



Approved

Cafcass Board Meeting Minutes

Wednesday, 25 March 2020, 11:00 – 12:30

Skype

Present

Sally Cheshire (SC), Cafcass Interim Chair
Caroline Corby (CC), Cafcass Board Member
Catherine Doran (CD), Cafcass Board Member
Paul Grant (PG), Cafcass Board Member
Mandy Jones (MJ), Cafcass Board Member
Francis Plowden (FP), Cafcass Board Member
Fay Selvan (FS), Cafcass Board Member
Stuart Smith (SS), Cafcass Board Member
Sophie Humphreys (SH), Cafcass Board Member (Co-Opted)
Joanna Nicolas (JN), Cafcass Board Member (Co-Opted)

In attendance

Jacky Tiotto (JT), Chief Executive Officer
Julie Brown (JB), Director of Resources
Teresa Williams (TW), Director of Strategy
Christine Banim (CB), National Service Director
Kevin Gibbs (KG), Director of Operational Service Delivery
Merryn Hockaday (MH), Interim Head of Comms
Mel Carew (MC), Head of Legal Services
James Jackson-Ellis (JJE), Secretariat Services Officer
Nicola Blakebrough (NB), Corporate Manager (Secretariat Services)
Claire Evans (CE), Executive Assistant
Alison Wedge, Deputy Director, Head of MoJ ALB Centre of Expertise
Benjamin McCormick, FJYPB Member FJYPB

Apologies

Deep Sager (DS), Cafcass Board Member
Anji Owens (AO), Director of Operational Performance

Minutes

1. Welcome and Apologies

The Chair welcomed everyone to the meeting and explained that due to disruption caused by the COVID-19 pandemic it was not possible to meet in person and therefore the meeting was being held by Skype.

A revised agenda had been circulated and the original agenda and papers were available on Convene. Board members were invited to review these and signpost any queries via the Members Office.

Apologies were received from Deep Sagar and Anji Owens.

2. Board Business

2.1. Minutes of previous meeting and matters arising

The minutes of the Board meeting held on 22 January 2020 were approved as an accurate record. The Board noted that all actions from the last meeting had been completed or were in progress.

In relation to action 5 the Board noted that the report on the volume of early intervention team (EIT) cases that are identified as having no safeguarding risks was being progressed. Recording of EIT cases with 'no safeguarding risks' was not currently in place however a recent thematic audit on EIT work had identified that of 212 cases, 19% (42) could have used the shorter safeguarding letter because no safeguarding or additional safeguarding concerns were identified, and the new template would have reduced the length of safeguarding letters and assisted the Family Court Advisor (FCA) in focusing on risk and relevant information. The Director for Operational Performance would provide a further update and plan for identifying the volume of cases.

Action 1: The Director for Operational Performance would provide a further update on the volume of EIT cases that are identified as having no safeguarding risks.

2.2. Finance Report

The Director of Resources presented the Finance Report and informed the Board that Cafcass was maintaining its forecast of an overspend of £0.5m for the current financial year. The Director of Resources reported that budget preparation with MoJ for the next financial year was ongoing and that although the Ministry of Justice (MOJ) recognised the continuing pressure on the service, it was unlikely that the allocation of funding would be in line with our submission of what a safe minimum level of funding would be. The Director of Resources confirmed that this would be managed ahead of and throughout the new financial year. The Board acknowledged and thanked the Director of Resources for the report.

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

2.3.1. Audit and Risk Assurance Committee (ARAC)

The Chair of ARAC informed the Board that the Committee had last met on Tuesday, 10 March 2020. The Committee were provided with an update on Project Sapphire following the report to the Board on 22 January 2020. The date for release 1 of Cafis (Children and Families Information System) was scheduled for 23 March 2020 and training would commence the following week.

The Committee had also received an update on the status and progress of Cafcass' internal audit programme for 2019-20 and noted the Risk Management report had been issued with a moderate audit opinion and was currently with the management team for consideration. The principal reason for the moderate rating was related to the Operational Management Team (OMT) not holding an operational risk register. This had been discussed by the Corporate Management Team and although line of sight does exist through spotlight reports the approach would be reviewed.

The Director of Strategy and Information Assurance Manager had provided an update on the Information Commissioner's Office (ICO) Action Plan and reported that good progress had been made. The Committee also received the annual report on incidents of abuse and violence against staff by service users and the Committee had agreed that the Chief Executive Officer would start discussions with system partners, including HMCTS regarding what action should be taken to tell individual users that any sort of negative language or behaviour towards Cafcass staff was unacceptable. The Committee had also commented on the 9 month Annual Report.

