



Cafcass Board Meeting Minutes
Friday 24 March 2017
Bentham room and Charles Dickens room, 21 Bloomsbury Street, 09.30am

Present

Baroness Claire Tyler, Cafcass Board Chair
Mary MacLeod, Cafcass Board Deputy Chair
John Lakin, Cafcass Board Member
Francis Plowden, Cafcass Board Member
Fay Selvan, Cafcass Board Member
Stuart Smith, 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
Julie Brown, Cafcass Director of Resources
Helen Watson, Cafcass Director of Strategy
Nigel Brown, Chief Executive, Cafcass Wales
Colette Jacobs, Cafcass Head of Corporate Services
Melanie Carew, Cafcass Head of Legal
Elizabeth Gibby, Deputy Director, Family Justice Policy, Ministry of Justice
Jack Perring, Family Justice Young People's Board Representative
Bethany Shepherd, Family Justice Young People's Board Representative
Grace Egbewole-Adereti, Cafcass Board and Corporate Support Assistant (Minutes)
Nicola Blakebrough, Corporate Strategist

Apologies

Nickie Aiken, Cafcass Board Member
Mark Hedley, Cafcass Board Member (Co-opted)
Christine Banim, Cafcass National Service Director
Stuart Moore, Deputy Private Law Policy Lead (Legislation) and Cafcass Policy Sponsor, Ministry of Justice

MINUTES

1. Welcome and Apologies

The Chair welcomed everyone to the meeting and expressed gratitude to all those who attended the Board Seminar the previous day. Apologies were received from Mark Hedley, Christine Banim, Nickie Aiken and Stuart Moore.

2. Declarations of Interest

There were no new Declarations of Interest.

3. Draft Minutes from the Board Meeting on 9 June 2016

Following a minor amendment to the Attendees list, the minutes of the Board Meeting on 27 January 2017 were agreed as an accurate record.

4. Action Log/Matters Arising

The Board reviewed the Action Log.

The Board discussed the action, 'items relating to the FJYPB to find innovative ways for children and young people to give feedback to Cafcass and the work being done around the 'Getting to Outstanding' agenda to be added to the Forward Plan for the Quality Committee forward plan' and agreed that these should be items at the next Quality Committee meeting (September 2017).

It was agreed that the item on brothers and sisters would be brought forth to the next Quality Committee meeting. The Board agreed that it was important to gain a better insight into family feedback and suggested that this could contribute towards the research Governance report. It was also agreed that it would be important to consider feedback from children and families using the service. The Board expressed interest in involving the Family Justice and Young People's Board in this work and stated that it would be useful to gain feedback from Board members.

5. Report from the Chair

The Chair reported to the Board as follows:

- The Chair had attended a PCF event on public appointments with the Cabinet Office Minister responsible for public appointment present to discuss the new system.
- The chair attended an All-party Parliamentary Group (APPG) meeting regarding strengthening couple relationships: 'Couple relationships in troubled families' on 20 February 2017.
- The Chair delivered a speech and chaired the Westminster Education Forum Keynote Seminar: Child protection - tackling abuse, reforming service delivery and the future of the social work profession on 23 February 2017.
- The Chair delivered speech at the Nuffield Seminar - Disrupting the 'Care Cases Crisis' on 23 February 2017.
- The Chair met with Edward Timpson and Lord Nash about the children and social work Bill in the week beginning 13 March 2017.
- The APPG for Children's Social Care published the report 'No Good Options' on 21 March, in relation to children and early intervention and the rising demand in public law. The Chair noted that this could be circulated to the Board for information.
- The Chair would be conducting House of Lords visits for Cafcass staff members on 27 March 2017.
- The Chair informed the Board about a conference that she would attend at the end of May relating to risky business that would discuss the risks associated with front line work in all sectors.

The deputy Chair provided feedback to the Board that a number of children's hospitals are interested in discussing cases relating to differing opinions between clinicians and family members in making decisions to provide life-saving treatment to children with the judiciary. Although these cases are relatively small in number they are high profile and hospital professions have concerns over the impact on the children's wellbeing. The deputy Chair suggested this as a future area of research that Cafcass can offer support to and to look at how we can assist through our data collection. It was suggested that the Corporate Management Team (CMT) consider how the Board could support this area of work.

- Action 1: The All Party Parliamentary Group paper on early intervention and the rising demand on children in Public Law would be circulated to the Board for information.
- Action 2: Corporate Management Team (CMT) would consider how the Board could support research in children's hospital cases.

6. Report from the Chief Executive

The Chief Executive presented his report to the Board.

