



Cafcass Open Board Meeting

22 January 2020



Strategic Priorities in Delivery

Introduction from Jacky Tiotto, Chief Executive Officer

Welcome to our open board



□ Two discussion sessions now:

1. Our **strategic plan and delivery priorities, 2020 -2023**

2. **Managing our private law work** – planning for April 2020

□ Before we start – some context about the material we are sharing today

Sustaining effectiveness and improving: the basics



- ✓ **Cafcass is an effective organisation** offering a good or better service to children and their families
- ✓ Sustaining effectiveness and continuing to improve cannot be assumed – it takes another phase and a different focus
- ✓ Research suggests that there are some important aspects to consider in this next phase which include:
 - clear vision – obvious in our work with values** that are shared
 - a **willingness to learn from mistakes and error** – not defensive but instead **understanding why not who**
 - focused on outcomes** for staff, families and children - are we making a difference?
 - sufficient resource** to enable practitioners and the business to flourish – not compromising caseloads or workflows
 - clear practice framework** – strengths based, relationship focused and **influenced by people doing the work**
 - seeking out feedback from families and children – changing in response**

Our strategic plan



focuses on some of those basics including:

- ❑ a **practice improvement** programme **led by frontline practitioners and managers**
- ❑ a new focus on **showing our ‘reasoning’ in decisions** more clearly
- ❑ thinking about **family strengths and restorative practice**
- ❑ being **informed by feedback from families and children - doing something in response – our family forum**
- ❑ **letting children know the outcome of the proceedings** that are about their futures
- ❑ **learning from practice that hasn’t been good enough** – including complaints (and reviewing that process)
- ❑ **valuing, developing and learning from our people** – investing in our staff
- ❑ **managing demand** through a range of actions – some short term and some which will take longer
- ❑ **using the data we have to influence better conversations** with local authorities, the judiciary and policymakers
- ❑ **system leadership** that works to make much needed reform happen

Managing our private law work



- ❑ our challenge is month on month **growing demand** – 8% in last year and 30% since 2015
- ❑ activity associated with many cases is taking longer and is more complex – so **volume and additional work**
- ❑ we **cannot allocate all work as soon as it comes in** – this creates delay and may increase the risks for children living in challenging family circumstances – average case duration is running at 28 weeks – a long time for the children
- ❑ we are sharing because the **demand is not matched by adequate resource** – a shared risk to all of us in the family justice system
- ❑ the content we are sharing with you sets out the **short term actions that we will deploy from April 2020** if demand remains as it is now and there is no change to our resource base
- ❑ we would like to hear **any reactions or ideas you have** to our short, medium and longer term plans to manage



Strategic Priorities in Delivery

Teresa Williams, Director of Strategy



Our Strategy:

2019 - 2023

9 delivery priorities to
sustain effectiveness &
stretch for improvement

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Three strategic priorities.....



.....were published in our Strategy 2019-2023

PRACTICE



Deliver the best quality social work and support services in each case, to improve children's lives wherever they live

PEOPLE



Give our staff the support, resources and working environment to sustain excellence in challenging times

PARTNERS



Share our knowledge, learn from others and use our influence to improve the FJS and family policy

Nine delivery priorities.....



.....have been developed with staff input and engagement at our regional roadshows. These combine existing work with new ambitions into a single programme of work

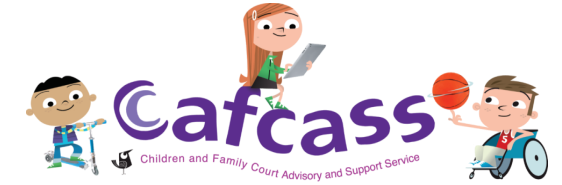
To stretch our practice we will improve the way we are:

- 1. PRACTICE LED:** involve our experienced practitioners in sustained quality of practice improvement
- 2. FEEDBACK INFORMED:** practice improvements influenced by families and children
- 3. LEARN AND IMPROVE:** demonstrate organisational learning

To develop our people we will build:

- 4. A WORKFORCE STRATEGY** to prepare us for the future by valuing, developing, retaining and learning from all our people
- 5. An ENABLING WORKING ENVIRONMENT** which provides easy access to the information, systems and resources our people need to do their best work
- 6. Clear LINES OF SIGHT** so that all leaders are visible, accountable and inclusive in overseeing our ambitious change programme

Nine delivery priorities (cont'd)



We will actively influence our partners to:

7. MANAGE DEMAND: by working together to tackle immediate pressures and agree immediate priorities that best help children and families get the right support at the right time.

8: promote collective **ACCOUNTABILITY FOR OUTCOMES:** by using our data, and improving what we know, to so that we can individually and collectively contribute to better lives for children wherever they live

9. Strengthen **LEADERSHIP FOR REFORM:** by making the case for the longer term reform needed, and leading it in a way that makes it happen

These nine delivery priorities are currently being developed into a series of projects with clear deliverables over the three year period from April 2020 to March 2023. This will be published in the first quarter of 2020/1

Delivery projects



PRACTICE

1. PRACTICE-LED

Transparent & Accountable Decisions, e.g.

- ✓ strong assessment and analysis on all records
- ✓ updated practice model within our operating framework.

Children Act Practice Threshold Review, e.g.

- ✓ baseline practice review against the Act's principles – e.g. no order; living with connected people

Strengths-based Restorative Practice, e.g.

- ✓ updated strengths-based parenting assessments and tools within our Child Impact Assessment Framework and Domestic Abuse Pathway

2. FEEDBACK-INFORMED

Update Quality Assurance & Improvement Framework, e.g.

- ✓ incorporate child, family and partner feedback in our routine case-file audits.

Accessible Case-recording, e.g.

- ✓ Model letters to children to keep them updated
- ✓ Regional training programme to improve consistency

A new Family Forum, e.g.

- ✓ Restorative panel to put things right
- ✓ Wider Forum to improve service development

Work with FJYPB to Improve children's feedback, e.g.

- ✓ explaining outcomes to children,
- ✓ encourage feedback during and after our work with children.

3. LEARN & IMPROVE

Self-evaluation and improvement plan, e.g.

- ✓ Annual self-evaluation
- ✓ Regional performance boards
- ✓ Improvement plan

Approach to learning & change, e.g.

- ✓ Review of complaints framework
- ✓ Annual output summarising learning and action taken.

Delivery Projects



PEOPLE

4. WORKFORCE STRATEGY

Workforce development, e.g.

- ✓ *People plan: recruitment, retention, reward & recognition*
- ✓ *Strengthen HR offer'*

Growing Talent, e.g.

- ✓ *More diverse and inclusive management & leadership pipeline*
- ✓ *Social Work Academy (and equivalent for corporate and business services staff)*

Employment Centre of Excellence, e.g.

- ✓ *Strengthened wellbeing programme*
- ✓ *Benchmarking all our services & functions against industry/sector standards*

5. ENABLING WORKING ENVIRONMENT

Improving access to and use of information, e.g.

- ✓ *Implement Information Commissioner's recommendations*
- ✓ *New information hub and intranet to support knowledge and communication management*

People first working environment, e.g.

