



Telford & Wrekin
Co-operative Council

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

Resolving Complaints and Improving Services

Policy & Procedure for Corporate Complaints, Compliments & Comments

Contents:

Section 1- Scope of the Representations and Complaints Procedure	3	
1	Defining representations and complaints	3
2	Our Policy on Complaints	4
3	What may be complained about?	6
4	Who can complain under this procedure?	6
5	What is excluded from this procedure?	7
Section 2- How the Process Works	10	
6	How the process works	10
7	Putting things right	15
8	The Local Government and Social Care Ombudsman	16
9	Housing Ombudsman Service	16
10	Improving services following complaints	17
11	Unacceptable behaviour and vexatious complainants	18
12	Compliments and Comments	20
13	Performance monitoring	20
14	Corporate Complaints Flowchart	21
15	Complaints involving Child Sexual Exploitation (CSE)	22
16	Signposting to Advocacy and Support Services	23
Appendix A – How we respond to complaints involving Child Sexual Exploitation (CSE)	24	

Section 1 – Scope of the Representations and Complaints Procedure

1. Defining representations and complaints

- 1.1 At Telford and Wrekin Council we welcome all feedback from customers, this is because it helps us improve the way we do things and to learn from things that have gone wrong.
- 1.2 The intention of this document is to set out the procedure for a customer or tenant who is likely to want to make representations, including complaints about, the actions, decisions of our services and to allow any other appropriate person to act on their behalf.
- 1.3 This policy and procedure on complaints, compliments and comments applies solely to feedback that sits outside of all statutory processes.
- 1.4 Complaints about the actions or decisions on the part of the Council in relation to Child Sexual Exploitation (CSE), will now be dealt with under this procedure. Please see Section 15 for further information around how we will handle complaints relating to this.
- 1.5 Any reference within this document to customers also references Telford and Wrekin Council tenants.
- 1.4 We define a complaint as

‘An expression of dissatisfaction, however made, about the standards of service, action or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals’

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 and that complaints can range from major grievances to minor annoyances.

- 1.5 We realise that it would be unrealistic to register every such statement within the procedure, particularly in cases where it is possible to deal with the matter of concern there and then or where the concerns are a service request. However, you do not have to use the word ‘complaint’ for it to be treated as such.
- 1.6 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.

- 1.7 Representations may not always be complaints; they might also be positive remarks or ideas that require a response from the Local Authority. Enquiries or comments about the availability, delivery or nature of a service which are not criticisms are also welcomed and can help us to improve our services.
- 1.8 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.

2. Our Policy on Complaints

- 2.1 Customers of any service provided on or behalf of Telford & Wrekin Council should have access to a simple, well-publicised procedure common to all services.
- 2.2 The policy is framed to:
- Provide high quality and responsive service;
 - Acknowledge that all people who receive services have a right to complain if they think that something that should have been done has not been done, or that something has been done poorly or incorrectly.
- 2.3 We know that things can go wrong with services, and that staff and managers can make mistakes. When this happens, we believe it is important to put things right, as rapidly and as effectively as possible. Through this complaints procedure, we are committed to working with customers who use our services, their advocates, carers and relatives, listening to them and deciding with them, where possible, the most effective way of sorting out whatever has gone wrong, with a view to putting the customer back into the position they were in prior to any injustice occurring.
- 2.4 Above all, the way we deal with complaints will be based on
- Customer focus – listening to what people tell us
 - Responsiveness – acting on what people say to us
 - Promptness – making sure people get answers in good time
 - Transparency – dealing openly and honestly with problems
 - Proportionality – making sure that the resolution fits the complaint
 - Learning – making sure complaints result in changes and improvement, where appropriate

We are committed to:

- dealing with complaints and comments quickly and effectively; and
- using complaints, comments and compliments to review and improve our services

2.5 We recognise our responsibility to ensure the customer has a proportionate level of awareness of their entitlement to complain among people who use or may be eligible for services. We will therefore make sure, in a number of ways that people are well informed and reminded that the complaints procedure is available if necessary. Customers can expect assistance and support if they have cause to use it.

