



# Cafcass Complaints Procedure

This sets out the formal procedures for responding to complaints from children, young people or adult service users, about the quality of work undertaken by Cafcass.

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1.0	Cafcass Procedure for Responding to Complaints	

## **1.0 Introduction**

- 1.1 The Cafcass Complaints Procedure has three steps. The steps are designed to be straightforward for children, young people and adult service users, and staff to understand and work with. A complaints leaflet, explaining the process in an accessible way, supports the procedure.

## **2.0 Step 1: Problem Solving**

### **Local Resolution**

(The handling of issues in Step 1 will usually be by the Line Manager)

- 2.1 Cafcass will record complaints it receives, and a complaints file will be opened in each new complaint as a matter of course. Complaints will be acknowledged in writing, specifying the manager responsible for providing the first Step response, and a clear and realistic timescale for Step 1 to be concluded. It will normally take no more than 20 working days for the written response to be completed.
- 2.2 As a guide, the range of remedial actions to be taken at Step 1 could include those listed below. This is not intended to be exhaustive. It is for the manager considering the complaint at Step 1 to decide on the appropriate action to be taken, having considered the complaint in the context of the case, and the availability of information.
- 2.3 There may be occasions where with the agreement of the complainant, Cafcass decides to freeze the progress of the complaints procedures whilst a mediation or conflict resolution approach is tried, if it appears that this could more quickly lead to a satisfactory resolution of the complaint.
- 2.4 Cafcass will not accept complaints that are submitted in an abusive manner. If this happens the manager will explain this position clearly and provide the complainant with the opportunity to resubmit their complaint in an acceptable manner. These procedures cannot be used to reopen complaints that have previously been concluded either within these procedures or, within earlier Cafcass Complaints Procedures.

## **3.0 Clarifying the Complaint Issue**

- 3.1 Unless there are clear and recorded reasons for not doing so, the line manager will offer to meet with the child, young person or adult, who has made the complaint. Where this is not possible or practical, managers and those making a complaint may agree to discuss the matter by telephone as an alternative. This will

ensure that Cafcass has a good understanding of the complaint and that the issues of complaint have all been recorded. If the complaint is specifically about the work of an individual member of Cafcass staff the manager will also discuss the matter with the person complained about.

3.2 A key task is to establish with the complainant the impact that the events or incidents complained about have had on the child/ren of the proceedings. This will be Cafcass' first and primary concern in responding to any complaint, at any stage of the complaints procedure.

3.3 Children and young people wishing to raise a complaint will always be offered the support of an independent advocate to help them to do so. Support will also be offered to adults who may need extra help, if requested.

#### **4.0 Explanation**

Providing a better understanding of Cafcass service

4.1 Where there appears to be a lack of understanding of Cafcass' service or if it has been misunderstood by the child, young person or adult receiving the service, this should be explained with specific reference to the range of Cafcass terms of reference including:

- National Standards
- Policy and Procedures
- Court Rules
- Cafcass' statutory functions

4.2 Explaining the different roles of the Courts and Cafcass in resolving legal challenges about disputed evidential issues.

4.3 Where possible the manager will provide information about how to access other public agencies' procedures for responding to feedback and complaints, when the issues raised are more concerned with service providers other than Cafcass. e.g. Courts Service, Local Authority, Law Society, Cafcass Cymru.

#### **5.0 Management review of the case**

5.1 Where the complainant is expressing concern about the quality of Cafcass work the line manager, or Quality Improvement manager will review the case file and any report, following Cafcass Quality Improvement guidelines.

5.2 The line manager will include in the written response to the complainant a statement either supporting the quality of the

work undertaken or highlighting any weaknesses, if the report or other work undertaken has not reached the standards expected by Cafcass. In the latter case Cafcass will consider remedial action.

## 6.0 Remedial Action

6.1 If, the line manager finds that Cafcass has not complied with its National Standards, its Quality Assurance procedures, or any other significant policy or procedure, then some form of action will be necessary. Cafcass will take prompt remedial action as far as it is possible to do so.

6.2 Remedial actions might include for example:

- An apology.
- A review of the practice in the case in relation to the practitioner concerned.
- Making factual amendments or corrections to any records held by Cafcass.
- A letter of correction clarification or explanation to the court/children/parties.

6.3 Proposed remedial actions will be recorded in the complaints file on an action plan, which includes time frames for completion. The manager will record when remedial actions have been completed and subject to any confidentiality restrictions the child, young person or adult making the complaint will be informed in writing of both the plan and the details of the person who will ensure that the actions are undertaken. This information will usually be included in the written response to the complaint provided at the conclusion of Step 1.

6.4 Step 1 problem solving is completed when all remedial actions have been either agreed or completed. The child, young person or adult making the complaint and staff member<sup>1</sup> concerned, should be informed in writing that this point has been reached. At this point service users will also be informed in writing of their right to seek an investigation at step 2 in the procedures, provided they do so within three weeks of receiving the written response.

## 7.0 Step 2: Investigation

7.1 A Step 2 Investigation will be undertaken where the child, young person or adult receiving the service requests it, and after Step 1 has been completed, **unless** there are clear documented

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<sup>1</sup> For the purposes of this procedure, “staff” and “staff member” include self employed contractors.

reasons why doing so would be likely to place a child's welfare interests at risk or otherwise interfere with the process of a live case before the courts. Investigations cannot be used as an alternative means of resolving factual disputes that are for the court to resolve.

