



Board Meeting minutes
Wednesday, 1 July, 11:15 - 13:15
Microsoft Teams Meeting

Present

Sally Cheshire, Interim Chair
Caroline Corby, Board Member
Deep Sager, Board Member
Paul Grant, Board Member
Catherine Doran, Board Member
Mandy Jones, Board Member
Joanna Nicolas, Board Member
Sophie Humphreys, Board Member
Helen Jones, Board Member
Rohan Sivanandan, Board Member
Eileen Munro, Board Member

In attendance

Jacky Tiotto, Chief Executive Officer
Julie Brown, Director of Resources
Teresa Williams, Director of Strategy
Christine Banim, National Service Director
Kevin Gibbs, Director of Operational Service Delivery
Merryn Hockaday, Interim Head of Communications
Nikki Gibbons, Head of HR
James Jackson-Ellis, Secretariat Services Officer
Nicola Blakebrough, Corporate Manager (Secretariat Services)
Lolita Gerald, Assistant Director – attending for item 3 and 4
Carol Hazelwood-Morris, Practice Supervisor – attending for item 3 and 4
Neal Barcoe, MoJ (from 11:45)
Alison Wedge, MoJ
Ben McCormick, FJYPB Member
Shivani Sud, FJYPB Member

Apologies

Anji Owens, Director of Operational Performance
Mel Carew, Head of Legal Services

1. Introduction from the Chair

1.1. Welcome and apologies

The Interim Chair welcomed everyone to the Board meeting. The Board were informed that the meeting would be recorded for trial purposes to explore and consider how technology might be used to support the transparency of meetings.

1.2. Declarations of interest

No new declarations of interest were declared.

1.3. Minutes, actions and matters arising from previous meeting

The minutes of the last meeting were agreed as an accurate record and all actions had been marked as complete.

2. Chief Executive Officer's Report and COVID-19 Impact and Response

The Chief Executive Officer provided an oral report on the impact and response to COVID-19 and reported that Cafcass' focus was now on recovery.

Cafcass Gold Command would be finalising the protocols for seeing children and the opening of offices on Friday (3 July) and an announcement on the protocols would be made to the organisation on Monday (6 July). The National Service Director had led eight consultation sessions with staff to inform the protocols. Also, in order to secure a comprehensive plan for recovery taking account of the well-being of our staff, an all staff survey was undertaken. Overall 1,089 staff completed the survey which was 54.5% of the workforce currently in work.

The protocol on seeing children would mark the move away from 100% remote working. Where remote working was not appropriate for engaging with and seeing children, children would be seen in person. Arrangements would be put in place for those staff who were clinically shielded or described as vulnerable, and Black, Asian and Minority Ethnic staff would complete a risk assessment with their manager to determine if it was safe for them to visit or meet a child in person.

It was estimated that 17 of the 33 Cafcass offices would open in a staggered approach between July and August. Only those offices that could support government guidelines on distancing and ventilation would be opened and would be used solely to see children and families. The Board were informed that legal advice had been sought on opening offices for the purposes of seeing children, where this could not be undertaken remotely or in the family home, to ensure that recovery planning adhered to Government guidelines.

The Board agreed that it was a positive step for Family Court Advisors to be seeing children face to face but queried if staff would be provided with face coverings for seeing children. The Director of Resources confirmed that Cafcass would be following Cabinet Office guidance and providing face coverings to staff for carrying out official duties, e.g. when undertaking visits. Offices would also adhere to social distancing measures.

The family justice system was operating below capacity and there was considerable concern about the increasing backlogs and delay in the system. The technology was not yet in place in all courts to facilitate remote hearings by video which was fundamental for more complex hearings. This had an impact on Cafcass caseloads, as there was a reduction in final hearings and, as there was no prospect of an immediate return to normality, Cafcass would be implementing a practice prioritisation protocol which would allow Cafcass to prioritise work with the most vulnerable children, should the need to prioritise arise due to workload and capacity issues.

All incoming cases would be triaged and categorised on priority: priority 1 being all public law work and priority 2 all private law section 7 reports and cases with safeguarding issues. These two priorities account for 80% of the workload. The protocol had been tested internally but not yet been finalised but once in place it would need to be triggered and monitored through Gold Command. The proposed protocol has been discussed with MoJ officials from an early stage.

The Chief Executive Officer noted that diversity and inclusion had been at the forefront of senior leaders' attention and was attracting considerable thought and input. A substantive item was on today's board agenda and would cover our plans for a renewed diversity and inclusion strategy, the work for which had begun prior to the COVID-19 and which is now being supplemented by our actions in response to the Black Lives Matter movement.

