



Telford & Wrekin
Co-operative Council

**Protect, care and invest
to create a better borough**

Policy & Procedure for Complaints involving Child Sexual Exploitation (CSE)

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Section 1 – Scope of the CSE Complaints Procedure

1. Context

Over the last decade, national awareness of child sexual exploitation, and its impact on those affected by it, has grown significantly. At the same time, professional practices have changed and adapted to support those who have been, or are being, exploited. In Telford & Wrekin, professional practice also aims to support those identified as being at risk of exploitation.

Within Telford & Wrekin, the Independent Inquiry into Child Sexual Exploitation published its report on 12 July 2022 – rightly, this has also served to increase awareness of CSE.

As a result, it is anticipated that, as more people become aware of CSE, there may be an increase in complaints relating to both current and historic professional practice.

2. Defining representations and complaints

2.1 The intention of this document is to set out the procedure for a customer who is likely to want to make complaints about the actions or decisions on the part of the Council in relation to Child Sexual Exploitation (CSE).

2.2 The Children Act 1989 Representations Procedure (England) Regulations 2006 came into force on 1 September 2006. This created a child statutory complaints procedure for some cases involving Children's Services. However, not all involvement of the Children's Safeguarding and Family Support Service is covered by that statutory complaints procedure.

2.3 This policy and procedure applies solely to complaints related to CSE that fall outside of the Child Statutory Complaints procedures.

2.4 A complaint is

'An expression of dissatisfaction, however made, about the standards of service, action or lack of action, decisions taken by the Council or the way in which the council employees carry out their duties'

People can complain where they believe the Council has:

- Failed to do something it should have done
- Behaved unfairly or discourteously
- Failed to carry out a service to a recognised standard
- Done something wrong
- Done something it should not have done

It is recognised that this definition does not cover every scenario.

2.5 It is nevertheless the complainant's right ultimately to decide whether or not the matter of concern should be registered within this complaints procedure. It is crucial therefore that clear information about the procedure is made available in advance, so that

complainants can make an informed decision about whether they want to make a complaint in line with this procedure.

- 2.6 It should be noted at the outset that those who are, or have been, victims of sexual abuse (which includes sexual exploitation) have the legal right to a greater level of confidentiality than others. This means that their details should not be shared with anyone else except as absolutely needed to deal with their complaint. If those dealing with any complaint are in any doubt as to whether or not details can be shared, they will seek advice from the Council's legal team.

3. Our Policy on complaints

- 3.1 Whenever we receive a complaint, we will look critically at what has happened, to see what lessons we can learn and ensure that any changes which need to be made are applied. This not only applies to the case being complained about, but across services. If we believe that something has gone wrong, then we need to put it right and to make sure that the customer/service user has not lost out as a result. In all cases, we will provide clear information about how to take matters further, so that the person making the complaint can decide if that is what they want to do.
- 3.2 We realise that the different procedures which could be applicable when concerns are raised about services (e.g. the complaints procedures of other bodies, a provider's own in-house complaints arrangements, disciplinary processes, criminal investigations etc.) could result in confusion for customers/service users. In cases like this, complaints staff will ensure that there is consultation and engagement with complainants, and that sound decisions are reached about which procedure should take precedence, and why. We regard it as crucial, however, that people are provided with clear information about the possible interplay between different procedures and are reassured that they are entitled to request that any remaining issues can be taken up through this complaints process, once other processes are concluded.
- 3.3 We recognise that many people fear that making a complaint may result in reprisals or in a deterioration of the service provided, so we offer an assurance that we would regard this as wholly unacceptable, and that we would take very seriously any concern that this had happened. We will work to ensure that all members of our staff and management have a positive and informed view of complaints, and will give whatever help is necessary to enable people to get due benefit from the procedure.
- 3.4 It is recognised that one of the recommendations of the Independent Inquiry into Telford CSE is that the Council reviews how it manages complaints. It is necessary to ensure that any complaints are dealt with appropriately. That being the case, a copy of this document will be made available to members of the public on the Council's website, with hard copies provided on request.

4. What may be complained about?

- 4.1 A complaint may arise as a result of many things relating to service functions such as:
- An unwelcome or disputed decision;
 - Concern about the quality or appropriateness of service;

- Delay in decision making or provision of services;
- Delivery or non-delivery of services including complaints procedures;
- Quantity, frequency, change or cost of a service;
- Attitude or behaviour of staff;
- Policy and procedures

5. Who can complain under this procedure?

5.1 This procedure is open to everyone who has been directly affected by the actions or decisions on the part of the Council in relation to Child Sexual Exploitation (CSE).

