



## **Cafcass Board Meeting Minutes**

**Friday 27 January 2017**

**Bentham room and Charles Dickens room, 21 Bloomsbury Street, 12.15pm**

### **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  
Nickie Aiken, Cafcass Board Member  
Caroline Corby, Cafcass Board Member

### **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  
Melanie Carew, Cafcass Head of Legal  
Nicola Blakebrough, Cafcass Board Secretariat  
Bethany Shepherd, Family Justice Young People's Board Representative  
Elizabeth Morrison, Cafcass Information Assurance Officer (Minutes)  
Elizabeth Gibby, Deputy Director, Family Justice Policy, Ministry of Justice

### **Apologies**

Mark Hedley, Cafcass Board member (Co-opted)  
Colette Jacobs, Cafcass Head of Corporate Services

## **MINUTES**

### **1. Welcome and Apologies**

The Chair welcomed everyone to the meeting. Apologies were received from Mark Hedley, Cafcass Board member (Co-opted). The Chair thanked staff for their hard work and contributions to the Open Board Meeting that morning.

### **2. Declarations of Interest**

There were no new Declarations of Interest.

### **3. Draft Minutes from the Board Meeting on 28 October 2016**

The minutes of the Board Meeting on 28 October 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.' Discussions continue about the content of a future Green Paper on the next stage of family justice reform but there is no date as yet for the publication of any Green Paper. Cafcass will be merging the Business Change Board and the Strategic Innovations Task Group (SITG) into a new group which will maintain the focus on innovation. The Board will also set up a Board strategy group, led by the Chair, which will work to produce a short strategy document on family justice reform both to contribute to MoJ thinking on the Green Paper and beyond. The Board strategy group will meet regularly over the coming months to produce the paper and will disband once the paper has been submitted.

The Deputy Director, Family Justice Policy, Ministry of Justice (MoJ) reminded colleagues of the change in ministerial responsibility for Cafcass. Responsibility for family justice and court reform, including Cafcass, has transferred from Dr Phillip Lee to Sir Oliver Heald QC.

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 a group of practitioners in October 2016 at the House of Lords who provided her with valuable feedback on frontline issues.
- The Chair had attended a visit in November 2016 to the Cafcass Newcastle office to discuss the Private Law Pathway as part of her Board Lead role focusing on Private law reform and out of court dispute resolution.
- The Chair had attended an Operational Management Team (OMT) meeting in December 2016 to discuss current workload pressures.
- The Chair attended an introductory meeting with Sir Oliver Heald, Minister for Cafcass in January 2017.
- The Chair had participated in a telephone interview with a researcher on behalf of the Parliamentary and Health Service Ombudsman in regards to how the Board uses complaints data to drive service improvement.

#### **6. Report from the Chief Executive**

The Chief Executive presented his report to the Board.

- Demand in December was down slightly compared to December 2015, although the year to date (YTD) figures are still high.
- Ofsted have confirmed that the next inspection will be held during the 2017/18 business year. There will be some minor changes to the inspection methodology compared to Cafcass' last inspection in 2014. It was suggested that a Board member should attend a meeting with the inspectors as part of the induction programme for the new inspectors.
- Cafcass have not yet heard about the Innovation Fund bid to the Department for Education (DfE) about establishing a national pre-proceedings pathway. Cafcass are part of a consortium led by Mott MacDonald which has been successful in a bid to a different DfE Innovation Fund, to provide a national continuous professional development (CPD) programme for 'Achieving Permanence'.

- Planning is under way for the seminar Cafcass are co-hosting with the Nuffield Foundation in February 2017 about the multiple drivers behind the recent significant increases in care applications. The Chair of the Board is making a keynote speech at this seminar. Although the seminar is invitation only, there may be a section of the meeting which is open and the date has been circulated to Board members.
- Cafcass will be having further discussions with the judiciary about the revised Practice Direction 12J and its implications, which is currently being reviewed by the Family Justice Council.
- Cafcass will be handling the Police National Computer (PNC) checks for Cafcass Cymru, at nil cost to Cafcass.

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

The Chair welcomed Bethany Shepherd, representative of the Family Justice Young People's Board (FJYPB) who presented highlights from their regular updating report.

