



Board Meeting 13 July 2022

**CEO headline messages with senior leadership team
Public Session**



Introduction

Covid, recovery, demand, priorities

People

1. * **Pay and Reward**
2. * **Staff Survey**
3. * **Workforce and staffing update**
4. * **Management oversight and supervision – a strategic priority**

Practice

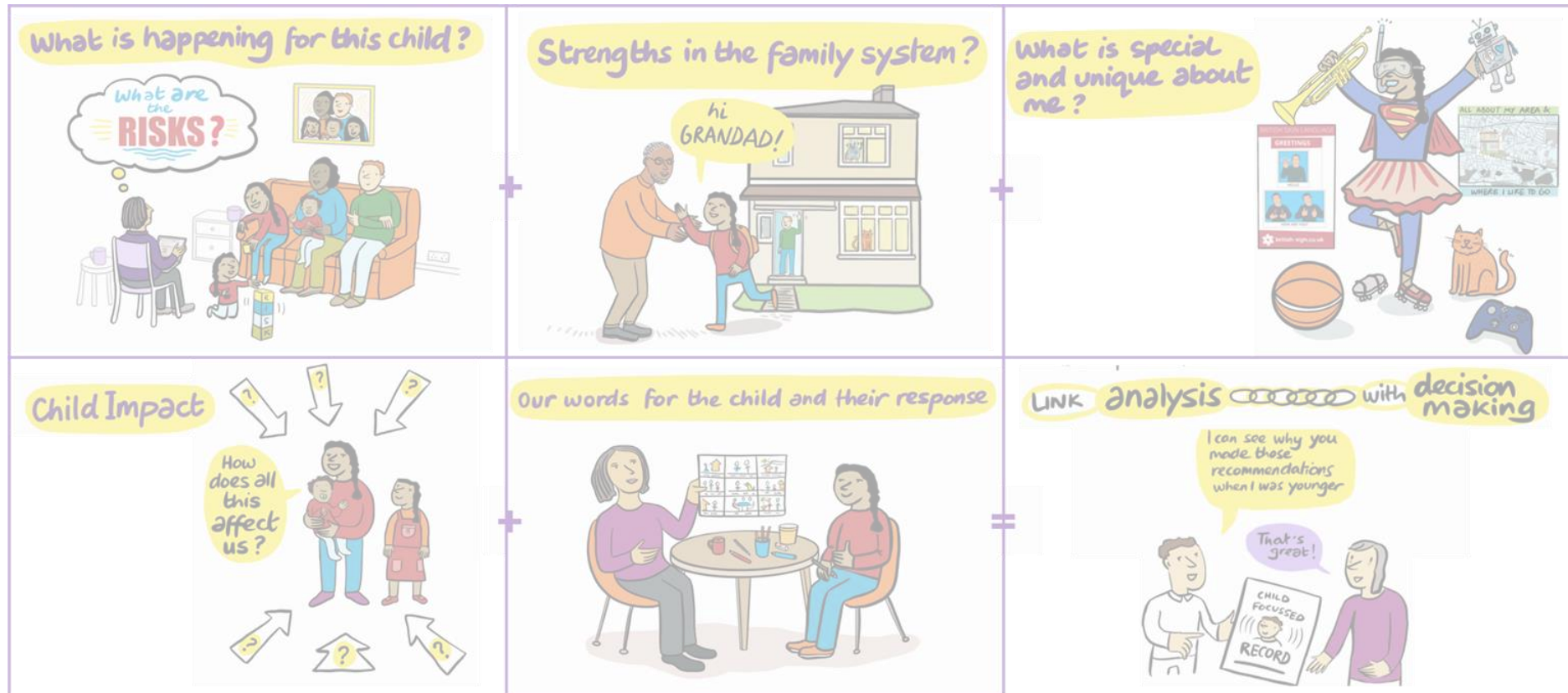
1. * **Public Law Improvement Programme**
2. * **Implications for Cafcass of Arthur/Star national review**
3. * **Delays for children in proceedings**
4. * **Domestic Abuse Perpetrator Programmes**
5. * **Feedback strategy overview**

