



Cafcass Open Board Meeting Minutes
Thursday 15 June 2017
21 Bloomsbury Street, 11.00am

Present

Baroness Claire Tyler, Cafcass Board Chair
Deep Sagar, Cafcass Board member
Paul Grant, Cafcass Board member
Fay Selvan, Cafcass Board member
Stuart Smith, Cafcass Board member
Nickie Aiken, Cafcass Board member
Francis Plowden, Cafcass Board member
Caroline Corby, Cafcass Board member
Joanna Nicolas, Co-opted Board Member

In attendance

Anthony Douglas, Chief Executive
Christine Banim, National Service Director
Helen Watson, Director of Strategy
Julie Brown, Director of Resources
Melanie Carew, Head of Legal Services
Colette Jacobs, Head of Services (Corporate Services)
Stuart Moore, Private Law Policy Lead (Legislation) & Cafcass Policy Sponsor
Bethany Shepherd, Family Justice Young People's Board Representative
Nicola Blakebrough, Corporate Strategist
Grace Egbewole-Adereti, Board and Corporate Support Assistant (Minutes)
Elizabeth Morrison, Information Assurance Officer

External Guests

Caroline Adams, NSPCC
Lord Frederick Ponsonby, Greater London Family Panel
Mary Fapojuwo, Law Society
Rebecca Giraud, Director, Only Mums
Alice Twaite, The Transparency Project
Christian Margetts, Foreign and Commonwealth Office
Jeremy Gleaden, Ofsted
Lily Golding, Lancaster University
Adiza Jimbah, Ministry of Justice
Craig Jackson, Ministry of Justice
Richard Morris, Assistant Director
Sandie Hayes, Assistant Director

MINUTES

1. Welcome and Apologies

The Chair welcomed everyone to the meeting, and led members and attendees in observing a one minute silence to remember victims of the Grenfell Tower tragedy.

The Chair confirmed that the meeting is one of the two annual meetings that are open to members of the public to attend and welcomed all external guests and stakeholders.

The Chair invited Stuart Moore to provide an update on new Ministerial appointments for the Ministry of Justice. Attendees of the open Board were informed that David Lidington MP had been announced as the new Lord Chancellor and Secretary of State for Justice. New appointments mentioned included Damian Green, First Secretary of State and Minister for the Cabinet Office, and Minister of State Dominic Raab MP. Sam Gyimah MP, Dr Phillip Lee MP and Lord Keen of Elie QC were confirmed as reappointed Ministers of the MoJ.

Apologies were received from John Lakin, Simon Hackett, Elizabeth Gibby and Mark Hedley.

2. Draft Minutes from the Board Meeting on 24 March 2017

Two amendments to the minutes of the Board meeting on 24 March were requested:

- The sixth bullet point under the Chair's update to be re-worded to say 'the APPG for Children's Social Care published the report 'No Good Options'.
- The action 'options for funding and sponsorship of the Family Justice Young People's Board are continuing to be explored' to be added to the action log.

The Chief Executive clarified that a small working group is carrying out a review of the appropriate use of social media within public and private law case work and appropriate guidance for staff will be developed in conjunction with local authorities.

Action 1: [Amendments to be made to the minutes of 24 March Board Meeting.](#)

3. Action Log/ Matters Arising

The Board reviewed the Action Log. All actions are either completed or on track to be completed within the timescales set out.

The Director of Strategy informed the Board that we are working with Great Ormond Street Hospital to consider how Cafcass can support research into cases where parents and hospital trusts seek a decision of the court in relation to life-threatening or life-ending interventions.

There were no further matters arising.

4. Report from the Chair

The Chair reported to the Board as follows:

- The Chair had hosted a visit to the House of Lords for a group of family court advisors (FCAs) and had been briefed on their day to day experience on the frontline.
- The Chair attended a Joint Public Chairs Forum Event with the Association of Chief Executives: Being in the eye of the media storm.
- The Chair attended the Public Chairs Forum Conference: The General Election and Beyond.
- The Chair provided evidence to the Joint Education Select Committee on children's mental health.
- The Chair attended the Big Lottery Early Intervention Report launch.
- The Chair attended the Young Minds and National Children's Bureau launch of 'Wise Up' campaign.

- The Chair spoke at an event hosted by the National Children’s Bureau about children’s mental health.

