



**Cafcass Board Meeting Minutes**  
**Friday 23 March 2018, 10.30 to 15.30**  
**Guardian Offices, London**  
**Draft**

**Present**

Baroness Claire Tyler, Chair of the Board  
Fay Selvan, Board member and Chair of the Quality Committee  
Francis Plowden, Board member and Chair of the Audit and Risk Assurance Committee  
John Lakin, Board member and Chair of the Performance Committee  
Paul Grant, Board member  
Deep Sagar, Board member  
Stuart Smith, Board member  
Joanna Nicolas, Co-opted Board member

**In attendance**

Anthony Douglas, Chief Executive  
Julie Brown, Director of Resources  
Christine Banim, National Service Director  
Melanie Carew, Head of Legal Services  
Teresa Williams, Director of Strategy  
Elizabeth Gibby, Deputy Director, Family Justice Policy, Ministry of Justice  
Bethany Shepherd, Family Justice and Young People's Board Representative  
Nicola Blakebrough, Corporate Strategist  
Grace Egbewole-Adereti, Board and Corporate Support Assistant

**Apologies**

Caroline Corby, Board member

**MINUTES**

**1. Welcome and Apologies**

The Chair welcomed everyone to the meeting, particularly Teresa Williams, the new Director of Strategy. Apologies were received from Caroline Corby.

**2. Draft Minutes from the Board Meeting and Report from the Open Board Meeting on 26 January 2018**

The minutes of the Board Meeting and the report from the Open Board on 26 January were agreed as an accurate record.

**3. Action Log/Matters Arising**

The Board discussed the action that 'the Deputy Director, Family Justice Policy, Ministry of Justice would inform Government Ministers of the timings of the next Voice of the Child

Conference'. The Committee were informed that Government Ministers had been made aware of the date but had not yet confirmed their attendance as the date coincides with the day Parliament rises. The Committee agreed that a letter from the Family Justice Young People's Board (FJYPB) would be sent to the Ministers inviting them to attend.

There were no further matters arising.

Action 1: The Family Justice Young People's Board would send a letter of invitation to Ministers for the Voice of the Child conference.

#### **4. Report from the Chair**

The Chair reported to the Board as follows:

- The Chair attended a Board visit to the Family Drug and Alcohol Court on 19 February 2018 which included a sitting with Judge Blake.
- The Chair attended a Board visit to the Pause Project on 22 February 2018 and spoke with the Founder and Chair of the Pause Project on 14 March 2018.
- The Chair attended a Board visit to review the Manchester 'Support with Making Child Arrangements' pilot on 20 March 2018.
- The Chair attended the All Party Parliamentary Group (APPG) roundtable on the Children and Young People's Mental Health Green Paper
- The Chair would attend the APPG Closed Evidence Session with Directors of Children's Services on 28 March 2018.

The Board discussed the duration of the Manchester pilot and raised concern regarding how it would evidence whether it was making a positive difference with only a 6-month duration. The potential to obtain funding from external investors was discussed. The Chief Executive said that options to extend the pilot would be kept under review.

Deep Sagar, Board member, informed the Board that he had attended a telephone conference with the Director of Resources and Cafcass staff to review the Cafcass Digital Strategy.

Paul Grant, Board Member, informed the Board that he had been in correspondence with the Cafcass Policy and Communication Manager regarding his lead role in partnership working with third party sectors to improve service quality.

#### **5. Report from the Chief Executive**

The Chief Executive informed the Board that demand in public law had continued to plateau at the high level reached the previous year and that private law demand continues to increase consistently, although applications in February were lower. Pressure is increasing and year on year we continue to respond to a much higher number of children. Most significantly, the number of outstanding cases in the system is increasing at a rapid rate.

The projected overspend has been revised and we are reporting a probable overspend of up to £0.750m. Authorisation has been received from the Ministry of Justice (MoJ) for the initial £0.5m, and we are now seeking authorisation for the remaining £0.250m. Constructive discussions continue with MoJ regarding both the overspend and the safe minimum budget for 2018/19.

The MoJ representative noted that talks regarding the budget settlement were ongoing and assured the Board that an interim letter regarding the 2018/19 budget would be issued to the organisation by the end of March.

The Board discussed the gender pay gap and noted that whilst the information published about the gender pay gap was good, more work would need to be done to bridge the gap.

