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**Board Meeting Minutes**

**Wednesday, 7 July 2021, 13:00 to 15:30**

**Zoom**

**Present**

Sally Cheshire, Chair

Paul Grant, Board member

Catherine Doran, Board member

Mandy Jones, Board member

Sophie Humphreys, Board member (Co-opted)

Rohan Sivanandan, Board member

Eileen Munro, Board member

Helen Jones, Board member

Joanna Nicolas, Board member (Co-opted)

**In attendance**

Jacky Tiotto, Chief Executive

Julie Brown, Director of Resources

Teresa Williams, Director of Strategy

Sarah Parsons, Assistant Director and Principal Social Worker

Mel Carew, Head of Legal Services

Merryn Hockaday, Senior Communications Manager

Adam Bowles, Interim Head of Human Resources and Organisational Development

Scott Harnett, Projects Officer (Minutes)

James Jackson-Ellis, Corporate Officer (Secretariat Services)

Claire Evans, Executive Assistant

Morgan Proverbs, Business Services Officer Chief Executive Office

Katie, Family Justice Young People’s Board representative

Ben, Family Justice Young People’s Board representative

Neal Barcoe, Ministry of Justice representative

Alison Wedge, Ministry of Justice representative

**Guests**

Barry Tilzey, Head of Practice (NIS) – item 2.12

**Apologies**

Jack Cordery, National Director of Operations

Colette Jacobs, Head of Communications

Nicola Blakebrough, Corporate Manager (Secretariat Services)

*A list of stakeholders who attended to observe the meeting is attached at appendix 1.*

1. **Introduction from the Chair**
   1. **Welcome and apologies**

The Chair welcomed everyone to the Cafcass Board meeting and highlighted that the meeting was being held as an open meeting. The Chair welcomed stakeholders who were attending to observe the meeting and thanked them for taking the time, reminding them that they had the opportunity to submit questions in advance of the meeting or afterwards if they wished to follow up on a particular matter.

The Chair welcomed Adam Bowles, Cafcass’ new interim Head of Human Resources and Organisational Development, who was attending his first Board meeting.

* 1. **Declarations of interest**

No declarations of interest were received.

* 1. **Minutes, actions, and matters arising**

The minutes of the previous meeting were approved as an accurate record.

1. **Chief Executive Officer’s Report**

The Chief Executive Officer informed the Board that the report would comprise of updates from the corporate management team on COVID-19 impact, practice and people.

* 1. **COVID-19 overview and the numbers**

It was noted the Chief Executive Officer’s Report had been drafted before the Prime Minister’s announcement on Monday, signalling the government’s intention to relax COVID-19 restrictions from 19 July 2021, and as such did not include Cafcass’ response to that change, however that a flexible approach to working arrangements would continue.

Cafcass continued to operate a business-as-usual model and a return to in-person working for operations as much as possible, although it was acknowledged that after 16 months of COVID-19 restrictions, remote working and rising demand, many staff were beginning to report feelings of fatigue. The Chief Executive Officer paid tribute to staff for their tireless effort to sustain capacity in the face of rising workloads.

The number of children and families with proceedings open to Cafcass continued to increase. On 2 July 2021 Cafcass had 36,932 open active cases (where there is known future work for Cafcass). There was 22% more active work (+6,695 cases or circa 10,700 more children) compared to February 2020. By type of proceedings, there had been an increase of 13% (1,553) in public law and 28% (5,142) in private law.

Case durations also continued to increase, meaning that despite HMCTS and the Judiciary managing to organise the highest number of sitting days on record, throughput had declined by 12% on average since 2019/20. This was impacting caseloads which remained high for social workers and a quarter of Family Court Advisors (FCAs) were carrying above threshold caseloads.

High caseloads also continued to have a knock-on effect on manager capacity, with around 25% of the organisation’s Service Manager capacity absorbed by the responsibilities of duty allocation. In total, the number of duty-allocated cases had tripled since the period before the pandemic. Practice Supervisors were carrying on average 15 sets of proceedings, or close to a full caseload, which meant that support and oversight of the frontline workforce remained severely diminished. Cafcass remained committed to reducing caseloads down to a safer level including those of Practice Supervisors so they are able to carry out effective management oversight.

* 1. **Prioritisation**

The Chief Executive Officer reported that Cafcass’s COVID-19 Programme Board continued to meet weekly with prioritisation a key item for discussion. Reviews were carried out on a weekly basis to identify those regions which required prioritisation, and two areas had been identified which would shortly be placed onto prioritisation measures.

