

# Public Health Complaints Policy

**2025**

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1. **Introduction**

Our 20-year vision is:

**Our South Tyneside – A place where people live healthy, happy and fulfilled lives**

To make our vision a reality, it is important that people have the opportunity to let us know how they feel about the services we provide. Our Public Health Complaints, Policy is one way people can do this.

Complaints allow us to put things right where they have gone wrong and identify any faults which can then be addressed. We aim to reach a speedy resolution and will try wherever possible to put people back in the position they would have been in before having to make a complaint.

People can also tell us if you feel that we have done things right, as well as make comments on any services we provide, or make suggestions for improving our services.

This policy explains how we will deal with complaints, compliments and comments, in accordance with the Complaints or representations regarding Public Health Services under the 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.

If a complaint is about a Children Social Care Service, Adult Social Care Services, general Council services, certain housing matters, or an elected official, it will be dealt with under a separate policy. This is a legal requirement. More information on these complaints can be found in section 14.

The following are our principles when dealing with complaints:

* We will deal with complaints impartially, objectively and professionally. People who complain will receive no adverse treatment of themselves or their families because they have made a complaint.
* We will keep people informed about the progress of their complaint. Where complaints are complex or are likely to take time to investigate, people will be kept informed of progress and, if there is going to be a delay, will be told why.
* Where complaints cross organisational boundaries for example with the NHS, we will aim to coordinate a single response.
* The identity of the person making a complaint will be managed in line with the Data Protection Act and only shared when it is necessary to do so to enable the investigation of the complaint. We will not make a complainant’s identity public.

1. **Values and behaviours**

We have also agreed a set of 'Council Values' to define what we stand for as an organisation and the things that are most important in terms of how we work and act.



These **PROUD** values will be embedded into our corporate complaints, compliments and comments policy.

**Behaviours**

Under each Value sits a set of behaviours that we agree to in order to deliver on each specific Value, these include:

**Professional - we uphold high standards**

* Welcome people and offer help
* Be accountable
* Accept feedback and learn from mistakes
* Manage our time and resources well

**Respectful - we value people**

* Be polite, thoughtful and kind
* Listen to what others have to say
* Notice and thank others for their efforts
* Treat sensitive information appropriately with care

**Open and Honest - We trust each other**

* Share helpful information and ideas
* Work together to get great results
* Speak up against behaviours we do not want to see
* Use clear, jargon free information where possible

**Understanding and Engaging - We care about people**

* Accept and appreciate our similarities and differences
* Respect different needs and try to meet them
* Show we care and offer support
* Work together through any challenge to get the right outcome

**Deliver what we say we will - We provide great services**

* Always do what we say we will do
* Look to improve 'what we do' and 'how we do it'
* Reply in good time
* Keep you up to date with everything we do

1. **Information and Feedback Team**

Our Information and Feedback Team oversees the Public Health Complaints Policy. The team is available to provide any advice and information relating to complaints.

The team can provide advice about the complaints procedure, as well as signpost people to any external advocacy or support services available. The Team can also provide advice to Council officers who are investigating complaints.

The team will record and acknowledge all complaints made under the Public Health complaints policy, provide support to staff responding to complaints and monitor the progress of complaint investigations.

The team also acts as the central point of contact for any enquiries from the Local Government and Social Care Ombudsman.

Complaints can be made verbally, in writing or electronically to any member of staff of South Tyneside Council. However, to ensure a rapid response, it is recommended that a complaint is made by:

Website: <https://www.southtyneside.gov.uk/complaints>

Email: [complaints@southtyneside.gov.uk](mailto:complaints@southtyneside.gov.uk)

Telephone: 0191 424 6028

Letter: Information and Feedback Team

South Tyneside Council

Town Hall and Civic Offices

Westoe Road

South Shields

NE33 2RL

It is important to recognise that not all concerns raised will progress to formal complaints procedures. Where a concern is raised that can be dealt with at the point of contact, staff will aim to resolve the issue(s). Where this is not possible, the person will be advised how to escalate their concern as a formal complaint.

