



Board meeting (public) minutes
Friday, 28 May 2021, 11:30 to 13:30
Zoom

Present

Sally Cheshire, Chair
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, Chief Executive
Julie Brown, Director of Resources
Teresa Williams, Director of Strategy
Kevin Gibbs, Operational Service Director (South)
Sarah Parsons, Assistant Director and Principal Social Worker
Helen Johnston, Assistant Director (Policy)
Mel Carew, Head of Legal Services – until 12:15
Nikki Gibbons, Head of Human Resources and Organisational Development
Merryn Hockaday, Senior Communications Manager
Nicola Blakebrough, Corporate Manager (Secretariat Services)
James Jackson-Ellis, Corporate Officer (Secretariat Services)
Claire Evans, Executive Assistant
Morgan Proverbs, Business Services Officer Chief Executive Office
Katie Goldstraw, FJYPB representative
Ellie McCarthy, FJYPB representative
Neal Barcoe, MOJ representative
Alison Wedge, MOJ representative

Guests

Barry Tilzey, Head of Practice (NIS) – item 2.11

Apologies

Jack Cordery, Interim Operational Service Director (North)
Colette Jacobs, Head of Communications

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

1. Introduction from the Chair

1.1. Welcome and apologies

The Chair welcomed everyone to the Cafcass Board meeting and highlighted that the meeting was being held as an open meeting. The Chair welcomed stakeholders and members of the public who were attending to observe the open meeting and thanked them for taking the time, reminding them that they had the opportunity to submit questions ahead of an open Board meeting or afterwards if they wished to follow up on a particular matter.

The Chair welcomed members of the Family Justice Young People's Board (FJYPB) and noted that representatives of the FJYPB would attend all Board meetings.

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.

2. Chief Executive Officer's Report

The Chief Executive Officer informed the Board that the report would comprise of updates from the senior leadership team on Cafcass's impact and response to COVID-19 in terms of our practice, our people and children and families in the family justice system.

2.1. COVID-19 overview and the numbers

The Chief Executive Officer reported that Cafcass's COVID-19 Programme Board continued to meet weekly and prioritisation remained a key item for discussion. Cafcass was operating a business-as-usual model and a return to in person working was increasing. Communication with staff regarding COVID-19 related decisions and questions was still important with weekly communications, including vlogs, blogs and live events taking place.

The Chief Executive Officer reported that the number of children and families with proceedings open to Cafcass continued to increase and the volume of open work remained close to record levels. On 24 May Cafcass had 37,785 open active cases (where there is known future work). There was 26% more active work (+7,684 cases or circa 12,300 more children) compared to May 2020. By type of proceedings, there had been an increase of 15% (1,841) in public law and 32% (5,843) in private law. Case durations continued to increase and therefore influence caseload levels.

System throughput remained compromised and was 12% lower in the 2020/21 financial year compared to 2019/20, however it had recovered from a 20% drop during that period. Caseloads for social workers remained high, with 462 Family Court Advisors carrying 'above threshold'

caseloads. Practice supervisors were carrying on average 15 sets of proceedings, which is close to a full caseload and means that support and oversight at the frontline is diminished.

Cafcass remained committed to reducing caseloads down to a safer level including those of Practice Supervisors so they are able to carry out effective management oversight. Senior leaders continued to engage urgently with Family Division Judges, the Ministry of Justice and Her Majesty's Courts and Tribunals Service about system-wide issues.

2.2. Prioritisation

The Chief Executive Officer reiterated that the volume of open active work was 26% greater than before the pandemic and that persistently high caseloads had a detrimental impact on Cafcass' social workers, the quality of practice and on children. The pressures were due to increased private law applications and a slower rate of case closures because of the impact of COVID-19 on all parts of the family justice system. Therefore, Cafcass continued to ensure that the approach to making a decision about activating prioritisation in a local area was being made carefully, once all the viable mitigating measures were exhausted and in full consultation with partners.

A key tool in monitoring the need for prioritisation was a new monthly scorecard which reviewed key information by region down to service areas including demand, duty allocations, caseloads, workforce pressures and quality of work. The COVID-19 Programme Board remained the decision maker on whether to trigger the prioritisation protocol on advice from the Operational Directors.

