

PAPER 1: FAMILY JUSTICE BOARD MEETING MINUTES

27 September 2018 14:30-16:00, Portcullis House

ATTENDEES

Chairs

Lucy Frazer QC MP, Minister of State for Courts and Justice

Nadhim Zahawi MP, Minister for Children and Families

Members

Anthony Douglas, Chief Executive, Cafcass

Nigel Brown, Chief Executive, Cafcass Cymru

Kevin Sadler, Deputy Chief Executive, HMCTS and PISG Chair

Helen Watson, Association of Directors of Children's Services (ADCS) (by phone)

Shazia Hussain for Katy Willison, Director, DfE

Andrew Christie, Chair of Adoption Leadership Board

Nicola Hower, Director, MoJ

Julia Gault, Deputy Director, DWP

Isabelle Trowler, Chief Social Worker for Children and Families

Yvette Stanley, National Director, Social Care, Ofsted

Sally Jenkins for Jake Morgan, Head of Children's Services, ADSS Wales

Observer

Sir Andrew McFarlane, President of the Family Division

Alex Wilkes, PS to Lucy Frazer QC MP

Lizzie Lawson, PS to Nadhim Zahawi MP

Apologies

Albert Heaney, Director, Social Services, Welsh Government

AGENDA ITEM 1: WELCOME AND INTRODUCTIONS

1. Lucy Frazer welcomed members, noting that Sir Andrew Macfarlane was now in post as President of the Family Division. Special welcomes were also given to the Family Justice Young People's Board (FJYPB) representatives.
2. This was the second meeting co-chaired by these Ministers, and was delivered in September as promised in June's meeting. Ministers noted the publication of the Family Rights Group (FRG) "Care Crisis Review" in June and the fact that they had met with FRG regarding the review.
3. Nadhim Zahawi noted that FJB minutes would now be published, and asked for comments on June's minutes. The minutes were agreed with one minor amendment. Regarding actions arising from the previous meeting, Ministers thanked members for sharing proposals for priorities for the board. These will be considered by officials. The updated Terms of Reference were also accepted.

AGENDA ITEM 2: UPDATE FROM THE FJYPB

4. Nadhim Zahawi introduced this item, an update on the work being undertaken by the FJYPB. The FJYPB representatives gave an overview of the work being undertaken by the group. The priority for the year is improving resilience and improving mental health for children, young people and vulnerable adults. Other work strands include:
 - Court reviews. The FJYPB has worked with court staff following feedback from children and young people and shared feedback from these with the PFD and HMCTS. Eight visits have been completed in the year.
 - "Top Tips" for separating parents to help them think about matters from their child's perspective. This has also been shared with stakeholders.
 - HMCTS Young Person Focus Group. Joint visits to assess court friendliness for children and young people.
 - Voice of the Child Conference held in July.

Observations and discussions included:

- A shared view of the importance of the work of and the need to present the children's view on these issues. Members agreed to promote the Top Tips for separating parents amongst various practitioner groups. The focus on the impact of proceedings on children's mental health was also noted as being important to consider.
- Cafcass is looking into the possibility of having a "Children's dashboard", to try and focus on the level of contribution to a case by the child involved, access to services and emotional wellbeing to be captured by dialogue with young people.

ACTION- Isabelle Trowler to explore disseminating the 'Top Tips' via social worker networks (DfE)

AGENDA ITEM 3: CURRENT PERFORMANCE OF THE FAMILY JUSTICE SYSTEM

5. The Chair of the Performance Improvement Sub Group (PISG) provided an update on system performance. In summary, the picture was very similar to June, with the

indicators performing as predicted. Public law volumes had sustained the high level reached since 2016, with private law volumes continuing to increase, and a corresponding increase in the number of outstanding cases. LFJBs are managing well in the circumstances, with old cases continuing to be well managed. The increase in the number of hearings (KPM3) is a concern, as more hearings puts more pressure on the limited number of listings available and can be an indicator of lack of efficiency as cases are not ready for court, causing adjournment.

Observations and discussions included:

- Members noted that the numbers of adoptions were down.
- Another question was raised regarding the profile of the backlog. The only available data was the age and number of cases, with the costs of further analysis deemed disproportionate. There were, however, no indicators of an increased complexity in cases.
- Cafcass volumes had also been increasing by 4% in public law and 7% in private law for September, with two years' continuous rise, particularly in private law cases. A concern was raised that cases with increased duration could lead to assessments needing to be redone, causing further delay.

