

Family Justice Board (FJB) Meeting

Tuesday 21 July 2020

Attendees

Members:

Alex Chalk MP, Parliamentary Under Secretary of State, MoJ. (Co-Chair).

Vicky Ford MP, Parliamentary Under Secretary of State for Children and Families, DfE. (Co-Chair).

Jacky Tiotto, Chief Executive, Cafcass.

Nigel Brown, Chief Executive, Cafcass Cymru.

Ian Walker, Director of Safeguarding and Early Help at Bolton Council, The Association of Directors of Children's Services (ADCS).

Jeremy Gleaden, Senior HM Inspector, Children's Social Care.

Andrew Christie, Chair, Adoption Leadership Board.

Albert Heaney, Director, Social Services, Welsh Government.

Neal Barcoe, Deputy Director, MoJ.

Sophie Langdale, Deputy Director, DfE.

Duncan Gilchrist, Child Maintenance and Policy Exploration, Department of Work and Pensions.

Adam Lennon, Deputy Service Owner and Head of Family Team, HMCTS.

Observers:

Mrs Justice Theis, Acting President of the Family Division.

Katie Goldstraw, Representative of the Family Justice Young People's Board.

Benjamin McCormick, Representative of the Family Justice Young People's Board.

Presenters:

Nick Newcomen, Head of Family Economics and Operational Research Team, MoJ.

Louise Moore, Children's Rights and Family Justice, DfE.

Professor Rosemary Hunter, Professor of Law and Co-Director of Postgraduate Research, Kent Law School, University of Kent (only attended for Items 1 and 2).

Professor Liz Trinder, Professor of Socio-legal Studies, University of Exeter (only attended for Items 1 and 2).

Lorraine Cavanagh QC, St. John's Buildings (only attending for Items 1 and 2).

Officials:

Helen Evans, Head of Family Justice Reform, MoJ.

Maria Kavanagh, Private Secretary to the President of the Family Division, Judicial Office.

Mark Barford, Assistant Private Secretary to the President of the Family Division, Judicial Office.

Ify Okoye, Policy Lead - Children's Social Care, DfE.

Nengi Ayika, Children in Care and Permanence Division, DfE.

Jamie Paul, Head of Public Family Law, MoJ.

Kate O'Sullivan, Assistant Private Secretary to Alex Chalk MP, MoJ.

Dan Nesbitt, Senior Policy Officer – Public Family Law, MOJ. Secretariat.

Apologies:

Melissa Case and Nicola Hewer, Director, MoJ.

Yvette Stanley, National Director for Social Care, Ofsted.

Julia Gault, Deputy Director, Family Policy including Child Maintenance, Department of Work and Pensions.

Isabelle Trowler, Chief Social Worker for England and Wales.

Meeting

Co-Chairs' Introduction and Opening Remarks

1. Alex Chalk (AC) welcomed everyone to the meeting and noted that this was the first meeting since October 2019, and both his and Vicky Ford's (VF) as co-Chairs. Minister Chalk expressed his gratitude for the extensive collaboration that had underpinned the family justice system response to the challenges arising from the coronavirus pandemic.
2. Minister Chalk noted that the agenda for this meeting would primarily focus on the current recovery and reform priorities within the family justice system. The co-Chairs confirmed their commitment to re-establish the regular quarterly cycle of Family Justice Board meetings.

Final Report on Assessing Risk of Harm to Children and Parents in Private Law Children Cases

3. Minister Chalk introduced Professor Rosemary Hunter (RH), Professor Liz Trinder (LT) and Lorraine Cavanagh QC (LC), to report to the Board on their work as members of the expert panel that produced this report.

4. The expert panel representatives set out the background to the report and its findings, highlighting that there had been a large volume of evidence submitted to the Panel and emphasising the four primary themes subsequently highlighted within the report. Members considered the new design principles for the system recommended by the report.
5. It was noted that the experience of children living with violence differs considerably between cases identified through social work assessment and referral, and those that come to light through private family law proceedings. Cafcass shared the view that social work assessment at the earliest possible stage is an essential component of improving outcomes for those experiencing domestic abuse. Cafcass would be undertaking a quality learning review to review its current practice, with recommendations to be implemented by learning and improvement board. The Panel representatives noted the recommendations within the report around social worker accreditation and training, and the importance of social workers being fully informed about issues around domestic abuse.
6. Minster Ford offered her thanks for the report and noted that the government would be considering all of the recommendation closely.
7. MoJ Policy outlined the Government's approach to the implementation of the expert panel's recommendations. Amendments to the Domestic Abuse Bill would ensure that domestic abuse victims would be automatically entitled to special measures to support their participation in family court proceedings. An approach was being developed to review the presumption of parental involvement, and pilots to trial an investigative approach to domestic abuse in family proceedings were planned. Further measures were being developed to respond to the expert panel's recommendations, and would be presented to the next Family Justice Board meeting as part of a detailed implementation plan and forward timeline.

