

Complaints policy

What is the purpose of this policy?

This policy applies to all Cafcass staff and associates but is primarily used by the Complaints and Correspondence team. It is for adults who have received a service from Cafcass or have been directly affected by the way we have carried out our work. It sets out how we will assess and respond to complaints from adults about Cafcass' work with them. We have a separate policy for children's complaints.¹

Our aims are to:

- Provide an appropriate and timely resolution to complaints.
- Promote a positive learning culture where complaints are welcomed as a way of driving improvements to the way we work with children and families.
- Uphold our Together values of: always looking for strengths and risks; believing in respectful relationships; clear and reasoned decision making; holding children and families at the heart of our work; and wanting to know more about families and what is important to them.

Why is this important for children?

We want children to have an exceptional experience of our work. It is important that we work together with children and families to understand how they experience our service, including when things have gone wrong, and that we shape our services to meet their needs. Our approach should remove barriers to children and families sharing concerns with us, provide a remedy where appropriate, and demonstrate what we have learnt and changed as a result.

Principles

- Raising a complaint with Cafcass will not prejudice the outcome of family court proceedings or the way we work with a family.
- Everyone at Cafcass will listen to concerns in a sensitive and empathetic way and aim to provide swift resolution when people have identified things we can put right quickly. This includes providing a clear explanation or answer to concerns. Many things can be put right at the first instance by the person or team already working with the individual.
- We recognise the Parliamentary and Health Service Ombudsman's definition of a complaint as an expression of dissatisfaction – either spoken or written – that requires a response. This is different to feedback, which is an opinion, whether invited or spontaneous, that can be positive, negative or neutral and does not require a response.² Cafcass has a separate process for giving feedback, set out in our Feedback Strategy.³
- Our Complaints and Correspondence function is independent of our frontline social work teams. It exists to listen to children and families, put things right, and identify learning for Cafcass and the wider family justice system.

¹ <https://www.cafcass.gov.uk/young-people/feedback-and-complaints-from-children-and-young-people/>

² Parliamentary and Health Service Ombudsman UK Central Government Complaint Standards, <https://www.ombudsman.org.uk/organisations-we-investigate/uk-central-government-complaint-standards/uk-central-government-complaint-standards-summary-expectations>

³ Cafcass Feedback Strategy, <https://www.cafcass.gov.uk/contact-us/feedback-complaints-adults>

1. Everyday conversations

- 1.1 We encourage families to raise any concerns as soon as they arise, with the person or team they are working with, and we expect most matters can be addressed through these everyday conversations without the need for a person to make a complaint. This can include things like:
- A request for advice or an action, such as a request for a change of Cafcass officer.
 - A need for an explanation to resolve confusion about what is happening or to clarify a position or decision.
 - A concern about an error that may have been made.
- 1.2 If we receive a complaint that is about something we cannot look into within our complaints process, we may share it with the relevant local team for their information or action, and will explain that we have done this.

2. When to raise a complaint

- 2.1 We know that family court proceedings can be difficult and that it can take some time before people are ready to consider whether they want to raise a complaint about the quality of service they received. We encourage families to raise complaints as soon as they feel something has gone wrong and, wherever possible, while the court proceedings are ongoing. This is so that any relevant issues can be addressed within the proceedings.
- 2.2 Once the court proceedings have finished, we will be limited in the actions we can take and the response we can provide. We will still consider complaints received after the end of proceedings and whether we need to make changes to our approach to improve our service in future.

3. How to raise a complaint

- 3.1 Any person can make a complaint if they have received or are receiving a service from Cafcass, or if they are or have been directly affected by the way we carried out our work. Concerns raised by another professional are recorded and responded to by local operational teams – rather than our Complaints and Correspondence function – as part of Cafcass’ established routes of relationship management.
- 3.2 People can choose how to contact us to make a complaint. Examples include in person, by phone, letter, email or via our website ‘contact us’ form.⁴ We will take account of people’s communication preferences in our work. The Parliamentary and Health Service Ombudsman has created some tips for making a complaint about a government body.⁵
- 3.3 Complaints and correspondence addressed to our Chief Executive or Board will be routed through to our Complaints and Correspondence function. The Chief Executive and Board members do not respond to individual complaints. They receive regular

⁴ <https://www.cafcass.gov.uk/contact-us/>

⁵ <https://www.ombudsman.org.uk/making-complaint/before-you-come-to-us/complain-change/tips-making-complaint-about-uk-government-service>

reports identifying themes in complaints, learning identified, and what has happened as a result.

