



Draft

**Cafcass Performance and Quality Committee Minutes
Monday 20 May 2019, 11.00 - 13.30
Cafcass, Piccadilly Gate, Store Street, Manchester, M1 2WD**

Present

Stuart Smith, Board Member and Chair
Fay Selvan, Board Member
Caroline Corby, Cafcass Board Member (via video conference)
Joanna Nicolas, Co-opted Board Member (via telephone conference)
Mandy Jones, Cafcass Board Member (via telephone conference)

In Attendance

Julie Brown, Interim Chief Executive and Director of Resources (via video conference)
Christine Banim, National Service Director
Nicola Blakebrough, Corporate Strategist (via video conference)
Jennifer Gibbon-Lynch - FJYPB Coordinator (for item 4)
Malak, FJYPB representative (for item 4)
Joanna Furlong, Senior Policy Adviser, Private Family Law, MoJ (via telephone conference)

Apologies

Paul Grant, Cafcass Board member
Deep Sagar, Cafcass Board member
Anji Owens, Assistant Director
Teresa Williams, Director of Strategy

MINUTES

1. Welcome and Apologies

The Chair welcomed everyone to the meeting. Apologies were received from Anji Owens, Teresa Williams, Paul Grant and Deep Sagar.

2. Declarations of interest

There were no new declarations of interest.

3. Minutes and Actions

The minutes of the Committee meeting held on 11 March 2019 were agreed as an accurate record. The Committee reviewed the action log and noted the progress of actions.

There were no matters arising.

4. Mental Health and Resilience of Children and Young People

The Chair welcomed the Family Justice Young People's Board (FJYPB) Coordinator, Jennifer Gibbon-Lynch and Malak, a member of the FJYPB to the meeting.

The FJYPB has 59 members between 7-25 years of age and they represent the voice of children and young people across England and Wales who have experience of family law proceedings. The focus of their annual conference in 2018 was resilience and in 2019 the focus would be on mental health.

The presentation described a number of situations when children and young people would need to be resilient including but not limited to discrimination, unsafe home environments, serious challenges, sudden changes and financial hardships. The presenters went on to describe the sorts of feelings and thoughts children and young people had when involved in the family court proceedings. These included not knowing what was happening, blaming themselves, being confused, feeling the situation was stressful and like a war.

They also gave examples of the impact of being involved in family courts including missing school, not being able to complete exams or homework, not interacting with other people, cutting out one parent to be able to focus on themselves and being separated from their siblings.

60% of FJYPB members reported feeling their mental health had been affected and 65% of members felt unsupported or reassured. They highlighted examples where the mental health of professionals was of concern to young people including where the professionals appeared stressed or emotional in relation to the case or spent only limited time with them. They also gave examples of professionals who were calm and reassuring and cared about the young person's wellbeing.

The presenters then described ways in which the impact of proceedings could be minimised and how services could help them. These included being patient and taking time to understand why the young person is feeling the way they are, knowing what support is available to young people after the case has closed, having a good understanding of mental health conditions and symptoms and helping the young person to develop their own safety plan.

The Committee noted comments in relation to the mental health of professionals. The National Service Director reassured the Committee that training for frontline staff addressed the issues raised but this feedback was very useful and would be discussed with the Operational Management Team (OMT).

The Committee agreed that all children should have sufficient time to be able to explain their views and that it would be helpful to ask them for feedback on how the practitioners had worked with them.

The Chair thanked the FJYPB Coordinator and the FJYPB member for their presentation.

Action 1: Existing arrangements to capture feedback from children and young people would include a specific question on how practitioners had worked with them.

5. No Stone Unturned – A Plan to Manage Demand

The National Service Director presented a plan of actions specifically intended to help staff manage their workloads in the context of continuing increases in demand (private law), complexity of cases and the level of open cases. Recent modelling suggests that if these conditions continue at the same rate, then it may no longer be possible to service the work within the next two years. The action plan is focused on streamlining existing processes and prioritising improvements within ECMS. The Committee noted the action plan would be shared with frontline staff for reassurance.

The Committee noted the recent debates in the media regarding the level of transparency in family courts and would welcome a further discussion on the issue.

The Committee considered a number of reasons why cases appear to be increasingly complex, including but not limited to more blended families, the removal of legal aid and the impact of social media. The Committee noted the need for more evidential data to fully understand what is causing the increased complexity of cases.

The Committee noted the action to review instances in long-term absence in social work staff employed for less than two years. This had increased from 8.6% (2015-16) to 16.7% (2018-19) with around 25% being mental health related. The National Service Director informed the Committee that the work of Cafcass in private law was often underappreciated in the sector and the concern is that social workers coming from local authorities were not prepared for the complexity. The review would ensure that onboarding of new staff was appropriate.

