



Draft

**Cafcass Performance and Quality Committee Minutes
Monday 9 December 2019, 11.00 - 13.00
Cafcass, Piccadilly Gate, Store Street, Manchester, M1 2WD**

Present

Stuart Smith, Cafcass Board member (Chair)
Fay Selvan, Cafcass Board member
Paul Grant, Cafcass Board member
Deep Sagar, Cafcass Board member
Caroline Corby, Cafcass Board Member (via video conference/Bloomsbury)
Joanna Nicolas, Cafcass Co-opted Board Member (via video conference/Bloomsbury)

In Attendance

Jacky Tiotto, Chief Executive Officer (via video conference/Bloomsbury)
Christine Banim, National Service Director
Anji Owens, Deputy Director for Operational Performance
Teresa Williams, Director of Strategy (via video conference/Bloomsbury)
Kevin Gibbs, Deputy Director for Operational Service Delivery (via video conference/Bloomsbury)
Nicola Blakebrough, Corporate Manager (via video conference/Bloomsbury)
Scott Harnett, Projects Officer (minutes)
Joanna Furlong, MOJ (via video conference)
Julie Bury, HR Manager – for item 4
Sarah Parsons, Assistant Director – for item 5.1 (via video conference/Bloomsbury)
Gemma Bond, FCA – for item 5.2 (via video conference/Bloomsbury)

Apologies

Stuart Moore, MOJ
Mandy Jones, Cafcass Board Member

MINUTES

1. Welcome and Apologies

The Chair welcomed everyone to the meeting. Apologies were received from Mandy Jones, Board Member and Stuart Moore, MOJ representative.

2. Declarations of interest

There were no new declarations of interest.

3. Minutes and Actions

The minutes of the Performance and Quality Committee (the Committee) meeting held on 9 September 2019 were noted and approved subject to some minor amendments.

Deep Sagar, Board Member, would be added to the attendance list.

The minutes (item 5 Customer Services Annual Report) would be updated to indicate that the Committee had expressed a wish to see a summary of the learning from serious incidents and the planning around how that learning was going to be applied to the organisation's processes. The Committee noted that item 5.1 addresses the learning loop in Cafcass.

The Committee reviewed the action log and noted the progress of actions. The Chief Executive confirmed that the revised process for notifying the Committee and Board about serious incidents would be presented to the Board in January 2020.

The Deputy Director confirmed that data from other UK jurisdictions was not presently held. Cafcass had greater access to Welsh data and would provide a national view of variation of case demand and performance (Action 15):

There were no further matters arising.

Action 1: The minutes of the last meeting would be amended.

4. HR Sickness and Absence Annual Report

Julie Bury, HR Manager for Organisational Development, presented the Committee with the annual report on HR Sickness and Absence.

The Committee was informed that the average number of working days lost in the last 12 months to 31 October 2019 was 9.9 working days per person, although there had been a slight improvement in sickness levels in the two months since October. Absence rates were higher for social work staff than for non-social work staff and more than half of staff had not taken any sickness leave in the past 12 months. Mental health (non-work-related) had the highest percentage contribution to the total number of absences.

The HR and Health and Wellbeing Teams were developing preventative forms of support for staff alongside the organisation's usual processes for managing absence, to balance 'reactive' sickness management and support with more 'preventative' measures. The Committee noted that the many positive interventions were impressive and there was enthusiasm for the innovative ideas that were under development, including the scheme for a 'mental health first-aider' which has been rolled out across the organisation.

The Chair suggested that other incentives such as an award of additional annual leave or some form of recognition for staff members who had taken no sickness leave could be considered, as this had a positive impact in other organisations. It was also suggested the organisation could consider not paying the first three days of absence.

The Committee discussed the formal management process for triggering sickness related management plans and acknowledged these were generally dealt with on a case-by-case basis. It was agreed that a formalised protocol for triggering sickness absence management would be developed.