Senior leaders had held challenge meetings in four service areas to date and the COVID-19 Programme Board had decided to activate the protocol in one area and so establish an Allocation Hub. Practice Supervisors and Business Support Officers were planned to be recruited to run the Allocation Hubs with MoJ approved emergency funding.

Board member Helen Jones queried the status of the remaining three service areas that had been subject to challenge meetings, and if those areas remained close to prioritisation. The Chief Executive Officer confirmed that at the time of the challenge meetings, the remaining three service areas had been worsening, however, two were now more stable. The Chief Executive Officer highlighted that each service area changed on a weekly basis and could be influenced by the number of new cases received, staff sickness and delayed new starters.

2.3. Resourcing Strategy

The Head of Human Resources and Organisational Development provided an update to the Board on Cafcass' Resourcing Strategy and reported that 81 new starters were due to start in the next 3 months, of which 75 were frontline staff. 37 would leave Cafcass in the next 3 months, of which 31 were frontline staff. The 12-month turnover remained at a similar level to the previous year, 9.7% in May 2021 compared to 9.5% in May 2020.

Challenges remained regarding the recruitment of social workers in some areas such as the South West, Lancashire and Midlands and tailored strategies were in place to address this. The Head of Human Resources and Organisational Development reported that the Resourcing Strategy was focused on three priorities - to develop a talent pipeline; to review recruitment of all social workers

to ensure quality, speed and best value; and to work effectively with Cafcass' recruitment partner Penna.

2.4. Child engagement

The Assistant Director and Principal Social Worker reported to the Board on child engagement during COVID-19. New guidance had been issued on 13 November 2020 and again on 5 January 2021 in response to the third national lockdown with a default position to seeing children remotely unless by exception. More recently on 8 March 2021 Cafcass' guidance had been amended due to the change in the COVID-19 alert level. The default position was now to see children in person, providing the risks were fully assessed and a rationale was provided if seeing a child in person was not possible. A new policy had also been implemented explaining the timeliness of seeing children, the purpose, recording and management oversight.

Seeing children in person when this is in their best interests remained a priority, but it was accepted that carrying 10 additional sets of proceedings per family court adviser meant having to prioritise and balance wanting to see all children with those most in need and at risk. In May 2021, 96% of children had a record of being seen and 45% were seen in person. A Child Seen Audit had highlighted that 85% of children who should have been seen were seen; the remaining 15% who were not had defensible decisions and Cafcass remained committed to reviewing the associated learning.

The Assistant Director and Principal Social Worker highlighted that there remained an operational priority on managers knowing when children had 'no record' of being seen, what the reasons for this were and ensuring all children were seen. There also remained a continued focus on the quality and impact of the engagement with children and the way this is recorded and reported.

2.5. Quality of remote working

The Assistant Director and Principal Social Worker provided a summary of findings from a recent Heads of Practice survey of work with children 3 years and under. The key findings evidenced that remote working required Cafcass to adapt, adjust and innovate in order to ensure good quality interactions with children and early planning was also crucial. Another key finding showed there was a difference in the quality of recording, for example, where sensory information was evidenced on face-to-face visits, the recordings were more descriptive and detailed. It was also identified that in-person visits wouldn't automatically improve the quality of the social work and emphasised that any visit, whether remote or in person, needed to be planned and carefully considered.

2.6. Delays for children and families

The Assistant Director and Principal Social Worker reported to the Board a summary of findings from a survey Cafcass had undertaken in May 2021 to understand the impact of delays for children and families. The survey involved 100 randomly selected sets of proceedings with half from private law and half from public law. The key findings evidenced that with all families feeling the frustration and challenges of ongoing delays, 63% of those spoken to in private law proceedings felt they did not receive a kind/helpful explanation about the delay, 50% didn't know what to do about the impact of delay on their children and 50% also said that the impact of delay in private proceedings

was profound for their children. However, where families received an explanation, they said this was helpful to them and their children.

