



**Special Board Meeting Minutes
11th September 2009
Sanctuary Buildings**

Present

Baroness Howarth OBE	Cafcass Board - Chair
Jennifer Bernard	Cafcass Board Member
Margo Boye-Anawoma.....	Cafcass Board Member
Ian Butler	Cafcass Board Member
Erica De'Ath	Cafcass Board Member
Mark Eldridge.....	Cafcass Board Member
Ernie Finch MBE.....	Cafcass Board Member
Harry Marsh MBE.....	Cafcass Board Member
Mary MacLeod	Cafcass Board Member
Shireen Ritchie.....	Cafcass Board Member
Richard Sax	Cafcass Board Member
Nicholas Stuart CBE.....	Cafcass Board Member
June Thoburn	Cafcass Board Member

Young People's Board

Laura Healy
Lois O'Neill

In Attendance

Anthony Douglas CBE	Cafcass Chief Executive
Lamorna Wooderson.....	Corporate Director
Sherry Malik	Corporate Director
Bruce Clark	Director of Policy
Jabbar Sardar.....	Head of HR
Andrew Cockayne	Senior HR Manager
Annabel Burns.....	DCSF Representative
Mary Berwick-Sayers	Cafcass Staff Member

Apologies

Jane Booth.....	Corporate Director
Gillian Baranski.....	Cafcass Board Member

PART ONE: BUSINESS SESSION

1	<p>WELCOME</p> <p>The Chair welcomed Laura Healy, Young People's Board Member to her first Board meeting.</p> <p>Board members raised the difficulties experienced when registering personal email addresses for secure email via CJSM. Members were directed to Pete Westlake for assistance with this.</p> <p>The effect of the postal strike on the receipt of papers was noted.</p>
2	<p>DECLARATIONS OF INTEREST</p> <p>None were declared</p>

3	<p>MINUTES FROM THE LAST BOARD MEETING HELD ON 26th JUNE 2009</p> <p>The minutes were agreed as an accurate record. Ernie Finch was congratulated on becoming an MBE and it was noted that the attendance list and subsequent minutes should reflect this.</p>
3	<p>MATTERS ARISING</p> <p>It was noted that Action 1 had been overtaken by events.</p> <p>FLEX UPDATE</p> <p>The Director of Transformation, Technology and CIO was welcomed to the meeting. He gave a brief update on the status of the roll out of Flex advising the Board that as there is now a good level of service overall being provided to 816 staff in 37 offices, the decision had been taken to roll out it out to the rest of the organisation. Roll out will commence again on 21st September and it is expected that this will take approximately 6 weeks with a further two weeks required to migrate the data and specific applications to the Flex data centre. The transition should be completed by the end of November, with December as contingency should there be any problems during the final migration. As there are still a few issues to be resolved, the service will be carefully monitored. Board members were advised that a post implementation OGC Gateway would be completed to include a report on all the issues exposed. Board members thanked the Corporate Director, the Director of Transformation, Technology and CIO and his team for their tenacity and diplomacy in keeping these issues at the top of the Fujitsu agenda, resulting in the expectation and anticipation of a superior final product.</p>
4	<p>CHIEF EXECUTIVE'S REPORT</p> <p>The Chief Executive updated the Board as follows :</p> <ul style="list-style-type: none"> • A successful monitoring visit by Ofsted took place recently in Birmingham and the Black Country • A monitoring visit to N2 will take place on 24/25 September 2009 • Ofsted will inspect C4 from 5 – 9 October 2009 • The Department is being very supportive in providing one off funding for funding extra practitioner time in London aimed at reducing the current backlog of cases, and for a contribution towards severance costs in the corporate restructuring • Due to ill health, the complaints function has been transferred temporarily to different management. The Board Complaints Group is meeting today to review the current situation. . • Board members endorsed the plan devised by the Chair and Chief Executive to try to build confidence levels both internally and externally
4	<p>PERFORMANCE REPORT</p> <p>The Director of Policy was welcomed to the meeting.</p> <p>KPI 1 Public Law workload allocated at month end</p> <p>The Director of Policy advised that this indicator shows the Public Law position, highlighting the proportion of care and non-care cases. He advised that for this measure, a year to date average is reported on in order to build a picture of performance for the financial year as it progresses. He advised that attention should to be paid to the whole life of a case, rather than merely on how quickly it can be allocated. He mentioned the surge in Public Law cases, whether linked to the Baby P case or not, and the strain on the Family Justice System as a whole. He underlined the problem that although much of our work is done in the earlier stages of a public law case, we are still involved thereafter and have other important work to do throughout the life of a case. He advised the Board that the development by Family Judges of local agreements for the implementation of the President's Interim Guidance should improve the focussed use of Cafcass's resources.</p> <p>He reported that the number of unallocated cases to end August 2009 was 1,110, though it is expected that this will soon drop sharply, linked to efforts in London to allocate its backlog of unallocated public law</p>

care cases.