The Board noted that the Harm Panel report had been published and that the next steps included establishing a Learning and Improvement Board - chaired by Jacky Tiotto with membership including local authorities and charities (Safe Lives, Women's Aid, Families Need Fathers) to oversee practice improvements that arise from the review and our mainstreamed quality assurance programmes. The Board suggested that experts could be invited to join internal audit teams to help reflect on our work. The Board thanked all members of Cafcass staff for delivering business as usual despite the ongoing challenges with COVID-19.

Action 1: [The Board would receive the final version of the three protocols.](#)

3. Family Justice Young People's Board Report

Family Justice Young People's Board (FJYPB) representatives presented their report and summarised the changes in membership and staff. Sophie Humphreys had become the new Cafcass Board member link. 27 new members had successfully been recruited to join the FJYPB Board.

The annual Voice of the Child conference had been cancelled due to COVID-19 and in its place several webinars would take place in October and November with a focus on domestic abuse. The FJYPB had recently been involved in helping to develop a message for Cafcass in relation to diversity and inclusion which had been issued on the Cafcass website. FJYPB representatives shared with the Board a thank you video for Cafcass staff and all stakeholders for their work in keeping the family justice system operating and children safe during the pandemic.

FJYPB representatives suggested, given the Harm Panel Report, that the FJYPB could become more involved in quality assurance processes. Helen Jones, Chair of the Audit and Risk Assurance Committee (ARAC) confirmed that members of FJYPB would be welcome to attend a future Audit and Risk Assurance Committee meeting.

FJYPB representatives also discussed the independence of the FJYPB, suggesting that although it is sponsored through Cafcass, it should have its own governance and formal roles. The Board agreed that the FJYPB were integral to Cafcass, however it should have its independence and that the whole family justice system could benefit from the work of the FJYPB.

The Chief Executive Officer confirmed that the leadership team were considering governance and the available options. The Chief Executive Officer apologised to FJYPB representatives for the use of a FJYPB comment in the Harm Panel report statement, which had not been agreed with the FJYPB members before publication.

Action 2: The Interim Head of Communications and Director of Strategy would consider how to share the FJYPB video with internal and external partners

Action 3: The Chief Executive Officer along with the Assistant Director with responsibility for the FJYPB would review and consider solutions in respect to the governance of the FJYPB.

4. Equality, Diversity and Inclusion

The Director of Strategy informed the Board that plans for a renewed diversity and inclusion strategy had begun before COVID-19 and is now being supplemented by the actions in response to the Black Lives Matter movement. The Director of Strategy introduced colleagues from the Kaleidoscope Network who were in attendance for the item.

In February 2020 a diversity and inclusion workshop had been held to take stock of what had been delivered under the previous Diversity and Inclusion Strategy and what the priorities would be in the new strategy from April 2020. Following discussions between the Director of Strategy and Rohan Sivanandan, as new Board lead for diversity and inclusion, it had been agreed that it was important to restore 'Equality' into the new strategy.

The Director of Strategy informed the Board that a statement setting out Cafcass' leadership commitment on making Equality, Diversity and Inclusion matter would be issued on 1 July. The Director of Strategy highlighted to the Board the initial priorities ahead.

- to develop responses to the FJYPB's questions to us on what more we can do to support the minority ethnic children we are working with, and to ensure that we consider diversity as we develop proposals for improving feedback
- to continue listening by sharing with all managers ideas for opening discussions about Equality, Diversity and Inclusion with colleagues; and running national listening events
- developing interactive learning sessions that can be run virtually for all staff from the Autumn

- to establish a small EDI working group, facilitated by Teresa Williams as our Equality, Diversity and Inclusion CMT lead, and Rohan Sivanandan our new Board member who will lead on Equality, Diversity and Inclusion

The Board were pleased to see Cafcass renew its Equality, Diversity and Inclusion strategy and a focus on action. The new strategy should also aim to focus on specific and measurable outcome targets.

The Board expressed views about the collecting and use of data and how this could enable the family justice system to understand whether it discriminates by ethnicity. It was considered that although data is important, the absence of it should not delay wider action to prevent discrimination amongst our staff and the families we serve.

The Board thanked the Chairs of Kaleidoscope and the FJYPB for their input and questions on the subject of Equality, Diversity and Inclusion. The Board agreed that Cafcass is not starting with a blank piece of paper and that the previous diversity and inclusion strategy had built a foundation to work from, however it was now time to act and lead on real change.

A further update and discussion on Equality, Diversity and Inclusion would be held at the next Board Briefing.

Action 4: A discussion on Equality, Diversity and Inclusion would be added to the next Board Briefing agenda.