It was agreed that the action plan would be brought back to the committee in 6 months for review.

Action 2: The subject of transparency in the family courts would be considered for a future Board seminar.

Action 3: An update on the No Stone Unturned action plan would be brought to the December 2019 Committee meeting.

6. Ofsted Action Plan

The National Service Director provided an update on the Ofsted action plan. The plan had been produced following the Ofsted inspection of 2018 and had now been fully delivered. The Committee commended the plan and the number of actions completed.

7. Audit into the use of Experts

The National Service Director provided an update on the audit into the use of experts in 100 closed cases, selected at random. 37% of cases included the appointment of an expert, of which 27% of cases appointed more than one expert. Initial findings indicated that in 90% of cases an expert was determined necessary and in only 3 cases was it found that the case could have been completed without the use of an expert. Psychologists and then Independent Social Workers were the most commonly used experts.

The Committee noted the final report would be shared with the Committee once available. Further work was in hand to more accurately capture data on the appointment and use of experts in ECMS.

The Committee noted that the number of experts needed may be a reflection on the increased complexity of cases and agreed that availability of any existing study or the potential for a further study on the complexity of cases would be discussed with the Director of Strategy.

Action 4: The final report on the audit into the use of experts would be circulated to the Committee once available.

Action 5: The availability of any existing study or the potential for a further study on the complexity of cases would be discussed with the Director of Strategy.

8. Performance Report

The National Service Director presented the Performance Report and outlined the key themes of the paper.

The year to date public law care application demand showed an overall decrease of 4.8% when compared to the same period in the previous year, and a 7.3% decrease when compared with the same period in 2016-17. Private law demand continued to increase, with Cafcass having a 5.6% increase in the number of applications received compared to the same period last year and an 8.9% increase when compared with the same period in 2016-17. This was the largest rise since the changes to legal aid came into force. Stock of open private cases had decreased by 2.2% compared to March 2018.

KPI performance remained strong with all KPIs in Green for the year to date. The average active caseloads had increased slightly to 22.2 cases (April 2019) from 21.4 (February 2019).

The Committee noted non-binary categories were available and utilised within ECMS but that there were potentially gaps in recording with work ongoing to improve this.

The Committee queried whether data was available on ethnic minorities and their experience of the family justice system. The Committee were informed that small studies had been conducted however that there were no large-scale studies of note.

9. Strategic Plan Dashboard and Strategic Risk Register

The Interim Chief Executive and Director of Resources and Corporate Strategist presented the Strategic Plan Dashboard and Strategic Risk Register. Residual risks relating to private law demand and workforce capacity continued to be assessed as high. Two new risks had been added to the register relating to the performance of technology and the recruitment and transition to a new Chief Executive Officer.

The Committee was informed that Cafcass were in contact with the Information Commissioners Office regarding reported data breaches with regular progress and updates reported to the Audit and Risk Assurance Committee.

The Committee noted that the Corporate Management Team were undertaking an appraisal of its work with the Foreign Commonwealth Office in light of increased workload and that an update would be brought back to the Committee.

The National Service Director agreed to circulate learning from the Cafcass Positive Parenting Programme pilot.

The Committee suggested that a practice presentation on S7 reports would be helpful to Board members and this would be added to the forward plan.

Action 6: An update on the appraisal of the work with the Foreign Commonwealth Office would be provided to the Committee.

Action 7: A practice presentation on S7 reports would be added to the forward plan.

Action 8: Learning from the Cafcass Positive Parenting Programme pilot would be circulated to the Committee.

10. Any Other Business & Forward Planner

The Committee noted that the organisation was reviewing its external media communications strategy.

There was no further business.

DATE AND TIME OF THE NEXT MEETING: Performance and Quality Committee – Monday 9 September 2019, 11.00 – 13.00

Actions Summary

- Action 1: Existing arrangements to capture feedback from children and young people would include a specific question on how practitioners had worked with them.
- Action 2: The subject of transparency in the family courts would be considered for a future Board seminar.
- Action 3: An update on the No Stone Unturned action plan would be brought to the December 2019 Committee meeting.
- Action 4: The final report on the audit into the use of experts would be circulated to the Committee once available.
- Action 5: The availability of any existing study or the potential for a further study on the complexity of cases would be discussed with the Director of Strategy.
- Action 6: An update on the appraisal of the work with the Foreign Commonwealth Office would be provided to the Committee.
- Action 7: A practice presentation on S7 reports would be added to the forward plan.
- Action 8: Learning from the Cafcass Positive Parenting Programme pilot would be circulated to the Committee.