



Cafcass National Office
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21 Bloomsbury Street
London
WC1B 3HF

Your ref: CAF 15-175
Our ref: Gov/CAF 15-175

Tel 0300 456 4000

9 November 2015

Re: Freedom of Information Request

Thank you for your email of 16 October 2015. You made the following requests for information:

Under the Freedom of Information Act 2000, please provide me with copies of the following:

1. Your current complaints procedure or/ including the stages of the complaints process showing guidance for outcomes and decision making as to whether a complaint is to be upheld, overturned and the range of outcomes available to you in using this process. All dates of changes in this procedure and copies of procedures which were used in the past with the dates that they were in force (from and to)

Please see the [Cafcass Complaints Procedure](#) which is available on our website; paragraphs 1.19 – 1.30 set out the one-step complaints process and paragraph 1.29 in particular sets out how the outcome of Cafcass' assessment of the complaint will be shared with the complainant.

The table below sets out dates of changes to this policy, and copies of these are attached.

Name of Policy	Date Launched	Date ceased
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Service User Comments Compliments and Complaints Policy	Sep-05	Not recorded
Comments, Compliments and Complaints Policy - Procedures and Guidance Manual	Jan-07	Not recorded
Cafcass Complaints Procedure	Dec-08	Not recorded
Cafcass Concerns and Complaints Procedure	May-10	Not recorded
Cafcass Complaints Procedure	Apr-12	Not recorded
Cafcass Complaints Procedure	May-12	Not recorded
Complaints Procedure	Dec-12	Apr-13
Complaints Procedure	Apr-13	Aug-13
Complaints Procedure	Aug-13	Nov-13
Complaints Procedure	Nov-13	Apr-14
Complaints and compliments policy	Apr-14	Nov-14
Complaints and compliments policy	Nov-14	n/a

2. Copies of, including dates when they were in force your procedure/ policy used by your workers in determining safeguarding letters for courts.

As part of our child protection responsibilities in private law cases, Cafcass provides a safeguarding assessment to the court regarding parties in family proceedings. This is completed in line with the arrangements set out in the [Child Arrangements Programme](#) (see paragraphs 13.1 – 13.8), which came into force in April 2014.

The work to complete these ‘Safeguarding Letters’ is undertaken prior to first hearing in new private law cases. For information on the procedure to be followed by Cafcass practitioners, please see the Cafcass [Operating Framework](#) section ‘Work to the first hearing’ (paragraphs 4.3 – 4.16). Please find attached or linked copies of documents referred to in this section, including:



- Standard Operating Principles and Standards for WTFH
- [Police Checks Handbook](#)
- Telephone script for risk identification phone calls

Relevant forms can be seen in the ‘Safeguarding’ section of the webpage showing [tools and templates for practitioners](#).

To provide previous versions of all of these policies, tools and templates is considered to exceed the appropriate cost and time limit for Freedom of Information (FOI) requests, together with completing the rest of the request (which is £450 for Cafcass at a flat rate of £25 per hour provided by the FOI Act). If there is a specific date and document you would like to see, please let us know.

A response to this request is therefore exempt under Section 12 of the FOI Act.

[12 Exemption where cost of compliance exceeds appropriate limit.](#)

1. *Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.*
2. *Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.*
3. *In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases. .*
4. *The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—*
 - (a) by one person, or*
 - (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,**the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.*
5. *The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.*





3. Copies of, including dates when they were in force as policy, the models/scales/ measures of abuse used by your workers in determining safeguarding letters for courts.

Cafcass practitioners are required to assess risk in two ways: when the court orders a risk assessment as part of a Section 7 report if it feels that there is some risk to any child subject to proceedings; and under [s16A](#) of the Children Act 1989 Cafcass practitioners are under a duty to undertake a risk assessment whenever they have cause to suspect a child subject to proceedings is at current risk of harm and to pass this information to the court.

Set out below is a relevant section of the Cafcass [Operating Framework](#); for more information please also see our [Child Protection Policy](#).

Operating Framework Extract

2.40 Throughout our work, Cafcass has a duty to assess risk, under s16A of the Children Act 1989. In our private law work, we may consider it necessary, as a result of our involvement in cases, to pass information about children to local authority children's services, where it appears that their duty (under s47(1) Children Act 1989) to investigate child protection concerns appears to be engaged. These steps are set out in the Cafcass Child Protection Policy, and in the guidance document on our 16A duty. In our public law work, we analyse whether the risks to a child who is the subject of care proceedings have been appropriately managed. In some cases, the court itself, exercising its s37 Children Act 1989 power, directs a local authority to undertake and provide to the court a welfare investigation report

2.41 The risk of harm to a child, including but not restricted to harm arising from seeing or hearing the ill-treatment of another, should be considered in cases where domestic violence is identified. The direct and indirect impact of domestic violence on individual children should be addressed. Static and dynamic risk factors should be taken into account, such as whether the violence is 'separation-specific' or endemic and showing itself in behaviours such as post-separation control. In all cases involving acute concerns about domestic violence, the practitioner should consider the need for a child protection referral, police referral, or a multi-agency risk assessment conference (MARAC.) It is difficult to differentiate between past risk and future risk, so caution is needed before concluding that a proven level of domestic violence will not recur and was situational at the time of the separation only. However, this can be a sound evidence-based conclusion in some cases.