5.2 Where the complaint is being made on behalf of another person:

Telford and Wrekin Council will consider complaints made to us by any customer or third party who is contacting us on the customer's behalf. If someone makes complaints on a customer's behalf, written consent will be sought before the complaint is registered.

5.3 The Complaints Manager may decline to register a complaint if it appears that it is being brought by a representative who is not acting in the best interests of the customer. Before reaching a decision of this nature, the Complaints Manager may consult with a number of individuals/organisations. Although this list is not exhaustive this may include:-

- The complainant;
- Legal advisors;
- Local Government & Social Care Ombudsman;
- Other council departments;
- Other public bodies (health, police, GP, DWP); and
- Any support or advocacy services that the complainant is receiving support from.

Any such decision will be recorded and notified in writing to the complainant. This decision will be retained in accordance with retention time scales for corporate complaint records which is 6 years, however where there is a children's social services file the decision will be retained in accordance with children's file retention which is 25 years and will be destroyed at the same time that the children's file is destroyed if that is longer than 6 years.

For example:-

A children's file has 13 years remaining before destruction - the decision will be retained for 13 years.

A children's file is due to be destroyed within 2 years - the decision will be retained for 6 years in accordance with retention of corporate complaints records.

5.4 From time to time, the Council receives anonymous complaints. Whilst a response cannot be sent in these cases, these will be logged and passed to the relevant service for investigation, to ensure that any learning can be identified.

5.5 Given the historical nature of many of these potential cases, and the outcome of the inquiry, complaints will be registered regardless of the time period that has passed

provided that they relate to the time period that Telford and Wrekin Council has been in existence 1 April 1998.

6. What is excluded from this procedure?

6.1 The procedure will **not** apply where it is more appropriate for the complaint to follow the Children's statutory complaints procedure under The Children Act 1989 Representations Procedure (England) Regulations 2006.

6.2 Complaints concerning staff from other agencies

In cases where a complaint is received regarding a partner agency where there are no elements that require a response from the Council, the complaint will be recorded by the Customer Relationship Team, this information will be retained in accordance with retention time scales for corporate complaint records, which is 6 years. The Customer Relationship Team will seek permission from the customer to pass the complaint to the relevant person who has the responsibility for managing complaints for the other agency. The Customer Relationship team will also advise the complainant that they can share these concerns directly with other agencies themselves, signposting details will be provided. The Council will provide a response to any elements of the complaint relating to council services.

6.3 Compensation Claims

When a complaint gives rise to a potential or actual insurance claim this usually involves the customer suffering loss or injury arising out of an alleged negligent act by the Council, its employees or agents. Such complaints will be forwarded to the Council's Insurance Team and the customer informed.

Section 2- How the Process Works

7. How the process works

- 7.1 This section details the procedure for handling CSE complaints, which must be registered with the Customer Relationship Team. The purpose of a complaints process is to resolve concerns raised by service users and their representatives, to deliver outcomes which are appropriate and proportionate to the seriousness of the issues and to ensure that changes are made in response to any failings which are identified.
- 7.2 To achieve this, the approach to handling complaints must incorporate the following elements
- Engagement with the complainant or representative throughout the process
 - Agreement with the complainant about how the complaint will be handled
 - A planned, risk-based and transparent approach
 - Commitment to prompt and focussed action to achieve desired outcomes
 - Commitment to improvement and the incorporation of learning from all complaints.

How complaints can be made

- 7.3 Complaints may be received through a variety of channels (phone, letter, email, feedback form, personal visit etc.) and at various points within the organisation, to staff members via the respective email addresses or direct to the Customer Relationship Team. Complaint correspondence should be scanned and emailed to customer.relationship@telford.gov.uk. The internal post should not be used.
- 7.4 Regardless of the medium used or the point where it arrives within the organisation, each complaint must be notified immediately to the Customer Relationship team, so that it can be registered and formally acknowledged within two working days. If the complaint has been received verbally, staff in the Customer Relationship Team will make a written account of it which will be sent to the complainant for approval in an appropriate format, the complaint will be formally acknowledged when the written account has been approved.
- 7.5 Where complainants require support or assistance with regard to the process and substance of their complaint, the Customer Relationship team will appropriately signpost them to available advocacy services. Please see appendix for a list of services that the Council will refer customer too.
- 7.6 There are two stages in the procedure, allowing for the initial response from the relevant Service Delivery Manager and a second stage investigation by an investigator independent of the Council, followed by a response from the Director for Children's Safeguarding and Family Support. More detail on these stages is provided below.
- 7.7 In some cases the Complaints Manager may feel that it is more appropriate for the complaint to immediately be investigated at Stage 2 of this procedure, complainants will be advised if this is the case. In most cases, it is desirable and possible to resolve complaints promptly, with the minimum of formality and as close as possible to when they arose.

