



Cafcass Board Meeting Minutes

Friday 28 October 2016

Bentham room and Charles Dickens room, 21 Bloomsbury Street, 10.30am

Present

Baroness Claire Tyler, Cafcass Board Chair
Mary MacLeod, Cafcass Board Deputy Chair
John Lakin, Cafcass Board Member
Francis Plowden, Cafcass Board Member
Fay Selvan, Cafcass Board Member
Stuart Smith, Cafcass Board Member
Deep Sagar, Cafcass Board Member
Paul Grant, Cafcass Board Member
Mark Hedley, Cafcass Board Member (Co-opted) (via Video Conference)

In attendance

Anthony Douglas, Cafcass Chief Executive
Christine Banim, Cafcass National Service Director
Julie Brown, Cafcass Director of Resources
Helen Watson, Cafcass Director of Strategy
Colette Jacobs, Cafcass Head of Corporate Services
Melanie Carew, Cafcass Head of Legal
Jack Perring, Family Justice Young People's Board Representative
Fahmida Ahmed, Family Justice Young People's Board Representative
Elizabeth Morrison, Cafcass Board and Corporate Support Assistant (Minutes)
Elizabeth Gibby, Deputy Director, Family Justice Policy, Ministry of Justice

Apologies

Nickie Aiken, Cafcass Board Member
Caroline Corby, Cafcass Board Member
Nicola Blakebrough, Cafcass Board Secretariat

MINUTES

1. Welcome and Apologies

The Chair welcomed everyone to the meeting, Apologies were received from Nickie Aiken and Caroline Corby, Cafcass Board Members and Nicola Blakebrough, Cafcass Board Secretariat.

2. Declarations of Interest

There were no new Declarations of Interest.

3. Draft Minutes from the Board Meeting on 9 June 2016

Following a minor amendment to the Attendees list, the minutes of the Board Meeting on 9 June 2016 were agreed as an accurate record.

4. Action Log/Matters Arising

The Board reviewed the Action Log. The Board discussed the action, 'The Chair will consider how to take forward Board members involvement with Cafcass' response to the Family Justice reform consultation paper.' The Board action is on hold at present, until such time as a consultation paper and process is launched.

All actions are either completed or on track to be completed in the timescales set out. There were no further matters arising.

5. Report from the Chair

The Chair reported to the Board as follows:

- The Chair had met with Dr Philip Lee, Minister for Cafcass.
- The Chair had attended evidence meetings for the All Party Parliamentary Group (APPG) for Children's Social Care Inquiry.
- The Chair is chairing a commission on children and young people's mental health.
- The Chair has played an active role in the progression of the Children and Social Work Bill in Parliament.
- On 31 October 2016, the Chair will be hosting a visit to the House of Lords for six FCAs.
- The Chair will be attending a visit on 18 November 2016 to the Newcastle office to learn about the Private Law Pathway as part of her Board Lead role focusing on Private law reform and out of court dispute resolution.

The Chair invited Board members to share any relevant events they had attended.

- Mary MacLeod, Deputy Board Chair and John Lakin, Board member had attended a visit to Leeds City Council with Helen Watson, Director of Strategy as part of their Board lead role on Child Outcomes.
- Fay Selvan, Board member had been working with the Family Justice Young People's Board (FJYPB) on the recruitment of new Board members, particularly boys and young men because of their under-representation on the Board; and reviewing the recruitment pack for the FJYPB.

6. Report from the Chief Executive

The Chief Executive presented his report to the Board.

- The FJYPB held their annual Voice of the Child Conference on Thursday 27 October 2016. The Chief Executive thanked all the children and young people involved in delivering the conference and making it a success.
- Performance and quality are being maintained, despite the continued high increases in demand. The underlying root causes of demand increases are set out in the Board paper about the current pressures Cafcass faces.
- Positive discussions have been held with the MoJ about the process for establishing our resource requirement for 2017/18. Detailed work on this will start after the Chancellor's Autumn Statement on 24 November.
- Following discussions with the Department for Education (DfE), Cafcass practitioners will be categorised as practice supervisors for the purpose of the future assessment and accreditation of social workers. Cafcass will be in Phase 2 of the roll out of this programme. Our assessment and accreditation programme will start in 2018/19 at the earliest and we will use the time until then to make sure our Quality Assurance and Improvement process is aligned to the new criteria and standards.

- Work continues towards a possible Green Paper on family justice reform sometime next year. It is accepted that the next stage of reform will need to be system wide in order to deliver improvements for change.
- The national Family Justice Board is meeting on 7 November, and this is the first meeting that will be co-chaired the Minister for Cafcass and the Children's Minister in DfE. It is likely that as a result of the re-formed Family Justice Board, a clearer direction for the future will be set.

The Chief Executive confirmed that the Cafcass' Innovation Fund bid, which is based on developing a stronger national pre-proceedings framework for public law, has made it through to the final competitive stage. The final decision will be made by DfE Ministers, after considering the recommendation of the DfE Investment Board. The decision is expected by the end of December 2016.

