



CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Paper for the Board Meeting on Wednesday 20 March 2019

CHIEF EXECUTIVE'S REPORT

This is my last report to the Board as your Chief Executive. Looking ahead rather than back, my report is organised to fit within the 3 objectives of our emerging strategic plan for 2019-22: our practice, our partners and our people. I think the plan is a useful framework for reporting on and it may be that all of our reports use these objectives as headings in the future, so that we think through how to make a positive difference to each of the objectives with every decision we take.

OUR PRACTICE

1. Private and Public Law Demand in January and February 2019

Demand levels are set out in Appendix 1 and 2. They show that the trends last year are continuing much the same. Private law demand is increasing continuously, whilst public law demand is again showing a slight fall. The other key figure is the increase in the number of cases still in the system which is increasing fastest of all and adding to the pressure in the system. We continue to discuss ways this can be mitigated, with the judiciary locally and with all partner agencies via the National Family Justice Board, which will be considering an action plan at its next meeting in May 2019. Ultimately this will require a combination of short-term actions to manage immediate pressures and more fundamental changes to design, especially in private law, to divert those applications from court without safeguarding or serious welfare concerns. The recent Family Justice Board newsletter is attached as Appendix 3.

2. Our budget for 2019/20

Intensive discussions are taking place about this and whilst I cannot be definitive about our level of grant funding or the detail, I am confident from the content and tone of these discussions that we will be able to set a 'safe minimum budget' for next year, which of course starts in a couple of weeks. Board members will be kept apprised of this process which is unlikely to complete before the start of the new financial year. The level of grant likely to be set will continue to present us with delivery challenges.

3. Data breaches and the ICO

We have received another letter from the Information Commissioners Office (ICO) about data breaches. They have now moved to an investigation and have started by asking us for further information about the actions we have taken to address the concerns they raised in their previous letter in which we were given a reprimand. We

have since reported a number of further breaches, the point being it is impossible for us to reach a zero level for the reasons that have been set out in numerous reports to our Audit and Risk Assurance Committee. The ICO set out potential further action they might take, which came as a surprise as their last letter indicated that they did not intend to take further action at this stage. The attached correspondence sets out the position at Appendices 4, 5 and 6. We will be asking to meet with the ICO to discuss future strategy, probably by inviting them to visit our National Business Centre to see for themselves the level of workflow and how our performance would dramatically worsen if we inserted into the process the level of checking and due diligence that would be needed to reduce the current extremely low level of breaches for the volume of our transactions. However, we do take this extremely seriously and we will now appoint a new Information Assurance Manager to give this whole area more scrutiny and attention.

4. Our future Ofsted Inspection Framework

The National Service Director and myself are seeing Ofsted on 4 April to discuss how we will be inspected in the future. The discussion will focus on the length and scope of future inspections and how focussed visits will be carried out. The first such visit is likely in the next business year (April 2019 until March 2020). Once the strategic plan process is finished, we will put together our first self-assessment under the new Ofsted framework which requires an annual self-assessment in advance of an 'annual engagement meeting' or 'annual conversation'.

OUR PARTNERS

5. Private and Public Law Working Groups

We continue to work hard on the current time-limited and judge-led Public and Private Law Working Groups. These are looking at the reforms and improvements that can be made to the Child Arrangements Programme in private law and to the Public Law Outline in public law – a CAP2 and PLO 2 if you like. We are chairing many of the sub groups and I am co-sponsoring the work as a whole with the President of the Family Division, Sir Andrew McFarlane.

The work covers the end to end process in both law types and we will bring the work in progress on this to the next Board seminar on 19 March. The work is of great significance as it will be our only opportunity to mitigate some of the pressures our teams face from rising demand, especially in private law. Government has made it clear there will be no new primary legislation in family justice this side of the next Government and the next Comprehensive Spending Review, apart from the long overdue modernisation of divorce law. However the working groups are setting out longer-term thinking as not all of this needs legislation in any case and it is essential that we have done the groundwork for the time when further legislation may be possible. I attach the third of 3 articles I have written for Family Law this year, setting out my own view of how the system could develop. This is Appendix 7.

We continue to work closely with MoJ and HMCTS on the joint current pilots in private law:

- 1. Bulk scanning** (our joint digitisation project with Neopost): - HMCTS are working to a national roll out by May.

- Manchester will be added to the pilot next - to allow the testing of bigger numbers coming through, prior to planning the national roll out.
- Evaluation so far is positive for both organisations. For us, the pilot has reduced the time of receipt of a private law application from 7.7 days to 1 day. HMCTS are on track to make considerable savings from bulk scanning.
- This project will allow us to make further changes in case management, such as automatic case creation in our electronic case management system (ECMS)
- As part of this project we undertook a mapping exercise which considered a number of other joint processes /shared benefits as part of the national end to end process with HMCTS - shared opportunities will continue to be considered e.g. regional hubs and the centralisation of gatekeeping.
- The digital/online C100 development is being handed over from MoJ to HMCTS in April 2019.

6. Bid to DWP against ‘reducing parental conflict’ challenge fund

Our bid is for a project, working with multiple partners, which aims to increase access to resources at an earlier stage for disadvantaged families to reduce parental conflict and achieve best outcomes for children and families. The project also aims to reduce the need for families to access the family court.

Evaluation of the project will build an evidence base on how effectively local professionals in a “dispute resolution alliance” can deliver joined-up an early intervention service for families. This aims to reposition family court early intervention within broader community-based early help services for the first time.

According to DWP’s timetable, which expects to start work in April 2019, we hope to have heard whether we have been successful in time for the Board meeting.

