



**Performance and Quality Committee Meeting minutes
Monday, 6 December 2021, 11:00 – 13:00
Microsoft Teams Meeting**

Present

Paul Grant, Cafcass Board member (Chair)
Sophie Humphreys, Cafcass Board member
Joanna Nicolas, Cafcass Board member (from 11:30 – 12:45)

In attendance

Jacky Tiotto, Chief Executive Officer (until midday)
Jack Cordery, National Director of Operations
Marie Gittins, Deputy National Director of Operations
Sarah Parsons, Principal Social Worker and Deputy Director for Improvement
Nicola Blakebrough, Corporate Manager (Secretariat Services)
James Jackson-Ellis, Corporate Officer (Secretariat Services)
Helen Evans, MOJ representative

Guests

Ben Rolfe, Head of Business Analysis – item 4.1
Spencer Hird, Assistant Director – item 8

Apologies

Eileen Munro, Cafcass Board member
Adam Lennon, HMCTS representative

1. Welcome and apologies

The Chair welcomed everyone to the Performance and Quality Committee (the Committee). Apologies were received from Eileen Munro and Adam Lennon.

2. Declarations of interest

No new declarations of interest were declared.

3. Minutes, actions, and matters arising

The minutes of the previous meeting held on 20 September 2021 were agreed as an accurate record. The Chair reviewed the action log and noted that most actions were complete, with several items returning to this meeting or March 2022.

3.1. Transgender case/judgement and implications for Cafcass

The Principal Social Worker/Deputy Director for Improvement provided an update regarding the Bell v Tavistock judgement following the Court of Appeal ruling in September. The ruling means that children under 16 can now take puberty blockers without their parents' consent, provided the clinician is satisfied that they are competent. The child needs to be of sufficient maturity and intelligence to understand what is being proposed, the risks involved and the implications of proceeding with treatment.

The Principal Social Worker/Deputy Director for Improvement confirmed that a practice toolkit was in development for practice staff to use. The Committee requested that the toolkit be shared with the Committee when it was available.

Action 1: The Principal Social Worker/Deputy Director for Improvement will share the practice toolkit following the Bell v Tavistock judgement with the Committee.

4. Performance

4.1. Performance Scorecard

The Head of Business Analysis presented to the Committee the Performance Scorecard and highlighted that although demand was lower than the previous year the issue relating to system throughput and the disposal of cases in court running at a lower rate continued to be challenging.

As of November 2021, new private law children's cases received so far this year were 3.6% lower than the same period last year. In public law, new children's cases were down 10.2% year-to-date compared to the same period last year. There were now 35,654 children's cases open to Cafcass, involving circa 58,000 children, 1,258 fewer than the peak of 36,912 in December 2020 but still 5,400 (18%) more than at the start of the pandemic.

Case durations continued to increase. Public law was at 44 weeks (+3 weeks compared to last year). Private law to first hearing at 14 weeks (+3 weeks compared to last year) and work after first hearing at 55 weeks (+10 weeks compared to last year). The volume of section 7 reports is greater compared to pre-pandemic levels and the number of addendum reports ordered is proportionately higher, which is symptomatic of continued delay in the family justice system.

The average active children's caseload for the Early Intervention Team Family Court Advisors in work to first hearing teams is 14.8% lower than the peak in October 2020 and now stands at 47.7 (adjusted for FTE). The aspiration is an average of 40. For non-Early Intervention Team Family Court Advisors, the average active caseload is 21.8. This has improved (-9.4% compared to October 2020) due to the impact of additional resourcing through increased agency social work as well increases in the number of permanent staff and other initiatives.

Cafcass continued to achieve most of the key performance and practice quality indicators set by the Ministry of Justice, but this is becoming increasingly challenging.

The Chair noted in some instances case saturation and the percentage of Family Court Advisors above the acceptable limit (25 children's case) was higher in some areas where prioritisation had not been triggered and queried this. The Head of Business Analysis confirmed that there were regional variations and on occasions different working patterns across service areas. The National Director of Operations expanded and highlighted one or two service areas which have persistently high saturation and Family Court Advisors above the acceptable limit, and this was impacted by the local relationship between the Judiciary and District Family Court Judges as well the efficiency of HMCTS. The Deputy Director reported that an exercise to explore the variations in case duration across Cafcass and the impact of the judiciary on this would commence in January.