Stage 1- Service Investigation

- 7.8 All complaints should be acknowledged by the Customer Relationship Team within two working days. The acknowledgement letter/email should clearly state the reference number, and name of the investigating officer and also the expected date of the formal response at Stage 1, which will normally be from the Service Delivery Manager or Team Leader.
- 7.9 The investigating officer will make contact with the complainant by telephone within 3 days of the complaint being allocated to discuss the complaint and, when appropriate, arrange a meeting with the complainant to ensure that all concerns are understood and will be included in the investigation. It is expected that, in most cases, it will be appropriate to offer a meeting although there is no requirement for the complainant to accept this offer
- 7.10 A full response should be sent within 10 working days which may be extended to 20 working days in complex cases, this mirrors the Children's Statutory Complaints Procedure under The Children Act 1989 Representations Procedure (England) Regulations 2006.
- 7.11 Due to the challenges that may be posed by investigating historical matters, timescales may be extended if access is required to archived records or if complaints relate to multiple council services. Complainants will be advised if this is the case and will be regularly updated on the progress of the investigation. These timescales will reflect challenges that may be posed by investigating historical matters. Investigating such matters will require an extensive review of records often covering a substantial period of time and different systems. However, we aim to respond in advance of the timescales provided to the complainant, where possible.
- 7.12 The response should confirm the customer's right to take the complaint to Stage 2 of this complaints procedure. This request should be made by the customer within 20 working days of receiving the response to their concerns at Stage 1.
- 7.13 It may be appropriate, on occasion, for a complaint to be put on hold and a holding response sent. For example where there are ongoing legal proceedings or the matter is being considered via another process, which needs to be completed before it can be considered via this process. Complainants will be informed of the reasons why a 'holding' response is considered appropriate, when the formal investigation will recommence and the timescale for completion.
- 7.14 Where an investigation is unlikely to be completed within the stated timescales, the investigating officer will contact the complainant to provide an update on the progress of the investigation and explain why the response will not be available. The investigating officer should also request an extension from the Customer Relationship team giving a reason for the extension. The Customer Relationship team will formally update the customer in writing to confirm the expected response date.
- 7.15 On completion, the investigating officer should pass a copy of the full response to the Customer Relationship Team so that the action taken can be recorded on the complaints system and any outstanding or follow up actions can be monitored.
- 7.16 Following completion of the complaints procedure if the complainant remains dissatisfied with the outcome of any complaint, they can ask for it to be progressed to Stage 2. The

response at Stage 1 will detail the complainant's rights and the time in which a request must be made (see below). Where any elements of dissatisfaction relate to other agencies these concerns can be raised via the most appropriate Ombudsman, details of which will be provided.

Stage 2- Independent Investigation

- 7.17 If the customer is not satisfied with the outcome of the investigation at Stage 1, they may request that the complaint be reviewed providing their reasons for this. A request can be made to progress their concerns to Stage 2 by either sending an email or letter or by completing a Stage 2 escalation pro-forma, setting out the reasons for escalation and the outcome required by the customer. A request must be received within 20 working days of the response at Stage 1. The request for a review and any subsequent investigation would be considered by the Senior Formal Complaints Investigator, who is a member of the Customer Relationship Team and independent from the Children's Safeguarding and Family Support Service.
- 7.18 The customer will be asked to provide details of why they feel that their complaint has not been fully responded or fully resolved to at Stage 1.
- 7.19 However, if it is considered that there are no suitable grounds for escalating the complaint to a full investigation at Stage 2 the customer will receive written confirmation detailing the reasons why their request had been declined, together with contact details for the Local Government and Social Care Ombudsman (LGSCO). The request to escalate to Stage 2 should be considered and, if the escalation is refused, will be responded to within 10 working days of the request.
- 7.20 If the complaint is escalated and a full investigation is to be completed, the independent Senior Formal Complaint Investigator will source an independent investigator who will compile a full response within 25 working days. If this deadline is not met, an interim reply will be sent to the customer detailing progress. We will aim to complete the investigation within a maximum of 65 working days, there may however be occasion where this timescale will be exceeded for example in complex cases that require access to a significant number of records. Complainants will be updated regularly if this is the case.
- 7.21 The purpose of Stage 2 in this procedure is to consider if:
- The customer's complaint was fully understood and addressed;
 - All of the relevant evidence was taken into account;
 - The Council's policies and procedures were properly followed;
 - The complaints process was carried out properly and fairly;
 - The conclusions were reasonable and fair and reached on the basis of evidence;
 - Any other actions or remedies are appropriate.