Partners

1. * **Strategic planning and risk**
2. * **Private law transformation**
3. * **Family Justice board – private and public law priorities**



Introduction



Chief Executive summary (1) – Covid – 19 (Recovery)

I. Recovery board – fortnightly. Areas in focus:

- *National demand*
- *Public and private law* (Deprivation of liberty, delay, timeliness of allocation, seeing children, filing times, extensions, adjournments, short notice, section 7s, r16.4 appointments)
- *Caseloads* (by area, FCA, managers, practice supervisors, EIT), at 20, over 25, over 40(EIT), duty and allocation hubs
- *Effectiveness of practice*
- *People*
- *Child and family experiences*
- *Family justice issues*

2. Business is as usual – visits to children in person, offices open without restriction and court attendance as ordered

3. Prioritisation – remains our main alternative to saturated frontline and managers. Active in 5 of 19 areas

- Region 1: A12 Birmingham, the Black Country, Shropshire, Worcestershire, Staffordshire and Herefordshire; and A13 Coventry and Northampton;
- Region 2: A3 Greater Manchester;
- Region 3: A4 South Yorkshire & Humberside;
- Region 4: A14 Essex, Suffolk & Norfolk

4. Post Assessment hubs (family support hubs) developing as a means of continuing to manage additional 7000 children and longer proceedings

Chief Executive summary (2) The numbers

1. **2021/22 year ended with 7% less demand than the previous year**
2. **Year to date – first quarter compared to same period last year, public law demand up by 0.1% and Private law down by 10.3%**
3. **34,384 open active cases for end of May 2022 compared to 30,136 at the end of March 2020 (+14.1%, 7000 children)**
4. **By type of proceedings, this means there is 13.4% (1,627 cases - 2600 children) more open public law work and 14.5% (2,621 cases – 4200 children) in private law**
5. **Private Law pre-first hearing (EIT) cases are +10.2% (+760 cases – 1200 children) when compared to the end of March 2020**
6. **Case durations continue to increase** with caseloads therefore hard to reduce quickly. They are however on average lower now in work after first hearing than before the pandemic at 21 in work after first hearing teams and 42 in work to first hearing teams
7. **21.7% of FCAs are carrying ‘above threshold’ caseloads in our work after first hearing teams (>25), increasing to more than 1 in 2 for FCAs working in Early intervention teams (>40)**
8. **Practice supervisor capacity remains limited given lead allocated caseloads on average 16.2 sets of proceedings**
9. **System capacity is 83.8% saturation** - little headroom to allocate more work as lower overall closure rates continue
10. **Public law s31 proceedings now average 47 weeks** and Private proceedings that go beyond the first hearing have increased to **57 weeks**. R16.4 cases in private law have increased further to **99 weeks**.

Chief Executive summary (3) – Current Priorities

1. Top 10 practice and leadership priorities - see overleaf

2. In addition for corporate management team

- ✓ *Quality and impact of practice on children, families and carers and strong quality assurance*
- ✓ *Strong culture focused on what children need from us – practice framework*
- ✓ *Pay and reward*
- ✓ *Professional development*
- ✓ *Workloads and management oversight/supervision*
- ✓ *Balanced budget*
- ✓ *Strategic risks aligned to strategic priorities*
- ✓ *Strong partnership and communication*
- ✓ *System reform and recovery*



Practice and Leadership top 10 priorities

Practice priorities	Leadership priorities
1. Seeing and engaging all children in all proceedings	1. Embedding the new practice framework (Together)
2. Improved understanding of impact (risk and harm) of domestic abuse on children	2. Implementing new management oversight and supervision policy
3. The impact of children's uniqueness on our recommendations to the family court	3. Seeking out and learning from feedback
4. Consistent use of all five domains of Child's plan	4. Understanding and focusing on the impact of our work on children, families and carers
5. Public law improvement programme – all 12 components	5. Leading our performance, accountability, learning, and quality assurance frameworks



