



## CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Paper for the Board Meeting on Friday 11<sup>th</sup> September 2009

### COMPLAINTS FROM CAFCASS SERVICE USERS

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#### 1 AIM AND PURPOSE

- 1.1 To provide statistical progress report on the throughput of comments compliments and complaints about Cafcass work to date in 2009, compared against throughput in 2008/09, as a whole, with projected increases based on current demand for 2009/10.

#### 2 KEY ISSUES FOR THE BOARD TO CONSIDER

##### Context:

- 2.1 In January 2009 Cafcass introduced a new complaints procedure for service users designed to meet DCSF and wider industry standards for complaints about public services in general and about Children's Services in particular. The new procedures were designed to increase public awareness of how to complain and provide feedback, and to ensure that the complaints process itself was both more open and accountable, including an enhanced independent element, which during this period has been provided by the Children's Charity "Voice".
- 2.2 The new complaints procedures were supported by a number of Customer Service and Quality Service Managers (CSQ SMs) in each of the three Operational Areas within the new Cafcass structure in April 2008. This was an initial resource allocation of 2 WTE posts in each Operational area rising to 3 WTE posts from April 2009. However recruitment to these posts has been slow, and to date there are 3 WTE posts in the North, 1.5 WTE in Central, and 2.5 WTE in the South with loss of some staff in the next quarter.
- 2.3 The role of the CSQ SM has been to provide advice and support to local managers responding to complaints and feedback, to undertake complaints investigations, and to provide management information in relation to dealing with complaints and learning from complaints and feedback.

The role of the National Customer Services and Quality office in Taunton has been strengthened since April 2009, with the development in Taunton of an admin response team providing specific telephone support and guidance to Service Users wishing to find out more about our service, register a complaint, or to seek progress on a specific issue such as a complaint. All complainants are now directed to Taunton in the first instance to ensure that an accurate database is maintained and

timescales can be tracked through email reminders prior to a complaint reaching its response due date.

- 2.4 It is clear from the attached statistics and trend that the new complaints procedures have resulted in an increased level of registered complaints as a result of the spirit of openness which invites these. It is also clear that the systems we have put in place to learn from them (the Learning Action Panel) will in time improve the service addressing some fundamental issues, which are crucial to the highly conflicted environment we work in.
- 2.5 However, in the current context, we are also facing increases in our workload, which will proportionally increase the numbers of complaints. Nearly 80% of the complaints are related to issues of poor practice (quality of service, customer care or safeguarding). We must see complaints handling as part of the equation in dealing with issues of practice improvement. Making this an integral part of the operational role will improve response times, help problem solve issues raised by service users quickly, and integrate learning back through performance management within the team.
- 2.6 A fundamental change to the structure is proposed in the Chief Executive's report to the 11 September Board meeting. It is proposed that the number of CSQ managers are reduced to 3 (1 per operational area) and the total operational responsibility will be transferred to Heads of Service, whose performance on complaints responses will be performance managed. This is to ensure a stronger level of response to the bulk of complaints, revising the role of CSQ managers to an advisory one with a direct role with a very small number of particularly complex complaints, which benefit from specialist CSQ skills. The logic for this change is to achieve a far stronger ownership of complaints handling and responses by operational managers.

### **Analysis of Complaints**

- 2.7 The full statistical details are reported in Appendix 1, together with a snap shot of new complaints so far this year, with forecasts to demonstrate how this would compare if current trends continue to the end of the financial year. Appendix 1 shows that activity is up in all areas of this work, including comments, compliments and MP's letters. Formal complaints recorded for the year 08/09 showed an increase on previous years, and this has continued to rise significantly in 2009/10.
- 2.8 The forecasted 34% rise in real numbers of service users who are making complaints demonstrates that we have as an organisation begun to improve awareness of our complaints procedures. However, overall, while the numbers of complaints will rise significantly, the proportion of service users making complaints is forecast during 2009/10, to drop by a half percentage point. The nature of complaints received also demonstrates that the public have a greater understanding of Cafcass, through Ofsted reports and publicly available information. No significant issues arise from the equalities data in Appendix 3.
- 2.9 Speed of response to complaints at team level in particular, continues to be a cause for concern as is the quality of responses provided by Service Managers. This is currently being reviewed by the senior management team and has been reflected in the CEO's proposals for the future corporate structure.

