



Board Meeting Minutes
Friday, 24 February 2023, 10:00 to 12.00
MS Teams
APPROVED

Present

Sally Cheshire, Chair
Eileen Munro, Board member and Deputy Chair
Helen Jones, Board member and Chair of ARAC
Paul Grant, Board member and Chair of the Performance and Quality Committee
Catharine Seddon, Board member
Joanna Nicolas, Board member (Co-opted)
Peter Fish, Board member
Rohan Sivanandan, Board member
Mandy Jones, Board member

In attendance - Cafcass

Jacky Tiotto, Chief Executive
Jack Cordery, National Director of Operations
Julie Brown, Director of Resources
Adam Bowles, Interim Chief People Officer
Marie Gittins, Deputy Director of Operations
Sarah Parsons, Deputy Director for Improvement and Principal Social Worker
Mel Carew, Head of Legal Services
Merryn Hockaday, Head of Communications
Nicola Blakebrough, Corporate Manager (Secretariat Services)
Fiona Mulheron, Corporate Officer (Secretariat Services)
Claire Evans, Executive Assistant

In attendance – MOJ/FJYPB

Olivia, FJYPB representative
Ruth Hudson, Joint Head of Family Justice Reform, MOJ
Steve Hodgson, GIAA (observing)

Apologies

Catherine Doran, Board member and Chair of the People Committee
Teresa Williams, Director of Strategy
Neal Barcoe, MOJ

1. Welcome and updates from the Chair

The Chair welcomed everyone to the Board meeting and thanked attendees for joining. It was noted that the meeting planned for 25 January 2023 had been postponed due to the Ofsted focused visit

and today's meeting was being held in its place, however with a shorter focused agenda and the meeting was not open to members of the public to attend.

The Chair noted that the Ofsted letter from the focused visit had been issued under embargo earlier that week and commented on the excellent result and very positive comments made by the inspection team. The Chair commended all officers involved for their contribution to the focused visit.

The Chair introduced Steve Hodgson from the Government Internal Audit Agency (GIAA) who was observing the meeting. The Chair explained that a board effectiveness review was being conducted. Previously Board member Catherine Doran had led two internal effectiveness reviews but in line with government guidance, an externally led review was being delivered and this would be funded from the existing internal audit programme for Cafcass. The GIAA representative would present draft findings to the Board in April 2023 and then produce a final report.

The Chair reported that recruitment for new Board members was ongoing. Sifting of applications had taken place and Ministerial approval of the shortlisted applicants was pending, with the aim for interviews to be conducted in April 2023. The Chair reported that Paul Grant's appointment as a Board member was due to end on 31 March 2023 but due to the delay with recruitment he had agreed to stay for an additional six months as a co-opted Board member.

The Chair updated the Board on the visit programme and requested that Board members consider attending available dates and locations, particularly in the South-East and Midlands. An update on the programme would be circulated to Board members as part of the weekly newsletter.

The minutes of the meeting held on 5 October 2022 were approved, subject to a minor amendment to note that the Performance and Quality Committee meeting had met in September 2022, rather than October 2022.

2. Ofsted Focused Visit January 2023

The Chief Executive Officer reported that the focused visit had been announced earlier than anticipated and required an immediate response from the organisation. She echoed the acknowledgement from the Chair of the very positive result and wanted to formally recognise the hard work and responsiveness of all involved.

The theme of the inspection had been on managing demand and whether Cafcass was still able to discharge its statutory responsibilities given those demands. Feedback received from Ofsted was that Cafcass had sustained and improved focus on the safety and welfare of children, and Ofsted recognised that Cafcass was continuing to improve in this regard. They found that Cafcass had found ways to manage demand and prioritise the children needing help most quickly whilst protecting workloads. There was good direct work in relationships built in person and staff felt valued, protected, safe and well supported. The Board were informed that Cafcass was due to submit its self-evaluation in April 2023 in advance of the annual engagement meeting with Ofsted in May 2023. It was anticipated that the next inspection would be in 12-18 months.

