



**Cafcass Board Meeting Minutes**  
**Thursday 13 July 2023, 13.30 – 15.30**  
**Hallam Conference Centre**  
APPROVED

**Present**

Sally Cheshire, Chair  
Eileen Munro, Board member and Deputy Chair  
Catherine Doran, Board member  
Catharine Seddon, Board member  
Mandy Jones, Board Member  
Helen Jones, Board member and Chair of ARAC  
Joanna Nicolas, Board member (Co-opted)  
Peter Fish, Board member  
Rohan Sivanandan, Board member

**In attendance - Cafcass**

Jacky Tiotto, Chief Executive Officer  
Julie Brown, Director of Resources  
Jack Cordery, National Director of Operations  
Teresa Williams, Director of Strategy  
Sarah Parsons, Deputy Director for Improvement and Principal Social Worker  
Adam Bowles, Interim Chief People Officer  
Shabana Jaffar, Senior Lawyer  
Nicola Blakebrough, Corporate Manager (Secretariat Services)  
Fiona Mulheron, Corporate Officer (Secretariat Services)  
Ashleigh Marshall, Corporate Officer (Secretariat Services)

**In attendance – MoJ/FJYPB**

Lisa, FJYPB representative

**Apologies**

Paul Grant, Board member and Chair of the Performance and Quality Committee  
Marie Gittins, Deputy Director of Operations  
Merryn Hockaday, Head of Communications  
Neal Barcoe, MoJ representative  
Luke Taylor, MoJ representative

**1. Welcome from the Chair**

**1.1 Welcome and apologies**

The Chair welcomed everyone to the Board meeting and noted apologies. She welcomed stakeholders and members of the public who had been invited to attend and were observing by Zoom.

**1.2 Declarations of interest**

Board member Catharine Seddon made two declarations of interest. She reported that as of 12 July 2023 she had taken a role as Institute Director (non-executive) of the Chartered Insurance Institute,

sitting on the board of the Personal Finance Society. She had also been offered a position on the Disciplinary Committee of the Royal College of Veterinary Surgeons. Catharine noted that she didn't expect either position to cause a conflict of interest and that neither role would impact the time she gave to Cafcass. The Chair acknowledged the declarations and congratulated Catharine on her appointments.

### **1.3 Minutes, actions, and matters arising**

The Board approved the April 2023 meeting minutes and agreed they were an accurate representation. The Chair noted the progress of actions and that the Deputy Director for Improvement and Principal Social Worker would present the Learning and Improvement Board closure report to the next Board meeting.

## **2. Family Justice Young People's Board Report**

The Family Justice Young People's Board (FJYPB) representative presented the FJYPB report and updated on the FJYPB's work programme. The FJYPB Handbook had been reviewed and updated with a particular focus on the FJYPB's code of conduct and appropriate use of social media and the handbook was due to be available for all FJYPB members later in July 2023.

The FJYPB representative shared her thanks with everyone who had attended the Children's Day event on 20 June 2023, noting that a video had been made of the event which highlighted the importance of understanding children's experiences. She reported that 8 members of the FJYPB had attended the event alongside members of staff from Cafcass and the wider family justice sector. The purpose of the event was to promote the Hear to Listen telephone service and My Cafcass Journey.

Members of the FJYPB had separately met with the Cafcass Chief Executive Officer and the President of the Family Division to discuss delay in the family courts. The FJYPB focused their questions on what was being done to reduce delay, whether the sector was becoming desensitised to delay and how children were kept updated on their case. The interview was recorded and the FJYPB would share the video at the upcoming Voice of the Child Conference which was due to take place on 27 July.

FJYPB representatives had attended and delivered a workshop at the Resolution National Conference in May 2023 and noted that it was promising to see the attendees engaging with the FJYPB book 'In My Shoes' and seeing the value in sharing the lived experience and voices of children.

It was reported that the FJYPB had met with 2 representatives from the Department for Education and the PHSE Association (the national body for personal, social, health and economic education) regarding the FJYPB School Resource project. FJYPB members shared the brief for school lessons on children's experiences of family proceedings and emphasised the ambition that children and young people be better informed about family law proceedings, and that children are not intimidated when accessing support.

