



**Performance and Quality Committee Meeting minutes
Monday, 14 September 2020, 11:00 – 13:00
Microsoft Teams Meeting**

Cafcass Board members

Caroline Corby, Board Member – *Chair*
Paul Grant, Board Member
Mandy Jones, Board Member
Joanna Nicolas, Board Member (Co-Opted)
Deep Sager, Board Member
Helen Jones, Board Member (observing as part of induction)

Cafcass

Jacky Tiotto, Chief Executive Officer
Teresa Williams, Director of Strategy
Kevin Gibbs, Director of Operational Service Delivery
Sarah Parsons, Assistant Director
Christine Banim, National Service Director – in attendance until item 4.4
Ben Rolfe, Head of Business Analysis
James Jackson-Ellis, Secretariat Services Officer
Morgan Proverbs, Business Services Officer Chief Executive Office (observing)

MoJ and HMCTS

Adam Lennon, HMCTS
Stuart Moore, MoJ – in attendance until item 6

Guests

Kim Adams, Practice Supervisor (A12) – item 7
Andreea Aschenazi, Service Manager (A12) - item 7
Cornelia Fuehrbaum, Service Manager (A15a) - item 7
Saif Ullah, Senior Research and Evaluation Manager - item 4.3

Apologies

Eileen Munro, Board Member
Nicola Blakebrough, Corporate Manager (Secretariat Services)
Anji Owens, Director of Operational Performance

1. Welcome and apologies

The Chair welcomed everyone to the Performance and Quality Committee (the Committee) meeting. Apologies were noted.

2. Declarations of interest

No declarations of interest were raised.

3. Minutes, actions and matters arising

An amendment to the minutes of the previous meeting would be made to note that the Board member, Deep Sager, had suggested under the Research Programme Annual Report that the Research Advisory Committee should consider a heuristic model in decision-making based on knowledge of public and private law cases and consider the proportion of Family Court Adviser recommendations accepted by judges.

The Committee noted that the outstanding action for the Board member Joanna Nicolas to provide comments on the Child Protection Policy to the Chief Executive Officer was ongoing and a meeting was in the process of being arranged to take this forward.

Action 1: The minutes of the previous meeting would be updated to reflect the requested changes.

3.1. COVID-19 Impact and Response

The Chief Executive Officer reported that in August 2020 MoJ had awarded Cafcass an additional £3.4 million for the recruitment of new staff to provide extra workload capacity, and that recruitment of social workers (on a combination of permanent and agency basis) had commenced.

The Committee were informed that Cafcass was between 2 to 3 weeks away from triggering the Prioritisation Protocol in which we would no longer be able to allocate to a Family Court Advisor (FCA) new cases assessed as lower priority following initial safeguarding assessment. Triggering the Protocol remained a 'last resort' option and interventions were being developed to further delay applying the Protocol, by taking further steps to complete and close lower risk cases already held by FCAs. The Chief Executive Officer reported that Cafcass had circa 5,000 cases whereby there was no future work planned and proposed that those cases could be closed. It was estimated that this intervention alone could further extend applying the Protocol by 4 weeks.

The Chief Executive Officer highlighted that it was important for Cafcass to clearly communicate the impact of triggering the Prioritisation Protocol to the Judiciary and MoJ, as well as to demonstrate that all other avenues had been exhausted. The Chief Executive Officer confirmed that she and the Interim Chair would write to the MoJ outlining the position to date.

The Committee discussed that it was important for Cafcass to communicate clearly and consistently the pressures faced by Cafcass due to reduced throughput and increased demand which resulted in rising caseloads. While recognising that the Key Performance Indicators were part of the explanation, the Committee noted that the narrative on pressure and impact was not consistent across the Committee reports which was unhelpful. The Chief Executive Officer assured the

Committee that the Corporate Management Team would review the narrative in reports and would provide the Committee with an updated Performance Report including an appendix outlining the overall performance and impact measures more clearly. (For clarity this action is under the Performance Report item)

MoJ representatives commented that the key performance indicators previously set had been seen as effective, however because of changes within the external environment it may be appropriate to review them.

4. Quality updates

4.1. Outcome letters to children at the end of proceedings - update on actions and improvements

The Assistant Director provided an oral update to the Committee and highlighted that consistently providing outcome letters to children at the end of proceedings was now a delivery priority. Work was being progressed to gather examples of good practice and these would be incorporated into the Ofsted key lines of enquiry. The Committee noted the progress and requested a further update at the December meeting.

Action 2: The Assistant Director would provide the Committee with an update on providing outcome letters to children at the end of proceedings at the December meeting.

4.2. Quality of remote decision making

The Assistant Director reported that to understand the quality of direct practice occurring remotely, a survey had been undertaken in June 2020 to gain feedback from children and families. The feedback was encouraging in terms of providing intelligence about what worked well remotely, what doesn't work well and what can be improved. The findings informed planning for re-opening offices and the visiting children protocol.