The Chair invited Board members to share any relevant events they had attended.

- Caroline Corby informed the Board that she had attended the Cafcass National Champions day in June and met with Health and Well-being and Time to Change Champions from across the organisation.
- Stuart Smith informed the Board that he was continuing to explore approaches to the use of FCA time and had carried out three telephone interviews with Cafcass Managers and would produce a report in due course.

5. Report from the Chief Executive

The Chief Executive presented his report to the Board.

- Demand for Cafcass continues to increase, with an underlying trend increase of 8.4% in Public Law and 6.5% in Private Law running at present. Year to date (more short-term) increases also show increases of 6.7% in Public Law and 3.5% in Private Law.
- Audits show that levels of performance, productivity and quality have been maintained whilst operating under great pressure.
- Workforce capability has been expanded, reducing the average practitioner caseloads from 21.8 to 19.9 cases at the time of the Open Board meeting.
- Work has commenced with the MoJ to assess our budgetary requirement for 2018/19 and 2019/20.
- Work is continuing with the 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 out of court alternatives and evaluating measures to divert applicants positively away from court. Our first diversionary pilots consistently showed that up to 30% of applications could be diverted. The Board were informed that Cafcass is hoping for financial support from the MoJ to develop out of court alternatives, though discussions have been put on hold due to the General Election.
- Cafcass are launching a child impact analysis framework in private law cases over the next 6 months, starting on 1 July 2017.
- The revised Cafcass Operating Framework will be consulted upon internally in July ready for implementation from 1 August 2017.

The Board were informed that indicators of harm, in relation to domestic abuse cases, are made available to practitioners through internal training modules and through serious case review learning applied through cascade and learning and development programmes.

The Chair of the Board praised Cafcass for achieving 3 substantial (outstanding) assurance ratings and 4 moderate (good) ratings from the Government Internal Audit for 2016/17 and for being shortlisted for 4 MoJ awards.

6. Report from the Family Justice Young People’s Board

The Chair welcomed Bethany Shepherd, a representative of the Family Justice Young People’s Board (FJYPB) who presented highlights from their regular updating report.

- The 2017 Voice of the Child Conference will be held at the Grand Connaught Rooms in London on 27 July. The theme of the conference is diversity and inclusion.
- The FJYPB have developed a range of 'Top Tips' aimed at professionals working with children and young people. Videos are being produced to distribute alongside the 'Top Tips' which will also feature in the updated Cafcass Operating Framework and the FJYPB page on the Cafcass website.
- NACCC are seeking funding to further commission the FJYPB to undertake inspections in an additional 10-15 supported contact centres in the North West over the next 12 months, which will conclude with an FJYPB led training workshop for volunteers and staff to highlight the key findings.
- The FJYPB are developing their two FJYPB image-upgrading mascots, working with the MOJ in-house design team.
- Following the success of their court reviewing programme in 2015, the FJYPB have been asked by HMCTS to review more family courts across DFJ areas in England and will start the second phase of 9 reviews in August 2017.
- The Judicial College has approached the FJYPB again to support them with a suite of e-learning materials for magistrates and legal advisers which are about the courts responses to domestic abuse.
- The FJYPB will give a presentation at the Nagalro conference in October 2017. The theme of the conference is 'But What About the Children? Hearing the Voice of Children and Young People in Court Proceedings'.
- Cornerstone, an adopter-led social enterprise, has approached the FJYPB to produce 2 videos for foster carer recruitment and for future adopters, where members of the Board will be able to share their experiences.

The Chair commended the FJYPB for their efforts and noted the importance of Cafcass Board Members attending the Voice of the Child Conference.

The Board were informed that the judicial training to be provided to magistrates was inclusive of criminal and family courts due to the crossover of cases when domestic abuse is present.

The Board discussed whether children in live cases could contact members of FJYPB on a confidential basis. There are safeguarding concerns in relation to the process of Cafcass' engagement with those children that prevent this process being established and it was concluded that service users would instead be referred onto other suitable services.

The FJYPB representative noted that the topic of children who identify as non-binary was not currently on the FJYPB's agenda, however this will be followed up as a development area.

The Chair thanked the FJYPB representative for their report.

