



**Cafcass Board Meeting Minutes
10 December 2009
Bristol Royal Marriott**

Present

Baroness Howarth.....Cafcass Board - Chair
 Jennifer BernardCafcass Board Member
 Ian ButlerCafcass Board Member
 Erica De’AthCafcass Board Member
 Mark Eldridge.....Cafcass Board -Deputy Chair
 Ernie FinchCafcass Board Member
 Harry MarshCafcass Board Member
 Mary MacLeodCafcass Board Member
 Richard SaxCafcass Board Member
 Nicholas StuartCafcass Board Member
 June ThoburnCafcass Board Member

In Attendance

Anthony Douglas.....Cafcass Chief Executive
 Jane Booth.....Deputy Chief Executive
 Julie BrownDirector of Finance
 Bruce Clark Director of Policy
 Maureen NewsamGovernance Manager

Apologies

Shireen Ritchie..... Cafcass Board Member
 Nick StuartCafcass Board Member

PART ONE: BUSINESS SESSION	
1	WELCOME
2	<p>APOLOGIES</p> <p>Apologies were noted from Nick Stuart and Shireen Ritchie.</p> <p>The following interests from Board Members were noted:</p> <ul style="list-style-type: none"> ▪ Erica De’Ath - non executive Director for the One Plus One Board ▪ Mary Macleod - Independent Board Member - Internet Watch Foundation ▪ Jennifer Bernard - Department of Health’s Workforce Strategy
3	<p>MINUTES FROM THE BOARD MEETING 30 OCTOBER</p> <p>The minutes were agreed as an accurate record and it was noted that the updated Risk Register would be on the agenda for the next meeting on 5 February 2010.</p> <p>It was agreed a comprehensive schedule of all actions arising from Board meetings and their progress, would be attached with papers in future.</p> <p>Action: Governance Manager to produce and maintain comprehensive schedule of all actions from Board meetings from 2010.</p>

4	<p>MATTERS ARISING</p> <p>The Chair reported that the Complaints Group had met. It was noted that a second draft of the revised complaints procedure had now been prepared, which was now with the Operational Directors. Once comments have been received from them the procedure will be sent to the Partnership Committee (trade unions) for consultation.</p> <p>Action: It was agreed that the revised Complaints procedure (final draft) would be presented at the Board meeting on 5 February 2010.</p>
5	<p>REPORT FROM CHAIR AND CHIEF EXECUTIVE</p> <p>The Chair reported that Cafcass were now in receipt of the PA Consulting report and updated the Board on the letter received from the Permanent Secretary.</p> <p>The key points from the report were:</p> <ul style="list-style-type: none"> ▪ It demonstrated the reality of demand pressures currently being experienced ▪ It highlighted the need to reduce downtime (defined as time spent on travelling and report writing). ▪ It flagged the need for development of a standard operating model for direct operational work ▪ It made reference to the need for more robust practitioner and stakeholder engagement <p>The Chair suggested that Board Members take the report away to read and it was agreed that a Special Board Meeting would be convened on 11 January 2010 so that the full implications of the report can be considered.</p> <p>The Chief Executive reported that he had met with Annabel Burns, Deputy Director – Family Law and Cafcass at DCSF to commence the process of focusing the organisation on working towards a standard operating model.</p> <p>Consideration would need to be given to the fact that Cafcass is a national organisation and local ways of working, which gave due consideration to the views of the judiciary, would need to be taken into account when developing a national standard operating model.</p> <p>It was noted that the President’s Interim Guidance expires on 31 March 2010. The current President relinquishes his position at the end of this fiscal year so a new working agreement, to commence April 2010, will need to be agreed and in place to coincide with a new President taking up office.</p> <p>The Chief Executive updated the Board on the current position with Flex. Remote working remains problematic and performance continues to be sporadically poor. The IT contract with Unisys expires at the end of December and the entire provision of IT services will from that date be provided by Fujitsu.</p> <p>The Chair and Chief Executive have a meeting scheduled with the Minister on 16 December 2009 and a presentation outlining the keys issues for discussion was circulated to the Board. Of particular interest is the hard work that our Gloucester team has put into radically reducing backlogs. That is one of many positive examples of changed ways of working under pressure.</p> <p>The Chair informed the Board that Nagalro have written again, requesting a meeting with the Board a recent publication. The Board was unanimous in its decision that it is not appropriate for Nagalro to attend a Board meeting, but in agreement that it would be appropriate for them to be invited to a dinner with the Board, along with other stakeholders.</p>