- 3.4 Where someone does not want to, or cannot, speak to us about their complaint, they can ask a representative to raise the complaint on their behalf. There is no restriction on who may represent them. However, we will ask to speak with the individual where possible and we will direct our response to them. This is because court rules prevent us from sharing information about court proceedings to people outside of the proceedings.
- 3.5 If at any time we see that a representative is not acting in the best interests of the person raising the complaint, we will stop our consideration of the complaint. If we do this, we will share our reasons with the representative in writing and will signpost them to the Parliamentary and Health Service Ombudsman if they are unhappy with our decision.
- 3.6 We will not tolerate abusive or threatening behaviour and will ask that any such complaints are resubmitted. We may refuse to accept complaints from those who are repeatedly abusive or threatening, in line with our guidance on managing unacceptable behaviour, or those who repeatedly contact us.

Things our complaints team can look at

- 3.7 We can look into complaints where someone thinks we have:
- **Made administrative mistakes** such as: taking longer than we said we would to do something; failing to attend a meeting or court hearing; or contributing to delay within proceedings
 - **Not captured factual information** accurately in documentation or reports to court, such as a name or date of birth.
 - **Behaved in an unprofessional way** such as being rude or disrespectful, or not responding.
 - **Not followed our policies** in the way we have worked with a family, or how we have managed our work⁶

Things our complaints team cannot look at

- 3.8 We cannot look into complaints that are:
- **Challenges to our assessments or recommendations to court.** We undertake assessments as directed by the court and, ultimately, our reports are written for the court. We know that families will not always agree with our assessments or the recommendations we make. Where this happens, it is important that the court is aware of any disagreements with the content of a Cafcass report. This includes concerns about bias, which are generally issues for the court, and concerns that the report, including its analysis and recommendations, doesn't accurately reflect a situation or doesn't capture all relevant information. We recognise that it can be difficult for families to challenge Cafcass reports within court proceedings, especially where they are representing themselves. Where a complaint is made about our

⁶ <https://www.cafcass.gov.uk/about-cafcass/policies/cafcass-policies/>

assessment or recommendations we will provide information about how to challenge this appropriately.

- **Challenges to decisions made within the court proceedings**, including judicial decisions and court orders. If someone thinks a judge's decision was incorrect they may wish to seek legal advice on the options available. Our website has a page of resources for families which includes sources of legal information and advice.⁷
- **Complaints about other professionals** such as judges, social workers employed by the local authority, solicitors, or experts appointed by the family court. If a complaint is made about another professional, we will provide information about the appropriate route for this.

4. How we respond to complaints

- 4.1 We will acknowledge complaints within two working days of receipt. We will aim to understand what the issues are and what, if anything, needs to happen as a result. We will assess whether the issues raised are things we can respond to, and what sort of response is needed. Every complaint will be allocated to a member of our complaints and correspondence team who will be responsible for keeping the complainant updated with what we are doing. We will provide a clear outline of what we will look into and respond to, and a timeframe for when we expect to do this. If we cannot look at the issues raised, we will explain why this is and suggest other options.
- 4.2 In reviewing the complaint, we will assess whether it is suitable for early resolution, where a response will be provided within one week, or whether an investigation is needed, which can take up to 20 working days.
- 4.3 We always provide an opportunity to speak directly to the person resolving the complaint, whether this is as an early resolution or an investigation.
- 4.4 If we do not hear back from someone as part of our work to understand and respond to their complaint, we may decide to tell the person that we will close their complaint and take no further action.
- 4.5 We will always give the option of a written response to the complaint. Investigation outcomes will always be provided in writing.
- 4.6 Reasonable adjustments are made for people with disabilities or those who otherwise need help in submitting their complaint. This can include receiving correspondence from a representative nominated to raise a complaint on the person's behalf.

Focus on early resolution

- 4.7 When the person allocated to the complaint believes that an early resolution may be possible, they are able to take action to address and resolve the issues raised and put things right. This may mean giving a quick explanation or apology themselves or making sure a colleague who is more informed of the issues does. They will resolve complaints by phone and in writing.

