



**Board meeting (public) minutes**  
**Thursday, 14 October 2021, 13:00 to 15:30**  
**Zoom**

**Present**

Sally Cheshire, Chair  
Catherine Doran, Board member  
Mandy Jones, Board member  
Helen Jones, Board member  
Joanna Nicolas, Board member (Co-opted)  
Sophie Humphreys, Board member (Co-opted)

**In attendance**

Jacky Tiotto, Chief Executive  
Julie Brown, Director of Resources  
Teresa Williams, Director of Strategy  
Jack Cordery, National Director of Operations  
Sarah Parsons, Deputy Director and Principal Social Worker  
Mel Carew, Head of Legal Services  
Adam Bowles, Interim Head of Human Resources and Organisational Development  
Merryn Hockaday, Interim Head of Communications  
James Jackson-Ellis, Corporate Officer (Secretariat Services)  
Scott Harnett, Projects Officer (Minutes)  
Claire Evans, Executive Assistant  
Morgan Proverbs, Business Services Officer Chief Executive Office  
Benjamin McCormick, FJYPB representative  
Ruth Hudson, MOJ representative

**Guests**

Katrina Igbinovia, Equality, Diversity and Inclusion Lead – Item 5

**Apologies**

Eileen Munro, Board member  
Paul Grant, Board member  
Rohan Sivanandan, Board member  
Nicola Blakebrough, Corporate Manager (Secretariat Services)  
Neal Barcoe, MOJ representative  
Alison Wedge, MOJ representative

## **1. Introduction from the Chair**

### **1.1. Welcome and apologies**

The Chair welcomed everyone to the Cafcass Board meeting and highlighted it was being held as an open meeting. The Chair thanked those stakeholders attending for taking the time to join, reminding those observing they had the opportunity to submit questions ahead of the open meeting or afterwards if they wanted to follow up on a particular matter. Attendees were informed that the meeting was being recorded and audio extracts would be made available on the Cafcass website alongside a published version of the reports submitted.

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

Apologies were noted above.

### **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 ongoing response to the impact of Covid-19, together with more general updates in terms of our practice, our people and our partners in the family justice system.

### **2.1. Covid-19 overview and the numbers**

The Chief Executive Officer reported that Cafcass was continuing to operate and sustain practice despite the continued heightened levels of open children's cases. Senior leaders were working hard to remain visible and support frontline staff, sustaining dialogue with them through vlogs, live-events, think-ins, and other engagement.

The Covid-19 Programme Board continued to meet weekly and prioritisation remained a key item of discussion. Although restrictions remained in place to minimise close contact in offices, the organisation had broadly returned to a business-as-usual model.

Positively, the winding down of Covid restrictions was enabling more Family Court Advisers (FCAs) to see children in person. However, the Chief Executive also reported that the number of children and families with proceedings open to Cafcass had risen by 19% (or around 10,000 more children) since March 2020. By the end of September Cafcass had 35,861 open active children's cases (where there is known future work); this was 19% more (+5,725 children's cases) than at the end of March 2020 when the pandemic began. Case durations continued to increase and to influence caseload levels: public law section 31 proceedings were now averaging around 44 weeks in total, with private

law proceedings that go beyond a first hearing reaching almost 53 weeks, and section 16.4 cases increasing to almost 90 weeks on average.

System throughput remained compromised as disposals remained lower than before the pandemic and the system was continuing to hold more open work than it closed. Caseloads for social workers remained high and more than one in four FCAs were carrying 'above threshold' caseloads in teams. Practice supervisors were carrying on average over 16 sets of proceedings; likewise, lead allocation to children's cases was absorbing about 25% of Service Manager capacity and significantly diminishing oversight of the organisation's frontline.

While there had been an overall 3.5% reduction in new proceedings in the year to date, longer overall durations left Cafcass with an increase in open active proceedings and an overall increase in new or repeat work. There was also an 18% reduction since the pandemic in the number of cases closing, further adding to the existing backlog of proceedings in the system. Staff turnover remained higher than usual in some regions, making it harder to allocate children's cases to FCAs quickly, as new starters still had to acquire the learning and experience they needed to take on responsibility for a full caseload.

