



Open Board meeting minutes
Wednesday, 21 October 2020, 13:00 to 15:30
Zoom

Present

Sally Cheshire, Interim Chair
Caroline Corby, Board Member
Deep Sagar, Board Member
Paul Grant, Board Member
Catherine Doran, Board Member
Mandy Jones, Board Member
Sophie Humphreys, Board Member (Co-Opted)
Rohan Sivanandan, Board Member
Eileen Munro, Board Member
Helen Jones, Board Member
Joanna Nicolas, Board Member (Co-Opted)

In attendance

Jacky Tiotto, Cafcass Executive Officer
Julie Brown, Cafcass Director of Resources
Teresa Williams, Cafcass Director of Strategy
Kevin Gibbs, Cafcass Director of Operational Service Delivery
Anji Owens, Cafcass Director of Operational Performance
Merryn Hockaday, Cafcass Interim Head of Communications
Mel Carew, Cafcass Head of Legal Services
Nikki Gibbons, Cafcass Head of HR and Organisational Development
Sarah Parsons, Cafcass Assistant Director
Ben Rolfe, Cafcass Head of Business Analysis
James Jackson-Ellis, Cafcass Secretariat Services Officer (minutes)
Morgan Proverbs, Cafcass Business Services Officer Chief Executive Office
Claire Evans, Cafcass Executive Assistant
Eleanor Barber, Cafcass Project Officer (technical support)
Laura Fordos, FJYPB representative
Benjamin McCormick, FJYPB representative – left at 2pm
Neal Barcoe, MoJ Deputy Director, Family Justice Policy Division
Alison Wedge, MoJ Head of MoJ ALB Centre of Expertise

A list of stakeholders attending to observe the meeting is attached at appendix 1

Apologies

Nicola Blakebrough, Cafcass Corporate Manager (Secretariat Services)

1. Introduction from the Chair

1.1. Welcome and apologies

The Interim Chair welcomed everyone to the Cafcass Board meeting and highlighted that because of social distancing restrictions caused by COVID-19 the meeting was taking place remotely using Zoom.

The Interim Chair noted that the meeting was being held as an open meeting and welcomed stakeholders who were attending to observe the open meeting and thanked them for attending.

1.2. Declarations of interest

No declarations of interest were received.

1.3. Minutes, actions and matters arising

The minutes of the previous meeting were approved as an accurate record. Board member, Rohan Sivanandan commented about the importance of language and that there were inconsistencies in our approach. For example, using the example of capitalisation of Black, Asian and Minority Ethnic.

The Board noted one action remained ongoing from the previous meeting relating to the governance arrangements of the FJYPB. All other actions were complete.

Action 1: The Head of Communications, working with the Equality, Diversity and Inclusion Lead and Members Office, to agree language that is applied consistently across corporate documents, including minutes. For implementation by March 2021.

2. Family Justice Young People's Board Report

FJYPB representatives provided an update on the activities undertaken since July and highlighted that members of the FJYPB had devised a list of key lead roles for FJYPB Board members to undertake with external stakeholders e.g. National Family Justice Board, Welsh Family Justice Network, Cafcass Board, Cafcass Cymru, MoJ, HMCTS, Local Authorities, etc. The lead role responsibility would last for 12 months, and members would act as a key point of contact on matters related to their role.

Board members welcomed FJYPB members having a lead role and considered this an important step in having greater governance and accountability. The Board queried what FJYPB representatives thought about their individual roles and how the lead role communicates to other FJYPB members. FJYPB representatives considered the lead role positive and a good development opportunity. Communication with other FJYPB members was being explored, particularly how using Microsoft Teams could help.

A series of Voice of the Child webinars would take place between 26 – 30 October with a focus on domestic abuse and the impact of COVID-19. FJYPB would record each webinar and produce a video that collates all the key messages and would share that with stakeholders. The President of

the Family Division, the Rt Hon. Robert Buckland QC MP, Vicky Ford MP, Alex Chalk MP and Jacky Tiotto, Chief Executive of Cafcass, would contribute to the webinars.

FJYPB representatives highlighted that those members who identify as Black, Asian and Minority Ethnic would share with Cafcass their experiences in the family justice system as part of Black History Month in October. Two members would write a blog for the Cafcass intranet about their experiences of societal race inequality in the family justice system.

Board members queried if FJYPB representatives understood the diversity of its members in terms of ethnicity. FJYPB representatives informed the Board that no data had been recorded, however the Cafcass support team would help the FJYPB collect the data and a report was planned on the ethnic background of FJYPB members. FJYPB representatives stressed that it was important for FJYPB members to reflect and represent the diverse ethnicity of children going through the family court system.

