



**Cafcass Board Meeting Minutes
13 September 2013**

Present

Claire Tyler.....Cafcass Board Chair
 Mary MacLeod..... Cafcass Board Deputy Chair
 Ian Butler Cafcass Board Member
 Kamaljit Singh.....Cafcass Board Member
 Honor RhodesCafcass Board Member
 Terence Connor..... Cafcass Board Member
 Francis Plowden Cafcass Board Member
 Fay SelvanCafcass Board Member
 Geoffrey BushCafcass Co-opted Board Member

In attendance

Anthony Douglas Cafcass Chief Executive
 Julie Brown Cafcass Director of Finance
 Colette BeechCafcass Head of Communications
 Felicity Winter..... DfE Observer
 Pamela Robinson DfE Observer
 Usman Ali.....Cafcass Young People’s Board
 Luke BerryCafcass Young People’s Board
 Mary Berwick-SayersCorporate Support Officer (Minutes)

Apologies

Kathryn McManus, Christine Banim, Jabbar Sardar, Claire Lockey

BUSINESS SESSION	
1	<p>WELCOME AND APOLOGIES The Chair welcomed everyone to the meeting and in particular Luke Berry and Usman Ali, representatives of the Cafcass Young People’s Board, and Felicity Winter and Pamela Robinson, DfE Observers.</p> <p>Apologies had been received from Kathryn McManus, Christine Banim, Jabbar Sardar and Claire Lockey.</p>
2	<p>DECLARATIONS OF INTEREST There were no new declarations of interest to disclose.</p>
3	<p>MINUTES FROM THE BOARD MEETING HELD ON 1 MARCH, 2013 The minutes of the last Board Meeting on 21st June 2013 were agreed by the Board as an accurate record.</p>
4	<p>MATTERS ARISING/ACTION LOG The Board noted that the Deputy Chair and Geoff Bush had met with the Director of Finance to take forward the development of the specification for a new IT Contract. A further meeting is planned and an update report will be presented at a future Board meeting.</p> <p>The Deputy Chair updated the Board on the status of the Quality Account, informing the Board</p>

that this will be presented at a future Board meeting following scrutiny by the Quality and Audit and Risk Assurance Committees in November.

It was noted that one action for further consideration is a future seminar on Equality and Diversity. The Chair and Chief Executive will consider this when putting together the Board seminar programme for the next 12-18 months.

There were no further matters arising.

Action 1: A report will be produced for a future Board when the main areas for a new specification have been scoped in outline. Prior to this, an interim update will be provided as part of the CE report at the February 14 Board meeting.

5 REPORT FROM THE CHAIR

The Chair reported to the Board as follows:

- The Chair had interesting meetings with a further two sets of practitioners across the country. These meetings are a good way of staying apprised of issues such as the impact of legal aid changes on private law and will continue.
- The Chair and Chief Executive received positive feedback from Ministers in relation to the dinner with the Board in July.
- The President of the High Court Family Division has accepted an invitation to dinner with the Board in December.
- Positive feedback was received about the Open Board meeting in July. A further Open Board meeting is being planned for early in the New Year on private law.
- The Chair and Chief Executive attended the launch of *Front Line* which is being sponsored by the Secretary of State to encourage more high quality graduates into the children's social care workforce.
- The Chair has been asked by Norman Lamb to chair an informal steering group to look at the applicability of *Front Line* as a vehicle for encouraging graduates into the adult social work workforce and as a way of bringing both sectors of the social work profession together.
- The Chair of the three Committees met with the Chief Executive to better co-ordinate business between Committees.

Board members were invited by the Chair to provide an update on any activity undertaken since the last Board meeting. The following updates were received:

Fay Selvan attended the very successful *Voice of the Child* Conference. She congratulated the Young People's Board (YPB) on the organisation and delivery of such a positive event. The representatives from the YPB sought support from the Board in helping them to encourage more young people to attend this event in future. It was suggested that one of the ways to do this would be through *Children in Care Councils*. Stuart Smith offered his help in coordinating this through his links with the *Who Cares Trust* and *The Voice of the Child in Care* as further sources of seeking young people's representation.

