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21 Bloomsbury Street
London
WC1B 3HF

Your ref: CAF 15-65
Our ref: Gov/CAF 15-65

Tel 0300 456 4000

11 May 2015

Re: Freedom of Information Request

Thank you for your emails of 14 April 2015. You made the following requests for information:

1. [Please can you let me know the governance of \[the complaints procedure\] document](#)

Cafcass policies are subject to regular review, ensuring that policies remain current and reflect continuing good practice. Policies will also be updated on an ad-hoc basis when developments in law or national policy require this. Amendments to policies will also follow recommendations from regulatory authorities or the Parliamentary and Health Services Ombudsman.

Each Cafcass policy has a national lead by a Senior Operational Manager who takes responsibility for the development and updating of the policy. All policies are also subject to the approval and oversight of the Operational Management Team or the Corporate Management Team, which ensures that all policies are being applied correctly across the organisation and that any issues can be resolved expediently.

2. *'The Cafcass Customer Service Team will contact the service user, by phone (or in writing if this is specifically requested by the service user), to ascertain full details of the complaint and the steps that the service user wishes Cafcass to take.'*

[Please outline the equalities impact assessment undertaken in respect of this. If a SU raises the concern by email why does the policy require the SU to explicitly state they wish to be communicated by other means? Why are you placing the onus on the complainant who may be a child? Surely the correct procedure ought to be to respond in the same method the complaint is received via?](#)

The procedure for dealing with complaints made by adults and children differ in the way they are resolved. Section 1.12 – 1.17 of [Cafcass' Complaints Policy](#) sets out the way a child's complaint will be dealt with by Cafcass. Complaints raised by children are processed and responded to in a different way to those raised by adult parties.

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





Cafcass has also produced an accessible [factsheet](#) for children providing information about how to raise any concerns they may have.

It is Cafcass' policy to speak with service users who have raised concerns in the first instance by telephone. We aim to provide a constructive dialogue with the minimum amount of delay. Cafcass will, however, be guided by the service user and their wishes as to the way in which we communicate with them. Service Managers will also have regard to any relevant information on the case file which indicates a preference for methods of contact.

Paragraph 1.8 of [Cafcass' Complaints Policy](#) states that: "reasonable adjustments will be made for adults with disabilities or adults who otherwise require assistance in submitting their complaint, in accordance with Cafcass' Equality and Diversity Strategy".

3. Please explain why your policy excludes me from making a complaint by using this procedure when your staff are public officers who salaries I pay and as such I have a right to raise concerns where their behaviour is inappropriate.

As confirmed in the response you received from the Customer Services Team, and as set out in paragraphs 1.5-1.6 of the [Cafcass Complaints Policy](#), the Complaints Procedure applies to current Cafcass service users (defined as children who are the subject of family proceedings and adults who are parties in family court proceedings).

The Cafcass complaints policy does not prevent anyone from making a complaint about service which they feel falls below the required standard. As set out in the Policy, a complaint made by someone else who is not a current Cafcass service user will be responded to by the Customer Services Team, although this will not be dealt with under the specific Complaints Procedure (paragraphs 1.20 to 1.29).

In responding to concerns raised by non-parties Cafcass is subject to the restrictions on disclosing case information outside of Family Proceedings. This is governed by rule [12.73](#) and Practice Direction 12G of the Family Procedure Rules. Rule 12 should be read in conjunction with the definitions provided in [Rule 2](#). Cafcass is prevented, by virtue of these provisions, from providing anything other than very general information to individuals who are not parties to proceedings.

4. Please explain why you use PHSO in the document when you state 'We will use plain English, avoid jargon and translate information and put it into other formats when you need it.' I appreciate you have explained the acronym earlier in the document but continued use of acronyms in a document that is supposed to be accessible to children is hardly plain English.

It is general practice when referring to names of organisations to first refer to the full title of the organisation (e.g. Parliamentary and Health Service Ombudsman) followed





by the initialism (e.g. PHSO) in brackets, and then to use this for any repeated references. This is a policy document and, as explained in our response to question 2, Cafcass has produced an accessible [factsheet](#) for children. This factsheet produced for children does not contain any initialisms or shorthand and has been produced in conjunction with the Family Justice Young People's Board.

5. I need assurances about what CAFCASS intend to do with [my personal] information and it's destruction schedule.

Why Cafcass collects personal information

As part of our child protection responsibilities, Cafcass collects and process personal information about individuals where it is relevant to the family court proceedings (where these are either proposed or concluded). We do this in order to fulfil our statutory role in providing advice to the court when we are appointed; our role is to:

- safeguard and promote the welfare of children
- give advice to the family courts
- make provision for children to be represented
- provide information, advice and other support for children and their families

We collect this information from court application documents, from service users (parties on the case) in phone or face-to-face interviews, and also any other person the practitioner considers it necessary in the course of their enquiries to speak to.

We also obtain information from other agencies, such as the police and local authorities where it is relevant to safeguarding assessments. The information required for these safeguarding assessments is obtained in line with the arrangements set out in the [Child Arrangements Programme](#) (see paragraph 13.3). In some circumstances we are also asked to provide this information about individuals who are not parties; in such cases we require the consent of the individual or a court may order the checks to be undertaken.

How Cafcass uses personal information

We use this information to advise the court and may make written recommendations to the court in a letter or a report.

Information is shared with the court and with the other parties involved in the case. In most circumstances it cannot be shared further, even with the service user's consent, as information relating to proceedings cannot be disclosed without the permission of the court. However, it may sometimes be shared with other professionals where it is required for the furtherance of child protection. This is in accordance with the [Family Procedure Rules 2010](#) (please see section 12.73).





Cafcass has policies and a framework document which cover issues of data protection, confidentiality and disclosure of information. All of our policies can be seen on our [website Policies page](#). For specific policies, please see:

- [Information Assurance Policy](#)
- [Operating Framework](#) (section 8.7 *Sharing case records*; section 8.8 *Information Assurance*)
- [Reporting to Court Policy](#) (section 6 *Sharing a copy of the report with parties*)
- [Case Recording and Retention Policy](#)

How long Cafcass keeps personal information

We keep this information until the youngest child on the case would be 22 years old (unless the case relates to adoption, in which case it may be kept for longer). Please see more information in section 10.1 of the Cafcass [Case Recording Policy](#).

We hope that you feel your question has been answered effectively. If you are unhappy with the decisions made in relation to your request, you may ask for an internal review to be undertaken. If you are dissatisfied with the way the internal review is handled or with the final decision made at that review about the information released, you are free to contact the Information Commissioner's office (www.informationcommissioner.gov.uk):

Post

Information Commissioner's Office
Wycliffe House, Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Fax

01625 524 510

Tel

0303 123 1113

E-mail

casework@ico.org.uk

Yours sincerely,

Governance Team

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Governance@cafcass.gsi.gov.uk

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive

