



**Cafcass Open Board Meeting Minutes
Thursday 15 June 2018
21 Bloomsbury Street, 10.30am**

Present

Edward Timpson CBE, Cafcass Board Chair
Deep Sagar, Cafcass Board member
Paul Grant, Cafcass Board member
Fay Selvan, Cafcass Board member
Stuart Smith, Cafcass Board member
Catherine Doran, Cafcass Board member
Mandy Jones, Cafcass Board member
Sally Cheshire, Cafcass Board member
Caroline Corby, Cafcass Board member
Joanna Nicolas, Co-opted Board Member

In attendance

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

Apologies

Francis Plowden, Chair of the Audit and Risk Assurance Committee
Christine Banim, National Service Director
Rebecca Barrett, Interim Head of Communications

External Guests

Mary Mullin, Assistant CEO, National Youth Advocacy Service
Mandy Tanner, Barrister, Family Law Bar Association
Lord Frederick Ponsonby of Shulbrede, Deputy Chairman of the Greater London Family Panel, attending on behalf of London Family Magistrates
Marc Gammon, Policy and Research Officer, Magistrates Association
Dean Rogers, Assistant General Secretary
Beverly Sayers, Family Mediation Council Cafcass Young Peoples liaison.
Michael Lewkowicz, Director of Communications, Families need Fathers
Hillary Barrett, Assistant Director
Sandie Hayes, Assistant Director
Matthew Rogers, Policy and Communications Assistant
Ioana Opera, HR Graduate

MINUTES

1. Welcome

The Chair welcomed everyone to the meeting, and introduced himself as the new Chair of Cafcass, giving thanks to his predecessor for the work done during her tenure to progress the organisation. The Chair also welcomed new Board members, Sally Cheshire, Mandy Jones and Catherine Doran, who were attending their first Board meeting.

The Chair reported to the Board as follows:

- The Chair held 1:1 meetings with all Board members, including new Board members, Sally Cheshire, Mandy Jones and Catherine Doran.
- The Chair attended a meeting with the Cafcass Minister Lucy Frazer on 6 June.
- The Chair informed the Board that he would attend the FJYPB Voice of the Child conference on 24 July.
- The Chair reported that he sent out a handwritten letter to all staff to introduce himself as Chair.

2. Apologies/ Declarations of interest and Minutes and actions

2.1 Apologies

Apologies were received from Francis Plowden, Christine Banim and Rebecca Barrett.

2.2 Declarations of interests

The Chair made the following declarations of interests to the Board:

- Acting Chair of the National Safeguarding and Review panel. He noted that he would exclude himself from any cases which were linked to Cafcass.
- Advisor to the Office of the Childrens Commissioner with Anne Longfield.
- Leading the Government's review into school exclusions.

2.3 Draft Minutes from the Board Meeting on 23 March 2018

One amendment to the minutes of the Board meeting on 23 March was requested by the Ministry of Justice (MoJ) representative, relating to the release of the combined data set.

Action 1: [An amendment to be made to the minutes of 23 March Board Meeting.](#)

2.4 Action Log/ Matters Arising

The Board reviewed the Action Log.

The Board discussed the action that 'the Family Justice Young People's Board would send a letter of invitation to Ministers for the Voice of the Child conference'. The Board expressed concern that the Minister was unable to attend the conference in Manchester. The MoJ representative informed the Board that the Minister was disappointed not be able to attend and that she had agreed with the FJYPB that she would provide a video message which would be played at the conference.

There were no further matters arising.

3. Report from the Chief Executive

- The Chief Executive presented his report to the Board. Demand for Cafcass continues to increase at a rate of 4.7% of new cases across public and private law compared with the same time last year. Public law demand in May was the second highest monthly demand

since records began and shows no signs of slowing. There is a slight decline in system performance linked to case duration.

- The Chief Executive thanked the MoJ representative for approving the safe minimum budget for the financial year 2018/19 and noted that the MoJ's approval of Cafcass' budget last year was vital in helping to deliver a high standard of service throughout the organisation.
- The organisation is transitioning its IT systems from Fujitsu to Littlefish, which is on course to complete by the end of the month.
- The Manchester Private Law Pathway pilot will not be extended after its 6-month duration.

The Board noted that more should be done by the Family Justice Board on the subject of rising care applications and suggested that the Cafcass Board should also do more on the gaps identified in the Care Crisis review.

The Board suggested that research could be carried out to identify how many families have benefitted from the Manchester Gateway Private Law pilot in order to encourage its extension. The Chief Executive noted that 2 more deep dive studies have been carried out, though it is too early to predict the success of the pilots at this stage as child impact analysis and child impact reviews do not provide enough evidence to support its case.