- ✓ *IT and case management systems designed around people*
- ✓ *Physical estate supports the needs of all those using it*

6. LINES OF SIGHT

Strong governance and leadership, e.g.

- ✓ *Performance and accountability cycle for leadership teams*
- ✓ *Clear standards for leaders and managers*

Strategy for Success, e.g.

- ✓ *Involve talent from across the organisation in delivery projects*
- ✓ *Success & Impact Framework*



7. MANAGE DEMAND

Thresholds and consistency, e.g.

- ✓ Commissioned services
- ✓ Court gatekeeping
- ✓ Ordering of s.7s and appointment of r16.4 guardians

Cafcass Demand Reduction Programme, e.g.

- ✓ Relieve pressure (private law initially)

HMCTS shared priorities, e.g.

- ✓ Streamline and digitise processes

8. ACCOUNTABLE FOR OUTCOMES

Insight and analysis, e.g.

- ✓ Use data and conversations to understand variation and improve outcomes
- ✓ influence local and national action plans

Learning from and influencing research, e.g.

- ✓ Partnership with Nuffield Family Justice Observatory
- ✓ New Research Advisory Committee

Thought leadership and innovation, e.g.

- ✓ Sharing learning and knowledge across sectors, and international jurisdictions

9. LEADERSHIP OF FAMILY JUSTICE REFORM

Deliver agreed family justice system changes that do not require legislation, e.g.

- ✓ Support delivery of judicial working group recommendations

Enhanced support for local family justice boards, e.g.

- ✓ better connect LFJBs with national work programme

Influence and inform long term system reform, e.g.