People

1. Pay and Reward
2. Staff Survey
3. Workforce and staffing update
4. Management oversight and supervision – a strategic priority 2022 - 23

Pay and Reward

- Pay and Reward is one of three Cafcass national focus areas of our staff survey
- Chief Executive and Directors are leading this as a national priority for the organisation
- Cost of living pressures through inflation have increased focus on this area since the staff survey
- Engagement has taken place with colleagues over 2 leadership live sessions
- Focussed work has taken place on understanding what is possible within our budget and the restrictions of the Civil Service framework to enhance pay, allowances and expenses
- Additional employee benefits released are 3 Wellbeing Days for 2022/23, enhanced car millage claim rates in response to cost of fuel
- Additional Areas being considered are enhanced subsistence claim rates, buying / selling annual leave, overtime payments for Practice Week
- Annual pay discussions with unions took place on 11th July to consider their joint pay claim for 2022/23

Annual staff survey – 2021-22

- 1700 responses in October 2021
- Actions divided by national led by CMT and local led at directorate or regional level
- Plans to be published on dedicated Connect page
- Leadership Live engagement on survey issues with a record level of engagement in terms of attendees and questions. Formal Q & A published in response with plans and timelines
- Two regional progress update review sessions, supported by HR BP team, to be held later in year
- Feedback in early 2023 to staff on progress against commitments
- Next survey planned for February 2023

National issues and actions - led by Corporate Management Team

Pay and Benefits	Workloads	Professional development
Issue: Pay and benefits not reasonable for the work being undertaken	Issue: More work with less resources, creating unmanageable workloads	Issue: Personal development is under prioritised and difficult to complete with workloads
Action: negotiating a positive pay award this year and maximising our existing pay and expenses framework	Action: retain additional permanent staff, reduce the level of open children's cases, set limits on the number FCA's can hold and implement post assessment hubs	Action: design and implement new career pathways and broaden access to wider programme of professional and management development

Corporate / Business Services issues to be prioritised – up to three in each Directorate

PLR	Greater career and role progression opportunities	Reward and Recognition	Improved connection within the team and amongst colleagues	Effective workforce planning systems/Utilising professional skills	Senior Management Visibility/ Inspiring staff to use initiative
-----	---	------------------------	--	--	---

PRACTICE Regional issues to be prioritised – up to three in each region

Oversight and Supervision	Practice and learning reviews (PLR)	Visible managers	Health and Well-Being	Workforce planning and management
---------------------------	-------------------------------------	------------------	-----------------------	-----------------------------------

Regional staff survey priorities and key actions - led by Assistant Director and Heads of Practice

Priority	Actions (up to 3 for each priority)	Timescale & Lead	Impact	Date for impact review
----------	-------------------------------------	------------------	--------	------------------------



Workforce and staffing update

- Cafcass has a more stable and permanent workforce, both in terms of agency usage and staff turnover, compared to both the average for Local authorities and most Ofsted rated outstanding local authorities
- However turnover remains one of our key issues and increased both for the sector and for Cafcass last year – 12% for Cafcass
- Our new targeted approach to local recruitment is proving successful and work on producing a strong compelling Cafcass employee brand is progressing well for an autumn launch
- Absence has decreased slightly and is below the peak for last year. However, Covid absence, although less than at peak, represents 10- 15% as a proportion of absence by number
- Absence for Mar –May 2022 is up on pre pandemic levels driven largely by short term sickness, although long term sickness also shows and increase

Agency Use	
Organisation	Last Year's Position
Average LA	16%
Outstanding LA	6.4%
Cafcass	3.9%

Staff Turnover	
Organisation	Last Year's Position
Average LA	15.4%
Outstanding LA	13.8%
Cafcass	12.1%

Joiners & Leavers 1 st Quarter 2022		
<u>Staff Group</u>	<u>New Starters</u> (April – June 2022)	<u>Leavers</u> (April – June 2022)
Family Court Advisers	58	40
Practice Managers and Supervisors	2	8
Business and Corporate Services	29	22
Total	89	70