The Board suggested that guidance could be drafted to explain decision making in the courts, though the Chief Executive informed the Board that such guidance may not have any bearing on local authority organisations.

The Chair thanked the Chief Executive for the report.

4. Report from the Family Justice Young People's Board

The Chair welcomed Bethany Shepherd, a representative of the Family Justice Young People's Board (FJYPB) who presented highlights from their regular updating report.

- The 2017 Voice of the Child Conference will be held in Manchester on 24 July. The theme of the conference is promoting resilience for children and young people across the family justice system. Keynote speakers include Anthony Douglas, Edward Timpson, and the President of the Family Division.
- The FJYPB recently met with Lucy Frazer QC MP on 5th June 2018. It was a positive and productive meeting. Lucy Frazer agreed to attend a FJYPB meeting in either October or December 2018. A workshop may be held based on a topic identified by the Minister.
- The FJYPB are currently devising Top Tips for parents on how best to support their child during separation and court proceedings to be launched at the VoTC 2018 conference. The FJYPB are also adapting the current Top Tips for professionals for social workers who work in a local authority, following a request from a local authority.
- The FJYPB have now completed the overview report for the additional 8 court reviews across England outlining the key findings and recommendations from the reviews. The report has been shared with the President of the Family Division. The overview report will also be shared with the National Family Justice Board, Local Family Justice Boards, Cafcass (via Assistant Directors) and other key stakeholders.
- Following this year's FJYPB recruitment campaign, the Board has now recruited 22 new members from across England and Wales who will attend an FJYPB induction day on Saturday 16th June where they will learn more about how the board works, the family justice system, their role and what is expected of them.

- FJYPB members were involved in comparing, presenting and delivering a workshop at the first Cafcass Cymru conference in May 2018 which focused on topics relating to diversity and inclusion. The conference was a huge success and the members received great feedback. Board members even mastered some difficult words in Welsh which impressed the audience. Costs for these commissions are covered by the Welsh Government and Cafcass Cymru.
- The FJYPB have been working with the National Improvement Service (NIS) team to produce a new FJYPB Voice of the Child eLearning module which aims to influence the working policy and practice of professionals working within family justice.

The Chair commended the FJYPB for their efforts and thanked the representative for their report.

5. Reports from the Audit and Risk Assurance Committee on 11 June 2018

The Board were informed that the Committee had met to review the Annual Report and Accounts 2017-18 (ARA). The audit opinion was satisfactory, and the Committee had approved the ARA for presentation to the Board for final sign off. The Board were informed that the National Audit Office and MoJ had praised the quality and presentation of the ARA and noted that they considered the report exemplary.

The ARAC Annual Report was also presented and the Board noted that the overall internal audit opinion for 2017-18 had been Substantial.

The Chair of the Quality Committee informed the Board that the Committee previously discussed bringing the serious case reviews and serious incident notifications to the Board for scrutiny and agreed that this would not be necessary and that the Quality Committee would continue to scrutinise these reports on behalf of the Board.

6. Finance Report

The Director of Resources presented the Finance report to the Board. The accounts for 2016-17 have been completed and audited and confirm the position forecast within the year of an overspend of £0.672m, which is within the level forecast (£0.750m) during the latter part of the year. A review is underway to see how the spending process can be strengthened for the future budget, though spending is currently on course for quarter 1.

While there are a number of risks to manage, positive progress was reported regarding the technology transition from Fujitsu to Littlefish, which is on course to finish by the end of this June.

The Board discussed that there is still overspend on temporary staff and it was agreed that a detailed breakdown of temporary, agency and employed staff would be circulated to the Board for information.

Action 2: A detailed breakdown of temporary, agency and employed staff would be circulated to the Board for information.

7. Demand Levels and Resourcing

The Chief Executive presented the Demand Levels and Resourcing report to the Board on behalf of the National Service Director. Overall demand for the service has risen in both Public and Private Law. In the last 12 months between April 2017 and May 2017, compared to the

same time last year, new Public Law (S31 Care) applications have increased by 7.4%, while Private Law cases have increased by 6.5%.

Health and Wellbeing assistance is being offered to staff to support their resilience against increased demand. It was further noted that staff seem to be coping well with demand as the quality and performance of casework has not declined.

The Board noted their surprise at the increase in staff caseload despite being informed that additional funding had been made available to reduce staff caseloads. The Chief Executive noted that staff caseloads had stayed between 19-21 which staff described as manageable in the Ofsted survey. The Board were informed that caseloads would not reduce dramatically but that systems were in place to help staff cope with demand.

