



CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Paper for the Cafcass Board meeting on 20 October 2017

CHIEF EXECUTIVE'S REPORT

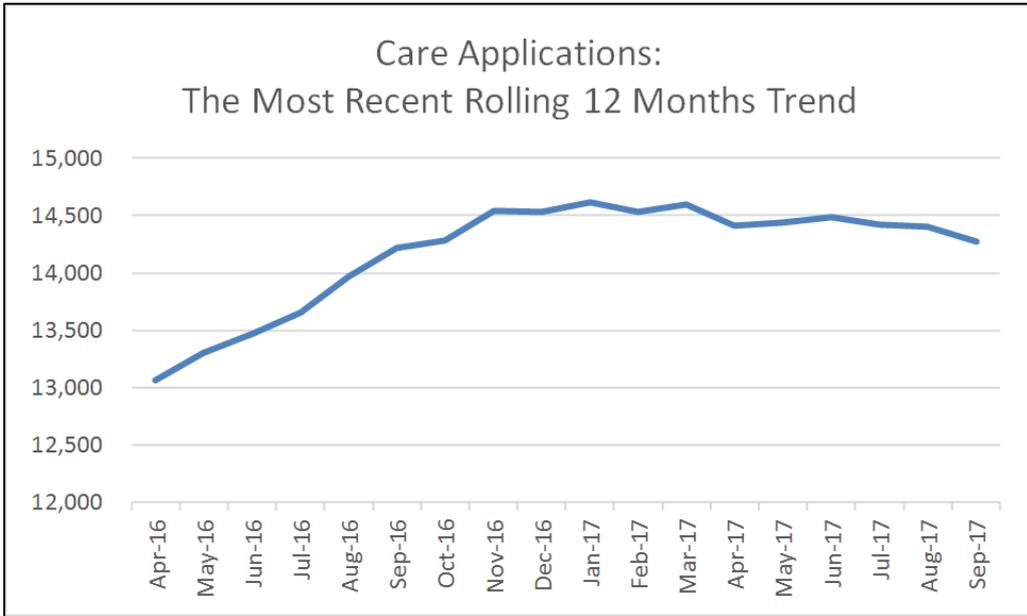
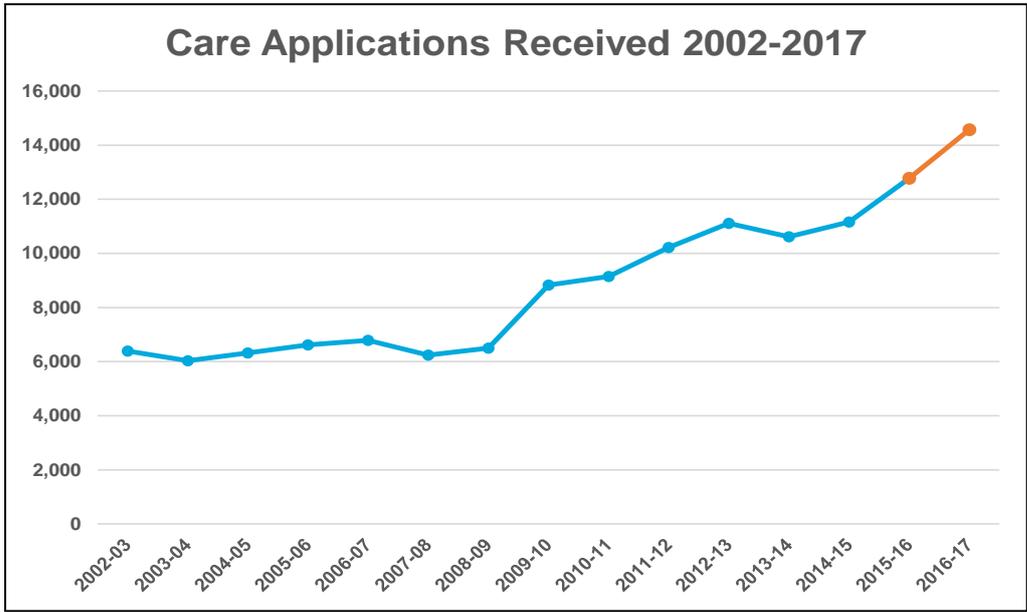
1. This report covers the period since the last Board session on 11 September 2017, so a period of 6 weeks.

DEMAND, PERFORMANCE, QUALITY AND RESOURCES

2. Demand in public law has levelled off, albeit at the record level reached a few months ago. It would be premature to forecast either a permanent levelling off or a long-term trend decrease. The long-term rise in care applications and the more recent rolling rise are set out below for reference. Demand in private law continues to increase at the same high level as in recent months. Our case and system performance continues to be strong and audits of the quality of work continue to show improvements. Our spend is also on track (see separate Finance report on this agenda). Here are the details of demand this month to date:

- a. **Care:** As at 13 October 2017 we had received 566 new care applications at a rate of around 57 per day. Last year for exactly the same period (10 working days), we had 582 (2.8% more). The second half of the month in 2016 was much quieter, with the number of applications ending on 1,115. We do have an extra working day in October 2017 compared to 2016 (22 compared to 21) and if we continue as we are, the month will end around 1,245. If we experience a slightly quieter week again, 1,200 would be a reasonable estimate. This would be 4% higher than in October 2016, and: YTD we would be -3% lower than April – October 2016. Rolling year we would be 3% higher than the previous 12 month period (Nov 15 to Oct 16). In summary we are seeing a continuance of the high levels experienced for the last 12 months, a levelling (albeit high) trend.

