



**Cafcass Open Board Meeting Minutes
Wednesday 9 October 2019 10.30 to 13.00
21 Bloomsbury Street**

Present

Edward Timpson CBE, Chair of the Cafcass Board
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
Deep Sagar, Cafcass Board member
Catherine Doran, Cafcass Board member
Mandy Jones, Cafcass Board member
Sophie Humphreys OBE, Cafcass Board member

In attendance

Jacky Tiotto, Chief Executive Officer
Julie Brown, Director of Resources
Teresa Williams, Director of Strategy
Christine Banim, National Service Director
Neal Barcoe, Deputy Director for Family Justice Policy, Ministry of Justice
Benjamin McCormick, Family Justice and Young People's Board (FJYPB) Representative
Advone Katsande, FJYPB Representative
Melanie Carew, Head of Legal Services
Kevin Gibbs, Deputy Director for Operational Service Delivery
Nicola Blakebrough, Corporate Manager (Secretariat Services)
Scott Harnett, Projects Officer - Minutes

Apologies

Anji Owens, Deputy Director for Operational Performance
Colette Jacobs, Head of Communications
Paul Grant, Cafcass Board member

External Guests

Helen Johnston, Assistant Director for Policy, Cafcass
Aidan Jones, CEO, Relate
Alice Twaite, The Transparency Project
Tristan Tutt, Operations Manager, Dads Unlimited
His Honour Judge Bedford
Sukhchandan Pal Karu, Chair, Nagalro
Alex Hogben, Policy Advisor, DWP
Graeme Wallace, Deputy Manager -Development, ACRO Criminal Records
Catherine Roberts, Deputy Manager - PNC Service, ACRO Criminal Records
Michael Lewkowicz, Director of Communications, Families Need Fathers
Graham Porter, Trustee, Association for Shared Parenting
Brenda McLaughlin, Ofsted

1. Chair's Welcome

The Chair welcomed everyone to the meeting, particularly Jacky Tiotto who was attending her first Board Meeting as Chief Executive Officer. The Chair also offered special thanks on behalf of the Board to Julie Brown, Director of Resources, who had acted up as the Interim Chief Executive Officer following Anthony Douglas' departure, and to Teresa Williams, Director of Strategy, and Christine Banim, National Service Director for their support during the period of transitional leadership. The new Chief Executive Officer joined the Chair in praising the quality of the stewardship Cafcass had in place, which she had observed during the period of her appointment and induction as Chief Executive Officer.

2. Apologies / Declarations of Interest / Minutes / Actions

2.1 Apologies

Apologies were received from Paul Grant, Board Member; Anji Owens, Deputy Director for Operational Performance; and Colette Jacobs, Head of Communications.

2.2 Declarations of Interests

There were no new declarations of interest.

2.3 Draft Minutes from the Board Meeting on 12 June 2019

The Board approved the minutes of the meeting held on 12 June 2019.

The Board noted that all actions from the last meeting had been completed. As such, there were no further matters arising.

3. Report from the Chief Executive Officer

The Chief Executive Officer discussed some of her early impressions and emerging thoughts on the organisation's priorities. Early impressions were that Cafcass was a highly functional organisation, with an impressive grip on workload, demands on staff, and continued focus on the quality of the organisation's business and practice standards. She said staff had indicated to her they felt Cafcass was a supportive and positive organisation to work for, and she had been surprised by the length of employment of many of the staff she had spoken to.

The Chief Executive Officer noted that as an organisation with an Ofsted judgement of 'Outstanding', but with both high ambition and responsibility to continue to improve, the next three planning and delivery years would be challenging. Leadership and strategic skills would need to be clearly and explicitly focused on specific areas to consolidate what had already been achieved and to deliver further stretch and development across Cafcass.

The new Strategic Plan extends over a three-year spending review period, but over the next 12 months the pressing priorities she identified included:

- A demand reduction programme in private law to be made possible through fast tracking arrangements to ensure that a robust gatekeeping process is in place. The importance of discussions and identifying Cafcass' threshold in private law cases was noted. The Chief Executive Officer suggested that Cafcass should also consider how the Children Act 1989 aligns with the organisation's vision in public law cases, specifically the principles of children being brought up in their own families where it is safe and in their best interests and where that is not possible, identifying naturally connected family members or people connected to them with whom they can live and thrive whether for longer or short periods.

