

## **Supporting Separating Parents in Dispute telephone helpline Complaints Procedure**

### **1.0 Introduction and scope**

- 1.1 Cafcass operates a complaints procedure for service users who are involved in family court cases. Service users are defined as being children who are the subject of family proceedings, whether or not they are party to those proceedings, and adults who are parties in family court proceedings.
- 1.2 Between November 2014 and April 2015, Cafcass is undertaking a pilot project (called Supporting Separating Parents in Dispute, or SSPID), the aim of which is to “provide a free phone telephone based service for separating parents who have been unable to resolve disputes themselves or who seek assistance in doing so that identifies their needs and matches those to locally available sources of advice and support, including appropriate case referral to a suitable form of dispute resolution service”.
- 1.3 This complaints procedure is for people who make use of the telephone service provided for parents under the SSPID and who have concerns about the quality of the service that they have received. Its aim is, quickly and fairly, to consider and respond to complaints. Responses to complaints will be provided in a way that is intended to safeguard and promote the welfare of any child or children connected to pilot project service users. This specific time-limited complaints procedure is guided by the Principles for Remedy published by the Parliamentary and Health Service Ombudsman (PHSO)<sup>1</sup>, with an emphasis on ‘putting things right’ wherever possible.
- 1.4 Where a complaint leads Cafcass to suspect or know that a child has suffered significant harm, Cafcass will follow the relevant procedures set out in the Child Protection Policy.

### **2.0 Who can complain?**

- 2.1 Any user of the SPPID telephone service for parents may use this procedure.
- 2.2 If someone else, who is not the user of the SPPID telephone service for parents, but who is connected to the user of this service, such as a relative, friend or professional raises a complaint, the person they talk to within Cafcass should listen to them and respond quickly and politely. A record of this correspondence will be retained and passed on to the relevant Cafcass Service Manager, so that they are aware of the issues raised. However, the issues raised will not be dealt with under this procedure.
- 2.3 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.

### **3.0 What we expect from service users in making a complaint**

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<sup>1</sup> See <http://www.ombudsman.org.uk/improving-public-service/ombudsmansprinciples/principles-for-remedy>

- 3.1 Cafcass encourages SPPID service users to raise their concerns whilst Cafcass' involvement with them is ongoing, and will provide information about this procedure on Cafcass' website, in the first phone discussion with SPPID service users and in response to concerns expressed by pilot project service users. To have their concerns considered within this procedure, SPPID service users are expected to raise their concerns within one month of the event causing their concern. Where circumstances have prevented pilot project service users from raising their concerns within this timescale, Customer Service Managers will apply discretion in deciding whether to accept these complaints.
- 3.2 The Complaints Procedure seeks to resolve issues promptly and clearly and therefore consists of only one step; repeated complaints about the same issue will not be accepted for reinvestigation.
- 3.3 Cafcass has a responsibility to maintain a satisfactory level of service for all service users who make a complaint. Where frequent and/or repetitive contacts from a service user impede Cafcass' proper consideration of their complaint or the complaints of other service users, we may need to limit our communication with the service user whilst the complaint is being investigated. We will inform the service user when a decision to limit communication has been made. The Customer Services Team has the discretion to refuse to accept complaints from unreasonably persistent complainants.
- 3.4 Cafcass will not tolerate abusive or threatening behaviour towards our staff. Incidents of abusive or threatening behaviour will be dealt with in accordance with Cafcass' Guidance on the Management of Unacceptable Behaviour. Complaints submitted in an abusive, threatening or deceitful manner will not be accepted.

#### **4.0 The complaint process**

- 4.1 Cafcass provides information to pilot project service users about its role, and about how to raise complaints, at the outset of our involvement. Pilot project service users will be guided to make use of the Cafcass website, where this procedure and other information can be accessed.
- 4.2 Pilot project service users can raise their complaint by phone, by letter or by email. They might raise their complaint with the practitioner with whom they have previously had phone contact, with that person's manager or with another member of Cafcass staff. Any complaint received from a service user, wherever within Cafcass it is received, should be passed by the recipient to the Cafcass Customer Service Team ([customerfeedback@cafcass.gsi.gov.uk](mailto:customerfeedback@cafcass.gsi.gov.uk)) within one working day of its receipt.
- 4.3 The Cafcass Customer Service Team will contact the pilot project 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. This should include ascertaining any remedies the service user is seeking from Cafcass. The Cafcass Customer Service Team should, wherever possible, make contact with the practitioner or other Cafcass officer who is the focus of the complaint, in order to obtain a fuller understanding of the issues. The Customer Service Team may also need to consider information held in Cafcass electronic case records. Additional evidence submitted by the service user will be considered by the Customer Services Team where it is proportionate and necessary to do so in order to address the issues raised by the complaint. Evidence will not be accepted where it has been obtained by deception or where to consider it would place an excessive burden on staff time without making a significant contribution to the resolution of the complaint.

4.4 As part of their assessment of the complaint, the Customer Services Team will decide which aspects of the complaint relate to:

- The professional judgement of a Cafcass practitioner;
- Factual errors within communication to a service user;
- How the contact with the service user has been managed and administered by Cafcass;
- The performance or conduct of a Cafcass employee;

The purpose of this assessment is to identify what remedial action can reasonably be taken by Cafcass.

4.5 Where factual errors are identified in Cafcass' communication with the pilot project service user, these will be rectified, and confirmation that this has been done will be provided by the Customer Services Team, in writing, to the service user.

4.6 Complaints relating to the performance or conduct of a Cafcass practitioner may be referred to the practitioner's manager for information or action. Complaints which raise serious concerns about the conduct of a Cafcass practitioner will be referred by the Customer Services Team to the relevant Head of Service/Assistant Director to consider whether informal or formal action is required under the Employee Relations Policy and Procedures.

4.7 Following their assessment of the complaint, the Customer Services Team will provide a written response to the service user within a maximum of 15 working days after the receipt of the complaint. This response will set out:

a) Cafcass' understanding of the service user's complaint and his/her desired remedy; and

b) the outcome of Cafcass' assessment of the complaint and an explanation of how the outcome has been arrived at, including any steps Cafcass have taken/will be taking to put things right.

4.8 The service user will also be informed that he or she has the right, through an MP, to refer the complaint to the PHSO if dissatisfied with our complaint response. All complaints and complaint responses will be forwarded to the manager of the practitioner to whom the complaint relates. Learning from all complaints received will be shared by the Customer Service Team with relevant operational managers, to enable improvements to be made.

4.9 In exceptional cases, it may take longer than 15 working days to obtain the evidence necessary to resolve the complaint. In these cases, a partial response will be provided to the service user within 15 working days and a final response addressing the outstanding issues will be provided once the necessary evidence is received by the Customer Services Team.