The Committee queried whether the high number of staff who had taken no leave suggested that a relatively small number of individuals were taking consistently and significantly more days off work than the rest, and presumably for longer periods of time too. The Committee also expressed concern that the average levels of sick-leave in Cafcass were higher than that reported as a national average for Local Authority social workers, and although it was acknowledged that the levels currently reported were not as high as the organisation's previous peaks, there was still a risk of approaching previous levels if the continuing rise in absence was left unaddressed. The HR Manager explained that Local Authority employed more agency staff than Cafcass which may influence the level of sickness absence they report (as levels for agency staff are, generally, not reported).

The Committee expressed an interest in understanding what proportion of staff had reported absent with sickness at an early stage in employment. The HR Manager noted that a staff feedback survey had recently been carried with new starters to help understand the motivation for joining Cafcass and their experience of induction. The majority of the feedback received was positive, particularly regarding Cafcass flexible working styles, however some issues had been identified relating to induction. The HR Team were conducting a review into the existing induction framework and would be looking at new ways to educate managers to ensure there was greater consistency applied to induction across the organisation. The Committee suggested that the survey should ensure those identified as having taken leave at some point in the last two years had contributed to the survey. The Committee also expressed an interest in finding out whether any of those reported absent on sick leave were also involved in any disciplinary or performance review plans, and the HR Manager was able to confirm that there was sometimes correlation between long-term absence and employee relations cases.

The HR Manager advised that the HR Team was presently investigating the average workloads in teams to determine whether there was any correlation between absence and high caseloads and would report back to the Committee in due course.

The Chief Executive noted that a review of our supervision approach, policy and performance learning reviews had been commissioned which would also address what changes would be needed when the social work regulator changed to Social Work England. The Chief Executive confirmed the review would also consider the recommendations regarding recognition and reward for no sickness absence.

It was agreed that an update would be provided to the Committee in a single report at their next meeting on 9 March 2020. This would incorporate an update and draft plan for reviewing the process for staff induction; the formalised protocol sickness absence management; further analysis of data in regard to the number of staff with no sick leave and staff taking high number of days of leave within the first 2 years; outcome of the review re the correlation between absence and high caseloads and any regional variations; update and plan for reviewing our professional practice and supervision policy and Social Work England's requirements.

Action 2: A formalised protocol for triggering sickness absence management would be developed.

Action 3: An update on further analysis and actions being taken to address high sickness absence including the plan for reviewing the professional practice and supervision policy and Social Work England's requirements would be presented to the next meeting of the Committee.

5. Learning and Development:

5.1 Learning and Development Annual Report:

The Assistant Director presented the 'Learning and Development (L & D) Annual Report' to the Committee. The Committee was informed that the national training plan is delivered in the context of the Practice Leadership approach in place throughout the organisation. This involved a distributed model of learning input provided by the National Improvement Service (NIS), Heads of Practice, Practice Supervisors, Corporate teams and through the QAI. The national training plan provided new training to respond to identified organisational learning needs while the back catalogue of training and coaching is available on a commissioned basis from NIS to respond to individual, team or area needs.

The content of the plan was determined using data from several sources, including analysis and outcome of audits, performance learning reviews (PLRs), Serious Case Reviews (SCRs), judgements and other feedback mechanisms such as complaints, press reports and child and

family feedback. The outcome of core training, the child impact assessment framework and learning for public law, were also contributors to the organisations 'learning loop'.

The Assistant Director noted that a new digital portal was under development. Its purpose would be to pull together in one place all learning actions and outcomes from all 'learning loop' sources. The objective is to ensure effective reflection and professional discussion of all learning outcomes that impact practice, throughout the organisation. The portal would also ensure a clear process of reviewing learning actions, recommendations and a follow up on impact and progress.