Since the last Board meeting in May, Cafcass had worked with the President of the Family Division and two senior judges to develop a ‘ways of working’ document setting out measures intended to help reduce demand in the system. Once finalised, the document would be distributed via the President’s office to every judicial area with the aim of encouraging them to consider how best to manage the deployment of resource to family law cases. It was acknowledged it may only begin to have a meaningful impact within the next 3 – 6 months.

The Chief Executive Officer confirmed Cafcass had submitted a bid to the MoJ for additional resource to manage the proposed Allocation Hubs, with a request for funding to recruit 16 members of staff to support Hubs in 8 regions: it was hoped that Cafcass would soon be able to come back to the Board to confirm approval from the MoJ.

It was noted that Assistant Directors were engaged in meetings with the Judiciary in their regions to identify ways of reducing’ demand in their areas. The Director of Strategy advised they were exploring a variety of strategies for reducing demand on Cafcass. The intention of the options being considered was to ensure the courts asked Cafcass to participate only where necessary, allowing the organisation to make best use of the resources it had available.

Neal Barcoe from the MoJ reported that good progress was being made on the scheme launched by the MoJ to provide vouchers covering the costs of the first £500 of mediation costs to those families without safeguarding concerns who had private law applications for child arrangements. New pilots were also being planned to explore the possibility of reforming the system to achieve a more investigative and less adversarial approach in private law, and an announcement from Ministers was expected in due course.

* 1. **Resourcing Strategy**

The Interim Head of Human Resources and Organisational Development provided an update on the Cafcass’ Resourcing Strategy and reported that 86 new starters were due to start in the next 3 months, of which 77 were frontline staff. The organisation was currently utilising 159 agency staff, of whom 123 were FCAs, and 45 supernumerary. There was an increase in the 12-month turnover, with a rate of 10.8% in June 2021 compared to 9.1% last year. Challenges continued regarding the recruitment of social workers in some areas and tailored strategies remained in place.

The Board noted that three priority areas were to develop a talent pipeline including selection of candidates for the Social Work Academy programme and conversion of talented agency workers on permanent Cafcass contracts; forward recruitment linked to workforce planning; and working with our recruitment partner Penna on a programme to further develop the employer brand strategies to attract and retain talent linked to the wider People and Organisational Development strategy. In regard to the Social Work Academy, Cafcass had shortlisted 13 suitable candidates for this year’s intake but hoped to have identified 15 in time for the September cut-off.

* 1. **Child engagement**

The Assistant Director and Principal Social Worker reminded the Board that new guidance had been issued following changes to the COVID-19 alert level, and the default position was now to see children in person providing risk was fully assessed and a rationale provided if seeing a child in person wouldn’t be possible. A new policy had also been implemented explaining the timeliness of seeing children, the purpose, recording and management oversight.

As at 21 Jun 2021 95.9% of children with open cases were recorded as having had a meetingwith their Family Court Adviser, with 58.5% of children having had a ‘seen in person’ record added. This was an increase from 45% with an in-person meeting in May 2021.

Ensuring all children had a record of the engagement with them remained a key focus. To support the practice and the policy on child engagement, work on Management Practice Quality Standards had commenced.

* 1. **Principal Social Worker Update**

The Assistant Director and Principal Social Worker highlighted that despite the impact of rising demand on the wellbeing of Cafcass’ staff, the initial evidence identified in the 2021-22 national audit, as well as Ofsted’s recent visit, indicated that there had not been a deterioration in the quality of Cafcass’ practice. Leaders were now focussed on the launch of Cafcass’ new Practice Framework ‘Together’ on 15 July, as well as the organisation’s ‘Together in Practice’ week in September.

Cafcass continued to endeavour to listen to families’ experience of delay and feedback on Cafcass’ services with a view to identifying the key improvements needed to respond effectively. Cafcass’ Learning and Development programmes, and particularly those in regard to Domestic Abuse and Equality, Diversity and Inclusion were gathering pace.

* 1. **Domestic Abuse Perpetrator Programme**

The Assistant Director and Principal Social Worker reported that in person delivery of the Domestic Abuse Perpetrator programmes was recommencing in many parts of the country and there were early signs for the families who have experienced significant delay of the provision becoming available. Planning for a specialist team dedicated to reviewing children’s circumstances and exploring options with them and the courts was well underway, and the aim was for this team to commence work at the end of July.

