



Board meeting (public) minutes
Wednesday, 20 January 2021, 13:00 to 15:30
Zoom

Present

Sally Cheshire, Interim Chair
Caroline Corby, Board member
Paul Grant, Board member,
Catherine Doran, Board member
Mandy Jones, Board member
Sophie Humphreys, Board member (Co-opted)
Rohan Sivanandan, Board member
Eileen Munro, Board member
Helen Jones, Board member
Deep Sagar, Board member
Joanna Nicolas, Board member (Co-opted)

In attendance

Jacky Tiotto, Chief Executive Officer
Julie Brown, Director of Resources
Teresa Williams, Director of Strategy
Kevin Gibbs, Operational Service Director (South)
Sarah Parsons, Assistant Director
Colette Jacobs, Head of Communications
Mel Carew, Head of Legal Services
Nikki Gibbons, Head of HR & Organisational Development
Ben Rolfe, Head of Business Analysis
Katrina Igbinovia, Equality, Diversity, and Inclusion Lead
Nicola Blakebrough, Corporate Manager (Secretariat Services)
James Jackson-Ellis, Corporate Officer (Secretariat Services)
Morgan Proverbs, Business Services Officer Chief Executive Office
Eleanor Barber, Projects Officer
Scott Harnett, Projects Officer
Becky McGarrity, Corporate Officer (Events and Engagement)
Neal Barcoe, MOJ Deputy Director, Family Justice Policy Division
Alison Wedge MOJ Head of MoJ ALB Centre of Expertise
Ben McCormick, FJYPB representative
Katie Goldstraw, FJYPB representative
Barry Tilzey, Head of Practice (NIS) – item 3.5
Emily Moger, Family Court Advisor – item 3.5
Irena Ghica, Family Court Advisor – item 3.5
Billie McKay, Family Court Advisor – item 3.5

Apologies

Anji Owens, Operational Service Director (North)

A list of stakeholders attending to observe the meeting is attached at appendix 1

1. Introduction from the Chair

1.1. Welcome and apologies

The Interim Chair welcomed everyone to the Cafcass Board meeting and highlighted that the meeting was being held as an open meeting. She welcomed stakeholders and members of the public who were attending to observe the open meeting and thanked them for taking the time, reminding them that they had the opportunity to submit questions ahead of an open Board meeting or afterwards if they wished to follow up on a particular matter.

1.2. Declarations of interest

No declarations of interest were received.

1.3. Minutes, actions, and matters arising

The minutes of the previous meeting were approved as an accurate record. The Board noted two actions remained ongoing from the previous meeting regarding the governance of the FJYPB, and to agree language that can be applied consistently across corporate documents, including minutes.

2. Family Justice Young Peoples Board Report

FJYPB representatives provided an update on activities and highlighted that three Voice of the Child webinars had been held in October 2020 and focused on domestic abuse and the impact of COVID-19. Each webinar had been attended by circa 80 people with representatives from across the family justice sector. The powerful presentations 'In My Shoes', hosted by FJYPB members who shared their personal experiences of domestic abuse were considered to have had the most impact on attendees. FJYPB representatives highlighted that two additional webinars would be held on 30 March 2021 and the FJYPB would soon announce its priorities for 2021 and decide on the theme of the Voice of the Child Conference/Webinars for this year.

FJYPB representatives presented three key questions to the Board:

- Would the Board support a greater role for the FJYPB in auditing and assurance?
FJYPB representatives noted that they had been engaged in the learning review moderation of cases involving domestic abuse and felt it had been a privilege to have been given such an opportunity. The Board and Corporate Management Team agreed to develop a more formal role in quality assurance with the appropriate parameters in place.
- It is the FJYPB's 10 year anniversary this year and they are keen to develop their own website and independent image. Would the Board support the development of the FJYPB's website between now and the next Board meeting? The Board agreed that it was important to support this work. It was noted that thinking had already started, and this would be accelerated.

- The FJYPB intend to work with Cafcass in the longer term to modify the language used when working with children and young people e.g. 'service user' and 'case'. To promote this message, the FJYPB were keen to understand if this would be supported. The Board were supportive of reviewing the language used by Cafcass and that it was also important for other wider system partners to be mindful as well.

The Chief Executive Officer thanked the FJYPB for their excellent questions and challenge. It was agreed that the Corporate Management Team should consider taking the Safe/Trust/React/Support thinking into the quality assurance framework when we work remotely with children.

Action 1: The Board would receive further information about the upcoming FJYPB webinars in March.

3. Corporate Management Team Report

The Chief Executive Officer informed the Board that the Corporate Management Team Report would consist of an Ofsted self-assessment summary, following the recent annual engagement meeting, our response to the continuing impact of COVID-19, latest family justice demand, Strategic Plan delivery priorities and the Practice Framework.

