in more detail in the following pages.

Section 1: INTRODUCTION

1. We are committed to providing an excellent standard of service to those with whom we deal. We value your views and aim to make continuous improvements to our services based on the information and feedback we receive. We welcome both positive and negative feedback, and recognise that justified complaints give us the opportunity to learn from what happened, to put things right and to improve our services where we can.

2. This Code of Practice on Complaints ("the Code") explains how and when we will deal with complaints about the National Assembly for Wales Commission's staff.

3. If you are not satisfied with our response to your complaint, you may be able to refer the matter to either the Public Services Ombudsman for Wales ("the Ombudsman") or the Information Commissioner ("the Commissioner"). Our complaints procedure is described in this Code. This information is available on our website: www.assemblywales.org.

What the Code does and does not cover

4. The Code **allows** us to consider complaints about our administrative actions in relation to the following:

(i) Maladministration in administrative actions. Generally, maladministration means poor administration or applying rules incorrectly. The following list provides some examples of maladministration:

- Avoidable delay;
- Faulty procedures applied or failing to follow correct procedures;
- Failing to tell a member of the public about any rights of appeal they might have;
- Unfairness, bias or prejudice;
- Giving advice which is misleading or inadequate;
- Refusing to answer reasonable questions;
- Rudeness and failing to apologise properly;
- Mistakes in handling a claim;
- Not offering a suitable solution when one is due.

(ii) Failing to provide information which you have asked for under the Code of Practice on Public Access to Information. The decision to withhold information does not need to have involved maladministration, and this principle is not affected by what is said in paragraph 5(i) below.

(iii) Failing to provide a service we planned to provide or must provide by law, or failing to provide a service to our standards.

(iv) Failing to meet our Welsh Language Scheme.

5. Under this Code's procedures, we **will not** consider:

(i) complaints about a decision which has not involved any maladministration - in other words, the Code cannot be used to complain about a decision just because you do not agree with it;

(ii) complaints about the conduct or interests of Assembly Members acting in their personal capacity or in relation to constituency matters; such matters are dealt with by a separate complaints process;

(iii) complaints about personnel matters.

6. If you think that you may be able to take legal action against us, please remember that you must usually do this within strict time limits. You should get independent legal advice on this. But it does not stop you making a complaint under this Code, as long as the Code allows it.

Section 2: THE PRINCIPLES OF THE COMPLAINTS PROCESS

To make sure that the complaints process is as effective as possible, we have a system which covers the following principles. These principles are applied throughout the complaints process and provide a framework for dealings between members of the public and our staff.

Fairness	A fair complaints procedure which is open and makes sure everyone is treated equally.
Courtesy	Communication must be based on mutual respect, trust and courtesy ¹
Accessibility	A complaints procedure which is easy to understand, easy to access and well publicised.
Timeliness	Complaints are dealt with promptly within clear time limits.
Effectiveness	The Code is monitored and reviewed to make sure it continues to be effective.

¹ We understand that you may have suffered stress or anxiety in relation to a particular matter. We aim to provide a professional service and our communication with you, either written or spoken, will be based on mutual politeness and respect. We will not be able to deal with complaints made in offensive or defamatory language, or if we feel your actions are unacceptable or unreasonable.

Section 3: THE PROCEDURE FOR MAKING A COMPLAINT

This section explains the process to be followed where a member of the public wants to make a complaint about our administrative actions.

The Process

Making a Complaint

(i) It may be possible for the official who you have been dealing with to resolve your complaint. The first step should therefore be to raise the matter with the official who will do all they can resolve the matter. If the official has been unable to satisfy your concerns you should make a formal complaint.

(ii) Formal complaints should be made in writing (which includes by e-mail or fax, although complaints we receive in this way do not receive higher priority). Receiving a complaint in writing is particularly important if the complaint is complicated. However, we may accept a verbal complaint if we consider it reasonable to do so.

(ii) You should make sure that you clearly set out the details relevant to the complaint. You may find it useful to fill in the Complaint Form (see Annex B) which may help us to find out what the complaint is about and what you expect us to do to put things right.

(iii) For the purposes of dealing with a complaint, we will deal with your personal details in line with the requirements of the Data Protection Act 1998, and will only pass them to people who need to see them. For more information, please contact our Access to Information Officer (see contact details at Annex A).

(iv) If you cannot act for yourself, a representative may make a complaint on your behalf. We may ask the person claiming to be acting on your behalf to provide proof that he or she is authorised to act in this way.