Among the ways in which we will meet this obligation are:

- Information about the complaints policy and process will be made available in a variety of ways;
 - On the Council website- www.telford.gov.uk/complaints.
 - Complaint leaflets will be available at our front facing buildings and also made available on request.
- Our customers will be given details by staff members in the course of their work.
- Case management correspondence will routinely incorporate references to the right to make complaints.
- A dedicated email address for complaints- customer.relationship@telford.gov.uk

2.6 This policy and procedure will be available to members of the public on the Council's website, but hard copies will be provided on request. The complaint leaflet 'Have your say' which summarises this information is widely distributed and is available at a range of community contact points, as well as from the Customer Relationship Team.

2.7 For this procedure to be of benefit, we think it is crucial for all customers to be well informed about how the complaints process works, so that everyone is aware of their rights and obligations. Recognising that we serve a diverse community, we will therefore make details of the procedure available on request in a range of formats, in order to maximise its accessibility and to ensure it remains inclusive.

2.8 Whenever we deal with a comment or 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 the service. If we believe that something has gone wrong, then we need to put it right and to make sure that the customer has not lost out as a result. If when the investigation concludes the complaint was not justified, we will provide a full written explanation. 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.

2.9 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. In cases like this, complaints staff will ensure that there is consultation and engagement with complainants, and that sound decisions are reached with them 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 the other process is concluded.

- 2.10 We recognise that many people fear that making a complaint may result in reprisals or in a deterioration of the service provided, and 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.
- 2.11 We also believe that when people who use our services send us comments and compliments based on their experiences, they should be acknowledged, considered and acted upon. This is an important aspect of the dialogue between local people and local services.

3. What may be complained about?

- 3.1 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

4. Who can complain under this procedure?

- 4.1 This procedure is open to everyone who lives, works or visits the Telford & Wrekin area or uses Telford and Wrekin Council services.

It is also open to Telford and Wrekin Council tenants. **Please Note:** This procedure does **not** cover complaints in relation to Wrekin Housing Group, which is a separate organisation to the council.

This procedure is also open to everyone who has been directly affected by the actions or decisions on the part of the Council in relations to Child Sexual Exploitation (CSE). Please see section 15 for more information.

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

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

- 4.3 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.

- 4.4 From time to time the council receives anonymous complaints, these will be logged and passed to the relevant service for investigation, whilst a response cannot be sent in these cases it is important that we investigate and taking learning from these complaints.
- 4.5 Complaints will not be registered more than a year after the matter giving rise to concern arose. Nevertheless, the Complaints Manager may waive this time limit if;
- It would not be reasonable to expect the complainant to have made the complaint sooner, and
 - It is still possible to deal with the complaint effectively and fairly.

5. What is excluded from this procedure?

5.1 The procedure will **not** apply where it is a:

- request for service, which is defined as 'a request that the Council provides or improves a service, fixes a problem or reconsiders a decision'.
- request for information

5.2 The complaints procedure specifically excludes certain matters;

- **Legal matters** – issues that involve a legal action by or against, the Council.
- **Insurance matters** – issues that involve an insurance claim against the Council or its insurers.
- **Statutory, regulatory or other procedures** including:
 - Admissions to schools.

- Complaints about decision to place a child on the Child Protection Register.
- Childcare matters such as court decisions and care proceedings.
- Childminders and residential care and nursing homes – decisions on appeals against failure to register and against decisions to de-register.
- Social services complaints:
 - Children & Young People
 - Adults and vulnerable people
- Objections to planning applications.
- Council tax and housing benefit determinations- should be considered under Courts or Tribunals.
- Complaints about Councillors- this will be referred to the Monitoring Officer.
- Enforcement procedures for which there is a right of appeal.
- Licensing and registration – appeals against refusals, revocations or conditions attached.
- Parking fines and Enforcement for which there is a right to appeal
- Planning decisions- applicant’s right of appeal Right to Buy Valuation re-determinations Special Educational Needs Tribunals
- Staff matters covered by the grievance, disciplinary and recruitment and selection procedures.
- Statutory Landlord and Tenant matters.
- School Complaints- dealt with via the Head and board of governors.

A complaint will not be taken where it relates to the decision/ outcome of an appeal. However, a complaint may be taken relating to the process of how the decision was made.

- **Repeat matters**- A matter that has been previously considered under the Council’s Complaints policy and procedures.

If a complaint is not accepted, a detailed explanation will be provided to the complainant setting out the reasons why the matter is not suitable for the complaints procedure and the right to take the decision to the relevant ombudsman service.

