



Cafcass Board Meeting Minutes Friday 23 October 2015, 10.30am

Present

Baroness Claire Tyler, Cafcass Board Chair
Mary MacLeod, Cafcass Board Deputy Chair
Francis Plowden, Cafcass Board Member
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
Jabbar Sardar, Cafcass Director of Human Resources and Organisational Development
Melanie Carew, Cafcass Head of Legal Services
Colette Jacobs, Cafcass Head of Communications and Corporate Services
Helen Johnston, Cafcass Assistant Director (Policy)
Helen Watson, Cafcass Director of Strategy
Rebecca Musgrove, Family Justice Young People's Board Representative
Elizabeth Gibby, Ministry of Justice, Deputy Director A2J Strategy and Specialist Policy
Nicola Blakebrough, Board Secretariat
Elizabeth Morrison, Board and Corporate Support Assistant (Minutes)
Heather Jefferies, Area Finance Manager (attended for item 9 Finance Report)

Apologies

Julie Brown, Cafcass Director of Resources
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, particularly Elizabeth Gibby, Ministry of Justice, Deputy Director Legal Aid and Legal Services Policy; Helen Johnston, Cafcass Assistant Director (Policy) and Helen Watson, Cafcass Director of Strategy, who were attending their first Board meeting.

Apologies were received from Julie Brown, Cafcass Director of Resources and Stuart Moore, Private Law Policy Lead (Legislation) & Cafcass Policy Sponsor, Ministry of Justice (MOJ).

2. Declarations of Interest

There were no new Declarations of Interest.

3. Draft Minutes from the Board Meeting on 19 June 2015

Following a minor amendment to the wording under item 12, the minutes of the last Board Meeting on 19 June 2015 were agreed as an accurate record.

4. Action Log/Matters Arising

The Board reviewed the Action Log.

It was confirmed that the summary of the findings of all the pilot schemes of judges meeting with children and young people will be brought to the Board in April 2016.

The Deputy Director Deputy Director A2J Strategy and Specialist Policy from the MOJ agreed to ascertain an update on the development of the remit letter for 2015-16 and to report back to the Board.

The Deputy Chair of the Board and the Chief Executive are to discuss the possibility of 'Right to Life' cases as a topic for a Board seminar or one off meeting between key GOSH and Cafcass staff.

It was noted that all actions were up to date or had been completed. There were no further matters arising.

Action 1: [The Deputy Director A2J Strategy and Specialist Policy from the MOJ to ascertain an update on the development of the remit letter for 2015-16 and to report back to the Board.](#)

5. Report from the Chair

The Chair reported to the Board as follows:

- The Chair had worked, and continues to work, with the Chief Executive and the Executive team on Cafcass' finance position during the Current Spending Review period.
- The Chair met with a group of Family Court Advisors (FCAs) in the House of Lords in July who provided her with valuable feedback on frontline issues and she would be meeting with another group of FCAs in November 2015.
- The Chair and the Chief Executive had met with Chris Sherwood, Chief Executive and Jan Walker, Trustee of Relate.
- The Chair had chaired a two day St George's House event at Windsor castle which focused on relationship support and family justice.
- The Chair had attended the National Child and Adult Services Conference in Bournemouth in October 2015.
- The Chair had attended a Public Chairs Forum roundtable discussion led by Sir Gerry Grimestone which focused on public appointments.
- Chairs of Arm's-Length Bodies have been invited to meet with Jeremy Haywood, Cabinet Secretary later in the year and this meeting will be organised by the Public Chairs Forum.
- On behalf of the Chair, John Lakin, Board member had attended the Public Chairs Forum Conference in October 2015. The Chair agreed to circulate John's summary of the event to Board members.

Action 2: The Chair agreed to circulate John Lakin's summary of the Public Chairs Forum Conference to Board members.