The Chief Executive informed the Board that a safe minimum budget for the start of the new financial year had been secured. The Deputy Director, MOJ Family Justice Policy commented that the quality of information presented by Cafcass was very helpful in securing the budget. The Chief Executive stated that £2.8m of the funding made available from the MOJ was being held back in a process called 'gated release' and would be made available to Cafcass if necessary.

The Chief Executive informed the Board that applications for both public and private law had reached record highs in March. It was noted that these increases had caused the year to date figure to rise with no sign of a significant downturn in the short to medium term.

The Board discussed feedback from the recent Ofsted Joint Targeted Area Inspections (JTAI). There is concern that Ofsted may not properly understand Cafcass' role in private law role ahead of the 2017/18 national inspection which is taking place sometime in 2017/18. This is an area that the Chief Executive and the National Service Director would discuss with Ofsted in their forthcoming induction session.

The Board were updated about Cafcass' IT systems and were informed that positive progress was being made in replacing hardware with industry standard laptops and tablets and improving the broadband service. IT outages and slow running however were identified as a continuing concern, particularly at the National Business Centre. The Chief Executive informed the Board that the Audit and Risk Assurance Committee would be reviewing the IT re-procurement programme at their next meeting in April 2017.

The Chair of the Board expressed concern with the continued IT outages experienced in Cafcass offices and queried whether Fujitsu would compensate Cafcass for this inconvenience. The Chief Executive informed the Board that this was already being taken into consideration by Fujitsu and would be reflecting the new arrangement for the replacement of hardware for Cafcass. The Board were informed that IT outages had increased after a brief period of stability, although the level of outages experienced by Cafcass had markedly improved compared with the service 5 years ago.

The Board were informed that the Chief Executive had reached an agreement with the Chief Executive for HMCTS regarding how we can collaborate to bring improvements outside of the longer term court reform process, for example through digitising C100's to improve processing times both at HMCTS and Cafcass.

The Board discussed the withdrawal of funding for out of court pilots and how without the results of the pilots can we evidence the need for reform. The Board discussed the cultural barriers experienced by families in the family justice system and agreed that more should be done to present families with greater choice so that they are aware of alternative methods to handle disputes. The Board were informed that the Gov.uk website was planning to publish information to the public regarding alternative methods of dispute resolution next week, to help

ensure that members of the public are better informed of the alternatives to attending court. The impact on outcomes for children was discussed and it was suggested that Cafcass might research this further. The Chief Executive informed the Board that 65-70% of mediations were thought to have had a positive outcome, though the opinions of the child were not factored into this finding. Members of the Board were in agreement that the out of courts pilots were very valuable and should continue if at all possible. They asked the Chief Executive to take this forward.

It was further noted that the KPI's within the Chief Executive's report would stay the same in recognition that targets are now increasingly difficult because of the extra demand pressures.

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

The Chair welcomed Bethany Shepherd and Jack Perring, representatives of the FJYPB who presented highlights from their regular updating report.

- The FJYPB have devised a top tips information section that professionals can use to aid them in ensuring that the voice of the child is considered in family court proceedings. This was shared at the last FJYPB conference.
- The FJYPB have reported an increase in their membership and also reported that there had been an increase in the amount of males that had joined. The FJYPB stated that they now had 53 members and that 16 more males had joined the Board.
- The FJYPB have been approached by Daniel Monk from the University of London to support the Siblings and Child Law project. The aim of the research is to examine the extent to which and the ways in which sibling relationships are understood and taken into account in private and public legal processes and proceedings.
- The FJYPB continue to work with Cafcass Cymru and the Welsh Government. At the last FJYPB Board meeting on 4th March, Practice managers from Cafcass Cymru joined the meeting to work with FJYPB to further develop their new logo and children's' feedback/complaint forms.
- The FJYPB informed the Board that they are working with Cafcass to make changes to the e-learning available by helping to design three in my shoes scenarios, that would include key issues that affect children and young people who have had experience of family breakdown.
- Following the success of the court reviews in 2015, the Board have been asked by HMCTS to review more family courts across DFJ areas in England. HMCTS are already responding to some of the learning from the first phase of reviews. In addition Rebecca Wagstaff from HMCTS is also looking specifically at ways in which they can improve Children & Young Person's facilities in HMCTS buildings. Rebecca would be meeting with some FJYPB members at the Bloomsbury office to gain a better understanding of what makes a good family room which is fit for children and young people.
- Bethany Shepherd announced to the Board that she had been accepted onto a graduate scheme and was congratulated by the Chief Executive and the Cafcass Board.

