



CAFCASS COMPLAINTS PROCEDURE

Introduction and Scope

1. Cafcass is required to operate a complaints procedure in relation to how it carries out its functions. This Procedure applies to complaints about the performance of statutory functions by Cafcass and its officers. It sets out:
 - who can complain to Cafcass;
 - how Cafcass will respond to complaints from service users;
 - how Cafcass will deal with vexatious complaints; and
 - related policies and procedures, including compliments.
2. The aim of the Cafcass Complaints Procedure is, quickly and fairly, to consider and respond to complaints raised by service users about how Cafcass has carried out its functions in their case. Responses to complaints raised by service users will be provided in a way that is intended to safeguard and promote the welfare of the child or children (or young person or people) involved in the family court proceedings.
3. Cafcass' Complaints Procedure is guided by the Principles for Remedy published by the PHSO, with an emphasis on 'putting things right' wherever possible.¹ Given the nature of our involvement with service users, fulfilling these principles requires that a decision will always be made about whether the complaint relates to the practitioner's professional judgment or professional misconduct. Where the complaint relates to professional judgment, the details of the complaint will always be drawn to the attention of the court, together with Cafcass' response.
4. The only complaints about which Cafcass would not inform the court are those where the complaint relates solely to professional misconduct, which will be dealt with according to Cafcass' Employee Relations Policy. The reason for this approach is that it is not the role of the court to deal with misconduct complaints. In dealing with complaints, Cafcass will distinguish between complaints which are about professional judgment, which is a matter for the courts, and those which are about professional misconduct, which is a matter for Cafcass.
5. In addition to the possible use of the Employee Relations Policy, in relevant cases Cafcass will also apply appropriate aspects of the Cafcass Child Protection Policy if a complaint leads Cafcass to suspect or know that a child or young person has suffered significant harm. In the most serious

¹ See www.ombudsman.org.uk/improving_services/principles/remedy/index.html

cases, Cafcass may need to contact the police. In all such situations, the paramount consideration for Cafcass will be the safeguarding and promotion of children's and young people's welfare. A separate procedure exists for recording compliments, where attention has been drawn to positive work. Learning from compliments is an equally important source of relevant information and learning for Cafcass.

Who can complain?

6. Any current Cafcass service user may use the Cafcass Complaints Procedure. The term 'service user' in this procedure describes children and young people who are the subject of family proceedings, whether or not they are party to those proceedings. It also includes adults who are parties in family court proceedings. Complaints from former service users, whose cases have ended in court, will be handled in the same way, either by providing the court with details of the complaints and Cafcass' response, for placing before the court or, if the case has ended, for placing on the court file, or by dealing with the complaints under the Cafcass Employee Relations Policy.
7. If someone else, such as a service user's relative or friend, or another professional (for example, lawyers and court service staff) raises a complaint, the person they talk to within Cafcass should listen to them and respond quickly and politely, with a record of this correspondence retained. However, the issues that are raised by such people will not be dealt with as part of this procedure.

The Cafcass Complaints Procedure

8. Cafcass ensures that it provides information to service users about its role, and about how to raise complaints, at the outset of court cases. Service users are invited to raise their complaints during the course of court proceedings, so that they, together with Cafcass' response, can be notified to the court and inform the court's decisions. When service users are provided with copies of court reports prepared by Cafcass practitioners, they are also informed about what to do if they have concerns about the contents of the report.
9. Service users can raise their complaint in person, by phone, by letter or by email. Service users might raise their complaint with the practitioner who is directly responsible for their case, with that person's manager or with another member of Cafcass staff. Any complaint received from a service user, wherever within Cafcass it is received, should be passed by the recipient to the Cafcass Customer Services Team (customerfeedback@cafcass.gsi.gov.uk) within one working day of its receipt.
10. The Cafcass Customer Services Team is responsible for ascertaining from the service user, by phone, full details of the complaint and the steps that the service user wishes Cafcass to take. The Team then undertakes an assessment to ascertain:
 - a) whether the court proceedings are ongoing;
 - b) whether the concern relates to the exercise of statutory functions (e.g. of safeguarding and promoting children's welfare and providing advice to the courts);
 - c) what, if any, factual errors and omissions can be corrected prior to the next hearing;
 - d) what, if any, aspects relate to the performance and conduct of staff, which are to be dealt with under the terms of the Cafcass Employee Relations Policy;

- e) what other remedial action, if any, will be taken, and by when e.g., if there is a failure to comply with our customer care standards as set out in our Operating Framework
- f) whether financial compensation is sought.

11. The purpose of this assessment is to identify what remedial action can reasonably be taken by Cafcass. The Cafcass Customer Services Team should, wherever possible, make contact with the practitioner or other Cafcass officer who is the focus of the complaint, in order to obtain a fuller understanding of the issues. To inform its assessment, the Customer Services Team may also need to consider information held on the case file, such as court reports or contact log recordings.

Following this assessment, the Customer Services Team will provide a written response to the service user, copied to the court with a cover letter (unless the complaint relates solely to matters of professional misconduct) no later than five working days before the next hearing or, if there is no immediate court hearing, within a maximum of ten working days after the receipt of the complaint. This response should set out:

- a) Cafcass' understanding of the service user's complaint and his/her desired response; and
- b) the outcome of Cafcass' assessment of the complaint, including what steps Cafcass have taken/will be taking to put things right.

The service user will also be informed that he or she has the right, through an MP, to refer the complaint to the Parliamentary and Health Service Ombudsman. Learning from all complaints received will be passed by the Complaints Service to relevant operational managers, in order to enable improvements to be made.

12. If the complaint relates to professional misconduct, the Customer Services Team will send a copy of the response to the service user to the line manager of the subject staff member, and a copy of the complaint file, including details of the assessment, for the line manager to take further action.

13. In the case of children, young people or vulnerable adults who raise complaints, the Cafcass Customer Services Team will always offer to make special arrangements for a manager to meet face-to-face with the child, young person or vulnerable adult. Such service users will also be offered the opportunity to be supported by someone of their choice. This person should not be a party in the court case. Where such meetings take place later than the hearing immediately following the date when the complaint was received, the court must still be notified about the complaint and the actions being taken to respond to it. After the meeting has taken place, the court must be provided with an update. Complaints from children will be overseen by the local Head of Service personally.

Vexatious Complaints

14. Where service users make repeated complaints about the way in which Cafcass and its officers are carrying out their functions, Cafcass reserves the right to determine whether complaints are being raised vexatiously. This is because of the need to balance its responsibilities to service users with its duty of care to its staff. In deciding whether to treat a service user's concerns as vexatious, the following matters should be considered by the Complaints Service:

- how far apart the complaints have been
- whether the complaints have been repeated or on similar topics

- if the complaints are about different topics, whether they appear to be raising genuine concerns about professional misconduct, or whether there are grounds for believing that the complaints are spurious and merely devices for another purpose.

15. Cafcass will not accept complaints that are submitted in an abusive manner.

Policy Owner	Bruce Clark
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Appendix 1: Cafcass Complaints Procedure Flowchart

Steps to Inform service users ahead of making a complaint:

- Information to SU in Welcome Pack:
 - Raising concerns at Court
 - When to complain
 - Types of concerns
- Sharing reports with service users in accordance with the court's filing directions

