

## Family Justice Board Meeting 20 June 2022

### Attendees

#### Members

Will Quince MP (*Parliamentary Under Secretary of State, Department for Education*) **Co- Chair** Lord Christopher Bellamy QC (*Parliamentary Under Secretary of State, Ministry of Justice*) – **Co- Chair**  
Albert Heaney (*Chief Social Care Officer for Wales, Welsh Government*)  
Jacky Tiotto (*Chief Executive, Cafcass*)  
Helen Lincoln (*Executive Director for Children, Families and Education, Essex County Council, representing Association of Directors of Children's Services*)  
Nigel Brown (*Chief Executive, Cafcass Cymru*)  
Sally Ann Jenkins (*Head of Children's Services, Association of Directors of Social Services Cymru - ADSS Cymru*)  
Yvette Stanley (*National Director for Social Care, Ofsted*)

#### Apologies

Jason Latham (*Head of Business Architecture, HM Courts and Tribunals Service*)  
Jeremy Gleaden (*Senior HMI, Ofsted*)  
Krish Kandiah (*Chair of the Adoption and Special Guardianship Leadership Board*)  
Isabelle Trowler (*Chief Social Worker for Children and Families*)  
Katy Roberts (*Department for Work and Pensions*)  
Jake Morgan (*ADSS Cymru*)  
Ian Walker (*Director of Safeguarding and Early Help at Bolton Council, representing Association of Directors of Children's Services*)  
Katy Block (*ADCS*)

#### Observers

Sir Andrew McFarlane (*President of the Family Division*)  
Representatives of the Family Justice Young People's Board (FJYPB)  
Josh MacAlister (*Chair, Independent Review of Children's Social Care*)

### Meeting

#### Item 1: Co-Chairs' Introduction and Opening Remarks

1. Minister Quince (WQ) welcomed attendees to the meeting and introduced Lord Christopher Bellamy QC (LB), who has joined government as the new Family Justice Minister in the Ministry of Justice (MoJ). In keeping with current arrangements, LB will assume a co-chairing responsibility for future Board meetings. In addition, WQ welcomed Josh MacAlister who recently led the Independent Care Review of Children's Social Care.
2. WQ recapped outcomes from the previous meeting (22 February 2022) which discussed the nature and scale of the challenges in the family justice system, agreeing key priorities in both public and private family law.
3. WQ acknowledged the continued collaboration between Board members and the Department to understand the priority issues and development of recommendations in public law policy to tackle delay in courts. Officials have now developed recommended solutions focused on understanding and managing down the longest delays in the system.
4. LB indicated he was in listening mode for his first meeting, was looking forward to his co-chairing role and hearing the discussion and taking the opportunity to hear directly from gathered leaders across the Family Justice System.

5. LB has become aware of the very real systemic challenges in Family Justice, including the priority of reducing demand in private family law to allow the system to focus on the cases that need to be before the court. He indicated there is much more to be done across the system to improve productivity and reduce delays and looks forward to discussing them in more detail with all parties in the coming weeks.

#### **Item 2: Minutes and Actions from the Previous FJB**

6. DfE officials led the Board through minutes from the previous meeting – which were agreed; actions were also revisited.

#### **Item 3: Update from the Family Justice Young People's Board (FJYPB)**

7. WQ introduced representatives from the FJYPB to update the meeting on the work they have been undertaking.
  - FJYPB provided an update on planning for the annual Voice of the Child Conference 2022 (28 July 2022, London) which will be themed around delays in the family courts and consider the impact of delay on children and families.
  - FJYPB will soon be launching a Domestic Abuse National Charter for working with children and young people in the family courts who have been affected by domestic abuse. This seeks to highlight the need for consistency of service across family justice and for professionals to confidently support children and young people.
  - In Wales, FJYPB has undertaken training workshops with Cafcass Cymru business services staff to encourage best practice on how office areas should be inviting children and young people to attend, where required.
  - Finally, FJYPB reflected on the positive feedback it has received since the launch of the 'In Our Shoes' book earlier this year, which describes experiences of public and private law proceedings, and drawing out lessons for system stakeholders.
8. WQ thanked the FJYPB for their ongoing work.

