



## **CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE**

### **STANDING ORDERS**

Lead Director – Chief Executive Officer

Adopted by the Cafcass Board as amended 28 May 2021

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## **1. INTRODUCTION AND STATUTORY FRAMEWORK**

- 1.1 Cafcass is an Executive NDPB, a body corporate established under Section 11 of the Criminal Justice and Court Services Act 2000. As such, Cafcass is expected to adopt Standing Orders for the regulation of its proceedings and business.
- 1.2 The statutory functions conferred on Cafcass are set out in Section 12 of the 2000 Act.
- 1.3 The principal place of business of Cafcass is 21 Bloomsbury Street London wc1 3HB.
- 1.4 The Standing Orders are in accordance with provisions of the Membership, Committee and Procedure Regulations.

## **2. GOVERNANCE DOCUMENTS**

- 2.1 The Cafcass governance documents are:
  - The Membership, Committee and Procedure Regulations;
  - The Legislation and Framework Document
  - The Code of Conduct for Board members;
  - The Standing Orders;
  - The Procurement Manual and
  - The Scheme of Reservation and Delegation.
- 2.2 Cafcass and its staff should be aware of the existence of these documents and, where necessary, be familiar with the detailed provisions.

## **3. INTERPRETATION**

- 3.1 Save as permitted by law, at any meeting the Chair of the Board shall be the final authority on the interpretation of Standing Orders, on which s/he should be advised by the Chief Executive.
- 3.2 Any expression to which a meaning is given in the Criminal Justice and Court Services Act 2000 or Regulations or Orders made under the Act shall have the same meaning in this document and in addition

"ACCOUNTING OFFICER" means the Chief Executive as provided in the Framework Document.

"BUDGET" means a resource, expressed in financial terms for the purpose of carrying out, for a specific period, any or all the functions of Cafcass.

"CHAIR" means the person appointed by the Secretary of State to lead the Board and to ensure that it successfully discharges its overall responsibility for its statutory duties. In accordance with Regulation 15 (2) of the Membership, Committee and Procedure Regulations 2005, the expression "the Chair of the

Board" shall be deemed to include the deputy Chair of the Board, if the Chair is absent from the meeting or is otherwise unavailable.

"DEPUTY CHAIR" means the Board member appointed by the Board, and approved by the Secretary of State, to take on the Chair's duties if the Chair is absent for any reason.

"BOARD" means the members, co-opted members, deputy chair and chair at a meeting convened in accordance with these Standing Orders.

"BOARD MEMBER" means a person appointed as a member in accordance with the Membership, Committee and Procedure Regulations 2005.

"Cafcass" means the Children and Family Court Advisory and Support Service

"COMMITTEE" means a committee appointed by the Board.

"COMMITTEE MEMBERS" means persons formally appointed by the Board to sit on or to chair specific committees.

"CO-OPTED MEMBER" means members co-opted by the Board in accordance with Regulation 5 of the Membership, Committee and Procedure Regulations 2005.

"CHIEF EXECUTIVE" means the chief officer of Cafcass, the Chief Executive.

"FRAMEWORK DOCUMENT" means the Management Statement agreed between Cafcass and the MoJ

"MOTION" means a formal proposition to be discussed and voted on during the course of a meeting.

"NOMINATED OFFICER" means an officer charged with the responsibility for discharging specific tasks within SOs and the Framework document.

"NDPB" means non-departmental public body

"OFFICER" means an employee of Cafcass, or a contracted person carrying out a similar function.

"SOs" mean Standing Orders"

"THE 2000 ACT" means the Criminal Justice and Court Services Act 2000.

"THE REGULATIONS" means the Children and Family Court Advisory and Support Service (Membership, Committee and Procedure) Regulations 2005 (SI 2005 No. 433).

#### **4. MANAGEMENT FRAMEWORK**

- 4.1 The Framework Document agreed between Cafcass and the Sponsor Department requires Cafcass to maintain internal financial controls. Board members and staff are required to follow the standards these lay down.
- 4.2 Cafcass has also adopted a Members' Code of Conduct with which Board members must comply.

#### **5. DELEGATION OF POWERS**

- 5.1 Paragraph 7 of Schedule 2 to the 2000 Act allows the Board to arrange for the discharge of its functions by the Chair alone or by any member.
- 5.2 Delegated Powers are covered in a separate document (Scheme of Reservation and Delegation). That document has effect as if incorporated into the Standing Orders.