The National Director of Operations reported that the focused visit did not raise any findings or areas of concern that were not already under review or being addressed internally. This meant that the previously agreed five practice improvement and five leadership improvement priorities would remain as is, but with a need to be more targeted and forensic in consistency so that all the service areas and teams are achieving the standard expected for children. The key areas for improvement would cover:

- Introducing operational service area improvement plans for the 10 national priorities with Heads of Practice more directly accountable for the performance of their operational service area. This would assist in understanding which teams need more support to consistently achieve the standards.

- Developing management fundamentals, which would set out the standards for management oversight including an expectation for reflective discussions to be held in challenging or complex cases.
- The required use of Assessment and Child's Plan in all children's cases and use of Together practice materials appreciated by children and families.
- Developing a national operating procedure for duty cases with agreed standards for applying criteria, contact with families and oversight of new information.

The National Director of Operations noted that there would be a significant culture shift required, particularly for those family court advisors and guardians that were self-regulators, to ensure that reflective discussion was happening when dealing with complex factors in a child's life. It was not the intention to compromise the independence of family court advisors or children's guardians in individual proceedings, however the aim was to make sure that there are very clear expectations and that there is a good balance in terms of oversight and increasing the work judged as good/outstanding. The cultural change would take longer than mechanistic restructure or reconfiguration but work had already commenced to engage staff, for example, through live events where staff were sharing good practice examples.

3. Contingency Planning

The Chief Executive Officer reported that contingency planning had been underway since late November 2022 following a dispute with trade unions over the pay award. The dispute remained live but the disputes process had been exhausted and an agreement was reached at the ACAS meeting to this effect on 20 December 2022. The pay award of 2.51% had subsequently been made to staff in February 2023, given the exhausted process and the absence of any lawful solution to increase the pay offer above 2.51% due to the civil service pay rules by which Cafcass is bound. Trade unions were still considering a formal ballot for industrial action and therefore contingency planning was continuing, working on the basis of one quarter of the workforce taking industrial action through either strikes or work to rule action.

The Chief Executive Officer informed the Board of the various options being considered to maintain operational continuity and service delivery in the event of industrial action. In the event of industrial action being triggered, weekly regional service continuity meetings would be held in each area to report back on emerging issues and these would then be reported into the Recovery Board. Guidance had been developed for managers and family court advisors to outline what prioritised work would involve, such as attending court, covering basic caseloads, seeing children. The Chief Executive Officer noted in the event that industrial action was triggered, there were three exemptions that would be put to the unions to consider.

The Board noted that in the event of industrial action attendance at scheduled hearings would be encouraged however this could not be enforced. Staff would however be expected to inform their manager of the intention not to attend hearings so other arrangements could be made. The Chief People Officer confirmed that if the industrial action taken was work to rule, rather than strike, then the main priority would be attending court and staff would be mandated to do so. The Chief Executive Officer advised that non-union staff would also be able to take action and the 25% modelling included non-union staff taking action.

The contingency plan was currently with external lawyers for review and once finalised would be signed off by the Corporate Management Team and would be kept under review. Routine partnership meetings with trade unions would continue in the meantime.

4. Risk Summary

The Director of Resources reported that the indicative budget allocation for the next financial year 2023/24 had been received and this did not allow for any growth in financial spending. Work on spending requirements was being undertaken by the Corporate Management Team to understand

pressure points. The Director of Resources had met with MOJ finance colleagues to talk through Cafcass's position. There was provision for a pay award in the 23/24 allocation however this was set at the government minimum of 2% whereas local authorities were announcing they would be making the same offer as 2022/23 – approximately 5% or a £2,000 uplift. It was noted that Government has been considering a 5% pay award across the civil service which would put Cafcass at parity with the local government settlement for the financial year 2023/24 only.