- The FJYPB will shortly be starting to plan for the Voice of the Child conference which will take place on 27<sup>th</sup> July 2017 in London. The FJYPB are happy to take into consideration any Board member suggestions for the event. It was suggested that it would be helpful for siblings to speak at the conference to discuss their experiences of the Family Justice System.
- The FJYPB have reviewed and finalised the recruitment processes and supporting paperwork with HR and Fay Selvan, Cafcass Board member, to maximise safeguarding arrangements. Shortlisting and interviews for new FJYPB members will be held in February 2017. The Board expressed an interest in the outcome of the shortlisting activity to understand whether this recruitment would have a positive impact on the current gender imbalance in the FJYPB. The FJYPB agreed to keep the Board Chair updated.
- The FJYPB has produced a leaflet/factsheet for organisations on sibling relationships which has been shared with Cafcass staff at training events and via the Cafcass intranet. The FJYPB have also been approached by Daniel Monk from the University of London to support the Siblings and Child Law project.
- The FJYPB have been working with Cafcass Cymru and have been commissioned to take part in delivering two training events in Wales during February 2017. The focus of the workshops is to review and develop the Cafcass Cymru – Children and Young People packs and to deliver a group session on how children and young people provide feedback.

It was noted that the FJYPB and Cafcass colleagues would review the Cafcass website to ensure there is a clear contact for the FJYPB. The Chair thanked the FJYPB representatives for the report.

## **8. Reports from the Audit and Risk Assurance Committee, Performance and Quality Committee Chairs**

Audit and Risk Assurance Committee (ARAC):

The Chair of ARAC informed the Board of the items reviewed at the ARAC meeting held on 5 December 2016. The Committee had received helpful reports on pension arrangements and on Cafcass' work in respect of sustainability.

The Committee received a report on a best practice review of policies and guidance about violence and aggression to and harassment of staff and had made a number of recommendations for changes to the Health and Safety Policy and Guidance. These changes have been implemented and the revised versions shared with the Board. The Board recommended some further amendments to the tone of the policy so that it is more supportive and focuses more on what can be done to help staff rather than the constraints on taking effective action.

The Committee also received an update on the number data breaches for quarters 1 and 2 of the financial year agreed to keep the issue of the rising number of breaches under review.

The results of the annual penetration testing (for Cafcass IT firewalls) had been reviewed which had raised some concerns around the backlog in relation to 'patching' (applying system updates) by Cafcass' IT provider. A subsequent update in January 2017 confirmed that patching was brought fully up to date in December 2016. The Director of Resources confirmed that patching keeps Cafcass in line with best practice and at no point have we not met standards that allow us to work within the government secure internet (GSI).

#### Performance Committee:

The Chair of the Performance Committee informed the Board of the items reviewed at the Performance Committee meeting on 5 December 2016. The Committee had reviewed the performance report and discussed the increase in demand and the gradual impact this is having on Cafcass' Key Performance Indicators (KPIs).

The Committee reviewed the annual diversity report and identified further areas to consider including a thematic audit on diversity. Caroline Corby, Board member has the Board lead role on diversity and noted that plans are in place to refresh the Equality and Diversity Strategy 2013-16 and to produce a new 2017-20 strategy.

The Committee received a presentation by the National Commissioning Team which outlined the improvements made to commissioning processes. The re-audit of Partnerships had been completed and the ARAC will receive an update on this at the next ARAC meeting in March 2017. It was agreed that feedback from service users on Cafcass' commissioned services would be shared with the Board. The presentation at the next Performance Committee meeting would be on Cafcass' Legal and Governance services and will cover the role of the Board in meeting governance requirements.

#### Quality Committee

The Chair of the Quality Committee informed the Board of the items reviewed at the Quality Committee meeting on 2 December 2016. The Committee had reviewed the report on the use of translation and interpretation services. The Committee had also received the standing report on Serious Incident Notifications and Submissions to Serious Case Reviews in a revised, simplified format, which was welcomed by members. The work of the Research Governance Committee will be an item at the March 2017 Quality Committee meeting. It had been agreed that an item on Cafcass' work around brother and sister relationships will go to the joint Quality and Performance Committee meeting in May 2017.

