

Update on Cafcass performance in the handling of complaints, compliments and other Service User data and feedback

1. AIM AND PURPOSE

To provide an update about Cafcass' performance in the handling of complaints, in the context of related work to improve our responsiveness to service users. The report covers the performance dimension of service users' reported experience of Cafcass, and will form part of a fuller report on our knowledge of the service user experience which will go to the Cafcass Board on 1 March. This report will include a summary of service user feedback, compliments and the learning being applied, in response to the various ways in which service users express their concerns, complaints and satisfaction.

2. RECOMMENDATIONS/ACTIONS FOR THE COMMITTEE

To note the update and the annexed data relating to complaints handling, and MPs' enquiries.

3. SUMMARY

The current Cafcass Complaints Procedure ('the Procedure') was introduced on 1 February 2012 and, ahead of implementation, a national complaints service was created. Prior to this, complaints were responded to by local teams or, in some areas, by small hubs of staff. It was anticipated that a national team would provide a more consistent and improved response, both in terms of time and quality. The national team consisted of service managers (some of whom had already been responding to complaints within their local area) led by an Enhanced Service Manager, reporting to an operational Head of Service, with centralised administrative support.

Following the launch of the Procedure, complaints increased from 76 received in December 2011 to 185 received in February 2012; 120+ complaints were received each month up to November 2012. This may be because there is now easier access to the Procedure, through a centralised point of contact. Also, it may be that a proportion of service user correspondence received locally, prior to the creation of a national team, was not identified, or recorded, as complaints.

The initial staffing of the national customer services team was based on the number of complaints received in previous years, and the Head of Service moved to secure further funding to strengthen the team, in response to the increased number of complaints received. The increase in complaints resulted in a rising 'stock' of complaints that reached, as its peak in July 2012, 330 complaints open at month end (up from 87 open complaints at the end of January 2012). In these circumstances, and until further staff were in place in November 2012, it was not possible, in a large proportion of cases, to respond to complaints within the 10 day timeframe set out in the Procedure.

This paper describes the steps taken to improve the speed with which complaints are responded to. It also provides a brief update on related work undertaken to improve our responsiveness to service users. Two changes to the Procedure are proposed for the

Performance Committee to consider before they go to the full Board for sign off on 1 March. The first is to set a time limit in which service users can raise concerns following Cafcass' involvement in their case ending. The second is a proposal to extend the timescale for responding to a complaint from 10 to 15 days.

4. CAFCASS COMPLAINTS HANDLING

In December 2011, the Board approved the new Procedure, which was implemented on 1 February 2012. The focus and aims of the revised Procedure were:

- i) To ensure a prompt response to service users who raise complaints
- ii) To focus on ensuring that the relevant court is made aware of concerns about Cafcass' work, and the response that has been provided. This is intended to ensure that there is full transparency about the issues raised and that perceived or actual deficits on Cafcass' part can be taken into account by the court in its consideration of the case before it.
- iii) To maintain a crucial distinction between concerns about the exercise by Cafcass officers of their professional judgment in the case, and concerns about professional conduct.
- iv) In response to observations of the Parliamentary and Health Service Ombudsman regarding the operation of multi-stage complaints procedures, to introduce a one-step Procedure to make the process more clear and navigable for service users.

In recent months, there has been a marked improvement in the implementation of the Procedure's requirements. The percentage of complaints being responded to within the 10 working day timeframe is now rising steadily, as the annexed information (Annex 1) shows. In the middle part of 2012, due to the rising stock of complaints, response times were not, in most cases, in line with the Procedure's expectation. In response to this, a combination of two different management approaches began to be taken. New complaints, where the cases were still 'live' before the courts, were prioritised for a swift response; other complaints, primarily those where the concerns giving rise to the complaints had arisen further in the past, were responded to more slowly, outside the 10 working day limit. This was intended to enable service users with imminent court hearings to have a complaints response prior to the date of the hearing.

