



CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Paper for the Board Meeting on 10 December 2010

Cafcass Concerns and Complaints Procedure

1. AIM AND PURPOSE

- 1.1 The purpose of this paper is to seek the Board's approval to introduce a revised version of the Cafcass service users' Concerns and Complaints Procedure and to update the Board on the operation of Cafcass' complaint-handling processes.

2. RECOMMENDATIONS

- 2.1 It is recommended that:

- Subject to confirmation by the Board Complaints Working Group, the revised policy is implemented: and
- The Complaints Report for the period April to October 2010 is noted

3. SHORT SUMMARY

- 3.1 The Board, earlier in 2010, has agreed the contents of a revised Concerns and Complaints Procedure – this was implemented in July. In September, the Board agreed in principle to include within the new Procedure specific guidance about the basis on which financial compensation might be paid. The Operational Areas have found it helpful, in practice, to use a managers other than the local Service Manager to respond to service users' concerns, though this is not provided for in the wording of the new Procedure.
- 3.2 The attached revised draft Concerns and Complaints Procedure introduces the role of 'responsible manager', who deals with service users' concerns at Step 1 of the Procedure. He or she might be the local Service Manager, as originally envisaged, but might instead be a specialist post holder.
- 3.3 The Board has previously asked for more regular, detailed reports on the operation of the Concerns and Complaints Procedure. A report on the period April to October 2010 is attached.

4. BACKGROUND

- 4.1 At its April 2010 meeting, the Board approved the principle of the new Concerns and Complaints procedure and delegated the signing off of its final wording to the Chair of the Complaints Working Group. This took place on 11 May 2010, and the new Procedure was implemented with effect from 1 July 2010. The Board also made clear that it wished to receive detailed reports on complaints performance at future Board meetings, along the lines of information provided about KPIs in the Board Performance Report.

- 4.2 At its September 2010 meeting, the Board approved in principle the inclusion within the new Procedure guidance relating to the payment of financial compensation. This is intended to provide a means for ensuring that any claims for compensation made by complainant service users are appropriately handled. The Board agreed that it was important to have a clear and consistent set of principles in place to deal with claims for compensation and gave their approval in principle, subject to the agreement of the Board Complaints Working Group, to the draft Compensation Payments Guidance.

5. KEY STRATEGIC ISSUES FOR THE BOARD TO CONSIDER

- 5.1 The Board will wish to be aware that the 'catching up' process that has been undertaken, reflected in the April to October 2010 complaints report, in respect of complaints initiated under the terms of the former Procedure, has resulted in most of these 'legacy' complaints being concluded by Cafcass. However, this has in turn led to a higher than usual number of cases (approximately 30 in the six month period) being referred by complainants to the Parliamentary and Health Service Ombudsman (PHSO). Close liaison is taking place with the PHSO's office about these issues, including contacts between senior managers within the two organisations.

6. BENEFITS FOR CHILDREN

- 6.1 While only a small minority of service users who raise concerns are children, it is clear that a focused and timely response to all service users' concerns is likely to assist both the individual service users and Cafcass to promote the welfare of the children whose cases are the focus of the concerns.

7. FINANCIAL ANALYSIS

- 7.1 There are no significant financial implications arising from the inclusion within the Procedure provision for the payment of compensation. Based on the past practice of the Ombudsman, the majority of payments arising from complaints are modest three figure sums, a number of which are already being paid, albeit without the benefit of a clear and transparent process, which has now been developed.

8. RISK ANALYSIS

- 8.1 Given the nature of the work that Cafcass undertakes, it is both proper and inevitable that service users will sometimes have concerns about the service that they experience. Where these concerns are well-founded, it is essential that Cafcass provides timely redress. If Cafcass considers concerns not to be well-founded, it is important that this view is communicated in a timely way, and that redress can be sought through other means, if service users wish to pursue these means, in particular through the PHSO. A clear Procedure, which is adhered to in practice, is the best means through which risks (such as to Cafcass' reputation) can be mitigated and learning about service improvements can be gleaned.

9. DIVERSITY ANALYSIS

- 9.1 It is not yet clear whether the use of the Procedure by service users is proportionate, in terms of the ethnic background of those who raise concerns. Despite the possible lack of statistical significance arising from the relatively small number of service users who raise concerns, work is being undertaken to explore this issue further. What is certain is that concerns are sometimes raised on the basis that Cafcass has not taken proper account of diversity factors.

Bruce Clark, Director of Policy

2 December 2010