

Family Justice Board Meeting

23 February 2021

Attendees

Members

Alex Chalk MP (*Parliamentary Under Secretary of State, Ministry of Justice*) - **Co-Chair**

Vicky Ford MP (*Parliamentary Under Secretary of State, Department for Education*) - **Co-Chair**

Jacky Tiotto (*Chief Executive, Cafcass*)

Nigel Brown (*Chief Executive, Cafcass Cymru*)

Jason Latham (*Head of Business Architecture, HM Courts and Tribunals Service*)

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

Jake Morgan (*Association of Directors of Social Services Cymru*)

Isabelle Trowler (*Chief Social Worker for Children and Families*)

Krish Kandiah (*Chair, Adoption and Special Guardianship Leadership Board*)

Duncan Gilchrist (*Deputy Director – Child Maintenance and Policy Exploration, Department for Work and Pensions*)

Fran Oram (*Director – Children's Social Care, Department for Education*)

Nicola Hewer (*Director – Family and Criminal Justice Policy – Ministry of Justice*)

Albert Heaney (*Deputy Director General - Social Services, Welsh Government*)

Apologies

Jeremy Gleaden (Senior HMI, Ofsted)

Observers

Sir Andrew McFarlane (*President of the Family Division*)

Representatives of the Family Justice Young People's Board.

Meeting

Co-Chairs' Introduction and Opening Remarks

1. Alex Chalk (AC) opened the meeting and welcomed new members Jason Latham (JL) and Krish Kandiah (KK).
2. KK welcomed the opportunity to represent the Adoption and Special Guardianship Leadership Board and informed FJB members of his priority areas of focus: BAME adoption, children 'aging out' of the care system and the role of Special Guardians.
3. AC welcomed the attending representatives of the Family Justice Young People's Board (FJYPB).
4. Vicky Ford (VF) and AC expressed their gratitude and admiration for the efforts of those working across the family justice system in the face of pressures arising from the Covid-19 pandemic. The President of the Family Division (PFD) commented that a strength of the system during the pandemic has been the way people have worked together.

Data Overview – Family Justice System

5. MoJ Policy presented an overview of current family justice system metrics, including the current levels of open cases in public and private law, caseload progression, volume, and capacity data, and information about social care referrals and closures. The data pack highlight the considerable impact and challenge arising from the disruption of the Covid-19 pandemic.
6. Members discussed the implications of delays in the courts being able to issue placement orders. The President of the Family Division (PFD) committed to consider the factors contributing to delays in the timeliness of adoption hearings.
7. Members commented that it would be instructive for the Board to assess what proportion of initial referrals to children's social care ultimately result in proceedings, as well as what types of orders are being applied for.

Roundtable Discussion: Perspective on the Family Justice System

8. VF reiterated her thanks to all professionals working within the family justice system across the pandemic and particularly during the most recent lockdown.
9. FJYPB representatives asked members to consider how the voice of the child can be safeguarded despite the current capacity pressures on the family justice system. The most vulnerable children are being prioritised and Cafcass works to ensure the voices of all children are represented in the court. A 'snapshot' exercise had been undertaken to ensure that the highest priority public law proceedings were being monitored to conclusion.

10. The PFD recognised and welcomed the work by Cafcass, whilst noting that delays across the system compromise outcomes for children. Efforts and resources across the system are being directed to addressing delays and reducing backlogs.
11. Members discussed current issues affecting the conclusion of adoption proceedings. Cafcass noted that a particular challenge lay in concluding cases where a lengthy final hearing was needed. The factors behind this would vary between cases, but members noted that common issues included pressure on court capacity, availability of expert submissions, and Local Authorities not being able to complete their final submission.
12. VF asked whether remote proceedings were suitable for permanence hearings. The PFD noted that these types of hearings are currently going ahead. A large proportion of such hearings had initially been adjourned early in the pandemic to prioritise more urgent or higher risk proceedings.
13. The Board discussed current social work referral levels. Work was being done to monitor the situation and to increase social worker capacity.
14. Cafcass noted a proposal to repeat the 'snapshot' exercise to identify the highest priority public law cases currently held by local authorities. Noting the capacity pressures currently faced by local authorities, consideration was requested to incentives that could be made to encourage uptake – including the temporary relaxation of other reporting requirements. VF confirmed consideration would be given to how to approach the survey but noted the importance of maintaining the regular collection of current vulnerable children data.

Spotlight - Coordinated Courts Model

15. MoJ Policy presented an overview of a planned 'Coordinated Courts' initiative, involving the provision of centrally-generated caseload data to inform the local judiciary and system partners about the progression of cases through the family courts. The approach will be tested initially in a small number of pilot areas before being rolled out more widely if successful.
16. Members recognised the potential benefits of the model and considered this a helpful complement to other reform workstreams, including the soon-to-be-published Public Law Working Group report.

Updates from Related Groups

Family Justice Young People's Board

17. VF reported on her recent constructive meeting with the FJYPB and was looking forward to DfE officials beginning a regular cycle of meetings with them.
18. FJYPB representatives updated the Board on their recent work, including the planned development of a bespoke FJYPB website. AC and VF expressed their support for the proposed dedicated website.

19. VF thanked the presenters and praised in particular the FJYPB's work to broaden the diversity of their membership.
20. The Chief Social Worker recommended that the FJYPB engage with the recently launched review of children's social care and offered to put the FJYPB in contact with the Principle Social Worker Network. HMCTS would contact the FJYPB to discuss their further engagement over family court reform.

Family Justice Council

21. The PFD provided an overview of current priorities for the Family Justice Council and noted that the planned seminar on adoption has been adapted into three shorter webinars as a consequence of Covid-19 restrictions.

Family Justice Network

22. Welsh Government highlighted work to reduce the 'looked after' children population. Recent areas of attention in Wales included best practice guidance on Supervision Orders, the revocation of care orders, and the ongoing workforce demands.

Family Justice Reform Implementation Group

23. MoJ Policy confirmed that the Group's monthly meetings were continuing and that a series of pilots are being designed to address the work following the publication of the Private Law Advisory Group's report in December 2020.

Performance Improvement Sub-Group

24. MoJ Policy informed the Board that the Performance Improvement Sub-Group had adapted its performance oversight approach for Local Family Justice Boards, concentrating on relative rates of recovery rather than absolute performance. The Sub-Group Secretariat is working with Local Family Justice Boards to obtain contextual information to observed performance outcomes. MoJ Policy noted that the Performance Improvement Sub-Group will also be monitoring the impact of outcomes emerging through the Coordinated Courts project.

Any other Business

25. VF provided members with a brief update on the early phases of the independent review of children's social care.

Date of next meeting

26. The Board will next meet in May 2021.