



Approved
Cafcass Board Meeting Minutes
Wednesday 22 January 2020 13:30 – 14:40
21 Bloomsbury Street

Present

Sally Cheshire CBE, Deputy Chair of the Cafcass Board
Francis Plowden, Chair of the Audit and Risk Assurance Committee
Stuart Smith, Chair of the Performance and Quality Committee
Fay Selvan, Board member
Caroline Corby, Board member
Joanna Nicolas, Board member
Catherine Doran, Cafcass Board member
Mandy Jones, Cafcass Board member
Sophie Humphreys OBE, Cafcass Board member
Paul Grant, Board Member

In attendance

Jacky Tiotto, Chief Executive Officer
Julie Brown, Director of Resources
Teresa Williams, Director of Strategy
Christine Banim, National Service Director
Anji Owens, Director of Operational Performance
Kevin Gibbs, Director for Operational Service Delivery
Melanie Carew, Head of Legal Services
Merryn Hockaday, Head of Communications
Neal Barcoe, Deputy Director for Family Justice Policy, Ministry of Justice
Benjamin McCormick, FJYPB Representative
Andrew Willcox, FJYPB Representative
Nicola Blakebrough, Corporate Manager (Secretariat Services)
Scott Harnett, Projects Officer - Minutes

Apologies

Deep Sagar, Cafcass Board member

1. Chair's Welcome

The Chair welcomed everyone to the meeting, particularly Anji Owens and Kevin Gibbs who were congratulated on their new roles as Directors for Operational Performance and Service Delivery, respectively. Thanks, and best wishes were also extended to Christine Banim, National Service Director, who would be leaving Cafcass in May 2020 and was currently in the process of handing over responsibilities to the Directors for Operational Performance and Service Delivery. The Chief Executive Officer gave her personal thanks to the Corporate Management Team for the support given to the National Service Director as she prepared to depart the organisation and for ensuring appropriate continuity measures were put in place to ensure a smooth transition following her departure.

The Deputy Chair confirmed that she was covering the Board Chair responsibilities as Edward Timpson had now stepped down following his successful election as a member of Parliament.

2. Apologies / Declarations of Interest / Minutes / Actions

2.1 Apologies

Apologies were received from Deep Sagar, Board member.

2.2 Declarations of Interests

There were no new declarations of interest.

2.3 Draft Minutes from the Board Meeting on 09 October 2019

The minutes of the Board meeting held on 09 October 2019 were approved as an accurate record.

The Board noted that all actions from the last meeting had been completed or were in hand. There were no further matters arising.

3. Report from the Chief Executive Officer

The Chief Executive Officer discussed some of her impressions and emerging thoughts on the organisation's strategic priorities following consultation with colleagues over the last three or four months, including a series of recent leadership roadshows undertaken with frontline staff at the end of 2019. Based on her findings, the Chief Executive Officer reported on key updates.

The Memorandum of Understanding (MOU) between Cafcass and the Foreign and Commonwealth Office (FCO), by which Cafcass had been acting as a delivery partner for the FCO in British Overseas Territories, was due to expire in March 2020. A position paper on the future of this work would be presented to the Board at their next meeting in March. The organisation's position, if this work remained unfunded by the FCO, was likely to be to withdraw from the MOU and any further engagement with the overseas territories following the completion of all current work commissioned and the expiry of the MOU.

The Chief Executive Officer alerted the Board to an official request from the Senior Coroner of Telford and Wrekin Court, requesting assurance that Cafcass had complied with recommendations following a Serious Case Review (SCR) published in December 2018, concerning the tragic murder of a 7-year-old child (child E) by his mother. The Chief Executive Officer was required by law to respond on behalf of Cafcass by no later than 27 January 2020 and would ensure the Board was copied into the response to the Coroner with the details of the actions taken to address concerns, as well as to the revisions that were carried out to the organisation's Child Protection Policy. The Chief Executive Officer's report also set out the revised Serious Incident Notification (SIN) protocol that had been put in place to strengthen the organisation's notification process. In response, the Board recommended the Performance and Quality Committee should review the actions taken in relation to child E to ensure the recommendations and learning were incorporated into the organisation's protocols and in six months' time assess the long-term impact of the changes undertaken. It was also suggested that where SINs were escalated to the Board or its members, these should be directed to the Performance and Quality for scrutiny by that Committee.