3.1. Ofsted Self-Evaluation

The Chief Executive Officer reminded attendees that the past 15 months since September 2019 had seen significant leadership changes at Cafcass and significant operational challenges across the family justice system because of the pandemic. The internal changes included a new Chief Executive, Operational Directors, and an Interim Chair. During 2019-20 Cafcass represented 141,000 children, an increase of 5% compared to the previous year and in December 2020 Cafcass had the highest level of open active casework (36,881), representing 59,000 children, which was 40% higher (17,000 more children) than at the 2018 Ofsted inspection.

The impact of COVID-19 on Cafcass has been profound. Cafcass experienced its busiest period between July and September 2020, with 14,124 public law cases (17% higher than pre-COVID) and 22,757 private law cases (25% higher than pre-COVID). System throughput was 20% slower and was the main reason caseloads continued to be at the highest level, despite the recruitment of 136 additional social workers. The prioritisation protocol had been triggered in the South Yorkshire and Humberside region, with two other regions at risk of also triggering the protocol.

Between March and October 2020, Cafcass had been in incident management mode due to the impact of the pandemic and a Gold Command structure had been implemented to manage operations. A weekly COVID-19 Programme Board continues to meet post October 2020 in order to focus on the response to COVID-19 and recovery. Cafcass began fully remote working on 20 March 2020 until May, when in-person work continued until January 2021. As of December 2020, 75% of children had been seen, of whom 53% were seen in person and offices remained open for seeing children and families.

The Chief Executive Officer highlighted what was known about the quality of practice. All Family Court Advisors (FCAs) who are not approved to self-authorise have reports to court quality assured prior to filing. 73% of staff self-authorise their own reports. Currently, every FCA has a minimum of 8 case files audited a year, equating to 850 per month in total across all regions. Cafcass plans to

reduce the number of annual formal audits per practitioner to 4, increasing the depth of each audit and specifically considering feedback from families and young people, together with continued and more frequent ongoing assurance/supervision between the manager and FCA.

Regarding the quality of practice and what Cafcass continues to do well, the Chief Executive Officer highlighted that despite the unprecedented growth in demand and open active cases, the quality of practice has continued to improve with 63% rated as good or better, 30% meeting the standard and 7% requiring improvement, which is a better performance than seen during the 2018 Ofsted inspection. FCAs continue to apply effective planning in direct work, which means the child's uniqueness is considered in their work and reports.

Judges continued to confirm that Cafcass' reports were well written and credible. It was acknowledged that some improvements to practice also needed to be made and there was a need to strengthen the analysis and rationales for recommendations in reports as well as recording children seen consistently and the way in which they are seen. Cafcass had identified priorities for improvement since the 2018 Ofsted inspection with eight areas of practice reflection, six of which were completed. A national improvement plan had also been developed to capture the areas of practice requiring improvement and the relevant success measures. The detail of the improvement plan and progress made was captured in the self-evaluation framework submitted to Ofsted.

The Chief Executive Officer explained that in response to MOJ's Expert Panel of Harm in the Family Courts, Cafcass audited 200 children's records in November 2020. The audit showed that 61% were rated as good or better, 31% (62 cases) were judged to meet the standard and 8% required improvement (17 cases). Feedback from the audit showed that most recommendations had been clear and well-reasoned, however improvements were required in terms of speaking consistently to other agencies who know the child and family, to strengthen the risk assessment.

The Chief Executive Officer confirmed that Cafcass continued to influence and help shape the reform of the family justice system. Within both public and private law, Cafcass is an active member of several advisory and working groups. In private law particularly, Cafcass advocated for the promotion of Practice Direction 36Q, which is enabling local solutions during the pandemic for children needing to be prioritised.

Board member Helen Jones queried the timeframe for the delivery of reform and how long it would take to see changes and improvements. The Director of Strategy confirmed that the solutions had been identified, but the capacity of the system, combined with long-standing issues meant reform would be unlikely to be seen within two years.

Helen Jones also queried the effectiveness of the prioritisation protocol and if it had eased the amount of incoming work to FCAs. The Chief Executive Officer confirmed that of the four priority categories, only cases in categories three and four had not been allocated and this equated to only 20% of overall work. The Chief Executive Officer confirmed the categories may need to be reviewed and was keen to discuss with system partners before taking any further action.

The Chief Executive Officer concluded that Cafcass was a strong and resilient organisation with a highly visible leadership team. The Interim Chair recorded her thanks to the Chief Executive Officer and Corporate Management Team noting the passion in leadership and the incredible lengths everyone in the organisation had gone to ensure that remote working could continue during the

pandemic disruption, and the continued push and support of reform on behalf of staff and the children and families we work with.