The Board discussed whether Cafcass' Innovation Fund bid is drawing lessons from the Troubled Families Programme and other programmes. The Chief Executive noted that Cafcass will be looking at the detail of any successful programmes which made a difference to families on the edge of care and that there will be a need to create a balance between national standards and local resources and priorities.

The Board discussed the re-categorisation of Cafcass Practitioners for the purpose of the future assessment and accreditation of social workers. It was agreed that an interim update paper on this would go to the December Quality Committee meeting.

Action 1: [An interim update paper on the re-categorisation of Cafcass Practitioners for the future assessment and accreditation of social workers will go to the December Quality Committee meeting.](#)

7. Report from the Family Justice Young People's Board

The Chair welcomed Fahmida Ahmed and Jack Perring, representatives of the FJYPB who presented highlights from their regular updating report.

- The FJYPB organised and held this year's Voice of the Child conference on Thursday 27th October 2016 at Glaziers Hall, London. This year's conference theme was 'Communication. Information. Resolution: The key to improving experiences and outcomes for children and young people involved in family justice'. The conference was a great success and was well attended by stakeholders.
- The FJYPB have been working with the National Improvement Service (NIS) to develop an e-learning tool that can be shared with all professionals who work directly with children and young people in family justice, focusing on the Voice of the Child (VoTC). A draft eLearning module has been produced with the aim to be released in early 2017.
- The FJYPB have been approached by Daniel Monk from the University of London to support the Siblings and Child Law project. The aim of the research is to examine the extent to which and the ways in which sibling relationships are understood and taken into account in private and public proceedings. The project is due to start in January 2017.
- The FJYPB have now completed all of the commissioned Court Reviews and Cafcass Office inspections across Wales. Cafcass Cymru have also commissioned the FJYPB to plan and deliver two workshops in Cardiff and Llandudno which will be held in February 2017.
- The FJYPB have reviewed the recruitment processes and supporting paperwork with HR and Fay Selvan, Cafcass Board member to maximise the safeguarding element of recruitment assessments for the FJYPB.

The Board agreed that it was important to emphasise the strategic importance of the annual Voice of the Child Conference and it was suggested that the Association of Directors of Children's Services (ADCS) and the Children's Commissioner could be involved in next year's conference. It was suggested that the topic of brother and sister relationships could be an item for either a Board seminar or for the Quality Committee to consider.

In regards to the Court reviews report, the FJYPB members agreed to find out if Welsh courts raised different issues to English courts in regards to the court reviews as Wales operate under a different jurisdiction.

The Chair thanked the FJYPB representatives for the report.

Action 2: A paper on brother and sister relationships to be an item at a future Board seminar or Quality Committee meeting.

8. Reports from ARAC, Performance and Quality Committee Chairs

Audit and Risk Assurance Committee (ARAC):

The Chair of the ARAC informed the Board that the MoJ Head of ALB Governance had approached the National Audit Office (NAO) to confirm that a more nuanced form of wording can be used in the letter of representation in the Annual Report and Accounts about the type and extent of assurances given by Accounting Officers in Annual Reports.

The ARAC had also reviewed the annual information assurance report and noted that the number of data breaches is increasing. The Committee had discussed the reasons for the increase, including better reporting and also that the continued increase in demand may mean staff are more prone to human error. In light of the increases and the potential impact the residual risk within the Strategic Risk Register (S5 Information Assurance) had been increased to Amber. An interim report on data breaches will be given to the ARAC at the December Committee meeting.

The ARAC received a report on Cafcass' IT security systems and noted that the annual penetration testing had been deferred, and that the results of the testing will be given at the December ARAC meeting.

Performance Committee:

The Chair of the Performance Committee detailed the items reviewed at the 12 September Performance Committee meeting. The Committee had reviewed the performance report and discussed the increase in demand and the strain this is putting on systems, staff and processes. It was agreed that a piece of work will be conducted with the MoJ to compare the forecasts and the variables affecting the Cafcass and MoJ forecasts. CMT have commissioned further information regarding the absence dataset to understand the tipping point for absence impacting on sustaining quality of services. Detail of this report will be fed back to the Committee.

The Performance Committee reviewed the Annual HR sickness absence report and noted that the figures remain low by sector standards but do show an increase on previous years.

The Committee received an IT presentation which outlined the transition to the new IT arrangements and the disruption to IT services during the transition and the impact this had on users. It was also agreed that Board members will be included in any further customer satisfaction feedback surveys on IT services.

Quality Committee:

The Chair of the Quality Committee informed the Board of the items reviewed at the Quality Committee meeting on 16 September 2016. The Committee had reviewed the report on the Domestic Abuse thematic audit including the detail of the recommendations from the audit. It was agreed that a further report detailing the progress made against the recommendations would be presented to the Quality Committee.