#### **6. CONDUCTING BUSINESS**

- 6.1 All business shall be conducted in the name of Cafcass.
- 6.2 The Cafcass Board has resolved that certain powers and decisions may only be exercised or made by the Board in formal session. These powers and decisions are set out in "Reservation of Powers to the Board" and have effect as if incorporated into the Standing Orders.

#### **7. THE COMPOSITION OF THE BOARD: MEMBERS AND CO-OPTED MEMBERS**

- 7.1 In accordance with regulation 4 of the Regulations the Board shall be made up of a Chair and nine others appointed by the MoJ and the Board may co-opt no more than five people in accordance with regulation 5 of the Regulations.
- 7.2 In accordance with regulation 18 of the Regulations, no co-opted member can participate in a decision of the Board, or preside at a meeting of the Board at which a decision is taken relating to the following matters:
  - 7.2.1 The co-opting of a member;
  - 7.2.2 The appointment or removal of a deputy chair; and
  - 7.2.3 The removal or suspension of a co-opted member.

## **8. THE CAFCASS BOARD: APPOINTMENT, TERM OF OFFICE AND RESIGNATION FROM OFFICE**

### **Appointment of Chair and Members**

- 8.1 The Chair and members (but not co-opted members) are appointed by the Secretary of State.

### **Appointment of the Deputy Chair**

- 8.2 Regulation 7 gives the members a duty by resolution to appoint a member from amongst them to be Deputy Chair, and provides that any such appointment requires the approval of the Secretary of State.

### **Term of Office**

- 8.3 Regulation 8 of the Regulations sets out the period of tenure of office of members and co-opted members. Regulation 10 provides for the removal from office of members by the Secretary of State. Regulation 11 gives the Board power to remove co-opted members from office.

### **Resignation of Members**

- 8.4 Regulation 9 allows any member or the Chair or Deputy Chair to resign from his or her office on the Board by giving notice in writing to the Secretary of State. The Deputy Chair may resign from the office of Deputy Chair and remain as a member of the Board but if the Chair resigns, his or her resignation will take effect as a resignation from the Board.

## **9. APPOINTMENT OF THE CHIEF OFFICER**

- 9.1 The Board shall appoint a Chief Executive, subject to the approval of the Secretary of State.

## **10. APPOINTMENT OF STAFF AND OTHER OFFICERS**

- 10.1 The Board may also appoint staff to perform other functions of Cafcass.

## **11. PUBLIC MEETINGS**

- 11.1 In accordance with Regulation 22 Cafcass shall, on at least two occasions in every calendar year admit members of the public to a meeting of the Board and at one of those meetings the annual report of Cafcass shall be presented.

## **12. MEETINGS OF THE BOARD**

- 12.1 Meetings of the Board are to be conducted in accordance with the Regulations and Standing Orders.

### **Calling Meetings**

- 12.2 Ordinary meetings of the Board shall be held at such times and places as the Board may determine.
- 12.3 The Chair may call a meeting of the Board at any time. If the Chair refuses to call a meeting after a requisition for that purpose, signed by at least one third of the whole number of members, has been presented to him/her, or if, without so refusing, the Chair does not call a meeting within twenty-one days after such requisition has been presented to him/her, at Cafcass's national office, such one third or more members may forthwith call a meeting.

### **Notice of Meetings**

- 12.4 Before each meeting of the Board, a notice of the meeting, specifying the business proposed to be transacted at it, shall be delivered to every member, or sent by post to the usual place of residence of such members, so as to be available to him/her at least five clear days before the meeting.
- 12.5 Subject to SO 12.7, lack of service of the notice on any Board member shall not affect the validity of a meeting.
- 12.6 In the case of a meeting called by members in default of the Chair, the notice shall be signed by those members and no business shall be transacted at the meeting other than that specified in the notice.
- 12.7 Failure to serve such a notice on more than three members will invalidate the meeting. A notice shall be presumed to have been served at the time at which the notice would be delivered in the ordinary course of the post.

### **Setting the Agenda**

- 12.8 The Board may determine that certain matters shall appear on every agenda for a meeting of the Board and may be addressed prior to any other business being conducted. Such matters may be identified within these SOs or following subsequent resolution be listed in an Appendix to these SOs. Matters arising from previous meetings and any other business will be routinely included in all agendas of Board meetings.
- 12.9 A member desiring a matter to be included on an agenda shall make his/her request to the Chair giving reasonable notice and such items may be included on the agenda at the discretion of the Chair. Any other business should be declared either in advance of or at the beginning of the meeting.

