



## CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Paper for the Cafcass Board meeting on 22 January 2020

### UPDATE FROM THE CHIEF EXECUTIVE OFFICER

#### **KEY POINTS**

- The report describes progress with the development of our strategic plan and the associated work programme.
- The latest demand data is set out in section 4.1, alongside an outline for demand reduction activities in section 4.2 which is also to be presented in the open board session. It sets out our overall growth in demand at 3.7%, with Public Law decreasing by 1.6% though there is growing complexity and duration and Private Law demand increasing by 5.9%.
- An overview of our current work programme through the Foreign and Commonwealth Office and in British Overseas Territories is provided at 4.3. A full Board report in March will set out the options for a future work programme.
- Section 4.4 alerts Board members to an official request from the senior Coroner of Telford Court regarding assurance that we have complied with recommendations made to us following a serious case review published in 2018 and concerning the tragic murder of a 7 year old child by his mother. 4.5 sets out for the Board, the revised serious incident notification protocol which has been revised to strengthen notification to the CE and senior team and onwards to the Board Chair and members, where this is required.
- Against our strategic 'people' priority, the report updates the Board on our pay award, the developing workforce strategy, our active new year recruitment campaign and an update is given on our handling of sickness absence – sections 5.1 to 5.4.
- Our 'partner' priority overview includes an update on our developing family forum, the successful transfer of data to the Nuffield Family Observatory and our developing work to secure an implementation board to oversee the much needed reforms in family justice – sections 6.1 to 6.3.
- An update on our implementation of the urgent recommendations arising from the Information Commissioner's Office report is at section 7.1
- 7.2 provides an update on the recruitment of new Board members and 7.3 describes a brief summary of our new internal and strengthened corporate governance and accountability.
- The successful appointment of two new directors to assume responsibilities from the National Service Director who retires in May this year is set out at 7.4.
- A budget update is given at 7.5.
- In the 'impact for children' section, 8.1, Board members are asked specifically to hold the Chief Executive to account in respect of a commitment we have made to the FJYPB to ensure that all children involved in proceedings receive a letter telling them what the outcome was at the end.

## 1. AIM AND PURPOSE

- 1.1 To provide an overview of progress and key issues by our strategic priority areas, practice, people and partners.

## 2 RECOMMENDATIONS FOR THE BOARD

- 2.1 To note this overview.

## 3. STRATEGIC PLANNING 2020-23

- 3.1 Following the publication of the Strategy in September last year, a series of roadshows have taken place to engage our people fully in the development of the delivery programme detail. We undertook 8 roadshows across major areas of the country between October and December. Over 700 Cafcass staff were engaged in what they told us was an exciting and inclusive conversation. The feedback report from the work of the roadshows has been published internally and is issued as an accompanying paper (Appendix A) to this report for information.

We have now settled on a suite of 9 delivery priorities (3 for each of the main strategic priorities – practice, people and partners), which we believe cover the breadth of the business and are critical to our sustained and improving effectiveness. They are:

### Practice:

- i. **Practice led** – experienced practitioners in the sustained improvement of practice
- ii. **Feedback informed** – practice improvement influenced by families and children
- iii. **Learn and improve** – demonstrating organisational learning

### People:

- i. **Respect, recognition, recruitment and retention** – valuing, developing and learning from all our people
- ii. **Efficient and innovative systems and resources** – a working environment that is motivating and enabling
- iii. **Lines of sight** – strong leadership and oversight of a change programme that is ambitious, inclusive and makes a visible and positive difference to our people and ultimately to children and their families

### Partners:

- i. **Manage demand** – influencing what happens before and after court to maximise the support for children, their families and carers
- ii. **Accountable for outcomes** – using and improving what we know from our data to hold ourselves and partners to account for the outcomes we influence
- iii. **Leadership of family justice reform** – making the case for change and delivering it together with partners

- 3.2 Our planning has reached the stage where we have also defined the project work that will comprise each delivery priority and agreed that each will be led by a cross professional project team. We are beginning conversations with our senior managers to agree and sign off the priority and timelines for each project, the deliverables and the success measures. Each project lead will be expected to develop project plans which set out strategic intent and make it clear to children and families why this work is important. These will be signed off by corporate management team between now and the end of March 2020.
- 3.3 Executive oversight of our strategic plan, will ultimately be through six weekly corporate management team meetings, quarterly director led delivery boards and more regular

priority lead project meetings. The Board will agree the governance arrangements for their own oversight of our strategic delivery plans at today's meeting, including formal quarterly reports to the Board and key project sponsorship where this is required.