FJYPB representatives queried how Cafcass practice would be improved given the findings of the MoJ's Expert Panel on Harm in the Family Courts. The Assistant Director commented that Cafcass had accepted the learning from the MoJ's Harm Panel Report in the Family Courts and subsequently established a Learning and Improvement Board to listen, learn, and ultimately improve practice. The Director of Operational Performance highlighted that Cafcass would be conducting an audit of 200 cases to understand a child's experience of domestic abuse, and the Assistant Director also confirmed that FJYPB representatives would be involved in that process. Other Board members commented that it was reassuring that Cafcass had accepted the learning and had involved external Chairs on the Learning and Improvement Board.

The Interim Chair thanked the FJYPB representatives for their report and for their commitment and welcomed the upcoming FJYPB seminars.

3. Chief Executive Officer's Report

The Chief Executive Officer informed the Board that the CEO Report would consist of updates regarding COVID-19, impact data and backlogs with an overview of the wider work being undertaken in the three strategic plan pillars, Practice, People and Partners.

COVID-19, impact data and backlogs

The Chief Executive Officer reported that during the first weeks of the pandemic being declared a Gold Command structure had been established and had met twice a day. This structure had now been replaced with a COVID-19 Programme Board which meets weekly. MoJ continued to be represented through the Head of the MoJ ALB Centre of Expertise.

The Chief Executive Officer emphasised that Cafcass is an essential service, and the priority continued to be on seeing children and families in a COVID secure workplace, or in an external environment, providing a risk assessment had been completed. The majority of offices had reopened, and these would not be impacted by local lockdowns due to Cafcass having key worker status. Staff absence due to COVID remained low, however there continued to be a rise in those self-isolating given the geographical spread and exponential growth of the virus.

The Chief Executive Officer highlighted that in August MoJ had awarded Cafcass £3.4m in additional emergency funding and work had commenced to extend 37 locum social workers, source additional Practice Supervisor and Service Manager capacity and recruit further agency workers to backfill secondments, all to relieve front-line pressure.

The number of children and families with cases open continued to increase and were at record levels due to reduced capacity and backlogs in the family court. As of 12 October, there were 36,625 open active cases (where there is known future work for Cafcass). This increases on average between 100-300 cases per week, with the volume of open active work 19.4% higher than October 2019

Throughput of work (new cases being received compared to cases being closed) continued to be low and Public Law (Care) closure rates had decreased by -19.8% and private law closures -14.6% in August compared to July. Front-line managers (Practice Supervisors and Service Managers) were playing a key role in supporting Family Court Advisers to manage these increasing caseloads. The overall average caseload of front-line managers is 18.1 cases, including both duty and substantively allocated work. National average caseloads for work after first hearing are 24.2 cases with >75% of qualifying staff holding above 20 cases. For private law case work before the first hearing, caseloads average 56.4 due to the increased delays in hearings.

The Head of Business Analysis reported that Cafcass continued to maintain organisational performance against KPI targets for the safe allocation of work, and for the timely filing of Section 7 (S7) reports in private law cases. However, record demand and reduced system throughput were contributing to a high risk that Cafcass could not effectively allocate new work in some areas within 8 weeks. Because of record levels in both demand and open cases, there was a further risk that the quality of work could be impacted, should the overall level of open work continue to remain as it was.

The Head of Business Analysis highlighted that Section 7 reports being ordered by the courts had increased by 2% in the last financial quarter (Jul-Sep 2020) compared to pre-COVID-19 levels (Jan-Mar 2020) and that Section 7s being filed by Cafcass had reduced by 20% in the last financial quarter (Jul-Sep 2020) compared to the same period. Addendum reports being ordered by courts had also increased by 16.4% in the last financial quarter compared to Jan-Mar 2020 (pre-COVID-19), indicative of lengthening proceedings and increased work for open private law cases.

Board members queried the operating capacity of family courts and if it may change in the upcoming months. The Head of Business Analysis confirmed that courts had been operating at circa 25% lower throughput and hearings were taking longer. The Chief Executive Officer noted that without intervention or different ways of working it was likely throughput would not change in the next 12-18 months.

Immediate action to relieve the pressure

The Director of Operational Performance reported that Cafcass had not yet triggered the Prioritisation Protocol, and mitigation actions had been implemented in most regions to further delay a trigger of the Protocol.

A new temporary agreement with the Judiciary had been reached to close work to Cafcass once a safeguarding letter had been filed and after a S7 report had been completed. A National hub would

support S7 reports where the issues were less complex. Assistant Directors (with operational director oversight) would self-assess their service area fortnightly and report to the COVID-19 Programme Board.

