



Your ref: CAF 16-26
 Our ref: Gov/CAF 16-26

Cafcass National Office
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10 March 2016

Re: Freedom of Information Request

Thank you for your email of 19 February 2016. You made the following requests for information:

- (1) Under the freedom of information act, I would like to know how many complaints you have had in the past five years.

Year	Number of complaints received
2011	1,124
2012	1,614
2013	1,452
2014	1,492
2015	1,086

- (2) How many of them complaints have been up held?

Please see below this information for the calendar years 2011 and 2012. From mid-2012, the complaints procedure changed, including the ending of classification of complaints as 'upheld'/'partially upheld'/'not upheld'. The focus of the complaints system is on putting things right for service users while their case is ongoing so that any necessary remedial action can be taken. This means no complaint outcomes of 'upheld' or 'not upheld' are held from mid-2012.

Year	Upheld	Partially Upheld	Not Upheld	Withdrawn	No outcome record	Total
2011	168	468	415	36	37	1,124
2012	40	232	387	26	929	1,614

- (3) How many have been disregarded?

Baroness Tyler of Enfield Chair
 Anthony Douglas CBE Chief Executive





All complaints are treated under the [Cafcass Complaints Policy and Procedure](#) if they fall within the required categories; no figures are held for complaints which do not fall within this criteria.

- (4) Also how many different officers had complaints against them and how many complaints were for incompetence?

Cafcass does not have a complaint category 'incompetent' and is therefore unable to give this information. However, please see the number of complaints which have been specifically linked to a Family Court Advisor.

Year	Number of complaints about specific FCAs
2011	604
2012	763
2013	760
2014	841
2015	680

- (5) How many have being against Miss Westgarth?

Cafcass is unable to provide you with personal information belonging to an individual staff member. The information you have requested is personal data relating to an employee to whom Cafcass owes a duty of confidence.

Disclosure is therefore exempt under Section 40 of the Freedom of Information Act 2000. The exemption from the duty to disclose third party personal data where to do so would breach a data protection principle is an absolute exemption.

[Section 40 of the Freedom of Information Act](#) provides that:

1. Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
2. Any information to which a request for information relates is also exempt information if-
 - a. it constitutes personal data which do not fall within subsection (1), and
 - b. either the first or the second condition below is satisfied.
3. The first condition is-
 - a. in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene-
 - (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and



- b. in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

(6) What you did to resolve them the ones that were upheld?

Information about remedial action where possible will be set out within each individual complaint file. Cafcass does not collect information on this issue centrally. In order to provide a response, each case file would need to be checked individually; as Cafcass handles thousands of cases annually, the cost of compliance would exceed the appropriate limit which for Cafcass is £450. In our estimation the cost (a flat rate of £25 per hour provided by the FOI Act) would exceed the appropriate limit which is 18 hours for Cafcass, in order to complete one or more of the following activities permitted to be accounted for, which are:

- Determining whether the information is held;
- Locating the information, or a document containing it;
- Retrieving the information, or a document containing it; and
- Extracting the information from a document containing it.

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

[Section 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.

(7) Finally most importantly how many of these complaints were by Fathers and how many were by Mothers?



This specific information is not recorded in Cafcass systems. However, please see the table below which separates complaints by the gender of the complainant.

Year	Female	Male	Unknown gender	Service user not recorded	Total complaints
2011	542	571	7	4	1,124
2012	764	838	11	1	1,614
2013	675	772	4	1	1,452
2014	682	807	3	0	1,492
2015	529	556	1	0	1,086

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

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 Wycliffe House, Water Lane,
 Wilmslow,
 Cheshire
 SK9 5AF

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01625 524 510

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0303 123 1113

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casework@ico.org.uk

Yours sincerely,

Governance Team

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