- ✓ Options for legislative change

The Family Forum: an example project



Partnership work to scope the Family Forum

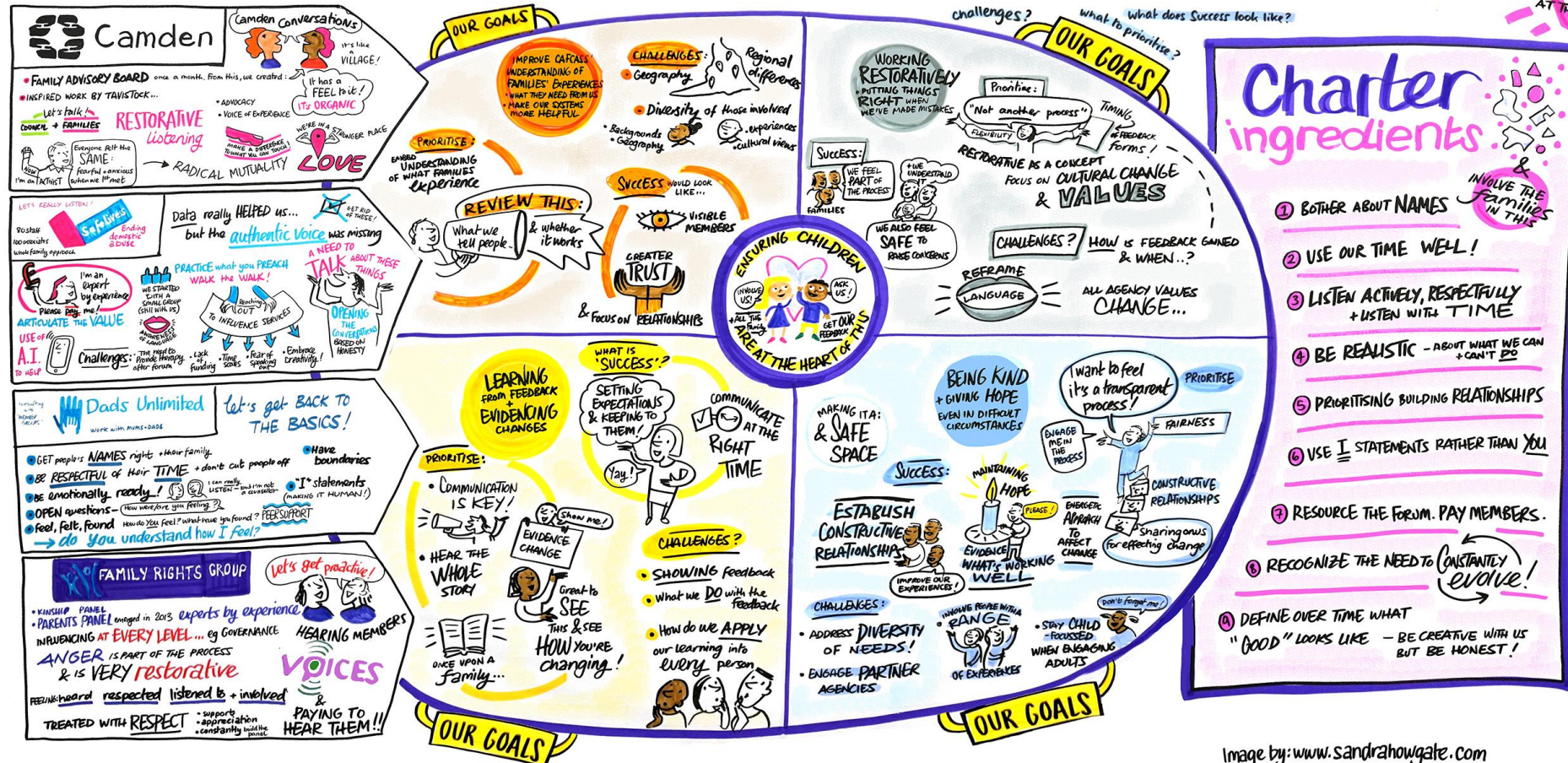


Family Forum Scoping workshop

WEDNESDAY
4th
DECEMBER
2019

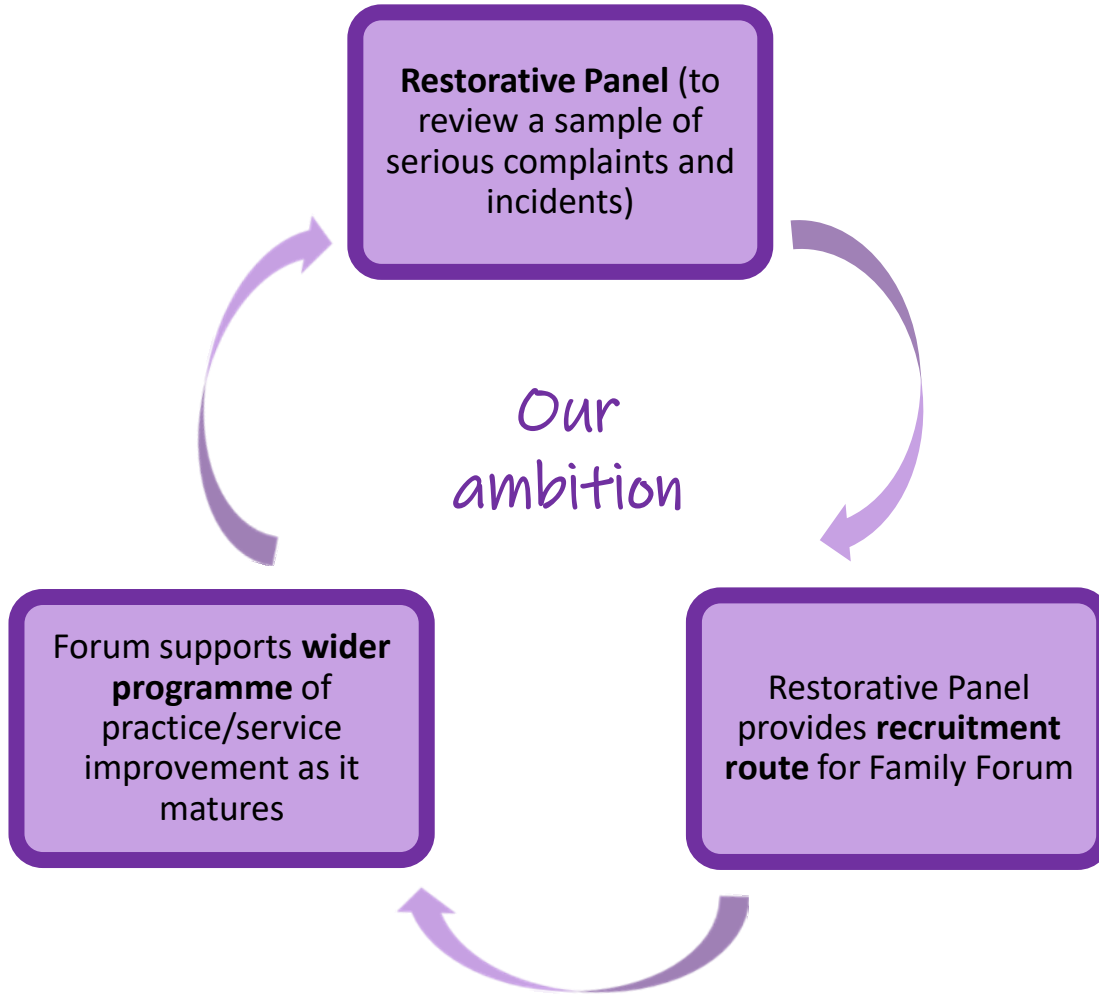
LET'S CONNECT & SEE THE OTHER PERSPECTIVE...

THE VOICE AT THE START AT THE HEART



- ### Charter ingredients & INVOLVE THE FAMILIES IN THIS
- 1 BOTHER ABOUT NAMES
 - 2 USE OUR TIME WELL!
 - 3 LISTEN ACTIVELY, RESPECTFULLY + LISTEN WITH TIME
 - 4 BE REALISTIC - ABOUT WHAT WE CAN + CAN'T DO
 - 5 PRIORITISING BUILDING RELATIONSHIPS
 - 6 USE I STATEMENTS RATHER THAN YOU
 - 7 RESOURCE THE FORUM. PAY MEMBERS.
 - 8 RECOGNIZE THE NEED TO CONSTANTLY evolve!
 - 9 DEFINE OVER TIME WHAT "GOOD" LOOKS LIKE - BE CREATIVE WITH US BUT BE HONEST!

Next steps in progressing the Family Forum



Further partner meeting (March 2020)

- Restorative practice teach-in
- Test & refine Restorative Panel approach with anonymised/historical cases
- Next steps planning

Concluding thoughts



- ❑ This is not about silos: we need to work across our pillars and delivery priorities (e.g. Family Forum)
- ❑ As the biggest employer of social workers, we understand it is all about relationships
 - ❑ World Social Work Day 17 March 2020: Promoting the Importance of Human Relationships
- ❑ It's also about showing our working....in strategy as well as our work with children and families
 - ❑ Sharing our developing thinking so we can learn from and with our partners as we embark on our journey
 - ❑ Reporting transparently about our progress but also our learning
 - ❑ Focusing relentlessly on outcomes
- ❑ There are challenging times ahead, but we are setting off with a good map, team and equipment, and a sense of adventure.

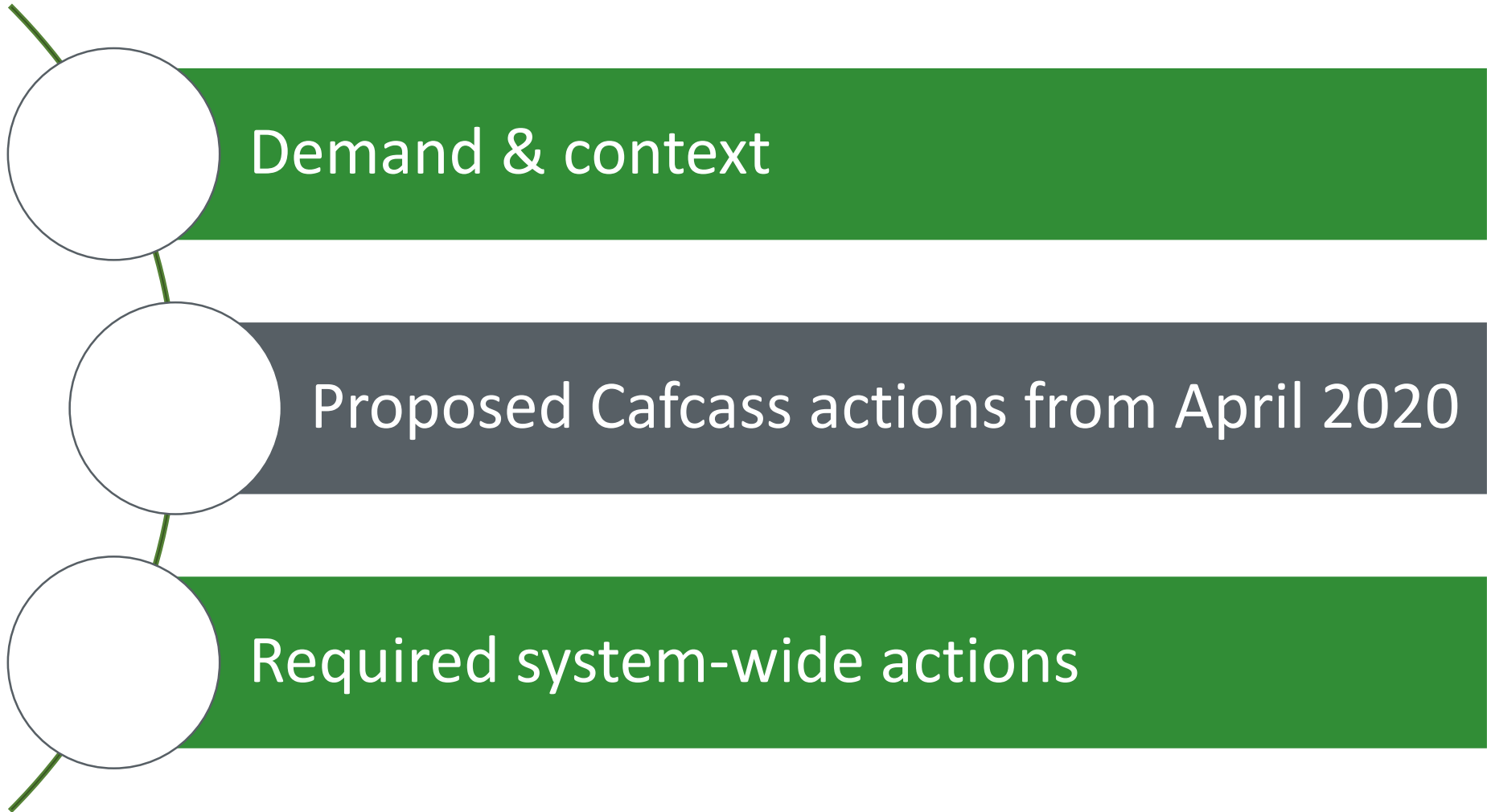
Comments, questions & reactions welcome!



