



Discussion Paper for the Board Meeting on 20 June 2014

CHIEF EXECUTIVE'S REPORT

1. The Board planning meeting on 25 April 2014 took place the day after our Ofsted inspection report was published. Since then, all other evaluations of our 2013/14 performance have been just as strong e.g., the management letter from the National Audit Office (on today's Audit and Risk Assurance Committee agenda), and an overview by the Parliamentary and Health Services Ombudsman (PHSO) of our liaison with them and our response to their findings during 2013.
2. The organisation is exceptionally buoyant as a result of the Ofsted inspection with a collective determination to 'go again' and to get 'better and better'. I have visited seven of our teams in the last two months and they have all been in the best collective frame of mind I have known in my ten years as Chief Executive of Cafcass. The same level of intensive support for improvement that we sustained before the inspection has been maintained since. This culture is now fully embedded. For example, ECMS, which will combine the current electronic case file (ECF) and the current Cafcass case management system (CMS), into one integrated system, is set for launch on 14 July 2014. Our Ofsted action plan, which sets out the areas for improvement Ofsted want, is attached to this report as Appendix 1. We expect to complete the plan later in 2014. As an aside, we are meeting Ofsted on 7 July 2014 to review our inspection framework. This is part of a wider review Ofsted is undertaking of the single inspection framework (SIF) being applied throughout children's social care services.
3. In consolidating the progress we have made, the Corporate Management Team (CMT) is aiming to promote further growth through stability and, crucially, to avoid any de-stabilisation. We consider this strategy to be the best way to respond to the various family justice reforms that went live in that same week in April – this time on 22 April 2014. These were the Single Family Court (SFC), the Public Law Outline (PLO) and the new Child Arrangements Programme (CAP).
4. Whilst it is 'early days', six weeks in, these combined changes (the SFC, the PLO and the CAP) are, perhaps inevitably, posing some operational challenges for all agencies including ours, even though our teams on the ground are meeting all demands successfully. An example of a problem is that in 34% of private law applications, we are being given less time to carry out safeguarding checks than the 17 days stipulated in the CAP. We are working with HMCTS on this and we are pushing for the issue of compliance with the 17 day timescale to be put into CAP implementation plans being drawn up by Local Family Justice Boards (LFJB's). We will be raising this issue nationally as well.

5. We continue to be involved in all aspects of the family justice reform programme. Three of our senior managers contributed to each of the 13 training events put on by the Judicial College about the CAP for the 1300 ticketed family court judges. These contributions received good feedback. The national social work statement we co-produced with ADCS is being launched in early September along with supporting materials also produced in partnership, this time with DfE and Research in Practice. We are working with the Ministry of Justice on a range of policy developments, including a three month pilot programme which started this week (16 June 2014) to assess the level of need by family courts for DNA and Drug and Alcohol testing. The pilot is taking place in Avon and Somerset. It will be evaluated in the early Autumn to assess whether a national rollout could save time on the length of hearings which are having to be held at the moment because of the impossibility in some cases of making decisions without DNA testing to resolve paternity and testing to help assess the type and level of drug and alcohol misuse.

6. The above examples indicate that reform efforts are focussing mostly on private law, including how best to positively divert separating couples from court by offering viable alternatives. As private law applications were down by 51% in May this year, compared to May 2013, and by 42% in April and May 2013, compared with April and May 2012, it is possible that vulnerable children could be lost in the process if separating couples are neither able to resolve their disputes themselves nor to find help at the point of need. These statistics however, whilst concerning, are not necessarily an indicator of a long-term trend, certainly of the scale we are seeing. Applications to court tend to drop dramatically in the first few months after a major new programme is introduced. This happened when the first and second versions of the Public Law Outline were introduced in 2008 and 2012 respectively. In relation to the first few weeks of the CAP, a considerable number of potential applicants to court will also have been diverted into Mediation Information and Assessment meetings by judicial gatekeeping. Until the outcome of this attempted large-scale diversion into mediation is known, the implications for the underlying rate of private law applications allowed into the court process will be unknown. The situation is being kept under constant review with the Private Law Steering Group, which is a sub-group of the national Family Justice Board.