- The development of a workforce strategy to enable the effective management of current demand and divert capacity into 'invest' to improve projects. This would remain key as demand continued to increase, and the social work employment market became more and more competitive.
- A 'practice stretch' programme, informed by improved learning from feedback, a clearer practice framework and learning from practice that hasn't been strong enough in the past.
- Development of a Families Forum' which would focus on restorative work with families, carers and children when practice had fallen short of what is expected and learning from them about what would improve the experiences of all families and children being supported by Cafcass. The development of the Families Forum would draw on the positive feedback mechanisms already in place through the Family Justice Young Peoples Board (FJYPB) and Area Quality Reviews.
- A new data development initiative, providing strong data on outcomes and impact but also enabling an understanding of regional variation (in both public law applications and the outcomes of proceedings) thereby helping Cafcass to influence national policy discussions and local areas for improvement. It was noted the Chief Executive of HMPPS had already approached Cafcass with a desire to discuss this further, so this conversation would be taken forward in the next few weeks.

The Board discussed whether the proposed strategy for the recruitment and retention of professional social workers could contribute to pay inflation across the sector, and whether it would be viable to employ unqualified social workers as a possible alternative. The Chief Executive Officer noted that pay inflation for Local Authority social workers usually occurred in regions where the Local Authority had been awarded poor Ofsted ratings and she did not consider the workforce strategy would impact pay inflation. She also said she believed social work qualification and experience were invaluable, but agreed that collaboration between Cafcass and family justice partners on certain tasks that do not require social workers could be explored to help to reduce demand, most particularly in respect of private law applications.

The Chief Executive Officer noted the current levels of demand and current work programme. Although final demand data for September 2019 was not yet available, weekly tracking indicated there were no substantial changes on trends previously reported in June 2019, and Cafcass' overall demand was therefore up by (approximately) 4% across the board. Demand from private law applications and referrals continued to rise, and although the number of care applications received had declined slightly, they had not fallen to previous levels and the reduction had been replaced by public law applications for things other than care. The volume of public law cases overall remains the same as the previous year at a heightened and record level.

The Board was advised that a Business Case had been submitted to the Ministry of Justice (MOJ) for a pay award in line with MOJ guidance.

The Board was informed that an audit of Cafcass had been undertaken and completed by the Information Commissioner's Office (ICO). The ICO had awarded Cafcass 'reasonable assurance' that information security standards were adequate, which was the second highest rating available. Several areas had been identified for improvement to record management and data protection, including the appointment of an in-house (non-executive) data protection officer (which had since been undertaken), a more effective and efficient filing system for Cafcass' historic paper-based records, and the strengthening of the organisation's existing data protection training and validation standards for staff. Cafcass had formally acknowledged the ICO's report and would be developing an action plan to address the findings. An update on the action plan would be reported to the Audit and Risk Assurance Committee (ARAC) in December and the Board updated at its meeting in January 2020.

Action 1: Progress on the ICO audit action plan would be reported to ARAC in December and the Board updated at its next meeting in January 2020.

4. Annual Report and Accounts 2018-19

The Director of Resources provided an update on the Annual Report and Accounts (ARA) for 2018-19.

The Board had approved the ARA in June 2019 however this had been subject to completion of final work by the National Audit Office (NAO) which had now concluded. The NAO had awarded an unqualified audit certificate and the ARA had been laid before Parliament shortly before the summer recess. It was noted Cafcass had effectively maintained standards under challenging conditions and a transition in national leadership. There had been a slight under spend owing to ongoing pay discussions, although the Board was cautioned this should be understood in the context of rising demand and increasing pressure on Cafcass' workforce.

The Chair noted that the MOJ had commended the ARA and gave thanks to all those involved in its development.

5. Strategic Plan 2019-23

The Director of Strategy provided an update on Cafcass' Strategic Plan for 2019-23.

The Board was informed that Cafcass' Strategic Plan had been published externally in September 2019 to coincide with the arrival of the organisation's new Chief Executive Officer. The development of the Strategic Plan had been informed through extensive consultation with staff across all professional grades, departments and service areas as well as consultation with external stakeholders.

The Director of Strategy noted that the priority was now to put the Strategic Plan into action and this would be done through the development of a new Success Framework which would set out what good looks like for children and families, our partners and our staff, and how we plan to measure success. A three-year Delivery Plan from April 2020 to March 2023 would also be developed which would set out the cross-cutting workstreams under each pillar. Reporting arrangements would be put in place to ensure that progress and learning was communicated to staff, and both national and local partners, as well as to the Board and the public.