### **Chair of Meeting**

- 12.10 At any meeting of the Board, the Chair, if present, shall preside. If the Chair is absent from the meeting the deputy Chair, if there is one and s/he is present, shall preside. If the Chair and deputy Chair are absent, a member whom the members present shall choose shall preside.



12.11 If the Chair is absent from a meeting temporarily on the grounds of a declared conflict of interest the deputy Chair, if present, shall preside. If the Chair and deputy Chair are absent, or are disqualified from participating, a member whom the members present shall choose shall preside.

### **Powers of the Deputy Chair**

12.22 Where the Chair has died or has otherwise ceased to hold office, or where s/he has been unable to perform his/her duties as Chair owing to illness, absence from England and Wales or any other cause, references to the Chair in these Standing Orders shall, so long as there is no Chair able to perform his/her duties, be taken to include references to the deputy Chair.

### **Notices of Motion**

12.13 A Board member desiring to move or amend a motion shall advise the Chair in advance of the meeting. This paragraph shall not prevent any motion being moved during the meeting, without notice, on any business mentioned on the agenda as in SO 12.4.

### **Right of Reply and Amendments**

12.14 A member who moves a motion shall have a right of reply at the close of any discussion on the motion or any amendment thereto.

12.15 When a motion is under discussion or immediately prior to discussion it shall be open to a member to move:

- An amendment to the motion.
- The adjournment of the discussion or the meeting \*.
- That the meeting proceed to the next business.
- The appointment of an ad hoc committee to deal with a specific item of business.
- That the motion be now put. \*

12.16 In the case of sub-paragraphs denoted by \* above, to ensure objectivity motions may only be put by a member who has not previously taken part in the debate.

### **Withdrawal of Motion or Amendments**

12.17 A motion or amendment once moved and seconded may be withdrawn by the proposer with the concurrence of the seconder and the consent of the Chair.

### **Motion to Rescind a Resolution**

- 12.18 Notice of motion to amend or rescind any resolution (or the general substance of any resolution) which has been passed within the preceding 6 calendar months shall bear the signature of the members who give it and also the signature of 4 other members. When any such motion has been disposed of by the Board, it shall not be competent for any member other than the Chair to propose a motion to the same effect within 6 months. However the Chair may do so if s/he considers it appropriate.

### **Chair's Ruling**

- 12.19 Statements of Board members made at meetings of the Board shall be relevant to the matter under discussion at the material time and the decision of the Chair of the meeting on questions of order, relevancy, regularity and any other matters shall be observed at the meeting.
- 12.20 If any question arises as to whether a policy is operational or strategic, the matter shall be referred to the Chair for a decision either at a meeting of the Board or otherwise, and the Chair's decision on the issue shall be final.

### **Voting**

- 12.21 Issues at a meeting shall be, if necessary, determined by a majority of the votes and in voting on the question and, in the case of any equality of votes, the person presiding shall have a second or casting vote.
- 12.22 Issues put to the vote shall, at the discretion of the Chair of the meeting, be determined by oral expression or by a show of hands. A paper ballot may be used if a majority of the members present so request.
- 12.23 If at least one-third of the members so request, the voting (other than by paper ballot) on any question may be recorded to show how each member present voted or abstained.
- 12.24 If a member so requests, his/her vote shall be recorded by name upon any vote (other than by paper ballot).
- 12.25 In no circumstances may an absent member vote by proxy. Absence is defined as being absent at the time of the vote.

### **Minutes**

- 12.26 The Minutes of the proceedings of a meeting shall be drawn up and submitted for agreement at the next ensuing meeting where the person presiding at it will approve and sign them.
- 12.27 No discussion shall take place upon the minutes except upon their accuracy or where the Chair considers discussion appropriate. Any amendment to the minutes shall be agreed and recorded at the next meeting.

12.28 Minutes shall be circulated in accordance with members' wishes. Where providing a record of a public meeting the minutes shall be made available to the public.

### **Admission of the Public and Press**

12.29 The public and representatives of the press shall be afforded facilities to attend public meetings of the Board in accordance with SO 11.1. The Board may allow members of the public and press to attend other meetings, other than those covering matters listed in Regulation 21(3) of the Regulations.

