



Board meeting (public) minutes
Thursday, 28 April 2022, 13:00 to 15:30
Hallam Conference Centre, 44 Hallam Street, London, W1W 6JJ / Zoom

Present

Sally Cheshire, Chair
Eileen Munro, Board member and Deputy Chair
Catherine Doran, Board member and Chair of the People Committee
Helen Jones, Board member and Chair of ARAC
Paul Grant, Board member and Chair of the Performance and Quality Committee
Catharine Seddon, Board member
Joanna Nicolas, Board member (Co-opted)
Rohan Sivanandan, Board member
Sophie Humphreys, Board member (Co-opted)

In attendance - Cafcass

Jacky Tiotto, Chief Executive
Julie Brown, Director of Resources
Teresa Williams, Director of Strategy
Adam Bowles, Head of Human Resources and Organisational Development
Andrew Lamberti, Senior Communications Manager
Marie Gittins, Deputy Director of Operations
Mel Carew, Head of Legal Services
Merryn Hockaday, Head of Communications
Nicola Blakebrough, Corporate Manager (Secretariat Services)
Sarah Parsons, Deputy Director and Principal Social Worker
Scott Harnett, Projects Officer (Minutes)

In attendance – MOJ/FJYPB

Alison Wedge, MOJ representative
Neal Barcoe, MOJ representative
FJYPB representative

Guests

Katrina Igbinovia, Equality, Diversity and Inclusion Lead – for item 5

Apologies

Mandy Jones, Board member
Peter Fish, Board member
Jack Cordery, National Director of Operations

1. Introduction from the Chair

1.1. Welcome and apologies

The Chair welcomed everyone to the first in-person Cafcass Board meeting of 2022. A special welcome was extended to Board members Catharine Seddon and Peter Fish, who had recently joined the Cafcass Board. The Chair also welcomed the Cafcass' Senior Communications Manager who was observing the meeting.

The Chair thanked those stakeholders who were attending remotely through Zoom for having taken the time to join, reminding those observing they had the opportunity to submit questions ahead of the meeting or afterwards if they wanted to follow up on a particular matter. Attendees were informed that the meeting would be recorded, and audio extracts would be made available on the Cafcass website.

Apologies were noted.

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 be divided into three main sections, aligned with Cafcass' three Strategic Plan Pillars of Practice, People and Partners.

2.1. Practice: Covid-19 overview and the numbers

The Covid-19 Programme Board continued to meet fortnightly and would be transitioning to a Recovery Board responsible for overseeing Cafcass' recovery priorities from 20th May.

Staff turnover remained higher than before the Covid-19 pandemic, with workloads and lack of flexibility on pay owing to Cafcass' status as an arm's length body of government, identified as reasons alongside an absence of development opportunities. Recruitment and retention remained challenging and high turnover was also impacting demand, with the organisation unable to allocate incoming cases as quickly while new starters built-up the learning and experience they needed to take on a full consignment of children's cases. Cafcass had recruited an additional 126 permanent Family Court Advisors (FCAs) since March 2020.

Staff morale had been identified as high in the recent staff survey but the relentless pressure of allocations, lengthening child case durations and the limited pay award was continuing to affect staff. Cafcass had returned to a near business-as-usual model with FCAs continuing to visit children (subject to risk assessment) and attend offices or court in person, as required.

Demand in both public and private law was lower than at the same time last year with an overall decrease in demand of around 6.9%. However, open proceedings remained around 5,000 cases higher than before the pandemic, equating to around 8,000 additional children in total. System throughput remained compromised as disposals remained lower than before the pandemic and the system continued to hold more open work than it closed.