The Quality Committee had reviewed the Annual Safeguarding report, which was a sobering report but provided reassurance in regards to Cafcass' safeguarding practice. Following discussion on the Annual Safeguarding report, CMT agreed to review and rationalise the range of information reports being produced for the Board and Committees. A telephone conference will be held with the Board and Committee Chairs to review the proposed changes before the new schedule of reporting is presented to the Board in January 2017 for consideration.

The Board discussed issues around family law with regard to any downstream implications of Brexit. A note to clarify the issue will be circulated to the Board as part of the Board Briefing report for the Board Briefing meeting in December 2016.

Action 3: [A note to clarify the issues around family law and jurisdiction in regards any downstream implications of Brexit will be circulated to the Board as part of the report for the Board Briefing meeting in December 2016.](#)

9. Finance Report

The Director of Resources presented the Finance report to the Board. The report confirms the financial results for the six months ended 30 September 2016 and the latest forecast position for the current year. At the end of the first six months of the financial year, expenditure is running behind budget.

Within the operational area, vacancies continue to arise where recruitment is proving challenging, with some of the work being covered through the use of the flexible workforce. It is an organisational priority to fill these vacancies where workloads continue to rise. The recent steps taken to revise the recruitment process have led to stronger recruitment in some recruitment exercises e.g, in London private law at the start of October.

The Chief Executive provided assurance that the underspend does not undermine Cafcass' case for more funding in future years in order to manage the continued rise in demand. Furthermore, Elizabeth Gibby, Deputy Director, Family Justice Policy, MoJ, provided assurance that Cafcass' reputation for managing its budget successfully is well known within corporate finance at MoJ and supported by MoJ.

10. Current Operational Pressures: Issues and Actions

The Chief Executive presented a cover paper and presentation from the Board seminar on Cafcass' current operational pressures. The reasons for the increases in demand are multi-factorial. Cafcass has identified two immediate work programmes which might mitigate future pressures.

The first is to expand our workforce capability to meet the higher levels of demand we are experiencing. We are working closely with the MoJ to determine our resourcing requirement for 2017/18. The second main measure is to reach an agreement or set of agreements with the judiciary, nationally and locally, about which cases we should be involved in. It was noted that the judiciary is also under pressure at present in regards to recruitment. It was suggested

that Cafcass could work with family lawyers in the Law Society to help understand the constraints and demand pressures in private law.

The Board discussed whether it is possible to quantify the proposed measures to reduce demand. This would help see which measures would be the most useful and create a magnitude of change. In regards to reducing demand there is a need to ensure all Cafcass' processes don't become administrative and the organisation's responsibility to uphold children's and families' right to justice are maintained. It was agreed that CMT will produce a paper on what measures could make savings and assess the significance of these savings.

The Board will be kept informed of any progress being made in regards to the measures and a further item on the issue will be added to the agenda for the Board meeting in January 2017.

Action 4: CMT to produce a paper on what measures could make savings and assess the significance of these savings

Action 5: A further item on the issue of managing demand will be added to the agenda for the Board meeting in January 2017 (including Action 4 within this paper).

11. Any Other Business

The Board discussed the Strategic Risk Register which was an item for information and noted the changes to the register following scrutiny by the Committees. For P1 Grant Funding, the residual risk in terms of managing the in-year budget is green, however the risk relating to April 2017 onwards remains at amber and continues to be closely monitored. For S4 Workforce (Engagement and Capacity): The risk related to meeting demand is being effectively managed but the reducing number of social workers with the requisite skills and experience is a growing risk shared with local authorities. A new environmental analysis schedule has been added to the register. This sets out the most recent assessment of risks posed by the environment including within the sector and beyond.

Elizabeth Gibby, Deputy Director, Family Justice Policy, MoJ thanked all the Cafcass staff who had assisted with the recent MoJ Away Day. It was agreed that a presentation on the 'Day in the Life of an FCA' which had been at item at the Away Day would be circulated to the Board. There was no further business.

Action 6: The presentation on the 'Day in the Life of an FCA' which had been at item at the MoJ Away Day will be circulated to the Board.

Action Summary

- Action 1: An interim update paper on re-categorisation of Cafcass Practitioners for the future assessment and accreditation of social workers will go to the December Quality Committee meeting.
- Action 2: A paper on brother and sister relationships to be an item at a future Board seminar or Quality Committee meeting.
- Action 3: A note to clarify the issues around family law and jurisdiction in regards any downstream implications of Brexit will be circulated to the Board as part of the report for the Board Briefing meeting in December 2016.
- Action 4: CMT to produce a paper on what measures could make savings and assess the significance of these savings
- Action 5: A further item on the issue of managing demand will be added to the agenda for the Board meeting in January 2017 (including Action 4 within this paper).
- Action 6: The presentation on the 'Day in the Life of an FCA' which had been at item at the MoJ Away Day will be circulated to the Board.

Minutes Approved by the Board Chair, Claire Tyler, 27.01.17

Claire Tyler