A Cafcass Board member queried whether children going through family court proceedings were able to speak to members of the FJYPB on a confidential basis. A member of the FJYPB informed the Board that this has been done in the past via the FJYPB mailbox and that reinstating this would be discussed. A member of the Board suggested that top tips devised by the FJYPB could be circulated more widely, as the Association for Directors of Children's Services had shown interest in this.

Members of the Board suggested that social media could be used by the FJYPB to encourage male membership in the FJYPB. The Chief Executive for Cafcass Wales informed the Committee that the FJYPB logo was powerful and commended the FJYPB on the work that

they were doing to help ensure that young people's voices were heard. The Chief Executive informed the Board that reaching young people in Wales was difficult and stated that the FJYPB were doing well in this area.

The Board questioned whether the presentation on siblings from the recent Board Seminar would be available for an e-learning module. The Chief Executive informed the Board that the amount of material would be considered to determine whether this was sufficient enough for an e-learning module.

It was noted that the Director of Resources is continuing to explore options for funding and sponsorship of the FJYPB.

Action 3: The Director of Resources would continue to look for options for funding to explore sponsorship of the FJYPB.

Action 4: The FJYPB would discuss allowing children going through family court proceedings to speak with members of the FJYPB on a confidential basis.

Action 5: The Chief Executive would discuss the circulation of Top Tips with the FJYPB.

The Chair thanked the FJYPB representatives for the report.

8. Reports from ARAC, Performance and Quality Committee Chairs

The Chair informed the Board that the minutes of the March Committee meetings had not yet been circulated so oral updates would be provided from Committee Chairs.

Audit and Risk Assurance Committee (ARAC):

The Chair of ARAC informed the Board that an ARAC meeting took place on 6 March where the re-audit of Partnerships was reviewed and confirmed action against all significant recommendations had been effectively implemented. ARAC also reviewed the Compliments and Complaints audit report which was assessed as Moderate. This audit report would be shared with the Quality Committee for information.

The Board were informed of the Exceptions report in relation to the attempted fraudulent payment. The Chair of the Board queried what prompted the discovery that the email was fraudulent. The Director of Resources informed the Board that the fraudulent email was picked up by the finance team as part of internal processes and commended their good work.

The annual report on abuse and violence against staff was reviewed. The Board were informed that the number of instances of abuse and violence against staff remains low. Also, the annual report on business continuity arrangements was reviewed.

Performance Committee:

The Chair of the Performance Committee informed the Board that a Performance Committee meeting took place on 6 March 2017. The Committee reviewed the Biannual Freedom of Information Report and noted that the requests were still low compared with other organisations. The Committee had reviewed its first exceptions report and received a presentation from the Head of Legal Services covering the work of the Legal and Governance team.

Quality Committee:

The Chair of the Quality Committee informed the Board that a Quality Committee meeting took place on 3 March 2017. The Quality Committee were presented with a case study from a Practice Supervisor who set out the benefits of fact finding hearings and received reports in relation to serious incident notifications and submission to serious case reviews and an update on learning and development and attendance rates in relation to mandatory training. The Chair requested that the Quality Committee conduct a further review of the content of mandatory training.

The Committee had received a report on the work of the Research Governance Committee and agreed that this would be shared with the Board for information.

The Committee also reviewed the audit report relating to Area Quality Reviews (AQRs) and as an outcome of this Corporate Management Team (CMT) would consider ways of providing agile and focussed assurance to the Committee on the learning from AQRs.

The Chair of the Board thanked the Chair of the Quality Committee for her work in chairing the Committee and raising the standards of quality in Cafcass.

Action 6: [The Quality Committee to review the content of mandatory training.](#)

9. Finance Report

The Director of Resources presented the Finance report to the Board. The Board were informed that there was an error in paragraph 6 and that the figures should be at the end of February.

The Board noted that at the end of eleven months, expenditure is running £1.445m behind budget and the the forecast outturn against budget for the full year remains an underspend of £0.5m which remains judged as not presenting any significant risk to service delivery.

Members of the Board queried how resources were allocated and the Board were informed that the expenditures for new hardware were included in the figure and that this could be balanced out with overspends.

The Director of Resources noted that Cafcass are anticipating a larger proportion of Self Employed/Agency staff coming onto payroll in the next financial year due to changes in relations which may result in less incentive for staff to go through agencies and could have a financial impact.

The Chair of the Board queried whether the balance sheet could be shared with members of the Board to give a greater understanding into where funds were being allocated. The Board agreed that this should be brought to ARAC at 6 monthly intervals.