The Chief Executive Officer noted that the major risk of sickness and staff turnover would be exacerbated if local authorities made a 5% offer next year and Cafcass was only able to make a 2% offer. This would mean Cafcass would lose any competitiveness as an attractive employer. The Chair noted that she and the Chief Executive Officer would be meeting with the Permanent Secretary in April 2023 and would continue to highlight this major risk. The MOJ representative noted that the MOJ recognised the concern, and they would be doing what they could to help reduce risk in this area.

5. Strategic Plan

The Director of Resources introduced the report on the Strategic Plan which was a follow up to work undertaken earlier in the year to look at the shape of the Strategic Plan for the next phase from 2023-26. The new plan would essentially retain the themes and organisational direction of the current strategy but with renewed focus. The cover report also outlined the approach to developing the Strategic Plan, including details of the activities and events being undertaken to engage staff.

The final Strategic Plan would be presented to the Board in April 2023 to be approved for the start of the 2023-24 financial year.

Board member Peter Fish commented that the focus on management oversight and supervision was key to organisational cultural change over the next three to six years and asked for clarification where this was specified in the plan. The Chief Executive Officer clarified that management oversight and supervision was held in the practice pillar and was a key priority as a result of work coming out of the Ofsted visit.

Board member Rohan Sivanandan commended the proposals for staff engagement activities for development of the strategic plan and noted that they were very positive and well thought out. He queried what processes would be in place to foster continuous engagement and capture feedback on the strategic plan. He also enquired about the links to the Equality, Diversity and Inclusion strategy and how this fitted into the strategic plan. The Chair asked for this be reviewed and included in future updates on the strategic plan.

The MOJ representative requested that she discuss with the Director of Strategy the partner priorities to make sure the new strategy is aligned to MOJ's, particularly on the private law demand agenda and also to make sure it is future proofed for political change.

6. Performance, Accountability and Improvement

The Chief Executive Officer presented an overview of the performance, accountability and improvement cycle noting four new initiatives to the cycle had been implemented last year. Throughout the year each region would attend an annual performance board, be subject to a mid-year review, have an improvement plan around the five practice and the five leadership priorities and then submit an end of year progress update in the form of an annual self-assessment. The performance and accountability cycle also served as an internal stocktake tool and a way to track and evidence progress over the year.

The National Director of Operations reported that the Performance and Accountability cycle would be amended following the focused visit to replace regional improvement with operational service area improvement plans. As reported earlier, the reasons for this include addressing variation across Cafcass and within a single region – as focus on performance at regional level can potentially mask

difficulties in particular teams. It was noted that those teams with high variability of work rated good or outstanding, or those below the national average would receive targeted support with priority actions for improvement and a revised improvement plan. The National Director of Operations reported there are currently 4 such areas who were receiving targeted support.

The Chief Executive Officer noted that the mid-year review reports were currently being assessed and data for improvement between October 2022 and January 2023 was being collated. Ofsted would receive a six-month progress update via the self-evaluation as an annex to the mid-year review report. The National Director of Operations would provide an update on the mid-year reviews at the April Board seminar.

7. Close and Any Other Business

The Chair noted that an update report had been circulated from the FJYPB and invited the FJYPB representative to comment on the report or on the discussion held today. The FJYPB representative noted that it was positive to see a strong focus on children and families in the new strategic plan despite ongoing pressures and challenges. She reported that the FJYPB had engaged with Ofsted as part of the focused visit and they were very interested in the work of the FJYPB and how they interacted with Cafcass. She also reported that FJYPB members had recorded an audio voiceover for the "Be My Voice" recruitment campaign and more information on this would follow at a future date. The Director of Resources thanked FJYPB members for their contribution to videos used in the strategic plan staff engagement events. The Chair thanked the FJYPB representative for her comments and for the wider work of the FJYPB. The Chair asked Board members to note the date of the annual FJYPB conference which was being held on 27 July 2023.

The Chair closed the meeting and thanked everyone for their attendance.

Minutes approved by the Board Chair, Sally Cheshire, 26 April 2023