The Board suggested it would be helpful if the Strategic Plan placed a greater emphasis on transparency with children, families and the public, to make clear that the organisation was actively engaged in public conversations about children and family law and holding the organisation to account for the success of its delivery. This would be addressed through the Delivery Plan.

The Director of Strategy noted an event would be planned for later in the year to further engage external partners in the implementation of Cafcass' Strategic Plan and build on existing engagement with local-level partnerships, such as Local Authorities and local Family Justice Boards, to ensure there was a more joined-up process with higher level authorities such as the MOJ.

The Board discussed that there could be benefit from increased collaboration and engagement in regional improvement partnerships, to improve consistency by joining up processes and improving communication channels for the sharing of data. Further, it was also proposed that Cafcass and Local Authorities could share responsibility for the delivery of Cafcass' proposed social work academy, as many Local Authorities had already developed and implemented similar functions independently.

The Chair thanked all those involved in the development of the Strategic Plan.

Action 2: The Strategic Delivery Plan would reflect transparency and engagement with family justice partners and government departments.

6. Feedback from Board Visits

Board members provided feedback on the recent visits which had taken place at the Birmingham and Plymouth offices in line with the Board visit programme. The Board discussed feedback and noted:

- Family Court Advisor (FCA) recruitment was taking up 10% of area management time in Birmingham. It was noted that social work salaries were high in the city and therefore more targeted recruitment is required such as holding open days and all candidates receiving a call from the Assistant Director on application.
- Positive relationships were in place with Birmingham Children's Trust including an engagement plan and regular service liaison meetings.
- The enthusiasm and level of engagement in the Plymouth office was noted.
- Large numbers of staff across both offices worked remotely and staff journeys to the office, to attend meetings or to fix IT issues, sometimes took 1 to 2 hours. On this basis the organisation may benefit from considering whether all office spaces are now needed and whether some could be reduced and/or replaced with meeting space instead. It was noted that most IT issues could be resolved remotely but the IT Team were working with the organisation's IT service provider, LittleFish, to see if it was possible to identify a way in which problems requiring connection to an office network could also be resolved remotely.
- In Plymouth, the visiting Board member noted that a high number of staff reported they had experienced some level of harassment, including one incident reported as quite serious. Though staff indicated they felt supported, it was suggested that Cafcass should consider improving or strengthening its incident reporting protocols and responses to ensure all risks, threats, incidents and harassment were properly catalogued and escalated appropriately. It was further noted that of 68 incidents reported nationally, only 1 was recorded for the Plymouth area. It was suggested staff training on incident reporting should be revisited, including conflict resolution and de-escalation training.
- The Board noted that one reported incident involved the personal address of a Cafcass Associate being identified by a service user from the records recorded for them in Companies House. It was noted that records for self-employed workers could not be altered or removed from the public record by Cafcass, but as a possible workaround self-employed associates could consider registering their company details under their accountant's address and contact details.

Action 3: An update would be provided on the work to increase the number of IT issues which could be resolved remotely.

Action 4: An update would be provided on the action senior leaders have taken in respect of supporting staff to quickly and actively report all incidents of harassment or incidents where they feel unsafe at work, including an update on refreshed training.

7. Report from the Family Justice Young People's Board

The Board welcomed Benjamin and Advone, representatives of the FJYPB who presented highlights from their latest update report and from their recent 'take over' events at the National Business Centre (NBC) and Stafford:

From April to September 2019 the FJYPB completed 46 commissions with a range of key stakeholders, 16 of which were for Cafcass.

The annual Voice of the Child 2019 conference had taken place on Wednesday 24 July. The theme of the conference was the impact of family court proceedings on the mental health and wellbeing of children, young people and their families. It was noted the conference was extremely well received and 80% of attendees had rated it as 'excellent' with the remaining 20% scoring it 'good.' Planning had already begun for next year's event. Benjamin and Advone agreed the highlight of the conference was the 'In My Shoes' session, in which FJYPB representatives shared stories of their experience of the family justice system and how it had impacted their mental health.

The Board was informed the FJYPB had met with the National Association of Head Teachers and would be speaking at their regional conference. The Chief Executive Officer would be attending the FJYPB meeting on 7 December 2019.