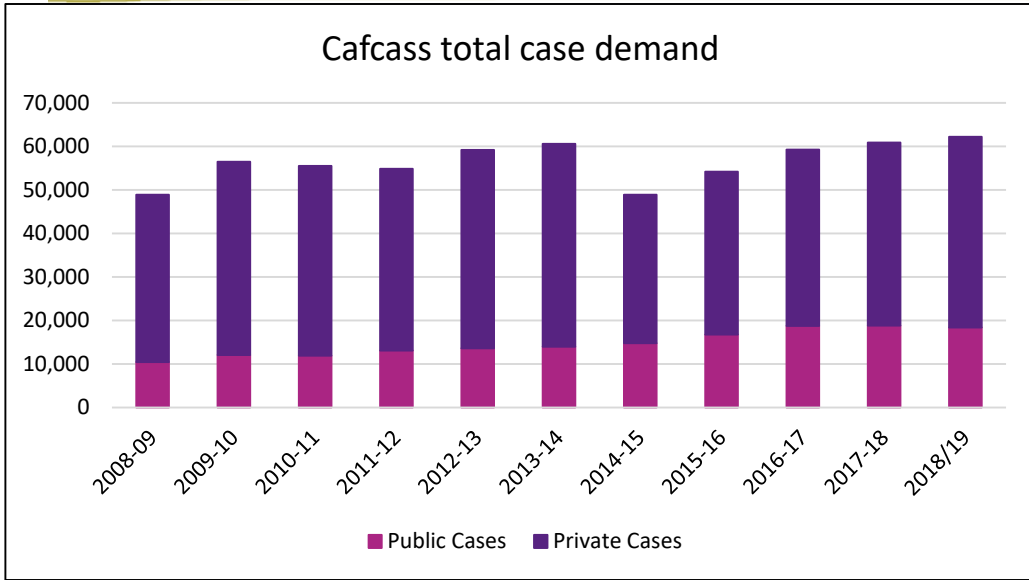
Managing Private Law Demand

Why and how immediate action needs to be taken
by Cafcass and its system partners

Anji Owens, Director of Operational Performance
Rebecca John, Model Office Programme Manager



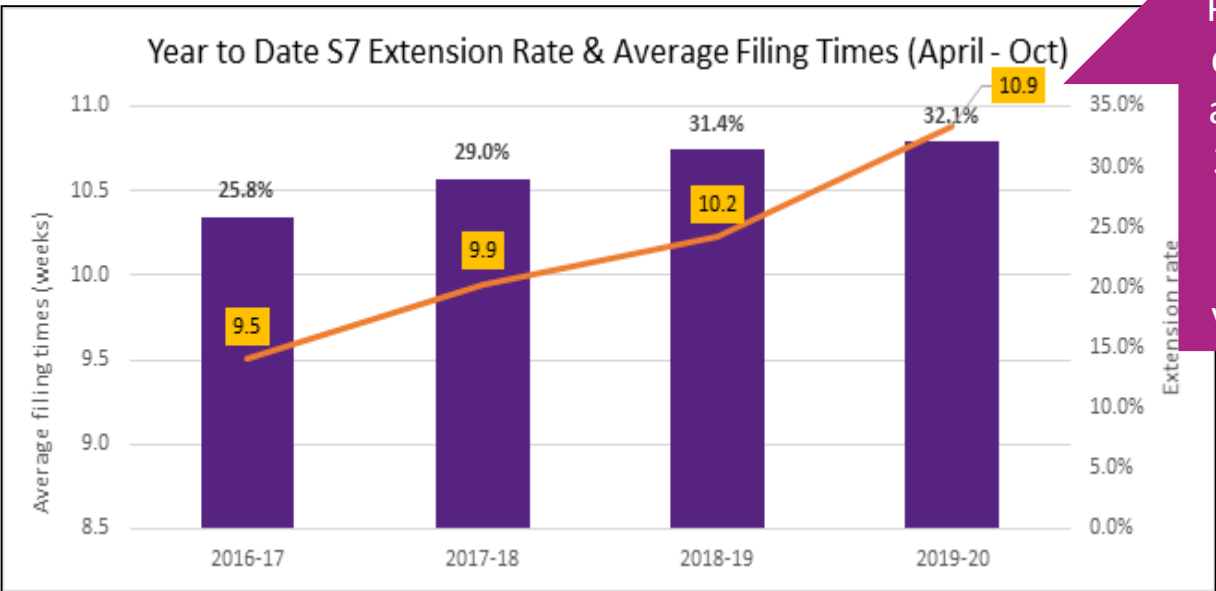
Context for this work: The Challenges



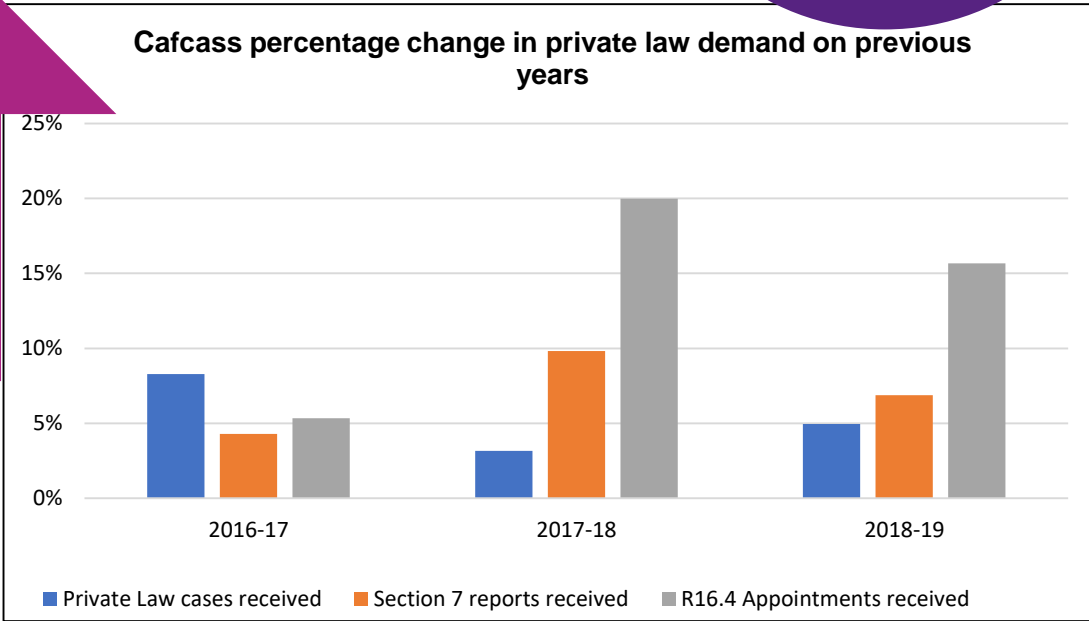
Continued rise in demand, including 8% private law increase in the past 12 months – total demand is now higher than pre-LASPO levels

20% of private law cases with low / no safeguarding risks – is court the appropriate intervention?