Open children's cases held by FCAs remained high despite some reduction in the last 12 months following a decision by Cafcass' leadership to protect staff from excessive levels of open children's cases and invest in frontline recruitment. This was exacerbated by a continuing increase in children's case durations. The leadership team, acting in partnership with the Cafcass Board had previously agreed an upper-level ceiling should be set for children's cases held by FCAs in order to protect the well-being of Cafcass' colleagues and prioritise the effectiveness of their work with children. This had been set at 25 for Work After First Hearing (WAFH) and no more than 40 in the Early Intervention Team (EIT) or Work to First Hearing (WTFH). Following this decision, FCA workloads had reduced on average over the last 12 months, with WAFH practitioners holding just over 21 sets of proceedings nationally on average, and just under a quarter holding above threshold caseloads nationally. For FCAs in EIT, however, caseloads remained higher, with practitioners holding over 45 cases nationally on average owing to increased delays in hearings. Caseloads also varied significantly by region, with WAFH FCAs in some regions holding around 30 cases on average. Cafcass Practice Supervisors were also carrying nearly 16 cases on average, which was close to a full caseload and was continuing to compromise management capacity.

Board members asked what the compromise of management capacity could mean in practice for staff, children and families. The Chief Executive Officer said it would result in less oversight of frontline practice, and diminished expectations about what managers could do. Board members also asked if leaders had any insights into what the impact of the Department for Education's Care Review could be for Cafcass. The Board were advised it may cause increased demand in public law, but Cafcass had not yet been informed what the report's final recommendations would be.

2.2. Practice: Prioritisation Protocol

Activation of Cafcass' Prioritisation Protocol remained the organisation's main option for ensuring saturated frontline teams and managers could continue to allocate work effectively and the Protocol had been triggered in 5 of the organisation's 19 service areas. A new Post Assessment Hub model was being developed for cases in which reports had been filed but with no final hearing date set and this was intended to operate alongside the Prioritisation Protocol as a way for Cafcass to continue to manage ongoing demand.

The Deputy Director of Operations reported that one service area (A5 in West Yorkshire) had successfully deactivated the Prioritisation Protocol, an outcome attributed to local family justice agencies working together to balance demand with capacity and bring down systemic demand. No other area was expected to leave prioritisation before the end of June 2022. Overall, the Prioritisation Protocol was having a positive impact locally by helping to free up Service Manager capacity, reduce workloads for FCAs and Practice Supervisors, and deliver an improved service for children and families.

A Cafcass' balanced scorecard was being used to regularly review key performance data by service area. The latest scorecard indicated some areas had experienced a recent increase in demand and

challenge meetings would be held to scrutinise the data more closely in the areas effected before any decision was taken to trigger the Prioritisation Protocol.

The Director of Strategy informed the Board that Cafcass had recently completed an internal review of the first 6 months of the Prioritisation Protocol's implementation. The review found the Prioritisation Protocol had helped to protect the allocation of high-risk and public law cases, prevented further uncontrolled increases in workloads for frontline practitioners, and restored capacity for management oversight and supervision. Learning identified in the review included the need for local teams to improve collaboration with their local judiciary to develop a better shared understanding of demand, capacity and ways of working and make best use of shared resources; a need for more systematic feedback from children and families; and a need to develop more timebound plans for deactivating allocation hubs and demonstrating progress. The Prioritisation Protocol had been updated in response to the review and to include the criteria for the deactivation process, and attendees were advised this would be published shortly.

The Board asked if the 8,000 additional children in proceedings (5,000 additional cases) represented the new baseline for the family justice system and whether there was ever expected to be a situation in which the Prioritisation Protocol was no longer needed. The Chief Executive Officer advised that the Prioritisation Protocol would probably never be abandoned completely, although it may be reformed as criteria and processes changed over time in response to new circumstances and contexts for family justice. The Board were informed that the Family Justice System Implementation Reform Group were further researching the causes of delay in public and private law and suggested that it might be helpful for Cafcass' Analytics team to capture and report the local and national system data to which Cafcass had access in order to highlight the trends or issues we considered were contributing to delays in the family justice system.

