



SUMMARY

This report complements the performance report and dataset on complaints, compliments, MPs enquiries, Ombudsman investigations and Subject Access Requests, which is attached to this report at Appendix 1. The Performance Committee considered this at its meeting on 28 January. Today's report assesses what our evidence base from these various sources tells us about the experiences of children and families using our services and how we can improve our understanding of the experiences of our service users in future and use these experiences to continuously improve our services. Three minor but potentially significant changes to the complaints procedure are proposed.



CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Paper for the Board Meeting on 1 March 2013

The experience of Cafcass service users: an overview

1. AIM AND PURPOSE

- 1.1 To analyse the evidence available to Cafcass about the experience of children, young people and their families using Cafcass services, to complement the dataset scrutinised by the Performance Committee on 28 January 2013, which is appended to this report for purposes of cross-reference.

2. RECOMMENDATIONS/ACTION FOR THE BOARD

- 2.1 To note the report and to suggest areas of improvement for the action plan that will be written after final consideration of both papers at the April meeting of the Quality Committee.
- 2.2 To agree the three recommended changes to the current Complaints Procedure set out at 5.2, 5.4 and 5.7. 5.2 and 5.4 are recommended to the full Board by the Performance Committee. 5.7 is a subsequent recommendation.

3. SHORT SUMMARY

- 3.1 This report complements the performance report and dataset on complaints, compliments, MPs enquiries, Ombudsman investigations and Subject Access Requests, which is attached to this report at Appendix 1. The Performance Committee considered this at its meeting on 28 January. Today's report assesses what our evidence base from these various sources tells us about the experiences of children and families using our services and how we can improve our understanding of the experiences of our service users in future and use these experiences to continuously improve our services.

4. CONTENT ANALYSIS OF THE SOURCES OF EVIDENCE AND THE RESULTING IMPROVEMENT PROGRAMMES

- 4.1 Most sources of information we hold show an improving picture of service user experience and feedback, judged by the proxy measures we use. These include findings from Ofsted reports, internal audits of practice and small scale feedback surveys, such as the 2012 survey of children's feedback in A9 (Cheshire, Merseyside and Lancashire) and the 2013 feedback of children and families in Essex (part of A14). In the A9 feedback, 22 out of 23 children were positive about the service they were receiving. They were asked after a piece of work, not after the case was finished, so the feedback was more immediate. One child felt rushed, leading to a learning point about the need to respect the child's timescale as well as the court's deadline. In all cases, there was an improvement in how the child felt after they had met with their practitioner. The children valued talking

to a professional about their wishes and feelings. Going beyond this, it is safe to say that the significant improvements in our performance for which we have strong evidence, and about which there is an internal and external consensus, will bring with it generally improved service user experience.

4.2 A high level of resource has been committed to improving the experiences of service users, especially when their experiences have been poor. This focus has led to the following service improvements:

- More corporate responsibility for getting complaints handling and Subject Access Requests right, with considerable time and resource invested in the centralised team at the National Business Centre overseen by the Assistant Director with responsibility for customer services and in the National Office by members of the Policy Team
- An annual review of children's complaints, carried out by the Head of Service with lead responsibility for children's rights
- Cascading the learning from complaints to all staff through service area meetings, team meetings, and, when needed, directly to individual staff
- Vastly improved consistency of response to MPs enquiries by the Communications team in the National Office
- An increased focus on gaining feedback systematically from children and young people (in all service areas) and on organising this more systematically e.g, through the Essex service user feedback pilot and through the efforts to establish a national e feedback group of 20 adult service users who can support us in taking forward the range of work described in this report.
- A more formal system of liaising with key organisations in our sector, through designated senior managers being directly accountable, to ensure a stronger dialogue about the issues they are raising on behalf of users of our service
- An expanded Cafcass Young People's Board, with double the membership compared to a year ago, and with double the commissions e.g, input into staff training, speaking at staff development days, carrying out young people's inspections of local services

4.3 However, we must make it clear that we only hold snapshot views. In relation to our services to more than 145,000 children every year, we receive relatively little feedback. For example, we have received only 19 complaints from children and young people between April 2012 and February 2013, plus the feedback we have sought and collected from children and young people in most of our local service areas. We need to take active steps to increase the total amount of feedback we receive, so that the learning from the experience of service users can be understood and used to improve services more systematically. The recent pilot in Essex to capture the views of around 40 children and parents in private law cases, to assess the impact of our work and their court case on these families, has shown that if we conduct a similar survey in all local teams across a range of cases, we will receive a decent level of feedback on the quality of our work and our contribution to child and family outcomes. We will then be in a better position to apply the learning from this feedback both locally and nationally.

