



CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

PAPER FOR THE BOARD MEETING ON 5 FEBRUARY 2010

REVISED CONCERNS AND COMPLAINTS PROCEDURE

1. AIM AND PURPOSE

- 1.1 The purpose of this agenda item is to enable the Board to consider and, if content, approve the revised draft Cafcass Concerns and Complaints Procedure (attached as Appendix 1), the aim of which is to provide a means of redress to dissatisfied service users.

2. RECOMMENDATIONS/ACTION FOR THE BOARD

- 2.1 That the Board, having considered and commented on the revised draft procedure, approves its implementation with effect from 1 April 2010, following further consultation with, among others, the Parliamentary and Health Services Ombudsman and Cafcass-recognised partnership bodies (e.g. NAPO and Unison).

3. SHORT SUMMARY

- 3.1 The revised procedure is intended to provide timely responses to service users who have concerns about Cafcass' work with them, with these responses being provided in the first instance by relevant first line managers. Where these responses are not acceptable to dissatisfied service users, and their concerns cannot properly be addressed in the family court proceedings in which they are involved, the revised procedure provides for an investigation by a manager who is not involved with the line management of the case and, if the service user remains unhappy, a review of the handling of the complaint by an external reviewer, assisted by a senior Cafcass manager. A small central administration function is being retained, to respond to those with concerns who choose not to make contact with the relevant local team and to fulfil monitoring and quality assurance

4. BACKGROUND

- 4.1 Though a revised complaints procedure was implemented in January 2009, it has quickly become clear that it is difficult to implement in a timely way and that it has not assisted service users with timely responses and redress when concerns have been raised. Only a minority of complaints have been dealt with in accordance with the published timescales and it is clear that greater clarity is needed about what constitutes a complaint.

5. KEY STRATEGIC ISSUES FOR THE BOARD TO CONSIDER

- 5.1 As part of the corporate restructuring previously considered by the Board, the 'Customer Services and Quality' (CSQ) function is being largely devolved to the three Operational Areas, with the specialist CSQ Service Managers being reduced in number (from 8 to about 3), with their management being transferred to the Operational Areas. This revised procedure reflects this more streamlined and devolved approach, which is also supported by revised information materials for service users.

5.2 The revised procedure no longer makes provision for external involvement in undertaking Step 2 investigations of complaints. However, the Step 3 Reviewer (a role external to Cafcass) has a direct link to the Chief Executive, in terms of making recommendations and independent advocates are retained for children and young people, at both Steps 2 and 3 of the Procedure.

5.3 The Board's attention is also drawn to the specific references about the need for line managers to consider and address the support needs of staff who become the focus of complaints, while recognising that recourse may need to be made to the Cafcass Performance and Conduct Policy

6. BENEFITS FOR CHILDREN

6.1 Children are under-represented among complainants, in part reflecting the fact that since they only rarely have party status in private law proceedings, they are unlikely to be aware of or actively involved in the proceedings. The very large majority of complainants are adults involved in private law cases. The continuing provision of advocacy services for children needs to be seen alongside the sharp increases in recent months of the Cafcass Peer Mentoring Service, which has been enabled by the sending of information to children (through a 'z card' folded leaflet) at the start of each case, through the 'Welcome Pack' process. Though it is important to enable children to have access to the Procedure, it is equally important to give them other means to be aware of and participate in the proceedings of which they are the subjects.

7. FINANCIAL ANALYSIS

7.1 The CSQ function budget for 2009/10 is £709,000, the bulk of which relates to the costs of the nine professional and five administrative posts. The revised Procedure would be implemented in the context of the devolution to the Operational Areas of nearly all of the professional responsibilities. The cost of operating the new Procedure is expected to be significantly less than the current arrangements.

8. RISK ANALYSIS

8.1 The proposed Procedure is intended in part to mitigate deficits already being experienced in relation to the operation of the current Procedure, in particular, the lack of timely responses providing effective redress to dissatisfied service users. The planned future balance of local delivery, with clear accountability through the line of management within Operation Areas, and with residual central administrative monitoring, quality assurance and dissemination of learning functions appears to be the set of arrangements that is most likely to minimise the key risks to effective operation of the Procedure.

9. DIVERSITY ANALYSIS

9.1 Parents in public law cases and children in both public and private law cases have been underrepresented groups relation to the current procedure. Work is currently in hand with Voice, the current external provider of advocacy services to children making use of the procedure, to ascertain how children have made use of the service and how it might be provided more effectively. Work also needs to be undertaken to ascertain whether the Procedure's use is representative, in terms of the gender and ethnic mix of complainants.

10. COMMENTS FROM THE HEAD OF LEGAL SERVICES

10.1 Paragraph 15 of Schedule 2 to the Criminal Justice and Court Services Act 2000 places Cafcass under a duty to make and publicise a scheme for dealing with complaints about the way in which Cafcass and its officers perform their functions. The Act provides for

regulations to be made, specifying the persons whose complaints are to be dealt with, but so far no such regulations have been introduced. The Cafcass Director of Legal Services has raised with the DCSF lawyers the question of whether regulations are to be introduced; but until such time as that happens, it is advisable for Cafcass to have a complaints procedure encompassing complaints from service users, including children. The proposed procedure does that.

11. COMMENTS FROM THE DIRECTOR OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

- 11.1 The staffing implications of the revised procedure have already been considered and implemented in line with the current restructure proposals.

Bruce Clark
Director of Policy
19 January 2010

Richard Sax
Chair of the Working Party