2.3. Practice: Update on the future of Domestic Abuse Perpetrator Programmes

The Deputy Director and Principal Social Worker informed the Board that the current arrangements for commissioning Domestic Abuse Perpetrator Programmes (DAPPs) would be coming to an end on 31st March 2023. Ministers had decided that a new and more comprehensive programme was needed, and the MoJ would lead the work required to scope and resource these new commissioning arrangements. A new programme was expected to take at least two years to develop and commission and there would be no DAPP provision available to the family courts from 1st April 2023 until the new programme's launch in 2024. Cafcass would be unable to make any referrals to providers for any orders received after 30th June 2022 as it takes 9 months for an individual to complete a court ordered DAPP. New guidance would be issued to the courts in the coming months to ask them to consider a range of options where previously they might have considered referring parties to a DAPP. Cafcass' FCAs would also be asked to ensure their assessments were built on the approach set out in Cafcass' Domestic Abuse practice materials, demonstrating clear and well-reasoned decision-making, supported by increased liaison with other agencies and family members. All guidance would be developed with the aim of ensuring the safety and welfare of children remained paramount.

The Board asked that the MoJ ensure the impact of any future programme is assessed through the collection of child and family feedback and measurement of the number of families returning to court after the completion of a commissioned course.

2.4. Practice: Domestic abuse guidance and extending Cafcass' Learning and Improvement Board

The Deputy Director and Principal Social Worker highlighted that the Learning and Improvement Board, first established in September 2020 in response to the MoJ's Expert Panel report on Harm in the Family Courts, would be renewed for twelve months in order to continue providing oversight and challenge to Cafcass' frontline practice and ongoing Improvement Programme. The Board approved the decision to renew the Learning and Improvement Board.

2.5. Practice: Update on Children as Parties in Proceedings

Cafcass was currently engaged in consultation with the judiciary on possible ways to reduce the duration of cases with Rule 16.4 Guardian appointments. Cafcass' Assistant Directors had been asked to report on Rule 16.4 ordering rates and durations for their service areas for the organisation's recent Spotlight Report, and their insights were being shared with the President of the Family Division in the hope of agreeing a possible solution. One idea currently being considered was for Rule 16.4 cases to follow a more structured case management approach in which a final hearing date was agreed from early on in proceedings to avoid delay. If agreed, it was hoped this model could be piloted in a number of Cafcass' service areas to determine its impact on reducing the overall duration of Rule 16.4 Guardianships and cases.

The Board asked if they could be provided with regional and service area data on Rule 16.4 appointments and case durations so they could observe the extent and range of variation between areas, and to help inform Cafcass' future engagement with the judiciary and the President of the Family Division on this matter. It was suggested Cafcass should also consider if any correlation was observable between judicial continuity (or not) and delays in long-running cases.

Action 1: The Deputy Director of Operations to provide the Board with additional information and data on the regional and area-by-area variation in the ordering rates and duration of Rule 16.4 case. To also consider the impact of judicial continuity on Rule 16.4 cases.

2.6. Practice: Update on the Cafcass 'Listening Post' and 'My Cafcass Journey'

Cafcass would be launching a free 'Listening Post' phoneline from May 2022 as part of a new service to increase the amount of direct feedback the organisation received from children and young people. The line was intended for feedback from those whose proceedings were complete with Cafcass, and children with live cases would be signposted to provide direct feedback to their FCAs through existing channels. All feedback received would be reviewed by a Learning Analysis Manager, regional leaders and the organisation's Principal Social Worker to inform future practice.

A new approach was also being adopted for handling Subject Access Requests from children and young people. 'My Cafcass Journey' had been developed with support from the Family Justice Young People's Board (FJYPB) and was intended to provide children with more options for requesting access to personal data, including more choice over how they receive their data. This approach would be launched on 6th June.

2.7. Practice: Cafcass' Public Law Improvement Programme 2022 – 23

Cafcass' public law improvement priorities, following five years of increasing demand and in response to learning from several internal learning reviews and findings from Cafcass' collaboration with the National Safeguarding Panel, had been consolidated into a single improvement programme. This programme was organised and focussed around 11 key priority areas. Programme governance would be applied via the Cafcass Operational Management Team and regular assurance reports to the Corporate Management Team.

2.8. Practice: Update on the Private Law Transformation Programme

The Director of Strategy reported that the increased number of children and families with whom Cafcass was working in private law and increasing delays in the wider justice system had required Cafcass to update its practice to make optimum use of the range of professional skills and resources available and improve its service for those experiencing it. These changes were being developed and piloted within the Private Law Transformation Programme.