The Chief Executive Officer suggested the Committee would be keen to understand more about the measures put in place to address saturation and Family Court Advisors above the acceptable limit and requested this be brought to a future meeting.

The Committee thanked the Head of the Business Analysis for the presentation.

Action 2: The Committee will receive information at a future meeting regarding the measures put in place to address saturation and Family Court Advisors above the acceptable limit and requested this be brought to a future meeting.

4.2. Operational Spotlight Report

The Principal Social Worker/Deputy Director for Improvement presented to the Committee the November Operational Spotlight Report and provided an update on child engagement recording. In future this will be presented by the Deputy Director for Operations. In public law, a child must be seen within 3 weeks from the initial lead allocation on the case and in private law, 2 weeks prior to filing of the first Section 7 report.

Child engagement recording compliance nationally was 98.9%, in public law this was 99.2% and private law 98.5%. A total of 280 children had no engagement record. Although this had reduced by a third from September and continued to reduce, it remained a continued focus with service area Assistant Directors.

The Chair commented that ethnicity reporting continued to improve but noted recording of disabilities was not a focus of the report and suggested it could be in the future. Board member Joanna Nicolas queried if a child had multiple engagements on their case would this be double counted. The Head of Business Analysis confirmed that the last contact would only count, and it would not affect the overall percentage.

5. Management Oversight and Supervision Policy

The National Director of Operations presented the Management Oversight and Supervision Policy, which had been approved by the Corporate Management Team and Operational Management Team. Various changes would need to be implemented and the timing of these changes would be set by a task and finish group led by the Principal Social Worker/Deputy

Director for Improvement, and it would be subject to extensive collaboration/consultation prior to implementation.

Board member Joanna Nicolas queried the reduction from 4 to 3 performance learning reviews a year. The Principal Social Worker/Deputy Director for Improvement confirmed this was due to staff not being able to demonstrate any change and/or improvement in their work because of the limited gap between review meetings. The Committee were assured that Cafcass would still meet the required Social Work England standards on management and supervision where appropriate. The Chair noted that Ofsted had highlighted supervision as an issue, and it was important to ensure that our approach was aligned with their concerns.

Board member Joanna Nicolas commented that the executive summary and report of the Management Oversight and Supervision Policy referenced the word safeguarding, Joanna clarified that was no longer appropriate and instead Cafcass should use child protection or children at risk of harm.

6. Demand and Prioritisation

The National Director of Operations reported to the Committee that service areas A12/A13, A3 and A5 were in prioritisation and had set up allocation hubs. A challenge meeting with the Assistant Director for A9 had taken place, however, due to several mitigating measures put in place, it had been agreed that the service area would not activate prioritisation.

The National Director of Operations also reported that the COVID-19 Programme Board would consider setting up post assessment hubs in each region, starting with the service areas in prioritisation as a way of de-activating prioritisation in those areas. The rationale for this was based on dynamic oversight of further information and emerging risks, and the benefits of children and families having a single point of contact for regular communication, while they waited for a final hearing

The Committee thanked the National Director of Operations for the update.

7. Evidencing Change in Practice from Learning

7.1. Learning from Serious Incidents – Quarterly Review

The Principal Social Worker/Deputy Director for Improvement presented to the Committee the Learning from Serious Incidents and highlighted that the largest proportion of serious incidents in last quarter related to young people who were going missing. Many of these young people were also at risk of or were being exploited (criminally, sexually, or otherwise) and/or their liberty had been restricted (deprivation of liberty or secure applications). An executive summary identified themes and actions from a review of these child records and serious incidents.

The Deputy Director of Improvement/Principal Social Worker further explained that Cafcass had undertaken a review of the serious incident notification process, and this had been renamed 'Significant Incident Reporting' and would include non-child incidents. A workshop had been held on 16 November attended by Eileen Munro and 50 members of staff. The

new process would launch on 1 December as a trial for 6 months so that it could be fully embedded before migrating the process to an online process.

