



CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Paper for the Board Meeting on Wednesday 23 January 2019

CHIEF EXECUTIVE'S REPORT

Demand and Resources

1. Demand upon us continues to increase. Whilst public law demand in December 2018 was 4.6% lower than in December 2017, private law demand was 13.1% higher using the same comparator. For April to December 2018, public law was down 2.4% and private law was up by 3.5%. Crucially, the number of outstanding cases in the family courts compared to the year before continues to rise both in public and private law by over 20%. The latest system-wide data can be found at Appendix 1. This shows that despite these pressures, performance is not worsening by anything like these percentages, although most national system-wide key performance measures are not being met. Our own key performance indicators all continue to be met this year.
2. Within public law cases, there are more hearings, more use of experts and more problems in listing. I have set these factors and issues out in an article for Family Law which is being published in February 2019. This is attached as Appendix 2.
3. Within private law cases, we are being asked by courts to write a greater percentage of reports (per number of applications) than ever before and the numbers of Rule 16.4 appointments in which a children's guardian is appointed are also rising fast. These tend to be the most complex private law cases. So there is an increase in complexity and a change in the report ordering pattern which may partly be due to judges and magistrates wanting more support from us when parents are litigants in person, which can make case management understandably more difficult.
4. Improved data is leading to a greater understanding of case outcomes. I have written another article about the private law process and outcomes such as the higher number of applicants who make repeat applications within a year of their first (or second etc) application. This article is attached as Appendix 3 and was published in Family Law in January 2019.
5. Discussions have been held by system leaders about moving towards building a statistical model based upon the numerous key trendlines in public and private law. For example, in public law, permanence orders for children are down, including adoptions and special guardianship orders. More children are ending the court process on Care or Supervision Orders. Courts are wishing to see more detail

about care plans after proceedings end and are reluctant to agree to a permanence plan without more assurance that the plan or the proposed placement will actually be delivered. These trends are changing and evolving all the time and we now have enough high-quality metrics to build a multi-variate model, using the most important trendlines, to be more on top of the reasons for current developments. A statistical model would complement research findings.

6. The system-wide Key Performance Measures for 2019/20 will remain the same as this year, which reflects the fact that they are tough 'levels of ambition' to aspire to and reach. None of us involved felt this was the time to reduce our level of ambition, rather system leaders want to find ways of managing the pressures without performance being so stretched.
7. Our capacity is being increasingly stretched by these demands, especially in private law, more so in some parts of the country than others and from time to time.
8. Some especially positive news is that the quality of work continues to improve with more cases graded as outstanding and fewer as requiring improvement. The outcome of our continuous auditing activity was reported to the Cafcass Performance and Quality Committee on 14 January.

Budget update

9. We continue to forecast a balanced budget for the current financial year, and the risk of overspending because of the pressures described above has been managed throughout the year to ensure no last-minute surprises.
10. Through prudent financial management, we have been able to make some important investment decisions recently, such as improving our IT network performance in all of our offices by moving to fibre optic connectivity. This will have a transformative impact.
11. We have advised the Ministry of Justice (MOJ) about the additional funding we will need to continue operating throughout 2019/20, taking account of our shared assumptions about demand trends next year. Discussions on this continue with no outcome likely for several weeks yet. The overall MoJ financial position remains incredibly challenged.
12. We have started detailed planning for 2019/20, including budget setting as far as we can, and business planning. This will be supported by the work underway on our 2019/22 strategic plan, the outline for which is being presented at today's Board meeting.

Action being taken in response to pressure

13. The Family Justice Board and judge-led Public and Private Law Working Groups are working hard to take as much positive action as possible to reduce pressures and to improve performance and services. We are heavily involved in all of this work. I have attached some papers from the Private Law Working Group to illustrate the issues being tackled. These can be viewed as Appendices 4 to 8. The Director of Strategy is leading the private law work and the National Service Director will take on the public law work from me in the coming weeks. The two

judge-led groups are aiming to produce interim reports with clear recommendations by the time of the Presidents Conference in May 2019. The Family Justice Board will receive an action plan for endorsement at its next meeting, also in May 2019. The Directors and I will brief the Board on the detail of this work at the next Board seminar on 19 March 2019.