- 2.9.1 The rise in numbers of complaints that indicate a safeguarding issue reflects the closer scrutiny of each new complaint at the point of receipt, to ensure that any safeguarding concerns or allegations are being flagged at the outset, and followed up by Service Managers promptly. 47 complaints with a safeguarding element were identified in August and as a result, the Chief Executive has instructed Operational Directors to ensure all 47 are responded to appropriately within the required time-scales. He is personally reviewing performance on this in the final week of September.
- 2.10 Learning reports about the key issues raised in complaints and feedback are now collated quarterly for CSQ and QI SMs to deliver to teams and managers, with regular specific learning points highlighted as Channel C articles throughout the year. Appendix 2 provides some examples of the key learning points provided by managers from complaints in 2009 to date.

### **3 COMPLAINTS WORK WITHIN THE QUALITY IMPROVEMENT AGENDA**

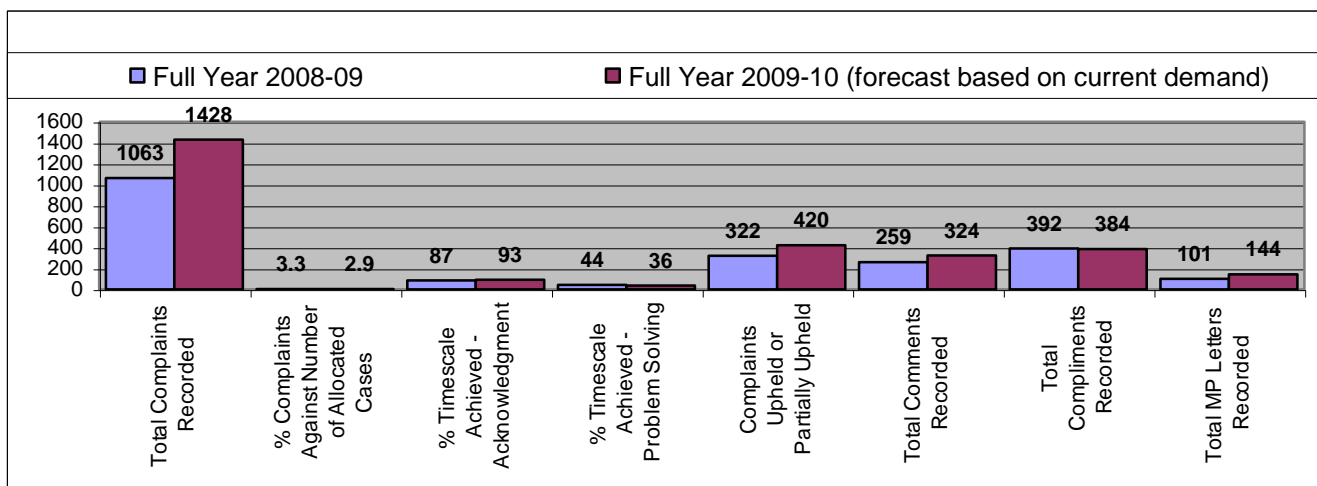
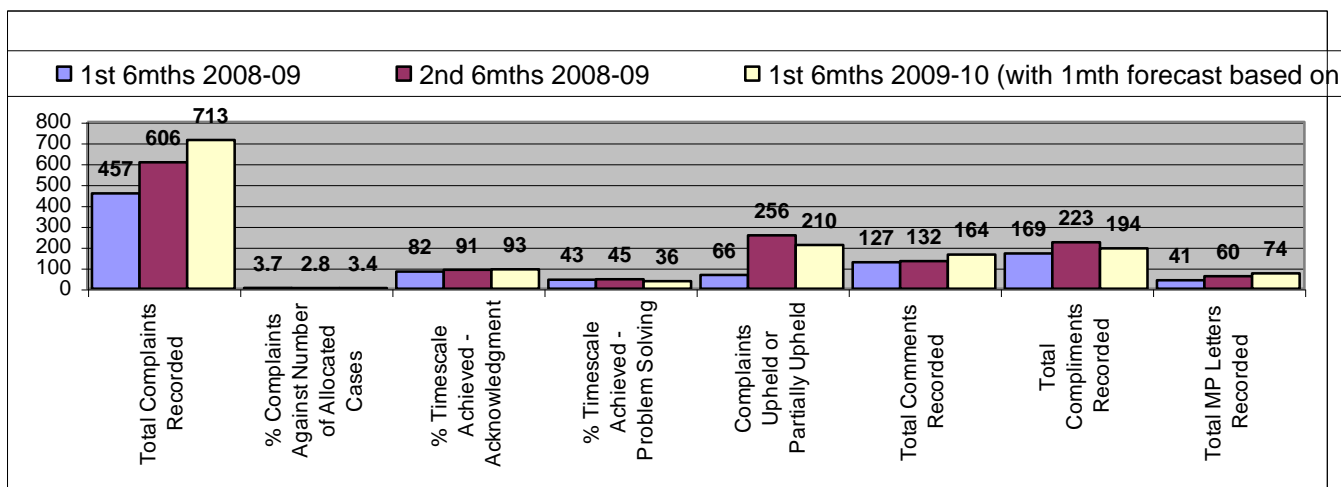
- 3.1.1 The numbers of complaints upheld this year over previous years has significantly increased, demonstrating that within the new complaints procedures a higher level of scrutiny has now been applied. Information and intelligence gleaned from complaints from service users has contributed to the performance management of staff at all levels in the organisation, and continues to demonstrate examples of poor performance that need to be addressed.
- 3.1.2 The linkage of the new complaints procedures to the Q4C system through specific use of the management review of a case, as part of the problem solving process, is being increasingly used to test the quality of work at the point that a complaint is first made. However significantly more work needs to be done to ensure this is sufficiently embedded into the culture of management scrutiny of work in response to complaints received, and will be reflected in proposals currently being developed to more closely link the CSQ and Quality Improvement functions within the organisation