3.2. Response and Impact of COVID-19

The Director of Resources provided an update on the response and impact of COVID-19. As of January, the strategic risk relating to COVID-19 had been raised to red because of the national situation and recent exponential growth in and transmission of the virus. As of 5 January, Cafcass had issued a change to the guidance on seeing children in person which was driven by the new virus variants and the increasing need to protect staff and families. In person visits would be carried out only in exceptional circumstances as determined by the FCA's professional judgement.

The Director of Resources highlighted that fortnightly 'live events' with staff take place to engage staff and develop our guidance. All staff are encouraged to join, and positive feedback had been received about the usefulness of these events.

The impact of staff sickness due to COVID-19 had been relatively low, however an increase was being seen together with challenges around capacity of staff due to the closure of schools and restrictions in school placements for the children of critical workers. Cafcass had relaunched its special leave policy to support staff. The Director of Resources explained that given the increased risks relating to staff absence, exhaustion and a new wave of work associated with the third lockdown, business continuity was being reviewed to ensure Cafcass could continue to function effectively, particularly those functions which have smaller teams of specialist staff.

Prioritisation continued to be in place in the South Yorkshire and the Humberside region.

3.3. Demand

The Director of Resources highlighted that case demand had continued at a higher level, and December 2020 was the busiest on record for new cases. In December 2020, Cafcass received 4,893 new cases (8.2% or 369 more cases than December 2019). Cafcass was concerned that January had been quieter than in a normal year and that the third lockdown had created another lull in cases, as in March 2020, meaning that Cafcass could be overwhelmed again at some future point.

The Director of Resources explained that Practice Supervisors continued to carry a near full caseload, currently averaging 18.7 active cases of which 86.4% were lead allocations. Case durations also continued to increase and active cases with a duration above 36 weeks were +62.0% (+1,376 cases) compared to the same period last year.

3.4. Strategic Plan Delivery Priorities

The Director of Strategy outlined year one highlights of the Strategic Plan across the three pillars and provided examples. Within the Practice Pillar, new introductory leaflets for children had been launched. For People, the Cafcass Social Work Academy was developing internal expertise and being shared with local authorities. Within Partners, Cafcass continued to be transparent in external thinking and challenge in the Learning and Improvement Board and the Family Forum.

The Director of Strategy confirmed that year 1 delivery priorities would be formally published in February 2021 and an event would take place in March to continue our ongoing engagement with partners and stakeholders.

The Director of Strategy highlighted the initial priorities for year two of the Strategic Plan and provided examples. Within the Practice Pillar, Cafcass would strengthen diversity recording and analysis across all aspects of practice and quality assurance. For People, a new Equality, Diversity, and Inclusion Strategy would be launched. Within Partners Cafcass would continue to support the design and delivery of private law reform pilots.

The Year two plan would be approved at the Board meeting in April and published shortly afterwards.

3.5. Practice Framework

The Head of Practice (NIS) introduced the Practice Framework and highlighted that the purpose of the framework was to provide the knowledge, tools, and skills to enable excellent social work practice with children and families to thrive. The approach would be delivered by developing a bespoke practice framework, framed by restorative, strength-, and relationship-based practice.

The Head of Practice (NIS) confirmed that the Practice Framework had four principles: 1) always looking for strengths and risks, 2) making clear and reasoned decisions, 3) believing in respectful relationships and 4) holding children and their families at the heart of practice.

Using appreciative inquiry, the Board were provided with three examples of practice within the framework. The first example described how an FCA, working in public law, used a family story board process to explain the situation and subsequent proceedings to a child. The second example outlined the relationship- and strengths-based questions in the Cafcass Positive Co-Parenting Programme (CPPP). The final example detailed how an FCA, working with a 10-year-old child, wrote their order for court.

The Board queried what the next steps were for the Practice Framework. The Head of Practice (NIS) confirmed that pilots in several regions/teams would be undertaken between now and May, and the Practice Framework would launch in June. The Board was pleased to hear of the examples provided by FCAs and considered the impact of the Practice Framework to be positive.

3.6. Response to questions from stakeholders received in advance

One written question had been submitted in advance: *“How can Cafcass ensure that, in line with the Domestic Abuse Bill, controlling and coercive ex-partners may not simply use Cafcass as a mouthpiece to further manipulate the evidence put forward to the court when considering child arrangements orders?”*.

