

Public Health Complaints

Public Health responsibility transferred nationally from the NHS to Local Authorities on 1 April 2013 under the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012. These regulations mean that the council will now deal with complaints about how the council has dealt with its duties in managing its responsibilities for Public Health.

We can take complaints from:-

- A person who receives or has received services from a responsible body (a local authority or a service provider)
- A person who is affected or likely to be affected by the action, lack of action or decision of the responsible body which is the subject of a complaint
- A person acting for a service user where the council is sure that consent has been obtained either verbally or in writing or where the service user is unable to make a complaint unaided because they are a child, they are physically incapacitated, lack capacity within the meaning of the Mental Capacity Act 2005 or have requested the representative act on their behalf.

Where a complaint has been made on behalf of a child the council must be satisfied that there are reasonable grounds for the complaint being made by a representative instead of the child. If the council is not satisfied the council will notify the representative in writing and state the reasons for its decision.

If the council receives a complaint which is about a service provided by a service provider on behalf of the council, the council will:-

- Seek consent from the complainant to share the details of the complaint with the service provider.
- Once consent is received, the council will decide if the complaint can be dealt with by the council, or if it would be more appropriate for the complaint to be dealt with by the service provider.
- If it is considered that it would be more appropriate for the complaint to be dealt with by the provider, the council will ask the complainant if they consent to this.
- If consent is received the complainant and the service provider will be notified.
- If no consent is received, the council will write to the complainant to explain why the complaint cannot be fully investigated.

A complaint must be made no later than twelve months after the date on which the matter of the complaint occurred or if later, the date on which the matter came to the notice of the complainant. The council may take complaints older than twelve months if good cause is shown why the complainant was not made earlier.

Ways to complain

A complaint can be made face-to-face, by telephone, in writing or by email by contacting the council's Complaints Team.

Handling and consideration of complaints

We will ensure that:-

- Complaints are dealt with efficiently
- Complaints are properly investigated
- Complainants are treated with respect and courtesy
- Complainants receive, so far as is reasonably practical
 - (i) assistance to enable them to understand the procedure in relation to complaints, or
 - (ii) advice on where they may obtain such assistance
- Complainants receive a timely and appropriate response:
- Complainants are advised of the outcome to the investigation of their complaint
- Action is taken if necessary in the light of the outcome of a complaint.

What is exempt from the complaints procedure?

The following complaints are not required to be dealt with in accordance with these regulations:

- A complaint by a responsible body;
- A complaint by an employee of a responsible body about a matter relating to their employment;
- A complaint that is made orally, and is resolved to the complainant's satisfaction not later than the next working day after the day on which the complaint was made.

Timescales

	Timescale	Response prepared by	Response agreed by
Acknowledgement	3 working days		
Stage 1	Usually 25 working days but may be extended where necessary	Public Health Team	Director of Public Health
Local Government Ombudsman	Directed by LGO	Complaints Team	Director of Community & Housing or Chief Executive

Publicity

We will provide the complainant with details of the procedure for dealing with complaints and how further information about those procedures may be obtained.

Monitoring

We will maintain a record of the following:

- Each complaint received;
- The outcome of each complaint i.e. the decisions made in response to complaint and any action to be taken; and
- Whether a response of the outcome of the investigation was sent to the complainant within the specified timescale.

Annual report

The annual complaints report will detail the following with regards to public health complaints:

- The number of complaints received;
- The number of complaints at each stage and any that were considered by the Local Government Ombudsman;

- The types of complaints made;
- The outcome of complaints and
- Learning and service improvement, including changes to services that have been or will be implemented as a consequence of those complaints.

Contact

Writing to: The Complaints Team, Merton Civic Centre, London Road, Morden, SM4 5DX

Email: complaints@merton.gov.uk

Telephone: 020 8545 3060