- 3.4 Finally, we plan to publish a summary version of our delivery programme in March or April 2020. Such a document would set out our three year vision, our supporting values and headline detail regarding our delivery programme and the relative priorities therein. We would also like to host a launch conference (of internal and external colleagues and partners) to coincide with 'world social work day', the theme for this year being the importance of relationships. Our thinking is that as the largest employer of social workers in England, the relationship based nature of our work and the significance of the outcomes of our work for families and children, it will be important as we set out our vision and associated plans, to share the key change and improvement messages to the widest audience possible.

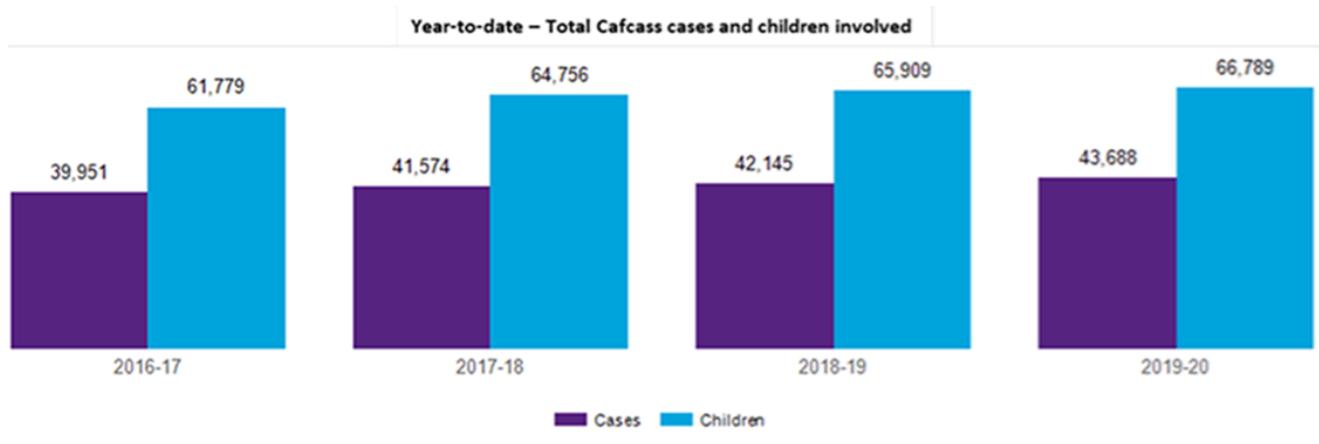
## 4. PRACTICE

- 4.1 The most recent available data year to date (April 2019 to November 2019) is that which was published on **12 December 2019**.

### Overall demand

The total number of open children's cases in November 2019 was 35,541 (56,326 children). **This is the highest monthly total for open cases on record and +5% more when compared to the 33,848 open cases in November 2018.**

**Cafcass received 43,688 new cases from April to November 2019, which is 1,543 (3.7%) more cases than the same period in 2018.** These cases involved 66,789 children, which is 880 (1.3%) more children than April to November 2018.<sup>1</sup>



### Public law

Cafcass received **12,395 new public law cases between April 2019 and November 2019 featuring 19,959 children. This represents a decrease of 1.6% (207 public law cases) and a decrease of 4.6% (964 children)** on the 12,602 public cases received and the 20,923 children on those cases between April 2018 and November 2018.

The **12,395 new public law cases** received included **8,898 new section 31 care applications, this is 505 applications (5.4%) fewer than the same period in 2018.** These applications involved 14,363 children, which is 1,095 (7.1%) fewer children than April to November 2018.

<sup>1</sup> Each case can involve multiple applications and multiple children, however, children involved in multiple cases during the reporting period are only counted once.