5.3 Relationship to other Policies and Processes

This procedure may be suspended if any of the following procedures are invoked:

- a) Disciplinary and Grievance Procedures
- b) Harassment Procedures
- c) Police Investigation- Criminal
- d) Children’s Social Services Complaints Procedure
- e) Adults Social Service Complaints Procedure
- f) Safeguarding Procedure

- 5.4 Any complaint which contains an allegation or suspicion of fraud, corruption or financial irregularity, whether allegedly carried out by an employee or third party against the Council, will be reported immediately to Audit Services for investigation.

5.5 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.

5.6 Complaints regarding external contractors

If the complaint involves services that are provided for the Council by external providers, in the first instance the Council would wish to be notified if there is a problem. However, it is important that the external provider be given the opportunity to investigate and try and resolve the complaint directly with the customer.

Each external provider has their own complaints procedure in line with their contractual obligation to the Council. The Council will maintain an oversight of all complaints dealt with under the contractual arrangement.

If a customer remains dissatisfied following a response from the contractor, they may raise it at stage 2 of this procedure. We would not expect the customer to complete two complaints procedures.

5.7 Compensation Claims

When a complaint gives rise to a potential or actual insurance claim; usually this 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

6. How the process works

6.1 This section details the procedure for handling all representations, which must be registered with the Customer Relationship Team.

6.2 Compliments, Comments and Suggestions

It is very important that the service learns from the positive statements made by customers as well as the negative comments about services. Where these other forms of representation are made, including criticisms which the sender does not wish to regard as a complaint, the Customer Relationship Team will record and forward these representations to the appropriate manager for their attention.

6.3 Complaints

The purpose of a complaints process is to resolve concerns raised by customers 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.

6.4 To achieve this, the approach to handling complaints must incorporate the following elements

- Engagement with the complainant or representative throughout the process
- Agreement with him/her 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.

6.5 How complaints can be made

You can make a complaint through a variety of channels either in person, by phone, in writing or by email using the details below, or, you can fill in the Customer Feedback Form online at [Customer Contract, Customer Strategy, Complaints Compliments and Feedback - Telford & Wrekin Council](#) . You can also submit a complaint 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 the Customer Relationship Team. The internal post should not be used.

In person at Customer Relationship Team, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA

Phone Customer Services on 01952 382006

Write to: Customer Relationship Team, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA

Email us at customer.relationship@telford.gov.uk.

- 6.6 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, formally acknowledged and defined within 2 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 with the acknowledgment.
- 6.7 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 section 16 for a list of services that the Council will refer customers too
- 6.8 There are two stages in the procedure, allowing for the initial response by the service concerned (usually the Service Delivery Manager or Team Leader) and a second stage investigation by an investigator independent of the service being complained about. There is not a requirement for this investigator to be independent of the Council under this policy. However, for complaints involving CSE it may be appropriate for a stage 2 investigation to be completed by an investigator independent of the council, followed by a response from the Director for Children's Safeguarding and Family Support.

6.9 **Stage One- Service Investigation**

- 6.9.1 The complaint will be recorded for the relevant service area on the Councils' Complaints System.
- 6.9.2 All complaints should be acknowledged by the Customer Relationship Team within 2 working days of receipt. The acknowledgement letter/email should clearly state the reference number and name of the investigating officer, which will normally be the Service Delivery Manager or Team Leader responsible for the service in question. The Customer Relationship Team will set out its understanding of the complaint and confirm the outcomes that the customer is seeking. If any aspect of the complaint is unclear, the complainant will be asked for clarification and the full definition agreed between both parties.
- 6.9.3 The relevant service area will investigate the complaint and respond to the customer within the timescales set out in this procedure.
- 6.9.4 The investigator will;
- deal with complaints on their merits
 - act independently and have an open mind
 - take measures to address any actual or perceived conflict of interest
 - consider all information and evidence carefully
 - keep the complaint confidential, with information only disclosed if necessary to properly investigate the matter.
 - Address all points raised in the complaint definition
- 6.9.5 A full response should be sent within 10 working days of the complaint being acknowledged to the complainant and should advise the customer of their right to

take the complaint to stage 2 of the complaints procedure. This request should be made by the customer within 20 working days of receiving the response to their concerns.

