

Cafcass complaints and compliments procedure

Complaints procedure

1. Introduction and scope

1.1 Cafcass' complaints procedure applies to complaints about the performance of Cafcass and its staff. It sets out:

- Who can complain to Cafcass
- What we expect from complainants when contacting Cafcass
- The complaints process, and what complainants can expect from us
- How we respond to complaints made by children

1.2 The aim of the complaints procedure is to quickly and fairly consider and respond to complaints about how Cafcass has carried out its functions. Cafcass provides information to families about its role, and about how to raise complaints, at the outset of our involvement in a case. The cover page of all Cafcass reports to court informs families of what to do if they have concerns about the contents of the report.

1.3 The procedure is guided by the Principles for Remedy published by the Parliamentary and Health Service Ombudsman (PHSO), with an emphasis on 'putting things right' wherever possible.¹ If unhappy with the response provided by Cafcass, all complainants have the right, through an MP, to refer their complaint to the PHSO.

1.4 Reasonable adjustments are made for complainants with disabilities or those who otherwise need help in submitting their complaint.

1.5 If the Customer Service Team think an issue could be put right quickly by a local manager, they will notify the individual and a local manager will provide a written response to the individual, addressing the issues raised. If unhappy with the response provided, they can request that their complaint is addressed by the Customer Service Team under the complaints procedure.

2. Who can complain to Cafcass?

2.1 Any current adult party to family court proceedings, or subject child, can use the complaints procedure.

2.2 If someone else, such as a relative or friend, raises a complaint, the person they contact within Cafcass should refer the complaint to the Customer Service Team.² The Customer Service Team will provide a written response that acknowledges the issues

¹ See <http://www.ombudsman.org.uk/improving-public-service/ombudsmansprinciples/principles-for-remedy>

² Concerns raised by a professional are recorded and responded to locally, within Cafcass' established routes of relationship management.

raised, within 15 working days if possible. This will not be within the terms of the complaints procedure published below.

- 2.3 If a child or adult party raises a complaint about an employee of Cafcass that is not related to a case, a relevant senior manager will consider the complaint and provide a written response to the issues raised, within 15 working days if possible.

3. What we expect from complainants when contacting Cafcass

- 3.1 Cafcass encourages families to raise concerns while Cafcass' involvement with the case concerned is ongoing as it is important that, wherever possible, concerns are drawn to the attention of the court before proceedings conclude.
- 3.2 Generally, complaints raised more than six months after Cafcass' involvement with the case ended will not be accepted. Where exceptional circumstances have prevented complainants raising concerns within this timescale, Customer Service Managers will apply discretion in deciding whether to accept these complaints. Where complaints are not accepted, a written response will explain the decision taken.
- 3.3 Evidence submitted by the complainant is considered by the Customer Service Team where it is proportionate and necessary to address the issues raised.
- 3.4 Cafcass does not tolerate abusive or threatening behaviour towards staff, and incidents are dealt with in accordance with our guidance on managing unacceptable behaviour. Complaints submitted in an abusive or threatening manner will not be accepted, and complainants will be asked to re-submit their complaint using acceptable language. The Customer Service Team may refuse to accept complaints from repeatedly abusive or threatening complainants.
- 3.5 Cafcass has a responsibility to maintain a satisfactory level of service for all who make a complaint. Where frequent and/or repetitive contact impedes Cafcass' proper consideration of a complaint, we may need to limit our communication with the complainant while the complaint is investigated. We will inform the complainant when a decision to limit communication has been made, under our guidance on managing unacceptable behaviour. The Customer Service Team may refuse to accept complaints from unreasonably persistent complainants.

4. What complainants can expect from us

- 4.1 As Cafcass seeks to resolve issues promptly, the complaints procedure consists of only one step. Cafcass will not reinvestigate repeated complaints about the same issue.
- 4.2 Individuals can raise their complaints in person, by phone, by letter or by email. We encourage complaints by email, for convenience and clarity. Any complaint received by Cafcass will be passed to the Customer Service Team within one working day of receipt.

4.3 The Customer Service Team will contact the complainant to find out full details of the complaint and the steps the complainant wishes Cafcass to take to put things right.³ The Customer Service Team will also, wherever possible, make contact with the Cafcass officer who is the focus of the complaint, to obtain a full understanding of the issues, and will consider relevant information on the case file.