The Committee queried whether there was any mandatory training for social work staff on the issue of neglect, as this, and deprivation of liberty, were the most common form of childhood abuse reported and regularly cited as a concern that had been overlooked in SCRs. The Assistant Director advised that there was no mandatory training regarding neglect however training on domestic abuse was mandatory as part of core training. The Committee noted that mandatory training was limited as it was not always proportionate to put staff through the same course of training at a single time. It was a line manager's responsibility to identify learning needs within the PLR process and to ensure that this training was then undertaken.

The Committee was informed that a working group were exploring the issues of neglect and deprivation of liberty and this was intended to form a key component of next year's L&D plan, with a focus on the role and scrutiny of guardians and cases affected by these factors, as well as forms of childhood neglect (including parental or self-neglect).

The Committee noted that two of the mandatory eLearning modules (*'Protecting Information in Cafcass'* and *'Child Sexual Exploitation'*) had been set up as 'certifications' on CafcassLearning, ensuring that staff members received an automated alert from the eLearning system to ask them to repeat the module within three months of notification when it was due for renewal. This ensured that staff remained 'current' in respect of key safeguarding and information security training. The status of completed mandatory training was reported to the manager through the PLR and to the Assistant Director within the regular service area report.

The Committee queried whether Cafcass knew which staff were not undertaking any training outside of the mandatory modules and whether this correlated to underperforming staff. The Assistant Director agreed to include this data in the next report.

The Chief Executive requested that the L & D analyses provided more reporting on the difference between audits and the moderated grade, and to consider whether the benchmarks applied by the National Improvement Service (NIS) were too optimistic.

The Committee requested an update on the status of the Apprenticeship levy.

- Action 4: The Assistant Director would provide data and analysis of staff who were not undertaking any training and the correlation to under performance in the future report.
- Action 5 Future L & D analysis would provide more reporting on the difference between audits and the moderated grade, and to consider whether the benchmarks applied by the National Improvement Service (NIS) were too optimistic.
- Action 6: An update on the status of the Apprenticeship levy would be provided to the Committee.

5.2 Private Law Audit Report: Child Impact Assessment Framework (CIAF):

The Family Court Advisor (FCA) presented the 'Private Law Audit Report on the Child Impact Assessment Framework CIAF,' and described her experience of using the tool in her day-to-day role.

The Committee was advised the CIAF was a tool FCAs used to separate and distinguish the various categories of need which can impact the situation of a child in a family law case, including domestic abuse, parental alienation, harmful conflict, or any other factors, and to identify which specific factors or typologies apply on a case by case basis.

FCAs would use the tools to consider the degree of impact or risk indicated for the child and assess the degree to which these risks should be balanced against the (sometimes equally) high risk of recommending that the child's relationship with their parents or family members should come to an end, or recommending potentially resource-intensive interventions such as domestic abuse perpetrator programmes (DAPPs), to ensure they were fully safeguarded.

It was noted that at times this could be a difficult tightrope to walk when the level of risk presented was high, and particularly since a lot of trust was placed in the views of FCAs in the courts, and it sometimes came down to a consideration of how best to minimise or avoid an adverse child experience which could have a profound impact on a child's future life chances. A lot of new research had been conducted into the importance of adverse child experience on childhood development, and Cafcass had an opportunity to make a huge difference in a child's life through the course of action that its workers were willing to recommend in each case. The CIAF was also helpful for enabling FCAs to evaluate less tangible factors such as the attitudes of parents or family members towards certain types of behaviour which constitute abuse, or cultural factors that may also impact a child's well-being.

The Committee was advised that tools and frameworks such as the CIAF were invaluable for supporting staff to reach a decision that was in the best interests of the children or families involved, reinforcing their decisions and providing them with a strong base of evidence supported by research.

The Committee was also told that the simplicity of the CIAF was very useful for FCAs as it allowed them to review and use the tool quickly without having to read through a long document at times when demand was continuing to rise. The FCA noted that the CIAF is by necessity a relatively complex tool as it was being used for a complex task, and it may not be possible to make it any simpler. She suggested though it was not possible to learn the CIAF inside and out in one training session, it was something which became more familiar over time as an FCA acquired more experience and learning.