The appended customer services report details Cafcass' performance regarding timeliness. The report also shows that, in and since October 2012, following an increase in the number of Service Managers in the Customer Services Team (to 7.5 service managers), responses have more frequently been provided in accordance with the requirements of the Procedure. While this represents an increase compared to the original budget planning, the overall resourcing of complaints handling is no larger than the level that has generally been deployed in recent years, for this function. Previous resource included a significant amount of time spend by local service managers, heads of service, and operational directors in completing step 2 investigations under the 'old' procedure, and the organising of and involvement in step 3 reviews. However, it is accepted that the current level of funding might more fruitfully be spent on the strengthening of local resolution and the improvement of Cafcass information provided to service users, to enable them to have a better-informed understanding of the role of Cafcass within family court proceedings.

The sharing with the court, in most cases, of the fact of the complaint, and our response, has created an opportunity to inform proceedings and promote transparency. This has been

implemented effectively, with very few expressions of judicial concerns, and positive views have also been expressed by service users. The impact upon proceedings and judicial decision-making, or sharing concerns, is not clear, though we have received feedback from some practitioners indicating that this process has enabled contested issues to be discussed within court, which maximises the prospect of complainant service users obtaining effective access to justice.

The Procedure has maintained the intended distinction between concerns related to professional judgment and those related to the conduct of staff. Within the revised Procedure, the extent to which Cafcass can adjudicate on matters of professional judgment is communicated to service users more clearly. This means that service users can make a more fully informed choice about whether to pursue within the court forum their disagreements with Family Court Advisers' professional opinions.

The 'one-step' Procedure has been simpler for service users to navigate. Despite the difficulties encountered in dealing with the unexpected increase in complaint numbers, the new Procedure offers the prospect that timely redress can be provided for complainant service users, now that increased staffing resources have been put in place to meet the actual, higher, level of demand that has been experienced. One factor contributing to the increase in complaints has been the removal of the timeframe in which service users can raise concerns with Cafcass. The timeframe set out in the 2010 Procedure, to be applied at the discretion of the service manager, was that complaint should be raised with Cafcass within three months of the end of Cafcass' involvement in the case. The removal of the timeframe has enabled former service users, with cases in which Cafcass' involvement ended many years ago, to have their complaints considered within the terms of the Procedure.

The Customer Services Team is currently working with local teams to strengthen local responses to issues, before they crystallise into formal complaints. It is sometimes the case that focused resolution work at this early stage, when service users first express their dissatisfaction to their FCA, can resolve matters to the service user's satisfaction, meaning that the formal process is not needed. Children represent a tiny minority of complainant service users. Responding to complaints raised by children requires active local involvement, with service managers endeavouring directly to communicate with complainant children in order to ascertain the nature of their concerns.

5. RELATED WORK TO IMPROVE RESPONSIVENESS TO SERVICE USERS

5.1 THE PARLIAMENTARY AND HEALTH SERVICE OMBUDSMAN

Once Cafcass service users have exhausted their use of the Procedure they are entitled, through an MP, to refer their concerns to the Parliamentary and Health Service Ombudsman ('the Ombudsman'). Not all complaints received by the Ombudsman result in them making enquiries of Cafcass. So far this year the Policy team, which acts as the single point of

contact with the Ombudsman, has received enquiries regarding 80 cases. It is expected that around 100 enquiries will be received in 2012/13.

Complaints about Cafcass, received by the Ombudsman		
2010/11	2011/12	2012/13 (to Nov 2012)
178	218	195
Complaints accepted for investigation by the Ombudsman		
2010/11	2011/12	2013/13 YTD
11	7	4
% of complaints received that are accepted for investigation		
2010/11	2011/12	2013/14*
6.2%	3.2%	1.5%

*conservative projection based on the Ombudsman receiving 260 complaints about Cafcass in 2012/13, with the number of investigations remaining at 4. The number of complaints received could be nearer 290, based on the November 2012 figure. However, as responses are now more timely, some decrease in Ombudsman referrals could be expected.

