

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 will deal with complaints from 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 service users 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 services users 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, under Cafcass' Diversity and Inclusion Strategy.

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

2. Who can complain to Cafcass?

2.1 Any current service user can use the complaints procedure. The term 'service user' describes children 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.

2.2 If someone else, such as a service user's relative or friend, raises a complaint, the person they contact within Cafcass should refer the complaint to the Customer Service

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

Team.² The Customer Service Team will provide a written response that acknowledges the issues raised, within 15 working days if possible. This will not be within the terms of the complaints procedure published below.

- 2.3 If a service user raises a complaint about an employee of Cafcass that is not related to a case, the employee's line 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 service users to raise their 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, the Customer Service Team will provide a written response to the complainant, explaining 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. Evidence obtained by deception, including audio recordings made covertly, or where to consider it would place an excessive burden on staff time without making a significant contribution to the resolution of the complaint, will not be accepted.
- 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, or the complaints of others, 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.

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

4. What service users 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 Service users can raise their complaints in person, by phone, by letter or by email. We encourage complaints in writing, for 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. 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 such as court reports and any contact log recordings, and may seek additional evidence such as court transcripts.

The assessment process

- 4.4 The Customer Service Team will assess which aspects of the complaint relate to:
 - The 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 professional judgement 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 may be referred to the officer's manager. Complaints which raise serious concerns about the conduct of a Cafcass officer will be referred by the Customer Service Team to the relevant Head of Practice/Assistant Director to consider whether informal or formal action is required under the Employee Relations Policy.
- 4.9 Where the complaint relates to both Cafcass and a commissioned service provider, the Customer Service Team will discuss the complaint with the provider to decide how to respond. This may be a single response issued to the complainant, or separate responses from both the provider and Cafcass. Cafcass has a responsibility to ensure that commissioned service providers have a procedure in place for addressing the concerns of service users.

The response to the complaint

- 4.10 Following the assessment, the Customer Service Team will provide a written response to the service user no more than five working days before the next 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
 - 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 relevant 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 (by 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 (by phone, letter, email or in person) to discuss their concerns.

6. Compliments procedure

- 6.1 Compliments are recorded to enable Cafcass to share good practice where this has had a positive impact on children and families. Compliments can be given in person, by phone, by letter or by email. Any compliment received from a service user is passed by the recipient to the Customer Service Team.
- 6.2 Compliments from service users 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