It was suggested that items relating to the work of the FJYPB to find innovative ways for children and young people to give feedback to Cafcass and also the work being done around the 'Getting to Outstanding' agenda be added to the Quality Committee forward plan.

Action 1: Items relating to the work of the FJYPB to find innovative ways for children and young people to give feedback to Cafcass and the work being done around the 'Getting to Outstanding' agenda to be added to the Quality Committee forward plan.

## **9. Finance Report**

The Director of Resources presented the Finance report to the Board. The report confirms the financial results for the nine months ended 31 December 2016 and the latest forecast position for the current year. At the end of the first nine months of the financial year, expenditure is running behind budget and Cafcass continues to produce a small underspend.

With demand continuing to rise and individual workloads unavoidably but at times unacceptably high, significant effort is continuing in recruiting permanent staff and to draw upon our flexible workforce in order to cope with demand levels. The Chief Executive provided assurance that the underspend does not undermine or compromise Cafcass' case for more funding in 2017-18 in order to manage the continued rise in demand. The Deputy Director, Family Justice Policy, MoJ, provided assurance that Cafcass' budget reporting to MoJ is focused on retaining budget to support frontline work whilst seeking efficiencies in other parts of the budget, which is viewed as highly positive. The MoJ recognises the need for a greater budget for Cafcass to recruit more staff to meet demand.

## **10. Demand Levels and Resourcing**

The National Service Director presented a report on demand and resourcing, which is a new standing item for the Board. The report explains the actions being taken to ensure performance and quality standards are being met and maintained. The Chief Executive and the Corporate Management Team (CMT) continue to discuss with MoJ the need for extra financial resources in 2017/18 to support the gap in the current workforce. It was noted that some service areas have significant gaps and work is being done to mitigate pressures, such as forward recruiting and streamlined recruitment.

The Board discussed whether remote working negatively affects staff wellbeing and it was agreed that the majority of staff find remote working beneficial but that some teams do hold onto an office based culture. The Board also discussed whether recruitment difficulties were due to a shortage of highly qualified practitioners. The National Service Director confirmed that this is not currently an issue and Cafcass continues to recruit qualified, experienced practitioners which is positive, however it is a risk to be aware of and one that is also acknowledged by local authorities.

It was noted that the Self Employed Contractors unit are a highly motivated, successful team and the success in this area will continue to be developed. It was agreed that an exception report should come to the Board around sickness and absence levels, to show if there are correlations between sickness and absence and where KPIs are being impacted. The Chair stressed the importance of obtaining a safe minimum budget and of the Board making its views known in regards to demand levels if needed.

Action 2: An exception report should come to the Board around sickness and absence levels, to show if there are correlations between sickness and absence and where KPIs are being impacted.

## 11. Strategic Risk Register

The Board reviewed the Strategic Risk Register for Quarter Three. The Board discussed the risk relating to Grant Funding. The residual risk in respect of managing future reduction in grant levels is assessed as amber. The Chair raised concern that the residual amber rating underemphasises Cafcass concerns of achieving a safe minimum budget and the impact this will have if it is not achieved. The Deputy Director, Family Justice Policy, MoJ, confirmed that the assessment is not detrimental in MoJ's view. It was agreed that an addendum should be added to the residual risk to note that an assumption of an amber rating only stands if Cafcass receives a safe minimum budget for 2017-18.

Action 3: An addendum should be added to the 2017-18 residual risk for P1 to note that an assumption of an amber rating only stands if Cafcass receives a safe minimum budget for 2017-18.

## 12. Any Other Business

There was no further business.

### Action Summary

Action 1: Items relating to the work of the FJYPB to find innovative ways for children and young people to give feedback to Cafcass and the work being done around the 'Getting to Outstanding' agenda to be added to the Quality Committee forward plan.

Action 2: An exception report should come to the Board around sickness and absence levels, to show if there are correlations between sickness and absence and where KPIs are being impacted.

Action 3: An addendum should be added to the 2017-18 residual risk for P1 to note that an assumption of an amber rating only stands if Cafcass receives a safe minimum budget for 2017-18.

**Minutes Approved by the Board Chair, Claire Tyler, 24.03.17**