It is not to:

- Reinvestigate the complaint – it will focus on understanding continuing concerns and consider whether the Stage 1 resolution was undertaken fairly and that the conclusions reached were reasonable;

- Revisit a decision taken by committee or an officer under delegated powers;
- Undermine the professional judgement of officers;
- Deal with any new matters that were not part of the original complaint;
- Cover any points dealt with by a court or where an appeal against a decision lies with a court or other legal process.

7.22 On completion of the Stage 2 investigation, the recommendations will be passed to the Director to agree any recommendations / service improvements resulting from the investigation. The investigation report and the Council's response will then be forwarded to the customer and will include information on their right of redress to the Local Government and Social Care Ombudsman, if they continue to remain dissatisfied.

7.23 Special Cases

In certain cases, the general rules regarding who investigates complaints will not apply. These cases will be as follows:

- At Stage 1, if the complaint relates to the actions of the Service Delivery Manager/ Team Manager who would normally act as investigating officer, it should be referred to the appropriate Director for action.
- Any complaint against a Director should be referred to the Executive Director for action.
- There is a separate procedure for investigating complaints about Elected Members of the Council, which should be referred to the Council's Monitoring Officer.

The Process

	Action	Timescale	Responsibility
	Stage 1		
1.	To notify the Customer Relationship Team of any complaint which has been received elsewhere in the Council	Immediately, by phone, fax or email	All members of staff
2.	Send a formal acknowledgement to the customer that the complaint has been received and registered.	Within 2 working days	Customer Relationship Team
3.	To pass the complaint to the relevant Service Delivery Manager or Team Leader, copying in the Director.	Within 2 working days	Customer Relationship Team
4.	Investigating officer to make contact with complainant	Within 3 working days	Investigating Officer
5.	To undertake investigation and actions to resolve the complaint informally to the customer's satisfaction at Stage 1. The findings should be communicated in writing to	10 working days up to 20 working days. These timescales may again be extended further if access to archived records or the response requires information	Investigating Officer

	the customer. An investigation report should also be completed.	from multiple council services is required.	
6.	If there is a delay in responding the investigating officer should contact the complainant to explain the reasons for this.	As soon as it is identified that response will be delayed.	Investigating Officer
7.	It may be appropriate to provide an interim response in cases that exceed timescales.	As soon as it is identified that response will be delayed.	Investigating Officer
Stage 2			
1.	Customer makes a request to escalate their complaint to Stage 2 providing details of the complaint and what they consider has not been addressed.	Within 20 working days of the Stage 1 response.	Complainant
2.	The Senior Formal Complaints Investigator reviews the escalation request and provides a written response confirming whether or not an independent investigator will be appointed.	Within 10 working days	Senior Formal Complaints Investigator
3.	If a full investigation is required appoint an Independent Investigator to undertake a Stage 2 Investigation.	Within 5 working days of confirmed escalation to Stage 2 or agreed complaint statement	Customer Relationship Team
4.	To complete the investigation and submit the draft Stage 2 report to the appropriate Director/Executive Director for approval of the recommendations / service improvements resulting from the complaint investigation. A copy of this report will also be sent to the Customer Relationship Team.	Within 25 working days of complaint statement being signed (unless extension agreed with complainant in which case this period is extended to 65 working days maximum.)	Investigator
5.	To notify the complainant where appropriate the reasons for necessary extension past 25 working days and to specify a new completion date.	Within 25 working days of the complaint statement being signed	Customer Relationship Team
6.	To provide the complainant with a formal Stage 2 response.	Within 5 working days of receiving the final reports and in all cases, within 65 working days of the complaint statement being agreed & signed.	Customer Relationship Team
7.	Arrange a learning outcome meeting, to discuss Learning and prepare a Service Action Plan to monitor any service improvements.	Within 25 working days of complaint response having been sent to the customer.	Senior Formal Complaints Investigator

8. Resolution and remedies

- 8.1 Where some justification is found for a complaint, consideration needs to be given to the question of appropriate remedy.
- 8.2 An apology and/or explanation will always be needed where any part of the complaint is upheld. It may be necessary to determine who can provide remedial action and what arrangements are needed.
- 8.3 The Council's guidance in the use of financial redress is that this should be made in exceptional circumstances where some direct financial loss has been incurred, and where agreement has been reached with the Director, as well as the Monitoring Officer.

