



Llywodraeth Cymru
Welsh Government

MEETING

Cafcass Cymru Advisory Committee meeting minutes: 29 June 2021

Minutes from the Advisory Committee meeting held on 29 June 2021.

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Present

- Jackie Murphy (JM): Chair
- Paul Apreda (PA): FNF Both Parents Matter Cymru
- Rocio Cifuentes (RC): Ethnic Minorities & Youth Support Team Wales (EYST Wales)
- Sarah Coldrick (SC): Association of Fostering and Adoption (AFA) Cymru
- Jennifer Gibbon-Lynch (JGL): Family Justice Young People’s Board (FJYPB)

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- Lesley Hyde (LH): HMCTS (attending on behalf of Donna Mulhern)
- Lois (L): Family Justice Young People's Board (FJYPB)
- Sharon Lovell (SL): National Youth Advocacy Service (NYAS) Cymru
- Sean O'Neill (SO): Children in Wales
- Nigel Brown (NB): Cafcass Cymru
- Matthew Pinnell (MP): Cafcass Cymru
- De Litchfield (DL): Cafcass Cymru
- Jane Smith (JS): Cafcass Cymru
- Rhianon James (RJ): Cafcass Cymru (Secretariat)

1. Welcome and Introductions

The Chair welcomed everybody to the meeting including Rocio Cifuentes who had recently joined the Committee. In addition, the Chair gave a particularly warm welcome to members of the Family Justice Young People's Board (FJYPB) and added that members were thrilled that they have also recently joined the Committee. Jen will attend the first few meetings to support the young members, Lois and Andrew. NB thanked Committee members for agreeing to a later start time to accommodate the young people.

Apologies were received from:

- Catrin Cracroft: Law Society representative
- Tracey Holdsworth: NSPCC Cymru
- Gareth Jenkins: ADSS Cymru
- HHJ Mifflin: Judiciary
- Donna Mulhern: HMCTS
- Zoe Richards: Learning Disability Wales

It was noted that Her Honour Judge Mifflin has decided to step down from the Committee. She wanted to express her gratitude to members for making her feel welcome on the Committee and wished Committee members the very best for the future. Her Honour Judge Jayne Scannell will take Judge Mifflin's place in the future. The Chair stated that Judge Mifflin will be greatly missed and the Committee looks forward to welcoming Judge Scannell to future meetings.

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2. Minutes of Meeting held on 16 March 2020 – sign off prior to publication on Cafcass Cymru website – and Matters Arising

Agreed. There were no amendments to the minutes.

Matters arising

At the last meeting, PA asked whether there was any data that should be shared on the length of time that courts give Cafcass Cymru to file section 7 (s7) reports which may evaluate the significance of the 'delay' in filing reports within the overall Private Law system. In response, MP explained that Key Performance Indicator (KPI) 3 reflects the percentage of s7 reports that meet their court filing date. The target is 95%. Over 18 months pre-Covid the percentage of s7 reports filed improved by 5% to around 90% by early 2020. However, since March 2020, the beginning of the pandemic, there has been a huge increase in caseloads especially in private law. In addition, there is a backlog of cases in the family courts. This has resulted in increased workload for the organisation's practitioners. MP explained that traditionally s7 reports are filed within 12 weeks but because of the extreme workload, agreement was reached with the courts that this would be temporarily extended to 16 weeks. MP said that the organisation continually reviews performance and the impact of the extended timescale for filing reports. NB added that the average length of delay in filing reports is two days.

3. Cafcass Cymru – Public Law Project – Thematic Audit November 2020 – Section 31 Applications – Findings Report

NB introduced JS who is Head of Operations in Gwent and the lead for public law in Cafcass Cymru. JS is also a member of the Public Law Working Group.

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JS provided the background to the report and talked about the findings. Members provided comments and there followed a full discussion.

The Chair thanked JS for her excellent report and thanked members for their feedback.

4. Performance Data End of Year and May 2021

NB provided an overview of the referrals and performance figures for the end of year up to March 2021 as well as the data for the current year. There followed a detailed discussion and NB and MP responded to questions raised by Committee members.

5. Update on Future Ways of Working

NB stated that Welsh Government is still advising its employees to work from home due to the ongoing public health concerns, which means Cafcass Cymru is continuing to work remotely. However, practitioners are adopting a blended approach to undertaking direct work with children and face-to-face meetings with children are now taking place.

Social distancing requirements mean courts cannot accommodate all parties and priority has to be given to the attendance of judges, legal advisers, applicants and respondents. It is anticipated judicial guidance will be published in the coming weeks on the future model of hybrid court hearings. The majority of staff are not currently attending court in person and this will be subject to review following publication of guidance from the President of the Family Division.

Cafcass Cymru is drafting practice guidance for practitioners that will set out a framework for future ways of working which will be presented to the next Committee meeting.

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6. Update on Family Justice Reform

Public Law Reform

MP said that public law reform is less radical when compared to private law. The focus of reform is on improving the application of the Public Law Outline (PLO), strengthening local authority care plans to consider the full range of orders, improving the quality and implementing best practice guidance. Cafcass Cymru is working closely with local authorities, the courts and Local Family Justice Boards in raise awareness of the report and deliver training on specific aspects of the best practice guidance.

Private Law Reform

MP provided an update of the work of the Private Law Working group, which is informed by both the PLWG Report (published June 2020) and the report on “Assessing Risk of Harm to Children and Parents in Private Law Children Cases”.

MP stated that this report made a number of recommendations on how the system could be improved including the court process adopting an investigative approach rather than an adversarial approach.

MP informed members that two pathfinder sites (North Wales and Dorset) have been identified to test out new ways of working in respect of private law work. The ambition of the pilot is to develop a model that addresses the recommendations set out in the two reports mentioned above.

NB added that Cafcass Cymru will have a much clearer understanding of the framework by the autumn and he will invite Beth Altman to the next meeting of the Advisory Committee to give more detail.

Whilst members raised questions about the proposed model, NB advised it was difficult to provide a response as the operational model had not as yet been developed. The presentation at the November meeting will provide the

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opportunity for members to ask questions about the model.

7. Any Other Business

SL asked if it would be possible to review the advocacy agreement between Cafcass Cymru and Advocacy Providers. NB agreed to take this forward.

There being no further business to discuss, the meeting was brought to a close.

8. Next Meeting

The next meeting will be held remotely at 4.00 pm on Tuesday, 2 November 2021

The Chair thanked members of Cafcass Cymru Advisory Committee for their time and valuable contribution to the meeting.

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