For these reasons it was important that Cafcass identify ways to reduce the additional backlog acquired throughout the pandemic back down to previous levels. While working out ways to do this, Cafcass would ask the MoJ to provide additional resource, both to sustain the number of staff in post now and to help it to restore management capacity to Practice Supervisors and Service Managers.

Board members thanked the Chief Executive for her report. In response to the issues raised, the Chair asked if Cafcass was experiencing a 'step change' in its managerial capacity and ability to duty allocate incoming cases as needed. The Chief Executive confirmed that while Ofsted had previously found Cafcass' duty allocation system to be effective in their last focused visit in April 2021, duty allocation was now absorbing 25% of the organisation's Service Manager capacity with figures approaching previous levels last reported in 2014. As concern was on the rise around the wellbeing of Service Managers and Practice Supervisors and their ongoing ability to oversee practice effectively, it was essential that Cafcass was able to identify ways to bring down the levels of Cafcass' existing backlog and allocate those duty cases to new FCAs as soon as practicable.

## **2.2. Prioritisation**

The National Director of Operations informed the Board that two regions had activated the prioritisation protocol and opened allocation hubs, supporting three service areas, and this was already having a positive impact by helping to free up Service Manager capacity. Two more service area challenge meetings had taken place in October 2021 and another two meetings had been agreed for South Yorkshire and Humberside, and London respectively.

The Board were reminded that one of the key tools in monitoring whether there was a need to activate prioritisation in each area was the balanced scorecard which the Covid-19 Programme Board, Assistant Directors and local teams used to review key information by region down to the service area level, including demand, duty allocations, children's caseloads, workforce pressures and quality of work. Based on the outcome of the two latest challenge meetings, the National Director of Operations would be recommending triggering Prioritisation for West Yorkshire at the next meeting of the Covid-19 Programme Board on Friday (15 October 2021).

### **2.3. Realigning Service Areas and Re-Appportioning the Budget for 2022 – 23**

The National Director of Operations reported that three service areas were being realigned to different Assistant Director regions with the aim of achieving a more equitable distribution of workload accountabilities and teams nationally. Prior to this, the largest Assistant Director region held accountability for around 16% of the total workforce while the smallest held accountability for only 7%.

The organisation was also in the process of developing a more detailed and comprehensive model for apportioning budget between regions. Work had begun with the Analytics and Finance teams to develop a new model which would be subject to close analysis by the Operational Management Team to ensure adjustments do not result in any disproportionate upheaval or disruption. The final decision would need to be taken by the Corporate Management Team in time for budget setting for 2022 - 23.

The Board asked if implementation of the adjustments proposed, when delivered alongside the Prioritisation Protocol, would be enough to free up manager capacity to return supervision and oversight to safe and manageable levels. In response, the National Director of Operations cautioned the measures proposed (including the Protocol) were really only a 'temporary fix': whilst Prioritisation had produced some positive short-term results in the service areas affected, unless the organisation could introduce wider measures with the judiciary and its local authority partners to bring down durations and deliver reform to the family justice system (particularly in relation to private law) then Cafcass was likely to end up in a similar situation of high demand and low managerial capacity very quickly. The Board thanked the National Director of Operations for updating the Board on this matter.

### **2.4. Performance and Accountability Framework**

The National Director of Operations reported that work continued to improve the Performance and Accountability Framework. The Board were informed the Framework provides FCAs and managers with the knowledge and skills they need to deliver their jobs effectively, and to enable leaders to set clear and honest expectations about the overall standard and quality of practice expected. This was intended to help improve the overall quality of frontline practice, and to reduce the number of cases graded 'met' or 'requires improvement' in audit.

An important component of the Framework includes being more open and clearer with staff, children and families about 'what good looks like'. It also requires Cafcass to review its current approach to frontline management by considering how many FCAs a Service Manager should be responsible for safely overseeing and setting stricter parameters to ensure there are enough managers and supervisors in post to undertake management oversight and practice supervision effectively, and to improve the overall quality of practice among frontline FCAs. The final stage is having a comprehensive, accurate, and up-to-date system of data in order to enable it to identify any potential capacity shortfalls and respond to emerging trends at an individual, team, service area or regional level.