Pay award for 2018/19

14. This year’s pay award continues to be discussed with MoJ. We made an interim award of 1.16% in December 2018 and we would like to pay a further 0.84% to bring our award in line with the sector average of 2%. There are some complications and hurdles in the way of achieving this, though we have money set aside in our budget to pay the 2%. The Board will be kept informed of progress on this in the next couple of months.

CEO recruitment process

15. I will be leaving Cafcass on 30 April 2019. The recruitment process to find my successor continues. Should my successor not be in post by the time I leave, interim arrangements will be discussed with the Chair in the first instance.

External commentary on our performance

16. We have received a substantial (outstanding) rating for the audit of attendance management carried out by the Government Internal Audit Agency (GIAA). All of our audits by the GIAA this year have received the top rating, bar one, where we received the second highest level for the ‘data breaches’ audit. We continue to work hard to reduce the number of data breaches. This is kept under regular review by our Audit and Risk Assurance Committee (ARAC).

17. We have not been investigated this year by the Parliamentary and Health Service Ombudsman (PHSO), which is a considerable improvement on previous years as the table below shows.

Investigations proposed by the PHSO					
Quarter	2014-15	2015-16	2016-17	2017-18	2018-19
1	26	26	8	4	0
2	36	10	11	0	0
3	35	7	5	1	0
4	17	10	7	1	
Total	114	53	31	6	

Miscellaneous items

18. We are making a bid to the recently released Department for Work and Pensions (DWP) ‘Reducing Parental Conflict Challenge Fund’. In discussions with DWP, it is apparent that the support for disadvantaged parents pot of £1.1m is the only eligible route to consider, so the main elements of our bid would be:

- Development of the digital Separated Parents Information Programme (SPIP) both as a direct alternative to a face to face SPIP but also to improve the offer to families who cannot access meetings due to factors such as rurality, language, health and disability.
 - Continued behavioural insights work to inform the improved engagement and understanding by separated parents of the benefits of early engagement as an alternative to formal court proceedings. (Targeting this area is one of the criteria of the guidance). This has a clear cross-over with our work on private law reform.
19. We have been short-listed for 3 MoJ Awards, which are annual awards. Winners are being announced at a ceremony on 29 January. Our finalists are our Diversity Networks, who were nominated for the Diversity and Inclusion category; the Commissioned Services Support team, who were nominated for Efficiency and Value for Money; and one of our senior service managers has been shortlisted in the category of Inspirational Leadership.
20. With the Association of Family and Conciliation Courts (AFCC), the international group representing private law professionals across the world, we are co-hosting a high-profile conference about co-parenting on 21 February, to which all Board members have been invited.
21. Finally, we continue to innovate. Our app through which children will be able to communicate directly with their practitioners throughout their case, has been through extensive testing and will be available in a few weeks' time. I have also attached an experimental infographic, with a fictitious storyline, which is a piece of work I am undertaking before leaving to see if some of our more basic reports can be formatted using infographics. The theory of change behind this is that pictures are absorbed many thousands of times faster than text. This is attached as Appendix 9 for interest and information.

Anthony Douglas CBE

Chief Executive
21 January 2019

Appendices:

- Appendix 1: Performance summary for the Family Justice Board
- Appendix 2: Family Law article (on public law), February 2019
- Appendix 3: Family Law article (on CAP 2), January 2019
- Appendix 4: Cafcass and Cafcass Cymru initial observations for CAP2 Working Group
- Appendix 5: CPPP Case mapping LM
- Appendix 6: Case mapping S7 with DA fact finding SV
- Appendix 7: Case mapping SV - 16.4
- Appendix 8: Case mapping - Support with making child arrangements pilot case
- Appendix 9: Rosie - Child Impact Analysis