- 6.9.6 Where additional complaints are received after one has been recorded and the matters raised are related, it will be incorporated within the response that has been logged. However, where a response has already been sent or it is regarding new unrelated issues or would unreasonably delay the response, the additional complaints will be logged as a new complaint.
- 6.9.7 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 the complaints 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.
- 6.9.8 Where an investigation is unlikely to be completed within 10 working days, the investigating officer should request an extension from the Customer Relationship Team giving a reason for the extension. The Customer Relationship Team will send an update informing the complainant of the extended response date, which should then be completed within 20 working days.
- 6.9.9 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 and appropriate updates provided to the complainant.
- 6.9.10 Where timescales exceed 20 working days, the complainant will be provided with the reason and this will be clearly explained and suitable intervals for updates will be agreed with the customer. The complainant will also be provided with the details of the relevant Ombudsman.

6.10 Stage Two- Independent Investigation

- 6.10.1 If the customer is not satisfied with the outcome of the investigation at Stage 1, they may request that the complaint be escalated to stage 2. The stage 2 complaint investigation will be considered by the Senior Formal Complaints Investigator, who is a member of the Customer Relationship Team and Independent from Corporate services.
- 6.10.2 Requests for a complaint to be considered at stage 2 will be acknowledged and recorded at stage 2 of the complaints procedure within 5 working days. Within the acknowledgement, we will set out our understanding of any outstanding issues and the outcome the complainant is seeking. If any aspect of the complaint is unclear, the complainant will be asked for clarification.
- 6.10.3 A complaint will not be escalated to Stage 2 of the procedure if any of the exclusions apply as outlined in Part 5 of this procedure. If a complaint is not escalated, a detailed explanation will be provided to the customer setting out the

reasons why the matter is not suitable for the complaints procedure and the right to take the decision to the relevant Ombudsman.

6.10.4 The Independent Senior Formal Complaint Investigator will compile a full response within 20 working days. In complex cases the response timeframe may be extended to a maximum of 40 working days. In which case an explanation will be sent to the customer detailing progress and expected timescale for response. The investigation should then be completed within a maximum of 40 working days.

6.10.5 Where timescales exceed 40 working days, the complainant will be provided with the reason and this will be clearly explained and suitable intervals for updates will be agreed with the customer. The complainant will also be provided with the details of the relevant Ombudsman.

6.10.6 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.

6.10.7 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 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 or Housing Ombudsman Service, if they continue to remain dissatisfied. Any outstanding actions will be monitored and actioned promptly with appropriate updates provided to the complainant.

6.10.8 The stage 2 response will confirm in clear and plain language;

- The complaint stage
- The complaint definition
- The decision of the complaint
- The reasons for any decisions made

- The details of any remedy offered to put things right
- Details of any outstanding actions
- How to escalate the matter to the relevant Ombudsman Service, if the customer remains dissatisfied

6.11 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 Chief Executive for action or may be referred to the Council's Monitoring Officer.
- There is a separate procedure for investigating complaints about Elected Members of the Council, which should be referred to Council's Monitoring Officer.
- In the case of complaints involving actions and decisions involving CSE, the council may source an Independent Investigator and/or an Independent Person to have oversight of the investigation. The investigation report will be shared with the Director of Children's Safeguarding and Family Support who will provide a response to the findings.

6.12 Complaints covering more than one service

Where a Stage 1 or Stage 2 complaint involves more than one service, then the relevant investigating officers should liaise so that whenever possible a single co-ordinated response is sent to the complainant. The Customer Relationship Team may at times co-ordinate such a response.

6.13 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, or email	All members of staff
2.	Send a formal acknowledgement to the customer that the complaint has been received and registered, this will include a definition of the complaint.	Within 2 working days	Customer Relationship Team
3.	To pass the complaint to the relevant Service Delivery Manager	Within 2 working days	Customer Relationship Team
4.	To undertake investigation and actions to resolve the complaint informally at Stage 1 to the	10 working days (extendable by 10 more working days if the complaint is complex)	Relevant Service Delivery Manager