The latest demand levels were laid out in the Chief Executive Officer's report and had already been presented to the Board and stakeholders during the open Board session earlier in the day. It was noted that the growth in demand is at 3.7%. Public Law demand had decreased by 1.6% though there was growing complexity and duration and Private Law demand had increased by 5.9%.

Discussions with the Ministry of Justice (MoJ) had resulted in a pay remit allowing a pay award from February 2020 at the limit of what was currently permitted under existing Civil Service Pay Guidance, with a headline increase of 2%. Formal negotiations were ongoing with recognised trade unions who had submitted a formal joint pay-claim seeking a minimum pay award of 3%.

The Board was informed that as demand and growth were showing no sign of levelling out or reducing, and caseloads were now at a maximum across the organisation, a decision had been taken to recruit additional frontline social workers to assist in the management of demand. As such, posts were out for advert and interviews scheduled for 37 new frontline workers.

The Board acknowledged and thanked the Chief Executive for her report.

The Board discussed the recommendations presented to the open Board as part of the proposed demand reduction strategy to produce shorter safeguarding letters for cases with no evident safeguarding risks. The Board queried whether any audits have been carried out to identify how many cases appeared to have no safeguarding risks during the initial stages of a case. It was acknowledged that no audits had been carried out in detail but could be incorporated into the thematic audit schedule.

The Board discussed the open meeting held with stakeholders earlier that day. Although the information shared through the presentations described the pressures and potential options that were being considered, there was some concern that the information may have been too detailed for the Board and stakeholders to engage with. The Chair and CEO confirmed that the demand reduction planning presentation followed on from the discussion that had been shared at the last Board briefing, although noted that this had since developed further. It was suggested that the open Board could in future be held in the afternoon, to allow the Board to discuss the agenda and information agenda before these are shared publicly.

The Director of Strategy confirmed that a further iteration of the demand reduction plans would be shared with the Board and that presentations would be made available to stakeholder through email and the Cafcass website.

The Board discussed the Families Forum and the Director of Strategy confirmed that the composition would include representation from families and children experiencing Cafcass services but that there would be twice yearly engagement with founding partners to reflect on and influence progress.

The Board noted the proposition in the new Cafcass strategy that children would be provided with letters explaining to them the outcome of their cases and considered that the protocol governing this process would have to be very carefully considered and managed to avoid the risk of accidental data breaches. It was noted that the production of outcome letters might require a considerable increase in resources to sustain, but the Chief Executive advised that Cafcass had a duty to represent the child and it was clear that many were left unaware of the actual outcome of their cases following their completion in the courts, and Cafcass had a responsibility to ensure children were properly informed of the outcome of the final decision reached. It was noted this recommendation had been met positively by the Family Justice Young People's Board (FJYPB), and that it was already standard procedure in public law cases, though this procedure could also be strengthened further.

The Director of Strategy confirmed that an investigation into the correlation between the impact of poverty and familial breakdown had been conducted for cases for public law, though never under private law, and some correlation did seem to have been indicated: it was agreed the findings of the public law study would be circulated with the Board.

Action 1: A report on the future of the FCO work would be presented to the Board in March.

- Action 2: The Performance and Quality Committee would review the actions taken in response to the Coroner's letter and actions taken in the Child E SCR.
- Action 3: A further iteration of the demand reduction plans would be provided to the Board.
- Action 4: The Director of Strategy would circulate the findings of the research conducted into the impact of poverty on familial breakdown in public law cases to the Board for review.
- Action 5: The Director of Organisational Performance to consider and report back to the board, the volume of early intervention team cases that are identified as having no safeguarding risks.
- Action 6: The Director of Strategy to update the next board in respect of progress with the Family Forum and in particular the balance between engaging families and children alongside partner organisations who represent families.

4. Family Justice Young People's Board Report

Benjamin McCormick and Andrew Willcox provided an update on the FJYPB.

The Board was informed the recent FJYPB meeting in December 2019 had been a success, combining workshops and a discussion with the Chief Executive Officer on the type of language used by professionals. FJYPB representatives had also joined the Chief Executive Officer in attending all but one of Cafcass' recent leadership roadshows which had been a great opportunity to meet staff and increase the FJYPB's visibility among the organisation's frontline workforce, and they advised the Board they would be grateful for further opportunities to engage with the organisation at the frontline level in the future.