Work is on track to implement the General Data Protection Regulations which would apply from 25 May 2018. The MoJ have assessed our work to date as compliant. The Board were informed that the transition of IT services from Fujitsu to Littlefish was progressing. As part of the move mobile phones would be upgraded to iPhone 6 and a new video conference service would be introduced.

The Board discussed whether measures had been taken to address the future funding for the FJYPB. The Chief Executive noted that funding was continuing and that investigation into alternative funding options was ongoing. The Board noted that they were nervous about moving to a charitable funding model as this may not be sustainable, also that as the work of the FJYPB has an impact across all the family justice system, funding should be a statutory responsibility. There is however potential to open some elements to funding, such as sponsorship of the annual Voice of the Child conference, to external sponsors.

The Chair thanked the Chief Executive for the report.

## **6. Report from the Family Justice Young People's Board**

The Chair welcomed Bethany Shepherd, a representative of the FJYPB who presented highlights from their regular updating report.

- The FJYPB met with Brenda McLaughlin, Lead Inspector, as part of the recent Ofsted inspection. Brenda also attended part of an FJYP Board meeting to gain an insight into how the Board operates.
- Representatives from Cafcass Cymru attended the recent FJYPB meeting in December 2017 to run a workshop in which members helped design some items to promote the UNCRC to young service users across Wales.
- Two FJYPB members took part in a recent interview panel to recruit a new Deputy Chief Executive for Cafcass Cymru.
- Over 29 applications were received from young people across England and Wales in response to the FJYPB recruitment campaign and 27 had been invited to attend an FJYPB-led interview day on 9 April and 12 May.
- The FJYPB are planning and preparing for the annual Voice of the Child 2018 conference which will take place on Tuesday 24 July 2018 in Manchester.

The Board were informed that efforts to recruit new members had been positive and a record number of applications had been received. New members would be confirmed in the next few months and the FJYPB would provide an update on the gender split. The Board questioned how recruitment to the FJYPB worked and were informed that recruitment posters were sent nationally to different schools and local authorities to encourage applicants.

The Board were informed that it wasn't possible to change the date of the Voice of the Child conference as this date is set to accommodate the availability of FJYPB members and senior figures' availability during the early summer holiday period.

The Board were informed that significant improvements had been made with the Welsh FJYPB and that members of England's FJYPB Board were now permitted access to run events in collaboration with Welsh members.

The Chair thanked the FJYPB representative for the report.

## **7. Reports from ARAC, Performance and Quality Committees**

Audit and Risk Assurance Committee (ARAC):

The Chair of ARAC informed the Board that the Committee had last met on 5 March 2018 and had reviewed the Internal Audit progress report. To date all internal audits in 2017/18 had received a substantial assurance rating. The Internal audit programme for 2018/19 had been provisionally accepted.

The Committee reviewed the annual report on the incidents of abuse and violence against staff by service users and noted that improvements had been made to mitigate the risk of incidents through the use of protective measures such as ensuring that Family Court Advisers (FCAs) who were at risk were accompanied by protection officers.

The Committee reviewed the Information Assurance Deep Dive Analysis which reported a continual increase in the amount of reported data breaches, which were overall small in proportion to the amount of data handled by the organisation. It was noted that the majority of incorrect data received is from service users upon initial contact which could be due in part to the increased number of litigants in person. The Committee suggested that it should explore what further measures could be taken to promote the use of electronic correspondence amongst FCAs to reduce the number of reported data breaches. Correct measures were being taken to report all incidents to the Information Commissioners Office.

The Committee requested a thematic review of grievance issues to be carried out to provide assurance that should an allegation of sexual harassment arise, Cafcass can evidence they are doing all they can to support staff and could deal with such claims appropriately.

Performance Committee:

The Chair of the Performance Committee informed the Board that the Performance Committee had last met on 5 March 2018. The Committee reviewed the Performance report which included a discussion about throughput, and would continue to monitor this area. It was noted that throughput had increased due to the amount of time that cases were open due to ongoing involvement with Cafcass.

The Committee reviewed the bi-annual Freedom of Information report and queried whether the number of freedom of information requests had increased due to litigants in person. It was noted that the increase in requests was due in part to repeat requesters.

The Committee reviewed a presentation from the National Estates Manager regarding estates. The Committee were also briefed on the Ofsted inspection.

The Chief Executive noted that a new tool would be used by Local Family Justice Board (LFJB) Chairs called Plato which would provide LFJBs with access to high quality data which had been merged from Local Authorities and LFJB areas. The MoJ representative noted that it would be the first access of the combined data set of MoJ HMCTS court data, data from Cafcass and from the DfE, which was due for release into the public domain by MoJ at the end of March.