Requests for further work: Rule 16.4 appointments have increased by 15% year to date



Public law durations also up to 33 weeks from 30 weeks 2 years ago



Context for this work: The work ordered



Safeguarding letter: This is a letter that a Cafcass Worker will write and send to the Family Court. They will speak to the parties (usually the parents) and ask about the child or young person's safety and any worries that they might have.

Between December 2018 and November 2019, Cafcass filed **40,731 Safeguarding Letters**.

On average, work leading up to the first hearing, including preparing and filing the Safeguarding Letter and attending court, takes **10 hours of an FCAs' time** to complete.

Section 7 report: This report is ordered by the Family Court and makes either Cafcass or the local authority investigate all the circumstances of the family, often including the wishes and feelings of a child or young person and send a report to the court.

Between December 2018 and November 2019, Cafcass filed **20,985 Section 7 reports**.

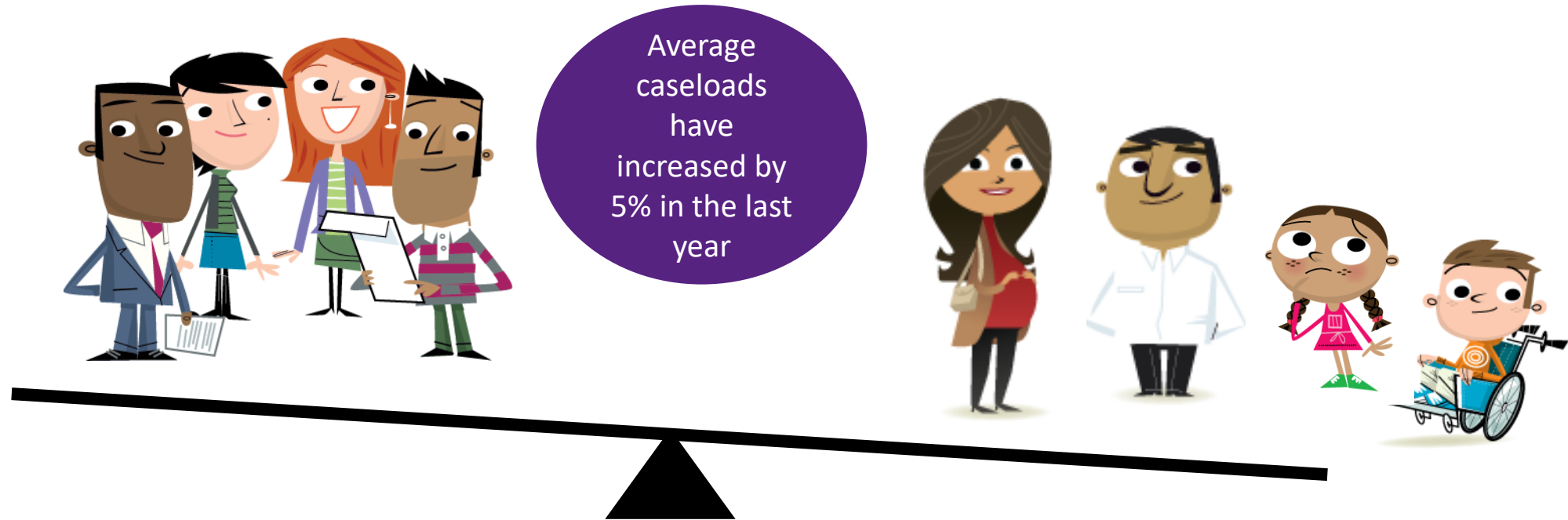
On average, a Section 7 report takes an additional **25 hours of an FCAs' time** to complete.

Rule 16.4 appointment: Sometimes when the difficulties within a family are really complex then the Family Court will ask for a children's guardian to help them. The children's guardian is an independent person who is there to keep the court focused on what is best for the child or young person. They will also appoint a solicitor to act for the young person in court.

Between December 2018 and November 2019, 2,808 Rule 16.4 appointments were made.

On average, a Rule 16.4 appointment takes an additional 55-60 hours of an FCAs' time to complete.

Context for this work: Resources acutely balanced to service demand



Staff goodwill is a critical success factor in times of unprecedented demands for service

Available capacity means a shortfall of 2000-3000 cases that are at risk of timely allocation by March 2021 (reliance on goodwill)

**= up to
4,800
children**

Underlying principles to Cafcass' proposed approach



Resource:

- Cafcass' first and immediate priority is to seek additional resource to meet the gap;
- Further resource is not, however, a long-term solution – but until we can allocate all work without delay, we believe the risks are significant and are shared in the family justice system



Fundamental reform with system partners:

- Fundamental reform is needed to ensure children & families get the right support at the right time;
- Cafcass cannot meet the issue of demand on its own. This plan requires consultation & collaboration with stakeholders.



Action is needed now:

- To serve the unfunded increase in the number of children and families coming to court and the types of issues they are experiencing.
- To manage pressures on Cafcass and the system, across private and public law.



Designed around children and families, evidence-based:

- This plan aims to manage risk around the children and families with whom Cafcass works.
- Both short and longer-term reform needs to be evidence-based.