The Assistant Director and Principal Social Worker highlighted that children and families requested better communication from Cafcass and more speedy resolution of their proceedings, although the latter is largely out of Cafcass' control. Cafcass was taking this learning into a 'think in' to develop and refine ideas into a commitment to communicate with children and families through respectful relationships.

2.7. Principal Social Worker update

The Assistant Director and Principal Social Worker provided an update on the current Principal Social Worker priorities and highlighted Cafcass had recruited three Aspiring Newly Qualified Social Workers to the Social Work Academy. Learning from practice had included a review of the Serious Incident Notification process and a performance and accountability framework had been developed. Practice improvement had been supported by an updated domestic abuse learning and development programme and a new equality, diversity and inclusion (EDI) learning programme.

2.8. Domestic Abuse Perpetrator Programme (DAPP)

The Assistant Director and Principal Social Worker provided an update to the Board on continuing delays to the programme. The Chief Executive Officer and the President of the Family Division had issued joint guidance which prioritised the completion of the programmes for 700 families, whereby the course had not yet begun or was part completed due to the impact of the COVID-19. The Ministry of Justice had approved the use of a proportion of the funding allocated to DAPP provision to review the children's situation where delay had occurred and to reassess their needs where circumstances had changed.

A Cafcass DAPP Review Team was being established and their work would result in families being prioritised for return to court with an updated assessment, or alternatively for recommenced attendance on the programme as capacity becomes available.

2.9. Domestic Abuse Learning and Improvement Plan and Domestic Abuse Learning and Development Programme

The Assistant Director (Policy) reported that in September 2020 Cafcass had established a Learning and Improvement Board to oversee an improvement programme for Cafcass' work with children and families who had experienced domestic abuse. The Learning and Improvement Board was overseeing the development of a Cafcass Domestic Abuse Learning and Improvement Plan which drew on findings from the Ministry of Justice Expert Panel on Harm in the Family Courts. Cafcass aimed to publish the Cafcass Domestic Abuse Learning and Improvement Plan by the end of June 2021.

The Assistant Director and Principal Social Worker explained that Cafcass had a new Domestic Abuse Learning and Development Programme and would roll out the updated Cafcass Domestic Abuse Practice Pathway over several months to embed learning. The programme had been launched in May 2021 and was mandatory for Cafcass staff including senior leaders, managers and Family Court Advisors.

2.10. Ofsted and National Improvement Plan

The Chief Executive Officer presented to the Board the headline findings from the recent Ofsted focused visit. The findings evidenced the good practice Cafcass could continue to build on. Ofsted acknowledged Cafcass' focus on children through the new introductory letters and the later in life letters were strengths where they are in use. Safeguarding letters were also found to be balanced, focused on children and helped the court make decisions in children's best interests.

Ofsted acknowledged that Cafcass could do more to provide opportunities for practice supervision and reflective case discussion although they appreciated the challenges of substantially higher caseloads during the pandemic. Also, to further develop practice so that the uniqueness of children was clearer in assessments and recommendations to the court.

The Chief Executive Officer highlighted to the Board the performance and accountability framework. The framework was the mechanism for how Cafcass would measure and scrutinise the improvement in practice as set out in the National Improvement Plan and Regional Improvement Plans.

2.11. Together – Practice Framework

The Head of Practice (NIS) highlighted that 'Together' would replace the Operating Framework and was due to launch on 15 July 2021 with a 'Together in Practice week' week commencing 6 September 2021.

3. Family Justice Young People's Board Report

FJYPB representatives provided an update on activities and highlighted that the FJYPB had been working with Cafcass Comms to submit a business case for Cabinet Office approval for a new website, as well as undertaking work on what the FJYPB want this to look like in the future. The FJYPB was formed 10 years ago and would celebrate its 10-year anniversary throughout August 2021 and September 2021. It was also noted that FJYPB representatives had taken part in an interview with Ofsted as part of their focussed visit on 16 April 2021. Sally Cheshire and Sophie Humphries had also joined FJYPB representatives to host an interview for World Social Work Day on how the FJYPB stayed connected with the Cafcass Board.