2.3.2. Performance and Quality Committee (P&Q)

The Corporate Manger (Secretariat Services) provided an update on behalf of the Committee Chair. The Committee had last met on Monday, 9 March 2020 and the Committee had been provided with a HR Sickness and Absence update following a discussion at the December meeting. The update set out recommendations to address short-term absence among non-social work staff and that emphasis be placed on the line manager's completion of return to work meetings and absence reviews to identify causes, patterns and sources of support to reduce the likelihood of recurrence. The Committee agreed to the recommendation and would review progress after 6 months.

The Committee received a practice presentation on domestic abuse which focused on the use of the Child Impact Assessment Framework (CIAF) and challenges for FCAs who are working on domestic abuse cases. The Committee received the April – December 2019 Performance Report which had highlighted that case demand continued to increase. The Committee reviewed the Freeform of Information Annual Report noting that there had been a 12% rise in requests compared to the previous year. The increase in requests was largely attributed to the increase in serial requests from a small number of applicants.

The Committee had received the Ofsted Self-Evaluation template and noted the completed self-evaluation would be submitted to Ofsted in July 2020. The Self-Evaluation consisted of two parts: the national narrative which would align with the inspection framework; and summaries of the Regional Performance Boards. The first Performance Board had been held in A1/A2 on 11 February 2020 and the feedback had been positive.

2.4. Feedback from the Chief Executive Officer and Chair's meeting with the MoJ Permanent Secretary, Richard Heaton, 19 March 2020

The Chief Executive Officer provided an update to the Board on the meeting held with the MOJ Permanent Secretary on 19 March 2020. The Chief Executive Officer explained that the meeting had been convened to discuss management of the rising private law demand. The latest MOJ forecast predicts an increase of 7.9% for private law demand in 2020/21, which accords with Cafcass' estimate but which is more than double the previous estimate of 3% from July 2019.

The Chief Executive Officer noted that the meeting had been positive and that there was agreement that it was an unsustainable situation and there was risk for the whole family justice system. There had been positive discussion regarding the role Cafcass could play in gatekeeping new cases. The Chief Executive Officer informed the Board that a formal note of the meeting would be circulated.

Action 2: The Chief Executive Officer would share the formal note of the meeting with the Permanent Secretary with the Board.

3. Impact of COVID-19 on Cafcass operations and governance: Update from the Corporate Management Team

The Chief Executive Officer confirmed that leadership contingency plans were in place should any member of Corporate Management Team become unwell. The Director of Resources would deputise for the Chief Executive and Caroline Corby would deputise for the Interim Chair.

The National Service Director, Director of Operational Performance and Director of Operational Service Delivery would deputise for each other and arrangements were in place for Assistant Directors and Heads of Practice to deputise for each other. The Board were informed that the National Service Director had agreed to postpone her retirement and would stay in post for an additional two to three months to provide continuity during the COVID-19 pandemic. An Assistant Director had also decided to extend his notice period.

The Director of Resources reported that the Gold Command structure was in place and was meeting twice daily. Gold Command is chaired by the Chief Executive Officer and membership is made up

of the Corporate Management Team. The Silver command is the Incident Management Team and is chaired by the Director of Resources and meets daily. Bronze consists of other senior managers in the organisation. The Incident Management Team discuss and review operational detail and Gold make decisions on operations, resource and agree the daily briefing for staff.

The Chief Executive Officer noted that the daily senior management team briefings were being issued to staff and copied to the Board. These briefings provide a mixture of information, instruction and support. The feedback from staff had been overwhelmingly positive. The Board thanked the Corporate Management Team for providing the daily briefing to Board members.

The National Service Director highlighted that all courts were moving to remote working and Cafcass were beginning to notice difficulties arising, particularly with courts suspending the first hearing while HMCTS work on solving the technical issues to provide courts with video conferencing facilities. Cases were being prioritised by HMCTS if there was harm indicated on the application and the National Service Director confirmed that Cafcass was working closely with the President of the Family Division to agree joint guidance and strategies on practice prioritisation during the COVID-19 pandemic.

The Director for Operational Service Delivery confirmed that although applications were slowing Cafcass was still extremely busy because of previous high demand and high individual practitioner workloads. All staff were working from home and no physical visits or meetings were being undertaken. Instead FCAs would use Skype where it was appropriate to do so. The Board were informed that in some cases the use of Skype was not possible because of age restrictions or limitations with technology. In those instances, FCAs would work with managers to identify alternative approaches. Concerns were raised by Board members that children and young people may not be able to express their true feelings over Skype. The Chief Executive Officer highlighted that work was taking place to make guidance developed by the Family Justice Young People's Board (FJYPB) available on our website. This guidance would also be made available to staff and shared on the Cafcass intranet page.

The Director of Operational Service Delivery confirmed that around 200 staff were self-isolating although were still able to work, and a number staff who had been previously self-isolating were now returning to work which was positive. Gold command were receiving daily reports detailing the numbers of staff self-isolating, absent and returning to work.

