



**Cafcass Open Board Meeting Minutes**  
**Thursday 9 June 2016**  
**21 Bloomsbury Street, 11.00am**

**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  
Nickie Aiken, Cafcass Board Member  
Caroline Corby, Cafcass Board Member  
Deep Sagar, Cafcass Board Member  
Paul Grant, Cafcass Board Member  
Mark Hedley, Cafcass Board Member (Co-opted)  
Professor Simon Hackett, Advisor to the Board

**In attendance**

Anthony Douglas, Cafcass Chief Executive  
Christine Banim, Cafcass National Service Director  
Julie Brown, Director of Resources  
Helen Watson, Cafcass Director of Strategy  
Rebecca Musgrove, Family Justice Young People's Board Representative  
Fahmida Ahmed, Family Justice Young People's Board Representative  
Nicola Blakebrough, Cafcass Board Secretariat  
Elizabeth Morrison, Cafcass Board and Corporate Support Assistant (Minutes)

**External Guests**

David Binder, Magistrates Association  
Elizabeth Gibby, Deputy Director, Family Justice Policy, Ministry of Justice  
Michael Lewkowicz, Business Manager, Families Need Fathers  
David Marjoribanks, Senior Research and Policy Officer, Relate  
Arran Poyser, Ex Chief Inspector for Cafcass 2001-2005  
Jane Robey, Chief Executive Officer, National Family Mediation  
Dean Rogers, Assistant General Secretary, NAPO  
Rachel Rogers, Head of Policy, Resolution  
Cheryl Wright, Head of Sponsorship & ALB Assurance, Ministry of Justice

**MINUTES**

**1. Welcome and Apologies**

The Chair welcomed everyone to the meeting, particularly Professor Simon Hackett, advisor to the Board, who was attending his first meeting. The Chair confirmed that the meeting is one of the two annual meetings that are open to members of the public to attend and welcomed all external guests and stakeholders.

There were no apologies received.

## **2. Declarations of Interest**

The Chair informed the Board that she is chairing a Lords Select Committee on financial exclusion.

There were no new Declarations of Interest.

## **3. Draft Minutes from the Board Meeting on 19 February 2016**

The minutes of the Board Meeting on 19 February 2016 were agreed as an accurate record.

## **4. Action Log/Matters Arising**

The Board reviewed the Action Log. 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 attended meetings of the All-Party Parliamentary Group (APPG) for Children's Inquiry into children's social care.
- The Chair had attended the APPG on Social Work's mental health inquiry and contributed to their report.
- The Chair had spoken at the findings of the APPG on Domestic Violence which reviewed how allegations and concerns about domestic abuse are dealt with by the family justice system.
- The Chair had attended a Public Chair's Forum meeting on Public Appointments.
- The Chair had hosted an Association of Family and Conciliation Courts reception in the House of Lords to promote inter-disciplinary and international collaboration in family law practice and dispute resolution.

The Chair invited Board members to share any relevant events they had attended. Mary MacLeod, Board member had attended a witness seminar funded by the Wellcome Foundation and University of Southampton which marked the 30th anniversary of ChildLine and reflected on the ongoing commitment by ChildLine to giving a voice to children and young people.

Mark Hedley, Board member noted that the Home Office-led group on Sharia Law would be meeting soon and would be focusing on family law issues which are relevant to Cafcass' work and practice. He agreed to keep the Board informed about this work.

It was noted that having now allocated lead roles for Board members, Board member visits to local offices would be arranged ahead of the next Board meeting in October 2016 and the visits would support these lead roles and the strategic priorities of Cafcass.

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

The Chief Executive presented his report to the Board.