The Board were informed that the Reform Pathfinder was a multi-agency pilot to trial a new Child Impact Assessment Report, improve signposting to out of court support services, introduce a new review and follow-up stage for families, and strengthen multi-agency assessment of domestic abuse. The pilot launched in February and was presently underway in Dorset.

It was acknowledged that more substantial systemic changes such as reform of the Child Arrangements Programme would take longer to achieve and would require consistency of implementation and approach across the family justice and courts system, something not evident in previous variations like the President of the Family Division's Practice Direction 36Y.

The Board were advised they would receive further updates as the Programme progressed.

2.9. Practice: Principal Social Worker Update

The Board noted the Principle Social Worker update and that the casework grading descriptors had now been changed to 'Inadequate safeguarding for children, Requires Improvement to be Good, Good and Outstanding' (previously Requires Improvement, Met, Good, Outstanding).

2.10. People: Budget 2022 – 23

The Director of Resources reported that Cafcass had received its provisional allocations for 2022/23 – 2024/25 but was still awaiting the formal letters of delegation confirming amounts. Letters of authority to spend had been issued by the MoJ against the provisional allocations. The Board would be provided with its regular reports on the impact of the organisation's spending patterns throughout the year.

2.11. People: Workforce Update

The Head of Human Resources and Organisational Development reported that although higher than usual staff turnover remained an issue, our social work turnover remained lower than that in local authorities. Turnover and vacancy rate remained one of the biggest issues in the social work sector with a vacancy rate of 16.7% across England. Cafcass turnover rate for the last year was 12.2%.

Cafcass had also been able to recruit more joiners than leavers between April 2021 and March 2022.

The Board noted that the most common reasons staff cited for choosing to leave Cafcass were retirement or opportunities for career progression elsewhere. To address this, work was underway to improve Cafcass' brand through focussed recruitment activity and better use of social media and workforce planning in hard to recruit areas. The Board asked if opportunities for secondment to local authority positions could provide practitioners the opportunities they needed to expand their professional skills and experience without leaving Cafcass. It was confirmed that the Cafcass Academy does carry the cost of seconding up to fifteen FCAs to local authority placements a year, but secondment had not yet been considered as a way of reducing turnover. The Deputy Director of Operations confirmed this would be explored as an option, although it may not be possible while frontline saturation remained high.

Long-term sickness absence had decreased since January 2022, although short-term sickness remained relatively high following the emergence of the Omicron variant of Covid-19. Sickness absence linked to mental ill health had decreased significantly from a peak of around 25% of all absence days reported to just over 8% currently, though it remained the single largest reason for sickness absence. The Board were advised that the reason for this decrease could be linked to the easing of coronavirus restrictions and a decrease in home (rather than work) related factors might have had an impact on stress related absence.

Cafcass' workforce had expressed disappointment at the 0% pay award for staff earning more than £24,000 in 2021 – 22. It was noted that the limitations in Cafcass' ability to set its own pay awards over the last six years had left the organisation at a comparative disadvantage in recruiting and retaining staff compared to local authorities, who had greater autonomy and had awarded their staff a 1.75% pay award on average this year. The Board were cautioned this issue was also becoming more acute as the workforce were impacted by the emerging cost of living crisis. Meetings were currently taking place with MoJ regarding the pay and reward options Cafcass was developing, in addition to plans already in place to allow staff to buy or sell annual leave, greater flexibility around ways of working, and a reflection of the inflationary effect on expense reimbursement.

2.12. Partners: Website Redesign

The Head of Communications reported that Cafcass' website was being redesigned as part of the organisation's Digital Transformation Programme. The aim of the redesign was to ensure Cafcass had a website which was focussed on the needs of children and families and professionals involved in family law proceedings. Following an initial discovery exercise a set of technical requirements had been agreed. Next steps would be to award a contract to a new website developer to take development forward for Cafcass in June 2022.

2.13. Partners: Estates and Health and Safety Team Update

Approval had been received from the MoJ and Cabinet Office for office moves in Birmingham and Brighton. Cafcass occupation term for its national office in Bloomsbury (London) was coming to an end in November and could not be extended, but approval was awaited from the Cabinet Office for the agreement of a new lease from September / October 2022. Cafcass was also considering options for permanent office moves later this year in Newcastle, Chatham and Carlisle.