6. Report from the Chief Executive

- The Chief Executive presented his report to the Board. The main focus of the report was in-year and future funding. The Executive team has identified £4.2 million in-year savings to return to Cafcass' sponsoring Department the MOJ. The major focus now is on the Current Spending Review (CSR) and transformation during the CSR period.
- A small number of externally-based individuals who could potentially add value to the Board's work over the next few years have been identified. Possible roles for these individuals are as co-opted members of the Board or as members of a professional reference group for the Executive and the Board. This will be discussed further between the Chair, Board members and the CEO.
- It was suggested that a report on the legal analysis of the issue of radicalisation be brought to the Board. The Chief Executive confirmed that Cafcass colleagues are producing a joint practice note with the Association of Directors of Children's Services on this issue and that this will be shared with the Board once available.
- The first Area Quality Review within Cafcass using a refreshed methodology and format took place in October 2015 with good overall findings. This methodology focusses on the outcomes and quality of Cafcass' work.
- The Chief Executive is working with Cafcass' HR service to identify suitable opportunities for staff on the Cafcass Talent Management Programme, such as supporting the implementation of viable improvement suggestions coming out of Board member visits to local areas, where there are national implications.
- The Director of Human Resources and Organisational Development will produce a framework for a Strategic Pay Review from 2016 onwards. He assured the Board that proposals for the framework will be brought back to the Board for consultation in February 2016.

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 continues to work closely with the MOJ contributing to policy groups. Charlene Edward-Williams has replaced Holly Simpson as lead liaison between the MOJ and the FJYPB.
- A small group of FJYPB members are due to meet with Minister Caroline Dinenage, MP on 28 October 2015 and have specific questions they will put to the Minister about how the interests of children can be furthered in the family courts.
- The FJYPB held their third annual Voice of the Child Conference (VOTC) on 23 July 2015. This year's VOTC theme was 'Effective Participation: Make it Happen – Make it Better'. The conference was a huge success. The venue for the 2016 conference is to be decided as the format of the conference may undergo revision.
- 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 receive from family justice services. It is proposed to take the charter forward as a list of aspirations from the FJYPB. In

addition, the supporting document will be updated and simplified after discussions with key agencies and after being reviewed again by members of the FJYPB.

- Since September 2014 the FJYPB have visited all of the 12 identified DFJ areas to carry out court reviews. The purpose of the court reviews is to allow the FJYPB to make findings and recommendations on how the court buildings could become more welcoming to children and young people, with a view to discussing with the local judiciary how they can hear the voice of the child within proceedings. A final overall report of key findings and recommendations of the court reviews is being sent to Sir James Munby, the President of the Family Division.

It was agreed that the date of the VOTC 2016 will be shared with Cafcass Board members once available. It was also agreed that the final report of the key findings of the court reviews will be sent to the Chair of the Cafcass Board for information.

Action 3: The date of the VOTC 2016 to be shared with Cafcass Board members once available.

Action 4: The final report of the key findings of the court reviews is to be sent to the Chair of the Cafcass Board for information.

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

The Chair of the Strategic Innovations Task Group noted that the Terms of Reference and Diagram of Accountabilities for the group had been formalised. The main focus of the September meeting was the Out of Court private law pilot programmes. The Chief Executive, Chair of the Board and the Chair of the Strategic Innovations Task Group had met with MOJ colleagues to discuss co-design of new private law pathways with the MOJ.

The Chair of the Performance Committee informed the Board of the new format of the Performance Report which had been presented to the Committee at the October meeting. The Committee's feedback will be incorporated into the final format of the report. The Committee had also reviewed the Annual HR Sickness Absence update and a paper on the duration of current open care cases. The Committee had received a presentation from the Director of Resources on the work of the Finance Team which included information on the new finance system which is going live imminently. It had been agreed that a summary of Freedom of Information requests would be an item for the Performance Committee twice yearly.

