



CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Paper for the Board meeting on 10 December 2009

ANNUAL REVIEW OF THE CAFCASS GOVERNANCE DOCUMENTS

1 AIM AND PURPOSE

- 1.1 To review the governance documents, which were last agreed by resolution of the Board on 27 June 2008.
- 1.2 The Governance documents are:
 - Scheme of Reservation and Delegation - Appendix 1
 - Standing Orders – Appendix 2
 - Code of Practice and Rules of Conduct for Board Members – Appendix 3
 - The Role and Functions of the Corporate Management Team and National Management Team (previously The Role and Functions of the CMT and SPIB) - Appendix 4
 - The Cafcass Seal: Custody and Procedure - Appendix 5

2 ACTION FOR THE BOARD

- 2.1 The Board are asked to consider the amendments of the Scheme of Reservations and Delegations and the Role and Functions of the Corporate Management Team and the National Management Team.
- 2.2 The above documents, are attached to this report and the substantial proposed changes to these documents are outlined below:

Changes to Scheme of Reservations and Delegations

- 2.3 The Scheme of Reservations and Delegations has been updated generally to reflect the recent changes to the Corporate Management Team structure, following the restructuring approved by Board in September 2009.
- 2.4 Regulation and Control – under 1.3.4 removal of Corporate and Operational Directors as this power should be reserved by the Chief Executive.
- 2.5 The Scheme is silent in relation to Self Employed Contractors (SECs) so the following has been included on page 25 of Annex 4 – General Scheme of Delegation – under Personnel Management, section (s):

- 2.6 The above narrative is consistent with Section 13(4) of the Criminal Justice and Court Services Act 2000.

Changes to Standing Orders

- 2.7 Inclusion of Schedule of Members of Statutory Committees of the Board of Cafcass – attached as Appendix B.

Changes to Custody of Seal and Sealing of Documents

- 2.8 Again, a general update in light of the changes to the Corporate Management Team.

Changes to the Role and Functions of CMT & SPIB

- 2.9 CMT membership amended to reflect the new CMT structure.
- 2.10 References to SPIB changed to NMT to ensure robust communication amongst those senior managers in non-operational roles. This group will be functional from March 2010.
- 2.11 The Deputy Chief Executive to Chair CMT meetings in the absence of the Chief Executive.
- 2.12. There are no changes to the Code of Practice and Rules of Conduct for Board Members as this was only approved by DCSF on 6 May 2009.

3 RECOMMENDATIONS

- 3.1 It is recommended that the Board reviews the Cafcass Corporate Governance documentation, and that it undertakes a review of the governance arrangements annually so that the arrangements remain fit for purpose.

4 FINANCIAL IMPLICATIONS

- 4.1 The review of these documents on an annual basis will minimise the risk of any challenges of procedural propriety in relation to a corporate decision. If such a challenge were to arise, the legal costs would be considerable.

5 RISKS

- 5.1 A lack of clear corporate governance arrangements could render Cafcass's corporate decisions vulnerable to legal challenge. It is well established that lack of procedural propriety is a ground for judicial review; a revision of the governance arrangements annually will reduce the risk of such a challenge being raised.