The Assistant Directors informed the Board that throughput and productivity was being hindered by complex cases that could not be easily concluded, for example cases of physical harm or neglect where expert practitioners are needed to inform decisions made.

The Board acknowledged that the quality of work remains good and were informed that staff feel busier but also well supported in their roles. Staff performance learning reviews have been amended to include a section on morale in order to better monitor how staff are feeling about their role and workload.

8. Strategic Risk Register

The Director of Resources presented the Strategic Risk Register (SRR) to the Board. All but one residual risk was noted as being amber and one risk is showing an improving trend.

9. Ofsted Inspection Report and Action Plan

The Chief Executive presented the Ofsted Inspection report to the Board. The majority of cases assessed by Ofsted were of good to outstanding quality, with only two cases having concerns. Good progress is being made regarding the action plan, which is on course to be signed off next year.

The Board noted that a future Ofsted inspection would be observed from the lense of frontline staff instead of using data collated from focus groups. The Board commended the Ofsted result and action plan and noted that it was reflective of the high standard of internal audits produced and the quality of staff work.

10. Annual Report and Accounts 2017-18

The Director of Resources presented the Annual Report and Accounts 2017-18 (ARA) to the Board. The Board commended the Annual Report and Accounts, noting that it coincided well with the organisation's high audit ratings which were also commended as Cafcass was the only organisation to have been awarded substantial rating for all audits completed in the last year.

The Board discussed the late amendments made by the NAO to the ARA, noting that similar changes had been made the previous year. The Director of Resources reassured the Board that further changes were unlikely. The Board noted that it should explore what more could be done to make the ARA more accessible to the wider public and that further work would be done with the FJYPB.

Action 3: An easy read version of the Annual Report and Accounts 2017-18 would be produced.

11. Close and Any Other Business

The Chair opened the floor for questions from stakeholders and members of the public.

A representative from the National Association of Probation Officers thanked the Chair for the invitation and informed the Board that the trade union conducted guidance about understanding in the family justice system after it was discovered that some Members of Parliament without a legal background experienced difficulty understanding the legal system. The representative noted that the Trade Union was happy to collaborate on similar guidance with Cafcass.

The NAPO representative also noted that Cafcass staff were exhibiting signs of over productivity which can have negative effects against an increased amount of pressure due to high workloads.

The Chief Executive welcomed NAPO's involvement in producing guidance on the family justice system and noted that staff had developed resilience over time and workload pressures were reflective of similar pressures experienced in the public sector. It was also noted that while pressure remains high, the organisations focus is to provide the best support available to staff. A member of the Board also noted that during a service visit, staff provided assurance that the National Service Director allocated appropriate funding in order to cover agency staff when necessary to allow for staff absence. The Assistant Director also mentioned that staff were well supported and felt able to speak to their managers, noting that Performance Learning Reviews focussed on how staff are feeling emotionally, their health and wellbeing and work-life balance.

The representative from London Family Magistrates discussed the lack of court appearances from Family Court Advisors and noted their attendance as crucial, as the expert opinions of FCAs can often inform the verdicts reached in a case, particularly in cases where judges are required to provide further information.

The Chief Executive noted that further definition would be needed to establish whether the attendance of the FCA was indeed essential and that FCAs might be able to increase their attendance virtually via Skype.

A representative from Families Need Fathers queried the level of information which is publicly available to parents about contact orders and noted that fathers at times can be reluctant due to perceived and actual additional costs. The Chief Executive noted that the Director of Strategy was working with colleagues at Cafcass and the National Justice Observatory to produce more in-depth data analysis of this.

The MoJ representative noted that the MoJ would be releasing a dataset at the end of March comprising data from the Department of Education, Cafcass the courts. The MoJ representative agreed to provide the website details of the dataset once launched.

Action 4: The Ministry of Justice representative would provide the website details of the dataset for information once launched.

The Chair thanked the Ministry of Justice representative for their contributions as this was their last meeting and thanked all for attending.

There was no further business.

Action Summary

Action 1: An amendment to be made to the minutes of 23 March Board Meeting.

- Action 2: A detailed breakdown of temporary, agency and employed staff would be circulated to the Board for information.
- Action 3: An easy read version of the Annual Report and Accounts 2017-18 would be produced.
- Action 4: The Ministry of Justice representative would provide the website details of the dataset for information once launched.

Minutes Approved by the Board Chair, Edward Timpson, 10.10.18

A handwritten signature in blue ink, appearing to read 'Edward Timpson', is written over a light grey rectangular background.