12.30 The Chair (or Deputy Chair) shall give such directions as s/he thinks fit in regard to the arrangements for meetings and accommodation of the public and representatives of the press so as to ensure that the Board's business shall be conducted without interruption and disruption and, without prejudice to the power to exclude on grounds of the confidential nature of the business to be transacted, the public will be required to withdraw upon the Board resolving as follows: -

“That the meeting adjourn for (the period to be specified) to enable the Board to complete confidential business without the presence of the public in accordance with Regulation 21(3) of the Membership, Committee and Procedure Regulations 2005”

12.31 Nothing in these Standing Orders shall require the Board to allow members of the public or representative of the press to record proceedings in any manner whatsoever, other than writing, or to make any oral report of proceedings as they take place without the prior agreement of the Board.

## **13. SUSPENSION OF STANDING ORDERS**

13.1 Except where this would contravene any statutory provision, the contents of the Framework Document or any direction made by the Secretary of State, any one or more of the Standing Orders may be suspended at any meeting, provided that at least two-thirds of the members are present and that a majority of those present vote in favour of suspension.

13.2 A decision to suspend SOs shall be recorded in the minutes of the meeting.

13.3 A separate record of matters discussed during the suspension of SOs shall be made and shall be available to the members.

13.4 No formal business may be transacted while SOs are suspended.

13.5 The Audit Committee shall review every decision to suspend SOs at the first Audit Committee meeting following the date when the SOs were suspended.

## **14. VARIATIONS AND AMENDMENT OF STANDING ORDERS**

14.1 These Standing Orders shall be amended only if:

- a notice of motion under SO 12.13 has been given; and
- no fewer than half the total of Board members vote in favour of amendment; and
- at least two-thirds of the members are present; and
- the variation proposed is not in any way unlawful and in particular does not contravene a statutory provision or direction made by the Secretary of State.

## **15. RECORD OF ATTENDANCE**

- 15.1 The names of the Board members present at the meeting shall be recorded in the minutes.
- 15.2 An officer's status when attending a meeting shall be recorded in the minutes.

## **16. QUORUM**

- 16.1 In accordance with Regulation 14 of the Regulations, no business shall be transacted at a meeting of the Board, unless at least half (rounded up to a whole number) of the members currently appointed are present. If there are fewer than six members currently in office, the quorum is three.
- 16.2 If a member has been disqualified from participating in discussion on any matter and/or from voting on any resolution by reason of the declaration of a conflict of interest in accordance with SO 21, s/he shall no longer count towards the quorum.
- 16.3 If a quorum is then not available for the discussion and/or the passing of a resolution on any matter, that matter may not be discussed further or voted upon at that meeting. Such a position shall be recorded in the Minutes of the meeting.
- 16.4 The meeting must then proceed to the next business.

## **17. ARRANGEMENTS FOR THE EXERCISE OF FUNCTIONS BY DELEGATION**

- 17.1 In accordance with paragraph 7 of Schedule 2 to the 2000 Act, and subject to SO 6.2 and such directions as may be given by the Secretary of State, the Board may make arrangements for the exercise, on behalf of the Cafcass, of any of its functions by the Chair or any other Member whether acting alone or in a formally constituted committee. In each case, this is subject to such restrictions and conditions as the Board thinks fit.

## **18. EMERGENCY POWERS**

- 18.1 The powers which the Board has retained to itself under SO 6.2 may in emergency be exercised by the Chief Executive and the Chair together. The exercise of such powers by the Chief Executive and the Chair shall be reported to the next formal meeting of the Board for ratification.

## **19. DELEGATION OF POWERS TO OFFICERS**

- 19.1 Those functions of Cafcass which have not been reserved by the Board or delegated to a committee or sub-committee shall be exercised on behalf of Cafcass by the Chief Executive. The Chief Executive shall determine which functions s/he will perform personally and shall nominate officers to undertake the remaining functions for which s/he will still retain accountability to the Board.
- 19.2 The Chief Executive shall prepare a scheme of delegation identifying his/her proposals for the delegation of the functions referred to in SO 19.1 and the scheme shall be subject to consideration and approval by the Board. The Board will have power to amend the scheme of delegation. The Chief Executive may periodically propose amendment to the scheme of delegation that shall be considered and may be approved by the Board as indicated in this Standing Order.
- 19.3 Nothing in the scheme of delegation shall impair the discharge of the direct accountability to the Board of the Chief Executive to provide information and advise the Board in accordance with any statutory requirements.
- 19.4 The arrangements made by the Board as set out in the "Scheme of Reservation and Delegation" shall have effect as if incorporated in these Standing Orders.
- 19.5 Any delegations and reservations of power approved by the Board will reflect the agreed delineation of roles and responsibilities at "Appendix A".

