



Eva Nagy  
[request-512750-14e438e7@whatdotheyknow.com](mailto:request-512750-14e438e7@whatdotheyknow.com)

**Your ref: CAF 18-100**  
**Our ref: Gov/CAF 18-100**

Cafcass National Office  
3rd Floor  
21 Bloomsbury Street  
London  
WC1B 3HF

Tel 0300 456 4000

10 October 2018

Dear Ms Nagy,

**Re: Freedom of Information Request**

Thank you for your email of 20 September 2018. You made the following requests for information:

You stated in your response:

"The Cafcass Complaints and Compliments confirms that if there are recordings made covertly they would not be considered as part of the complaints investigation.

As stated in the Operating Framework in relation to covert recordings, 'there is a possibility that recordings may not be authentic, accurate or complete'. Cafcass would be unable to verify the authenticity of a covert recording submitted as evidence as part of a complaint.

Cafcass encourages complaints to be made in writing, for clarity and this includes any evidence submitted. Complaints about an FCA's professional opinion and judgement are sent to the court by Cafcass and the court can take this into account in the decisions it makes in the proceedings."

So in a nutshell: You would not consider recordings made covertly as part of the complaints investigation as Cafcass would be unable to verify whether it is authentic, accurate or complete. You also encourage complaints to be made in writing.

My questions are as follows:

1. How can you verify whether any written statements, quotes, possibly accusation that the complainant makes about the FCA are authentic, accurate or complete?

As stated in our [Complaints and Compliments Procedure](#) for all complaints, the Customer Service Team will contact the complainant via telephone to find out full details of the complaint from the complainant. The Customer Service Team will also, wherever possible,

Edward Timpson CBE Chair  
Anthony Douglas CBE Chief Executive





make contact with the Cafcass officer who is the focus of the complaint, to obtain a full understanding of the issues.

2. When you receive a complaint about your FCA's professional conduct or their "fitness to practice" (they have the skills, knowledge and character to practise their profession safely and effectively) what evidence do you accept worthy of investigation?

As stated in our [Complaints and Compliments Procedure](#), evidence submitted by a complainant is considered by the Customer Service Team where it is proportionate and necessary to address the issues raised but there is no specific criteria for evidence that will be considered. This will include complaints about an FCA's professional conduct.

As stated in our [Complaints and Compliments Procedure](#) for all complaints, the Customer Service Team will also contact the complainant via telephone to find out full details of the complaint from the complainant. This will include complaints about an FCA's professional conduct.

3. How do you ensure that a service users complaint regarding a FCA's professional conduct is taken seriously? Subjective and discriminative behaviour or remarks of the CFA can not be checked in the case file or history as they would not necessary be there i.e. it might have happened during a face to face interview. This process therefore leaves the service user incredibly vulnerable as the procedure would come down to "he said-she said" with Cafcass trusting and believing its own staff enabling it to close down the investigation therefore also abdicating its own accountability. How do you make sure this does not happen?

For all complaints, the Customer Service Team will contact the complainant via telephone to find out full details of the complaint and the steps the complainant wishes Cafcass to take to put things right. The Customer Service Team will also, wherever possible, make contact with the Cafcass officer who is the focus of the complaint, to obtain a full understanding of the issues, and will consider relevant information on the case file such as court reports and any contact log recordings, and may seek additional evidence such as court transcripts.

Complaints about the performance or conduct of a Cafcass worker may be referred to the worker's line manager for information or action. Where there are serious concerns about the worker's conduct these may be referred to the relevant senior manager to consider whether informal or formal action is required under Cafcass' [Employee Relation Policy](#). These complaints may also be drawn to the court's attention where Cafcass considers that they are relevant to the proceedings.

4. How many complaints did you receive in the past year about any FCA's professional conduct or their "fitness to practice"? i.e. discrimination, subjective comments etc.

Edward Timpson CBE Chair  
Anthony Douglas CBE Chief Executive



Complaint categories recorded centrally on our system are broad and do not therefore directly answer this specific question. The categories which are held are:

Complaint category
1. Friendly, professional and respectful service
2. Fairness of service
3. Accessibility of service
4. Working in children's best interests
5. Provision of clear information
6. Use of plain English
7. Translation of information
8. Listening to feedback
9. Clear complaints process
10. Solving problems quickly

In 2017-18, Cafcass received 989 complaints in relation to complaint category 1 'Friendly, professional and respectful service'.

#### 5. How many of them did you uphold?

Cafcass does not hold this information. Complaint outcomes (whether upheld, 'partially upheld' or 'not upheld') are not recorded due to the change in our complaints procedure in February 2012: the number of stages was reduced from three to one and the classification of complaints as 'upheld'/'partially upheld'/'not upheld' was ended. The focus of the complaints system is now on putting things right for service users while their case is ongoing so that any necessary remedial action can be taken.

#### 6. Also during an investigation what does it mean that your "FCA maintained the 'golden thread' in respect of risk issues"? What is the "golden thread"? Do you have a certain procedure to follow regarding certain risk factors?

The concept of a 'golden thread' at Cafcass is used to describe the structured assessment of FCA's work, analysis and recommendations. It is a clear established connection between an FCA's initial lines of enquiry, their findings and analysis and their recommendations.

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.

The role of Cafcass is to safeguard and promote the welfare of children and we have a [Child Protection Policy](#) that sets out how we will respond to allegations of significant harm.

#### 7. If so, what is the 'golden thread' for DV allegations?

As stated on our [website](#), the Domestic Abuse Practice Pathway 'works on the idea of a 'golden thread', it supports practitioners to establish a clear connection between their initial lines of enquiry and the final order. It also helps draw out the impact of domestic abuse on children so practitioners can evidence this confidently."

The concept of a 'golden thread' at Cafcass is used to describe the structured assessment of FCA's work, analysis and recommendations. It is a clear established connection between an FCA's initial lines of enquiry, their findings and analysis and their recommendations.

#### 8. And what is 'golden thread' for Parental Alienation allegations?

Please see the answer to question 6.

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 (<https://ico.org.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](mailto:casework@ico.org.uk)

Yours sincerely,

Governance Team  
Cafcass

[Governance@cafcass.gov.uk](mailto:Governance@cafcass.gov.uk)

Edward Timpson CBE Chair  
Anthony Douglas CBE Chief Executive





Edward Timpson CBE Chair  
Anthony Douglas CBE Chief Executive



Cafcass, the Children and Family Court Advisory and Support Service, is a non-departmental body of the Ministry of Justice  
Cafcass National Office, 3<sup>rd</sup> Floor, 21 Bloomsbury Street, London, WC1B 3HF