	customer's satisfaction. The findings should be communicated in writing to the customer.		
	Stage 2		
1.	Customer makes a request to escalate their complaint to Stage 2.	Within 20 working days of the Stage one response.	Complainant
2.	Send an acknowledgement to the customer, outlining outstanding matters and outcomes. Confirming that the complaint has been received and recorded at Stage 2 of the procedure.	Within 5 working days	Customer Relationship Team
3.	To notify the complainant where appropriate the reasons for extension past 20 working days and to specify a new completion date.	Within 20 working days of the acknowledgment if complaint response remains outstanding	Senior Formal Complaints Investigator
4.	To complete the investigation and submit the draft response to the appropriate Director for approval of the recommendations / service improvements resulting from the complaint investigation.	Within 20 working days of complaint acknowledgment (unless extension notified to complainant in which case this period is extended to 40 working days maximum.)	Senior Formal Complaints Investigator
5.	To provide the complainant with a formal Stage 2 response.	Within 20 working days of complaint acknowledgment (unless extension notified to complainant in which case this period is extended to 40 working days maximum.)	Senior Formal Complaints Investigator
6.	To discuss learning/ to prepare a Service Action Plan, where relevant, to monitor any service improvements.	Within 25 working days of complaint response having been sent to the customer.	Senior Formal Complaint Investigator

7 Putting things right

7.1 Where something has gone wrong the Council will acknowledge this and set out the actions it has already taken or intends to take to put it right. This 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;
- Amending a record or adding a correction or addendum;
- Changing policies, procedures or practices;
- Providing financial remedy.

- 7.2 The Council's guidance in the use of financial redress is that this should be made in exceptional circumstances where some direct financial loss or injustice has been incurred, and where agreement has been reached with the Director, as well as the Monitoring Officer. The Council will take account of the good practice guides issues by the ombudsman when deciding appropriate remedies.

8 The Local Government and Social Care Ombudsman (LGSCO)

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 Complainants who remain dissatisfied with the proposed outcome after their complaints have been handled within this procedure will be 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
- 8.5 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.

9 Housing Ombudsman Service (HOS)

- 9.1 Telford and Wrekin Council has a small number of properties for which it is the named registered social landlord. If Telford and Wrekin Council are your landlord you may raise your dissatisfaction for tenancy related matters with the Housing Ombudsman Service.
- 9.2 The Housing Ombudsman Service is an independent and impartial service and gives a service which is confidential and free of charge. The Housing Ombudsman Service is set up to look at complaints about housing organisations that are registered with them.
- 9.3 The Housing Ombudsman Service will consider complaints, in accordance with their dispute resolution principles, if the customer is not happy with how the Council has dealt with their complaint.

- 9.4 Complaints which can be considered by the Housing Ombudsman Service will be progressed by the Customer Relationship Team as per this procedure. However, following the outcome at stage two of this process, the customer may raise the matter with the Housing Ombudsman Service.
- 9.5 Information about the Housing Ombudsman Service can be found on their website www.housing-ombudsman.org.uk.

The Housing Ombudsman's contact details are:

Housing Ombudsman Service
PO Box 152
Liverpo
oLL33
7WQ

Tel: 0300 111 3000

Email: info@housing-ombudsman.org.uk

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 response 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. Unacceptable behaviour and unreasonable persistent complainants

- 11.1 We are committed to providing an inclusive, responsive and easily accessible complaints process. We will generally not impose restrictions upon the way in which complainants are able to contact or communicate with staff members.
- 11.2 In line with the authority's duty of care however, staff are entitled to protection from complainants whose behaviour is abusive, offensive, threatening or unreasonably persistent. Whilst Vexatious and persistent behaviour is dealt with under this policy. Unacceptable behaviour, should also be considered in line with the Council's Treating Employees with Dignity & Respect policy, which outlines a commitment to providing a safe and secure working environment for its employees. As such, we will not tolerate acts or threats of physical violence, intimidation, harassment, discrimination, verbal abuse or coercion against our staff.
- 11.3 In such cases, the Customer Relationship Team will inform the complainant why their behaviour is considered unacceptable and ask them to change it. If this has no effect, possible ways forward will be discussed at a formal (noted) professionals meeting, convened and chaired by the Customer Relationship Team. Decisions and action in such cases must be consistent, proportionate to the concerns, time-limited and subject to review.
- 11.4 Among the possible measures available are
- Restriction of access to service area sites
 - Routing of all contact with the person through a named staff member
 - Requiring contact with the person to be by letter only
 - Proposing a formal agreement with the complainant about their behaviour
 - Accessing legal advice regarding obtaining an injunction
 - Notification to the police
 - Notification to the keeper of the Council's Personal Safety Precautions Register
 - Where matters have previously been responded to, correspondence will be kept on file and not responded to.
- 11.5 Whilst no single definition of an unreasonable persistent complainant exists, vexatious behaviour may include some or each of the following, this is not an exhaustive list;
- Refusing to specify grounds of the complaint, despite offers of assistance from the council.
 - Refusing to cooperate with the complaints investigation process whilst still wishing the complaint to be resolved.
 - Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
 - Unwillingness to accept the terms of the complaints procedure.
 - Insisting on the complaint being dealt with, in ways that are incompatible with the complaints procedure or good practice.