The Chair of the Quality Committee informed the Board of the items reviewed at the 18 September Quality Committee meeting. The Chair noted that the Board lead role for developing Child Outcomes would need to be reassigned, following Honor Rhodes' departure from the Board. The Quality Committee had reviewed the Case Management Assurance map following an action from the ARAC. The Committee were asked to review the appropriateness of the second and third lines of defence for casework outlined within the map to ensure there is no duplication or use of unnecessary controls. The Chair of the Quality Committee confirmed that the Committee found the controls to be proportionate. The Committee have formally signed off the Ofsted Action Plan. The National Service Director agreed to provide an update on the work of the organisation which provides translation and interpretation services for Cafcass at the next Quality Committee meeting.

The Chair of the ARAC informed the Board of the items reviewed at the 13 October ARAC meeting. It was noted that the draft minutes of this meeting were not included in the papers and that these would be circulated to the Board once available. The Committee reviewed both the Government Spending Review audit report and the Risk Management audit report from the MOJ. The audit opinion rating for the Government Spending Review was 'Substantial'. The audit opinion rating for Risk Management was 'Moderate' and several recommendations had been made which the Executive team accepted. The ARAC had received a Procurement briefing report which outlined the role and work of the Procurement team. The Chair of the ARAC had recommended that the Board would review a list of Cafcass' suppliers on an annual basis to assist with avoiding conflicts of interest, to which the Board agreed. The Committee reviewed the Annual Report on Data Breaches which showed that breaches are on the increase, though the Committee agreed that this figure is partly due to an increase and improvement in the reporting of breaches. It was noted that the Board must recognise that it is impossible to eliminate breaches entirely but that moving towards greater digitisation of data should lead to a decrease in the number of breaches.

9. Finance Report

The Chief Executive and Area Finance Manager presented the Finance report to the Board. The report details the financial results for September 2015 and the full year forecast.

Budget holders have now completed their management accounts for the six months ended 30 September 2015. These indicate expenditure running below budget, with a year to date underspend of £1.348m.

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 ring fence of a further £1.2m has been placed around further spending that can be delayed or cut. The full year forecast now reflects this underspend.

The report details that 'the outcome of the Spending Review 2015 submissions is expected to be available to the Board at its meeting in December 2015'. The Chief Executive confirmed that this timeline is optimistic and a schedule of February or March 2016 is more realistic.

It was agreed that the Finance Team would produce an information sheet for Board members which sets Cafcass' finance position and strategy.

Action 5: [The Finance Team to produce an information sheet for Board members which sets out Cafcass' finance position and strategy.](#)

10. Annual Workforce Statement

The Director of Human Resources and Organisational Development presented the Annual Workforce Statement. The report provides the Board with an overview of key issues and risks associated with Cafcass' workforce development strategy. The report also makes recommendations to mitigate the identified future risks.

The National Service Director confirmed that the concept of a social work assistant was still under consideration but that testing in regards to the level of expertise and qualifications required would be necessary.

The Board agreed to endorse the early stage work to plan mitigations for the identified future risks within the report and noted that it was important to closely monitor this strategic issue.

11. Freedom of Information Annual Report

The Head of Legal services presented the Freedom of Information Annual report to the Board. The report provides the Board with an overview of the nature and volume of Freedom of Information (FOI) requests received by Cafcass during 2014/15. The Board noted the increasing trend from the start of Cafcass records in 2006/7, with an average increase of 20% per year and that the main increase in requests had come from one-off applicants and also from policy-related requests which have more than doubled. The Information Commissioner's Office (ICO) conducted an audit of the Cafcass subject access procedures in March 2015 and the outcome of the audit was that Cafcass attained the highest level of assurance and the ICO was very positive about the systems in place to deal with Subject Access Requests. It was suggested that a section be added to the Disclosure Log on the Cafcass website that outlines the subject area of the information disclosed. The Head of Legal services agreed to look into this.

Action 6: The Head of Legal services agreed to look into adding a section to the Disclosure Log on the Cafcass website that outlines the subject area of the information disclosed.

12. Review of the IRO Pilot in Birmingham

It was agreed that the review of the IRO pilot would be the subject of the Board seminar in December 2015. The Assistant Director (Policy) thanked the Cafcass colleagues who were involved in the pilot.