Action 7: [The balance sheet for Cafcass expenditures would go to the ARAC for information.](#)

11 Demand Levels and Resourcing

The Chief Executive informed the Board that there had been a significant rise in demand in Newcastle and Cumbria (areas A1 and A2).

The Board discussed innovations that were helping staff to manage demand. This includes the mobile app for ECMS making ECMS accessible through smart phone applications; a bespoke new performance learning review (PLR) system; and development of a Top 10 Productivity list for FCAs and managers, which would be a focus for the next six months. This is key in terms of working out with each FCA what they need to do differently to manage the level of demand and how we can support them to achieve this.

Board members were further informed that Cafcass has now employed a further Health & Wellbeing Officer who specialises in psychology and mindfulness, who would be helping to deliver mental health and first aid training. The Board were informed that the Health and Wellbeing officers are a small team and provides advice to members of staff, and provides face-to-face training for staff.

The Board discussed the use of non-professional staff in order to manage demand. Board members agreed that there was still a need for highly qualified members of staff to carry out work in public and private sectors. The Chief Executive highlighted that this was especially important when considering the need for case analysis from Family Court Advisors and informed the Board that he and the Director of Resources were working together to review how technology could help Family Court Advisors in their work.

The Board discussed the increasing time constraints placed on Family Court Advisors and suggested that this was having a negative impact on the amount of time allocated to each case. It was stated that the lack of time available could negatively impact the way in which the voice of the child is represented. A member of the Board suggested that there was an issue with the allocation of resources in service areas and suggested that this might be resolved if Family Court Advisors in high performing service areas are deployed to low performing service areas to help balance out figures.

The Board were informed that this approach would be challenging because staff would not be able to commute to different service areas on a regular basis.

It was agreed that the service areas detailed in the Demand Levels and Resourcing report would specify the names of geographic location as well as codified names in future.

Action 8: The service areas detailed in the Demand Levels and Resourcing report would specify the names of geographic location as well as codified names in future.

12. Strategic Risk Register

The Director of Resources presented the Strategic Risk Register to the Board, informing Board members that the Board paper had been refreshed in light of the previous Board meeting. The Board were informed that the risk in relation to quality and demand were still being assessed as amber.

The Board discussed reputation management. It was acknowledged that damage to reputation is a consequence of the risks held in the strategic risk register, however there was continued concern about how we represent the risk to reputation as an independent risk.

The Board also discussed strategic communications and the Head of Service stated that a working group has convened to review the policy relating to use of social media. Also that the Communications team carry out weekly review of digital media which highlight areas for proactive communications. It was agreed that the Communications Strategy be shared for review with ARAC.

Action 9: CMT would consider the inclusion of a new risk in relation to reputation management.

Action 10: The Communications Strategy to be reviewed by ARAC.

13. Exceptions Report

The Chief Executive presented the exceptions report to the Board, informing members that the report had been scrutinised by Committees and had subsequently been brought to the Board for further information. The Chair of the Board noted that decline in performance of KPI 4 highlighted the increased levels of pressure experienced by staff members in the organisation.

14. Any Other Business

It was agreed that the information regarding Board lead roles would be circulated to give Board members the opportunity to reflect on what they want to say about their evolving roles in preparation for the upcoming Board Planning Day on 28 April 2017.

Action 11: The Board lead roles table would be re-circulated to the Board prior to the Board Planning Day.

Actions Summary

- Action 1: The All Party Parliamentary Group paper on early intervention and the rising demand on children in Public Law would be circulated to the Board for information.
- Action 2: Corporate Management Team (CMT) would consider how the Board could support research in children's hospital cases.
- Action 3: The Director of Resources would continue to look for options for funding to explore sponsorship of the FJYPB.
- Action 4: The FJYPB would discuss allowing children going through family court proceedings to speak with members of the FJYPB on a confidential basis.
- Action 5: The Chief Executive would discuss the circulation of Top Tips with the FJYPB.
- Action 6: The Quality Committee to review the content of mandatory training.
- Action 7: The balance sheet for Cafcass expenditures would go to the ARAC for information.
- Action 8: The service areas detailed in the Demand Levels and Resourcing report would specify the names of geographic location as well as codified names in future.
- Action 9: CMT would consider the inclusion of a new risk in relation to reputation management.
- Action 10: The Communications Strategy to be reviewed by ARAC.
- Action 11: The Board lead roles table would be re-circulated to the Board prior to the Board Planning Day.

Minutes Approved by the Board Chair, Claire Tyler, 19.05.17