- Making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large number of detailed but unimportant questions and insisting they are fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Making unnecessary excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after the complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these “new” complaints which should be put through the full complaints procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Repetition of identical or similar complaints, but failure to accept any outcome
- Excessive focus on the complaints process, as opposed to the desired outcome
- Focus on unrealistic and unachievable outcomes
- Unreasonably persistent and repetitious contact with the service area
- Tendency to approach different parts of the organisation, in the apparent hope of eliciting different responses
- Abusive or threatening behaviour or language towards council staff.

11.6 Subject to any considerations about unacceptable behaviour, it is crucial to ensure that the substance of any complaint which seems to be being pursued in a vexatious manner is considered and investigated with the same rigour as any other complaint, as far as possible. Only on this basis could the service area justify any later course of action which had the effect of treating the complainant differently from others.

11.7 Any restrictions placed on contact due to unacceptable behaviour will be proportionate and demonstrate regard for the provisions of the Equality Act 2010.

- 11.8 Where a person's attempts to circumvent the contact restrictions put in place under this policy we can and will make a decision based upon the evidence and, if necessary, extend the contact restrictions to other parties/ persons if judged appropriate.
- 11.9 The basis on which a vexatious complainant might be treated differently from any other complainant stems from the authority's obligation to deploy its resources as fairly as possible. This entails avoiding using resources disproportionately and unproductively in respect of some individuals. Responding to vexatious complaints can be stressful to the staff involved and the authority's duty of care to its employees requires appropriate remedial action to be taken in such cases.