Management Oversight and Supervision – a strategic priority for 2022-23

- Cultural alignment – professional discretion and judgement – getting the balance right
- Rebalance the focus of management and supervision – to reflection and learning
- Refresh and clarify the matrix of performance and learning – management oversight
- Align management with Together – our leadership values and behaviours
- Focus management oversight on our top ‘practice improvement priorities’
- Set out expectations of Cafcass managers – management quality standards
- Set out parameters for spans of control – ratios of managers to FCAs (children)
- Build in preparation for management – give practitioners an option
- Consider the reconfiguration of the role of practice supervisors – take on management of FCAs
- Invest in manager development – especially social work supervision

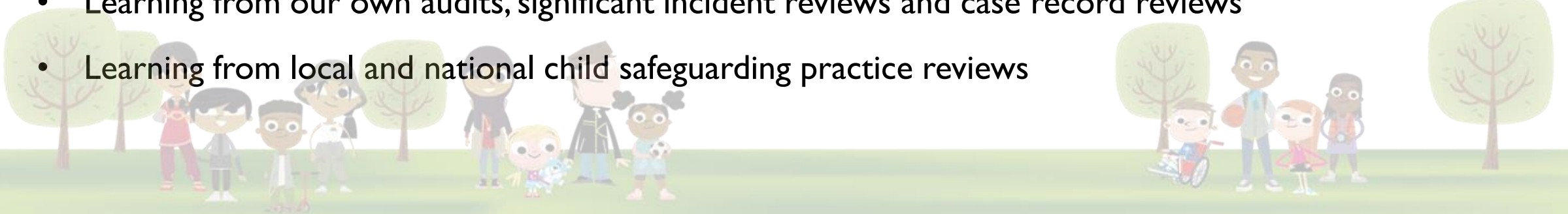


Practice

1. Public Law Improvement Programme
2. Implications for Cafcass of Arthur/Star national review
3. Delays for children in proceedings
4. Domestic Abuse Perpetrator Programme
5. Feedback strategy overview

Context for our public law improvement programme 2022-23

- The recommendations of the President's PLWVG published in 2021
- The research and inspection findings about the quality and impact of some processes, such as the application of the Public Law Outline prior to proceedings and deprivation of liberty
- The level of delay and the impact on children – what children are telling us
- The appropriateness and efficacy of some orders in protecting children from harm
- Feedback from parents who have been subject to proceedings
- Notable judgements, case law and practice directions
- Feedback from children and children's guardians
- The 'post code lottery' for children – significant variations by regions and courts
- Learning from our own audits, significant incident reviews and case record reviews
- Learning from local and national child safeguarding practice reviews



Headline workstreams for the programme

1. Deprivation of Liberty applications and practice
2. Management oversight of delay for children – *Cafcass* internal programme
3. Public law practice quality standards – requiring a self-assessment during the year
4. Management quality standards (across all practice)
5. Variation in local practice and regional performance
6. Seeing and engaging with children
7. Assessing risk and harm for children under two who have been physically harmed and/or are at risk of physical harm
8. Oversight of revised triggers for situational (case) supervision
9. Learning reviews
10. Termly multi – professional discussions about practice
11. Training and development
12. Leading the family justice board reforms on delay for children in public law proceedings



National audit of public law – for children under two years old – May 2022

Issue:

- The need for this audit was identified in order to understand in detail the impact of our work for the most vulnerable children in public proceedings following a review in February 2022 in relation to six children who had previously been the subject of public law proceedings

Rationale for prioritising:

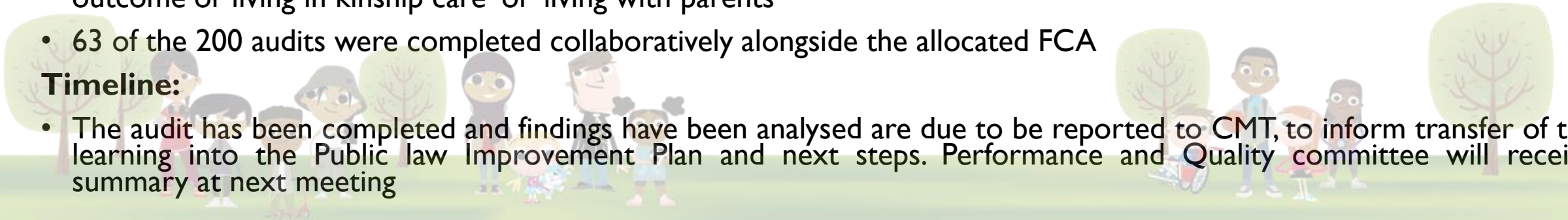
- The audit outcomes will inform our Public Law improvement programme, allowing us to effectively identify improvement priorities

What did the audit entail:

- In April and May 2022, 200 public law child records were audited by Improvement Managers and operational Heads of Practice; this equated to approximately 25 records per Cafcass region
- All records involved at least one child aged two and under at point of application, where there was a 'child need' category of one or more of: alcohol abuse, drug abuse, domestic abuse, mental health, physical abuse and neglect or had no 'child needs' recorded
- 50% of the cases were closed and 50% open, with characteristics (ethnicity, age, religion, gender etc) in keeping as far as possible with national demographics
- All closed cases had been closed within the six months prior to the audit date; 50% of these closed cases had an outcome of 'living in kinship care' or 'living with parents'
- 63 of the 200 audits were completed collaboratively alongside the allocated FCA

Timeline:

- The audit has been completed and findings have been analysed are due to be reported to CMT, to inform transfer of the learning into the Public law Improvement Plan and next steps. Performance and Quality committee will receive summary at next meeting



The overall conclusion of the review of the murders of Arthur Labinjo-Hughes and Star Hobson

- There was a failure in professional child protection practice and multi-disciplinary partnership working – particularly in sharing information
- Insufficient weight was given to the concerns and views of wider family members, which were too readily dismissed as malicious without evidence

As a result,

- Professionals had only a limited understanding of what life was like for the child, did not always hear their voices and the assessments into new concerns were marred by confirmation bias

Together,

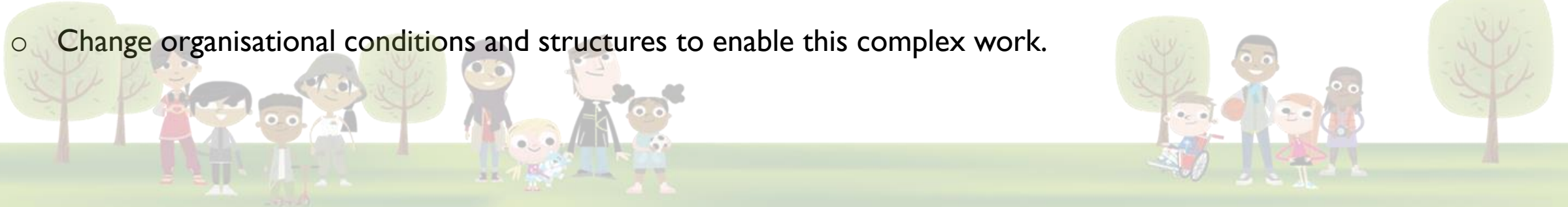
- These failings led to missed opportunities to trigger multi-agency child protection procedures

There is, therefore, a need to

- Sharpen the expertise of professionals in child protection work

And

- Change organisational conditions and structures to enable this complex work.