The FJYPB had 'taken over' Cafcass' offices in Stafford and the NBC in May and July 2019 respectively. The aim of these events was to make the waiting area and the family rooms more appealing and welcoming for the children and young people who visit these bases. Based on their assessment of these two offices, some recommendations had been made to make them more accommodating for children. FJYPB representatives had also been invited to create some decorative artwork for the NBC.

The Board commended the work of the FJYPB and noted the importance and value of their conference, as well as their involvement in the Social Worker of the Year Awards, as they were able to provide the judges with a new and invaluable perspective, helping to reflect the point of view of children and young people.

The Chair thanked the FJYPB representatives for their report.

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

8.1 Audit and Risk Assurance Committee (ARAC):

The Chair of ARAC informed the Board that the Committee had last met on 9 September 2019 and had been presented with a Cyber Security Audit and IT Security Systems Annual Report. The outcome of both were reassuring and the audit of Cafcass' IT cyber security arrangements had been awarded a 'substantial' audit opinion. The ARAC Chair nonetheless noted that Cafcass remained under continuous threat from possible cyber security risks, and as such the organisation would need to continuously improve its processes which were (along with the threats to the organisation) constantly changing.

The Committee had also been presented with an update on Cafcass' project Sapphire. It was noted the purpose of the project was to improve the effectiveness and efficiency of ECMS as well as to update the software on which ECMS was currently built, as the platform (SharePoint 2010) would no longer be supported by Microsoft from October 2020. The Board was cautioned that a risk identified by the project was the availability of frontline staff during development and testing to ensure the team created the best possible system for Cafcass' needs.

The Committee had reviewed Cafcass' current pension arrangements. The Board was advised that pension liability was the largest item on Cafcass' financial balance sheet, although liability for this payment ultimately fell on the MOJ rather than Cafcass.

8.2 Performance and Quality Committee:

The Chair of the Performance and Quality Committee reported that the last meeting had been held on Monday 9 September 2019. The Committee had reviewed the levels of demand and workload and how these were affecting the organisation. A 10% increase in applications nationally had been reported, largely driven by an increase in requests for S7 reports and 16.4

cases. It was noted, however, that this only represented an average, with substantial regional variations resulting in some service areas experiencing as much as a 20% increase over the same period.

The Committee had also received presentations on demand pressures and allocation by Service Managers from A15 (London, Private Law Work After First Hearing Team) and A3 (Manchester Early Intervention Team) respectively. It had been noted that most of the A15 Private Law team (which had about 30 FCAs) had substantially high caseloads, being heard in 2 London courts. The Committee had been informed that London had one of the quickest filing times in the country (on average about 8 weeks) with an analysis being conducted to assess why filing times on 16.4 cases were taking longer. The Board was informed some innovations were being trialled to help manage demand, including shorter safeguarding letters for low risk or returning cases to free up FCA availability for cases with high risk safeguarding needs. It was agreed the Board would be provided with the 2 presentations for information.

The Committee had received the Customer Services Annual Report which noted the number of compliments and complaints remained similar to the number received the previous year. The Board was reassured that the number of compliments Cafcass received from children outweighed the number of complaints by 5 to 1 (82%), and no new investigations had been opened by the Parliamentary Ombudsman into complaints made against Cafcass for five quarters. The Committee had also been informed that there had been an increase in MP questions received which had increased workload. It was noted that the Chief Executive Officer had asked for any practice changes introduced as the outcome of a complaint received to be more clearly evidenced.

The Committee had considered the revised research governance arrangements in response to a rise in research requests. It was noted a Research Advisory Committee would be set up to oversee requests for access to organisational data and research moving forward, as the rise in demand would make it increasingly difficult to approve every request made.

The Board noted that the forecasting of demand trend is regularly reviewed and over the last five years the forecasting had been very accurate.

The Chair thanked the Committee Chairs for their reports.

Action 5: The Demand and Allocation presentations would be shared with the Board.

9. Finance Report

The Director of Resources presented the Finance report. The Board was informed that spending remained broadly in line with the budget for the financial year, although there were substantial operational risks which could compromise the delivery of a balanced budget. It was noted that over the first five months of the financial year the allocated budget exceeded the actual spend by £0.650m owing to lower than projected pay costs arising from delays in recruitment to frontline vacancies, and the scheduling of costs for premises projects undertaken by the Estates Team.