5. Reports from the Audit and Risk Assurance Committee (including the Committee's Annual Report) and Performance and Quality Committee

The Board **NOTED** the minutes from the Audit and Risk Assurance Committee on 4 May (including the Committee's Annual Report) and the Performance and Quality Committee on 1 June

6. Finance Report

The Director of Resources provided an update to the Board on the in-year and forecast positions for the current financial year. The forecasted position for the full year is an overspend of £0.5m and a prudent approach has been taken in making assumptions about patterns of spending during the current Covid-19 lockdown arrangements.

7. 2019-20 Annual Report and Accounts

The Director of Resources and Interim Head of Communications sought approval of Cafcass' 2019-20 Annual Report and Accounts (ARA) from the Board. The Director of Resources highlighted that the Audit and Risk Assurance Committee (ARAC) had recommended approval of the ARA to the Board following the Committee meeting on 22 June.

The Board noted that the external audit was substantially completed, and the National Audit Office anticipated that the financial statements would be certified with an unqualified audit opinion. There was a delay to finalising the audit due to NAO reliance on the scheme auditors

of the West Yorkshire Pension Fund to provide assurance on the asset valuations for Cafcass's defined pension liabilities, which was not expected to be available until August. Therefore, the ARA would not be laid before Parliament until September 2020.

The recommendation of ARAC to the Board was to approve and sign off the ARA pending the outstanding work on pensions. Helen Jones, Chair of ARAC noted that the Committee would convene a further meeting should any issues arise in the finalisation of the pension liability audit.

The Board queried how future editions of the ARA could become more focussed on and better explain the direct impact that Cafcass had on the lives of the children and families who used Cafcass' service. The Interim Head of Communications informed the Board that a debrief meeting had been arranged in July with the Board members who raised specific feedback in this regard, Cafcass colleagues and an FJYPB representative. The purpose of the debrief would be to provide an opportunity to reflect on the 2019-20 report and set the agenda for the 2020-21 report.

Subject to no further changes the Board **APPROVED** Cafcass' 2019-20 Annual Report and Accounts. The Board thanked the Interim Head of Communications, the Director of Strategy and the Cafcass team for their hard work on producing the ARA.

8. Board Appointments

The Interim Chair highlighted that because of a change in Board membership in April 2020 whereby the appointments of three Board members had ended on 31 March, it would be appropriate to update Board members' roles and responsibilities. Following a consultation between the Interim Chair and Board members, the following changes had been proposed:

- Deep Sagar would become deputy Chair of the Audit and Risk Assurance Committee
- Paul Grant would become deputy Chair of the Performance and Quality Committee
- Eileen Munro would become a member of the Performance and Quality Committee, bringing an additional focus to areas of data and research
- Caroline Corby would hand over her lead role supporting the diversity and inclusion work to Rohan Sivanandan. Rohan would observe the Audit and Risk Assurance Committee and the Performance and Quality Committee, with a view to joining one of those Committees.
- Catherine Doran would become the dedicated Board member linked to the Whistle Blowing Policy.

Board sponsorship roles to support the delivery of the Strategic Plan were in the process of being finalised. Those areas would be covered and be led by:

- People: Workforce Strategy – Paul Grant
- Practice: Feedback and Family Forum – Mandy Jones
- Partners: Longer term reform – Catherine Doran
- Child Protection Policy – Joanna Nicolas

The Board **APPROVED** the updated roles and responsibilities in addition to the sponsorship roles to support the delivery of the Strategic Plan. The Interim Chair highlighted that she had received Board members appraisals and that the appraisal meetings in July would cover the last 12 months and the new roles and responsibilities above.

The Corporate Manager (Secretariat Services) confirmed that planning would commence with the Director of Operational Performance and the Director of Operational Service Delivery to arrange virtual Board visits. The arrangements and next steps would be shared with the Board by email. The Board agreed that it would be helpful to maintain a level of contact with the workforce during the COVID-19 pandemic but without disrupting the work of our staff during a period of heavy caseload demand.

9. Close and Any Other Business

The Interim Chair highlighted to the Board that the next Board meeting would be on Wednesday, 21 October. A Board Briefing meeting would take place on Monday, 7 September and an additional Board Briefing meeting would be considered in August and the Corporate Manager (Secretariat Services) would canvas availability from Board members.

The topics for discussion at the Board briefing meetings would include Equality, Diversity and Inclusion; the Learning review of the Harm Panel Report and a report on the response to the staff survey.

No other business was raised.

ACTION SUMMARY

- Action 1: The Board would receive the final version of the three protocols.
- Action 2: The Interim Head of Communications and Director of Strategy would consider how to share the FJYPB video with internal and external partners
- Action 3: The Chief Executive Officer along with the Assistant Director with responsibility for the FJYPB would review and consider solutions in respect to the independence of the FJYPB.
- Action 4: The topic of discussion on Equality, Diversity and Inclusion would be added to the next Board Briefing agenda.

Minutes Approved by the Board Chair, Sally Cheshire, 21.10.2020