System-wide leadership

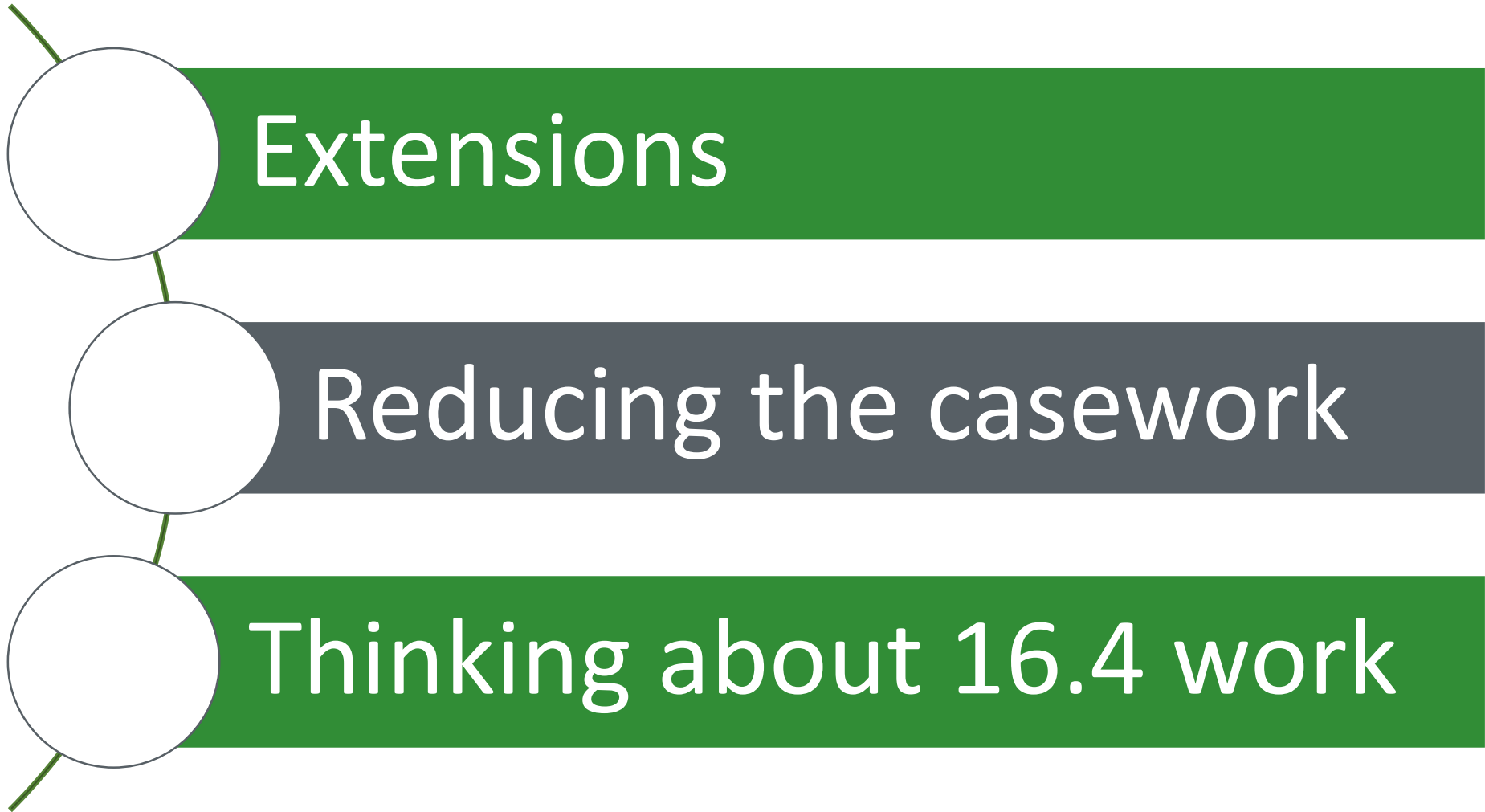
- Initial proposals for reform from the President's Public & Private Law Working Groups;
- Stakeholder Board, supported – we hope – by enhanced capacity for leadership and implementation.

We can't afford to wait

- Many of the proposals will take time to implement. We do not expect them to deliver for 1-3 years;
- Cafcass supports the longer-term solutions but needs shorter-term action.


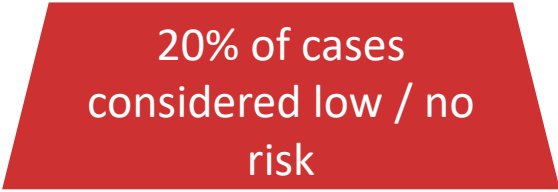
Constrained by legal rules

- Some short-term options are constrained by legal rules, the need to manage risk, and Cafcass' place in the wider system;
- A few options are in Cafcass' direct control, others need support or development with system partners.



Private Law demand reduction plan: Extensions – April 2020

- The **maximum combination of open work & referrals Cafcass can safely manage has already been exceeded** & will rise further.
- For these children, the only available contingencies to manage the work remains with **Cafcass Associates (at cost), by frontline supervisors completing work, or by requesting extensions & delay** across a significantly wider scope of private law work. Delay could be requested e.g.:

<p>Where court timescales for safeguarding letters are not Child Arrangement Programme (CAP) compliant (17 working days to complete the work)</p>	 <p>This applies to around a quarter of cases nationally. This varies locally, e.g. 62% in Truro and 12% in East London.</p>	<p>Case Study:</p> <ul style="list-style-type: none"> • Application sent to Cafcass with only 10 working days (not compliant with the 17 working days required by the Child Arrangement Programme); • Insufficient time puts Cafcass under pressure and can waste the first hearing where safeguarding checks and enquiries cannot be completed.
<p>Where work is not assessed to be a priority alongside other higher-risk work</p>	 <p>20% of cases considered low / no risk</p>	<p>Case Study:</p> <ul style="list-style-type: none"> • Cases with higher risk factors would have to be prioritised over the around 20% with lower risk issues.

- There are **risks of delay for children and families** if their cases take longer to progress through court proceedings. Cafcass will however **ALWAYS** consider impact on a case-by-case basis.
- **There may be reputational risks** with the courts from challenging decisions or additional work caused by delays.

Shorter safeguarding letters

Already implemented & positively received.
Used in 5% of cases in December.
Also recently implemented for returning cases.

No safeguarding risks – letter states this with minimal other info needed.

Returning cases – the letter refers to the previous work completed.

A Section 7 report is necessary – a full report will be provided at that stage.

Protocols for closer case management

Examples already exist locally.
Local negotiation necessary, with national backing.

Enable Cafcass to be discharged if we consider we are not adding value.

Timetable reports to be filed just before hearings, to reduce interim work.

Cafcass only to attend Section 7 hearings if attendance is confirmed 2 days before.

Private Law demand reduction plan: Reducing Rule 16.4 appointments – April 2020

Rule 16.4 Practice Direction sets out when a child should be joined to proceedings and a guardian appointed.



Rule 16.4 appointments have increased by 15.2% year to date

So far this financial year, Cafcass received an average of 250 Rule 16.4s a month

The Practice Direction states the court should enquire with Cafcass before appointing a guardian. This should be enforced.

For example when the court orders a local authority assessment & appoints a guardian – Cafcass can challenge the unnecessary duplication.

If Cafcass cannot provide a Guardian, the Practice Direction states another suitable person can be appointed.

There is a precedent for this in London in 2009/10 when Cafcass stopped allocating guardians in response to significant backlogs of work. At that time, we worked with the court and the National Youth Advocacy Service (NYAS), who were able to take on the work.

S.7 work takes on average **25 hours** to complete



Following S.7, a **Rule 16.4** appointment adds between **55-60** hours for our FCAs



2019/20 16.4 year end demand is likely to require around **100 FCAs** to fully complete those cases

Case Study



- 2 children aged 5 & 7, an intractable dispute over child arrangements. Concerns about harmful conflict and physical abuse.
- Local Authority assessment does not deal with all allegations and makes a potentially unsafe recommendation. The court would like to order psychological assessment.
- A guardian is appointed to secure funding for an expert assessment
- The matter could have been managed by the local authority completing a full assessment or by Cafcass completing a S7.

