



Performance and Quality Committee Meeting Minutes
Monday, 1 June 2020, 11:00 – 13:00
Skype

Present

1. Caroline Corby (CC), Board Member – Chair
2. Paul Grant (PG), Board Member
3. Mandy Jones (MJ), Board Member
4. Joanna Nicolas (JN), Board Member (Co-Opted)
5. Deep Sager (DS), Board Member
6. Rohan Sivanandan (RS), Board Member (observing as part of induction)
7. Eileen Munro (EM), Board Member (observing as part of induction)

In attendance

8. Jacky Tiotto (JT), Chief Executive
9. Christine Banim (CB), National Service Director
10. Kevin Gibbs (KG), Director of Operational Service Delivery
11. Anji Owens (AO), Director of Operational Performance
12. Sarah Parsons (SP), Assistant Director
13. Adam Lennon (AL), HMCTS
14. Stuart Moore (SM), MoJ

15. James Jackson-Ellis (JJE), Secretariat Services Officer
16. Nicola Blakebrough (NB), Corporate Manager (Secretariat Services)
17. Erin Bagral (EB), Service Manager (A2) - item 4.3
18. Marie Gittins (MG), Assistant Director (A2) – item 4.3
19. Spencer Hird (SH), Assistant Director (A6, A7, A8) - item 4.3
20. Katrina Swain (KS), Service Manger (A8) –item 4.3
21. Saif Ullah (SU), Senior Research and Evaluation Manager - item 6

Apologies

None received

1. Welcome and apologies

The Chair welcomed everyone to the Performance and Quality Committee (the Committee) meeting. The Chair commented that it was her first meeting as Chair of the Committee and requested that any comments or feedback regarding the meeting structure or content be emailed to her.

2. Declarations of interest

No new declarations of interest were received.

3. Minutes, actions and matters arising

The minutes were approved as accurate, pending the following changes.

- On page 2 the last but one paragraph would be updated to include: “The HR manager confirmed that there are incidences of absence when staff are heading towards a formal

performance process and HR would continue to monitor and bring figures regarding the relationship between absences and performance processes to a future meeting”.

- On page 4 under item 5 a sentence could be added as follows: “The role of temporary and agency staff used to reduce open case numbers was discussed and management would bring a review on their use to a future meeting.”
- On page 5 under item 7 the last sentence would be amended to read: “It was noted that managers review case plans and support staff in decision-making, but management would examine if the decision taken by a Family Court Advisor (FCA) could be seen as joint with their supervisor/manager.”

Action 1: The minutes would be updated with any actions discussed with owners and any new items added to the forward plan.

The Chair requested that any changes to the minutes of the previous meeting be emailed to her and she would liaise with Members Office to update the minutes and actions accordingly.

3.1. Terms of Reference

The Committee reviewed the Terms of Reference and noted one change. The reference to Serious Case Reviews would be changed to Child Safeguarding Practice Reviews.

Action 2: The Terms of Reference would be updated to reflect Child Safeguarding Practice Reviews instead of Serious Case Reviews.

4. COVID-19 Impact and Response

4.1. Update on Impact and Response

The Chief Executive reported demand was returning to normal levels, however demand was 16% lower compared to the same period last year. There was still a backlog in HMCTS of circa 1600 private law cases that had not yet been sent to Cafcass. There had been a reduction in the number of hearings held, circa 4000 less in May compared to the previous year. The reduction of final hearings was impacting the closure of cases and causing an increase in caseloads. Currently 35% of staff held caseloads of over 26 cases and there was increasing risk that in one or two areas, they were rapidly approaching the prospect of not being able to allocate cases.

The Chief Executive highlighted that Cafcass would implement a practice prioritisation protocol which would protect children, families and staff. The protocol would outline the steps Cafcass would take in an event when cases could not be allocated to FCAs. The practice prioritisation protocol would have four categories. Category one would focus on public law and where there was a risk to children in private law. Category two would focus on urgent cases in private law. Category three and four would focus on less urgent work. One Assistant Director was testing the protocol in their area.

The Chief Executive noted that the practice prioritisation protocol was in the early stages of development and would require Board and Ministerial sign off. The Board would receive Cafcass’ position on the protocol at the 1 July Board meeting and the Chief Executive would discuss the protocol with family justice recovery group.