In response to a query from a member of the Young People's Board, he explained why children do not have a Guardian at the first hearing and advised that the "Z" card (part of the set of "Welcome Pack" materials) is being revised in order to give children and young people a more accurate picture of what to expect from Cafcass. He concurred with the view that we should not rely on solicitors to hand out this information to children and that we should expect Cafcass staff to do this.

KPI 2 Private Law workload allocated at month end

The Director of Policy reported that only the most recent month is reported on because the target of 97% is only to be achieved by the end of March 2010. The figure reported on this month (67.1%) will rise as by 2010 it is expected that all private law cases will be allocated on receipt and that they will remain allocated, either to duty or substantively, until the case is closed. The Director of Policy highlighted the most problematic category of the 10,053 unallocated cases (those after a court hearing and with an open report which has less than 10 weeks until the final hearing date) and stated that it is these cases that are the ones where there was a risk that the courts and children might not be assisted in a timely way. Board members welcomed this more detailed analysis of the unallocated private law cases.

The Director of Policy advised that the President's Interim Guidance lasts until March 2010. By that point, it is expected that the nature of the use of Cafcass's resources by the courts would mean that backlogs will have sharply reduced and that new cases are receiving a timely service. In response to a query from the Young People's Board, the Director of Policy agreed to work on child engagement standards in public and private law.

Action 1 : The Director of Policy agreed to review child engagement standards in public and private law

KPI 3 – Safeguarding

The Director of Policy advised that although performance for this indicator has increased from the previous month's figure of 92.3% to 92.4%, the number of assessments on which the figures are based remains small. As more assessments are carried out, the reported figures will become more robust. The importance of this will continue to be reinforced to line managers as this indicator is a key means of ascertaining that safeguarding performance is effective.

KPI 4 – Service User Feedback

The Director of Policy expressed concern at the small volume of returns available to report against but advised that the introduction of Welcome Packs in Spring 2009 has increased the number of HearNow invitations being sent to service users which in turn is having a positive effect on the numbers of questionnaires that will be completed in future which will give us a larger volume to report on in future.

The Chair congratulated the Director of Policy on recent efforts to report on the quality of work as well as providing quantitative information. The Director of Policy agreed to break down the figure of Service User HearNow Invitations sent out (currently 55%) in future reports to the Board. He advised that he would be reporting to the Board in October on a different way of looking at our KPIs in future.

Action 2 : The Director of Policy agreed to break down the figure of Service User HearNow invitations sent out in future reports to the Board.

5 CORPORATE RISK REGISTER, QUARTER 2

The Corporate Director was welcomed to the meeting. She advised the Board that the number of risks rated at "red" had risen to 11, reflecting the pressures that the organisation is facing. She reminded the Board that although the Policy & Guidance had been tabled at the June Board meeting, it has yet to be agreed. She advised that this will be brought back to the October meeting when there will also be an opportunity to discuss the levels of risk the Board is prepared to tolerate.

