



CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Paper for the Board Meeting on Friday 23 March 2018

CHIEF EXECUTIVE'S REPORT

DEMAND AND RESOURCES

Public law continues to plateau at the high level it reached in 2017, with minor variations month by month. Private law demand continues to increase consistently, although applications in February were lower. Year on year we continue to respond to a much higher number of children and most significantly, the number of outstanding cases in the system is increasing at a rapid rate. We have spent our increased budget in 2017/18 and in the last few months we have overspent our budget by 0.6%, partly because of needing to use more agency staff during the transition to recruit more permanent staff and also due to the increased number of children we are working with and the increased number of open cases in the family justice system (see below).

DEMAND

1. We currently have **52,535** children on our open caseload, an increase of **6.7%** on last year (provisional estimate).

Public law care:

- We received a total of **12,966** new care applications between April 2017 and February 2018. The year to date demand is **-2.5%** (-335 applications) than the same period in 2016-17 and **+12.2%** (+1,409 applications) higher than the same period in 2015-16.
- For February, we received **1,201** new applications which is **+4.3%** (+49 applications) compared to February 2017. The average of **60** new applications a day is at the high end of the scale. By way of comparison, our record month was June last year which had 1,330 applications at an average of 60.5 a day.

Private law:

- Cafcass received **38,529** new private law cases between April 2017 and February 2018. This is **+4.9%** (+1,803 cases) than the same period in 2016-17 and **+13.2%** (+4,485 cases) than the same period in 2015-16.
- For February, we received on 3,154 new cases which is **-5.4%** (-179 cases) on February 2017. The average of **158** new cases for the month is by recent levels a quieter month.

March Mid-Month:

- Demand across both law types has so far been at the higher end of the scale up to the 12 March 2018.
- The **59** new care applications and **164** new private cases per day are exactly the same as the same 8 working days in 2017 (only -1 case and -1 application difference). However, total demand for new cases for the month (including non-care) is **+2.9%**.
- So far in 2018 (1 Jan to 12 March) S31 Care Applications are **+2.8%** and new private law cases are **+1.6%**. Total demand for all new cases (including non-care) is **+3.6%** compared to the same period in 2017.

MoJ Statistics:

- In the latest Ministry of Justice (MoJ) Performance Evidence Pack (October to December 2017) the year on year change for Care & Supervision (cases by child) is **-1.5%** with the number of outstanding cases **+20.5%** (15,791 cases) for the same period.
- In Private Law (cases by child) there has been a year on year change of **+4.6%** with the number of outstanding cases **+22.5%** (37,551 cases) for the same period.
- All family justice Key Performance Measures (KPMs) have seen a negative change this year with declining performance in the large majority of local family justice systems in Q3.

NB I predicted back in 2016 that if reforms were not introduced by 2018/19, the system risked becoming unsustainable in terms of the overall resources required to operate the system and to provide services. That scenario is now becoming a real risk and the need for reform measures is even more compelling.

RESOURCES

2. For the current financial year, we are reporting a probable overspend of £750,000 to the MoJ (see the attached note at Appendix 1). Authorisation has been given for £500,000, and we are now seeking authorisation for the remaining £250,000. This is the first overspend we have incurred since 2009/10. It has come about wholly because of the high cumulative demand pressures detailed at the start of my report, particularly the steady increase of open cases in the family justice system i.e., more new cases than cases which are completing. As I set out in the attached note, we have taken every step to mitigate these pressures, which are affecting all front-line agencies in children's social care and family justice.
3. We remain in active discussion with the MoJ about our 2018/19 budget and I will give a further oral update on this at the Board meeting.
4. Our business plan for 2018/19 will contain further actions we can take to seek to reduce demand pressures, working with our partner agencies. These actions will be discussed at the next meeting of the Family Justice Programme Board on 25 April. They include our pilot programmes aimed at improving quality and saving professional time in private law cases (see para 7 below).

INSPECTION AND AUDIT

5. We secured the top rating of 'outstanding' for overall effectiveness in our 2018 Ofsted inspection. This puts us in the top few social care organisations as only 3 organisations have previously achieved this rating. Inspectors took the view we are doing as well as

could be expected given the pressures we have been under and continue to be under, and that we have maintained and improved performance and quality of front line services, particularly in respect of the voice of the child. Their report will be published on 29 March. We have put together a short action plan in respect of the recommendations for further improvement and development Ofsted have made. This is attached as Appendix 2. We expect this action plan to be delivered and signed off within 6 months, as was our action plan after our last Ofsted inspection in 2014. Inspectors were pleased with the considerable progress we have made since 2014. Our challenge now is to continue to improve.