- Although demand for Cafcass services in May was lower than in April, based on the average applications received in the first two months of this year, Cafcass predicts an overall increase of 8% in private law applications for 2016-17 and an overall increase of 11% in public law applications for 2016-17. Both predictions match the current Ministry of Justice (MoJ) forecast. The dip in demand for May follows the demand pattern for 2015-16 in both public and private law. It was noted that local authorities are feeding back local reasons for changes in demand to the MoJ as part of a piece of work on demand levels and pressures which will be available in autumn 2016.
- Cafcass are working with the MoJ on their medium-term financial plan, particularly Cafcass' indicative budgets for 2017/18 through to 2020/21. The current timescale for decision making about 17/18 budgets is December 2016.
- A new Children and Social Work Bill was introduced in the Queen's Speech in May. The Bill will include measures to boost adoption rates by requiring courts and social workers to take account of a child's need for stability up to the age of 18: extending personal adviser support for care leavers up to the age of 25: requiring councils to consult on and publish a local offer for care leavers: establishing a new specialist regulator for social work: improving the way lessons are learned from serious child safeguarding cases; and allowing local authorities to pilot new, innovative approaches to children's social care, subject to an affirmative resolution in Parliament.
- Discussions continue between Ofsted, MoJ and Cafcass about the format and methodology for Cafcass' next Ofsted inspection, due in 2017/18. Progress on Cafcass' 'Towards Outstanding' programme is being made at both at CMT and OMT level.
- The Chief Executive is working with ADCS on sector guidance for children placed at home with their parents on Care Orders (placements with parents). Many of this group are in care through risk averse planning by local authorities, Cafcass and courts, so stepping down the level of concern in those cases is an important safeguard for children and families.
- The Chief Executive and Chair of the Board had met with David Norgove, Chair of the Family Justice Board and the President of the Family Division to discuss the next stage of family justice reform. The discussion will feed into more formal discussions and the Chair hoped that another meeting would take place later in the year as it is a useful forum.

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

The Chair welcomed Fahmida Ahmed and Rebecca Musgrove, representatives of the Family Justice Young People's Board (FJYPB) who presented highlights from their regular updating report.

- The 2016 Voice of the Child Conference arrangements are under review. It is likely that the conference will now be held during October 2016 half term and may possibly be held outside of London to open the event up to a wider and different audience.
- The FJYPB has been continuing its works on the National Charter. The National Charter aims to improve standards and to deepen child inclusive practice in all agencies operating in the family justice system. The decision has been taken to take the Charter forward as a list of aspirations from the FJYPB. The supporting document

is being updated after recent discussions with key agencies and after being reviewed again by the FJYPB.

- A final report of key findings and recommendations of all of the court reviews has recently been submitted to the President of the Family Division. The President welcomed the report and has shared it with all Designated Family Judges in England. Feedback from HMCTS and local courts has also been largely positive.
- The FJYPB representatives provided information on the background of the Board. The Board has 51 members at present, between the ages of 7 and 25. The Board is diverse as members come from a range of cultural and socio economic backgrounds. Currently 10 members of the FJYPB are male and 41 are female.

The Board noted the gender imbalance in the FJYPB and agreed that this should be kept under review, with a view to exploring how a better balance could be achieved.

In respect of judges seeing children, it was noted that judges cannot always maintain confidentiality to children and there can be difficulties in distinguishing children's wishes and feelings from evidential information. The Board agreed that children meeting judges has an intrinsic value for some children. It was noted that in Cafcass' work the voices of children with dissenting parents are heard, and that it is important to acknowledge the wishes and feelings of children whose parents do agree on arrangements for their children.

## **8. Reports from ARAC, Performance, Quality and Strategic Innovations Task Group Chairs**

The Chair of the Audit and Risk Assurance Committee (ARAC) informed the Board that the Committee had met that morning to review the Annual Report and Accounts 2015-16 and had approved this for presentation to the Board for final sign off. The Chair informed the Board of the items reviewed at the 9 May meeting, including the Internal Audit Annual Report for 2015-16 in which the overall final audit opinion was 'Moderate'. The Committee discussed the work required to achieve a 'Substantial' opinion and noted the internal peer review of the Partnerships service and a follow up internal audit to be conducted in September 2016. There will be an update on IT procurement and replacement processes at a joint meeting of the ARAC and the Business Challenge Board for early 2017. There will be future items for the ARAC on pensions and sustainability.

It was noted that the Learning and Development audit had received a 'Moderate' rating. It was agreed that there would be an item on the Learning and Development audit and the Learning and Development plan at the next Quality Committee meeting.

The Chair of the Quality Committee informed the Board of the items reviewed at the Joint Performance and Quality Committee on 3 May 2016. The Committees had reviewed a presentation on Cafcass' work on child outcomes and a Board seminar on Child Outcomes will be held in October 2016. The Director of Strategy will produce a paper for the seminar that will summarise Cafcass' work and review suggestions about proxy quality measures. The Performance and Quality Committee Chairs will make visit to Leeds where pilot work on Child Outcomes is underway. The Committees had also received an update on the annual complaints report and the National Service Director had agreed that OMT would review the reasons for the high level of complaints in two specific service areas. The National Service Director informed the Board that OMT had reviewed the issue and that she would circulate a note to the Committees with OMT's findings.