The Committee noted 32% of children had been seen and sought assurance that children were being seen when it was necessary to do so. The Committee said that more evidence was required to evidence that those children who needed to be seen were being seen in person rather than remotely. The Director of Operational Service Delivery confirmed that Family Court Advisors applied their professional assessment to determine when it was necessary to see a child in person. Currently 150 risk assessments were being received every week to visit a child and Family Court Advisors were recording the method of contact on the case log. The Director of Operational Service Delivery agreed to review mechanism of assessment and recording to ensure it provided assurance that those children who need to be seen are being seen in person.

Action 3: The Director of Operational Service Delivery would review the mechanism of assessment and recording to provide assurance that those children that needed to be seen were being seen in person.

Action 4: The Committee would receive an update on the percentage of children being recorded as being seen by a Family Court Advisor at the December meeting.

4.3. Definition of complex cases and families

The Senior Research and Evaluation Manager joined the meeting to provide an update on early scoping work with practitioners that had been undertaken to better define complex cases and families as a necessary first step to assessing whether they had become more prevalent within Cafcass' caseload. He reported that pilot workshops with social workers had taken place prior to and during the early stages of the pandemic. Initial findings from the workshops suggested that practitioners did not necessarily think that there had been an increase in the complexity of cases, but they were finding them more challenging because these cases required a greater amount of thinking time, and as demand had grown that time had become more scarce. Further workshops would be undertaken with practitioners in the autumn to reflect on the current findings and issues emerging after a period of working under COVID-19.

The Committee considered the findings and noted that previously it had been reported that complexity in cases was increasing. The Chief Executive Officer agreed that the findings did not reflect the view of Cafcass with regard to rising complexity in cases and recommended that the Corporate Management Team revisit the findings and provide an update on the position regarding complexity of cases to the December meeting. The Chief Executive would also work with the Corporate Management Team to ensure the process for approving reports before dispatch to ensure clear conclusions, implications and advice are provided.

Action 5: The Corporate Management Team would revisit the findings regarding complexity in cases and provide an update to the December meeting.

4.4. Initial analysis of data on court outcomes by ethnicity

The Head of Business Analysis reported that in the 12 months to June 2020, Cafcass had worked with over 90,000 new children, of these children 19.7% were from a minority ethnicity background. An analysis of closed cases in the same period identified that nationally 83% of non-minority ethnic children were removed from parents compared to 70% of minority ethnic children. There was also significant regional variation between northern and southern regions.

The Committee observed that 16% had an unknown, not disclosed or missing ethnicity recorded, and it was difficult to draw an accurate conclusion. The Committee requested that the recording of 'unknown cases' be improved to disclose the ethnicity of the child on the case file. The Committee suggested that it was important to understand the baseline ethnicity in each region, and a mechanism for completing this could be to examine the Office for National Statistics data. It was also important to draw out whether there was any differential treatment of children from ethnic minority backgrounds compared to those from non-ethnic minorities, and to identify any practice implications, as these were not clear from the report.

The Committee requested that the report be shared with Board member Rohan Sivanandan who had a lead role on the Board for diversity, equality and inclusion, for his information and any feedback. The Committee noted that a more detailed analysis would be completed during Q3/Q4 would be presented to the March 2021 meeting.

Action 6: The Corporate Management Team would consider the mechanisms for improving the recording of 'unknown cases' to ensure these disclosed the ethnicity of the child on the case file.

Action 7: The Corporate Management Team would ensure that analysis is shared with the Cafcass Equality, Diversity and Inclusion interim working group and lead Board member Rohan Sivanandan for feedback.

Action 8: The Committee would receive a more detailed analysis of the data on court outcomes by ethnicity at the March 2021 meeting, by which time the new senior lead for Equality, Diversity and Inclusion was expected to be in post.

5. Performance Report

The Committee noted the Performance Report. As discussed earlier in the meeting, the Committee felt that the report did not reflect the pressure faced by Cafcass and impact. The Chief Executive Officer confirmed that an updated Performance Report would be issued and would provide an appendix of the overall performance and impact.

The MoJ representative highlighted that the arm's-length body centre of expertise team would be keen to engage in the discussion as the Performance Report was a key document for holding Cafcass to account through its key performance indicators.

Action 9: The Committee would receive an updated Performance Report with an appendix outlining the performance and impact.

6. Profile of Open (backlog) Cases

The Committee noted the report on the profile of open (backlog) cases. The Head of Business Analysis highlighted that the decrease in system throughput had led to an increase in overall open cases. Throughput of cases had reduced from 100% to circa 70% and Family Court Advisors had an average caseload of 24 cases, and Service Managers and Practice Supervisors held on average 15 cases. Cafcass Associates had an average total of 1250 cases nationally.