The Director of Operational Performance informed the Board that the next pressure point nationally would be January 2021, with the prioritisation protocol potentially being triggered in some if not all regions.

Practice

Seeing children

The Director of Operational Service Delivery reported that the importance of Cafcass staff seeing children and families remained a priority. Children were being seen in person when it was not in their best interest to be seen remotely.

Returning to court and opening offices

The listing process remained under pressure with 16.7% of cases listed for a date over 12 weeks in advance. Most hearings listed for 12+ weeks are Final hearings or Fact-Finding hearings. The use of remote hearings continued in most cases and the priority remained that parties to the case attend court rather than professionals (who will join remotely where possible) through the hybrid approach introduced early in the crisis.

16 priority Cafcass offices were open and COVID secure, providing facilities to support seeing children and families. All remaining offices would open by the end of November.

Board members queried if Cafcass would review the process for stopping or reducing repeat cases that had been similar or identical to a first case in private law. The Director of Strategy confirmed that returning cases was on the private law reform agenda. The MoJ representative also confirmed that the MoJ was currently reviewing the threshold level for returning cases and work was due to be completed by the end of November.

Board members queried if Cafcass asked children if they preferred being seen in person or remotely and if it differed between individual children and young people. The Assistant Director confirmed that a survey of children and young people had been undertaken in June. There had been a mixed response, but overall, both children and young people felt positive about remote visits with 85% feeling their wishes had been listened to.

Learning and Improvement Board

The Director of Strategy reported that the Learning and Improvement Board was Cafcass' practice and leadership response to the findings of MoJ's Expert Panel on Harm in the Family Courts and would seek to understand and improve Cafcass' practice. The first meeting of the Learning and Improvement Board took place on 17 September and was co-chaired externally by Cathy Ashley and Angela Frazer Wickes.

The proposed Learning Review was being scoped and included a baseline audit involving 200 cases with domestic abuse listed. The audit would be supplemented with practice observations and focus groups. Moderation would be led by Board member Eileen Munro and supported by up to 4 Learning and Improvement Board members. The Learning Review outcome would inform a Learning and Improvement Plan to be agreed in January 2020. Progress against the plan would be shared externally and would encompass an interim report (summer 2021) and a final report with action taken and impact assessed (by spring 2022).

Quality of casework

The Director of Operational Performance informed the Board that despite the ongoing pressures, quality assurance data, through routine local quality assurance audits, identified that there was little to no decline in quality of work during the period. Additional activity would take place to provide a clearer assessment of quality during the pandemic, and this would include a quality audit of 200 live cases and an audit of children seen.

Family Forum Development and Next Steps

The Director of Strategy reported that the Family Forum continued to be a positive initiative and a development day had been held with partners in July. The principle of the Family Forum was based on restorative practice with conversations designed to understand how children and families experience Cafcass and agree how we could do things better in the future. The approach was being refined with a further development day in November, and the first full meeting would take place in spring 2021.

The Director of Strategy provided the Board with an overview of the Family Forum model. FJYPB representatives commented that the terminology “putting it right conversations” could be viewed as confusing and imply that the cases would be reviewed to secure a different outcome. The Director of Strategy confirmed that individual cases would have been closed by the time of the Family Forum stage and conversations would focus on putting things right for children and families who would use Cafcass’ service in the future.

People

Securing additional staff

The Head of HR and Organisational Development reported that a Resourcing Strategy Group had been convened to agree and develop a short-term strategy in order bring immediate resource into the organisation and deploy the additional £3.4m awarded by MoJ. As mentioned previously, work had already commenced to source additional Practice Supervisor, Service Manager and Family Court Advisor capacity.

Staff surveys and feedback

The Head of HR and Organisational Development reported that a targeted survey for Black, Asian and Minority Ethnic staff launched in June and confirmed there were anxieties about returning to offices and specific needs relating to the increased risk of COVID. An all-staff survey had also launched in June and highlighted the shortcomings of remote induction and concerns about

reduced 'in person' work. An action plan had been developed in response and shared with the COVID-19 Programme Board, Corporate Management Team and the Diversity Network. A working group was in place to progress the action plan with two Corporate Management Team leads.

Equality, Diversity and Inclusion

The Director of Strategy reported that the recruitment of a senior lead for Equality, Diversity and Inclusion had been successful and the candidate was expected to join in January 2021. An interim working group had been established to progress actions including strengthening practice, particularly ensuring the uniqueness of each child is clear in analysis and reports. The working group would also focus on strengthening staff diversity networks and provide resources to support team conversations on diversity.