Whilst there is an **overall decrease of 5.4% in applications for section 31 care, there is an increase in applications for other types of public proceedings, including discharge of care orders, revocation of placements, and supervision applications.**

**Of the 12,395 new public law cases received, 3,722 were non-section 31 care cases. This is 262 cases (7.6%) more than the same period in 2018. These cases involved 5,447 children, which is 302 (5.9%) more children than April to November 2018. Non-section 31 care cases are defined as public law cases where the lead application is not section 31 care.**

Total Cases	2016-17		2017-18		2018-19		2019-20	
	Cases	Children	Cases	Children	Cases	Children	Cases	Children
Apr	5,061	7,713	4,526	7,056	4,919	7,649	5,130	7,915
May	4,683	7,207	5,213	8,117	5,369	8,388	5,483	8,610
Jun	5,121	8,004	5,520	8,560	4,873	7,632	5,085	7,912
Jul	5,010	7,754	5,245	8,158	5,278	8,401	6,014	9,370
Aug	5,050	7,884	5,270	8,136	5,559	8,618	5,262	8,213
Sep	5,039	7,768	5,016	7,912	4,868	7,627	5,148	7,956
Oct	4,860	7,544	5,413	8,452	5,622	8,733	5,964	9,176
Nov	5,127	7,905	5,371	8,365	5,657	8,861	5,602	7,637
Dec	4,234	6,612	4,096	6,372	4,354	6,843		
Jan	4,708	7,252	5,098	7,799	5,012	7,699		
Feb	4,838	7,493	4,668	7,315	5,053	7,856		
Mar	5,524	8,528	5,200	8,242	5,663	8,781		
<b>Total</b>	<b>59,255</b>	<b>91,664</b>	<b>60,636</b>	<b>94,484</b>	<b>62,227</b>	<b>97,088</b>	<b>43,688</b>	<b>66,789</b>

### Private law

**Cafcass received 31,293 new private law cases from April to November 2019, which is 1,750 cases (5.9%) more than the same period in 2018.** These cases involved 46,830 children, which is 1,844 (4.1%) more children than April to November 2018.

Alongside the increase in demand for new private law cases, there has been a significant year to date increase on the work required on these cases, including:

- **15,082 new Section 7 reports have been ordered by courts from April to November 2019, which is 1,750 reports (13.1%) more than the same period in 2018.**
- **2,017 new R16.4 orders from April to November 2019, which is 266 cases (15.2%) more than the same period in 2018.**

### 4.2 Demand reduction action plan – private law

The Board is well aware of the persistent and relentless rising demand in private law applications and the data above is yet more evidence of the continued pressures. Whilst public law has plateaued over the last 12 months, many cases show increasing complexity. Care and supervision duration is now averaging 33 weeks and pressure is starting to build in some regions in respect of allocation. We are at present however having to make urgent demand reduction plans in respect of private law given the monthly rises and the indicative budget allocations for 2020/21 which do not yet acknowledge this rising demand or make good the shortfall of 2019/20.

Over the past eleven months (December 2018 to November 2019), we have seen an increase overall of 7.6% for new private law cases, a 12.2% increase in R16.4 orders and a 15% rise in section 7 reports requested by the courts. Average duration for private law cases has increased to 20 weeks, disputes are reported to be more complex and caseloads have increased on average 5%. We are not immediately able to allocate all private law work and currently approximately 1000 children are allocated to a duty manager<sup>2</sup>. Should demand continue to increase as forecast, then the active caseloads of our staff are highly likely to continue rising, further increasing the pressure on frontline staff in their services to children and families in both public and private law cases. Taken together, rising caseloads and duty allocations have prompted the senior team to consider action to protect our organisation and to make it clear to the family justice system that this is a shared risk between Cafcass, the Judiciary and Ministry of Justice. The detail of our plan is to be presented in open session of the board.

We invite comments on the specifics for each demand reduction priority which will commence formally in April should the position remain as acute as it is at this time.

#### **4.3 Work with Foreign and Commonwealth Office (FCO)**

Under the terms of a Memorandum of Understanding (MOU) with the Foreign and Commonwealth Office (FCO), and as part of their Child Safeguarding Unit (CSU) responsibility to improve the standards of child protection in the British Overseas Territories, Cafcass has acted as a delivery partner to the FCO providing interventions associated with social care and multi-agency working since January 2017. The MOU between Cafcass and the FCO will expire in March 2020. The inclusion of this update is to sight Board members early on a fuller paper that will come to the Board meeting in March , seeking sign off of a set of recommendations regarding the future of this work.

