



## **Cafcass Board Meeting Minutes**

**Friday 19 February 2016**

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

### **Present**

Baroness Claire Tyler, Cafcass Board Chair  
Mary MacLeod, Cafcass Board Deputy Chair  
John Lakin, 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

### **In attendance**

Anthony Douglas, Cafcass Chief Executive  
Christine Banim, Cafcass National Service Director  
Julie Brown, Director of Resources  
Melanie Carew, Cafcass Head of Legal Services  
Helen Johnston, Cafcass Assistant Director (Policy)  
Helen Watson, Cafcass Director of Strategy  
Rebecca Musgrove, Family Justice Young People's Board Representative  
Elizabeth Gibby, Deputy Director A2J Strategy and Specialist Policy, Ministry of Justice  
Nicola Blakebrough, Board Secretariat  
Elizabeth Morrison, Board and Corporate Support Assistant (Minutes)

### **Apologies**

Francis Plowden, Cafcass Board Member  
Stuart Moore, Private Law Policy Lead (Legislation) & Cafcass Policy Sponsor, Ministry of Justice

## **MINUTES**

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

The Chair welcomed everyone to the meeting.

Apologies were received from Francis Plowden, Cafcass Board member and Stuart Moore, Private Law Policy Lead (Legislation) & Cafcass Policy Sponsor, Ministry of Justice (MOJ).

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

The Chair informed the Board that she is chairing a Values- based Commission on children and young people's mental health.

There were no new Declarations of Interest.

### **3. Draft Minutes from the Board Meeting on 23 October 2015**

The minutes of the Board Meeting on 23 October 2015 were agreed as an accurate record.

### **Draft Report from the Open Board meeting on 11 December 2015**

The Board approved the report of the 11 December 2015 Open Board meeting.

The Chair noted that at the Board Update meeting in December 2015 the Board had discussed the format of the Open Board meetings. It had been suggested that the structure of future open meetings would feature one meeting as a seminar style event with external speakers and focusing on a key central theme. The second meeting would be open to members of the public to observe the business session and which could possibly be conducted via a webinar. The Board discussed some possible themes for the seminar style event, which included the impact of domestic abuse on children, new policy developments, and transformation from a legal model to social model within a future Family Justice system.

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

The Board reviewed the Action Log.

Elizabeth Gibby, Deputy Director A2J Strategy and Specialist Policy, MOJ representative, provided an update of the status of the remit letter. She informed the Board that there is uncertainty about the status of future remit letters and that this would be dependent upon the outcome of the spending review and confirmation of the 2016/17 budget. The Board noted the importance of the remit letter in setting out accountability and the level of service expected.

Rebecca Musgrove, Family Justice Young People's Board Representative informed the Board that the final report of the key findings of the court reviews is currently with the President of the Family Division for review and that a copy would be sent to the Chair.

### **5. Report from the Chair**

The Chair reported to the Board as follows:

- The Chair had met with Catherine Lee, Director General of the Law and Access to Justice Group.
- The Chair had met with Caroline Dinéage, Parliamentary Under Secretary of State for Women, Equalities and Family Justice and would have quarterly meetings with the Minister going forward.
- The Chair and the Chief Executive had attended a Relate event regarding the report 'Breaking up is hard to do' which was concerned with the support required for families during separation.
- The Chair spoke at an All Party Parliamentary Group event on domestic violence. It was a very interesting meeting and the Chair was pleased we contributed to the discussion. It was agreed that the recommendations from the recent Women's Aid report would be circulated to the Board.

- The Chair had attended a visit to the Cafcass office in Exeter. She had met with the local judge, sat in on a public law case and met with a group of magistrates.
- On behalf of the Chair, Caroline Corby, Board member had attended a Public Chair's Forum seminar in February 2016 which focused on the Spending Review and its impact on Arm's Length Bodies.

Action 1: The recommendations from the recent Women's Aid report will be circulated to the Board.