## **20. COMMITTEES**

### **Appointment of Committees**

- 20.1 Subject to SO 4 and such directions as may be given by the Secretary of State, the Board may, and if so directed shall, appoint committees and/or subcommittees of the Board, consisting either of members of the Board or of members of the Board together with persons who are not members of the Board. No member of the committee or subcommittee who is not a member or co-opted member of the Board shall have a vote in decisions taken or recommended by the committee or subcommittee.

- 20.2 At such time as the Board formally resolves to constitute a committee or sub-committee under SO 20.1 it shall agree the constitution and terms of reference of the committees, or sub-committees. The specific decision making powers of such committees or sub committees shall be approved by the Board and where necessary the decisions made by these committees will be ratified by the full Board.
- 20.3 The terms of reference of committees and subcommittees of the Board shall have effect as if incorporated into the Standing Orders and shall be recorded in a Schedule of Statutory Committees and a separate Schedule of Non Statutory Committees. The Schedule of Committees is to be appended to the Reservation of Powers to the Board and Delegation of Powers.
- 20.4 The Standing Orders, as far as they are applicable, shall apply with appropriate alteration to meetings of any committees or subcommittees established by the Board.
- 20.5 Committees may not delegate their powers to a sub-committee unless expressly authorised by the Board.
- 20.6 The Board shall approve the appointments to any committees that it has formally constituted.
- 20.7 Where the Board is required to appoint persons to a committee and/or to undertake statutory functions as required by the Secretary of State, and where such appointments are to operate independently of the Board, such appointment shall be made in accordance with the Regulations.
- 20.8 In accordance with Regulation 25, the Board establishes an audit committee.

## **21. DECLARATION OF INTERESTS**

- 21.1 The “**Code of Conduct for Board Members**” requires members to declare interests that are relevant and material to the Board and sets out the requirements and procedures for doing so. All members should declare such interests on appointment.
- 21.2 At the time members' interests are declared, these should be recorded in the Minutes. Any changes in interests should be declared at the next Board meeting following the change occurring.

## **22. REGISTER OF INTERESTS**

- 22.1 The Chief Executive will ensure that a Register of Interests is formally established to record declarations of interests of the Chair and members. In particular the Register will include details of all directorships and other relevant and material interests declared by the members, as defined in the Cafcass “**Code of Conduct for Board Members**”

## 23. DISABILITY OF THE CHAIR AND MEMBERS IN PROCEEDINGS ON ACCOUNT OF PECUNIARY AND NON-PECUNIARY INTERESTS

### Pecuniary Interests

- 23.1 This Standing Order applies to any member of the Board or any committee or sub-committee of the Board. It also applies to any member of staff attending any Board, committee or sub-committee meeting
- 23.2 Subject to the following provisions of this Standing Order, and the Cafcass **"Code Conduct for Board Members"**, if a member of the Board has any pecuniary interest, direct or indirect, in any matter and is present at any meeting of the Board at which the matter is the subject of consideration, s/he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the matter or vote on any question with respect to it.
- 23.3 The Board may, subject to such conditions as the Board may think fit to impose, remove any disability imposed by this Standing Order in any case in which it appears to the Board, in the interests of Cafcass, that the disability shall be removed.
- 23.4 The Board shall exclude a member from a meeting of the Board while the matter in which s/he has a pecuniary interest (direct or indirect), is under consideration.
- 23.5 For the purpose of this Standing Order a member shall be treated, subject to SO 21 and the Cafcass **"Code Conduct for Board Members"** as having a direct pecuniary interest in a contract, proposed contract or other matter, if:
- (a) s/he, or a nominee of his/her, is a director of a company or other body, not being a public body, which has a direct pecuniary interest in the matter under consideration; or
  - (b) s/he is a partner of, or is in the employment of a person who has a direct pecuniary interest in the matter under consideration
  - (c) and in the case of married persons, or persons living together as partners, the interest of one spouse or partner shall, if known to the other, be deemed for the purposes of this Standing Order to be also an interest of the other.
- 23.6 A Board member shall not be treated as having a pecuniary interest in a matter by reason only:
- (a) of his/her membership of a company or other body, if s/he has no beneficial interest in any securities of that company or other body;

- (b) of an interest in any company, body or person with which s/he is connected as mentioned in SO 23.5 above which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the Chair or a member in the consideration or discussion of or in voting on, any question with respect to that matter.