Fay Selvan also attended a very interesting meeting of the Manchester LFJB where the issue of the need for a KPI to clarify why delay takes place in private law cases was raised. The Chief Executive informed the Board that this will be reviewed as part of the work of the Private Law Working Group on which we are represented by the National Service Director and the Director of Legal Services.

Geoff Bush visited two Magistrates Courts in Torquay and the High Court in Exeter. The universal

message fed back to him during this visit was how much the work of Cafcass is appreciated.

Terry Connor attended the All Party Parliamentary Group on Adoption chaired by Roy Whittaker. He updated the Board on concerns raised around certain clauses of the Children and Families Bill. It was noted that the report stage starts on 9th October in The Lords. As the Children and Families Bill will be a focal point between now and December, it was agreed to include a strategic item on this on the December Board agenda.

Honor Rhodes presented at the very positive A14 Practice conference in Ipswich in July which focused on Quality – “*Getting to Good*”.

Francis Plowden spent 1^{1/2} days in Guilford focusing on residence applications in order to understand the risks run by Cafcass runs when acting as principle adviser to the court about where children should live.

The Chair thanked Board members for these valuable updates and congratulated all those involved in the very successful *Voice of the Child Conference*.

It was agreed that the Board Secretary, once appointed, will draw up an annual schedule of visits for Board members which will ensure that every office gets a least one visit per year from a member of the Board.

Action 2: It was agreed that the Board Secretary, once appointed, will draw up an annual schedule of visits for Board members.

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REPORT FROM THE CHIEF EXECUTIVE

The Chief Executive presented the highlights from his report to the Board and invited comments or questions from Board members. In addition he gave the following updates:

- the HR team has been shortlisted for an award at the Guardian Public Service Awards.
- the last stage of the MoJ due diligence has completed ahead of schedule. The only outstanding issue is confirmation of the 2014/15 and 2015/16 budget allocation

The Chief Executive underlined the importance of disseminating the learning from the *Voice of the Child Conference* in line with FJB recommendations and planning it for the end of July so as to maximise judicial, ministerial and young people involvement on the day.

He advised the Board that he will teaching at the Front Line Academy next summer. He stated that it will be important to discuss the Front Line initiative at a future Board meeting.

The Chief Executive agreed to share the Pay Progression Strategy with the Board. This takes into account the requirements of Government Policy on public sector pay.

The Chief Executive also agreed to circulate the Management Effectiveness Review specification which follows on from the Board Effectiveness Review.

The Board expressed their concern at the proposed re-location of all London services (whose leases are expiring) to a single property in central London and the impact of this on clients and staff and the potential risk posed to the service as a whole.. The Director of Finance agreed to share the Estates Strategy with the Board.

It was noted that the Chief Executive in consultation with the Young People’s Board will be asking the Executive to produce a stronger analysis under the *Benefits to Children* and *Diversity* sections