Reference to Cafcass in regard to the death of Arthur

NB Cafcass had no involvement in Star Hobson's life

The specific implications for Cafcass set out in the report are:

- A Section 7 enquiry provides an opportunity for a more in depth understanding of and response to a child's emotional and social needs, in the context of the significant changes and disruptions that they have experienced in a relatively short period of time
- A deeper understanding of the child's life, their emotional and social needs, wishes and feelings could be achieved if FCAs in private law proceedings consulted routinely with wider family members who have an attachment to the child, may have a valuable perspective on the child's welfare and may have the potential to resolve the issues at hand



Our own Learning Review into the death of Arthur and summary actions

- Learning from the internal review led by the National Director (completed before the national review and shared with the national review team) included:
- The quality of practice was judged good. Arthur's FCA undertook her enquiries in accordance with the requirements of the application and court order, and the expectations of the court and Cafcass.
- Arthur's FCA assessed his welfare, emotional and social needs, wishes and feelings. She decided it was in Arthur's best interests to reinstate contact with his mother via letters.
- **Review current expectations and guidance about when and why to consult with wider family members** – within the limitations of the Family Procedures Rules and the order of the court as well as the resource implications (additional work) of FCAs to extend their enquiries in this way
- **Develop policy and associated guidance on engaging with grandparents** and other wider family members who are closely connected to the child. **Refresh guidance on contact with a parent serving a prison sentence**
- Develop a **protocol on the involvement of Cafcass in rapid reviews and safeguarding children practice reviews**. Consult with the national network of chairs of multi-agency children safeguarding partnerships and ADCS



Delays for children

- We continue to see increases in the number of long-running children's cases
- June 2022 - **2,568** children's **public law** cases (**5,105 children**) that have been open 52+ weeks (5.6% higher than the previous month 140 children's cases/231 children) of which **376 (790 children)** have been on open for 100+ weeks
- June 2022 - **6,316** open children's **private law** cases (**10,001 children**) that have been open 52+ weeks of which 2,043 (**3,274 children**) have been open cases 100+ weeks
- 40% of open cases over 100+ weeks (821 cases/1,387 children) are Rule 16.4 Guardian appointments (Appointment of Guardian in private law children's cases)

What are we doing?

- **Getting to Grips with Delay Group** – improving delay is a strategic priority recognising this is fundamental to improving the service we provide to children and families and to reducing the number of children's cases held by family court advisors
- Performance practice focus in **Spotlight report** for Operational Management Team review and action including throughput, section 7 extensions and long-running cases. Also reviewing quality of practice in these cases e.g. when children are seen
- **Public law Improvement Programme** includes focus on delay
- **Public Law Case Quality Audit** reviewed whether Guardians were challenging delay and their impact on delay
- **Post-assessment hubs** – hold private law cases where report has been filed, but awaiting 6+ weeks for hearing to free capacity on workloads of Family Court Advisors

Domestic Abuse Perpetrator Programme (DAPP)

- The Ministry of Justice (MoJ) has made the decision to cease the commissioning of the DAPP programme through Cafcass. Range, availability and suitability of programme requires urgent review
- End date 31st March 2023. **30 June 2022 – last day for DAPP referrals**
- **349 cases open as of 4 July 2022 (of which 102 are part of the original backlog)**
- MoJ are to lead the scoping and resourcing of a new commissioned programme – this has not yet commenced. It is estimated this will take two years to develop
- Interim arrangements – FCA assessments built on Domestic Abuse practice materials. **FCAs can recommend safe arrangements for children spending time with a perpetrator (Direct or in-direct) or to recommend no arrangement should be made**
- FCAs adjusting to absence of DAPP, however concerns remain particularly in teams where DAPPs were utilised more than others
- New internal guidance requires a strong social work analysis on harm and risk to child from contact with explicit reference to what the child/ren want and think is in their best interests
- Concern – in some children’s cases we are not able to progress arrangements without a perpetrator having completed a DAPP
- Cafcass are receiving some criticisms due to some professionals not understanding that it was not our decision to stop commissioning DAPPs. We continue to clarify this message.
- **Respect** have updated their guidance, tightening their agreement to accepting perpetrators in court proceedings including when parents intend returning to court on completion of a DAPP