The Board thanked the FJYPB representative for her report and for highlighting the reassuring and empowering work being done to resolve young people's issues when they find themselves in the difficult situation of family proceedings. The Board noted that magistrates often carried out work in the community and schools to discuss criminal court proceedings and suggested the FJYPB could potentially approach them about some joint work.

The Board discussed how they could help the FJYPB ensure their book, In My Shoes, remained a topic of conversation and enjoyed even wider circulation. It was asked that everyone kept sharing and promoting the book both internally and externally. The Chief Executive Officer suggested that staff could be tasked with undertaking some of the challenges set out in the book as part of their annual training. The National Director of Operations suggested adding the book as part of essential reading within the induction programme for new members of staff.

### 3. Reports from Committees

#### Performance and Quality Committee

The National Director of Operations reported on the Performance and Quality Committee, which had met on 12 June 2023, noting that the Committee had reviewed data on the response to delay with a focus on children involved in cases for over 100 weeks. He reported that the key reasons for delay in public and private law were assessment and reassessment during proceedings, change of care plans, awaiting fact finding and judicial availability. The Committee had reviewed child engagement data, noting an improvement in situational supervision in long running cases to understand the impact of delay on the child, and the Committee had also been updated on the implementation of the new practice quality standards.

The Board discussed the level of data on how often fact-finding hearings were being ordered and acknowledged that Cafcass didn't have a complete dataset, which needed to be raised with HMCTS. There was a degree of variability across the country, and it was a challenge for the system to find a comprehensive, clear account of this data.

#### Audit and Risk Assurance Committee

The Chair of the Audit and Risk Assurance Committee reported that the Committee had last met on 5 June 2023 and that the Committee had received the report on Board effectiveness, which was positive. She advised that the Committee was continuing to focus on data protection and ensuring that incidents of data breaches remained low.

The Committee had also received the annual audit opinion from GIAA, which was graded "substantial" in terms of assurance. The Chair commented that there were very few public bodies that received a substantial audit opinion, and the rating was a credit to everyone across the organisation for their hard work.

#### People Committee

The Chair of the People Committee reported that the Committee had last met on 22 May 2023 and had reviewed the Workforce Report, which included staff turnover and sickness levels. The report had allowed the Committee to concentrate on specific areas for improvement such as how to best support staff. It was reported that there had been positive feedback from the Equality, Diversity and Inclusion steering group.

#### Public Law Improvement Programme (time-limited)

The Chair of the Public Law Improvement Programme Committee reminded the Board that the Committee had been set up as a time limited sub-committee to scrutinise delivery of the public law improvement programme, which comprised 12 workstreams grouped into 4 themes: 1) Practice and the Experiences of Children; 2) Leadership, management, quality and learning; 3) Identifying and reporting on regional variation; and 4) Progress against the Family Justice Board priorities. At its last meeting on 10 July 2023, the Committee had welcomed Lynn Radley as the new Programme Co-ordinator and had received an update on the 12 workstreams with a deeper focus on Seeing and Engaging with Children and Deprivation of Liberty Applications. The Committee had agreed that 3 of the workstreams had completed their change phase and could in future be managed and monitored through existing management and performance mechanisms. A proposal to extend the Committee was presented and the Board agreed that it would be beneficial to extend the running of the Public Law Improvement Programme until September 2024.

### 4. Strategic Plan 2023-26

The Director of Strategy presented the strategic plan for 2023-26 – ***"Ambitious for children: exceptional experiences, for every child, everywhere and every time"*** and the associated arrangements for launch and reporting.

The strategic plan sets out Cafcass' ambitions over the next 3 years and was in the final stages of being designed before internal launch. It had been consulted on with staff, and incorporated

feedback from the Board and FJYPB. The strategic plan sets out the Practice, People and Partner programmes needed to deliver exceptional experiences for children, and specifically what this would look like. Progress on delivery of the plan would be presented to the Board quarterly. It was requested that the Board approve the plan for internal launch at the end of September 2023 and to approve the proposed arrangements for ongoing reporting.

The Board noted that the continuity of this strategy versus the last was excellent. The practice section of the plan fit in well with Cafcass' current progress and the whole document was very readable, citing clear rationale, evidence-based decisions and clear key performance indicators (KPIs). The Board discussed what young people would say about the strategic plan and whether more should be added around young people's feelings on whether Cafcass had helped reduce their trauma and fear during proceedings. The FJYPB representative added that it was important to capture whether Cafcass had helped children feel less scared and anxious, so this would be considered in the final version of the strategy. The Director of Strategy reported that the success criteria had also included staff feedback. The Chief Executive Officer added that she felt it was important that the strategic plan aimed high and remained ambitious.