Not all Rule 16.4 appointments would be challenged, but we would allocate only those that were urgent and high risk, determined on a case-by-case basis.

Impact for children and families: Potential delay in waiting for another suitable person to be appointed.

Risks include: Children in these cases are also some of the most vulnerable; damage to our reputation; additional work for managers in challenging orders; potential increased ordering of Section 7 reports if a Rule 16.4 is likely to be resisted.

Potential impact of proposals

Extensions & delays do not reduce the demand on our FCAs but do enable them to manage the work over a longer time period.

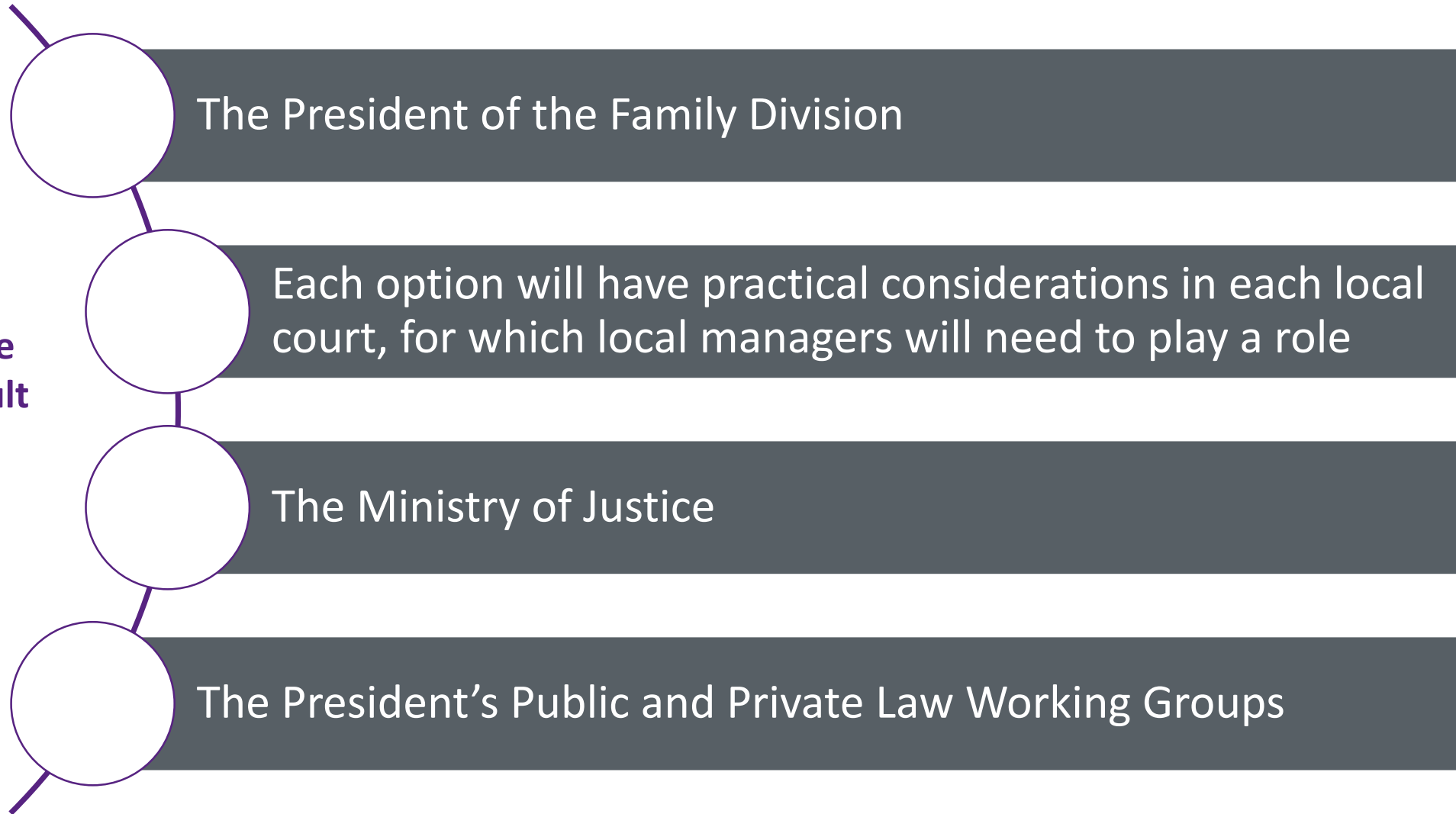
Additional resource is required to reduce reliance on goodwill, duty allocation and to meet demand.

Around 100 FCAs are required to fully meet the ordering of 16.4 cases. If Cafcass was required to only complete half of these cases, this would minimise the 'goodwill gap', and would be the equivalent of creating another small service area of frontline resource to meet case demand.

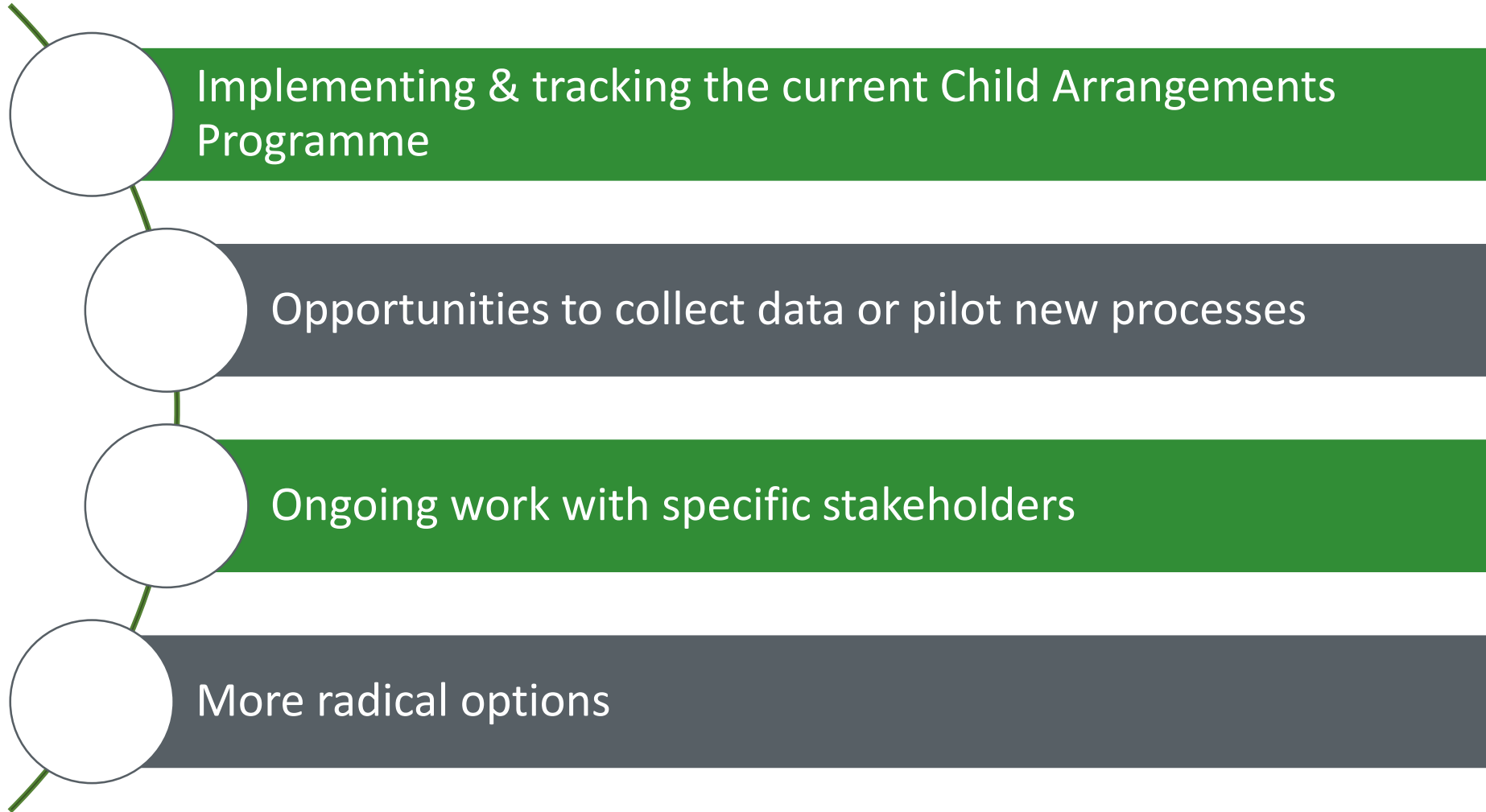
Consistent Cafcass and MOJ forecasts have been for public law demand to remain at a level. However, an unpredicted event, such as a serious incident or significant judgment from the courts, could increase public law demand again. This remains a further significant risk to overall demand forecasts.