The Chief Executive highlighted that three options were being considered to mitigate the risk of rising demand. The first option would be to recruit more social workers and business services capacity. The second option would be to ask the MoJ to prioritise private law reform. The third option would be to publicly announce the issues with allocating work.

The Chief Executive reported that Cafcass had published a protocol on staff attending court. The protocol responds to the issue that where a court was open, it could not process the same amount of hearings to enable social distancing. The protocol highlights that FCAs would attend hearings remotely and if an FCA had been requested to attend court, a risk assessment would be conducted.

The Chief Executive reported that a separate protocol was being developed which would focus on meeting with children and families. Since 20th March, Cafcass had been seeing children remotely and this was not sustainable permanently. The protocol would explain that FCAs would see children in person where it was safe to do so but remote meetings would also continue to be held.

The Chief Executive highlighted that a third protocol on the use of Cafcass offices was also in progress. Cafcass' default position would remain that staff would work remotely however a partial reopening of the estate may take place where there is a compelling need to have a safe space to meet with children and families, and where it is safe to do so in the office in accordance with all government requirements.

The Committee queried if productivity had decreased because of remote working. The Chief Executive explained that the workforce was no less productive than levels seen before COVID-19. Productivity in terms of court work had stalled because hearings had either been adjourned or cancelled.

The Committee heard that as part of Cafcass safeguarding, FCAs would be able to have a dispute resolution discussion about the substantive issues, with a view to exploring if matters could be settled without a hearing. If the parties agreed not to proceed the applicant could receive a fee rebate. The fee rebate would require approval by the Lord Chancellor and would come into effect in June.

4.2. Performance Report

The Director of Operational Performance summarised the Performance Report which provided in a new condensed format a focus on key areas of performance and impact.

Slide 1 outlined active caseload and demand. A trend graph would be included for the September Committee meeting. Slide 2 provided data regionally and nationally on the four new performance indicators. Slide 3 was an existing slide and detailed pathways and outcomes of closed cases in private law. Slide 4 summarised care and supervisions durations regionally. Slide 5 was a work in progress of regional pressure and impact areas. Slide 6 makes available data on the impact of COVID-19.

The Director of Operational Performance highlighted that for future editions of the Performance Report a glossary and regional map would be included and invited feedback on the new format to be emailed to herself and the Chair. The Committee thanked the Director of Operational Performance for the report and acknowledged the refreshed version was clearer and provided headline information.

The Committee acknowledged that performance indicators were indicating a non-positive direction due to the impact of COVID-19. The Committee noted that the number of duty allocation had dropped compared to the previous year, however the average duration of duty allocation in private law had increased.

Action 3: The Committee would receive an update on the feasibility of collecting data on court outcomes by ethnicity at the September meeting.

Action 4: The Committee would receive an update on how it could assess the quality of remote decision-making at the September meeting.

4.3. Impact of COVID-19 and Remote Working in Private and Public Law

The Committee received a practice presentation from Service Managers on the impact of COVID-19 and remote working in private and public law. The presentations provided a detailed focus on the challenges of working remotely with children, families and attending court hearings with examples of good practice. The Committee noted that there had been positives for staff and children while working remotely, noting that innovative ways of engaging children had been explored; children were often more proficient in the use of IT; some parents were more inclined to engage in telephone/video meetings than home visits. Teams were well engaged through virtual meetings leading to knowledge sharing and the quality of practice was being maintained and evidenced through PLRs. The Committee noted that there were also time savings as an outcome of remote working through a reduction in travel and time spend waiting at court.

The Committee acknowledged that excellent learning and good practice was being applied in both service areas and queried how Cafcass was sharing the learning and best practice across the organisation. The Assistant Director confirmed that practice would be shared in team meetings and would be cascaded to other Assistant Directors.

The Committee queried staff wellbeing and suggested that those who are most silent are often those struggling the most. Both Service Managers agreed that they knew their teams well and could identify who struggled and a range of measures had already been taken including extra supervision, deploying mentors and buddy systems.

The Committee commended the presentation and thanked the presenters for their time and the clear delivery.

Action 5: The practice presentations would be shared with Board members.