7. Reports from ARAC, Performance and Quality Committees

7.1 Report from the Audit and Risk Assurance Committee meeting 15 June 2017

The Chair of the Audit and Risk Assurance Committee (ARAC) informed the Board that the Committee had met that morning to review the Annual Report and Accounts 2016-17 (ARA) and had approved this for presentation to the Board for final sign off in principle. The Chair of ARAC stated that the laying date is still to be confirmed due to the recent general election, and also the need for the ARA to be reviewed by the incoming Minister. The MOJ plan to lay before Parliament rises on the 20 July.

The Board praised the quality and presentation of the ARA, and were informed that the NAO and MoJ considered the report exemplary. It was noted that the report would also be produced in a short summary version.

The Chair of the ARAC informed the Board that the Committee had reviewed Cafcass' cyber security arrangements, the Whistleblowing policy and the Internal Audit Report and that Cafcass had received moderate assurance in relation to the internal audit programme, which was in line with targets.

7.2 Report from the Joint Quality and Performance Committee meeting on 2 May 2017

The Chair of the Quality Committee informed the Board that the annual Joint Performance and Quality Committee focused on two topics: quality, including the findings of quality audits and how they drive up quality; and demand, including the drivers for demand and the complexity in the causes of rising demand. The meeting had been attended by two Assistant Directors and a Practice Supervisor who provided information on the drivers in different geographical areas and how individual offices are responding and working with the judiciary to respond to demand.

8. Finance Report

The Director of Resources presented the Finance report to the Board. The accounts for 2016-17 have been completed and audited and confirm the position forecast within the year of a managed underspend which supports MoJ's financial strategy. The management accounts for the end of May 2017 show no areas of concern with spend broadly in line with the profiled budget.

There have been no additions or disposals of fixed assets since the start of the financial year to affect the Statement of Financial Position. The retained funds being held by the MoJ in a process called gated release are included in the projected spend and are expected to be available to Cafcass if and when necessary.

The Board were informed that positive progress had been made in recruiting additional staff in order to help manage existing and anticipated demand increases.

The Board were informed that the invoices not yet settled by Cafcass remain low and that invoices are processed within 5 working days. The Board requested that an updated supplier list be circulated to the Board for information and to ensure there are no conflicts of interest.

The Director of Resources noted that the process for securing the financial budget for 2018/19 was under way and that this work would be taken forward with the Chief Executive over the next 9 months.

Action 2: [The supplier list to be circulated to the Board for information.](#)

9. Demand Levels and Resourcing

The National Service Director presented the Demand Levels and Resourcing report to the Board. Overall demand for the service has risen in both Public and Private Law, and staff are being supported to cope with increasing demand. In the last 12 months between June 2016 and May 2017, compared to the same time last year, new Public Law (S31 Care) applications have increased by 8.4%, while Private Law cases have increased by 6.5%.

The National Service Director informed the Board that there continues to be disparity between the number of cases across geographical locations, due to culture, judicial behaviour and local context.

The National Service Director stated that benefits are being realised from changes to the recruitment process. An additional 34 posts have been created and there has also been an increase in the number of self-employed contractors (SECs). The Board were informed that work to re-brand the SEC is progressing and the Corporate Management Team would be reviewing proposals during June.

The Board were informed that IT innovations were being used to improve use of FCA time and that direct time spent with children would not be compromised. It was also noted that new Performance and Learning Reviews have been put in place to ensure better and more targeted support consistently to all employees. The Chair thanked the National Service Director and opened the floor to questions.

An attendee raised an issue about FCAs attending court. He stated that there were sometimes difficulties in getting FCA's to attend court when they had been requested. The Chief Executive stated that FCAs will always attend court when requested and this was possibly a result of miscommunication between the courts and Cafcass and that the matter would be investigated.

An attendee advised the Board that feedback from the FJYPB court reviews had been provided to local Family Justice Boards.

An attendee queried whether the consultation on the revised Cafcass Operating Framework would be open to the public. The Chief Executive advised that it will be consulted upon locally from 1 July until 1 August 2017 but it would also be available on the Cafcass website for comment and feedback.

An attendee queried the status of the ADCS agreement with Cafcass on the principles and mechanics of working together. The Chief Executive stated that there had been representations to him about this and he was discussing next steps with ADCS as it is a joint agreement. The Chief Executive will provide an update in his next Board Report.

Action 3: The Chief Executive would investigate the attendance of FCA's requested to attend court.