Quality Committee:

The Chair of the Quality Committee informed the Board that the Quality Committee had last met on 22 March 2018. The Committee had reviewed an update on Learning and Development and its impact on quality, particularly in relation to staff feedback, which is provided through staff Performance Learning Reviews (PLRs). It was suggested that of the

staff who were identified as the least productive, 30% had difficulties using the technology effectively. It was noted that these staff members have invaluable experience in the field and that there was therefore capacity to retain staff.

The Committee discussed the report from the Research Governance Committee which explained what work was being done to improve internal practice and external influence. It was noted that organisations like the National Justice Observatory would be provided more access to Cafcass data to help research outcomes for children. The Committee had reviewed the report regarding Serious Case Reviews and Serious Incident notifications.

The Board Chair thanked the Committee Chairs for their reports.

## **8. Ofsted Outcome (Oral update)**

The Chief Executive informed the Board that Cafcass' overall effectiveness was rated as outstanding, with public and private law obtaining good with outstanding features. Leadership and management of local services and leadership and governance of the national organisation were also noted as outstanding. The staff survey had been completed by 1400 staff and had a significant positive impact on the result of the inspection. The Board were informed that Cafcass was the fourth organisation in children's social care to receive an overall rating of outstanding. The final report would be published on 29 March 2018 and arrangements were being made for Ministers for the department to circulate news of the report to MP's to raise awareness of the result.

The Chair commended the result and thanked the Board, the Chief Executive and the FJYPB.

## **9. Board Vision Paper**

The Chair and Chief Executive presented the Board Vision paper which sets out the Board's vision for the future of the family justice system

The Board discussed and agreed changes including a separate point concerning the importance of the voice of the child. It was also agreed that paragraph 3 would be reworded to reiterate the rationale appetite for stemming the rise in the numbers of children coming into care.

The Board discussed permanence for children and agreed that more should be done to ensure that children are provided with permanent solutions which are tailored to reflect their individual diversity. The Board noted that while changing the structure of Independent Reviewing Officers might positively impact this, the cost of abolition would be too high to facilitate. It was suggested service users might benefit from a more diverse structure involving practitioners of varied professions to build a tailored team around the child and family.

The Board discussed paragraph 7.2 and noted that the type of practitioners being referred to needed to be specified to strengthen safeguarding processes. The Board agreed that more should be done to ensure that a delegated authority was in place to make sure that child arrangement orders in between court proceedings provided effective safeguards to children and families. This point was raised as important as it had a bearing on the effectiveness given to the voice of the child.

The Board queried whether Cafcass had any role to play in educating the judiciary about domestic abuse and noted that the organisation had run workshops in the past with members of the judiciary and magistrates about the high conflict pathway and that we regularly train judges through the judicial conference programme.

The Chair commended the feedback provided on the paper and informed the Board that the paper would be signed off and recirculated to the Board for information once changes had been made. The paper would be available on the Cafcass website as part of the Board papers and would be shared with the MoJ.

Action 2: The Board Vision Paper would be updated and recirculated to the Board for information.

## **10. Finance Report**

The Director of Resources reported that a potential overspend at year end of up to £0.750m is anticipated. At its meeting in January 2018 the Board received an update on the financial position which at that stage anticipated an overspend of £0.5m with a further risk to that position of £0.250m. All budget holders have been asked to continue to take whatever measures they can to limit spending in these final weeks of the financial year where these would not compromise frontline service delivery. It is unlikely the risk of £0.250m previously reported can be substantially mitigated, hence the transfer from risk to an expected overspend. The MoJ has formalised its acknowledgement of our previously reported budget pressure in writing to the Chief Executive. We anticipate this support will continue.

The Board queried whether appendix 4 included the £500k additional grant in aid provided by the MoJ. The Director of Resources confirmed appendix 4 showed the cash balance at the end of February. The Board were informed that the Director of Resources was seeking clarification from the MoJ on whether the additional grant funding would count as income. The Director of Resources confirmed current cash flow forecasts indicated sufficient cash available to meet expenses as they fell due for payment.

The Board were informed that the budgeted pay settlement assumption for the next financial year was at 2% which would amount to £1.9m but noted that clarification on this would be provided once further information was known on pay settlements across the local authority sector. The Director of Resources confirmed a formal business case would be required to be presented to the MoJ for approval on the pay award as Cafcass did not have its own pay review body.