Whilst the number of complaints received by the Ombudsman, about Cafcass, is increasing, the number of investigations is falling. This is likely in part to be a reflection of the improved working relationship between Cafcass and the Ombudsman, and between teams within Cafcass. The Customer Services Team, the Policy Team and the Communications Team work collaboratively to deliver a well managed, centralised service. A greater number of issues are now resolved at the assessment stage (the first of the Ombudsman's three stages of complaints investigation) and the number of Ombudsman complaints resolved through 'intervention' is increasing. Interventions can include providing a further response to a complaint (14 cases in 2012/13 year to date), writing a letter of apology, or confirming that learning points have been taken forward.

Nine of the Ombudsman enquiries received so far this year have related solely to delayed responses; delay was a feature in a number of other enquiries, but there were nine cases where the complainant contacted the Ombudsman only because they were awaiting an overdue response. The Ombudsman increasingly continues to scrutinise areas such as court reports and case recording practices, to determine whether maladministration leading to injustice is evident in our case work, in addition to the extent to which Cafcass' complaints handling has complied with the published Procedure.

5.2 COMPLIMENTS AND SUBJECT ACCESS REQUESTS

It is important to note that, in addition to completing complaints investigations, the national Customer Services Team has also developed and implemented a national system for drawing together service user compliments and, since September 2012, for undertaking service users' Subject Access Requests. The number of compliments recorded has increased during the period in which the new system has been in operation, to an average of 65 compliments a month (April to December 2012) compared to a starting point, in January 2012, of 25 compliments in that month. There has also been an increase in the number of

Subject Access Requests (SARs) handled by the team, which has increased from 5 per month to 10 per month.

The gathering of compliments and the meeting of SARs requests are pieces of work that were previously carried out by local Service Areas. Both of these activities have involved significant additional work by the Customer Services Team. In respect of SARs, it is likely that the total number of requests was greater than that being recorded, as the number now being received is greater than expected.

5.3 PARLIAMENTARY ENQUIRIES

The annexed data provides an overview of the MPs' letters received, and responded to, by the Communications team during the first three quarters of 2012/13. The average number of letters received during this nine month period across all service areas is 17 letters per month, the highest month being July during which 23 letters were received. This is a 10.1% increase from the number of letters received over the same nine month period last year, and 31.9% higher than April to December 2010. The data details the number of MP letters per month, by service area. For some areas, such as A7, the figures may be higher because of repeat letters from certain MPs on behalf of certain constituents. The data also shows the number of letters received by each political party and the numbers of letters received from Ministers, Shadow Ministers, MPs and Councillors.

It has been noted that an increasing number of MP letters relate to either a historic or ongoing complaint, or raise concerns regarding a delay in receiving a complaint response. From January the Communications team will record the number of MP letters related to complaints, to enable further analysis of this trend.

In October 2012 the Communications team invited MPs from East Anglia and the East Midlands to a meeting at Westminster, where Heads of Service and a senior lawyer from Cafcass Legal led discussions regarding Cafcass' role and remit. The aim was to inform the MPs of the most appropriate avenue for their constituents' to raise concerns, particularly in light of the legal restrictions around disclosing information relating to proceedings in our correspondence with MPs. It was also an opportunity to promote our key messages and gauge the MPs' understanding of our service and their key areas of concern.

6. STRATEGIC ISSUES, INCLUDING PROPOSED CHANGES TO THE COMPLAINTS PROCEDURE

It is expected that the number of litigants in person (LiPs) in private law proceedings will increase in 2013-14 - as a result of changes to the provision of legal aid – and that nearly all private law cases will contain at least one party who is not legally represented. Cafcass does not collect data on the percentage of complainants who are LiPs. However, anecdotally, we find that a significant number of those service users who raise concerns (either as part of the procedure, or directly to their MP, without first complaining to Cafcass) are not legally represented within proceedings. We therefore anticipate that the number of complaints received will rise in 2013-14, as an increasing proportion of service users will no longer have the benefit of legal advice to inform their expectations of the family court, and of Cafcass. To assist service users, we are reviewing the information we provide to parties at the start of

private law proceedings, both in our introductory letter and in our 'signposting' provided on the Cafcass website. Guidance for LiPs is being developed by the Ministry of Justice and others.