The Board discussed the programme of Board member service visits for 2016. It was noted that the Chair and the Chief Executive are actively working on the schedule of visits in light of budget constraints, with the aim to link these to an updated schedule of Board lead roles. Visits would be required to link to wider key strategic developments to ensure they are business critical. The Chair and the Chief Executive will discuss specific lead roles with Board members.

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

The Chief Executive presented his report to the Board.

- Cafcass submitted its funding requirement from April 2016 until March 2020 to the MOJ in January and are now completing a further return at a very significant level of detail about future plans and proposed headcount by 2020.
- Ofsted are proposing to include Cafcass in a mini-thematic 'compare and contrast appraisal' of local authorities to compare and contrast Cafcass' model of practice leadership with the models in four local authorities who they have judged to be good with outstanding features under the current Single Inspection Framework (SIF).
- HMCTS reform continues and Cafcass continue to liaise closely with HMCTS over the impact of court closures. The Chief Executive confirmed that Cafcass support the reform programme as it will enable Cafcass to concentrate its work in one place and that Cafcass will keep the impact of court closures under review.
- The National Audit Office (NAO) is conducting a comparative study of ALBs in which Cafcass is a case study. The Chief Executive, Director of Finance, the Chair of ARAC and the Chair of the Board are being interviewed as part of the study. The findings of the study will be shared with the Board once available.

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

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

- The FJYPB has reviewed its expenditure for 2016-2017 in line with the spending controls and potential savings to be made. The FJYPB are currently thinking creatively about the 2016 Voice of the Child Conference as the previous venue and format would need to change in response to the framework for spending controls.
- The FJYPB continues to work with various agencies to implement the National Charter. The National Charter aims to reinforce professional practice and sets out the standards that children and young people should expect from family justice services.

- The FJYPB held a recruitment event on the 14th November 2015. From the event, the board accepted 16 new members to the FJYPB, one of which is their first Welsh representative.
- The FJYPB is planning to produce a video that would be aimed at providing external stakeholders with an overview of the FJYPB and its impact. The Western Australian Family Pathways Network has also commissioned and fully funded the Board to produce a video of its work for an upcoming conference.

The Board discussed the possibility of the FJYPB considering itself as an independent board which would require it to seek and secure alternative sources of funding. It was agreed that the FJYPB needs to be championed as it is significant asset to the Family Justice system. It was acknowledged that achieving sponsor funding would be challenging but that Cafcass is completely committed to maintaining and sustaining the FJYPB for the longer-term. It was suggested that it would be helpful to have discussions with the Children's Commissioner around possible sources of funding. The Deputy Chair agreed to raise this when she next met with the Children's Commissioner.

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

In the absence of the Chair of ARAC, the Chair of the Performance Committee provided an update of the meeting held on 25 January. The Committee reviewed the Self Employed Contractors audit report; the Demand Forecasting audit report and the Partnerships audit report from the MOJ. The audit opinion rating for the Self Employed Contractors was 'Moderate' and the rating for the Demand Forecasting audit was 'Substantial'. The audit opinion rating for Partnerships was 'Limited' and several recommendations had been made which the Executive team accepted. The 'Limited' rating was met with a proactive response from management and the service will be re-audited in September 2016 to make sure the requisite improvements have been made and can be demonstrated. The ARAC had received a report on Business Continuity arrangements. The Committee requested that business continuity plans be made easier to understand for external parties, and this will be brought back to the Committee as part of the next Business Continuity update. More work will be carried out on front line service discontinuity. The Committee reviewed the Annual Report on incidents of abuse or violence against staff by individuals and groups. The ARAC had reviewed the Strategic Risk Register and had discussed the risk relating to reputation and negative media reporting and ensuring this is incorporated in the register.