2.42 A MARAC is a non-statutory meeting of local agencies whose purpose is to identify the highest-risk victims of domestic violence, and to produce a safety plan to reduce the risk to victims, their children, and any other vulnerable person in the household. Participants at a MARAC do not all come within the categories of people specified in the Family Procedure Rules (FPR) 2010, to whom disclosure can be made without the court's permission. Cafcass will therefore not routinely participate in MARAC discussions, nor will it sign MARAC information sharing protocols. Guidance is available to practitioners in 'MARACs and disclosure from Family Court Proceedings' (2013) on the Safeguarding intranet page. Where a child is suffering, or is likely to suffer, significant harm, the practitioner must ensure that relevant referrals are made to local authorities or to the police.

To provide previous versions of these policies is considered to exceed the appropriate cost and time limit for Freedom of Information requests, together with completing the rest of the request. As set out above, a response is exempt under Section 12 of the FOI Act. If there is a specific date and document you would like to see, please let us know.

4. Records broken down by year, of
 - a. the gender of:
 - i. your customers
 - ii. your complainants
 - b. the stages of complaints at which point these complaints were resolved/ signed off
 - c. the outcomes of these complaints
 - d. what proportion/ percentage of these complaints were upheld and overturned
 - e. what proportion/ percentage of your total cases these complaints formed

Please see the below information which covers the last five financial years. Please note the following about the data:

- Where the gender is not recorded, it has been logged as 'unknown'
- The number of parties involved in cases received by Cafcass has been set out for 'customers'; this covers applicants, respondents, and subject children who are made parties. It excludes subject children who are not made parties and other non-parties.
- Stages and outcomes of complaints were only recorded until February 2012. These are based on the number of cases with outcomes logged per year. Stages included: Step 1 informal resolution; Step 2 investigation of the complaint; Step 3 review. A new one-step complaints procedure was introduced without the categorisation of



upheld or not upheld; the focus is on making things right as quickly as possible.

- Data source: Data taken from the Cafcass national databases (Case Management System (CMS) and ECMS). ECMS is a live system, continually updated and is subject to change when further updates are made. Data from CMS is a static snapshot on the day it ceased to be a live database, 11th July 2014. These figures have been drawn from administrative IT systems which, as with any large scale recording system, are subject to possible errors with data entry and processing.

a) Tables to show the number of complaints received by Cafcass per year by gender, and number of case parties per year by gender.

Years	Female complainant	Male complainant	Unknown gender	Total complaints received
2010 -11	501	545	18	1,064
2011 -12	612	642	11	1,265
2012 -13	711	777	7	1,495
2013 -14	694	897	5	1,596
2014 -15	610	539	165	1,314

Years	Cases received	Female party	Male party	Unknown gender	Total number of parties
2010-11	58,537	28,056	42,818	378	71,252
2011-12	47,213	29,289	40,798	160	70,247
2012-13	59,226	32,685	43,861	110	76,656
2013-14	60,550	28,703	45,162	78	73,943
2014-15	48,934	81,614	78,285	512	160,411

b) Table to show the number of complaints at each stage of the complaints process.

Years	Step 1	Step 2	Step 3	Total
2010 -11	1197	35	9	1,241
2011 -12	1017	94	27	1,138



c & d) Table to show the outcome of complaints per year (number and percentage).

Years	Not Upheld		Partially Upheld		Upheld		Withdrawn		Total
	#	%	#	%	#	%	#	%	#
2010 -11	510	41%	453	37%	135	11%	143	12%	1,241
2011 -12	442	39%	480	42%	177	16%	39	3%	1,138

e) Table to show the number of cases (private and public law) received by Cafcass per year and the percentage of complaints received compared to this total.

Year	Total Cases Received	%
2010 -11	55,538	2%
2011 -12	54,852	2%
2012 -13	59,226	3%
2013 -14	60,550	3%
2014 -15	49,019	3%

5. The gender breakdown of workers within Cafcass at all levels, both in total and broken down by rank/ position within the organisation.

Please see the below breakdown of staff by gender at the various grades across the organisation, effective as of 26/10/2015.

Grade	Female	Male	Total Number
Senior Managers	59.4%	40.6%	32
Service Managers	74.5%	25.5%	98
Family Court Advisers	82.0%	18.0%	1246
Office Managers	85.7%	14.3%	14
Business Support	86.3%	13.7%	249
Corporate Functions (e.g. HR, IT, Legal etc)	73.2%	26.8%	138
Total	81.1%	18.9%	1777

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

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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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Cafcass, the Children and Family Court Advisory and Support Service, is a non-departmental body of the Ministry of Justice
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