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

6.1 Increase the specified timeframe for responding to service users from 10 working days to 15 working days.

While the increase in the number of specialist Service Managers has enabled Cafcass in recent months significantly to 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 FCA staff are on leave or have significant court commitment. 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 FCAs and operational Service Managers. This would ensure we have a standard of delivery that matches the published expectation.

6.2 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.

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.

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 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.

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.

Cafcass customer services report

National

		2011-12				2012-13								2012-13 ytd / latest month	2011-12 full year	
		Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12			Dec-12
Complaints	New complaints received	76	107	185	152	128	150	134	143	125	122	137	137	95	1,171	1,265
	New complaints as a % of open cases	0.2%	0.3%	0.5%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.3%	0.4%	0.3%
	Complaints completed	66	117	134	50	117	137	115	129	208	100	137	171	145	1,259	1,187
	Complaints open at month end	81	87	127	227	271	294	308	330	246	270	271	236	186	186	
	Complaints completed in 10 working days from receipt	45	69	64	3	5	82	54	8	11	3	44	71	65	343	576
	% Complaints completed in 10 working days from receipt	68.2%	59.0%	47.8%	6.0%	4.3%	59.9%	47.0%	6.2%	5.3%	3.0%	32.1%	41.5%	44.8%	27.2%	48.5%
	Avg working days to complete from receipt	37.0	62.3	111.6	25.5	31.7	23.1	43.9	40.3	53.6	43.1	36.8	30.6	32.2	37.8	50.7
Compliments	New compliments received	21	25	57	38	29	41	43	41	39	85	131	93	72	574	399
	New compliments as a % of open cases	0.1%	0.1%	0.2%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.2%	0.4%	0.3%	0.2%	0.2%	0.1%
	New compliments as a % of new complaints	27.6%	23.4%	30.8%	25.0%	22.7%	27.3%	32.1%	28.7%	31.2%	69.7%	95.6%	67.9%	75.8%	49.0%	31.5%
SARs	New SARs received	Data not available				5	7	4	7	4	11	9	7	10	64	
	SARs completed	Data not available				0	0	2	6	1	2	6	11	10	38	
	% SARs completed in 40 days	Data not available				N/A	N/A	100.0%	83.3%	100.0%	100.0%	100.0%	100.0%	90.0%	94.7%	

Complaints

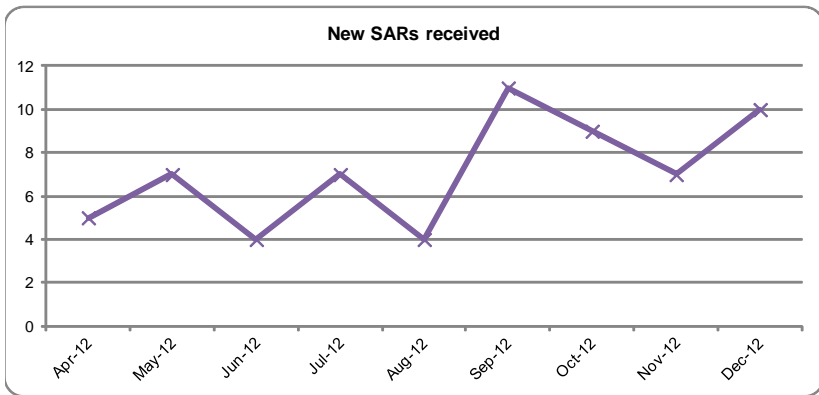
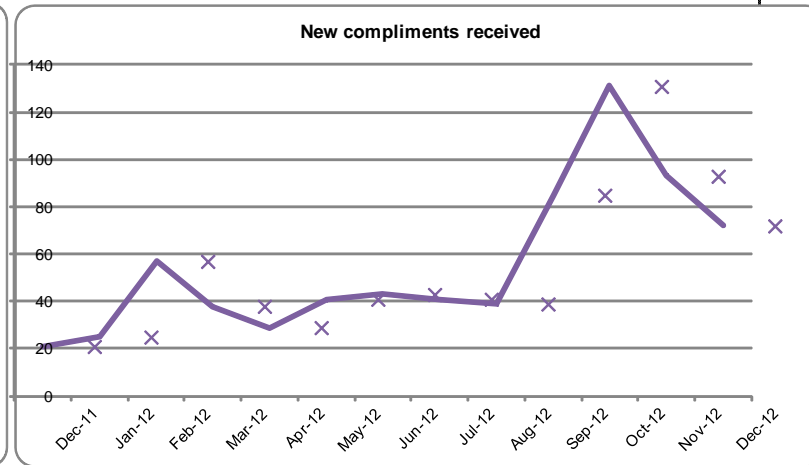
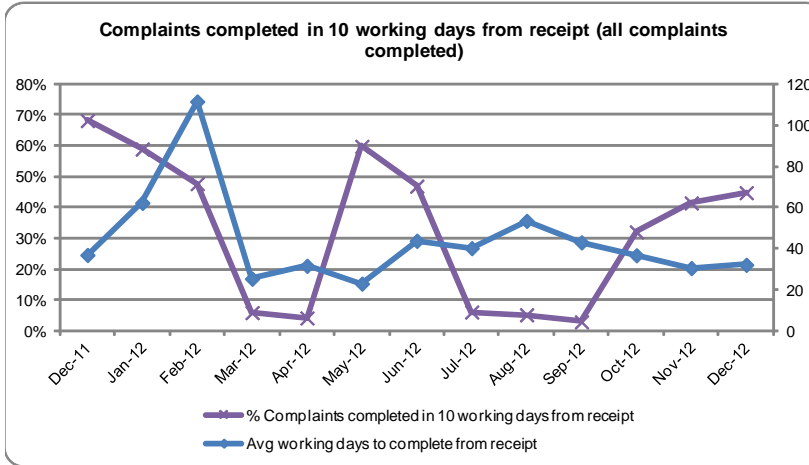
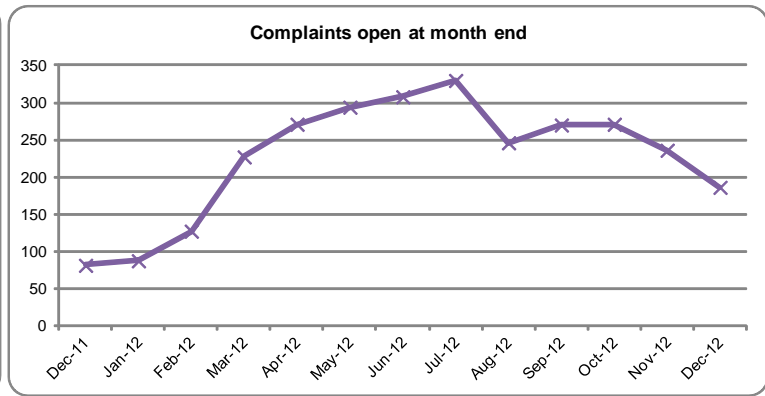
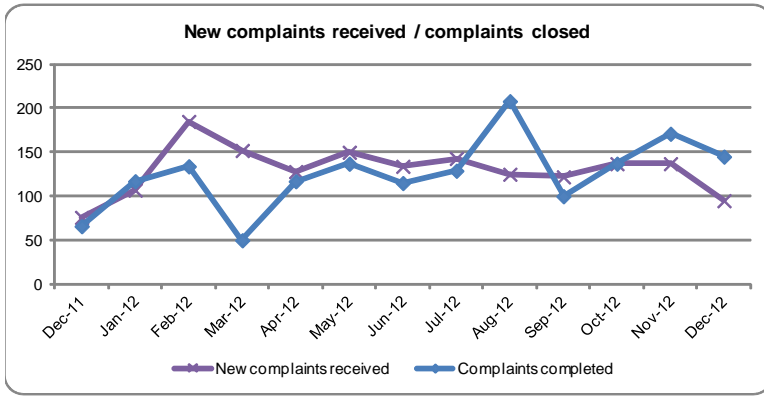
- The 95 complaints received in December 2012 is an increase of 25% (19 complaints) compared to December 2012, but is the lowest individual month in 2012-13 to date.
- The 1,171 complaints received between April and December 2012 is an increase of 42.6% (350 complaints) compared to the 821 received in the same period last year.
- The number of open complaints has reduced by 50 between November and December 2012. A total of 145 complaints were completed in December 2012.
- Of 145 complaints completed in December 2012, 65 (44.8%) were completed within the 10 working day target, at an average of 32.2 working days.
- The sharp increase in complaints received in 2012 combined with a lack of service manager capacity resulted in an increased delay in responding to complaints. Recognising this the service manager capacity has been strengthened with four new staff having started between October and November 2012, a growth from 3.5 to 7.5 service managers overall.