It was suggested that the checklists may contain too much wording and jargon, and that the sections describing the 'reasons' why certain factors may arise from particular behaviour could be reduced. It was also agreed the 'domestic abuse pathway' required an update, as this tool had not been reviewed for about three years, and the organisation would need to ensure that it was providing FCAs with the best and the most relevant information and expertise it could.

Action 7: Wording in the CIAF checklists and sections to be considered to see if they can be streamlined, and plans to be put in place to update the DA pathway.

5.3 Small Changes Programme and No Stone Unturned Action Plan:

The Deputy Director for Operational Performance presented an update on the Small Changes Programme and the No Stone Unturned Action Plan. The Deputy Director noted that the intention of both areas of work was to increase efficiency and to reduce the impact of the continuing rise in demand. The updates had been presented to the Committee mainly for information and as an opportunity for the Committee to raise any queries. The Committee acknowledged the opportunity and agreed Small Changes and No Stone Unturned were excellent initiatives.

The Deputy Director confirmed that work would commence early next year to provide a clear definition of complex cases and families.

The Committee was informed that the 'Third-Party Document Upload' pilot had been commissioned to identify a reduction in time spent by FCAs uploading documents. One aspect of the pilot was investigating whether IT training was suitable or advanced enough for staff; the second, was to consider whether third-party documentation was needed at all, and if the organisation could dispense with uploading it to ECMS entirely.

Action 8 An evidence-based proposal to be brought back to the Committee at a later date describing the definition of complex cases and families.

5.4 Learning from the Cafcass Positive Co-Parenting Programme (CPPP)

The Assistant Director presented the Committee with an update on the recent evaluation and learning from the CPPP pilot. The Committee was first informed that the CPPP had recently won the 'Creative and Innovative Social Work Practice' Children and Young People Gold award.

The Assistant Director advised the CPPP pilot was a programme of structured interventions undertaken between November 2017 to February 2019 on private law cases with 16.4 appointments. The purpose of the interventions was to explore the child's experience and to help them to explain this to their parents or family members, to refocus parents to make child-centre arrangements.

The intervention also sought to redress some common issues effecting 16.4 cases, including drift or lengthy case duration. The Operational Management Team (OMT) had, in May 2019, agreed that the CPPP should be taken out of pilot and implemented as standard 16.4 practice.

The Committee was advised that the key issue being addressed was related to embedding CPPP against a landscape of rising demand. The Committee was reassured that the introduction of the CPPP had not contributed to increasing demand but it was acknowledged it could be difficult for FCAs to prioritise cases on the programme.

The Committee noted that CPPP was having a positive impact on demand, particularly regarding bringing about a reduction in the number of returning cases. Additionally, it was broadly influencing improved outcomes for children and families, required no additional resources to deliver outside those already required to meet demand for 16.4 cases, and, upon evaluation by OMT, did not seem to require any additional time to undertake and complete than a Section 7 report (about 25 hours in total), though it was also acknowledged that the work required in the initial 'start up' period could be intensive for FCAs.

The Chief Executive thanked the Assistant Director for the update and advised personal letters of thanks were being written to those instrumental in delivering the programme to ensure they were acknowledged for their share in the recent award.

6. Performance Report

The Deputy Director for Operational Performance presented the November Performance Report. Between April and October 2019 there had been a 4.5% rise in demand for all cases compared to the same time last year, and an average of 5,449 new cases per month had been received, featuring an average of 8,294 children. Although there was an overall drop in the number of public law care cases by about 1%, overall demand for non-care public law cases had risen by 9.2%, amounting to 274 cases in total.

The Committee was informed that demand for 16.4 cases had risen even more sharply to an increase of around 16% compared to the same time last year, and active caseloads had also risen in line with demand. The Committee queried whether it was possible to identify if a case

could have been completed or concluded sooner. The Deputy Director confirmed that the length of the case was directed by the court and Cafcass was required to keep cases open and to continue monitoring case status and progress at every stage of its life-cycle until the final hearing was concluded.