The Voice of the Child Conference for 2020 would be taking place on the 22 July in London, and the Board was advised that an email with the full meeting details would be circulated in March. It had been agreed that the focus of this year's conference would be on Domestic Abuse, including the impact that it can have on the children who have witnessed or experienced it, and how the family courts, social workers or other professionals respond to it.

The FJYPB representatives asked the Board what work Cafcass does to support children and young people who had experienced some form of domestic abuse. In response, the Board advised that Cafcass had adopted a Domestic Abuse Practice Pathway that enabled FCAs to identify the type of domestic abuse that may be apparent in a given case. The Board explained that FCAs had a statutory requirement to report all instances of children and families who had experienced or were at risk of physical or emotional harm or abuse to the Local Authority Social Services and to secure help on their behalf. They were also informed that Cafcass commissioned the Domestic Abuse Perpetrator Programmes (DAPPs) and was in the process of starting to consider if there were any therapeutic or support services that could be commissioned for victims, including children.

Cafcass' protocols and approach to instances of domestic abuse were likely to be influenced further in the next six to twelve months by the MoJ's own review panel into domestic abuse, which would involve academics, representatives from Women's Aid, judges and be chaired by directors from the MoJ. Communications were likely to be sent to key stakeholders such as Cafcass to make initial requests for support from March. It was also noted that the Domestic Abuse Bill was also likely to be re-introduced for a vote in Parliament shortly and that the practice presentation item for the next meeting of the Performance and Quality Committee in March would be about domestic abuse.

- Action 7: The Assistant Director lead for the FJYPB and the Chief Executive to identify opportunities for members of the young people's board to connect regularly with practitioners and business support colleagues.

5. Feedback from Board Visits

Board members provided feedback on the recent visits which had taken place at the Stevenage office and the Family Drug and Alcohol Court (FDAC) in line with the Board visit programme. The Board discussed feedback and noted:

- Levels of demand did not seem to be quite as high in Stevenage as in other areas of the country or the overall national average. The main area of concern raised by the frontline staff during the visit was their present levels of pay which were felt to be increasingly uncompetitive in comparison to Local Authority social workers.
- Another concern raised by staff in the Stevenage office was the '100-mile rule' that required frontline members of staff travelling a hundred miles or more in order to conduct a home visit with a family they're working with to rent a corporate car for the journey. The feedback indicated this process was quite complex and difficult to undertake effectively. The National Service Director confirmed this was current guidance and had been enforced more strictly in Stevenage than other areas, and agreed the policy would be reviewed.
- Staff in Stevenage indicated that finding adequate or affordable parking when conducting home visits or attending court could sometimes be challenging. Also, staff felt a certain amount of isolation with staff' connections to their central base of operations in Stevenage remaining quite weak.
- Re FDACs, although it was clear that they could be labour-intensive for the judges presiding over them, the multidisciplinary approach they adopted to such complex issues such as domestic abuse and drug and alcohol dependency meant they were well-placed to intervene and bring about a truly beneficial outcome for families, children and parents who may otherwise experience a less coherent offer of support in the family law and social care system.
- There was a sense that it was unfortunate that existing FDACs only served a small number of courts and Local Authorities throughout the country, as the work they offered could potentially be invaluable.
- It was recommended that FDACs would be best placed to serve the community where they were in areas of higher overall drug and alcohol usage.

Action 8: The policy regarding the 'Hundred-mile rule on car-hire' would be reviewed.

Action 9: The Director of Operational Service Delivery to develop a leadership action plan to support those staff who report feeling isolated and to draw on best practice around the organisation where there is successful engagement of remote staff.

6. Reports from the Audit and Risk Assurance Committee and the Performance and Quality Committee

6.1 Audit and Risk Assurance Committee (ARAC):

The Chair of ARAC informed the Board that the Committee had last met on 2 December 2019 and had discussed issues relating to information security at some length, including the presentation of the Information Assurance Bi-Annual Report on Data Breaches and an update on the Information Commissioner's Office's (ICO's) Audit Report. It was noted that information security is a continuing area of risk particularly as cyber and data-security risks became ever more complex. The number of actual data breaches reported by Cafcass remained low compared to the volume of information dealt with.

The Committee had reviewed the action plan in response to the ICO audit which had made 53 recommendations to Cafcass to improve its data security. Actions include the implementation of improved data security training for staff, and the appointment of an Information Assurance Manager who was now in post. ARAC would continue to review the organisation's information security standards and compliance with the ICO's recommendations.