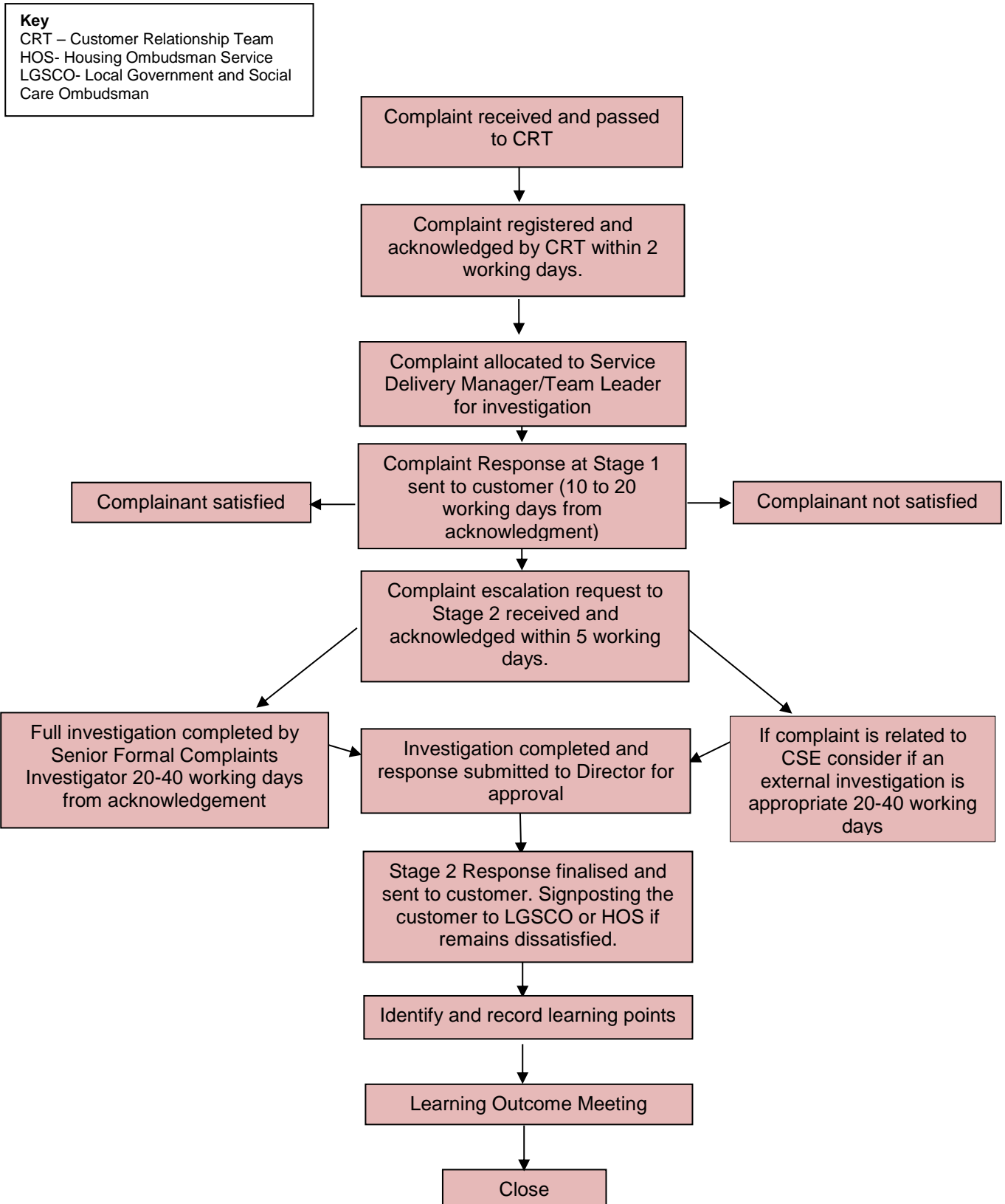
12. Compliments and comments

- 12.1 All comments or compliments, whether received in person, by telephone, in writing or by e-mail should also be passed to the Customer Relationship Team, as soon as possible i.e. by fax, e-mail or telephone for acknowledging.
- 12.2 If a comment requires further action or a response, this will be passed to the Team Leader or Service Delivery Manager responsible for the service concerned. The Manager will aim to deal with the comment within the same time scale as a complaint and should notify the Customer Relationship Team of the action taken.

13. Performance monitoring

- 13.1 Activities undertaken within the complaints procedure will be reported on a monthly, quarterly and 12 monthly basis to the Senior Management Team, and will be summarised in an Annual Complaint's Performance and Service Improvement Report, which will be published on the Council's website. A self-assessment against the complaint handling codes will also be completed and published on the Council's website.
- 13.2 In considering complaints performance, particular attention will be paid to
- Number of complaints arising in each service area.
 - Number of complaints that the Council has refused to accept
 - Proportion which were upheld on investigation.
 - Significance of any common themes which emerge from complaints.
 - Extent of compliance with agreed timescales.
 - Extent of customer satisfaction with the operation of the process.
 - 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.
 - Number of cases that do not comply with the complaint handling codes as set out by the LGSCO and HOS.
- 13.3 Activities undertaken in relation to complaints involving the actions and decisions relating to CSE will be reported annually as part of CSE data reporting.

14. Corporate Complaints Flowchart



15. Complaints involving Child Sexual Exploitation (CSE)

1. Context

- 1.1 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.
- 1.2 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.

- 1.3 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.

2. Defining and processing complaints involving CSE

- 2.1 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.
- 2.2 This policy and procedure applies solely to complaints related to CSE that fall outside of the Child Statutory Complaints procedures. 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.
- 2.3 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.
- 2.4 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.

- 2.5 In the case of complaints involving actions and decisions involving CSE, the council may source an Independent Investigator and/or an Independent Person to have oversight of the investigation at stage 2 of this procedure. The investigation report will be shared with the Director of Children's Safeguarding and Family Support who will provide a response to the findings.
- 2.6 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.

Please also see Appendix A - which specifically outlines how we respond to complaints involving Child Sexual Exploitation (CSE), this can also be found on our website as a separate document at [Complaints procedures - Telford & Wrekin Council](#)

This is intended to be used as a separate-standalone guide for customers who specifically wish to make an complaint regarding this subject.