AGENDA ITEM 4: UPDATES ON DfE POLICY REFORM PROGRAMME AND JOINT MOJ-DfE WORK

6. An update was presented on DfE policy reform work. The work consists of three strands, looking at people (improving social work and confidence in risk management), places (intervening in failing local authorities and supporting those at risk of failing) and practice.
7. A progress report on the joint MoJ-DfE work was presented. At the last meeting, the initial phase of discussions with LFJBs was discussed. Since then, phase 1 has been completed and the following priorities identified for phase 2:
 - Pre-proceedings (identifying and sharing best practice);
 - Care at home and Supervision Orders (looking at variability and how they are used);
 - Effectiveness of the Public Law Outline;
 - Effective practice and early interventions.

Phase 2 will involve looking at existing evidence and guidance, collecting new national data, and carrying out fieldwork interviews. The plan is to complete the fieldwork and analysis by the end of Autumn 2018 and feedback to the FJB in early 2019.

Discussions and observations included:

- Members noted the need to engage the LFJB network across England and Wales, and tie in with work already under way in Wales.
- The team stated that they were asking Local Authorities for data to provide an evidential basis to support any anecdotal claims.

- There was agreement that care at home or supervision orders needed consideration. Members stated the need for defined terms and clarity of language, as Care Orders at home can also include Special Guardianship Orders with extended family.
- There was a view that good pre-proceedings must prevent unnecessary hearings, and ideally keep cases away from court. Nonetheless, cases should be sufficiently prepared to go to court if necessary. Members also noted the difficulty of engaging families during pre-proceedings.
- There were concerns that the generality of some proposed lines of enquiry might make them difficult to test against the available evidence.
- Isabelle Trowler gave an update on her research into the increase in care proceedings in England. Initial findings indicated that families are experiencing the same issues as 20 years ago, with no greater complexity. Almost all families were living in entrenched, multi-generational poverty. However, the shift in what is considered socially acceptable parenting, combined with the increased risk-adverse nature of professionals, has resulted in an overreliance on the authority of the courts to negotiate between families and the state.
- Members noted the need to identify good practice and how to generate learning to disseminate it across local authorities with varied situations.

AGENDA ITEM 5: CARE CRISIS REVIEW

8. The Family Rights Group's (FRG) Care Crisis Review published its report in June 2018. MoJ and DfE Ministers have met with the FRG to discuss the findings. It was noted that the CCR formed part of the evidence being used in the joint MoJ-DfE work. They are not being treated as separate and are broadly aligned.

Observations and discussions included:

- Those who had contributed to it noted that the CCR had been a quick review, and had been rich in data. Judicial observations and OFSTED among others had asked why local authorities were taking so long to issue proceedings with the indicators being attributed to local differences.
- From a social work perspective, it was felt that there were increasing improvements across the country and local authorities were identifying effective practice models to adopt. Evidence is emerging on organising child social care, including work done by the What Works Centre, such as a recently launched new programme to test how to divert from court with the aim of building an evidence base.
- It was commented that little is known regarding outcomes for children subject to Special Guardianship Orders.
- Other contributing factors noted were perceived judicial variation.
- Lastly, it was queried whether use of the word 'crisis' was appropriate given the extended context of rising volumes of Care applications.

ACTION- FJB members to contribute to a narrative on the leadership role of FJB for discussion at the next meeting.

AGENDA ITEM 6: THE FUTURE OF THE FJB AND LFJBS

9. This item was introduced with the aim of beginning a conversation on the future work programme of the FJB, and how it should work with the network of LFJBs. It also raised the question of the use of subgroups, such as FJYPB, FJC and PISG, as well as making effective use of sponsors. The need to improve cross-working between LFJBs was also noted. A national conference is planned to support these goals.

Observations and discussions included:

- The FJYPB welcomed the opportunity to work more closely with the FJB.
- The effectiveness of the sponsorship model was questioned, and the importance noted of consistent messaging across all sponsors, as well as close work between sponsors and Chairs.
- It was also noted that the FJB needs to give a clear vision to LFJBs and sponsors.
- Cafcass' work on best practice, due for publication in December, was also noted, with contrast drawn between the collaborative model of the LFJBs and the ways of working employed by the Local Safeguarding Children Boards.
- Finally, it was stated that the desire was for a circular flow of feedback and messaging *from* FJB to LFJB, and then *back* to FJB.

AGENDA ITEM 7: ANY OTHER BUSINESS

10. The meeting closed, with the next meeting planned for January. Members were thanked for their contributions.