It was explained that Cafcass' funding settlement for 2019/20 had provided an increase in funding to cover resource costs arising from rising demand, however no increase had been given to cover the costs of the ongoing or any new pay award, leaving the organisation unable to use all available funds awarded to manage demand by recruiting additional staff and reducing frontline pressure as intended. The organisation would also be delivering several high-resource projects including Project Sapphire, so a request for capital funds had been submitted to the MOJ to assist with the costs of the system work, which would ease some pressure on the remainder of the budget.

10. Demand Levels and Resourcing

The National Service Director presented the Demand Levels and Resourcing report to the Board. The overall trend for new care applications received between April and August 2019 had seen the number of new applications drop slightly (about 5.2% compared to 2018/19 and 7.7% compared to 2017/18), though this was offset by growth of about 10% in other public law applications. Overall the trend for new cases continued to present a long-term increase for the overall number received and especially for private law cases which continued to show the highest quarterly demand levels since the introduction of the Child Arrangements Programme in 2014. July 2019 saw the second highest levels of demand recorded.

The Board was informed that average caseloads were increasing and the average duration of a S31 Care and Supervision case had been 33 weeks for two consecutive quarters, while the average number of cases an FCA was expected to manage had increased from 20 to 22 in total. The Board noted that this number was an average and therefore some FCAs could be working on a lower or higher volume of cases which would be assessed by the Service Manager in discussions with the FCA about case complexity and experience.

The Board noted that the organisation was approaching a point at which it was becoming increasingly difficult to allocate new cases owing to high existing workloads and this was reflected in the Strategic Risk Register. The Board noted the use made of Cafcass Associates and agency staff to address demand and was advised that serious conversations would need to be taken forward regarding both the allocation of resource in respect of demand by MOJ and the way the judiciary and Cafcass presently approach cases and the threshold for court involvement.

The National Service Director noted that the delivery of pilots to test alternative ways of working were important and would continue to be considered and delivered. She confirmed that the 'Small Changes' Programme was intended to create capacity to carry on at high levels of demand pending any broader systemic reform. As such, the organisation was asking staff across all service areas and functions for suggestions on how minor changes to Cafcass' practice could deliver improvements.

The Board was informed that the Operational Management Team were continuing to explore other ways to help staff manage the challenges of rising demand by testing efficiencies across business processes. This work now included the running of a third-party document upload pilot which was seeking to minimise the time FCAs spend on uploading documents to ECMS, and the trialling of a shortened low-risk safeguarding letter template for low-risk or returning cases was ongoing. It was noted that Project Sapphire would also be working to make the replacement case management system as efficient and streamlined as possible.

11. Strategic Risk Register

The Board noted the Strategic Risk Register. The majority of Cafcass' risks were rated an amber RAG status, although Risk 4 (Resources and Demand) was flagged as red owing to the already high and increasing levels of private and public law demand impacting the organisation.

There was a suggestion from the Board that Risk 8 (Influencing Systemic Change) could be re-categorised as a red risk, as unless Cafcass was able to influence real systemic change in the children and family court processes the organisation would not be able to meet demand.

The Board discussed whether the RAG status reflected the accurate status of risks to the organisation because whilst the register describes high risk and key controls, it doesn't set out the immediate actions being taken to mitigate the risks. The Board noted that the Strategic Risk Register was forward looking at the likelihood and impact of risks occurring and that the RAG reflected that assessment. The Board noted that the Strategic Risk Register was actively

used to identify substantial risks to the MOJ. The MOJ representative confirmed that the MOJ's own assessment on demand reflected Cafcass's assessment.

It was agreed that future iterations of the Strategic Risk Register would include the trend of risks from the previous period.

Action 6: The Strategic Risk Register would be amended to show direction of travel over a period.

12. Any Other Business

There was no further business. The Chair thanked all attendees for joining and noted that the next open meeting of the Cafcass Board would be taking place on Wednesday 2 January 2020.

Actions summary

- Action 1: Progress on the ICO audit action plan would be reported to ARAC in December and the Board updated at its meeting in January 2020.
- Action 2: The Delivery Plan would reflect transparency and engagement with family justice partners and government departments.
- Action 3: An update would be provided on the work to increase the number of IT issues which could be resolved remotely.
- Action 4: An update would be provided on the action senior leaders have taken in respect of supporting staff to quickly and actively report all incidents of harassment or incidents where they feel unsafe at work, including an update on refreshed training.
- Action 5: The Demand and Allocation presentations would be shared with the Board.
- Action 6: The Strategic Risk Register would be amended to show direction of travel over a period.

Minutes Approved by the Board Chair, Sally Cheshire, 22.01.2020

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