## **2.5. Workforce Strategy**

The interim Head of Human Resources and Organisational Development reported that the Cafcass' pay award was lower than the Local Authority average and likely to fall even further behind as Central Government set a zero percent pay award for the current year. Despite this, however, Cafcass' overall pay rates remained competitive in most regions: one exception was the South-East, although turnover remained low here, suggesting external salary benchmarks didn't necessarily correlate directly with turnover rates.

Exit survey data suggested that staff cited high workloads and opportunities for career progression as their main reason for leaving, and the HR team hoped to collect more data on staff turnover and retention in the findings of their next all staff survey, reporting in December 2021. More detailed analysis would then be used to inform the future pay strategy and develop a range of options to improve the total Cafcass reward package.

Sickness absence remained lower than before the pandemic with the 12-month overall average of working days lost at around 9.6 for September 2021, compared to 9.9 in February 2020. There was currently a recent upward trend in sickness absence reported nonetheless, and particularly in relation to social work employees. Sickness absence linked to mental ill health had increased in the past year and currently accounted for a significant proportion of the sickness absence. There was comparatively little sickness reported in relation to Covid-19 itself.

A virtual 'Leadership Conference' would be held for all tier 1 - 4 managers and supervisors on 09 December 2021. The main themes of the Conference would be the new leadership behaviours, staff survey results and leadership through change and transformation.

Board members asked, in light of Cafcass' ageing workforce and the overall contraction in the number of social workers qualifying nationally, what flexibility Cafcass had to improve its pay award offer, and what steps were being taken if any to try to improve overall staff retention. The Chief Executive advised that as an arm's length body Cafcass was limited in what it could decide or offer to staff unilaterally without prior agreement or funding from the MoJ. Significant risks arose from Cafcass not being provided with greater flexibility to determine a suitable recruitment and retention strategy to support it through the current period of high demand and low throughput.

## **2.6. Operating Framework and Policy Reference Group**

The Director of Strategy reported that the Operating Framework would be replaced at the end of October 2021. The Framework had been originally launched in 2012 but had since gone through some subsequent amendments and changes. Most operational content was now found in standalone policy or guidance.

It had been decided, therefore, that all Operating Framework content should be reviewed, consolidated, and migrated to a new more streamlined suite of policy and guidance documents for staff. These would replace the original Operating Framework, which was to be decommissioned from the end of October, and Cafcass' internal documents and external site would be updated to reflect these changes.

## **2.7. Complaints Review**

The Director of Strategy reported that the Strategy Directorate was now leading a review into the complaints process. The intention of the review was to design an independent 'issues resolution system' that would work restoratively with families to resolve concerns or problems raised in a timely and proportionate manner.

It was hoped the implementation of such a system would better enable Cafcass to listen and learn from children's and families' own personal experiences and extract learning to improve its service. The new system would be developed, tested and implemented by a project group, co-chaired by the Directors of Strategy and Operations in two phases between March and September 2022, based on the recommendations from the complaints review.

## **2.8. Serious Incident Reports**

The Deputy Director/Principal Social Worker reported that a review of the Serious Incident notification process had been undertaken to provide confidence that the process enabled understanding among all senior leaders as to the actions to be taken when information about a significant incident is received. A new suite of documents would be launched in November and the impact of the changes made would be evaluated in parallel with testing of the new process.

## **2.9. Seeing Children Update**

The Deputy Director/Principal Social Worker reminded the Board that new guidance had been issued following changes to the Covid-19 alert level and that the main priority for Cafcass now was trying to ensure children were seen in person when it was in their best interests to be seen. However, high workloads had meant FCAs were still having to prioritise seeing in person those children most in need or at risk, with FCAs required to provide clear and justifiable rationales for determining whether a child should be seen in person or not on the child's record.

As of 21 June 2021, 95.9% of children with open cases were recorded as having had a meeting with their FCA, with over 70% of children having been 'seen in person'.