7. Just as stability is important (para 3 above), so is preparing for radical change. CMT has been discussing the best draft framework for the 2015-18 Cafcass Strategic Plan, which will extend the current planning horizon from 2016 until 2018 – as many Board members have wanted. This work will be twin tracked with completion of the current 2013-15 Strategic Plan, which forms the basis for the 2014/15 corporate work programme. A comprehensive update of the Cafcass Operating Framework is an example of work to be undertaken this year which will build on what we have in place already and extend it much further. Similarly, the

implementation of the Management Effectiveness Review should further strengthen management effectiveness and culture.

8. I hope that the same Board members who were involved in developing the 2013/15 plan will do the same in respect of planning for 2015-18, especially as the same five major themes will be used to underpin the Plan. The completed actions arising from the Board Effectiveness Review are attached as Appendix 2 for sign off. The draft plan will include a service plan, a financial plan and a workforce development plan as part of the draft outline framework which will come to the 24 October 2014 Board meeting. IT re-procurement (from 2016) will also be a significant element of the strategic planning framework as the technical specification for IT contracts will need to flow clearly from the service plan.
9. Policy options for the incoming Government after the May 2015 general election are also now starting to be scoped. It seems most likely that whatever the political complexion and composition of an incoming Government, they will be looking for programmes which offer radical reform and efficiency savings. We intend to undertake work on policy options with MOJ over the next few months, so we are ready for the 2015-2020 period.
10. Finally, the Policy Review will be implemented this year. This includes measures to increase corporate capacity, which is increasingly important when considering the extra policy work which will be generated by the scoping of future policy options with MOJ. A job success profile is being written for a new post on the Corporate Management Team of Director of Strategy. This post will be recruited to be in line with the succession planning principles and practicalities already discussed and agreed with the Board.

Anthony Douglas
17 June 2014

Appendix 1: OFSTED ACTION PLAN 2014

Recommendation for Improvement	Action	Measurement of Improvement	By Whom and When	Completed
Recommendation 1. Improve the minority of safeguarding letters which are not yet fit for purpose	<ul style="list-style-type: none"> ▪ All service areas have a local '<i>Getting Better and Better</i>' improvement plan. ▪ All local managers have increased the level of advice and quality assurance to the practitioners whose work is not fit for purpose. ▪ The National Improvement Service (NIS) has prioritised time to provide more targeted coaching. ▪ New best practice examples have been circulated following the Ofsted inspection to increase manager's expectations and staff understanding of 'Good' work. 	<p>The target of not more than 14% of Not Met work has been achieved.</p> <p>This will be evidenced through the National '<i>Getting Better and Better</i>' audit carried out in November 2014 and May 2015.</p>	<p>Assistant Directors/Heads of Service (ADs/HoS)</p> <p>November 2014/ May 2015</p>	
Recommendation 2. Eliminate poor grammar and typographical errors	<ul style="list-style-type: none"> ▪ The action detailed above will support this improvement. ▪ Strengthening the gatekeeping of reports so that reports with these errors cannot be filed in court without first addressing the deficiencies. 	<p>This target will also be evidenced in the May 2015 '<i>Getting Better and Better</i>' audit.</p>	<p>ADs/HoS</p> <p>November 2014/ May 2015</p>	
Recommendation 3. Improve the consistency of safeguarding letters prepared for London	<ul style="list-style-type: none"> ▪ An action plan with the three areas completing London safeguarding letters was immediately put in place. ▪ Cross-area quality assurance will be carried out to ensure a consistent standard is attained. 	<p>Improvement will be evidenced by a thematic NIS audit in August 2014 commissioned by the National Service Director.</p>	<p>Sarah Parsons, Liz Elgar, Carole Goodman</p> <p>August 2014</p>	