- 7.2 The investigation is to be undertaken by a Customer Services Manager (Complaints Manager). It will be completed as quickly as possible and will normally take no more than 25 working days, including the adjudication.
- 7.3 The remit given to the investigator will take account of the full circumstances of any complaint and the response provided within Step 1 of these procedures. The purpose of the investigation is to decide whether or not Cafcass' policy, procedures and guidance have been followed in relation to the issues that are the subject of the complaint. This would include identifying whether an organisational or individual failing has occurred, and if so to identify the lessons and actions that need to be taken to reduce the risk of recurrence, whether in relation to an individual, or Cafcass as an organisation.
- 7.4 Whenever an investigation is instigated, the complainant will be offered the opportunity for an independent observer, someone not otherwise employed by or working for Cafcass to be appointed to oversee the investigation and to provide assurance that such an investigation is undertaken fairly and impartially.
- 7.5 Once the Investigation has been completed, a Senior Manager, usually at Head of Service level within Cafcass, will have the specified role of Adjudicating Officer. This role will include: judging whether the investigation report demonstrates that an adequate and robust investigation has taken place in relation to the complaint made, taking account of any external scrutiny provided by the independent person.
- 7.6 If the Adjudicating Officer does not accept the investigators report, s/he will state what further enquiries need to be made or what other aspects of the complaint remain to be addressed. If the report is accepted, the Adjudicating Officer will provide the formal written outcome response to the complainant, on behalf of Cafcass. This may include forming a judgement as to whether or not it is necessary to meet with the complainant in person to explain the adjudication.
- 7.7 The final adjudication by the Adjudicating Officer will include clear confirmation of what has or has not been upheld, and any remedial actions that can be taken with a plan to implement these actions including timescales.

## **8.0 Step 3: Independent Review**

- 8.1 If requested by the complainant (within three weeks of receiving the written response to stage 2) an independent panel of at least 2 members appointed for this purpose will undertake an Independent Review. A Senior Manager from within Cafcass, not previously involved with the case or the complaint, will provide advice, information and guidance regarding Cafcass policies and procedures to assist the panel in their deliberations, but will not be a decision making panel member.
- 8.2 Reviews will be formal panel hearings where the complainant, the investigator and the member of staff will have the opportunity and right to make representations in writing and / or in person.
- 8.3 The Review panel will consider the whole of the complaint file and the information provided by those in person, and will conclude whether or not the panel is satisfied with the way the complaints process has been applied in this case. This point could be a paper exercise in advance of, but not instead of, any hearing process.
- 8.4 If the panel is not satisfied, it will define any further steps that need to be undertaken to complete Steps 1 and 2 of the procedures.
- 8.5 Once satisfied as to how the complaints process has been applied, the Review panel will hear any representations made in person, read those made in writing, and ask any additional questions that are needed to clarify the complaint or the response to the complaint.
- 8.6 Finally, it is for the Review panel to decide whether the outcome of the complaint reached at the earlier Step should stand, or be substituted with a different adjudication outcome. The Review panel will then make any recommendations to Cafcass, through the senior manager present, as to proposed remedies to the complaint, and provide these in writing to both the person making the complaint and to Cafcass via the senior manager within 20 working days of the review panel being requested.
- 8.7 The outcome of any Review at Step 3 is the final point in the Cafcass complaints procedures.

## APPENDIX ONE

<b>Step One Problem Solving – Local Resolution</b>		
Action	Lead	By When
For all complaints: <ul style="list-style-type: none"> <li>• Meeting offered to the complainant</li> <li>• Mediatory conflict resolution approach taken where appropriate.</li> </ul> Response sent to include clarification, explanation or remedial actions given	(Usually) Service Manager	20 Days, unless extension is agreed
If the issues raised in complaint relate to quality of work then a <b>management review</b> will be undertaken in addition to the above.		

**Complainant then has three weeks to consider the response, and if not content with the Step 1 response, to request the matter moves to Step 2.**

<b>Step Two Investigation</b>		
Action	Lead	By When
Investigation undertaken by Complaints Manager, scrutinized by independent observer, if requested by service user (this will always be offered)	Customer Services and Quality Manager	25 working days, unless an extension is agreed up to 65 working days
The adjudicating officer reviews independence, quality and detail of investigation report, reaches a finding and then writes to the complainant to confirm outcome and any corrective actions.	(Usually) Head of Service	

**Complainant then has three weeks to consider the response, and if not content with the Step 2 response can request the matter moves to Step 3**

<b>Step Three Review (on request)</b>				
Action	Lead	By When		
Complaint file reviewed by Review Panel, any submissions heard and conclusion reached as to whether complaint process was applied satisfactorily.	Review Panel	Requested within 15 working days, of receipt of step 2 response.		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">If yes, continue as below</td> <td style="width: 50%; padding: 2px;">If no, return for extra work as at Step 1 or 2</td> </tr> </table>			If yes, continue as below	If no, return for extra work as at Step 1 or 2
If yes, continue as below			If no, return for extra work as at Step 1 or 2	
Review panel decides whether complaint outcome stands, or is substituted				

**Complainant and person subject to the complaint is informed of the final outcome**