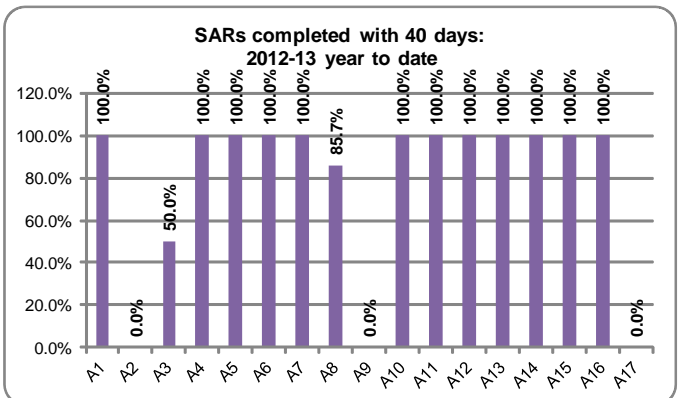
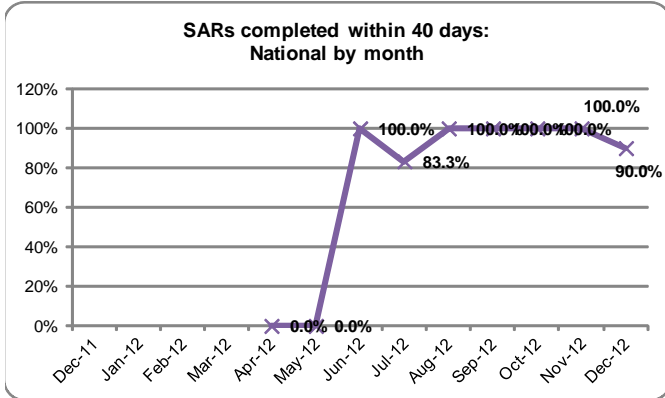
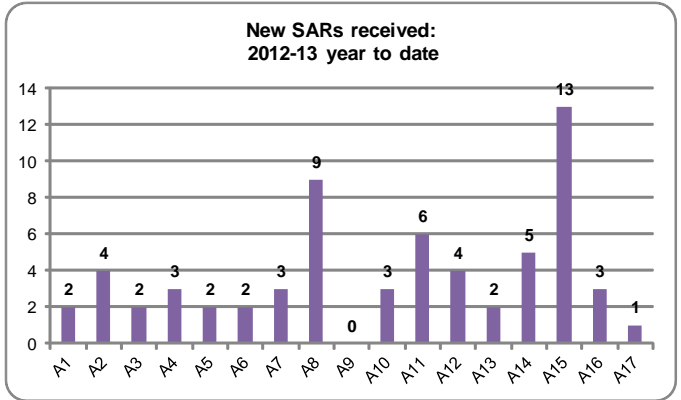
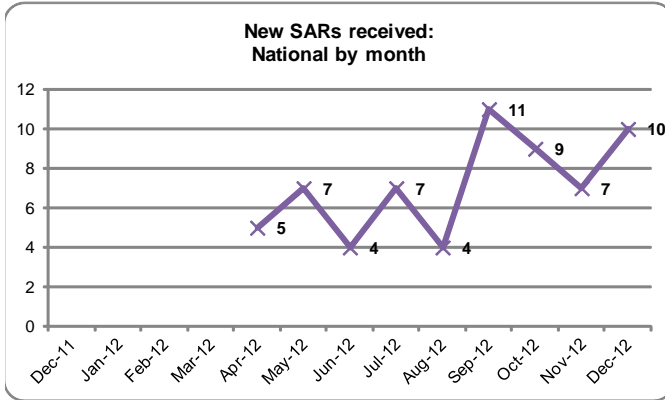
Compliments