The Chair of the Performance Committee informed the Board of the items reviewed at the 25 January Performance Committee meeting. The Committee reviewed the Performance Report which shows that demand in both public and private law is increasing and the Chair of the Committee noted that MOJ officials had agreed to report back on the current work being done by the MOJ to address rising demand. The Committee had also reviewed the annual Complaints update which illustrated that complaints are falling in number - however the overall complexity of complaints is increasing. The complaints report will be revised to include more detail of the learning derived from complaints. The Performance Committee had received an update on estates planning and had requested that staff health and wellbeing be taken into account in future estates rationalisation. The Committee had received a presentation on Cafcass' administrative budget, which included information on

Cafcass' administration expenditure profile, current administrative spend; and the process for identifying the required 50% admin spend reduction between 2016-2020.

The Chair of the Quality Committee informed the Board of the items reviewed at the 5 February Quality Committee meeting. The Chair noted that the Committee had expressed anxiety in regards to maintaining the quality of case work due to the rise in demand. The Committee had received an update on the work of the organisation which provides translation and interpretation services for Cafcass. It had been agreed that the latest figures on the percentage of service users using the translation and interpretation service will be circulated to the Committee. It had also been agreed that KPIs and outcome measures will be an item at the joint Performance and Quality Committee meeting in May. The Committee had a discussion with regard to the impact of Cafcass recommendations on judges as part of the Research Governance item, and it had been suggested that a proxy outcome measure for Cafcass could be the number of cases where judges accepted the FCA's recommendation. The Committee had reviewed the annual Complaints update and recommended the report be amended for its submission to the joint Performance and Quality Committee meeting to include more qualitative detail around the nature of complaints, broken down by law type and location and also requested further information about those complaints being upheld by the Parliamentary Health Service Ombudsman.

The Chair of the Strategic Innovations Task Group noted that the Terms of Reference for the group had been revised. The group had discussed a value mapping proposal to develop an alternative suite of metrics focused on Cafcass' value to children. A further piece of work discussed was concerned with producing a social earnings ratio metric, however, the cost of the proposal presents an issue so management are examining other ways to approach this work with colleagues on the emerging talent programme working alongside the CCEG group to bid for social work innovation funding with local authorities. The group had also reviewed an initiatives mapping paper which outlines both Cafcass and broader innovation initiatives in the Family Justice sector. The document will be a 'live' document which would be updated for each meeting. The Director of Strategy agreed to circulate the document to the Board.

Action 2:       The Director of Strategy to circulate the Initiatives Mapping document to the Board.

## **9. Finance Report**

The Director of Resources presented the Finance report to the Board. The report provides an update on Cafcass' financial position at the end of January 2016. The Director of Resources confirmed that budget holders have now completed their management accounts for the ten months ended 31 January 2016. These indicate expenditure running below budget, with a year to date underspend of £1.515m. This underspend is consistent with the forecast outturn position. Grant In Aid in the current year has been reduced by £2m in line with previous agreements with the sponsor to support the MOJ with its budget strategy for the current year. A further £2.2m of otherwise planned expenditure has also been stopped across a range of budget areas, without impact on business critical activities for now. This will continue to be kept under careful review, given the context of the continuing rise in demand. The full year forecast now reflects this underspend. The Director of Resources and the Chief Executive provided assurance that the £2.2m underspend is considered feasible to be ring fenced and sustained.

The Director of Resources updated the Board on the interim audit of the 9 month accounts and confirmed this had been carried out by the NAO with no issues arising.

Clarity was sought around the 15% spending reduction which arose out of discussions with the sponsor. It was agreed that the paper which outlines the overall 15% spending reductions being targeted through the spending review process would be sent to Board members.

The Board discussed the current hold on vacancies and rising demand. It was confirmed that where permanent vacancies are being held Self Employed Contractors and agency workers are in place to assist with demand, and that our strategy is to increase workforce to get an even coverage around the country.

**Action 3:** The paper which outlines the overall 15% spending reductions being targeted through the spending review process would be sent to Board members.

## **10. Policy alliances with clear service benefit (Business Element)**

The Assistant Director (Policy) presented an update on partnership work between Cafcass and its external partners. The report also reflected on future partnership work and considers which strategic partnerships would be most beneficial for delivering Cafcass' potential future remit.