#### **Item 4: Discussion on the Children's Social Care Review**

9. WQ briefly recapped the origins of the Independent Review published in May 2022 - a manifesto commitment to review the children's social care system - and thanked all attendees who contributed to this important work through sharing expertise and experience. WQ reminded the Board that he has established a National Implementation Board to advise on implementation of the Review's recommendations, which he will also chair. WQ then invited Josh MacAlister (JM) to speak further about the review through the prism of Family Justice.
10. The Review's main message is the need to rebalance support towards children and families alongside a number of systemic issues that also need addressing. These include:
  - Building on the child protection system;
  - Engaging families more often/ sooner in the process – e.g. spreading practice from Family Drug and Alcohol Courts;
  - Increasing transparency in the system;
  - Creating Family Network Plans and family-led alternatives to care; and
  - Building capability in the expert child practitioner role.
11. Jacky Tiotto (JT) raised the key role of Cafcass Guardians and the extent to which this could change (extending into pre-proceedings, for example), which will need further thought. She agreed the Review will help longer-term ambition about delays; but focus needs to be on immediate cases in system the longest. JT further added that a bigger cultural change was also needed alongside the mechanics of process for the review to deliver its ambition.
12. Helen Lincoln (HL) highlighted that a well-run Public Law Outline process can mean up to 40% less cases going to court, but this does mean holding more risk within the community

and being braver about that. The use of Family Group Conferencing and assessment of kinship care in that approach is pivotal.

13. Nigel Brown (NB) reminded the Board to recognise that the system in Wales operates differently including different expectations in courts – particularly where cases move between the two jurisdictions. Robust and meaningful conversation between MoJ/DfE/ Welsh Government on implementing the review’s recommendations would be helpful.
14. Sir Andrew McFarlane (AM) acknowledged the Review as an important document and is supportive of this work. He is also supportive for the judiciary to play a part in taking forward recommendations.
15. Yvette Stanley (YS) indicated that the inspectorate will be publishing reports soon on good practice and joint work with local authorities (LAs) to improve Public Law Outline practice, family networks and Family Group Conferencing.
16. JM summarised his reply to the above points raised by the Board:
  - Important to recognise the balancing act between tackling the here and now issues vs. longer-term improvements that the review recommendations are looking to address.
  - A reduction on the reliance of experts can be delivered if the reforms are put in place - better professional development can support this.
  - Overall, the message has to be ‘here is the system we want, here’s how we get there, here’s the role of Ofsted to hold to account’. Important for government to make that clear and bring the sector with it.
17. DfE was then provided detail on the government’s proposed response to the Review, including an implementation strategy to address the recommendations, to be developed by end of 2022 and DfE will continue discussion with the Board to help compose the strategy.

#### **Item 5: Update on high-profile cases**

18. DfE provided a brief update on the National Safeguarding Panel’s report into recent high-profile tragic child deaths. DfE Ministers have now written to all safeguarding partners outlining what they will do as a result of the report, whilst a child protection Ministerial Group will oversee an implementation plan to be published in the autumn setting out how we can try to avoid situations like these again.

#### **Item 6: Presentation of Public Law: Family Justice Priority 1**

19. DfE presented a set of recommended solutions to help address the drivers and impact of children’s cases that have been in the system the longest. These included:
  - Recommendation 1: At the point of issue of application for a care order, a multi-disciplinary conversation with the family (about the care-plan and pre-proceedings) should be required that includes the Cafcass guardian.
  - Recommendation 2: Support embedding the principles outlined in the President of the Family Division’s fact-finding paper into practice in all cases.
  - Recommendation 3: Complete an audit on the availability of experts, (which experts have the greatest shortfall, which are contributing most frequently to delays, and options for commissioning models and/or recruitment of experts); and
  - Rec 4: Work with the Public Law Working Group, HMCTS, LAs and Cafcass to develop consistent best practice listings guidance on key factors that constitute priority/ urgent applications.
20. Board members were invited to share any feedback on the recommendations and agree work on implementation. All members were supportive of the recommendations and provided the following comments:

- LAs felt parents needed better quality legal support which would enhance the pre proceeding process;
- A call for better data on children;
- The relevance of the work to do as the system recovers from the impact of pandemic;
- Potential to have a huge impact on a Guardian's preparation for hearings;
- The use of dedicated care progression officer roles in North Wales is also having a positive impact; and
- Important to be clear to the sector that they have FJB-wide support.

21. WQ thanked FJB for its support and agreement to proceed with the proposed recommendations.

### **Item 7: Presentation of Private Law: Family Justice Priorities – Resolving Family Child Arrangements.**

22. MoJ updated the group on proposals to support separating parents and families to resolve their issues earlier and ensure the family court can focus on those with most need of its services.

### **Item 8: Escalation of Issue from the Local Family Justice Board Chairs Network**

23. WQ repeated a request from the LFJB Network for discussion on the use of experts and their impact on delay. This was addressed under Item 6 via the proposed recommendations from DfE.

24. JT noted the opportunity for LFJBs to play a key role in the Board's strategic priorities.

### **Item 9: Any other business and closing remarks**

25. AM cited the Board on the latest public law application statistics – a reduction of 33% in the last quarter. This follows a trend in declining numbers, suggesting a consistent picture which will help the system to target capacity on the DfE recommendations in reducing delay in public law cases.

26. WQ thanked members for a productive meeting and emphasised that government has a real opportunity to go further in the public law space and enter an important phase in our recovery and reform programme for the family justice system.