Action 7: The review of the IRO report to be the subject of the Board seminar in December 2015.

13. Annual Safeguarding Report

The Board were presented with the Annual Safeguarding report for information, following scrutiny at the Quality Committee on 18 September 2015.

The Board discussed the section on Reputational risk on p.5 of the report, which stated that 'Cafcass did not suffer reputational damage as a consequence of its SCR submissions in 14/15. The Chief Executive confirmed that although the organisation received media interest there was no reputational damage. It was agreed that the report be amended to reflect this.

Action 8: The section on 'Reputational Risk' in the Annual Safeguarding Report to be amended.

14. Performance Report

The Board reviewed the September Performance Report, following scrutiny at the Performance Committee on 12 October 2015.

In regards to public law demand, the Board noted that the increase in the number of repeat applications should be looked at as an area for future savings within the Family Justice

system. The Director of Strategy confirmed that a Strategic Mapping exercise is being conducted to identify new innovative programmes being developed in all parts of the country, so that priorities for our future involvement and sponsorship of different programmes can be determined.

15. Strategic Plan Dashboard

The Board reviewed the Strategic Plan Dashboard for Quarter One.

At the October 2015 Performance Committee meeting it had been agreed that going forward future innovative developments beyond 2015-16 should be added to the Family Justice Innovation section on the Dashboard. The Board confirmed their agreement with this amendment to the Dashboard.

It was noted that it is important to ensure Cafcass' business continuity plans includes all of Cafcass' digital services and operational work. It was agreed that Cafcass' Business Continuity plans should be reviewed by the ARAC on an annual basis.

Action 9: Cafcass Business Continuity plans to be reviewed by the ARAC on an annual basis.

16. Strategic Risk Register

The Board reviewed the Strategic Register for Quarter Two.

Both the inherent and residual risk relating to P1 Grant Funding have been increased to Amber. The Chief Executive noted that the risk title for P1 should be changed from 'Grant Funding 2015-17' to "Grant Funding 2016-20'. The register is to be amended.

Action 10: The risk for P1 Grant Funding to be changed from 'Grant Funding 2015-17' to 'Grant Funding 2016-20' in the Strategic Risk Register.

It was noted that following the CSR the Strategic Risk Register may be in need of revision.

17. ARAC Annual Report

The Chair of the ARAC presented the Annual Report of the ARAC 2014-15 to the Board which it duly approved.

18. Any Other Business

There was no further business.

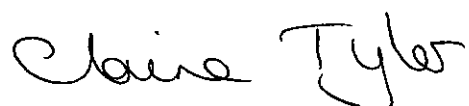
Action Summary

Action 1: The Deputy Director A2J Strategy and Specialist Policy from the Ministry of Justice agreed to ascertain an update on the development of the remit letter for 2015-16 and to report back to the Board.

Action 2: The Chair agreed to circulate John Lakin's summary of the Public Chairs Forum Conference to Board members.

- Action 3: The date of the VOTC 2016 to be shared with Board members once available.
- Action 4: The final report of the key findings of the court reviews is to be sent to the Chair of the Cafcass Board for information.
- Action 5: The Finance Team to produce an information sheet for Board members which sets out Cafcass' finance position and strategy.
- Action 6: The Head of Legal services agreed to look into adding a section to the Disclosure Log on the Cafcass website that outlines the subject area of the information disclosed.
- Action 7: The review of the IRO report to be the subject of the Board seminar in December 2015.
- Action 8: The section on 'Reputational Risk' in the Annual Safeguarding Report to be amended.
- Action 9: Cafcass Business Continuity plans to be reviewed by the ARAC on an annual basis.
- Action 10: The risk for P1 Grant Funding to be changed from 'Grant Funding 2015-17' to 'Grant Funding 2016-20' in the Strategic Risk Register.

Minutes Approved by the Board Chair, Claire Tyler, 19.02.16

A handwritten signature in black ink that reads "Claire Tyler". The signature is written in a cursive, flowing style.