##### **Summary**

Cafcass is committed to some 52 days of further work (as of December 2019) up to April 2020. This work is not currently funded by the FCO, though all expenses are paid. There is reliance on a previous written commitment by the former Chief Executive that internal staff would participate in the work as a development opportunity, and therefore at no cost. In that context, Cafcass is committed to four main pieces of work and a significant amount of project management:

**Bermuda** - Bermuda is the largest of the British Overseas Territories by population and is regarded by the FCO as being one of the priorities for intervention. Following a deployment in June 2019, it was agreed that Cafcass could make an offer to the Bermudan government that effectively consists of a project to support the development of the children's guardian service. However, the Bermudan government have not fully accepted this offer of support and it remains at this time unclear whether they will engage with it before April 2020.

**Turks and Caicos Islands (TCI)** - TCI is also considered as a priority territory by the FCO. By way of separate MOU with the FCO, and mirror MOU between Cafcass and Essex, Cafcass has committed to providing support to TCI until 1 February 2020, but this is mostly delivered by Essex Council. This situation has arisen because the FCO could not commission Essex Council directly to provide intervention purportedly due to their procurement rules.

**Leadership Programme** - As a mechanism for reducing the amount of time spent abroad, in late 2018, Cafcass proposed to the FCO that a priority issue, the leadership capacity of social care directors and deputy directors, could be enhanced by way of an innovative online leadership programme, augmented by individual coaches/mentors and a reflective diary approach. This commenced in summer 2019 and is working well. Senior leaders are engaged with each other, and us, and are building networks of support. A monthly webinar

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<sup>2</sup> Duty allocations in private law average 12 working days but in some areas, this is a longer period before the work can be commenced.

enables discussion and thinking time for leaders, outside of their daily practice. Feedback has been positive

**Guardian service in St Helena and the Falkland Islands** - Cafcass has historically provided a children's guardian in public law cases in the Falkland Islands and St Helena. FCAs and PSs have undertaken this work, mostly from the UK, attending court by VideoLink. Each case generally involves one trip to St Helena or the Falkland Islands, where the child is seen, parents and social workers are interviewed and the FCA then writes a report right before the final hearing held the day before they fly home. A UK based solicitor from the children's panel is funded by the relevant government to take instructions from the guardian. There is no written document or formal agreement that underpins our work in these countries. Expenses are paid by the relevant government, but no costs are levied by Cafcass for the time of our staff. Our social workers can lawfully practice abroad, because neither country has a system of regulation for social workers and employ UK based social workers to practice.

In the last two years, we have had no cases from St Helena. We have had two cases from the Falkland Islands and there is one active case being worked currently, due to end in February 2020. It is impossible to predict whether a new case will come to us for allocation, but our best guess is that it will not based on previous demand.

**Future options** - I met with the lead official from FCO and our sponsor Assistant Director, Alexander Kemp, in late December to discuss options for both continuing and ceasing this work. I am particularly concerned that at a time of great operational demand, with a significant strategic delivery programme, preparation for inspection and our own improvement agenda, that we do not have capacity to continue – particularly as the work is unfunded and we cannot therefore secure any backfill resource. The paper that will come to the Board in March will set out the complexity of withdrawal and all options.

#### **4.4 Serious Case Review – Child E**

Shropshire safeguarding board published a serious case review (SCR) relating to the death of Child E in December 2018. Cafcass' involvement concerned three sets of private law proceedings between 2010 and 2017. The report I made to the Board in November 2019 setting out current serious case reviews with practice learning for Cafcass and which had yet to publish did not include reference to this review because it had already been published<sup>3</sup>. However, the senior coroner for Telford and Wrekin has written to me, using his powers in accordance with the Coroners and Justice Act 2009 and regulation 28 of the Coroners (Investigations) Regulations 2013, following publication of his report into the death of child E in December 2019.

I am required on behalf of Cafcass to provide assurance that we have acted on the recommendations made in the Serious Case Review report which can be read here <http://www.safeguardingshropshireschildren.org.uk/media/1168/final-scr-child-e.pdf>

There are two of eight recommendations which directly require us to learn and to make some practice changes in response:

- *Cafcass to update their child protection policy to include when and how safeguarding referrals (child in need) should be made*
- *SSCB (Shropshire Safeguarding Children Board) to work with the Local Family Justice Board and Cafcass to review the notification process for section 37 reports to ensure timely and consistent arrangements.*

I am reviewing the action we have taken and assuring myself that we have made the necessary practice changes. I have sought specific assurances on this prior to responding to the Coroner. Our reply is being drafted and is required to be with the Coroner no later

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<sup>3</sup> The internal process for tracking SCRs is to be updated to include reviews where an inquest is to take place. This will mean that future reports to the board in respect of reports where we are required to take action, will now include actions likely to or which have arisen as a result of Coroner reports.

than 27 January. I will ensure that the Board is copied and recommend that the next Board meeting considers the action we have taken, the improvements that are in evidence and any other learning associated with the very tragic circumstances concerning the death of this child.