(v) If a complaint is made by someone else (who is not acting on your behalf and you have not actually complained), we will consider what action, if any, is necessary to look into the issues raised in the complaint. In these circumstances, we will consider the rights and wishes (for example, your right to privacy).

(vi) You must provide copies of any supporting evidence you refer to in the complaint.

(vii) You should make a complaint as soon as possible after you first become aware of the matters you are complaining about and, in any event, within six months of that time. We may, however, be prepared to consider a complaint made outside that time limit if we consider that, in the particular circumstances

of the complaint, there is good reason why the normal time limit should not apply.

(viii) Your complaint should be sent to the Chief Executive and Clerk(contact details are at Annex A).

What will we do?

(i) The complaint will be dealt with by the Chief Executive and Clerk or a person nominated by her. He or she will consider whether the complaint is covered by our Code.

(ii) If the complaint **is not** covered by our Code, you will be told this and we will, if possible, direct you to another appropriate organisation which may be able to help you.

(iii) If the complaint **is** covered by our Code, we will take the following action:

- ❖ We will deal with all complaints as soon as possible, and the Chief Executive and Clerk will respond within 15 working days of the date we receive the complaint.
- ❖ If we cannot give you a full response because your complaint is complicated or raises serious issues which may need detailed and careful consideration, we will let you know when you will receive a full reply.
- ❖ If the complaint is about a named member of staff, we will tell that person about the complaint and give them the opportunity to give his or her views on the issues raised.
- ❖ A complaint made by someone who refuses to give his or her name (an “anonymous complainant”) will be considered by the Chief Executive and Clerk to the Assembly, who will decide whether there is any action to be taken (for example, referral to other organisations if the allegation refers to fraud or crime). Generally, anonymous complaints will only be noted and not investigated further.

Where possible, we will deal with any mistake or failure immediately. We will send you an explanation for the mistake or failure, and an apology.

The next stage

If you are not satisfied with our response, you have a right to appeal to the Public Services Ombudsman for Wales or the Information Commissioner. We will provide you with the appropriate contact details.

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CONTACT DETAILS

Chief Executive and Clerk to the Assembly

National Assembly for Wales

Cardiff Bay

CF99 1NA

Telephone: 029 2089 8233

Fax: 029 2089 8686

APS-Complaints@wales.gsi.gov.uk

Access to Information Adviser

National Assembly for Wales

Cardiff Bay

CF99 1NA

Telephone: 029 2089 8889

Assembly-AccessstoInformation@wales.gsi.gov.uk

Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae

Pencoed

Bridgend

CF35 5LJ

Telephone: 01656 641150

Fax: 01656 641199

<mailto:ask@ombudsman-wales.org.uk>

www.ombudsman-wales.org.uk

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 01625 545700

Fax: 01625 524510

<mailto:mail@ico.gsi.gov.uk>

www.ico.gov.uk

National Assembly for Wales Commission Complaint Form

Section 1: To be filled in by the person making the complaint

Name:	
Address:	
Contact No:	

I want you to consider the complaint I have described below, and I attach evidence to support my complaint.

Signature of the person (or people) making the complaint:	
Date:	

Section 2: To be filled in if you are the person acting on behalf of the person (or people) who wants to make a complaint (if the person (or people) complaining cannot act for themselves)

Name:	
Address:	
Contact No:	

Reason why you are acting on behalf of the person making the complaint:

I, _____
 give _____
 permission to represent me.

Signature: _____

Date: _____

Section 3: Who/what are you complaining about?

Please tick the box that you feel is relevant to your complaint.

- Avoidable delay
- Faulty procedures applied or failing to follow correct procedures
- Failing to tell a member of the public about any rights of appeal they might have
- Unfairness, bias or prejudice
- Giving advice which is misleading or inadequate
- Refusing to answer reasonable questions
- Rudeness and failing to apologise properly
- Mistakes in handling a claim
- Not offering a suitable solution where one is due
- Failing to provide information
- Failing to provide a service we must provide by law
- Failing to provide a service to our standards
- Not meeting the conditions of our Welsh Language Scheme

Please provide a full description of the complaint, telling us how you have been affected and what you think we should do to put things right. (You can provide this on a separate piece of paper if you prefer, and attach it to this form.)

Section 4: Communication about the complaint

Have you already complained?

Yes No

If you answered 'Yes', please attach a copy of the complaint and any response you have received.

Section 5: Supporting evidence

If you answered 'Yes' to Section 4 above, please attach copies of any correspondence (or relevant documents) you have had about the complaint. You may list them below.

Document	Date