	<p>of future Board reports.</p> <p>The representatives from the Young People’s Board asked how the Board would like to receive updates from them in future. It was agreed that the best way to do this will be through the Committees and will be included within the review of Committee agendas.</p> <p>Action 3: The CE will provide updates on the Front Line initiative in his future reports to the Board, as and when the programme passes key milestones.</p> <p>Action 4: The Chief Executive and the Finance Director agreed to circulate the Pay Progression Report, the Estates Strategy, and the Management Effectiveness Review specification to the Board.</p> <p>Action 5: It was agreed to include updates from the Young People’s Board within the review of Committee agendas.</p>
<p>7</p>	<p>REPORT FROM ARAC, PERFORMANCE AND QUALITY COMMITTEE CHAIRS</p> <p>The Chair of ARAC referred the Board to the minutes of the ARAC meeting held on 2nd September which were circulated with the Board papers. He informed the Board that all programmes are on track; that a review of our approach to internal audit had been carried out by our advisers and that we had been complimented on improvements made to the Risk Register which now includes an alignment with strategic priorities and objectives. He further informed the Board that Cafcass is on track to provide a submission to the Cabinet Office on Fraud and that a summary of findings will be provided to ARAC in November. The November ARAC meeting will also review information on staff leaver terms which will clarify the policy around compromise agreements and redundancy payments and will incorporate information for leavers within the last 3-5 years.</p> <p>The Chair of the Quality Committee informed the Board that the next Quality Committee is scheduled for the end of October. In the meantime, the Annual Child Protection Report to the Board is being reworked. She further informed the Board that the Terms of Reference for the Quality Committee were being reviewed to ensure that the Quality Committee acts as an assurance to the Board around the risks of child protection and safeguarding. Once these Terms of Reference have been agreed by the Quality Committee they will be come to the Board for final approval.</p> <p>The Chair of the Performance Committee updated the Board on issues discussed at the recent Performance Committee meeting which mainly focused on the rise in public law demand and the implications for Cafcass of the regional and local variations; the continued decrease in public law case duration and the variability across the country and the need to develop a shared data set with the MoJ. The Committee also looked in detail at how the Dashboard is developing and was pleased that it now links in with the 5 strategic priority areas in the Strategic Plan and is cross referenced to the Corporate Risk Register.</p> <p>Action 6: Terms of Reference for the Quality Committee will come to the Board for final approval once they have been agreed by the Quality Committee.</p>
<p>7.1</p>	<p>PERFORMANCE REPORT</p> <p>The Chief Executive presented the main highlights from the July Performance Report, informing the Board that the report had been scrutinised by the Performance Committee the day before.</p> <p>The Board raised concern at the continued increase in private law demand (an increase year on year of 22%) and how sustainable this is for Cafcass financially and operationally over the longer</p>

	<p>term. Concern was also raised that a new approach may be needed when trends in private law become clearer. It was agreed that the Board will have a strategic discussion at either the December 2013 or February 2014 Board meeting on how Cafcass will work in future on private law cases, taking future policy, legislation and resources into account. It was further agreed that a progress report on the Model office will be presented to a future Board meeting. The Director of Finance agreed to circulate the Model Office strategy to Board members.</p> <p>Action 7: It was agreed that the Board will have a strategic discussion at either the December 2013 or February 2014 Board meeting on how Cafcass will work in future on private law cases, taking future policy, legislation and resources into account.</p> <p>Action 8 A progress report on the Model office will be presented to a future Board meeting. The Director of Finance agreed to circulate the Model Office strategy to Board members.</p>
<p>7.2</p>	<p>QUARTER ONE STRATEGIC DASHBOARD</p> <p>The Director of Finance presented the Quarter One Strategic Dashboard. She informed the Board that the Corporate Risk Register will be updated following feedback from ARAC that Quality of Casework be split between private and public law. She updated the Board (under paragraph 5.2 of the report) that the second Audit of Quality Report will be presented at the Quality Committee before coming to the Board. It was noted that the Dashboard will be presented to the Board on a regular basis in future.</p>
<p>8.1</p>	<p>THE NDPB FRAMEWORK DOCUMENT OF GOVERNANCE ARRANGEMENTS</p> <p>The Director of Finance introduced the suite of documents relating to the NDPB Framework. The importance of reviewing all these documents before our formal transfer of sponsorship to the MoJ and in advance of the Sponsorship Workshop planned with the DfE and MoJ on 5 November was noted. The Board suggested that a short paper is produced for the MoJ and DfE before the workshop (to be shared with the Board) as this will facilitate joint understanding of issues, particularly those around the handling of operational risk.</p> <p>Board members raised concern and surprise that the description of the Board at 10.3 – 10.6 of the NDPB Framework Document bears no relation to the Cafcass Board in its current form and it is unclear why it has been presented by the Department in this form. It was agreed that the document will be reworked to reflect our current structure, unless there is some policy change that we are not aware of. It was further agreed that the document needs to be aligned with the remit letter from the Department, the letters of appointment to the Chair, Deputy Chair and Board members and against the Terms of Reference of the sub committees. It was agreed that the Chief Executive and Director of Finance will carry out a further review with the DfE representative, so that we can swiftly agree a document that reflects our current structure and one that we will want retain with our new sponsor.</p> <p>Action9: It was agreed that the Chair and Chief Executive will carry out a further review of the NDPB Framework document with the DfE representative, so that we can swiftly agree a document that reflects our current structure and one that we will want retain with our new sponsor.</p>
<p>8.2</p>	<p>ANNUAL REVIEW OF GOVERNANCE DOCUMENTS</p> <p>The Head of Legal introduced the governance documents for annual review by the Board. She explained that most of the required amendments to these documents are the result of minor changes to structure and our transfer of sponsorship and, as such, there are no significant changes to the documents originally agreed by the Board in 2007.</p>