The FJYPB reported on their future work programme and that following the success of FJYPB Voice of the Child webinars held in October 2020 and March 2021 FJYPB would produce an online e-learning resource for Cafcass staff. The resource would focus on the impact and effects of domestic abuse on children and young people in family law proceedings.

The FJYPB had been invited to meet with Sir Andrew McFarlane, President of the Family Division and members of his advisory panel to put forward their views on Transparency in the family courts. In order to offer up to date views a survey with FJYPB members had been undertaken and key findings were shared with the Board.

FJYPB members had identified that Cafcass needed to do better on Subject Access Requests (SARs) for children and young people and the information which is given to children and young

people about SARs. FJYPB members had written to the CEO about this and were creating a 'How to' guide for other children and young people to use as a resource when making a request.

FJYPB representatives presented three key questions to the Board:

- *If we go into lockdown again how would Cafcass prioritise direct work in person with children and young people without compromising the risk of transmitting Covid for those involved?* – The Chief Executive Officer confirmed that it was unclear what would happen in the future, however the Covid Programme Board remained live to consider changes in Government guidance and to adapt policy in regard to child engagement as necessary to ensure that children were seen but that the health and safety were maintained.
- *The FJYPB are keen to understand how FCAs explore the options of remote/in person work with children and young people going forward. How do Cafcass ensure that a child doesn't feel pressurised to agree to remote meetings if they would prefer a visit in person?* – The Assistant Director and Principal Social Worker confirmed that when a child is new to Cafcass an introductory letter is shared with the child for them to indicate their preference, and the Family Court Advisors plans their visit accordingly. Board member, Sophie Humphreys commented that Cafcass may unintentionally promote an option of seeing a child remotely and suggested that Cafcass be mindful of this.
- *We are aware that throughout the pandemic practice supervisors are holding cases which reduces management oversight and support to staff. This is also impacted by reduced communication within teams who may be working from home. How are Cafcass planning to recover moving forward?* – The Assistant Director and Principal Social Worker acknowledged that there was an impact on Practice Supervisors as well as Service Managers to deliver effective management oversight. The Prioritisation Protocol was an important mechanism for reducing caseloads and would ensure caseloads were more manageable, providing better opportunity for management oversight as well as greater time for case reflection.

The Chair thanked the FJYPB representatives for their presentation and questions, as well as acknowledging how the FJYPB had grown into a greater independent Board, having the opportunity to constructively challenge Cafcass, which is welcomed.

4. Strategic Plan Proposed Year 2 Delivery Priorities

The Director of Strategy reported to the Board that Cafcass had published a summary of Delivery Priorities for the current strategic plan in April 2021. Year 1 had now completed and a formal account of what Cafcass had delivered would be published in the 2020/21 Annual Report and Accounts.

The Director of Strategy highlighted that the Board had been provided with a draft of the Year 2 Delivery Plan which identified four 'transformation projects' which, taken together, would result in radical change to how Cafcass helps children and their families. The projects would not be completed before 2023 when the current plan ends, however Cafcass wanted to start work now.

The Board **APPROVED** publication of the Cafcass Strategic Plan Year 2, subject to any final comments by the Board members.

5. Reports from Committees

5.1. Audit and Risk Assurance Committee

The Chair of the Audit and Risk Assurance Committee, Helen Jones, provided an oral update on the March Committee meeting and highlighted that the Committee continued to assess the risks associated with COVID-19. The Committee continued to receive regular internal audit reports and had recently reviewed the Counter Fraud, Bribery and Corruption Strategy.

5.2. Performance and Quality Committee

The Chair of the Performance and Quality Committee, Paul Grant, provided an oral update on the March Committee meeting and highlighted that the Committee had focussed on heritage analysis and case complexity and was keen to see more evidence and development progress at the June meeting. The Committee had also scrutinised the learning from Serious Incident Notifications and was keen to further understand the difference learning had made to practice.

6. Finance Report

The Director of Resources reported to the Board that the final outturn for 2020/21 was an overspend of £2.9m, compared to an in year forecast overspend of £3.4m as previously reported. The main areas of reduction were in staffing costs and IT projects. The final position remained subject to external audit which was scheduled for September 2021.

