

# Public Health Complaints Procedure

Produced in Accordance with  
The NHS Bodies and Local Authorities (Partnership Arrangements, Care  
Trusts, Public Health and Local Healthwatch) Regulations 2012  
(SI 2012/3094)

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<b>CONSULTATION</b>
The following people have been consulted on this procedure: Deputy Directors, Heads of Service, Customer Engagement Manager, Customer Engagement Officers, Customer Services, Head of Information Governance, Health and Safety Team, Legal Services, Human Resources, EDI Team/EDI Forums

<b>EQUALITY ANALYSIS</b>			
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# Dealing with Complaints, Compliments and Comments about Public Health Services

## 1.0 Introduction

- 1.1 This procedure should ensure that all complaints received by the Council regarding its Public Health functions are handled in accordance with the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012. NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.
- 1.2 It should also ensure that any such complaints are handled in a manner that upholds the principles of good complaints handling set out by the Local Government and Social Care Ombudsman (LGSCO).

## 2.0 Legal Requirements

- 2.1 Section 32 of the Health and Social Care Act requires the Council to have a complaints procedure in place in respect of its Public Health functions.
- 2.2 The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 “the Complaint Regulations” are the legal framework for the Council’s public health complaints procedure.

## 3.0 Scope

- 3.1 These procedures outline the complaints system for City of Wolverhampton Council Public Health Services and sets out how they will receive and respond to complaints and representations. They follow the Regulations, issued on 12 December 2012, and operational from 1 April 2013, which determine the way the legislative framework will operate; what people can complain about; and who is eligible to make a complaint.
- 3.2 Complaints which are resolved informally to the customer’s satisfaction by the service are not required to be dealt with in accordance with these Regulations.

## 4.0 Definition of a Complaint

- 4.1 A complaint is *‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.’*

## 5.0 Feedback, Comments and Compliments

- 5.1 **Feedback** - Different types of feedback can be shared with the Council. The Council will classify feedback that is received and determine who will be responsible for dealing with it.
- 5.2 **Comments** - Customers can make a comment about a service that they have

received or an experience they have had. This can include suggestions for improvement, whether something can be done differently or an idea. Some comments will be noted but not responded to, however, it will be necessary in some instances for the service to carry out some investigation into the issues raised and provide a response. If customers want to make a comment about anything that the Council does or would like to make a suggestion on how services provided can be improved, the Council would welcome their thoughts. More information is available via [Make a complaint | City Of Wolverhampton Council](#)

- 5.3 **Compliments** - Compliments can be positive feedback about a service that has been provided or an action taken by the Council or an individual member of staff. If customers receive a particularly good service and wish to make a compliment, the Council will ensure that the person or service is made aware of those comments. The compliment will be logged by the Customer Liaison Team and an acknowledgement issued by the Customer Liaison Team and/or relevant service. More information is available via <https://www.wolverhampton.gov.uk/contact-us/customer-feedback/pay-us-compliment>

## 6.0 Definition of Public Health Services

- 6.1 From 1st April 2013 local authorities had a duty to improve the health of the people in their area, and a responsibility for commissioning appropriate public health services. This may include NHS providers, private providers, not-for-profit providers, third sector providers, GP and Pharmacy Providers. The Council may also provide certain public health functions themselves.

- 6.2 The types of Public Health services that the Council either independently commission or provide themselves:

- NHS Health check programmes
- Contraception services over and above the GP contract
- Services in respect of testing and treatment of sexually transmitted infections (excluding HIV)
- Sexual health advice, prevention and promotion services
- Mental health promotion and prevention services
- Local physical activity programmes and other intervention services to promote physical activities
- Local services to prevent and address obesity
- Drug misuse services including prevention and treatment services
- Alcohol misuse services including prevention and treatment
- Workplace Health Support

## 7.0 Principles

- 7.1 All complaints will be handled in accordance with the principles and practice of good complaints handling as set out by the Local Government and Social Care Ombudsman (LGSCO).

- 7.2 The procedure puts the customer and/or their representative at the centre of efforts to resolve the issues they have raised. We recognise the importance of

listening to our customers' experiences and views about our service, particularly if they are unhappy.

