
**PUBLIC HEALTH COMPLAINT REFORMS
THE NHS BODIES AND LOCAL AUTHORITIES (PARTNERSHIP ARRANGEMENTS,
CARE TRUSTS, PUBLIC HEALTH AND LOCAL HEALTHWATCH)
REGULATIONS 2012**

**Responsible Cabinet Member - Councillor Stephen Harker
Efficiency and Resources Portfolio**

Responsible Director - Paul Wildsmith, Director of Resources

SUMMARY REPORT

Purpose of the Report

1. To seek approval for the introduction of the attached Public Health Complaints, Compliments and Comments Procedure (the procedure) from 1 November 2013 **(Appendix 1)**.

Summary

2. This report sets out the Council's duties in respect of public health complaints.
3. The report also details the actions to be taken by the Complaints and Information Governance Manager to ensure the council is able to consider complaints effectively and in accordance with the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 (the regulations).

Recommendation

4. It is recommended that Cabinet approve the implementation of the attached Public Health Complaints, Compliments and Comments Procedure.

Reasons

5. The recommendation is supported by the introduction of the attached Public Health Complaints, Compliments and Comments Procedure will ensure the Council is able to comply with the Regulations.

Paul Wildsmith
Director of Resources

Background Papers

Note: The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 were considered in producing this report.

Lee Downey, Extension 2401

S17 Crime and Disorder	There is no specific impact on Crime and Disorder.
Health and Well Being	This procedure aims to ensure complaints about Public Health and associated issues are handled effectively and service improvements are implemented as a result of learning from complaints.
Carbon Impact	There is no specific impact on Carbon Impact.
Diversity	The procedure makes specific provisions to ensure the diverse needs of the people of Darlington are addressed. An Equality Impact Assessment has been carried out.
Wards Affected	All Wards.
Groups Affected	A wide range of groups who use a service provided by us or on our behalf in relation to the discharge of our public health functions.
Budget and Policy Framework	This report does not recommend a change to the Council's budget or policy framework.
Key Decision	This is not classed as a key decision and has not been included in the forward plan.
Urgent Decision	This does not represent an urgent matter.
One Darlington: Perfectly Placed	The new procedure will contribute towards achieving the goals of the Healthy Darlington Priority.
Efficiency	Efficiency issues are highlighted through complaints.

MAIN REPORT

Information and Analysis

6. The regulations prescribe the manner in which the Council is required to deal 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.
7. The regulations are similar to The Local Authority Social Services and National Health Service Complaints (England) Regulations under which the Council currently considers complaints about adult social care services; and under which public health complaints were considered, by the NHS, prior to 1 April 2013.
8. As such, the procedure is similar to the Council's current Adult Social Care Complaints, Compliments and Comments Procedure.
9. The regulations stipulate the Council is required to acknowledge complaints within three working days and provide a response within a maximum of six months.
10. The attached procedure sets out our local commitment to respond to complaints within 25 working days where possible.
11. The Council may investigate some complaints, while others may be investigated by a service provider.
12. Where a complaint is investigated by a service provider, the service provider will agree the response and any proposed actions to resolve the matter with the Council prior to sending the response to the complainant.
13. Where the complainant remains dissatisfied they will have the right to refer the matter to the Local Government Ombudsman.
14. Following approval the Complaints and Information Governance Manager will liaise with service providers to ensure they are aware of their responsibilities in accordance with the regulations and the procedure.
15. The Complaints and Information Governance Manager has also developed the Council's electronic complaints management system to manage record and report on complaints, compliments and comments made under the new Public Health Complaints, Compliments and Comments Procedure. This will allow the Council to ensure that actions resulting from complaints are implemented, report on what the Council has learned from complaints and make further recommendations to improve services and increase efficiency.

Equality Impact Assessment

16. An equality impact assessment was completed in respect of the impact of the Public Health Complaints, Compliments and Comments Procedure, attached at **(Appendix 2)**.
17. It is considered that the procedure will continue to ensure that those people who:-
 - (a) are from different races (and whose people whose first language is not English),
 - (b) are disabled,
 - (c) are visually impaired,
 - (d) are hearing impaired,
 - (e) are learning disabled,
 - (f) experience mental health problems,
 - (g) have a long term limiting illness or
 - (h) have multiple impairments

are able to easily make complaints about public health services. There are no perceived positive or negative impacts on the other identified target groups. Members are invited to have regard to the equality duty and in doing so have regard to the information provided by the assessment and as detailed above.

Legal Implications

18. Implementation of the procedure would enable the Council to meet requirements of the regulations in respect of Public Health Complaints.

Outcome of Consultation

19. There has been no consultation on the introduction of this procedure.