The Chair commented that Cafcass should also be ambitious in the number of people the strategic plan reached and that the availability of a shorter version of the plan may aid in reaching more people easily.

The Chair and the Board approved the Strategic Plan 2023-26 for launch internally and externally in due course.

## **5. Governance Reports**

### **5.1 Finance Report**

The Director of Resources updated the Board on the current financial position and reported that forecast spending was broadly in line with control totals, with the exception of capital, where additional funding had been sought in particular due to the delayed refurbishment of the new London office.

### **5.2 Workforce Data**

The Interim Chief People Officer shared the latest workforce data and highlighted that sickness levels remained higher overall but had decreased amongst social work staff. Open vacancies were at 8%, which compared favourably to Local Authorities where vacancies could be 20%. He reported that staff turnover had still risen by 15% for social work staff, which was high for Cafcass and there was still variability across areas, which led to operational pressures. Exit interviews were now regularly being undertaken to understand the reasons for leaving and these showed the top 3 reasons related to salary, workload and development opportunities.

The Chair thanked the Interim Chief People Officer for collating the report and advised that the People Committee would continue to review and discuss the data in more detail. She noted that the trends were indeed very worrying but were set against similar issues in Local Authorities with a reduction of staff across the whole social work sector nationally.

## **6. Chief Executive Officer's Report**

### **Part 1: Demand, Performance and Operational Practice**

The Chief Executive Officer reported that there were 31,900 children in open cases which was 4,100 more than in March 2020. She highlighted that in the years leading up to 2020, there had been an annual 7% growth in new case demand, which then plateaued before dropping after 2020 and work was being done to try and anticipate whether demand was now expected to rise again. The increase in open cases is therefore due to the continued delay in proceedings with children's cases remaining

open for longer periods. 93% of work was allocated, 3% awaited allocation on duty, 3% was held in post-assessment hubs (awaiting closure by the courts with Cafcass' work having been completed) and 1% were being overseen in allocation hubs in areas with active prioritisation.

The Chief Executive Officer reported that child case duration was not reducing and in private law it had increased with c13,000 children in cases for over 52 weeks and c4,300 in proceedings for over 100 weeks. It was reported that 42% of the children in private law cases and 56% of the children in public law cases were under 5 years old, having therefore spent a significant period of their short lives in proceedings.

The National Director of Operations reported that there had been an improvement in management oversight and supervision and where there had been good engagement from practitioners, the quality of practice was better.

Operational Service Area (OSA) Improvement Plans were well embedded and being actively used by service management groups. OSAs had enabled a focus on regional performance variation and helped identify areas and teams that need additional support to achieve exceptional services.

The Deputy Director for Improvement and Principal Social Worker reported that in the 3-month period to June 2023, 89.4% of FCAs have had 1 or more audit of practice undertaken against a target of 90% and a total of 1,070 audits had been completed. Audits demonstrated that children were seen in time and engaged with well. Introductory and goodbye letters continued to be used for children and 65% of audits demonstrated the use of letters with 75% of these considered to be well written in child-friendly language. Achieving further progress is a focus of operational activity. Audits also identified that assessment of risks that enabled well-reasoned decisions to be made were seen in 93% of audits. It was reported that the audits included collation of feedback from children and adults alongside FCAs and the review process had enabled reflective discussion and learning opportunities.

A Board member noted that national data showed that public law cases were now reducing in number and asked if this was the case regionally. The National Director of Operations advised that demand was reducing in most OSAs with only a few places (Essex, Suffolk, Norfolk) going against this trend. He also noted that duration of cases varied regionally but overall, this figure was reducing. The Chair requested data on regional variability; the causes, factors and what it means for the children involved to be presented at a future Board meeting.