Action 4: The Chief Executive would provide an update on the ADCS agreement in his next Board Report.

Strategy Section

The Chief Executive stated that the Board Vision paper, the 2017/20 Cafcass Workforce Strategy and Action plan and the 2017/20 Cafcass Diversity Strategy and action plan were being presented to the Board for information and comment and that the three strategies show how Cafcass intends to develop over the next three years.

10. Strategy Paper – A vision for the Family Justice System

The Chair of the Board presented the Board Vision paper to the Board. The Board vision paper sets out Cafcass' vision for the future of the family justice system and would be presented to the MoJ for consideration. The principles identified in the report highlight the importance of early intervention, the roll-out of successful programmes and offering clear dispute resolution options as an alternative to court.

The Chair noted that the Family Justice system was struggling to cope with demand and highlighted the need for more managed services that provide all individuals with access to justice.

A member of the Board noted the importance of family relationships and delegation of authority in ensuring that adequate safeguards are in place to protect service users. The Chair noted that these were important points to be considered.

The Chair informed the Board that new primary legislation in our sector is less likely as a result of the hung Parliament and the associated Parliamentary arithmetic, but that the paper is being lodged with MOJ in case it has value at a later stage or indeed at any stage when the future of the family justice system is being considered. The Board signed off the Board vision paper, and requested that an up to date version incorporating the changes discussed be circulated to the Board.

Action 5: The Board vision paper to be updated and recirculated to the Board.

11. Workforce Development Strategy

The Director of Strategy presented the Workforce Development Strategy to the Board. The Strategy sets out key people priorities that will contribute to the delivery of Cafcass' strategic objectives through to 2020.

The Board were informed that the action plan would be dynamic and will evolve in conjunction with developments in the strategy and that six monthly updates would be provided to the Board. The Board requested that the strategy include a measure regarding impact on quality; that the strategy be cross referenced with the Diversity and Inclusion (D&I) Strategy to ensure that actions within the D&I are cascaded through other policies; and that the action plan is linked to strategic objectives and that it should include outcome measures.

Action 6: The Director of Strategy to update the Workforce Development Strategy following comments from the Board and recirculate to the Board for information.

12. Diversity and Inclusion Strategy

The Director of Strategy presented the Diversity and Inclusion Strategy to the Board. The Strategy focuses on three main areas; deepening the positive impact of Cafcass' work with children, developing Cafcass as an inclusive employer and reviewing the diversity of our workforce. Six monthly updates on progress against the action plan will be provided to the Board.

The Board requested that the strategy be updated to include statistics relating to dismissals of staff members from a Black and Minority Ethnic (BME) background; and of BME staff in leadership roles.

Action 7: The Director of Strategy to update the Diversity and Inclusion Strategy following comments from the Board and would recirculate to the Board for information.

13. Strategic Risk Register

The Chief Executive presented the Strategic Risk Register (SRR) to the Board and confirmed that the residual risks being reported are assessed after all mitigation has been applied. The SRR is unchanged apart from the residual risk for P1 Grant funding for 2018-20 and S4 Replacement of ICT services increasing to amber.

The Board were informed that the Corporate Management Team had considered whether reputational management should be an individual risk within the SRR, however had concluded that damage to reputation was adequately reflected as a consequence of separate and discrete risks identified in the risk register.

14. Close and Any Other Business

The Chair thanked all for attending the meeting.

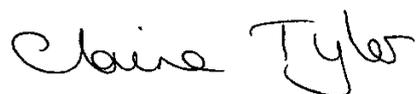
There was no further business.

Action Summary

- Action 1: Amendments to be made to the minutes of 24 March Board Meeting.
- Action 2: The supplier list to be circulated to the Board for information.
- Action 3: The Chief Executive would investigate the attendance of FCA's requested to attend court.
- Action 4: The Chief Executive would provide an update on the ADCS agreement in his next Board Report.

- Action 5: The Board vision paper to be updated and recirculated to the Board.
- Action 6: The Director of Strategy to update the Workforce Development Strategy following comments from the Board and recirculate to the Board for information.
- Action 7: The Director of Strategy to update the Diversity and Inclusion Strategy following comments from the Board and would recirculate to the Board for information.

Minutes Approved by the Board Chair, Claire Tyler, 04.07.17

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