Using data from Cafcass' Electronic Case Management System, it was determined at which 'stage' cases are currently at within the Cafcass case paths for both public and private law. For public law the number of cases open in excess of 26 weeks has increased significantly (+28%) following the impact of COVID-19, indicating that cases are not achieving timely outcomes due to the processing capacity in the system. For private law the number of cases where Cafcass has completed work, filed a report and is awaiting a hearing (or have outstanding safeguarding checks) have also increased sharply following the impact of COVID-19 (+38%).

The Committee noted that of the number of cases being received, 1 in 5 cases would fall under a category of the prioritisation protocol. The number of active cases, whereby there is known future work to do, was 35,555 which was a record high.

The Committee agreed that the report was beneficial to help understand the level of open (backlog) cases and was considered important for the Committee to monitor on a regular basis. The report would be incorporated into the updated Performance Report.

Action 10: The Committee would receive the profile of open (backlog cases) as part of the Performance Report.

7. Practice Presentation on Effectiveness of Practice Supervision, Management Oversight and Learning

The Committee received a practice presentation from Service Managers on the effectiveness of practice supervision, management oversight and learning. The presentations provided a detailed focus on why management oversight was important, the challenges faced and solutions. The Committee noted that management oversight took place to ensure children and young people were being safeguarded, that key risks were identified, monitored and mitigated and the expected outcomes were being achieved. The Committee noted that management oversight was conducted throughout the case and through a range of methods, including case plan reviews, quality assurance of court reports, situational supervision and through the regular performance learning review process. The Committee were informed of the challenges with management oversight and this included increased workloads impacting the PLR process, ensuring timeliness and IT systems.

The Committee noted that there was a benefit in a higher level of management oversight required in private law for new starters who would need to develop a sufficient level of autonomy in decision making, however guidance was provided in a clear and structured way, allowing new starters to work within a set of parameters.

The Committee queried the challenge regarding the different understanding of how and where management oversight and situational supervision was recorded. The Service Manager highlighted there was often confusion between these two processes. The Committee asked how could this resolved and the Assistant Director confirmed that clearer guidance was being developed in order to clarify these processes.

The Committee discussed the challenges linked to the IT system. The Service Manager reported that operational teams had found it difficult using both ECMS and the new Children and Family Information System simultaneously as this slowed processes and caused duplication of work. The Chief Executive Officer confirmed that the two system were running simultaneously for a short period whilst the new system was being developed and rolled out. The Chief Executive would provide an oral update at the next Audit and Risk Assurance and Performance and Quality Committees regarding the justification for why the two systems had needed to run in parallel longer than anticipated, and the action being taken to mitigate the impact on frontline staff.

The Committee commended the presentations and thanked the Service Managers for their time.

Action 11: The Chief Executive Officer would provide an oral update at the next Audit and Risk Assurance and Performance and Quality Committees regarding the reasons for why the two systems had needed to run in parallel longer than anticipated, and the action being taken to mitigate the impact on frontline staff.

8. Harm Panel Report

The Assistant Director reported that the first meeting of the Learning and Improvement Board (LIB) would take place on 17 September and sought feedback on the proposed scope of the LIB. The Committee were informed that membership of the LIB would include voluntary sector organisations who had been members of the MOJ's Expert Panel on Harm in the Family Courts and would ensure Cafcass listened to those who had been critical of practice previously.

The Committee noted that the issues raised in the Expert Panel report extended beyond Cafcass and that that it was important to highlight to other government agencies concerned – in particular though the Family Justice Board - that Cafcass had set up the LIB, and to engage them in the learning and resulting actions..

The Chief Executive Officer confirmed that the proposed terms of reference for the LIB would be presented to the Board for approval at the Board Briefing on 28 September, after which they would be made public. There would also be an update at the next Open Board meeting on 21 October.

9. Any Other Business and Forward Planner

No other business was raised.

ACTION SUMMARY

- Action 1: The minutes of the previous meeting would be updated to reflect the requested changes.
- Action 2: The Assistant Director would provide the Committee with an update on providing outcome letters to children at the end of proceedings at the December meeting.
- Action 3: The Director of Operational Service Delivery would review the mechanism of assessment and recording to provide assurance that those children that needed to be seen were being seen in person.
- Action 4: The Committee would receive an update on the percentage of children being recorded as being seen by a Family Court Advisor at the December meeting.
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- Action 8: The Committee would receive a more detailed analysis of the data on court outcomes by ethnicity at the March 2021 meeting, by which time the new senior lead for Equality, Diversity and Inclusion was expected to be in post.
- Action 9: The Committee would receive an updated Performance Report with an appendix outlining the performance and impact.
- Action 10: The Committee would receive the profile of open (backlog cases) as part of the Performance Report.
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