### **Non Pecuniary Interests**

- 23.7 If a Board member has any non-pecuniary interest, direct or indirect, in any matter that might reasonably be seen as potentially affecting the member's impartiality and is present at any meeting of the Service at which the matter is the subject of consideration, s/he shall at the meeting and as soon as practical after its commencement, disclose the fact and shall not take part in the consideration or discussion on the matter or if a member shall not vote on any questions with respect to it. Consideration should also be given to the member absenting him or herself from the meeting for the duration of the item's discussion.
- 23.8 Any doubt about the relevance of an interest should be discussed with the Chair, Chief Executive or if necessary advice sought from Cafcass's legal advisers.

## **24. STANDARDS OF CONDUCT**

- 24.1 Staff of Cafcass must comply with the standards of conduct set out in the following provisions

### **Interests of Board Members, Co-opted Members and Officers**

- 24.2 If it comes to the knowledge of the Chair, a Board member or an officer of Cafcass that a contract in which s/he has any pecuniary interest (not being a contract to which s/he is himself a party), has been, or is proposed to be, entered into by Cafcass s/he shall, at once, give notice in writing to the Chief Executive of the fact that s/he is interested in the contract. In the case of a married officer, or an officer living together with another person as partners, the interest of one spouse or partner shall, if known to the other, be deemed to be also the interest of the officer.
- 24.3 An officer must also declare to the Chief Executive any other employment or business or other relationship of his, or of a spouse or partner that conflicts, or might reasonably be predicted to conflict with the interests of Cafcass.

### **Canvassing of, and Recommendations by, the Chair and Board Members in Relation to Appointments**

- 24.4 In respect of this the Chair and all Board members of Cafcass will follow the provisions set out in paragraphs 12.1 to 12.6 of the Cafcass "**Code of Conduct for Board Members**".

### **Gifts**



- 24.5 Each Board member and officer of Cafcass shall adhere to the Service's Code of Conduct for both Board members and for Cafcass staff in respect of the offer and/or acceptance of any gifts in accordance with the code and will complete the register of Gifts and Hospitality in accordance with the policy.

### **Hospitality**

- 24.6 Each Board member and officer of Cafcass shall adhere to the Service's Code of Conduct for Board members and for Cafcass Staff in respect of the offer and/or acceptance of hospitality and will complete the register of Gifts and Hospitality in accordance with the policy.

### **Registers**

- 24.7 The Corporate Manager (Secretariat Services) will ensure, on behalf of the Chief Executive, that registers are established to record formally declarations of interest, gifts and hospitality.

## **25. TENDERING AND CONTRACTS PROCEDURE**

- 25.1 The procedure for making all contracts by or on behalf of Cafcass shall comply with the Cafcass Procurement Strategy and with any reservations or delegations of power set out in the document ***“Scheme of Reservation and Delegation”***.
- 25.2 The Chief Executive as Accounting Officer has a particular responsibility for providing assurance on both propriety and value for money on behalf of Cafcass.

## **26. DISPOSALS**

- 26.1 Procedures governing disposals shall be covered within the Framework document.

## **27. SIGNING OF DOCUMENTS**

### **Signature of Documents**

- 27.1 Where the signature of any document is a necessary step in legal proceedings involving Cafcass, it shall be signed by the Chief Executive or another officer to whom the Chief Executive has delegated the task
- 27.2 The Chief Executive or nominated officers shall be authorised, by resolution of the Board, to sign on behalf of Cafcass any agreement or other document (not required to be executed as a deed) the subject matter of which has been approved by the Board or committee or sub-committee to which the Board has delegated appropriate authority.

27.3 Should a document be required to be Sealed, the use of the Seal will need to be authorised the Chief Executive or Director of Resources. The Seal is located in a secure cupboard in the National Office.

## **28 CONFIDENTIALITY**

28.1 A member of a committee shall not disclose a matter dealt with by, or brought before, a committee to any person who is not directly employed by Cafcass or a co-opted member of the Board without the committee's permission until the committee shall have reported to the Board or shall otherwise have concluded on that matter.