- 7.3 The Council welcomes feedback: compliments, comments and complaints from customers. Feedback will be recorded and acted upon in accordance with the Procedure.
- 7.4 The Procedure ensures that the Council can demonstrate that it draws on the experience of its customers, positive or negative, to bring about change in services.
- 7.5 Best practice promotes a fair and responsive feedback procedure. Procedures need to be open, easy to access and responsive to enable customers and/or their representatives to make representations and complaints.
- 7.6 This Procedure is the method by which customers can give feedback and be sure that they will be listened to and taken seriously.
- 7.7 The Council is committed to promoting equality of opportunity for all people. We want to ensure all sections of the community are able to access the procedure and will undertake monitoring to check that this is the case.
- 7.8 The Council recognises that some people have concerns about making complaints for fear of losing a service or fear of being treated unfavourably. Customers will not be harassed or victimised as a result of making a complaint.
- 7.9 We want to make it as easy as possible for them to let us know their views. The procedure will ensure that representations and complaints are dealt with in a way that is:
  - **open** - information gathered about the issues raised and the way in which they have been handled will be shared fully with the customer in a sensitive and appropriate way
  - **clear** - the details of the complaint and the way in which it will be handled will be agreed at the start with the customer
  - **responsive** - the needs of the customer will be taken into account in determining the way their concerns will be addressed
  - **flexible** - the way we deal with the complaint will be determined by the nature of the complaint and will be:
    - **proportionate** - the efforts to resolve and time taken in addressing the issues raised will reflect the significance of those issues
    - **accessible** - the procedure will be easy to access and use
    - **timely** - complaints will be handled in a reasonable timescale rather than solely to preset timescales

- **resolution focussed** - we will focus on reasonable resolution at all points in the process

## **8.0 Aims**

- 8.1 We aim to respond appropriately to expressions of dissatisfaction about the exercise of the Council's public health functions and learn from complaints in a way that drives improvements in delivering those functions. In order to do this, the Council will record and monitor complaints and data gathered when handling complaints.
- 8.2 Where we receive complaints that relate to the Council and another organisation's exercise of Public Health functions we will work appropriately with that other organisation to ensure that responses and any necessary service improvement are effectively co-ordinated.

## **9.0 Who Can Complain?**

- 9.1 Complaints may be made by a person or someone acting on behalf of that person, or any person affected by or likely to be affected by the action, omission or decision of the Council or independent provider that is the subject of the complaint. The complaint must be about a service, which the authority has the power to provide.
- 9.2 Where a customer appears to be making a complaint or representation on behalf of a qualifying individual, the authority should take steps to satisfy itself that this is indeed the case. Where a Council is satisfied that a customer is not conducting the complaint in the best interests of the person on whose behalf the complaint is made, the authority may decide not to consider the complaint further.
- 9.3 This decision will be made by or in discussion with the Complaints Manager, and the customer must be given information about how to contact the Local Government and Social Care Ombudsman (LGSCO).
- 9.4 A person is a qualifying individual if:
- A Council has a power or a duty to provide or to secure the provision of a social service for a person;
  - The person's need or possible need for such a service has come to the attention of the authority.
- 9.5 A complaint can be made by:
- A person who receives or has received services which fall within the public health functions of the Council, or if you represent someone who has received such a service;
  - A person who is affected, or likely to be affected by the action, omission or decision of the Council relating to public health services;

- A person acting on behalf of someone who is unable to make the complaint themselves because of physical or mental incapacity;
- A person acting on behalf of an individual who has died;
- A person acting as a representative of a child.

9.6 Complaints made on behalf of a child - Where a complaint is received from a representative acting on behalf of a child or young person, the Council must consider whether the representative is suitable to act in this capacity or has sufficient interest in the child's welfare.

9.7 The Council will also confirm where possible that the child or young person agrees with the complaint being raised and that the complaint reflects their views.

9.8 The Council will notify the customer that the complaint will not be considered and will explain the reasons for this decision; where the Council is satisfied that:

- the child or young person does not wish for the complaint to be considered; or
- that the child or young person is sufficiently able to raise the complaint themselves; or
- the customer does not have sufficient interest in the child's welfare.

## **10.0 What Can Be Complained About?**

10.1 People will be able to use the Public Health Complaints Procedure for any matter reasonably connected with the exercise of the Council exercise of its public health functions. This deliberately allows for complaints about a very wide range of issues. If someone is unsure whether their complaint falls within the scope of the new arrangements, the Council's Public Health Directorate will be able to provide advice through the Complaints Manager.

10.2 A complaint which is about a service which has been commissioned, or purchased by the Authority, to meet a Public Health services' function, will usually be considered within the provider's own complaints procedures in the first instance. (See section 16).