16. Signposting to Advocacy and Support Services

Organisation	Website/ email	Telephone
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.migranthelpuk.org	
Barnardos	www.barnardos.org.uk	
CORAM	www.coram.org.uk	
The Holly Project	www.hollyproject.org info@hollyproject.org	01952 947 831

Version Control		
Date	Version Number	Comments
April 2024	Version 1.0	Procedure adopted



How we respond to complaints involving Child Sexual Exploitation (CSE)

Our approach:

At Telford and Wrekin Council we recognise that making a complaint to an organisation that is seen to be in authority can be really challenging process for survivors of CSE, especially given the potential for the complaint to re-traumatise complainants.

With this in mind we want to make our complaints process accessible to survivors and provide reassurance that complaints will be handled in a sensitive and appropriate manner.

Where survivors 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 a list of services that we will refer customers too at the end of this document.

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 details will not be shared with anyone else except as absolutely needed to deal with the complaint.

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.

Any decisions and responses in relation to complaints 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.

Complaint Procedures:

Complaints involving CSE will be responded to under one of the two complaint procedures that are available for these matters.

- The Children's Statutory Complaints procedure introduced by the Children's Act 1989 Representations Procedure (England) Regulations 2006 was created for some cases involving children's services. However, not all involvement of the Children's Safeguarding and Family Support Service is covered by the statutory complaints procedure.

- In cases not covered by the statutory procedure, the complaint will be responded to under the Council's Corporate Complaints procedure. 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).

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. The Customer Relationship team will seek permission from the complainant 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.

In cases where there are elements for the council a response will be provided to the elements of the complaint relating to council services.

The Complaint Process:

All complaints registered under the corporate procedure should be acknowledged by the Customer Relationship Team within 2 working days of receipt. Please note that a complaint registered under the statutory complaint procedure should be acknowledged within 2 working days.

The Customer Relationship Team will set out its understanding of the complaint and confirm the outcomes that the customer is seeking. If any aspect of the complaint is unclear, the complainant will be asked for clarification and the full definition agreed between both parties.

A full response should be sent within 10 working days of the complaint being acknowledged and will outline the complainants right to request that the complaint is considered at stage 2 of the complaints procedure. This request should be made by the complainant within 20 working days of receiving the response to their concerns.

Where an investigation is unlikely to be completed within 10 working days. The Customer Relationship Team will send an update informing the complainant of the extended response date, which should then be completed within 20 working days.

If the complainant is not satisfied with the outcome of the investigation at Stage 1, and requests that the complaint be investigated to stage 2, the stage 2 complaint investigation will be considered by the Senior Formal Complaints Investigator, who is a member of the Customer Relationship team and independent from corporate services.

Under the corporate procedure a response will be issued in 20 working days up to a maximum of 40 working days.

In the case of complaints involving actions and decisions involving CSE, the Customer Relationship team may source an Independent Investigator and/or an Independent Person to have oversight of the investigation at stage 2 of the corporate procedure.

The investigation report will be shared with the Director of Children's Safeguarding and Family Support who will provide a response to the findings.

Any complaints registered under the statutory procedure are required to be considered by an Independent Investigator and Independent Person at stage 2 of the procedure. A response will be issued within 25 working days up to a maximum of 65 working days.

In some cases the Complaints Manager may feel that it is appropriate for the complaint to immediately be investigated at stage 2 of the 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.

The response at stage 2 of the corporate procedure will outline the findings and will also outline the complainant's rights if they remain dissatisfied with the response. This will include the contact details for the Local Government and Social Care Ombudsman.

Under the statutory procedure if the complainant remains dissatisfied with the outcome at stage 2 of the procedure they can request a stage 3 panel, which includes an Independent Chair and Independent Panel members, who will consider any outstanding concerns following the stage 2 and make recommendations where appropriate. Complainants will be supported through this stage of the procedure.

Activities undertaken in relation to complaints involving the actions and decisions relating to CSE will be reported annually as part of CSE data reporting.

This document has been created to outline the councils approach to complaints involving CSE but should also be considered alongside the full complaint procedures which can be found on our website at [Complaints procedures - Telford & Wrekin Council](#)

Advocacy and Support Services

Organisation	Website/ email	Telephone
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.migranthelpuk.org	
Barnardos	www.barnardos.org.uk	
CORAM	www.coram.org.uk	
The Holly Project	www.hollyproject.org info@hollyproject.org	01952 947 831