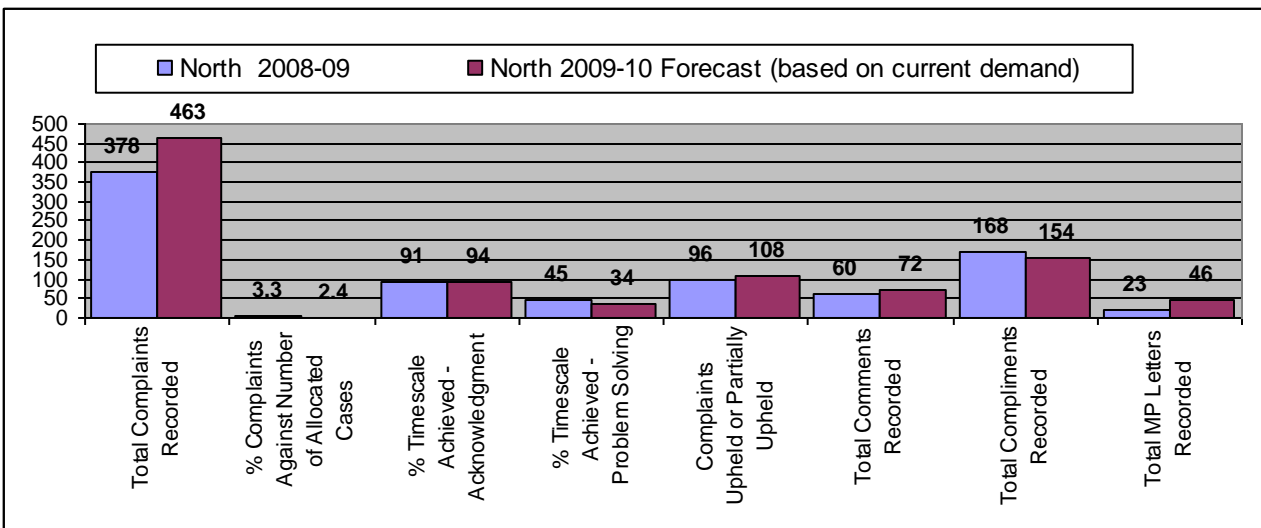
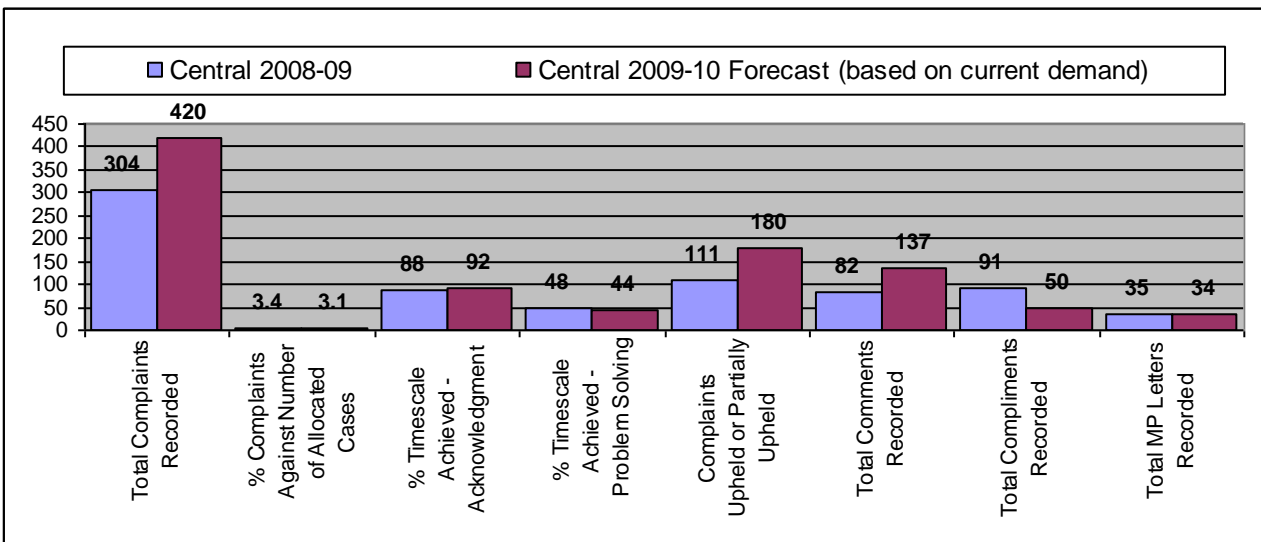