1. **What is a Public Health complaint?**

South Tyneside Council has based this on the Local Government and Social Care Ombudsman’s definition of a complaint:

**“An expression of dissatisfaction by one or more members of the public about the Council’s action or lack of action or about the standard of a service, whether the action was taken, or the service provided by the Council itself or a person or body acting on behalf of the Council.”**

1. **Who can use the Public Health complaints procedure?**

The Public Health Complaints Policy is available to people who live in, work in or visit South Tyneside, as well as people who receive a Public Health service provided by South Tyneside Council.

1. **Unreasonable Actions**

In a small number of cases people interact with services in a way that is unreasonable. This may include being unreasonably persistent in relation to their contact, which can prevent the Council from providing services to the individual and others, and have a significant impact on staff wellbeing. These actions can occur during delivery of a service, while a complaint is being investigated, or once an organisation has finished the complaint investigation.

The decision to restrict access to services should not be taken lightly. Careful consideration should be given to our duties under equality and human rights act legislation. The Council should not operate a blanket approach to managing challenging actions and should consider the circumstances of each individual case.

The Council has a Managing Unreasonable Actions Policy which defines unacceptable actions and sets out the measures we can take to deal with people who display this behaviour.

1. **What does this policy cover?**

This policy 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 and behavioural
* lifestyle campaigns to prevent cancer and other long-term conditions

**Anonymous complaints**

Anonymous complaints can play a significant part in revealing poor practice, particularly in relation to vulnerable people. Anonymous complaints will be considered under the corporate complaints procedure where possible. If there are no means to provide a response in relation to allegations or issues raised, these this will be recorded as an initial report of concern and investigated as considered appropriate by the Lead Officer. The Council will be unable to provide a response to anonymous complaints.

**Complaints about services provided on our behalf in relation to our Public Health functions**

Many of our frontline services are provided by a separate organisation. Usually, if we receive a complaint about an externally provided service, we seek your permission to refer it onto them to respond to you directly and we will review complaints with the provider through one of our regular contract monitoring meetings.

Complaints **about the conduct of Public Health staff**

Where a complaint involves the conduct or attitude of a member of staff, this will be investigated under the corporate complaints procedure to ensure that the customer receives a response to the concerns raised. The corporate complaints procedure is a separate process from any internal disciplinary procedures that may follow as a result of the investigation of a complaint.

The relationship between employer and employee is confidential. It is appropriate to advise the customer of any action taken in response to their complaint, however the application or outcome of any HR process must remain confidential.

1. **What does this policy not cover?**

We will not consider the following complaints under the Public Health Complaints Procedure:

* a complaint is not regarding the actions or decisions taken regarding our Public Health function
* a complaint that should be dealt with under a separate complaints procedure
* requests for services
* requests for information
* insurance claims
* matters where a separate means of resolution exist such as an appeals process, courts, tribunals
* complaints that have already been investigated through the Council’s complaints procedure
* complaints that have been investigated by the Local Government and Social Care Ombudsman
* where the issue of complaint is over 12 months old, unless there are exceptional circumstances
* complaints about the Freedom of Information Act 2000 or Data Protection Act 2018
* allegations of criminal activity

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.

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.

1. **Assistance with complaints**

In some cases, customers may need some help from an advocate to make a complaint. An advocate is someone who can speak on behalf of someone else.

Customers may prefer for a friend or relative to make a complaint on their behalf. If this is the case, the Council will need to establish that the person has consent from the customer to act on their behalf, and that the customer is happy for the Council to share any information with their chosen advocate. Consent must be given freely and can be removed at any time.

If someone is 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 proof can be provided that the advocate has Lasting Power of Attorney (LPA), or are acting in that person’s best interest. If this cannot be provided, the Council may undertake a Capacity Assessment/Best Interest Decision.