9. The Local Government and Social Care Ombudsman (LGSCO)

- 9.1 The Local Government and Social Care Ombudsman is independent and impartial and gives a service which is confidential and free of charge. The Ombudsman has the same powers as the High Court to require people to provide information and to produce documents for investigation.
- 9.2 Any member of the public is able to complain to the Ombudsman if they feel there has been an injustice. However, the Ombudsman's office usually states that customers should first take up their complaint with the relevant Department or Council.
- 9.3 If the customer is not happy with how the Council has dealt with their complaint, they can take the matter to the Ombudsman, whose role is to investigate complaints of maladministration by Local Authorities. Maladministration means that there has been a fault in the way the Council has or has not done something, such as a failure to follow its own rules or a breach of legislation.
- 9.4 Complaints which members of the public make to the Ombudsman will be dealt with by the Customer Relationship Team who will ensure that the complaints process has been followed.
- 9.5 The Ombudsman may reject any complaint as premature if the complaints procedure has not been followed. The Ombudsman's involvement may be ended at any point where it is clear there is no maladministration or where the Council agrees to settle with the customer.
- 9.6 Complainants who remain dissatisfied with the proposed outcome after their complaints have been handled within this procedure will be notified and advised that they are entitled to approach the Local Government and Social Care Ombudsman, to request that the matter be considered. Contact the Ombudsman by telephone on **0300 061 0614** or online at www.lgo.org.uk
- 9.7 People who use the Council's services are entitled to make an approach to the Ombudsman at any point. It is generally the case, however, that the LGSCO declines to undertake an investigation until the complaint has been dealt with within the local authority's complaints process.

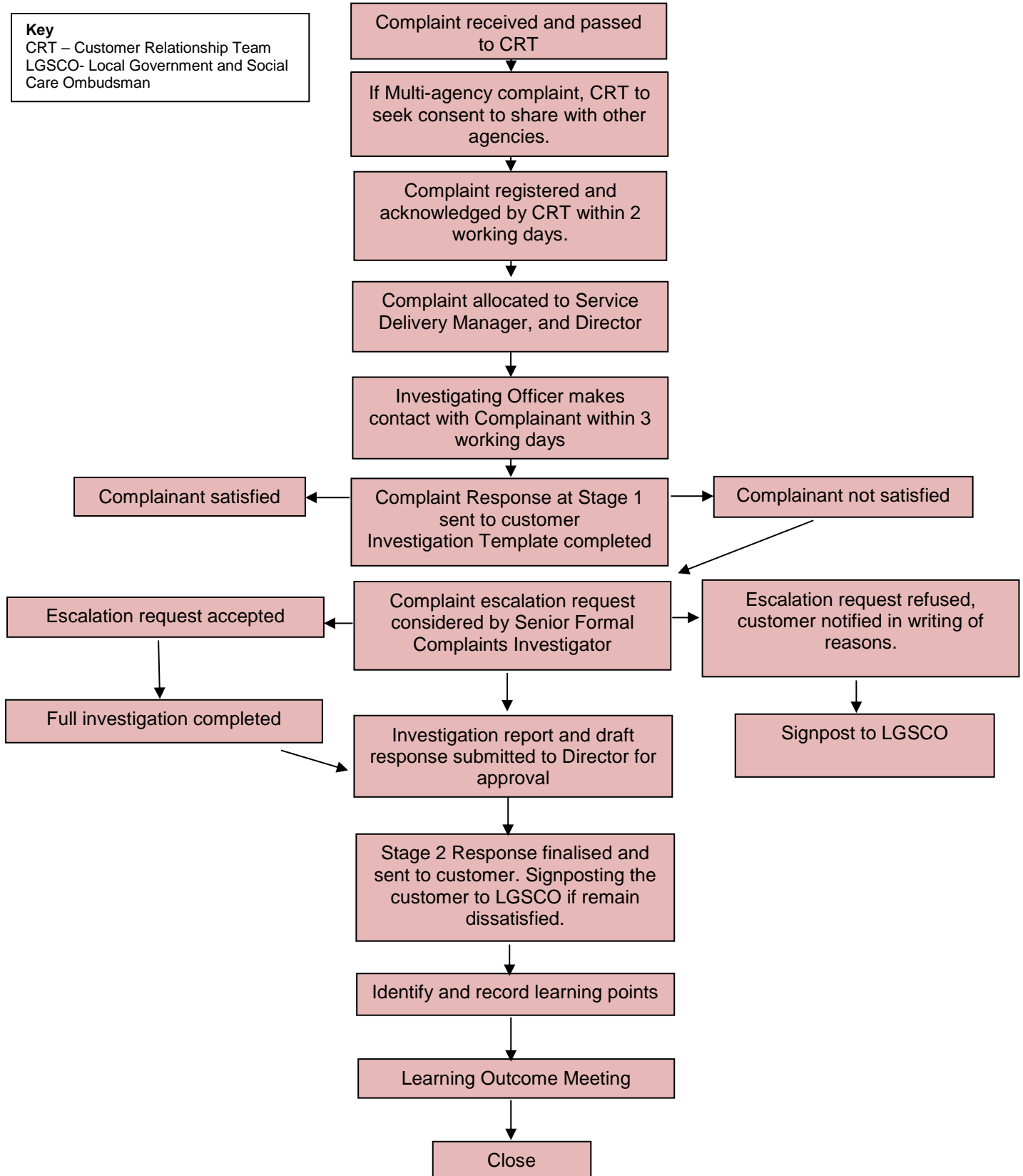
10. Improving services following complaints