- The 72 compliments received in December 2012 is an increase of 51 compliments compared to December 2011.
- The 574 compliments received between April and December 2012 is an increase of 105.7% (295 compliments) compared to the 279 received in the same period last year.
- In December 2012, the compliments received as a proportion of complaints received is 75.8%, the second highest ever recorded for an individual month.

SARs

- A total of 64 subject access requests were received between April and December 2012, with 38 being completed and 36 of these within the 40 day timescale.

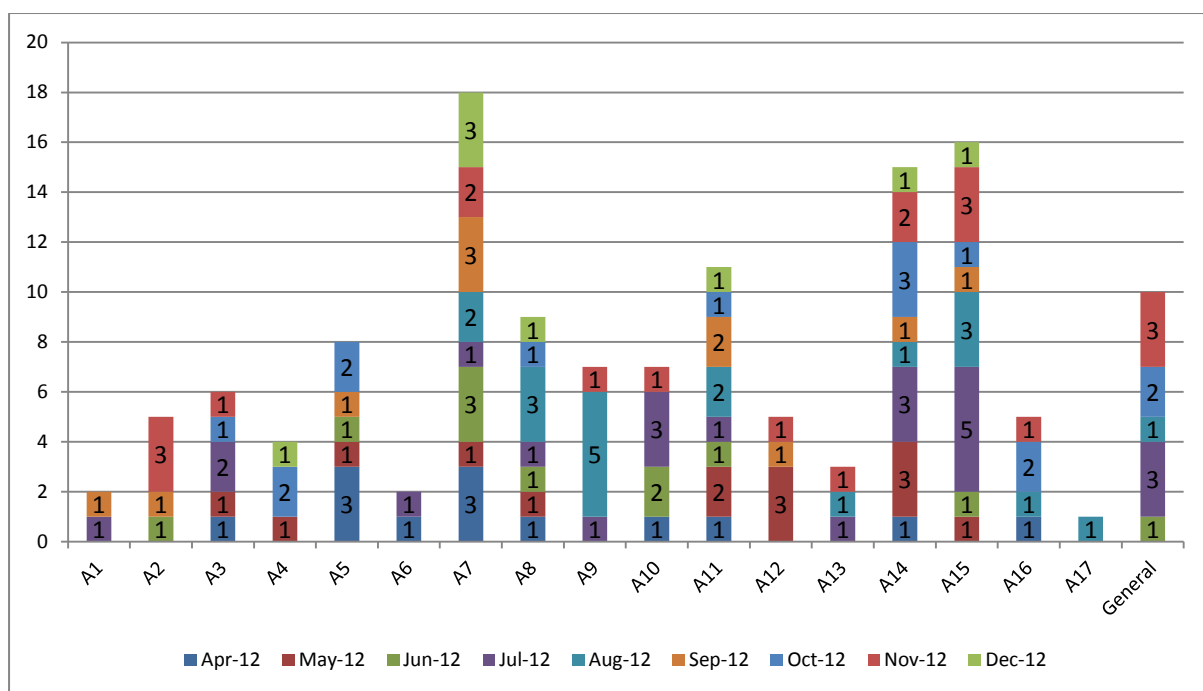


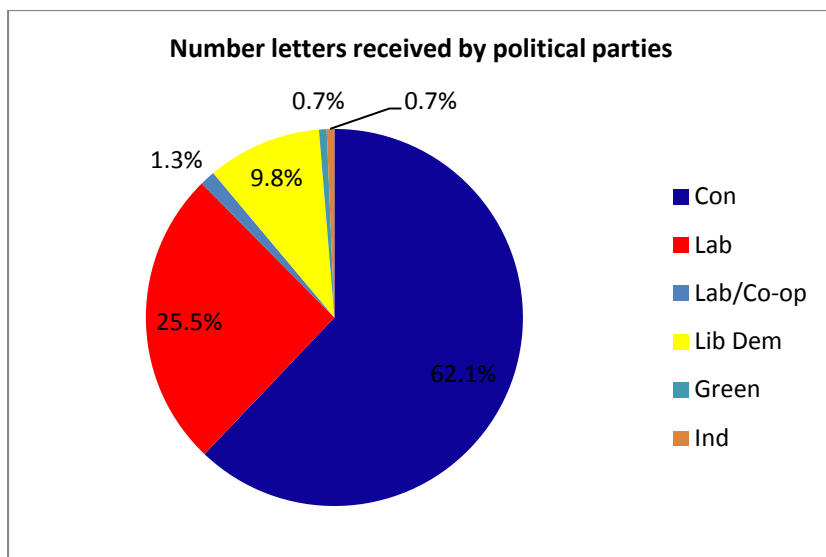


MPs Enquires

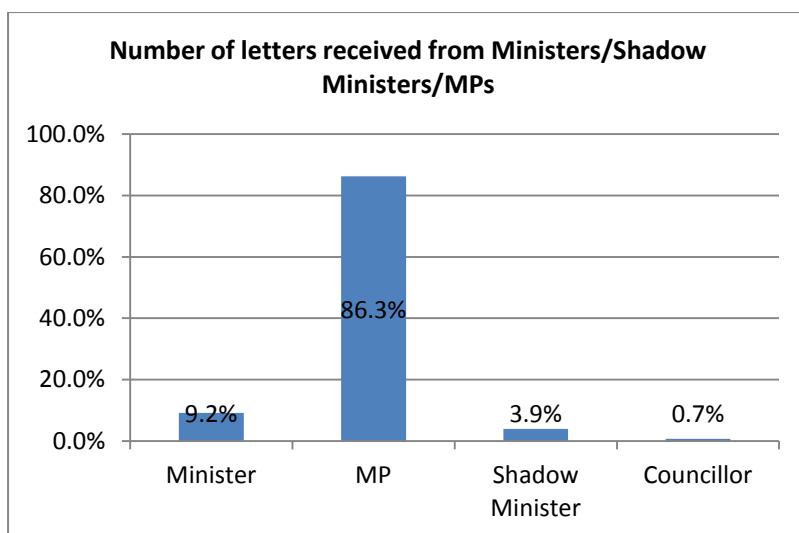
SA	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Total	% Total
A1				1		1				2	1.5%
A2			1			1		3		5	3.7%
A3	1	1		2			1	1		6	4.5%
A4		1					2		1	4	3.0%
A5	3	1	1			1	2			8	6.0%
A6	1			1						2	1.5%
A7	3	1	3	1	2	3		2	3	18	13.4%
A8	1	1	1	1	3		1		1	9	6.7%
A9				1	5			1		7	5.2%
A10	1		2	3				1		7	5.2%
A11	1	2	1	1	2	2	1		1	11	8.2%
A12		3				1		1		5	3.7%
A13				1	1			1		3	2.2%
A14	1	3		3	1	1	3	2	1	15	11.2%
A15		1	1	5	3	1	1	3	1	16	11.9%
A16	1				1		2	1		5	3.7%
A17					1					1	0.7%
General*			1	3	1		2	3		10	7.5%
Total	13	14	11	23	20	11	15	19	8	134	

*General = enquiries made by non-Cafcass service users





Row Labels	
Con	95
Lab	39
Lab/Co-op	2
Lib Dem	15
Green	1
Ind	1
Grand Total	153



Row Labels	Count of Date rec'd
Minister	14
MP	132
Shadow Minister	6
Councillor	1
Grand Total	153