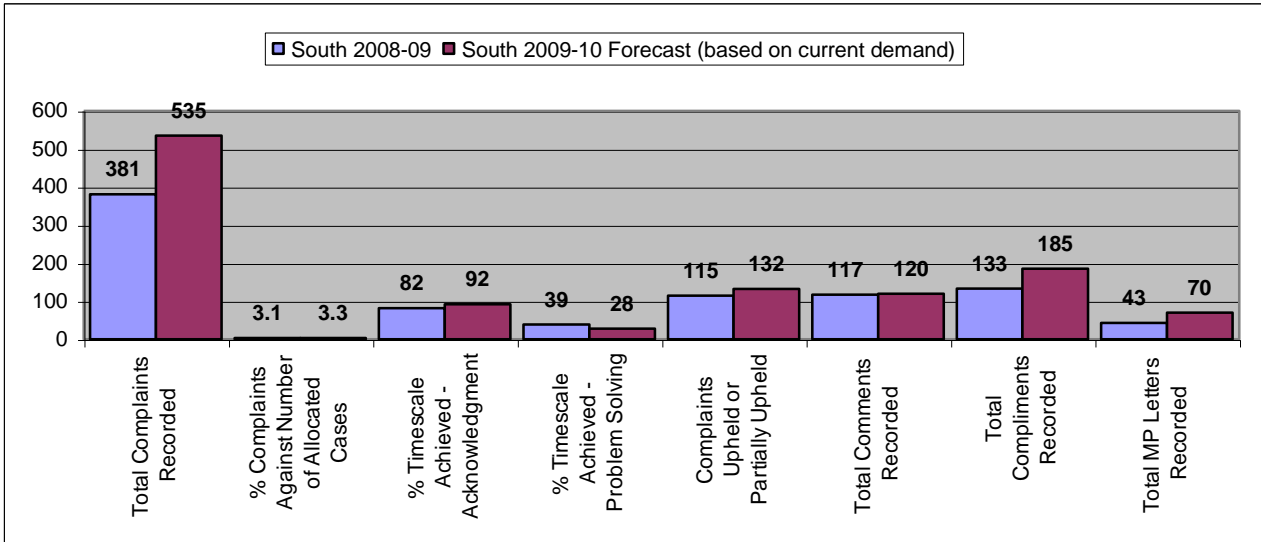
**Sherry Malik**  
Corporate Director

