



CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Paper for the Board Meeting on Friday 15 June 2018

CHIEF EXECUTIVE'S REPORT

Demand/Performance

1. Demand trends throughout 2017/18 in both law types were also apparent in April and May 2018, the first two months of the new business year. Both public and private law demand are up compared to a year ago, by 4.7% overall for new cases so far this year. Public law demand in May was the second highest monthly demand since records began. It is clear that public law demand has not levelled off or plateaued, rather it is increasing again, even though shifts between months are inconsistent. Private law demand remains on a continuous upward trajectory, by 5.4% compared to a year ago. Other indicators of system-wide demand pressure affecting all agencies are mostly up e.g., outstanding cases in the system, the rate of s7 reports compared to C100's (private law applications), and growing listing delays. We are projecting further single digit increases in demand for the coming year, and we also predict a further decline in overall system performance e.g. we project that the average duration for care proceedings will slip back from 31 weeks to the mid 30's. Our own performance continues to hold up well though we have some local areas where performance is slipping in the short-term, as measured by delay. However, very few delays in case management or completion are arising because of our performance.

Resources

2. Our budget for 2018/19 has now been formally set at £119.377 million, which is the 'safe minimum budget' we requested from the Ministry of Justice (MoJ). This means we did not have to make further reductions or savings at the start of the year, but we may have to make further efficiencies to be able to stay within budget or in preparation for the 2019/20 budget round which will be just as difficult as it has been this year. It is essential we remain within budget this year to restore some of the credibility we lost with MoJ last year through overspending. Last year's overspend, our first in 8 years, was 671K, although within the figure of 750K we said was the level of risk.

2017/18 audit

3. The draft report from the National Audit Office gives us an unqualified audit opinion. This means for the year overall, we received the top ratings for every aspect of our work and performance.

Switch in our IT network provider

4. One of our most pressing challenges in the first quarter of the current business year is to successfully manage the switch of IT network provider. We must complete the transition from one provider to another by 30 June, if we are to avoid having to extend our contract with our existing provider by 3 months, potentially at considerable cost. To have to do this would undermine our budget strategy so a firm action plan is in place to manage the switch within the time we have. We have a very able project manager and team working on this and at present there are no foreseeable risks that cannot be managed, though there are many technical problems with the switch being solved daily. So far, a quarter of staff have migrated to the new provider, and the Corporate Management Team (CMT) receives daily progress updates.

Threat of judicial review by NAGALRO about the 'Use of professional time' guidance

5. NAGALRO have withdrawn this threat. We have agreed to the publication of the attached exchange of letters instead (Appendices 1 and 2) with no Order for costs. The Guidance about the use of our Professional Time remains an active document but less so than when it was launched a year ago. It remains a useful reference point for our local managers in their discussions with local judges about the demands made on us and how these can be prioritised.

The national Family Justice Board and associated work programmes

6. The national Board met on 6 June. Co-chairs are Lucy Frazer, our Minister in MoJ and the Minister for Children and Families in DfE, Nadhim Zahawi. The main focus continues to be the search for reasons behind the rising number of care applications. Various further reviews and actions have been agreed.

The LASPO review

7. Along with colleagues, I met the LASPO review team from MoJ on 30 May, to discuss the impact of LASPO over the last few years. We fed back our survey of 140 of our practitioners who are working on private law cases every day, a summary of which is attached at Appendix 3.

Their three main points were:

1. **LASPO has increased the complexity of the family justice system for service users:** This increases stress in an already very emotional process, which further disadvantages vulnerable children and adults.
2. **LASPO has significantly increased workloads for Cafcass and the courts:** Families require a certain level of service, now there are fewer lawyers, other professionals have to fill the gaps or create workarounds, such as judges and magistrates cross-examining witnesses.
3. **LASPO negatively impacts on the voice of the child:** Adult parties require additional support and their expectations of the court process can 'lose sight' of the child. This can mean Cafcass and other professionals have to work harder to refocus the proceedings back to the child.

The review team will produce their report by the end of the calendar year. We made several proposals about how negative impacts might best be mitigated, and invited the team to discuss these with us in more depth later on in their work programme.

The Cafcass/ADCS work programme for 2018/19

8. The draft work programme is attached as Appendix 4, and is still being discussed. We have also had some discussions about possible joint work with other local authorities who have been graded as outstanding by Ofsted. I will update the Board at our next meeting about the items being taken forward this year.

Appointment of the new President of the Family Division

9. The current President of the Family Division, Sir James Munby, is retiring in July 2018. The new President is Sir Andrew MacFarlane, with whom we have an equally close and constructive working relationship, so continuity is guaranteed.

Consultation on our proposed new child arrangements pathways

10. We are currently consulting with senior judges and stakeholders on the new proposed pathways, which the Board are familiar with. Feedback is detailed and positive so far and we will continue to develop this work until the early autumn when the first practitioners will be trained in their use. We expect all practitioners to be trained by early next year when we will have full roll out. The high conflict and alienation pathways will sit alongside our domestic abuse pathway, so that the main practice issues in the most complex private law cases have a stronger assessment and intervention framework. I think this work would be well suited to a Board seminar when it is a little further ahead.

The new Family Justice Observatory

11. The first meeting of the **Family Justice Observatory Steering Group** took place on 16 April, attended by our Director of Strategy. The Group will oversee the development phase over the next year as the Nuffield Foundation decides on the best organisational model and establishes formal governance arrangements. The expectation is that the Steering Group will hand over to a Governing Board within the next year. In the meantime, the immediate focus is on establishing the data platform to be hosted at Swansea University, where our (and Cafcass Cymru's) case data will be hosted for reanalysis. The main issue is how much of the c£5m funding envelope to invest in the data platform. A number of options will be considered by the steering group - and then the Foundation's Trustees – in July. Assuming final details are agreed, we expect to transfer our data before the end of the year.

The Care Crisis Review in which we are a main partner

12. The review findings were launched on 13 June. It reached a similar conclusion to other reviews, deep dives and diagnoses carried out to understand and analyse the rise in care applications over the last few years. A number of areas for further review were identified as well as some options for change. The set of papers about this will be emailed to Board members on 14 June.

First review of our Manchester private law pilot

13. Our pilot offers support with 'Making Child Arrangements out of court' for those families where safeguarding issues are not a concern, and runs until 23 July though it will be September before all of the referrals to the programme are completed. It will then be evaluated and decisions taken about how to move forward with this proposed way of resolving cases almost as soon as the application has been put in.

GDPR

14. GDPR (General Data Protection Regulations) went live on 25 May without any difficulty for us or any issues arising so far.

Board Changes

15. This is the first Board meeting with Edward Timpson CBE in the chair and with our 3 new Board members, Sally Cheshire, Catherine Doran and Mandy Jones having taken up their roles. All 4 new members have been provided with a customised induction and the whole process has gone well and smoothly. The Board recruitment process is now complete and there are no vacancies.

Anthony Douglas CBE

Chief Executive

6 May 2018

Appendices:

- Appendix 1: Nagalro correspondence
- Appendix 2: Nagalro correspondence
- Appendix 3: LASPO review process: staff survey summary
- Appendix 4: Cafcass/ADCS draft work programme
- Appendix 5: Care Crisis Review cover paper
- Appendix 6: Care Crisis Review