



## **CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE**

**Paper for the Cafcass Board meeting on 15 June 2017**

### **CHIEF EXECUTIVE'S REPORT**

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#### **DEMAND, PERFORMANCE, QUALITY AND RESOURCES**

1. Demand levels continue to increase, whichever measure is used. In our Demand and Resourcing report elsewhere on this agenda, we use the rolling 12 month rise to show a current trend increase of 8.4% in public law and 6.5% in private law. The year to date increases for April/May 2017 compared to April/May 2016 show a 6.7% increase in public law and a 3.8% increase in private law. My view is that we will see increases of up to 10% this year in both law types, for two main reasons. Firstly, the underlying drivers behind continuous increases, which we have covered in previous reports, remain just as strong. Secondly, there is no currently known event or case law likely to push increases over 10%, as they were in 2015/16 in public law because of the impact of s20 reviewing and the reduction in its general use.
2. Our audits show we have maintained our levels of performance, productivity and quality whilst operating under great pressure. The source for this is a range of audits of mainstream casework and area quality reviews, which now incorporate service user feedback as well as the examination of case files, reports to court and practice observations.
3. We have started to expand workforce capability using our increased grant for 2017/18. That is already making a difference at the local level and easing pressure a little on our practitioners. The main pressure comes from the relentless allocation of new work: the need to front-load intensive work, especially in public law; and the increased complexity of a caseload, when few cases these days are straightforward.
4. We have just received a substantial assurance rating in the Government Internal Audit Agency (GIAA) audit of our procurement service. This audit completed our 2016/17 audit programme. In the overall audit programme for 2016/17, we received 3 substantial (outstanding) assurance ratings and 4 moderate (good) ratings. This was our best ever result.
5. We received a clean audit certificate again from the National Audit Office (NAO) for our end of year accounts which form part of our Annual Report. This is an important annual indicator of good governance and a significant element of our accountability to the public.

## **REFORM AND PRACTICE LEADERSHIP**

6. We continue to work with MoJ on private law reform, including the development of a new streamlined option to resolve cases once a court application has been received. This is the next stage of piloting an out of court pathway and evaluating measures to divert applicants positively away from court. Our first diversionary pilots consistently showed that up to 30% of applications could be successfully diverted. We await the policy priorities of the new Government to see if and how this programme can be taken forward. The Board's vision for the future system is set out in a paper elsewhere on this agenda.
  
7. The uncertainty – at the time of writing - about future reform means we must continue to change those aspects of how we operate which are within our control in order to be able to maintain and improve our level of service to children, their families and to courts. An example of this level of change is the guidance due to come in from 1 July about the priority use of our professional time, attached as Appendix 1. We have worked with the judiciary to agree this framework, which includes piloting a new child impact analysis framework in private law cases, also from 1 July. The pilot will be in Essex, North Yorkshire and North Wales and will be evaluated later in the year to see if it improves the child focus and saves time. I suspect it will do the former but not the latter, as more intensive work with children takes time too.
  
8. We have a draft work programme for 2017/18 with the Association of Directors of Children's Services (ADCS), aimed at making a contribution to improving the standards of social work in the family courts. The 3 main projects within the work programme are as follows – there are some small one off commissions as well:
  - 8.1 Development of a standardised evidence pack for emotional harm and neglect cases. These are the two types of care application which have seen by far the largest rises in recent years. When the revised Public Law Outline (PLO) was launched in 2013, a working assumption was that the social worker and the children's guardian would be able to provide sufficient evidence to the court for decisions to be made. Use of additional experts was to be limited, and a Practice Direction was issued to do this. However, use of additional experts is becoming routine again for various reasons. We think that more clarity and confidence about what constitutes a sound level of evidence about the child impact of emotional harm and neglect would be a useful reference point. Joint guidance with Research in Practice is envisaged.
  
  - 8.2 Guidance about children on Care Orders placed at home. This is predominantly a regional issue in some parts of the country. Guidance could play a part in reducing the existing widespread variation.
  
  - 8.3 Guidance on the use of social media in assessments and in court reports. Unsurprisingly, practice varies, with some local areas not tracking children and families on social media at all; others carry this out as standard due diligence in assessments; yet others carry a search out in individual cases if circumstances warrant it. Guidance could reduce this variation and be clearer about what should be done routinely in assessments and which enquiries need the permission of the court.
  
9. We are involved either as sponsors or partners of many reform programmes locally throughout England. These include scoping studies for a pre-proceedings Family Drug and Alcohol Court (FDAC) in Kent and Devon; a pan-Sussex pilot to support more effective private law report writing; and extensive case management reviews of long-running cases

to see if they can be expedited – often this is through joint working as members of Performance Sub-Groups of Local Family Justice Boards (LFJB's). In that regard, we continue to chair one third of LFJB's in England, which is a substantial leadership commitment across the family justice system.

10. The initial scoping meeting for the sector-led review (of the Family Justice system), which was trailed at the seminar we co-hosted with the Nuffield Foundation in February, is taking place on 29 June at the Royal Courts of Justice. I will keep the Board informed of progress.
11. We now run a monthly webinar on practice issues, as part of our learning and development programme. The first, in April, was on parental alienation. The second, in May, was on how we should assess sibling relationships in public and private law cases – this was a particular interest of the Board's. The June seminar will be about how we assess emotional harm in public and private law cases. These webinars are open to the whole organisation and are proving popular. I have led the first webinars and the future programme will include practitioners and managers leading on particular issues e.g., two of our London practitioners will be leading a webinar about foster to adopt placements. Another webinar running in the week of writing is one on coaching skills for practice supervisors. Those attending our webinars report an appreciation of the learning that comes from the intensive immersion in a specific issue for a short period of time that webinars allow.
12. Our programme to develop a more defined casework intervention in the most difficult private law cases is under way with work expecting to conclude later in the year and to feed through into our operating model.
13. The revised Cafcass Operating Framework is going to be consulted upon internally in July ready for implementation from 1 August. It will also be placed on our website for comment. This version will be sent to Board members for any further comments later in June.
14. We have been short-listed for 4 'MoJ awards', which are part of the MoJ 10<sup>th</sup> anniversary celebrations (as a Department) – as an organisation in the Diversity and Inclusion category: for Nyasha Gochera, our front of house lead at 21 Bloomsbury Street in the Unsung Hero category; for Linda Nelmes, who developed our new Domestic Abuse Pathway, in the Innovation category; and myself, in the Inspirational Leadership category.

**Anthony Douglas, Chief Executive of Cafcass**

**12 June 2017**