Ensuring all children had a record of the engagement with them remained a key focus. To support the practice and the policy on child engagement, work on Management Practice Quality Standards had commenced and a dip sample audit was underway into the reasons given for the decision not to see children in person within the specified timescales.

## **2.10. Principal Social Worker Update**

The Deputy Director/Principal Social Worker highlighted that Cafcass' new 'Together for Children and Families' Practice Framework had been launched at a week-long event, Practice Week, in September. Practice Week was held as a virtual conference and included a series of online events and leadership live sessions which had prompted interaction, discussion and deliberation on what it means to have our new practice-based framework, with views and insights shared by staff from across the organisation.

Cafcass would be seeking to sustain that momentum by holding a leadership live event on 21 October 2021 to discuss some of the most challenging questions raised by staff in Practice Week. This would be followed by two more leadership live events in November and December to respond to questions about observations, process issues and practice.

Cafcass' Domestic Abuse Learning and Development Programme had begun in May and training was currently underway. The Programme consisted of a series of events including a mandatory webinar series set to launch from 13 October 2021, co-hosted by external experts including some with lived experience of domestic abuse or the family courts.

Evidence of regional successes and challenges in implementing the Learning and Improvement Board Improvement Plan were also being collated and reviewed. The Board queried whether there had been any discernible increase in the number of instances of domestic abuse reported as a result of the stay-at-home orders issued during the Covid-19 pandemic and the associated impact of lockdown on adult mental health. The Deputy Director/Principal Social Worker confirmed that domestic abuse was being reported more frequently as a factor in cases since the start of the pandemic in conjunction with a number of other complex case factors.

### **2.11. Budget 2021 – 22**

The Director of Resources reported that the August 2021 management accounts showed spend of £57.4m against Cafcass' year-to-date budget of £58.2m. The latest forecast for the year however was highlighting an overspend of £2.7m. This reflected the crystallisation of pressures previously reported together with the additional authorised overspend on the organisation's Prioritisation Protocol and associated Allocation Hubs.

This overspend had been formally reported to the MoJ, and Cafcass was in discussion with the Department on the resource implications of securing and retaining agency social workers to the end of the financial year, as well as bringing in further resource to release the management capacity currently diverted to holding children's cases. The organisation was awaiting the MoJ's instructions on preparations for the Spending Review and associated allocations process.

## **3. Family Justice Young People's Board Report**

The FJYPB representative provided an update on activities and highlighted that the business case for a new FJYPB website had been well received and approved by the MoJ. The FJYPB thanked the Chief Executive, the Chair of the Board and everyone else in Cafcass who helped make their aspiration a reality. Once delivered, the website will provide the FJYPB with an independent public voice and provide children, young people, families, and the wider public with an array of resources to help them to navigate the family justice system.

The Board were reminded that the FJYPB had been formed 10 years ago, and it celebrated its 10-year anniversary at an event with the Chair of the Board, Chief Executive and other stakeholders on 29 September 2021. This was followed by a week of communications, events and engagements undertaken by the FJYPB and supported by key partners in the family justice sector.

The FJYPB were excited to be in the process of launching their own book, 'In My Shoes', which would be the FJYPB's first external publication, and they had created two new 'Top Tips' resources for parents and families covering guides for shared care and a guide for supporting children and young people's mental health.

These had also been made available in the top 10 languages other than English spoken by families currently working with Cafcass. The Board suggested that the FJYPB consider the creation of a guide for separated parents, in order to try to encourage them to consider what arrangements may work best for children and young people. The FJYPB representative agreed to take the recommendation away to consider further with the FJYPB.

The FJYPB was also continuing to work with Cafcass to ensure appropriate language was used about children and families and that their records were kept accurate and up to date by their FCAs. In particular, it was important that the child's wishes and feelings and the FCA's own observations were recorded accurately, and that wherever an FCA was required to include their professional opinion, they include an accurate record of their reasoning for the recommendations they made. In response, the Board acknowledged that accuracy in children's files must be the top priority for the family justice system collectively.