Partners and organisation

Recovery planning

The Chief Executive Officer reported that the National Recovery Group continued to meet and was focused on system challenges that partners need to resolve collectively. The National Recovery Group remained concerned about the throughput in the courts and expected the situation to continue for the next 12-18 months before returning to pre-COVID-19 levels.

Priorities for reform – Family Justice Implementation Group

The Director of Strategy reported that Cafcass' was actively involved in in the Family Justice Reform Implementation Group. The group included operational leaders across the family justice system who meet monthly to advise the Family Justice Board on priorities for reform, and how it can be implemented. The group is supported by private and public law steering groups. The Director of Strategy confirmed that Cafcass' priority was on private law reform and focused on relieving current system pressure, whilst also testing longer-term reform in phases.

Public Law Snapshot

The Chief Executive Officer reported that a public law snapshot was undertaken in partnership with ADCS to provide a temporary picture about the impact of delays in family proceedings for England's cared for children. Cafcass had offered resources to conduct the survey between 3 August and 17 September. 114 of 149 local authorities responded to the survey and their response totalled 8,199 cases involving over 13,200 children.

The results of the survey showed 40% of cases reported to have a delay impacting children – of which 11% (1,450 but potentially up to 1,900) were deemed to be severe. Of cases where there was a severe impact on the child because of a delay, 79% have exceeded 26 weeks. The Chief Executive Officer highlighted that the next steps would involve the publication of a joint Cafcass/ADCS national report and local negotiations with DFJs on prioritising those most urgent cases.

Ofsted

The Director of Operational Performance reported that a meeting had taken place with Ofsted on 18 September to agree the timetable for inspection and key questions. A consultation on the inspection framework had started and would finish in October. Cafcass would submit the self-evaluation in early December, which would outline a national story with regional appendices. The annual engagement meeting would take place in January 2021 with a full inspection taking place from April 2021 onwards.

The inspection would likely be virtual and may include themes focused on the impact of COVID-19, domestic abuse and voice of the child. The key questions Ofsted were likely to ask would be focused on quality of social work practice for children and families, how can it be evidenced and what was being done to improve practice.

A three year strategy – priorities

The Director of Strategy provided an overview of Cafcass' three year strategy and highlighted the progress made in the practice, partners and people pillars and what would be completed by March 2021.

4. Reports from Committees

Committee chairs provided a brief update of recent meetings which the Board noted.

5. Finance Report

The Director of Resources reported the forecast position for the current year and highlighted that the underlying position remained stable with forecast in line with previous reporting and a c£0.5m shortfall on grant funding for the year against the original allocation submission.

6. 2019-20 Annual Report and Accounts Report

The Interim Head of Communications reported that the 2019-20 Annual Report and Accounts would be laid in November. A shorter version of the report aimed at children had been designed and was in development. The Interim Head of Communications highlighted that a content review had taken place ahead of the 2020-21 Annual Report and Accounts and included Board members and CMT views.

7. Close and Any Other Business

On behalf of the Board the Interim Chair thanked the Corporate Management Team and Cafcass staff for their continued hard work during this challenging period.

The Interim Chair highlighted that the re-appointment of Board members whose appointments ended in March and May 2021 would be announced shortly after Ministerial approval had been granted. The Interim Chair confirmed that Sophie Humphreys would be appointed as a Co-Opted member for a further year.

The Interim Chair requested that if stakeholders had any feedback on the content and format of the meeting, they should contact the Members Office and that all feedback was welcome in an effort to ensure the Board meetings were both transparent and provided useful information to all Cafcass' stakeholders and the wider public.

No other business was raised.

Minutes approved by the Board Chair, Sally Cheshire, 20/01/2021



ACTION SUMMARY

Action 1: The Head of Communications, working with the Equality, Diversity and Inclusion Lead and Members Office, to agree language that is applied consistently across corporate documents, including minutes. For implementation by March 2021.

Appendix 1

A list of stakeholders attending to observe the meeting.

1. Alice Twaite, The Transparency Project
2. Jeremy Gleaden, Ofsted
3. Angela Frazer-Wicks
4. Rosalind Barton, Match Mothers
5. Catherine Witt, Social Work England
6. Lall Singh, Association of Shared Parenting
7. Hannah Scott, Research in Practice
8. June Thorburn, University of East Anglia
9. Isobel Howlett, Department for Education
10. Sukhchandani Kaur, Nagalro
11. Jeanette Birch, Resolutions Children's Committee/ Nowell Meller – Solicitors
12. Hannah Perry, Association of Lawyers for Children (ALC)
13. Jane Robey, National Family Mediation
14. Sophie Gowans, Courts and Tribunals Judiciary of England and Wales