The Board was informed that updates had also been received on Project Sapphire, the Internal Audit Programme, the National Audit Office audit plans, pension arrangements and pre-employment checks.

The Chief Executive Officer noted that Cafcass' would be moving away from its current existing system of conducting three-yearly Disclosure and Barring Service (DBS) checks on all current Cafcass employees to a more automated update system.

6.2 Performance and Quality Committee:

The Chair of the Performance and Quality Committee reported that the last meeting had been held on Monday 9 December 2019. The Committee had reviewed Cafcass' current levels of sickness-related absence, and owing to the high increase in levels reported (compared to previous years in which Cafcass had reported some of the lowest rates in the public sector) and the potential inconsistencies in management approaches adopted, a decision had been made to review the organisation's policy regarding sick-leave with a view to standardising it at a national level.

An update had also been provided on the Learning and Development Annual Report, and a review had been carried out on the Child Impact Assessment Framework (CIAF) which had resulted in agreement to update some of the material that presently existed in the CIAF. The Committee Chair suggested that some of these reviews and changes could be incorporated into the FJYPB conference in July.

The Board was also informed that the Committee had requested a definition of 'case complexity' as the term was regularly used to in relation to increasing demand figures.

The Committee had received an update on the Cafcass Positive Co-Parenting Programme (CPPP) which reported a positive impact on demand and reduction in the number of returning cases and improved outcomes for children and families.

The Chair thanked the Committee Chairs for their reports.

Action 10: The Assistant Director and FJYPB professional lead to work with the Cafcass Principal Social Worker updating CIAF materials with young board members for use at the July Conference and advising them on how to hold an effective event focused on domestic abuse.

7. Finance Report

The Director of Resources presented the Finance report and noted that the organisation was now forecasting a budget overspend of about £0.5m, owing to Cafcass having to carry the cost for the basic pay award (amounting to around £1m). Cafcass' funding settlement with the MoJ had originally been confirmed as including the funding necessary to cover these costs, but this was subsequently removed, and no additional funding had been received resulting in the overspend now projected. The Board was reassured that MoJ had been made fully aware of the overspend and had acknowledged the pressure Cafcass was under and had increased the level of cash available for draw down (though not the overall level of grant funding). The Board was informed the Executive Team were continuing to monitor this position carefully.

The Finance Team was expecting a large increase in the organisation's pension deficit following the incorporation of the adjustors latest valuation of Cafcass' pension liability from the end of March 2020, although the Board was reassured this would not result in any immediate increase in costs for Cafcass staff or the organisation more broadly. Audits would be conducted into Cafcass' pension arrangements and a wider piece of work to review the benefits of maintaining the organisation's current pension provider would be undertaken. In the immediate future, the Finance Team were not expecting the latest revaluation to have an impact on Cafcass budget for 2020-21.

8. Strategic Risk Register

The Board noted the Strategic Risk Register. The priority risks for the organisation are the impact of rising demand on resources and budget. These are reflected in the people risks: Remit (Budget) and Resources (Demand).

The majority of Cafcass' risks were rated as amber RAG status. Risk 4 (Resources and Demand) was rated as red owing to the already high and increasing levels of private and public law demand impacting the organisation, and Risk 9 (Reputation) was rated as green.

The Register had been amended to show both the previous residual risk and trend and the current residual risk and trend to indicate to the Board the overall direction of travel for each risk. The Chair noted that Strategic Risk Register set out a clear assessment of the current risk landscape, the majority of which had been explored through other items on the agenda.

9. Serious Case Reviews

9.1 Implementing Learning from Published Judgement:

The Director for Operational Service Delivery presented the Board with a briefing on the implementation of learning nationally and locally since September 2019 based on a judgement passed by Mrs Justice Theis in the High Court on the Child R Case.

The Board was informed that no concerning practice had been identified in the case record for the Child R Case other than the points that were already raised in judgement. Review of practice in the service area had been carried out and no concerns were raised, indicating the cause of these issues did not appear to be regional or systemic

Other action taken by the Operational Management Team included Heads of Practice undertaking workshops in all areas in November 2019 exploring issues such as those highlighted in the Child R Case. The national training Dilemmas in Public Law Practice had been reviewed to consider learning from this and other relevant judgements, and a team workshop had been carried out in the affected Service Area on working with challenging cases and accessing support. Additional training had also been provided to area staff and learning from the Child R Case had been shared with the team in a case discussion led by the guardian themselves at a team meeting held to disseminate the learning in this case. More widely, it was noted a summary of issues, actions and learning from the case had been shared at the Operational Management Team and the judgement cascaded to area management teams.