- b. **Private:** As at 13 October 2017 we had received 1,744 new private cases at a rate of around 174 per day, last year for exactly the same period (10 working days) we had 1,563 (-10.4% less). We are seeing a significant increase on last year's totals. Interestingly the second half of the month in 2016 for private cases was busier and we ended the month on 3,384. Again, we do have an extra working day this year and if we continue as is, the month will end around 3,836. Any busier would mean the highest demand for a month post LASPO. If we do end on 3,836 this would be 13.4% higher than in October 2016, and: YTD we would be 6.8% higher than April – October 2016. For the rolling year, we would be 4.4% higher than in the previous 12 month period (Nov 15 to Oct 16). In summary we are seeing a continuance of the increases in private law demand that we have experienced for the last 2 years.



3. Widespread concern about resource shortfalls across the care system and family justice system were made public and evident at the annual National Children and Adult Services conference held in Bournemouth last week. For example, the sufficiency gap for children in care and children on the edge of care is widening, including shortages of key resources such as social workers, judges, foster carers, adopters, suitable placements for adolescents and therapeutic in-placement support, to name just a few. Despite some brilliant individual projects showing strong results, the resources required in all local areas to meet the needs of diverse groups of children within the care and family justice systems are falling well short of what is needed, which gives all of us and Government a major strategic and political challenge in the next few years.

STRATEGIC ISSUES IN THE NEXT FEW MONTHS

4. Increasing the numbers of staff in local teams working under pressure will be our top priority in the next few months, just as it has been in the last three. At the moment, we have 169 more practitioners and business support staff in local teams than six months ago, so we have been using our higher funding allocation from the Ministry of Justice (MoJ) to good effect. Relief is beginning to be felt in some teams but not all, as it is not always easy to find the right people quickly. Where we can't, we are using good agency staff to plug gaps – where we can find them.
5. We are starting to put a business case together for our resource requirement for next year (2018/19). We are forecasting demand will continue at or higher than the current levels.
6. We are working hard both internally and with MoJ on private law reform and have just been given £150,000 to run a new Gateway Pilot in Greater Manchester starting in the New Year. This will be to vary the Child Arrangements Programme to sign off some applications with either a Parenting Plan or a Consent Order and an 'Application to Withdraw' from the case, without writing a safeguarding letter or holding a FHDRA. This can only happen when there are no safety concerns for the child or children concerned. I hope this will show a number of applications can be dealt with through good social work practice rather than a court process.
7. This heightened focus on private law reform means some new Practice Directions (PD's) will be needed before Christmas. Our Gateway Pilot will need its own PD under PD36: the vulnerable witnesses PD 3A is likely to be introduced by the end of the year; and the revised PD12J, tightening up the framework for responding to domestic abuse in the family courts, came into force on 2 October 2017 (attached as **Appendix 1**).
8. Still on private law, we are working with HMCTS to digitise all applications (C100's) as soon as possible, which will allow us to begin casework 5-8 days sooner and is also more likely to reduce the errors that come from the current paper-based processes. Also with HMCTS, we have worked with them on filing formats, including electronic correspondence formats. This is leading to set standards which are facilitating court standardisation. In relation to 'nugatory orders', ECMS does now generate a note to HMCTS when a case is closed to us, asking them to remove us from their live case record so there is no misunderstanding about our involvement.
9. Some other social work reforms remain some way off. In the new Assessment and Accreditation framework, our practitioners will be assessed as Practice Educators not Practitioners, but for us this will not be until after 2020. The revised draft of Working Together does not contain major changes for us though it does say more about the post-Local Safeguarding Children Board arrangements for inter-agency management and leadership of safeguarding services at the local and national levels. The timescale for this is unclear.

PRACTICE DEVELOPMENTS

10. We have been short-listed for three awards going forward to the 25 November awards ceremony for the Social Worker of the Year Awards.

Linda Nelmes – for Creative and Innovative Social Work Practice
Sarah Parsons – for Raising the Profile of Social Work
Shelagh Butler – in the Lifetime Achievement Award

SINGLE ISSUES

11. The Public Accounts Committee have announced they will be looking at the court reform process in MoJ at some point in their next session. It is possible but unlikely we will be involved in this.

BOARD ISSUES

12. In relation to the Board appointments and re-appointments timetable:

- Letters of re-appointment were sent out on 16th October.
- In relation to the new chair and member campaigns, the Appointments team in MoJ are awaiting clearance from Private Office for the “alert list” and composition of the panel and hope to get a response soon so that this process can begin.

A further update will be provided at the Board meeting.

13. I have started to brief the Board by email when any case or issue appears in the national press. This is separate from the digital scan that Board members receive weekly.

Anthony Douglas, Chief Executive of Cafcass, 16 October 2017

Appendix 1 - Practice Direction 12J

* [Section 36 of the Freedom of Information Act](#) relates to the prejudice to effective conduct of public affairs:

Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—

(b) would, or would be likely to, inhibit—

(i) the free and frank provision of advice, or

*(ii) the free and frank exchange of views for the purposes of deliberation,
or*

(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

Some sections of the Chief Executive’s report are intended to stimulate free discussion at the Board meeting about current issues within the organisation. These relate to confidential or live issues which are not yet public or finalised. In these cases it has been decided that

the public interest in maintaining this exemption outweighs the public interest in disclosing the information. Compromising the safe space for developing ideas and debating issues would damage the effective working of Cafcass which is a public body necessary to the effective working of the family justice system. This outweighs the public interest in transparency and accountability of the activities and topics discussed, which are disclosed where possible.