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<p>Recommendation 4.</p> <p>Improve effectiveness of efforts to contact parties or where sufficient efforts have been made these should be better recorded</p>	<ul style="list-style-type: none"> ▪ All teams have been reminded of the need to fully record on the contact log the efforts taken to contact parties. ▪ Work with the courts to reduce the number of applications not giving the 17 working days as outlined in the Child Arrangements Programme. N.B. However, trying to file letters within shorter timescales does impact on the efforts to contact parties. ▪ The Case Recording Policy will be amended to reflect this requirement. 	<p>The progress on the recording will be evidenced in the National <i>'Getting Better and Better'</i> Audit in November 2014.</p> <p>A reduction in each service area in the percentage of applications not given the full 17 days.</p>	<p>All ADs/HoS November 2014</p> <p>Anji Owens July 2014</p> <p>Anji Owens July 2014</p>	
<p>Recommendation 5.</p> <p>Ensure that in all private law casework work begins as early as possible once a family court adviser has been allocated.</p>	<ul style="list-style-type: none"> ▪ All service areas will focus on private law casework in their local improvement plan to ensure work starts in a timely manner with improved evidence of early screening. ▪ Radical approaches to completing private law reports in a shorter more focused timeframe are being piloted in four service areas. 	<p>Progress on starting work early will be evidenced in the National <i>'Getting Better and Better'</i> Audit.</p> <p>Evidence from the pilots will be collated to see if this further improves the timeliness of Private Law work.</p>	<p>ADs/HoS November 2014</p> <p>December 2014</p>	
<p>Recommendation 6.</p> <p>Publish practice guidance for children's guardians working with children subject to an application for a secure accommodation order.</p>	<ul style="list-style-type: none"> ▪ Write draft practice guidance ▪ Consult internally and with the Association of Directors of Children's Services (ADCS) then finalise ▪ Include the guidance in the next update of the Cafcass Operating Framework. 	<p>The guidance will be subject to the standard Cafcass cascade</p> <p>Compliance will be tested in the May 2015 National <i>'Getting Better and better'</i> Audit.</p>	<p>Anthony Douglas 30th September 2014</p> <p>May 2015</p>	

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<p>Recommendation 7.</p> <p>Reduce further the instances of breaches in personal data in sending out information to service users.</p>	<ul style="list-style-type: none"> ▪ Mandatory training is currently being rolled out for all staff. ▪ Reminder discussed at the Operational Management Team in May and cascaded down to all Team meetings by June 2014. ▪ Further Intranet story commissioned by the Information Assurance Programme Board (IAPB) will be run in the Cafcass internal newsletter (Channel C). 	<p>Percentage of data breaches continue to be monitored and addressed at the IAPB. Exceptions are reported to Corporate Management Team (CMT) and Operational Management Team (OMT).</p>	<p>ADs/HoS July 2014</p> <p>June 2014</p>	
<p>Recommendation 8. (This was not a formal recommendation but a practice improvement)</p> <p>Improve the consistency of Children’s Guardians practice in liaising before, during, and at the end of proceedings with local authority Independent Reviewing Officers.</p>	<ul style="list-style-type: none"> ▪ The local improvement plans and local Quality Assurance (QA) will ensure that every guardian is following the National Protocol and local guidance. ▪ 100% of the Public Law cases will have evidence of effective Independent Reviewing Officer (IRO) contact. ▪ All service areas to have a joint training/meeting with local IRO services by December 2014. 	<p>Improvement will be evidenced in the National ‘<i>Getting Better and Better</i>’ Audit.</p>	<p>ADs/HoS November 2014</p> <p>December 2014</p>	
<p>Recommendation 9.</p> <p>Ensure that management cover for senior management absence is sufficiently</p>	<ul style="list-style-type: none"> ▪ There is sufficient capacity and flexibility within the Assistant Director and Head of Service group to cover any situation arising in future. 	<p>The National Service Director will personally oversee any short-term cover arrangements for a local Service Area which go beyond 4 weeks.</p>	<p>National Service Director</p>	<p>Completed</p>

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robust to continue to progress all aspects of a service area's improvement programme.				
Recommendation 10. Ensure all service users who are deaf or have a significant hearing impairment have access to the necessary specialist equipment to communicate with Cafcass staff.	<ul style="list-style-type: none"> ▪ An audit of equipment is being carried out in all offices to establish the gaps in provision. 	<p>All Early Intervention Team (EIT) services to have the correct equipment by October 2014.</p>	<p>Steve Kerr October 2014</p>	
Recommendation 11. Review the performance of the contract with the organisation providing translation and interpretation services to ensure all service users get equitable access.	<ul style="list-style-type: none"> ▪ An internal survey has been carried out to evidence Family Court Adviser's experience of our contract provider. ▪ Once the outcome of the survey is known a contract review meeting will take place. ▪ A national tracker to be put in place to evidence if the service is consistently improved. ▪ If our current provider is not delivering an overall satisfactory service, consideration will be given to decommissioning and re-tendering. 	<p>The national tracker will evidence a consistent service. Every service user will have an interpreter if needed.</p>	<p>Melissa Smith and Julie Brown; Survey completed June 2014</p> <p>Decisions about decommission and/or re-tendering by August 2014</p>	

