



CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Paper for the Board Meeting on 16 April 2010

Revised Service Users' Complaints and Concerns Procedure

1. AIM AND PURPOSE

The purpose of this paper is to inform the Board about the work that has been undertaken by the Board Complaints Working Group and to seek the Board's agreement to the introduction of the revised Procedure (attached to this paper).

2. RECOMMENDATIONS/ACTION FOR THE BOARD

The Board is asked to agree that the revised Cafcass Service Users' Concerns and Complaints Procedure (attached) is implemented with effect from 1 May 2010.

3. SHORT SUMMARY

The revised Procedure, which is intended to replace the current procedure (introduced in January 2009), is designed to provide a timely and responsive service to Cafcass service users who have concerns about the behaviour and performance of Cafcass staff. It seeks, wherever possible, to settle issues at the lowest (Step 1) of the three steps of the three-step process and places clear responsibilities on line managers to deal with concerns and complaints in a timely way. It provides for Step 3 (the review stage) to be conducted by someone independent of Cafcass.

Specific provision is made for children (and vulnerable adults) to be offered advocates at both Step 2 (the investigation stage) and Step 3. The new procedure, like its predecessors, continues to exclude those issues that relate to service users' disagreements with the contents of Cafcass court reports, since these are most appropriately dealt with within the court forum. If, exceptionally, service users have not had this opportunity, their concerns will be considered within the revised Procedure.

4. BACKGROUND

The corporate restructuring that came into effect on 1 April 2010 places greater responsibilities on the three Operational Areas, with resources being transferred to the Areas. One of the functions that is now to be dealt with at Operational Area level is the handling of service users' concerns and complaints. The current complaints procedure has been centrally operated. But it has proved challenging to align the central resources with local responses. A report on the operation, during 2009/10, of the current procedure will be provided to the next meeting of the Board.

A Board complaints working group, comprising Richard Sax, Margo Boye and Ian Butler, has been working, since October 2009, to review and revise the current procedure, with a view to developing a Procedure that is timely, responsive and affordable. A number of versions of the procedure have been drafted and a focused consultation has taken place, seeking views from, among others, recognised trade unions, the Parliamentary and Health Services Ombudsman and Families Need Fathers. Input has also been obtained from the Plain English Campaign.

5. KEY STRATEGIC ISSUES FOR THE BOARD TO CONSIDER

The revised procedure is intended to be effective, from the point of view of service users with concerns, in terms of providing timely responses to issues that are raised. To achieve this, it has been essential to locate lead responsibility for the revised procedure within the Operational Areas.

6. BENEFITS FOR CHILDREN

Children make up a small minority of those service users who raise concerns and complaints, which is why a continuing emphasis is placed on making advocates available for children who raise concerns. In addition, the manager responsible for making the initial response (at Step 1) is required in every case to offer to meet with the child who has raised concerns. The procedure makes explicit the expectation that it is to be operated on the basis of prioritising the safeguarding and promotion of children's welfare.

7. FINANCIAL ANALYSIS

The revised procedure has been developed on the basis that its operation is resourceable. While there has been a sharp reduction in the number of specialist complaints posts (for example, a reduction from eight to three specialist Service Managers), the bigger issue is the opportunity cost that is associated with high numbers of complaints, especially those that are considered at steps 2 or 3 of the procedure. In future, these will fall almost entirely on the Operational Areas. The new procedure is likely to be less costly in relation to the provision of independent input. A retendering process is currently under way for advocates and (Step 3) independent chairs.

8. RISK ANALYSIS

The revised procedure has been designed to be responsive and fair to service users and to be resourceable for Cafcass. In the past, the key risk affecting the operation of Cafcass complaints processes has been that their operation has not been in accordance with their stated timescales. The new procedure seeks to mitigate this risk both by being clear and simple and by allocating clear roles for line managers, without there being the possibility of delays while cases are passed between a central complaints-handling service and operational teams/managers.

9. DIVERSITY ANALYSIS

Children and adults in public law cases are underrepresented among current users of the complaints procedure. By contrast, adults in private law cases are by far the most frequent users of the complaints procedure. The revised procedure is being supported by a new suite of leaflets and factsheets for service users, including a general leaflet for adults (including a page about complaints and feedback) and a factsheet about how to raise concerns and complaints.

10. FUTURE BOARD INVOLVEMENT

It is proposed that the Board should be provided every six months with information about the operation of the revised Procedure. Further, while the Board Complaints Working Group no longer needs to continue to meet, it is proposed that a lead Board member be identified, to take responsibility for exercising ongoing oversight of the functioning of the complaints procedure.

11. LEARNING FROM COMPLAINTS

The Corporate Management Team has decided to constitute itself, on a bi-monthly basis, as a 'Learning Action Panel'. A key task will be to consider the aggregated and, where relevant, specific learning from service users who have made use of the procedure, with this learning being drawn from across the Operational Areas.

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