	<p>The Corporate Director took the Board through the summary of the Corporate Risks and the following points were noted</p> <ul style="list-style-type: none"> Standards of Practice are inadequate (1.2) - this line needs to reflect that there are continuing recruitment difficulties in some service areas. Reference to Staff Morale (5.2) needs to be built into the Corporate Restructure Flex Roll Out (7.1) is reaching the point where the risk can be reduced from “Red” to “Amber” Inability to meet financial commitments (12.3) is mitigated by the Expenditure Control Group reporting to the Board. <p>Action 3 : It was agreed that the Workforce Strategy Planning paper will brought to the October Board meeting for discussion</p> <p>Action 4 : It was agreed the regular HR report to the Board will be linked to the Workforce Planning paper</p> <p>Action 5 : It was agreed to add a line to Risk Register on “Benefits for Children”, separate from Safeguarding</p>
<p>6</p>	<p>COMPLAINTS BI-ANNUAL REPORT</p> <p>The Corporate Director explained that the initial impact of the introduction of the new Complaints Procedure had been to increase the numbers of complaints received and to raise the volume of work in this area. She explained that this is due to the fact that the new procedure is more open and has a different value base to the old. The Corporate Director explained that the spirit of the new procedure is to try to resolve issues at the source of the complaint, which will in turn improve the quality of service but currently the rise in workload is creating additional pressures on staff and managers. The Corporate Director advised that delays in handling complaints meant that many are being escalated which is expensive both in terms of staff and management time and in using independent investigators. Although very few complaints are referred to the Ombudsman, some Stage 2 complaints are giving cause for concern. She advised that the Complaints Working Group is meeting this afternoon to look at solutions to these problems and to ensure that all the relevant data is brought together in one place to help inform these solutions. She advised that although the incidence of complaints has risen, the forecast is that the level of complaints will drop by 0.5%.</p> <p>Board members expressed concern that 80% of all complaints fall into 3 categories within the report and it was suggested that the way in which these figures are presented needs to be revised. It was agreed that complaints from children should also be added to the report. It was further agreed that the Complaints Group should not wait for the 6 monthly Complaints Report to be published before meeting but instead should meet quarterly in order to be properly informed.</p> <p>Action 6 : it was agreed to add complaints received from children to the Complaints Report.</p> <p>Action 7 : it was agreed that the Complaints Group will meet quarterly</p> <p>The Corporate Director advised that complaints, compliments and comments are invited through the portal, HearNow and through the Cafcass website as well as via a form that is given to all service users. She advised that the Complaints Working Group, meeting today, will be looking at some of the issues that have arisen.</p>
<p>7</p>	<p>CAPACITY ANALYSIS</p> <p>The Head of Human Resources and the Senior Human Resources Manager (Strategy) were welcomed to the meeting. The Head of HR introduced the Capacity (Analysis of Demand and Supply) paper which represents the starting point for providing the Board with a national picture of resources by comparing resourcing in all forms with demand by Service Area in Q1 in 2009/10. The paper represents the joint thinking of Policy, Finance and HR.</p> <p>The Senior HR Manager took the Board through the paper in more detail explaining that it attempts to compare indicators which are not normally compared to show the relationship between demand and</p>

supply. Real capacity was identified in the form of the number of hours available to do casework in Q1 once sickness, annual leave, training and other non-case related time are removed. He explained that a crude productivity analysis had also been completed which suggested that management effectiveness is more of an issue than resourcing. This could lead us to consider rebasing our resource allocation model according to demand by application, and to increase the use of the flexible work force so that we can remain responsive to demand and efficient in distributing resources according to demand. The Head of HR and the Senior HR Manager (Strategy) acknowledged the methodological difficulties and the need for further joint work with Policy and Finance to develop a mechanism for regular reporting to the Chief Executive and the Board on resourcing and efficiency.

The Board congratulated the Head of HR and the Senior HR Manager (Strategy) on their work and made the following points

- Under Section 4.1 in the paper: the most important line is demand. It was noted that the analysis should be based on “should take time” per case rather than “does take time” per case.
- Under Section 4.3 supervision should not be included as time “lost” to casework
- Under Section 4.3 the use of terminology of days being “lost” to training and supervision should be changed as these activities are key to our safeguarding performance
- It was agreed that systems for recording training are weak and an assumption of hours per FCA should be added to the “days spent on training” figure

In response to issues raised about how to capture overtime, which is considerable in some areas, the Senior HR Manager (Strategy) advised that the use of TOIL should make the figure of 37.5 hours per week acceptable as a base for capacity analysis. This model will then show overtime worked, and areas with low capacity and high productivity may be achieving this through over-working. Work is on-going to address workloads and work/life balance.

The Head of HR reiterated that this is work in progress towards providing the organisation with the ability to integrate intelligence for each service which will:

- check progress and identify teams in trouble
- measure the extent to which staff are working beyond their hours to deliver a service
- stop the gradual build up of case load
- improve manager effectiveness
- ensure we are responsive to demand

Mark Eldridge and Ernie Finch offered their services to the Group to help scope this work and Richard Sax offered the good offices of his former company, which was welcomed by the Head of HR.

The Chief Executive advised that he is doing a keynote speech at the Leadership and Management Conference in October on how to make cases smaller, which is in response to requests from staff in relation to the Operational Priorities and the President’s Guidance. He asked for any thoughts from the Board as to how to break down in terms of hours what the best use of their time is in Public and Private Law.