- 10.1 A primary objective of the complaints process is to ensure that mistakes are identified and remedied, and that they are not repeated in future. Achieving this requires analysis of what went wrong, why the mistake was made and what changes are needed to ensure that it does not recur.
- 10.2 We are committed to ensuring that all possible lessons are learnt from the complaints we deal with, that our services improve as a result and that any mistakes that are identified are not repeated. For this reason, we have put in place ways of maximising the learning opportunities which arise from complaints.
- 10.3 Most complaints prove capable of being resolved with relative informality at the first stage. It is nevertheless crucial that the issues and themes which arise from these complaints are considered carefully and comprehensively so that any poor practice or structural difficulties are identified and addressed. The number and type of complaints about each service area are reported on a quarterly and 12 monthly basis to the Senior Management Team with a summary of comments, recommendations and any emerging themes.
- 10.4 Complaints which are handled at Stage 2 invariably raise important issues for the Council and the Investigator's report provides an invaluable independent perspective on the service provided and on the matters which resulted in the complaint.
- 10.5 A summary of learning points and changes made arising from complaints will be included in the annual report on complaints.

11. Performance monitoring

- 11.1 Activities undertaken within this complaints procedure will be reported to the Senior Management Team and will also be reported annually as part of CSE data reporting.
- 11.2 In considering complaints performance, particular attention will be paid to
- Number of complaints.
 - Significance of any common themes which emerge from complaints.
 - Extent of compliance with agreed timescales.
 - Number of complaints which have not been resolved within the process, and are referred to the Ombudsman.
 - Any learning identified.
 - Changes and improvements which occur in consequence of complaints.

12. CSE Complaints Flowchart



Version Control		
Date	Version Number	Comments
April 2023	Version 1.0	Procedure adopted
September 2023	Version 2.0	Updated to reflect confidentiality requirements
January 2024	Version 2.1	Updated with version control

13. Appendix

Signposting to Advocacy and Support Services

Organisation	Website/email	Telephone
Telford and Wrekin Council's Rights and Representations Team	Michael.Bould@telford.gov.uk / Amanda.Farrington@telford.gov.uk	07807 966126/ 01952 385102
Telford and Wrekin Information, Advice and Support Service	www.cyp.iassnetwork.org.uk/service/telford-and-wrekin-iass/ Info@iass.org.uk	01952 457176
Children's Commissioner's Advice Service	www.help.team@childrenscommissioner.gov.uk	0800 5280 731
Safeguarding Shropshire Children	www.safeguardingshropshireschildren.org.uk	0808 8005 792
The Children's Society	www.childrensociety.org.uk supportercare@childrenssociety.org.uk	0300 303 7000
Pohwer	www.powher.net / pohwer@powher.net	0300 456 2370
ECPAT	www.ecpat.org.uk	
Migrant Help	www.migranthehelpuk.org	
Barnardos	www.barnardos.org.uk	
CORAM	www.coram.org.uk	
The Holly Project	www.hollyproject.org info@hollyproject.org	01952 947831