* 1. **Domestic Abuse Learning and Improvement Plan and Development Programme**

The Assistant Director and Principal Social Worker reported that Cafcass had a new Domestic Abuse Learning and Development Programme which was being rolled out alongside the Cafcass Domestic Abuse Practice Pathway to help embed learning among frontline staff. The programme had been launched in May 2021 and was mandatory for Cafcass staff including senior leaders, managers and Family Court Advisors. The Programme was broken down into a number of phases, the first of which was already underway, and the second of which was scheduled to begin in the Autumn.

* 1. **Section 7 Hub**

The Assistant Director and Principal Social Worker reported that the Hub had been established in October 2020 as a remote national team as part of an innovation to manage unprecedented demand upon Cafcass services. Due to the need to recommence meeting in person with children and the challenges of funding the hub, which was not as cost efficient as area based teams, the decision has been taken to close the hub on a phased basis, by the end of July. Any learning identified in the establishment and roll-out of the Hub would help inform future activities.

* 1. **Budget 2021 – 22**

The Director of Resources provided an update on the status of Cafcass’ budget for 2021/22. Grant funding for the current financial year had increased by £8m on the previous year to recognise the intense pressure that rising demand and increasing backlogs were exerting on the organisation’s resources. The management accounts to end of May indicated that the level of spending in the first two months was consistent with the profiled budget. Nonetheless, Cafcass’ forecast of current commitments exceeded the level of budget remaining and represents a risk to the budget.

* 1. **Strategic Priorities 2021/22**

The Director of Strategy presented the Strategic Priorities for 2021/22 and reported that the priorities had been scoped with the aim of balancing Cafcass’ need to continuously improve its service for children and families with the challenge of managing current levels of demand on the organisation arising as a result of the impact of the COVID-19 pandemic.

A Transformation Programme had also been established to take forward four key change projects covering the introduction of ‘Together for Children and Families’, a Practice Framework for all staff to transform the organisation’s relationships and culture so that children and families are clear on what to expect; ‘DigiCafcass’, a strand of work intended to exploit the digital opportunities to enhance the voices of children in the family court process; ‘Internal planning for Private Law Reform’, with a view to transforming Cafcass’ Early Intervention Team to provide a tailored mix of assessment and access to coordinated child focussed services; and ‘Workforce Matters’, a new strategy intended to transform recruitment, retention, pay, reward and Cafcass branding.

The Board noted that the Strategic and Transformation Priorities for 2021/22 would be published on the Cafcass website by the end of July.

* 1. **Equality, Diversity and Inclusion**

The Director of Resources reminded the Board that the Equality, Diversity and Inclusion Strategy had been approved at its last meeting. Arrangements for the oversight and implementation of the Strategy, including measuring the success of its impact, were being overseen by a new Equality, Diversity and Inclusion Steering Group which would be chaired by the Director of Resources and which would report back on progress made to the Board in October and at every subsequent Board meeting.

* 1. **Together – Practice Framework**

The Assistant Director and Principal Social Worker highlighted that Cafcass’ ‘Together’ Practice Framework had been successfully piloted and would replace relevant elements of the organisation’s existing Operating Framework. The Practice Framework would be launched on 15th July, and a ‘Together in Practice’ week would be held in September.

The Chair enquired when the Together Framework would begin to be implemented or be ready to share with the public. The Assistant Director and Principal Social Worker confirmed it would be implemented from September, once arrangements for evaluating the Framework’s success in practice had been agreed and staff had been provided with an opportunity to participate in the activities around the Together practice week. Cafcass would seek to request feedback from children and young people to begin measuring the Framework’s success in improving the experience of the families with whom we work.

* 1. **Annual Report and Accounts (ARA)**

The Director of Strategy reported that the ARA was traditionally published ahead of the parliamentary recess in July, however it wouldn’t be finished on this occasion until the Autumn owing to dependencies on the timetable of the third-party audit of Local Government pension schemes. This audit work is needed to provide assurance to the National Audit Office on our pension liabilities before they can sign off Cafcass’ annual accounts and it is a timetable delay affecting not just Cafcass but many public sector bodies. A child-friendly version of the ARA would be produced. The Director of Strategy explained the main focus of this year’s ARA would be Cafcass’ relentless commitment to focus on engagement with children and families, the impact of COVID-19 and our leadership’s response to it, and improved focus on equality, diversity and inclusion.