7. The Cafcass/AFCC Co-parenting Conference on 21 March 2019

We are hosting an international conference on co-parenting on 21 March. This brings together the known research and practice on co-parenting and aims to promote co-parenting for children. Co-parenting is different from shared parenting. Our definition has it as a child-centred approach based upon both parents committing to work together to meet the unique but changing needs of each child. The conference will also be an opportunity to discuss what can be done to join up and strengthen the existing initiatives which are aiming to take this forward. The conference builds on our development of a Child Impact Assessment Framework which is being increasingly used by our practitioners. A number of Board members are attending.

8. Cafcass Cymru

Cafcass Cymru have just received a similar positive inspection to our own last year. Theirs is from the Care Inspectorate Wales and the report is attached at Appendix 8. We continue to work and liaise closely with Cafcass Cymru and with the guardian service for Northern Ireland, NIGALA, who are visiting us in mid-March, aiming to learn from our experience and systems.

9. Development of a Voice of the Child centre

Had I stayed, I would love to have developed Cafcass as a voice of the child centre internationally, building on our progress to date. I am delighted this future development sits in our strategic plan as it will take a while to develop. The imminent launch of 'How it looks to me' is a new development which will stand out globally as it is unique. This new app will enable children and young people to communicate their needs wishes and feelings more readily than they sometimes can in court-related set-piece meetings. I have also attached as Appendix 9 a sample report using an infographic format rather than pure text. This builds on our incorporation of children's words and pictures into our court reports via the This Much and Backdrop software. All new child centred developments must also prove they can assist us to manage our day to day work so they must meet the tests of affordability, both financially and also in terms of practitioner time. The Voice of the Child Centre will be a virtual centre and hold the known information, caselaw, research and practice material on those services in and around family courts which protect and promote the voice of the child.

OUR PEOPLE

10. Recruitment to my post

The necessary approvals for the process have now been received so the process is underway with interviews set for 27 April. The provisional timetable is attached as Appendix 10 though this is subject to change. I anticipate a strong short list.

11. Interim arrangements after I leave on 30 April 2019

It is clear we will need interim arrangements either for a few weeks or a few months. These have been discussed and agreed with the Chair and by the Ministry of Justice. Giving the three Directors enhanced responsibilities is the best way of achieving continuity and continuing change, both in the interim period and in the first few months with the new Chief Executive in post, to help her or him get up to speed. Enhanced responsibilities are set out in Appendix 11 with the Director of Resources becoming Interim Executive and Accounting Officer.

12. Pay award 2018/19

The general slowdown in progressing Government business extends to our business cases – and those of every other organisation. We have still not had a response to our business case about the pay award this year (our request to go beyond our interim award of 1.16% with a further 0.84% consolidated element to bring it up to the sector average of 2%). We continue to push this with the Ministry of Justice.

13. Request for vetted status for our practitioners spending time in court buildings

We have asked HMCTS to consider granting our staff who regularly use local court buildings a 'vetted status, allowing them dispensation from what can be lengthy security checks, to allow them to use desk space which is available for court staff rather than have to work using their phones and laptops in the court waiting areas and also to be able to use other staff facilities like parking. A marginal gain like this can make a significant difference to hard pressed staff who might need to be in court two or three days a week. HMCTS have agreed to consider this.

14. Development of a Staff Impact Assessment Framework

As pressures on all staff continue, it is important that the organisations support them to the hilt. The impact of the job and the organisation on individual members of staff is crucial to understand and to take action about when needed. Our current procedures tend to focus on the extremes of behaviour, resulting in use of HR procedures or the violence against staff procedure. However, our work is 'emotional labour', working with individuals who can express a range of powerful emotions to them and which they are often absorbing day in and day out. The role of the organisation in the background is vital, as a source of support and risk sharing. CMT think it would be useful to develop a more nuanced understanding of staff impact through the development of a staff impact assessment. An outline of this is attached as Appendix 12. One option is to use staff impact notices with family members who bombard and target individual staff, perhaps sending numerous text messages every day or sending disrespectful and intimidating e-mails every day. Any action taken needs to take care not to worsen a situation or to rebound on the child or children in a case. Nevertheless, we absorb a tremendous amount of aggression, only reacting procedurally when it becomes extreme. A framework like this can also help the organisation to continue to develop its own support and responses to these pressures on staff.

15. Change of our regulator from the Health and Care Professions Council (HCPC) to Social Work England (SWE)

The change in social work regulator was due this spring but this is now likely to take place later in the year. SWE are currently consulting on a range of matters, the most important for us being new professional standards, which has implications for entry level training and continuous professional development. We have developed a strong link with SWE and we also liaise if need be with their chair, Lord Patel and Baroness Tyler, our former chair, who is a Board member of SWE. Managerially, we will have quarterly Keep in Touch meetings.

MISCELLANEOUS

16. BREXIT

Given the new time-frame, there is nothing urgent to do and the relatively few risks the Brexit process is likely to give us are kept under regular review. These include information sharing with individual EU member states and any risks to the recruitment and retention of staff as a result of either controls or the public climate. So far, none of the risks have caused concern and we will be ready to respond whatever the final scenario.

Anthony Douglas CBE
Chief Executive, Cafcass

14 March 2019

Appendices:

- Appendix 1: Official Private Law Demand 2019
- Appendix 2: Official Care Demand 2019
- Appendix 3: LFJB Newsletter
- Appendix 4: ICO Cafcass Investigation Outcome – 28 August 2018
- Appendix 5: ICO Enforcement Leaflet
- Appendix 6: ICO letter, 5 March 2019

- Appendix 7: Family Law Article
- Appendix 8: Cafcass Cymru CIW Report
- Appendix 9: A sample report
- Appendix 10: Cafcass CEO Recruitment Timetable
- Appendix 11: Interim CEO arrangements and responsibilities
- Appendix 12: Draft Staff Impact Assessment Framework (SIAF)