The Chief Executive Officer noted the question of how to ensure staff were adequately supervised was one that was being raised with some frequency now, as the organisation was currently in the process of reviewing its Performance Learning Review process.

Action 11 [A review of supervision to be presented to July board in conjunction with the update on the performance learning review programme.](#)

9.2 Serious Case Reviews Due to be Published:

The Director of Operational Performance presented the Board with a summary of Serious Case Reviews (SCRs) to ensure Board members were sighted on the SCRs currently due for publication where there was a potential for learning for Cafcass.

It was noted that the publication date for the report into SCR4 Hillingdon (2018) had now been received (31 January 2020), and Cafcass had already had sight of the recommendations made which would include embedding into policy the practice of asking for information from schools in private law proceedings and, where appropriate permission had been received, sharing information with schools that could help them to offer the best possible support to a child. In addition, Cafcass would encourage FCAs to familiarise themselves with the protocol for escalation in their area, and to be proactive in bringing concerns to the attention of the Director of Children's Services if they were not satisfied with a response following a referral. The Board was informed that where Cafcass had learned about an incident that had taken place in a Service Area, a bulletin would be sent out to Local Teams for early learning as well as through a Serious Incident Notification.

The Board noted the updated Serious Incident Notification (SIN) process. The Board was informed that a process had been formalised for the Corporate Management Team to be notified of both case and non-case related serious incidents. In addition, some new criteria for defining serious incidents had been drafted.

10. Project Sapphire and CAFIS Release Update

The Head of IT and IT Project Manager presented the Board with an update on the status of Project Sapphire which was now delivering the product CAFIS to replace Cafcass' current Electronic Case Management System (ECMS) with a new digital management system. The Board was informed the product name 'CAFIS' had been chosen by the FJYPB.

The release plan, had been approved by the Operational and Corporate Management Teams and would see parts of ECMS replaced by CAFIS functionality gradually in stages over the course of the year to October, minimising the impact of the change on staff and allowing adequate time for training and familiarisation with the new system before each release. There were to be six releases in total and release 1 would take place in March 2020. This was a very detailed piece of work, and required considerable planning, since it would have an immediate impact on how staff interact and use the case management system in their day-to-day role for the organisation; as such, they would need to ensure that FCAs had enough time to prepare for the changes being rolled out.

The Board was informed the main risks identified in the project were the potential for there to be insufficient funds to complete delivery, a lack of staff engagement in development that resulted in a product failing to meet the needs of all staff during final delivery, and the risk of disruption to Cafcass staff and the wider business that replacement of the case management system was likely to bring about. The Board was re-assured that mitigating actions had been put in place to address these risks, and that staff engagement risk was now downgraded as seven FCAs had been recruited to work on the project for a few days a month, alongside support from 54 staff representatives already appointed from across the organisation to support the development of CAFIS.

The Board acknowledged and thanked the Head of IT and IT Project Manager for the work they were undertaking to support the delivery of CAFIS. It was recommended that all reference to 'case-name' on the new management system should be amended to 'family-name', as the representatives of the FJYPB noted that Justice Cobb had expressed a wish to eliminate the use of the word 'case' and to promote the use of the word 'family' as far as possible. It was noted the project team were hoping to provide an initial demo of CAFIS' development at the next meeting of the FJYPB.

11. Any Other Business

There was no further business. The Chair thanked all attendees for joining and noted that the next meeting of the Cafcass Board was scheduled to take place on Wednesday 25 March 2020.

Actions summary

- Action 1: A report on the future of the FCO work would be presented to the Board in March.
- Action 2: The Performance and Quality Committee would review the actions taken in response to the Coroner's letter and actions taken in the Child E SCR.
- Action 3: A further iteration of the demand reduction plans would be provided to the Board.
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- Action 7: The Assistant Director lead for the FJYPB and the Chief Executive to identify opportunities for members of the young people's board to connect regularly with practitioners and business support colleagues.
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Minutes Approved by the Board Chair, Sally Cheshire, 25.03.2020

S Cheshire