1. **Family Justice Young People’s Board Report**

FJYPB representatives provided an update on their activities and indicated that the FJYPB had been working with Cafcass to submit a business case for Cabinet Office approval for a new standalone website to emphasise their independence within the family justice system. It was confirmed that the business case had been submitted, and FJYPB were awaiting a response from the Cabinet Office. The MoJ representative agreed to chase up the Cabinet Office for a response to the FJYPB’s request for an external website as soon as possible.

FJYPB representatives reported that as the FJYPB was formed 10 years ago it would be celebrating with a 10th anniversary celebration event in August and attendees would include the FJYPB’s members along with members of staff from Cafcass who had worked closely with the FJYPB over the last 10 years.

FJYPB representatives also reported on the planning for the future work programme and confirmed that they were aiming to deliver a new series of webinars for professionals and Children in Care Councils throughout the October half-term, with a focus on the use of child friendly and inclusive language. The FJYPB would also be detailing their own personal experience of the family justice system in a book, which they hoped to publish in time for the 10th anniversary.

FJYPB representatives noted support of the Cafcass’ Together Framework, confirming they liked both the name and the imagery used, helping to make the Framework feel both more inclusive and easier to understand. They were also pleased it was written in clear language without jargon and suggested that by helping children to better understand the family court process it could help children to have more of a say over their own futures, and thereby greatly improve their experience of Cafcass as a result. FJYPB members suggested better sharing/communicating of outcomes would be helpful, as well as providing children and young people with additional information on their outcome letters detailing who or where they could turn for additional help or support once their cases had come to an end.

FJYPB had met with Cafcass’ Chief Executive Officer to consider ways that professionals not only in Cafcass but across the family justice system could use language that was both more child friendly and jargon free. As an outcome, it was agreed a ‘word busting team’ would be established, including members of the FJYPB and Cafcass, to identify two inappropriate words a month for staff to replace, where possible, with more child friendly terms or language. Other ideas they were exploring included an investigation into the possibility of developing ‘word check’ functionality, to produce an alert or early warning when a member of staff tried to include a ‘busted’ word on a child’s file or report.

As a challenge to the Board, FJYPB representatives invited the Board to consider two words that could be unclear or hard for children and families to understand, and to share them with the Members Office so they could be shared with the word busting team to consider.

1. **People and Organisational Development Strategy**

The Interim Head of HR and Organisational Development presented the People and Organisational Development Strategy. He advised the Board that the strategy, covering the years 2021-24 was intended to support the delivery of the ‘People’ Pillar of the Strategic Plan and included 8 key priorities across people and organisational development.

The Board recommended that Cafcass’ commitment to becoming a more inclusive employer be made more explicit to align it more closely to the organisation’s new Equality, Diversity and Inclusion Strategy. It was also suggested that under the third theme listed in the workplan (‘developing our workforce and future proofing our plans: understanding our workforce metrics, planning and development’) Cafcass should commit to collecting more data on the age of its staff, their length of service, disabilities, and any relevant information on uniqueness and diversity in order to acquire a clearer understanding of who the organisation is as an employer and a workforce.

With these revisions, the Board **APPROVED** the workplan proposed for the People and Organisational Development Strategy. The Chief Executive Officer also asked the Interim Head of HR and Organisational Development to take on responsibility for the action agreed at the last meeting of the People Committee to deliver an Annual Workforce Summary, similar to that produced annually by the Chief Social Worker for Children and Families.

1. **Reports from Committees**
   1. **Audit and Risk Assurance Committee**

The Chair of the Audit and Risk Assurance Committee, Helen Jones, provided an update on the June Committee meeting and highlighted that it was the first meeting attended by Susan Smith, a Co-opted Committee member.

The Committee had reviewed the new Strategic and Organisational Risk Report setting out the strategic risk and above tolerance organisational risks. The Committee had received the Annual Audit Opinion for the Internal Audit Programme for 2020-21, and noted the assurance received had been positive, a fact that was a testament to the hard work and dedication of staff during a period of extreme demand and high workplace pressure. Committee members had also been invited to comment on the proposed approach to the ARA.

* 1. **Performance and Quality Committee**

The Chair of the Performance and Quality Committee, Paul Grant, provided an update on the June Committee meeting and highlighted that the Committee had received an update on the progress on the heritage analysis into the ethnicity of children Cafcass was working with, including reflection on a recent letter from Ofsted asking that Cafcass in future capture and assess the experience of white British children. It was noted the Committee would receive a further update on the heritage analysis in September.

The Committee had also received updates on case complexity and management oversight and had reviewed the data available on the number of children being seen by Cafcass FCAs. The Committee had scrutinised the learning from Serious Incident Notifications and was keen to further understand the difference learning had made to practice. The Committee had received a report on demand and prioritisation which would become a standing item on the agenda for this Committee.

