



## CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

### PAPER FOR THE BOARD MEETING ON 5 FEBRUARY 2010

## AMENDMENTS TO THE SCHEME OF RESERVATIONS AND DELEGATIONS

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### 1. AIM AND PURPOSE

- 1.1 At its meeting on 10 December 2009, the Board approved the updated Scheme of Reservations and Delegations. That Scheme will be reviewed again by the Board in 12 months' time, but 3 additional delegations are needed before then.
- 1.2 This report seeks the approval of the Board for the 3 delegations to be added to the Scheme of Reservations and Delegations.

### 2. RECOMMENDATIONS/ACTION FOR THE BOARD

- 2.1 The Board is asked to approve:
  - (a) the temporary delegation of decisions relating to redundancy and retirement, to the Deputy Chief Executive in consultation with the Director of Human Resources and the Director of Finance, such delegation to last until 31 March 2010 only;
  - (b) that Assistant Directors are added to those officers to whom the power to suspend is delegated, and
  - (c) that other senior managers or the relevant Head of Service are added to those officers to whom the power to dismiss is delegated.

### 3. SHORT SUMMARY

- 3.1 The delegation of decisions relating to redundancy is only required until the end of the financial year, to give the Deputy Chief Executive power to make decisions at meetings of the Restructure Implementation Group. The Board will recall having discussed the role and purpose of that group at its meeting in September 2009, and the proposed delegation is needed to allow the Group to work lawfully and effectively.
- 3.2 The Scheme of Reservations and Delegations currently provides for one of the two Cafcass Assistant Directors to make decisions relating to dismissal, and it is proposed that both of them should be able to do so. This is needed as there has been a rise in the number of disciplinary hearings and it is anticipated that the number will remain high for the next 12 months or so.
- 3.3 The delegation of decisions relating to suspension is required to ensure that the Cafcass Performance and Conduct Procedure (see Appendix 1) and the Scheme of Reservations and Delegations (see Appendix 2) are consistent with each other.

#### **4. KEY STRATEGIC ISSUES FOR THE BOARD TO CONSIDER**

##### **Delegation of Powers Relating to Redundancy**

- 4.1 On 10 September the Board discussed the current restructuring and gave unanimous approval to a number of proposals, including the creation of a Restructure Implementation Group. That group has now been established and is chaired by the Deputy Chief Executive, joined by the Director of Human Resources and Organisational Development and the Director of Finance as members.
- 4.2 The Scheme of Reservations and Delegations provides, amongst other things, for the delegation of decisions relating to redundancy. That delegation is a detailed one, and it provides for different levels of decision making depending on the financial implications of the decisions. The Board has already agreed that the Restructure Implementation Group should be able to make decisions about redundancy arising from the restructuring, but the power to make those decisions has not yet formally been delegated.
- 4.3 The Chief Executive seeks the Board's approval of the delegation to the Deputy Chief Executive of power to make decisions relating to redundancy, such power to last until 31 March 2010 only.

##### **Delegation of Powers Relating to Dismissal**

- 4.4 The Board is aware of the large amount of work that is being undertaken on practice improvement under the Quality for Children procedures. The practice improvement work has led to a significant increase in the number of disciplinary hearings under the Performance and Conduct procedure, and this trend is expected to continue over the next year.
- 4.5 The Scheme of Reservations and Delegations delegates dismissal decisions to the Chief Executive and the relevant member of the Corporate Management Team ("CMT"). However, Cafcass has two Assistant Directors, only one of whom is a member of the Corporate Management Team. In view of the number of disciplinary hearings coming up, it is desirable that both of the Assistant Directors should be able not only to hear disciplinary cases but also to make the full range of decisions, including dismissal. If the power to dismiss is not extended to include both Assistant Directors, it will mean that the Assistant Director who is not a member of CMT will be unable to take a decision to dismiss without having to have it endorsed by a member of CMT who did not hear the case.
- 4.6 The Chief Executive therefore proposes that the Scheme of Reservations and Delegations be amended so that the delegation of decisions to dismiss includes both Assistant Directors.

##### **Delegation of Power to Suspend**

- 4.7 The Scheme of Reservations and Delegations also delegates power to suspend to the Chief Executive and the relevant member of CMT. However, the Cafcass Performance and Conduct Procedure states that decisions on suspension may be taken not only by members of CMT but also by any other senior manager or a Head of Service. It should be noted that there are 25 senior managers, and not all are members of CMT. It is clearly desirable that the Performance and Conduct Procedures should allow Heads of Service and other senior managers to suspend staff, but it is also important that any such decision stems from a proper delegation by the Board.

4.8 The Chief Executive therefore proposes that the Scheme of Reservations and Delegations is amended so that decisions to suspend are delegated not only to the Chief Executive and relevant member of the Corporate Management Team, but also to the relevant Head of Service and other senior managers.

## **5. BENEFITS FOR CHILDREN**

5.1 All decisions in Cafcass must be properly authorised and backed by a clear audit trail. The proposals in this report will ensure that the Scheme of Reservations and Delegations supports efficient management of the organisation, without which a good service cannot be provided to children.

## **6. FINANCIAL ANALYSIS**

6.1 There is no cost attached to any of the proposals outlined in this report, though as the risk analysis shows, there could be a significant financial impact if any decision relating to redundancy, dismissal or suspension was not taken by an officer who was duly authorised to do so.

## **7. RISK ANALYSIS**

7.1 There will always be a risk of litigation arising from any decision relating to redundancy, dismissal or suspension. But if such a decision is taken by a person who has not been authorised, not only is the risk increased, but the risk of failing to launch a successful defence of that litigation is also increased. It is essential that all decision making in Cafcass is properly authorised by the Scheme.

## **8. DIVERSITY**

8.1 There are no diversity implications in the above proposals other than the fact that a clear audit trail provides transparency and accountability, both of which are essential in supporting diversity.

**Anthony Douglas**  
**Chief Executive**  
**January 2010**