5. Ofsted Readiness and Self Evaluation

The Committee noted the Ofsted Readiness and Self Evaluation report.

6. Research Programme Annual Report

The Senior Research and Evaluation Manager joined the Committee meeting and reported that a new Research Advisory Committee was being established and recruitment for Committee members was underway. Interviews would take place in June with the first Committee meeting in the autumn. Committee members would provide technical advice and expertise on research applications received, strengthen governance process and gain access to improved intelligence on emerging external research.

The Research Governance Framework had been updated to reflect the changes to accessing Cafcass data. Cafcass had, as part of the data partnership with the Nuffield Family Justice Observatory, successfully transferred an anonymised version of its case related data to an external Databank (SAIL), which was now open for researchers to apply for access. Cafcass had built a good working relationship with the Nuffield Family Justice Observatory, which had led the SAIL project, and would support several research projects that aim to improve the understanding of the needs of children and families who rely on the family justice system.

The Committee noted the ongoing research projects outlined in the report and recommended the quality of remote hearings in the family justice system be prioritised. The Committee also noted that the family justice system did not collect data on ethnicity, and this should be considered as a future research project. The Senior Research and Evaluation Manager acknowledged the observation. The

Committee queried how often FCAs had sought advice from subject experts on domestic abuse and if that data was captured. It was confirmed that the data was not captured but a targeted audit could be completed, and this would be picked up in the actions taken in response to the Harm Panel Report.

Board member (Deep Sager) suggested 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 thanked the Senior Research and Evaluation Manager for the Research Programme Annual Report.

7. Quarterly Learning Review

The Assistant Director updated the Committee on the quarterly learning review for quarter four 2019-20 and highlighted that the quarter had been quieter in comparison to other quarters.

The Committee noted that for future meetings the agenda item be titled as Quarterly Learning Review to reflect coverage of the report in providing assurance of the monitoring activity in respect of all sources of organisational learning. The Committee requested that the next quarterly learning review include learning on the Haringey case.

Regarding the Practice Observations, the Committee noted that eight had been graded outstanding and one graded as good. The Committee asked what the methodology was for selecting those practitioners. The Assistant Director confirmed that it was based on the Area Quality Review methodology.

8. Strategic Plan Dashboard and Risk Register

The Director of Strategy updated the Committee on the Strategic Plan Dashboard which provided an overview of activities undertaken during quarter four 2019-20. The year had been transitional, and this was because the organisation had launched a new strategic plan.

The Committee noted on page five of the Strategic Plan Dashboard, work under Partners highlights the ambition to improve the dialogue with domestic abuse organisations, relating to steps Cafcass might take in response to the findings of the MoJ Harm Panel. The Committee stressed it was important to have strategic conversations with those organisations. The Committee acknowledged that the current Diversity and Inclusion Strategy was ending and noted that a review of achievements and priorities for the next strategy period was being undertaken. Rohan Sivanandan requested more information on the issues arising from the Area Stress Risk Assessment and how it is updated.

The Committee noted the Strategic Risk Register and requested that the Quality of Casework risk should be updated to reflect the impact of COVID-19. The Corporate Manager (Secretariat Services) acknowledged that the Strategic Risk Register was currently being updated and an updated version would be presented to the Board. The Chief Executive requested that Directors were given time to comment on risks before papers were dispatched.

Action 6: An updated version of the Strategic Risk Register would be presented to the Board in July for information.

Action 7: Board Member, Rohan Sivanandan would receive more information on the issues arising from the Area Stress Risk Assessment.

9. Any Other Business and Forward Plan

The Committee raised no other business.

ACTION SUMMARY

- Action 1: The minutes would be updated with any actions discussed with owners and any new items added to the forward plan.
- Action 2: The Terms of Reference would be updated to reflect Child Safeguarding Practice Reviews instead of Serious Case Reviews.
- Action 3: The Committee would receive an update on the feasibility of collecting data on court outcomes by ethnicity at the September meeting.
- Action 4: The Committee would receive an update on how it could assess the quality of remote decision-making at the September meeting.
- Action 5: The practice presentations would be shared with Board members.
- Action 6: An updated version of the Strategic Risk Register would be presented to the Board in July for information.
- Action 7: Rohan would receive more information on the issues arising from the Area Stress Risk Assessment.