AVOIDING DELAY

4.4 Whilst the evidence base from feedback is too small to draw binding conclusions, we can deduce the more obvious points from the routine and regular feedback we receive, from service users and from professionals like judges on their behalf. For example, we know that avoiding delay at all stages of a case and at all stages of our work is a crucial indicator of satisfaction. Delay is experienced as negative by practically everyone. We have made huge improvements in challenging our own delays internally, by introducing

local and national cultures based on urgency and immediate intervention. The positive results from this work are evidenced in numerous Board reports and background documents. We have work to do everyday to avoid delay, especially with rising case volumes and, more recently, rising volumes of private law cases, but where we have focussed on specific aspects of delay, we have shown that by changing systems and processes we can make a big difference quickly. The significantly reduced number of wasted costs orders in local courts this year is an example of this. So are the relatively few times we are being criticised by judges in care cases as the main reason for delay – this is important as it will form the basis for one of our KPI's to Parliament next year. Our decreasing formal involvement with the Parliamentary and Health Service Ombudsman (PHSO) is further evidence of improvement, though we have more work to do with them to ensure the way we handle complaints complies fully with their standards and expectations. We also have to ensure our response to complaints is more timely. However, this is improving and will be helped by the adoption of the two recommendations set out in 5.2, 5.4 and 5.7.

IMPROVING COMMUNICATION

- 4.5 Improving communication with service users is another obvious requirement. A key lesson for us from the analysis of complaints, MPs enquiries, and Subject Access Requests (which often overlap, as as a small group of complainants use every means of pursuing their concerns available to them), is that we need to be clearer about our role in a case in advance, in order to avoid or minimise any potential for a misunderstanding. Many complaints are due to us being judged by service users as not seeing or speaking to them enough, or filing reports about them too close to the court deadline for them to be able to influence their content, or of not explaining our role properly, which is a feature of many children's complaints. We are in the process of revising our public facing documents, such as welcome pack letters, factsheets and our website, to provide service users with more detailed information about how we work, when we will be in contact and what they can expect from us. We have just completed a short number of videos which will be available on our website, explaining our work through that medium.
- 4.6 Our reports to court must always be clear about the evidence base for professional judgments, including what are relevant facts and what is a judgment. Although our complaints procedure makes a clear distinction between professional judgement and professional conduct, this isn't always understood by service users. Some queries could be avoided by a practitioner spending more time explaining why information has been included/excluded from a report. We also need to maintain a strong focus in our report preparation work on identifying what children need (as well as their ascertainable wishes and feelings) with as great an emphasis on parent's understanding of the capacity to meet those needs, rather than too heavy a focus on parental shortcomings.
- 4.7 We also need to be clearer when our work on a case ends and when we close the case administratively, as many service users continue to need help and sometimes blame us for not providing it or for not helping them more. We are discussing the potential for introducing clearer signposting requirements at the end of cases, including maintaining up to date resource lists of relevant local support services and their eligibility criteria. Materials to be shared at the end of our work are also being developed as a direct result of the recent Essex service user survey. These developments should help us to be perceived as more open and transparent. A perception we are holding back information is a main characteristic of referrals to the Information Commissioners Office, when people who have completed an SAR procedure still feel we are withholding information .
- 4.8 Reviewing the raft of evidence in the Performance report, it is clear to me that our stronger systems and processes are helping. For example, we no longer have high levels of queries following the late filing of safeguarding information in Schedule 2 letters, thanks to centralised systems and processes. Centralising how we handle Subject

Access Requests (SAR's) has led to each of the 53 requests we have received since September 2012 being responded to within the 40 day statutory time limit. Whilst there is no excuse or hiding place in Cafcass for poor practice, the best guarantee of stopping poor practice is safe and reliable systems which prevent it happening or which expose it within the organisation first, rather than waiting for an external body like Ofsted or the PHSO, or a complainant, to point out what is wrong.