The FJYPB were keen to ensure that Cafcass used language that a child would understand when speaking to families or young people, and attendees were reminded that a 'word busting team' had been established (including members of the FJYPB and Cafcass) to identify two appropriate words a month to eliminate from use and replace with more child friendly language. Examples of recently busted words or phrases presented included 'case file' replaced by 'child's' or 'children's file', 'sibling' (replaced with 'brother' or 'sister'), 'problem child' (not to be used) and 'party' (replaced with a more child friendly explanation).

The Chair thanked the FJYPB representative for his presentation and hoped that the FJYPB now felt firmly embedded in the work Cafcass does, noting they were already involved in developing the Cafcass' Equality, Diversity and Inclusion Strategy, an audit of cases involving domestic abuse, and the Learning and Improvement Board. In addition, the Chief Executive confirmed Cafcass would be looking to engage them in a number of future projects including the work the organisation would be undertaking with Local Authorities to identify children's voices in proceedings.

**Action 2:** FJYPB would consider the possibility of creating a new Top Tips resource for separated parents with the FJYPB.

## **4. Reports from Committees**

### **4.1. Audit and Risk Assurance Committee**

The Chair of the Audit and Risk Assurance Committee, Helen Jones, reported that the Committee had met on 27 September, followed by a shorter meeting on 8 October to scrutinise the outcome of the audit of the Annual Report and Accounts 2020-21 (ARA) and endorse signing by the Accounting Officer.

The Committee had noted that no material errors or issues had been identified and the ARA was on track for laying before Parliament by the end of October 2021. The Committee's Annual Report and

Self-Assessment of its own performance had also been completed and provided to the Board members for information.

#### **4.2. Performance and Quality Committee**

Board member Joanna Nicolas reported that the Performance and Quality Committee had met on 20 September 2021 and had discussed the quality of work reviewed in Cafcass' most recent audit, noting that despite all the challenges the quality of work delivered in a high percentage of children's cases continued to be judged 'good' or 'outstanding'. The Committee had also received a practice presentation on what prioritisation looks like in reality.

#### **5. Equality, Diversity and Inclusion Objectives**

The Director of Resources and the Equality, Diversity and Inclusion (EDI) Lead presented to the Board the draft EDI objectives for final review and approval. The Director of Resources reflected on the significance of this item coming before the Board at the same time as Black History Month, noting colleagues were already reporting the organisation's new 'Together' Framework was proving useful in opening up conversations about diversity and holding discussions with children about their own heritage.

The EDI Lead reminded the Board that arrangements for the oversight and implementation of the Strategy, including measuring the success of its impact, were being overseen by a new EDI Steering Group which was chaired by the Director of Resources and would report back regularly on progress made to the Cafcass Board.

The EDI lead reported that as a public sector organisation with more than 150 employees, Cafcass was subject to the provisions of the Public Sector Equality Duty (PSED), detailed in section 149 of the Equality Act 2010. The broad purpose of the duty was to integrate considerations of equality and good relations into Cafcass' everyday work, with particular reference to the service the organisation delivered to children and families and the workforce it employed.

An independent assessment of compliance with the PSED had concluded and identified that Cafcass met the principles of the first part of the PSED however that work would still need to be undertaken to demonstrate full compliance with the 'Specific Duties' of the PSED.

It was proposed that the updated organisational EDI objectives submitted be approved to bring the organisation into compliance with the PSED. Monitoring arrangements for the delivery of these objectives and delivery of the annual PSED compliance report would be overseen by the EDI Steering Group and a final version of the full EDI Strategy would be presented to the Board for agreement in January 2022.

The Board **APPROVED** the Objectives submitted and thanked all those involved for their hard work.

#### **6. Close and Any Other Business**

The Chair reiterated that Board members do invite questions from external stakeholders and members of the public who attend the open meetings and asked that if anybody wished to raise any

further questions on the matters discussed, that these should be sent in by writing to Members Office and we would endeavour to respond at the earliest opportunity.

No other business was raised.

**Minutes approved by the Board Chair, Sally Cheshire, 26/01/2022**

*S Cheshire*

#### **ACTION SUMMARY**

Action 1: The FJYPB representative would discuss the possibility of creating a new Top Tips resource for separated parents with the FJYPB