⁷ <https://www.cafcass.gov.uk/grown-ups/parents-and-carers/resources-parents-carers/>

- 4.8 The complainant will be kept updated until we have concluded our work, aiming to do this within one week. We will capture a summary of the complaint and how it has been resolved to make sure we build up a detailed picture of how people experience our services. We will use this data to help us improve our services for other families.
- 4.9 If the person raising the complaint is not happy with our resolution, we will explain how they can progress their concerns by referring their complaint to the Parliamentary and Health Service Ombudsman, via an MP.

Investigation: a closer look into the complaint

- 4.10 We recognise that not all complaints can be resolved quickly and in some instances we will require a longer period of time to carry out a closer look into the issues to determine what happened and what should have happened. This investigation process will take longer than our early resolution approach and we will discuss timeframes with the complainant if we think an investigation is needed. Generally, our target would be to complete an investigation within 20 working days.
- 4.11 The person investigating the complaint will ask to speak with the person complaining to make sure they fully understand the key issues to be looked at, how the person has been affected, and the outcomes they seek from the investigation. Once this has happened, we would not usually accept any additional issues raised by the complainant within the scope of the investigation. They can also signpost them to any available help, support and advice services at an early stage, and agree a timescale for investigating the complaint and how best to keep the person informed throughout.
- 4.12 An investigation will usually involve us speaking with relevant members of staff and looking at any evidence that is proportionate and necessary to address the issues raised. They will reference relevant legislation, standards, policies and guidance to clearly identify if something has gone wrong.

5.0 Putting things right and learning from complaints

- 5.1 Where something has gone wrong, the person resolving the complaint will work with the complainant to understand the impact of this. Where possible, they will put that right. If it is not possible to put the matter right they will consider what action can be taken to remedy the impact.
- 5.2 Remedies can include:
- An acknowledgement, explanation or meaningful apology for the error
 - Recognising the impact of any errors, which may include compensation
 - Amending Cafcass records or clarifying things with court
 - Changing policies or practices to prevent the same mistake(s) happening again and to improve things for other children and families
- 5.3 We expect all staff to identify what learning can be taken from complaints, whether mistakes are found or not. In some circumstances, this can include offering a listen and learn conversation to those who want us to better understand and reflect on their experience.
- 5.4 Our senior leaders take an active interest and involvement in all sources of feedback and complaints, identifying what insight and learning will help improve our services

for other families. Our senior leadership team and Board receive regular reports on the performance of our complaints service, including the main themes identified in complaints, learning identified, and what has happened as a result. An annual summary of this learning is published in our Annual Report and Accounts.

6.0 Next steps for the complaint

- 6.1 We will not reinvestigate repeated complaints about the same issue where we are satisfied that we have responded appropriately and have done all we can to resolve matters.
- 6.2 If the complainant is not satisfied with our response to their concern, they can ask an MP to refer the complaint to the Parliamentary and Health Service Ombudsman.⁸ The Ombudsman may be able to investigate how we have responded to the complaint.

Policy owner	Head of Complaints and Correspondence
Approved by	Corporate Management Team
Approved on	4 July 2023
Equality impact analysis	August 2022
Implemented	4 August 2023
Version	4.1 – policy review. Paragraphs 1.2 and 4.4 added, and clarifications made to paragraphs 3.3, 3.8, and 4.11.
Amended	25 November 2024
Next review	November 2027

⁸ <https://www.ombudsman.org.uk/>

Flowchart for complaints

Everyday conversations and business as usual: the local team should always be the first port of call for any concerns. Many things can be clarified or put right at the first instance, by those already working with the family.



Where matters cannot be resolved locally and fall within the scope of the complaints policy, the matter will come into **the complaints function**.



Receipt and allocation (acknowledged within two working days) – speaking with the individual where possible – to determine which pathway the complaint takes:



Early resolution can include

- Something that can be quickly clarified or put right
- Factual issues that can be verified from the child's record e.g. a missed hearing
- An error that can be corrected quickly

- Aim to resolve within a week
- One point of contact for complainant, who makes all relevant enquiries (e.g. local team) to provide a resolution.



Investigation can include

- Complaints requiring more engagement with local teams e.g. conduct
- More complex complaints requiring consideration of longer documents or evidence

- A target of 20 working days
- One point of contact for complainant, who keeps them updated throughout
- For complaints requiring more of a deep dive
- May need social work subject matter expert input