10.3 Where a complaint is in part a public health care provider complaint and in part for the Council to consider, the authority must as soon as reasonably practicable:

a) notify the complaint which part of the complaint will be handled by the Council in accordance with these Regulations; and

b) co-operate as much as is reasonable and practicable with the relevant public health care provider for the purpose of ensuring that the customer receives a coordinated response to the complaint.

10.4 The Commissioning body will discuss and retain an overview with the provider of how the complaint is handled. The Care Quality Commission will have enhanced capacity to enforce the registration requirement of external service providers to handle complaints effectively, but will not have any complaint investigation role.

10.5 A complaint may be about anything that is connected with the way the Council exercises its public health function(s) – whether that happens directly or through an external service provider. For example, the types of complaint we can deal with might relate to:

- quality of the service provision;
- charges for a service;
- decisions;
- failure to follow correct procedures including wider statutory duties;
- delays;
- service not being provided;
- application of assessment and eligibility criteria;
- attitude or behaviour of staff;
- the impact of a policy;

## **11.0 When the Public Health Complaints Procedure does not apply**

11.1 This procedure does not apply where:

- A complaint is from a responsible body (such as the NHS, police);
- A complaint is by an employee about their employment;
- A complaint that was made orally and is resolved to the customer's satisfaction not later than the next working day after the day of receipt.
- A complaint about a matter that has already been resolved to the customer's satisfaction no later than the next working day after receipt.
- A complaint about a matter that has already been investigated and responded to under this procedure;
- A complaint about a matter which is or has already been investigated by a Local Commissioner;
- A complaint regarding an alleged failure by the Council to comply with a request for information under the Freedom of Information Act 2000;
- A complaint which relates to any scheme established under Section 7 or Section 24 of the Superannuation Act 1972 or the administration of those schemes.

11.2 If a complaint cannot be dealt with in this procedure, the customer will be advised in writing as soon as possible.

## **12.0 Where to Complain**

12.1 Complaints in respect of the Council's public health functions should be sent to:

Customer Liaison Team  
City of Wolverhampton Council  
Civic Centre  
Wolverhampton WV1 1SH  
Telephone: 01902 552989  
Email: [publichealthcomplaints@wolverhampton.gov.uk](mailto:publichealthcomplaints@wolverhampton.gov.uk)

### **13.0 Time Limit for Complaints**

- 13.1 A complaint must be made no later than one year after the grounds for the complaint arose or the matter came to the notice of the customer, but the Council may consider a complaint which has been made outside the specified time limit, where it considers that it would be reasonable to do so, and it remains possible to consider the complaint fairly and effectively.

### **14.0 Public Health Complaints Procedure**

- 14.1 There are a number of ways customers can make a complaint to the Council:

- Council's online website form via the following <https://www.wolverhampton.gov.uk/contact-us/customer-feedback/>
- Email [publichealthcomplaints@wolverhampton.gov.uk](mailto:publichealthcomplaints@wolverhampton.gov.uk)
- Telephone 01902 552989
- In person by visiting the Civic Centre
- In writing to the Customer Liaison Team, City of Wolverhampton Council, Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH
- Ask a friend, a relative, advocate or anyone to contact us on their behalf

- 14.2 There is a two stage process as follows:

**Stage 1** – 10 working days from the date it has been agreed that formal complaints procedure is to be initiated

**Stage 2** – Local Government and Social Care Ombudsman (LGSCO)

- 14.3 **Stage 1** - The Council will acknowledge the complaint within 3 working day days. The complaint will be allocated to a service manager from the service area complained about.

**Stage 2** – Local Government and Social Care Ombudsman. If customers remain dissatisfied with the outcome of their complaint or the way in which the complaint was handled, they can contact the Local Government and Social Care Ombudsman (LGSCO).

### **15.0 Complaints Involving a Service Provider**

- 15.1 The Council is responsible for commissioned service provider actions, including complaint handling. Where the complaint is about a service provider, the Council will consider whether it would be more appropriate for the complaint to be investigated by the service provider themselves. The Council will review the case and if appropriate acknowledge the complaint and ask for the customer's consent to forward the complaint direct to the service provider.

15.2 When consent is received, the Council will send the complaint to the service provider who must acknowledge receipt of the complaint within three working days and arrange for the complaint to be investigated via the provider's own complaints procedure. The Council will oversee the complaint handling and resolution of each case, ensuring the appropriate process and procedures are carried out in accordance with the service provider's complaints policy.