#### **4.5 Updated Serious Incident Notification Protocol – Appendix B**

The Serious Incident Notification Protocol and the management of subsequent learning has been revised as set out within Appendix B. It now includes a requirement for notification to CMT of both case and non-case related serious incidents. Following notification, initial action by an Assistant Director and oversight by the Director of Operational Practice, the Chief Executive will make a decision as to whether the information should be shared at that initial stage with the Chair of the and/or Board members, as appropriate. The purpose of the revisions to the process has been both to ensure that Directors and the Chief Executive are aware of and can make decisions to notify the Chair and/or Board members where this is required but in addition to ensure that where we need to prepare communications or lines to take, that there has been senior oversight and contribution to that material. We will review the operation of these revisions over the next six months and provide an update to the Board in due course.

### **5. PEOPLE**

#### **5.1 Pay Award**

Following detailed discussion with MoJ during 2019 we have obtained a pay remit which will allow us to make a pay award which is at the limit of what is permitted by the current Civil Service Pay Guidance. The headline figure is 2% however once the cost of in year pay progression is included, the pay award to staff will be 1.5%. As in recent years this will apply to all employees, will be consolidated into Cafcass pay scales and will be pensionable. We are part way through the process of formal negotiation with our recognised trade unions who have submitted a formal joint pay-claim seeking a minimum pay award of 3%. As part of these discussions we have explained that we are required to operate within the pay guidance and cannot exceed our remit. We have provided a formal response to their pay claim which clearly sets this out and it is hoped that the negotiation process will conclude soon to enable us to make the award in February.

#### **5.2 Workforce strategy**

The development and publication of a revised workforce strategy is a critical aspect of retaining our staff, finding ways to recognise and reward their commitment as well as helping us to attract new colleagues. A full version of the strategy will be presented to the March Board and will set out our position and plans in respect of:

- a. Vision, values and culture (as they relate to workforce strategy)
- b. Our baseline staffing data (set out in the format of the DfE annual healthcheck)
- c. Our future proofing plans for:
  - ✓ Recruitment
  - ✓ Retention
- d. Becoming a top class employer
- e. Developing a workforce academy
- f. Developing a social work apprenticeship (to enable business support staff who want to train to do so)
- g. Working with Social Work England (registration, fitness to practice and continuous professional development)
- h. Developing personal employee work cycle plans

- i. Supervision, learning and support
- j. Health, well-being and our annual health check
- k. Diversity, inclusion and emerging talent
- l. Employee recognition and reward
- m. Partnership with trades unions
- n. Governance and oversight

We plan to formalise an annual staff healthcheck, which will be reported to the Board and influence an annual update of our workforce strategy.

### 5.3 Managing demand and allocating work

Given that our demand and growth shows no sign of levelling or reducing and our caseloads are now at maximum across the entire organisation, we have taken the decision to recruit now in order to bridge the gap. We do not know our budget allocation for 2020/21 from MOJ, however we have been robust and transparent in ensuring that they understand the widening gap and the shared risk we have now and into the rest of this year if we are not in a position to put in more front line workers. We have assessed this strategy and if we do not get the allocation needed, we will adjust recruitment throughout the financial year, whilst implementing our radical options set out in the demand reduction plan which is set to go live from April 2020. Our analysis of the gap in professional time is 37 frontline workers at a cost of an additional £2 million. This will also accommodate extra business support time which will be needed to support the increased workforce.

