



# **DARLINGTON**

Borough Council

## Public Health Complaints, Compliments and Comments Procedure

2023

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## **Introduction**

Our aim is to put you first and provide you with the best possible service. To make this aim a reality it is important that you tell us what you think about the services we provide. The Public Health Complaints, Compliments and Comments Procedure is one way you can do this. You can tell us when we get things wrong so we can put them right. You can also tell us when we get things right, make comments about the things we do and suggest new ways of doing things.

We understand that sometimes it is difficult to complain and we can arrange an advocate should you need help making your complaint. If you need to make a complaint we will take your concerns seriously. We will treat you fairly and with respect and you can be confident that you will not receive a poorer service as a result. If we uphold your complaint you can expect an apology and for us to put things right quickly. What we ask in return is that you treat our staff with respect. In addition to resolving your complaint we will use the information we gather on complaints to help us improve the services we provide.

This procedure sets out how we will deal with your complaints in line with The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 (the Regulations) which came into effect in April 2013. It also sets out how we will deal with your compliments and comments. Our aim is to resolve your complaint and put you back in the position you would have been in before having to make the complaint.

The Managing Director is the designated as the 'Responsible Person' for ensuring compliance with the arrangements made under the Regulations, and in particular ensuring that action is taken if necessary in the light of the outcome of a complaint. The functions of the responsible person will usually be performed by the Director of Public Health.

The Complaints and Information Governance Manager is designated the 'Complaints Manager' in accordance with the regulations and is responsible for managing the procedures for handling and considering complaints in accordance with the arrangements made under the Regulations.

## **Complaints and Information Governance Team**

The Complaints and Information Governance Team is a single point of contact for anyone wishing to make a complaint. The team oversees all public health complaints and provides advice and information to complainants, members of staff and Councillors.

The team can provide information about the complaints procedure in other formats and help arrange advocates and interpreters. The team can also provide advice on the support available for staff involved in complaints.

The team records and acknowledges all complaints made to the Council. It provides support to Investigating Officers and monitors the progress of complaint investigations. The team uses the information it collects about complaints to identify any topics and trends to help improve services and is responsible for producing the annual report on complaints, compliments and comments received under this procedure.

The team is also the central point of contact for the Local Government and Social Care Ombudsman.

You can contact the team by telephone, by e-mail, in writing, in person, by video call or by any other reasonable means. Please see contact details below.

### **Complaints and Information Governance Team**

Telephone: (01325) 406777

E-mail: [complaints@darlington.gov.uk](mailto:complaints@darlington.gov.uk)

Complaints and Information Governance Team  
Darlington Town Hall  
Darlington  
DL1 5QT

***N.B. Please arrange an appointment prior to visiting to ensure someone is available to meet with you.***

## **Making a Complaint**

### **What is a complaint?**

Darlington Borough Council defines a complaint as:

*“When someone tells us they are not happy about a service or something we have or have not done that has had an impact upon them”*

This procedure deals with complaints about the exercise of our public health functions, any services provided on our behalf in relation to our public health functions and any other function for which the Director of Public Health has responsibility. These may include for example, smoking cessation services, interventions to tackle obesity such as community lifestyle and weight management services, locally-led nutrition initiatives, addiction services, public mental health services, public dental services and behavioural and lifestyle campaigns to prevent cancer and other long term conditions.

### **How to Make a Complaint**

You can make a complaint in person, in writing, over the phone or by any other reasonable means. You can speak to any member of staff or you can contact the Complaints and Information Governance Team directly (contact details on previous page).

Complaint forms are available in every Council building and on our website. You can email: [complaints@darlington.gov.uk](mailto:complaints@darlington.gov.uk) or use our online complaints form which you will find at: [www.darlington.gov.uk/complaints](http://www.darlington.gov.uk/complaints)

### **Who can complain?**

A complaint may be made by a person who receives or has received services from us or someone providing services on our behalf; or a person who is affected, or likely to be affected, by our actions, omissions or decisions.

A complaint may be made by someone acting on behalf of a person who has died; is a child; is unable to make the complaint themselves because of physical incapacity; or a lack of capacity within the meaning of the Mental Capacity Act 2005; or has requested the representative to act on their behalf.

Where a representative makes a complaint on behalf of a child we will not consider the complaint unless we are satisfied that there are reasonable grounds for the complaint being made by a representative instead of the child. If we are not satisfied that there are reasonable grounds as to why the child cannot make the complaint we will notify you in writing advising you of the reason for our decision.

If you are making a complaint on behalf of someone who is deemed not to have capacity as defined by the Mental Capacity Act the complaint will only be considered if you have Lasting Power of Attorney (LPA) or are acting in that person's best interest. If you do not have the relevant LPA we will undertake a Capacity Assessment/Best Interest Decision. If we have reason to believe you are not acting in that person's best interest we will not consider the complaint and inform you of the reason for our decision. In such cases you have the right to refer the complaint to the Local Government and Social Care Ombudsman.

### **Advocacy**

If you need some help to make your complaint we can sign post you to advocacy services who can speak on your behalf.