6. We have also had our most successful Internal Audit programme this year, with all audits achieving the top rating.

POLICY AND LEGISLATION

7. We continue to work closely with MoJ on private law reform. Our pilot in Manchester started in January as planned, aiming to divert around 20% of applicants from pursuing a court application where it is safe to do so. We also have encouraging early results from our pilots of a Child Impact Analysis as a standard reporting format in private law cases, and from our new structured intervention into some of the most complex private law cases which have been in court a long time. All of these pilots will be evaluated later in 2018.
8. We are on track to implement the General Data Protection Regulations (GDPR) which apply from 25 May 2018. The Regulations toughen up standards of data handling and retention and increase the penalties for poor data handling. This work is being led by the Head of Legal Services who is working closely with the MoJ team charged with overall Departmental implementation. Minimising avoidable data breaches continues to be a high priority for the Executive and for the Audit and Risk Assurance Committee (ARAC). An update continues to be provided to ARAC twice a year.
9. We have published our data on the Gender Pay Gap on our website, under the 'Transparency' section. As a public-sector organisation employing more than 250 staff, Cafcass is required to report annually on our Gender Pay Gap under UK legislation. This must be reported by no later than 30 March 2018 and is based on a snapshot of workforce data as at 31 March 2017. Gender Pay Gap figures show the difference in average pay between all men and women in the workforce. This is different from Equal Pay, which compares pay between individual men and women doing the same jobs, similar jobs or work of equal value. Cafcass is committed to ensuring Equal Pay and operates a multi-factor job evaluation scheme to ensure this is achieved.

Cafcass' Gender Pay Gap reporting for 2017 shows that across our whole workforce, our female staff on average earn **4.8%** less per hour than male staff. For staff in the middle of the workforce (median average) there is no difference in pay for either gender.

Gender pay differences are not prevalent across the whole workforce but are contained within specific groups. Our pay quartile data does demonstrate that male staff are proportionately more likely to occupy more senior or managerial roles. This is largely due to a lower proportion of female staff in management roles within our corporate functions, such as HR and IT, where on average female staff occupy 57.4% of senior positions compared to 81.2% of female staff in the total workforce. Within social work

roles, which make up the significant majority of the workforce, female staff occupy 78.4% of senior positions which is far closer to being representative of the gender distribution for the whole workforce. In senior management and executive roles, female staff make up 63% of these roles and it is roles at this level which account for approximately half of the reported pay gap. Additionally, the majority of roles within the lower pay quartile are within Cafcass Business Services where 83.9% of staff are female and therefore slightly above the overall figure for female staff.

We are undertaking a small number of further actions about this issue, which are set out in the Workforce development and diversity briefings elsewhere on today's Board agenda.

10. The Care Crisis Review, led by the Family Rights Group, will complete its work in the early summer. We continue to participate in and to support the review. At present, the work is continuing to assemble and diagnose views about the causes of the 'crisis', which is helping get everyone on the same page about what the issues are, and helping to dispel some myths. Solutions are proving harder to come by, but the Review team is currently developing case-studies of local areas which have bucked the trend.
11. I continue to sit and work as a member of the National Adoption Leadership Board. This may become a new Permanence Board with a wider remit, which would reflect the strong view in the sector that the focus of efforts for children in care should be to secure the most viable permanence option for each child, of which adoption is only one of a number of permanence options.

BOARD MATTERS

12. At the time of writing, submissions to confirm the next Chair of Cafcass and 3 new Board members are with Ministers and I hope to have an update by the time of the Board meeting. If these proposed appointments are confirmed, there will be a smooth transition in the Board Chair and Board members when Baroness Tyler and John Lakin leave the Board on 31 March.

MISCELLANEOUS

13. In February, we won an **HR Distinction Award 2018** in the category of 'Distinction in Health and Wellbeing', which recognised outstanding strategies aimed at ensuring the H&W (mental, physical, emotional or financial) of employees in an effort to promote wellness and performance across the organisation. We were up against some formidable competition in the category, from Aviva, Network Rail and two major police forces, to name a few.
14. We are short-listed for 2 awards at the Public Services People Managers Association (PPMA) Awards being held on 18th and 19th April, in the following 2 categories:
 - 'Improving workplace productivity through better work life balance'.
 - "Best frontline recruitment campaign"
15. Our new Director of Strategy, Teresa Williams, started on 1 March, and already has a full work programme designed to take various aspects of further improvement forward, such as developing a policy alliance for relevant national datasets and strengthening the evidence base of our work as part of the development programme for the new Family Justice Observatory.

16. We are on track to switch our IT network provider in the summer, which is a major transition programme but one which I am confident will lead to savings in our budget (most of which have already been taken) and an improved response to problems.

Anthony Douglas CBE

Chief Executive

16 March 2018

Appendices:

Appendix 1: Briefing - Cafcass Financial Position

Appendix 2: Action Plan - Case planning and Management Oversight