If the Council believes that an advocate is inappropriate, or is not acting in a customer’s best interest, we will not consider the complaint but will inform the advocate and customer of the reasons for our decision. Customers have the right to appeal this decision with the Local Government and Social Care Ombudsman.

**Assistance from Councillors or Members of Parliament (MPs) with complaints**

In some cases, customers may seek assistance from their local Councillor or MP with enquiries or concerns. Councillors or MPs might include signposting customers to the correct route to submit an enquiry of concern, or submitting this directly on their behalf.

In cases where the Council investigates a complaint submitted by Councillor or MP on a customer’s behalf, we will copy them into any complaint responses, unless the customer requests otherwise.

The Council cannot reinvestigate issues that have previously been investigated through the Council’s complaints procedure and/or considered by the Local Government and Social Care Ombudsman. If the Council receives a request from a Councillor or MP to open a complaint about an issue that has previously been investigated, we will advise them of this and provide them with the previous response.

1. **The Complaints Process**

The process has one stage following which, if you remain dissatisfied you may refer your complaint to the Local Government and Social Care Ombudsman.

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

Where a person contacts the Public Health Directorate with an expression of dissatisfaction about its services, the officer receiving this must assess whether this is to be handled as a concern or a complaint. If the contact is verbal and the resolution is agreed locally and within one working day from the day on which it was received, it is dealt with as a concern.

Where it is felt that there is potential for an informal resolution to the complaint, the responsible manager will discuss this with the complainant. Where the complainant does not agree with the informal resolution route, then the issue should be formally logged and dealt with as a formal complaint and in accordance with this complaints procedure.

It is not necessary to report matters which are regarded as “concerns” to the Information and Feedback Team.

**Formal Complaint Process**

The aim is to address the complaint at this stage through investigation using information and evidence supplied by case officers and section managers. At times specialist advice from other officers such as the Council’s Legal Team, or assistance from independent external sources may also be required. In most cases relevant local and national policies and procedures will need to be identified and referred to.

If the Information and Feedback Team decides it would not be appropriate to be deal with your complaint under this procedure they will inform you of the reasons why and explain how we will deal with the matter.

On receiving a complaint, the Information and Feedback Team will acknowledge it within three working days.

Where the complaints process is to be used, the Information and Feedback Team will ensure the details of complaint are shared with the Director or Service Lead to determine the appropriate Investigating Officer who will:

* consider the elements of complaint
* decide whether contact with the complainant is necessary, e.g. where more information is required to properly assess the elements of complaint, though this may not be required where the detail of the complaint and desired outcomes have been made clear from the outset
* consider what action is required to respond to them
* provide a written response to the complainant
* if further time is required to prepare a satisfactory reply, to keep the complainant informed

Any investigation will normally include the following elements:

* Interview with case officers and other relevant staff
* Review of case recordings, telephone logs etc
* Review, if appropriate, committee reports and minutes
* Review relevant national and local policies, procedures and practices
* Consult senior staff and/or take appropriate independent expert advice and/or legal advice.
* Summarise issues and come to a conclusion
* If any part of complaint has been upheld, consideration of a suitable remedy

Where a complaint is so serious to warrant a greater degree of investigation and independence to address and resolve, the option to appoint either an external independent investigator officer (IIO) or an in-house officer who will have had no previous involvement in the case will be considered. This decision will be taken by the Director or Service Lead and the Complaints Manager).

1. **Timescales**

There are no statutory regulations about how quickly the Council should respond to complaints, but the Council will aim to respond as follows:

* Concerns and quick resolution 48 hours
* Acknowledgement of complaint 3 working days (in writing or verbally)
* Formal complaints 25 working days\*

\*up to 6 months for more complex cases requiring a more comprehensive consideration.

Should the person making the complaint amend the content, scope, or preferred outcomes of their complaint, then the timescale for completing the investigation will need to be reviewed. If it is not possible to complete the investigation within the designated timescale the Investigating Officer will contact the complainant to decide a revised target date.

**Joint investigations**

The time needed to complete a joint investigation will vary depending on the number of organisations involved and complexity of the complaint. In these cases, the complaint investigators from each organization will work together to decide a reasonable timescale and agree this with you.