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<p>Recommendation 12. (This was not a formal recommendation but a best practice improvement)</p> <p>Improve the National Lessons from Children's Feedback</p>	<ul style="list-style-type: none"> ▪ Local feedback is routinely sought. ▪ A systematic approach will be devised to collate this information nationally to inform learning. ▪ Individual lessons shared at CMT and OMT meetings. ▪ All local feedback to be collated into a national report at year end to inform service design. 		<p>Marie Gittins, Colette Dutton March 2015</p>	
<p>Recommendation 12</p> <p>Improve the % Good in Private Law, WAFH, in A5.</p>	<ul style="list-style-type: none"> ▪ A local action plan was immediately put in place with a target to increase by 10%, from 37% to 47%, by August 2014. ▪ Workshop to share best practice and increased individual coaching. 	<p>Achieve a target of 47% Good. This will be evidenced by a thematic NIS audit commissioned by the National Service Director.</p>	<p>Hilary Barrett, HoS August 2014</p>	
<p>Recommendation 13 (This was not a formal recommendation but a practice improvement)</p> <p>Improve further the analysis in the report to the court and ensure that all relevant information gathered is pulled through into the report and based on research.</p>	<ul style="list-style-type: none"> ▪ The training plan updated to include further training in this area. ▪ Staff members who are weaker in this area will be targeted for either training or individual coaching by NIS. ▪ The use of the approved Cafcass practice tools will be further promoted in staff Performance and Learning Reviews (PLRs) and Team meetings. ▪ An updated list of current and relevant research accepted by the courts will be available to staff and used as evidence in PLRs. 	<p>Improvement will be evidenced in the November 2014 National 'Getting Better and Better' Audit and again in May 2015.</p>	<p>Sarah Parsons, NIS ADs/HoS November 2014 and May 2015</p>	

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	<ul style="list-style-type: none"> ▪ The increased use of tools and their impact will be evidenced in the National Audits. 			
<p>Recommendation 14 (This was not a formal recommendation but a practice improvement)</p> <p>Review the PLR format to see if it is fit for purpose for staff who are not in performance measures</p>	<ul style="list-style-type: none"> ▪ Repeat the survey carried out last year to focus on staff graded as Good and gain their view about whether the format meets their need. ▪ Measure the improvements following the mandatory training for managers carried out earlier in the year. ▪ Review the format with a staff group and repeat training if needed. 	<p>Audit evidences improvements in recorded actions.</p> <p>Staff confirmation that the PLR format meets all development needs.</p>	<p>National Service Director</p> <p>December 2014</p>	

Appendix 2: Completion of Actions Arising from the Board Effectiveness Review

No	Issue Identified	Proposed Strategy or Action	Comments
1	On-going opportunities for self-evaluation	1) ARAC to conduct a self-assessment against NAO standards 2) Annual Board Effectiveness Review (light touch annually; intensive every 3 years)	Self-Assessment completed by ARAC January 2014. Effectiveness of Board confirmed in Ofsted findings April 2014.
2	More opportunities to discuss and develop strategy	1) Each Board and Committee report now has a section on <u>Strategic Developments</u> 2) Cross Committee approach to risk management	Reports now address strategic issues. Annual Planning Day provides particular focus. Accountability meetings with sponsor and Ministers provides further opportunity. Risk Register now assigns risk ownership to relevant Committee.
3	Measure Board performance against delivery of the 2013/15 Cafcass Strategic Plan	1) Fuller scrutiny by the Performance Committee (devolved from the main Board)	Core function of Performance Committee.
4	Clearer distinction between the Board and CMT; improved role clarity	1) Chair and Chief Executive to explore this through all round dialogue with the Board and CMT	Role clarity established, confirmed through 2014 Ofsted Inspection findings.
5	Succession Planning	1) CEO to assure/reassure that appropriate strategies are in place	Measures discussed and strategy agreed at Board Planning Day April 2014.
6	Improve Board Support	1) Establish Board Secretariat	New arrangements including nominated CMT and administrative support in place.
7	Work more closely with the Young Peoples Board	1) Dialogue with Board and YPB to determine issues – through an issue analysis	Dedicated time on each Board agenda now given to FJYPB matters. Seminar on work of the FJYPB in June 2014.
8	Identify and use the skills Members	1) Carry out Skills Audit	Skills Audit completed and summary shared.
9	As a Board, move from good to outstanding.	1) Define criteria, linked to Ofsted framework, in the December Board Seminar with prior preparation	Preparation completed and effectiveness confirmed in 2014 Ofsted Inspection findings.