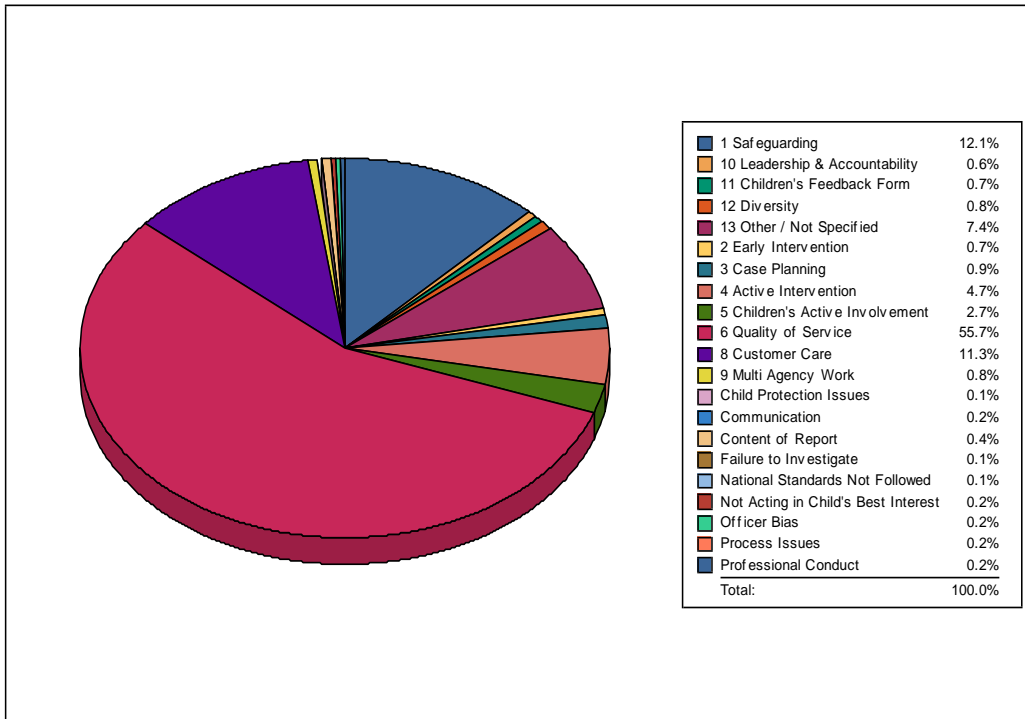
**David Moy**  
Head of CSQ

### Appendix 1

Statistical progress report on the throughput of comments, compliments and complaints about Cafcass work.