### **Anonymous Complaints**

If you make an anonymous complaint we will investigate the matter but we will not be able to provide you with a response. If you do not want to give your name because you are worried that it might affect the service you receive, please be assured this will not be the case. Following an investigation into an anonymous complaint the responsible person will decide what, if any actions should be taken as a result of the investigation.

### **Non-qualifying Complaints**

We will not consider the following complaints under this procedure:

- A complaint by a local authority or a service provider;
- A complaint by an employee of a local authority or a service provider about any matter relating to that employment;
- A complaint which is made verbally and resolved by the next working day;
- A complaint that has previously been made and resolved in the manner set out above;
- A complaint that has previously been investigated under the Regulations;
- A complaint that is being or has been investigated by the Local Government and Social Care Ombudsman;
- A complaint about an alleged failure to comply with a request for information under the Freedom of Information Act 2000; and
- Any complaint about a scheme established under section 7 or 24 of the Superannuation Act 1972.

### **Staff Behaviour and Attitude**

If your complaint is about the attitude or behaviour of a member of a staff it may be more appropriate to investigate the matter under the Council's or the service provider's employment procedures.

### **Insurance Claims**

If the issue of your complaint is something we should deal with as an insurance claim it will not be appropriate to look into this as a complaint.

### **Time Limit**

We will not usually look into your complaint if 12 months have passed since the date you learned that something went wrong. However, we may accept your complaint for one or more of the following reasons:

- You are a vulnerable adult and did not complain because you were concerned about what might happen.
- We believe that there would be a benefit to you in looking into your complaint.
- There is likely to be enough information available from the time the incident happened to enable an effective and fair investigation to be carried out.
- There are enough people available from the time the incident happened to enable an effective and fair investigation to be carried out.
- Where action needs to be taken in light of human rights based legislation.

*There may be other reasons why we would consider your complaint that are not included in this list, we will consider each case on its merits.*

With the exception of a complaint made verbally and resolved by the next working day, where we consider your complaint a non-qualifying complaint we will write to you within three working days to notify you of our decision and the reason for it.

### **Accessibility and Equal Opportunities**

We are committed to making sure that everyone has equal access to all our services, including the complaints procedure. To help make sure our complaints procedure is easily accessible we:

- use plain language;
- accept complaints over the phone or in person, in writing, by e-mail, via our website or by any other reasonable means;
- provide information and responses in Braille, large print, audio, easy read format and other languages where needed; and

- provide translators (including sign language translators) where needed.

## **The complaints process**

### **Complaints about the exercise of our public health and other functions**

If you make your complaint to the Council and it relates to our actions we will acknowledge your complaint within **three working days**.

We will appoint someone to investigate your complaint. This will usually be someone independent of the service you are complaining about. This person will be referred to as the 'Investigating Officer'. The investigating Officer will contact you where appropriate to clarify the issues and your desired outcome in relation to each element of your complaint.

While the regulations allow a maximum of **six months** to respond to a complaint we will endeavour to send you a response to your complaint within **30 working days** of the date of receipt.

As far as is possible the Investigating Officer will keep you informed of progress throughout the investigation. The Investigating Officer will share their draft findings with you and ask whether you have any additional information that is likely to lead them to reach a different decision.

The Investigating Officer will then produce a report, including recommendations to resolve the matter and where appropriate to improve the service provided, for the Responsible Person who will decide what action to take if any in the light of the outcome of investigation into your complaint.

The Responsible Person will then write to you advising how we considered your complaint, the conclusions we reached and any actions we have or intend to take to resolve the matter and improve the service we provide. The Responsible Person will also provide details of your right to refer the matter to Local Government and Social Care Ombudsman should you remain dissatisfied with our response and the remedy offered.

While we will attempt to resolve all complaints within 30 working days there may be instances where this is not possible. If it is not going to be possible to investigate your complaint within 30 working days the Investigating Officer will contact you and explain the reason(s) why. We may need to extend the timescale for response where people are unavailable due to sickness absence, annual leave or other commitments or where we are waiting for an advocate or translator to be appointed. If you do not receive a response by the agreed date you should contact the Complaints and Information Governance Team.



If we are unable to provide you with a response within six months of the date of receipt we will write to you and explain the reasons why. We will then send the response to you as soon as possible.

### **Complaints about services provided on our behalf in relation to our public health functions**

If you make your complaint directly to the service provider they will let us know when they receive the complaint. We will agree the response and any proposed actions to resolve your complaint with the service provider prior to them sending the response to you.

If you make a complaint to the Council about a service provider we will ask you whether you consent to us sending your complaint to the service provider. Where we consider it appropriate for them to do so, we will also ask you whether or not you consent to the service provider investigating your complaint. If you do we will forward the complaint to the service provider to investigate the matter in accordance with the Regulations. If you do not we will investigate your complaint as set out in the above section '*Complaints about the exercise of our public health and other functions*'. Where your complaint is sent to the service provider for investigation we will agree the response and any proposed actions to resolve your complaint with the service provider prior to them sending the response to you.