Action 8: The Board were asked for suggestions for the Chief Executive’s keynote speech at the Leadership and Management Conference in October

8 AUDIT AND RISK ASSURANCE COMMITTEE UPDATE

The Chair of the Audit and Risk Assurance Committee reported on the highlights of the Committee meeting of 7 September 2009 as follows:

The Committee considered a report on action taken on a number of internal audit recommendations and signed off a large majority of these. A few were challenged and would be reconsidered. 17 recommendations were at present outstanding mainly because of delays in the Flex rollout. The

Committee discussed how the delay to Flex had impacted right across the organisation with the result that the good conduct of business had slowed.

The Committee looked at the Internal Audit Advisory Review of 2008/09 end of year overspend. This had some significant and high priority recommendations around value for money in relation to the flexible workforce and improvements to the monthly Finance monitoring returns. The Committee suggested that the Board should consider action taken to implement this report alongside any recommendations emerging from the work of PA Consulting at a later date.

A recommendation had been made that the Head of Finance should become a full member of the Corporate Management Team and this had been accepted by the Chief Executive and had been implemented.

The Head of Finance is having a series of meetings with managers across the organisation to reinforce the message of the Expenditure Control Group. This is being supported by the area management accountants and is having a powerful impact on the structure

The Committee agreed the submission of a re-statement of the accounts to NAO to reflect new international accounting standards and as a basis for work on the 2009/10 accounts.

9 FINANCE REPORT

The Head of Finance was welcomed to the meeting. She gave the following report to the Board

- This report covers the Management Accounts to July 2009 and includes the first forecast for the financial year and the balance sheet and cash position as at the end of July.
- The timing of this report coincides with the DCSF having resolved the overspend in 2008/09 by re-profiling the three year grant settlement to bring funding from 2010/11 back to cover the 2008/09 overspend, a further transfer into the current financial year of £1.5m grant funding and an additional one off sum of £2.54m grant funding to support the costs of the proposed corporate restructure and substantial reductions in case backlogs in London.
- There is currently an unmitigated forecast overspend of £1.2m after the implementation of mechanisms for expenditure containment and control. These containment plans are challenging but the need to extend these to contain the balance of £1.2m overspend is understood.
- The year to date position is £2m overspent but this figure contains some one-off items and annual expenditure.
- Our cash position had been a cause for some concern, but now that the re-profiling has taken place this, this position has been substantially resolved

The DCSF Representative queried the figures on Table 5 suggesting that these may be slightly out of date. She agreed to meet with the Head of Finance to resolve this.

Board members queried whether the mechanisms that have been put in place to reduce the £1.2m overspend will be enough to bridge the gap. The Head of Finance advised that work was being done on the budgets to produce a realistic, revised forecast. This includes completing the Star Chamber process and the Budget Task Force approaches, which will give us a more accurate view of what the actual gap is within 4 – 6 weeks. The Chief Executive emphasised that our main priority is our service to children in terms of safeguarding and delays. He warned that this would mean there will be no money left over to put into improvement and that some harsh realities may have to be faced in terms of front line staff in a worst case scenario. He advised that a comprehensive situation report will be brought to the Board in October and that he will produce a budget related proposal for consultation with the Young People's Board.

Action 9 : A situation report will be brought to the Board in October 2009

Action 10 : The Chief Executive will produce a budget related proposal for consultation with the Young People's Board

10	ACCOUNTABILITY REVIEW Due to time constraints, the Chief Executive stated that he was happy to table this paper as written.
11	DATE OF NEXT MEETING Friday 30 October, 2009, Sanctuary Buildings, 6 th Floor, Great Smith Street, London, SW1P 3BT. Seminar with dinner on 29 October. Members are reminded that members of the Conservative Party involved with Children's work have been invited to the dinner.
12	SUMMARY OF ACTIONS <ol style="list-style-type: none"> 1. The Director of Policy agreed to review child engagement standards in public and private law. 2. The Director of Policy agreed to break down the figure of Service User HearNow invitations sent out in future reports to the Board 3. The Workforce Strategy Planning paper will be brought to the October Board meeting for discussion. 4. The regular HR report to the Board will be linked to the Workforce Planning paper 5. A line on "Benefits for Children" will be added to the Risk Register, separate from Safeguarding 6. Complaints received from children will be added to the Complaints Report 7. The Complaints Group will meet quarterly 8. The Board were asked for suggestions for the Chief Executive's keynote speech to the Leadership and Management Conference in October 9. A Budget situation report will be brought to the Board in October 2009 10. The Chief Executive will produce a budget related proposal for consultation with the Young People's Board