Action Point 1: The Family Justice Board to review the Government's plans for how to address the expert panel's recommendations at its next meeting.

Impact of Covid-19 on the Family Justice System

8. Minister Ford introduced the item, noting her thanks for the data that had been generated by system partners throughout the pandemic to support recovery work and ensure that operational resources were prioritised towards essential services.
9. MoJ Analysts presented a summary of the key data and information illustrating the impact of Covid-19 on the family justice system. Data focusing on demand and supply within the system and noted some regional variation. Measures to increase capacity, reduce or divert non-essential cases, and improve process efficiency were noted.
10. Minister Chalk noted the major recovery challenge facing the family justice system, and expressed the Government's gratitude for the enormous effort that has ensured critical services have been sustained through the pandemic.

Operational recovery response to Covid-19

11. Members received an update on the work and current priorities of the national Operational Recovery Group convened in response to the challenges presented by the pandemic. The Group had focused on three initial priorities: (i) gathering data to establish the size of issues through public and private law caseload snapshots; (ii) determining how best to manage the backlog; and (iii) addressing the wellbeing of those working within the system. These priorities continue to frame the Group's work, and increasingly the Group is looking to identify and promulgate operational good practice.
12. Minister Ford thanked the Operational Recovery Group for its work in leading the early system recovery effort, and encouraged the Group to consider how it can best align its work with wider system reform priorities, particularly emphasising the need to continue progressing the most complex cases.

Family Justice Reform Implementation Group

13. Minister Ford introduced this item, and noted the need for members to consider whether to incorporate the Family Justice Reform Implementation Group (FJRIG) as a sub-group of the Family Justice Board.
14. DfE Policy recapped the history of the FJRIG, which was originally established in December 2019 to lead work to implement recommendations arising from the President of the Family Division's Public Law and Private Law Working Groups. This agenda had been paused at the outbreak of the pandemic, to ensure the system remained focused on immediate stabilisation activity. The FJRIG had now reconvened, with a revised role combining oversight and coordination of reform activity with the immediate-term recovery agenda. The current focus of FJRIG is to review recovery and reform activity across the system, to ensure that activity is sequenced and prioritised to have the most positive impact. An in-depth timeline and plan would be presented for the Board's consideration at its next meeting.
15. Members agreed that the FJRIG should be incorporated as a formal subgroup of the Board. Members indicated their support for the FJB work programme to be included within the FJRIG prioritisation work.
16. Minister Ford noted she had leave to attend another meeting and gave her apologies for the remainder of the meeting.

Action Point 2: Agenda item on the FJRIG's prioritisation plan and work timetable to be included for the October FJB meeting.

Updates from FJB sub-groups

Family Justice Young People's Board (FJYPB)

17. FJYPB representatives provided an update on their current key priorities and ongoing work, such as the creation of a booklet for young people presenting top tips for coping under Covid-19, and the Board's engagement in research studies. FJYPB had

undertaken an extensive process to identify new members, with 27 appointments made, many of whom have experience of the public family law system. The Board heard that FJYPB had experienced a reduction in government commissions during the pandemic, and members were encouraged to consider areas where engaging with FJYPB could add value to their work.

18. The presenters expressed the FJYPB's desire to meet both ministers to discuss their work. Minister Chalk confirmed that he would be very pleased to meet with FJYPB representatives, and expressed his thanks for the excellent and committed work the FJYPB had completed in support of improving outcomes for young people in the family justice system. DfE officials confirmed Minister Ford would also be happy to meet the FJYPB representatives.

Family Justice Council (FJC)

19. The Acting President of the Family Division highlighted the FJC's intention to set up regional expert sub-committees to encourage and facilitate an increase in the number of experts to help inform family cases, and noted the enthusiasm for increased engagement between the FJC and the LFJB Network.

Performance Improvement Sub-Group (PISG)

20. MoJ Policy informed the Board that the PISG's recent work had focused on the local impact of and response to Covid-19, noting feedback from the LFJB Network on issues around the effective use of technology and the variety of new approaches to case management being pursued.
21. PISG was reviewing the support available to LFJBs, and was looking in particular at options for improved data and practice sharing between local boards, and for PISG to share more examples of local best practice.

Family Justice Board - Forward Programme

25. MoJ Policy noted the proposal for the Board to return to its quarterly schedule of meetings and for the next meeting to include headline issues on the FJRIG's prioritisation plan, as well as the implementation of the recommendations made in the final report on 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases'.
26. Members endorsed the proposal to publish the minutes of the meeting and a newsletter which communicates the work of the FJB and its sub-groups to the wider family justice system.
27. Members noted that the LFJBs had a key role to play in reform and recovery, but that consideration should be given to how best the LFJBs can be supported as well as directed. Members felt an item on the LFJB should be added to the next FJB meeting agenda.

Action Point 3: Agenda item on LFJB Network to be included for the October FJB meeting.

Any other business

22. No business was raised.