Board member Joanna Nicolas queried whether it was sexual harm or exploitation that was meant under the section on initial rapid review initiated by safeguarding partner. The Deputy Director of Improvement/Principal Social Worker agreed to confirm and write to Joanna.

Board member Joanna Nicolas noted that the lack of secure provision had led to 3 young people aged under 16 being accommodated in unregistered homes and considered whether this put Cafcass in a vulnerable position. The National Director of Operations confirmed that in these situations it would be a temporary arrangement, with the permission of the High Court and that Cafcass would ensure there was proper scrutiny and an audit trail relating to the decision and satisfaction that all options had been explored and legal guidance obtained.

Board member Joanna Nicolas requested that Cafcass reviews its use of language in the various reports and ensure this was consistent and in line with good practice and FJYPB guidance such as the jargon busting.

The Committee noted the reference in two reviews to scrutiny of 'written agreement in place' and considered that such agreements gave a false sense of security as they were not legal agreements. The Committee suggested that Eileen Munro provide a view on this.

The Chair noted the positive outcome after reviewing the records of five children from different families enabling Cafcass to alert the relevant local authorities to ensure those children were protected from harm.

The Committee noted that the Executive Summary provided was useful in understanding the data, however it would be beneficial to see the full narrative.

Action 3: The Deputy Director of Improvement/Principal Social Worker agreed to confirm to Joanna Nicolas whether it was sexual harm or exploitation that was meant under the section on initial rapid review initiated by safeguarding partner.

Action 4: The Deputy Director of Improvement/Principal Social Worker will review the language used in the report and build into future learning to ensure a consistent approach across the organisation.

8. Practice Presentation

The Assistant Director gave a presentation to the Committee on Cafcass complaints and compliments which included an overview of the Customer Service Team. In the year to October 2021 Cafcass had received 871 complaints, 8 of which were from children. 529 had been locally resolved in service areas and 654 resolved through the early resolution service. A total of 891 compliments had also been received.

During the last 6 months Cafcass had received 30% more initial concerns and, as a result, over 100 more complaints had been formally registered. In the same period, children and families experienced a reduction in the timeliness of a response, down from 74% in April to 33% in October. This had predominantly been caused by an increase in complaints and an increase in sickness absence in the Customer Service Team.

Most complaints and compliments received were from private law, in work after first hearing, with a small fraction in public law. 83% were received during proceedings and mostly from adult family members with a small number from children. A review of complaints had identified various learning points and the issues highlighted are a key feature in audit outcomes graded less than good.

The National Director of Operations highlighted that a complaints review had started previously but had been paused due to illness of an external consultant appointed to lead the work. The review was now being led by the Strategy Directorate to design an issues resolution system. The new design would be trusted as independent to work restoratively with children and families to resolve issues in a timely and proportionate way. It would enable Cafcass to listen and learn from experiences, as well as capture and analyse learning and have a clear reporting mechanism.

A steering group, co-chaired by the Director of Strategy and National Director of Operations, would develop, test, and implement recommendations from the external consultant. Phase 1 (by March 2022) would deliver improved handling of complaints under the existing policy and an updated policy would be drafted. Phase 2 (by September 2022) would see a migration to the new service implementing the revised policy.

The Committee thanked the Assistant Director and National Director of Operations for their presentation and noted the positive work on the complaints review. The Committee were pleased to see the number of compliments and commented that it would be good to receive more feedback from children where possible.

9. Any other Business and Forward Planner

No other business was raised.

ACTION SUMMARY

- Action 1: The Principal Social Worker/Deputy Director for Improvement will share the practice toolkit following the Bell v Tavistock judgement with the Committee.
- Action 2: The Committee will receive information at a future meeting regarding the measures put in place to address saturation and Family Court Advisors above the acceptable limit and requested this be brought to a future meeting.
- Action 3: The Deputy Director of Improvement/Principal Social Worker agreed to confirm to Joanna whether it was sexual harm or exploitation that was meant under the section on initial rapid review initiated by safeguarding partner.

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