The Assistant Director responded and explained that Cafcass' role in work to first hearing cases is to find out whether the adult parties involved have any welfare or safety concerns they wish to raise, and to present these to the court in a 'safeguarding letter'. Cafcass would also carry out preliminary safeguarding checks on all parties through police and local authority checks, which helps to triangulate information supplied by the parties. In other words, Cafcass carries out a social

work analysis in respect of all information gathered and in this way guards against the risk, which is always present in such emotionally charged situations, that either party may wish to influence the views of the Cafcass Family Court adviser

The Assistant Director also confirmed that Cafcass FCAs use the domestic abuse practice pathway as the 'procedural mechanism' to assess concerns about domestic abuse, both for the initial safeguarding interview and for further work required of Cafcass. There are specific prompts about potential domestic abuse for family court advisors to consider during initial safeguarding interviews, including a specific tool to help identify coercive control. This means Cafcass practitioners are not just acting as a 'mouthpiece' for abusers but are analysing and corroborating the information given to them by parties through the domestic abuse practice pathway, evidence-informed tools, and police and local authority checks.

4. Reports from Committees

4.1. Performance and Quality Committee

The Chair of the Performance and Quality Committee, Caroline Corby, provided an oral update on the December Committee meeting and highlighted that the Committee continued to assess the impact of COVID-19 and noted the increasing effect of lower throughput in the family courts on Cafcass. The Committee had received a practice presentation on seeing children remotely and the outcome of the "children seen" audit, and a report on the high court judgement on transgender children and whether Cafcass has the appropriate in-house expertise in such cases. The Committee had also received a refreshed Performance Scorecard, which provided greater information to ensure that relevant risks to performance were adequately highlighted. The Committee would be reviewing data on court outcomes by ethnicity at its next meeting.

4.2. Audit and Risk Assurance Committee

The Chair of the Audit and Risk Assurance Committee, Helen Jones, provided an oral update on the December Committee meeting and highlighted that the Committee continued to assess the risks associated with COVID-19. The Committee had approved the policy relating to unacceptable behaviour towards staff and highlighted that the 2019-20 accounts had been approved after delays outside of Cafcass' control due to the local government pension schemes audit.

5. Finance Report

The Director of Resources reported that the forecast position for the full year was an agreed overspend of £3.724m. The position incorporated the additional spending, approved by the Ministry of Justice, of £3.4m on operational capacity, which Cafcass expected would be fully spent. The forecast deficit had reduced following the outcome of the recent pay award decision.

6. Close and Any Other Business

The Interim Chair thanked the Chief Executive and the Corporate Management Team for leading Cafcass throughout COVID-19 and continuing to lead on future family justice reform. The Interim Chair also thanked stakeholders and members of the public for attending the public Board meeting.

No other business was raised.

ACTION SUMMARY

Action 1: The Board would receive further information about the upcoming FJYPB webinars in March.

Minutes Approved by the Board Chair, Sally Cheshire, 28.05.2021

A handwritten signature in cursive script that reads "S Cheshire".

Appendix 1

A list of stakeholders attending to observe the meeting.

| Name | Organization | Job Title |
|-----------------------------------|--------------------------------|---|
| Amanda Amesbury | Warrington Borough Council | Director Children's Social Care |
| Jayne Ivory | Blackburn with Darwen BC | Director of Children's Services & Education |
| Colleen Male | Walsall Council | Director, Children's Social Work |
| Carol Whiting | LB Bromley | Head of Service Safeguarding and Care Planning |
| James Mason | Bury Children's Services | Safeguarding Service Manager |
| Beverley Sayers | Family Mediation Council | Mediator |
| Jane Becker | Ministry of Justice | Senior Researcher - Family justice and IDAC research team |
| Anne Longfield | Children's Commissioner | Children's Commissioner |
| Mary Baginsky | King's College London | Senior Research Fellow |
| Julie Campbell | Social Work England | Regional Engagement Lead (London) |
| Martin Cracknell | Change for Children | Organiser |
| Jacqui Frisby | MoJ | Head of Private Family Law Reform |
| Aidan Jones | Relate | Chief Executive |
| Jeremy Gleaden | Ofsted | Senior HMI |
| Rita Hammond | Enfield Council Legal Services | Interim Principal Lawyer- Safeguarding and Litigation |
| Shelley Vickerman | Wiltshire Council | Care Proceedings Case Manager |
| Luca Selvaggio | Families Need Fathers Ltd | Operations and Marketing Officer |
| Rebecca Hawkins | Mediation Now | Family Mediator / Solicitor |
| Professor David Croisdale-Appleby | Royal College of Physicians | Chair |
| Theresa Leavy | Dorset Council | Executive Director for People- Children |
| Joe Banham | Wirral Children's Social Care | Head of Safeguarding |