A Board member asked what training and development was in place in relation to feedback from adults which suggested potential unconscious bias where practice is less than exceptional. The Deputy Director for Improvement and Principal Social Worker responded that they had reviewed the feedback on experiences of the journey through proceedings and there was still work that needed to be done to address the issues raised. It was noted that often the parent claiming unconscious bias was the parent that didn't get the result they wanted, which could affect their viewpoint. The Deputy Director for Improvement and Principal Social Worker highlighted that they had received some feedback from parents who noted they didn't agree with the recommendation from the FCA, but they acknowledged that they felt listened to and understood the decision that had been made.

## **Part 2: And in other news**

The Deputy Director for Improvement and Principal Social Worker reported that it was 3 years since the Learning and Improvement Board had published their last review of cases involving allegations of domestic abuse. She reported that the Learning and Improvement Board had now concluded but work to improve practice was continuing through the setting up of a practice reference group. Audits had shown significant improvement in how FCAs consider domestic abuse and members of the public with lived experience had contributed towards this. It was noted that while progress had been made, more needed to be done and improvement would be continuous.

The National Director of Operations reported on the concerning increase in applications for Deprivation of Liberty (DoLs) orders for children. He noted that DoLs covered more than just secure accommodation and it was important to ensure that the person who applied for the order fully understood what was expected when an application was made. He also noted it was important for

the child to understand why they were being deprived of their liberty. The National Director of Operations was working with HMCTS and Local Authorities to ensure that there was a shared understanding of what was required in seeing children and the impact of applications.

The National Director of Operations reported on practice quality standards, noting that progress continues to be made on finding the correct balance between the independence of FCAs, holding professionals accountable and supporting them in achieving the quality standards. He reported that the standards reflect best practice and they had been shared externally and received well.

### **Part 3: People & Workforce**

The Interim Chief People Officer updated that Cafcass had submitted its business case to MoJ for the maximum pay award achievable under the Civil Service Pay Remit Guidance and were awaiting a response. He reported on the announcement by the Civil Service that a one-off payment of £1,500 would be paid to eligible staff in August 2023.

The Director of Resources noted that there had been an awards and recognition event where Cafcass staff members were celebrated and recognised for their hard work.

The Board noted the slides which provided the highlights, key achievements and an update on the strategic work that was due to be presented at the next Equality, Diversity and Inclusion steering group.

### **Part 4: Improvement in the Next Period**

The National Director of Operations reported on public law improvement, which was being delivered through the Public Law Improvement Programme. There was a continued focus on seeing and engaging with children, ensuring children understood what was happening in their proceedings and assessing harm and risk including the risk of future harm to children. There had been the implementation of mandatory supervision triggers which stemmed from significant incidents and ensured reflective discussion. A mandatory public law training and development programme had been implemented, assisting staff members in achieving practice standards.

The Deputy Director for Improvement and Principal Social Worker reported that the Private Law Improvement Programme would mirror governance arrangements for the Public Law Improvement Programme and would focus on reducing delay. She noted that the commitment to learning from significant incidents was influencing practice positively. It was suggested that a member of the Family Forum attend a future Board meeting.

The Director of Strategy reported that since April 2023, adult complaints, correspondence and children's complaints had been located in one team within the Strategy Directorate. The team had welcomed a new dedicated manager for complaints and were publishing a new complaints policy for children and adults. She advised that the first report would be presented at the Performance & Quality Committee.

The Chief Executive Office introduced the short film "Taking me seriously: letting you know how we help", which explained how Cafcass helps children and young people involved in family court proceedings. The video had been developed in collaboration with members of the FJYPB and this was the first of six films to be developed. The Board applauded the film and looked forward to the next instalments.

The Chair closed the meeting by thanking everyone for their attendance and contributions. She noted that Board member and Chair of the Performance and Quality Committee Paul Grant would be leaving the Cafcass Board in September 2023 after 8 years' service. The Chair and Board members expressed their thanks to Paul for the dedication and time he had given to Cafcass over the years and wished him all the very best for the future.

**Action 1:** The National Director of Operations to present data on regional variability; the causes, factors and what it means for the children involved at a future Board meeting.

**Action 2:** A member of the Family Forum to be invited to observe the next Board meeting.

### **Action Summary**

Action 1: The National Director of Operations to present data on regional variability; the causes, factors and what it means for the children involved.

Action 2: A member of the Family Forum to be invited to observe the next Board meeting.

**Minutes approved by the Board Chair, Sally Cheshire, 08/11/23**

*S Cheshire*