1. **Findings**

Following completion of the investigation, the Director, Service Lead, or a senior manager acting on their behalf, will review and approve the findings and recommendations. This involves considering the complaint and the investigating officer’s response and the proposed actions in response to the issues raised.

A written response will then be sent to the complainant which will:

* Set out the Local Authority’s explanation of how the complaint has been considered, conclusions reached based on the facts and what action, if any, the Local Authority intends to take as a result and relevant timescales for this.
* Inform the complainant that they can take the case to the Ombudsman should the complainant remain dissatisfied.

1. **Putting things right**

Where something has gone wrong, the Council will acknowledge this and set out the actions we have already taken, or intends to take, to put things right. These can include:

* apologising
* acknowledging where things have gone wrong
* providing an explanation, assistance or reasons
* taking action if there has been delay
* reconsidering or changing a decision
* providing a financial remedy
* changing policies, procedures or practices

Any remedy offered will reflect the impact on the customer as a result of any fault identified. The remedy offer will clearly set out what will happen and by when, in agreement with the customer where appropriate. Any remedy proposed will be followed through to completion.

If a proposed remedy cannot be delivered, the customer will be informed of the reasons for this, provided with details of any alternative remedy and reminded of their right to complain to the Ombudsman.

The Council will take account of the good practice guides issued by the Local Government and Social Care Ombudsman when deciding on appropriate remedies.

1. **Learning from Complaints**

Complaints provide valuable opportunities for learning and improvement within the Council. They offer direct insight into areas where services or processes may not be meeting expectations. By actively listening to complaints and analysing their root causes, the Council can identify patterns, address recurring issues and implement meaningful changes to improve the services it provides.

A proactive approach to complaints promotes a culture of continuous improvement and accountability, ensuring that feedback is seen as a tool for growth rather than criticism. When handled effectively, complaints can not only resolve immediate concerns, but also strengthen trust.

Service will take responsibility for considering learning points from complaints and will track any actions resulting from complaint findings to ensure they are implemented and monitored to asses their effectiveness.

1. **What if you are not happy with the outcome?**

In the first instance you should contact the Information and Feedback Team to discuss the matter providing any further evidence in support of your complaint where possible. They will share your views and any additional evidence with the Investigating Officer and the Service Lead who will consider the following:

* The reasons for the dissatisfaction.
* Whether this is a new complaint.
* Whether the investigation adequately answered the issues in the first instance.
* Whether there is any new information.

If it is felt that after this consideration there are grounds to revisit some or all elements of the complaint, then this will be agreed with you and a supplementary investigation and response provided. If it is decided there are not grounds to review the response, or if following a supplementary response, it is not possible to resolve the matter based on the additional evidence provided and you remain dissatisfied, you may refer the matter to the Local Government and Social Care Ombudsman (or Health Services Ombudsman for some joint complaints).

1. **The Local Government and Social Care Ombudsman**

The Local Government and Social Care Ombudsman is an independent service set up by the Government to investigate complaints about Council matters.

Customers can refer their complaint to the Local Government and Social Care Ombudsman at any time. However, the Ombudsman is unlikely to consider a complaint until it has been fully investigated under the Council’s complaints procedure.

Customers can visit the Ombudsman’s website: [www.lgo.org.uk](http://www.lgo.org.uk) or contact their advice line on 0300 061 0614.

1. **Performance reporting**

The Council will produce an Annual Complaints Report which will be presented to the appropriate Scrutiny Committee and will include details of the activities of the Information and Feedback Team, any changes to the statutory procedures and a review of the operation and effectiveness of the Complaints Procedure.

The Council will also provide quarterly performance reports on all complaints across the Council, including Public Health complaints to the Council’s Standards Committee who have oversight of the Council’s complaints handling procedures to ensure that the complaints are managed appropriately and that residents, customers and service users have confidence that any complaints are dealt with in a professional manner.