28.2 A member of the Board, or a member of a committee, (and any officer attending Board/committee meetings) shall not disclose any matter reported to the Board/committee or otherwise dealt with by the Board or committee, if the Board or committee shall agree that it is confidential. This shall apply whether or not the matter has been reported to the Board or action has been concluded. Regulation 21(3) sets out the business that is exempted from inclusion in the minutes of meetings that must be open to public inspection.

## **29. MISCELLANEOUS**

### **Standing Orders to be given to the Chair, Members and Officers**

29.1 It is the duty of the Chief Executive to ensure that the Chair, members and officers and all new appointees are notified of and understand their responsibilities within SOs and each of the documents listed at paragraph 29.2 below. Updated copies shall be issued to staff designated by the Chief Executive. New designated officers shall be informed in writing and where appropriate shall receive copies of SOs.

### **Documents having the Status of Standing Orders**

29.2 The following documents have effect as if incorporated into the SOs:

29.2.1 ***"The Framework Document"***,

29.2.2 ***"Scheme of Reservation and Delegation"*** and

29.2.3 ***"The Procurement Manual"***

### **Review of Standing Orders**

29.3 Standing Orders shall be reviewed regularly and no less than every three years by the Board. The requirement for review extends to all documents having the effect as if incorporated in SOs.

## APPENDIX A –STATEMENT OF WORKING PRACTICE BETWEEN BOARD AND EXECUTIVE

### OVERVIEW OF WORKING PRACTICE

#### **The Board**

- establishes the strategic direction of Cafcass
- decides strategic policies
- monitors organisational performance to account for overall outcomes

#### **The Executive**

- advises the Board on proposed strategic direction,
- decides operational strategies and policies to carry out the overall strategic direction set by the Board;
- devises and adopts procedures to carry out the functions of Cafcass
- is responsible for reporting to the Board on performance, governance and evaluation of outcomes

THE ROLE OF THE BOARD IS	THE ROLE OF THE EXECUTIVE IS
<b>In relation to Cafcass planning systems:</b>	
<ul style="list-style-type: none"> <li>▪ To <b><u>approve / sign off</u></b> the following:               <ul style="list-style-type: none"> <li>- The Cafcass Risk Appetite and Risk Registers</li> <li>- Strategic Delivery Plans</li> <li>- National Key Performance Indicators</li> <li>- Annual budget</li> <li>- Annual Report and Accounts</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ To <b><u>develop and present</u></b> to the Board proposals for approval in relation to the Strategic Delivery Plan, annual budget and annual report and accounts</li> <li>▪ To <b><u>manage</u></b> the operational systems and procedures</li> <li>▪ To <b><u>adopt and implement</u></b> plans, <b><u>monitor</u></b> performance and <b><u>be accountable</u></b> for outcomes</li> <li>▪ To <b><u>manage risks</u></b></li> <li>▪ To <b><u>adopt and implement</u></b> performance management framework and targets</li> <li>▪ To <b><u>make decisions</u></b> on internal financial allocations.</li> </ul>

THE ROLE OF THE BOARD IS	THE ROLE OF THE EXECUTIVE IS
<b>In relation to Cafcass governance framework and systems:</b>	
<p>To <b><u>approve</u></b> governance framework and systems including:</p> <ul style="list-style-type: none"> <li>▪ Standing Orders</li> <li>▪ The Framework Document (subject to agreement with the Secretary of State)</li> <li>▪ Reservations and delegations</li> <li>▪ Audit requirements</li> </ul> <p>To <b><u>comply</u></b> with the governance framework and procedures</p>	<p>To <b><u>propose</u></b> new systems and changes to existing governance framework systems and practice</p> <p>To <b><u>comply and report / account</u></b> for executive compliance with the governance framework and systems</p> <p>To <b><u>approve estates business cases</u></b> prior, where necessary under the Financial Memorandum, to their submission to the sponsor department for authorisation</p>

THE ROLE OF THE BOARD IS	THE ROLE OF THE EXECUTIVE IS
<b>In relation to executive actions:</b>	
To <b><u>appoint</u></b> the Chief Executive and any other appointments specified in governance documents	Unless specified otherwise in the governance documents / legislation, operational actions will be the responsibility of the executive who will be <b><u>accountable</u></b> to the Board for the action taken / decision made. The executive will provide quarterly reports on service delivery performance; human resources; financial management, risks, and infrastructure.