- 4.9 We work with highly conflicted cases in both law types. Many parents are unhappy with the application to court, its basis and how they are being portrayed by professionals and the court. The nature of our work means that we will always receive queries on matters relating to the exercise of professional judgement, and we will always be vulnerable to accusations of bias. This may well rise with the increase in Litigants in Person in private law cases from April 2013, because solicitors will not be there to advise their clients/parents why we may be carrying out particular work. Sharing the reasons why we are carrying out work in the way we do, for example through sharing our case plan, may help to reassure service users that our practitioners are professionals working to a plan on behalf of their child/children. Investing more time at the start of the case may bring long-term savings e.g. through reduced case duration, through more cooperative parties, through not dealing with complaints, etc. We should also continue to invest in ensuring that service users understand the importance of letting the court know when they do not agree with our assessment, as writing to an MP after the event offers very little recourse once a court decision has been taken.
- 4.10 Family proceedings generate high emotions. While our practitioners are busy, and will be working to a case plan, focusing on each of the 145,000 children referred by courts to us, the effect of a throw-away remark or careless comment, said orally or written in a letter or a report, can result in a service user's view of a practitioner changing significantly, to the detriment of the issues in the case the practitioner is seeking to address. We need to carry out more training for our staff on the impact we have on service users, including taking more steps to improve our all-round communication skills with family members. In this, we are no different from any other organisation working with children and families. None of us can or should be complacent.

APPLYING THE LEARNING FROM CASE OUTCOMES

- 4.11 The learning from the Essex pilot and the project in Kent to assess the value added by children's guardians in public law care cases, will generate important lessons in applying the learning from case outcomes, the more so as this work is rolled out to all teams during 2013/14.
- 4.12 This learning supplements that derived from post-case reviews, carried out within most local service areas, sometimes collaboratively with other agencies e.g., on long running cases which have proved difficult to bring to an effective conclusion.
- 4.13 These various sources of learning are being brought together during 2013/14 into a Quality Account, which collates and analyses the sources of evidence for the quality of our work. This report has been written as part of the development work for the first Quality Account.

LEARNING FROM COMPLIMENTS

- 4.14 All compliments we receive are collated, but not followed up in the way complaints are. Whilst we do not need a compliments procedure, there is often as much learning in a compliment as a complaint. The learning can be how to do things well or right, rather than how to improve a lower level of performance. In our future work on complaints and compliments, we intend to more systematically analyse compliments and to feed the learning from these into our practice in the same way we do the learning from complaints. Many compliments show how we can transform service user's lives for the better. For example, many children say it is the first time they have been listened to. Many parents in

private law cases compliment us on helping them to focus on their children. Our compliments in the main relate to staff who are pro-active in their dealings with service users and who are effective communicators. They say what they will do and they deliver. A pro-active, strengths-based approach to receiving and processing compliments, is a good balance to defining a service or an individual exclusively in terms of its or their mistakes.

5. RECOMMENDED CHANGES TO THE COMPLAINTS PROCEDURE (the first two proposed changes have been endorsed by the Performance Committee, the third is new)

5.1 In the context of the increase in LiPs, and the information provided earlier in the paper, three procedural changes are proposed:

5.2 **First proposed change:** To increase the specified timeframe for responding to service users from 10 working days to 15 working days.

5.3 While the increase in the number of specialist Service Managers has enabled Cafcass in recent months to significantly reduce the time taken to respond to complaints, an increase to the specified turnaround time is proposed, to 15 working days. We are confident that this can be delivered in the vast majority of cases. Our experience over the last 12 months has shown us that the 10 day timescale can be problematic if practitioners are on leave or have significant court commitments. In addition, service users themselves may not be available within such a limited timeframe, to participate in the necessary telephone conversation with the investigating Service Manager. A 15 day response deadline would provide Service Managers with more time to engage with the service user, examine records (particularly those that are in archive storage), and make contact with practitioners and operational Service Managers. This would ensure we have a standard of delivery that matches the published expectation.

