

Family Justice Board Meeting

19 May 2021

Attendees

Members

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

Lord Wolfson of Tredegar (*Parliamentary Under Secretary of State, Ministry of Justice*) - **Co-Chair**

Jenny Ballantyne (*Department for Work and Pensions*)

Nigel Brown (*Chief Executive, Cafcass Cymru*)

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

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

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

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

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

Yvette Stanley (*National Director for Social Care, Ofsted*)

Jacky Tiotto (*Chief Executive, Cafcass*)

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

Apologies

Jake Morgan (*ADSS Cymru*)

Katy Roberts (*Department for Work and Pensions*)

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

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. Minister Ford (VF) welcomed attendees to the meeting and updated members on the progress made on actions since the last meeting.

2. Lord Wolfson (LW) noted the apologies and introduced the agenda.

Data Overview - Family Justice System

3. LW introduced the item and made clear that some important aspects of recovery, such as morale in the system, couldn't be measured in this format.
4. MoJ Analysis introduced the accompanying slide pack, noting trend information around receipts and disposals, as well as data on points such as the number of sitting days.
5. LW invited comments from members and specifically asked for feedback on whether it was reflective of the experience in the system and the trends involved.
6. VF praised the increasing number of sitting days in the family jurisdiction. Noted that there had been fewer referrals into children's social care than expected.
7. Krish Kandiah (KK) agreed that there hadn't been a surge in social care referrals and wondered whether it is because children aren't being seen in the same way as prior to the pandemic.
8. Isabelle Trowler (IT) noted she hoped it was because of a recalibration of practice and that at the lower end of need and risk a different approach is being taken. She reassured members that statistics were stable at the more serious end of cases and that there had been increasing referrals in the most serious cases.
9. Yvette Stanley (YS) reported that Ofsted are seeing solid partnership work, which has been strengthened during the pandemic, with steady referrals from sources such as the Police. YS noted some concern about delayed demand and that there is a skew towards adolescents with complex needs coming into the system. She emphasised that all forms of permanency need to be considered and that a combination of approaches is what will take cases out of the system.
10. Jacky Tiotto (JT) emphasised that the FJB needed to focus on a long-term recovery plan as many recovery measures will not see an impact immediately. JT noted the trend of increasing Private Law cases coming into the system had continued throughout the pandemic, which is slowing throughput and increasing the backlog.
11. Jason Latham (JL) noted that significant responses, such as increased sitting days, had been put into the system. He recognised that Public Law disposals had remained steady and noted that there may be further work that could be done to divert private law cases out of court in a safe way.

Delays in Adoption Hearings, including decline in adoption numbers

12. VF introduced the item, noting that the children involved are often the most vulnerable and that she was interested in steps that could be taken to increase efficiently as well as remove friction.

13. DfE Policy gave an overview of the accompanying slide pack, emphasising the data involved in the number of children being put forward for adoption, receiving a placement order or receiving an adoption order, all of which had declined since 2015, but with a much more pronounced reduction in the previous 12 months.
14. The PFD noted that it is an important issue and noted that the year on year data will be deceptive as complex adoption cases were halted early in the pandemic. The PFD noted that there is a high adjournment rate in adoption cases and concluded by saying that often there are delays because the parents are asked whether they wish to oppose.
15. KK agreed that there are several factors at play and praised the increase in Special Guardian placements. He flagged that there are now more adopters than children in the system, which could mean that work needs to be done to recruit the right type of adopters. KK referenced the need to focus on care leavers, who may leave care no ongoing family support once they reach adulthood.
16. JT noted that Cafcass are taking longer to complete assessments due to difficulties with having decent contact with children and families as a result of the pandemic.

Governance of Reform and Recovery in the Family Justice System

17. LW introduced the item, emphasising that there needs to be a robust system of evaluation to any reform work and that a clearer system of decision making was needed.
18. MoJ Policy gave an overview of the reform and recovery work underway in the system at present, before outlining the present governance structure as well as the areas that required further consideration.
19. LW noted that it was a good moment to ensure the correct structures are in place.
20. VF emphasised that the voice of the child needed to be heard as part of any proposed structure.
21. JT asked whether the governance structure is a strong enough problem-solving structure. Emphasised that there could be more regular scrutiny on agreed priorities and better integration of local groups.
22. YS noted there needed to be clear division of decision making, along with an understanding of where problems can be unblocked.
23. VF felt it would be interesting for the group to be surveyed on what members felt the top five priorities for the FJB are.
24. JL noted that the Board needs to be able to select the work it wants to progress and to be able to push that work forward.
25. Nigel Brown (NB) emphasised the fundamental change needed on the Private Law side, and asked for clarity around whether systemic reform was being considered or

if it is smaller changes to working practices. NB outlined concern that there isn't coordination of the different workstreams.

26. PFD noted that the FJB doesn't meet often enough to allow detailed consideration of the bigger issues and noted that either a smaller group of the FJB could be created to meet more often or a more focused project could involve more regular meetings. PFD said that there is a public interest in the fact that the Family Court sit more days than Criminal and that people can access hearings regardless of whether they should or not, suggested that consideration should be given to whether this was appropriate.
27. LW noted there is a strong view that there are alternatives to court that should be used where appropriate.

Local Family Justice Boards

28. MoJ Policy introduced the item, giving an overview of the Local Family Justice Board (LFJB) system; emphasising that where LFJBs work effectively they are a vital part of the system, before outlining the key challenges Boards face as well as the work to increase the amount of support to the Network.
29. JT felt the ideas could be strengthened and emphasised that the Board needed to decide whether the Network should be properly supported.
30. PFD noted that the Sponsor Network is not working in its current form, and suggested that an FJB member could attend regional LFJB calls as an alternative approach.

Social Work Practice Leaders Day Event Feedback

31. DfE Policy gave an overview of the event and highlighted that the two key themes in feedback related to regional implementation and Covid-19. Practice Leaders also praised the direction of travel shown by the President's Public Law Working Group.
32. VF noted there was a need to focus on regional variation and how different local stakeholders are able to work together.
33. PFD noted he would be happy to attend a meeting with the Practice Leaders to understand whether there is anything that can be done to support relationships.

Updates from Related Groups

Family Justice Young People's Board

34. The FJYPB representative outlined the Board's key priorities for the group in 2021 and emphasised that the voice of the child would be essential to assisting the private law reform work taking place in the system.

Family Justice Council

35. The PFD noted the work of the Family Justice Council and specifically highlighted a well-received event with Baroness Hale of Richmond who discussed role of the law in family life and the changing landscape of the legal framework over the decades.

Family Justice Network

36. The Welsh Government emphasised the local work that has taken place to support the implementation of the President's Public Law Working Group (PLWG) and highlighted that a Family Drug and Alcohol Courts (FDACs) pilot will be taking place in Wales.

Family Justice Reform Implementation Group

37. DfE Policy gave an overview of the recent meetings of the Group and the work it is progressing at present, much of which had been covered by previous items on the agenda.

Performance Improvement Sub-Group

38. MoJ Policy updated the Board on the work of the Performance Improvement Sub-Group; noting the recent work around local engagement and the Coordinated Courts model.

Any Other Business

39. VF noted that work was being done around secure accommodation for looked after children. Local Authorities are being supported in responding to issues in this area.