* 1. **People Committee**

The Chair of the People Committee, Catherine Doran, provided an update on the June Committee meeting and highlighted it was the first meeting of this new Committee. Discussions had focussed on the Committee’s Terms of Reference and forward plan. It was agreed the Committee would not provide oversight or scrutiny to the whole of the Equality, Diversity and Inclusion Strategy, but only those elements relating to Cafcass’ workforce.

It had also been agreed that a leadership live event on the People and Organisational Development Strategy would be held with staff and agreed that future Learning and Development Reports should include more detail on the impact of learning and development on future staff performance.

1. **Close and Any Other Business**

It was confirmed that two questions had been submitted ahead of today’s meeting by members of the public. The first from the Transparency Project asked if there would be any overlap between the casefile reviews carried out by Cafcass’ domestic abuse Learning and Improvement Board and the government-led review into parental involvement. In response, it was confirmed there these were two separate pieces of work, and although Cafcass had already reviewed 200 of its own casefiles in relation to the Learning and Improvement programme, planning was still ongoing with the MoJ in regard to the parental involvement review.

The second question from Napo asked if there was any overrepresentation of children from ethnic minority backgrounds in cases currently ongoing in public law. In response, it was confirmed that Cafcass would include a breakdown of the demographics of the children and families it worked with in both public and private law in this year’s ARA. It was confirmed this data table had been quality assured, and as such would be shared with the enquirer by email after the meeting. It was also confirmed that formal written responses would be shared in response to both enquiries after the meeting.

The Board recorded their thanks and best wishes to two members of the senior leadership team who would soon be leaving Cafcass: Anji Owens the Director of Operations for the North; and Colette Jacobs, Cafcass’ Head of Communications. They expressed thanks to both for everything they had done for the organisation over many years and wished them both well in their future endeavours.

The Chair thanked Board members, the Corporate Management Team, FJYPB representatives and all other attendees for attending and contributing to the meeting and wished everyone present a good summer.

No other business was raised.

**Minutes approved by the Board Chair, Sally Cheshire, 14/10/2021**

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**Appendix 1 – stakeholders and members of the public in attendance**

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| **Name** | **Organisation** | **Position** |
| Hannah Scott | Research in Practice | Research and Development officer |
| Fiona Wallace | Nagalro | Vice Chair (Acting) |
| Ellen Lucas | Mills & Reeve LLP | Associate |
| Nicola Turnbull | Impact Family Services | Chief Executive Officer |
| Laura Bracey | Research in Practice | Research and Development Manager |
| Rosalind Barton | Matchmothers.org | Secretary |
| Santosh Kumar | Oliver Fisher Solicitors and Resolution Children's Committee Member | Head of Children's Department |
| Jeremy Gleaden | Ofsted | Senior HMI |
| Caroline Lam | Child Action Northwest | QA & Data Administrator |
| Rob Preston | Mark Allen Group | Senior reporter - Community Care |
| Ingrid Crisan | Medway Council – Children’s Services | Head of Service, Children’s Social Work |
| Amanda Harris | Medway Council – Children’s Services | IRO Manager |
| Jon Fayle | NAIRO | Trustee |
| Bev Harrington | RELATE DORSET & SOUTH WILTSHIRE | Centre Manager |
| Rita Waters | NYAS | Group CEO |
| Penny Davies | BCP Council | Head of Quality & Assurance |
| Asha Goveas | Family Action | Business Quality and Systems Coordinator, SPIP |
| Joanna Adande | The Fostering Network | Practice Support Consultant |
| Nicola Taylor-Ebong | Napo | Napo National Vice Chair (Cafcass) |
| Sarah Burfield | Action for Children | National SPIP Co-ordinator |
| Maria White | Worcestershire Children First | Assistant Director - Locality Safeguarding |
| Mark Barford | MoJ | APS to PFD |
| Sarah-Jane Smedmor | Dorset Council | Corporate Director Children Services |
| Adam Lennon | HMCTS | Deputy Director - Family |
| Carol Weston | Derbyshire County Council | Head of Service |
| Anna Keegan | Hammersmith and Fulham Children Services | Head of Service |
| Bethany Wright | NYAS | Contact Centre Co-ordinator |
| Sarah Jopling | Cornwall Council | Principal Lawyer |
| Mary Baginsky | King’s College London | Senior Research Fellow |