The posts will be allocated as below:

AD	Service Area	Geographical Areas	FCA Resource Risk	Proposed Increase
Marie Gittins	A1	Tyneside and Northumbria	Priority 1	6
	A2	Durham, Teesside, North Yorks, York, Cumbria and Lancs		
Sandie Hayes	A3	Greater Manchester	Priority 1	8
	A5	West Yorkshire		
	A9	Cheshire & Merseyside		
Hilary Barrett	A4	South Yorkshire & Humberside	Priority 1	8
	A10	Leicestershire, Lincolnshire and Cambridgeshire		
	A11	Nottinghamshire and Derbyshire		
Kevin Gibbs	A6	Hampshire and the Isle of Wight and Dorset	Priority 2	4
	A7	Avon, Gloucestershire, Wiltshire and Thames Valley		
	A8	Cornwall, Devon and Somerset		
Alex Kemp	A12	Birmingham, Black Country, Shrops, Worcs and Staffs	Priority 1	5
	A13	National Business Centre, Coventry and Northampton		
Sarah Parsons	A14	Essex, Suffolk and Norfolk	Priority 2	3
	A15B	Greater London Private Law		
Richard Morris	A15A	Greater London Public Law	Priority 2	3
	A16	Surrey and Sussex		
	A17	Kent		
	A18	Bedfordshire, Buckinghamshire and Hertfordshire		

All posts are now out for advert and interviews are scheduled in for late January/early Feb. One post in A1 has already been offered from the talent pool. The HR transactional team have an implementation plan in place to fast track successful applicants, as pre employment checks and references can delay start dates. This recruitment is sitting alongside our normal recruitment for turnover which is currently 66 posts. Progress for the extra posts will be monitored at OMT and CMT. Hard to recruit areas, Birmingham, Leeds and South London will have a focused flexible approach as candidates have recently been

of a poor quality. It is anticipated as a best estimate that these extra posts will reduce the National Average caseloads by 1.5 cases. In some areas it will reduce the regions average caseloads by 3 cases, depending on demand and numbers of extra posts. It is important to note however, that this is a stand still position and does not accommodate the predicted continued growth into 2021.

#### **5.4 Sickness absence**

Following discussion at the Performance and Quality Committee, we have commenced a review of our Managing Attendance Policy in order to revisit our position on sickness absence triggers. This will be considered by CMT in February so the work can come to the next Committee meeting. These are not within the current policy framework and Trade Union engagement will be an important part of this. Our current programme of preventative and responsive initiatives to deliver reductions in sickness absence is being reviewed to ensure the widest practicable resources are targeted where absence levels are high regionally and in comparison to local authority levels. Induction materials are being reviewed too so they can be launched to coincide with the onboarding of new staff from the current national recruitment campaign. Similarly, the working group looking at our Performance Learning Review (PLR) system and how it is currently working, together with its related policies are being reviewed later this month, using recent audit and survey data to inform next steps. We also have in hand the development of our own procedures to support staff in meeting the new obligations arising from the transfer of registration to Social Work England. We are launching a further round of Apprenticeship Levy funded training with current spend for this and last year expected to reach c£0.250m (against a monthly levy on payroll of c£30k).

### **6. PARTNERS**

#### **6.1 Family Forum**

A priority in our strategy is to establish a Family Forum. Our goals for this work are to improve our understanding of how families experience our work with them so that we can make our systems more helpful; to work more restoratively and directly with families to put things right where we have made mistakes; to ensure we are proactive in learning from a wider range of feedback, in evidencing the changes we make and to make our relationship with families as kind and hopeful as possible even in difficult circumstances.

Our first step in developing the Family Forum was to convene a workshop with a range of partners with experience of working restoratively alongside families to understand their experiences – for them individually and at a more strategic level. The purpose of the event was to learn from this; to receive feedback on our draft goals for a Forum and to develop some of the initial ingredients for a Family Forum charter that would enable respectful and trusting relationships with Forum members.

Camden, Safelives, Dads Unlimited and Family Rights Group each presented on their experiences in evolving related work and highlighted the importance of getting some of the basics right (names, language, 'I' rather than you statements); being respectful of the time of 'experts by experience' – including valuing it by paying for it as well as offering expenses; being honest and realistic about what is and what isn't possible; and taking time to get it right, together with the patience and commitment to constantly evolve. A follow-up event will take place in March and our thinking about how to progress the work will be presented in the Open Board meeting.