One of the key areas of consideration is working with the MOJ on out of court policy reform and on the development of Cafcass' future operating model which will help to clarify Cafcass' future role as a commissioner and provider of services. Other organisations are also working with the MOJ in this way and there is an opportunity for us to collaborate more closely with organisations so that we can determine with MOJ which services Cafcass should commission, organise and provide in the future and what should be the core business of other organisations operating in the sector.

The National Service Director noted that the report should make greater emphasis on HMCTS as a significant partner and this amendment will be made to the report.

A review of Local Safeguarding Children's Boards (LSCBs) is underway, to which Cafcass has contributed. It was suggested that as part of the LSCB review, Cafcass should consider writing about the need for greater participation in LSCBs by independent individuals, which the Assistant Director agreed to take on board. The Director of Strategy informed the Board that an effective LSCB will appoint two lay people to challenge the Board at a community level as things currently stand.

It was noted that a large number of partnerships in children's social care have emerged through the Department for Education's innovation programme. Subject to spending review discussions, there is likely to be a further funding round, and this could be a vehicle for future partnerships.

The report recommended that Cafcass focuses on a small number of partnerships with a clear purpose and the Board agreed to endorse this approach.

## **11. Progress on the Current and Future Operating Model for Cafcass**

The National Service Director presented the item on the progress on the Current and Future Operating Model for Cafcass. The work to date has been focused on the Current Operating Model (COM) which Cafcass have worked on very closely with the MOJ. The COM is owned by Cafcass but is helpful for the MOJ in regards to a future model for Family Justice. The MOJ representative noted that it is important to understand Cafcass' current model in order to map towards a future model. Work on the Future Operating Model (FOM) is ongoing, as Cafcass seek to influence what will work, for example in terms of out of court services.

The Board discussed the current workload for staff which is high and increasing. The National Service Director noted that flexible working supports staff in balancing home and personal commitments with employment and contributes to staff working above contracted hours, but it is a constant challenge as the workload is not decreasing. She also noted that whilst we are seeking to review our KPIs and measures for child outcomes it is important to recognise the value of our current KPIs as they measure input and that they are being achieved consistently despite increases in demand.

The National Service Director confirmed that the workload weighting model is currently being revised so that it correlates with the workforce planning tool.

It was agreed that the governance map contained with the COM needs to be simplified. The Board agreed that the COM should be shared with the FJYPB for consultation.

The Board noted the COM and that it is a comprehensive model of Cafcass' present role.

Action 4: The Current Operating Model to be shared with the FJYPB for consultation.

## **12. Performance Report**

The Board reviewed the December Performance Report, following scrutiny at the Performance Committee on 25 January 2016 and noted the trends in the report.

## **13. Strategic Plan Dashboard**

The Board reviewed the Strategic Plan Dashboard for Quarter Two and Three.

The National Service Director confirmed that the Area Quality Reviews carried out to date are internal sample audits. She confirmed that our expectations of work graded as good have increased and the results of the AQRs need to be reviewed in context of the local area. It was agreed that CMT would review the Strategic Plan Dashboard and cover paper.

## **14. Strategic Risk Register**

The Board reviewed the Strategic Register for Quarter Three.

The Chair of the Quality Committee noted that the Quality Committee's recent recommendations relating to Priority risk P2, Quality of Casework, following scrutiny at the 5

February Quality Committee meeting, had not been added to the register. The Director of Resources agreed to review the register.

## **15. Any Other Business**

There was no further business.

### Action Summary

- Action 1: The recommendations from the recent Women's Aid report will be circulated to the Board.
- Action 2: The Director of Strategy to circulate the Initiatives Mapping document to the Board.
- Action 3: The paper which outlines the overall 15% spending reductions being targeted through the spending review process would be sent to Board members.
- Action 4: The Current Operating Model to be shared with the FJYPB for consultation.
- Action 5: A written summary of the oral update on Policy developments given by the Director of Strategy during the private afternoon session will be circulated to the Board for information.

**Minutes Approved by the Board Chair, Claire Tyler, 09.06.16**