## **16.0 Joint Complaint Handling**

16.1 Whilst investigating a cross-boundary complaint, it may be necessary to reach agreement with colleagues from different organisations regarding responsibility for reviewing different aspects of any complaint.

16.2 For example, organisations include stakeholders and NHS Trust. In these cases, a joint approach will be taken. A lead organisation may be chosen to co-ordinate the response, bringing the information together, to assist in developing a combined response to the customer.

16.3 Should a complaint fall under the joint complaint handling procedure, the Council will let the customer know the organisations involved and complaint timescales. The Council will ask the customer for their consent in order for the complaint to be shared with the relevant organisation. Once consent is obtained from the customer the complaint will be issued, as soon as practicable, to the organisation concerned.

## **17.0 Investigation and Response**

17.1 The person responding to the complaint should:

- clarify with the customer any aspects of the complaint they are unclear about;
- deal with complaints on their merits, act independently, and have an open mind;
- give the customer a fair chance to set out their position;
- take measures to address any actual or perceived conflict of interest; and
- consider all relevant information and evidence carefully;

17.2 The Council will carry out an investigation and consider how the complaint can be resolved without any further delay.

17.3 If the Council is unable to provide a response within the agreed timescales, the Council will write to the customer explaining the reasons for the delay and to advise them when they may expect a response.

17.4 The customer will be kept updated on the progress of the investigation.

17.5 Once the investigation is complete, the investigating officer will write to the customer explaining

- The process of investigation
- The findings from the investigation
- The reasons for any decisions that have been made
- Any actions that can put things right for the customer

- Confirmation that the Council is satisfied that recommendations identified as a result of the complaint have or will be taken
- The customer's next steps should they remain dissatisfied.
- Details of the customer's rights to take the complaint to the Local Commissioner under the Local Government Act 1974 (Local Government and Social Care Ombudsman).

17.6 The final outcome letter signals the end of the Council's Public Health Complaints Procedure.

## **18.0 Local Government and Social Care Ombudsman (LGSCO)**

18.1 If the customer remains unhappy with the response that they receive from the Council they are asked to contact the Customer Liaison Team to discuss the concerns further. It might be that there is something straightforward that can be done to resolve any outstanding points.

18.2 If customers remain dissatisfied with the outcome of their complaint or the way in which the complaint was handled, they can contact the Local Government and Social Care Ombudsman (LGSCO). The Ombudsman looks at individual complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It investigates matters fairly and impartially and is free to use. There are some matters the Ombudsman cannot or will not investigate. In these cases, it will explain clearly the reason for its decision. The Ombudsman will normally expect complaints to exhaust all stages of the Council's complaints procedure before they will consider it, however, in certain circumstances the Ombudsman has discretion to waive this requirement. The LGSCO can be contacted as follows:

Local Government and Social Care Ombudsman (LGSCO) is:  
PO Box 4771  
Coventry CV4 0EH.

More information on the role of the LGSCO can be found on the following website: [www.lgo.org.uk](http://www.lgo.org.uk).

## **19.0 Complaint Monitoring**

19.1 The Customer Liaison Team regularly monitor complaints and establish themes/trends and ways of improving. The Complaints Manager will produce an annual report which will be presented to the relevant leadership teams and Council Committee; the annual report provides an overview of the complaints that have been received and overall performance, with specific reference to the learning and improvements which may have taken place. This report will be published on the Council's website via <https://www.wolverhampton.gov.uk/contact-us/customer-feedback/complaint-annual-reports>

## **20.0 Equality, Diversity and Inclusion**

20.1 In line with the Equality Act 2010 Public Health Complaints Procedure is published and available in alternative formats and languages upon request.

Reasonable adjustments will be undertaken as necessary to ensure the procedure is accessible to all customers. More information is available via the following [Complaints and compliments | City Of Wolverhampton Council](#)

## **21.0 Procedure on the Management of Unreasonable Customer Behaviour**

21.1 The Council has a process and procedure for managing unreasonable customer behaviour. The Managing Unreasonable Customer Behaviour Procedure sets out how the Council will decide which customers will be treated as unreasonable or unreasonably persistent, and what the Council will do in those circumstances. More information on this procedure can be found via [Make a complaint | City Of Wolverhampton Council](#)

## **22.0 Other Procedures**

22.1 Other procedures may need to be considered in relation to Public Health Complaints Procedure, for example, Corporate Complaints Policy, Adult Services and Children's Services statutory complaint procedures.