Lead Issue
Quality of Service
Safeguarding*
Customer Care
Other / Not Specified
Active Intervention
Children's Active Involvement
Case Planning
Diversity
Multi Agency Work
Children's Feedback Form
Early Intervention
Leadership & Accountability
Content of Report
Communication
Not Acting in Child's Best Interest
Officer Bias
Process Issues
Professional Conduct
Child Protection Issues
Failure to Investigate
National Standards Not Followed
Total:

## Appendix 2

### Learning points from complaints.

#### **Key Safeguarding issues that have emerged from complaints:**

- We are still receiving and upholding complaints where our staff have not worked to the domestic violence tool kit and framework, or where they have been confused in terms of the application of the safeguarding standards required of them. From this, and a range of other sources, including inspections, it is clear that having delivered training and new working materials we cannot assume that good enough safeguarding work is being carried out across the board. Attention has to be given to ensuring that the mandatory domestic violence training programme has both been delivered and that it is then being applied across the board, including by self employed contractors.
- With increased scrutiny of complaint work undertaken at team level, complaints issues continue to emerge, with safeguarding concerns sometimes embedded within the complaint, yet not specifically addressed in the complaints response. Various actions have now been taken to flag these at source, in the National CSQ office when complaints are first received. Recent experience has shown that this in itself is not enough to ensure that SMs in particular are noting and acting on information coming in from this source that contains potential risk indicators, and this area is now subject to closer review by senior managers.
- Disclosure of identifying personal information about service users, when risk issues have indicated this should be withheld.
- Intervening with the court, when Cafcass risk assessment work has been found to be of a poor standard, particularly where this raises significant issues about the safety of a decision already made by the court, and our role within that.

In the past six months the number of learning points added by managers to the Response Feedback Log (RFL) has increased in number considerably. These are now fed back to service improvement meetings for local action planning.

#### **Edited examples of complaints learning points recorded by managers**

1. **Safeguarding** a range of issues and numerous scenarios are noted:

##### **Men as victims of DV 2 examples noted:**

The complainant felt that he had been ignored in relation to his allegations of domestic abuse because he is a man alleging violence against him by his female former partner. This was not explored in the case work and there was no indication that these allegations had been treated in the same way that allegations about male perpetrators would be.

Cafcass staff must be aware of the possibility that men face domestic abuse and reflect

this in assessments and in our information and communications to service users.

### **Safeguarding and agreed orders:**

There have been a range of instances where safeguarding issues were not explored on the basis that parents had reached an agreement, particularly but not exclusively where agreement for contact has been reached and then ordered without scrutiny. Examples include cases where risk indicators had already been noted as present.

## **2. Resource management and conduct issues – staff under pressure – various examples**

Case example: FCA had complained to the service user about how busy they were, which undermined the confidence of the service user in their work. Practitioners need to be cautious about how when and why they divulge information about their workload or service pressures to Service users. Any such discussions need to be part of the local strategy to keep service users informed about service delivery locally.

This needs to be recognized as a staff care issue as well as a service user issue, and one that managers need to lead on for their teams to ensure professional standards are maintained in terms of professional ownership of our work.

Case example: No consistency of FCA, as both appointed FCAs retired during case duration. This added to delays, and undermined the integrity of Cafcass in the case.

## **3. Report writing skills**

Examples of reports found in complaints that are still being filed with lack of Quality Assurance process, proof reading, to ensure names and basic facts are correct. Basic errors undermine confidence in the rest of the report and parents / parties belief in what might otherwise be a good quality assessment.

The status of information in reports needs to be clear and explicit. Many complaints arise because information in reports implies factual content when in fact it is opinion or reported 3<sup>rd</sup> party information and the difference has not been carefully explained.