#### **6.2 Nuffield Family Observatory**

Our partnership with the Nuffield Family Justice Observatory (NFJO) continues to develop. Our Director of Strategy is a member of the Governing Board and has overseen the first successful deposit to the NFJO Data Platform (held at the SAIL Databank at the University of Swansea) of anonymised summary data about the people and cases Cafcass has worked with since 2007. Future data transfers will be made every six months and made

available alongside similar data from Cafcass Cymru for research purposes – following a rigorous legal, technical and ethical review process on a project by project basis - under the Data Sharing Agreement we have signed with SAIL. We have updated the Cafcass Research Governance Framework and will shortly be establishing a new Research Advisory Committee (with input from Cafcass Cymru) to support the revised arrangements and strengthen links with the research community.

Cafcass has contributed to the development of the Observatory’s work programme – to be published this month – which will provide: population based analyses to provide an overview of the family justice system and the people it serves; focused ‘spotlight’ reports to illuminate particular issues; and evidence-based guidance to inform decision-making by frontline practitioners. We have particular involvement in confirmed projects to improve practice in relation to new-borns in care-proceedings; review of special guardianship; and work to improve understanding of protracted private law cases, including r16.4 appointments. We are also assisting scoping of feasibility work on the operation of Practice Direction 12J which governs the handling of cases involving allegations of domestic abuse; and multi-professional peer review of whether care proceedings are brought in the ‘right’ cases.

### 6.3 System leadership and reform

We have been working closely with the President of the Family Division and senior judges who lead the public and private law working groups in order to continue to support much needed reform. We have also held a series of helpful meetings with the MOJ and the Department for Education where together with senior judicial colleagues, we have been able to stress the importance of system leadership to enable reform. There is now an established and shared ‘implementation’ group whose responsibilities will be to drive the pace of reform, work closely with local authorities, consider advice to ministers through attending officials and prepare a strategy to present to the Family Justice Board. This is an important development in respect of the machinery to lead reform and the decision of MoJ to provide secretariat support means that there is now capacity to ensure that work between meetings is supported and followed through.

## 7. ORGANISATION

### 7.1 Information Commissioners Office (ICO)

Following the ICO audit of our records management and security of personal data, a draft action plan has been developed and was discussed at ARAC in December 2019. As set out in ARAC papers, and summarised in the table below 13 out of a total of 53 recommendations have been completed, and a further 31 are in progress.

Recommendations	Total	Not started	In progress	Completed
Urgent	8	0	6	2
High	22	4	14	4
Medium	23	5	10	8

The Information Assurance Board (IAB) met following ARAC and agreed the following actions to address all the most complex and urgent remaining recommendations:

- A training review to be undertaken and action plan developed by end of February 2020. This will include: a review of the target completion timescales and content of mandatory eLearning (including the potential for inclusion in the on-boarding process); proposed content for a small number of bespoke training sessions/modules targeted at roles/service areas where risk of breach is highest; and consideration of how additional data protection learning can be embedded into a wider range of training on other subjects.

- A pilot to develop the action plan for the management of historical Cafcass physical records, which predate the move to digital records in 2012. This will entail recalling a sample of archived boxes (circa 20) to look at what has been retained to inform a decision on how to deal with all 48,607 archived boxes currently costing in the region of £12,500 per month. This pilot is to be supported by Christine Banim, Julia Dark, Lizzie Morrison, Melanie Carew.
- A fundamental update and review of the existing Information Asset Register (IAR) to ensure it is comprehensive and describes in more detail the legal basis for processing and sharing; that we can better evidence compliance; and to improve our ability to identify risks and gaps. The Information Assurance Manager will work with Information Asset Owner (IAO)s to review the work needed to complete a revised IAR template for each information asset. This will inform an updated plan and timetable for completion of an updated final version of the Register.

These actions will be completed and reviewed at the next IAB meeting at the end of February and an updated Action Plan will be shared with ARAC in March 2020.

## 7.2 Progress with Board member recruitment

Ministerial clearance has now been given to shortlisted applicants and interviews are scheduled on 24 and 27 January for the three Board vacancies. Formal interviews will be preceded by telephone interviews between candidates and members of the FJYPB on 15 and 16 January, and feedback from the FJYPB will be provided to the interview panel. The shortlist consists of 9 candidates. Sally Cheshire, Deputy Chair, is representing the Cafcass Board on the interview panel.