The Chair thanked the Director of Resources for the report.

## **11. Demand Levels and Resourcing**

The National Service Director informed the Board that the overall level of demand had decreased in Public Law and increased in Private Law. In the last 12 months (April 2017 to February 2018 compared to April 2016 – February 2017) percentages are -2.5% lower for Public Law and 4.9% higher for Private Law.

Efforts to expand workforce capacity had resulted in an increase of 34 full-time employees compared with the previous year. 63 agency workers had been transferred to permanent posts. Additional funding in this area has led to service area wide recognition of Cafcass Associates and had increased the number of agency workers who had been transferred to permanent posts. The National Service Director noted that it was difficult to recruit employees with sufficient private law experience as most new recruits have more experience in public law. It was noted that Cafcass would struggle to cope with further increases in demand.

Despite frontline pressures, staff reported feeling well supported in the Ofsted staff survey. It was also noted that staff were happy with flexible working arrangements in place. The Board noted that staff draw on self-regulation and flexible working models rather than working overtime to manage caseloads. The Ofsted staff survey had indicated that 70% of staff reported feeling that they had a manageable workload.

The Board discussed performance learning reviews which are designed to review the performance of staff and identify areas of improvement. It was agreed that the National Service Director would arrange to cover this topic at a future Board seminar.

The Chair thanked the National Service Director for the report.

Action 3: The National Service Director would present information on staff Performance Learning Reviews at a future Board Seminar.

## **12. Strategic Risk Register**

The Director of Resources presented the Strategic Risk Register. One risk has increased: P1 Grant Funding (in year funding) has increased to amber to reflect the current outturn forecast of a small overspend. The risk relating to Workforce Capacity is considered to be reducing to reflect the successful recruitment of additional practice staff to meet continuing demand increases, however the demand pressures mean that caseloads could start to rise again. This together with the dependency on the 2018/19 budget to ensure that resources to support the ongoing costs of the growth of the workforce are available, means that the risk cannot be considered green until the budget is known.

The Board were informed that the number of reported incidents of abuse and violence were under 40 and the majority were abusive emails.

The Board were informed that the environmental analysis was reviewed every six weeks by a range of corporate national leads. The data sets for social measures were refreshed regularly for that review and point to any spikes of social factors.

The Board thanked the Director of Resources for the report.

## **13. Workforce Briefing**

The Director of Resources presented the Workforce Briefing. The report provides further narrative around the dashboard which was seen at the previous Board meeting in January 2018, and identifies actions around named categories of gender.

The Board discussed the number of employment tribunals and requested that a deep dive into this area be undertaken, particularly incidents those that don't get to the tribunal stage.

The Board noted that there were a large number of unknown ethnicities which made it difficult to assess diversity data. It was also noted that there was no action to address the overrepresentation of staff members from ethnic minorities and disabilities with grievances. The Board agreed that further action would be taken to ensure that there was no unconscious bias.

The Board suggested that a staff survey could be formulated to help explore the experiences of different staff members across the organisation to identify possible trends in data amongst ethnic groups. It was agreed that a staff survey would be formulated in consultation with Board member Paul Grant. It was also agreed that information on the Ofsted staff survey would be circulated to the Board for information. The Director of Resources would consider all comments and provide an updated action plan.

The Board agreed that the definitions for disability should be reviewed and noted that dyslexia had varying forms and not all fall under the disability category.

The Board discussed the gender and race balance for senior managers and agreed that a more robust action plan should be in place, particularly to influence future leaders from within the workforce and recruit from the Emerging Talent Programme.

The Chair thanked the Director of Resources for the update.

Action 4: The Director of Resources would consider all comments and provide an updated action plan.

Action 5: The Ofsted Staff Survey would be circulated to the Board for information.

#### **14. Any Other Business**

The Board thanked the Chair of the Board and the Chair of the Performance Committee for their work and contribution to Cafcass and the Board as it was their last meeting.

#### Actions Summary

Action 1: The Family Justice Young People's Board would issue a letter of invitation to Ministers for the Voice of the Child conference.

Action 2: The Board Vision Paper would be updated and recirculated to the Board for information.

Action 3: The National Service Director would present information on staff PLRs for a future Board Seminar.

Action 4: The Director of Resources would consider all comments and provide an updated action plan.

Action 5: The Ofsted Staff Survey would be circulated to the Board for information.