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PAPER 1: FAMILY JUSTICE BOARD MEETING MINUTES

6 June 2018 16:15-17:45, Portcullis House

ATTENDEES

Chairs

Lucy Frazer QC MP, Parliamentary Under-Secretary of State for Justice

Nadhim Zahawi MP, Parliamentary Under-Secretary of State for Children and Families

Members

Anthony Douglas, Chief Executive, Cafcass

Matthew Pinnell for 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)

Katy Willison, Director, DfE

Andrew Christie, Chair of Adoption and Special Guardianship Leadership Board

Alistair Davey for Albert Heaney, Director, Social Services, Welsh Government

Nicola Hewer, Director, MoJ

Julia Gault, Deputy Director, DWP

Isabelle Trowler, Chief Social Worker for Children and Families

Yvette Stanley, National Director, Social Care, Ofsted

Jake Morgan, Head of Children's Services, ADSS Wales

Observers

Sir James Munby, President of the Family Division

Lord Justice Sir Andrew McFarlane, President-Designate

Apologies

FJYPB Representative

Agenda Item 1: Welcome and Introductions

1. Lucy Frazer welcomed members, thanking them for attendance, and welcomed the new members of the Board. She thanked the President of the Family Division (PFD) (Sir James Munby) for his work and leadership, and welcomed Lord Justice McFarlane and outlined that she and Minister Zahawi looked forward to working with him in his soon to be new role of PFD.
2. Nadhim Zahawi apologised for the delay since the last meeting and stated that he and Minister Frazer were keen to take on the role of co-chairing the board and ensure quarterly meetings take place going forward.

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Agenda Item 2: Current Performance of the Family Justice System

3. The Chair of the Performance Improvement Sub Group (PISG), of FJB, outlined its work. It had continued to meet quarterly to review and seek to improve both national and local performance levels. The system was seeing an increase in receipts in both public and private law, and also a corresponding increase in the number of outstanding cases. However, despite this, all LFJB areas were still performing better than they had prior to the family justice reforms of 2014, although case timelines in some areas were beginning to lengthen again. Testament was paid to the work of all those in the system for their efforts responding to the high levels of demand.

Observations and discussions included:

- Public law receipts were levelling off, albeit at a higher level than previously, but recent Cafcass data showed that May 2018 had the second highest ever level of receipts. The Board did note that the improvement since the Family Justice Review had been dramatic, and members felt that the 26-week timescale had been successful. However, it was noted that there needed to continue to be the right balance between securing the most appropriate outcome for a child and the 26-week timescale.
- Members also noted that the system should track the journey of the child and that there was a need to look more deeply into a case to extract any specific reasons for delay. This was possible with the newly published Public Law Applications to Order (PLATO) tool.
- The variation in regional performance was noted. Discussion as to the potential reasons noted the role of local authority performance as well as variation in Judicial practice and approaches and in the performance of Cafcass. It was agreed that some regional variation would be warranted – given the variety of case mix etc in different regions, but that this would be unlikely to explain all of the variation seen and that more work should continue to explore the level of and causes for unwarranted variation with a view to helping local FJBs to understand and address this better.

Agenda Item 3: Updates on what is happening in the family justice system

4. MoJ and DfE officials introduced this item, outlining the detailed work being carried out by DfE and MoJ, the goal of which was to understand the reasons behind the increase in demand and why there was local variation, and how this could be addressed. The presentation described several early areas of focus from initial discussions with LFJBs, including early intervention, local authority, Cafcass and judicial variation, and the public law outline. These will be tested further in phase 2 of this work, and officials emphasised that the work will gather qualitative and quantitative evidence and compare the local evidence with PLATO and other national data. The work will also look at the forthcoming report of the 'Care Crisis review', with the aim of synthesising the findings of all the current work in this area in order to put a progress report to Ministers on next steps before Summer recess and to update the Board further at its next meeting in September.

Observations and discussions included:

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- Some members had been part of the stakeholder group of the 'Care Crisis review' and said that it had been a very thorough process and that the MoJ/DfE work appeared to have identified similar topics to those highlighted by the sector. An action plan to address these issues must be feasible to accomplish, and should look to address leadership gaps and improve local data and analysis.
- There were concerns expressed about the need to ensure that what people were saying anecdotally was borne out by the evidence. An example highlighted was whether the lack of early interventions is indeed a cause of increased volumes of cases as has been cited in some of the work with LFJBs to date.
- There was then a wide-ranging discussion about possible areas to focus on. These included:
 - i. Repeat applications coming from the same families;
 - ii. Pre-proceedings: understanding the use of pre-proceedings, and the likely impact of greater consistency in their use;
 - iii. Public law outline: the impact of the 26-week time limit, and the use of extensions to proceedings;
 - iv. Adolescents in care and the causes of the increase in the number of adolescents in care;
 - v. The impact of the new OFSTED inspection regime;
 - vi. Taking a longer view of the social work with a family to those identify cases likely to go to court;
 - vii. Care orders at home and supervision orders: examining variations in the use of care orders at home and similar orders, and the impact of different court and LA practice.

ACTION - Secretariat to arrange a write around with members, asking for three things to focus on, and analyse responses and feedback to the Board.

Agenda Item 4: Terms of reference of FJB

5. Lucy Frazer introduced this item and asked for views on the existing terms of reference as they were presented.

Observations and discussions included:

- There was a need for the Board to demonstrate values driven leadership, and to look at ensure the use of evidence-based change and decision making.
- It was key to use evidence to drive decisions and that whatever approach is brought forward, it must tie into other opportunities, such as the What Works Centre.

ACTION - For the next meeting, DfE to supply information and/or run a session on its reform programme.

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Agenda Item 6: Any other business

6. Lucy Frazer again put on record her thanks to the President of the Family Division (Sir James Munby) for his work and leadership, agreed by members.
7. The meeting closed, with the next meeting planned for September, and quarterly thereafter, and members were thanked for their contributions.