## 7.3 Corporate governance and accountability

Over the past four months, we have been working to strengthen and make more transparent, the governance and decision-making processes for the corporate management team. In addition, we have been keen to find a strong alignment with other decision making functions within the organisation, to ensure that there is strategic coherence, consistent leadership messaging and a robust audit trail of information use to inform decisions. The planning and testing has gone live in January with a full 12 week corporate management team cycle in place, a new range of members in attendance, more effective and skilled programme support and a clear forward plan. I am very pleased with the progress that has been made and feel confident that the new performance and accountability framework will improve both our leadership and the context for our decision making. The graphic below shows a six week snapshot of the cycle which repeats for the second half on the 12 week period.

<p>Week 1</p> <p><b>Partner CMT</b> (Board, Ofsted, MOJ, DfE, FJB, ADCS, Families Forum and other feedback)</p>	<p>Week 2</p> <p><b>Thinking CMT</b> (extended by one hour to work through new or complex work areas)</p>	<p>Week 3</p> <p><b>Strategic CMT</b> (delivery priorities associated with published strategy)</p>
<p>Week 4</p> <p><b>Decisions CMT</b> (policy, practice, strategic decisions)</p>	<p>Week 5</p> <p><b>Corporate CMT</b> (complaints, communications, finance, GDPR, Sapphire, Workforce, Audit)</p>	<p>Week 6</p> <p><b>Performance Board</b> (Regional (5 per board), innovative and thematic)</p>

## **7.4 Appointment of new directors**

The Board is aware of the impending retirement of our highly regarded National Service Director, Christine Banim, who leaves us in May this year. A succession plan was developed in the summer of 2019, prior to my arrival which involved Kevin Gibbs and Anji Owens acting as Deputy Directors, each taking responsibility for operational delivery and operational performance respectively. I have considered this arrangement and the plan carefully since coming into post and corporate management team colleagues have discussed at length. We made the decision together that securing internal leaders who know the organisation well and who have the best chance of offering consistency to the teams was by far the preferred option. A recruitment process took place in December and I am delighted to confirm that both Kevin and Anji are now formally in post as new Directors as of 1 January. I have assumed supervisory responsibility for them and there has been a handover plan agreed between now and end May when Christine sadly leaves us. I hope the Board will join me in congratulating them formally. I look forward to working with the new team and I offer my deepest thanks to Christine who has worked tirelessly to effect a succession plan that will secure our continued success.

## **7.5 Budget**

The cost of supporting the rising demand and levels of open work can no longer be contained within our grant allocation for this year. A small overspend of £0.5m is currently forecast. The executive team will continue to monitor the in-year position carefully. Our previous assumptions on demand in the next financial year continue to hold but will need further review when allocations for funding for 2020/21 are confirmed.

### **2020/21**

Submissions regarding the impact of rising overall demand on the level of funding needed to support that were made to the MOJ in November 2019 with follow up clarification in December 2019. While hopeful there will be some recognition of these reflected in our funding for next year there has been no formal feedback. Board Members will be aware from papers elsewhere on this agenda, there remains an unresolved structure deficit in the baseline from late changes by MOJ to the level of pay award funded in the current year. We have raised this as funding requirement alongside the decision on funding for demand in 2020/21. We understand decisions on allocations are being taken by the MOJ Executive Committee towards the end of this month.

## **8. IMPACT ON CHILDREN AND YOUNG PEOPLE**

- 8.1** The focus of all our activities to improve practice, develop a talented resilient workforce and bring our influence to bear on current and future work in the family justice system is for the benefit of all children, families and carers with whom we come into contact. I would like to ask the Board however, to take a specific interest in the commitment we have made for the next 12 month period, to create the systems to enable every child experiencing public or private law proceedings to receive a letter informing them of the outcome of those proceedings. This is of deep significance, given the proceedings are about them and we represent their wishes, feelings and experiences, needing to be sure that they understand the plans and decisions made by the court and the likely impact on their futures.

## **9. FINANCIAL ANALYSIS**

- 9.1** There are no direct financial implications arising from this report.

## **10. RISK ANALYSIS**

- 10.1** There are no direct risk issues arising from this report, save the implications of implementing demand reduction measures as set out in section 4.2 should we make the

decision to do this in April 2020. In this scenario, a full board meeting would be convened to discuss and agree the way forward.

## **11 DIVERSITY ANALYSIS**

**11.1** There are no direct diversity implications arising from this report.

**Jacky Tiotto,  
Chief Executive,  
22 January 2020**