If you make your complaint to both the Council and the service provider, and we consider it would be appropriate for the service provider to investigate, we will ask you whether or not you consent to the service provider investigating your complaint. If you do we will forward the complaint to the service provider to investigate the matter in accordance with the Regulations. If you do not we will investigate your complaint as set out in the above section '*Complaints about the exercise of our public health and other functions*'. Where your complaint is sent to the service provider for investigation we will agree the response and any proposed actions to resolve your complaint with the service provider prior to them sending the response to you.

### **Putting things Right**

When you make a complaint we will ask you what you would like us to do to put things right. We will take your views into account but it may not always be possible to give you exactly what you want. Where this is the case, we will discuss the matter with you and come to an agreement.

If we uphold or partly uphold your complaint you can expect an apology and for us to put things right quickly. We may also propose a number of other actions. The aim of these actions is to put you back in the position you were in before the problem occurred and make amends for any loss you may have suffered as a result. Although

we will consider each complaint on its merits we will try to ensure we offer similar remedies for similar situations.

Remedies may include a review of our practices and procedures to ensure that the same thing does not happen again, or we may take a specific action.

### **What if you are not happy with the outcome?**

If you are not happy with the outcome you can refer your complaint to the Local Government and Social Care Ombudsman. We will provide you with their contact details in our response to your complaint.

You can refer your complaint to the Local Government and Social Care Ombudsman at any time. However, the Ombudsman is unlikely to consider your complaint unless we have investigated it fully under this Procedure.

### **Compliments**

Compliments can help us share good practice and improve services.

If you pay someone a compliment in person they will pass the details on to the Complaints and Information Governance Team to be recorded.

If you pay someone a compliment via the Complaints and Information Governance Team, we will record it, send you an acknowledgement and pass it on to the appropriate person.

### **Comments**

Comments are also a great way of sharing your ideas about particular projects or services in general. If you pass your comments on to a member of staff they will pass the details on to the Complaints and Information Governance Team to be recorded.

If you make a comment via the Complaints and Information Governance Team, we will record it, send you an acknowledgement and pass it on to the appropriate service.

Where a response is required the service will provide one within **25 working days** of the date we receive your comment.

The Complaints and Information Governance Team will record any actions taken as a result of your comment

## **Public Information**

We will provide information on how to make a complaint on our website. We will also make leaflets available in all Council buildings and those places where services are provided on our behalf.

## **Satisfaction Surveys**

Once we have dealt with your complaint we might ask you to complete a satisfaction survey. This is about how you feel we handled your complaint. For example, whether or not we kept you informed, met timescales and so on, it is not about the outcome of your complaint. We would appreciate you taking the time to fill this in and help us improve the way we handle complaints.

## **Unreasonably Persistent Complainants**

We do not normally limit contact with our offices. However, if complainants display unreasonably persistent behaviour for example, you contact our offices so many times that it hinders our handling of your complaint we may take action to limit your contact. In these cases we will follow the Council's Unreasonably Persistent Complainants Procedure.

## **Record Keeping and Data Sharing**

During the complaint investigation the Investigating Officer may keep a file containing correspondence and other relevant documentation (such as written notes, transcripts of conversations, etc).

Following the conclusion of the investigation the Investigating Officer will send the documents to the Complaints and Information Governance Team. The Investigating Officer will dispose of any irrelevant information in a secure manner (i.e. shredding of paper documents and deletion from electronic systems).

We will keep all records in line with the Council's retention periods.

During the complaints process it may be necessary to share your personal details with those staff involved in providing your care. We will only share details that are relevant to the complaint. Such details will only be recorded by the Investigating Officer and the Complaints and Information Governance Team.

If you decide to take your complaint to the Local Government and Social Care Ombudsman we may share your personal data with the Borough Solicitor.

If you are classified as an unreasonable or unreasonably persistent complainant some of your personal details will be communicated to complaints staff, personal assistants, councillors, senior managers and customer services staff. This may

include your name, contact details, a physical description (to assist staff who have face-to-face contact with complainants) and details of the behaviour that has resulted in the application of the policy.

All personal data will be securely stored and will be processed in line with the Council's Data Protection Policy and the provisions of the UK General Data Protection Regulations (GDPR) and the Data Protection Act 2018. Further details are contained in our [Privacy Notice](#).

## **Further Information**

This procedure links to a number of existing policies and procedures. To be fully understood in its wider organisational context it should be read in conjunction with the:

- Corporate Complaints, Compliments and Comments Procedure;
- Adult Social Care Complaints, Compliments and Comments Procedure;
- Children's Social Care Complaints, Compliments and Comments Procedure;
- Housing Complaints, Compliments and Comments Procedure;
- Unreasonable and Unreasonably Persistent Complainants Procedure;
- Disciplinary Procedure;
- Capability Procedure;
- Grievance Procedure;
- Anti Harassment and Bullying Procedure;
- Guidelines for reporting and dealing with racial incidents;
- Freedom of Information and Environmental Information Request Procedure;
- and
- Subject Access Request Procedure.