5.4 **Second proposed change:** To reintroduce a time limit in which service users can raise complaints, to be considered within the Procedure: complaints will be accepted up to six months after Cafcass' involvement in a case has ended.

5.5 Within the terms of the current Procedure, in which there is no time limit, we have accepted, and endeavoured to provide a full response to, complaints relating to cases where our involvement ended in the past, sometimes as long as a number of years ago. In such cases, we are often unable to provide service users with the information and/or redress they are seeking, and such complaints usually require greater resources in terms of time spent in trying to clarify and look into the concerns raised.

5.6 It is therefore proposed that a time limit is reintroduced, of six months from when Cafcass' involvement in a case ended. It is considered this will provide service users with enough time to raise concerns after our work has finished, but will limit the timeframe to those cases where we are more likely to be able to provide adequate information and/or redress. Customer Service Managers (CSMs) could apply discretion, using clear criteria, in accepting complaints outside of the time limit in cases where, due to practical constraints, a service user has not been able to express long-held unhappiness with the service provided. It is also felt that by increasing the skill of operational service managers in early resolution of issues and the improvement in the information given to service users regarding the role of Cafcass there will be a reduction in the overall numbers of complaints in the future which are essentially concerned with court issues.

5.7 **Third proposed change:** To make provision for informal resolution to be attempted by local operational Service Managers, in relation to new complaints that have been received, provided that the service user gives clear consent to this option being explored, and on the basis that if consent is not obtained and/or the attempt is unsuccessful, the Complaints procedure will be followed in the usual way. As complaints are now received into a centralised point, the opportunity for more straightforward concerns to be tackled at a local level by a local Service Manager is often not available. On some occasions, when a service user complains about something that could be put right quickly and without the

apparent need for an investigation, the option of the local Service Manager dealing with the matter may be offered to unhappy service users. With their written agreement, the relevant local Service Manager makes contact that day with the aim of resolving things quickly. Our expectation is that even if this option is only suitable in a small proportion of cases, it could nevertheless be a window of opportunity to resolve some complaints, to the benefit of both the service user and Cafcass.

- 5.8 The proposed changes to the Procedure will ensure that complainants are provided with a better response – more consistently applied than at present – and that the court can determine in a fully-informed way the outcome of cases in the welfare interests of children.

6. KEY STRATEGIC ISSUES FOR THE BOARD TO CONSIDER

- Are there other tried and tested means of engagement with service users that we should adopt or trial?
- What targets for feedback and/or applied learning would the Board wish to see met during 2013/15 NB These could be built into the 2013/15 Cafcass Strategic Plan, which is currently out to consultation
- Are the Board content to next see the sources of evidence for the experience of service users incorporated into Cafcass's first Quality Account (during 2013/14)

7. BENEFITS FOR CHILDREN

- 7.1 Children will benefit from ensuring the lessons from their complaints are embedded in future practice and by the steps being taken to obtain their feedback more frequently.
- 7.2 Having systems in place to ensure we are protecting children and vulnerable adults from any wrongdoing by the organisation, either by an individual or through a systemic fault line, remains a permanent top priority to monitor and guard against. Being open to what service users are telling us, directly or indirectly, is a crucial safeguard. We discharge that primarily through the systems described in these two reports.

8. FINANCIAL ANALYSIS

- 8.1 All costs arising from this work programme will be contained within existing budgets and will be dealt with through giving this work sufficient priority in workloads.

9. RISK ANALYSIS

- 9.1 There are few known risks associated with increasing transparency and in programmes to embed learning.

10. DIVERSITY ANALYSIS

- 10.1 The dataset highlights general issues more than any single specific diversity issue. However, a strong understanding of equality and diversity issues in family court social work is an essential pre-requisite both of casework and of investigating concerns and complaints. Further programmes of equality and diversity training are being planned for 2013/14.