The Board noted that the National Service Director, the Director of Operational Performance and the Director for Operational Service Delivery were meeting with Assistant Directors daily following the Gold command call. Morale of staff was currently positive with staff feeling engaged and grateful of the daily briefings.

The National Service Director explained that one challenge in the coming weeks would be the childcare arrangements for several key workers. There was a small group who would struggle to find suitable childcare arrangements and this would result in staff finding it difficult to work from home. The policy position and support to staff was being considered.

The Board queried whether there was a focus on the risk of increasing domestic violence as this had been evidenced in Italy during the lockdown. The Director of Strategy agreed focus was needed in this area but there had not yet been a co-ordinated response.

The Board noted that the World Social Workday webinar on 17 March had been cancelled due to the COVID-19 disruption and this would be rescheduled for later in the year. The Director of Strategy highlighted that despite disruption Cafcass would continue to progress the delivery priorities and publish these in quarter 1. The immediate priority was to submit and publish the 2019/2020 Annual Report and Accounts.

The Board agreed that the Skype meeting had gone well and that it would be helpful to hold a further one hour Skype meeting in April to allow the Corporate Management Team to provide an update on

the response and impact of COVID-19. The Board also noted that it was likely the next Committee meetings would be held by Skype.

The Board noted the extraordinary achievement of moving all staff to remote working within a short timescale and that this speaks to the positive culture within Cafcass. The MOJ representative echoed the comments and said the relationship with Cafcass was both collaborative and supportive. The Board agreed a note from the Chair would be included in the next daily staff briefing.

Action 3: A note from the Chair would be included in the next daily staff briefing.

Action 4: An additional Board briefing would be scheduled for April 2020.

4. Board matters update from the chair

4.1. New Board members and their induction

The Interim Chair reported that the appointment of three new Board members had been formally announced by the Secretary of State and members would commence their appointments in April 2020 and their terms of office would run for 4 years from 1 April 2020 to 31 March 2024. The Interim Chair confirmed that the new Board members were Helen Jones, Eileen Munro and Rohan Sivanandan. Induction could not at the present time include the normal office visits however new Board members would be invited to attend various introductory skype meetings with the Interim Chair, Chief Executive Officer and members of the Corporate Management Team. New Board members would also receive an induction briefing and reading material.

4.2. Board and Committee roles (Interim Deputy Chair, P&Q Chair, ARAC Chair, FJYPB link and extension of co-opted member's term), for approval

The Interim Chair confirmed that due to the change in membership a replacement Chair of the Audit Risk and Assurance Committee and Performance and Quality Committee, and FJYPB lead needed to be identified. The Interim Chair had consulted with outgoing members and proposals were for Caroline Corby to become the Performance and Quality Committee Chair, and Sophie Humphreys would become the FJYPB lead. The Interim Chair also proposed that Caroline Corby would become Interim Deputy Chair, and approval from the Secretary of State would be sought in this respect. Joanna Nicolas would be re-appointed as a Co-opted member for a further 1 year appointment. The Board noted that Helen Jones, a new Board member, would become the Audit and Risk Assurance Committee Chair.

The Interim Chair noted that Deep Sagar had requested that his dissent in relation to the Deputy - Chair nomination and Committee Chairs' appointments be recorded.

The Board agreed to the proposals.

The Interim Chair also confirmed that Board members had expressed their interest in regards supporting the Strategic Plan Delivery Priorities and this would be shared with the Corporate Management Team. This was noted for information. Paul Grant (workforce), Mandy Jones (practice feedback and family forum), Catherine Doran (longer term reform) and Joanna Nicolas (child protection policy).

4.3. Timetable for appointment of a permanent Cafcass Chair

The Interim Chair reported that MOJ had commenced the recruitment of a new permanent Chair, however due to the current circumstances the timeline would be delayed.

4.4. Thanks to Board members who were stepping down

The Interim Chair thanked Francis Plowden, Fay Selvan and Stuart Smith for their eight years' service on the Cafcass Board. The Interim Chair said that a small gift would arrive in the post soon but stressed that in due course a leaving dinner would be arranged.

5. Any other business

The Interim Head of Communications confirmed that the 9-month 2019/2020 Annual Report and Accounts (ARA) had been shared with the Board following discussion at the Audit Risk and Assurance Committee meeting on 10 March. The Interim Head of Communications invited Board members to provide feedback on the ARA by email.

ACTION SUMMARY

- Action 1: The Director for Operational Performance would provide a further update on the volume of EIT cases that are identified as having no safeguarding risks.
- Action 2: The CEO would share the formal note of the meeting with the Permanent Secretary with the Board.
- Action 3: A note from the Chair would be included in the next daily staff briefing.
- Action 4: An additional Board briefing would be scheduled for April 2020.