6.1.	<p>PERFORMANCE REPORT</p> <p>The Director of Policy presented the October year-to-date performance report and highlighted the decline in the number unallocated public law cases from 979 in September to 937 at the end of October. This was primarily due to the implementation of the duty advice schemes, in accordance with the terms of the President's Interim Guidance. Further reductions may be expected in the coming months.</p> <p>A Board Member queried why the average filing times in a specific operational area was over 35 weeks. The Director of Policy agreed to investigate this further and provide the Board with a written explanation.</p> <p>A Board Member requested an alteration to the way the figures were presented and it was agreed that as well as the figures being demonstrated in a bar chart they would also be displayed in text format, for operational areas.</p> <p>Action: Director of Policy to investigate the average filing times as detailed above and in future to provide the Board reports with the requested revised format.</p>
6.2	<p>PROPOSED REVISED PERFORMANCE INDICATORS FOR 2009-10</p> <p>The Director of Policy presented a brief paper detailing possible changes to the Key Performance Indicators (KPIs) for 2009-10. They closely reflect Cafcass' statutory functions/duties, the President's Interim Guidance and the Secretary of State's priorities. With the proximity of the end of the 2009/10 year, it may be the case that the Secretary of State will prefer to incorporate these proposals into his determination of the KPIs for 2010/11, rather than to make a change this late in the current financial year. It was noted that the level at which KPIs were should be informed by the level of funding for the next financial year.</p>
7.1	<p>UPDATE FROM THE AUDIT AND RISK ASSURANCE COMMITTEE CHAIR</p> <p>The Deputy Chair provided an oral update on the last Audit and Risk Assurance Committee meeting which took place on 9 November 2009 and the following was noted:</p> <ul style="list-style-type: none"> ▪ The organisational overspend continues to be an issue and concern was expressed about the management of delegated budgets by some budget holders. ▪ The Star Chamber process has proved reasonably successful. The areas involved have demonstrated a significant increase in accountability and some stabilisation of budgets is evident ▪ There remains concern about the performance of Flex and the loss in productivity due to technical problems with the slowness of the system. ▪ There would be a greater focus on the key organisational areas requiring reassurance and this work will be commissioned via PwC next financial year ▪ PwC's Contract Review which focused on Cafcass' Car Lease scheme, hotel and conferencing services provided by Exptel, HR services provided by Tribal and TNT document storage did not highlight any areas of significant concern. ▪ NAO presented two papers – one around the strategy which the NAO will be adopting on how they perceive and report on Cafcass. The other would focus on how effectively Cafcass has managed restructuring in terms of compliance. <p>Jennifer Bernard has stepped down from the Audit and Risk Assurance Committee to take up another position on the Cafcass Safeguarding Board. The Deputy Chair thanked her for her valued contribution during their time on the Committee.</p>

7.2	<p>FINANCE REPORT</p> <p>The Director of Finance provided the Board with an update on the financial position of Cafcass for the period ended 31 October 2009 and the forecast financial position for the current financial year and the following was noted:</p> <ul style="list-style-type: none"> ▪ While the results are showing the effect of containment action being taken the current level is below that anticipated leading to an increase in the projected overspend for the year to £2.3m. Shortfalls on containment action in the South Area and an increase in temporary staff costs in the Central Area were the main causes. ▪ The October management accounts were reporting an overspend for the year to date of £2.2m, which was a reduction on the year to date position at the end of September indicating some slowing of expenditure. To bring the full year position in line with the current forecasts would require spending at budget level for the remainder of the year which was not without risk. ▪ An estimate of the potential risks of increased commitments gave rise to a range of projected overspend from £2.3m to £2.8m. ▪ National Office budgets are less volatile; however going forward, the situation with Fujitsu could have an impact on this given large amounts of expenditure linked to completion of milestones and performance reaching the levels set out within the Fujitsu contract. National Office budget budgets currently show an under spend of £1m consistent with the freeze on spending on the Estates budget and additional grant funding from DCSF. ▪ Heads of Service and Operational Directors have been asked to specify the safe minimum amount of funding needed to run their operational service areas, so that financial commitments are more accurate for 2010/11. Funding for 2010/11 is intended to be allocated in line with the profile of referrals to service areas but some adjustments will be needed to prevent unmanageable changes in funding levels. ▪ Management accounts for November were in draft but indicated the slowdown in expenditure levels had been maintained. The Director of Finance would circulate a briefing paper for the Board in the New Year, to provide information on the November position, with the December results and revised forecasts being reported to the February Board meeting.
7.3	<p>DUTY SCHEMES: A POSITION STATEMENT</p> <p>It was noted that the above highlighted the variables in operating such schemes and highlighted the challenge in achieving a standard model as this will require the involvement of the Judiciary. The schemes positively offer a constructive mechanism for dealing with the pressures of delay.</p> <p>It is intended that an internal consultation will take place in 2010 on an operating framework for a safe minimum working model.</p>
7.4	<p>ANNUAL REVIEW OF THE CAFCASS GOVERNANCE DOCUMENTS</p> <p>The Board agreed the annual review and update to the Governance Documents. However it was noted that this was with the exception of one temporary revision to the Scheme of Delegation which will be presented to the 5 February Board meeting.</p> <p>Action: Governance Manager to ensure revised Scheme of Delegation is presented on 5 February 2010.</p>

7.5	REPORT ON THE USE OF THE SEAL REGISTER The Board noted the documents sealed, using the Cafcass Seal, for the period 1 April 2009 to 31 October 2009 in accordance with Section 27 of the Standing Orders.
	DATE OF NEXT BOARD MEETING The date of the next Board meeting is Friday 5 February 2010.

11 SUMMARY OF ACTIONS

Action: Governance Manager to produce and maintain comprehensive schedule of **all** actions from Board meetings from 2010.

Action: It was **agreed** that the revised Complaints procedure (final draft) would be presented at the Board meeting on 5 February 2010.

Action: Director of Policy to investigate the average filing times as detailed above and in future to provide the Board reports with the requested revised format.

Action: Governance Manager to ensure revised Scheme of Delegation is presented on 5 February 2010.