The Chair of the Strategic Innovations Task Group noted that the next meeting of the group would be held on Tuesday 5 July 2016.

Action 1: There will be an item on the Learning and Development audit and the Learning and Development plan at the next Quality Committee meeting.

Action 2: The Board seminar in October 2016 will be on Child Outcomes.

Action 3: The National Service Director will circulate a note to the Quality and Performance Committees following up on the complaints report.

## **9. Finance Report**

The Director of Resources presented the Finance report to the Board. The report confirms the financial results for 2015-16 and gives initial guidance on the financial position for the current year. The accounts for 2015-16 have been completed and audited and confirm the position forecast within the year of a managed underspend to support the sponsor's departmental financial strategy. The management accounts for the end of April 2016 show no areas of concern with spend broadly in line with the profiled budget.

The 2015 Spending Review announced the creation of a central government estate with a transfer of freehold properties from departments to this unit from April 2017, and a commercial rent then charged back to the individual bodies for their occupation of the property. Cafcass has successfully reduced the size of its office portfolio and continues to search for efficiencies. The substitution of a commercial rent for the relatively low cost of ownership is a financial risk in relation to three freehold properties owned by Cafcass, expected to fall within the new government property arrangements. Cafcass are carrying out an assessment of commercial rents in the locations where we occupy either our own or a government owned premises. Work is also being done with the Executive team around the use of the apprenticeship levy and a report will be presented to CMT in July 2016.

The Board noted there could be a significant increase in the capacity gap as a result of demand increase and agreed it was important that the resourcing implications of this are kept under review.

## **10. 2015-16 Annual Report and Accounts**

The Head of Communications presented the Annual Report and Accounts (ARA) for approval by the Board, following review and sign off by the ARAC. She also provided an overview of the development of the ARA. Following review by the Board and the ARAC at the May ARAC meeting, some content has been realigned to give more focus on the core work of Cafcass and the drive on quality of work has also been brought to the fore. A two page infographic of Cafcass' key achievements for 2015-16 has been produced as part of the ARA.

Two changes would be made to the wording in the 'Statement from the Chief Executive' section and subject to these changes the Board approved the AR&A.

## **Close and Any Other Business**

It was suggested that the infographic for next year's annual report could contain detail on Cafcass' work on relationships and outcomes.

It was suggested that meeting papers or a summary of papers could be made available to external attendees prior to the Open Board meeting which the Board agreed to consider.

The Chair thanked all for attending the meeting.

## **Afternoon Session (Closed Session for Board Members and Cafcass Corporate Management Team) - Thursday 9 June 2016, 13.15pm**

### **12. Domestic Violence and Policy**

The Director of Strategy and Rebecca Dale, Corporate Support Officer presented the report on the Domestic Violence policy and training materials used in Cafcass. The paper details developments in Cafcass services to children, families and courts following referrals or allegations about domestic abuse.

An internal audit of Cafcass approach to domestic abuse is underway. The audit is testing current policies and recommendations in a sample of 150 cases involving Cafcass where domestic abuse is a feature. The audit will provide an indication of the merit of Cafcass' approach 'on the ground' and of the ways this might be strengthened through amendments to the Operating Framework and to the learning and development strategy.

To further drive our understanding of the complexities surrounding domestic abuse, Cafcass is working with Women's Aid on a research project in 2016 to review Cafcass case files and examine the factors within cases involving allegations of domestic abuse and how the courts respond to these concerns. The study will have a quantitative and qualitative element to provide a nuanced understanding of this complex area. The Board was supportive of the research currently underway with Women's Aid.

The Board discussed the issue of men as victims of domestic abuse and cases of domestic abuse in same sex relationships. Cafcass training for frontline staff is in regards to domestic abuse in relationships and does not place a sole focus on women as victims. Cafcass also works with MensAid and other representative organisations on the issue of domestic abuse committed against men.

