

**CITY OF WOLVERHAMPTON
COUNCIL
PUBLIC HEALTH DIRECTORATE**

**Public Health Complaints, Compliments and Comments
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)**

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.
- 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.

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 new complaints system for Wolverhampton City 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 to the complainant’s satisfaction not later than the next working day after the day on which the complaint was made 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 about the standard of service; actions or lack of action by the Council or its staff; that affects an individual customer or group of customers’.

5.0 Compliments and Comments

- 5.1** Compliments about services from customers and service users and / or their representatives will be recorded and the information shared to promote learning and improvement.

5.2 Comments about services may be statements about how services could be improved and will be recorded to enable the Council to use suggestions to review the way services are provided. People may express disappointment, disagreement or observations about services without necessarily wanting to complain. Feedback of this nature will be recorded as a comment.

5.3 A reply in full will be made, where possible, within 20 working days to all Compliments and Comments.

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:

- The Healthy Child Programme for school-age children including School Nursing
- 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 Customer Feedback 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 feedback 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 if they 'rock the boat' or fear 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 procedures 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 complainant;
- responsive – the needs of the complainant/service user 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 pre-set 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's 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 service user 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 local authority 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 complainant 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 local authority is satisfied that a complainant 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 complainant 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 Local Authority has a power or a duty to provide or to secure the provision of a social service for him or her;
- AND
- His or her need or possible need for such a service has come to the attention of the authority.

9.5 A complaint can be made by:

- Someone 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;
- Someone 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;
- Someone acting on behalf of a person 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 complainant 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 complainant does not have sufficient interest in the child's welfare.

9.9 Vexatious and Persistent complainants – Where a complainant is known to be abusive or violent or becomes so in the course of his/her contact with the authority, then the situation should be risk assessed and action taken with regard to the Council's policy. Vexatious or persistent complainants should be dealt with in accordance with the Local Government and Social Care Ombudsman's guidance and the Local Authority's vexatious policy in operation.

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 local authority 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 local authority Community 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 local authority to consider, the authority must as soon as reasonably practicable:

- a) notify the complaint which part of the complaint will be handled by the Local Authority 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 complainant 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;
- 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 complainant'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 complainant'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 complainant 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:

Complaints Manager
Customer Feedback Team
City of Wolverhampton Council
Civic Centre
Wolverhampton
WV1 1SH
Telephone: 01902 553215
Email: publichealthcomplaints@wolverhampton.gov.uk

13.0 Time limit for complaints

13.1 A complaint should be made not later than 12 months after:

- The date on which the matter which is the subject of the complaint occurred;
- Or
- If later, the date on which the matter which is the subject of the complaint came to the notice of the complainant.

13.2 The complaint may still be considered if:

- a) the complainant had good reasons for not making the complaint within that time limit;

And

- b) notwithstanding the delay, it is still possible to investigate the complaint effectively and fairly.

14.0 Before Investigation

- Complaints can be made orally, in writing or electronically;
- If a complaint is made orally the Council will make a written record of the complaint;
- The complaint will be acknowledged either orally, in writing or electronically, within three working days of receipt.

14.1 At the time of the acknowledgement the Council will offer the complainant the opportunity to discuss the complaint in more detail. This discussion will include

how the complaint will be handled, how long the investigation may take and a date that the complainant may expect a response.

14.2 If the complainant does not accept the offer of a discussion the Council will consider the complaint and the issues raised and determine an expected response time. The Complainant will then be notified in writing of the timescale for response.

14.3 It is expected that all complaints should be concluded within 20 days of receipt.

15.0 Complaints involving a service provider

15.1 Where the complaint is about a service provider, the Council will look at the issues raised and consider whether it would be more appropriate for the complaint to be investigated by the service provider themselves.

15.2 If this is felt to be appropriate, the Council will acknowledge the complaint within three working days and ask for the complainant's consent to forward the complaint direct to the service provider.

15.3 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.

15.4 The complaint investigation and response will then be the responsibility of the service provider who must handle the complaint in accordance with the complaint regulations.

16.0 Investigation and response

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

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

16.3 The Complainant will be kept updated on the progress of the investigation.

16.4 Once the investigation is complete, the Investigating officer will write to the complainant 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 complainant
- Confirmation that the Council is satisfied that recommendations identified as a result of the complaint have or will be taken
- The complainants next steps should they remain dissatisfied.

- Details of the complainants rights to take the complaint to the Local Commissioner under the Local Government Act 1974 (Local Government and Social Care Ombudsman).

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

17.0 If dissatisfied

17.1 If the complainant remains unhappy with the response that they receive from the Director of Public Health, they are asked to contact the Complaints Manager to discuss the concerns further. It might be that there is something straightforward that can be done to resolve any outstanding points.

17.2 However, should the complainant remain dissatisfied they may, if they wish, go to the second stage of the complaint's procedure and contact the Local Government and Social Care Ombudsman (LGSCO). The LGSCO investigate complaints that individuals have been treated unfairly or have received poor service from government departments, other public organisations and the NHS in England.

The address for the Local Government and Social Care Ombudsman 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.

18.0 Learning from complaints

18.1 When the Director of Public Health, or their representative has given their full response to your complaint, the Customer Feedback Team will keep a record of any failures or possible service improvements that have come to light during the of the complaint. They will also take steps to ensure any necessary improvements are drawn to the attention of Managers within the Team, and that steps are taken to make necessary improvements wherever possible.

18.2 The Complaints Manager will provide quarterly statistical information about complaints that relate to the Council's public health functions to the Director of Public Health. There will be an annual report which includes statistical information, analysis and progress on service improvements.