Next steps on extensions, reducing work within cases, and on Rule 16.4 appointments

**Continue
to consult
with...**



And these are the things we are going to focus on in the medium and longer term



Robust gatekeeping is vital to ensure that the appropriate steps have been taken before cases are scheduled for a hearing, and that the orders made from that point are appropriate:

- Consistent requirement that applicants cannot access court without first attending a **Mediation Information Assessment Meeting** unless they are appropriately exempt;
 - Obtaining **missing information**.

Appropriate **ordering of further work** and particularly, **only necessary ordering of addendum reports**.

Next steps:

Encourage HMCTS & judicial consistency through a **joint statement from key partners**.

Track implementation through enhanced **compliance reporting**.



How to improve consistency:

1. Set out proposed thresholds for different levels of intervention to share & workshop with local judiciary to encourage more consistent & appropriate ordering of further work. This would feed into new data report to show areas how they compare to others.
2. Feed wider pilots & judicial initiatives into the data report to understand comparable impacts, for example:

Devon Pilot:

- ☺ Cafcass identifies cases which are **likely to settle** with the help of an **FCA**, which are listed in a block before a DJ and Legal Adviser.
- ☺ The FCA is available for **brief work before the hearing to help families**.
- ☺ We want to add similar initiatives to the a data report to understand their impact.



Over the past 12 months, the number of open Rule 16.4 cases per 10,000 children is **3.9** in Carlisle and **0.6** in Brighton.

Over the past 12 months, Coventry Courts have ordered a S7 report in **42%** of private law cases, and Devon courts have ordered a S7 report in **21%** of cases.



Local innovation, led by HMCTS in Watford court – January 2020 data collection



- An existing attempt by judiciary in Watford to manage demand where first hearings were being listed for 17 weeks.
- Broadly follows the Private Law Working Group's recommendations for case tracks.
- An opportunity for Cafcass to collect data on the proportion of cases which could be dealt with differently in future.

The court directs cases into one of three tracks

Cases with clear risks – Cafcass safeguarding informs a second court gatekeeping meeting to direct to a hearing or further assessment

Cases containing some risk but opportunity for dispute resolution – go to hearing with Cafcass safeguarding

Cases with specific issues or for enforcement of previous orders – no Cafcass safeguarding

- **Potential benefits:** avoids unnecessary safeguarding and hearings; reduce delays where further assessment needed; fewer cases at first hearing.
- Data will be collected for three months from January to March.
- If benefits are delivered, this could inform future full process design with partners.

Maximise use of social work time – Process exploration from January 2020

Cases received, created and safeguarding checks commissioned before allocation to an FCA

Safeguarding checks chased, received & logged



Arrange parties telephone interview. Call in advance to collect & log standard info, & to help prep & manage expectations.

Administering cases while they attend Commissioned Services

Benefits: Explore how to better focus the use of social work time through new technologies or upskilling of business services colleagues; enhance engagement with families; help families better prepare for court or access alternative services.

Next steps: Full process mapping with colleagues in January. Piloting using an iterative approach. To enable quantification of gains.

Local authorities

- ☺ Safeguarding checks come back in a variety of formats.
- ☺ In some areas local authorities do not understand Cafcass' role & obtaining info requires high resource input.
- ☺ **Action to resolve this is being revisited, including establishing a national protocol with the Association of Directors of Children's Services, to set expectations.**

HMCTS:

Awaited HMCTS private law reform should increase the benefits realised by Cafcass' own innovation. Case progression is currently slowed by paper based, local-court processes. This includes delayed receipt of court orders; duplication; application backlogs and unplanned influxes of cases from courts.

HMCTS digitisation of private law is due to commence from September 2020. Reform will free up time, resources and minimise error through:

1. Digitised & automated flow of work;
2. Integration with Cafcass' systems;
3. Reduction of human input & error.

Cafcass continues to work closely with HMCTS to improve on issues wherever possible. Some gains have included:

1. C100 bulk scanning;
2. Information validation;
3. Monitoring Standard Operating Procedures;
4. Joint training & written materials.

Longer-term reform – more radical options

Family Justice Partners must work together on a clear strategy for jointly managing the needs of families in an appropriate way. Cafcass has initiated discussions with key stakeholders and core to the work programme will be proposals being developed by the President of the Family Division's (PFD) Private Law Working Group (PLWG). **Key strategies include:**

Strengthening community-based services to appropriately address issues at the right time

Introduction of a 'pre-application protocol' for earlier risk assessment and triage of cases

A different fee structure for different stages of proceedings, to incentivise earlier resolution

Differentiated tracks for different case types so interventions are targeted where needed

Recommendations arising from the **MOJ Panel Review on Harm in the Family Courts**

A more routine role for Cafcass in gatekeeping to ensure work is appropriately set at the outset

Next steps include continuing to play a key role in the President's Private Law Working Group and in discussions with senior leaders at the Ministry of Justice, the Department for Education, Cafcass Cymru, as well as the President of the Family Division. **Begin more structured work to re-design processes around the different needs of children and families, before undertaking formal pilots** delivered, we hope, under a strengthened multi-agency delivery infrastructure.



Questions

- **Collectively, what are we currently doing now that is making a positive difference?**
- **How effective are we at interacting with one another, and with the children and families we work with?**
- **What does the ideal future look like for Children's Family Justice and what should our best aspirations be to alleviate pressure in 3-years' time?**