Compliance with statutory requirements across the estate were also complete, and the overall risk level for all offices remained low. The Board expressed thanks and appreciation for all of the work the Estates and Health and Safety teams were undertaking.

2.14. Partners: Complaints Review

Cafcass had undertaken an initial review into the organisation's complaints handling processes and had held workshops with staff, FJYPB and Families Forum to share thinking and understand what was important to children and families. The organisation had also joined the Parliamentary and Health Service Ombudsman's steering group for the development and implementation of their government complaints standards framework to ensure Cafcass' own ways of working were aligned with this model. The aim was to use this learning to revise the organisation's existing policy and this would be shared with the Board at their next meeting in July, together with plans for partner engagement and implementation. Once agreed, revised processes were to be implemented from September, with the full transition period taking up to a year in total.

Action 2 The Complaints Policy and plans for partner engagement and implementation would be provided to the October 2022 board meeting.

2.15. Partners: Ofsted Annual Self-Evaluation

The Chief Executive Officer reported that Cafcass had submitted its annual self-evaluation to Ofsted. The evaluation would form the basis of Cafcass' Annual Engagement meeting with Ofsted in May, and responses had been provided to Ofsted's five key questions in the evaluation submitted.

3. Family Justice Young People's Board Report

The FJYPB representative provided an update on activities and highlighted that this year's Voice of the Child Conference would be focusing on the impact of delays in the family courts on children and young people. Further details would be released closer to the conference date.

The FJYPB would be launching a Domestic Abuse National Charter intended to set clear expectations for the service children and young people with experience of domestic abuse receive from professionals and agencies in the family justice system. This was intended to promote a more consistent service across the system, and Cafcass was challenged to improve and align practice with the aspirations set out in the National Charter.

Attendees were reminded the FJYPB had recently launched their first book called In Our Shoes and this was available to obtain either as a hard or digital copy.

The Chair thanked the FJYPB representative for their presentation and for the number of commissions the FJYPB had undertaken in the last year and congratulated everyone involved in the creation of the new book.

4. Reports from Committees

The minutes of the most recent Committee meetings were included in papers for information.

5. Equality, Diversity and Inclusion Update

The Equality, Diversity and Inclusion Lead presented the draft Equality, Diversity and Inclusion Strategy (the Strategy) for 2022 – 25 and reported that the Strategy had been developed with contributions from a variety of partners. The Strategy outlined Cafcass' priorities and commitments for delivering to and supporting children and families, and especially those from under-represented groups, and the Strategy included four key organisational objectives. The Equality, Diversity and Inclusion Steering Group would be responsible for reviewing and evaluating the progress of the Strategy and its associated workplans. There would be an Annual Progress Report to the Board.

The Board praised the Strategy and the ownership and accountability of senior leaders for progressing the organisation's key objectives. The Board requested that the heading of 'Objective 1' be corrected to refer to the objective in question rather than the 'Director of Strategy'. The Chief Executive Officer also asked that Equality, Diversity and Inclusion be referred to in full, rather than by the acronym. The Board APPROVED the Equality, Diversity and Inclusion Strategy for 2022 - 25, subject to these changes.

6. Close and Any Other Business

The Chair reiterated that the Board invites questions from stakeholders and members of the public who attend the open Board 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 the Members Office.

The Chief Executive Officer confirmed that one question had been received in advance from Families Need Fathers regarding whether Cafcass holds trend data on the time it takes to conclude cases involving a r16.4 guardian in private proceedings. The Director of Strategy was currently discussing the response directly with Families Need Fathers.

No other business was raised.

ACTION SUMMARY

- Action 1: The Deputy Director of Operations to provide the Board with additional information and data on the regional and area-by-area variation in the ordering rates and duration of Rule 16.4 case. To also consider the impact of judicial continuity on Rule 16.4 cases.
- Action 2 The Complaints Policy and plans for partner engagement and implementation would be provided to the October 2022 board meeting.

Minutes approved by the Board Chair, Sally Cheshire, 03/07/2022

Apr