Grant funding for this year 2021/22 from the MOJ had increased by £8m compared to the previous year. A forecast of commitments was carried out in late April 2021 to support the setting of the budget and formal forecast reporting would commence at the end of May 2021.

7. Governance Reports

7.1. Board Membership and Recruitment

The Chair noted the Board Membership and Recruitment Report and was pleased to confirm Ministerial approval to reappoint those members whose appointments were due to end in 2021, being Paul Grant, Mandy Jones and Catherine Doran. Also, that the Secretary of State had now confirmed the appointment of Eileen Munro as Deputy Chair of the Board.

Changes to Committee membership, roles and responsibilities had been made following the departure of Board members in 2020/21. Susan Smith, Associate Dean at the University of Sussex, had been appointed as a Co-opted Committee member commencing 1 June and would join the Audit and Risk Assurance Committee to provide additional skills and experience to the Committee.

7.2. Cafcass Governance Documents

The Chair noted the Governance documents covering Standing Orders, the Scheme of Reservations and Delegations and the Board Code of Conduct had been refreshed albeit that the amendments were minor.

The Board **APPROVED** the amendments to the Standing Orders, Scheme of Reservations and Delegations along with the Code of Conduct for Board members for publication on the Cafcass website.

8. Close and Any Other Business

The Chair and Chief Executive Officer noted that the Operational Service Director (South) and Head of Human Resources and Organisational Development would be leaving the organisation in June and thanked them for their contributions to Cafcass. The Chair also expressed her thanks to Caroline Corby and Deep Sagar for their contributions to the Cafcass Board, both having stepped down earlier in the year.

The Chair thanked Board members, the Corporate Management Team and FJYPB representatives for attending and contributing to the Board meeting.

No other business was raised.

Minutes approved by the Board Chair, Sally Cheshire, 07/07/2021



Appendix 1 – stakeholders and members of the public in attendance

Name	Organisation	Position
Mary Baginsky	King's College London	Senior Research Fellow
Mark Barford	Ministry of Justice	Assistant Private Secretary to the President of the Family Division
Adrienne Barnett	Brunel University London	Senior Lecturer in Law
Rosalind Barton	Matchmothers.org	Secretary
Verona Blackford	SafeLives	Public Affairs and Policy Officer
Jonathan Broad	Manchester City Council	Head of Children & Families Legal Services
Emily Brough	Dads Unlimited	Mentor
Nigel Brown	Cafcass Cymru	Chief Executive
Nigel Chapman	London Borough of Brent	Operational Director, Integration and Improved Outcomes
Jennifer Cole		Midwife
Jeremy Gleaden	Ofsted	Senior HMI
Paul Grocutt	Telford and Wrekin Council	Service Delivery Manager
Erica Halliday	Child and Adolescent Mental Health Services	Senior Social Worker
Rita Homer	Walsall Council	Head of Service
Pierre Hyman	NSPCC	Senior Policy Officer
Merlin Joseph	Lambeth Council	Strategic Director of Children's Services
Siobhan Kelly	Association of Lawyers for Children	Co-Chair/Barrister
Lauren Kocan	Department for Education	Head of Children's Rights and Family Justice
Amanda Major	Relate	Head of Service Quality and Clinical Practice
Mel Meggs	Kirklees Council	Strategic Director for Children, Families and Community Safety
Nicola Meza	Harrow Council	Care Proceedings Case Manager
Mike Parkhouse	Torbay Children's Services	Court Quality Assurance Manager
Cathy Roberts	ACRO Criminal Records Office	Deputy Manager, PNC
Sharon Segal	Association of Lawyers for Children	Co-Chair/Barrister
Vicki Springhall	DfE	Family Justice Policy Team Lead
Nicola Taylor-Ebong	Napo	Napo National Vice Chair (Cafcass)
Tristan Tutt	Dads Unlimited	Operations Director
Alice Twaite	The Transparency Project	Blogger/Coordinator
Beate Wagner	Wakefield Council	Director of Children's Services
Carol Weston	Derbyshire County Council	Head of Service Amber Valley Locality