The Board noted the review of domestic abuse and the family courts conducted by the APPG on Domestic Violence and Women's Aid report which was produced following the review. The report made seven recommendations, two of which were to Cafcass which were as follows:

- To receive specialist face-to-face training on all aspects of domestic abuse - particularly coercive and controlling behaviour, the frequency and nature of post-separation abuse, and the impact of domestic abuse on children, on parenting and on the mother-child relationship (recommendation 5).
- To ensure expert safety and risk assessments in child contact cases are carried out where there is an abusive parent involved; they must be conducted by a dedicated domestic abuse practitioner who works for an agency accredited to nationally recognised standards for responding to domestic abuse (recommendation 6).

Cafcass will produce its own response to the report and to the recommendations given by Women's Aid. The Board will also keep sight of the issue of domestic abuse.

### **13.. Quality Account 2015-16**

The Quality Account 2015-16 had been reviewed by the Quality Committee on Friday 3rd June 2016 prior to its review by the Board. As part of the item, a briefing note was provided for the Board detailing the changes that are being taken forward following the Quality Committee's review.

It was agreed that the Quality Account was stronger than last year's Account but was too similar to the ARA in its content. It was agreed that more emphasis should be placed on the practice improvement element of quality improvement.

The final version of the Quality Account 2015-16 will be shared with the Board for information.

### **14. NAO Value for Money Study Draft Report**

The Director of Resources introduced the draft report of the National Audit Office (NAO) Value for Money study. The report is directed to the four Government Department's whose Arms Length Bodies (ALBs) were considered in the study. The final version of the report will be published in July 2016. There are limited direct references to Cafcass within the report. Where there are, revisions were requested to correct factual inaccuracies and all of the proposed revisions were accepted. Overall the report currently makes 6 general recommendations; to improve the degree of clarity and alignment of objectives between the sponsor and ALB, more balanced and proportionate approaches to sponsorship and more emphasis on mutual opportunities for better policy and operational decision making.

### **15. Revised Board and Committee meeting schedule 2016-17**

The Chair presented to the Board a revised Board and Committee meeting schedule for 2016-17. In response to Board members' requests for greater contact time as a Board, the Board and Committee schedule has been revised to reintroduce Board seminars; increase the number of Board Briefings; and include afternoon Board sessions after the Open Board meetings, in order to make the most of the opportunity of the Board all being together.

The Board welcomed the changes to the schedule and agreed that it was a good response to the Board Effectiveness review. The Board will review the changes to the schedule in six months' time to evaluate the effectiveness of the changes.

The Board and Committee meeting schedule will also be shared with Board members via email.

Action 4: [The Board and Committee meeting schedule will be shared with Board members via email and Convene.](#)

### **16. Items for Information**

The Board noted the following reports which had been circulated for information: the ARAC Annual Report 2015-16, the Quarterly Performance Report; the Strategic Risk Register Q4 2015-16 and the Strategic Plan Dashboard Q4 2016-17.

## **17. Any Other Business**

The Chair informed the Board that the lead role for diversity needed to be filled and suggested members could consider this as part of their individual annual appraisals.

The Board discussed the personal safety of Board members and Cafcass staff and it was suggested that Cafcass seek external advice or conduct a best practice review on this issue to ensure the organisation is doing all that it can in this area that is of profound concern.

Action 5: A best practice review of personal safety will be conducted to ensure the organisation is doing all that it can to support staff and, where applicable, Board members.

The Board discussed Cafcass' response to the consultation paper on Family Justice reform which is to be issued in Summer 2016. The paper will most probably propose changes to Cafcass' scope and remit. Several Board members volunteered to be involved with Cafcass' response to the paper. The Chair agreed to consider how best to take this forward.

Action 6: The Chair will consider how to take forward Board members' involvement with Cafcass' response to the Family Justice reform consultation paper.

There was no further business.

### Action Summary

Action 1: There will be an item on the Learning and Development audit and the Learning and Development plan at the next Quality Committee meeting.

Action 2: The Board seminar in October 2016 will be on Child Outcomes.

Action 3: The National Service Director will circulate a note to the Quality and Performance Committees following up on the complaints report.

Action 4: The Board and Committee meeting schedule for 2016-17 will be shared with Board members via email and Convene.

Action 5: A best practice review of personal safety will be conducted to ensure the organisation is doing enough to support staff and, where applicable, Board members.

Action 6: The Chair will consider how to take forward Board members' involvement with Cafcass' response to the Family Justice reform consultation paper.

**Minutes Approved by the Board Chair, Claire Tyler, 28.10.16**