	<p>Following agreement by the Board that would be helpful to have sight of the statutory instrument regulations when reviewing the Standing Orders, the Head of Legal agreed to include these regulations within the suite of Governance documents. The Head of Legal noted the further minor amendments to the documents agreed by the Board. She confirmed that the documents will be updated in the light of these.</p> <p>Action 10: The Head of Legal agreed to include the statutory instrument regulations within the suite of Governance documents and to incorporate the further minor amendments agreed by the Board.</p>
<p>9.1</p>	<p>QUARTER ONE FINANCIAL RESULTS</p> <p>The Director of Finance presented the financial results for the four months ended 31 July 2013 and the forecast results for the year, for review by the Board. She informed the Board that whilst spend is lower than budgeted after the first 4 months of the year, we are forecast to spend the budget in full. She drew the Board’s attention to paragraphs 3.4 and 3.5 of her paper which related to the increase in employer pension contribution costs arising from the auto enrolment scheme and changes in the level of travel and subsistence spending following implementation of the new policy from April 2013. She also drew the Board’s attention to Appendix 3 of the paper, which analyses the split of spend between Admin and Programme which is in line with the respective elements of the grant allocation. It was noted that the contingency fund of £900k would be used in the first instance as an emergency resource to deal with any further rises in private law. It was further noted that it is hoped the initial headline budget for 2014/15 will be available in time for the October Board meeting with formal confirmation to follow at the December Board.</p>
<p>9.2</p>	<p>ANNUAL FREEDOM OF INFORMATION REPORT</p> <p>The Head of Legal provided the Board with an overview of the changes in the nature and volume of Freedom of Information (FOI) requests received by Cafcass during the period between 1st April 2012 and 31st March 2013. It was noted that there has been a continued upward trend in the number of requests received over the last seven years and although the number of requests received by Cafcass has steadied over the past three years, there was a significant increase in 2012/13 which can be attributed in part to two repeat requestors who made a combined total of 40 requests. In response to Board concern about repeat requestors and the risk they present to the organisation, it was noted that the risks are low and are kept under review.</p>
<p>10.1</p>	<p>BOARD SUPPORT AND PLANNING</p> <p>The Chief Executive set out proposals to provide the Cafcass Board and its Committees with better support which will enhance its functioning in line with the outcome of the Board Effectiveness Review. It is proposed that these arrangements will be put in place and managed initially through the Corporate Management Team until they are established and assessed by the Board as meeting their requirements. Thereafter the management will be returned to the Corporate Support Service. The Board thanked the Executive team for these helpful proposals. They raised concern, however, at the absence of a Company Secretary role to manage the detail of compliance work for the organisation and to provide a service to the Executive and the Board. The Chief Executive stated that this role will be incorporated into the Board Secretary position within the Board Office and is yet to be appointed to. Following discussions earlier in the meeting, it was agreed that a schedule of visits for the Board will be produced in time for the Board meeting in October.</p>