Strictly confidential and not for onward transmission



A National Feedback System fit for the future

- Feedback forms redesigned and available through many channels to increase the volume of feedback we receive, questions linked to our values to understand if we listened, explained and reflected the wishes and feelings of children in our work
- Internal strategy, guidance and system for collating and reporting on our feedback launched on 27 June. Aims to increase wider levels of feedback whilst increasing more focused feedback through listen and learn conversations
- An internal system that also requires comments from managers on actions taken and impact of improvements in practice from feedback
- Looking forward and developing a more digital solutions to enable feedback to be embedded into our standard documents and part of our everyday process. Testing a digital form system with FJYPB
- Focus on accessibility - giving feedback when you want to in a format that works for you and in other languages
- A feedback reporting strategy – working with analytics to develop the systems to bring together all of the data from our feedback routes and develop our feedback and learning reporting



Very unhappy



Unhappy



I don't know



Happy



Very happy

1. How happy were you that my first letter to you explained my role and how I would work with you and your family?

2. How happy are you that I listened to you?

3. How happy are you that I respected and understood what was special about you and your family?

4. How happy are you that I reported (told the family court) your wishes and feelings in your own words?

5. Please let me know how well I explained my thinking and recommendations to you.

Hear to Listen Service



Number to be a freephone

- The 'Hear to Listen' service will give children the opportunity to share their views about
 - how well we supported them,
 - how effectively we listened and understood what life is like for them,
 - how that understanding influenced what the Family Court Adviser recommended in their report to the court.
- We want to hear whether children understood our thinking, whether they felt able to influence proceedings about them and what we could have done differently and better. Our hope is that children will want to share their honest feedback with us in the comfortable space that is our 'Hear to Listen' phone line.
- Cafcass has worked closely with the Family Justice Young People's Board (FJYPB) to help develop an accessible and reassuring opportunity to learn from children's experiences of us.

Hear to Listen



For children and young people to share your feedback.

Opening times

Monday to Friday 9am – 5pm

Fridays 9am – 4:30pm

Who to ask for more information = Parent / FCA / [Reception](#)

Please give your feedback by calling:



Partners

1. Strategic planning and risk
2. Private law transformation
3. Family Justice board – private and public law priorities

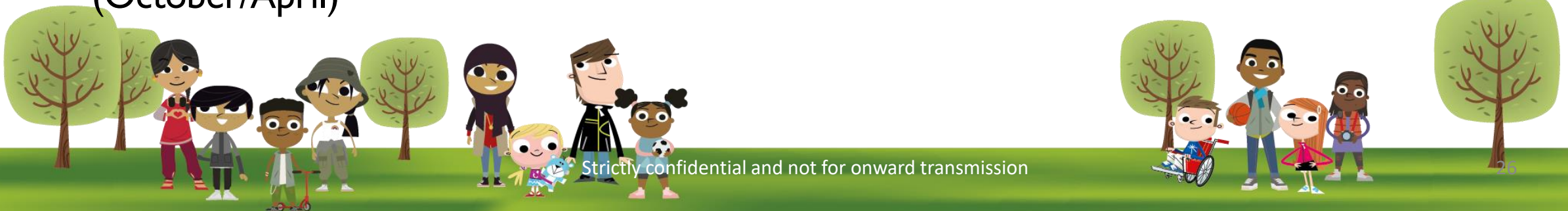
Strategic Planning & Risk

Issue:

- We have reviewed our strategic risks and opportunities to help us set priorities for 2022/3 and next strategic plan period (2023/4 to 2025/6)
- We have identified some projects which we think will need us to work differently - internally and with our partners - so that we can meet the needs of the additional children and families open in the family justice system
- These will need to be carefully sequenced to make most efficient use of our limited specialist resource for designing, testing and implementing change

What we will do and when:

- Identify, prioritise and sequence the projects which result in changes to our operating model and agree with Board in October
- Continue to refine strategic priorities for 2023/4 to 2025/6. Engage with colleagues and partners (including FJYPB and Family Forum). Board sign off Spring 2023 meeting
- Monitoring: quarterly review of progress to the Board. Fuller review at mid/end year (October/April)



Private Law Transformation

Issue:

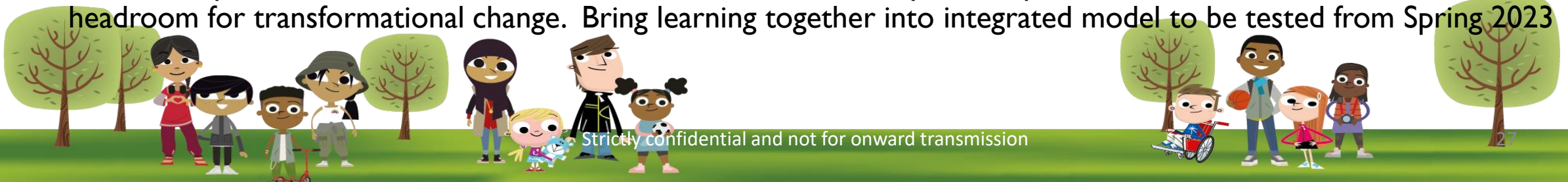
- The private law process (Child Arrangements Programme) is subject to substantial delay and the gap between the intention and reality has become wider during the pandemic. We also know more from research about the characteristics and needs of children and families in the private law system. There is an urgent need to **update our private law model** by identifying and adopting best practice

What are we prioritising?

- Improved information gathering so we can assess risk earlier
- Reduced duplication and greater continuity for the family: a single Child Impact Report in stages rather than separate 'safeguarding letter' and 'section 7 report'
- Reviewing when and how we can facilitate children's participation so that parents and professionals can hear their voices earlier and louder, and are better informed about the process and options
- Ensuring our assessment of risk connects clearly to our recommendation to court and timely plan for the child – with clearer 'pathways' that are tailored and proportionate to the needs of the family

Timeline:

- Working with Nuffield Family Justice Observatory and Cafcass Cymru to develop options for children's participation in the pathfinders (July) and nationally (October)
- Small scale pilots between now and October '22: test the feasibility of components, and introduce efficiencies to create headroom for transformational change. Bring learning together into integrated model to be tested from Spring 2023



Family Justice Board Priorities

Issue

- The Family Justice Board has agreed 6 priorities – 3 in public law and 3 in private law.
- These priorities are those we believe will make the **biggest difference to recovery** and improving outcomes; and which need **system-level action** that joins **local and national effort**

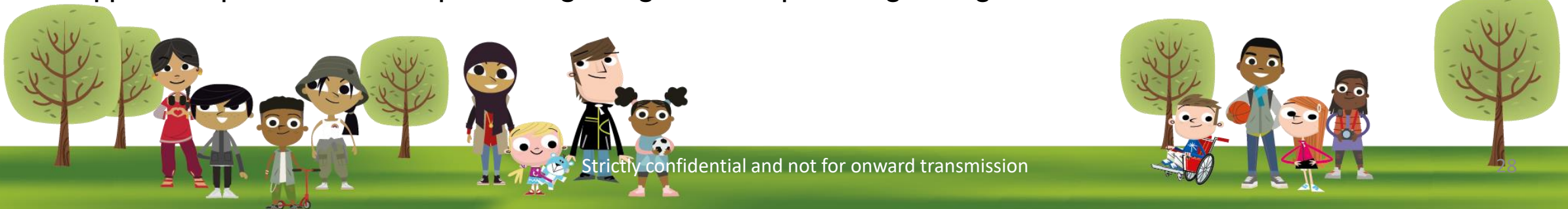
The 6 priorities

Private law (Ministry of Justice lead): understand and influence wider societal views on separation and the use of the courts; improve the private law process to improve efficiency and tackle delay; and better support for local areas to scrutinise their performance challenges and share best practice

Public law (Department for Education lead) : identify and address the drivers and impact of children's cases that are in the family justice system the longest; understand data and practice around short-notice applications; and improve practice at the pre-proceedings stage.

Cafcass focus & timeline:

Focus on delay: reviewing all cases over 52 & 100 weeks; in public law we have undertaken a 'snapshot' to identify 4 main reasons for delay; private law looking at r16.4 appointments and how we can offer earlier information and support for parents/carers capable of agreeing a safe co-parenting arrangement



Board Discussion