The assessment process

4.4 Complaints about the recommendations in a court report, or the professional judgement set out in the report, can only be addressed within court and not as part of our complaints process. The Customer Service Team will assess which aspects of the complaint relate to:

- The recommendations or professional judgement of a Cafcass officer
- Factual errors within a report or other communication to the court
- How the case has been managed and administered by Cafcass
- The performance or conduct of a Cafcass employee
- The actions of a Cafcass commissioned service provider

4.5 The purpose of this assessment is to identify any remedial action that Cafcass can take.

4.6 Concerns that relate to the officer's recommendations, professional judgement, or report content are drawn to the attention of the court, together with Cafcass' response. Other complaints relating to, for example, the performance or conduct of the officer may also be relevant to court proceedings. The Customer Service Team will identify such complaints and decide whether they are drawn to the attention of the court.

4.7 Where factual errors are identified within a report or other communication to the court, the Customer Service Team will take action to ensure that either the court is notified or the errors are corrected, where possible, before the next court hearing.

4.8 Complaints relating to the performance or conduct of a Cafcass officer will be referred to the officer's manager. Any serious concerns will be considered under the Employee Relations Policy.

4.9 Cafcass has a responsibility to ensure that commissioned service providers have a procedure in place for addressing complaints.

The response to the complaint

4.10 Following the assessment, the Customer Service Team will provide a written response to the complainant before the next court hearing where possible or, if there is no immediate court hearing, within a maximum of 15 working days after the receipt of the complaint. The response will explain:

- Cafcass' understanding of the complaint and the complainant's desired remedy; and

³ We do not meet with complainants in person unless this is a reasonable adjustment made in line with paragraph 1.4.

- The outcome of Cafcass' assessment of the complaint and an explanation of the decision made, including any steps Cafcass has taken/will be taking to put things right.
- 4.11 All complainants have the right, through an MP, to refer their complaint to the PHSO if dissatisfied with our complaint response. All complaints and complaint responses are sent to the manager of the practitioner to whom the complaint relates. Learning from complaints is shared with operational managers, to enable improvements to be made.
- 4.12 In exceptional cases, it may take longer than 15 working days to get the evidence necessary to resolve the complaint. In these cases, we will provide an update to the complainant and issue a written response once the necessary evidence is received by the Customer Service Team.

5. What children can expect from us

- 5.1 Children can raise concerns with anyone in Cafcass in person, by phone, by letter or by email. When a child makes a complaint, it will be acknowledged as soon as possible, and a Head of Practice/Assistant Director is responsible for making sure it is addressed quickly and fairly. Information for children about how to make a complaint and how Cafcass will deal with their complaint is available in Cafcass' Compliments, Complaints and Feedback factsheet for children.
- 5.2 A local manager will contact the child, using the child's preferred method of contact (phone, letter, email or in person), to find out full details of the complaint and the steps the child wishes Cafcass to take to put things right. This can include meeting with the child, if the child wishes. The meeting will take place at a time and venue convenient to the child, and children can be supported at the meeting by someone that they choose. This person should not be a party in the court proceedings.
- 5.3 The manager will provide a written response to the child within 20 working days of the meeting or discussion. The response will explain:
- Cafcass' understanding of the complaint and how the child would like things to be put right; and
 - The outcome of the assessment of the complaint and an explanation of the decision made, including any steps Cafcass has taken/will be taking.
- 5.4 The court is notified of the complaint and what Cafcass is doing about it, before the next hearing if it is an ongoing case.
- 5.5 As with adults, we encourage children to raise their concerns with us while their case is ongoing, or within six months of our involvement ending. Where children contact us outside of this timeframe, we will consider whether any exceptional circumstances have prevented them from raising their complaint sooner. In any event, we will contact the child by their preferred method (phone, letter, email or in person) to discuss their concerns.

6. Compliments procedure

- 6.1 Compliments can be given in person, by phone, by letter or by email. Any compliment received from a child or adult party is passed by the recipient to the Customer Service Team.
- 6.2 Compliments from children or adult parties are recorded on our electronic case management system (ECMS) and are brought to the attention of the relevant service manager.
- 6.3 Compliments from professionals are recorded by the local manager on Cafcass' performance management system.
- 6.4 Compliments are reported quarterly to senior managers, as with complaints.

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Cafcass complaints procedure flowchart