<p>10.2</p>	<p>UPDATED WHISTLEBLOWING POLICY The Chief Executive informed the Board that the Whistleblowing Policy had been updated at paragraph 10.2 of the document. It was agreed that paragraph 1.5 should be updated to include Board members as a group therefore making it consistent with paragraph 5.2. It was agreed that the Whistleblowing Policy will be reviewed annually by Audit and Risk Assurance Committee.</p> <p>Action 11: It was agreed that paragraph 1.5 of the Whistleblowing Policy will be updated to include Board members as a group therefore making it consistent with paragraph 5.2.</p> <p>Action 12: It was agreed that the Whistleblowing Policy will be reviewed annually by the ARAC.</p>
<p>11.1</p>	<p>ANY OTHER BUSINESS It was agreed that a short report will be written for consideration by ARAC setting out our procedure for supporting staff who receive threats from various sources including on websites and social media to make sure all risks are properly mitigated.</p> <p>Action 13: It was agreed that a report will be written for consideration by ARAC setting out our procedure for supporting staff who receive threats from various sources including from websites and social media.</p>
<p>12.0</p>	<p>DATE AND TIME OF NEXT BOARD MEETING Friday 6 December 2013, 9.30 - 13.00 at Sanctuary Buildings</p>
	<p style="text-align: center;">Summary of Actions</p> <p>Action 1: A report will be produced for a future Board when the main areas for a new specification have been scoped in outline. Prior to this, an interim update will be provided as part of the CE report at the February 14 Board meeting.</p> <p>Action 2: It was agreed that the Board Secretary, once appointed, will draw up an annual schedule of visits for Board members. <i>Update: This will be completed by the end of the year to tie in with the CEO visits and other issues for local teams.</i></p> <p>Action 3: The CE will provide updates on the Front Line initiative in his future reports to the Board, as and when the programme passes key milestones.</p> <p>Action 4: The Chief Executive and the Finance Director agreed to circulate the Pay Progression Report, the Estates Strategy, and the Management Effectiveness Review specification to the Board. <i>Update: Included in the CEO report for the October 13 Board.</i></p> <p>Action 5: It was agreed to include updates from the Young People’s Board within the review of Committee agendas. <i>Update: Any changes will be reflected in Board agendas from December 13 onwards.</i></p> <p>Action 6: Terms of Reference for the Quality Committee will come to the Board for final approval once they have been agreed by the Quality Committee at its meeting on the 19th November. <i>Update: The tor will also cross reference with that of the Audit & Risk Assurance Committee (A&RAC) given the A&RAC’s stake in Risk Management.</i></p>

Action 7: It was agreed that the Board will have a strategic discussion at either the December 2013 or February 2014 Board meeting on how Cafcass will work in future on private law cases, taking future policy, legislation and resources into account.

Update: This item has been further discussed with the Chair and it is now agreed that the best timing for this discussion will be at the February 14 Board.

Action 8: A progress report on the Model office will be presented to a future Board meeting. The Director of Finance agreed to circulate the Model Office strategy to Board members.

Update: Model Office Prospectus included in the CEO report for the October 13 Board.

Action 9: It was agreed that the Chair and Chief Executive will carry out a further review of the NDPB Framework document with the DfE representative, so that we can swiftly agree a document that reflects our current structure and one that we will want retain with our new sponsor.

Update: Complete

Action 10: The Head of Legal agreed to include the statutory instrument regulations within the suite of Governance documents and to incorporate the further minor amendments agreed by the Board.

Update: Completed and published.

Action 11: It was agreed that paragraph 1.5 of the Whistleblowing Policy will be updated to include Board members as a group therefore making it consistent with paragraph 5.2.

Update: Complete

Action 12: It was agreed that the Whistleblowing Policy will be reviewed annually by the ARAC.

Action 13: It was agreed that a report will be written for consideration by ARAC setting out our procedure for supporting staff who receive threats from various sources including from websites and social media.