The Deputy Director agreed to include an appendix in future performance reports to provide detail of the factors which would mean outcomes for children were 'unknown.' These included the withdrawal of the application before the hearing, or the dismissal of the case by the court.

The Committee noted that overall DFJ care duration was rising and queried whether partners in the family justice system saw this as a priority area for improvement. The rise in duration was due to the volume of cases in courts and the Committee were assured that Cafcass was not contributing to the increase. Cafcass is engaged with the judicial public law working group who were considering the issues and whether the 26 week timeframe was still appropriate. It was agreed that the topic of care duration timescales and a discussion around the organisation's future approaches to the issues of 'deprivation of liberty' and 'neglect' be discussed at a future seminar.

Action 9: The Deputy Director would include an appendix in future performance reports to provide detail of the factors which would mean outcomes for children were 'unknown.'

Action 10: The topics of care duration timescales, neglect and deprivation of liberty would be considered for a future Board seminar.

7. Serious Case Reviews (SCRs):

7.1 SCRs Due to be Published

The Deputy Director for Operational Performance provided the Committee with a report on SCRs that were due for publication.

The Committee noted that regarding one of the SCRs identified ('SCR 3 Birmingham 2017'), one of the actions implemented had been to strengthen the team's opportunities for supervision. It was noted Cafcass used situational approach to supervision and therefore had been looking into the internal structure of local teams to ensure that supervision was taking place on a more consistent basis.

The Deputy Director confirmed that that the data collected in ECMS regarding whether 'children are routinely seen' was not as reliable as it needed to be. The new system specification however would help improve data available.

The Committee was assured that the learning process for SCRs and other high impact factors (such as judgements) was immediate with actions put in place quickly after an incident had been reported. The publication however of the public reports were often once any criminal investigation was completed.

The Committee was reassured that the ongoing review of the PLR process, case review and supervision processes would help to ensure that the organisation was robust in spotting warning signs if FCAs were falling below standard. The Committee discussed accountability and the Deputy Director confirmed that although FCAs are court-instructed officers, and as such, responsible for carrying out the directions of the court; staff assuming case supervision would be joint responsible for case management.

The Committee was informed that a quarterly SCR learning report would be introduced including the learning identified and the actions required to deliver the changes needed which would assist in evidencing the learning loop. The Chief executive confirmed that a new incident notification process would be introduced to which would allow the Board to be cited

on SCRs more promptly and would require that Cafcass start providing evidence of learning from the moment an IMR was submitted.

Action 11: An update to be presented to the Committee at a future date on enhanced case and staff supervision within teams.

Action 12: A quarterly report detailing learning from SCRs, and a commitment for Cafcass to provide evidence of learning from the moment an IMR has been submitted, would be developed.

8. Any Other Business

The Director of Strategy noted the suggestion that accountability for the People pillar should sit within the P&Q, rather than ARAC.

The Committee was informed that Cafcass' organisational data should be transferred to the 'SAIL Data Bank' that week (commencing 09.12.19).

There was no other business and no other matters arising.

Actions Summary

Action 1: The minutes of the last meeting would be amended.

Action 2: A formalised protocol for triggering sickness absence management would be developed.

Action 3: An update on further analysis and actions being taken to address high sickness absence, as well as SWEs requirements regarding CPD, stress reporting and professional supervision, would be presented to the next meeting of the Committee.

Action 4: The Assistant Director would provide data and analysis of staff who were not undertaking any training and the correlation to under performance in the future report.

Action 5: Future L&D analysis would provide more reporting on the difference between audits and the moderated grade, and to consider whether the benchmarks applied by the National Improvement Service (NIS) were too optimistic.

Action 6: An update on the status of the Apprenticeship levy would be provided to the Board.

Action 7: Wording in the CIAF checklists and sections to be considered to see if they can be streamlined.

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