## **4. CMS – Case recording and line management**

This case illustrated the risk of confusion when work is undertaken across line management boundaries and across office boundaries, with an outside area FCA, an FSW who was supervised by another SM, and the bypassing of entering an FAO on CMS. It also highlighted the need not to have clear ownership of record keeping and a need to see paperwork which to this day remains lost though the electronic record is available.

Practitioners need to ensure that they keep concise and up to date records of discussions they have had. Failure to comply with this part of the record keeping policy, leads to a lack of evidence around what evidence base informed their decision making process.

**5. Quality of Evidence/Case recording**      numerous examples

Practitioners need to ensure that they keep professional records of any intervention they have with service users or other professionals. Lack of this results in a lack of clarity on how decisions were made, conclusions reached and action plans formulated.

**6. Respect for service users – case planning – Domestic Violence – oppressive practice**

FCA engaged the service user in a four hour-long interview. Issues of domestic violence were discussed. Service user did not feel that the FCA had insight into the realities of domestic violence as he left her feeling guilty about the support she was receiving.

Practitioner not being clear about times over the Christmas period when they will not be working due to leave. The service user was not aware of office closures at a time when contact was due to take place.

**7. Reporting and case planning**

Practitioners need to work towards time-scales, which allow service users to read reports prior to court hearings.

**8. Direct work with children:**

Case examples:

FCA conducted a three hour long interview session with children with no scheduled break. Direct work with children needs to be child focused and within the child's time frames.

FCA needs to ensure that they have appropriately introduced themselves to the child before attempting to engage them in any meaningful discussion/work.

Practitioners need to balance the choice of the child's venue (so they are comfortable) with confidentiality. Taking notes during interview must be done in a way that does not leave the child feeling they have not been listened to.

### Appendix 3

#### Diversity Monitoring in Complaints

Gender	Number of Complainants	% of Total	Service User Population
Male	604	47%	48%
Female	585	46%	51%
Not Specified	88	7%	1%

Ethnic Origin	Number of Complainants	% of Total	Service User Population
White British	639	50.0%	76.3%
Not Specified	492	38.5%	6.5%
Black or Black British Caribbean	30	2.3%	1.5%
Other Ethnic Group	23	1.8%	1.8%
Asian or Asian British Indian	17	1.3%	1.5%
White Other	17	1.3%	2.2%
Asian or Asian British Pakistani	15	1.2%	2.6%
Black or Black British African	11	0.9%	1.7%
White Irish	9	0.7%	0.6%
Mixed White & Black Caribbean	7	0.5%	1.3%
Mixed White & Asian	6	0.5%	0.8%
Black or Black British Other	4	0.3%	0.4%
Mixed White & Black African	4	0.3%	0.5%
Mixed Other	2	0.2%	0.8%
Asian or Asian British Bangladeshi	1	0.1%	0.8%

Religion	Number of Complainants	% of Total	Service User Population
Not Specified	548	42.9%	16.8
Christian (All Denominations)	419	32.8%	43.2
None	227	17.8%	31.1
Muslim	38	3.0%	5.5
Other	16	1.3%	1.7
Hindu	12	0.9%	0.6
Jewish	8	0.6%	0.2
Buddhist	6	0.5%	0.3
Sikh	3	0.2%	0.7

Language	Number of Complainants	% of Total	Service User Population
English	715	56.0%	81.5%
Not Specified	543	42.5%	13.6%
Other	9	0.7%	1.0%
French	3	0.2%	0.3%
Arabic	2	0.2%	0.3%
Punjabi	2	0.2%	0.6%
Gujarati	1	0.1%	0.1%
Polish	1	0.1%	0.3%
Turkish	1	0.1%	0.1%

Disability	Number of Complainants	% of Total	Service User Population
Not Specified	1,120	87.7%	1.2%
No	157	12.3%	93.8%
Yes	0	0.0%	5.1%

Sexual Orientation	Number of Complainants	% of Total	Service User Population
Heterosexual	422	99.1%	32.9%
Lesbian	3	0.7%	0.2%
Gay	1	0.2%	0.1%
Not Specified	0	0.0%	66.7%